

What will we do without our land?
Land Grabs and Resistance in Rural Cambodia

by

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A Thesis Submitted to
Saint Mary's University, Halifax, Nova Scotia
in Partial Fulfillment of the Requirements for
the Degree of Master of Arts
in International Development Studies.

December 2010, Halifax, Nova Scotia

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Your file *Votre référence*
ISBN: 978-0-494-72012-7
Our file *Notre référence*
ISBN: 978-0-494-72012-7

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Abstract

What will we do without our land?

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by Alison Elizabeth Schneider

Dynamics of the global land grab are exemplified in Cambodia, where at least 27 forced evictions took place in 2009, affecting 23,000 people. Estimates suggest that 15 to 20 percent of the population is landless or 'near landless'. Evictions of the rural poor are legitimized by the assumption that non-private land is idle, marginal, or degraded and available for capitalist exploitation. This paper: (1) views accumulation by dispossession as a defining characteristic of land grabs; (2) questions the assumption that land is idle; (3) explores whether land grabs can be regulated through a 'code of conduct'; (4) considers peasant resistance to land grabs. Overall, the Cambodian case studies confirm that land grabs are not benefiting the rural poor. Peasants challenge the existing distribution of power. Although 'everyday forms of peasant politics' are prevalent, 'advocacy politics' is slowly emerging as peasants activate their agency in an effort to prevent the loss of their land and livelihoods.

December 10, 2010

Table of Contents

Chapter 1: Introduction	1
1.1 Methodology and data gathering	4
1.2 Cambodian context	8
1.3 Overall argument	12
1.4 Thesis outline	13
Chapter 2: Theoretical Explorations on Land Grabs	15
2.1 Land grabs as accumulation by dispossession	16
2.2 The state, private property and development	22
2.3 A code of conduct for Responsible Agricultural Investment	25
2.4 Resistance to dispossession	31
2.5 Conclusion	39
Chapter 3: National Perspective on Lands Grabs in Rural Cambodia	41
3.1 Capitalist accumulation and rural dispossession	42
3.2 Origins of non-private land: forests and state land management	49
3.3 Land governance for land grabs: 2001 Land Law	55
3.4 Resistance	67
3.5 Conclusion	70

Chapter 4: Land Grabs in Actual Practice: Three Case Studies	71
4.1 Introduction to case studies	71
4.2 Accumulation by dispossession	74
4.3 Land titling and state land	84
4.4 Land governance in actual practice	90
4.5 Resistance at the village level	95
4.6 Conclusion	104
 Chapter 5: Summary, Conclusions and Implications	 105
 Bibliography	 112
 Abbreviations and Acronyms	 143

Chapter 1:

Introduction

The current discourse on the global land grab, mainly coming from civil society (in this case, NGOs, environmental and agrarian social movements, human rights groups) and independent media, has been monitoring the incidence, activities and extent of such land deals. They have brought forward the urgency of looking into the question of the global land grab and its implications for food security and the reported displacement and dispossession of the rural poor in places where such land deals were carried out.

However, the dominant radical discourse tends to be weak in terms of explaining *how* exactly the rural poor¹ can benefit – or not -- from large-scale land investments. The power dynamics that influence how and why dislocation and dispossession actually occur are under-explored in the largely activist literature. Therefore, there is an imperative to for a more rigorous theoretical and empirical study to clarify the mechanisms of dispossession, the possible in/effectiveness of mainstream land policies, and the nature and extent of peasant resistance to land grabs. This will be the main area of inquiry of the current study. At the heart of this research is the question of distribution of power within and between capital, state, and the rural poor which is in turn a key to understanding the character and dynamics of current land grab. The central research question that this study attempts to answer is: can the rural poor in Cambodia benefit from the current large-scale land deals? If so, how; if not, why?

¹ Peasants, rural poor, and villagers are used interchangeably to denote subsistence-based agriculturalists living in rural regions of Cambodia. I use the term 'villager' most often when discussing local authorities and national views on large-scale land investments or land grabs because this is the language that they used during our discussions. The term 'peasant' is used to indicate class, which is a critical component to understand the social hierarchies in Cambodia. To most Cambodians, this hierarchy is assumed and immovable, as it constitutes the basis of societal interactions.

Preliminary field reports show that the displacement and dispossession of the rural poor in many countries have been one of the immediate outcomes of the global land grabs. This is exemplified in Cambodia, with 70 percent of the population involved in the agricultural workforce and practicing subsistence consumption (Engvall and Kokko 2007: 7). In 2008, approximately 150,000 people were living under the threat of eviction (Amnesty International 2008: 2). The following year, Cambodia experienced at least 27 forced evictions, affecting 23,000 people (Amnesty International 2009: n.p.). Estimates suggest that 15 to 20 percent of the population is landless or ‘near landless’ and the percentage is rising (Guttal 2007; 10-11; 9; Üllenberg 2009: 6).² The gap in the literature discussing rural land grabs in Cambodia and the major impacts that land deals are having on peasants throughout the countryside encourages an examination of empirical evidence in this study.

It is assumed in the mainstream policy discourse that ‘land governance’ – which is understood as the efficient technical and administrative management of policy questions linked to land – encourage financial transactions and greater investment in land, especially agricultural; support the flow of credit to the rural economy; bring economic efficiency through land markets; facilitate effective land administration; and reduce land disputes. So-called ‘idle’ and ‘marginal’ lands, especially those that are non-private (i.e. state, public and community lands) have been the main object and target of land titling programs and large-scale land investments. For (trans)national corporations and the governments that collaborate with them, purchasing or contracting non-private lands in the Global South, titled or not, is the perfect opportunity to make their

² “Near landless” is defined as a household that possesses 0.5 hectares of land or less. In some Cambodian provinces, landlessness is a reality for more than a quarter of the population (for examples, see Sophal & Acharya, 2002).

investment. The assumption that these lands are marginal and available for the extraction of capital is questioned in this thesis.

Mainstream institutions are also aware of the negative processes and adverse consequences of commercial and state land deals. In response, the notion of 'land governance' measures, first promoted by the World Bank and International Food Policy Research Institute (IFPRI), offers regulations to make such commercial land deals work simultaneously for investors and the poor in target countries. It focuses on land titling and effective Principles for Responsible Agricultural Investment (RAI) to ensure that land exchanges between countries or private interests benefit all parties.

Increasing landlessness and the explosion of large-scale land investments in rural Cambodia present an opportunity for a case study that will analyze field data on the impacts of land grabs on rural communities. Adopting a political economy framework, this thesis: (1) views 'accumulation by dispossession' as a defining characteristic of land grabs; (2) questions the assumption that land is idle, marginal, or degraded and available for capitalist exploitation; (3) investigates whether land grabs can be regulated under a code of conduct and; (4) considers the nature and extent of peasant resistance.

The first section of this chapter has presented the problematic, framing, and central question. The following section will discuss the methodology for data gathering, including key units of analysis and data limitations. The final section will present the context of the Cambodian case study, the hypothesis for this research and the outline of this thesis.

1.1 Methodology and Data Gathering

The relatively recent explosion of land grabs in developing countries presents a dilemma to researchers: the data available on land grabs may be limited and the range of under documented cases is vast, as many regions are experiencing a redistribution of land that disenfranchises marginalized communities. Firstly, since non-speculative empirical data is limited, fieldwork to uncover real data was a necessity. Secondly, the researcher may be challenged when choosing an appropriate location to examine the land grabbing phenomenon. Although rural populations are the focus of this study, urban populations are also facing eviction to allow for investors and development projects to improve the urban landscape. However, there is a greater need to examine smallholders that depend on the land for their livelihoods.³ A detailed analysis of the rural poor who are losing land to land grabbers is needed to understand whether they are benefiting from these forms of land redistribution.

The case study approach allows the researcher to develop themes, patterns and concepts that may be relevant to achieve a greater understanding of the issue of land grabs as a whole (Berg 2004: 251). It also allows for a nuanced analysis that may uncover unique details that may be lost in a general study. Therefore, a case study approach was undertaken so these findings may help us to gain insights and highlight patterns of national and global land grabs. This study examines the assumption of mainstream development thinkers that large-scale land acquisitions can and will benefit the rural poor.

³ Indeed, studies on urban evictions and housing rights can be the next step for the rural landless and land poor who are forced into urban areas to seek work, and often live in informal land settlements. The vulnerability of rural migrants, however, is an avenue for further research.

Rural Cambodia is an important case study to understand the dynamics of land grabbing because: (1) of its increasing landless and land poor populations; (2) the frequency and scale of state sanctioned land grabbing; (3) the World Bank Land Management and Administrative Programme's (LMAP) and subsequent donor land governance program's attempt to regulate land distribution and mitigate the risks of large-scale land investments, and; (4) the increasing incidence of peasant advocacy politics in response to land grabs. However, the Royal Government of Cambodia's (RGC) negative attitude towards work critical of the ruling Cambodia People's Party (CPP), as exemplified by the refusal of World Bank funds for LMAP and the reported threats against Global Witness and NGO reports, could make this avenue of research unwelcome. In spite of these risks, data on large-scale land investments, land governance and resistance to land grabs could be discovered via fieldwork in this case study.

This research project examines the lives of the rural poor and the impacts that land grabs has on individuals and communities in rural Cambodia. As such, data from other actors that interact and shape the peasants' experiences with land grabs were included to broaden the view of the case study and incorporate diverging perspectives. These include neighbouring peasants, local authorities (village, commune, and district representatives), provincial leaders, provincial land management offices, national ministry officials, local and international non-government organization representatives, activists and academics. To gain access to this data, media, government, NGO, and donor publications provide a preliminary overview of regional concerns. For more specific data, field studies were conducted via interviews, focus groups, house-to-house interviews and informant consultations from 28 May to 1 July 2010.

To strengthen the reliability of data, field studies were based in three rural areas that have been affected by land grabs: Krakor District in Battambang province; the Pheapimex land concession in Pursat province; and the Phnom Penh Sugar Company and HLH Co. in Omlaing commune, Kampong Speu province. The latter two cases were chosen because they were well-documented and were ongoing conflicts with companies that have been granted economic land concessions by the RGC on so-called marginal, state land. The case study in Battambang was undertaken to triangulate data and broaden the scope of the study to include a less prominent land dispute with private (as opposed to state) interests predominating. The intent was to highlight variations between the three cases and to evaluate whether their similarities or differences shed light on the in/effectiveness of large-scale land acquisitions as a development strategy for the rural poor.

A research partnership with Oxfam Great Britain (OGB) in Cambodia allowed me to access the actors relevant to my field studies in Cambodia. Oxfam Great Britain is the most established NGO in Cambodia, and has rapport with both peasants and government groups.⁴ My case study choices were within the areas of interest for OGB. My assistant at OGB Cambodia arranged meetings with local and national authorities, international NGO

⁴ Although this access was invaluable to my research, it also was a slight detriment. When going through the consent process with participants, we made it clear to all of my interviewees that I was not directly associated with Oxfam GB and the research that I was conducting was for my study only. Oxfam GB would have access to my field notes; however, this was not an Oxfam project. Despite these clear indications, we received requests from peasants for help from Oxfam GB, my independent translator and myself. They seemed to view my translator and myself as relatively powerful people who can access people in important positions. This is, in fact, true. And connections to and associations with other people are needed by the peasants in order to get their voices heard and for actions to occur that will lead to the villagers maintaining their access to land and forests. We experienced hostility during interviews with some commune, district and provincial authorities, saying that we were “just one of the protestors” and questioning the legitimacy of my questions outright. In other ways the non-compliance was more subtle, as one of the provincial-level interviews was cancelled at the last minute. I emphasized to the local authorities that it was important for them to talk to me so that their viewpoints were represented in the study. Whether they believed my ethics and aims as a researcher was not clear.

informants, and local NGO or advocacy contacts. In Battambang, Pursat, and Omlaing, we met with the Community Peace Network (CPN), Action for Environment and Communities (AEC), and Cambodian Human Rights and Development Association (ADHOC), respectively. Through focus groups with members of these groups we gained confidence from the local people and were allowed to undertake house-to-house interviews with both members and non-members.

Although gaining respect from peasants strengthens the study considerably, it sometimes made it appear to local authorities that we were also “protestors” opposing the position of CPP representatives and their allocation of economic land concessions. In some cases this position was entirely absent. In others, this antagonistic attitude towards the research limited the information that some officials were prepared to share, be it documents or cooperation during an interview. The negative opinions of authorities towards research on land, especially those in a more powerful position (i.e. district, provincial or national ministry representatives), may have been present prior to my research. In other cases, the order in which research participants were interviewed may have given the impression that we valued the viewpoints of some participants over others. When requesting access to participants, however, we emphasized the importance of their contribution to creating a complete picture of large-scale land investments in Cambodia. Nonetheless, the unwillingness of local and national authorities, informants, interviewees and focus group participants could result in incomplete data or a bias towards one particular viewpoint. This study hopefully balanced these shortcomings by undertaking three studies.

Each study emphasizes that there is no ‘typical’ case that can exemplify the land grab experience in Cambodia. As a result, the complexities of the social and political uniqueness of the conflicts over land grabs cannot be captured in these case studies alone. The studies, however, can present common themes and generate insights into the mechanisms that allow and promote land grabs in Cambodia.

1.2 Cambodian Context

In the post-Khmer Rouge era, Cambodia has struggled to rebuild and become a sovereign state. Cambodia became a ward of the international community in 1992 under the supervision of the World Bank and the United Nations. Although the urgent priorities were security, feeding the population and rebuilding Cambodia’s agricultural capacity, the long-term conditions for such rehabilitation were never established. The neoliberal economic policies that have been implemented under the international community’s watch have debilitated Cambodia’s development potential. In addition, the influence of international donor communities through aid, loans and technical assistance and the Cambodia’s dependence on donors has guaranteed that “sovereignty remained a malleable notion, easily reinvented to legitimise the use of national resources and capacities to serve market and elite interests rather than homegrown domestic priorities” (Guttal 2008, 2). Large-scale land investments have further entrenched the dependence on donors for the rural poor and a reliance on internationally-backed investments to encourage economic development (see Table 1.1). Public-private partnerships are a key element. According to the Cambodian Ministry of Agriculture, Forests and Fisheries, the

Cambodian government provided 124,000 hectares of land to 19 companies in 2009 (Sophal 2010: n.p.). Both foreign and domestic corporations are listed, but the backing behind even the Khmer-led companies are from international investors.

Table 1.1: Foreign direct investment in land in Cambodia (Dec. 2006)⁵

Company Name	Country	Plant	Size (ha)	Location
Cambodia Haining Co Ltd.	China	agro-industry as palm oil, sugarcane, acacia, and pig feeding	23000	Aural & Phnom Srouch district, Kompong Speu province
The Green Rich Co Ltd.	China	Oil palm, fruit tree & acacia	60200	Koh Kong district, Koh Kong province
Oryung Construction (CAM) Co Ltd.	Korea	Rubber plantations	6866	Andong Meas District, Rattanakiri Province
Tai Nam (K) Ltd.	Vietnam	Cassava, rubber & cashew	7560	Snuol District, Kratie Province
30/4 Gialani Company Ltd.	Vietnam	agro-industrial crops, animal husbandry	9380	Oyadao District, Ratanakiri Province
Tai Nam BPM Ltd.	Vietnam	Cassava, rubber & cashew	7600	Keo Seima district, Mondulakiri Province
Kimsville Corp.	China	Cassava, Cashew, apple, and fruit	3200	Phnom Srouch district, Kompong Speu province
Henan (Cambodia) Economic and Trade Development Zone	China	Agricultural crops	4100	Phnom Srouch district, Kompong Speu province
Cambo Victor Investing and Developing Co Ltd.	China	Corn, bean, soya bean, rice, cassava and peanut	28500	Aural & Phnom Srouch district, Kompong Speu province
China National Corporation for Overseas Economic Cooperation Laostar Development Co Ltd.	China	Agro-industrial crops such as maize, vegetable and rice	8000	Phnom Srouch district, Kompong Speu province
Cambodia C.J.	Korea	Cassava (for	3000	Phnom Srouch district,

⁵ Omitted from this list of Economic Land Concessions (ELCs) are those that were illegally provided.

Corporation Ltd.		agro-fuel)		Kompong Speu province
Cambodia C.J. Corporation Ltd.	Korea	Cassava (for agro-fuel)	5000	Phnom Srouch district, Kompong Speu province
Golden Land Development Co Ltd.	Taiwan	Agro-industrial crops	4900	Phnom Srouch district, Kompong Speu province
Chrystal Agro Co Ltd.	Thailand	Cassava and agro-industry plantation	8000	Samrong District, Uddor Meanchey Province
Koh Kong Sugar Industry Co Ltd.	Thailand	Sugar Cane	9700	Sre Ambil district, Koh Kong Province
Global Agricultural Development (Cambodia) Co Ltd.	USA	Indigenous Teak	9800	Sambo district, Kratie Province
Green Island Agricultural Development (Cambodia) Co Ltd	USA	Indigenous Teak	9583	Sambo district, Kratie Province
GG World Group (Cambodia) Development Ltd.	China	agro-industrial crop plantation as teak and cashew	5000	Stung Treng district, Stung Treng province
Grand Land Agriculture Development (Cambodia) Co Ltd.	China	Indigenous trees as teak and trincomalee wood	9854	Se San district, Stung Treng province
Asia World Agricultural Development (Cambodia) Co Ltd.	China	Indigenous teak	10000	Sambo district, Kratie Province
Great Asset Agricultural Development (Cambodia) Limited	China	Pistacia chinensis Bunge	8985	Sambo district, Kratie Province
Great Wonder Agricultural Development (Cambodia) Ltd.	China	Pistacia chinensis Bunge	9231	Sambo district, Kratie Province
Wuzhishan LS Group Co Ltd.	China	Indigenous Pine (pinus mercurii)	10000	O'Reang district, Mondulkiri province
Plantation Agricultural Development	USA	Pistacia chinensis Bunge and	9214	Sambo district, Kratie Province

		other trees		
Real Green Co Ltd.	Thailand	Cassava & agro-industry	8000	Samrong District, Uddor Meanchey Province
Pelin Group Agricultural Development (Cambodia) Co., Ltd	not known	Pistacia Chinasis Bunge and other trees plantation	8847	Konmom District, Rattanakiri Province
Phou Mady Investment Group	China	Acacia, teak, trincomalee wood, and other plantation crops	9854	Se San district, Stung Treng province

Source: Üllenberg 2009: 24-5.

Land grabs are presented as the best way to attract international investors and create opportunities for rural communities. However, the cycle of debt traps are still all too common in the Cambodian countryside. Single loans become doubled when a family takes a second loan to pay for the first. They are forced to sell all or part of their land, take on other work, or move to the city in search of employment. Still, the most common way for Cambodians to lose their land is to private interests of wealthy individuals that claim land for themselves (see Sophal & Acharya 2002; Guttal 2007: 12). Economic land concessions are also highly problematic. They are often converted from state public to state private lands to satisfy contracts with foreign corporate interests. The Royal Government of Cambodia provided 124,000 hectares of land to 19 companies in concessions in 2009 (RGC Ministry of Agriculture, Forestry and Fisheries). Over time, economic concessions encroach upon village lands. Land demarcations between concession and village lands are unclear, but peasants still require access to formerly public resources such as water and forests. Land grabs are reducing the ability of peasants to improve or maintain their livelihood.

All provinces in Cambodia are experiencing some form of large-scale land acquisition. Local communities that are confronted with land deals, both private and state-sanctioned, are challenged by the hegemony of state and/or private interests. This has resulted in 70% of the ongoing land dispute cases remaining unresolved in 2009 (NGO Forum 2010b: 8). Policy and field research in rural Cambodia reveals a divergence between official policy and the reality of land deals in practice. The 2001 Land Law outlines redistribution land policies on paper but the state and legal system routinely ignores them in practice in order to promote economic land concessions, tourism, infrastructure programs, and private and foreign interests. The Cambodian systematic land registration can reduce land and boundary disputes, but the lack of hard title and the refusal to map unclear or disputed areas is formalizing land inequalities. The state and elite redirection of land use to attract investors and gain capital through rural development projects at any cost has resulted in the exploitation of the rural poor. The agency of peasants who are directly affected by land grabs tends to be neglected in the land governance codes of conduct that are meant to promote land grabs as a viable means of economic development in rural areas. Nevertheless, the incidences of open protests, petitions and outburst of violence are emerging. Peasants in local communities are placing themselves in a powerful yet precarious position.

