

*Ruptures in living in and knowing land grabbing in Cambodia*

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## **ABSTRACT**

When the land grab emerged as an object of study in the late 2000s, Cambodia was a ‘hotspot’ due to the scale, rapaciousness, and violence of the land grab. The overall objective of this dissertation is to examine how fear, uncertainty and hope animate and infuse the processes by which relations to land are shaped and reshaped in the context of the land grab. I draw from 20-months of multi-method fieldwork – inclusive of multi-site ethnography, interviews, a large survey across six provinces (n=480), and collaborative research projects with civil society – to make four core contributions. First, I argue that land grabs are not just events but are ontologically more complex because affect and fear contours the process by which people come to know and experience the land grab. Reframing the land grab to see it as a networked object that is tied into, and made up of, wider webs of power unmoored from the moment of displacement has epistemological and methodological implications. The second contribution of the dissertation is to explore these implications. I examine how the workings of fear and uncertainty surrounding the land grab posed challenges to the researcher and the research process. Facing these challenges led me to argue for alternative methodologies that are attentive to affective encounters. Third, I examine how a titling campaign ruptured the land grab and how citizens’ organizing work contributed to destabilizing the dominance of land grabs. I detail two cases in which communities left out of the campaign grabbed onto the openings it provided to make newly legitimate claims to land. Fourth, this dissertation contributes to an emerging literature surrounding land relations in Cambodia. I examine the continuities and ruptures that shaped land relations in the Cambodia-Vietnam borderlands starting with the French colonial period and continuing to contemporary processes of enclosure. These four insights contribute to the study of state formation in post-conflict settings by integrating the roles that fear, uncertainty, and hope play in shaping territorial relations in ways that run counter to common narratives about capitalism and authoritarian-style rule.

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## LIST OF ACRONYMS

ADB	Asia Development Bank
ADHOC	The Cambodia Human Rights and Development Association
AFD	Agence Française pour le Développement
CCHR	Cambodian Center for Human Rights
CNRP	Cambodian National Rescue Party
CPP	Cambodian People's Party
DK	Democratic Kampuchea (also known as Khmer Rouge regime)
EC	Equitable Cambodia
ELCs	Economic Land Concessions
FPE	Feminist Political Ecology
Funcinpec	National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
MAFF	Ministry of Agriculture, Forestry and Fisheries
MFIs	Microfinance Institutions
MoE	Ministry of Environment
MLMUPC	Ministry of Land Management Urban Planning and Construction
ODC	Open Development Cambodia
PRK	People's Republic of Kampuchea
RCAF	Royal Cambodian Armed Forces
RGC	Royal Government of Cambodia
SoC	State of Cambodia
SLC	Social Land Concession
SLR	Systematic Land Registration
VSO	Voluntary Services Overseas
UNOHCHR	United Nations Office for the High Commission for Human Rights
UNTAC	United Nations Transitional Authority in Cambodia



*I can't help but dream about a kind of criticism that would try not to judge but to bring an oeuvre,  
a book, a sentence, an idea to life;  
it would fight fires, watch grass grow, listen to the wind,  
and catch the sea foam in the breeze and scatter it.  
It would multiply not judgements but signs of existence;  
it would summon them, drag them from their sleep.  
Perhaps it would invent them sometimes - all the better.  
All the better.  
Criticism that hands down sentences sends me to sleep;  
I'd like a criticism of scintillating leaps of imagination.  
It would not be sovereign or dressed in red.  
It would bear the lightning of possible storms  
(Foucault 1994, 323)*

*We should not underestimate what the thought of the possible does for those for whom the issue of  
survival is most urgent  
(Butler 2004, 29)*

## ***PART 1: APPROACH AND CONTEXT***

### **1. INTRODUCTION**

I arrive at the titling ceremony in the morning, after seeing mention of it in a local newspaper. Unlike many titling ceremonies that took place in rural communes, this one is at the provincial hall in town, a somewhat uninviting atmosphere. People start to stream in around 8am with police and military scattered throughout the grounds around the hall and lining the perimeter. Shortly before nine, large shiny SUVs arrive, and four officials hop out and enter the hall. The villagers promptly follow. I'm chatting to a woman who had gone to Phnom Penh to protest about titles when a man yells out "Please! Come inside quickly! The ceremony is starting!". People promptly rush in and the doors close.

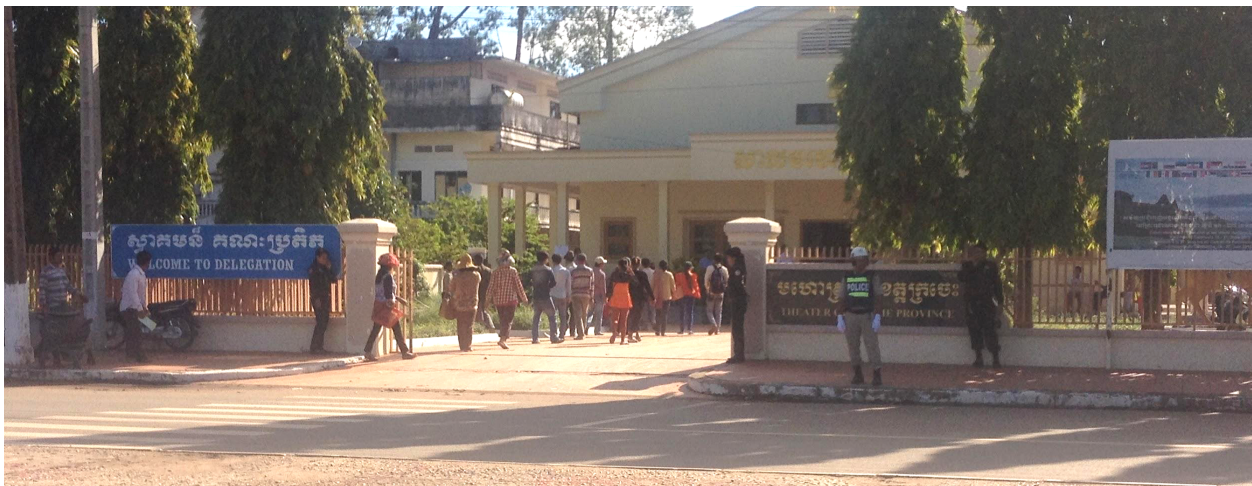


Figure 1-1: Community members arriving to the provincial hall to receive land titles (photo by Schoenberger)

Cambodia has grabbed headlines in popular media and been the subject of numerous reports by rights-groups for the high incidence of land concessions granted to agro-industrial actors. Land grabs escalated with new legislative changes in the early 2000s that re-introduced private property and the concession model to post-conflict Cambodia. Land grabbing intensified in the period around the 2007/08 Global Food Price Crisis associated with the “global land grab”. These grabs were associated with land conflicts and violent evictions throughout the countryside.

In 2012, as land conflicts were peaking (May and Boyle 2012a, ADHOC 2013), the terrain unexpectedly shifted with the announcement of Order 01 by Prime Minister Hun Sen. The Order initiated a moratorium on granting concessions and mechanisms to revert some concessions back to state land. Weeks later, Hun Sen announced a rapid land titling campaign to seize land from concessions for agri-business and forestry and to reclassify land designated as state land to provide land title to smallholders who claimed and used the land. In order to quickly meet targets before the 2013 elections, the campaign enrolled two and half thousand youth volunteers – referred to in speeches as Hun Sen’s ‘nephews and nieces’ – and dispatched the teams of youth volunteers across the countryside. The campaign was a turning point in Cambodia’s land politics and offered smallholders in upland areas the first chance to secure full legal recognition for their land use. Order 01 had the potential to deliver new openings for communities engaged in protracted struggles to maintain land rights in the face of rampant land grabbing.

The survey teams spent half a year in the community to survey and register land for smallholder farmers that lay within the Economic Land Concession (ELC) as part of this national land reform.

After years of conflict, in September 2014, people finally would receive titles to their land. My interest in this titling event is due to my motivations for the research, namely to enhance representations of hope in what is often depicted as a hopeless situation.

Since the villagers had previously protested in Phnom Penh where they were subject to state violence (discussed further in Chapter 7), various members of the state security apparatus are milling around town. I do not dare to approach the ceremony. Instead I sit perched on a wall along the boardwalk of the Mekong river, across the street from the ceremony, talking to people as they drift in and out, and trying to evade the gaze of various police and security actors by playing tourist as best I can. I notice that the owner of a big hotel in the district I've based my research in is here. He is the same man who reviewed my request to conduct research at the start of the year and around whom a number of stories of land grabbing and dispossession centre.

About an hour later, the ceremony ends and people cluster around the provincial hall with plastic folders ready to receive their titles (Figure 1-2). I chat with people as they left the grounds; one man described the ceremony,

A lot of government officials spoke and Mr Im Chumm Lim [the Minister of Land Management] told all the villagers to take care of the land and only use the land themselves and do not sell it. If you need money, I forbid you to sell land, you can use the land title to borrow money and get a microfinance loan (03/9/14).

My Research Assistant and I probe further, asking whether the titles awarded matched the Order 01 survey receipts. The man explains, "I have 6 ha of land according to the receipt from the student volunteers, but I received the title for 4.5 ha, even though the receipt says 6 ha". My Research Assistant, a young student, responded, "I heard from *The Cambodia Daily* that the government

gave all the measured land back, why did you still lose some land like this?'. Quickly, the farmer replies

Yes, yes, there are still problems and still trouble... The authorities said that when we go back to Snuol we have to meet with the district official who is responsible. We have to meet and negotiate to divide the land with each other correctly... we were told we have to go to the land office this afternoon, or to the district on the 9<sup>th</sup>, so the district can resolve the problems. We were told not to go to Phnom Penh again, only go to the district. But now we just get the land title and go home, there is no need to discuss here. Just wait until we are back in the district and then it will be managed there.



Figure 1-2: People line up to receive land titles  
(photo by Schoenberger)

A woman approaches who recognizes me from when I visited the group at a Buddhist temple in Phnom Penh where the community had camped out while protesting in the capital. She proudly shows off her title and we photograph her holding it, she emphasizes how happy she is to have a title. But her son did not get a title yet. In the flurry of conversation about the number of 'heads' of land in the village and the incorrect measurements of heads of land resulting in shrinking plot

sizes, it is suggested that 30, maybe 50, people may have lost bits of land due to poor measuring near the borderlines. People rush to explain that they lost half a hectare, or nearly a hectare, or could not get a title that day due to problems with the survey measurements, or that the writing on the form had been unclear or scratched out and so they will have to wait longer.

The crowd thins out as people hop in public minivans to make the one to two-hour journey back to Snuol. I catch the eye [REDACTED]<sup>1</sup> who invites me to a cafe on the riverside. I go, [REDACTED], and we chat about the titles and the ceremony. But the cafe manager seems to have his eye on us. Later, a man walks through the cafe, his phone raised and we hear the shutter sound flicker. We slowly get up and disperse.

My feeling shifts from wondering if there could be a problem to realizing that there is a problem.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

<sup>1</sup> Excerpts of this dissertation have been redacted because to make these details available (now or in the future) would be a risk to my interlocutors in Cambodia.

