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## Struggling against excuses: winning back land in Cambodia

Laura Schoenberger 

This paper focuses on one community in Cambodia that won back land from a large land deal by grabbing onto the rupture in property relations initiated by a one-year land titling campaign. I document the struggle between competing legibility and illegibility projects which I examine through two moments, one of the state choosing to see its population and their relations to territory, and another in which the state's excuses for not recognizing smallholders' claims began to falter. By centring the role of excuses, I show how state authority and property relations ruptured around the campaign and how traces of the campaign enabled citizens to claim the right to have rights.

**Keywords:** agrarian transformation; property; land grabs; legibility; excuses; Cambodia

### Introduction

In Southeast Asia, Cambodia is an epicentre of land grabbing, with more than two million hectares (ha) granted as concessions for agri-industrial plantations, often spurring processes of violent eviction. The case described in this paper is located in Snuol district, Kratie province. Snuol is notable for having the most concessions of any one district in the country (Khoun 2011), while Kratie has more concessions than any other province and is the site of nearly one-quarter of the total concessions granted by the Ministry of Agriculture Forestry and Fisheries (MAFF) nationwide (MAFF 2014). The landscape in the area is marked by rubber plantations expanding into huge swaths of recently cleared land, interspersed with scrubby forest and smallholder cassava farms. Smallholding migrants from lowland areas have rushed in to plant cassava amid the remnants of the logged and burnt forest and this also makes a big visual impact, sometimes rivalling the changes unleashed by concessions. This paper engages with smallholders' temporal experience of the state in the frontier to focus on how the state extends itself into areas delimited for concessions, and offers protection and inclusion through a land titling campaign; then retreats, withdraws protection, and makes excuses as the results of the land survey are cancelled; and is later jostled back into the work of governing its population through concerted efforts by peasants. Before delving into the specifics of the case, I first want to set the scene to highlight the unruly character of the broader agrarian-environmental transformations at play and to draw out the messy relations around land and resources in this part of the Cambodian frontier.

The recent near-total transformation of the landscape makes it easy to miss how it layers onto multiple rounds of enclosures. The oldest plantations in Snuol were granted to French investors during the first concessions of the 1920s. Several decades later, the future leaders of the Cambodian government assembled in these colonial rubber plantations to announce

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their intent to overthrow Pol Pot's government on 2 December 1978, an event now commemorated by a monument towering over fields of rubber (Gottesman 2003, 7). After the overthrow of the Khmer Rouge, these plantations transformed alongside the Cambodian economy, shifting to state-owned enterprises during the socialist period and privatized in the late 2000s, and now surrounded by newer concessions granted in the mid-2000s to mostly Vietnamese and Cambodian investors. The fast expansion of rubber plantations was facilitated by developments in the legal framework for granting concessions under the 2001 Land Law and the 2005 Sub-decree on Economic Land Concessions (ELCs).

Running alongside the 2 December monument is a recently upgraded national road that passes through the 68,575 ha Snuol Wildlife Sanctuary under the jurisdiction of the Ministry of Environment (MoE). Although formally demarcated for conservation, kilometres of cleared land newly planted with rubber betray any notion of a wildlife sanctuary. The only remaining evidence that the area is under MoE's jurisdiction are lingering signposts and ranger outposts. NASA Landsat imagery of the sanctuary confirms that 60 percent of the evergreen forest was logged between 2009 and 2013 as part of the MoE getting in on the ELC game and granting 70 percent of the sanctuary to eight companies (Boyle and May 2013). The sanctuary is now regarded as completely given over to concessions and existing in name only (Aun and Zsombor 2017).

Outside of the boundaries of the Wildlife Sanctuary, rubber plantations have taken shape on land that was targeted by concerted logging efforts in the 1980s and 1990s, when soldiers posted in the Cambodia–Vietnam border region exploited the valuable timber. After the United Nations Transitional Authority in Cambodia period (UNTAC 1991–93), international donors pushed for forest concessions as a way to centralize and control logging. The government granted 30 forest concessions in the 1990s, nearly one-third of which were in Kratie, covering 702,642 ha (ADI 2004). In 1994, the Malaysian Samling timber company received a massive concession of nearly half a million hectares, with much of the 143,350 ha located in Kratie falling within Snuol district. The Samling concession was broadly and deeply transformative: some of the roadways it cut to haul timber out have been upgraded to a national highway, while others form routes for ongoing timber smuggling; the maps it produced of the region shaped the boundaries of a future Wildlife Sanctuary and Protected Forest; it generated the first studies of the forestlands in the region and brought in over 200 workers to undertake this work.

With vast logging operations underway and an influx of workers, pathways opened for land-poor families from neighbouring lowland areas to start to clear land and settle the frontier. The newer Khmer migrants, increasingly settling in Snuol district in the mid-2000s, either joined pre-existing indigenous Stieng villages, or established newer outpost communities along the recently upgraded roads, or deeper in the forestlands. The land claims and forest access of pre-existing indigenous communities had already been reshaped over the preceding decades by US aerial bombing that displaced families and sometimes whole villages; the reordering of village life under the Khmer Rouge which included military occupation, forced collective farming and the abolishment of private claims to land; the occupation of the region by various armed groups; and later by forest and land concessions granted by the government. For the newly arrived, their reasons to migrate are many. Some settlers have faced multiple rounds of displacement from other places. Some were prompted to relocate once they reached adulthood since, as orphans of the Khmer Rouge era, they were unable to stake a claim in the decollectivization of land in the late 1980s. Others give accounts of losing their farmlands throughout the 1980s and 1990s due to the demarcation of the border with Vietnam. The most recent arrivals to Snuol sought to clear and claim land to establish a foothold in the frontier in conjunction with a new land titling

campaign. When I brought Peter Vandergeest to the region, we witnessed a scene where a rubber company and smallholders were competing to clear a remaining stand of community forest. Vandergeest was shocked, commenting ‘this is unlike anything I’ve ever seen. It feels like the apocalyptic landscapes Anna Tsing writes about’.

The land rush and the associated logging are central to the local economy, yet power relations between loggers, armed forces and local authorities appear unstable. Starting in the late 2000s, multiple high-profile conflicts have erupted, including shootings, violent evictions, and the destruction of villagers’ homes and crops. Unstable power relations emerge in shoot-outs, police shooting at journalists documenting timber smuggling, logging trucks blowing through the border crossing with Vietnam, and a kerfuffle in which soldiers from Kratie surrounded a platoon from neighbouring Mondulhiri province in order to release detained loggers (Aun 2015; Phak 2013, 2014, 2015; Vong 2014; Saing and Henderson 2014). During my fieldwork, riding public minivans in the region routinely involved extended stops for drivers to pack the spaces under the seats with timber to ferry out of the Wildlife Sanctuary. While staying overnight in villages, I regularly saw cars belonging to state officials arrive at night with timber deliveries to be hidden under villagers’ homes as one stop on the journey over the border to Vietnam.