1.3 Overall Argument

This thesis argues that land grabs do not benefit the rural poor because the underlying goal of large-scale land investments is to unearth 'hidden capital' (i.e. land) to

allow the capitalist engine to keep running. In most cases this means large-scale plantation ventures that require large tracts of lands but less labour. The actual mechanism through which the Cambodian state has facilitated the grabbing of non-private lands disregards the reality of existing land use by local populations by making the latter appear to be underutilized on paper. Although official land governance policies in Cambodia recognize the risks involved in land grabbing, the so-called ‘principles’ for regulating large-scale land investments do not consider the politics of land redistribution. In addition, land governance measures are undertaken within a capitalist definition of development which serves to promote the interests of capital – which, on most occasions are achieved at the expense of peasants and rural labourers. As such, land governance policies value capitalist investment over the livelihoods of local rural populations. Because of this fundamental logic, land grab regulatory agendas, however well meaning these are, do not and will not benefit peasant communities. Finally, Cambodian peasants are not passive despite absence of large-sale highly organized civil society groups; they are resisting the large-scale land acquisitions. This opposition to national development plans directly confronts domestic and international investors, local and national elites.

1.4 Thesis Outline

This first chapter has presented the problematic, methodology, background, and the overall argument of this thesis. Chapter two presents the theoretical foundation for this thesis in four parts: a discussion of the theory of accumulation by dispossession; an examination of the state simplification approach to understanding the assumption that

non-private lands are underproductive or marginal; a consideration of the Principles for Responsible Agricultural Investments (RAI) as a method to promote land grabs to investors while mitigating risks for targeted areas; and an analysis of three different types of rural politics: official, everyday, and advocacy. It is hoped that these four frameworks will help to us dissect and understand the motivations behind large-scale land investments and the agency of peasants to oppose the capitalist structures that they impose.

The third chapter is an introduction to the case studies that follow in the fourth chapter. It presents a national perspective on land grabs in Cambodia by analyzing the role of capitalist exploitation that has resulted in an increase of landlessness. Moreover, it discusses the ambiguities of state land and its role in facilitating land grabs and increasing the vulnerability of the rural poor. The third section outlines the shortcomings of land governance measures in Cambodia due to a lack of political analysis and social justice ideology. Finally, the chapter closes with a discussion on the politics of resistance to land grabs in Cambodia.

Chapter four examines the three case studies using the same structure as chapter three. Results from case study fieldwork in rural Cambodia develops the argument and explains how land grabs do not benefit the rural poor.

Finally, chapter five brings together the empirical evidence presented in the third and fourth chapters and intertwines them with the theoretical concepts discussed in the second chapter to discuss the greater implications revealed in this study.

Chapter 2:

Theoretical Explorations on Land Grabs

To properly engage with the question of who benefits from land grabs, four relevant theoretical areas are discussed, namely, accumulation by dispossession, state simplification, land governance and the resistance to dispossession. The distribution of power between capital, state, and the rural poor underpins the theoretical discussion. By engaging with these concepts, it is hoped that this study can contribute towards a better understanding of the dynamics of land grabs and the implications for the rural poor.

Firstly, to engage with the ‘big thoughts’ on the roots of dispossession, Marx, Polanyi and Harvey guide the discussion on the very nature of capitalism to conclude that dispossession is fundamental in perpetuating the process of accumulation. Thereby, when the state seeks to maintain the interests of capital, state simplification serves to exclude the rural poor and legitimize the state’s actions in order to maintain power differentials and label desirable land as marginal, idle or degraded to legitimize large-scale land investments. This discussion is presented in the second section of this chapter. The state has been extremely effective in its promotion of foreign and domestic elite interests in Cambodia. Land grabs are one of the ways in which the powerful accumulate capital by freeing up formerly hidden resources. Such actions have been considered by mainstream development institution as reputable means to promote economic development. However, land grab advocates admit that regulations are needed so that related risks are mitigated. The Principles for Responsible Agricultural Investments (RAI) propose a solution to the

dislocation, increased corruption, political instability and the environmental degradation that results from large-scale land acquisitions: ensure that land deals benefit all parties. In the third section of this chapter, we find that the lack of a political and class analysis, however, inhibits these principles from adequately regulating land grabs. The result, as examined in the final section, is peasant resistance. Three main types of peasant resistance (official, everyday and advocacy) are analyzed as the tensions between different interest groups are discussed.

2.1 Land Grabs as Accumulation by Dispossession

The priority of large-scale land investments is to unearth ‘hidden capital’ – i.e. land. As a consequence, the rural poor are displaced and/or dispossessed to allow capitalist accumulation to occur. Marx’s theory of primitive accumulation frames the discussion on the dispossession of the rural poor from their land and means of livelihood. Thinkers engaging with Marx have refreshed the empirical foundations of primitive accumulation to uncover the relevance and continuity of this socially destructive process. Polanyi (1954) and Harvey (2005; 2004) sharpen Marx’s theory and clarify the mechanisms that allow for and promote dispossession: capital’s need to keep the accumulation engine running.

Crises of capitalism produce and perpetuate increasing instability, inequality, and overaccumulation through market liberalization (Marx 1961). The primary problem of overaccumulation is the lack of opportunities for profitable investment. Imperialist activity, such as colonial or corporate expansion into areas not implicitly linked to the

global capitalist system, can stabilize a capitalist system in a crisis of overaccumulation by opening up global markets and investment opportunities. Since overaccumulation is “a condition by where surpluses of capital idle with no profitable outlets in sight”, the capital surplus must be released to seize hold of assets (Harvey 2005: 149). Trade, although helpful, is not the solution to capitalist woes. The underlying goal of relationships between capitalist and non-capitalist territories is investment in capitalist accumulating activities. Accessing cheaper labour, land, and raw materials motivates these interests and sustains capitalist accumulation (Harvey 2005: 139).

Primitive accumulation is “... not the result of the capitalist mode of production, but its starting point” (Marx 1961: 667). This is also the take off point for proletarianization, whereby the loss of the means of production by the producer forces peasants to sell their labour. Creating a labour force is fundamental for capitalism. The origin of this ‘creation’, historically, is the theft of peasants’ means of production. Marx’s empirics took the enclosures in England’s history as the classic example of primitive accumulation. “The expropriation of the agricultural producer, or the peasant, from the soil, is the basis of the whole process” of primitive accumulation (Marx 1961: 669). History, written by the beneficiaries of primitive accumulation, does not focus on its devastating outcomes, such as murder, slavery, and theft, which are the foundation of the capitalist system.

Arendt (1973) argues that primitive accumulation (“the original sin of simple robbery”) is a consistent force in the historical geography of imperialism and accumulation of capital (148). Her analysis of historical geography rings true. The features of primitive accumulation, such as massive struggles littered with outbursts of

violence and massive dispossession, remain visible in our present capitalist society (Harvey 2005: 145). Exemplified by land grabs, conflict over land is an underlying characteristic of capitalism bred from the need to release capital to stimulate accumulation and stabilize the system. Social conflict appears to be a contradiction to the stabilized outcome. However, it is necessary to assess who is affected by the struggle, how and to what degree. For capitalists seeking to maintain their ability to invest and accumulate more capital, the ends justify the means. For those embroiled in the conflict and resistance to the dispossession that releases capital, inclusion in the capitalist system is primarily detrimental. The societal dimensions of capitalism and how land and labour interact with market-based institutions require closer examination.

“What we call land is an element of nature inextricably interwoven with man's institutions. To isolate it and form a market out of it was perhaps the weirdest of all undertakings of our ancestors” (Polanyi 1954: 178). Karl Polanyi's *The Great Transformation* analyzes the market economy's incompatibility with societal institutions. The market mechanism dominates both people and nature. Polanyi argues that, since labour, land, and money are not commodities because they are not produced for sale, they are fictitiously bought and sold on the market. Free markets are expected to reach equilibrium via price mechanisms since such tactics work for real commodities. This results in an artificial use of the market and leads to disastrous outcomes: allowing “...the market mechanism to be sole director of the fate of human beings and their natural environment, indeed, even of the amount and use of purchasing power, would result in the demolition of society” (Polanyi 1954: 73). To escape such societal destruction,

Polanyi insists that the market must be politically regulated.⁶ The contrast between Marx's primitive accumulation and Polanyi's market-based society helps to conceptualize the importance of building on such theories.

The contradiction between the social theories of Polanyi and Marx are crucial to assess the capitalist system. The latter wrote that a fully functioning capitalist society, although unstable, will persist until it ushers in socialism with capitalism's final and definitive destruction; the former asserts that a market-based society is hinged on falsehoods that guarantee the demolition of the capitalist system.⁷ More concisely, "In Marx, the contradictions come at the end of the analysis; for Polanyi, the system is built on top of a lie that means that it can never work in the way that its proponents claim that it works" (Block 2003: 281). Polanyi's analysis is built upon decades of additional historical evidence and observations on the state's closer relationship with the market. This knowledge and his discussion of fictitious commodities (land, labour and money) have deepened Marx's criticisms of capitalist society (Block 2003: 281-2).

Unlike Marx's concept of primitive accumulation that *initiates* the formation of a capitalist system, Polanyi finds that there is a *continuous* falsehood within which the struggles of production lay in the mislabelling of land, labour, and money as commodities. Thereby, subordinating them to the market mechanism is disastrous to society. Society cannot be embedded in an autonomous economy because an autonomous economy cannot exist. As Block (2003) states,

⁶ The state's seeming inability to regulate national systems, especially land, is discussed in the following section.

⁷ "Market-based society" is the terminology used by Polanyi, who was writing in the United States during World War II. Since conspicuously writing about Marx at this time was dangerously and politically charged, using Marxist terms was firmly discouraged. For our purposes, however, the terms capitalist and market-based are likely interchangeable. Refer to Block (2003) to understand why he disagrees.

Polanyi's point is that since actually existing market economies are dependent upon the state to manage the supply and demand for the fictitious commodities, there can be no analytically autonomous economy. Furthermore, it makes no sense to speak of the logic of the market or the logic of the economy, because pretending that land, labor, and money are true commodities is both irrational and socially dangerous. (282-3)

Polanyi emphasizes that the state's role is unimportant since the genuine relationship is between the labourer and capitalist at the point of production. The state's role in the market economy, to help and regulate the market to function for the benefit of society, is unattainable. The market is not an essential part of society nor can it be logical; it is just one of its many components.⁸ An extension of Polanyi's theory of embeddedness and the continuous "extra-economic coercion" (Block 2003: 284) that is required to maintain the falsehoods of capitalism is accumulation by dispossession.

Harvey (2005; 2004) postulates that Marx's theory of primitive accumulation is an ongoing phenomenon, required by capitalism to sustain itself. Harvey's 'accumulation by dispossession' is characterized by,

...the commodification and privatization of land and the forceful expulsion of peasant populations; conversion of property rights – common, collective, state, etc. – into exclusive private property rights;...neo-colonial and

⁸ However, a tension that Block (2003) emphasizes is that Polanyi, although stating that this society cannot exist, still suggests a solution to improve it.

imperial processes of appropriation of assets, including natural resources; monetization of exchange and taxation, particularly of land. (Harvey 2004: 74)

This is much like Polanyi's analysis:

Whether the colonist needs land as a site for the sake of the wealth buried in it, or whether he merely wishes to constrain the native to produce a surplus of food and raw materials, is often irrelevant; nor does it make much difference whether the native works under the direct supervision of the colonist or only under some form of indirect compulsion, for in every and any case the social and cultural system of native life must be first shattered.

(Polanyi 1954: 178)

Polanyi explored the colonial system and the way in which it destroyed the traditional, pre-capitalist society. The underlying objective, then and now, is not to create an equal relationship which brings the poor into the capitalist system but to unearth hidden capital through exploitive development.

Harvey builds on Marx and Polanyi by extending the theory of primitive accumulation to present-day imperialist tendencies. Thus, Harvey's terminology 'accumulation by dispossession' is essential to express the cohesion and divergence of Marx and Polanyi. The ideal type for such a discussion could very well be rural Cambodia. Cambodians are devastated by capital-seeking ventures that rob peasants, marginalized and indigenous people of their land. The transference of land rights and

property has resulted in the poor losing access to their means of production. The rural poor do not benefit from the stabilization of the capitalist structure, but the state and the elite private and corporate interests continue to accumulate capital. State simplification as a means to enable large-scale land investments and further overshadow the rights of the poor is examined in the next section.

2.2 The State, Private Property and Development

State simplification brings into “...sharp focus certain limited aspects of an otherwise far more complex and unwieldy reality...mak[ing] the phenomenon at the centre of the field of vision far more legible, and hence far more susceptible to careful measurement, calculation and manipulation” (Scott 1998a: 39). In this study, we can see that the classification of land by the modernist state validates systems that prioritize state knowledge and needs over actual land use practices. The state’s definition of land as marginal, idle or degraded has led to a “very rough, sometimes misleading, representation of actual existing rights to land” (Scott 1998a: 47). Thus, the assumption by official documentation that supposes land is available and suitable for exploitation is false. In reality, this land is often inhabited, densely forested or utilized as a communal resource. By defining land as marginal, idle or degraded, the state can benefit by leasing or contracting land to capitalist interests for agricultural development and resource exploitation. Consequently, state simplification practices that disregard actual land use practices result in the dispossession of the rural poor.

Non-private land is defined as marginal, idle or degraded by state actors promoting large-scale land investments. The primary motivation of the state simplification of land is to establish a tenure system to tax landholders. In our case, the primary motivation for the categorization of land as marginal is to encourage investment, often in the form of foreign direct investment (FDI), by labeling lands as underproductive. This “reserve agricultural land” had been revealed through technical land mapping and the use of satellite imagery, and often coincides with poorer areas in Africa and parts of South America and Asia (Cotula et al. 2009: 59-60). This suggests that there are empty spaces that can be easily exploited or developed to extract hidden capital and encourage national development.

The forms of specialized knowledge backed by state authority profoundly changed the balance of power between the locality and the state (Scott 1998a: 46). The privatization of non-private lands, such as the commons, has transferred the power over land to state officials, administrators, and well-financed investors. Radically different language and the need for institutional knowledge have made the land system inaccessible to local inhabitants, further devaluing local knowledge and autonomy (Scott 1998a: 46). The “observable structure of the agrarian system” has been created to serve the best interests of the ruling elites (Herring 1983: 269). Non-rural populations create rural policy, so it should stand to reason that policies upholding this “data-built façade” are unlikely to meet the needs of rural inhabitants (*Ibid*). Scott (1998a) presents an example of the French officials in Vietnam: “By concentrating on getting the paperwork for the title deeds and appropriate deeds in order, they occasionally became, overnight, landlords to whole villages of cultivators who had imagined they were opening common

land free for the taking”(46). Indeed, this is not far from the reality in Cambodia, where sporadic land titling for influential elites through the state system delegitimizes the land use rights of the poor.

State planning and legitimization through the quantification and commodification of society has historically had dismal effects. Although the state may aim to bring in marginalized and poor populations, the outcome of state operations from above, according to Scott (1998b), has limited freedoms, lost lives and disassembled centuries of intricately woven societal webs. Notable examples, such as The Great Leap Forward in China, Russian collectivization, and mandated villagization in Ethiopia, Mozambique, and Tanzania all demonstrate the crushing effect that supposedly well-meaning state-led programs can have on its populations (Scott 1998b: 3). Equally damaging examples can be found in developmental histories, where imposed mapping schemes, the privatization of land rights, and agricultural strategies have ravaged rural communities and the urban centers that depend on them.

The action that the elite captured state aims to legitimize in the case of Cambodia is land and resource grabbing. Land that is marginal, idle or degraded creates opportunities for investments in Cambodia’s economic expansion. On paper, contracts for Economic Land Concessions (ELCs) in Cambodia do not violate the land and use rights of peasants. However, the categorization of areas as private state land available for investment does not reflect reality, as households have paddies, fields, grazing land, water access routes and a dependency on forest resources which connects them to the land with or without the appropriate documentation. The dispossession of Cambodians

from their land indicates that state land policies have made a false assumption about the availability of land for private investment.

Scott emphasizes that power, and the ability to maintain it, is secured through the losses of others. This reality is a clear threat to the land use rights of the rural poor. At a subsistence level, Polanyi (1957) said, “It is the absence of the threat of individual starvation which makes primitive society, in a sense, more human than market economy, and at the same time less economic” (163-64). The state endorses false categories of land and property to allow land deals to exist and flourish. The ideological basis for the state’s actions is discussed in the next section.

2.3 A Code of Conduct for Responsible Agricultural Investment

In the past few decades, ideas have shifted on how corporations, civil society, and the state ought to function and interact with corporate interests. This has encouraged frameworks of corporate social responsibility (CSR) and the good governance model (O’Laughlin 2008: 945-6). The agenda which has emerged allows for independent corporate responsibility and less dependence on state regulation. For large-scale land deals, advocates for a code of conduct (COC) propose regulations that aim to benefit corporate, state and local stakeholders, including the rural poor. This section will explore and critique the ideology of a code of conduct for land grabs.

The World Bank (WB) and the International Food Policy Research Institute (IFPRI) were among the first to advocate land grabs as an opportunity for capitalist investors and the rural economies in which they invest. However, they also recognize that

regulations on land deal are needed to mitigate investment risks, such as dislocation, increased corruption and environmental degradation in target countries. Promoters of land investments have encouraged a ‘code of conduct’ to mitigate these risks and allow land grabs to be a win-win situation. The seven Principles for Responsible Agricultural Investment (RAI), the most recent installment of COC ideology by the World Bank Group, Food and Agriculture Organization, International Fund for Agricultural Development and United Nations Conference on Trade and Development (2010), create the foundation for such regulations.

This ideology is absorbed into mainstream development and policy currents. Land deals are seen as a potential opportunity for rural development if they can be harnessed properly to avoid negative social and environmental effects. A component of the governance model is the reordering of capital as an ‘ethical order’ of corporate social responsibility. Western and corporate interests are the institutions expected to release the capital that is locked in developing countries (de Soto 2000). Mainstream development institutions argue that developing countries are unable to manage state land efficiently, resulting in land disputes and idle, marginalized, or unoccupied land that is not being developed to its fullest potential (Deininger, 2003: xlii). According to IFPRI, the need for FDI in rural economies necessitates the unearthing of hidden assets (i.e. land): “Because of the urgent need for greater development in rural area and the fiscal inability of the developing-country governments to provide the necessary infusion of capital, large-scale land acquisitions can be seen as an opportunity for increased investment in agriculture” (von Braun and Meinzen-Dick 2009: 2). Within these non-private lands, WB et al. (2010) envision development potential for the South, as land grabs are a way in which less

developed countries can access the pathway to economic growth and encourage foreign direct investment in rural economies. The code of conduct and RAI continue to push a “win-win solution” to land grabs.

Table 2.1: Risks associated with Land Grabs

World Bank risks	IFPRI risks	Principles for RAI risks
<ul style="list-style-type: none"> • Neglect of land users • Short-term speculation • Corruption • Environmental harm • Polarization and instability • Undermining food security 	<ul style="list-style-type: none"> • Loss of livelihoods • Failure to keep promises (local jobs, facilities, compensation) • Absence of consultation (with affected communities) • Violent conflict over rights • Loss of subsistence and safety-net functions of existing land uses • Loss of biodiversity, carbon stocks • Long-term ecological sustainability problems 	<ul style="list-style-type: none"> • Displacement of local populations • Undermining or negating of existing rights • Increased corruption • Reduced food security • Environmental damage in the project area and beyond • Loss of livelihoods or opportunity for land access by the vulnerable • Nutritional deprivation • Social polarization • Political instability

Source: Adapted from Borras and Franco 2010b: 513; LРАН et al. 2010.

Although the COC is a worthy idea in principle, this does not necessarily mean that it will work in practice. Policies that are attempting to benefit all parties should consider the rural poor’s need for and access to land, and how the transnational corporate global system of creating food and energy security for industrialized countries actually increases poverty of the rural poor. The goal of RAI should be “to protect and advance the land-access and property interests of working poor people” (Borras and Franco 2010b: 510). However, code of conduct ideology sees an investment problem, not a land problem. Land grabs are presented as an opportunity with acceptable risks, but the COC embraces only one path towards development and does not consider that other pathways

towards rural development are achievable or underway. The dependency of developing countries upon FDI and corporate structures for investment overrides local ideas of land use, development or food sovereignty.

In tandem with the notion of marginal, degraded or idle land (see section 2.2), the rehabilitation of land by corporations (through monocropping or reforestation projects) proposes to make land more productive to benefit both local communities and the environment (Borras and Franco 2010b: 512). The risks that are presented (Table 2.1) are side effects that need to be managed to allow for the greater good, such as the development of rural economies, without decreasing the profitability of land investments. The investors' needs are met and the rural poor are able to benefit from direct investments in rural employment, infrastructure and capacity building, which in turn secure livelihoods. Land-based social relations and practices are not considered viable to promote future economic development. According to mainstream ideology, a stable environment for investors is needed to attract investment in the rural economy.