[REDACTED]

[REDACTED]

[REDACTED] Later that week, while at a dinner affiliated with the new MOSAIC research project in Cambodia, led by Jun Borrás, various people rushed in and out on their cell phones: a team of researchers from an NGO, Equitable Cambodia (EC), were in an area with a long-running dispute with a sugar company and had been detained. Their colleagues were unable to negotiate their release by phone and they were held overnight in prison ‘for their safety’ until they were packed into state SUVs at 4am, rushed to Phnom Penh, and then held at the Department of Immigration. Their ordeal would be front page news for several days.

As fellow researchers and activists exchanged stories, it became clear that we were in the midst of a sudden crackdown on research on land and that authorities were asking similar questions of researchers. [REDACTED]

[REDACTED]





shot in the same commune where I had done some research for an NGO. It would be front page news the following day. The message also told me not to panic because there were rumours that there was extortion involved and so there was “more to the story than meets the eye”. The commune police chief, a military police officer and a Royal Cambodian Armed Forces (RCAF) soldier were later arrested for the murder. Another researcher-friend wrote to me the following day, “did you see the news in Kratie?? It's like the Keystone Cops up there – except that the cartoon buffoonery is both amusing (the over-turned SUV!?) and deadly.... You should just stay out of there entirely... it would suck to wind up dead”. It was within these so-called avalanche conditions that I decided to pull the plug on village level ethnographic research and to assemble a very different dissertation than I had set out to write.

## **Objectives and motivations**

This dissertation, formed around a series of series of essays, seeks to interrogate how fear, uncertainty, and hope animate and infuse the processes by which relations to land are shaped and reshaped in the context of the land grab. This overall objective is underpinned by two sub-objectives:

- to theorize how emotions, and especially fear, contours the land grab, shapes everyday rural life and shapes what it is possible to know about land grabbing processes
- to understand the dynamics of Order 01, how it proceeded and how it disrupted land grabbing processes

By working towards these objectives, I make four main contributions. First, I argue that land grabs are not just events and are not a bounded object of study confined to a particular Cartesian space. Land grabs are ontologically more complex because affect and fear contours the process by which

people come to know and experience the land grab. Reframing the land grab to see it as a networked object that is tied into, and made up of, wider webs of power unmoored from the moment of displacement has epistemological and methodological implications. The second contribution of the dissertation is to explore these implications. I examine how the workings of fear and uncertainty that surround the land grab pose challenges to the researcher and the research process. Facing these challenges led me to argue for alternative methodologies that are attentive to affective encounters. Third, I examine how the Order 01 land titling campaign ruptured the land grab and created new openings for citizens to advocate for their rights. I detail two cases—one of a community left out of the campaign and one that partially accessed it—to show how citizens were able to grab onto the openings Order 01 provided to make newly legitimate claims to land. I argue that Order 01 destabilized the dominance of land grabs in ordering rural territory. Fourth, this dissertation contributes to the new literature on land relations in Cambodia that emerged in response to the importance of the country in global land grab debates and the rampant rise of land grabbing since the early 2000s. I read processes of land grabbing back to the pre-revolution era (i.e. before the Khmer Rouge abolished all property in 1975) to examine how colonial processes of enclosure in the Cambodia-Vietnam borderlands persist and pattern contemporary resource exploitation and programmes to delimit the rights of smallholders. Taken together, these four contributions inform to the study of state formation in post-conflict settings by integrating the roles of fear, uncertainty and hope play in shaping territorial relations in ways that run counter to common narratives about capitalism and authoritarian-style rule. As a whole, the dissertation contributes to rethinking the land grab.

I have titled the dissertation ‘Ruptures’ – the “moments when opportunities and risks multiply, when the scope of outcomes widens, and when new structural scaffolding is erected” (Lund 2016, 1202) – because a series of ruptures cuts across the phenomena and cases that I examine in the dissertation, namely land grabbing, researching resource conflicts, and struggles for property rights. Ruptures indicate a violent break from something that seemed stable and coherent. The arrival of an ELC in a rural area ruptures livelihoods and nature-society relations. Social relations in the village and state-society relations are also ruptured by the violent workings of the ELC and the uncertainty surrounding who may be on the company’s side and what parts of everyday life may be criminalized. The pervasive uncertainty surrounding ELCs produces fear, and this fear ensures that claims to territory through the concession model take hold. In a smaller way, perhaps better thought of as a tributary in a larger system of rupture, the uncertainty and fear produced by the land grab structures what there is to know and how we can know it. Uncertainty and fear also affects the researcher, and in the case of my dissertation, fear and uncertainty had effects that dislocated its design and methods.

The launch of Order 01 was another rupture in land governance and territorialisation in Cambodia. With its targeting of land granted as concessions, the uncertainty underpinning the land grab network also carried over to the workings of Order 01. Order 01 brought with it a new kind of uncertainty over whether farming families would be able to take advantage of this one-time chance to get a land title free of any charges or fees, and outside of the long-standing, but slow, systematic land registration (SLR) process which had systematically avoided upland areas where ELCs are granted. In addition to rupturing post-war systems of land control, Order 01 also ruptured the international discourse surrounding the global land grab that sees these enclosures of the

countryside as a clear manifestation of capitalist processes of accumulation by dispossession and primitive accumulation (c.f. Hall 2013a, Schoenberger *et al.* 2017, 701–2). Suddenly a state that is typically characterized as a neo-patrimonial kleptocracy was disciplining neoliberal (and crony) capitalism by excising land from concessions and cancelling contracts. Narratives and ‘common sense’ established during the surge of land deals in the late 2000s and early 2010s in Cambodia held that the country was for sale, and although there was a vibrant civil society sector and new forms of community organizing, that there was no way out or ways forward. No one at all saw a possible future in which the Hun Sen and the central government would offer (and fund) the means for smallholders to secure their land vis-à-vis the claims of powerful concessionaires. Even the front-page headline of the *Phnom Penh Post* read “Critics dismiss Hun Sen’s pledge as empty promises” the day after Hun Sen announced there would be a land titling campaign targeting ELCs (Boyle and May 2012). And yet suddenly, and despite all the problems in the land sector, there really were new openings. Surprising things did happen. Ordinary rural people were able to grab onto and take advantage of these events.

### *Hope*

From the outset, my research was motivated by an overall goal of enhancing representations that could dislodge the perceived dominance of the concession system in rural Cambodia and the sense that the situation is hopeless for rural smallholding farmers. I wanted to contribute to research that identified fissures and openings (Gibson-Graham 2006) rather than “confirm what everyone already knows – the violence of capitalism on the third world” (Roelvink and Carnegie 2011, 127). My thinking was oriented by Sedgwick’s arguments for ‘weak theory’ and ‘reparative’ modes of

thinking that harness “hope and the possibilities of ameliorating social problems in the present” (Brown and Browne 2011, 123) and that rejects modes of theorizing and scholarly representations of hegemonic forces that suggest “you can never be paranoid enough” (Sedgwick 2003, 142). To do so, I aimed to respond to Gibson-Graham’s call for a politics of possibility that

rests on an enlarged space of decision and a vision that the world is not governed by some abstract, commanding force... this does not preclude recognizing sedimentations of practice that have an aura of durability and the look of ‘structures’... it is rather to question the claims of truth and universality that accompany any ontological rigidity and to render these claims projects for empirical investigation and theoretical revisioning. Our practices of thinking widen the scope of possibility by opening up each observed relationship to examination for its contingencies (2006, xxxiii).

Hope is oriented around the temporality of the ‘not-yet’ (Bloch 1998). Focusing on the ‘not yet’ emphasizes that undetermined futures hold hopeful moments. An orientation towards hope is not a fall into ‘cruel optimism’ (Berlant 2011) or a naive sense that struggle is no longer needed. Rather, a hopeful orientation involves a temporal re-orientation of knowledge practices to focus on the emergent and the prospective, that is, what has not-yet become (Anderson 2017a, 594) and recognizing that “hope is without guarantees; its ground is not-yet” (Anderson 2017b, 474).

If we see hope as a relational phenomena that engenders a sense of multiplicity and possibility (Anderson 2006, Anderson and Fenton 2008, Roelvink and Carnegie 2011) and that can emerge through a series of contingencies and dislocations, then Order 01 can be seen to provide a counterpoint to the shadowy networks of land grabs. In a context where rural people have faced decades of ongoing land dispossession and state violence, the land titling campaign was a “dramatic disruption or interruption in the existing organization of the actual” (Anderson 2017a, 584). This rupture mattered because it introduced new possibilities for a rural life that might

become. To examine such changes I took inspiration from Nicholas Blomley's (2007, 62) advocacy to integrate hopefulness into critical geography scholarship:

We need sharp, incisive critiques of existent geographies of power and violence, yet not at the expense of careful, considered utopianism. We need, in short, a critical geography animated by anger and hope.

### *Feminist Political Ecology*

This dissertation could have been another piece of work that evades self-identifying explicitly with feminist political ecology (FPE) (Elmhirst 2011a, 130, 2015), even though it brings feminist approaches from science studies and the insights of feminist geographers to bear on what are core themes in political ecology, namely accumulation, enclosure and dispossession; the access and control of resources; and environmental struggles around power, justice and governance. As a subfield of political ecology, developing from gender and development studies, FPE emerged in the 1990s as an endeavour to join feminist and political ecology scholarship “from the ground up” (Rocheleau *et al.* 1996, xv). The goals of early FPE were to extend analyses of power to include gendered relations (the focus of Chapter 8); to include closer scales of analysis (Rocheleau *et al.* 1996); and to complicate notions of ‘community’, the ‘local’, and the ‘household’ (Rocheleau 2008). These goals were spurred by an explicitly feminist concern to transform gender hierarchies and create more equitable outcomes for women (Rocheleau *et al.* 1996). FPE is characterized by a shared, if implicit, commitment to feminist epistemology, methods and values that challenge dominant, masculinist conceptions and practices of knowledge and authority (Elmhirst 2015, 519). It also gives emphasis to research and practice that empowers and promotes social and ecological transformation for women and other marginalized groups. FPE has engaged with feminist science studies to recognize the situatedness of knowledge claims and to tackle forms of “epistemic

privilege and authority within Political Ecology (and beyond) that render women's interests and gendered power relations invisible" (Elmhirst 2015, 520).

Since its founding, the subfield has faced challenges. Post-structuralist approaches to subjectivity and power have destabilized 'gender' as a central category of analysis. Scholars and activists asked how nuanced approaches to subjectivity and power "in which gender is seen neither as analytically central nor as the endpoint of critique and analysis" might still be regarded as 'feminist' political ecology (Elmhirst 2015, 521). I faced similar questions when considering how to characterize my work as belonging to FPE because although it is feminist in its objectives, strategies and methods, I do not always hold gender at the centre of my analysis of power relations.

