

## **THE THAI STATE AND THE INDIGENOUS PEOPLE RIGHTS MANAGEMENT: A CASE STUDY OF MANI INDIGENOUS IN KHAO BANTHAT MASSIF**

Pafun Nilsawas Duhamel

Student of Doctor of Political Science Program in Politics and Government,  
Suan Sunandha Rajabhat University  
E-mail: s64584944009@ssru.ac.th

Wijitra Srisorn

Suan Sunandha Rajabhat University  
E-mail: wijitra.sr@ssru.ac.th

Santhan Chayanon

Suan Sunandha Rajabhat University  
E-mail: sunthan.ch@ssru.ac.th

### **Abstract**

Thailand has a great diversity of ethnic groups and Indigenous peoples. Mani is the indigenous people of the Malay Peninsula, spread out and settled in the Khao Banthat Massif, the Thai-Malaysian border area, and up to Malaysia. This paper aims to study the adaptation of the United Nations Declaration of Indigenous Rights towards Mani Indigenous people in Khao Banthat massif by the Thai state and to analyze the results of Mani Indigenous rights management of the Thai state. The key tools for collecting data are in-depth interviews, field survey observations, and documentary research. The main information providers are local government agencies, local non-governmental organizations, and community leaders. The research reveals that the Thai state has respected and implemented the principles of the Declaration on the Rights of Indigenous Peoples, including land rights, cultural rights, and the right to self-determination. However, the Thai state has not yet fully implemented the right to participate in decision-making processes affecting Mani people's lives and rights. This has resulted in some developments being incomplete or not in line with the needs or traditional way of life of the Mani indigenous people or has made the Mani Indigenous people the recipients of donations of consumer goods.

**Keywords:** Indigenous rights, Mani people, Thai state

### **Introduction**

Over 476 million indigenous people are living in 90 countries across the world, accounting for 6.2 percent of the global population. Of those, there are more than 5,000 distinct groups. (UN Fight Racism, n.d.) Indigenous peoples share a historical continuity with a certain place predating colonization and possess a profound connection to their territories. They uphold, at least partially, separate social, economic, and political systems. They possess unique languages, civilizations, belief systems, and bodies of knowledge. They are resolute in preserving and advancing their identity and unique institutions, constituting a non-dominant segment of society. (United Nations, 2004)

“Mani” or “Maniq” is the name of the original indigenous people of the Malay Peninsula of the Negritos, who are ethnically classified as a subgroup of Negritos, living in the Malay Peninsula in southern Thailand, Malaysia, the Philippines, and Indonesia. Historical evidence has led to the assumption that this Negrito group migrated from Africa to Southeast Asia approximately 50,000 years ago, before geographic changes separated the areas, causing this group of people to spread out in Thailand, Malaysia, Indonesia, and the Philippines.

(Boonyakawee et al, 2024) In Thailand, the Mani indigenous groups are divided into two major groups: Mani and Orang Asli (Kansui and Jahai). The Mani are distributed in the Banthat mountain range in four provinces: Phatthalung, Trang, Songkhla, and Satun, totaling 13 groups. The Mani (Orang Asli) are distributed in the Sankalakhiri mountain range in Yala and Narathiwat provinces, totaling 15 groups. The physical characteristics of the Mani indigenous groups are similar to other Negrito ethnic groups found in Peninsular Malaysia and the Philippines, namely, they have dark skin, a wide, flat nose, thick lips, black eyes, and curly hair. The Mani indigenous people in the South, including the Mani in the Banthat Mountain Massif and the Orang Asli in the Sankalakiri Mountain Massif, are an indigenous group whose traditional way of life is to hunt and find forest products to exchange for goods in the local market. The Mani’s main food is flour made from wild cassava or taro. In addition, the Mani also hunt animals for food, such as monkeys, gibbons, wild boars, turtles, wild boars, and squirrels. The only way to cook food is to grill, roast, or boil them. In addition, the Mani indigenous group also has a culture of moving along natural food sources in the southern region of Thailand, which in the past has moved to Malaysia.

