

QUESTIONS ON LAND

ACADEMIC PERSPECTIVES FROM THAILAND AND SOUTHEAST ASIA



This briefing note collects together papers concerned with land relations as presented in the 13th International Conference on Thai Studies (ICTS 13) and the Tenth International Convention of Asia Scholars (ICAS 10). These two conferences were held back-to-back in Chiang Mai during the month of July, 2017. The note attempts to draw a narrative line through academic case studies on land in Thailand, backed up by examples throughout Southeast Asia. In this way, it is hoped that greater clarity can be placed on the growing interest of academia in land, making case studies available for consideration by a wide range of practitioners. Further information on any papers referenced in this note can be requested, or comments passed on, by contacting the Mekong Land Research Form at mekonglandforum@gmail.com.

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Note compiled by Daniel Hayward, August 2017

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INTRODUCTION

During the 1970s and 1980s, the topic of land attracted much academic attention in Southeast Asia, emerging out of agrarian studies. Following a period out of the limelight, and catalysed by land deals in the aftermath of the global food price spike in 2008, land has returned centre-stage, tied up in notions of ‘land-grabbing’, customary rights, and transboundary investments in land and land-based production. On the whole, Thailand has been left out of the debate on land-grabbing. Nevertheless, there has been a recent upsurge in interest and research on land-related topics in Thailand, as witnessed in two recent international conferences. During the month of July 2017, these events were held back-to-back at Chiang Mai International Exhibition and Convention Centre. [The 13th International Conference on Thai Studies](#) (ICTS 13) and [The Tenth International Convention of Asia Scholars](#) (ICAS 10) brought around 2,000 delegates to the northern Thai city, with both meetings deemed a resounding success. In ICTS 13, land was the core topic in seven panels, and explicitly referenced in many others, a large increase in representation compared to recent editions. In ICAS 10, land was the featured topic of four panels, with cases from Thailand mixed with studies from around Asia as a whole.

This briefing note collects together information from papers presented at both conferences. The focus remains on Thailand, placed in reference to cases from other regional countries as presented during ICAS 10. The narrative attempts for an overview rather than extensive analysis. Ideas from papers are used in following this narrative, so that their full scope may not be represented. For greater detail, all panel and paper abstracts are provided as an appendix, the page number of each abstract referenced within the text. The author who presented at the conferences is referred to, although the abstract may note other contributors to the written product. Readers are encouraged to get in touch if they wish to delve deeper into any particular case or theoretical line. Access to the final paper or further contact with an author can be arranged by contacting the Mekong Land Research Forum at mekonglandforum@gmail.com.



IS THAILAND BEING 'GRABBED'?

In general, Thailand has not been included in the debate on 'land-grabbing'. Does this mean that the issues surrounding 'land-grabbing' are not being witnessed in the country? If not, why not? To frame this section, land-grabbing can be seen as 'large-scale, cross-border land deals or transactions that are carried out by transnational corporations or initiated by foreign governments'¹. Some papers do highlight the presence of transnational companies (TNCs) in Thailand. *Kanokwan Manorom* (p.13) notes how in border zones projects such as dam irrigation systems, bridges, cash crops, and housing construction increasingly take on an international corporate identity. *Chainarong Srettachau* (p.11) uses the example of Chartree Gold Mining, operated by a Thai company with affiliation to an Australian TNC. The concession area includes community land, national preserved forest, community forest, public land, and a local public road, and was acquired without due consultation. This rendered some farmers landless, leading to negative socio-economic outcomes in village life, and subsequent extensive out-migration. A further consequence of the gold mining concession has been the pollution of village water sources through arsenic and mercury used in the extracted process.

Sakkarin Na Nan (p.19) looks at how the rise of boom crops can exclude smallholders, influenced by the influx of migrant workers to new boom crop areas. He looks at how the CP Company has encouraged maize growers to switch to coffee in Nan Province. Na Nan emphasises the need to clarify who are the winners and losers from agricultural modernization in Thailand. A further implied impact on land by foreign investment can be seen in the recent government approval for a series of Special Economic Zones (SEZs), of which there are now ten located in the borderlands of Thailand. *Pornpana Kuaycharoen* (p.17) identifies how SEZs contribute towards the capitalization of land, with rights transferred to investor at the exclusion of villager. Their emergence also reflects the marketization of land within regional GMS corridors.

While these cases suggest that 'land-grabbing' (in terms of the definition provided above) is taking place in Thailand, the evidence (and conference discussion) suggests that large-scale concessions around FDI are limited, particularly in comparisons to the regional neighbours Cambodia, Lao PDR and Myanmar. However, there are many other forms of land loss without the involvement of foreign capital and corporations. *Monchai Phongsiri* (p.14) highlights the plight of slum residents, evicted under the auspices of urban development. *Pannin Sumanasrethakul* (p.37) uses the example of Klong Dan, which became a national scandal as the site of local corruption in the acquisition of land for a waste water management system. She notes how a network of local elites influenced the siting of the plant, using coercion to grab local land and then sell it to the government at huge profits.

Why is it that Thailand has avoided extensive 'land-grabbing' through foreign investment? While the two conferences did not provide any conclusive responses, certain pointers were offered. As one line of argument, despite economic progress to upper-middle income status, the smallholder has persisted in Thailand. This is explored in the panel "*The Thai Smallholder: Transformation and Persistence*" (p.27). *Jonathan Rigg* (p.12) questions the endurance of smallholders when economic theory suggests that rapid growth favours larger farm sizes and a diminished population involvement, in order to achieve increased productivity and efficiency. Furthermore, smallholders remain a group affected by poverty. Nevertheless, he suggests that precarity in non-farm work is to some extent encouraging the prevalence of smallholders, as keeping the role spreads risk within a livelihood strategy. *Tubtim Tubtim* (p.21) uses the case study of Nong Kwai in peri-urban Chiang Mai to dispel notions of the standardised smallholder. Instead she presents a system of mixed livelihoods involving the

¹ Zoomers, A. 2010, p. 429. Globalisation and the foreignisation of space: seven processes driving the current global land grab. *Journal of Peasant Studies*, 37(2), 429–47.



identity of landowners (from villager to CP company), to use-type (from rice to orchard to maize), to usage under leasehold (including landless Hmong farmers). Many smallholders are diversifying their livelihoods, or moving into new fields of work such as handicrafts, as land is sold for urban housing. *Philip Hirsch* (p.15) takes up this thread of diversity to demand greater clarity on definitions. A persistent smallholder may still be a changing one, with more study needed to understand what we mean by both “small” and “holder”. He asks whether holding size is a true representation of socio-economic status, or of viability to farm, and under what tenure this holding is used.

STATE POWER AND VIOLENCE

If large-scale land acquisition using foreign investment is less pronounced in Thailand, control of national resources is becoming more centralised through the imposition of state power. This can have similarly negative effects, a notion reflected by *Jean-Christophe Diepart* (p.32), who suggests that both titling exercises (marketization) and state-sanctioned ELCs are triggering exclusion and dispossession, resulting in the proletarianisation of the peasantry. His investigation focuses on Cambodia, but it is an analysis that demands comparison throughout the region as a whole, including Thailand. A historical perspective is also important here, with *Watcharee Srikam* (p.21) pointing out how the military in Thailand has imposed control of land to counter against communist insurgency and perceived border threats from neighbouring countries. Many presentations highlighted recent legislation under the present military government. *Pornpana Kuaycharoen* (p.18) explains how the National Council of Peace and Order (NCPO) has used Section 44 to seize land for the Mae Sot SEZ, these special powers exempting the decision from legal scrutiny. *Peter Vail* (p.15) notes the call to shift from 30-40% state forestland under Order 64. *Atchara Rakyutidharm* (p.10) counts 670 cases of land reclamation by the military between 2014-2016, predominantly under the auspices of conservation. However, in order to secure land for economic usages such as in SEZs, *Mukdawan Sakboon* (p.36) explains how national forest reserves, permanent forest areas, and common state property areas are having their status revoked, alongside the acquisition of private land through the provision of compensation. *Robert Fisher* (p.19) discusses the lapsed Community Forestry Bill of 2007, which even if implemented would have emphasised state control over forest rights rather than the enablement of local autonomy. This compares with new regulations on community land titling (KTC) by the military government as explained by *Chusak Wittayapak* (p.11). The KTC titles are 30-year leaseholds on areas under dispute between state and user. The title cedes ownership from smallholder to state, undercutting campaigner demands for more extensive community rights.

Karika Kunta (p.33) presents on land use planning by the Land Development Department (LDD) in upland areas of northern Thailand, where intensive mapping has been supported by the promotion of farming productivity through cash crops and adherence to conservation zoning. It is noted how planning can be problematic with different areas lying under the jurisdiction of different ministries. However, this positive image of state involvement in land management does not chime with other presentations. *Peter Vail* (p.15) suggests that the marginalisation of ethnic groups is occurring whether eviction takes place or not. He uses the example of a Dara'ang village in Chiang Dao where after the 2014 coup, the government revoked farmland in the village. Initially, a process of collaboration between Department of National Parks (DNP) and the community seemed to offer stability and legitimacy to the village. However, in 2016 the army entered once more for further discriminatory land grabs. This has rid the village of much of its farmland, totally undercutting livelihood stability. Such examples can be compared with processes of state formation, as viewed around the region. Through the example of timber financing and risk modulation in Lao PDR, *Mike Dwyer* (p.35) highlights the attempt to move beyond dependence on foreign assistance by tapping into the abundance of national natural resources. In terms



of timber exploitation, and despite attempts to regulate and abolish the practice, this results in the undermining of endeavours to manage forests.

Many cases highlight the usage of state force to gain control over land. *Malee Sitthikriengkrai* (p.13) has worked with a Karen group in Phetchaburi Province. Despite prior settlement in an area which in 1981 was declared as Kang Krachan National Park, officials proclaimed the group as encroachers from Myanmar. They burned down their houses, and in 1996 enforced policy to evict them from the park. For many, the relocation devastated their livelihoods and so some moved back to their previous home, despite the threat of state illegitimacy, both in terms of spatial occupation and a lack of citizenship rights. *Atchara Rakyutidharm* (p.10) takes a broader notion of state involvement as a form of violence, categorised as physical, structural (i.e. legislative) and symbolic (i.e. narratives of legitimation).

Other papers look at the role of multiple actors who together with state authorities may impose an exclusion to land upon local users. Both *Sakkarin Na Nan* (p.20) and *Atchara Rakyutidharm* (p.10) look at how the military has formed alliances with conservation, civil society and other groups to claim authority in local land use, and force their agenda upon rural communities. *Na Nan* introduces the case of Rat Rat Pattana, a Lua village brought into the Thai state framework after years of communist insurgency. The CP company, royal foundations, activists, NGOs and environmentalist monks all became involved in the 'ecological moralization' of the village, helping transform the locality into a maize-growing area. However, what is claimed as a conservation scheme can be seen as the manipulation of environmentalist rhetoric to legitimise commodifying initiatives in high-resource areas. Farmers become caught between rival moral economies, namely between green producers for the company, and conservation for urban middle-class activists and royalist think tanks. *Nattakant Akarapongpisak* (p.14) attempts an overview on how the green agenda has influenced land relations in Thailand. For example, how does conservation, alternative energy or eco-tourism impact upon land ownership or usage, and how are these processes enshrined through relationships between state and villager? This may place state-related actors in an antagonistic relationship to the counter-narrative of local villagers as 'forest guardians', with land reform legislation monopolised for 'green business'.

