

Indigenous Women's Customary Land Tenure:

A Study of Three Communities in Northern Thailand



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ACKNOWLEDGMENT:

This research on the roles of indigenous women in Thailand in practicing and accessing the customary tenure rights over their traditional and ancestral land is very timely and apt. This helps generate evidence and strong knowledge of their roles and responsibilities as well as the status of their inherent rights. The increasing recognition of the roles of Indigenous Peoples as the steward of biodiversity and their way of sustainable management of lands, territories and resources, are complement to their struggle for recognition and assertion and assertion of their historic rights.

AIPP is committed to support and lead the Indigenous Peoples' struggle for their rights over their ancestral land and promote the customary practices in management of their land and resources.

This research is conducted primarily focusing on dissecting the roles of indigenous women in accessing and practicing customary tenure in three prominent indigenous communities of Northern Thailand – Karen, Lahu and Thin. This has provided us with deep insights into the topic of research and understanding their situation. Consequently, it will enable us to find the means and resources for practical solutions for indigenous women's issues amongst these three communities as well as others.

I would like to express my gratitude to Mekong Region Land Governance (MRLG) for the fund support and guidance in conducting this research. I must, especially thank the women leaders of Ban Huay-I-Khang, Ban Huay Lu Luang and Ban Kok for devoting their time and cooperating unrelentingly in this study.

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Gam A. Shimray
Secretary-General
AIPP



Introduction

This study examines women’s customary land tenure in three Indigenous communities in Northern Thailand: the Thin community of Ban Kok in Nan Province, the Karen community of Huay I Khang in Chiang Mai Province, and the Lahu community of Huay Lu Luang in Chiang Rai Province. The paper explores how women view their traditional ability to access the resources necessary to secure the physical and spiritual wellbeing of their communities, and how this has changed over time.



As matrilineal and bilineal societies, women in all three communities traditionally enjoy strong access, use and management rights over agricultural and forest land. Through in-depth interviews and focus group discussions, the women provide a systemic view of their livelihood areas, emphasizing the relationships and interactions between their communities and the natural world. The women play central roles in achieving balance between their communities and the surrounding environment through the maintenance of spiritual beliefs, rituals and ceremonies, instilling a sense of shared responsibility for the maintenance of natural resources for successive generations.

In all three communities, land, forest, and water resources are used and managed collectively through community-based governance. These governance systems are founded on collective rights, traditional knowledge, and territorial management practices that have led to the effective management of common resources for generations. These customary land tenure systems are not formally recognized by the Thai state, however, and there is little to no official understanding of the world views upon which they are based. Instead, the imposition of a complex and opaque legal system has excluded communities from their land through the expansion of protected areas and has made their traditional livelihoods illegal.

Thailand's 1997 Constitution, popularly referred to as the Peoples' Constitution, gave communities the right to participate in the management of their natural resources. It was repealed after a 2006 coup d'état, however, and the current military government is accelerating the expansion of national protected areas. Thailand does not officially acknowledge the existence of Indigenous people in the country, and provides no legal recognition of communal land ownership. Despite significant political restrictions, however, a vibrant civil society has arisen in Thailand. Popular movements such as the Northern Farmers network, P-Move (Peoples Movement for a Just Society), the Network of Indigenous Peoples in Thailand (NIPT), and the Indigenous Women's Network of Thailand provide vital arenas for Indigenous land rights activists and their allies to analyze the challenges facing legal recognition of

customary land tenure, and to develop advocacy and campaign strategies to secure their rights under Thai law.

In collaboration with a broad network of Indigenous land rights campaigners and civil society allies, the three communities featured in this study have made significant progress in developing innovative tools to negotiate with state authorities. Indigenous women are leading the way in translating their world views, traditional knowledge and territorial management practices into a language that outsiders can more easily understand, thereby offering a framework to not only secure sovereignty over their ancestral lands, but to address larger issues of biodiversity conservation, restoration and resilience, sustainable resource management practices, and climate change mitigation.



Ban Kok Village

Introduction

One early summer morning in 2003, Mr. Satam gathered his machete and the banana leaf packet of sticky rice that his wife had prepared for his lunch and headed up the mountain path to his farm. The Satam family had been working this plot of land since the time of their ancestors; little did they know, their farmland had been declared part of the Doi Phu Pha Daeng National Conservation Forest by royal decree in 1999.

The family learned of the existence of the national conservation forest later that morning when a group of officials surrounded Mr. Satam as he worked on his land and arrested him on charges of trespassing. In 2007 he was sentenced to 6 months in jail, leaving his family to struggle to survive on their own.

Mr. Satam’s daughter Rinrada was a young woman at the time, and had studied up to the 6th grade in the village school. “All I could think was, why had my father been arrested?” she said. “We’d been farming this land for over 100 years.”

The incident was a turning point for the community, and changed Rinrada’s life. She attended trainings on Thai land law and Indigenous peoples’ rights, attained a Bachelor’s degree, and ran for local election. At the age of 30, she was elected as Ban Kok’s first female leader. In her thirteen years of leadership, she has led her community in a campaign to secure their land rights, networking with grassroots and Indigenous peoples’ movements nationwide to bring support to her Indigenous Thin community. With help from civil society allies, the community members created detailed maps to document their customary land use, and formed their own natural resource management committee. Through continuous relationship-building efforts, Rinrada has gained the respect of local authorities and Royal Forest Department officials, and is leading advocacy efforts to secure permanent legal rights for her constituents through community land title.

Background and History

Ban Kok is an Indigenous Thin¹ community in Chiang Klang District, Nan Province, Northern Thailand. The community was established about 130 years ago by a group of four or five families that were attracted by the fertile land and plentiful water for swidden rice farms. They cleared land from the forest and built split bamboo



*Ban Kok Community Leader
Ms. Rinrada Satam. Photo credit:
Kamonphan Saelee*

1 In various academic papers, Thin is also spelled Tin, Htin, and H'tin.

homes, and other Thin settlers soon followed. The community is now home to approximately 115 families.

The Thin are a Mon-Khmer people who live in the mountains running north and south along the border between Nan Province in Thailand and Xayabouly Province in Laos. In Thai language, *tin* means “local” or “native,” and Thin is the name given to the original people who lived on the land by the Thais who migrated into the area. The Northern Thai people of Nan province refer to Thin people as Lua, not to be confused with the Lua or Lawa Indigenous people living further west in Mae Hong Son and Chiang Mai provinces. The Thin divide themselves into two main branches, Prai and Mal. Rinrada explains, “When we talk to outsiders, we call ourselves Thin. In fact, we are Prai people. Thin is the government’s name for us. We met as a community to discuss our formal name; some people prefer to be called Thin and some prefer Lua. You can call us either Thin or Lua.”

During the second Indochina War, the Ban Kok community found themselves on an ideological battleground, as the Thai government pursued students aligned with the Thai Communist party onto Thin land, where they sought shelter in the mountains bordering Laos. Some Ban Kok community members joined the Communists, such as 68-year-old Ms. Tam, who received training as a medic, and others fought on the Thai government side. The conflict tore the community apart; the Communists would capture the village leader one day, accusing him of assisting the government, and Thai government soldiers would capture and interrogate him the next day. The forestland surrounding the community is still littered with foxholes and old sentry posts, and the residents of Ban Kok suffered many casualties before the conflict ended in the early 1980s.

A lasting legacy of the conflict is the near extinction of the Thin language. To curtail the spread of Communist influence in the mountains, Thai authorities forbade Thin people from speaking their native language, which was already in decline. The language is no longer spoken conversationally in Ban Kok, and only one or two elders are able to recite prayers in their mother tongue. While a few speakers exist in neighboring

communities, they are also quite elderly. Ban Kok residents of all ages now converse entirely in the Northern Thai language.

In the decades following the war, the community has faced two major challenges. The first was the 1988 establishment of the Pa Doi Phu Kha and Pa Pha Daeng National Reserved Forest overlapping their farmland. This was followed by a royal decree dated 1999 declaring Pa Doi Phu Kha and Pa Pha Daeng as national park land. The second was a conflict with downstream water users over the management of watershed resources. Both have led to protracted legal battles and arrests, and have required the community to employ a number of advocacy strategies to assert their rights over their land.

Customary Land Tenure

Approximately twenty representatives of all ages from the Ban Kok Women's Group joined in a group discussion about the community's customary land tenure. The discussion was lively and animated, with many women talking at once as they vied to convey a sense of life in the old days. Following is a compilation of their contributions to the group discussion.

“We practiced rotational farming in the past, mainly planting highland rice. Before clearing a new field from regenerated fallow land, we would do a ceremony to ask permission of the spirits of the land, forest, and mountains. First, we would sweep a small area clean, then place offerings of candles, betel nuts, and rice for the spirits on a small altar to ask whether or not we could cultivate there. Both men and women would be present for the ceremony; we went together as husband and wife. The men would do the asking.

“That night, we would go home, fall asleep, and either dream or not. If there was no dream, that was a good sign. If we did dream, we would have to interpret it. A dream of fire was not good. A dream of cows, buffalo or water meant that the spirits acquiesced, and if we planted there,

the harvest would be good. The water in the dream should be clear water, however: a dream of murky water was not good.

“If the family members had no dreams, they would return to the land a day or two later to observe whether the offerings had been disturbed. If they remained undisturbed, that was a good sign. If the offerings were scattered, or if dry leaves had blown into the area, that was a bad sign. If the answer from the spirits was no, we moved on to a new place. Families who were stubborn and did not adhere to the wishes of the spirits could suffer conflict, famine, disease (either to the rice or the family members themselves), or even death.

“Once the spirits had accepted our request, we would choose an auspicious day to begin planting. We have our own 10-day calendar week. We consulted with our elders as to good and bad days- a bad day is a day of the week on which one of our family members has passed away. Those days are avoided, not only for planting rice, but for marriages, house warming ceremonies and the like.

“We have not done these ceremonies for many years now, as there is so little land available to us. Before, we cultivated a plot of land, then left it fallow for five, seven, or ten years before returning to plant it again. Many wild animals such as barking deer came to eat the young grasses that grew in the fallow fields. Most of us now have only one plot remaining, so we can’t consult the spirits. We have no choice but to replant the same plot each year. As we are no longer able to rotate our swidden plots, more and more chemicals are needed, and the soil quality decreases year by year.

“In the past, brothers and sisters of the same family were not allowed to plant adjoining plots. Their plots should not face one another; that was against the spirits. But if they were not from the same family, it was okay. There were rarely conflicts over land in the past, as there were few people and plenty of land for everyone. Minor disputes were settled within families, with advice from our elders.



Ms. Saluay, leader of the woman elder's group, looks out over her swidden fields.

“We pooled our labor, helping one another in turn to prepare the swidden rice fields. We would talk to one another before clearing a particular plot of land from the forest. If it was a large plot, four or five families might join together to make the work easier. We chose people to work with who got along well, who knew how to share and were always willing to help. We would ask one another, where shall we go today? How many people should join in? It was easier when we all helped each other.

“We only planted a little corn to feed to our pigs and chickens, not as a cash crop as we do now. We raised chickens and pigs. If we wanted to eat meat, we killed a pig. We didn't buy food then. We bought clothing from itinerant vendors who wandered the mountain paths. The road to our community was built about 40 years ago.”

When asked how life 50 years ago compared to life now, the women present responded with a resounding, “It was better back then!”

“People’s hearts were more beautiful. We shared everything. Whatever you got, you shared with others.”

The community’s adherence to the spiritual beliefs of their ancestors formed a coherent territorial management system, serving to regulate each member’s behavior to ensure that there was enough land, resources, and labor for all families to thrive and that natural resources were used sustainably. When asked whether the local authorities or forestry officials had ever shown an interest in the community’s customary land management system or spiritual beliefs around the land and forest, the answer was no.

“The officials just think that we’re destroying their forest.”

Cultural and Spiritual Beliefs

Before discussing the conflicts that have resulted in the exclusion of community members from their ancestral lands, let us further examine the spiritual beliefs that have held the Ban Kok community together and given them the strength they’ve needed to address the challenges they face. Ban Kok residents adhere to both traditional spiritual beliefs, and to Buddhism.

Chaloh Ti Phi

The Chaloh Ti Phi ceremony is closely tied to the Thin peoples’ highland swidden farming system. The Ban Kok community traditionally holds the ceremony each August, as the rice is ripening in the fields. To prepare for the ceremony, the community members collect bamboo from the forest, asking permission and forgiveness from the forest spirits. The bamboo is used to craft musical instruments to attract the spirits to attend the ceremony. Next, the women gather the plants from their highland fields that are vital to the ceremony: traditional rice varieties, gourds, pumpkins, ginger and a local plant called *sa-in*.

Once the women prepare the offerings, each household must send two representatives- one male and one female; one cannot go alone. A husband and wife may attend, for example, or if a family has four brothers and sisters, two may go and two stay home. The male community members place the offerings on the altar and invite the spirits of the ancestors to eat. Rice is also offered to the spirits of the land in return for a bountiful harvest. The festivities that follow last ten days, and all family members join in to enjoy traditional music and dancing to bamboo percussion instruments. “The Chaloh Ti Phi ceremony builds solidarity and teaches us to care for our native plant species,” Rinrada explained.

Traditionally, Chaloh Ti Phi is a closed ceremony, and no outsiders are allowed to join in. This is because outsiders may not be aware of certain rules, which if violated, could affect the outcome of the ceremony. Any violation would require the sacrifice of chickens to ask forgiveness of the spirits, incurring significant expense.

As the Chaloh Ti Phi ceremony is an integral part of the Thin peoples’ swidden farming culture, its continuation is threatened by state restrictions to land access. Rinrada explains, “When we were able to clear land and plant our swidden rice fields freely, we did the ceremony each year. But now that we are no longer allowed to plant where we want to, we perform the ceremony once every three years, and only four families who have retained their swidden fields are able to join in. The ceremony is symbolic of our identity- if we do the Chaloh Ti Phi ceremony, it means we still have our swidden fields, and are still able to care for them. We still have our traditional livelihoods. Those Thin communities that have lost their ancestral lands and traditional livelihoods no longer do the ceremony.

“In Ban Kok, our language has disappeared, but we still practice the Chaloh Ti Phi ceremony. Other Thin communities, particularly those that were relocated and thus lost their swidden fields, no longer do the ceremony, but may still have their language. In the village of Ban Chi, there was only one family that still did the ceremony. They came here to learn and exchange with us, so that in the future more families may practice it.”



