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Kaeng Krachan National Park, Thailand: Existing controversies in the spatial context

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ABSTRACT

This academic paper wishes to put forward explanation and argument to present the overview of spatial context of Thailand's Kaeng Krachan National Park by raising significant issues reflecting the physical spaces, environments and situations from an argument for "national park" definition, enforcing relevant laws as a mechanism for determining the boundary, to giving high priority to the conservation of ecosystem and wildlife which are biodiversity indicators. On the contrary, Thai government has ignored an issue of long-term coexistence between forest and human, the Karen ethnic group people, whose cultural way of life has attached to Kaeng Krachan forest before the establishment of this national park. Furthermore, the government has adopted the no-man forest model and the forest rangers forcibly drove these people out from the area. Later, Kaeng Krachan National Park was transformed into the natural world heritage site and has been under a foreign law, namely the 1972 Convention on Protection of the World Cultural and Natural Heritage which emphasizes on natural resource issues but overlooks the cultural heritage that reflects the cultural way of life of the Karen ethnic group. This issue leads to the continuing and unresolved conflicts and human rights violations in this area. The issue is a challenge for the Thai government to seek a solution to manage the area for the integration of diversity for both natural and cultural resource in the future and restore the confidence of countries and Thai people who are interested in the World Heritage Site situation.

Mots clés: Kaeng Krachan National Park, Controversy, Spatial Context.

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1. Introduction

The concept of national park establishment began around 100 years ago in the United States. North America's western areas were explored and pioneered back then to settle, expand farming areas and understand those undiscovered territories. The reason for those surveys was the increasing population that needed more living and farming areas. Nevertheless, the forest area reduced as well. Even in 1864, George Perkins Marsh's ecological idea explained that "Man must coexist with nature. Man could not destroy nature because it means man destroy himself". This idea inspired the US government

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to initiate the nature conservation. In 1872, the world's first ever national park, Yellowstone, was founded by Abraham Lincoln. Thailand also was influenced by the national park establishment model and found a national park after World War II due to rapid population growth that demanded more farming areas. However, the growth had far-reaching environmental consequences including forest encroachment and sharp decline in the population of wildlife due to human's hunting with modern weapons. Thai government realized the importance of protecting natural resources, particularly forests and wildlife, and established an arboretum, forest park and national park in 1943. On 2 September 1959, Field Marshal Sarit Thanarat ordered the Ministry of Agriculture and the Ministry of Interior to consider the demarcation of forest areas to establish a national park again with projects and action plans concerning the natural resources conservation and protection. Finally, fourteen forests were selected and transformed into national park and the National Park Act, B.E. 2504 (1961) has come in force. Royal decrees were issued to establish many areas as national park. Currently, Thailand has established 150 national parks (National Parks Office, Department of National Park, Wildlife and Plant Conservation, 2015).

Kaeng Krachan Forest Complex is 28th established area and was declared Thailand's national park on 12 June 1981. The forest complex is located on the east side of Tanaosri Mountains, next to Myanmar forest and covers the areas of 3 provinces including Ratchaburi, Phetchaburi and Prachuap Khiri Khan. The forest complex contains 4 conservation areas including Kaeng Krachan National Park, Kui Buri National Park, Chaloeam Phrakiat Thai Prachan National Park and Phachee River Wildlife Sanctuary. These areas are one of the most important biodiversity resources in Southeast Asia. At least 720 species of animals were found and the areas are the boundary between 4 plant geography, namely 1) Indo-Burmese or Himalayan, 2) Indo-Malaysian 3) Annamatic and 4) Andamanese. On 18 December 2003, the forest complex was declared as an ASEAN Heritage Park with a vast area of 2,914.70 square kilometers. This national park has become Thailand's largest national park. (Thai National Park, Heritage of ASEAN, 2019, p. 67-69). According to both domestic and international regulations of national park establishment, this issue is interesting. In particular, the origin of the aforementioned idea reflects the natural resources problems. Although we know that human relates and relies on natural resources for a long time, the changing social conditions including the population growth have led to problems of forest encroachment for farming and housing, developing modern tools for illegal deforestation and hunting for consumption or trading. These issues encouraged governments in each country to realize and focus on the conservation of natural resources and wildlife to prevent illegal use of natural resources with no limits which may affect the nature sustainability in the future. These issues became the origin of a national park establishment by managing and demarcating the boundary of protected areas as Kaeng Krachan National Park is one of the conservation areas and a crucial source of biodiversity in Thailand. The government has demarcated the area and enacted the National Park Act, B.E. 2504 (1961) to protect and preserve the existing natural resources such as plants and wildlife as well as preserving the forests or mountains condition and preventing deforestation or change. Therefore, the area plays an important role in the conservation of ecosystems and natural resources benefiting the national economy and society (Songtham Suksawang, 2018, p. 52).

