

Contesting Rights over Land: A Case Study of Landless Farmers' Social Movement in Lamphun Province

By

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Introduction

In the past few decades, due to the intervention of the state and the market, more and more local people's struggles over access to resources, and related resistance have become the public in the 'Third World' (Robles 2001, Moore 1994, Kerkvliet 1993, Vandergeest 1993). Today's landless farmers' movement over land and rights in Lamphun province, northern Thailand, is one of these. How the hegemonic ideology and structure is constructed in the northern Thailand in a way that leads to local farmers' struggles, and how ideologically subordinate people respond to such hegemony through social movements is the subject of this study (Escobar 1995 and 1984, Scott 1985, Gramsci 1974). By forming a social movement as their own discourse, the farmers contest the dominant discourse and claim their own ideas and values. I call these claims and actions by subordinate people against the dominant groups 'contestation.' In this paper, I would like to examine how landless farmers form their discourse and contest rights over land by combining a political ecology approach in a macro perspective with an ethnographic approach in a micro perspective.

In the past, when land was abundant in Thailand, land did not have so much value and labor was considered more important than land under the tributary system (Kemp 1981, Vandergeest and Peluso 1995). However, since the Western ideas of nation-state sovereignty, of a legal system, and of market oriented structure were brought from the West at the end of nineteenth century, the situation has completely changed. These new systems have dominated the traditional land management, and land has become a valuable commodity. In northern Thailand, where the available land for cultivation was originally smaller than other regions, such commercialization of land, as well as population growth, led naturally to land scarcity and became the cause of land conflicts between small-scale or landless farmers and dominant classes. Land scarcity also led to the encroachment of forest by landless farmers. Through the latter half of twentieth century, Thai government has also recognized the problem of small-scale and landless farmers, and tried to solve it by making several policies, laws and projects. In some areas Land Reform has been implemented, but in many areas not. Even in the area where Land Reform has been done, many cases have been ill managed and have failed (Kemp 1981). Then, in 1985, it has (re)started a Land Titling Project including northern Thailand. However, this project of seemingly good intention has resulted in failure, partly because it did not properly consider the traditional system (Anan 1994). Contrary to the purpose of giving farmers land security, the project opened the way for farmers to transfer land easily. Since the time coincided with an economic boom, many farmers including those in Lamphun province sold their land to land speculators or used their land as collateral

for loans and subsequently lost it. After farmers decreased or lost their land, they worked as wage labor inside and outside of the agricultural sector. After the economic crisis of 1997 the life condition of landless farmers became worse and worse.

In the early morning of 21st May 2002, as much as two hundred policemen went to Phae Tai village, Wiang Nong Long District, Lamphun Province and arrested seven farmers. According to the police, they were the leaders of a local farmers' group that had trespassed on land which ownership legally belonged to a certain resort company. The villagers claimed that the land plot concerned used to be public land in the past, when it was used to raise buffaloes or to grow some crops. Through the Land Titling Project of 1985, the current landowner acquired the Land Title Deeds around 1990 without informing villagers and enclosed the land, forcing the villagers out. But under the law in Thailand, the transfer of land title of public land cannot be made without villagers' consent, so the villagers claim that the title deeds are illegal. After they were forced out of the land, the villagers worked as wage workers inside and outside of the agricultural sector. But while they struggled for their daily life without their own land for farming, they saw the land concerned was left idle because the landowner had bought it for the purpose of speculation. Finally the villagers decided to reclaim their land again and took action in 1997.

This is only one example of land conflict and related farmers' movements in northern Thailand. According to the Northern Farmers Alliance (NFA), which plays a crucial role in this movement, at least twenty-three areas of land were reclaimed by landless farmers publicly today, most of them in Lamphun Province, some in Chiang Mai Province, and two in Chiang Rai Province. For the past thirty years such actions of claiming land has been seen, but since 1997 the phenomena has become bigger and clearer to the extent of being recognized as a farmers' social movement. More than 3,700 households have taken action to reclaim land, and the total size of land reclaimed so far is about 12,500 *rai*¹ (about 2000 ha). Since the data is limited, the true area is expected to be much bigger.

In this paper, I attempt to explore the critical history and the complexity involving controlling and managing land in rural Lamphun Province. Firstly, I clarify the difference between the state and local ideas of property rights, which is the fundamental cause of today's conflict over land, focusing on how farmers claim their right against the state. Secondly, I explore the cause of the struggles of landless farmers who have taken the direct action of reclaiming land based on the farmers' narrations. And finally, I analyze how landless farmers came to organize a social movement and how they legitimize their rights over land through the social movement, and examine the movement in terms of a learning process.

Three Cases of Contestation over Land

Since 1985 the Thai government, supported by World Bank, began the Land Titling Project throughout the country. Contrary to the purpose of giving more security to farmers, however, the project promoted the commercialization and privatization of land, including communal land in rural areas, which resulted in a land speculation boom among capitalists, often the case in "developing countries" (Cleary and Eaton 1996, Vandergeest and Peluso 1995, Anan 1994). Thanks to the issue of transferable legal land documents, rich capitalists

¹ 1 *rai* is 0.16 hectares.

bought large areas of land mainly for the purpose of speculation, not for the utilization of land itself, while poor farmers lost their land to the capitalists. Moreover, many of the rich landowners used land as collateral for loans. The banks loaned more and more money to capitalists during the economic boom, which resulted in a huge amount of non-profitable loans after the economic crisis in 1997, consequently increasing the vacant land throughout Thailand.