Ms. Rinrada Satam prepares offerings to the spirits. Photo courtesy of Rinrada Satam.

Song Phanyat

Song Phanyat, literally “sending away illness,” is performed each April just before the planting season begins. The women of the community collect traditional crops from their best seed varieties to offer the spirits. As Ms. Tam explains, “we collect the offerings from our swidden fields only, and they must be crops that no-one has eaten yet. In each swidden field, if the ceremony has not yet been performed, the food will not be eaten. We all know which families have done the ceremony, and thus whose crops are ready to eat. A casual passerby would not know. They are the plants that we intend to eat, and also the seeds that we intend to save. The ceremony must be done before we can plant the seeds in the coming year. All of our good things- our best species- we offer to send away misfortune. After that, it’s time for the new planting season to begin.”

It is forbidden to bring newly introduced cash crops such as corn, cabbage, or lychees to offer at the ceremony. Community members only offer highland rice and traditional varieties of vegetables, such as gourds,

pumpkins, and winter melons. They also make *no ouy*- pickled bamboo shoots- and chicken curry with young ginger leaves.

Young people who have left to work in the city return for the ceremony, which coincides with the Thai New Year. Each family blesses their elders by sprinkling water over their heads. Guns are shot into the air to chase away bad luck, and each family puts a woven bamboo symbol called a *talaew* over their door to expel misfortune. Song Phanyat brings reassurance to the community by sending *phanyat*- all bad things, including illnesses affecting humans, animals, or plants- away from the village. The ceremony leaves people feeling strong and optimistic about the coming planting season. Although the residents of Ban Kok have not been able to gather all at once in recent years due to Covid restrictions, each family sends Song Phayyat offerings one by one, thus ensuring the community is blessed while maintaining social distancing.



A talaew is hung over the door to expel misfortune

Guardian Spirits

Also integral to the spiritual well-being of Ban Kok's residents is the *jao kwaen*, or guardian spirit of the community, housed in a large shrine in the village center. A *khao jam*, or spirit medium, facilitates communication between community members and the guardian spirit. If a young person is going to town to take an exam, for example, or if one wishes to apply to be a police officer or soldier, he or she can make offerings to the guardian spirit and ask for intervention. The spirit is also informed of weddings, funerals, and the construction of new homes. During times of intensive land conflict when community members faced legal charges, residents asked the *jao kwaen* to intervene to ensure good outcomes in court, and the release of those in jail.

Should petitioners attain good results, offerings of pork and whiskey are made to the *jao kwaen*. The *khao jam* communicates with the guardian spirit by holding a long stick between his hands while asking whether the spirit has arrived, whether he has eaten his fill, and whether he agrees to meet a petitioner's request. If the answer is negative, the stick remains the same length, but if the answer is affirmative, the stick lengthens in the spirit medium's arms. *Khao jam* in this community are always men, and the position is passed from father to son.

The guardian spirit also serves the function of regulating residents' behavior. If one community member does something wrong and the *jao kwaen* is offended, the entire community risks illness and misfortune. Should someone be suspected of wrongdoing, the whole community gathers to make offerings to the spirit. Each year, money to purchase a pig to propitiate the spirit is gathered from each family in the amount of 40-50 Baht (US \$1.50). After offerings are made, the community members share a meal at the site of the spirit house. In addition to the community-level *jao kwaen*, families have their own spirits who oversee family matters.

According to Ban Kok elder Ms. Saluay, the guardian spirit played a key role in healing the community after the Indochina War. “When the community broke up into different factions, the guardian spirit was displeased. We were not taking proper care of our spirit, and people started getting sick. He wanted us to come back together. We did a ceremony, and offered a pig to the spirit to restore harmony.”

Crematorium

The residents of Ban Kok are currently in the process of building a new crematorium. The deceased are traditionally buried, however, the forestry department’s land use restrictions have made burial increasingly difficult. This has been compounded by fear of Covid. The community leaders thus initiated a change in custom from burial to cremation. Numerous meetings have been held over the past year to discuss how such a significant change can be undertaken while maintaining the spiritual harmony of the community.



Women of all generations prepare offerings to the spirits at the new cremation ground. Photo courtesy of Ms. Rinrada Satham

The community members decided that before breaking ground for the new crematorium, they would gather to ask permission and forgiveness of the spirits of the land, forest, and community. They sacrificed chickens, and prepared one hundred tables of food, one hundred being the minimum amount should one feel that an offense against the spirits may have been committed. The women of each family made five dishes, and wrapped them in banana leaves, along with incense, flowers, and bottles of drinking water. The women then prepared *satuang*; offerings to the four directions placed in boxes made of banana tree trunks. While a typical house raising ceremony requires four offerings in each *satuang*, the gravity of this ceremony required eight: eight candles, eight packets of rice, and eight of each type of vegetable harvested from the women's gardens. Buddhist monks chanted and male leaders asked forgiveness of the spirits for pouring cement and bringing heavy machinery onto the land. By attaining the free and prior informed consent of the spirits, the community ensures that changes in land use are harmoniously integrated into the local cosmology.²

Gender



Grandma Phan looks after the family shrine

76-year-old Grandma Phan welcomed us to her home one cold January morning. “We remember the ancestors of our mother’s lineage four to five generations back,” she explained. “I keep a small woven basket at the foot of my bed that serves as our family shrine. The woman of the family mainly looks after the shrine, and sometimes her husband helps.

² The term cosmology is used here to refer to the set of spiritual beliefs, rites, religious practices, and customs that inform Indigenous peoples’ views of the ecosystem, nature, and the world. The White/Wiphala Paper on Indigenous Peoples’ Food Systems. Food and Agriculture Organization of the United Nations, Rome, 2021

“When I was young, suiters would come to our home as I was pounding rice. I would offer them fermented tea leaves to chew with salt, and we would sit around chatting. I married for love; it was not an arranged marriage. When young people liked each other, they would tell their parents, then the girl’s mother would ask permission of her ancestral spirits. After that, the young couple could be together. There was no need for a formal wedding. This has been helpful during the Covid pandemic; rather than hold large marriage ceremonies, we simply inform our ancestral spirits and get their blessings.

“The boy’s family might give money or agricultural tools to the girl’s family, but money was not important. What was important was that the man was determined and hard-working. On the day of the ceremony, neighbors would bring agricultural tools as gifts, and drink jar wine together. Once we get married, the young man moves into the young woman’s house. Not just anyone can get married; you can’t be related. We understand how we are related by tracing our ancestors rather than by surname, as we nearly all use the same surname. The Thai government only gave us formal surnames this past generation.”

48-year-old Ms. Thong Pao explained further, “If you have a daughter, that daughter will continue your family line, and inherit the family home. The son goes to his wife’s family. The woman is the owner of the home. The man is the person who resides there. Both sons and daughters can inherit agricultural land. In the past, land was passed down through families. Families owned plots of land, not individuals. As women, we take care of the family, and we are in charge of finding food. Women do all work- hard work and easy work, digging; it doesn’t matter whether you are a man or a woman. Men and women do all the farm work together. Men and women also decide together what to plant each year. Here, the women hold the money, not the men. Women pay the bills, and the men ask their wives for money when they need it.”

Thin women’s strong position within the family does not translate to power in the public sphere, however. “Traditionally, women have to be in the backseat, and men are the leaders,” Rinrada explained. “Men have

more networks, personal power, and connections. Our Thin people still do not accept women leaders. I recently attended a religious ceremony in another Thin village on behalf of our community, and when it came time to call all the representatives to the front, they called up my male assistant. They couldn't believe that I was really the elected leader! It's the same with Thai people."

When asked whether she would like to further her career in politics, Rinrada said no. "As an ordinary citizen, I was free to join in demonstrations, and to attend political meetings with our land rights network. But as an elected leader, the government expects you not to go out with villagers to protest. If you do, the local authorities call you in for investigation. Being a leader, you are easily criticized. They expect you to exert control over others. If our community members join land rights protests, they blame me for not being able to control them. Our sub-district leader has called me in again and again to scold me."

While Rinrada did not pinpoint this scolding as a gender issue specifically, it is easy to see that a male leader of firm political resolve would more likely be viewed as strong rather than out of control. Rinrada is constantly on the run, doing favors for community members, residents of neighboring villages, and local authorities. She explained that this was necessary for her to earn acceptance as a leader. On one day, for example, she rushed down the valley at the request of a local Thai official to pick up a Thin elder who had wandered, disoriented, from the hospital; she arranged for farmers in a neighboring Thin community to dry their newly harvested potatoes on Ban Kok's large football field, and assisted neighboring Hmong village representatives in negotiating with a Thin farmer on the price of pigs, all while answering several dozen calls and messages on social media. Where male leaders have personal networks to rely on, Rinrada works extra hard to earn respect through individual actions, one favor at a time.

Women of Ban Kok: Ms. Saluay



I'm 67 years old now, and am still feeling strong. At first, I lived in my parents' home in the old village. I had to move a few kilometers down the road after landslides destroyed our home. My mother came to stay here with me, but has since passed away.

My land is here, my mother's land is here, so I am here. The land where I built my new home is also my mother's land. When we get married, the man moves into the woman's family home. The family home and land are inherited by the daughter, and sons get land too. Now that I am old, I have divided my farmland between my two sons and my daughter.

Life is better now than in the past. Before, we didn't have vehicles, and had to carry harvested rice home on our backs over the mountains. Now life is more comfortable; we have motorbikes, or can hire other peoples' motorbikes to carry our rice.

We had a lot more land in the past, though. The forest officials came in and reforested everywhere, so our land area is much smaller now. And then the landslides took more of our land. We have very little left.

In the past, we could clear land to farm wherever we wanted. Before clearing new farmland, we would ask the spirits' permission. The women would prepare offerings, and the men would do the ceremony to ask permission of the spirits. If the spirits accepted our offerings, we could farm there. If not, we had to find a new place. We had no land ownership documents; we just divided the plots of land among ourselves, and remembered the locations.

Now all the land belongs to the Royal Forest Department.

In the past, there was no hospital or clinic, only a midwife to help deliver babies. But I didn't need one; I could do it myself. After giving birth, my husband placed the baby's umbilical cord in a bamboo tube and tied it to a tree in the forest. No one was allowed to cut down that tree, as the tree would give the baby knowledge throughout her life.

After giving birth, we stay with our babies by the fire for ten days. My husband prepared a place for me by the fire, then collected leaves and bark from the forest, softened them over the fire, and tied them around my stomach as a poultice to alleviate pain and discomfort.

Every April, we perform the Song Phanyat ceremony. I gather bananas, sugarcane, and other plants for the ceremony. I also make jar wine by soaking the rice that I've kept from the harvest. Every woman has her own family recipe. I add water and yeast, then steam it and ferment it for five days. We gather around the jar drinking wine from long straws made from reeds collected in the forest. I feel happy to sit in a circle with friends and family and drink. It makes us feel close and love one another. Sometimes people from other communities join in as well.

Young people have come to learn from me how to make jar wine, and how to collect seeds and dry them over the fire for the next planting

season. I have also been invited to the school to teach children how to make brooms from wild grass. People come and ask me to help prepare offerings for blessing ceremonies during weddings and new year celebrations. I fold banana leaves into the shape of a tree, and decorate them with flowers. Then I prepare offerings to the spirits: betel nut, lime, bananas, and two chickens- they can be black or red, but not white. The spiritual leader of our community calls the spirits to give us blessings. Many people come, and the ceremony creates good feelings among us.

My hope for the future? I wish it could be like in the past, when we had plenty of land to farm. I want the Forest Department to give back our land so that we can manage it by ourselves like before. But I know that's no longer possible.

Conflict

When Rinrada was elected to office in 2008, conflicts over access to agricultural and forest land were reaching a climax. The Pa Doi Phu Kha and Pa Pha Daeng National Reserved Forest was established in 1988, followed by a 1999 royal decree establishing the Pa Doi Phu Kha and Pa Pha Daeng National Park. The homes of Ban Kok's residents were now located on conservation forest land, and the land where they had made their living since the time of their ancestors fell within the boundaries of both the reserved forest and national park.

In 2007, Rinrada's father Mr. Jan Sutam and neighbor Mr. Thanakorn Ruadrew were sentenced to 6 months in jail on charges of trespassing on conservation forest land. Another of her relatives, Mr. Ruay Sutam, was imprisoned for 8 months. In 2010, a group of farmers from nearby Pang Kae village who had gained permission from Ban Kok residents to make use of agricultural land in the area were likewise arrested, their agricultural tools confiscated, and charged with trespassing on conservation forest land. The charges were later dropped. In May of

2012, Mr. Sawing, a farmer from the neighboring village of Ban Kwaed who had entered the area with the permission of the Ban Kok community, was sentenced to jail for 2 years and 6 months for trespassing, a charge that was later repealed.

Mr. Thornthan, an Indigenous lawyer and member of the legal team representing the community, explained. “When Indigenous People are arrested and explain to the court that their ancestors have been farming a particular plot of land for hundreds of years, the forest department officials say, ‘30 years ago, we posted a notice of the new national park boundaries at the district office. Why didn’t you dispute it at that time? Now it’s your problem, not our problem.’

“In the past, it was very difficult for Indigenous People to learn of announcements posted at the district office. Many people only traveled down the mountains to the district office once or twice in their lifetimes, such as to apply for Thai citizenship. Even if they visited the office, it is extremely unlikely that they would have stood in front of the board reading the public announcements. The documents would have been posted in Thai, a language they could neither speak nor read. But officially, once an announcement is posted, it’s established that you have been informed. They give you 90 days, and if you don’t dispute the announcement within that time, you lose your rights to ever dispute it. This is the main issue.”

At the same time, a separate but related land conflict arose around management of the Nam Peua Watershed. Lowland water users accused Ban Kok farmers of misusing the watershed area, reducing the availability of irrigation water downstream. On 19 June 2010, approximately 150 lowlanders from the Peua River Users Group and the Peua River Management Bureau converged on the Ban Kok community’s farmland, where they commenced to reclaim the land by planting tree saplings. The reforestation activities were done aggressively, under the claim that Ban Kok farmers were trespassing on conservation forest land in the Peua River Watershed.