The author argues that although all countries agree in the same direction that the national park establishment requires the boundary demarcation measure relying on the conservation, but it does not mean the national park in each country has to demarcate the areas and define boundary only for the conservation of natural ecosystems and wildlife sanctuaries. As each area, especially forest selected for a national park, may have different characteristics. Within the forest area, before the national park establishment, its biodiversity center does not include the natural ecosystems and wildlife only, but also another species. In this regard, it is a group of people whose way of life associate with the natural

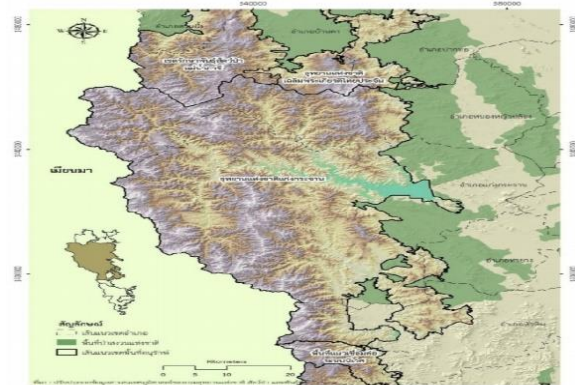


Figure 1. Location of Kaeng Krachan National Park.

Source: Thammanoon Temchai et al. (2017)

resources dependence and exists in the forest area before the establishment of national parks, as Kaeng Krachan National Park has had the existence of Karen ethnic group who has used the natural resources in the park area for a long time. However, even Kaeng Krachan National Park established by the government as the protected area and national conservation area according to the relevant acts to maintain fertility or usefulness for research in education or source of recreation in the future, but It is not enough to clearly understand the spatial context of Kaeng Krachan National Park due to the cultural diversity of Karen ethnic group whose way of life related to forest. Therefore, Kaeng Krachan National Park has a unique characteristic in terms of promoting biodiversity and cultural diversity for a long time. Nevertheless, the government has overlooked the issue and managed to drive human out of the forest which led to ongoing conflicts and Karen group's human rights. Furthermore, Kaeng Krachan National Park was registered as a World Heritage Site on 26 July 2021, the national park is like an area combining natural resources diversity and environment, laws and conventions and cultural ways of Karen ethnic groups in the same area. Even in the past, Thai government valued and prioritized the natural resources and environment conservation with applying relevant laws as a mechanism for demarcating the boundary of the conservation area. However, according to the author's views, the Karen group way of life is important to the Kaeng Krachan National Park as a people group living before the national park establishment and relates to or depends on the natural resources of this forest.

Therefore, this paper has a primary objective of creating arguments appeared in the spatial context³ to ensure its readers to know and understand more clearly that Kaeng Krachan National Park relates to many issues from the concept of national park establishment, the biodiversity area worthy of natural resources and environment conservation to applying relevant laws as a mechanism to demarcate the boundary of conservation forest. However, Kaeng Krachan National Park does not relate to natural resources and environment only, but also the existence of Karen ethnic group who lived in the forest and whose way of life relates to the forest, before the national park establishment was declared, with plentiful evidence but considered as a forest encroacher by Thai authorities who managed to drive them out of the forest. These issues reflect long-standing human rights problem in Kaeng Krachan National Park until its status of Kaeng Krachan National Park has changed and been recognized for registration under the Convention concerning the Protection of the World Cultural and Natural Heritage 1972. The area has an international laws conflict and has been recognized as natural world heritage site only instead of cultural world heritage linking to the ethnic group way of life in Kaeng Krachan National Park. The author considers these issues along with arguments to ensure the readers of this paper understand that Kaeng Krachan National Park is not only the protected forest area and the world heritage site valuing natural resources and environment only, but should recognize value between "people and forest or relationship between human and natural resource", especially the Karen group, whose cultural way reflects their respect for the forest through sustainable use of natural resources in Kaeng Krachan National Park.