Clear property rights are critical to encourage companies to invest in rural economies and are advocated as a major way to reduce the risk of dispossession or displacement (WB et al. 2010; von Braun and Meinzen-Dick 2009). The thinking that property rights can bring empowerment to the poor by reducing poverty because land titling encourages economic productivity was revived by de Soto's *The Mystery of Capital* (Nyamu-Musembi 2007: 1457). de Soto (2000) argues that tiling makes possession rights in underdeveloped countries legible to outsiders. It also makes the state run more effectively and places developing countries on the path to development. Market-led agrarian reform also upholds this ideology and takes for granted the legal

protection of property rights and concentrates on existing owners, therefore disregarding the power differentials that have led to an unequal distribution of access to land in the past (*Ibid*). By upholding existing power differentials, de Soto's argument glosses over the contextual differences and discredited ideology of the past. Despite the implementation of policies constructed to empower the poor, evictions, land grabs and resistance to them, are still occurring.

Accordingly, the problem with the first RAI principle, that "Existing use or ownership rights ... should be respected", is that land rights are granted based on access to social, economic and political capital (WB et al. 2010: 2). Institutions that rely on this capital can also determine and override land claims. Land titling can formalize inequalities by determining where, when and who will receive land rights, but the code of conduct fails to consider the political economy of land rights and is more concerned with the mapping and registration of land. According to Nyamu-Musembi (2007), "the legitimacy of property rights ultimately rests on social recognition and acceptance. Social institutions such as family networks and locally based dispute resolution processes play a much more central and immediate role in day-to-day interaction" (1461). This holds true for state land claims, as indirect land use may not be documented or acknowledged despite of actual land use practices. The right to "existing land" fails to acknowledge the most vulnerable groups to land grabs: the landless and land poor who are likely to be women, indigenous and marginalized groups.⁹ Land regulation is more concerned with "ensuring a smooth transferability of existing land rights to investors than it is about

⁹ Sawyer and Gomez (2008) recognize that areas of dispossession due to land grabs are disproportionately lands of indigenous people. The privatization of communal land rights continue to dominate the targeted areas for land grabs, and Cambodia is no exception.

keeping the lands of rural people and communities in their hands now and in the future” (LRAN et al. 2010: 3).

The code of conduct assumes that the formalization, decentralization and increased transparency will ensure that land deals avoid the associated risks. RAI principle three aims to ensure “Processes for accessing land and other resources and then making associated investments are transparent, monitored, and ensure accountability by all stakeholders, within a proper business, legal, and regulatory environment” (WB et al. 2010: 8). They argue that the main problem affecting the poor in developing countries is the absence of the legal or institutional frameworks that exist in western states (Cousins 2009: 901). In other words, they assert that clarity in large-scale land deals and the structures that support them will benefit all partners. However, the voluntary nature¹⁰ of a code of conduct means that corporate investments in land may not be held accountable to these principles.

Additionally, RAI supports local communities in their choice to turn down investment opportunities, but pressure and intimidation from investors and the state can compromise the likelihood of an outright rejection of the investment plans or their ability to provide clear, prior and informed consent to land deals (LRAN et al. 2010: 4; Sawyer and Gomez 2008: 17). Indeed, the elected community representatives that the RAI advocate to voice concerns may not represent community interests. They may hold tighter allegiances to other groups, such as political parties or corporate contracts, that support the national development ideologies of capitalist accumulation. Local

¹⁰ Other voluntary agreements showcase the decreasing likelihood that a code of conduct would help to mitigate the risks of land grabs. For example, violations of indigenous rights to land are paradoxically increasing with the proliferation of guidelines and treaties on the rights of indigenous peoples (Sawyer and Gomez 2008).

communities may not be able to find support for their alternative development views and become isolated and further marginalized because of their actions against the state-sanctioned land grabs.

The code of conduct and principles of RAI are likely to facilitate further land grabs and the associated risks because they frame land grabs as a viable option for rural development. The very nature of the politics of land redistribution is not considered by mainstream development policy and, as such, land grabs. The motivations behind land grabs and the opposition of peasants must be considered in order to understand land grabs within this land governance framework. The next section examines the nature of resistance to land grabs which has become increasingly common to land deals in Cambodia and worldwide.

2.4 Resistance to Dispossession

For a century the dynamics of modern society was governed by a double movement: the market expanded continuously but this movement was met by a countermovement checking the expansion in definite directions. Vital though such a countermovement was for the protection of society, in the last analysis it was incompatible with the self-regulation of the market, and thus with the market system itself. (Polanyi 1954: 129)

Polanyi's "double movement" explained the expansion of a self-regulating market and the self-protection that emerged in order to preserve society (Palacios 2001: 3). Society was forced to save itself from the pressures of the market that threatened to destroy natural resources and the means of production. The proposed scheme of capitalist expansion, large-scale land investments, is indeed also incompatible with the society it proposes to encompass. Peasants are active agents in the formation of state and society, and do not automatically submit to the pressures of power and exploitation. In general, there is a rise of new peasant movements, some of which could be classified as countermovements. Cambodian peasants reflect this trend, as violent disputes over land are increasingly common (Kirkpatrick 2005; Springer 2009; Guttal 2008). Peasant resistance can be understood from three traditions in the study of rural politics, as explained by Kerkvliet (2009), namely, official politics, everyday politics, and advocacy politics. Official politics concern authorities in organizations which construct, implement, alter, discuss and avoid policies regarding the allocation of resources. Everyday politics, on the other hand, has to do with people accepting, abiding by and questioning the norms and regulations of authority over the production and distribution of resources in an indirect and unplanned manner. Finally, advocacy politics is a "direct and concerted effort" to encourage, censure and contest policies and authorities and even the system and manner in which resources are produced and distributed (Kerkvliet 2009: 231-2). By looking resistance through these three definitions, we will be able to put into context what kind of dominant peasant politics there is in contemporary Cambodia. In Cambodia, we find that everyday resistance to land grabs is most common, although advocacy politics is emerging.

Resistance, broadly conceptualized, examines power, inequality and social change (Hollander and Einwohner 2004: 535). Resistance does not need to be recognized to be effective, Scott (1985) argues, as the intent is more important than the outcome. Perhaps the individual mindset is not as critical as the ideals to which they have aligned, a social movement that is likely unstructured and covert, but still defiant:

For such acts to be considered part of a 'movement' of resistance, villagers need not be conscious of each and every action as a step toward larger goals, but there should be an atmosphere of communal acceptance and support, a like-mindedness of action and consistency with commonly held ideas of social justice. (Malseed 2008: 503)

There is a nonlinear connection between resistance and social change which explains the interest in visible social movements and revolutions, regardless of whether they successfully reform the power structures that impeded the movement. In contrast, resisters may support structures that they are opposing in order to question their place within said state or legal structure. As such, they are more interested in "working the system ... to their minimum disadvantage" (Hobsbawm 1973). Both resistance and resisters have varying objectives and such complexities must be acknowledged.

Studies on resistance prominently examine organized, large-scale movements that pose a threat to the state. Scott (1985) argued that peasant rebellions are more often everyday forms of resistance. Subordinate classes have fewer opportunities to undertake forms of organized and open resistance, and therefore tend to express dissatisfaction via covert and unorganized measures that are the 'weapons of the weak'. Everyday resistance

is a form of politics, but “people need not be organized to be political” (Kerkvliet 2009: 229). In Cambodia, explicit and outward resistance has been met with brutal force by the government-backed military police. Speaking out against the Royal Government of Cambodia or people that have powerful connections within it can place individuals, their families, and entire villages in danger of bodily harm, eviction, and arrests (Cambodian Human Rights Action Committee (CHRAC) 2009). For these rural poor, often the only option is everyday resistance. It is through individual actions of foot dragging, deception and noncompliance that the peasantry can make a political impact.

Pressure by peasants may not take place in an organized or easily detectable manner, but everyday politics are an effective tactic to support, comply, evade, or resist (in)action by other actors. Resistance against other peasants and retaliatory actions by actors with more power do not represent actions of everyday resistance (Kerkvliet 2009: 233). As Kerkvliet (2009) explains,

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. Stated positively, through their resistance, subordinate people struggle to affirm their claims to what they believe they are entitled to based on values and rights recognized by a significant proportion of other people similar to them. (233)

Such acts may not be initially detected by its targets, but that does not mean that they are always subtle or passive-aggressive. Actions such as destroying farm equipment, illegal land occupation, and harvesting or destroying superiors' crops hover between acts of resistance and revolt. Sometimes, it seems, villagers seek confrontation in order to be heard and protected by the publicity of such actions. The attempted eviction of villagers by Cambodian commune and district chiefs did not garner as much press coverage as the burning of the new tenant's, a Vietnamese rubber company, machinery (Titthara 2009a). A 300 km march from Battambang to Phnom Penh by 200 men, women and children after a twelve year legal battle for their land was eagerly reported by the local and national media. Although the villagers did not find a resolution, their walk made the public aware of their land dispute and the inaction of local and national authorities (CHRAC 2009: 8). The rural poor in Cambodia are increasingly frustrated with being ignored by the RGC, their provincial representatives and their district and commune chiefs. They have been pushed to their limit and are pursuing more overt forms of resistance.

According to Kerkvliet (2005), "everyday resistance can and frequently does contribute to advocacy politics" (25 fn 46). Advocacy politics attempt to influence authorities and create public discourse on issues of contention (Kerkvliet 2005: 23). In instances of extreme repression, advocacy politics must take a backseat to everyday forms of resistance, as criticizing policies and officials openly may endanger lives. However, conditions that place too much pressure on peasants may encourage everyday politics to transform into riskier forms of confrontational resistance (Kerkvliet 2009: 34). If political situations turn to favour individuals or institutions that peasants were resisting,

this could push peasants to “cross the threshold of fear and insecurity” (Adnan 2007: 214). Advocacy politics take resistance from a covert to more overt, direct and concerted forms of resistance. Actions that may have been expressed through everyday politics may be verbally expressed or written down, but can also include open protests and petitioning that are generally organized. Open defiance by some peasants may encourage others to also take action. Although advocacy may be public, movements that are more likely to be targeted by their oppressors, which may be governments and states, are likely to conceal their leaders, members, and even their organizations (Kerkvliet 2009: 232).

The covert tendencies of peasants, as outlined primarily by Kerkvliet and Scott, are not absolute in the classification of resistance. Transformational resistance, from everyday to advocacy or covert to overt confrontational actions, more adequately highlight the dialectical relationship between rich and poor, or dominator and resistor, that can result in the escalation of resistance (For country-specific examples, see Adnan 2007 regarding Bangladesh; and Walker 2008 regarding China). Sequential shifts can result in a “middle ground” between everyday and “exceptional” resistance (Turton 1986: 36). Adnan argues that Scott and Kerkvliet did not analyze defiant, overt acts of resistance. Walker (2008) goes so far as to argue that Scott’s emphasis on everyday acts of resistance had a broad, negative effect and recast peasants as defensive agents who were disempowered and unable to transform conditions (463). The interactive process, between peasants and dominators, overt and covert resistance, should be considered to have a balanced perspective of the forms of and reactions to resistance.

Structure or lack thereof, is also an important characteristic of social movements. A movement that does not have identifiable leaders, members, and sympathizers has a

greater chance of maintaining itself. Malseed (2008) found that Karen villager's "...non-compliance strategies have flourished for so long largely because there are no leaders or structures for the state to kill, arrest or buy off" and they engage in "fig-leaf" compliance whereby this non-compliance is not perceived as an affront to authority (498, 499). As Scott (1985) explains, "Open insubordination in almost any context will provoke a more rapid and ferocious response than an insubordination that may be as pervasive but never ventures to contest the formal definitions of hierarchy and power" (33). Lacking a hierarchal structure in a communal or social movement may also increase its longevity.

Social movements may not have a formalized structure, but the participants support a common goal. Tactics employed support a consensus of objectives, centered on a village elder, such as control over village land and resources, the ability to maintain traditional livelihoods, culture and kinship (Malseed 2008: 498). Unstructured social movements may be more appealing than structured ones to villagers as they can be suspicious of organizations. The association of the state with civil society organizations may cause villagers to be wary of taking memberships, especially if the group is a dissenting voice, they may fear retributive actions from the authorities (Malseed 2008: 500). Nevertheless, if peasants feel that they have no other options, structured social movements that actively support their interests may be their only choice.

The integration of social movements into transnational agrarian movements (TAMs) provides global networking and support that may be difficult to organize between local and widely dispersed groups. These movements globally link organizations or coalitions that support the goals of the rural poor. Via Campesina is the largest and most recognized of all TAMs. Adequate representation of all interests is not

possible due to the ever-changing nature and complexity of social movements. Indeed, although the specific interests of local groups within TAMs may not be perfectly representative, the neoliberal ideology and globalization have historically united and strengthened TAMs: land seizures, forced evictions, dispossession, pauperization and peasants' land rights have thus intertwined as crucial global issues (Walker 2008: 478). Although the need is apparent, TAMs have not been able to effectively engage the rural poor in Cambodia. The often unorganized and local nature of Cambodian resistance makes this difficult. Although this does not mean that such structures could not be established in Cambodia, the atmosphere is hostile and the state and powerful actors are unlikely to tolerate the emergence of stronger networks.

Successful social movements are scarce, and even less common are revolutions. The awareness of locations of resistance may “provide hope to those who support the resistance that positive social change will result” and inspiration to support transnational movements (Hollander and Einwohner 2004: 550). Agrarian movements are multilayered and contextually specific and have a local or national focus. These centres are still present, but neoliberal pressures have altered agrarian systems to take on a transnational component to address the globalization, decentralization and privatization policies (Borras, Edelman and Kay 2008: 170).

The literature on resistance examined thus far has demonstrated that covert, unorganized, unstructured forms are most commonly undertaken by the rural poor. However, the increasing tensions, especially in the battle between capital and the rural poor over land, may serve to intensify the fight and result in the emergence of advocacy politics that take more overt and organized form. Certainly, the Cambodian case studies

demonstrate that the national road blockades by Omlaing peasants and petitions for Community Forest allocations in Pursat have encouraged the rural poor in Cambodia to engage in advocacy politics.

Thus, resistance may be taking a more organized and overt method to counteract the accumulation by dispossession, state simplification, and neoliberal governance modeled code of conduct. Attempted and successful global land grabs are not met without opposition. Despite RAI claims that land grabs can be a win-win situation, peasants, labourers, and small capitalists have railed against the (trans)national corporations (TNCs) with government ties. Land, essential to life and livelihoods, it seems, will not be relinquished without a fight.

2.5 Conclusion

To detach man from the soil meant the dissolution of the body economic into its elements so that each element could fit into that part of the system where it was most useful. (Polanyi 1954: 179)

Marx's primitive accumulation did not label dispossession as 'bad', but as necessary or inevitable under the circumstances of a capital accumulation project. In order for capitalism to occur, and allow for socialism to follow, sacrifices are required. There may be "something progressive about primitive accumulation" (Harvey 2005: 169) that pushes the rural poor beyond their limits. Resistance may not be anti-capitalist or socialist in nature, but it can lead to social change.

Through the analytical lens of accumulation by dispossession, the mechanisms that drive land grabs and inevitably result in the dispossession of rural and marginalized populations become clear. The capitalist engine is maintained by continuous acts of accumulation by dispossession, and land deals are no exception. Land grabs, in addition, have been supported by state-led actions that disenfranchise the knowledge systems of traditional societies. In an attempt to curtail the evictions of rural populations by land deals, mainstream development agencies, such as the World Bank and IFPRI, have advocated the use of governance and principles of Responsible Agricultural Investments. But these codes of conduct ignore the political dimensions that shape and control the outcomes of large-scale land investments by domestic and international capitalist interests. Governance principles have disregarded the independent agency of peasants to self-determination outside of the capitalist structure. The use of everyday, official and the rise of advocacy politics is emerging as a viable force against land grabs. This struggle is ongoing in Cambodia.

The next chapter discusses the national perspective on land grabs. The Cambodian case study will highlight the extent of capitalist exploitation and landlessness, the official mechanisms that allow large-scale land investments in the form of economic land concession to supersede the land rights of local communities. The dominance of political dynamics in the allocation of land investments is discussed. Finally, peasant resistance to land grabs is analyzed throughout Cambodia.

Chapter 3:

National Perspective on Lands Grabs in Rural Cambodia

Although it is difficult to ascertain the number of people affected by land grabbing in Cambodia, at least a third of the population are experiencing systematic alienation from their land (Guttal 2007: 9). It is critical to understand the mechanisms that place such a significant number of Cambodia's poor in this vulnerable position. The marketization of land distribution in Cambodia has disregarded the needs of its most marginalized to capture its increasingly valuable land and natural resources for capitalist exploitation. This national development strategy is compromising Cambodia's development potential by siphoning capital for the international elite to amass. The institutional frameworks in Cambodia, shaped by the access to power and the means to accumulate capital, such as the land registration system, are facilitating land grabs that negatively affect the poor. Under these circumstances it is not surprising that open forms of resistance to land grabs are increasing across the country.

This chapter assesses the levels and extent of dispossession in Cambodia, the legal frameworks through which non-private land is assumed to belong to the state, the regulations that encourage and legitimize large-scale land investments, and the resistance of the rural poor to land grabs. The argument found here is that the neoliberal tenants of capitalist accumulation at any cost has allowed dispossession to flourish in Cambodia. The state has advocated policies that free up state land for capital investment in the form of Economic Land Concessions (ELC) for timber plantations, industrial agribusinesses, mineral extraction, tourist and infrastructure developments. These serve Cambodian

tycoons, well-connected elites, military and government officials, national and international corporate interests. Resistance against the land grabs that disregard the needs of peasant are seen at the national level, from everyday to advocacy, and from covert to overt forms of political action. The promotion of land grabs in Cambodia is hampering the rural poor's ability to maintain or improve their livelihood. Thus, land grabs in Cambodia are a detriment to the rural poor.

3.1 Capitalist Accumulation and Rural Dispossession

The continuous process of accumulation by dispossession is rampant in the Cambodian case study. It typifies the general mayhem of the race to capture the world's natural resources. Cambodia, as it is often proudly advertised to lure foreign investors, is resource rich and has a relatively small population. Land speculation by states (such as Kuwait¹¹), foreign owned corporations and domestic elites has encouraged the steady increase of FDI in Cambodia in the form of large-scale land grabs. As a result of the dominance in agricultural investments, foreign investors control a significant portion of the country's fertile land (see Table 1.1). These large-scale land investments are often in the form of Economic Land Concessions (ELCs), and are to unearth hidden capital.

The result is the concentration of land in the hands of the elite foreign and domestic interests, inequitable land distribution and a rise in landlessness (Üllenberg 2009: 51). Cambodia is a primarily agricultural society, with about 80 percent of 14.8

¹¹ In August 2008, Prime Minister Hun Sen announced that a deal had been made with the Kuwaiti government to lease Khmer paddy fields for rice production. In return, Cambodia would receive US\$600 million worth of loans from Kuwait. The World Food programme was sending US\$35 million of food aid to Cambodia at the time (GRAIN 2008b: 6).

million Cambodians living in rural areas in 2009 (UN country data). Land is the most productive asset in agrarian societies. A draft report by Oxfam GB found that 25% of the 103,000 rural households surveyed were landless. When including households that were land poor (have less than 0.5 ha of land), this figure rose to 63% (Oxfam GB as cited in Grimsditch and Henderson 2009: 13). For villagers in rural Cambodia, lacking agricultural land or the capital to secure access to productive land, is a consistent indicator of poverty (Biddulph 2000, as referenced by Guttal, 2006: 18). This pattern is observed across the country: the accumulation of land at the expense of the rural poor.

As supported by many interested elites in Cambodia, the state has been a willing partner in land grabs, from which both the state and the ruling elites benefit, but which expels peasants, resulting in their dispossession, or displacement from their land.

“Accumulation by dispossession can here be interpreted as the necessary cost of making a successful breakthrough into capitalist development with the strong back of state powers” (Harvey 2005: 154). Although local authorities and state actors play a lead role in the institutionalization of land grabbing, they are often powerless within a hierarchy of elite control and are only serving the interests of capital.