In response to developments in social theory, in 2011 Rebecca Elmhirst set out a vision of 'new' FPE in a special issue of *Geoforum*. The collection considered how FPE can integrate post-structuralist theorizations and performative approaches to understanding gender while proceeding to "tackle the issues that animate PE more generally" but from "an avowedly 'feminist' political ecology approach" (131) that maintains sensitivity to "complex assemblages of power that underlie environmental and development issues" (Elmhirst 2015, 527). 'New' FPE draws from feminist theory to develop an embodied, performative and post-structuralist theorisation of gender that is suited to the ways in which contemporary gendered lives and livelihoods are being re-worked (Elmhirst 2011). New FPE does not align closely with any one analytical framework and engages with recent post-structuralist, post-humanist, and post-capitalist feminist theory (Elmhirst 2015). Within this 'new' FPE, I situate my work in the vein characterized by "permeable boundaries of an open-ended political ecology" (Elmhirst 2011, 131). My collaborative work with Alice Beban

(explained next) is a small contribution towards interweaving contemporary feminist approaches concerned with embodiment, emotion, and affect (Sultana 2011, 2015), and the intimate scale of the body as a site of knowledge production and a scale of analysis, and the ways in which the intimate is interconnected with other scales (Elmhirst 2011b, Ge *et al.* 2011, Nightingale 2011, Hayes-Conroy and Hayes-Conroy 2013, Kimura and Katano 2014) in the politics of land control. From the starting point of land grabs, we give attention to the ways in which changing ecologies and nature-society relations bring categories of social difference into existence as new vulnerabilities take shape and subjectivities are transformed as everyday peasant life becomes criminalized. Our work is focuses on the everyday dynamics of land relations and threats to land control and is attentive to how these dynamics are enmeshed in intimate relations. We develop a relational ontology that shows how the land grab is part of the affective, emotional dynamics of embodied everyday life through attention to the workings of fear. Collaborative work, which I explain next, is also central to FPE's commitment to collaborations with other engaged actors that span academia, policy, practice and activism (Elmhirst 2015).

### *Collaborative research*

Work done by science studies and political ecologists have made clear that all knowledge is co-produced. This dissertation is no exception. I have been asked by my committee to explain and justify why some of the work in this dissertation is collaborative. This dissertation results from a series of encounters in which knowledge was co-produced through conversations, questionnaires, observations, group activities and the quotidian stuff of 'hanging out'. It is inclusive of my work with development organizations and institutional research projects that I pursued in tandem with



my dissertation research (explained more in Chapter 2). I thread the social relations that constituted ‘the field’ throughout the chapters to draw out the sociality of the field and the various actors who were co-present and who co-produced meaningful encounters and moments of knowledge production. I do this as part of pushing back against disciplinary histories assembled around the ‘lone researcher’ (Sundberg 2003, Ross 2015). Doing so also contributes to work done to problematize masculinist underpinnings of geography as a discipline that deny the fundamental messiness of the field (Billo and Hiemstra 2013, Harrowell *et al.* 2017). The disciplinary traditions, as noted by Trevor Barnes and Derek Gregory (1997, 15), position the geographer as a man

Who had been elevated above the rest of the population, and who occupied a position from which he could survey the world with a detachment and a clarity that was denied to those closer to ground (whose vision was supposed to be necessarily limited by their involvement with the mundane tasks of ordinary life).

Knowledge for this dissertation was co-produced through moments that extend from the bamboo floors of village huts; clearings in the forest; cafes in town; to meeting rooms (both fancy and ramshackle), bars, and parks in Phnom Penh; and has extended to policy-oriented writings with practitioner researchers and to collaborative writing projects with academics. I see writing that foregrounds collaborative efforts to be part of pushing back against masculinist epistemology that tends to veil or ‘repress’ the “concepts and technologies that make its observations possible” (Gregory 2000, 206, Sundberg 2003, 181). Not all of the relationships that were co-productive developed into relations of co-authorship. Three of the nine chapters in this dissertation are published collaborative pieces. The distinction between co-production of knowledge and co-authorship was based on the work of abstraction, analysis and theorization, and the long process of drafts, revising, and so on.

Collaborative writing also had pragmatic motivations. First, and most straightforward, the ruptures in my study design produced by state intimidation caused me to rely more heavily on the full spectrum of my research experiences, especially collaborative institutional research projects. Second, two chapters are part of a collaborative writing project with Alice Beban (now Faculty at Massey University in New Zealand). Alice and I met regularly during our dissertation research and commiserated about the challenges we faced. Over the four years that we have been working out the challenges of researching land grabs, the dynamics that underpin these grabs and the particularities (and peculiarities) of Order 01, we have identified many reasons for co-authorship. In particular, we saw multiple rationales for why we ought to merge our experiences to co-author pieces about the workings of fear. Chief among these rationales was that merging our experiences – and stripping away any details that would allow for some kind of accounting of the what, who and where – would better speak to how the land grabbing network works. The pattern of our findings and experiences repeated across academic and practitioner research, across half the provinces of Cambodia, and across field teams that were foreign, mixed, or wholly Cambodian. Bringing them together and fully integrating them produced what we feel is a more powerful argument. Also, by writing together and removing identifiable traces of specific places and cases of land struggles from our accounts of the field we provide one another with ‘cover’ to go on the record (i.e. publish papers) about our various failures and challenges and to commit to documenting experiences with the state in which we were vulnerable. As Sundberg (2003 187-88) argues, silence about diverse field experiences is problematic because it leads researchers to “individualize and therefore conceal the challenges they encounter” and because it “obscures the power relations that constitute researcher and researched, thereby masking the relationship between power, knowledge and inequality”. One of our key suggestions is that the challenges we

faced were anything but individual. We also chose to write collaboratively as a vehicle to commit to our feminist ethics and put them into practice.

## **Conceptual Orientation**

### *Territorialization and exclusion*

Peluso and Lund (2011) define ‘land control’ as the practices that fix or consolidate forms of access, claiming, and exclusion such that it encompasses enclosure, territorialisation, and legalization processes as well as force and violence. Territorialisation is understood as “a mechanism with many possible means for control of people and resources by controlling territory or land”, it is a process that is part “of both governance and the disciplining practice associated with governmentality” (673). As a process, territorialisation produces powers and mechanisms for restricting access that are “no less than power relations written on the land” (673). These power relations include the ability to draw boundaries around resources (objects) and the people within those boundaries (subjects), to control and to govern by claiming the power to govern territorially (ibid.). Territory can be both the “claim to control land and resources as well as a claim to the *authority* to determine who controls those resources” (Corson 2011, 704). Both the formation of ELCs and the legalisation of land occupation through Order 01 are territorialisation projects. As territorialisation projects, both produce sovereignty and imbue some actors with authority (Lund 2011). In the case of Order 01, new actors in the form of youth volunteers became imbued with state-like authority and posed a series of challenges to actors who had produced their authority through the granting and managing of ELCs or through systems that operate outside of the national cadastral system that recognized smallholder claims. The youth volunteers (described in Chapters

3 and 6) nuance work on authority and territorialisation because their actions across the countryside produced authority, but their authority is temporary and contingent on a short-lived campaign.

Thinking about territory as a process requires attention to how it is a labourious work in progress, prone to failure and permeated by tension and contradiction. Territory is never complete but always becoming. It requires constant effort to establish and maintain and is produced through strategies “to affect, influence and control people, phenomena and relationships” (Sack 1986, 19). Territory is also “a promise the state cannot fulfil” (Painter 2010, 1094). Order 01, with its activities of mapping, ordering, measuring and demarcation, and the ways in which these strategies are normalized (Elden 2010), produced territory as a ‘space’ and generated new political categories. In thinking about the role of surveys and mappings in forming a relation of territory, and its imbrications with other things, it is useful to consider Painter’s (2010, 1093) claim that “territory must be interpreted principally as an effect” of networked relations involving both human and non-human actors. Towards this end, Painter (2010: 1095) offers the idea of “the territory-effect” which can be understood as “the outcome of networked socio-technical practices and a product of relational networks”. One of its analytical advantages is to frame territory “not as an actual structure, but as the powerful, metaphysical effect of practices that make such structures appear to exist” (Mitchell 1999 cited in Painter 2010: 1095). This conception also centres on the work taken to make territory, the “considerable inputs of labour, expertise and other resources” that is often “continuous and repetitive” because “delimitation, contiguity and coherence have to be constantly reproduced to sustain the effect of territory through time” (Painter 2010, 1105).

This dissertation examines processes of territorialisation, recognising that territorialisation is always incomplete. Territory is made through an amalgam of territorialising practices that include a variety of state and non-state actors. Territorialisation is produced through the concession and plantation system, via the Order 01 land titling campaign, and via struggles that produced other territorialised outcomes, like Social Land Concessions (the topic of Chapter 8). These processes each had their own set of actors, inclusive of French colonial administrators, investors, indigenous chiefs, everyday peasants and outlaws; the Prime Minister, his family, and his so-called ‘nieces and nephews’, the youth volunteers tasked with demarcating territory, and the local officials ordered to support this new project; regional investors, international Embassies, community leaders, village activists and everyday farmers. In tracing these practices, I show the ongoing work to territorialise and give an ethnographic look at who does the territorialising. By doing so, I contribute to literature that analyses how authority and territory are produced under conditions of repeated ruptures in rule (Byrne *et al* 2016).

### *Entanglements of temporality and landscape*

I have taken a large temporal and historical scale to give attention to multiplicities and entanglements. Doing so casts attention on the integrated lived meanings of land and dispossession in a context characterized by multiple ruptures in tenure, in the legal mechanisms to make claims to land, as well as the existence of multiple and overlapping claims to land. In working through multiplicities, I have taken inspiration from Mbembe’s (2001) work on temporality, arbitrariness, and the *longue durée* to consider how current subjectivities are entangled with past experiences of dispossession and uncertainty.

Mbembe has argued for attention to how the present is imbued with the colonial past. Several chapters in this dissertation apply this notion by integrating the spectres of violence starting with the internal and international conflict of the mid-1960s, through the Khmer Rouge regime from 1975-79, and to the civil war that ended in 1998. I bring together these eras to consider how they are re-inscribed in the *longue durée* via “an interlocking of presents, pasts and futures, each age bearing, altering, and maintaining the previous ones” (16) to show how they shape the land grab system and processes of dispossession.

One of Mbembe’s key theoretical interventions in *On the Postcolony* is to disrupt linear notions of time to show that the past and present are intertwined and entangled instances of several temporalities that are inclusive of “emerging time” or “time that is appearing” (16). This is important, he asserts, for several reasons: it better incorporates the *Zeitgeist* of lived experience; it captures the context of lived experience; and it captures a context of emerging time “in which the future horizon is apparently closed, while the horizon of the past has apparently receded” (17). It also helps to focus on experiences of time in a way that re-directs attention to what it means to be a subject in contexts of instability and crisis. This approach to temporality motivated my reading the landscape and concession system back in time to the French colonial territorialisation efforts in Chapter 3 to show how the same rationales linger in the present. The temporal shift has also informed the arguments advanced in Chapters 4 and 5, which read the workings of fear in the present against histories of turmoil, war, dispossession and extreme state violence.

Mbembe's writings of the *Zeitgeist* are attentive to how particular things are constituted by sets of material practices, signs, figures, superstitions and fictions that gain meaning because they are drawn from lived experiences and as such inform individuals' imaginations and knowledge of the world. The land grabbing network and its workings in the late 2000s and early 2010s are one such *Zeitgeist*. Another is the Khmer Rouge era that certainly has a distinctive *Zeitgeist*, with an entirely distinct set of material practices that are part of many survivors' lived experience and are tied up with the "languages of life" and thus part of their "life world" (15). In particular, it was during this period, and the violent ages before and after the regime, that much of the Cambodian population "came face to face with the opaque and murky domain of power, a domain inhabited by obscure drives... plunging human beings into a never-ending process of brutalization" (14). This conceptual orientation and attunement contributed to a re-reading of narratives of fear and uncertainty surrounding land grabs (Chapters 4 and 5). This re-reading helped us to locate the local, complex orders in which actions are given meanings, and to consider how these meanings contribute to the grounded categories people use when they think about threats, intimidation and violence. This re-reading requires attention to the "special vocabularies in which the political imaginary is expressed" (40). Taking my cue from Mbembe also directed my attention to how moments of crisis may be "hydra-headed" monstrous configurations of events that "overlay one another, interpenetrate one another, and envelope one another: an entanglement" (14). Attention to entanglements of multiple spatialities, temporalities, and power relations, "with their gnarly knots that defy orderly undoing and contingent constellations that pull in different directions" (Moore 2005, 9) underpins this dissertation. Like Donald Moore, I emphasize historical sedimentations, both discursive and material, that entangle subjects and territories (12).

