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Land is Life: A Policy Advocacy Case Study of the Northern Thailand Land Reform Movement

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LAND IS LIFE:
A Policy Advocacy Case Study
of the Northern Thailand Land Reform Movement

Jason Lubanski
PIM 70

A Capstone Paper submitted in partial fulfillment of the requirement for a Master of Sustainable Development at the SIT Graduate Institute in Brattleboro, Vermont, USA.

July 2012

Advisor: Jeff Unsicker

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“Pee/Nong, Soo Taw Pai!” (Fight on, my brothers and sisters!)

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List of Acronyms

ADB- Asian Development Bank

AOP- Assembly of the Poor (Saw Kaw Jaw- Samacha Khon Jon)

ALRO- Agricultural Land Reform Office

CLT- Community Land Title (Chanote Chumchon)

CLTO- Community Land Titles Office

CNSPR- Community Network for Social and Political Reform (Kaw Paw Saw Maw- Kreua Kai Chum Chon Peua Gan Patiroop Sangkom Lae Gan Meuang)

CODI- Community Organization Development Institute (Paw Aw Chaw- Satabaan Pattana Ongkorn Chumchon)

DSI- Department of Special Investigations

ELRN- Esaan Land Reform Network (Kaw Paw Aw- Kana Patiroop Tee Din Pak Isan)

IMF- International Monetary Fund

LRNT- Land Reform Network of Thailand (Kaw Paw Taw- Kreua Kai Patiroop Prathet Thai)

MOU- Memorandum of Understanding

NDF- Northern Development Foundation

NFA- Northern Farmers' Alliance (Paw Gaw Naw- Pantimit Gasetigorn Pak Neua)

NFN- Northern Farmers' Network (Kaw Gaw Naw- Kreua Kai Gasetigorn Pak Neua)

NHRC- National Human Rights Commission

NLRM- Northern Land Reform Movement

NLRN- Northern Land Reform Network (Kaw Paw Naw- Kreua Kai Patiroop Prathet Thai)

NPF- Northern Peasants' Federation (Saw Gaw Naw- Sahapan Gasetigorn Pak Neua)

Pmove- People's Movement for a Just Society (Kaw Paw Saw- Kabuan Gan Prachachon Peua Sangkhom tee Pen Thamm)

PTP- Peua Thai Party

SSFAI- Small Scale Farmers' Assembly of Isaan (Saw Kaw Yaw Aw- Samatcha Kasetikorn Yoi Pak Isan)

TAO- Tambon (Sub-district) Administrative Organization (Aw Baw Taw- Ongorn Borihan Suan Tambon)

VDSO- Village Development and Strengthening Organization

Abstract

This case study provides an in-depth examination of the work of the Thailand Northern Land Reform Movement using the framework of Jeff Unsicker's "Policy Advocacy Circles". Due to increasing population pressures, the liberalization of land markets, and agribusiness pressures, Thailand has experienced an increase in land ownership inequality and a growing number of landless or nearly landless farmers. In order to address this situation, agricultural communities have joined together at local and national levels to fight for the legislation of land reform policies, including Community Land Titles, progressive land taxes, and a National Land Bank to assist with land redistribution.

In Northern Thailand, the Northern Peasants Federation (NPF) and the Village Development and Strengthening Organization (VDSO) have joined with the Peoples' Movement for a More Just Society (PMove) to advocate on behalf of landless farmers. This paper traces the origins of the land issues and peoples' movements in Thailand, followed by a close look into the NLRM's campaign focusing on the Community Land Title advocacy work and the mass mobilizations coordinated by PMove. Resources include firsthand accounts and interviews during intensive field work from December 2011- May 2012, as well as academic studies, NGO documents, and newspaper reports.

This paper concludes that the NLRM is an extremely complex and widespread effort, which utilizes a number of effective methods and tactics, but still has room for minor adjustments that may allow NLRM to gain even more success. Though the NLRM is a vibrant and evolving movement, there is little English language documentation of its philosophies and history. This study, therefore, has been conducted with the hope that it will provide useful and informative details about the NLRM's work and experiences.

INTRODUCTION

“Land is Life”

- Banner at Pmove demonstration, 2012

After having worked on issues of statelessness, sustainable community development, refugee aid, and anti-trafficking in Thailand over the last twenty years, I must admit that land rights and reform did not really grab my attention as being particularly, well, “interesting.” Visions of bureaucratic land registration procedures, land codes, and the strange land measurements in Thailand¹ initially kept me from learning more about this topic. However, when my wife’s work brought her into contact with NGOs working for land reform, I began to take a greater interest in the topic. My initial impressions were that it all seemed pretty hopeless. I heard tales of poor farmers cutting down fences and “reclaiming” their rightful land while wealthy investors and corporations sued them for trespassing. I also learned about hill tribe villagers clinging to their traditional ways of life as the Royal Thai Forestry Department threatened to evict them, or in extreme cases, burned their houses down to get them out of the forest, thereby ensuring that corrupt officials’ illegal logging would not be witnessed. I couldn’t help but conclude that these villagers really didn’t stand much of a chance against the likes of these powerful corporations and state agencies. Later, as I began to listen more closely, I was confounded by the numerous types of land classifications, laws, regulations, and multitudes of Thai government agencies which could claim land sovereignty. As the confusion mounted, however, so did my interest, and I realized I had identified a situation that could be even more puzzling than the Thai “citizenship and identification card” maze that hill tribe people have been trying to navigate through for years.

¹ 100 Wah²=1 Ngan, 4 Ngan=1 Rai, 1 Rai=0.16 Hectare.

As I dug deeper into the issues, it became clear that this struggle over land rights is more than just gaining a legal document from the state. Instead, I began to understand this movement as central to some of the most difficult and controversial issues that have been facing Thailand as it has been evolving over the past hundred or so years. The land reform movement is an extension of rural Thailand's struggles against unjust policies handed down by the Central government. The struggle also pits the Thai small-scale farmer against the forces of rapid modernization, industrialization, and globalization. Furthermore, as natural resources dwindle in our modern world and land becomes more and more scarce, "land grabbing" for agricultural land investments in developing countries is becoming more widespread. With the intersection of all of the above issues, it is clear that studying the land rights movement offers a unique opportunity to observe how Thailand will come to grips with these enormously complicated and critical questions.

My desire to learn more about the land rights situation in Northern Thailand inevitably led me to the Northern Development Foundation (NDF), the lead NGO for land rights issues, with a reputation for being completely dedicated to and supportive of farmer communities. I approached the NDF with an offer to assist them with English documentation or communication in exchange for being allowed to accompany them into the field and attend their meetings and discussions. True to form for a grassroots NGO like NDF, I was not given a title, an email account, a nametag, or even a place to sit at the office (there were a few "unoccupied" tables but they were covered with mounds of old documents). Instead, I was treated with bottomless supplies of smiles, laughter, food and world-class locally-grown mountain coffee. In return, I offered my skills in conducting

research about land reform policies in other Southeast Asian countries, assisting with filing out funding applications, and producing English language documents related to their work.

The main purposes for this case study are (1) to provide an in-depth description of the campaign to secure land rights for farming communities in Northern Thailand, and (2) to assist land reform organizations document their experiences and current efforts. It is hoped that this will enable their message to reach a wider audience, who could then assist them or provide resources to support their efforts. Furthermore, this study could also serve as an analytic tool for land rights NGOs to examine their past efforts and plan for future work activities and campaigns.

It has proved to be a formidable challenge locating English-language sources of information about the land reform movement in Northern Thailand. However, this fact only further convinced me that I had chosen a useful topic, and encouraged me to scour all available possibilities for information and background materials. The primary sources for this case study include documents and reports from the advocate organizations, interviews with NGO staff members, community meetings in target villages, and discussions with government officers responsible for land administration. Secondary sources include newspaper articles from Thailand's two English language dailies, books recounting the various people's movements' struggles for land rights in Thailand, publications and academic papers, several videos and TV programs that were related to land issues in Thailand, and, of course, the texts that we studied as part of the SIT Policy Advocacy course. Data collection methods included internet research; researching documents at the NDF and Chiang Mai University libraries; observation and participation at NGO meetings and activities; interviews and discussions with NGO staff, community leaders, and

government officials; as well as reflections from my own experiences working in Northern Thai communities over the last ten years.²

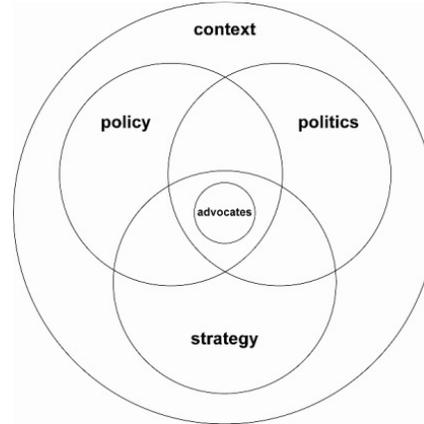
This study utilizes Jeff Unsicker's Advocacy Circles³ to describe the work of the Northern Thailand land reform movement. These circles, pictured in Figure 1 below, allow the components of an advocacy campaign to be analyzed using an iterative process instead of a linear one. The advantage to this type of a model is that in most cases, advocacy work does not occur in discrete steps moving forward, but instead has many different components that are constantly informing each other throughout the process. Furthermore, this model is, "both simple and highly visual and thus, for many, it is easier to keep all of the 'moving parts' in mind."⁴ I found the iterative and co-dependent model of the circles to be extremely useful and applicable to this advocacy case study. It would have been extremely challenging (and, frankly, a waste of time) to keep the different categories of the advocacy work completely separate. During this campaign, for example, as the volatile Thai political situation changed, the strategy of the advocates would evolve, which, in turn, would influence which policies to focus on, which, in turn, would influence the choice of advocacy targets, and so on and so forth.

² See Appendix A for a list of interviews, meetings, and field visits.

³ Unsicker, Jeff (forthcoming 2012). *Confronting Power: The Practice of Policy Advocacy*. Sterling, VA: Kumarian Press.

⁴ Ibid.

Figure 1: Jeff Unsicker's Policy Advocacy Circles



The first section of the paper describes the context of the Thai land rights movement, including the Thai political-economic context, Thailand land tenure rights and regulations, background of the target communities, and a review of “people’s movements” in Thailand. Hopefully, this will provide enough background to understand how the land rights movement evolved into its current form. The next section focuses on the current work being done to advocate for land reform; including descriptions of the *advocates*, the *policies* they are hoping to achieve, the *politics* of the issue (key targets, allies, opponents), and the *strategies* being used to attain their goals. The final section of this case study addresses the two inquiry questions:

1. How effective has the land reform advocacy been in terms of process and outcomes?
2. What are some general lessons we can learn from the land reform campaign and apply in the context of advocacy work elsewhere or on other policy issues?

CONTEXT

Thailand Political-Economic Background

Political Background

“Our governments change too often. It’s difficult to get anything done.”⁵

The Kingdom of Thailand is a mainland Southeast Asian country with a land area less than the U.S. state of Texas, while containing a population of over 67.1 million.⁶ The capital city, Bangkok, is a massive urban sprawl (population of 14.6 million)⁷ located in the center of the country, with the three main regions (the culturally and linguistically distinct Northern, Northeastern, and Southern Regions) extending out from it. Since its founding as a nation state in the 13th century, Thailand (known as Siam until 1922) had been ruled under an absolute monarchy, until the bloodless “1932 Revolution” installed a constitutional democracy. Since that time, it has been a rocky road for democracy in Thailand with 17 Constitutions and 20 military coups (11 coups were successful, while the rest failed to oust the government).⁸ Only one Prime Minister in the history of Thailand, Thaksin Shinawatra, has managed to stay in office for the completion of a four year term.

Moreover, some of these “bumps” are not very far behind in the rearview mirror: the 2007 Constitution is still hot off the press and the tanks rolled through the streets of Bangkok to topple an elected government as recently as September 2006. These latest setbacks have been particularly disheartening for Thai democracy supporters, as they had hoped that the 1992 Coup would go down in history as the final one. At the time of the

⁵ Thai villager quoted in: UNDP, p. 52.

⁶ CIA World Factbook. <https://www.cia.gov/library/publications/the-world-factbook/geos/th.html>. Accessed on April 16, 2012.

⁷ "Thailand: Regions, Major Cities & Municipalities – Statistics & Maps on City Population". <http://www.citypopulation.de/Thailand.html>. Accessed on April 16, 2012.

⁸ Farrelly, Nicolas. “Counting Thailand’s coups.” March 8, 2011. From the New Mandala website: <http://asiapacific.anu.edu.au/newmandala/2011/03/08/counting-thailands-coups>. Accessed on April 16, 2012.

2006 Coup, Thailand seemed to be among the more politically secure countries of Southeast Asia with a functioning parliament, a growing civil society, an active and relatively free media, and continuing institutional reform. Over the course of the short two-and-a-half years that followed, however:

- an election was annulled,
- four political parties were disbanded,
- 220 politicians were placed under a five-year ban,
- one former prime minister went into exile,
- two governments were overthrown by court decisions within the space of a year,
- a 195-day demonstration disrupted the capital and sparked several violent incidents resulting in injuries and deaths,
- an attempted insurrection was ended by bringing ten thousand troops into the capital.⁹

Reflecting the increasing turmoil, the World Bank's political stability index for Thailand dropped steeply from 59.1 in 1996 to 12.9 in 2008.¹⁰

The 2006 Coup ushered in a new unstable era of Thai politics by exacerbating an existing political divide: on one side, the "Red Shirt" supporters of deposed Prime Minister Thaksin Shinawatra, with the other side being the "Yellow Shirt" supporters of the military coup that chased Thaksin out of the country. These opposing "colors" are a new phenomena in Thai politics, only emerging when Thaksin's rule began to cause great dissension and disagreement among Thai society. The political parties representing each of these sides have a very different history as outlined below.

The Red Shirts' political party is relatively new on the scene and is currently in its third manifestation. Thaksin founded the Thai Rak Thai (TRT) Party¹¹ in 1998 and was appointed Prime Minister after the TRT swept the 2001 elections using a populist platform

⁹ UNDP, p.58.

¹⁰ Data retrieved from World Bank's World Governance Indicators webpage at <http://info.worldbank.org/governance/wgi/index.asp>

¹¹ Thai Rak Thai translates as "Thais love Thais"

that promised increased resources and support for the rural poor. After the coup ousted Thaksin, the TRT and some core members were dissolved and banned from politics for five years in 2007 for violation of electoral laws, leaving the remaining party members to form the People's Power Party (PPP). A year later in December 2008, the PPP was subsequently found guilty of electoral fraud and dissolved in 2008 by the Constitutional Court. The remaining PPP members then organized the Peua Thai Party (PTP),¹² which currently holds power after sweeping the 2011 elections and appointing Yingluck Shinawatra (Thaksin's sister) as the Prime Minister.

The Yellow Shirts' Democratic Party, in contrast with the PTP, is the oldest political party in Thailand, having existed since 1946. It is known as a conservative and market-friendly party which has found most of its support from liberal middle class voters. The Democratic Party (led by Abhisit Vejjajava) most recently gained power only after the Red Shirts' parties were twice dissolved, and have yet to win an election with a clear majority in their 66 years of existence.

Most observers understand the lines of the political divide to be clearly drawn along geographic and social lines: the poor Northern and Northeastern Thais on the Red Shirt side, with middle-class Bangkokians and Southern Thais allied with the Yellow Shirts. In reality however, the real divisions are not as easily classifiable. Some of the more commonly agreed-upon and easily discernable differences between the parties have been listed in the Table 1 below:

¹² Peau Thai translates as "For Thais"

Table 1: Red vs. Yellow Shirt philosophies/ platforms/ stances

Topic	Red Shirts	Yellow Shirts
Political Party affiliation	Peua Thai Party (PTP)	Democrat Party
Constituency Base	Poor/upcountry in Northern and Northeastern Thailand	Middle/upper classes in Bangkok and Southern Thailand
Means to lead government	Have always won national elections (one person/ one vote)	Use 'elite influences: judicial decisions, military coups, support of elite and monarchy
Means to gain political power	Use money/ business connections, eg.- Thaksin's rise as a telecom tycoon	Use family connections: eg.- Abhisit's Oxford education
View of 'establishment'	Anti-establishment, anti-elite, anti-status quo in Thai politics	Willing to change/ improve society, but only within "existing structures"
View of NGOs	NGOs cause disharmony- are not "REAL Thais"	Mostly pro-NGOs
Ideal economic system	Capitalism	Self-sufficiency Economy
Human rights	Anti-drug campaign included hundreds of extra-judicial killings ("We won't let 'laws' get in way of imposing justice")	Strong human rights platform, but have been accused of anti- human rights actions (ex. treatment of Rohingas, violent suppression of street protests)
Poverty reduction strategy	Give some handouts, while encouraging entrepreneurship to let them make it on their own (just like we did!)	Teach them how develop in a sustainable manner
Land Reform	Against most recent land reform measures: CLTs, Land Bank, Progressive Land Tax	CLTs, Land Bank Institute, and Progressive Land Tax reforms were instituted during Abhisit's government (2010)

Of particular note is the last row, indicating that the Democratic Party's (strongly supported by the Yellow Shirts) land reform policies are more beneficial for the landless farmers in Thailand (who support the PTP as listed in the second row). One would expect the rural poor's political party to be more supportive of land reform measures, but that is not the case. This would suggest that either the Red Shirt supporters (a) don't know what the PTP politician's stances are regarding land reform issues, (b) feel that the benefits from other PTP policies (including free public health care, agricultural loan cancellation, and other populist measures) outweigh the anti-land reform stance, or (c) are not, in actuality,

composed mainly of the poorest and most vulnerable farmers. Despite the fact that the Democratic Party has recently been supportive of land reform policies, some land reform movement members are concerned that the Democratic Party's support is not sincere. They fear that the Democrats only want to appear to be supportive in order to gain votes from the rural areas where the Democrats typically have little support, and that they will not actually follow through and ensure that the policies are being implemented.

Finally, there is the relatively recent push towards decentralization, which has been slowly evolving since the 1990's. Before that time, the central government strongly resisted any move towards decentralization of government, but the 1997 "People's Constitution" (the first constitution utilizing a participatory process) laid down the principle that "the state shall give autonomy to the locality in accordance with the principle of self-government".¹³ The Decentralization Act of 1999 implemented this principle and over the next few years, elected local bodies were formed at the provincial, sub-district and municipal level. The most widespread of these structures was the Tambon¹⁴ Administrative Organization (TAO) which has the responsibility to "develop the Tambon economically, socially, and culturally".¹⁵ Even with this wide-reaching mandate, the TAOs have had mixed success in reaching their goals. Besides administrative structures, decentralization has also been legally institutionalized within articles 66, 67, and 85 of the 2007 Constitution,¹⁶ which provide communities with the rights to control and manage their own natural resources. Despite the intentions of legal reformers pushing for more local

¹³ UNDP, p. 55.

¹⁴ Tambon is most often translated as 'Sub-District'

¹⁵ From the Tambon Council and Administrative Organization Act of 1994, fifth revision 2003.

¹⁶ Articles 66, 67, and 85 from the 2007 Thai Constitution are listed in Appendix C

control, though, for the time being the bureaucrats in Bangkok have still managed to keep the upper hand and maintain control over the most critical issues.

Economic Background

...postwar economic development and industrialization have transformed Thailand's economy and social structure, undermining the importance and security of the agricultural sector, exacerbating economic inequality, and bringing about new forms of exploitation.¹⁷

Up through the 1950s, Thailand was primarily an agricultural society, with about 90 percent of the workforce engaged in agriculture while contributing nearly half of the national income.¹⁸ In 1961, Field Marshal Sarit Dhanarajata's government initiated the first National Economic and Social Development Plan, under which the government embarked on a project to quickly "modernize" the nation. Thailand's economy dramatically expanded due to the emphasis on export-led industrial development and exploitation of natural resources for cash.¹⁹ Development policies, however, favored Bangkok at the expense of the rural sector, and large-scale agricultural industry at the expense of small-scale farmers, resulting in increasing economic inequalities between urban and rural Thailand.²⁰ This growing inequality is demonstrated in Figure 2, which plots the Gini Coefficient values for Southeast Asian countries over the period of 1960-2005. Since a higher Gini Coefficient value indicates greater inequality, it can be seen that Thailand's inequality has increased while other Southeast Asian countries' inequalities have decreased over the same time period.

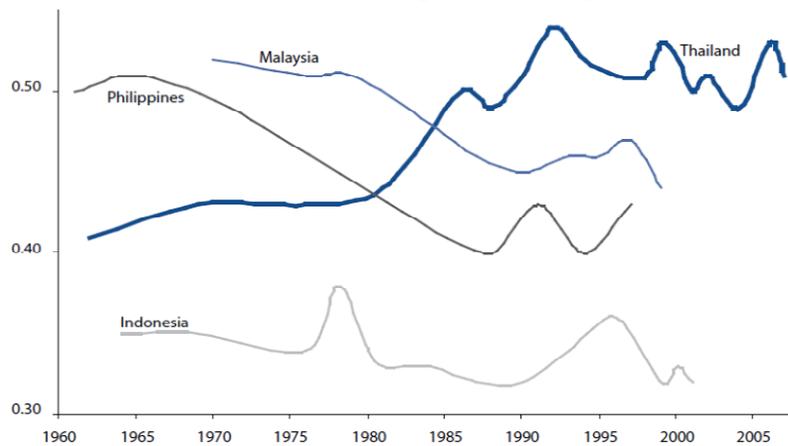
¹⁷ Missingham, p. 15.

¹⁸ Missingham, p. 16.

¹⁹ Atchara, p. 86.

²⁰ Missingham, p. 17-18.

Figure 2: Gini Coefficient as a measure of inequality among selected SE Asian countries²¹



Along with greater inequality, this rapid development program also brought about great ecological destruction including massive deforestation,²² soil degradation, and industrial pollution. With the green revolution of the 1970's, farmers began to use increasing amounts of petroleum based fertilizers and focusing on growing cash crops. Each year, increases in fertilizers were needed to replenish the rapidly depleting soils while increasing amounts of pesticides were marketed at farmers, the combination of which led the majority of farmers into debt. In order to pay off this escalating debt, many farmers were forced to sell their land to investors, wealthy persons from Bangkok, and farming corporations. Some of the farmers continued to work the land, now as tenants, while others migrated to the big cities.

During the 1980's and 1990's huge amounts of investment money poured into Thailand which was used to finance housing projects and skyscrapers in Bangkok, as well as to fund speculative land purchases. Increasing amounts of land were being bought from small landholders and being consolidated by wealthy individuals and large corporations. This pace of impressive GDP growth could not continue on forever, though, and in July

²¹ UNDP, p. 79.

²² Thailand's forest cover decreased from 53 percent in 1961 to 29 percent by the late 1980's (Anat, et al.)

1997 it came to a grinding halt and triggered what is now known as the 1997 Asian Financial Crisis. As a result of the crisis, many of the land holdings and building projects were confiscated by banks after the owners had defaulted on mortgage and loan payments. While great losses were suffered by businesses and investors, the now unemployed urban poor were able to lessen the blow of losing incomes by returning to their villages and living within small means while growing food and raising animals in their rural communities. However, at this point, many also realized that much of the land in and around their communities was now in the hands of either the banks or the state.

Eventually, the economy began to recover under Thaksin Shinawatra's government in the early 2000's, and growth levels steadily increased until the political mayhem began in 2006, followed by the U.S. housing market crash and ensuing financial crisis of 2008. Recently, Thailand has been experiencing a large increase in costs of food and basic necessities, with the cost of a simple meal of rice and curry increasing by sixty percent within the last few months in Bangkok.²³ Combined with rising fuel costs, this has made the rural poor feel the economic pinch quite sharply. In conclusion, as the above political and economic outlines illustrate, Thailand is currently experiencing one of the most politically and economically unstable periods in its history.

Thai Land Law and Regulations

Recent data indicates that more than one-third of the Thailand's 30 million parcels of land are still not registered.²⁴ As shown in Table 2 below, current land ownership documents have varying degrees of usage and transaction rights, and are issued by at least

²³ Phusadee Arunmas and Soonruth Bunyamanee. "Thais worry about food, not feuds." *The Bangkok Post*. March 14, 2012.

²⁴ 63% of the land is registered according to USAID, p. 7.

three different governmental agencies. The only certificate which provides full land ownership is the Nor Sor 4 Chanote, while all of the others listed in Table 2 only provide “temporary usage rights” on state-owned land. The first four certificates in the table were issued after the adoption of the Land Code in 1954, with the first three meant to be temporary certificates until the owner had completed the process and paperwork needed to upgrade to the Nor Sor 4 full land ownership certificate. Later, Sor Por Kor (part of the Land Reform Act of 1975) and Sor Tor Kor certificates (1981-1993) were issued to address the problems facing both lowland landless farmers and farming communities in protected forest zones respectively. Besides having three different agencies which issue the land certificates, adding to the land tenure complexity is the fact there are a handful of government agencies²⁵ with jurisdiction over public lands, reaching as high as twenty-one agencies at one point in the past.²⁶ Finally, it should be noted that all of the listed land certificates are for private land use and ownership, and that none of these allow for a communal land tenure arrangement.

²⁵ Including the Department of National Parks, the Land, Treasury, Transportation, and Forestry Departments, as well as the Ministres of Agriculture and Defense.

²⁶ Nabangchang-Srisawalak, p. 5.

Table 2: The most commonly issued Land Documents in Thailand

Document	Description	Issuing Agency	Notes
Sor Kor 1 (SK 1) (Bai Jong)	Land claim Certificate	Land Department	No survey needed- first step towards full ownership
Nor Sor 2 (NS 2)	Pre-emptive rights Certificate	Land Department	Can only be transferred by inheritance
Nor Sor 3 (NS 3)	Certificate of Utilization	Land Department	Can be sold after a period of 30 days public notice
Nor Sor 4 (Chanote)	Full Land Ownership Certificate	Land Department	Fully transferable
Sor Por Kor (SPK) 4-01	Agricultural Usage Certificate	Agricultural Land Reform Office	Distributed to landless/poor farmers for agricultural use. Non-transferable.
Sor Tor Kor (STK)	5-year Agricultural Usage Certificate	Forestry Department	Issued for agricultural use in degraded forests. Non-transferable. 15 Rai limit

In the eyes of land reform activists, the current complexity of land ownership documentation serves to keep the control over land tenure decisions in the hands of the elite and maintains the status quo in power relations in Thai society. In many ways, this bureaucratic maze is similar to the layers of rules, laws, and codes that stand in the way of citizenship rights for stateless persons within Thai borders.²⁷ Some believe that social justice for those at the bottom of society's ladder can only be achieved through complete reform of the political administration structures and procedures. There will be more detailed discussion of the procedures and responsible agencies for land rights in the Politics section of the paper, but now let us turn to examine the historical factors that have shaped the current land administration structures and regulations.

