



Conflicts in Land Management a Case Study of Thaksin University Phatthalung Campus

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Abstract

This research is qualitative research that aims to study the causes of land conflicts between villagers in Thungsra-Panantung, Phatthalung Province, and Thaksin University Phatthalung Campus and conflicts resolution between the villagers and the University. The villagers had used the land for agricultural purposes for a long time, even though the land belongs to the state. Then, the University tried to extend the area of the Campus by asking for permission from the Ministry of Interior to use the land, from here, the land conflict started. In addition to this, the research aims to study the roles of a social movement called Banthat Mountain Range Land Reform Network in affiliated with The People's Movement for a Just Society (P-Move) whose roles are to empower the villagers. Research methodology is area-based research with participatory observation methods from documentary studies and in-depth interviews. The researchers interviewed key informants who are leaders of the community, the villagers who were affected by the land expansion of the University Campus, as well as local administration officers and the University staff.

The outcome of the research shows that the land conflict results from the expansion of land usage by Thaksin University Phatthalung Campus, which is the consequences of law enforcement of Thai state for resources management without consideration of character and format of land usage by a traditional way of local villagers, which lasted so long before the law enforcement and the main causes of conflict consists of five points, which are a structure for public land management, different information perception, the relation between state agents and community in the development process, interests of state agents and villagers in community and different values and opinion toward the conflicts. To find methods for conflict resolution according to the second objectives, the research finds that there are processes and methods for conflict resolution for example; negotiation, mediator by the third party. In addition to this, the villagers joined a social movement to put pressure on the university, demonstration and demand resolution from the government organization and constitutional independent organization, demanding government agencies to monitor and solve the problems as well as getting to juridical process. The suitable method for conflict resolution should be the practice of governmental mechanism with people and community participation with the reliable information that lead to reasonable decision-making outcome and mediator mechanism from third party or representatives from the local administration.

Keywords: *Land conflicts, Conflict resolution, Community organization, People organization, Social movement, Local governance*

1. Introduction

There are a lot of conflicts concerning land use in Thailand, which we can see in many cases, that are, infrastructure construction for development, declaration of a forest conservation area, or even the declaration of national parks area, which were used by the people in such area. In some cases, the conflicts become severely violent. Recently we may find cases of Karen Ethnicity in KaengKraChan Nation Park in media resulting from the violation of human rights, both community rights and indigenous rights by national park rangers. The Bangkoklo-Jaipandin community villagers, who lived for a long time in the deep forest of KaengKraChan National park, prior to the declaration of KaengKraChan National Park for more than a hundred years. (Suwapan, 2020). These villagers were forced evacuated fifteen years after the Park had been declared, followed by another severely forced evacuation in 2011 when all community was burnt down by the Park Rangers. Recently the villagers attempted to move to Bangkoklo-Jaipandin again due to economic difficulty resulting from the Covid-19 pandemic and they were arrested and violently charged by the park rangers. This case has encouraged the middle class living in cities to realize indigenous rights. Suwapan's dissertation clearly showed that these Karen Ethnicity are not only marginalized but super-marginalized by



many factors such as repressive state apparatus, ideology and ideological state apparatus, and forest management of the state.

In some cases, conflicts in land management occur because that the government agencies use the land in control of the state to build government offices. However, this land has been used by inhabitants for a long time. The reason that the government agencies act that way is that they believe in the territorialization concept, which means that they assume that the lands are under control or belong to the government, so they can use the land according to their demands (Kakaew, 2012). Moreover resources management concepts that the government agencies have used mostly focused on law enforcement without paying attention to people participation, even though the government agencies tried to implement good governance concept, but there is still a lack of people participating in public policy determination (Rittima, 2011) In addition to this, according to territorialization concept, the inhabitants who have, for a long time, occupied such land are illegal because in the government agencies' mindset they invade the state's land. In contrast, the villagers or the inhabitants believe that they have settled down and such lands have been their workplace for years or inherited from time to time by descendants process or community rights. As a result of this, they have the right to use the land according to their demands. These different concepts always lead to conflicts between government agencies and inhabitants.

