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Land Grabbing in Cambodia: Narratives, Mechanisms, Resistance¹

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Abstract

Rural areas in Cambodia have been the target of large-scale land acquisitions since the late 1990s. As of March 2012, economic land concessions in Cambodia covered more than 2 million hectares, equivalent to over half of the country's arable land. In this paper, we discuss the policy narratives and discursive strategies that are employed by various actors to justify and legitimize large-scale land acquisitions. We then analyze the underlying mechanisms of such acquisitions and investments and examine how they are entangled with donor-assisted land use planning efforts. Finally, we explore local people's strategies of resistance. Our findings suggest that the Cambodian ruling elite has enabled land grabbing through three major mechanisms: first, by establishing a form of 'shadow governance' and corrupting the legal culture; second, by discursively justifying expropriation and resettlement through emphasizing rural development, ecological restoration and poverty alleviation; third, by instrumentalizing donor-supported, pro-poor land allocation in the form of social land concessions towards legitimizing land grabbing and distributional injustices and minimizing opposition to land grabs among local communities. Local strategies of resistance have been desperate, sporadic and atomistic vis-à-vis the powerful coalition of government authorities, concessionaires and the military.

1. Introduction

Cambodia is endowed with relatively abundant natural resources. Agricultural and forest land per capita are among the highest in Asia. Yet the distribution of these resources has become increasingly unequal in recent years. The United Nations Capital Development Fund estimated that in 2010 as much as 30% of Cambodia's land was owned by only 1% of the population (UNCDF 2010). The Royal Government of Cambodia (RGC) holds about 75-80% of the country's territory under the status of "state land" (USAID 2011). The 2001 Land Law allows the RGC to transfer "state public land" into "state private land" as a precondition to allocate concessions for various purposes. An increasing share of "state private land" has been allocated as

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Economic Land Concessions (ELCs) to Cambodian business tycoons, political elites and foreign investors since the mid-2000s, mostly for agro-industrial plantations. As a consequence, land disputes have shown an increasing trend from 2006 onwards. 282 ongoing cases of land disputes² were recorded in 2010 by the NGO Forum (NGOF 2011). Most of the cases occurred in areas with strong economic growth, were about agricultural land and involved powerful and/or rich individuals and local authorities (ibid). More than 300 villagers were charged in 2010 in connection with land disputes (Phnom Penh Post 2010, quoted by Heder 2011). Drawing on official data, a Cambodian NGO estimated that more than 220,000 people had been affected by land evictions and land disputes in 2010 (NGO Forum Staff, personal communication). Military and police forces have been increasingly involved in land disputes and land evictions, siding with company owners and provincial and district authorities. Between November 24, 2011 and January 18, 2012, five shooting incidents at land dispute protests were recorded in the local English-language media (LICADHO 2012). Resource conflicts in rural areas have become a chronic problem that risks destabilizing the countryside.

Official data shows impressive growth rates of the Cambodian economy – an average of around 10% annually between 2003 and 2008 – and a considerable reduction of poverty³ – from an estimated 47% in 1993/94 to an estimated 30% in 2007 (UNCDF 2010). Yet the official poverty reduction rates contrast sharply with the rise of landlessness in rural areas. The 2007 UNDP Human Development Report for Cambodia estimated that landlessness in Cambodia increased by two percentage points per year (UNDP 2007). Poverty rates among indigenous people that are heavily dependent on natural resources and agriculture remain particularly high (UNDP 2011). Indigenous people in the northeastern provinces still have not received community titles, although there are legal provisions in the 2001 Land Law (cf. EWMI 2003) and in the Sub-Decree on Procedures for Registration of Land of Indigenous Communities (RGC 2009). By 2007, indigenous minorities had already lost 30% of their traditional forest lands and poverty had risen from 40% to 58% percent in the mountainous/plateau provinces of northeastern Cambodia (UNDP 2007).

Drawing on fieldwork in northeastern Kratie Province, this study looks into the controversies and contradictions surrounding the allocation of Economic and Social Land Concessions in rural Cambodia. Specifically, we address the following research questions:

- What are the narratives and discursive tactics of the various actors involved in land distribution, land use planning and resource grabbing?
- What are the mechanisms of allocating ELCs and SLCs, and what are their impacts on rural people's livelihoods?
- What are strategies of resistance employed by local communities facing dispossession to defend their resource use rights?

The remainder of this paper is organized as follows: in the next section we look at how economic and social land concessions have been embedded in the Land Law of 2001 and the Cambodian government's controversial land reform agenda. We then present two case studies from Kratie Province, one of the few rural provinces where both ELCs and SLCs have been

² The NGO Forum's database records only cases involving more than five households (NGOF, 2011), thus the actual number of land disputes is likely to be much higher.

³ It has to be recognized that Cambodia's official poverty line is set at an extremely low level, with only about half a US-\$ a day per capita (UNDP 2011).

granted in recent years. After discussing our methodology and the underlying theoretical and analytical framework of our study, we present the case of Kbal Dam Rey commune, which has been the target of various ELCs since the mid-2000s. The second case illustrates the ambiguous relationship between ELCs and SLCs in a target commune of the donor-supported LASED program, aimed at allocating agricultural and residential areas to landless and land-poor families. We then synthesize and discuss our findings by deconstructing the narratives and discourses deployed by institutional actors towards legitimizing controversial land distribution programs. The final section concludes the paper.

2. Economic and Social Land Concessions in the 2001 Land Law and the Cambodian Land Reform

Economic Land Concessions (ELCs) and Social Land Concessions (SLCs) are important pillars in the 2001 Land Law which was enacted after continuous pressure from international development banks to modernize Cambodia's legal system. Under this law it is possible for individuals, groups and corporations to apply for occupation and use of state land as a concessionaire (EWMI 2003). Concessions can be awarded in three forms: economic (for agro-industrial use), social (for residential and subsistence use) and others (such as mining or industrial developments). ELCs and SLCs have in common that they can only be granted after state *public* land has been converted into state *private* land.

2.1 Economic Land Concessions in Cambodia: A Brief History

The history of Economic Land Concessions (ELCs) in Cambodia dates back to French colonial times. The first land concessions in French Indochina were initiated by decree in 1874 that enabled colonial authorities to grant 'unoccupied' land to concessionaires under condition that it be under complete cultivation with three years (Slocomb 2007). In 1899, the Governor-General of Indochina issued a legislative order that regulated the allocation of rural land concessions to French nationals (Doumer 1899). As Slocomb (2007: 18f) states "[t]he land concession system was arguably the most blatant expression of colonial power in French Indochina, a blunt instrument wielded for the single-minded ambition of capital." By 1925 105,000 ha of land concessions had been awarded to rubber companies in Cambodia and Cochinchina (ibid).