This commercialization and privatization of communal land by capitalists is the fundamental cause of today's land problem in Lamphun province, but when we look at the background of the problem in more detail, we can see that the struggle for farmers is different in each case. I would like to describe three cases where landless farmers contest the rights over land through the action of taking land without any legal process.

In the morning of 9th November 2000, 282 farm families from Rai Dong Village, Mae Ao Village, and Nong Samana Tai Village of Pasang District in Lamphun Province entered 426 *rai* of uncultivated land without any legal process and began to clear and cultivate it. The land plot lies on the periphery of these three villages separate from the residential area, and was full of the wild bushes and grasses. Some villagers, especially the elderly, remember that people used this land a long time ago. But no one has worked on land for at least thirty or forty years. The group of landless and small-scale farmers decided to utilize the abandoned land plot.

In spite of villagers' expectations that the landowner might not show up, about 1 hour commencing the action, the landowner's family (family A), policemen, and district officials came to the site, and negotiations was took place the next several days. Family A claimed their ownership over a whole 426 *rai* of land, and the officers of the Department of Land agreed, looking at the documents in their possession. The villagers, however, determined and did not withdraw easily. They insisted that they began to cultivate the land because nobody had worked on it for a long time, and since everybody could recognize that the farmers' claim was true, the officials could not force them out.

Older villagers said that the land plot around border of the village used to be uncultivated land a long time ago and that nobody had ownership. Sometimes some villagers grew vegetables there or other villagers cultivated rice in the rainy season. Mr. A - the head of family A who had already passed away before the villager's action in 2000- who lived near Rai Dong village in Pasang District also cleared some plots of the contesting land around 40 to 50 years ago. Since he had capital, he hired some workers to clear the land. He then grew cashew nuts and cassava on the land, and some of the Rai Dong villagers and Mae Ao villagers, who are currently in their 60s and 70s, worked at his garden at that time. However, Mr. A stopped cultivating the plot. According to the villagers, this was about 30 or 40 years ago, and Mr. A had never utilized it since then. The reason given by the villagers for this cessation of use was that Mr. A had businesses such as logging, and he did not necessarily have to use land.

When and how did Mr. A and his family acquire the current, official land documents? According to the joint-committee of officials and villagers that was set up under the name of Lamphun Provincial Governor in 2001 in response to a villagers' request to solve the problem, although the family A claimed their ownership over all 426 *rai* of land, this was incorrect. The committee checked all of the land documents and found that Mr. A and his family only

has 31 land documents for 290 *rai* of land, and that the other land plots were not theirs, that is to say, have no legal ownership. Moreover, even for the existing land documents of family A, all of which were NS3K² issued in 1990, these were proved as illegal by the committee. It was discovered that when Mr. A changed the documents from SK1 or NS2 to the current NS3K title, he used the documents of another plot of land, stating that they were the same plot, and received the documents for the current plot. A solution to this problem has not been found to this day, and while the villagers continue to cultivate the plot, family A has sued the villagers for trespass on their private land.

The second case is of Dong Khi Lek Village in Baan Hong District, where traditional communal rights over an area of land was not recognized and it was taken by dominant groups including the village headman, officials, and rich capitalists or companies. In Baan Hong District and adjoining Wiang Nong Long District, there used to be 15,000 *rai* (about 2,400 ha) of land, which was officially categorized as the public land domain though there was no documents. The land was largely covered by bushes, and villagers utilize it jointly for a long time by raising cows and buffalos on it and gathering mushrooms, leaves, firewood or insects just like the typical, traditional, communal land use in northern Thai village (Anan 1994, Kemp 1981). Although it was used jointly, sometimes villagers grew some vegetable in a usufruct manners, where the person who first cleared the land there used it. The person who had usufruct rights had to pay a tax to the district office, and the usufruct right was inherited by their children. If somebody stopped using the plot, the right was returned to the community, or another villager worked the land and thus claimed the usufruct rights.

After 1985, the year Land Titling Program began in Thailand, troubles started to over such communal land. Under the administration system in Thailand at that time, the *Kamnan* (a chief of a sub-district) and the village headman had responsibility over public land. Taking advantage of this role, the people who received the information about the Land Titling Program in the early stages came up with the idea of making a profit by selling public land to capitalists or companies. In some villages land was sold without informing villagers at all. In other villages some land plots were bought from the villagers who had usufruct rights and sold to capitalists. Responding to these events, some villages have protested against the *Kamnan* or land brokers soon after they took the land. Some villages could not do anything for a long time though they also felt unreasonableness. Among those villages I would like to raise the case of Dong Khi Lek Village.