Before 1900, the Thai monarch owned all of the land in his country, from which he made grants to nobles, officials, and other free subjects. Land grants could be passed on to

²⁷ At one point there simultaneously existed over 20 types of temporary alien cards, each with its own color and set of restrictions.

heirs, mortgaged or sold. At that time, Thailand's land to population ratio was still high, and land could be cleared and used by farmers who, after three years of continuous cultivation, could establish an informal land claim. The concept of individual "ownership" of the land, however, was not a Thai concept until it was introduced during the reign of King Chulalongkorn.²⁸ An interesting part of the earliest land tenure laws introduced at this time was that the farmer had to cultivate his own land, and that four hectares was considered the maximum amount that could be cultivated by one family.²⁹ Beginning in 1901, formal titles could be acquired for the first time in Thailand.

Half a century later, the land titling regulations were further specified with the adoption of the Land Code of 1954. Under this law, eight hectares was the maximum permissible holding, with a few exceptions, including if an owner could prove that he could "manage a larger parcel", or if the provincial governor granted specific permission.³⁰ Sections 6 and 61 of the 1954 Land Code are often referred to by land rights activists, as they clearly outline the length of time that landowners can leave lands fallow (no more than ten years for full titled land) as well as the consequences for unlawful land registration procedures or falsified land documents (confiscation by the state).³¹ As time progressed and the shortcomings of land regulations and inequalities became more evident, different types of reforms were implemented in order to improve upon the weaknesses of existing land laws.

²⁸ Also known as 'Rama V', he ruled from 1868-1910.

²⁹ From the "Country Studies Series" by Federal Research Division of the Library of Congress. <http://www.country-data.com/cgi-bin/query/r-13755.html> (last accessed on April 22, 2012)

³⁰ ICEM. *Thailand National Report on Protected Areas and Development*. Review of Protected Areas and Development in the Lower Mekong River Region. Indooroopilly, Australia. 2003. p. 50.

³¹ Sections 6 and 61 of the 1954 Land Code can be found in Appendix D.

Land Reform Act of 1975

During the 1960's and 1970's most farmers worked the land as tenants renting from wealthy landowners. After the student uprising of October 1973, however, space was opened up for social and political reforms in Thailand that could lead to greater equality and justice for the marginalized rural communities. With the spirit of change permeating Bangkok, the Agricultural Land Reform Act of 1975 was finally passed after much debate and opposition. This legislation attempted to remedy the high rate of tenancy and landlessness, particularly in the North and Central regions, by redistributing land to landless households. According to the Act, the land for this redistribution would come from both private landowners (to be acquired "voluntarily" through direct state purchase) as well as from public lands belonging to various state agencies (mainly from the Forestry Department). The Land Reform Act established the Agricultural Land Reform Office (ALRO) in the Ministry of Agriculture and Cooperatives to serve as the implementing agency. Section 4 of the Act states the mission of the ARLO as:

Redistribution of land for farming and residential uses by allocating state land or, land purchased or expropriated from landowners who do not themselves cultivate or who own land in excess of what is stipulated by the Agricultural Land Reform Act of 1975 to farmers who are landless or do not have sufficient land for cultivation, and to farmers' institutions by means of lease and sale.³²

The lofty aims of the Land Reform Act, however, have not been realized for a number of reasons. First, the ALRO was not able to acquire much land from private owners because there was not enough political will and too much influence from the wealthy elites of Thailand. Next, despite the regulation that the redistributed land cannot be sold, there

³² Gine, p. 10.

have been many documented cases of these lands being sold by the poor recipients in order to make a quick profit. A recent investigation by the ARLO in Khorat Province revealed that only 60 percent of the reformed land allocated to landless people was still being used for agricultural purposes.³³ Finally, due to corruption from state officials, many of the recipients of reform lands were not the intended target group of landless farmers, but instead the land ended up in the hands of wealthy and/or politically connected persons. In fact, this situation was brought to light during the “Sor Por Kor Scandal”³⁴ in the 1990’s, and it eventually led to the dissolution of Chuan Leekpai’s Democrat Government in 1995.

Table 3: Land Reform Act Goals and Major Reasons for Failure

Legislation	Goals	Major reasons for failure
Land Reform Act of 1975	<ul style="list-style-type: none"> - Redistribute unproductive lands from State (mostly degraded forest lands) and private holdings (plots over 50 Rai) to landless farmers - Prevent future land speculation by not allowing sale of these lands 	<ul style="list-style-type: none"> - Very little land actually acquired from private and state landholders³⁵ - Through corruption, many of the recipients of Reform Lands were the already wealthy. - Many cases of Reform Land sold illegally for short term gains.

World Bank’s Land Titling Program

By the early 1980’s most of Thailand’s land was still unregistered, and the process to register new land was moving so slowly that it was estimated that it would take about 200 years to finish the registration of all land at the current pace.³⁶ In order to speed up this process, in 1984 the World Bank³⁷ decided to fund a Land Titling Program (LTP). Implemented in four phases at the cost of US\$183 million in loans, the Thailand LTP was

³³ Prasit Tangprasert and Pongphon Sarnsamak. “Farmers gave land titles to resort builders : ALRO.” *The Nation*. August 16, 2011.

³⁴ “Saw Paw Kaw” is the English language rendering of the Thai acronym for the ALRO.

³⁵ There is currently still over 30 million Rai of land available to be transferred. (from: “Lessons from Thai Melon.” *Bangkok Post* Editorial. July 8, 2011.)

³⁶ Gine, p. 6.

³⁷ There was also some budget provided by the Australian Government Overseas Aid Program (AusAID)

one of the World Bank's largest land titling programs. The program aimed to bring security and prosperity to agricultural sector through improved access to loans, increased investments in production machinery, and introduction of free market efficiencies which would maximize land productivity.

While the program was lauded by World Bank analysts for the large number of titles generated (8.7 million titles)³⁸ and the increase in registration process efficiency, others have argued that land titling programs have paved the way for corrupt acquisitions of land by speculators and undermined the villagers' tenure security.³⁹ During the registration process many of the safeguards requiring documents of occupancy or land claim reservation certificates were ignored and many title deeds were issued on the basis of incomplete survey information or under false names. As a result, it has been documented that some wealthy individuals hold as many as 250 title deeds.⁴⁰ Interestingly, a World Bank internal evaluation in 1999 even questioned whether the LTP was necessary when land tenure in Thailand was “relatively high to begin with”.⁴¹ Finally, the LTP did not even attempt to address the question of the communities residing in Protected Forest zones; instead it ignored the issue altogether, seemingly hoping that this approach would make the issue disappear. Critics of the LTP have argued that this policy led a large number of poor rural families to sell their land in order to finance new pickup trucks and televisions sets. Meanwhile, the LTP did succeed in providing new secure investments for rich investors,

³⁸ Leonard and Narintarakul na Ayutthaya, p.16.

³⁹ After an LTP was implemented in Indonesia, it was concluded that “With tight land and macro-economic conditions that do not favor small farmers, land title certification ... without agrarian reform, is a systematic tool that forces farmers to sell their land more quickly.” (Noer Fauzi article)

⁴⁰ Leonard and Narintarakul na Ayutthaya, p.21.

⁴¹ Ibid, p.25.

through the “creation” of registered land certificates in areas where none had previously existed.

Table 4: Land Titling Program Goals and Major Reasons for Failure

Legislation	Goals	Major reasons for failure
Land Titling Project (1984-2004)	<ul style="list-style-type: none"> - Produce Land Titles for the 88% remaining unregistered agricultural lands⁴² - Bring security and prosperity to agricultural sector through improved access to loans, increased investments in land, and maximizing land productivity through market efficiencies 	<ul style="list-style-type: none"> - The greatest beneficiaries were the wealthy urban classes⁴³ - Disparity between the wealthy and the poor grew larger after completion of LTP - No attempt to give legal status to communities in protected forest

Background of Forested and Non-Forested Target Communities

The target populations of the Northern land reform movement are communities living in two distinct land areas: (1) those residing in protected forest areas (almost entirely in mountainous areas), and (2) those located in lowland unprotected areas.⁴⁴ These areas possess unique backgrounds, land usage patterns, and challenges. In order to better understand why these communities are in the predicaments they are currently in, a summary of the background and the current situation of these two groups follows.

Forested communities

...in the drafting of the country's land laws there was an underlying assumption that agricultural land meant the lowlands; in other words, the land in mountainous and hill areas was considered nonagricultural. Thus, a large part of the North was not even included in the land registration system, and the hill peoples of the region were therefore unable to acquire legal title to the land they used.⁴⁵

The history of the Community Forest Bill is a riddle in that it never ends.⁴⁶

⁴² Burns, p.3.

⁴³ Pasuk (2003), p.13.

⁴⁴ In the Land Reform Movement, these two target areas are referred to as “Forested” and “Non-Forested” communities, but this classification is not a descriptive term, as some “forested” areas have been cleared for agriculture, and “non-forest” zones sometimes have forests within them.

⁴⁵ From the “Country Studies Series” by Federal Research Division of the Library of Congress. <http://www.country-data.com/cgi-bin/query/r-13754.html> (Accessed on April 22, 2012)

⁴⁶ Brenner, et.al., p. 15.

Large numbers of ethnic minorities have been living in the forested mountains of Northern Thailand for hundreds of years with little interference from state authorities due to their isolation and the low population densities in the surrounding lowland areas.⁴⁷ However, with new nature conservation policies learned from American forestry officials in the late 1950's, the official policies towards the mountain dwellers began to change. The passage of the 1961 National Parks Act meant that in the upper Northern region of Thailand, at least 2,700 communities residing in forest areas long before the proclamation of a "National Reserved Forest" instantly became illegal squatters. Later, the National Forestry Policy of 1985 aimed to increase the amount of land classified as protected forest from about 30% to at least 40% of total area of the country.⁴⁸ This, of course, meant that even more communities located in forests areas were now illegally living on state land.

Currently, it is estimated that about 1.2 million persons live in "Protected Forest Areas" with no official land tenure documentation.⁴⁹ Despite not having any legal status to reside in these areas, in reality, most of these communities are "unofficially" acknowledged or "winked at" by state officials. For example, the government has built schools, clinics, roads and water systems in most of these communities and coordinates closely with them on fire prevention and forest conservation issues. This informal arrangement usually lasts as long as there is no state agency or private investor interested in using the land for some

⁴⁷ There are over 900,000 registered hill tribe members (Thailand Department of Welfare and Social Development, 2010.), but NGOs working on citizenship issues estimate the total number to be closer to 2 million when including the unregistered.

⁴⁸ Atchara, p. 99.

⁴⁹ Number of persons reported living in protected forest areas ranges from under 1 million to 15 million depending on the source. It is difficult to estimate in part because these populations contain many unofficial 'stateless' persons. The figure for this document was taken from: *Bangkok Post* Editorial. "Setting out to Replant Forests." March 2, 2012.

other purpose, or until there are political reasons to move the community out of their home area.⁵⁰

This uncertain law enforcement results in the instability of forest communities and insecurity of forest people who can never know when they will become unfortunate victims of state harassment and abuse. When they have been accused of breaking the law by living in protected lands and refusing to leave under state officials' orders, communities have claimed the right to remain based on a number of reasons, including:

- Many of these communities existed in the forest before the area was declared a 'Protected Forest'.⁵¹
- Many have been paying taxes to state officials for many years (indicating official state recognition and legitimization of their residences).
- Many were actually encouraged to settle in the forest by state officials during the 1970's and 80's when the Central government was trying to settle the mountainous regions to lessen the influence of the Communist Party of Thailand's jungle bases.

In response to the increasing pressures on the forest communities, a movement for a "Community Forestry Bill" was begun in the late 1980's. The goal of this movement was to develop a legal mechanism which would allow the hill-dwellers to remain in their communities, while also satisfying the Forestry Department that the communities would not be destructive to the forest environment. After many failed attempts at drafting a bill that would satisfy all the stakeholders, a Community Forestry Act was finally passed in Parliament in 2007. While some activists claimed victory, other NGOs supporters of the forest communities noted that some key clauses had been amended before the final version of the bill was approved. The final version excluded about 20,000 communities scattered on

⁵⁰ 'Political reasons' have included: blaming the hill people for deforestation, polluting water sources, burning fields leading to increased air pollution and more recently, causing the floods in Bangkok.

⁵¹ Or as Jonathon Rigg more bluntly puts it: "there are farmers today who could legitimately claim that their land has been encroached upon by the state, and not vice versa" (from Rigg, p.281)

the rim of protected forests, while forcing communities to prove they have lived in the forest for more than ten years continuously (difficult to prove without land tenure documents), and providing only limited use of forest resources (no firewood collection or use of leaves and branches for food and medicine was allowed).⁵² In the end, however, objections to the final approved version on the Community Forest Bill did not even matter, as the legislation was later suspended on grounds that the number of legislators required for approval were not present at the time the bill was passed.⁵³

Currently, communities located in highland forests continue to face a wide range of challenges. Without citizenship for its members, it is virtually impossible for hill tribe communities to make a claim for land tenure rights, and many highlanders still are stateless.⁵⁴ Furthermore, language and cultural differences, combined with a lack of political representation continue to challenge ethnic highland dwellers. In the aftermath of the destructive floods in the Central region in August 2010, many reports in the media accused Northern mountain communities of forest destruction in watershed zones, and therefore as the cause for the floods. In fact, almost all of the weather related crises in recent time have been attributed to the “irresponsible and destructive” activities of mountain dwellers, from floods to droughts to smog. This position has been taken to such an extreme that recently the Forest Department has actually begun to sue forest dwellers on the grounds that their actions in forest lands are “contributing to global warming”.⁵⁵

⁵² Apinya Wipatayotin. “Community Forest Bill Passed.”

⁵³ Supara Janchitfah. “Uphill fight means ‘people’s bills’ remain a pipedream.”

⁵⁴ Thailand currently has more than 1,000,000 stateless persons- more than any other country in the world (from “Statelessness: A Global Challenge” Map. (2010). U.S. State Department’s Bureau of Population, Refugees, and Migrants.)

⁵⁵ In recent years, the Department of National Parks and the Forest Department have filed 34 cases against villagers from several provinces demanding a total of 12 million baht. Their case utilizes a complex formula based on the loss of soil nutrients, wood, water resources and carbon storage capacity as well as soil erosion

Non-Forested (Lowland) Communities

Landless movements are bringing land reform to national and international policy debates even as they seize, occupy, and plant idle lands often at a tremendous cost of lives lost and arbitrary arrests.⁵⁶

As previously noted, the Land Titling Program brought about false claims of individual ownership over lands in rural areas, while giving little notice to local communities who had been using these lands with traditional tenure arrangements. Moreover, as the Thai economy took off in the late 1980s and early 1990s, land speculators bought up large areas of rural lands as pure investments, with no plans to utilize them. In the Northern province of Lamphun, for example, titles for extensive areas of land were issued to private investors and businessmen from Bangkok and Chiang Mai during the height of the economic growth in 1990-1993.⁵⁷ When the bubble resulting from overinvestment in real estate development burst in 1997 and land prices plunged, the banks seized many such properties in lieu of loan repayments. Locally led movements then attempted to take back some of these abandoned and idle lands to use for growing vegetables to feed their families.⁵⁸

In these cases, the local farmers claimed that the Chiang Mai and Bangkok landowners had no intentions to use the land. Despite the fact that the lands were left abandoned for more than ten years and should have been reposessed according to the Land Code of 1954, the state authorities turned a blind eye. The farmers also claimed that the landowners used corrupt means to buy public lands and obtained illegally issued land

to calculate a 'damages rate' of 129,758 Baht/ Rai. (from: Wipatayotin, Apinya. "Villagers dispute agency's ecological damage figure." *The Bangkok Post*. September 9, 2011.)

⁵⁶ IPC, p.17.

⁵⁷ Leonard and Narintarakul na Ayuttayah, p.19.

⁵⁸ In Lamphun province alone, 16 communities took over these types of land between 1997-2002. (Leonard and Narintarakul na Ayuttayah, p.20)

documents. Many title deeds were issued under false names from non-existent or long time dead local sellers. The farmers demanded that the local and central state authorities examine the ownership of these landowners over the previous ten years but there was no concrete response from the authorities. Instead, in April 2002, Prime Minister Thaksin Shinawatra's government issued a resolution that resulted in police arresting and imprisoning many farmer leaders for illegally occupying private and state lands.⁵⁹ The farmers, of course, saw things differently: instead of “invasion” they referred to their action as “Land Reform by Local Community”.

Currently, these communities continue to be subject to lawsuits and harassment from state officials. In the Northern region, 285 farmers have been charged with trespassing or illegally occupying land and the government has been relentless in pursuing the charges, which may be civil, criminal or both.⁶⁰ Almost without exception, these poor farmers encounter difficulties securing bail.⁶¹ Meanwhile, there are an increasing number of Southern Thai farmers taking over palm plantations whose land leases have expired. Recently, there has been an increase in legal actions taken against the communities occupying disputed lands. On May 2, 2012, two community leaders of Ban Pong Village who had received an affidavit turned themselves in at the Chiang Mai provincial court while a group over 200 local farmers outside protested the detentions dressed in mock handcuffs and chains.⁶²

⁵⁹ Leonard and Narintarakul na Ayutthaya, p.20.

⁶⁰Supara Janchitfah. “Justice delayed, justice denied.”

⁶¹ As one farmer from Lamphun sarcastically queried, “If I had that kind of money, would I have been occupying land to grow vegetables to survive?”

⁶² Pictures of protest in Appendix B.

As the cases of both forested highland dwellers and lowland small scale farmers above demonstrate, the rural poor have few options available to them to provide access to what they should have already received rights to under the law. It is no wonder, therefore, that ordinary Thai farmers would quickly become distrustful and disillusioned with the status quo and begin to express their frustrations through orchestrated demonstrations and organized protests.

“Peoples’ Movements” in Thailand

...we are seeing the emergence of a new source of hope and dynamism, from these largely non violent poor people's movements who sidestep government inaction and take matters firmly into their own hands.⁶³

There is an old tradition of protest groups coming to Bangkok to petition and put pressure on government.⁶⁴

In order to better understand the strategies of the current people’s movements, it is useful to trace the evolution of mass protest in Thailand. The current land reform movement is the latest in a long line of peoples’ movements that go as far back as the sixteenth century.⁶⁵ As political power became more concentrated in Bangkok during the eighteenth and nineteenth centuries, occasional outbreaks of discontent began to emerge from outlying regions. In Esaan (the Northeast region), the central authorities’ new tax policy in the 1890’s led to a distribution of palm leaf manuscripts and traditional theatre troupes spreading messages of emancipation.⁶⁶ Meanwhile, in Northern Thailand, central government attempts to increase its revenues and political control provoked rebellions in

⁶³ IPC, p. 17.

⁶⁴ UNDP, p. 58.

⁶⁵ Somchai, p. 27.

⁶⁶ Ibid. p. 28.

Chiang Mai in 1889 and in Phrae in 1902.⁶⁷ Ordinary peasants who felt that their livelihoods and security were under threat formed the base of these rebellions. More recently, following the student movements in Bangkok in October 1973, a period of political and social reform emerged, lasting until the military coup of 1976.

A typical protest march for the poor is organized by utilizing grassroots networks to provide a critical mass of villagers willing to camp out in a provincial capital or in Bangkok for as long as it will take to persuade the government to take action. Most of the participants are the elderly, housewives, and the unemployed, who do not have work responsibilities. Protest sites often look disorganized, with pop-up tents, cooking stoves, water containers, sacks of rice and other food supplies scattered here and there. Sometimes food, water and makeshift shelters are provided to the protestors, but usually the villagers have to fend for themselves. In that case, they often eat simple meals of sticky rice and chili paste. At a protest in Bangkok, a woman from the Northeast explained, “We eat just to survive.”⁶⁸

The atmosphere at these protests can be festival-like, filled with music, entertainment stages, and even temporary souvenir stands. Many protests use rituals and street theater to entertain the bored villagers, as well as to spread a political idea or make a statement. Most of the performances use local dialects- encouraging an “us vs. them” mentality- as well as celebrating the uniqueness of the protestors’ home communities. However, all is not “fun and games”, as some protest organizers enforce strict rules about no alcohol, gambling, or engaging in “romantic relationships” with other protest members

⁶⁷ Ramsay, p. 283-297.

⁶⁸ Supara Janchitfah. “Free Speech Flows Along the King’s Road.”

(this last issue has been cited as a reason why some communities will no longer allow their men to participate in rallies).⁶⁹

Protests have lasted from a few days up to months. After the protestors have become too much of a disturbance for the public or a source of embarrassment for the government, one of the following outcomes is usually reached:

1. The protestors “win” by gaining a chance at formal negotiations or receiving a promise or signed contract with a government official declaring that they will take action on the problem (usually by setting up a committee to investigate the issues)
2. The government sends in security forces that use to break up the protest and send the villager back to their home communities.
3. The protest is called off when too many villagers grow tired of waiting, run out of money and need to go back home to work, or need to return to the fields to plant or harvest.

Major People’s Movement Organizations in Thailand since 1970

Since the early 1970’s peoples’ movements have emerged as a method for the rural poor to gain the attention of high level politicians and policy makers. Although these movements have varied greatly in size and places of origin, a few have gained great momentum and become widely recognized among the Thai public. Perhaps the most famous of these movements is the Assembly of the Poor (AOP), which gained international recognition during its marches to Bangkok in the late 1990’s and early 2000’s. The AOP’s strong grassroots approach and unwillingness to back down to the powerful military and business powers made their campaigns extremely popular among those tired of the status

⁶⁹ Interview, Pee Paen.

quo in developing countries. They also provided stark images of the poor villagers waiting patiently at the gates of the Government Headquarters until the well-dressed politicians would invite them in and listen to their grievances. A list of the most well-known movements along with a synopsis of their membership, reasons for forming, major successes and what led to their eventual downfall are shown in Table 5 below.

Table 5: Major People's Movements in Thailand since 1970.

Organization	Members	Impetus for forming network	Major Success	Downfall
Peasants' Federation of Thailand (PFT) (1974-1976)	1.5 million members: farmers, labor unions, and student groups from all regions of Thailand	Exploitation by capitalists leading to lack of farmland, high rents, decreasing market price of rice.	Passage of Land Reform Act of 1975	Assassination of 21 PFT leaders by right-wing forces after military coup of October 1976
Small Scale Farmers' Assembly of Isan (SSFAI) (1992- 2002)	7 farmers' organizations based in Northeast (Isan) Thailand	Anti- large scale agribusiness and opposed to National Farm Council Bill	Ending Army's 'Kho Cho Ko' campaign in 1992.	Infighting among factions led to breaking up
Assembly of the Poor (AOP) (1995-)	Farmers' groups, Slum dwellers, Groups affected by state projects, Unions, etc.	Inequity of access to compensation and natural resources	99 Day Protest in 1997 ended with Gov't promise to address 122 grievances	Following 2007 death of visionary leader Wanida, loss of focus/ direction
People's Movement for a Just Society (Pmove) (2009-)	Similar membership as AOP	Inequity of access to compensation and natural resources	Community Land Titles and Land Bank approved under Cabinet Decrees in 2010.	

As seen in Table 5, three of the organizations were organized on the national level, while one network, the SSFAI, was based in the Northeastern region. Despite the fact that the majority of these networks were (are) national, most of their support and members originate from the Northeastern and Northern regions. Leadership has been a critical factor for all the movements. Two of the movement groups- the Assembly of the Poor (AOP) and Pmove- are especially noted for their decentralized administrative structures. All four of the

listed organizations have relied on charismatic and strong-willed leadership during their protest marches. This leadership style is a mixed blessing, however, as the unwillingness to compromise among strong leaders has been singled out as the reason for the downfall of both the SSFAI and the AOP, and is a current issue within Pmove. Importantly, all four of the movements gained significant victories at some point in their work. The PFT's strength and influence led to the passage of the Land Reform Act of 1975, which represented an incredible turnabout from all previous Thai land regulations. The successful protests of the SSFAI and the AOP were especially influential on subsequent people's movements in Thailand and are examined in more detail below.

The "Kho Cho Ko" Standoff

During 1991- 1992, the Thai army began to implement their "Kho Cho Ko"⁷⁰ resettlement strategy, in which they planned to move six million settlers out of 1,250 state owned forest areas.⁷¹ In order to accomplish their objectives, the military dismantled houses and burned crops. Eventually, they succeeded in evicting people from their dwellings in order to "reforest" the degraded forests with fast-growing income-generating tree species such as eucalyptus. These evictions resulted in large scale protests by the affected people, which were coordinated and led by the Small Scale Farmers' Assembly of Isan (SSFAI): a network NGO comprised of seven people's organizations formed in 1992.

In 1993-1994, the SSFAI led a protest march from the Northeastern provinces to Bangkok to seek a solution from the government regarding the forest land evictions and other issues. The march was organized in a way to maximize the possibility of success: it was headed by a group of elderly ladies, while some marchers carried national flags and

⁷⁰ "Kho Cho Ko" is the Thai acronym for the longwinded "Farmland Allotment Program for the Poor Living in Degraded Protected Forest Areas"

⁷¹ Baker, p.14.

large pictures of the king and queen as direct affirmation of loyalty to the King and state, and others danced in the tradition of festival processions.⁷² The use of these cultural symbols turned out in the end to be highly effective. When the march reached Nakorn Ratchasima Province (the last Northeastern province before entering the Central region of Thailand), it stopped along the highway and demanded the government representatives leave Bangkok and come to negotiate with the farmers. In response, the central government dispatched a junior minister by helicopter. In negotiations beside the highway, he agreed to stop the Kho Cho Ko resettlement scheme on condition that the marchers disperse and return to their home provinces. The fact that the bureaucrats and politicians left Bangkok to meet the farmers on their own turf was an extraordinary achievement in itself, as the Thai bureaucrats and politicians previously treated the rural farmers as inferior and unworthy of much time or attention.⁷³ Due to the success of the march, the prolonged protest rally soon became the preferred model for grassroots social movements and mobilizations.

The AOP's 99-Day Siege

The Assembly of the Poor's (AOP) protest in front of the Government House from January-April 1997 represents the longest lasting mass rally ever held in Thailand.⁷⁴ Over 25,000 protesters from all regions traveled to Bangkok by bus, train, and shared vehicles to the capital and refused to move until the government had responded to their petition for assistance with the "122 grievances"⁷⁵ that were negatively impacting their lives. Directly outside of the Government House, a one kilometer long "Village of the Poor" was

⁷² Baker, p.19.

⁷³ Atchara, p.98-99.

⁷⁴ Missingham, p.125.

⁷⁵ Most of the 122 grievances were either (1) dam projects that adversely affected villagers livelihoods or (2) land tenure regulations that prevented land ownership for farmers living in disputed areas

constructed using bamboo, plastic sheeting, and tents.⁷⁶ During the more than three months they were encamped there, villagers shared their experiences with each other and the urban public through speeches and performances. A small group of leaders were in charge of maintaining order and negotiations with government officials. The construction and maintenance of a makeshift village within Bangkok proved effective in presenting to the public the continued hardships of those populations largely neglected in the popular discourses on economic growth and development. This display of the lives of villagers served as a distinct contrast to the signs of wealth and prosperity that had been growing rapidly in the urban centers and proved effective in dispelling inaccurate depictions of the Thai rural sectors.