2. Kaeng Krachan National Park: Spatial controversy

2.1 "Area": According to definition

In general, the meaning of national park is often defined in relation to the environmental aspect, especially the natural environment such as soil, water, forest and wildlife living in the national park. It is a vast natural area with a rich ecological condition, unique natural scenery and being a habitat for plant and animal species. It has become the protected area for recreational or educational resources as described by the Forestry Research Division and Philippine Council for Agricultural Research who stated that a national park is a protected area under government control due to its beautiful scenery, vital flora and fauna, being scientifically, historically, culturally and aesthetically valuable. These areas are managed and utilized by methods that do not destroy nature and ecosystems and, most importantly, used in terms of education or research. Moreover, the International Union for Conservation of Nature (IUCN) defines national parks in the same direction as a national park is both land and sea area set aside to protect ecological processes, prevent the changing from exploitation and human's making a living which led to damaging and provide a foundation for scientific and recreational purpose which is consistent with the

³ "Spatial context" in this paper means Kaeng Krachan National Park which relates to various issues such as the definition of area, relevant laws, biodiversity concept of "Human and Forest and Human-Free Forest" and the 1972 World Cultural and Natural Heritage Convention.

environment and culture. The authority must provide preventive measures and establish rules for protecting the national parks (55 years, National Parks of Thailand, 2018, p. 18-20). Accordingly, the natural environment conservation, educational or informative use or recreational purpose are the cause of legal measures leading to relevant acts enacted as a mechanism to protect or prevent external factors from destroying the natural ecosystem or natural environment in the area such as illegal logging, wild animal hunting or infrastructure building.

According to the definition of national park, in general, it focuses on the dimensions of the ecosystem and living things regardless of plant or animal species and reflects on being a source of biodiversity. However, the description and definition of Kaeng Krachan National Park according to general meaning could be limited. On the contrary, it should describe and define meanings in accordance with the conditions of the spatial context and consider relevant issues broadly such as issues of natural resources and environment, way of life, society and culture of Karen group, relevant acts after the declaration of national park and relevant conventions related to the registration of the World Heritage. These issues are important to point out that the Kaeng Krachan National Park is not unique in one aspect.

2.2 “Area”: According to relevant laws

It is an undeniable fact that those forests declared a national park must relate to acts and laws, provision of the law enacted by the King upon the advice and approval of the National Assembly. In general, the act is the adoption of essential regulation to enforce public to comply with as a guideline as well as determining the powers and duties of all competent officials and penalties for those who violate or fail to comply with (Chanthamorn Seehaboonlee, n.d.). The acts mentioned by the author in this paper are as follows.

2.2.1 National Park Act B.E. 2562 (2019)

Its main principle is to make a reservation, conservation, protection and maintenance of national parks, forest parks, botanical gardens and arboreta and management of natural resources, ecosystems and biodiversity in the areas for balanced and sustainable benefits. The area declared as a national park⁴ should be protected, conserved, maintained, surveyed, studied, researched or experimented for facilitating travel or recreational stay or securing safety or educating the public in the national park⁵.

2.2.2 Wildlife Conservation and Protection Act B.E. 2562 (2019)

Its main principle is to conservation, preservation, protection and maintenance of wildlife sanctuaries and non-hunting areas and management of wildlife, natural resources, ecosystems and biodiversity in the areas for balanced and sustainable benefits. The area with valuable natural condition should be preserved as a safe habitat for wildlife as well as protecting unique natural resources and environment or ecosystems for the benefit of wildlife conservation and protection and biodiversity⁶.

The author puts forward these acts mentioned above because the author realizes the acts relates to the content of this paper that focuses on forest declared a national park. It means that a general forest with natural ecosystems and wildlife habitat is affected by external factors due to changing social conditions. As a result, a plentiful forest enters a critical condition until the forest is defined or controlled by the powers of laws. The National Park Act is an important mechanism for transforming general forest into a national park which requires strict conservation and protection and provides shelter for both plant and wildlife species in order to ensure the national park area becomes a hub of ecosystems and biodiversity for educational or tourism utilization. Even the Wildlife Conservation and Protection Act gives precedence to conservation, protection and maintenance of wildlife sanctuaries, the content of the act is related to natural ecosystems as wildlife is considered part of ecosystems in forest areas such as habitats and food sources of wildlife. The abovementioned acts are not only used as a mechanism to demarcate the forest boundary from a normal forest, but the forest status has been transformed into a conserved forest, in other word, the national park for educational purpose or protection of plant and animal species. According to the author's view, the government plays a key role in Thailand's forest

⁴ National Park Act, B.E. 2019, Section 6

⁵ National Park Act, B.E. 2019, Section 23

⁶ Wildlife Conservation and Protection Act, B.E. 2019, Section 47

conservation by introducing laws as a mechanism for demarcating the national park areas, but it does not mean that each national park in Thailand could enforce laws and ignore other issues related to forest areas. This issue is crucial because the relevant laws concerning the establishment of national park often focus only on natural resources or wildlife species that are worthy of conservation. Still, they consider other factors as opposite or insignificant to forests, especially those who lived in forest before the declaration of national park.