Dong Khi Lek Village has started their protest against the village headman and new landowners comparatively early and consequently have had to fight against them for a long time and still continue to do so today. Since around 1985 the then village headman began to buy the usufruct rights of communal land from Dong Khi Lek villagers. He contacted villagers and told them to sell him their land. Some people did not want to sell their land, but according to the villagers, the village headman often cheated villagers cleverly and persuaded villagers to sell their land at a cheap price, for example for 300 baht per *rai*. Some were forced to sell because all the land around their land was acquired by the village headman and land brokers and they lost access to their land. Finally, though the village

² Under the Land Code 1954, the Department of Lands has issued land documents as follows: NS4 (Title Deed), NS3 (Certificate of Use), NS3-K (use aerial photographs for decision of boundaries, NS2 (Pre-emption Certificate), and SK1 (Form Reporting Land Occupation, which was invalidated in 1967). Of these, only NS4, NS3, and NS3K can be used as collateral for loans (Vandergeest and Peluso 1995, Anan 1994, Tongroj 1990, Kemp 1981).

headman and land brokers bought only some of the land plots, they sold the whole land area as one plot to two companies. In addition, the area of land the villagers were still utilizing to raise buffalos or to collect firewood, and even a graveyard lot was also sold. But at first, the villagers did not know this fact.

Officials issued land documents to the new landowner companies around in 1990, but nothing happened immediately. In 1993, one company landowner constructed a fence, cleared the land, destroyed the streams, forest, and paths, including the plots villagers had not sold. Villagers were surprised, become angry and began to protest. They complained, petitioned to the district office and some members of the House of Representatives, and asked for help, but since there were no written documents to secure their communal land rights as well as usufruct rights, this problem has never been solved except for the 7 *rai* of the graveyard lot that was given back in 1997. Although the villagers tried to solve the problem legally and peacefully initially, on 29th April 2002 about 160 families went to clear the land plots of one of the companies. Two leaders were arrested on the site.

The characteristics of the land of the third case, of Pong Ruu Village of Pasang District, are that there was once a Land Reform project in the village and the land plot which the villagers claimed is also the Land Reform plot. The Land Reform is managed by the Agricultural Land Reform Office (ALRO) in Thailand and when ALRO distributes land to farmers, it issues a land document called SPK4-01. In spite of the basic rule that the eligibility for getting a Land Reform plot is of being a farmer, somehow capitalists and private companies acquire it. Moreover, in spite of the prohibition to sell the rights in order to preserve the land for farmers (Tongroj 1990), in reality the trading of the documents was often done between the people concerned, and most of plots in Pong Ruu Village have been acquired by non-farmers already. Land Reform in Thailand can be divided into two patterns; to allocate abandoned private land by confiscating it from the landowners at a low price, and allocating public land most of which is state forest land. Both patterns are seen in Pong Ruu Village, and both types of land plots were subsequently taken by capitalists, and many such plots are now left idle because they were bought for the purpose of speculation. I would like to introduce the case of second pattern.

In the periphery of Pong Ruu Village, there was a national reserved forest, or rather bush land, that has been under the control of the Royal Forestry Department (RFD) as public land. More than ten years ago, according to the villagers, the then village headman of Pong Ruu and land brokers went to clear this forest land, got STK documents issued by the RFD, and sold the land to non-farmers such as capitalists. Legally, with STK documents people get the right to cultivate land but cannot sell, and these restrictions are stricter than SPK4-01 documents. Meanwhile, aiming at the solution of the squatter problem by farmers throughout Thailand, distributing cultivated forest to farmers by SPK4-01 documents had been a big issue for ALRO and RFD for a long time. Making use of this project, the village headman approached to ALRO, and in 1999 official SPK4-01 documents were issued on land with STK documents to non-farmers. According to the Pong Ruu villagers, the new landowners were an owner of big factory, a large-scale farmer from outside, as well as local retired officials and a policeman. These people are not eligible for Land Reform plots, they however received the documents because when they applied for them, they wrote that they were farmers and that their income was small. According to the villagers, the then village headman sold land to the capitalists saying that capitalists pay more money than farmers. About 150 Pong Ruu landless villagers went to clear and cultivate the 303 *rai* of abandoned

land plots in January 2002, although they were forced to leave later by the landowners and the police.

Claiming Use Rights against Exclusive Private Property Rights

The basic grounds of claims to ownership of family A in Rai Dong Village over land in question comes from the authority of legal land documents, although their illegality has been proved by the committee. After they received the documents in 1990, the family A thought that they had “the right to exclude non-owners,” or “immunity from nonconsensual harm or loss,” which are parts of the four bundles of property rights (Singer 2000: 3), even though family A have not utilized the plot for a long time.

The villagers who went to cultivate the land have a different idea about land rights and emphasize utilization. When the Rai Dong villagers decided to utilize the land plot in question, most of the villagers thought that the plot had no owner because it had been uncultivated for more than thirty or forty years. For farmers, to own land means to utilize the land or to work on the land, and if not, s/he is not the owner of the land. A Rai Dong villager told me:

Soon after we went to clear the land, Mrs. A arrived with policemen, district officials, and officials from the Department of Land. We saw the landowner for the first time. Police officers asked us, "Why did you trespass on the land of the family A?" We answered, "We didn't know there was a landowner." Then Mrs. A said, "I am the landowner. This is my land." So we asked, "Then, why you don't use it?"

(A Rai Dong villager, 22 December 2002)

Farmers also now know well that land in Thailand is controlled by land documents. And some villagers might have been able to guess that family A had a land document for the land plot that they cleared. But for the villagers, whether there is a land document or not is not the point. Their idea is that if the landowner has not utilized land, s/he loses the rights over the land. In other words, if somebody utilizes land, s/he can get the rights over the land, and other people cannot disturb it. This is traditionally called usufruct rights, or in this paper I would call it “use right” as the right that the Lamphun farmers claim today in terms of the importance of its utilization, criticizing the abandoned land plots.

