

# **Territorialisation of Resources in Cambodia: The Politics of State Interventions in Forest, Land and Fisheries**

(カンボジアにおける天然資源の領域化ー森林、土地、漁場に対する  
国家介入のポリティクス)

**September 2014**

**THOL DINA**  
(トル デイナ)

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**September 2014**

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**Under the Supervision of**

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## ACRONYMS

ADHOC	<i>Cambodian</i> Human Rights and Development Association
ASEAN	Association of Southeast Asian Nations
CBET	Community Based Eco-Tourism
CBNRM	Community-Based Natural Resources Management
CCF	Community Commercial Forestry
CCHR	Cambodian Center for Human Rights
CDO	Community Development Office
CDRI	Cambodia Development Resource Institute
CF	Community Forestry
CFi	Community Fisheries
CPAD	Community Protected Areas Development
CPP	Cambodian People Party
DFW	Department of Forest and Wildlife
DoF	Department of Fisheries
ELCs	Economic Land Concessions
FA	Forestry Administration
FAO	Food and Agriculture Organization
FiA	Fisheries Administration
GDP	Gross Domestic Product
IMF	International Monetary Fund
LICADHO	<i>Cambodian</i> League for the Promotion and Defense of Human Rights
LMAP	Land Management and Administration Project
MAFF	Ministry of Agriculture, Forestry, and Fisheries
MoE	Ministry of Environment
MLMUPC	Ministry Land Management, Urban Planning, and Construction
MOWRAM	Ministry of Water Resources and Meteorology
NAC	National Archives of Cambodia
NCFPCC	National Community Forestry Program Coordination Committee
NFP	National Forest Program
NGOs	Non-governmental Organizations
NTFPs	Non-Timber Forest Products
OBSES	Economic, Social, and Cultural Observation Unit

PLUP	Participated Land Use Planning
PRK	People Republic of Kampuchea
RGC	Royal Government of Cambodia
SoC	State of Cambodia
SLR	Systematic Land Registration
UN	United Nations
WB	World Bank



## ABSTRACT

This dissertation attempts to answer the questions “What determines the timing and nature of the Cambodian state interventions in natural resources?” Were those state interventions beneficial to the poor?” Precisely, the author examines why the Cambodian government intervened in some particular resources such as forest, land, and fisheries at a particular time, especially from the early 2000s. The author tries to answer research questions by using the available data from the National Archives of Cambodia (NAC), reports and publications of non-governmental organizations and international organizations, ministries reports, published articles in the journals as well as fieldworks and interviews with informants who have been involved with the issues of natural resource management, policy and politics. The author applies the concepts of territoriality and state motives to explain the politics of state interventions in forest, land, and fishing grounds.

Answering what determines the timing and nature of state interventions and were the interventions good for the poor, this dissertation offers the following answers. The case studies of the state interventions in forest, land, and fisheries reveal that international pressure, the decentralization of natural resource governance, crop boom and resource speculation, and the electoral politics influenced state interventions in particular resources at a particular time. For example, from the mid 1990s, the international community’s pressure determined the state interventions in forestry sector. The international community urged the Royal Government of Cambodia (RGC) to take action against the large-scale logging and improve the forest management in exchange for aid. In response, the RGC introduced the forest concessions and the forest log export ban. The government designed more than 6 million hectares of forest concession areas and allocated them to more than 30 private companies. The government also issued the log export ban, especially the timber export to Thailand during this time. The case study of the politics of state interventions in Cambodia points out that the Cambodian government intensified interventions in forest, land, and fisheries over the last two decades. The interventions in forest and land happened in the form of territorialisation where the state used it to transfer, distribute and control the resources among small group of people. The interventions in forest were used to generate budget, enrich the elites, and exchange loyalty among military generals. Similarly, the interventions in land such as ELCs were used to cement the relationship with the tycoons in exchange of their financial support to the political party. Both interventions in forest and land tended to favor the elite capture of natural resources while the interventions in fisheries turned to be different.

The state interventions in fisheries were carried out in the form of de-territorialisation where the state withdrew the resource from small groups of wealthy people (the fishing lot owners and operators) and distributed to the fishermen around the Tonle Sap Lake. At the early stage of the interventions, the fisheries reform policy was popular among the small-scale fishermen because they could get larger fishing areas. However, with the weak governance of the Tonle Sap Lake from the relevant authorities, the lake is now almost becoming an open access where illegal fishing is widespread. The community fisheries, with the lack of legal power and financial support, could not even protect their community fishing grounds from the illegal fishing.

# CHAPTER 1: INTRODUCTION

## 1. 1 Outline of the Study

This dissertation attempts to answer the question “What determines the timing and nature of the Cambodian state interventions in natural resources?” Precisely, the author examines why the Cambodian state intervened in some particular resources such as forest, land, and fisheries at a certain time, especially from the early 2000s. The author also proposes a few sub-questions such as: “How has the Cambodian natural resource administration (forestry, land, and fisheries) been established and developed? Why did the Cambodian state introduce two major reforms in fisheries over the last decade from 2000 to 2012? What motivated the government to make those interventions? What are the different measures and outcomes of state interventions in fisheries in comparison to forestry and land? Were those state interventions beneficial to the poor?

Southeast Asia had abundant natural resources which was one of the reasons western colonists were attracted to the region in the 18<sup>th</sup> and 19<sup>th</sup> century. The western colonists exploited Southeast Asia’s forest during their colonial rule, including the British in Burma, Malaysia, and the northern part of Thailand, the Dutch in Indonesia, and the French in Indochina. In the post-independence from the 1950s, forest resources were still one of the main sources of revenue for governments and movements in Southeast Asia such as Suharto’s government in Indonesia (Ascher, 1999) and the Khmer Rouge in Cambodia (Le Billion, 2000). Those groups of people allowed investors to exploit the forest resources in exchange for cash. In addition to its importance for economies of the region, the forest has been linked to many environmental projects and funding supports in recent years because of its roles in absorbing carbon dioxide (Bryant & Bailey, 1997; Milne & Nisten, 2009). The states in Southeast Asia have often introduced interventions in natural resources for particular purposes such as conservation, extraction of resources or spread of state power to peripheral areas (Tubtim & Hirsch, 2005; Fold & Hirsch 2009; Sato, 2014). This has generated debate and research on the purposes of state interventions and their motivations. Cambodia, one of Southeast Asian countries, has introduced many major state interventions in natural resources such as forestry, land and fisheries over the last

two decades starting in the 1990s.<sup>1</sup> The state interventions in natural resources in Cambodia provide a good case study, especially for research on resource politics. Some scholars such as Derek Hall and others stressed that Cambodia provides suitable case studies of land grabs because of the rapid land transformation, land grabs, land concentration, and force evictions in the last decade (Hall et al., 2011: 2; Murotani, 2014).<sup>2</sup> This does not include the state interventions in forestry and fisheries that provide rich case studies of the political use of the resources (Sokbunthoeun & Un, 2009; Un and Sokbunthoeun, 2011; Dina and Sato, 2014). This raises the puzzle of what motivated the Cambodian government to introduce many major interventions in natural resources from the mid 1990s.

Questioning the timing of state interventions in natural resources in Cambodia helps the readers understand the connection between the state interventions to certain issues related to the economies, the environment, poverty alleviation, or politics. It also provides a pattern of study and analysis for comparison with other countries that have similar situation like Cambodia, especially where state interventions in natural resources have often been observed. In addition, the reader can understand the motivations and sequences of the state interventions in a particular resource at a particular time. For example, why did the Cambodian state intervene in forest and fisheries resources in the early 2000s? By tracing such questions, the researcher could examine the state motivation in its interventions in the forest, land and fisheries sectors at a particular time. Furthermore, such questions enable the author to examine the nature and measure the state used in different resource interventions at different time. The author could also study the impacts of the interventions on the resource system and people who use the resources. For instance, by looking at the case studies of the Cambodian state interventions in the forest, land, and fisheries, the researcher could study the purposes of

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<sup>1</sup> The interventions in natural resources in Cambodian began in the 19<sup>th</sup> century when the French colonized the country. The French introduced the modern administration to manage and extract Cambodian resources such as fishery and forest products. However, from the 1990s, there was intensification of state intervention in forest, land, and fishing grounds which is discussed in chapter 4 and 5 of this dissertation.

<sup>2</sup> Cambodia is an agricultural country where the majority of the populations are farmers. In 2005, agriculture made up of 33 per cent of GDP and 68 per cent of the population depended on agriculture for their livelihoods. However, from 1998 to 2008, The Royal Government of Cambodia (GRC) granted about 100 plantations ranging from 500 to 333, 000 hectares as Economic Land Concessions (ELCs). The RGC also permitted 23 special economic zones, 88 mining corporations and concessions, and 67 hydropower schemes.

the interventions, the approaches and mechanisms used in the interventions, and the impacts of the interventions on forest, land, and fisheries resources as well as the livelihoods of the people who have depended on those resources.

The research on the state control of natural resources in Cambodia indicated that the Cambodian state has used interventions in natural resources for a number of purposes such as conservation, reducing natural resources (accesses) conflicts, poverty alleviation, decentralization of natural resource management, and gaining political support such as strengthening patron-client relationship or influencing voting. From the case studies of the major state interventions in the forest, land, and fisheries sectors, the researcher offers three main arguments in this dissertation. Firstly, the author argues that the state interventions in natural resources in Cambodia did not always exclude the poor and favor the elite capture of the resources. This moves beyond the general explanation of natural resource policy trends in Southeast Asia where state interventions in natural resources have always ended up with serving the elites and powerful persons. This finding is one of the contributions of this research to the resource politics scholarship. The author will use the comparative case studies of state interventions in forestry, land, and fisheries to support the argument.

Secondly, looking from the aspect of political geography, especially territoriality and state motives, the author argues that the state intervention did not often appear in the form of elite capture of natural resources. In many cases throughout Southeast Asia, the state interventions in natural resources have been used as mechanisms to spread state power over the population living in the peripheral areas through various state agencies (Peluso, 1994; Bryant, 1997; Hirsch, 2009; Sato, 2014). However, state interventions in natural resources can also be directed in the form of de-territorialisation where the power of state control becomes weak with vague responsibility of the state agencies responsible for managing the resource. The case study of the Cambodian state interventions in fisheries from the 2000s is an astonishing case to demonstrate how the Cambodian state chose to withdraw the fishing lots from small groups of wealthy fishing lots owners and operators and distributed them to the other larger group of population: the fishermen and farmers around the great lake Tonle Sap. Even though they have fishery communities to manage those fishing grounds, the fishery communities are loosely managed with limited financial resources, legal power, and human resources capacity, weakening the Tonle Sap governance power.

Thirdly, the author argues that the resource system and the poor will suffer from the state interventions in forestry, land, and fisheries in the context of weak governance

and the elite capture of natural resources.<sup>3</sup> Even though the interventions in fisheries and land in 2012 targeted the poor through the allocation of bigger fishing grounds and the giving of land titles to the people in the frontier, this happened only in short time, especially before the national election in 2013. The state interventions favor the poor only when the politicians want to please the resource consumers in rural areas in exchange for voting. This was revealed in the state interventions in fisheries and land in 2012.

The whole dissertation tries to answer question “what determines timing and nature of the state interventions in natural resources?” by using the available data from the National Archives of Cambodia (NAC)<sup>4</sup>, reports and publications of non-governmental organizations and international organizations, ministries reports, published articles in the journals as well as fieldwork and interviews with more than 120 informants who have been involved with the issues of natural resource management, policy and politics.<sup>5</sup> The principal focus of this study is fishery politics because the author conducted intensive fieldwork on fisheries, but the research(er) also includes forest and land issues in the discussion (chapter 5) in order to provide background on the nature and measures that the state used in its interventions with different types of resources over the decade. Studying the state interventions in multiple resources helps the researcher to gain broader knowledge of the trend of state interventions and the motives behind each intervention. This is another contribution of this research to the scholarship of resource politics.

## **1.2 Research Background**

Cambodia, one of the ASEAN members, is located between Vietnam in the east and Thailand in the west. The country is situated in a favorable location with abundant natural resources such as forests, water, and fish. It is blessed with two main water

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<sup>3</sup> The poor and powerless suffered from the losing of access to the resources, forced evictions, and unfair compensation in the context of the weak governance.

<sup>4</sup> The reason for including this archival data is to locate the current resource management into the historical development context of Cambodian natural resources administration. Nearly all natural resources management administration was created during the colonial time, particularly in the late 19<sup>th</sup> and the early 20<sup>th</sup> century.

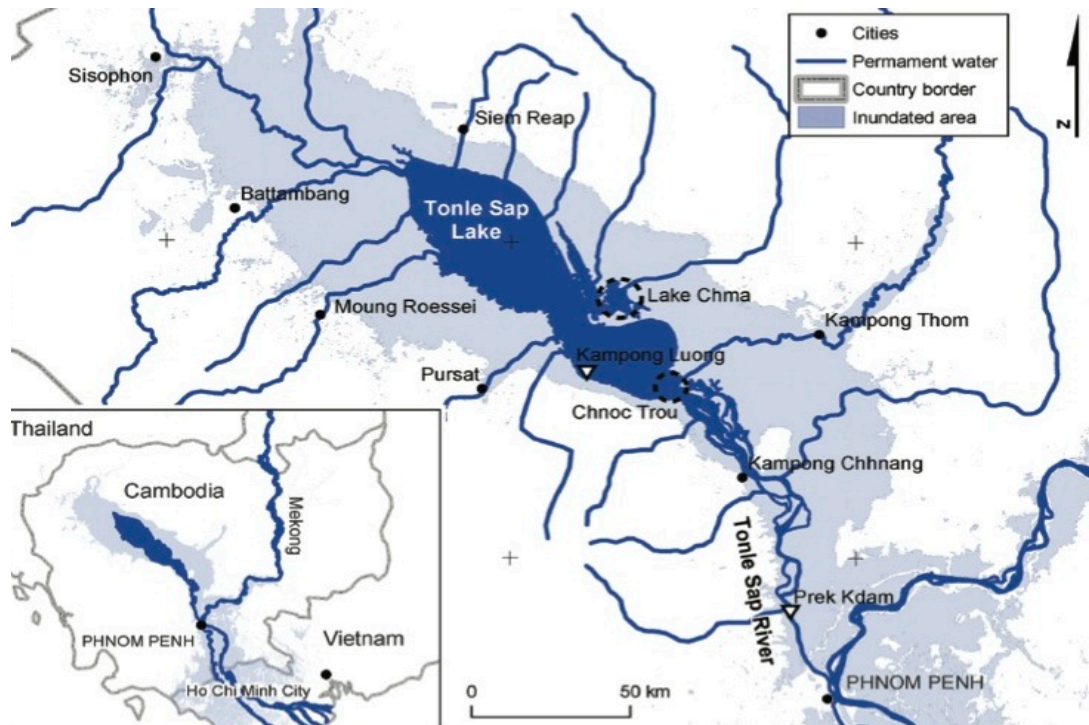
<sup>5</sup> They are researchers, government officers, NGOs directors and staffs, consultants, and the villagers in the research sites where the researcher visited and conducted interviews.

streams: the Mekong River and the Tonle Sap Great Lake that have played important roles for Cambodian society and civilization (Chandler, 1992; Kamm, 1998; Hori et al., 2008) as well as the livelihoods of millions of rural populations (Varis & Kestinen, 2003; Baran & Myschowoda, 2009; Sneddon & Fox, 2012). The rivers and streams provide means of transportation, water for irrigation and farming, and plenty of fish for food (Baird & Flaherty 2005; Bourdier, 2006; Baran et al., 2007; Navy et al., 2006). In the streams and lakes, there are plenty of fish, which is the main source of protein for Cambodian population living along or around those streams and lakes. Cambodian fishery resources used to be one of the main sources of state revenue in the early 20<sup>th</sup> century (Degen et al., 2000; Cooke, 2011; Dina & Sato, 2014). Based on research in the NAC, the author found that revenue from fisheries comprised about 10% of the national revenue in the early 20<sup>th</sup> century from 1900 to 1920.

Geographically, the Mekong River flows from the north to the south and the Tonle Sap Lake stretches from the northwest to the southwest. The Tonle Sap has a unique character because the water flow changes direction twice a year. In the rainy season, it flows from the southwest to the northwest when it absorbs large amount of water from the Mekong River. In the dry season, when the water level of the Mekong River recedes, Tonle Sap's current flows from the northwest to the southwest. The Tonle Sap Lake is the biggest fresh water lake and the most productive in Southeast Asia (Lamberts, 2006; van Zalinge, 2002).<sup>6</sup>

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<sup>6</sup> According to Lieng and van Zalinge (2001), the Tonle Sap Lake ecosystem yield at between 13 900 to 19 000 kilogram of fish per kilometer square. This estimation was not much different from the calculation done by Chevey's study in 1936.



**Figure 1:** The Map of Tonle Sap Lake (Source: Kummu et al., 2008)

According to figure 1, five provinces surround the Tonle Sap Lake. It has the length of 116 square kilometers with the width of 3 to 33 square kilometers and its size varies according to seasons. The size and depth of the lake vary a few times a year depending on the flow of water from the Mekong River and the amount of rainfall. During the dry season, the lake covers about 2,700 square kilometers with the water depth ranging between 1-10 meters. However, during the rainy season the lake expands to 16,000 square kilometers. The water depth of the lake ranges from 1 or 2 meter in the dry season and from 8 to 11 meter in the rainy season. The Tonle Sap Lake is linked with 11 main water tributaries (Tonle Sap Authority, 2011).

Besides abundant water streams, Cambodia is also endowed with rich soil and valuable dense forest. Forests have grown very well in the mountainous areas located in the northeast, northwest, and the southwest area of Cambodia. By the 1970s, Cambodian forest cover was around 70 percent of total area (Bunhak, 1972; Sopheap, 1994; Nophea, 2001; De Lopez, 2001). From the early 1970s until the 1990s, Cambodian forest management was less active due to the civil war between the Khmer Republic force and Khmer Rouge forces (1970-1975) and between the Khmer factions along Khmer-Thai border, with the Phnom Penh regime supported by the Vietnamese (1980-1989). However, the prolonged civil war from the 1970s till the 1990s saved Cambodian forest from heavy logging (Le Billion, 2002). The forest cover decreased rapidly in the 1990s

when Cambodia introduced a free market economic system.<sup>7</sup> Until the present day, there is no agreement on the statistics of the remaining forest in Cambodia. The government claims that the forest estimate around 60% while some international organizations working on forest estimated that it is less than 30% (Global Witness, 2007).<sup>8</sup>

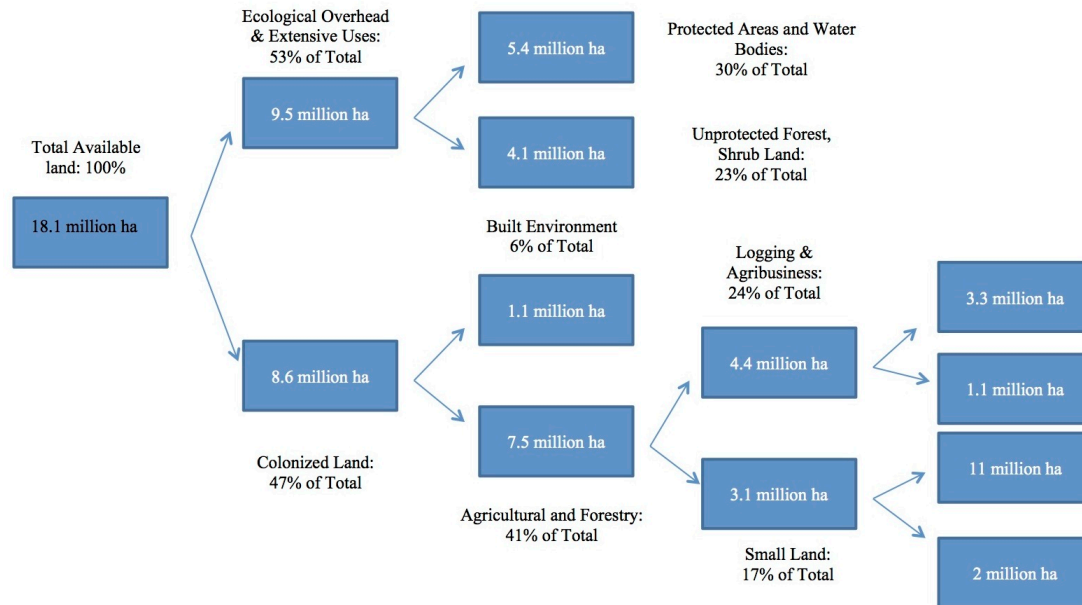
Because of the endowment from the two main streams that bring alluvial deposits to the flooded land almost every year, the majority of Cambodian land along the rivers is fertile arable land. According to figure 1, about 50% of the land is suitable for agriculture. However, Cambodian peasants occupied only about 3 million hectares of arable land while more than 4 million hectares are controlled by the companies and small groups of people. These small groups of people received large-scale land and minerals concessions from the government. Similar to the statistics of forest cover, the exact amount of land concessions is not known due to the lack of recorded statistics from the government agencies. Much of the data on the forest and land concessions mainly comes from NGOs that have worked on the issues. For example, Adhoc and Licadho have produced detailed examples of land grabs and land conflicts in Cambodia. Cambodian Human Rights Center (CCHR) and Cambodian NGOs Forum have monitored and compiled documents related to forest resources.

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<sup>7</sup> The forest cover decreased around 0.5% per year from 1960-1992. However, the speed of forest degradation increased during the Vietnamese control from 1980-1989 and afterward. McKenney et al., *Focusing on Cambodia's high value forests: Livelihoods and management*. Phnom Penh, Cambodia: Cambodia Development Resource Institute & Wildlife Conservation Society.

<sup>8</sup> With the pressure from international community and donor countries, the royal government of Cambodia agreed to allow Global Witness to monitor forest management in the country from the early 2000s. However, this independent forest monitoring organization was banned from operating in Cambodia after they released their report "Cambodian Family Tree" that linked a number of Cambodian elite politicians with the logging business.





**Figure 2:** Cambodian Land Use (Adopted from Scheidel et al. 2013)

Cambodian natural resources, especially forests were exploited by the fighting factions along the Khmer-Thai border and the coalition government in the 1990s. In the late 1980s and the early 1990s, forestry was the main source of income for the Khmer Rouge who were fighting against the socialist regime (People Republic of Kamuchea)<sup>9</sup>, supported by Vietnam and the Soviet Union. The Khmer Rouge who controlled the western areas along Khmer-Thai border granted many forest licenses to Thai companies to log Cambodian forest. In Thailand, the government there at the same time announced the ban of forest logging. This pushed Thai loggers to search for other sources of forest product to fulfill the domestic demand. According to Le Billion, the export of forest products from the areas controlled by the Khmer Rouge to Thailand from 1989 to 1998 valued about US\$ 700 million, of which US\$ 150-200 million were earned by the Khmer Rouge (Le Billion, 2000). Similarly, there was heavy exploitation of forest products in the areas controlled by the government. Forestry was used to finance the

<sup>9</sup> People Republic of Kampuchea was renamed as State of Cambodia from 1989 before the second Kingdom of Cambodia was officially used after the UN-supported election in 1993. See also, Slobomb, M. (2004). *The people republic of Kampuchea, 1979-1989: The revolution after Pol Pot*. Chiang Mai: Silworm Books.

military budget, exchange royalty, and build the elites' wealth (Le Billion, 2000; Sokbunthoeun & Un, 2009).<sup>10</sup>

Heavy exploitation also existed in the fishery resources after the sector was privatized in the late 1980s. From 1980 to 1987, Cambodian fishery resources were operated as cooperative unit (*Kromsamaki*) and some of them were controlled by the military in the early 1980s.<sup>11</sup> However, the government stopped the military involvement with fisheries in 1984 through the decision No. 24 dated 24 January. To meet budget demands, the government decided to give responsibility to the Ministry of Agriculture, Forestry, and Fisheries to collect revenue from fisheries through the decision dated 2 July 1986 (Thouk & Sengji, 2007). One year later, the government announced the fishery law in order to help improve Cambodian fisheries management. This law also allowed the re-introduction of private or commercial fishing lots that were previously operated as *Kromsamaki*. In 1987, the State of Cambodia revised the commercial fishing lot to generate revenue.

In response to the heavy exploitation and to promote conservation, the Cambodian government introduced a number of major state interventions in these three resources from the mid 1990s. In every intervention, the Cambodian state has used some of measures and mechanisms (land, forest, and especially fisheries) to attain their specific purposes (Le Billion, 2000; Ratner 2006, 2011; Ratner et al., 2011; Schneider, 2011; Mak, 2011; Somatra 2013; Dwyer, 2013; Dina & Sato, 2014). In their studies of the political geography in Tonle Sap, Mak (2011) and Somatra (2013) found that the Cambodian state used territoriality to spread their influence and especially to control the rural population in Tonle Sap area. Schneider (2011) meanwhile argued that the Cambodian state simplified natural resources to make it easy to control and collect tax. In her study of Cambodian land policy and its impact on indigenous communities, Milne (2013) found that interventions in land served political interests such as elections.

Forest and land resources have been the targets of Cambodian state intervention in the last decade from the 2000s. In the mid 1990s, the government granted large forest areas as forest concessions before banning and introducing land concessions (Le Billion, 2002; Leuprecht, 2004; Nathan & Boon, 2012). According to Le Billion (2000), the

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<sup>10</sup> From 1990 to 1997, the Cambodian government granted 32 forest concessions with long-term control. It was estimated that these concessions covered nearly 35% of Cambodia area (NGO Forum, 2007).

<sup>11</sup> For the discussion of cooperative unit, see for example, Margaret Slocomb, *An Economic History of Cambodia in the Twentieth Century* (NUS Press).

government granted forest concessions to 30 foreign and national companies during the mid 1990s. The forest concession was introduced to improve Cambodian forest management and effectively control the revenue from the forest. However, the real practice of forest concessions did not help to protect Cambodian forests as stated in the guidance book. Instead, it was part of the problem with many reports of illegal loggings and the impacts on the livelihood of people who lived in the concession areas (McKenny & Tola, 2002; Global Witness, 2007; Schmidt & Thleide, 2010; Nathan & Boon, 2012; Singh, 2012; Lambrick et al., 2014; Mulcahy and Boissiere 2014). With pressure from donor community, especially the World Bank, the royal government of Cambodia took actions against irregularities in forest concessions. For instance, the government terminated the concession rights from 16 companies in 1998 and announced the logging moratorium in December 2001 (IFSR, 2004; Heov et al., 2006b). At the same time of the cancelling the forest concessions, the government also introduced land concessions.

The intervention in land resources during the intensified period from the late 1990s has appeared in the form of economic land concessions through which the government has granted large amount of forestland to private companies and private businessmen. Even as the government withdrew and cancelled the forest concessions in the early 2000s, it introduced another concession: Economic Land Concessions (ELCs). Up until 2013, Cambodian government had granted over 2 million hectares of land to private companies and tycoons as economic land concession (Neef et al., 2013; Scheidel et al., 2013). The land titling is another form of state intervention in land to secure land tenure security for rural peasants in the context of land grabs and land conflicts. From the early 2000s, the Cambodian government worked with the World Bank to run a systematic land title registration program. However, the project was interrupted due to a number of disagreements between the World Bank and the government over the issues of land grabs and forced evictions. In 2012, the Cambodian government involved itself with another intervention in land through the distribution of land titles mainly in the frontier areas. More details on Cambodian state intervention in land will be discussed in chapter 4 of this dissertation.

In the last two decades, there were several state interventions in forests, land, and fishing grounds. In the early 2000s, the state started to intervene in the forestry sector. In 1998, the Cambodian prime minister, who has been in power more 30 years by now, expressed his strong will to combat and suppress forest crime. He also promised to make institutional reforms to improve forest management in the country. As a result, the government agreed to appoint a British-based NGO Global Witness to monitor

Cambodian forest management in 1999.<sup>12</sup> In 2001, Cambodia also signed an agreement with the East Asia Forest Law Enforcement and Governance (FLEG) which showed a good intention to stop illegal logging and corruption in the forestry sector. There was a big move in 2002 when the government decided to suspend the concessions operated from January 2002. Even though there were several initiatives in the forestry sector, the efficiency of the reform was still a problem. Global Witness reported many large-scale forest logging incidents in the country (Global Witness 2007, 2009, 2013). Finally, the Cambodian government expelled Global Witness from Cambodia, mainly because of their reports linking the large-scale logging to Cambodian elite politicians and tycoons (Cock, 2010).

Significant state intervention in fisheries was also seen in the early 2000s. In response to fishery conflicts and an increase in demand in fishing areas, the Cambodian government reformed the management of fisheries. In 2000, the government ordered the fishing lot areas to be reduced by about 56 percent, and re-allocated them as public fishing grounds (Evans et al., 2004; Ratner, 2006; Kurien et al., 2006; Ratner et al., 2011; Kim & Ojendal, 2011; Nuon & Gallardo, 2013). Surprisingly, the government intervened in fisheries in 2011 and 2012 with the formation of an Inspection Team to investigate and compile a report on the fishing situation in Tonle Sap.

In the last two decades, especially the period from the early 2000s to 2012, the state has intervened several times in forestry, land, and fisheries. It is generally observed that state has always claimed that their interventions aims to respond to people's demand for more accesses to resources and promote conservation. However, problems in forestry, land, and fisheries still exist and have become even worse. Despite the conservation efforts, illegal loggings in the protected areas and widespread of illegal fishing in the Tonle Sap have continued. This leads the author to question "what determines the timing and nature of state interventions in natural resources? Were interventions good for the poor?"

### **1.3 Significance of Study**

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<sup>12</sup> Global Witness produced a number of sensitive reports that criticized government of their inefficient efforts to stop illegal logging in Cambodia. Those reports linked elite politicians, military, and typhoons in the disaster of the Cambodian forest products. As a result, the government expelled and banned this organization from Cambodia in 2005.

The research on resource politics is quite new to many researchers in Southeast Asia academicians, especially in Cambodia where there are many state interventions in forest, land, and fishing grounds. In Cambodia, the studies of resource politics are very few, especially among Cambodian scholars and researchers. Among the foreign scholars who wrote on Cambodian natural resources policy and politics, Le Billion (2000, 2002), Cock (2010, 2011), Scheidel et al. (2013), Dwyer (2013), Neef et al. (2013), and Milne (2013) offered discussions on how Cambodian powerful politicians and the elites used natural resources for their specific business and political purposes. This research aims to contribute to the sparse literatures of Cambodian resource politics.

Of these researchers, almost all of them have focused on only one resource case study such as forestry, land, or fisheries. However, the research on the Cambodian state control of natural resources will further contribute to the field study of resource politics by looking at state interventions in multiple resources. The current study compares state interventions in multiple resources- forestry, land, and fisheries- to understand the time and nature of state interventions, its implementation, and state-society relations resulting from those interventions. In addition to the contribution to the few resource politics studies and the inclusion of multiple resources analysis, the focus on renewable resources is another new research area.

One of the unique approaches of this study is the focus on renewable resources such as forests and fisheries. Much of the resource politics research focused on non-renewable resources such as oil and mines (Auty, 1993; Sach & Warner, 2001; Barma et al., 2011; Mitchell, 2013). However, the current research was conducted on renewable resources in Cambodia. The main reason to shift to renewable resources is the importance of the resources to the mass population and the politicians. There are estimates that about 8 million people, mostly in rural areas, have benefitted from forest and fishery resources. Both resources are easy to access and do not need large capital to extract, which fits well with the current situation of many rural Cambodian people who still live under poverty line. Fisheries and forest resources are not only sources of food, but also sources of income for millions of Cambodian people.

At the political level, Cambodian resources have been the source of income of state bureaucrats as well as the channel which politicians have used to cement their political loyalty and strengthen power. From 1993, Cambodia adopted a democratic system with national election held every 5 years to elect the members of the national assembly and a new government. From 2002, the commune council election was introduced in Cambodia aiming to facilitate the process of decentralization and good

governance. In the context of democracy where elections decide the fate of politicians, securing their victory is very important for them. As briefly mentioned above, more than 50% of Cambodia's population depend on natural resources. Thus, choosing to intervene in natural resources is one of the channels that Cambodian politicians have considered and implemented over the last decades in addition to buying votes.

The study of Cambodian state control of natural resources examines the relationships of state interventions in natural resources with the decentralisation of natural resources and especially the elections. Particularly, the researcher wishes to find answers to a few puzzles. Firstly, the researcher wonders why the Cambodian government did not use money from selling the resources to buy the election result. There are plenty of examples in Africa where the politicians used money from selling the country's resources to buy the election through gift giving and controlling the media. The second puzzle relates to the outcomes of those interventions. The author is curious whether the interventions move in different directions. For example, are there any disappointments and reactions among the resource consumers toward the state interventions in natural resources? What can be explained for such phenomena?

The study on state control of natural resources and the politics of forestry and fisheries in Cambodia aims to contribute to both theoretical and policy knowledge. Theoretically, the study aims to contribute to the literature of resource politics from the Cambodian case studies. Since there is no specific theory or concepts on resource politics, the study traces the literature of political geography, land grab literature, and community-based natural resource management in order to build the framework for the study of resource politics in Cambodia. Building on these literatures, the researcher desires to analyse the political connection of state interventions in natural resources and its impacts on resource users, taking up case studies from Cambodia. Examples are very rare when moving to the Cambodian cases, especially the study of resource politics in fishery resource which is the main focus of this dissertation.

Resource politics literature mainly focuses on an economic aspect or the political economy of the resources, especially the revenue generated from the resources and the political control of the resources users such as the timber business or land contracting. There is plenty of research on the economic impacts of natural resources on the economy and politics that was called resource curse thesis (Sachs & Warner, 2001; Collier, 2004). The income from logging or leasing land to private companies is one of the reasons that has led the state to intervene in natural resources. Usually, in the process

of state intervention in natural resources, the poor and less politically powerful stakeholders are marginalized from accessing or benefiting from the resources.

## **1.4 Research Methodology**

### **1.4.1 Research Design**

The research on state control of natural resource is an explanatory study which is conducted qualitatively. The author interviewed 122 interviewees including state officers, NGOs workers, international consultants, local officers, fishing lot operators, and community people. All the interviewees were asked to talk mainly about the current situation of Cambodian fisheries and forests and to recall their understandings, perceptions, and experiences. The research pays particular attention to state interventions in natural resources in which the main content of the interview covers the policy issues related to Cambodian natural resources policies and their implementation. The discussions also included the involvement in and the contribution of NGOs to natural resource issues. The data from the interviewees covered the issues raised in the last two decades from the 1990s. To write the section on Cambodian natural resource administration over the last century (chapter 4 and 5), the researcher consulted extensively the archival data at the National Archives of Cambodia in Phnom Penh. Because the research on resources politics in Cambodia is a sensitive issue, the researcher keeps anonymity for all respondents.

### **1.4.2 Data Collection Method**

This study used five main sources of information. The author used four principal research methods to collect data. Those methods are in-depth interviews, semi-structured interviews, focus group discussions, and participant observations. Semi-structured interviews were mainly used with interviews in Phnom Penh and provincial towns where the author interviewed researchers, consultants, local authorities, local NGOs directors and staffs, and government officers. The latter three methods were mainly used during fieldwork with the fishing communities in the Tonle Sap Lake.

Concerning the data on forestry and land, the author consulted a number of reports of NGOs that have worked closely with these issues over the years. In the case of land, the author utilized a lot of data from two NGOs: Adhoc and Licado that have focused on

the land issue in Cambodia for years. For the forest concession issue, the researcher consulted with publications of NGOs Forum Cambodia and Cambodian Center for Human Rights that have monitored forest issue in the country over the last two decades. In addition, the researcher utilized the information from interviews with researchers, NGOs workers, consultants and government officers to cover the discussion on forests and land. Finally, the author consulted information from published papers, newspapers, and the media.

In the early stage of data collection which started from 2012, the researcher used the method semi-structured interviews with key informants. All the interviews in the early stage of data collection were conducted in Phnom Penh. As Creswell (2013) discusses, qualitative researchers have more choices regarding of data collection. They could get data from email messages or online data gathering. Usually, a qualitative researcher collects information from more than one source (Creswell, 2013: 147). The researcher wrote emails to key informants in Phnom Penh to ask for permission to interview. After interviewing the informants who were contacted through emails, the researcher received recommendations and introductions from those informants to other resource persons. That was why the author could interview many knowledgeable persons during three times visits to Cambodia from 2012 and 2013. The key informants in Phnom Penh are the researchers, consultants, NGOs directors and staffs, and government officers who have worked on the issues of natural resources management and policies in Cambodia. The contents of the interviews focus on Cambodia's natural resource management and relevant policies, especially state interventions in forestry and fisheries.

Firstly, during those interviews, the researcher utilized spontaneous and probing questions after we started the conversation. Using this technique helped the researcher to be able to guide the discussion with some prepared questions while at the same time allowing the interviewees to speak more broadly about their understandings and observations on the issues. For instance, the author often started the interview with the question "do you know about the current state intervention in fisheries?" Since at the same time as my fieldwork, state intervention in fisheries was widely broadcasted through the media, almost all of those key informants have good understanding of the issue. By starting with this question, both interviewer and interviewees could move to many related questions. The interviewer could also link fishery intervention to forestry and land. For instance, the author asked "what do you think of state interventions and forest interventions? Which one is more effective in term of protecting the resource and



supporting the local communities?” Each interview lasted at least 30 minutes. As stated above, the research on natural resources politics is a very sensitive issue, and the interviewees requested the researcher to keep their names anonymous and use note taking rather than a voice recorder.

Secondly, the researcher included the data collection from the Cambodian National Archives, which has not often been addressed in the studies of Cambodian natural resource management. The National Archives of Cambodia is a depository which stores thousand of files of documents related to Cambodia during the French colonial time (1863-1953). Since Cambodia’s natural resource administration was primarily created during the colonial time, it is an advantage to trace the development of Cambodia’s resource system from that time through the archival material. The researcher visited the National Archives three times during his fieldwork in Cambodia and spent totally more than two weeks working on the natural resource administration development during the colonial time. The researcher got the support from a French professor to read many files in French language and then translated and consulted in English on the contents and essence of each file, which helped to accelerate the speed of reading and finding relevant information.

Thirdly, this research is based on substantial primary data that the author collected during fieldwork. The author used three principle methods to collect data during fieldwork: in-depth interviews, focus group discussion, and participant observation. For in-depth interviews, the author selected 15 concerned persons to interview. The researcher traced their life histories, experiences, and their observations of the development of natural resources in their villages. The information from in-depth interviews help the author to better understand the history and trend of natural resources management, resource decline or increase as well the impacts of natural resources policies on people’s livelihood and the resource system at the local level. In addition to in-depth interviews, the author also includes focus group discussions into the research method. Five groups of fishermen were purposefully selected to participate in the focus group discussion. The researcher prepared a set of questions to ask during the focus group discussion. A group of local authorities (commune council) was also invited to participate in the group discussion. Each discussion lasted at least one hour. Finally, the author used participant observation to collect data. At the provincial and village levels, the author joined workshops, meetings, and patrols to observe and understand people’s perceptions relevant to natural resource management as well as the challenges they have faced.