Land concessions experienced a renaissance in the early 1990s, when post-conflict Cambodia was rapidly transferred from a centrally planned to a free market economy and Royal Government of Cambodia (RGC) opened the door for both local and foreign private investment in the natural resource sector. After the first general elections in 1993, the RGC created more than 30 forestry concession zones covering about 6.5 million hectares and privatized those zones for exploitation. The top five concessions accounted for a net forest loss of more than 163,000 ha in the period from 1996/97 to 2002 (McKenney et al. 2004). Private forest concessions were cancelled in 2002⁴, one year after the enactment of the Land Law of 2001, and reverted back into state property under the newly introduced legal category "state public land".

⁴ Le Billon (2002) maintains that Prime Minister Hun Sen suspended all forest concessions and imposed a logging ban to ensure continuous support of international donors which had strongly criticized the practice.

After a short period of enhanced forest control under the Forest Administration, a new boom of Economic Land Concessions (ELCs) started with the enactment of Sub-Decree 146 on Economic Land Concessions (RGC 2005) and a strong emphasis of the RGC on the promotion of agro-industrial plantations. According to Article 5 of Sub-Decree 146, the evaluation of ELC proposals shall be based on the following criteria: (1) increase in agricultural and industrial-agricultural production by using modern technology; (2) creation of employment; (3) promotion of living standards of the people; (4) perpetual environmental protection and natural resources management; (5) avoidance or minimizing of adverse social impacts; (6) any linkages and mutual support between social land concessions and economic land concessions; and (7) processing of raw agricultural materials (RGC 2005). In reality, however, the criteria 2-6 appear to play a minor role in the evaluation process, and these criteria are also not part of the model contract provided by the Ministry of Agriculture, Forestry and Fisheries (MAFF), the government entity that officially oversees the granting of ELCs. A recent World Bank study on the rising global interest in farmland concluded for the case of Cambodia that “[p]ublic information on economic land concessions remains incomplete, and many environmental and social impact assessments, if conducted at all, involve little community participation or fall short of international best practice” (Deiniger and Byerlee 2011, p. 146).

2.2 Economic Land Concessions in Cambodia: Narratives, Statistics and the Corruption of Legal Culture

Private investors in several Asian countries have been strongly encouraged both by their own governments and by the Cambodian government to tap into the lucrative ELC market. Chinese, Vietnamese and Korean investors, in particular, have heeded these calls since the mid-2000s (Üllenberg 2009). In Japan, a relative late-comer in terms of agricultural-sector FDI in Cambodia, potential investors were recently incited by the Cambodian Embassy to lease ELC land with the catchphrase “300,000 hectares are waiting for Japanese investors” in a special to the Daily Yomiuri English newspaper at the occasion of the Cambodian national day (The Daily Yomiuri, 9 November 2010).

There is a strong discrepancy with regard to the information provided on the number of ELCs and the area covered. According to a recent World Bank publication on global land acquisitions and leases, Cambodia had 61 Economic Land Concession projects operating on 958,000 ha in 2010 (Deiniger and Byerlee 2011). The English website of MAFF claims that “[a]t the present, there have been 85 contracted and validated [ELC] companies with total land area of 956,690 ha located in 16 provinces” and that “[u]ntil April 2010, the Ministry of Agriculture, Forestry and Fisheries (MAFF) request[ed] to the Royal [G]overnment of Cambodia for contract cancelation of 41 companies with total land area of 379,034 ha” (MAFF 2012). The Cambodian League for the Promotion and Defense of Human Rights (LICADHO), on contrast, holds that by February 2012 more than 2 million ha of ELCs were allocated (Figure 1).

Many ELCs have been granted on indigenous land, although “indigenous community property” was introduced as a new legal category under the 2001 Land Law and special procedures for granting community titles were devised in the Sub-Decree on Procedures for Registration of Land of Indigenous Communities (RGC 2009). ELCs have also been identified as a major driver of deforestation (Poffenberger 2009). Many ELCs have been allocated in forested areas or on land formerly granted as forest concessions, in violation of the Sub-Decree on the Management of Forest Concessions (United Nations 2007). Increasingly, concessions are also

granted in wildlife sanctuaries and national parks that are under the jurisdiction of the Ministry of Environment. In May 2011, the Minister of Environment responded in a letter to widespread criticism about the government’s granting of a total of 17 economic land concessions in 110,000 ha of protected areas around the country between February 1 and April 1, 2011. He defended the decisions by stating that the concessions would in fact help preventing illegal logging in the protected areas (Reoun & Vriese 2011). He further claimed that it is local people that are a threat to forests rather than concessions, writing that “traditionally – besides doing poor agriculture with low yields – [...] they enter the forest in the nature protection zones to collect forest products or to clear forestland to do swidden farming or illegally log trees” (ibid, p. 17).