The case of Thaksin University Phatthalung Campus is not different from other cases. When the University wanted to use the public land of "Thungsa" in Phanangtungsub-district, Kuankanun district in Phatthalung province to establish Phatthalung campus in 1990, the people in the Thungsa-Phanangtung community allowed the university to construct faculties buildings and even gave some of their rice-fields to the university, because they misunderstood that establishment of the campus in their community would lead to the growth of the community and their children could study at the university with no necessity to get out of the community (Yodrach,2020). Since then the university started to construct some faculties building.

However, the people in the community started to realize that they misunderstood the growth of the community and the chance of their children to study at the campus so the conflicts started to begin (Nimkaew, 2020). As a result of this, the University asked for permission to use public land properties for civil use and register the land to the government land to the Minister of Interior via Phatthalung governor in 1995. Then the office of Phatthalung province had a preliminary survey of the area and found out that the area is competent for the university to officially establish the campus. As a result of this, Phatthalung Province allowed the university's utilization to establish faculties that conform to area-based higher education development in 2008. The university started building research operation buildings of the College of Local Wisdom in 2008.

The researchers aim to study land conflicts occurring from the university's intention to extend its campus to a wider area of the Phanangtung campus. At present, such conflicts persist whereas conflicts in land management could happen in other places if the state still uses the territorialization concept, while the people need to have their lands to earn for living.

2. Objectives

- 1) To identify the causes of land conflicts between villagers in the Thungsa-Phanangtung community and Thaksin University Phatthalung Campus
- 2) To study the conflict resolutions process between villagers in the Thungsa-Phanangtung community and Thaksin University Phatthalung Campus
- 3) To study roles of a social movement called Banthat Mountain Range Land Reform Network in affiliated with The People's Movement for a Just Society (P-Move) to empower the villagers

3. Materials and Methods

This research is qualitative research and the methodology used is area-based research with participatory observation method from documentary studies and in-depth interview. The researchers interviews key informants who are leaders of the community, the villagers who were affected by the land expansion of the University Campus, and also some officers in local administration concerning the conflicts



as well as some university staffs and some leaders of Banthat Mountain Range Land Reform Network. The research are scope for studies is in Thungsa-Phanangtung community, Kuankanun District in Phatthalung Province, which has conflicts of land-grabbing, and struggle of villagers to demand justice for the rights to land utilization. Time scope lasts from 1990 when the university wanted to establish the new campus in Phatthalung province until 2020.

4. Results and Discussion

The study of land conflicts resulting from the extension of Phatthalung Campus of Thaksin University to reflect power relation between government agencies and villagers in an effort to grab limited natural resources i.e. public land of Thungsa-Phanangtung community, which had been used for agricultural purposes by the villagers in the community for a long time before the University established the campus. The land-grabbing by the university led to effects on the villagers' way of life and sparked the turning point to a conflict between government agencies and villagers.

Phanangtungsub-district locates north of Mueng Phatthalung district and east of Kuankanun district in Phatthalung province. Phanangtungsub-district was set up during the reign of King Rama V. The geographic character consists of a plateau in the west and gradually incline to the east. Fifty percent of the community area is lowland with rivers run through the area to Songkhla Lake. The important natural water resource is Pak-Pra canal, Kuan canal, Pakklongkao canal, and Thalenoi canal. Moreover, the wetland of Kuankeesian in the Thalenoi non-hunting area was announced to be the first Ramsar site, an important wetland for the international community, in Thailand (Phanangtung Municipality, 2563). For this reason, Thalenoi became an important tourist attraction for Southern Thailand. (Some parts of the site overlapped the area that the university intended to use, which is called 'Thungsa' public-use land. The university managed to call for permission for the use of land on 12th January 1990 to construct the campus buildings. However, the Office of Natural Resources and Environmental Policy and Planning opposed the project, because it would affect the environment of the wetland. As a result, the project had to be postponed. Later on, Phatthalung province informs the university in May 1994 that it has found new land for the university to establish the campus in Saikling and Thachang villages, which seemed to be suitable for the project of constructing the campus and had no impact on the environment. This offer of Phatthalung province led to conflict between the university and the people in the area later on (Yodrach, P., 2020, Tape-recording).

