



## Water War of the Mae Ta Chang Basin, Chiang Mai: Concept and Tools for Conflict Management in Buddhist Perspective

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### 1. Introduction

Water plays a very essential role in human life.<sup>1</sup> In his royal speech, King Bhumibhol says: “The important thing is we must have water for drink and agriculture. Wherever people exist, they can live if there is water. But if there is no water, they cannot live. On the contrary, if there is no electricity, one can live. If, however, there is electricity but no water, one cannot live.”<sup>2</sup>

According to Ismail Serageldin, Vice President of World Bank, the war in the twentieth century resulted from the fight for oil. Yet the war in the twenty-first century will be the battle for water.<sup>3</sup> In this regards, we sees the water war in several countries, for example, India<sup>4</sup>, Bangladesh<sup>5</sup>, Sudan, Egypt, and Kenya<sup>6</sup>. The

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<sup>1</sup> National Institute of Development Administration, *Kaan Pramoen Phon Krongkan Phatthana Laeng Nam Phuea Kaan Auppaphok lae Boriphok* (The Evaluation of the Development of Water Resource Project for Consumption). Bangkok: Liang Siang, 1994, p. 2.

<sup>2</sup> Cited in Office of Secretary General of House of Representatives, *Raai Ngaan Kaan Phitcarana Sueksaa Panbaa Phai Laeng lae Authokkaphai* (Report on the Study of Drought and Flood Problems). p. 55.

<sup>3</sup> See Sirilak Manawongcharoen (trans.), *Songkhrasam Nam* (Water War). Bangkok: Suan Ngoen Mee Maa, 2003, p. 1.

<sup>4</sup> The Cauvery River entailed the bloodshed conflict between two states of Southern India, Tamil Nadu and Karnataka, in 1991. Approximately a hundred thousand of people had to flee from their homeland. See Neil Pelkey, “The Cauvery Water War”, in <<http://www.des.ucdavis.edu/staff/pelkey/cauvery.htm>>

<sup>5</sup> The conflict of water resource became an internationally political issue when the Indian government built the dams on the Bramaputra River and the Ganga River, causing the decrease of water amount in Bangladesh. Both Indian and Bangladesh governments, in 1996, made a contract for controlling water in the Ganga River. The contract has become effective for thirty years. See Suthat Yoksan, “*Waree Wikrit: Patcuban lae Anakhol*” (Water Crisis: Present and Future), in *Phucatkan Raai Wan*. 21 May 2003: 9.

<sup>6</sup> All of these three countries encountered the conflict of usurping water on the Nile River. After Egypt, the upper part of the river, built a dam, Sudan and Kenya had trouble in the shortage of water in such a way that the political issue together with that of usurping water



United Nations thus warns: “In the future, there will be a water crisis which leads to more water wars on international stage.”<sup>7</sup>

In the same way, the New York Times points out the issue regarding the lack of water in Texas in the first year of the twenty-first century: “For Texas now, water has become liquid gold instead of oil.”<sup>8</sup> The expression of this issue is not an exaggeration when the severe situation of water crisis was found in 1998. It is also believed that the number is rising up to 56 countries within the year 2005. During 1990-2005, the number of population in these water crisis areas would likely increase from 131 million to 817 million.

Since the initiation of the National Economic and Social Development Plan in the late 1950s, Thailand’s capitalism and consumerism has expanded continually. Such expansion together with the growth of materialism results in the “unbalanced condition” between man, environment, and society, which is followed by the “non-correspondence” between economics, politics, society, culture, tradition, and environment.

In Thailand, intellectuals also point out the water crisis in the same way. As Srisak Vallibhotama, a senior intellectual, says: “From now on, there will not be any conflicts that could lead to violence in human society as severe as those of water management.”<sup>9</sup> According to Chaiwat Satha-anan, a political scientist, the war in this age will not be that for land nor oil any more.<sup>10</sup> The scariest war to come is a water war. Likewise, Chaiyaphan Praphasawat, Director of Institute for Community’s Right in Chiangmai, who is a key person in reviving the Mae Ta Chang Basin, agrees that there will not be any wars as threatening to human today as a water war.<sup>11</sup>

It can be said that the conflict of usurping water resource is becoming an issue that its severity dramatically increases. The bipolar of the conflict is discernible not only among inhabitants, but also between the locals VS the newcomers. In addition to this, the conflict between the local people who join with

resource were raised on international stage. BBC News, 21 December 2003 in <<http://news.bbc.co.uk/1/hi/world/africa/3313893.stm>>

<sup>7</sup> BBC News (5 March 2003) in <<http://www.news.bbc.co.uk/1/hi/sci/tech/2880831.stm>>

<sup>8</sup> Jim Yardly, “For Texas Now, Water, Not Oil, Is Liquid Gold,” *New York Times*, 16 April 2001: 1.

<sup>9</sup> Srisak Vallibhotama, in Sirilak Manawongcharoen (trans.), *ibid.* preface.

<sup>10</sup> “Kawaam Runraeng lae Khwaam Khatyaeng” (Violence and Conflict), Lecture, 18 February 2004. King Prajadhipok’s Institute.