When they realized what was happening, the residents of Ban Kok arrived in large numbers to express their disagreement with the reclamation of their agricultural land. In the dispute that ensued, Ban Kok elder Mr. Khao Wanlong was arrested on charges of trespassing on national conservation forest land. The court fined him 4,000 baht (US \$120) and sentenced him to 3 years in prison. Though the sentence was later reduced to 3 years on probation, the incident was very painful to Mr. Khao, a veteran who had fought on the side of the Thai government during the Indochina War.

In the negotiations that followed, it became clear that the Peua River Management Bureau backed up their claim that the agricultural land fell into the national conservation forest area based upon a 1999 announcement stating that if a community neglects to submit evidence of land use within a specified deadline, that land will be reclaimed for reforestation, and any subsequent use will be considered trespassing. The Ban Kok residents asserted that while some of their land overlapped with the 1999 announcement, much of the community's agricultural land area did not fall under the boundaries specified in the documents dating from that time. Some land was categorized incorrectly as old growth forest, and many land areas were in fact never surveyed or recorded.

Such governance issues have plagued Indigenous communities in Northern Thailand for decades due to unsecured land tenure rights, unclear rights over forest resources, poor coordination among forestry agencies, and the complexity of forestry procedures. This is exacerbated by overlapping and duplicate policies and laws, which leads to arbitrary enforcement and increases mistrust between authorities and forest communities.

In response to their appeals, the Phra That Sub-district and Water Management Bureau authorities gave the Ban Kok community a limited time to investigate and compile evidence of their land use to submit as evidence. If they failed to do so by the deadline provided, reforestation activities on their agricultural land would proceed as planned.

The Ban Kok's land rights movement was thus launched, with the newly elected Rinrada leading the way. Together, the community members built networks, compiled evidence, attained legal support, and employed a wide range of direct and indirect campaign strategies to advocate for the right to maintain access to their ancestral land.

Land Rights Advocacy

Land Use Mapping

To respond to the urgent need to compile evidence of their traditional land use to evade eviction, Ban Kok's leaders contacted the Raks Thai Foundation for assistance. The Raks Thai Foundation introduced RECOFT (Regional Community Forestry Training Center for Asia and the Pacific), a Bangkok-based regional forestry group that connected the community with experts from Thailand's Geo-Informatics and Space Technology Development Agency (GISTA). The agency trained them to use geographic information system (GIS) mapping techniques to confirm boundaries between residential, agricultural, and forest land.

Had the community documented traditional land use areas on their own and submitted the evidence to the authorities, it would have been difficult to gain official acceptance. Collaborating with the Raks Thai Foundation and RECOFT, which has particularly strong ties to the government sector, lent the effort credibility. Armed with data from the land use survey, the community submitted letters to the governor of Nan Province and Pua Sub-District, initiating a dialogue with relevant agencies and thereby avoiding future arrests and lawsuits.

Following is a summary of the land use data collected by the Ban Kok community:

Land Use Category	Area (Rai)
<i>Residential Land</i>	278.28 (1.59%)
Roads	96.27 (0.55%)
Residences	119.17 (0.68%)
Public use areas	62.84 (0.36%)
<i>Agricultural land</i>	7,361.97 (41.86%)
Lychee Orchards	694.69 (3.95%)
Swidden Farmland	1,850.09 (6.17%)
Farmland of other communities	2,480.26 (14.11%)
Other cultivated land	3,101.93 (17.64%)
<i>Forest Land</i>	9,940.07 (56.54%)
Cemetery	130.33 (0.74%)
Watershed forest	1,093.69 (6.22%)
Conservation forest	5,800.04 (32.99%)
Conservation (community) forest	701.33 (3.99%)
General use forest	2,214.68 (12.60%)
Total	17,580.12 (100%)

In addition to land use data, community members submitted material evidence of their claim to their ancestral lands. 78-year-old Ms. Klom showed me one of her prized possessions- a silver coin with the king’s insignia presented to her family by Thai soldiers when they first entered the area. Known as “hill tribe coins,” these were given by the government since 1969 to recognize ethnic highlanders as Thai citizens. The coin was presented in court as proof of the family’s long-term residence, though they have no legal documents or land title. Ms. Klom keenly felt the importance of remaining on her ancestral land. “I love my home because whatever I need, I can walk freely into the forest to gather.”



78-year-old Ms. Klom presented a silver coin given by Thai soldiers as evidence of her family's claim to their ancestral lands

In making their livelihoods, Ban Kok residents strictly adhere to the boundaries shown on their map, and ensure that members of neighboring communities do the same. In doing so, they prove to local authorities that they can effectively manage their natural resources, and thus protect themselves from further rights violations. “The map is a talisman against evil spirits,” assistant leader Nui said. Though their residential, agricultural, and forest land remain within the boundaries of the national park and forest conservation areas, the community has been able to maintain an uneasy truce with the local authorities.



Ms. Rinrada explains land use categories to visitors who enter the community

Community Forest

Ban Kok's community forest is of great importance to residents' livelihoods as a place to graze livestock, and to collect medicinal herbs, edible forest products, and materials for home repair. Not only are plants gathered in the forest; residents also plant valuable species such as rattan and palm for making whisky. The community forest falls within the boundaries of the Doi Phu Kha National Park and Doi Pha Daeng National Conservation Forest, with a total area of 126 rai. Thai law prohibits community forests within national park boundaries, however. Rinrada explained, "the boundaries are not clear. Even the local officials don't know clearly where the boundaries are. This also causes conflict between villages."

To gain legitimacy in their claim over community forest land, Ban Kok residents set up a community forest committee and established clear rules regarding forest use. "We decided upon the rules and made the sign ourselves," Rindada explained. We hope that the forest officials will realize that our efforts to look after the forest makes their job easier. We want to prove that we can take care of the forest ourselves." Following is a translation of the sign:

Community Forest Rules

Ban Kok Village, Chiang Klang District, Nan Province

1. It is strictly prohibited to cut wood, destroy the forest, or trespass in the community forest. Violators will be punished by law.
2. Outsiders are prohibited from using resources in or around the community forest boundaries. Violators will be fined at least 1,000 Baht, and the case will be investigated.
3. Anyone deriving benefit from the community forest must first receive permission from the committee.
4. Do not remove plants or herbs from the community forest without first receiving permission.

5. It is strictly prohibited to start fires or burn the forest. Violators will be fined at least 5,000 Baht.
6. Each household in Ban Kok village must help to patrol and monitor the community forest.
7. All households in Ban Kok village must help to make fire breaks from March-April of each year.
8. Hunting wild animals is prohibited in the community forest. Violators will be fined at least 1,000 Baht, followed by legal proceedings.

In addition to posting and enforcing rules, the community members maintain a shrine and make offerings of pigs and chickens once a year to the local spirit who cares for the forest and watershed. The presence of the shrine also hinders potential trespassers from outside the community.

The community also joins together every March and April during the hot, dry season to make fire breaks in the area surrounding the community forest to prevent the spread of forest fires. Each household sends members as volunteers, and the strenuous work performed over a number of days greatly eases the burden of the forestry officials, further lending legitimacy to the community's claim over their forest land.



*Shrine for the spirits of the forest
and watershed*

Forest Ordination

On Buddhist holidays, the community gathers for forest ordination ceremonies, wrapping saffron monk's robes around tree trunks as monks chant blessings. Once ordained with monk's robes, the trees cannot be cut and the area is recognized by all as protected forestland. Forest ordination is not an Indigenous tradition; it is a relatively recent invention by Thai environmental groups that later caught on with government officials. Ordaining a forest and symbolically gifting the Buddhist merit obtained through the ceremony to the Thai king provides villagers who have encountered legal trouble with the opportunity to publicly establish themselves as good and loyal citizens. In this way, Indigenous Peoples are able to metaphorically adopt the language and symbolism of the Thai state for their own protection.

Forest ordination ceremonies also provide photo opportunities for local authorities and forest officials, who are invited to attend in large numbers. The photos are shared widely on social media, earning local officials credit with their superiors, and Ban Kok residents a public reputation as forest protectors. At the same time, the community invites allies in their land rights movement such as Indigenous and human rights lawyers, civil society groups, and leaders of neighboring communities to give speeches and share updates on Thai land law. Two to three hundred people typically join the ordination ceremonies, with funding provided by local government agencies.

Irrigation Weirs

The construction and dedication of irrigation weirs through public ceremonies is another strategy that Ban Kok residents have developed to maintain access to their ancestral lands. While the community traditionally built small bamboo weirs along mountain streams to guarantee a steady supply of water during the dry season, weir building efforts have been elevated in recent years in a bid to gain public support for the community's land rights claims. The strategy has been particularly

effective considering the community's history of conflict with the Nam Peua Water Users Group. By building weirs, lowland communities can see for themselves how Indigenous People in the highlands are caring for common water sources. This has resulted in good will, and an end to the threats and intimidation.

Ten years ago, the community built twenty-nine bamboo weirs across mountain streams, both men and women coming together to donate their time and labor. Ms. Rinrada described the scene: "The entire community helped, bringing food to share. We invited the governor to open the ceremony, and tons of people came! The district and sub-district governors, the Water Users Group, the local watershed network, forestry officials, and over sixty villagers from communities downstream in Chiang Klang district. I wrote formal invitations to all the local leaders, women's groups, environmental groups. If we didn't do this, they would say that we never care for the forest. We wanted to show them. We led them through the forest and down the mountains on foot, so they could feel how steep and difficult it was. We didn't want to make it easy for them, so they could appreciate how hard we'd worked. When it was time to take photos, they all showed up in their best uniforms. I know what events will attract many officials, and make them look good.

"We made t-shirts, and arranged souvenirs made from local products such as bamboo shoots that the women collected from our community forest. When we were building the weirs, we were very tired, and sometimes the villagers asked why we had to do it. I explained to them that if we didn't, no one would care about us or take an interest in the issues we faced.

The community organizers broadcast live interviews on social media to let everyone hear about the good work they were doing to protect local water resources. As the problems between highland and lowland water users had festered for years, the governor got a lot of credit from this public event, thus alleviating pressure on the Ban Kok community and strengthening the legitimacy of their claims over their traditional water resources.

Network-Building

Rinrada's assistant Mr. Nui explained, "at first, we didn't know anyone, and there was no one to help us. We just worked on our land, and whoever had a mind to could come up here and arrest us. Wherever they decided to reclaim our forest, they just reclaimed it." Community members had no money for bail, and no legal support for their relatives in prison. "That was before we had our network to help us. When Rinrada came in, she helped us to build a network of support."

Critical allies in Ban Kok's land rights campaign include the Raks Thai Foundation, the Northern Development Foundation, the Northern Farmers Network, IMPECT (Inter Mountain Peoples Education and Culture in Thailand Association), AIPP (Asian Indigenous Peoples Pact), the Indigenous Women's Network of Thailand, and P-MOVE (Peoples Network for a Just Society).

In 2012, the Raks Thai Foundation held an Indigenous Peoples' event at the Muang Thong stadium in Bangkok, and invited ten Ban Kok residents to perform music and dance from the Chaloh Ti Phi ceremony. "I felt for the first time that we had an identity in Thailand," said Ms. Tam, one of the performers. The event also provided a forum to exchange experiences on land rights issues with other Indigenous groups.

A visit by the Thai National Human Rights Commission put local officers on alert that any action against the community would lead to investigation. "In dealing with land rights cases, if you don't have a lawyer that understands Indigenous People, you won't be successful," said Rinrada. "Our lawyer knew the system, knew the documents needed, and how to contact government agencies." The legal proceedings took a lot of time and money, and the court costs left community members heavily in debt. People could not eat or sleep due to the stress of court appearances. After joining the land rights movement with other Indigenous Peoples and farmers networks, Rinrada said, "we won't let that happen again. We can exchange with other communities, and join

together as a network to help one another. We bring rice and food and gather at the prison and courthouse. We bring our trucks and surround the place, supporting one another. You can't arrest one of us; you have to arrest all of us."

Community Land Title

Whereas Ban Kok residents traditionally practiced rotational farming, the current land use restrictions have left them with no choice but to replant the same plots of steep hillside land year after year. "Our soil is getting poorer," said Ms. Thong Pao. "Previously, we used no chemicals on our rotational fields, and got good harvests. Now that we have only one plot to plant, we have to weed constantly and use agricultural chemicals. Before, we had plenty of free time to fish in the mountain streams and find food in the forest. Now, we have no time to rest. If possible, I wish we could farm as we did before, leaving each plot of land fallow for six to seven years before replanting."

To make ends meet on reduced land area, many farmers have begun alternating rice with corn each year for sale to the animal feed business. While some farmers have profited, others have fallen into debt, and the quality of the soil is steadily declining. Though some youth who have completed their studies wish to return home, there is no land left to farm, and no work. Many leave permanently, leaving mainly elders and young children in the community.

"Our food security has decreased, and traditional species of plants are diminishing. We exchange seeds with farmers in other villages to make sure they do not disappear, and we bring seeds with us when we go to visit them," said Ms. Thong Pao. "Overall, things are harder now. If you want to build a new house, you have to get permission. To make a pig pen, you need permission. To raise pigs and chickens, you need permission. You need documents for everything. We don't like it that way. We wish we had the freedom to make decisions around the use of our land like in the past."

To regain control over the use of their ancestral land, Ban Kok residents joined P-Move (People's Movement for a Just Society), a grassroots land reform network of citizens who have been negatively impacted by state policies and destructive development projects. P-Move is an offshoot of Assembly of the Poor, an influential farmers' movement that emerged after the student uprisings of the 1970s. In joining P-Move, the people of Ban Kok have gained a strong network of allies nationwide. Should a rights violation occur at any time in a member community, P-Move members mobilize throughout the country, driving through the night to arrive on site in a show of strength. The opportunity to share knowledge and experiences with other P-Move members through public forums and mass rallies has significantly boosted the Ban Kok residents' strategic campaigning and negotiation skills.

In the years following the Thaksin administration, Bang Kok residents joined P-Move in campaigning for Four Laws for the Poor, consisting of: 1) community rights to manage land and resources, also known as community land title; 2) the establishment of land banks to assist landless farmers in accessing land; 3) a progressive land tax so that those with less land are taxed at a lower rate; and 4) a justice fund to cover the cost of bail and other legal fees in the case of land rights disputes.

