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# **Local Responses to Land Grabbing and Displacement in Rural Cambodia<sup>1</sup>**

**Andreas Neef and Siphath Touch**

## **Introduction**

Cambodia is endowed with relatively abundant natural resources. The Royal Government of Cambodia (RGC) holds about 75-80 per cent of the country's territory under the status of 'state land' (USAID 2011). The 2001 Land Law allows the RGC to reclassify '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 economic land concessions (ELCs) to Cambodian business tycoons, political elites and foreign investors since the mid-2000s, mostly for agro-industrial plantations and – more recently – tourism developments. As a consequence, land disputes have shown an increasing trend from the 2000s onwards. The Cambodian League for the Promotion and Defense of Human Rights recorded a total of 1,162 land conflicts – each involving at least five households – in the 10 years from 2004 to 2013 (C Oldenburg, pers comm). Most of the cases occurred in areas with strong economic growth, were about agricultural land and involved powerful foreign investors, domestic political and economic elites and local authorities. According to data collated by the Cambodian Human Rights and Development Association (ADHOC), more than 770,000 Cambodians – equal to almost six per cent of the population – have been affected by land grabs and resulting conflicts over natural resources (ADHOC 2014). Military and police forces have played an increasingly prominent role in land disputes and land evictions, siding with company owners and national, provincial and district authorities (Neef et al 2013).

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Drawing on fieldwork in north-eastern Kratie Province and south-western Koh Kong Province, this study looks into the controversies and contradictions surrounding the allocation of ELCs and social land concessions (SLCs) in rural Cambodia. Specifically, we address the following research questions:

- What are the mechanisms of allocating ELCs and SLCs and what are their impacts on rural people's livelihoods?
- What strategies of resistance are being employed by local communities facing dispossession to defend their resource use rights?

The remainder of this chapter is organised 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 and Koh Kong Province. 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 looks at large-scale displacement and pockets of resistance against a massive tourism-related land grab in the coastal area of Koh Kong Province. We then synthesise and discuss our findings and conclude the chapter.

### **Economic land concessions in the 2001 Land Law and the Cambodian land reform**

Economic land concessions (ELCs) are an important pillar in the 2001 Land Law, which was enacted after continuous pressure from international development banks to modernise Cambodia's legal system and make it more investor-friendly. Under this law, it is possible for individuals, groups and corporations to apply for occupation and use of state private land as concessionaires (East-West Management Institute 2003). Other pillars of the Land Law, most notably social land concessions and communal land titles for indigenous communities, have been implemented on a lesser scale and at a much slower pace than ELCs (Neef et al 2013, Oldenburg and Neef 2014).

#### ***Economic land concessions in Cambodia: a brief history***

The history of ELCs in Cambodia dates back to French colonial times. The first land concessions in French Indochina were initiated by a decree in 1874 that enabled colonial authorities to grant 'unoccupied' land to concessionaires under the condition that all of the land was cultivated for at least 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 hectares 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 transforming from a centrally planned to a market economy and the 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 privatised those zones for exploitation. The top five concessions accounted for a net forest loss of more than 163,000 hectares in the period from 1996/97 to 2002 (McKenney et al 2004). Private forest concessions were cancelled in 2002, one year after the enactment of the Land Law of 2001, and reverted back to being state property under the newly introduced legal category 'state public land'.

After a short period of enhanced forest control under the Forest Administration, a new boom in ELCs started with the enactment of Sub-Decree 146 on Economic Land Concessions (RGC 2005) and strong promotion by the government of agro-industrial plantations. According to Article 5 of Sub-Decree 146, the evaluation of ELC proposals would 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 minimising 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 because the enhancement of rural livelihoods and environmental protection have been of a lesser priority for the government than the rapid allocation of ELCs (Neef and Touch 2012).

### ***Economic land concessions in Cambodia: narratives, statistics and the corruption of legal culture***

Private investors in several Asian countries have been encouraged strongly, 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. According to data from the Cambodian League for the Promotion and Defense of Human Rights, ELCs covered 2,289,490 hectares by April 2013, equivalent to 63.46 per cent of Cambodia's arable land (Oldenburg and Neef 2014). 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). Large parts of Cambodia's 28 islands were also reclassified as 'state private land' between 2008 and 2010 and granted to concessionaires to build tourism resorts and casinos (Oldenburg and Neef 2014).