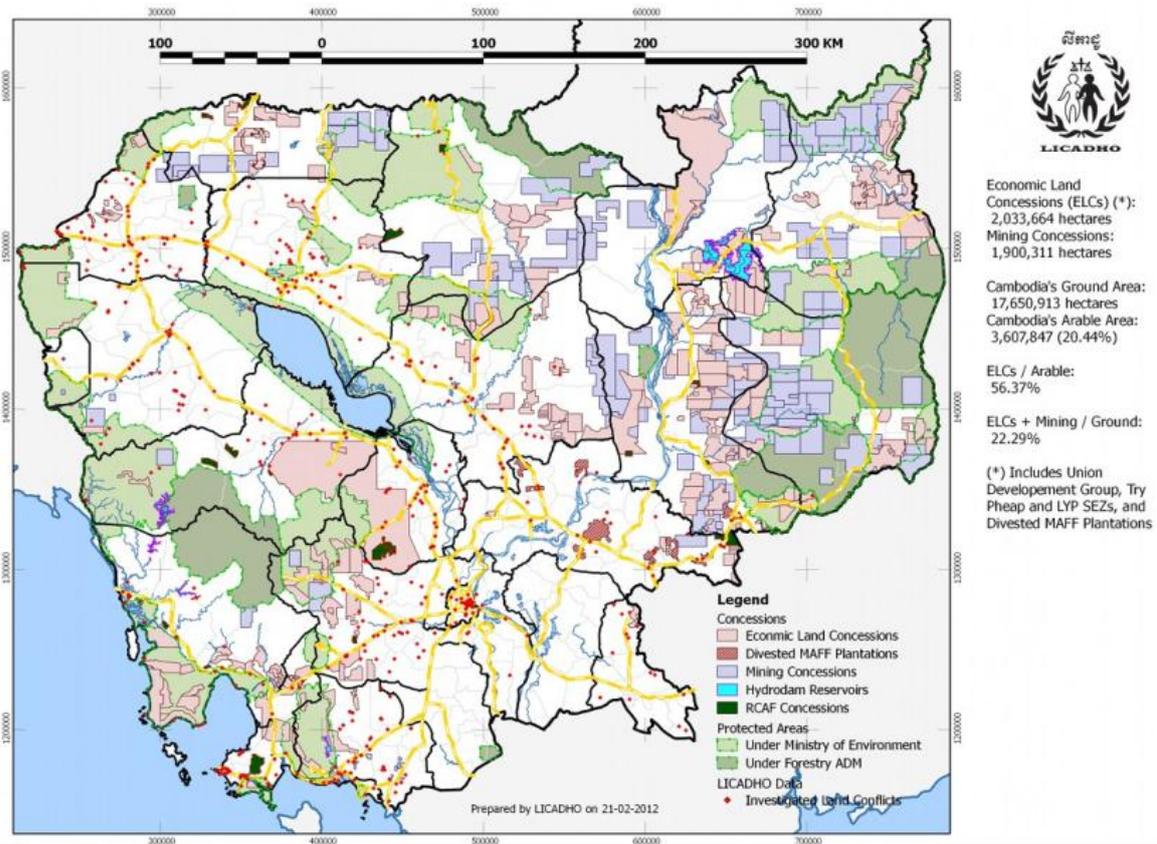


Figure 1. Economic Land Concessions in Cambodia

Source: Map provided by LICADHO 2012

In response to growing international and domestic criticism of the practice of granting ELCs, the Cambodian government has adopted a new land policy rhetoric in the Land Policy Declaration of 2009 signed by Prime Minister Hun Sen which states that “[I]and distribution shall ensure equity, social stability, food security and facilitate investment based on the natural characteristic, type and quality of soil for sustainable socio-economic development, prevent land concentration and promote productive and effective use of land.” In January 2012, the Prime Minister was also quoted in local media saying that he would take back land concessions if the violence continues. This statement was followed in May 2012 by the announcement of a temporary moratorium on new economic land concessions and a review of existing ones, a move that critics have dismissed as a pre-election tactic (Phnom Penh Post 2012a).

2.3 Social Land Concessions: Pro-Poor Policy or Multi-Functional Instrument?

Social Land Concessions (SLCs) are a legal mechanism established under the Land Law of 2001 to allocate state private land to land-poor and landless households or community groups for social purposes, in particular for residential and agricultural use (RCG 2001). According to the sub-decree 19 on “Social Land Concessions” an SLC may be granted in a variety of situations, such as land shortages, resettlement, allotment of de-mined land and provision of subsistence plots for plantation workers, families of disabled soldiers or victims of natural disasters (RCG 2003). In its National Strategic Development Plan 2006-2010, the Royal Government of Cambodia (RCG) set the target of providing SLC land to a minimum of 10,000 households between 2006 and 2010 on a pilot basis. Yet this target was not achieved “due to complex identification and provision processes of suitable land and the prohibitive public investment costs” (Bickel and Löhr 2011: 34).

According to Article 49 of the land law, SLCs “allow the beneficiaries to build residential constructions and/or to cultivate lands belonging to the State for their subsistence” (RCG 2001). The use of the word “subsistence” – replaced in Sub-Decree 19 by the term “family farming” – implies that an SLC is not to be used for profit beyond meeting the basic needs of a family (cf. EWMI 2003).

SLCs may be either initiated locally by a commune council or at the national level “by one or more concerned ministries or institutions in situations that are not suitable for a local social land concession program” (RCG 2003: 3). This particular wording appears to suggest that sub-decree 19 emphasizes a preference for locally initiated SLCs (EWMI 2003). Yet a foreign development expert involved in the land reform sector claimed that by end of 2011, 72 commune-based applications had already been rejected. Both local and national program must meet the same requirements, which include the development of a land use and allocation plan based on a land suitability analysis, detailed information about the selection of so-called “target land recipients” and an assessment of social and environmental impacts (RCG 2003). Proponents of SLCs hail them as an instrument of “distributive justice” that will contribute to fostering tenure security for the rural poor.

The major pilot project for distribution of SLC land is the Land Allocation for Social and Economic Development (LASED) program, instigated in July 2008 under technical, administrative and financial support from the World Bank and German Development Assistance. The duration of the project is for five years with overall project costs of US\$ 11.5 million (NCDDS 2011). The LASED Project “is considered an innovation that supports the Government’s efforts to distribute land to the landless and the land-poor” (RGC & LASED 2011, p. 10). The target areas include four communes in Kratie Province, one commune in Kampong Cham Province and one commune in Kampong Thom Province (RGC & LASED 2011). The major objectives of LASED are to “distribute state land suitable for agriculture, together with appropriate support services to qualified landless and land-poor households; and introduce and implement a transparent and standardized process for expanded implementation of locally initiated social land concessions” (NCDDS 2011, p. 2). The plan is to provide 10,000 ha of land to a total of 3,000 households, i.e. so-called “Target Land Recipients (TLRs)”.

The initial target of the project was to allocate SLC land in 20 communes, but this number has been reduced to seven, because “the existing sites were much bigger than originally expected in terms of area covered as well as the number of land recipients” (RGC & LASED 2011, p. 4).

As of September 2011, 1,614 TLCs (53.8% of the target) have received land under the LASED program and have been resettled to a total of 6,850.57 ha (68.5% of the target) in the three provinces (NCDDS 2011). According to the LASED Mid-Term Review Aide-Memoire (October 2011), 98% of the SLC land were “sourced from degraded forest lands, with the remaining 2% from recovered illegally occupied lands” (RGC & LASED 2011, p. 4).

In a preliminary assessment of the LASED project, Thiel (2010: 236) concludes that SLCs “lack effective implementation and show insignificant results” and that “the competition for these areas is high and the costs of making land suitable through the provision of an adequate infrastructure for settlement and agriculture are overwhelming”. Some NGOs maintain that SLCs were established as a tool to remove local people from their existing land rather than to provide land for them, citing examples from urban areas (e.g. LICADHO 2009). In recent speeches, the Cambodian Prime Minister repeatedly put emphasis on providing land to disabled soldiers (Cabinet of the Prime Minister 2011 & 2012). Social Land Concessions have also been provided to active soldiers and their families along the Cambodian-Thai border for national security reasons.

3. Economic Land Concessions in Kratie Province: Two Case Studies

3.1 Study Region and Research Methodology

Kratie province is located in Northeastern Cambodia, with a distance from the capital Phnom Penh of about 340 km by road. The province is divided into five districts with 46 communes and 183 villages. A high proportion of the people in these villages depend on the forest for much of their livelihoods (McKenney et al. 2004). The area of the province is 11,094 km² (1,109,400 hectares) with a total population of 319,124, of which 25,604 belong to indigenous groups according to the national census of 2008 (Schliesinger 2011). The province is divided North-South by the Mekong River and its narrow floodplains. Most of the province consists of undulating uplands, including lowland/upland mosaic and upland forested areas. Kratie is classified as a rural province, with 70% of the province’s population working in the agricultural sector (MAFF 2007; USAID and EMC 2008). The province is one of the top eleven forested provinces of Cambodia. According to a report of the Kratie Provincial Department of Agriculture, Forestry and Fisheries (KPD AFF), 30 large-scale and 19 small-scale⁵ Economic Land Concessions (ELCs) were registered in the province as of 30 December 2010, covering a total area of 244,844.3 hectares or 22% of the province’s territory (KPD AFF 2010). The majority of the large-scale ELCs have been leased by foreign investors (primarily Vietnamese and Chinese) for a period of 70 years, while most small-scale ELCs have been allocated to Cambodian businessmen. Figure 2 depicts the coverage of ELCs and SLCs and the location of the study villages.

