

ASSESSMENT OF AGRICULTURAL LAND REFORM IN THAILAND BY USING THE LAND GOVERNANCE ASSESSMENT FRAMEWORK

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February, 2017

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DISCLAIMER

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ABSTRACT

Agricultural land reform program has been carried out by Agricultural Land Reform Office (ALRO) since 1975. This program was established mainly for improving state or public land management in the country. In recent years, all state lands have been almost registered and it seems to be that agricultural land reform program is very successful in Thailand. However, there are some problems that remain and occur in many regions. With weak land governance, it creates numerous problems and obstacles in land administration and agricultural land reform process in Thailand. Nowadays ALRO tries to find many solutions for these problems, but there are still no suitable analysis, assessment and effective implementation. Therefore, this research aims to assess the current situation of agricultural land reform in Thailand by using the Land Governance Assessment Framework.

A qualitative research was used as methodology in this study. Three methods or tools were implemented for achieving the objectives of the study. Firstly, desk research was applied to collect secondary data for identify specific indicators of LGAF and the assessment methods for agricultural land reform process in Thailand. Secondly, primary data of current situations of agricultural land reform process in real practice were collected by semi-structured interview with internal and external experts in policy level, legal level, and implementation level. Lastly, focus group discussion was also done with four groups of farmers in three different provinces in the northeast of Thailand. This primary data was used as supportive data for semi-structured interview. Collected data were analysed by thematic analysis method based on specific indicators of LGAF.

The study result reveals that six thematic panels of LGAF with 17 indicators and 80 dimensions could be used for the assessment by experts in three different levels of administration i.e. (1) policy level; policy makers, (2) legal level; lawyers, and (3) implementation level; implementers. For gaining additional data in implementation level, the same framework was used for the assessment by farmers and stakeholders. However, panels 6: institutional arrangements and policies are removed as well as some irrelevant dimensions in another panel. Thus, only five relevant thematic panels with 14 indicators and 61 dimensions were applied. The strengths of agricultural land reform process consist of rights to ALROs land, clear mechanisms of right recognition, transparency of fee determining, and good arrangement of land dispute resolution. At the same time, there are many weaknesses as following; recognition of a continuum of rights, illegal land sale, illegal lease transaction, ineffectiveness of inequity of land use regulation, unclear of public land identification and management, justification and time inefficiency of land acquisition process, and non-transparency and unfairness of land acquisition process, ineffectiveness of farmer development process, incompleteness and unreliability of the land registry, cost-ineffectiveness and unsustainability of land administration service, unclarity of mandates and practice, and inequity and discrimination in the decision making process. After the assessment of agricultural land reform process, the main performance gaps were identified based on the weaknesses. Seven performance gaps were found out from this study i.e. limitation of rights, illegal land sale, weakness of land use regulation, unclear of land acquisition process, inaccessibility of farmer development process, lack of good land information system, and unclear institutional arrangement.

Keywords: *agricultural land reform, state land, land governance, Land Governance Assessment Framework, land administration*

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ABBREVIATIONS

ALRA	Agricultural Land Reform Act
ALRO	Agricultural Land Reform Office
ALROs land	State land under responsibility of Agricultural Land Reform Office
FAO	The Food and Agriculture Organization of the United Nations
GLTN	Global Land Tool Network
LGAF	the Land Governance Assessment Framework
Sor Por Kor 4-01	Land use certificate of ALROs land
UN-HABITAT	The United Nations Human Settlements Programme
WB	the World Bank

1. GENERAL INTRODUCTION

1.1. Background

“Since the World Bank’s 1992 report on good governance and development, the concept of governance and especially ‘good’ governance has taken centre stage in development policy, both internationally and domestically. The concept refers to the role of the state in development processes, and covers aspects of politics, administration, law, and state-society relations. All of these aspects are manifest in land policies in developing countries, both in past and present” (Otto and Hoekema, 2012). “Land governance is the process by which decisions are made regarding the access to and use of land, the manner in which those decisions are implemented and the way that conflicting interests in land are reconciled as defined in Global Land Tool Network” (GLTN, 2016). “The need for good land governance is reinforced by three broad global trends. Increased and more volatile commodity prices, population growth, and the resulting increased demand for rural and urban land make it more important to define and protect land resources” (Deininger, Augustinus, Enemark, & Munro-Faure, 2010).

“Good governance in land administration aims to protect the property rights of individuals and enterprises as well as of the state by introducing such principles as transparency, accountability, rule of law, equity, participation and effectiveness into land-related public sector management” (Zakout, Wehrmann and Torhonen, 2006). “The benefits that may accrue from better land administration governance, there are arguably seven areas that may be considered to be especially significant: pro-poor support, public confidence, economic growth, stewardship of the environment, protection of state assets, overall more effective and efficient public administration of land, and conflict prevention and resolution” (Bell, 2007).

“In the absence of good land governance or with weak land governance, economically rich and politically powerful group have more access to the land than the poor. Consequently, poor might be marginalized and evicted due to the weak implementation of governance principles. Therefore, land governance is applicable in every step of the land development process and method to increase the efficiency and sustainability” (Joshi, 2014). “Weak land governance also leads to insecurity of tenure, high transaction costs, informal land transactions and informal property market, reduced private sector investment, land grabbing and illegal transfers of state land, limited local revenues, land conflicts, landlessness and inequitable land distribution, social instability and social exclusion, political instability, erosion of ethics and standards of behaviour, and unsustainable natural resources management” (Zakout et al., 2006).

“In general, the process of land reform is one of the main instruments that a government uses to implement its broader land policy with respect to redistribution and economic growth. The process of land reform needs tools to make it work smoothly and efficiently. One of those tools is the land administration system with good governance. If we also consider about three stages of land reform evolution which include first generation: titling that based on 1975 land reform policy, second generation: land management, and third generation: land governance” (Van der Molen, 2016), it is so important to know their own position or situation for countries where land reform process is implemented in order to improve the performance and reach third stage of land reform evolution or good land governance. In this case, the tool for assessing the situation of land reform process should be chosen and implemented properly.

1.2. Motivation and problem statement

In Thailand, “agricultural land reform” is used and referred with respect to the term “land reform or agrarian reform”. Agricultural land reform program has been carried out by Agricultural Land Reform Office (ALRO) since 1975. This program was established mainly for improving state or public land management in the country. Thailand has faced from long term problem of land tenure, and agricultural land reform program has been implemented for about four decades particularly in the areas identified as the encroached national reservation forest. Nowadays more than 5.55 million hectares of land have been allocated to farmers in 69 provinces of the country for settlement and agricultural purposes (Kaewkallaya, Shrestha, and Tibkaew, 2014). In recent years, all state lands have been almost registered and it seems to be that agricultural land reform program is very successful in Thailand. However, there are some problems that remain and occur in many regions.

A study of Chirapanda from 2000 identified numerous problems of agricultural land reform in Thailand that could be improved even nowadays such as priority shift, land reform controversy, distribution issue and implementation problems (land valuation, land transfer, agricultural development and large landholdings). Nabangchang-Srisawala (2006) also analyses the situation of state land resource management and found some problems that need to be solved i.e. overlapping boundaries of responsibilities, vagueness of land rights, equity issue, inefficiency in land use and lack of environmental concerns. In 2014, Phetlom studies about illegal purchasing of state land and found that in study area this problem is becoming a serious land conflict between farmers and state. Moreover, Nakviboonwong (2012) mentions some issues that ALRO has to deal with it in the coming future include inefficiency in land use, conversion of land use, illegal purchasing and renting of state land, and insufficiency of land allocation.

Nowadays ALRO tries to find many solutions for these problems, but there are still no suitable analysis, assessment and effective implementation. Based on the situation in Thailand and literature review this study identified the Land Governance Assessment Framework (LGAF) as a proper tool for assessing land reform. There are more details on justification of selecting LGAF for assessing agricultural land reform in Thailand as mentioned in 2.5. Thus, this study aims to analyse and assess the situation of agricultural land reform in Thailand according to LGAF in order to identify appropriate recommendations to improve agricultural land reform process.

As mentioned previously, these various problems of agricultural land reform in Thailand are on the increase because there are some causes and factors that lead to these problems, for example, economic growth and increasing of land price, population growth, aging farmer and lack of labour, debt, migration, climate change, etc. Therefore, there are several remaining issues in agricultural land reform that should be addressed and assessed according to LGAF in order to find the suitable implementations or solutions for state and all stakeholders who are involved this process in the future.

1.3. Research identification

Regarding an overview on literature review and the research problem in the case of Thailand, general objective, specific objectives and research questions are formulated as following:

1.3.1. General objective

To assess the current situation of agricultural land reform in Thailand by using the Land Governance Assessment Framework

1.3.2. Specific objectives

- 1) To review and identify the indicators of the Land Governance Assessment Framework which are most suitable for assessing agricultural land reform in the case of Thailand (chapter 2 of thesis)
- 2) To analyze and assess the process of agricultural land reform according to specific indicators of the Land Governance Assessment Framework (chapter 4 and 5 of thesis)
- 3) To propose suitable recommendations for improvement of the implementation of agricultural land reform in Thailand (chapter 6 of thesis)

1.3.3. Research questions

To meet the requirement of each specific objective, the research questions are specified as following:

1.3.3.1. Research questions for specific objective 1

- Which indicators of the Land Governance Assessment Framework are appropriate for assessing agricultural land reform? (chapter 2 of thesis)

1.3.3.2. Research questions for specific objective 2

- What is the situation in Thailand's agricultural land reform process currently with respect to each selected LGAF indicators at policy, legal, and implementation levels? (chapter 4 of thesis)
- What are the strengths and weaknesses of the agricultural land reform process in Thailand according to the indicator analysis? (chapter 5 of thesis)
- What are the main performance gaps (weaknesses) in the agricultural land reform process in Thailand? (chapter 5 of thesis)

1.3.3.3. Research questions for specific objective 3

- Which approaches are appropriate for improving agricultural land reform based on main performance gaps? (chapter 6 of thesis)

1.4. Conceptual framework

This research is mainly focused on two concepts: (1) the Land Governance Assessment Framework and (2) agricultural land reform process. Figure 1-1 shows the conceptual framework of the research.

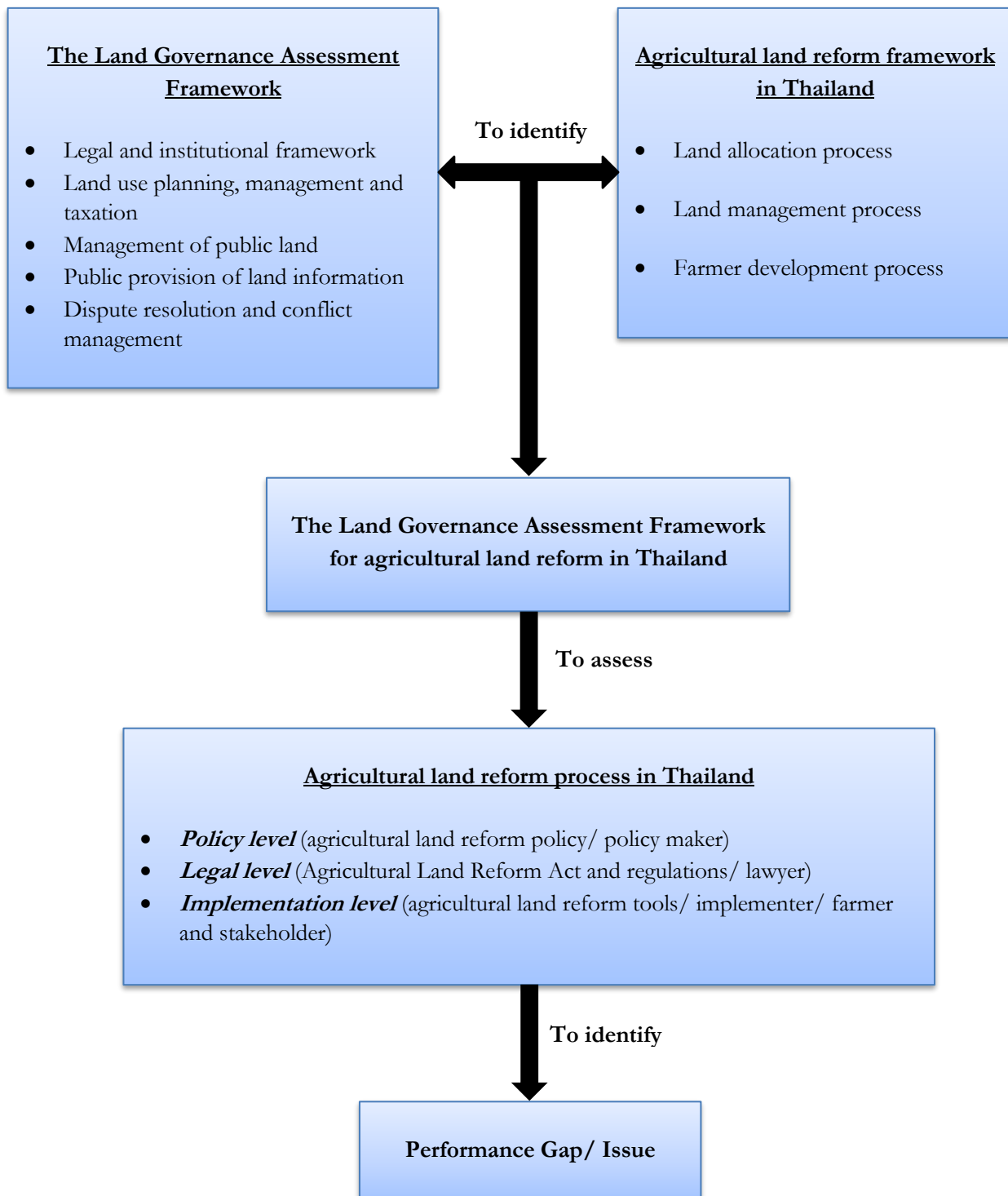


Figure 1-1: Conceptual framework of this research

1.5. Research flow and research design matrix

This study is a qualitative research method. For the whole study process, all activities were divided into three phases i.e. data preparation phase which comprised the identification of the research problem, literature review, selection of the assessment tool and indicators, and the development of interview questions; field work phase where both primary and secondary data were collected by semi-structured interview, focus group discussion, and desk study; and data analysis phase where all data from first and second stage were processed and analysed as well as conclusion and recommendation were drawn (Figure 1-2). The following sections are the brief explanation of the performance in each phase. For summarizing of research design, it is shown in a research design matrix (Table 1-1).

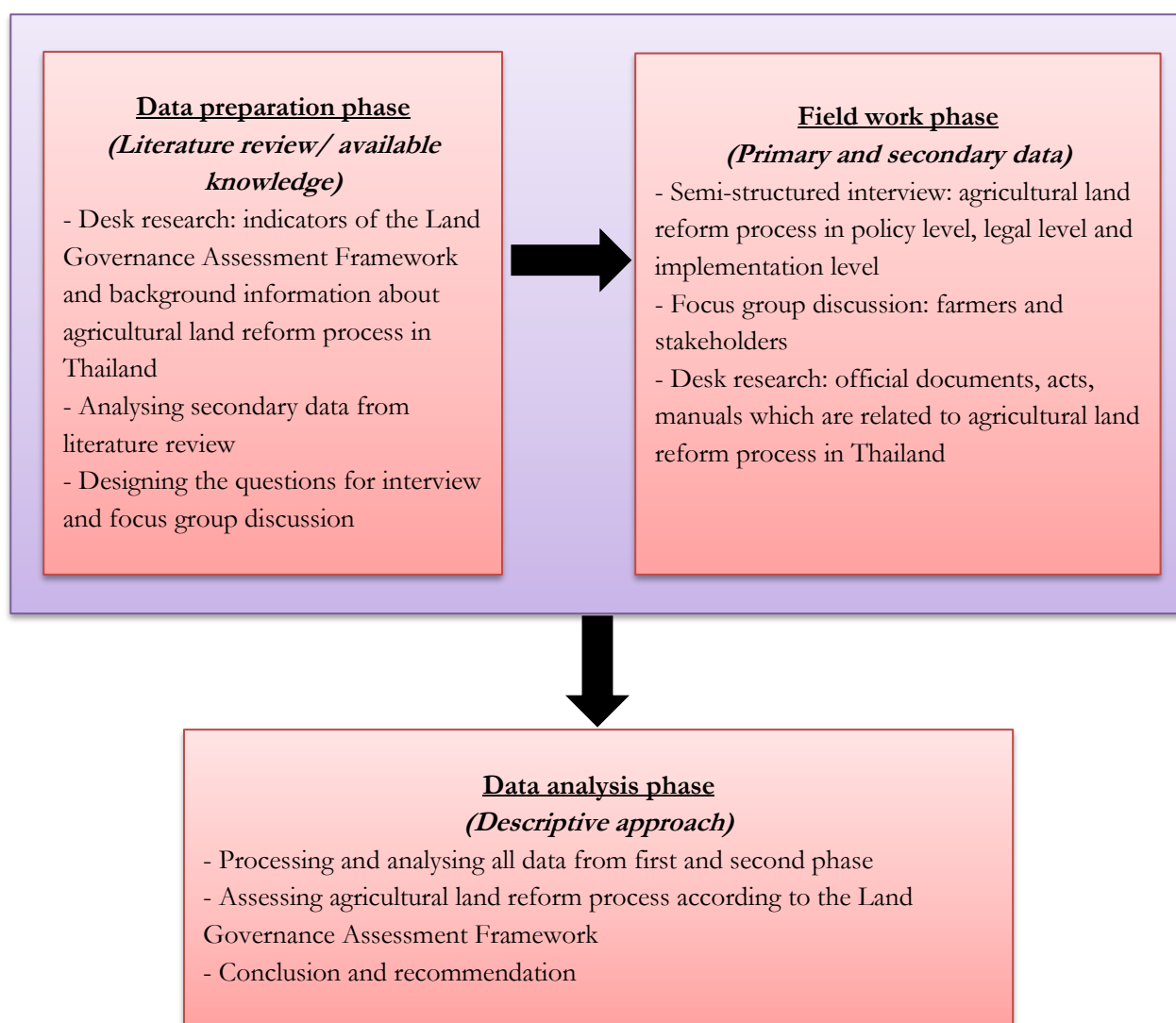


Figure 1-2: Research design

1.5.1. Data preparation phase

This phase aimed to collect a secondary data by using desk research method. After the identification of the research problem, secondary data were collected from several sources such as book, scientific paper, thesis, journal article, report, published paper, web page, conference proceeding, etc. These data were used to identify the indicators of the Land Governance Assessment Framework which are most appropriate for assessing agricultural land reform process in Thailand. Meanwhile, some background information of agricultural land reform process in Thailand also needed to be collected because it could be useful for developing the questionnaires for interview and focus group discussion. After data collection, all secondary data were analysed for determining and selecting the suitable indicators. Then the interview questions were designed focusing on selected indicators and agricultural land reform process in order to prepare for data collection in second phase.

1.5.2. Field work phase

In this phase, primary and secondary data were collected during field work in Thailand. Semi-structured interview method was adopted to gain information of the whole process of agricultural land reform process from government officers and experts who have working experience more than ten years. Six policy makers, six lawyers and six implementers were selected as interviewee. These criteria were adapted from the criteria which propose by the World Bank for the Land Governance Assessment Framework. At the same time, four groups of farmers were also selected for a focus group discussion in order to gain additional data that could support data from semi-structured interview. Moreover, secondary data were collected by desk research method e.g. official documents, acts, and manuals which were related to agricultural land reform process in Thailand. These data could also be used as additional data for supporting primary data during analysis of results and assessment of agricultural land reform process. For more details, these three methods were thoroughly described in chapter 3; section 3.6 data collection.

1.5.3. Data analysis phase

After collecting all data, this phase began with the processing of collected data from first and second phase, then activity was followed by the analysis of data which used thematic analysis based on indicators for analysing. The assessment of agricultural land reform process was done according to specific indicators of the Land Governance Assessment Framework which were identified and selected in the previous phase. These steps were also thoroughly explained in chapter 3; section 3.7 data analysis. Finally, some conclusions and recommendations are drawn from the results of research.

Table 1-1: Research design matrix

General objective: To assess the current situation of agricultural land reform in Thailand by using the Land Governance Assessment Framework				
Sub objective	Research question	method	Required data and tool	Anticipated result
1) To review and identify the indicators of the Land Governance Assessment Framework which are most suitable for assessing agricultural land reform in the case of Thailand	- Which indicators of the Land Governance Assessment Framework are appropriate for assessing agricultural land reform?	- Literature review	- Data of the Land Governance Assessment Framework and agricultural land reform framework in Thailand	- list of indicators of the Land Governance Assessment Framework, which are suitable for assessing agricultural land reform process in Thailand
2) To analyse and assess the process of agricultural land reform according to specific indicators of the Land Governance Assessment Framework	<p>- What is the situation in Thailand's agricultural land reform process currently with respect to each selected LGAF indicators at policy, legal, and implementation levels?</p> <p>- What are the strengths and weaknesses of the agricultural land reform process in Thailand according to the indicator analysis?</p> <p>- What are the main performance gaps (weaknesses) in the agricultural land reform process in Thailand?</p>	<p>- Literature review</p> <p>- Semi-structured interview</p> <p>- Focus group discussion</p> <p>- Thematic analysis based on indicators</p>	- Data of agricultural land reform process in Thailand which are based on real practice and experience of experts at Agricultural Land Reform Office and farmers or stakeholders in agricultural land reform area	<p>- Primary data of agricultural land reform process in policy level, legal level, and implementation level which can be used for data analysis and assessment</p> <p>- Secondary data of official documents, acts, and manuals for supporting data analysis and assessment</p> <p>- List of the priority issues in agricultural land reform process in Thailand</p>
3) To propose suitable recommendations for improvement of the implementation of agricultural land reform in Thailand	- Which approaches are appropriate for improving agricultural land reform based on main performance gaps?	- Thematic analysis based on indicators	- Analysed and assessed data of agricultural land reform process	- Conclusion and recommendation

1.6. Thesis structure

Chapter 1: Introduction

This chapter introduces the general information of research background and justification. It includes the overview of land governance which is related to land reform process, then the social problems are described in the issues of land governance and agricultural land reform process in Thailand. General objective, specific objectives and research questions are also mentioned in this chapter. Moreover, the conceptual framework, research flow and research design matrix are described in order to indicate how to get the answers for research questions.

Chapter 2: The Land Governance Assessment Framework for agricultural land reform

For this chapter, it reviews the literatures which are relevant to the main conceptual basis of this research and define the main concepts. All information is based on the literatures or theoretical frameworks from scientists, researchers, experts, organizations, etc. the important detail of land reform and land governance are provided in this chapter. It also describes the relation between land reform and land governance assessment. This chapter also specifies the indicators of LGAF which are most suitable for assessing agricultural land reform in Thailand.

Chapter 3: Methodology and data collection

The approach for data collection is presented in this chapter. It explains in detail of how to select the study area of this research. The chapter also includes the sources of primary and secondary data, the tools and techniques for data collection. Then the data processing and analysis are defined in this chapter as well as assessment method of agricultural land reform process in Thailand by using LGAF.

Chapter 4: Data analysis based on LGAF indicators adapted to Thailand cases

All collected data from desk research and field research are revealed as study results in this chapter. The results are demonstrated in three different levels of agricultural land reform process i.e. policy level, legal level, and implementation level. All related indicators of LGAF are explained under these four different levels in order to give the overview of current situation of agricultural land reform process in Thailand.

Chapter 5: Assessment of agricultural land reform

The chapter provides an assessment combining findings of the analysis of data presented in chapter 4 (selected indicators of LGAF), desk research and a discussion with additional literature. This assessment identifies strengths and weaknesses for each panel of LGAF. Finally, the performance gaps of agricultural land reform process are also identified after the assessment.

Chapter 6: Conclusion and recommendations

This chapter presents the conclusion of the study. For recommendations and resolutions, the suitable approaches or tools are proposed for improving the priority issues in agricultural land reform process in Thailand based on the gaps and issues identified at the end of chapter 5.

2. THE LAND GOVERNANCE ASSESSMENT FRAMEWORK FOR AGRICULTURAL LAND REFORM

2.1. Introduction

The previous chapter provides background of the research, motivation and problem statement, research objective, conceptual framework, research flow, research design matrix and thesis structure. It seems to be that land reform process is one important instrument which a government use to implement its broader land policy with respect to redistribution and economic growth. At the same time, land administration system with good governance is a tool to make land reform process work efficiently and effectively. Thailand is a country where land reform has been implemented for more than 40 years, but the assessment of land reform process has never done in Thailand while many issues have been occurred and nowadays good land governance becomes essentially for implanting land management instrument as well as land reform. However, the assessment of land reform process may hardly success, if the assessment tool is chosen unsuitably.

As mentioned above, this chapter aims to fulfil this purpose in order to select a suitable tool for assessing agricultural land reform process in Thailand. Hence, this chapter is divided into total six sections. Firstly, section 2.2 gives the overview of land reform and some lessons learnt of land reform assessment in different countries. Secondly, section 2.3 is focused on agricultural land reform in Thailand for understanding this process by providing the overview, framework, and relevant literature of agricultural land reform. Then guideline for the assessment of land governance is described in section 2.4 in order to give some examples of possible principles and tools which can be used to assess good governance in agricultural land reform process. After that, section 2.5 explains about justification of selecting LGAF for assessing agricultural land reform in Thailand. This section shows the reasons why LGAF is chosen as suitable tool and provides information on the selected indicators of LGAF for this assessment. Finally, the chapter is ended up with the summary in section 2.6.