Ban Kok community members have used the map and land use data they compiled to submit an application for community land title to the national government. Their efforts were frustrated by the 2014 coup d'état, however, when the military junta struck down the draft laws proposed by the P-Move network. Though the movement has been set back, Ban Kok residents are determined to continue advocating for community land title as a durable solution to their land rights struggles once civilian governance is restored.



Huay I Khang Village

Introduction

*If we eat from the forest, we must preserve the forest
If we drink from the water, we must preserve the water
(O thi kataw thi. O ko kataw ko.)*

-Karen proverb

We sat around the fire in 61-year-old Ms. Naw Eh Po's kitchen drinking tea. The afternoon sun shone through the woven bamboo walls of her home, and a family of pigs squealed below, impatient for their evening meal. Naw Eh Po had spent the last hour describing the ceremony she leads each year in honor of her ancestors, and the ways in which she pays respect to the spirit, or 'owner,' of the rice from her swidden fields. "We've asked you many questions," I said. "Is there anything you'd like to ask us?"

"So many people come to our community to ask us about our way of life," she said. "I want to know whether what you've learned here is helpful, and useful to you."

Indeed, a steady stream of visitors from Thailand and throughout the world come to Huay I Khang village looking for answers to questions about how humans can achieve balance with their environment. They learn about the intricate system of ceremonies and rituals that the community maintains to instill awareness of our interconnectedness with the natural world and respect for all living beings. Huay I Khang

residents have become adept at communicating this ancestral knowledge in a way that outsiders- both urban Thais and international visitors- can understand.

Ms. Noraeri³ Thungmueangthong, the elected head of the community and a prominent leader in the Indigenous Women’s Network of Thailand (IWNT), has traveled the world, speaking at international conferences on Indigenous People, land rights and food sovereignty. Many of the Indigenous women we spoke to for this study said that Ms. Noraeri’s leadership had inspired them to find new ways to speak up on behalf of their own communities. Together, Noraeri, her fellow community members, and Indigenous women throughout Thailand are fighting to create a new paradigm for community-led management of land and forest resources within the Thai state’s restrictive legal framework.

Background and History

Huay I Khang is a Skaw Karen⁴ village in Mae Win Sub-district of Mae Wang District, Chiang Mai Province. This fertile land along the Mae Wang River has been inhabited for over 400 years, firstly by Indigenous Lua people, whose ancient relics, temples, and cemeteries can still be found in the area. Karen people moved into the area well over a century ago, as evidenced by oral histories and hundred-year-old cultivated trees such as tamarind and jackfruit.

In the early days, Huay I Khang residents built simple homes of bamboo and thatch, and practiced rotational farming in the surrounding hills, moving on to new land every five to ten years. Ms. Naw Eh Po remembers, “in the past, when I looked out, the forest was dense and green. We could find plenty of food in the forests, and the streams were full of fish, shrimp, and crabs. There were just twenty or thirty families here, and we all did swidden farming. When I was about fifteen years

3 No or Naw is a prefix meaning “Ms.” in Karen language, and Aeri is the community leader’s given name. She prefers to spell her name as Noaeri.

4 Skaw Karen, also known as Pgakenyaw, is one of the four sub-groups of Karen in Thailand. The other three are Pa’O, Pwo and Kayah.

old, we began digging irrigation canals and building permanent terraced rice fields in the lower lying areas.”

Huay I Khang village was officially registered by the Thai government in 1969. It currently has 115 households and a population of approximately 545. A village leader is elected to oversee the community’s affairs and relations with the state, while a traditional male leader, or *Hee Kho*, is responsible for ceremonies, rituals, and the spiritual life of the community.

Most residents now grow irrigated rice in the low lying fields, and plant vegetables and flowers for the government-initiated Royal Project in the off season. Fruits such as persimmons, pears, and apricots suitable to the area’s temperate climate are grown in orchards, and each family plants home gardens and raises domestic animals such as chickens, pigs, and cows.

Altogether, the community cares for 10,000 rai of land, which they divide into conservation forest (approximately 6,000 rai), utilization forest (approximately 3,000 rai), swidden farmland (500-600 rai), orchards and gardens (500-600 rai), irrigated rice fields (400 rai), and residential land (50-60 rai).

While agriculture is the main occupation in Huay I Khang, only five or six families still practice swidden farming, mainly due to Forest Department restrictions on land access. In 1968, the Forest Department established the Mae Wang Mae Khan Conservation Forest over much of the community’s ancestral land. The government has granted land title for the community’s irrigated rice fields and for most residential land, however, residents have no legal rights over their swidden fields or community forestland. Huay I Khang residents maintain limited access to these areas, and continue to manage it through traditional conservation practices while campaigning for permanent legal rights.

Swidden Farms: Women's Fields

For generations, swidden farming has been central to women's identities in Huay I Khang village, and the women we spoke to expressed deep connections to their swidden fields. While all members of a household are traditionally regarded as owners of their swiddens, swidden farms are considered a women's area, whereas irrigated rice fields and cash crops are primarily men's areas.

The mother and father of a family typically decide together where to plant swidden fields each year, and the man helps with the heavy work of clearing the land and chopping large trees down to knee-length so that they can regenerate during the fallow period. Once a field is cleared, women have control and decision-making power over their swiddens, drawing upon their extensive knowledge of rice varieties and heirloom seeds, and working together through their social networks to share seeds and farm the land. During the busy harvest season, both male and female family members work together, exchanging labor between households and performing rituals to express gratitude to the spirit of the rice, and to ask for forgiveness and blessings.

Karen society is matrilineal, and swidden fields are passed down through the female line. Karen women thus traditionally enjoy firm claims over their swidden land. While irrigated rice fields, which are planted in cash crops during the off season, have been granted land title, no legal documentation is available for swidden fields. In establishing a conservation forest that overlaps with the community's swidden land, the Royal Forest Department has effectively removed swiddens from women's control. Despite this limitation, customary land tenure continues to provide a significant measure of security to the women of Huay I Khang.

When asked whether there are any landless women in the community, we learned that every woman has land. Though women who left the community for jobs or marriage only to return years later are at a disadvantage, as the family land may have already been divided among those siblings present, land is always made available to any woman who

wishes to return. Following are two stories of women who have benefited from customary access to land after returning home.

Ms. Amphon, aged 40, returned to the community ten years ago after leaving to marry a Thai man from the lowlands. The marriage didn't work out, and she returned pregnant with her first child, a daughter. Though her elders judged her harshly for leaving her husband, her customary land tenure as a daughter of the community enabled her to restore her livelihood, and provide a stable home for her daughter.

“When I first returned, I had no home, no land, and no savings. Now I have security. I built my own house on my mother's land, and my mother also gave me a plot of irrigated land so that I can grow rice for my family. There is not enough swidden land in our family, as I have ten brothers and sisters, but they gave me a bit where I can gather construction materials for my house. I don't feel as secure as people who have both irrigated rice fields and swidden farms, but I do have enough to feed my small family. In any case, I am more secure than a laborer in town. When city people lose their income, they lose everything. They have no security at all. I feel that if I use my land wisely, I won't need more than this.”

Ms. O Chi is 49 years old, and has recently returned to the community after marrying a Thai man from the lowlands. She worked as a laborer outside the town of Chiang Mai and cared for her husband's elderly parents for thirty years. After her mother and father-in-law passed away, she wished to return to Huay I Khang with her husband, but had no land and no savings. Her sister gave her a share of the family land so that she and her husband could build a house and plant rice. “Now we live well,” said O Chi. “I have no need for money here.”

The Mother of Rice

As heads of their families and decision-makers over the planting of swidden fields, women's lives are deeply intertwined with the seasonal rituals surrounding the cultivation of swiddens, which form the spiritual

essence of the community. “We believe that rice is life,” Noraeri explained. “Pu Mo Gha is our name for the mother of rice; the spirit of rice. Rice gives us life and sustains us, so we have to do all the proper ceremonies for Pu Mo Gha.”

After clearing and burning the land, corn, pumpkin, taro, potatoes and rice, and a variety of other seeds are mixed together and planted in the swidden. Before planting rice, the man of the family leads a ceremony for the spirit of the rice by making a woven bamboo structure in the field with seven holes in the ground below, seven being a significant number in Karen cosmology. He then plants seven seeds of rice in each of the seven holes. In August, when the rice is ripening in the fields, another ceremony is held to pay respect to the spirit of the rice, give thanks, and pray for a high yield. Swidden farmers hold additional ceremonies when the rice is harvested, threshed, and brought into the home.

“When we pray, we call the spirit of the rice and ask to have plenty to eat,” Ms. Chi No explained. “Everyone in the swidden calls the spirit of the rice as they thresh the rice together. When calling the spirit of the rice, it is important to not do so half-heartedly, or to have any anger in your heart. The rice cares for us and enables us to survive, so we do ceremonies every month of the year.” Each ceremony is accompanied by whisky brewed from rice that is set aside especially for the purpose. The woman of each household brews her own whisky, then calls everyone in the community to come to her home to join in the ceremony and drink together, reinforcing the linkages between the social, ecological, and spiritual dimensions of community life.

After harvesting the first rice of the year in November and carrying it to the barn, the mother and father of the family perform a ceremony to ask permission to bring the rice inside. They sacrifice a chicken for the spirit of the rice, and hang some feathers along with a few stalks of the new rice above the barn door. The women also gather *ki ko la* leaves from their swidden fields and tie them to the rice barn, the cooking stove, or even a gas stove or electric rice cooker; any equipment used to cook rice. The leaves have a sweet taste, and are considered auspicious. “We believe

that if we don't do this, we will not have enough rice to eat, and there will not be enough animals in the rivers and streams," said Noraeri. "It's a symbol that we all rely on one another, and that all must be respected so that we can live together- humans, animals, water, and land."



Women tie ki ko la leaves to the cooking stove during the new rice ceremony

After bringing the new rice home, each family performs a ceremony to ask the rice permission to be cooked in the kitchen and eaten by the family members. "For every grain of rice that we eat, we have to ask permission and forgiveness. We believe that everything has an owner, or spirit, thus requires permission before eating," said Noraeri. "There is a legend that once Karen people did not do a proper ceremony, and as a result, the rice got upset and returned to the fields, and the people starved. We do this to ensure that we have rice to eat all year round."

32-year-old Ms. Ya Thi explained, "In the morning, we gather for the new rice ceremony at grandma's house, as she is the mother of our mother and the head of our family. Grandpa chooses an auspicious day for the ceremony. The daughters of the family each collect some of each variety of rice that we have harvested, and bring it to grandma's house for the ceremony."

The evening meal is called *Aw Pu Kho*, eating the new rice. Before eating, the woman of the house takes the three hearthstones from the cooking fire representative of the mother, father, and children, and arranges them so that they may symbolically eat first. In addition to the rice, family members bring taro, potatoes, and up to twenty other varieties of crops from their swidden fields and cook them together in a pot, along with crabs, shrimp, fish, and shellfish from the mountain streams and animals from the forest such as mice, squirrels, wild boar and deer. The woman of the house begins the prayers, placing some of the food on four leaves, one for herself and three for the three hearthstones. She prays that the three stones will protect and nurture the family, then the family members eat together. Afterwards, they invite people from other households to join in by calling out ‘*na tue lor tae*,’ literally, ‘the spoon has fallen.’



Ms. Noraeri collects phor por flowers in her swidden farm

In addition to rice, vegetables, and herbs, red and yellow flowers called *phor por* are planted in Karen swidden fields. *Phor Por* flowers are used in ceremonies, such as the rice blessing ceremony, to call the spirits. According to legend, a Karen man was once pursued by his enemy in

battle. The man had weaker spiritual protection, and feared his life would be lost. Just then, a bird directed him to a place where a woman was working in her swidden full of *phor por* flowers, and ran into the field to hide. When his enemy entered the field, he was confused and blinded by the bright red and yellow colors of the *phor por* flowers, and gave up the chase. The flowers also have a practical purpose; as traditional swidden farming does not make use of agricultural chemicals, they serve as natural insecticides. They are also used as a medicinal herb to regulate women's menstruation cycles.

Seeds and Food Sovereignty

As holders of knowledge around swidden farming and traditional seed varieties, women are primarily responsible for the food security of their families. According to Ms. Amphon, the community's remaining swidden fields contain up to 80-90 species, both those that are planted, and those carried in by birds and mice who leave their droppings in the fields.

Community members often plant a mixture of different rice varieties, which they exchange with neighboring villages. Should one species of rice prove less productive, the others compensate for the loss. The large variety of additional crops in the swidden fields such as beans, potatoes, pumpkins and yams provide further assurance against excessive rain and drought, thus ensuring that sufficient food is available throughout the year through traditional resilience mechanisms and coping strategies.

56-year-old Ms. Chi No is highly respected in Huay I Khang for her extensive knowledge of traditional seed varieties. "We observe the moon to determine the best time to collect seeds. It's best to collect them just before the setting moon, as there are fewer insects to eat them then. This knowledge comes from our grandparents."

With only two or three people in the community collecting heirloom seeds, and just four or five families still doing swidden farming, Chi No is worried that this knowledge will disappear. "These seeds enable

us to survive throughout our entire lives. Even in bad times, such as the pandemic, if you have seeds to continue planting, you will always survive. Who will pass down these seeds to our children and grandchildren so that they will survive? Maintaining our seeds is harder than achieving economic growth. There are plenty of advertisements for modern conveniences, but no one is advertising the benefits of Indigenous seed varieties.”

She proudly brought out her vast collection of seeds, explaining their nutritional, medicinal, and ceremonial uses.



Ms. Chi No shares her collection of traditional seed varieties

“I feel glad to have these seeds. It’s about sharing. I feel happy to share them with others, and it brings me happiness to see others pass them on.”

Fire

Forest fires are an extremely contentious issue in Northern Thailand as a blanket of haze covers the region each March, making the region's air quality hazardous and causing high rates of respiratory illness. Many contributing factors are cited in this highly politicized debate: burning hillside land to plant corn for the animal feed business, industrial pollution, population growth, urbanization, burning forests to encourage the growth of wild mushrooms, and swidden farming. In the face of harsh public criticism, Karen farmers maintain that they have developed specialized knowledge enabling them to make use of fire in a responsible way, and take every opportunity to educate outsiders on the sustainability of their traditional livelihoods.

“We believe that fire and humans are inseparable, and we have a lot of beliefs around fire. In the burning season, we perform a *lu me* ceremony to pay respect to the fire, and to ask for forgiveness and protection.” Noraeri explained.

