

Strategies for survival: security of tenure in Bangkok

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There are some 200,000 people that live and work in Rattanakosin Island — the original settlement of Bangkok, where the capital was founded in 1782 with the building of the Grand Palace. The ‘island’ is created by a *klong* or canal that encircles the area to the north, east and south and joins with the Chao Phraya River which forms the western edge of the island. When the palace was first built, a wall enclosed and protected this settlement by running parallel to the *klong* about fifty metres in from its edge. Though most of that wall is now gone, there are still remnants of that history reflected in the patterns of settlement and in the roads — a history that is now well protected. While its history is protected, most its residents are not. They are now facing ongoing eviction threats from the city’s forces of development and planning.

This paper outlines the story of one of these communities in order to learn from some of the strategies used in their resistance to eviction. In better understanding these pressures of development and planning, it is possible to expand on the strategies and on the allies that can support them. For example, it is common, indeed typical, in their fights against eviction for communities and their supporters to concentrate their energies on the law. As important as that particular arena is in the fight for any security of tenure, there are other tools available — tools that are often overlooked.

The story of the Pom Mahakan community outlines some of the arguments they used to recapture some level of housing security. To do so, it is important to review the context in which their fight took place, the arguments they used and, out of those arguments, the allies that were available to them. There may be some common strategies that arise that may be used in battles for security of tenure in other cities. From their experience it becomes evident that many of the rights this community would deem critical to their survival as a community are not rights that are justiciable. That does not reduce their importance, but it often reduces their visibility. These rights concern participation, self-determination, environment, history, culture, economic inclusion along with their more justiciable civil and political rights. In the urban environment our failures to observe these rights is often related to planning, design, zoning, and land-use regulations. When we understand that context in terms of rights, we can find new arguments and new means that may help communities to prevent evictions before city officials are called upon to post eviction notices on their doors, forcing them from their homes, and often from the city itself.

The urban planning context

In the last forty years there have been a number of plans for the area,¹ but the most recent set of plans, developed from the late 1990s and finally ratified by the city government (the

1. This included a 1998 project sponsored by the Bangkok Metropolitan Administration, the French Embassy in Thailand and UNESCO. Entitled “Humanize Bangkok: Reinforcing Links with Nature”, it included a number of small-scale interventions along the riverfront and the *klongs* of Rattanakosin. The then-Governor, Dr. Bhichit Rattakul, proposed to use this joint project to “*initiate the process of consulting the local inhabitants through public exhibitions, on new urban projects in accordance with the principles of democratic consultations and transparency, to demonstrate a break from the past when mega-infrastructure projects entailing significant public debts were decided upon with no prior public consultations.*” (from 22nd Session of the UNESCO World Heritage Committee, Kyoto, Japan, 30 Nov – 5 Dec, 1998 — see <http://whc.unesco.org/archive/1998/whc-98-conf203-inf12e.pdf>). The highly regarded Governor did not run for re-election in 2000. Samak Sunda-ravej was elected handily, beating the both the Democrat Party candidate (Bhichit’s party) and the candidate put forward

Bangkok Metropolitan Administration — BMA) in 2001, began to have a progressively destructive impact on the security of tenure for most of the 22 communities that make the Rattanakosin area their home.

The plan that BMA ratified was ‘The Master Plan for Land Development: Ratchadamnoen Road and Surrounding Area’ of the National Economic and Social Development Board (NESDB). Part of what motivated this plan, particularly after the 1997 economic crash, was the desire to capture more tourism income for the city of Bangkok. It was felt that if they could keep people in Bangkok for more than a one-day tour, the increased spending would speed the recovery. Rattanakosin, with the Grand Palace and Wat Po as international attractions, was the main focus of this tourism initiative. The Master Plan was meant to ‘beautify’ this local environment as a tourist attraction and, in so doing, to improve property values (most of Rattanakosin is Crown Land administered by the Crown Property Bureau). Among the proposed features were:

- making Ratchadamnoern Road the Champs-Élysées of the East;
- Reusing and adapting the existing Crown Property buildings along Ratchadamnoern into art galleries, cultural centres and museums;
- Turning the Klong Lod (Lod Canal) into a Thai-style Li Jia (a water-town in China); and
- Dramatically increasing the park land in the area, particularly around existing monuments such as the Golden Mount (Wat Saket).