2.2. Land reform

As indicated previously in chapter one, good governance in land administration or good land governance is very important for land reform process because it can ensure that the entire process is performed properly and successfully. In this section, general definition, goal and issues of land reform are described in 2.2.1. overview of land reform, then some studies on land reform assessment are explained in 2.2.2. lessons learnt from different contexts.

2.2.1. Overview of land reform

“Land reform” and “agrarian reform” are often used interchangeably (Adams, 1995). Land reform is a broad term that can have different meanings and there are various types of land reform e.g. land nationalisation, land collectivisation, land restitution, land consolidation and land readjustment (Van der Molen, 2016). From explanation of Manji (2006), “land reform between 1910 and 1970 put emphasis on land redistribution which transferred larger operational holdings to those with little or no land such as wage laborers or the landless, while nowadays the concern is more on land tenure reform that reform the terms on which an

operational holding is controlled and worked, and is attentive to those aspects of tenure which are thought to affect incentives, investments and efficiency”. Jayadev and Ha (2015) also conclude that “land reform refers to “the redistribution of land from those who have excess of land to those who have none, with the objective of increasing the income and bargaining power of the poor” in the rural areas. Land reform also embraces the way in which ownership, leasing conditions, sales and inheritance of land is regulated”.

The goals of land reform are multifold i.e. reducing poverty, expanding rural development, or returning land to its previous owners (Beehner, 2005). Good land and resource tenure reforms must accomplish to achieve the goal of strengthening community rights to land and natural resources (Pritchard, Lesniewska, Lomax, Ozinga, and Morel, 2013). Land reform is also one of several strategies for increasing sustainable agricultural production (Lipton and Saghai, 2016). Moreover, it may determine how liveable cities are, as well as the environmental impact and rural-urban income and wealth disparities (The World Bank, 2014).

Palmer et al. (2009) describes that “the issue of public or state land management (including land reform process) is another area for interest from a governance perspective. In countries where landownership is vested in the state, the decisions regarding land use and its disposal can be extremely contentious. Often, there is no complete inventory of state land holdings, their location, size or their value, creating an enabling environment for the transfer of state land into private hands. In many countries, and particularly in post-conflict situations, land allocation is used to secure or repay political support. In rural areas, the allocation of land for agriculture, forestry or mining may create conflicts between government and community land rights”.

2.2.2. Lessons learnt from different contexts

Bhatta (2010) studies about assessing land reform approaches to benefit socially and economically disadvantaged people. The framework consists of six major aspects of land reform system; policy, management, operation, impact, external factor, and post reform support. The assessment of the empirical cases identifies gaps in the performances of four major issues such as; policy formulation, land acquisition, land redistribution or reallocation, and post reform support. The research concludes that none of the approaches, discussed in this research, in isolation can contribute to benefit socially and economically disadvantaged people as desired. Nonetheless, the possibility prevails if the potentials available with the actors of these approaches; state, community, and land market including beneficiaries could be exploited in an integrated way.

Gerstter, Kaphengst, Knoblauch, and Timeus (2011) study an assessment of the effects of land ownership and land grab on development, with a particular focus on small holdings and rural areas. The authors examine different systems of land tenure in the developing world, paying attention to how differences in access to land affect development. The study also includes an overview of two political and economic processes that involve a large- scale redistribution of land: land reform and the so-called land-grabbing movement. Regarding land reform, the authors conclude that although it differs widely across countries, it will only be successful when complemented with policies to help small-scale farmers effectively use the land. Similarly, the authors conclude that land grabbing can only be a win-win situation for both investors and recipient countries if adequate regulations are in place.

Joshi (2014) examines about assessment of land governance: a case of urban land readjustment in Nepal. the analysis result shows that the significant weaknesses in addressing tenure security such as absence of explicit land policy and laws related to land readjustment, delays of the land readjustment projects, lack of appeal system. Besides, land contribution is found (30 to 55 %), which is unfair because value based method is not adopted. In the case study area, land readjustment projects have been seen initiated by the government

agencies with the consensus of 51% of the users and not seen initiated by the private sector. This shows the absence of governance network. On the other hand, tenure security, participation and equity for shelter to squatters are missing.

Zembe, Mbokochena, Mudzengerere, and Chikwiri (2014) study an assessment of the impact of the fast track land reform programme on the environment; the case of Eastdale Farm in Gutu District, Masvingo, Zimbabwe. the research explores how the new farming communities endeavour to protect the environment through their agricultural, social and cultural practices in trying to improve their sustainable livelihoods. The research finds out that poverty is the major cause of environmental degradation in farms. In addition, bad farming practices and exploitation of natural resources as a way of surviving also impact negatively on the environment. The study recommends effective implementation of environmental laws in the areas where new farmers are settled. Local communities need to take active roles in matters concerning environmental protection through the introduction of freehold land tenure system in fast tracked land reform areas.

Asiama (2015) investigates on governance in resettlement from compulsory land acquisition; a case study of the Bui Dam Project in Ghana. This study aims at assessing the application of good governance in the compulsory land acquisition and resettlement at the implementation phase. A framework for assessing compulsory land acquisition and resettlement comprising four good governance dimensions, (1) transparency, (2) public participation, (3) equity, rule of law and justice, and (4) accountability, is designed based on previous studies in land acquisition, resettlement and good governance.

2.3. Agricultural land reform in Thailand

“In 1974, coinciding with the Third Plan (1972–1976), several violent incidents occurred between farmers and landlords or moneylenders in the Lower Northern Region. This led to the enforcement of agricultural land reform policy, the enactment of the Agricultural Land Reform Act 1975 and the establishment of the Agricultural Land Reform Office (ALRO). It was not to be a radical land redistribution with compulsory transfer of land from large landowners to landless and near landless farmers. The land reform policy covers both public and private land” (Nabangchang-Srisawalak, 2006). This section provides more information about background, framework, and relevant literature of agricultural land reform in Thailand.

2.3.1. Overview of agricultural land reform

“Land is acquired from the private land domain, voluntarily through direct purchase and, involuntarily through expropriation, from large and absentee landowners. It is then leased or sold on amortisation basis to tenants, marginal and landless farmers” (Chirapanda, 2000). “In public land, the reform recognized occupancy rights of farmers who have cleared and farmed areas in areas classified as national forest reserve. A cabinet resolution of January 1975 specified that deforested (encroached forest) areas within national reserve forests could be allocated to farmers either through land settlement programmes or under provisions of the Agricultural Land Reform Act 1975. Allowance for utilization of national forest areas will also be permitted so long as this does not lead to deforestation or is in any way in conflict with the intention of preserving forest resources” (Nabangchang-Srisawalak, 2006). “Land is earmarked for distribution to the poor. The option is either to lease or to buy from the government at a discount rate. Eventually, the land reform beneficiaries are encouraged to buy the land, so that they can become full landowners. In cases where land reform does not and cannot apply, efforts will be made to ensure that both tenants and landowners get a fair share from leasing arrangements. This is in recognition with the fact that leasing exists and cannot be eliminated by land reform or even by any legal means” (Chirapanda, 2000). “The program as projected also included furnishing legal titles to squatters and providing them with needed infrastructure

and credit. The areas brought under the program were to be organized into self-sufficient cooperatives. Implementation of a given project was expected to take about two years, including about a year and a half to get the basic infrastructure well under way and to provide titles. The latter would permit the landholder to pass on the land to heirs but would not confer the right to sell it to private parties. The title, however, could be used as collateral for credit” (Coutsoukis, 2004). Currently, ALRO is the organization with the largest scope of work both in terms of area covered and number of beneficiaries. The total area under ALRO's responsibility is currently 5.55 million hectares in 69 provinces of Thailand.

2.3.2. Agricultural land reform framework

Thai government has tried to create awareness at the high-level government, develop an explicit policy framework, and review regulatory framework and make coherent. The five major pieces of legislation constitute the core of Thailand's land regulation and governance framework including Thailand's Constitution, The Land Code of 1954, The Land Development Act of 1983, The Land Readjustment Act of 2004, and The Agricultural Land Reform Act of 1975. These frameworks cover all private land and state land management in Thailand. Nowadays, State lands were recorded almost 100% of the total areas such as forest land, agricultural land reform area, and Ratchaphatsadu land (king and public use). Most of the state land management agencies instituted a government property asset board e.g. Agricultural Land Reform Committee of ALRO. For agricultural land reform implementation or framework, Agricultural Land Reform Office (2016) mentions that it consists of three activities:

2.3.2.1. Land allocation

“ALRO conduct land allocation for farmers under the Agricultural Land Reform Act. The lands are from public and private land.

- 1) **Public land:** ALRO carry out the cadastral survey, land right investigation and distribution, reducing and dividing the quantity of land (in case of exceeding a limit of land in accordance with the act) so as to allocate the land to farmer hire and hire-purchase. Farmers obtain land acquisition document (ALRO 4-28) and land use certificate (ALRO 4-01) from ALRO under Agricultural Land Reform Act and have an opportunity to be the landownership afterwards. The public land implemented under Land Reform Program are deteriorated forest, classified land according to the resolution of the Cabinet, public common use land and that people give up utilizing the land and idle land outside the boundaries of the permanent forest.
- 2) **Private land:** ALRO brings the land purchased or expropriated from land owners who do not utilize such land themselves or own land in excess of their rights in accordance with the act, to allocates to farmers who own no land or have small pieces of land which are insufficient to earn their living on a hire-purchase or leasehold basis” (Agricultural Land Reform Office, 2016).

2.3.2.2. Land management

“The responsibilities of ALRO are difference from the others departments in the Ministry of Agriculture and Cooperatives. ALRO undertake a duty to develop the land in land reform area by supporting the construction and maintenance of access road and water resources to enhance the better of farmers living and the capacity of water use for consumption and agriculture” (Agricultural Land Reform Office, 2016).

2.3.2.3. Farmer development

“ALRO carry out an improvement of agricultural production structure, establishing Agricultural Land Reform Cooperatives, providing agricultural credit and production inputs, developing and supporting on - farm and off- farm occupation. In addition, ALRO enable farmers to participate in natural resources and environment conservation in communities Thus, ALRO cooperate with related agencies in improving

farmers' standard of living according to the existing local conditions of each area and farmer's needed" (Agricultural Land Reform Office, 2016).

2.3.3. Relevant literature of agricultural land reform

2.3.3.1. Land allocation

"In spite of the fact that land tenure problems were identified and constituted a major thrust behind the promulgation of the land reform law, shift in terms of priorities could be witnessed over time. An immediate observation is that the tenancy problems are left unsolved and, in the light of stronger growth in the non-farm sector, may even intensify. The one million-strong tenant farm families, as a force, can be explosive to the rest of the economy" (Chirapanda, 2000). "Comparison of the nature of rights under land allocation programs in Thailand reveals that there are discrepancies between rights allocated to private individuals or legal entities and lessors who are smallholders. Legal entitlements vary under different laws, which give authority to various implementing agencies" (Nabangchang-Srisawala, 2006). "There are differences in the level of security of tenure just as there are differences in the rental rates. In the meantime, there are 12 million people live and work on land deemed forest land" (Bowman, 2003). This segment of the Thai population includes the various hill tribes and communities living under forms of communal tenure arrangements which have no legal recognition.

"The controversy was largely propelled by the fact that the cabinet resolution was supportive to land speculation and beneficial to large investors who could accumulate attractive, potential prime land before land reform implementation and, with proof that they or their predecessors had been cultivating it before the proclamation of national forest reserves, could request for issuance of full title deeds, at a later date. These titles, quite different from the ALRO 4-01 and land titles under the land reform law, can be transferred readily and thus can fetch high prices. A more serious implication is that the land reform beneficiaries were no longer farmers only, but extended to cover all squatters, i.e. those who simply cultivated the land. The latter category would then include part-time farmers, non-farmers and land speculators" (Chirapanda, 2000).

2.3.3.2. Land management

Agricultural Land Reform Office created performance indicator and accountability benchmarks, but some indicators should be improved because they pay more attention to the quantity than the quality of performance. Moreover, a number of common factors as a result of poor public land management have not been identified properly.

"The physical supply of easily cultivatable land has been pushed to the limit and the potential threat to the environment has led to adjustments in the institutional framework, which is no longer supportive of further conversion of forest areas for alternative land use. Given the allegation that the prime cause for deforestation is pressure for land among the groups of poverty stricken landless and near landless people, another dimension is added, namely how to balance equity with environmental concerns" (Nabangchang-Srisawala, 2006). "In the public land domain, the ALRO is faced with a more serious, uphill task. Large landholdings were allowed to sub-divide into smaller holdings so as to accommodate other members of the landholding clan, on the ground that they must be farmers and work on farm. But it was found later that certain landholdings were too large to sub-divide among family members who themselves might be ineligible to land allocation any way" (Chirapanda, 2000).

Thailand's state lands are managed by the rule of law which were created by government agencies that are responsible for this task. State land laws and regulations recognize the continuum of lands rights by securing land rights of people who live in informal settlement area by land registration and land titling (land use right certificate). However, Phetlom (2014) studies about illegal purchasing of state land and finds out that in study area this problem is becoming a serious land conflict between farmers and state. From land use monitoring data in 2011, there were around 9,484 out of 193,549 farmers who sold their land illegally, and these member of farmers are on the increase. Chirapanda (2000) also mentions "the issue of land valuation which relates to rule of law. In any land reform programme, there is always a recurring problem of land valuation and compensation payment. For Thailand, the valuation roll published by the Department of Lands which is used as a basis for land appraisal is rather crude and makes no distinction on different land uses. In order to protect landowners as well as farmers from possible abuses or injustice, a legal court to settle land disputes should be established. This so far does not exist".

Overlapping boundaries of responsibilities have created a lack of unified direction and goals. Nowadays, there are at least 22 government agencies and 14 laws or regulations that are involved in land administration, which lead to the barrier of work integration and conflict among government agencies. This also affects work procedure and create conflict on ground e.g. overlapping boundary between different types of land. For effectiveness and efficiency of work performance, ALRO tries to apply new technologies for improving land administration system e.g. electronic land transaction system and online cadastral map, but now it is just at the beginning stage and the system need to be improved in several things.

2.3.3.3. Farmer development

In agricultural land reform process, ALRO tries to improved civic engagement or participation by nominating the representative of communities in land reform area. These representatives can involve in some stages of decision making process. Moreover, ALRO also supports farmer development project by using participatory approach. However, lack of participation among state and farmers still occur in some areas. In this case, there are occasionally against the working process of state by farmers in that area. In addition, lack of work integration among state agencies themselves also spoils the unity of agricultural land reform process in Thailand.

"As providing land to the landless and the tenants does not automatically ensure that success is forthcoming. Land reform beneficiaries need economically efficient production mix with accessible supporting services. It is precisely this which inhibits successful land reform implementation. More often than not, the land reform farmers are ill-advised in production planning and lack of supporting services to carry it out" (Chirapanda, 2000).

2.4. Guideline for the assessment of land governance

"Land governance is about the policies, processes and institutions by which land, property and natural resources are managed. This includes decisions about access to land, land rights, land use, and land development. Land governance is basically determining and implementing sustainable land policies" (Deininger et al., 2010). "As a result of increased emphasis on measurable outputs rather than inputs and a recognition that outside support for economic development will be more effective if the policy and institutional framework is appropriate, empirically-based indicators of aggregate governance are now widely applied as tools for decision-makers that can point to specific areas for reform and monitor progress" (Deininger, Selod, and Burns, n.d.). Therefore, this section provides some literatures review on existing principles and tools which can be used for land governance assessment in general and are possible to be applied for assessing agricultural land reform process in Thailand.

2.4.1. Principles of good land governance

“Land governance concerns the rules, processes and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, the way that competing interests in land are managed. Land governance encompasses statutory, customary and religious institutions, as well as informal institutions. It includes state structures such as land agencies, courts, and ministries and municipalities responsible for land. It also includes informal land developers and traditional bodies. It covers the legal and policy framework for land, as well as traditional practices governing land transactions, inheritance and dispute resolution. In short, it includes all relevant institutions from the state, civil society and private sectors” (Palmer et al., 2009). Land policies and processes, land use planning, land reform and land administration reform, all are governance challenges. Zakout et al. (2006) from WB and FAO proposed the eight principles of good land governance; in the meantime, UN-HABITAT via GLTN (2016) proposed the nine principles of good land governance. Table 2-1 is the summarized detail of all principles.

Table 2-1: Good land governance principles (I) UN-HABITAT and (II) WB and FAO

I		II	
Principle	description	Principle	description
Security	No forced eviction, land and property rights to all, and addressing post-disaster and post-conflict vulnerabilities sensitively	Equity, fairness and impartiality, and legal security	Same access to service and same service standards for all
Equity	Supporting the poor, consideration of the gender differences, and continuum of land rights	Efficiency	Register property transactions should be timely, simple and less opportunity for informal payments
Effectiveness and efficiency	Prompts service by strong land administration, simplified rules and procedures, and service orientation	Effectiveness	Capacity building and financial provision, as well as on the general socio-political conditions
Subsidiarity	Decentralization of decision-making and management	Subsidiarity, autonomy and depoliticization	Increasing the autonomy of local land administration with introducing checks and balances at the national level
Rule of law	Consideration of all the different classes of needy or take due consideration of legal pluralism	Rule of law	Consistent and coherent legal framework, a fair and transparent judiciary and general prevalence of the rule of law to protect property rights
Transparency	Free, fair and timely access to any information pertaining to rules, procedures, costs, and decision-making processes.	Transparency, consistency and predictability	Transparent contribute to higher efficiency, accountability, fairness and confidence in agency integrity
Accountability	Land use planning and management, state land and communal land management, and prevention of corruption	Integrity and accountability	Implementation of uniform service standards that are monitored, codes of conduct for staff and incentives

I		II	
Principle	description	Principle	description
Civic engagement or participation	Actively facilitating participation of all groups and getting consensus in decision-making	Civic engagement and public participation	Improved access to information, customer surveys to measure customers' satisfaction and hotlines to enable customers to report corruption
Sustainability	Balance of land use in social, economic and environmental needs/ Affordable, accessible, updatable and capacity-building in land administration systems		

2.4.2. Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT)

“These Voluntary Guidelines seek to improve governance of tenure of land, fisheries and forests. They seek to do so for the benefit of all, with an emphasis on vulnerable and marginalized people, with the goals of food security and progressive realization of the right to adequate food, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection and sustainable social and economic development. All programmes, policies and technical assistance to improve governance of tenure through the implementation of these Guidelines should be consistent with States’ existing obligations under international law, including the Universal Declaration of Human Rights and other international human rights instruments. There is one part of the guideline which is related to redistributive reforms. The detail of this part includes” (FAO, 2012):

- 1) Redistributive reforms can facilitate broad and equitable access to land and inclusive rural development.
- 2) States may consider land ceilings as a policy option in the context of implementing redistributive reforms.
- 3) In the national context and in accordance with national law and legislation, redistributive reforms may be considered for social, economic and environmental reasons, among others. Redistributive reforms should guarantee equal access of men and women.
- 4) States should ensure that the reforms are consistent with their obligations under national and international law, and voluntary commitments under applicable regional and international instruments.
- 5) States should clearly define the objectives of reform programs and indicate land exempted from such redistribution. The intended beneficiaries should be clearly defined.
- 6) States should develop policies and laws, through participatory processes, to make them sustainable.
- 7) When redistributive reforms are being considered, states may, if so desired, conduct assessments on the potential positive and negative impacts.
- 8) States should ensure that redistributive land reform programs provide the full measure of support required by beneficiaries.
- 9) States should implement redistributive reforms through transparent, participatory and accountable approaches and procedures.
- 10) States, with the participation of the involved parties, should monitor and evaluate the outcomes of redistributive reform programs.

2.4.3. The Land Governance Assessment Framework (LGAF)

“The LGAF was created under the leadership of the World Bank in collaboration with other multilateral and bilateral development agencies and experts from private consulting firms, research institutions, and civil society organizations. The tool is a diagnostic instrument to assess the status of land governance at the country or sub-national level using a highly participatory and country-driven process that draws systematically on local expertise and existing evidence. The ranking is based on a comprehensive review of available conceptual and empirical material by local experts in land governance” (The World Bank, 2015a). “The LGAF is intended as a first step to help countries deal with land governance issues. It is a diagnostic tool that is to be implemented at the local level in a collaborative fashion, that addresses the need for guidance to diagnose and benchmark land governance, and that can help countries prioritize reforms and monitor progress over time” (Burns, Deininger, & Selod, 2012). “The LGAF is now completed or ongoing in over 30 countries worldwide. Application also started at the sub-national level e.g. states in Brazil and India, megacities like Kinshasa Experience with LGAF shows that even in highly complex situations with weak land governance, the technical and participatory nature of the process, and putting existing information into a strategic context helped provide an unbiased assessment of the land sector. It produced agreement amongst experts from across the sector on next steps which were subsequently backed by a broad range of stakeholders, while results are feeding into policy discussions. Moreover, the use of a consistent framework facilitates transfer of good practice across countries. Experience suggests that building on the foundation of the first LGAF for monitoring and dialogue with national stakeholder platforms is relatively simple and can be done with limited resources” (The World Bank, 2013).

2.4.3.1. Themes and panels

“The core version of the LGAF comprises a set of detailed indicators to be rated on a scale of pre-coded statements (from lack of good governance to good practice) based, where possible, on existing information. These indicators are grouped within five broad thematic areas that have been identified as major areas for policy intervention in the land sector. This tool can also be used for assessing public land or land reform process because the indicators are grouped within five broad thematic areas which are related to public land or land reform management. The brief detail of all thematic areas were given by” Burns, Deininger and Selod (2012) as following:

- 1) **Legal and institutional framework:** Indicators related to the legal and institutional framework are designed to help policy makers assess (a) the extent to which the range of existing land rights is legally recognized, (b) the level of documentation and enforcement, the cost of enforcing or gradually upgrading these rights, and (c) whether regulation and management of land involve institutions with clear mandates as well as policy processes that are transparent and equitable.
- 2) **Land use planning, management, and taxation:** The intention of this category is to assess whether (a) land use restrictions are justified on the basis of the public interest, (b) necessary exemptions are granted promptly and transparently, (c) the process for land use planning is efficient, and (d) taxes on land and real estate are transparently determined and efficiently collected.
- 3) **Management of public land:** A focus on public land management aims to help assess the extent to which (a) public landholdings are justified and transparently inventoried and managed; (b) expropriation procedures are applied in the public interest through clear, transparent, and fair processes involving the compensation of all those who lose rights; and (c) the transfer or devolution of state land is transparent and monitored.
- 4) **Public provision of land information:** Indicators related to this category assess (a) whether land information systems provide sufficient, relevant, and up-to-date data on land ownership to the general public and (b) whether land administration services are accessible, affordable, and sustainable.

- 5) Dispute resolution and conflict management:** This fifth set of indicators can be used to assess (a) whether a country has affordable, clearly defined, transparent, and unbiased mechanisms for the resolution of land disputes and (b) whether these mechanisms function effectively in practice.

“The LGAF process is guided by a framework of land governance indicators in the five key areas listed above, and organized into the nine panels listed below. Each indicator is divided into three to four dimensions for which rankings are assigned by expert panels based on pre-coded answers (on a scale from A to D) that draw on global experience. Through a consensual and participatory assessment by local experts of this core set of indicators, the LGAF serves to map out key information on land governance and define actionable paths for policy interventions, all in a contextualized and country driven manner. Implementation takes place in a number of discrete steps that are overseen by a local coordinator, a well-respected and impartial person with extensive knowledge of the sector. Nine expert panels organized by subject will rank the dimension by selecting an appropriate answer among the list of pre-coded answers” (The World Bank, 2015a).

- Panel 1 Land tenure recognition
- Panel 2 Rights to forest and common lands & rural land use regulations
- Panel 3 Urban land use, planning, and development
- Panel 4 Public land management
- Panel 5 Transfer of public land to private use follows a clear, transparent, and competitive process
- Panel 6 Public provision of land information: registry and cadaster
- Panel 7 Land valuation and taxation
- Panel 8 Dispute resolution
- Panel 9 Review of institutional arrangements and policies

2.4.3.2. Framework of indicators, dimensions and rankings

“The LGAF process is guided by a framework of land governance indicators that cover these thematic areas and relates to a basic principle of governance. There are 27 “land governance indicators”. Each indicator is further broken down into a number of “dimensions” with pre-coded statements that draw on global experience (on a scale from A to D). There are in total of 120 dimensions in the LGAF (See Appendix 1). Dimensions can be classified in three general categories” (The World Bank, 2013):

- 1) Those which describe the existence of policies or laws (e.g. land policies incorporate equity considerations, a condominium law exists etc.);
- 2) Those which require estimation of percentages (of population, area, parcels, etc.);
- 3) Those which require specific details to be inserted into a matrix

“Panelists invited to nine different subject-specific panels will discuss the dimension and subsequently rank the dimension by selecting an appropriate answer among the list of four pre-coded answers (from A to D). The best ranking (A) is formulated in terms of the most satisfactory result for a given dimension. The panel deliberations are based on preparatory data gathering and analysis by an expert investigator”(The World Bank, 2013).

