Tai Migrants' Access to Land and their Livelihood Security in Northern, Thailand

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Abstract

The Tai, also known as Shan from Myanmar's Shan State, have endured forced migration for several decades due to socio-political disruptions, including forced relocations, armed recruitment, and severe human rights violations. Given Shan State's geographical proximity to northern Thailand, and shared cultural and linguistic heritage with Thai, most Tai migrants have relocated to Thailand in the hope of improving their economic opportunities and living conditions. This study examines historical and contemporary patterns of Tai migration and settlement in a village near the Thai-Myanmar border in Mae Ai district, northernmost Chiang Mai province. Specifically, the paper explores the various mechanisms and processes that have enabled Tai migrants to gain access to land for agricultural production, particularly tea, orange, and other cash crops. Drawing on the theory of access (Ribot & Peluso, 2003), this paper examines a wide range of historical, structural, and relational factors that have shaped Tai migrant's ability to access and benefit from land. Access is structured by kinship and social relations, capital, labor opportunities, hybrid identities, and a mix of informal and state-sanctioned land rights. The study finds that access to land and employment in agriculture is critical to the livelihoods of Tai migrants, providing opportunities for upward social mobility. Despite having no formalized land rights, most Tai migrants in the study village express security over their land tenure arrangements, agricultural-based livelihoods, and legal status as assimilated Tai migrants. The study highlights the significance of the cultural and linguistic similarities between the Tai migrants and the local Thai people, which aid in overcoming land access barriers, establishing livelihoods, and facilitating smoother integration and adaptation processes. At the same time, access to land is a key factor influencing income disparities within the community, indicating that processes for accessing land have also introduced new forms of inclusion and exclusion.

Keywords: Tai Migration, Access to Land, Livelihood Strategy, Northern Thailand

1. Introduction

Tai, also known as Shan, are Myanmar's second-largest ethnic group. Most Tai people live in Shan State, located in eastern Myanmar. Historically, the Tai have spanned a much wider geographical area, including bordering regions of Northern Thailand, Northwest Laos, and the Southwestern Yunnan province of China, which resulted in various kinds of transregional connections and exchanges (Ropharat, 2009). This history of interaction and similarities in language and culture with the Thai distinguishes the Tai from other ethnic groups from Myanmar who have migrated to Thailand over the past several decades (Amporn, 2017). In Thailand, Thai people call Tai "Tai-Yai" (members of the "Greater Tai" ethnic family), while Burmese people call them "Shan" (Amporn, 2017; Ropharat, 2018). For this research, I use the term Tai, as this is their self-identification in my study site, an old established village in a rural borderland area in Mae Ai district, northern Chiang Mai province, which has been a destination for Tai migrants over the past several decades.

This early history of geographical assimilation of Tai is important as it continues to shape local people's perceptions of the border as relational and fluid rather than a fixed boundary line. Before the demarcation of modern borders in the second half of the 19th century, the spatial organization of political power had little to do with territorial boundary lines on a map. Instead, multiple sovereignties between overlords and tributary states created a concept of borders as "a blended region" where people with allegiance to different kingdoms coexisted (Ropharat, 2009). Scholars have noted that in the premodern time, the Thailand and Myanmar cross-border region comprised a zone that contained various settlements under the frontier township. Beyond the limits of these could lie "vast areas of forests and mountains forming a corridor between the two Kingdoms," a border without a boundary line (Thongchai, 1994, p. 75; Pitch, 2007). People in the Thai-Burma borderlands thus occupied a vaguely defined and often shifting 'frontier' (Keyes, 2009), experienced border-crossings as a 'general movement' (Ropharat, 2009), and engaged in dynamic political, socio-economic, and cultural interactions and exchange (Cohen, 2001).

This history continues to shape local people's perceptions of borders in the case study examined in this paper. This is exemplified, for example, by the way, residents in Mae Ai district refer to their borderland villages as being *din kham khuen*, meaning it half belongs to Thailand and half to Myanmar, despite the area being located within Thai national territory and about a 12km distance from the Burmese border.

In the upland agricultural border region known as Loi Khur in Mae Ai district, Chiang Mai Province, older and more recent waves of migrants from Myanmar's Shan State have cocreated a new social and physical space within Thai territory constituted by economic, social, and cultural relations that straddle geopolitical divides. Their strategic use of international borders has enabled Tai migrant farm workers to not only find a space of refuge from political conflict and economic hardships in their homelands but also to access agricultural land and labor opportunities, despite having no formal land rights and facing various limitations in accessing citizenship rights. As explored in this paper, Tai migrants have mobilized various strategies for

accessing land and, in particular, drawn on social relations and the cultural and linguistic similarities with Thai people.

