

## Community Forestry Movement in Thailand and Lesson for Indonesia<sup>1</sup>

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### *abstract*

*Community Based Forest Management (CBFM) has been seen as a solution for rapid disappearance of forested areas in the tropic. The reason behind CBFM is that state has limited capacity to manage forest resources in term of budget, staff, and equipment vis a vis coverage of the area to be managed. While communities who live in nearby areas interact with forest for their daily life and monitor forest condition daily, they are appropriate actors in managing the forest instead of government.*

*Unfortunately in some tropical countries like Thailand and Indonesia, governments are still reluctant to devolve their power in forest management to the local communities, shown by the fact that there is still no legal basis for exercising community forest or government keep delaying the issuance of community forestry bill. However, Thailand and Indonesia have a different course with regard to community forest. In Thailand, community forestry movement appears stronger as compare to those in Indonesia.*

*Based on field experience in community forestry in Thailand and intensive literature review, this paper discusses factors supporting strong community forestry movement in Thailand what lesson Indonesia can learn from Thailand in promoting community forestry. At the end, implication of community forestry in the aspect of legal pluralism is also discussed. Community forestry as a people empowerment to which civil society should play major role in mediating between state and communities, it requires recognition of local right based on local law, thus community forestry promote legal pluralism.*

*Key words: legal pluralism, community forestry, forest, Indonesia, Thailand*

### Introduction

Based on my observation in a community forestry in Nakhon Rachasima Province in Thailand in the year 2003 and my involvement in preparing state sponsored community forestry program (HPHKm) in West Sumatra, Indonesia in the year 2000 (see Rusman and Yonariza, 2000) as well as some observation about State-people-forest interaction in Kerinci Seblat National Park in Sumatra island (see Helmi and Yonariza 2002) and some community based forestry management in West Sumatra province, it seems to me that the community forestry movement appears stronger in Thailand as compared to those in Indonesia. Even though community forestry both in Thailand and Indonesia have not been as strong as those in other part of Asia, like the Philippines, India and, Nepal where it has been adopted as national policy,<sup>3</sup> in Thailand and in

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<sup>3</sup> In the Philippines, *community-based forest management or CBFM*, has been recently adopted as "the national strategy to achieve sustainable forestry and social justice" (Pulhin 2000). In Nepal, forest management strategy is based on people's participation, which is known as Community forestry (Acharya 2003). This strategy has been implemented much earlier (since 1978) and now it has even come to age. According to Britt (1998), community forests are being carved out of national forest areas all across the country -- with 100 percent of these forest benefits reaching at least an estimated 3.5 million rural-based Nepalese. She explains further that forest-user networks and formation of a national federation of forest user groups

Indonesia, governments have yet to adopt this policy through provision of legal basis. Under similar lack of legal basis for community forestry, however, strong movement on community forestry is more obvious in Thailand as compared to Indonesia. This led me to explore through secondary data source why there is a difference in community forestry movement in both countries and what lesson Indonesia can learn from Thailand case.

This phenomenon attracts my attention as I learn that in both Thailand and Indonesia, the governments dominate the management of large tract of forest areas. In addition, forest exploitation in past three decades also went similar pattern in both countries where State adopt capitalistic forest industry that led to degradation of forest areas<sup>4</sup>, marginalized local forest dweller, and threatened people living inside and nearby forest areas due to land slides and flood incidences as result of forest degradation. Both countries also experience strong and authoritarian centralized government including in forest management. On the other hand, in both countries human has been part of forest system for long time, these communities living in or nearby forest have traditionally developed institution of forest management for generations. If located in broader context of growing trend on forest policy reform in Asia toward devolution of forest management (see Edmunds and Wollenberg n.d), in Indonesia forest management is surprisingly hard to change in principles. Especially when come to empowering local people through devolution of forest management i.e., by adopting community forestry policy. Thailand has a bit different course as far as community forestry is concerned. Even though it lacks of legal basis, community forestry movement is strong. Thailand is on the cusp of a new era in participatory forest management. The transition from conflict to cooperation and from open forest access to community-organized access controls is well underway in numerous parts of the country (Poffenberger and McGean, 1993). In Indonesia conflict management between local people and forestry official continues.

Through out this paper, I will firstly define the concept of community forestry and present fact and figure bout forest condition in Indonesia and Thailand and provide some argument for the need to promote community forestry. Following that I would like to present factor that make community forestry movement stronger in Thailand and discuss what lesson Indonesia can learn as center of the argument in this paper. Furthermore I will lay some agenda to promote community forestry in Indonesia. In a later part, I will discuss the implication of community forestry from legal pluralism point of view.

My center argument is that community forestry will always involve community empowerment where civil society should take active role in mediating between local people and government. This argument based on fact that multi stakeholders nature in forest management led to existence of power inequality among those stakeholders where local communities whose livelihoods depend very much on the health of forest condition are the group to be empowered.

## **Definition of community forestry**

According to Potter (1993) community forestry that emerged in 1990, refers to combination of people and trees, as offering solution to the problem encountered by the state in forest management when the needs of forest dwellers are ignored or brushed aside. For Fisher and

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are beginning to influence the character and directional-flow of local-center interactions -- creating new pathways for seeking accountability, gaining access to officials, and influencing policy .

<sup>4</sup> Official statistics in Thailand reveal that the 38% forest cover in 1970 has been reduced to 26% in 1995. Even the often underestimated official figures show that Thailand has lost 50% of its forest in the past 30 years (Sato 1998)

Gilmour (1997) community forestry is the control and management of forest resources by the rural people who use them especially for domestic purposes and as an integral part of their farming systems. Both definitions give clue that local people living in nearby forest areas are major actor in managing the forest in sustainable manner for their livelihood. Pulhin (2000) admits that other related terms found in the literature include social forestry, people-oriented forestry and forestry for local community development. He uses term community forestry (CF) and community-based forest management or CBFM interchangeably.

Under this definition, one can excerpt that community forestry may simply be applied to local management of a forest area, including extractions of its products on a sustainable basis and protection of the area from depredation by outsiders (Potter, 1993). In Thailand, draft of people's version Community Forest Bill, community forest is proposed in all status of forested areas, not only on communal land, it can be any area the community wants to be designated a community forest whether it is within the limits of a conservation zone such as a national park, wildlife sanctuary, watershed area; or non-conservation zone such as a national forest or public use area. In this paper, I refer to community forest where local people exercise their control in managing forest formerly claimed as State forest. It is in this arena that involves conflict of interest where the position of local community to control this forest should be enhanced. Sustainable traditional community forest on communal land, on the other hand, has been source on inspiration for the scholars and activists in advocating State to devolve power to local community in managing forest areas. It is in the State forest that community forestry needed to be promoted as State control much of forest land, but with low capacity in guarding the forest. Community forestry could help government in safeguarding the forest and benefiting local people.