## *Fear and uncertainty*

Fear, in Cambodia, is pervasive. As Smith and Pain (2008, 2-3) contend

fear does not pop out of the heavens and hover in the ether before blanketing itself across huge segments of cities and societies; it has to be lived and made... assemblages of fear [are] built, trained, woven, wired, nurtured and natured into the way specific times, places, and events work.

Fear of the state in Cambodia intersects and layers with collective memory of the Khmer Rouge and decades of civil war. This fear is explicitly invoked by Hun Sen through frequent reminders that the country would plunge into chaos, returning to the extreme poverty from the last time the regime was overthrown (i.e. 1979), if he is no longer Prime Minister and if the ruling party loses support (Strangio 2014). The Khmer Rouge hangs as a spectre, and can be made to haunt everyday life. The building blocks of the contemporary state were put in place during the Vietnam-supported People's Republic of Cambodia (Gottesman 2003). In particular, the socialist-authoritarian structures and orientations – central planning, tight surveillance, and social control mechanisms that extend down to the village level to prevent anti-government resistance – have persisted through the 1991 Paris Peace Accords, the United Nations Transitional Authority (UNTAC, 1991-93), and the post-1993 electoral democracy (Milne 2015). In this context, fear is omnipresent, it seeps into moments, shapes discourses, behaviours and the everyday (Chapters 4-5). It works because the lines between farmer and activist, villager and opposition supporter, legal and illegal, are never clear.

“When the Prime Minister speaks, that is the law”, I was told. Speeches and unwritten rules guide state actions, contributing to uncertainty (Chapter 7). ‘Rules’ do not necessarily wholly exist prior to encounters (Chapters 4, 6, 7). When farmers, villagers and researchers encounter the state the ‘rules’ are re-created in each encounter as part of a delicate negotiation in which state actors draw



on legal tools and extra-legal means to determine outcomes. Pandemic uncertainty encourages self-discipline, raises the spectre of coded threats, and disrupts subjectivities as it is impossible to be sure where others stand relative to the murky workings of state-military-party-concessionaire-loggers alliances.

Uncertainty also structures openings, possibilities and rewards (Chapters 6-8). Through the Order 01 campaign people did get land titles. Some communities do get land rights recognition through protest. But these outcomes can also be fragmented. Just as fear is reinforced by Hun Sen threatening the imminent devolvement into chaos should he lose power, security and opportunities also flow down directly from him (see Chapters 6, 7). Sometimes Hun Sen directs his support through ministries, or through the provincial level and down to the village level – and yet the message is clear. Hun Sen decides who can have rights; who can edge closer under the state’s umbrella of protection; who can be saved from abandonment.

## **Organization of the dissertation**

This dissertation has three parts. The first is an introductory section, inclusive of this chapter, my methodology (Chapter 2) and the context of the study site (Chapter 3). Parts 2 and 3 of this dissertation coalesce around the two foci of this dissertation, namely, the ways in which land grabs rupture rural state-nature-society relationships as well as the research process (Part 2); and the opportunities and upheavals that the land titling campaign brought to those living around land grabs and to those tasked with governing the campaign (Part 3). This dissertation is a hybrid: it contains four published papers and four dissertation-style chapters in addition to this introduction.

In Part 1, Chapter 3 provides the more detailed background needed to situate my analysis. I provide a historical background of the role of rubber in state territorialisation projects, the challenges it posed to indigenous livelihoods nearly one hundred years ago, the role of rubber in the political sea changes and violent upheavals of the late twentieth century, and how plantations articulated with other waves of enclosure, especially the rapacious logging regimes of the 1990s. I also give an overview of how concessions have been re-tooled and re-deployed in the post-conflict era and introduce the core components of Order 01 that are needed to contextualize Parts 2 and 3 of this dissertation, respectively. Finally, this chapter introduces the field sites in which my research took shape.

Part two of the dissertation is a collaborative project with Alice Beban that incorporates contributions by feminist geographers to the lively literature on land grabbing to reconsider how the land grab can be known and researched. Drawing from our field experiences and the emotional world of the land grab, we make a series of interventions in the ontology, epistemology and methodologies underpinning land grab studies. In Chapter 4 (currently in press at *Acme*), we reflect on how our research on land grabbing was thwarted on multiple fronts. Through an examination of how the land grab worked to undo our research designs, we advocate for an alternative epistemology of the land grab and suggest methodologies for understanding violence in places where long-term ethnography may not be possible. We incorporate Nancy Hiemstra's (2017) writings on the periscope as a creative assemblage of methods that can reveal cloistered objects. Our methodological assemblage revealed land grabs as more than an object; we instead came to see it as a 'networked object' that is tied into, and made up of, wider webs of power

unmoored from the moment of displacement, whose effects travel through bodies and across space. We shifted towards embracing the potency of affective encounters as moments that force us to look, interpret and think differently. We argue that attention to the feeling and embodiment of everyday encounters can lead to a different understanding of the violence of land conflict; a violence that works through bodies, across space, forecloses futures, and implicates the researcher within this system.

In Chapter 5 (published in the *Annals*, 2018), we draw on our experiences with fear and intimidation to argue that the land grab is a project that produces fear and is reliant upon fear. Recent literature on resource conflict focuses on acts of physical violence, but for people who live near spaces of land grabs, the everyday is marked by a different kind of violence; an incoherence and pervasive fear that threatens people's sense of self and the entire social fabric of their worlds. We detail how shadowy networks of actors involved in land grabbing layer memories of war and authoritarian regimes with new threats to control populations and facilitate capital accumulation. We argue that in this context, the "grab" is not just a physical enclosure of land but an affective grab that precedes, surrounds, and reverberates beyond the site of the grab itself. We seek to make theoretical contributions in two ways: theorizing fear as a tool of governance that facilitates state control and capital accumulation, and through this analysis, broadening the ontology of land grabs by foregrounding affect in processes of dispossession to show how the grab reverberates beyond bounded sites. The researcher is also subject to violence, raising questions about what ways of knowing are possible as fear shapes the research process and the subjectivities of both researchers and research participants.

Part 3 turns attention towards the campaign that disciplined the operations of the land grab system, Order 01, and looks at how the campaign ruptured the land grab network through a short and fast period of land reform (Chapter 6). I read findings from a large mixed-methods study to show how the campaign articulated with local land governance and tenure in the study region. What these findings show is that the campaign was highly uneven and important questions persist for people who were not able to fully access the campaign. As a step towards answering these questions, and as part of my goal of enhancing hopeful representations of land politics, in Chapters 7 and 8 I examine two high profile cases of communities that won land back from rubber concessions after being excluded from the titling campaign.

Chapter 7 (published in the *Journal of Peasant Studies*, 2017), focuses on one community in Cambodia that won back land from a large land deal by grabbing onto the rupture in property relations initiated by a one-year land titling campaign. I document the struggle between competing legibility and illegibility projects which I examine through two moments, one of the state choosing to see its population and their relations to territory, and another in which the state's excuses for not recognizing smallholders' claims began to falter. By centring the role of excuses, I show how state authority and property relations fractured around the campaign and how traces of the campaign enabled citizens to claim the right to have rights.

Chapter 8 (co-authored with Lamb, Middleton, and Un and published in the *Journal of Peasant Studies*, 2017), develops out of a research consultancy with Vanessa Lamb and collaborators in which we went to an area that had been left out of Order 01 but gained tenure security through a Social Land Concession (SLC) they won through protest after a violent multi-day eviction in 2014.

The chapter examines what we argue has been overlooked in the Cambodian context: the roles and practices of women in relation to men and their complementary struggles to protest land grabbing and eviction, and to subsequently rebuild community and state relations. Through a feminist political ecology lens, we examine how protest and post-eviction community governance are defined as women's or men's work. Our case also reveals how 'rebuilding' gender relations in rural Cambodia simultaneously rebuilds uneven community and state relations.

In Chapter 9 I present my conclusions and reflect on the analyses made throughout the dissertation. The Afterword juxtaposes the build-up of hopeful energy prior to the 2013 elections with the closure of democratic space and intensifying authoritarian rule in advance of the 2018 elections.

## 2. METHODOLOGY

This chapter gives an overview of the research activities underpinning this dissertation: the what; where; with whom; when; and sometimes, why. The deeper methodological and epistemological insights are later in Part 2, where I propose epistemological and methodological strategies to overcome challenges to researching conflict and the study of land grabbing (Chapter 4) and work through the insights offered by disruptions to the research process to argue for an expanded ontology of land grabs (Chapter 5). This chapter serves to narrate the trajectory of my research and to describe the epistemological orientations that shaped the research.

### **Original proposal**

The proposal I defended prior to leaving Toronto in mid-July 2013, was oriented towards reframing the global land grab debate by grounding it in Cambodia and integrating a hopeful stance. I had planned to examine the assemblages of power used to form land concessions and to effectively counter them. My proposed research questions focused on the geography and history of land concessions; how concessions impact communities; the narratives surrounding concessions; the strategies communities have adopted to counter concessions; and how research could more effectively support smallholders' efforts to maintain access to resources. Situating my research and approach, in 2013 I wrote:

Much of the current academic and activist literature on Cambodia focuses on the role of state corruption and neoliberalization in 'opening' land to investment. In spite of the increasingly vibrant social movements formed to counter land dispossession in Cambodia, such efforts are seldom the focus of academic writing or the rights-based grey literature. Instead, much of this work seems locked in a system of limited hope, seemingly circumscribed by descriptions of neoliberalization

as manifest in new ‘land grabs’ (Sneddon 2007, Barney 2010, GTZ 2010, Guttal 2011) in the context of state kleptocracy (Le Billon 2000, De Lopez 2002, Hughes 2008, Cock 2010, Springer 2011, Un and So 2011) and made worse by the suspension of the law and state protection for the poor (CHRAC 2009, Oxfam Hong Kong 2011, Springer 2011).

This body of work does an excellent job of describing the constellations of power that facilitate land grabbing and the appropriation of wealth and resources, something which neither can nor should be overlooked. But this literature does less well in helping to form a vision of possibilities to contest or alter these processes to achieve more positive outcomes for those facing the threat of losing their land or those navigating the subject position of the displaced and the dispossessed. It also offers little suggestion as to how to counterbalance the representation of land as an object or target of investment and financial flows driven by changes in global commodity prices by contrasting it with community ideas of land as a source of livelihood and security.