A REGIONALISED ECONOMY

Thailand's absence from the 'land-grabbing' debate can better be understood in terms of a regionalisation of economic activity. *Philip Hirsch* (p.16 & 38) presents the notion that limitations in the ability to accumulate land within their own country have led Thai investors to land-based ventures in neighbouring lands. It is here that post-socialist neoliberalised authoritarian economies have opened up a land market to large-scale acquisitions. As a result, Thailand is seen as one of the main 'land-grabbers' of the region along with China and Vietnam. The arrival of the ASEAN Economic Community (AEC) and promotion of Greater Mekong Subregion (GMS) Economic Corridors have an influence on regionalised land markets. Yet this also has an impact within Thai boundaries. *Kanokwan Manorom* (p.13) reflects how border zones have been re-imagined as resource rich, under-exploited areas, becoming new centres of development, linked not only to a centre of power in Bangkok but across national borders along economic corridors. *Pinwadee Srisupan* (p.16) notes how in Mukdahan Province, land prices rose after the building of the second Thai-Lao Friendship Bridge, the area primed for reallocation as an SEZ. Indeed, the Isan region now attracts multiple international projects in areas such as cash crops, residential construction, and dams. As explained by *Pornpana Kuaycharoen* (p.17), the recent approval given to SEZs in Thailand aims to facilitate increased transboundary economic activity along GMS corridors. This chimes with the example of Mae Sot SEZ provided by *Mukdawan Sakboon* (p.36), where domestic and foreign capital investment is encouraged through tax incentives, non-tax incentives such as allowances for foreign experts and currency remittances, and use of unskilled foreign labour. In general, many regional linkages are controlled or closely



monitored through state-related actors. However, it is possible that conflicts arise. *Surasom Krisnachuta* (p.20) highlights conflicting narratives and practices in Sri Sa Ket province. On the one hand border controls are kept tight with up to 60-70% of surrounding land controlled by the state. On the other hand, the area is promoted as an international point of entry, with the success of cash crops challenging this control.

The regionalisation of economic activity can have unintended knock-on effects. The round-table discussion “*Migrant Workers as a Consequence of Land Grab: Change of Lives and Communities, and Potential Impacts to the Region*” (p.24) looks at how Thai land acquisitions in other countries have influenced migratory movements back to Thailand. The example of the Thai sugar company Mitr Phol Group was presented, who obtained an Economic Land Concession (ELC) in Oddar Meanchay Province, Northeast Cambodia. Focusing on the O’Bat Moan community, the discussion traced how eviction (with the village burnt down) led affected community members to migrate out of the area. In general, this squeeze on land in Cambodia through concessionary commoditisation has influenced migratory practices throughout the country, as explained by *Jean-Christophe Diepart* (p.32). Multiple forms of movement can be seen, to urban areas, across national borders and also from lowland to upland zones. Specifically for the O’Bat Moan case, many residents fled to Thailand, forced into a precarious livelihood strategy. Not only does this movement feed into the debate on illegal in-migrations to the country, but through the land concession a line is drawn where Thailand can be seen as a contributor to this situation.

URBAN LAND MARKETS

A few papers at ICTS 13 and ICAS 10 highlighted growing concerns with the governance of land in urban areas, which are undergoing processes of rapid growth spatially, economically, and demographically. An understanding of urban land use and land markets is seen as vital to advocate for inclusive planning taking into account an array of social and environmental needs. *Richard Friend* (p.18) notes how large cities placed along waterways or at river deltas are vulnerable in the face of weather events influenced by climate change. Nevertheless, the aggressive capitalization of land through urbanisation is undermining inclusive development. He uses the example of King Cobra Swamp on the outskirts of Bangkok, upon which Suvarnabhumi International Airport was constructed. The infrastructural demand has totally negated any concerns with the environmental consequences of building on wetlands. Indeed, the kinds of investments involved in urban development minimize economic risk without giving due concern to potential socio-environmental costs. In this context, the 2011 floods in Thailand can be seen as a business opportunity rather than a climate-related disaster.

The issue of land insecurity in slum areas was a recurring theme during the two conferences. *Monchai Phongsiri* (p.14) highlights the eviction of slum residents in two Thai cases. He cites the example of a community in Mahakan Fort, Bangkok, whom in an ongoing battle the government wishes to relocate in order to pave the way for a public park. This underscores how the legitimacy of a community settlement is excluded from the historical narrative of a site. Phongsiri also looks at the eviction of slum populations away from the site of double-track railway construction in Khon Kaen, viewed as an impediment to urban development. It is an image backed up by other examples from around the region. Looking at rising land prices in Phnom Penh *Valérie Clerc* (p.40) shows how the government is trying to empty slum areas (such as that around a casino), in order to ‘sell’ the valuable public land. From an area adjacent to a casino, by 2011 over 17,000 households were relocated to 36 different locations, at a distance of up to 20km away. In Myanmar, *Maxime Boutry* (p.35) looks at how the real estate market has skyrocketed in Yangon and Mandalay since 2012. The scramble for land has seen informal settlements in need of cheap housing continually pushed further out from the urban core, caught between municipal authorities and speculators wanting to cash in on the boom. Clearly informal settlements come straight into the firing line when urban land presents itself as a highly valued commodity. This reflects a form of



urban development that is far from the ordered, regulated planning many deem necessary to include all population groups. It is this scramble for land in cities that also informs a paper by *Chaitawat Boonjubum* (p.31), looking at temple land in urban Thailand. Temples may purchase but not sell land, although it can be leased for residential, agricultural and commercial purposes. Through close relationships with surrounding communities, temples can provide affordable housing that is lacking elsewhere. However, without transparent management, there remains many cases of fraud and profiteering through land deals.

GENDER AND LAND RIGHTS

A theme that is commonly overlooked is the relation of gender roles to a lack of security within land tenure systems. There were no specific papers looking at gender and land in Thailand during the two conferences, but it is worth pointing out three other studies from around the region. They highlight important gender issues that researchers in Thailand and beyond should bear in mind. *Kanokwan Manorom* (p.12) highlights land loss and relocation to upland areas incurred through the construction of Nam Theun 2 Dam in Lao PDR. Marginalisation can be viewed when comparing the experiences of ethnic next to lowland groups. However, also of significance is the unfavourable outcome for women. Indeed, she laments that women deserve much more attention when it comes to resource struggles, whose responses to land insecurity should be investigated in terms of gender as much as through ethnicity or other forms of social stratification. Similarly, *Kyoko Kusakabe* (p.34) makes a livelihood analysis of the different gender outcomes from the founding of rubber plantations in northern Lao PDR. She observes differing means by which different villages are introduced to rubber, and how potential income benefits may not be dispersed equitably, or improve gender relations. *Rosa de Vos* (p.38) looks at the influence of large-scale land use for palm oil in West Kalimantan, Indonesia. In particular, she investigates how space becomes gendered for the participation of women in responses to palm oil. The study is a reminder that small-scale intimate community portraits are important contributors to broad discussions on land, noting how subtle forms of resistance are too often missed by wider policy frameworks or social modes of practice.

RESPONSES AND RESISTANCES

At ICAS 10, *Carl Middleton* (p.30), whose presentation provides the title to this section, offers an overview of the spaces by which justice can be sought in the face of land rights claims, threats and violations. Using the example of a Thai sugar cane plantation in Koh Kong Province Cambodia, he notes the impact of a large coalition of NGOs, villagers, lawyers and activists from both Cambodia and Thailand. Having failed to elicit a response through local protests, even after receiving local and international press coverage, international action engaged the National Human Rights Commission of Thailand (NHRC), and catalysed the expulsion of Tate and Lyle (the overseeing company of the ELC) from the Bonsucro group. This case closely mirrors that of the Mitr Phol Group (see page 6), where the NHRC has ruled in favour of the complaint, recommending that the Thai government regulates and monitors Thai investment abroad. *Andreas Neef* (p.30) agrees that transnational advocacy networks work better than local ones, and can help increase legal awareness at the community level. He insists that naming and shaming must continue to keep up the pressure on national governments. It can be claimed that such measures come too late for those losing access to land, but the rulings offer hope against future repetitions.

Looking within Thailand, *Philip Hirsch* (p.16 & 38) notes how national legislation has contributed towards the limiting of land accumulation, thereby sparing the country of some of the negative consequences of large-scale acquisitions as experienced by neighbouring countries. In existing cases, there has also been some success of achieving legal leverage. *Pornpana Kuaycharoen* (p.18) describes how six villagers sued the Ministry of Finance and Mae Sot Land Office for taking their land without due process in relation to the Mae Sot SEZ. The complaint



was successfully accepted by the Administrative Court. The case of Dara'ang village in Chiang Dao (p.15) is presently under consideration by the Department of Special Investigation (DSI). However, some presenters insisted that the pursuance of legal restitution is not enough. *Atchara Rakyutidharm* (p.10) claims that the democratization or decentralization of natural resource management is not possible without the reformation of the military and the justice system, to be put under civilian control. Meanwhile, *Chainarong Srettachau* (p.11) insists that academia retains an important status in highlighting the plight of the disenfranchised in Thailand.

Parallel to the promotion of legal complaints has been the rise of civil society counter-movements on land. *Chusak Wittayapak* (p.11) uses the example of the '4 laws for the poor' campaign to show how communities continue to battle despite the new restrictive KTC community land leases. *Philip Hirsch* (p.16 & 38) mentions other groups in Landwatch, Assembly of the Poor, and P-Move, who are often interlinking in their promotion of progressive agendas. The present political climate might represent the narrowing of options for civil society to counter perceived injustices on land rights. However, many panels suggest that there is still space to protest and negotiate. There is much Thailand can learn from other movements and experiences in the region, in particular involving indigenous rights. Papers in ICAS 10 focus on the rise of indigenous identity politics in Cambodia when marginalised by state policies. *Mane Yun* (p.37) claims that Indigenous Peoples (IP) groups can access traditional knowledge systems for the sustainability of forest areas, a status that has the potential to gain leverage under climate change policies. At the present moment, IP groups are attempting to create National Policy Action Plan for inclusion into national policy frameworks. *Tphanie Sieng* (p.39) uses the example of a Tampuan village in Ratanakiri to show how conflict has both engaged both community solidarity and also facilitated increased control of land by local authorities.

There are cases where a community voice has been pushed down. *Philip Hirsch* (p.16 & 38) exposes how in Thailand the private sector has worked to co-opt NGO voices, thereby aligning civil society with their own interests. As a specific example of pressure on communities, following land loss and pollution from Chartree Gold Mining (p.11), twenty-seven villagers have been charged by the state over protests against gold mining operations, while receiving further threats by the mining company. *Wichean Anprasert* (p.22) also looks at village health problems as a result of pollution from gold mining, for this case in Loei Province. With their complaints unheard, some villagers protested against the mining company, using methods such as constructing barricades against workers. As a result, these villagers have faced 21 lawsuits served by the mining company, local government and the police, for trespass, damages, defamation from talking to the media, casting misinformation, and holding public gatherings. These cases have in total claimed 320 million baht in damages. They have impacted upon livelihoods, created psychological pressures, and instigated conflict within the community. Anprasert concludes that Strategic Lawsuits Against Public Participation (SLAPPs) legitimise violence against locals and break down their resistance to protest.

Much has been spoken on the possibility of international law being applied to support the rights of local communities. *Andreas Neef* (p.30) mentions international legislation on indigenous rights, human rights, and the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT). Indeed, in 2016 the International Criminal Court issued a statement that they will prosecute in cases of land grabs relating to environmental destruction. In ICAS 10, various papers referred to the demand for Free, Prior and Informed Consent (FPIC) in cases where land is requested for ELCs, FDI or state usage. Although not directly concerned with Thailand, these three examples cast a significant light upon the implementation and effectiveness of international legislation. In Indonesia, *Afrizal Afrizal* (p.29) suggests that weak government institutions and regulatory powers are failing to prevent continued land-grabbing by palm oil companies. *Laksmi A. Savitri* (p.34) shows how the brokerage of power between state patrons, rural elites and corporate actors is marginalising rural land holders, facilitating land loss, and fragmenting attempts for resistance. *Jesse Varquez* (p.32) goes further to claim that FPIC is being



approached with suspicion in the Philippines as some communities view it as another imposition of outside power.