In response to growing international and domestic criticism of the practice of granting ELCs, the Cambodian government 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 May 2012, the Prime Minister announced 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 (Oldenburg and Neef 2014). Subsequent to the moratorium, the Prime Minister instigated a new land demarcation and titling programme for the rural poor, implemented with the help of hundreds of youth volunteers and overseen by his second son, Hun Manith, a general in the Cambodian armed forces. A recent report by the UN special rapporteur on the situation of human rights in Cambodia holds that this initiative lacks 'comprehensive planning and harmonisation with the existing legal framework and land titling system' (Office of the UN High Commissioner for Human Rights Cambodia 2012, 37). Nevertheless, the report recorded a total of 188,207 hectares that were excised from ELCs in the period from 16 August 2012 to 25 November 2013 and returned to dispossessed rural people, according to official government data (C Oldenburg, pers comm). Yet, despite the apparent restitution of villagers' agricultural land, land conflicts increased significantly in the first quarter of 2014, with the non-governmental organisation Forum Cambodia recording 29 new land conflicts affecting 2,248 families, compared with 600 families affected by new land conflicts in the first quarter of 2013 (C Oldenburg, pers comm).

## **Economic land concessions and local resistance: two case studies from Kratie Province and Koh Kong Province**

### ***Methodology and theoretical framework***

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

Our study borrows and combines concepts and elements from the field of political ecology and from resistance theory. Political ecology approaches help explore how governments and their line agencies – often in conjunction with external advisers and producers of ‘expert’ knowledge – employ a variety of strategies to ‘governmentalise nature’ (Whitehead et al 2006, 52) and territorialise peripheral and marginal areas (for example, Peluso and Vandergeest 2011), thereby enhancing control over both natural resources and rural/indigenous people. Claiming and classifying forestland and forest resources as ‘state property’ has been a common strategy for ordering and appropriating nature in most south-east Asian countries (for example, 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 territorialisation, Robbins (2007) describes other strategies deployed by ‘the state’, including ‘building extractive ecologies’ and ‘producing environmental narratives’.

According to Kerkvliet (2009, 233) ‘resistance refers to what people do that shows disgust, anger, indignation or opposition to what they regard as unjust, unfair, illegal claims on them by people in higher, more powerful class and status positions or institutions’. One of the early resistance theories that is relevant to the Cambodian case can be found in Polanyi’s influential book *The Great Transformation* (Polanyi 1944). Polanyi holds that in traditional (rural) societies, the economy is firmly embedded in social relations with an emphasis on reciprocity, redistribution and householding. The pervasiveness of modern capitalism disembeds rural economies from social control and drives the gradual commodification of land, labour and capital. This process of turning productive resources into ‘fictitious commodities’ is increasingly resisted by society, which then takes the form of a ‘counter-movement’.

More recent contributions to resistance theory have been made by Scott (1986) and Kerkvliet (2009), who have popularised the notions of ‘everyday forms of peasant resistance’ and ‘everyday politics in peasant societies’ respectively, mostly drawing on their empirical work in south-east Asia. They argue that peasant resistance rarely takes the form of overt rebellion and organised collective action but, rather, expresses itself in such covert strategies as ‘foot-dragging, dissimulation, false-compliance, pilfering, feigned ignorance, slander, arson, sabotage, and so forth’ (Scott 1986, 6). Yet other authors have argued that ‘rightful resistance’ of peasants in dire circumstances does not need to be ‘quiet, disguised and anonymous’ but can be ‘noisy, public and open’ (O’Brien 2013, 1051) and have criticised Scott’s resistance framework for ‘recasting peasants [...] as relatively disempowered agents whose struggles were mostly defensive adaptations to change’ (Walker 2008, 463, see also Schneider 2011). A form of resistance that has been less commonly studied by social scientists is advocacy

resistance or advocacy politics, which ‘involves direct and concerted efforts’ to ‘criticise, and oppose authorities, their policies and programmes, or the entire way in which resources are produced and distributed within an organisation or a system of organisations’ (Kerkvliet 2009, 232).

