

State-Society Relations in Natural Resources: A Case Study on Fishery Politics in Cambodia

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Abstract

Despite the general tendency for governments to enclose natural resources for the purpose of economic development, as seen often in many parts of Southeast Asia, the government of Cambodia has initiated interventions of an apparently opposite direction. In 2001, the government reformed the country's management and regulations of its fisheries by reducing the size and numbers of fishing lots in Tonle Sap, previously allocated for private owners and designating 56 percent of private fishing sites as open access areas. In 2011-2012, the government again intervened in Tonle Sap through the closure of all fishing lots, allocating more than 70 percent of the areas to communal use, and firing certain high-ranking fisheries officers for their inactions in fisheries management. These interventions in the great lake trigger a question: what was the rationale behind these state measures? The government has always indicated that the main objectives of their intervention in Tonle Sap were conflict reduction and conservation of the lake's resources. However, this paper demonstrates that there are other plausible reasons such as the pretence of accountability to win elections and bureaucratic politics among the related agencies. Re-territorialisation, we argue, can be seen as a subtle means to achieve a more penetrating territorialisation that may result in the deterioration of the governance of the ecology as well as the economy of the region.

Keywords: territorialisation, Tonle Sap, fishing lots, resources politics, democratic decentralisation, and civil society.

Introduction

In many developing countries, natural resources are an important source of livelihood, particularly in rural areas. They are also the source of economic production and political power, and play a vital role as an important source of economic interest for outsiders or elite politicians who are involved in large-scale exploitation such as logging, plantations, and fisheries (Bryant, 1997; Le Billion, 2000; Melissa 2012). The social repercussions of commoditization and their enclosure, through these interventions, have attracted much attention in the recent social scientific literature on Southeast Asia (Nevins and Peluso eds. 2008; Hall et al 2011). Instead of confirming such trends by adding yet another similar study, this paper focuses on the less attended aspect of the multi-function of resources, i.e., state intervention to release resource access and its impact on local communities, an approach through which we question the very definition of state "enclosure" and territorialisation over resources.

The Cambodian fishery case offers an interesting variant to the typical scenario in Southeast Asia, where state actions range from the neo-liberal policy of privatizing the resource sector to enclosing exclusively for government interests (Nevins and Peluso eds., 2008). Thailand and Malaysia may be seen as the former, while Laos and Vietnam can be placed as latter. Cambodia is positioned somewhere in-between.

Cambodia is endowed with an abundance of natural resources such as forest, land, and fish. The exploitation of these resources has been an outstanding issue for more than two decades after the country converted to a free market economy in the 1990s (Kheang and Sokbunthoeun 2009). Cambodia and Laos are strikingly similar in their dependences on natural resources, aid, and Chinese investment, in addition to having comparable structures of governance.

Natural resources are strongly linked to Cambodian domestic politics. According to Kheang and Sokbunthoeun, the Cambodian government has used its forest resources to cement elite relations and to promote peace and stability since 1993, particularly with military groups. The military has been linked to heavy forest exploitation and lucrative forestry businesses (Billion 2000; Global Witness 2007). As forest resources continued to decrease, the government undertook action to preserve the forests and shifted their targeted interest to land.

Similar to forest resources, land has been used to extend elite patronage and maintain Cambodia's hybrid democracy (Kheang and Sokbunthoeun 2009). Wealthy individuals and the business sector have traditionally been involved in land speculation deals (Andrew 2012), receiving aid from the government in the form of large concessions of economic land. Such grants, along with forest and land resource politics of the last two decades, have mainly benefited those with close relationships with the ruling Cambodian People Party. For example, Pheappimex Company holds large concessions equivalent to 7.4 percent of Cambodia's total land area.¹ State intervention in natural resources can be seen in the fishery sector in the last decade as well.

The recent reform in the Cambodian fishery sector ultimately resulted in the propagation of open-access public fishing areas. The abolished commercial lots had functioned as a rigid private property system that had dictated the societal structure within the surrounding communities since French colonial times. The intervention in 2001 and 2011-2012 consist of de-territorialisation characteristics. What explains the apparently opposite state direction towards de-territorialisation? What is the impact of this radical policy for the fishery communities on the ground?

Literature Review

To manage—and often to tax—natural resources, states have used a variety of technologies such as surveying, creating inventories, zoning, mapping the living resources of its territories, as well as often enforcing legal measures toward “enclosure” (Bryant 1997; Scott 1998). States also use the concepts of space and territory as well as coercive force to gain privileged access to natural resources (Blaikie 1985; Bromley 1991; Hall et al 2011). Not limited to developing countries,

modern states generally have the tendency to simplify or make resources legible in order to facilitate their manipulation and control (Scott 1998).

The modern state's interventions in natural resources are often observed in the form of territorialisation, through attempt to introduce maps and create territories over rural areas, people, and resources. Many studies have been conducted on state powers and territorialisation (Sack 1986; Johnston 1995; Vandergeest 1996; Delaney 2005; Alatout 2006). Of these scholars' discussions on territoriality, Sack's study of human territoriality was quite popular among researchers in the field of political geography. Sack provided a better definition of territoriality: an attempt by an individual or group to affect, influence, or control people, phenomena, and relationships by delimiting and asserting control over a geographic area (Sack 1986). Within this definition, territoriality refers to state control of peoples' activities and their access to natural resources within a country's boundaries. State agencies use maps to create the territory of people and resources.

States use territoriality to achieve a number of goals. According to Vandergeest and Peluso (1995), states use territoriality to prevent the movement of people into natural resource areas as well as to get income from natural resources. It is also utilized as a revenue base to support military expenses and provide state bureaucrats' salaries. In Southeast Asia, territoriality is a tool that many states use to insert their influence and extend their control to people and natural resources (Vandergeest 1996).