### **Premise of CF**

Scholars put a high expectation on community forest as problem solving on forest management complex issues. Participation of local people in the management of forest resources seems to be a promising way to conserve remaining forest areas (Keßler, 1998). It is expected that community forestry is a power devolution towards a democratic society to solve previous power inequality among stakeholders in forest management. For Edmund and Wollenberg (n.d) "whether motivated by efforts to reduce the state or by groups seeking to empower forest communities, transferring forest management authority from poorly funded, top-heavy bureaucracies to forest users with interests in maintaining a healthy and productive forest will save the state money, improve forest quality, provide greater benefits to those who need and deserve them, and make decision making more democratic." They asserted that regardless strength and weakness of the practices of community forestry in Asia today, devolution of forest management is seen as high expectation to halt the rate of deforestation. For Johnson and Forsyth (2002), official community forest (or forestry) framework combines benefits of local governance and necessary conservation. Pragmatically, community forestry is expected to curtail high speed deforestation and forest degradation in many part developing countries, particularly those in tropical areas. On social aspect, community forestry is expected to reduce poverty incidence in villages nearby forest areas. The assumption goes on that communities living in surrounding forest areas are more aware with forest condition as in rural areas, because they people are dependent on forest for their subsistence. For them the forest supplies food, medicine, and other materials for survival (Vaddhanaphuti and Aquino, 2000). Community forestry is part of sustainable forest management paradigm where participation of local people and organizations, the cooperation of

concerned agencies and strong support from the government and NGOs is strongly required (Makarabhirom, 1999). From conservation point of view, efforts must do more to get local people involved and committed and this community involvement can produce effective forest conservation and sustainable use (WAC, 2003). Pulhin (2000) resumes that CBFM has the avowed core objectives of democratizing forest resource access, improving socio-economic welfare of upland communities, and promoting the sustainability of the forest resources.

Given that democratization in recourses management is growing in all part of the world (Ribot, 2002), Indonesia and Thailand can not escape from this global trend. As Anan Ganjanapan, a prominent scholar in community forest management in Thailand, suggests, the 1990s era of democracy has spurred local people to cooperate further in guarding their resources from outsiders. Indonesia seemingly will go similar path, it is worthwhile that Indonesia could learn from Thailand recent experience in democratisazing natural resources management. The following facts and figures about condition of State-people-forest interaction in Indonesia and Thailand provide strong basis why promoting community forestry in both countries are urgent agenda and what lesson Indonesia can from Thailand.

### **Fact and Figure**

#### **Forest condition in Indonesia**

Estimation of forest area in Indonesia varies from 60% according to year book statistic of Indonesia (see Inoue, n.d) to 68% according to Department of Forestry (see Wardojo 2003, Siscawati 1999). Earlier figure reported by Lynch and Talbott (1995 cited in Li, 2002) was much higher, total forest area in Indonesia was 75% of country territory. In exact figure there is also variation, Fathoni (2001) gives figure of 121 million ha, Kartodihardjo (1999) has lower figure that was 112,3 million ha, while Inou puts higher figure of 140,4 million ha. However total forest areas is not exactly same with forest cover as Inou puts it, it is only 92.4 million ha forest cover out of 140.4 million ha forest area according to "Agreement on Forest Utilization Plans" (TGHK). As compare to Thailand, forest cover in Indonesia is still much higher where Thailand this day has only 15% of total land area (Sato, 2000). However, high percentage of forest areas should not make any one thinks that Indonesia can still convert her forest area into other use because half of this forest area is under conservation and protection forest category. It is only 8 million of forest areas fall under convertible production forest (Fathoni 2001) that can be converted into other land use. In addition, high percentage of forest areas should not stop us from thinking the importance of community forest given high rate of forest degradation and deforestation in Indonesia.

Mathews et al (2002) estimate that over 40% of the Indonesia's forests were cleared in the last 50 years, close to a fifth of forest cover was lost between 1985 and 1997 alone. Thus rate of deforestation varies over the year. Deforestation rate have accelerated since 1996, and was estimated at 2 million hectares a year. FAO estimates that from 1981 to 1990 Indonesia lost 1.2 million ha of forest annually, a figure that is 8% of the total 15.4 million ha of world forest loss (Inoue, n.d). Ministry of Forestry's estimates rate of deforestation in Indonesia approximately one point eight million hectares per year (Wardojo 2003). Using satellite image from the year 2000, Wardojo (2003) confirms that 59.6 million hectares out of total 120 million hectares of forest are degraded and need rehabilitation. This figure consistent with Inou (n.d) estimation earlier where forest area is not the same with the actual forest cover. However, government's figure on the extent of forest degradation in Indonesia is vague. Another figure released by an expert staff at MoF gave figure of 40 million ha of forest area is degraded (*Analisa*, 13

Nopember 2003). Siscawati (1999) confirms that deforestation rate in Indonesia is almost three times higher than the average rate of tropical deforestation in the world. She adds that primary forest coverage remaining is only 37% of the total forest area that existed in 1966 due various causes.

The causes of deforestation and forest degradation have been very well documented.

Government admit that timber exploitation in last 30 years has been a major cause of forest degradation, followed by rampant illegal logging and forest occupation due to weak law enforcement (Wardojo 2003). Matthews et al (2002) point out to Illegal logging accounted for up to 70% of total timber production in 2000. These causes add to previous Government policies promoted clearing of natural forest for timber and agricultural plantations, with at least 16 million hectares having been approved for such conversion. According to Matthews et al (2002), permits for timber plantation establishment are often used as a pretext to liquidate natural forest (only a quarter of lands allocated for timber plantations have actually been planted).

Community forestry has been seen as a strategy to reduce rate of deforestation. It is also a good strategy for biodiversity conservation and poverty reduction. According to Forest Watch (Matthews et al 2002) Indonesia's forests---among the most biologically rich in the world---also rank among the most threatened. Just over half of Indonesia's forests qualify as low-access forest, unfragmented by roads, other access routes, or under known development (e.g. plantations or logging concessions). It is also home to 40–65 million people (Lynch & Talbott, 1995, pp. 22, 55, cited in Li 2002).

It safe to say that government has low capacity to safeguard forested areas in Indonesia. It is no choice to protect the forest unless government devolves forest management to local people.

Hence, community forestry is relevant strategy to safeguard Indonesia forest. This situation forces government to change forest management policy from timber exploitation to forest rehabilitation and conservation since the year 2001 (Wardojo 2003). Government begins to launch cross cutting program that balances the needs and priorities of social development. As reported by Secretary General of Forestry Department in the Conference on Rural Livelihoods, Forest and Biodiversity in Bonn, German, May 19 – 23, 2003, this program will need to provide the right motivation, and provide an approach as well as implementation. Indonesian Government has just begun to launch program to empower forest-dependent communities' trough initiatives of community forestry where collaborative management is taken. Government also mentioned that social forestry program in Indonesia as part of social development in relation with poverty reduction and empowering pool people in rural areas surrounding forest.

