

Recent forms of social contestation with regard to land tenure in Cambodia



Much has been written on land grabbing and deforestation activities in Cambodia, but very little is known about the reaction of the rural peasantries to such activities, those who no longer accept being labeled as mere victims. The existence of independent socio-political movements, operating at the grassroots level and occurring in each province, demonstrates the emergence of a collective desire among a substantial part of the population to take destiny into its own hands. An innovative strategy used in response to land grabbing has been the extension of networks from villages to international agencies, provided that the latter behave as partners and not instructors.

Frédéric Bourdier

The ingredients: perverse national policies

For more than two decades, land security and access to natural resources traditionally used by lowland farmers and highlanders – or ethnic minorities – have constituted the two main challenges facing Cambodia. In spite of land titling programs being unequally and questionably implemented by the state, competition for land access is occurring between a vulnerable, dispersed peasantry and a well connected politico-economic elite. The former has almost no legal and social protection to claim its rights, while the latter is affiliated to the ruling political party – the Cambodian People's Party (CPP) – which has controlled land distribution and ownership since the UNTAC elections in 1992.

The scant land tenure conditions that do exist are a hybrid of distinct historical considerations coupled with the recent introduction of market oriented policies and programs. Focusing here on the national land priority is helpful to better understand the emergence of social contestation throughout the country. The 2001 Land Law brought substantial reforms, but not in favor of the poor sections of the rural peasantry. The spoliation of families' agricultural land has worsened for the sake of economic national development, through the granting of Economic Land Concessions (ELCs) on state-private land – the fourth classification of land ownership alongside state-public, private-individual and indigenous-communal land. Restrictions placed on the ownership of state-private land have not been respected, with companies encouraged to invest nearly everywhere (including in populated territories) by acquiring vast portions of fertile soil – supposedly to a maximum of 10,000 ha – mostly for agro-industrial crops such as rubber, sugarcane, soybeans, cassava and cashew-nuts.

Vietnamese, Chinese, and Korean companies have been the main investors, particularly in the north and the north-eastern corner of the country, areas traditionally inhabited by indigenous people who, as a whole, constitute nearly 2.3% of the 15.2 million Cambodian population. It remains difficult to provide an exact figure of the total area of land already taken from indigenous people in Ratanakiri Province, as such data, when available, changes almost on a monthly basis. Provincial estimates are nevertheless possible to make, and reliable

figures provided by the human rights organization ADHOC at the end of 2013 refer to the existence of 26 ELCs (average size being around 7500ha) and 29 mining licenses. Two-thirds of these ELCs are located on the central plateau, where the majority of highlanders live. Most of the mining areas, which cover a much bigger area than the ELCs – each covers an area of 20,000 to 72,000 ha and with the total exceeding 350,000 ha – are located in the two southern and northern national parks, as well as in the central forests, where there were a number of villages located. This data, which has been strongly denied by the government, does not take into consideration that land bought at a cheap price, or even taken illegally, by lowland Khmers, whether absent landowners from Phnom Penh affiliated to the party, or landless peasants from the valleys who have lost property rights in their native areas.¹ This large-scale transfer, representing nearly half of the cultivated provincial area, has occurred to the detriment of the original occupants, as they have received no compensation at all. Villagers tend to find out about any encroachments at the last moment, once an ELC has already been signed. Three ministers are supposed to sign each of these agreements, which make the whole procedure unclear and difficult to track. Such agreements cause tremendous livelihood and lifestyle changes among the local people.

What happens to the ethnic minorities also happens to lowland Khmers, and such an unstable situation among the common peasantry has existed for a long time, from the 1970 coup d'état against Prince Norodom Sihanouk, through the Maoist Khmer Rouge regime when all official documentation was destroyed (the Khmer Rouge abolished the notion of individual property over the period 1975 to 1978), on to the Vietnamese liberation and occupation up to 1989, and finally to the neo-liberalism adopted since the early nineties, when a deregulated economy and "wild liberalism" was introduced to open-up the country, which had been under a political and economic embargo while the Vietnamese were present.² The key aim of this recent liberalist period has been to attract investors and encourage trade and exchange with the outside world, as officially encouraged by national decision makers and politicians.

