

Land Conflict and Land Governance in the Greater Mekong Sub-Region: Case Studies of Urban and Peri-urban in Thailand¹

Monchai Phongsiri

*Center for Research on Plurality in the Mekong Region (CERP)
Faculty of Humanities and Social Sciences, Khon Kaen University
Khon Kaen 40002, Thailand
Email: monchai7@hotmail.com*

Received: August 4, 2018

Revised: October 2, 2018

Accepted: December 5, 2018

Abstract

This article is a state of knowledge review of urban and peri-urban land conflict and governance in the Greater Mekong Sub-Region, based on case studies in Thailand. It explores arguments and knowledge gaps of urban and peri-urban land issues and reveals the processes of land exclusion, land formalization and land grabbing in urban and peri-urban areas. Current conflicts and instances include: the case of Mahakan Fort in Bangkok where the original residents were forcibly moved out by a government development project; the case of local slum communities in Khon Kaen municipality that were evicted because of the construction of a double-track railway; the case of impacts of urbanization on peri-urban and local responses; and the case of land use changes in Udon Thani province. This article investigates policy, legal, institutional and stakeholder backgrounds to issues of land dispossession, conflict and governance. The research found that concepts, theories and research studies about land conflict and governance are sufficient to explain these case studies. However, some challenging issues and knowledge gaps exist. First, the state uses development discourse to seize land from the people and allows entrepreneurs to take advantage of that land even though there are many institutional mechanisms working for stable land ownership. Second, because of the increase in urban land prices, landowners focus on the greatest mobility and

¹ This article was supported by a 2017 State of Knowledge Assessment on Thai Studies Program, Regional Center for Social Science and Sustainable Development (RCSD), Faculty of Social Sciences, Chiangmai University, Thailand.

let people use the land only a short time. Third, in these cases, what will happen to people's sense of citizenship or sense of belonging? Fourth, when people claim legitimacy to use their land, it may result in injustice for their neighbors. Finally, urbanization has resulted in changes in people's ideas about food security; the focus is now on consumption instead of production, and more on accessibility to food than accessibility to land for the production of food.

Keywords: urban, peri-urban, land conflict, land grabbing, exclusion

Introduction

Land has a unique relationship with history, politics, social, economy, culture and the way of life of the people in the Greater Mekong Sub-Region (GMS). A political economy approach sets the conditions for policy advocacy, in terms of both opportunities and constraints on land governance. To analyze land governance, this article uses the definition of the Mekong Region Land Governance Project below:

Land governance consists of the means by which authority is wielded and collective action applied in order to achieve particular social and economic outcomes through land use, distribution, access and security. Land governance is concerned with processes, institutions, laws, practices and structures of power involving a diverse range of public and private actors. (Hirsch and Scurrah, 2015: 2)

Perspectives on land in Southeast Asia have changed over time. In the pre-colonial period, kingdoms focused on the control of manpower, not the conquest of land, because manpower was essential for establishing, consolidating and strengthening state power (Grabowsky, 1999). In eighteenth century Thailand, land was abundant but labor was scarce. Therefore, property rights over labor were of greater value than property rights over land. Slaves were more valuable than land and served as collateral in financial markets (Feder and Feeny, 1991). In Siamese (Thai) society capitalism (i.e. the commercialization of rice production) began after the Bowring Treaty was signed in 1855. The elites and

Chinese merchants began to accumulate land as a means of production and thus, the perspective on land in Thailand changed as well (Podhisita, 2012).

Urbanization is one of the crucial factors that has caused land to become more valuable and plays an important role in changing ideas about land. GMS is one of the least urbanized regions in the world, but it is now undergoing a high rate of urbanization (3-5 percent per year); and it is expected that by 2030, over 50 percent of the GMS population will be living in urban areas (ADB, 2016). Consequently, land use patterns will change to serve the new needs of urban people and the increased population (including latent or nonregistered population) in urban areas. This situation will inevitably bring problems of land conflict and land governance.

The Land Situation in the Greater Mekong Sub-Region

The websites that distribute information and research on land governance of the poor and vulnerable people in GMS, such as Mekong Land Research Forum and landportal.info, present issues of land problems and conflicts in urban and peri-urban areas. This information enables people who are interested in land issues to understand the current situation in GMS, as summarized below.

Vietnam has a large population, but limited availability of land. The average amount of agricultural land per person in Vietnam is the lowest in the world, less than one-third that of Thailand or Cambodia. Because of rapid economic growth, about one million hectares of household farmland have been converted into commercial and residential use, even though Vietnam's constitution declares that land and other natural resources are public property, equally managed by the state. Agricultural land is legally reserved for rice cultivation only, so farmers need to ask permission from the government to change the use of their land to other purposes - even for other agricultural purposes (landportal.info, 2016a).

Laos has the lowest population density in Southeast Asia. The traditional land use pattern among many ethnic minority groups has been swidden cultivation. After the Indochina Wars, the Lao government had policies to eradicate opium and swidden cultivation by moving hundreds of thousands of households to new villages closer to roads and public services. Under the national strategy of turning land into capital, the government created mining, hydropower and agri-business land concessions in large areas in the countryside. Consequently, small farmers became landless laborers. Since 2000, land concessions and leases covering 1.1 million hectares or almost five percent of the territory of Laos have been leased out, mainly to foreign investors (landportal.info, 2016b).

