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# RESOLVING LAND DISPUTES ON KOH TAO: LEGAL FRAMEWORKS, HISTORICAL CONTEXT, AND PATHWAYS TO EQUITABLE SOLUTIONS

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## Abstract

This research examines the complex issue of land disputes in Koh Tao Subdistrict, Koh Phangan District, Surat Thani Province, Thailand. The study employs a qualitative approach, integrating document analysis with in-depth interviews and small group discussions involving key stakeholders. The research's focus stems from discrepancies in land demarcation dating back to 1955 when the Ministry of Finance incorrectly claimed the entire island as state property. This misclassification has hampered the practical application of the Royal Parcel Act of 2019 and led to ongoing conflicts with long-term residents. The study delves into the historical context of land ownership in Koh Tao, tracing its evolution from establishing a prison for political prisoners in the mid-20th century to its current status as a major tourist destination. Key findings reveal a significant disconnect between the legal framework and the lived experiences of Koh Tao's inhabitants. The research highlights the need for a nuanced understanding of land rights within the context of Thailand's legal system and the imperative of balancing the interests of the state and local communities. The study parallels land reform initiatives in Taiwan, proposing that legislation specifically addressing land reform for tourism businesses could offer a more equitable solution for Koh Tao. The study's findings advocate a more holistic approach to land dispute resolution, emphasizing reconciliation, legal clarity, and procedural fairness. The research contributes to a growing body of knowledge on land rights, conflict resolution, and sustainable tourism development in Southeast Asia.

**Keywords:** Land Rights Disputes, Royal Parcel Act 2019, Tourism Development

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## Introduction

Thailand is adjusting to the global landscape to create economic opportunities and foster cooperation across various sectors, particularly highlighting the country's strengths in tourism. In 2023, Thailand welcomed over 2.8 million international tourists, leading to revenue generation of approximately 2.17 trillion baht (Budget Bureau, 2023). Consequently, tourism-related businesses, including shops, restaurants, resorts, hotels, and entertainment venues, are crucial components that the government must strategize for sustainable and tangible development. Surat Thani Province, specifically the Koh Tao sub-district, stands out as a high-potential tourist destination, boasting a world-renowned diving site. As a result, Koh Tao has emerged as a significant contributor to Thailand's tourism sector, generating at least 6 billion baht annually, accounting for 11 percent of Surat Thani Province's tourist revenue and showing potential for future growth (Budget Bureau, 2023). Given this context, the Koh Tao sub-district is well-suited to bolster the foundational economy of the tourism sector, providing opportunities for residents to earn income from their unique geographic advantages. However, land use in the Koh Tao sub-district faces challenges due to legal regulations that significantly hinder the growth and capacity of the tourism industry. More specifically, the entire island of Koh Tao has been designated as royal parcel land; thus, land use must adhere to the terms and processes set forth by the Royal Parcel Act of 2019. Unfortunately, this legislation is not structured to facilitate the enhancement of the tourism sector and investment in state-controlled land. In essence, the Royal Parcel Act does not represent a reformative approach to state land for tourism but rather a framework for managing land under the jurisdiction of the Treasury Department. Therefore, it is not feasible to effectively respond to land management needs for sustainable tourism development. The management of royal parcel locations in Koh Tao is a delicate subject, mainly due to the historical designation of the Koh Tao area as a royal parcel since 1955, which has resulted in boundary disputes between government entities and residents who have inhabited the region for generations and resist adhering to the Royal Parcel Act of 2019 regarding land use (Cooperation Committee to Solve Land Problems on Koh Tao, 2019). Given these circumstances, it is critical to research potential solutions to conflicts and achieve balanced tourism development that considers the interests of both the local population in the Koh Tao sub-district and the government. This study will explore three areas: the dimension of historical events, an analysis of the origins and evolution of land rights disputes, the dimension of law enforcement related to the Royal Parcel, the repercussions of such enforcement, and the dimension of strategies for land management development that can simultaneously respect community rights and state land use in a unified manner, with an emphasis on reconciliation. Research tools consist of: 1) Document analysis, which includes studies from laws, books, textbooks, research articles, academic papers, and meeting minutes. 2) In-depth interviews, where interviews are conducted with stakeholders concerning matters related to the Royal Parcel in Koh Tao Sub-district using conventional methods. 3) Small group discussions, which involve gathering information from meetings aimed at engaging with governmental bodies and public stakeholders regarding the management of land parcels in Koh Tao Sub-district through standard methods, to exchange knowledge and seek suitable collaborative solutions grounded in legal frameworks for sustainable and integrated approaches to the issue of land rights in Koh Tao Sub-district.