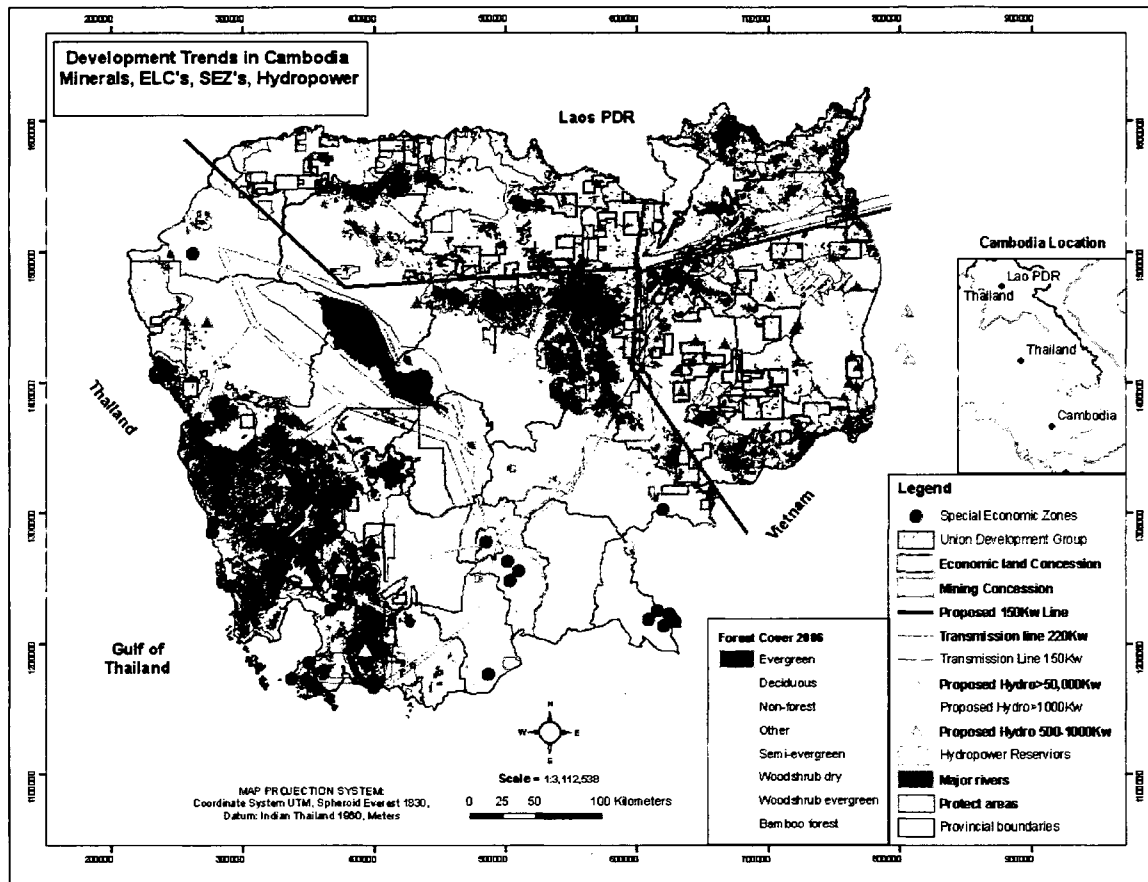
Either internally driven or externally imposed, the motivation for development is the foundation upon which neoliberal policies claim to be in the interest of pro-poor growth. As the imposition of structural adjustment programs, the Washington Consensus, and Post-Washington Consensus have advocated, attracting FDI is a major strategy for development. For Cambodia, the increasing influence of the ‘Beijing Consensus’ is increasing the demand for contracts without any conditions imposed on the investor (Interview with NGO Forum; Nee and McCallum 2009: 37). Privatization, which would

allow for an increase in investment from industrialized and financially rich countries, is a pillar not only of dispossession by accumulation, but also of mainstream policy advocates.

Cambodia's official transformation from a socialist to free market state began in 1989, when land ownership and possession rights were formally established. The 1991 Paris Peace Accord and the formation of the United Nations Transitional Authority in Cambodia (UNTAC) to rebuild Cambodia under its guidance ushered in a market economy with the assistance of the World Bank (WB), International Monetary Fund (IMF), and other development and financial institutions. The policies initiated a neoliberal approach to economic development, with an emphasis on FDI, the private sector and the formalization of land ownership. Neoliberal policies saw Cambodia's GDP growing 10% per year from 2004 to 2007, eventually dropping below 7% during 2008's economic crisis (World Bank 2009).

Conversely, critics argue that this growth has not been equitably distributed, especially to those living in rural areas. The lack of development in Cambodia has been blamed on neoliberal policies that encourage short term gains, such as massive deforestation and resource extraction. Seeming longer-term development plans, such as establishing infrastructure and tourist locations, are also resulting in the dispossession and dislocation of the poor. Especially hard hit are indigenous populations and inhabitants of 'informal dwellings' in urban areas. Accusations of corruption and patronage-based political manoeuvrings have captured capital from this national growth so the situation for the poor is increasingly dire.

Figure 3.1: Development Trends in Cambodia: Minerals, Economic Land Concessions, Special Economic Zones and Hydropower



Source: Cambodian Human Rights Portal. 2010. Web. www.sithi.org

Large-scale land investments frequently take the form of economic land concessions and mineral concessions. In the map above (Figure 3.1), the dissection of Cambodia's minerals, forested and most fertile land has taken place. Twenty-five percent of arable land in rural areas has been allotted to ELCs since 1990 (Land and Housing Working Group 2009: 11-12). The Ministry of Agriculture, Forestry and Fisheries (MAFF) has confirmed that 87 companies validated their ELC contracts, representing 956,690 hectares of land. For concessions under 1000 hectares, 47 companies hold

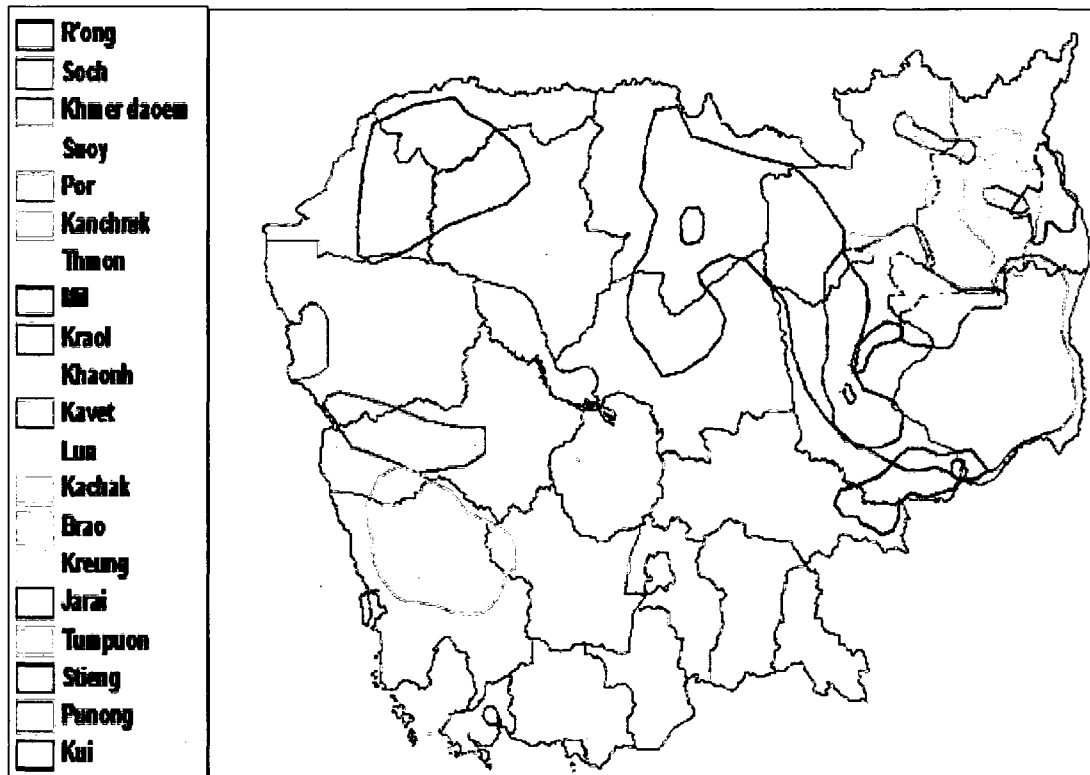
contracts in 9 provinces (MAFF 2010, n.p.). These estimates do not include other types of concessions, such as Use, Development and Exploitation Concessions (UDECs) for mining, which can be in excess of 100,000 hectares (Grimsditch and Henderson, 2009: 11).¹² There are 88 mining concessions totalling 995,853.5 hectares, concentrated mostly in the more remote regions of northeast Cambodia (Cambodian Human Rights Portal 2010). The size of individual mines ranges from 1 hectare to the 97369.6 hectares of an Australian mining company, BHP Billiton World Exploration Inc., in Mondulhiri province (Cambodian Human Rights Portal 2010). Data for such concessions is not publicized through the Royal Government of Cambodia (RGC) but can be found online through sources such as company websites, presentations and contracts. A severe lack of transparency in the Ministry of Industry, Mines and Energy is an impediment to confirming mining concessions. The status of such concessions is not confirmed.

Massive deforestation and resource extraction as a result of ELCs and mining concessions are the most obvious examples of the destruction associated with accumulation by dispossession. Cambodia lost 29% of its forest between 2004 and 2009 (UN Economic and Social Council 2009: para. 15). Regulation through the allocation of timber plantations was encouraged by the Ministry of the Environment “in response to huge international demand for wood and hogs-at-the-trough- behaviour by the wood-consuming countries and industry” and Prime Minister Hun Sen announced a logging ban in 2001 (MoE 1999: n.p.). However, rampant and destructive logging has been ongoing

¹² According to MAFF (2010), the sub-decree on ELCs has resulted in the cancellation of 5 company contracts, affecting an area of 40,171 hectares. A renegotiation of contracts has involved 9 companies that were allotted more than 10,000 hectares for development. Five of the companies have agreed to reduce their landholdings to the legal limit of 10,000 hectares, 1 company’s contract has been cancelled, MAFF has “requested to cancel” another company’s contract, and three companies are still under evaluation. MAFF has requested RGC to cancel 41 contracts totalling 379,034 hectares.

and has attracted considerable criticisms from the World Bank and NGOs (GW 2007). The hidden capital that corporations and well-connected elites are trying to unearth for capital gain are forest or exploitive resources (Figure 3.1).

Figure 3.2: Indigenous People in Cambodia



Source: NGO Forum 2006: 2.

The indigenous people of Cambodia are one of the most vulnerable to groups to dispossession and exploitation of forest resources. Indigenous communities live primarily in northeast Cambodia and represent about 1.34% of the population.¹³ Their land has

¹³ Although 179,000 people identified an indigenous language as their mother tongue in the 2008 population census, a greater population is likely since not all indigenous people can speak their people's language or are uncomfortable identifying themselves as indigenous in the census. In addition, the notion of indigenous is unclear as some Khmers share similar characteristics (IPNN 2010: 2).

been targeted by ELCs and especially mining concessions to encourage investment in the extraction of Cambodia's natural resources (IPNN 2010: 2, 4). These include commercial plantations, extractive industries (such as hydropower dams, water diversion, irrigation projects, extractions of minerals, oil and gas), and special zones allocated for infrastructure and tourism ventures. The magnitude of these projects (as seen in Figure 3.1) is immense. When we compare figure 3.1 with figure 3.2, we can see that the geographical locations of the concessions overlap disproportionately with indigenous land. This is raising much concern over the rights of indigenous populations and alienation from their land and social and cultural traditions (UN Economic and Social Council 2009).

In addition to land speculation and foreign direct investments in forests and agricultural land, Cambodia is attracting investments to tourist locations, such as beachside properties in Koh Kong. More than 10,000 hectares have been set-aside on Koh Kong island for the development of casinos and hotels, and infrastructure projects linking the island to the mainland are well underway. The promotion of the island for foreign investment, as well as rumoured deals with Thailand's former prime minister Thaksin Shinawatra, drove up the price of beachfront property from USD 5 to 150 per square meter in only one year (Wongruang and Wiriyapong 2008: n.p.). Speculations on land prices, encouraged during the 2007 economic crisis, are a driving factor behind large scale or private land deals and corresponding large-scale evictions. It is a symptom of the process of capitalist accumulation and is further encouraged by state land management in Cambodia.

Interestingly, the three main drives for land grabs (logging, tourism, speculation) are chosen by investors in rural Cambodia (Global Witness 2007). However, the practices of the elite in Cambodia, as reprehensible as they may be, are not occurring in isolation. Foreign direct investment (as see in table 1.1) is a major factor that helps to propel capitalist exploitation in rural Cambodia. The willingness of the state to support the manipulation of national resources to benefit the few and the powerful has accelerated and simplified large-scale land investments in Cambodia. This is discussed in the next section.

3.2 Origins of Non-private Land: Forests and State Land Management

The state classification of non-private lands gives the illusion that space is available for land grabs and resource exploitation. In our case, the primary motivation for the land categorizations of state land, degraded forest, or non-private land, is to encourage investment and national development by labeling lands as underproductive. The lack of effective land management under the WB's Land Management and Administration Programme (LMAP) and subsequent land registration programs has facilitated land grabs in Cambodia and increased the vulnerability of the rural poor. The ambiguity of land classification in Cambodia leaves nature and people throughout the country vulnerable to dispossession to make way for land grabs.

Land that is marginal, idle or degraded creates opportunities for investments in Cambodia's economic expansion. The 2001 Land Law stipulates that state private property can be reallocated to support social and economic development, i.e. economic or

social land concessions. Economic Land Concessions, “allow the beneficiaries to clear the land for industrial agricultural exploitation of land” (Land Law 2001: Article 49). Specific requirements must be fulfilled before companies or individuals can utilize this land for economic development.¹⁴ On paper, contracts for ELCs in Cambodia do not violate the land and use rights of peasants. The categorization of areas as state land is required in order to distribute contracts for concessions; however, does not reflect reality. Economic Land Concessions regularly encompass households’ paddies, fields, grazing land, water access routes and forest resources. With or without appropriate documentation, ELCs are granted by RGC on peasant lands. ‘Soft’ land titles granted by the local authority are not considered valid or are disregarded in the dispute process in order to support the state’s claim for land and, thus, the legitimacy of the ELC on peasant land. The dispossession of Cambodians from their land indicates that state land policies do not represent the real use of land.

Table 3.1: State Public vs. Private Land

State Public	State Private
<ul style="list-style-type: none"> ▪ Of natural origin, has heritage value or for public use ▪ Cannot be sold or held under long term leases ▪ Cannot be damaged ▪ Cannot change its overall function ▪ Can only be owned by the State 	<ul style="list-style-type: none"> ▪ “All the land that is neither state public land, nor legally privately or collectively owned or possessed under the Land Law of 2001” ▪ Can be sold, exchanged, distributed or transfer rights

Source: 2001 Land Law: Article 15, 17; Sub-decree on rules and procedures on reclassification of state public properties and public entities, art 16; Sub-decree No. 118 on State Land Management 2005, Article 5;

¹⁴ Economic Land Concessions can only be granted on state private land for a term no longer than 99 years and cannot exceed 10,000 hectares (2001 Land Law, Article 17, 58; Article 61; Article 59). Operations on ELCs must commence within a year of the allocation. Five stipulations must be followed to ensure the legality of ELCs: the area of state private land must be registered and classified; a land use plan must be adopted for the area; Environmental and Social Impact Assessments have be conducted and approved; lawful landholders will not be displaced by the ELC; and consultations about the ELC must take place with the public

The 2005 Sub-decree on State Land Management states that state land must be mapped and this information must be entered into a central database that is accessible to the public. This is not being implemented systematically or transparently in Cambodia as large tracts of land are selected classified by the government as state private land so that they can be transferred or leased to private interests (Grimsditch and Henderson 2009: 6). In addition, if land lays fallow, it automatically falls into the state's possession. This land is subsequently contracted for infrastructure development, ELCs for reforestation projects in the form of timber or rubber plantations, and agribusinesses. It is unknown what percentage of land in Cambodia belongs to the state, but it is believed to be large.

State public property is the only state land that is not available for transactions on the land market. It is illegal to possess land on state public property, but land does not belong to the state if legal possession can be proven (Land Law 2001, Article 12; Sub-decree on State Land Management, Article 5, as quoted by CHRAC 2009: 67). Although state public and private property are differentiated in the 2001 Land Law (see Table 3.1), to date, the identification, mapping, and registration of state land has not occurred. The RGC rarely differentiates between state public and state private land when making claims that villagers are living illegally on state land, and, therefore, villagers can legally be evicted for ELCs or private investment interests. Since there is no public information on what is state public land, it is difficult for the occupier to question the state's claims that they are living on state property (CHRAC 2009: 67).

Land and natural resources are essentially unprotected from exploitation due to the lack of implementation and transparency in state land registration. Land tenure

security for rural inhabitants is inadequate as land grabbers legitimize evictions by stating that they are illegally occupying state land. The information cannot be verified as to whether or not the area is actually state land because registration of state land has not been implemented. This determination is made *ad hoc* and when investment interests in an area are expressed (Grimsditch and Henderson 2009: 6). The lack of mapping and registering state land is also negatively impacting the ability for Ministry of Land Management Urban Planning and Construction (MMLUPC) to establish social land concessions (SLCs) for landless or land poor peasants since these can only be granted on state private land. In the LMAP assessment, the World Bank questions the exclusion of disputed areas from the titling system in light of the increase in the number of disputes. They also cite the lack of state land mapping as problematic, as authorities can exclude any portion of land title it as 'state land' (WB 2009e: 6).

The LMAP recognized that three situations could arise that negatively impact peasants:

...(i) eviction from state land of individuals who occupied it prior to August 30, 2001...following titling of such land in the name of the state; (ii) eviction from state land titled in the name of the state of individuals who occupied it prior to August 30, 2001, because of the need to use such land for public works..., and (iii) extension by the state of Right of Way (RoW) claims which adversely affects possession rights.” (WB 2009e: 2-3)

In effect, this implies that, if state land management and registration was successfully implemented, it could effectively result in even greater dispossession. The state could grab even more land which could result in “possibly the biggest land grab” in Cambodia (NGO Informant Interview 28 June 2010). Indeed, Grimsditch and Henderson (2009) agree, stating “there is considerable potential for comprehensive State land registration to lead to displacement of people and privatization of ecologically sensitive areas” (6). State land registration lacks transparency, but the mapping of state land could also impose negative impacts upon peasants living in economically valuable areas that assumed to be state land.

The 2001 Land Law did not absorb the pre-existing tenure system or degraded soft titles¹⁵ and, thus, many rural communities living in areas that are ripe for agricultural investment or natural resource exploitation are vulnerable to state and privately-led land grabs. Since LMAP and land registration does not necessarily recognize soft titles, it has left households who have possession rights unable to access the system, accused of being squatters and evicted from their land without compensation because the government and/or local authorities claim that the land belongs to the state (Grimsditch and Henderson: 2009: 6). Evictions are justified by the absence of hard titles, which formalizes existing inequalities as the poorest and most marginalized are not able to access the system.

All forested land and mountains are publicly owned by the state, which authorizes the state to convert it into state private land so it can be transferred to ELC contracts (RGC 2003b: Article 40). In addition, a Land Law sub decree states that all indigenous land is state land, as their land is actually, “State land which has traditionally been used

¹⁵ i.e. titles recorded with local authorities but are not in the central land registry.

by indigenous communities” (Sub decree on procedures for registration of land and indigenous communities 2009: Article 7). This has facilitated land grabbing on indigenous land without consultations taking place. Prey Long Forest, stretching over four provinces in the north of Cambodia, has been sliced into concessions that threaten this rare ecological zone and its dense biodiversity.¹⁶ Kuy and other indigenous people have been stewards of the forest for hundreds of years and are dependent on the forest for their livelihoods, spiritual and social connections.

Land may not be deforested if it has been recognized as a public use or ecologically significant forest (RGC 2003b). The Forestry Law, supported by the World Bank during the drafting process, does not differentiate between plantations and forests. According to Lang (2002) this is an intentional confusion between natural forests and timber plantations (6). It allows the lines to be blurred when cutting down native and quite valuable trees in order to ‘reforest’ areas that are labelled as degraded. The reforestation process is completed by planting non-native trees (such as acacia and eucalyptus) for fastwood timber plantations. This deforestation for the sake of reforestation legitimizes and is accompanied by the destruction of communal land, homes, villages, pagodas, and social networks

Economic Land Concessions are threatening ancient lifestyles that depend upon the abundant forest resources (Lang 2009: n.p.). United Nations (UN) Committee on Economic, Social and Cultural Rights found that the exploitation of resources in Prey Long forest is resulting “in the displacement of indigenous people from their lands

¹⁶ Prey Long is the last remaining and largest primary lowland dry evergreen forest in the Indochina Peninsula and contains many species endemic to Cambodia, including 27 endangered animal and 20 endangered plant species, including huge luxury timber trees. It is also a primary watershed for Tonlé Sap Basin (IPNN 2010: 6, Appendix 6).

without just compensation and resettlement, and in the loss of livelihood for rural communities who depend on land and forest resources for their survival” (UN Economic and Social Council 2009: para. 15). The Kuy’s claims for collective possession rights have not been acknowledged, disregarding Cambodia’s constitutional provisions for indigenous peoples and the UN Declaration on the Rights of Indigenous Peoples, which the RGC has signed. Rampant deforestation defined Prey Long logging concession in the 1990s. Although logging concessions were cancelled or suspended after donor criticism and public outcry in 2003-2004, the cancelled concessions had already been logged (IPNN 2010: Appendix 6).