CONCEPTUAL CONVERSATIONS

An impressive feature of ICTS 13 and ICAS 10 is the number of case studies presented, adding numerous examples to frame discussions around the region. In particular, this is important for Thailand which in relative terms has suffered from a dearth of field research in recent years. A consequence of this case-based approach is that conceptual conversations are less forthcoming. However, most studies are still grounded in theory. For example, it is clear that there remains a place for classic theorists on property such as Max Weber and Karl Marx, who are referred back upon to see how their ideas measure up to new contexts in the field. Much attention was given to the Marxist scholar David Harvey, with his notion of 'accumulation by dispossession' retaining its position as a core frame to analyse land insecurity for smallholders. *Mukdawam Sakboon* (p.36) makes a clear link between the idea of accumulation by dispossession, and the Thai state reforming the status of land to pave the way for SEZs. *Richard Friend* (p.18) uses Harvey's concept of the spatial fix to observe how new landscapes are created in the name of capitalist production, mapping this onto the intensified markets impacting upon urban development. In looking at the capitalisation of land around the Mekong Region, *Philip Hirsch* (p.16 & 38) draws attention to the work of Polanyi, who warned of land being made into a commodity, instead highlighting how a land economy is embedded in society. This contrasts with the work of Hernan de Soto, who promotes the intensification, commodification and financialisation of land (thereby dis-embedded from society), in order to maximise potential economic usage. In doing so he has become the figurehead of the titling movement.

In Thailand, an important conceptual framework has emerged with which to study land, and was used to ground many of the papers presented. The 2011 book "*Powers of Exclusion*"² by Derek Hall, Philip Hirsch and Tania Murray Li examines the processes by which land relations are being transformed in Southeast Asia, and as a result who is being excluded from access to land rights. Four 'powers of exclusion' are observed, namely regulation, the market, force and legitimation. It is a form of analysis that can be used to highlight impacts at community level, as well as national developmental trends. Significantly, the double-edged sword of exclusion can be noted. In the one hand, an ability to bound your land and exclude others can produce security for the owner or user. On the other hand, this process can isolate or shut out individuals or communities with potential to devastate their livelihoods.

There is not the space here to go into details on the different conceptual ideas framing land-related topics such as gender and the green agenda. Interested readers are urged to study the abstracts or source the accompanying papers for further information. However, it is important to highlight the gravity given to studies that weigh their findings against old theories or frame new ones. It is this that places academia as a significant voice in discussions on land-grabbing, tenure insecurity and related issues in the Mekong Region.

² Hall, D., Hirsch, P., Li, T. M. 2011. *Powers of Exclusion: Land Dilemmas in Southeast Asia*. Honolulu: University of Hawaii Press.



APPENDIX: PANEL AND PAPER ABSTRACTS

13TH INTERNATIONAL CONFERENCE ON THAI STUDIES. GLOBALIZED THAILAND? CONNECTIVITY, CONFLICTS and CONUNDRUMS OF THAI STUDIES 15-18 JULY 2017, CHIANG MAI, THAILAND

ICTS 13 PAPERS

Natural Resource Management in Thailand Under the Military Regimes

Atchara Rakyutidharm

Abstract

It's long been in Thailand that the military have an important role in Natural Resource Management (NRM) within different contexts; national security, development and conservation. This paper will explore the history of military governments' and military organizations' roles in NRM through several projects such as dam construction, forest conservation projects and economic development projects, etc. This paper aims to argue that domestic politics is the key factor in conflicts over NRM. This argument challenges the popular analysis of development studies and political economy that emphasize the impacts of supra-state organizations and transnational corporations in NRM. In Thailand, discussions on concepts like 'people's participation', 'property rights and access' and 'NRM decentralization', etc. are meaningless unless the political regime in the country is seriously examined. In other words, advocacy of peoples' rights and justice in NRM cannot be fully achieved under the dictatorial political or pseudo democratic system.



Chatree Gold Mining: A Transnational Corporation's Accumulation by Dispossession and Land-Grabbing

Chainarong Srettachau
National University of Singapore

Abstract

Chartree Gold Mining is the largest gold mining endeavor in Thailand, owned by Akkara Resources Public Company, an affiliate of Australian transnational corporation Kingsgate. For over a decade, the gold mining operation has caused severe health impacts, environmental degradation and land grabbing from local farmers. This article explains the capital accumulation of TNCs and the resultant farmers' land loss by applying the concept of 'accumulation by dispossession'. The key findings of the study include, firstly, that the TNC established a company held by Thai politicians for securing a concession agreement, but then transferred that agreement to the affiliated company of Kingsgate. The gold mining concession area is on local community land, national preserved forest, community forest, public land, and local public road. However, locals were not adequately informed, and public participation in decision-making process was not conducted in any meaningful way. Even in the national preserved forest, the TNC received permission from the RFD for its mining operation. Such public landgrabbing has caused local farmers to lose their common properties including watershed, public ponds, and even local roads. The second finding is that, in addition to public lands, the gold mining operation also grabbed lands of local farmers, rendering them landless. They lost their communal lands, which were sources of their food security and resources for their daily life. It was found that some villages eventually collapsed. Farmers migrated and struggled to find new land. Furthermore, over the course of the local community's struggles over rights to public land, farmers have been threatened by the company and state in the form of several lawsuits citing laws, including the Public Assembly Act.

Land and Class Relations in the Productivist, Post-Productivist and Globalist Thailand

Chusak Wittayapak
Chiang Mai University

Abstract

This paper argues that Thai society is socially stratified when it comes to dealing with land problems. Analysis of class relation is still significant and relevant on many social problems and daily life in a variety of social terrains, in particular of problems of the landless people negotiating with state policies on land, forest and environmental governance. The paper extracts empirical evidence from the struggles of two mostly poor rural people movements in the last 40 years. First is community forest movement that culminated in a defunct community forest law. Second is the community land title movement packaged in a campaign for "4 laws for the poor". Plights of the landless people have not gained support from others in Thai society with growing number of middle class people delinking from agricultural land. The paper attempts to draw conclusion on how Thai society reflects itself in the problems of poverty, social and environmental justice in the larger contexts of globalized Thailand.



Land Ethnography: Reading the Land, Translating the Social, Transcribing the Economic

Jonathan Rigg

Asia Research Institute and Department of Geography, National University of Singapore

Abstract

This paper takes land as the starting point for tracking and understanding agrarian change in Thailand. I call this 'land ethnography'. Taking a handful of land parcels across three sites in the Northeast, the paper sees these parcels and their use, sale and transfer as reflective of wider changes in economy and society. This provides an alternative point of entry for rural research, different from that which tracks either commodities or value, or individuals or households. It permits the land as a non-human actor to be placed centre stage, and in this way draws out the entanglements of environment, society and economy, and places this in wider historical context.

Emotional Geographies of Resource Access, Control and Conflict in the Mekong Region

Kanokwan Manorom

Ubon Ratchathani University

Abstract

The paper is drawn from a concept of emotional geographies and from Farhana Sultana's (2011) work on "Suffering for water, suffering from water: Emotional geographies of resource, access and conflict". The author argues that embodied emotions constitute a relationship based on interactions between environment and gender subjectivities on a daily basis. In the Mekong region, women have faced more difficulties in their lives since large dams have developed in the Mekong countries. These impacts have widened the gap between gender, and have marginalized women and other minorities to the extent that they are further impoverished and suffering. Women suffer the impacts of displacement and the loss of livelihoods such as fish. Embodied emotional geographies of places, peoples and resources are fundamentally grounded through resource struggles and resource conflicts. The theme is useful to understand women and their resource struggles in Thailand.



Political Economy and Land Governance at the Borders of Isan, Thailand

Kanokwan Manorom
Ubon Ratchathani University

Abstract

The borders of Isan are perceived as spaces for potential trading, rich resources and sites of cross border economic and social development. With this, land is a key potential resource that has been increasingly taken over and controlled over the past 10 years. In some areas land conflict is a common phenomenon. Factors affecting land control include: borderland development, crop booms, national security and cross-border trade. Actors involved in borderland control come from many groups, including local villagers from within and outside the areas, local and outside traders, government agencies, politicians and local authorities. This paper studies land resources along the borders of Isan through the lens of political economy. This lens allows us to conceptualize the history, current situation and dynamics of land use, land struggle, land conflict and land control along the Isan frontier, in the context of the changes brought about through Mekong development and integration.

Karen's Livelihood Practices and State's Power

Malee Sitthikriengkrai
Faculty of Social Sciences, Chiang Mai University

Abstract

This article describes the livelihood of a Karen settlement in the Kang Krachan National Park located close to the Thai-Myanmar border. People from this community practice shifting cultivation in the watershed area of the Bang-Gloy River. In 1996 the Thai state saw the Karen as a threat to the natural resources of the area and wanted to remove them from the forest. It wanted the Karen community to be settled in one place and prohibited them from practicing shifting cultivation in the manner they are used to. Their usual economic activities were curtailed by these policies which compelled them to return to their original lands and live in the forest again. The article asserts that the Karen here do not reject the Thai state and neither are they fleeing from it. Instead it is argued that the Thai state has neglected to extend their development policies to them in a manner supportive of their livelihood.



Urban and Peri-Urban Land Conflict and Governance in Thailand

Monchai Phongsiri

Faculty of Humanities and Social Sciences, Khon Kaen University

Abstract

This paper provides a state of knowledge review of urban and peri-urban land conflict and governance in Thailand. It aims to explore arguments and knowledge gaps of urban and peri-urban land issues and to reveal the process of land exclusion, land formalization and land grabbing in urban and peri-urban areas. Current conflicts and instances include the case of Mahakan Fort, the last remaining community settled closed to the old city 'Rattanakosin' in Bangkok where the original people are being forcibly moved out by a development project of the government which contends that the community cannot living with the historical site, and the case of forced eviction of local slum communities because of double-track railway construction in Khon Kaen province. To understand these and similar phenomena conceptually as well as through case-by-case accounts, this paper investigates the policy, legal, institutional and stakeholder background to issues of urban and peri-urban dispossession, conflict and governance.

Green Agendas and Land Relations in Thailand: The State of Knowledge (2001 Onwards)

Nattakant Akarapongpisak

Maharakham University

Abstract

This paper outlines the state of knowledge on land relations in Thailand with regards to green agendas by exploring the processes within which relevant powers intersect (Hall, Hirsch and Li, 2011). A well-organized state of knowledge on relevant topics in Thailand dates back to 2000 (see Anan Ganjanapan (ed) 2000), despite the growing concern of stakeholders, particularly at policy levels, towards offset activities, and an incessant expansion of land-based or 'terrestrial' climate change mitigation domestically and transnationally. This paper shows that after 2000 a group of studies on 'green agenda'-based land issues in Thailand follows a conventional 'environmentalism' focus on policy, management and efficiency (e.g. Kanokwan et al 2016; Barbier 2011) whereas an ever-expanding 'political ecology' group of studies investigates eco-knowledge (e.g. Leblond 2014), eco-governmentality (e.g. Forsyth and Walker 2008), spatialities (e.g. Roth 2008; Vandergeest 2011), and everyday politics (e.g. Puttipong and Achara 2013). These studies reveal the processes driving changes in land relations such as the regularization of access to land through community forest schemes (Surin 2011), the spatial expansion to conserve forest and meet the 'offset' ends (Northern Development Foundation, 2012), the arrival of energy crops that see the conversion of land uses (GRAIN, 2013), the conversion of land to serve eco-tourism (Rungrawee, 2012), and the movement of collectivities against 'green' projects at the expense of other land users (Nattakant, forthcoming). Reviewing these processes, this paper addresses challenges for studies on land relations including (a) how to overcome a 'green grab' narrative portrayed in existing descriptive reports and rethink 'green grab' in terms of who wins and who loses, (b) how to address the cases in which Thailand's green agenda proponents engage in transboundary environmental justice, and (c) how to identify power configurations that engender 'green-oriented' contradictory agendas, rules and enforcement procedures.