## The Concept of the Royal Parcel

The term "Royal Parcel" originates from a blend of three components: "at" (indicating the location or source), "raj" (referring to the deity of the territory), and "parcel" (denoting a piece of property, land, or residence). Its interpretation is "the territory and location associated with the residence of the Sovereign," which embodies the belief prevalent during the age of absolute monarchy (Phromchom, 2014). Historically, "Royal Parcel Land" was referred to as "Royal

Land" and initially appeared in the Royal Parcel Department Act legislation. Subsequently, in 1942, the Regulation Concerning the Administration and Use of Ratchapat Land was implemented, defining "Rajapat land" as land utilized by the government for official functions or set aside for such purposes, as well as land managed by various government entities and land allocated for public interest that had become unutilized. With the introduction of the Royal Parcel Act in 1975, the law identified "royal parcel" as real estate owned by the land, excluding properties of state enterprises or local governing bodies.

### **Categories of Royal Parcels**

According to the Royal Property Act of 2019, Section 6 categorizes royal property into two primary types: 1) The royal parcel type, which is divided into three groups: 1) All types of real estate belonging to the land, 2) Land reserved or restricted for a specific interest related to the land, and 3) Land reserved or limited for governmental benefit as stipulated by law. 2) The non-royal parcel type comprises seven groups: 1) Wastelands and lands that have been expropriated, abandoned, or reverted by land legislation (excluding areas reserved or prohibited for specific land or governmental interests). 2) Real estate in the public domain utilized for citizen access or designated for public benefit. 3) Property of state enterprises classified as juristic entities and local government organizations. 4) Real estate belonging to a public organization acquired through donation, purchase, or exchange from the organization's revenue without utilizing national funds. 5) Real estate of public educational institutions recognized as juristic entities obtained through donation, purchase, or exchange from the institution's revenue without using national resources. 6) Real estate of a government agency established by law acquired through donation, purchase, or exchange from that agency's income without utilizing national funds. 7) Real estate exempt from specific legislation is not considered a royal parcel. This classification facilitates orderly state land management and effective regulation of royal land utilization.

### **State Management of Property via Lease Agreements**

Sections 24 and 26 of the Royal Parcel Act 2019 empower the Ministry of Finance and the Treasury Department to leverage the benefits outlined in the Royal Parcel Act. This involves engaging in lease agreements or other remuneration contracts, including benefits provided by the private sector. Compliance with conditions specified in Section 27 is essential, considering objectives, location conditions, rental rates, remuneration, and property value. Additionally, for Royal Parcels valued over 500 million Baht, any procurement of benefits requires approval from the Board of Directors of the Royal Parcel. The specifics of benefit procurement are detailed in the "Ministerial Regulation on Procurement of Royal Parcels, 2021," which does not apply to infrastructure projects or public services valued at 5,000 million Baht or higher or as determined under the Public-Private Joint Investment Act 2019. Benefits provided at the Royal Parcel, per Clause 2 of the Ministerial Regulation, refer to using the Royal Parcel to generate income, including offering welfare business by the Prime Minister's Office Regulation on Welfare in the Government Sector. This focuses on utilizing state land for both economic and social advantages. The term "private," as defined in the Ministerial Regulation, pertains to individuals or entities, not government agencies, encompassing both natural persons and legal entities that do not represent government interests. The methods for procuring benefits from the Royal Parcel, as outlined in Clause 5 of the Ministerial Regulation, require the Treasury Department to establish lease agreements or other non-fee contracts by the parameters set by the Director General of the Treasury Department, which the Permanent Secretary of the Ministry of Finance must sanction. For leases of the Royal Parcel lasting no more than 30 years, if designated for commercial or industrial use, the duration may exceed 30 years, subject to prior approval from the Minister of Finance (Clause 9). For benefit procurement from the private sector concerning parcels valued up to 500 million Baht, the Ministerial Regulation indicates that an auction method should be utilized primarily (Clause 15). However, in specific

scenarios—such as arranging leases for residential or agricultural land, which are not extensive in size or cost—the auction method may not be required as per regulations.