Throughout the length of the demonstrations, increased support from the Thai public helped to put pressure on the government to consider the demands of the AOP. With the help of a mostly sympathetic media, these negotiations were presented to a national audience in such a way that garnered further support from most of the country's middle-class and NGO sector. This backing was decisive in prompting the government to accelerate its efforts to address the villagers' demands. Eventually, the government agreed to all 122 grievances put forth by the AOP.⁷⁷ The successful "99 Day Protest" is referenced in almost reverent tones by Thai social activists as they remember that event as the pinnacle of Thai social justice movements. This rally brought great confidence to rural communities and individuals, as they realized that they were able to obtain results for their demands for justice for the first time on a national scale. Also of enormous significance was the fact that- in contrast to the SSFAI's victory in Nakorn Ratchisima province- this battle was won

⁷⁶ Missingham, p.123.

⁷⁷ Palmgren, p. 12.

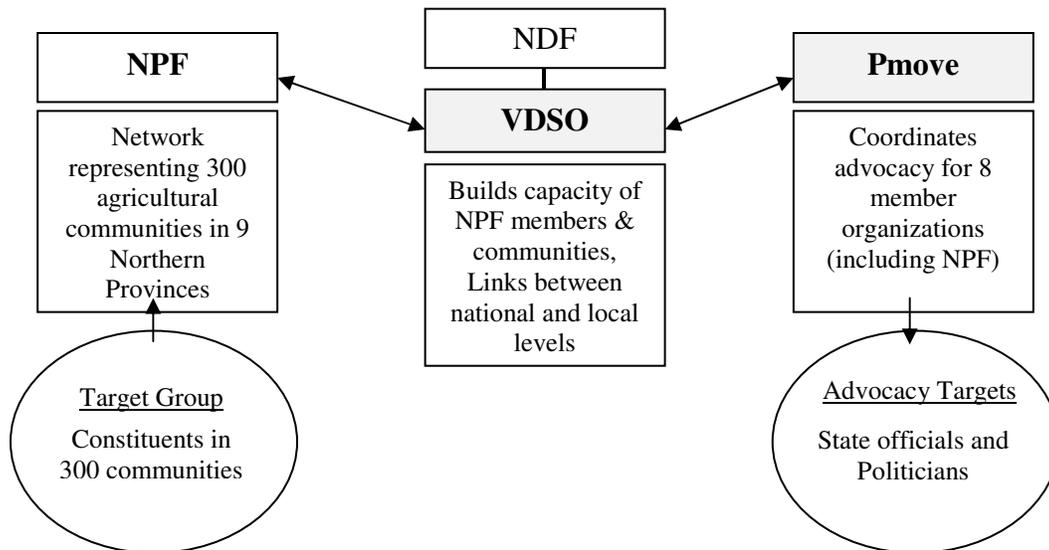
on the streets of Bangkok, right under the noses of the politicians and bureaucrats working in the Government House.

ADVOCATES

Relationships between advocates: the NLRM

When analyzing policies and politics and the strategies of the three main advocates (the NPF, the VDSO, and Pmove as shown in Figure 3), this paper refers to them jointly as the “Northern Land Reform Movement” (NLRM). This term is not used by the advocates, as they prefer to use the individual names of each organization when discussing their work. This makes the most sense for them as each of the advocates has a separate structure, mandate, and funding source. However, as I researched the land reform work of the advocates, I began to understand that the interactions between the three advocate organizations are dynamic, with many overlapping roles and responsibilities. The most active staff and organizers frequently hold positions in more than one of the above advocate organizations. Furthermore, the actors in the land rights movement work across multiple levels: from community members, to community representatives, to local and regional NGO support staff, and finally to national network members, as illustrated in Figure 2 below. By using the term NLRM during this case study, therefore, I aim to emphasize that each of the levels does not act separately and independently from the rest of the advocacy efforts.

Figure 3: The Northern Land Reform Movement: Relationships between three advocate organizations, constituency, and advocacy targets



The Northern Peasants Federation (NPF) is a network organization for small agricultural communities in Northern Thailand.⁷⁸ Each of these communities has designated an “NPF representative”, whose responsibilities include attending NPF meetings and activities, and relaying information back and forth between community and regional/national network levels. The communities that are under the NPF umbrella often are not completely united in support of the NPF’s activities, but in each community there should be at least a majority of villagers supporting the NPF’s direction. Originally, the NPF worked on a number of issues including fair pricing for agricultural products, organic agriculture, and irrigation; but recently their main focus has been about land rights- which is why they are sometimes referred to as the Northern Land Reform Network (NLRN).⁷⁹

⁷⁸The NPF is actually composed of nine farmer’s organizations (each of which was usually formed to address a specific agricultural issue affecting a specific group) including the Northern Farmer’s Network (NFN) and the Northern Farmer’s Alliance (NFA), which merged into the NPF in 1999 (See Atchara, p. 94 for more details)

⁷⁹ During the course of research, I discovered that the terms NPF and NLRN (Northern Land Reform Network) were used interchangeably, and, in fact, they actually refer to an almost identical network of

For the rest of this section, I will be focusing on the work of two advocate organizations: the VDSO, which works to strengthen the farmer's community network, and Pmove, which coordinates advocacy efforts for the rights of the poor in Thailand. The activities of both VDSO and Pmove are critical for the NLRM, and it would be an incomplete analysis if only one of the organizations was examined while disregarding the work of the other one. This complicates the case study, but, hopefully, it will lead to a more accurate picture of the realities of their work and a greater understanding of the Northern Land Reform Movement.

The Village Development and Strengthening Organization (VDSO)

...the role of NGO workers (in Thailand) has changed. More and more they are catalysts and facilitators for local groups and local people's movements. They connect local grievances and local aspirations to media platforms, sources of information and expertise, and networks of alliance.⁸⁰

The VDSO works under the umbrella of the Northern Development Foundation (NDF) to promote community-based natural resource management by strengthening peoples' organizations and networks, particularly with small-scale farmers. Along with this objective, VDSO also has been analyzing and advocating for policies that allow communities to gain rights to access and manage natural resources in a sustainable manner. VDSO is a very bare-boned organization, and there are no signs signifying the VDSO office, located on the second floor of the NDF building.⁸¹

With a very limited budget, there are only five full-time staff receiving meager salaries (even by Thai NGO standards) who, along with a handful of volunteers, are charged with

communities. To remedy this confusing use of terms, I have opted to use NPF to describe this network during the rest of this paper.

⁸⁰ Pasuk, p. 10-11.

⁸¹ The NDF office is only locally known as the 'White House' ('*Deuk Khao*' in Thai) and there similarly are no signs leading to its location on a tiny alley next to a meditation temple.

strengthening civil society in over 300 Northern Thai communities with over 130,000 members.⁸² Such a limited staff size means that there is a limit to how many needy communities VDSO can access and support. Furthermore, the few staff who are trying to accomplish all this work are at risk of ‘burning out’ and losing motivation in the face of so many challenges. Very little attention is paid to building the capacities of the NGO staff with so little time and funding available. As would be expected with such budget constraints, there is a noticeable lack of office equipment and project vehicles. In 2011, VDSO reported that they only had three funders; Oxfam GB, the American Jewish World Service, and the Thailand Community Organization Development Institute that combined to provide a total of US\$ 46,234 for VDSO’s total operational costs.⁸³

VDSO focuses on developing farmer communities’ capacities, in order to give them the skills to strategize about their own development direction, manage their natural resources sustainably, and self-advocate for policy changes. To reach these goals, VDSO conducts a number of activities with farmers including: administrative trainings, building skills to liaison and access Thai government services (discussed in detail in the “Constituent Empowerment” part of the Strategy section), field/ study trips to learn about land reform in other regions of Thailand and in other Asian countries, trainings in lobbying methods and negotiation with different levels of government, and trainings in non-violent resistance methods. Trainings and informal discussions are also held to examine the larger policies that are affecting the daily lives on Northern Thai farmers- who otherwise may not be aware of these links and influences. A former community mobilizer explained, “Populist government policies (for instance, the easy access to loans during years prior to

⁸² Notes from “Lessons learned from one year of CLT work in 5 Northern Provinces” meeting. April 26, 2012.

⁸³ Interview, Khun Baln.

elections), capitalism, and agricultural policies are not very easily seen by the farmers as connected to their daily problems. In our opinion, the problems are strongly related and connected to the big picture and we want the farmers to understand this.”⁸⁴ Finally, one of the most practical roles of VDSO is to act as a central forum where rural development workers can meet and share ideas and experiences.

With limited financial resources and a large number of activities to implement, VDSO depends on strong leadership skills to provide staff with motivation and direction. The older and more experienced staff of VDSO are looked up to as examples of dedicated and tireless leaders who fight for to “right the wrongs” even if victory seems impossible. They represent the classic “David vs. Goliath” battle scenario: those with few resources and financial means struggle against the bottomless pockets of corporations and the well-endowed political and corporate machines. This style of leading is described by Bolman and Deal as the “inspirational image of leadership”, in which the leader’s words and deeds reinforce core organizational values and serve as guides for other staff.⁸⁵ VDSO’s leaders dress very simply, not unlike the rural farmers they work for, and spend more time in the target communities (often sleeping at the houses in the villages as well) than they do at an office desk. During protests, the leaders are always present among the villagers; eating simple meals, drinking local concoctions, and sleeping under plastic tarps just as the protesters do. Following is a brief sketch of one of the key inspirational leaders of the VDSO, Prayong Doklamyai.

Prayong Doklamyai (usually referred to as “Teacher Pet” or “Elder brother Pet” by NLRM members) grew up in rural Thailand and witnessed his family losing two-thirds of

⁸⁴ Mr. Dam, quoted in de Almeida, p. 94.

⁸⁵ Bolman and Deal, p.16 and 254-256.

their farmland just to pay for his older brother's tuition. This made a deep impression on him, and he vowed to pursue whatever education and career that would allow him to keep what land still belonged to his father. This experience also motivated him to spend the past 20 years working in grassroots community development in Northern Thailand on a range of issues faced by rural farmers.⁸⁶ Prayong is always seen wearing simple clothes and flip flops, even at meetings with high-ranking government officials. During an annual "Songkran Elders Blessing" celebration with farmers from the NPF, he declared, "I cannot guarantee you that we will succeed in our struggles... What I can guarantee you is that I will be there to the very end, until I am the last man standing."⁸⁷

The People's Movement for a Just Society (Pmove)

We, therefore, were established to act as a central forum for both farmers and the urban poor who have not received fair treatment and have suffered the ill-effects from the government's disastrous development policies.⁸⁸

The People's Movement for a Just Society (Pmove)⁸⁹ was founded as a result of the Red/Yellow Shirt political divide that dominated Thai politics and society in the mid-late 2000's.⁹⁰ Previous to this era, the grassroots movements from rural Thailand did not align themselves strongly with any particular political party. As the Red Shirts movement began to gain more and more support from the rural communities in Thailand, though, many of the farmer's network groups (including the influential Assembly of the Poor) began to participate in Red Shirt protests and events. This created a difficult situation for those

⁸⁶ Ashoka website: <http://www.ashoka.org/fellow/prayong-doklamyai>

⁸⁷ From 'Songkran Elders Blessing' speech at NDF Office, April 27, 2012.

⁸⁸ Pmove, p. i.

⁸⁹ Interestingly, "PMove" is the term most often used to describe this network in Thai as well as English (whereas most Thai NGOs use Thai language acronyms to refer to themselves). The reason for this was explained as preparation to enter the ASEAN community.

⁹⁰ This narrative of the origins of PMove is from an interview with Prayong Doklamyai (May 2, 2012).

working for land reform, as it became clear that an alliance with the Red Shirt movement would prevent any chance of cooperating with the Yellow Shirt politicians to achieve land reform policy change. In order to avoid having to “choose a color” and align themselves with one side of the political divide, the Land Reform Network of Thailand (LRNT)⁹¹ and the Community Network for Social and Political Reform (CNSPR)⁹² opted to combine resources and network members to form Pmove in early 2009.

Pmove’s understanding of the root cause of the problems facing the rural poor is outlined in the introduction of the grievances that they submitted to the Office of the Prime Minister in March 2012:

We believe that natural resources are the source of our livelihoods and well-being. However, these resources, which should be available to all citizens, are being handed over to business interests and private investors, who are using the government policies and mechanisms for their own personal interests. The government’s compliance has led to unnecessary environmental destruction and violations of their own citizen’s rights. Poverty is neither “natural” nor is it the result of “laziness”. Instead, it is the result of misguided developmental structures and policies. Only when there begins to be more equal access to natural resources can the problem of poverty begin to be seriously addressed.⁹³

Pmove was established to bring about coordination at two different levels. First, it is able to provide a forum for cooperation between various local and regional people’s movements. Secondly, it enables these movements to unite and directly bargain with the Central government actors and agencies. When negotiating with the state, Pmove advocates

⁹¹ LRNT, formed in 2005, is the first nationwide network organization for Land Rights issues in Thailand. The Bangkok based NGO “Local Action Links” serves as the information and coordination hub for 6 network members working to solve land rights issues in all regions of Thailand.

⁹² CNSPR is a Bangkok based network organization comprised of 18 network members in 590 communities in all regions of Thailand. The main issues they work about are land rights, natural resource management, citizenship, and violence in the three Southernmost provinces. (from CNSPR website: <http://www.kpsm.org> Accessed on June 26, 2012).

⁹³ Pmove, p. ii.

for more just management of natural resources (including land, water, and forest resources), as well as to obtain appropriate compensation for those whose rights have been violated by state and private mega-projects and agricultural plantations.⁹⁴ The movement aims to contribute to positive social change through the realization of rights for those persons existing on the fringes of Thai society. By providing a forum and mechanism for their voices, Pmove assists these communities in gaining control and management over their own natural resources.

Using the network organizations classifications from Shultz's *The Democracy Owner's Manual*,⁹⁵ Pmove would best be described as an "ad hoc coalition". Like these types of networks, Pmove contains specific objectives, informal leadership, and fluid membership. Pmove borrows many of its structures, philosophies and strategies from the Assembly of the Poor, including its logo: a clenched fist.⁹⁶ In fact, most of the member organizations of Pmove and a large number of its core staff are former members of the AOP. There are no central funding sources for Pmove, rather each member organization has to support the transportation, food, and campaign materials costs associated with Pmove protests or rallies. For a "non-rally" event, such as the Pmove Strategic Planning Meeting, "one-off" funds are solicited or the CNSPR is requested to support the meeting costs.⁹⁷

Pmove's activities consequently encompass both local campaigns and national campaigns. Local campaigns are staged within the space and the culture of local society,

⁹⁴ The "official problems" that Pmove is working to solve include: 1. Land rights, 2. Urban slums, 3. Sea villagers' livelihoods, 4. Effects of dams and reservoirs, 5. Contract farming, 6. Statelessness, 7. Effects of mines, lignite and nuclear power plants (from: "Grievances presented to the Office of the Prime Minister, March 1, 2012.")

⁹⁵ Shultz, p. 126.

⁹⁶ The Pmove and NPF logos are shown in Appendix B. The clenched fist symbolizes solidarity and unity and has been used by many organizations, causes, and revolutions for thousands of years, but it is mostly associated with socialist and labor organizations. See <http://www.docspopuli.org/articles/Fist.html> for more information on this symbol.

⁹⁷ For the Chacherngsao Strategic Planning Meeting in March 2012, CNSPR provided the funds.

while national campaigns are staged within the modern political space of national politics. While these campaigns are, in essence, negotiations between village and state, the negotiations are carried out in public for anyone to see. A more detailed look at Pmove mobilizations can be found in the Strategy section of the paper.

In order to strengthen the unheard voices of the rural poor, Pmove has tried to include as many organizations and issues as possible under their umbrella. There are no formal membership application procedures; rather the network considers each new member on a case-by-case basis. Most of the members are organizations representing rural agricultural and urban slum communities. The newest member of the Pmove network is the Stateless Children's Protection Project (SCPP), a Northern network of NGOs working to assist stateless persons to obtain Thai identification cards and citizenship. A list of the Pmove members who were present at their Strategic Planning Meeting in March 2012 is provided in Table 6 below.⁹⁸

⁹⁸ Membership in Pmove has been in flux since its origins in 2009 as reflected in different documents and reports listing different members of Pmove. Table 2A lists the members that attended from the Pmove Strategic Meeting held in Charcherngsao in March 2012.

Table 6: Pmove member organizations

1.	Northern Peasants Foundation (NPF)
2.	Southern Peasants Foundation (SPF)
3.	Esaan Land Rights Network (ELRN)
4.	4 Regions Slums Network
5.	Khao Bantaak Mountain Land Reform Network (KBLRN)
6.	Stateless Children's Protection Project (SCPP)
7.	Community Network for Social and Political Reform (CNSPR)
8.	Pak Mul Group (part of the Assembly of the Poor)

Originally, the members of Pmove also were part of the LRNT and CNSPR networks, but currently, the Pmove members have opted to move out from under the LRNT and CNSPR umbrella. Pmove now administers the organization through an executive committee, which is comprised of about 30 members (4-5 members from each network organization). The executive committee does not meet regularly, but instead makes decisions about strategy when situations develop.⁹⁹ The relationship between network members is not hierarchical, as Pmove tries to place all member organizations on an equal footing. A decentralized structure has emerged, where leadership is supposed to “arise” as needed among representatives of all member organizations, and decisions are finalized only when a consensus is reached among all member organizations.

Pmove Strategic Planning Meeting

During March 2012, I was able to directly witness some of Pmove's decision making processes and organizational culture while attending their Strategic Planning Meeting held in Chacherngsao Province. In the early morning hours of March 23rd, most of the 65

⁹⁹ Interview, Prayong (May 2, 2012).

participants arrived at the Suntana Hotel on overnight busses and minivans from all regions of country. From the beginning, the atmosphere at the meeting was very informal and relaxed. The first few sessions consisted of member organizations sharing updates from their work with details about number of persons arrested and a few anecdotes describing the continued injustices at the hands of state officials. Next, a few inspirational leaders who had led struggles from past eras arrived from Bangkok to give their analyses and advice about the best direction forward for Pmove. Most of them noted that it seemed as if the challenges facing the poor had not changed since their time. After this, there was some reporting and analysis of the most recent Pmove events, and lessons learned were shared and noted on flip charts at the front of the room.

The second day's goal was to determine the direction forward for Pmove. By early afternoon, some general plans for future work and activities had been noted, but nothing concrete was decided upon, and no future mass rally date was set up. There was some discussion of the need for more supporting data and information to support their policy advocacy work and a call for more coordination, unity and support for all issues that the poor face (as opposed to being only interested in the issue that an individual organization is working on). During the second day, it seemed as if there were only a few key figures leading discussions about the future direction and plans of Pmove. It would have been interesting and useful to have been able to spend time with some of the other member organizations besides the NPF in order to learn more about their views regarding levels of equality and participation in the leadership and administrative structures of Pmove.

Consensus decision-making was the most common method used to conclude a topic or end a discussion, and there was only one vote that was taken using a show of hands. It

appeared that the most important conversations were held outside of the formal scheduled meeting times. In contrast to the relatively subdued meetings, the noise levels were quite high during mealtimes and during a late night gathering around the swimming pool. It was interesting to notice how the differences between communication styles between the regions of Thailand played out when discussions were being held, with the Southern participants usually speaking the loudest and most confidently, while the Northeast participants tended to speak the longest. The strategic planning meeting concluded with a stirring rendition of the song “Faithful Starlight”. This was notable both for the content of the song,¹⁰⁰ as well as for the undivided attention of the participants while standing at attention and singing.

POLICY

The land rights problem in Thailand

If farmers have no land to make a livelihood, they have no security in life.¹⁰¹

It is estimated that there are over 8.16 million landless and ‘nearly landless’¹⁰² Thai persons, which represents about 12% of the Thailand’s entire population.¹⁰³ This is despite the fact that there is more than enough land in Thailand for all of its citizens.¹⁰⁴ However, great inequality in land distribution in Thailand prevents much of the population from its share of land resources: recent reports conclude that the richest 10 percent of the land-

¹⁰⁰ “Saeng Dao Haeng Satra” -which translates roughly to “Faithful Starlight”- is a revolutionary song penned by Jit Phumisak- a.k.a., ‘the Che Guevara of Thailand’

¹⁰¹ UNDP, p. 69.

¹⁰² Nearly landless = not enough land to support a family (in Thailand defined as 5 Rai (0.8 Hectares) per family)

¹⁰³ Number of persons reported to be landless or nearly landless in Thailand ranges from 2.2 million to 15 million depending on the source. The figure for this document was taken from: USAID report: “Thailand: Property Rights and Resource Governance Profile”, p.5.

¹⁰⁴ Total land/ Total Population = over 2 Rai (0.3 Hectares)/ person.

owners hold 90 percent of titled land.¹⁰⁵ Compounding this disparity is the fact that 70% of privately-owned land is left idle or underused, and instead held onto for speculative purposes.¹⁰⁶ This land has been left unused despite the fact that under the Thai Land Code, any land that had been left unused for more than ten years should have been confiscated by the state and redistributed to poor or landless Thai farmers. Land pressures are compounded by clearing of forest areas for massive fruit orchard and palm plantations run by Thai agribusiness corporations, and the recent surge in land grabbing by foreign entities (both multinational corporations looking for cheap agricultural land, and governments looking for food security). Lastly, and most critically, many of the Thai government officials responsible for making the rules and laws to ensure justice for Thai citizens are among the wealthiest 10% of the population referenced above, who would stand to lose their massive land holdings if land reform policies were enforced.¹⁰⁷

Without land to cultivate, rural farmers in Thailand find themselves locked in a vicious cycle of poverty. Many studies have clearly shown the link between a lack of land and poverty. A report from the UK's Department for International Development concludes "...reform of the property system is one of the most important issues we face in our attempts to reduce global poverty...Land and immovable property are often the most important elements in an individual family's asset portfolio."¹⁰⁸ Similarly, a World Bank report finds "...researchers and development practitioners have long recognized that providing poor people with access to land and improving their ability to make effective use

¹⁰⁵ Sawai Boonma. "Land reform must start now, Mr. Prime Minister." *The Bangkok Post*. February 16, 2011.

¹⁰⁶ Ibid.

¹⁰⁷ See Appendix J for details of some of the politicians with the greatest landholdings- the list contains politicians from all major political parties.

¹⁰⁸ RNR & Agriculture team in collaboration with Martin Adams. "Land reform, agriculture and poverty reduction". Working Paper for the Renewable Natural Resources and Agriculture Team, DFID Policy Division. London, UK. 2004.p. 3.

of the land they occupy is central to reducing poverty and empowering poor people and communities.”¹⁰⁹ Finally, Thailand’s own National Reform Committee recently published a report which concluded that “... the issue of agricultural land ownership is a root cause of social, political and economic disparity.”¹¹⁰ With these conclusions being drawn by governmental and United Nations institutions, providing better access to land should be a policy priority for governments that are sincerely trying to alleviate poverty for small scale farmers.

Meanwhile, the existence of the following circumstances in Thailand makes the land issue more critical:

- Thailand’s rural population has strong historical ties to working on land (42% of the Thai population remain agricultural workers),¹¹¹ a common Thai saying teaches: “Farmers are the backbone of the nation.”¹¹²
- During economic crises, unemployment forces many of Bangkok’s urban workers to return back to their upcountry home communities; having land to farm there serves as a ‘safety net’ for these unemployed.¹¹³
- Land ownership is a key to ensuring greater environmental protection and conservation that is needed in Thailand, as landowners have an incentive to maintain natural resources for their offspring.

¹⁰⁹ World Bank (2003), p. xx.

¹¹⁰ Supara Janchitfah. “Have Democrats lost the plot over property rights?”

¹¹¹ 2008 Data from Laborsta (ILO Database) website: <http://laborsta.ilo.org/STP/guest>. (accessed 3/7/2012)

¹¹² Haberkorn, p. 26.

¹¹³ Leonard and Narintarakul na Ayutthaya (2003).

Policies to address land rights problems

In order to address the consequences arising from lack of land for rural Thais, three policies are concurrently being advocated for by the land reform movement:

1. The issuance of Community Land Titles (discussed in detail later in this section),
2. The enactment of a Progressive Land Tax. Currently, property taxes are negligible and only sporadically collected. By setting land tax rates on a sliding scale according to land size and implementing better collection systems, it is envisioned that land speculators will be discouraged from leaving large tracts of unused land.
3. The establishment of a National Land Bank. Currently, the government's Agricultural Land Reform Office is mandated to purchase unused private lands for redistribution, but since this is not happening, this National Land Bank (financed in part by the Progressive Land Tax) will supply the funds needed for compensation to private owners.

Over the course of many years of working on this issue, advocates have concluded that it will take more than a single policy or regulation to solve the land rights problem in a comprehensive and sustainable manner. For example, if land is redistributed to poor farmers, but they have no means to access credit to improve their land, they will not be able to earn more income and escape the poverty cycle. Similarly, if a community land title law is enacted, but there are no mechanisms to acquire unused land for these communities, then the law will be useless. Therefore, the NLRM believes that in order for the land reform mechanisms to work, all three policies need to be implemented simultaneously.

As explained in the context section, there are existing policies (most notably the Land Reform Act and the Community Land Title Cabinet Decree) that, if enacted as designed, should be providing greater access to land for impoverished farmers. However, due to a failure to enforce these regulations, the land reform movement has adopted three types of policy change goals:

- advocate for better **enforcement** of existing regulations
- work for **enactment** of policies which are still in the process of being approved by legislative bodies
- campaign for **new policies or mechanisms** to improve on the weak mechanisms of the unenforced policies

A listing of the policies that the land reform movement are advocating for, key points of the policy, current status, and what approach is being taken by the land reform movement to attain its goals are listed in Table 7 below.

Table 7: Core Land Reform Policies supported by the NLRM

Policy	Key Policy Points	Current Status	Land reform movement advocacy
Community Land Title	<ul style="list-style-type: none"> -Families will only be able to sell their individuals plots to persons within community and upon approval of CLT Committee -Families can obtain loans from local “Community Land Bank” using individual plots as collateral 	Non-Binding Cabinet Decree allows CLTO to issue CLTs, but doesn’t force Ministries (with jurisdiction over disputed lands) to recognize CLTs.	<ol style="list-style-type: none"> 1. Enforcement: Pressure Ministries to recognize CLTs issued through existing CLTO procedures as outlined in MOU. 2. New Policy: Introduce CLT Bill into Parliament and have it approved as the ‘CLT Act’ in order to force Ministry compliance
Progressive Land Tax	<ul style="list-style-type: none"> -Land tax rate increases with land size = a strong disincentive for land speculation/ leaving land idle -If no taxes are paid after 5 years on land larger than 50 Rai, the State redistributes land 	Draft Bill approved by Cabinet in 2010, now in Parliament and Council of State	Enactment: Continue to follow up with legal process and have tax enacted as soon as possible
National Land Bank	<ul style="list-style-type: none"> -Purchases private land plots to be allocated to communities eligible for CLTs -The bank is repaid for these land purchases by co-operatives established in recipient communities. 	Established under Royal Decree of June 7, 2011, currently waiting for Board Selection Committee to begin work	<ol style="list-style-type: none"> 1. Enactment: Continue to follow up with process to establish National Land Bank 2. New Mechanism: Establish a “Public Land Bank” through community, private, and NGO funds.