4.1 causes of the conflicts

Structure for public land management – from document study, the researchers found out that if we consider the structure of public land management, organizations involving in management is regional governance e.g. Kuankanun District, Phatthalung Governor, Phatthalung Provincial Land Office, Phatthalung Provincial Land Reform office as well as district-chief and village chief. These organizations have authority from Laws and Policies both at a national level and provincial level to determine and operate public land management under their authority frameworks as well as local governance, that is, Phanangtung Municipality. It is written in Ministry of Interior regulations on the practice of withdrawing, register, and exploitation of public land in accordance with the 2007 land code that prescribes that the provincial governance has authority to check if the land has been withdrawn from other laws or not, if not, the provincial governance has to manage the people who request to submit to a local administrator to request an opinion from the local council and conduct public hearing from the people who has used such land.

Although there is a regulation about a public hearing forum for habitants of the land, authorities who are in charge of this process always neglect it. It is the same in the case of the people in Phranangtung. They are not allowed to take part in the decision-making process and there is no public hearing for the people affected by the establishment of a new campus. Moreover, Phanangtung Municipality, the local governance, has a decision from the municipality council to the university to give back the land and terminate the campus construction, but the university didn't follow the council's resolution, which reflects the development policy of the central government administration, Ministry of Higher Education, and implication of the policy toward local administration with the top-down model that led to conflicts of natural resource grabbing between



government administration and the people. Such conflict led to the people's opposition to the project and they started to organize a people movement called 'the network of Thungsa land protection'. The network is a people organization and social movement at the same time. The network has many times demonstrated and mobilized support from other social power, that is, the People's Movement for a Just Society or P-move, Banthat Mountain Range Land Reform Network to gain bargaining power with the government administration to demand rights to land resources.

Different information perception

Another cause of conflicts between Thaksin University and the villagers in Phanangtung results from different information perceptions. The university campus already knew the objectives of establishing the campus, which is for the College of Local Wisdom. While the villagers misunderstood that the establishment of the new campus in the area will lead to community development because they thought there would be a lot of students come to the campus to study and it would lead to economic benefit to the community. However, they knew the fact later on that the campus would have no students to study and switched from the construction of the university campus to the College of Local Wisdom. There was no student study at the campus from 2005-2014. As a result, the villagers complaint that the university deceived them to sacrifice the land they had used for a long time. There is not even one student study here, so the villagers oppose the university to take the land for building accommodation for the College of Local Wisdom.

Asymmetric authority and relations between state actors and the community in the development process

If we consider the context of the development process, we can see the superior authority of government agencies comparing to communities, for example, the power to manage natural resources with regulations that allow the government agencies to exercise their power legally. As a result of this, the relation between the state and the community becomes asymmetric relation, especially the determination of objectives and method of development, which taking part mostly by the state via government agencies led to conflict with communities. Even though there are some efforts to use a mediator for conflict resolutions that should be a third party who is not related to both opposition parties, Thaksin University uses the University Council Committee to be a mediator for conflict resolution. So, the mediator was not accepted by the community. Moreover, the reason that the authority to manage natural resources belongs to the government agencies, when communities demand their rights to natural resources, they cannot overcome the state power. Besides, the processes of development lack people participation, resulting from bad relations between government agencies and the community.