### ***Economic land concessions and local resistance in Kbal Dam Rey commune in Kratie Province***

Kratie Province is located in north-eastern Cambodia, about 340 kilometres by road from the capital of Phnom Penh. The province is divided into five districts with 46 communes and 183 villages. The area of the province is 11,094 square kilometres (1,109,400 hectares) with a total population of 319,124, according to the national census of 2008. The province is divided north to south by the Mekong River and its narrow floodplains. Kratie is classified as a rural province, with 70 per cent of the province’s population working in the agricultural sector (USAID and Emerging Markets Consultants 2008). It is among the provinces with the highest forest cover. According to a report of the Kratie Provincial Department of Agriculture, Forestry and Fisheries (KPD AFF), 30 large-scale and 19 small-scale<sup>2</sup> ELCs were registered in the province as of 30 December 2010, covering a total area of 244,844.3 hectares or 22 per cent 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 1 depicts the coverage of ELCs and the location of the study village.

Kbal Dam Rey commune is located 55 kilometres north-east of the provincial town of Kratie. It covers an area of 407 square kilometres 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. At the time of the first phase of 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 and their livelihoods are based primarily on wet-rice and swidden cultivation, fishing, raising free-range animals, collection of non-timber forest products and seasonal off-farm work. 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.

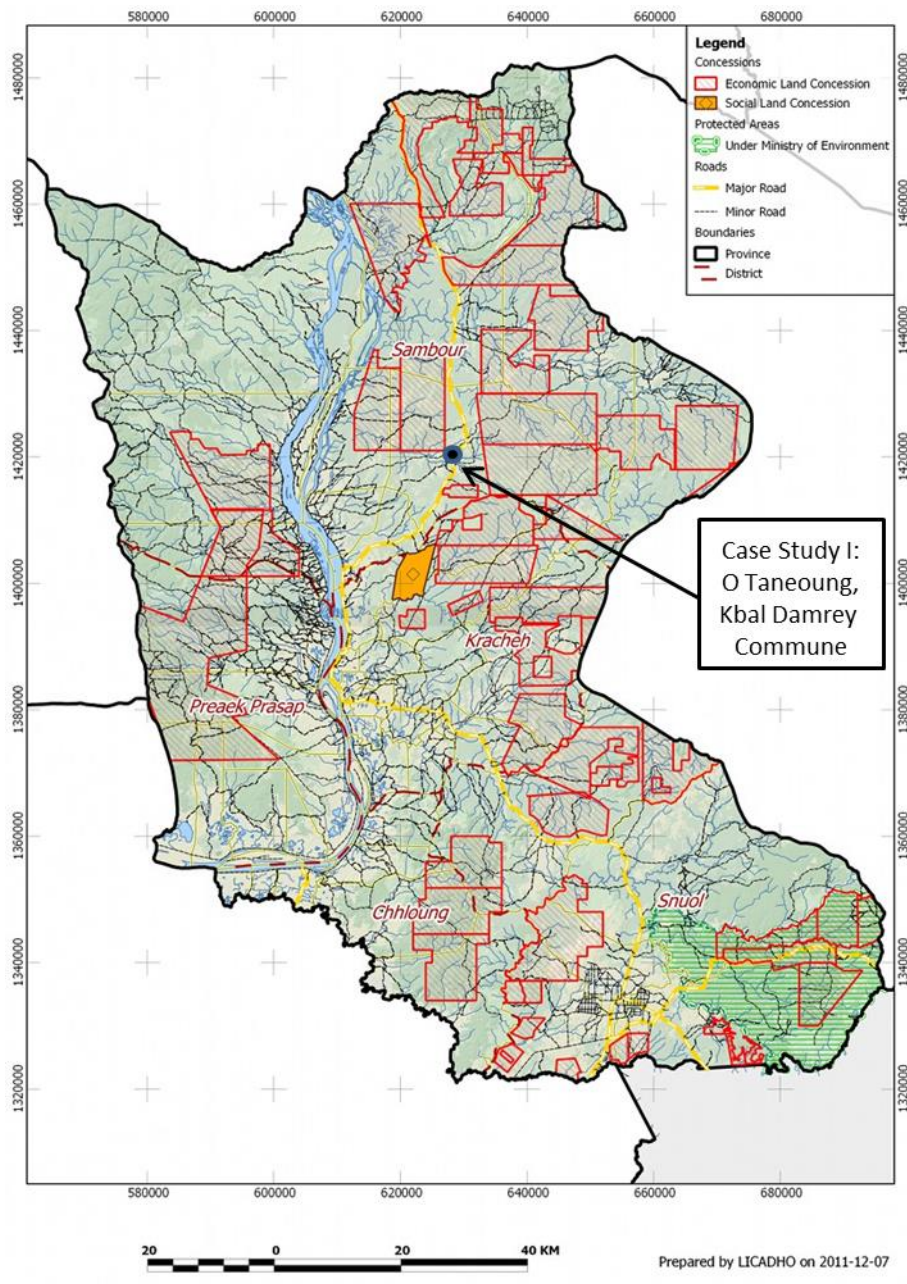


Figure 7.1 Economic land concessions and location of study village in Kratie Province