I framed the project with the intent of identifying opportunities to foster new possibilities through researching counter movements and the “collaborations that are the hopeful edge of a political project” (Tsing 1999, 160). This framing drew from Gibson-Graham (2006, 7), who argued that part of the work to produce new possibilities, is asking “theory to do something else – to help us see openings, to help us to find happiness, to provide a space of freedom and possibility”. Nicholas Blomley (2007, 60), when praising the intervention that Gibson-Graham offer in re-thinking the economy, asks “Why not rethink other axes of power? Why stop with the economy?”. The approach offered by Gibson-Graham certainly can be extended to other axes of power and I intended to adapt their invitation to hopefully engage with a world of possibilities in the context of researching processes of land dispossession in Cambodia. I saw opportunities to rethink scholarly representations of land dispossession as part of exploring new ways of moving from theory to action. My proposal developed from their assertion that “reframing can create the fertile ontological ground for a politics of possibility, opening the field from which the unexpected can emerge, while increasing our space of decision and room to move as political subjects” (Gibson-Graham 2006, xxx).

I was interested in the performative<sup>2</sup> effect of representations of land concessions that focus on the neoliberalisation of natural resources, state kleptocracy and neopatrimonialism, and the barely functioning Cambodian legal system. Taken together, I suggested, the dominance of land grabbing was established partly as an effect of its representations. In many ways, I argued, these representations confirm “what we already know – that the world is full of cruelty, misery and loss, a place of domination and systematic oppression” (Gibson-Graham 2006, 8). My thinking was oriented by Sedgwick’s arguments for ‘weak theory’ and ‘reparative’ modes of thinking that harness “hope and the possibilities of ameliorating social problems in the present” (Brown and Browne 2011, 123). Gibson-Graham (2006, 7–8) have engaged with ‘weak theory’ to argue that we should instead use theory to help to see openings and to provide a space for freedom and possibility and to avoid theorizing that encompasses the present and shuts down the future. Although termed ‘weak theory’, working from this stance does not prevent us from “retaining a keen sense of anger at the existence of harm, damage and suffering” (Anderson 2011, 129). Indeed, I argued, “this is not a project without a politics”.

Starting from a position of weak theory appealed to me because of the degree to which cruelty, misery and loss experienced by the poor, and the domination and systematic oppression on behalf of the powerful, constitute the foci of representations of Cambodia. These representations can converge to produce a feeling that there can be no escaping the all-encompassing processes that

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<sup>2</sup> My thinking about the performativity of knowledge is guided by the work of Eve Kosofsky Sedgwick (2003, 124, original emphasis), who asks:

What does knowledge *do* – the pursuit of it, the having and exposing of it, the receiving again of knowledge of what one already knows? *How*, in short, is knowledge performative, and how does one move among its causes and effects?



dispossess people of their rights and access to resources. Such representations also leave little room in which to manoeuvre or to locate possibilities for resistance. Turning towards weak theory, I argued, helped to direct attention towards finding cracks and fissures in the processes of land dispossession that are *already* happening. At the time, I located these cracks and fissures in the organizing work done by communities affected by land concessions in concert with a NGO and donor-affiliated groups. My return to Cambodia as a PhD student was thus oriented by a research proposal structured around identifying gaps, openings, fissures and fractures in land grabbing as it was represented and experienced as part of advancing a hopeful stance and identifying openings for things to be otherwise.

## **Return and rupture**

I returned to Cambodia for my dissertation research in mid-July 2013, days before Sam Rainsy was officially pardoned and returned from self-imposed exile to lead massive rallies in Phnom Penh, the capital city, in the final days of campaigning for the newly formed Cambodian National Rescue Party (CNRP) in the 5th national elections held on 28 July. My field journal from the day Rainsy returned captures the shifting, uncertain mood – a sense of foreboding but also of opportunities:

Today was important. Really, genuinely, important. I was actually rather nervous due to the precedent of the 1997 grenade attacks, and concerned that the CPP would send in drunk, rowdy infiltrators. I sure did spot a number of plain-clothed police there. (Total aside, I hate Freedom Park – worst park ever! All tiled, flat, no features, no benches, no trees, shrubby grass between the tiles, nothing to do, just sort of tiled wasteland that goes on for blocks). My friend<sup>3</sup> and I arrived and

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<sup>3</sup> I am anonymizing all the people in the chapter who figure into my account primarily out of our social relations. The series of friends I refer to encompass friends, housemates, professional development workers, journalists and members of the foreign service.

meandered around, we were both cautious enough that we looked for identifiable exits in case the crowd were to stampede, or shit broke out.

...A younger guy explained to us in detail how young people and Facebook were really shaping the turning tides of politics and driving the surge of interest in the opposition party, partly due to the party's emphasis on equal opportunities for young people. Also important, he explained, were nationalism around land, land claims at the border, and land grabs throughout the county. He was very, very concerned about CPP corruption.

...We managed to rush out from the shade of nearby covered storefront in time to see Sam Rainsy arrive in his car. Until that moment I really had no idea just how many supporters were lining the way, all the way from the airport. The streets were totally flooded by people. ... The car moved at a walking pace, explaining how it took from 9.05h, when Rainsy landed, to reach Freedom Park only at 13.30h. I was totally taken aback when I read the media reports later that day at that estimated thousands that had been out in the streets: over 100,000! ... After the speeches, the parades lasted into the evening, mostly university-aged young people on motorbikes. Overall, I felt there was broad-based support for party Number 7. I won't summarize the speech; the newspapers do that better.

Even though there were a lot of warnings not to go near Freedom Park, I didn't feel that we got too much attention for being there. People were quietly interested in us, sure. There was a moment when I am sure we were photographed by a plain-clothes policeman, which is too bad since it was the only time I lifted my sunglasses all day. Otherwise I found people polite, not too interested in us, and overall very jubilant for the return of Sam Rainsy. Perhaps that was the most noticeable quality, the calm pleasure with which everyone participated in the rally and were part of the event. I am really happy nothing dodgy happened. (19.07.13)

The following days, my first back 'in the field', were spent connecting with friends and fellow researchers to venture out to Freedom Park to observe the rallies, to hear the speeches, and to chat with those in attendance. It was an exciting time. The streets had energy. For the ten days between Rainsy's return and the elections, support blared from speakers and was shouted at rallies. It was also quietly signalled between young people who called out to one another "how many?" and discretely flashed seven fingers, the number of the opposition party on the ballot, as they strolled past. There was an energy. It felt like anything could be possible. On the last day of legal campaigning I noted the following:

I met [a fellow PhD student] on the bridge near Freedom Park, I had tried to reach the area by tuk-tuk but the streets were too jammed by the crowds. It was a bit chaotic and hard to read at first. It wasn't until I stood across from [her] on the bridge and a young guy, noticing two foreign women staring at one another across the jammed roadway, came to ask if I wanted to cross the street. Upon hearing that I did, he grabbed a large CNRP flag on a huge stick, and, waving it, stopped traffic

and escorted me across the road – it wasn't until then that I realized the mood was purposefully joyful amidst efforts of restraint and responsibility... there appeared to be a broad effort to keep everything above bar.

... CNRP in Freedom Park had no flashy staging of any sort, just a bare-bones stage to the far side. There are no chairs, no infrastructure, no parades or marches, or a clear sense of organization. But there is consistent energy.

In contrast, later that day we walked over to the CPP rally and everything was different. There people had broken into small groups and sat on uniform red and blue plastic chairs that had clearly been provided. There was an orderly procession of flag wavers once the parade began at 2pm. There were multiple stages, flashing lights, trucks with bands and performers. Some of why we chose to look in on the CPP rally is that a number of motorbikes passed us carrying soldiers with AK-47s (or just semi-automatic weapons, I shouldn't pretend I can tell them apart) propped up on their knees. Once we'd seen a few of these motorbikes we thought it was wise to relocate. As we left three to five truckloads of military police in black uniforms sitting along four rows of benches in the truck bed rolled past. That was unsettling.

We went back to the CNRP rally later that evening and it was still going strong almost 12 hours later. The supporters were almost entirely all young. A few fancy cars drove by with kids popping up out of the sunroof to get a look. It seemed that some of the draw was just the chance to see the rally in action. Anecdotes from a variety of people suggest that in 2008 [the last national election], it would have been unthinkable to have people publicly donning hats, t-shirts, face stickers with number 7 or CNRP on them and then assemble in a public place (27.7.13).

Two days later, on the afternoon of the elections, the mood steadily shifted from jubilation during the last day of campaigning, to calm the day before the elections and throughout the early hours of voting, to alarm:

I'm writing as the polls have closed, the election results are coming in and the city has been emptied. There are no cars or motos on the street – not even parked, let alone moving. Everyone is inside their homes. Everything is quiet. I left for dinner with [a friend] upon hearing a few people had died in Meanchey district [Phnom Penh] during rioting due to names left off the voting list. A truck had been turned over that had ammunitions in it and set ablaze. I met [the friend] in spite of it, in part because I wasn't able to make any calls since the network was down.

I came out from dinner and there were no motos or tuk-tuks anywhere. The tuk-tuk driver refused to answer my question as to whether there were problems near [where my friend was staying]. He wouldn't take her back to her hotel. He did get a moto to take her, but only after they had a long discussion.

I walked home on totally empty streets - empty of cars, motos, tuk-tuks, people, animals and lights. I waited to call [another PhD student] to ask what was happening until I was indoors. We now have an emergency plan in place: to talk to one another before noon tomorrow, and if we don't hear from one another, I will go to her house for 14.00h provided I am able to travel on the streets.

I heard that five polling stations visited by a friend had announced a CNRP win. Another friend chose to go out to see and made it as far as the Independence Monument. There the army were barricading the streets and hundreds of soldiers had surrounded Hun Sen's house. ...

It seems the escalation was precipitated by Sam Rainsy announcing a CNRP victory. The official results came in at CPP 68 seats, CNRP 55. Another housemate heard on his tuk-tuk ride that the radio was announcing 61 and 60. I haven't found that on any news website since and it wasn't reported on the TV.

Just now the TV (government, Apsara) reported that CNRP took more seats in PP and Svay Rieng. That CPP won Battambang, Prey Vieng, Ratanakiri, Oddar Meanchay. [A housemate] noticed that the radio said CNRP won Siem Reap. TV broadcasts were pulled within a few minutes. They still had 30% left to count.

23.09h and the government TV channels have been taken off the air. I got the other results off Facebook... (field notes 29.07.13)

What became clearer in the following hours was that the sense of crisis took shape when CNRP momentarily announced they had won the elections before quickly retracting it, and as the opposition won unpredicted areas, like Siem Reap, home to Angkor Wat, and Kampong Cham, an important province for leaders of the CPP. Reflecting further the next day, I wrote:

I was totally caught off guard by how quickly things soured on Sunday afternoon and evening. It was not the mood that I observed at the polling stations off Norodom Blvd. If we had been more strategic, we probably should have gone to spots ... in the Vietnamese neighbourhoods, or to poorer neighbourhoods. ... Everything up until 17.30-18.30 was so calm with the exception of watching Facebook updates that had two to three videos of mobs ejecting supposed Vietnamese people from voting.

23.15h – this time last night the news was starting to sink in that the election results showed CNRP doing well and that it was also unlikely that anything too chaotic or dangerous would take place. I still feel a bit on edge. Maybe it is because people started to perceive the opportunity for a soft coup and the streets filled with the military. Maybe it was the darkness and the emptiness – the sense that Cambodian people were perceiving a substantial threat and were responding collectively, in a seemingly perfectly coordinated fashion. The response was uniform and total. Looking off our balcony, I joked with my housemate that even all the cats had been taken indoors.