### **1.4.3 Sampling Techniques**

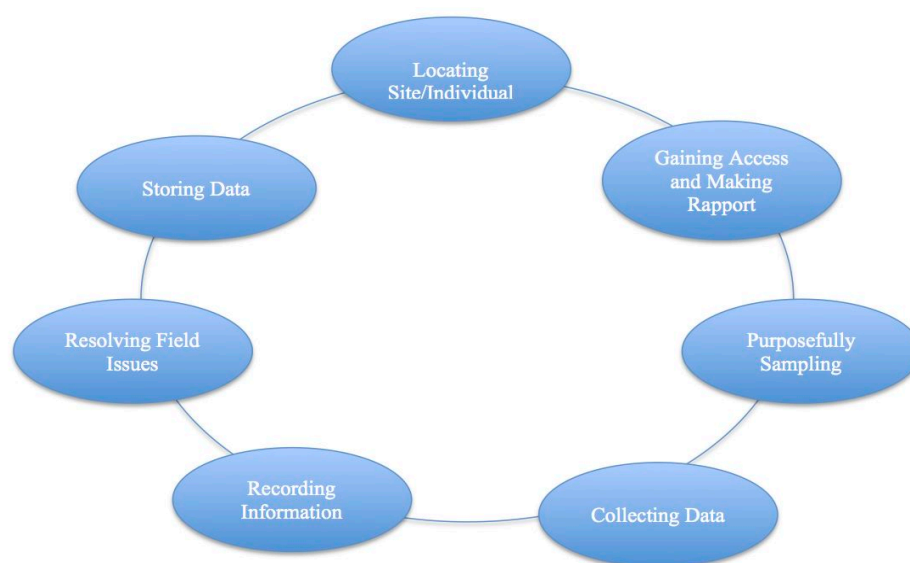
The study of state control of natural resources in Cambodia and the politics of forests and fisheries employed two main sampling methods to collect information. First, chain referral sampling was used to select relevant participants for interviews. As explained above, during three visits to Cambodia, the researcher wrote e-mails to more than 30 people who are researchers, NGOs directors and staffs, government officers, and international consultants. All of them agreed to give interviews. Secondly, snowball and purposeful sampling technique was used for both interviews in Phnom Penh and the Tonle Sap Lake. After interviewing people contacted through email, the researcher asked them for advice and introduction to other respondents who have knowledge on the research area. Through this snowball technique, the researcher could reach another 20 resource persons for interviews.

Purposeful sampling was used to select interviewees near the Tonle Sap Lake. The author had no network or connection with community fisheries in the Tonle Sap Lake before visiting the area. So, the author reviewed the profiles of NGOs that have worked on that issue. Then, the author contacted and asked local NGOs that have worked with community people for their support to find the right communities to conduct fieldwork. The author used both email and phone call communication to arrange interviews with grassroots NGOs staffs. The main interviews were about their works with the communities and the introduction of research objectives and plan to them. Then, the researcher asked for their advice and introduction to communities where they believe that are relevant to the research purposes and objectives.

With the supports from those grassroots NGO staffs, a short visit to two communes was conducted to check whether they are fit with the research purposes. Then, the researcher started to build a rapport with villagers through staying in the villages a few nights and participated in many informal interviews and discussions. However, the quality of the data obtained from this early stage was not good enough compared to the data receiving during the second and the third visits. Villagers, especially local authorities, were hesitating to answer questions and intended to hide some sensitive

information. After the short visit, the author found that the two communes have the criteria for conducting interviews.<sup>13</sup>

The first important task was to continue building a rapport with some key informants there so that the researcher could get more data. It was lucky for the researcher because he could travel with the grassroots NGOs staffs in those areas and received support from them, especially transportation. Research on the Tonle Sap Lake is costly and more difficult than research on land-based communities because the researcher needs to spend a long time by boat which is expensive. Since the fieldwork was located in Cambodia, the researcher had no problem to communicate with villagers. The approach used for this research was conformed with Creswell's explanation of the importance of building rapport in qualitative research fieldwork (Figure 3). According to Creswell, building good relations with the villagers plays a very important role in helping the researcher to get adequate and reliable data from fieldwork. Famous anthropologist Clifford Geertz once stated that "anthropologists should not study the villages, they study in the villages" (Pratt & Luetchford, 2014).



**Figure 3:** Data Collection Activities (Source: Creswell, 2013)

For this research data collection, the researcher started with locating sites and individuals with the identification of the research sites and people to conduct interviews.

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<sup>13</sup> There are three main criteria to choose the research sites. First, the research sites must have community fishery operating by the time the author conducted interviews. Second, the research sites have to be located in or around the former fishing lots so that the author could get information related to their opinion towards fishing lots policies.

Then, it follows by the gaining access and making rapport with people in the research sites. The procedure finishes with the storing of data collected from fieldwork.

#### 1.4.4 Selection of Informants

Interviews were conducted with 122 informants during three visits to Cambodia between 2012 and 2013. For their safety and security reasons, their names are not shown throughout this dissertation. Among 122 informants, 40 of them are researchers, consultants, NGOs directors, grassroots NGOs staffs, and government officers. The rest of the informants are villagers and local authorities who were involved with in-depth interviews, in-depth interviews and focus group discussion conducted at the provincial and village levels.

**Table 1:** Sample Size

Informants	Numbers	Contents of discussion
Government Officers	11	Fisheries intervention in 2000 and 2011 and 2012 Community fisheries Fisheries production Fisheries conflict Land policy Forest policy
NGOs	29	Fisheries intervention in 2000 and 2011 and 2012 Forest and land policies Community fisheries and community forest Election
Villagers (Fishermen)	67	General situation of fishing in their villages Livelihood Fish catch situation Fishery policies in 2000, 2011, and 2012 Community fisheries
Local Authority	12	Commune situation Their tasks related to natural resources management Their contributions to NRM Their difficulties and challenges
Fishing Lots Owners	3	Their livelihood The fishery policies in 2000, 2011, 2012 Fishing lots operation Community fisheries

#### **1.4.5 Research Site**

Since the main focus of this dissertation is the fisheries, the fieldwork was extensively conducted on Tonle Sap Lake. The researcher visited two provinces in the Tonle Sap Lake (Siem Reap and Kampong Thom) to gather general information during the first visit in 2011. Then, during the second and third visits in 2012 and 2013, the researcher visited four villages in two communes that have three community fisheries. The researcher spent more than three weeks in both communes to stay there, built rapport, joined patrolling, and engaged in extensive interviews and conversations with community fisheries leaders, community fisheries members, local authorities, former fishing lot owners and operators, and grassroot NGOs staffs.

The fieldwork also took place in Phnom Penh where more than 40 interviews were conducted with researchers, consultants, and government officers. The researcher also participated in eight conferences and workshops related to Cambodian natural resources management and policies. During those conferences and workshops, the researcher had informal conversations with the participants on the issues of Cambodian natural resources policies and state-society relations. Those informal conversations have helped the researcher to better understand Cambodian natural resources reforms, especially the role of non-state actors in natural resources management and protection.

#### **1.5 Organization of the Dissertation**

This dissertation consists of six chapters. Chapter 1 offers a brief picture of problems that have existed with natural resources management in Cambodia, mainly forests, land, and fisheries. The author begins the chapter with a discussion of research questions and the outline of the arguments. Then, the author moves to the state interventions in the three resources, research objectives, and its rationale. This chapter also covers the research methodologies applied in this research. The researcher used the qualitative research method to collect and analyse data. The author gathered three main sources of information: archival information, data from semi-structured interviews, and fieldwork. The author utilized four principal methods to collect the information.

Chapter 2 provides a literature review, which consists of three main sections. The first section discusses the commons definitions and the approaches used in the study of the commons. The second part reviews some concepts used in political geography

literatures such as place and territory. Natural resource politics-based literature is discussed in the third part. Finally, the chapter ends with approaches of this study.

Chapter 3 highlights the overall development of the Cambodian natural resource administration, especially from the colonial time. French administrators who colonized Cambodia from the later half of the 19<sup>th</sup> century introduced many of modern institutions in Cambodia. Natural resource administrations dealing with forestry, fisheries, and land were created in the late 19<sup>th</sup> and early 20<sup>th</sup> century. The chapter traces the historical development of two natural resource administrations: forestry and fisheries. The brief historical development of land was also included in this chapter.

Chapter 4 discusses the state interventions in forestry and land. In this chapter, the author reviews the development of Cambodian forest and land management and exploitation, mainly over the last two decades from the 2000s where there were many initiatives within these two resources. Particularly, the author pays attention to state interventions in forestry such as the fights against illegal logging, the forest concession, and the initiatives of community-based forest management. This chapter also presents the development of Cambodian land management and state interventions, noticeably the economic land concession that has been the hot and central issue due to its impacts on people's livelihood and the resource system. The period from the 2000s receives special attention due to the appearance of economic land concessions, land grabs, and state interventions in land resources.

Chapter 5 focuses on state intervention in fishery resources. State intervention in fisheries is the main theme of investigation of this dissertation. Thus, the researcher offers detailed discussion on Cambodian fishery reforms, especially the two major interventions in the 2000s and the 2010s.

The final chapter 6 presents the summary of research findings, explaining state interventions in forest, land, and fishing grounds, implications and research contribution. Since the main approach of this research is resource politics, the researcher will discuss how the case studies from Cambodia contribute to the study of resource politics. The chapter ends with a number of recommendations as well as suggestions for further research in the field of resource politics.

## **1.6 Definition of Terms**

Throughout the dissertation, the author uses a number of terms quite often which need explanations of those terms. For the sake of better understanding, the author would

like to give the definitions of those terms. The author also writes the Khmer terms in the bracket. The most frequent term is “state interventions” (*Antarakum pi rothaphibal*).<sup>14</sup> This term refers to the major initiatives of governments in forests, land, and fishing grounds such as the forest concessions, the land concessions, the fishery reform or the policy of land title distribution. State interventions also come from state policies. However, in this dissertation, the author explains that the state interventions have larger impacts than general policies on the resource system and the people who have depend on them. For example, some policies have been designed and implemented well, but have less impact compared to major state interventions.

Another term is “Conservation” (*Akphirak*) which the author uses to refer to the official supervision of natural resources in order to prevent it from the depletion. For example, Cambodian state interventions in the fisheries sector aim to conserve the fishery resource through the suppressions of illegal fishing, allocating the fishing grounds to communities, and strengthening the conservation areas.

The next term is “Fishing Lots” (*Lo Nesat*). The fishing lot, according to Degen and Thouk (2000), is a geographically defined river location (Dai), stretch of river, river beach, or temporarily flooded land that may or may not include flooded forest areas. The fishing lots were mainly located along the Mekong River and especially around the Tonle Sap Lake where there are many productive fishing lots.

The final term is “territoriality”. Territoriality is an attempt by an individual or group to affect, influence, or control people, phenomena, and relationships by delimiting and asserting control over a geographic area. Territoriality, according to this definition, refers to state control of people’s activities and their access to natural resources within a country’s boundaries.

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<sup>14</sup> State intervention is different from policy. State intervention refers to certain measures the state took on the ground and has direct impacts on the people or the resources being targeted. Policy represents the range of action or vision that state has adopted and written in a standard way. One policy may produce more than one state intervention. For example, the Royal Government of Cambodia’s Second Five Year Socio-Economic Development Plan 2001-2005 could produce interventions in forest, land and fisheries because this policy mentioned the government’s attempt to improve natural resource management.

## **CHAPTER 2: LITERATURE REVIEW**

This chapter focuses on selected key writings on the study of resource politics. The author reviews relevant scholarly works on natural resource management and policy such as commons literature discipline, political geography discipline, and the Cambodian resource politics. The chapter begins with a brief discussion of the commons and their typologies. Then, the chapter follows with some general frameworks developed by commons scholars in order to provide a better understanding on how the commons have been developed, interpreted, and managed. Next, the author discusses a number of key concepts in political geography such as politics of place and territoriality. Land grabs literature is also included because of the recent emergence of large-scale land grabbing in Southeast Asia, especially in Cambodia where the research was conducted. The author also includes a review of Cambodian natural resource policy and politics-based literature. Finally, the author discusses the approach to this study by offering a critic of the previous literature. This chapter concludes with the challenges and contributions to the study of resource politics field, using the case studies of Cambodian state interventions in forestry, land, and fishery.

### **2.1 The Commons**

The literature on commons resource management existed long before the publication of Gareth Hardin's article on the tragedy of the commons in the journal of science in 1968. Aristotle, for example, observed long ago that "which is common to the greatest number has the least care bestowed upon it" (Saunders 1995: 24). This sentence shows that the issue of the commons was first discussed long ago. Following Aristotle, there are other scholars such as William Firster Lloyd, H. Scott Gordon, and John H. Dales who conducted their studies on commons management from various aspects. Lloyd (1977) introduced the theory of the commons from different disciplines to predict the wasteful use of the commons focusing on property rights. Prior to Hardin's article in 1968, looking from an economic perspective, Gordon (1954) offered an explanation of the harm of the commons property. Gordon explained as following:

There appears then, to be some truth in the conservative dictum that everybody's property is nobody's property. Wealth that is free for all is valued by no one because he who is foolhardy enough to wait for its proper time of use will only find that it has been taken by another... the fish in the sea are valueless to the fishermen, because there is no assurance that they will be there for him tomorrow if they are left behind today. (Gordon 1954, p. 124)



After the publication of Hardin's article, there have been hundreds of articles that focused on the commons. One of the outstanding scholars who criticized Hardin's tragedy of the commons is Elinor Ostrom. In her famous book published in 1990, Ostrom argued that local communities around the world have developed rules and regulations to manage their commons and avoid the possible tragedy of the commons (Ostrom 1990). Within the same as generation with Ostrom, there are other commons scholars such as Netting (1976), Siy (1980), and McKean (1982) who conducted ethnographic studies of the local commons management. In her studies of the commons management in Japan, McKean found that the Japanese villagers have developed the informal rules to manage their commons for centuries. Araral (2014) called this group of commons researchers the first generation of commons scholars.<sup>15</sup> They build a strong foundation for commons studies such by providing definitions, approaches and frameworks.

### **2.1.1 The Definitions**

Scholars on natural resources have also used the term "commons" to describe forest, land, water, and fishery resources, especially the resources that have the characteristic of co-management (Netting, McKean 1986, 1981; Ratner, 2011). Humans have exploited and managed the common pool of resources for thousands of years. They have developed various technologies to expropriate and manage common pool resources, especially from the generation of Ostrom. They offered many definitions and frameworks to study the common pool resources, especially starting from the first generation of commons scholars.

A Common pool resource is defined as a class of resources from which exclusion is difficult and joint use involves subtractability (Berkes, 1992). Ostrom defined common pool resource as a natural or man-made resource system that is sufficiently large as to make it costly to exclude potential beneficiaries from obtaining benefits from it use (Ostrom, 1990). From these definitions, joint use and exclusion have something to do with management or institutional arrangement in order to secure the sustainable benefits from the commons.

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<sup>15</sup> In his assessment paper of the commons studies, Araral stated the first generation of commons scholars leave legacies for new researchers of commons studies (Araral, 2014). Beyond critics of the Hardin approach and their contribution to environmental governance research, the first generation did inspire a new generation of commons study that Araral called the second generation of commons scholars.

Ostrom classified common pool resources into resource systems and resource units in her explanation of the process of organizing and controlling the resources. Resource systems are understood as the variables that enable the maximum production without harming the resource system (Ostrom 1990: 30). Ostrom included fishing grounds, groundwater basins, grazing areas, irrigation canals, streams, lakes, and oceans as examples of resource systems. Resource units are measured by the appropriation of use of resource by individuals (Ostrom, 1990: 30). Resource units are referred to the amount of fish harvested from fishing ground or the quantity of water extracted from underground water basins. This common resource is generally controlled by the coordination of group members through collective action or communal form.

### **2.1.2 Commons Framework**

In her studies of the commons around the globe, Ostrom (1990) noted that societies in many parts of the world have devised ways to avoid potential tragedy by inventing “local commons” through various institutional mechanisms that satisfy both socio-economic needs and resource demands of the population, as well as the long-term protection of the ecological base that provides such resources. This was echoed in a recent review of the commons conducted by Araral (2014: 21) who found that Ostrom’s observation is valid in the special case of small-scale, locally governed commons, but not large-scale, national, regional, and global commons. According to Araral, Hardin’s critique of the tragedy of the commons is applicable to the large-scale commons where the freedom of access destroys the sustainability of the resource system. There are many large-scale commons that disappeared as a result of the tragedy of the commons because they failed to secure the high cost of exclusion.

There are numerous examples of the high cost of exclusion, ranging from the offshore open-access fisheries in Turkey and Sri Lanka, ground water in California, and large pasture areas, where exclusion by fencing or other methods is too costly (Ostrom, 1990; Cox et al., 2010; Araral, 2014). But there are other examples of the commons where they have successfully maintained the cost of exclusion. Such resources are not uncommon. Examples include the Töbel grasslands in Switzerland (Netting, 1976), forest and grassland resources in Hirano, Nagaike, and Yamanoka villages in Japan (McKean, 1982), and Zanjera irrigation communities in the Philippines (Araral, 2014). Araral found that the Swiss and Japanese meadows, and the Philippine irrigation, are generally designated as private property, a fact that helps residents develop robust institutional outcomes.

Regardless of whether the resources in question are designated as private or communal property, successfully collective action will be required at some level to achieve sustainable benefits. The collective action of community members must be based on the philosophy of trust, cooperation, networking, and mutual works. Ostrom (1990: 91) noted that there are eight principles that contribute to the successful management of commons. They are clearly defined boundaries, congruence between appropriation and provision rules, collective choice arrangements, monitoring, graduated sanctions, conflict resolution mechanisms, recognition of rights to organize, and nested enterprises.

However, these same principles do not apply universally to the management of all common pool resources and they can vary according to the type of resource and prevailing conditions. Netting (1981) outlined five specific conditions applicable to a communal form of land tenure: low production value of the land, small yields, limited possibility for improvement or intensification, large territory available for effective use, and relatively large groups of participants to take on capital-investment activities.

Parallel to these empirical contributions, Oakerson (1992: 42), believing that identification of the key attributes of the commons would enable researchers to diagnose the cause of problems and find potential solutions, highlighted four main factors in any analytical approach to study of the commons. The first concerns the physical and technical characteristics used to secure the yield. The second is the decision-making arrangement. The third is the pattern of interaction and mutual choice of strategies. The final attribute is the outcome, which results from the interaction of the first three.

Under the first attribute of physical and technical characteristics, Oakerson (1992: 44) listed three additional points: (i) jointness, which he defined as a condition in which “one person’s use cannot subtract from the use of others”; (ii) exclusion, which is related to the management of and access to the resource; and (iii) control of and access to the commons, which according to Oakerson depend on the physical nature of the resource and the availability of technology. But he argued that the costs depend not only on technology, but also on the number of users and obstacles.

In addition to the technological cost of exclusion, McCay alluded to “Catch and Share” approach in the fisheries commons, which refers to source of capital to stabilize the fishery management. Catch and share is a general term used in fishery management strategies. It refers to the allocation of a specific portion of the total allowable fishery catch to individuals, cooperatives, communities, or other entities (McCay, 2012). Catch and share enables better fisheries management to support the needs of a wide range of

fisheries and fishing communities. When communities can have access to banking and other measures, it helps them receive even more fruitful results from the catch and share approach. In all, the author emphasizes that the larger point of enclosure fisheries commons should allow alternative property rights systems. Community-oriented management should be one of them. McCay's explanation can be used to explain the case of the Tonle Sap Lake that has a variety of property right systems in fisheries commons.

In an explanation of the enclosure of the marine commons, McCay discussed three aspects: commodifying the right to fish, economics that includes incentives, and conservation (McCay, 2012: 211-224). All three of these aspects involve with Individual Transferable Quotas (ITQs). According to McCay, ITQs have become a popular innovation in fisheries management, but also a controversial one. She argued that there are other options rather than privatized property rights in managing common-pool resources. Those include the role of user-based institutions in the task of resource management.

### **2.1.3 Community-Based Natural Resources Management**

It is not only McCay who has recommended the inclusion of community-based approaches in resource management. There are other scholars who have supported the idea of empowering the community to manage their resources (Ostrom, 1990; Ribot, 2005; Agrawal, 2006; Marschke & Sinclair, 2009; Sato, 2013; Stone & Nyaupane, 2013). In his article on state inaction and forestry management in Thailand, Sato recommended a shift in focus to the local level where real inter-departmental cooperation is needed for problem solving (Sato, 2013: 36). He believes that local initiatives are the remaining hope for environmental management regardless of size and organization.

The trend to support local initiatives to manage and appropriate natural resources has appeared for decades since the appearance of the commons studies (Netting, 1976; Ostrom, 1990; Berkes, 1992; Bromley, 1991 & 2007). One of the core studies of the commons is the study of common property and its relation to community-based natural resources management. It is helpful to have a review of the notion of common property and community-based natural resources management in this dissertation.

Gareth Hardin offered several types of property regimes to manage natural resources such as public property, private property or state property (Hardin, 1968:

1245). There is plenty of discussion on each type of property regime and its advantages, especially in connection to natural resources management (McKean 1982; Ostrom 1990; Dryzek, 2013). These three types of property regime are often called the trinity of properties (Vandergeest, 1997). This dissertation turns the attention away from the trinity of properties by paying more attention to the recently emerged concept of Community-Based Natural Resources Management (CBNRM).

CBNRM is a new approach towards sustainable natural resource management, mainly initiated and introduced by donor countries to developing countries to effectively manage their natural resources. It has been promoted to support the linkage between resource conservation and the improvement of community livelihood (Mbaiwa, 2005; Nyaupane & Pudel, 2011). To attain sustainable conservation and promote livelihoods at the same time is a challenging task because of the strong dependence of the poor on the resources. However, according to Berkes (2004), he believed that CBNRM concept is based on the idea that both interests could be served.

The poor results of centralized resources management in many developing countries pushed the policy-makers, planners, academicians, and donors to consider new approaches to secure sustainable natural resource management. As a result, they agreed on the important role of relevant stakeholders, especially the inclusion of local communities, to manage natural resource and conservation (Agrawal 1999; Ribot and Larson 2005; Wittayapak & Vandergeest, 2011). That is why a hundred million dollars of funds have been allocated to NGOs mainly in developing countries to promote and support CBNRM operations.

By looking at the term, we can realize the core meaning of CBNRM. Community-based reveals the strong connection between local communities and the central role of resource management. That role includes identifying resources and related problems, adapting new approaches, protecting the resource from intruders, and making decisions. CBNRM operates on the basis of local empowerment, which is different from the top down approach practiced by the central government where the central level holds the power to decide everything. This new approach is effective in protecting natural resources because the local people have greater knowledge of the geography of the resource, the conditions in the area, and its importance for their livelihoods. When they receive the legal right and power to manage the resource, the result will be better than with the top down approach where the state agents mostly stay in the office and have little knowledge of the condition of the resources.

CBNRM has been linked with many terminologies such as Communal Area Management Program for Indigenous Resources in Zimbabwe, Administrative Design for Game Management Area in Zambia, Conservation of Biodiversity Resource Areas Program in Kenya, Buffer Zone Program in Nepal, and CBNRM in Botswana. In Cambodia, CBNRM has been applied in various resource management cases such as community fisheries, community forestry, land use planning, community water user, and joint management. CBNRM has become more popular among developing countries where there is high demand for effective natural resource management. According to Agrawal (2001), there are at least 60 countries claiming to apply CBNRM for the management of their natural resources. However, according to Ribot and Larson (2005), the transfer of power to local communities or decentralization in natural resources is barely happening (Ribot & Larson, 2005: 5).

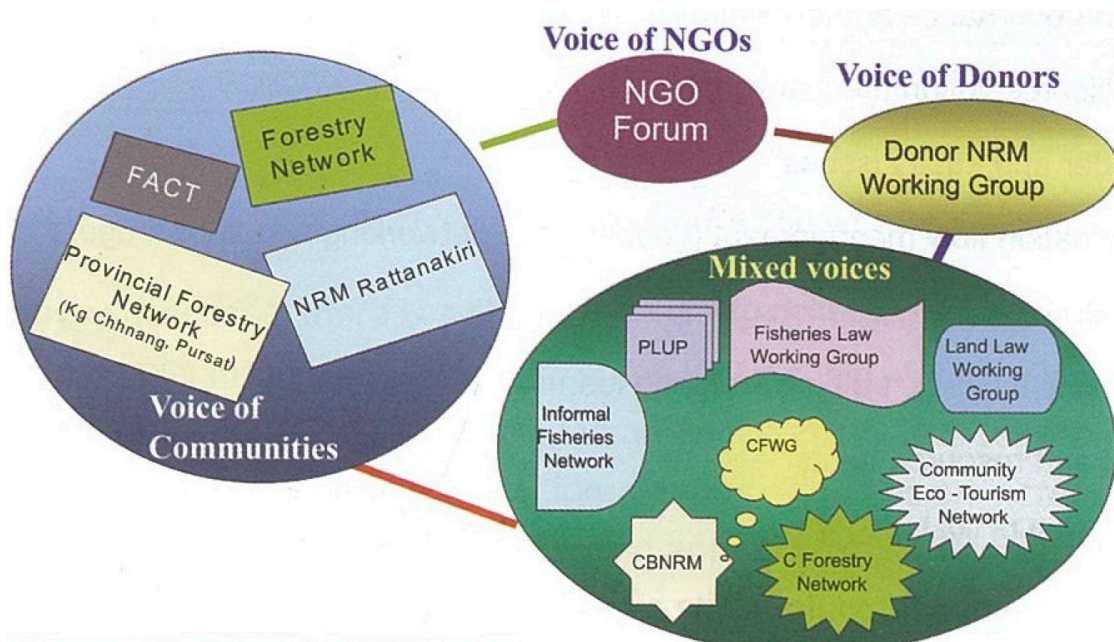
In Cambodia, CBNRM was introduced in the 1990s to empower local communities to control and manage their resources (Sovathana, 2004; Suzuki, 2005). It started with pilot projects in several provinces and run by NGOs. According to Carson et al (2005), there are five main types of community-based management in Cambodia. They are Community Forestry (CF), Community Fisheries (CFi), Participated Land Use Planning (PLUP), Community Protected Areas Development (CPAD), and Community Based Eco-Tourism (CBET). Community forestry refers to the management system that helps guarantee the participation of local people in protecting their forest resources. Community fishery is a group of people who voluntarily participate and cooperate in order to manage, conserve, develop, and use fisheries resources sustainably in the communities.<sup>16</sup>

According to Carson, community protected area development differs from CF because the community people do not have as much power as they do with the community forestry. For the community protected area, government agencies suggest that the community members to cooperate in order to protect natural resources in the areas where they live. PLUP refers to the planning process carried out at the local level with the participation of villagers and relevant stakeholders to prepare programs and plans to manage their resources.<sup>17</sup> In Cambodia, NGOs have played very important roles in supporting support the operations of CBNRM. Without financial and technical support from NGOs, many CBNRM would not operate at all.

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<sup>16</sup> Carson et al., *Practising CBNRM in Cambodia* (CBNRM Learning Initiative, Phnom Penh), 39-55.

<sup>17</sup> Ibid



**Figure 4:** Types of CBNRM in Cambodia (Source: Carson et al. 2005, pp. 47)

## 2.2 Political Geography

The application of political geography to the study of resource politics is not a new trend in the academic study of resource politics. However, it is rare to find a study in Cambodia. Actually, throughout Cambodia's recent decades of development, especially in the area of natural resource policy and politics, there are plenty of examples that can be studied from a political geography perspective. To name a few, the forest concessions, the ELCs, and particularly the state interventions in fishing lots in the Tonle Sap Lake provide a variety of topics. The demarcation of forest concessions, the drawing of boundaries of the ELCs and the division of the Tonle Sap Lake into many spots such as commercial fishing lots, open access areas, and community fishery areas could be explained with the concepts of space and territoriality.

This section reviews one of the core themes of political geography: territory and territoriality.<sup>18</sup> The section discusses state territoriality which was developed by Robert Sack and was applied to the studies in the Tonle Sap Lake by Mak and Somatra. Recently, a few non-Cambodian researchers used the approach of political geography to study land titling and land grabbing in Cambodia (Dwyer, 2013). The author would like

<sup>18</sup> There are six core themes of political geography such as territory and territoriality, state, geopolitics, nation, identity and citizenship, electoral geography, and environment. See for example, Storey, D. Political Geography (2009), Elsevier.

to begin this section by offering some general definitions of political geography before moving to discuss the politics of place and territoriality.

Political geography, according to Storey, is a component of human geography and was developed since the late nineteenth century. Political geography was defined differently by various scholars and researchers. Generally, by looking at the term, we easily realize that political geography is something about politics and geography. The general definition of political geography is the interrelated study of how geography and politics inform each other (Agnew, 1987). For geographers, they define political geography as the study of political processes that are different from the study of political science (Mak, 2011: 16). What separates political geography from political science is the inclusion of political territorial units, boundaries, and administration in the study of political geography. On one hand, political geography is also viewed as moving around key concepts of space, place, and territory. On the other, it is compared to the issues of politics, power, and policy.

In the political geography discipline, scholars and researchers include the functions and politics of state and territorial practices in their analysis (Taylor, 1995; Raymond, 1997; Dina and Sato, 2014). Specifically, political geography study focuses on space, place, and territory in order to understand the interaction of power, politics, and policy in the field of natural resources. This dissertation reviews two key concepts: place and territory to understand the characteristics of the Cambodian state interventions. In addition, it offers clue to grasp how power has been used and implemented in Cambodia throughout decades over the management of natural resource, especially forest, land and fishery.

### **2.2.1 Politics of Place**

Political geography is the study of location and politics. There are several terms related to place such as space and territory. The interpretation of the terms differs from one scholar to another. As Cresswell explained, the inhabitants may see a city as a place while the urban planners view it as an abstract space to plan or construct (Cresswell, 2004). However, Jan Penrose offered a clear explanation of the distinction between the three concepts: space, place and territory (Penrose, 2002).

Scholars defined place in a numbers of terms. Angew (1987) classified the level of place and connected it with three descriptions such as locale, location, and people sense of location to define place. According to Angew, locale is the lowest level structure of



place which involves daily setting and interaction. Location is described as the presentation resulted from the interaction of ideas and practice in local social interaction. Within the study of place, some scholars divide it into abstract and lived space. The concept of space is helpful to explain the implementation of state power.

Penrose linked space to power in two important ways. Firstly, he stressed the material power of place to support life. This can be explained from the material resources such as forests, land, fish, and water on which many lives depend. Secondly, it has the power to cause particular emotions. In other words, human experience with space helps create the emotional space. Looking at the example of the Tonle Sap Lake, close interactions of fishermen with water and nature devised a special relationship to develop between those floating fishermen and the lake as seen in the adaptation to the movement of their floating houses based on the level of water. Further examples can be observed from the close interaction between indigenous people and their milieu (Boudirer, 2006). The Tonle Sap Lake is not only a space of emotion, but also a place where the states have exercised their authority for many years, especially over the commercial fishing lot. In his study of state-society relations through a natural resources lens in Japan and Siam (Thailand), Sato found that the states have penetrated into rural communities to expand their power through the interventions in forest (Sato, 2014).

Other political geography scholars like Allen (1999) argued that the control of space represents the exercise of state power. Prior to Allen, Lefebvre (1991) discussed the division of space. According to Lefebvre, space is divided into lived space and representational space. Lived space refers to the meanings and the connections that bond different people to a certain space. Somatra, in his study of the political geography of flooded forest demarcation in Tonle Sap Lake, explained that the quality of such experiences may be relational, situational, and directional (Somatra, 2013: 10). Representational space is defined as abstract or conceptualized space which is mainly derived from the design of scientists, planners or policy-makers. The designs of fishing lots, forest concessions and land concessions in Cambodia are examples of representational space where technocrats and policy-makers utilize space in an abstract and functional way.

### **2.2.2 State Intervention and territoriality**

In many developing countries, natural resources are important sources of livelihood for people, particularly those living in rural areas. They are also the sources of economic

production and political power, and generate diverse interests for outsiders or elite politicians involved in large-scale exploitation of the resources in different forms such as logging, plantations, mining, and fisheries (Bryant, 1997; Le Billion, 2002; Marschke, 2012). The social repercussions of the commoditisation of nature and its enclosure through these interventions have attracted much attention not only in the recent social scientific literature on Southeast Asia (Nevins and Peluso, 2008; Hall et al., 2011) but also in Africa and Latin America. Instead of superimposing yet another similar layer on the existing literature, this thesis focuses on the emerging aspects of state intervention in natural resources, i.e., dismantling “ownership” of the fishing lots and the transfer of their accesses to communities.

As Hansen *et al.* reviewed, state enclosure of natural resources has been characterized as an act of “grabbing,” often followed by a negative impact on the equality of access to resources (Blomley, 2007). The examples of forest and land concessions in Cambodia conformed to this explanation. However, we found the evolution of recent fishery policy in Cambodia to be the opposite. It is a government initiative to completely dismantle the previously privatized fishing areas in favour of the small-scale fishing population. By studying this rather unorthodox move by the state, we question the very definition of state “enclosure” and territorialisation of resources currently being debated by natural resources scholars in Southeast Asia.

Before moving into the review of territoriality, articulating the theoretical motivation may help to position this paper in the context of other “resource politics” literature. Much of the political analysis of natural resources is predominantly concerned with the “resource curse” (Nem Singh, 2013:3) especially in the case of revenue earning minerals such as oil, gas, and copper. Scholarly focus on these capital intensive extractive industries has therefore had the unfortunate effect of downplaying the importance of subsistence resources that produce less revenue to the state, but are critical to the livelihoods of the poor majority. As Mitchell puts it critically in reference to the scholarship on the politics of oil: “they discuss not the oil but the oil money” (Mitchell 2013:1). Moreover, even when attention is given to renewables such as timber, it is often limited to the context of commodity booms (Ross, 2001); the attention fades when the resources diminish in cash value.

To manage—and often to tax—natural resources, states have used a variety of measures such as surveying, creating inventories, zoning, mapping the resources of its territories, as well as enforcing legal measures oriented towards “enclosure” (Bryant, 1997). States may also apply spatial territory and coercive force to gain privileged

access to natural resources (Blaikie, 1985; Bromley, 1991; Hall et al., 2011). Generally, states in most parts of the world—and not just in the developing countries—have the tendency to simplify or make resources legible in order to facilitate their manipulation and control (Scott, 1998).

The modern state's intervention in natural resources is often apparent in the form of territorialisation, through an attempt to survey and create territories of rural areas, people, and resources. Among the many studies on this form of state power (Sack, 1986; Johnston, 1995; Elden, 1996; Vandergeest, 1996; Delaney, 2005; Alatout, 2006), Sack's examination of human territoriality is quite popular among researchers, particularly in the field of political geography. Sack (1986) offers a definition of territoriality—an attempt by an individual or group to affect, influence, or control people, phenomena, and relationships by delimiting and asserting control over a geographic area. Territoriality, according to this definition, refers to state control of peoples' activities and their access to natural resources within a country's boundaries.

Territoriality involves with three implications that reveals that how and why they work effectively. Firstly, territoriality involves with a form of classification by area. It refers to the fact of asserting control an area or uses it to control things they wish. According to Sack, territorial control could mean anything inside the area is under someone's or some group's control. Secondly, territoriality contains of communication by boundary. Thirdly, it relies on power to enforce control over the area. In this case, in order to make territoriality work, it must be supported by the authority and power that are recognized and respected.

According to Vandergeest and Peluso (1995), states use territoriality to prevent the movement of people from entry into natural resource-rich areas and to secure revenue from them. They found that the Thai state used territoriality mainly to control the people and resources in a specific region, and as an alternative method for securing state revenue. According to Vandergeest and Peluso (1995), the state used open coercion against rural residents to implement territorial control. Territoriality can also be utilized as a revenue base to support military expenses or provide salaries to state bureaucrats. In Southeast Asia, territoriality is a commonly used tool to exert influence and control over people and natural resources (Vandergeest, 1996). But, state implementation of territoriality has at times faced opposition from the people because of seeming ignorance

or outright resistance to state goals. Conflict among state agencies also undermines state penetration in certain domains.<sup>19</sup>

## **2.3 Land Grab Literature**

Land grabbing is a recent issue and it has led scholars of resource politics to pay attention to it. Land grabbing is a complicated affair because of the power relations among many stakeholders ranging from the state to large corporate companies, business people, elite politicians, and smallholders (Borass et al., 2011; Hall, 2011; Li, 2011). There are many definitions of land grabs that focus on different aspects. By paying more attention to the international nature of land grabs rather than their impacts, Zoomers refers to land grabs large-scale, cross-border land deals or transactions that are carried out transnational corporations or initiated by foreign governments (Zoomers, 2010: 429).

Looking at what constitutes a large area and who are the winners and losers, Benjaminsen and Bryceson define land grabs as the transfer of the right to own or use the land from local communities to foreign investors through large-scale acquisitions, which they described it as “new colonialism” (Benjaminsen & Bryceson, 2012). Similarly, Fairhead et al. (2012) who focused on winners and losers defined land grabs the transfer of ownership, use rights, and control over resources that were once publicly or privately owned from the poor into the hand of the powerful (Fairhead et al. 2012: 238). Looking from the broader view of policies and the changing political economy of land resources, Gardner (2012) explained land grabs as shorthand for a growing assessment and critique of current economic and political policies that advocate for the privatization of land and resources in the name of economic growth, job creation, and food security. Even though there are many definitions of land grabs, all seem to agree that it is about more than just changing ownership or usage rights over large areas of land and attendant resources such as water or forest (Holmes, 2014: 548).

Land grabbing often involves with several main stakeholders such as domestic or transnational companies, and individuals who want large-scale of land for agro-industrial purpose or speculation. From this definition, we can understand that land grabbing often happens in developing countries where the price speculation is easily carried out by the rich and powerful elites and where the rule of law is weak. Most often, contradictory laws, inconsistent state agendas, overlapping granting and allocation,

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<sup>19</sup> See Sato (2013) on state inaction resulting from bureaucratic politics.

shifting priorities, unclear boundaries, poor maps and incomplete data are considered as evidences of powerless state capacity, or a cover leading for land grabbing (Hall et al., 2011). In Southeast Asia, the dramatic change of land use started from the 1980s as a result of economic growth, industrialization, urbanization, and conservation, while the rapid change of land use started from the early 2000.

Scholars of land grabbing often use exclusion to explain land grabs: its cause, process, and impacts (Hall et al., 2011). According to them, the term “exclusion” is extensively used in the studies of land use and access. There are two types of exclusion in the literature of land grabbing: exclusion as condition and exclusion as process. Exclusion as a condition refers to a situation when a lot of people do not have access to land or in which land is controlled as private property.<sup>20</sup> Exclusion as a process is explained as large-scale land acquisition with violent measures in which poor people are evicted from their land by the police or military force on behalf of wealthy tycoons or powerful actors.<sup>21</sup> Exclusion occurs in three forms. Firstly, it happens when outside actors claim and grab land that already has existing access. Secondly, it appears when people who have access lose it. Finally, it exists when people who lack access to land are marginalized from it. For example, in Cambodia the landless can request social land concession from the authorities. However, only very small numbers of the landless get access to social land concession because most of the land was in the hands of the companies and powerful people (Neef et al., 2013).

Southeast Asia is an outstanding example of land grabbing due to the recent crop booms and the demand for agro-industrial plantations. In Cambodia, the government has granted more than two million hectares of land as economic land concessions (Thiel 2010; Scheidel et al. 2013; Neef et al. 2013). The economic land concessions have a big impact on local people’s livelihood because many concession areas overlap with residential and farming areas. The media often reported the use of force and law by the powerful actors to grab land from the weak and the poor. Hall et al. (2011) explained that exclusion throughout Southeast Asia could be understood through regulation, force, the market, and legitimation.

Regulation involves the ways state and other stakeholders create rules regarding who has the right on what land and how they may use that land. Market power works mainly through the price of land and the labor required to work on it. Generally, many different actors may get access to land by buying or leasing it. In some cases, people

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<sup>20</sup> Hall et al., *Power of exclusion: Land dilemmas in Southeast Asia* (University of Hawaii Press).

<sup>21</sup> Ibid

could be excluded from access to land because of the high costs. Force is a mechanism used to exercise control by a range of stakeholders such as producers, speculators, and the state. Finally, legitimation involves principled arguments on which land may, may not, and must be controlled, granted and used.<sup>22</sup>

## **2.4 Cambodian Resource Politics-Based Literatures**

This section is divided into three main parts. The first part covers the review of forest policy and politics-related scholarly papers. The second part focuses on land management, policy, and politics, including the summary of some selected papers. The third section discusses the literature on Cambodian fishery policy and politics.

There are not many articles on Cambodian forest policy and politics (Le Billion, 2000, 2002; De Lopz, 2001; Global Witness, 2007; Sokbunthoeun & Un, 2009; Nathan & Boon, 2012). Le Billion is one of the first scholars who studied Cambodian forest policy and politics. In his article on Cambodian political ecology and forest product exports, he explained how the Cambodian factions along Khmer-Thai border and the People's Republic of Kampuchea (PRK) which later became the State of Cambodia (SoC) generated income from forest logging (Le Billion, 2000).<sup>23</sup> He also discussed the involvement of the co-prime ministers with the forestry business after the general election in 1993 without paying attention to the destruction of Cambodian forest cover.<sup>24</sup> According to Le Billion, the Cambodian forest had a close connection with Cambodian politics because it was used to generate funds for the military, purchase of loyalty among military generals, and enrich Cambodian elites. It was used to support war as well as to deal with conflict negotiation.