2.3 “Area”: According to the concept of biodiversity

According to the Acts aforementioned, it is found that there were some contents that the said Act described in the same direction, namely the issue of biodiversity described to reflect the importance of preserving natural resources and environment of the national park and the biodiversity indicators included rare plant and wildlife species. These factors stress that national park is the area for conservation of natural resources and environment. People have no right to invade or destroy the resources as enforced by the Acts. According to Thammanoon Temchai et al. (2017), p. 8-9), Kaeng Krachan National Park is a source of biodiversity including genetic diversity, species diversity and ecosystem diversity for plant species such as *Magnolia mediocris* (Dandy) Figlar, *Magnolia gustavii* King, *Reevesia pubescens* Mast. var. *siamensis* (Craib) Anthony, *Reevesia pubescens* Mast. var. *siamensis* (Craib) Anthony, etc. Kaeng Krachan Forest Complex is regarded one of the best botanical learning sites in Thailand. The globally endangered wildlife species were found in this forest complex such as Asian elephants, red bulls, tapirs, hyenas, lynxes, tigers, leopards, freshwater crocodiles, etc., which are classified as one of the most endangered wildlife species in the world. However, the author argues that the issue of biodiversity is merely a discourse or representation of the abundance defined and claimed by the authorities that uses the law as a mechanism for defining forest land and drive other living beings-non-plant and animal species-out of diversity issue. Especially, Kaeng Krachan National Park is known for not only the dimensions of natural resources and environment, but also the social and cultural dimension of Karen ethnic group whose way of life relates to natural resources in the forest area as well.

Arturo Escobar (2006), an anthropologist, raised an interesting question: “Does biodiversity really exist?” The biodiversity is like as a visual representation of the use of academic knowledge to classify organisms and it is just a discourse. The conceptual framework of this discourse can be described as the discourse makes something widely known and when people think about living things, they adhere to the concept of biodiversity instead of true nature and the biodiversity has become a normal thing which anyone can refer to. It is difficult to define the real meaning of biodiversity because biodiversity is just a discourse, not a fact and described for nature through the communication and public relations on the global stage. It makes biodiversity a reality and becoming the center of attention to ensure that “nature exists as it is defined by international organizations and its networks”. The discourse is used as a tool to manipulate the attitudes of people around the world to understand the term “biodiversity” as they want as for the only reality. Bandit Kraiwijit (2016, p. 14-16) explained the issue of biodiversity as just an avatar published by the world’s most influential networks like a network of global conservation organizations such as WWF (World Wide Fund for Nature) and IUCN (International Union for Conservation of Nature) so that it has gained wide influence. It also influenced Thai academics and government agencies as a policy relationship encouraged the establishment of more national parks to protect the natural resources and environment along with the introduction of legal mechanisms in determining the conservation area to transform the area into a source of biodiversity. These issues have continually influenced the guidelines of academics and agencies for the establishment of national parks in Thailand. In particular, the other living being is overlooked. This living being is a group of people who lived in a forest area before the establishment of national park. It is a species that has been driven into something else that has nothing to do with the concept of biodiversity.

Consequently, the concept of biodiversity is hostile to human living in diverse habitats or fails to pay attention to the people living in the area as found in the case of Kaeng Krachan National Park. Upon declared as a natural world heritage site by UNESCO, but the issue of way of life, society and culture of people in the area were ignored by international organizations, Thai government, World Heritage Committee or other concerned agencies who are already aware that Karen groups existed in the area.



Figure 2. Samples of Plant Species Found in Kaeng Krachan National Park.

Source: Songtham Suksawang, et al. (2017)



Figure 3. Samples of Wildlife Species Found in Kaeng Krachan National Park.

Source : 55 Years of National Parks of Thailand, Document (2018)

2.4 “Area”: “Humans and forests-forests without humans”

The concept of biodiversity emerging in the protected areas is a global phenomenon. The background of the concept does not only reflect the importance of conservation of natural resources and environment, but also a concept that attempts to move indigenous peoples out of protected areas (West, et al., 2006, p. 252). Thailand government having been influenced by such concept after the establishment of Kaeng Krachan National Park tried to separate nature from people whose cultural way related to nature. As a result, the natural areas are defined as having no connection with the culture of people living in the area.

