



# The Human Rights Council of Australia

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## THE HILL TRIBES OF NORTHERN THAILAND: DEVELOPMENT IN CONFLICT WITH HUMAN RIGHTS - REPORT OF A VISIT IN SEPTEMBER 1996

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**Summary**

Thailand's minority tribal people's are concentrated in the hilly border areas of northern Thailand. Growing pressures of economic development, demands to save Thailand's diminishing forests and official government policies on resource use, education, culture and citizenship are threatening the ability of the tribal people's to realise their human rights.

[The Human Rights Council of Australia \(HRCA\)](#) visited the area in September 1996 as part of its current [project on human rights and development](#) and held discussions with community leaders, NGOs and academics.

This report looks briefly at how the challenges facing the minority hill tribes of northern Thailand can be seen within the international human rights framework of economic, social and cultural rights as well as civil and political rights accepted by governments through their membership of the United Nations, and agreed as a legitimate basis of international dialogue, cooperation and concern. Looking at the issues in this way opens the possibility for international solidarity to assist efforts to hold governments accountable for their policies and actions.

## **A background**

The hill tribes of northern Thailand are made up of as many as nine different ethnic minorities some of which have migrated to Thailand quite recently while others, such as the Karen, have been in the area for many hundreds of years.

Karen villages represent more than 50% of "hill tribe" population in northern Thailand. Apparently they have been less afflicted with social problems affecting other ethnic minorities in the area - such as migration for work, intravenous drug use and AIDS. The Karen people have been in this place (around Chiang Mai) for over 100 years and the Hmong for around 70 years. The Karen used to be on the lowlands but were forced up into the hills by growing demands for land.

Based on discussions with people in Chiang Rai and Chiang Mai Provinces the following issues associated with current development plans for the region were identified:

- the relocation of highland communities to lowland areas, non-recognition of individuals' and communities' title to land;
- the difficulties minority hill peoples encounter in obtaining Thai citizenship and the resulting obstacles to rights to free movement, property ownership and political participation;
- refusal to respect, provide recognition or support to traditional and minority cultures;
- official encouragement of cash and mono-cropping leading to soil degradation, pollution of water and individual debt;
- buying up of village communal land by private developers against the wishes of the villagers and without compensation to the villagers;
- proposals to dam and divert rivers in Thailand, Laos and Burma - affecting homes, fish stocks and the environment;
- people and communities being encouraged to move through restrictions on the delivery of services;

- apparently no compensation being offered for those forcibly moved from their homes or land, and little choice about alternative land being offered to those communities still facing relocation.

## **Perceptions, Prejudice and Policy**

A number of people told HRCA that there are misconceptions about the hill people within the wider Thai community which have contributed to present problems. These are:

- that hill people destroy the forest through shifting (slash and burn) agriculture;
- that hill people are ruining the water catchment areas and the quality of water - destruction of the forest leads to soil erosion and flooding in lowland Thailand, agriculture uses fertilisers and insecticides which pollutes the water resources of others;
- that hill people are involved in trafficking drugs;
- that hill people pose a threat to national security and want to create their own state - historically this area which borders Vietnam/Laos/Burma has been regarded as a national security question & the army continues to play an important role in decisions affecting the area.

## **Cards and Identity**

Hill peoples are affected by questions of formal national identity. Some communities (30%?) have recognition (that is they are recognised as permanent residents and have or are entitled to Thai citizenship) - these are people that in general practice permanent agriculture. People who can show Thai ancestry or that they have been in Thailand originally can get a full card. A full card is necessary in order to buy or cultivate land. Apart from proving residency people wishing to claim Thai citizenship must be able to speak/know Thai and be willing to change their last name to a Thai one.

Others have blue identity cards which recognise their residency in a particular community but do not allow them to move outside the province (if caught fines, bribes or imprisonment result). After five years in one place they may claim Thai citizenship. The children of people with blue cards are not entitled to Thai citizenship. There is a further category of people who have difficulty getting any kind of card. These seem to be people who have arrived recently or who move around more leading a traditional nomadic existence.

## **The People and The Land**

All forest land is formally owned by the government unless it has been sold off more recently for development or plantation farming. People have no formal title to the land and most have been practising shifting or rotational agriculture. This pattern takes a number of forms among different groups - the extent of slash and burn, how long land is left fallow, whether the village itself moves around etc. One common factor seems to be the use of common land/forest by communities for foraging of food.

Some of the villages have apparently been established in the same place for more than a hundred years. Villagers say there was no consultation about the designation of land as national park etc and that this had been done on the basis of inaccurately interpreted aerial photographs/satellite images.