While many studies have documented the processes through which land grabs occur in Cambodia, in this paper I am focusing specifically on the rupture in property relations within and around land concessions unleashed by the Order 01 land titling campaign in May 2012. The Prime Minister’s Order 01 initiated a moratorium on granting ELCs. It later introduced mechanisms to excise land from ELCs to distribute to smallholders as private titles via a nationwide land titling campaign that aimed to redistribute and title more than one million hectares to smallholders within one year. The unanticipated Order 01 created the first opportunity for many peasants in the uplands and frontiers to gain fully recognized rights to land as well as the mechanisms to secure land claims vis-à-vis concessionaires and land grabbing processes. Order 01 was a rupture: an ‘open moment when opportunities and risks multiply, when the scope of outcomes widens, and when new structural scaffolding is erected’ (Lund 2016, 1202), in the sense that the order quickly ruptured both processes of land grabbing and the pre-existing local practices and state authority around land tenure.

The story for this paper starts from an encounter in August 2014, when I was immersed in research on another community from Kratie that had gained land rights after protesting the burning and razing of their homes (see Lamb et al., 2017). Twitter alerted me to another community that seemed to have adopted the same strategy of camping out for weeks at a social justice-oriented temple to march and petition in the capital city. Riot police were deployed on the streets of Phnom Penh to prevent the community from marching to the Prime Minister’s house. Curious, I set out with Vanessa Lamb and was surprised to encounter familiar faces. The protesters had come from the first place I had done research in in Cambodia several years earlier, and an area where local officials had blocked my research project earlier that year.

Krasaing community members had staged a sit-in at a park near the Prime Minister’s house and displayed placards with copies of their Order 01 land survey receipts, signed by local authorities and Prime Minister Hun Sen’s Order 01 youth volunteers. These receipts were an important trace of the Prime Minister’s one-year land surveying campaign and are issued as part of the survey process and in advance of a full land title. In their marches, demands and petitions, the community used the presence of the Order 01 teams and the survey receipts as evidence of their right to have rights in the new property regime unleashed by the order. Given the role of these receipts, how they were displayed on placards during sit-ins and marches as signifiers of legitimacy, I approach the receipts

as actants, or hybrids, that shape political mobilizations and that challenge the terms of governing. I draw from Latour (2005, 8, 65) to treat the receipts as an object whose traces help to make visible new (momentary) social associations as they gather into new shapes – in this case, new relations of governing ELCs, land and property. As a signifier of the ‘incorporation of potential citizens’ (Ferme 2004, 97), the survey receipt functions as an assemblage that joins together material things with desires – both material and cultural. Holding and displaying a survey receipt – the paper that documents family composition, place of birth, and history of occupation, size and location of the claimed plot, confirmed with signatures from the head of the Order 01 survey team and the commune chief – was an act of mobilizing these documents to be both signifiers and constitutive of citizenship. The receipts played an important role in the process of gaining greater citizenship rights, since holders of full land title are able to enjoy different sets of political and economic rights in comparison to those who did not secure a title during the campaign and are thus left vulnerable to ongoing and future dispossession by land concessions. Further, the different practices the community engaged in – from reaching out to local officials, provincial officials, elected members of parliament, ministerial actors and the Prime Minister, to occupying roads, temples, land and the streets in the capital, and attempting to reach the Prime Minister’s home – can be seen as exerting different types of status within the category of citizens in order to push to gain another dimension of citizenship – land rights.

Recording an encounter with the state, the Order 01 survey receipt embodies ‘forms of life through which ideas of subjects and citizens come to circulate among those who use these documents’ (Das and Poole 2004, 16). By showing the presence of the Order 01 survey teams, an extension of the Prime Minister himself into the lives of peasants on the frontier, the documents enabled peasants to take on the role of the concerned citizen seeking to try to correct the campaign, guide its procedures and hold it accountable to the Prime Minister’s order. Yngvesson and Coutin (2006, 184) argue that paper trails produce the materialization of existence since papers do not simply document prior moments, but also ‘have the potential to redefine persons, compel movement, alter moments and make ties ambiguous’. In thinking through the work that documents do, they focus on how ‘papers jut out into the future, requiring the selves who are authenticated by these documents to chart new and sometimes unanticipated courses’ (184).

When I met the community in Phnom Penh I had to ask how was it that, despite holding records showing that the Order 01 survey teams had deemed their land eligible for titling, more than a year later they found it necessary to go to the capital city to fight for recognition of their claims and demand full titles. Starting from this tactical use of documentation by villagers to render their land claims legible – to the state, to the map, and to the concessionaire that threatened their material existence – this paper engages with villagers’ struggle to be seen and to construct a recognized interpretation of rights and claims.

As Lund (2016, 1205) suggests, adapting from Oscar Wilde, ‘there is only one thing worse than being seen by political authority, and that is not being seen’. In querying the state’s manoeuvre to un-see its population, this paper engages questions of what it means for governing agrarian transformations when the state erases subjects, populations, territories and lives from its official records. What happens when the state’s documentary practices no longer make the state legible to itself along the lines of Scott’s (1998) legibility effect, but instead some state actors abandon the effort to know the population and their relations to its territory? What are the implications of these manoeuvres for understanding struggles surrounding land grabbing?

By thinking of the survey receipt as an object with ‘a traceable path’ that can be followed (Latour 2005, 193), my attention has been directed to the strategic use of various

sorts of visibility – survey receipts, petitions, letters, embodied smallholder farmers blocking rural highways and city streets – to produce legibility to the state. This has drawn me to two moments. First is the moment when the state chose to react to critiques of land grabbing by choosing to see its population in the frontier and to recognize their rights. The second moment is the production of new excuses by various state actors as to why people couldn't secure rights to land after the concessionaire exerted its influence to undo the survey results and erase people's claims from the map.

Taking up the struggles to produce recognition and fight erasure of land claims highlighted the need to grapple with excuses to think through the work done by different institutions to avoid enacting authority. As I detail later in this paper, paying attention to how excuses are used can help to identify anomalies and failures since excuses signal breakdowns in different parts or stages of the machinery (Austin 1957). As Order 01 deployed the Prime Minister's survey teams to ELC-heavy regions, the traces left by the titling campaign destabilized longstanding excuses as to why people could not gain recognition for their land claims. The very existence of the campaign produced the need for new kinds of excuses to explain why state officials were not enacting authority to determine property rights for smallholders living and farming within ELCs. To highlight the ways authority was remade under Order 01, I detail two public performances crucial to this case. One is of authority, demonstrating the potential for the state to discipline land grabbing processes by choosing to see its population and their relations to territory. The other is a volley of excuses as to why state efforts to see came undone and property rights were erased.