Land remains the single most contentious issue in Cambodia in 2015, as it has been for at least the last 12 years. By the end of 2013, over 2.2 million hectares of Cambodian land had been granted to large firms in the form of ELCs. These concessions and various other land grabs have affected more than 420,000 Cambodians since 2003.³ Worse, ELCs have become an additional driver of deforestation, which has had negative consequences for the livelihoods of people who rely on forest products. Independent analysts have confirmed that Cambodia is experiencing a "total system failure" in terms of its forest management regime, in the face of the government's widespread and unlawful use of concessions – those aimed at growing crops – to instead allow companies to harvest timber.⁴ Forest conditions vary greatly where ELCs are allocated. Drawing on forest-fire data gleaned from US satellite imagery, Forest Trends' analyses mention that the ELCs are clearing some of Cambodia's most valuable forests, challenging the government's claims that it is giving-out only degraded forest land. US satellite data has also shown that Cambodia has the fourth highest rate of deforestation in the world. In Ratanakiri Province, systematic and illegal logging has led to the destruction of protected areas and state forests, those previously occupied by indigenous groups who rely on subsistence farming, foraging and hunting and gathering for a living.

The most worryingly absent characteristics, land security and sustainable access to natural resources, threaten directly – in the absence of any substitution plans or forms of material compensation – the already meager livelihood and survival potential of the rural population, which is estimated to constitute 70% of the Cambodian population. To make matters worse, the government manipulates the law as a tool to oppress, but rarely to provide more equitable or material protection to its deprived citizens. In confusing situations conditioned by recurrent violence, basic human rights violations and endless juridical struggles, it is not surprising to find that Cambodia is a space for emerging conflicts, those driven by land perdition, forest logging, and the progressive loss of natural resources, those which support local livelihood activities such as resin tapping and the collection of non-timber forest products.

Above: social meeting dealing with land encroachment caused by an international investor having been granted an Economic Land Concession nearby a Kachoh' village, Ratanakiri Province. (Photo by author, 2015)

The social seeds of grassroots contestations

Collective waves of popular discontentment began to take shape in Cambodia, mostly after the controversial results of the July 2013 national elections, which the opposition party (the Cambodian National Rescue Party or CNRP) seemed destined to win. Protests intensified after the elections, and for the first time rural and urban demonstrators together expressed their desire for political reform. This created a sense of collective hope among the people that, together, they could create a social force powerful enough to not allow the shocking private/public policies orchestrated by the party in power to go ahead, policies unwilling to consider social injustice and land security for the deprived population. Successive, peaceful demonstrations in the capital of Phnom Penh, in which hundreds of thousands of people participated, brought catharsis for a few months, and such resistance percolated down to the local level. Many people (mostly young) joined-in with these protests, realizing they were not alone and that, together, they could raise their voices in a more meaningful and practical way. These public events – officially prohibited by the ruling party – were eventually violently repressed by anti-riot police, who in some cases opened fire on, and killed, protestors. However, this resistance process had been launched, and could not be stopped.

Since the subsequent unrest, new resistance strategies have been formulated, more operational in nature and organized on a larger scale outside Cambodia. Modern media tools such as Facebook and Twitter have become useful at disseminating information, as well as mobilizing and developing national/global networks and partnerships. Up to a few years ago, brutal evictions, repression and physical arrests could be carried out with impunity by the government, because such acts were done in relative secrecy. Such a situation is no more, as deprived and/or repressed populations no longer hesitate to question the established order; organizing social movements at the local level and spreading their ideas regionally and internationally. This is what happened with the Cambodian sugar industry in Koh Kong Province, when forced evictions, widespread seizures of farmland, destructions of property, crops and community forests, and uses of violence and intimidation all took place. Villagers got in touch with law-based NGOs, who then made contact with international bodies like the International Finance Corporation (IFC; affiliated to the World Bank Group), which offers investment, advice and asset management services to private sector developers in developing countries, but based on a public commitment to follow ethical and sustainable practices, plus follows the World Bank's core mandate of ending poverty. After receiving economic pressure and warnings from banks providing loans to investors, the company had to soften its attitude towards local villagers.

Interestingly, more and more of these grassroots organizations, while having a priority to strengthen commitment at the local level, are becoming multi-connected in nature. They look for partnerships, regionally and globally, to make their actions more effective. Such a pragmatic form of engagement, one which implies the use of diligent networking – whatever its frequent fragility and uncertainty at the beginning – is neither spontaneous nor providential and accidental. In most cases, it is well thought-through and calculated, based on a long term expectation that it has to be implemented cautiously using a series of efficient actors who are able to establish links which go from the bottom to the top in terms of higher institutions.