The Reality of Eviction

Peter Vail

National University of Singapore

Abstract

In a provocative 2008 article entitled 'Northern Thailand's Specter of Eviction', Andrew Walker and Nicholas Farrelly argue that the threat of eviction faced by upland minorities from their agricultural lands is overplayed, and that, under analysis, such a threat proves more 'specter' than reality. This paper revisits their argument in light of the extensive evictions that have occurred since 2014 under the auspices of NCPO order 64. Specifically, I examine the rather stark case of a Dara'ang village in Chiang Dao, evicted from much of its farmland in 2016. On the basis of this case, I argue, in a preliminary way, two things. First, that the way to examine the notion of a 'specter of eviction' is not by simply considering the aggregate of cases across northern Thailand, but to instead focus on the historically situated experiences of particular villages and households; and second, by taking that approach, understanding (contra Walker and Farrelly) that what proves illusory is not the threat of eviction, but the stability of land tenureship in upland contexts.

Does Size Matter? the Place of Land in Smallholder Persistence

Philip Hirsch

University of Sydney

Abstract

The conundrum of smallholder persistence in Thailand can in part be explained by the ambiguity of what is meant by "small" and what is meant by "holding". In the more agrarian rural past, rural wealth and poverty were often measured by the amount of land held by a farming household. Of course, this was never a simple measure of land area. Regional differences in land quality and farming systems meant that relativities were more significant within regions than between them, as the number of rai constituting a large farm in northern Thailand would have made for a tiny holding in Isan, for example. Similarly, tenure systems have long put a premium on titled private land and discounted the value of untitled public land. These differences still matter, but with the partial de-agrarianisation of rural society and de-localisation of rural livelihoods in Thailand, there are many other complicating factors in defining smallholding. In the majority of rural households, land is the basis for only a part of the family economy, so scale may relate to many factors other than land. Furthermore, consolidation of farms may occur without consolidation of landholdings, for example through leasing arrangements. Contract farming and mechanization bring capital inputs whose scale contribution to production may outweigh that of land per se. This paper considers these and other complexities in terms of the changing meanings of land in rural livelihoods, the connections between agricultural and non-agricultural, local and non-local sources of income, and the question of whether smallness of holding should be considered only or mainly in terms of land.



Movement, Countermovement and Regionalization of Capital in Thailand's Land Relations

Philip Hirsch
University of Sydney

Abstract

This paper explores the paradox of a country with a key regional role in land accumulation and dispossession through cross-border land-based investments, yet one within whose own borders there are significant limits to fully capitalized land relations. The paper commences with a political-economic history of land titling and the progressive capitalization of private land in terms of investment in agricultural production, land as a commodity and land as a financial asset, showing how Thailand has established the World Bank "model" for smallholder-based property rights in land. Nevertheless, Thailand's experience also shows the limits of land capitalization that lie behind the paradox of a highly unequal rural society growing on the basis of a still largely smallholder-based agriculture, and how countermovements in various guises have placed limits on large-scale accumulation through dispossession on such land. The paper then considers the evolving role of capital on public land occupied by or distributed to smallholders, particularly in land reform areas, and the debates and dilemmas of "turning land into capital". Partly in response to limits on accumulation within Thailand's own domestic periphery, the final part of the paper discusses the role of cross-border investments by Thai capital in land-intensive ventures in plantations, contract farming and hydropower in neighboring countries.

Mukdahan Land Uses and How Land Should Be Used: Lesson Learned from Mukdahan SEZ Initiative

Pinwadee Srisupan
Faculty of Liberal Arts, Ubon Ratchathani University

Abstract

Mukdahan Special Economic Zone (SEZ) was formally announced in 2014, with the the zone including three Mukdahan districts; Muang, Wanyai, and Don Tan. This area was initially designed to facilitate wide-ranging economic activity, including tourism, logistics, and agricultural and industrial products such as electrical appliances and electronics. It was purported to also function as a key distribution and trading center in the region. Among many activities, land expropriation is the first task undertaken by investors, seeking long term occupancy and sustainable economic activity. However, the development of this SEZ is not particularly advanced, with only a few investors interested in investing in the zone. Moreover, the government's land management policies have impacted the livelihoods of the local people. Do local people really want the SEZ? Is the land suitable for industrial development? Does national policy correspond with local policy and needs? These questions around the SEZ initiative are inevitably raised. It is noticeable that policies pursued in some districts oppose the intentions of the SEZ. For Mukdahan, it may not be necessary to pursue the SEZ, and instead they can use their land to create sustainable development in other ways. This paper presents the current land use patterns in the Mukdahan SEZ, and identifies problems in this land use as a result of these policies. Some options for rethinking how the land in this zone should be used is put forth, with a need to create a more sustainable economic solution for the local population.



Land Exclusion and Dispossession from SEZ Policies in the Greater Mekong Subregion: Comparative Studies between Thailand and Neighboring Countries

Pornpana Kuaycharoen
Land Watch Thai

Phurinat Chotiwan
Kamphaeng Phet Rajabhat University

Suebsakun Kitnukorn

Tiwat Dumkaew

Abstract

This paper provides a state of knowledge review on processes of exclusion and dispossession arising from Special Economic Zone (SEZ) policies in the Greater Mekong Subregion (GMS). It draws on case studies in China, Laos, Cambodia and Myanmar in order to compare the processes of land exclusion and land dispossession in those countries with the case of Thailand under the context of a neo-liberal economic development strategy in which these countries have employed SEZs to foster trade and the free flow of capital. The main research questions are, (1) how villagers were excluded and dispossessed from land by the state and private investors in each country; (2) how such exclusion and dispossession is shaped by economic and political conditions. The research uses secondary literature to review the following: (1) literature and data regarding land exclusion and dispossession from SEZ policy and development; (2) geographical contexts of land use and the change of land rights regimes; (3) relevant actors including national institutions such as state, investors and civil society and international institutions such as international financing institutions, international assistance organizations and so on.



Contesting Legitimacy on Land Access and Double Movement in SEZs: Case Study in Tak, Chiang Rai and Trad Province.

Pornpana Kuaycharoen
Land Watch Thai

Phurinat Chotiwan
Kamphaeng Phet Rajabhat University

Tiwat Dumkaew

Abstract

The exclusion of smallholders from access to land under Thailand's new Special Economic Zone (SEZ) Policy by dispossession of villagers in favour of capitalists/investors appears to be a clear case of accumulation by dispossession. Such a process is a part of establishing SEZ Projects in Thailand, and it has involved various actors related to this issue such as policy makers, NGOs, small-scale farmers, landless villagers etc. In this paper, the exclusion process in land access is considered as exclusion's double edge in the complex power relations between those actors. This paper aims to study (1) the change of the land right regime since the emerging of borderland SEZs development policy in 1997 to present (2) the strategies on land dispossession and exclusion by State and capital in SEZ projects (3) the impact from land acquisition of the State and (4) the interaction among those interest groups concerned with SEZ projects. The research studies include three areas in Tak, Chiang Rai and Trad provinces and the data are collected from both documents (government policies, laws and official announcements) and field work by in-depth interviews.

A Swamp of Cobras: Competing Rationalities of Capital and Ecology in Urbanizing Thailand

Richard Friend
University of York

Abstract

Across Asia, as urbanization expands and intensifies, a similar pattern has emerged of targeting low-lying floodplain land that is highly vulnerable to climate-related shocks and crises. This is not simply a matter of a lack of data, information or understanding. Despite well-documented vulnerabilities and risks whether from science or common knowledge, vulnerable space is becoming the site of dramatic urban investment.

Drawing on the experience of urbanizing Thailand, this paper seeks to provide a theoretical, and historically grounded perspective. This paper argues that underpinning this phenomenon is a fundamental clash of rationalities between the internal logic of capital accumulation that drives urbanization and land use change in Thailand, and the needs of ecology and natural hydrology. The greatest returns from land speculation are derived from investment in low value land that is most often flood-prone, agricultural or wetland areas. There is an unavoidably political dimension, with local and national political power tied to investment in land, and associated large-scale infrastructure projects. Addressing urban vulnerability and risk can thus be seen as a challenge of governance.



Communities and Forests in Thailand and Papua New Guinea: Different Tenure, Similar Challenges.

Robert Fisher

School of Geosciences, University of Sydney

Abstract

Literature about communities and forests in Asia and Melanesia often stresses the fact that forests in Asia are almost entirely under various form of state tenure, whereas forests in Melanesia are community-owned under customary tenure regimes. This is a crucial distinction. However, in practice the politics of the relationships between the state and communities are remarkably similar and this is not adequately recognised.

This paper takes the cases of Thailand and Papua New Guinea and explores the interactions between state agencies and local people with regard to forests. It argues that the history of the community forestry movement in Thailand clearly demonstrates the reluctance of forest authorities to recognise meaningful community rights to forests. In Papua New Guinea, where 97% of land is under customary tenure (clan ownership), most forests are owned by clans. Despite this, any rights to harvest timber for commercial use are controlled by the Forest Authority and law and policy overwhelmingly favours large-scale commercial exploitation over small-scale community-based operations.

Thus, the paper argues that, despite opposing tenure arrangements, the underlying power and political ecology lead to similar limitations to effective local rights to forests. In conclusion the paper will relate this findings to broader international patterns.

Boom Crops and Land Relations: Reviewing Concepts, Conflicts and Challenges for Thailand's Future Land Studies

Sakkarin Na Nan

Faculty of Business Administration and Liberal Arts, Rajamangala University of Technology Lanna

Abstract

This paper aims to review the recent so-called "boom crop" phenomenon in relation to the complexity of land relations and governance in the context of Thailand's political economy. The paper explores recent debates of scholars concerned with land issues and seeks to further develop a specific framework for Thailand's crop boom analysis with land-related questions. The roles of actors (eg. state, corporations, NGOs, farmer groups) and the power of their processes to control the property regimes and access to land will be addressed. Although this paper emphasizes the case of Thailand, the author will take the regionalized and globalized context into account. This includes the changing land policy of Thailand under the military regime influencing the neoliberal environment and hence conditionally re-configuring the boom, crop expansion (eg. corn, rubber, coffee, fast-growing trees), changing livelihoods of small-scale farmers and their agency in socio-environmental politics.



Problematizing the Military Regime in the Politics of Hyper-Royalist Conservation and Rural Development in Nan Province

Sakkarin Na Nan

Faculty of Business Administration and Liberal Arts, Rajamangala University of Technology

Abstract

By taking the idea of the democratic d'Etat into the light, this paper investigates a conflict of forest conservation among the Lua ethnic villagers, the local governmental officials, and the Thai military. Based on the preliminary research, it was found that Thailand's upland villagers face difficulties in relation to forest conservation. Meanwhile there was a complex integration of upland villagers into the hyper-royalist rural development projects. Some violent consequences have been addressed. Seven villagers and later, three members of the Tambon Administrative Organization were charged by National Park officials and were expected to be prosecuted in 2016. I problematize the ignorance of hyper-royalist conservationist organizations in the Phid Tong Lang Pra network in dealing with such a conflict, in contrast to their active interventions aimed turn the villagers away from feed corn shifting cultivation to paddy rice terraces in the upland areas of Northern Thailand.