In focusing on these two performances I direct attention to the ruptures created by Order 01 and the resulting possibilities for citizens to exploit and expose this upheaval to gain rights. I situate the struggle as one of competing projects of legibility and illegibility, of recognition and erasure, to highlight the work done by smallholders and the concessionaire to foster a version of the record that could stick as the recognized interpretation of land rights in a context in which authority and the power to determine land rights is murky and unclear, partly by intent. This take differs somewhat from the tendency in critical agrarian studies to draw upon Scott's (1998) concept of legibility to focus on projects of the state exerting its control over marginal populations. Here we are instead facing a population that is seeking to draw in the state and its legibility projects because legibility to the state, through things like entries in the national cadastral system and land titles, is tied to state protection against land grabbing processes.

This paper proceeds as follows. I first outline my methods and approach to the case before situating it in the history of land rights and titling in Cambodia and the rupture caused by Order 01, detailed in the second section. The third section takes up the announcement of the Order 01 titling campaign. The fourth section draws us into the story of Krasaing community and their struggles to maintain access to land. In the fifth section I take up how excuses have been approached in the scholarly literature to set the groundwork for delving into the specifics of how Krasaing struggled against excuses. I then focus on the ways officials jockeyed to deploy acceptable excuses that could explain why the state abandoned its efforts to know its population through the titling campaign as well as excuse themselves from the responsibility to enact authority.

## **Methodology**

I first went to Snuol district, Kratie province, in 2010. I chose this site for a research project with the International Development Research Centre on the relationship between food

security and land concessions, because the area was undergoing rapid and expansive change. It was also considered relatively less contentious and potentially easier to access than other locations as there were no known investments from tycoons, the politically well connected or the armed forces. For this research, I held informal group discussions in Krasaing community, inclusive of participatory mapping activities, ranking exercises, and building timelines of key trends and events in the community. I also conducted 20 household interviews with Stieng families and Khmer settlers concerning their land claims and livelihood activities. In 2010, the village was tense and ELC security sporadically fired their guns to little reaction from people who commented ‘they do it just to make us fearful or because they are bored’ (field notes, August 2010). In 2013, I returned to the area for my dissertation research and met with community leaders to understand how their land claims had proceeded in the intervening years and during the Order 01 campaign. I had wanted to focus on the community for my dissertation, but the district government denied my requests for permission in 2014. The reasons given were that this community is a ‘new community’ and so ‘had no history’ and would not be suitable for research (field notes, 5 February 2014). There were also concerns that the village was engaged in advocacy for land rights, and officials feared that a researcher might spread a political message or encourage activism.

Faced with this obstacle, I did not pursue further field visits to Krasaing. Instead, this paper emerges from a serendipitous encounter in Phnom Penh and the stories and documents the community shared with me while I worked outside of their village. As such, my study is removed from the territorial situatedness of the community and shifts to encounters between the community and the state in the streets, parks and temples in the capital city, and at the provincial hall, as community members mobilized through petitions and marches. This spatial shift engages with Poole’s (2004, 38) suggestion to look to the highly mobile, tangible and embodied spaces to see

what happens if, instead of locating the margins of the state somewhere between the urban and rural spaces in which peasants live, we look for it in that odd – and highly mobile – space between threat and guarantee that surfaces every time and every place a peasant hands either legal papers or documents to an agent of the state?

I place these encounters within three years of data collection via field work throughout the district. I also draw from an extensive review of secondary sources including ELC contracts, community requests and petitions, interviews with local officials, and media coverage.

Temporally, this case is situated in the aftermath of Order 01. Survey teams were withdrawn from the Cambodian countryside in late June 2013, in advance of the national elections. Although there were promises to re-deploy the teams if the ruling party won, large-scale survey work ended despite the ruling party maintaining power. Even though there were no further surveys, Order 01 did not formally end and the reclassification of agricultural and forest concessions continued into 2015. As such, this case works through ‘the suspended moment in time that separates threat and guarantee’ as a ‘site’ that is not ‘stable, as in either predictable or ideologically intentioned’ but rather is traceable through ‘the sorts of fleeting instances in which peasant life engages the institutions, spaces and people who represent justice and law’ (Poole 2004, 36–37). Specifically, this paper shifts from analysing the anticipation of Order 01 (Work and Beban 2016) and its effects (Milne 2013; Diepart and Sem 2016), to seeking out the remaining gaps left by the traces of the order and their associated opportunities.

### Land rights and titling in Cambodia

Order 01 was a rupture, which Lund (2016, 1202) has described as a moment of opening in which both risks and opportunities multiply, and when new structures emerge. Cambodia has been the site of many such ruptures in property relations in the past century. In the context of a massive land rush, the Prime Minister's 2012 announcement of a national land titling campaign that specifically targeted areas with ELCs and forest concessions, as well as state forests and state land, caught many by surprise (Müller and Zülsdorf 2013). That the campaign intended to title within large land deals led some donors in the land sector to label the campaign as one of the only programmes of its kind in the world (Zsombor and Kuch 2013). Given the targeting of smallholdings both within and adjacent to ELCs, the campaign appeared to fit neatly within calls for property rights formalization as a means to counter the problem of land grabbing (FAO 2009; FAO et al. 2010; World Bank 2010). It appeared to represent the political resolve to assuage rural land conflicts that are estimated to have affected more than 770,000 people between 2000 and 2013 (ADHOC 2014). The order was explicit in its aims to solve land conflicts by reclassifying 1.2 million ha of land and then issuing private titles to 470,000 households. To this end, the campaign enrolled thousands of university students as 'youth volunteers', outfitted them in military fatigues and dispatched them throughout the country to survey land from July 2012 until June 2013. The campaign exceeded its targets and issued 610,000 titles by December 2014 (MLMUPC 2014).