Their stage is becoming global. The number of non-submissive individuals and groups among the civil society in Cambodia is on the rise. Khmer peasants and indigenous farmers do not want to continue living in isolation. To borrow the words of Arjun Appadurai, they have become part of a sociosphere, a mediasphere, and a technosphere, and some have decided – mostly those among the indigenous communities – to act as facilitators or agitators, in order to understand and penetrate the worldwide environment, with the aim to improve the wellbeing of the common people.

Local advocacy and human rights claims have long been promoted by NGOs and the UN, which has a permanent office in Phnom Penh. Experienced local rights groups such as LICADHO and ADHOC have been at the forefront of this movement, and sometimes their members take personal risks to protect a defenseless population. The government does not like any forms of criticism, and public debate is not an accepted practice. A common accusation made by the authorities is that those who disseminate information on human rights issues are acting in an unacceptable manner. Put simply, too much knowledge and awareness may give rise to an 'uncontrolled' liberty, one that could lead to social and political instability. Incitement is the chief accusation leveled at such people, and this term is frequently used as an accusation coming from the ruling party.

A widespread and common sense view places international donors as the most appropriate actors to empower local communities and act as emancipators for the sake of deprived social groups. However, such a view has recently been challenged by independent studies which have revealed that

traditional aid is often counterproductive. Grassroots communities contacted and influenced by these dyad government/fundraisers have rarely been in a position to mobilize themselves independently, and one extensive study among 150 community mobilizers, local NGOs and development officers, shows that international donors do very little to empower local communities independently and, at worst, often perpetuate a co-dependent relationship with the Cambodian government.⁵ Also, grassroots organizations that formed with little external support coming logistically or financially from international organizations can be the most effective at dealing with their own problems. This is what has happened with the Prey Lang Community Network, which is composed of hundreds of villagers from the four Prey Lang forest provinces in central Cambodia, and is committed to ending rampant deforestation caused by illegal logging, mining activities, and ELCs. The network has allowed widely dispersed communities to successfully collaborate and build a sense of regional solidarity as 'forest people'. Within this network, communal decision-making is reinforced after extensive community consultations, and each element of the network's strategy requires formal consent to be given at the community level. As a result, in 2013 the members of this movement refused to work with NGOs that would not agree to work with it on its own terms, as a wholly independent partner.

Many other social movements in Cambodia attest to the increasing emergence of a collective desire to resist and to struggle. Grassroots movements focused on social contestation – sometimes followed by upheavals – have not been totally absent since the early 1990s. Preliminary, superficial observations given by some political commentators (generally connected with the government) have tended to minimize the impact of these popular reactions, using an exaggerated dogma stating that testimonies of resistance come from poor people who are manipulated and/or who have nothing to lose. The commentators portray these testimonies as last-ditch attempts before becoming totally dispossessed; as unorganized, ultimate acts before losing faith completely, but having no choice thereafter but to accept the 'wise diktats' of the deciders. However, signs of resistance and bravery have not always been repressed in that way, and it would be over simplistic to consider these dynamics as unforeseen, residual and 'lost in advance'. To the contrary, they are structured and are becoming more and more planned – using appropriate strategies, as we are going to see using an example focused on some indigenous Kuy people who live in northern Preah Vihear Province.

Contestation by the Kuy people

Two Chinese companies were granted ELCs to set-up sugarcane plantations near a commune (a cluster of three villages) inhabited by 600 Kuy families. In 2013, one of the companies started demarcating its boundaries within the village territories. Bulldozers destroyed vegetation, soil was leveled, ponds were dried-up and the inhabitants of a few isolated farms were compelled to leave without receiving any compensation or justification. A costly irrigation system was created, and some local wells in the vicinity were left without sufficient water for domestic purposes. Villagers had not been consulted, and no clear, effective land titling system had been put in place to protect them from the company's actions. It did not take long for the Kuy to realize that this land encroachment had been planned, in spite of the false guarantees given by the local authorities in relation to the protection of local resources (such as trees used for resin tapping, and ponds used by villagers to draw water and to fish).