2.4.1 Karen Ethnic in Kaeng Krachan National Park

Karen ethnic group is a group of people usually living in the plains, mountains and deep forests and their way of life has been related with the forest area for a long time. They have lived on the border between Thailand and Myanmar around 600-700 years ago. In the past, the Karen people were known among Thais as ‘Yang’, while in English they are called ‘Karen’ (Wut Boonlert., 2003, p. 13). According to the Indigenous World Report 2002, it is estimated that the Karen ethnic group in Thailand is approximately 441,670 people from 1,986 villages. According to the National Statistical Office record, there are 441,114 people who speak Karen language. Karen people are divided into 4 groups according to language characteristics and livelihoods, namely S’gaw or Pakagenyau, Karen Po, Karen Kya and Karen Tong Su or Pa’O. They immigrated to live in the north and west of Thailand after fleeing the war in Burma and Mon in the reign of King Alaungpaya and British rule in Burma. However, although there is no clear written evidence that when did Karen people immigrated to Thailand? But it is clear that they lived in Thailand before “Siam” or present Thailand kingdom as recorded in the book Thai-Burma War, assuming that Karen might have migrated since the Ayutthaya period or earlier. The book also mentioned a Thai warrior chief who is Karen (Sadanu Sukkasem, 2019, p. 10).

For the Karen ethnic groups living in the west of Thailand, they live in Ratchaburi, Prachuap Khiri Khan and Phetchaburi, especially in Phetchaburi province, the Karen people live in the Phetchaburi River Basin. The Pakagenyau live in upstream area of Phetchaburi along the Thai-Myanmar border. There is

evidence that the original Pakagenyau group lived together in small villages in the border areas for more than 100 years (Wut Boonlert, 2003, p. 60) such as Ban Pong Luek and Ban Bang Kloi which are currently located in Huai Mae Phriang Sub-district, Kaeng Krachan District, Phetchaburi Province. Regarding Ban Jai Pandin village, although there is no evidence that it is a village according to the documents of the Ministry of Interior, but there is evidence showing that the village actually exists. According to the survey by Darunee Paisanpanichkul (2011) and Sathaporn Pongphiphatwatthana (2021), some evidence was found and confirmed that the Karen ethnic group was a primitive people living in the forest area before the establishment of Kaeng Krachan National Park as follow. 1) Hilltribe coins provide evidence that Karen related to Thailand after survey and registration of the hill tribe people. (Registration for hill tribes, 1956). 2) Evidence of the Department of Provincial Administration indicates that the first village headman named Mr. Yong Charoensuk, was in office in 1971 (before the declaration of Kaeng Krachan National Park in 1981). 3) Aerial photograph in 1972 showed that the area that was identified Baan Jai Pandin with traces of living and utilization of the land. Later, a 1912 military map clearly indicated the location of Ban Jai Pandin. Furthermore, a judgment of the Supreme Administrative Court confirmed that Kaeng Krachan Karen people were a traditional group and certified that Baan Jai Pandin was an existed indigenous community. Finally, 4) the personal survey registration document made by Kanchanaburi Hill Tribe Development and Welfare Center, Department of Public Welfare, in April 1988, stated that the area was inhabited by the Karen community and some Karen was born in Thailand. The evidence does not reflect only the immigration and establishment of Karen community before the establishment of Kaeng Krachan National Park, the interesting point is Karen people have a way of life related to natural resources and environment. This reflects the long-standing relationship between human and forest.



Figure 4. (From Left) A map of 3 villages and location of Ban Jai Pandin according to the court judgment and aerial photographs Source: Sathaporn Pongphiphatwatthana (2021)



Figure 5. (From Left) Building Houses and Performing Natural-Related Rituals of Karen Ethnic Groups Source: Thairath Online on 26 July 2021

2.4.2 Karen Ethnic: “Human–Forest” Relationships

It is well known that in the western forests, besides the wonders of ecosystems and biodiversity, there is the history of ethnic groups who lived in the forest long before the birth of the Thai state nation and it is also a cultural practice area. This reflects the relationship between human and forest (Worawit Nopkaew, 2019, p. 289). In particular, the Pakagenyau group is a group of people who settled long before the enactment of the law defining forest conservation areas over the farming and living areas. (Seub Nakhasathien Foundation, 2018). Most importantly, their way of life related to the forest from use of land for housing and farming such as shifting cultivation, the traditional agriculture, or belief identities associated with traditions and rituals reflecting the human-forest relationships such as keeping a baby umbilical cord in a bamboo cylinder tied to a large tree to show a symbol of entrusting the baby’s life to the tree guardian angel. These are the traditional Karen vision of resource management that respects nature without desire for personal possession but believing that everything has a spirit and sacred things to protect (Phattharamon Suwaphan and Sutee Prasatset, 2020, p. 64-65).