In Cambodia, land is the center of debates on socio-economic development. Agriculture is the main occupation of over 70 percent of the Cambodian people. In the fertile lowlands farmers recovered their livelihoods after the Khmer Rouge regime was removed. Meanwhile the uplands, with an abundance of natural resources, as well as the borderlands have been sites of large-scale crop production and agro-industries that use raw material from those crops. The original villagers were forced to migrate from their homelands and move to urban and lowland areas, resulting in land conflict. Therefore, Cambodia has one of the highest rates of land inequality in Asia (landportal.info, 2016c).

Myanmar is in the midst of rapid economic and social change. It was once controlled by the military and so the state was the main landowner, either directly or via agencies. After the reform process, smallholders reclaimed their legal land rights. Currently, however, huge Foreign Direct Investments (FDI) in the country have taken hold of the land of these smallholders, resulting in increased pressure for land governance. There are numerous land concessions in every part of the country, ranging from lowland rice paddies to dry zones in the central part and in the northern mountainous areas inhabited by diverse ethnic groups. These have led to new cases of displacement and conflicts (landportal.info, 2016d).

Thailand, the most flourishing country in GMS, has long continued land policies and practices which do not interrupt the tradition of private land ownership. The Land Code Promulgating Act was issued in 1954 with many institutions and mechanisms for land ownership stability. Meanwhile, the status of land has changed dramatically. There has been a great decrease in forest land, a rapid expansion of agricultural land through forest clearance and conversion to urban or commercial uses, and growth of agribusinesses which have affected land ownership and caused a growing number of farmers to become landless (landportal.info, 2016e). Thailand also has many cases of land conflict arising from urban development plans and policies. One example is the case of the Mahakan Fort in Bangkok, where the original residents have been forcibly moved out by a government development project which contends that the community cannot live on the historical site. Another is the case of forced eviction of local slum communities in Khon Kaen because of double-track railway construction.

Concepts, Theories and Perspectives related to Urban and Peri-urban Land Conflict and Governance

Land involves not only soil, natural resources, and property, but also social relations. Social changes (i.e. urbanization, industrialization, deagrarianization) cause changes in the relationships between people and land (i.e. conflict, governance) and land-use patterns. To understand land, the study applied the concepts and theories described below.

Urban Studies: The classic urban writers can be divided into two schools of research which have influenced the thinking about cities or urban areas until now. The first is the German School, whose members include Max Weber, Georg Simmel, Oswald Spengler, and others. The German School focused on the ideal-typical form, defining the city as set of social structures to explain the settlement of people in the same place, with a variety of life styles and different sorts of individuals coexisting as a culture. Thus, the city molds the identity of the person just as in the past every culture formulated a ‘folk spirit’ that gave it a

particular identity. The second is the Chicago School, whose members include Robert Park, Louis Wirth, Ernest Burgess and others. The Chicago School focused on the physical-functional shape of human behavior in urban environments and described the city in terms of functional geography and tangible character or ecology. An example is how space is used in cases of unique ecology, such as for houses and factories (Sennett, 1969).

The approaches of the Chicago School influenced land governance through such measures as city planning and zoning and developed the concept of urban ecology. Ernest Burgess studied the expansion of the city as a process, radially in 5 zones: 1) a central business district, 2) an area in transition, a zone of deterioration or a 'slum' or 'bad lands,' 3) inhabitancy of workers in industries, 4) residential areas of high-class apartment buildings or executive areas of single-family dwellings, and 5) commuters' zones in suburban areas. In each zone, land values are differentiated by mobility. The highest land values are at the point of greatest mobility in the city, measured by the number of people passing that point in a period of time (Burgess, 1925). In addition to developing urban ecology, the Chicago School has also influenced the concept of 'place attachment' (the emotional bond between a person and a place) in analyzing the system and function within geographic boundaries as an essential component of a sense of belonging or attachment to the community, locality or place. Place or community is conceived of as the formation of a local culture which is characteristic of the locality (Park et al., 1925; Giuliani, 2003; Florek, 2011).

Political Economy: David Harvey with his new interpretation of urbanization as an output of capitalism (the capitalist mode of production), explained 'urban' as a form of capital accumulation within Karl Marx's framework of 'accumulation' and 'class struggle.' Urban growth is the response of the economy in society to serve the expansion of a capitalist economy from outside (Harvey, 1978). Related to land issues is the concept of 'land grabbing,' which is rooted in Marx's concept of 'primitive accumulation' or Harvey's concept of 'accumulation by dispossession.' Examples are expropriation of the peasants and

colonial annexation of territories. Sometimes land grabbing is a large-scale process of transnational investment, such as the production and export of food, animal feed, biofuels, timber and minerals in developing countries. However, host governments play important roles in supporting FDIs with policies and legal measures (Harvey, 2004; Borrás and Frabco, 2012; Filer, McDonnell and Allen, 2017). Along with the political economy perspective is that of political ecology. For example, Heynen et al. (2006) discussed the failure of twentieth-century urban sociology to take account of physical or ecological processes in urbanization. They explained that political ecology is concerned with ecology, while political economy is concerned with the dialectic between society and land-based resources, classes and groups within society.

Formalization: This concept refers to the replacement of informal ownership, access, and economic activity from tradition, customary rule or practice through a written legal code that is accepted by the state. Formalization is the process by which acts, situations or persons that are not recognized by law obtain recognition through certification by the state (Bruce et al., 2007; Putzel et al., 2015). This concept may be applied to studies of land and informal sector issues. For example, Dwyer (2015) studied the case of Cambodian land title projects that have proceeded in parallel with large-scale land concessions by challenging the ‘formalization fix’ as a policy solution to prevent land grabbing. The present study asks whether this policy was used for land titling elsewhere because problems have occurred when the focus is on the wrong areas, such as unmapped state land. Therefore, this policy is a means of land grabbing, not prevention of it.