The few studies of rural-rural migration from Myanmar to Thailand have tended to highlight the exploitability of agricultural migrant workers, shaped in large part by their illegality, precarious legal status, and bodily representations of the Tai/Shan as "hard-working" (Sai Latt, 2012; Mortensen, 2024). This research shows that while cheap Tai labor has also been crucial to the economic success of tea, orange, and other agricultural production in the area, access to land and employment in agriculture has also provided opportunities for upward social mobility for some Tai migrant workers, some of whom have become land 'owners' and employers in their own right. Despite having no formalized land rights, many Tai migrants in these older established villages express a level of security over their land tenure arrangements, agricultural-based livelihoods, and legal status as assimilated Tai migrants. At the same time, given the centrality of agriculture to Tai people's livelihoods, access to land has become a key factor influencing income disparities within the community, indicating that processes for accessing land have also introduced new forms of inclusion and exclusion.

This paper draws on the theory of access developed by Ribot and Peluso (2003) to examine the different strategies, mechanisms, and processes by which Tai migrants have accessed land in the study site. Using their definition of access as "the ability to derive benefits from things," as opposed to the "rights to benefits from things," this study examines a wide range of social relationships that have enabled or constrained Tai migrants from benefiting from land. The mechanisms that shape land access processes and relations in the study site are rights-based, structural, and relational-based.

2. Research Site and Methodology

The research site is located within a broad geographical area locally referred to as "Loi Khur," located in Mae Ai, the northernmost district of Chiang Mai Province, Northern Thailand. Loi Khur is named after a mountain that straddles the border between Northern Thailand and Myanmar's Shan State. Around 12 villages with more than 3,000 people have settled on this mountain the upland forested area of Mae Ai district, around 12 kilometers from the Myanmar border. Several ethnic groups live in this area, including Northern Thai (*Khon Muang)*, Tai (Shan), Lahu, Ahka, Tarang (Palaung), and Bamar. Because of the mountainous terrain, border crossing is not easy. Most people cross the border illegally at either Mae Sai, Nong Ouk, or Mae Hong Son.

Research in Loi Khur was conducted in two hamlets in Loi Khur (Moo 1 and Moo 9), where there is the highest concentration of Tai residents. Together, these two hamlets contain more than 400 households or around 1,000 Tai people, including other ethnic groups such as local Thai people, Tarang, Lahu, and a few Burman, about half of whom are Tai migrants.

Specifically, fieldwork was conducted in the two hamlets of Pang Na and Pang Kard, located in Moo 1 and Moo 9, respectively. In these two hamlets, 400 Tai households are concentrated, with 90% of the population being Tai. In the past, Moo 1 and Moo 9 used to be part of the same village, which was established over a hundred years ago. Due to the increased population,

people could no longer fit into one temple, and the village was divided administratively into two. Moo 9 is located in the Mae Ai sub-district, while Moo 1 is part of the Malika sub-district. In this paper, I use the generic term Loi Khur to refer to the settlements in Pan Ho Tard and Pang Nai of Moo 1 and 9, unless otherwise noted.

Local villagers refer to Loi Khur as "Lin Kam Keung" (in Tai language) or "Din Kam Keung" (in Thai), which means "half land" where one side belongs to Myanmar and the other to Thailand. This term suggests that local villagers perceive this borderland area as a fluid and ambiguous frontier zone; however, from the Thailand state's perspective, it is formally located within Thai national territory. Villages in Loi Khur are located within a part of National Park established by the Thai Forestry Department in 2000. The villages are thus on state land under the jurisdiction of the Department of National Parks, Wildlife and Conservation and have no possibility of getting formal titles. However, people have been permitted to continue living in the villages, which predates the establishment of the national park, as long as they do not encroach on the forests. The boundaries of village land (including agricultural land) were marked by boundary posts when the national park boundaries were demarcated in 2000, and the Department of National Parks closely monitors villagers closely to ensure they look after the forests and do not expand their agricultural land.

Fieldwork was conducted over a period of 45 days in June, July, and October 2022. Ethnographic methods were used to collect data, including in-depth semi-structured interviews, informal focus group discussions, and participant observation. A total of 28 interviews were conducted with Tai community leaders, village heads, Thai local administrative authorities, and a former soldier of the Maung Tai Army (MTA), a Shan insurgent group. Interviews focused on the history of village and Tai migration and settlement, village administrative and land use system, perceptions of laws and regulations related to access to land, and livelihood strategies.

Tai migrant men and women spanning different generations were also interviewed, including agricultural workers, namely in tea and orange plantations, land 'owners' and renters, and employers. Discussions centered on people's experiences of migration, working and living conditions, strategies to access land, agricultural and livelihood practices, social relations and cultural integration, challenges and coping strategies, and long-term well-being. To gain perspectives on Tai migrants and their socio-economic and cultural integration into the village, interviews were held with Thais and other villagers involved in nonfarm work, such as social service providers, teachers, small shop owners, and cultural organizers. In addition, the research draws on secondary data based on the review of existing literature from academic papers and reports.