Attaining new legislation

Any new policy legislation needs to be introduced and then approved in both houses of parliament after it is approved by the Council of State.¹¹⁴ With little space in the Thai political system to influence Members of Parliament directly through lobbying procedures,¹¹⁵ the NLRM has focused its efforts on getting a bill drafted with the technical assistance the National Reform Assembly and then introduced into parliament through the “People’s Bill” mechanism.

¹¹⁴ A more detailed look at legislative processes in Thailand is provided in the Politics section of this paper.

¹¹⁵ Also discussed in more detail in the Politics section.

The National Reform Assembly (NRA) is a mechanism that was established in July 2010 in order to carry out governmental reform. It is composed of 27 members (who cannot be currently serving in the government),¹¹⁶ and is responsible for mobilizing the participation of people from all sectors, collating views and information from the public, and making policy recommendations to the government. It aims to lessen social inequality, promote fair business practices, strengthen communities, reform the bureaucracy and restructure the economic, education, media and justice sectors.¹¹⁷ Since it is a new mechanism, no one is sure how effective it will be carrying out its mandate, especially since it was formed under the Democratic Party's watch, leaving some analysts to conclude that its power will be diminished while the PTP is in control of Parliament. Without the NRA's technical support, the NLRM would still be able to turn to academic and lawyer allies to assist with the drafting of new "People's Bills."

After a bill has been drafted by legal experts, the next step is to collect the required 10,000 signatures that are need to submit a bill directly into the Parliamentary procedure as outlined in the 2007 Constitution.¹¹⁸ Although this process sounds fairly simple, those who have tried to push forward People's Bills invariably find it costly and time-consuming to collect the needed signatures; and after submitting the document, there is long wait while a verification process is completed.¹¹⁹ In fact, since this procedure was enacted in 1999,

¹¹⁶ The NRA is chaired by an academic and social activist, Dr. Prawase Wasi, and the members come from a wide range of institutions, including universities, trade and business organizations, human rights organizations, and former politicians.

¹¹⁷ Kittisak, p. 292.

¹¹⁸ The 1997 Constitution required 50,000 signatures for a bill to be introduced into the Parliamentary procedures.

¹¹⁹ After a People's Bill draft is submitted, a committee must check to make sure all of the signatures are valid. If the issue affects hill tribe people, there will undoubtedly be accusations of signatures that are not backed up with correct documentation.

thirty-four draft bills have been proposed and none have been approved.¹²⁰ A list of some of the more well-known People's Bills is shown in Table 8 below. The NLRM has a goal to gather 1,000,000 signatures and send a Land Reform Bill to parliament by the end of 2012. Although, they technically only need 10,000 signatures to begin the legislative procedure, they feel that they will be sending a much clearer message of public support to the government officials if they can obtain such an enormous number of names on their initiative.¹²¹

*Table 8: List of People's Draft Bills and their Fates*¹²²

Name of Bill	Date Submitted	Number of Signatures	Fate of Draft
Community Forest	2/28/99	52,698	Members of Parliament changed the people's original draft. Court finally voided bill because parliament was inquorate during its passage.
Farmer's Council	12/24/99	64,368	Parliament was dissolved and the draft bill was finally scrapped.
National Health Security	3/26/00	52,837	The cabinet proposed a different version which was approved by parliament and became law.
International Treaty	3/18/08	10,378	The president of the parliament judged that it was not in line with Sections 3 and 5 of the Constitution.
Pension Fund	3/09/10	19,819	The president of the parliament judged that it concerned financial matters, so it should be sent to the PM.

Community Land Titles

Legally registered individual land rights are not always the best solution for poor rural people. Many depend on more flexible, diversified, decentralized and common-property systems...It is often better to develop traditional administrative systems than to establish new, formal systems of land ownership. This is particularly true of communal and common-property lands, which are very important to the livelihoods of poor rural people.¹²³

¹²⁰ Supara Janchitfah. "Uphill fight means 'people's bills' remain a pipedream."

¹²¹ Interview, Prayong (May 2, 2012).

¹²² Table adapted from Supara Janchitfah's "Uphill fight means 'people's bills' remain a pipedream." article.

¹²³ From International Fund for Agricultural Development (IFAD) website: <http://www.ifad.org/english/land/index.htm>. Accessed on April 16, 2012.

The idea and practice of communal land ownership has existed throughout Southeast Asia since people have been farming the land.¹²⁴ Despite this long history, among Southeast Asian countries only Cambodia and the Philippines currently provide legal recognition of this form of ownership.¹²⁵ Due to the variance in geographical, cultural and historical factors, a wide range of common land tenure structures have evolved among Southeast Asian countries. In Thailand, although the concept of community land ownership is not a new one, its formal structure has only recently been developed with the movements for occupation of unused lands and community forests that have gained momentum in the past twenty years.

In 2009, the Land Reform Network of Thailand made a strategic decision to advocate strongly for the government to recognize the Community Land Title form of land tenure. This model of land ownership was opted for instead of individual land titling, since it was concluded that in the Thai context- contrary to what would be expected- individual titling actually has led to a **decrease** in small scale farmer's land security.¹²⁶ Another reason for supporting this policy was that is consistent with Articles 66 and 67 of the 2007 Constitution which explicitly mention the right of communities to manage their own natural resources.¹²⁷ The CLT approach can be understood as strategically “killing multiple birds with one stone”, as it is a single solution for the land issues facing three unique circumstances: urban slum dwellers, mountain communities living in protected forest land, and lowland small scale farmers without enough land. In Northern Thailand, the NLRM has

¹²⁴ Jones, p.70.

¹²⁵ Ibid, p.79.

¹²⁶ Discussed in the World Bank Land Titling Program section of the Context section, and concluded by a number of critics of the WBLTP including Philip Hirsch in his 2011 paper “Titling against grabbing? Critiques and conundrums around land formalisation in Southeast Asia”.

¹²⁷ Articles 66 and 67 of the 2007 Thai Constitution are listed in Appendix C.

decided to unite the previously separate lowland and highland land rights movements together under the CLT banner, concluding that this will increase the chances for success.

Table 9: How CLT improves upon past land policies for two target groups

Target Group	Current Legal Status	Previous Policy to Resolve Problem	Proposed Solution	Main improvement upon previous policies
Forest communities	Residency in state owned 'Protected Forest Areas' officially prohibited	Community Forest Bill/ Act	CLT	Allows for sustainable agricultural land use
Lowland landless farmers	Communities utilizing disputed state and private lands are facing lawsuits and threats	Land Reform Act of 1975	CLT	Land cannot be sold to outsiders for quick profits

The Community Land Title attempts to build upon previous land reform policies, by creating mechanisms that address their shortcomings. For example, one of the major flaws of the Community Forestry Bill was that it did not allow forest communities any agricultural land within the forests. In contrast, under the terms of the CLT, forest communities will be allowed to grow crops in designated zones. A weakness of the Land Reform Act was that it did not have strong mechanisms to ensure that farmers would not sell off their lands to make a quick profit. Meanwhile, the CLT empowers local land committees with the authority to regulate land transactions, which should ensure more adherence to policy than the limited staff of the Agricultural Land Reform Office could provide.

Under Community Land Titles, the entire land that the community utilizes is divided in individual and public plots (which could include community forests, schools, cemeteries, and religious buildings).¹²⁸ If families plan to practice agriculture they can acquire individual use rights over a plot, however, it is still officially owned by the

¹²⁸ See Appendix H for an of land uses within a CLT village.

community as a group. In order to administer the land and make decisions regarding land use, a “Land Committee” is elected from within community members and land use rules and regulations are drawn up.¹²⁹ This committee issues individual “deeds” which mimic official documents showing a map where the individual plot is located and the name of the official user.¹³⁰ Selling and buying of land must be approved by the Community Land Committee and is only permitted if the seller has a “good reason” (usually connected to health, death or economic setbacks) to sell the land, and if the land buyer is from *within the community*. These regulations are implemented in order to avoid the sale of land to outsiders or to individuals without an interest to use the land for agricultural purposes, as well as to convince the public and the state that the farmers do not want land for speculation, but for sustaining farmers’ livelihoods. Another key CLT mechanism is the establishment of a local “community land bank”, which provides villagers with access to funds for purchasing land or investing in agricultural equipment without needing to pay high interest rates to banks or loan sharks.

CLTs have only very recently been officially recognized by the Thai government. During the mass rallies organized by the Land Reform Network of Thailand (the first Pmove protest) in February and March 2009 at the Government House, protestors demanded that the government implement three key land reform mechanisms, including the issuing of Community Land Titles. Prime Minister Abhisit Vejjajiva responded by signing an agreement to set up a committee to address the grievances and recommendations from the land reform movement protestors. On October 9, 2009, the Community Land Title Cabinet Decree was enacted setting up the mechanisms required for the issuance of CLTs.

¹²⁹ For an example of one community’s complete listing of rules and regulations for community land use, see Appendix G.

¹³⁰ See Appendix B for an example of a CLT individual deed from Ban Pong Village.

In accord with this decree, the Community Land Titles Office (CLTO) was established under the Office of the Prime Minister, with the responsibility to review applications for Community Land Titles and determine whether they meet approval criteria.¹³¹ A cabinet decree, however, is not a legally binding regulation and there are no enforcement mechanisms in place to ensure land holding state agencies will recognize community land rights even if the CLTO approves a CLT.¹³² In order to solve this impasse, the Cabinet drafted a Memorandum of Understanding (MOU), on March 8, 2011 to be signed by all ministries with land holdings.¹³³ Under the terms of this MOU, the government agencies responsible for land administration agreed to recognize the validity of CLTs and to allow their implementation to proceed without hindrance. In a subtle form of protest against this MOU and an omen of the lack of cooperation that was to come, the Environment and Natural Resources Minister, Suwit Khunkitti, did not attend the signing, instead sending a lower ranking official to attach his name to the MOU document.¹³⁴ Finally, it is not clear whether, in the end, those communities that are issued CLTs will be actually be considered full owners of the land, or whether the CLT will have only provided usage rights for the communities, with the state retaining final ownership rights.¹³⁵

¹³¹ The CLTO was originally mandated to issue CLT's to 35 "Pilot Communities" within 120 days of the issuance of the Cabinet Decree. Also see Appendix E for the CLTO Community Land Title approval criteria.

¹³² The NLRM's explanation for this indirect legislative approach is that with 2011 elections looming, instead of trying to push a 'CLT Act' through Parliament, the Abhisit government opted for a quicker, albeit unsustainable (and legally unenforceable) approach. Furthermore, this tactic was used to gain a political advantage: during his campaign in mid-2011 Abhisit pledged that if re-elected he would ensure that land reform legislation would be approved by a Democrat controlled Parliament.

¹³³ Six ministries signed this MOU including the Ministries of Natural Resources and Environment, Agriculture and Cooperatives, Interior, Finance, Social Development and Human Security, and Justice. (From: Thailand Land Reform Network website at:

<http://www.oknation.net/blog/landreformnetwork/2011/03/08/entry-1> (5/10/2012).

¹³⁴ Jerrapong Prasertpolkrang and Chularat Saengpassa. "Villagers elated over MoU on land." *The Nation*. March 10, 2011.

¹³⁵ To address this concern, the NLRM have recently been encouraging communities to register as "Cooperatives" or "Associations" which would allow them to obtain full land ownership rights.

Following the defeat of Abhisit's Democrats by Yingluck's PTP in the July 2011 elections, the land reform process has slowed to a virtual standstill. The NLRM has attempted time and time again to engage the government using both protests and more formal channels, but have they have received only half-hearted promises without any real sign of the government taking their issue seriously.¹³⁶ There has been no progress from the Yingluck regime with regards to the progressive land tax and National Land Bank reforms, although this comes as no real surprise considering PTP's pro-business policies. In August 2011, after a Pmove motorcycle caravan arrived in Bangkok, Yingluck set up a committee to resolve the land rights issues presented to her by Pmove. Besides convening one meeting in Bangkok in March 2012, however, this committee has not taken any actions. One commonly held theory about the reason behind this lack of action is that the PTP members who hold key cabinet positions now are only acting as substitutes, until the other top members who were banned from politics for five years return in May 2012.¹³⁷ Finally, one of the more interesting current sticking points is that current government refuses to use the name "Community Land Title" for a community based land tenureship, claiming that all credit for this reform would then be bestowed upon the Abhisit regime. They prefer the term "Community Based Natural Resource Management", which may seem like an insignificant detail, but the NLRM fears that the implementation of this scheme would be different from what was envisioned under the CLT framework.

As of January 2012, 435 communities (including 292 Northern communities) have applied for CLTs, and, of these, 55 communities (including 20 Northern communities) have

¹³⁶ In the 9 months since PM Yingluck has been in office, Pmove has already handed her 5 petitions. (from "Lessons Learned after one year of CLT in 5 Northern Provinces Seminar" at Ban Pong Village, April 27, 2012).

¹³⁷ Aekarach Sattaburuth. "Pheu Thai set to welcome 111." *The Bangkok Post*. May 16, 2012.

been approved for CLTs by the Community Land Title Office. Out of the 55 communities which were approved by the CLTO, only two have also received permission to administer the land communally from the local responsible government agency. Tables 10 and 11 give details of CLT applications and approvals as listed in the CLTO office on January 31, 2012.

Table 10: Communities that have applied for CLTs by region

Region	Provinces	Communities	Total Land Area (Rai)	Households
North	12	292	1.64M	36,225
Northeast	14	57	0.42M	14,012
South	9	64	0.11M	8,676
Central and BKK	12	22	0.06M	4,432
TOTALS	47	435	2.23M	63,345

Table 11: Number of communities surveyed, recommended for approval, and receiving local recognition of CLT rights

Region	Communities Completed Application	Communities requesting survey visits	Communities surveyed	Communities recommended for CLTO approval	Communities Approved by CLTO	CLTs recognized by local land administration
North	146	136	114	25	20	1
Northeast	42	21	17	15	13	0
South	56	47	37	27	17	0
Central/ BKK	9	7	7	5	5	1
TOTALS	253	211	175	72	55	2

During the course of working with communities attempting to gain CLT rights and state recognition, some common obstacles have been identified by the NLRM, which are briefly outlined in the following paragraphs.

Community mapping

Hill tribe villagers have a long history of crossing community boundaries that has resulted in scattered and oftentimes overlapping land use across community boundaries. Furthermore, mapping technology is restrictive and cannot reflect many complicated social

factors. Finally, the use of detailed satellite imagery maps to depict the forest reality experienced in daily life is a “bit of a leap” for most community members and a serious challenge to try to incorporate these models into their understanding of their relationship with the natural environment.

Key community leaders’ departures

Often skilled leaders or key community members can find more lucrative or challenging positions in urban areas than those that exist in remote communities. If these members leave and their experience and skills are not “handed over” to a replacement, then identifying a potential leader and implementing a whole new round of capacity building will be required.

Lack of community unity in support of CLTs

Within most target communities, there exists a wide range of opinions regarding whether the CLT model will improve villager’s lives. Even in a CLT community where the majority of villagers are “on board”, at least a few community members will be hesitant to sign onto a CLT arrangement, since they fear that they will lose a chance at private land ownership- and the accordingly increased opportunities to sell land at higher prices. Meanwhile, some members fear that the CLT model will limit future opportunities because of the stipulation that individual plots cannot expand their farming areas outside of the plots indicated on the CLT map. Lastly, some members do not want to join the CLT movement because they do not believe it will ultimately succeed, and feel it is useless to expend time and effort on this process.

Difficulties enforcing CLT regulations- community members selling land to ‘outsiders’

In Atchara’s study of Mae Paem village (a mountain community in Chiang Mai attempting to implement communal land use) leaders revealed that it was not easy to enforce the land sale ban, and there were some cases of land owners selling land without informing the community land committee.¹³⁸ This unwillingness to forsake greater profits that can be achieved through outside sales exists in most of the target communities to varying degrees, depending on the unity of community members and the strength of the leaders.

Finally, to conclude the description of the Community Land Title process, let us turn to the success story of Khlong Yong village. In February 2011 during a ceremony presided over by the Prime Minister himself, Khlong Yong- a community of 80 households located an hour’s west of Bangkok in Nakorn Pathom province- was awarded Thailand’s first and, as of May 2012, only Community Land Title deed.¹³⁹ There are a few reasons why this community has been successful, while the other 54 have failed to achieve legal recognition from the local state authorities. First, the disputed land was under the administration of the Treasury Department, which is more flexible and accommodating on this issue than the Forestry Department or private land owners. Secondly, there was a great deal of media coverage over this case due to (1) its proximity to Bangkok, and (2) the emergence of a charismatic elder from the community named Grandpa Chuay, who pleaded the case for his community directly to Prime Minister Abhisit. Finally, this community has remained strongly united under the leadership of their elders, and has not been easily discouraged by the obstacles that inevitably have been thrown in its path.

¹³⁸ Atchara, p. 163.

¹³⁹ Ban Mae Aw, in Lamphun Province, is also listed on the CLTO chart as having received recognition from local land administration, but their community still has not received a formal CLT deed.

Opponent's critiques

The accumulation of wealth through land is one of the key drivers of a capitalist free market economy.¹⁴⁰

As will be discussed further in the Politics section, there exists a powerful grouping of land speculators, large agribusiness corporations, and politicians who stand to lose a part of their fortunes if land reform policies are implemented. These parties have countered the arguments of land rights activists with a number of land reform critiques. Among the most prominent rebuttals are the following:

The “free market” argument

Investors and business interests argue that the current land regulations and policies are not what have brought about the current problems of land tenure security. According to them, the problem is that the small land farmers are either (a) irresponsible with their finances (spending money on needless items or not working hard enough to have more income) or (b) not able to farm as efficiently as larger agribusiness operations (due to returns to scale and needing to invest in technology to increase efficiency). The argument of the investors is that if communities are allowed to own and administer their own lands, they will surely mismanage their land and eventually fall into the same cycle of debt and poverty. They view the rural communities as uneducated and unable to understand the complexities of land management on a large scale. For investors, allowing outsiders to come into communities to buy up land plots is in line with their support for free market mechanisms, which they believe are the most efficient means to increase wealth.

The “people can't live in harmony with nature” argument

¹⁴⁰ Suranand Vejjajiva, “Romantic dream of land reform needs rude awakening”

Some environmental conservationists in Thailand¹⁴¹ believe that the best way to preserve the remaining forest cover is to keep people out of nature and argue against any policy like the Community Land Title that would grant legal recognition for communities in protected forest areas. Their opinion is that the current situation of increasing population densities, modern needs and economic interests of people promote the overuse and degradation of forests at an ever increasing rate. This stance has found support from middle class Bangkokian environmentalists as well as from conservative factions of the Royal Forestry Department, as illustrated very clearly by the former National Parks Chief Plodprasop Suraswadi when he declared that the co-existence of people and forests is “impossible.”¹⁴²

The “it won’t work in today’s world” argument

This perspective has concluded that rural livelihoods are no longer based primarily on agricultural activities and that land ownership is no longer the basis for rural security and prosperity. Supporters of this argument point out that although a great number of rural Thais still practice some forms of agriculture, their work only contributes to 12% of Thailand’s GDP.¹⁴³ In today’s changing society, youth are leaving villages for opportunities in urban areas that will provide more profitable careers than those available in small-scale agricultural communities in order to quench their growing appetites for material goods. The optimal path to bring prosperity to rural Thailand, according to this perspective, is not to create more agricultural opportunities for poorer households—via land distribution—but to

¹⁴¹ Referred to as “dark green” environmentalists in Thailand, as opposed to the “light green” environmentalists who believe that traditional forest dwellers can live sustainably and in harmony with natural environments.

¹⁴² Brennan, et al, p. 21.

¹⁴³ Walker (2011).

promote non-agricultural enterprise and to support education that will open new forms of employment for rural people.

POLITICS

Identifying Political Power

Thailand's parliamentary democracy does not do a good job of providing representation for large groups of the population. Access to the judicial system is not easy or even. And further back still there are cultural factors – the overhang of patron-client ties, the culture of deference, and inequities reinforced by the petty rituals of everyday life.¹⁴⁴

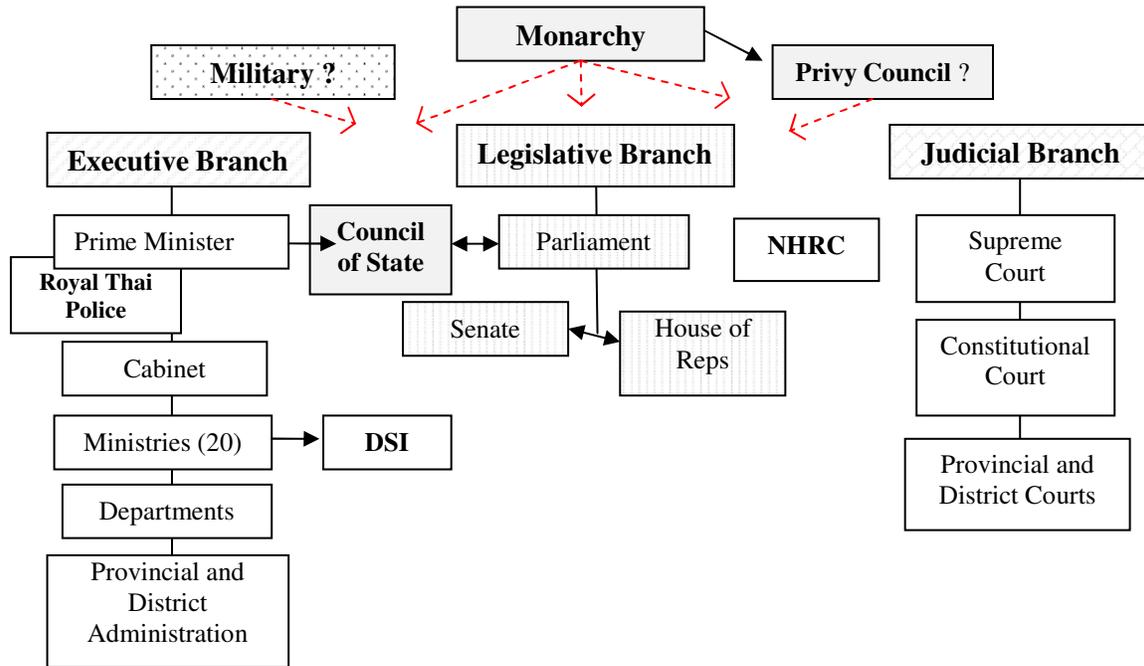
In Thailand...powerful business elites have actively lobbied both central and subnational governments.¹⁴⁵

Before discussing the NLRM's policy advocacy work with Thai government policy makers, it is important to examine what influences lay behind the formal political system. This type of analysis is challenging in any political system, but it is especially difficult in Thailand due to the heavy influence of non-transparent actors such as the military and the monarchy. An attempt to depict some of the relations between the power holders in Thailand is shown in Figure 4 below.

¹⁴⁴ UNDP, p. 80.

¹⁴⁵ Jones, p. 85.

Figure 4: Thailand Political Power Chart



As Head of State, the Thai Monarch holds no “official” political power within the Thai constitutional monarchy system, yet it is common knowledge that the monarchy is the most influential political body. With a tradition of devotion to the monarch that outsiders sometimes view as being close to worship, as well as strictly enforced “less-majeste” laws, the roles and inner-workings of the royal institution remain closed to all but a handful of extremely close confidantes. To complicate this further, there is speculation that divisions exist between individual members of the royal family. As mentioned in the Context section, the military’s enormous political influence is evidenced in the twenty coups they have staged since 1932.

Besides these two omnipresent forces, other politically influential structures that are not readily transparent include the Privy Council (a body of appointed advisors to the Thai

monarch, which has recently been accused of being involved in political matters),¹⁴⁶ the Council of State (with appointed members and under the Office of the PM, it plays a key role “advising” on legislative drafts and has been able to block the introduction of bills into Parliament),¹⁴⁷ and the Royal Police Department (moved under the Office of the PM in 1998, but remains semi-autonomous and hugely influential in its “interpretation” and enforcement of policies).

Lastly, two key agencies which provide citizens with some protection against abuses of state power are the Department of Special Investigations (DSI) and the National Human Rights Commission (NHRC). The DSI was established in 2002 as a law enforcement agency under the Ministry of Justice in order to investigate, prevent, suppress, and control serious crimes, including cases of government fraud and corruption.¹⁴⁸ The NHRC was set up under the People’s Constitution of 1997 as an independent state agency with a specific mandate to promote and protect the rights of all Thai citizens.¹⁴⁹ It is required to be representative of all Thai society, including the civil society groups and NGOs, in order to make it accessible and responsive to people from all walks of life, particularly those underprivileged and disadvantaged.

Business and commerce leaders also play very powerful roles in Thai politics, by both indirect means (influencing politicians by exchanging wealth for “favors”) as well as the much more direct route of being elected to Parliament. During the Abhisit government, it was calculated that business leaders made up nearly two-thirds of the Members of

¹⁴⁶ McGeown, Kate. “Thai king remains centre stage.” From the BBC News website: <http://news.bbc.co.uk/2/hi/asia-pacific/5367936.stm> (5/10/2012).

¹⁴⁷ The Council of State is currently ‘studying’ (ie. ‘delaying’) the Progressive Land Tax draft legislation.

¹⁴⁸ From DSI website:

http://www.dsi.go.th/index.php?option=com_content&view=article&id=4144&Itemid=3 (5/10/2012)

¹⁴⁹ From the NHRC website: <http://www.nhrc.or.th/aboutus.php> (5/10/2012).

Parliament, despite the fact that this profession only employs about 3% of the Thai working population.¹⁵⁰ The political dominance by business tycoons has existed for many years and there are many reasons for this situation. First of all, without any restraints on campaign expenses, the costs of financing elections are out of the reach for most ordinary citizens. Next, many business persons enter politics in order to gain access to business opportunities through political influence. Finally, many voters choose rich and successful candidates simply because they believe that their past business successes are an indicator that they will be able to succeed in the political arena (they believe the set of skills needed to succeed in the business and political worlds are nearly identical).

The last extra-parliamentary influence on Thai politics is the “elephant in the room” that everyone knows is there, but little is said or done to do anything about its presence: corruption. It is reported year in and year out that Thailand suffers from corruption at all levels of government.¹⁵¹ At the local community level, people face corruption on a regular basis in Thailand. “Under the table” money is usually necessary to “grease the wheels” in order to obtain documents or have an “official matter” settled, while many police officers will take a smaller amount than the official fine if you pay on the spot and don’t get a receipt. One consideration to keep in mind in a developing country like Thailand is that many of the civil servants who are most likely to seek out bribes are grossly underpaid, and they need outside resources to supplement their meager salaries in order support their families.¹⁵² At higher levels, it is widely known that money, goods, or services are often

¹⁵⁰ UNDP, p.53-54.