The then-Governor, Samak Sunda-ravej, approved this plan with the BMA Board, the Crown Property Bureau, and the National Economic and Social Development Board among other organizations such as the Tourism Authority of Thailand. Hot on the heels of the release of this plan, Samak played host to the 11th Economic Leaders’ Meeting of Asia-Pacific Economic Cooperation (APEC) in October 2003. In keeping with this notion of beautification, he had what was reported to be the largest banner in the world unfurled across the Chao Phraya River from the conference site. The primary purpose of this banner welcoming the delegates was to hide the Tha Tien community which he had long wanted replaced with a shopping mall. In his estimation the old Tha Tien market was an eyesore and it was better to spend the money on a banner that would be up for three weeks than it was to spend it on a community he wanted evicted. The banner was over 500 metres long and about 15 metres high.² This was not his only act of ‘beautification’ for the event. In preparation for the conference, he also called for the removal from Rattanakosin of all homeless and stray dogs.³ Readers were told that homes were found for the dogs in a neighbouring province.

Well in advance of the conference, in January 2003, he was eager to begin the implementation of the Master Plan. This was to start at the east end of Ratchadamnoern Road at Pom Mahakan — the Mahakan Fort that is one of two remaining defence towers built as part of the original settlement in the latter part of the 18th century. It is here, too, that the last remaining piece of the perimeter wall of the city stands. Between this wall and the *klong* there is a community of about 300 people where their ancestors had been living for nearly 200 years. These 300 people were to be the first victims of the beautification plan for Rattanakosin.

by Taksin’s Thai Rak Thai party. Samak represented the old guard politics of the military dictatorships and the days of mega-projects and master planning returned when Samak won in 2000.

2. The Nation (Napanisa Kaewmorakot), “Gigantic banner unfurled to hide slum”, The Nation, 17 October 2003.

3. The Nation, 8 October 2003, “Trampling on the rights of the people”.

Understandably, then, the eyes of the city turned to Pom Mahakan when the city planning department posted eviction notices on all the houses in January 2003. Pom Mahakan was simply going to be the first in a long line of evictions in aid of the Master Plan to beautify Rattanakosin. Behind it all were the forces of gentrification and tourism, as well as arguments about the preservation of national history, about environmental protection and economic development.

The tools that this community used to resist this eviction were largely dependent on what motivated the notice for removal — the beautification plan itself. In considering the means by which security of tenure is protected, it is important to understand the forces that precipitate the growing insecurity that attack communities. More often than not, it is planning, development, gentrification, beautification and, in short, money. Understanding that can alter the strategies that are used to resist eviction and, with that, it can change and add to the numbers of people and organizations that support that resistance. Further, if successful, it is a strategy that could be repeated in other Rattanakosin communities facing the threat of eviction and, as a result, the eyes of all the other residents of the 22 threatened communities in Rattanakosin were focused even more intensely on Pom Mahakan and its struggle for security of tenure.

Pom Mahakan

Background

For many years prior to this, the Pom Mahakan community had been facing down the BMA. Because this piece of land sits opposite the famous tourist attraction, the Golden Mount (Wat Saket), the city wanted the land long before the Rattanakosin Master Plan. They had always seen it as a park where tourists could sit and view the Golden Mount from across the *klong*. With this view surrounded by the historical setting of the old fort and the wall of the city, in the minds of the city planners, it was an ideal place for such a park.

Originally, this land, about 50 metres wide by 150 metres long, was given by the King to two of his courtiers. At some point the middle third of this land was given to the Abbot of the Wat Rachanatdaram temple located across the road, facing the wall of the city. This situation held, with the land being used by this community for many generations until the early 1990s when the city government expropriated the privately held parcels at the north and south ends, leaving the middle parcel, held by the temple.⁴ Not long after this, the city, after a protracted battle with the community, relocated the people living on the north parcel. Until 2004 this cleared land was left as a parking lot for city parks vehicles and was also used as a pedestrian pathway for people using the canal boats. The remaining two parcels of land remained occupied by the community. Their landlords now were the Abbot of Wat Rachanatdaram temple and BMA. There were ongoing threats of eviction from BMA, though not from the temple. Though the community was concerned and continued to resist the proposed evictions, the city was not yet in a position to implement their park scheme as long as the middle portion of the land was not under their control.