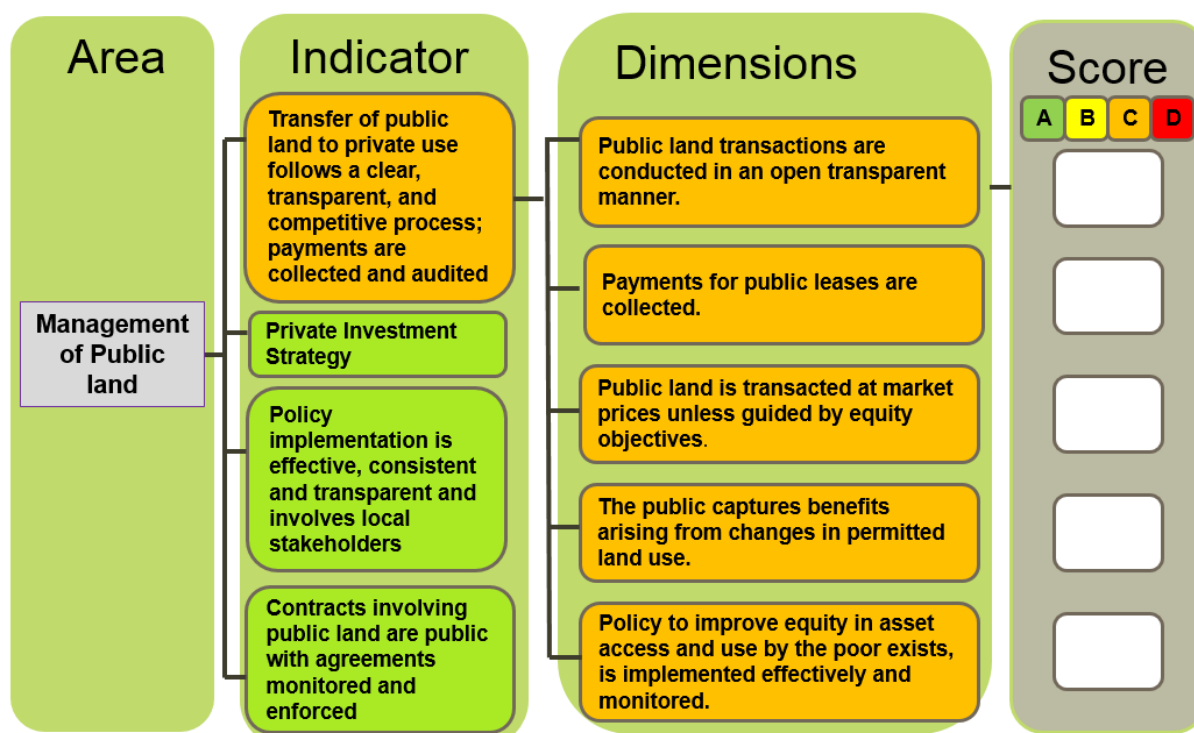


Figure 2-1: An example of the framework (The World Bank, 2015a)

2.4.3.3. Implementation process and assessment

“The LGAF is a short-term activity that is to be conducted over a period of several months by local experts using existing administrative data, surveys, research and other information. The LGAF does not include primary data collection but it can identify data gaps and research requirements. Encouraging dialogue and collaboration among local land experts is critical for the quality of the assessment and up-take of the results” (The World Bank, 2013). “The LGAF process is coordinated and implemented by country experts. The broad steps of the LGAF are” (The World Bank, 2015a):

- 1) Collection of qualitative and quantitative background information
- 2) Stakeholder panels to rank dimensions; invitation based on area of expertise
- 3) LGAF report with identification of priority policy areas for follow up
- 4) Validation of rankings and discussion of actionable policy priorities
- 5) Follow up with work plan

“For assessment, the dimensions are scored by selecting an appropriate answer among a list of pre-coded statements that draw on global experience. “A” stands for good practice, “D” stands for weak practice (See Table 2-2 and 2-3). Depending on the country context, a few dimensions may not be eligible for scoring, or sub-dimensions can be added. The scores have been drafted on the basis of extensive interaction with land professionals and refined through the pilot country case studies. The LGAF is not intended to be used as a tool to rank countries, rather, the scoring is developed to guide discussion in-country and arrive at a consensus using objective criteria. Scores can be used to identify good practice in other countries. For scoring technique, the Country Coordinator compiles relevant information and data and presents this information to all panel members. There are nine different panels. Each panel is organized around a specific theme of the LGAF and takes one day. It brings together five to eight people with expertise on the subject matter, coming from different backgrounds (e.g. governmental agencies, academia, civil society, private sector). Each individual will make an initial assessment on a separate scoring sheet. The panel then

systematically reviews the selected dimensions to come up with a consensus ranking. High variability in the individual rankings are discussed and noted in an aide-mémoire” (The World Bank, 2015a).

Table 2-2: The assessment or scoring for each dimension

Panel-LGI-dimension	Assessment (scoring)
Brief description of dimension	<p>A - Dimension description is the best option towards a good land governance scenario.</p> <p>B - Dimension description is generally the second best set of options that make progress towards good land governance.</p> <p>C - Dimension description generally struggles to meet the criteria for good land governance however some attempts are being made.</p> <p>D - There are no attempts in this area that indicate good land governance operates.</p>

The World Bank (2015a)

Table 2-3: The examples of assessment or scoring for each dimension

Panel-LGI-dimension	Assessment (scoring)
1.2.4. The number of illegal land sales is low.	<p>A - Few, if any, illegal transactions occur in practice and mechanisms to unambiguously identify illegal sales exist and are applied routinely.</p> <p>B - The number of illegal land transactions is low and some are unambiguously identified on a routine basis.</p> <p>C - The number of illegal land transactions is high and some are unambiguously identified on a routine basis.</p> <p>D - The number of illegal land transactions is high and none are unambiguously identified on a routine basis.</p> <p>Page</p>
4.1.2. There is a complete recording of publicly held land.	<p>A - More than 50% of public land is clearly identified on the ground or on maps.</p> <p>B - Between 30% and 50% of public land is clearly identified on the ground or on maps.</p> <p>C - Less than 30% of public land is clearly identified on the ground or on maps.</p> <p>D - Public land is not clearly identified on the ground or on maps.</p>
6.2.5. There is a timely response to requests for accessing registry records.	<p>A - Copies or extracts of documents recording rights in property can generally be obtained within 1 day of request.</p> <p>B - Copies or extracts of documents recording rights in property can generally be obtained within 1 week of request.</p> <p>C - It generally takes more than 1 week after request to produce a copy or extract of documents recording rights in property.</p> <p>D - It is not unusual that an extract or copy of a record cannot be produced in response to a request as the original record cannot be located.</p>

The World Bank (2015a)

2.5. Justification of selecting LGAF for assessing agricultural land reform in Thailand

"Based on previous comparison of possible land governance assessment tools, there are some information of LGAF which can be used to justify it as a suitable tool for assessing agriculture land reform in Thailand. Hilhorst and Tonchovska (2014) explain that "LGAF framework is compliant with the VGGT. FAO has developed a methodology to evaluate the usefulness and completeness of existing land governance assessment tools in the context of the VGGT for use at the country level and which was tested with LGAF reports for Ukraine, Georgia, Moldova and the Philippines. The results show that LGAF indicators and dimensions cover most of the VGGT principles and technical sections, and that the instrument provides a good base for assessing in a short period of time and at a low cost the land governance status at the country level in the context of the Guidelines. LGAF does not cover all themes of the Guidelines, however, as the focus is mainly on land. LGAF is also a country level, independent and comprehensive assessment guided by a framework of indicators, and undertaken by local experts using existing data and information. The LGAF assessment combines an analysis of the policy and institutional framework, with an assessment of the actual practice of implementation. it has been implemented in more than 39 countries and is currently being implemented in several more countries. The 39 countries are diverse, and LGAF has been implemented in most regions and sub-regions". As indicated, LGAF is rather possible to be used for assessing agricultural land reform process in Thailand. It seems to be that this process is only instrument which is applied for implementing on a few parts of land sectors in some countries, but agricultural land reform process plays a significant role in land sectors in Thailand because agricultural land reform area covers more than 5.55 million hectares of country's total area. Therefore, there are specific law and government agency who is responsible for agricultural land reform process, and all activities and managements are done in national level.

Nowadays there are supporting information from many studies which used the land governance assessment tools such as LGAF for assessing only one sector of land administration, for example, Joshi (2014) examined about assessment of land governance; a case of urban land readjustment in Nepal. Tenure security, participation and equity were selected as land governance indicators for assessing urban land readjustment in this study. Moreover, Asiama (2015) also investigated on governance in resettlement from compulsory land acquisition; a case study of the Bui Dam Project in Ghana. This study aims at assessing the application of good governance in the compulsory land acquisition and resettlement at the implementation phase. For this design, LGAF was used as basic exiting framework for assessing compulsory land acquisition and resettlement comprising four good governance dimensions, (1) transparency, (2) public participation, (3) equity, rule of law and justice, and (4) accountability, is designed based on previous studies in land acquisition, resettlement and good governance.

"LGAF is based on international standards of good land governance and constructed with nine thematic panels i.e. (1) land tenure recognition, (2) rights to forest and common lands and rural land use regulations, (3) urban land use, planning, and development, (4) public land management, (5) transparent process and economic benefit, (6) public provision of land information: registry and cadastre, (7) land valuation and taxation, (8) dispute resolution, and (9) review of institutional arrangements and policies. Each composed of land indicators and dimensions, with predefined scores from A to D. The scoring is, as much as possible, quantified with the thresholds being defined according to what is regarded internationally as good practice. Conclusions are drawn based on available evidence without the interference of the World Bank, FAO or other development partners. The scores indicate where a country is doing well and areas for improvement" (Hilhorst and Tonchovska, 2014) . As mentioned previously, LGAF is composed of nine thematic panels which are totally included 27 land governance indicators, each with 120 sub-indicators or dimensions.

However, LGAF is a flexible framework which can be applied in different contexts or countries. The World Bank (2015) mentioned that “depending on the country context, a few dimensions may not be eligible for scoring, or sub-dimensions can be added. Therefore, some thematic panels, indicators or dimensions were often removed or added differently in previous implementation of LGAF in so many countries. In this case, it can be the advantage of LGAF, especially for assessing agricultural land reform process in Thailand which has a complex system”.

According to agricultural land reform framework in Thailand, the indicators of LGAF cover all aspects of land allocation, land management and farmer development. However, there are some thematic panels, indicators and dimensions which are not useful for assessing agricultural land reform, thus suitable indicators of LGAF have to be specified and selected properly. Some thematic panels are modified and necessary indicators or dimensions are also added into the framework. After finishing the specification and selection, there are six thematic panels with 17 indicators and 80 dimensions which can be used for assessing agricultural land reform in Thailand by experts in three different levels of administration i.e. (1) policy level; policy maker, (2) legal level; lawyer, and (3) implementation level; implementer (see Table 2-4). In the meantime, the same framework is used for the assessment by farmers and stakeholders in order to gain additional data for d implementation level, but there are only five relevant thematic panels with 14 indicators and 61 dimensions which can be applied because panels 6: institutional arrangements and policies, and some irrelevant dimensions are removed (see Appendix 2).

Table 2-4: Selected indicators and dimensions of LGAF for assessing agricultural land reform in Thailand by experts in three different levels of administration

Panel 1: Land rights recognition	
Indicator	Dimension
1.1. Recognition of a continuum of rights	<ul style="list-style-type: none"> - Individuals' rural land tenure rights are legally recognized and protected in practice - Customary tenure rights are legally recognized and protected in practice. - Indigenous rights to land and forest are legally recognized and protected in practice.
1.2. Respect for and enforcement of rights	<ul style="list-style-type: none"> - Accessible opportunity for tenure individualisation exist. - Communal and individual land in rural areas is recorded and mapped. - The number of illegal land sales is low. - The number of illegal lease transactions is low. - Women's property rights in lands as accrued by relevant laws are recorded. - Women's property rights to land are equal to those by men.
Panel 2: Rights to agricultural land & land use regulations	
Indicator	Dimension
2.1. Rights to land in agricultural land reform area	<ul style="list-style-type: none"> - agricultural land reform area is clearly identified in law and responsibility for use is clearly assigned. - Rural group rights are formally recognized and can be enforced. - Users' rights to key natural resources on land (incl. fisheries) are legally recognized and protected in practice.

	<ul style="list-style-type: none"> - Multiple rights over land and natural resources on these lands can legally coexist. - Multiple rights over the same plot of land and its resources (e.g. trees) can legally coexist. - Multiple rights over land and mining/other sub-soil resources located on the same plot can legally coexist. - Accessible opportunities exist for mapping and recording of group rights. - Boundary demarcation of land.
2.2. Effectiveness and equity of land use regulations	<ul style="list-style-type: none"> - Restrictions regarding land use are justified and enforced. - Rezoning of rural land use follows a public process that safeguards existing rights. - For protected land use plans correspond to actual use.
Panel 3: Agricultural land reform management and farmer development	
Indicator	Dimension
3.1. Identification of public land and clear management	<ul style="list-style-type: none"> - Criteria for public land ownership are clearly defined and assigned to the right level of government. - There is a complete recording of public land. - Information on public land is publicly accessible. - Responsible public institutions have sufficient resources for their land management responsibilities. - The management responsibility for different types of public land is unambiguously assigned. - All essential information on public land allocations and transactions to private interests is publicly accessible. - There is the collection of payments for public leases
3.2. Justification and time-efficiency of acquisition processes	<ul style="list-style-type: none"> - There is minimal transfer of acquired land to private interests. - Acquired land is transferred to destined use in a timely manner. - The threat of land acquisition does not lead to pre-emptive action by private parties.
3.3. Transparency and fairness of acquisition procedures	<ul style="list-style-type: none"> - There is a clear process of land valuation. - Valuation rolls are publicly accessible. - Compensation is provided for the acquisition of all rights regardless of their recording status. - Land use change resulting in selective loss of rights there is compensated for. - Acquired owners are compensated promptly. - There are independent and accessible avenues for appeal against acquisition. - Timely decisions are made regarding complaints about acquisition.
3.4. Farmer development process	<ul style="list-style-type: none"> - Capacity building - Occupation development - Sustainable development e.g. youth farmer - Cluster or cooperative development - Environment revitalisation

	- Infrastructure development
Panel 4: Public provision of land information	
Indicator	Dimension
4.1. Mechanisms for recognition of rights	<ul style="list-style-type: none"> - Land possession by the poor can be formalized in line with local norms in an efficient and transparent process. - Non-documentary evidence is effectively used to help establish rights. - Long-term unchallenged possession is formally recognized.
4.2. Completeness of the land registry	<ul style="list-style-type: none"> - Information held in records is linked to maps that reflect current reality. - All relevant public restrictions or charges are recorded. - There is a timely response to requests for accessing registry records. - The registry is searchable. - Land information records are easily accessed.
4.3. Reliability of registry information	<ul style="list-style-type: none"> - Information in public registries is synchronized to ensure integrity of rights and reduce transaction cost. - Registry focus on client satisfaction - Registry information is up-to-date and reflects ground reality.
4.4. Cost-effectiveness and sustainability of land administration services	<ul style="list-style-type: none"> - Total cost of recording a property transfer is low. - The registry is financially sustainable through fee collection to finance its operations. - Investment in land administration is sufficient to cope with demand for high quality services.
4.5. Fees or tax are determined transparently	<ul style="list-style-type: none"> - Fees and tax have a clear rationale, their schedule is public, and all payments are accounted for. - Informal payments are discouraged. - Service standards are published and regularly monitored.
Panel 5: Dispute resolution	
Indicator	Dimension
5.1. Assignment of responsibility	<ul style="list-style-type: none"> - There is clear assignment of responsibility for conflict resolution. - Conflict resolution mechanisms are accessible to the public. - Mutually accepted agreements reached through informal dispute resolution systems are encouraged. - There is an accessible, affordable and timely process for appealing disputed rulings.
5.2. The share of land affected by pending conflicts is low and decreasing	<ul style="list-style-type: none"> - Land disputes constitute a small proportion of cases in the formal legal system. - Conflicts in the formal system are resolved in a timely manner. - There are few long-standing (> 5 years) land conflicts.
Panel 6: Institutional arrangements and policies	
Indicator	Dimension
6.1. Clarity of mandates and practice	<ul style="list-style-type: none"> - Land policy formulation, implementation and arbitration are separated to avoid conflict of interest.

	<ul style="list-style-type: none"> - Responsibilities of the ministries and agencies dealing with land do not overlap (horizontal overlap). - Administrative (vertical) overlap is avoided. - Land right and use information is shared by public bodies; key parts are regularly reported on and publicly accessible. - Overlaps of rights (based on tenure typology) are minimal and do not cause friction or dispute. - Ambiguity in institutional mandates (based on institutional map) does not cause problems.
6.2. Equity and non-discrimination in the decision-making process	<ul style="list-style-type: none"> - Land policies and regulations are developed in a participatory manner involving all relevant stakeholders. - Land policies address equity and poverty reduction goals; progress towards these is publicly monitored. - Land policies address ecological and environmental goals; progress towards these is publicly monitored. - The implementation of land policy is costed, matched with benefits and adequately resourced. - There is regular and public reporting indicating progress in policy implementation. - Land policies help to improve land use by low-income groups and those who experienced injustice. - Land policies proactively and effectively reduce future disaster risk.

Adapted from LGAF of The World Bank (2015a)

2.6. Summary

In general, land reform is implemented for numerous purpose, for example, reducing poverty, expanding rural development and returning land to its previous owners. From literature review, agricultural land reform is applied as main instrument for public land management in Thailand. The total of agricultural land reform area is quite large because it covers currently more 5.55 million hectares in 69 provinces. This circumstance has made agricultural land reform as important process for land sectors in Thailand. ALRO is government agency who is responsible for agricultural land reform area. The function of ALRO is similar to Department of Lands, that means the management of agricultural land reform area is also complex as private land management in Thailand. In this case, LGAF is selected as assessment tool because of comparison between LGAF and another tool shows that it can cover almost the whole important aspects of agricultural land reform process in Thailand. However, some panels, indicators and dimensions of LGAF are removed and adapted as well as new indicators and dimensions are added into the final frameworks according to the context of Thailand. In totally, there are six panels with 17 indicators and 80 dimensions which can be used for assessing agricultural land reform by experts in three different levels of administration i.e. policy level, legal level and implementation level. For additional data from implementation level, the same framework is also used for the assessment by farmers and stockholders, but panels 6: institutional arrangements and policies, and some irrelevant dimensions are removed. Thus, there are finally five panels with 14 indicators and 61 dimensions for farmers and stockholders.

3. METHODOLOGY AND DATA COLLECTION

3.1. Introduction

The approach for data collection is presented in this chapter. Section 3.3 and 3.4 explains in detail of how the study area and respondent of data collection were selected for this research. The chapter also includes the sources of primary and secondary data, the tools and techniques for data collection in section 3.5 and 3.6. Then the data processing and analysis are defined in section 3.6 as well as assessment method of agricultural land reform process in Thailand by using LGAF.

3.2. Research approach

A qualitative research was used as methodology in this study. Creswell (2014) explained that “qualitative research is an approach for exploring and understanding the meaning individuals or groups ascribe to a social problem. The process of research involves emerging questions and procedures, data typically collected in the participant’s setting, data analysis inductively building from particulars to general themes, and the researcher making interpretations of the meaning of the data”. This research used three methods for achieving the objectives of the study. Firstly, desk research was applied in order to review and identify specific indicators of the Land Governance Assessment Framework which are most appropriate for assessing agricultural land reform process in Thailand as well as method of assessment. It was also used to collect some background information of agricultural land reform process in Thailand. Secondly, semi-structured interviews were adopted to gain about the current situations of agricultural land reform process in real practice, which is based on policy level, legal level, and implementation level. Lastly, focus group discussions were also adopted to gain additional data from farmers and stakeholders as supporting data collected from semi-structured interview.

3.3. Overview of study area

“Agricultural land reform in Thailand is in the focus of this research. Agricultural land reform was initiated from the demand of every sector especially farmers and students in the October 1973 incident, demanding for real democracy. Thus, the land reform has been one of the effects of it to require that farmers must own the farmland. Out of the King’s graciousness, all the incidents satisfactorily ended and he also gave away his property covering around 7,098 hectares for the land reform after the promulgation of the Agricultural Land Reform Act B.E. 2518 (1975). With his broad vision, he gave the policy for land distribution, production promotion and co-operative establishment to enable farmers’ descendants to successively farm the land. However, they cannot own the land since the King wanted to ensure that the farmland would always belong to Thai farmers” (Agricultural Land Reform Office, 2016). Nowadays there are more than 5.55 million hectares of state land which are allocated to the landless or poor farmers in rural area (Figure 3-1). These lands still belong to the state and farmers will get the certificate of land use after finishing land redistribution or land tenure reform process. In this case, land can be used for unlimited duration and it can be inherited, but farmers have no right to purchase their land. This research will study a whole process of agricultural land reform in the level of policy, legal, and implementation which are carried out by ALRO

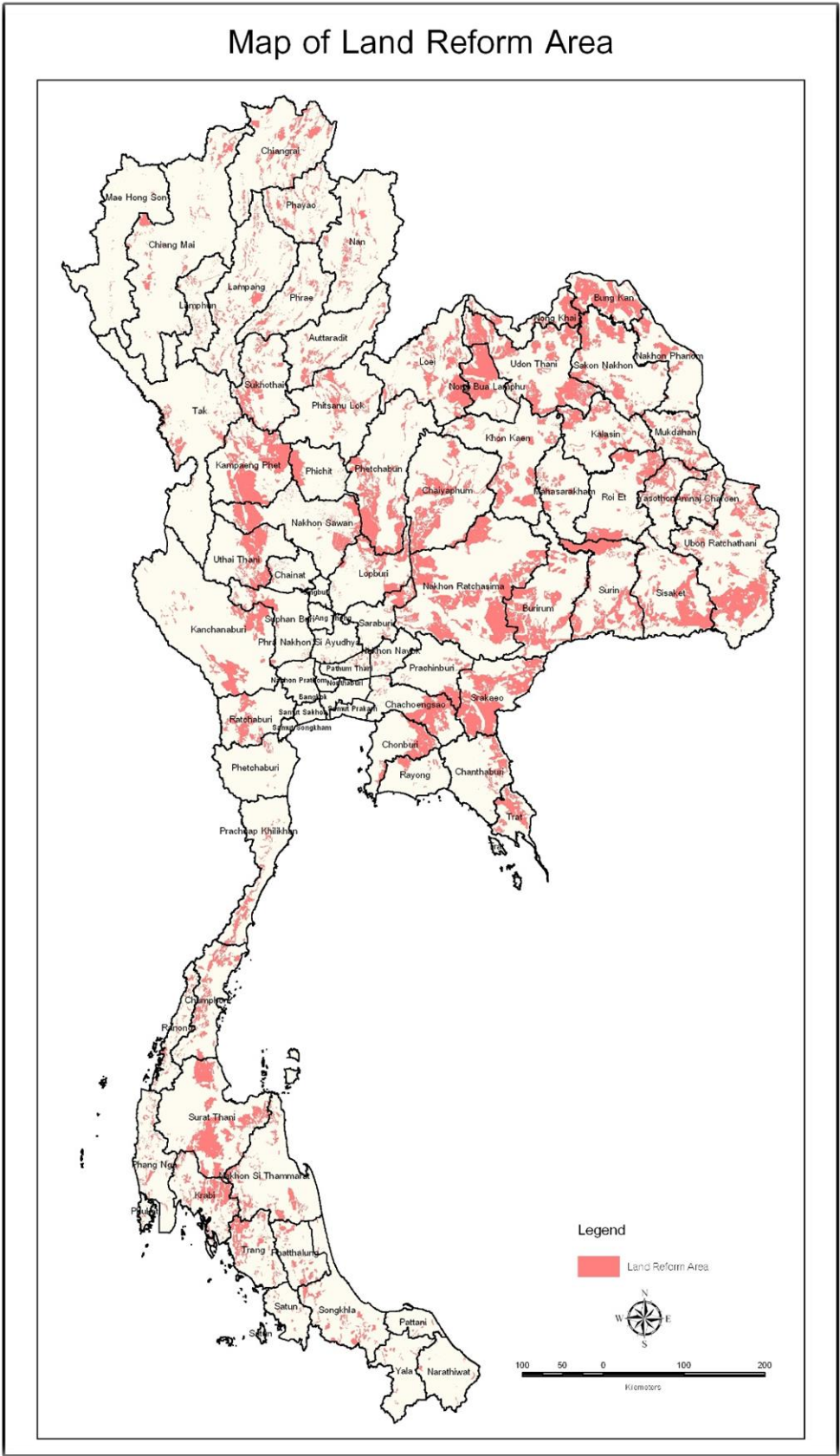


Figure 3-1: Map of agricultural land reform area in Thailand

3.4. Number of respondents for data collection

Respondents were selected by purposive sampling technique. There are two main groups of respondents for this research i.e. experts for semi-structured interview and farmers and stakeholders for focus group discussion. Firstly, experts were selected both internal and external of ALRO (see Table 3-1). All experts have at least professional level for working position and at least ten years of working experience on agricultural land reform process. Eighteen experts were totally interviewed i.e. six experts in policy level, six experts in legal level, and six experts in implementation level. The amount of interviewee in every level were decided as six people because after the 3-4 semi-structured interview within one level of experts' answers started to repeat/be the same. This was a proof that choice of number of respondents per level (which was 6 per level) was satisfactory. This number of interviewees could provide a consistency answer among their level. Secondly, focus group discussion were used to gain more data for supporting the data in implementation level. Four farmers group in four different districts were selected base on diversity of their activities; (1) organic agriculture in Borabue district, Mahasarakam province, (2) integrated agriculture in Kutbak district, Sakonnakorn province, (3) Monocropping in Wanorn Niwart district, Sakonnakorn province, and (4) Agroforestry in Kham Muang district, Karasin province. All stakeholders were also invited to participate in focus group discussion such as farmer cooperative leader, community leader, local authority, academican, youth farmer, etc. The total number of respondents during focus group discussion were provided group by group in Table 3-2.