¹⁵¹ Thailand ranked 80/182 in the 2011 Corruption Perceptions Index which places it in the upper half of countries, but it has been on a steady decline since 2005. (from: Transparency International website: <http://cpi.transparency.org/cpi2011/results/>) (May 10, 2012).

¹⁵² The Thailand average monthly income in 2011 was US\$450, while a new police officer receives a starting salary of US\$240/ month. (from: IMF World Economic Outlook Database, April 2012).

needed to influence politicians and bureaucrats, although this is much harder to document. Obviously, it is a huge challenge to advocate for land reform with national-level politicians, when 134 of the MPs in the last government own as much as 42,221 Rai (6,755 Hectares) of land worth more than 10 billion Baht (over US\$333 million) combined.¹⁵³ Despite the fact that, along with corruption, there are many powerful influences behind Thai government policy makers, most ordinary Thai citizens and NGOs do not have access to these channels, and, therefore, they are left to advocate within the formal political structure.

Advocacy Targets: The Thai bureaucratic maze

In addition, policy capture by bureaucratic elites is evidenced by the creation of multiple procedures and the involvement of different agencies, which serves their self-interest by increasing bureaucratic power, enhancing career opportunities and creating opportunities for rent seeking.¹⁵⁴

Thailand's government is a constitutional monarchy, with systems and procedures modeled after the British system. Even though there are two houses in the legislative branch of government (the Senate and the House of Representatives), the legislative power rests primarily in the lower house, the House of Representatives. The House sits for a term of four years but House dissolution can happen anytime before the expiration of the term (as mentioned in the Context section, early dissolution has been the norm for Thailand). In the Thai political system, lobbying of elected officials is much less effective than in most Western developed democratic systems:

Thai political parties do not act as channels for conveying popular opinion into the policy-making process. There is no formal system of lobbying. Personal connections are thus very important, but this channel is very narrow. Both politicians

¹⁵³ "Where are you land reform?" *Bangkok Post* Editorial. July 8, 2011.

¹⁵⁴ Jones, p. 85.

and bureaucrats have been reluctant to open up the process to public participation.¹⁵⁵

Furthermore, with the current political instability, elected officials do not expect to stay in office for long enough periods of time to see the results of their actions, which decreases their motivation to work for long term solutions to social and economic problems. This situation also tends to dishearten activists who can see years of hard work go down the drain when a new government with opposing views take office.

Because of this reality, the NLRM has focused its advocacy work on the career government officials¹⁵⁶ working in the line ministries. The head of each of the 20 ministries is appointed as a member of the Prime Minister's Cabinet, but other upper level officials remain in their positions regardless of shifts in political power after new elections are held. Despite some recent attempts at decentralization, the Thai government remains highly centralized. Power tends to be concentrated in the line ministries whose senior bureaucrats closely guard the policy making process, making them strategic targets for the NLRM. These targets are italicized in Figure 5, and they include the Community Land Titling Office (CLTO), and the lower ranking government officials working in Bangkok at the line ministries and departments responsible for administering state land holdings.

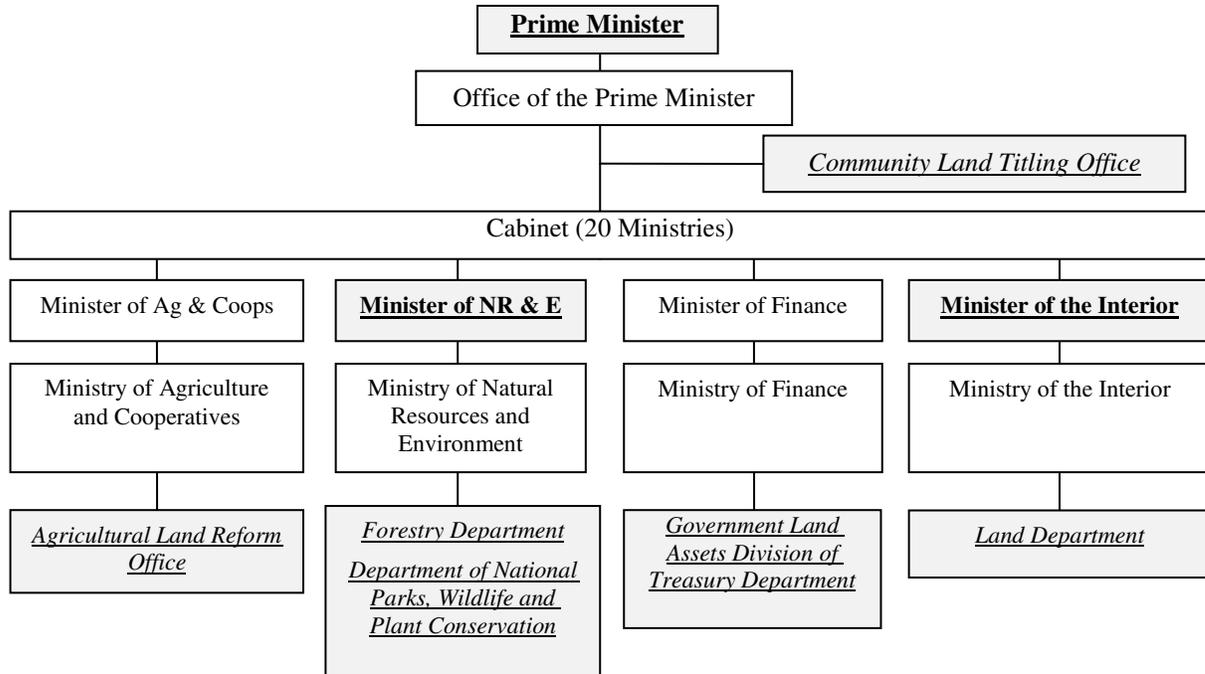
Besides the line agency bureaucrats, other targets of the NLRM include the elected and appointed officials that change with each new election, including the prime minister, and the Head Ministers of the agencies responsible for land administration (listed in bold lettering in Figure 5). In some cases, personal communication is used to convey messages and information with key targets, in other circumstances letters or postcards are sent, while

¹⁵⁵ UNDP, p. 54.

¹⁵⁶ Referred to as "*karachagan*" among Thais.

at other times, protests in front of the government offices are used to communicate messages most effectively.

Figure 5: Key Targets in the Executive Branch



Finally, there are the government targets at local levels, mainly low-earning officers with the responsibility of enforcing land regulations that are handed down from Ministry Headquarters in Bangkok. Sometimes at these levels, negotiations can lead to temporary solutions that benefit both the government agency and the community in question. Multiple challenges usually exist when working at these local levels. In some cases, it is challenging to identify who actually has the jurisdiction over the land, due to the overlapping roles and responsibilities of the various departments and administrative structures.¹⁵⁷ In Thailand, government officers are often transferred to far away locations, and their replacements establish completely new arrangements and relationships with local communities. In other

¹⁵⁷ Appendix G contains a map depicting the complicated linkages between the central and local administrative systems.

instances, a visit from the central office can lead to a new set of regulations being emphasized and enforced. Other times, the emergence of a strong leader in a different local agency could lead to a new interpretation of land rights and arrangements.¹⁵⁸ In the end, although targeting local officials can bring short-term solutions, long-term security can only be possible after policies are adopted and given priority by the higher levels of government.

Key Allies

As listed in Table 12 below, significant supporters of the NLRM include donor organizations, legal assistance agencies, academic institutions, the Democratic Party, some Thai media organizations, and some local government administrative and judicial agencies. Their motivations range from altruistic (NGOs and funders), to performing their assigned tasks and roles (government agencies and media), to trying to gain political support (political parties and local government administration). Their levels of influence vary greatly, from local to international, and while some have direct influence on the land rights of the target group (government agencies and political parties) while others play a more indirect role (media, donors, international NGOs, academics). Finally, some of these allies have close links and coordination with the NLRM movement (NGOs, academics, Thai media), while others act independently without contacting the NLRM directly (Provincial courts and TAOs).

¹⁵⁸ Examples provided during Pee Jarat Interview.

*Table 12: Key Allies of the Land Reform Movement*¹⁵⁹

Name of Organization	Level of Support	Motivation/ Agenda	Degree of Influence
International NGO donors- Oxfam, AJWS	Funder, access to media in Western countries, NGO capacity building	Mandated to assist with social change	Some influence, but mostly outside Thailand
International peasants and land rights NGOs - La Via Campesina, Focus on the Global South, Land Research Action Network	Research and documentation about land issues in other countries, arrange workshops to share info and give support	Goal of organization is to support landless and poor farmers	Influence on international level
Community Organization Development Institute (CODI)	Semi-public organization, able to provide funding and advocacy assistance	Established to assist with community development	Able to channel some gov't funds to community development NGOs
Lawyers Council of Thailand	Technical support- Legal advice	Morality and the agenda for their organization	Some influence in legal circles
Police Department of Special Investigations (DSI)	Documentation and Investigative support	Falls under job responsibilities	Influential with national level judicial procedures
National Human Rights Commission (NHRC)	Investigates land rights cases on behalf of public	Falls under job responsibilities	Influential with national level judicial procedures
Chiang Mai University Social Science Faculty and Human Rights Lawyers Association at Thammasat University's Faculty of Law	Research, technical support and advice, hosting seminars	Interest in topic/ wanting to contribute to society	Influential in academic circles
Democratic Party (led by previous PM Abhisit)	Longest established Thai Political Party with strong support in BKK and Southern Thailand	Attempting to win support of rural Thais with support for CLTs and other pro-poor policies	As opposition party, have limited political power
Some Tambon Administrative Organizations (TAOs)	Assisting coordination and community organizing, providing resources	Held accountable by local communities	Local governing administration
Provincial Courts	Enforcing laws designed to give rights to rural farmers	Responsibility of courts to provide justice	Able to interpret law, make judgments in land rights cases
Thai media- ThaiPBS TV, Thai Rath and Bangkok Post newspapers	Providing timely coverage of protests, community forums, & land rights issues	Reporting on topical issues to increase readership/ viewers	Large public audience, especially for the television media

¹⁵⁹ Tables 12 and 13 were adapted from VeneKlasen and Miller, p. 225 and 227.

Major Opponents

Based on the list of major opponents shown in Table 13, it is clear that the NLRM must overcome some formidable obstacles. Among the identified opponents are groups of Thai financial and political elites, including State Department officials working within the line ministries, agribusiness and forest industries, Thai banks, and private investors. On the international front, while the World Bank, ADB, and the IMF have not come out directly and taken a stance against the land reform policies that the NLRM have advocated for, they are always opposed to policies which restrict free market mechanisms. The NLRM's proposed progressive land tax, land banks for property redistribution, and community land titles which prohibit sales to outsiders would all be seen by these international finance and development agencies as hindrances to a free market system. With their deep financial resources and strong political influence, both the national and international opponents are in good positions to thwart any changes which they feel would threaten their goals.

Table 13: Major Opponents of Land Reform movement

Name of Organization	Level of Support	Motivation/ Agenda	Degree of Influence
Some Local Administration Agencies (TAO, Kamnans, Village heads, District Chiefs, etc.)	Usually supported by local law enforcement actors including police	Potential to make large profits from illegal land transfers and sales	Great local influence
National Park/ Forestry/ Land Departments	Backed by a huge budget and influence on Central Government in Bangkok	Protect and conserve natural resources	Strong influence on local land use and ownership
Pheu Thai Party/ PM Yingluck's Cabinet	Funded by businesses and supported by rural populations. Won July 2011 elections by a large margin	Pro-business/ private property/ free markets stance	As majority leader, they hold greatest political power
Agribusiness/ Forest Industrial Organizations	Massive financial resources/ public support as large employer	Increase company profits	Politically influential but behind the scenes
World Bank, Asian Development Bank, IMF	Provide large scale loans for megaprojects and promotes free market mechanisms	Liberalize trade and marks to increase investment opportunities and free capital flow	Great influence on Thai government policies
Private Investors	Individual Financial Backing	Increase investment value	Politically influential but behind the scenes
Thai Banks	Massive financial resources	Maintain lands assets acquired from loan defaults	Politically influential but behind the scenes

On the fence

Land Reform Network of Thailand

During the campaigns for land reform that began around 2005, the Land Reform Network of Thailand (LRNT) was the coordinating group for the various regional movements. LRNT is coordinated by the NGO “Local Acts”, which is located in Bangkok, allowing closer contact and communication with key Central government agencies, as well as with international NGOs. As mentioned in the Advocates section, the LRNT, along with the CNSPR, initiated the establishment of Pmove. After initially working successfully with the NLRM, some differences of opinions with regards to strategy began to emerge during 2010-2011. The split was over whether to continue to push for Community Land Titles or

to use rights for community natural resource management that were provided under the 2007 Constitution. After much debate and discussion, no middle ground could be found: the NLRM decided that it would continue to advocate for the adoption of CLTs, while the LRNT opted to advocate for community natural resource management mechanisms without policy change.¹⁶⁰ It remains to be seen whether these two networks will be able to join forces and cooperate to advocate for land reform in the future.

Public opinion

Another key group which is “on the fence” regarding the land reform issue is the general public. The majority of the Thai population has no direct connections to this issue and as a result, is heavily influenced by media reports about the land reform movement. In general, the mainstream media (with the major exceptions being Thai PBS Public television channel and online progressive news websites) portray villagers involved in land reform as “trouble makers” who have taken the law in their own hands and occupied land belonging to private individuals or the state. More recently in the Northern region, however, there have been more sympathetic portrayals of mountain dwellers and the challenges they face. Furthermore, with improved roads providing better access to mountain communities and hill tribe “homestays” being heavily promoted by the tourism industry, more Thais are learning firsthand about the experiences and situations of the forest communities. Currently, it appears that the general public could be swayed either way with regards to the land reform movement, depending on whether effective information campaigns are initiated.

¹⁶⁰ Interview, Prayong (February 20, 2012).

STRATEGY

Goals

The short term goal of the NLRM is to ensure just land distribution and administration through the issuance of community land titles, enactment of a progressive land tax, establishment of a national land bank. They plan to accomplish this through coordinating to obtain CLTs with relevant Ministries and Departments at local and national levels, as well as advocating for legislation that will ensure attainment of community land rights. The longer term goal is to empower communities to be self-sufficient through responsible and sustainable natural resources management. If this goal is achieved, there will be fewer small-scale farmers falling into the cycle of debt and landlessness than there currently exist. The NLRM's "theory of change" is that through local community land ownership, there will be less dependence on non-local inputs, leading to greater self-sufficiency. On top of this, there will be more incentive to implement sustainable agricultural practices and conserve natural resources for future generations. Lastly, and perhaps most critically, community land ownership will improve unity and cooperation among village members, thereby increasing community resiliency.

Messaging

The NLRM's central message is "just and sustainable land distribution".¹⁶¹ When working at the community level, speakers emphasize how community land rights will be the most beneficial option for the entire community, and how this model will keep out profit-seeking investors. When speaking to high ranking government officials and the public, the message is framed in two ways. First, land reform is just and it is the responsibility of society to take care of the less fortunate. Second, communal land

¹⁶¹ Interview, Prayong (February 20).

management provides a more environmentally sustainable (through less usage of chemical inputs and community forest management by locals who have an incentive to keep forests healthy) and more productive use of farmlands. The NLRM is very deliberate in the choice of terms used to describe the situation facing its target group members, while land reform opponents also have been carefully framing their messages and arguments with a much different vocabulary (see Table 14). To get their messages out to the public, the NLRM utilizes a number of media forms including television coverage by ThaiPBS and the Nation Channel, Thai and English dailies, online news sources such as Prachathai and Prachatham, brochures, posters, and bumper stickers.

Table 14: Examples of Terminology used by Advocates and Opponents of Land Reform

Topic	Pro “Land Reform” Description	Opponents’ Description
Villagers taking over land and using it for agriculture	Reclaiming unused/ unproductive land	Illegal land occupation/ invasion
Communities located in protected forests	Forest guardians/ protectors	Forest destroyers/ encroachers
Forest land utilized by nearby communities	Community forests	State owned protected forests
Community land management structure/ mechanism	Community land titles	Community resource management
Traditional hillside agriculture practiced mountain communities in Northern Thailand	“Rai Moon Wien” which translates to “Swidden Agriculture” or “Rotational Cultivation”	“Rai Leuan Loy” which translates to “Slash and Burn” or “Shifting Cultivation”

Methods and Tactics

The NLRM utilizes a wide range of methods and tactics to try to attain its goals. Before engaging in any activity, though, the timing of the event, campaign or mass mobilization is always given the most important consideration. For example, during August 2011, Pmove had planned a large rally in Bangkok to pressure the new PTP government to

move forward on land reform policies that were begun by the previous government. However, as massive flooding descended upon the Central region and threatened to inundate Bangkok at the same time the protests were due to begin, it was quickly decided to postpone the mass mobilization until the problems from the destructive floods were under control. Currently, with the steep increase in costs of fuel and daily consumables, protests that would require travel to Bangkok are being put on hold. Furthermore, with the current government showing little interest in land reform issues, the NLRM has opted to focus on regrouping, strengthening network relationships, and preparing for the next round of protests and negotiations when the political winds change and they stand a better chance of achieving their goals.

After reaching a consensus regarding the timing of the action, the NLRM constantly re-evaluates the circumstances around the issue. This often leads to modifying the strategy in order to increase the likelihood of success. For example, in the case of the National Land Bank initiative, after waiting for months for the PTP to follow through on the allocation of approved funds from the Abhisit government, the NLRM finally decided that it could no longer depend on this mechanism. During a meeting in Ban Pong village with NPF members and the Community Organization Development Institute (CODI), frustrated villagers vowed that if the government was not going to help them set up this fund for purchasing land to be redistributed, they would take matters into their own hands and begin to collect one Baht/month (US\$ 0.03) from each network member to establish a “People’s Land Bank”.¹⁶² During the annual “Songkran Elder’s Blessing” ceremony conducted at the NDF office during April 2012, a box was passed around and after 10,000 Baht (US\$330)

¹⁶² With over 130,000 NPF members, this fund would reach over 1.5M Baht (US\$ 50,000) within one year.

was collected, the ‘Northern Public Land Bank’ was declared to be formally established. Whether this effort will be sustained or not, the change in strategy encouraged the villagers who had long since grown tired of waiting (and, in the case of Ban Pong village, still facing eviction threats) for the government to disburse the promised funds.

After considering the timing and adjusting methods and tactics as necessary, the NLRM engages in a number of activities. In order to try to influence the Prime Minister’s Office, the NLRM has organized postcard campaigns- during which each family in target communities are encouraged to send a handwritten note on a 2-Baht (US\$ 0.07) postcard directly to the Prime Minister.¹⁶³ At the community level, banners are flown and signs erected at the entrance to villages declaring that this is a “Community Land Title Village for Democracy”. Learning centers are also established in well organized “pilot communities” with information about community land rights and a history of their struggle to attain CLT deeds. Another tactic used by the NLRM is the use of close personal connections with local and central government officials in order to be able to coordinate effectively and share information. The Northern Development Foundation (NDF) has also supported and coordinated research for academic papers and reports documenting the situations in target communities.¹⁶⁴ Legal efforts and support is coordinated by the NDF for those who have been sued for trespassing on private land as well as forest dwellers who are being sued by the state. “Wanted” photos for villagers convicted of trespassing and contributing to global warming have been used effectively during presentations to draw sympathy, and highlight the marked differences between the severity of their judgments

¹⁶³ See photo in Appendix B

¹⁶⁴ Two examples of NDF supported research: “Climate Change, Trees and Livelihood: A Case Study on the Carbon Footprint of a Karen Community in Northern Thailand” and “Taking Land from the Poor, Giving Land to the Rich” papers.

and the reality of their daily life.¹⁶⁵ Perhaps the two most successful tactics that the NLRM have utilized, though, are constituency empowerment and mobilizations/protests, which are examined in more detail next.

Constituency Empowerment

“Changes and progress very rarely are gifts from above. They come out of struggles from below.”¹⁶⁶

One of the most effective strategies that the VDSO utilizes is empowering target communities to be able to better manage themselves and, when necessary, directly advocate to government agencies. While using this approach, VDSO acts as a link, intermediary, and an information provider. These roles that are critical for rural communities, with the increasingly complicated forms and regulations related to land rights and land documentation. The process to obtain land documents and certification is puzzling for most ordinary Thai citizens, and on top of this, many of the VDSO’s target groups are ethnic minorities, who speak Thai as their second or third language. Without the involvement of civil society actors like the VDSO, these communities would not have much of a chance to negotiate the paper trail that stands between them and the realization of their rights. In fact, as of the time that this paper was written, the only Northern Thai communities that have been applied for CLTs are those that have received assistance and coordination from the VDSO.

The VDSO has been engaged in building the capacities of the communities through a long list of activities, including public forums, legal trainings, negotiation skills trainings,

¹⁶⁵ See Appendix J for two examples

¹⁶⁶ Noam Chomsky from his speech “*What Next? The Elections, the Economy and the World*”. http://www.democracynow.org/2008/11/24/noam_chomsky_what_next_the_elections (Accessed June 10, 2012).

GIS trainings, media skills trainings, community-level workshops to analyze and strategize about land rights, and advocacy trainings for network members and community leaders. The aim of these activities is to achieve what VeneKlasen and Miller refer to as “constituency and citizen empowerment”¹⁶⁷ enabling community members to self-attain the rights they are entitled to under Thai law. As VeneKlasen and Miller explain, “Effective constituency-building enhances the organization and political voice of people, and lends legitimacy and leverage to change efforts.”¹⁶⁸

In order for the communities to be approved for a Community Land Title the community must meet CLTO criteria¹⁶⁹ and then complete the process outlined in Table 15 below. During this process, there are many points where the application can be delayed, in fact, the entire process has been completed for only 35 out of the over 400 communities that have applied.¹⁷⁰ Most of the delays are due to failure to provide some of the details about land, family and community history that are required in the application form. This usually occurs because they never had the information to begin with, or they lost the documents containing the information. Villagers do not usually assign special value to these “pieces of paper”, as illustrated in this report from a rural Northern Thai community:

As they did not see the importance of land documents, the villagers who had “bai jong” and “nor-sor-3” documents were careless in keeping the paper as well as other official documents. Some people kept it in a bamboo stem and it was eaten by mice or insects while some people just lost it.¹⁷¹

¹⁶⁷ VeneKlasen and Miller, p. 59.

¹⁶⁸ Ibid, p. 59.

¹⁶⁹ See Appendix E for CLTO criteria details

¹⁷⁰ CLTO website: <http://www.opm.go.th/OpmInter/content/oct/> (accessed 3/6/2012).

¹⁷¹ Atchara, p. 49.

Table 15: CLTO Application Process

1.	Gather detailed data about community land use and holdings
2.	Produce detailed 1:4,000 scale Land Usage Map representing all community lands
3.	Complete formal CLT application papers and send to local government agency (usually the Sub-district Administrative Organization)
4.	Send more documentation as requested from the CLTO after their initial review of the application
5.	Coordinate and prepare for the formal CLTO Survey Field Trip to community.
6.	Follow-up after the CLTO visit: provide any further required information or data needed before the final approval is given.

During February 2012, the CLTO Survey Committee¹⁷² arrived to visit seven of the communities in Chiang Mai province that had applied for CLTs, and I was able to travel to six of the communities during the visit and witness the proceedings. The visit of the Survey Committee is one of the most critical points of the CLT application process and VDSO was heavily involved with preparing the community members for the visit, as well as coordinating the logistics of the visit. Since all of the communities were located in isolated mountainous areas, the process of preparation and the actual visit required great efforts and long hours to complete successfully. Table 16 provides a list of intervention points, when the VDSO steps in to strengthen the primary constituents' abilities to complete the CLT application process.

¹⁷² The CLTO Survey Committee consists of representatives from the Treasury Department, Forestry Department, Department of Natural Parks, the Ministry of Agriculture, the Agriculture Land Reform Office, and Land Department

Table 16: VDSO Capacity Building during the CLT application process

Point in CLT Application Process	VDSO action
Initial contact with communities ready to apply for CLT	<ul style="list-style-type: none"> - Identify key community members and train them in the CLT application process. - Assist the community in collecting data and preparing maps.
After CLT application has been completed and CLTO Survey visit is being scheduled	<ul style="list-style-type: none"> - Travel to villages to give information about the visit- who, when, why. - Assist in preparation for CLTO visit: explain the agenda, choose venue, and determine community member's roles. - Explain what documents will be required during visit and assist in production of the required documents in a timely manner.
During the CLTO Survey Committee visits	<ul style="list-style-type: none"> - Coordinate logistics for CLTO visit between government officials and communities. - Designate some staff to travel with Survey Committee, while sending other "mobile" staff to communities shortly before arrival of the Survey Committee. - Assist communication between villagers and SC during meetings when needed.
After the CLTO Survey Committee visit	Follow up in communities which did not have documentation/ information that the Survey Committee required, and assist them in preparing and sending the documentation.

Mobilizations and Protests

We are small dogs, and the landowner is a big dog. But if there are many small dogs, the big dog cannot defeat us.¹⁷³

- Mr. Sawat from Rai Dong Village

As discussed in the context section, people's movement and mobilizations have a long history in Thailand. Many NGO workers and social activists view the protest as the only effective tool they can depend on when challenging unjust government policies and regulations. One long-time activist bemoaned that while Western democracies allow for direct contact with elected officials and more transparent forms of lobbying to advocate for change, "... in Thailand, the only way to get politicians to listen to us is to take to the streets."¹⁷⁴ This form of political action is sometimes referred to as "extra-parliamentary

¹⁷³ Miyake, p. 157.

¹⁷⁴ Interview, Pee Jarat.

politics”, as opposed to working within existing government channels which is known as “parliamentary politics”. Mobilizations have been a core strategy for the NLRM, as can be seen from the list of protests that Pmove has engaged in over the last three years in Table 17 below.

Table 17: Major Pmove mobilizations

Date of protest	Location	Estimated participants	Goal of Action	Outcome
Feb 4-5, 2009	Bangkok: Parliament House	3,000	Demand government implement land reform mechanisms as Abhisit promised in Dec 30, 2008 Policy statement.	PM Abhisit Vejjajiva promises to solve all land reform problems within 30 days.
March 4-11, 2009	Bangkok: Parliament House	1,000	Follow up after 30 days, and no actions taken by government.	In October Abhisit signs PM Decree recognizing legality of CLTs
June 24-25, 2010	Bangkok: Parliament House	1,000	Demand Sub-committees perform tasks assigned	
February 16- March 9, 2011	Bangkok: Parliament House	6,000	Demand CLTs for 35 approved pilot communities	MOU signed by 7 Ministries on March 8 agreeing to implement CLTs
June 2011	Rangsit University	2,000	Demand land rights from whoever is elected in July	Received promises from Abhisit (Democrats) and Plodprasop (Pheua Thai)
August 4-8, 2011	2 Motorcycle caravans from Northeast and North to Bangkok	1,000	3 demands: CLT deeds, Land Bank establishment, and progressive land tax.	Government representative Plodprasop receives Pmove’s petition and promises sincere efforts to resolve issues
January 15-16, 2012	Chiang Mai: Provincial Hall and National Bank	1,000	Obtain PM signature on agreement to set up committee to address Pmove’s issues	After delay tactics, PM representative signed agreement for meeting with Pmove in BKK in February
March 18-19, 2012	Phuket	2,000	Meet with PM, Demand government address Pmove’s 12 long-standing problems	Able to meet with PM, no agreements made
May 2, 2012	Chiang Mai: Provincial Court	200	Public awareness of plight of Ban Pong village, demand PM action forward for CLT, Land Bank, and Progressive Land Tax	
June 5-6, 2012	Lamphun: Provincial Hall and Court	1,000	Public awareness of cases against Lamphun farmers, demand immediate negotiations with Central gov’t re. Land Bank fund dispersal	Lamphun governor arranges June 20 meeting in BKK with Minister of Interior and officials responsible for enacting land reform policies.