<sup>11</sup> “Sathanakaan Kan Yaeng Ching Nam Lum Mae Nam Taa Chaang” (Situation of Usurping Water on the Mae Taa Chaang Basin), Lecture, 29 February 2004. The Amity Green Hill Hotel, Chiangmai.



NGO or conservative activists and a group of businessmen who sees natural resources as a source of money or benefit is also found.

The situation about the conflict of usurping water as mentioned above arouses this writer to raise questions towards the Mae Ta Chang Basin on the issues of conflict and operation on conflict management. This paper aims to study what kind of conflict has happened in the Mae Ta Chang Basin as well as to examine the concept and the conduct in coping with the inhabitants' problem. Furthermore, it investigates the similarity and difference between Western and Buddhist concepts on the conflict management appeared in its operation for the basin. It will also trace whether and how Buddhist way of peace is employed to resolve the problem.

## 2. Situation of Conflict at the Mae Ta Chang Basin

The Mae Ta Chang Basin<sup>12</sup>, consisting of 64 creeks, is a branch of the Ping River. Its origin is located on the Suthep-Pui National Park and the Orb Khan National Park; it flows down and converges the Ping River in the area of Amphoe Hang Dong in Chiangmai. Geographically, the Mae Ta Chang Basin covers the area of 3 Amphoes, that is, its upstream source in Ampoe Mae Rim and Amphoe Mueang; its mid-stream in Tambon Baan Pok, Ampoe Haang Dong; and its downstream in Tambon Nong Khwaai, Tambon Nam Phrae, Tambon Haang Dong, Tambon Baan Waen, Tambon San Phak Waan, Amphoe Haang Dong. Ethnically, there are 2 ethnic groups living around the basin: Hmong<sup>13</sup> and Mueang. While the upstream is occupied by Hmong people who live in the highland, the Mueang or the local people of Chiangmai inhabit in the mid-stream and downstream areas.

The conflict situation at the Mae Ta Chang Basin leads to questions for this study. What are the main and subordinate issues causing the conflict? What is a

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<sup>12</sup> The term "Mae Taa Chaang" is apparently believed to have its origin from two ways. 1) As the size of its well house was as large as that of an elephant's eye (*taa chaang*, Thai), so it was called by comparison. 2) As a legend says, a Chiangmai's king crossed the river to Amphoe Cormthorng to bring the Buddha relic for bathing in town, the king got off an elephant's back at the river bank. This area was then called "*thaa chaang*" (elephant quay); the sound "*thad*" was later changed to "*taa*".

<sup>13</sup> The origin of the Hmong tribe was in the areas of the Huang He or Yellow River Basin and the Qiangjiang Basin in China. They took refuge to settle down in Thailand for the first time in 1889 by journeying across mountains through Laos to Amphoe Chiang Khorng, Chiangrai, and Amphoe Thung Chaang, Nan. The overall Hmong population is at 124,211; most of them have settled down in the areas of Chiangmai, Tak, Chiangrai, nan, and Phetchaboon. See more details in Research on Hill Tribe Institute, *Khor Moon Prachaakorn Chao Khao nai Prathet Thai* (The Information about Hill Tribes' population in Thailand), Chiangmai: Research on Hill Tribe Institute, 1998.





feature of this conflict? Who is a stakeholder? What are its standpoint, benefit, cause, and effect? How do people carry on the strategy in terms of problem framework, aim, process and method, operation plan, and conduct? What kind of peace concept for resolving the conflict is it based on?

### 3. Issues of Conflict at the Mae Ta Chang Basin

Issues are an indicator of conflict's content, tangibly and intangibly. Is it a conflict on natural resources that one can recognize by the five senses, or an abstract one such as value, culture, feeling, and so on? The issues play an important role in managing the conflict more effectively. In so doing, the study finds that the main issue of the conflict at the Mae Ta Chang Basin is usurping water resource. The study of a paradigm and a set of belief of the basin's communities also finds that these people's way of life principally relies on water resource. Their lives have long been bound to the stream, and thus they view water as "life". Such view clearly appears on their way of thinking and lifestyle which express in their practice towards the stream in various dimensions: 1) Water is essential for life. 2) Water is considered as public property. 3) Lives are connected by the stream. 4) No one has right to destroy or overuse water resource. 5) Nothing can replace water. 6) Water must be preserved. 7) There is a limited amount of water which can be used up. 8) People get water without paid and it is for living one's life. These ideas are instilled by those in the local communities in an attempt to give significance to water.

However, the distinctive views on water resource generate the explicit conflict by means of the quarrel between two main groups, the locals versus resorts' entrepreneurs, and this is expressed by destroying resorts' barrage some times. Apart from this, the inhabitants of mid-stream and downstream areas such as those in Tambon Huay Pong and Tambon San Phak Waan, also have negative view on the upstream communities, namely, the Hmong, in that they view Hmong people overuse water regardless of the need of those in the mid-stream and downstream areas. Moreover, as they see, the deforestation caused by the Hmong results in the lack of forest for absorbing water, which leads to the conflict between those in the mid-stream and downstream areas versus those in the upstream. To understand the issue of conflict more clearly, the context of conflict will be studied.