Some people might see a concept such as use right is old and primitive, but it is actually a complex present day situation. The land law in Thailand also states the importance of utilization, and farmers often refer to it and justify their action. The 1954 Land Code, Section 6 states that if landowners do not use land for more than five years in the case where the landowner has NS3 documents, and ten years in the case of NS4 or Title Deeds, the documents can be cancelled and the land plot will be vested in the state. Then the government can distribute the land to the farmers following the Code or Agricultural Land Reform Act. What this law means is that even though people have a land document as well as the right over the land, if they don't use it for a long time, they will lose their right. This law also stipulates that the utilization of land is the important factor in land management.

In addition to the authority of a legal land document itself, whether the concept of property rights carries the idea of exclusion or not is also different between the perception of

family A and that of the farmers. The Rai Dong villagers, and many other villagers in the land movement in Lamphun Province, decided to utilize land left idle, because on the one hand they suffer from landlessness, and on the other hand there is, and has been for some time, much abandoned land in and around their villages. Nevertheless, the villagers cannot use the land because it is protected by private property rights, which carries a concept of exclusion.

The idea of property rights as exclusion comes from the West (Singer 2000, Hann 1998), and did not exist in rural Thailand in the past. Traditionally, the concepts of property rights in Thai villages are “sharing, mutuality and inclusion” in the “moral community” just as Hann suggests for rural England at the pre-industry era (1998: 13). As in the example of Baan Hong District, in rural northern Thailand, if there is land that nobody uses, villagers could go to clear it for themselves and get usufruct rights. This does not mean villagers can cultivate land anywhere they want, but they respect other people's usufruct rights. Yet if there is a vacant plot, anybody from the community can go to utilize it.

When the idea of private property was brought to Lamphun Province, particularly after the Land Titling Project in the late 1980s, it was not necessarily rejected, but rather, it was embedded within the traditional land management. When the traditional usufruct rights were transferred to private ownership, the idea of sharing has remained, and if landowners who have legal documents do not use their land, they often let their relatives or other villagers use the land. When they let other people use the land, sometimes they let them use it for free, or sometimes they collect a user fee. It depends on the situation. But even for cases where fees are taken, the fee is not so expensive because the purpose of the landowner leasing land is not to make money but to utilize the land.

Taking such a traditional custom into account, to go to utilize a vacant land plot does not mean that the villagers want to make trouble for the landowners or to create a conflict. Starting from their moral claims that they are landless, poor, and facing struggles in their daily life, the economic claims that it is better to utilize land than leave it idle, to the legal claims that the Land Code also states that land should be utilized, they have their own good claims to justify their claims and actions. However, such claims are not recognized by the landowners who follow the Western idea of private property rather than the traditional Thai one, and this results in conflicts as well as a social movement.

The basic claim of the Dong Khi Lek villagers or Pong Ruu villagers is also about the use rights over the land abandoned by the capitalists. In case of Dong Khi Lek Village, the villagers, who have been expelled from their communal land by sudden enclosure, finally took the action of taking their land back by force with the claim of social justice. Or in case of Pong Ruu Village, the villagers often publicly criticized the fact that non-farmers had acquired the Land Reform plots. However, when villagers of both villages went to take and utilize land, it was not as if they cleared and cultivated any land that they wanted, but that they chose vacant land.

Narrations of Landlessness and Poverty

When they were asked about the reason why they went to cultivate the abandoned land plots, most villagers answered, “Because I have no land. I only have land to live, but

no land to cultivate. I am poor and cannot afford to buy new land.” In addition to the fact that the commercialization of land has kept the villagers away from owning land, the penetration of commercialism into rural Thailand, and the government’s policy of giving priority to industry at the cost of agriculture has caused poverty among villagers (Anan 2000, Bello 1998). Such landlessness and poverty are also one of the causes of the villagers’ claiming their rights over land, and villagers’ narratives proclaim four aspects; historical causes of landlessness including longan plantation, problems of wage labor, heavy debt, and the loss of free land in spite of the growing population.

In the past, Rai Dong village, Mae Ao Village and the whole surrounding area was a forest like a jungle and all the land belonged to a lord. Around in 1933 a temple was built from the contributions of the lord and Rai Dong Village was created after it. The lord let villagers clear land and make rice fields. When villagers cleared one piece of land, for example, they dedicated a half piece of land to the lord and kept the other half piece of land for themselves. If they wanted another half piece of land as well, they could buy it from the lord by paying money. The villagers could buy other plots of land as well if they wanted to, and similarly if villagers had their own land, they could sell it. At that time there were no land documents like today, and people traded land through direct negotiation between the people involved. Then, while several people were rich and powerful and got a lot of land plots, most of the people in Rai Dong Village or Mae Ao Village were poor and could not get so much land. Furthermore, due to the topographic nature of the area, some villages like Mae Ao or Dong Khi Lek lacked arable land.