Government thinks that by giving local communities the opportunity to manage their forest in sustainable manner, the government is helping them to address some of their urgent social problems. Social forestry is becoming central to improving social development in the forestry sector and admits that the key actor is community itself. However, community forestry movement in Indonesia appears less obvious.

## **Forest Condition in Thailand**

Condition of deforestation and its cause in Thailand is very much similar to those in Indonesia. As mentioned earlier, in last four decades, forest cover decreases from more than 50 per cent in 1960 to 15 percent in the year 2000 (Sato, 2000). Makarabirom (1999) has detail figure on deforestation in Thailand by region. In the southern region, more than 5 million *rai* (1 *rai* = 0.16 ha) of forest land has been converted into rubber, coffee, orchards and palm plantations.

Mangrove forests covering 2.3 million *rai* in 1961 have shrunk drastically to about 900,000 *rai*

in 1997 due to forest concessions for charcoal and poles, brackish-tiger prawn farming, urbanization, etc. In the northeastern region (forest concession of 1968-1987) 87 per cent of the total regional land area is in a degraded condition and has lead to new forest settlements. Community forests and public lands were destroyed for the cultivation of cash crops and Eucalyptus woodlots. In the central region, rich forests have been destroyed by long-term forest concessions for timber, followed by slipper concessions, oil and resin harvesting concessions, the expansion of export crop cultivation and large-scale eucalyptus plantations. As for the eastern region, in 1957, the forests covered an area of more than 5 million rai. At present, there are less than 500,000 *rai* remaining. Makarabirom (1999) blamed this deforestation as effect of government proclaimed and managed the forests with no awareness of the community and local participation. This condition prompted the importance of community forestry in protecting the forest from further degradation, the point to be discussed later part.

Like in Indonesia, forest in Thailand is not uninhabited areas. Maneekul, et al. (2003) estimated around 500,000 families living in 5,000 community forests nation-wide. Conflicts between people in forest settlements and the government over forestland are of great significance. This fact requires government to reconsider its policy toward forest management.

## **Legal Status Community Forest in Thailand**

Attempt to protect community forest through community forestry bill was started in 1990 when Royal Forestry Department (RFD) drafted the community forest bill (Santita Ganjanapan, 2002), as a formal framework to define rights of communities to forest areas (Johnson and Forsyth, 2002) but this draft bill was opposed by several hill communities and NGOs that fear strong state power in managing the forest. NGO, academics, and grassroots organizations strongly criticized the draft by the fact that forest management as purely state led. In response, a coalition of activists and NGOs such as the Project for Ecological Recovery developed a new “people’s” draft bill that asserted the rights of local villages to enter and use forests. The Bill was proposed in the aftermath of the 1989 ban on all logging imposed by the Thai government in response to growing public concern at Thailand’s dwindling forest resources. The ban aimed to protect Thailand’s biodiversity and also guarantee continued access to forest areas for villagers who had used forests for sustainable uses for centuries.

Eventually, in 1996, the government requested the National Economic and Social Development Board (NESDB), a policymaking body composed of both government and public figures, to organize and draft a new version of the Community Forestry Bill, with participation of representatives from government, NGOs, academics, and grassroots communities. This NESDB version was approved subsequently by the cabinet, but it still caused controversies among NGOs concerning whether to allow community forests within protected forest areas such as National Parks or specifically identified watershed protection areas.

In 1999, a revised version of the NESDB draft was submitted to parliament along with 50,000 supportive signatures from across Thailand. In July 2000, this draft, along with the more conservationist environmental version, and four further drafts from other parliamentary parties passed the first reading in parliament. The aim was to reduce discussion to these existing proposals. Currently, debate focuses on choosing which of these opposing versions to accept. One key debate, for example, refers to the definition of “community.” The “people’s” version proposes, in accordance with the 1997 Constitution, that a local community is defined as a “social group” living in the same locality and having the same cultural heritage, and who can apply for that status after a minimum of five years experience in safeguarding forest land. By contrast, the alternative government version proposes that a “community” may comprise at least

50 individuals living in proximity to forest, regardless of how long they have been there or how forest is managed. Critics fear this latter scheme may allow commercial projects and plantations rather than the empowerment of villagers. Similarly, the two main proposals also differ in terms of the power of the RFD in vetoing or proposing land-management plans (see among others ; Anan, 2000; Rigg and Sakunee, 2001).

The latest development of billing community forestry in Thailand was rejection by senate the bill that had been passed by the House of Representatives in early 2002 (Walker, 2003). While in fact the bill passed by the House of Representative was the version of the bill that was broadly consistent with the people's version. The struggle for community forestry bill has shown a proactive role civil society groups have been playing in Thailand.

### **Number of community forest**

Data on number of traditional community based forest management in Indonesia is not available. However, there are forty-four licenses for cooperatives covering an area of 171,876 hectares in eight provinces established since Ministerial Decree in 1998 on Community forest concession (PHPKm) (Suryadi, n.d). In addition to that, there are 74 Cooperative's proposals are now under consideration (Fathoni, 2001). This number is much lower as compared to those in Thailand. A national inventory conducted by the Thai Royal Forest Department (RFD) documents over 12,000 rural community groups protecting forest patches ranging in size from 1 to 4,000 hectares for a variety of religious, ecological, and economic purposes (Poffenberger and McGean 1993). Many of these activities are operating informally, some under pilot programs and others through local agreements between the Tambon (subdistrict) Council and the RFD. Ganjanapan (2000) reports that there are at least 300 modern community forests in the North and about 1000 in the Northeastern Thailand, the number is much smaller in the South and only few have been identified in the central region (p. 204). Regardless of state recognition, more and more community forests are being identified in Northern Thailand (Johnson and Forsyth, 2002). Two studies, for example listed 153 community forests in 1993, and then 733 in 2000 (Shalardchai, Anan, and Santita, 1993; Somsak and Permsak, 2000 cit. in Johnson and Forsyth, 2002). Furthermore, there is now a region based community forest network of some 90 grassroot affiliations in Northern Thailand. This growth in community forestry probably reflects both the growing negotiation within villages concerning the access to forests and the appreciation that claiming community status increases negotiation power with the state. This is a main point I would like to discuss in this paper to answer question why community forestry is stronger in Thailand as compare to in Indonesia.

### **Factors Supporting Community Forestry Movement in Thailand**

I identified four main factors that make community forestry movement in Thailand stronger as compare to Indonesia. These are; factors associated with community characteristics, factors associated with civil society, factors associated with Royal Forestry Department (RFD), and the International support. Despite of long delay in enactment of community foestry bill, *defacto*, community forestry grows tremedesously in the Thailand. I will brief each factor as follow.

### **Community characteristics**

Under *community characteristics*, I identified communities' strong demand to control forest resource, awareness of forest degradation, community leadership, role of religious group

Buddhism Monk, and incentives from community forest as main feature of community characteristic in relation with forestry movement in Thailand.