The ambiguous nature of state land and the convenient transferability of state public land, such as forests, fallow, or non-private lands, to state private land facilitates land grabbing in rural Cambodia. The state determines who can have access to land registration, what titles are recognized, and how forest resources can be utilized. The rural poor are left out of the picture because of the power disparities in the system of land governance. This obstacle to the ability of the rural poor to protect their land rights against the domestic and international elite land grabbing interests is discussed in the following section.

3.3 Land Governance for Land Grabs: 2001 Land Law

The legitimacy of the land governance mechanisms advocated by the Cambodian 2001 Land Law and related sub-decrees is questionable. Land titling, Economic Land Concessions (ELCs) and Social Land Concessions (SLCs) are touted by the Royal

Government of Cambodia as a poverty reduction strategy. Land titling will provide land security to the rural poor, ELCs will bring employment, training, and infrastructure to remote rural areas, and SLCs will allocate land to the poorest and most marginalized people. However, land governance policies fail to recognize political and social inequality in Cambodia and therefore do not mitigate risks which negatively affect the rural poor's ability to secure their land and livelihoods.

The World Bank and major donors are peddling the proper implementation of the 2001 Land Law and its sub-decrees as the solution to land grabbing and landless in Cambodia. The WB's role in land management, however, was extinguished in September 2009, as Prime Minister Hun Sen claimed that there were "too many conditions" to the funding (Minority Rights Group International 2010). Nonetheless, it is important to analyze the WB's Land Management and Administration Project (LMAP) strategy as it is being implemented in the same manner through other donor support. Other donors are continuing the implementation of the Land Law through mapping and land registration, but there are concerns that the major failings of the programme are not addressed and forced evictions and land grabbings have been exacerbated by land registration. The operation of the 2001 Land Law has failed thus far, as it serves to formalize the inequality of land distribution by failing to engage with the political and social limitations to the land titling process by encouraging land grabs as an opportunity for national development. Land governance has increased the vulnerability of segments of Cambodian society most at risk of dislocation and dispossession due to land grabs, such as indigenous groups and women.

The LMAP was established in 2002 to complete the first phase of the land reform process over the following 15 years. According to the World Bank (2002), the objectives of the project, which were also stated by the RGC in May 2001, were to “(a) strengthen land tenure security and land markets, and prevent or resolve land disputes; (b) manage land and natural resources in an equitable, sustainable and efficient manner; and (c) promote land distribution with equity” (2). It was projected that an increase in land tenure security would result in a reduction in land disputes and improvements in agricultural outputs (World Bank, 2002, 2). The land registration process continues to receive donor support, with the *Deutsche Gesellschaft für Technische Zusammenarbeit* (German Technical Cooperation), the Government of Finland and the Canadian International Development Agency playing major roles in the present land management program. The successes of land management include the development of legal frameworks for land administration, distribution of training to technical staff and Ministers, and the arbitration of over one million land titles (Grimsditch and Henderson 2009: 1; WB 2009e).

To mitigate the possible risk of dislocation and to provide land to landless households, the 2001 Land Law assures that SLCs “allow beneficiaries to build residential constructions and/or to cultivate lands belonging to the State for their subsistence” (Article 49). Article 2 of the SLC sub decree released March 2003, defines SLCs as “...a legal mechanism to transfer private state land for social purposes to the poor who lack land for residential and/or family farming purposes”. The intentions of Social Land Concessions have often been stated as a form of land distribution to landless Cambodians, but, like ELCs, social land concessions must be contracted on state private land. The LMAP review found that the lack of implementation of SLCs was a major

drawback to the ongoing project (WB). With the removal of the WB from Cambodia, the remaining donors find the lack of SLCs troubling, but continue to work within the RGC's land management framework.

In addition, Bugalski and Pred (2010) have found that two main considerations impinge on the ability of the LMAP titling system and the subsequent continuation of land registration by the donors to improve land security in Cambodia: the lack of transparency in state land classification (which was discussed in the previous section) and the exclusion of problematic areas that are "likely to be disputed" or have "unclear status" from systematic registration (3). We will discuss the latter below.

Land disputes usually arise over the loss of access to customary resources, which are the result of divergences between customary and statutory land tenure systems (NGO Forum 2010b: 1). Uncertain documents supporting ownership were often the cause of complaints. Disputants claimed land based on several documents, including official documents, ELC contracts, official titles and traditional rights claims (NGO Forum 2010b: 6-7). Between 2008 and 2009, the NGO Forum found that the highest number of dispute cases took place in the provinces with the highest economic growth: Battambang, Preah Sihanouk, Bantey Meanchey and Kandal provinces, respectively (NGO Forum 2010b: 4). Of the 236 dispute cases involving more than 5 households in 2009, 60% included primary agricultural land (NGO Forum 2010b: 4). Analyses by NGO Forum shows that agricultural land was the second most likely to have the conflict resolved in 2009; conversely, agricultural land represented the largest number of dispute cases which were not resolved, with only 17% undertaking the resolution process. They conclude that

this “may signify that community’s livelihoods and food security are at high risk as agricultural land is the most likely type of land to be disputed” (NGO Forum 2010b: 5).

In practice, the avoidance of difficult areas for land registration means that these continue to be in dispute and remain vulnerable to land grabbing. Land titling can occur through sporadic or systematic registration systems. The government pre-selects regions to be registered systematically, whereas sporadic titling can only take place after an individual submits an application to the local authorities (2001 Land Law Article 229). The formal and informal fees to register for sporadic titling makes it cost prohibitive to most rural households. Local and national authorities determine which areas are titled, allowing powerful actors with state connections to manipulate the system to meet their needs. They determine how land and resources in Cambodia can be used to increase their accumulation of capital. As a result, forced evictions and land grabs are increasing and vulnerable groups are dislocated or dispossessed: “Vulnerable groups that have legitimate claims to land are routinely and arbitrarily denied access to land titling and dispute resolution mechanisms” (Grimsditch and Henderson 2009: 1). Interestingly, the areas excluded from titling are also agriculturally or resource rich. They are targeted by “well connected individuals or companies” and may be categorized as development zones after disputes become apparent (Grimsditch and Henderson 2009: 3). Even when they meet the five determinants of possession (see Table 3.2), the rural poor can be left out from systematic registration and have their applications for sporadic registrations ignored if investors are interested in their land.¹⁷

¹⁷ The area around Boeung Kak Lake in Phnom Penh is a prime example in the urban context: applications for title were ignored and the area was then categorized as a ‘development zone’ after adjudications were stopped (Grimsditch and Henderson 2009: 4).

Table 3.2: Possession as defined by 2001 Land Law

Possessor's Rights	5* Determinants of Possession
<ul style="list-style-type: none"> ▪ Sell ▪ Improve ▪ Exclude others ▪ Collateral for bank loans ▪ Apply for ownership title 	<ul style="list-style-type: none"> ▪ Unambiguous ▪ Non-violent ▪ Notorious to the public ▪ Continuous ▪ In good faith <p>*With the added stipulation that possessors began occupation of land prior to 31 August 2001</p>

Source: 2001 Land Law, Article 30, 38

The three-stage dispute resolution system the LMAP implemented called the Cadastral Commission (CC) includes the district, provincial¹⁸ and national levels of government. All three levels do not hold the same power, as only the national level is able to adjudicate. Since there have been accusations of corruption at the district level, the RCG is looking to reorient the CC which should oversee all dispute cases involving unregistered land. Communities that are embroiled in conflicts with powerful or well-connected individuals submit complaints to the CC, but find that they are often ignored or misdirected to the courts, which, in turn, send the complaints back to the CC. In addition, the National Authority for Resolution of Land Disputes (NARLD) plays an unclear role in dispute resolution, and could possibly diminish the power and authority of the CC (Grimsditch and Henderson 2009: 5). The dubious impartiality of these mechanisms has meant that communities without influence over the dispute resolution process are likely to face the loss of their valuable land. As a result, communities that cannot gain access to land titles are also unable to obtain a resolution to their disputes.

¹⁸ In the case of disputes in urban areas, such as Siem Reap or Phnom Penh, the district level is called the khan and the provincial level is represented by the municipality.

Local authorities play an important role in the dispute resolution process. For the 236 dispute cases in 2009, NGO Forum found that claimants went to their provincial hall in 49.2% of the cases. Cases were submitted to more than one authority, and 26% turned to the local authority and Cadastral Commission. However, 70% of the cases went unresolved, with only 17.4% resulting a resolution (NFO Forum 2010b: 8). The outcome of the 236 cases in 2009 was that close to half (45%) of the cases escalated to intimidation and violence, with 18% resulting in detention (NGO Forum 2010b: 9).

For communities with land titles that are dealing with private land grabs, the courts are required to determine the legal owners of land in dispute. Well-connected private individuals, foreign and domestic corporations, and government authorities, including the military play some role in land grabs. Their positions of power allow them to unfairly influence the decisions of the courts, as, “Laws are applied selectively or at times by-passed all together” (Grimsditch and Henderson 2009: 12). The courts also evade their responsibilities by passing the authority to the CC, and thus dilute their judiciary powers over matters such as a breach of contract by ELCs (O’Keefe 2009: 11). When the courts do hear land dispute cases, they rarely act in a fair and balanced manner.

The courts are more likely to persecute the victim than the perpetrator of land grabs (O’Keefe 2009: 11). Companies have used physical violence and destruction of property to deter and intimidate peasants in land disputes. These company employees are very rarely charged with crimes (Titthara and Baxter 2010: n.p.). The violent evictions that occurred in Oddar Meanchey and Koh Kong provinces are strong examples. The villagers involved with confrontations, however, do not get away as easily.

The detention of community leaders or the threat of charges against peasants is common practice to manipulate the outcomes of disputes. Jailing protestors and community leaders attempts to silence activists and derail their dispute claims, ultimately forcing peasants to give up their land without a fight. From land disputes dating back to 2008, 145 people were still detained across Cambodia in August 2010 (Titthara and Baxter 2010: n.p.). An Adhoc land claims officer asserts, “In cases related to land disputes, the courts always make up unlawful, fake charges so they can accuse or arrest villagers without any evidence” (Titthara and Baxter 2010). It is also claimed that the local authorities are involved in the arrests of villagers. The president of the Cambodian Centre for Human Rights claims that companies contract the services of local authorities to end the dispute with villagers at any cost (Titthara and Baxter 2010).

A community leader said, “When we complain to court we know we will lose” (O’Keefe 2009: 47). It is common to hear that communities under threat of eviction accept land settlement that they feel are unfair (and are often well-below market price) because they are told that refusing to settle will mean that they get nothing. These are forms of intimidation and coercion that some investors apply to gain a favourable outcome in the land dispute process.

Military partnerships have also helped land grabbers to maintain control over their investments and, in some measure, deter local peasants from reprisals. On 22 February 2010, Prime Minister Hun Sen signed a document that encourages partnerships between businesses and units of the Royal Cambodian Armed Forces (see Table 3.3). Business proponent Senator Ly Yong Phat assures that the partnerships have been created to facilitate donations of food and shelter to military units to address the shortage of funds

available to meet the military's basic needs. According to government representatives, the partnerships are merely a formalization of long-standing relationships between the RCAF and private donors (O'Toole and Phalla 2010). Nevertheless, critics are concerned that these partnerships are sanctioning the already prevalent 'guns-for-hire' scenario in Cambodia (Brady 2010: n.p.). The dominance of the ruling CPP in the political landscape has enjoyed ongoing partnerships with RCAF that have allowed elite interests to capture and exploit land and resources for their personal capital gain (Global Witness 2007).

Table 3.3: Private, government and military partnerships

Military	Government	Private Sector
RCAF Region 1		
Headquarters of the military region	Ministry of Social Affairs, Veterans and Youth Rehabilitation	Chamkar Andaung Rubber Plantation Company
Regiment 42	Ministry of Environment	Peam Chiang Rubber Plantation Company
Battalions 101, 102 and 103	Ministry of Women's Affairs	Try Pheap Company
RCAF Region 2		
Border Battalions 201, 202, 203 and 204	Ministry of Justice	Koh Pich Island Development Company
Brigade 21	Ministry of Foreign Affairs and International Cooperation	AZ Company
RCAF Region 3		
Headquarters of the military region	Ministry of Land Management, Urban Planning and Construction	Anco Brothers Co, Ltd
Border Battalion 301, 302 and 303	Ministry of Agriculture, Forestry and Fisheries	Ly Yong Phat Casino Koh Kong province
Battalion 313	Phnom Penh Autonomous Port	Ly Yong Phat Sugar Cane Plantation Kampong Speu Province
RCAF Region 4		
Headquarters of the military region	Ministry of Tourism and the Apsara Authority	Mobitel*
Infantry Brigade 41	Ministry Posts and Telecommunications	Chub Rubber Plantation Company
Infantry Brigade 42	Electricite du Cambodge	Ly Yong Phat O'Smach Casino
Border Battalion 401	Ministry of Economy and Finance	Bayon TV and Radio
Border Battalion 402	Ministry of Public Works and	CTV TV station

	Transport	
Border Battalion 403	Ministry of Public Works and Transport	Cambodiana Hotel
Border Battalion 404	Adviser team, assistant team and Cabinet of the prime minister and the Supreme National Economic Council	Canadia Cultural Village, Siem Reap province
Intervention Division 2		
Headquarters of the Intervention Division	The General Department of Customs and Excise	Tela Company
Brigade 4	Preah Sihanouk provincial town hall	Memot Rubber Plantation Company
Brigade 5	Siem Reap provincial town hall	Spark Entertainment Centre
Brigade 6	Kampong Cham provincial town hall	Oknaha Lao Meng Khin
Intervention Division 3		
Headquarters of the Intervention Division	Council of Ministers	Kraek Rubber Plantation Company
Intervention Brigade 7	Ministry of Labour and Vocational Training	Men Sarun Company
Intervention Brigade 8	Phnom Penh Autonomous Water Supply Authority	ANZ Royal Bank*
Intervention Brigade 9	Phnom Penh City Hall	NCX Honda Company Nhek Phom Group
Military Region 5		
Headquarters of the Military Region	Fisheries Administration	Sokimex Company
Infantry Brigade 51	Ministry of Health	Sokha Resort and Hotel
Infantry Brigade 52	Ministry of Rural Development	Oknha Sam Ang and Mrs Chhun Leang
Infantry Brigade 53	General Department of National Treasury	Oknha Sam Ang and Mrs Chhun Leang
Intervention Brigade 14	Ministry of Industry, Mines and Energy	Canadia Bank
Border Battalion 501	The General Department of Taxation	Oknha Sam Ang and Mrs Chhun Leang
Border Battalion 502	The Kampuchea Shipping Agency and Brokers (CAMSAB)	Soriya Shopping Centre
Border Battalion 503	Department of Camcontrol of the Ministry of Commerce	Sovanna Shopping Centre
Border Battalion 504	State Secretariat of Civil Aviation	Ekareach Hotel
Brigade 11	Ministry of Commerce	Boeung Keit Rubber Plantation Company
Ream and Islands Navy Base	Sihanoukville Autonomous Port	Metfone
Brigade 31	Ministry of Water Resources and Meteorology	Metfone

Headquarters of Armoured Battalion	Neak Leoung Ferry Dock	Roth Sopheap Company
Brigade 1	National Bank of Cambodia	Attwood Company
Headquarters of Artillery Battalion	Department of Transport of the Ministry of Public Works and Transport	Foreign Trade Bank
Headquarters of Messenger Units	Ministry of Cults and Religion	Mong Reththy Group
Headquarters of the Air-Defense Battalion	Forestry Administration	Thary Trade Company
Special Military Region		
Border Battalion 601	Kandal Provincial town hall	Heng Akphivat Company
Parachute Regiment 911	Ministry of Education, Youth and Sport	Suy Sophan Company
National Police Units		
Region 4		
Battalion 104	Ministry of Economy and Finance	Bayon TV and Radio
Battalion 793	Phnom Penh City Hall	Mobitel*
Battalion 795	Ministry of Culture and Fine Arts	Tela Company
Battalion 905	Ministry of Culture and Fine Arts	ANZ Royal Bank*
Battalion 702	Electricite du Cambodge	Ly Yong Phat Company
Region 5		
Battalion 807	Ministry of Information	OMC Company
Battalion 911	Ministry of Information	Foreign Trade Bank
Battalion 891	Banteay Meanchey province town hall	Ly Chhuong Company
Battalion 815	Banteay Meanchey province town hall	Canadia Bank*
Battalion 817	Battambang provincial town hall	Sokimex Company
Battalion 819	Battambang provincial town hall	Sokimex Company
Battalion 821	Pailin provincial town hall	Chiv Leng Company
Battalion 823	Ministry of Planning	Navy Garment Company
Battalion 310	Ministry of Planning	Som Sophal Company
Battalion 825	Ministry of Industry, Mines and Energy	Try Pheap Company
Region 3		
Battalion 827	Ministry of National Assembly-Senate Relations and Inspection	Mong Reththy Group
Battalion 269	Ministry of National Assembly-Senate Relations and Inspection	Kou Houlong Company

Source: Adapted from O'Toole and Phalla 2010: n.p..

* Representatives from Mobitel, Canadia Bank and ANZ Royal Bank have said that they are not aware of any such partnerships or have declined to partner with RCAF units. Canadia Bank vice-president stated that there is nothing in the balance sheet to indicate such partnerships, although senior executives may have offered private donations (O'Toole and Sokha 2010: n.p.).

Accused of being a 'shadow state' democracy by Global Witness (GW), the government of Cambodia is linked to corruption and coercion in numerous reports published by a variety of NGOs concerned with human rights abuses. Many reports blame the weakness of the rule of law.¹⁹ Predominantly, however, the patronage system of the state is and its "kleptocratic elite", according to Global Witness, has been responsible for the land grabs that exploit forests, land, water, and minerals and the intense illegal logging of its forests. "The effect is to place valuable public assets under the private control of individuals who are themselves part of the shadow state structure" (GW 2007, 10). The system of land governance in Cambodia is working to make hidden capital (i.e. land) accessible to capitalist investors but it does not succeed in making land investments an opportunity for the rural poor. On the contrary, peasants are experiencing increasing dispossession at the hands of state and its partnerships with domestic and international capitalist interests.

Peasants are fighting back against the system and actors that encourage and legitimize land grabbing in Cambodia. The different forms of opposition, to such formidable foes, inequalities in land registration, the courts, land dispute processes, and the ambiguity of land rights in Cambodia, are discussed in the next section.

¹⁹ See numerous reports of various Special Representatives of the UN Secretary General for Human Rights in Cambodia (<http://cambodia.ohchr.org>) and LICADHO: 2006, 2007.

3.4 Resistance

Land grabbing in Cambodia is so common and the efforts to compensate for some of the inequalities are failing because peasants have few options to fight the system (O’Keefe 2009: 6). Violent disputes over land are increasingly widespread in Cambodia (Kirkpatrick 2005; Springer 2009; Guttal 2008). The methods and networks through which villagers resist authoritative pressure will be discussed in this section.

Since explicit and outward resistance has been met with brutal force by the government-backed military police in Cambodia, speaking out against government officials or people that have powerful connections to the state can place individuals, their families, and entire villages in danger of bodily harm, eviction, and arrests (CHRAC 2009). For these rural poor, often the only option is everyday resistance. It is through individual covert actions of deception and non-compliance that the peasantry can make a political impact.

Peasants will continue to access resources and utilize rice paddies and fields on disputed land despite the claim that it is private or state land. Although peasants may express regret over land grabs, their political action may be to ignore land grabs until they are confronted with opposition. When businessmen secretly and illegally obtain titles to agricultural land, peasants may seek official avenues of resolution through local authorities, but will primarily maintain a form of everyday resistance. As one villager explained, “We still continue to grow crops on the disputed land because we have been working on the land for a long time” (Nimol 2009). By maintaining their everyday

activities in an attempt to maintain their livelihoods, peasants are attempting to delegitimize the private and state claims to their land.

