



Suparb Khamlae holds a treasured portrait of her husband Den, a land reform advocate who was disappeared after being accused of encroaching on state forest land. (Bangkok Post file photo by Pornprom Satrabhaya)

As poor are evicted, the rich get an island

What do you get from fighting for land rights in Thailand? You cannot ask Den Khamlae, 65, a prominent grassroots land rights activist. He mysteriously disappeared in a forest reserve near his rickety home in Chaiyaphum last year.

His wife, Suparb Khamlae, 62, believes he was a victim of enforced disappearance, clear and simple; her husband had no conflicts with anyone, but he was certainly despised by many in the state apparatus for his defiance of the draconian forest laws which treat forest dwellers as criminals, his resistance against forced eviction and his campaign for land reform.

You cannot ask his wife either. Mrs Suparb is now in jail for supporting her husband's fight for the landless of Kok Yao community in Chaiyaphum province. For the past year, she has been struggling to engage local police to find the remains of her husband in the forest and find the people behind his disappearance. After months of empty searches, his clothes were found stacked almost neatly on the ground in a nearby forest, showing they were put there not long ago. A skull was found nearby and sent for forensic tests. Amid police inertia, there has been no progress since. Her imprisonment means that her quest for truth and justice must come to an end.

Ironically, the same week that the landless peasant was sentenced to a six months in jail and immediately put behind bars for encroaching on state forest, an influential figure in Krabi won a court case to own an island in the world-renowned Hat Noppharat Thara-Mu Ko Phi Phi National Park. His lawyer immediately sent a letter to national park authorities telling them: "Get out."

This is the story of Thailand: the poor are treated as criminals for living in the forests; the rich get to own a paradise island in protected national parks. This is the story of a country, the world's third most inequitable country in wealth terms, where the richest 10% control nearly 75% of the wealth and where 13.8 million people or one-fifth of the population earns about 100 baht a day or less.

This is a country where the top 20% landowners own 80% of private land while two-thirds of farmers are landless. It's where the single biggest landlord owns more than 630,000 rai of land while nearly one-fifth of the population do not have any land at all. According to economist Duangmanee Laovakul, the land ownership gap between the top 20% and the bottom 20% is 325-fold.

It's also a country where some 10 million people routinely face forest eviction. Under the draconian forest laws, all inhabitants of national forests are encroachers who must be arrested and sent to jail although many of them have been living in those areas for generations before the demarcation of forest reserves and national parks.

Mr Den and Mrs Suparb were among these forest poor. Their struggles along with those of their peers at Kok Yao village in Chaiyaphum's Khon San district told of how state authorities steal from the poor to serve the industry and how the injustice spurred the grassroots land rights movement for land reform, now crushed under military rule.

Like other forest settlements in Khon San district, the Kok Yao villagers moved into the area after the loggers moved out, to live a life of subsistence. It went back to the 1950s. In 1985, however, the Forest Industry Organisation wanted to turn the area into eucalyptus plantations to serve the paper industry. The villagers were promised new plots of farmland nearby, but they turned out to be empty. The same forest evictions were happening across the country, giving rise to the grassroots land reform movement. The forest poor in Kok Yao and other settlements in the area joined the movement with Mr Den as their leader.

One would have thought the so-called 1997 People's Charter which institutionalised community rights and legally recognised communities before forest demarcation threatened their homes, would have changed the game in favour of the forest poor. It has not. The forestry authorities refuse to amend the draconian law to come into line with the constitution, and do so with impunity.

Subsequently, forest dwellers still routinely face violent evictions. Under civilian governments, however, their voices were still heard, and they were allowed to stay in the problematic areas while successive administrations and the land reform movement were working out solutions, much to the frustration of forestry officialdom.

In 2009, the Abhisit Vejjajiva administration finally agreed to the land reform movement's community ownership proposal. Under this system, the land is managed communally and barred from being sold to outsiders to prevent the old problem of land loss under private ownership. In

exchange for land rights security, the communities promised to protect the forest and undertake ecological farming to protect the environment. Kok Yao became one of the community land ownership pilot projects with Mr Den as chairman of his group.

Confident of a policy breakthrough, Mr Den led his villagers to move back into the tree plantation that was once their land. In 2011, Mr Den, his wife and other villagers were arrested. No matter what the constitution says, no matter what policy the incumbent administration is taking, forest officials could not care less because they still can use draconian forest laws to arrest forest activists at a whim.

The eviction crackdowns have intensified since the 2014 coup. Armed soldiers are routinely deployed in the arrest and eviction crackdowns that take place across the country. The main targets are some 2,000 community forests in the grassroots land reform movement which defy centralised forest management. Kok Yao and other forest communities in Chaiyaphum were eventually raided and ordered to move out.

As Mr Den tried to resist the latest crackdown, he mysteriously disappeared while looking for forest food. Gunshots were heard and only his dogs returned home, scared and wounded. Last week, the Supreme Court, ruling on an earlier encroachment case, sent Mrs Suparb to jail. Mr Den — merely absent in the eyes of the law, not dead from enforced disappearance — faces an arrest warrant.

Going by the letter of the draconian law, the verdict created much bitterness. Why arrest a dead man while the criminals remain intact, many asked. Why punish the villagers who have proved to be forest guardians?

It's undeniable that the ever stronger bureaucratic state under military rule will hurt the poor and the environment more. But is half-baked Thai-style democracy the answer?

True, past civilian governments were also against local concerns in favour of environmentally destructive development. But democracy makes room for the poor and civil society to hold their ground. The struggles are exhaustive, but they are empowering and hopeful. Not any more. Now fear reigns under raw, naked power.

How to end land rights conflicts between the state and 10 million people while protecting the forests? We already have that answer. Participatory forest management is endorsed worldwide as the solution for sustainable forest conservation. In Thailand, communal land ownership that turns forest settlers into forest guardians can end longstanding conflicts and protect the forest cover. The obstacle is a host of draconian forest laws and the forest authorities who cling to power.

The first forest law written in 1941 by forestry authorities gives themselves sole ownership and management over all land in the country without formal land title deeds, making their agency the biggest landlord in the country. Later forest law amendments criminalise all inhabitants of national reserves and national parks. For the forest agencies, the ever-rising number of newly declared national parks means more power. For the locals, it means more arrests, more uprootedness, more injustice. The judges, meanwhile, say they have no choice but to follow the forest laws however

unfair we may think they may be. It's why the draconian laws need to be overhauled to respect community rights and participatory forest management.

This change is impossible under military rule. It will remain difficult even when regime change does come about. True, we need democracy to open up the freedom space. But we also need political decentralisation to give the locals a say in forest management. Den Khmlae is not the first grassroots fighter who was made to disappear. The goal of him and the others was the same: people's empowerment through decentralisation, people's participation in the management of their forests, lands, waterways and the seas.

Making decentralisation and participatory resources management a reality is not only the best way to honour their sacrifices, it is also the best way to prevent the country from falling into mayhem from natural resource wars. If not, no one can predict when fury will engulf the country from intolerable disparity and injustice, and how that potential tragedy will unfold.

Bron: Sanitsida Ekachai, *Bangkok Post*, 2 augustus 2017.