Amphon recalls how, as a child, families would pool their labor to prepare the fields for burning. “When it was one family's turn, we would all go together to help them. First, we would spend one day making a fire break. The next day we would burn the field, appointing people to guard the perimeter. Elders with knowledge of the direction of the winds would be present when a swidden area was burned. We would start by burning higher fields first, because if we started lower, the fire could grow out of control as it climbed the hill. Beginning high, we gradually burned it, bringing it down lower and lower until about halfway, then we would start burning from the bottom. This was a strategy to prevent forest fires and to protect ourselves. The burning was typically done in the late afternoon, and was allowed to last less than one hour.”

Each year, Chiang Mai province declares a ban on burning; the 2022 ban is from January 10 to April 30. This restricts Karen farmers' ability to prepare swidden fields, and is leading to the disappearance of traditional

seed varieties. As Chi No explains, “when I need seeds, I no longer know where to get them because of the restrictions on burning. When we are no longer allowed to practice rotational farming and have to plant the same plot year after year, agricultural chemicals are necessary to control weeds. But if the land is left fallow and then burned according to custom, seeds can be grown without the use of chemicals and good soil quality is maintained.”

Chi No sees burning as vital to the community’s food sovereignty. “Seasonal burning is essential to continue our way of life as swidden farmers, and to retain our seed varieties. Though there are more and more restrictions on burning, I feel we have to continue doing it. If our traditional livelihoods and seed varieties are lost, our people will become more dependent.”

Every March, when the area is at high risk of forest fires, each household sends volunteers to clear fire breaks, and patrol the conservation forest. The community maintains cement ponds every 500 meters along the fire breaks for easy access in case of a forest fire, and the sub-district authorities keep them filled with water throughout the dry season. Altogether, the community patrols 10,000 rai of land during the forest fire season.

Forest and Water

Forest Conservation

In addition to swidden fields, forestland and mountain streams are central to the lives of women in Huay I Khang as a place to gather edible plants, herbal medicines, aquatic animals, and natural dyes. They are also vital to the spiritual life of the community, and as such are protected through both customs and beliefs, and through newly formed networks. The community places a strong emphasis on raising public awareness of their conservation work in an effort to combat common stereotypes in Thai society of Indigenous People as forest destroyers.

Huay I Khang village is a member of the Mae Wang Watershed Resource Management Network, which coordinates the work of local communities to protect the watershed area. In addition, the community has set up a village committee comprising both men and women to oversee the use of forest resources. While farmers may graze cattle and buffalo in the conservation forest, community rules prohibit both Huay I Khang residents and members of neighboring villages from hunting or extracting resources from conservation forest land. A hand-painted sign greets visitors entering the village notifying them of the rules, and warning that (1) any transgressors will be punished under Thai law, (2) transgressors will also be punished according to the customary law of the community, and (3) transgressors will be cursed in accordance with Indigenous beliefs.

In addition, Huay I Khang community members maintain a number of traditional practices passed down from their ancestors for the conservation of forests and mountain streams. It is strictly forbidden to cut down forestland that contains natural springs or water holes, for example. A mountain with two streams flowing down it in different directions is called *de mu bue*, and anyone who clears it to farm will get sick. Cultivation of land around a mountain with a pointed shape will likewise make one ill, and high, steeply sloping forestland is also avoided. Mountain passes serve as corridors for both traveling spirits and wild animals, and are thus left undisturbed. When building new homes, it is forbidden to use two trees that are intertwined, as if one is cut, it could hurt the other. It is also forbidden to use a tree that has been struck by lightning, or a tree with vines wrapped around it. Forest cemeteries are resting places for the ancestors, and are thus never disturbed.

Women's Forest and Men's Forest

Among the many traditional Karen designations of forest types are the Keu Neu Mue, women's forest or female forest, and Keu Neu Pha, men's forest or male forest. Female forest is typically located in cool, moist hill evergreen areas. It is a source of streams, and full of large, shady trees such as fig and banyan. Women know where to go to gather edible plants, mushrooms, and acorns from the forest and aquatic animals from the

mountain streams, which are plentiful in all seasons. There are special medicinal plants for *ow meh oo thi*, the period when women rest by the fire to recuperate after giving birth, and herbal medicines for babies and the elderly. Huay I Khang has two women's forests, one close to the community created recently by the local women's group for easy access and educational purposes so that knowledge may be passed on to the new generation, and another, older forest further away that is richer in biodiversity. The women add additional species to the nearby forest each year such as various bamboo species and *sappan* wood to make natural dye for weaving. It is forbidden to cut down big trees in the women's forest, or to start fires there.

Keu Neu Pha, or male forest, is at a lower elevation and is hotter. The leaves fall easily, as it's drier, so hunters can easily spot wild animals. The men's forest has many animals like mice, birds, and deer, and the men know where to go to hunt there. There are fewer big trees and edible plants.

Umbilical Forest

Like the Thin community of Ban Kok, Karen residents of Huay I Khang maintain a special forest called *De Paw Thoo* for keeping the umbilical cords of newly born babies. Huay I Khang's umbilical forest is 300-400 rai in size, and is located a short walk from the village. After a baby is born, the father brings the umbilical cord to the forest, places it in a bamboo tube, and fastens the bamboo to a tree. During this time, the mother rests by the fire with her newborn child. The father chooses a strong tree, as the spirit of his child will be connected to it throughout life. Noraeri explains, "as the child grows, we take her to see the tree, and tell her, 'your umbilical tree is here.' My tree is a big one close to the village. Many people can use the same tree, with many spirits caring for that tree."



De Paw Thoo tree and bamboo container with umbilical cord inside. Photo Credit: Phnom Thano, Indigenous Media Network (IMN)

Water Blessing Ceremony

Water management in Huay I Khang is based on respect for the spirits of the water. Each March, the community members gather under a large olive tree along the banks of the Wang River for the water blessing ceremony called *sue thi anee*. Through the ceremony, Huay I Khang residents thank the water's source and ask for forgiveness for any digression, along with blessings for a plentiful flow of water.

The ceremony is held when the water level is low, and the fish are laying their eggs. Community members block the river with rocks to create nurseries for the newly laid eggs, and replenish the river with fingerlings should some species have declined. In response to an incident a decade ago when outsiders damaged the fish stock by fishing by means of electrical shock, the community has designated the 3-kilometers stretch of the Wang River that flows past the village as a fish conservation zone. The community strictly prohibits fishing or collection of aquatic animals in the conservation zone.

Gender

Women play a vital role in sustaining the unity and continuity of families through ceremonies such as *Aw Khe*, a family ritual performed to appease the spirits and link members of the same matrilineal line. Young men move into the woman's family home after marriage, and the children are primarily regarded as belonging to the mother. Couples are often very happy if their first child is a daughter, as she can help them to cook and care for the home, and if the last child is a daughter, as she will care for the parents in their old age and inherit the family home.

Portrait of Huay I Khang Women: Ms. Naw Eh Po



My name is Naw Eh Po. It means little. I am 61 years old. I was born here in Huay I Khang. In our culture, men marry into women's families. This is better for women. I feel connected to my own land. I know where to find food, where chilies are. If I married into a man's family, it would take a long time- many years- to adjust. When a man marries into a woman's family, it is not necessary for him to know where things grow because he is not the one responsible for preparing food

for the family. But if a daughter-in-law had to live with her husband's parents, people would blame her for not knowing anything; for having to ask for everything. As a mother, I worry about girl children more than boy children. Girls may not be happy if they go to live with another family. Will they love her and be kind to her? Will they hurt her? If she stays here with me, I know I can always protect her.

I got land from my parents, and my husband got some from his side of the family as well. When my husband died, his land became mine, then I divided it all between my two sons and one daughter. In Karen families, the daughter stays with her parents to care for them in their old age, and inherits the family home and the largest share of the land. If a woman has no daughters, then her son and daughter-in-law stay and care for her. But that is rare.

I was sure to ask how my children felt about their inheritance first, to ensure they didn't argue among themselves later. I said to my sons, 'you will be leaving to get married and will not stay with me, right?' They said, 'yes, our younger sister will be the one to care for you, so we will not ask anything from you. We will not be bringing rice to you every day, but will be taking care of another family.' So I gave the largest portion of land to my daughter.

I like living with my daughter. We share everything. We have a special understanding. There's sometimes more of a gap between a mother and a son.

I take care of the spirits of my ancestors. This is a traditional Karen kitchen where we pray to our ancestors once a year to ask for their blessings. All family members gather. We must make our hearts pure. There can be no anger in our hearts, and no arguing amongst us, otherwise our ancestors' spirits will not come and the ceremony cannot be completed. First, I call the spirit of my mother by name, then the spirit of my father, to come and eat and look after us. I have 5 sisters, and if each of the five has five children, they all have to come to the ceremony.

We count relatives through this *Aw Khe* ceremony to feed our ancestors. A man and a woman cannot marry one another if they do the ceremony together. That makes them family. When we eat, we have to do it in the correct order. For example, the father eats first, then the mother, then the eldest child, and if she is a daughter, then her eldest child eats next, followed by her second and third child. Then the second eldest child and her children and grandchildren eat, and so on. The children of the daughters- and their children- all join in, but the children of the sons do not have to. Younger siblings are thus taught to respect their older siblings.

Many things have changed, especially the mountain streams where I used to collect shrimp, crabs, and fish. Many of them are dried out now. I can't say whether the changes have been for the better or worse. In the past, it was good that we didn't need to use money to buy things, but now it's good because the darkness has become light.

65-year-old Ms. Naw Ta Pae explained, “We believe that the home belongs to the woman. This belief originated a long ago, when men and women decided to live on different sides of a river. The women collected bamboo, leaves, and grasses, which they wove tightly to form their homes. Though the houses weren't big, they were comfortable. For food, they caught fish, shrimp and crabs in the mountain streams, and collected wild fruit and vegetables. In the evenings, they ate and laughed together.

“The men relied on their strength, building homes of large trees and hunting animals for food. They lived together, singing and playing the *tena*, a traditional stringed instrument. After many years, however, the men began arguing amongst themselves. In the rainy season, storms blew down their large houses, and water leaked through the holes in the roofs. As for the women, though their homes were smaller, when the storms came, the grasses that the women had woven protected them from the rain, and the small, lighter structures stood up to heavy winds. In time, the men came to the women's side of the river and asked to live with them. Since then, the home has belonged to women.”

The oldest woman in the family is considered the homeowner, and when she dies, the kitchen containing the fireplace where she has performed ceremonies for her ancestors must be demolished. When the male elder of the house dies, however, the kitchen remains standing; only the walls are dismantled and rebuilt. Men may thus be compared to the walls of the home, and women to the home itself.

While women have strong roles within the family and decision-making power in the swidden fields, it is primarily men who lead ceremonies to communicate with the spirit world. The women brew local whisky, but it is the men who pour the whisky to propitiate the spirits. “Women cannot be spiritual leaders,” insisted Naw Ta Pae. “If a woman sacrifices a chicken for the spirits of the land, it could cause a natural disaster such as a wind or rain storm.”

Women’s Health

As swidden farming has traditionally been central to women’s identities and spiritual lives, restrictions on access to land for swidden farming have affected women’s mental health.

“Our swidden fields have very deep spiritual and emotional meaning for women because women are very closely connected with them,” explained Amphon. “Women elders tell me that before, when they did swidden farming, they were happy in their hearts with their seasonal activities though they were physically tired. Now they’re alone, with no occupation, and feel they have no value. Their children are busy with cash crops, earning money, and at meal times, they eat alone.”

When Amphon asked what would make the women elders feel happier, they said that they’d like a special place where they could gather and talk together. Amphon took out a loan and built a steam bath making use of traditional herbs where the women now regularly gather, sing songs, and share stories from the past.

As land access is restricted, medicinal plants are in decline. At the same time, women face difficulty accessing the state healthcare system. “We don’t dare speak Thai because the doctors and officials yell at us and use abusive language,” said Amphon. “One young woman told me that she shakes all over from fear whenever she goes into the hospital, and feels entirely unsafe. A hospital should be a safe place to get well. But to us, a hospital is a place of suffering- suffering from illness, and suffering from abuse from state officials.”

To improve access to healthcare for Indigenous women, Amphon and Noraeri built a network of women volunteers to accompany women, elders, and people with disabilities to the hospital to translate, advocate, provide peer support, and assist with follow-up. Fortunately, the new head of the district hospital has made an effort to learn about the barriers Indigenous People face in accessing healthcare, and has hired new Karen staff. He often calls upon the community volunteers to help translate, and to share important information such as Covid vaccines.

Cash Crops

*The dove is crying coo coo
The basket is empty of rice
The basket is full of money*

-a song composed when commercial farming was first introduced to the community through the Royal Project

The Huay I Khang community have decided collectively not to allow outsiders to purchase land in the community. More recently, they decided not to allow outsiders to rent land either. This decision was reached after Hmong farmers from Petchabun Province rented land in Huai I Khang to plant ginger. This required heavy chemical inputs, and caused the soil quality to rapidly decline. By the second or third year, the soil was no longer viable, and the original plots had to be abandoned in search of new ones.

The community has also stood strong against the growing trend to plant corn for the animal feed business. Consensus was reached to ban commercial corn after visiting other highland communities and learning from their experiences. “We saw many other Indigenous communities that fell into debt for the first time after planting commercial corn. When they practiced traditional swidden farming, they had no debt. But planting corn requires a lot of capital, and in clearing forest land, farmers risk facing criminal charges for trespassing,” said Noraeri.

“We analyzed our own community. We have never had any debt. When the previous government’s million Baht loan scheme came in, it spurred many villagers to plant cash crops. We saw that after planting cash crops, we had less free time to care for ourselves. We had to spend more time in the fields, risking our health by working on a daily basis with agricultural chemicals. And the diversity of plants in our swiddens declined. We call corn and other monocrops ‘plants with no family,’ as they reduce biodiversity. They bring debt, and poor health. Planting corn creates profit for the company, while our swidden fields create food security for our indigenous communities. After analyzing this, our village committee began looking for a more sustainable way.”

Another reason the community has resisted planting commercial corn is to fight the dominant image of Indigenous People as forest destroyers. “As Indigenous People, we are harshly blamed by society for infringing on forestland; this criticism is very strong and violent,” said Noraeri. “We want to set an example by refusing to plant commercial corn, and instead fight for the right to continue our traditional swidden farming practices.”