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<sup>22</sup> Ibid

<sup>23</sup> After the fall of the Khmer Rouge in January 1979 through the Vietnamese military intervention, Khmer Rouge and three other Khmer fighting groups used their military based along Khmer-Thai border to fight against the People Republic of Kampuchea regime.

<sup>24</sup> After the United Nations supported election in 1993, the People's Party of Cambodia (CPP) did not accept the election result and warned of the creation of autonomy zone in the eastern part of the country. To solve the political tension, King Norodom Sihanouk came up with an idea of co-prime ministers in the new government. Norodom Ranarith, who was the head of Front Uni National pour un Cambodge Indépendant, Neutre, Pacifique, et Coopératif (FUNCINPEC) party, and became the first prime minister. Hun Sen who was the prime minister of the previous regimes prior to the election in 1993 became the second prime minister.

In his other article on the politics of forest exploitation in Cambodia, Le Billion (2002) offered an interesting explanation of how Cambodian forests were exploited by various groups of stakeholders ranging from powerful politicians, military generals, provincial governors to smallholders at the local level. Le Billion called the period from the early 1990s to the mid 1990s as the transition time when the forest was heavily exploited. According to Le Billion, the revenue from exporting timber from 1989 to 1998 valued around \$2.4 billion. Only about \$120 million went to the public treasury while the rest was shared among those who were involved with the granting of forest logging licenses, protecting forest logging, and business people. Le Billion argued that the log ban and the forest concession was just a mechanism to legitimize and transfer benefits from smallholders into the hand of small groups of people.

De Lopz (2001) provided a fascinating analysis of Cambodian forest exploitation and the failed attempt of international communities to protect Cambodia's forests by using a stakeholder analysis approach. According to De Lopz, there were several stakeholders who influenced the success or failure of Cambodian forest management. They were donor countries, the royal government of Cambodia, the armed forces, timber companies, local communities, and foreign markets. De Lopz found that there was a strong coalition of stakeholders whose main goal was to exploit Cambodian forests regardless of the sustainability of the forest. He argued that the focus on forest concessions was an inefficient solution to control deforestation in Cambodia. However, they ignored several stakeholders who played important roles in deforestation.<sup>25</sup>

Nathan and Boon (2012) reviewed the practice of democratic decentralization through a community forestry lens. According to them, the forest has played an important role for millions of Cambodian people in rural areas. However, the Cambodian forest was heavily logged through the forest concessions. The authors found that the concessionaires are often businessmen or government officers who privately converted forest into commercial plantations. The authors also found that the Cambodian elites were linked with logging and land speculation. Concerning the democratic decentralization of forest management, the authors argued that it was not a full decentralization because the community forest committee or the commune council

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<sup>25</sup> Those stakeholders were local communities, the Royal Cambodian Armed Forces, the Ministry of Environment, and Cambodia's neighboring countries that were involved with Cambodian logging in the past.

did not have full power to operate their tasks, especially when dealing with rich and powerful intruders.

Sokbunthoeun and Un (2009) are the few scholars who wrote on Cambodian forest politics. In their article on the politics of natural resources use in Cambodia, they shared similar findings to what Le Billion found in his research on the Cambodian forest. They found that forest had strong connection with elite politicians who used forest to enrich their wealth, to build loyalties among military commanders, to pay for the state budget, and in exchange for loyalty among smallholders. Sokbunthoeun and Un also examined the politics of oil and land in their article.

Over the last ten years after the birth of the economic land concession in the mid 2000s, there have been many publications on Cambodian land policy and politics (Leuprecht, 2004; Adler et al., 2006; Lipton, 2009; Sokbunthoeun & Un, 2009; Chandet et al., 2010; Sokbunthoeun, 2010; Thiel, 2010; Cock, 2011; Scheidel, 2011; Dwyer 2013; Milne, 2014; Neef et al., 2013; Springer, 2013; Beban, 2014; Biddulph, 2014; Rudi et al., 2014; Scheidel et al., 2014). There are several reasons for the rich collection of scholarly publications on land policy and politics in Cambodia. Firstly, the issue was brought into the international arena because of the strong involvement of the World Bank land titling project with the Royal Government of Cambodia, which many researchers and experts called it a failed attempt. Secondly, the emergence of land grabbing literature in the recent years has attracted many researchers to investigate this issue as Cambodia is the perfect case for their studies. Thirdly, the impacts of large-scale economic land concessions such as logging and force evictions have been brought to national and international attention by NGOs and the UN rapporteur which has generated interests among many scholars to investigate.

Among the publications on Cambodian land policy and politics, there are three main groups: those that focus on the history of land policy history and titling project, the literature on economic land concessions and its impact on livelihoods, and the literature on the history of state intervention and elite capture of land. The first group of literature focuses on land policy history and especially the Land Management Administration Project (LMAP) that was a joint project between the Royal Government of Cambodia and the World Bank (Sokbunthoeun, 2010; Thiel, 2010; Dwyer, 2013; Biddulph, 2014). Sokbunthoeun (2010) is one among the few Khmer researchers who conducted a detailed study of the Cambodian land titling project. In his paper on the Cambodian land right, he examined the land titling project in Cambodia through the Land Management and Administration Project. The findings indicated that the land titling project in



Cambodia failed to achieve its goal due to a numbers of reasons. One of the main reasons was bureaucratic weakness and the implementation of a politicized and personalized bureaucracy characterized by patron-client relationships (Sokbunthoeun 2010: 1). The author found that most of the land rights problems happened in the conflict-prone areas of poor urban settlements, in forest lands, and along seasonal lakes where there are pervasive differences in the ways people claim rights to land. At the end of the article, the author proposed a number of solutions to solve land right problems in Cambodia such as giving priority to resolving land claims in conflict-prone zones, encouraging registration of all land transfers, convincing elite of the political utility of land reform, and including citizen empowerment on the reform agenda.

Thiel (2010) offered a well-grounded explanation of the development of Cambodian land policy and management. According to Thiel, the problem in Cambodian land management appeared since the 1990s. He found four main findings from his research. Firstly, the solution to the current land problems in Cambodia is related property rights. Secondly, the absence of a strong civil society contributes to the elite domination of law, which has led to the distribution of land in favor of the rich and powerful. Thirdly, the challenge to land reform since the 1990s arises from the lack of commitment of ruling elites. Finally, the private property rights pattern may be the problem rather than the solution for Cambodian land use for the time being. The author recommended improving property and land value taxation because it will be the main source of revenue if properly managed. He also suggested building up community based environmental governance systems for future management.

Dwyer (2013) is another foreign researcher on Cambodian land grabbing. In his paper on Cambodian land titling and state land concessions, he presented case studies of Cambodian systematic land titling and large-scale land grabbing using a geographical approach. Precisely, the study examined three aspects related to the land situation in Cambodia. Firstly, the author looked at the geography of systematic land titling and agribusiness concessions. Secondly, he studied the relationship between property formalization and land grabbing. Finally, he explored the political effort and the legitimization of state land. His analysis was based on two case studies of Boeung Kak Lake in Phonm Penh and sugar cane land concessions in Koh Kong that have been connected to two senators who have strong connections to the CPP (ruling party). He found that land titling works only where there are secure tenure properties and do not overlap with the land of the tycoons or elite politicians. Boeung Kak is an example of the failure of land titling, especially the inability to resist elite's interest. The sugar cane

case study is another example of the failure of land titling in the conflict prone areas where wealthy businessmen and the elites hindered the penetration of land titling in their areas.

Biddulph (2014) conducted recent research on the history of land titling projects. He presented the case study of the World Bank support for the land titling project in Cambodia. The author began his paper with the overview of the history of land management and land title project, especially the one supported by donor countries. According to the author, the World Bank support for the land titling project in Cambodia failed to attain its goals to provide land security to rural Cambodian people. He found that land titling worked only in the areas where there were established rural farming villages with existing secure tenure. As a result, the titling did not make any increase in production as the World Bank and the Royal Government of Cambodia had expected. Biddulph explained that Cambodian elites have been strongly involved with land speculation, which hindered the smooth operation of land titling where they had interests. He further found that land titling was difficult to implement in the forest and battlefield areas in the northwest where there were many land conflicts and tenure insecurity. He used the example of the Boeung Kak case to demonstrate the extent to which Cambodian elites was systematically excluding high value urban land from the registration process. Biddulph found that land has been used to enrich the elite politicians and tycoons who have a close relationship with the ruling party. Importantly, it is used to cement loyalty to the party that is bound in the system of strong patron-client relation.

The second strand of literature on land policy and politics in Cambodia focuses on the economic land concessions and their impact on livelihoods. Within the context of the economic land concession, there are plenty of reports, especially from NGOs and Human Right Organizations.<sup>26</sup> However, the researcher chose a number of selected published journal articles and working papers to discuss here (Chandet et al., 2010; Schneider, 2011; Neef et al., 2013; Springer, 2013; Beban, 2014; Scheidel et al., 2014).

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<sup>26</sup> LICADHO, *Land grabbing and poverty in Cambodia. The myth of development* (2009), Phnom Penh, Cambodia. See also Subedi, *A human rights analysis of economic and other land concessions in Cambodia* (2012). Advance version, 24 September. ADHOC, *A turning point? Land, housing and natural resources rights in Cambodia in 2012*. Phnom Penh: Cambodian Human Rights and Development Association (ADHOC). CCHR, *Cambodia: Land in conflict, an overview of the land situation* (2013). Phnom Penh: Cambodian Center for Human Rights.

In their study of the impact of the Economic Land Concession (ELC) on the people's livelihood, Chandet et al. (2010) conducted a case study in Kbal Damrei Commune, Kratie Province, where land concessions were granted. They found that the leasing of ELCs in that area did not follow the ELC sub-decree which was ratified in 2005.<sup>27</sup> In addition, the granting of ELCs in Kbal Damrei did not include any of the guidelines regulated in sub-decree 146. What was worse, some of the villages with rice-farming paddy located in the ELC created confrontations between the companies and the villagers. Some villagers were prevented from farming on their land because the companies claimed that those lands belonged to them. The concessionaires also logged the forest which is the source of NTFP of the community people.

Another study in Kratie Province by Neef et al. (2013) also indicated that the ELC affected the livelihoods of villagers and created confrontations and conflict. They found that the ELC areas overlapped with the farming areas of the villagers that disturbed the farming due to the conflicts between the companies and the villagers. The authors found that ELC was strongly linked to the elites who have close relationships with the ruling party. Although there are social land concessions, but only small pieces of land were granted as social land concessions. The authors argued that the grant of social land concessions was just an instrument of the powerful and the companies used to legitimize their land grabs through leasing the social land concessions to the victims of ELCs.

The anthropological study conducted by Beban (2014) studied the impact of ELC on people livelihoods in Pursat Province. According to Beban, Peapimex Company received 315, 000 hectares of concessionary land in Pursat from the government. Those land concessions overlapped with residential and farming areas, especially spiritual land. The pagoda committee and the villagers confronted the company to demand 5 hectares of land that they believed was spiritual land. Similar to Neef et al. (2013) findings on social land concession, Beban argues that the release of 5 hectares of spiritual land to the villagers was a strategy the company used to legitimize their large concessions in the province.

The final strand of literature on Cambodian land emphasizes the connection between state interventions in land and political interests (Sokbunthoeun & Un 2009;

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<sup>27</sup> According to sub-decree 146, prior to granting ELC, there must be social and environmental impact assessment. In addition, they should arrange public consultation, which includes territorial authority and local residents. Most important, the residents should have chance to review the document for ELC and provide their comments.

Milne, 2014). In their study on the politics of natural resource use in Cambodia, Sokbunthoeun and Un found that land has been used to cement the relationship between the tycoons and the ruling party. The tycoons received large land concessions from the government in exchange for their loyalty and financial support to the party. In her study of the leopard's skin policy, Milne (2014) examined the politics of state intervention in land and its impact on indigenous communities in the northeast of Cambodia. According to Milne, Order 01 issued by prime minister in 2012 was a dramatic new push to distribute land titles to a hundred thousand individuals in the frontier areas. Rather than seeing it as a solution to the tension of land conflict and alleviate poverty, Milne argued that it was mainly initiated for political purpose: the commune council and national elections. She observed that the intervention was a year and a few months before both important elections. The intervention was widely broadcasted on all media and the students who were sent to issue land titles to the frontier people were treated as heroes. She founds that Order 01 affected the communal land titles of indigenous communities. Some members of the communities preferred individual land titles issued by the students who were sent to the frontier areas by prime minister. This created tension and fragile relationships among members within the same indigenous community.

While most studies have focused on land and forest in the form of concessions or related case studies, there have been very few attempts to examine state territorialisation and the politics of fisheries. This bias may be due to the less predictable yield from the fishery revenue, the difficulty of spatial demarcation of water, and the lack of access to interview policy-makers. Among the few scholars on the subject, Sokhem and Sunada (2006) researched the governance of Tonle Sap Lake, and found that although Cambodia had adequate fishery policies, problems were caused by the state's poor adherence to these policies and weak enforcement of laws and regulations. They argued that Cambodia's fishery reform was more a response to the consequences of earlier short-sighted regulations rather than the result of long-term planning.

In a similar study on natural resource conflict and management in Tonle Sap Lake, Degen et al. (2000) and Ratner et al. (2011) noted that the fishery management system lacked adequate enforcement and did not lessen the high risk to fishery livelihoods, especially among small-scale fishermen because of increased competition and declining catches. Even though many community fisheries were created in an effort to decentralise the governance of resources, only a small number of these fulfilled expectations, such as

curbing illegal fishing.<sup>28</sup> Community fisheries were established in Cambodia in the early 2000s, especially after the government reduced the prevalent fishing lots system by about 50 per cent, encouraging community people to manage these re-allocated areas.

Mak (2011), another researcher interested in Tonle Sap, focused on the politics of territoriality, and observed that one source of conflict is the complicated property system. According to Mak, there are three different common territoriality systems in effect at Tonle Sap: fishing lots, public areas, and conservation sites. Of these three, fishing lots are not only the most exclusive and lucrative but also the most problematic. Many of the fishing lots had been abolished a decade earlier, and a March 2012 decision eliminated the remainder.<sup>29</sup> What does the rise and fall of the lots system tell us about the state's objectives that motivated these resource interventions?

This dissertation explores the politics of fishing in Tonle Sap Lake, or more precisely, the access to productive areas, and the rationale behind state intervention in that area. State intervention involving natural resources is triggered by political motivation, often surpassing economic or environmental rationale; yet the exact motives as to why the state chooses particular resources as intervention targets remains a puzzle. While large-scale exploitation of resources tends to benefit a few business entities and Cambodian elites and is often accompanied by an extension of state control to the area surrounding these resources, the recent abolishment of the fishing lots system has also apparently served the interests of the poor. Explaining this conundrum will reveal the use of natural resource distribution for political purposes, and this can be crucial in a relatively poor country such as Cambodia.

## **2.5 The Approach to this Study**

This study focuses on Cambodian resource politics by using case studies of three natural resources - forest, land, and fishery - in order to understand state motives behind their interventions with a particular resource at a particular time. Rather than studying the reasons behind state interventions in natural resources, this research attempts to understand what motivated state or policy-makers to design and implement a peculiar policy with particular resource. The study also tries to find out the impacts of such

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<sup>28</sup> Discussions on 7 October 2012 with an interviewee who used to work for community fisheries project.

<sup>29</sup> Government issued a series of sub-decrees to abolish fishing lots in the country; sub-degree 37 Or Nor Krar Kar of 7 March 2012 abolished all fishing lots around the lake.

policy interventions on the resource system and resource users in order to offer policy recommendations for better resource management.

This section is divided into two parts. The first part offers critics to the reviewed publications. The second part deals with the author's approach for the dissertation. The author uses William Ascher's approach to study state motives behind intervention in natural resources. The writer will discuss the approach of state motives and apply them to the case studies in Cambodian natural resource policies and management issues.

### **2.5.1 Critiques of the Existed Publications**

The literature review indicates that the states have often used territoriality or maps to create representational space in order to grab the resources and control people in the frontier areas. The publications on Cambodian state interventions in three major resources (forest, land, and fishery) reveal different natures and measures that the state used in every intervention. The interventions in forest and land happened in the form of territorialisation where the state withdrew the resources from one group of users and granted them to the other groups. The shifting of resources from poor farmers to the companies and the elites represents the transfer of state control of natural resources from a loose to tight control. The interventions in forest and land excluded the poor and favored the tycoons and the powerful. However, it does not mean that every state intervention has happened in the form of exclusion the poor. The Cambodian state interventions in fisheries provide fascinating case studies because both state interventions in 2000 and 2011 favored the poor.

Concerning the literature on the commons, especially the commons frameworks on the divisibility of the commons by Oakerson, there is a lack of explanation on the privatization of the commons. First, although Oakerson highlighted the divisibility of the commons, he did not elaborate on the conditions where such a division might occur. He believed that the divisibility of the commons could come from economic or cultural factors, but failed to provide detailed examples. According to Oakerson, other relevant reasons could be related to decision-making arrangements and the possibility of converting the commons into private property.

The case studies of Cambodian fishery management, especially the fishing lots, reveal that commons can be privatized, but that the high attendant costs of exclusion must be balanced by some type of financial arrangement in order to ensure the sustainability of the private system and the prevention of high political costs. In other words, if a high-cost option is available, shareholders may wish to take it.

However, it is a risky system because the costs are not only economic, but also political. High yielding resources tend to attract political attention as targets for taxation and rent seeking, and owners, in addition to the cost of protecting their vulnerable boundaries, incur additional expenses in attempts to avoid such pressure.

The literature on the commons has widely discussed overlapping property systems, but has been surprisingly silent on their socio-political implications. Resources are considered as commons with respect to their stocks (such as forestland), yet some property systems grant exclusive rights to individuals with regard to volumes (as in timber). In fact, instead of addressing a single “layer”, local institutions are designed to respond to the varying and often overlapping layers of property-rights systems.

On the literature of land grabbing, many publications seem to blame the companies or powerful individuals as the main causes of the land grabs. In addition, those researchers believe that the land grab is a new phenomenon that has appeared in Cambodia in the last decade. However, land acquisition is not new to the Cambodian context. It happened throughout the history of Cambodia. The corporation and powerful individuals are not always the two stakeholders who created land grabbing. Small stakeholders such as farmers and immigrants are also players in land grabbing. The author believes that land grabbing in Cambodia is not only the result of crop booms and land speculation, but delayed policy design and poor implementation.

### **2.5.2 State Motives**

In his study of natural resource policies in 16 countries, Ascher explained that the policy failures in developing countries does not mean that state bureaucrats or policy-makers in those countries do not have a good knowledge of how to extract and manage their natural resources (Ascher, 1999). He argued that state bureaucrats or policy-makers in those countries may use natural resource as a channel to serve other purposes which he termed as “motives”. Politicians or decision-makers had used interventions in natural resources for a number of motives which ranged from serving personal interests to power competition among ministries within the same government. Ascher offered a detailed explanation of the many motives behind the policy failures in natural resource extraction and management. In this dissertation, the researcher will pick up several motives to discuss and apply to Cambodian case studies.

Firstly, Ascher argues that high-level government and state officials may have different economic and political objectives. Economically, natural resource-related policies may be designed to promote particular development projects to favor some

certain state officials. Some government officials or business people who have close relationships with elite politicians might have been involved with the interests of resource extraction which influences policy design and implementation. Applied to the Cambodian cases, the forest concession in the 1990s and economic ELC in the 2000s served a certain group of people who are in the government or have close relationship with state officials.

Politically, state's policy on natural resources might have been designed in favor of a certain group of powerful officials in the same government. Within the same government, there are many agencies and they sometimes compete with each other for power and interests (Bryant, 1997). Ascher argued that many interventions related to natural resource exploitation arise from conflicts among government officials (Ascher, 1999: 19).

Secondly, Ascher argued that the manipulation of natural resource exploitation process often provides opportunities for low-visibility financing of investment and income transfers (Ascher, 1999: 21). He explained that many natural resources such as forest and mines are located in remote areas, which made it easy for large scale extraction without recording detailed information. It is very hard to evaluate how much money logging could generate when there is not enough available data. In addition, since the resources are located in the peripheral areas, it is easy for those who are involved with logging to hide the information and their activities from public awareness. In a similar way, many of Cambodia's rich forest are located in very remote areas such as the northeastern and northwestern parts of the country where the population is sparse. Over the last two decades from the late 1980s until the 2000s, Cambodia's forests experienced rapid losses (Global Witness, 2007).

The third motive is the convenient manipulation of natural resource extraction due to its low political cost. Ascher discussed a number of factors that lead to the low political cost of resource exploitation. He argued that it is always the poor and future generations who have less power who are the losers from the process of resource extraction. The poor and the less powerful people do not receive much money from resource exploitation and they do not have enough tools to cover the damages resulting from the rapid decline of resources that had been one of the sources of their livelihood. Interestingly, some natural resource manipulation, according to Ascher, falsely appeared to be pro-development and pro-conservation.

Indigenous communities in the rich forest areas in Cambodia are those that are most vulnerable from the process of natural resource exploitation, especially forest

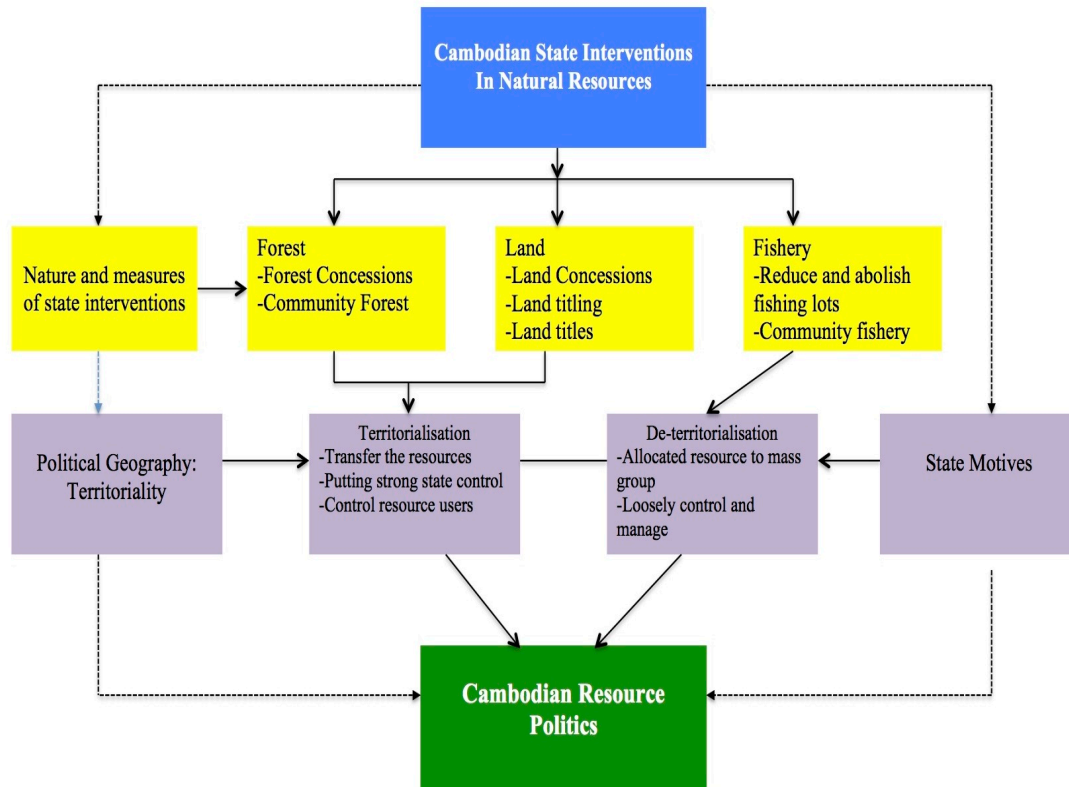


logging and the expansion of industrial-agrarian plantation. Many indigenous groups lost their land and forest, which they used to control for generations as a result of the logging activities, and the clearing forestland for growing rubber trees (Milne, 2013; Baird, 2013; Padwe, 2011). Since they do not have power and a stronger voice to protect their interests, many of them are already the loser from government policies on natural resources. The Cambodian Prime Minister used to mention from time to time during his public speeches that the government had tried to bring development projects into areas with indigenous people to improve their people living standards.

The fourth motive concerns the distribution of resources to another group in exchange of some officials' objectives. The politicians may design natural resources-related policies to take the resources from one group and distribute them to the other group which can help them to achieve their immediate goals such as election support. In Cambodia, the author has observed that the recent state interventions in fisheries and land were used to serve political purposes such as gaining election support. The Cambodian government intervened in fisheries in 2011 and 2012 by abolishing the private fishing lot and allocating most areas to community people who represent a large number of voters. Similarly, the intervention in land resource through the sending of thousand of students to issue land titles to rural population in exchange for election support seemed to please the rural population. Cambodian politicians have cleverly used the culture of patron-client relationships and gift exchange with rural Cambodian people. The majority of Cambodian people still have the mindset of respecting and giving gratitude to politicians for their good treatment of them.<sup>30</sup>

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<sup>30</sup> Ojendal and Kim, Korob Kaud Klach: In Search of Agency in Rural Cambodia. *Journal of Southeast Asian Studies*, vol. 37:3.



**Figure 5:** The Thesis Conceptual Framework

The conceptual framework of this dissertation focuses on territorialisation and state motives using the case studies of the state interventions in forests, land, and fishing grounds in Cambodia. The research begins with an examination of the nature and measurements of state interventions in forests, land, and fishing grounds. Then, the author applies the concept of territoriality to explain the nature of state interventions in the three resources. The author also uses state motives to explain the motivations of those state interventions. The results of the politics of state interventions in Cambodia, with the implications of territoriality and state motives in Cambodian resource politics, is the core focus and contribution of this dissertation.

## **CHAPTER 3: THE DEVELOPMENT OF FOREST, LAND, AND FISHERY**

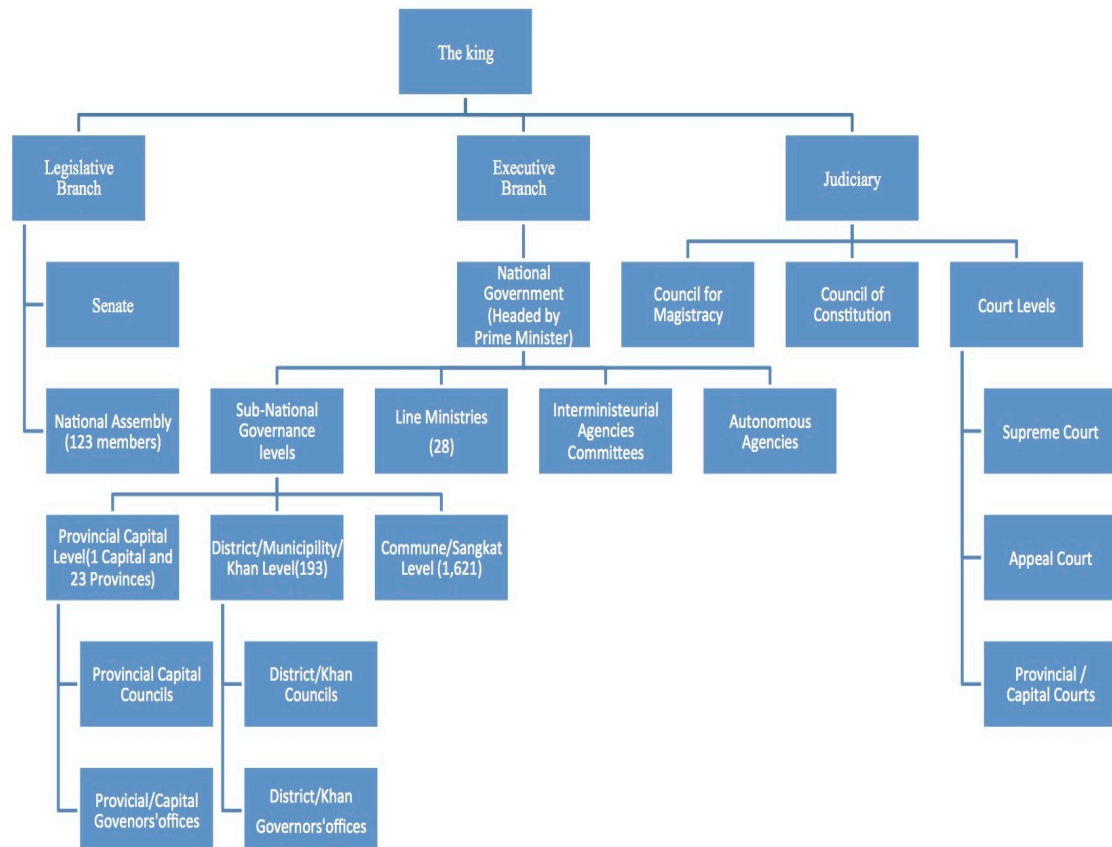
In this chapter, the author reviews the chronological development of the Cambodian natural resources administration over the last century, especially from the colonial era (1863-1953) when many of the natural resource administrations including a forestry, land, and fisheries, were created. The author mainly focuses on fishery and forestry resources by tracing back to the earlier development of fishery management and reform introduced by French administrators during their control over Cambodia. This chapter covers the institutional development, taxation, conflicts, and the exploitation of fishery resources. The author also includes information on land resource because of the importance of its relation to Cambodian resource politics studies over the last decade, especially from the 2000s when economic land concession and land grabbing intensified.

There are almost no combined reviews of the Cambodian natural resource administration in the existing literature except a few studies such as Bun Hak (1972) on forests, Thouk and Senji (2007) on fishery, and Sokbunthoeun (2009) on land. Even though there are hundreds of writings on the French colonial era in Cambodia, not many of them specifically focus on natural resource administration. Furthermore, it is understood that many of the Cambodian natural resource administrations were created or modernized during the colonial time. That is why studying the development of the Cambodian natural resource administration from the colonial time is helpful for this research as well as for the readers who are interested in this issue.

### **3.1 Administration of the Forests, Land, and Fisheries**

In the present time, forests, land, and fisheries are under the authority of three ministries. The Ministry of Environment MoE is responsible for managing the protected forest. Forestry Administration (FA), which is under The Ministry of Agriculture, Forestry, and Fisheries (MAFF), is responsible for managing the reserved and production forests. Flooded forests in the coastal areas and the Tonle Sap Lake fall under the authority of Fisheries Administration (FiA) which also belongs to MAFF. Land is mainly under the control of the Ministry of Land Management, Urban Planning, and Construction (MLMUP). FiA supervises fishery resource management. All these ministries are under the executive branches led by the prime minister who is elected through national election every five years. Under the executive branch, there 28 line

ministries of which MAFF, MoE, and MLMUP are the three among them (Figure 6). The administration development of the forest, land, and fishery dated back to the colonial time when the French came to Cambodia from the 19<sup>th</sup> century.



**Figure 6:** Politically Institutional Structures in Cambodia (Source: National program for sub-national democratic development (NP-SNDD) 2010-2019, 2010, Constitution of the kingdom of Cambodia, 2010)

### 3.2 Overview Forest, Land, and Fishery in Early Colonial Time

Throughout the colonial time, the French were known for their strong attempts to reform the Cambodian civil administration. The natural resource administration was also in their radars for reform for both revenue generation and sustainable resources management. In their early reforms, the French started to intervene in land sector, but they faced much resistance from the officials who benefited from the apanage system. Under this system, before the introduction of private land ownership by the French, all land in the Cambodia belonged to the king (Thion, 1993). The kings had the right to

allow or lease pieces of land to anyone as they pleased.<sup>31</sup> However, the control of land was not strict and inaccessible. Ordinary people could claim their rights on empty land by clearing and settling through the practice of “acquisition by plough” (Guillou, 2006; Sokbunthoeun, 2009). With the small population at that time, access to land was not hard for the peasants. They also had the freedom to move over the territory and gain access to their new settlement areas (Aymonier, 1904; Greve, 1993). The tasks of controlling and managing the land as well as collecting taxes were carried out by *Chovay Srok* (Chandler, 1998).<sup>32</sup>

Before the arrival of the French in Cambodia in 1863, Cambodia did not have a systematic and professional administration to manage natural resources. There are almost no records of natural resource system from the stone inscriptions during and post Angkorean period (Say, 2014). The palace and Cambodian officers practiced the apanage system to extract income from natural resources, especially fisheries. The officials who had close relationships with the palace enjoyed the windfall from the apanage system through leasing or selling the resources to merchants and traders. They paid a certain amount of the profits to the palace and kept the rest for themselves (Cooke, 2011). French administrators were not satisfied with this system because it was a barrier to their tax collection policy and the effectiveness of modern administration system reform. That was why they tried to introduce a new administration system through a number of reforms.

Even though French administrators had tried to replace the old system with the modern administration, they could not implement their reforms smoothly. In the early stage of their reforms, they faced many challenges from Khmer officials who benefited from the traditional system. As far as land was concerned, even though French administrators initiated their reforms very early, they had to wait until 1896 to create the Department of *Cadaastre*. This was the first attempt to introduce private property right on land in Cambodia. Land title registration also started from this time (Sok Bunthoeun, 2009), but moved at a very slow speed.

A similar attempt was applied to forest resources in the late 19<sup>th</sup> century. The author found that there were not many obstacles from Cambodian officials towards

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<sup>31</sup> In ancient Cambodia, the king always leased pieces of land to the military commanders who brought victory in war or to the pagoda or temples as royal donation.

<sup>32</sup> *Chovay Srok* was a Khmer title that refers to the provincial or district governor in the past. In the present administrative system, this title is equivalent to district governor. The Cambodian political hierarchy is divided into national, provincial, district, commune, and village levels.

French interventions in forest due to the low profile of income from forests for those officials. Instead, French and Cambodian forest officers faced resistance from local people who depended on shifting cultivation or small-scale logging. The French and Cambodian foresters believed that the practice of shifting cultivation was the main cause of forest fires and forest depletion. That was why they tried to reduce such practices by persuading the indigenous people to practice sedentary agriculture through the creation of new village for them in Kampong Thom.<sup>33</sup>

Fishery resources was another target of French reform. The Cambodian fishery business, especially from the Tonle Sap Lake, generated much money compared to other natural resources in the late 19<sup>th</sup> and the early 20<sup>th</sup> century. According to the author's study on the national budget from the National Archives of Cambodia, the revenue from fisheries contributed about one tenth of the national revenue over the two decades from the 1900s to the 1920s (detailed discussion in chapter 5). Prior to the creation of a modern revenue system (the budget book) by the French in the late 1890s, the palace took almost all the revenue from fisheries.

### **3.3 The Historical Development of the Cambodian Forest**

French administrators paid strong attention to the management of the Cambodian forest. They introduced a modern form of administration to the Cambodian forest in the late 19<sup>th</sup> century. This is the legacy that French left for Cambodian people to manage their rich forest resources until nowadays. The structures and divisions of the forestry management in the present time are almost the same as the ones created by the French during their control over Cambodia. The French earlier concerns were to extract Cambodian timbers and at the same time improve forest conservation. The foresters played important roles in forest extraction and conservation.

The French and Cambodian foresters faced much resistances from local people who depended on forest products. According to Thomas (1999), the colony leaders wanted to increase the revenue from forests through granting licenses and imposing a sale tax. This model of forest extraction, with poor management, turned to be harmful to Cambodian forests and resulted in massive forest degradation (Gouvernement Général

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<sup>33</sup> The attempts to introduce new ways of livelihood were also practiced by the Cambodian government in the post-independence era. The government encouraged the migration of lowland people to the highland areas in the hope that those lowland people created a model for the highland people to follow such as the contemporary settlement in one location and the practice of sedentary agriculture.

d'Indochine, 1905). The foresters also denied people access to their traditional forests and grazing which resulted in resistance from the peasants (Gouvernement Général d'Indochine, 1910). That was why French officers made many modifications to the forest rules and regulations that they had created in the early stage in order to compromise with the peasants. The French administration established a public department for the management of Cambodian forests that is described in the following sections.

### **3.3.1 Early Challenges and Legislation**

There are no records of Cambodian forest statistics or management before the arrival of French in the late 19<sup>th</sup> century. Similarly to other European colonists in Southeast who were interested in forest resources and valuable timber trade such as the English in India, Burma, and Northern Thailand and the Dutch in Indonesia, the French were also interested in Cambodia's forest resource. That is why they started to get involved with forestry trade and management in the late 19<sup>th</sup> century through the creation of Forest Service Department in 1898. This was the first time that the Cambodian forest was managed with the European model.

The French administrators had to deal with many tasks in the early period of running the Forest Department because it was a new responsibility for them. Many of the tasks related to forest classification, legislation, and negotiation with the local people who were involved with forest extraction for their daily subsistence. That was why in 1907 the chief of the Department of Forest and Water in Indochina decided to set up two prioritized tasks for foresters in Indochina.<sup>34</sup> The first task was to sustainably protect the forest in accordance with climate and the hydrology. The second job was to classify the types of forest for domestic use and export purposes (Bun Hak, 1972).

The French produced many rules and regulations in their early control of the Cambodian forest. With little knowledge of Cambodian demography and the dependence of the population on the forest, French initiatives did not go smoothly because there were confrontations with local people who extract and clear forests for their livelihoods.<sup>35</sup> For example, the ordinance dated 11 April 1898 to the protection and

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<sup>34</sup> Indochina refers to the three countries in mainland Southeast Asia that were colonized by the French in the 19<sup>th</sup> and 20<sup>th</sup> century. Those countries are Cambodia, Laos, and Vietnam. See for example, Osborne, M. (1997). *The French presence in Cochinchina and Cambodia: Rule and response (1859-1905)*. White Lotus Co Ltd.

<sup>35</sup> Throughout Southeast Asia, the European administrators found plenty swidden plots which they believed the source of forest destruction. See for example, Bryant, L. R (1997). *The political ecology of*

management of forest resource was quite harsh to the local population. That was why they issued another two Royal Ordinances in 1898 and 1901 to modify some articles in the previous ordinance. To strengthen forest management, the colonial administration released another ordinance in 1903 to assign a committee to design forestry law.

A poor understanding of the local situation and a lack of information among French and Cambodian foresters were the obstacles for the French in dealing with the traditional farming cultivation. The forestry agents confronted people who lived in remote areas because of their different perceptions of traditional cultivation. The foresters saw the practice of clearing and burning forest for cultivation as a threat to forest conservation and wanted to ban such practices. Such a situation forced the forestry department to re-consider their management mechanisms and laws. That led to another forestry regulation in 1913 to improve Cambodian forest management. This regulation received few complaints from forest traders, but some opposition from the local population because of the restriction on local people activities related to the forest.<sup>36</sup> Again, to compromise with the local population, there was another ordinance dated 18 December 1916 to modify the 1913 ordinance. The ordinance also defined the measurement and taxation on construction timber. The big compromise was that the French administration agreed to give local population the permission to cut wood without paying fee. The permission to cut timber without paying tax was applied to the local Khmer population until 1930.