In their studies of territoriality in Thailand, Peluso and Vadersesst found that the Thai state mainly used territoriality to control the people and resources in a specific region, as well as another method to bulwark state revenue. According to them, the state used open coercion against rural residents to implement territorial control. (Vandergeest and Peluso 1995). However, state implementation of territoriality has at times faced opposition from people due to feigned ignorance or outright resistance against state goals. Conflict among state agencies also undermines state territorialized control.

When examining the limited literature available on the fishery sector of Cambodia, one finds very little analysis of resource politics. Among the few scholars on the subject, Sokhem and Sunanda researched the governance of Tonle Sap, and found that Cambodia has adequate fishery policies in existence, but that the problem is in its poor practice and enforcement (Sokhem and Sundanda 2006). They further argued that fishery reform in Cambodia was more a consequence of earlier short-sighted regulations rather than any broader policy development over time. In a similar study on the natural resource conflict and management in Tonle Sap, Degen and Ratner discovered that the fishery management system was weak and the risk to fishery livelihoods remained high, especially among small-scale fishermen because of increased competition and declining catches (Degen et al. 2000; Ratner et al. 2011). Even though many community fisheries were created in an effort to decentralize the resource governance, only a small number of these worked as was expected.² Effectiveness aside, the government has continuously intervened in Tonle Sap with new rules and regulations, while limited evidence is reported on their positive impact neither on the poor nor on the resources concerned.

Sithirith, on the other hand, focused on the issue of territoriality in Tonle Sap, and found that the territoriality system there is complicated due to a numbers of factors

(Sithirith 2011). According to Sithirith, there are three types of common territoriality systems for the lake: fishing lot territorialities, public territorialities, and conservation territorialities. Of these three types, fishing lot territorialities are not only the most powerful but also the most problematic, before the government decided to abolish all the fishing lots in March 2012.³

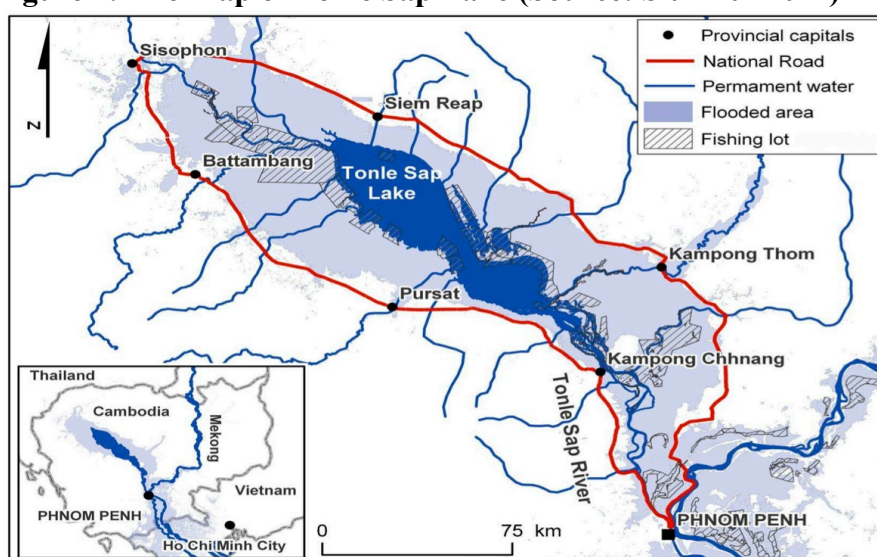
This paper explores the politics of the fishing industry and the rationale behind state intervention in Tonle Sap. Nearly every state intervention involving natural resources is triggered by political motivation, but the exact motives as to why the state chooses particular resources as the target of intervention remains a puzzle. While most natural resource interventions tend to benefit a few elites and extend state territoriality (Ascher 1999; Peluso and Vandergeest 1995), the recent abolishment of the fishing lot system has apparently served the interests of the poor.

The Case: Tonle Sap in Cambodia

Tonle Sap, located in north-western Cambodia, is the largest freshwater fishing area in Southeast Asia. While serving the role of sustaining millions of people, the lake encompasses five provinces and two national roads. The country has two main river systems: the Mekong River and Tonle Sap, both of which have played important parts in the civilization of Cambodia's glorious past, as well as for the livelihood of the majority of the present-day population (Chandler 1992; Béné 2003; Bonheur et al. 2002). Tonle Sap boasts the region's most abundant fishery resources, accounting for two-thirds of Cambodia's total estimated annual fish catch of 400,000 tons (Baran et al. 2007).

The size and depth of the lake varies seasonally depending on the flow of water from the Mekong River and the amount of rainfall in the region. During the dry season, the lake covers an area roughly around 2,700 square kms with the water depth ranging between one to ten meters; during the rainy season, the lake expands to 16,000 square kms. This expansive area is rich in fisheries, biodiversity. Unsurprisingly, the lake itself has become the target of Cambodia's market economy and political interventions.

Figure 1: The Map of Tonle Sap Lake (Source: Sithirith 2011)



We selected Tonle Sap as the site for our case study for four reasons. First, the lake is characterized by complicated territoriality systems that are perfect for our study of state intervention there. Second, the last decade witnessed the greatest number of state intervention cases in Tonle Sap's history. The natures of these interventions are unique in that they have tended to favour de-territorialisation and the poor. Third, nearly 4 million people live around Tonle Sap, with roughly one million directly dependent on its natural resources for their subsistence. The Tonle Sap fisheries are reported to be the most productive in Cambodia (Navy et al. 2006), with yields up to 230 kilos per hectare (Baran et al. 2007). The fish catch has increased noticeably especially since 1999. With two-thirds of the country's annual catch coming from Tonle Sap, lake's reported fishery income is estimated to be at 233 million dollars a year (Baran et al. 2007). Thus, any action concerning the natural resources in Tonle Sap will, to some extent, have an effect on its users. Fourth, Tonle Sap has been an arena of state-society relations between the state and the community, as well as the recent involvement of non-state actors. The latter two actors seem have been able to cooperate and work together for resources management and the improvement of livelihoods in Tonle Sap over the past decade.