Thailand is one of 143 countries that have signed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), an international human rights law that recognizes and protects the rights of indigenous peoples, covering both individual and collective rights. In addition to recognizing individual rights like general human rights laws, Thailand also recognizes collective rights and indigenous peoples' right to free, prior, and informed consent (FPIC). The key mechanism of this declaration is to define the duties and responsibilities of the state to protect and respect the human rights of indigenous peoples. From the United Nations Declaration on the Rights of Indigenous Peoples question for this study is how the Thai state adopts the United Nations Declaration of Indigenous Rights towards Mani Indigenous people and how it impacts them.

### **Research Objectives**

1. To study the adaptation of the United Nations Declaration of Indigenous Rights towards Mani Indigenous people in Khao Banthat massif by the Thai state.
2. To analyze the results of Mani indigenous rights management of the Thai state.

### **Scope of the Research**

1. Population Scope: This research focuses on the Mani indigenous people living in the Banthat mountain range, mainly in the administrative areas of Phatthalung and Satun provinces.

2. Variable Scope: This research focused on four criteria of the UN Declaration of Indigenous Rights as follows: 2.1) Land rights means indigenous peoples have the right to the land, territories, and resources they have traditionally owned, occupied, or used. 2.2) Cultural rights mean indigenous peoples have the right to practice and develop their spiritual and religious traditions, customs, and ceremonies. They also have the right to speak and teach their native language. 2.3) Self-determination means Indigenous peoples can freely determine their political status and economic, social, and cultural development. 2.4 Participation means Indigenous peoples can participate in decision-making processes that affect their rights.

3. Time Scope: This research focuses on the period since Thailand signed the United Nations Declaration of Indigenous Rights in 2007 until now.

## Literature Review

Examples of Indigenous people rights management in ASEAN countries are as follow:

Malaysia has acceded to the United Nations Declaration on the Rights of the Indigenous Peoples. Malaysia has not ratified the ILO Convention 169 on the Indigenous Peoples. As of 2017, Malaysia's Indigenous peoples account for 13.8 percent of the country's 316.607 million population. They are collectively known as the Orang Asli. The Olam Asli are the indigenous peoples of Peninsular Malaysia. Eighteen subgroups of the Orang Asli in the Black (Semang), Senoi, and Malay communities make up 0.7 percent of Peninsular Malaysia's 31,950,000 population. (Cultural Survival, 2023). The principal issue confronting the indigenous population of Malaysia, referred to as "Orang Asal," is the insufficient acknowledgment and safeguarding of their ancestral territories, which results in recurrent encroachment by development initiatives such as logging and palm oil plantations. This often culminates in coerced displacement, deprivation of livelihood, and violations of human rights when they endeavor to protect their land.

Indonesia is a signatory to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The Indonesian government has been criticized for failing to safeguard the rights of Indigenous peoples. Indonesian government authorities contend that the notion of Indigenous Peoples is irrelevant, as the majority of Indonesians are Indigenous. The principal issue confronting indigenous populations in Indonesia is the extensive loss of their land and traditional livelihoods attributable to large-scale development initiatives such as mining and plantation expansion. This frequently leads to displacement, violence, and marginalization, compounded by insufficient legal recognition and protection of their land rights, rendering them susceptible to exploitation by corporations and the government. Additionally, they face a lack of access to fundamental services and cultural discrimination. (International Work Group for Indigenous Affairs, 2023)

The Philippines adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), executed by the Indigenous Peoples Rights Act (IPRA). The IPRA, implemented in 1997, is seen as a progressive statute safeguarding the rights of indigenous peoples. The principal issue confronting Indigenous populations in the Philippines is systemic discrimination and marginalization, resulting in land loss, displacement from ancestral territories, inadequate access to essential services such as education and healthcare, poverty, and susceptibility to exploitation from large-scale development projects, which frequently disrupt their traditional lifestyles and cultural identities; this is especially pronounced in regions affected by mining activities. (UNOPS, n.d.)

Although Vietnam endorsed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), it does not formally acknowledge its ethnic minorities as "Indigenous Peoples" and has not ratified the ILO Convention 169, resulting in a lack of comprehensive implementation of the declaration's stipulations concerning indigenous rights domestically; instead, it designates them as "ethnic minorities" in its policies and legislation. The principal issue confronting indigenous populations in Vietnam is the persistent challenge of obtaining land rights and access to their ancestral territories, frequently resulting in displacement due to development initiatives such as hydropower dams. This displacement engenders problems related to food security, cultural degradation, and restricted access to essential services, including education and healthcare. Additionally, the variability of land policies across regions exacerbates the uncertainty and vulnerability experienced by many Indigenous communities. (Work Group for Indigenous Affairs, 2024).

