

Open Up to the Locals

Politics of Resource Control in Tonle Sap, Cambodia

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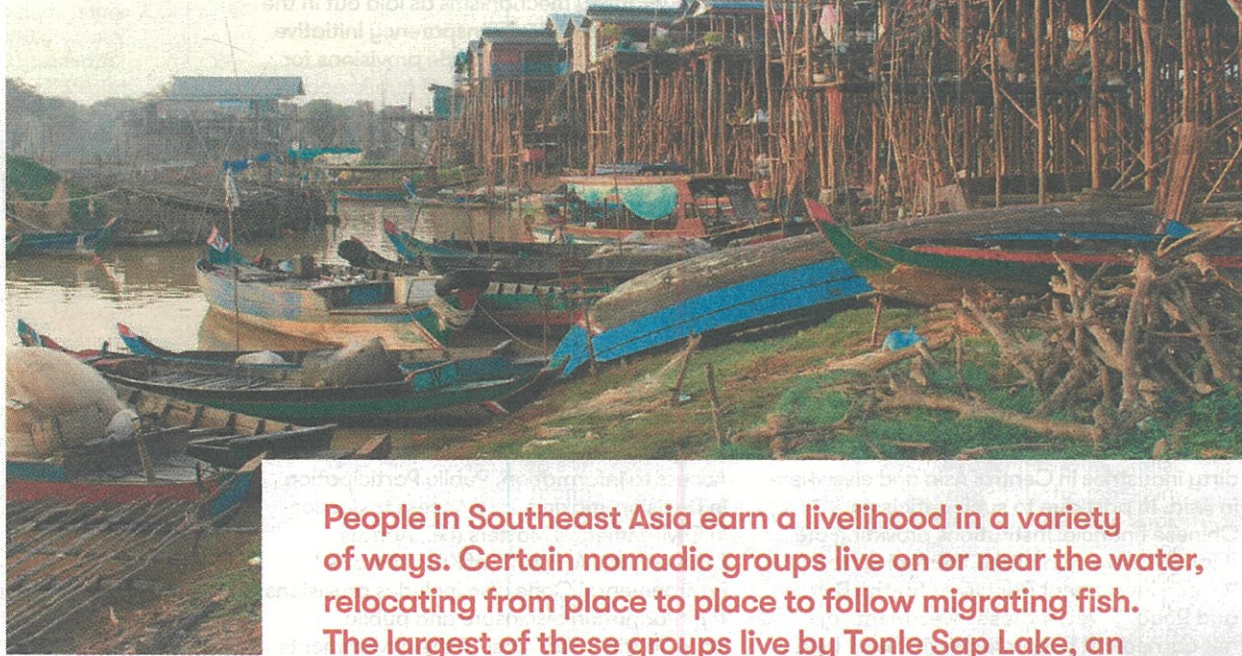


Fig. 1. Stilt houses in Kompong Phluk on Tonle Sap Lake (Photo by Thol Dina, 2012).

Fishing and politics in Cambodia

As we shall see, the government previously arbitrated a system of exclusive fishing lots that had been in use for over a century. In 2012, these lots were abolished, opening up the fishing grounds to the community at large. The abolition of the Tonle Sap fishing lot system is a rare example of a government policy that was greeted with jubilation by the locals. The new approach, on the surface, appears to have decreased the dominance of the state and reinstated certain freedoms to the public. Should this shift be viewed as part of the decentralization and democratization of resource governance, or should we see something else in this move? As we observe the increasing tendency of state control over revenue-generating resources such as oil, it is illuminating to see how politics matters in governing resources that are apparently not lucrative through the eyes of the state.

Cambodia has a population of 16 million people, out of which over four million, or 25 percent, have a direct or indirect stake in fishing on the lake.¹ The government was anxious to keep a lid on politically sensitive conflicts between the small-scale fishermen, who make up the vast majority of the four million stakeholders, and the smaller group of fishing lot owners, a smaller group numbering in the dozens. Whilst relatively minor in terms of tax revenue, the issue had potentially dramatic political ramifications.

Around the turn of the millennium, Cambodia was going through a decentralization process accelerated by a new legislation promoting communal elections and the enactment of the Law on Commune/Sangkat Administrative Management in 2001. Prior to this law, municipal leaders assumed seats of local government. From 2002 onward, for the first time, Cambodians across the country elected their community representatives directly. Further local elections based on the new laws took place in 2007 and 2012, bringing victory to the ruling Cambodian People's Party (CPP). The first commune council elections in 2002 were not only a milestone for the country's democratization process but also a symbol of decentralization.