The contrast of state actors' interest versus villagers in the community

The researchers found that each group usually claims their own interests, most of them are on contrary. For example, the University claims the necessity for utilization of land for public interest for higher education opportunity in Phatthalung Province, while the villagers claim theirs necessity of land usage for an economic reason to earn for living. The community claims that they can earn their living because of natural resources, which are the basis of their lives. Land should be heritage to their descendants via the community land title process. Moreover, while the university has overused the land since they already have the Pa-Payom campus. Most villagers think the new campus is not the community's demand, but indeed the state's desire. We can see from the data above that the university expansion of the campus to the area of the Thungsa-Phanangtung community doesn't pay attention to the impact toward villagers in the community, while villagers have to do their agricultural to earn for living. These contrary interests lead to conflict in land management.

Differences values between state actors and the villagers

Different values between the state and the villagers are one of the main causes of conflict in land management. The study found that, from the villagers' point of view, they have lived in such land for a long time since their ancestors. As a result, the land is the right of community for common use shows values



reflecting their way of lives, which means they use the land for plantation of rice and livestock so the land belongs to the community and they have their rights to manage the land. When the university dredging canals, led to flooding in the area and the villagers cannot do rice plantation up until now, most villagers realized that the project of establishing a new campus leads to their troubles and directly impact them. While the university, like any other state actors, values and prioritizes its development and modernization from the concept of modern development.

4.2 process of conflict resolution

P-move, People's movement for a just society, a social movement consists of people organization network who have been affected by government policies was requested by Thungsa villagers to help them solve the conflicts. As a result of this, P-move assists the Network of Thungsa Land Protection to negotiate and learn to empower and mobilize community force to manage and unravel the conflict. At the same time, such a process shows space for people to participate in problems solving with some leaders of the community to mobilize people to the process to show their opposition to the university project. Not only the people in the community were mobilized, but also others outside the community to support their movement. After joining P-move, the Network of Thungsa Land Protection started the process of conflict resolution starting from the first phase.

The first phase – discussion and negotiation, during 2005 – 2007. there was an informal discussion between the people in the community and Thaksin University to analyze the origin causes of land conflicts. These discussions took place at Phanangtungmunicipality and College of Local Wisdom, Thaksin University. The people tried to mobilize people who were affected by the expansion of the campus area to sign the petition to show opposition standpoint toward the campus establishment, as well as some demonstrations and demand their request via Phanangtungmunicipality. At the same time, Thaksin University claimed its development policy in Education for public interest and the University keep constructs buildings on the campus.

The second phase – first-time mediator by the third party that has been held many times. First, in 2008, both opposition parties, the community, and the university propose the negotiation and mediation by a third party. At that time Phatthalung Governor took part in the process as a mediator and the governor invited government agencies concerning the issue to the forum. This process ended up with an agreement to reduce the area of the project to 635 rai and reserve the land for people 300 rai. However, when they measure the size of the land reserved for the people, there were only 210 rai, which led to people's dissatisfaction and distrust toward the government agencies.

Third phase – second-time mediator by the third party. Dissatisfaction and distrust from the second phase made the governor invite representatives from government agencies, both the university and the villagers to discuss and share some information. The people present the data of the community and insist their demand cease the project. Moreover, the villager on behalf of the Network of Thungsa Land Protection appeals the case to an independent organization e.g. the National Human Rights Commission of Thailand.

Fourth phase – third-time mediator by the third party, which was held in 2009 was mediated by the third party who has decision power in central government e.g. office of the Prime Minister's inspector and Phatthalung province act like coordinator organ. Both, villagers and the university had a discussion and shared information, government agencies at the provincial level and national level acknowledged the conflicts. Then they have 3 agreements, which are 1) the university must reserve 337 rai of land for the use of villagers, 2) Phatthalung Provincial Land Office must measure the boundary of land, and 3) Kuankanun District and Phanangtungmunicipality must promote the usage of land by the villagers.

5. Conclusion

From the study of land conflict between the community and the government agencies on the issue of Thungsa common land management, there are two major findings.



5.1 the conflict between the villagers in the Phanangtung sub-district, Kuankanun district, Phatthalung Province, and Thaksin University has some relations concerning various state agencies related to policies, laws, and stakeholders that cause the conflicts between the villagers and Thaksin University to exist under different interests.