For our data, we rely on interviews with key informants, i.e., lot owners and small-scale fishermen, not only because the "politics" of fishery is seldom documented but also because the framing of the issue is often contested, depending on the position of the stakeholder. To balance our perspective, we also interviewed researchers, government officials, NGO workers, and donor consultants. Interviews were conducted by researchers experienced in the field of resources politics, and particularly familiar with Tonle Sap. Researchers also met with state bureaucrats to gain a better knowledge of state policies and intentions in order to better understand the nature of Cambodian state intervention. This research also depends on literature as a secondary source of data: books, reports, newspapers, archives, and governmental records, and speeches by the prime minister.

We visited three fishing communities, spending one week (21-28 February 2012) in the Chnok Trou Commune in the Boribo district, Kampong Chhnang province and the Phat Sanday Commune in the Kampong Svay district, Kampong Thom province. The third target village, visited during 4-8 September 2012, was the Kampong Phluk Commune in the Prasat Bakong district, Siem Reap province.

Historical Process of Territorialisation and Fishing Lots

Tonle Sap has been commercialized and territorialized since the nineteenth century. Before the creation of fishing lot systems in 1908, Cambodian King Norodom, who was the supreme authority in Tonle Sap, benefitted from the sale of trading licenses to Chinese businessmen (Cooke 2011). The king initiated the fish farming system and sold monopoly rights to Chinese businessmen closely associated with the palace, consequently annoying the French because of the considerable tax revenue loss from this sector. The French, however, were powerless against the crown and had to wait until the king's demise to reform the fish farming system, despite the notoriously forced treaty in 1884.⁴

In 1908, French administrators formalized the fishing lot system in Tonle Sap for the purpose of increasing taxation.⁵ Abolishing the previous fish farming system, the French took control of the fishing licenses in Tonle Sap. The lake was divided into different sites, and each site was designated as a fishing lot. These lots were then sold as venture opportunities to rich businessmen. Although the operation did not generate much tax revenue during its initial year because the reform had been hastily implemented, the new system did, however, help to increase tax collection from Tonle Sap in subsequent years. According to Cooke (2011), the early French intervention in Tonle Sap had no conservational purposes, as the main objective of the new fishing lots system was to cancel the royal palace's fishing trade rights and to increase tax revenue. Since its creation in 1908, various Cambodian governments have applied the fishing lot system.⁶

The general fishery farm scheme created in 1879 provided considerable finances for the king. In 1880, King Norodom combined the new fish farming scheme with all existing royal fishery leases into a single monopoly, which increased royalties from 30,000 piasters in 1880 to 240,000 piasters in 1890. Friendly relations between Chinese merchants and the palace provided the former with a virtual total monopoly over the Tonle Sap fish trade.

Following the death of King Norodom and due to disappointment over the low levels of revenue generated by fishery farms (caused in part by cheap acquisition of fishery rights by the Chinese), the French decided to discontinue the fishery-farming system and in 1908 introduced the lot system. After the closure of the old system and the creation of the fishing lot scheme, revenue from the fish trade reached an impressive 337,816 piasters.

A year after the introduction of the lot system, tax from the fishery sector was reported to represent one-ninth of the total state budget. The French, however, were less concerned with conservation during their early involvement in Tonle Sap. Even though the resident supervisor had issued an ordinance to ban illegal fishing on the lake, it was poorly implemented on the ground level and certain illegal activities continued (Cooke 2011).⁷

The French started to introduce conservation projects in Tonle Sap in the 1930s through an improvement in fishery laws and regulations, as well as in the design of Cambodian fishery laws.

Table 1: Chronological development of Cambodian Fishery

Year	Events
1872	Commercial fisheries started in Cambodia
1908	French introduced the fishing lot system
1920	Fishing season defined
1929	Fishing lot system improved
1940	Fishing lot system adopted
1956	Old fishing law re-adopted
1970-75	Civil war, with most fishing lots falling into the hands of rebel groups
1975-79	Khmer Rouge era, resulting in the abandonment of the fishing lot system
1982-89	Commercial fisheries operated by <i>Kromsamaki</i> and military
1989	Fishing laws modified and fishing lot system revived
1999	Many conflicts between lot owners and fishermen
2000	Reform in fisheries and 56 percent cut in lot areas converted into open access
2001	Community Fisheries Development Office established
2006	Fishery laws ratified
2011	Reform in fisheries through three on-ground operations
2012	Cancellation of all fishing lots in Tonle Sap

Source: Author

In the post-independence period, the Cambodian government continued to maintain the fishing lot system in Tonle Sap. During this time, the Fishery Administration was founded in 1956 and created the “new” fisheries law that embodied sections of the previous law.⁸ The government allowed businessmen to submit bids for the right to catch fish in the Tonle Sap lots, and fishery management during this period was reputed to be good, as only a few incidents of conflict or corruption were reported. The government kept the same fishing territorialities, conservation territorialities and public territorialities, while improving their management. According to one villager who lived during this period:

When I grew up during the 1960s, I saw the fishing lot and conservation areas in Tonle Sap. The fishing lot and conservation territorialities were clearly defined. The lot owners could only operate within their lots and they did not dare violate their given boundaries. The conservation areas were well protected and similarly avoided by the locals. If lot operators extended their activities into public fishing areas, people complained. (Interview with villager in October 2012)

From 1970 to 1979, the fishing lot system was virtually abandoned because of the civil war in the early 1970s and the communist regime change later in the decade. Fishing was strictly forbidden, and most of the population was forced to live in cooperative units to work in the rice fields. Only a small fishing unit existed in Kompong Chhnang province for some top Khmer rouge leaders. After a break of more than 10 years in commercial fishing, fish stocks in Tonle Sap in the early 1980s were very rich, and people were able to catch bountiful harvests with traditional fishing gear.