People in Southeast Asia earn a livelihood in a variety of ways. Certain nomadic groups live on or near the water, relocating from place to place to follow migrating fish. The largest of these groups live by Tonle Sap Lake, an enormous body of fresh water in Cambodia. In Cambodia, as elsewhere, water usage is governed partly by national policies. As we shall see, however, governance of water is necessarily the governance of people whose lives are connected with such water. In this context, Tonle Sap has historically been the target of political intervention mainly regarding who gets what from the resources available from the lake. This article examines how water resources can serve as an effective tool for political influence. By examining the case of policy change by the Cambodian government in relation to Tonle Sap Lake, I argue for the importance of providing local people with the resources and capacities to take care of their surroundings once governed by the state.

In a highly restrictive political environment like Cambodia, commune councils are vital political spaces for debate among various party members, and key matters of local policy are often discussed. By the 2010s, the power of the CPP in these councils was absolute and unchallenged, despite occasional "reforms" of the election system. Therefore, if the ruling party already enjoyed such a solid power base, why did it intervene in Tonle Sap's fisheries arrangements? Is it simply because the government was interested in conserving the fishery resources in the lake? Or does the lake potentially serve as leverage for political purposes?

The Tonle Sap ecosystem

Before we dig into the governance issue, let us clarify the ecological context. Tonle Sap, the largest freshwater lake in Southeast Asia, is a vast expanse of water that stretches in all directions almost as far as the eye can see. An estimated 1.7 million people make their home on the lake, spread out across over 1,500 villages.² What makes Tonle Sap unique is the fluidity of its boundaries. In the rainy season, the lake swells to several times its dry-season size. Lake dwellers relocate as the tides slowly shift, dividing their time between farming and fishing as the seasons change. Such a lifestyle is astonishing to the eyes of

a city-dweller, where one's "residence" is always a fixed location on dry land.

Lake dwellers have good reason to remain close to these shifting shores. The climate is pleasant all year round, and fish are (or at least used to be) available in abundance, removing the threat of famine. Communities around the lake also encompass schools, health centers, and other infrastructure, all built on stilts. Anyone with a boat can find life's necessities on Tonle Sap Lake, and the lake dwellers have long enjoyed the freedom to live and work there.

What makes Tonle Sap unique is the fact that the size and location of these supposedly distinct areas change as the lake floods. Tonle Sap expands dramatically during the rainy season, as Figure 2 shows, and this annual transformation calls for a complex system of resource management. Over the last few decades, Tonle Sap has been affected by population growth, urbanization, deforestation, and hydropower demand, not to mention the impacts of climate change causing scarcity of water in the region.

On March 12, 2012, the Cambodian government announced a drastic policy shift, and the century-old fishing lot system was abolished. This had profound effects on the economically and environmentally valuable ecosystem of Tonle Sap Lake. While the government had already started to reduce the total area of fishing lots

around the turn of the millennium, the total abolition of the system had been politically inconceivable. Initially welcomed by the small-scale fishermen subsisting on the Tonle Sap fishery resources, the 2012 shift also led to a rapid decline in fishing stocks. This came on top of other problems caused or worsened by the El Niño phenomenon: fish in Tonle Sap were becoming smaller in size, and biodiversity was suffering.³

The changing fishing lot system

Tonle Sap's fishing lot system dates back to the 19th century, when the government wanted to commercialize fisheries on the lake and set up a system to enclose parts of it. At that time, Cambodia was still a French protectorate, and marine products made up the bulk of the country's exports. Eighty percent of these marine products were salted and dried fish, mostly catfish caught in Tonle Sap.⁴ Adhémar Leclère, who held a key position in the French administration near the end of the 19th century, observed that during the reign of King Ang Duong (1840-1860), the fishing rights to particular locations were usually granted for free. This changed when King Norodom (1860-1904) began financial leasing of fishing rights to fund the construction of a royal palace in Phnom Penh. Fishing along the shores of Tonle Sap, however, remained free for everyone at that time. King Norodom accumulated his wealth by selling monopoly rights to Chinese entrepreneurs, his chief trading partners.⁵

Between 1970 and 1979, the rise and subsequent rule of the Khmer Rouge triggered a civil war that greatly affected the Tonle Sap area. The fishing lot system plunged into chaos. Forbidding fishing altogether, Pol Pot's regime forced the people to work the rice fields in cooperative units based on communist ideals. Some Khmer Rouge cadres may have continued fishing in Kompong Chhnang Province, but we know very little about events in the lake area during this period. Certainly, any commercial fishing in Tonle Sap was virtually non-existent for those ten years, and by the time operations resumed in the 1980s, the fishing grounds were unsurprisingly richer than ever.