Longan fruits plantations, for which production Lamphun and surrounding provinces famous today, also led to the decrease of the arable land available for poor farmers. In the past in Rai Dong village and many other villages in Lamphun used to be rice fields and some villagers used to work there as tenants or wage labor. Then, promoted by the Bank for Agriculture and Agricultural Cooperatives (BAAC), most rice fields and most *chamchaa* gardens³ changed to be longan fruit orchards. At that time, longan fruit sold at a good price, so villagers grew it following the advice of the BAAC. However, by making this change, many of farmers who used to cultivate rice lost the fields to grow rice. In addition, since the longan orchards were easy to take care of and needed less labor, many landowners worked in them themselves and stopped leasing land to others or stopped hiring labor. To sum up, the longan plantations took two things from landless farmers; land to lease, especially rice fields, and the opportunity of wage labor.

Even after many landowners began to grow longan trees, at first, landless farmers had leased the land in longan orchards and grew vegetables between the trees while the trees were still small. But they had to give this up after four or five years because longan trees grew big and such big trees block off the sunlight. The vegetables became like the undergrowth of the longan trees and did not grow. The villagers call the longan trees the “economic” trees and continue to grow them today, but such trees are giving more struggle nowadays to landless villagers.

Most landless farmers make money as wage laborers, but they often complain about the low income. Their work includes agricultural fields, such as taking care of longan trees,

³ *Chamchaa* is a kind of tree to grow insects that secrete shellacs, and the shellacs can sell at a high price. In the past, Lamphun villagers who have a lot of land and enough money had orchards of *chamchaa*.

harvesting the longan fruit, cutting grass, to building houses, constructing roads, selling food or things, sewing clothes, and one old person even said that her parents' job was begging. As for the amount of wages, this also differs from person to person, from work to work, but most people make wages within the range of 50 to 120 baht per day. And it seems if they could make 100 baht per day, they can support a daily life, although this also depends on the number of the family members and many other attendant circumstances, and they can never save money with such a small amount.

The instability of the wage labor is also a source of complaint for the villagers. Many of the villagers work on a daily wage basis, and they don't know if they can find work tomorrow. If they lose their work, they starve, because they have no savings. They told me how much they suffered with their life because they work at low and unstable wages everyday. They told me how much they longed for their own land and to grow the crops of their choice. Although they know that to grow crops and to live by farming is also difficult today, yet they think that if they have their own land they can improve their current life. At least, they think, they will not starve like today.

While the low, unstable wage labor is a cause of suffering for landless farmers, heavy debt puts small-scale farmers into a corner. In Rai Dong Village, the first, main cause of the villagers' being in debt stems from garlic planting that was promoted by the BAAC about ten years ago. When the BAAC began to loan money to farmers, the officers came to the village and asked what the villagers wanted to grow. At that time, in Rai Dong village, villagers had just changed from *chamcaa* to longan orchards, but they had not grown so many longan trees yet. The area was not enough, so longan plantations were rejected. As for vegetables, the price of small onions was not good at that time, so villagers decided to grow garlic. For the first year most of farmers borrowed 10,000 baht from the BAAC. Since they could not make good profits, next year they borrowed another 10,000 baht without returning the first year's debt. Even after it, the villagers went on to borrow more money every year until they have become heavily in debt. Consequently, because of heavy debt, almost all farmers mortgaged their land into the BAAC, and with no hope of getting back.

Longan plantations are also the cause of heavy debts. Since the subject of this research is landless or small-scale farmers, there are no owners of big orchards included, and the worst case I encountered was one where the owner of 10 *rai* of longan orchard is in debt for more than 1 million baht. The amount of debt reached the total just in the same way as the garlic growers' debt mentioned above. While farmers have to invest a lot to grow longans such as 10,000 baht for the purchase of agricultural fertilizers, chemicals, pesticides, splints and so on every year, in addition to the big investment of the first year, since the market is now full of longan fruits, the price is low nowadays. So the farmers cannot make any profit. Regarding the chemical use, however, the villagers say that it was not like this in the past. The longan used to grow naturally and bear a lot of tasty fruits. The villagers complained that after they began to use agricultural chemicals recommended by the BAAC, the trees did not bear fruit without it and that the taste has also become worse. Today, the villagers understand that they are caught in a vicious cycle, but they cannot get out of it. And since they are always afraid that the bank might come to seize their land and throw them off, the small-scale farmers also feel they are landless, and decided to get other land for security.

As in the last story from the villagers, they often cited their concern about land for

their children as well as land for themselves as the reason for claiming their land rights. In Lamphun, today's young or middle-aged couples aged twenty to forty tend to have only a few children. However, for those who are currently in their fifties or sixties, they have a number of children sometimes more than ten. In other words, today's young couples or older people have a lot of brothers and sisters. Traditionally, if villagers wanted to get new land for cultivation or for housing a new couple, they could simply clear land and get it. But the time when today's young or middle-aged couples began to have their own families and seek for a place to live separately from their parents, coincides with the loss of free, uncultivated land or cheap land, due to the privatization and commercialization of land. The price of land today goes far beyond what the villagers can afford, such as 100,000 baht per *rai*. As a result, many villagers are currently facing or at least will face the problem of no place to live, and such fear has motivated them to look for new land.

The problems of poverty and landlessness are interactive and people with these problems have fallen into deeply a vicious cycle. Both the current landless farmers and the future landless farmers who own small plots of land today have struggles that seem to last forever under today's social structure unless some extraordinary treatment is undertaken. Understanding their negative situation, the villagers made efforts to solve their problems in various ways, including registering with the Land Reform project of the government. But, however long they have waited, there have been no symptoms that the situation has got better. Their final decision to solve their struggles has been to clear and cultivate abandoned land plots for themselves.