## **Strong communities' demand to control forest resources**

By community I mean aggregate of households living in particular administrative area that share common interest and follow the same law. In Thai studies, community is mostly referred to administrative village. As such, organizations of local people are based on administrative units that more or less coincide with the pre-existing villages (Shin'ichi, 1998 cit. in Wataru 2002). People living in the village nearby forest have common interest over forest resources.

Unfortunately, in Thailand resources tenure, forests have been principally state-owned and no systems have been elaborated to actively preserve local people's use or rights (Wataru (2002), a situation that has enabled outsiders to exploit resources without respect for local people's livelihood. This makes forest as open access resources. To large extent, this is main cause of forest degradation in Thailand. On the other hand, consequences of forest degradation like decreasing in water supply in dry season and flood in wet season all bear by local people. This situation makes local people to demand control over resources and they made some attempts to restrict access to forest for outsider.

As will be shown later, when Thai Royal Forestry Department socializes the idea of community forestry in the country, this concept was widely accepted by local people because community forestry concepts offers security for forest management in the side of local people. Having recognized as community forest, outsider access to forest products in particular forest area can be limited and thus provide incentive for local people to sustainably manage the forest.

## **Sense of forest degradation**

Condition of open access as mentioned above made severe forest degradation in Thailand. The villagers were aware of the decrease of forest area (Maneekul et al, 2003), because it affects their livelihoods e.g. the quantity of non timber forest products (NTFPs) has diminished and the need to travel further from the village to collect NTFPs (Traynor *et al.*, 2002 cit Maneekul et al, 2003). These awareness create stronger need to protect the forest from further degradation. Darlington (1997) convinced that over the past decade, an increasing awareness of the urgent need to protect and preserve the forests, watersheds, and wildlife has developed in Thailand including local people and consistent with those of government and environmental activist. Hence, modern community forest was begun.

This sense of degradation is accentuated by limiting access to the forest and creating regulation for harvesting of forest product including timber. My observation on establishment of community forestry in Nakhonratchasima Province in Thailand and also supported by other similar findings from other part in the country convince this factor. It appears that there is similar pattern in establishing community forest. The driving forces include awareness about degrading condition of the forest, defending forest from outsiders' encroachment, and illegal logging (Santita 2002; Keßler, 1998). When asked for reasons to protect the forest, most villagers emphasize the importance of forest as watershed along with the need to conserve nature in general, to provide a steady supply of wood for the villagers and to stop outsiders logging (Keßler, 1998).

Keßler (1998) identified the situation before establishing and actual situation when process of establishing community forest as follows:

The situation before establishing a new institution of common resource management was characterized by:

- degraded forest resources because of operations of logging companies, further degradation by villagers selling timber
- a state agency (Royal Forest Department) not able to effectively control the resource
- exploitation of the resource as the only means of monetary income generation

The situation when the process of establishing the community forest started was characterized by:

- trespassing of 'outsider'
- fear of total loss of the resource
- discussion of ecological dangers of deforestation on a national level, caused by flood catastrophes in Southern Thailand
- slightly more chances of control by the Royal Forest Department as road access to the area improved

The actual process of establishing the community forest was characterized by:

- village committees as familiar political organization in the village
- change in village economy, opening alternative sources of money income
- financial and organizational support by a local NGO
- negotiations with the Royal Forest Department

The actual situations is characterized by

- protection of forest from large scale logging
- common management of the forest
- accepted rules of forest use
- de facto rights of use and common management opposed to state law

## **Community leadership**

Village leaders being aware of degrading situation and realized the danger of deforestation begun to convince villagers of the importance of forest protection (see also Poffenberger and McGean, 1993). Village leaders could use the already existing committee structure to organize villagers for conservation. Thus, leadership is important element in community forestry; it appears that strong leadership could mobilize local people toward protection of forest under community forestry scenario. Procedure for establishment a community forestry in Thailand also relies on activity of community leader in this case subdistrict level (*Kamnan*). Accidentally, territorial community leader in Thailand is single concept community leader as Thai society do not recognized traditional adat leaders as Indonesia which in many cases competing with administrative leaders. Community is largely determined by administrative system (Wataru 2002). As such, management largely depended on the leadership of village headman and the social authority leaders of kin groups in the village. Local leaders have strong influence on

village politics and strongly supported the idea of community forestry. Keßler (1998) found out that the idea of managing forest on village level derived out of conflicts with other users, it was not brought into the village by outside agencies.

## **Incentives from Community Forest**

Rural Thai people have a high interaction with forest for daily subsistence and in some instances for commercial, these include non wood forest product, food, and medicine. These products are largely determined by forest condition. The important of forest as source of food can be found in report by Makarabhirom (1998) where forest is source for household consumption throughout the year. According to his survey, there are 42 kinds of mushrooms, 21 edible vegetables, 21 kinds of wild fruits, 30 kinds of animals and birds and 14 kinds of edible insects. The villagers gather some of these forest products to sell in the community, and sometimes to traders. These forest products are another source of income for them.

In a community forest in Nakhonrachasima Province, I found out that people collect mushrooms, vegetable *Pakwan*; ant egg; toad and frog, wild fruit, another Vegetables like *Pak Sam sip*, *Khok ki noon* (local name); herbs for medicinal use like; *Makhan Poam* for throat infection, *Noo Tai Ya* for tooth ache, *Buub chan* and *Hatha khun* for acidity and gas in stomach, *Khat Khao* for back ache. They also hunt for lizard, rabbits, wild chicken, birds, and squirrels.

Bamboo shoots are also important in their daily consumption. Fodder is also largely collected from forest, and *Yana*: a climber that is used as a rope for roofing. In addition to that, there are also products with restriction like; honey, timber, and firewood (Yonariza 2003).

These forest dependant people are more than willing to protect the forest. Having forest condition like these are main incentives for community to participate in CF. Hence, protecting forest condition has been a strong internal factor.

## **Role of Religious group of Budhism Monk**

Protecting ecological resources is indeed embedding in Budhism value (Darlington, 1997). In Thailand, Budhism Monk actively involved in forest protection movement, Darlington call this 'ecology monks', members of the Sangha (the Buddhist monkhood) from across the country who believe that Buddhism can and should play an important role in protecting the environment. Ecological awareness is rooted in the history of Buddhism, seen in the interrelationship between the Buddha and the forest throughout his life, and inherent throughout his teachings.

The ecology monks believe that people and the forest can co-exist if people are aware of their potential impact on nature and their responsibility to protect it and use its resources carefully. As respected leaders in Thai society, monks are playing a crucial role in preserving the natural environment. Darlington (1997) studies the work of Phrakhru Pitak Nantakhun who regularly preached about the environmental responsibility of humans. Under community forestry movement, Monk provide blessing before announcement of particular forest as protected forest. The monk generally credited with first performing tree ordinations to raise awareness of the value of the forest.