Land disputes involving ELCs in the province have become increasingly violent recently. In January 2012, security guards for the Cambodian concessionaire TTY Co. Ltd shot at a group of villagers who had tried to prevent clearing of their cassava fields by the company's bulldozers in Kratie’s Snuol district, injuring four villagers by bullets (LICADHO 2012). In May 2012, a 14-

⁵ Until September 2008, provincial governors could authorize the establishment of Economic Land Concessions not exceeding 1,000 ha. This practice was officially abolished by the Sub-Decree on the Modification of the Sub-Decree on Economic Land Concessions (RGC 2008).

year-old girl was shot and killed in the process of a forced eviction of roughly 200 families from Pro Ma village by police and military police officers (Phnom Penh Post 2012b).

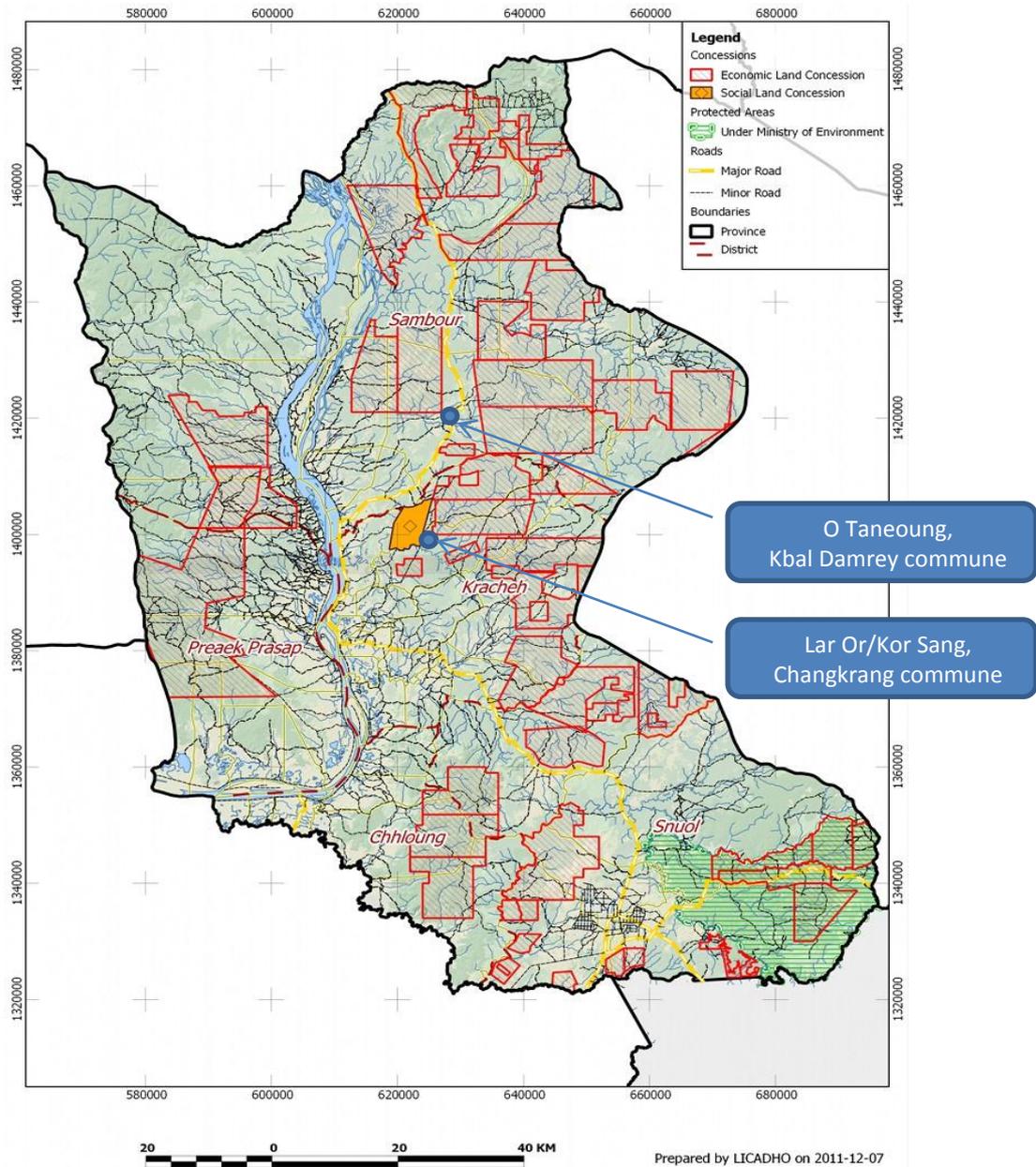


Figure 2. Economic and Social Land Concessions and Location of Study villages in Kratie Province

Source: Map provided by LICADHO 2011

In both case studies we used a mixed-method approach. The first case study combined various qualitative methods – key informant interviews, group discussions and participant observation – conversational interviews – with a randomized survey of 30 households conducted with a structured questionnaire. In the second case study we used a combination of qualitative and

participatory methods, namely key informant interviews, diagrams and mapping, group discussions, direct observation and conversational interviews. Table 1 provides an overview of the various field research phases.

Table 1. Field research phases in Kratie province (2007-2012)

Field research phases	Case study I	Case study II
Exploratory phase	May 2007	June 2008
Main field research	November-December 2007	September-October 2008
Follow-up inquiry	February 2012	February 2012

Due to the sensitivity of the issues surrounding the controversy of Economic and Social Land Concessions in Cambodia, most of our informants requested strict anonymity. Some verbal information and classified documents were provided under condition of confidentiality only and thus could not be used in our description of case study results. However, this confidential information and material helped us to interpret our findings and draw conclusions.