Source: Map provided by Mathieu Pellerin, Cambodian League for the Promotion and Defense of Human Rights, adapted from Neef et al. (2013)

O Taneoung villagers have been engaged in community forest initiatives since the mid-2000s. The issue of forest protection had been emphasised in the commune development plan (2003-2005), 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 prioritised 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 non-governmental organisation, Community Economic Development, from 2005 onwards with the aim of establishing a community forest. In February 2006, a national programme provided financial support to the commune to implement a community forestry project covering 1,468 hectares, only three months before three foreign companies started to claim a substantial part of the commune's land.

*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 land in Kbal Damrey commune. The Prime Minister had earlier issued three letters (Nos 1529, 1530, 1531), all dated 22 December 2005, to order the Ministry of Agriculture, Forestry and Fisheries (MAFF) to conduct a study on the requested areas of 10,000 hectares each. The agriculture 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 dated 6 January 2006. 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 signatures and location maps for all three proposed areas to the minister of MAFF, along with a letter dated 16 January. The minister of MAFF recommended to the Prime Minister in a letter 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 dated 9 February to accept the ministry's recommendation. Following this letter, the minister of MAFF wrote a letter dated 10 February 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 on 17 February. The minister of MAFF and the three recipient company owners signed the contract on 15 March 2006, effectively according the latter a 70-year lease, that is, a de facto unconditional land use right until 2076, after an approval process that took less than three months and did not involve any consultations at the village level (Neef et al 2013).

The three companies started to implement their concession projects in May 2006, affecting the three communes Kbal Damrey, O Kreang and Rorlaus Meanchey. O Tanoeng villagers were directly affected by the Global Agricultural Development Company (GAD), which infringed on the western part of the village's territory. According to interviews with 30 households from O Tanoeng village, the company had appeared in the community without any prior notice. The villagers stated unanimously that none of them had been consulted or informed about the planned concession

beforehand. Only when the company started clearing the land did the villagers become aware of the fact that the company was encroaching on the village territory (Neef et al 2013).

### *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 GAD. 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 GAD in the process of demarcating the boundaries of the concession. The company also violated regulations in the 2001 Land Law that stipulate 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 might use the name lists for other purposes. The concession also blocked the stream flow of local creeks that provided fresh water 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. Of the planned community forest of 1,468 hectares, 855 hectares were located within the boundaries of the concession (Neef et al 2013).

Villagers had been warned by a local official not to use force against GAD, making reference to the legality of the land deal obtained at the highest government levels.

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 pressure by 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 the night (Neef and Touch 2012).

In January 2007, the deputy provincial governor agreed to attend a meeting aimed at settling the dispute between the three companies and the communities affected. This followed an incident in neighbouring Cham Hor village, where a family's hut in a rice field was burned down 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 (for example, from the forestry office) and several armed police and military personnel. In the meeting, the villagers demanded that the companies withdraw from the three communities (Neef et al 2013).

The provincial deputy governor argued that the companies had received the permission of the national government to establish the three ELCs to develop tree plantations and wood processing factories. He claimed that the government granted only 'state land' to the companies, not the villagers' farmland. The deputy governor further suggested that those lands were 'degraded' forest areas that were of 'no use' to local people and, 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 emphasised 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', known locally as *prey chas*, rich in biodiversity and valuable timber. This narrative was underscored by the commune land use and natural resource map of 2006. This had been developed by the community forestry project, under government and NGO support, and had identified more than 50,000 hectares of the commune territory as dry evergreen broad-leafed forest, deciduous forest and mixed forest (Neef et al 2013).