## **Solid civil society action**

Strong communit demand for community forest is supported by strong civil society movement. Kitiarsa (2002) defines civil society as the existence of social entities, which operate in-between state authorities and individuals. Concrete examples of a civil society usually refers to any organization besides private and government sectors, whose basic goal is to be concerned with

overall social betterment and improvement. Civic actions are outcomes of people joining hands to express their concerns, commit themselves to certain goals, and work for the sake of the public interests. IDEA (2000) defines civil society as 'an arena, a forum in which citizens associate to achieve a range of different purposes, some positive and peaceful, some perceived as negative and violent. Civil society as usually referred to in Indonesia means those organizations in which citizens associate in order to push for greater democracy in the country' (p 111). The rise of civil society signifies the overall improvement and strength of democracy as a political system as well as a way of life. It also creates preferable sociocultural and political environments, in which the recognition of basic human rights has been emerging.

In Thailand, civil society is active sector in promoting community forestry; two evidences can be provided here; taking community forestry as a social movement and linking research and action.

## **Community forestry as a social movement**

By social movement, I mean, collective and coordinated action by civil society groups against government intervention for the interest of powerless groups in society. As I mentioned earlier and as central argument of this paper, the promotion of community forestry requires support from civil society to empower local people. It is unlikely that government or private sectors would help promoting community forestry since they are in a direct conflict of interest over forest resources with local people. I should look at the support community forest movement received in Thailand. By civil society I mean the involvement of academician, NGOS, and media in supporting community forestry (see also Vanderveest 2003). In Thailand, advocacy for community forestry embedded in a bigger issues of human right given the phenomena that local people used to be marginalized and undermined by government and private sector on their right over forest resources.

Strong involvement of civil society in community forestry in Thailand can be found from national level down to community level in rural areas. At national level, as mentioned earlier, they tried to influence policy formulation and in drafting community forestry bill and mobilized local people against government through rally and demonstration (see Vanderveest, 1996). As a result, poor people have made significant gains; rights to forest resources are now enshrined in law and many community forests have been established (Johnson and Forsyth, 2002). On 10<sup>th</sup> March 2002, businessmen and academic all around country join villagers in campaign for community forestry bill in an attempt to pressure the Parliament to approve the controversial community forest bill (The Nation 11 Mar 2002). This is a phenomenal struggle of Forum for the Poor in Thailand that has advocated community forestry in Thailand against strong resistance from the Royal Forest Department and some environmental NGOs. Conteras (2003) use term transformation of politic to describe civil societies action in the process of colonizing the State in drawing forest management policy. This confirms Lynch's (1998) findings that support for community-based forest management in Asia depends on strong civil society organizations.

Thailand community forestry movement is yet to gain success in colonizing state in formulation indigenous people right act like those in the Philippines (Republic Act No. 8371), however the movement is still going on and Thai's civil society is closely watch the destiny of community forestry bill.

Indonesia scholars, unfortunately, have not really look at importance of strengthening civil society action in promoting community forestry. They still analyze government administrative

system in forest policy reform rather than focusing on the role of civil society could play, specially under current decentralization reform in the country. Christanty et al (2004), for example, focus on Indonesia's recent experience with the decentralization process and assess opportunities and challenges for the forestry sector. They found out that co-ordination between different levels of government is still lacking, lacking a clear division of tasks between central, provincial and district governments. They do not look at what role civil society can play in fostering the community forestry as integral part of forest policy reform.

To conclude, community forestry in Thailand is a social movement. Using Gilmore and R. Fisher (see Edmund and Wollenberg, n.d) description: "One could postulate that unless community based natural resource management initiatives develop into broadly based social movements, they are unlikely to be politically and institutionally sustainable in the long term. While certainly not a sufficient condition, local mobilization may be necessary to make devolution reach its most democratic forms. Yet the threat of protests, lobbying, media campaigns, and/or independent and unauthorized action on forest management is necessary to keep more powerful parties honest."

Under this social movement, civil society can bring community forestry into broader issues like human right and citizenship. This movement gets strong support from hill people. NGOs mobilization for community forestry right also trigger by the fact that Thai Government discriminates in granting community right where citizenship is used as criteria in granting the right. In area where government suspect the hill groups have no Thai citizenship, Government would not grant community forestry even though these people have been living there for generation (Johnson and Forsyth (2002). By bring up issue on community forestry, civil societies expect government not to discriminate against hill people. Walker (2003) describes community forestry has become a central element in campaigns for the rights of upland farmers in northern Thailand and various activist organizations have placed legal recognition of community forest rights at the top of their political agenda. Johnson and Forsyth (2002.) concludes that Thailand's Community Forestry Bill illustrates the extent to which the poor, NGOs and academics can influence the formal legislation of community rights. NGOs in the north of Thailand continued to work to raise awareness and disseminate information on these government policies (Aquino and Kingkorn, 2001). At the same time their close collaboration with communities proved to be a valuable learning experience for them as well. Thus NGO not only active at national or regional level but down to village level where they support the villagers in founding the forest committee (Keßler, 1998).

To conclude, civil society has been active in community forestry movement Thailand though three main activities; awareness building, campaign, and influencing policies formulation.

## **Linking research and action**

As mentioned earlier, close cooperation among university staff, research center, activist, and media are largely supported by empirical data. In Thailand context, major universities, like Kasetsart University, Chulaongkorn University and Chiang Mai University are among community forestry proponents. Among important research activities they took are in identifying existence of community forestry in the country, assessing community capacity in managing forest in sustainable manner, and continues publication have enhanced awareness among stakeholders (see Ganjapan 2000; Laungaramsri 2001; Manopimoke 1997). These publications have been very influential. These books drawn largely on community forestry movement in Thailand. Using these awareness, large support community forestry movement was obtained. Not only that, these scholars also actively engage in advocating forest management policy and community

empowerment. This makes their work distinctive as they do not only do research but also link their research findings into action.

### **The role of Royal Forestry Department**

Royal Forestry Department (RFD) has been active in promoting participatory forest management considering continues degradation of forest condition and by the fact that community has been active in forest protection. Two phenomena can be seen as esential role of RFD despite the fact that community forestry still lack of legal basis, these are role of RFD Community Forestry unit and sympathetic forester.

### **Role of forestry department**

RFD adopts community participation in forest management and provides guidelines for establishing CF in the country since 1980es. In the community forestry establishment guideline, it is stated that proposal of community forestry establishment comes from local communities, RFD field staff provide extension and awareness then it is community that actively process the requirement. With this mode of work RFD is not under any pressure to create CF as such feasibility of community to run a CF can be evaluated thoroughly before CF certificate is granted. Poffenberger and McGean (1993) describe that given a supportive environment, which includes institutional mechanisms to ensure two-way communication flows and information feedback, local communities are proving their abilities to work as partners with each other and the RFD to reverse forest degradation. According to Maneekul et al. (2003) process of community forest establishment as listed in the steps recommended by the RFD encourage local participation. For example '*Por Cho Cho 1*' form requires that the villagers state why they want a community forest and it must be submitted with the signatures of 50 villagers. '*Po Cho Cho 2*' requires that local forestry officials survey suitable areas with the village headman and '*Po Cho Cho 3*' outlines activities and management. With these procedures, communities become active actor.