3.2 Theoretical and Analytical Framework

Our study borrows and combines concepts and elements from the fields of political ecology, critical environmental sociology and critical development studies. Political ecology approaches help exploring how governments and their line agencies – often in conjunction with external advisors and producers of ‘expert’ knowledge – employ a variety of strategies to “governmentalize nature” (Whitehead et al. 2006: 52) and territorialize peripheral and marginal areas (e.g. Peluso and Vandergeest 2011), thereby enhancing control over both natural resources and rural/indigenous people. Delineation of national parks, reserved forest areas, and military-based protected areas are a way of legitimizing the exercise of exclusive managerial power of national governments over natural resources. Claiming and classifying forestland and forest resources as “state property” has been a common strategy of ordering and appropriating nature in most Southeast Asian countries (e.g., Peluso 1992; Forsyth and Walker 2008). In his seminal work “Seeing like a State”, Scott (1998) identifies the administrative and simplified ordering of nature and society by the state as one major reason for failed planning that ignores local realities and knowledge systems. Beyond simplification and territorialization, Robbins (2007) describes other strategies deployed by ‘the state’, including “building extractive ecologies” and “producing environmental narratives”. While political ecologists have been criticized for their presumed tendency to reduce ‘the state’ to a “relatively untheorized and undifferentiated factor within socio-environmental relations” (Whitehead et al. 2006: 51), critical environmental sociologists maintain that state-society-nature relations are dynamic and recursive and that the various dimensions of resource access, use and control are embedded in complex social relationships and strategies determined by class, ethnicity and systems of patronage and reciprocity at various levels (e.g., Dove et al. (eds.) 2011). An additional contribution from the field of critical environmental sociology is the proposition that environmental claims and narratives may be both materially real and/or socially constructed (cf. Hannigan 1995). The third strand of literature comes from the radical

critique of mainstream 'participatory' development in critical development studies (e.g., Cooke and Kothari 2001; Hickey and Mohan 2005). Scholars in this field argue that development practitioners have been overly naïve in their assumptions about power relations and how they are played out in rural development processes. They also claim that "an emphasis on the micro level of intervention can obscure, and indeed sustain, broader macro-level inequalities and injustice" (Cooke and Kothari 2001: 14).

Our analysis draws in part on the concept of discursive tactics, understood in this study as the things said and written that serve to both justify and simplify certain socio-political processes in rural development and to maintain established hierarchies and power relations in the local arena and beyond. In following Klak and Myers (1997), we employ three key discursive elements, namely depiction, fiction and omission. By 'depiction' we refer to those issues that are part of the reality and emphasized by actors in their talks and written documents. By 'omission' we make reference to the aspects of reality that are deliberately, i.e. strategically, left out from spoken and written accounts. 'Fiction' refers to those messages and narratives that can be interpreted as "serious distortions of the local political-economic or societal context" (Klak and Myers 1997: p. 137).

3.3 Case Study I: Economic Land Concessions in Kbal Dam Rey Commune

Kbal Dam Rey Commune is located 55 km northeast of the provincial town Kratie. It covers an area of 407 km² and has had permanent settlements since the 1940s. The commune comprises five villages, namely O Tanoeng, Sre Sbov, Cham Horb, O' Po and Sre Treng village. O Tanoeng village was selected for this case study as it was directly affected by an Economic Land Concession in 2006.

At the time of the main fieldwork in 2007, O Tanoeng comprised 130 households. This number had increased to 144 households by the time of the follow-up research in February 2012. Local people do not have any formal land certificates, since Kratie Province is one of the eight provinces in Cambodia where systematic land registration⁶ has not yet started (MLMUPC 2011). The livelihood of the villagers is primarily based on wet-rice cultivation, fishing, raising free range animals, collection of non-timber forest products and seasonal off-farm work. In 2007, the villagers cultivated 106.7 hectares of wet-rice fields and an additional 7.4 hectares of scattered upland swiddens (*chamkar*). The surrounding forests have always been an essential feature in the patterns of life of the villagers and continue to be of fundamental economic, cultural and social importance. Forest resources provide the villagers a means for diversifying their livelihood activities to supplement rice production. Villagers who face land and food shortages and have few alternative livelihood opportunities can collect a range of forest resources for their household's subsistence. In this manner, the forest resource base serves as an essential safety net for the villagers.

O Tanoeng villagers have been engaged in community forest initiatives since the mid-2000s. The issue of forest protection had been emphasized in the commune development plan (2003-

⁶ As of September 2011, the Cambodian land registration program, administered by the Ministry of Land Management, Urban Planning and Construction and supported by a consortium of international aid agencies, delivered land titles for a total of 1,740,839 plots of land (MLMUPC 2011, p. 7). Hailed as a great success by the RGC and international donors, critics argue that to date this program has only concentrated on the least conflict-prone areas of the country.

2005) upon request from villagers of all five communities under the Kbal Damrey commune in order to curb illegal logging in the area. It was also prioritized in the commune investment plan (2005-2007), propagating training courses in community forestry. In O Tanoeng village, the forest protection initiative was supported by a local NGO, Community Economic Development (CED), from 2005 onwards with the aim of establishing a community forest. In February 2006, the Natural Resource and Environment Management project of the Seila⁷ program provided financial support to the commune to implement a community forestry project covering 1,468 ha, only three months before three foreign companies started to claim a substantial part of the commune's land.

3.3.1 Mechanism of the Large-Scale Land Grab under the Economic Land Concession Sub-Decree

In March 2006, three foreign companies—Green Island Agricultural Development (Cambodia) Co., Ltd; Global Agricultural Development (Cambodia) Co., Ltd, and; Asia World Agricultural Development (Cambodia) Co., Ltd—were granted a total amount of nearly 30,000 hectares of forestland (MAFF, 2007). O Tanoeng villagers were directly affected by the Global Agricultural Development company which infringed on the western part of the village's territory (see Figure 2).

Economic Land Concessions (ELCs) exceeding 1,000 ha need to be authorized by the national government and investors need to approach the Cabinet of the Prime Minister to request the permission for establishing a large ELC. In the case of the three companies that established ELCs in Kbal Dam Rey commune, the Prime Minister issued three letters (No. 1529, 1530, 1531), all dated on 22 December 2005, to order the Ministry of Agriculture, Forestry and Fisheries (MAFF) to conduct a study on the requested areas of 10,000 ha each. The Minister sent a 'national study team' of five officials to Kratie Province to conduct a survey of the requested land areas through a mission letter (No. 103), dated 6 January 2006. Following a meeting with the Kratie governor and representatives of other provincial departments on 9 January, a 'provincial study team' was formed. The following day, the team split up into two groups that surveyed the forest situation, landscape characteristics, soil quality and local land use and completed their mission by 12 January. Approval signatures of all relevant local authorities, including the Sambo district governor and the commune leader of Kbal Damrey, were obtained by 13 January and the provincial governor sent the location maps for all three proposed areas with the signatures to the Minister of MAFF along with a letter (no. 23, dated 16 January 2006). The Minister of MAFF recommended to the Prime Minister in a letter (no. 466 KSK, dated 31 January) that sufficient land was available for the three concessions.

Responding to the report and recommendation letter of MAFF, the Prime Minister's cabinet issued a letter (no. 227 SCN, dated 9 February 2006), to accept the MAFF's recommendation. Following this letter the Minister of MAFF wrote a letter (no. 687 KSK, dated 10 February 2006) to request the full delegation of power from the Prime Minister for signing the ELC contracts with the three companies, which he approved in a letter (no. 15 SBT, dated 17 February 2006). The Minister of MAFF and the three recipient company owners signed the contract on 15

⁷ The Seila program was the Cambodian government's program to mobilize aid and harmonize international funds for decentralization and deconcentration funds (e.g. Marschke and Sovanna 2010).