## **The Growth of the Koh Tao Sub-District Royal Parcel**

Koh Tao Subdistrict is part of the Koh Phangan District within Surat Thani Province. It is approximately 47 kilometers from the main Koh Phangan District, covering an area of around 19.20 square kilometers, or 12,007 rai (Koh Tao Subdistrict Municipality, 2021). Mae Haad Village and Chalok Ban Kao Village are located here. Historical research into the Koh Tao community indicates that in 1937, residents from the Koh Samui and Koh Phangan districts began cultivating asin fruits, focusing primarily on coconuts, and sought a reservation permit through a "trampling leaf" issued by the Koh Samui district along with a "reservation stamp" from the land officer based on the Land Deed Issuance Act (No.6) of 1936. Establishing a prison for political detainees in the Koh Tao Subdistrict directly resulted from two major political events: the Boworadet Rebellion and the Non-Commissioned Officers' Rebellion. These events resulted in a significant number of political detainees, which prompted establishing a special court to handle cases of political unrest as per the Special Court Establishment Act of 1933. According to Section 4, paragraph 1 of this Act, "A special court shall be constituted with the authority to hear cases concerning this rebellion and insurrection, regardless of whether the accused is a civilian, a military officer, or holds any rank or title." On April 19, 1943, the government ordered the relocation of political prisoners from their prior detention site in Ko Tarutao to Koh Tao, Surat Thani Province. This transfer involved 61 political prisoners (Cooperation Committee to Solve Land Problems on Koh Tao, 2019). As a result, a prison was constructed on around 25 rai of land in the Mae Haad area. The following year, on September 20, 1944, the Department of Public Relations made an announcement regarding the Royal Decree on Amnesty, 1944, which allowed for the release of political prisoners 30 days after the decree came into force. Consequently, political prisoners were officially set free under the law on October 20, 1944 (Office of the Council of State, 1944). Subsequently, the political prisoners' facility was closed in 1947. Following the implementation of the Land Code in 1954, land ownership within the Koh Tao Subdistrict, Koh Phangan District, Surat Thani Province, became contentious. Krit Pathanasi, acting on behalf of the Ministry of Finance, filed a claim for the entirety of Koh Tao on May 4, 1955, using Land Claim Notification Form S.K.1, No.1, directed to the Koh Samui District Land Office. The claim cited the registration of the land as state property under Treasury Department Registration No.34, Provincial Registration No.114, with boundaries stretching to the sea on all sides. This declaration was by the standard procedures outlined in the Land Department Circular No.525/2498, dated January 18, 1955, which outlined that land utilized by government entities for official purposes—such as the political prison in Koh Tao from 1943 to 1944—would be categorized as state property managed by the Treasury Department, Ministry of Finance. However, following the passage of the Land Code in 1954, individuals were mandated to register land claims using Form S.K.1 with the district's chief officer. As a result, the inhabitants of Koh Samui District, Koh Phangan District, and Koh Tao Subdistrict sought to register their land claims with their village leaders and subdistrict chiefs, who then relayed this information to the Chief Officer of the Koh Samui District. At that time, Jiw Piriya Sathit served as the subdistrict chief for Koh Phangan. However, those living in Koh Tao could not register their land claims because the entire island had already been designated as state property by Krit Pathanasi, a representative from the Ministry of Finance. This situation led to Koh Tao being formally designated as public property, preventing residents from obtaining official land claim documents (S.K.1) (Cooperation Committee to Solve Land Problems on Koh Tao, 2019). Nevertheless, generations of local inhabitants continued to farm and utilize the land in good faith. The historic classification of Koh Tao as state property continues to be a contentious