However, the issue of the human-forest relationships has been going on for a long time. Considering the social context of Thailand, since 1941 after Thai government has drafted the Forest Act to declare all unused areas as conservation forest areas especially the national parks having adopted the National Economic Development Plan and the National Forest Policy to deal with people living in the forest by evacuating them outside the area called a forest, the affected people lived together as a community within the forest area to fight together and it became an community right issue and participative conservation of natural resources which resulted in greater recognition. However, the cooperation between governments from the past to the present and the community is rare. Even though the law was enacted to facilitate the mutual care of natural resources, the action process was not performed actively. Since the issue of human and forest in Thai society is unresolved issue and controversial between the government and people, for example, the state has increased and protected forest areas in a quantitative manner but ignored the community's way of life, in particular, the reduction of shifting cultivation area of ethnic groups, as well as centralizing power in the hand of nation state having managed forests for centuries without accepting the traditional rights of community as well as denying the diverse knowledge of forest management (Pinkaew Lueangaramsri, 2005, p. 2-20) including Karen ethnic groups in Kaeng Krachan National Park that is undeniable of their existence in the forest before. Nevertheless, in 2011, this group was migrated from the Western Forest. Although Karen ethnic groups are currently permitted to live in forest areas according to the National Park Act B.E. 2562 (2019) and the Wildlife Conservation and Protection Act B.E. 2562 (2019) with the concept of "Forest Exists, Human Exists" and there was a survey of land holding of people living and working in national parks before the date these Acts came into force (Lakhika Tiangprom, 2021), the story behind the scenes reflected that the government and state officials still had the idea of migrating Karen ethnic groups out of the forest. Although the migration model managed to move people from their old settlement to a new area within the national park, the Karen ethnic groups still faced problems of farming land and did not receive sufficient allocated land. It led to their decision to return to the old settlement. This issue, therefore, reflects that even though the said Acts stipulates that people have the rights to coexist with the forest, the practice guidelines fail to respond to their way of life that ensures Karen ethnic groups can live in forests sustainably or live in new areas allocated by the state in the long term.

The situation that the Karen ethnic group could not reside in the new settlement and had to migrated back to the area where their ancestors were originally settled even though it was in the national park area or that the above Acts laid down guidelines or rules for coexistence between human and forest was not more important than looking back to the background of situation before the government stipulated a guideline for the coexistence. In particular, the management of forest areas under the concept of "human-free forest" to make these people faded out and lost their identity of coexistence with the forest were the park rangers' action and led to violent incidents reflecting the human rights violations of the Karen ethnic group. This issue caused the emotional impact and distrust of ethnic groups on government officials who manage forests in such a way for a long and continuous period. Therefore, the forest management with human-free forest concept is a key issue to reflect that Kaeng Krachan National Park does not have only the issue of biodiversity and cultural diversity of ethnicities, but the national park management reflected the forest management by the state which led to violent clashes with ethnic groups as well as resistance of the ethnic group opposing registering the national park as a natural world heritage site as long as the issue of human rights violations under the management of forest with the human-free forest concept has not been clearly solved.

2.4.3 Karen Ethnic: Being ignored under "Human-Free Forest" concept

Long existence in Kaeng Krachan National Park of Karen ethnic group makes this group have a way of life related to the forest and their own way of resources management to coexist with the forest. Since this group has their own way of life, cultural identity and resources management model inherited from their ancestors, Thai government view on the Karen people is not accepted. More importantly, there is different view among Thai people, for example, viewing this group as a deforester, drug trafficker, people who migrated from a neighboring country whose language and culture are different from Thai people, invader who does not benefit the economy, being a threat to the ecosystem stability. Therefore, it argues that the state considers these ethnic groups living in the highlands non-Thai citizen who destroys the natural resources of the country. This makes them the main target of state attacks in

terms of being “forest intruders” who should be controlled with government power (Wachara Srimuangmoon et al., 2021, p. 90).