The re-introduction of the fishing lot system in 1987 marked a turning point in the territorialization of Tonle Sap. In theory, fishing lots were to be auctioned off to the highest bidder at regular intervals, but the same fishing lots were claimed over and over by the same group of politically well-connected fishermen.

Fishing lot operations were to follow regulations outlined in the "burden book" of the certificate that came with the fishing lot. This certificate included important information, including a map indicating the location of the lot, the rules guaranteeing proper management and conservation of fishing resources, and the amount paid for the lot, among other details. Actual amounts paid were often much higher than stated in the burden book; one fishing lot owner claimed to have paid almost ten times the amount designated on the certificate. Fishermen rarely adhered to the certificate guidelines. For example, it was prohibited to subdivide fishing lots, yet the vast majority of them ended up being exploited by multiple extralegal subcontractors. Furthermore, local officials and politicians often demanded various perks for granting exclusive fishing rights to lot owners.

The Cambodian government's first major intervention into the Tonle Sap system was in 2000, when it reduced the total area of fishing lots on the lake by 56 percent. Then, in 2012, the system was abolished entirely. According to an official from the Fisheries Administration, the government took over half of the area that had been essentially privatized as fishing lots, allocating it as an open-access fishing ground to be managed in cooperation with local communities. In practice, 76.37 percent of the total area previously taken up by fishing lots was turned over to the community while the rest (23.63 percent) became state-designated conservation areas for the protection of Tonle Sap's ecosystem.

Why did the government relinquish its control over fishing lots?

There are several arguments as to why the Cambodian government decided to open up fishing lots. Firstly, the administrative incentive of the state was a factor. There are oil and gas reserves under Tonle Sap Lake. For the government, the first step in securing control over the area was to dismantle the system that provided rights to private entities over parts of the lake and to establish itself as the main beneficiary of future revenues from the exploitation of these subterranean resources. However, the profitability of the still-hypothetical oil and gas exploitation remains to be determined, as there are no concrete plans to develop these reserves. Though plausible, it is difficult to identify a clear link between the abolition of the fishing lot system and plans for future resource development.

Secondly, the main beneficiaries of the abolition – the small-scale fishermen living around the lake – are not required to pay taxes to the government, whereas the lots generated revenue analogous to a tax. From a revenue perspective, it would be better for the government to simply leave the fishing lots in place to keep the associated revenues. As such, the Cambodian government's intervention in Tonle Sap seems to have harmed its own financial interests. My hypothesis is not based on revenue, but on "political capital" – namely, that the state, intending to use the lake's natural resources for the redistribution of economic profit and the ensuing political stability, hoped to gain support from a broader sector of the country's population in and around the lake. This explanation raises the possibility that, instead of attracting votes with subsidies, infrastructure projects, and other gifts that confer direct economic benefits (instead of levying taxes), the government is trying to achieve its political goals by promoting grander objectives like reducing inequality and protecting fragile ecosystems.

Can this agenda account for what is happening around Tonle Sap? As of 2015, the fisheries sector, which encompasses industrial fishing, household fishing, and open field fishing (e.g., in rice paddies), contributes to about eight percent of the GDP.⁶ According to prime minister Hun Sen's statement on March 8, 2012, only about 100 fishery companies were involved in industrial-scale operations, and this small cluster generated about 400 million USD in total revenue. The government's new interventions in the fisheries sector sought to distribute natural resource revenues more broadly. Hun Sen proclaimed, "I ordered the Ministry of Agriculture, Forestry, and Fishery to review all fishing lot leases across the whole country issued before April 2000. I also ordered the ministry to return all fishing lots under commune control to the people for household fishing."⁷

Furthermore, he asserted that the Tonle Sap fisheries contribute about 1.5 million USD to the government's coffers every year. Given that the economy had been maintaining a growth rate of over six percent, this is actually a very small amount. In fact, government revenue statistics show that throughout the 2000s, revenue from fisheries declined from 0.8 percent of the national budget to barely 0.2 percent.⁸ Given the fact that the financial loss was

negligible, the government used the lake as a means of accomplishing a different objective – namely, political support to the party.