Powers of Exclusion: Interdisciplinary studies from three different fields (political sciences, geography and anthropology) focused on the term ‘exclusion’ with the conceptual framework of processes and powers that excluded or included one from or to land. Four powers of exclusion include the following: 1) regulation, mostly associated with the state and legal instruments, sets of rules attending land access and use; 2) force, the violence exclusion, either actual or implicit by state and non-state actors; 3) the market, which is focused on allowing or

blocking access through land prices and encouraging individual claims to land; 4) legitimation, as politically and socially acceptable bases for exclusive claims in protecting regulation, the market and force (Hall, Hirsch and Li, 2011).

The state of knowledge review found that the concepts and theories applied to study land include several different perspectives, such as urban studies, political economy, political ecology, interdisciplinary studies, etc. These concepts, theories and perspectives are sufficient to analyze the case studies of land conflict and governance in current situations in Thailand, although there are some gaps and issues for debate in future research.

Land Conflict and Governance Studies in Thailand

Studies and research on land in Thailand have been going on for a long time by both Thai and foreign academicians. The work of LePoer (1989) is an example of research produced by a number of researchers sent by the US government (to a number of countries) to collect general information (i.e. social, economic, political, national security, etc.) from many sources. It provides a historical framework for overview and the chapter on the economy focuses on the history of land rights systems. Furthermore, there were many studies about the development of land rights systems. For example, Stifel (1976) studied land ownership patterns in Central Thailand during the 20th century after Southeast Asia became open to world markets that resulted in the rapid transformation of rice-growing in this region. An important finding concerned the point debated in the Malthusian model which maintains that farmers will be forced to sell their lands when the soil is degraded and lose their ownership increasingly through mortgages. Stifel found that the land in Central Thailand was suitable for paddy cultivation, and therefore, rice farming was stable. The local farmers selected better rice varieties by themselves. In areas with irrigation facilities, the farmers shifted from the land-intensive broadcasting mode to labor-intensive transplanting. Apparently, the shift in mode of planting was not an autonomous

adjustment from the pressure of surplus labor on the land as the Malthusian model maintains.

A most significant early book that criticized land relations in Thai society is Jit Poumisak's *The Real Face of Thai Feudalism*, first published in 1957 under the pseudonym, Somsamai Srisootrapun. Poumisak used a Marxist approach to critique Thai history, imperialism, feudalism, and the nature of power in relation to land. He defined '*sakdina*' as the power to hold paddy fields or power of land dispossession, which is the most important means of human production. Even the slaves who were released as free people continued to be exploited because they were landless and finally they became labor in the capitalist mode of production. During the Ayutthaya period, all land in the kingdom belonged to the king and was bestowed on citizens for making a living. Land trading (buying and selling) were only allowed in the capital (or urban areas, normally inside the city wall). Land outside the capital (peri-urban or rural areas) was not allowed to be traded. Therefore, the citizens outside the capital had no opportunity to be land owners. They were only dwellers on the land and had to pay tax in order to live there. The citizens in the *sakdina* system in the early Ayutthaya period were laborers working on land and paying a tax to the land owners (Srisootrapun, 2007). Poumisak analyzed the actors, powers and processes related to land in a highly original way.

A critical study of inequality in Thai society is that of Laovakul (2016) analyzing the distribution of land on a national scale. The findings show that the inequality of land holdings is very high. In 2012, the Gini coefficient² of land distribution for the country as a whole was 0.886, with the fifth quintile³ holding 325.7 times as much land as the first quintile.

² A statistical measure of the degree of variation or inequality represented in a set of values, used especially in analyzing income inequality or wealth distribution of a nation's residents. The value ranges from 0 (zero - represents perfect equality) to 1 (one - represents maximal inequality or 100 percent inequality).

³ Any one of the four values that divide a range of a frequency distribution into five equal parts with each containing one fifth (20 percent) of the range. Therefore, the first quintile represents the lowest fifth of the data (1 - 20 percent), the second quintile represents the second fifth (21 - 40 percent), and so on. Many socio-economic studies use quintiles to determine the highest (richest) and the lowest (poorest) quintile of society.

The studies about land ownership, land policies and farm productivity of Feder (1987) and Feder et al. (1988) were in response to a World Bank appraisal of a land titling project in Thailand in 1983. Economic theories proposed (hypothesis) that legal land ownership allows farmers to invest intensively by taking the land as collateral for loans from financial institutions. The study compared the farmers who occupied land without legal ownership with those who had legal land ownership. The research results confirmed the research hypothesis that ownership insecurity causes lower farm productivity because investment incentives are absent and access to credit is limited. Another study, by von Mehren and Sawers (1992), examined the development of land laws in Thailand. Consistent with the above findings, under the principle of formal rationality, using land titling in the areas that were transformed into commercialized agriculture had a significant effect on economic development in the agricultural sector. Land titling can be used as capital (collateral for loans) to bring investment in agricultural production.

The studies of urbanization as a driver of land use change by Friend et al. (2016) conclude that urbanization depends on infrastructure and technology, including the connection between cities as a network. New road construction, including both ring roads and bypasses, leads to the expansion of urban areas and population increase. The land along the new roads becomes filled with housing and industrial sites. The land price rises because there are many shops, houses and commercial activities, as well as changes in investment schemes to speculate on land.