As Table 17 shows, protests have occurred both in BKK and at regional centers. In the regional centers, the rallies only last for one-two days, while the Bangkok protests have lasted from a few days up to a nearly a month long. Estimates of participation have ranged from a few hundred up to the over 6,000 that gathered in Bangkok in February 2011. Pmove has had different levels of success with its protests: in most cases, there was no clear winner or loser, but instead it would be agreed to establish a committee to “consider” or “work on” the grievances. There are ten listed protests which have been enacted in just over three years. This high number has brought some concern to the Pmove leadership, who are worried of villagers becoming burned-out from participating in so many rallies in such a short time.

Some aspects of the Pmove protests have been more successful than others. The motorcycle caravans had the advantages of being a novelty, bringing great visibility, and increasing awareness in communities along the way. As the motorcycles slowly pass through towns located next to the highway, the riders often stop and share their messages and stories with curious bystanders. Pmove has used paper cuffs and chains to great effect when emphasizing that villagers are being unfairly imprisoned. The Pmove rallies have always had a great variety of flags, banners, and signs with clear and catchy slogans written on them. Recently, Pmove has also involved more women in their mobilizations which has been effective to reach out to a wider audience. During marches held in urban areas, teams of women walk ahead of the rest of the protestors and pass out brochures explaining the reasons for this march to local onlookers.

During two protest events that I was witness to there was an impressive amount of coordination and communication with security forces and police beforehand, which led to a

smoother process than would have been possible if Pmove had tried to “surprise” the authorities. In fact, at the end of the protest at the Lamphun Provincial Hall in June 2012, the protest organizers asked the participants to give an ovation to their police “brothers and sisters” who had refrained from using weapons against them that day. Furthermore, during rallies that are watched over by police and state security teams, the protest leaders often attempt to win over these forces, by pointing out that these low ranking officers, like the farmers, are not being treated fairly by the wealthy elite in Thai society.

The biggest weakness of the Pmove events has been a lack of mainstream media coverage. While their rallies have received some online news sites and a few small publications, they have received little coverage from the larger newspapers and television stations. After the Chiang Mai Mobile Cabinet protest, I scoured over all the publications I could find but only managed to locate two Thai language articles and no English language reports. Meanwhile, in the current economic climate of rising food prices and higher unemployment, farmers are under greater pressure to produce goods, and they have found it harder to find time for meetings and protests. In fact, a sharp increase in fuel cost was a key factor leading to the decision to cancel a recent motorcycle caravan protest event.

*A firsthand account of a Pmove rally*¹⁷⁵

In mid-January 2012, Prime Minister Yingluck and her Cabinet members arrived in Chiang Mai for a weekend “Mobile Cabinet Meeting”¹⁷⁶ just as I was beginning my practicum at the NDF. Pmove saw this rare upcountry trip as a golden opportunity to mobilize their members to petition the PM to sign a document ensuring the government’s

¹⁷⁵ Photos of the event are included in Appendix B.

¹⁷⁶ Before the Thaksin Government, all Cabinet monthly meetings were held at the Office of the Prime Minister in Bangkok. In an effort to reach out (or at least appear to reach out) to the upcountry areas, Thaksin (and the subsequent governments) have held meetings in Regional centers on a rotating basis from time to time.

commitment to addressing land reform issues. In the days leading up to the arrival of the Mobile Cabinet, the VDSO office was a beehive of activity with preparations happening at breakneck speeds, including painting banners and signs to carry during the planned demonstrations. Pmove members from the South and Northeastern regions arrived, exhausted after a two days journey. On the Saturday of the Mobile Cabinet weekend, a few hundred protestors met together and staked out the Chiang Mai Provincial Hall in the early morning, even though the meeting was scheduled for the late afternoon. As the day slowly marched on, leaders took turns on the microphone encouraging the crowd through stories and songs, while some exhausted participants took catnaps in the shade. The patience and perseverance of the protestors was quite impressive. At last, as the sun was sinking over Doi Suthep Mountain, protest leaders were notified that the Prime Minister mysteriously could not meet up because she had to fly to the neighboring province of Chiang Rai. Pmove leaders quickly hopped into a van and sped off to the Chiang Mai Airport to await her arrival back.

Although the Pmove leaders were able to present her with the petition there, they now learned that they also needed the signature of the head of the “grievances committee” that would be set-up to respond to the petition. Since the Mobile Cabinet would be meeting at the National Bank of Thailand office the following day, Pmove quickly decided that they would continue with their rally there on Sunday. Instead of returning back to their home communities scattered throughout Thailand, the protestors were therefore forced to find someplace to sleep Saturday night and regroup again in the morning to continue towards their goal.

The Chiang Mai branch of the National Bank of Thailand is located in a more secure location than the Chiang Mai Provincial Hall, and the following morning it was a challenge for the protestors to get near the cabinet members as they arrived and left the bank compound. At first, the police blocked the main approach to the National Bank, and Pmove responded by finding an alternative route that would bring them near the outer gates. Pmove had recently invited the Stateless Children's Protection Project (SCPP) to join their movement, and for this event they brought a group of stateless children to advocate for citizenship.¹⁷⁷ The usual strong-arm tactics of the police were softened when the children moved to the front of the rally and sang songs. However, by noon, there still had been no contact with the cabinet members, and Pmove threatened that if no one would come out to meet them in the next ten minutes, they would force their way into the compound. Fortunately, before the ten minutes expired, Tongtawng Jantarang, Deputy Director of the OPM, came out and provided the necessary signature. Despite reaching their goal, there were also some negative outcomes resulting from this rally: violence had erupted when police tried to disburse the protestors with force, and resulted in over 10 PMove members (no children) being treated for injuries.¹⁷⁸

EVALUATION AND LESSONS LEARNED

The following evaluation of the advocacy work of the NLRM begins with an examination of campaign activities compared with Shultz's "good practices" outlined in *The Democracy Owners' Manual*. This is followed by an analysis of the outcomes of the

¹⁷⁷ National "Children's Day" was held on the Saturday of that weekend, and the children held banners asking for the 'gift of citizenship' from the Prime Minister

¹⁷⁸ There was some Thai media coverage from the event. The *Thai Rath* report can be found at: <http://www.thairath.co.th/content/pol/230782> (accessed May 11, 2012).

campaign using the framework of Gabrielle Watson. Lastly, some lessons learned are presented followed by some recommendations for improving the work of the NLRM.

Evaluating the NLRM campaign

Examples from Jim Shultz's *The Democracy Owners' Manual* will be used to measure whether the practices of the NLRM have been well-chosen and implemented effectively. Shultz's experience with policy advocacy is extensive and his suggestions are based on practical work he has been engaged in for many years. Despite his expertise on the topic, however, it should be noted that his background as well as the policy advocacy examples that he uses in this text are nearly all from North, Central and South America. Most of the advice can be applied across a wide range of cultures and frameworks, but it should be also kept in mind that some of the circumstances in this case study may be different enough to render his insights irrelevant or at least not totally applicable.

Advocacy strategy

When drafting petitions to ask for the government's assistance, Shultz recommends they contain the following points:

- An introduction that summarizes the whole petition
- A description of the facts and the problem that needs to be addressed
- The specific action you want the department to take
- The legal authority of the department to take that action
- A list and short description of each of the petitioning organizations
- Exhibits and other evidence that supports you¹⁷⁹

Pmove's March 1, 2012 petition to the Prime Minister's Office has incorporated most of these suggestions, while lacking a few key points. This petition contains a thorough introduction and summary with concrete examples of the problems target communities are

¹⁷⁹ Shultz, p.178.

facing listed in great detail. The fact that there is so much detail and data describing the problems (187 total pages in the petition document), however, may be a weak point as it prevents a thorough reading of the document without spending hours on it. Perhaps providing a summary of the problems with follow up data available upon request would be a better strategy. The document does contain clear specific actions for the government to take, though there is no description about legal authority of the agencies and departments to take action on the recommendations (a major challenge of policy advocacy in Thailand is the uncertainty of government agencies' legal jurisdiction and responsibilities as discussed in the Politics section). Next, although the petition does contain a list of the network member organizations, it provides no other information or description about each of the organization's background or mission. Lastly, the petition document does not contain any outside 'exhibits', news reports, or references that could be used to further explain the situations of the target groups and the reasons that they have been forced to ask for the government's intervention. In general, the petition is a well-researched document and it follows the norms for the majority of Thai reports and studies that I have been exposed to. The improvements that are suggested from Shultz's best practices, therefore, could be applied not only to this document, but to most Thai publications or reports.

When planning a campaign, Shultz suggests that a "champion" be identified in the legislative branch of government.¹⁸⁰ One of the weak points of the land reform campaign for many years has been the lack of a clear ally in parliament to support their cause. Recently, however, in an unexpected development during the last Democrat-led government, Prime Minister Abhisit Vejjajiva emerged as a staunch supporter of the

¹⁸⁰ Ibid, p.167.

policies recommended by the NLRM. This support has continued even after the Democrats lost the 2011 elections and were forced to take on the role of the opposition.¹⁸¹ Although Abhisit has made his stances clear, the NLRM remains suspicious of his motives and commitment. As a result, they have yet to fully embrace him as their champion. Without identifying any other potential leader for their cause in Parliament, though, it would appear to be advantageous for the NLRM to work more closely with Abhisit to assist with legislative procedures.

Events

Public events are the most important weapons in the NLRM arsenal, and as discussed in the strategy section, they have used them regularly and effectively to campaign for land rights over the last 3 years. The use of this type of advocacy tool should be considered carefully, Shultz writes, because

... most officials are used to seeing rallies and protests, and over the years the effectiveness of these methods has diminished. The key to making such events useful is to have larger numbers and a skillful manipulation of the symbols so that the media will take note and your issue gets framed to your best advantage.¹⁸²

In accordance with what Shultz suggests, the Pmove rallies have utilized large numbers of farmers peaking at over 6,000 during the February 2011 gathering in Bangkok. Pmove has also been successful in introducing a new twist on the usual protest march and camp-out: the motorcycle caravan. Travelling in large groups of old beat-up mopeds from hundreds of kilometers away, the farmers arrival in Bangkok is a powerful contrast to the shiny new BMWs and Ford Ranger pickup trucks that fill the streets of the capital. Later on, Shultz suggests that organizers should "...be sure to do your media homework first, planning

¹⁸¹ In February 2012, Abhisit was the only politician who attended the 'CLT: 1 year later' event in Khlong Yong Village and was part of a televised panel discussion of how to move forward with the CLTs campaign.

¹⁸² Shultz, p.175.

carefully your timing, location, participants, and materials.”¹⁸³ Once again, the Pmove scores well on this account, with impressive logistics setting up its events, and choosing the most appropriate times for its actions based on current political and social factors

Campaign targets and materials

Shultz points out that “Taking public action is about being able to communicate with large numbers of people, and the media is our chief instrument for doing so.”¹⁸⁴ Although the NLRM has produced a number of documents and materials explaining their cause, it is not clear how much of these materials have been produced in order to reach the general public. Most of them are geared towards the policy makers (like the petitions to the prime minister) or to donor organizations and other NGOs who are already familiar with many of the issues. Very little has been aimed towards an audience unfamiliar with the terms and situations facing the landless farmers. Further on, Shultz adds that “Building relationships with reporters, editors, and other journalists is one of the most important things that citizen advocates can do to increase their media access and exposure.”¹⁸⁵ Through personal contacts that have been established by key members of Pmove, the NLRM has been able to spread its messages in Thai and English print media (The Bangkok Post, The Nation, Thai Post and Krungthep Turakit) and with regular TV reports (Thai PBS, and The Nation Channel).¹⁸⁶

Shultz encourages the use of reports and studies to explain the issues of an advocacy campaign and suggests “Longer reports also need to include a brief executive summary and, as always, a well-crafted news release that frames the issue and gives it

¹⁸³ Ibid, p.149.

¹⁸⁴ Ibid, p.132.

¹⁸⁵ Ibid, p.141.

¹⁸⁶ Interview, Prayong (May 2, 2012).

punch.”¹⁸⁷ Recently, the NDF collaborated to produce an interesting and relevant study to dispel some of the common myths regarding communities living in forest areas.¹⁸⁸ This report and a short abstract summary was well distributed around environmental and indigenous rights international NGOs and appeared on over 20 websites when a quick Google search was performed in May 2012.

“Hooks” are images and stories designed to reach out and “grab” readers’ attention. Two types of hooks listed by Shultz are “human interest” (personal stories, injustice, irony, etc.) and “conflict” (taking on a public official).¹⁸⁹ The NLRM has done an effective job of identifying both human interest stories (poor hill tribe farmers being arrested for “contributing to global warming”) and public official corruption examples (listing politicians land holdings that are above the legal amount allowed under the Land Code). These examples are strengthened and “given a face” by placing photos of the persons involved alongside the details of the issue.¹⁹⁰

The effective use of symbols and images is an important part of any public campaign and Shultz mentions that “Messages are also made more powerful when they become embodied in people and other symbols that grab attention and support.”¹⁹¹ The Pmove and NPF fist logos leave no doubt that the aim of these networks is to gain power from the elites. When attending mass rallies, villagers and organizers dress in their farmer shirts and hats as a symbol of their livelihoods and identities. The symbolism of marching

¹⁸⁷ Shultz, p.149.

¹⁸⁸ The “Climate Change, Trees and Livelihood: A Case Study on the Carbon Footprint of a Karen Community in Northern Thailand” report was released in late 2011. It concludes that the rotational farming practices of this forest community actual lower atmosphere carbon levels instead of increasing them, as most lowlanders believe they do.

¹⁸⁹ Shultz, p.141.

¹⁹⁰ For examples of trespassing “Wanted Posters” see Appendix K.

¹⁹¹ Shultz, p.138.

in locks and chains during protests is a strong and unambiguous message for all to understand the consequences facing communities that don't succeed in gaining land rights.

Shultz emphasizes the need to get a campaign's message heard by the public using media sources, such as newsletters, newspapers, and the internet. There is room for great improvement from the NLRM on this account. Currently, the NPF, NDF, VDSO, and Pmove do not have any websites or social media webpages, which greatly limits their potential to provide information and updates to the general public (especially among youth).¹⁹² In the past, the NPF produced a regular newsletter, but it has not been issued for many years, in contrast to the quarterly update circulated by the Esaan Land Reform Network (ELRN) at the Pmove strategic meeting in Chacherngsao. NLRM members are also not actively contributing opinion pieces or editorials to newspapers, which is an inexpensive and effective means to spread their message out to the general public. NLRM members acknowledged this lack of media exposure, and claimed that it is not due to a lack of interest, but instead to a lack of funding for staff that would be necessary to maintain a website and regular correspondence with media outlets.¹⁹³

Finally, in order to summarize the analysis of the NLRM advocacy work, as well as to include some points that have not been discussed above, Figure 6 presents a SWOT analysis highlighting the major points which were identified during the evaluation.

¹⁹² The LRNT maintains an updated Thai and English language website at: <http://www.landreformthai.net>

¹⁹³ Interview, Prayong (February 20, 2012).

Figure 6: SWOT analysis of Northern Land Reform Movement

<p style="text-align: center;"><u>Strengths</u></p> <ul style="list-style-type: none"> • Flexibility, creativity, and persistence • Skillful and dedicated leadership • Strong grassroots/ bottoms up approach • Efficient coordination/ organizing mass rallies • Strong capacity building within target communities • Extensive local and national networks 	<p style="text-align: center;"><u>Weaknesses</u></p> <ul style="list-style-type: none"> • Lack of data/ documentation/ reports • Low level of female participation • Overdependence on dynamic individuals • Lack of strong negotiation skills • Lack of lobbying/ advocacy among elected government officials
<p style="text-align: center;"><u>Opportunities</u></p> <ul style="list-style-type: none"> • Build on past policy successes: Cabinet Decrees for CLTs, land tax, land bank • Use “People’s Bill” initiative to introduce legislation into parliament • Establish a “Public Land Bank” instead of waiting for the government to implement • Use social media allows grassroots voices to directly reach public and politicians • Draw on extensive past experiences and lessons learned to overcome current obstacles 	<p style="text-align: center;"><u>Threats</u></p> <ul style="list-style-type: none"> • State and influential business leaders using threats and violence to suppress activists • Pro-business Peua Thai Party failing to recognize Decrees from previous government • Lack of interest in land rights from young generation moving to urban areas for employment • Divisions among land reform movement actors weakens the movement

Evaluation of outcomes

To assess the outcomes of the NLRM advocacy efforts, Watson’s framework¹⁹⁴ will be utilized, in which she identifies three possible outcomes from advocacy efforts: change in policy, governance, or in the capacity of civil society.

Change in policy

The NLRM has had moderate success in gaining the passage of land reform policies. In the last few years there have been decrees issued for the granting of Community Land Titles, the establishment of a National Land Bank, and the implementation of a

¹⁹⁴ Watson, p.238.

Progressive Land Tax. However, as discussed in the policy chapter, none of these policies has been enforced, due to strong resistance from certain political and corporate factions, and none has made it all the way through parliament as a legislative act. The only exception to this enforcement failure has been the granting of one CLT for Kalongs Yong Village one year ago.

Change in governance

Not much was accomplished in terms of this outcome, as this is not one of the NLRM's objectives. The movement did bring attention to the need for some administrative procedural reforms in the case of the CLT Cabinet Decree. This decree was basically ignored by state agencies which are actually under the direct supervision of the Office of the Prime Minister. Another example of the NLRM attempting to improve the political system was when they pointed out the abuse of power by certain politicians with regards to land holdings.

Change in the capacity of civil society

The NLRM has conducted a number of workshops and seminars that have built up the knowledge and expertise of villagers' and farmers' networks. Their efforts have brought these communities an increased confidence in their ability to deal with the state actors and procedures related to land rights. They have also managed to link small farmer communities with other regions in Thailand, which has increased solidarity and strengthened the voices of these usually invisible populations. Lastly, they have also, to a lesser extent, linked the communities with international organizations working for the rights of the rural poor, and facilitated study exchange trips domestically and abroad.

Lessons Learned

The work and experiences of the NLRM offer many examples of strategies that could be applied to other policy advocacy efforts working to achieve rights for the rural poor. While some of these have been discussed throughout the sections above, the following is a condensed list of major ‘lessons learned’ from the NLRM advocacy campaigns.

Think long-term when planning strategy and measuring successes

The struggle for land rights will not be won with a simple passage of legislation. This fight for justice for the landless poor has been ongoing for hundreds of years across nearly all societies and there has never been a complete victory. Instead of trying to measure success in terms of gaining land rights for all communities in need, the more subtle and oftentimes immeasurable small victories need to be celebrated: gaining understanding and sympathy from persons not directly affected, the building community resilience through its struggles, or changing a government officials preconceived notions of rural communities.

Use multiple strategies to attain goals

If one path is cut off, be ready to go in a different direction. For example, when the funds for the National Land Bank were not being distributed, the NLRM established a “People’s Land Bank”. When the PTP did not comply with the previous government’s decrees and agree to introduce a bill into Parliament, the National Reform Assembly, and legal experts were contacted to draft a “People’s Bill”. When land reform network members could not arrange/ afford to travel to Bangkok to meet key government officials,

they demanded the Minister of Natural Resources and Environment travel up to attend a public forum in Nan province.

A movement's greatest resource and most effective weapon is "the people"

It is critical to involve the target group community members in all phases of planning and implementation, as well as bringing them to protests in large numbers to win public sympathy and support.

Carefully select timing for large rallies/protests

Sometimes the best strategy is to rest up during an inopportune period, and build resources until the next window of opportunity opens up. Try to identify and consider as many factors related to the rally or event as possible. For example, when it was flooding in Bangkok, Pmove wisely cancelled plans to protest at the government house as this would have been seen as a callous action in these circumstances. Plan protests around agricultural seasons, as the farmers not be able leave their work in the fields during certain parts of the year.

Find "common ground" with your opponents

Working closely with local officials can bear unexpected fruit and openings not "written in the law". Find issues that you share with your "enemy"; for example, offer to have forest communities volunteer to control fires in a National Park Zone in exchange for less harassment about encroachment from the Park officials. Personal relationships have made the difference between success and failure in NLRM and other grassroots movements. When working with civil servants and bureaucrats, cultivate relationships whenever and wherever possible: especially among government officials and media. Also seek out strategic, sympathetic individuals within opposing sides as much as possible. Be

ready to compromise with high ranking government officials (offer them a way of “saving face”), but make sure to follow up and ensure the implementation of the terms of the compromise.

Play to your strengths

When possible bring government officials to “your turf” for discussions and public forums, instead of conducting these in air-conditioned government offices. Dress in farmer’s clothes and hats to contrast with government officer’s impeccably ironed white uniforms. Bring the village to the city when conducting protests in urban areas by setting up simple tents and bamboo shelters and cooking country food. All of these actions will build the rural people’s confidence and draw sympathy from neutral outsiders looking on.

Keep your statistics simple and straightforward. Do not attempt to engage in debates about complicated statistics such as macroeconomic economic indicators. Instead, talk about how much money a villager can earn in one month growing vegetables. Emphasize positive community land title models (pilot communities and learning centers) and use these to learn from and inspire other communities.

Turn negatives into positives

Use political instability as an opportunity, instead of viewing it as a threat. It could open up new opportunities in the form of having politicians be more transparent to their constituents. It has already opened up new opportunities for cooperation with the Democratic Party (which some never believed would be possible). If the situation is unfavorable for mass protests due to forces outside of our control, adapt! When flooding occurred in Bangkok last August, instead of simply cancelling all plans, the NLRM decided

to focus on providing relief supplies to Khlong Yong Village, the first community to receive a CLT, and turned this into a positive media coverage opportunity.

Networks are more valuable than the sum of their parts

Sharing experiences and lessons learned at regular network meetings allows other communities to strategize and be better prepared against opponents' tactics and abuses. Meanwhile, reaching out to international land reform networks generate strength and ideas about new models. These links are strongest when they are established at international conferences or during study trips.

Recommendations/ Suggestions

Any recommendations for changes from a Western-trained student need to take into account that these approaches are grounded in a Western framework. These may or may not be the most effective approaches while working in rural Thailand, whose members have grown up under very different educational systems, cultural values, and outlooks on life, than the Western models. Western trained academics often impose their frameworks and theories on other cultures without considering that the cultural foundations that these theories are based on do not exist in the same form in other parts of the world. As Geert Hofstede warned in his work about organizational management across cultures:

...managers and scholars have too often assumed that what works in their culture will work anywhere, an assumption that often has disastrous results.¹⁹⁵

With these potential pitfalls and misunderstandings in mind, following is a list of recommendations for possible improvements to the work of the NLRM.

¹⁹⁵ Hofstede (1984).

Improve information and documentation systems

- A clear mapping of target communities' locations will allow better analysis/ strategizing and can be used to increase outsider's understanding of work efforts
- Producing a summary/ timeline of NLRM past actions/ events will provide context for allies as well as those trying to learn about the land reform issue.
- Use documentation/ newsletters/ policy briefs to educate and access more/ new funding sources.

Provide better framing of message for general public

- Develop clear messages aimed at middle class Bangkokians (most upcountry areas know more about these issues), especially focusing on why these issues relate to their lives in the big city.
- Have academics write opinion pieces/ conduct case studies/ summaries to be published in newspapers and at public forums.

Bridge divisions within land reform actors/ members

- LRNT/ NLRM/ Pmove need more unity/ cooperation to strengthen their work. Perhaps an outside arbitrator or respected elder could be brought in to work out the differences. If this is not accomplished, the opposition (which already possesses great financial and political advantage) will be able to use this divide against the land reform movement.

Reach out to new potential partners/ network opportunities

- Other social change organizations or networks that would be natural allies include poverty alleviation NGOs and community development NGOs.

- It would be useful and strategic to have more connections close to the government agencies based in Bangkok.

CONCLUDING REMARKS

We condemn the actions of the officials of the Kaeng Krachan National Park as unacceptable and are in violation of the Constitution of the Kingdom of Thailand and international human rights.¹⁹⁶

This case study has been an incredible opportunity for me to witness and learn about the struggles of Northern Thai farmers and their NGO allies to obtain justice, fair treatment, and an opportunity to improve their lives. Their endless reservoir of hope and their passion to fight in the face of overwhelming odds have provided me with great inspirations. Hopefully, during the course of my time and experiences with them, I have been able to assist them in some small way by producing some materials that have documented their efforts.¹⁹⁷

The land reform movement has made some impressive gains over the course of the last few years, including the achievement of:

- The first national network connecting and coordinating land reform organizations
- Cabinet Decrees issued for CLTs, a National Land Bank, and a progressive land tax decrees under the Abhsit government
- Increased regular media coverage among certain TV stations, newspapers, and internet news sources

Despite these successes, much work is left to be done. Thai rural communities continue to face harassment, threats, and imprisonment even as this paper is being written. Recently,

¹⁹⁶ From April 29, 2011 statement from the Karen Network for Culture and Environment after villagers house and rice barns were torched by State Forestry Officials (See Appendix N)

¹⁹⁷ Appendices K, L, M, and O show a few examples of documents produced for the NLRM by the author.

a Karen community in Prachuap Khiri Khan Province had their houses and rice barns burned by Thai forestry officers and army personnel attempting to force them out of disputed forest land.¹⁹⁸ Others in forest communities are being sued by the Forestry Department for “contributing to global warming” when cutting down trees for housing materials and firewood near their communities. In the last year, NLRM members have observed a disturbing trend of increasing numbers of trespassing arrest warrants being issued. A showdown at the Lamphun Provincial Prison is scheduled for June 2012, with farmers vowing to be imprisoned with their already incarcerated community members, until the central government takes notice of these injustices.

The upcoming year promises to be an eventful one for the land reform movement. Major challenges face the NLRM including finding ways to move forward with the pro-business/ anti-land reform stance of the PTP ruling party, identifying interested youth to carry the work forward, locating funding sources to allow for more staff and more documentation, and gaining more empathy and support from the general public. The worldwide trend of land grabbing by multinational agribusinesses has not yet reached Northern Thailand, but has become a threat in Southern Thailand and may become an issue for the NLRM before long. Plans for NLRM activities in the near future include:

- Drafting of a Land Reform “People’s Bill” and obtaining 1,000,000 signatures allowing legislation for CLTs, National Land Bank, and a progressive land tax to be introduced into parliament by the end of the year
- The establishment of a “Public Land Bank” funded by private donations from villagers and corporate CSR divisions.