topic among its residents, who believe the declaration was both unjust and legally dubious. On May 7, 2018, the residents of Koh Tao submitted a formal petition addressing the land ownership issue to the Governor of Surat Thani, the Commander of the Fourth Army Region, and the Damrongdham Center of Surat Thani Province. This action resulted in the formation of two official working committees aimed at resolving the land dispute: The Joint Committee for Resolving Land Issues on Koh Tao, which was chaired by the Governor of Surat Thani and established under Surat Thani Provincial Order No.4019/2561, dated June 27, 2018, and the Fact-Finding Task Force on Koh Tao Public Land Complaints, which was created based on the resolution of the Joint Committee under Surat Thani Provincial Order No.4755/2561, dated July 31, 2018. These committees were assigned to investigate the validity of the land claims and to address the legal concerns raised by the residents of Koh Tao. The controversy surrounding Koh Tao's designation as state property remains unsolved, with residents persisting in advocating for land rights and ownership recognition.

### **Investigation into Land Rights in Koh Tao Sub-District by the Commission on Law, Justice, and Human Rights of the House of Representatives**

Fact-checking on the validity of the Royal Parcel in Koh Tao Sub-district, Koh Phangan District, Surat Thani Province, arose from complaints by residents in the Koh Tao area. A letter voicing concerns about land issues in Koh Tao was sent to the Governor of Surat Thani Province on May 7, 2018, prompting the establishment of two working groups tasked with addressing these complaints. 1) A Joint Committee headed by the Governor to resolve the Koh Tao land issue, established under Surat Thani Provincial Order No. 4019/2561 dated June 27, 2018. 2) A Working Group conducted a fact-finding investigation regarding the residents' complaints about the Koh Tao Land Parcel, appointed by the "Joint Committee to Resolve the Koh Tao Land Plot Problem" as per Surat Thani Provincial Order No. 4755/2561 dated July 31, 2018. The findings from the investigation concerning the Royal Parcel Land disputes in Koh Tao Sub-district, Koh Phangan District, Surat Thani Province, were presented to the Commission on Law, Justice, and Human Rights in the House of Representatives as summarized in the minutes from the 33rd meeting on June 24, 2020. 1) An inquiry from the Ministry of Home Affairs revealed no evidence of any reservations banning land possession in Koh Tao or any declaration that the land was reserved for a prison intended for the confinement of political prisoners. 2) An investigation into property rights by the Ministry of Finance indicated that the notification of land ownership from Mr. Kornchit Pattanasri, representing the Ministry of Finance, does not confer any rights to the informant unless they legally occupied the land when the Land Code was enacted. However, an individual who has abandoned land or left it unoccupied for more than three years will lose their rights to it. Since the Ministry of Finance abandoned the land in 1947 (the year the prison was closed), this has led to a loss of rights. 3) Verification of the Royal Parcel registration by the Treasury Department showed a lack of documents supporting the declared area for registration, indicating errors and discrepancies with the actual situation. Koh Tao land is not a royal parcel. The prison area encompasses only about 25 rai, as the Department of Corrections built it for detaining prisoners, classifying it as a "prison," not a "penitentiary." 4) The Treasury Department mistakenly equated the land on Koh Tao turned into a penitentiary with Tarutao Island, which is used for the open confinement of prisoners, surrounded by the sea. 5) The Department of Correctional Services has not announced any restrictions on utilizing the Koh Tao area as a prison and has never filed a registration with the Treasury Department.

So, from the summary report found in the study, it can be concluded that in terms of the facts, the Royal Parcel converted to Koh Tao. Koh Phangan District, Surat Thani Province It is not in the condition of the entire Koh Tao sub-district. If it appeared as a reasonable place as a royal parcel, it would be a piece of land that was only used as a prison for the detention of political prisoners. It has been noted that although the facts regarding the Koh Tao Royal Parcel