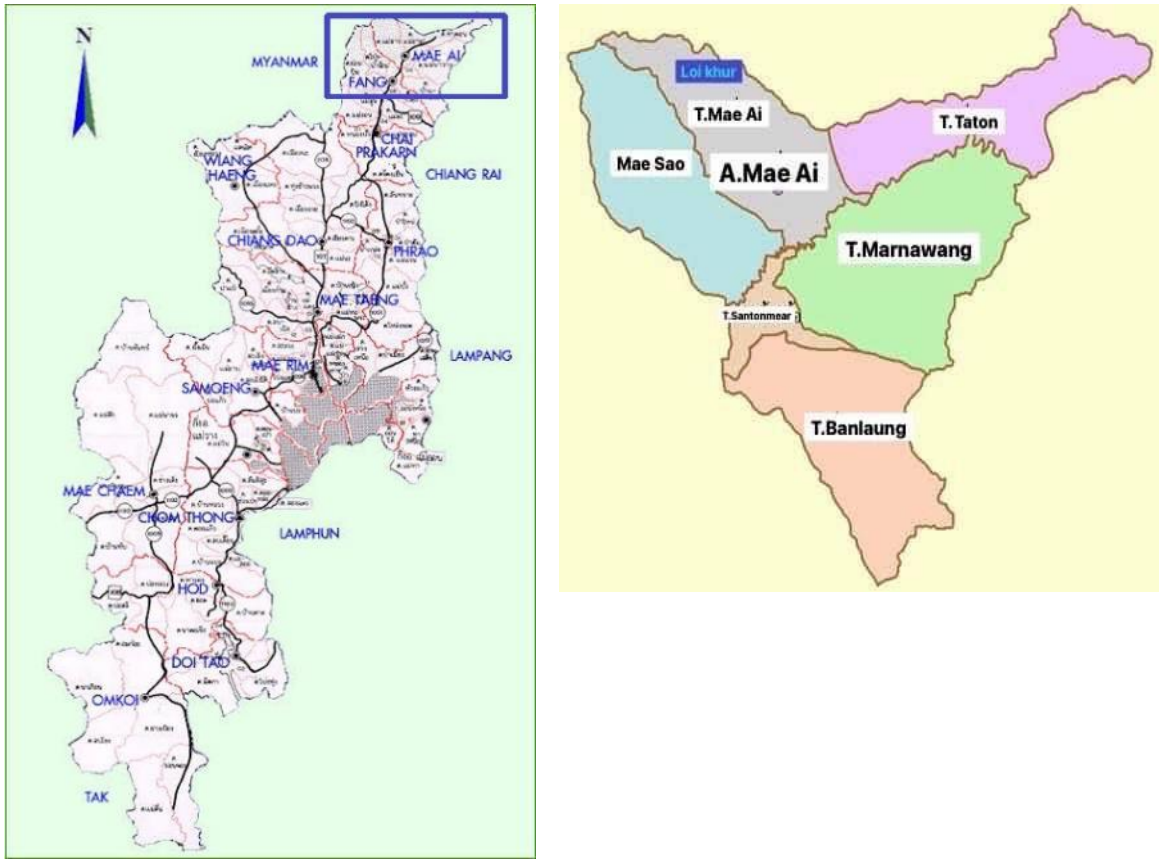

Figure 1: (Left): Location of Mae Ai District in Chiang Mai province, Thailand; (Right): Location of study village in Loi Khur in Mae Ai district, Chiang Mai. Sources: Google Maps and Mae Ai District Community Development Office

3. Research Findings

3.1. Contextualizing Tai Migration and Land-based Livelihood in Loi Khur

According to Amporn (2017), there have been three main waves of Tai migration into Northern Thailand. The first wave was in the early to mid-nineteenth century when Tai migrated to Thailand as traders to conduct economic activities along the borders of Shan State and Northern Thailand. The Tai Yai Study Center (2011) based in Mae Hong Son province also documents that Tai people migrated to that province in 1831 as seasonal agricultural workers, and some people settled there permanently or later moved to other provinces in northern Thailand (Duang-ngern, 2003). The second wave of Tai migrants to Thailand was between the 1950s and the 1980s and primarily involved small-scale seasonal migrants searching for work in northern Thailand. The third wave in the 1990s involved large-scale migration of people from Shan State to northern Thailand due to political conflict, economic crisis, and worsening livelihood insecurities (Amporn, 2017; Tannenbaum, 2009).

Increased militarization of Shan State by the Burmese junta aimed at quelching armed and non-armed resistance groups was accompanied by a forced relocation policy that left thousands of people in Shan State dispossessed of their land and livelihoods (KHRG, 1998). At the same time, the economic boom in Thailand from 1987 to 1996, which increased demand for labor in Thailand and led to wage differentials with its neighbors, acted as a magnetizing force for migrants from Myanmar (Harkins, 2019). In the 1990s and 2000s, unprecedented numbers of Tai migrants entered the northern Thai labor market, becoming the largest group of migrants from Myanmar residing in northern Thailand. It has been estimated that Shan or Tai migrants make up one-sixth of the total population of Chiang Mai Province alone, most of them in Chiang Mai city (Amporn, 2017).