¹⁹⁸ The villagers are currently suing the state for damages.

- Increasing campaigns to bring media focus on plight of arrested villagers

It will be interesting and exciting to witness how these plans unfold. In the meantime, until a common ground or compromise can be reached which would satisfy the needs and demands of both the landless small-scale farmers and the state agencies that create and enforce land laws, these issues will not fade away. Let us continue to hope that- despite the daunting challenges- a new “beautiful future” will become a reality for the Thai rural poor who have been mistreated for so long.

*We are treated like dust on the ground,
but fortune will reverse itself..
Don't give in to them, that's all that matters...
We will die side by side...
Use blood to wipe away social decay...
Ahead of us, a future that is beautiful...
the fire has been lit, it will spread...¹⁹⁹*

¹⁹⁹ “Nak su, thuli din” (roughly translated as “Warriors of the Land”), attributed to Jan Kamachon, is a rousing anthem often sung at protests by the rural poor. (from: Philip Cunningham. (2010). “The Long Winding Red Road to Ratchaprasong and Thailand’s Future.” The Asia-Pacific Journal. Accessed at: http://japanfocus.org/-Philip_J_-Cunningham/3360 (5/20/2012).

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Appendices

Appendix A: List of Interviews, Meetings, and Events attended

Appendix B: Photos

Appendix C: 2007 Constitution Sections 66, 67, & 85

Appendix D: Land Code Sections 6 & 61

Appendix E: CLTO requirements for CLT issuance

Appendix F: Links between central and local government administration

Appendix G: Land Regulations of Rai Dong Village

Appendix H: Community Land Use Forms and Data

Appendix I: Government Officials' Landholdings

Appendix J: Trespassing Cases

Appendix K: Problems/Solutions Flowchart

Appendix L: Policy Advocacy Circles for NLRM

Appendix M: Timeline of Land Reform events in Thailand

Appendix N: Kaeng Krachan Letter of Protest

Appendix O: NLRN Policy Brief

Appendix A: List of interviews, meetings and events attended*Interviews and Discussions*

Prayong Doklamyai (VDSO head, Pmove Advisory Committee member, longtime land rights activist):

January 4, 2012 at Krua Khru Toi Restaurant, Chiang Mai

February 20, 2012 on the road to Baw Kaew District, Chiang Mai

May 2, 2012 at NDF office, Chiang Mai

Pee Paen (VDSO staff and AOP/ Pmove longtime activist):

February 7, 2012 at Huay Hin Lad Nai Village, Chiang Rai

Pee Jarat (VDSO senior staff , longtime land rights activist, former mountain volunteer teacher):

February 10, 2012 on the road to Mae Wang District, Chiang Mai

Khun Baln (NDF staff):

February 23, 2012 at NDF office, Chiang Mai

Naw Ae Ree (Huay E-Khang community member):

February 22, 2012 at Huay E-Khang community center

CLTO Survey Committee Member (Treasury Department representative):

February 21, 2012 at Mae Yang Hang Village, Chiang Mai

Huay Hin Lad Nai Community Focus Group: February 7, 2012

Huay E-khang Community Focus Group: February 11, 2012

Mae Kapoo Community Focus Group: February 21, 2012

Meetings and protest events attended: January- May 2012

January 4: Strategic Planning Meeting: Khun Prayong, Jarat, Paen, Tanai Yae

January 14-15: Mobile Cabinet Meeting/ Protest at Chiang Mai Provincial Hall/ National Bank

January 19: Situation Update Meeting: Khun Prayong, Jarat

February 7-8: Field Visit to Huay Hin Lad Nai Village, Chiang Rai with Pee Paen

February 10-11: Field Visits and Community Meetings at Huay Hoy, Huay E-khang, and Tha Tarn Villages, Chiang Mai with Somkiat, Pee Jarat, Pee Paen

February 19: Strategic Planning Meeting, Ban Pong Village

February 20-22: CLTO Survey Committee Visit to Mae Tho, Mae Yang Ha, Nong Krisunai, Mae Kapoo, Huay E-khang, Huay Hoy.

(CLTO Survey Committee comprised of representatives from Treasury Department, Forestry Department, Department of Natural Parks, the Ministry of Agriculture, the Agriculture Land Reform Office, and Land Department)

February 24: Presentation of research results at Ban Pong Village.

March 7: NPF Strategic Planning Meeting at NDF

March 16: VDSO Strategic Planning Meeting at NDF

March 22-24: Pmove Strategic Planning Meeting, Chacherngsao province.

April 9: VDSO Strategic Planning Meeting at NDF

April 26-27: CLT One year later: Lessons learned workshop at Ban Pong Village

April 28: Songkran elder's blessing ceremony at NDF, Establishment of Public Land Bank

May 2: Ban Pong leaders turn themselves in at Chiang Mai Court with villagers protesting

Appendix B: Photographs of Land Reform Movement



Left: Sending Postcards to the Prime Minister demanding Land Bank, Chiang Mai, May 2, 2012
 Right: Wearing paper shackles and chains to protest the imprisonment of Ban Pong community leaders, May 2, 2012, Chiang Mai.



Left: Pmove leaders presenting Prime Minister Yingluck Shinawatra with petition during Chiang Mai Mobile Cabinet, January 16, 2012
 Right: Protestors arrested at Pmove rally during Chiang Mai Mobile Cabinet, January 16, 2012



Left: Presenting information to CLT Survey Committee, Mae Yang Ha Village, Chiang Mai, February 2012
 Right: VSDO Constituency Empowerment: Community Meeting to prepare for CLT Survey Committee visit, Huay Hoy Village, Chiang Mai, February 2012



Left: Pmove motorcycle caravan arrives at Government House, 2010.
Right: LRNT protestors prostrating on streets of Bangkok, 2010.



Bangkok protests 2010 and 2011



Villager shows postcards written to Prime Minister Pmove protestors in Bangkok February 2011.



Pmove logo



NPF logo



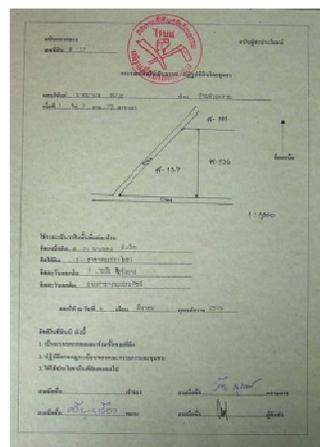
Land Reform through CLT logo



Bumper Sticker: "We need a Land Bank"



Detail from Community Land Use Map (1:4,000 scale) for Ban Mae Kawng Sai Village, Chiang Mai (located in Protected Forest Zone). This map is produced from a satellite image and has individual plots numbered.



CLT individual plot deed issued in Ban Pong Community



Left: Detail from first CLT Certificate, issued to Khlong Yong Village on February 12, 2011
 Right: Public Land Bank 'Start-up Fund' being counted at NDF Office on April 28, 2012



Left: Pmove Procession moving through Lamphun with women in lead distributing brochures with PMove info on June 6, 2012
 Right: Protest leader Prayong Doklamyai coordinating closely with Police Chief at Lamphun Provincial Court on June 6, 2012.



Left: Standoff at Lamphun Provincial Court steps with media witnesses on June 6, 2012
 Right: "Land is Life" banner on way to Lamphun Provincial Court on June 6, 2012

Appendix C: Sections 66, 67 and 85 of the 2007 Thai Constitution**Part 12
Community Rights**

Section 66. Persons assembling as to be a community, local community or traditional local community shall have the right to conserve or restore their customs, local wisdom, arts or good culture of their community and of the nation and participate in the management, maintenance and exploitation of natural resources, the environment and biological diversity in a balanced and sustainable fashion.

Section 67. The right of a person to participate with State and communities in the preservation and exploitation of natural resources and biological diversity and in the protection, promotion and conservation of the quality of the environment for usual and consistent survival in the environment which is not hazardous to his health and sanitary condition, welfare or quality of life, shall be protected appropriately.

Any project or activity which may seriously affect the quality of the environment, natural resources and biological diversity shall not be permitted, unless its impacts on the quality of the environment and on health of the people in the communities have been studied and evaluated and consultation with the public and interested parties have been organised, and opinions of an independent organisation, consisting of representatives from private environmental and health organisations and from higher education institutions providing studies in the field of environment, natural resources or health, have been obtained prior to the operation of such project or activity.

The right of a community to sue a government agency, State agency, State enterprise, local government organisation or other State authority which is a juristic person to perform the duties under this section shall be protected

**Part 8
Land Use, Natural Resources and Environment Policies**

Section 85. The State shall act in compliance with the land use, natural resources and environment policies as follows:

- (1) preparing and applying the rule on the use of land throughout the country with due regard to the compliance with environmental condition, nature of land and water and the way of life of local communities, the efficient measures for preservation of natural resources, the sustainable standard for land use and opinion of the people in the area who may be affected by the rule on the use of land;
- (2) distributing the right to hold land fairly, enabling farmers to be entitled to the ownership or the right in land for agriculture thoroughly by means of land reform or by other means, and providing water resources for the distribution of water to farmers for use in agriculture adequately and appropriately;

(3) preparing town and country planning, and developing and carrying out the plan effectively and efficiently for the purpose of sustainable preservation of natural resources;

(4) preparing systematic management plan for water and other natural resources for the common interests of the nation, and encouraging the public to participate in the preservation, conservation and exploitation of natural resources and biological diversity appropriately;

(5) conducting the promotion, conservation and protection of the quality of the environment under the sustainable development principle, and controlling and eliminate pollution which may affect health and sanitary, welfare and quality of life of the public by encouraging the public, the local communities and the local governments to have participation in the determination of the measures

Appendix D: Sections 6 and 61 of the Land Code Act of 1954***Section 6:**

As from the date this Announcement of the National Executive Council comes into force, any person having rights in land under the title deed or certificate of utilization who makes no use of that land and leaves it fallow for the period specified as follows:

- (1) For land under title deed, longer than ten consecutive years;
- (2) For land under certificate of utilization, longer than five consecutive years'

It shall be deemed that he has the intention to abandon his rights in land on the part of the land which is not utilized or is left lying waste and fallow. When the Director-General has filed a petition with the court, and the court has ordered the cancellation of the documents evidencing the rights in such land, the rights in such land shall be vested in the State for further proceeding in accordance with this Code.

Section 61:

When it appears that the issuance of title deed or certificate of utilization, or the registration of rights ad juristic acts pertaining to immovable property, or the document recording particulars in an immovable property registration is made erroneously or illegally, Director General or Deputy Director General assigned by the Director General shall have the power to cancel or rectify the mistake.

Prior to conduction in accordance with paragraph one, there shall be a committee called "Investigation Committee" appointed the Director General or Deputy Director General assigned by the Director General. The Committee shall have power to subpoena the title deed, certificate of utilization, document in which rights and juristic act have been registered, document recording particulars appeared in an immovable property registration or other documents involved in the examination. The committee shall notify the interested persons of the matter in advance and allow them at least thirty days to make an objection before any cancellation or rectification shall be made. If no objection is made within thirty days as from the date of receiving the notice, it shall be deemed as done.

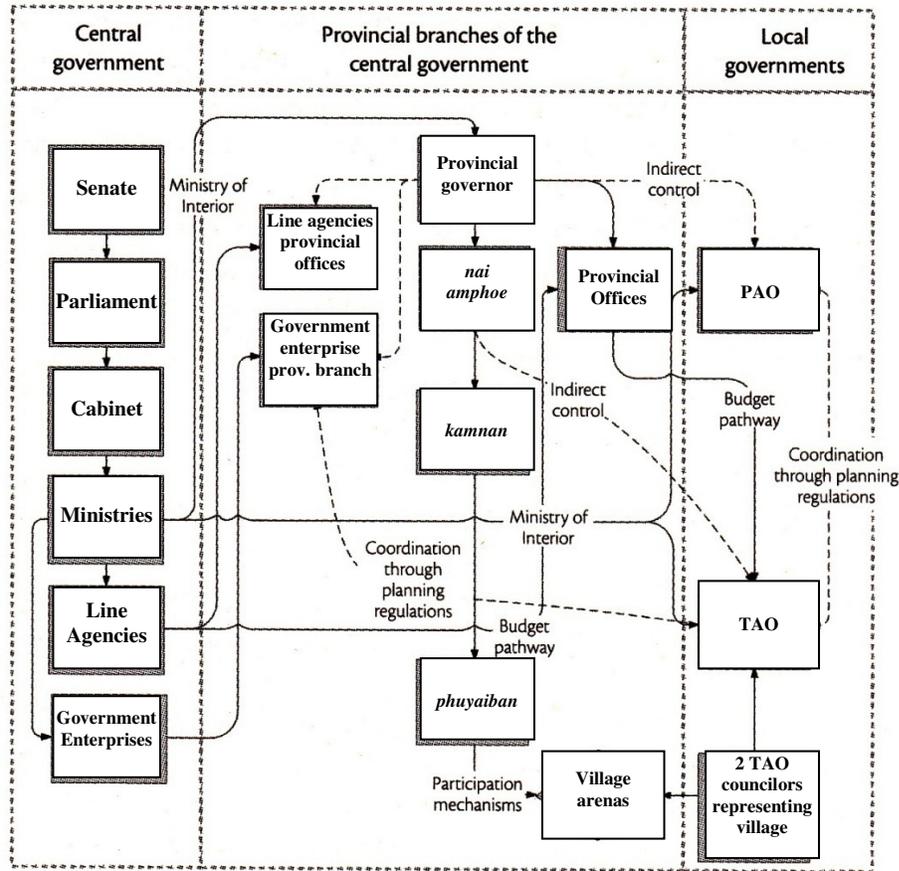
*Source: Department of Land, Ministry of Interior. *The Land Code (Amended)*. 2001.

Appendix E: CLTO requirements/ criteria for issuing CLTs*

The CLTO will only approve applications for CLTs for communities that meet the following criteria:

1. Community must have been established at least 3 years prior to application.
2. Community land-use in a sustainable manner under regulations issued by a community land committee for at least 5 years prior to application.
3. Communities must produce documents with community history and background, land use details, a hand drawn community map and an aerial photography land use map.
4. A community land bank must be established to facilitate land sales, purchases, and transfers within the community.
5. A sustainable agricultural land use plan must be included.

*From: CLTO regulations documents handed out during CLTO Survey Visit, February 2012, Chiang Mai.



Appendix F: The linkages between local and central government in the Thai administrative system are more complex than the straightforward nesting of jurisdictional areas might imply

From: Po Garden, Louis Lebel, and Charunee Chirangworapat. "Local Government Reforms as Work in Progress". Chapter 8 from Chusak Wittayapak and Peter Vandergeest, ed. (2008). *The Politics of Decentralization: Natural Resource Management in Asia*. Bangkok, Thailand: Mekhong Press.

Appendix G: Land Regulations of Rai Dong Village* (Lamphun Province)

1. The Committee (Community Land Committee) shall keep accounts of income and expenditures from money collected from the villagers
2. If a committee member is corrupt, their land will be confiscated and they will no longer have rights to land.
3. The Committee will organize villagers and coordinate with related officials.
4. Committee members and all general members should join all events and pay dues for the common fund.
5. Outside of family members, it is prohibited to hire outside persons to work on the land. It is also prohibited to use a third persons' name for land utilization. If these regulations are not adhered to, the land will be confiscated.
6. If a committee member or general member cannot join an event because of a good reason, he/she must explain the reason to the committee in advance and get approval.
7. If a committee member or general member could not join the event and did not have a good reason, he/she must pay a 150 Baht fine, which will put into the common fund.
8. It is strictly prohibited to sell and buy land without approval from the committee. Persons who disobey this will have their land confiscated and donated to the commons.
9. If someone has a good reason for selling the land, he/she would only be able to sell it to Rai Dong villagers after the committee approved the transaction.
10. One family has the right to receive only one land plot.
11. If there are more than one family in a household and they are poor, they can receive one land plot per family as the committee approves.

9 November, 2000

The reasons we have allocated and cultivated this land are:

1. Villagers are poor and many of them do not have their own land, or do not have enough land for farming.
2. There were no declared landowners for this land. The land was uncultivated and left idle for many decades.

* Rai Dong village is a community which took over privately owned land and distributed it to poor and landless families in November 2000.

Appendix H: Community Land Use Data

'Land holdings and usage' survey forms

These are completed by individual plot holders in the community and then the data is compiled for a complete land usage database for each community applying for a CLT. The questionnaires contain the following data:

1. Plot number:
2. Village name:
3. Plot landowner information: Name, ID card number, Address
4. What borders this plot? (North, East, South, and West borders)
5. Total area of plot:
6. Plot land usage information: (Most common answers in parentheses)
 - What is land going to be used for? (orchard, field, residence,..)
 - Any problems/obstacles in using this land? (lack of water, poor soil,...)
 - How was the land acquired? (inherited, purchased,...)
 - How many years have you been using this plot?
 - What are you using the land products for? (consumption, selling,...)
 - What is the current land holding certificate for this land? (NS 3, STK 1, ...)
 - Other land holding documents (May 11, 1999 Cabinet Decree, ...)
 - How many years is land left idle if used for rotational farming? (1-3 years,...)
 - Number of families using this plot? (nearly all answered one)

Example of Land Usage Data summary

The land use for Tha Tan Village, Mae Wang District, Chiang Mai is as follows:

A: 'Productive' Land

Land Description	Thai term	% Total Land
Resident Land	Tee Yu Asai	1.3%
Public Use Land	Satarana	0.1%
Rotational Farming Land	Rai Moon Wian	1.5%
Crop fields and Paddy	Na	0.4%
Orchards	Suan	1.5%
TOTAL %		4.7%

B: 'Common Land' (Community Forest Land)

Land Description	Thai term	% Total Land
Tea forest	Pa Cha	0.1%
Forest for use	Pa Chai Soi	31.0%
Conserved Forest	Pa Anurak	23.0%
Forest	Pa	40.0%
TOTAL %		94.1%

Appendix I: Selected government officials' land holdings²⁰⁰

“Choose your candidate wisely”

	Politician	Political Party	# Plots	Land Amt (Rai)	Value (Baht)
	Banharn Silpa-archa	Chart Thai	45	650	1.2M
	Sukhumbhand Boriphat	Democrat	41	72	600M
	Thosaporn Thepabut	Democrat	69	1,095	240M
	Suthep Teuaksuban	Democrat	50	950	79.4M
	Thaksin Shinawatra	Thai Rak Thai	200		389M
	Newin Chitchob	Bhum Jai Thai	109		800M
	Amnuay Klungpha	Pheua Thai	205	2,004	60M

²⁰⁰ Data from: Matchol Weekly, 23 January, 2009, p. 14.

Appendix J: Trespassing cases against villagers living in protected forest zones



Case 1:

Name: Mr. Dipaepho (No surname)

Age: 80 years old

Address: 63 Moo 4, T. Mae Waluang, A. Thasongyang, Tak

Conviction: Guilty of trespassing on Protected Forest Reserve.

Sentence: Must pay 3,181,500 Baht* or serve 2 ½ years imprisonment (sentence later reduced to 1 year and 3 months imprisonment)

*** Yearly income = 50-60,000 Baht**

“Dangerous Criminal”



Case 2

Name: Ms. Naw Haymui Wiangwicha

Age: 35 years old

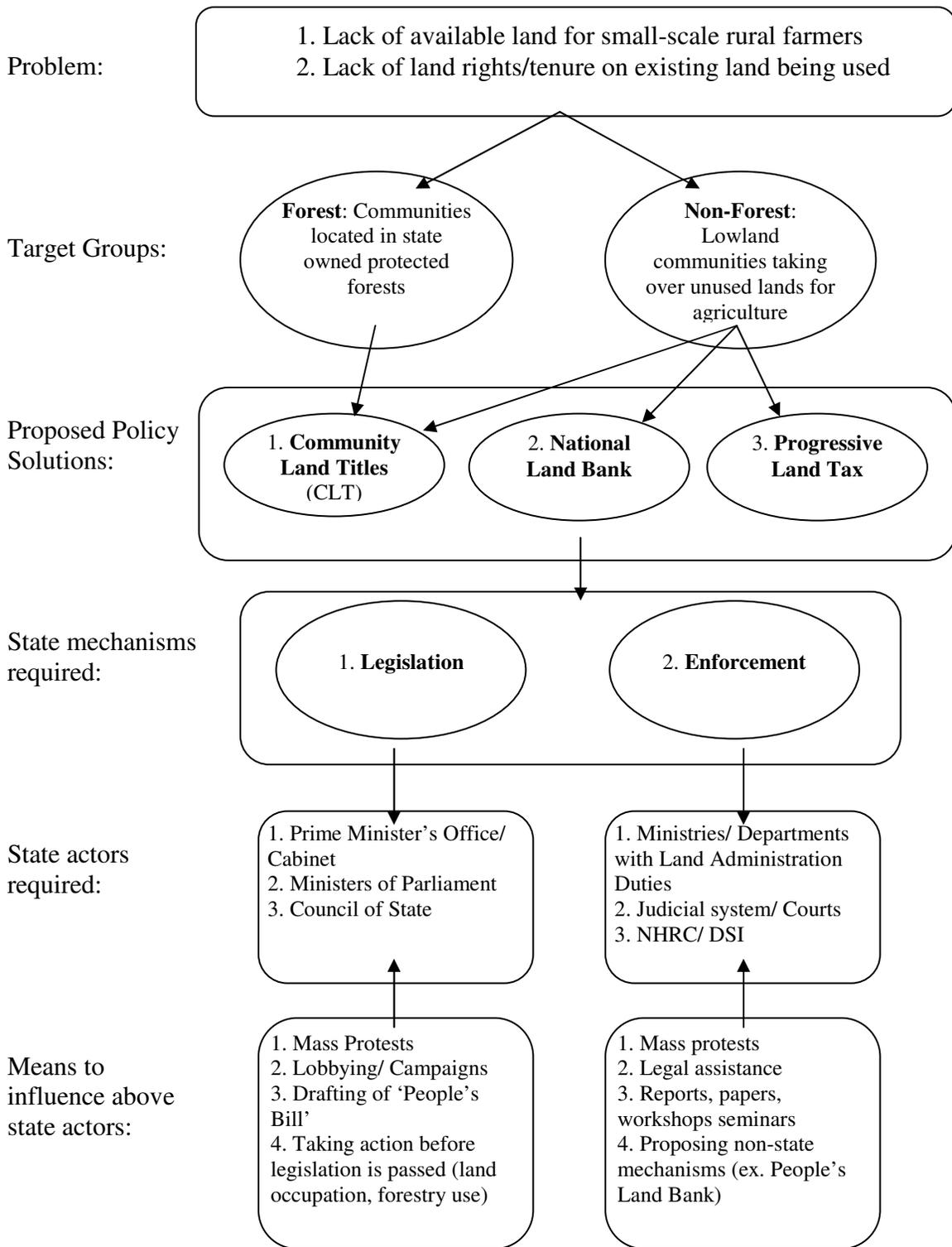
Conviction: Guilty of trespassing on Protected Forest Reserve.