### 4. Historical Context of Conflict

In analyzing any conflict's situation, the study of economic, political, social, and cultural contexts is highly important. The examination shows that the conflict at the Mae Ta Chang Basin has its historical background in three points, as follows:





#### 4.1 State's Division of Governing Boundary

The boundaries are geographically divided by designating the upstream area of the Mount Suthep side governed by Amphoe Mueang, while the other side of the upstream belonging to Amphoe Mae Rim, and the mid-stream and downstream area under Amphoe Haang Dong's governing. Such division's result is the disintegration of the basin communities' unity leading to a rift. A main reason for the division is due to the upstream area where the convenient route for traveling up and down the mountain, which is in Amphoe Mueang.

Formerly, the indigenous people of the basin divided the area different from the state's division since they used the stream as a centre, which was a holistic management. In this respect, the stream was not broken into parts, as the state did. The holistic management of the locals brought to the unity of water distribution by an officer called "*kae mueang kae faai*". The system distributed the resource effectively and efficiently. It is clear that the division by being based on geopolitical thinking and method separates the inhabitants, thus followed by their dissociation.

#### 4.2 Development of Water Distribution

The local wisdom regarding water distribution in northern Thailand is the system of *kae mueang kae faai*, a person who takes control of water distribution for the benefit of all communities on the basin. At the same time, when a dispute about usurping water resource occurs, *kae mueang kae faai* served as an arbitrator.<sup>14</sup> The study finds that several communities appoint their local politicians to mediate a conflict of water resource. Yet an agreement is never met mostly. In certain communities, moreover, the contradiction turns to become more widespread as a result of these politicians' setting fire to the problem. This is because people in those communities consider the politicians unfair in the conflict management, the agreement of these politicians is then unacceptable in their view.

#### 4.3 Transformation of Agricultural System into Capitalism

Originally, Hmong people who live in fertile environment of the upstream area are agriculturists. However, they turn to commercial plantation as a result of social and economic change. In this respect, planting of peach which requires less water is replaced by an economic plant with more marketing value, lychee, in need of more water. And when the product is inadequate for the market's need, the deforestation for such planting including other economic vegetables, such as lettuce and cabbage, increasingly expands. The more the economic plantations increase, the more the need for using water rises.

<sup>14</sup> Ekkawit Na Thalang, *Phum Panya Chaobaan See Phoomiphaak: Withee Cheenit lae Krabuan Kaan Rianroo khorng Chaobaan Thai* (Local Wisdoms of 4 Regions: Way of Life and the Learning Process of Thai People), Bangkok: Sukhothaimathirath University, 1998, p. 62-63.



As for those in the lowland where is the mid-stream area particularly at Tambon Baan Pong, here was a small village where a small number of planting area was found due to its location flanked by hills on two sides. Nevertheless, the relation of people in the community was a relative system; and there was a close interrelationship in the community. Mainly, the people here grow rice and farm crops; looking for things in the forest such as bamboo shoot, mushrooms, and wild vegetables, for trading in Chiangmai is also part of their way of life.

## 5. Factors in Usurping Water Resource

As mentioned above, the issue of the conflict in the Mae Ta Chang Basin is of the “issue of usurping water resource”. This section seeks to look for its original cause or important factors of this conflict. The finding is as follows:

### 5.1 Insult of Race, Language, and Belief

The study of the values of people on the basin illustrates that these people are from different ethnic groups. Those in the mid-stream and downstream areas regard themselves as “*khon mueang*” (Lanna people). To them, their culture is believed to be higher and finer than that of Hmong people in the highland where their living, tradition, and custom remain uncivilized and unsophisticated. For this reason, the “*khon mueang*” group usually has a distorted attitude toward the Hmong as being “marginal people”. This view reflects in the term they call the Hmong as “*maeng hmong*” by comparing with and giving value to them in the equivalent of an insect.

Another interesting issue is a matter of language. Even though language is an important instrument in human communication, it becomes “a powerful weapon” in destroying each other. This is because different languages people speak are able to generate a gap of communicating information, reason, and need among various groups of people. While Hmong people use Hmong language, the language of those in the mid-stream and downstream area is called *mueang* language, Chiangmai’s dialect. The non-correspondence of language results in the fact that the communication between Hmong and *mueang* people about their need, namely what the water is used for, to what extend the water is needed, why Hmong people use the water regardless of other groups’ need, is stuck. This, hence, leads to the dissatisfaction and the severe contradiction.

Besides this, the religions of the *khon mueang* and the marginal people are distinctively different. Traditionally, animism is the Hmong’s religion; some people





later turn to have faith in Christianity and Buddhism today. As for the *khon mueang*, their religion is mainly based on Buddhism.

### 5.2 Lack of Information

The discrepancy of sending and receiving messages displays the problem about information of people on the basin. Misunderstanding from conveying non-correspond meaning becomes “a trap” for them in usurping water resource; in some situations, the conflict develops into violence.