This was the situation when CODI⁵ brought seven students from the architecture program of King Mongkut's University of Technology Thonburi (KMUTT) to the community in November of 2002 to begin working with the community on an upgrading scheme. At that

4. The procedures for obtaining land held by a temple are far more cumbersome than the expropriation of privately held land.

5. The Community Organizations Development Institute (<http://www.codi.or.th/>).

point the machinations of the city and the overall intentions of the Rattanakosin Master Plan were little known. While the students learned of the history of the community through interviews with residents and other data they collected, the Master Plan, though passed by the BMA Council, had not had any kind of public hearing.

It was a shock, then, when the students arrived on Saturday, 25 January 2003 to make a presentation to the community about alternative plans for upgrading. The community leaders has set up a television in the community square and more than a hundred people gathered round after the students' presentation to watch the television news at 6pm. The ITV news featured a five-minute piece on the eviction notice that had been posted by BMA the afternoon before.⁶

Strategies

Not surprisingly, then, the dialogue that Saturday afternoon concerned the prospects for the community. Under such circumstances, the sketch plans on display presented themselves as a negotiating tool for the community leaders. They wanted to pursue the design work further but now as an argument for the community's continued existence. That argument had to address what was motivating the BMA — their desire to have a park replace the community and how that park itself would be integrated into the Master Plan. As a result, the community's argument had to deal with the Plan and the arguments it presented for beautification. Of course, the community's argument was not against beautification as such, but rather how it was going to be defined and who in society would define it. Did the community have a place in Thai culture and history? They thought they did. The city officials thought otherwise. There were a number of arguments, then, that had to be developed, only one of which had to do with housing rights. These arguments were about:

History: an understanding of how we view history and historical preservation. The Master Plan was entirely focused on showing off historical temples and palaces — what might be called 'official' history. While these are undoubtedly popular and important aspects of the history of the city and the country, so, too, is the domestic architecture. For example, in Pom Mahakan there are a number of old teak houses that date back about 150 years. More importantly, that history can be heard in the stories of the residents themselves. To some extent, the history of the community had been documented by the community. They had old photos, drawings, letters, tools and other artefacts placed in one of the teak houses as an informal community museum. That documentation started by the community needed to be more thoroughly researched and its vernacular architecture considered as part of the historical fabric. These old teak houses were, after all, built around the same time as the wall itself. This is how people lived and what they lived in at that time. Over the course of the eviction struggle, the city nearly succeeded in breaking their spirit when they, as the owner of the land and buildings on it, sold the old teak house that the community used as their museum. A contractor came in one morning, protected by a police escort, and dismantled the old house before the assembled residents. Of the many hard times they had, this was one of the most difficult days in their struggle. It was made that way by the city officials and was clearly an attack on the community's understanding of their own history and its value. It was to be crushed.

6. That the newscast devoted so much time to this piece of news was a clear indication of the recognized implications of the action by BMA.

Development: an understanding of the process of development. Who makes the decisions about what is considered history, about what is considered beautiful in this ‘beautification’ scheme? Is it only the architects, planners, and politicians? Do other people in the city have a say in that? The process had to be questioned here. In that, there were a number of allies that the community found. The merchants in Rattanakosin had not been consulted about this plan either and their businesses were now at stake. Such an alliance meant that the issue was not simply one of class — why should we listen to the poor? — it was one that crossed class boundaries. Everybody was affected by this top-down truncated process and they wanted it to change.

Costs/Benefits: an understanding of who benefits from development and who pays. Was BMA evicting these people simply for tourism? Should it be the community alone that pays the cost of promoting tourism? Why can they not take part in the economic benefits of increased tourism? The community had, over the course of the design process expressed a clear interest in being involved in and benefiting from the development of tourism in the city. They saw tourists going through this area every day, often to and from the *klong* boat that took people east/west through the city. The boat terminated at Pom Mahakan. They wanted their community design to respond to that stream of tourists and residents that passed before them through the empty lot. There were many craftspeople in the community that were eager to tap into that market. Coincidentally, some years before, when the Thai Rak Thai party first came to power nationally, Prime Minister Taksin initiated the OTOP⁷ (One *Tambon* [District] One Product) scheme for regional economic development. This community wanted to be included in local economic development and they were being told they had nothing to contribute. Part of their argument, then, had to be that they did have something to contribute and that they had a means to do so.