March 2006, effectively according the latter a 70-year lease, i.e. a de facto unconditional land use right until the year 2076, after an approval process that took less than three months.

The three companies started to implement their concession projects in May 2006, affecting the three communes Kbal Damrey, O Kreang and Rorlaus Meanchey. According to interviews in 30 households from O Tanoeng village, the Global Agricultural Development company had appeared in the community without any prior notice. Villagers unanimously stated that none of them had been consulted or informed about the planned concession beforehand. Only when the company started clearing the land, villagers became aware of the fact that the company was encroaching into the village territory, as reflected in the following quote from an interview:

“The forest clearing activities startled us, and we were wondering what those activities were aimed at. Where were they coming from and who allowed them to cut trees?” (Mr. P., O Tanoeng villager)

3.3.2 Impact on Villagers’ Livelihoods and Strategies of Resistance

The initial impact on the livelihoods of O Tanoeng villagers was substantial. Parts of the villagers’ wet-rice fields were located in the concession area and were thus claimed by the company. Many cattle owners lost access to traditional pastures in secondary forest areas. At least six calves died in 2007 after falling into the trenches dug by the company in the process of demarcating the boundaries of the concession. The company also violated regulations in the 2001 Land Law that stipulates that roads or waterways used by local people cannot be blocked by a concession (cf. United Nations 2007). It established a toll booth along a road that had been customarily used by villagers and charged them a fee for using it. Road users were also required to register their names and provide fingerprints, raising suspicions among the villagers that the company may use the name lists for other purposes. The concession also blocked the stream flow of local creeks that provided freshwater for household consumption, fishery activities and villagers’ rice fields. But most importantly the concession infringed on the forest areas that were essential for local people’s livelihoods. 855 ha of the planned community forest of 1,468 ha were located within the boundaries of the concession.

“*Krom Hun Chin* (Chinese company) is clearing the forests. Forests no longer exist, and our lives will face difficulties in the near future. Our children will not see and know all trees and wild animals in this area. If the government sold land to the Chinese, what can we do? We are ignored and excluded” (Mr. S., O Tanoeng villager).

Villagers had been warned by a local official not to use force against the concession making reference to the legality of the land deal obtained from the highest government level.

“If you go together to resist the company, you will get hurt and arrested, because the company comes with permission from Samdek P.M. Hun Sen” (O Tanoeng villager, quoting a local official).

“[Economic Land Concessions] are a national policy to develop the nation and to reduce poverty. We cannot do anything against the upper level government officials’ decisions.” (Commune official).

Nevertheless, a large group of villagers decided to take collective action against the company and went to the land clearing site to stop the land grab by the ELC.

“Although the government sold this whole region to you, we will not allow you to take our farmlands. If you still attempt to do so, we will burn those machines”. (O Tanoeng villager, confronting the land clearing team of the company).

Facing the pressure of the villagers, the clearing team temporarily suspended land clearing and trench digging activities and instead focused on the construction of company offices and wood processing factories inside the concession area. In subsequent months, some villagers shifted to more clandestine forms of resistance by destroying parts of the company’s teak seedlings and cutting wood in the concession area during nighttime.

3.3.3 Discursive Tactics and Contrasting Narratives

In January 2007, the deputy provincial governor agreed to attend a meeting aimed at settling the dispute between the three companies and affected communities. This followed an incident in neighboring Cham Hor village where a family’s hut in a rice field had been burned when company workers were burning grass to clear the forest. The villagers then went to the Green Island Agricultural Development company’s office to request a stakeholder meeting that included the provincial and district authorities to address their concerns. Concerned about losing their land, around 200 villagers from O Tanoeng, Sre Sbov and Cham Hor communities joined the meeting. The deputy governor was accompanied by company representatives, the district governor, other government officials (e.g. from the forestry office) and several armed police and military forces. In the meeting, villagers demanded the companies to withdraw from the three communities.

The provincial deputy governor argued that the companies had received permissions by the national government to establish the three Economic Land Concessions to develop tree plantations and wood processing factories. He claimed that the government granted only “state land” to the companies, not villagers’ farmland. The deputy governor further suggested that those lands were “degraded” forest areas that were of “no use” for local people, therefore “the companies will help to develop local infrastructure and provide jobs to the local people in order to reduce poverty in the region”. He emphasized that “in the future Cambodia will export wood products and get US-Dollars in return”.

Yet, the villagers maintained that most of the area was not “degraded” and “non-use”, but rather “old-growth and dense forest”, locally known as *prey chas*, rich in biodiversity and valuable timber. This narrative was underscored by the commune land use and natural resource map of 2006 which had been developed by the community forestry project under government and NGO support and had identified more than 50,000 ha of the commune territory as ‘dry evergreen broad-leafed forest, deciduous forest, and mixed forest’ (KPD-LMUPC 2006).

O Tanoeng villagers also rejected the ‘poverty alleviation’ and ‘job creation’ narrative of the provincial deputy governor as fictitious:

“Poverty in this community can be reduced, whenever the people have land for rice cultivation. In the future, the members of each family will increase and they will need land

for rice production. But the companies now took over all reserve land, thus how can the new members acquire land, when they need it? [...] If they do not have land, how will poverty be reduced?" (Ms C., O Tanoeng villager).

In personal interviews during the household survey, villagers reiterated their strong determination that they would not work for the concessionaire, equating life as a plantation worker with 'slavery'.

"The Chinese came to take over Khmer land and required Khmer people to work for them as slaves; even though we may die, we will not work for those land robbers." (Mr. S., O Tanoeng villager).

"I will never work for this Chinese company, and I will not allow my children to work for it." (Mr. S. M., O Tanoeng villager).

"Perhaps the government wants the people here to be slaves for foreigners on their own [Khmer] land rather than letting them work independently." (Mr. T., O Tanoeng villager).

O Tanoeng villagers negotiated with the company to reclaim their wet-rice fields and to have the concession boundaries moved at least 500 m from their plots. Ultimately, the concessionaire offered to release all wet-rice fields, but insisted to move the ELC boundaries only 100 m from the farmers' fields.

"I am lucky that the company left this part of the land. At the beginning, it attempted to take the whole area. Having this plot of land is better than losing all. I am not happy with this, but I cannot do anything because the government allowed this company to take this land." (Mr. Y., after having reclaimed part of his land).

Local and international NGOs⁸ that wanted to help the affected villages in Kbal Damrey commune in their fight against the three concessionaires faced severe restrictions and pressure from companies and provincial authorities in the second half of 2007. The provincial governor issued a letter in August 2007 to stop an NGO network from operating in the province, on the grounds that it was not registered with the Ministry of Interior.