Table 3-1: List of respondents for semi-structured interview

Administrative level	Internal expert	External expert	No. of interviewee
1. Policy level	5	1	6
2. Legal level	5	1	6
3. Implementation level	6	-	6
Total	16	2	18

Table 3-2: List of respondents for focus group discussion

Farmer group	No. of participant
1. Organic agriculture in Borabue district, Mahasarakam province	6
2. Integrated agriculture in Kutbak district, Sakonnakorn province	8
3. Monocropping in Wanorn Niwart district, Sakonnakorn province	6
4. Agroforestry in Kham Muang district, Karasin province	4
Total	24

3.5. Approach for Designing the interview and focus group discussion guide

The semi-structured interview and focus group discussion guide are an important research tool for collecting of the primary data in this study. Well designed and simple questions are required to get the answer related to the research questions. Before the designing of questions, it is important to know what kind of data that need to be gathered from the interview and focus group discussion guide. Then, respondents for data collection were carefully selected according to research objectives and research questions. Two groups of respondents were selected i.e. experts for semi-structured interview, and farmers and stakeholders for focus group discussion. After that, questioners/list of questions for the semi-structured interview and focus group discussion guide were developed for both group of respondents based on selected indicators of LGAF for assessing agricultural land reform process in Thailand. Semi-structured and open ended questions were prepared to get the required data. Semi-structured interview guide was grouped into six panels as below while focus group discussion guide was grouped into five panels because panel 6: institutional arrangements and policies was irrelevant and removed. The detail of both questionnaires show in Appendix 3 and 4.

- Panel 1: Land rights recognition
- Panel 2: Rights to agricultural land & land use regulations
- Panel 3: Agricultural land reform management and farmer development
- Panel 4: Public provision of land information
- Panel 5: Dispute resolution
- Panel 6: Institutional arrangements and policies

3.6. Data collection

3.6.1. Primary data

3.6.1.1. Semi-structured interview

“An interview is a qualitative research technique that involves conducting intensive individual interviews with a small number of respondents to explore their perspectives on a particular idea, program, or situation. For example, we might ask participants, staff, and others associated with a program about their experiences and expectations related to the program, the thoughts they have concerning program operations, processes, and outcomes, and about any changes they perceive in themselves as a result of their involvement in the program” (Boyce & Neale, 2006). Semi-structured interview is a primary method of data collection for this research. It can be used to collect more information about the current situations of agricultural land reform process in real practice and experience in Thailand. Semi-structured interview guide was developed by researcher based on the research framework. It was used for interviewing government officers or experts from internal and external of ALRO, and they should be involved in agricultural land reform process at least ten years. Eighteen government officers or experts who were interviewed (see Appendix 5); these included six policy makers (policy level), six lawyers (legal level), six implementers or technicians (implementation level). The interviewees were purposively selected with the help of Director of Land Reform Research and Development Sub-bureau. In this case, all information from this method were adopted to achieve the answers of the questions related to sub-objectives two.

3.6.1.2. Focus group discussion

The focus group discussion is “a rapid assessment, semi-structured data gathering method in which a purposively selected set of participants gather to discuss issues and concerns based on a list of key themes drawn up by the researcher/facilitator” (Kumar, 1987). Four groups of farmers were selected for focus

group discussion in order to get additional data to achieve the answers of the questions related to sub-objectives two as well. These included two farmer groups in Sakonnakorn province, one farmer group in Mahasarakam province and one farmer group in Karasin province (see Figure 3-3). All stakeholders were also invited to participate in focus group discussion. The number of participants ranged from four to eight people depending on the number of people available at the time (see Appendix 6). The participants were also purposively selected with the help of farmer group leaders.

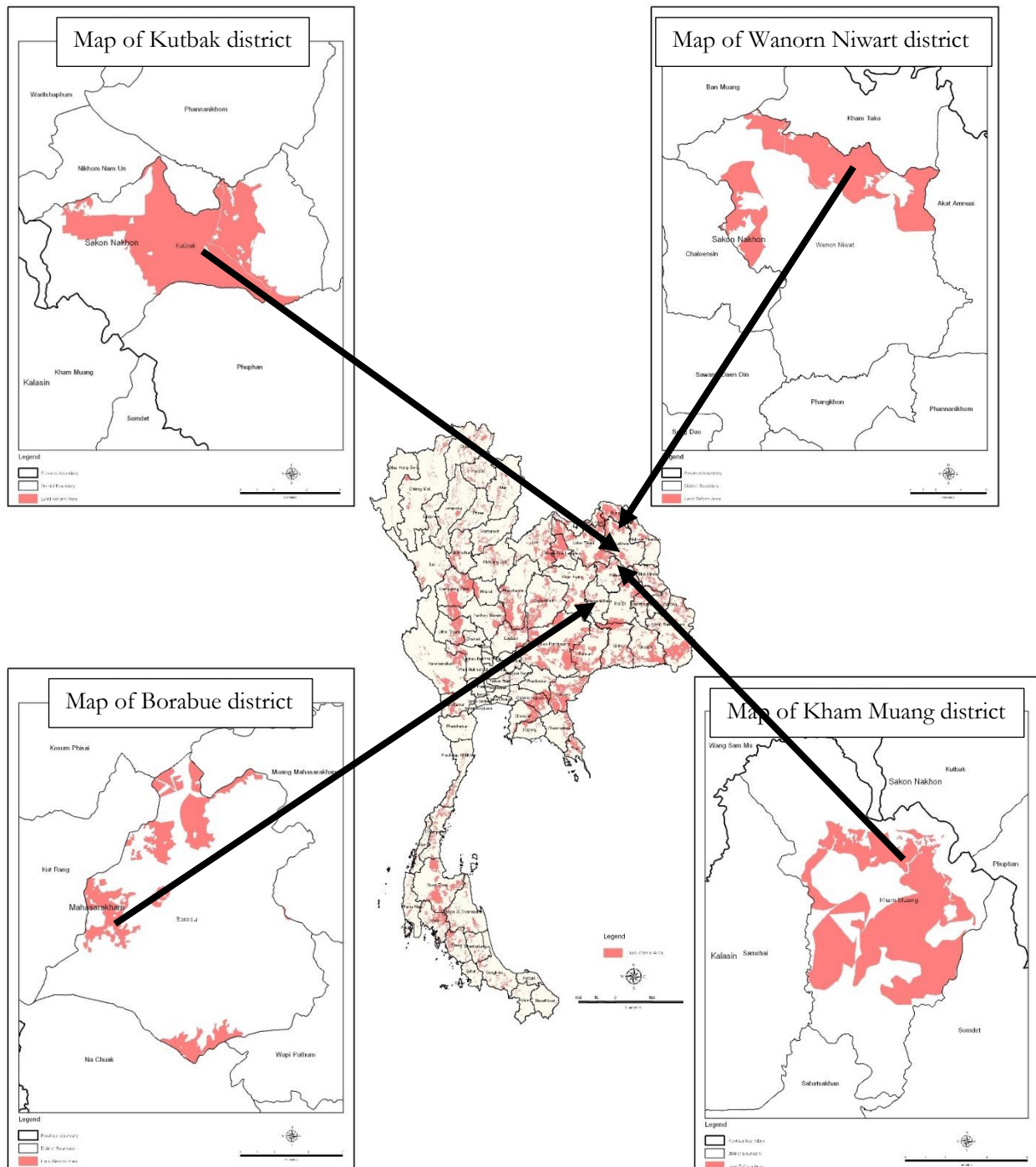


Figure 3-2: Map of four different locations of focus group discussion

3.6.2. Secondary data

3.6.2.1. Desk research

“Desk research is a secondary method of data collection. it is carried out for finding experimented and verified facts with the help of review the scientific papers, books, published papers, conference papers and international good practice” (Joshi, 2014). For this research, desk research was based on literature review which could provide a secondary data from several sources such as book, thesis, journal article, report, web page, etc. The main contribution of this method was to review and identify indicators of LGAF which are most suitable for assessing agricultural land reform in Thailand, thus it provided information to answer the questions related to sub objective one. This method was also adopted to collect some background information of agricultural land reform process in Thailand, which could partially answer the research questions related to the sub-objectives two.

In this step, the suitable indicators were determined by comparing the relation and conformance between all indicators of LGAF and three processes of agricultural land reform framework in Thailand i.e. land allocation process, land management process and farmer development process. For development of interview guide, it also depended on the desk research. After reviewing and identifying indicators of the LGAF, the interview questions were formulated according to agricultural land reform process in three different levels (policy, legal and implementation level) and selected indicators e.g. transparency and dispute resolution, if these turned out important indicators for the case of Thailand.

3.7. Data analysis

Thematic analysis based on indicators were used to analyse data for this research. After data collection, primary and secondary data of agricultural land reform process were analysed in three different levels of policy, legal and implementation. In this case, the reliability or correction of information could be improved by comparing data from different sources/ persons in the same level. Then this information was used to assess the process of agricultural land reform according to specific indicators of LGAF by using scoring technique which is proposed by the World Bank. “This technique is used to score all dimensions in each indicator of Land Governance Assessment Framework by selecting an appropriate answer among a list of pre-coded statements that draw on global experience. "A" stands for good practice and "D" stands for weak practice. Depending on the country context, a few dimensions may not be eligible for scoring, or sub-dimensions can be added” (The World Bank, 2015b). Finally, if no correction was needed, performance gaps or issues were prioritized in order to draw a conclusion and recommendation. Thus, it answered the questions related to sub objective three.

3.8. Limitations of the data collection

There were less previous study or research on agricultural land reform process in Thailand. This situation created the difficulty of secondary data collection for this study. Most literatures were studied and published in Thai language, thus translation from Thai to English was time-consuming. In case of primary data collection, there were also limitations of the data collection during fieldwork. Focus group discussion had to be done with four group of farmers in three different provinces, but not different regions because the limitation of time. Many interview appointments were postponed or canceled by internal and external experts according to passing away of the King of Thailand. This situation created many obstacles for collecting primary data, especially, interviewing external experts.

3.9. Summary

A qualitative research was applied as methodology in this research. Three methods were implemented for achieving the objectives of the study. Firstly, desk research desk research was applied to collect secondary data for identify specific indicators of LGAF and the assessment methods for agricultural land reform process in Thailand. Secondly, primary data of current situations of agricultural land reform process in real practice were collected by semi-structured interview with internal and external experts in policy level, legal level, and implementation level. Lastly, focus group discussion was also done with four groups of farmers in three different provinces in the northeast of Thailand. This primary data was used as supportive data for semi-structured interview. semi-structured interview guide and focus group discussion guide were developed based on specific indicators of LGAF which are most appropriate for assessing agricultural land reform process. All data were analysed by thematic analysis method based on specific indicators.

4. DATA ANALYSIS BASED ON LGAF INDICATORS ADAPTED TO THAILAND CASES

4.1. Introduction

In this chapter, all collected data from desk research and field research are revealed as study results in this chapter. The results are demonstrated in three different levels of agricultural land reform process i.e. policy level, legal level and implementation level. Firstly, data of policy level were mainly collected from policy makers. Secondly, lawyers were the main respondents who provided primary data of legal level during interviewing. Lastly, there were two groups of respondents who provided primary data of implementation level during field research i.e. implementers by interviewing, and farmers and stakeholders by focus group discussion. Therefore, this chapter consists of four main sections based on respondents during field research. All related indicators of LGAF are explained under these four different sections in order to give the overview of current situation of agricultural land reform process in Thailand.

4.2. LGAF in policy level of agricultural land reform

4.2.1. Panel 1: Land rights recognition

4.2.1.1. Recognition of a continuum of rights

At the policy level, most policy makers agree that *“recently land tenure rights recognition is suitable both in law and practice for agricultural land reform in Thailand. Land under responsibility of Agricultural Land Reform Office (ALROs land) is state land, thus it should belong to state and all Thai citizens even though this land is allocated to farmers”*. The country can protect agricultural land for farmers from land grabbing problem which were the cause of losing their land and rights in the past, and ALROs land would be reserved for next generation of Thai farmers in the future” said one of the interviewed policy makers. ALROs land can be used with unlimited duration by land owner and their rights are protected by ARLA. Farmer group or customary tenure rights are under the same rule and regulation of individual rights, if they are farmer or the landless who hold Thai citizenship. At the same time, indigenous people who do not get Thai citizenship, they have no right to access to ALROs land redistribution process although they live and cultivate in agricultural land form area for long period. This group of people are out of ALRO authority. Therefore, sometimes there were special policies or projects for land redistribution by another government agency who are responsible for indigenous group rights.

4.2.1.2. Respect for and enforcement of rights

From the semi-structured interview with the policy makers it was clear that accessible opportunities for tenure individualization is quite high for ALROs land. Land tenure reform will be done for farmers who live and cultivate in agricultural land form area for long period. They can get the certificate of land use (Sor Por Kor 4-01) after this process. One of the interviewees stated that *“another group of people are poor farmers and the landless, they can register for land redistribution process which are also done by ALRO. They will get a piece of agricultural land and Sor Por Kor 4-01 as well as farmers from land tenure reform process, but land redistribution process may take longer time because farmers must register in the waiting list”*. As per ALRA, ALRO is responsible for registration of

individual rural land and communal land which are in agricultural land reform area. Nowadays there are around 20% of illegal land sales and less than 20% of illegal lease transactions in agricultural land reform area because of aging farmer, no descendent, lack of labour, debt, etc. For equality and formal record of women's right, there is no problem of this issue in agricultural land reform area. Woman can hold ALROs land and all rights are equal to man both in law and practice.

4.2.2. Panel 2: Rights to agricultural land & land use regulations

4.2.2.1. Rights to land in agricultural land reform area

Policy makers stated that there is a clear identification of agricultural land reform area and responsibility for use. These are mentioned in ARLA which must be followed by ALRO and farmers. ALRO recognise and protect users' rights to key natural resources on ALROs land and multiple rights over land and natural resources on these lands. Farmers have right to cultivate on land, do all activities which are related to agricultural propose, and use all resources over and under land. *"However, there are some restrictions for some activities that farmers must follow and ask for permission before doing such as logging and mining"*. These activities are controlled by other laws and regulations. For formal recognition and enforcement of rural group rights, it is applicable for ALROs land as well as accessible opportunities exist for mapping and recording of group rights. Boundary demarcation of ALROs land is done under ARLA and there is the department who are responsible for this task.

4.2.2.2. Effectiveness and equity of land use regulations

According to main aim of land reform in Thailand, state land will be reserved for agricultural activities. Justification and enforcement of restrictions regarding land use are under ARLA. Farmers must follow this land use restriction. if land use is changed to other activities without permission, land can be seized by state. At the same time, farmers' rights will be also protected by ARLA, when there is land use rezoning. Nowadays, some actual uses are not correspondent to land use plan of ALRO because farmers change their lands to other activities. These problems can be found easily in the area of high economic growth and tourism area.

4.2.3. Penal 3: Agricultural land reform management and farmer development

4.2.3.1. Identification of state land and clear management

ALRO is main government agency who justify public or state land ownership which are focused on agricultural land reform area. Other two government agencies are Royal Forestry Department and The Treasury Department who are responsible for forest land and King land respectively. This means there is clear management responsibility for state land in Thailand. More than 90% of state land are registered and recorded in the system. Nowadays ALRO are trying to improve land information system from paper base system to digital platform called "ALRO LAND". All resources for responsible public institutions are from government budget. ALROs land inventory are managed by National Land Reform Committee and opened for public access. All essential information on public land allocations and transactions can be accessed by many channels e.g. website, radio, regional office's announcement, etc. For ALROs land, there is collection of payments for public leases, money will be collected and managed by Land Reform Fund.

4.2.3.2. Justification and time-efficiency of acquisition processes

There is general regulation for ALROs land acquisition in Agricultural Land Reform Act B.E. 2518 (ALRA). At the beginning of agricultural land reform process in four decades ago, land acquisition process was used by ALRO in order to acquire land from private sectors and then it was redistributed to farmers or the landless. Land acquisition process were implemented in accordance with ALRA, justification and period of the process were mentioned and followed by ALRO. After that time, land acquisition process has never been implemented for many years till now. However, it will become important process again because ALRO may use it for acquiring ALROs land from farmers who do not able to cultivate on their land and prefer to return ALROs land back to the state.

4.2.3.3. Transparency and fairness of acquisition procedures

In the past, ALRO followed Land Valuation Regulation of The Treasury Department. There was not clear process of ALROs land valuation and lack of public access. Many people said *“this regulation was not suitable for ALROs land valuation and complained about unfair compensation for acquisition of ownership and other rights”*. Therefore, ALRO is trying to improve this regulation by themselves, but it is still in the process.

4.2.3.4. Farmer development process

After land allocation, farmer development is also main mission of ALRO. There are many activities which are considered and implemented in agricultural land reform area i.e. capacity building, occupation development, sustainable development (youth farmer), cluster or cooperative development, environment revitalization, infrastructure development. Farmer development are one of important keys for agricultural land reform policy making. This year ALRO are the first department who has a good performance in farmer development among the others within Ministry of Agriculture and Cooperatives.

4.2.4. Panel 4: Public provision of land information

4.2.4.1. Mechanisms for recognition of rights

ALRO pay attention to formalization in line with local norms in an efficient and transparent process for land possession by the poor because most of ALROs land are in rural areas with different contexts. Thus, ALRO respect and listen to all opinions of stakeholders and try to involve them in a whole process of recognition of rights. In case of non-documentary evidence, farmers can establish their rights on ALROs land through oral witnesses of occupancy.

4.2.4.2. Completeness of the land registry

Land information system of ALRO has been improved properly and policy makers also pay more attention in this aspect and try to make a policy for supporting land information system development. Nowadays all ALROs land registry records and cadastral maps are transferring to digital platform. All relevant public restrictions or charges are recorded in the system as well. This system also creates more convenience for farmers or public to search and access to registry records via ALRO's website and timely response to requests.

4.2.4.3. Reliability of registry information

ALRO give free service for land registry because most clients are poor farmer or the landless, but all services still focus on client satisfaction. ALRO accept and listen to all comments for improving the services.

Nowadays there is a policy for reporting and updating registry information monthly by regional office. However, there is a lack of synchronization of information in ALROs land registries. Sometime it can increase the complexity and inconvenience of the service.

4.2.4.4. Cost-effectiveness and sustainability of land administration services

Most policy makers agree that *“there is quite low cost of recording a property transfer in ALROs land, but there are some operating costs which can be reduced by applying new land technology”*. It should be considered by ALRO even though financial are sustainable for high quality service of land registry because of supporting from government every year as well as supporting from Agricultural Land Reform Found.

4.2.4.5. Fees or taxes are determined transparently

There is no fee collection from any services of ALRO, this means cost of all services cover by budget from Thai government because all farmers in agricultural land reform process are underprivileged people and usually live in poverty. In this case, they have to pay only few amount of land tax for local authority annually after getting ALROs land. This tax has clearly regulation and schedule to follow and land tax is collected from farmers by ALRO before paying to local authority.

4.2.5. Panel 5: Dispute resolution

4.2.5.1. Assignment of responsibility

ALRO has legal department which is responsible for conflict resolution. All farmers or public can access to conflict resolution mechanisms of ALRO without any payments. Mutually accepted agreements reached through informal dispute resolution systems are encouraged. There is an accessible, affordable and timely process for appealing disputed rulings which are mentioned in ALRA.

4.2.5.2. The share of land affected by pending conflicts is low and decreasing

Generally, there is small number of land disputes in agricultural land reform area and land disputes are timely solve by community leader or provincial office. There are few long-standing land conflicts (greater than 5 years). Most of these cases are companies or the rich who are holding ALROs land illegally. Nowadays, government come up with urgent policy and give full authority to ALRO to seize all state land from this group of people, then allocate land to poor farmer and the landless.

4.2.6. Panel 6: Institutional arrangements and policies

4.2.6.1. Clarity of mandates and practice

From the semi-structured interview with the policy makers it was evident that there are many actors and institutions who are involved in land administration sector, including 22 departments from 8 ministries with 16 laws and regulations for land administration. In this case, it causes conflict of interest and overlaps of responsibilities sometimes. In the past, there was a lack of work integration among government agencies. This situation spoils the unity of land information system in Thailand. Therefore, this year new policy is implemented by Thai government for improving the situation called “One Map”, said interviewed policy makers. This means all land data and cadastral maps will be combined in one land information system. All land information will be used and shared among all actors, institutions and public. For vertical administrative, most policy makers agree that there is no overlap of responsibility between central and regional office.

4.2.6.2. Equity and non-discrimination in the decision-making process

Interviewed policy makers stated that participation of agricultural land reform policies and regulations development are quite high for ALRO because all stakeholders are invited for these processes e.g. National Agricultural Land Reform Board, Provincial Land Reform Committee, farmer representative, community leader, etc. All change of regulations or agreements should be approved by them. All main missions of ALRO will be address in agricultural land reform policies such as equity and poverty reduction, ecological and environmental revitalisation, improving land use by low-income groups and those who experienced injustice and reducing future disaster risk. The implementation of agricultural land reform land policy is based on benefits and adequate resource. For ALRO, there is regular and public reporting indicating progress in policy implementation once a year.

4.3. LGAF in legal level of agricultural land reform

4.3.1. Panel 1: Land rights recognition

4.3.1.1. Recognition of a continuum of rights

The main purpose of controlling land right is to protect illegal land use change from agricultural activity to another activity in agricultural land reform area. Besides, this law and regulation also protect farmers from losing their land rights again. Section 39 indicates that “the land rights granted by ALRO could not be divided or transferred to others. Exception is inherited to descendants or the transfer to farmers’ institution or ALRO for the benefits of the agricultural land reform. All this has to conform with criteria, methods and conditions determined by the ministry’s law”(Agricultural Land Reform Office, 1994). In this situation, most lawyers agreed that *“the right of land owners are limited under this law. According to a continuum of rights, ALROs land should be improve from land use right to full ownership right”*. Criteria and conditions for a people who wishes to be farmers and access to ALROs land, as stipulated in the Royal Decree as follows: (1) to be a Thai citizen; (2) to be at least twenty years of age or head of a household; (3) to be physically and mentally fit; (4) to maintain good behavior and be honest; (5) to have little or no farmland; and (6) to oblige to rules, regulations and conditions as imposed by the Agricultural Land Reform Executive Committee. *“This means indigenous has no right to ALROs land according to ALRA because they do not have a Thai citizenship”*.

4.3.1.2. Respect for and enforcement of rights

There are accessible opportunities for tenure individualization and registration of individual rural land and communal land in agricultural land reform area. According to ALRA, persons eligible for land allocation include (1) a person whose main occupation is agriculture and person who wishes to be a farmer. (2) an individual or a juristic person who use land for other activities that supported or related to the land reform scheme (3) public utilities i.e. government offices, state enterprises, government agencies and NGOs, and (4) utilization of natural resource to the benefits of other law e.g. mining, sand suction, quarrying, etc. From the record of Legal Affairs Bureau, the number of illegal land sales and lease transactions are quite high and slightly increasing, although there is the restriction in ALRA section 39. For gender issue, there is no formal record of women's right in ALRA, but the rights are equal between woman and man in practise. All lawyers said that gender issue has never occurred as serious problem or conflict in agricultural land reform area.

4.3.2. Panel 2: Rights to agricultural land & land use regulations

4.3.2.1. Rights to land in agricultural land reform area

Clear identification of agricultural land reform area and responsibility for use. Land allocation can be categorized into 4 types of activities as follows: (1) land allocation for agriculture of which comprising the allocation to farmers and farmers' institution, (2) land allocation for other activities, all of which should support or relate to the land reform scheme in complied with the Ministry of Agriculture and Cooperatives' proclamation, (3) land allocation for public utilities which are the public service, and (4) land allocation for utilizing natural resources to the benefit of different laws in which the Agricultural Land Reform Office only allows the use of land, but the permission for activities has to be complied with such different laws.

There are boundary demarcation of land, formal recognition and enforcement of rural group rights, and accessible opportunities exist for mapping and recording of group rights. *"Nowadays, Thai government has a policy and regulation to supports rural group rights by acquiring state lands from squatters"*. these lands are redistributed by ALRO to farmer groups and lands must be managed in form of group rights. Farmer groups have the same rights as individual such as multiple rights over land and natural resources. Only trees and mines are controlled by another law and regulation, thus farmers need to ask for permission before using.