Land Grabbing and the Right to Border Land Tenure at Sri Sa Ket Province

Surasom Krisnachuta

Faculty of Liberal Arts, Ubon Ratchatani University

Abstract

The Si Sa Ket border area contains fields show intense interaction between the forces of "nationalism," which seeks to control the borderlands in the name of national security, and "neoliberalism," which aims to maintain the border as an open space for free trade and investment. This paper presents the conditions that caused the process of land grabbing along the Thai-Cambodian border in Si Sa Ket province, the effects of the land grabbing process on villagers' land tenure, and the negotiation process of minor land tenure that was used to claim the land. Under this context, this review of land grabbing will help us see the complex power relations present in this situation. Although we have seen that the government has power over the land and can intervene in land management issues, we have also seen that borderlands are sold and changed both openly and secretly, away from governmental oversight. The villagers have both fought against land grabbing, and participated in land grabbing themselves.



Smallholders in Peri-Urban Chiang Mai: Where Have They Gone?

Tubtim Tubtim

RCSD, Faculty of Social Sciences, Chiang Mai University

Abstract

Thailand has gone through an agrarian transition, through which the situation and conceptualization of smallholders has also changed. To date, interest in smallholders has tended to focus mostly on rural areas, to the neglect of peri-urban zones. The peri-urban zone is one where people are socially and occupationally diverse and of mixed social and geographic origins. It is also a landscape where farming can still be seen in close proximity to new residential developments, and a range of other emerging land uses. This raises a number of issues for theoretical discussion on smallholders. Firstly, how have the smallholders who used to farm these areas transformed, and where have they gone? Secondly, the household as a unit of analysis is in question. Thirdly, who are the smallholders in the remaining farms, and can we call them “smallholders” in a traditional sense? This talk will use broad-level data from a study in peri-urban Chiang Mai and more indepth examples from a village where the author lives.

Public Land Encroachment at the Borderland of Surin Province

Watcharee Srikham

Faculty of Liberal Arts, Ubon Ratchathani University

Abstract

This study shows that historically the Chongjom borderland was primarily used by military authorities to secure the Thai- Cambodian border. There are three public land areas included in this study; first, the public land that was used primarily for assisting Thai citizen affected by communist terrorists and foreign coups, forming villages of self-defense along the Thai-Cambodia border. There are currently land plots near the district office of Kabchoeng which have no legal land ownership documents issued but the renters , who instead received an official contract designating land tenure, issued by the Kabchoeng sheriff between 1984-1995. Secondly, public land under the Agricultural Land Reform Project is managed by the Surin Provincial Land Reform Office. Finally, state land is controlled by the Surin Treasury Office. In Chongjom, there is both direct and indirect public land encroachment. The encroachment process that occurred in the Chongjom borderland illustrates reciprocally beneficial relationships and networks among private companies, government agencies, local politicians and local leaders who directed the Chongjom border development. State land direct encroachment along the Chongjom border market results from the use of Cambodian traders to extend plots of trading space into unlicensed areas. Then they are created into a full border market development plan, which includes the encroached area. It is then submitted to the Treasury Office for leasing after it has been approved. But before the plan is approved, the hundred new 2-story concrete building shops have already been advertised and sold to interested Cambodian and Thai traders. This indirect land encroachment process is seen mainly through the illegal transfer of rented plots and land into private ownership. The agricultural land assigned to farmers who were originally entitled to use the land intended for farming was illegally sold and used.



Strategic Lawsuits Against Public Participation (SLAPPs) in Resource Governance: A Case Study of the Loei Gold Mine in Northeastern Thailand

Wichean Anprasert

Faculty of Social Sciences, Chiang Mai University

Abstract

This research, "Strategic Lawsuits against Public Participation (SLAPPs) in Resource Governance: a Case Study of the Loei Gold Mine in Northeastern Thailand", argues that lawsuits against villagers are motivated by Natural Resource Management (NRM) regardless of whether or not the case is right or wrong. This motivation relates to violence against villagers' livelihoods - specifically those who stay around the Gold mining projects - at the individual, household, and community levels. This research found that there are more than 20 cases of villagers who have been sued by companies, and 38 by the local state to villagers to claim damages amounting to more than 320 million Thai Baht. Moreover, in the process of conciliation, and with military as the mediators, the negotiation focussed on the cancellation of eight lawsuits against a company who transported ore. Meanwhile, the prosecutions have had many impacts on the villagers as they lack the income and expenses related to the lawsuit. Furthermore, for the villagers who were imprisoned by the cases, they have had to deal with conflict within their families and damage to their reputations. Finally, the activities of the protest group which was organized to protect the natural resources were stopped and participating members has reduced. In addition, this research found that violence is an important part of development. Not only does the State have a monopoly on the use of violence, but the capitalists have the potential to use it too. There have been instances of collaboration to threaten villagers' access to mechanisms that protect their livelihoods and their hometowns; public participation, in particular. However, this violence is not an intended consequence of development.



ICTS 13 PANELS AND ROUNDTABLES

PANEL Land Relations and Governance in Globalized Thailand

Convener(s)

Philip Hirsch
University of Sydney
Chusak Wittayapak
Chiang Mai University

Panel Description

This panel aims to review and evaluate the relations of people and land in the changing social, economic, political and regional circumstances of Thailand over the past 50 years. It proposes to situate land issues in the larger context of Thai political economy and Thailand's regional position. A generation or two ago, land issues mainly resonated in farmer movements, ranging from landlessness, land rent, land tenure to land reform. Despite a reduced research attention to land with the declining interest in agrarian questions, land issues have continued to be an integral part of politics and development of Thailand as the country has industrialized, urbanized, globalized and regionalized. The role of the state in furthering capitalist development has dominated land policy and governance. The neoliberal push and globalized markets have shaped land issues into ever more complex configurations within and beyond the country's borders, with constant challenges from civil society and local community voices arguing the meanings of land beyond the means of economic production. This panel seeks to broaden debates on land issues as embedded in a variety of problems, including urban public space and its governance, various dimensions of social conflict, discourses of global climate change and non-traditional security domains such as food, livelihood and environment.

Possible themes in the panel include:

- Current agendas in land governance: land bank, progressive land tax, communal land title
- Land implications of regional and national economic development through Special Economic Zones
- Issues of social inequality and its links with land
- Land implications of military rule and autocratic governance
- Green agendas in land relations
- Boom crops and land
- Spaces and flows in land governance
- Exclusionary powers and processes in land governance in Thailand
- Urban and peri-urban land conflict and governance

Panel members

1. Kanokwan Manorum
2. Pornpana Kuaycharoen, Phurinat Chotiwan, and Tiwat Dumkaew
3. Robert Fisher
4. Philip Hirsch
5. Chusak Wittayapak



PANEL Land Tenure and Resource Rights Among Marginalized Communities

Convener

Peter Vail

National University of Singapore

Panel Description

This panel examines issues of land tenure and resource rights among marginalized communities across different regions of Thailand. In particular, we are interested in examining the intersection between ethnicity, class, and material disempowerment, whether deriving from economic conflict among competing private interests or with the state and its laws and policies directly. The case studies presented here address not only the ideological dimensions of conflict in terms of justice, equity, and human rights, but the practical dimensions concerning the implementation of policy and the various abuses engendered in the process. We further consider historical roots of ongoing conflicts, and how such conflicts reverberate in other aspects of social life, including family structure, enfranchisement, and social welfare. We pay particular attention to the role of violence, both structural and physical, that marginalized communities face, and examine various attempts at conflict resolution and the manner in which— and the extent to which— such attempts are effective.

Panel members

1. Nathan Porath
2. Malee Sitthikriengkrai
3. Peter Vail
4. Sommai Chinnak, and Kanjana Chinnak
5. Chainarong Srettachau

ROUNDTABLE Migrant Workers as a Consequence of Land Grab: Change of Lives and Communities, and Potential Impacts to the Region

Coordinator(s)

Premrudee Daoroung

Project SEVANA South-East Asia

Description

The Thai sugar Industry has now gone to its neighboring countries. In 2006 and 2008, the two major Thai sugar companies, Khon Kaen Sugar Ltd. and Mitr Phol group had invested in Cambodia and Lao PDR. In Cambodia, both companies awarded almost 20,000 hectares of land each, under an Economic Land Concession (ELC) scheme. Their investment in Koh Kong and Oddor Meanchey Province had become the major complaint and the



first investigation crossing border ever of the National Human Rights Commission of Thailand, and Southeast Asia. The NHRC's reports of both cases came out in 2015, stated that the companies need to take responsibility of the people, those suffer from the land and livelihood loss, forced eviction and violation occurred to them. NHRC also recommended to the Thai government to set up the proper regulations and process to monitor the Thai investment abroad.

The panel will discuss the content related to the testimony of local people those being evicted in 2009 from O'Bat Moan community in Oddor Meanchey Province, to make ways to the sugarcane plantation of Mitr Phol company. Mitr Phol pulled out their investment from Cambodia in 2015, but yet, the government still do not give the land back to the people.

Project SEVANA South-East Asia with other NGOs based in Thailand and Cambodia had conducted the research on this issue in 2016. The key element of people's testimony in the research is the changing livelihood after the land and forest was lost. People who were still living in the nearby areas of the ex- O'Bat Moan community were living with no other hope, but to get their land back then they could regain their livelihood. From another end, the O'Bat Moan migrant workers that fled to Thailand since their eviction were hearing the stories of being an illegal migrant worker and the risk they were taking after changing their life from a farmer and forest dweller to migrant laborer in Thailand, one of the region's migrant workers hub.

The panel will discuss the 'gaps' within and among the different actors of those that contributed to create such scenario as O'Bat Moan, with the question if there will be a way to make the situation better, or the similar thing will continue in the region without hope? ASEAN, highly promoting the economic pillar, and the individual state of those supporting their business and welcoming investors, can they be more balanced in their role to protect their people and resources? In upgrading their investment abroad, and with more questions and protests on sugar business, will the company be able to find a way to listen and do better? For the local people who are the direct 'victims', will they be able to keep up with their struggle amidst the political limitation and the difficult manners of the business? And for the government and general public in Thailand, will they be able to recognize that the Thai investment abroad and the migrant workers coming to Thailand is the same issue?

Panelists

1. Premrudee Daoroung, *Project SEVANA South-East Asia*
2. Siwawong Sooktawee
3. Ubon Yoowah, *NE Alternative Agriculture Network, Thailand*



PANEL Political Economy of Land Along Isan Borders

Convener

Kanokwan Manorum
Ubon Ratchathani University

Panel Description

The borders of Isan are perceived as spaces for potential trading, rich resources and sites of cross border economic and social development. With this, land is a key potential resource that has been increasingly taken over and controlled over the past 10 years. In some areas land conflict is a common phenomenon. Factors affecting land control include: borderland development, crop booms, national security and cross-border trade. Actors involved in borderland control come from many groups, including local villagers from within and outside the areas, local and outside traders, government agencies, politicians and local authorities. This paper studies land resources along the borders of Isan through the lens of political economy. This lens allows us to conceptualize the history, current situation and dynamics of land use, land struggle, land conflict and land control along the Isan frontier, in the context of the changes brought about through Mekong development and integration.

Panel members

1. Kanokwan Manorum
2. Pinwadee Srisupan
3. Watcharee Srikham
4. Surasom Krisnachuta
5. Chantha Thanawattanawong

PANEL State of Knowledge on Land Governance in Thailand

Chair

Philip Hirsch
University of Sydney

Discussant

Chusak Wittayapak
Chiang Mai University



PANEL The Thai Smallholder: Transformation and Persistence

Convener

Jonathan Rigg

Asia Research Institute and Department of Geography, National University of Singapore

Panel Description

The panel explores the puzzling persistence of the smallholder in Thailand. Agrarian transformations in Thailand, as well as more broadly in East and Southeast Asia, have taken a path that is distinct in global terms. Rather than witnessing a farm-size transition towards diminishing farming populations working ever larger farms, the reverse is occurring with rural households, seemingly, keeping hold of their land even as holdings shrink. But while smallholders may have persisted in Thailand, they have not remained unchanged. This raises a number of theoretical, empirical and policy questions:

- Why has Thailand's smallholder sector proved to be so persistent even in the face of deep, rapid and profound social and economic transformation?
- Who are these smallholders? Are they a distinct class, a relic population, or do they comprise new entrants in the agricultural sector?
- How have rural livelihoods been sustained in the context of declining farm size, and with what social and environmental consequences?
- How has farming, as both a profession and an agro-ecological system, adapted to emerging pressures and opportunities nationally, regionally and globally?
- How do we theorise the agrarian transition in Thailand? How do we conceptualise the smallholder?
- What has been the role of Thai government policy, current and historical, in shaping the smallholder sector?
- What rural futures present themselves for the Thai smallholder? The panel invites papers that address any of the above questions to elucidate why and how smallholders exist and persist in Thailand.