I'm not sure. But I felt on edge. ...

There had been runs on the ATMs, rice suppliers and petrol stations. A Khmer-American friend [who arrived in the US as a refugee] said her parents demanded she return to the US and so she got on a plane out of Cambodia that same day. A PhD student I met at lunch told of a contact trying to return from voting in his home province only to be turned away by police at the bridge who said that violence in Phnom Penh made it too dangerous for him to come back. ... [My housemate] said the UN office was empty, that most staff did not come to work and that there was nothing to do. Independence Monument roundabout was closed today, briefly, but nothing further.

These are those sedimented histories I am interested in. The sensibility to get off the street, indoors; to shutter. To emerge and re-animate, but only slowly.

... I've been glued to blogs and media reports all night and all day. It's been hard to get a handle on everything that is coming out and even harder to systematize them into a filing system on Zotero and Evernote: filed and tagged and duplicated and systematic. It seems futile. Every three hours all media outlets seem to have a new story about the elections, the disenfranchisement, the possible implications for the CPP, the CNRP, youth in the street, and so on. It seems impossible to keep up, perhaps it will be time better spent to do so retroactively – once I know what looks important over the longer term. The Twitter feed for #electionskh has been addictive – totally addictive.

... Now that it is all over, or seems to be all over, the uncertainty hardly makes any sense. Although I felt very swept up in it, that nothing came to pass makes it a bit silly-feeling. In a way it mirrors my experience with Freedom Park on 19 July – we were very aware of the precedent for things to radically swing out of control, and were attentive and attune and alert, but ultimately it felt unnecessary. The before and after emotional states didn't correspond with one another, and their transition was hard to pinpoint (field notes 30/7/13).

Normalcy was slow to return. Later that week I attended a meet-up of a mapping group at a pub near the Independence Monument. A series of presentations on the election outcomes, garment factories, and the state of women in politics kicked off with: “Thank you for coming here and being brave despite a lot of soldiers outside”.

The oscillation between hope and fear was pronounced in the aftermath of CNRP's near win. Writing in in the months following the uprising and eventual crackdown, Milne, Pak and Sullivan (2015, 44) noted that the slim majority took the CPP by complete surprise, signalling “a groundswell within the body-politics that few imagined possible before 2018”. Also unique was that throughout months of mounting activity, Hun Sen was unable to divide the opposition or pressure it into acquiescence as he had done for nearly 30 years. Summarizing the situation in the immediate aftermath, Milne and colleagues wrote:

The CPP regime now faces a crisis of legitimacy, similar to what it encountered at the outset of multi-party democracy in 1993. But the problem this time is compounded by the effects of social change, a strengthening of civil society and the ‘seeds of discontent’ sown by increasing inequality and the conspicuous wealth of elites, fuelled especially by the liquidation of state-held assets such as land and forests. In response, a ‘new consciousness’ about justice and the potential for change

appears to be taking hold among urban youth and some rural villagers... Combined with ongoing village-level resistance to dispossession, transition of some kind seems inevitable.

... the regime's evolution has now reached a turning point, in which it must contend with the side-effects of depleted natural resources and increasing push-back from a populace that has generally missed out on the 'boom' of timber and land exploitation. Although the incredible wealth of natural resources effectively created and sustained the regime until now, the consequences of this destruction may now be its downfall (44-5).

## **Responding to ruptures**

In the month after the upheaval of the election, during the surge of public support for the opposition and this sense of openings and possibilities, I proposed changing my dissertation project. In the midst of the possibility of disruption to a regime rooted in resource extraction, the hopeful framing of my dissertation seemed newly tangible: I could see it in bodies in the streets, feel it in the energy of crowds, and hear it in face-to-face conversations and online debates. As the regime appeared unstable, I started to reconsider its pre-election policies, particularly the Order 01 land titling campaign, which I had initially dismissed as an easily corrupted electoral ploy that would likely be captured by rural elites and the well-connected. Practitioner and academic commentators also shared this assessment at the time; emphasizing that the moratorium on granting new ELCs occurred just before the 2012 commune council elections, and that the relatively weak results for the CPP in June of that year was the impetus for the launch of a national land titling campaign prior to the 2013 elections (ADHOC 2013, Dwyer 2013, Human Rights Watch 2013, Müller and Zülsdorf 2013). In the aftermath of the elections, and the possibility for a 'new normal' to take hold, Order 01 took on a different light and I latched onto the work of geographers of hope that locate hope in processes that "heralds the possibility that the spatio-temporal here and now *may* become otherwise" (Anderson and Fenton 2008, 76). What if Order 01 was part of a new series of possibilities that could improve the lives of smallholders in a context that has heretofore been

marked by acute tenure insecurity and dispossession? In sum, I became more curious about the possibility that Order 01 was an opening for things to become *otherwise*.

With an eye on the hopeful edge of the project, I began to reframe my proposal. At the time, survey work for the titling campaign had been suspended for over a month and there were many lingering questions as to whether or not the campaign would resume after the elections as promised. In addition to the apparent ‘good-timing’, the campaign seemed to offer a ‘softer’ entry point to discuss land relations at the local level, to negotiate research access and to help select field sites. Writing to my committee, I suggested:

I think [Order 01] would work to target land concessions from the specific angle of how property is made in different moments, how titles and concessions articulate with one another, and the extent to which this programme is, or is not, responsive to demands by counter-movements.

... Order 01 became a major part of the CPP election rhetoric while a key component of the opposition’s platform is the importance of affirming legal rights to land. How this campaign plays out in the coming months may be interesting, e.g. will this initiative continue? Was the political payoff for the CPP sufficient to justify continuing the programme? Is there more need now for the CPP to use it as a tool to be responsive to land strife and to take the wind from the opposition’s sails?.

... I know that student volunteers have been explicitly directed not to talk with foreigners, but with some titles awarded, it looks possible to go to a community that has already received titles and understand the process in its aftermath. The student volunteers were in Snuol, Kratie [my proposed field site] in 2012, and taking this angle may help me to re-enter as a researcher given the tension there. That would help me to draw from a more longitudinal data set and better understand how counter movements are interacting with the Leopard Skin Strategy. I’m pretty confident there would be access problems [at the moment] if I were to go back with the research project in its most recent incarnation and certainly this angle offers a way to initiate conversations with local government (pers. comm. 10/08/13).

During the re-design, I held on to ELCs, but pushed the edges of my focus outwards as part of integrating the titling campaign. This almost dual focus is reflected in the structure of the dissertation, with land grab dynamics forming the focus of Part 2 and titling the focus of Part 3. Holding both grabbing and titling together was possible due to the campaign’s explicit focus on

areas that had been granted to investors as either plantation or forestry concessions, and because both were interrelated and woven into local nature-society relations.

With the campaign as my entry point, I aimed to understand how claims to land are made and re-made in the context of shifting legal frameworks and how the campaign articulates in landscapes rapidly being re-made through concessions. My **new research questions** clustered around themes of how ELCs and titling interact with histories of land claims on the ground; the impacts of the campaign on the broader regime of land governance; how the campaign took shape on the ground and how it was experienced; and the role of research and counter-movements in shaping the campaign. I grounded the research in local struggles with the intent of emphasizing “how emergent projects of colonial and postcolonial rule articulate with shifting sedimentations of subjection and spatiality” (Moore 2005, 9) and as part of recognizing that political technologies, like land concessions and land titling efforts, encounter subjects and territories already embedded in ruling relations (ideas I expand on in Chapters 4, 5, 7, and 8).

I planned to take a large temporal and historical scale – giving attention to multiplicities and entanglements – to draw out the lived meanings of land dispossession in a context characterized by multiple ruptures in tenure, renewed legal mechanisms to make claims to land and the existence of multiple and overlapping claims. I was also interested in placing concessions outside of the common temporal frame of the ‘land grab debates’, that tend to focus on the mid-2000s, by extending my analysis to look at the role of concessions in both French colonial and post-socialist territorialisation and resource control strategies, and to read these for consistencies and departures with current state strategies (see Chapter 3). Over the course of the research, I started to expand



my timeframe out into the future as urgent questions persisted in terms of how rights would be secured in the aftermath of the campaign for those who had been left out or passed over (the topics of Chapters 7 and 8).

## **Research design and methodology**

As explained in the introductory chapter, this dissertation suffered a major disruption and as a result the research proceeded in six key phases, outlined in Table 2-1, below.

During the first preliminary period (July-October 2013), I revised my proposal; conducted key informant interviews about Order 01 to contribute to project design; observed and documented urban protests related to the elections and underwent intensive Khmer training. I worked with three research assistants for this research, two of whom were urban women, and one was a rural man. I am not naming these individuals since this research project drew unwanted attention from the authorities. During the first phase, I worked with an experienced activist who resided in Phnom Penh and who left the work because she had won a research consultancy bid with a large NGO. During the second phase, I worked with a recent university graduate who was part of the first cohort of social workers trained at a large public university. The research was her first time away from her family and her first experience with rural work. During the third phase, I recruited an assistant from a farming community in Kratie studying agriculture at university. I speak Khmer at an intermediate level and can read and write at a beginner level. My Khmer improved over the two years I was in Cambodia as a doctoral student, but I still required support to understand the full spectrum of conversations. I worked with research assistants for translation and Khmer

transcription, as well as for support to run community meetings and group activities, to help with managing and translating documents, and because it is relatively safer to go to areas of struggle in a group. I also went to the field in groups of researchers associated with NGO research projects. The combination of working with differently positioned individuals, and sometimes being in the field as a student and sometimes as an actor connected with a system perceived to distribute goods and services, means that my positionality was regularly in flux and it is difficult for me to ascertain how I was read at any one time. Some aspects of my positionality, though, are constant: I am a white, foreign woman likely to be interpreted as ‘Western’, privileged and possibly connected to, or able to form connections with, institutions that could advocate for human and land rights. I am also a woman, and at the time of my fieldwork was an un-partnered and childless woman in her early 30s. This, combined with a degree of professional independence, likely contributed a sense of social dislocation. My strangeness also came about through my vegetarianism and smaller more everyday things like my affection for puppies and my difficulty waking up at the crack of dawn. It is hard to gauge how my complicated identity informed the research and it is something I have wrestled with in terms of how my efforts to claim and produce the category of academic research in the frontier faltered (Schoenberger and Beban 2017).

### *Site selection*

The second phase (November 2013-January 2014), was focused on field site selection and refining my research approach. I had previously conducted research in Snuol district (see Figure 2-1) in 2010 as part of a Research Award from the International Development Research Centre (IDRC). I chose this area because at the time it was relatively safe, with easy access to main roads. None of

the known investors were well-connected tycoons or military, and it was the site of community organizing due to protracted land disputes. In the years between my IDRC research and my return for doctoral work, the area became a notorious ‘hotspot’. Violent upheavals in May 2012 (described in Chapter 6) prevented me from returning to the region during a 2012 period of preliminary field work. Nevertheless, I sought ways to hold onto this regional focus throughout the design phase since it would allow me to access some longitudinal data. Because it was a rapidly transforming region, I did not attempt to select villages in advance.