### **Sympathetic forester**

Thailand is also blessed with Forestry officials that feel part of rural communities to which many of them originated. The term of sympathetic forester was first introduced by Poffenberger and McGain (1993) to describe official of Royal Thai Forestry Department attitude toward community forestry that had been developed. In 1982, sympathetic Thai foresters are gaining support for alternative policies that give communities legal management of tract of forest (Poffenberger, 1990). To date, approximately 12,000 local groups have been identified, including forests managed by local monasteries, schools, community and kinship groups, and nongovernmental organizations. Major shifts have already occurred in the attitudes, capabilities, and field operations of many RFD staff in support of community management (Poffenberger and McGean 1993). As Johnson and Forsyth (2002) put it, sustainable development will require the department to transform itself into a community focused institution.

### **International communities support**

Community forestry in Thailand has been largely supported by international communities. Three prominent supporters can be identified, these are The Regional Community Forestry Training

Center (RECOFTC), International Alliance of the Indigenous Tribal Peoples of the Tropical Forest, and International scholars concerns about Thai and Southeast Asian studies.

Thailand is benefited by having RECOFTC headquater in Bangkok which provides supports in strengthening national-level capacities for information-sharing, networking, training, and policy development, as well as providing support for field-level community forestry development efforts. Eventhough this institution is intended to support community forestry in the region, but it pays much attention for community forestry in Thailand too. In trying to mediate between government and local communities on the issues local community capacity in protecting conservation area under community forest, RECOFTC develops methodology for evaluation and monitoring, with expectation that the gap between government and community can be narrowed down, especially in supporting community forestry bill. RECOFTC in Bangkok set up a participatory action research project to develop guidelines for the assessment and monitoring of forest resources by local communities. The purpose of the guidelines was to generate reliable data from which current sustainability and future performance could be inferred, and to act as a tool for management (Fuller, 1998).

Another International support for community forestry in Thailand was received from the International Alliance of the Indigenous Tribal Peoples of the Tropical Forest concerns with long delay in billing community forest. At a meeting of its international Co-ordination Committee held in Quito, Ecuador, May, 1996, the alliance passed following resolution to be forwarded to the Prime Minister of Thailand.

*“To the Prime Minister of Thailand, Mr. Banhan Silapa-acha.*

*We have become aware of the existence of a final draft Community Forest Law in Thailand of April 1996. This positive initiative stands to benefit the tribal peoples of Thailand and secure the conservation of the forests throughout the country. In spite of the law having been approved by the Committee of Ministries, we are concerned to hear that there has been a considerable delay in the passing of this law. The indigenous-tribal peoples of Thailand who live in forest areas have demonstrated their capacity for managing their resources for thousands of years. This law stands to respect their rights and ensure that the forests are sustainably managed. We therefore urge you most strongly to facilitate the draft so that it can be discussed in Parliament and become law as soon as possible.”*

(Signed on 08 June 1996 by all International Coordinating Committee) Source: Indigenous Peoples, Forests & Biodiversity: <http://iaip.gn.apc.org/index.html>

Another moral support for community forestry in Thailand came from International scholars concern about community forestry in Thailand, especially the need to pass the community forestry bill that has been put in limbo for more than 10 years. In their open letter to Thailand Prime Minister, Minister Thaksin Shinawatra, successor of PM Mr. Banhan Silapa-acha, these scholars wrote: “In accordance with the Constitution, and as intended by the thousands of citizens who submitted the draft bill, we request your government to approve the draft community forest bill to legalize the community forest areas and provide official recognition for local people's continued forest conservation efforts.” The letter was signed by about 40 professors and students in the United States, Britain, Japan, Canada, Australia and Singapore, most of whom have spent a large part of their professional lives researching in and about Thailand and Southeast Asia (*The Nation*, 15 September 2002).

From these evidences, it is clear that community forestry is beyond the issue of people and tree only; it can reach and has global linkages as well. Hence, linking research and action, networking, etc., are crucial element in promoting community forestry.

### **Lesson Learn and Future Agenda for Community Forestry Movement in Indonesia**

It is true that forest cover in Indonesia is still much higher as compare to those in Thailand, but this should not make us in Indonesia for not to fight harder over community forest. The problem of illegal logging, encroachment of protected areas by outsider, perennial conflict between local people and forest industry all because of the role of local people in forest protection has been denied by State and by private sector. On the other hand, local people are major victim of the forest degradation; they lost their source of livelihoods even their life due land slides, flood, etc as consequences of severe forest degradation. At the same time, they could not resist any action that may threaten their life simply because they do not have legal basis to do so and lack of moral support from other sectors in society. By providing community bill as Thailand struggle for, village communities have used community forestry to legitimate competing claims over forest areas (Johnson and Forsyth 2002). Indonesia is a big country incomparable to Thailand; however, some principles of social movement for community forestry Thailand experience with can be learned. I will discuss briefly current community forestry program in Indonesia and the necessity for civil society to promote community forestry in the country.

### **Social Forestry Program in Indonesia**

In recent year Indonesia, community forestry is a main government program after collapse of strong centralized power in the hand of Soeharto. Department of Forestry has adjusted forestry law by integrating community participation in forest management in 1999 with enactment Forestry Law No. 41/1999 (Hendarto, 2003).<sup>5</sup> Basic in this policy is that government rhetorically states that forest resources are for welfare of Indonesian citizen. This policy based in realization of the inability of industrial forestry to benefit the rural poor or address the increasing rate of deforestation in Indonesia.

Prior to this and in response to public demands for democracy and equity in forest management, the Ministry of Forestry introduced the community forestry program or *Hutan Kemasyarakatan* in 1994. The program was declared by Ministry of Forestry Decree No. 622/Kpts/1994 (revised No. 677/Kpts/1998) and tries to combine aspects of state and community-based forestry. The objectives of the program were the empowerment of the community in forest management for the sustainability of their welfare and of the forest ecosystem (Suryadi, n.d). However, both earlier *Hutan Kemasyarakatan* or community concession forest and a broader social forestry program in which government just launched in 2003, it appears that this program is government sole program and not involved other stakeholders in a wider sense. Government continues to promote populist policy such as social forestry, symbolically President Megawati has launched social forestry in July 2003 in Palangkaraya Central Kalimantan, but the principle basis of SF, such as Law has yet to be

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<sup>5</sup> Detail process of reforming forestry law in Indonesia can be found in Silva, Eduardo; Kaimowitz, David; Bojanic, Alan; Ekoko, Francois; Manurung, Togu; and Pavez, Iciar. 2002. "Making the Law of the Jungle: The Reform of Forest Legislation in Bolivia, Cameroon, Costa Rica, and Indonesia." *Global Environmental Politics* 2 (3), pp: 63 – 97

enacted (Raharjo Diah on Lingkungan Milist 10/14/2003). In many cases, this is still top-down approach and thus only brought a little result.