Access to Resources, Power Relations, and Social Movement

Looking at three cases of land conflict, the relationship between the right to access to resources, or land in case of this study, and power is clearly recognizable. First of all, thanks to their status, it is the village headmen or *Kamnans* (the head of sub-district) who made profits on the land. They could get information earlier than the ordinal people, they could handle information, and consequently they could obtain advantage from it. In addition, with the authority of their titles, it was not so difficult for them to use tricks in issuing land document and so on, and they could issue them to whomever they chose. Second, as the villagers told me in interviews, *Kamnans* or village headmen sold land to the rich capitalists or companies simply because the rich paid more money than the poor villagers. In spite of the prohibition, the SPK4-01 document of the Land Reform plots have been sold and bought among both farmers and non-farmers, but most plots went to the hands of capitalists after all because they had more money. Third, similarly, since the farmers were poor and lack information, if they were told that they could get money by selling their land, they were easily taken in by it. In addition to the villagers in Dong Khi Lek, many other villagers were also persuaded or threatened to sell their land. This was exploitation of people in poverty, and those who had power got land in order to make a profit from it.

The relationship between access to land and power continues. After Dong Khi Lek villagers were taken of their communal land, they protested to the village headman and "legal" landowners, engaged in "everyday resistance" (Scott 1985), petitioned the governor, asked local or state politicians for help, and sometimes have managed to set up joint-committees, but still were unable to get good results because they did not have enough power to negotiate with the dominant group. The Rai Dong Villagers also experienced the

structure of power. Even though all land documents of family A were found to be illegal, the villagers have not been able to get the rights over the controversial plots for some unknown reason. In addition to the moral claim, economic claim, or claim for social justice, the villagers often refer to the law, such as Section 6 of the Land Code, so that they can legitimize their rights, but so far nothing has worked. The villagers did not mean to resist the dominant structure and ideology originally, but they have just demanded what Scott (1985) calls the “mundane objective” of getting their own land. However, understanding such a structure of power relations from their own experience, they have begun to network with and cooperate with other villages or groups that face common problems, initiate the action of claiming rights over land, and gradually organizing a social movement so that they can legitimize their rights and actions.

Among the practical events the landless farmers organized in their social movement, the one-month demonstration in March 2002 was the biggest. It is not easy for villagers to organize a big action especially if involves long period of time because they have their own daily life to live and to support by earning money. But they have learned the importance of the massiveness to achieve their targets, and each of the villagers managed to find the time and money, and joined the action. In consequence, expectedly or unexpectedly, the negotiation with the government created by the demonstration in 2002 worked in favor of the farmers, and farmers got a certain, satisfactory result on 9th April.

Twenty days after the demonstration in 2002, however, a counteraction was initiated by the dominant group against the villagers, also related to the politics of power relations. In spite of the government’s resolution on 9th April 2002 saying that it would tackle the land conflict by setting up a joint-committee, the central government passed a new resolution on 23rd April 2002 in which they permitted the arrest of villagers who joined the demonstration or trespassed on land, and hence, the provincial government ordered police to systematically arrest Lamphun villagers. With the arrest of 2 Dong Khi Lek villagers on 29th April as a beginning, 33 villagers were arrested in total during May and June⁴. In addition to that, when hundreds of policemen went to search three villages including Pong Ruu, they pulled out the fruits trees or vegetables which farmers had grown on the contested land and set fire to the farmer’s resting hut. On the one hand, many villagers were delighted at the government’s resolution of 9th April, but on the other hand, for the dominant group including the rich capitalists, officials, local and central governors, police, and so on, the resolution was something they could not accept, and pushed them to oppress the villagers more. The balance of existing power relations where poor villagers are always subordinate to the dominant group seemed to be shaken a little by the villager’s mass movement in 2002, but the dominant group replied to it by a strong counter resistance.

The following words of one of the leaders of the Northern Farmers Alliance (NFA) suggest how well he perceives their weak position as a subordinate group in the fight against a dominant group. He mentioned the Pak Mun Dam case or the Gas Pipeline’s case, as he knew about these cases as people’s social movements in other regions of Thailand. Answering the question of how Lamphun villagers should try to solve their conflict, he said:

First, the land documents (of the official landowners) are illegal. Second, the

⁴ All the arrested villagers were bailed out within a few months with the help of NGO staffs, lawyers, academics and so on.

landowners did not utilize the land more than five or ten years. For villagers it is not difficult to prove this. But officials do not want to help us because they were involved in the process of issuing the documents. --- Since the government is more powerful than us, the problem cannot be solved. If we look at the Pak Mun case or the Gas Pipeline case, we know the government does not sincerely try to solve the villager's problems. We are looking at policy, and at the same time we continue to use the land on the local level.

(One of the NFA leaders, 10 February 2003)

What he is saying is the problem of power relations, not a problem of land management. He thinks that the villagers can win a lawsuit against the landowners for rights to utilize the land in many cases if it was judged by the law. Or at least from the moral or economic point of view, the poor villagers would have more advantage than the capitalist landowners who have left their land idle. But what he learned from past experiences is that things do not go forward easily, even though they refer to the law. The point is not which group is correct, but which has power, and those who have power can get the rights access to land. That is why he or many other villagers have realized by now that they have to make an action using the power of collective actions, and that, at the same time, they continue to work on the land that they took because the government would not solve the farmers' problems quickly or effectively.