### **3.3.2 Administration Work**

Cambodian forest administration was divided into cantons and divisions. The cantons supervised the central administration work and communicated with various agencies. The division was responsible for monitoring the forest exploitation, protecting the forest, and suppressing illegal forest logging and clearing. From 1920, Cambodia had 6 cantonments and 22 divisions. A few years later, they created two inspection posts. The first inspection post was created in 1925 to supervise forests in Kampong Thom, Kampong Cham, Kratie, and Stung Treng provinces. The second inspection post

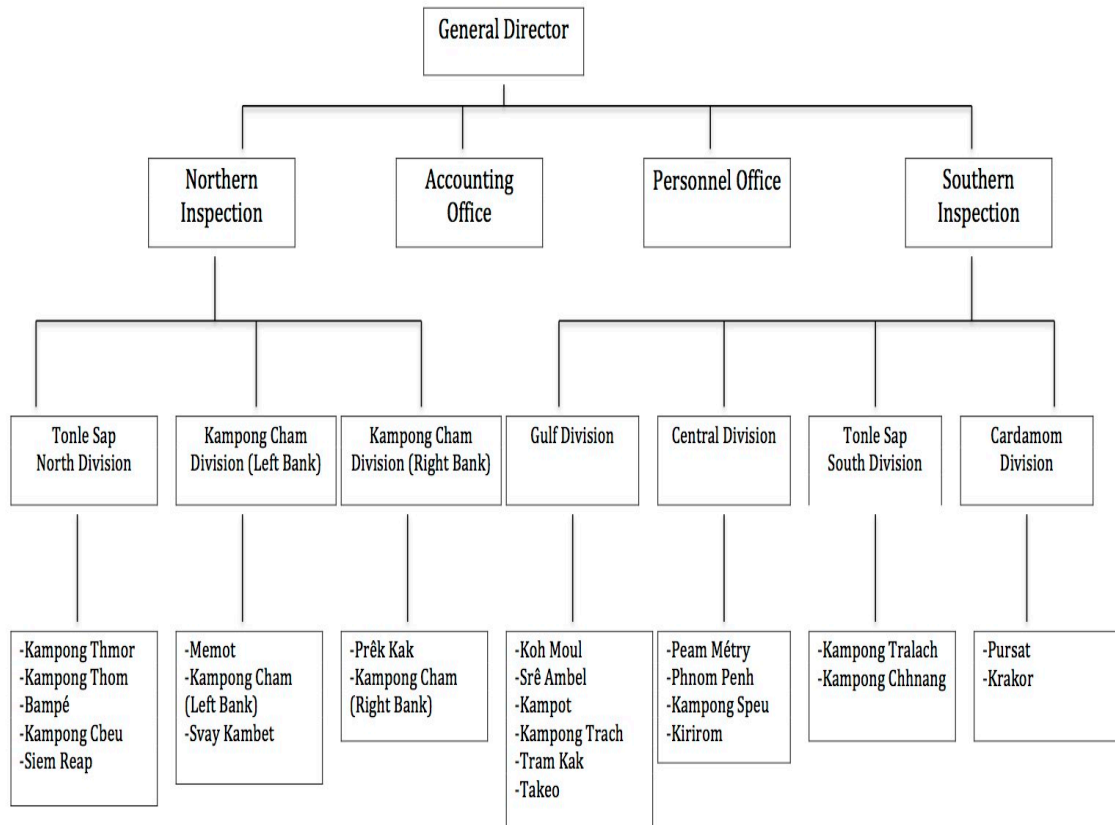
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*forestry in Burma 1824-1994*. University of Hawaii Press. Peluso, N. L (1994). *Rich forests, poor people: Resource control and resistance in Java*. University of California Press.

<sup>36</sup> According Lao Bun Hak (1972) the population needed to go through many procedures in order to clear some certain areas which made them feel disappointed with such system. They needed agreement from resident superior, translator, commune council, and forestry administration.



was established in 1928 and was called the Tonle Sap Inspection Post. By the end of 1930, the Cambodian Forest Department had 2 inspection posts, 8 cantonments, and 26 divisions. This structure is used by the Cambodian Forestry Administration.



**Figure 7:** Forestry Department Structure during the Colonial Times (Source: Lao Bun Hak, 1972)

From 1945, the Department of Forest and Water was under the control of the Ministry of Economy which consisted of a General Department and two Technical Inspections. The General Department had two offices: Personnel and Communication Office and Accounting Office. The Technical Inspections also had two inspections. The Northern Inspection was located in Kampong Cham province and covered Siem Reap, Kampong Thom, Kampong Cham, Kratie, and Stung Treng provinces. The Southern Inspection had its office in Phnom Penh. This inspection included Pursat, Kampong Chhnang, Kandal, Prey Veng, Svay Rieng, Kampong Speu, Takeo, and Kampot provinces. The Northern Inspection had 3 cantonments and 14 divisions while the Southern Inspection had 4 cantonments and 16 divisions.

In its early stage, European staffs mainly controlled the Cambodian Forest Department. The European foresters held the specialized positions while the local staff

worked as local foresters. However, since the French paid strong attention to tax collection from the Cambodian people, the local foresters also acted as tax collectors. All foresters must take a competitive examination before getting their positions. During that time, the French preferred to recruit local foresters from the ranks of former soldiers because they had knowledge of the geography. The number of European staffs began to decrease in the 1930s, until 1945 when the department staffs were entirely Khmer. The main reason of this decline, and ultimate departure, of foreign staff may have been because of the Second World War and the Japanese occupation in Cambodia.

**Table 2:** Cambodian Forestry Staff from 1902-1930

Year	No. European Staffs	No. Khmer Staffs	Year	No. European Staffs	No. Khmer Staffs
1902	9	14	1923	38	187
1903	11	17	1924	37	200
1904	13	20	1925	34	207
1905	17	19	1926	37	211
1907	13	35	1927	39	221
1908	18	44	1928	40	237
1909	16	42	1929	36	179
1910	16	47	1930	39	195
1911	16	62	1931	41	198
1912	25	73	1932	35	185
1913	28	82	1933	31	176
1914	31	82	1934	29	166
1915	35	112	1935	27	157
1916	32	137	1936		
1917	30	182	1938	24	154
1918	30		1939	24	
1919	40	211	1940	25	143
1920	39	163	1941	21	139
1921	39	179	1942	22	161
1922	39	187	1944	16	167

Source: Lao Bun Hak, 1972

### 3.3.3 Forestry Tasks and Legislation

There were many tasks for foresters. Foresters need to monitor timber transportation through waterways. They were also involved with conservation and

reforestation of high demand-timber and bamboo. The foresters had to hike throughout the forest areas during the dry season to gain better a understanding of the geography and condition of the forest. Another important task was to classify the forest so that it was easier for them to extract and manage. The Forestry Department designed a number of policies and strategies in order to effectively manage the Cambodian forest. In the early stage, they targeted two main activities: forest fire fighting and reforestation. Forest fire fighting was a difficult task for them due to challenge due to the limited numbers of foresters and the low awareness of local people concerning protecting fire.

According to Bunhak (1972), from 1930, the forestry department issued a number of ordinances. For example, an ordinance dated 27 November 1930 classified the types of forest and the size of timber that could be exploited. In December 1930, another ordinance defined the rules and regulations for forest exploitation and conservation. This ordinance also included points on demarcation of reserved forest, tax from timber logging, and the permission of local people to cut forests for domestic consumption.

In 1931, an ordinance was issued on fighting forest-related crimes. The ordinance had six important points. The first and the second points covered the tasks of recording and investigating the forest-related crimes while the third point mentioned the payment to reduce the burden of punishment. The fourth and fifth points related to the duties of the court in punishing and implementing the punishment against forest crime. The sixth point covered the general regulations. On January 14 and 19, 1937 there was an order from the resident superior on forest fires. They also paid attention to reserved forest. That is why there have been reserved forests.

**Table 3:** Reserved Forest from 1904-1930

Year	Size of Reserved Forest (ha)	Year	Size of Reserved Forest (ha)
1904	277	1928	3259
1905	5402	1929	59562
1907	158	1930	3000
1910	6568	1931	115488
1911	29204	1932	22385
193	2315	1934	17000
1917	433490	1935	13071
1918	181100	1936	27004
1919	25422	1937	127186
1920	43814	1938	56890
1921	14840	1939	541437
1922	25544	1940	709394
1923	43095	1941	15152
1924	13954	1942	88967
1925	2730	1943	5815
1926	10360	1944	102137
1927	6115	1945	3169

Source: Lao Bun Hak, 1972

### 3.3.4 The Independence Era

Similar to the fishery sector, Cambodian forests were managed properly and effectively in the post-independent time. There were no reports of large-scale loggings. The forest officers did their jobs with high responsibility and little corruption.<sup>37</sup> From 1952, the government introduced five-year plans to guide forest management. The post-independent government still practiced what was designed and planned from the earlier time. They prioritized forest conservation and improved the quality of timber extraction. Combating forest fires was also improved through the introduction of new methods. Furthermore, they printed leaflets to educate people about forest fires and conservation. Noticeably, from 1952, they established “forest day” which has been celebrated every year.

One of the challenges facing foresters in the post-independent era was the problem of local people who kept practicing slash and burn agriculture. Indigenous people in the hill and mountainous areas mainly practiced this kind agriculture. To deal with this

<sup>37</sup> One of the main reasons was that forester had very good salary at that time. They did not care about finding other jobs in order to feed their families. So, they worked hard with high responsibility.

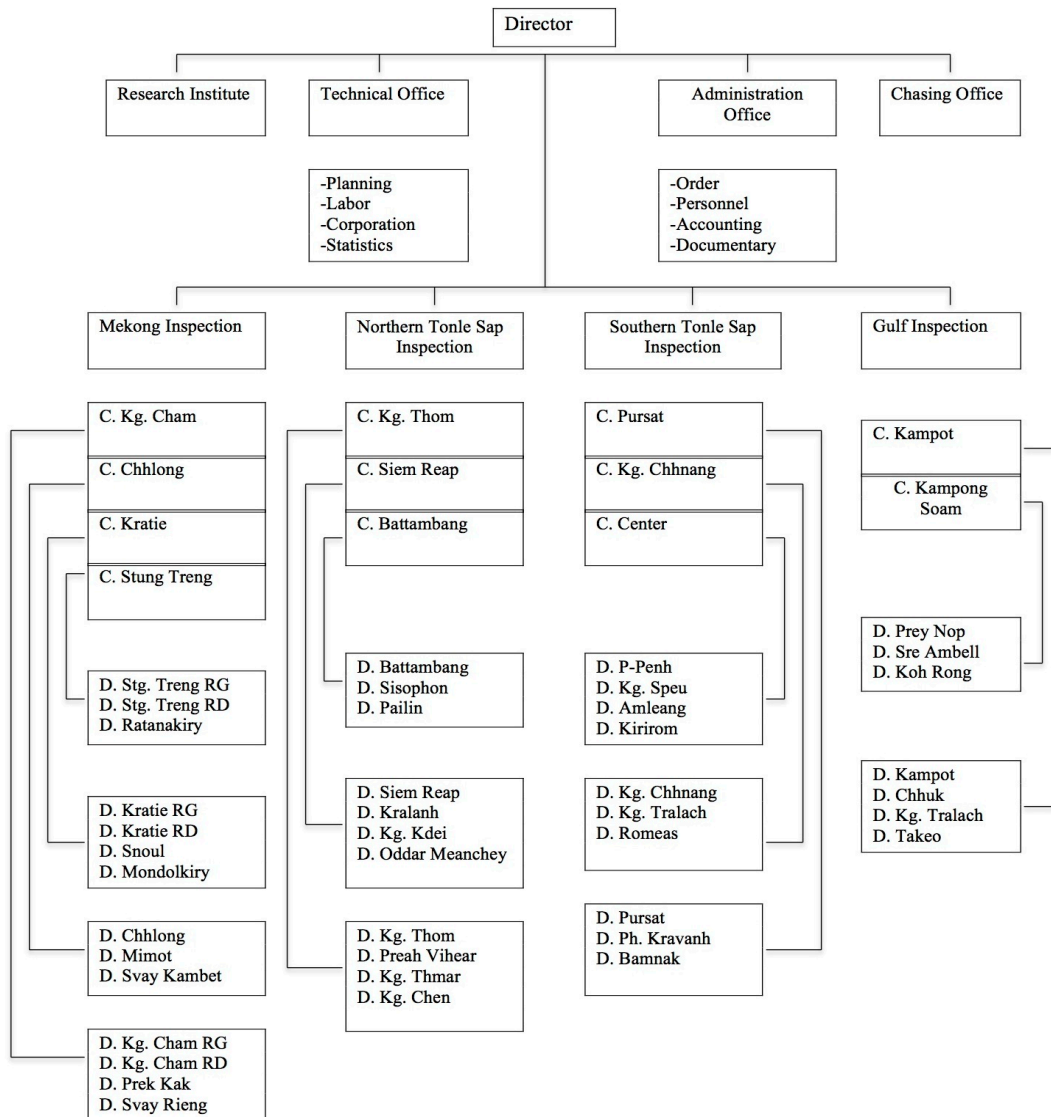
situation, the Unit of Water and Forest created a model village in Kampong Thom and gathered indigenous *Kouy* to settle and farm in this new village. From the mid-1960s onward, increased insecurity in the rural areas affected the tasks of foresters. From 1970 to 1979, the forestry work was almost entirely stopped due to civil war and the genocide regime.

As briefly mentioned above, there were few changes to the structures and plans of forestry department in the post-independence era. The headquarters were located in Phnom Penh with ten offices operated under one general director and two deputy directors. Each deputy director was responsible for five offices. Those ten offices were Order Office, Personnel Office, Conflict Office, Accountant Office, Documentary Office, Planning Office, Forest Work Office, Corporation Office, Industry and Commerce Office, and Statistics Office.

There were many inspections operated under the forestry department. After the reform of forestry department in 1963<sup>38</sup>, there were four inspections: Technical Inspection of the Mekong, Technical Inspection of the Southern Tonle Sap, Technical Inspection of the Northern Tonle Sap, and Technical Inspection of the Gulf. The Mekong Inspection was divided into 4 cantonments and 14 divisions. The Technical Inspection of the Southern Tonle Sap had 3 cantonments and 9 divisions while the Technical Inspection of the Northern Tonle Sap covered 3 cantonments and 9 divisions. The Gulf Inspection included 2 cantonments and 7 divisions. These four inspections were responsible for a number of tasks such as classifying forest, preparing the labor and finance, proposing budget for their missions, recording forest bidding and contract information, and producing an annual report.

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<sup>38</sup> *Prakas* No. 877 dated 29 June, 1963.



**Figure 8:** The Structure of Forestry Department in Post-Independence Time (Source: Bunhak 1972)

### 3.3.5 The PRK and State of Cambodia

After Vietnamese troops entered Cambodia and overthrew the Khmer Rouge regime in 1979, they established the People Republic of Kampuchea (PRK). Then, in 1989 the PRK changed its name to State of Cambodia (SoC). During the civil war from the 1970s to the 1980s, especially during the Khmer Rouge Regime (1975-1979) almost all the Cambodian administration was destroyed. The forestry tasks revived its activities again beginning in 1980 with limited staff. At that time, there were one forester, one technician, and 17 workers responsible for restarting the forestry work. They operated under the Department of Forestry and Wildlife.

With the lack of human resources and the insecurity in the country from the 1980s to the 1990s, Cambodian forest management was not effective. The foresters could

operate only in small-scale areas due to the continuing guerilla war between the forces of PRK and the factions that were based along Khmer-Thai border. In addition, forests became the main source of income for both the PRK and the factions which hindered the effective work of forestry staffs. The period marked the beginning of widespread exploitation of the Cambodian forest by Thai and Vietnamese logging companies. In addition, some forests were for domestic wood consumption, watershed, and biodiversity conservation.

**Table 4:** Forest Reserve in Cambodia in 1985

Provincial Name	District Name	Area (ha)
Battambang	Roneam Dounsam	100, 000
Kampong Cham	Memot, Dambe, Kroach Chhmar	85, 000
Kampong Speu	Bor Seth	30, 000
Kampong Thom	Sandan	142, 732
Kampot	Chhuk	60, 000
Kratie	Sambor	80, 000
Koh Kong	Sre Ambel	168, 266
Mondolkiry	Pich Chanda, Koh Ngiek	208, 866
Pursat	Phnom Kravanh	100, 000
Preah Vihear	Roveang	100, 000
Ratanakiry	Lom Phat	100, 666
Siem Reap	Sam Rong	60, 000
Stung Treng	Stung Treng, Siembok	86, 000
Total		<b>1,321,930</b>

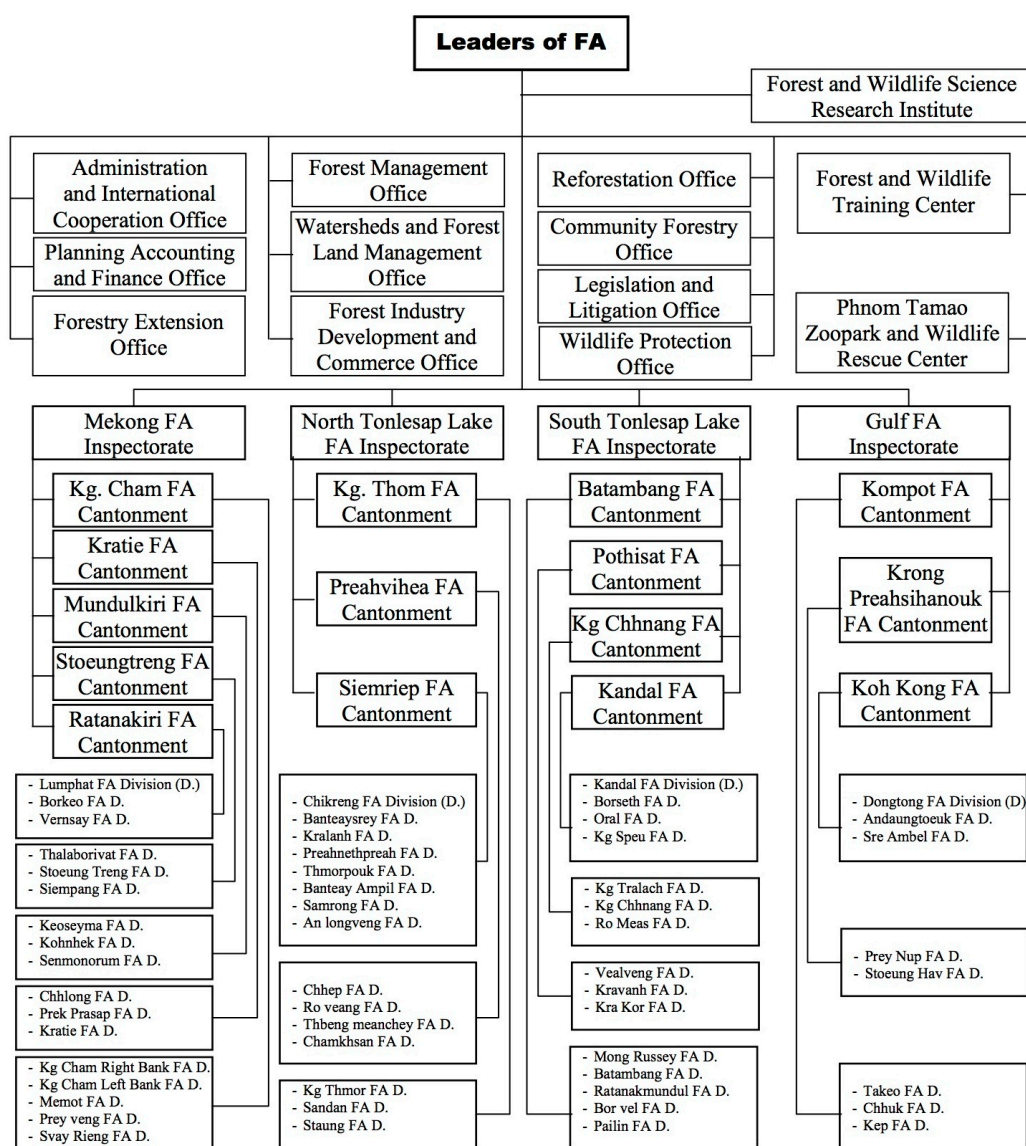
Source: Nophea, 2001 pp. 101

### **3.3.6 Free Market Economy**

After the general election in 1993, Cambodia adopted a free market economy which means that the country welcomed business and investment from abroad. In the area of forest, even though there was still much illegal logging, the Royal Government of Cambodia introduced forest concessions. According to Nophea (2001), forest concessions were introduced to (1) put larger forest areas under effective management and reduce illegal logging; (2) improve the speed of value-added wood processing; and (3) increase the royalties from timber for the state coffer. It was for this reason that the Cambodian government granted around 6 million hectare of forest concessions in the mid 1990s. However, the forest concessions in fact harmed Cambodian forests because of the large-scale logging among the concessionaires.

With the pressure from the international community as well as the negative outputs of forest concessions, the Cambodian government cancelled many of the concessions in 1999. In 2002, they cancelled the remaining forest concessions as part of their attempt to improve Cambodian forest management. In 1998, the government created a committee on forest policy reform and ratified the forestry law in 2002. In 2003, Forestry Administration (FA) was separated from the Department of Forest and Wildlife to lead and implement forestry policy reform. However, it is still operated under the authority of MAFF. The current structure of FA is very similar to the one put in operation during the postcolonial time. It is divided into 4 inspections, 15 cantonments, 55 divisions, and 170 triages.

**The Organization Chart of Forestry Administration**



**Figure 9: Cambodian FA Structure in the Present Time (Source: FA Cambodia)**



### 3.4 The Historical Development of Land

This section covers the development of land management in Cambodia from the colonial period. Similar to forests and fisheries, there are almost no records of Cambodian land management before the arrival of French in the 19<sup>th</sup> century. There is very little information on land development and management on Cambodian stone inscriptions except for a few descriptions about land transactions.<sup>39</sup> However, what is generally known about land management before the arrival of the French and their land reform was that all the land belonged to the king was loosely controlled (Guillou, 2006).

#### 3.4.1 Colonial Time

After their arrival in 1863, French administrators initiated many reforms in Cambodia. The aim of land reforms was to modernize management, and to introduce private land ownership. According to Thion (1993), the French tried their best to introduce private property in Cambodia for a number of reasons. The French believed that private property could protect their business interests, expand their authority over the Cambodian peasant, enable tax collection, and increase production through the conversion of unoccupied land for sale. However, their attempts to reform the Cambodian land system faced many challenges, especially from the Khmer king and his officials who enjoyed benefits from the *apanage* system. That led the French to use violence measure to force King Norodom to sign a treaty in June 1884 that gave the French more power to proceed with their reforms.

In 1896, the French created the Department of Cadastre to manage and monitor technical and administrative work. According to Sokbunthoeun who interviewed the director in charge of the Department of Cadastre, the introduction of private property in 1884 did little change to the traditional system of land control. It was not until the adoption of the civil code in 1920 that many changes occurred with regard to Cambodian private property. Under the 1920 civil code, there were two kinds of rights to land: ownership and possession rights. The commune chiefs were responsible for

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<sup>39</sup> Ricklefs, M. C., "Land and the law in the epigraphy of the tenth-century Cambodia". *Journal of Asian Studies*, 26: 412-414.

registering the fixed asset registration.<sup>40</sup> However, according to Sokbunthoeun, the process of moving to full ownership was very slow. For example, there was only 10% of rice growing areas registered with full ownership until 1975.

### **3.4.2 Post Independence Until 1998**

Before the establishment of the Ministry of Land Management, Urban Planning, and Construction (MLMUPC) in 1998, all three of these sectors operated under different ministries. According to information from the MLMUPC, the Cadastral Group was created in 1908 by the French and operated under the authority of the Council of Ministers. In 1925, French created the Land Conservation and annexed it to the Ministry of Finance. From 1948 to 1975, Cadastral Group and Land Office were transferred to the Ministry of Agriculture. Like other state institutions, the Cadastral Group was abolished during the Khmer Rouge Regime (1975-1979). It was revived again in 1980 after the collapse of the Khmer Rouge. The Department of Cadastral was under MAFF from 1989-1994. Then, it was placed again under the umbrella of the Council of Ministers from 1995 to 1999.

The Urbanization and Construction Office was under the Department of Urbanization and Housing which was controlled by the Ministry of Public Transportation prior to 1975. It was inactive during the Khmer Rouge period, but was revived in the early 1980s. According to the MLMUPC, the Department of Construction was created in 1986 in response to an increase of construction works in the country. The Council of Ministers controlled this department. Finally, in 1998 the Royal Government of Cambodia issued a royal decree dated 30 November to establish the MLMUPC. It was the first time that all the departments operated under one unified ministry.

The MLMUPC operates under a minister, six secretaries of state, and thirteen vice-secretaries of state. At the ministry level, there are eight departments and units. Those department are (1) Administrative Department, (2) Department of Land Management and Urban Planning, (3) Department of Construction, (4) Department of Cadastral and Geography, (5) Laboratory Unit, (6) Professional Training Unit, (7) Establishment and Enterprise, and (8) Financial Control Unit.

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<sup>40</sup> Cambodian administrative structure begins with the national government on the top. Then, it follows by provincial, district, commune, and village. Usually, the commune consists of at least 3 villages, but not more ten villages.

Soon after its creation, the MLMUPC undertook the drafting of the land law which was ratified in 2001. In addition, they were also responsible for the land titling project that was facilitated by funds from the World Bank. Particularly, it led the systematic land registration (SLR), which Sokbunthoeun called an unfinished and failed project. The failure to register and distribute land titles to many people was explained as the result of high involvement of the elites and the powerful in land speculation and land grabs. The strong involvement of politics in land was also seen as an obstacle hindering the MLMUPC ability to operate the land tiling successfully.

In summary, state interventions in natural resources in Cambodia began a century ago when the French introduced what they called modern administration to Cambodia in the later half of the 19<sup>th</sup> century. Cambodian forest, land, and fishing grounds were in the radars of French with such interventions as the creation of the Cadastral Service in 1896, the establishment of the Forest and Water Service in 1898, and the introduction of fishing lots in 1908. The main purposes of interventions during that time were to generate revenue from the resources as well as to improve the conservation. The interventions had little political connection and the impacts on resource users were not large. However, the interventions in the 1990s in Cambodian natural resources intensified with often major interventions in forest, land, and fishing grounds which is discussed in the next chapter.

### **3.5 The Historical Development of Fisheries**

#### **3.5.1 The Colonial Period (1880-1953)**

There were almost no written documents on the traditional fishery management system in Cambodia before the arrival of the French. There is only the records of a Chinese diplomat at Angkor in the 13<sup>th</sup> century.<sup>41</sup> Through these records, we can see that fishery resources in Cambodia were rich during the Angkorian period, especially in the Tonle Sap Lake. In addition to the Chinese records, we can note the abundant fish in the lake through the carved stones of the Bayon Temple. But there were no records related to fishery resource management on thousands of stone inscriptions. However, the French kept records of their observations on Cambodian fishing practices and the richness of

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<sup>41</sup> This book describes the Cambodian society in the 1290s when the Chinese diplomats arrived Angkor City. The book has some descriptions of abundant fish in Tonle Sap. See Chou Ta-Kuan, *The customs of Cambodia*, trans. Paul Pelliot (Bangkok: Siam Society, 1993)

fish in the Mekong and the Tonle Sap Lake (Massieu, 1901; Chevy and Le Poulain, 1940) which the author consulted for this section in addition to the archival research.

Until the late 19<sup>th</sup> century, Cambodian fishery was one of the main sources of income for the palace and the officials who benefited from the apanage system. According to materials in the National Archives of Cambodia, the fishery business in the Tonle Sap Lake existed before the arrival of French in 1863. The Chinese and Vietnamese traders dominated the fishery business, especially processed fish and dried fish. Every year, there were hundreds Chinese and Vietnamese fishing boats on the Tonle Sap catching fish and making dried fish (Cooke, 2011). Those Vietnamese and Chinese traders and fishermen had to pay fees to the Khmer authorities in order to get permission to fish and trade in the Tonle Sap. According to Cooke (2011), getting permission to catch fish in the Tonle Sap was not hard for the foreign fishermen. They just paid the tax fee and some tea money to the authorities, and then they could fish freely. The amount of fish caught was huge. Massieu (1901) wrote that the Khmer exported 8 to 10 million kilograms of dried fish to lower Cochinchina every year. Aymonier who had studied Cambodian society during that period, wrote that the value from fish processed and fish product exports in the 1910s from Tonle Sap was 2,651,345 francs. The overall value of fish-related exports increased to 7,225,000 francs in 1910. The enormous amount of money generated from fishery business may be one of the main reasons leading the French administration to intervene and improve the tax collection system.

According to Thouk and Senji (2007), it was the French who introduced industrial fisheries in Tonle Sap (Thouk & Senji, 2007: 8). They demarcated several places in the lake area and made them as fishery concessions for industrial fishing. There were one fishery concession in Kampong Thom Province, two concessions in Pursat Province, and two other locations in Kampong Chhnang Province. Since two other western provinces (Battambang and Sisophon) of Cambodia were under the control of Siam until 1907, that is why they did not mention they mentioned these two provinces.<sup>42</sup> The author doubts whether these early concessions were the foundation for the later commercial fishing lots.

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<sup>42</sup> After Cambodia received the two provinces back from Siam in 1907, the French expanded their fishing lots to the two provinces. Based on the information from the National Archives of Cambodia, almost all the productive lots there were under the control of Chinese business people.

Prior to 1908, the Cambodian king had controlled most of the benefits from the fishery business (Cooke, 2011). The king received large funds through selling licenses to Chinese fish traders who had a good relationship with the palace. In 1879, they created a general fishery farm to sell and generate income from the fishery business.<sup>43</sup> During that time, King Norodom secretly resumed the customary tax collected by his officials. Cooke explained that French failed to stop Norodom from gaining benefit from the general fishery farm and his officers from the apanage system. This encouraged Norodom to combine the royal leases with the general fishery farm and monopolize it. The monopoly of fishery leases helped the king to collect large amounts of money. Cooke noted that the king could generate 30,000 piasters in 1879 (Cooke, 2011: 369). In the later years, the king earned good income from selling the monopoly rights to the fishery business to Chinese business people.<sup>44</sup>

Because King Norodom still had firm power to hinder French reforms, in June 1884, the French governor of Indochina forced Norodom to sign a treaty that he drafted by himself. The commander entered king's palace, woke him up, and threatened the king to sign the treaty. This treaty withdrew nearly all king power and cut sources of income to the palace. Instead of benefiting from the apanage system, the king and the royal families henceforth received a fixed salary from French administration. The French administration tried to take firm control of the fishery business, but was delayed due to uprisings in rural areas which were believed to have been encouraged by Norodom and his officials (Cooke, 2011).

However, the French still kept up their efforts to improve Cambodia's fishery revenue management. That is why there were several attempts from 1884 until 1908 before they were successful in cancelling the general fishing and introducing a better income generating system: the fishing lots. Through the archival data, it seems that the fishery administration was introduced in the late 1890s at about the same time as forests, water, and mineral administrations. In 1897-98, there was a regulation to monopolize the fishery resource management which was previously under the control of the palace.<sup>45</sup> The author believes that this regulation was issued to improve the revenue management of the general fishery farm that was created in the 1880s.

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<sup>43</sup> According to the author research from the archival data, the general fishery farm functioned similarly to the fishing lots that was created from 1908. The main difference was that the revenue from the general fishery went to the palace while the income from fishing lots went to the colonial treasury.

<sup>45</sup>NAC 4118: Ferme générale des pêcheries du Cambodge.

After the death of Norodom (1904), who was well known for opposing many French reforms, the French took firm control of the fishery sector in order to increase state revenue. The first thing the French did was to cancel the general fishing farm in 1908, which had been a source of revenue for the palace.<sup>46</sup> The Royal Ordinance of 1908 emphasized three main points. Firstly, the ordinance ordered the abolishment of the general fishery farm. Secondly, the fishermen were free to fish in most fishing grounds, but they have to pay taxes. Thirdly, people could not fish in certain areas because those locations were reserved for the economic benefit of the state. This third point was marked the beginning of Cambodian fishing lots which were maintained in Cambodia until 2012 when the RGC decided to abolish them.

In their first year, the fishing lots did not generate much revenue due to the rushed nature of the reforms, but ultimately a significant amount of money was collected in the subsequent years (Cooke, 2011). However, the Chinese were still dominant in the fishing lot industry. Records at the National Archives of Cambodia indicate that during the 1910s and the 1920s, many of the large and costly fishing lots were still in the hands of the rich Chinese.<sup>47</sup> For example, three of the outstanding lot operators in Kampong Thom province named *Guan Kim Ly*, *Chea Kay*, and *Tea Meng*. *Chea Kai* were from the Chinese business elite class.<sup>48</sup> Chinese persons dominated large fishing lots in Kampong Thom province for decades in the early 20<sup>th</sup> Century. Khmer Muslims ranked second after the Chinese while Khmer people could afford to acquire only small and low profit lots.

Fishery generated large amount of money for the colonial administration in the early decades of the 20<sup>th</sup> century. The revenue from fishery contributed about one tenth of the total budget from 1900 until 1920 (Table 5). One of the main reasons that fishery contributed to about one tenth of the national revenue during this period was the better management of the fishing lots. The other reason was the low revenue from other sectors in the early 20<sup>th</sup> century.

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<sup>46</sup> NAC 35177: Ordinance Royale No. 35, 22 Mai, 1908.

<sup>47</sup> NAC 35620: Succession du sier Guan Kim Ly, entrepreneur a Phnom Penh (fermier des pêcheries de Kampong Thom); NAC 4179: D'expulsion du chinois Tea Meng fermier pêcheries a Barai.

<sup>48</sup> NAC 35657: Ferme des pêcheries du Tonle Chhmar et Stung Sen; NAC 35660: correspondences diverses de l'affermage des pêcheries, résidence de Kampong Chhnang, Kampong Thom, and Pursat. NAC 4179: D'explusion du chinois Tea Meng fermier des despêcheries à Barai. NAC 35660: Correspndances diverses de l'affermage des despêcheries résidence de Kampong Chhnang, Kampong Thom, Pursat.

Fishery conflicts were also reported in the early 20<sup>th</sup> century.<sup>49</sup> Prior to the introduction of the fishing lot system by the French, there were some reports of conflicts between ordinary fishermen and fish traders who gained the right to control specific fishing areas. Many of the conflicts were solved by the royal interventions, in which the crown ceded some concessions to quell anger (Dina & Sato, 2014). This is precisely why some of the more recent royal decrees and ordinances were involved with offering concessions to fishermen. For example, during King Norodom's reign (1864-1904), there were ordinances dated in 1872, 1874, and 1880 that regulated the size of fishing traps across rivers, types of fishing gear, and the classification of concession lots (Thuok and Senji, 2007).

**Table 5:** Cambodian Fishery Revenue from 1900-1920 (Pias Unit)<sup>50</sup>

Year	Fishery Revenue	National Revenue	Percentage
1909	361,696	2,784,000	13%
1910	357,081	3,107,194	11%
1911	255,815	2,858,893	10%
1912	426,844	N/A	
1913	538,430	4,805,000	11%
1914	384,741	4,965,914	8%
1915	487,308	5,382,676	9%
1916	465,000	5,637,440	8%
1917	465,000	5,637,440	8%
1918	467,000	6,120,600	8%
1919	635,000	6,026,810	11%
1920	640,000	6,079,000	11%

Source: NAC: Budget Locale 1909-1920

The period from 1900 to 1920 was characterized by relatively few attempts to conserve fishery stock in the lake. Very few laws were enacted until 1920. Fish traders tried to catch fish as much as they could without paying attention to the destruction of the fishery stock. There were no strict regulations, and only a few circulars from the resident superior were issued. For example, the resident superior's circular in 1911 on banning fish catch during the off-season was ineffective (Cooke, 2011). There were reports of people catching fish during the off-season, and the deterrence mechanism was

<sup>49</sup> NAC 35657; NAC 12558: Correspondances concernant les adjudications pour les fermage des pêcheries dans les province du Cambodge.

<sup>50</sup> Piaster was the currency introduced by the French administration in their colonies in Indochina. At that time in 1930, a piaster was equivalent to 10 francs.

not strong enough.<sup>51</sup> It was not until the late 1920s that the French finally started to pay attention to conservation work. Most started after the 1930s with the creation of conservation areas and the ratification of fishery laws and regulations.

Regulation No. 100 (dated 1940) was issued in order to regulate the management of Cambodian fresh water lakes. This regulation included the demarcation of flooded forests for protection. The government realized the importance of the protection of flooded forests, and took several measures to conserve it by strengthening rules to ban fishing in the off-season, establishing new conservation areas, restricting on fishing gear, protecting small-scale fishing activities, and establishing a freshwater research institute.<sup>52</sup> It was the first time that they acted upon the importance of the flooded forest and its relation to the ecological system surrounding the lake. However, it was not until 1947 that the French helped to create the National Competent Group of Fishery in Cambodia. This new group worked under the Water, Forest and Fishery Group.

### 3.5.2 Post Independence (1953-1970)

In the post-independence period, the Cambodian government continued to maintain the previous fishery administration, especially the fishing lots system on the Tonle Sap. A government agency called the Fishery Administration was founded in 1956, which initiated a “new” fishery law that embodied sections of the previous law. All bidders were allowed to submit bids for the right to fish in the Tonle Sap lots, and fishery management during this period was reputed to be stable and effective, as only a few incidents of conflict or corruption were reported. The government kept the demarcation of the areas unchanged: fishing areas, conservation sites, and publicly accessible areas, but improved their management. According to one person interviewed who witnessed this period:

When I grew up during the 1960s, I knew of the fishing lots and conservation areas in Tonle Sap. The fishing lots and conservation sites were clearly defined. The lot owners (*Machas Lo*) could operate only within their lots and they would not have dared to violate the given boundaries. The conservation sites were well protected and similarly avoided by the locals. If lot operators extended their activities into the common fishing areas, people complained. (Interview with a villager in October 2012, Kampong Phluk Commune)

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<sup>51</sup> Off-season or closed season generally starts from June until October during the flooding season.

<sup>52</sup> According to the 1987 fishery law, the fishermen were divided into three categories: the large-scale (fishing lots), medium-scale (fish processed), and small-scale fishermen.



Cambodian fishery management continued to improve after the creating of fishery law in 1956. Maybe in response to the effectiveness and better management of fishery resource, the government decided to separate the fishery unit from the Water-Forestry and Fishery Unit. In 1960, the government created the first fishery department to control both inland and marine fishery resource (Thouk and Senji, 2007). The hierarchical institutional management was also introduced during this time.

According to Thouk and Senji (2007), the Fishery Department recruited new staffs in response to the demand. There were three types of staff recruited: the highest (fishery engineering), the medium (fishery governance), and the lower level staffs. The department recruited the first highest-level staffs in 1968 by selecting 15 people to join the training. All of them needed to participate in the exam and then spent 3 years studying at the Royal University of Agriculture in Phnom Penh. The medium level staffs were also recruited through exam. The first generation started in 1959 with the selection of about 10 people in every generation. The lower level staffs were recruited in 1958 with about 20 people selected. The students in this level had to spend two year in Agricultural School before they can start their official tasks.

### **3.5.3 Civil War and Democratic Kampuchea 1970-1980**

From 1975 to 1979, the country experienced the isolated communist regime. Many areas in the country were unsafe for fishery staffs to operate their tasks properly because of their security reason. The fishing lots system was virtually abandoned because of the civil war in the early 1970s and the communist regime implemented radical changes in resource use later in the decade. Fishing, both family-scaled as well as commercial, was strictly forbidden, and the entire population was forced to live in people commune units to work in the rice fields during Khmer Rouge regime (1975-1979). Only some small fishing unit existed for some top Khmer rouge leaders. After a halt of more than 10 years in commercial fishing, fish stocks in the Tonle Sap in the early 1980s were very rich, and people were able to enjoy good catches even with traditional fishing gear.<sup>53</sup>

### **3.5.4 Transition and Free Market Economy 1980s-2014**

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<sup>53</sup> Interviews with elder fishermen in Siem Reap in September 2012.

After the liberation of the country from Khmer Rouge in January 1979, the Department of Fishery was revived in September of that year. Soon after the re-creation, the department was put under the control of the Ministry of Commerce. From 1980, the department was included into the Ministry of Agriculture. There was no change to the previous management system of fishery, especially the practice of fishing lots. The Council of the People Revolution issued a decision on 02 July 1980 to keep all fishing lots by using the same locations as practiced before the wartime. The difference was that lot owners received lots from the state in exchange for paying in kind with a certain amount of fish required by the state. It was operated through an operation unit, but the leader of the unit could borrow money from the state to support their large-scale *Krom Samaki* fishing.<sup>54</sup>

The re-introduction of the private lots system in 1987 was a major turning point with respect to the territorial arrangements in the Tonle Sap. Although officially allotted by the Fishery Administration according to a bidding process, fishing lots often ended up in the hands of wealthy businessmen or former lot owners who had intimate connections with politicians. Once licenses were issued, fishing lot operations were to be guided by regulations outlined in the so-called “burden book”, but in practice operation often strayed from the guidelines. For example, lot owners were forbidden to sub-divide their lots for resale to sub-lot contractors, but in reality this was frequently done. Problems intensified with regards to the overlapping or undefined areas that allowed access to both lot owners and local fishermen. Wealthy lot owners used armed guards to protect their boundaries, resorting at times to violence against local fishermen whom they accused of poaching (Piseth, 2003).