4.3.2.2. Effectiveness and equity of land use regulations

There are justification and enforcement of restrictions regarding land use, and safeguards existing rights for land use rezoning in ALRA. The regulations under ALRA indicate that any person who wishes to acquire the agricultural land for other activities which support or are related to agricultural land reform shall submit an application with supporting evidence to the competent officials. Duration of leasing or hire-purchasing or usufruct basis of the permitted person shall be complied with the prescribed regulations of the Agricultural Land Reform Office. Money, interests or any forms of benefits received from the permitted person shall pay to the Agricultural Land Reform Fund. The plan or project of the permitted person shall not cause any pollution and hazard to the community, environment and people in the agricultural land reform area. The permitted person has no right to transfer the right to other persons except when the person receives the permission from the competent officials. Now illegal land use change is increasing in ALROs land. Many lawyers gave some examples of *"illegal land use change in Wang Num Kheaw district where ALROs land has been changed to be recreation area or hotel because of economic growth form tourism, and in Mae Ka district where ALROs land has been changed to be residential and commercial area because of population and economic growth"*. The main causes of these problems are from lack of proper land use monitoring system and lack of enforcement of land use law and regulations.

4.3.3. Penal 3: Agricultural land reform management and farmer development

4.3.3.1. Identification of public land and clear management

There is clear management responsibility for public land and sufficient resources for responsible public institutions. Almost 100% of ALROs land information are recorded in ALRO LAND database. Nowadays, ALRO abide strictly by Official Information Act, B.E. 2540 which aims to provide Thai citizens with access to government information through the rights to inspect, to request a copy, to get advice, to make complaints and appeal, and to ask the state to correct or change personal data. This means all staffs or public can access to all essential information by the internet. Moreover, public land inventory with public access and they can access to all essential information on public land allocations and transactions. There is

regulation about collection of payments for public leases in ALRA which are mentioned in section 4, 19, 30 and 31.

4.3.3.2. Justification and time-efficiency of acquisition processes

There are general regulations for ALROs land acquisition in ALRA, but ALRO has never done land acquisition before. Firstly, section 32 mentions that “if ALRO acquires any plot of land by purchase or expropriation for use in the agricultural land reform, the right of the lessee of such plot of land under the lease agreement or under the law on lease of land for agriculture shall come to an end” (Agricultural Land Reform Office, 1994). Secondly, section 33 mentions that “upon the Royal Decree designating land reform area coming into force in any locality, the competent officer shall notify all landowners who have agricultural land located within the land reform area to declare the number of plots of land, size of each plot of land, location and utilization of every plot of land owned by them, to the competent officer within 90 days in accordance with the form and procedure prescribed by the notification of the Minister published in the Government Gazette”(Agricultural Land Reform Office, 1994). Lastly, section 34 mentions that “in expropriating land or immovable property for agricultural land reform under this Act, the law on expropriation of immovable property shall apply *mutatis mutandis*. For land expropriated under paragraph one, ALRO or person authorized by ALRO shall have the power to take possession of such land for proceeding with agricultural land reform immediately”(Agricultural Land Reform Office, 1994).

4.3.3.3. Transparency and fairness of acquisition procedures

ALRO are revising all regulations about acquisition procedures and land valuation by Legal Department in order to clarify and improve fairness of compensation. This is section 35 of ALRA which indicates that “payment of the price of land or immovable property purchased under this Act shall be made in cash or cash and government bond in accordance with the rules and procedure prescribed in the Royal Decree. Payment of compensation for land or immovable property expropriated under this Act shall be made in part in cash and the balance shall be paid by government bond in accordance with the rules and procedure prescribed in the Government Gazette”(Agricultural Land Reform Office, 1994). Moreover, section 36 of ALRA also indicates that “the Board shall fix the compensation taking into account the acquisition, fertility and location of the land or immovable property in conjunction with the value of the main agricultural produce that can be produced from the land in that locality, in order for fairness to society and to farmers who are to bear the cost of land or immovable property to be paid to ALRO. The competent officer shall notify in writing the amount of compensation to the landowner or person entitled to receive the compensation. If the landowner or person entitled to receive the compensation does not agree to the amount of such compensation, he shall be entitled to lodge an appeal”(Agricultural Land Reform Office, 1994).

4.3.3.4. Farmer development process

ALRO develops farmers in agricultural land reform area by improve infrastructure such as access road and water resources to enhance the better of farmers living and the capacity of water use for consumption and agriculture. ALRO also provides agricultural credit and production inputs as well as developing and supporting on-farm and off-farm occupation. Moreover, it enables farmers to participate in natural resources and environment conservation in communities, and improve farmers' standard of living according to the existing local conditions of each area and farmers needed. However, many lawyers gave their opinions that “*ALRO should integrate more works or activities on farmer development process between Legal Affairs Bureau, Land Reform Areas Development Bureau, and Research and Planning Bureau in order to strengthen work performance*”.

4.3.4. Panel 4: Public provision of land information

4.3.4.1. Mechanisms for recognition of rights

Farmers can establish their ALROs land rights with non-documentary evidence by using community leader, neighbour or local authority as the witness. ALRO pay attention to formalization in line with local norms in an efficient and transparent process for land possession by the poor. *“Agricultural land reform process is voluntary, this means farmers or informal land holders are unforced by any law or regulation during land tenure reform process or land allocation process”*. To be involve in these process, they can make a decision by themselves, but most of them are willing to get in to the process because their rights are protected by ALRA and another land law after finishing the process.

4.3.4.2. Completeness of the land registry

ALRO has been trying to complete the state land registry by speeding up agricultural land reform process, this is a good sign of improvement. Nowadays most ALROs land information held in records is linked to maps that reflect current reality, but there are some parts of it need to be improved or solved, for example, overlapping of boundary between agricultural land reform area and forest area. This issues of the state land registry have been creating conflicts among agencies and farmers for several years. In addition, all ALROs land information are transferred to digital platform such as cadastral map and land registry record. It is easier to search and access to registry records by internet, but some staffs and users need time to learn how to use this system properly.

4.3.4.3. Reliability of registry information

All information in ALRO LAND database are not linked to each other, this means land data from different sections are store separately in the system. In this case, it can create the complexity for using this data, especially for user who do not have much skill on technology. Moreover, there are some mistakes in database during transferring data from paper to digital event through ALRO try to update data monthly. Thus, land information system of ALRO still need to be improved and developed in a proper way.

4.3.4.4. Cost-effectiveness and sustainability of land administration services

“There is high cost of recording a property transfer, but ALRO do not assume the cost because of financial supporting from Thai Government and Agricultural Land Reform Found”. Thus, this aspect has not been considered carefully by ALRO. Insufficient investment of land administration causes client complaining because it cannot cope with demand for high quality services.

4.3.4.5. Fees or taxes are determined transparently

There are no fees for any services of ALRO because most service are provided for poor farmers or the landless, and all costs are supported by Thai Government and Agricultural Land Reform Found. Farmers have to pay only low rate of land tax for local authority every year. This regulation provided clearly by ALRO and local authority, and land tax is collected from farmers by ALRO before paying local authority.

4.3.5. Panel 5: Dispute resolution

4.3.5.1. Assignment of responsibility

In every provincial office of ALRO, there is Legal Affairs Section which is responsibility for conflict resolution in that province. For a whole picture of country, conflict resolution system is mainly managed by Negotiation and Dispute Settlement Sub-Bureau under Legal Affairs Bureau at the ALRO central office in Bangkok. *“The public can access to conflict resolution mechanisms and appealing system without payment”*. They can go directly to Legal Affairs Section at provincial office or make an appeal via digital form in ALRO website. Many cases of conflict on ALROs land were solved by community leader or local authority because mutually accepted agreements reached through informal dispute resolution systems are accepted by ALRO.

4.3.5.2. The share of land affected by pending conflicts is low and decreasing

There are few long-standing land conflicts in agricultural land reform area because of small number of land disputes and timely resolve of conflicts by local leader or provincial office. Only cases of squatters who are the rich or big company that it may take more than five year for solving. For the formal dispute resolution systems, all processes are clearly prescribed in ALRA and related law and regulation. These have to be strictly followed by ALRO during dispute resolution process. This is an example of appealing process which are mentioned in section 40 of ALRA; *“if any landowner or owner of immovable property or person entitled to compensation wishes to lodge an appeal, he shall do so to the Appeal Committee within 30 days from the date of receipt of the written notification”*(Agricultural Land Reform Office, 1994).

4.3.6. Panel 6: Institutional arrangements and policies

4.3.6.1. Clarity of mandates and practice

There are some problems for land administration in Thailand, especially, overlap of responsibilities between government agencies. This has been creating barrier for working participatory among these agencies since several years. It can also be the obstacle during implementing ALRA by ALRO because there are at least 22 departments from 8 ministries who are responsible for land administration and at least 16 land laws and regulations are practicing in Thailand. *“In this case, it causes pluralism in legal system of land administration in the country”*. In addition, institutional arrangements and policies of ALRO should be improved because of lack of work integration among all sections in ALRO, and also lack of staffs in provincial office.

4.3.6.2. Equity and non-discrimination in the decision-making process

Nowadays agricultural land reform policy already addressed about equity and poverty reduction, low-income groups, environmental issue and reducing future disaster risk, but ALRO should pay more attention to policy implementation. Less participation of farmers in land policies and regulations development can be found, although the equity and non-discrimination in the decision-making process of ALRO has been improved by appointing Agricultural Land Reform Board and Provincial Land Reform Committee. As we can see from section 12 of ALRA, it mentions that *“Agricultural Land Reform Board comprises people from different sectors, for example, (1) chairman is the Minister of Agriculture and Cooperatives, (2) the Secretary-General of ALRO shall be a member and the secretary, and (3) members are several government agencies’ representatives, six of whom are farmers’ representatives and not more than three of whom are qualified persons”*(Agricultural Land Reform Office, 1994). Moreover, section 13 of ALRA also mentions that *“there shall be a provincial agricultural land reform committee in each province, called the “Provincial Land Reform Committee”, comprises people such as (1) chairman is the Provincial Governor, (2) chief of*

Provincial Land Reform Office shall be a member and the secretary, and (3) members are several government agencies' representatives from provincial level, and four farmers' representatives in that province appointed by the Minister and representative of the Department of Marine and Coastal Resources"(Agricultural Land Reform Office, 1994).

4.4. LGAF in implementation level (Implementer) of agricultural land reform

4.4.1. Panel 1: Land rights recognition

4.4.1.1. Recognition of a continuum of rights

To protect agricultural land, so that the land would be the property of farmers' descendants permanently, but no rights of ownerships Farmers have rights to use land with unlimited duration, but land cannot be purchased and transferred. ALROs lands still belong to state and reserve for agricultural propose. Arrangements for land utilization and development would be in harmony with existing conditions, to enable the preservation of natural resources and environment, including promotion for group and co-operative organization, so that its members would be widely benefited. ALROs lands are allocated to all individual and group who hold Thai citizenship. In this case, indigenous people has no rights to ALROs lands, if they do not hold Thai citizenship.

4.4.1.2. Respect for and enforcement of rights

All individual and group have equal opportunity to access to ALROs lands and all lands are registered after finishing allocation process. Nowadays the number of illegal land sales and lease transactions is quite high, especially tourism area. *"The number in record is lower than reality because they can check only purchasing between big holders. For small holders, they will purchase their land to relative or farmer in community. In this case, it is very difficult for checking and monitoring"*. For gender issue, woman and man's right are equal in practise. From ALRO LAND database, women hold ALROs lands more than 52% of total land holder.

4.4.2. Panel 2: Rights to agricultural land & land use regulations

4.4.2.1. Rights to land in agricultural land reform area

ALRO provides clearly the identification of agricultural land reform area and responsibility for use in ALRA and related law and regulation. There is new government policy for rural group rights which increase their opportunity to access to ALROs land. For this process, a big parcel of ALROs land are allocated, managed, and held by farmer group in rural area. This land is divided into smaller plot and redistribute to all members. In this case, their rights on land are the same as farmers who hold ALROs land individually and they must follow rules or regulations which are prescribed by ALRO. Normally, famers in agricultural land reform area have multiple rights over land and natural resources. Only trees and mines are controlled by another law and regulation, this means farmers need to ask for permission before using. Thus, many farmers do not grow or keep any trees on their land because of the limitation and complexity. This situation creates some obstacles in implementing policy, especially, environment revitalization policy which are trying to support farmers to plant or keep trees on their lands. In addition, these are nine rights that farmers can also benefit from getting into agricultural land reform process; (1) rights to get sufficiency land for living during allocation program, (2) right to build house or infrastructure on land as well as excavate pond, (3) right to access to a loan from Agricultural Land Reform Fund, (4) right to use the land use certificate or Sor Por Kor 4-01 to obtain credits from The Bank for Agriculture and Agricultural Cooperatives, (5) right to get service

from knowledge centre through learning process, (6) right to access and receive information, (7) right to get supporting on forming a group or cooperative (8) right to get supporting on infrastructure development, and (9) right to transfer land to the relative in case of decease.

4.4.2.2. Effectiveness and equity of land use regulations

With the aim to protecting the state land, ALROs land is reserved as agricultural area and land use cannot be changed without permission from ALRO. After land tenure reform or land allocation process, one household has right to own ALROs land around 8 hectares for cultivation or around 16 hectares for livestock. There are clear land use restrictions which are indicated in ALRA and related land use regulations, for example, ALROs land can be used only for agricultural purpose or related activity, farmer or farmer group are not allowed to purchase and lease ALROs land, farmer or farmer group are not allowed to construct any building which does not support agricultural activity, etc. In this case, they must follow every land use restrictions because ALROs land will be seized to the state, if they offend the restrictions. *“In the meantime, rights of farmer or farmer group are also protected by ALRA and related land use regulations in case of rezoning of land use by the state”*. Currently illegal land use change is increasing rapidly because of the weakness of enforcement in land use restrictions and ineffectiveness of land use monitoring system.

4.4.3. Penal 3: Agricultural land reform management and farmer development

4.4.3.1. Identification of public land and clear management

Almost 100% of ALROs land information are recorded in ALRO LAND database. Nowadays, staffs or public can access to all essential information by the internet. Clear management responsibility for ALROs land and sufficient resources for land management. There is also a collection of payments for ALROs land leases, but it is very low rate. The lessees or tenants are required to pay the land rent to the Agricultural Land Reform Office (the Agricultural Land Reform Office Fund). It means that all rental and hire-purchase payments are deposited back to the Agricultural Land Reform Office Fund. The agricultural land rent shall be, in principle, paid with agricultural produce, money or any other valuables which serve as a payment for land leasing. It also means any form of benefits which may be converted into money, directly or indirectly received by the lessor or the Agricultural Land Reform Office as repayment for land leasing.

4.4.3.2. Justification and time-efficiency of acquisition processes

ALRO has the authority to expropriate land for allocation under ALRA, Section 29. There is only general regulation for ALROs land acquisition in ALRA and it is not clear enough for implementation. In the past, land acquisition in land reform area were implemented based on the Expropriation of Immovable Property Act B.E. 2530 (1987). With unclear and not updated regulation, land acquisition has never been done by ALRO since several.

4.4.3.3. Transparency and fairness of acquisition procedures

Land valuation is one important procedures of land acquisition. Transparency and fairness of land valuation have been becoming an issue among experts in ALRO for few years because in the past unclear and unsuitable land valuation caused the failure of land acquisition in agricultural land reform area. This problem is remained and often create many obstacles when ALRO try to implement land valuation. In this case, many implementers suggest that ALRO should improve a clear and proper process of land valuation for ALROs land. Then it is useful for the process of land acquisition and returning uncultivated land from farmer to the state. If ALRO have a good process and fair compensation, farmers are willing to return their

land to the state instead of purchasing or leasing illegally. This way may also solve problem of illegal land use change and lack of land for allocation.

4.4.3.4. Farmer development process

ALRO pays attention to all farmer development aspect i.e. capacity building, occupation development, sustainable development, cluster or cooperative development, environment revitalization and infrastructure development. However, the service still cannot serve the majority because agricultural land reform area is large while less staff for working in the field. *“Moreover, many ALRO staffs lack of knowledge, skills or experiences which are necessary for agricultural land reform development such as land management, land law, agricultural extension, etc”*. Nowadays, the development is focused on group of farmer more than individual. Capacity building and occupation development are quite success when compare with the rest.

4.4.4. Panel 4: Public provision of land information

4.4.4.1. Mechanisms for recognition of rights

ALRO respects to local norms and try to involve community and all stakeholders in ALROs land right recognition. Farmer can establish their rights with non-documentary evidence. *“Land tenure reform and land allocation are voluntary process; thus, farmer or land owner are not forced by any law or regulation for involving in the process”*. Anyhow, most they are willing to get into the process because their rights are formalized and be more secure after receiving Sor Por Kor 4-01.

4.4.4.2. Completeness of the land registry

More than 5.71 million hectares of ALROs land or around 3.56 million of land parcel are registered. ALRO had to deal with huge numbers of documents in the past. Now all ALROs land document and information are transferred to digital platform such as cadastral map and land registry record. This land information system is called “ALRO LAND”, it has been developing for few years by ALRO staffs. This system is in the first stage of development, thus there are many parts need to be improved. Sometime it is still difficult to search and access to registry records by internet, and some staffs or users need time to learn how to use this system properly.

4.4.4.3. Reliability of registry information

ALRO are paying more attention on land information system because technology is currently playing an important role for working. ALRO LAND database becomes as the main tools for ALROs land information storage and management. However, there are some mistakes in database during transferring data from paper to digital. Some parts of land registry information do not reflect ground reality. Moreover, all land information in ALRO LAND database are not linked to each other. Therefore, the system still need to be improved with updating and maintaining the existing land registry information at the same time.

4.4.4.4. Cost-effectiveness and sustainability of land administration services

Cost of land recording is still a little bit high and ALRO do not pay much attention on this issue because all budgets are supported by Thai government and Agricultural Land Reform Found. This is not the sustainable way to develop land administration services from most perspectives of implementers. Thus, ALRO should increase budget for investment in new technologies of land administration system, for example, mapping and surveying tools, land information system, etc. *“At the same time, capacity building of staffs should be supported*

by ALRO because staffs can improve their knowledge, skills, experiences which are useful for working". If this situation is developed in a proper way, cost and time of land administration services will be reduced.

4.4.4.5. Fees or tax are determined transparently

There are no fees for any services of ALRO and there is clear regulation for ALROs land tax. Low rate of land tax is collected from farmers by ALRO and then pay for local authority. In this case, most implementers agree that although it is low amount of money from land tax, corruptions are still occurred sometime. Thus, ALRO should pay more attention on land tax collection system and make it transparent to the public.

4.4.5. Panel 5: Dispute resolution

4.4.5.1. Assignment of responsibility

Farmers know how to access to conflict resolution mechanisms of ALRO and the system is open freely to public without payment. Negotiation and Dispute Settlement Sub-Bureau is the main responsible section for conflict resolution at national level. For land disputes at regional level, it is mediated by Legal Affairs Section at the ALRO provincial office. Nowadays there are many conflict resolution mechanisms from another organisation that farmers can easily access as well. Most land conflicts in agricultural land reform area are a minor case. Therefore, informal dispute resolution is often used for solving these problems by local leader or local authority as mediator.

4.4.5.2. The share of land affected by pending conflicts is low and decreasing

There are small number of land disputes and few long-standing land conflicts. Moreover, conflicts are timely resolved by community leader or local authority. In agricultural land reform area, most long-standing land conflicts are cases of squatter who are the rich or company that they do not respect to the law. *"Nowadays, Thai government is implementing the special law which supports and gives more authority to ALRO for seizing land from squatters"*. Consequently, some long-standing land conflicts from the past are solved immediately and these lands are allocated to farmers group now.

4.4.6. Panel 6: Institutional arrangements and policies

4.4.6.1. Clarity of mandates and practice

Overlap of responsibilities between government agencies occurs often in practice. With the complexity of land administration system in Thailand, at least 22 agencies from 8 ministries who are responsible for land administration now. All agencies try to develop their own law and regulation, land policy as well as land information system without incorporate with each other. In this case, it creates an obstacle for working and lead to conflict escalation among government agency. Moreover, some people also complain about the complexity of the system that it makes the difficulty for them during getting service from land agencies in Thailand. If we look inside ALRO itself, there is clearly identify organization structure and responsibility for both national level and regional level, but lack of work integration inside ALRO. Most implementers agreed that *"number of staffs are not imbalance between central office and provincial office"*. Therefore, lack of staffs in many provincial offices cause heavy workload and affect to the quality of work.

4.4.6.2. Equity and non-discrimination in the decision-making process

Nowadays Agricultural Land Reform Policy already addressed about equity and poverty reduction, low-income groups, environmental issue and reducing future disaster risk, but ALRO should pay more attention

to policy implementation in order to improve effectiveness and efficiency of outcome. Most implementers agree that there is less participation of farmers in land policies and regulations development even through agricultural land reform process have been administered in form the of Agricultural Land Reform Board in national level and Provincial Land Reform Committee in regional level since ALRO was established. This administration system aim to improve transparency and participation in agricultural land reform process by appointing the representatives from several government agencies and farmer groups as member of Agricultural Land Reform Board and Provincial Land Reform Committee. *“However, most land policies and regulations are often developed by top-down approach, thus some land policies and regulations do not meet the needs of farmers or clients and lead to unsustainable development”*.

4.5. LGAF in implementation level (farmer and stakeholder) of agricultural land reform

4.5.1. Panel 1: Land rights recognition

4.5.1.1. Recognition of a continuum of rights

AROs Land tenure rights recognition can improve land tenure security for all individual and group of farmer. After receiving Sor Por Kor 4-01, they feel secure in their land more than living without any document. *“However, most farmers expect that they can get full ownership in their land”* because nowadays they are not allow to transfer and purchase their land according to regulations in ARLA. This limitation of rights is also an obstacle for farmers to access to financial resource because Sor Por Kor 4-01 is not accepted as mortgage or collateral by most financial institutions. Nowadays, Farmers can get a loan only from Agricultural Land Reform Fund and Bank for Agriculture and Agricultural Cooperatives.

4.5.1.2. Respect for and enforcement of rights

All farmers have an opportunity for tenure individualization and most individual rural land and communal land in agricultural land reform area are registered by ALRO. Only few pieces of land are not registered because there is an ambiguity in land type identification or land owners do not want to be involved in the process. Nowadays the number of illegal land sales and lease transactions are not too high, but it is increasing because of high demand of land. Many farmers are also getting older and their children do not want to be a farmer. *“If they return their lands to the state, they will not get any compensation or get very low compensation from the state”*. That why farmers decide to sell their lands to relative or another farmer in community. For women's right, there is no any problem in this issue. Woman and man are equal in land right. Many women in agricultural land reform area are farmer group leader or community leader.

4.5.2. Panel 2: Rights to agricultural land & land use regulations

4.5.2.1. Rights to land in agricultural land reform area

Identification of agricultural land reform area and responsibility for use are clear for most farmers. They understand general rule and regulations of land use. Farmers can use all natural resources on their land. However, there are some limitations of use for trees and mines, thus it is such a problem for small scale farmers in agricultural land reform area.

4.5.2.2. Effectiveness and equity of land use regulations

Justification and enforcement of restrictions are accepted by farmers. They feel safe, if there is land use rezoning because their rights are protected by ARLA and local authority. Nowadays most AROs' lands are still used for agricultural activities. Only few lands are changed illegally from farming to another activity.

4.5.3. Panel 3: Agricultural land reform management and farmer development

4.5.3.1. Identification of public land and clear management

“Almost 100% of ALROs' lands are recorded and most farmers received Sor Por Kor 4-01 from ALRO”. For all essential information on ALROs' land allocations and transactions, some farmers get this information from the internet, but most of them get all information from the announcement of regional office, community leader or radio because they cannot access to the internet or do not know how to use the internet.

4.5.3.2. Justification and time-efficiency of acquisition processes

There were few cases of ALROs' land acquisition for public use, but it was done by another government agency. The process was done timely and there was no any problem during acquisition processes. In case of land acquisition process by ALROs, the regulation and process are not clear enough for farmers and many farmers complain about inattention of ALRO in this issue.

4.5.3.3. Transparency and fairness of acquisition procedures

Compensation was paid promptly and farmers could access to the appeal system. However, the process of land valuation is still unclear for farmers and difficult to access for information. Most of them agree that *“compensation for acquisition of ownership or other rights are too low and unfair”*. Farmers suggest that ALROs' land acquisition processes and procedures should be improved, especially land valuation process.

4.5.3.4. Farmer development process

Farmers get properly support from ALRO in every aspect of capacity building, occupation development, sustainable development, cluster or cooperative development, environment revitalization and infrastructure development. These improve their knowledge and skills for land management. They earn more income which can improve their quality of life as well. In the meantime, some farmers do not get any enough support from ALRO after land tenure reform or redistribution process because ALROs' land cover very large area in some provinces, thus it is difficult to service all over the place. Nevertheless, farmers still get support from other government agencies or local authority.

4.5.4. Panel 4: Public provision of land information

4.5.4.1. Mechanisms for recognition of rights

As per farmers and stakeholder's perception, there is an efficient and transparent process for recognition of rights in land reform area. All stockholders can participate in the process and ALRO is in line with local norms and respect community. Farmers can establish their ALROs' land rights with non-documentary evidence by using community leader, neighbour or local authority as the witness.