In summary, studies on land in urban and peri-urban areas apply various concepts, theories and perspectives such as Marxism, political economy, land ownership system evolution, land ownership inequality, and others. In addition, there are some studies that view the change in land in terms of both space and value. Are these various concepts, theories and perspectives sufficient to study the phenomenon of land conflict and governance in urban and peri-urban areas? Can they be used to analyze the four case studies which will be presented below? That question will be discussed below.

The Case of the Mahakan Fort in Bangkok: Forced Eviction of Original Residents from a Historical Site

The Mahakan Fort is located at the outer wall of the old capital city in Bangkok. The Mahakan Fort community was settled together with the establishment of Rattanakosin during the reign of King Rama I in 1782. Three rings of walls and moats surround the old capital city: the inner city wall around the Grand Palace, the middle city wall, and the outer city wall. The moats have become canals and water networks of Bangkok. Therefore, the old communities of Bangkok are mostly on Rattanasokin Island.

In 1978, the Rattanakosin Island Conservation Committee planned to develop Rattanakosin Island as a historical park to attract tourists by evicting around twenty original communities consisting of some 10,000 residences which it considers to be eyesores that eclipse the historical park's landscape. Many original communities had been evicted earlier, such as Sala Chalm Thai, Pak Khlong Talad, Khlong Thom and Sapan Lek, similar to the situation in Beijing in preparation for the Olympic Stadium construction in 2008. There the Chinese government demolished more than 5 million square meters of old communities, forcing 300,000 families to move out of their homes. While the Mahakan Fort community is just a small one, on an area of approximately 7,800 square meters, about 300 people had lived there for more than six generations. The entire community is only 52 meters in width, and 150 meters in length (Aruninta, 2009).

The complexity and contradictions between two different kinds of polity models are reflected the book, *Siege of the Spirits* by Michael Herzfeld, a Harvard University anthropologist. In the first, the older model, the '*moeang*' or city is a 'pulsating galactic polity.' In the second, the modern model, the '*prathaet*' or country is a clearly demarcated territorial nation-state. Thai political life sways between authoritarian and egalitarian discourse. Consequently, the *moeang* was reproduced from the local to the national levels. It signifies a place where people regard themselves in a sense of 'moral community' settlement.

But *prathaet* (country) is the Western European model that accepts the demarcated territory with well-defined geographical frontiers. These two different models provide the root of contradictions. Herzfeld points out that the Mahakan Fort community has used both the *moeang* and the *prathaet* models, demonstrating the ability of the community that understands the importance of the differences between these two polity models. The Rattanakosin Island Conservation Project, claiming to preserve historic evidence and a linkage between the society in the past and the present, had attempted to evict this original community since the 1990s. However, the people had used various strategies to keep the *moeang* as part of the *prathaet*, creating a community culture inside state culture (Herzfeld, 2016; Gong, 2016).

The government denied the community's original authenticity by accusing the local people of being a group of state land invaders. However, the community people defined themselves as 'quintessentially Thai' by self-presenting the romantic image of rural life in the midst of the modern city of Bangkok, showing their creative resilience, confirming the value of their community which represented the *moeang* as the heritage of national culture, improving their living areas to meet the middle-class standards of the tourist industry, electing community committees including both community members and experts from the outside, establishing a community-saving scheme to provide loans for housing improvements, and creating a moral community by adopting everyday life practices to disrupt the state power without violence but challenging the government officers who claimed their top-down orders (Herzfeld, 2016; Gong, 2016). However, after the local people struggled for more than two decades, in the end they had to move out of their place of origin - the Mahakan Fort community.

The Case of Slums in Khon Kaen: Forced Eviction due to Double-track Railway Construction

Railway slum communities in Khon Kaen province were established since 1960s, when the State Railway of Thailand (SRT) allowed its

workers to settle in temporary shelters near the railway. These workers were hired to carry firewood to refuel the train when it stopped at the Khon Kaen railway station. Since the 1980s, Khon Kaen province has become more urbanized and industrialized. Consequently, laborers from the agricultural sector in rural areas have migrated to become low-wage workers in the city. They built temporary shelters on the land of SRT as well, which later expanded into slums near the railway with permanent houses added later (Isaan Record, 2017).

SRT land throughout the country consists of around 40,000 hectares, divided into railway areas of 29,880 hectares and station areas of 10,120 hectares. These lands were used in the SRT's current business and prepared for future expansion. SRT allowed the private sector to rent them to earn income before SRT needed to use them (Royal Thai Government Gazette, 1984a, 1984b).

Sixteen railway slum communities joined together to become the Khon Kaen Slum Network (KKSNS) and collaborated with the Four Regions Slum Network (FRSN) to push for land reform. The SRT Board on September 13, 2000 passed a resolution permitting the urban poor in Khon Kaen Municipality to rent SRT land collectively in 15 leases. The rental area extends 20 meters from the center of the railway track. Next to the rental areas a housing project, the Baan Man Kong Program (BMK), was to be developed.

However, subsequently on May 7, 2015, the Thai cabinet approved a resolution allowing SRT to conduct a double-track railway project from Nakhon Ratchasima to Khon Kaen, the purpose of which was to support transportation and to stimulate investment and the economy in the Northeast and the ASEAN region. Therefore, SRT needs the land for the expansion from the original track to 40 meters per side (from the original 20 meters). This is a very serious problem for the more than 2,000 families living in these railway slum communities on both sides of the track. They have built stable residences for nearly 20 years, and their current lands have lease agreements with SRT (Jan-On, 2015). Many houses in the railway slum communities have already been demolished.