While Cambodia is, in essence, a single-party dictatorship, politicians and officials have different attitudes and expectations toward Tonle Sap, depending on their position and associated departments. The situation around Tonle Sap involves multiple government agencies – primarily the Ministry of Agriculture, Forestry, and Fisheries, but also the Ministry of Environment, and the Ministry of Water Resources and Meteorology. The Ministry of Agriculture, Forestry, and Fisheries has jurisdiction over fisheries in the fishing lots. The Ministry of Environment presides over protected areas, especially with the aim of biodiversity preservation. The Ministry of Water Resources and Meteorology was established in 1999. This ministry includes the Tonle Sap Authority, whose chairman is said to be a confidante of the very influential Prime Minister Hun Sen. For example, the authority to tackle illegal fishing operations is technically vested with the Fisheries Administration, which falls under the Ministry of Agriculture, Forestry, and Fisheries, but such authority is held *de facto* by the Tonle Sap Authority. Further research is needed to clarify how the balance of power between these various agencies affected the abolition of the fishing lot system. One thing is clear: the Ministry of Agriculture, Forestry, and Fisheries lacked the political resources to hold on to the rights entailed by its jurisdiction over the fishing lot system.

As mentioned earlier, the Fisheries Administration benefits from its connection with fishing lot owners. For example, fishing lot owners may offer accommodations to politicians and officials when the latter visit local areas. There is always a risk that such connections lead to the perception of corruption. Thus, it makes sense that the government would be eager to snuff out the escalating conflicts between fishing lot owners and small-scale fishermen before the discontentment spread throughout Cambodia. In the post-2000 period, mounting resentment among small-scale fishers frequently sparked minor conflicts all over the country. The government's push for a full-scale investigation into the problem in 2011 was seen as an expression of Hun Sen's anger at the failure of the Fisheries Administration to deal with the situation.

Many fishing lots have been designated as communal fishing grounds and protected areas. Yet this raises another problem: who will manage them and how? Many community fisheries have considerable incentives to govern their fishing grounds properly. It remains to be seen, however, how successfully they will manage to do so in practice. It is equally uncertain how well the Ministry of Environment will do at conserving the new "protected areas" under its jurisdiction. The policy of opening up the fishing grounds was greeted with optimism by the small-scale fishermen. However, some fear that Tonle Sap Lake is a "tragedy of the commons" scenario waiting to unfold.⁹ A report based on interviews with fishermen claimed a steep drop in the variety and volume of catches, even in the new "conservation areas" that have recently been established with help from the European Union.¹⁰ In addition, there are obvious limits to the resource management that communities can accomplish on their own, especially with respect to controlling illegal fishing activities.

"Power to local communities" and the tragedy of the commons

Essentially, the fishing lot system offered a way, through private means, to manage a resource – in this instance, fish – that possesses many commons-like characteristics. If viewed from that perspective, the government overturned a century-old system of private governance and replaced it with a policy of public governance by local communities. This is the reverse of the more familiar government approach of privatizing or nationalizing resources that were once common to locals.

The overall reaction of small-scale fishers to the total opening of the Tonle Sap fishing grounds has been positive. Previously, fishing lots were fenced off or patrolled by armed guards who reacted violently whenever fishermen ventured into areas other than their own. All of that has disappeared, but not all is well. Representatives from local NGOs are concerned about the rising cases of overfishing and the use of illegal methods like electrofishing. Community fisheries are ill-equipped to resolve this, as they lack the funds even for such minor expenses as the gasoline required for patrolling common fishing grounds for poachers.

There are also persistent rumors that officials can be bribed to turn a blind eye to overfishing. Sithirith suggests that officials are susceptible to kickbacks because of their meager salaries. The opening of the fishing lots did nothing to eliminate corrupt practices; it has only made them more complex.¹¹ Without clear boundaries for the fishing lots, corrupt officials have the means to bend the definition of "illegal fishing" according to their needs. Illegal fishing operations continue to evade the law with well-placed bribes to the police or Environmental Conservation Bureau officials.