Official politics are also utilized in hopes of preventing the loss of peasant land in rural Cambodia. A series of land dispute complaints were submitted to provincial and national government authorities in June and October 2008. A third round of 32 complaints from 19 provinces was submitted in August 2009. Although these complaints do not reflect the total number of people affected by Economic Land Concessions, forced evictions and land grabbing in Cambodia, they illustrate rising levels of concern in communities where farmland has been leased, in many cases without residents' knowledge, through ELCs to be converted to plantations, mines or tourism resorts (CHRAC 2009: 57). The failure of the state or local authorities to represent the rural poor in the disputes against powerful and well-connected elites has pushed peasants to seek other outlets to oppose land grabs.

According to Grimsditch and Henderson (2009), the lack of an available dispute recognition mechanism that addresses the concerns of vulnerable groups has turned communities to advocacy and "direct action to challenge displacement and land-grabbing" (5). In turn, authorities have reacted to these actions by charging and jailing community leaders and activists for such offences as "defamation, incitements, disinformation, criminal damage and assault, often with little or evidence being produced against them" (Ibid).

Many peasants view Prime Minister Hun Sen as the ultimate authority and believe "If only the prime minister knew..." they would be able to maintain their rightful claim for land against the opposing powerful actors (O'Keefe 2009: 17). His pictures and words

have been placed on placards during protests against land grabs. The Prime Minister's Takmao residence often receives visits from large groups of peasants that have travelled from the provinces to plead their case. His responses to these appeals are often ambiguous, arbitrary and not in the favour of the petitioners (Ibid). Letters to Hun Sen, his Cabinet and the Council of Ministers are also dispatched in a hope to gain his attention. These actions may also be a signal to local authorities of the peasants' dissatisfaction with the dispute resolution process and show that they can usurp their power by going over their heads, but they fall on deaf ears.

The attempted eviction of villagers by Cambodian commune and district chiefs did not garner as much press coverage as the burning of the new tenant's, a Vietnamese rubber company, machinery (Titthara 2009a). Villagers are increasingly frustrated with being ignored by the Royal Cambodian Government, their provincial representatives and their district and commune chiefs. The frequency and scale of dispossession in Cambodia is alarming. The final, desperate step is to plea with Prime Minister Hun Sen for help in their land dispute. Over 200 villagers from Battambang province walked 300 km to Phnom Penh to speak with him. This sparked wide media coverage and awareness of the severity of the dispossession. However, they were turned away before they reached the capital, and their land dispute has not been settled (CHRAC 2009: 8). Peasants have been pushed to their limit. More overt forms of resistance may be on the horizon.

3.5 Conclusion

In sum, Cambodia is experiencing a proliferation of large-scale economic land concessions that impact various communities, but seem to target areas in which indigenous people live. Companies (most of which are supported by international finance) are extracting capital through deforestation and mining practices. The ambiguity of state land has allowed the allocation of concessions to private interests throughout the country. This has resulted in the loss of land for rural Cambodians, as state land is being utilized for communal resources and private agricultural production. The rural poor are not able to access needed resources and are dispossessed by such land grabs. The governance framework does very little to alleviate the pressure that has been placed on the rural poor. As a result, various forms of resistance have become visible. The inaction of various levels of government has resulted in the intensification of peasant action, resulting in the destruction of company property, petitions, and marches to Phnom Penh. As further repression is employed by the state and courts, and intimidation tactics are used by the military and police which are partnered with corporate and private land grabbers, there may be little that the rural poor can do to prevent the continued propagation of land grabs that impede on their ability to maintain a livelihood.

The next chapter will take a closer examination of land grabbing in Cambodia by analyzing three case studies in the context of our four theoretical frameworks.

Chapter 4:

Land Grabs in Actual Practice:

Three Case Studies

Three rural cases of land grabbing will be presented in this chapter: military land grabs in Koas Krala district in Battambang province; the Pheapimex Economic Land Concession (ELC) in Kbal Trach district of Pursat province; and Omlaing commune in Kampong Speu province. All three case studies deal with land conflicts in which the state has been complicit or has directly instigated the dispossession of smallholders, thus increasing the vulnerability and landlessness of the local communities under the guise of rural economic development.

This chapter will summarize the three cases and then analyze them according to the level of dispossession experienced, the state and private claims for land, and the justification of land deals as an opportunity for local communities. Finally, the ongoing resistance in each of the cases studies will be discussed.

4.1 Introduction to case studies

Koas Krala district in Battambang province is located in northeast Cambodia off of national highway 5, about a ninety-minute drive south from Battambang city. The local communities in this district are experiencing a high level of private land grabs undertaken by military leaders with connections to National Defence levels and the third parties that purchase land from them. About 2400 hectares have been pursued 5 major

cases.²⁰ One of the newly settled cases saw land divided among 131 peasant households, each receiving 2 hectares. Villagers have been dispossessed from their communal water source and forest. In addition, land has been degraded by the eucalyptus timber plantation and bulldozing of forest land. Since these are private land grabs, none of the land in dispute are on state land. However, many include the privatization of communal lands. The disregard of soft titles and possession rights has led to the authentication of military land grabs, and, as an extension, the development of land by the third party tycoon or agribusiness. The clearing of land and timber plantation development has occurred completely independently of local communities. There are no additional opportunities for employment and infrastructure has not been developed. Peasants have protested, formed petitions and have been intimidated by wealthy and powerful individuals. Trumped up charges from the court have forced some to submit to the settlements offered by land grabbers. But peasants are not satisfied. They see very little hope for future generations.

Located in central Cambodia about a two-hour drive on national highway 5 from Phnom Penh, the Pheapimex ELC directly affects the land claims of five communes and over 1000 households in Pursat. This includes 500 households in Kbal Trach that are situated along the Cardamom Mountains in Pursat province are threatened by the Pheapimex concession.²¹ Local communities' access to forest resources and water has been negatively impacted as areas have been deforested and infrastructure has restricted the movement of local people. Local, regional and national authorities have ignored peasants land claims because the state has maintained that the peasants are illegally

²⁰ Mr. Tie Leng (630 ha), Mr. Hen Hoen (110 ha), H.E. Ms. Peung Norng (400 ha) and Mr. Long Sidare (1672 ha) make up four of the claimants with connections to the military or national defense.

²¹ Pheapimex casts an even longer shadow, impacting about 50 communes in Pursat and Kampong Chhnang province.

demanding state (i.e. forested and idle) land. The ELC was granted without consulting local communities, overriding land certificates and rights to access public land. There has been no increase in employment, infrastructure or other benefits for the local communities from the massive agribusiness projects undertaken by the company. Peasants have resisted in various forms for more than ten years, with petitions, requests for a Community Forest, protests and physical violence. This has resulted in little to no movement in the company or state reaction to the dispossession of peasants.

Omlaing commune is located about two hours west from Phnom Penh on national highway 4. The commune contains 16 villages²² and 200 households have been affected by land grabbing on two fronts: the Phnom Penh Sugar Company (PPSC) economic land concession and the private agribusiness HLH which bought contested land from a military official. Peasants overlapping land in both areas has been threatened by the companies. PPSC is under the watch of military personnel. In Omlaing, some of the villages have not been registered, let alone the land possessed by the peasants. Land is claimed to be state land, and entire villagers have been relocated to make room for the ELC. Access to water and movement by local communities has been restricted by the ELC and private land grab. Complaints to authorities have had little effect, and authorities want nothing to do with the dispute over the purchase of the HLH land, as this is a case for the courts. The intimidation tactics supporting PPSC and the disregard of concerns by HLH have resulted in the escalation of conflict. The lengthy detainment of community leaders and massive protests, such as blocking a national highway, has garnered national attention. In Omlaing, community advocates have hope that they will

²² Not all villages have been officially registered in the commune, and, therefore, lack representation from the local authorities.

find a favourable resolution to their disputes with PPSC and HLH. They are determined to stand strong: “We can do nothing else” (HH Interview 21 June 2010).

4.2 Accumulation by Dispossession

Capital investment in ELCs in rural Cambodia has resulted in the dispossession of peasants from land and resources. Three agribusinesses are investing in land in our case studies: Pheapimex, PPSC and HLH. The production of cassava for biofuels and timber for export; sugarcane refined to export to Europe via Thailand; and corn for livestock feed, respectively, are the outputs of corporate production. All three of these agribusinesses are engaging with the world market to accumulate capital and invest in further production. Details on the private land deals are less accessible, but timber plantations are the main output in Koas Krala district. Private individuals have connections to the military at the national level. One of the investors is a Khmer business tycoon who owns Sokimex, a petroleum company, and also has a partnership with Headquarters of the Military Region 5, Battalion 817 and 819 (O’Toole and Phalla 2010: n.p.). The ELC recipients also have connections to powerful individuals, military personnel and (trans)national corporations.

Although agribusiness production appears to be the primary motivation for economic investments in each area, all land that has been acquired for investment in the rural economy (either through ELCs or private land deals) have engaged in deforestation and the privatization of water access. Since capital is accumulated through the exploitation of resources, it is unavoidable that the ELCS and private land grabs are

alienating people from the resources on which they depend. As a result, villagers are losing their access to resources and are removed from their land. They cannot maintain a livelihood for themselves or have hope for future generations. Land grabs and the process of accumulation inherently dispossess peasants from their land and livelihoods. In these case studies, peasants have very few options to maintain their livelihoods, and they all depend on their access to land and communal resource: “What will we do without our land? We have nothing else” (HH Interview 15 June 2010). Rural people are alienated from their land and resources on which they depend. This section will present how and why this is happening in each case.

Since peasants rely heavily on forests to maintain their livelihoods for half of the year, as well as to clean and filter an adequate water supply, the invasion of land grabs that result in massive land clearing have the most destructive impact upon the lives and livelihoods of the rural poor. The continuation of the capitalist process is dependent upon this dispossession, and has been facilitated by the individual private and corporate interests in the three case studies. The RGC and individual, private investors endeavour to attract FDI for biofuel, timber, sugar and livestock feed production via the Pheapimex ELC, military land captures and private investments in Krakor district, Battambang, and Phnom Penh Sugar Company and HLH in Omlaing commune, Kampong Speu.

Pheapimex Cambodia Co. Ltd. ELC in Pursat and Kampong Chhnang is the largest and most notorious exploitation of land and forests granted by the RGC because of the magnitude of people affected (over 1000 households in Pursat province) and the level of exploitation. The company is known throughout Cambodia for its part in the massive levels of deforestation as well as its ties to the ruling Cambodian People’s Party

(CPP). Pheapimex is owned by Choeung Sopheap²³ and directed by her husband, Lao Meng Khin, an *Oknha*²⁴ senator in the CPP and foreign trade advisor to Prime Minister Hun Sen. Through both its logging and economic land concessions, Pheapimex has acquired control over approximately 7.4% of the country's territory since the 1990s, logging, deforesting, and dispossessing along the way (Global Witness 2007: 77).²⁵ Their interest in economic land concessions has been increasing since 2000 as the cash grab for timber is an easy way to accumulate capital "Everyday the Vietnamese workers hired by Pheapimex are clearing more and more trees... They cut down large trees [to send to] other countries to make a large profit" (AEC members focus group 15 June 2010). Prime Minister Hun Sen and the former Minister of the Ministry of Agriculture Forests and Fisheries (MAFF) provided the Pheapimex economic land concession a 70-year contract in 1997 to develop timber plantations in Pursat (MAFF Company Profile 2010).

State sanctioned ELCs have a devastatingly large impact upon the numerous communities that they touch, including access to resource, social cohesion and culture. This is especially true for the concessions held by Pheapimex Cambodia Co. Ltd. This massive land grab expands over 315,028 hectares in both Pursat and Kampong Chhnang provinces, spanning 130,000²⁶ and 175,000 hectares, respectively. It covers all forested land in the region, and borders protected areas Aural Wildlife Sanctuary in the east and the Tonlé Sap River in the west. This concession clearly violates the stipulations of Article 59 in the Land Law: the area grossly exceeds the maximum ELC allowance of

²³ Also known as Yeay Phu or Grandmother Phu.

²⁴ An *Oknha* is any person who contributes \$100,000 in cash or materials to the state.

²⁵ Pheapimex has many investment interests, with iron ore extraction, four timber concessions, four bamboo concessions, a government allocated monopoly on salt iodization, pharmaceutical imports and hotel construction, and the rights to all but one of the gold deposits in Cambodia (Global Witness 2007: 77; World Rainforest Movement 2006: 21).

²⁶ According to AEC members, it is 138,963 hectares.

10,000 hectares. A 2005 ELC sub-decree stipulated the procedures through which companies, like Pheapimex, that have violated the Land Law, would be renegotiated. According to LICADHO (2009), Pheapimex has refused to comply (17).

Pheapimex has had several contracts with foreign companies, for example, with China Corp. of State Farms Group, to clear land and/or plant eucalyptus and acacia trees for timber plantations (CHRAC 2009: 27-8), i.e. 'reforestation'. These monoculture crops have reduced biodiversity of plants and animals. "We[local villagers] no longer see much wildlife and have to go deeper and deeper into the forest to find the plants we need" (HH Interview 15 June 2010). The company's developments have also reduced the quality of soil and access to water. "The monocropping of acacia and eucalyptus trees has a bad effect on the soil. Their root systems reduce soil quality and badly effect fish and water because of heavy runoff and the erosion of riverbanks" (AEC FG 15 June 2010). The Pheapimex concession engaged mostly in logging, as little agricultural development had occurred in Kbal Trach until cassava production commenced in the spring of 2010 as "the company just wanted to sell the timber and make a profit" (AEC Members FG 15 June 2010).²⁷ The cassava plantation was not a part of the original reforestation plan of the concession and it appears that the company is presently looking to take advantage of the biofuel market.

In total, more than 170,000 hectares of the Pheapimex land concession have been cleared of forests. This has resulted in farmers losing their access to 50% of their livelihood, which includes medicine, organic fruit and vegetables, timber collection, resin, and the production of 'wooden wire', as "we [peasants] traditionally do not

²⁷ According to the 2001 Land Law, development must occur within the first six months of the ELC acquisition.

produce much in the form of rice or from farming. This is just to ensure that we have enough to last until the next season... We could subsist solely from what the forest can give us" (AEC Members FG 15 June 2010). To date, AEC members and community leaders estimate that 80,000 hectares are now being used for agricultural production. The company has restricted peasants' access to forests, land, and has notably restricted the freedom and movement of local people by constructing canals and fences without local consultation.

We cannot let our cattle near the canal or we will be fined. We cannot even access the water in the canal because we need a pump and payment of 40,000 riel per year... The company does not care about what we want or what we need to improve our lives... everything is for the company benefit. (HH Interview 15 June 2010)

After promising not to touch community land, 3000 hectares around the village of Prah was claimed by Pheapimex and community members were forced to leave or face fines for living there.

In addition, construction on canals and roads to service the vast interests of the Pheapimex concession has limited the access of peasants to water and forest resources. In 1997, Pheapimex came to deforest 100,000 trees that were at least 15 metres tall to use in the construction of a canal near Tonlé Sap Lake (AEC Members FG 15 June 2010). The Governor has stated that the canal, and its water, belongs to Pheapimex. As a consequence, the canal cannot be accessed by villagers, and restricts their water supply to animals and rice paddies. To construct the canal, the trees were harvested in the dense

forest bordering Kampong Chhnang province. “They destroyed an entire village in 1997 to cut down about 100,000 trees and remove them from the area” (AEC Members FG 15 June 2010). This construction has cost the company very little in capital, and they will reap considerable profits in return. Peasants, on the other hand, have lost their forests and a village of 50 households, ending up with less than they started with: “...the land clearing has not finished, so we will undoubtedly lose more forest. We will be left with nothing” (AEC Members FG 15 June 2010).

In Omlaing, the Phnom Penh Sugar Company (PPSC), owned by CPP senator and Cambodian business tycoon *Oknha* H.E. Ly Yong Phat, was awarded a 99-year government lease²⁸ for 9,052 hectare Economic Land Concession (ELC) in February 2010. In addition, Kampong Speu Sugar Company (KSSC) was granted a 10,000 hectare ELC located directly adjacent to the Phnom Penh Sugar Company ELC. This concession was registered in the name of Phat’s wife, Kim Heang.²⁹

PPSC is presently grabbing rice fields and clearing land that belongs to villagers in Omlaing commune. As a result, land of approximately 200 households has been confiscated by the company via the government sanctioned ELC (Titthara 2010a: n.p.). With the world sugar prices reached a 29-year peak in February 2010, Cambodia is encouraging sugar millers to produce for export of the European Union. The PPSC is taking advantage of these deals by dispossessing peasants from their right to land access. The PPSC investors can export their goods without tariffs due to the “Everything But

²⁸ This may have been reduced to a 70-year contract.

²⁹ The accumulated area of this ‘Sweetheart deal’ is well over the allowable limit of 10,000 ha as stipulated in Article 59 of the ELC Sub decree. As well, Phat holds two other concessions in Koh Kong and Oddar Meanchey provinces, both of which have resulted in massive and violent evictions. Phat was recently granted another concession in Koh Kong for his L.Y.P. Group Co., Ltd. that stretches 10,000 hectares, with 4,100 hectares located in Botum Sakor National Park (Sokha 2010: n.p.).

Arms” (EBA) agreement that least developed countries have with the EU. Cambodia has attracted FDI to encourage such trade.

Cambodia's Koh Kong Sugar Industry Company Limited, Thailand's Khon Kaen Sugar and Taiwan's Vewong Corp have opened a sugar mill in Koh Kong province. The Cambodian Mong Reththy Group, in partnership with a French company, is also expected to open up a sugar factory that is expected to output 80,000 tons of sugar for sale on the European market. Ly Yong Phat's PP Sugar Company's first sugar cane harvest is expected to take place the fall of 2010. The sugar will be processed by a Thai company in which Phat owns one third of the shares (NGO Informant interview 28 June 2010). The sugar will be exported to the EU, taking advantage of the EBA agreement. The EBA agreement is proposed to facilitate trade that will aid in the economic development of countries like Cambodia, but the majority inhabitants of Omlaing commune have received no benefits from this undoubtedly lucrative European deal. The Cambodian elite are not the only ones benefiting from the dispossession of peasants, as European companies are also taking advantage of the release of 'hidden capital' in rural Cambodia.

Such cash crops do not contribute to food security in Cambodia, or the training, jobs, infrastructure and taxes they purport will alleviate rural poverty. About 150 Omlaing peasants were relocated to Pis Mountain in April 2010. Their community lacks infrastructure and road access and they have not been able to plant rice in the rocky soil. As a result, they “face severe food shortages; their future is unclear” (NGO informant Interview 21 June 2010; Baxter and Titthara 2 July 2010).

The encroachment of PPSC on villagers' land, which the local authorities and company-hired civilian and military police have sanctioned and enforced on behalf of the

company, have been identified as ‘overlapping’ areas with farm land. Farmers have been restricted access to this land, despite the lack of surveys or any evidence that the company has a right to this land. “We cannot go to the land that the company has taken over...and we are afraid that bulldozers will come and take more land even though it is ours” (HH Interview 21 June 2010). Even with land certification, negotiators on the Cadastral Commission and national representatives have supported the company’s claims to land through the ELC “national development” programme. The company clears the land first and negotiates later. Villagers explain, “we can no longer identify our land because Phat’s company has transformed the land into one massive field” (HH Interview 21 June 2010).

Part of the Singapore HLH Group, HLH Agriculture in Omlaing commune is a corn plantation and production agribusiness. HLH was established in 2008 to produce and dry red corn for livestock consumption. The company, owned by Prime Minister Hun Sen’s sister Hen Seng Ny and Singaporean Ong Bee Haut, was granted a 9,985 hectare concession near Oral Mountain in Kampong Speu province. The area that lies in Omlaing commune totals 456 hectares and affects 3 villages. This area is the centre of private land disputes as military personnel sold the peasants’ land to HLH without consultation. “One day we were told that they land was not ours, that had been sold to a company by a high-ranking military official. But how could they sell the land when we were using it?” (HH Interview 12 June 2010).

Those that are not directly involved in land conflicts and feel secure in their land tenure believe that land disputes occur over recently cleared or forested land, not well-established paddy fields. “We use our land and have titles for it. We will not lose it

because we grow rice on our 2 hectares every year” (Koas Krala HH Interview 12 June 2010). However, water access is an issue for people in Ra village, Krakor district, that have land access and no dispute issues. The military interests have cut off access to the pond and villagers must either travel further for water or buy it indirectly from the military person. The private exploitation of land for timber plantations and the military personnel connects to the military land grabs have also restricted a number of Koas Krala peasants’ access to their water source by diverting and filling riverbeds. The original water source was 4 km from villagers. “This water now belongs to the company and we must travel 9-10 km or pay for water brought from our original source by water trucks” (HH Interview 12 June 2010). The concern for water in the area is increasing due to climatic and demographic pressures, and the further alienation from their source of water is causing greater concern for peasants.