Though they have vowed not to engage in the cultivation of commercial corn, the majority of Huay I Khang farmers plant commercial vegetables and flowers in their rice fields during the off season under the Royal Project Foundation. An initiative of the late King Bhumibol Adulyadej, the foundation aims to improve the quality of life of Indigenous People in northern Thailand through the introduction of commercial crops suited to temperate climates.

While some Huay I Khang farmers have profited under the initiative, others have fallen into debt and miss the days when their work was not profit-driven, and the cows and buffalo were free to roam where cabbages, flowers, and lettuce now grow. As Chi No put it, “The Royal Project only supports agriculture using chemicals. When we eat our traditional food, our bodies are not angry. Our plants are like mothers’ milk. When we eat chemical food, our bodies are angry.”



Commercial crops are planted in irrigated rice fields during the dry season

When markets crashed and supply chains were disrupted by the Covid pandemic, many farmers gave up cultivating commercial crops and returned to planting swiddens with traditional rice varieties, along with home gardens for greater food security and self-reliance. This helped ease the burden as family members working as wage laborers in the cities lost their jobs and returned to the community.

“Nowadays, people in their 40s tend to have only one or two children, not a lot like before, so they are able to share farmland with their children who have returned from the cities,” explained Amphon. “Young people

are showing a new interest in how their parents used to farm, and live together as a community. They're very smart and are introducing new crops in addition to the traditional ones. They are not just planting what the government tells them to, but are developing their own products such as apricot liqueur and locally-roasted coffee, and marketing them online themselves.”

When the residents of Huay I Khang saw city people on TV during the Covid lockdown with nothing to eat, they gathered rice and vegetables from their fields and drove the donations down the mountains to distribute to people in Chiang Mai. On April 18, 2020, the story of their donations aired on national news under the title ‘The Generosity of Huay I Khang Karen Villagers against Covid.’ In live interviews, community members expressed their gratitude to the people of the lowlands for helping them to fight forest fires each year, taking the opportunity to explain that rice is life, and to stress the importance of preserving local rice and seed varieties.



*A national news story about the Huay I Khang community's donation of rice to city dwellers during the Covid lockdown aired on April 18, 2020.
<https://www.springnews.co.th/news/651628>*

Conflict

One of the community's first experiences with the Thai state was in the early 1970s, when a Thai company came to do mining in the area, affecting the surrounding Karen communities. At the time, no one in Huay I Khang could speak Thai, and they had no way of expressing their disagreement with the project. One elder named Uncle Pachi was unable to read or write, but walked to a distant Karen village whose residents were Christians, and had learned to read the Bible. The Christian Karen helped him write a letter to General Thanom explaining that the community did not want the mining project on their ancestral land. It's not known what ever happened to the letter.

The community members were worried by the ongoing construction of the mine, and asked their leader to intervene. He sacrificed a cow, pigs, and chickens in a large ceremony that brought three of the Karen communities affected by the mine together. The ceremony was successful, and caused the minerals that were being dug up to disappear. When the minerals disappeared, the company officials went back to where they came from. Now that area is the community's irrigated rice fields, and you can still see scars in the earth.

A few years later, the Royal Forest Department announced that the residents of Huay I Khang would be forcibly relocated from the forest to a government resettlement site. The community members joined the Assembly of the Poor, a grassroots land rights movement, in which Huay I Khang's elected leader at the time, Mr. Khewa, played a strong role. Huay I Khang residents traveled to Bangkok to join mass protests at the Parliament and government house. As owners of the swidden fields and protectors of the community's food security, the women of Huay I Khang had much to lose, and turned out in the greatest numbers. Women from nearly every household took turns camping out in front of the Parliament, traveling by train to Bangkok in groups of five back and forth continuously for the entire 99-day duration of the protest.

“During that era, we had a kind of revolution in leadership, with many women leaders coming up,” said Noraeri. “The elected leader of the community, our vice sub-district leaders, and nearly all of our assistant village leaders are now women. There is only one male assistant. This change in leadership has made women feel that we are not inferior. In the past, they gave women decision-making power within the home and in the swidden fields, but not outside. We had very clear roles: caring for children and the elderly, collecting and storing seeds, farming, gathering food, and weaving. We were tired, and had no time to take care of ourselves. Now it’s different- whatever task we can share, men and women do together.”

Land Rights Advocacy

The forest officials come and tell us what to do based on their own ideas, but their ideas are in conflict with our way of life. We know what to do, and how to live.

-Ms. Chi No.

There has of now been no arrests or legal cases against Huay I Khang community members for trespassing on conservation forest land, but their rights are far from secure. When we asked Chi No whether she was concerned, she replied defiantly, “I’m not afraid of the Forest Department. It was born 50-60 years ago, but we’ve been here for 500-600 years. Our seeds were born before they were. We do not live on Forest Department land; we live on our land.”

The Huay I Khang community is working with other Indigenous and rural communities through the Northern Farmers’ Network to assert local rights over natural resource management at the policy level. Like the Ban Kok community, Huay I Khang residents joined the grassroots land rights movement P-Move (Peoples’ Movement for a Just Society) to advocate for community land title to secure their rights to their ancestral land. After the 2014 coup d’état, however, the military government struck down the community land title bill and replaced it with the widely unpopular Project to Allocate Arable Land to Communities

According to Government Policy (commonly known by the Thai acronym *Khor Thor Chor*).

Under the Khor Thor Chor Project, conservation forest is divided into categories. The majority of Thailand's Indigenous People live on lands classified as 1A and 1B, the use of which is heavily restricted. Once a farmer registers, he or she is allowed to rent forestland for up to twenty years; ownership is not granted. If the farmer does anything wrong under the policy, the land can be seized, and the farmer punished by law. The farmer must plant 20% of the land with trees, the species of which are determined by government officers. Under the policy, one household cannot access more than twenty rai of land.

The policy is being implemented without public participation. "Forestry officials came to take photos of our land in 2015 for the Khor Thor Chor Project," said Noraeri. "They did not meet with us to explain what they were doing. We had to do our own research. We learned from the community of Mae Tha, who had gone along with the project, only to be arrested on charges of breaking the rules, which had never been made clear. We didn't want that to happen to us, so we demanded that the local government set up a committee that included representatives from our community. They have gone back to adjust their plans, and in the meantime, we have been meeting with professors at the Chiang Mai University Faculty of Law for legal advice and support."

To counter the Khor Thor Chor Project, the community is working with the Northern Farmers' Network and P-Move to advocate for Land History Registration. Under this grassroots-led initiative, communities register their ancestral land with their local sub-district administrative office. This would allow them to continue accessing and using that land, including land with no title or ownership documents, with the stipulation that the land cannot be owned individually and can never be sold; only passed down as family inheritance. Significantly, the architects of the Land History Registration initiative avoided use of the words 'land title' so as not to pose a red flag to the government.

Mr. Khewa began the community's Land History Registration process while serving as chief of the Mae Win Sub-district Administration. The work entailed meticulous collection of land use data for the entire sub-district using GPS technology. Once he finished his four-year term, he worked with his successor at the sub-district, a Northern Thai woman, to complete the survey. The survey detailed areas of conservation forest, utilization forest, swidden fields, irrigated rice fields, and gardens accurately from the perspective of local communities.

Due in large part to Mr. Khewa's efforts, land history registration has been accepted at the sub-district level, making it a successful case of collaboration between local communities and local government authorities on land and natural resource management. It remains to be seen whether the community's land history registration will be accepted at higher levels of government.

The community is also working within its networks to advocate for the country's first Indigenous Peoples rights bill. Once passed, committees with Indigenous representation will be formed to oversee the protection of Indigenous People from discrimination, the conservation of local knowledge and livelihoods, community-led management of land and natural resources, and Indigenous participation in state-level decision-making. Several versions of the bill now exist, and hopes are high that the Thai government will enact stronger protections of Indigenous Peoples' rights in the coming years.

As Ms. Chi No said, "If the prime minister came to visit us, I'd tell him that it's not his role or duty to provide for us villagers or to feed us. We have the capacity to make our own livelihoods. But we must be able to do so by our own knowledge."



Huay Lu Luang

Background and History

Huay Lu Luang is a Lahu community in Mae Yao Sub-District, Muang District of Chiang Rai Province, Northern Thailand. The village is home to 514 residents and 116 households, and is set on a hill overlooking Huay Lu Luang, a mountain stream that flows into the nearby Kok River.

The oldest residents of Huay Lu Luang remember their early childhoods in China, which they still consider the Lahu homeland. They fled conflict in China at an early age, traveling overland with their parents and older siblings into the mountains of Eastern Myanmar, where they settled along the section of the Mekong River bordering Laos. They found no peace in Myanmar, however. Burmese soldiers constantly raided their settlement, forcing them to flee to shelters deep in the forest wherever the alarm was raised. Upon entering the deserted village, the Burmese soldiers would raid their homes, barns, gardens, and fields for any food they could find. Often, the soldiers came right before the rice harvest, and everything was lost. Rather than face another year of famine, the community members fled to northern Thailand, arriving one family at a time in the Huay Lu Luang area.

Several groups of Lahu people make Northern Thailand home, including Lahu Nyi (Red Lahu), Lahu Shi (Yellow Lahu), Lahu Na (Black Lahu), and Lahu Shehleh further West in Mae Hong Son province. The current residents of Huay Lu Luang are Lahu Na, however, the land was originally home to Lahu Nyi and Lahu Shi who had arrived hundreds of years previously. The Lahu Nyi were known for their hunting prowess, and were constantly on the move in search of better hunting grounds.

When the Lahu Na families fled Myanmar and arrived in Huay Lu Luang, they found the Lahu Nyi willing to sell their land. The village was founded by Uncle Jathor, and his descendants continue to provide spiritual and political leadership up until the present day. In 2025, the Huay Lu Luang community will celebrate the 50th anniversary of their arrival in Thailand, where they have finally found peace.

When the community members first arrived from Myanmar, their early life in Thailand was not easy. They had no legal status in the country, as they had arrived undocumented. 40-year-old community leader Duangdee Janu recalls, “as a child, if a Thai person came up here, we would flee into the forest for fear of being harmed or killed.” When he was nine years old, government officials surveyed the community and granted Thai citizenship to its residents. “For the first time, we could go into town without fear of arrest, because we were now Thai highlanders. That guaranteed our rights as citizens.”

Traditionally, the community members did not use last names. Upon granting them citizenship, the Thai government asked them to choose last names, and many took the names of their great grandparents.

At that time, there were no roads, only forest paths, and the Kok River was the main transportation artery. If Huay Lu Luang residents wanted to go into town, they would walk down to the Kok River, where Northern Thai people operated a boat service several hours downriver to Chiang Rai. Though it now takes just over an hour to reach Chiang Rai town in fair weather, the road is in very rough condition, and hazardous to travel in the rainy season. Huay Lu Luang village has no health clinic, and the children travel to a neighboring settlement each day to attend primary school.

While many other Lahu groups retain their traditional spiritual beliefs, the majority of Lahu Na are Christians. The Huay Lu Luang community is Baptist, and write their language in a script developed by missionaries.

Huay Lu Luang residents plant rice for household consumption in swidden fields and irrigated paddy land, raise livestock, pigs, and chickens, hunt and fish in the surrounding mountains and streams, and collect edible and medicinal plants in their community forest. They also plant cash crops such as pineapples, corn, lychees, and mangos on hillside farmland. The entire area lies within the Pa Huay Sak-Pa Mae Kok Fang Khwa National Reserved Forest, and the community members have no land title for their residential and agricultural land. Very few people leave the village to pursue job opportunities or higher education, and only recently have young men and women begun doing seasonal work harvesting coffee in Lisu villages in a neighboring district.

Customary Land Tenure

Unlike the Ban Kok and Huay I Khang communities, whose ancestors have resided in what is now Northern Thailand for countless generations, the residents of Huay Lu Luang are newcomers to the area. Their grandparents and great grandparents were continuously on the move in search of safety from war, better hunting grounds, arable land, and year-long water sources. Up until now, they have lived on the margins of each country they have passed through, with no citizenship, legal rights, or formal land ownership. During their early years in Thailand, community members continued to make their living according to their ancestral traditions, with neither recognition nor interference from the Thai state. As we learn from the following case studies of two women elders, traditional Lahu society gives women relatively secure access to land, and decision-making power over its use.

Women of Huay Lu Luang: Grandma Naylor Janu



I think I must be between ninety and one hundred years old, as my oldest child is over seventy now. I was born in China, then my family fled due to fighting. Our entire village left overland for Myanmar, one family at a time. I worked for other people in Myanmar, where all eleven of my children were born. There was continuous fighting, though, so we fled again, this time to Thailand. We've been here in Thailand the longest.

When we arrived, there were only a few Lahu Na families living here, and we were all relatives. This area was mostly forest. We didn't have to buy land. We could just clear land wherever we wanted for our homes and farms. People who came later had to buy land. I've never sold any land, but I let other people live on my land and use it for free whenever they asked, then they sold it to other people. If I had sold the land myself, I would be rich now! I never thought of selling it, though, as there were very few people here at that time.

My husband died only one year after we arrived here, and I never remarried. Some men asked to marry me, but I had many children, and was afraid that a new man would not want to raise them. I had to do the work of a man, plowing the fields. I took my children with me every day

to do swidden farming, and to dig terraced rice fields. I also exchanged labor with others, working for them when they needed help, and they came to work for me in return. Only two of my children had the opportunity to go to school.

I have given all of my children land to build their homes. As for my swidden land, I have divided it equally among my sons and daughters, and they've also cleared some new swiddens for themselves.

Life is better now than before. It's easy to find food to eat. I used to work all day in exchange for rice, then make porridge for my children, adding pumpkins and other vegetables when there wasn't enough rice. Now my children and grandchildren all come by, bringing me things to eat: pork, vegetables, and fish that they've caught. I have many children so I always have enough. My grandchildren cook for me. I love spicy food.

My happiness comes from being here at home and having enough to eat. All of my children have grown up and can care for themselves. I have many grandchildren, great grandchildren, and even great, great grandchildren. I'm happy when I see them all together.