Parks: an understanding of the use of urban parks and how they work. The city was proposing to replace the community with a park. The community had no disagreement with the city about a park being there. Their disagreement was that they had to leave for the design of the park to work. In other words, the disagreement here was not about whether there should be a park or not, but about how the park was designed. Together with the students they designed an alternative park design — one that was equally viable and had ample precedent of use in other urban settings.

Further, together with a Harvard anthropologist, Michael Herzfeld, who was researching there at the same time, an argument was developed to indicate that the city’s park design would not work and that the community’s design would not only work better for the tourists, it would be safer.

BMA provided no supporting evidence that their plan to replace the community with a park would support tourism better than the community itself, but even without any supporting evidence, they were insistent that the greater good would be served “*by the construction of a public park, attractive to tourists and integral to the administration's supposedly ecology-sensitive plan of expanding the green spaces within the city, than by the survival of a slum community allegedly plagued by drug problems and by petty criminality.*”⁸ Even the local police disputed the BMA image of the community.

7. See <http://www.thai-otop-city.com/default.asp> for background on this policy.

8. Herzfeld, M. (2003) “Pom Mahakan: Humanity and Order in the Historic Center of Bangkok.” *Thailand Human Rights Journal*, 1, p. 105.

Herzfeld and the KMUTT students produced evidence that the park design presented by the city was actually more likely to create drug problems and petty crime.⁹

Finally, to amplify their point, the community, in the midst of these battles against the eviction, decided in 2004 to occupy the BMA parking lot from which their neighbours had been evicted years before. They decided to initiate their own beautification plan. In part, this was meant to embarrass the city who, after evicting the residents 12 years before, had done absolutely nothing to improve the land. In addition, it was meant to show that the community was not only not against a park but they were ready, willing and able to put the funds together themselves to design and build a park — of their own design.

Environment: ways in which we resolve the basic conflict between green and brown issues (parks or housing). Must we make this kind of choice? As noted above, part of the city's intentions in the Master Plan concerned the expansion of park space. The BMA was citing statistics about the relative lack of it in Bangkok. Their statistics, using Western cities as their benchmark, had some validity. However, from a planning perspective, the approach to improving the ratio of park space per person in the city was very simplistic. The architecture students were able to gather ample evidence of alternative approaches to improve the total area of open space both through design and through a better understanding of the purpose of such space. This material was also used in making their argument to the city authorities that they had a better way that not only allowed them to stay but would make the park space work better for the city.

A second critical point about environmental considerations is that Governor Samak, at that time, was regularly accusing all slum communities that lived along the *klongs* of being the main polluters of the waterways in the city. While the suspicions were never completely confirmed,¹⁰ people in many neighbouring communities on the *klongs* were convinced that it was industrial waste that was the main culprit and not residential effluent. Nevertheless, because there was a public perception created that people¹¹ — like the Pom Mahakan community — living on the *klongs* were befouling the city, it was important for the alternative design to help dispel that myth by being environmentally responsible in terms of what was done with waste from the community.

In addition to the specific environmental issue, the Governor's accusations itself helped to rally other communities into the fight against evictions. This became not just a local fight of the threatened communities in Rattanakosin but a fight that involved all communities living along the *klongs* in the city. Awareness was raised and new allies were found.

Conflict resolution: the means by which conflict can be avoided in the development process. The new Master Plan had created a great deal of resistance, not only from the poor but from the middle class residents and the merchants in the area, all of whom were threatened with eviction. This presented an opportunity to point out to the city officials that one of the main reasons that the implementation of the Master Plan was stalled — and there was growing resistance to it amongst residents and even internationally —

9. Indeed, when BMA finally completed the construction of the park in the portion of the land that was formerly the parking lot at the north end of the site, sadly, this prediction was borne out.

10. Greenpeace Asia did a study in 2001 that indicated “*increased levels of copper, zinc and seven types of chlorobenzenes*” in Klong Hua Lam Poo and hexachlorobenzene, used in the manufacture of pesticides, in the Chao Phraya. See “Dangerous chemical found in canal water”, Bangkok Post, 24 November 2001.