The re-introduction of the lot system in 1987 was a major turning point for territorialities in Tonle Sap.⁹ Officially allotted through a bidding process, fishing lots often ended up in the hands of wealthy businessmen or former lot owners who had good connections with politicians. Once fishing lot owners received their licenses, their operations were supposed to be guided by rules outlined in the so-called “burden

book,”¹⁰ but often strayed from such guidelines in reality. For example, lot owners were officially forbidden to sub-divide their lots for resale to sub-lot contractors, but in reality this was frequently done regardless. Problems related to fishing areas and territories were common between lot owners and local fishermen. Wealthy lot owners used armed guards to protect their boundaries, at times resorting to violence against local fishermen whom they accused of poaching.

The relative sizes of fishing lots in Tonle Sap have decreased since the introduction of the commercial fishing lot system in 1908. As Table 2 shows, the overall sizes of fishing lots gradually decreased from 1919 to 1998. The fishing area fell from 603,880 ha in 1919 to only 390,000 ha in 1998. Fishing lot sizes then increased from 1998 to 2000, which resulted in many fishery conflicts (table 3). There is no explicit explanation for the rapid increase of the fishing lot areas during 1998-2000, but one plausible reason may be the increase in fishery security in Tonle Sap after the final defeat of the Khmer Rouge in 1999. The government may have needed more income to support the newly integrated bureaucrats, and natural resources happened to be the main source of immediate revenue.

Table 2: The development of fishing lot size

Province	Fishing Lot area in 1919 (ha)	Fishing Lot area in 1940 (ha)	Fishing Lot area before 1998 (ha)	Fishing Lot area from 1998-2000 (ha)	Fishing Lot area in 2001 (ha)
Kampong Chhnang	67,667	63,037	NA	62,256	45,084
Kampong Thom	248,272	192,571	NA	127,126	69,353
Siem Reap	NA	NA	NA	83,941	22,725
Pursat	105	NA	NA	55,120	24,848
Banteay Meanchey	182,352	189,362	NA	332,756	6,411
Battambang	NA	NA	NA	146,532	102,718
Total	1,434,710	444,970	390,000	507,731	271,139

Source: Vikrom and Sithirith 2008 (cited from ADF, FAO, and DoF 2003)

Table 2 indicates that the size of fishing lots increased by more than 100, 000 ha from 1998 to 2000. During this time, there were reports of fishery conflicts between the fishing lot operators and the local fishermen over fishing territories. The tension resulted in violent acts such as the arrest of fishermen by lot operators, violent clashes in retaliation, and an official complaint to the national assembly demanding government intervention. In response, during his public speech in Siem Reap in 2000, the prime minister ordered the Ministry of Agriculture, Forestry, and Fishery to study the reduction of fishing, and integrated those areas into public fishing areas.

The Shift towards De-Territorialisation

From the 1970s until the 1980s, the fishing lot system was nearly abandoned due to the civil war and resulting insecurity in Tonle Sap. The private fishing lot system was revived in 1987 by the socialist government in order to supplement the budget through commercial fishing trade in Tonle Sap, as well as for conservation purposes.

A new fishing law called the Fiat Law was adopted in 1987 that incorporated certain elements of the earlier fishing laws while introducing new aspects. The Fiat Law also sought to regulate fishing gear and fishing activities.¹¹ The fishing lot system was in effect in Tonle Sap until March 2012, when the government officially cancelled the entire system.

In 1999, tensions and conflicts intensified (Table 3), making this the turning point when stronger intervention in Tonle Sap was attempted by the state through a major fishery reform in 2000.

Table 3: The Conflict in Fisheries

Year	Number of fishing lots	Total areas of lots (ha)	Number of conflicts
1998	164	NA	826
1999	155	953,740	1990
2000	83	422,203	1258
2001	82	422,203	493

Source: DoF 2002 cited in Hori et al. 2008

As Table 3 shows, the number of conflicts rose until 1999, and began decreasing thereafter. However, the table above tells only a part of the story. Based on our interviews with fishermen, we believe that the number of conflicts far exceeded recorded figures, due to the strong reaction of local fishermen who could no longer tolerate oppression from the lot owners and along with increasingly crowded fishing areas. Furthermore, the reputation of the Fishery Administration itself, which produced this report, is not very good. Many fishermen accused fishery officers of corruption and negligence in allowing infringements of the lot owners to continue (Baromey 2011).

Perhaps in response to the increased tensions, the government ordered the fishing lot areas to be reduced by 56 percent, and re-allocated them as public fishing sites in 2001. Although the main reason for government intervention was to curtail conflict in Tonle Sap, it was also an attempt to promote conservation. The government created three core areas for biodiversity conservation, and assigned the Ministry of Environment to oversee management and protection. The government also converted the commercial fishing lots into research and conservation sites. In order to improve the management of the areas assigned to the villagers, the government created a development office with oversight for community fisheries (CFs). Villagers were encouraged to create community fisheries to control and manage their own fishing areas, in order to sustain harvest levels and to preserve fishery resources.