This designation of the land gave considerable authority to the Forestry Commission officials - people could be fined for cutting down trees, and there were restrictions on land use, keeping of domestic animals, gathering of forest resources etc. Communities are not generally involved in the management of the forests - although many seem to have committees that decide on whether a new house can be built, how large it should be, and which tree should be used.

Strong networks between villagers and community organisations argue that traditional knowledge and practice is essential to forest preservation and that the environment cannot be looked at separately from the people who live in it. As evidence they point to the proportion of native and regenerated forest that exists in northern Thailand in comparison with the rest of the country.

### **Ways of life and livelihood under threat**

According to academics, non-governmental organisations (NGOs) and villagers in the region the traditional way of life and continued presence in the area are threatened by processes of economic development, by past international development assistance projects and by present security, development, conservation and forestry policies.

Present official government policy is to relocate communities out of areas designated as National Parks, Wildlife or Forest Conservation zones.

The introduction of the new law to rehabilitate the forests due to the widespread belief that hill tribe peoples are destroying the natural resources areas have forced many to give up all forms of shifting cultivation and resettle to new areas. The change in their traditional integrated production system is now turned into growing only one or two cash crops. Commercial agriculture thus replaces the self-sufficient subsistence of before. Old communities are fragmented as the villagers are forced to grope for economic survival, with the younger generations moving to the big cities in search of work opportunities.

The government's policy of decentralising local administration has seen the replacement of traditional village organisations made up of older community leaders by younger headmen selected by government agencies. This change diminished the power of the elders and destroyed the old indigenous management practices. It is therefore difficult for communities and individuals to unite and contest these policies because of the uncertain citizenship status accorded to many hill peoples and the difficulties of maintaining cultural identity and practice in the face of hostile official policies.

### **Crisis In Indigenous Knowledge Transmission**

The transmission of indigenous knowledge from one generation to another has also come to a halt because of national security and national development planning. As a part of this policy, the compulsory educational system that was implemented aims to produce a new generation that thinks, believes, speaks and acts like a member of the greater Thai population. School administration follows the system used in urban cities where it is not necessary to adapt to seasonal changes as is in the way of life of indigenous people. As a result, the customary transmission of indigenous knowledge is regarded by the younger generation as backward, old fashioned and even something to be ashamed of.

Religious changes from tribal religions to Buddhism and Christianity and the adoption of new belief systems are directly affecting the transfer of traditional learning. Belief in the new religions often begins with the abandonment of traditional beliefs. Integral to indigenous learning is the high value placed on natural resources and their preservation. As new technologies and new ways of beliefs are introduced and adopted in place of traditional ways of knowledge, a crisis is occurring in the transfer of indigenous tribal wisdom to the younger generations.

## **Human Rights at Issue**

Governments have obligations to recognise, respect, protect and fulfil human rights. Human rights issues in the area under discussion include:

In relation to the right to housing for example the [UN Committee on Economic, Social and Cultural Rights](#) has said,

"States should ensure the creation of judicial, quasi-judicial, administrative or political enforcement mechanisms capable of providing redress to alleged victims of any infringement of the right to adequate housing ."

"States must abstain from carrying out or otherwise advocating the forced or arbitrary eviction of persons and groups. States must respect people's rights to build their own dwellings and order their environments in a manner which most effectively suits their culture, skills needs and wishes."

"In order to protect the rights of citizens from acts such as forced evictions, Governments should take immediate measures aimed at conferring legal security of tenure upon all persons and households in society who currently lack such protection. In addition residents should be protected, by legislation and other effective measures, from discrimination, harassment, withdrawal of services or other threats".

Other Rights outlined in the Universal Declaration of Human Rights which are at issue in northern Thailand based on the accounts given to HRCA include:

### *Article 13*

- 1) Everyone has the right to freedom of movement and residence within the borders of each State.

2) Everyone has the right to leave any country including his own, and to return to his country.

*Article 15*

- 1) Everyone has the right to a nationality
- 2) No-One shall be arbitrarily deprived of his nationality.

*Article 17*

- 1) Everyone has the right to own property alone as well as in association with others.
- 2) No one shall be arbitrarily deprived of his property.

Other international human rights instruments guarantee the right to participation in the political and development process (the International Covenant on Civil and Political Rights) and the right to a cultural identity (the International Covenant on Economic, Social and Cultural Rights). These instruments provide frameworks for government action both in policy terms and in practice, as well as means by which those whose rights are denied can appeal to the international community. Indigenous peoples around the world are learning to use these instruments to hold governments accountable; the hill tribes of northern Thailand are no exception.

## **What can be done**

People in northern Thailand, and in particular the minority ethnic hill peoples, are contesting the adverse effects of official development policies.

You can contact the following organisations for more detail:

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or

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