More recently, the military coup on 1st February 2021 and the fighting between ethnic armed groups has become a renewed driver of Tai migrant and refugee exodus, with many displaced individuals seeking protection across the border in provinces such as Mae Hong Son and other northern Thai cities in search for work (Banerjee, 2022).

These waves of Shan migrations to northern Thailand, described by Amporn and others, also reflect Tai migration and settlement patterns in Loi Khur of Mae Ai District. While most Tai have migrated since the 1990s, the Tai village settlements in Loi Khur are well-established and settled over a hundred years ago.

According to the village head in Moo 1, whose grandmother was born in Loi Khur in the period of King Rama V (1853-1910), "Tai people from Keng Tung and other parts of Shan State frequently came the Loi Khur to conduct trading activities and grow tea in Loi Khur." Though initially migrating only on a seasonal basis and returning home after the harvest, since the late 1800s, Tai people began to settle in Loi Khur on a more permanent basis. "*Over a century ago, this area was mainly populated by Tai people, with only a few Khon Maung (local Thai residents) in the Pang Jong area, another hamlet in Moo1*" (Interview with Mae Luang, 25/6/2022).

In the 1980s, Loi Khur became a landing place for Tai ethnic armed groups, including the Mong Tai Army (MTA), up until the time MTA surrendered to the Myanmar government in 1996. Loi Khur was a deep forest, a good area for them to live in. The Tai migrants worked on daily wages in lychee plantations and tea plantations.

Tai migration to Loi Khur increased significantly in the late 1990s and 2000s. According to Tai villagers, over 300 Tai households migrated from Eastern, Northern, and Southern Shan State over this period as a result of armed conflicts and the brutal campaigns by the Burmese military in a bid to stamp out resistance to its rule. Human rights violations, including forced relocations, land grabbing, and the burning down of entire villages during the "Four Cuts" operations, caused them to lose their homes, agricultural lands and livelihoods and seek a new life across the border in Thailand. Unlike many other Tai migrants who went directly to urban areas such as Chiang Mai and Bangkok, the Tai who migrated to Loi Khur were mainly farmers who decided to stay in the countryside, joining established Tai villages where they had family or known contacts and where they worked primarily as agricultural laborers or farmers in tea and fruit orchard plantations. Although there had previously been some flow of people back

and forth across the border, especially during the peak agricultural seasons, this period saw an increase in the number of migrants, who settled permanently, often as entire families. Many Tai migrants felt that agricultural work suited their skills and way of life, as described by one person:

> *When we were in Shan State, we grew rice paddy and groundnut. Here, we continue to work in agriculture because we are used to it. For us, the land is working to support our lives* (Interview with Nang Mu, 18/6/2022).

At the same time, a Thai policy push for rural economic development at that time saw more peripheral areas of Chiang Mai increasingly integrated into the larger Thai economy, including improvements in road and other infrastructure, provision of services, and market-orientated agriculture promoting cash crop production for domestic and export markets. This led many Tai migrant households to experiment with new forms of agricultural production and livelihood strategies to increase their social and economic mobility. It also brought them into greater interaction with Thais and the Thai state.

Tai migrants in Loi Khur have different legal statuses. The older generations of Tai migrants and their offspring – around 20% of Tai migrants in Loi Khur – have assimilated into Thailand, acquiring Thai citizenship, receiving formal education, and working legally. Others have been issued highlander cards, ten-year cards, or hold Myanmar migrant worker cards, which provide some level of security of mobility and livelihoods, including access to formal education and healthcare. However, they are not allowed to apply for government employees such as teachers as they are not Thai citizens. In addition, they do not have the right to receive government welfare support. The generations of Highlander card or 10-year cardholders can apply for Thai citizen cards if their parents settled in Thailand before 1995 (Interview with Mae Luang, 25/ 6/2022). However, newer generations of migrants do not have the same privileges or rights, which affects the kind of work they can get and the conditions of employment, and makes them vulnerable, especially migrants who are not formally registered and are termed 'illegal.'

3.2. Agrarian livelihoods of Tai migrants in Loi Khur

The livelihoods of Tai migrants in Loi Khur are predominately agriculture-based. The primary income source comes from cash crop production, namely tea, but also coffee, orange, mango, and avocado. While several Tai villagers in Loi Khur earn income from non-agricultural work, such as construction, they generally receive lower wages. This indicates that the economy of the Tai migrants is heavily dependent on agriculture, with alternative income sources being less accessible to a significant portion of the Tai population.

There are three general categories of Tai agricultural workers. First, over 70% are smallholder farmers who grow various cash crops on their own landholdings. As examined in the next section, this group has been able to acquire land through various means, and earlier waves of Tai migrants to Loi Khur have particularly benefited from accessing land more easily and at cheaper prices compared to more recent migrants. Most Tai landholders have tea plantations from which they can earn an estimated 115,000 baht per person annually. More recently, many tea farmers with more capital have been switching to orange plantations, which require higher

investments in inputs and labor, but from which higher earnings can be made (an average of 180,000 baht per person per year). To find the market, they contacted orange sellers and made connections with middlemen to buy their products from their farms.