In 2010, the community forestry initiative in O Tanoeng was finally approved, but only on the area of 613 ha that were located outside the boundaries of the Global Agricultural Development Company. As of February 2012 no activities were recorded in the concession, apart from a small cleared part of land that was subcontracted to a Khmer businessman in Kratie town for growing cassava. Commune officials talked about rumors that the concession of the Global Agricultural Development had been cancelled by the government and transferred to a Korean investors, but they have not seen any legal documents.

By February 2012, the number of Economic Land Concessions in Kbal Damrey commune had increased to nine, of which seven are large-scale. An increasing number of villagers were involved in illegal logging as collection of non-timber forest products in the concession areas is no longer possible. In O Tanoeng village, members of at least 10 families had to work as seasonal laborers for farmers in other communities in order to sustain their livelihoods.

⁸ At the time of the 2007 survey, 17 local NGOs and 3 international NGOs were operating in Kratie province.

3.4 The Ambiguous Relationship between Economic and Social Land Concessions: The Case of Lar Or in Changkrang Commune

Lar Or is a small sub-community of Kor Sang village in Changkrang commune, located at the southeastern border of the LASED pilot site in Kratie Province, where Social Land Concessions (SLCs) were recently allocated to a number of farming families (see section 2.3). The majority of its inhabitants belong to the Phnong indigenous group, with a small Khmer minority. The community moved to its current location in 1997 after the Kingwood logging company had left the area. They had formerly used the area of what is now the SLC pilot site for grazing their animals and collecting firewood and non-timber forests. In contrast to their being depicted as 'primitive shifting cultivators' by the government, they also practice wet-rice cultivation, have a highly diversified homegarden system and maintain a rotational swidden farming system with fallow periods of up to five years. Many villagers had expected to receive SLC land from the LASED project.

3.4.1 Mechanism of Land Grabbing in the Shadow of Donor-Supported Land Allocation

In August 2008, while Lar Or villagers were still waiting for the start of the SLC land allocation process, a Khmer concessionaire with a government-sanctioned ELC contract claimed 3,600 ha of land in the eastern part of the community's territory. The villagers only realized that the concession infringed on their land when company workers asked for their cooperation in demarcating the concession's boundaries.

"The company claimed parts of our wet-rice fields, a great share of our *chamkar* land [upland swiddens] and our sacred cemetery forest. We asked for legal advice from a local NGO and we collected fingerprints from all villagers to send a petition to the provincial governor" (FGD, 23 February 2012).

After the legal consultations with the NGO in September 2008 – which we attended as observers – the villagers asked the company director for a meeting. Representatives of all 78 households were present at the village meeting and after a heated debate the director bowed to the pressure of the villagers and agreed to move the western boundary of the concession by 1,500 m. The company grows *Jatropha curcas* and cassava for export. As of February 2012, none of the villagers worked for the company.

"We need to take care of our own cassava fields. Why should we work on the cassava fields of the Khmer concessionaire?" (FGD, 23 February 2012).

In 2009 and 2010 a total of 39 households in the community received farmland in the LASED Social Land Concession area during the two rounds of land allocation. In 2010, the sub-village leader formed a community forestry group to protect 2,700 ha of forest around a cultural site comprising four ancient temples and two ancient ponds. Community members have put various poles around the site to protect it from encroachment. The initiative had been supported by the Kratie Provincial Department of Culture and Fine Arts and UNESCO. The Provincial Department of Environment promised to support making firebreaks to prevent the forest from accidental or deliberately caused fires. A document titled "Internal Regulations for the Community Committee for Natural and Cultural Resource Conservation" was signed by the all relevant local authorities, including the provincial governor, in October 2010. The 13

members of the community forest group believed that this was the final legal document and were not aware that their community forestry initiative was not processed further to the Forest Administration whose signature would be a prerequisite for a legally binding community forest agreement according to the Forest Law of 2002.

In July 2011, a Vietnamese company started to demarcate another Economic Land Concession of 3,900 ha which includes the entire community forest and the cultural sites protected by the Phnong community. It also encroaches into 510 ha of villagers' rotational swidden land (*chamkar*). Again, villagers had neither been consulted nor been informed of the government's decision to grant the ELC. Villagers stated in a group discussion:

"We never met the owner and we do not know what the company wants to grow in the concession area. The company has already cleared 300 x 1300 m of land and is currently making construction material from wood. We are in contact with two NGOs. One has helped us to file a complaint and send it to the provincial authorities. But we have not heard from them ever since" (FGD, 23 February 2012).

A commune official reported that in addition to the two large-scale ELCs approved at the national level, there are four additional small-scale concessions currently operating in Changkrang commune, all of which were granted by the provincial governor.

The Phnong village leader has now proposed to his fellow community members to establish their own 'community concession' area. Each family was asked to clear an area of 2 ha within the Vietnamese concession area to defend the village's land use rights.

"We are not sure whether this strategy will work, but it is the only thing we can do at this moment. Our community has grown to more than 100 families; we need to protect our land." (FGD, 23 February 2012).

3.4.2 Creating Partnerships between Economic Land Concessionaires and SLC Recipients: Opportunity or Fiction?

As a consequence of the slow pace of SLC land identification and allocation and the increasing competition between ELCs and SLCs, the German development contribution to the LASED project has recently switched from land distribution to consolidating the livelihoods of LASED land recipients. The major strategy towards the goal of "livelihood consolidation" is to create partnerships between Economic Land Concessions (ELCs) and Social Land Concessions (SLCs). As outlined in the aide-memoire of the LASED mid-term review, the German side proposed "to get other important stakeholders effectively involved such as MAFF⁹, NLC/S¹⁰ and the private sector" (RCG-LASED, p. 14).

A LASED advisor described these plans in the following words:

"We plan to bring ELCs and SLC recipients together in a partnership approach. But first we need to organize the farmers into cooperatives and groups. Thus, we combine the spirit of cooperation and business. [...] We need to organize the labor force of the farmers to be able to work for the ELCs which will reduce their labor procurement costs. Farmers will

⁹ Ministry of Agriculture, Forestry and Fisheries that grants and regulates ELCs in Cambodia.

¹⁰ The National League of Communes/Sangkats in Cambodia.

learn new technologies and negotiation skills. Of course these are nice words, but hard to do.”

Various such public-private partnership (PPP) models have been proposed and discussed, such as contract farming or smallholder partnership farming, ‘outgrower’ schemes based on sub-lease contracts granted by the ELCs, and community titles for SLC recipients living at the edges of large-scale ELCs (e.g. Müller and Poch 2011; Bickel and Löhr 2011). In fact, such ELC-SLC partnerships were already emphasized in the evaluation criteria of ELCs in Article 5 of Sub-Decree 146 on Economic Land Concessions (RGC 2006), which was reiterated in a speech of the Prime Minister in February 2012:

“The General Secretariat of the Council for Land Policy needs to re-evaluate [...] the implementation of the 3P principle (PPP = Public Private Partnership) by linking it with the social land concession program and economic land concession program, given to private investors, through contract farming.” (Cabinet of the Prime Minister 2012, p. 3).