Following her husband's death shortly after the family's arrival in Thailand, Grandma Naylor became the head of her household, the owner of her land, and the sole decision-maker over family matters. She chose to remain single, confident that she and her children could provide for their own livelihoods, and her decision was respected by the community. She shared her land generously with others, allowing those in need to use it for free, and was forbearing when they later sold it for profit. She is carefree in demeanor, with a keen sense of humor and love of life.

Women of Huay Lu Luang: Ms. Na Mwe



My name is Na Mwe. I am 58 years old. I was born in Myanmar. I came here with my parents, brothers, and sisters when I was 10 years old. People were shooting at one another, and we were constantly on the run, hiding in the forest.

At first, we arrived in the nearby village of Huay Chompoo where some of our relatives had already settled. There was no more land available for irrigated rice fields, so when I married a man from Huay Lu Luang, he lived with me at my family home for three years, then we decided to move here. I was fifteen at the time of my marriage.

At that time, some Lahu Nyi families around Huay Lu Luang had decided to move on, so we bought land from them. My husband and I planted chili and sold it to buy the land. We paid 35,000 Baht (US \$1,150) for 17 rai of land. You couldn't buy it for that price now! There was no land title or documents of any kind; we just handed over the money. Before, there

were very few people here, so we felt safe doing that. We noted symbols such as tree trunks to remember the boundaries of our land. I cannot say that the land belonged to either me or my husband; it was ours together. We bought it together from the work we did together.

To build our house, we planted ginger and sold it to purchase construction materials. In the past, we could save all the money we earned, as we had no other expenses. There were no markets or shops, and nowhere to spend money. We lived by fishing, hunting, gathering wild food, and planting crops.

Later, we dug over ten rai of irrigated rice fields, and bought an additional thirty to forty rai of swidden land. We have planted it in pineapples, lychees, mangoes, and avocados, but there is still no land title. No-one here has land title. But we have enough to eat.

Now that I'm older, I've divided all my land equally between my two sons and daughter. My daughter will stay to care for me in my old age, and will inherit my house and the land that it's on. My sons already have their own homes.

Some Lahu people arrived from Myanmar much later, when there was no remaining land available. They had to borrow land to farm from those of us who had arrived earlier. I gave two plots of land to my distant relatives to use. I had been farming that land, but when I saw that they had none, and considering that I was getting older, I just let them use it for free. They plant rice, and also corn on the land, which they sell to make their living. I don't ask for a share from the sale, as I know they don't have much, and they are family.

Though we have no land title, I am not worried that the Royal Forest Department will take our land. They will not take the land that we are using for our livelihoods. If we clear new land, we'll get in trouble. But for the old land, it's okay.

Though Ms. Na Mwe has lived her entire life with no legal rights over the land she relies upon for survival, she is confident in her ability to access the resources she needs. This confidence arises in part from strong cultural traditions that allow an amicable exchange of land with other Lahu with no proof of purchase, along with an innate sense of shared responsibility between her and her husband. Her sense of security is such that, like Grandma Nayor, she generously shares her land with those in need.

Na Mwe is confident that she has divided the family land equitably between her sons and daughter, ensuring peace among her children. Furthermore, she is secure in the knowledge that her daughter and son-in-law will care for her in her old age, and will live out their own lives in the family home. Though she has no land title, she has placed her confidence in the ability of her son, the charismatic community leader Mr. Duangdee, to keep the Royal Forest Department officials from taking her land.

Traditional Beliefs around Environmental Conservation

Before arriving in Thailand, the idea of land ownership was foreign to the Huay Lu Luang community, and land was not traditionally bought or sold. Each year, the village leader would decide which of the swidden fallows was best to farm, and the entire community would follow, sharing their labor as well as the resulting rice harvest. The elders taught that the surrounding forests were sources of water, and must be preserved. Formal written rules to protect the forest are a recent invention, and an important part of the community's efforts to negotiate with the Royal Forest Department for access and control over their land, as we shall see in the advocacy section of this chapter.

Lahu communities that adhere to traditional religious beliefs perform ceremonies throughout the year to pay respects to the spirits of the natural world. The residents of Huay Lu Luang differ, as they have been Baptists since the time they resided in Myanmar, and Lahu preachers have presided over the spiritual life of the community since its establishment.

Christian Lahu from over eighty villages in the area form a tight network, and Christmas celebrations attract up to ten thousand participants from far and wide.

Each year after the rice harvest, community members bring their new rice to the church and give thanks to God. Afterwards, they enjoy a communal meal, and invite residents of other villages to join in, sing songs of praise, and play football. To celebrate the Lahu New Year, young people go from home to home to pour water over the heads of their elders in a blessing ceremony, bringing gifts of grilled rice cakes.



These days, traditional Lahu clothing is mainly reserved for the holidays.

When speaking of their spiritual life, Huay Lu Luang community members did not cite teachings from the Bible relating to nature conservation. 25-year-old Ms. Sumalee, who had attended Bible school in Chiang Rai, shared the sentiment that “environment is in the realm of politics, not religion.”

Gender

Few women in Huay Lu Luang over the age of forty speak Thai, and most have had no interaction with outsiders, save rare trips to the provincial hospital and market. Unlike the women leaders of Ban Kok and Huay I Khang, they have had no opportunity to access higher education, or to network with other Indigenous women through trainings, workshops, or community exchanges. Once overcoming their initial shyness, however, they readily shared their life experiences.

The women we spoke with explained that it was not complicated to marry. There is typically no dowry or bride price, and up until recently, no large wedding feast; the ceremony was done at night with little fanfare. After marriage, the man comes to live with the woman's family for three years. Elders over the age of sixty said that when they were young, it wasn't unusual for a man to live with his wife's family for up to seven years if his wife's parents lacked sons to work on the family farm.

In the days when a woman frequently married as young as fifteen, these first years gave her time to learn from her mother and female relatives how to care for a newborn baby and manage a household. As 64-year-old Ms. Nasae explained, "after giving birth, our mothers helped take care of us by the fire, and our husbands washed the clothes for us, killed and cooked chickens for us to eat to regain strength, and helped care for the other children. We didn't have blankets to keep warm in the old days, so we had to stay close to the fire for ten days to one month after giving birth."

Following this period, the woman goes to live with her husband's parents for an additional three years. This time spent with both families provides an opportunity for the young couple to gain emotional maturity and learn the lessons from their elders that they will need in preparation for married life. After that, they may decide to either remain at the husband's family home and care for his parents in their old age, or form their own household.

The new couple may inherit land from both the woman's and man's side of the family. Grandma Naylor recalls, "my husband came to live with me at my family's home for three years, then his parents built us a home to live in to start a new family. As for farmland, my husband and I cleared our own. At that time, you could clear a swidden field anywhere you wanted to make your living. No one owned the land."

Traditionally, a woman's role includes caring for the land and ensuring that her family has enough to eat. Women have significant decision-making power within the family, and a husband is expected to turn any money he has earned over to his wife for safe keeping. Inheritance is usually divided equally among the children, with one additional share going to whichever child remains in the family home to care for the mother and father in their old age. The lastborn child usually assumes this role, whether that child is a boy or a girl.

Mr. Anupong, a resident of a neighboring Lahu Na village, explained that sex before marriage was traditionally punished by a small fine of forty rupees, a currency used by Lahu people in the past. Now the fine is forty Thai baht, or approximately one US dollar. The number four is significant, as it refers to the four directions of the village.

Should a marriage not work out, it is relatively easy to divorce, and Lahu women are welcome to return home as they wish. The village committee steps in to help negotiate the terms of the divorce, if necessary. Huay Lu Luang's committee has six members, all men. When asked whether she felt that might be unfair, Na Mwe replied, "even if you feel that, what can you do? They only allow men on the committee."

Sumalee added, "the witnesses to our marriage can also help in the case of a conflict. Each side has a witness, and it can be a man or a woman. Whoever wants a divorce must pay a fee, and that fee goes to the entire community. Even if you didn't register the marriage, everyone knows you're married by custom, so you have to pay the fee." When a couple divorces, the girl children typically return with their mother to her family home, and the boy children return with their father to his family home.

Anupong explained that if a woman finds that her husband has had an extra-marital affair and thus no longer wants him, she can demand that the other woman “buy” her husband from her. In this case, the other woman would be required to pay the wife approximately 10,000 Baht (US \$300), then the man would be hers. The leaders of the communities involved intervene to negotiate the price and arrange the payment. The same goes for a woman who has had an extra-marital affair; her husband may demand that the other man “buy” his wife from him.

When we asked Huay Lu Luang community members about this custom, however, they preferred not to speak about it, as it was not in line with their Christian faith.

Livestock

Huay Lu Luang residents keep 1,200 cows and buffalo, which they graze communally on their community-managed forestland. The livestock are an important source of security, serving as a kind of bank, both at the individual, household, and community levels.

Grandma Naylor explained, “at first, we had no livestock. We couldn’t raise livestock before; it only became possible when we settled permanently here in Thailand.”

“We divide livestock among our children while they are still young, rather than waiting until we die,” said 39-year-old Ms. Sirilak. “It’s their inheritance, to be used to further their education.”

12-year-old Ms. Chanthaphat has ten cows and water buffalo, given to her by her grandma and grandpa. “My parents help me care for them,” she said. “I can recognize them all, and have given them Lahu names. Grandma told me to keep them to pay for my education. If I sold them, I’d feel sorry for them, though. So far, my parents have been able to pay for my school fees by selling corn.”

“I have given all my livestock to my children now, with the largest share going to my son and daughter-in-law who stay here and care for me,” said Grandma Naylor. “In the past, I planted sesame, then used the money I earned from its sale to buy cows and buffalo to give to my children. I gave them to my first child first, then when I earned more money, I bought some for my second child. I gradually bought more and more, giving some to each child in turn every year.”

Ms. Sirilak explained, “livestock belong not to the husband or wife, but to all family members. Before deciding to sell one, we discuss it within the family. Once it’s sold, it’s the wife who holds the money. When it’s time to use the money, the entire family is involved in the decision.”

“Our livestock are like a bank,” explained her husband Duangdee. “We use them to buy motorbikes or cars, or to make repairs on our homes. Money for seeds and fertilizers can also be borrowed from our revolving community fund, or from relatives at no interest. As a community, we have no debt to outside lenders.”

The Huay Lu Luang community’s ability to meet their financial needs through community-based livestock management and revolving funds is extraordinary, considering the extent to which other communities in Northern Thailand and the region are plagued by debt to outside lenders. Shared ownership of livestock also gives women a way to build economic security that would otherwise be unavailable, as the majority of women cannot read or write Thai, and thus have very limited access to modern banking services. A strong community ethic allows this system to work to everyone’s benefit. “There is no crime here,” said Grandma Naylor. “Cows and buffalo never got stolen.”

Hunting and Fishing

Early one Saturday morning, a pickup truck pulled up to our host’s home filled with men of all generations, aged eight to eighty. Our host’s son eagerly jumped in. They were going hunting for wild boar high in the mountains, where they’d sleep under the stars for several nights. This is



an important part of a Lahu boy's education, his father explained, proudly showing off the wild boar tails and jaw bones that adorned his home, car, and motorbike.

As for women, the favorite pastime after the busy harvest season is fishing. Shortly after the hunting party headed out, we set off in a large group of women, with young children tagging along, to the nearby Huay Lu Luang stream. Grandma Naylor was there to see us off. "If I was still able to walk well, I would love to join you today."

The women carried woven baskets on their backs full of plastic tarps. When we arrived at Huay Lu Luang stream, they laid rocks from the riverbed and shrubs from the riverbanks in the stream to form a small dam, then covered it with the plastic tarps. As the water dried out in the section of the stream that they had blocked, they turned over the rocks and collected the small fish, insects, crabs, shrimp, and shellfish that lie below. They worked one section of the stream for an hour or two, talking and laughing, until one small basket was full.



Women work together to build a small dam in Huay Lu Luang stream

"We used to get many buckets full of larger fish, but ever since flash floods swept through the area last year, there's very little left," they said. In the days when fish were plentiful, the women would use cups to divide the catch equally amongst themselves. Today, they got just enough for a picnic together along the riverbanks. The women collected wild ferns

along the stream and pennywort leaves from the fallow rice fields, and cooked them along with our catch.



A meal of small fish, shrimp, crabs and shellfish along with wild vegetables is prepared on the riverbank

Fishing in the deep, wide Nam Kok River is also done by damming during the dry season, and the entire community- women, men, elders and children- all join in. After blocking a section of the river, an herb is added to the water that stuns the fish, making them easy to catch. It is possible to catch fish weighing up to fifteen kilos in the Kok River, and the fishing trips are always followed by a communal picnic on the riverbanks.

Land Rights Advocacy

In the early days of the community, Thai loggers illicitly entered the surrounding forest to harvest valuable timber. Disputes with surrounding Red Lahu communities over the preservation of watershed forest areas were not uncommon. In 1982, Huay Lu Luang residents set up a community forest committee in an effort to ensure a yearlong supply of water for their farmland. They established rules for the management of community land, and posted them clearly for all to see.