Important for contextualizing Order 01 are the processes of the 1990s and early 2000s that re-established private property, and a legal framework for land that curtailed the abilities of Cambodians to claim private property rights in the post-conflict era (i.e. after 1998). First came the 1992 Land Law, drafted with urgency during the UNTAC period, which copied many provisions for land ownership from the French colonial government's 1920 Civil Code that had introduced fully private property (Trzcinski and Upham 2014). In 2001, a new land law, that was developed with donor involvement, introduced concessions and private property.<sup>1</sup> The 2001 Land Law introduced mechanisms for people in lawful possession of land as of 2001 to apply for ownership rights after five years of continuous possession. Meanwhile, the law precluded people from attaining full ownership rights for any land that was newly possessed or used after 2001. Crucially for cases of dispossession and displacement, under the Cambodian Constitution and the new 2001 Land Law, full land title certificate is the only indisputable proof of ownership.<sup>2</sup>

With the legal framework for private property in place, work began on a systematic land registration (SLR) programme to title land. SLR, under the donor-funded Land Management and Administration Project (LMAP), began in 2002. It focused on areas considered to be easy to resolve and to title, and avoided areas that were likely to be disputed as well as areas with unclear status. This tended to mean that titling efforts focused on lowland rice-growing areas and avoided areas that were likely to be in the path of planned developments or ELCs, areas where tenure was in dispute, and areas where land

<sup>1</sup>Constitution of the Kingdom of Cambodia, Article 44; Land Law (2001), Article 5.

<sup>2</sup>Two legal scholars evaluating the legal framework for land in Cambodia describe the 2001 law as

the epitome of top-down social engineering with the added dimension that it was based on foreign models and designed by foreign experts with reference to global best practices . . . . It does not purport to reflect or connect to existing social practice beyond its recognition of pre-2001 possession. (Trzcinski and Upham 2014, 60)

was desired by well-connected individuals or companies (Grimsditch and Henderson 2009; Biddulph 2010; Grimsditch, Kol, and Sherchan 2012; Trzcinski and Upham 2014; Dwyer 2015; Biddulph and Williams 2017). Biddulph and Williams (2017, 174) sum this up as follows: ‘the story of rural land distribution has been one of quiet evasion’.

These evasions had real consequences. Land tenure in upland areas was made legally precarious in the absence of SLR and exposed communities to accusations of being illegal ‘anarchic squatters’ (Grimsditch and Henderson 2009, 7). In the meantime, large-scale agrarian expansion away from the rice plains and into the uplands over the past 15 years (Diepart and Dupuis 2014), and since the 2001 Land Law came into effect, means that the Order 01 titling campaign is catching up with changes in smallholder land use.

Given the 2001 cutoff for claiming possession rights, Order 01 created a massive legal opening for Cambodian peasants on the move. It was also a geographic re-orienting of titling efforts towards areas that were likely settled since the end of the conflict with the Khmer Rouge. The campaign also differed from SLR in its concentration on alleged ‘non-legal occupation’ of state land such that government speeches and documents relating to the campaign speak in terms of the state ‘donating’ land. Since the order explicitly targeted areas where the state had claims to land, either as concessions or as forms of state land, its implementation entailed erasing some of the claims of powerful groups, including the ruling Cambodia’s People Party’s (CPP) key clients, as well as civilian and military officials (Biddulph and Williams 2017).

Although modelled after the donor-supported SLR process, Order 01 was beset by inconsistencies across sites, and local officials interpreted the order with a high degree of variation in terms of determining what land was eligible for survey and in how the teams approached areas with disputes and conflicts (Grimsditch and Schoenberger 2015). Research by Work and Beban (2016) captured how uncertainty at the outset of the campaign encouraged peasants to transform their landholdings to prove eligibility for the campaign, with uneven outcomes. Further research conducted by non-governmental organizations (NGOs) and academics documented the incompleteness of survey and titling efforts and the differential access and titling outcomes across the country. Importantly, both quantitative and qualitative research found no pattern or trend indicating a systematic approach in terms of how the campaign treated landholders in conflict with ELCs (Focus on the Global South 2013; Rabe 2013; Milne 2013; Grimsditch and Schoenberger 2015), or found that areas in dispute were simply not titled by Order 01 teams (Beban and Pou 2014).<sup>3</sup>

### **Setting the stakes: uttering the biopolitical divide**

With so much potentially at stake, it is striking how difficult it is to discern what exactly the criteria were for a household, area or community to be eligible for survey and titling. Order 01 was a one-page notice that contained four bullet points outlining its goals. The order did not contain reference to a land titling campaign. Instead, the Prime Minister announced the

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<sup>3</sup>Such irregularities are particularly pronounced in two quantitative studies done after the campaign’s implementation. One study of 480 households in six provinces found that as many as three-quarters of smallholders did not receive a land title to all the parcels that had been surveyed within two years of the campaign ending (Grimsditch and Schoenberger 2015). Additionally, more than half of respondents said that not all their plots of land were surveyed. Another study of 400 households in three provinces found that about half of respondents had their land surveyed, but that one-third of respondents had not yet received title (Beban and Pou 2014).

campaign to title land in June 2012, during a closed-door meeting with ministers and provincial governors on the implementation of the national development strategy. The *Phnom Penh Post* reported that the Prime Minister ordered that space must be provided for people who would be displaced within every ELC in the country. The Prime Minister reportedly told provincial governors that they had ‘just six months to demarcate 10 per cent of every agro-industrial, forest or illegally established ELC for villagers to live on’ (Boyle and May 2012). The order was accompanied by a threat, with the Prime Minister quoted as saying ‘And if any provincial governor does not do it, be aware that I will go to put up a tent to measure land for the people directly’. The Prime Minister continued that in cases of conflicts between companies and citizens, priority had to be given to the people.

In the excitement after the announcement, people eagerly sought records of the speech, and a TV station offered to distribute videos of the speech to anyone who requested a copy. Within days, hundreds of villagers sent in requests for the footage, with *The Cambodia Daily* reporting villagers saying they ‘would use it as insurance to solidify claims to their land if local authorities prove reluctant to implement the prime minister’s orders’ (Kuch 2012). A representative of the TV station further commented that ‘we’ve received a lot of orders from villagers, especially people facing controversial land disputes’ and that ‘villagers want to keep Samdach’s [Hun Sen] order on land policy as a form of accountability for authorities’. Not only were villagers requesting a video of the speech, provincial governors were also on the record as trying to gain a copy of the speech, as one provincial governor remarked, ‘it’s important to get the video compact discs of the prime minister’s order because some people heard and some people haven’t heard what the prime minister ordered’. The urgency to secure evidence of the Prime Minister’s words as ‘proof’ for citizens seeking to enforce policy, alongside the authorities tasked to implement it, underscores just how important such utterances are in state making, particularly state making at the margins. The emphasis on the speech, its policy-setting role, and the scramble to secure evidence of these utterances recalls Das’s (2004, 234) emphasis on ‘how the documentary practices of the state, on the one hand, and the utterances that embody it, on the other, acquire a life in the practices of community’.