As the state views that the Karen ethnic group is a forest destroyer, this group of people is in a state of being driven and seen as other people who are not Thai. As the state manages to use the concept of human-free forest and focuses mainly on making forest areas as a source of biodiversity, this group’s status is no different from having an invisible or blurry state as not recognized as a true Thai citizen and seen as a deforester. The key incident reflecting this people driven out from the national park and seen as non-Thai people continually is when national park rangers have managed to employ the concept of “human-free forest” in the management of conservation forest areas since 1996 by negotiating with the Karen ethnic groups of Ban Jai Pandin and Ban Bang Kloi Bon to relocate and move to Ban Bang Kloi Lang and Ban Pong Luek⁷ because the authorities considered this group of people as aliens. The state offered housing and farming land in the new area. At first, this group did not agree because they lived in the old area for a long time, but the negotiations were successful and in 2011, the Cabinet submitted the Kaeng Krachan Forest Complex to be registered as a natural world heritage site. It resulted in the “Tanaosri Operation”. The national park rangers and the military pushed all Karen people out of the forest and demolished their buildings. Later, the Karen ethnic groups filed a lawsuit against the Department of National Parks, Wildlife and Plant Conservation with the accusation of violation of human rights. During 2017-2018, the National Park Act was amended with offering additional land to some villagers. In addition, the state employed Pidthong Lang Phra Village project in the area. In 2018, the Supreme Administrative Court ruled that national park rangers overused of power with burning and destroying the Karen’s buildings and properties which caused the villagers lost the living tools. The Department of National Parks, Wildlife and Plant Conservation must compensate for the damage incurred. In 2021, after migrating to a new settlement, the Karen people faced the problem of farming land due to insufficient allocated lands. This made them decide to move back to Baan Jai Pandin and Ban Bang Kloi Bon. In the same year, Kaeng Krachan National Park was registered as the Natural World Heritage Site under the Convention concerning the Protection of World Cultural and Natural Heritage 1972.

The aforementioned incidents reflect two important issues. Firstly, under the operation of driving Karen people out to in the new areas, the new area was in the national park area but it did not mean the new area was in line with the Karen ethnic way of life due to problems of land utilization. Secondly, the operation of national park rangers of dealing with the Karen ethnic people such as trespassing or vandalism reflects the issue of human rights violations of Karen ethnic groups. The issue clearly pointed out that Thai government officials worked for the government with the “human-free forest” concept in managing forest. In general, they could not expand their power to use force against people. However, it was found later that the rangers’ actions were under political influence as Pinkaew Luengaramsri argued that conservation forests were established in the era of Field Marshal Sarit Thanarat who wished to suppress communism in the country and the state viewed the forest area as an uncontrolled area outside the range of government power and a communist-controlled zone. The conservation forest was a tool the Thai state established its own power over the outreach areas. With demarcating and reorganizing forest areas, the protected forest was regarded a “political forest” that completely monopolizes and centralizes power in the state’s hand. Furthermore, the state failed to pay attention to the origin from the ecological paradigm and disturbed the villagers’ use of nature for subsistence in the protected forest area. Even though the villagers lived in the forest before, they had become a threat to the forest and had to be eliminated (Pavinee Kongrit, 2021).

Kaeng Krachan National Park is an area that clearly reflects the conservation forest management process of Thai state that manage to demarcate the forest boundary with clearly separating human from nature. In the 1990s, the IUCN increased its cooperation with indigenous organizations on conservation. According to 1997 World Wildlife Fund (WWF) paper, the organization recognized that areas with biodiversity also had cultural diversity, indigenous knowledge of the environment must be brought in. (Igoe, 2005, p. 378). As for emigrating the Karen people from Kaeng Krachan National Park in the past, Thai state failed to give enough precedence to the issue of existence of ethnic groups whose way of life related to forests and who use natural resources and forest environments for housing or farming.

⁷ Ban Jia Pandin, Ban Bang Kloi Bon, Ban Bang Kloi Lang and Ban Pong Luek are village of Karen ethnic group that settled in the area before the declaration of Kaeng Krachan National Park.

Currently, although Kaeng Krachan National Park has been registered as a natural world heritage site, as long as the Thai state still employs the “human-free forest” concept in managing conservation forest areas without considering and recognizing importance of cultural heritage issues related to society and way of life of the Karen ethnic group or the absence of policies that clearly certifies participatory forest management processes between the state and the community, in the future, it makes the natural world heritage site of Kaeng Krachan National Park becomes a difficult problem to manage and conserve sustainably. Most importantly, even though Kaeng Krachan National Park has been registered as a natural world heritage site under the Convention, this is not a guarantee that the national park will not be degraded to a World Heritage in Danger or deprived as long as the situation between the state and ethnic Karen communities in the area is still unclear.