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

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 so how can the new members acquire land when they need it? (Ms C, villager)

In personal interviews during the household survey, the 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, villager)

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

The O Tanoeng villagers negotiated with GAD 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 on moving the ELC boundaries only 100 metres from the farmers' fields.

Local and international NGOs<sup>3</sup>, which 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 (Neef et al 2013).

In 2010, the community forestry initiative in O Tanoeng was finally approved but only for an area of 613 ha located outside the boundaries of GAD. As of February 2012, no activities were recorded in the concession, apart from a small cleared plot of land that was subcontracted to a Khmer businessman in Kratie town for growing cassava. Meanwhile, the number of ELCs in Kbal Damrey commune had increased to nine, of which seven are large scale (Neef et al 2013). Villagers have become increasingly fatalistic about the presence of the ELCs, citing an old Cambodian proverb 'the egg cannot crack the stone'. An increasing number of villagers have become involved in illegal logging as the 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 labourers for farmers in other communities in order to sustain their livelihoods.

***Economic land concessions for tourism development, displacement and local resistance: the case of Union Development Group in Koh Kong***

Koh Kong Province is located about 270 kilometres south-west of Phnom Penh city. The main road infrastructure between Koh Kong and Phnom Penh is National Route 4 and National Route 48. For administrative purposes, Koh Kong province is divided into eight districts, 32 communes and 127 villages. Koh Kong has a population of 117,481, according to the 2008 general census. The province is abundant in forest, marine and coastal resources.

Koh Kong accounts for 568,450 hectares out of 3.3 million hectares of protected land in Cambodia, amounting to around 50 per cent of total provincial land. A royal decree on the designation and establishment of national protected areas was issued in November 1993, aimed at conserving the country's rich biodiversity. All 23 protected areas, variously designated as national parks, wildlife sanctuaries, landscape protected areas and multiple-use areas, represent important ecosystems. These protected areas cover 3.3 million hectares of land, equal to 18.23 per cent of the land area of Cambodia. Of the total, 2.8 million hectares are inland forests. Botum Sakor National Park, which has 171,250 hectares of land, is situated to the west of the town of Koh Kong, with more than 50 per cent of its borders lying along the Cambodian coast. The park is rich in virtually untouched forest.

On 9 May 2008, the Royal Cambodian Government, represented by the minister of environment, signed a long-term lease contract of 99 years with a Chinese company, Tianjin Union Development Group Company Ltd (TUDG), for the construction of a commercial development zone and large resort to attract tourists. The project covered more than 36,000 hectares in the Kiri Sakor and Botum Sakor districts and involved investment capital of about US\$ 4 billion. The contract was signed by the environment minister, approved by the minister of economy and finance, and witnessed by the minister of commerce, which is a testament to the high importance the RGC assigns to this project. The leased land covers a large portion of the coast in Kiri Sakor and Botum Sakor districts, including areas that are critical for the conservation and protection of the environment, as well as 12 villages in five communes. In August 2011, the government issued a sub-decree to reclassify an additional 9,100 hectares as a sustainable-use zone and granted a second land concession to TUDG to develop a water reservoir and power plant.

### *Mechanism of the land grab and impact on villagers' livelihoods*

The villages affected by the project have been in existence for generations. The community members belong to families that settled in the area before the Sihanouk regime in the 1960s, those who relocated during or after the Khmer Rouge regime and others who arrived in the 1980s (after the fall of the Khmer Rouge). More families moved in later, following the private purchase of land plots. The government formally recognised these villages in the 1990s after the end of the civil war. According to the district officials involved in the assessment of the occupied land, the project affects a total of 1,163 families inhabiting residential land and tending to orchards in Kiri Sakor's three communes (Koh Sdach, Phji Meas and Prek Khsach) and in Botum Sakor's two communes (Thmar Sar and Tanou). The affected communities were reportedly not consulted about the project and its potential impacts, but had noticed company representatives and governmental officials travelling throughout their communes and measuring land before the signing of the contract in 2008. The communities were officially informed of the project for the first time during a visit in November 2009 to Kiri Sakor district by officials from the Ministry of the Environment, Royal Cambodia Armed Forces, the Koh Kong provincial government and representatives of TUDG. On the occasion of this visit, villagers also received a promise for compensation.