With partial assistance from the Fishery Administration and substantial support from NGOs, more than one hundred community fisheries were established in six provinces around Tonle Sap. However, many of these are unable to operate as originally planned for a number of reasons. First, there is the problem of funding: financial support from the government is inadequate for such tasks as patrolling and education. Many CFs survive only through the support of NGOs and community contributions. Second, community fisheries are not located near the rich fishery resources, a disincentive for members in devoting their time to the community fishery. Despite the 56 percent reduction in fishing lots, the cut was made in less productive areas only

(Vikrom and Sithirith 2008). Third, members lack the knowledge to work with new concepts like the community fisheries. Fourth, bureaucratic support of community fisheries at the grassroots level is minimal, making it difficult to deal with problems, especially powerful poachers. Fifth, community fisheries have no legal authority to arrest or fine illegal fishermen on site.

The series of state interventions in the 2000s has not produced satisfactory results in terms of reducing fishery conflicts or promoting conservation of aquatic resources in Tonle Sap. Tension between fishing lot owners and local fishermen still exists. Lot owners continue to overuse their power and inflict suffering upon the locals. Furthermore, there are reports of serious ecological destruction—over-harvesting, usage of chemicals, and illegal fishing tools—mainly caused by the lot owners of Tonle Sap and the inadequate involvement of government bureaucrats.¹² Community members had accused government officers of corruption and of allowing lot owners and illegal poachers to overexploit fish in the lake (Sithirith 2011; Baromey 2011). Interviews with village chiefs and other fishermen voiced similar complaints of minor government bureaucrats not implementing their tasks properly.

Even though the government allocated 56 percent of fishing lots to the surrounding communities, local fishermen still faced difficulties. The areas allocated to the community were not the productive areas, which remained in the hands of fishing lot operators.¹³ The lot operators were still powerful and controlled most of the productive areas. They were reported to restrict movement of people within their lots, and accused of using illegal methods to catch fish. Ordinary people were not happy with fishing lot operators and some of the government agencies that came to collect fees from fishermen. Some fishermen narrated their disappointment:

The lot operators were sometimes very rude to fishermen. They did not allow us to navigate through their fishing lots. They also did not allow us to fish nearby their lot areas, even during the closed season. The fishing lot boundary is also unclear. The lot operators claimed very large areas, and our fishing areas became smaller. Particularly, there are many government agencies came to take fees from us, which created yet another hardship for our lifestyle (Interview with group of villagers in Battambang 2009 and Siem Reap 2012)

This story was consistent with the report compiled by the government inspection team assigned to study the situation around Tonle Sap. The inspection committee was formed on 7 July 2011, and was made up of powerful politicians to investigate the management and development of fishing lots around the Tonle Sap Great Lake. The inspection committee was divided into four teams, with each team responsible for one province. Participants included ministers from the Ministry of Water Resources and Meteorology, the Ministry of Environment, the Ministry of Agriculture, Forestry, and Fishery (MAFF), and the Ministry of Rural Development. The committee met on 22 July to discuss its findings and to prepare its final report. This was submitted to the Prime Minister on 10 August 2011 and approval was received the next day. It is interesting to note that there was only one representative from MAFF, the central agency responsible for managing fishery resources. It would seem that the government lacked confidence in the institution responsible for managing fisheries in Tonle Sap.

The inspection committee also noted several unusual incidences in the fishery sector of Tonle Sap, particularly with regard to the practices of fishing lot owners. Although

all lot owners paid taxes to the state, the accrued amount was very small in comparison to the overall income of the 35 lots. Furthermore, their fishing practices were deemed extremely detrimental to the lake's resource stock and its environmental system. None of the 35 lot owners followed the guidance and regulations as articulated in the "burden book." For example, most owners divided their lots and sub-contracted them in exchange for rent. There were conflicts between lot owners and local people every season because lot owners encroached upon the local population's fishing grounds, used illegal gear, blocked navigation routes, and arrested and fined people as they wished, consequently inciting frustration and anger of the locals towards the lot owners and fishery officers. The local people strongly supported the PM 01 Order to close all the fishing lots in Tonle Sap.

The inspection committee recommended immediate action, proposing that ownership of all 35 fishing lots be cancelled, at least temporarily. The Tonle Sap Authority¹⁴ was given the jurisdiction to evaluate and to decide which lots were to be closed altogether, which should remain in operation, and which were to be designated as conservation sites for fishery restoration. Furthermore, they suggested that the government arrange a team to improve the existing "burden book" and facilitate strict compliance. They also proposed that the government modify the structure of the Fishery Administration and amend certain articles of the fishery law, so that local officers could assume greater responsibility.¹⁵ Finally, with the security and safety of locals in mind, they suggested that the government encourage non-nomadic community behaviour by arranging residential areas around the lake.

In response to this report, the government authorized the Ministry of Water Resources and Meteorology, specifically the Tonle Sap Authority, to coordinate state initiatives in the region. In an unusual fishery management procedure, the government fired five provincial officers in Tonle Sap for their inaction. The government also requested the Minister of Water Resources and Meteorology to head three major operations to suppress illegal fishing activities in Tonle Sap, and to destroy illegal fishing gear. Finally, in March 2012, the government took steps to cancel all fishing lots in Tonle Sap.

Table 4: De-territorialized Fishing Area in Tonle Sap

Province	Lot area in 2000	De-territorial area in 2001	De-territorial area in 2012	
		Lot area (ha)	Area allocated to community	Area for conservation
Banteay Meanchey	32,756	6,398	6,149	249
Battambang	146,532	102,718	49,166	52,550
Kampong Chhnang	62,256	45,085	35,125	9,959
Kampong Thom	127,126	69,353	51,850	17,503
Pursat	55,120	24,848	13,898	10,950
Siem Reap	83,941	22,725	20,690	2,035
Total	507,731	271,127	176,878	93,246

Source: Author (cited from FiA report 2012)

After the second intervention and especially after the cancellation of all fishing lots, the community fishing areas greatly expanded in size, followed by the conservation

areas. The government allocated around 77 percent of the former fishing lot areas to the community, and kept 23 percent for conservation purposes (table 4). We could see that over the last decade, the state has intervened twice in Tonle Sap: in 2000, the private fishing lot areas were reduced by 56 percent for re-designation as public fishing grounds for local fishermen and community fisheries (Degen 2000), and again in 2011 and 2012.