5.2 The Causes of conflicts in common land usage resulted from five major factors

5.2.1 Government agencies concentrate on the College of Local Wisdom construction and don't pay attention to the people in the community's opinions.

5.2.2 The information the university provided to use the land in Phanangtung changed overtime and were incompatible with the perception of the people in the community

5.2.3 Relation between state agencies and the community is lack of effort to build up a better relationship with the community

5.2.4 Government agencies take advantage of taking land resource to establish the office of the university causes the villagers to lose the land, they have been used for agricultural purposes for a long time

5.2.5 The government agencies' value determines to manage land resources to meet their objectives of extension the campus area, while the villagers want to manage the land to fulfill their need. Moreover, asymmetric authority between the state and the community led to the disadvantage of villagers. The university enforces the laws, while the community tries very hard to demonstrate to oppose the university and protect their rights to the land and bargain with state agencies under the legal framework to show their community existence and to raise the issue to the public that they lost their interests from the occupation of land by the state agencies with unfair manner.

While conflict resolution to manage the land resources between the villagers and the university has some processes of discussion, negotiation, and mediation, but the villagers and the university have different standpoints and different interests. As a result of this, there is no conclusion for conflict resolution in this case study. Despite the fact, there is no resolution, but both of them have opportunities to share information and show their intention to the opposition. Such opportunities open chances for people to participate in disputes and push the inferior to realize their own rights to protect their interests. However, we have to consider the different levels of authority power, for instance, small local communities try very hard to influence the decision-making process of the government agencies might be very difficult because the small local community is under inferior status. As a result of this, the community has to seek support from an alliance whose authority is the same level as the confronting agency. For this reason, the tactics for struggling have to do with public communication, which must be honest and transparent.

Suggestion for policymaking – state agencies need to pay attention to the prevention of conflicts at all levels. From the study, the researchers found that when the villages face conflict situations, the villagers try to use basic understanding to handle the conflict, that is, dependency on people in the community. But people in the community are not strong enough to handle conflict situations, so they attempt to seek help from the state's mechanisms, but the state's mechanism cannot be relied on because it tends to act in favor of state agencies. These result in the motivation of the people to seek alliance from the social network of the people who share the same problems of land conflicts. As a result of this, state mechanisms need to create space for the people to access the information and always create better relations with all groups of people. Moreover, the state's mechanism needs to create people participation to have all stakeholders involved in the policy-making process. So all projects have different and various points of view and come to the conclusion that every party can accept.

Moreover, a decentralization process is needed to allow local authorities to have more decision power. The researchers found that there are many local government agencies concerning conflicting issues, but they have no authority in the last step of decision-making. From the study, local government agencies have to pass the conflicting issues to national-level authority for the decision-making process. As well as the communities realize this problem, so they have to propose conflict issues to the national level authorities e.g. the National Human Rights Commission, Office of the Attorney General. Such centralization of authority led to delay in the operation and also create a burden to the people in difficulties.



In addition to this, there should be the development of the role of local governance to prevent and resolution to conflicts by supporting the administration that have the cooperative tide with other organization in pro-active network alliance manner to prevent conflicts at the local level at the beginning, especially local governances, which are the closest authorities to local people need to be the core of the cooperation organ. So decentralization to local governances and empower them to unravel conflicts are very important because conflicting situations in natural resources occupation are getting severe.

Suggestions for further study – since this research mainly focused on causes of conflicts and process of conflict resolutions in the usage of the common land of Thungsa, further study should be tactics and movement of the villagers in the community in details, especially the way they seek alliance from other social movements such as P-move, Network for Land Reform of Thailand to find the discourse on the movement. Moreover, the researchers found that local governance has very little role to prevent conflicts and take part in conflict resolutions. As a result of this, there should be a study about forms of promoting local governances to find ways for the local governance to connect to other governance to the network of partners for conflict resolution and conflict prevention.

6. References

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