In the five to six-months after the election, all attention, resources, and security forces were effectively turned to the cities in what was almost an inversion of the typical pattern of where tension builds up. The perception at the time was that the rural areas were relatively relaxed as the city became the new ‘hotspot’. It seemed to be the opening to test the waters for a return to Snuol.

I returned to Snuol in December and conducted update interviews, consulted with a regional community leader and visited six villages that were potential field sites. In each of the six villages I spent half a day conducting a group discussion to get an overview of key events, ongoing conflicts, and histories of resources management and claims. Half of the villages I visited in this phase were places where I had conducted fieldwork related to ELCs and food security with IDRC in 2010, and so my main aim was to understand how Order 01 had altered the trajectories of their land claim efforts. The other three villages were recommended by community activists and researchers as sites that were under-researched but had pressing land conflicts. In those ‘new’ villages I conducted a simplified timeline exercise and collected overview information about the ELCs, logging companies, histories of claims and conflicts. For these scoping conversations I did

not use any recording devices but took notes throughout conversations. In cases where we did timeline construction we used flipchart paper to generate a depiction of trends. All knowledge outputs produced through group work were left with the community after my departure.

### *Participatory research activities and regional overview*

During the third phase (February-April 2014), I focused on research at the regional and village-levels. At the outset I negotiated my field site selection with the two district authorities and gained permission to proceed in one former IDRC site in Snuol that I will call ‘Poum Cha’ and one new village that had a provincial border running through it such that part of the village is in Snuol, Kratie and the other part in Keo Seima, Mondulkiri province, that I will call ‘K’nong Prey’. In each of these villages I conducted multi-day focus group discussions centred around participatory mapping and constructing a timeline. These conversations were recorded and transcribed (in Khmer) by the research assistant. I also used a wide-angle camera trained on the flipchart paper to record how people drew the ways that transformations to land proceeded so that I could clearly recall the ways in which changes to land layered over time. Throughout these activities I took detailed notes.

For the timeline exercise we began with the year that the oldest participant was born, typically in the early 1950s, and traced back based on what they could recall their parents telling them about the village and its history before proceeding step-by-step to the present. The timeline exercise formed the basis of later household interviews and informed the mapping exercise.

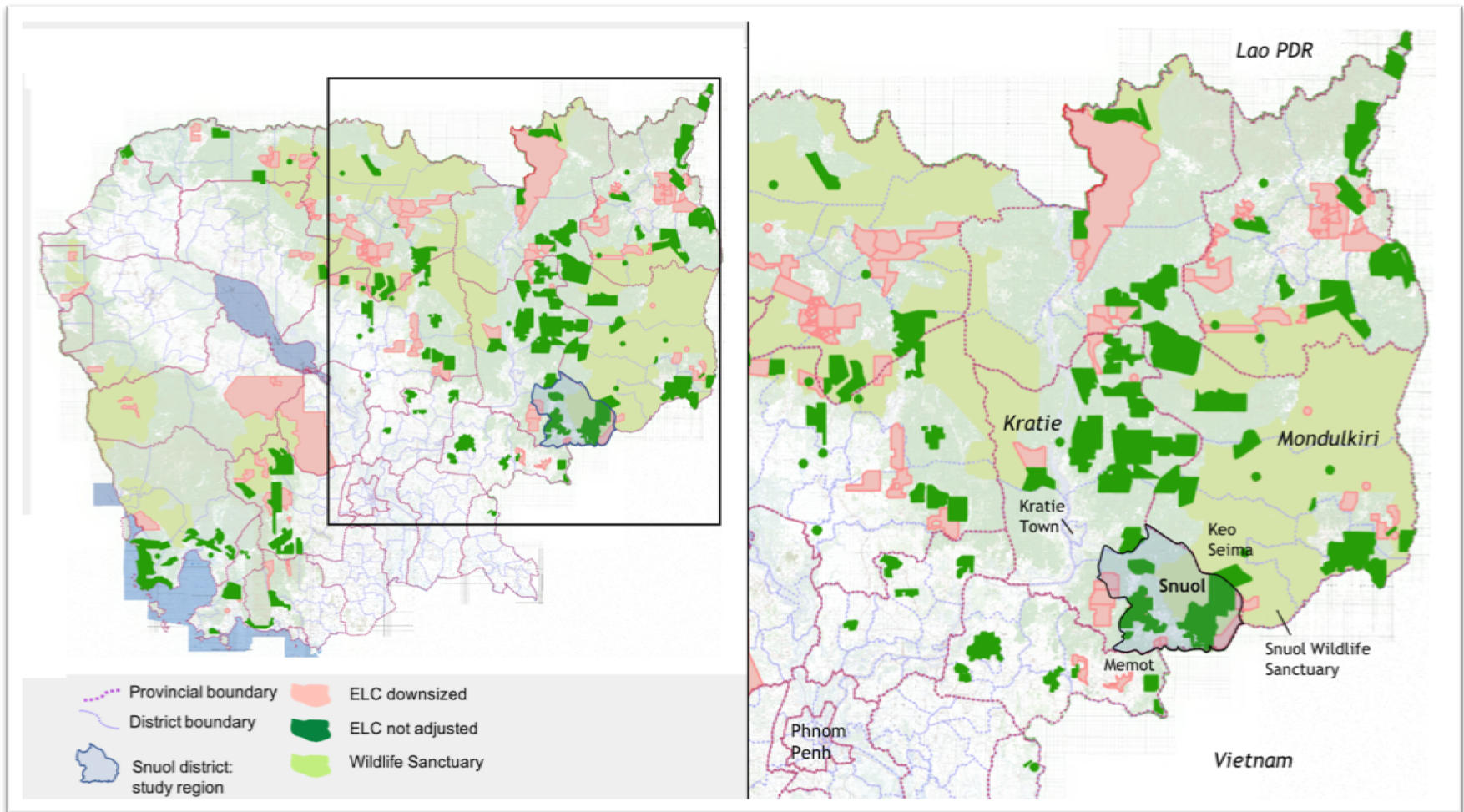


Figure 2-1: Map of Economic Land Concessions (ELCs), Wildlife Sanctuaries and administrative boundaries in Cambodia. Data from OpenDevelopmentCambodia.net

Table 2-1: Research Stages and Methods

Phase	Time	Dissertation Research	NGO Forum (Chapter 6)	Oxfam (Chapter 8)	Other Activities
<b>1 Preliminary</b>	July-Sept 2013	Re-design research proposal to focus on Order 01			Observe election campaigning and political mobilizations Intensive Khmer Study
	Oct 2013	Key informant interviews (KIs) in Phnom Penh (PP)	Initiated the NGO Forum Research Project		Observe urban protests; Khmer Rouge Tribunal
<b>2 Scoping &amp; Design</b>	Nov 2013	Scoping trip and focus group discussions in 6 villages	Research Proposal		Recruitment of 1st RA and in-field training
	Dec 2013	KIs in Kratie, Mondulkiri & PP	Contract signed		
	Jan 2014	Select field sites and revise tools	Designed: sampling strategy; questionnaire; FGD & KI interview guides		Recruitment of 2nd RA
<b>3 Overview: Regional and Village levels</b>	Feb 2014	Village-level FGDs in 2 villages: Timeline construction; Mapping KI interviews	KI interviews in PP		
	Mar 2014	KIs in Kratie and Mondulkiri Towns KIs & HH interviews in villages			Participant observation of journalist field training for reporting on land
	April 2014	Village field visits: observation of forest clearing; interviews			Participate in AAS dissertation workshop Supervisor visits
<b>4 Household level</b>	May 2014	Village-level: life history interviews; HH interviews	Revise data collection and sampling; field work planning		Relocate to Kratie town & recruit 3rd RA
	June 2014			FGD with leaders	
	July 2014		Teams collect data	Design case study	
	Aug 2014			Data collection	
	Sept 2014	Observe titling ceremony  ** Lose access to field site	Data analysis plan  Preliminary findings		Write-up

<b>5 National level &amp; Preliminary analysis</b>	Oct 2014	KI interviews in PP; preliminary data analysis; media analysis	Write-up 1st draft		
	Nov 2014				
	Dec 2014		Present findings at Technical Working Group on Land		
	Jan 2015		Revise and Finalize Report		Return to York for 1 semester
	Feb 2015				
	Mar 2015	Begin analysis and writing			Strike at York
	Apr 2015				
	May 2015				
<b>6 Follow-up</b>	June 2015	Follow-up interviews with KIs in Phnom Penh	Report Launch; follow-up with KIs	KI interviews in PP & telephone interviews with community leaders	
	July 2015	Attempt to return to field site (blocked by authorities)			
<b>Totals</b>		70 KIs with civil society, community leaders, development practitioners, academics  16 FGDs (99 participants)  4 Mapping sessions (21 participants) 2 Timeline exercises (20 participants) 11 Life history interviews 22 Interviews with landholders	55 KIs in rural areas 12 KIs with civil society, academics, development practitioners  1 FGD in study area (12 participants)  Questionnaires: 24 in Snuol; 82 in Kratie	14 KIs civil society, community leaders, development practitioners  2 FGDs & public meetings (n=283) 1 Mapping session  28 Household interviews	

Rather than focus on only mapping the present, I decided to experiment with mapping different periods as a way of facilitating a conversation about changes to natural resource access and interactions with the state and armed groups. The activity started with a map of how people remembered the village and its surroundings in their childhood in the 1950s to generate a kind of ‘base map’. We then added to it as we progressed through key moments in the timeline, drawing the impacts of migration, new land claims, bombings and war, and development at large as we progressed through the war years, to UNTAC, and up until ELCs came to the area in the mid-2000s. A second map was then drawn of the village in the present, focusing on natural resources, current ELCs, overlapping land claims and where the Order 01 survey teams were active. During this phase, I conducted key informant interviews with leaders in the villages and the borderlands region at large. I also went to the provincial towns where NGOs serving the area were headquartered, Kratie town and Sen Monorom, to get a broad overview of land claims, Order 01, human rights issues, and support for indigenous communities.

Extensive travel in the region facilitated me witnessing the logging trade up close as the minivans that ferry passengers throughout the borderland also run in and out of the Wildlife Sanctuary and stop to load the spaces under the seats with timber, thereby doubling as logging transport, as shown in Figure 2-2.





Figure 2-2: Public minivans loaded with wood inside the Wildlife Sanctuary (photos by Schoenberger)

During phases two and three of the research, I typically went to the study area for two to three weeks at a time, traveling by bus from Phnom Penh for six to ten hours, depending on the condition of the bus, with a Research Assistant who was also from the capital city. As I shifted towards more intensive village level work and household interviews, I decided to close the distance by relocating to Kratie provincial town, about one or two hours from the field sites. Although I have intermediary Khmer language skills, I need support to pick up the nuances in conversations, and I also choose to always travel accompanied as a matter of safety. Kratie town was a hub of VSO-CUSO volunteers who were paired with young Cambodians with English skills who worked as translators. This meant there was a cultivated talent pool in the small town and it was relatively easy to find someone to train as a researcher. I worked with a young Cambodian man from the province who was studying agriculture at a university in town on the weekends. We typically spent several nights each week in the village before returning to Kratie for either school or to get electricity.