The main goal of the interventions was to reduce tensions over the use of natural resources and to promote conservation (Ratner 2006).¹⁶ However, we argue that state interventions over the past ten years have not served their intended purpose. Our field research confirms that illegal fishing and conflicts among the villagers seem to have increased. If the state had wanted to conserve natural resources, this could have been achieved by improving management of the fishing lot system, because certain rules and regulations within the system already emphasized the conservation of fish and flooded forests in and around the lots.¹⁷ As converting large tracts into open-access public fishing areas could lead to their rapid depletion,¹⁸ we assume that the state interventions in Tonle Sap were guided by aims other than mere conflict reduction and conservation. If our assumption is correct, what could have been the state's objectives?

Explaining De-Territorialisation

We aim to depart from the common hypotheses that are often cited to explain state behaviour. Our first hypothesis is that the state might have been interested in maximizing revenue from the rich natural resources in Tonle Sap. However, it is not entirely clear how reducing or abolishing the fishing lot system could have helped increase state revenue, as no direct tax was imposed on the small-scale fishermen who received the dismantled lots. Although it may be possible for the state to gain revenue from future oil and gas explorations, this can be realized only in the distant future because this extraction takes time (Cock 2010). Our second hypothesis is that the state may have been concerned with security issues triggered by the conflicts between resource users and lot owners, or by the disappointment within state bureaucrats. Despite the tension during the early 2000s, no serious security incidents have resulted.

What can explain the intervention series of the state? Was it because of the tax revenue expected from the fishery sector? If increased revenue was the cause, then the state could have maintained the lot system, instead of the more decentralized system that relied on small-scale fishermen. The Cambodian government imposes a 10 percent export tax on fish, and also receives revenue from the sale of licenses to businessmen or rich fishermen for utilizing the fishing lots. Even though the fishery products accounted about 1500 million dollars, its share in the government budget is very small, or only about 2 million dollars a year. Thus, the revenue from the fishery tax could not have been a factor in encouraging the government's frequent intervention in Tonle Sap.

A more plausible explanation is that high-level state officials may have been attempting to redistribute economic benefits to a broad population group via natural resources (Ascher 1999). We examine this hypothesis further with regard to the fishery politics of Tonle Sap.

The economic distribution can be seen through the economic production of fisheries. Fisheries share about 5.5 percent of GDP, which account for about 1500 million USD. The products of fisheries are classified into three types: industrial fishing at about 1.5 percent of GDP; household fishing at about 2.1 percent of GDP; and open field (e.g. rice field) fishing at about 1.8 percent of GDP. Industrial fishing was in the hands of roughly 100 lot operators who shared about 400 million USD. The government intervention of de-territoriality targeted the industrial fishing sector by withdrawing it from the lot operators and distributed to the broad population. The prime minister claimed that he had no hesitation to take the industrial fishing back from a small group of people in order to satisfy the majority of the population.¹⁹

The prime minister acknowledged the smallness of the fishery tax revenue and confirmed that the government had no hesitation to intervene in Tonle Sap regardless of the minimal tax from this sector. He emphasized that the total economic value of managing Tonle Sap was “two million dollars”. Thus, the government must have had other goals motivating its frequent intervention in Tonle Sap. Further study is needed in order to understand the natural resource politics and state-society relations in general, and in Tonle Sap in particular. In order to put the fisheries in context and to understand the motivation behind state intervention in Tonle Sap, we need to understand the country’s decentralization policy and its nature, which come together to form the concrete mechanism linking fishery resources and politics.

Developmental Implication of De-Territorialisation

To locate the political significance of de-territorialisation in Tonle Sap, one must also look into the process of decentralisation. In Cambodia, decentralisation was introduced after a prolonged civil war that lasted from the 1970s to the late 1990s. Many scholars believe that the post-conflict era in Cambodia from 1993 onward was an attempt at democratization (Öjendal and Lilja 2009; Peou 2007). Cambodia’s quest toward democracy is a challenging task due to the lack of professional institutions connecting citizens with higher-level authority (Huges 2003; Kheang 2004). That is why some scholars argue that Cambodian democracy has a number of democratic institutions, but that it operates largely outside of democratic norms (Öjendal and Lilja; Kim and Öjendal 2009; Kheang 2004).

Decentralisation was introduced officially in 2001 with the enactment of the law on the administration and management of communes, and on commune election. These two laws provided the basis legal framework for decentralisation that resulted in three commune council elections in 2002, 2007, and 2012. The Cambodian People Party (CPP) which has controlled the country for more than two decades has won the majority vote in all three elections.

Cambodia held its first national communal council election in 2002 (Slocomb 2004; Manfield and McLeod 2004) to choose the country’s commune chiefs and to replace the old system in which the controlling political party appointed such officials (Öjendal and Kim 2011). The communal council election became the new channel for democratic decentralisation in which power was supposedly transferred gradually from the central authority to the local level. It also provided an opportunity for the people to have a voice in selecting their chiefs to lead and develop their communes.

The commune functions as a platform where local level authorities from different political parties discuss, consult, and make decisions together. Commune council elections, in theory, provide the opportunity for local level authority to be more accountable to the people rather than to the traditional commune chief (Kim 2011). Although many parties were represented in this election, only a few dominated the political scene. The Cambodian People Party, which has controlled the country since the 1980s, always outnumbered the opposition. Commune council elections are evidence of democratic decentralisation, but are also important events for the political parties.