Following the announcement of the campaign, the Minister of Land outlined its details in a speech to the donor community two months later. In terms of the specifics of what land would be eligible, the Minister’s speech specified that the campaign would be active in 20 provinces, focus on ‘not yet legal occupation’ and target only 10 percent of land within highly disputed ELCs (Im 2012). In terms of what kinds of claimants would be ineligible, the most detail is given in Point 20 of the speech:

there have also been some bad opportunists to encroach onto a new area, and claim for recognition from local authority. In this case, I would like to emphasize that any anarchic encroachment or claim on inactive occupied-planted-used land by various proofs is not eligible with this campaign. (Im 2012)

Supporting these two speeches were a series of at least 11 administrative documents in the forms of Notifications and Instructions issued throughout the campaign’s implementation that provided the written guidelines and correctives. The written instructions tasked provincial and district land management teams with the work of selecting adjudication areas, although the documents do not specify detailed criteria for the selection of survey areas. Reviews of Order 01 by foreign advisors working on SLR noted that, with respect to the process by which some claimants were considered invalid, ‘we do not know on which criteria the verification is based’ (Müller and Zülsdorf 2013, 14). My own readings of

documents and speeches reveal important silences and omissions when it comes to evaluating just *who* could seek title under the order.

By attending to the unnamed qualities of a successful claimant we can see how a number of considerations are missing for determining eligibility, such as the period of land occupation, the types of land use eligible for surveying, pre-existing tenure arrangements with local authorities and so on. By extension, the criteria of *who* could make fuller claims to citizenship by accessing land rights through the campaign were signalled by terms like ‘poor’ and ‘non-legal’, and identified in relation to descriptions of farm size, but were not detailed according to clear parameters as all these categories are ‘fuzzy’ and require interpretive work to both claim and recognize.

This did not mean that all those who met descriptions of ‘poor’ or ‘non-legal occupants’, or those who were in an area targeted for survey, had their land surveyed by the Order 01 teams. Rather, inclusion was most clearly determined by where the survey teams reached before they were withdrawn on 23 June 2013 in advance of the national elections.

Because Order 01 was the first chance for many Cambodians to secure land tenure via legal title, the fact that the titling campaign was abandoned before its completion has important repercussions for citizenship. Representative of inclusion and rights, land titles are a technology of regulation and nurturance that brings segments of the Cambodian population under the umbrella of state care, and in the process assigns different social fates to segments of the population. In a legal context in which full land title is the only indisputable proof of ownership, citizenship fragmented further as those who gained titles became able to enjoy different sets of civil, political and economic rights from those who did not secure a title during the campaign and are left vulnerable to eviction and displacement by land concessions. If drawing upon a Foucauldian conception of biopolitics in which ‘the negative referent of biopolitics seems to be the point at which a cut is made between those whose lives are managed and enhanced’ and those who are abandoned by the state, then the biopolitical cut represented by the Order 01 titling campaign is one of the campaign’s key effects (Das and Poole 2004, 25). By further segmenting the population and creating new internal divisions, the outcomes of the campaign align well with Ong’s (2000) notion of ‘graduated sovereignty’, referring to ‘the differential treatment of populations – through schemes of biopolitical disciplining and pastoral care – that differently insert them into processes of global capitalism’ (62), which occurs alongside ‘gradations of governing – disciplinary, pastoral, civilizing/disqualifying policies, or military occupations and de facto autonomous domains’ (65). Given the stakes of Order 01 – that to receive a title is to receive state acknowledgement and recourse to protection, and to remain untitled is to be further removed from legal protection while the concessionaires’ claims are strengthened inversely – much is on the line.

### The story

Krasaing has been impacted by the rushes for land and resources that characterize the agrarian-environmental transformations of Snuol: the Samling timber concession in the 1990s; parallel efforts to exploit the forest by local military and entrepreneurial elites; increasing migration by ethnic Khmer families from lowland provinces; and a boom in efforts to plant rubber by concessionaires, and cassava by smallholders. Migrant families that settled in Krasaing cleared unclaimed land, or purchased landholdings from Stiang families, or negotiated with village and commune authorities for permission to settle and farm the land. These local tenure arrangements were upended when MAFF granted a large

concession to a South Korean company, Growest, in 2008. At 9996 ha, the concession was just within the legal limit of 10,000 ha. Like most ELCs in Snuol, the investor planned to grow rubber since the volcanic red lands of the area are particularly well suited for rubber growing (Slocomb 2007).

The vast Growest concession spanned three communes and overlapped with the land claims of several communities. Maps attached to the concession contract indicated where it overlapped with communities, and the map's legend identified 1684 ha as 'land in conflict with people'. The contract also included provisions that the company must conduct field surveys of land legally occupied, yet villagers only became aware of the concession two years after the deal was signed when the company first ordered several families off their land. Between the community's first contact with the company in May 2010 and when I visited in August, the company had destroyed many upland fields and the community had received multiple notices of impending evictions. They had also gotten word of an ominous plan to take 2800 ha of claimed land and confine 113 households to an area of just 50 ha. Several months later, Growest sold the concession to another Korean company, Horizon Agriculture Development. By the time people from Krasaing had gone to Phnom Penh to protest, Horizon had cleared and planted rubber on 3700 of its 9996 ha.

As the community struggled to hold onto land, they sought decision makers who would recognize their land holdings and provide some clarity on their rights vis-à-vis the ELC. Their advocacy efforts strategically moved up the chain of command, appealing to commune, district and provincial authorities. In 2010, a migrant farmer explained the situation to me as, 'the company is backed by local and top government authorities. They just say words and the company stops for a short period, but then it continues'. After repeatedly being rebuffed by local officials' claims that solving disputes with the ELC was up to 'high-ranking officials' and so they could not get involved, the community turned to three elected Members of Parliament (MPs) from Kratie. The community successfully captured these MPs' interest and a written message was discussed in the National Assembly in late 2010. In response, an inter-ministerial team composed of officials from MAFF and the Ministry of Land Management Urban Planning and Construction (MLMUPC) came to the village in August 2011, about one year before the launch of the Order 01 survey. Although the inter-ministerial team assembled a 'solution' to recognize the community's claims, the community rejected the proposal. They rejected it because households would be limited to 3 ha of land, irrespective of their current holdings or family size, and because they believed that the officials had taken instructions from the company as to where to survey and what land could be given to the smallholders.