The field research finds the discrepancy of information. The interesting question is what information is considered deviated. The geographical condition should also be taken into consideration. The locations of all those in the upstream, mid-stream, and downstream areas, have mountain ridge as a base for each group. While the Hmong’s base is located in Amphoe Mueang and on the top of *Doi Pui* or Mount Pui in Tambon Doi Suthep, the *khon mueang* group is in Amphoe Haang Dong.

Such geography causes the non-correspondence and non-thoroughness of information communication among the inhabitants on the basin. As a result, those in the mid-stream and downstream areas believe that the main reason of water shortage derives from the Hmong’s deforestation which makes a lack of rain. In contrast to this, as Phor Luang Traiphob Yang explains, this accusation is all untrue. The result of non-exchange of information among them through a meeting or seminar continually, however, is a vacuum of information communication and later creates the conflict.

### 5.3 Alienated Relation

Man usually alienates himself from others by nature, yet the diaspora creates the clearer alienation between the locals and the newcomers. Particularly the difference of language, religion, belief, and culture is a basic element for such alienation. And when the conflict in the issue of usurping water resource rises, the trace of separation among the groups of inhabitants is more easily found.

An important thing in the theory of alienation is that it is easy to create alienation both within the same group and with the others due to the lack of relation and meeting of these inhabitants. As the upstream people physically alienates from the others, the social separation of this group from the others is seen. Moreover, when the group’s alienation has existed for a period of time and no meeting for exchanging information and need takes place, the expansion of rift among these inhabitants becomes faster. It can be said that, based on the theory for examining the root of conflict, the alienation can be considered as a vital element leading to a separation and a rift.





#### 5.4 Increase of Agricultural Crops and the Growing Need of Water for Crops

The study portrays that in 1963 the government tried to initiate the Hmong people to plants economic crops such as lychee, peach, persimmon, and coffee, in order to replace opium. The product of growing peach gave benefit to the Hmong economics to a large degree, as the Hmong group at Doi Pui was able to sell their products to a factory for making preserved peach. This mirrors the transformation of subsistence production system into commercial production system which causes the expansion of planting area together with the increasing need of using water.

During 1977-1992, the Hmong people viewed that growing lychee could cost more benefit, the expansion of its plantation then dramatically rose up in number. The weak point of this plant, however, is being an un-absorbable crop. Also, the plantation of lychee needs an enormous amount of water especially during the period of bud's developing from December to April. It is interesting to note that this period is when the lowland people are growing crops off season. This creates an effect on the shortage of water in the lowland and thus results in an argument between the lowland and the highland people.

#### 5.5 Expansion of Tourism

As explained in the previous topic, the Hmong's production system radically changes from subsistence to capitalism. Their plantation is for the purpose of adding marketing value instead of growing crops for family consumption as in the past.

From 1971 onwards, the Hmong people had adapted themselves into another aspect of capitalism particularly by the introduction of tourism industry. That is to say, one of the most popular tourist attractions is "*Baan Doi Pui*" (Doi Pui Village). The observation finds that the village contains a museum and shops for tourists. Furthermore, when the number of tourists increases, the Hmong villagers need to provide more water. The source of water for sure is the Mae Ta Chang Basin.

#### 5.6 Expansion of Housing Development, Villa, and Resort

During 1983-1991, several groups of investors bought a large number of lands in the vicinity of mid-stream and downstream of the basin. It appears that there are 54 resorts, bungalows, hotels, agricultural gardens, and housing developments altogether in the mid-stream vicinity, the number will increase continually. Additionally, 21 house developments are also found in the downstream area. Almost all of these lands were agricultural areas of the locals. Hence, over 80% of farming fields dramatically decreases.







## 6. Patterns of Conflict Management with Peaceful Means at the Mae Ta Chang Basin

### 6.1 Basic Concept in Conflict Management at the Mae Ta Chang Basin

Concept is regarded as a knowledge base or a tool for applying in conflict management. Without concept, the operation process cannot be carried in a right direction, and the conflict management will be done unsuccessfully. The use of concepts as a tool and a framework for the conflict management at the basin is as follows:

#### 6.1.1 Dissolution of Ego

The dissolution of ego refers to the reduction or disappearance of selfishness. If man is less selfish, he/she will conversely think of others. This concept mirrors the Buddhist principle of non-ego. The study of the inhabitants' thought and behavior shows that the leaders of these stakeholders attempt to reduce and dissolve their persistence of egoism and ethnic identity. This can be seen from the dialogue of these groups to find the resolution. In the early stage of the conflict, the representatives of every group seemed reserved and reticent for fear of a loss of negotiation power. As Phor Luang Traiphob insists, "the leader of Doi Pui village in the early period did not consent to talk with the mid-stream and downstream groups about the conflicts." But when Phor Luang Traiphob becomes a leader of the village, he starts to talk with the others. As a result, the tension of situation turns to the atmosphere of finding a way out together.