In response to the tension in the allocation and running fishing lots, the government responded to two major reforms in fishery. The first major reform occurred in 2000 soon after prime minister Hun Sen met fishermen in Siem Reap Province and promised to answer people’s demand. Fishing lots were the main targets of the fishery reform. The government decided to reduce around 56% of fishing lots and allocated those to the communities who have depended on fishing activity. At the same time, the government encouraged people to create fishery community to manage and control their own resource. Despite the reform in 2000, fishery conflicts and problems did not die down. Many of the community fisheries did not work because of the lack of financial, legal, and technical support. The small-scale fishermen were not happy with their

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<sup>54</sup> Interview with former fishing lot owner, dated February 2013.

situation, especially the difficulties caused by the fishing lot owners, authorities, and illegal fishermen.<sup>55</sup>

Again, from 2011 the government was involved in another reform which they called it “a deep and historical reform”. They started with the creation of an inspection team to study and compile the report of the fishery situation around the Tonle Sap. After receiving the report from the inspection team, the government reacted by assigning the Tonle Sap Authority (TSA), that was under the control of the Ministry of Water Resources and Meteorology to lead three operations to destroy all illegal fishing gears in the lake.<sup>56</sup> Finally, the government decided to abolish all the existing fishing lot throughout the country in March 2012. The historical development of Cambodian fishery is summarized in table 6. According to table 6, intensified interventions in fisheries began from the 2000s.

**Table 6:** Chronology of Cambodian Fishery

Year	Events
1863	The arrival of French in Cambodia and the beginning of protectorate period
1879	Establishment of the general fishery farm by Norodom
1884	The gun point treaty to withdraw the king power by French navy commander
1908	Cancellation of the general fishery farm and introduced contract fishing lots
1920	Introduction of the conservation project in the Tonle Sap
1947	Created the national fishery group
1956	Created first formal fishery law
1960	The separation of a Fishing Unit from the Water, Forest, and Fishery Unit
1970-75	Civil war, with most fishing lots falling into the hands of rebel groups
1975-79	Revocation of the fishing lots by the Khmer Rouge
1982-89	Commercial fisheries operated by <i>Kromsamaki</i> and military
1987	Fishing laws modified and commercial fishing lots system re-introduced
1999	High tensions and conflicts between lot owners and fishermen
2000	56% cut in lot areas converted into open access
2001	Establishment of the Community Fisheries Development Office established
2006	Fishery laws ratified
2007	Sub-degree on community fisheries management
2011	Order 01 to suppress the illegal fishing in Tonle Sap
2012	Total cancellation of fishing lots on the Tonle Sap

Source: compiled by the author from various sources

<sup>55</sup> Interviews in Siem Reap, September 2012.

<sup>56</sup> Tonle Sap Authority was created on 29 June, 2009. TSA is the cording institution working to monitor and report the tasks related to Tonle Sap Lake to the government. TSA has cooperated with 16 ministries and 6 authorities. It has been chaired by the Minister of MORAM.

## CHAPTER 4: INTENSIFIED INTERVENTIONS IN FOREST AND LAND FROM THE 1990s

This chapter focuses on the intensification of state interventions in forest and land from the 1990s when there appeared major state initiatives within the two resources. The first part of the chapter begins with the overall situation of Cambodian forest, the combats against illegal forest loggings. The chapter also discusses the introduction of forest concession and the decentralization of forest as state's attempts to improve Cambodian forest management. The later part of this chapter emphasizes on the initiatives in land such as the appearance of economic land concession, land title distribution program, and the PM Order 01 on land titles distribution.

### 4.1 Forest Development from the 1990s

From the collapse of the Khmer Rouge in 1979, there were only few foresters survived from the Khmer Rouge genocide regime. The forestry work was resumed again from 1980 with very few staffs (Nophea, 2001). From the 1980s to the 1990s, Cambodia was still in civil war between the PRK and the three fighting factions along the Khmer-Thai border. With the insecurity and the important of the forest resources for the fighting factions and the military of the PRK, the forestry work was restricted, especially when dealing with the large-scale logging. From the late 1980s also saw the intensification of logging (Le Billion, 2002).

In the 1960s Cambodian forest cover was estimated to be around 70% of the total land area. The period from the 1970s to the 1990s was marked as the devastating period of civil war, genocide and upheaval. In 1970, there was *coup d'État* to overthrow the monarchy from power. The Khmer Republic government, which received support from America, was established under the leadership of general Lon Nol. This period was the beginning of civil war and mass bombing in Cambodia. The prolonged civil war lasted until the 1990s when all fighting parties agreed to sign Paris Peace Agreement in 1991 with the preparation for the first national election prepared by the United Nations in 1993.<sup>57</sup> During the war time and the two communist regimes from the 1970s to the late 1980s, Cambodian deforestation was about 0.5% annually (Ashwell et al., 2004; McKenny et al., 2004). According to McKenney et al. (2004), Cambodian deforestation

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<sup>57</sup> The civil war in Cambodia was completely ended in Cambodia in 1998 after the death of Pol Pot.

increased to 1% annually during the Vietnamese control from 1979-1989. The deforestation rate in Cambodia kept increasing even after the establishment of the “democratic” government in 1993.<sup>58</sup>

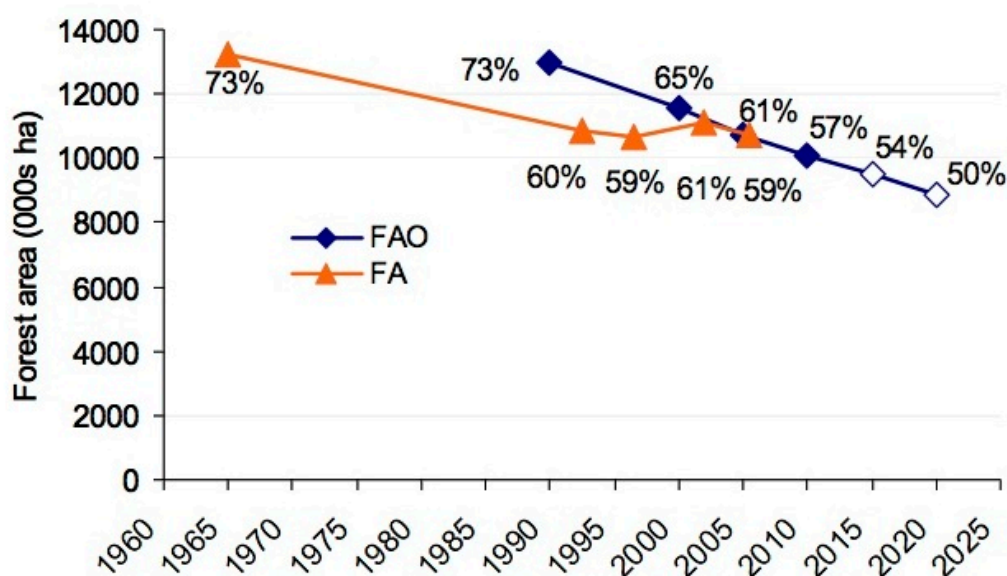


Figure 10: Forest Cover from 1960-2020 (Source: Broadhead and Izquierdo, 2010: 10)

#### 4.1.1 The State Attempts to Combat Illegal Logging

There are many reasons contributing to the degradation of Cambodia forest such as agricultural expansion, migration, forest concession, ELCs, and others. However, from the mid 1990s, forest concession was widely believed to be part of the problem and the source of illegal logging that led to the rapid degradation of Cambodian forest. According to Le Billion (2002), Cambodian government granted forest concessions to 30 companies and the Cambodian military and it covered about 65% of the total forest areas in the country (table 7). The forest concessions were granted for the purposes of extracting valuable timbers and at the same time helped monitoring and protecting

<sup>58</sup> There was national election arranged by the United Nation in 1993. It was the first national election in Cambodia after the prolonged civil war that raged Cambodia over the last two decades from the 1970s. The United Nation spent more than 2 billion USD to support its peace operation and prepared the election in 1993. A coalition government was formed after the election with the co-prime minister and sharing of power between the winning party and the losing. The coalition government lasted only 1997 when the Cambodian People Party grabbed the power by force.

Cambodian forest. However, in real practice, the forest concessions were the main source of deforestation (Global Witness, 2007). That is why the deforestation rate grew up to 1.7% during the concession period in the early 1990s (Ashwell et al., 2004; McKenney et al., 2004). In their evaluation studies of forest cover in Cambodia, FAO (2005) and Hansen and Top (2006) estimated that the annual loss of Cambodian forest was between 1% to 2% from 1990 to 2002.

**Table 7: Valid Forest Concession (Source: FA 2002)**

Name	Location (province)	Approved Date	Area (ha)
SL International Ltd (1)	Kratie, Kampong Cham, Mondulkyri	11-08-1994	467,484
SL International Ltd (1)	Kampong Speu, Koh Kong	11-08-1994	298,598
COLEXIM Enterprise	Kampong Thom	12-02-1996	147,187
CASOTIM Enterprise	Kratie	09-04-1996	131,380
Pheapimex Fuchang Cambodia Co. Ltd (1)	Kratie, Kampong Thom	15-03-1996	137,475
Pheapimex Fuchang Cambodia Co. Ltd (2)	Stung Treng	15-03-1996	221,250
Cambodia Cherndar Plywood Mfg. Co., Ltd.	Preah Vihear	03-02-1996	103,300
King Wood Industry Pte., Ltd.	Kratie, Stung Treng, Mondulkyri	12-09-1995 15-01-1998	301,200
Timas Resources Ltd.	Kampong Cham, Kratie, Preah Vihear	14-02-1996	161,450 <sup>59</sup>
Sam Rong Wood Industry Pte., Ltd	Siem Reap	22-08-1996	200,050
Everbright CIG Wood Co., Ltd.	Kratie, Stung Treng	08-08-1996	136,376
Super Wood IPEP Ltd.	Pursat	18-04-1996	94,418
Pheapimex Fuchang Cambodia Co., Ltd (3)	Stung Treng, Ratanakir	08-04-1998	350,000
Silveroad Wood Products Ltd. (1)	Koh Kong, Pursat	08-04-1998	215,460
Silveroad Wood Products Ltd. (2)	Koh Kong	08-04-1998	100,000
You Rysaco Company	Pursat, Battambang	02-03-1998	214,000
TPP Cambodia Timber Product Pte., Ltd.	Siem Reap, Preah Vihear, Pursat	03-04-1998	395,900
<b>Total</b>			<b>3,874,028</b>

The amount of money generated from the export of timber was huge in the 1990s. According to Le Billion (2000), Cambodian timber export was estimated to be around \$2.5 billion over the period from 1991 to 1998 (table 7). FAO (1997) found out that the exploitation of forest in the mid 1990s represented about 43 percent of Cambodian export earning. This indicated the large-scale logging of Cambodian forest during this

<sup>59</sup> Another location with the same size was also granted to the same company.

period. According to Le Billion, Thai military groups and their companies and Vietnamese troops and companies were strongly involved with logging in Cambodia. The scale of logging conducted by Thai side was larger due to the convenient transportations and the high demand from Thai side. In addition, the domestic stakeholders were also active in exploiting the Cambodian forest. According to Le Billion (2002), there were military generals, provincial authorities, and business people who were strongly involved with the systematic logging across the country.

**Table 8:** Value of Timber Exports and Revenue of the Government

	1990	1991	1992	1993	1994	1995	1996	1997	1998
Volume of timber exports (thousand meter cube)	515	848	1,393	1,360	1,495	1,691	992	1,045	1,090
Estimated Value (\$ million)	77	170	348	340	374	423	284	188	218
Forestry government revenue (\$ million)	n.a	n.a	1.5	3.3	39	27	11	12	5

Source: Adopted from Le Billion (2000), pp. 791

According to table 8, the amount of tax went to the government increased surprisingly. The tax rose from 1.5 million dollar in 1992 to 39 million dollar in 1994. There is almost no explanation for the rapid increase of tax from timber export from 1993 to 1995. According to the biography of Sam Rainsy who used to be the minister of the Ministry of Finance and Economy from 1993 to 1995, the increase of tax was the result of his tax reform after he became the minister in 1993 (Rainsy & David, 2013). According to Rainsy, he sometimes risked his life to fight against illegal log smugglings. Because of his strong stand to fight against corruption, he was kicked out of power two years after he took the position.

Thai companies involved with many large-scale loggings, especially from 1989 when Thailand declared a logging ban. According to Hirsch (1995), the amount of timber exported to Thai increased five times within three years. Le Billion explained that the period before the election in 1993 marked the heavy logging of Cambodian forest because each factions wanted to secure logging deals to support their military and election campaign. Even after the forming new government in the post 1993 election, logging did not die down because it was still the significant source of revenue for each party (the first and the second prime ministers) to build their strength.

With the intension to reduce war supported revenue and to promote peace in post election Cambodia, the international community started to put pressure on the government to take serious actions on deforestation in exchange for foreign aid. This began from 1995 when there were conditions on improving forest management in the agenda of donor-government meeting (Le Billion, 2002). They demanded the RGC to take certain measures to stop illegal loggings. They also linked the illegal logging to the weakness of the government.

International movements outside Cambodia were also campaigned in order to stop illegal logging. A British based NGO working on the issue of environment and human rights abuses, Global Witness, conducted a campaign to bring an end to Khmer Rouge timber export to Thailand in 1995 and 1996 (Global Witness, 1995; 1996). Then, they moved further through joining a diverse coalition with the International Monetary Fund (IMF), the World Bank (WB), and some western countries to promote good governance in the Cambodian forestry sector. Both IMF and WB paid strong attention to legalize forest revenue.

In response, Cambodian government showed their muscle through the cancellation of some forest concessions because of their illegal loggings and other violations (table 9). Before the issuance of the logging moratorium in the early 2000s, the RGC introduced a number of measures to improve forest management. A log export ban was issued from 1996 to restrict the export of log in the hope of reducing logging in the country. However, according to Le Billion (2002), this ban did not work because the powerful politicians still depended on the fortune from logging. In addition to log export ban, the RGC adopted a forest policy in 1998 emphasizing the balance of harvest and tree planting and forest growth. The policy also regulated the control of illegal logging. The forest concessionaires were required to follow the Code of Practice for Forest Harvesting which became effective in 1999.



**Table 9:** Cancelled Forest Concession in 1999 (Source: FA, 2002)

Name	Location (province)	Cancelled date	Area (ha)
Chung Shing Cambodia Co., Ltd.	Kratie, Mondolkiry, Preah Vihear	15-01-1999	374,350 <sup>60</sup>
Pacific Craft Co., Ltd.	Stung Treng	15-01-1999	24,537
Thai Boon Roong Co., Ltd.	Mondolkiry	15-01-1999	119,700
Thai Boon Roong Co., Ltd.	Kratie, Mondolkiry	15-01-1999	297,000
Thai Boon Roong Co., Ltd.	Ratanakiry	15-01-1999	360,900
Lang Song International Co., Ltd.	Kampong Thom	15-01-1999	119,300
(1)			
North Eastern Forest Development Ltd.	Ratanakiry, Stung Treng	25-01-1999	232,100
Mekong Sawmill	Siem Reap, Preah Vihear	25-01-1999	99,400
B.L.P Import Export Co., Ltd.	Preah Vihear	25-01-1999	91,200
SL International Ltd.	Mondolkiry	25-01-1999	218,059
Chang Ling Lumber Co., Ltd	Stung Treng	25-01-1999	236,500
Lang Song International Co., Ltd.	Preah Vihear	12-05-2000	132,000
(2)			
Long Day Machinery Industry Co., Ltd.	Kampot, Kampong Speu	12-05-2000	98,000
Cambodia Timber Product Pte Ltd.	Kampot	12-05-2000	34,924
Talam Resources Ltd.	Kampong Speu, Koh Kon	Gave up by themselves	74,800
GAT International Co., Ltd. (1)	Koh Kong, Pursat	16-06-2002	215, 720 <sup>61</sup>
GAT International Co., Ltd. (2)	Kampong Thom, Kratie	16-06-2002	149,780
Hero Taiwan Company	Ratanakiry	08-05-2002	60,150
Voot Tee Peanich Import Export Co., Ltd.	Koh Kong	08-05-2002	63,050
<b>Total</b>			<b>3,000,470</b>

However, according to De Lopz (2001), the focus on controlling forest revenue introduced by the international community could not stop illegal forest in Cambodia because there were other stakeholders who still strongly depended on the revenue from logging. De Lopz's research found that there is a strong coalition of stakeholders whose main goal is to exploit the forest resources of Cambodia without any regard for sustainability. De Lopz defined several main stakeholders such as Department of Forest

<sup>60</sup> This company controlled two locations of forest concession.

<sup>61</sup> This company also controlled two locations of forest concession.

and Wild Life (DFW), Ministry of Environment, Council of Minister (CoM), concessionaires, armed forces, rural communities, and Cambodia's neighbors. De Lopez recommended that conservation is not just about managing forests and concessions, but also about managing various groups who involved with forest extraction. This find is similar to the research findings of Un and Sokbunthoeun on Cambodian land policy reforms. They found that land policy reform efforts that do not consider the political and economic reality of neopatrimonial interests are likely to succeed (Un & Sokbunthoeun, 2011).

Finally, the appointment of Global Witness to monitor and report Cambodian forest logging was a good sign of the commitment from the Cambodian side to fight against illegal logging. However, Global Witness could operate in Cambodia for only 5 year before they closed their office in Phnom Penh in 2005 for the sake of security reason for their staffs. One of the main reasons that Cambodian government refused to allow Global Witness to operate in Cambodia was because they released many sensitive reports of systematic forest loggings in the country, especially those that linked Cambodian military and politicians to illegal loggings.

#### **4.1.2 Decentralization of Forest Management**

The decentralization of forest management in Cambodia started in the early 2000s after the Cambodian government cancelled the forest concessions and allocated some forest areas for communities to manage and protect their forest. The Cambodian government, with the support from donor countries, initiated community forestry as part of their attempts to decentralize the resource management. The Forestry Law was ratified in 2002. A year after the promulgation of the Forestry Law, the RGC converted the DFW into Forestry Administration (FA) in 2003 to supervisor forest administration in the country. The forestry law provides certain rights to FA to create community forestry. In 2003, the RGC also adopted the sub-decree on community forestry to allow the CF to control forest areas over the duration of 15 years. From the 2000s until 2010, there were 420 community forest created covering around 400 000 hectares of forestland. The government attempts to expand the community forest to cover 2 million hectare of forest area in the next 20 years.

The idea of creating community forest was developed in Cambodia since the mid 1990s. It was mainly supported by NGOs operating in a number of selected provinces in Cambodia under the name of SEILA Program. By the early 2000s when the Cambodian

government announced its decentralized forest policy, there was about 100 informal community forestry created around the country. The Cambodian government helped legalize the existed community forests and created many new CF. As stated above, by 2010 there were 420 community forestry covering around 400 000 hectares across the country (table 9). However, only 173 legally registered and approved by MAFF while the rest have still operated without the formally recognition (Blomley et al., 2010). The lack of legal recognition hindered the CFi from requesting the cooperation from the authorities as well as fighting against illegal fishing.

**Table 10:** Numbers of CF (Source: FA CF Database, 2010)

Province	Toal (All sites)		In MAFF		Approved by MAFF	
	CFs	CF Area	CFs	CF Area	CFs	CF Area
Battambang	17	5,415	13	3,531	-	-
Banteay Meanchey	11	4,970	-	-	11	4,970
Kampong Cham	10	3,480	5	1,783	-	-
Kampong Thom	68	68,555	-	-	48	40,866
Kampong Chhnang	33	10,910	28	5,399	5	5,511
Kampong Speu	22	12,915	22	12,915	-	-
Kampot	23	10,648	9	5,477	-	-
Kep	2	426	1	60	-	-
Koh Kong	13	15,093	-	-	13	15,093
Kratie	35	52,154	21	35,407	-	-
Mondolkiry	9	12,401	4	4,176	-	-
Oddor Meanchey	14	68,878	2	8,401	12	60,477
Pailin	4	858	4	858	-	-
Preah Vihear	21	44,950	21	44,950	-	-
Pursat	52	6,260	38	2,783	-	-
Ratanakiry	28	37,815	-	-	-	-
Siem Reap	37	18,122	-	-	37	18,122
Stung Treng	6	14,838	6	14,838	-	-
Svay Rieng	2	504	-	-	2	504
Takeo	13	10,606	1	557	-	-
<b>Total</b>	<b>420</b>	<b>399,798</b>	<b>175</b>	<b>141,135</b>	<b>128</b>	<b>145,543</b>

The Cambodian government has enacted a number of law, regulations, and programs to support the community forestry. For example, the government ratified the forestry law in 2002. One year later, they issued sub-decree on community forestry to give more legal support to the community forestry. They also designed another guideline

(*Prakas*) on community forestry in 2006.<sup>62</sup> The government, through FA, has continued initiating additional programs to secure the smooth operation of community forestry. Noticeably, in 2008 and 2009 FA in cooperation with relevant stakeholders developed the National Forest Program (NFP). There are seven programs in NFP in which community forestry is one among them. In addition, they also included three sub-programs related to community forestry.

The first sub-program is community forestry identification and formalization. This program was designed to help communities receive legal registration through a participatory process. Community, institutional and livelihood development is the second program. The main purpose of the second program is to provide capacity building to management committees and members of the community forestry. The third program related to community forest development support that assists the community to deal with conflicts, develop networks and coordination, and design the regulations.

In the decentralized forest management approach, community forestry is one among the four models. The second model is community commercial forestry (CCF) that focuses mainly on sustainable forest management and timber use. The third one is partnership forestry which gives power to commune council to lead the management duties. The final pattern is community forestry in protected forest. This one is mainly managed by the MoE in their protected forest areas.

In 2007, the government also created the National Community Forestry Program Coordination Committee (NCFPCC) to facilitate NGOs and government effort toward effective community forestry. Even though there are committees created to support community forestry, the process of creating community forestry is still complicated, very expensive and takes longer time.<sup>63</sup> In addition, community has not received enough power to operate their tasks, especially when dealing with the powerful outsider loggers.

**Table 11:** Guideline and Cost Estimates for CF Establishment (Source: Blomley et al., 2010: 21)

<sup>62</sup> See for example, Oberndorf, R. B, “Overview of the policy and legal framework related to CBNRM. In Rotha, K, S. et al., (eds) *The development of community based natural resource management (CBNRM) in Cambodia*. CBNRM Learning Initiative, Phnom Penh.

<sup>63</sup> According to FA guidelines on establishing community forestry, there are 11 steps to follow in order to create a community forestry. It takes longer time with large amount of money spent.

CF Establishment Steps		Proposed by D&D		Comments from CSO/FA	
		# day	Total (\$)	# day	Total (\$)
Step 0	CF area identification and approval	-	-	10	1,800
Step 1	CF Formulation	20	3,000	20	3,600
Step 2	Information collection (PRA and others)	-	-	40	7,200
Step 3	Develop CF Management Committee	30	5,000	15	2,700
Step 4	Develop internal rules of CFMC	45	4,000	15	2,700
Step 5	Boundary demarcation and planning	30	7,000	60	10,800
Step 6	CF Regulations	30	5,000	15	2,700
Step 7	CF Agreement	80	3,000	10	1,800
Step 8	CF Management Planning and Inventory	135	15,000	100	18,000
Step 9	Enterprise/ livelihood development	-	-	-	-
Step 10	Management plan implementation	-	-	-	-
Step 11	Monitoring and Evaluation	20	5,000	20	3,600
<b>Total</b>		<b>390</b>	<b>47,000</b>	<b>305</b>	<b>54,900</b>

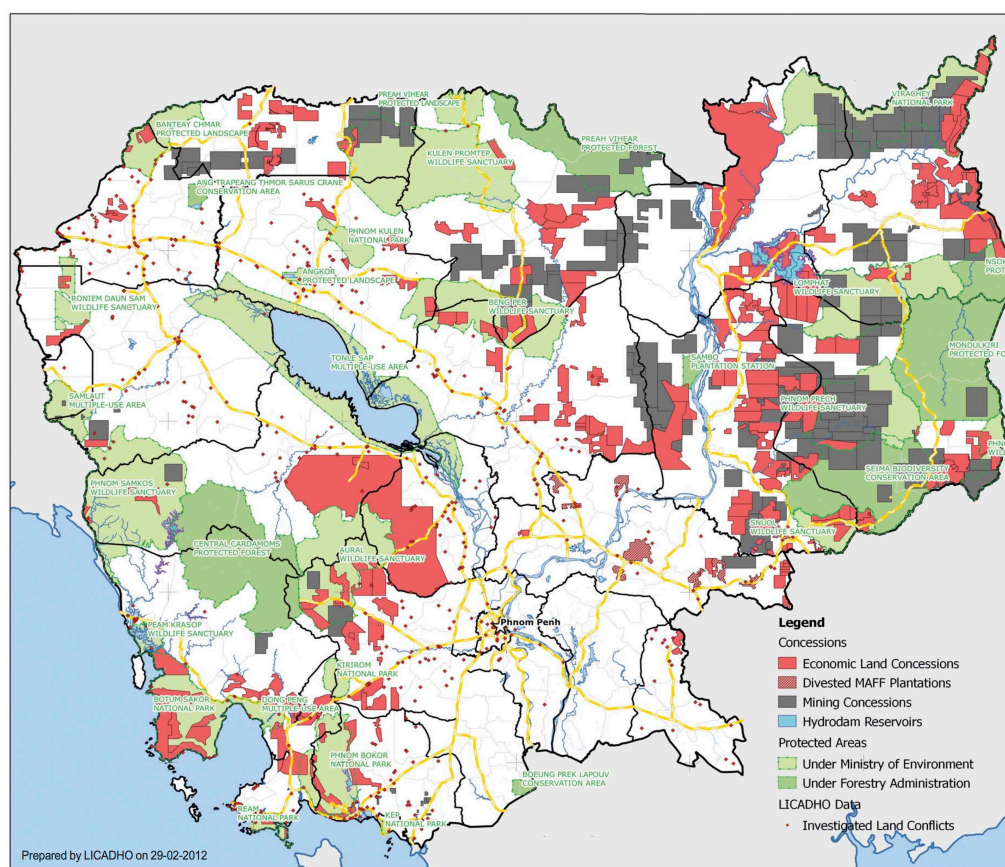
In addition, it costs around \$55, 000 to create a community forestry. In some locations where there are conflicts over land use, the cost is higher and very lengthy. If the process of creating CF goes smoothly, it takes at least 300 days to complete all the steps. Without donor and NGOs support, it is almost impossible for the communities to afford to have legal CF.

## 4.2 State Intervention in Land

According to Scheidel et al., Cambodia has 18.1 million hectare of land and is divided into ecological overhead and extensive uses and colonized land (Scheidel et al., 2013: 346). The ecological overhead and extensive uses land is 9.5 million hectare (53%) while colonized land is equivalent to 8.6 million hectare (47%). Cambodian peasants occupied about 3 million hectares of arable land (17) while more than 4 million hectares (24%) are controlled by the companies and small groups of people. These small groups of people received large-scale forest, land, and mine concessions from the government. From the late 1990s saw the intensification of state interventions in land through the allocation of ELCs and the introductions of major policies on land.

### 4.2.1 The Economic Land Concessions

As figure 11 indicates, more than 4 million ha of land in Cambodia are controlled by small groups of people in the form of concessions. Prior to the 2000s, around 6 million hectare of Cambodian forestland was granted to companies and individuals in the form of forest concessions. However, the Cambodian government cancelled the majority of forest concessions due to its negative impact on the forest. At the same time, it abolished the forest concessions, the RGC began to grant large amount of land to companies and individuals in the form of economic land concessions. By 2013, the Cambodian government granted more than two million of economic land concessions to private companies and wealthy persons.



**Figure 11:** Map of Cambodian Land Concession (Source: LICADHO 2013)

Economic Land Concessions or ELC refers to a long term granting of land to private companies or individuals to develop the agro-industrial and create jobs for the local people where the ELCs are located. The MAFF is the only state agency responsible

for studying and granting the concessions. Prior to 2008, the authorities at the provincial level could grant less than 1000 ha of ELC, but they were banned from leasing ELC after the release of sub-decree on the modification of ELC.<sup>64</sup>

ELC is not new in Cambodia. It dated back to the colonial time when French introduced large-scale rubber plantations with the allocations of large amount of land to concessionaires (Slocumb, 2007). During the Sangkum period from (1953-1970) there were some concessions of land for rubber plantations in the eastern and northeastern part of Cambodia. However, the private concessions were interrupted and stopped during the civil war from the 1970s to the early 1990s.<sup>65</sup> After the Paris Peace Agreement in 1991, the private concessions were introduced again in the form of forest concession. At the same time, there were small-scale of land concessions.

The impetus of land concession was formalized and increased after the enactment of sub-decree 146 on economic land concessions. The sub-decree was signed on 27 December 2005 and is guided by a number of environmental and social safeguards. For example, the sub-decree regulated to conduct Social and Environmental Impact Assessment (SEIA) prior to the granting of ELCs. The sub-decree also includes the public consultation with authorities and local residents before giving ELCs. However, many of ELCs practices did not follow the sub-decree such as the SEAI and the inclusion of local residents before allocating ELCs. Many case studies of ELCs indicate the conflicts with local residents and the violation of regulations (Chandet et al., 2010; Neef et al., 2013).

The granting of ELCs created many problems such as land grabs, land conflicts and forced eviction. There have been many reports of the impacts of ELC on land security of local people in which their land was grabbed and were evicted from their land (Thiel, 2010; Scheidel et al. 2013; Neef et al. 2013; Springer 2013). Based on LICADHO and Adhoc reports, almost one million people were affected from the granting of land concessions. The people who affected from the granting of ELCs, with the support of NGOs, have protested for suitable compensation. They have used a number of common mechanisms to demand for solutions such as the blocking of national roads, marching to the city, or gathering in front of the National Assembly building or the Prime Minister's house (Dara and Blomberg, 2014). In some cases, the

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<sup>64</sup> Sub-decree No.131 on Modification on the Sub-decree on Economic Land Concessions 2008.

<sup>65</sup> During DK, all rubber plantations, like everything else, became State property and most were operating with all crêpe or rubber sheets being exported to communist China.

villagers used violent measures to protect their house and land, but were suppressed by the military forces and the judicial means (Titthara & Boyle, 2012; Radio Free Asai, August 12, 2014).

In response to the critics of granting ELCs and the affects on local people land and livelihoods, the Prime Minister signed a Land Policy Declaration in 2009 to regulate that land distribution should guarantee the equity, food security, social stability, and promote effective land use. The government and donor countries also initiated land titling project to secure the land security of land people amid the increase of economic land concessions prior to this land policy declaration.

#### **4.2.2 Cambodian Land Title Program**

According to the great economist Karl Polanyi, land is not an ordinary commodity but the basis of life, and thus exclusion from access to land is continuously subject to what he calls counter movements recalling land's social function (Polanyi, 2001). Based on Polanyi's emphasis on land, the security on land is very important for people lives, especially those who strongly depend on land for supporting their livelihood. Applying to the Cambodian case, land security is very crucial for the majority of the population since the large proportion of Cambodian people lives in rural area and earns their living from agricultural works (Scheidel et al., 2014). Due to their strong connection with agriculture, land has always played important role for Cambodian people.

Land security issue has existed in Cambodian society for long time. According to their studies during the 1950s and the 1960s, Hu Nim and Khiev Samphon found out that the majority of Cambodian people hold small piece of land which pushed them to rent land from large-scale land owners (Hou, 1982; Khieu, 1993). This is not far different from the current situation of land security in Cambodia where about one fourth of the populations are land less.<sup>66</sup> While many Cambodian peasants own land less than one hectare, a small group of people own large area of Cambodian land (Cock, 2011). This situation has led to insecurity of land across the country, especially those in rural areas where they receive less legal and financial support when they face land grabbing

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<sup>66</sup> More than 80% of Cambodian live in the rural areas and about 21% of the rural households are landless while around 45% are land poor owning no more than 1 hectare per household. See, Sophal, C. Impact of high food prices in Cambodia. CDRI Policy Brief (2008).



or eviction. Land grabbing is one of the salient mechanisms that the rich and powerful use to take control on land they want. Land grabbing is also the main factor that contributes to the land insecurity. To provide land security and increase the productivity of land use, the RGC and World Bank initiated a land titling project.

One year after the ratification of Cambodian Land Law in 2001, the RGC and international donors, especially the World Bank agreed to establish the Land Management and Administration Project (LMAP). The LMAP covered several projects related to land such as land policy and regulation, land management, conflict resolution, and building capacity to deal with land issues. According to Sokbunthoeun (2010) and Biddulph (2014), the core project of the LMAP was Systematic Land Title Registration (SLR). SLR aimed to provide land titles and formalized and legalized those who did not have land security. In its early stage, the LMAP made positive improvement with the registration of more than one million land parcels.<sup>67</sup> According to both researchers, the granting of more than one million titles contributed a lot to the peasants in rural areas to protect their land from land grabs.

Scholars used different terms to evaluate the LMAP. Biddulph (2014) called it a failed project because it could not apply to the area where there is stable tenure security on land already. He argued that the titling project in the areas where there is existed land security contributed little to the increase of production as what the RGC and World Bank expected from the project. Dwyer (2014) supported Biddulph by arguing that the LMAP should be applied to the conflict prone areas where the poor residents really need land titles to protect their farms and residential areas from grabbing. Both authors provided examples of Boeng Kak lake in Phnom Penh and the northwest of Cambodia where the LMAP could not resist the capture of land resources by the powerful elites.

Sokbunthoeun (2010) called the LMAP an unfinished project because it could not attain the several expected goals the project covered. According to Sokbunthoeun, the bureaucratic weakness and the implementation of the project by the politicized and personalized state bureaucrats are the main reasons leading to the failure. He further found that the involvement of the elites in land speculation and contraction hindered the smooth implementation of the project. He proposed a number of solutions to solve land right problems in Cambodia such as giving priority to resolving land claims in conflict prone zones, encourage registration of all land transfers, convince elites of political utility of land reform, and include citizen empowerment on the reform agenda.

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<sup>67</sup> There are over 10 millions titles needed to be registered in Cambodia.

After the disagreement between the RGC and the World Bank on the operation of the LMAP and its effectiveness, the land titling projected was not active for a while before the prime minister started another land title distribution to people in rural areas in 2012.

#### **4.2.3 Order 01 On Land Title Distribution**

The high involvement of the elites and the powerful people in land grabs and the allegation that the World Bank made a mistake in its land title project, especially the forced eviction of Boeung Kak led the project to an end in 2009. Even though the World Bank tried to resume the dialogue with the government to bring the LMAP back, it did not work. In response, the World Bank suspended their new loans to Cambodia which made the Cambodian government furious. According to Milne (2014), the Cambodian government often rejected the land proposals from donors after the suspension of WB land title registration project. For example, in 2012 the donors proposed new land project aiming to reduce the forced evictions and protecting human rights, but was denied by the Cambodian government side.

Surprisingly, the government kept granting the ELCs while there were constant forced evictions and people resistances for justice. The villagers who suffered from the ELCs and land grabs received little support and response from the authority, especially the politicians who have been elected by the people. It was until 2012 that Cambodian Prime Minister made a surprise intervention in land. The Prime Minister announced a moratorium on allocating ELCs and introduced the leopard skin policy in May 2012. Leopard skin policy ordered the companies and authority to respect the residential areas of local people in the concession areas. For example, the companies that received ELCs must not force people out of their concession areas if they have settled there before the arrival of the companies. To implement this new project, the Prime Minister employed thousands of young students as youth volunteers. This intervention allowed people in the frontier areas to receive private land title up to five hectares through the works of over 5000 student volunteers. This new intervention in land was called Order 01 On Land.

The Order 01 surprised many people and researchers because of the employment of a massive group of young students. It was strongly supported by the Prime Minister, his ministers, and the tycoons. Almost every week, the televisions broadcasted the ministers or tycoons brought the gifts and food for the volunteer students in the name of the Samdech Prime Minister. The student volunteers received special treatment from the

authorities and the medical staffs wherever they went.<sup>68</sup> They were offered army fatigues and were transported by the new military trucks. Milne (2013) observed the high profile promoting of the student. She noticed that the state controlled media called those students as heroes and they received nearly half million dollars from the Prime Minister with a lavish party in Phnom Penh.

For researchers on Cambodian resource politics such as Milne interpreted this intervention as a mechanism the CPP used for the election. She agreed with other Cambodian resource politics scholar (Hughes, 2006; Un & So, 2009) that this is strategy used by the ruling party in their gift giving and strong patronage system in Cambodia. She also observed that this intervention was used to gain support for the election rather than solving the land problems because the interventions happened a few months before the commune council elections and a year before the national elections. From her case study in the northeastern part of Cambodia indicated that student volunteers did not distribute titles in the conflict prone areas where there were involvement of the elites and powerful people.

In addition, the distribution of private land titles impacted the livelihoods and the communal land title registration of the indigenous people. In addition, in some cases the granting of private land titling operated through Order 01 caused rupture among people within the community because some favor private property for certain purposes, mainly to mortgage and sale. An independent social analyst observed the same impact during his interview with Radio Free Asia in March 2014.<sup>69</sup> He also found that Order 01 Policy was harmful to indigenous communities and destroyed the harmony of the community.

### **4.3 Assessment of Forest and Land Initiatives**

This section offers the assessment of the forest and land policies discussed in the above parts. The author analyzes the forest concessions, forestry law, community forestry, ELCs, land law, land policy in 2009 and 2012. The author starts with forest

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<sup>68</sup> There were some cases indicated the well treatment toward the volunteer students. In one case, the boy who was bite by the poisonous snake was left to die. The doctor and medical staffs in the hospital where the boy was brought denied to give the medicine to the boy and claimed they were told to keep those medicines for the volunteer students. In the other accident, one volunteer student died during their mission. The Prime Minister and his senior officers went to join the funeral which was rare in Cambodia.

<sup>69</sup> Radio Free Asia Discussion on the Impacts of Granting Economic Land Concessions in the Northeast Areas of Cambodia: <http://www.rfa.org/khmer/callshow/impact-of-land-concession-03172014223134.html>

policies. The forest concession introduced in the mid 1990s was an earlier attempt to improve Cambodian forest. It was a good intention to improve the forest management, especially through monitoring the revenue from the logging. The gathering of large forest areas into small groups of people (36 concession companies) was helpful for the sake of managing the revenue and the operations of the companies. However, the complicated coalition of logging stakeholders beyond the concessionaires such as the armed forces and the involvement of powerful politicians in logging business made the forest concession failed. The forest concession failed to reduce the illegal logging. Instead, the concessionaires also involved with large-scale illegal loggings in their concession areas.

After the failure of forest concession, the RGC introduced the Forestry Law in 2002. According to this law, the government agencies responsible for the forest management received clearer roles, power, and duties, especially the establishment of the FA in 2003. The law also classified the forestland and set up the rights and obligations for the forest users. This law also regulated the provision of private sector and community participation in the process of forest management. The forestry law also emphasized the conservation and protection of forest and wildlife. Importantly, the forestry law included sections on the community forestry that allows FA to set community forestry across the country.

CF was seen as the new seed of Cambodian decentralization of natural resource management. There are already around 500 community forests created across Cambodia. However, less than 100 received legalized registration. The processes of creating and registering CF were complicated, time consuming, and expensive which become obstacles for the communities that do not receive any support from NGOs or donor. In addition to the complex procedure, many CF do not operate well for a number of reasons. The first reason is the lack of power to fight against the illegal loggings. CF members could go patrolling, but they do not have rights to arrest the illegal loggers. They can report the cases to the police or forestry officers to take actions. This situation frustrated many community forest members because they have seen very little effective actions after they reported. Second, the community forestry does not have stable source of income to operate their tasks. This is similar to the CFi where many of them depend on the small funds from NGOs or donors to operate their tasks. Third, the permission to use the forest areas for only 15 years and the lack of cooperation from the authorities made the frustration among the members.

Concerning land policies, the land law 2001 is the main legal framework for controlling and managing land. Actually, Cambodia used to introduce another land law in 1992. The 1992 land law was believed to be part of the problem in land management in Cambodia. According to Un and Sokbunthoeun (2011), the law covered two aspects: ownership and possession rights. Many of the problems rested on the possession right which was defined as the temporary and may remain valid if the possessors continue to use the land under their possession. According to Un and Sokbunthoeun, the powerful individuals and the elites who had access to information and legal procedure claimed the ownership on land. Some land was already possessed by other people which created the conflicts.