in Koh Phangan District, Surat Thani Province, have been proven by the working group appointed by the government agency, there has been no revocation of the Koh Tao Royal Parcel from the Treasury Department or by the judgment of the Administrative Court. Therefore, de facto, the Royal Parcel of Koh Tao must still be considered a Royal Parcel. However, this issue conflicts with the in-depth investigation of the facts by the working group appointed by the government agency. Based on the summary report from the study, it can be inferred that the Royal Parcel designated for Koh Tao, located in the Koh Phangan District of Surat Thani Province, does not encompass the entire Koh Tao sub-district. If it were to be regarded as a legitimate royal parcel, it would be a land area primarily utilized as a facility for the incarceration of political detainees. It has been observed that, despite the findings related to the Koh Tao Royal Parcel in the Koh Phangan District being validated by a committee established by a government agency, there has yet to be any annulment of the Koh Tao Royal Parcel by the Treasury Department or through a ruling from the Administrative Court. Thus, in practice, the Royal Parcel of Koh Tao must continue to be acknowledged as a Royal Parcel, even though this situation contradicts the thorough investigation of the facts conducted by the committee appointed by the government agency.

### **In-Depth Interviews with Stakeholders Regarding the Management and Utilization of the Royal Parcel in the Koh Tao Sub-District**

According to the representative from the Treasury Department, as long as the Koh Tao sub-district is classified as a royal parcel, the management of the Royal Parcel must strictly follow the guidelines established by the Royal Parcel Act of 2019. Altering the management approach for the Royal Parcel is not feasible unless the law is revised to permit different management methods. The Mayor of Koh Tao Sub-district, speaking on behalf of the local government organization, shares that the designation of the entire Koh Tao sub-district as a royal parcel complicates local development efforts, as the Koh Tao Sub-district Municipality lacks full management authority over the area. Specifically, the municipality cannot regulate the construction of buildings or structures since oversight is under the jurisdiction of the Treasury Department. Representatives from tourism businesses in the Koh Tao sub-district express that land in this area is predominantly utilized for residential purposes alongside family-run tourism operations. They rely on ancestral land and personal finances to build and expand accommodations, shops, and restaurants to cater to foreign tourists and Thai citizens. This situation reflects a recognition that, despite long-held family ownership, the land does not belong to them (the residents). An 84-year-old public sector representative residing in the Koh Tao sub-district believes that their land is an inheritance from their ancestors, and they desire the government to grant them land rights documents, as both their ancestors and they have always lived in this area.

### **Sub-Group Meeting of Government Agencies and Public Stakeholders Regarding the Management of the Royal Parcel in Koh Tao Sub-District**

The sub-group meeting suggested that there should be a review to determine if it is appropriate to classify the entire area of the Koh Tao sub-district as a royal parcel. This is because a portion of the land in the Koh Tao sub-district has been utilized to construct a prison to detain political prisoners in the past, occupying only about 20 rai of land for its operations if the review concludes that the declaration designating the Royal Parcel in the Koh Tao sub-district area is inaccurate.

### **Barriers from Legal Regulations About the Management of the Royal Parcel in Koh Tao Sub-District**

According to the Royal Parcel Act of 2019, Section 8 specifies that the ownership of the royal parcel lies with the Ministry of Finance. The Treasury Department is tasked with administrating, caring for, and maintaining the Royal Parcel, managing its usage, and providing

benefits by law. Consequently, the Treasury Department can offer benefits derived from the Royal Parcel. This Act is affirmed in specific sections, namely Sections 24, 25, and 27, and further elaborated by the Ministerial Regulation on Royal Parcel Procurement 2021. It is stated that leasing land for residential use cannot exceed 100 square wahs, and notably, the current market value of land in the Koh Tao sub-district exceeds 50,000 baht per square wah, especially for beach-adjacent properties. Thus, the stipulated conditions of the lease agreement for the Royal Parcel under Ministerial Regulation No.16(1) do not correspond with the local context and economic characteristics of the area, presenting a barrier for the residents of Koh Tao to enter into direct lease agreements for the Royal Parcel. As a result, the legal framework governing the Royal Parcel poses ongoing limitations and challenges in this aspect.