Panel members

1. Will Shattuck
2. Jonathan Rigg
3. Tuftim Tuftim
4. Philip Hirsch



PANEL Violence of Natural Resource Management in Thailand Under the Military Regime

Convener

Atchara Rakyutidharm
Social Sciences Department, Faculty of Arts, Sipakorn University

Panel Description

Our panel challenges popular accounts of development studies and political ecology on international influence as an important factor of violent conflicts over natural resource management (NRM) in most developing countries. We argue that Thai politics must be seriously examined because violence over NRM often occurs under the military's rule. Thailand is named as a democratic country even though there have been 13 occasions of military coup since the country turned to democratic rule in 1932. During the past 84 years, the military governments have held more time and power than the civil governments, and the military always retains power above the civil government. Notably, the military has often manipulated their extraordinary power in order to conduct numerous projects which exempt regular laws. Our panel will review the historical violence of NRM under the military regimes. Three case studies will also demonstrate local people's hardship under the power of a junta. In the northeast, the villagers protest gold mining that pollutes the environment. In effect, they were abused by the outlaw men and threatened by a gunman, while some villagers were even prosecuted by the mining company. In the north, the villagers are struggling with a forest conservation project, yet they are afraid of exposing their tough situation to the public because it might put them at risk of prosecution. In the borderland of the North, ethnic minorities are at risk of the impacts of mega dam projects along the transnational Salween River. These projects have been planned and protested for decades, but the present Thai government is strongly pushing them forward. Under military rule, local people hardly have avenues to voice their struggle. The rule of law is undermined and many institutions for people's petition and mass media are seized or dominated by the military. Some NGOs and civil society are either closely controlled by the military, or keen to collaborate with the dictatorial government instead of fighting for democracy. As such, we argue that Thai politics and the political dictatorship are the key conditions driving violence in NRM.

Panel members

1. Atchara Rakyutidharm
2. Wichean Anprasert
3. Sakkarin Na Nan
4. Paiboon Hengsuwan



10TH INTERNATIONAL CONVENTION OF ASIA SCHOLARS (ICAS 10) 20-23 JULY 2017, CHIANG MAI, THAILAND

ICAS 10 PAPERS

Land acquisition for industrial plantation development in Indonesia during the era of free, prior and informed consent (FPIC)

Afrizal Afrizal
Andalas University, Indonesia

Abstract

Free, Prior and Informed Consent (FPIC) is the global regulation of industrial plantation conflict. It is adopted by Roundtable on Sustainable Palm Oil (RSPO) and included by Food and Agriculture Organization (FAO) in its voluntary guidelines on the responsible governance of land, fisheries and forest in the context of food security. It is proxy of recognising and respecting of indigenous people right to land demanded by international bodies and the market in weak local government regulations. The article scrutinizes how FPIC works to regulate palm oil plantation conflict in Indonesian context and attention is given to recent acquisition of customary land carried out by industrial oil palm plantation companies. The questions to answer in this article are to what extent industrial palm oil plantation companies apply FPIC in recent acquisition of customary land, and what does constrain palm oil companies in the application of FPIC. Based on qualitative studies of recent land acquisition done by palm oil plantation companies in the Provinces of Riau, Jambi, and West Sumatra, this article reveals that although many of the biggest palm oil companies in Indonesia have recently expressed their commitment to follow FPIC standards, land grabbing practiced by palm oil plantation companies persists and government regulations and weak government institution contribute to such application of FPIC in Indonesia.

Keywords: Industrial plantation, Oil Palm, land grabbing, FPIC, industrial plantation conflict, conflict regulation.



Can National and International Legal Frameworks Mitigate Land Grabbing and Dispossession in Southeast Asia?

Andreas Neef

University of Auckland, New Zealand

Abstract

Over the last decade, Southeast Asia has become one of the hotspots of the global land grab phenomenon, accounting for about 30 percent of transnational land grabs globally. Land grabs by domestic urban elites, the military or government actors are also common in many Southeast Asian countries. Weakly recognized customary rights in combination with state ownership of large portions of the national territory (e.g. forest land in Indonesia, Myanmar, Lao PDR and Cambodia, public domain land in the Philippines) allow the respective governments to categorize the people living on these lands as illegal occupants, making them easy targets for dispossession and eviction. Yet there is some potential of national and international frameworks to control land grabs and enhance the security of customary rights in Southeast Asia. Soft law instruments, such as the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests, have broken new ground by calling for the recognition of legitimate tenure rights including customary, informal and subsidiary rights, even if they are not (yet) acknowledged and protected by statutory law at the national level. International human rights conventions, such as the International Covenant on Economic, Social and Cultural Rights and the UN Declaration of the Rights of Indigenous Peoples (which holds that indigenous people shall not be forcibly removed from their lands or territories) provide a source of binding international laws for protection against illegitimate land grabs. In addition, the concept of transnational state responsibility for human rights violations, as enshrined in the Maastricht Principles on Extraterritorial Obligations has opened new avenues for scrutinizing transnational land grabs. Drawing on recent political and legislative developments and case studies in several Southeast Asian countries, this paper will evaluate the potential and limitations of national and international legal frameworks to contain land grabbing, dispossession and displacement.

Turning land into capital: responses and resistance

Carl Middleton

Chulalongkorn University, Thailand

Abstract

Processes of partial economic liberalization across the Mekong Region, undertaken in highly differentiated political-economic landscapes, have had profound implications for land and its governance, as examined in the preceding chapters. In this final chapter, we explore and evaluate arenas of (in)justice that exist, some of which are new and innovative, and others better established. We define these arenas of (in)justice as politicized spaces of land governance in which a process for claiming and/or defending rights to land or seeking redress for land rights violations take place. Such arenas exist at local, national and transnational scales, involve both formal and informal processes, and can in fact be rather non-inclusive of the most marginalized. We build our analysis of



arenas of justice around three key processes of capitals involvement with land explored in the book capitalization, commodification, and financialization. Within each process and across the local, national and transnational scale, we assess the role of state, civil society and business actors. As a framework for action, we call on state, civil society, and business actors working to expand, constrain, and utilize (and who are also subject to) arenas of justice, to be cognizant of the histories, culture, politics, and power asymmetries that exist within and between Mekong countries. We also call for greater acknowledgement of the intersectionality (including along lines of gender, class, race, ethnicity and citizenship) that gives rise to and shapes marginalization, dispossession and access to justice.

Buddhist monks as social housing providers: The case of Bangkok

Chaitawat Boonjubun
University of Helsinki, Finland

Abstract

Contemporary literature on social housing introduces public authorities, states and local governments, and gives less attention to civil society organisations. In this paper, I look particularly at religious institutions, which often are significant landowners and still have a charitable role, as possible providers of social housing and shelters. In Thailand, Buddhist temples as holders of great amount of land are one of the significant key players in providing social housing for the poor and the homeless. Buddhist temples have a close relationship with the communities in which they are located - temple is where social activities from birth through dead take place. Temple land is donated by lay followers and Thai Sangha Act prohibits this type of land to be sold to the market. However, temples can lease their land and temples allow people to use to their land for settlement as a way to return the merit to the communities. My research analyses the ways in which Buddhist temples have worked with communities to tackle the problems of affordable housing shortage and how they have collaborated with local and state authorities. Empirical data are collected by policy document analysis and semi-structured interviews with Buddhist temples, authorities and tenants.



Commoditization, consolidation and crony capitalism: the political economy of land governance in Cambodia

Jean-Christophe Diepart
Mekong Region Land Governance, Cambodia

Carl Middleton
Chulalongkorn University, Thailand

Abstract

In Cambodia, agricultural and forest land is rapidly being commoditized and brought under concentrated ownership. These contemporary agrarian transformations are proceeding through at least two distinct processes, namely: state-sanctioned large-scale economic land concessions (ELCs) that channel national and transnational investments into land; and a process coupling the titling of land with the creation of land and credit markets. The paper's central argument is that these processes are central characteristics of Cambodia's particular form of crony capitalism and state formation. They are produced through cross-scale political-economic processes involving international and domestic political and business elites, as well as international donor agencies. In this paper, we first link large-scale land acquisition to underlying processes of state control over territory and natural resources that has underpinned state formation in pre- and post-conflict Cambodia. We then map out the expansion of land titling programs and the creation of land markets across Cambodia, which are promoted by the government and international donors, and examine how dominant actors both within and outside rural communities have expanded their landholdings through them. Whilst recognizing that peasant agriculture itself is changing in Cambodia, we conclude that both ELCs as well as titling and land market processes have been instrumental in forcing the exclusion of small peasantries from land and related natural resources, despite various acts of local resistance.

Of Rice, Sago, and Palm Oil: Land use and resource management in the context of Ancestral Domain in the Philippines

Jessie Varquez
University of the Philippines, the Philippines

Abstract

The Indigenous Peoples Rights Act in 1997 paved the way, among other things in the context of right for self-determination, for the titling of lands among many indigenous groups in the Philippines. The titled lands are called Ancestral Domain that is awarded collectively to an indigenous group. One such indigenous group are the Agusan Manobo who dwell on a specific ecological niche - i.e., intensive wet rice farming situated in the environs of a nationally protected wildlife sanctuary called Agusan Marsh – in Mindanao island in southern Philippines. Of the many valued resources found in their Ancestral Domain, the most important food resource for the Agusan Manobo are rice fields. Sago (*Metroxylon sagu* Rottb.), which serves as an emergency food source, is also



distinctly found in their area. Recently, however, rice fields and other land tracts have been gradually converted to palm oil farms as a strategic decision that is deemed to provide better economic yields and prospects than rice production. Through ethnographic methods and approach, this paper examines the dynamics of land use and resource management among Agusan Manobo communities that have converted their rice fields and other agricultural lands to palm oil farms. This paper also analyzes the cultural underpinnings of economic decisions vis-à-vis ecological and food landscapes in the research area by looking at how various organizational stakeholders (through their tribal council and other invested external groups) and social actors (smallholder farmers) manage their land sources.

Land Use Planning in the Highlands of Northern Thailand: Case Study of Khun Wang, Chiang Mai, Thailand

Karika Kunta

National Institute of Development Administration (NIDA), Thailand

Abstract

Land Development Department (LDD) under Ministry of Agriculture and Cooperatives is the main organization in Thailand responsible for soil survey and soil mapping, land improvement and land use planning. Therefore, LDD has established a pragmatic, effective and integrated land use plan respecting to the sustainable and sufficient utilization of natural resources in different levels including district, sub-district, watershed, sub-watershed and highland in the north of the country. The paper shows a recent method to practice land use planning by LDD with 9,800 ha case study in Khun Wang area, Mae Wang District, Chiang Mai. The area has encountered natural resource degradation and forest trespassing, due to volatile population increase and lack of land use planning. Therefore, the land use planning in the study area has been conducted. The land suitability according to land use, soil data, elevation, slope, forest zones and watershed class by law, is assessed on Geographic Information System (GIS) and then classify to different zones with recommended cropping and soil and water conservation practices. To acquire the data, GIS data and field data were collected. The study represents that there are 8 zones in forest area and 5 zones in agricultural area, including forest protection zone, forest rehabilitation zone, agriculture with strict soil and water conservation practice zone, etc. The paper also provides suggestions for soil and water conservation practices in each zone. Furthermore, in order to put the land use plan effectively practical, the plan should be performed in cooperation with various organizations and local communities.