As the Hmong group or the entrepreneur group does not seek to claim or persist on their right in using water resource, their meeting and talk can find a clearer resolution. The outcome of their talk is also the non-separation of each group and the acquiescence of the others' ethnic identities.

#### 6.1.2 Acknowledgement of Diversity

The positive result deriving from the dissolution of ego is that the groups try to acknowledge the diversity of ethnic, belief, and language each other. This is shown by the diversity of ethnic groups in the basin, which consists of the original inhabitants and the newcomer, namely the Hmong who are marginalized people; the *khon mueang* consider themselves as being better ethnically and holding a higher civilization; any newcomer from Bangkok gains more opportunity and power than the locals.

In fact, the acknowledgement of diversity was not developed in the early stage. It is not until each group dissolves their own identities, a stage for





exchanging and learning the others' way of life and need is then found. Additionally, the listening and acceptance of different views reduces the tension of conflicts to certain degree.

### 6.1.3 Respect for the Others' Life and Resource

Another outcome of the dissolution of their identity's persistence is that they show their respect and honor to each other. The *khon mueang* group and the business group honor the Hmong by stopping the viewing of the Hmong as *maeng hmong* and people who destroy the moisture of upstream forests. As a result, the Hmong group seeks to restore and take care of the forest together with to prevent from trespassing the stream and cutting off wild banana which is a water absorber. This also includes the careful use of water in that they are aware of the others' need of water.

### 6.1.4 Participation

Having shown respect for the others' life and resource, they build up a stage for exchanging, learning, and negotiating about their needs. The inhabitants on the basin whose advisors are a group of scholars and NGOs make use of the participation process as a tool for the conflict management. The process begins with allowing all groups of the inhabitants join in cognition regarding the issue of usurping water resource. After that, they then join in expressing their opinion on its cause so as to apportion their responsibility towards the conflict together. They then take the problem under their consideration and join in making a decision for the best resolution. The operation process is lastly carried to cope with the conflict. At every stage of the operation process, everyone has equivalently right to monitor what is going on. This aims at the fair distribution of water resource to every group.

### 6.1.5 Interdependence

According to the law of dependent origination (*paticca samuppada*), the interdependence is also the outcome of dissolving their self. The study finds that in the early period of usurping water resource, each group lived on their own independently. This is consistent with the geographical condition which is cut off by mountain. Although separated living was a benefit for the upstream people, it became a bad effect on the mid-stream and downstream groups directly. Encouraging the Hmong group turns to more interdependent living helps them take the others in their concern. If not, the effect on the Hmong's peacefulness and well-being plausibly appears due to the problem they created by themselves. A sustainable resolution is the upstream group's awareness of interdependent system





in that a survival of the *khon mueang* reciprocally ensures the maintenance and existence of the Hmong. Such awareness finally leads to their unity.

#### 6.1.6 Sharing

The upstream group usually claims their rights on using water on the basis of the assertion of water flow as well as their ownership of the areas. Accordingly, the entrepreneurs' group sees that if the stream is flowing through their zones, it is also their privilege to use water as much as they need. Such claims are unfair to them, according to the mid-stream and downstream groups' view. These two groups also consider themselves the locals, while the newcomers, i.e. the entrepreneurs, have no right to claim any privileges at all.

As a result of each group's assertion, certain scholars observe that "the conflict of the inhabitants derived from the use of the concept of 'right' which is a western concept in managing the problem."<sup>15</sup> In an attempt to find a way out, the assertion of water flow and ownership is altered to the right of community's benefit and fair distribution.

The concept of the right of water distribution is basically aimed at the benefit of communities in the basin. In addition to fairness, the distribution must be carried to every community equally. This is because the distribution in some cases is fair but it does not go to every community equally as the upstream group is a main distributor.

It can be said that the use of the concept of right is probably suitable for the assertion of land. When applied to the case of water resource, the conflict continually occurs. However, the problem is eased up mainly because of turning to the use of the concept of sharing, which is an eastern concept. This concept can work well in resolving the problem. As some scholars say, "the Mae Ta Chang case is different from those the state has experienced. In fighting, we must insist on our knowledge, the state has no skill. Though the state knows about the irrigation system, it does not work well in resolving our problem. However, the local irrigation system or *kae mueang kae faai* can distribute water resource well. This must be pointed out and we have to put community's power together in order to deal with the problem by themselves."<sup>16</sup>

### 6.2 Methods of the Conflict management of the Mae Ta Chang Basin

<sup>15</sup> Seelaphorn Buasaai, Document on the Forest Ordained Ceremony of the Mae Taa Chang Basin Community, The Stream of Community's Life, The Committee for Studying the Restoration and Management of the Mae Taa Chaang Basin in association with Institute for Community's Right, p. 20.

<sup>16</sup> Ibid.