The second group (around 25%) consists of smallholder farmers who grow crops on land rented from others in the village. These are generally poorer families in Loi Khur, although some wealthier families are also renting land to expand their plantation holdings. Most farmers who rent, however, have limited land for cultivation, which forces them to rent land and adds to their expenses. The resulting lack of capital for agricultural investment creates challenges for their income growth.

The third group (around 5%) are those who work as daily agricultural laborers on land that belongs to other people (mainly Thai but also some Tai migrants). This reflects a labor market where not all households have access to land and are instead reliant on daily laborers. The income of these laborers can be uncertain and may not be sufficient to meet their daily needs. On the other hand, working as agricultural laborers on others' plantations has provided an essential pathway for Tai migrant workers to accumulate sufficient capital to purchase their own land in Loi Khur, as discussed further below.

3.3. Land and Livelihoods Intertwine

Tai migrants who settle in Loi Khur have all sought to find ways to access land for agricultural production as it is seen to offer families livelihood security. Aside from providing a crucial income source through the production of cash crops, people with access to land can also grow vegetables for family consumption. The importance of land as a source of food, income, and a means of supporting families through generations is often highlighted by villagers:

> *Land is important because it provides us secure jobs through working on the land. We can plant vegetables and fruits on the land. We do not have to buy from outside; we can plant by ourselves. In our orange plantation, we plant pumpkin, ginger, and other vegetables in the corner in areas safe from pesticides. Land is our life; it is a bridge for our future. I won't sell my land to others. We have been working on this land for a long time. We can eat and live because of this land so that we will keep it for our children* (Interview with Nong Puu, 18/6/2022).

The above quote highlights that people have developed a deep connection to the land they farm. It is not only a means of livelihood but also something that holds cultural, historical, and emotional value. They desire to maintain this connection to the land and pass it to the next generation as a bridge to their future. As noted by another villager, the significance of having land is also crucial in the context of old age and financial security:

> *It's important to have land when we get old, as we still can get money from it. For example, when we need money, we can just go and pick 5 kilos of tea leaves to get money for food. When we are old, we can't work as employees anymore. As we can't go back home to Shan State, having land here is very important for us* (Interview with Pa Kam, 19/6/2022).

While many of the older Tai migrants value land for its productive capacity that sustains livelihoods and provides a sense of belonging, land is also seen as a commodity that can be bought and sold for money, particularly by younger generations that may not want to be farmers:

> *The farms we bought will be given to our children. If they don't work on the land, they may sell to others. It depends on them whether they want to continue farming or not* (Interview with Nang Mu, 20/6/2022).

4. Tai Migrants' Strategies and Mechanisms to Access Land in Loi Khur

Tai migrants have employed several strategies to access land in Loi Khur through different historical periods. The mechanisms and processes that have shaped Tai migrant's access to land or their ability to gain benefits from land are rights-based (involving navigating formal law, informal arrangements as well as forms of illegality) as well as structural and relational. The latter includes factors such as access to capital and markets, labor opportunities, social relations, and social identity that have shaped or influenced Tai migrant's ability to access land.

4.1. Customary Claims to Land by First-Generation Settlers

The first generation of Tai settlers in Loi Khur in the late 1800s and early 1900s acquired land by clearing forests for housing and farming. They followed customary codes that were common across much of mainland Southeast Asia in the premodern period (Yano, 1968; Diepart, 2015; Boutry et al., 2017). While all land belonged to the King, farmers could acquire possession rights to land on the condition that they exercised *de facto* occupancy and cultivation. By clearing, settling on, and cultivating land, farmers could claim land, a practice commonly known as appropriation 'by the plough.' In a context of low demographic pressure, and where the notion of nation-states separated by a clear boundary remained an abstract concept, this regime of land appropriation 'by the plough' allowed farmers important freedom of movement over the territory. As explained by the village head:

> *Over a century ago, people from Keng Tung and other parts of Shan State came to this place easily because there was no border between Shan State and Thailand. Thus, my family and other Tai families came to do business in Loi Khur. They didn't need to purchase the land; they simply came, cleared some trees in the forest, built houses, cleared more land, and began cultivating tea and lychees to support their livelihoods* (Interview with Mae Luang, 25/6/2022).

The history of first-generation Tai migrant settlers in Loi Khur provides important evidence of the early settlement of the Tai in villages that were later territorialized by the Thai state, in particular, the Forest Department which incorporated the villages into a national park. While the creation of the national park in 2000 effectively denies villagers the possibility of attaining formalized land ownership rights, the Thai state nevertheless permits villagers to continue living and cultivating limited areas. This is based in part on the perceived legitimacy of these historical claims and on the basis that they have made these lands 'productive.'