4.5.4.2. Completeness of the land registry

ALROs land registry recording and mapping are improved and almost completed. It is timely to search and access to registry records by internet, but some farmers still need to go to regional office for this service because they cannot access to the internet or do not know how to use the internet.

4.5.4.3. Reliability of registry information

Most farmers agree that their registry records are up to date and correspondence with the reality, but overlapping and unidentified boundary are still the main problem that need to be solved. The services of ALRO are quite satisfied their needs. There are few complains on ALROs land registry recording that it takes longer than one years in process.

4.5.4.4. Fees or taxes are determined transparently

During the focused group discussions, farmers stated that *“there is clear regulation of land tax and this process can be rechecked by farmers who pay the tax”*. Farmers are willing to pay land tax for local authority because this money will be used for developing their community.

4.5.5. Panel 5: Dispute resolution

4.5.5.1. Assignment of responsibility

Most land conflicts are about overlapping boundary between two farmers and land transferring among descendants. These conflicts are mediated by community leader in the first stage. If this is not successful, farmers can access to conflict resolution mechanisms of ALRO and appealing system respectively.

4.5.5.2. The share of land affected by pending conflicts is low and decreasing

There are very small number of land disputes and few long-standing land conflicts. As discussed within a focused group discussions, *“most farmers and stakeholders have never seen more than five cases of long-standing land conflicts in the past forty years”*. Most cases are solved timely because most farmers accept conflict mediation by community leader or local authority.

4.6. Summary

The chapter revealed the analysis of current situation of agricultural land reform process in Thailand. Policy makers agreed that almost all aspects of agricultural land reform process are implemented in the right direction. There are only few issues need to be improved i.e. indigenous right, illegal land sale, illegal lease transection, corresponding of land use plan and actual use, transparency and fairness of land acquisition process, cost of land recording, sustainability of financial support, and organisation structure. At the same time, lawyers' opinion were quite different from policy makers because there are many issues that should be improved by ALRO such as recognition of a continuum of rights, illegal land sale, illegal lease transection, land use regulation, identification of public land, transparency and fairness of land acquisition process, farmer development process, completeness and reliability of the land registry, cost of land administration service, clarity of mandate and practice, and decision making process. However, agricultural land reform process is strong at rights to ALROs land, mechanisms of right recognition, transparency of fee determining, and arrangement of land dispute resolution. The results form implementers are quite similar to lawyers' opinions in case of positive and negative situations; only few differentiations in some aspects. Farmers and stakeholders agreed that there are only few aspects that are very positive e.g. mechanisms of right recognition, transparency of fee determining, and arrangement of land dispute resolution. This means there

are so many issues in agricultural land reform process which need to be solved by ALRO, especially, recognition of a continuum of rights, justification and time efficiency of land acquisition process, and transparency and fairness of land acquisition process.

5. ASSESSMENT OF AGRICULTURAL LAND REFORM

5.1. Introduction

The chapter provides an assessment combining findings of the analysis of data presented in chapter 4 (selected indicators of LGAF), desk research and a discussion with additional literature. This assessment identifies strengths and weaknesses for each panel of the LGAF which include (1) land rights recognition, (2) rights to agricultural land and land use regulations, (3) agricultural land reform area management and development, (4) public provision of land information, (5) dispute resolution, and (6) institutional arrangements and policies. Finally, the performance gaps of agricultural land reform process are also identified after the assessment.

5.2. Assessment of agricultural land reform

5.2.1. Land rights recognition

Table 5-1: The LGAF score of land rights recognition

Panel 1: Land rights recognition		Score				
Indicators	Dimensions which are related to agricultural land reform	P	L	I	F	Overall
1.1. Recognition of a continuum of rights	- Individuals' rural land tenure rights are legally recognized and protected in practice	A	C	B	C	C
	- Customary tenure rights are legally recognized and protected in practice.	A	C	B	-	C
	- Indigenous rights to land and forest are legally recognized and protected in practice.	D	D	D	-	D
1.2. Respect for and enforcement of rights	- Accessible opportunity for tenure individualisation exist.	A	A	A	C	A
	- Communal and individual land in rural areas is recorded and mapped.	A	A	A	C	A
	- The number of illegal land sales is low.	B	C	B	B	B
	- The number of illegal lease transactions is low.	B	B	A	B	B
	- Women's property rights in lands as accrued by relevant laws are recorded.	A	A	A	A	A
	- Women's property rights to land are equal to those by men.	A	A	A	A	A

Remark; P = Policy makers, L = Lawyers, I = Implementers, and F = Farmers and stakeholders

The summary table for panel one shows that, broadly speaking, respect for and enforcement of rights indicators have higher scores than recognition of continuum of rights indicators. The reason for this may be that in practice, a diversity of rights is recognized, but these are not (yet) reflected in legal and policy

documents according to World Bank vocabulary. In addition, the study shows that most policy makers and implementers are very satisfied with land rights of farmers in agricultural land reform area because state land can be easily protected and reserved for country, but on the other hand most lawyers, farmers and stakeholders do not agree with this limitation of land rights and they try to require for improving from land use right to full ownership right.

5.2.1.1. Strengths

“Agricultural land reform process aims to convert tenants and the landless to become owner operators, to provide landownership to squatters in public lands, and to ensure a fair share between tenants and land owners” (Chirapanda, 2000). Individuals' rural land tenure and customary land tenure rights of farmers in agricultural land reform area are legally recognized and protected in practice by Agricultural Land Reform Act B.E. 2518 (ALRA). As per ALRA, farmers have rights to use land with unlimited duration, but land condition or activities on land of the Agricultural Land Reform Office (ALROs land) is forbidden to change and cannot be purchased and transferred after allocation. This is the way to protect farmers from losing their land and then become tenants or a landless again. Based on section 39 of ALRA, the land rights granted by Agricultural Land Reform Office (ALRO) cannot not be divided or transferred to others. Exception are inheritance to descendants or the transfer to farmers' institution or ALRO for the benefits of the agricultural land reform. All this has to conform with criteria, methods and conditions determined by the ministry's law. In this situation from interviewing, most policy makers and implementers agree that this is the strong point of agricultural land reform process and recently land tenure rights recognition is suitable both in law and practice for agricultural land reform in Thailand because ALROs land is state land, thus it should belong to state and all Thai citizens even though this land is allocated to farmers. In this case, the country can protect agricultural land for farmers from land grabbing which was the cause of losing their land and rights in the past, and ALROs land will be reserved for next generation of Thai farmers in the future.

From the semi-structured interviews, most policy makers, lawyers and implementers also agree that there are quite high accessible opportunities for tenure individualization and registration of individual rural land and communal land in agricultural land reform area. Land tenure reform will be done by ALRO in order to improve land tenure right of farmers who live and cultivate in agricultural land reform area without formal land tenure right for long period. They can get the certificate of land use (Sor Por Kor 4-01) after this process. Another group of people are poor farmer and the landless, who can register for land redistribution process which are also done by ALRO. They will get a piece of agricultural land and Sor Por Kor 4-01 as do farmers from land tenure reform process. According to ALRA, persons eligible for land allocation have to meet the criteria as discussed in 4.3.1.2.

Our collected data shows that formal record of women's right and gender equality are not radical issue in agricultural land reform area. Lawyers explained that ALRA does not mention about women's right because there is no gender discrimination in Thai society and all citizens have equal right to ALROs land. In practice, woman hold ALROs land. ALRO LAND database shows that women are mainly ALROs land landholder with more than 52% of total land holder. They have independence to decide themselves on the transfer of property rights or management on land. Many women in agricultural land reform area are farmer group leaders or community leaders.

5.2.1.2. Weaknesses

As stipulated in the Royal Decree and discussed in 4.3.1.1 agricultural land reform process mainly helps Thai citizens to improve their land tenure rights under criteria and conditions for people who wish to be farmers

and access to ALROs land. In this case, if indigenous people do not have Thai citizenship, they have no right to access to ALROs land redistribution process although they have lived and cultivated agricultural lands for long period because it is out of ALRO authority according to law and regulation. This issue has been remained as weakness of ALRA since 1975. However, sometimes there are special policies or projects for land redistribution by another government agency who are responsible for indigenous group rights, for example, Office of the National Security Council and Royal Project Foundation, as discussed in 4.2.1.1.

There is also an issue on control of ALROs land right because most lawyers, farmers and stakeholders agree that the right of land owners are limited under ALRA. According to a continuum of rights, ALROs land should be improve from land use right to full ownership right. Farmers expect that they can get full ownership in their land because nowadays they are not allowed to transfer and purchase their land according to regulations in ALRA. This limitation of rights is also an obstacle for farmers to access to financial resource because Sor Por Kor 4-01 is not accepted as mortgage or collateral by most financial institutions. Nowadays, Farmers can get a loan only from Land Reform Fund and Bank for Agriculture and Agricultural Cooperatives. Nabangchang-Srisawalak (2006) describes “those against issuing full title deeds generally point to the risk of losing land once it can be used as loan collateral. The opposing view is that restrictions on land transfer do not necessarily prevent loss of land. Given the limited resources to provide a full coverage monitoring, restrictions on subdivision of land and the fact that prohibitions of sales or transfer to other people are not strictly enforceable in practice, there have been numerous cases of land transactions and illegal transfer”. Phetlom (2014) find out that illegal purchasing of state land is becoming a serious land conflict between farmers and state. From land use monitoring data in 2011, there were around 9,484 out of 193,549 farmers who sold their land illegally, and these members of farmers are on the increase. Nowadays there are around 20% of illegal land sales and less than 20% of illegal lease transactions by the projection of experts. These percentages are higher than number from land use monitoring data because ALRO can check only illegal land sales between big holders. For small holders, they will purchase their land to relative or farmer in community. This situation also corresponds with the answer of farmers and stakeholders. In this case, it is very difficult for checking and monitoring by ALRO. Recently, there are so many causes of illegal land sales and lease transactions in agricultural land reform area such as economic and population growth, high demand of land, aging farmer, no descendent, lack of labour, debt, etc. A good example of illegal land sale is an aging farmer problem. Many farmers in land reform area are getting older and their children do not want to be a farmer; in the meantime, if they return their lands to the state, they will not get any compensation or get very low compensation from the state. Thus, farmers decide to sell their lands to relative or another farmer in community.

5.2.2. Rights to agricultural land and land use regulations

Table 5-2: The LGAF score of rights to agricultural land and land use regulations

Panel 2: Rights to agricultural land and land use regulations		Score				
Indicators	Dimensions which are related to agricultural land reform	P	L	I	F	Overall
2.1. Rights to land in agricultural land reform area	- agricultural land reform area is clearly identified in law and responsibility for use is clearly assigned.	A	A	A	B	A
	- Rural group rights are formally recognized and can be enforced.	A	A	A	-	A

Panel 2: Rights to agricultural land and land use regulations		Score				
Indicators	Dimensions which are related to agricultural land reform	P	L	I	F	Overall
	- Users' rights to key natural resources on land (incl. fisheries) are legally recognized and protected in practice.	A	A	A	A	A
	- Multiple rights over land and natural resources on these lands can legally coexist.	A	A	A	A	A
	- Multiple rights over the same plot of land and its resources (e.g. trees) can legally coexist.	A	A	A	C	A
	- Multiple rights over land and mining/other sub-soil resources located on the same plot can legally coexist.	A	A	A	C	A
	- Accessible opportunities exist for mapping and recording of group rights.	A	A	A	-	A
	- Boundary demarcation of land.	A	A	A	A	A
2.2. Effectiveness and equity of land use regulations	- Restrictions regarding land use are justified and enforced.	A	B	B	B	B
	- Rezoning of rural land use follows a public process that safeguards existing rights.	A	B	A	A	A
	- For protected land use plans correspond to actual use.	B	B	B	A	B

Remark; P = Policy makers, L = Lawyers, I = Implementers, and F = Farmers and stakeholders

The panel two table shows very high scores for rights to land in the reform and also to a slightly lesser degree, with respect to effectiveness and equity of land use regulations. If the results of all group respondents are considered, almost every dimension get quite high score except for scores from farmers and stakeholders on multiple rights over natural resources such as trees and soil. In this case, farmers and stakeholders complained about the limitation of use and complication of the law and regulation.

5.2.2.1. Strengths

The World Bank (2015) explains that “land use and management regulations in rural areas are justified and transparent. In a well-functioning system of land administration, land use and management regulations should generally be used only to prevent or limit undesirable externalities from land use activity. They should be reasonable enough so as not to deprive large parts of the population of access to natural resources that are important for their livelihoods and they have used for long time”. For ALROs land, there are clear identification of agricultural land reform area and responsibility for use. These are stated in ALRA which must be followed by ALRO and farmers (See 4.3.2.1 for briefly detail of four types of land allocation and land use). ALRO recognise and protect users' rights to key natural resources on ALROs land and multiple rights over land and natural resources on these lands. Farmers have right to cultivate on land, do all activities which are related to agricultural purpose, and use all resources over and under land. For formal recognition and enforcement of rural group rights, it is applicable for ALROs land as well as accessible opportunities exist for mapping and recording of group rights. Boundary demarcation of ALROs land is done under ALRA and there is the department who are responsible for this task. Nowadays, Thai government has a policy and regulation to supports rural group rights by acquiring state lands from squatters. These lands are redistributed by ALRO to farmer groups and lands must be managed in form of group rights. Farmer groups

have the same rights as individual such as multiple rights over land and natural resources. Only trees and mines are controlled by another law and regulation, thus farmers need to ask for permission before using.

“Changes in land use zoning or restrictions can have a major impact on land values, positive or negative in rural areas - depending on the implications of restrictions on land use practices. Lifting restrictions can also make land available for concession and this can become a source of corruption. It is thus important to develop zoning regulations and land use plans in a participatory and transparent manner that can subject the process to public scrutiny, protect public good values of natural resources and prevent the abuse and rent-seeking behaviour of those who could otherwise manipulate the procedures to their own benefit” (The World Bank, 2015a). According to main aim of agricultural land reform in Thailand, state land will be reserved for agricultural activities. There are justification and enforcement of restrictions regarding ALROs land use, and safeguards existing rights for land use rezoning in ALRA. The regulations under ALRA indicate that any person who wishes to acquire the agricultural land for other activities which support or are related to agricultural land reform shall submit an application with supporting evidence to the competent officials. The supporting evidence relates to the plan or project for the activities shall include seven things as described in 4.3.2.2. Duration of leasing or hire-purchasing or usufruct basis of the permitted person shall be complied with the prescribed regulations of the Agricultural Land Reform Office. Money, interests or any forms of benefits received from the permitted person shall pay to the Agricultural Land Reform Fund. The plan or project of the permitted person shall not cause any pollution and hazard to the community, environment and people in the agricultural land reform area. The permitted person has no right to transfer the right to other persons except when the person receives the permission from the competent officials. The permitted person shall follow the plan or project which is specified in the contracts. Any change, revision and addition of the plan or project shall submit to ask the permission from the competent officials before the implementation. The Agricultural Land Reform Office shall annually monitor the plan or project of the permitted person. In the case where the permitted person fails to comply with the conditions, the Agricultural Land Reform Executive Committee has the power to revoke the permission and to purchase, expropriate or cancel the leasing, hire-purchasing or usufruct basis of the said land, as appropriate.

5.2.2.2. Weaknesses

As discussed in the strengths of this Panel, famers and farmer groups have multiple rights over land and natural resources, but there are some limitations of use of trees and mines because they are controlled by another law and regulation. Thus, farmers need to ask for permission before using these natural resources. Sometimes it creates some weaknesses and obstacles for ARLO, for example, the failure of environment revitalisation project. Most farmers and farmer groups do not plant trees on their lands because of this limitation.

Our collected data as in 4.2.2.1 in regard of agricultural land reform area, shows that there are quite clear identification of agricultural land reform area and responsibility for use. However, some actual land uses are not correspondent to land use plan of ALRO because farmers change their lands to other activities. Nowadays illegal land use change is increasing in ALROs land. There are some examples of illegal land use change in Wang Num Kheaw district where ALROs land has been changed to be recreation area or hotel because of economic growth form tourism, and in Mae Ka district where ALROs land has been changed to be residential and commercial area because of population and economic growth. The main causes of these problems are from lack of proper land use monitoring system and lack of enforcement of land use law and regulations.

5.2.3. Agricultural land reform area management and development

Table 5-3: The LGAF score of agricultural land reform area management and development

Panel 3: Agricultural land reform area management and development		Score				
Indicators	Dimensions which are related to agricultural land reform	P	L	I	F	Overall
3.1. Identification of public land and clear management	- Criteria for public land ownership are clearly defined and assigned to the right level of government.	A	A	A	B	A
	- There is a complete recording of public land.	A	B	B	B	B
	- Information on public land is publicly accessible.	A	B	B	B	B
	- Responsible public institutions have sufficient resources for their land management responsibilities.	A	B	A	-	A
	- The management responsibility for different types of public land is unambiguously assigned.	A	C	A	-	A
	- All essential information on public land allocations and transactions to private interests is publicly accessible.	A	C	B	B	B
	- There is the collection of payments for public leases	A	B	A	A	A
3.2. Justification and time-efficiency of acquisition processes	- There is minimal transfer of acquired land to private interests.	A	B	C	D	C
	- Acquired land is transferred to destined use in a timely manner.	A	B	C	D	C
	- The threat of land acquisition does not lead to pre-emptive action by private parties.	A	B	C	D	C
3.3. Transparency and fairness of acquisition procedures	- There is a clear process of land valuation.	B	B	C	D	B
	- Valuation rolls are publicly accessible.	B	B	B	D	B
	- Compensation is provided for the acquisition of all rights regardless of their recording status.	B	B	B	D	B
	- Land use change resulting in selective loss of rights there is compensated for.	B	B	B	D	B
	- Acquired owners are compensated promptly.	B	B	C	D	B
	- There are independent and accessible avenues for appeal against acquisition.	B	B	B	D	B
	- Timely decisions are made regarding complaints about acquisition.	B	B	C	D	B
3.4. farmer development process	- Capacity building	A	B	B	B	B
	- Occupation development	A	B	B	B	B
	- Sustainable development e.g. youth farmer	A	B	C	B	B
	- Cluster or cooperative development	A	C	C	B	C
	- Environment revitalisation	A	C	C	B	C
	- Infrastructure development	A	C	C	B	C

Remark; P = Policy makers, L = Lawyers, I = Implementers, and F = Farmers and stakeholders

The overall score of panel three reveals that ALRO has quite good performance on identification of public land and clear management. However, there are slightly lesser scores for justification and time-efficiency of

acquisition processes as well as transparency and fairness of acquisition procedures because of unclear regulations and implementations in these issues. Inaccessibility of farmer development process also makes indicator 3.4 get quite lower score. One noticeable result of this panel is the lowest score from farmers and stakeholders in indicator 3.2 and 3.3, most of them are totally unsatisfied with all regulations and implementations of these two indicators.

5.2.3.1. Strengths

“Transparency, legitimacy and accountability of public land management is typically hampered by a severe lack of information or traceable information about what public land exists and what rights the state possesses to control and manage it. This is made more complex where management responsibilities are fragmented across different ministries and agencies as is often the case. Yet, effective public land management is critical for sustainable use, investment and management of large scale public resources and assets. In addition, the protection of public land is enhanced where there is broader public access to records” (The World Bank, 2015a). ALRO is main government agency who justify public or state land ownership which are focused on agricultural land reform area. Other two government agencies are Royal Forestry Department and The Treasury Department who are responsible for forest land and King land respectively. This means there is clear management responsibility for state land in Thailand. More than 90% of state land are registered and recorded in the system. Nowadays ALRO are trying to improve land information system from paper base system to digital platform called “ALRO LAND”. All resources for responsible public institutions are from government budget. ALROs land inventory are managed by National Land Reform Committee and opened for public access. All essential information on public land allocations and transactions can be accessed by many channels e.g. website, radio, regional office’s announcement, etc. Nowadays, ALRO abide strictly by Official Information Act, B.E. 2540 which aims to provide Thai citizens with access to government information through the rights to inspect, to request a copy, to get advice, to make complaints and appeal, and to ask the state to correct or change personal data. This means all staffs or public can access to all essential information by the internet. For ALROs land, there is regulation about collection of payments for public leases in ALRA which are mentioned in section 4, 19, 30 and 31, but it is very low rate. The lessees or tenants are required to pay the land rent to the Agricultural Land Reform Office (the Agricultural Land Reform Office Fund). It means that all rental and hire-purchase payments are deposited back to the Agricultural Land Reform Office Fund. The agricultural land rent shall be, in principle, paid with agricultural produce, money or any other valuables which serve as a payment for land leasing. It also means any form of benefits which may be converted into money, directly or indirectly received by the lessor or the Agricultural Land Reform Office as repayment for land leasing.

5.2.3.2. Weaknesses

“Expropriation is an important tool for governments to enhance social welfare by providing public goods or by limiting negative externalities when private ownership is likely to lead to outcomes that have undesirable impacts on welfare. But expropriations should occur in the public’s general interest” (The World Bank, 2015a). Generally, ALROs lands are acquired from two main sources i.e. private and public sector. ALRO uses “private land and public land” as technical term to distinguish the difference between lands from two sources. However, both types of lands are belonged to state after land tenure reform process or land distribution process. Chirapanda (2000) identified “land was acquired from the private land domain, voluntarily through direct purchase and, involuntarily through expropriation, from large and absentee landowners. It is then leased or sold on amortisation basis to tenants, marginal and landless farmers. There was the issue of land valuation which relates to rule of law. In any land reform programme, there is always

a recurring problem of land valuation and compensation payment. For Thailand, the valuation roll published by the Department of Lands which is used as a basis for land appraisal is rather crude and makes no distinction on different land uses. In order to protect landowners as well as farmers from possible abuses or injustice, a legal court to settle land disputes should be established. This so far does not exist”. Nowadays ALRO are still facing with these kinds of problems even though ALRO has rarely done land acquisition and valuation. There are the regulations for ALROs land acquisition in ALRA as in 4.3.3.2 and 4.3.3.3, but these regulations are very general and not clear enough to adapt to the specifics of various situations.

ALRO followed Land Valuation Regulation of The Treasury Department. There was not clear process of ALROs land valuation and lack of public access. Many people said this regulation was not suitable for ALROs land valuation and complained about unfair compensation for acquisition of ownership and other rights. The World Bank (2015) explains “if the procedure is not transparent, expropriation can favour specific groups of interest and disadvantage poorer or more fragile groups. An opaque procedure can also lead to the corruption of those in charge of expropriation decisions. It is thus important that individuals and groups who feel negatively affected by expropriation have access to institutions that enable them to contest the terms of their expropriation through independent and objective mechanisms”.

“As providing land to the landless and the tenants does not automatically ensure that success is forthcoming. Land reform beneficiaries need economically efficient production mix with accessible supporting services. It is precisely this which inhibits successful land reform implementation. More often than not, the land reform farmers are ill-advised in production planning and lack of supporting services to carry it out” (Chirapanda, 2000). This study found out that farmers get properly support from ALRO in aspect of capacity building, occupation development, and sustainable development. Cluster or cooperative development, environment revitalization, and infrastructure development are less success in famer development process. Anyhow, these improve their knowledge and skills for land management. They earn more income which can improve their quality of life as well. In the meantime, some farmers and farmer groups do not get any enough support from ALRO after land tenure reform or redistribution process because ALROs land cover very large area in some provinces, thus it is difficult to service all over the place. Nevertheless, farmers still get support from other government agencies or local authority.

5.2.4. Public provision of land information

Table 5-4: The LGAF score of public provision of land information

Panel 4: Public provision of land information		Score				
Indicators	Dimensions which are related to agricultural land reform	P	L	I	F	Overall
4.1. Mechanisms for recognition of rights	- Land possession by the poor can be formalized in line with local norms in an efficient and transparent process.	A	A	A	A	A
	- Non-documentary evidence is effectively used to help establish rights.	A	A	A	A	A
	- Long-term unchallenged possession is formally recognized.	A	A	A	A	A
4.2. Completeness	- Information held in records is linked to maps that reflect current reality.	A	B	B	A	B
	- All relevant public restrictions or charges are recorded.	A	A	B	-	A

Panel 4: Public provision of land information		Score				
Indicators	Dimensions which are related to agricultural land reform	P	L	I	F	Overall
of the land registry	- There is a timely response to requests for accessing registry records.	A	B	B	B	B
	- The registry is searchable.	A	B	C	B	B
	- Land information records are easily accessed.	A	B	C	B	B
4.3. Reliability of registry information	- Information in public registries is synchronized to ensure integrity of rights and reduce transaction cost.	A	C	B	-	B
	- Registry focus on client satisfaction	A	C	B	B	B
	- Registry information is up-to-date and reflects ground reality.	A	C	B	B	B
4.4. Cost-effectiveness and sustainability of land administration services	- Total cost of recording a property transfer is low.	B	C	B	-	B
	- The registry is financially sustainable through fee collection to finance its operations.	B	C	C	-	C
	- Investment in land administration is sufficient to cope with demand for high quality services.	A	C	B	-	B
4.5. Fees are determined transparently	- Fees have a clear rationale, their schedule is public, and all payments are accounted for.	A	A	A	A	A
	- Informal payments are discouraged.	A	A	B	A	A
	- Service standards are published and regularly monitored.	A	A	B	A	A

Remark; P = Policy makers, L = Lawyers, I = Implementers, and F = Farmers and stakeholders

Mechanisms for recognition of rights and fee determining and transparency are given with high score meanwhile lesser score for completeness of the land registry, reliability of registry information, and cost-effectiveness and sustainability of land administration services. The main reason is the imperfection of land information system of ALRO, it is currently in developing stage and need to be improved properly.