In addition to the 1,163 families, at least one primary school and three Buddhist pagodas needed to be relocated. An earlier plan had called for implementation of the so-called 'leopard-skin policy' – a term denoting the co-existence of ELCs and local communities in a concession area – which would have minimised the need for relocation and interruptions to livelihoods. Yet this plan was reportedly abandoned and the government decided to relocate communities away from the coastal areas. Many of those people depend on access to the Gulf of Thailand for their food and income. Government officials and representatives of TUDG affirmed to communities that the leopard-skin policy would not be implemented for reasons linked to water and sanitation, that is, it was claimed that this policy was not viable because the communities living on the coast would pollute the water and to allow them to remain in their current villages would have a negative effect on the company's investment.

The relocation site spreads over 4,000 hectares of land located outside the investment project of TUDG, deep inside the Botum Sakor National Park and a significant distance from the coast (Figure 2). According to local authorities, the government issued a sub-decree to excise this forested area from the park for this purpose. This has led to further environmental impacts as forestland needed to be cleared for the relocation sites. The influx of people into a previously untouched jungle area will certainly increase the incidence of forest clearing, poaching and environmental pollution in this sensitive area. Signs of such environmental destruction were clearly visible during our fieldwork in 2012 and 2013.

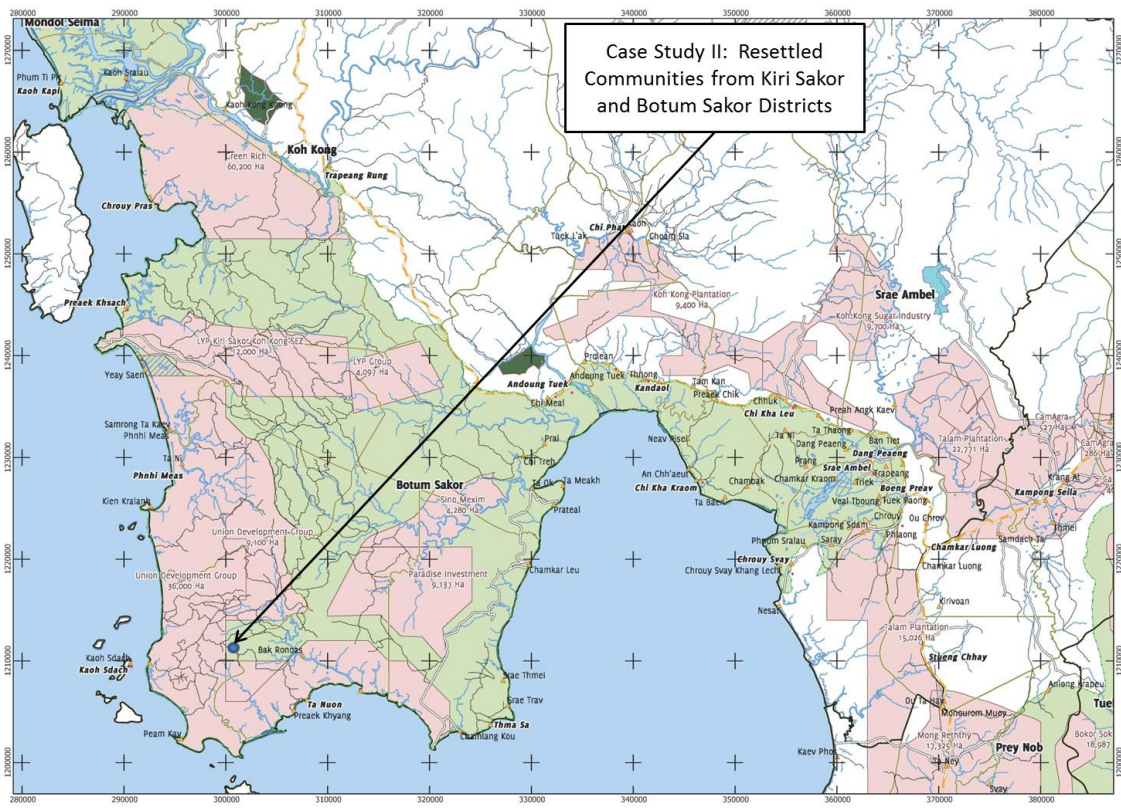


Figure 7.2 Economic land concessions and location of relocated communities in Koh Kong Province

Legend: economic land concessions [pink box] protected area [green box]

Source: Map provided by Mathieu Pellerin, Cambodian League for the Promotion and Defense of Human Rights

Interviews with two commune chiefs revealed the division among local officials. One commune chief stated:

The villagers lost their land, house and farm but here they got a new house and two hectares of land for farming and it will be easier for them to access the health centre. The company [TUDG] promised to build a road, a school and a pagoda and to provide electricity. If so, the people will be happier here and will thank the government for this development.