## **Guidelines for Managing State Land in Taiwan**

The land reform policy in Taiwan is based on redistributing state-owned land to citizens. This initiative mainly aims to address the issue of inadequate farmland for farmers, thereby alleviating poverty and ensuring effective land utilization. Before implementing land reform, the state undertook several preparatory measures, including surveying land, preparing for land registration, conducting usage assessments, and classifying landowners (Thirasirikul, 2006). However, land reform in Taiwan has been implemented through three main approaches (Nithimetteeranon, 2021): 1) reducing land rents to a maximum of 37.5 percent, 2) selling government-owned land to citizens, and 3) transferring land to farmers or cultivators.

1) Strategies to decrease land rents. Taiwan's land rent reduction initiatives emerged due to inequities in the land leasing system prior to 2009. In 1948, farmers lacked written lease agreements, which made them susceptible to eviction at any moment and subjected them to excessive land rents that could reach an average of 56.8 percent of their yield, and even up to 70 percent in certain areas, along with additional insurance fees and inflated interest loans. This situation had significant economic and social repercussions. To alleviate this challenge, Taiwan enacted The Farm Rent Reduction to 37.5% Act, establishing a rental ceiling not exceeding 37.5 percent of the yearly primary output and a minimum lease term of 6 years. Nevertheless, the lease may be terminated early under certain conditions, such as the tenant's death with no heirs, cessation of farming activities, or rent arrears for over 2 years.

2) Initiatives to sell public land to citizens. The Taiwanese government has undertaken land reform by enabling the sale of public land to citizens, following the Sales of Public Land to the Tillers Program established by the 1952 Act, which is grounded in the Regulations Governing the Sale of Public Farmlands to Establish Owner-Farmers in Taiwan Province 1951. The primary purpose of this initiative is to tackle the issue of landlessness. Doing so fosters a sense of pride and motivation in agricultural practices, thereby enhancing output and stimulating the broader economy. The government also uses this initiative as a model to encourage private individuals who are not actively using their land to sell it to farmers through government facilitation. The criteria for purchasing state land include: 1) individuals who legally occupy and farm on state land should have first consideration, 2) contract agricultural workers engaged on the land, 3) land tenants lacking sufficient land for livelihood, 4) farmers without adequate land for cultivation, 5) those who have previously benefited from public land but currently lack farming land, and 6) individuals transitioning to farming professions. The legislation additionally permits farmers to pay for land in installments for up to 26 years, with annual payments not surpassing 37.5 percent of the yearly output, and upon full payment, the buyer will gain complete ownership of the land.

## **Guidelines for the Formulation of the Law Governing the Management of the Royal Parcel in Koh Tao Sub-District**

While the Royal Parcel Act of 2019 and the Ministerial Regulation concerning the Procurement of Royal Parcels in 2021 permit the Treasury Department to leverage the Royal Parcel for benefits through leasing agreements, the situation in the Koh Tao Royal Parcel differs from that of typical Royal Parcels. This is due to Indigenous communities historically occupying the land before its designation as a Royal Parcel, leading to resistance from the local Koh Tao community against the notion that their entire sub-district is considered a royal parcel. Consequently, the current leasing framework provided by the Royal Parcel Act of 2019 and the Ministerial Regulation is not aligned with the community's needs, whether in terms of housing or the tourism sector. This misalignment arises because the Ministerial Regulation does not provide for leasing aimed at tourism businesses that operate as family enterprises. Thus, managing the Royal Parcel in Koh Tao sub-district has proven ineffective under existing legal provisions. Insights from interviews with residents and tourism business representatives indicate a shared sentiment: "We do not wish to lease land from the Treasury Department regarding the Royal Parcel, as this would imply that the land is not ours, despite our ancestors having historically owned it." This perspective is echoed in comments from elderly community representatives who have lived in Koh Tao Sub-district for 70 years (one interviewee, 84 years old, stated): "I want the government to give me a land title document, as both my ancestors and I have always resided in the Koh Tao sub-district area, yet we have no official land titles and live in a floating style..." Data from these interviews highlight that the primary desire of Koh Tao sub-district residents concerning land rights is to obtain a legal document that indicates ownership or a right to occupy the land rather than simply having a lease agreement that recognizes their residence in the Royal Parcel as per the Royal Parcel Act 2019. It is also significant to mention that, according to the minutes from the meeting of the Law, Justice, and Human Rights Commission of the 33rd House of Representatives on June 24, 2020, it was determined that the Royal Parcel in Koh Tao Sub-district does not encompass the entire area; if it were to be established as a suitable royal parcel, it would only include the land used for the confinement of political prisoners, which spans approximately 25 rai, thereby reflecting the land use by a legitimate government agency based on the actual circumstances observed. Examining foreign land management strategies revealed that a land reform initiative exists through the Sales of Public Land to the Tillers Program from the 1952 Act, which permits individuals to lease and buy public land to alleviate landlessness and enhance ownership, ultimately boosting agricultural productivity. The government allows farmers to make installment payments for land over up to 26 years, with a stipulation that land fees do not exceed 37.5% of the annual yield. In considering the land in the Koh Tao sub-district as a royal parcel that cannot have its status altered, the Treasury Department might consider implementing a land reform akin to the new Koh Tao Parcel Parcel model based on Taiwanese practices. However, employing the Taiwanese hire-purchase method may not be suitable since the local community has yet to accept the land's designation as a royal parcel. If lease-purchase options are introduced, it could be perceived as a compulsion for residents to buy land their families have owned for generations. A more fitting solution would involve reforming land for tourism purposes (MPA) in line with the MPA 4-01 guidelines, allowing individuals to obtain certification for their land usage for living and tourism-related activities. This would provide the public with proof of land rights, mitigate disputes, and illustrate the state's commitment to resolving practical issues, offering legal stability instead of merely being tenants of the Royal Parcel. The research team believes the legislation should explicitly clarify the definition of tourism business and the eligibility criteria for applicants to lessen interpretive conflicts. Additionally, there should be clear stipulations regarding the area and size of land eligible for reform, along with criteria for prohibitions and regulatory measures concerning land use by the