As a matter of fact, Tahrir Fathoni (2001), Forestry Attaché, Embassy of the Republic of Indonesia to Japan in 4th IGES International Workshop on Forest Conservation Strategies in Asia-Pacific reported that community forest program Indonesia was established in 1995 and revised in October 1998. Until the year 2000, as mentioned earlier, there were only 44 community forestry was established and another 74 were being processes. This is a very low result as far as quantity is concerned. This implies that much to be done in promoting community forestry in Indonesia.

Unlike in Thailand, community forestry should be more feasible in Indonesia for two reasons. According to Ministree Decree, In Indonesia community forestry is allowed in all status of forest including conservation areas like protection forest (Community Forestry Decree, article 6, point 2; .Suryadi, n.d). In Thailand community forestry at conservation area is a controversial issue where government and environmental NGOs are opposing. This controversy makes government keeps delaying the issuance of community forestry bill. Secondly, unlike in Thailand where strong claim to control forest land was triggered by the fact that forest area is under status public land and no historical history of community control over the land (Walker 2003). This situation makes process of exclusion and inclusion a bit difficult. In Indonesia, all forest areas used to be under customary right before government took control over the land. Local knowledge could still identify the former boundaries of costmury land right (*ulayat*), consistent with Siscawati (1999) revelation that most tropical forests were communal or tribal domains to which members had customary rights of access and use. This condition is helpful in delineating the boundary of community forestry areas and make process of exclusion much easier. For example, All-Indonesian Adat Alliance (AMAN) claims that there are 30 million people of adat communities and majority of them living near or inside forest areas (Raden and Nababan, 2003). These are potential target of community empowerment in forest management. It is ironic if number of community forestry in Indonesia is much lesser than those in Thailand. It is in this regards, Indonesia can learn from Thailand.

## **Lesson learned**

Among the factors supporting community forestry movement in Thailand listed above and if reflected into condition in Indonesia; community characteristics in Thailand to some extent are similar to those in Indonesia. They are victim of government led forest exploitation, they also have strong demand to manage forest nearby their villages, they do have capacity to manage forestry in sustainable manner (see Nababan 2003), they also are aware about the effect of forest degradation on their livelihood due to exploitation by outsiders. However, these people are facing with strong government intervention, forestry bureaucracy that hard to change, the government body that still put forest exploitation as main agenda, and weak law enforcement (Silva et al., 2002). Government is still too strong in closing itself from accepting inputs provided by stakeholders although the inputs are supported by strong arguments (Kartodiharjo 1999). These characteristics are totally different from sympathetic forester in Thailand and the community forestry program implemented by Royal Forestry. Unfortunately, civil society (universities and NGO in particular) in Indonesia play not strong enough role to mediate between government and people. They are weak in struggling for forest management reform (Kartodiharjo 1999). They are yet to colonize state in forest related policy formulation. Kartodiharjo who himself a university base researcher admits that in general public concern

especially NGOs and universities on forest policy reform is low. Linkages between research and action in forestry sector remain weak. Forest related international institution like Center for International Forest Research (CIFOR) has headquarter in Bogor Indonesia and World Agroforestry Center (WAC formerly International Center for Research in Agroforestry =ICRAF) have not strongly supported community forestry movement in Indonesia.<sup>6</sup> Their advocate still limited in scattered sites not yet a national movement; they have not been able to affect forest policy reform substantially. This is an ironic why civil society has not been able to negotiate with government. There are still many agendas to promote community forestry movement in Indonesia.

### **Agenda for community forestry movement in Indonesia**

Above lesson suggests that main agenda for community forestry movement in Indonesia is related to the role civil society in promoting community forestry in the country. For time being, I identify two main agenda; regional collaboration among civil society and linking research into action.

### **Regional civil society movement**

What clear from Thailand's case is that local university and local NGOs can work collaboratively to promote community forestry. They work to handle several issues at national and regional level. Thailand, however, is a country incomparable to Indonesia in term of areas. As such national collaboration in Indonesia like mobilizing people from different part of country is extremely difficult. What needed is regional collaboration among civil society organizations; local university and NGOs to handle community forestry issue at regional level. As Thailand case shows, the Northern Farmer Network, a network of NGO and PO in Northern Thailand has been effective in advocating hill people for their forest right. Federations, alliances and coalitions should become organizational necessities for them to succeed in providing the State its headaches and its challenges (Contreras, 2003). Civil society is also necessary components of a pluralistic society to amplify voices and aspirations of marginalized rural constituencies (Lynch, 1998).

In Indonesia the *reformasi* or reform era following the fall of Soeharto has provided an opportunity for community groups, NGO and university activists and scholars, “reform oriented” national politicians, sympathetic officials in the forest department and resentful regional governments to call for change. Depending on the point of view and the stated or implied objectives and interests of different actors, a wide range of issues have been raised (Campbel, 2002). The public arena that were used to be dominated by state, in this case government, begun to be equaled by civil society (IDEA, 2000).

There is growing support in Indonesia's civil society movement for community-based forest management. This support is not limited to struggles for local autonomy and control over forests and other natural resources. It is also includes gathering information and redefining knowledge

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<sup>6</sup> Being located in Indonesia, CIFOR, however, is not really intended to study Indonesia forest for improving forest management in the country. Instead, it undertakes generalizable, international, strategic research. In his forward to CIFOR Occasional Papers Nos. 2 and 3 Jeffrey Sayer, CIFOR's Director, expresses that CIFOR expressly does not undertake adaptive research to solve specific, localized forestry problems. In his view, there are National research institutions and development agencies which can do this better than CIFOR (Deweese 1994 and Lele *et al.* 1994 cit. in Vayda 1997, p.2).

on forest issues and civil society's role in advocating for democratic and sustainable natural resources management on local, regional and national levels (Munggoro, 1998 cit in Moniaga 1998).

Few examples have shown that close cooperation between NGOs and university staff and research center do contribute to the recognition and granting right to local people to manage forest in their village. The recent grant of special use to people in Lampung for their Damar forest is one of the very few examples where NGO, research center like CIFOR and donor agencies like The Ford Foundation successfully negotiate community forest right with Ministry of Forestry (ASB 2001). Another example is how environmental NGO could persuade government to change forest status from production forest into conservation forest in Siberut Island of West Sumatra Province (Inuou n.d).