Rubber plantation and changes in livelihoods in Northern Laos and Northern Shan State: What creates different gender outcomes?

Kyoko Kusakabe
Asian Institute of Technology Thailand

Abstract

Since the 1990s, there has been an expansion of rubber plantation in Northern Laos and in Northern Shan State, Myanmar. The large-scale conversion of forest and upland to rubber plantation has changed the lives of ethnic groups drastically. However, the changes have been experienced differently by different villages and by different people. This paper maps out the differences in the changes and impact of rubber plantation on women and men in different villages. Based on studies of 4 villages in Myanmar and 11 villages in Northern Laos, the paper argues that the type of plantation (concession or contract farming), upland and paddy land access as well as ethnicity and the gender relations in the group are important factors that determine how villagers are affected/ benefited with the change. Increase in income with the introduction of rubber does not necessarily improve gender relations or girls education, but local leadership is important in channelling the economic benefits to be invested for common goods. The paper, using Kabeer's (2016) argument of structural constraints that cause gender differentials in returns to endowment, questions the automatic connection between increase in women's income and its impact on gender relations, and argues that in order for women to effect changes in their relationships, certain structural changes are needed that can be triggered by a large enough income increase or strong support from the village leadership.

The Brokerage of Dispossession: State actor's brokerage in Indonesia's food estate projects

Laksmi A. Savitri
University of Gadjah Mada, Indonesia

Abstract

This paper is aimed to unpack the processes of land deals in large-scale agricultural investment that utilised the power of brokering, which were done by the state actors to launch, smoothen, accelerate land deals. State actor brokerage does not only channel the power of capital owners to appropriate land and landowners into their accumulation strategy or channel the landholders' counter-power against the capitalists' agenda of dispossession, but it is also an important mechanism to produce legitimation. In a case of large scale farmland appropriation, land deals were justified as legitimate and able to produce control when it is also capable to create consent or 'morally acceptable and desirable reasons'. Brokering becomes an important mechanism within which a hegemonic formation is constructed. Furthermore, this working of brokerage web is invisible to the organized counter-movement. This invisibility is successfully gained because movement organisations failed to connect their advocacy agenda with the working of everyday politics that produces problem of fragmentation and factions at the grass root level. The invisibility has weakened and, even, inactivated the counter-brokerage, which makes difficult the consolidation of resistance from below. The large scale agricultural investment in Indonesia, therefore, continues to thrive because, among other reasons, the working of state brokerage and its implication to the organized counter-movement is not yet recognised.



Informal settlements at the heart of urban developments: the case of Yangon and Mandalay (Myanmar)

Maxime Boutry

*CASE - Center on Southeast Asia (CNRS - The French National Center for Scientific Research - UMR 8170),
Myanmar*

Abstract

Informal settlements in Myanmar's cities served as a rationale for urban developments through the 1990s, impacting hundreds of thousand people, mostly concentrated in the towns of Yangon and Mandalay. Pushing so-called squatters to urban peripheries (actually paddy fields), townships were created ex-nihilo with the objective of developing industrial zones that would naturally supply their labour from the newly uprooted population. While this objective was partially fulfilled, the peri-urban townships of Yangon and Mandalay remained characterized, until today, by poor access to basic services such as water and sanitation, health, schooling, as well as endemic poverty. With the Thein Seins government (2010-2015) that paved the way to Myanmar's political transition toward democracy, a new impetus was created for foreign investments in the country and particularly in the main towns of Yangon and Mandalay, accompanied by a speculation wave on urban and peri-urban land. The combination of these two factors led to the spontaneous creation of many informal settlements within these peri-urban areas, triggering a new set of responses from municipalities. Building on the historical creation of these peri-urban areas, the paper seeks to compare the different policies applied in the past and under the current quasi-civil government in Yangon and Mandalay, each having their own strategies to deal with informal settlements. We may show that informal settlements still shape the developments of these two cities, challenging a little effective all-planning model.

Key words: Myanmar, informal settlements, urbanization, Yangon, Mandalay, urban planning.

Concession development: Timber financing and risk modulation at Laos's infrastructure frontier

Mike Dwyer

University of Bern, Switzerland

Abstract

This paper argues that under current political-economic conditions, the imperatives of state formation all too often trump those of deliberate sectoral or landscape-scale management of Laos's forests. Among these imperatives are the need to finance infrastructure projects that address longstanding state aspirations to overcome external dependence on foreign assistance in this case, by developing an array of export-oriented hydropower and mining projects and to establish rural connectivity through the establishment of a denser road network in Laos's long-remote hinterlands. Infrastructure financing sits at the centre of both of these efforts. While roads, mines and energy projects have been financed to some degree through the recruitment of foreign



investment and donor support, local actors and the resources they mobilize have played a key role as well given the difficulties of mobilizing foreign investment to the task of infrastructure building. Timber is one such local resource, reflecting a history of barter-based development efforts, especially among the socialist countries. Using the case of linked energy and road infrastructure networks in central and southern Laos, this paper examines the ways in which timber-based infrastructure financing remains alive and well despite central-level efforts to regulate and abolish this practice in recent years. In doing so, the paper argues that forest loss is intimately connected to the nexus of Laos's historically (over)determined infrastructure deficit and the political economy of investment risk that private investment capital is currently unable to mitigate sufficiently on its own.

Changes in status and utility of lands in Mae Sot Special Economic Zone Development: Socio-economic, and cultural Impacts and movement of community and civil society

Mukdawan Sakboon
Chiang Mai University, Thailand

Abstract

Under the framework of regional integration, the Thai military government has recently exercised its power authorized by special article under the Constitution to take back land from individual and private owners or transform its denuded forest into the special economic zone areas. This study investigates the Thai State's land management in the form of special economic zone policy which affects the power relations among several stakeholders as well as the relationships between lands and people, and citizen. It emphasizes the changing of the status and the use of lands and its impacts on the community while also investigating the community's effort in the solving of the problem. The study is conducted in Mae Sot District, Tak Province in northern Thailand to understand the impact of the SEZ policy on economic, social and culture of the community in the Mae Sot SEZ and their counter movement. It also aims to comprehend the change in the social and cultural meaning of land and its relationship with people. The study argues that the State policy of SEZ is a form of the accumulation by dispossession (Harvey 2003) through the State practice of power through the changing in the status of State's land and the taking back of lands from individual owners. This policy is a state discourse in the transforming of the sovereignty over land into commodity under the neo-liberalism economy in the name of the national interests.



Sustaining Indigenous Peoples Voices and Dignity in Cambodia

Mane Yun
CIPO, Cambodia

Sreymean Loek
CIPO, Cambodia

Abstract

In Cambodia, most Indigenous Peoples (IP) practice swidden agriculture in forested areas. They depend on land and forest as economic resources for their livelihood. But the rapid pace of economic development has led to an increasing land demand for agro-industrial, mining and hydropower building purposes. Indigenous territories have become major target areas for these development projects, thereby creating brutal conflicts between indigenous communities and economic investors. In the meantime, the public services gap of the government has been complemented by development partner agencies and NGOs since 1991, with mitigated achievements upon indigenous communities. With grave concerns for the future destiny of Cambodia IP for the upcoming generations in relation to social, cultural, and customary rights to land and natural resources, especially with the prospect of escaping poverty and upholding ownership on individual life and family as well as on the whole community, a group of organization builders had established an NGO called Cambodia Indigenous Peoples Organization (CIPO) in 2014. Its vision aspires to build up a permanent community living with dignity in a peaceful social environment in Cambodian multicultural society. Its goal aims to develop a sense of ownership and partnership with regards to land and natural resources management, and to ensure better socioeconomic well-being by reducing poverty and discrimination on employment in order to create a cheering environment in which they can adapt to climate change and inflow of globalization. Its mission finally consists in educating, networking, strengthening the capacity, and empowering in leadership and ownership IP throughout Cambodia.

Public procurement and corruption in ASEAN: A case study of Klong Dan, Thailand

Pannin Sumanasrethakul
National Institute of Development Administration (NIDA), Thailand

Abstract

The ASEAN Political-Security Community has envisaged the region to prevent and combat corruption through cooperation to strengthen the rule of law. Despite its rules-based shared values and norms, ASEAN is still struggling to overcome the mutual synchronized process especially in the area of public procurement. This study is aimed to unpack similarities and differences of public procurement processes carried out by member countries. In this paper, a case study of waste water management system in Samut Prakarn (Klong Dan), Thailand is explored. This case, led to illegal land deed and land grab, is regarded as one of the controversial large-scale infrastructure projects in the Thai and probably the ASEAN history. Specifically, the study investigates the waste water management plant contracts. It analyses the interplay between key actors, in particular, state and local land authorities, local politicians, developers and communities.



Movement, countermovement and regionalization of capital in Thailand's land relations

Philip Hirsch

University of Sydney, Australia

Abstract

This paper explores the paradox of a country with a key regional role in accumulation and dispossession through cross-border land-based investments, yet one within whose own borders there are significant limits to fully capitalized land relations. The paper commences with a political-economic history of land titling and the progressive capitalization of private land in terms of investment in agricultural production, land as a commodity and land as a financial asset, showing how Thailand has established the World Bank model for smallholder-based property rights in land. Nevertheless, Thailand's experience also shows the limits of land capitalization that lie behind the paradox of a highly unequal rural society growing on the basis of a still largely smallholder-based agriculture, and how counter-movements in various guises have placed limits on large-scale accumulation through dispossession on such land. The paper then considers the evolving role of capital on public land occupied by or distributed to smallholders, particularly in land reform areas, and the debates and dilemmas of turning such land into capital as proposed during the Thaksin regime. Partly in response to limits on accumulation within Thailand's own domestic periphery, the final part of the paper discusses the role of cross-border investments by Thai capital in land-intensive ventures in plantations, contract farming and hydropower in neighboring countries. These trans-border investments play an important role in the regionalization of capitalized and commodified land relations in neighboring countries of the Mekong Region, with implications for accumulation and dispossession at a transboundary scale.

Spaces for participation: gendered experiences and responses to palm oil plantation development in West Kalimantan

Rosa de Vos

Wageningen University the Netherlands

Izabela Anna Stacewicz

University of Reading, United Kingdom

Abstract

There has been a striking lack of empirical research on the gendered implications of large-scale land deals, particularly in relation to palm oil. In this paper, we explore the gendered experiences of, and responses to, socio-economic and environmental change evoked by processes of land acquisition for the oil palm plantation development. Following a polarized debate on large-scale land deals (or land-grabs), this research contributes to more nuanced and contextualized research by examining how people are unequally affected by food, feed and fuel crop production industries such as palm oil. Drawing upon ethnographic fieldwork in several locations in West Kalimantan, Indonesia, we examine the heterogeneous and differentiated nature of women's lived



experiences in resisting, accepting and enacting agrarian change. We use an analytical framework of spaces of participation to examine how women participate and are excluded from participation during negotiations and contestations regarding land acquisition for the development of oil palm plantations. By bringing women's voices to the fore, the paper emphasises the diversity of women's interests and experiences in relation to oil palm plantation development. Furthermore, the paper unearths the different forms of political agency taken by women, including the subtle forms of resistance or acceptance that frequently go unnoticed by policies and practices that aim to empower women. We argue that palm oil land deals not only influence women's livelihood opportunities and access to resources, but the processes of change themselves impact women's socio-economic and political positions. Such processes simultaneously provide opportunities for empowerment and create risks for women. Moreover, we highlight how palm oil-related impacts are subjective, manifest themselves differently at different times, according to personal circumstances, and in unexpected ways.