The Tonle Sap area provides direct and indirect benefits to approximately four million people out of Cambodia's total population of fifteen million (Sithirith 2011). The government closed fishing lots and designated large areas as sites for public fishing or community fisheries in an effort to please the people and win support for its policies. Furthermore, the report compiled by the investigation committee indicated that villagers did not support the fishery management system, which had triggered the reform. In return, it was anticipated that the people would continue to vote for them. Winning support at the grassroots level was crucial because this would help to win national elections as well. Natural resources became a convenient cause for elite politicians to promote their interests and gain support for their policy from the masses.

What is new about this finding? There have been various studies on the relationship between politics and natural resources (Ascher 1999), yet most of these have focused on how a handful of elites have tried to promote personal gain by taking advantage of the limited exposure that is characteristic of most natural resources. Our findings in Tonle Sap complicate the common understanding further. First, the reduction and closure of the fishing lots was highly visible and frequently covered by the media. This is at odds with the perception that the state is expected to use natural resources as a "less visible" means in order to avoid accountability in asset or income distribution. Second, it was indisputably a popular policy among most small-scale fishermen, and the policy was welcomed by the poor. Third, despite these apparent advantages, the exact control mechanism of the areas which "opened up" is unclear, and one can imply an interpretation that dismantling the lots system only helped to transfer the property of the lot owners to the state.

This final point deserves further investigation despite community fisheries gaining more room because of the abolishment of the fishing lots, the Fishery Administration certainly lost opportunities to tap the wealth of the lot owners under the table. Thus, the reality is not that the control of resources has been transferred from the rich to the poor, but rather from the Fishery Administrations to other institutions (such as the Tonle Sap Authority headed by the minister of water resources) in the name of decentralisation.

Even though the ministries are dominated by a single party, perceptions and values differ among officials. The division of labour within the government leads to different priorities. Three main ministries are involved with Tonle Sap: the Ministry of Agriculture, Forestry, and Fishery (MAFF); the Ministry of Environment (MoE); and the Ministry of Water Resources and Meteorology (MWM). MAFF is responsible for the management of fishery resources, especially the commercial fishing lot system,

while the MoE focuses on conservation sites and biodiversity issues. The Ministry of Water Resources, even though only recently established, appears to be the most powerful.²⁰ The different perspectives and interests of the line ministries lead to competitiveness and power shifting. For example, the MWM was granted power to suppress illegal fishing activities in Tonle Sap by the Tonle Sap Authority, even though such authority should have been vested in the MAFF. The bureaucratic politics among the related ministries is one avenue for further investigation.

Conclusion

Tonle Sap has not only been the source of livelihoods and biodiversity, but has also been the arena of a power struggle throughout Cambodia's recent history. During the past decade (2000-2011) the Cambodian government attempted two major interventions in the fishery sector of Tonle Sap. These interventions resulted, first, in a 56 percent cut in fishing lots in 2000, and second, in the cancellation of all fishing lots in 2012. The government designated, at least officially, more than half of the sites of the former fishing lots as open access areas reserved for community fisheries. Our interview with government officials in September 2012 revealed that the government allocated 76.37 percent of the former fishing lot areas to the communities, while retaining 23.63 percent for conservation purposes.

The government's allocation of industrial fishing areas to the community along with its conservation efforts were generally welcomed by the poor fishermen and organizations working on fisheries. The fishermen, in the early stage, believed that they received more productive fishing areas and can catch more fish and improve their living standard. The allocation of large fishing areas to community fisheries is also a good sign for sustainable resources management. However, the story at the lake turns out to be different. Fisheries' resources face more serious dangers because of the poor governance of fisheries management. There are many reports of illegal fisheries in Tonle Sap, while community fisheries cannot do much due to their lack of capital and power.

The two interventions in Tonle Sap were justified on the basis of reducing fishery conflict and preserving fishery resources. However, during our interviews with fishermen, community fishery chiefs, fishery administrators, and NGOs working with fisheries issues, all interviewees agreed that illegal fishing increased in Tonle Sap after government intervention in 2011. Thus, it would seem that the government's objective of conserving Tonle Sap natural resources can explain only a part—and perhaps just a small part—of the government's motivation. Furthermore, the community fisheries, as the alternative authority, have not been effective in term of arresting or stopping illegal fishing activities since their jurisdiction is limited to reporting these infringements to the police or fisheries administrators who have greater influence.

With respect to income generation, it would seem that the amount accrued by the government from the fishery sector was around 2 million dollars, a very small amount compared to the overall annual total of about 400 million dollars generated by the fishery business. Thus, state intervention may be a gesture by the Cambodian government towards the subjects, especially in response to the appearance of

democratic decentralization with the introduction of communal council elections after 2002.

Three conclusions follow: First, the modern state may use such intervention measures to secure political support from the poor living in and around the lake. Second, the appearance of democratic decentralization and the importance of gaining the support of the people for the state's policies and political party may have been another reason for the intervention in Tonle Sap. Third, it is no coincidence that the major re-allocation of lots to the poor always occurred a year or two before communal or national elections.

Ascher (1999) argued that it is easy to exploit natural resource because of its low political cost of distorting process. Examining the case of the distortions in Tonle Sap, it was the poor, at least in the short term, who gained greater benefit while certain state agencies such as the Fishery Administration were the losers. Yet to understand the long-term effects, we need a careful examination of the exact impact of the lot closure, both from social as well as environmental aspects. Now that more districts and areas are directly under the jurisdiction of the government as a whole, political analysis of fishing should go beyond the traditional politics affecting Fishery Administrations, lot owners and small-scale fishermen, to politics embedded with the state agencies and how these impact on the livelihoods of fishermen.