The 2001 land law is much improved compared to the 1992 land law because it offers two important points concerning the ownership. First, the law provides support for the Systematic Land Title Registration (SLR) and cadastral index map. Second, it prohibits the clearing forestland and temporary land possession which existed in the 1992 land law. Even though there are two land laws in the last decade, land problems still continue. There are land grabbing, forced evictions and unfair relocations in the countries, especially those in the slum areas in the city. Some researchers explained the ongoing land problems as the lack of political will and weakness institutional structures as well as corruptions (Rabe, 2010; Cock, 2010). Un and Sokbunthoeun explained that the failure to implement land law and solve land problems was coupled with the patronage based electoral politics, linked with the expropriation of state land for private wealth enrichment and party financing through the facto changes in legal land classification (Un & Sokbunthoeun, 2011: 291).

ELCs have been the hot debated topic over the decade after the RGC introduced from the 2000s. Sub-decree in 2005 on ELCs allowed the granting of large-scale land to private companies over the duration up to 99 years to develop agro-industrial plantations and create employments. ELCs have been found to cause deforestation, land grabs, forced evictions, and land conflicts. Of the over one million ELCs in Cambodia, only about 10% was actually put into productive use.<sup>70</sup>

Similarly, was not implemented fully. The WB supported SLR with the RGC was suspended in the early 2010 because of the controversy on land grabs and force

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<sup>70</sup> See, Supreme National and Economic Council and John F. Kennedy School of Government, "Raising rural incomes in Cambodia: Beyond sectoral policy, toward a framework of growth". Phnom Penh: UNDP Discussion Paper no. 4, 2007.

evictions. Even the suspension, the project did contribute to the land security of around one million titles the project supported. However, there are about 10 million titles to be registered across the country. However, the systematic land title registration worked only in the places where there is already tenure security. It was rare to see the systematic land title registration operated in the conflict prone areas or the sites where there are ELCs in which villagers in those locations really need the land title to secure their land from grabbing.

In response to reduce the tension and conflict between the villagers and the concessionaires, the RGC introduced Leopard Land Policy in 2009. This land policy regulated the concessionaires and authorities to allow people living and cultivating in their villages even though the villages and the farms are covered by ELCs. However, in real practice this policy worked very little.<sup>71</sup> Again, in 2012, Cambodian PM Hun Sen introduced another land title distribution initiative through sending at least five thousand students volunteer to rural areas and issued the land titles to people. This initiative produced both positive and negative results. Positively, people who already lived on the land with tenure security, but did not have land titles could receive the land titles from those students volunteer. Negatively, this initiative encouraged the clearing of forestland and push for land grabs and land conflicts. According to Adhoc's group head of human rights and legal aid, the issuances of land titles created cheating and the confiscation of land from the poor by the authorities. People who wanted the measured land by the students confronted with the companies and authorities that created the conflicts.<sup>72</sup> With the corruption and the inaction of the local and provincial authorities, the land problems prolong with the increase of demonstrations and the suppressions.<sup>73</sup>

#### **4.4 Questioning Territoriality**

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<sup>71</sup> On August 19, 2014 Adhoc released the report of legal action over land disputes over the last six months in 2014. According to Chan Saveth, Adhoc's head of monitoring, reported that there are 126 cases of charges being laid against land dispute which is already exceeded the 109 cases of cases last year. See detailed, Pheap, A. "NGOs says legal action over land dispute on the rise". *Cambodia Daily*, 59 (1): 15, August 20, 2014.

<sup>72</sup> See for example, Pheap, A. "NGOs says legal action over land dispute on the rise". *Cambodia Daily*, 59 (1): 15, August 20, 2014.

<sup>73</sup> In his long speech on August 19, 2014 in front of government officers, foreign diplomats, investors, and students, PM Hun Sen blamed his high ranked and provincial officers for their inactions to solve land problems. He asked the officers to resign if they could not solve the land dispute of people in Kratie province. See detailed, Pheap, A., "Officials trade blame over Kratie land dispute. *Cambodia Daliy*, 58 (99): 1-2, August 19, 2014.

The case studies of the politics of the Cambodian state interventions in natural resources indicate the different approaches and measures state used in the interventions. The international pressure and the domestic factors led the state to interventions in natural resources. The importance of the resources such as economic and political value influenced the state to choose particular methods to intervene in the particular resource. The geography and the visibility of the resources also contributed to the selection of measures and approaches by the state. That was why, over the last two decades, the Cambodian state applied different methods in their interventions in forest, land and fishery resources.

The interventions in forest and land have a lot in commons. The interventions happened in the form of territorialisation in which the state assigned or transferred the resources from one owner to the other holder under their stronger control. For example, the introduction of the forest concessions in the mid 1990s was seen as the expansion of state power to control the resources and people for a number of reasons. Firstly, the state transferred state public property to private owners: the concessionaires. More than 6 million hectares of forest areas were allocated to the private companies to manage and extract the timbers in the mid 1990s. Secondly, even though the concessionaires were private entities, they were bound with rules and regulations designed and imposed by the state agencies which means that they were monitored by state agents responsible for the forest concessions and forest management. Thirdly, the forest concessions served the elite capture of forest resource from the poor who had already live in those forest areas. Some researchers saw this territorialisation as the mechanism state used to gather the resource into their strong control, especially allocated to a small number of concessionaires who had closed connection with the powerful politicians.

Similarly, the state interventions in land occurred in the form of territorialisation because it was a mechanism state used to transfer the resource from state public property to state private property through a small group of concessionaires. Through the ELCs, the state could transfer the public state property to private companies and individuals, especially the tycoons who have given support to the powerful politicians. Again, the land concessionaires were tied with the rules and regulations assigned by the state and implemented through various agents whose jobs are to

monitor and supervise the ELCs.<sup>74</sup> However, the implementation of the rules and regulations was weak because of the corruption and the strong influence of the powerful people on those who were responsible for implementing the rules and regulations. As Cock (2011) found from his research on the elite capture of land in the northeastern area of Cambodia, the law implementers were afraid to carry out the rule and regulation when the powerful people involved with the case. Boeng Kak and sugar cane cases in Phnom Penh and Kampong Speu and Koh Kong have been an outstanding case of the poor implementation of law because of the elite capture of the land (Biddulph, 2014; Rudi et al., 2014; Springer, 2013; Dwyer, 2014).

From the case studies of forest and land, only small groups of people, especially those who have good connection with the ruling party and powerful politicians received land concessions from the government.<sup>75</sup> As Beban and Courtney (2014) and Dwyer (2013) found from their research, two senate members enjoyed the privilege from their good connection with the ruling party. For example, in Pursat Province alone, one senate family was linked with the control of around 300, 000 hectares of ELCs. The other senator controlled large areas of land in Kampong Speu and Koh Kong Province.

In short, both interventions in forest and land can be explained as territorialisation because the state assigned and transferred the resources from loosely control to stronger control under the name of private companies or individuals as the contractors. It was seen as a way the state used to capture the resources and distributed among small groups of people, particularly those who have good connection with the politicians who are influential in steering the state. In addition, it was also observed that the state used those interventions to spread their political power to the peripheral areas through the state agents. The legibility of the resources and people who depend on the resources makes the state easier to control and extract natural resources and above all supervise the people movement in the frontier areas.

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<sup>74</sup> The investors or businessmen could obtain ELCs through two state agencies: MAFF and the Council of Minister. However, the detailed processes of granting ELCs is kept secret from the eyes of the publics and NGOs who want to know this information.

<sup>75</sup> Verver and Dahles argued that land speculation and land contraction was one of the jobs that Cambodian *Oknha* have strongly involved. For the detailed discussion of Cambodian *Oknha* and their involvement with ELCs, see for example, Verver, M & Dahles, H. (2014). The institutionalization of *Oknha*: Cambodian entrepreneurship at the interface of business and politics. *Journal of Contemporary Asia*.



#### 4.5 What Explains State Interventions in Forest and Land?

The case studies of the Cambodian state interventions in forest and land can be explained with several state motives. The first and common motive to explain the state interventions in forest and land in Cambodia is that it is low-visibility financing of investment and income transfers. According to Ascher, the exploitation of natural resources is generally implemented in rural areas and far from the sight of the publics. In addition, it is almost impossible for the outsiders to gather enough information of the exploitation of natural resources in the peripheral areas.<sup>76</sup> Without the permission and the cooperation from the authority, it is hard to know the exact amount of logs or land lease as well as the incomes from the manipulation of the resources. The Cambodian case of state interventions in forest and land could be explained from this motive.

The manipulation of Cambodian forest in the mid 1990s and the early 2000s occurred in the mountainous and rural areas where access was almost impossible for the general publics. Almost all the 30 forest concession companies located in the dense forest in which there were no proper roads to enter those areas during the 1990s. This allowed the companies to hide their loggings from the eyes of many people and helped them to escape from the critics and complaints. The exploitation of forest in the peripheral areas also restrict the access of the outsiders such as environmentalists, NGOs staffs, or the publics to know what actually happened in those areas and how much amount of trees were logged. As Global Witness and some NGOs reported, nearly all the forest concession companies employed their own security guards or the military which was dangerous for outsiders who wanted to enter their forest areas to collection information.<sup>77</sup>

Many of the land concessions in Cambodia are located in the peripheral areas with some were covered by dense forest. Some concessionaires targeted the timber rather than developing the agro-industrial crops as stated in the purposes of the ELCs. Again, it is not easy for outsiders to collect information on what the concessionaires did in their concessions without the permissions from the companies or the

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<sup>76</sup> The author refers the outsiders in this section to the NGOs people, international consultants, researchers who have interest in knowing the situation of forest and land.

<sup>77</sup> On 26 April 2012, the outstanding forest activist Chhut Vuthy was killed by the security guard during his mission to collect information in the logging area in the remote area. Adhoc (2012). Killing of Mr. Chhut Vuthy. Adhoc Report.

interventions from the government which was always impossible. In addition to the lack of access to the concession areas, the information from the government in regards to the land concessions is also restricted. Most of the information related to land concessions is mainly released from the NGOs in which the government often rejected those data.

The low political cost of manipulating the natural resources is another motive to apply with the case studies of the Cambodian state interventions in natural resources. According to Ascher, there are four main points related to the low political cost of exploiting natural resources. They are low redistributive impact, the losers are the poor, the future losers are the future generations who are generally less political power, and the natural resource manipulations often hide behind the slogans of pro-development or pro-conservation.

Tracing the Cambodian state interventions in forest and land illustrate that it is the poor farmers and indigenous people who suffered from the forest and land concessions. As reported by NGOs that have worked on these issues, almost one million Cambodian people, mostly in rural areas, have impacted from the land concessions. This number does not include the community people who have affected from losing their source of NTFPs and raise trees from the forest concessions. The rich case studies show that the poor people are the losers because they have less political power to demand for the compensation. Some community members were arrested or scared because of their participation or leading the movement for just treatment.<sup>78</sup> It is rarely to see the rich and powerful people who involved with the land grabs or the violent measures were responsible for actions. One of reasons was that they have used the court to protect themselves. As Schneider et al. (2013) emphasized, the rich and the powerful people in Cambodia have used the judicial system to legalize their illegal acts.<sup>79</sup> Within this context, the future generations of Cambodian will be inevitably the losers if the situation does not change.

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<sup>78</sup> Four leaders of the protest in Broma village were arrested in accuse of attempting to set up autonomous zone. But from the NGOs that have worked on the issue of Broma village explained that those people just protected their land from being grabbed. Voice of America (2012). Krait demonstration area sealed as police arrest leaders. Broadcasted on May 17, 2013.

<sup>79</sup> In their report of land conflict in 2013, CCHR found that the concessionaires used to judicial system to protect their interests and legalized their acts. There were almost no cases of the rich lost the cases with the poor peasants. CCHR (2013). Cambodia: Land conflict an overview of the land situation. Phnom Penh, Cambodia.

Another application is that both the forest and land concessions were claimed to be pro-development and pro-conservation. The Cambodian state often claimed that the leasing of the forest concessions was to manage and protect the forest from illegal logging. Similarly, the granting millions hectare of land as ELCs was explained as a strategy to promote agro-industry development in the country.<sup>80</sup> They linked ELCs to many jobs creation as well as the protection of the forest in the ELCs. However, the real practice turned to be different. The forest and land concessions are believed to be the two main factors of the rapid forest lost as well as the cause of conflicts and violent.

The third motive is the distribution of the resources to small groups of people in exchange of some officials' objectives. Throughout the case studies of the Cambodian state interventions in forest and land demonstrate that only a small number of people, especially those who have good connection with the ruling party received large proportion of forest and land concessions. According to the literatures on Cambodian forest and land policy and politics, the ruling party used forest concessions to generate revenue and exchange for loyalty among the military generals (Le Billion, 2000, 2002). As Un and Sokbunthoeun explained, the ruling party also used land to cement the relation with the tycoons who are the main financial supporters of the party during the election campaigns or on special occasions. Verver and Dahles also found that *Oknha* who were mainly selected by the Cambodian prime minister have provided financial support to the party. In exchange, those *Oknha* received privilege to monopolize some business or generate money from exploiting natural resources.

In summary, Cambodia has produced plenty of laws and regulations related to natural resource management. However, the problem rests on the real implementation on the ground. Many of the laws and regulations work only on paper. The lack of political willing, the weak and corrupted intuitional structures, the electoral politics and the neopatrimonial system are the obstacles to the smooth and effective implementations of the laws and regulations.

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<sup>80</sup> A Cambodian lawmaker from the ruling party said that deforestation is good for the economy. He said "If they do not want us to cut the forest and stop the economic de-velopment, we cannot accept this". See for example, Chen & Mech (2013). CCP lawmaker says deforestation is good for economy. Cambodia Daily, November 7, 2013.

## **CHAPTER 5: INTENSIFIED INTERVENTIONS IN FISHERIES FROM THE 2000s**

This chapter primarily discusses the two major state interventions in Cambodian fishery (the Tonle Sap Lake) over the last decade from 2000 until 2012. The chapter is divided into two parts. The first part is about the major reform in fisheries in 2000. The second part explains the recent reform in fisheries in 2011 and 2012 and situation after the interventions. The first part begins with the issues that led to the major fisheries reform in 2000. The author also reviews what came after the intervention, especially the process of designing and implementing community fisheries, which has been part of the problem in community fisheries management until the present day. The second part focuses on the reform in 2011 and 2012 that was described by the government as “deep and historical reform in fisheries over the century” to suppress illegal fishing and abolished the fishing lots.<sup>81</sup>

### **5.1 State Intervention in the 2000s**

As discussed in the section on the historical development of Cambodian fishery's administration in chapter 3, the fisheries intervention in 2000 was not the first major reform in the history of Cambodian fisheries management. The cancellation of the general fishery farm in 1908 should be treated as the first major intervention in the study of state interventions in Cambodian fisheries. However, there are almost no detailed studies and discussions on this 1908 intervention due to the time that has passed and the lack of availability of documents in English. Almost all Cambodian fisheries-related publications during the colonial time, especially the explanations of the intervention in 1908 were written in French, making them difficult to access for the researchers who have no knowledge of French. Instead, much more attentions has been given to the major fisheries reform in 2000 because it happened at a time when research on Cambodian natural resources governance became popular among donors and foreign researchers.

Interestingly, the three major fisheries reforms in Cambodia over the last century targeted the fishing lots. In 1908, French administration, through a Royal Ordinance, ordered the cancellation of the existing general fishery farm by allocating some areas as

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<sup>81</sup> Detailed chronological discussion of this intervention can be found at Marschke (2012) <http://melissamarschke.wordpress.com/2012/03/02/fisheries-mismanagement-elections-and-the-closure-of-tonle-sap-fishing-lots-2-2/>

public fishing ground. They kept only certain fishing areas that were considered beneficial to the economy as a whole, and these areas later became known as the fishing lots. The Royal Ordinance of 1908 had three main articles, there are three main articles attached it. The first article announced the abolishment of the general fishery farm that was created in the late 1890s by King Norodom. The second article allowed general fishermen to have freedom to fish, but required that they pay tax for fishing activities.<sup>82</sup> The last article banned people from fishing in some certain areas that were reserved for economic benefit from fisheries.<sup>83</sup> Article three clearly indicated that a type of commercial fishing lot had been already applied in Cambodia before the royal ordinance in 1908.

The author believes that the Royal Ordinance of 1908 had three main goals. The first message was the French attempt to cut the revenue of the royal palace. As mentioned in the above section, the general fishery farm was one of the main sources of income for the palace. Prior to this reform, a large share of the revenue from selling fishing licenses went to the king and certain palace officers through apanage system. Thus, by taking firm control of fishing lots, French could secure the revenue from fisheries. The second goal was to improve the tax collection of the Protectorate. Throughout the colonial period, French administrators worked hard to collect taxes. Taxes from fisheries represented about one tenth of the total revenue. The last goal was to shift decision-making power from the center to a decentralization. After the reform in 1908, the French *Résidents* at the provincial level had the power to decide, manage, and deal with fishing lots issues. The fishing lots were located in five provinces around Tonle Sap, but many of the Sino-Khmer lot owners lived in Kampong Thom Province.<sup>84</sup>

Again, the fisheries reform in 2000 mainly targeted fishing lots as the government decided to reduce around 50% of the fishing lots and principally allocated the reduced areas to the community. Finally, the recent intervention in 2011 and 2012 aimed at abolishing all the remaining fishing lots and re-arranging the fisheries management. The government also encouraged the community people to manage and protect their fishing

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<sup>82</sup> They taxed on fishing gears and boat in addition to the head tax.

<sup>83</sup> According to the Ordinance, those reserved areas were the former general fishery farms. The French also created more fishing lots, especially in Battambang where Cambodia received it back from Siam in 1907.

<sup>84</sup> NAC 35657: Ferme des pêcheries du Tonle Chhmar et Stung Sen; NAC 35660: correspondences diverses de l'affermage des pêcheries, résidence de Kampong Chhnang, Kampong Thom, and Pursat.

areas by themselves through the creation of community fisheries. The following sections cover detailed information of the state intervention in fisheries in 2000 and 2011.

### **5.1.1 What Led to the State Intervention in 2000?**

On his visit to Siem Reap Province in 2000 to distribute rice to farmers who were affected by serious floods, Prime Minister Hun Sen heard the story of the hardship that the small-scale fishermen encountered, especially accessing fishing areas in the Tonle Sap Lake. He then discussed the issue with his officers and came up with surprise decision on the next day. He announced on television that he decided to cut 8000 hectares of fishing lot areas in Siem Reap and allocate them to the communities. This was the beginning of the major reform in fisheries in 2000. One year later the government announced the release of about 500,000 hectares of fishing lot areas nationwide for open access (Thouk, 2007). The government showed their willingness to help the communities through the encouragement of forming community fisheries (Evans et al., 2004; Marschke & Berkes, 2005; Hawkes, 2006). To support this project, the government authorized the MAFF to lead and monitor the policy implementation. Chan Sarun, who was later on became the minister of the MAFF, received strong mandate from the Prime Minister to implement the government fishery reform policy. They established a Community Fisheries Development Office (CFDO) in order to prepare rules, regulations, and guidelines for the community fisheries. Many seem to agree that the main reason of the major fishery reform in 2000 was to reduce the fishery conflicts and improve fishery management (Ratner, 2006; Kurien et al., 2006; Navy et al., 2006).

Tension related to fishing dated back to the colonial period and before. Archival research, fishery conflict occurred throughout the history of Cambodian fisheries management. During the French colonial time, many of the conflicts were between local fishermen and Chinese or Vietnamese lot owners. The Chinese lot owners who dominated the lots business around the Tonle Sap Lake committed many violations such as using illegal fishing gears, arresting and detaining local fishermen, and over-exploiting small-scale fishermen. However, the French administration was able to deal with the problem effectively. Fisheries management during the post-colonial period until 1970 was characterized by good management and less conflicts (Dina & Sato, 2014).

Throughout the colonial and post-independence periods, the French and subsequent administrations seemed to have managed fishery conflicts and conservation relatively

effectively, with very few negative outcomes. According to interviews with elderly fishermen who finished during that period, fishing lot owners rarely violated fishery regulations or exceeded their lot boundaries. There was no poaching in the lot sites or conservation areas. Most importantly, they protected the flooded forests that are vital as spawning sites. This, however, does not mean that the fishing lot operations during the post-independence era (1954-1970) were without tension between lot owners and local fishermen. In the 1960s there were reports of elite beneficiaries getting benefit from fishing lot operations, as well as fatal casualties among the fishing lot owners and managers (Kurien et al. 2006).

From the 1970s until the 1980s, the civil war and resulting insecurity in the Tonle Sap disrupted fisheries management in general and fishing lots system in particular. But the system was revived in 1987 by the socialist government to supplement the budget through commercial fishing in Tonle Sap, and for conservation purposes as well (Thouk and Senji, 2007; Say 2014). The re-introduction of fishing lots in 1987 marked a new turning point in Cambodian fisheries management and led to a rise of conflict, especially conflict between commercial fishing lot owners and small-scale fishermen. With limited numbers of fishery staff, low salaries, and an increase in corruption in fisheries, fishing lots were not managed well. The lot owners, with the backing of some state officials benefited from them, violated the fishery regulations by over-expanding their fishing lot boundaries and restricting people's access to fishing areas (Say, 2014).

Many fishing lot owners, especially those around the Tonle Sap Lake, had their own armed force or used military forces to monitor and protect their fishing lot. This is confirmed through author interviews with former fishing lot owners in the Tonle Sap Lake (personal communication 2012 & 2013). The lot owners said that the main reason to have an armed force was to protect their fishing lots from poachers. Rather than developing their own arm force, fishing lot owners preferred to cooperate with the military in their area for protection (Degen and Thouk, 1998; Swift, 1997). The lot owners further explained that the lot owners could not arm the lot workers, so they needed to depend on the military to help them prevent poaching in the lots. In exchange, they needed to pay money and fish to the commanders of the military units with which they cooperated. They also paid for the armed forces who were sent to help protect their lots in addition to the payments to the military units.

**Table 12:** The fishing lots guards and weapons used

Province	No. of Lots	No. Guards	No. of Weapons
Battambang	9	82	64
Banteay Meanchey	4	34	21
Kampong Chhnang	6	Less then 51	128
Pursat	4	42	204

Source: Mak, 2011 (p.231)

In 1999, tensions and conflicts intensified (Table 13). There were reports of arrests, injuries, and even accidental deaths resulting from fishery conflicts (Piseth, 2003). In interviews with the researchers, fishermen and former lot owners confirmed that such accidents did happen during that time.<sup>85</sup> A turning point for fisheries management in the Tonle Sap Lake came when more radical interventions were attempted by the state through a fisheries reform in 2000 that included a reduction of lot areas.

**Table 13:** The Conflict in Fisheries

Year	No. of fishing lots	Total areas of lots (ha)	No. of conflicts
1998	164	390,000	826
1999	155	953,740	1990
2000	83	422,203	1258
2001	82	422,203	493

Source: DoF (2002) cited in Hori et al. (2008)

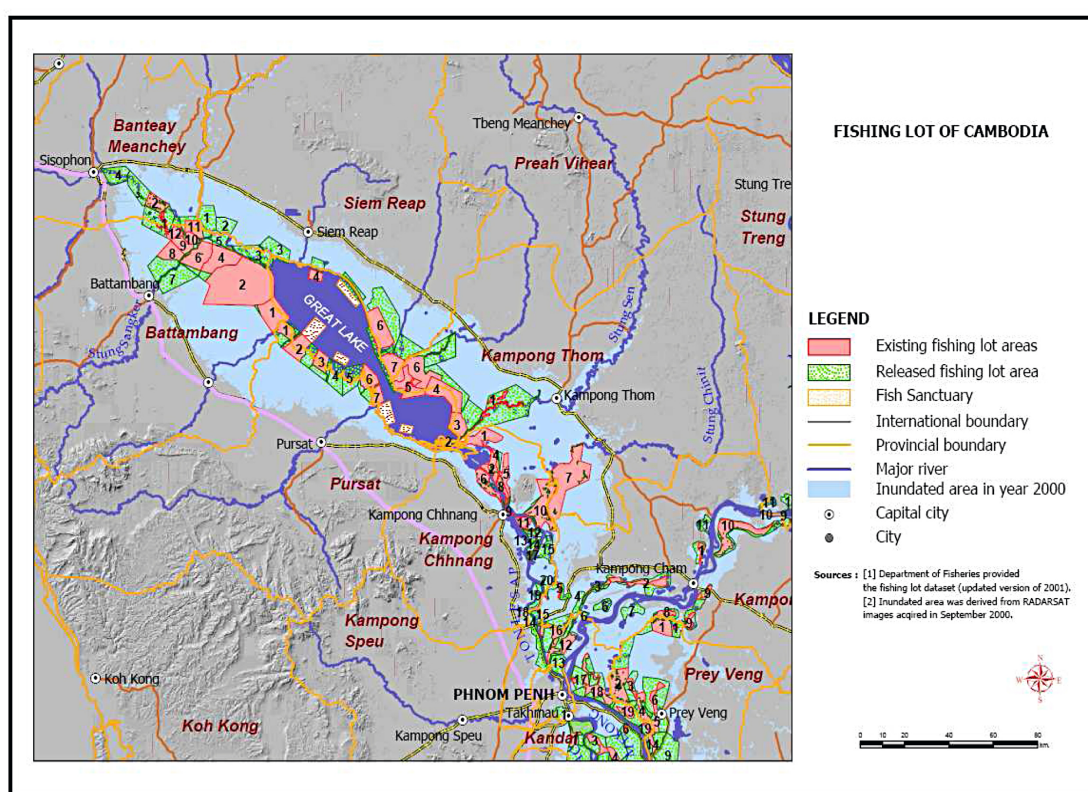
As table 13 shows, conflicts continued to rise until 1999, and began decreasing thereafter, but this tells only a part of the story. Based on fieldwork interviews with fishermen, the author believes that the number of conflicts far exceeded the recorded figures, due to strong reaction by the local fishermen who no longer tolerated oppression from the lot owners and in the increasingly crowded fishing areas. Furthermore, the reputation of the DoF, which had produced the conflict report, was not high among the fishermen who accused fishery officials of corruption and negligence in allowing infringements of the lot owners to continue. These continuous conflicts signify that there has been a complete lack of trust among the stakeholders in the Tonle Sap Lake, which made the resource base even more vulnerable.

In response to the increased tensions, in 2000 the government ordered an approximately 50 percent reduction to the fishing lot areas, and a re-allocation of those

<sup>85</sup> Interviews in Siem Reap, Setember 2012, Januray 2013.



fishing grounds as public fishing sites. However, the reduction lots were small lots that had a value lower than 30 million Riel or about seven thousand dollars.<sup>86</sup> The government also abolished the tax on middle-scale fishing gear in order to contribute to an improvement of the fishermen's livelihood. The allocation of the reduction lots to the community received a strong welcome from the community at its early stage, but made people grew frustrated later on as they claimed that many of the lots were not productive (Mansfield and MacLeod, 2002). Some communities complained that the reduction lots, which they gave to the community fisheries were located far away from the communities and dry half of the year.<sup>87</sup>



**Figure 12:** Map of Fishing Lots After the Intervention in 2000 (Source: MoE, 2005)

<sup>86</sup> Interviews in Phnom Penh, September 2012.

<sup>87</sup> The majority of the respondents who the author interviews during the fieldworks explained similarly in regard to the ineffectiveness of the community fishery. They complained the lack of financial support to operate the patrolling. The community fishery does not have their own stable income, so they have to depend on the aids from NGOs and contribution from the members to buy gasoline. Many community committees said that the contribution from the member is small and could not even support the gasoline for the patrol. In addition, not all members are willing to contribute.

Although government intervention was aimed at curtailing conflict in Tonle Sap, it was also an attempt to promote conservation. The government created core areas for biodiversity conservation, and assigned the Ministry of Environment to oversee management and protection. The government also converted the commercial fishing lots into research and conservation sites. In order to improve the management of the areas assigned to the villagers, the government created Community Development Offices (CDOs) with oversight for community fisheries (CFi). Villagers were encouraged to create community fisheries to control and manage their own fishing areas in order to sustain harvest levels and to preserve fishery resources.

### 5.1.2 Initiatives Post Intervention: Community Fisheries

Even though the government encouraged the creation of community fisheries, the ratification of laws to recognize the community fishery went very slow. Officials working on drafting the community fisheries explained that the lack of experience and capacity as well as political interference made the work proceed very slowly and complicated the effort. With partial technical assistance from the Department of Fisheries (DoF) and substantial support from NGOs, more than one hundred community fisheries were established in six provinces around the Tonle Sap. Some communities were established before the ratification of the community fishery law, but operated without the legal recognition. NGOs and some donors worked actively to promote community fisheries around the Tonle Sap. McKenney and Tola (2002) reported that there were at least 162 community fisheries established by June 2002. The community fisheries represented over 300,000 people in an area of 230,000 hectares. By 2009, there were more than 400 community fisheries established throughout Cambodia.

**Table 14:** Overview of Community Fisheries Status Around Tonle Sap

Province	No. of CFi Established	No. of CFi recognized by law	No. Household Involved	No. of members
Kampong Thom	31	31	7,841	10,676
Siem Reap	22	22	15,013	21,821
Banteay Meanchey	21	15	8,478	29,522
Battambang	42	42	10,864	15,438
Pursat	34	28	8,101	20,867
Kampong Chhnang	52	52	6,585	13,146
<b>Total</b>	<b>202</b>	<b>190</b>	<b>56882</b>	<b>111470</b>

Sorce: Blomley et al, 2010

After the state major's reform in 2000, the creation of community fisheries was encouraged. From a legal aspect, in order to create a community fishery, sub-decree needed to be designed to give legal support to this task. Levinson (2002) found that the ratification of sub-decree is different from law that of a law, as it does not need the approval from the national assembly. The process of approving sub-decree begins from the bottom-up decision. According to Levinson, there are six major steps to go through before a sub-decree is completely approved. First, the drafted sub-decree is sent to relevant ministries for comments and revisions. After getting approval from the relevant ministries, it is sent to the Council of Ministers. At this stage, the Council of Ministers consults and reviews the legislation through the Economic, Social, and Cultural Observation Unit (OBSES). After their review, OBSES writes a comprehensive report and passed it to the Council of Ministers. Finally, the prime minister signs the sub-decree.

### **5.1.3 Drafting the Sub-Decree**

Of the tasks designed after the intervention in 2000, examination of the drafting of the fisheries law and sub-decree on community fisheries are crucial to examine due to their complicated process and long duration. In addition, it is the community fisheries sub-decree that has been blamed for the ineffectiveness of the community fisheries operation due to the limited resources and power granted to the community fishery through this law.<sup>88</sup> Even though it took quite long time and needed to pass through many processes, the sub-decree on creating community fisheries still has weakness in its ability to effectively support community fishery operations. Why did it take such a long time and still not result in a helpful sub-decree? The author will discuss these points in the following section.

The Community Fishery Department Office was responsible for drafting the sub-decree beginning in 2000.<sup>89</sup> The actual date of the initial draft of the sub-decree was January 2, 2001. The title of the sub-decree was "Sub-Decree on Community Fisheries Management" which consisted of seven chapters. On January 5, 2001 they released the drafted sub-decree to the public and sought comments and proposals for, especially from NGOs and communities which had worked on fishery issues for years.

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<sup>88</sup> Interviews in Phnom Penh, September 2011 and October 2012.

<sup>89</sup> Interviews in Phnom Penh, October 2012.

Soon after that DoF and NGOs arranged community level meetings to introduce the drafted sub-decree to fishermen communities around the Tonle Sap Lake area and in other provinces, which lasted about one month. This meeting took place over a one-month period. To consult at provincial level, the DoF also held workshops with provincial officials. Finally, they arranged meetings between the DoF, NGOs, and community people. These meetings often did not go smoothly due to the disagreements among the participants. NGOs and the community people did not agree with some of the articles of the drafted sub-decree.

According to Levinson (2002), despite the disagreement about the drafted sub-decree from the civil society, the process of writing the sub-decree went on. In 2002, MAFF worked on a number of revisions, especially on the issue of legislation. They checked whether the sub-decree was in accordance with the Cambodian constitution. Then, MAFF sent the draft back to DoF for comments. Levinson found that the draft submitted by MAFF mainly focused on technical aspects. The sub-decree did not pay much attention to social and economic issues, notably those related to rural communities. The sub-decree was in accordance with previous laws and regulations, but was seen as out of date in response to the current situation, particularly on the question of support to the communities to manage their natural resources. There is a question on why they designed the sub-decree in this manner. One explanation is the involvement of politics. This can be seen through the involvement of other ministers in the process of review.<sup>90</sup>

Among the points included in the sub-decree, the issue of small-scale fishing gear deserves to be looked at because of the majority of the fishermen are called small-scale fishermen. Although, at its initial stage of intervention, the government encouraged the creation of community fisheries, small-scale fishermen seemed to be marginalized throughout the revision processes of the sub-decree. According to Levinson, in their early discussions, they gave some rights to small-scale fishermen to benefit from the fishery resources. For example, the March 2001 draft sub-decree permitted some legal rights to sell their fisheries products. However, MAFF deleted such rights after the lawyers revised the sub-decree.

There are no detailed explanations on the omission of the right of the community fisheries to sell their fish products. However, according to the information from interviews, the author believes that there are two plausible reasons for this decision.

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<sup>90</sup> Interviews in Phnom Penh, September and October 2012.

First, it may be linked to the commercial fishing lots. Since the lot business generated large amounts of money from the fishery business, the lot owners may have viewed the inclusion of the rights to sell fisheries products as a threat to their business. According to the author's personal interviews with the former fishing lot owners in 2012 and 2013, former fishing lot owners built a good relationship with government bureaucrats. They had always shared their benefits with the state bureaucrats in exchange for getting license to operate the fishing lots and for protection of their practices. Thus, the fishing lot owners may have used their patron-client relationship with state bureaucrats to convince them to withdraw from the sub-decree the right of community fisheries to sell fishery product. Second, it may be associated with the state bureaucrats' interest in and the lack of knowledge of how to operate community fisheries. As briefly explained above, some state bureaucrats indirectly enjoyed the benefits from commercial fishery business. They may have seen that allowing of community fisheries to have right to sell their fisheries products would pose a challenge to commercial fishery business, of which they had so far enjoyed their share. Furthermore, some bureaucrats may have not had good knowledge of how to operate the community fisheries, especially the aspect of self-finance. That was why they deleted the right to sell fisheries products from community fisheries without foreseeing the financial impact that would have on operation of community fisheries.

Despite the exclusion of the right to sell fisheries products, many community fisheries were created with financial support from NGOs. However, many of these have been unable to operate as originally expected for a number of reasons. Firstly, there was the problem with funding. The financial support from the government was inadequate for patrolling and education. Many CFis have survived only through the support of NGOs and community contributions. Secondly, the community fisheries are not located near the rich fishery resources, creating a disincentive for fishery members to devote their time to the community effort.<sup>91</sup> Despite the 56 per cent reduction in the number of fishing lots, the cut was made in the less productive areas only (Mak & Vikrom, 2008). Thirdly, the community members lack the knowledge and experience to run the community fisheries efficiently because their operations and management were a new endeavour, particularly in relation to threats from outside the community. Fourthly, governmental support of community fisheries at the grassroots level is minimal, making it difficult to deal with problems, especially flagrant poachers. Fifth, community

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<sup>91</sup> Interviews in Chhnok Trou, February 2012.

fisheries have no legal authority to arrest or fine illegal fishermen on site (Dina & Sato, 2014).

#### **5.1.4 What Has Not Been Done?**

The state interventions in the 2000s have not been successful in terms of reducing illegal fisheries or promoting conservation of aquatic resources in the Tonle Sap (Chhin, 2012). Tension between fishing lot owners and local fishermen still existed. Lot owners continued to overstep their power and inflicted suffering upon the locals. Furthermore, there are reports of serious ecological destruction—over-harvesting, usage of chemicals, or prohibited fishing equipment—mainly the result of the Tonle Sap lot owners and inadequate involvement of government bureaucrats (Sok et al., 2012). Community members accuse government officers of corruption and of allowing lot owners and illegal poachers to overexploit the lake's resources (Mak, 2011; Baromey, 2011). Interviews with village chiefs and other fishermen voice similar complaints of minor government bureaucrats not implementing their tasks properly.<sup>92</sup>

Despite the government's re-allocation of more than half of the Tonle Sap's fishing lots to the surrounding communities, local fishermen still faced difficulties. The most productive fishing areas continued to remain in the hands of fishing lot operators. Controlling most of the productive areas, these powerful lot operators were reported to have restricted movement of people within their lots, and were accused of using illegal fishing methods. Ordinary people were discontented with the fishing lot operators as well as with some of the government agencies who came to collect fees from the fishermen. Some fishermen articulated their disappointment as follows:

The lot operators were at times very rude towards the fishermen. They refused to allow us to navigate through their fishing lots, nor did they allow us to fish near their lot areas, even during the closed season. The demarcation of fishing lot boundaries is also unclear. The lot operators have claimed very large areas, and our fishing areas have become smaller. Many government agencies collect fees from us, and this has created yet another hardship for our lifestyle (Interview with a group of villagers in Kampong Phluk Commune 2012)

If we look at the hundred community fisheries that were created after the major reform in 2000, nearly all of them did not operate properly.<sup>93</sup> As discussed in the process of drafting sub-decree, the community fisheries sub-decree did not pay much attention to the provisions that could empower the communities. The first weaken point was the

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<sup>92</sup> Interviews in Siem Reap, September 2012 and January 2013.

<sup>93</sup> Interviews in Siem Reap, September 2012.

question of family-scale, which the sub-decree bound fishermen to fish only for daily consumption. The enforcement on preventing illegal fisheries was not a convincing one while the sub-decree did not define the right of the migrant fishermen. In addition, the lack of financial support to community fisheries has been the main problem of their ineffectiveness. Throughout interviews with community fisheries leaders, they always complained the lack of money to support their members and their operations. Two community leaders complained the lost of committee members due to the lack of financial support:

When we started the community fisheries, we had more than ten committee members. We received support from NGOs. They bought us boats and supported our patrolling. Nowadays, we have around 5 committee members working for the community fisheries. Our activities become less and less because our members are busy with their daily work to support families and we do not receive financial support as we first created. Our patrol team does not go to patrol regularly because we do not have gasoline and perdium for them. The money we collected from our member is not enough to support the community fisheries operations... (Interviewed with Community Fisheries leaders in Prek Sramouch 2012)

In addition to the lack of financial support, the community fisheries do not have legal support to their operation, especially when dealing with the large-scale illegal fisheries.<sup>94</sup> The sub-decree on community fisheries does not offer legal power to community fisheries to deal with illegal fisheries. Instead, the sub-decree gives such legal power to fishery officers to suppress the illegal fisheries. The community fisheries can report and cooperate with fishery officers if they found illegal fishing activities. However, the community fisheries members complained a lot about the inefficient work of such system. Community fisheries members and the patrol team members complained to me:

At first, we were willing to protect our flooded forest and fishery resource. We went to patrol regularly and we sometimes found the illegal fishing activities. We reported to the relevant authorities who have the legal power to do it. But, we rarely see they arrested the illegal fishermen. By the time they arrived the spot, the illegal fishermen already gone. We feel very disappointed and have less encouragement to participate in community fishery because it could not protect the fishery resource. (Interviews with group of fishermen in Kampong Phluk, 2012)

The poor management of the research lots was another point that the government has not done much to improve. The government converted the commercial fishing lots into research lots after the major reform in 2000. The previous fishing lot was operated on the two years duration contract. After two years, the lot owners had to join the

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<sup>94</sup> Large-scale illegal fishing refers to the use of large-scale fishing gears such as trailer with machine boats, thousand meters long of bamboo fence, and brush park.

biddings to compete for obtaining right to operate the fishing lots. As for the research lots, the duration was extended up to four years without bidding. The responsible state agencies such as MAFF and DoF had the right to decide who could operate the research lots. With poor governance and the strong patron-client relationship between fishing lots owners and some state bureaucrats, lot owners still enjoyed sharing the large profits. They violated the rules and regulations in the burden book, caused conflicts with local fishermen, and used illegal fishing gears to catch fish (Chhin, 2012).