11. See “Bangkok Struggles With Polluted Canals”, Uamdao Noikorn, AP Online, 26 August 2003.

was that the process was so fundamentally flawed. If there had been ongoing consultation with residents — if there had been a participatory process that engaged all of those affected — the knowledge of and participation in the Plan would have reduced the resistance they were seeing now.

Gentrification: related to the development process and community economic development. Does the community have the right to be part of overall economic development in the city? If so, how? Like the costs/benefits argument above, this relates to urban development processes and who is included in that process and who is excluded. The term itself is, of course, exclusionary. In large part, it is a vision of the city that hinges on a narrow vision of ‘beautification’. A prettier city is one that will raise land values. Raised land values will exclude the poor because they don’t fit the narrow definition of beauty and — related to that — they have a negative effect on land values. The economic argument of ‘highest and best use’ of land is: “Why should we have these one-storey shacks on a piece of land that is worth so much more and can generate so much more income if it was used for high-rise residential or commercial space?” This is an argument that is played out in every city in the world. It is an argument for which the poor must always pay a heavy cost — in security of tenure, in the uprooting of communities and businesses, in the added cost of transportation after relocation and so on. In addressing that argument, it is necessary to deal with the broader purposes of gentrification (one of which would be ‘beautification’ and how it is defined) and the inclusiveness of any urban economy. The latter is also an issue of rights.

Rights: an understanding of human rights and the right to the city — the right to space, to land, and access to services. The housing rights of the people in the Pom Mahakan community were taken up directly by the Centre for Housing Rights and Evictions (COHRE) in their lobbying in Geneva (see below) to the United Nations Committee on Economic, Social and Cultural Rights and to the Thai ambassador there. In addition to housing rights, though, there were other rights issues that needed to be addressed in this process.

As critical as these arguments were to the security of tenure of the Pom Mahakan community, it is clear that most of them are not justiciable rights. This meant that, while some of the activities would take place in the courtroom and concern legal rights, most of the work was done outside such chambers and involved the support of many other actors in addition to lawyers.

Support

Academics and NGOs were involved in many different ways in making legal, social, and anthropological arguments for the community’s continued presence in Rattanakosin. This alliance of students, academics, lawyers and other community leaders disputed the exclusive vision that BMA seemed to have of history, culture, economic development, tourism, as well as effective green space. That alliance was international in scope and it was certainly multidisciplinary. There were students and faculty involved from many disciplines: law, anthropology, political science, and architecture. In addition, because this was seen as the test case for many other communities, many of these other community leaders were coming to meetings about Pom Mahakan.

The KMUTT students completed their study at the end of February 2003, about five weeks after the eviction notice was posted in the Pom Mahakan community. The study included the schematic design along with the argument about its economic, social and design viability.

When the document was handed over to the community representatives, they took it to BMA and said: ‘We have an alternative plan.’ The city’s response to this alternative was not surprising. The planning department already had a plan. They had paid architectural and planning consultants a lot of money over a number of years. All levels of government had already approved the Plan, funds were allocated not only for the overall implementation but specifically for this proposed park. Now was not the time for some last minute amateur suggestions for alternatives. They refused to consider it at all.

This rejection by BMA was something to which they had become accustomed and for which they were prepared. They put this document together with a submission to the National Human Rights Commission (NHRC)¹² on 4 March 2003. Representatives of BMA, the Governor’s office, and the National Housing Authority were there to present their interests. On the other side of the table, CODI, the Pom Mahakan community leaders and the KMUTT students presented their arguments. After nearly two hours of presentations and arguments, the community persuaded the National Human Rights Commission that the eviction would violate the rights of the community. A significant part of that argument was the fact that the community had a plan and that the plan seemed perfectly reasonable to the Chairman of the meeting. The meeting concluded with the Chairman requesting the Governor’s office and the BMA Planning Department to stop their eviction process until the National Human Rights Commission had had the opportunity to review these plans and the community’s other social, historical, and economic arguments. This gave the people in Pom Mahakan enough breathing room to be able to organize additional support and arguments. While the process was far from over, it was clear that the plan, legitimized by the participatory process through which it was developed, was integral to their success.