The announcement of Order 01 in June of the following year signalled the potential to rupture the deadlock. The youth volunteers arrived in Krasaing one month after the launch of the campaign and began to survey land around the Horizon concession. The survey took six months, at least three times longer than typical under Order 01's expedited process, due to numerous interruptions and delays caused by debates over whether the land within the ELC was eligible for survey. To protest the delays and push for the whole area to be surveyed, the community blocked the National Road. They hoped that by doing so they could draw attention to their case and force authorities to recognize their existence and their land claims. The rationale was that if they could get the attention of higher levels of government, then provincial and district authorities might be held more accountable and not interfere with the survey on behalf of the company. When pushed by the *Phnom Penh Post*, the district governor explained the conundrum:

The authorities didn't ban the voluntary youths from measuring the land for the residents at all, and we always wanted to measure the land, with real land tenure for the residents ... [but] how can we measure the land for them if they just point out the land that was already bulldozed by the company? (quoted in May 2012)

Despite the company's attempts to redirect the survey teams, the youth volunteers eventually chose to interpret Order 01 as an instruction to survey land inside the concession, provided it was not already planted with rubber by the company. Once the survey was complete, households received their survey receipts and a public display of the results was held in May 2013, the last official step before awarding titles. Then people waited for titles. And waited. Although two sub-decrees officially excised land from Horizon Agriculture Development Co. Ltd in January 2014, months continued to pass without any awarding of titles.<sup>4</sup> Frustrated with the months-long delay, people surrounded the commune chief's office and threatened to prevent anyone from entering or exiting the building. This action provoked a meeting between district and provincial officials and the community. Again, when pushed by reporters, local officials attempted to excuse the delays, this time blaming the delay on a 'dearth of government staff' (Kuch 2013).

### Excuses

Although the literature on property and authority emphasizes that 'claims to rights prompt the exercise of authority' (Lund 2016, 1199), this case highlights the work done to avoid enacting authority by different institutions. Much of the property literature takes up examples of institutions that vie to define and enforce property relations and rules, alongside securing the recognition of their ability to do so from the governed populations – especially in post-colonial and post-socialist societies like Cambodia (cf. Sikor and Lund 2009; Lund 2011; Lund 2016). As Hall (2013, 57) writes about authority in the frontier,

If we imagine 'the state' to be an anthropomorphized actor with desires and wishes, it is easy to assume that 'it' wants to fully assert 'its' control over the frontier – to be able to see everything, to know everything, to regulate everything, to extend the national administrative framework to every nook and cranny of the country's territory.

Yet when we disaggregate 'the state' into the various agencies and people who occupy positions in the state, the constraints and restrictions on their operations become more apparent in the forms of limited budgets, limited means to govern isolated and thinly populated places, and the competing agendas of other agencies – all of which may contribute to the state ignoring local pleas for *more* state activity (58). In the face of such pleas, different branches of the state may struggle to gain jurisdiction over particular issues and the associated rents, but these actors also struggle 'to disown them (to avoid blame, liability, et cetera)' (Lund and Boone 2013, 6), and attempt to conceal or manage what Mathews (2011, 2–6) refers to as the 'uncertain authority' of local bureaucracies and state actors.

This case, however, complicates narratives of state agencies vying for authority as the community mobilized to engage the full array of relevant institutions: village, commune and district officials; provincial departments and the provincial governor; MAFF and

<sup>4</sup>As reported on the online open data initiative, [www.opendevdevelopmentcambodia.net](http://www.opendevdevelopmentcambodia.net), sub-decrees 18 and 19, passed on 13 January 2014, excised 1990.94 ha and 4737.47 ha, respectively, from Horizon Agriculture Development.

MLMUPC at the ministerial level; elected members of parliament; the Prime Minister and his representatives – yet at all these different levels and branches the community struggled to have their claims addressed and were met with excuses as to why these actors could not act. As such, this case challenges the assumption that institutions will vie and jockey for authority. In this struggle over two competing legibility outcomes, namely smallholder claims versus those of the concession, we encounter very different institutions all making excuses as to why they have not defined, and cannot define, property relations. Instead of jockeying *for* authority, the interplay between claimants and authority is marked by competition among institutions to *avoid* enacting authority, which becomes even more pronounced when the Prime Minister gets in on the game. Key to this avoidance is the deployment of excuses and public declarations of blame over which institution ought to take authority to make a decision to resolve property rights.

In working through the role of excuses I take my cues from Das's (2004) writings that advocate for a turn to the domain of infelicities and excuses on the part of the state, and consideration of how these circulate in the realm of the public. Das (2004, 244) draws from the philosopher Austin's (1957) analysis of the language of excuse to draw out 'the realm of infelicities when performative utterances fail'. In connecting excuses to the work of governing and enacting – or failing to enact – authority, Austin's assertion that 'it rapidly becomes plain that the breakdowns signalled by the various excuses are of radically different kinds, affecting different parts or stages of the machinery, which the excuses consequently pick out and sort out for us' (6) helps us to re-centre breakdowns of governing and focus on the machinery. Part of this breakdown in the machinery is also tied up in the granting of large land concessions that tend to have dubious legitimacy at the local level, and within the legal framework, with the implications that smallholders living and farming in and around these concessions are not entirely invisible or irrelevant to the state. This necessitates the need to respond to the partial validity of smallholders' claims, even prior to Order 01.

In thinking of excuses as signposting various breakdowns, it is important to stress that villagers and community members in Cambodia are frequently up against local officials who claim they cannot resolve land claim problems due to this being the prerogative of higher authorities. This was certainly the case for many years in Krasaing, during which local state actors responded to letters, petitions and pleas with explanations that they were limited in what they could do since it was a matter for 'higher authorities', or were met with delaying tactics by being told simply to wait for a solution. In many parts of the Cambodian frontier these excuses hold as acceptable and maintain the status quo, at least temporarily. Occasionally, local officials' deferment to higher authorities leads a community to travel to the capital city to demonstrate in front of the Prime Minister's house or to march and deliver petitions to ministries and embassies. Rarely do these efforts result in smallholders returning to their community with a land title, as Krasaing succeeded in doing.

In the widely cited 'A plea for excuses', Austin explains that,

to examine excuses is to examine a case where there has been some abnormality or failure: and as so often, the abnormal will throw light on the normal, will help us to penetrate the binding veil of ease and obviousness that hides the mechanism of the natural successful act. (1957, 5)

As a case that is abnormal, both in the sense that it was successfully resolved in favour of smallholders, and in the sense that a series of excuses clashed and lost status quo acceptability, the abnormalities of this case help to signal the various breakdowns in authority due to the ways Order 01 ruptured state–society relations and disoriented the realm of

acceptable excuses. What constitutes an acceptable excuse is important as the ‘whole realm of acceptable excuses creates the realm of the civil, in which the very legibility of the state to its citizens becomes the mode of establishing its legitimacy’ (Das 2004, 248).

