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

Much has been written on land grabbing and deforestation activities in Cambodia, but very little is known about the reaction of the rural peasantry to such activities, those who no longer accept being labeled as mere victims.

The existence of independent socio-political movements, operating at the grassroots level and occurring in each province, demonstrates the emergence of a collective desire among a substantial part of the population to take destiny into its own hands. An innovative strategy used in response to land grabbing has been the extension of networks from villages to international agencies, provided that the latter behave as partners and not instructors.

The ingredients: perverse national policies

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

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

Vietnamese, Chinese, and Korean companies have been the main investors, particularly in the north and the north-eastern corner of the country, areas traditionally inhabited by indigenous peoples who, as a whole, constitute nearly 2.3% of the 15.2 million Cambodian population. It remains difficult to provide an exact figure of the total area of land already taken by these companies. What happens to the ethnic minorities also happens to lowland Khmers, who have lost property rights in their native areas.1 This large-scale transfer, representing nearly half of the cultivated provincial area, has occurred to the detriment of the original occupants, as they have received no compensation at all. Villagers tend to find out about any encroachments at the last moment, once an ELC has already been signed. Three ministers are supposed to sign each of these agreements, which make the whole procedure unclear and difficult to track. Such agreements cause tremendous livelihood and lifestyle changes among the local people.

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

Land remains the single most contentious issue in Cambodia in 2015, as it has been for at least the last 12 years. By the end of 2013, over 2.2 million hectares of Cambodian land had been granted to large firms in the form of ELCs.3 These concessions and various other land grabs have affected more than 420,000 Cambodians since 2003.4 Worse, ELCs have become an additional driver of deforestation, which has had negative consequences for the livelihoods of people who rely on forest products. Independent analysts have confirmed that Cambodia is experiencing a “total system failure” in terms of its forest management regime, in the face of the government’s widespread and unlawful use of concessions – those aimed at growing crops – to instead allow companies to harvest timber.5 Forest conditions vary greatly where ELCs are allocated. Drawing on forest-fire data gleaned from US satellite imagery, Forest Trends’ analyses mention that the ELCs are clearing some of Cambodia’s most valuable forests, challenging the government’s claims that it is giving-out only degraded forest land.6

The Study

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The social seeds of grassroots contestations

Collective waves of popular discontent began to take shape in Cambodia, mostly following the reversal of the July 2013 national elections, which the opposition party (the Cambodian National Rescue Party or CNRP) seemed determined to win. Protestors targeted elections, and for the first time rural and urban demonstrators together expressed their desire for political reform. This created a sense of optimism among the Cambodian authorities.

Put simply, too much knowledge and awareness may give rise to unacceptable behavior. Human rights issues are acting in an unacceptable manner. A common accusation made by the authorities is that those who disseminate information on social issues – to act as facilitators or agitators, in order to create a social force powerful enough to allow the shocking social mobilization of the deprived and/or repressed populations no longer hesitate to refer what happened, bringing new awareness and practical way. These public events – officially prohibited by the ruling party – were eventually violently repressed by anti-riot police, who in some cases opened fire on, and killed, protestors. However, this resistance process had been launched, and could not be stopped.

Some have deduced that the many strategies have been formulated, more operational in nature and organized on a larger scale outside Cambodia. Modern media tools such as Facebook and Twitter have become useful at disseminating information, as well as mobilizing and developing national/nonglobal networks and partnerships. Up to a few years ago, brutal evictions, repression and physical arrests could be carried out with impunity by the government, because acts were done in relative secrecy. Such a situation is no more, as deprived and/or repressed populations no longer hesitate to speak up against the established order and organizing social contestations at the local level and spreading their ideas regionally and internationally. This is what happened with the Cambodian sugar industry in Koh Kong Province, when forced evictions, widespread seizures of farmland, destructions of property, crops and community forests, and uses of violence and intimidation all took place. 

In Cambodia, NGOs, who then made contact with international bodies like the International Finance Corporation (IFC), affiliated to the World Bank Group, which advises and assists management services to private sector developers in developing countries, but based on a public commitment to follow ethical and sustainable practices, as well as the World Bank's core mandate of ending poverty. After receiving economic pressure and warnings from banks providing loans to investors, the company had to soften its attitude towards local villagers.

Contestation by the Kuy people

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

Two NGOs representing the Kuy community affirmed that they had not been consulted about the activities as mediators; cautiously because they could not show too much sympathy toward the indigenous population. By 2014, the provincial government had already threatened one of these NGOs for using “extremism”, and had requested that the Ministry of Interior close it down due to its subversive activities which were “against cooperation with development for the sake of the nation”. The local NGOs thereupon decided to change their strategy by cooperating with the local authorities, in a form of cooperation that reduced their actions to technical aspects only, and isolated themselves from the political dimension and the social interests linked to the Chinese companies.

The dissemination of information and networking was nevertheless unstoppable in the Kuy community, mostly because she was able to view tools developed by local groups and witness the importance of mass mobilizations based on land issues. Interestingly, this indigenous woman maintained that she was involved in indigenous affairs, not on behalf of her NGO, but as a mother and a villager concerned with what was going on in her native land.

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

Firstly, because such a situation, the deputy governor informed the villagers that the government would support the villagers’ application for collective land title, a request that had previously been turned down. Maybe initiatives taken by the NGOs and the Network and the one from Phnom Penh appear small in scale and rather trivial, yet not well organized and not fully mature when compared to other movements around the world. That may be the case, but it would have been difficult to imagine them happening just a few years ago. What is interesting is that these grassroots movements are set-up and run by the people, for the people. Support is minimal and not conditional, and whenever it happens, it is based on people’s wills.

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References


Below: A ceremony at the burial grounds following the premature death of a child in a Kuy village, Ratnakhali Province. (Photo by author, 2013)