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¹ In 2007 Global Witness named many of the powerful Cambodian elites who were involved in the forestry business. After the report was issued, the Cambodian government cancelled relations with this NGO and banned their operations.

² Interview on 7 October 2012 with informant who used to work for community fisheries projects.

³ Government sub-decree 37 Or Nor Krar Kar dated 7 March 2012 to abolish all the fishing lot around Tonle Sap.

⁴ On the night of 17 June 1884, French officer Charles Thomson forced King Norodom to sign a treaty that he (Thompson) had prepared in advance in order to reduce the power of the king. However, this was followed by many rebellions against French, and both parties fought without winning. Finally, the French compromised with the king to end the rebellion. See also Tully J.A (2002) *France on the Mekong: a history of the Protectorate in Cambodia, 1863-1953*. Lanham, Md: University Press of America.

⁵ French administrators increased the fishery tax by selling fishing lots and licenses to fish traders, and by taxing fish intended for export. After the cancellation of the fishery farm system and the creation of the fishing lots, revenue from the fish trade reached 337,816 piasters in 1908 (Cooke 2011).

⁶ After the demise of King Norodom in 1904, the French had greater freedom to conduct major reforms in the areas of administration, education, and in Tonle Sap's fishing trade. Until 2011, the fishing lot system was adopted by Cambodian regimes to collect revenue for governments and to preserve the natural resources such as fish and flooded forest.

⁷ According to Cooke (2011), the years 1900-1902 were catastrophic for the lake's stocks. Nearly all stakeholders tried to maximise their catches without worrying about depleting fishery stocks. No strict regulations had been enacted and the resident supervisor's circular of 1911 prohibiting fish harvesting during off-seasons was ineffective.

⁸ The post-independent government maintained the law and many of the regulations governing fishing lots that had been practiced by previous regimes. For example, locations of the fishing lots were kept unchanged, as were the stipulations that regulated business within the fishing lots. Furthermore, rules and regulations similar to those of earlier regimes were applied to the conservation of fish and flooded forests.

⁹ The fishing lot system was allowed to operate in Tonle Sap a few years after the fall of the Khmer Rouge regime in 1979. During those times, fishing lots were operated as cooperative units; lot owners received state subsidies, but had to supply the state with set quantities of fish in return. In 1987, the Fiat Law, which had been adopted to tap tax revenue from the fishing sector and to prepare for the shift to a free market economy, made private fishing lots possible.

¹⁰ This book outlines the rules, regulations and procedures that fishing lot owners must adhere to in their operations after they have been granted a license to use any given lot. These include, for example, adhering to the stated boundaries of their assigned lot, initiating action to protect flooded forests, promoting reforestation, and ascertaining the release of fish fingerlings.

¹¹ This law defined three levels of fishing scale in Tonle Sap: commercial, medium, and small-scale.

¹² According to a report compiled by a government investigation committee, fishing lot owners ignored the fisheries law and regulations given in the burden book. See Bin Chin. 2012. Activities of the inspection committee on the management and development of fishing lot in Tonle Sap.

¹³ In our interviews, NGOs workers and villagers all mentioned that such allocated areas were not in productive zones. Some areas had neither water nor fish in the dry season, while others were located far away from the villagers, making it difficult for the community to protect or make use of it.

¹⁴ Tonle Sap Authority (TSA) was created on 29 June 2009 and is responsible for managing and coordinating all activities relevant to Tonle Sap and other lake-related areas. This organization functions as intra-institution with many members under the directorship of Prime Minister Hun Sen.

¹⁵ In response, the government ordered The Cambodian Government Jurist Council to study the fisheries laws and check for possible amendments. On 26 December 2011, the jurist council issued their study and offered two options. According to the first option, there was no need to amend the law of fisheries because the law complied with the technical principle law and was applicable to the actual situation. The second option, if adopted, would need amendments to Articles 6, 38, 82, and 103 in order to grant greater authority to the fishery administration offices at the sub-national level for smoother operation of their tasks.

¹⁶ In an extensive speech on 22 March 2012, the Cambodian prime minister spent nearly 3 hours explaining the fishery reform in depth. Starting with the historical development of fisheries and the fishing lot system, he then outlined the main reasons for state intervention in Tonle Sap: to reduce conflicts between private lot owners and fishermen, to conserve the lake's natural resources, and to reduce poverty levels in the surrounding communities. He also criticised the fishery administration for the sector's many problems. According to the prime minister, this fishery reform was a historical event that only his regime was capable of undertaking.

¹⁷ The so-called burden book articulates certain obligations to lot owners: (1) fishing is to be conducted sustainably; (2) flooded forests are to be protected through actions that prevents forest fires; (3) new trees are to be planted in each owner's lot; (4) small fish are to be released into the lot areas to increase fishery resources; and (5) owners are to undertake other tasks to maintain sustainable fishery management.

¹⁸ According to our interviews conducted during 3 to 12 September 2012 with fishermen, community fisheries leaders and their committees, and NGOs working with fisheries and government officers, we found that the number of illegal fishing activities has increased in open access areas after the government cancelled the fishing lot system. The increase in illegal fishing activities is a real threat to aquatic resources in Tonle Sap and it is also another challenge for the government wanting to promote conservation in Tonle Sap.

¹⁹ Prime minister speech on 8 March 2012.

²⁰ In our interviews, researchers and government officials agreed that the Tonle Sap Authority has gained noticeable power under the control of the Ministry of Water Resources. Most recently, the Tonle Sap Authority was granted additional power to lead deep government reforms in the fisheries sector.

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