2.5 “Area”: According to 1972 Convention concerning the Protection of World Cultural and Natural Heritage

Kaeng Krachan National Park listed as a natural world heritage site in July 2021 is associated with the 1972 Convention concerning the Protection of World Cultural and Natural Heritage⁸. It is a mechanism to ensure states parties jointly conserve natural resources and culture for the next generation. Before the Convention, the situation of cultural and natural heritage sites in the world was under increasing threat not caused by natural deterioration only, but also by changes in social and economic factors. Until the United Nations Educational, Scientific and Cultural Organization (UNESCO) meeting at its 17th session in Paris established a system of operations in the form of an international convention and adopted the Convention concerning the Protection of World Cultural and Natural Heritage to promote international cooperation in the protection and conservation of cultural and natural heritages to maintain the outstanding values as a heritage of humanity both in the present and in the future. The content of the Convention set out the obligations of states parties signed the Convention to pledge to conserve not only world heritage sites within their country’s territories but must protect the heritage sites of other nations as well. More importantly, the world heritage sites must have “Outstanding Universal Value” according to all 10 criteria⁹ (Office of Natural Resources and Environmental Policy and Planning, 2013, p. 1-11).

Thailand joined as a state party to the Convention concerning the Protection of Cultural and Natural World Heritage on 17 September 1987 with mechanisms to implement the Convention and procedures to supervise and manage the operations in accordance with the obligations of the World Heritage Convention. The state must consider the proposal of cultural and natural heritage sites to be included in the World Heritage List through the National Committee on the Convention on the Protection of World Heritage. At present, Thailand have registered 6 World Heritage Sites¹⁰ in the cultural and natural heritage sites list. Kaeng Krachan National Park was registered as a natural world heritage site on 26 July 2010 and falls within 10 Criteria stated in the Operational Guidelines for World Heritage (2019) on the grounds that Kaeng Krachan Forest Complex comprises absolutely crucial habitats for conservation of endemic biodiversity as well as plant and animal species with great value for conservation and science. (Conservation Area Administration Office 3, Phetchaburi Branch, n.d.)

However, although Kaeng Krachan National Park has been registered as a World Heritage Site, there are still concerns about the issue of human rights violations, participatory resource management and protection of way of life of Karen ethnic groups in the areas that have not yet been fully resolved. In the past, IUCN asked for postponement of the registration because they wished to assess the values and way of life of ethnic groups¹¹. Even the Karen Network for Culture and Environment (KNCE) Tanaosri

⁸ Cultural heritage covers monuments and groups of buildings such as architecture, sculpture, painting, etc. with outstanding universal value in terms of history, artistic or science as well as the works produced by humans or the combination of the works of nature and man and archaeological sites with outstanding universal value terms of history, artistic, ethnology or anthropology. Natural heritage covers natural conditions with outstanding universal value in terms of artistic or science and natural sites with outstanding universal value in terms of science, conservation or natural beauty artistic as well as geological and topographic conditions which are the habitat of threatened animal and plant species with outstanding universal value in terms of science, conservation.

⁹ UNESCO World Heritage Centre, 1992-2013

¹⁰ 1. Historic Town of Sukhothai and Associated Historic Towns (1991), 2. Historic City of Ayutthaya (1991) 3. Thungyai-Huai Kha Khaeng Wildlife Sanctuaries (1991) 4. Ban Chiang Archaeological Site (1992) 5. Dong Phrayayen-Khao Yai Forest Complex (2005) 6. Kaeng Krachan Forest Complex (2021)

¹¹ Trans Border News, “Representatives of Indigenous Peoples around the World condemn the World Heritage meeting as “Fixed” Political Influence and Disrespecting Human Rights”, 26 July 2021.

region called for solution of the conflicts on forest and land management and consideration of cultural heritage linking to the way of life and wisdom of highland agriculture contributing to the conservation of nature and environment along with the natural world heritage, the Thai government did not take these issues into account any way. These incidents explain that the government mechanisms focus only on the conservation of natural ecosystems of a variety of plants and wildlife in the area only.

3. Summary

Even though the area of Kaeng Krachan National Park has been registered as World Heritage Site, it does not mean that the human rights violations of Karen ethnic group are completely resolved. This issue relates to the issues of management and conservation of the national park areas in terms of natural resources and environment, along with the protection of ethnic way of life and cultures which should be undertaken from now. If the operation of the Thai government or relevant agencies fail to build trust or confidence among ethnic groups after such issues have become controversial for a long time, it may affect the status of World Heritage Site of Kaeng Krachan National Park in the future. Furthermore, many countries pay attention to the unsolved and continuing issue. These are crucial challenges to prove the role of Thai government in building confidence at the international level and among the Karen ethnic groups in the national park area. In particular, Thai government should establish guideline or management mechanism to conserve natural resources and environment along with protecting the cultural ways of ethnic groups. Consequently, Kaeng Krachan National Park is not just an area reflecting being a natural world heritage site, the area reflects cultural heritage related to the way of life of the Karen ethnic group.

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