At the beginning, the inhabitants chose to rely on violent methods in coping with the conflict, for example, the destruction of barricade and crops, as well as insulting. Such methods could not bring them to find a resolution together. Moreover, the tension of conflict went further. An important turning point is therefore the use of non-violence in the conflict management among these stakeholders. The ways for finding a resolution are:

### 6.2.1 Negotiation

This becomes the first set of practices they managed to deal with the conflict as seen from the case of negotiating for ceasing the conflict of Moo 2 Baan Pong's barrage destruction.<sup>17</sup> This conflict was based on the problem that the downstream people lacked water for agriculture since the mid-stream group built a barrage. The barrage was then destroyed by the downstream group. The elementary outcome of negotiation was the establishment of subcommittee for examining the problem. The bilateral negotiation in this case led to the statement of reasons making each group decide to undertake in the problem together with the attempt to find a resolution.

It is interesting to note that these conflicts often occur among the inhabitants of the basin. The negotiation on their own is usually the first way they relied on in the early stage. Nevertheless, a weak point of this kind of negotiation is that it is not able to solve the problem sustainably. When the conflict seriously developed, they therefore invited a mediator to participate in finding a resolution.

### 6.2.2 Mediation

The process of negotiation by a middleman was offered by a group of intellectuals who viewed this process as an alternative capable of creating an agreement and reconciliation for the communities in the basin. Accordingly, a middleman for the negotiation was nominated, namely, Chaiyaphan Prapasawat, a NGO activist, including Nidhi Aeosiwong and Mingsan Khaosa-at as being advisors, Chalerm Anwiset and Inthorn Thipkhamma, former *kamnan* (Tambon headman) as being staff for collecting information and liaison. The process of negotiation by middleman generates four main issues of elementary agreement:

1) The stakeholders agree on the right of using water regardless of the ownership of land. While a landowner has privilege in making a living on his land, water resource is regarded as a public property which everybody can use and be distributed thoroughly and equally.

<sup>17</sup> In this conflict, both sides of opposition made use of bilateral negotiation for three times on 11 and 13 January 2002 as well as 11 February 2002.



2) The Committee of the basin should be set up in each group, that is, the upstream, mid-stream, and downstream group. And each group selects their own members. These committees participate in water distribution. Each group also nominates their representatives to the main committee of the basin in order to set up the regulation of resource management of the basin. The interesting agreement includes Section 6 Water Usage, Section 7 Public Brook and Ditch, and Section 8 Barrage.

3) The registration or the account of water users should be systematically initiated for at least five years in order to inform the authorities regarding the number of water users, a calendar of land usage, kinds of crops, amount of water usage categorized by activities. This is for the local water resource management. Besides, fee for registration should be collected from water users on the basis of the number of crops or plants, for example, four baht per trunk for longan, so as to set a fund for serving in activities of water users.

4) The agreement of rotation as in the *kae mueang kae faai* system is revived for distributing water in dry season. Its principle is that the water source area and the need for water must be realized so that the rotation can be managed effectively. The data of rain quantity of the same period in the previous year is brought to calculate water asset. However, a restriction of the Mae Ta Chang is being a natural stream. This is different from the Mae Taeng irrigation, a concreted canal where seep is less than natural water resource. Due to no information about rotation, the rotation of the Mae Ta Chang Basin is based on the inhabitants' experience. The villagers of Baan Pong and Doi Pui decided to set up the rotation by learning from their experience and experiment. They finally found a conclusion that sharing water use in half could evenly benefit both villages. But if other groups of water users intend to join the rotation, such agreement and experience are probably adapted to suit new condition. The negotiation by a middleman is a process that can increase potential for the conflict management in some levels as the negotiation on their own is sometimes unable to find a conclusion or an agreement. This practice helps litigants be aware of rules and agreements in making social contract with other groups. On the contrary, a disadvantage of this process is that they are unable to bring every group of those who have more authority in using water to the negotiation, particularly certain groups of resort entrepreneurs. Hence, the process of conflict management cannot sustainably appear in the Mae Ta Chang area.

### 6.2.3 Creation of Participation Process

The creation of participation process is considered as the key for success in the conflict management at the Mae Ta Chang Basin as this process is after the



establishment of the committee of the basin by a group of mediators' attempt. The committee comprises those from upstream, mid-stream, and downstream group together with representatives of resort entrepreneur group. The committee's mission is to set up rules and regulations for water resource management.

The participation procedure begins with the meetings regarding the first step for finding a resolution. In so doing, each group expresses their needs or resolutions, for example, how water is distributed or used so that it is sufficient for people on the basin. The study of their minutes finds that the committee helps suggest resolutions every time the conflicts occur.

Furthermore, the process of monitoring how the concurrence is going on is also carried as an operational tool. It investigates whether there is water smuggling; the pipes used are bigger than what is specified; resorts store water in a whirlpool which causes water flow slowly. This process is conducted by the committee whose function is to inspect the use of water resource of the basin.