The central government’s policy rhetoric on ELC-SLC partnerships is echoed by provincial administrators and development experts alike, who also maintain that the success of such partnerships should emanate from the self-interest of investors and smallholders, as the following quotes show:

“ELCs provide job opportunities for SLC recipients, the companies can buy farmers’ crops and they will restore the forests.” (Officer from the Provincial Department of Rural Development in Kratie, 23 February 2012).

“Since ELC-holders are often in need of skilled labour and smallholders in turn lack access to sufficient land resources, it is self-evident that such a partnership could be mutually beneficial” (Bickel and Löhr 2011).

“Many concessionaires do not know beforehand what kind of land conflicts they will face with local villagers. If we would inform them of the cost of such land disputes with the local people, they would probably agree to engage in partnerships.” (LASED staff, 20 February 2012).

Yet a former LASED consultant expressed deep skepticism regarding the possibility of engaging concessionaires in partnerships with SLC recipients:

“I don’t trust the Chinese and Vietnamese ‘business partners’. They want to maximize profits. Period.” (E-mail interview, 15 February 2012).

In informal talks with LASED advisors we found that they were well aware of the fact that most Economic Land Concession deals in Cambodia violate international donors’ principles of fair and responsible investments in land.¹¹ Yet they maintain that aid agencies should remain committed to their engagement in the land reform sector:

¹¹ The German Ministry for Economic Cooperation and Development (BMZ), for instance, determines six principles for responsible large-scale investments in land: (1) participation and transparency in the negotiations, (2) recognition of existing rights, (3) compensation, (4) fair sharing in the benefits of the investment, (5) ecological sustainability, and (6) human right to food.

“If we were not involved in the land policy sector, things would be even worse here. [...]. Without the money of the donors the LASED project would never have taken off.” (LASED advisor, informal talk, 20 February 2012).

4. Synthesis and Discussion

Our first case study confirms earlier independent reports and anecdotal evidence of the adverse effects of Economic Land Concessions on local people’s livelihoods, community-based resource management initiatives and ecological integrity in the less populated provinces of the country. The indiscriminate allocation of ELCs has led to enclosures of communally managed land, dispossession of small peasants and overlapping claims over private leasehold, community forests, indigenous territories and state land. Since no single piece of farmland has been officially titled in Kratie Province to date, all natural resources are “state land” by default, and farmers and local communities are not considered as legal landholders¹². As a consequence, government officials do not feel legally obliged to negotiate with farmers prior to granting concessions and may only involve in cases of acute land disputes between concessionaires and communities after the concessions are implemented.

Our second case study contrasts the rapid process of granting ELCs of several thousand hectares in a single deal with the painstakingly slow process of allocating small pieces of land to the landless and land-poor. Whereas most Economic Land Concessions in Kratie Province took only a couple of weeks from application to signing the contract, the process of granting Social Land Concessions has lasted several years and generated unsatisfactory outcomes. The initial aim of the international donors involved in the LASED project was apparently to strike a balance between the allocation of large ELCs to private investors and the provision of SLC land to the poor, but they have to face the reality that they have little leverage on accelerating land grabbing and dispossession processes in their target areas. The findings of our case study in the LASED pilot project areas lend credence to the interpretation that Social Land Concessions are not intended primarily as a pro-poor development strategy by a benevolent and paternalistic Cambodian government, but rather as a means to provide reserve land for evicted and dispossessed peasants in order to pursue a form of “shadow governance”¹³ (Le Billon 2002: 573) by a kleptocratic urban elite and to minimize resistance against land grabbing in the form of Economic Land Concessions.

The official narratives and discursive strategies of government officials and foreign development experts involved in land distribution have created an image of Economic Land Concessions and Social Land Concessions as complementary measures in promoting land reform and rural development in marginal areas (Table 3): they aim at constructing an image of Economic Land Concessions and Social Land Concessions as complementary measures in promoting land reform and rural development in marginal areas. While ELCs supposedly warrant “allocative efficiency”, provide for employment opportunities and open up export

¹² The right to ‘possession by occupation’ which had been enshrined in the 1992 Land Law was abolished by the Land Law of 2001.

¹³ The concept of “shadow state” or “shadow governance” was coined by Reno (1995) who showed how politicians and warlords in Sierra Leone extended their personal rule and powers of patronage behind official policies by exploiting their relationships with international businesses.

markets, SLCs are depicted as providing secure land rights for the poor, the women and other marginalized groups and thus promoting “distributive justice”. What is omitted in this official development discourse is the extra-legal and non-transparent character of ELC deals and their infringement on communal indigenous lands, on small farmers’ private fields and on community forests, that has met fierce resistance from Cambodian peasants. The rather fictitious ‘public-private partnership’ rhetoric risks to ignore the historical and contemporary factors that have caused rural landlessness and to *ex post* legitimize and perpetuate the grave injustices, human rights abuses and ecological destruction associated with the implementation of the Cambodian government’s land reform agenda.

Both government actors and foreign development experts appear to view ‘land’ solely as a physical resource to be measured, apportioned and allocated for productive purposes as efficiently as possible. Yet, the reduction of the official discourse around access to land to questions of efficiency and productivity risks ignoring the “cultural significance of land” (de Schutter 2011: 274) and the important social and safety net functions that various natural resources hold for rural households.

Our findings suggest that the introduction of SLC schemes cannot just be classified as a case of mere “window dressing” as suggested by Thiel (2010: 236), but rather as a three-pronged strategy of the Cambodian ruling elite to instrumentalize multilateral and bilateral aid agencies in helping (1) to formalize dispossession and distributional inequities, (2) to smooth the adverse social impacts of the RGC’s very own land policies and (3) to minimize local resistance against evictions associated with the allocation of ELC land.

5. Conclusion

The on-going commodification of Cambodia’s rich natural resources by the ruling elite and its widespread patronage network is intimately associated with the dispossession and disempowerment of rural people. Large-scale and widespread land grabbing in the form of Economic Land Concessions has been accompanied by an official discourse of national economic development, employment creation, reforestation, and poverty alleviation. In implementing its ambiguous land reform agenda, the Cambodian government with its various agencies has been trying to exert a more efficient and remunerative control of resources and people in areas that have until recently managed to escape from state power. Through apportioning and allocating huge tracts of formerly mosaic agricultural and forestland as concession land, the government is exerting a form of eco-political control over these relatively sparsely inhabited regions and is creating new types of poverty and landlessness. Foreign development experts and government advisors, on their part, have been trying to construct the fictitious image of various stakeholders working together in harmony to promote beneficial land investments and achieve win-win-win situations for concessionaires, communities and the government. By perpetuating the myth of partnership, poverty reduction and participation through non-controversial, consensus-seeking discourses, international aid agencies involved in the land reform sector have unwillingly become accomplices of rent-seeking government elites.

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