Keywords: gender; participation; land acquisition; palm oil; Kalimantan

Acts of Resistance and Indigeneity in Ratanakiri: a Way to Preserve an Identity

Tphanie Sieng
INALCO, France

Abstract

After more than two decades of political and economic crisis, the reopening of Cambodia during the Nineties raises some forgotten territorial and social issues. Indeed, the government decided to reorganize the administrative map and restructured land organization under new laws. These decisions combined with a population movement from the centre to the borders affect indigenous peoples and are an attempt to integrate them into a national Cambodian geographic unity. As a result, these territories have become a conflict area where every act of resistance is one designed to achieve their rights. Moreover, since the new Constitution in 2001, competition for land has increased because of numerous factors such as the rise and integration of market exchange, followed by agro-industry development, the expansion of international concessions, and the domination of the urban elite over the means of production and unregistered land. In the context of land claims, this study will focus on transformations in Khmer and Tampuan religious practices and lifestyle. This raises important questions: how regional decisions can affect social and cultural relations within the village unit? How competition for land becomes a strategic issue in the development of Cambodian democracy, and finally how Tampuan villagers organize themselves in line with this well-known concept to protect their identity? Thus the goal of this paper is to present a Ratanakirian village where political, economic, social and cultural conflicts can be both an instrument to unite people and a way for local authorities to control their land.



Informal settlements and urban policies, the tangled nexus of land. A focus on Phnom Penh, Cambodia

Valérie Clerc

IRD - Institut de recherche pour le développement, France

Abstract

The New Urban Agenda, to be adopted during the UN-Habitat Conference in Quito in October 2016, seeks to work towards correcting the striking problems with the current model of urbanisation. While informal settlements house almost a billion people worldwide, urban planning models still haven't adapted at a large scale to informal urban development dynamics. Despite fifty years of scientific research showing the urban qualities of informal settlements to answer to the challenges of rapid urbanization (affordability, incrementality, functional mixity, capacity of sustainability, adaptability to climate change) and forty years on after the first recommendations from the international institutions advocating their legalization and improvement of living conditions, policy makers rather still often aspire to eradicate these neighbourhoods and to replace them under urban renewal schemes. The prickly issue of land is core to policymaking towards informal settlements. The national and local public policies towards precarious settlements are largely contingent on how the actors of these policies view and approach the land issue as property, place, territory, value, location, spaces of rights, norms, economic development, or collective use. This paper will focus on the case of Phnom Penh, in Cambodia, where the history of informal settlements is tied to the country's history of land and where the policy pursued by government authorities in the 2000s was quite contradictory, facing a land competition between residents wishing to stay in their settlements and investors keen on realizing large real-estate projects on the occupied land.

Keywords: Informal settlements, urban policy, land and housing, Cambodia.



ICAS 10 PANELS

PANEL Beyond Metropolis: Alternative Urban Asia II

Convenor

Valérie Clerc

IRD - French National Research Institute for Sustainable Development, France

Chair and discussant

Gopa Samanta

The University of Burdwan, India

Panel Description

The image of urban Asia is often represented by big metropolitan cities. The existing academic and planning discourse on urban Asia is also biased towards these big cities and metropolitan urbanization. Although limited in numbers in each country and primate in nature in urban system, these cities have tremendous impact on the regional as well as on global urban economy. These are often represented as global cities in neo-liberal regime. Besides this big and metropolitan urban Asia, there is also alternative urban Asia lying in small and medium cities and in informal settlements. Small and medium cities are actually new destinations of urban Asia as the costs of migration to the big cities are no more within the reach of the poor migrants. The flow of migration towards cities has been intensified because of the growth oriented development activities of neo-liberal economy displacing people from their habitat for industries, mining, real estates and other infrastructures. In the first decade of the twenty first century around 200 million people moved to Asia's cities. Despite the rise of the megacities, two-thirds of the regions urban areas are comprised of 100,000 to 500,000 people. The contribution of informal settlements in Asia's urbanization also calls for attention as around 30% of the Asian cities inhabitants live in informal settlements, representing around 500 million people. These figures are important not only in term of their sheer number of people but also in their stake in Asia's urbanization and economic growth. One distinctive character of small and medium towns and informal settlements is the lack of efficient basic services an urban local government needs to deliver to its citizens. Small and medium cities and informal settlements are generally thought as quite different, but have similarities in terms of scale; the lack of basic infrastructure and services; progressive adaptation to the context; incremental logics of construction; absence of large private investments; and mere absence of urban planning projects. Research on small towns and informal settlements show different challenges and solutions that could provide new ways of thinking about the city. The panel is proposed to critically understand how small and medium cities, and informal settlements have become significant part of vibrant and alternative urban Asia in relation to: The economy and employment; Migration and mobility; Governance and urban policies; Land and housing issues; Infrastructure and services; Sustainability and climate change.

Panel members

1. Valérie Clerc
2. Gopa Samanta
3. Maxime Boutry
4. Nipesh Palat Narayanan
5. Kamala Marius



PANEL Land, Urban Development and Housing in Southeast Asia

Convenor and chair

Chaitawat Boonjubun
University of Helsinki, Finland

Discussant

Anne Haila
University of Helsinki, Finland

Panel Description

At the time when half of world's population lives in cities and especially Asia is urbanizing fast, the land question has, once again, become a crucial question. This time it concerns urban rather agricultural land. How to get land for growing urban population and how to house new urban residents? There is no simple best practice model to solve these questions. Land acquisition processes are complicated and differ from city to city. One reason for this is that despite modernization and globalization, and despite the recommendations of the World Bank and Hernando de Soto, the forms of land tenure are still different. Whereas in some cities land is in private or in municipal ownership and land registers tell clearly who is the owner, in some other cities there exist collective forms of ownership and use. In some cities there is privileged unalienable land, whereas in some cities even state and religious institutions sell their real estate. In some cities colonialists have created a dual system of land rights, whereas in some cities all parcels of land are commodified. The panel calls presentations on the following topics:- various forms of land tenure (state, municipal, collective, communal, customary, private) and their impact on housing (private and public), urban development and economic growth;- the legacy and impact of colonialism on land tenure system;- the impact of land allocation methods, for example selling land use rights, on social welfare and social justice;- the impacts of land privatization and titling programs; land grabs in urban areas;- evictions and mobilization of citizens;- the acquisition of land by development companies;- land appropriations by the state and municipalities.

Panel members

1. Chaitawat Boonjubun
2. Anne Haila
3. Karika Kunta
4. Pannin Sumanasrethakul



PANEL Land and the Dynamics of Exclusion in Southeast Asia

Convenor and chair

Mukdawan Sakboon
Chiang Mai University, Thailand

Panel Description

Land grabbing, access to forest and natural resources and the government socio-economic and political policies in development, natural resources' management, and program and policy such as special economic zones as part of the regional integration in Southeast Asia have remarkably changed land use and the meaning of lands among administrators, investors, villagers and other stakeholders. Available studies (Ong 1999, 2000, 2006) have pointed out that in many areas, the state's attempt to accommodate regional integration and the flexibility of neoliberal capitalism can be viewed as the "space of exception" or "graduated sovereignty." Importantly, the contestation over land use and the meaning of lands in many areas of Southeast Asia (in the mainland and the archipelago) as a result of the nation-state government policies to accommodate capitals has posed a significant question about what scholars have portrayed as "post-national sovereignty" which might not lead to the less roles of the national sovereignty but to the potential capitalizing on administrative apparatus and justification for capitalist corporation (Nyiri 2012). Significantly, these "graduated sovereignty" which have been transformed into attempts by corporations promoting cash crops such as palm oil and rubber plantations in collaboration with the nation-state governments' policies on special economic programs including export processing zones, special economic zones, or free trade zones, have led to counter narrative in many areas in the Southeast Asian regions. The panel discusses the above issue with studies from Central Java which look at historical evolution of the issue of land grabbing in Java, Indonesia, to the impact of land use and resource management in the ancestral domain in the Philippines on local livelihood, and the recent Thai government policy on special economic zone and the movement of the local communities in northern Thailand.

Panel members

1. Mukdawan Sakboon
2. Jesse Varquez
3. Laksmi Savitri

PANEL Opposition to Land Grabbing in Southeast Asia

Chair

Lincoln L. Lewis
Independent Researcher & Architect, Singapore

Panel members

1. Lincoln Lewis
2. Andreas Neef



3. Kyoko Kusakabe
4. Rosa de Vos
5. Afrizal Afrizal

PANEL The Rise of Indigenism in the Context of Cambodian Authoritarian Regime

Convenor and chair

Frédéric Bourdier
IRD, Cambodia

Discussant

Mane Yun
CIPO, Cambodia

Panel Description

Since the first Land Law (2001), the 24 ethnic minorities living in Cambodia appear under the label of indigenous or autochthonous. Comprising about 230 000 individuals, spread through 15 provinces, they represent 2.3% of the total Cambodian population. Such official national recognition does not prevent their being threatened by exacting internal policies imposing Khmer styles of life, economic subjugation, and attempts to ridicule their vision of the future. A deliberate ethnocidal process is under way. Moreover, most of these social groups have been confronted for the last twenty-five years with tremendous challenges associated with land dispossession and forest logging which benefit the ruling elite, local mafia, and private national and international investors who have been granted Economic Land Concessions (ELCs) by the government, without any kind of prior negotiation with the affected communities. Villagers have frequently endured physical violence, repeated acts of psychological intimidation, and forced eviction. These external pressures have generated the ingredients for developing non-violent but active resistance. Social mobilization is emerging here and there, at the grassroots level. Indigenous associations act as spokespersons of Cambodian Indigenous society. Some representatives advocate inside and outside the country with innovative and daring initiatives such as the complaint filed against the World Bank for breach of its own safeguard policies in Ratanakiri Province near the Vietnamese border. The panel intends to show the continuous emergence, various orientations, and the potential strength of Cambodian indigenous social movements. Concrete examples will be given. Other presentations will highlight local indigenous community managerial organization, which is leading to international visibility, legitimacy, recognition, and integration in the worldwide indigenous community phalanstery.

Panel members

1. Frédéric Bourdier
2. Yun Mane
3. Tphanie Sieng
4. Rath Vanny



PANEL Turning Land into Capital: Development and Dispossession in the Mekong Region

Convenor and chair

Philip Hirsch

University of Sydney, Australia

Panel Description

This panel combines regional, national and landscape-scale perspectives on key features of contemporary debates about rural development and dispossession in the Mekong Region. The Mekong Region serves as the geographical frame of reference both because of the linkages that connect land-based investment across borders, and because of the particular post-conflict and post-socialist dynamics that set the context for new sets of land relations, sometimes referred to as the new land grab. A range of relevant processes from Thai, Chinese and Vietnamese state and private sector efforts to invest regionally in natural resource acquisition, to the granting of land concessions and (in some cases) smallholder land titles by Lao, Cambodian and Myanmar authorities, to farmer's own efforts to develop land productively using the limited means at their disposal can be best understood by considering them within a common frame of turning land into capital (TLIC). Capitals regional engagement with land is evident in Thailand's battlefields to marketplace strategy, Chinas going out policy, Vietnams cross-border Indochina investments and Cambodia's, Laos and Myanmar's efforts to lease land to foreign (mostly regional) investors. But it also occurs at other scales of analysis from (sub)national-scale state strategies to mobilize land for development, to micro-level smallholder land titling efforts as well as smallholder-led agricultural land and labor intensification processes. The papers in this panel thus provide a multiple-scalar analysis of the political economy of land governance change in the Mekong to shed light on macro- and micro-dynamics of TLIC discourse and processes.

Panel members

1. Philip Hirsch
2. Jean-Christophe Diepart
3. Carl Middleton
4. Michael Dwyer