The Case of the Garbage Dump in Khon Kaen: Urbanization Impact on the Peri-urban Areas

Another of the case studies is the research paper, 'Impact of Urbanization on the Hinterland and Local Responses in the Mekong Region' by Thongyou et al. (2013, 2014), at Khambon village in Nonthon sub-district, Mueang district, the area most strikingly affected by Khon Kaen urbanization. Khon Kaen Municipality (KKM) bought about 15.7 hectares of land at this village to use as a garbage dump. Part of the land is governed by the Agricultural Land Reform Office (ALRO) so there are questions about how this situation was allowed to occur. "I did not know KKM was lobbying until the ALRO land became a garbage dump," said a local government officer at Nonthon Sub-District Municipality (NSDM) (October 7, 2011).

Garbage problems have existed since 1967, but at that time the problem was not serious because most of the garbage would decompose. But nowadays the garbage is mainly plastic. Problems began during the year 2001-2002. In July 2011, KKM signed an agreement with a garbage disposal company, GDC, to produce electricity from the garbage. Although the villagers joined the public hearing and opposed this project, they had to accept the outcome. As the Khambon village headman explained (October 7, 2011), "The KKM said that it will move the garbage away, but no matter where it goes, no one wants it. All villagers everywhere are against garbage. So KKM has continued dumping the garbage here, until the dump is as high as a mountain. The villagers here therefore have to accept allowing the GDC to proceed because they have no choice."

The GDC collects a fee of 300 baht per ton from those who bring garbage. Currently, there are about 200 tons of garbage dumped a day. Therefore, the company has a minimum income of 60,000 baht per day as well as income from selling electricity. But all of this income is returned to KKM. A local government officer at NSDM, within which Kambon village is located explained (October 7, 2011), "the income is sent back to KKM to be spent to improve the lives of people in KKM's

responsible area. But the villagers here who have been putting up with garbage problems for a long time get return nothing. If the GDC and KKM used some of this income to develop this area, there would be no problem.”

The local responses to this problem demonstrate the major adaptation demanded of the residents. Originally, the main occupation of villagers was agriculture, along with some being employed in small business, such as grocery shops, and as general wage laborers. At present, the villagers are expected to have a new occupation, which is to buy the different types of garbage collected from the garbage pile, and process it - washing, drying, sorting and selling the processed garbage to the factory or large buyers. Some villagers responded to this problem by submitting a complaint to KKM to get rid of the garbage problem. The land conflict over the garbage dump has not only caused conflicts between villagers, but it has also led to institutional conflicts because the land belongs to KKM, but the authority on land governance is in the responsibility of NSDM. Therefore, the issues of the garbage dump have caused numerous legal disputes between KKM and the NSDM.

The Case of Urbanization in Udon Thani: Land Use Change and Social Vulnerability

The research project, Land Use Change and Social Vulnerability of Udon Thani City, by Promphakping, et al. (2013) has created a debate about land functions in urban, peri-urban and rural areas. Urbanization has transformed ideas of food security of people living in both urban and peri-urban areas from land and agricultural production activities to other factors, such as food distribution channels, markets and actions by which it is easy to access food or the ability to control food according to Sen's concept of 'entitlement' (Sen, 1981; 1987) that concentrates on the determination of command over commodities, including food.

It also found that in the 2000s, the total population of Udon Thani province increased steadily, unlike the population of Udon Thani Municipality (UTM) which has continuously decreased in spite

of the continuous increase of urban areas. The declaration of the overall city plan of UTM from 1986-2010, addressed the 'land dilemma,' which arose from several factors. First, as a result of the population density in urban areas, some middle-class groups moved out to live in peri-urban areas, but still commute to work in the city and are among the latent (nonregistered) population of Udon Thani city. Second, economic growth and the entry into the ASEAN Economic Community (AEC) have caused the economy of Udon Thani to grow rapidly. The price of land in urban areas has risen dramatically. The local people or original residents therefore sold their lands in the city and migrated to live in peri-urban areas. The land that had been used housing and agriculture in the urban areas is now the site of government offices and commercial buildings. Land that had been owned by local people was bought by large entrepreneurial groups, including the state, which came to buy property in the city.

Discussion

The review of urban and peri-urban land conflict and governance above can be used to explain the phenomena of four case studies. First, the Mahakan Fort community in Bangkok had been established together with the old capital, Rattanakosin (old Bangkok) more than two centuries ago, leading the local people to believe that their land ownership was stable. But the discourse of conservation, emphasizing beautiful, orderly historical sites can explain, using the concept powers of exclusion (Hall, Hirsch and Li, 2011) to point out the powers used to exclude the local people from the lands that were once owned by them. These are the processes of land dispossession by discourse, such as designation of historical conservation areas from which the original communities are forced to move, so that a beautiful space serving the tourism industry can be built. An analysis using the political economy perspective (Harvey, 2004; Borras and Frabco, 2012; Filer, McDonnell and Allen, 2017) reveals what went on behind the scenes regarding the demolition of communities for accumulation by dispossession, enabling real estate

investors and the tourism industry to benefit, which is the same idea as land grabbing. It reveals both sides of the conflict - the private sector that is behind the scenes and the state sector that allows the private sector to benefit from the project. And it also reveals the other side - the actors who choose various strategies to resist the powers of exclusion, such as coalitions of villagers, NGOs, media, academics, and politicians with a sense of ethics that challenge the government officers who claim orders from above to grab the land. It also points out that land functions in the large cities (i.e. Bangkok, Udon Thani, etc.) may no longer benefit the urban poor.