In short, the opening of the fishing lots has created space for ambiguity, which is now becoming an obstacle to the government's stated goal of reducing inequality and preserving resources. Tonle Sap was exposed to privatization for many years, which operated specifically on the logic of exclusion and, later, by the delegation of power to communities (which is not the same as nationalization). The result has been mounting disputes between villagers as boundaries blur and patrols fall short, all of which is exacerbated by the accelerated rate of resource depletion. The unforeseen outcomes of the opening-up policy suggest that the longstanding fishing lot system had some fragile merit. Garrett Hardin predicted that "injustice [as a consequence of lawful privatization of commons] is preferable to total ruin."¹² Sadly, this prediction is now coming true on Tonle Sap Lake.

Appealing solutions under the label of redistribution of access to resources should be subjected to scrutiny to uncover the state's hidden aims. I argue that the Cambodian government is willing to intervene in Tonle Sap because millions of people depend on the lake's fish for subsistence. Given that Tonle Sap remains relatively marginal in terms of overall tax revenue and economic production, implementing a popular fisheries policy on the lake is an easy way for the state to gratify at least a fourth of its citizens. It is hardly a coincidence that Hun Sen's government pushed its successive fishing lot policies just before elections. No doubt, the state was well aware of the political value of interventions in the lake's fisheries, whether that be enclosure or opening. Nonetheless, officials continue to obscure the state's possible motives behind claims of decentralization and democratization. Moreover, the real social and environmental effects of these populist tactics remain unexamined. If approaches like the one taken by the Cambodian government are indeed deliberate tools of governance, they should be subjected to scrutiny.¹³

Even when the economic importance of natural resources diminishes, they can still retain powerful political significance when relied upon by a significant population. For the government, toying with the possibility of allowing access to such resources can have

greater value than imposing taxes or doling out subsidies. This is especially true in countries where many depend on primary industries for their livelihoods. People residing in the proximity of exploitable natural resources tend to have less political power. They are also less likely to notice unfair distribution when access to these resources is manipulated at greater distance at the national level. Once a government becomes aware of these realities, using access to resources for political gain becomes tempting.

In 2016, an environmental foundation called the Global Nature Fund declared Tonle Sap "the most threatened lake in the world," highlighting the decline of the natural environment and the depletion of resources that have affected this vast region. The policy of returning power to local communities and protecting the environment has had the opposite, unintended, effect. That is, delegating governance to communities can lead to inversion of the policy's intention when responsibilities are not clearly delineated and the communities affected do not get the resources needed to undertake their management. Local participation is an essential element of environmental governance, but it can only function when local people are given enough resources and capacities to take care of areas once dominated by the state. It will be a long time before the government and the people of Cambodia can work together to manage the lake's abundant resources in a way that resolves inequality and protects the ecosystem for the future.

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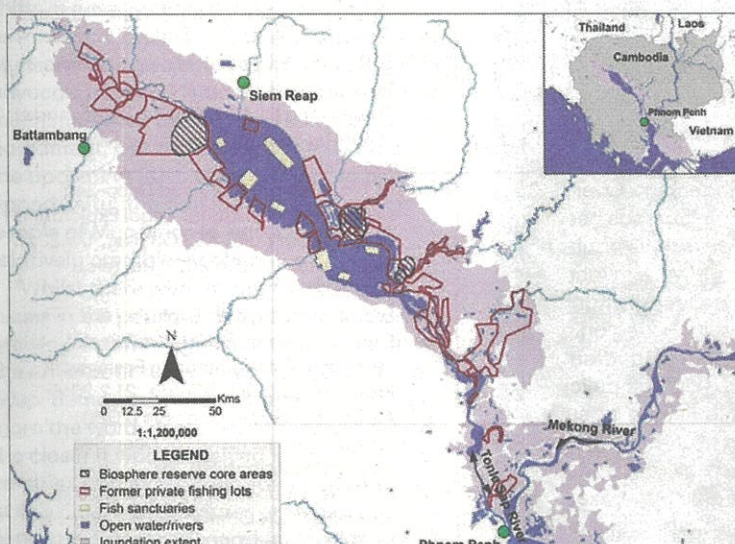


Fig. 2: The Tonle Sap Lake ecosystem of Central Cambodia (Source: Cooperman, M. et al. 2012. A watershed moment for the Mekong: newly announced community use and conservation areas for the Tonle Sap Lake may boost sustainability of the world's largest inland fishery, *Cambodian Journal of Natural History* (2), p. 103).