5.2.4.1. Strengths

“To be effective, it is important that rights recognition mechanisms processes hinge upon a consistent definition and interpretation of rights in line with existing practices, that they be affordable and accessible to the concerned population, and that they be transparent. If formalization processes are not consistent with practices, there may be increased ambiguity in land rights and increased tenure insecurity. If they are not affordable, they may benefit richer households at the expense of the poor. If they are not transparent enough, they may encourage corruption and capture by the privileged” (The World Bank, 2015a). ALRO pays attention to formalization in line with local norms in an efficient and transparent process for land possession by the poor because most of ALROs land are in rural areas with different contexts. Thus, ALRO respect and listen to all opinions of stakeholders and try to involve them in a whole process of recognition of rights. In case of non-documentary evidence, farmers can establish their rights on ALROs land through oral witnesses of occupancy. Land information system of ALRO has been improved properly. Nowadays all ALROs land registry records and cadastral maps are transferring to digital platform. All relevant public restrictions or charges are recorded in the system as well. This system also creates more convenience for

farmers or public to search and access to registry records via ALRO's website and timely response to requests. ALRO give free service for land registry because most clients are poor farmer or the landless, but all services still focus on client satisfaction. ALRO accept and listen to all comments for improving the services. There is no fee collection from any services of ALRO. Farmers have to pay only land tax for local authority annually. Clear regulation for ALROs land tax is provided by ALRO that low rate of land tax is collected from farmers by ALRO for local authority. In this case, farmers are willing to pay land tax for local authority because this money will be used for developing their community.

5.2.4.2. Weaknesses

"Land information that various agencies collect, which is held in stand-alone databases. In the past decade and in recognizing the usefulness and various applications of geographic information Systems (GIS), many public agencies have invested large sums of money in procuring the hardware and the software for GIS as well as investment in training and capacity building" (Nabangchang-Srisawalak, 2006). "The reliability of the information held by the registry is an important factor when considering the public good value of the registry. Outdated ownership information, inconsistencies between what is recorded in the registry and reality, all decrease the value of the services that are provided by the registry and may cause interested parties to cease to use it altogether" (The World Bank, 2015a). Nowadays there is a policy for reporting and updating registry information monthly by regional office because of some mistakes in database during transferring data from paper to digital. However, there is still a lack of synchronization of information in ALROs land registries. Sometime it can increase the complexity and inconvenience of the service. This means land information system of ALRO need to be improved and developed in a proper way. Moreover, cost of land recording is still a little bit high, but ALRO is trying to invest in new technologies of land information system/ mapping and surveying in order to reduce cost and time of land administration services. All budgets are supported by Thai government and Agricultural Land Reform Found. In addition, ALROs land registry recording and mapping are improved and almost completed. It is timely to search and access to registry records by internet, but some staffs and users need time to learn how to use this system properly, for example, most farmers still need to go to regional office for this service because they cannot access to the internet or do not know how to use the internet.

5.2.5. Dispute resolution

Table 5-5: The LGAF score of dispute resolution

Panel 5: Dispute resolution		Score				
Indicators	Dimensions which are related to agricultural land reform	P	L	I	F	Overall
5.1. Assignment of responsibility	- There is clear assignment of responsibility for conflict resolution.	A	A	A	-	A
	- Conflict resolution mechanisms are accessible to the public.	A	A	A	A	A
	- Mutually accepted agreements reached through informal dispute resolution systems are encouraged.	A	A	A	A	A
	- There is an accessible, affordable and timely process for appealing disputed rulings.	A	A	A	B	A
5.2. The share of land affected by	- Land disputes constitute a small proportion of cases in the formal legal system.	A	A	A	A	A

Panel 5: Dispute resolution		Score				
Indicators	Dimensions which are related to agricultural land reform	P	L	I	F	Overall
pending conflicts is low and decreasing	- Conflicts in the formal system are resolved in a timely manner.	A	B	B	A	B
	- There are few long-standing (> 5 years) land conflicts.	A	A	A	A	A

Remark; P = Policy makers, L = Lawyers, I = Implementers, and F = Farmers and stakeholders

The overall scores are very high for both indicators in panel five because there is quite clear assignment of responsibility for dispute resolution and low effect of land conflicts. Almost every dimension is given the highest score by all group of respondents except for an accessible, affordable and timely process for appealing disputed rulings and conflicts resolving in the formal system.

5.2.5.1. Strength

“It is important that the legal responsibility of the institutions responsible for conflict resolution be clearly assigned. Unclear rules would increase transactions costs as disputes may be pursued through multiple channels, diverting resources from productive uses. Incompetence among judicial authorities resulting in inconsistent application of laws and interpretation of legal definition would reduce confidence in legal institutions and do little to resolve deep-rooted land disputes” (The World Bank, 2015a). There is clear assignment of responsibility for conflict resolution in ALRO. Legal department is responsible for conflict resolution. All farmers or public can access to conflict resolution mechanisms of ALRO without any payments. Mutually accepted agreements reached through informal dispute resolution systems are encouraged. Most land conflicts are about overlapping boundary between two farmers and land transferring among descendants. These conflicts are mediated by community leader in the first stage. If it fails, farmers can access to conflict resolution mechanisms of ALRO and appealing system respectively. There is an accessible, affordable and timely process for appealing disputed rulings which are stated in ALRA. Nowadays There are also low land disputes and few long-standing land conflicts. Moreover, conflicts are timely resolved by community leader or local authority.

5.2.5.2. Weakness

“Institutional framework can limit the opportunity for costly disputes to arise before they have a chance to become established, or where there are legitimate disputes, if the institutional framework can deal with those disputes in a reasonable time” (The World Bank, 2015a). Generally, there are few long-standing land conflicts (greater than 5 years) in agricultural land reform area. Most of these cases are companies or the rich who are holding ALROs land illegally. Nowadays, government come up with urgent policy and give full authority to ALRO to seize all state land from this group of people, then allocate land to poor farmer and the landless. However, Thai government should find long term solution for this problem because it seems to be that disputes between ALRO and companies or the rich are increasing continuously.

5.2.6. Institutional arrangements and policies

Table 5-6: The LGAF score of institutional arrangements and policies

Panel 6: Institutional arrangements and policies		Score				
Indicators	Dimensions which are related to agricultural land reform	P	L	I	F	Overall
6.1. Clarity of mandates and practice	- Land policy formulation, implementation and arbitration are separated to avoid conflict of interest.	A	B	B	-	B
	- Responsibilities of the ministries and agencies dealing with land do not overlap (horizontal overlap).	A	B	B	-	B
	- Administrative (vertical) overlap is avoided.	A	B	B	-	B
	- Land right and use information is shared by public bodies; key parts are regularly reported on and publicly accessible.	B	C	B	-	B
	- Overlaps of rights (based on tenure typology) are minimal and do not cause friction or dispute.	B	B	B	-	B
	- Ambiguity in institutional mandates (based on institutional map) does not cause problems.	B	B	A	-	B
6.2. Equity and non-discrimination in the decision-making process	- Land policies and regulations are developed in a participatory manner involving all relevant stakeholders.	A	C	C	-	C
	- Land policies address equity and poverty reduction goals; progress towards these is publicly monitored.	A	A	A	-	A
	- Land policies address ecological and environmental goals; progress towards these is publicly monitored.	A	C	B	-	B
	- The implementation of land policy is costed, matched with benefits and adequately resourced.	A	C	B	-	B
	- There is regular and public reporting indicating progress in policy implementation.	A	C	B	-	B
	- Land policies help to improve land use by low-income groups and those who experienced injustice.	A	A	A	-	A
	- Land policies proactively and effectively reduce future disaster risk.	A	B	B	-	B

Remark; P = Policy makers, L = Lawyers, I = Implementers, and F = Farmers and stakeholders

The table of panel six shows that most policy makers give thoroughly high scores for almost dimensions in this panel. In the meantime, the lesser scores are given by most lawyers and implementers because of unclear mandates and policy in some issues. Consequently, the overall score is not too high for clarity of mandates and practice as well as equity and non-discrimination in the decision-making process.

5.2.6.1. Strength

“The goals of land reform are multifold i.e. reducing poverty, expanding rural development, or returning land to its previous owners” (Beehner, 2005). “Good land and resource tenure reforms must accomplish to achieve the goal of strengthening community rights to land and natural resources” (Pritchard, Lesniewska, Lomax, Ozinga, and Morel, 2013). All main missions of ALRO are addressed in agricultural land reform

policies such as equity and poverty reduction, ecological and environmental revitalisation, improving land use by low-income groups and those who experienced injustice and reducing future disaster risk. The implementation of agricultural land reform land policy is based on benefits and adequate resource. There is regular and public reporting indicating progress in policy implementation once a year. For vertical administrative, most people agree that there is no overlap of responsibility between central and regional office.

5.2.6.2. Weakness

“One key problem of Thailand's land administration is the excessive divisions and segmentation of responsibilities. Among other issues, this has created a lack of unified direction and goals, incoherence and compartmentalization of activities and the absence of complementarities of efforts” (Nabangchang-Srisawalak, 2006). There are many actors and institutions who are involved in land administration sector, including 22 departments from 8 ministries with 16 laws and regulations for land administration. In this case, it causes conflict of interest and overlaps of responsibilities sometimes. In the past, there was a lack of work integration among government agencies. this situation spoils the unity of land information system in Thailand. Therefore, this year new policy is implemented by Thai government for improving the situation called “One Map”. This means all land data and cadastral maps will be combined in one land information system. All land information will be used and shared among all actors, institutions and public.

“There is a risk that land policies could serve the interest of well-established groups at the expense of others, it is important that the interests of all relevant stakeholders are taken into account when the policy is designed and when it is implemented. This can be achieved through the participation and consultation of all stakeholder groups in the decision-making process and the incorporation of clearly articulated equity goals as policy objectives” (The World Bank, 2015a). For agricultural land reform policies, less participation of farmers in policies and regulations development can be found even though all stakeholders are invited for these processes e.g. National Land Reform Committee, Provincial Land Reform Committee, farmer representative, community leader, etc.

5.3. The main performance gaps in agricultural land reform

The main performance gaps are analysed and summarized based on the findings of agricultural land reform assessment in section 5.2. In each sub-section below, performance gaps of agricultural land reform process are described by indicating causes and effects. There are seven main performance gaps which need to be addressed promptly in order to improve agricultural land reform process in Thailand, as follows:

5.3.1. Limitation of land rights

The main aim of agricultural land reform process is to reserve state land for agricultural use among Thai farmers. Thus, ALRO's land use restriction is too strict by law and in practice. It is clearly stated in ALRA that farmers have no right to sell, lease and transfer to others, except transferring to their relatives or descendants. This means farmers do not get full ownership right after land tenure reform or land allocation process. With land use certificate and limitation of land rights, this factor creates some problems in agricultural land reform area, for example: (1) some farmers are not willing to be involved in agricultural land reform process and then ALRO cannot complete state land registry in that area; (2) some farmers do not feel as they are the owner of land and then that land is not be used efficiently and productively; (3) some lands are not arable, thus farmers gain very low profit and income but they must keep it for agricultural activity; and (4) Many financial institutions do not accept Sor Por Kor 4-01 as collateral to obtain a loan.

5.3.2. Illegal land sale

The number of illegal land sale in agricultural land reform area is slightly increasing each year. The results of this study show that there are many factors that can be the cause of illegal land sale in agricultural land reform area such as: high demand of land market from economic and population growth, lack of labour, aging farmer, debt, no descendant, lack of production factor, inaccessible of financial source, etc. Nowadays, ALRO still has no efficient method for investigating illegal land sale, especially, purchasing between farmer to farmer in community that they still use ALROs land for cultivation. Most problems of this issue are from people outside community who are the rich or company. They buy land from many farmers and then land is changed from agricultural area to another type of land use.

5.3.3. Weakness of land use regulation

ALROs land is protected by ALRA and related land use regulation. It must be used for agricultural purpose, this means land use cannot be changed without permission from ALRO. Although all farmers know this restriction, the number of illegal land use change is slightly increasing every year, especially, nearby tourism area and residential area. The main causes of this problem are the ineffectiveness of land use regulation enforcement and lack of proper land use monitoring system. ALRO currently use old method of land use monitoring by field visit. Therefore, this method is unsuitable to monitor 6.08 million hectares with few number of staffs.

5.3.4. Unclear of land acquisition process

Land acquisition was implemented only one period at the beginning of agricultural land reform process in the past. Nowadays more than 350,000 poor farmers are waiting for land allocation from ALRO while lack of state land. Thus, ALRO try to buy lands from private sector and acquire ALROs land from farmers who are not willing or not able to use these lands anymore. However, ALRO still do not success with the implementation of land acquisition process in agricultural land reform area. It seems to be that land acquisition process is not an easy job for ALRO because the regulation is out of date and unclear in law and practice as well as unsuitable land valuation process which is used by ALRO now. From this situation, there is no farmer who is willing to return his land back to the state with unfair compensation.

5.3.5. Inaccessibility of farmer development process

Farmer development process is one of main mission of ALRO, but there are still some issues that obstruct the successfulness of development. With a large area of 6.08 million hectares, it is very difficult for ALRO in order to provide the service for farmers all over the country. At the same time, many ALRO staff lack of knowledge, skills and experiences which are useful for farmer development process such as land management, land law, agricultural extension, agricultural system management, etc. Less staff at provincial office is also an obstacle for farmer development process. Moreover, short-term and top-down policy actions interfere farmer development process or implement in the wrong direction. With unsuccessful development, farmers cannot earn enough for living and their quality of life is not improved. These effects may be the cause of illegal land sale, illegal land use change, migration, etc.

5.3.6. Lack of good land information system

Land information system is becoming necessity and an important tool for land administration. “ALRO LAND” is land information system which have been developing by ALRO employees since few years ago. Most ALROs land information were transferred from paper to digital and archived in the system. However, this study find out that ALRO LAND need to be further developed in many aspects, for example: linkage of different types of land information, correctness of data, accessibility of the system, etc. These problems

still interfere the performance of the system and create difficulty for users. In addition, ALRO employees are willing to improve their knowledge, skills and experiences about land information system in order to apply that for ALRO LAND system development.

5.3.7. Unclear institutional arrangement

There are overlapping of responsibility among agencies dealing with land in Thailand because of less work integration. Each agency has their own policy, law and regulation, land information system, etc. This situation is finally creating conflicting activities between these agencies. Diversity and having no standards of land information system is a good example of the problem. It spoils the unity of land information system of the country and causes many land conflicts such as: overlapping of boundary between agricultural land reform area and forest area. These problems should be resolved by Thai government in order to reduce the obstacle of land development process in the country. At agency level, ALRO is dealing with less work integration among each section and unbalancing of number of staff at central office and provincial office. There are insufficient number of staff while there is heavy workload at provincial office. This circumstance affects the effectiveness and efficiency of work.

5.4. Summary

The chapter showed the result of assessing agricultural land reform process by using LGAF indicators. The results of assessment were grouped into strengths and weakness based on the overall score. The strengths of agricultural land reform process consisted of rights to ALROs land, clear mechanisms of right recognition, transparency of fee determining, and good arrangement of land dispute resolution. At the same time, there were many weaknesses as following; recognition of a continuum of rights, illegal land sale, illegal lease transection, ineffectiveness of inequity of land use regulation, unclear of public land identification and management, justification and time inefficiency of land acquisition process, and non-transparency and unfairness of land acquisition process, ineffectiveness of farmer development process, incompleteness and unreliability of the land registry, cost-ineffectiveness and unsustainability of land administration service, unclarity of mandates and practice, and inequity and discrimination in the decision making process. After the assessment of agricultural land reform process, the main performance gaps were identified based on the weaknesses. Seven performance gaps were found out from this study i.e. limitation of rights, illegal land sale, weakness of land use regulation, unclear of land acquisition process, inaccessibility of farmer development process, lack of good land information system, and unclear institutional arrangement.

6. CONCLUSION AND RECOMENDATIONS

6.1. Introduction

This chapter presents the conclusion of the study. For recommendations and resolutions, the suitable approaches or tools are proposed for improving the priority issues in agricultural land reform process in Thailand based on the gaps and issues identified at the end of chapter 5. In section 6.2, all three specific objectives are concluded in order to answer the general objective. Firstly, specific objective one is concluded based on the findings of suitable LGAF indicators for assessing agricultural land reform process in chapter 2. Secondly, there are three parts of conclusion for specific objective two i.e. the current situation of agricultural land reform process with respect to each selected LGAF indicators in chapter 4, the strengths and weakness of agricultural land reform process based on the LGAF assessment scores in chapter 5, and the main performance gaps based on the weaknesses in chapter 5. Finally, specific objective three is concluded with respect to recommendations for improving the main performance gaps of agricultural land reform process at the end of chapter 6.

6.2. Conclusion

The general objective of this research aimed to assess the current situation of agricultural land reform in Thailand by using the Land Governance Assessment Framework. Therefore, three specific objectives were investigated in order to reach the aim of general objective. The conclusion of each specific objective is provided as following:

6.2.1. Specific objective one

The first specific objective was to review and identify the indicators of the LGAF which are most suitable for assessing agricultural land reform in the case of Thailand. The study found out that the LGAF Framework is based on international standards of good land governance and 27 land governance indicators with 120 sub-indicators or dimensions were divided into nine thematic panels as following: (1) land tenure recognition, (2) rights to forest and common lands and rural land use regulations, (3) urban land use, planning, and development, (4) public land management, (5) transparent process and economic benefit, (6) public provision of land information: registry and cadastre, (7) land valuation and taxation, (8) dispute resolution, and (9) review of institutional arrangements and policies. These thematic panels of the LGAF cover all aspects of agricultural land reform framework in Thailand i.e. land allocation, land management and farmer development. After identifying the most suitable indicators of the LGAF for assessing agricultural land reform process in Thailand, there were six thematic panels with 17 indicators and 80 dimensions which could be used for the assessment by experts in three different levels of administration i.e. (1) policy level; policy makers, (2) legal level; lawyers, and (3) implementation level; implementers. This means some thematic panels, indicators, and dimensions were revised, added or removed based on agricultural land reform framework in Thailand (see Table 2-4). For gaining additional data in implementation level, the same framework was used for the assessment by farmers and stakeholders. However, panels 6: institutional arrangements and policies are removed as well as some irrelevant

dimensions in another panel. Thus, only five relevant thematic panels with 14 indicators and 61 dimensions were applied for assessment in the level of farmers and stakeholders (see Appendix 2).

6.2.2. Specific objective two

The second specific objective aimed to analyse and assess the process of agricultural land reform according to specific indicators of the LGAF. Firstly, the current situation in Thailand's agricultural land reform process with respect to each selected LGAF indicators were analysed in three administration levels i.e. (1) policy level; policy makers, (2) legal level; lawyers, and (3) implementation level; implementers/ farmers and stakeholders. The study revealed that agricultural land reform process is in the right track on the perspective of the policy makers. There are only few issues that need attention by ALRO such as indigenous right, illegal land sale, illegal lease transection, corresponding of land use plan and actual use, transparency and fairness of land acquisition process, cost of land recording, sustainability of financial support, and organisation structure. Based on the analyses performed on the second level of the lawyers, agricultural land reform process is very strong at rights to ALROs land, mechanisms of right recognition, transparency of fee determining, and arrangement of land dispute resolution. The issues that should be improved e.g. recognition of a continuum of rights, illegal land sale, illegal lease transection, land use regulation, identification of public land, transparency and fairness of land acquisition process, farmer development process, completeness and reliability of the land registry, cost of land administration service, clarity of mandate and practice, and decision making process. For the perspective of implementers, overall image of agricultural land reform process is similar to lawyers' opinions; only few differentiations in some issues. In the same time, farmers and stakeholders agreed that there are so many issues in agricultural land reform process which need to solved by ALRO, especially: recognition of a continuum of rights, justification and time efficiency of land acquisition process, and transparency and fairness of land acquisition process. Mechanisms of right recognition, transparency of fee determining, and arrangement of land dispute resolution are the best performance in their opinions. Secondly, agricultural land reform process was assessed by the LGAF and then strengths and weaknesses were identified by the assessment scores. The overall assessment scores demonstrated that rights to ALROs land, clear mechanisms of right recognition, transparency of fee determining, and good arrangement of land dispute resolution are the strength of agricultural land reform process. The weaknesses include recognition of a continuum of rights, illegal land sale, illegal lease transection, ineffectiveness of inequity of land use regulation, unclear of public land identification and management, justification and time inefficiency of land acquisition process, and non-transparency and unfairness of land acquisition process, ineffectiveness of farmer development process, incompleteness and unreliability of the land registry, cost-ineffectiveness and unsustainability of land administration service, no clear mandates and practice, and inequity and discrimination in the decision making process. Finally, the main performance gaps were identified based on the weaknesses of agricultural land reform process. The study pointed out that there are seven performance gaps which should be considered by ALRO i.e. limitation of rights, illegal land sale, weakness of land use regulation, unclear of land acquisition process, inaccessibility of farmer development process, lack of good land information system, and unclear institutional arrangement.

6.2.3. Specific objective three

The third specific objective was to propose suitable recommendations for improvement of the implementation of agricultural land reform in Thailand. Recommendations are based on seven performance gaps in 5.3. and for each recommendation the solutions from three administrative level are included as following; (1) improvement of land rights, (2) reduction of illegal land sale, (3) strengthening of land use

regulation, (4) improvement of land acquisition process, (5) sustainable farmer development process, (6) high performance of land information system, and (7) clear institutional arrangement. The Recommendations are presented in details in the following sub-chapter 6.3.

6.3. Recommendations

This section is based on seven performance gaps in 5.3. The findings come from the assessment of three administrative level i.e. policy level, legal level, and implementation level and these are translated into a political action with aim to improve the current situation of agricultural land reform process in Thailand.

6.3.1. Recommendations for improving agricultural land reform process

1) Improvement of land rights: According to law and regulation, ALROs land rights are very difficult to be changed from land use rights to full ownership rights. Therefore, it is recommendable that ARLO enhance the participation of farmers in each step of agricultural land process in order to properly identify and provide their needs, and create awareness about the benefits of reserving state land for the country. The “right to sell” was a right that all farmers and stakeholders asked for. With the limitation of this right, they said that if they are not able to use their lands in the future, they are willing to sell their lands back to the state with fair price. In this case, ALRO can use land acquisition process with fair compensation as a tool to improve “right to sell” for farmers in agricultural land reform area.

2) Reduction of illegal land sale: Enforcement of law and regulation are needed for controlling the increase of illegal land sale, thus ALROs land should be seized from offenders and reallocated to another farmer or the landless. Land acquisition process may also be the suitable solution for preventing illegal land sale. ALRO should make a policy to acquire ALROs land from farmers who are not able or willing to use their land by providing fair compensation. With promotion of the sustainable farmer development process, it may help to prevent illegal land sale as well because farmers earn enough income for their living and then their quality of life are improved.

3) Strengthening of land use regulation: Regarding the current method of ALROs land use monitoring, it is very difficult to inspect illegal land use change. In this situation, technologies of geographic information system (GIS) and remote sensing may be useful for monitoring land use in a large area. In the meantime, land use regulation must be enforced and ALROs land should be seized from illegal land use change. However, there is a suggestion about flexible land use regulation for non-arable land that ALRO may allow farmers to change land use to another related activity, but a high rate of land tax must be collected from this group of farmers.

4) Improvement of land acquisition process: ALRO Policy should address the issue of state land acquisition process. Law and regulation must be updated and revised for a clear land acquisition process. At the same time, suitable land valuation process for ALROs land must be developed for transparency and fairness of compensation. ALROs land valuation should be based on land market price and use the combination valuation methods between Direct Sale Comparison and Income Capitalization Approach. The valuation should also consider about production factors e.g. soil quality, rainfall, location, etc. The reasonable or fair compensation may be paid lower than land market price because ALROs land is a state land. If land

acquisition process is successfully implemented in agricultural land reform area, many issues will be solved, especially, illegal land sale.

5) Sustainable farmer development process: Long term policy including the farmers and stakeholder's requirements are necessary for farmer development process in order to provide the suitable service to the actual needs of farmers. Capacity building for the ALRO staff should be included in the long-term policy. Then they gain more knowledge, skills, and experiences which are useful for farmer development process e.g. land administration, land law, agricultural systems management, and agricultural extension. In the future, ALRO may initiate creation of the network among farmers and farmer groups in regional level and national level, and do the development process through this network. Moreover, sustainable agriculture may be applied as a tool for farmer development process and a whole supply chain of agricultural production should be considered and managed in a proper way.

6) High performance of land information system: According to the nation policy with country development through innovation and technology, land information system should be addressed as one of the core policies of ALRO and more budget should be allocated for developing the system. With a good land information system, ALRO can cope with demand for high quality of land administration service. However, land information system need to be properly developed and maintained by knowledgeable and skilful staff. Therefore, capacity building on individual professional level is important for sustainable of the system. This can be arranged in a form of scholarship, short course, workshop, training, etc.