As they had hoped, the community ultimately outlasted Governor Samak. An election was held in August 2004 and Samak did not stand for election. The new Governor — representing the Democrat Party — made some preliminary proposals that the community may get a 30-year lease on the land and that the plan the students worked on with the community may be implemented. There appeared to be some hope. At the same time, there were those in the national government as well as the Planning Department and other local and national government offices that were still pushing for the original Master Plan. This was certainly made clear in an editorial in *The Nation* of 4 September 2004, just the day before Governor Apirak took office. In a Sunday editorial, entitled “Call for Renaissance” it was stated:

“Now most tourists visit Bangkok for only a day tour before heading off to Phuket or Chiang Mai. They visit only the Emerald Buddha Temple as the highlight of that day, and then maybe take a boat trip on the Chao Phraya River.

The Tourism Authority of Thailand would like tourists to stay longer in the capital, so its help could be sought to renovate the landmark buildings and facilities of Old Bangkok. Indeed, foreign tourists would rather see Thai culture and heritage than go shopping.

Then Thai parents could bring their children to the museums and other cultural or musical events in Old Bangkok. This is the best way to improve the quality of life in Bangkok.”

The Nation newspaper, along with many of the departmental heads in Apirak’s administration, was still pushing forward with the original plan. The community had to continue to fight against this particular elitist vision of the city.

12. The website of the National Human Rights Commission of Thailand is <http://www.nhrc.or.th/>.

Throughout this process, the community leaders in Pom Mahakan had a firm grasp of the tools they have at their disposal:

- COHRE:¹³ assisted in international law and getting Pom Mahakan recognized by the United Nations. COHRE helped the community draft a letter to the United Nations Committee on Economic, Social and Cultural Rights in Geneva and, with COHRE's head office also being in Geneva, they were able to lobby the Thai Ambassador to Switzerland so that pressure could be applied to the national government in Thailand.
- National Human Rights Commission: focusing on national law regarding eviction legislation, alternative planning, and housing rights.
- Design was used as a negotiating tool
- Media: the community kept the public aware of what was going on and what their argument was. They also alerted the press each time the authorities (BMA, police, and army) came onto the site.
- Academia: they got international recognition as a focus for study. This recognition played a role in highlighting their cause. Further students from many disciplines were put to good use in collecting data, in organizing meetings and symposia on various aspects of the community's plight.

All of these tools were used at different times and as needed. Further, all of these tools were mutually supporting.

It is helpful here to examine this support briefly — where it was strongest and where it was most adversarial. Arif Hasan, in his work with the Urban Resources Centre (URC) in Karachi, points out:

“In the whole planning process anywhere in the world there are three players; the politicians, the planners and the people. What happens in all countries like ours is that politicians and planners get together. They give a plan to their people.”¹⁴

In such a process, the people are passive recipients of plans. One of the purposes of the URC is to change the dynamics of this relationship between the three players. In reflecting on this, it seems useful to further break out his list. In the table below, there are six sectors identified in the Pom Mahakan development process. Each player had particular powers or perceptions that were capable of bringing something to the process — positively or negatively — and their reach can be local, national/regional or international. While the Pom Mahakan process had a number of unique features, much of it, as Hasan pointed out, was typical to urban development anywhere. In the case of Pom Mahakan, some played little or no role (e.g., private sector), some worked only at the city/local level (BMA), others worked only at the international level (COHRE).

13. Along with efforts to bring the Pom Mahakan issue to the attention of the United Nations Committee on Economic, Social and Cultural Rights, COHRE also produced and distributed a 10 minute film on the community — ‘The People of the Fort’ (see <http://www.cohre.org>).

14. For more information, see <http://www.urckarachi.org/URC%20Vision.htm>.

Sectors	Disciplines
Government	Housing (National Housing Authority), Planning (BMA), Social Services, Justice (Courts, National Human Rights Commission), Aid, Foreign Affairs (Thai Embassy in Switzerland), Environment, Tourism, United Nations Committee on Economic, Social and Cultural Rights
Private	Manufacturers, resource extraction, construction, project management, developers, bankers, media
NGOs	Health, finance, environment, education, housing (COHRE, CODI, ACHR, ¹⁵ CTF ¹⁶), legal, children
Communities	District level, national and international levels
Professions (governed by legislation)	Architecture, engineering, planning, landscape architecture, medicine, law
Education	Architecture (KMUTT, Chulalongkorn, Silpakorn, Kasetsart, Rangsit), planning, engineering, anthropology (Harvard, Thammasat), law, political science (Chulalongkorn), sociology, economics, history, geography, environmental sciences