Two NGOs representing the Kuy cautiously followed these activities as mediators; cautiously because they could not show too much sympathy toward the indigenous population. By 2014, the provincial governor had already threatened one of these NGOs for using "incitement", and had requested that the

Ministry of Interior close it down due to its subversive activities which were "against compliance with development for the sake of the nationhood". The local NGOs thereafter decided to change their strategy by cooperating with the local authorities, a form of cooperation that reduced their actions to technical aspects only, and did not take into account the political dimension and the social interests linked to the Chinese companies. The dissemination of information and networking was nevertheless part of the NGO package. A Kuy woman from one of these NGOs had traveled to the Philippines to meet other indigenous groups, and to the USA for a UN meeting in New York. The Philippines experience was extremely constructive because she was able to view tools developed by local groups and witness the importance of mass mobilizations based on land issues. Interestingly, this indigenous woman maintained that she was involved in indigenous affairs, not on behalf of her NGO, but as a mother and a villager concerned with what was going on in her native land.

At the end of 2014, bulldozers were excavating soil on land belonging to one village, when a well-organized group of Kuy villagers that included men, women and children forced the two drivers to get down from the vehicles. The bulldozers were confiscated and kept under the surveillance of four female leaders. When I visited the village, the bulldozer had been captured six months prior, but was still there. The company had frequently tried to reclaim the bulldozer but had been unsuccessful. In the meantime, the Kuy had asked for legal advice from jurists and lawyers, and had developed a better understanding of how to proceed and what to do next. They planned to return the bulldozers only once their land had been officially demarcated by the provincial authorities. One day, they received a call from a deputy governor, announcing another round of negotiations. The Kuy asked the indigenous NGOs to join the meeting as observers, and I went with them. When we arrived, a group of twenty women (of all ages) was waiting. A tremendous amount of preparatory work was going on; one lady called two independent media outlets to let them know what was going to happen, while a second had a recorder, a third had managed to get hold of a camera, and a fourth was consulting with human rights advisers over the phone. Furthermore, a religious representative belonging to the Independent Monk Network for Social Justice in Phnom Penh was in attendance. The villagers appointed a man to write-down the minutes and a group of three outspoken villagers joined the commune chief to receive the deputy governor. When the authorities arrived with the police and their escorts, the villagers commenced by refusing to take gifts, and insisted that they would only accept meeting outcomes that aligned with their expectations. More than 100 villagers attended the assembly, without any fear or submission. It lasted one hour. If their grievances were not recognized, as had been the case before, they told the government representative that they would not hesitate to refer what happened, not only to other indigenous groups in Cambodia, but also to regional and international organizations who supported indigenous people's causes. Faced by such determination, the deputy governor adopted a low profile and promised that the government would support the villagers' application for collective land title, a request that had previously been turned down.

Maybe initiatives such as the Prey Lang Community Network and the one from Preah Vihear appear small-in-scale and rather trivial, not yet well organized and not fully mature when compared to other movements around the world. That may be the case, but it would have been difficult to imagine them happening just a few years ago. What is interesting is that these grassroots movements are set-up and run by the people, for the people. Support is minimal and not conditional, and whenever it happens, it is based on people's wills.

Frédéric Bourdier is an Anthropologist at the French Research Institute for Development, and at the University of Paris I Panthéon-Sorbonne (fredericbourdier@hotmail.com). He has been working in Cambodia for more than ten years and is presently in charge of a project focusing on socio-political, rural movements related to land dispossession.

References

- 1 Bourdier, F. 2015. "Socio-ecological Transformations in a Tributary Region of the Mekong in Cambodia: Culture of resistance or resistance of culture?", *Asia Pacific Viewpoint*, 56(2):282-296.
- 2 Springer, S. 2010. "Neoliberal discursive formations: on the contours of subjectivation, good governance, and symbolic violence in post-transitional Cambodia", *Environment and Planning D: Society and Space*, 28:931-950.
- 3 LICADHO. 2014. *Year 2013 in Review: Land, a Country in Crisis*, Phnom Penh.
- 4 Forest Trends. 2015. *Conversion Timber, Forest Monitoring and Land-Use Governance in Cambodia*, London: Forest Trends Report Series, Forest Trade and Finance.
- 5 Sonnenberg, S. 2015. *Seeding the Ground: Promoting Community Empowerment in Cambodia*, Stanford Law School.

Below:
A ceremony at the burial grounds following the premature death of a child in a Jarai village, Ratanakiri Province. (Photo by author, 2015)