The villagers keep improving their knowledge and tactics more through this social movement. Peter Vandergeest (1993) argues that Thai farmers have enough knowledge of law and use it to expose lawless practice of police or local officials, which is the case with Lamphun villagers. At first, the villagers made moral and economic claims more than legal claims. But now they criticize the corruption that took place during the issue of the land documents, demand an investigation about it, or point out the inefficiency of officials, saying that they have never executed the law. I would like to quote the words of one of the leaders in Pong Ruu Village, where policemen pulled out the trees and set fire to the resting hut in the land plot in question. Responding to this situation, he said:

The officials or the government haven't solved the problem yet. They should think carefully how they can solve the problem. The sub-committee (which was set up after the 2002 demonstration) also has to solve the problem based on the law. They (the government) should not use unlawful violence like this. They oppress the villagers. This cannot solve the problem. They cannot solve the problem of poverty, either. They cannot solve the problem of land, either. They use violence.

(One of the leaders in Pong Ruu Village, 23 January 2003)

Lastly, as further tactics to resist the dominant group, in some villages the villagers who are involved or support the land movement became members of the local government such as the village committee members, the village headman, sub-district committee members, or the *Kamnan*, through a general election. This is possible because in some villages most of the residents join this social movement. Some villagers stood as candidate committing to support the villagers in land conflict and were elected. However, even in this phenomenon, the villagers' goal was not necessarily to seize political power but rather, as a result of their pursuit of getting their own land, they began to be involved in politics. In order to solve the problem of landlessness and poverty, the villagers develop various tactics: clearing and cultivating the vacant land without legal process, cooperating with other

villagers, organizing demonstrations, negotiating with the local and central government, and seizing the political power for themselves.

Seeking for Better Communal Land Management

In spite of the hardship they have experienced for a long time as poor farmers, the villagers really love farming, and have pride in being farmers, and want to continue to cultivate land into the future. While it is also true that there are some people who show their anxiety and want their children to receive a high education and get a “better” job, or there are some people who are planning to make longan plantations so that they can make more money, there are also many people who are thinking that with better land management it would be possible for them to cultivate land into the future in a sustainable way. The villagers are learning from their past failures by taking the opportunity of social movement at this time. In this last section, I would like to introduce what the villagers call the “Land Reform by the Community” of Rai Dong Village as possible alternative, sustainable manners of land management. Although it has just started, these villagers are developing communal land management with the use rights for land security, a communal Land Bank for fund raising, and promoting a combined, organic agriculture for an alternative way to cultivate land.

As opposed to the government policy of commercialization and privatization of land, Rai Dong Villagers are thinking of keeping the land plots as communal land and allocating the plots to individuals with use rights in a similar way of land management in the past in northern Thailand. The first reason of this is to avoid losing land to the outsiders, especially non-farmers, again. Reflecting on their past failures, they thought that if they had transferable, private ownership, somebody might sell it, or use it as collateral for loans again. Well understanding their own weakness, which is difficult to overcome individually, they have thought of a way of group management. In fact, the Thai government announced in November 2002 that the SPK4-01 document, which is not transferable today, would be upgraded so that holders can use it as collateral for loans. The government thought that such a system would help the poor who lack funds and make the agricultural sector more active, but the villagers say that if the documents were upgraded, more farmers would lose their land to the bank, and therefore are against it.

Even though the villagers often feel the necessity of prohibiting the selling of land, Rai Dong villagers do not prohibit it completely but sometimes admit it with some strict conditions, because they understand there could be situations where some people need to sell land and make money for their daily life. While they leave some room for compromise, by developing some systems such as multiple checking on the decision-making process for transfers, they try to decrease hasty land selling. Moreover they fix the land price at a low level. They fix it at 4,000 baht per plot (1.5 *rai*) as of May 2003 as the money the original land user can get. With such a small amount of money received by the seller, they thought that the members would not be interested in making money by selling land, but rather would try to make money by working hard on the land.

The spirit of sharing, mutuality and inclusion is also evident as the reason why the villagers thought of keeping the land rights in community without privatizing it. The government Land Reform often allocates 10 to 15 *rai* per one farming family. But for the villagers, the size of 15 *rai* is ideal compared to today’s situations of land shortage on the one

hand, and of a lot of the landless farmers on the other. When Rai Dong villagers decided to cultivate a certain land plot, they knew from the first that the size of the plot was about 400 *rai*. What they did was to recruit all the people who wanted land with some criteria such as poorness, and they divided the limited land plot equally among those who qualified. As a result, one family could get only 1.5 *rai*. Instead of 30 villagers getting 15 *rai* of land, the Rai Dong Villagers decided to share the existing land plot among those who really needed it by giving the land rights to a whole community.

The Rai Dong villagers decided to establish their own “Land Bank,” aiming at solving the problem of shortage of funds without depending on outside banks and to loan the villagers money to invest in their fields. They came up the idea of a communal bank because, along with the problem of land selling, there has been a problem that some people have not utilized the land well although they got a new land plot.