Rules for Natural Resource management and Environment of Huay Lu Luang Community, Mae Yao Sub-District, Muang District, Chiang Rai Province

1. It is strictly prohibited to sell land to outsiders
2. If a community member sells land, he/she must contribute 100 Baht for every 10,000 Baht of the sale to the community land fund
3. If a community member intends to sell land, he/she must first inform the village committee
4. If a community member wishes to sell land, he/she must only sell it to people within the community
5. If a community member does not have money to buy land, he/she may borrow money from the community land fund, paying interest at the rate of 100 Baht for every 10,000 Baht borrowed, and it must be paid back within one year according to the contract

Rules and Regulations for Use of the Community Forest

1. It is permitted to collect forest products for household consumption
2. It is permitted to collect fallen wood for fuel, but not exceeding 50 baskets per family per year
3. It is permitted to harvest bamboo for household use
4. It is permitted to harvest wood for the construction of a new home, but permission must first be obtained from the village committee and community forest committee. Any wood harvested must be replaced by planting new saplings. Once a wooden house is built, it is strictly forbidden to dismantle or sell it.
5. Trees that have been planted around swidden fields and irrigated rice fields may be harvested without the permission of the village committee

Prohibitions

1. It is strictly prohibited to harvest raw wood to make into products for sale to outsiders
2. It is prohibited to harvest raw wood for fuel or to make charcoal, or to strip a tree of bark to cause it to die
3. It is prohibited to clear land in the community forest
4. It is prohibited to start forest fires in the community forest. Before burning swidden lands adjacent to the community forest, a fire break must be cleared
5. It is prohibited to expand farmland onto the community forest land
6. People residing outside of Huay Lu Luang village are not allowed to use the community forest

Punishments

1. Harvesting raw wood to make into products for sale: 1,000 Baht fine per person per violation. Products will be confiscated and distributed to the community. Refusal to follow this rule will result in the involvement of law enforcement officials.
2. Harvesting raw wood for fuel or to make charcoal: 500 Baht per violation
3. Starting a forest fire: 2,000 Baht per violation
4. Expanding farmland onto the community forest land: 2,500 Baht, plus planting replacement trees and caring for them for three years
5. If a person residing outside Huay Lu Luang village violates any of these rules, the fines will be doubled
6. Any fines collected will be shared equally between the person reporting the violation and the Huay Lu Luang community forest fund
7. Any wood harvested in violation of these rules will be turned over to the committee to be used for public benefit
8. Any violation of these rules will be punished according to law

In addition to setting up rules, the committee members walked the entire perimeter of the area- nearly 8,000 rai- marking boundaries and noting land use classifications. In 2010, the community received training from the Upland Holistic Development Foundation (UHDF) to use GPS to produce accurate maps with exact calculations of land use areas. UHDF was established by an American missionary family under the Christian Service (Baptist) Foundation of the Church of Christ in Thailand with the mission to promote environmental restoration, economic empowerment, spiritual renewal and human rights in Northern Thailand’s Indigenous communities. The map was completed in 2016, and provides a clear picture of the land managed by the Huay Lu Luang community. The Huay Lu Luang community forest committee submitted the map to the local government in 2019, and their community forest land is now officially registered.



An early hand-painted map showing land use, alongside a more recent map. Acquiring new technology has given the community stronger negotiating power in their land rights campaign.

Along with the map, the community compiled the following statistics on land use for submission to the local government.

Land Use Category	Land Area (rai)
Construction Land	80.24 (1.03%)
Roads	23.52 (0.30%)
Residential Land	56.72 (0.73%)
Agricultural Land	3,527.66 (45.40%)
Agricultural land plots	3,200.42 (41.19%)
Irrigated rice fields	81.92 (1.05%)
Fruit orchards	52.06 (0.67%)
Permanent swidden fields	20.03 (0.26%)
Rotational swidden fields	17.23 (2.23%)
Forest Land	4,161.88 (53.57%)
Public area (stream)	49.85 (0.64%)
Community forest	3,383.41 (43.55%)
Cemetery forest	7.77 (0.10%)
Wildlife conservation area	720.85 (9.28%)
Total	7,769.78 rai

While attending the mapping training, an Akha staff member of UHDF invited Mr. Duangdee to attend meetings of the Northern Farmers Network and P-Move (Peoples Movement for a Just Society), where he met Indigenous land rights activists from throughout the country. Duangdee learned about the power of mapping to advocate for the legal protection of his community, and joined P-Move’s movement for a community land title bill.

Duangdee became a strong supporter of the movement, and recalls driving his wife to the Chiang Rai hospital as she went into labor, then rushing to join a P-Move motorcade to Bangkok. Indigenous land rights activists from throughout the country joined the protest, camping out in front of the Parliament building to demand community land title. Early the next morning, Duangdee called his wife to find that she had given birth to a boy, and together they discussed his name.

While members of neighboring villages have been arrested by the Royal Forest Department for trespassing on national conservation land, Huay Lu Luang residents have thus far avoided legal trouble by carefully adhering to the rules the community has established. In strictly enforcing these rules, the community is effectively alleviating the forest department of patrolling the 8,000 rai area under community management. Duangdee recalls receiving threats from local officials in the early days, but he has won them over by inviting them to community events, hosting them in his home, and cultivating close personal relationships with those in power. He also derives security from the P-Move network, which is able to call upon the immediate support of thousands of members should a problem arise.

Both Huay Lu Luang's community forest committee and community land title committee are composed of the same group of twenty-five men, with no woman members. The women we spoke to were familiar with the rules governing community land use and agreed with them heartily, as they knew that strict adherence to these rules were important to win the right to remain on their land. They had not been part of the land management process or land rights campaign, however. When attending meetings and trainings, Duangdee often brings his son-in-law, his uncle, and his male secretary along so that they can learn about the country's political and legal processes, but as of yet no women have had this opportunity. Duangdee admits that both language limitations and a strong cultural aversion to women to traveling outside the community are barriers to their participation.

The entire 8,000 rai land area managed by the community falls within the Pa Huay Sak-Pa Mae Kok Fang Khwa National Conservation Forest. As nearly all of this land is class 1, 2, and 3 watersheds thus prohibiting private ownership, community land title would provide a way for Huay Lu Luang residents to remain on their land legally, without fear of arrest. Each community member would be named on the land title, and no land could be sold to outsiders. The community would have the legal right to manage their land according to their own rules, regulations, and traditions.

The community's hopes were dashed, however, when the military government that took power after the 2014 coup d'état struck down the community land title bill and replaced it with the Project to Allocate Arable Land to Communities According to Government Policy (*Khor Thor Chor*). Like the Ban Kok and Huay I Khang communities, Huay Lu Luang's leadership soundly rejects *Khor Thor Chor*, and is continuing to work with P-Move to advocate for community land title.

In the meantime, the government is showing an interest in making the area a part of the Lam Nam Kok National Park. This would severely affect the community's ability to negotiate for the right to access and manage their land, and they would no longer be allowed to graze their livestock in the surrounding forest.

Having suffered war, famine, and displacement for so many generations, Huay Lu Luang residents hope to finally gain the legal right to remain on the land where they finally found peace. "The reason we have survived together as a community is because our ancestors prepared this land for us," said Duangdee. "We have to do all that we can to keep the land from leaving our hands. If we lose our land, or do not have clear land rights, our people will once again be scattered."

Summary and Recommendations

The customary laws and principles of custodianship practiced by the residents of these three villages have allowed them to thrive as strong, self-reliant communities while maintaining a balance with their natural environments. The value of these sets of ethical and moral obligations has thus far been overlooked by the State, however, in favor of a legal system based on contextually inappropriate concepts such as the privatization of land and natural resources, and fortress conservation. As Huay I Khang elder Ms. Chi No succinctly put it, "the forest officials come and tell us what to do based on their own ideas, but their ideas are in conflict with our way of life. We know what to do, and how to live." To address this discrepancy, Indigenous communities need strong local, national, and international support for their efforts to gain legal

recognition of their customary land tenure systems based on their own worldviews, insights and priorities.

In recent decades, Ban Kok, Huay I Khang, and Huay Lu Luang community members have made significant efforts to gain public recognition and legal protection for their customary land tenure systems. Though they have a long way to go to attain sovereignty over their land and resources, they are now able to draw upon the support of Indigenous and land rights networks, along with allies in both the government and civil society sectors, to advance their goals. The solutions that they are working together to propose include legal recognition of community forests, community land title, and an Indigenous Rights bill. These solutions are based upon Indigenous concepts of collective rights and a holistic relationship with the natural world.

The principles of commitment upheld by the women of these three communities through rituals and ceremonies create consciousness of a shared responsibility for community well-being and environmental stewardship. In teaching their children and grandchildren to “make their hearts pure” before beginning these rituals, the women reinforce higher values above and beyond individual rights. These values are of great importance not only to their own communities, but to the broader society as we struggle with the limitations of our own legal systems.

Participation in popular land rights and Indigenous rights movements has given Indigenous women the opportunity to articulate their world views and translate their knowledge and territorial management systems into a language that is more accessible to outsiders. Network meetings, workshops, and demonstrations also provide crucial spaces for Indigenous women to develop a shared analysis of the challenges they face, develop campaign strategies, and propose solutions. Through these networks, they have gained the skills and confidence to voice the concerns and demands of their communities to the wider public. The inclusion of Indigenous women’s worldviews in national policy and legislation is an important first step in gaining support for legal recognition and protection of their customary land tenure systems.

The support of progressive academics at Chiang Mai University has also been key to all three communities' success. Professors at the Faculty of Law and lawyers from the Center for Protection and Revival of Local Community Rights have invited community members to seminars at their institutions, made visits to their communities to offer legal advice and support, and represented them in court. Through participation in a paralegal training program for rural women leaders through the Chiang Mai University Women's Studies Center, Ms. Noraeri gained her first introduction to the Thai legal system and personal mentorship from Thai woman parliamentarians. Continued opportunities to collaborate with allies in the legal and academic professions will strengthen Indigenous women's ability to secure their land rights.

In addition to the lack of recognition of their collective rights, the women interviewed for this study also suffered violations of their individual rights arising from the male-dominated power structures within their communities. While residing in their family homes after marriage provided women in matrilineal societies certain advantages, this did not effectively prevent domestic violence. In some cases, the abuse extended to the women's parents, who were struck down when they tried to protect their daughter in their own home. Women told of being forced to marry men who had raped them, and faced intense pressure to remain in abusive relationships. Should a disease affect livestock or a series of accidents occur, the elders' first response is often to investigate the behavior of the women to see whether they have brought misfortune upon the community by breaking any taboos. When their behavior is found to be the source of the problem, they have been forced to participate in ceremonies to propitiate the spirits, causing public humiliation. As one interviewee expressed, "many women here suffer from depression. I also do. It comes from customs and beliefs that oppress us. When I leave the community, I feel additional pressure from the outside world, and it all accumulates." Indigenous women who assume leadership positions and join in political activities in defense of their community's land rights faced even greater scrutiny.

Addressing the barriers that Indigenous women face thus requires the respect, protection and fulfillment of both collective and individual rights, and careful analysis of the interaction between those rights.⁵ Participation in trainings, workshops, and community exchanges hosted by groups such as the Indigenous Women’s Network of Thailand (IWNT), the Network of Indigenous Peoples in Thailand (NIPT), Asia Indigenous Peoples Pact (AIPP) and IMPECT (Inter Mountain Peoples Education and Culture in Thailand Association) that are specifically designed and led by Indigenous women provide peer support and a safe space to address the challenges women face both within their communities and in the mainstream society.

“I joined a women’s network, and learned about my rights,” said one woman. “I learned about violence, and structural violence. Now I know that women have the right to choose, and that my body, my heart, and my spirit belong to me. This has made me stronger, and once I saw my own value, I was able to leave my abusive husband against the wishes of my community. Now I am full of ideas to help women, elders, and people with disabilities whose needs have been overlooked.”

Ban Kok village leader Rinrada reflected, “Before, when outsiders came to our home, I would hide in the next room and put my ear to the woven bamboo wall, trying to follow their conversations. I didn’t dare show my face. Joining the Indigenous Women’s Network of Thailand has made women braver to speak to people in power. Study tours to other Indigenous communities make us a lot stronger, but many women don’t have the chance, as their husbands don’t allow them to leave home and experience new things.”

This is particularly true for women in communities such as Huay Lu Luang, who have thus far had no opportunity to exchange knowledge and experiences through Indigenous and land rights networks, or to learn about their status under Thailand’s legal and political systems. Women

5 2021. Errico, S. *Frontiers in Sustainable Food Systems*. Available at <https://doi.org/10.3389/fsufs.2021.690321>

will have the best chance to maintain their customary land tenure systems through the mentorship and support of experienced Indigenous women leaders.

Looking forward, it will also be crucial to provide opportunities, financial support, and encouragement for Indigenous youth, and young women in particular, to study law and related fields so that they can effectively advocate for the rights of Indigenous communities within Thailand's formal legal and political systems. In accessing opportunities to engage in policy dialogue, public discourse, and academic research, the next generation of leaders can promote legal recognition of Indigenous world views, traditional knowledge, and territorial management practices. As Indigenous lawyer Mr. Thornthan reflected, "it will take a long time to change the system, but now we have one or two Indigenous representatives in Parliament who are able to raise awareness of the issues we face, promote legal reform, and propose new protections for Indigenous rights. This work is extremely difficult, but in the future, if we have ten or twenty parliamentarians, we will gain more power to negotiate."

As the Indigenous women featured in this study have the most to lose from the erosion of their customary land tenure, basic structural changes must be put in place to ensure that no decisions are made affecting the livelihoods of Indigenous women and their communities without their full participation and consent. Supporting Indigenous women's leadership at local, national, and international levels is key to ensuring that they maintain sovereignty over their land and natural resources. Moreover, the extensive knowledge and experience they bring to discussions on sustainable resource management, biodiversity restoration, and climate resilience will provide valuable contributions to our search for solutions to global problems.



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About AIPP

The Asia Indigenous Peoples Pact (AIPP) is a regional organization established in 1992 by Indigenous Peoples' movements as a platform for solidarity and cooperation. AIPP is actively promoting and defending indigenous peoples' rights and human rights; sustainable development and management of resources and environment protection. Through the years, AIPP has developed its expertise on grassroots capacitybuilding, advocacy and networking from local to global levels and strengthening partnerships with indigenous organizations, support NGOs, UN agencies and other institutions. At present, AIPP has 47 members from 14 countries in Asia with 7 indigenous peoples' national alliances/networks and 35 local and sub-national organizations including 16 are ethnic-based organizations, five (5) indigenous women and four (4) are indigenous youth organizations.

Our Vision

Indigenous Peoples in Asia are living with dignity and fully exercising their rights, distinct cultures and identity, and enhancing their sustainable management systems on lands, territories and resources for their own future and development in an environment of peace, justice and equality.

Our Mission

AIPP strengthen the solidarity, cooperation and capacities of indigenous peoples in Asia to promote and protect their rights, cultures and identities, and their sustainable resource management system for their development and self-determination.

Our Programmes

Our main areas of work among the different programmes are information dissemination, awareness raising, capacity building, advocacy and networking from local to global. Our programmes are:

- Communication Programme
- Environment
- Human Rights Campaign and Policy Advocacy
- Indigenous Women
- Organizational Strengthening and Movement Building
- Regional Capacity Building

AIPP is accredited as an NGO in special consultative status with the UN Economic and Social Council (ECOSOC) and as observer organization with the United Nations Framework Convention on Climate Change (UNFCCC), Convention on Biological Diversity (CBD), Green Climate Fund (GCF), Global Environment Facility (GEF) and the World Intellectual Property Organization (WIPO). AIPP is a member of the International Land Coalition (ILC).



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