4.2. Military Alliance as a Means of Territorial Control

In the 1980s, members fighting in the Shan insurgent group, Mong Tai Army (MTA), and their families settled in Loi Khur based on a strategic military alliance forged with one of the local Lahu armed groups in the village. According to a former member of the MTA, Loi Khur used to be a Lahu army base. However, a conflict between the two Lahu groups allowed the MTA to settle down in the village because they formed an alliance with one of the armed Lahu groups to attack the other and take over their base. As a result of this alliance, MTA soldiers were allowed to occupy land and build new houses in Loi Khur. These houses were mainly for the wives and children of MTA soldiers as the men spent most of their time in the forest (Interview with Loong Wee, former MTA, 15/6/ 2022).

In the years that followed, Tai migrants who had relatives or personal connections with MTA members enabled them to access land at Loi Khur, either for free or very cheaply. This was particularly the case after the former leader of the MTA, Khun Sa, surrendered to the Myanmar government in 1996. As explained by one villager:

> *My uncle Sai Tun, a former MTA, had a wide piece of land, and he shared with me a small part of his land for free* (Interview with Sai Sarm, 14/6/2022).

4.3. Kinship Networks, Social Relations, and Identity

After the 1990s, an influx of Tai migrants to Loi Khur from Shan state, driven by political instability, displacement, and economic hardship, created a complicated web of social dynamics to secure their base and livelihoods in this new area. Newcomers came from different villages in different parts of Shan State. Traditional customs and communal networks played an essential role, offering ways for land access through kinship ties and community support networks.

Not unlike the relatives of MTA, many Tai migrants to Loi Khur were able to acquire land from their relatives and social networks for free or at a low cost. The current community leader from Moo 1 shared his story of how he came to live in Loi Khur:

> *I came to live here because my teacher was a monk in the village temple. I lived at the temple for three years and went back to Shan State, got married, and brought my family back to settle in this village. We did not have to buy the land. It was given to us for free. This land doesn't have a title, but we can live and work on it, and we can transfer it to our children* (Interview with Sai Kyaw, 15/6/2022).

Thus, Tai migrants in Loi Khur have used their kinship ties and social identity, benefitting from historical and political contexts, taking advantage of low land prices, and capitalizing on the presence of their relatives or social connections to secure access to land.

Tai migrants have also accessed land through their social relationships with local Thai people by engaging in reciprocal cultural exchanges and collaborative community activities. This shows how these interactions, such as helping each other during ceremonies and festivals, have created a strong sense of trust and mutual support between the Tai migrants and local Thai community. This trust, in turn, facilitates the Tai migrants' ability to rent or purchase land from

both local Thai and local Tai individuals, ultimately enabling their integration and settlement within the community.

4.4. Access to Land through Labor

As the village population grew, land prices began to increase and access to capital became a limiting factor in accessing land. Most Tai migrants in Loi Khur first had to accumulate sufficient capital to be able to purchase land. One villager, for example, worked on an orange plantation in Loi Khur for 10 years with his wife and saved some money. However, it was not enough to purchase land, so he went to Southern Thailand to work as a rubber tapper for two years, after which he was able to earn enough money to purchase land in Loi Khur (Interview with Sai Te, 7/7/2022).

The majority of migrants worked in Lor Khur as agricultural laborers picking tea in other people's tea plantations or working in orange and other fruit orchards. Access to these labor opportunities has been mainly through social relations. Labor opportunities have served as a key strategy for the Tai migrants to access land. According to villagers, more than 80% of the Tai migrants have accessed land by first laboring for local Thai people's plantations. By working for Thai employers for several years and being good, honest, and trustworthy workers, many Tai migrants were able to access residential and farmland through informal arrangements and purchases. Many Tai migrants mentioned that accessing land has been relatively easy and that honesty and trustworthiness are the foundation. As noted by one villager:

> *At the beginning, we worked for [a Thai plantation owners] picking tea every day. My boss found me to be a good person, and he asked me if I wanted to buy his tea farm because he and his wife were old and could not take care of the farm anymore. I told him, 'I want to buy the tea farm, but I don't have money.' He replied, 'No problem: you can pay me bit by bit.' We were finally able to pay it off* (Interview with Loong Sa, 18/6/2022).

This shows how Tai migrants with an agricultural background leverage labor connections with local Thai people and their reputation for honesty and trustworthiness to access land for agricultural purposes. It emphasizes the importance of social relationships in the process of gaining land access.

4.5. Renting Agricultural Land

Renting farming land is another common mechanism for Tai migrants to gain access to land for agricultural production and move away from being agricultural laborers on other peoples' land. Around 25% of the Tai migrants rent land from local Thai landowners, a practice typically based on long-standing relationships and mutual support within the community. The stories of individuals like Loong Boon and Pi Twe provide valuable insights into the dynamics of land rental in this community:

> *We rent tea farms for 3,000 baht annually for larger farms and 2,000 baht for smaller farms. There is a verbal agreement between us, which is negotiated every year or every five years. We must pay for the rental fee in advance. The landowners are mostly local Thai people who are retired teachers or government officers whose children do not want*

> *to be farmers. If we can pick tea leaves during the harvest season, we can make at least 40,000 baht a year* (Interview with Loong Boon, 26/6/2022).