Another commune chief depicted a much bleaker picture, saying:

We moved here by force. Living here is OK but we cannot make any business to earn income. At the coast, we could earn income by fishing; more or less we could earn

something every day. And we also could grow paddy rice. We had five hectares of cashew nut and coconut plantations. We got \$1,500 in compensation. Here we haven't got farmland yet, we are still waiting for the land to be allocated to us.

While compensation packages differ, most relocated families have been offered residential land of 50 m by 100 m, a constructed wooden house of 6.5 m by 7.5 m, plus a plot of farmland of two hectares. The offered farmland is forested land, in some cases adjacent to the residential land, but as of late November 2012, most of the relocated families reported not having received the promised two hectares of farmland. Villagers of Prek Khyong, Tanoun commune, reported that they had heard they would be given two hectares but most of them were still waiting for the land to be allocated to them at the time of our survey. Regarding this agricultural land, they expressed concerns that they would get dense forestland, which would require much time and labour to clear and prepare for farming while facing labour shortages. As fishing used to be their primary livelihood, they were also concerned about their lack of experience in farming. The compensation was conditional upon the recipients: (1) not claiming land in the company's territory, (2) not requesting any additional compensation and (3) not moving back to their previous location. Yet many of the approximately 1,000 families who had relocated and accepted compensation do not regularly stay at the relocation site because of a scarcity of options for income generation. Many whose livelihoods depended on fishing have returned to their old villages to stay with those members of their former community who resisted relocation, or to erect temporary shelters in the coastal area in order to fish.

Regarding infrastructure, as of February 2012, TUDG had cleared the land for a road across the resettlement site, had built one school and had provided six wells. Many relocated households lack safe drinking water and have to fetch water from natural creeks near their settlements. According to various media reports, the environment minister called on TUDG in March 2014 to give the relocated families better infrastructure, such as schools, markets and a hospital.

#### *Remaining pockets of resistance*

The company hired armed security personnel (from private security firms and the gendarmerie) and established and maintained a checkpoint to restrict travel to some communities (for example, Peam Kay village and Prek Smach village) where villagers continued to resist relocation. The area is also patrolled by about 30 members of the Prime Minister's personal bodyguard unit, attesting to its perceived importance. Affected communities have protested since 2010 to express their opposition to the relocation. In May 2010, around 200 families travelled to the capital of Phnom Penh to submit a complaint and to call on the Prime Minister to intervene in the land dispute and to redress the inadequate compensation packages. In one protest on 6 December 2011,



National Route 48 was blocked for eight hours by relocated families, who were calling for the authorities and TUDG to keep their promise of allocating two hectares of farmland to those who accepted the move to the relocation site.

As of February 2012, more than 100 families continued to resist relocation. They rejected the compensation offered and remained in their villages, including in Koh Sdach commune (Peam Kay village and Prek Smach village), Phji Meas commune (Tany village, Kien Kralanh village and Phji Meas village), Thmar Sar commune (Chamlorng Kor village) and Prek Khsach commune (Samroang Keo village and Yeay Sen village). Villagers resisting relocation have continued their efforts in the hope that the government will not relocate them, but their efforts have not borne fruit or have been deliberately thwarted. On 28 February 2012, some communities held a press conference in cooperation with Phnom Penh-based NGOs to make their grievances heard. In March 2012, some community members travelled to Phnom Penh to participate in the ASEAN People's Forum and submit a complaint to the Embassy of the People's Republic of China. They were briefly detained at the police commissariat of Phnom Penh on 31 March 2012 and escorted back to their villages.