In the case of railway slum communities in Khon Kaen, the railway construction areas from Nakhon Ratchasima to Khon Kaen, as announced in a Royal Decree on April 20, 1923 (Royal Thai Government Gazette, 1923), excluded villagers from the land, through expropriation and purchase of land in some areas (Royal Thai Government Gazette, 1920; 1936). According to the announcement, there was a regulation that houses were not to be built on the area 40 meters from the center of the track. The area 20 meters from the center of the track could be rented only for rice farming and garden crop growing. With the powers of exclusion concept - the market, the land nearby the railway in the city has a high price. The State Railways of Thailand (SRT), therefore allowed the lease of land to build commercial and residential buildings within a distance of 20 meters from the track. SRT itself is an actor that allowed the laborers carrying firewood to settle in temporary shelters on the land near the railway which later became slum communities. SRT, therefore, is both the one that allows and the one that excludes these poor people access to the land near the railway. The villagers in railway slum communities formed a network in order to claim their rights to use the land of SRT according to the concept of formalization (Bruce et al., 2007; Dwyer, 2015; Putzel et al., 2015) through the ongoing lease agreement with SRT. But eventually, the villagers were dispossessed of their rights to the land (which they had rented) through development discourse.

In the case of communities in peri-urban areas in Khon Kaen, the municipality (KKM) used the land under the Agricultural Land Reform Office (ALRO) governance as a garbage dump even though it is not a correct form of land use. This case is an example of the use of powers of exclusion concept through regulation. KKM may use certain processes with ALRO to permit using land labeled, 'for agriculture' as a garbage dump. This case reveals many actors in land conflict and governance, including KKM as the actor that claimed the legitimation of land ownership, ALRO as the actor that governs the land use that allowed KKM to use the land for a dump instead of 'for agriculture', NSDM as the actor that takes the roles of land governance and a litigant in legal disputes with KKM, and villagers as the actors who are frustrated with the garbage mountain.

In the case of Udon Thani, we applied the urban studies perspective of the German School (Sennett, 1969), which focused on the 'ideal-typical' form of people living in urban areas. For food security, they are interested in consumption more than production.

Therefore, they give priority to the ability access or control food rather than the ability to access land for producing food. The function of land as a means of production for food security and dwelling has changed into a place for government or commercial buildings for achieving maximum utilization, which leads to land conflict today.

Conclusion

Although the concepts, theories and research related to land conflict and land governance in GMS may be sufficient to explain the phenomena in the urban and peri-urban case studies in Thailand, the author found that there are still challenges that can be developed into many research problems, as described below.

First, compared with other countries in GMS, land in Thailand has been stable, but in the case of the Mahakan Fort community in Bangkok the community close to the outer wall of the old capital city, which was settled at the same time as the construction of Rattanakosin

was dismantled by the state development project for the reason that the community cannot live within historical sites. In the case of forced eviction of the railway slum communities to build double-track railway in Khon Kaen, these communities have a lease agreement with SRT. Although they don't own the land, the villagers do own buildings on the land and have leases according to the Thailand Civil and Commercial Code, Section 146. Some of them have leases for 30 years (which started in 2000) and some have leases for three years (and can extend the lease agreement every three years). Now most of them have moved out, but all of them must move out in the next phase in five years. Can we still consider whether land ownership (or the property rights on land) in Thailand is stable, given the fact that land dispossession by the state development projects or development discourse still exists and the people still wonder whom the benefit falls to. It should also be noted that these two cases are in urban and not in remote areas.

Second, urbanization causes a dilemma over the function of land in urban areas. In the case of Udon Thani, the city has become a place of commercial buildings, offices and government buildings, rather than human dwellings. The urban area has expanded, but the population has decreased. Some of the population in the city has become a latent population (or nonregistered population) that moved to live in peri-urban areas, but still come to work in the city as commuters. The price of the land is higher, capital accumulation on land therefore emphasizes high mobility (Burgess, 1925), for maximized values on land use. In the past, people expected to use the land as long as they could for building houses, settling communities, farming rice, or renting it to landless people. But urbanization caused land prices to skyrocket. Consequently, new landowners want to get the highest profit on their land by creating the greatest mobility (which also increases the price of land) by allowing people (i.e. customers, tourists, etc.) to enter and leave their land for a short period of time.

Third, land relations include the relationship of people to land. Therefore, land conflict and governance studies may be not only a matter of exclusion from or access to land, but also the bond of people with

the land (or place of residence, place of origin) according to the concept of place attachment (Park et al., 1925; Giuliani, 2003; Florek, 2011). If the function of land in urban areas emphasizes high mobility and land use over a short period of time as mentioned above, what will happen to the sense of citizenship or sense of belonging?

Fourth, the debate about 'legitimation' in the case of garbage dumping of KKM. Even though the municipality has authority over land as the landowner, the unilateral exploitation without regard to the impacts on others demonstrates injustice to the nearby villagers at Khambon village. These people have had to bear the effects of this massive garbage dump for a long time.