An important issue is the participation of people in maintaining water resource, particularly, finding new water resource, afforestation for storing water underground, and partaking in religious rites for implanting the inhabitants' consciousness on the significance of the basin. The process of participation appears in various forms, for example:

### 6.2.3.1 Partaking in Activities

Leaders of local wisdom in association with the Institute for Community's Right make use of activities as an instrument in connecting people from various groups to take part in doing activities. The remarkable and effective activities are:

#### 1) Fate Extending Rite for the Stream

The *phithi suep chaaTa* (fate extending rite) is a traditional ceremony of *Lanna* or northern people. It is regarded as "an invented rite" organized by the collaboration of leaders of local wisdom, scholars, and people on the basin at Ha Nuea Village in the mid-stream area. It is believed that the rite is able to make the stream exist longer for supporting the inhabitants. Its essence emphasizes on instilling consciousness on the significance of water resource so that people will be grateful to and value water resource.

#### 2) Forest Ordained Rite

The *phithi buat paa* (forest ordained rite) is also an invented rite. The forest area of Mae Ha community in Tambon Baan Pong, Amphoe Hang Dong, Chiang Mai for the purpose of protecting forests in the Mae Ta Chang Basin area; building the inhabitants' consciousness; creating the co-operation in taking care of natural resources from every sector and level.





The outstanding features of the rite are found in two points. 1) The tradition of entering a monkhood is adopted and adapted by covering each tree with monk's robes to create a symbol of being ordained. 2) Psychologically, such symbol makes people be ashamed of cutting down the wood indirectly leading to the maintenance of forest.

To sum up, the forest ordained rite is a symbolized activity of the community stressing on the creation of added value to society as well as resources by being based on Buddhist tradition. The result goes directly to the forest and thus indirectly to water resource in the basin. Clearly, this activity also gives an opportunity for people and sectors, both private and government, to work collaboratively and to enhance their own potential.

### 3) **Planting Wild Banana for Water Restoration**

This activity is designed by each committee of the basin to serve the plan for restoring and developing water resource and ecology of the Mae Ta Chang Basin area. It took place on August 30, 2003 at Baan Doi Pui, Tambon Suthep, Amphoe Mueang, Chiangmai. The objectives of the activity in the area are: 1) to keep the upstream more fertile and 2) to build natural resource because wild banana can absorb water and create moisture of ecology in the upstream area.

Planting wild banana is the implementation of local knowledge in accordance with natural condition of the area where various sort of wild bananas with a variety of qualifications are found. Wild banana the Hmong chose to plant is called “*coe la*” whose qualification is well absorb of water, fast breeding by sprouting and seeding. It can exist beneath a big tree; more importantly, it is edible. If, however, it is well breeding or becomes old, it should be cut off, it will not otherwise sprout. This is really an interesting point of local knowledge management.

#### **6.2.3.2 Establishment of the Committee of the Basin**

In November 1998, the Centre of Ethnic in collaboration with the Northern Development Foundation, the Network of Northern Farmers Group, and the People Coordination for Local Committee organized a meeting between the lowland and the highland groups at the Northern Development Foundation Auditorium. The conclusion of the meeting was the establishment of the committee of the basin whose members should be representatives of all villages of water users. The committee was expected to set meetings consistently to solve problems, and later to allow representatives of all resorts to be the members of committee.

Later in December 1998, the second meeting was held at Baan Forn Temple, Tambon Nong Khwaai, Amphoe Haang Dong, Chiangmai. The meeting



consisted of over 150 participants, i.e. governing officers, forest officers, members of city council, scholars, NGO's staff, and representatives of all villages, entrepreneurs, and hill tribe. The consensus was to set up "the Committee for Studying the Restoration and Management of the Mae Ta Chang Basin" to solve the problem of usurping resources, water in particular. The committee consisted of two parts: 1) the central committee included 290 members selected from 5 representatives from each of 56 villages and 10 representatives from each of 10 resort's entrepreneurs; 2) the operation committee, chosen from the central committee, included 18 members selected from 2 representatives of each of 8 Tambon and 2 representatives from all resort's entrepreneurs.

The main objectives in setting up the committee of the basin are: 1) to foster all communities so that they can participate in natural resource management; 2) to make all water users of the basin live in harmony; 3) to create the community's consciousness on loving homeland, natural resources and environments; 4) to set the community's rule and regulation for administration by people's organization.

To operate the problem resolution, the committee designates their roles: 1) to design a plan for the Mae Ta Chang Basin development for the benefit of all inhabitants and other people; 2) to manage the problem in accordance with plan and consensus; 3) to strengthen people's organization by using campaign, training, seminar, study tour, and experience exchange in every aspect of community; 4) To maintain, prevent, protect, and restore natural resources both in the Mae Ta Chang Basin and outside the area which has effect on the community. 5) to unify all communities ; 6) to provide a fund for self-development of organization.

The strategies serving 3 sets of peaceful means process are as follows:

### 1) **Persuasion**

In the processes of negotiations on their own and by a middleman, the litigants and middleman usually persuaded opposing person or group to realize a negative result of the conflict, that is, the encounter with violence. The plausible way out was negotiation. This can be seen from a case study in which Kamnan Chalerm Anwiset, Chairman of the basin, and Chaiyaphan Praphasawat, showed the inhabitants the disadvantage of usurping water and the advantage of sharing water.