In the process, governmental (and intergovernmental) bodies were both adversaries (BMA, Tourism), neutral (the courts), and supporters (National Human Rights Commission, the United Nations Committee on Economic, Social and Cultural Rights). The private sector was largely uninvolved with the important exception of the media. NGOs were involved at the local level as well as the international level. Communities formed loose networks of support at the local level. The professions (as institutions) were not involved, though certainly individual professionals were deeply involved in the process as advocates. The single most active sector in this process was education which was involved consistently and intensely over a long period of time at the local, national and international levels. While the legal arguments concerning the evictions and housing rights were important to make at the local, national and international levels, they were only one part of the story that ultimately led to the Pom Mahakan community regaining its security of tenure. Their other tools and the pressure brought to bear involved arguments that are too seldom used in the struggle against evictions.

The community's status, in September of 2006 had changed dramatically. In the early part of 2006, Governor Apirak came to the community for a signing ceremony in which BMA and the community signed an agreement in which the Silpakorn Architecture School was contracted to prepare an inventory of the existing buildings and landscape in the community. With that inventory in place they continued to work with the people in Pom Mahakan to develop a revised design based, in part, on the work of the KMUTT architecture students along with other plans that had been developed over the years of their long-threatened eviction. The Silpakorn Architecture School released their report in early September 2006 and, with that, plans were underway to implement the community plan. It was agreed that the people will stay where they are and that the funds that had been allocated to the park development would go to the community improvements that the community itself had planned. Pom Mahakan now has security of tenure. The redevelopment plans outlined in the Silpakorn report were temporarily suspended, as were many projects and policy planning after the military coup on the 19 September, 2006.

15. Asian Coalition for Housing Rights (<http://www.achr.net/>).

16. ChumchonThai Foundation (<http://www.chumchonThai.or.th/>).

Conclusion

The Pom Mahakan story raised a number of issues about establishing or recovering security of tenure. A number of other communities in Rattanakosin may benefit from this precedent, but beyond that, there are other organizations in the region — notably the Community Legal Education Center in Phnom Penh — that have expressed an interest in trying to transfer some aspects of the process to urban evictions there. There are a few key observations that may be useful in other contexts:

- **Planning:** This is largely a story of the implications of master planning. Typically, when dealing with evictions, we focus on the law protecting those who are facing eviction mainly from state actors. Little attention is paid to the processes that lead up to the eviction order. In cities, more often than not, it will be a planning process governed by a different set of laws than eviction law and housing rights law (if such exists). Further, the law tends to focus on mitigating an injustice. Moving back a step begins to focus more on prevention.
- **Design:** in that context — master planning and urban design — it is important to answer the stated position through an argument of the same kind. In other words, answer design with design. Alternatives to any master plan are always possible, and often can account for issues simply ignored by the city's planners.
- **History and culture:** while there was certainly a unique feature here, in that the Pom Mahakan community was in the heart of an historical area of the city, the point should be made that there are additional arguments that must be presented — arguments that have little to do with law, or often with recognized rights. In this case, among these arguments were those about economic inclusion, about the recognition of vernacular culture and history, about tourism and about our definitions of parks and open space, or even beauty. All of these arguments helped to form the Master Plan and needed to be addressed by anyone — in this case Pom Mahakan and a group of academics and students.
- **Interdisciplinary:** this process worked, in part, because it was interdisciplinary. The range of arguments supporting the community arose out of the range of disciplines involved. It was more than law. It was architecture, planning, anthropology, sociology, and political science in this case. The process could have used the help of an economist as well.
- **Missing elements:** in the chart above, it is evident that a number of the players were missing or were playing a subdued role. Community networks could have been expanded beyond the city. The professional institutions could have been involved. It is important in any strategy to see the opportunities for new or additional alliances.

Most of these observations are applicable in some way in other situations. The overriding conclusion here is that regaining or maintaining security of tenure in the face of development pressures takes more than a dependence on existing laws on evictions and housing rights. It takes a broad set of interrelated arguments and an alternative vision for the future of the community and its context.