In early February 2014, TUDG security guards, backed by soldiers, reportedly demolished 42 homes in Ta Noun commune and two houses in Koh Sdech commune. This resulted in a protest by 100 villagers from Koh Kong's Botum Sakor and Kiri Sakor districts, who asked for compensation and stayed outside the TUDG offices for two days. Subsequently, ministerial officials and provincial authorities convened a meeting with company representatives to urge the latter to increase their efforts in providing adequate infrastructure to relocated communities (*The Phnom Penh Post* 2014a). The head of the UN Office of the High Commissioner for Human Rights in Cambodia also visited the contested area and arranged meetings between villagers and TUDG, only days after villagers publically accused the company of hiring soldiers to prevent villagers from planting paddy rice in their former land. The villagers expressed strong hopes for the support from the UN office, with one of them quoted as saying: 'This company is like an elephant and we are like ants' (*The Cambodia Daily* 2014). Shortly after the meetings, which had been reported as being productive, an incident occurred in which TUDG security guards severely injured a woman who was trying to plant rice on the land from which she had been evicted (*The Phnom Penh Post* 2014c).

In late August 2014, the Koh Kong provincial governor promised evicted villagers that he would present their petitions to the environment minister (*The Phnom Penh Post*, 2014d). According to press reports, about half of the relocated villagers had abandoned their new homes by mid-2014 because of poor living conditions – a fact that may have contributed to the governor's move (*The Phnom Penh Post*, 2014b).

So it can be seen that the villagers challenged the actions of TUDG and its high-level government supporters through a combination of open defiance, advocacy resistance and everyday politics.

## **Discussion and conclusion**

As Scott (1976, 203) reminds us: ‘The peasant is more often a helpless victim of violence than its initiator.’ This is also true in the case of rural Cambodia, where dispossessed peasants have found no effective means to withstand the powerful coalition of government officials, concessionaires and the military involved in illegitimate and unethical land grabs on a momentous scale. Village-level strategies of resistance have mostly been desperate, sporadic and atomistic. *Advocacy resistance* in conjunction with national and international human rights organisations has thus far also failed to reverse large-scale leases of land to foreign and domestic concessionaires beyond some tokenistic or strategic returns of small plots of villagers’ agricultural land. Collective defiance by small groups of villagers has drawn a certain degree of attention from the local and international media, while *everyday resistance* strategies in the form of non-compliance and covert counteractions have, at best, prolonged the processes of dispossession and displacement. More *open forms of resistance*, such as the interruption of road traffic and violent clashes with the concessionaires’ security personnel, have been quashed quickly through the excessive, state-sanctioned use of the armed forces, resulting in an increasingly fatalistic stance among large parts of the local peasantry, while smaller groups have continued their fight.

Our case study results do not confirm the predominance of *everyday politics* as the preferred resistance strategy of peasants, as postulated by Scott (1986) and Kerkvliet (2009) in relation to other south-east Asian countries. Cambodian peasants have responded to dispossession and displacement by employing myriad resistance strategies, ranging from road blockades, open confrontations with security guards and military personnel, demonstration marches and petitions to various forms of advocacy resistance and everyday politics. Their selection from a range of resistance strategies does not follow a clear pattern but appears to respond to the varying levels and strategies of oppression deployed by government representatives, concessionaires and members of the armed forces. This has created a particular dialectic between domination and resistance (cf Schneider 2011). In the Cambodian case, Polanyi’s ‘double-movement’ (Polanyi 1944) takes the form of a continuous oscillation between forced commodification of natural resources by domestic and foreign elites on the one hand and the combination of overt and covert resistance strategies by the rural peasantry on the other. Yet, to date, the odds have been stacked against the Cambodian peasants, who, as a result of decades of conflict and unrest, lack organisation across village boundaries. Their voices have been ignored by the home governments of the investors,

which continue to regard Cambodia as a promising new haven of investment, trade and tourism, where the displacement and dispossession of the poor is deemed unavoidable collateral damage for the foreseeable future.

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The Phnom Penh Post 2014c ‘Security guards accused of beating (2 July)

The Phnom Penh Post 2014d ‘Koh Kong gov to bring petition to Say Sam AI’ (1 September)

#### **Endnotes**

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<sup>1</sup> Some sections in this chapter draw on Neef and Touch (2012) and Neef, Touch and Chiengthong (2013).

<sup>2</sup> Until September 2008, provincial governors could authorise the establishment of ELCs not exceeding 1,000 hectares. This practice was officially abolished by the Sub-Decree on the Modification of the Sub-Decree on Economic Land Concessions (RGC 2008).

<sup>3</sup> At the time of the 2007 survey, 17 local NGOs and three international NGOs were operating in Kratie province.