### 2) **Cooperation**

The negotiators tried to bring each group and sector to join in the negotiation. The cooperation appeared physically and mentally, that is, they discovered each group's need and joined in looking for a way out.

### 3) **Supporting**



The detail of this method can be evaluated by each group's support for negotiation, while the pattern of support is discernible from resort group's funding and providing places for meetings. In addition, the Office of National Research Council, Chiang Mai University's scholars, and the Institute for Community Right help support and promote researches and set up a stage for exchange information among groups. The outcome of this support entails more positive feeling these people give each other together with better understanding of each group's need and necessity.

#### 4) **Compromising**

Compromising plays a pivotal role in their negotiation strategy. It is the process that each group leaves their own standpoint and turns to talk about their real need. There are two cases of study. 1) The upstream group did not try to explain their right in consuming water unrestrictedly due to the location, however, they could help the other groups have a chance to use water at requested time. 2) Some resort groups did not consider that they had better economic power and tried to partake in activities, while they gave an opportunity for the mid-stream and downstream groups to monitor water consumption as well as to join in drafting the concurrence.

#### 5) **Voting**

This method is really relied on as a last choice in setting up a basic concurrence about water resource usage and the selection of committees. It would be used when the negotiation outside the meeting was unsuccessful or each group could not accept the agreement. A weak point of this method is that some entrepreneurs viewed the committee's using a vote as an indirect way of putting pressure on them, meanwhile voting could entail a following question that it was not based on legal regulation. Nevertheless, certain of the committee viewed that such method could bring justice to water consumers. Even though there was no legal endorsement, the vote was an agreement between the inhabitants of the basin in seeking to find a resolution.

To sum up, the conflict's resolution became clearer in the light of these strategies. Though the situation is much improved today, the conflict still springs up from time to time during a drought crisis. The temperature of conflict, however, is different from those previously happened.

### 7. **Conclusion and Analysis**

The study finds that a factor causing the conflict can be evaluated by the fact that certain groups of people, either some groups of hill tribe together with resort groups, need to develop capitalist economics, which result in the need for using





water in their business and added value for their products and goods. Furthermore, the extension of lychee and longan plantations also increases the need for water consumption. The “inner factor”, water consumption regardless of the other groups’ need, makes some parts of the mid-stream and downstream realize an injustice. As far as their privilege on water resource is concerned, they should have a chance to consume water as equal as those in the upstream. Moreover, when the newcomer can afford the overuse of water, the tangible climate of conflict is more distinct.

The heat of conflict is calmed down when all communities realize the significance of participation in managing the basin. In so doing, Chaiyaphan Praphasawat and a team of scholars are key figures in giving assistance and advice, including bringing all groups together for meeting and talking to find a resolution. What make positive attitude in this case are a dissolution of each group’s identity, a reciprocal assistance, and a distribution of restricted resource to sufficiently serve their needs. Additionally, the concept of unification is a main idea presented in the participation of those people in determining their own life and fate.

The strategy of unification among those people is the process of conflict management by relying on a suitable choice, namely, the process of negotiation by a middleman. After studying the context of the basin and preparing a procedure, the middleman successfully manages to mediate in some degree by showing the advantage of negotiation instead of other forms of resolving process.

This writer sees that the SWOT analysis makes us view the image of the Mae Ta Chang Basin more clearly in every aspect. These affect conflict management, including other issues, more thoroughly. In comparison with western concepts, the concept and operation used in this conflict management of the Mae Ta Chang Basin is found similarly in certain degree, the process of negotiation by a middleman and the peaceful means. This can be seen from encountering the conflict, persuading the litigants to solving the problem, compromising the conflict by negotiation, creating the participation process after setting up a regulation, and distributing water resource. An interesting point is the implementation of “measuring water” concept as a tool for distributing the resource. In this respect, the amount of rain and water in the stream is measured for the possibility of sufficient and equal distribution.

Another significant aspect is the application of Buddhist principles, that is to say, the transformation of “usurping to sharing”, that of “persisting to dissolving and destroying identity”, that of “un-unified to unified condition”, and that of “gathering but not joining hand or un-gathering but join hand to gathering and joining hand in resolving the problem”. Moreover, the people of the basin also





borrow some Buddhist rites in combination with local wisdom, such as the fate extending rite for the stream, the forest ordained rite, and the practice of Dhamma walking, to create consciousness and foster values. This makes the people be aware of the significance of forest and stream, together with have right attitudes and practices towards forest and stream. Moreover, the conflict of ethnic and a matter of fact are solved to a “balanced” point.

Even though the problems of issues such as usurping water, ethnic, or hidden conflicts have much been improved, the situation of usurping water usually occurs in dry season. The government agencies seek to physically solve the issue by looking for or building new water resources to serve the people’s need. However, what should be done side-by-side the management of water resource, which is a physical management, is human management, a mentally management, so that the people of the basin can manage their need to suit the amount of water worthily. As Chaiyaphan always refers to Mahatama Gandhi’s saying, “there exists sufficient resource for all people in the world, yet there exists insufficiencies for a greedy man.”

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