7) Clear institutional arrangement: At national level, it is recommendable that the government should make a policy to enhance work integration among land agencies in Thailand. It would be beneficial for all if land information is shared and freely accessed to each other. One land agency may be appointed as central hub of national land information, then every agency has to work with the same standard through the country. At agency level, institutional structure of ALRO should be reorganized in order to improve effectiveness and efficiency of work performance. The number of staff at central office can be reduced by applying more technology to work, then provincial offices can have more staff for fieldwork.

6.3.2. Recommendations for further research

The result of this study already fulfilled and answered the research objective. However, this study could not involve more external experts during semi-structured interview because the limitation of time. Focus group discussion was also done only in the northeast of Thailand. Therefore, further research may be broadly implemented in term of respondents for data collection such as NGOs, experts from provincial office, farmers and stakeholders in another region, etc. Then further research may find out new issues from different contexts or more details that can support this study and be useful for strengthening agricultural land reform process in Thailand. Moreover, further research should study about the main performance gaps of agricultural land reform process for gaining more understandings and solutions.

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APPENDICES

Appendix 1: The Land Governance Assessment Framework by WB

				Score			
Pan-LGI-Dim		Topic		A	B	C	D
PANEL 1: Land rights recognition							
LGI 1: Recognition of a continuum of rights							
1	1	1	Individuals' rural land tenure rights are legally recognized and protected in practice.				
1	1	2	Customary tenure rights are legally recognized and protected in practice.				
1	1	3	Indigenous rights to land and forest are legally recognized and protected in practice.				
1	1	4	Urban land tenure rights are legally recognized and protected in practice.				
LGI 2: Respect for and enforcement of rights							
1	2	1	Accessible opportunities for tenure individualisation exist.				
1	2	2	Individual land in rural areas is recorded and mapped.				
1	2	3	Individual land in urban areas is recorded and mapped.				
1	2	4	The number of illegal land sales is low.				
1	2	5	The number of illegal lease transactions is low.				
1	2	6	Women's property rights in lands as accrued by relevant laws are recorded.				
1	2	7	Women's property rights to land are equal to those by men.				
PANEL 2: Rights to forest and common lands & rural land use regulations							
LGI 1: Rights to forest and common lands							
2	1	1	Forests and common lands are clearly identified in law and responsibility for use is clearly assigned.				
2	1	2	Rural group rights are formally recognized and can be enforced.				
2	1	3	Users' rights to key natural resources on land (incl. fisheries) are legally recognized and protected in practice.				
2	1	4	Multiple rights over common land and natural resources on these lands can legally coexist.				
2	1	5	Multiple rights over the same plot of land and its resources (e.g. trees) can legally coexist.				
2	1	6	Multiple rights over land and mining/other sub-soil resources located on the same plot can legally coexist.				
2	1	7	Accessible opportunities exist for mapping and recording of group rights.				
2	1	8	Boundary demarcation of communal land.				
LGI 2: Effectiveness and equity of rural land use regulations							
2	2	1	Restrictions regarding rural land use are justified and enforced.				
2	2	2	Restrictions on rural land transferability effectively serve public policy objectives.				

				Score			
Pan-LGI-Dim		Topic		A	B	C	D
2	2	3	Rural land use plans are elaborated/changed via public process and resulting burdens are shared.				
2	2	4	Rural lands, the use of which is changed, are swiftly transferred to the destined use.				
2	2	5	Rezoning of rural land use follows a public process that safeguards existing rights.				
2	2	6	For protected rural land use (forest, pastures, wetlands, national parks, etc.) plans correspond to actual use.				
PANEL 3: Urban land use, planning, and development							
<i>LGI 1: Restrictions on rights</i>							
3	1	1	Restrictions on urban land ownership/transfer effectively serve public policy objectives.				
3	1	2	Restrictions on urban land use (disaster risk) effectively serve public policy objectives.				
<i>LGI 2: Transparency of land use restrictions</i>							
3	2	1	Process of urban expansion/infrastructure development process is transparent and respects existing rights.				
3	2	2	Changes in urban land use plans are based on a clear public process and input by all stakeholders.				
3	2	3	Approved requests for change in urban land use are swiftly followed by development on these parcels of land.				
<i>LGI 3: Efficiency in the urban land use planning process</i>							
3	3	1	Policy to ensure delivery of low-cost housing and services exists and is progressively implemented.				
3	3	2	Land use planning effectively guides urban spatial expansion in the largest city.				
3	3	3	Land use planning effectively guides urban development in the four next largest cities.				
3	3	4	Planning processes are able to cope with urban growth.				
<i>LGI 4: Speed and predictability of enforcement of restricted land uses</i>							
3	4	1	Provisions for residential building permits are appropriate, affordable and complied with.				
3	4	2	A building permit for a residential dwelling can be obtained quickly and at a low cost.				
<i>LGI 5: Tenure regularization schemes in urban areas</i>							
3	5	1	Formalization of urban residential housing is feasible and affordable.				
3	5	2	In cities with informal tenure, a viable strategy exists for tenure security, infrastructure, and housing.				
3	5	3	A condominium regime allows effective management and recording of urban property.				

				Score			
Pan-LGI-Dim	Topic			A	B	C	D
PANEL 4: Public land management							
LGI 1: Identification of public land and clear management							
4	1	1	Criteria for public land ownership are clearly defined and assigned to the right level of government.				
4	1	2	There is a complete recording of public land.				
4	1	3	Information on public land is publicly accessible.				
4	1	4	The management responsibility for different types of public land is unambiguously assigned.				
4	1	5	Responsible public institutions have sufficient resources for their land management responsibilities.				
4	1	6	All essential information on public land allocations to private interests is publicly accessible.				
LGI 2: Justification and time-efficiency of acquisition processes							
4	2	1	There is minimal transfer of acquired land to private interests.				
4	2	2	Acquired land is transferred to destined use in a timely manner.				
4	2	3	The threat of land acquisition does not lead to pre-emptive action by private parties.				
LGI 3: Transparency and fairness of acquisition procedures							
4	3	1	Compensation is provided for the acquisition of all rights regardless of their recording status.				
4	3	2	Land use change resulting in selective loss of rights there is compensated for.				
4	3	3	Acquired owners are compensated promptly.				
4	3	4	There are independent and accessible avenues for appeal against acquisition.				
4	3	5	Timely decisions are made regarding complaints about acquisition.				
PANEL 5: Transfer of large tracts of land to investors							
LGI 1: Transfer of public land to private use follows a clear, competitive process and payments are collected							
5	1	1	Public land transactions are conducted in an open transparent manner.				
5	1	2	Payments for public leases are collected.				
5	1	3	Public land is transacted at market prices unless guided by equity objectives.				
5	1	4	The public captures benefits arising from changes in permitted land use.				
5	1	5	Policy to improve equity in asset access and use by the poor exists, is implemented effectively and monitored.				
LGI 2: Private investment strategy							
5	2	1	Land to be made available to investors is identified transparently and publicly, in agreement with right holders.				
5	2	2	Investments are selected based on economic, socio-cultural and environmental impacts in an open process.				

			Score			
Pan-LGI-Dim	Topic		A	B	C	D
5	2	3	Public institutions transferring land to investors are clearly identified and regularly audited.			
5	2	4	Public bodies transferring land to investors share information and coordinate to minimize and resolve overlaps (incl. sub-soil).			
5	2	5	Compliance with contractual obligations is regularly monitored and remedial action taken if needed.			
5	2	6	Safeguards effectively reduce the risk of negative effects from large scale land-related investments.			
5	2	7	The scope for resettlement is clearly circumscribed and procedures exist to deal with it in line with best practice.			
<i>LGI 3: Policy implementation is effective, consistent and transparent</i>						
5	3	1	Investors provide sufficient information to allow rigorous evaluation of proposed investments.			
5	3	2	Approval of investment plans follows a clear process with reasonable timelines.			
5	3	3	Right holders and investors negotiate freely and directly with full access to relevant information.			
5	3	4	Contractual provisions regarding benefit sharing are publicly disclosed.			
<i>LGI 4: Contracts involving public land are public and accessible</i>						
5	4	1	Information on spatial extent and duration of approved concessions is publicly available.			
5	4	2	Compliance with safeguards on concessions is monitored and enforced effectively and consistently.			
5	4	3	Avenues to deal with non-compliance exist and obtain timely and fair decisions.			
PANEL 6: Public provision of land information: registry and cadastre						
<i>LGI 1: Mechanisms for recognition of rights</i>						
6	1	1	Land possession by the poor can be formalized in line with local norms in an efficient and transparent process.			
6	1	2	Non-documentary evidence is effectively used to help establish rights.			
6	1	3	Long-term unchallenged possession is formally recognized.			
6	1	4	First-time recording of rights on demand includes proper safeguards and access is not restricted by high fees.			
6	1	5	First-time registration does not entail significant informal fees.			
<i>LGI 2: Completeness of the land registry</i>						
6	2	1	Total cost of recording a property transfer is low.			
6	2	2	Information held in records is linked to maps that reflect current reality.			
6	2	3	All relevant private encumbrances are recorded.			
6	2	4	All relevant public restrictions or charges are recorded.			
6	2	5	There is a timely response to requests for accessing registry records.			

				Score			
Pan-	LGI-	Dim	Topic	A	B	C	D
6	2	6	The registry is searchable.				
6	2	7	Land information records are easily accessed.				
<i>LGI 3: Reliability of registry information</i>							
6	3	1	Information in public registries is synchronized to ensure integrity of rights and reduce transaction cost.				
6	3	2	Registry information is up-to-date and reflects ground reality.				
<i>LGI 4: Cost-effectiveness and sustainability of land administration services</i>							
6	4	1	The registry is financially sustainable through fee collection to finance its operations.				
6	4	2	Investment in land administration is sufficient to cope with demand for high quality services.				
<i>LGI 5: Fees are determined transparently</i>							
6	5	1	Fees have a clear rationale, their schedule is public, and all payments are accounted for.				
6	5	2	Informal payments are discouraged.				
6	5	3	Service standards are published and regularly monitored.				
PANEL 7: Land valuation and Taxation							
<i>LGI 1: Transparency of valuations</i>							
7	1	1	There is a clear process of property valuation.				
7	1	2	Valuation rolls are publicly accessible.				
<i>LGI 2: Collection efficiency</i>							
7	2	1	Exemptions from property taxes payment are justified and transparent.				
7	2	2	All property holders liable to pay property tax are listed on the tax roll.				
7	2	3	Assessed property taxes are collected.				
7	2	4	Receipts from property tax exceed the cost of collection.				
PANEL 8: Dispute resolution							
<i>LGI 1: Assignment of responsibility</i>							
8	1	1	There is clear assignment of responsibility for conflict resolution.				
8	1	2	Conflict resolution mechanisms are accessible to the public.				
8	1	3	Mutually accepted agreements reached through informal dispute resolution systems are encouraged.				
8	1	4	There is an accessible, affordable and timely process for appealing disputed rulings.				
<i>LGI 2: The share of land affected by pending conflicts is low and decreasing</i>							
8	2	1	Land disputes constitute a small proportion of cases in the formal legal system.				
8	2	2	Conflicts in the formal system are resolved in a timely manner.				
8	2	3	There are few long-standing (> 5 years) land conflicts.				
PANEL 9: Institutional arrangements and policies							

				Score			
Pan-	LGI-	Dim	Topic	A	B	C	D
<i>LGI 1: Clarity of mandates and practice</i>							
9	1	1	Land policy formulation, implementation and arbitration are separated to avoid conflict of interest.				
9	1	2	Responsibilities of the ministries and agencies dealing with land do not overlap (horizontal overlap).				
9	1	3	Administrative (vertical) overlap is avoided.				
9	1	4	Land right and use information is shared by public bodies; key parts are regularly reported on and publicly accessible.				
9	1	5	Overlaps of rights (based on tenure typology) are minimal and do not cause friction or dispute.				
9	1	6	Ambiguity in institutional mandates (based on institutional map) does not cause problems.				
<i>LGI 2: Equity and non-discrimination in the decision-making process</i>							
9	2	1	Land policies and regulations are developed in a participatory manner involving all relevant stakeholders.				
9	2	2	Land policies address equity and poverty reduction goals; progress towards these is publicly monitored.				
9	2	3	Land policies address ecological and environmental goals; progress towards these is publicly monitored.				
9	2	4	The implementation of land policy is costed, matched with benefits and adequately resourced.				
9	2	5	There is regular and public reporting indicating progress in policy implementation.				
9	2	6	Land policies help to improve land use by low-income groups and those who experienced injustice.				
9	2	7	Land policies proactively and effectively reduce future disaster risk.				

The World Bank (2015a)

Appendix 2: Selected indicators and dimensions of LGAF for assessing agricultural land reform in Thailand by farmers and stakeholders

Panel 1: Land rights recognition	
Indicator	Dimension
1.1. Recognition of a continuum of rights	<ul style="list-style-type: none"> - Individuals' rural land tenure rights are legally recognized and protected in practice - Customary tenure rights are legally recognized and protected in practice. - Indigenous rights to land and forest are legally recognized and protected in practice.
1.2. Respect for and enforcement of rights	<ul style="list-style-type: none"> - Accessible opportunity for tenure individualisation exist. - Communal and individual land in rural areas is recorded and mapped. - The number of illegal land sales is low. - The number of illegal lease transactions is low. - Women's property rights in lands as accrued by relevant laws are recorded. - Women's property rights to land are equal to those by men.
Panel 2: Rights to agricultural land & land use regulations	
Indicator	Dimension
2.1. Rights to land in agricultural land reform area	<ul style="list-style-type: none"> - agricultural land reform area is clearly identified in law and responsibility for use is clearly assigned. - Rural group rights are formally recognized and can be enforced. - Users' rights to key natural resources on land (incl. fisheries) are legally recognized and protected in practice. - Multiple rights over land and natural resources on these lands can legally coexist. - Multiple rights over the same plot of land and its resources (e.g. trees) can legally coexist. - Multiple rights over land and mining/other sub-soil resources located on the same plot can legally coexist. - Accessible opportunities exist for mapping and recording of group rights. - Boundary demarcation of land.
2.2. Effectiveness and equity of land use regulations	<ul style="list-style-type: none"> - Restrictions regarding land use are justified and enforced. - Rezoning of rural land use follows a public process that safeguards existing rights. - For protected land use plans correspond to actual use.
Panel 3: Agricultural land reform management and farmer development	
Indicator	Dimension
3.1. Identification of public land and clear management	<ul style="list-style-type: none"> - Criteria for public land ownership are clearly defined and assigned to the right level of government. - There is a complete recording of public land. - Information on public land is publicly accessible.

	<ul style="list-style-type: none"> - All essential information on public land allocations and transactions to private interests is publicly accessible. - There is the collection of payments for public leases
3.2. Justification and time-efficiency of acquisition processes	<ul style="list-style-type: none"> - There is minimal transfer of acquired land to private interests. - Acquired land is transferred to destined use in a timely manner. - The threat of land acquisition does not lead to pre-emptive action by private parties.
3.3. Transparency and fairness of acquisition procedures	<ul style="list-style-type: none"> - There is a clear process of land valuation. - Valuation rolls are publicly accessible. - Compensation is provided for the acquisition of all rights regardless of their recording status. - Land use change resulting in selective loss of rights there is compensated for. - Acquired owners are compensated promptly. - There are independent and accessible avenues for appeal against acquisition. - Timely decisions are made regarding complaints about acquisition.
3.4. Farmer development process	<ul style="list-style-type: none"> - Capacity building - Occupation development - Sustainable development e.g. youth farmer - Cluster or cooperative development - Environment revitalisation - Infrastructure development

Panel 4: Public provision of land information

Indicator	Dimension
4.1. Mechanisms for recognition of rights	<ul style="list-style-type: none"> - Land possession by the poor can be formalized in line with local norms in an efficient and transparent process. - Non-documentary evidence is effectively used to help establish rights. - Long-term unchallenged possession is formally recognized.
4.2. Completeness of the land registry	<ul style="list-style-type: none"> - Information held in records is linked to maps that reflect current reality. - There is a timely response to requests for accessing registry records. - The registry is searchable. - Land information records are easily accessed.
4.3. Reliability of registry information	<ul style="list-style-type: none"> - Information in public registries is synchronized to ensure integrity of rights and reduce transaction cost. - Registry focus on client satisfaction - Registry information is up-to-date and reflects ground reality.
4.4. Fees or tax are determined transparently	<ul style="list-style-type: none"> - Fees and tax have a clear rationale, their schedule is public, and all payments are accounted for. - Informal payments are discouraged. - Service standards are published and regularly monitored.

Panel 5: Dispute resolution

Indicator	Dimension
5.1. Assignment of responsibility	<ul style="list-style-type: none"> - There is clear assignment of responsibility for conflict resolution. - Conflict resolution mechanisms are accessible to the public. - Mutually accepted agreements reached through informal dispute resolution systems are encouraged. - There is an accessible, affordable and timely process for appealing disputed rulings.
5.2. The share of land affected by pending conflicts is low and decreasing	<ul style="list-style-type: none"> - Land disputes constitute a small proportion of cases in the formal legal system. - Conflicts in the formal system are resolved in a timely manner. - There are few long-standing (> 5 years) land conflicts.

Adapted from LGAF of The World Bank (2015a)

Appendix 3: Interview guide for experts in policy, legal and implementation level

Panel 1: Land rights recognition

1. How is a continuum of rights recognized for agricultural land reform?

- Land tenure rights recognition
- Customary tenure rights
- Indigenous rights to land

2. What are the respect for and enforcement of rights for farmers?

- Accessible opportunities for tenure individualization
- Registration of individual rural land and communal land
- The number of illegal land sales
- The number of illegal lease transactions
- Equality and formal record of women's right

Panel 2: Rights to agricultural land & land use regulations

3. What are the rights to land in agricultural land reform area?

- Clear identification of agricultural land reform area and responsibility for use
- Formal recognition and enforcement of rural group rights
- Recognition and protection of users' rights to key natural resources on land (including fisheries)
- Multiple rights over land and natural resources on these lands
- Multiple rights over the same plot of land and its resources (e.g. trees)
- Multiple rights over land and mining/other sub-soil resources located on the same plot
- Accessible opportunities exist for mapping and recording of group rights
- Boundary demarcation of land

4. How does agricultural land reform office ensure that land use regulations are effectiveness and equity?

- Justification and enforcement of restrictions regarding land use
- Safeguards existing rights for land use rezoning
- Correspondent of land use plan and actual use

Panel 3: Agricultural land reform management and farmer development

5. How does agricultural land reform office Identify and manage public land?

- Justification of public ownership
- Complete recording of public land
- Clear management responsibility for public land
- Sufficient resources for responsible public institutions
- Public land inventory with public access
- Accessibility of all essential information on public land allocations and transactions
- Collection of payments for public leases

6. What are the justification and time-efficiency of acquisition processes?

- Acquired land is used for private purposes
- Speed of use of acquired land
- Not lead to pre-emptive action

7. How are transparency and fairness of acquisition procedures improved?

- Clear process of land valuation
- Valuation rolls are publicly accessible

- Fair compensation for acquisition of ownership
- Fair compensation for acquisition of other rights
- Promptness of compensation
- Independent and accessible appeal
- Time it takes for a first-instance decision on an appeal

8. How does agricultural land reform office consider about farmer development?

- Capacity building
- Occupation development
- Sustainable development e.g. youth farmer
- Cluster or cooperative development
- Environment revitalization
- Infrastructure development

Panel 4: Public provision of land information

9. What are the mechanisms for recognition of rights?

- Formalization in line with local norms in an efficient and transparent process for land possession by the poor
- Establishing rights for non-documentary evidence
- Formal recognition for long-term unchallenged possession

10. What is about the completeness of agricultural land reform registry?

- Mapping of registry records
- Relevant public restrictions
- Searchability of the registry
- Accessibility of registry records
- Timely response to requests

11. What is the reliability of registry records?

- Synchronization of information in public registries for ensuring integrity of rights and reduce transaction cost
- Registry focus on client satisfaction
- Up-to-date registry information

12. How does agricultural land reform office consider about cost-effectiveness and sustainability?

- Low cost of recording a property transfer
- Financial sustainability of registry
- Capital investment in the system to record rights

13. Are fees or tax determined transparently to cover the cost of service provision? And how?

- Schedule of fees for services is public
- Informal payments discouraged
- Publishing and monitoring of service standard

Panel 5: Dispute resolution

14. How does agricultural land reform office assign the responsibility for dispute resolution?

- Clear assignment of responsibility for conflict resolution
- Accessibility of the public on conflict resolution mechanisms
- Mutually accepted agreements reached through informal dispute resolution systems are encouraged
- Accessible, affordable and timely process for appealing disputed rulings

15. How is about the share of land affected by pending conflicts?

- Low land disputes
- Timely resolve of conflicts
- Few long-standing (> 5 years) land conflicts

Panel 6: Institutional arrangements and policies

16. What are the processes to clarify the mandates and practice?

- Separation of land policy formulation, implementation and arbitration for avoiding conflict of interest
- Overlaps of responsibilities (horizontal) and administrative (vertical)
- Sharing of land right and use information by public bodies
- Minimizing of overlaps of rights (based on tenure typology)
- Ambiguity in institutional mandates (based on institutional map)

17. How does agricultural land reform office improve the equity and non-discrimination in the decision-making process?

- Participation of land policies and regulations development
- Addressing of equity and poverty reduction goals in land policy
- Addressing of ecological and environmental goals in land policy
- Proper implementation of land policy with benefits and adequate resource
- Regular and public reporting indicating progress in policy implementation
- Land policy for improving land use by low-income groups and those who experienced injustice
- Land policies for reducing future disaster risk

Appendix 4: Focus group discussion guide for farmers in agricultural land reform area

Panel 1: Land rights recognition

1. What are your opinions about a continuum of rights recognized for agricultural land reform?

- Land tenure rights recognition
- Customary tenure rights
- Indigenous rights to land

2. Do you think that the respect for and enforcement of rights are considered? and how?

- Accessible opportunities for tenure individualization
- Registration of individual rural land and communal land
- The number of illegal land sales
- The number of illegal lease transactions
- Equality and formal record of women's right

Panel 2: Rights to agricultural land & land use regulations

3. What are your rights to land in agricultural land reform area?

- Clear identification of agricultural land reform area and responsibility for use
- Formal recognition and enforcement of rural group rights
- Recognition and protection of users' rights to key natural resources on land (including fisheries)
- Multiple rights over land and natural resources on these lands
- Multiple rights over the same plot of land and its resources (e.g. trees)
- Multiple rights over land and mining/other sub-soil resources located on the same plot
- Accessible opportunities exist for mapping and recording of group rights
- Boundary demarcation of land

4. Do you think that land use regulations are effectiveness and equity? And how?

- Justification and enforcement of restrictions regarding land use
- Safeguards existing rights for land use rezoning
- Correspondent of land use plan and actual use

Panel 3: Agricultural land reform management and farmer development

5. Is agricultural land reform area identified and managed properly in your opinions? And how?

- Justification of public ownership
- Complete recording of public land
- Public land inventory with public access
- Accessibility of all essential information on public land allocations and transactions
- Collection of payments for public leases

6. What are your opinions about the justification and time-efficiency of acquisition processes?

- Acquired land is used for private purposes
- Speed of use of acquired land
- Not lead to pre-emptive action

7. Are acquisition procedures transparent and fair for you? And why?

- Clear process of land valuation
- Valuation rolls are publicly accessible
- Fair compensation for acquisition of ownership
- Fair compensation for acquisition of other rights
- Promptness of compensation

- Independent and accessible appeal
- Time it takes for a first-instance decision on an appeal

8. What are your opinions about farmer development?

- Capacity building
- Occupation development
- Sustainable development e.g. youth farmer
- Cluster or cooperative development
- Environment revitalization
- Infrastructure development

Panel 4: Public provision of land information

9. What are your opinions about the mechanisms for recognition of rights?

- Formalization in line with local norms in an efficient and transparent process for land possession by the poor
- Establishing rights for non-documentary evidence
- Formal recognition for long-term unchallenged possession

10. What are your opinions about the completeness of agricultural land reform registry?

- Mapping of registry records
- Searchability of the registry
- Accessibility of registry records
- Timely response to requests

11. Do you think that the registry records are reliable? and how?

- Synchronization of information in public registries for ensuring integrity of rights and reduce transaction cost
- Registry focus on client satisfaction
- Up-to-date registry information

12. Are fees or tax determined transparently in your opinions? and why?

- Schedule of fees for services is public
- Informal payments discouraged
- Publishing and monitoring of service standard

Panel 5: Dispute resolution

13. Did you have any experience about dispute resolution? and what are your opinions about it?

- Clear assignment of responsibility for conflict resolution
- Accessibility of the public on conflict resolution mechanisms
- Mutually accepted agreements reached through informal dispute resolution systems are encouraged
- Accessible, affordable and timely process for appealing disputed rulings

14. How is about the share of land affected by pending conflicts in your opinions?

- Low land disputes
- Timely resolve of conflicts
- Few long-standing (> 5 years) land conflicts

Appendix 5: Semi-structured interview with internal and external experts of ALRO



Appendix 6: Focus group discussion with farmers and stakeholders

