

## Abstract

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This study purports to investigate encroachment processes and possession shifting in Chongjom border market. Data was collected by interviewing villagers in Kabchoeng and Dan sub-districts, Kabchoeng district, Surin province. The research also complementarily collected conversations among villagers and involved authorities. The study illustrated that historically, Chongjom border management was primarily used by military authority in order to secure Thai- Cambodia border. The land was used mainly for assisting Thai citizen affected communist terrorists and foreign coups according to the self-defense village along the Thai-Cambodia border project. According to the Kabchoeng district office's land use regulations, the land near the district office of Kabchoeng was managed and divided into 297 plots with the utmost goal of convincing Thai people to live in the area. There was no land ownership document issued but the renters received an official contract of land hire issued by the Kabchoeng sheriff during 1984-1995. Nevertheless, there was no lease extension issued afterward. Thus the tenures have kept the issued contract and rental receipts to affirm that they are legalized to use the leased plot. In the present, there has been no process to legally issued ownership to the tenures.

The area opposite to Chongjom border market was a part of the National Conserved Forest-Huay Thabthan- Huay Samran. There were rice farmers used this land and then the military divided the land to selected citizens within the self-defense villages along Thailand-Cambodia Border Project for a total of 3 times of the land division. Until 2003, The Surin provincial Land Reform Office came to run the Agricultural Land Reform Project, consequently, some land plots which the project assigned to the villagers were returned to the Treasury Department and leased 54 Rai of the governmental land plot to 18 people in order to help with farming land scarcity. Later when the Surin provincial treasury office leases some plots of the land to Surin Provincial Administrative Office (PAO) for building a O-TOP center, this lease meant to affect in cancelling some land plots which formerly assigned to the some of the villagers. Thus the lease later brought about conflicts between the affected villagers and the Surin PAO.

The Chongjom border market area leased to the Surin PAO rents a plot of 20-2-52 Rai since 2001 from the Surin provincial treasury office. They build a 60 room-building and opened for bidding. The building was awarded to the private company who won the bidding to manage the border market. On January 20, 2010 the Surin Treasury Office investigated that the Surin PAO used more space than the lease defined. Thus the office requested the PAO to follow the contract of land hire by demolishing the buildings located outside the rental area within 30 days. However, the request has not been accepted and processed up to the present.

In 2012, the Surin PAO's annual fiscal minute reports that the PAO generated 2,442,100 Thai Baht from its tenures who rent the rooms and space in the market. The PAO paid 63,864 Thai Baht as the rent of the leased plot number 904 and other fees. Interviews with traders in Chongjom market result that the private company administrating the market earned from daily, monthly rentals, annual fee, electricity, hygienic management, leasing change fee, and other fees around 31 million Thai Baht each year. Thus the rental income of PAO is counted 7.87 percents of the administrative company. That means the treasury office's rental income is counted 0.20 percent of the administrative company and it is calculated 2.61 percents of the PAO's rental benefit.

There are 4 forms of sub-leasing occurred in Chongjom border market. Firstly, the traders came to book the trading space when the market was newly opened. Secondly, the new traders rent trading space from the Thai or Cambodian traders. Thirdly, the new traders buy the room from the official licensees, and lastly, the traders derive the leasing right from their family.

The invasion process occurred in Chongjom border market illustrates reciprocal beneficial relationships among private company and local politicians who direct the Chongjom border market development through using Cambodian traders who came to rent the shops and extended of trading space into the unlicensed area. By doing so, the Surin PAO later proposed the PAO additional development plan and requested to rent the whole lot of the land plot from the Surin Treasury Office.

The Chongjom border market development has caused environmental problems which affect its residents. For example, ineffective waste management results in health problems affected from air pollution, dust and lack of clean water supply.

For administrative implications, the study could suggest that the rental rates should be defined according to types of rent, for example, residential rent, business rent, or government or local authority rent who aim to sub-lease to other private personals. Advance rate of the rent could be used so that the rent is calculated on basis of the sub-leased tenure's income. Another rate calculation could be process by percentage of the net income of the tenures. Thus the State could make the best benefit from the land. In 2012, the private company paid the rental income to PAO counted 7.87 per cents of the estimated income derived from the market's administrative fee. Surin PAO paid only 2.61 per cent of its rental benefit derived from the private company to the Surin treasury office. Therefore rental income of Surin treasury office is counted only 0.20 per cent of the administrative company's rental benefit.