Sentence: Must pay 1,963,500 Baht* or serve 2 years imprisonment (sentence later reduced to 1 year imprisonment)

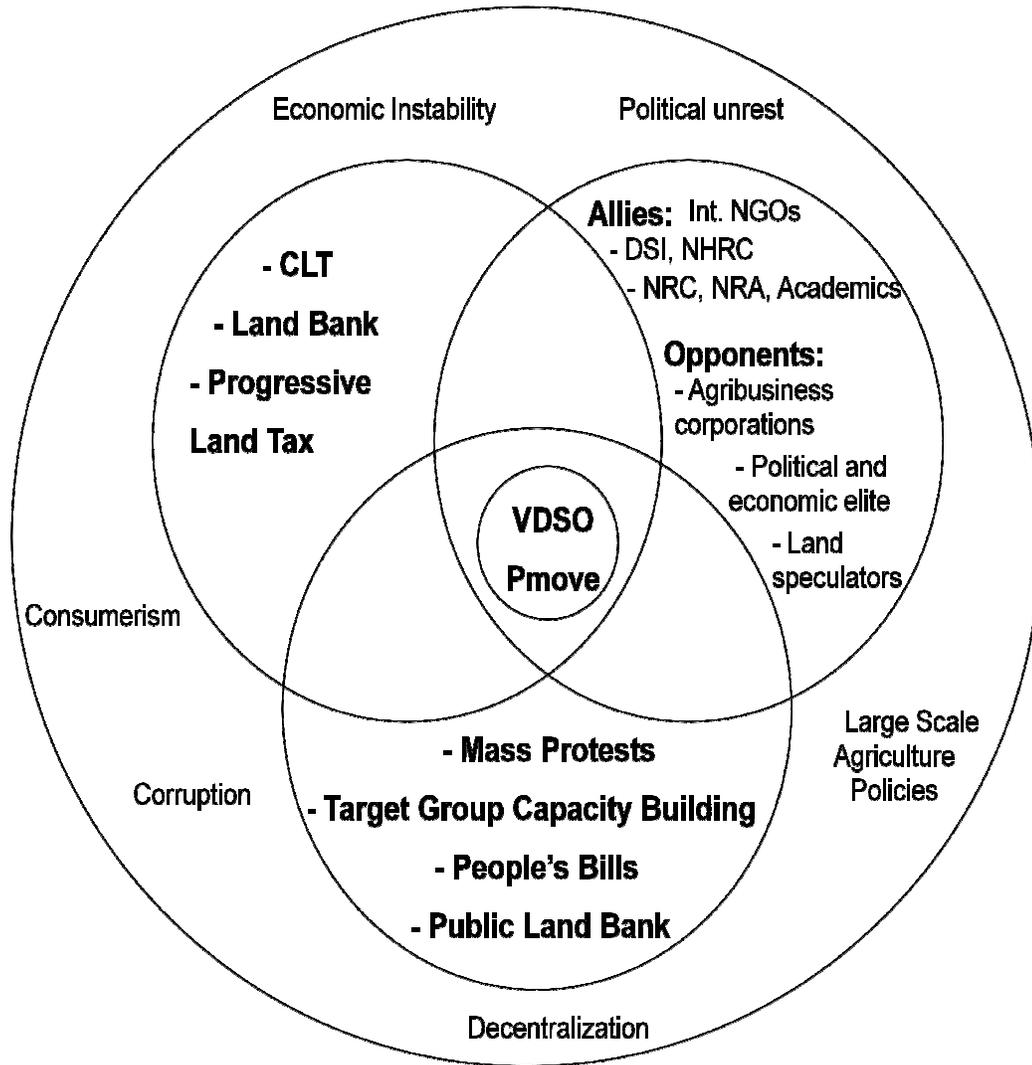
*** Yearly income = 45,000 Baht**

“Dangerous Criminal”

Appendix K: Problem/Solution Flowchart



Appendix L: Policy Advocacy Circles for the Northern Land Reform Movement



Appendix M: Timeline of Land Reform in Thailand

- 1872 King Chulalongkorn (Rama V) introduces the ideas for private land ownership
- 1901 King Chulalongkorn (Rama V) begins formal issuing of Land Deeds
- 1954 Land Act passed
- 1961 National Park Act passed
- 1964 National Forest Reserve Act passed, outlawing communities living in designated protected forest lands
- 1973 Land Rent Act passed
- 1974 Peasants' Federation of Thailand (PFT) formed
- 1975 Land Reform Act passed
- 1976 Suppression of the PFT through assassinations and Communist charges
- 1984 20 year Land Titling Program supported by World Bank and AusAid begun
- 1985 RFD Policy Announced: 40% Forest Cover for Thailand
- 1989 Community Forestry Bill first proposed
- 1989 Logging Ban imposed by Forestry Dept
- 1991 March: Thai army begins to implement (*Kho Cho Ko*) Plan (Farmland Allotment Program for the Poor Living in Degraded Reserved Forest Areas) to move six million settlers out of 1,250 'forest' areas with brute force – dismantling villages, burning crops, manhandling people
- 1992 March: Small Scale Farmers Assembly of Isan (SSFAI) is formed in Khon Kaen
- 1992 July: Government suspends *Kho Cho Ko* Plan after flying in to meet protestors in Korat
- 1994 Northern Farmers' Network (NFN) formed
- 1995 NDF formed
- 1995 Chuan Gov't forced out due to Land Reform Scandal
- 1995 10 December: Assembly of the Poor officially established on UN International Human Rights Day
- 1997 AOP 99 Day Protest wins concessions
- 1997 Asian Financial Crisis: Many urban workers lose work and return to villages. No land to grow vegetables on. Investors bankrupt, default on loans, and banks confiscate unused land used to secure lands
- 1998 June 30: Cabinet Decree is issued allowing rights to reside in certain protected forest areas if residents can prove they have been living there before Protected Forest Zone was established.
- 1998 Northern Farmers' Alliance (NFA) is established

- 1999 Northern Peasants Foundation (NPF) is established
- 1999 Chuan Gov't (Democrats) discard agreements made with AOP in 1997
- 1999 May 11: Cabinet Decree issued allowing temporary rights to reside in the June 30, 1998 Cabinet Decree protected forest areas.
- 2000 November 10: Community Land Organization and Committee established in Rai Dong Village, Lamphun
- 2002 April 9: Thaksin cabinet agrees to set up a joint committee comprised of representatives from government and the Northern Farmers Network to look into the problems of farmers occupying idle land in Lamphun and Chiang Mai provinces.
- 2002 April 23: Thaksin issues a cabinet resolution allowing authorities to enforce existing laws and arrest farmers occupying state or private land for trespassing and property damages.
- 2004 End of World Bank sponsored Thailand Land Titling Project.
- 2005 LRNT formed
- 2007 November: Community Forestry Act enacted
- 2007 AOP leader Vanida (Mod) Tantiwittayapitak dies of cancer
- 2008 April 29: Cabinet Decree is issued for reforestation of 22.7M Rai of forest land using 1.01B Baht budget
- 2008 December 19: List of Grievances handed to PM Abhisit by LRNT
- 2008 December 30: PM Abhisit announces policy to implement CLTs, Progressive Land Tax, and National Land Bank.
- 2009 NLRN formed
- 2009 January: Pmove formed
- 2009 February 4-5: First Pmove Bangkok rally to pressure gov't to implement December 30, 2008 Policy announcement. Ends with PM Abhisit promising to adopt all land reform mechanisms within 30 days
- 2009 March 4-11: 30 days after Abhisit's promise, Pmove returns to government house. Abhisit gov't sets up committees to solve land rights problems
- 2009 October 9: Abhisit Gov't (Democrats) issues Cabinet Decree establishing Community Land Title Office and approval for 35 pilot CLT Communities.
- 2010 May 11: Cabinet Decree issued by Abhisit government sets up subcommittees to implement Land Bank and Progressive Land Tax within 30 days.
- 2010 June 24- 25: More than 30 days after May 11 Cabinet Decree, Pmove travel to government house in Bangkok to demand action from subcommittees.
- 2010 August 3: Karen Cultural Heritage Cabinet Decree gives Karen communities the right to communal land management and rotational agricultural practices

- 2011 February 8: National Reform Committee gives report with suggestions for curbing land grabs (no more than 50 Rai/ owner) and implementation of a progressive land tax
- 2011 February 12: Khlong Yong Community receives first CLT
- 2011 February 16- March 9: PMove motorcycle caravan protest at Parliament House in Bangkok
- 2011 February 22: Cabinet Decree issued to establish a National Land Bank and approves 167M Baht seed fund for the start up.
- 2011 March 8: MoU signed by 6 Ministries to enable CLTs to be implemented. Cabinet Decree issued to set up that Land Bank as a public institute.
- 2011 April 26: Pmove petition at gov't offices in Chiang Mai, Ubol, and Bangkok to move process forward
- 2011 June 7: Royal Decree establishes the Land Bank Administrative Institute so that it would continue to exist if Democrats lose upcoming July elections
- 2011 June 24: Rangsit University: Democrat and Pheua Thai parties promises to carry Land Reform work forward if elected
- 2011 July 3: Peua Thai party wins general election, Land Reform process is stalled
- 2011 August 6-8: Pmove motorcycle caravan arrives in BKK with petition asking PM Yingluck to continue land reform measure begun under Abhisit regime. Government representative Plodprasop assures Pmove of the current regime's sincerity to resolve land rights issues.
- 2011 August 23: Yingluck Government issues Cabinet Decree. Section 5 states intention to implement CLT, National Land Bank, progressive land tax, and declares that a committee will be set up to address Pmove grievances
- 2012 January: Pmove rally at Chiang Mai Provincial Hall leads to PM and Committee Chair signing letter to ensure Committee to solve Pmove problems will meet on February 16
- 2012 February 16: Meeting is postponed to March 2
- 2012 March 2: PM representatives meet with Pmove and don't offer much hope that there will be a sincere effort to solve Pmove problems
- 2012 March: Pmove strategic planning meeting held in Chacherngsao
- 2012 April 19: Meeting with Ass. PM to discuss land reform policies, promises made that government will proceed forward with policies.
- 2012 April 28: 'Northern Public Land Bank' Fund begun at NDF Office, Chiang Mai (10,000 Baht collected)
- 2012 June: Protests at Lamphun provincial court and hall to demand release and drop trespassing cases against NPF communities' members

Appendix N: Kaeng Krachan Protest Letter

Statement from the Karen Network for Culture and Environment, and NGOs, government networks and academic institutions “Case of Human Rights Violations by the Head of the Kaeng Krachan National Park Against Ethnic Karen Villagers”

August 29, 2011

According to the media and as presented in the news, the Kaeng Krachan National Park staff and authorities along with the Thai military were involved in the destruction homes and property and of the arrest of Karen villagers. According to the Kaeng Krachan National Park and Thai military, the villagers are illegally occupying this area and are accused of destroying forest resources, supporting and supplying the Karen National Union along the border and serving as a source of drug production. A brief chronology of attacks on ethnic communities along the border region and in Kaeng Krachan National Park is summarized below. 1996 – 57 Karen families (391 people) were forced to leave their homes in Baan Baang Kroi Bon and Baan Pu Ra Kham in Moo 2, Tambon Hoy Mae Priang, Amphoe Kaeng Krachan, Phetchaburi Province. They were forced to move to the nearby villages of Baan Krai Lang and Baan Pong Luk. 2010 – Karen villagers who had been living in 12 surrounding areas of Baang Kroi Bon and Pu Ra Kham were pushed and expelled from their homes. Houses, barns, buildings were also burned and destroyed. 2011 – May 5-9 - Houses and 98 rice storage sheds were burned, destroyed and looted. Money, gold, jewellery, farming equipment (scythes, axes) were stolen from Baang Kroi Bon and Pu Ra Kham by the National Park authorities and the Thai military. 2011 – June 23-26 – Houses and 21 rice storage sheds were burned, destroyed and looted. Money, fishnets, salt, scythes and musical instruments were also stolen from Karen villagers who had been living in 14 other surrounding areas of Baang Kroi Bon and Pu Ra Kham. 2011 – July – Mr. Chaiwat Limleekkitasorn, Head of Kaeng Krachan National Park ordered the burning of more houses and rice storage sheds. Ethnic Karen people have been living in this area for over 100 years. The villagers are frightened and have suffered due to the activities of the National Park authorities and Thai military. They have been displaced and are homeless, with no security of life or land.

On July 16, 2011 a Thai military helicopter crashed in the Kaeng Krachan National Park area. This crash was followed by another 2 helicopter/plane crashes in the same area. Currently, approximately 200 people (40 families) fearing for their safety and security have left that area and have come to stay with their relatives in Baan Kroi Lang and Baan Pong Luk.

We are a Karen network for cultural and environment organizations, NGOs, government networks and academic institutions. We condemn the actions of the officials of the Kaeng Krachan National Park as unacceptable and are in violation of the Constitution of the Kingdom of Thailand and international human rights. We call for Prime Minister Yingluck Shinawatra to solve this problem using the following guidelines:

1. Stop all threats, harassment, arrests and all other forms of human rights violations.
2. Scrutinize the actions of the staff and authorities of Kaeng Krachan National Park and all others involved in the above events.
3. Provide mental health counseling and for the well-being of the villagers who have suffered distress and trauma and compensate for the damages and losses they have incurred due to the actions of the National Park authorities and the military. This includes compensation and rectification of citizenship status, housing and land for traditional agriculture.
4. The government should take urgent action to abide by the cabinet resolution made on August 3rd, 2010 on policies regarding to the restoration of the traditional practices and livelihoods of

Karen people. This and other related issues should be resolved through a committee or other appropriate mechanism.

Statement from the Karen Network for Culture and Environment, NGOs, government networks and academic institutions:

1. สมาคมศูนย์รวมการศึกษาและวัฒนธรรมของชาวไทยภูเขาในประเทศไทย Inter-Mountain Peoples' Education and Culture in Thailand Association (IMPECT)
2. สภาชนเผ่าพื้นเมืองอำเภอกัลยาณิวัฒนา Amphoe Kalya wivattana Indigenous Council
3. เครือข่ายพิทักษ์สิทธิมนุษยชนชาติพันธุ์ (คพสช.) Human Rights for Protect Ethnic Groups Network
4. เครือข่ายลุ่มน้ำแม่ขาน Mae Khan River Basin Network
5. เครือข่ายลุ่มน้ำแม่วาง Mae Wang River Basin Network
6. เครือข่ายลุ่มน้ำแม่ลาว Mae Lao River Basin Network
7. เครือข่ายกลุ่มเกษตรกรภาคเหนือ (คกน.) Northern Farmers Network
8. กลุ่มอนุรักษ์บนพื้นที่สูงอำเภोजอมทอง Highland Natural Conservation Club in Chomthong District
9. เครือข่ายกองทุนข้าว Rice Merit Fund Network
10. เครือข่ายกลุ่มอนุรักษ์ทรัพยากรธรรมชาติแม่จอกแม่เลา Mae Jok-Mae Lao Natural Resource Conservation Network
11. มูลนิธิภูมิปัญญาชนเผ่าพื้นเมืองบนที่สูง Indigenous Knowledge and Peoples Foundation (IKAP)
12. มูลนิธิชนเผ่าพื้นเมืองเพื่อการศึกษาและสิ่งแวดล้อม Indigenous and Tribal Peoples' Alliance for Education and Environment Foundation (IPF)
13. มูลนิธิเพื่อประสานความร่วมมือชนเผ่าพื้นเมืองแห่งเอเชีย Asia indigenous Peoples Pact (AIPP)
14. มูลนิธิภูมิปัญญาชาติพันธุ์ Wisdom of Ethnic Foundation (WISE)
15. สภาแอะมื่อเจ๊ะคี Ae Mu Se Khi council
16. สมาคมปกากะญอเพื่อการพัฒนาอย่างยั่งยืน Pgaz K' Nyau for Sustainable Development Association
17. สมาคมปกากะญอเพื่อการพัฒนาสังคมและสิ่งแวดล้อม Pgaz K' Nyau for Social and Environment Association
18. เครือข่ายการจัดการสิ่งแวดล้อมบนพื้นที่สูง Highland Environment Management Network
19. เครือข่ายชนเผ่าพื้นเมืองแห่งประเทศไทย Network of Indigenous Peoples of Thailand
20. เครือข่ายนักวิชาการสาธารณสุข Health Academic Network
21. เครือข่ายนักวิชาการอิสระ Independence Academic Network
22. เครือข่ายปฏิรูปที่ดินภาคเหนือ Northern Land Reform Network
23. เครือข่ายผู้รู้ภูมิปัญญาชนเผ่าพื้นเมืองในประเทศไทย Network of Indigenous Knowledgeable People in Thailand
24. เครือข่ายสุขภาพชาติพันธุ์บนพื้นที่สูง Highland Ethnic Health Network
25. โครงการพัฒนาสิทธิในสังคม Social Rights Development Programme (SLP)
26. โครงการบ้านรวมใจ Baan Ruam Jai Project
27. คณะคริสตจักรกะเหรี่ยงแบ็บติสต์ Karen Baptist Convention(KBC)
28. ชุมชนนักกิจกรรมภาคเหนือ Northern Activists Community
29. ชมรมเยาวชนปกากะญอ Pgaz K' Nyau Youth Club

30. สโม่สรคาเรนยูไนเตท United Karen Association
31. มูลนิธิเพื่อการพัฒนาที่ยั่งยืน (ภาคเหนือ) Sustainable Development Foundation
32. มูลนิธิช่วยเหลือเด็กชายแดนจังหวัดตาก
33. มูลนิธิรักษ์ไท (สำนักงานภาคเหนือ) Rak Thai Foundation (Northern Office)
34. มูลนิธิพัฒนาชุมชนและเขตภูเขา (พชภ.) Hill Areas Community Development Foundation
35. มูลนิธิพัฒนาภาคเหนือ Northern Development Foundation
36. มูลนิธิรักษ์อาข่า Raks Akha Foundation
37. มูลนิธิเพื่อนไร้พรมแดน Friends without Border Foundation
38. มูลนิธิพุทธเกษตร เชียงใหม่ Chiang Mai Phuthakaset Foundation
39. ศูนย์พิทักษ์และฟื้นฟูสิทธิชุมชนท้องถิ่น Center for Protect and Recovering Local Community's Rights
40. ศูนย์ปฏิบัติการร่วมเพื่อแก้ไขปัญหาประชาชนบนพื้นที่สูง Center for Action for Problem Solving for Highland People
41. ศูนย์ศึกษาชาติพันธุ์และการพัฒนา มหาวิทยาลัยเชียงใหม่ Center for Ethnic Studies and Development, Chiang Mai University
42. ศูนย์สังคมพัฒนา สังฆมณฑลเชียงใหม่ Chiang Mai Diocese Social Action Center
43. สหพันธ์เกษตรกรภาคเหนือ (สกน.) Northern Farmers Federation
44. สมาคมเพื่อการศึกษาและวัฒนธรรมชาวอาข่า จังหวัดเชียงราย Akha for Education and Culture in Thailand Association, Chiangrai (AFECT),
45. สมาคมม้ง Hmong Association

Appendix O: Policy Brief

Northern Land Reform Network presents:



“6 Questions about Land Rights and Land Reform”

1. What exactly is Thailand’s ‘land rights problem’?

- There are over 8.16 million landless and ‘nearly landless’ⁱ personsⁱⁱ (about 12% of the population)
Among this total, there are subgroups:
 - 1.2 million persons live illegally in “Protected Forest Areas”ⁱⁱⁱ
 - 1.5 million persons live in urban slum areas without land documents^{iv}
- Great inequality in land distribution
 - Richest 10% of the land-owners own 90% of titled land^v
 - 70% of privately owned land is left idle or underused- held onto for speculation^{vi}



2. Why is being ‘landless’ such a critical problem in Thailand?

There is a *well-established link* between *lack of land and poverty*^{vii} – even the *World Bank* agrees with this^{viii}

Reasons for this link include:

- Lack of food security^{ix}
- Psychological/ Social stresses due to instability and uncertain future
- Lack of collateral and, therefore, inability to access loans
- Lack of incentive to improve land/ invest in the land

Specifically in Thailand’s rural communities:

- There are strong historical social ties to working on land- currently 42% of Thailand population are agricultural workers^x
- Chemical intensive agricultural practices initially yielded short-term benefits, but growing input costs and lower yields have led many farmers to lose land due to debt repayment and/or loan defaults.

- During economic crises, unemployment forces many urban workers to return back to upcountry communities, where having land to farm serves as a ‘safety net’ for the unemployed.^{xi}
- Owning land helps protect and conserve the environment, as this encourages sustainable use of water and other natural resources for future generations.



3. What programs has the Thai government implemented to solve land issue and why didn't they succeed?

Name of Legislation/Action	Year enacted	Goals	Major reasons for failure
Land Reform Act	1975	<ol style="list-style-type: none"> 1. Redistribute unproductive lands from State (mostly degraded forest lands) and private holdings (plots over 50 Rai) to landless farmers 2. Prevent future land speculation by not allowing sale of these lands 	<ol style="list-style-type: none"> 1. Not enough land acquired from both private and State owners (currently still over 30 million Rai of land available to be transferred)^{xii} 2. Through corruption, many of the recipients of Reform Lands were not the landless 3. Many cases of Reform Lands sold illegally for short term gains
Land Titling Project	1984-2004	<ol style="list-style-type: none"> 1. Produce Land Titles for the 88% remaining unregistered agricultural lands^{xiii} 2. Bring security and prosperity to agricultural sector through improved access to loans, increased investments in land, and free market efficiencies which will maximize land productivity 	<ol style="list-style-type: none"> 1. The greatest beneficiaries were the wealthy urban classes^{xiv} 2. The disparities between the wealthy and the poor grew larger after completion of LTP 3. No attempt to give legal status to communities in protected forest
Community Forest Act	2007	Provide legal mechanism to allow ethnic groups living in disputed protected forest zones	<ol style="list-style-type: none"> 1. Law excludes about 20,000 communities scattered on the rim of protected forests^{xv} 2. Communities must prove they have lived for more than ten years- difficult process 3. Limited use of forest land- no firewood collection or use of leaves and branches for food and medicine



4. What does the NRLN propose to do and how will this improve upon previous efforts?

Currently, NRLN is only focusing on groups living in 2 kinds of contested areas:

- Communities located in Protected Forest Zones
- Communities that have taken over unused or illegally-procured land without formal state approval

There are **4 mechanisms** proposed to address the land rights issue:

1. Issuing of Community Land Titles (CLTs) for target communities

- CLTs approved under Cabinet Decree of February 14, 2011.
As of January 31, 2012,
 - 435 communities (including 292 Northern communities) have applied for CLTs
 - 55 communities (including 20 Northern communities) have been approved for CLTs^{xvi}
 - 1 community has received a CLT: Khlong Yong (80 households)^{xvii}

CLT Regulations include:

- Within a community, individual plots will be given to families under the administration of the elected Community Land Title Committee
- Families will only be able to sell their individual plots to persons within community and upon approval of CLT Committee
- Families can obtain loans from local Community Land Bank using individual plots as collateral
- CLT Committee will determine regulations/charges for use of plots and community resources (water for irrigation, electricity for water pumps, etc.)

2. Establishment of Land Banks

- The National Land Bank Administration Institute has been mandated to provide land for 30,000 households in the first three years under a Bt4.75 billion budget.^{xviii}
- Currently delayed as the members of the ‘Establishment Committee’ are being chosen.
- Two levels of Land Banks
 - National Level
 - Start up fund from Government with ongoing funds from land tax revenues
 - Purchase unused land from private holdings and distribute to Landless/ Near Landless
 - Community Level
 - Facilitate sale of individual land plots **within** communities
 - Issue loans to community members who use their individual land plot as collateral

3. Progressive Land Tax

- A disincentive for land speculation and leaving large plots of land idle
- Taxes revenues used for land redistribution through National Land Bank
- If no taxes are paid after 5 years on land holdings greater than 50 Rai, the State will take the land for redistribution to needy farmers.

4. Justice for wrongly accused and imprisoned persons

- Demanding release of persons jailed after being accused of ‘encroaching’ on land they should have been allotted according to LRA guidelines^{xix}.

- Dropping 223 lawsuits against persons accused of encroaching on Forest Lands^{xx} and lawsuits against those accused of trespassing on vacant or unused land owned by speculators that should have been redistributed according to the LRA.



5. What's standing in the way of getting these mechanisms established and implemented?

- Interests of Investors, Land Speculators, and Social Elites- these groups influence national and local government agencies and policy makers using both formal lobbying as well as non-transparent methods.
- Political instability does not allow for the working committees/ processes to be carried over when a new party gains power.
- Local Government Agencies in charge of disputed land (especially Protected Forests) refuse to acknowledge the Cabinet Decree of February 14, 2011, despite a signed MOU directing them to support the process of CLTs
- Intimidation and fear of violence from security forces (police, forestry officials) or hired thugs trying to get these groups to leave their lands.
- Public opinion against the movement: media portrayal of 'trouble makers' taking land belonging to others, etc.
- Current National Government led by Peua Thai Party has a strong free market/ pro business stance
- Lack of support from Community members:
 - afraid that if they sign onto to CLT, they will lose chance at private land ownership (and right to sell to anyone)
 - do not want to sign onto CLT regulation that stipulates individual plots cannot expand their farming areas outside of the plots from the CLT map
 - don't want to join the CLT because they don't think it will really happen (waste of their time and efforts)
- The new Peua Thai government sees the CLT, Land Bank, and Land Taxes as 'belonging to' the previous government and aren't interested in carrying that work forward only to have the Democrats take the credit (they even said they would not use the 'Democrat's term- CLT' if they were to implement some kind of land reforms)



6. What are NRLN's approaches?

- Networking with other organizations to build momentum and political power:
 - Other regions (through the Land Reform Network of Thailand)
 - Other causes and issues (dams, poverty, statelessness, etc.)
 - Other countries (through Focus on the Global South, La Via Campesina, Land Research Action Network)

- Building constituent's capacities to be able attain their rights by themselves.
- Coordinating/ Exchanging information/work closely with government officials (bureaucrats) in charge of these issues
- Improving negative public perceptions of the land reform actions and disseminating knowledge to public through media: television coverage by ThaiPBS, newspaper coverage by Thai Post, Krungthep Turakit, Bangkok Post, and Prachathai, brochures, posters, bumper stickers, etc.
- Joining with the People's Movement for a Just Society (Pmove) for marches/ demonstrations to demand government action.
- Postcard campaigns to new PM, asking for land reform to be carried forward.
- Legal efforts and support for those who have been sued for trespassing on private land as well as forest dwellers being sued by the state for contributing to 'global warming'.
- Produce academic papers: ex. Huay Hin Lad Nai Carbon Footprint^{xxi}, "Taking Land from the Poor, Giving Land to the Rich"^{xxii} paper, etc.



End notes

ⁱ nearly landless = not enough land to support a family (defined as less than 5 Rai (0.8 Hectares) per family)

ⁱⁱ Number of persons reported to be landless or nearly landless in Thailand ranges from 2.2 million to 15 million depending on the source. The figure for this document was taken from: US Agency for International Development. Thailand: PROPERTY RIGHTS AND RESOURCE GOVERNANCE PROFILE, p.5.

ⁱⁱⁱ Number of persons reported living in protected forest areas ranges from under 1 million to 15 million depending on the source. The figure for this document was taken from: Bangkok Post Editorial. "Setting out to Replant Forests". March 2, 2012.

^{iv} "Requests submitted to PM Yingluck Shinawatra's Government". Thailand Land Reform Network. August 8, 2011.

^v Sawai Boonma. "Land reform must start now, Mr. Prime Minister" Bangkok Post. February 16, 2011.

^{vi} Ibid

^{vii} For two recent studies which link poverty with landlessness, see: Ruth Meinzen-Dick. "Property Rights for Poverty Reduction?". UN Department of Economic and Social Affairs, Working Paper No. 91. December 2009 and Manya M. Mooya and Chris E. Cloete. "Land Tenure and Urban Poverty Alleviation: Theory, Evidence and New Directions". Integrating Generations FIG Working Week 2008. Stockholm, Sweden.

^{viii} Deininger, Klaus. "Land Policies for Growth and Poverty Reduction". Washington, DC and Oxford: The World Bank and Oxford University Press. 2003.

^{ix} United Nations Food and Agriculture Organization (Food and Agriculture Organization of the United Nations (FAO) (2004). *The State of Food Insecurity in the World 2004*. Rome: FAO. p.25) reports that land-poor and landless households in rural areas account for 80 percent of the people who are chronically hungry in the world today.

^x 2008 Data from Laborsta (ILO Database) website: <http://laborsta.ilo.org/STP/guest>. (accessed 3/7/2012)

^{xi} Kingkorn, Narintarakul Na Ayutthaya, and Leonard, Rebeca. "Thailand's Land Titling Program: Securing Land for the Poor?" from "Commonplaces and Comparisons: Remaking Eco-Political Spaces in Southeast Asia- Collection of Papers presented at International Conference "Politics of the Commons: Articulating Development and Strengthening Local Practices"". July, 2003. Chiang Mai, Thailand. p. 79.

^{xii} "Lessons from Thai Melon". *Bangkok Post Editorial*. July 8, 2011.

^{xiii} Burns, Anthony. "Thailand's 20 year program to title rural land". Background paper prepared for the World Development Report 2005. 2004. p.3.

^{xiv} *Corruption, Governance and Globalisation: Lessons from the New Thailand*. The Corner House. RAP Spiderweb, Lancashire, U.K. December 2003. p. 13.

^{xv} Wipatayotin, Apinya. "Community Forest Bill Passed". Bangkok Post. November 22, 2007.

^{xvi} Data from the website of the Office of Community Land Titles: <http://www.opm.go.th/OpmInter/content/oclt/> (accessed 3/6/2012)

^{xvii} Prasertpolkrang, Jeerapong. "Villagers get communal land title deeds". *The Nation*. February 13, 2011

^{xviii} "New agency to provide land to farmers". *The Nation*. February 25, 2011.

^{xix} Sections 6 under the Land Code Act of 1954 limits the amount of years that land can be left fallow (10 years for land titled land and 5 years for certificate of utilization lands), while Section 61 under the Land Code Act of 1954 declares that land obtained 'erroneously or illegally' will be subject to investigation and repossession by the State.

^{xx} Chularat Saengpassa and Jeerapong Prasertpolkrang. "Villagers elated over MoU on land". *The Nation*. March 10, 2011.

^{xxi} *Climate Change, Trees and Livelihood: A Case Study on the Carbon Footprint of a Karen Community in Northern Thailand*. Northern Development Foundation and the Huay Hin Lad community.

^{xxii} Rebecca Leonard and Kingkorn Narintarakul na Ayutthaya, "Taking Land from the Poor, Giving Land to the Rich", *Watershed* [Bangkok], Nov. 2002 - Feb. 2003, p. 14-25.