However, the movement is limited and scattered. There are some factors that limit the movement. Civil society group like NGOs have low capacity in natural resources management. NGO field operatives often have tertiary education, originate from other parts of Indonesia, and have engaged in NGO work because of failure to obtain a public sector position. The knowledge of local situations and of the sociocultural characteristics of each population is often very cursory, and may not go beyond background from out-of-date books." (Suharno and Claudine, 2003). NGO operatives lack the training to conduct the fieldwork required to grasp the various kinds of prohibitions and the specific character of each. Furthermore, their travel and subsistence funds, which are always allocated centrally by the organization, are often insufficient to enable them to do their work properly and for long enough. Generally speaking, the work is done piecemeal on narrowly defined issues, and the functioning of the societies that are supposed to be helped is never really considered in the aggregate. In the worst case, they may engage in action that has not been thought through on the basis of a prior assessment of the situation and serves mainly to satisfy their own conscience (Suharno and Claudine, 2003). There is a necessity to develop NGO capacity in natural resource management and negotiation especially under their increasing role in policy formulation and advocacy.

In addition, there are internal issues regarding NGOs and grassroot NGOs in Indonesia. Their acceptance is still low and hostility of politicians, party workers, local elites, lower level bureaucrats, and lower level employees of the state toward NGO activity has not well developed like in Thailand. Trust among stakeholders is a fragile linkages in Indonesia, especially among NGOs, academe, and local people. Their interactions tend to be counter productive (Suharno and Claudine, 2003). In addition, their number is still very small disproportionate with area and population of the country. This makes movement difficult. Some NGOs coalition, however, have been formed in Indonesia carrying on the issues of community forestry, it even has more than 100 members like KUDETA (coalition for the democratization of natural resources) and the Forum for Communication on Community Forestry (FKKM) have also active in promoting community forestry (see Li 2001). These rising civil society movements under reform era need to work in more strategic allies at regional level.

The fact that Indonesia has yet to have a legal basis to support the community forestry can be a strategic agenda for civil society movement toward actualization of community forestry in Indonesia. Like Thailand, Indonesia has yet to have a legal basis for community forestry. Some scholars perceive that the absence of legal basis might discourage the community forestry (see Moniaga, 1993; Nanang 2002). However, at program level Department of Forestry through its units has been implementing community forestry in different places. State Forest Company (Perum PERHUTANI) for example, has been active in incorporating local people in managing forest in Java island. In a multistakeholders dialog held in February 2002 in Solo, Central Java, it was recommended for a necessity to have Law for community forestry. Especially in relation

with articles dealing with community forestry as found in the Forestry Law No. 41/1999.<sup>7</sup> There has been very few effort on the part of civil society to materialize this law since then.

## Linking research into action

Forestry related research is growing fast in Indonesia either done by local or International institution. Some example of successful establishment of community forestry show that struggle for a fair natural resources management did not arise out of nothing. In Lampung a consortium of research institutes, NGOs, local government offices and universities came together to study the Krui Repong Damar agroforestry system and document its social and environmental benefit. By providing credible scientific backing, the consortium was able to support local communities in their efforts to get themselves recognized by the central government, which had previously classified their lands as 'empty' (ASB 2001). This process of 'getting the Krui agroforests on the map' was followed by a more intensive phase of representation and negotiation. The consortium conveyed requests to the government from village leaders for dialogue on the status of their land, arranged field visits for key government officials and organized a workshop to present research results and discuss the tenure issue. Throughout these discussions, local people expressed—clearly and forcefully—their hope that they would be able to pass down the damar agroforests to their 'children's children'. These activities were reported in detail to the Minister for Forestry, who signed the decree 6 months after the workshop.

However on the whole, research linkages into action are still very weak. It is well known that research results only stored in the library. Researchers are not able to communicate the findings with practitioners like NGOs or the recommendations are difficult to be understood. An immediate agenda for researcher now is to identify among strong community forestry practice and propose those CF to government for legal recognition. Strong local institutions are essential if management is to be successfully devolved (ABS 2001).

## CF A Road toward Legal Pluralism

Legal pluralism is a 'condition for individual who in daily life is confronted with several, often contradictory, regulatory orders' (Spiertz and Wiber 1996). Venderlinden (1971 cit F. von Benda-Bekmann and K. von Benda-Beckmann 1997) defines legal pluralism as 'different legal mechanisms applicable the same situation.' In plural legal situations, the repertoire of legal options (to some extent also given within one legal system) is considerably widened and opens up possibilities for 'idiom' and 'forum shopping' (K. von Benda-Beckmann 1981 cit. in F. von Benda-Bekmann 1997).

The case of community forestry establishment in formerly State Forest like the case in Thailand to my opinion is a law (rule and regulation) creating activity. Community draft and implement sanctioned regulation. In the process, right exclusion and inclusion over forest product and over forest protection become integral part. State forest that used to be managed using statutory laws where people from different part of the country could access product of particular forest tract is now under community management where access is differentiated between different groups of people. As case in Thailand show, establishment of community forest followed by differentiating rights to forest products, where particular right to products are reserved for local community who

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<sup>7</sup> Hutan Kemasyarakatan Perlu Dukungan UU (community forestry need legal support) *Kompas*, 28 Februari 2002.

involve in community forest exclusively and other products could still be accessed by people who not involve in managing the forest. This case shows that creation of community forestry is actually creation of legal pluralism. Former open access resources have become objects of both public and private property claims, and existing property rights have been changed. Ecological values are translated in different ways into rights of exclusion, rights of use and management and rights of public regulation (F. von Benda-Beckmann and K. von Benda-Beckmann, 1997). Sometimes this leads to new property (Reich 1964 cit. in (F. von Benda-Beckmann and K. von Benda-Beckmann, 1997). These changes are not unproblematic. New claims and rights often clash with existing rights, traditional or modern.

In this case, Development agency is a source of legal pluralism (Keebet von Benda-Beckman 2002), Thailand Royal Forestry Department is a source of legal pluralism in forestry management. The Department set up regulation for accessing forest by community through community forestry program. The community, in turn, set up local rules and regulation for accessing and protecting particular track of forest areas.

An important implication of legal pluralism from community forestry is State recognition and endorsement on local rule and regulation. In Thailand RFD help communities to arrest non-villagers violator. State should convinced communities that violator is punished according to statutory law. Villagers found to be breaking the rules will normally not be taken to the police; the villagers try to settle these violations within the village. Violators from other villages however are arrested and taken to the RFD office in the provincial capital (Keßler, 1998).

### **Concluding Remark**

My sense of a stronger community forestry movement in Thailand proved by Poffenberger and McGean's (1993) report that specify "...while a formal community forest management policy still awaits official approval by the government, there is an emerging interpretation of "unwritten" policy in Thailand which supports community participation and empowerment. This unwritten, tacit policy, based on practice, represents the concerted efforts of a coalition of a new generation of RFD staff, working together with university-based social scientists, foresters, economists, nongovernmental organizations, and rural communities. This coalition is assisting community management groups throughout the country, inventorying indigenous, informal management systems and forest areas, and monitoring natural forest regeneration processes under community protection."

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