The well-connected elites in Koas Krala are not investing in the betterment of livelihoods for the local communities. They are absentee land possessors that received their land titles through coercive measures. They aim to make money by planting rice, fast-wood timber and through a cash grab from deforestation. In Koas Krala, private investors are reforesting the land, which first requires the deforestation of the land in order to plant trees for timber plantations. Korean workers have been contracted by one land grabber to deforest land with bulldozers and excavators. They have cleared about 100 ha of land that the villagers lost in a settlement with the private investor. This land had been partially cleared by villagers as it primarily served to secure the livelihoods of future generations. “We have no plot of land to help ourselves, let alone give to our children when they marry” (CPN FG 12 June 2010).

Economic Land Concessions are designed to accumulate personal wealth for the individual: it is about the individual over the community benefit. The Deputy Director of Ministry of Land Management Urban Planning and Construction (MLMUPC) in Pursat province further explains that the government would like to hide the statistics on the effects of economic land concessions, such as effects on local livelihoods, environmental and biodiversity concerns, because the goal of ELCs is to accumulate capital. The negative consequences associated with ELCs, such as dispossession and environmental destruction, are merely incidental. As a concerned citizen, the Deputy Director advocates greater management of the environmental resources and land disputes (Personal Interview 17 June 2010). Since the population is increasing it becomes more difficult to acquire land, and biodiversity suffers. Although demographic pressures are putting a strain on resources, it is argued here that the force to please investors by supplying ELCs is much greater.

Overall, dispossession in the name of capitalist accumulation is rationalized by local authorities because the proper management of resources “will benefit all of Cambodia”. The dispossession of a small number of peasants is as small as the 2001 Land Law has ensured that Social Land Concessions (SLCs) will provide land for the landless. The identification by local authorities of the need for SLCs signals that landlessness is an increasing concern in their communities. Local authorities are aware of the dispossession caused by land grabs and hope that SLCs will provide a solution to the increasing number of landless or land poor. However, SLCs are not being granted, and it is unlikely that such land will be provided to the victims of land grabs when their land disputes were over untitled or state land. Perhaps peasants are right when they feel that “we have no rights to

state land, so we will lose everything” (HH Interview 21 June 2010). The transnational and urban migration, and the subsequent decline in social cohesiveness is understood by local authorities, but they acknowledge that they have little power to question national development plans of FDI, ELCs, and large-scale export-based production. As a result, the inescapable process of dispossession at the hands of capitalist investors continues to run rampant in the rural areas of Cambodia affected by land grabs.

The next section will examine how the state mechanisms in Cambodia help to encourage land grabs.

4.3 Land Titling and State Land

Although some of the community members have soft title and local authorities have mapped their land, they are given no rights to land by local or national authorities if their land is disputed. The majority do not have their possession rights acknowledged and their land is ‘state land.’ Land can be reclaimed by the state if it is idle. The land that is disputed in the three case studies has been avoided for land titling by the land registration system. As such, the state contracted ELCs or private investors with military contacts have claimed what may be state or idle land on paper, but is an integral part of peasants’ livelihoods, culture, and social structure in practice.

The Kbal Trach Commune Council Chief’s responsibility is to enforce national law by ensuring that landless or land poor villagers do not relocate and clear forested land that belongs to the state. “State land is not free land...There is government intervention because of deforestation and free land taking. We try to take the land back and

redistribute to the villagers [via SLCs]" (Interview 15 June 2010). As far as ELCs are concerned, he explains, there should be no disputes as, (a) it concerns only forested, state land to which peasants can have no legal claims, and (b) the company will 'pass over' village or paddy land. The Krakor district governor confirms that the company will not touch household land (Interview 17 June 2010). Indeed, he also claims that the company is reforesting degraded forest land: "if they cut down a tree, they replace a tree...they do not cut big timber, just small trees" (Interview 17 June 2010). He cites the villagers' ignorance of the Land Law and advanced technology as the source of conflict. Reforestation has occurred around the demarcated village boundary but they are not near villages.

In Pursat, the land, even village, monastery and rice paddies and fields, have been claimed as state land and turned over to Pheapimex in the form of an ELC. The peasants in Kbal Trach district have slowly cleared land by hand to create farm land to plant corn, beans, fruit, cassava, or create rice paddies. Villagers from Damnak Pring in Pursat have found red markings establishing where the ELC land overlaps with crop or upper forested land (HH Interview 15 June 2010). One woman who may lose 3 hectares of forested farm land said, "I don't know what to do. It is the company's right to take the land" (Interview 15 June 2010). She and her neighbour "want to avoid confronting the company bodyguards and military police with guns and bullets over the contested land" (*Ibid*).

One woman told us that "most areas cleared by peasants and targeted by the Pheapimex ELC were converted to fields or rice paddies after 2003" (HH Interview 16 June 2010). Thus, according to the 2001 Land Law, which states possession must commence before August 30, 2001, peasants lose their legal rights to possess the land.

The productive capacity of peasants and their strategies to better their livelihoods are ignored by the implementation of the ELC. “There are too many people and not enough land” (Village Leader FG 16 June 2010).

However, villagers cleared the forested land and were growing crops on the land when they were told that the land belonged to the military, but was then provided to Pheapimex. They say they understand that “all forested land belongs to the state, but the company is being greedy and wants [the peasants’] land as well” (HH Interview 20 June 2010). The whole village lost their land and homes were relocated to 40 x 50 metre plots near the mountain. One household built their home and established 2-3 hectares of fields after 2001, thus losing any right to possess the land. As a result, her household was not offered a settlement and were told by the company that they would come and clear the land, and risk losing their house if they do not remove it before then (HH Interview 20 June 2010).³⁰

Since all forested land, by definition, is state public land, villagers have “no rights to this land”, according to the Kbal Trach Commune Council Chief (CC Interview 15 June 2010). In Key Veng village, Koas Krala District, tractors come from ‘outside’ to clear forested land that villagers had partially cleared. This land served as a social security net and inheritance to pass down to future generations (HH Interview 15 June 2010). In addition, the rate at which land is deforested now has made it more difficult to find resources in the remaining forests. An elderly woman in Key Veng felt it was dangerous to travel so far to cut grass to sell for thatched roofs. Not only does no one have money to buy the grass, the “elephant jungle no longer has as much food or wildlife

³⁰ The company promised that they could keep land that was 200 meters from the road, but this does not seem true, she explains, as she and her family have been ordered by the military police that represent the company to dismantle their home and leave their fields

as before and [they] cannot collect food, medicine, or other NTFP to sell, barter or trade.” (HH Interview 15 June 2010; Village leaders FG 16 June 2010). This forested land is a public asset that peasants need to access to maintain their livelihood. The local authorities should regulate the allowance of private interests to clear public forested land. However, the indirect land use rights of the communities have been ignored in Koas Krala district.

The village leaders of Kbal Trach recognize that forested land belongs to the state, but, because people need to expand fields and focus on paddy land to improve their livelihoods they slowly deforest land for their own use (Interview Cheutul Kposh village leader, village leader interview 16 June 2010). Pheapimex said that they would not clear any farmland, but the encroachments upon land in other communes has made the peasants suspicious. They do not trust the word of the company representatives. The land clearing closer to village land has made peasants very nervous (Interview 16 June 2010). Kralagn’s village leader legitimizes the Pheapimex right to land, saying that land was not divided, so it could become Pheapimex land (Interview Kralagn village leader, 16 June 2010). Further, the Cheutul Kposh village leader sees the land as unproductive in the hands of peasants: “if we don’t provide the ELC the land is useless” (Village leader FG 16 June 2010).

Indeed, four villages have not been registered in Omlaing commune. The forested land has been converted by peasants into shrubland and rice paddies. Presently, this shrubland, which formerly provided access to the forest and grazing area for their cattle, and rice paddies, has been confiscated by the PPSC (HH Interviews 22 June 2010). The unregistered Preck villager lost two of her three rice paddies, and now can only farm 2 hectares instead of her original 13 (HH Interviews 22 June 2010). “We used this land

before, but now it belongs to the government and they have given our land to the company” (*Ibid*).

According to the Thpong Thom district governor, the government has targeted Omlaing commune because state forested land is available. In 2003, an assessment found that 13,330 hectares were available, although now “there is actually less than this” (Interview 23 June 2010). In Omlaing, the concession boarder established by PPSC after clearing the land has meant that five villages have no land and eight villages in total are partially within the ELC of PPSC (FG with village leaders 22 June 2010). Only 3 villages have been offered compensation for their land. Twenty households in three villages affected have been promised settlements by HLH, but they have yet to receive land or money. Some of the land allocations provided to villagers that lost land to the company were forested plots that the company confiscated from other villagers, cleared and redistributed to them (FG, 21 June 2010). The productivity of the land is questioned by local authorities, as one elderly woman reported a commune councillor questioning her need and use of the land that was claimed by PPSC: “he asked me, ‘what do you need this land for, grandmother?’ I replied, ‘I may be old, but my stomach is still hungry’” (Villager FG 21 June 2010).

People who have cleared land and have not been threatened by the Pheapimex concession are still concerned, as one woman expressed that the land upper forested land that they cleared but do not presently use as a paddy field may be targeted by the ELC: “we are worried about the company because we need to give land to our children when they grow up. We will have nothing to give them” (HH Interview 16 June 2010). Households in Kbal Trach district not directly affected by the Pheapimex concession

recognize that they may not know much about the ELC, but they “rely on the forest for fruit, vegetables, timber and medicine collected by ourselves and others. We may be negatively affected by the land clearing” (HH interviews 16 June 2010).

“The illegal clearing of land by villagers is due to their ignorance” according to the Deputy Director in charge of MLMUPC in Pursat (Interview 17 June 2010). Land and resources available to peasants is shrinking because of the government allocated ELCs. Development, the Deputy Director explains, “...should be undertaken from a national level of perspective because it concerns economic growth for the entire country” (Interview 17 June 2010). The 1st deputy governor of Kampong Speu states this in a much stronger manner: “...state land is the right of the government ... we will get land back from people who do not hold a land certificate on state land” (Interview 23 June 2010). Thpong district governor frames it in a different manner: “the state will lose land to private interests, so the state must take it before other people do. The state must be able to develop or benefit from the land (Interview 23 June 2010). MLMUPC Pursat Director recognizes that this can be especially difficult for the poor because they are so greatly dependent on the forest resources (Interview 17 June 2010). These three tiers all view the greater implementation of SLCs as provision that will help the rural poor (Interview 17 June 2010; 23 June 2010). The Deputy Director in Pursat, however, places a greater value on understanding the benefits of forests for local people and how this too can have a positive effect on national development.

The state and investors are looking to exploit land that has the best agricultural productivity, as well as is rich in water and forest resources that can be liquidated for immediate profits to companies. Although the state’s strategy for investors certainly

creates very appealing capital investments, peasants are losing their land, access to resources, and ability to maintain their livelihood. They are being pushed into poverty by their own government and the companies they support. In the next section, the inequality of land grabs, despite the RGC's claim that they benefit the rural poor, is discussed.

4.4 Land Governance in Actual Practice

The problems that are created by land grabs cannot be overcome by land governance measures because of inherent inequalities in the land titling system supported by the 2001 Land Law and the political nature of the distribution of benefits of land grabs. As such, we see in the three field studies that the exploitation of land and resources does not benefit the rural poor and, conversely, intensifies and expands poverty in the region. The systematic inequalities are discussed in this section.

Firstly, the titling system is proposed to protect the rights of landholders. However, the land rights of peasants who have soft title or have not been the target of systemic titling are not acknowledged by local or national authorities. For villagers in Kbal Trach, Pursat, less than 3% have titles³¹ and 30 to 40% have land certificates provided by the District (CC FG 15 June 2010). In Battambang, existing land rights have not been acknowledged and this has allowed military interests to claim land. The deputy District Governor of Koas Krala claims that land certificates are unclear and 2 or 3 owners lay claim to one area of land. "It is impossible to ascertain who is the rightful owner. There are usually no documents or land certificates to prove the local people's land ownership. The transfer of land rights is often based on verbal agreements" (Interview 11 June

³¹ These titles were provided under the previous land law.

2010). Even though the Deputy Governor is unsure about how to distribute land, it seems that in land disputes the powerful and influential actors with military ties are gaining in cases against local peasants:

Local people have not registered their land yet and cannot define their property boundaries. On the other hand, investors come in and evaluated the land with GPS, cleared land, and have the appropriate documents that prove land possession rights, but local people still complain. (*Ibid*)

They complain because, in many cases, they have been denied access to the systematic land registration and their soft titles have been disregarded and they have not been consulted during the process of the RGC granted land deals or transferring land rights to private investors. As well, the buyer “only has a map and does not know where their land is. A joint committee of all stakeholders, including the military police, are asked to meet to approve the land sale” (Interview 11 June 2010). Peasants are intimidated by the wealthy and well-connected land buyers, but also claim: “we have not been asked to meet about the land deals. They just come and tell us that we are on their land. They offer land settlements to us, but it is not enough. We no longer have enough land to grow our food” (HH Interview 12 June 2010).

The Tanout villagers in Koas Krala district do not understand why the local authority does not recognize their legitimate claim to land. Although they do not have land titles, the villagers claim, “...our land was mapped out clearly with the help of local authorities” (HH Interview 12 June 2010). “The Commune Council knows that we do not have title or documents”, one villager claimed, “and this allows them to create false

documents for the military personnel that make claim on the land” (*Ibid*). Commune Councillors blame the system, since “the land disputes involve the military the local system is not effective. They need to deal with it at the national level because it involves high-ranking members of the national defence” (CC FG 11 June 2010). Investors who bought land from the former Khmer Rouge are third party owners and they are also without land certificates. It is a complicated, muddled matter and the villagers have been left to fend for themselves, with little to no help from the local authorities. Interviews with various levels of authorities in Battambang, Pursat, and Kampong Speu have confirmed that, despite their claims of possession, villagers have been denied title because their land is disputed.

The ELCs require that Social and Environmental Impact Assessments be carried out during the consultation process with local communities. In practice, however, this step was superficial in both the allocation of the Pheapimex and PPSC ELCs. Although companies claim that they have followed their responsibilities, the local members of the community were often unaware that any assessments had taken place. This can also be the result of local authorities acting as representatives of the local community, thereby sidestepping any actual participation by the local people in this mandatory step in the establishment of an ELC.

Local authorities in all three land dispute locations identify the bigger picture of a ‘national development plan’ as the rationale to encourage economic land concessions: “we need land deals to attract FDI, provide employment, technology and human capacity, and infrastructure development, and as a way to properly manage national resources for the benefit of all Cambodians” (AEC FG 15 June 2010). “It is critical to our economic

development that we provide private land rights. But this is difficult. There is no mechanism to register disputed land, investors are taking advantage of the land market and people are questioning state land claims. This has caused an increase in land disputes since 2000” (Deputy governor of Battambang 11 June 2010).

The private land deals in Koas Krala have not helped local community members to access employment: “since we only have 2 hectares of land we need to sell our labour outside the village. But the company that owns and clears the land hire Korean workers to plant trees” (CPN FG 12 June 2010). When work was offered by the company “they first said that people would be paid 10,000 riel per day. But too many workers came and we only got 7000 riel. This is not enough money to buy food for our families” (*Ibid*). Indeed, one community leader said “the land dispute business is drowning the economy in our area” (CPN FG 12 June 2010). In Kbal Trach, “thousands of workers have come in to clear land and plant trees for Pheapimex...some are Vietnamese and Thai, and not many come from nearby communities” (AEC FG 15 June 2010). In contrast, commune representatives have said “The plan is to provide land to people in the area. We know that people need labour, but we cannot see the labour demand by the company in the future” (CC FG 12 June 2010).

Another villager in Koas Krala says he cannot clear the land for the company because “it is like deforesting our own community resource” (CPN FG 12 June 2010). In Kbal Trach commune a community leader has said that the local authorities, Pheapimex and the media have tried to make the community look untrustworthy: “When we try to intervene and say that deforestation is illegal, they accuse me of wanting money and

being part of the opposition party. We cannot trust anyone” (AEC FG 15 June 2010).

Peasants are not supported by local authorities unless they have a kinship connection.

With the acknowledgement of land holdings and with a certificate provided by the Commune Council, a group of women in Ra village with familial connections to the Council feel secure in their land agreements with the village and commune. Their land consists of cultivated paddy fields, and has been under their tillage since 1979. They have not been involved in a dispute over land “because we use the land, no one can dispute it” (HH Interview 12 June 2010).

The Commune Councillors have been of little help, as they have changed the contact person for the villagers several times. “There is a big gap between villagers and local authorities. Since the land dispute, the local authority oppresses us. They are supposed to be like a parent, but now they only want money from the company” (CPN FG 12 June 2010). The villagers see this continuous deferment of responsibilities within the Commune Council as an avoidance tactic by the local authority representatives. As members of the Community Peace Network (CPN) explain, “the Commune Council takes complains and sends them to the District, the District sends them back, and on and on in a never-ending circle to avoid their responsibility of solving the land disputes. They are afraid to listen to us”(HH Interview 12 June 2010). Indeed, the Community Peace Network members are also frustrated; they feel as though they “have no way to reach powerful representatives at an NGO or political level” (HH Interview 12 June 2010). One middle peasant said “the national police inspector came to talk to villagers when they were protesting against the military person. Peasants will accept land settlements because they are intimidated” (HH Interview 12 June 2010). They see that “the elites and their

powerful friends also intimidate the local authorities. They do not want to speak out about those at the National Defence level who align themselves with the military land grabbers” (*Ibid*). However, ‘speaking out’ can be manifested in a variety of forms. The way in which resistance is expressed at the village level is discussed in the next section.

4.5 Resistance at the Village Level

The lack of acknowledgement of the rights of peasants in land grabs and the failure of land governance mechanisms to find a fair solution to the disputes has meant that peasants have turned to resistance to combat dispossession. The three case studies in this research have reacted in unique yet similar ways to land grabs in their communities. This section will discuss peasant resistance in three capacities: official, everyday and advocacy. This study argues that advocacy politics are increasingly common due to the severity of the land grabs and the lack of compromise offered by the elite, private investors and the state.

According to some local authorities, many villagers misunderstand that the land allocated to the Pheapimex concession is state land and never belonged to the villagers. As a result of the misunderstanding, villagers make trouble by gathering to protest. “The company will not violate the people...it is their right to protest...but the forested land belongs to the government and that’s all [the company] wants...the villagers are just emotional” (CC FG 15 June 2010). However, the peasant actions of everyday resistance show that, despite injustices that they have suffered, can react in a measured and covert manner.

The Tanout villagers, who are among the poorer peasants in Koas Krala District, are not a part of a formal community or peace network. They are dealing with the land dispute on a daily basis and are distressed by the uncertainty of their future. In the face of such insecurity, they are planting rice on the disputed area because they have no other options. They are also continuing with rice production because “this land was cleared by us by hand. We have tilled it for many years. We have no option but to plant our rice” (HH Interview 15 June 2010).

In other cases it can be unclear if actions were overt or covert forms of resistance since peasants and local authorities have dissimilar versions of the story. For example, in Prea Pohn village, Koas Krala district, the deputy district governor claims that villagers were stealing rice from another person’s field because the leader, a woman with 20 hectares of land, was angry about losing some of her rice paddies and had recruited other villagers not to accept land settlements. They claim some junior district officials were hit on the head by a crescent-shaped reaping knife in an attempt to incite more violence (District Interview 11 June 2010). The woman has been jailed but not yet charged for this offence. The local activist group, CPN, however, tells a different story.

Local peasants in the CPN explained the conflict as less severe: “She just wanted her rice back, as she had planted and put time and labour into the crop. However, the property no longer belonged to her. About 100 people joined her because they had a share in the crop. Someone requested that she talk about the dispute in another field, and that was where they claimed she was stealing rice, but that is not true” (CPN FG 12 June 2010). Seventeen people who were involved were summoned to court and this woman was still waiting to hear the outcome. The peasants admit “the woman made many

mistakes because she would not accept the concessions and she had many conflicts with investors. She also took advantage of peasants and did not compensate them for the labour they supplied. But she does not belong in jail. It has been many months” (CPN FG 12 June 2010). The jailing of community leaders, in some cases, is an effective strategy to break apart resistance movements. However, covert forms of resistance continue to take place.

In Omlaing many actions of everyday protest go unreported. Villagers sleep in their fields “since this is the only way that we can be sure no one tries to take it” (HH Interview 21 June 2010). One local NGO informant revealed that “children are given slingshots to shoot at soldiers. And elderly people block the road and openly intimidate officials, which, in one case, was the deputy chief of the provincial police” (NGO Informant interview 21 June 2010). To protect their land, peasants have also “put spikes in the grass at night to keep unwanted people off of their land” (*Ibid*). Company and local officials have seen these as aggressive tactics. Although they avoid any major confrontations with their oppressors, escalate tensions and clashes with company representatives, local authorities, police and military soldiers.