Finally, regarding the ideal-typical form of people living in urban areas, do the peri-urban areas also act as a source of urban resilience? Or is it just a discourse? It was previously believed that land in peri-urban areas played an important role in the food security of urban areas. But urbanization has changed people's ideas about food security, and they are no longer attached to land and production activities in the agricultural sector. For food security, the ideal-typical urban people emphasize the ability to access food, instead of the ability to access land for food production. In addition, the patterns of ideas (and practices) on how to adapt, survive and turn crisis into opportunities in their habitat, as a response to rapid urbanization, is the most interesting and important topic to study.

References

- ADB. (2016). **Urban development in the Greater Mekong Subregion**. Metro Manila, Philippines: Asian Development Bank.
- Aruninta, A. (2009). **Rehabilitative landscape in the old communities in Bangkok, Thailand**. Paper presented at the 2009 Incheon IFLA APR Congress, Incheon, Korea, September 1-4, 2009.
- Borras Jr., S.M. and Frabco, J.C. (2012). Global land grabbing and trajectory of agrarian change: A preliminary analysis. **Journal of Agrarian Change**, 12(1), 34-59.

- Bruce, J.W., Garcia-Bolivar, O., Roth, M., Knox, A., and Schmid, J. (2007). **Land and business formalization for legal empowerment of the poor: Strategic overview**. Burlington: ARD.
- Burgess, E.W. (1925). The growth of the city: An introduction to a research project. In R.E. Park, E.W. Burgess, and R.D. McKenzie (Eds.). **The city**. (pp. 47-63). Chicago: University of Chicago Press.
- Dwyer, M.B. (2015). The formalization fix? Land titling, land concessions and the politics of spatial transparency in Cambodia. **Journal of Peasant Studies**, 42(5), 903-928.
- Feder, G. (1987). Land ownership security and farm productivity: Evidence from Thailand. **The Journal of Development Studies**, 24(1), 16-30.
- Feder, G. and Feeny, D. (1991). Land tenure and property rights: Theory and implications for development policy. **The World Bank Economic Review**, 5(1), 135-153.
- Feder, G., Onchan, T., Chalamwong, Y., and Hongladarom, C. (1988). **Land policies and farm productivity in Thailand**. Baltimore: Johns Hopkins University Press (Published for the World Bank).
- Filer, C., McDonnell, S., and Allen, M.G. (2017). Power of exclusion in Melanesia. In S. McDonnell, M.G. Allen and C. Filer (Eds.). **Kastom, property and ideology: Land transformations in Melanesia**. (pp. 1-55). Acton: Australian National University Press.
- Florek, M. (2011). No place like home: Perspectives on place attachment and impacts on city management. **Journal of Town & City Management**, 1(4), 346-354.
- Friend, R. et al. (2016). **Urbanising Thailand: Implications for climate vulnerability assessments**. Working Paper Series 30, Asian Cities Climate Change Resilience Network (ACCCRN). London: International Institute for Environment & Development (IIED).
- Giuliani, M.V. (2003). Theory of attachment and place attachment. In M. Bonnes, T. Lee, and M. Bonaiuto (Eds.). **Psychological theories for environmental issues**. (pp. 137-170). Aldershot: Ashgate.
- Grabowsky, V. (1999). Forced resettlement campaigns in Northern Thailand during the early Bangkok Period. **Journal of the Siam Society**, 87(1), 45-86.
- Hall, D., Hirsch, P., and Li, T.M. (2011). **Powers of exclusion: Land dilemmas in Southeast Asia**. Singapore: National University of Singapore Press.
- Harvey, D. (1978). The Urban Process under capitalism: A framework for analysis. **International Journal of Urban and Regional Research**, 2(1), 101-131.

- Harvey, D. (2004). The 'New' Imperialism: Accumulation by Dispossession. **Socialist Register**, 40 (The New Imperial Challenge), 63-87.
- Herzfeld, M. (2016). **Siege of the spirits: Community and polity in Bangkok**. Chicago: University of Chicago Press.
- Heynen, N.M., Kaika, M., and Swyngedouw, E. (2006). Urban political ecology: Politicizing the production of urban natures. In N.M. Heynen and E. Swyngedouw (Eds.). **In the nature of cities: Urban political ecology and the politics of urban metabolism**. (pp. 1-19). London; New York: Routledge.
- Hirsch, P., and Scurrah, N. (2015). **The political economy of land governance in the Mekong Region**. Vientiane: Mekong Region Land Governance.
- Laovakul, D. (2016). Concentration of land and other wealth in Thailand. In P. Phongpaichit and C. Baker (Eds.). **Unequal Thailand: Aspects of income, wealth and power**. (pp. 32-42). Singapore: NUS Press.
- LePoer, B.L. (Ed.). (1989). **Thailand: A country study**. Washington, D.C.: Superintendent of Documents, U.S. Government Printing Office.
- Park, E.R., Burgess, E.W., and McKenzie, R.D. (1925). **The city**. Chicago: University of Chicago Press.
- Podhisita, C. (2012). *Chonnabot Thai nai withi thunniyom*. (In Thai) [Rural Thai village in capitalism]. **Journal of the Royal Institute of Thailand**, 37(4), 163-185.
- Promphakping, B. et al. (2013). **Kan Plianplang Kan Chiprayod thidin lae phawa Khwampraobang thang sangkom khong meuang Udonthani**. (In Thai) [Land use, change and social vulnerability of Udon Thani city]. Khon Kaen: Research Group on Well-being and Sustainable Development (WeSD), Faculty of Humanities and Social Sciences, Khon Kaen University. (Research Funding by Thailand Environment Institute: TEI).
- Putzel, L., Kelly, A.B., Cerutti, P.O., and Artati, Y. (2015). Formalization as development in land and natural resource policy. **Society & Natural Resources: An International Journal**, 28(5), 453-472.
- Royal Thai Government Gazette. (1920). **Phra raj kridsadika waduai kanchatsue thidin lae asanharimmasub yang eun phua sang thang rotfai sai tawan ok Chiang Nuea sueng phra kraruna prodkrao hai krom rotfailuang judkansang**. (In Thai) [Decree on land and other real properties purchasing for northeastern railway construction - Royal Endorsement to Railway Department in Construction]. Volume 37, pp. 167-189, August 29, 1920.
- _____. (1923). **Pra raj kridsadihka kamnod khet sang tang rotfai phaendin to jak nakhon ratchasima pai yang changwat khon kaen**. (In Thai) [Decree on continued railway construction line from Nakhon Ratchasima to Khon Kaen Province]. Volume 40, pp. 14-20, May 1, 1923.