Laos endorsed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), although the government does not acknowledge the notion of Indigenous Peoples.

The government designates Indigenous Peoples as ethnic groups. Indigenous populations in Laos predominantly encounter challenges associated with land displacement resulting from governmental development initiatives, restricted access to healthcare and education, insufficient acknowledgment of their rights, and persistent discrimination. This adversely affects groups such as the Hmong, who are frequently marginalized and subjected to limitations on their cultural practices due to governmental policies that prioritize economic development over the needs of indigenous communities. (International Work Group for Indigenous Affairs, 2024)

Myanmar voted to support the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007. Nevertheless, the administration has yet to formulate a national strategy to execute and integrate the proclamation into the nation's legislative framework. In Myanmar, Indigenous populations encounter substantial challenges primarily stemming from persistent armed conflicts, violations of land rights, governmental non-recognition, and egregious human rights abuses, especially in regions such as Rakhine State, home to the Rohingya minority, frequently leading to displacement and restricted access to humanitarian assistance; the military junta is regarded as a principal instigator of these adversities against indigenous communities. (Cultural Survival, 2024).

### **Research Methodology**

1. Research Methodology: This research is qualitative. Data were collected through in-depth interviews using a semi-structured interview guide developed by the researcher and non-participant observation and field notes. The key informants used a purposive selection method, including 1.1 People working in local government agencies, such as forestry, public health, and local administration, whose duties are related to implementing central government policies in Satun and Phatthalung provinces. 1.2 People who are trusted and help Mani, including assistant village headmen, assistant community development officers, and people in the community, with the following qualifications: people with experience in assisting and caring for Mani in Phatthalung and Satun provinces, both directly and indirectly 1.3 People working in independent government and civil society organizations that work with Mani indigenous people. The data collection area includes the regions currently located in Babon District of Patalon Province and Manan District of Saton Province, where the Mani indigenous community is situated.

2. Research Steps: 2.1 Study the framework of the Indigenous Rights Declaration in four main categories and political ecology conceptual framework 2.2 Design semi structure in-depth interview divided in 4 sections: Personal data, Local implementation towards the Mani people, Outcome and Problem 2.3 Analyze National Policy and Action Plan for Indigenous of Thailand 2.4 Interview keys informants 2.5 Field survey in the Mani Indigenous daily life 2.5 Analyze the collected information based on the objectives identified.

3. Data Collection: 3.1 Study primary and secondary documents consisted of national policy and action plan documents, including the National Security Council's Action Plan for Promoting Coexistence in Multicultural Society in Thailand (2023-2027), the Ministry of Social Development and Human Security's Master Plan for the Development of Ethnic Groups in Thailand (2015-2017), and the Wildlife Conservation and Protection Act 2019. 3.2 The in-depth interviews as follows: representatives of local government agencies that implement policies for the Mani indigenous groups living in the administrative areas, including the governors of Satun and Phatthalung provinces, the district chiefs of Manang and Pa Bon districts, the head of the Quality of Life Development Division, the Office of Social Development and Human Security of Satun and Phatthalung provinces, the director of the

Banthat Mountain Wildlife Sanctuary, Director of Subdistrict Health Promotion Hospital independent government agencies, including the Southern Region Office of the National Human Rights Commission, and independent civil society agencies, including the Quality of Life Development Network. In addition, the intermediary group representing the Mani Group acts as a mediator in communicating with external parties and government agencies. 3.3 Field surveys of the Mani people's daily life, living in Manang District, Satun Province, and Pabon District, Phatthalung Province.

4. Data Analysis: Using two parallel approaches: thematic analysis and content analysis. Thematic analysis is a process in which the researcher discovers the underlying themes in the interview content by coding, categorizing, and organizing the interview or various data. Content analysis examines and analyzes data contained in interview transcripts or other texts. In qualitative content analysis, the focus is on interpreting the meaning of the content. Qualitative content analysis is most effective with diverse data or data that has multiple, ambiguous, or deep meanings. Using thematic analysis and content analysis together, consisting of 5 steps: 4.1 Familiarizing with the data 4.2 Creating a framework of the initial core content 4.3 Coding the data 4.4 Putting the core content into tables or charts 5. Collecting the core content into categories and interpreting the meaning. After this process, the researcher evaluated and interpreted the findings using various techniques, including contextual analysis from multiple case studies (Cross-Case Analysis), to compare similarities and differences and help identify connections and common data.