It looks as if the major reform in 2000 did not provide a satisfied result to the local fishermen who have depended on fishery resources for their livelihood. NGOs and community people have voiced their concerns on the ineffectiveness of the community fisheries, the poor governance, and the illegal fisheries. In response to these concerns, the government involved with another major reform in fishery in 2011 and 2012.

## **5.2 State Intervention in 2011 and 2012**

From mid 2011, Cambodian government involved with another fishery reform, which they later called “deep and historical reform”. Nearly all the state media broadcasted this fishery policy and the operations in Tonle Sap which was led by the Tonle Sap Authority who received legal power to lead this reform. Even the prime minister was so proud of this reform and he spent more than three hours to explain this fishery reform and was lived on all domestic television (Appendix 3).

### **5.2.1 PM Order 01 On Fishery Reform**

In May 2011, the government issued Order 01 to suppress what they called “anarchic” fishing (which refers to the spontaneous illegal fishing) and to re-organize the fishery management in Tonle Sap. In its early stage, the government used quite soft measures to tackle the problems by giving deadline for the lot owners and illegal large-scale fisheries to stop their operations and withdraw all the illegal fishing gears from the lake. Soft measures seemed not to work well because there were reports of illegal fisheries in the lake during the deadline period.

A few months after the issue of the Order 01, to secure the implementation of this policy, the government formed on 7 July 2011 an inspection committee of influential politicians to study the Tonle Sap situation, to investigate the management and development of fishing lots around the Tonle Sap Lake and to compile a report of the irregularities. The inspection committee was divided into four teams, with each team responsible for one province. Participants included ministers from the MORAM, the



MoE, the MAFF, The Ministry of Land Management, Urban Planning, and Construction (MLUPC) The Police, and the Ministry of Rural Development. The committee met on 22 July to discuss its findings and to prepare its final report. This was submitted to the prime minister on 10 August 2011 and approval of recommendation was received the next day.

**Table 15:** The Component of the Inspection Team

Group	Component	Position	Areas Responsible
Group 1	H.E Bin Chhin	Chairman	To monitor 9 fishing lots in Battambang and 3 fishing lots in Siem Reap province
	H.E Lim Kean Hor	Vice Chair	
	H.E Ouk Rabun	Vice Chair	
Group 2	H.E Im Chun Lim	Chairman	To monitor 6 fishing lots in Battambang province
	H.E Chea Sophara	Vice Chair	
	H. E Mok Mareth	Vice Chair	
Group 3	H.E Soam Kimsour	Chairman	To monitor 12 fishing lots in Kampong Chhnang province
	H.E Chan Sarun	Vice Chair	
	Gen. Sao Sokha	Vice Chair	
Group 4	H.E Ang Vong Vathana	Chairman	To monitor 5 fishing lots in Pursa province
	Gen. Neth Saveun	Vice Chair	

Source: Chhin, 2012

The inspection committee noted several deleterious practices in the fishery sector of the Tonle Sap Lake, particularly with regard to the actions of fishing lot owners. For instance, large-scale illegal fishing gears and chemicals were deployed to force fish to migrate to lot areas. In addition, while lot owners paid taxes to the state, the accrued amount was much smaller than what should have been forthcoming (Chhin, 2012). Furthermore, their fishing practices were deemed extremely detrimental to the lake's resource stock and its ecosystem. Almost all the fishing lot owners ignored the recommendations and regulations in the "burden book". Most owners had divided their lots and sub-contracted them in exchange for rent, which was against regulations. Conflicts surfaced between lot owners and small scale fishermen every season because lot owners encroached on their fishing grounds, used illegal gear, blocked navigation routes, and arrested and fined people arbitrarily, thus inducing frustration and anger of the small scale fishermen towards the lot owners and fishery officers. It was natural, therefore, that the majority of the small scale fishermen strongly supported the PM 01 Order to close all fishing lots in the Tonle Sap Lake.

The inspection committee recommended immediate action, proposing that all fishing lot licences be suspended. The Tonle Sap Authority was given jurisdiction to evaluate and to decide which lots were to be eliminated altogether, which should remain

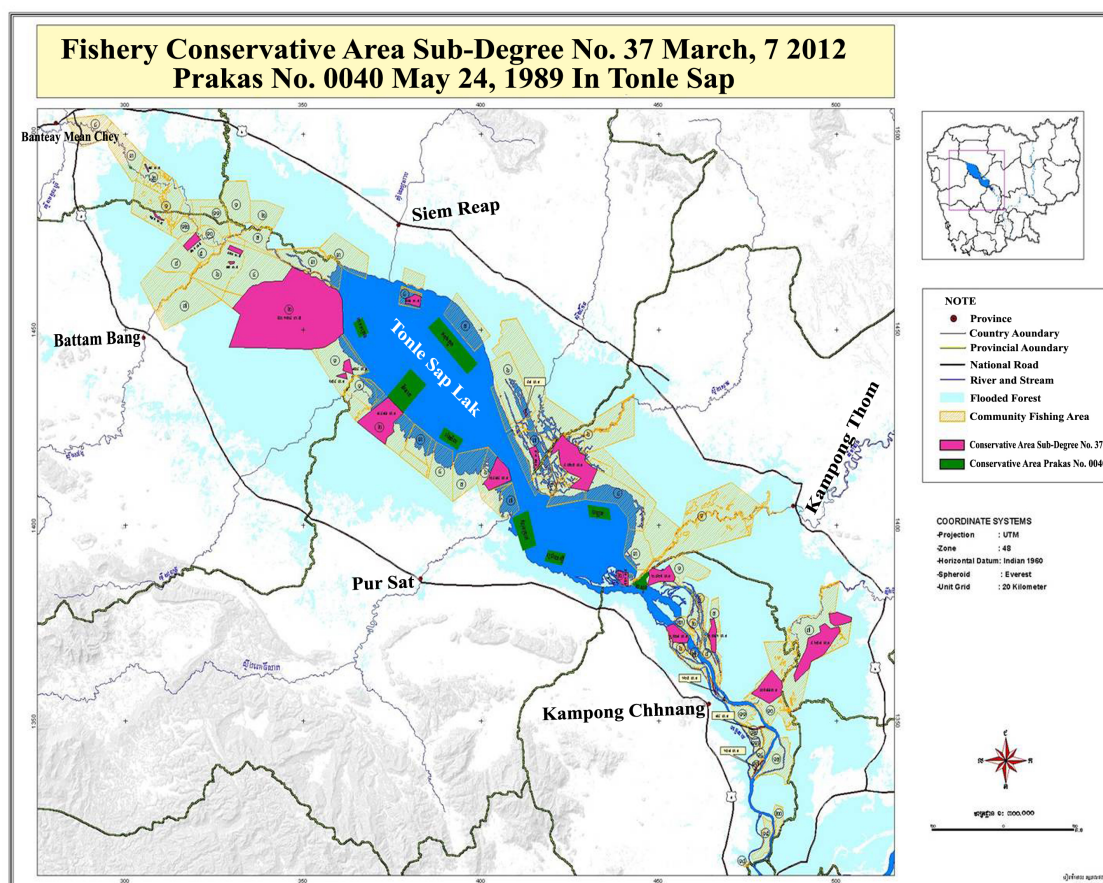
in operation, and which were to be designated as conservation sites for fishery restoration. Furthermore, they suggested that the government arrange a team to improve the existing “burden book” and facilitate strict compliance. They also proposed that the government modify the structure of the FiA and amend certain articles of the fishery law, so that provincial level officers could assume greater responsibility. Finally, concerned with the safety of the locals, they suggested that by establishing residential areas around the lake, the government could encourage the floating community to consider living in a permanent housing arrangement (Chhin, 2012).

In response, the government authorized the MOWRAM, specifically the Tonle Sap Authority, which is under the jurisdiction of this ministry, to coordinate state initiatives in the region (Anna 2011). This had the effect of downplaying the role previously given to the MAFF particularly with regard to their authority over Tonle Sap. In an unusual fishery management procedure, the government relocated five provincial fishery officers around Tonle Sap because of their inaction. The government also requested the MOWRAM to head three major operations to suppress illegal fishing activities in Tonle Sap, and to destroy illegal fishing gear.

Finally, in March 2012, the government cancelled all fishing lots in Tonle Sap. State intervention this time turned to favour the majority of the small-scale fishermen. Small-scale fishermen can now have access to larger open access areas. Most interestingly, the government created many conservation areas than what they had after the intervention in 2000. The monitoring capacity of the FiA responsible for the conservation areas is known to be much lower than expected.<sup>95</sup> The conservation area therefore may become a new target of rent seeking among fishermen and involved agencies. According to the focused group discussion in Siem Reap, the fishermen reported that the fishermen could catch fish in the conservation areas if they dare to pay a lot to the relevant authorities, especially the fishery officers in the areas where the conservation areas located.

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<sup>95</sup> Interviews in Phnom Penh, September 2011 and Siem Reap, September 2012.



**Figure 13:** The Map of Fishing Areas in Tonle Sap After Intervention in 2012 (Source: FiA, 2012)

According to figure 13, from 2012 there are no more fishing lots in the Tonle Sap Lake. Large areas of former fishing lots were allocated to existing community fisheries and the new created CFis. The government reserved some former fishing lots areas as conservation areas in addition to the existed ones. Only in Battambang Province that the government converted large former fishing lots areas into conservation areas because of the high potential of bio-diversity.

### 5.2.2 Illegal Fishing Suppressions

To support the government Order 01, Tonle Sap Authority was assigned to lead the operation to destroy illegal fishing gears used along the stream and in the lake. They involved with three large-scale operations to suppress the anarchic fisheries in the Tonle Sap Lake from May 2011 until March 2012. From the first and second phase of their operations, Tonle Sap Authority dismantled 1,543 locations of illegal fisheries.

The first phase of the operation started from 23 May 2011 until 4 June 2011. The Tonle Sap Authority, with the cooperation of provincial authority and the relevant agencies, destroyed 693 illegal fisheries locations around the Tonle Sap Lake. As a

result, they destroyed 423 locations of *Samrah* (brush park), 121 locations of the fence, 66 locations of *Norav* (long bamboo fence with fine mesh size net), and 83 locations of small-mesh size net fence.



**Figure 14:** Activities of destroying brush park (Source: Tonle Sap Authority 2012)

The second phase started from 5 June until 17 June 2011. The operation was conducted mainly in Tonle Sap where they believed to have many illegal fisheries. As a result of nearly two weeks mission, they went to 850 locations. They destroyed 430 locations of *Samrah*, 52 location of bamboo and wooden fence, 70 locations of *Norav*, 137 locations of small-size net,

### 5.2.3 The Abolishment of the Remaining Lot and Post Intervention

The second intervention and particularly the cancellation of all the fishing lots greatly expanded the size of the community fishing areas, followed by the conservation areas. Around 77 per cent of the former fishing lot areas were allocated to the communities; 23 per cent were reserved for conservation purposes (Table 14). However, the allocation of the former fishing lots to the communities was conducted in a hurried speed. In some cases, the communities themselves did not aware of the plans and were not eager to accept the assignments.<sup>96</sup>

**Table 16:** The Elimination of Fishing Lots in Tonle Sap in 2000 and 2012

<sup>96</sup> According to the interviews with the community fishery leaders who participated in the meetings concerning the allocation of the former fishing lots areas to the communities, they described the assignments as sudden and not clear. Interviews in Siem Reap, September 2012.

Province	Area of lots in 2000 (ha)	Area of lots in 2001	Area of lots in 2012	
		Lot area (ha)	Area allocate to community	Area for conservation
Banteay Meanchey	32,756	6,398	6,149	249
Battambang	146,532	102,718	49,166	52,550
Kampong Chhnang	62,256	45,085	35,125	9,959
Kampong Thom	127,126	69,353	51,850	17,503
Pursat	55,120	24,848	13,898	10,950
Siem Reap	83,941	22,725	20,690	2,035
<b>Total</b>	<b>507,731</b>	<b>271,127</b>	<b>176,878</b>	<b>93,246</b>

Source: author (cited from FiA report 2012)

The state intervention to re-allocate the lot areas resulted, first, in a 56 per cent cut in fishing lots in 2000, and second, in the cancellation of all fishing lots in 2012. The government designated, at least officially, more than half of the sites of the former fishing lots as open access areas reserved for community fisheries. However, the government offers very little support to these newly established communities, which makes us sceptical of the effectiveness of such management scheme.

## 5.2.4 The Post Intervention Situation

Many small-scale fishermen around the Tonle Sap Lake were happy and welcomed the deep reform in fishery from 2011. According to focused group discussions with the fishermen in two community fisheries, the majority of them showed satisfaction with the policy of cancelling the fishing lots because they could have more fishing grounds to fish. In addition, they could catch more fish than the previous time. In the early stage of the intervention, there were often patrolling conducted by the provincial authority and the mission from Phnom Penh to suppress illegal fishing. However, that situation did not continue for long.

Even though there was fisheries reform from 2011, it could not eliminate illegal fishing from the Tonle Sap Lake. The fishermen reported the increase of illegal fishing in the lake (FACT, 2012). The small-scale fishermen complaint of the loss of their fishing gears caused by the big boats of illegal fishermen.<sup>97</sup> In addition, they informed the illegal fishing in the conservation areas. According to the fishermen, they could fish in the conservation areas by just paying money to the relevant

<sup>97</sup> Interviews in Siem Reap, January 2013.

authorities. Many of the community fisheries which were believed to protect the fishery resources and flooded forest could not operate properly. Based on the interviews with the community fisheries leaders and their committees, the lack of financial support, cooperation from relevant authority, the corruption among relevant authorities are the main obstacle for the effective work of CFi. If the intervention in fishery could not served the intended purposes of conservation, improving the livelihood of small-scale fishermen, and promoting CFi, then what were the motivations of the intervention?

### 5.3 Questioning Territoriality in Fisheries

However, the interventions in fishery appeared in a different way from the interventions in forest and land. It was observed that the state interventions in fishery moved in the direction of de-territorialisation where the state transferred the resource from small groups of people (lot owners, operators, and sub-contractors) to the mass population (small-scale fishermen and community people around the Tonle Sap Lake).<sup>98</sup> If we looked at the history of the state interventions in fisheries (fishing lots), the size of the fishing lots decreased from time to time.

As Table 17 shows, the overall size of the fishing lots gradually decreased from 1919 to 1998 but started to increase thereafter, causing considerable conflict. Only from 1998 to 2000 that the size of fishing lots got bigger. One plausible reason for the sudden increase in fishing lot areas may have been the added security in the Tonle Sap after the final defection of rebel forces in 1998. The defeat encouraged lot operators and the Department of Fisheries to expand their operations to the previously Khmer Rouge-controlled areas of the Tonle Sap and the size of fishing lots increased by more than 100,000 ha between 1998 and 2000. The government may have also needed to generate more income to support the newly integrated bureaucrats, and natural resources offered a good source of immediate revenue.

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<sup>98</sup> See for example, Dina, T & Sato, J. (2014). Is Greater fishery access better for the Poor? Explaining De-Territorialization of the Tonle Sap Lake, Cambodia. *Journal of Development Studies*, 50 (7).

**Table 17:** The Development of Fishing Lots Size

Province	Fishing lot areas (ha) in:				
	1919	1940	Prior to 1998	During 1998-2000	2001
Banteay Meanchey	182,352	189,362	NA	332,756	6,411
Battambang	NA	NA	NA	146,532	102,718
Kampong Chhnang	67,667	63,037	NA	62,256	45,084
Kampong Thom	248,272	192,571	NA	127,126	69,353
Pursat	105	NA	NA	55,120	24,848
Siem Reap	NA	NA	NA	83,941	22,725
Total	603,880	444,970	390,000	507,731	271,139

Source: Vikrom and Mak (2008) (cited in ADF, FAO, and DoF 2003)

In the early 2000s, tension and conflicts over fishing territories were common, and resulted in arrests, violent retaliatory clashes, and official complaints demanding government intervention (Piseth, 2003). In response, in 2000 the prime minister ordered the MAFF to investigate the possibility of limiting or reducing the fishing lot areas, and for integrating those sites into public fishing zones. In 2001, the government decided to reduce 56% of fishing lots areas in the country and allocated the majority of the reduction areas to communities around the Tonle Sap Lake.

Again, in May 2011 the government took another action in fishery. They started with the appointment of an inspection team to study the situation of fisheries in the Tonle Sap and compiled the report. To lead the fishery reform operation, the MOWRAM, specifically the Tonle Sap Authority under its jurisdiction, was authorised to coordinate state initiatives in the region (Anna, 2011). This downplayed the role previously vested with the MAFF, particularly with regard to its authority over the lake. In an unusual procedure, the government relocated five provincial fishery officers from Tonle Sap because of their inaction. The minister of MOWRAM was requested to head three major operations to contain illegal fishing activities in Tonle Sap, and to destroy illegal gear.

Finally, in March 2012, the government cancelled all fishing lots in the Tonle Sap Lake. At this time, state intervention favoured the small-scale fishermen, who now have access to larger areas of de facto open access. Interestingly, government also announced to create more conservation areas than what was set up with the 2000 intervention (see Table 16). The monitoring capacity of the FiA with regard to conservation areas is known to be lax, and areas may become a new target for rent seeking among the fishermen and the related agencies.

Does this simply represent a different kind of state territorialisation? The answer is a partial yes. Although the FiA and the MoE still control the conservation and core

areas of Tonle Sap, the difference now is the absence of lot operators. But the regulation of conservation areas differs from the lot areas, particularly from the fishermen's perspective. Unlike the lot areas which are strictly monitored, including armed protection for the productive zones, conservation areas under the jurisdiction of the FiA are subject to weaker enforcement which gives locals more fishing areas and better room for negotiations.

Is it possible, on the other hand, that this community fisheries arrangement was an innovative, subtle attempt by the state to re-territorialise the lake? The author does not consider this plausible for three reasons. First, unlike the bidding system where lot operations and the kickback from lot owners to officials created a stable mechanism of centralised control, this was not possible in the case of community fisheries. Second, unlike the lot areas, which were under the exclusive jurisdiction of the FiA, community fisheries areas currently have a more 'diverse' management structure with participations from provincial authorities and NGOs in addition to the FA. Third, community fisheries are founded on a weak financial basis, and need the support of NGOs or outside organisations. Frequently, they even lack the fuel to patrol against illegal fishermen in their territory. What is worst, the large open access almost becomes the tragedy of the commons because there are many illegal fishing with little suppression from the relevant authorities.

#### **5.4 What Explains the State Interventions in Fisheries?**

The apparent goal of the interventions in Tonle Sap was to reduce tension over the use of natural resources, to alleviate fishermen's frustrations, and to promote conservation. The author would, however, argue that the state interventions over the past ten years have not served their intended purpose. The field research confirms that illegal fishing seems to have increased despite state efforts to curb it. If the state had wanted to conserve natural resources, this could have been achieved by improving the management of the fishing lots system, because the system had already emphasised the conservation of fish and flooded forests in and around the lots. In addition, they should design effective mechanisms to fight against corruptions among agencies responsible for the fisheries management in the Tonle Sap Lake. Converting large lots into accessible fishing areas for the CFis can lead to rapid depletion; therefore, state interventions in Tonle Sap must have been guided by more prominent aims than eliminating illegal fisheries and conflict reduction or conservation. If the assumption



is correct, what could have been the state's objectives in releasing the lot areas to the public?

Was the state simply trying to maximise revenue from the Tonle Sap Lake? It is not entirely clear how reducing or abolishing the fishing lots system could have helped increase state revenue, as no direct tax was imposed on the small-scale fishermen who were assigned the dismantled lots. The Cambodian government imposes a 10 per cent export tax on fish, and also receives revenue from the sale of licenses to businessmen or rich fishermen for utilising the fishing lots; yet the funds generated by taxation of the lots or the sale of confiscated illegal fishing gear amounted to only 1.5 million dollars (PM Hun Sen's speech, 8 March 2012). Perhaps state intervention was a pacifying gesture from the Cambodian government to the fishermen of the area, especially in the attempt to conform locals to the decentralisation movement and the resultant introduction of communal council elections after 2002.

Fisheries production is classified into three types: industrial fishing valued at about 1.5 per cent of GDP; household fishing at about 2.1 per cent of GDP; and open field (e.g. rice field) fishing at about 1.8 per cent of GDP. Prior to the 2012 initiative to abolish the lots, industrial fishing, valued at approximately 400 million USD, was in the hands of roughly 100 lot operators. Based on the marginal tax contribution, the researcher could speculate that government had no hesitation to intervene in Tonle Sap and to ban all remaining fishing lots (Prime Minister's speech, 8 March 2012).

Repeated interventions in Tonle Sap Lake have officially been justified on the basis of reducing conflict and preserving fishery resources. However, during the interviews, fishermen, community fisheries chiefs, fishery administrators, and NGOs working with fishery issues all agreed that illegal fishing has increased in Tonle Sap after government intervention in 2011. Thus, it would seem that the government's objective of conserving Tonle Sap's natural resources can explain only a small part of the motivation. Furthermore, the community fisheries, as an alternative governing system, have not been effective in terms of containing illegal fishing activities since their responsibilities are limited to reporting infringements to those empowered to enforce regulations, i.e., the police or Fisheries Administrators.

A more plausible explanation is the high-level attempt by state officials to redistribute economic benefits to a broad population group by re-organising the management of natural resources (Ascher, 1999). The researcher examines this hypothesis further in the context of decentralisation.

In Cambodia, decentralisation was introduced after a prolonged civil war that lasted from the 1970s to the late 1990s. Many scholars believe that the post-conflict era in Cambodia from 1993 onward was an attempt at democratisation (Öjendal and Lilja, 2009; Peou, 2007). The quest towards democracy was a challenging task due to the lack of professional institutions linking citizens with higher-level authority (Hughes, 2003; Un 2004). This is why some scholars argue that even though Cambodia has a number of democratic institutions, it operates largely outside democratic norms (Öjendal and Lilja, 2009; Kim and Öjendal, 2009; Un, 2004).

Decentralisation as a policy reform was introduced in 2001 with the enactment of the law on the administration and management of communes (organic laws), and on commune elections. These provided the basic legal framework for decentralization that resulted in commune council elections in 2002, 2007, and 2012. The Cambodian People Party (CPP) which has controlled the country for more than two decades has had the majority vote in all three elections.

Cambodia held its first national communal council election in 2002 (Slocumb, 2004; Mansfield and MacLeod, 2004) to elect the country's commune chiefs and to replace the old system in which the ruling party appointed local leaders. The communal council election became the new channel for democratic decentralisation in which power was supposedly transferred gradually from the central authority to local level. It also provided an opportunity for the people to have a voice in selecting their chiefs to lead and develop their communes. The commune functions as a platform where local level authorities from different political parties discuss, consult, and make decisions together. Commune council elections, in theory, provide the opportunity for local level authority to be more accountable to the people rather than traditionally to the commune chief (Kim, 2011). Many parties were represented in these commune elections, but only a few dominated the political scene, as the CPP had landslide victories until the 2000s. Commune council elections are evidence of democratic decentralisation, but are also important events for the political parties.

How is this decentralisation move linked to the state interventions on the Tonle Sap Lake? The Tonle Sap Lake area provides direct and indirect benefits to approximately four million people out of Cambodia's total population of fifteen million (Mak, 2011). The author suspects that the government closed fishing lots and designated large areas as sites for public fishing or community fisheries in an effort to channel these benefits to the people in exchange for their political support. This was similar to what Un and Sokbunthoeun found from the interventions in land which they

called it electoral politics (Un & Sokbuntoeun, 2011). Winning support at the commune level was crucial for the central government as it could mean success or failure in national elections; winning elections is no longer guaranteed, as is evident in CPP's controversial 'victory' of the 28<sup>th</sup> July 2013 general election (Rudi et al., 2014). The author believes that opening up the accessibility to the fishery resources became a convenient instrument for elite politicians to mobilise additional support from the masses.

**Table 18:** Population around the Tonle Sap

Tonle Sap Province	Area Kilo meter square	Population 2008	Population 1998	Growth Rate (%)
Banteay Meanchey	6679	678,033	577,772	1.57
Battambang	11,702	1,024,663	793,129	2.28
Kampong Chhnang	5521	471,616	417,693	1.21
Kampong Thom	13,814	630,803	569,060	1.03
Pursat	12,692	397,107	360,445	0.7
Siem Reap	10,299	896,309	696,164	2.53
Tonle Sap Provinces	60,707	4,098,531	3,414,263	n/a
Cambodia	181,035	13,388,910	11,437,656	1.54

Source: Keskinen 2003 and 2008

In short, the Cambodian state, over the last two decades, has intensified the interventions in natural resources. The intervention in 2000 and again in 2011 and 2012 resulted with the complete abolishment of the fishing lots which lasted in the Tonle Sap Lake over a century. The policy was widely welcomed by the fishermen in its early stage. Even though the government claimed the intervention was to suppress the illegal fishing and improve fishery management, the actual situation of the lake does not improve. The fishermen and NGOs working on fishery issues reported the increase of illegal fishing and the inactive of the relevant authorities. The surprised finding from the intervention in the Tonle Sap Lake is the appearance of de-territorialisation through which the government cancelled the fishing lots and transfer of the resource from one state agency to the others.

## **CHAPTER 6: CONCLUSION AND IMPLICATION**

### **6.1 Findings**

Over the last two decades, the Cambodian state often undertook the state interventions in natural resources such as forests, land, and fisheries. Historically, the state interventions in natural resources occurred in Cambodia since the French colonial period, especially the interventions in forests, land and fisheries. The author's research at NAC reveal that, during the colonial time (1863-1953), the French administrators carried out many major interventions in Cambodian natural resources. The interventions attempted to establish a modern administration for managing and extracting revenue from forests, land, and fisheries. For instance, the French created the cadastral department in 1896 and the forest service department in 1898. At the same time, they also undertook interventions in the fisheries sector with the introduction of an effective revenue management system in the 1890s and commercial fishing lots in 1908. French legacies within Cambodian natural resource management have been adopted and practiced by the subsequent Cambodian governments.

However, those state interventions in these three resources did not have as strong a political connection as the interventions happened in more recent decades. The interventions during the colonial time were mainly for revenue collection, business interests, and conservation. For example, the interventions in fishery such as the cancellation of the general fishery farm and the introduction of fishing lots in 1908 were to effectively generate income from fishing business. The income from fisheries in the early two decades of the 20<sup>th</sup> century was about one-tenth of the total national revenue. And while gaining financial benefit from the fishery business, the French also paid attention to conservation. They introduced the open and closed fishing seasons for fishermen and lot owners, as well as conservation areas. They reserved some locations in the Tonle Sap Lake for fish spawning grounds and demarcated the flooded forest and both regulated and protected it.

The interventions in land helped the French administration to manage land and collect taxes. The land tax was another main source of income for the French administration. The interventions were also used to provide private property rights to Cambodian peasants and at the same time make the colonial administration easier to manage and to better utilize land in the country. The introduction of private property was also used to secure the big plantations of the western investors such as the rubber

plantations. However, the process of registering private property was very slow. The provision of private property rights to land was also seen as a way to secure western business in Cambodia such as the investments in large rubber plantations. The concessions were also introduced during the colonial time and were re-introduced again in the 1960s and the 1990s.

The main timeframe of this research is from the 1990s when state interventions in forests, land, and fisheries intensified. Over the last two decades, there were at least five major interventions in these three resources including the forest concessions from the mid 1990s, the fishery interventions in 2000 and 2011, the ELCs from the early 2000s and an Order 01 on Land in 2012. All the interventions offer case studies for resource politics research.

## **6.2 Answering Research Questions**

Answering what determines the timing and nature of state interventions and whether the interventions were good for the poor, this dissertation offers the following answers. The case studies of the state interventions in forests, land, and fisheries reveal that international pressure, the decentralization of natural resource governance, crop booms and resource speculation, and electoral politics influenced state interventions in particular resources at a particular time.

From the mid 1990s, the international community's pressure determined the timing of state interventions in forestry sector. The international community urged the Cambodian government to take action against large-scale logging and improve forest management in exchange for aid. In response, the RGC introduced forest concessions and the forest log export ban. The government designated more than 6 million hectares as forest concession areas and allocated them to more than 30 private companies in the hope of improving the forest management through forest revenue control. The government also issued the log export ban, especially the export of timber to Thailand during this time. Even though international pressure determined the timing of state interventions in forests at that particularly time, the economic importance of the forest logging to some powerful groups reduced the effectiveness of the interventions. With the military groups and politicians still depended on the income from forest, large-scale logging still continued even in the concession areas.

The movement of decentralized governance of natural resource also determined the timing of state interventions. In Cambodia, from the late 1990s, the trend towards

democratic decentralization began with the first commune council election in 2002. The main goal of decentralization was to transfer power from one level to another in terms of decision-making and managing their resources. At the same time, the decentralized governance of natural resources appeared to intensify, especially after the adoption of the land law in 2001 and the forestry law in 2002. Both laws allowed the creation and recognition of community-based natural resources management which was already promoted by NGOs. That was why many community forests and community fisheries were created across the country. In 2014, there are almost 1000 community-based natural resource managements in forestry and fisheries.

Crop booms and land speculation are also believed to determine state intervention in land from the mid-2000s. The granting of over two million hectares of land in Cambodia was often linked with the crop boom that encouraged large foreign corporation companies to seek land for large plantations. Looking at the timeline of the granting of ELCs in Cambodia, large areas of land was granted to corporate companies and individuals after the crop boom spike of 2007. Companies from Korea, China, Malaysia, Vietnam and Arab states came in for land concessions. Land speculation was also linked with the increase of land grabs and land conflicts which led to the interventions in land. In response to conflicts arising from land acquisition and the poor implementation of ELCs sub-decree, the RGC introduced the Leopard Skin Land Policy in 2009 and Land Title Distribution in 2012.

Interventions in forests, land, and fisheries have also explained as an electoral politics mechanism used by the ruling party. As Un and Sokbunthoeun (2011) found from their research on land policy in Cambodia, many of the interventions in land happened just before the national elections in 2003 and 2008. Similarly, Milne (2013) found that the intervention in land in 2012 through sending thousands student volunteers to distribute land titles in rural areas was the strategy the powerful politicians used to gain political support from people in the frontier areas. Further evidence of this was seen in the silence of the activities of this group after the election. This kind of intervention was linked to the deeply-rooted tradition of client-patron relation.

From interviews during fieldwork, the author also discovered that major state interventions in fisheries in 2012 was linked to decentralization and electoral support. These interventions tried to please the majority of the fishermen which the politicians often linked to the upcoming election. The author found very little connection between the interventions in land and fisheries in 2011 and 2012 to economic factors. The RGC abandoned the revenue from the fishing lots through the cancellation and allocation of

the lots to the small-scale fishermen who comprised more than a million voters for the upcoming election.

The nature, methods, and approaches of the interventions as well as the implementation on the ground differed from one resource to another depending on the geographic, economic and political importance of the resources to the mass population and above all to the politicians. For instance, the state interventions in forestry and especially land occurred in the form of territorialisation where the state made the resource available and transferred it among small group of people or to private owners so that it was easier to manage and extract the benefits. Geographically, large forest and land concessions located in remote areas enables the state to choose territorialisation because it is easy to hide activities there from public at low political cost. Economically, forests and land generated a lot of money from a small group of people who have very good connection with the powerful politicians who could influence the state to use territorialisation with these resources.

The author found that the introduction of the forest concessions, ELCs, and fishing lots was a strategy that the state used to assert or delimit the resources and put them under the firm control of certain state agents. The examples from the interventions in forest and land reveal the trend of state's attempt to transfer the resources from one owner to another, especially to make it easier for the state to control the resources as well as the people who live in those peripheral areas.

From the mid 1990s, the Cambodian state allocated large forest areas to more than 30 private companies to manage and extract timber. The placing of large forest areas into the hands of small groups of people helped the state insert its control through the private companies. Access into the forest concessions was almost impossible. There were reports of the negative impacts of the forest concessions on the local people as well as conflicts between the companies and local residents. Some of the forest concession areas covered residential areas and paddy fields, leading to conflicts and violence when the companies banned or grabbed the land from the villagers. The large-scale logging by the companies contributed to the rapid decrease of forest cover in the country. At the same time, the large-scale logging affected the livelihood of the rural population which have depended on the NTFPs to supplement their livelihoods. The companies banned the villagers from entering their forest areas to collect NTFPs. Furthermore, they fell down the resin tree (*Dipterocarpaceae*) that had been the most important source of income for the communities which live nearby the forest areas.

Granting of ELCs has been observed as a means that powerful politicians used to cement the relationship between the tycoons and the ruling party. In addition, the tycoons, many of whom had good connection with the ruling party, almost completely monopolized the ELCs. Even though the original purposes of ELCs were to provide jobs to the local people, promote agro-industry, and protect the forest, the real practice turned out to be different. NGOs that have monitored and observed ELCs and researchers who have conducted research on this issue have constantly reported the severe impact of ELCs on the people livelihood and human rights. Almost one million people were reported to have been affected by the operation of ELCs. The companies and the powerful people under the authorized ELCs grabbed residential areas, farm land and paddy fields. The people were forced to leave their land with less than fair compensation or no compensation at all. Violent force was observed to occur during the process of moving people from their homes or villages.

The state interventions in forests and land tended to favor small groups of people and exclude the majority from access to the resources. This finding is similar to that of scholarly studies of state intervention elsewhere in Southeast Asia where the interventions often ended up with the resource capture by the elites. Based on the rich case studies of forest and land concessions conducted by NGOs and foreign researchers, the Cambodian elites, especially those who had good connection with the ruling party received a large share of benefits from the state interventions. To name one, the Pheapimex Company, which belongs to a senator and business woman, controls almost 7% of the land in Cambodia.

In contrast, the state interventions in fishery resources resulted in the allocation of large fishing areas to poor fishermen. The author found out that the interventions in fishery happened in the form of de-territorialisation. The commercial fishing lots, which used to be controlled by and generated income for small groups of people, were previously under the firm control of state agent (FiA). After each intervention, the community fisheries received larger fishing areas, but were unable to effectively manage those areas. Many community fisheries mainly operated through the support of NGOs and donors, and the majority of them failed to reach their goal of sustainably protecting and managing their resources. As discussed in chapter 5, there are several main reasons of this failure including a lack of legal and financial support and a lack of cooperation from the relevant authorities to suppress the illegal fishing.

The interventions in fishery, in general, favored the poor through the cancellation of commercial fishing lots and allocation of them to the community. At the institutional



level, the Cambodian state seems to use intervention in fisheries to transfer a resource from one state agency to another one. This can be seen from the deep and historical intervention in 2011 and 2012 in which the government gave authority to the Tonle Sap Authority and other agencies to lead the operations. Fishery-related operations should be led by MAFF, in general, in particular under the supervision of the FiA. However, the center of power seems to have shifted from this institution during the major state interventions in 2011 and 2012. At the local level, the fishery interventions were used to transfer resources from the fishing lot owners to the mass population: the fishermen around the Tonle Sap Lake. However, with weak governance, low salaries of low-level bureaucrats, overlapped responsibilities of government officials working on fishery-related issues, and the poor capacity of community fisheries, the state intervention in fisheries will be inevitably another policy failure.

The creation of almost one thousand community fisheries and forests across the country could not prevent the rapid loss of Cambodian forest cover as well the fishery resources in the Tonle Sap Lake, and could not protect the livelihood of the rural population which depend on forest and fishery resources. The chronic problem of forest logging still continues while illegal fishing in the Tonle Sap Lake is widespread. In addition, more and more people from rural areas have travelled to the city to voice their demand for land problem solutions. Civil society and researchers as well as community members agree that the main reasons of the failure of community forest and fishery interventions rest on the lack of legal power, financial support, and cooperation from the relevant authorities, especially with the involvement of wealthy and powerful people in loggings and illegal fishing. However, ones should realize the connection between and the politics of the failure of CBNRM and existing policies on land and forests.

What is new about these findings? There have been various studies on the relationship between politics and natural resources, yet most of these have focused on how a handful of elites have tried to promote personal gain by taking advantage of the limited exposure that is characteristic of most natural resources that produce high rents. The findings from the 2012 state interventions in land and the interventions in fisheries in Tonle Sap from 2011 complicate this common understanding. Firstly, the issuance of the land tile, and especially the sending of more than five thousands student volunteers to rural areas, was widely broadcast in the media. Almost all television station in the country highlighted the activities of the student volunteers and even called those students heroes. In fishery interventions, the reduction and then the closure of the fishing lots were highly visible events frequently covered by the media. The Prime Minister

spent almost three hours talking about the intervention which was broadcasted on all television networks. This is at odds with the perception that the state preferred to use natural resources as a 'less visible' option in order to avoid accountability in asset or income distribution (Ascher, 1999).

Secondly, cancellation of the lots was undeniably a popular move among most small-scale fishermen, achieved at the expense of wealthy lot owners. This was accompanied by the intervention in land in 2012- the policy of land title distribution-that many people in the frontier areas were happy with. These moves ran counter to the general scholarship of the elite capture of natural resources (Biddulph, 2014; Dwyer, 2013; Cock, 2011; Sokbunthoeun & Un, 2009). This dimension can easily escape scholarly investigation when attention is focused on the revenue from the resources rather than the shift in the nature of resource access. The withdrawal of the fishing lots from the wealthy lot owners and allocation to the communities clearly favoured the poor. Electoral support and decentralisation of resources are two main reasons for the inclusion of the poor in the gaining of more access to fishery resources.

Thirdly, despite this apparent re-distribution of benefits, the exact control mechanism for the newly 'opened up' areas remains unclear, and one can interpret the dismantling of the lots system as only an effort to transfer the management rights of the lot owners and FiA to the community fisheries and the Tonle Sap Authority. A similar situation existed with the policy of land title distribution. Some villagers who had already received the land titles were not allowed to control the land, or found that other people took their land on their behalf.

Fourthly, the findings on the interventions in fisheries conflicts with the general scholarship that old and established agencies are more powerful than the newly-created ones. For example, MAFF is responsible for the management of fishery resources, especially the commercial fishing lots system, while the MoE focuses on conservation sites and biodiversity issues. But the Ministry of Water Resource and Meteorology (MOWRAM), even though only recently established, seems to be the most powerful. The different perspectives and interests of the line ministries led to competitiveness and power shifting. For example, the MOWRAM was granted power to suppress illegal fishing activities on the great lake through the Tonle Sap Authority, even though this authority should have been vested with the MAFF. The analysis of political battles over turf among the related ministries is one area for further investigation.

## **6.2 Implications**

The case studies of the politics of state interventions in forests, land, and fisheries in Cambodia offer a new understanding of resource politics scholarship. The appearance of de-territorialisation in fisheries interventions is the unique finding and also the contribution of Cambodian resource politics to resource politics scholarship. The interventions in fisheries did not only move against the elite capture of the resource, but also turned away from the low visibility approach. This implied that the poor are not always the losers in the politics of state interventions and that elite are not always the winners. Why the state chose to use de-territorialisation in fisheries, but not forests and land, deserves further investigation.

Even though electoral politics is explained as the factor that determines the timing of interventions in particular resource at a particular time, further investigation from other approaches is needed. Political economy may have influenced the state to intervene in a natural resource at a particular time such as the privatization of the resource or the demanding of the resource from domestic and international corporations. The “Green Grab” aspect, such as the conservation or the need to protect the resource from decimation or extinction or conservation may push the state to intervene in natural resource at a particular time.

The rise of Cambodian civil society working on natural resources and advocacy issues may also contribute to the timing and nature of state interventions. As far as this research indicated, almost all of the community-based natural resources management organizations have been initiated and supported by NGOs. More and more community people are standing up to voice their concern for protecting their natural resources. Some choose to gather and demand in front of state institutions while others choose to block a highway or take actions on the ground against illegal logging, land grabs, and illegal fishing. Investigating whether this is a sign of an emerging strong society and its influence on state interventions is another topic.