Order 01 drew the central government deeper into the everyday lives of peasants in the frontiers and its operation demonstrated the ability of the central government to determine property rights for smallholders vis-à-vis ELCs. As the discourse that surrounded persistent land struggles and the realm of acceptable excuses ruptured, claimants were able to grab onto new avenues by which to reject longstanding excuses of authorities saying they were unable to resolve conflicts with ELCs.

As Krasaing’s tactics shifted to the streets of Phnom Penh and caught the Prime Minister’s attention, the jockeying to avoid responsibility became even more pronounced. The Prime Minister also entered the realm of excuse-making, even though Order 01 was a way for him to take control of the property–authority social contract from the Council of Ministers, relevant ministries, and from actors in the provinces (Müller and Zülsdorf 2013; Milne 2013; Grimsditch and Schoenberger 2015).

### **Struggling against excuses**

Krasaing community had many tactics: they attempted to invoke authority from institutions at commune, district and provincial levels; reached out to the youth volunteers and survey teams; blocked national roads; and ultimately chose to travel 250 km to the capital city where they marched four times in attempts to gain the attention of Hun Sen, MLMUPC, the National Assembly and various embassies. By the time they reached Phnom Penh, the community was exhausted by local officials claiming that the case was the concern of higher levels of government, relevant ministries claiming it was the responsibility of provincial officials, and so on.

But it was the intervention by the Korean Embassy that truly shifted the terrain. The Korean Embassy filed formal complaints with the MLMUPC on behalf of Horizon Agriculture Development in March 2014, two months after the sub-decrees were issued to excise land from the ELC. A formal meeting was also held between the Minister of Land Management and the Korean Ambassador. The involvement of the embassy spurred the retreat of local officials from the case. Local officials now claimed the dispute was a matter of international affairs and that plans to issue titles could no longer proceed (Aun and Wright 2014a). Months later, the results of the Order 01 survey were cancelled and provincial officials informed Krasaing that they were no longer considered eligible for title. The community then grabbed national headlines for two months when nearly 200 people, representing 329 families, took their demands for title to Phnom Penh.

Once in Phnom Penh, the community launched a series of marches to try to deliver a letter to the Prime Minister by demonstrating outside of the National Assembly and marching to the Prime Minister’s villa. Several of these efforts were rebuffed by members of the Prime Minister’s cabinet, who initially told villagers that

we cannot take the petition from you because you have not yet tried to solve this with local authorities . . . . We ask all of you to return home to find a solution with local authorities and we will intervene later if that fails. (quoted in Aun 2014a)

The farmers pressed on, making weekly attempts to march in the capital with their Order 01 survey receipts displayed, while the state deployed truckloads of military police and district security guards to stymie the protestors. The state also posted security forces around the

Buddhist temple that hosted the community to monitor the group and to prevent future marches. After several weeks of trying to reach the Prime Minister, a member of his cabinet accepted the petition, telling villagers ‘we can’t find a solution for you at this time’ but that the letter will be passed ‘to the upper level to push local authorities to find a solution for you’ (quoted in Aun and Wright 2014d). That the solution was once again located in local authorities frustrated community members who had directed their efforts towards Phnom Penh after the district governor told them that the provincial governor had given the community one month to file a complaint with MAFF and to request an investigation into the Order 01 survey results (Aun 2014a). As one older woman explained to the press, ‘I have no hope that the provincial authorities will find a solution for us because we have protested three times but got no results’ (Aun 2014b). These sentiments were reinforced by a community leader, who explained to the press,

we won’t try to get a solution with local authorities because we have tried many times. We will continue to stay at the pagoda to make new plans to protest, demanding Samdech Hun Sen help to find a real solution. (quoted in Aun and Wright 2014d)

These efforts to gain Hun Sen’s attention were met by state security forces. In one instance, 10 villagers, including a four-year-old child, were injured by security forces armed with electric batons as they attempted to march from the National Assembly towards Hun Sen’s villa. After this violent clash, protestors were pushed into a park where they were visited by the Secretary of the State at the Land Management Ministry accompanied by members of the cadastral committee. These Land Management officials told the villagers, ‘I wish to request all of you to return home and we will find a solution later’ and that a working group would be sent to find a solution (quoted in Aun and Hul 2014). This too was met by further resolve and commitment to continue sleeping at the temple and staging protests; as the community representative summed up for the press, ‘we agree to return home when Samdech Hun Sen offers the land back to us’ (quoted in Aun and Hul 2014).

### ***Deploying an acceptable excuse***

As Krasaing grew to be a high-profile case, the Prime Minister began to weigh in. Hun Sen first attempted to distance himself by professing ignorance of the case and placing the onus on provincial level officials and relevant ministries. From the lectern of another public speech, speaking to an audience of diplomats, ministers, provincial governors and other high-ranking officials at a food security workshop at his Peace Palace, the Prime Minister lashed out, arguing that officials in the provinces were ‘not listening or understanding’ (quoted in Vong and Ponniah 2014). The Prime Minister made clear that he expected that people living on land overlapping with ELCs should be given priority over investors. The speech further called on government officials to work to find solutions ‘instead of being lazy and continuously deploying police to block protesting villagers’. Hun Sen further claimed that local officials failed to deliver petitions to his office in Phnom Penh.<sup>5</sup>

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<sup>5</sup>A parallel story also unfurled around the rejection of the Prime Minister’s claims of ignorance of the Krasaing land dispute by a rights campaigner during a *Voice of America* radio broadcast. The campaigner asserted that the only way the Prime Minister would not know about the dispute is if he ‘is a person who does not read the newspaper. He is a person who does not watch the news’ (quoted in Khy 2014). The Prime Minister fired back – again, at a public speech, but this time at a university graduation ceremony – that the advocate was ‘a stupid, defiant boy’ (quoted in Khy 2014). Hun Sen

The Kratie provincial governor and the Minister of Land were explicit targets of the Prime Minister's ire over the invalidated surveys conducted under his own titling campaign, and the ongoing conflicts that had resulted. Expressing his frustration, Hun Sen was quoted in local papers as saying:

[I] heard that the youth have measured the land, but the titles are not approved. Is it true? Did anyone report to me? For these problems, did all Kratie provincial authorities die already? (Aun and Hul 2014)

Speaking directly to the provincial governor, Hun Sen called on him to resolve the problem locally. Continuing his warning, Hun Sen threatened:

I will now follow you to catch your mistakes . . . . Please, this is enough. But if you say, 'I can't fulfil this duty because it is a big burden', you can resign. It's no problem if you don't work to find a solution because we don't lack people who want to be governors. (quoted in Aun and Hul 2014)

Among civil society and rights advocates there was much criticism of Hun Sen's attempts to blame his subordinates, with one advocate stating,