## **Research Results**

### **1. Thai State Role Towards Mani Indigenous Rights**

1.1 Land Rights: Khao Banthat Massif, where Mani indigenous people live, was announced as Khao Banthat Wildlife Sanctuary according to the special royal decree, page 1, dated August 22, 1975, announced in the Government Gazette, Volume 92, Part 181, dated September 4, 1975, covering some areas of 4 provinces: Phatthalung, Trang, Satun, and Songkhla. The area of responsibility is approximately 805,000 rai. Land that the government has reserved as a forest area is prohibited from issuing a title deed or certificate of utilization according to the Ministerial Regulation No. 43 (1994) issued by the Land Code Act of 1954, Sections 14 (4) and (5), namely, national forest reserve areas, national park areas, wildlife sanctuaries, and hunting prohibition areas.

The traditional way of life for the Manni people is to live like hunters, digging their heads, searching for forests, hunting, and living in small wooden houses or cabins with bamboo poles, leaf roofs, and seasonal food sources. The Mani migrate to find food sources, or semi-permanent groups live by finding food continuously, such as digging for potatoes and hunting animals, but do not raise animals. The Manni people rotationally use the forest, rotating between seasonal food sources in the Khao Banthat mountain massif, a national park, and a forest reserve. The announcement of the area as a forest reserve and wildlife sanctuary has greatly affected the traditional way of life of the Mani indigenous people in the Banthat mountain range. Due to the legal status of living and foraging in the forest reserve and wildlife sanctuary, it is considered to be against the aforementioned law. The Thai state does not allow the Mani indigenous people to own land. However, the Thai state has allowed these Indigenous people to live in the forest reserve in the Banthat mountain range, including allowing the Mani Indigenous people to use the forest for foraging and hunting without violating the wildlife and forest reserve protection laws. Some Mani groups have semi-permanent settlements but still have no rights for land ownership.

1.2 Cultural Rights: The Thai government respects the traditional culture of the Mani indigenous people, whose way of life is closely related to the forest. It allows the Mani indigenous people to continue living in the forest, respects their identity, creates traditional habitats that can use forest resources as habitats, and respects the culture of mobilizing the military based on food sources. When the food sources in the region begin to deplete, they will be transferred to places with abundant new food sources. Alternatively, it may be due to other reasons, such as group deaths and infectious diseases or epidemics. Thai state also accepts their identity hunting weapon; the most iconic and unique weapon, the Bira or Sangmu, is a tool made of bamboo. The Bira or dart is used together with the Bora, which is made of stone or Sangmu and has a small path. The tip of the Bira must be soaked with poison on the tip of the dart when using and retrieving furry animals such as bears and monkeys; the Mani people rub them against the waves to emit animal odors, making it easier for animals to detect them without panic during use. In addition, the Thai state also respects the cultural way of hunting and the wisdom of making fire. A bonfire is very important for the Mani people. They rely on it in almost every aspect, whether used for cooking, boiling water, burning potatoes, roasting animals, making darts and arrows, providing warmth, providing light, repelling insects and dangerous animals, and providing mental stability. Therefore, every house will have a bonfire lit at all time.

1.3 Self-Determination: The right to self-determination, both in determining one's political status and in pursuing one's own economic, social, and cultural development, is still something that the Thai state at the central government level can decide independently.

However, regarding the right to manage the internal community of the Mani, the Thai state still respects the right of the Mani to maintain the determination of the traditional roles within the group, namely, the elderly men and women will have a role in passing on their experiences to their children because they have life experiences. The duty of hunting is the duty of the young Mani. In situations where a joint decision is required, especially in the case of relocation, the Mani will be the joint decision maker. The person with the authority to decide will be the senior Mani in the group or the young Mani who is the most capable of hunting. In addition, the Thai state also respects the management of the population structure of the Mani group in gathering together according to the appropriateness of the available food sources. Most groups do not exceed 50 people. The group also controls its population by reducing the birth rate when the group leader considers it is not ready to increase the population by using herbs.

