

The struggle to obtain ownership on ancestral land in Thailand

Community Resource Centre

This article tells the story of three villagers from north east Thailand, and their journey to realizing their land rights. Unfortunately, one of them died before seeing the fruits of his labor. The story takes place in Thailand's Surin province, Muang Surin district, which shares an international boundary with Cambodia.

Surin has its own unique history regarding civilization and rich natural resources. In the process of development and to ensure the security of the Thai state, many people were denied their rights, including the residents of the four villages of Than, Than Thai, Pra and Yang.

Ms Nopparat Prajunbarn



Wife of an ex-army man, Ms Nopparat, 47 years old, was born in Than village. Her father, late Mr Boonrod Prajunbarn, was the first to initiate the struggle against land grabbing. The location of their village was the source of the problem; all four villages are located just besides the military cantonment. Around four decades before, the army tried to expand its cantonment area and acquire the villages to be part of the cantonment. The military claims that the four villages are military land.

According to Nopparat however, this is their ancestral village, although she does not know for how long her ancestors have lived here. After completing her primary education, Nopparat was compelled to help her parents in the family work. In this way she learned about farming and construction work. At the age of 13 in 1977, it was a shock to her that the piece of land that was their livelihood would be acquired by the military. When her father initiated his struggle against such land grabbing, her family faced many problems and threats. Her father was arrested and detained many times by the police and military without any prosecution. All the men in all four villages were staying outside the villages to save themselves from the military and police. Coincidentally, it was also the time when the communist movement was raising its voice in Thailand; it was hence very easy to declare someone as a communist. Her father was also declared communist by the local authorities, simply for protesting to protect his land. Despite all the problems he was very daring and full of enthusiasm, and never thought to give up the fight.

Boonrod approached all the relevant authorities to obtain a remedy to this problem, such as the Surin governor, land office, ministry of defense, ministry of interior and ombudsman, but with no success. He and 45 other villagers then approached the administrative court and finally the Surin provincial court with this problem. Finally in 2003, before his court case finished, he left this world because of critical lung disease. His daughter believed that he left this world with an unhappy soul.

Ms Nopparat decided to take over her father's responsibility to get justice for their ancestral land. She initially coaxed her younger brother to take up this role, but after awhile her brother became inactive, leaving her no choice but to follow up her father's work herself.

As activists, we were surprised that a lady who had hardly completed her primary education was talking about land issues, community rights and military power. We were more shocked when in response to our question of 'what does communist mean', she said 'terrorist'. We tried to explain to her that communists are not terrorists, but she only knew that her father was arrested and detained because, as the authorities said, he was a 'communist', a 'terrorist'. She added that her father was detained without any prosecution for many months on numerous occasions, and once he even ran away to become a priest, thinking that the police and army would not suspect a priest of such activities.

When we asked her the current situation, she informed us that the department of treasury would like to declare this area as public land, which they would give the villagers on lease. This is the outcome of the negotiation judgment of 2007, after her father's case was dismissed in court. Nopparat had no choice but to accept this outcome, although she asked us "Why should we have to pay rent for our ancestral land?" We had no answer. According to Nopparat, they now have access to regular water and electricity, as well as a village council like the country's other villages, with the four villages becoming one registered village known as "Chalerm Prakiet Village". However, she added, till today we are supposed to be tenants on our own land.

Ms Phromporn Phumpuang



Ms Phromporn Phumpuang is known as Mae Tiu (Mother Tiu) in the village of Than Thai, where she married a native villager who is an ex-army man. From 1977, she has continuously been doing farming in the village, not knowing there was any land dispute. At that time, she lived in Surin city, but spent most of her day in the paddy fields and with her cows. She later came to the conclusion that it is not easy to take care of her cows and field by living in the city, and decided to just stay in the village. In 2004, she built a small wooden house and started living and working there. This was the time when the case of ownership was in court.

She learnt that in 1980 the military had tried to displace the villagers from the four villages of Than, Than Thai, Pra and Yang, and since then, whenever the villagers protested in front of the Provincial Governor's office or other places in Muang Surin district, she always tried to provide food to them. Sometimes the villagers were dispersed and arrested, she added.

Phromporn is co-owner of this land; after her marriage with Mr Somkit, this land was given to them by her in laws. Retired from the military, Somkit has kept himself away from the land struggle so as not to lose his pension from the department of defense, which is a possibility if he steps forward to claim land ownership. The pension is important for them because nowadays they do not have any cows, only their paddy field, which is not enough for their daily needs.

Mae Tiu joined a group of villagers to pursue their land ownership after Boonrod brought his case to the administrative court in 2003. The group comprised of 46 villagers from four villages. The case asked the court to stop the proceedings of the authorities to declare their ancestral land as public land and instead grant them the title deed. Ever since 2007, when Boonrod's case was dismissed, all cases have been settled by negotiation. In their case as well, the negotiation judgment requires the authorities to provide land leases for the 46 villagers. These villagers and their family can normally use the land until the land leases are set up, after which they will have to pay rent for their land.

While waiting for the leasing process, Mae Tiu was charged for public land trespassing in 2010 by the military. She went to see the police three times and has given evidence that she is not

guilty, but the police still sent her case to the prosecutor for prosecution. She has so far reported to the prosecutor three times, with the next reporting scheduled for 20 April 2011. She has no idea what will be happen on her case. When asked if she knew why she had been charged, she replied that it might be because the military thought she was the leader of the group protesting against the military's land grabbing. No other villagers in her group have been charged.

Phromporn Phumpuang is a 64-year-old lady with only three years of primary education, but she knows well the value of the land. Today, she has taken on an organizing role, particularly when there are ongoing court proceedings. She disperses information to the villagers and worked on establishing an emergency fund for legal and follow up expenses. Although the villagers are getting legal aid from the Lawyers Council of Thailand, they need a common fund to follow up the case, as the Council cannot bear all the expenses for documentation and so forth. This emergency fund is thus very useful for them, with every house contributing 50 baht per month.



The Treasury department is now attempting to do the demarcation work regarding the area of public land. When this is done, they will prepare the land leasing document, which means the villagers will have to pay rent to remain on their ancestral land. While something may be better than nothing, the villagers are not happy with this state of affairs, and vow to carry on their struggle for ownership of their ancestral land.