Despite the smallness of capital, the villagers think that their communal Land Bank has several advantages over the outside government or commercial banks besides the prevention of land loss to the bank. First, they point out that it is not good to borrow money easily from outside, and emphasized self-effort. Although the government idea is that poor farmers cannot be well-off without enough investment, the villagers’ idea is opposite and they try to solve the poverty problem not by the power of money but by self-effort and cooperation. Second, if people borrow a lot of money all at once from a big bank, besides the problem of large debt itself, the villagers say that people tend to use money without enough consideration and lose it easily. On the contrary, if it is a communal bank, by checking and watching each other, the villagers can encourage each other to work well on the land and decrease the loss. This is the advantage of the smallness or of localness of the project. Third, related to the second, is the flexibility of the operation. If villagers borrow from big banks, it is difficult for them to negotiate or bargain with it. But, if it is their own bank, they can discuss frankly and can think together what the best way is for the borrower. The villagers thought of these things from their past experience.

Besides the land documents for security and the Land Bank for funding, Rai Dong villagers sought to develop a way to utilize land in a sustainable way. Of the people who grow longan or mango trees as in plantations, some grow vegetables such as greens for self-consumption in the empty spaces among the trees, although the amount of vegetables depends on the individuals. For the villagers who still continue to work as wage labor, this might be a realistic style of farming because they don’t have to spend so much time for farming, yet they could harvest some vegetables with which they can decrease their daily expenditure, while they can get some yearly bonus by selling the longan or mango fruits though the amount depending on the market value at the time of sale. Among the villagers who adopt this style, there are some people who do this on purpose, thinking that growing only longan trees just like in the past is not good. Furthermore, there is a problem in this type of farming in that they cannot grow vegetables after four years when the longan trees grow too big, and some villagers know that such a problem will come. Although any villagers have not found the best answer yet, their efforts to seek for a better, alternative way of farming is recognized through their practice.

As another development in a new garden practice, about 14 Rai Dong villagers engage in organic, combined farming today. This organic farming group was set up on purpose with the help of NGOs in order to look for the possibility of solving the problem of

getting into debt. Some group members, especially the elderly, have enjoyed such a way of farming and have grown various kinds of vegetables. Furthermore, they have preserved various seeds in the community and have exchanged them among villagers or even with other outside villagers such as highland farmers as a trial. This activity is expanding little by little, but some limitations are also found preventing from rapid expansion. In addition to the problem of time shortage of wage labor, there is a problem that the farmers who have been deeply in debt cannot join the project. As a basic style of farming, this group aims at not only organic farming but also self-sufficiency by combined agriculture. Their idea is that they provide vegetables for themselves first, and that if there is any remaining, they can sell them. This is different from growing cash crops for which people have to invest a lot for seeds or agricultural chemicals. On the one hand, organic farming decreases some unnecessary expenditure, but on the other hand, they have little income derived by farming. That is why those who are in debt cannot adopt it, as they cannot earn enough to repay their debts. Although still having several problems, the combined, organic farming has gone forward by learning through the practice.

These communal land management projects can work better than the government projects because firstly they come from the villagers' mundane demand of getting their own land and living a better life without repeating past failures, and secondly because they are more flexible than the government projects, and that is why they have the possibility of being more suitable systems. The villagers are not always perfect, but they know by now what they should do if they want their life to be better in a sustainable way without forgetting the spirits of sharing and mutuality. A land committee member in Rai Dong Village said:

We have never done like this. In the past, officials or some others have always controlled us. But now, this is first time for us to try to cooperate with each other like this and to try to control how to use the land plots for ourselves. We don't know how long we can continue this. This is the first time for us to do like this and probably will be the only one time to do so, to see whether we can do it or not.

(A land committee member in Rai Dong Village, 15 June 2003)

Conclusion

The government's ambitious Land Titling Project that started in 1985 brought two fundamental causes of today's land conflict in northern Thailand; the commercialization and privatization of communal land, and the system of private property rights that carries the concept of exclusion. Supported by legal rights, land became a secure commodity, and a lot of capitalists bought it for speculation and left idle, while the poor farmers lost land. In addition, the penetration of commercialism in rural areas also worsened the life level of local farmers. Traditionally, with the concept of sharing and mutuality, the problem of landlessness and poverty has been mitigated. However, the concept of private property right of exclusion did not allow any room for the traditional way. By the economic crisis in 1997, the villagers find it harder and harder to make ends meet on the one hand, and the more and more land plots were abandoned in Lamphun Province on the other. Contesting for use rights of such uncultivated land, landless villagers have instigated the direct action of taking it and cultivating it.

The villagers understood through the land conflict with the dominant group that those

who had the power of money or authority can gain the right to access resources, while the poor were easily marginalized. Claiming that trespassing on the private land was illegal and bad, the state arrested 33 farmers. However, for the Lamphun farmers, such a claim was nothing but constructed discourse by the state or the dominant group, and responding to it, they networked, organized a social movement, and constructed their own discourse to legitimize their actions and their rights over the contested land. While the villagers negotiate with the dominant group, they continue to cultivate the land because they know by now that the legal right to access to land cannot be given easily to the poor farmers. Social movement is neither static nor one-way approach, but it grows by the interaction between the subordinate group and the dominant group, and in the process of social movements, we can find the people's struggles to seek for the better management of resources or the commons.

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