1.4 Participation Rights: The Thai state has taken action to develop the quality of life of the Mani indigenous people in terms of physical well-being and housing, promoting education for Mani children to go to school, creating jobs for Mani to grow crops and raise animals, and providing assistance by donating goods and food. These development plans are determined by government policies based on developing people and society to be modern. The Mani indigenous people have no part in determining the guidelines or directions of development in any way. Due to the language barrier, most Mani indigenous people cannot communicate in Thai and must go through an intermediary. In addition, the Mani indigenous people are shy and reserved. The state's intervention in improving the quality of life, which directly affects the lives and well-being of the Mani indigenous people, has both positive and negative effects on the Mani indigenous people.

## 2. Impact on the implementation of Thai state management towards Mani People

2.1 The Mani indigenous peoples can continue to live in the forest according to their traditional way of life. They can use forest resources, hunting and gathering forest products for consumption and exchange, even though they do not hold land ownership rights.

2.2 Although some of the Mani people's identities have changed, for example, the clothes they used to wear were traditional. Both men and women use leaves and bark for their lower bodies, with their upper bodies exposed, and children usually don't wear anything. Today, Mani people prefer to wear clothes, sarongs, or pants. However, the Mani community's cultural identity, beliefs, and practices have been passed down to this day, and the country has not attempted to change them.

2.3 Although the Thai government respects its social role and obligations within the community, immigration decisions, and management of its internal population, the right to determine its political status and promote its economic, social, and cultural development is not independent.

2.4 The state's intervention in developing the quality of life of the Mani Indigenous people, without the Indigenous people participating in decision-making or determining the development guidelines, has resulted in some development being unsuccessful or not in line with the needs of the original way of life of the Mani Indigenous people or has caused the Mani Indigenous people to be the ones waiting for assistance from donations of consumer goods. A clear example is the way of life that the state has promoted, such as teaching them to grow vegetables and raise fish, which is not in line with the original knowledge of the Mani indigenous people who make a living by hunting animals and digging for yams in the forest. Even though the Mani indigenous people only know how to cultivate crops, they cannot care for crops or animals to make them grow. As a result, the Mani indigenous people have to rely mainly on government assistance. In addition, it has caused some Mani Indigenous people to feel a lack of freedom in their livelihood.

## **Discussion**

Thailand has ratified and acceded to the United Nations Declaration on the Rights of Indigenous Peoples, which is an obligation of the government to promote, protect, and defend the rights of indigenous peoples existing in its country. Although the Thai Constitution guarantees that individuals are always equal by the law, some rights have been discriminated against by the state and are not protected, such as the determination of the status of the individual, the right to reside on overlapping land of the government reserved areas, lack of access to basic public services and lack of participation in decisions that may affect the lifestyle of ethnic groups necessitate protection laws.

Land rights and the right to participation are important issues for Indigenous people in many Asean countries, as mentioned in the literature review section. In many countries, respect for the two rights has led to conflicts with violence between the state and the indigenous people. However, in the case of the Mani people living in the Khao Banthat massif, there has been no such conflict because they are not yet very aware of their rights. Within the political ecology framework, the state's legitimacy in not allowing Indigenous peoples to own land, especially customary land that the Declaration of Indigenous Rights states that the state must grant, remains a major conflict point facing Indigenous peoples in Southeast Asia. The ownership system leads the state to use its power to allocate resources through legal mechanisms and manage development aimed at responding to economic benefits without considering the relationship of traditional ways of life. As a result, in the long run, Indigenous peoples cannot truly rely on themselves, as the Mani Indigenous people are currently facing.

The solution for Thailand to better align with international human rights standards for indigenous groups is to pass the law on the draft bill on the Council of Indigenous Peoples of Thailand. This draft law establishes mechanisms to promote, coordinate, and resolve problems with indigenous peoples to respond to diverse cultural practices in all aspects. Under this bill,

ethnic and indigenous communities are entitled to constitutional rights and freedoms as citizens, as well as legal protection against discrimination, hate speech, and unfair treatment. To ensure that ethnic groups' voices are heard, this bill proposes the formation of the Ethnic Groups Council of Thailand to serve as a platform for ethnic communities to exchange knowledge, promote public understanding, and propose policies to the government.

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