The overt protests and petitions against the Pheapimex concession have been well-publicized, but there are also more covert forms of resistance that peasants have employed to protect their access to the forest and its resources. Alliances with some forest officers have allowed them to tell peasants when and where the company is deforesting land so that they can take action. For example, “one month before the company came in 2010 a forestry official warned the community that the company would come again” (AEC FG 15 June 2010). Although the protest of tree clearing successfully

stop them from clearing in one area, the excavators and bulldozers just relocate somewhere else.

In 2009, the Community Forestry (CF) group sent another request to the village, commune, and district levels of government. They are seeking 5843.32 hectares of land to be preserved as community forest. “This would be a natural resource conservation project that would benefit all Cambodians. We don’t want to lose our natural resources,” explains one CF leader. “The company puts money into the pocket of the investor. They don’t respect the contract and very few benefit” (AEC FG 15 June 2010).

The AEC group in Pursat is actively sending petitions and letters to all levels government. In 2008, they sent a complaint to the Ministry of Forestry with the Kampong Chhnang villagers. In 2009, they intensified their petition-writing, sending complaints to the national level, to Council Members in the Prime Minister’s Cabinet, and to the Ministry of Agriculture to request that they cancel the ELC to Pheapimex due to the negative impacts the lack of access to land is having on the villagers. On the same day, nineteen different provinces lodged complaints about the ELC granted to Pheapimex. These petitions go unnoticed. The peasants continue to collect thumbprints and organize official forms of resistance, but officials at all levels ignore their concerns

Community members in Krakor district have established forest patrols to catch offenders in the act, and confiscate chainsaws. One member of the forest advocacy group explains that people feel that the commune and district representatives are not interested in conservation, but want to clear trees and make fields. In Kbal Trach, a woman and her husband have only 1 hectare of rice paddy and 40 ares³² of village land, so they are greatly dependent on the forest for their livelihood. They join groups of 30-70 villages to

³² An are is equal to 100 square metres. (See Lee 2006 for the historical significance).

patrol the forest and prevent people from cutting down large trees. They carry weapons, but are peaceful, the peasant claimed. They need kitchen knives in order to take saws away from the perpetrators. Since Forestry Office officials are sometimes complicit in the illegal cutting, the patrol does not inform them before they go patrolling, only when they find someone committing illegal deforestation. To this woman, the forest that they are patrolling belongs to the community, not Pheapimex. However, the forests continue to be stripped of their valuable trees and, with them, the NTFP and wildlife that the villagers depend upon. "We have to go deeper into the forest to get our resources. This means a decrease in livelihoods, less medicine, less to eat and sell." Although they work to conserve forest resource, it is an unending challenge because local authorities are interested in promoting the Pheapimex concession. The forest patrol group also faced difficulties when trying to educate other villagers about the benefits of conservation, as some people continue to cut down trees illegally but will not listen to them because they are at the same level.

Some of the peasants in Kbal Trach, however, were not involved in the protests or advocacy work. One woman said that she and her family were frustrated, but the armed military and police presence is discouraging: "Unless I am asked, I won't go. I dare not." They reassured me that, even though they do not protest, "the whole community goes", "commune leaders even join in the protesting" and "next time we will join" (Interview 15 June 2010).

In all three case studies, peasants have been notified of land grabs by the arrival of bulldozers and excavators to clear the land. Their immediate reaction has been to go to the district or commune representatives to complain and discover what is happening to

their land. Other infractions (such as killing cattle that peasants leave to graze) by company workers and police were reported to the Commune Council, but, as one peasant in Kbal Trach says, “they just ignore us” (AEC FG 15 June 2010). As a result, they no longer seek help from local authorities.

AEC members cannot meet, as police block roads to prevent them from reaching their community meetings. Police and local authorities, warning the villagers must stop protesting or they will be taken to court, continuously intimidate the villagers. AEC representatives feel discriminated against and looked down upon. “We are not treated as equal partners and are not allowed to sit down at the same table and talk with politicians” (AEC Leader Interview 14 June 2010). They are delegitimizing the villagers and their complaints because money is all they can see. The members’ requests have been ignored despite continuous petitioning and an increasing number of villagers joining the fight. One leader said, “We will not give up. If the Prime Minister will not meet with us, we will lay in the road. We don’t care if we die. If we don’t have our land, we are better-off dead.” (AEC FG 15 June 2010).

Omlaing villagers have suffered much oppression by local authorities, the courts and the company. Two community leaders were detained for five days without food, and one was 63 years old for inciting people to protest when peasants burnt down an office of the PPSC. He is the main focus for oppressing the Omlaing advocacy because he was a former member of the CPP and was a commune councillor for several years. The protest against his incarceration brought more than 200 peasants to the provincial jail. Many people stayed until both leaders were released. Senator Phat has asked the community leader for meetings but “I will not meet with him alone. I do not want villagers to think

that I was working with Phat or taking bribes. We must keep strong” (Interview 20 June 2010).

On August 23, 2010, 300 villagers blocked National Road 52 with farm machinery and bed frames in a frustrated attempt to speak with company representatives about the land dispute (Titthara 25 August 2010). Three homes in O’Thmar Chruok village have recently been demolished by Royal Cambodian Armed Forces (RCAF) Battalion 313. Additional warnings by the military representatives of the company, threatening villagers about living on company land and they would continue to destroy several homes, prompted villagers to take action. Fifty soldiers, local and military police, were present with guns and tasers. The level of intimidation present in Omlaing commune may reach heights that will cause further, and more devastating, acts of resistance by the peasants.

Since excavators arrived to clear land for the Pheapimex ELC in 1997, villagers have been protested the deforestation and land grabbing of fields, villages, and even a wat in the vast concession. They have forged partnerships with people from all areas affected by the concession (more than 50) and they protested together from the beginning. The escalation to a grenade thrown while peasants slept nearby the Pheapimex concession resulted in the stalling of further deforestation. The peasants were successful in delaying further exploitation for six years, but, despite continued protests and a growing number of people active in the protests, the company is cutting more trees everyday.

Since 2000, Koas Krala villagers have faced elite prosecution for their protests and have been threatened with charges of cheating, stealing, destroying property and murder. The peasants accepted the unfair land settlements to avoid going to court. The

peasants admit that there were violent clashes with military officers and excavators were burned during the conflict (FG 10 June 2010). The CPN members advocate dealing with land disputes and local authorities peacefully, but one man expresses conflict with this approach: “we lose our land and do not have enough food or income. After we lose our land, we cannot live peacefully because we do not have our land” (CPN FG 10 June 2010).

Some local authorities blamed NGOs and other civil society groups for negatively influencing peasants, especially in Pheapimex. Kbal Trach district governor and the deputy governor of Pursat say that civil society groups “encourage villagers to fight” and the company will give back the land (District Interview 17 June 2010). Local authorities also cited the peasants’ lack of knowledge: “protests should be about the actual problem...[but] no one is trying to get their land” (CC Interview 17 June 2010). In Kampong Speu, the first deputy governor blamed the opposition party for encouraging conflict to gain a voice against the ruling party: “deeply, the villagers don’t want to protest” (Interview 23 June 2010). However, the peasants hold the authorities and company responsible for the increased levels of resistance. They reject land titles, control the judicial system in their favour and deny fair treatment to the peasants. In Omlaing, advocacy group members say company military representatives take advantage of a very tense atmosphere and try to provoke them by spreading rumours and encouraging violence (Advocacy FG 21 June 2010).

However, some authorities support the peasants in principle, if not in action. Omlaing village leaders support the protests of the villagers and attended the protests at the beginning of the conflict. They say, “The company is encroaching on villagers’ land.

People know that the villagers' rights are being overtaken. The villagers are angry so they go to the province to protest. Regardless, the people lose and the company wins" (Village Leaders FG 22 June 2010). They show little hope for the movements of peasant advocacy in Omlaing, and prefer to support villagers from afar.

Peasant groups were not optimistic that a favourable resolution could be accomplished. In fact, all peasants interviewed had very little hope for the future, saying "we have nothing. We might as well die" (AEC FG 15 June 2010), with the exception of the community leader in Omlaing and a handful of advocacy group members.

Protesting will help us to gain a resolution. We will continue to be vulnerable if we do not work to keep our land. The company thinks that the community doesn't understand and that only the community leader is motivating the peasants. But the entire community is motivated to stop the land grabbers. (Advocacy FG 21 June 2010)

Although the Omlaing some peasants support their community leader, they claim to be working together: "We make our own decisions to protest. But we will support him as our leader because he is advocating for our rights" (HH Interview 21 June 2010). Indeed, he was jailed because of some of their actions. On the other hand, say that he is the reason they join the protests. Their land is threatened but they are afraid to take action, but they trust their leader and want to continue to follow "his good example" (HH Interview 22 June 2010). However, the peasants take responsibility for the violence that erupted. Without an income or land to work, they take action on their own: "what else should we do?" (HH Interview 20 June 2010). Although peasants do not have much hope

for a favourable resolution, it appears that AEC, CPN and the Omlaing advocacy groups are not conceding to capitalist exploitation without a fight.

4.6 Conclusion

The interactions of peasants with land deals in the three case studies against ELCs and private land grabs demonstrate that they are all facing powerful opposition at every level, but they have allies in local community groups, some local authorities and ministry officials. Still, capitalist interests are utilizing state mechanisms and connections to achieve high profits without responsibility to local communities. The basis of the capitalist system is in dispossession, and the attempts at land governance in rural Cambodia does nothing but allow investments in the rural economy to extract hidden capital from land, water, and forests. Peasants in these case studies have acknowledged that they will receive no benefit from land deals, and have engaged in various levels of resistance as a consequence. Although positive outcomes are few, it seems that they will continue to advocate for their rights in any way that they can.

A summary of this thesis and how its theoretical arguments and empirical evidence correspond to assert that land grabs in rural Cambodia do not benefit the rural poor will be presented in the following final chapter.

Chapter 5:

Land Grabbing in Cambodia:

Summary, Conclusions and Implications

A brief discussion on the theoretical linkages to the Cambodian case studies and a summary of the conclusions brought forth in this study will be presented in this section. This chapter brings together the findings of this thesis as complemented by the theoretical frameworks presented in chapter two and the empirical data introduced in the third and fourth chapters. This concluding chapter will first examine accumulation by dispossession theory and its impact on the reality of land grabs in rural Cambodia. Similarly, the mechanisms of state simplification legitimize land grabbings by ambiguous definitions of state land. Thirdly, the 2001 Land Law and the RAI principles highlight that land governance policies do not consider political disparities and serve to legitimize investments despite the resulting dispossession. This chapter then examines peasant resistance and its implications in Cambodia. Finally, the overall implications of this thesis are considered.

The continuous nature of dispossession, outlined by Harvey (2003; 2004) as a typical and persisting trait of the capitalist structure, is easily observed in the Cambodian countryside. The massive dislocation of people, removing them from the land so that resources or 'hidden capital' can be unearthed through the devastation of forests, water, and land, typifies the interaction between rural Cambodians and the domestic and international capitalist regime. The commodification of land, labour, money ("fictitious

commodities” as described by Polanyi (1957)), and water, maintains the falsehoods of capitalism through accumulation by dispossession. The deforestation of 80,000 hectares of land for the Pheapimex ELC is a prime example of maintaining the capitalist apparatus. Resources have been extracted at minimal cost and capitalist accumulators such as Senator Ly Yong Phat, Choeung Sopheap and her husband Lao Meng Khin, benefit from the influx of raw materials in the market. The structures and individuals that support the land grabs (such as local authorities and military personnel) receive meagre benefits in comparison, but are not immediately adversely affected to the same extent as the rural poor. The land peasants depend upon is devastated by the environmental destruction of resource extraction, such as the collapsing of riverbanks, loss of habitat and wildlife biodiversity. As well, the theft of peasants’ land and their means of production in the process of Marx’s primitive accumulation, pushes peasants to depend upon their labour and, in theory, increases proletarianization. However, it seems that the limited need for labour has resulted in a surplus population that are unable to maintain their livelihood. The stability of the capitalist structure is maintained in a superficial manner through the dispossession of Cambodia’s rural poor. In Cambodia the massive exploitation of resources and enclosures of land to rural communities has resulted in increased landlessness. The three case studies make clear the actors that are dispossessing rural Cambodians. They also show that the accumulation of capital that is resulting because of agricultural production or deforestation is not benefiting the local communities, but is increasing their vulnerability.

In Cambodia, the ambiguity of state land has been manipulated by the promoters of capitalist interests and has allowed anyone living on land viable for agricultural

development or natural resources exploitation to be dispossessed. The state, WB and donors implement the inequalities in Cambodia's 2001 Land Law that support the process of dispossession. State simplification (Scott 1998a; 1998b) in this sense is apparent in the ambiguities of state land and the land registration management. Previously known as the WB's LMAP, the land registration system has allowed the state to transfer peasant land and resources to capitalist accumulators in a rapid, unregulated, manner, targeting especially fertile or resource rich areas (Grimsditch and Henderson 2009). The transfer of state private land to investors via ELCs or private land deals has taken advantage of the inequalities in the land registration system or the perhaps intentionally vague nature of forested and non-private land. The actual existing rights to land have been overridden by the desire of the state to attract foreign investment in large-scale land acquisitions and avoid resolutions to land disputes, such as cases of disputed farm or paddies in all three of the case studies. State simplification validates the system of land registration that meets the state's needs and disregards actual land use practices and pre-existing land tenure system when it is convenient. Communal resources, such as forests in Pursat and water in Koas Krala, are no longer available to the peasants that depend on them to improve or maintain their livelihood. The allowance in the 2001 Land Law for the state to claim any idle and/or indigenous land further strengthens the state's access to land and weakens the rights of marginalized people. The ambiguous definition of land by the state has privatized land rights in the interest of domestic and global investment and made it difficult to question its legitimacy. The false assumptions concerning the availability of land in Cambodia for exploitation means that the state interests have been over represented at the expense of the rural poor. The imposition of state land rights in

Cambodia has allowed dispossession of the rural poor to occur in order to encourage land investments, thus strengthening the mechanisms of Harvey's accumulation by dispossession.

The promotion of large-scale land acquisitions to spark development and foreign direct investments in developing countries acknowledges that there are risks to such investments. The principles of land governance, such as RAI (WB et al. 2010), proposed to mitigate such risks do not take into consideration the power disparities that underlie such governance ideology. In addition, they are working to maintain the capitalist framework and do not make an allowance for alternative visions of development that vary from or oppose integration into the capitalist structure. Indeed, any intrusion on the ability of corporate interests to exploit land in the name of development must be curtailed, as economic stimulus is the only accepted form of development. The local authorities in Koas Krala, Pursat and Omlaing echo many of the sentiments of 'development' as presented by land governance ideology: technology, the building of infrastructure and the availability of paid employment will benefit the rural poor by bringing them into the capitalist system. On the other hand, officials also recognize that the benefits from land grabs have yet to materialize for the rural poor, with very few jobs available and infrastructure and land clearing projects damaging livelihoods. As a result, the case study shows that the land governance model applied by RGC through donor-led land registration does not take power dynamics or the pre-existing inequalities of the system into consideration. As such, the most marginalized and vulnerable groups, such as communities targeted by ELCs and private land grabs, still face considerable risks due to the proliferation of land investments.

Not only do land grabs fail to benefit the rural poor, they aggravate the conditions that mainstream land governance policies aim to alleviate. Since land governance policies, such as the RAI principles and the Cambodian 2001 Land Law, do not mitigate the risks of land grabs, the investment policies are unsuccessful in promoting pro-poor development and, conversely, intensify the negative aspects of land grabs. Large-scale land investments are designed to enhance accumulation by dispossession, aided by state simplification strategies, and are unimpeded by the principles of RAI. The state sanctions dispossession by refusing to acknowledge land titles and possession rights of the rural poor, instead referring disputes to the Cadastral Commission or the dubious judicial system. As a result, the state ignores the plight of the rural poor in the face of active resistance to their dispossession by reverting to neoliberal doctrines of private property and access to markets.

The massive influx of capitalist investment in Cambodia is not regulated to alleviate the negative consequences on the rural poor. Land grabs are promoted for the economic development potential it presents, but the reality is that the social consequences of separating families and communities takes a much greater toll. The Pursat and Omlaing communities facing encroachment by ELCs, and some of the peasants working together to prevent private land grabs in Koas Krala, are surprisingly cohesive considering their relatively recent establishment. Perhaps this is the result of the need to band together for a common cause, and such cohesiveness or community identity may not exist without the external threats to social networks and livelihoods.

Resistance, organized or not, is also a common thread pulling villagers together. The distrust of outsiders and politicians, speculation about the company's next move and

gossip fuels advocacy politics, as does the everyday resistance that is covert and unorganized. Since advocacy and official politics present considerable risks to life and livelihoods of the community leaders and the advocacy groups, they attempt to operate in a clandestine manner to prevent direct repression from the oppressors. For example, the group in Omlaing is unnamed and the 'leader' does not accept this title. This is also a meaningful way to create greater cohesion as all members are responsible for their actions and the group will be much more likely to carry on if the 'leader' is detained (one of the tactics employed by the state to quash peasant resistance to land grabs).

Resistance is continuing to intensify, but land grabs are unfaltering. Does this mean that resistance is ineffective? In practical terms, except for a few rural peasants in my Omlaing case study, peasants do not have hope that there will be a favourable outcome in their fight against land grabbers. The local authorities, private investors, the military, the courts, and Prime Minister Hun Sen have ignored their plight. One Omlaing peasant asked, "What will we do without our land?" (HH Interview 15 June 2010). She and her neighbours lament that they have no other available avenues of action and must defend their land. Something must be done. Although powerful actors disregard peasant agency, the increasing advocacy politics in Cambodia implies that communities are experiencing some success in the opposition to land grabs. The set backs, such as incarceration and violence, do not seem to severely derail protesting communities. However, more severe measures could destroy networks entirely.

Land is the rural poor's most valuable asset. The degradation of the environment, the threat to food sovereignty and the significant impacts of dispossession, affecting indigenous people, women and children most dramatically, greatly outweigh any actions

that claim to benefit the rural poor. The increasing landlessness, or the transformation of peasants into 'living ghosts', is a threat that too many Cambodians face. Worse, the responsible parties, such as the commune, district, provincial and national authorities, are negating their 'paternal' role to accumulate capital at the expense of public need.

However, the state does not work alone. Donors must also be held accountable for the bias and formalized inequalities that the land registration system is legitimizing.

Domestic and international corporations do not have an interest in self-regulation that would impede capitalist accumulation. The resistance to capitalist exploitation within isolated communities has expanded to wider networks, but it is difficult to imagine that oppressors will tolerate such overt forms of resistance. Brutal repression from powerful domestic and international capitalist interests may reduce resistance and the agency of peasants. However, Cambodia is at a critical crossroads that could see the emergence of national peasant movements that could integrate into transagrarian movements. The future for the rural poor is uncertain and they will have to depend upon their own efforts to hold back land grabbing in rural Cambodia.

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Abbreviations and Acronyms

ADB	Asia Development Bank
ADHOC	Cambodian Human Rights and Development Association
AEC	Action for Environment and Community
CC	Cadastral Commission
CHRAC	Cambodian Human Rights Action Committee
CIDA	Canadian International Development Agency
CPN	Community Peace Network
CPP	Cambodia People's Party
CSR	Corporate Social Responsibility
EBA	Everything But Arms
EIA	Economic Impact Assessment
ELC	Economic Land Concession
FAO	Food and Agriculture Organization
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit (German Technical Cooperation)
GW	Global Witness
IIED	International Institute for Environment and Development
IFAD	International Fund for Agricultural Development
IFPRI	International Food Policy Research Institute
IMF	International Monetary Fund
KSSC	Kampong Speu Sugar Company

KR	Khmer Rouge
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
LMAP	Land Management and Administration Project
MAFF	Ministry of Agriculture, Forestry and Fisheries
MLMUPC	Ministry of Land Management Urban Planning and Construction
MNC	Multinational Corporation
NGO	Non-Governmental Organization
NTFP	Non-timber Forestry Products
OGB	Oxfam Great Britain
OHCHR	Office of the High Commissioner on Human Rights
PPSC	Phnom Penh Sugar Company
RAI	Responsible Agricultural Investment
RCAF	Royal Cambodian Armed Forces
RGC	Royal Government of Cambodia
SIA	Social Impact Assessment
SLC	Social Land Concession
TNC	Transnational Corporation
UDEC	Use, Development and Exploitation Concessions
UNCTAD	United Nations Conference on Trade and Development
WB	World Bank

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