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**Appendix 1:** Guideline questions used during the fieldwork in Phnom Penh

**Questions for Semi-Structural Interview**

- 1) How long have you worked for the current position?
- 2) What do you do with your current position?
- 3) Have you heard of the recent state interventions in fishery?
- 4) Do you know why the government introduces the intervention at this time?
- 5) Do think it is good for the small-scale fishermen and the resource system?
- 6) What are your concerns from this intervention?
- 7) Is there connection to the election?
- 8) What is your opinion on the community fishery? Can they protect the resource well? How about community forestry?
- 9) Compare to other resources such as forest, do you see any differences interventions?
- 10) What are the similarities and differences in interventions in forest and fishery?
- 11) Could you introduce me the resource persons that you think they have good knowledge on this topic?

## **Appendix 2: Guideline Questions used during fieldwork in Tonle Sap**

### **For Officer (Commune Chiefs and Fisheries Officers)**

#### **History**

- When did you start working here?
- What was the situation when you started your task here?
- How did you cope with the situation?
- What are the barriers/challenges?
- What are the achievements from your tasks here?

#### **Structure**

- How many officers?
- How did you manage your tasks?
- Do you face challenges and difficulties?
- What are your strategies?

#### **Community Fisheries**

- When was it established?
- Have you involved with CFs?
- How do you play role with villagers and NGOs?

#### **First Intervention in 2000**

- 1-Do you remember the government fishery reform in 2000?
- 2- What did the government do in this reform?
- 3- What is your institution responsibility for the fishery reform in 2000?
- 4-Do you know what are the reasons behind the fishery reform in 2000?
- 5-What are the impacts from this intervention to villagers, lot owners and relevant officers?
- 6-In your opinion, who receive most benefit from this reform?
- 7-What is your opinion on this reform?
- 8-What else, should be the priority policy in Tonle Sap?

#### **Second Intervention 2011**

- 1-Recently, do you know the government intervention in fishery in Tonle Sap?
- 2- What did the government do in this reform?
- 3- What is your institution responsibility in the fishery reform in 2011?
- 4- Do you know what are the reasons behind the fishery reform in 2011?
- 5-What are the impacts from this reform to officers/villagers/former lot owners?
- 5-What is your opinion on this reform?
- 6-In your opinion, why the government need to intervene again in 2011?
- 7-Do you think this time intervention will be the last one? Why?

## **Guideline Questions Used for Interviewing Villagers**

### **Location:**

Village: .....

Commune:

.....

District: .....

Province:

.....

### **Household Data**

Name: .....

Sex:

.....

Age: .....

Status:

.....

Members in the family:

.....

Occupation:

.....

.....

Members involved with fishing

.....

### **Settlement**

1. How long have you been living here?

.....

2. How old is this village?

.....

3. Do many villagers born here?

.....

4. Where are they from?.....

## **Fishing Area, Fishing Activities, and Community Fishery**

1. Where do you go to fish?

2. Do you have to get permission to fish there?

-Need permission: Where? From who? How much to pay?

-No need permission: Where?

3. Do you have any difficulties to go fishing?

4. How often do you go fishing in one week?

5. What kinds of fishing gears do you use?

### **Community Fishery**

1. Does your village have community fishery?

2. When did they establish community fishery?

3. Who are the initiators of the community fishery?

4. How does the community fishery work?

5. Where does the community get financial support?
6. Do you join the community fishery?
7. Does the community fishery face challenges?
8. What are they?
9. How do the villagers tackle the challenges?

## **Perception Toward State Intervention**

### **First Intervention**

1. Do you remember the government fishery reform in 2000?
2. Do you know what are the reasons behind the fishery reform in 2000?
3. Did you support this reform? Why and why not?
4. What did the government do in this reform?
5. What did you get after the reform?
6. In your opinion, what do you think about this reform?
7. What kind of reform do you wish to the government to do in Tonle Sap?

### **Second Intervention**

1. Do you know the recent intervention of government in Tonle Sap?
2. Do you think what are the main reasons for this second time intervention?
3. What did you see after the intervention in Tonle Sap?
4. What do you think the benefit for villagers?
5. Do you believe that the reform is efficient? Why and why not?
6. In your opinion, what should be the most important thing that the government should do in Tonle Sap?
7. Between the two interventions, what can you understand from its implementation?

## **Question for Fishing Lot Owners and Sub-lot owners**

### **General Background**

- 1) Where is your hometown?
- 2) How long have you been here?
- 3) What are your occupations now?
- 4) Is it easy or difficult with your current jobs/business?

### **Lot Control**

- 1) When did you become fishing lots owner?
- 2) How did you become fishing lot owners?
- 3) Where were your fishing lots?
- 4) What were your challenges in fishing lot business?
- 5) How did you run your fishing lot?

### **Bidding**

- 1) How did you join the bidding? Who did you contact? How? Who did you pay the bidding? How much?
- 2) What are the criteria in order to become the lot owners?



- 3) What are the other requirements that you have to fulfill as lot owners?

### **Relationship with stakeholders**

- 1) How was your relationship with villagers before 2000?
- 2) What were your challenges with them?
- 3) How was your relationship with villagers, community fisheries after 2000?
- 4) How was your relationship with government agencies, especially with FiA?

### **Opinion**

- 1) Why did the government suddenly cancel fishing lot?
- 2) Do you think it is good for natural resources in Tonle Sap with or without fishing lots system?
- 3) What are your opinions on CFs?
- 4) What were your memorable experiences while your were running fishing lot?

### **Appendix 3: Unofficial Translation of PM Speech Explaining the Cancellation of Fishing Lots**

#### **Impromptu Elaboration on Reforms, Measures and its Socio-Economic Benefits in the Fishery Sector in Cambodia**

08 March 2012

[Natural Fishery Resources and Royal Government's Reform Policy | Concrete Measures Taken on Contracting Fishery Lots | The Phase II Radical Reform in Fishery Sector | Fishery Reform Socio-Economic Benefits | suggestion More Suggestions and Actions |

Today I have the obligation to speak to our people in the whole country about the ongoing reform that is taking place in the fishery sector of the Kingdom of Cambodia. As of now, the reform can be said to have reached its radical stage and with the nature of people's democratic revolution, conducting by the ruling Party aimed at serving our people's aspiration and people's wellbeing.

On 28 February at the graduation and diploma presentation at the Cambodian Institute of Technology, I declared the dissolution of all 37 – 35 went into actions immediately and 2 have been allowed to go on till April this year – in/around the lake of Tonle Sap, namely the provinces of Banteay Meanjei, Siem Reap, Pursat, Kompong Chhonang, Kompong Thom, where a number of fishery zones will be conserved and the remaining areas will be given back to the people for household's fishing.

In this period that I have to attend to my father's ill health, I am taking the time to discuss with my colleagues, Deputy Prime Minister HE Bin Chhin, who leads the inspectorate mission in the lake of Tonle Sap, to define the conserved areas and to draft a sub-decree. Deputy Prime Minister Yim Chhayly and Minister of Agriculture, Forestry and Fishery, HE Chan Sarun have been involved in another front to work out and issue a sub-decree on 05 March on the dissolutions of all contracting fishery lots (CFL) in the province of Kompong Cham, Prey Veng, Kandal and Takeo.

Along with this I also proposed for a pardon to be granted to those culprits (of fishery abuses) and set them free from prison. Those who have been found guilty will have to get their cases to the Appealing Court so that the final decision will be made. Those who have been serving the Court's final decision of being guilty, amnesty will be requested to HM the King.

#### ***Poverty Prompts Illegal Fishing Actions and Methods***

I have seen today an article in the Cambodia Daily commenting that setting those culprits free would be against the law. There have been elaborations made by the Court's officials already but I wish to have your attention that whatever I am doing (to answer to the need of the people) would never satisfy those who dislike us. I would leave this to our people to figure out if what I have been doing, especially on the fishery reform front, is for my personal or those culprits' benefits.

Who would want to take the fish electrocution as business? If you look at the case, about two thirds of the offenses are concerning electrocuting fish. You may then conclude that those people might have had to electrocute fish in restricted areas because there has not been public places for them to do so. They have no other means but to electrocute fish

because it is quick for them to catch fish and to move out of the restricted fishery areas.

As far as Kompong Thom province is concerned, all of the fishery abuse cases are about electrocuting fish and it is true that electrocuting tools are illegal fishing tools. However, what is the reason for that? Isn't it poverty? It is in this note that I demand understanding on our efforts to resolve the fishery issue for the benefit for our people. I hope that illegal actions and methods in the lake of Tonle Sap will be less as all contract fishery lots will be dissolved for public fishing access.

I would like to take this opportunity to ascertain to Minister of Agriculture, Forestry and Fishery HE Chan Sarun, Minister of Water Resources and Meteorology Lim Kean Hor and two Deputy Prime Ministers – HE Bin Chhin and HE Yim Chhayly, who are here present that as those people are to be set free by the Court, their fishing tools must also be returned to them. This does not apply for illegal fishing tools though because they would have to be confiscated and destroyed. A part from that, things like boats, fishing nets, hooks as well as engines for boats, etc, need to be returned to their owners.

### ***Sub-Decree to Annul the Contract Fishing Zones***

Now let me tell you about what has actually happened after the issuance on March 5 the annulment of the contract fishing lots in the provinces of Kandal, Prey Veng, Kompong Cham and Takeo? Yesterday, March 7, a new sub-decree went into force to annul all 37 contract fishing lots in the lake of Tonle Sap. We can solemnly declare that as of now there is not a single contract fishing lots left in Cambodia. However, I would elaborate on the fact as to why contract fishing lots in Kompong Cham, Prey Veng, Takeo and Kandal and two in the province of Banteay Meanjei are not being annulled in real time but set for annulment on April 10, which is one month and two days away.

The Royal Government understands that there is a need for ample time for fishery contractors to remove their tools from the annulled areas. This would also help bring down conflicts between those who would take the chance to move in and those contractors who have yet to move out from the sub-decree defined areas. That is why the Royal Government is leaving a period of one month for the contractors to remove their belongings from the contract fishing zones. As for the 35 contract fishing lots in the lake of Tonle Sap, people now could go in and fish.

However, HE Bin Chhin and Minister of Land Management, Urban Planning and Construction HE Im Chhun Lim, who visited the place, told me they have seen people getting in those lots and fishing since the day I declared – 28 February 2012. They may do so now but they are not allowed to go into conserved areas.

### ***Radical, Final and Irrevocable Reforms and Presents***

As the situation evolves, it is to everyone's understanding that this is the Royal Government's radical, final and irrevocable commitment and efforts in the reform of the more than 100 years old contracting fishery practice. Today we are putting the contract fishery business to its end. The reform initiative and effort has been that of the ruling party. It is not being carried out for demands from other political parties. It is clearly seen to all that this effort is from the Cambodian People's Party that is leading the Royal Government of Cambodia.

Also on this March 8 – the International Day for Women, as the fishery sector involves

directly in many ways to women, I would consider this reform a present for aunts, sisters and nieces. Women head the families and they are the ones to face the most constraints as far as finding food for the family is concerned. It is of course the men's work to catch fish and the women's duty to cook for everyone, but when the men could not catch any fish, it is the women's burden to think of something so that parents, children and other family members could get something to eat.

I also consider it to be a present for the Cambodian New Year that is going to come in a month. People in the lake of Tonle Sap area benefit from the fishery reform starting in the late year of Rabbit and into the year of Dragon, whereas the people in Kandal, Prey Veng, Takeo and Kompong Cham provinces will take the benefits from April or at the beginning of the year of Dragon by Cambodian lunar calendar.

### **Natural Fishery Resource and Royal Government's Fishery Reform Policy**

It is perhaps important that I bring into this elaboration the issues that are considered crucially important for the commitment and actions taken on the contract fishery lots as well as the Royal Government's reform policy – its background and focus – for that matter.

**First** – *natural fishery resources and the Royal Government's fishery policy reform.*

It should be reminded in this concept that Cambodia is a country that is rich with natural fishery resources. In simple term, Cambodia has plenty of fish and in this elaboration I focus on freshwater fish resources.

Cambodia has been ranked number four as a country with abundance of fish in the world after China, India and Bangladesh. The fishery sector – to everyone's note – contributes to the creation of jobs, improvement of people's livelihood, food security, provision of nutrition for people and to a certain extent the national economic growth.

As of present the fishery sector has got a share of 7% in the country's GDP, or 2000 million USD, in which freshwater fish constitutes 6% of the share or 1,500 million USD.

According to some studies by experts, the fishery sector provides jobs – both full and part time and seasonally – for some six million people. Therefore, taking the above facts into consideration, the fishery sector provides for both food security and contributes to the Cambodian economy as well.

Cambodians consume a lot of fish. According to estimates by the Mekong River Commission in 2007, the people of Cambodia consume an average of 52.4 Kg of fish per person per annum. It is a nutritional source of high protein for our people. It is a fact that fish plays more important role than other protein sources such as pork, chicken, beef, etc.

It is not customary to see Cambodian family without a pot of fermented fish at the very least. It is common to see that every Cambodian family has got to have – according to their economic wellbeing – fermented, seasoned, smoked and dried fish (they are preserved traditionally for long-term consumption).

It is this note that the Royal Government of Cambodia considers fishery reform a priority action in its Rectangular Strategy for Growth, Work, Equity and Efficiency. It should be noted that in our efforts to conduct reform in the fishery sector, based on the

Royal Government's Rectangular Strategy, four areas of interest are set in the reform focus – (1) Focus, strengthen and expand the fishery community; (2) Empower and give ownership to local community in the management of fishery sector; (3) Conserve natural resources and (4) Promote development of aquaculture.

Based on these strategically prioritized goals, the Royal Government puts out necessary political platform, legal frameworks and norms for the consolidation of fishery sector management. The Royal Government also issued a policy statement on national fishery sector on June 15, 2005, law of fishery in 2006, and strategic plan for fishery sector for 2010/19. This should highlight the Royal Government's understanding of importance of the natural fishery resource and therefore adoption of relevant policy vis a vis fishery sector reform in context of the Royal Government's Rectangular Strategy.

**Second** – *Measures taken in reform of contract fishing lots.*

In order to understand the need for taking necessary measures to implement radical reform in the fishery sector, it is important to understand the nature of commencement of contract fishing regime in the Kingdom of Cambodia. It is very important point for historians and researchers of every generation, those who will benefit from the reform itself included, to have a good grasp of why there was to be a contract fishing business in the first place, and why there is a need to reform and to eventually annul their existence?

Since *when did we have the regime of contract fishery lots/zones?* In a document considered to be the most comprehensive study in relation to the fishery sector by the Fishery Administration, which I have here with me, I may have to read you parts of it and to make some comments along with them so as to illuminate the more than 100 years old contract fishery issue altogether.

Prior to, during and right after the Angkor time and even before the existence of French colony, there was neither fishery administration nor rule/regulation about fishing. Fishing was free and it was a common right for everyone to just fish. However, with the establishment of the French colony in between 1862 and 1953, many regulations were issued.

***Freshwater Fishery Resource Management and Policy***

In 1872, under the reign of Preah Baat Preah Norodom, there was a regulation allowing the setting of fish trap across one third of the waterway so that two thirds of the waterway would be reserved for water transport traffic.

Based on this regulation, it has led us to understanding that it could be an attempt to resolve traffic issue in all waterways that a decision was made to allow trapping to set up only in one third of the way.

In 1874, there was another regulation forbidding use of fishing tools with holes that are less than two centimeters. In 1908, there was the circulation number 40 dated 04 April 1908 on census and classification of all fishing areas throughout the Kingdom of Cambodia. Along with it, there were three other regulations signed by HM the King Preah Baat Sisovath, which was continuity of the work started by HM the King Preah Norodom.

The three regulations were as followed. The first regulation numbered 35, dated May 22,

1908 was about *the establishment and organization of fishing areas into two groups* – (1) monopoly fishing areas that was to be offered on contract by the state in interest to those who lease them – where contracting and bidding were recognized by the state; (2) freehold fishing areas with guarantee that fishing is being conducted by tools that owners pay tax to the state.

The second regulation 41 was numbered on law on *taxing on fishing tools, oven and space for drying fish*. The third regulation was numbered 54, dated 16 July 1908 that defined the amount of tax to be collected on fishing tools.

Based on the three regulations it is possible to say that the contract fishing business started in 1908 as monopoly fishing areas was set up and recognized by the state to conduct fishing in interest of those who lease them from the state through contracting and bidding. The fact that this freehold fishing area where people paid tax, defined by the state, on the tools they use to fish also provides a conclusive understanding of that trend.

As far as two other regulations are concerned, fishing by contractors started in 1908 along with subcontracting of the contract fishing areas to smaller subcontractors.

As you can see this is what was and has been the habitual practice since 1908 or over 100 years ago. While clearly defining contract fishing lots from freehold fishing areas, and the state imposed tax on fishing tools, it is arguably reasonable that the state taxed fishermen by the tools they used.

As for this issue, I could recall that in the Plenum of the Central Committee of the Cambodian People's Party in 2001, HE Osman Hassan, the Secretary of State of Labor proposed for the cessation of tax on fishing tools, which was brought into implementation by May Sam Oeun, a Funcinpec official, then Secretary of State for Agriculture.

Now we have come to an era that contract fishing lots comes to their ends. Since it started in 1908 and stopped in 2012, it has taken us over 100 years to end totally the contract fishing business

practice. As far as taxing on fishing tools we have order for the removal a long time now.

As you can see, contract fishing is not an issue brought about by the Cambodian People's Party, the People's Republic of Kampuchea, the State of Cambodia or the Royal Government. It was implanted in the Cambodian history. This should clearly explain as to why we need to reform the fishery sector.

Until 1909 there was another regulation that was numbered 15, dated 07 April, issuing an alteration to an article in the 09-June-1908 regulation 41 relating to tariff on defined tax on catfish net used in the lake of Tonle Sap. We understood that perhaps the regulation 41 did not mention about catfish net that there was a need to amend the article. After the issuance of two regulations in 1909 and 1920, the regulation on management of state property dated September 3, 1920 finally came into effect in March 1929. By then, contract fishing lots were reorganized and rearranged properly where 7% of the fishing areas were reserved for people to conduct household fishing.

I would have the attention of our people on this point that 7% at the time was a lot

because the lake was still deep, there were more fish and there were less people to feed – about two to three million perhaps.

However, the Phase I reform of the contract fishing areas, where 56% of the whole has been reserved for people's household fishing proved that it is not enough. As of today, in this reason, we have decided to annul private contract fishing lots and open them for people to fish, except certain number of conserved fishery zones.

Till 1940, there was the regulation 100, dated 7 June, signed by HM the King Sisovath Monivong on the management of freshwater fishery resources in Cambodia, especially the clear demarcation of inundated forest and prohibition of deforestation in areas around the lake of Tonle Sap. So you can see that actions were taken then for the protection of inundated forest. That has not been remarkably an issue that took place after January 7, 1979.

In 1946, HM the King Preah Baat Norodom Sihanouk issued Royal Decree number 223 NS dated 7 September, on *right to use fishing tools in Cambodia* and the Royal Decree 249 NS dated 12 September, which was then amended by the Royal Decree 532 NS, dated August 19, the Royal Decree 590 NS dated April 19, 1950, and the Royal Decree 611 NS, dated August 22, 1950, on *regulation on transportation and export of fish from Cambodia*. That were what happened in between 1800 and over 1900 in the freshwater fishery resources.

### ***Marine Fishery Resources Management and Policy***

Maybe I should say a few things about marine fishery resources, its management and policy. It was noticeable too that during the French colonial period, certain regulations were issued concerning marine fishery resources.

In 1899, there was a decision by the Governor General of Indochina dated December 31, 1899, on rules and regulations concerning sale of marine fishery areas for exploitation in the province of Koh Kong for three fishing seasons.

As Cambodia was under French colony, it was the French Governor General who issued the sale of marine fishing lots to contractors from foreign countries. There were then two other regulations signed by HM the King Sisovath.

In 1923, the regulation 39, dated 18 June, issued the prohibition of collection, sale and eating sea tortoise that were in the Indochinese territorial integrity, where Cambodia was also included. In 1925, the regulation 53, dated 24, issued the prohibition of catching leatherback skin sea turtles on islands in the Gulf of Siam which was under the management of Cambodia.

These explain that there were great attention and consideration given by HM the King Preah Baat Sisovath on both the lake of Tonle Sap and Cambodian marine resources as illustrated by his efforts to conserve the endangered sea tortoises/turtles.

There was then a Decree by the President of the French Republic dated September 22, 1936, on the demarcation of territorial integrity for marine fishing in Indochina. It was decided that within 20 kilometers – counting from the shoreline when the sea retreats, no steam or motor travel boat/ship and/or fishing boats was allowed.

Again, there was later a decision of the Governor General of Indochina ACG 7358,

dated 16 October 1942, which was later amended by the 30 November 1944 decision to prohibit setting barriers to catch fish along the coastal beach of Cambodia.

In 1946, the Royal Decree 223 NS dated 7 September was issued concerning fishing tools that were allowed to be used in marine fishing. This also clearly shows that then HM the King, Samdech Preah Norodom Sihanouk, also had concerns and paid attention to issue of using fishing tools in marine fishing as well.

Until 1947, the National Competent Group for Fishery was established by the Royal Decree 386 NS dated 6 December. The group was teamed together with the Group on River and Forestry. It was then becoming a mechanism of fishing industry administration under the reign of Preah Baat Preah Norodom Sihanouk. In 1949, there was a communiqué 595 dated March 9, defining the tasks of National Competent Group for Fishery.

In the same year there was also regulation 532 NS dated 19 August on the amendment of the articles 2, 4, 5 and 7 of the Royal Decree 249 NS and the order relating to export of fish to foreign countries.

In 1952, the Ministry of National Economy issued two communiqués on fishery resource management. The communiqué 1082, dated 17 April 1952, elaborating the classification of fishery products – seasoned with salt and spices and the prohibition of exporting salted fish in the reproducing season from August 1 through to September 30 every year.

This also clarifies that the Royal Government then paid attention to issue of fishing in the reproduction season and the export of salted fish within the said season. The communiqué 2152 dated 2 May in the same year instructed there being letter permission for transportation of fishery products in the Kingdom of Cambodia.

In 1956, the Law of Fishery in Cambodia, the Royal Decree 87 NS dated 23 April – especially Chapter 11, and article 134, came into effect, mainly for freshwater fishery resources. By 1958, there was another fishery law – the Royal Decree 249 NS dated 24 January 1958, especially Chapter 6 and article 48, came into effect on management of marine fishery in Cambodia. That was happening after the issuance of the Royal Decree 662 NS dated 30 December 1957, signed by HM the King Preah Baat Norodom Suramrit defining the meaning of sea territory and hinterland waters of Cambodia.

In 1960, the National Competent Group for Fishery was separated from the Group for River and Forestry to become an independent Department of Fishery by the Royal Decree 392 dated 18 June, with amendments to articles 3 and 4 of the Royal Decree 87 NS dated 23 April 1956. It was by the Royal Decree 41 CE dated 20 October 1960 that the Department of Fishery was first established for both freshwater and marine fishery resources in Cambodia.

In conclusive remarks, it is possible to summarize that in the periods thereafter the French came to Cambodia, or from the time when HM the King Preah Baat Preah Norodom took over the throne from HM the King Preah Baat Ang Duong, reorganization and rearrangement of waterways and

water traffic had come into action.

That said, we can say the starting point that led to the establishment and organization of



contract fishing lots. As is elaborated above, consecutive events led to the freshwater fishery regulation in 1956 and marine fishery in 1958.

### ***Fishery Sector in Post Pol Pot's Regime***

It is understood that the laws were in force till 1970/75. The laws were inapplicable under the regime of Pol Pot. As of 1979, the day when the country was liberated from Pol Pot, fishing lots were again created by Decree 33 and thereafter. In 1999, there was so much discussion on the issue. We then drafted a law of fishery with help from the World Bank, taking into consideration previous laws left from the Sangkum Reastniyum (Popular Socialist Society) prior to the coup in 1970. We then proceeded to the law for management of fishery resources in 2006 as it took a long time to discuss about it.

Starting from 1872, we have gone through various stages of development. It has been 104 years when we end it. By the way in 2000, because of eventual development of the situation of Cambodia, we came to a concluding remark that what was first planned in early 20th century is no longer applicable or relevant to the situation in late century.

The situation has evolved completely from deep lake, a lot of fish and less people to feed to shallower lake, less fish but more to feed. It was then incompatible that we left similar area for people's household fishing whereas in various cases those public fishing areas are shallow and dried.

As the Prime Minister I have to take an absolute position to reorganize a response strategy to the evolving situation. I first started with the 24 October 2000 declaration of what is now known to be the Phase I reform of the fishery zones in the district of Sot Nikum of Siem reap province, where I administered providing relief assistance for people in the districts of Bakong and Ji Kreng as well.

Also present that day were Deputy Prime Minister Tia Banh, Senior Minister Cham Prasidh and Member of the National Assembly of the Siem Reap Constituency HE Sieng Nam, who informed me that six people were arrested and put in custody, only I learnt later, for rowing boats across the contract fishing lots.

As leader of the Cambodian People's Party and head of the executive power, I am determined to implement the CPP's political platform which is basing on the principle of populism or people's democracy so that we can bring peace and benefits for people. I then ordered the Ministry of Agriculture, Forestry and Fishery to review all contract fishing lots in the whole country before April 2000.

I also ordered the Ministry to return all fishing lots under the communal control to people for household fishing demand. It was in that aim that I appointed HE Chan Sarun as Undersecretary of State for Agriculture, Forestry and Fishery and my advisor to study impacts and benefits of giving fishing areas back to household fishing purpose, whereby we enlarged the household fishing area to 56.46% of the whole area.

We continue to look into this issue and in 2010 we decided to put an end to the contract fishing lot number 1 in the Sen River of Kompong Thom province when I visited the village of Kork Trabek in the district of Baray of the same province.

### **Concrete Measures Taken on Contract Fishery Lots**

Maybe it is important to see the results of the Phase I deep down reform in 2000 in

relation to the contract fishing lots and the overall fishing area. What do our people benefit from it? I could recall

that I have apologized to our people for being late to move on the reform of contract fishing lots and overall fishing area.

Since then my colleagues and I have been putting stringent efforts on concrete steps to get to cut out and return the fishing area for household fishing. It was in this effort we had brought down what was previously 135 fishing lots – according to the statistics given by the Ministry of Agriculture, Forestry and Fishery, to 80 lots.

With 55 of them removed, not to include the area that was cut out and given back for household fishing purpose, the freehold area has gone to a new size of over half a million hectares for people to either cultivate or fish. As a result, based on the Phase I reform, the fishing area for private contracts was only some 27,000 hectares.

However, with this radical reform Phase II the size will be smaller as we only keep necessary areas for fish conservation. By the way, I wish to illustrate four major benefits of the Phase I fishery reform in 2000:

*First – the action actually reduces largely fishing industry activities.*

The fishing area has been transformed to public household fishing areas. This has also contributed mainly for the sustainable maintenance of freshwater fishery resources of Cambodia. After the reform in Phase I, we gave back 56% of the fishing area to the people. As only about 44% of the whole area is left, it suggests that a larger fishing area has been transferred from industry-type managed by the private contractors to own and use by the people.

*Second – the action actually brings about equitable distribution of economic growth by the Royal Government for the people.*

Based upon this we have diverted abundance resources that are value added in the national economy, which before were in the hands of private fishing contractors to give, directly to tens of thousands of poor families. So, reducing fishing area to private contractors has brought about effective reduction of poverty and therefore has great and positive impacts on people's day to day life because they have better and free access to sources of food security and job availability.

*Third – the action actually reduces fishing and irrigation-related conflicts in the society.* As a result of the Phase I reform in 2000/2001, we had less report of conflict between private

fishing contractors and people who live nearby and around the contract fishing areas.

Many people used to complain about difficulties to travel through the contract fishing areas because contractors would not allow them to, which then eventually prolonged their travel time. People who cultivate dry-season rice also had problem with contractors because one would want water to stay on long in the reservoirs but the other would deplete them to catch fish.

*Fourth – the action allows us to reorganize and facilitate fishing and managing fishery resources in the region.*

This fact has indeed also helped us to strengthen people's ownership as they are taking part in managing and taking benefit from natural fishery resources but also coordinate use of water resources as well. We wanted our people to be exercise true ownership on natural resources in the region where they reside.

Once it is given back to them – whether it being water or fish, as true owners they would have to work it out among themselves as far as those interests in the community are concerned. In some areas, people even took the initiative to establish conserved fish shelters, to grow inundated forest, and even to work out the difference on when to catch fish while not jeopardizing dry season cultivation.

### **The Phase II Radical Reform in Fishery Sector**

Having come to this I would like to elaborate on radical reform measures taken in the Phase II effort. It is based on the spirit of promoting implementation of the prioritized policy of the Royal Government as is defined in the Rectangular Strategy and the need and proposal of the people, last but not least the study and experience from the Phase I reform in 2000, I am of the opinion that it is high time the Royal Government put forward the radical reform measures for the Phase II Fishery and Contracted Fishing Zone Reforms.

The Phase II Reform will be radical, final and irrevocable, which is the result of the 2011 campaign to do away the anarchic fishing activities in the lake of Tonle Sap, after we suspended 35 contract fishing zones in the lake.

The campaign has commenced at a time when the Royal Government required for a cohesive actions under the leadership of the Tonle Sap authority, in which HE Lim Kean Hor was the one in charge, together with relevant institutions and concerned local authorities.

While conducting the campaign, we found out that fishing traps up to thousands of meters were placed across the waterways or systems. It was largely issue caused by private fishing contractors. As the campaign ended, we establish an inspection group consisting of senior officials under the leadership of Deputy Prime Minister Bin Chhin in taking actions to suspend the 35 contract fishing lots.

From Kien Svay district of Kandal province, while inaugurating the segment of National Road 1, I announced the suspension of up to three years for all confiscated contracted fishing zones. That should extend to 2014 before reviewing the matter.

However, with stages of trial, administrative measures and other supporting actions, based on this experience, we see no need to wait till 2014 before making decision whether to annul the contract fishing lots, to reduce their sizes or to lease where to who again. As a matter of fact this year people almost everywhere said that there are more fish wherever the flood reached.

To our knowledge in the past years many fish species have become endangered and for that matter some never even reached the provinces of Kratie or Stoeng Treng of upper stream Mekong, not even to the provinces of Prey Veng andf Kompong Cham. Having seen real effect of the policy and actions that we took, there is no rational argument to backtrack what we have started. I made it clear already that in early 2012 we do not sit blowing the smoke away but putting out the fire itself.

The 2011 flood did in fact caused damages to some 10% to our rice cultivation. However, I am so proud that we could still achieve 7% economic growth, in which abundance of fish is a major component. Fish availability has indeed downgraded the inflation according to the latest calculation of the National Institute of Statistics. We predicted 6% inflation rate by late 2011.

However, because the price of fish went down drastically, the calculated inflation rate stayed at 5% only. I could recall at one instance when I was talking to someone about the price of fish that went low, I suddenly got the news from HE Chan Sarun that it went further down.

Talking about the fishing traps across the river, it is important that we keep them because they are able to collect fish in large quantity at a quick time and could sell them at lower price for our people to make fermented fish of all sorts. So, along with rice, fish actually helped bring down expected inflation rate from 6% to 5% in 2011. If the price of fish was high, definitely the price of other meats would have been likely higher too.

It is with these experiences and outcomes, as Prime Minister, I declare delivering radical, final and irrevocable reform measures in the Phase II in the overall contracting fishery sector.

From today onward, Cambodia does not have contract fishing lots. As of today, all fishing lots in the Kingdom of Cambodia are terminated and given for people's household/community free access to and fishing without paying any tax to the state. The Royal Government deems it necessary though to conserve certain fishery shelters for specified fish species and lobsters, though.

The decision carries radical reform measures and bears an absolute revolutionary nature of popular democracy adhered by the ruling Cambodian People's Party. It reflects irrevocable determination of the Cambodian People's Party as a ruling party in implementing its political platform while showing clearly unfaltering will of the Royal Government under my leadership.

### **Fishery Reform Socio-Economic Benefits**

It is important that I should take this time to share with our people and make comments on the benefits that we have obtained from terminating the contract fishing lots and returning them for people's and community free fishing and access.

I have the need to make it a comprehensive elaboration so that all stakeholders would come to a common understanding. I may have to list out below socio-economic benefits for the country and people from the fishery reform.

*First – the measure is another big step in promoting actual implementation policy of equitable sharing of economic growth by the Royal Government.*

In 2011, the freshwater fishery products shared nearly 5.5% of the GDP or about 1,500 million USD. The products were defined in three forms – industrial fishing about 1.5% of the GDP; household fishing about 2.1% of GDP; and open field (like rice field) household fishing about 1.8% of GDP.

The state now decided to take the fishing industry share of 1.5% off the GDP or 425 million USD, which before rested in the hands of some 100 people, and give back to the

people of Cambodia. The value added of more than 400 million USD is now being given for distribution for tens of thousands of poor families.

This is effective measure conducted by the Royal Government aimed at reducing people's poverty which will have great and positive impacts directly on daily living condition of the people from all walks of life. From this policy people obtain more protein source at a lower price too. This will improve everyone's food security. The transfer of access to fishing would bring the loss of only two million USD for the state coffer.

In fact the income of two million USD is not even a draw to our tax income per day, which is according to my survey running around three million USD. So, losing income from contract fishery lots would not collapse the Royal Government's budget of about three billion USD at all.

Second – *the measure creates a vast job opportunity for a large number of people* who operate their business either as traditional fishing, rice cultivation and/or related areas.

I have a strong hope that what we have provided for the people from this policy and action will be of great benefit to many and will create more job opportunity for them. I strongly believe that because of free fishing allowed and more fish to catch, migration for jobs would be reduced. It should be a major reason that people had to leave their homes in search for jobs elsewhere when they could not fish at home village.

As I bring this issue up on the International Day for Women, I am sure our sisters, nieces would be happy to hear of this policy and would urge their husbands, sons to catch fish as there are no more contract fishing lots. I am sure there would be less migration as this has created ample job opportunity.

Third – *the measure clears away irrigation and fishing-related conflicts.*

I have mentioned above already that conflict relating to irrigation need on one side and fishing demand on another side has been frequent. As we provide rights for fishing community to manage and coordinate their fishing demand, while participating in the management of the water resource in the area provided by the Royal Government, the conflict rate would be going down and to none.

Fourth – *the measure allows us to set up and maintain safety shelters for certified fish population to reproduce and to maintain sustainable natural fishery resource.*

It should be clarified that conserved fishery zones are places to be kept for certified fish species to take shelter and breed. To say it in another word, the place is to conserve fish species and population for people.

All 37 contract fishing zones in the provinces of Siem Reap, Banteay Meanjei, Battambang, Pursat, Kompong Chhonang, Kompong Thom, Kompong Cham, Prey Veng, etc. consist of 271,126 hectares. We have given 177,881 hectares or 65.61% to the people and reserved 93,246 hectares or 34.39% as conserved areas.

In Battambang province, we have kept only two conserved fishing zones of 254 hectares and 704 hectares in lot number 2. In lot number 6 of Battambang, we reserved two places for conservation – one 79 hectares and the other 450 hectares. Lot number 9 in Battambang too, we have conserved 929 hectares.

Let me clarify that in all conserved areas, no fishing would be allowed to anyone. The issue of conserved fishery zones would be applied in all concerned provinces – Kandal, Kompong Cham, Prey Veng and Takeo too.

No fishing, deforesting of inundated area or bird catching would be allowed in the conserved zones. However, people are allowed to travel through it and when there comes force majeure like storm, people can take shelter and no arrest would be carried out.

Please let me clarify issue relating to fishing traps across the river. Why it is necessary to keep them. Take for instance, we will keep the fishing traps at the Tonle Sap to the north of Phnom Penh. Those traps are for preventing fish from getting out of the Tonle Sap Lake area to other systems in uncontrolled way.

With so much fish to be caught by the traps, people from many provinces far away from the river system can come and buy fish at lower price for preservation for long-term consumption – fermented or smoked. We will call for bidding to operate the trap like that in the river and it will be for a short period of time only for each year. Its size is also smaller than those we called contract fishing zones. Normally the fishing trap like that will be operable only in December or January, when there is cool air coming from the north.

These are the four points that are deemed to be the socio-economic impacts/benefits from the policy and actions that put more than 400 million USD into the current economy.

### **Suggestions and Calling for Actions**

We have achieved many successes on the way to get to the final stage. However, I think it is necessary to elaborate further actions and measures to ensure bright outcomes.

First – *get necessary procedures ready to abolish all contracted fishery zones*, including also experimental fishing zones, investing fishing zone or bidding zone. There is no need to keep those specified zones anymore.

At the same time, actions need to be taken to take care of fish and/or lobster paths in related provinces for fish coming out of the Tonle Sap Lake. Bidding and condition for this work must be improved. It is not acceptable to have non-transparent and economically inefficient price

negotiation for that matter or it would be considered collusion.

Second – *speed up the process of establishing the conserved fishery zones*.

This should also include actual demarcation of conserved fishery zones, preparation of management procedure and establishment of mechanism to manage the conserved fishery zones, whereby attracting as much as possible participations of fishermen community as well as other related communities.

Participation would consolidate further people's ownership and democratic mechanism in the local community. The establishment of conserved fishery zones should not become obstacle or difficulty for normal traffic of people in the area.

Let me clarify this point to HE Chan Sarun so that he could instruct to HE Nao Thuok, who is administering the fishery administration, to work out his plan. The administration would have to come up clearly with a blue print as to where the zones should be conserved. As far as conserving is concerned, the Fishery Administration does not have to actually do the conserving job but allow the communities related to carry out the tasks themselves. Again this should help strengthen process of local democracy and ownership of the people.

As I have come to this point, I am calling on all Buddhist monks to collaborate with non- governmental organizations to take part in maintaining and conserving the Ton Le Sap and also the area around.

*Third – the Fishery Administration of the Ministry of Agriculture, Forestry and Fisheries must, in collaboration with concerned institutions, focus on fishermen community capacity building.*

The administration will have to work out a coordinative plan so as to guarantee that our people can really fish for free, without obstacle and according to the law and regulation to maintain sustainability and abundance of natural fishery resource.

All annulled fishing areas for public use will not be allowed to be kept under control and leased out for monopoly exploitation at all. Along with this, there should not be limit for household fishing tools. No fishing industry is allowed and thereby prevented. I also warn against any transfer of fishing areas that are given out for public fishing for use of other purposes – such as for lotus growing or land leveling, etc. You may remember that some commune leaders in the past leased the fishery areas to private contractors to grow lotus. That created problems and it was one of the reasons why we dealt with fishery reform in the past.

As far as fishing tools are concerned, I have discussed this issue widely and in detail with HE Chan Sarun. We see that there is no need to limit fishing tools by number as was promulgated in the communiqué of the Ministry of Agriculture, Forestry and Fisheries dated 24 November 2010.

If we were to limit household fishing tools by number, what would be the point for us to give our people the fishing areas? Take for instance, during the fish reproduction season, only 50 hooks would be allowed (for one fisherman) and during the fishing season 100 hooks would be allowed would make our efforts to help people meaningless.

At the same time I would suggest that all concerned review previous circulations that instructed our people about various kinds of traditional fishing tools. Measurements instructed for some tools have not been relevant and people could not apply it in real life.

I would recommend HE Chan Sarun to review that. Under the reign of reign of HM the King Preah Baat Norodom, it was regulated that extension of fishing trap should not be longer than one third of the waterway as longer extension would obstruct the traffic in smaller waterway such as stream. However, it would be a different matter when it comes to river.

So instruction for different geographical setup needs to be precise. I hope all fishing experts will take this point into reconsideration.

### ***Further Appeal***

I am not worried if I do not have the support of some as long as people give me the strength and support. I am sure they will because this effort that I have been making is for the real interest of the people and for the people to become owners of their destinies. The fishery reform, for the people, will add on to the benefit they reap on tax free farmland. I would appeal further to our people to participate in taking such a great benefit while doing me seven favors.

**First**, please refrain from using illegal fishing tools;

**Second**, please do not fish during the reproduction period;

**Third**, please do not deforest the inundated areas which are shelters for fish, while growing more;

**Fourth**, please take part in maintaining of conserved fishery zones, while giving information on crooked officials and/or bad elements whose actions may devastate the zones;

**Fifth**, please refrain from using fishing areas for other purposes – such as land leveling, growing lotus, etc.;

**Sixth**, please refrain from going into conflict between fishermen and dry season rice farmers; and

**Seventh**, please make active participation to the National Fishery Day on July 1 every year, while promoting aquaculture and maintaining large-size and endangered fish species.