Loong Boon's experience illustrates how renting land to farm tea allows him to secure a source of income for his family. Local Thai landowners who have inherited the land but do not actively work on it are willing to lease their land to Tai migrants. The presence of five-year rental agreements enhances predictability for both the landowner and the tenant. For migrant Tai families, income from activities like tea picking is usually sufficient to meet their basic living needs. Additionally, the practice of cultivating vegetables on rented land complements their food and/or income. However, it is important to note that while this income covers basic needs, it may not be enough to fulfill other financial obligations. Loong Boon and his wife have had to get additional employment working on his relative's orange farm, as they need supplementary income to support their daughter's education.

Land rental for orange plantations involves considerably higher financial commitments. Pi Twe pays a rental fee of 36,000 baht per year. He has a five-year agreement with a local Thai landowner, subject to renegotiation at the end of the five years. This flexibility can affect the landowner's decision to renew the rental agreement and the migrants' choice to continue renting. However, like many other land renters, Pi Swe faces restrictions about what he can grow on the land, as he is not allowed to change the type of crop grown on rented land (Interview with Pi Twe, 27/6/2022).

Renting land is a strategy for Tai migrants to gain access to agricultural land, enabling them to secure a source of income for their families. This practice is characterized by clear cost structures and various contractual arrangements, emphasizing the importance of long-term stability and predictability. However, the need for supplementary sources of income, as exemplified by Loong Boon and Pi Twe, reflects the financial challenges that some migrants face and the importance of diversifying their income streams.

4.6. Informal Land Transactions: Plural Institutions and Authorities

Social relations play a key role in accessing land in Loi Khur because all land transactions are conducted on an informal basis among villagers. As Loi Khur villages are on state land under the authority of the National Park Department, buying and selling land is illegal according to Thai law. However, informal land transactions among villagers occurs with the knowledge of Thai authorities and are sanctioned and overseen by local village heads. As such, informal land purchases require some kind of legal documentation and authorization by local village authorities. Older generation Tai migrants have used their children's ID cards because they are Thai citizens, while others use their Highlander cards or 10-year cards to buy land. As explained by a young lady who owns an orange farm:

> *We have an orange plantation of 12 rai. My father's friend informed him about the land, and my father was interested in buying it for us. As I'm Thai, we used my ID card to buy the land. We do not have a land title, but we have selling and buying letters among relatives from the buyer and seller sides to sign in the paper. The government allows us to use this*

> *land for our livelihoods. We are not allowed to sell it, but we just sell it informally to each other within the village* (Interview with Nong Puu, 28/6/2022).

One peculiar finding concerning informal land purchases in this borderland area is that different agreement letters are issued according to the location of the land purchased. This situation applies mainly when land is purchased from local Thai landowners. As explained by one villager, land on the west side of the main road will receive a paper that contains a map (*wai pheun thi*). However, land purchased on the east side of the road receives only an agreement from the village head. The explanation provided is that the road's west side is clearly on Thai territory, while the east side is perceived as a frontier zone that is neither Thailand nor Burma, or both (Interview with Nang Mu, 15/7/2022).

5. Discussion and Conclusion

There is a plurality of institutional arrangements and legitimacies over land tenure arrangements in Loi Khur. One is exercised by the central state and formal law, and the other is based on historical customary claims and more recent informal arrangements legitimized by local village authorities, social consensus, and the recognition of actual land appropriation and use. While villagers in Loi Khur have no formal rights to land as they are located within the national park, the state nevertheless permits villages to continue using the land for residential and livelihood purposes, provided that these areas are not expanded further. This constitutes a pseudo-sanctioning of their rights, albeit one that falls short of formalized legal land rights and where villagers are at the behest of the benevolence and patronage of the Thai state. This hybrid arrangement between statuary and customary rights to land is navigated pragmatically by villagers:

> *The government allows us to use this land for our livelihoods. We are not allowed to sell it, but we just sell it to each other. The forestry officers come yearly to survey and mark the land. We can use the land that we have, but we cannot extend it to the forest. We can work on it forever* (Interview with Nong Puu, 28/6/2022).

> *When I get old and can't farm anymore, my land will be given to my children. I don't need to update the information to the [village] leader. My land is in an area of the protected area (khaed tham kin) where the government allows us to use the land for farming to support our livelihoods. They [national park authorities] do not come to claim or say anything. If my children do not want to farm, they can sell it* (Interview with Nang Lu, 20/06/2022).

Informal land transactions are built largely on trust and relationships, but they are also authorized or sanctioned by village heads and other Thai state institutions. Land transactions also require documents verifying the legalized status of Tai migrants, highlighting that access to land is regulated by a rights-based regime. Moreover, depending on the geographical location, the nature of land purchase agreements can vary, underscoring the intricacies of land acquisition. Tai migrants thus rely on both formal and informal arrangements, navigating between both worlds and in so doing, they create new and hybrid forms of land tenure security.