I see the prime minister always blames his subordinates but not himself . . . blame is blame, but [people] are stuck without any resolution for land conflicts. Blaming is not the resolution; law implementation is the resolution. (quoted in Vong and Ponniah 2014)

Despite widespread doubt that the Prime Minister was hearing about the case for the first time, his threats were a big shake-up to the status quo and local government offices reacted rapidly (pers. comm., anonymous, 25 May 2014). Since the Order 01 survey teams were dispatched by the Prime Minister alongside MLMUPC staff, and thus under the central government's purview, the Provincial Deputy Governor was quick to weigh in. He denied responsibility for the escalation of the dispute, as implied by the Prime Minister's speech, asserting, 'we reported to the Interior Ministry and the Land Management Ministry. So this is not the fault of the provincial level; this is the fault of the national level' (quoted in Aun and Hul 2014). Although provincial officials made public attempts to evade responsibility, the province and MLMUPC resolved the case within two weeks of the Prime Minister publicly uttering threats to their jobs. The Land Management Minister, accompanied by the Deputy Kratie Governor, went to the Phnom Penh temple to announce the villagers' success and that 1562 ha of land would be taken back from the ELC and awarded to local residents as private titles. In total, 312 families received titles, following the Order 01 survey results. Explaining this decision to *The Daily* by telephone, the Deputy Provincial Governor explained that 'the company received an economic land concession, but they did not use the land for development' as the rationale for choosing to distribute title nearly two years after the survey teams first arrived in Krasaing (quoted in Aun and Wright 2014a).

The families I met outside the land titling ceremony were proud to display their titles as a sign of victory, and shared joyous relief to have secured rights. And yet a company representative spoke to local media on the day of the titling ceremony, continuing to call the community's claims into question: 'if people really lived there, then it means thousands

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persisted with excuses that he had not known about the dispute due to a sluggish bureaucracy that 'tested the patience of villagers involved in land disputes until they have no option but to come to Phnom Penh'.

of people lived there and must be almost the biggest town in that area, which is nonsense' (quoted in Aun and Wright 2014c).

### **Discussion and conclusion**

In this case study, the temporal experience of the state is important: the state extends itself, offers inclusion; then retreats, withdraws protection, makes excuses; and is later jostled back into the work of governing its population through concerted efforts by peasants. This paper focuses on two moments to emphasize the processes and practices tied to the state 'going out' to the frontiers and the moment in which state actors try to justify their retreat after smallholder property is erased from official records. I examine the work of governing, the transformative potential of the Prime Minister's utterances in terms of the law and practices around land, and the temporal experience of the state in the frontier via processes of inclusion and neglect. To engage these two performances of state power I have drawn upon literatures on property and authority, graduated sovereignty and biopolitics, actor-network theory and writings on the role of excuses to work through the ebb and flow of how the state is experienced in the frontiers by foregrounding the lived experience of the state. Taking up the ways that previously acceptable excuses fractured around the Order 01 campaign and its traces revealed how the campaign ruptured state–society relations in the everyday.

This paper opened with a description of the messiness of the social, political and economic relations around land, timber and resources in Snuol district: where multiple resource grabs criss-cross, both spatially and temporally, such that power relations surrounding various resource rushes are continually being worked out. Order 01 ruptured the pre-existing tenure arrangements, as well as longstanding conflicts with ELCs, by sending agents of the central state out into the frontiers. The campaign demonstrated the potential for the state to sort out property rights and grant protection from land grabbers if the Prime Minister orders the central state to get involved. However, it turned out not to be so straightforward. With attention to the two public performances of power, and what transpired between them, the uncertainty of property relations comes into relief and makes clear the ways these relations are murky and unclear, and intentionally so.

The community faced numerous delays in gaining recognition of their pre-existing claims to land that began with their awareness that an ELC had been awarded. These delays continued throughout the Order 01 titling campaign and extended into its aftermath. Contrary to core narratives in the property literature, institutions did not jockey for power but instead jockeyed to avoid the responsibility to enact authority. As different governing bodies delayed, tried to explain inaction, or redirected the community back to the very same offices to which they had just appealed, excuses shaped peasants' relations with the state. Although publicly claiming the inability to act is also a claim to authority, it does not signal the institution's competency or jurisdiction to citizens. Such avoidance also became increasingly untenable once peasants had survey receipts in hand from the Prime Minister's campaign. While some writings on property and land in frontiers acknowledge the hesitancy of various actors to enact authority, I chose to take up excuses to look at how peasants experience this avoidance by focusing on how it is both performed and constituted through excuses. By looking at excuses we can see how the state is not necessarily generative of order – even during a national legibility campaign – and can better attend to its breakdowns and failures. From the multiple instances in which the community faced excuses, delays and rebuffs from all kinds of actors within the state machinery, the picture of a machine that is unresponsive to rural citizens emerges and the fraught character of local–national linkages within the state becomes clearer.

In terms of what happens when some state actors abandon the effort to know the population and their relations to its territory, this case suggests that the traces of these legibility projects – the documents and assemblages they leave behind – can be mobilized by citizens to produce their own legibility to the state. Order 01's documentary traces imbued peasants' claims with a legitimate character that helped them to take to the streets to present visible evidence of their (temporary) inclusion. The survey receipts were a key actant in the process of making territory as they signified the potential transformation of longstanding claims into rights that deserve state recognition. These receipts enabled smallholders to grab the state and drag it back into the position of determining their rights to exist. As Krasaing increasingly occupied public space in the capital while holding up this signifier of legitimacy, the receipts suggested their erasure was worthy of attention. As an assemblage of the social and the political that held together the two moments – one of seeing, one of receding – the document represented the traces of state efforts to see its population and govern smallholders' territory. It later took on the role of foiling state excuses as to why the smallholders were no longer 'seen'.

This analysis also emphasizes the uncertain and arbitrary nature of the state and state authority in Cambodia. The volley of excuses and the public performances of feigning ignorance and redirecting villagers to different government offices that played out between the Prime Minister and various branches of the state showed how the state machinery was destabilized by Order 01 and the work needed to establish a 'new normal' in the order's immediate aftermath. Ultimately, it was the Prime Minister himself who deployed the final excuse to evade the responsibility to determine property rights and spur to action the institutions he tasked. Notably, it was the very same actors who repeatedly claimed the inability to recognize the smallholders' property rights – the provincial authorities, who had directed the community to find a solution in Phnom Penh, and the MLMUPC, who agreed to the Korean Embassy's requests to annul the survey results – that resolved the smallholders' claims and jointly announced that titles would be awarded. This interplay underscores the messy and contingent processes at work as the state is not homogeneous but an 'always incomplete' (Das and Poole 2004, 8) project.

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