intended goals. This strategy aligns with land reform regulations in various countries, including Taiwan's Sales of Public Land to the Tillers Program from 1952 and Thai laws such as the Royal Land Parcel Act of 2019 and the Agricultural Land Reform Act of 1975.

## Conclusion

The examination of legal matters concerning the management of the Royal Parcel in the Koh Tao Sub-district, located in Koh Phangan District, Surat Thani Province, reveals that the primary challenge hindering the management of the Royal Parcel in Koh Tao Sub-district is the rejection from residents of the announcement made by the Treasury Department, which is under the Ministry of Finance, that designates the entire Koh Tao Sub-district as a royal parcel. The true intention of the residents regarding land rights is the possession of a land rights document that indicates ownership or a document that grants the right to occupy land rather than merely a leasehold right aimed at ensuring the right to live, as mentioned in the Royal Parcel Act of 2019.

## Recommendations for the Enactment of the Land Reform Law for Tourism Business

There should be legislation introduced at the level of an Act or Decree to create a dedicated land reform law for the tourism sector, taking inspiration from the land reforms in Taiwan. This proposed law could be called the "Act on the Reform of the Royal Parcel for Tourism Business, B.E. ..." or "The Decree on the Reform of the Royal Parcel for Tourism Business, B.E. ...". The Ministry of Finance could utilize the Royal Parcel Land to implement reforms for individuals residing in Koh Tao, such as the Agricultural Land Reform. The aims of this reform legislation should include 1) facilitating family-run tourism businesses and 2) recognizing the significance of the tourism sector.

- 1) A definition of the term "reform of land at the Royal Parcel for Tourism Business" should be established, including "Living and Operating a Family Tourism Business" and "Operating a Tourism Business."
- 2) The specific areas that fall under this Law must be declared.
- 3) Clear criteria should be established for those wishing to apply for reformed land designated for the tourism business.
- 4) It should be stated that transferring and selling land designated for tourism business reform to third parties is prohibited, except in inheritance cases.
- 5) Procedures for proving land boundaries for the reformed tourism business should be defined to avoid disputes among residents regarding land boundaries.
- 6) The maximum extent of land that can be owned following land reform for the tourism business should be determined.
- 7) Guidelines for overseeing and monitoring the land reformed for tourism purposes must be established to ensure compliance with the objectives and methods outlined by law, including the potential revocation of land rights for violations of the stipulated conditions for the holding and use of the land assigned as per legal provisions.

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