Is also worth noting that even though villagers in Loi Khur are unable to obtain land titles, the majority of Tai families interviewed feel a sense of security over their land tenure, as evidenced in their plans to pass on the land to their children and expressions of confidence in their ability to cultivate their land "forever." This points to a disconnect between legislative land rights and local perceptions, and foregrounds how tenure security is not just the product of a legalized document but rather produced through the trust engendered in the relations established between local villagers and local institutions that recognize their rights to access and use land.

It is arguably this very context of land informality, which has enabled Tai communities in Loi Khur to continue to access and benefit from land through social relations and in flexible ways. Various studies have shown that land titling creates the conditions for land markets to emerge, leading to land sales and the loss of ownership and control of community land, particularly by poorer households (De Shutter, 2011). Titling can increase socio-economic inequality within communities (Boutthavong et al., 2016) but also through facilitating capture of land by outside elites (Ho & Spoor, 2006). In Loi Khur, the very lack of possibility for land titles has in a way enabled communities to continue accessing land. This is a form of territorial control and a way of keeping land within the community, which has served as a form of social protection mechanism. This challenges conventional views, inspired by Hernando de Soto and promoted by the World Bank, that secure property rights achieved through individual land titles are a key determinant for poverty alleviation and economic development.

Various studies point to how titling may reinforce socio-economic inequality, both within communities (Boutthavong et al,. 2016; Diepart & Sem, 2016; Hutchison, 2008) but also through facilitating the capture of land by outside elites (Green & Baird, 2016; Ho & Spoor, 2006)

According to Ribot and Peluso's theory of access, who can use and benefit from land and resources is affected by several different processes and power dynamics. The fact that villagers can make a living from the land even though they don't have official land titles shows how important social relations and informal agreements are for accessing land. This situation fits with Ribot and Peluso's claim that formal property rights are not the only thing that determines access. Social ties, local customs, and power dynamics also play a role in how people can use resources. This is illustrated in the large number of Tai migrants who have accessed land from their employers by first working as agricultural wage laborers in the tea plantations and fruit orchards of local Thai (and some Tai) landowners. Working as employees over periods of time not only enabled them to earn cash to purchase land in Loi Khur, it also established relations of trust with their employers which was crucial in their ability to purchase land. This also highlights that pathways were available for poorer households to gain access to land through their labor and that social networks have been key to accessing land for the poor.

At the same time, the economic reliance on agriculture for Tai migrants means that access to land is a key factor determining income disparities within the Loi Khur community. Those with landholdings are considered to be better off compared to those who rent land or who work as agricultural laborers with no land. Thus, the processes of land access and acquisition has also created patterns of social differentiation. For example, migrants who settled in Loi Khur earlier, such as those with close relations to the MTA, were able to access larger pieces of land of better

quality and at lower costs, compared those who migrated later. Access to capital has become increasingly important in the ability to access land. Over time, the price of farmland has increased as agricultural land has become scarcer as a result of population growth and the fact that farmland expansion is prohibited by National Park authorities. Patterns of social differentiation have been initiated by land rent capture practices of local Thai and earlier Tai migrants, which pushes more vulnerable migrants into seeking wage labor.

Access to land for Tai migrants settling within local Thai communities is a multifaceted process deeply entwined with social relationships and reciprocal cultural exchanges. These interactions have cultivated trust and mutual support between Tai migrants and the local Thai population, even while unequal power dynamics are embedded in some of these relationships. Whether through leveraging capital by working as agricultural laborers, informal land purchases, or rental arrangements, Tai migrants gain access to land through personal connections with neighbors or friends, solidifying the intricate web of social ties and reciprocity that strengthens their bonds with the local Thai community. This reflects Ribot and Peluso's idea that access is mediated by social identity and the ability to mobilize social relations. The intricate web of social ties and reciprocity not only enables practical assistance but also embeds Tai migrants within the local community, reinforcing their sense of belonging and integration.

Land tenure security is perceived in broader economic, social, and institutional constraints. However, it is also produced through the trust engendered in the relations established between local villagers and the institutions that recognize their rights to access and use land. Despite not having formal land titles, many Tai feel quite secure over their land tenure and have positive prospects for future livelihoods in agriculture. They also feel confident of being able to pass on the land to their children. The land has given Tai migrants a sense of belonging and a cultural attachment to the place.

Indeed, the social and cultural assimilation of the Tai in Loi Khur is significant. The first settlers may not have perceived themselves as 'migrants' due to the absence of a delineated boundary between the Keng Tung and Loi Khur regions. A sense of place was perhaps cemented with the establishment of the Mong Tai Army along the border, which provided access to land for later migrants via kinship and social networks. Loi Khur is perceived to be the legitimate territory and home of the Tai ethnic group. Although they understand the implications of the national border and their residence within Thailand, the local institutional arrangements and village administration structure provide Tai villagers with some rights and a sense of belonging. Tai migrants have assumed the role of community leaders, joining various groups that provide them with village membership that extends beyond their identity as migrants.

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