- Royal Thai Government Gazette. (1936). *Phra raj banyat wane kheun asanharimmasub pue sang tang rotfai sai tawan-ok chiang nuea phutta sakkarat 2478*. (In Thai) [Act on real properties condemnation for Northeastern railway construction, 2478 B.E.]. Volume 53, pp. 44-46, April 15, 1936.
- _____. (1984a). *Kratutham thi 92 khong nai niyom worapanya samachiksapa phuthaen rathsadon reung thidin thirokrang wangplao khong kan rotfai haeng prathet Thai*. (In Thai) [Parliamentary Question Number 92 of Mr. Niyom Worapanya, Member of the House of Representative Titled - Idle Land of the State Railway of Thailand]. Volume 101, Section 38, Special Issue, pp. 17-20, March 23, 1984.
- _____. (1984b). *Kratutham thi 114 khong nai niyom woraphanya samachiksahpa phuthaen rathsadon reung kan rotfai haeng prathet Thai*. (In Thai) [Parliamentary Question Number 114 of Mr. Niyom Worapanya, Member of the House of Representative Titled - The State Railway of Thailand]. Volume 101, Section 38, Special Issue, pp. 21-28, March 23, 1984.
- Sen, A. (1981). *Poverty and famines: An essay on entitlement and deprivation*. New York: Oxford University Press.
- _____. (1987). *Hunger and entitlements: Research for action*. Helsinki: World Institute for Development Economics Research of the United Nations University.
- Sennett, R. (Ed.). (1969). *Classic essays on the culture of cities*. New York: Appleton-Century-Crofts.
- Srisootrapun, S. (Chit Phumisak). (2007). *Chomna sakdina Thai*. (In Thai) [The real face of Thai feudalism]. 10th Edition. Nonthaburi: Sripanya.
- Stifel, L.D. (1976). Patterns of land ownership in central Thailand during the twentieth century. *Journal of the Siam Society*, 64(1), 237-274.
- Thongyou, M., Chamaratana, T. Phongsiri, M., and Sosamphanh, B. (2014). Perceptions on urbanization impact on the hinterlands: A study of Khon Kaen city, Thailand. *Asian Social Sciences*, 10(11), 33-41.
- Thongyou, M., Sosamphanh, B., Phongsiri, M., and Chamaratana, T. (2013). *Impacts of urbanization on the hinterlands and local responses in the Mekong Region: A study of Khon Kaen, Thailand and Vang Vieng, Lao PDR*. Khon Kaen: Center for Research on Plurality in the Mekong Region, Faculty of Humanities and Social Sciences, Khon Kaen University. (Published in 3 languages: English, Thai and Lao).

Von Mehren, P., and Sawers, T. (1992). Revitalizing the law and development movement: A case study on land law in Thailand. *Journal of the Siam Society*, 80(2), 33-57.

Websites

- Gong, H. (2016). Fighting for the future of the past in Bangkok. *The Newsletter (International Institute for Asian Studies: IIAS)*. 74 summer, p. 20. Retrieved April 17, 2017, from <https://iias.asia/the-newsletter/article/fighting-future-past-bangkok>.
- Issan Record. (2017). *Chumchon rimthang rotfai khon kaen sieng pen khon raiban lang thuk railue thiyu asai phedthang sang rotfai rangkhoa*. (In Thai) [Risks of railway-side communities in Khon Kaen province - People becoming homeless after forced eviction for double track railway building]. Retrieved April 17, 2017, from <https://isaanrecord.com/2017/02/06/slum-khon-kaen-2017/>.
- Jan-On, K. (2015). *Kan phatthana prathet: kan rabpidchob phonkrathob to khonjon khong ratthaban (1)*. (In Thai) [Country Development: Government's responsibility to the poor (1)]. Retrieved April 17, 2017, from <https://prachatai.com/journal/2015/02/58132>.
- landportal.info. (2016a). **Vietnam**. Retrieved December 30, 2016, from <https://landportal.info/book/countries/VNM>.
- _____. (2016b). **Lao**. Retrieved December 30, 2016, from <https://landportal.info/book/countries/LAO>.
- _____. (2016c). **Cambodia**. Retrieved December 30, 2016, from <https://landportal.info/book/countries/KHM>.
- _____. (2016d). **Myanmar**. Retrieved December 30, 2016, from <https://landportal.info/book/countries/MMR>.
- _____. (2016e). **Thailand**. Retrieved December 30, 2016, from <https://landportal.info/book/countries/THA>.