### *Life history interviews and rupture*

During phase four (May-September 2014), I focused on household level interviews in Poum Cha. In 2010 I conducted sixteen household questionnaires in Poum Cha and although I did not record names, the enumerators had taken a photograph of the house each interviewee. I used these photographs to track down past participants four years later and held half-day long life history interviews with family members that focused on how their claims to land were made and remade over time. For these conversations I revisited the 2010 questionnaire to create an updated interview guide that included a mix of previous and new questions that I used as a kind of open-ended worksheet to record interview data in addition to my notebook. These conversations were audio recorded and selected excerpts were transcribed into Khmer. I also held conversational interviews with people in the village. However, I was barely halfway through tracking down the sixteen families in Poum Cha and had not yet started this activity with K'ong Prey village when I [REDACTED] [REDACTED] decided to suspend my village level work in both sites.

### *Ruptures in the study design and the role of collaborative projects*

After losing access to the village-level dissertation sites, I relocated back to Phnom Penh and continued with interviews there and was involved in the quantitative and qualitative analysis of research with NGOs during phase five (September-December 2014).

My decision to no longer proceed at the village level in the context of state surveillance and intimidation meant that I relied more extensively on knowledge-making opportunities at the national level and research done in collaboration with organizations in Cambodia to assemble this dissertation. One of the most important outcomes of this disruption was that I did not develop case

studies from the two villages I focused on in phases 2 and 3 of the dissertation research and instead draw from what I had characterized as ‘side projects’ to develop Chapters 7 and 8. I also drew more heavily from collaborative research projects in order to answer my research questions.

During the first two phases of my dissertation research, I was approached by a long-term resident of Cambodia about my interest in developing a proposal in response to an advertised consultancy on Order 01 with the NGO Forum on Cambodia. Starting in October 2013, we built a team of researchers and collectively wrote a proposal for large sample, mixed-methods research across six of Cambodia’s provinces. The objectives of the NGO Forum research were:

- To understand how Order 01 was implemented on the ground, the degree to which it proceeded according to the guidelines for its implementation, and how different types of land and land uses were targeted by the campaign and to what effect
- To assess the impacts of Order 01 on indigenous communal land, Community Forests and Community Protected Areas
- To evaluate the impacts of Order 01 on livelihood and tenure security of non-indigenous, indigenous, and forest dependent communities
- To identify adverse impacts of the campaign and draw recommendations for all concerned stakeholders on how to deal with the outcomes of the Order 01 campaign.

The project resulted in a comprehensive 300-page report on Order 01 (Grimsditch and Schoenberger 2015).

My role in the project was to design the research tools – a household questionnaire, a sampling frame and field site selection, focus group discussion activities and interview guides for key informant interviews – and to conduct the data analysis and write-up. The geographical focus of the study was on six provinces that have a high incidence of ELCs and long-standing conflicts, and that represent different social and ecological regions: the forested Northeast that is home to indigenous peoples (Ratanakiri and Kratie); the Northwest, in an area with military land claims

(Oddar Meanchey); as well as the Central Plains (Kampong Speu and Pursat) and coastal areas (Koh Kong). The sampling strategy was based on the principle of cluster sampling according to a multi-stage process. Clusters were selected according to administrative divisions in Cambodia, namely province, district and village. Since the clusters drawn from the six provinces are not equal in population size, samples were taken with probability proportionate to size. At each level as large a sample as possible was extracted from the larger cluster to enhance the between-group variance. The sampling frame was developed through the use of Open Development Cambodia's (ODC) online interactive map to display ELCs against the mapped villages listed in the 2008 population census. Thirty-six villages were then selected based on the criteria that they were either within the boundaries of an ELC or at its edges (no more than one-kilometer away).

I negotiated with the NGO to have access to the collected information for my dissertation. Since the NGO Forum project evolved in-step with my dissertation work, I strove for complementarity. In some cases this meant I harmonized interview questions and approaches, in others it meant I re-directed my intended plans, like doing a questionnaire, into the NGO Forum project. Knowing that the NGO Forum project would proceed in Kratie, I also selected my dissertation field sites by making a distinction between research sites that faced a more immediate or dire situation and were better-suited for NGO involvement on the one hand, and on the other hand, sites that would be more conducive to long-term and slower academic research. Table 2-1 includes a separate column for the NGO Forum research to show how it complimented my dissertation work. At the national level, I conducted the interviews with my collaborator, Mark Grimsditch, a trained lawyer with a decade of experience working on tenure security in Cambodia. At the local level, the team decided it could move more freely and with less state surveillance if the questionnaires and interviews in

the provinces were done by all-Cambodian teams. As a result, the survey work (n=480) and rural interviews (n=55) were done by teams of five enumerators and one team leader (team leaders rotated by province). The findings inform this dissertation and I draw from them extensively in Chapter 6.

When the team arrived in the village, they used a mix of random and representative sampling to select approximately 12 households to survey. The team chose the households at random from different geographical clusters within the village but adjusted the sample to increase the representation of households who had received an Order 01 title so that they comprised approximately two-thirds of the sample. The team encountered limitations in some areas as large number of families were migrating for work, and in some cases people were away from the village for extended periods. This meant that in some cases snowballing was the most appropriate sampling method. In total, 82 household questionnaires were completed in Kratie, 24 of which were in Snuol. The household questionnaire consisted of 123 questions concerning demographic information; basic livelihood overviews; land use, land conflicts and land rights prior to Order 01; communally held land rights and land access; demarcation and surveying processes during land registration; titled land; land left untitled; impacts of land titles; and perceptions of the campaign.

In the fourth phase of my dissertation research I was also approached to lead a case study based on a high-profile case in my study area for an Oxfam project on landless and landpoor families. The results of this case study and its methodology are detailed in Chapter 8 and it is included in a separate column in Table 2-1.

I returned to York for one semester in 2015 and then did a sixth follow-up period of research (June-July 2015). During the follow-up phase, I continued with interviews in Phnom Penh and conducted telephone interviews with community leaders and activists in the study region. I made an attempt to go back to try to conduct research in K'nong Prey, hoping that its position on the provincial border line would make it possible for me to proceed. However, I only got as far as calling community leaders in the area, who warned me that government surveillance of researchers had increased, so I called off the trip.

As a result of losing access to the two villages I had selected for long-term study, I do not develop case studies from either in this dissertation. Instead they inform the context chapter that follows and contribute to the arguments developed in Part 2. The challenges to research design and the disruptions I faced in the field were the impetus behind Part 2 of this dissertation in which I argue for an expanded ontology of land grab studies to integrate the role of fear in forming land grabs and draw upon the ruptures to the study design, and the uncertainty I faced in the field as to what was possible, to advance an epistemological and methodological intervention into how to approach designing research on resource conflicts.

### 3. CONTEXT

This chapter gives an overview of the context for my research, both historical and contemporary, and introduces the dynamics that animate the study area. This chapter does five things. First, it gives an historical overview of how concessions were first deployed in the French colonial era and their impacts on indigenous land use. Second, it traces how concessions persisted through the upheavals of the twentieth century. Third, it examines the retooling and expansion of concessions during the post-conflict era and the embrace of capitalism. Fourth, it provides an overview of the Order to revoke concessions, Order 01, and the titling campaign that followed. Fifth, it delves into the case study region, grounding historical and contemporary trends in natural resource and land management and examines how these have shaped nature-society relations in the borderlands. These five pieces are key for making sense of, and situating, the chapters that follow. As a scene-setting chapter, it gives basic information and orientation necessary to understand the arguments that follow. Reviewing the history ensures we destabilize any popular conception that land grabs are a ‘new’ phenomenon.

The historical section explores the history of natural resource management in Cambodia by focusing on land-based resources, namely land and forest (and thus excluding fisheries). Both rubber and timber – two resources developed and exploited through the concession model since French colonization – have been integral to the formation of the Cambodian state and to shaping Cambodia’s political-economy and its place within global capitalism. I narrow the focus further by exploring how major historical developments at the national and geopolitical scales manifested in the study site. I begin by examining the colonial period since today’s ELCs are built on French notions and practices of conceding territory to investors that have persisted through multiple

economic and political regimes. I also start here because the French plantation in Snuol was often the background, physically, of my interviews. I was surprised to find that many elders recalled that either their families (during the colonial era) or themselves (mostly in the pre-war era) worked on these plantations. The historical portion of this chapter draws heavily from work by Mathieu Guerin and Margaret Slocomb who both worked from archival materials and who gave special attention to processes of land control in the Vietnam-Cambodia borderlands. When possible, I integrate historical details from my fieldwork in the region. I trace rubber concessions and timber extraction through the French pacification of the highlands, the establishment of colonial plantations and their impacts for the indigenous Stieng population and struggles over land access; US bombing during the Second Indochina War; the rise of the Khmer Rouge and its fall; and the rebuilding period of the 1980s.

To assist with tracking the key regime changes and reading them against changes in forestry, rubber and land concessions, as well as flashpoints in the study region, I have developed two timelines, included below, one for the period of French colonization through to UNTAC (Figure 3-3), and one for the post-UNTAC period through my period of field research (Figure 3-9). The left-hand side of both timelines reads key trends and moments at the national level, while the right-hand side depicts events and trends in the field site area.

This chapter emphasizes a number of historical events and trends which persist to the present day and echo across contemporary issues developed in later chapters of this dissertation. Chief among them is the nearly 100-year history of Stieng smallholders struggling to maintain access to territory through protests and negotiation with the state vis-a-vis well-connected and economically and



politically powerful investors. As in the present, archival documents reveal that investors regularly minimized the extent to which land was used by inhabitants of the region and massively underestimated population figures (a theme in land struggles detailed in Chapters 7 and 8). Also resonating with current practices, we can see the colonial administration tentatively and selectively engaging to excise land from concessionaires to return to the population, although at levels insufficient to support traditional shifting cultivation practices and that put a real squeeze on peasant livelihoods.

### **The history of concessions in Cambodia's borderlands: Colonisation, territorialisation and war**

To initiate the concession system, French colonial administrators had to first implement internal territorialisation strategies for rural Cambodia. Cambodia became a full French Protectorate in 1883 and one year later the Governor of Cochinchina forced the Cambodian King, Norodom I, to accept a convention that enhanced French control over the Kingdom by restructuring the relationship between Cambodian officials, the King's Council of Ministers, and the colonial rulers (Slocomb 2007, 20–1). The convention further reduced the number of provinces and introduced the commune level of government. The introduction of a new level of internal administration within one year of establishing colonial rule underscores how the re-ordering of space inside national territory often precedes the introduction of policies by which state officials attempt to make reality conform to its plans (Vandergeest 1996). The territorialisation strategies of re-ordering at both the provincial and colonial scales were the mechanisms by which the colonial authorities could extend their control into rural areas and assert control over territory (Vandergeest and Peluso 1995). These strategies further defined rural areas within the institutions of national

administration, thereby creating the means by which villages are “made, located, categorized, counted, taxed and regulated” (Vandergeest and Peluso 1995, Vandergeest 1996, 10). The 1884 Convention also established private property, declaring:

The land of the kingdom, up until today the exclusive property of the Crown, will no longer be inalienable. The French and Cambodian authorities will proceed to establish private property in Cambodia (quoted in Slocomb 2007, 21).

Taken together, the convention marks the moment that the colonial rulers claimed the exclusive right to adjudicate access to land and other resources. And thus with the introduction of new internal zones of administration and land use policy, colonial administrators created the first step in shaping how political spaces are used (Vandergeest 2003, 48).

With this foundation, the Governor-General of Indochina issued a legislative order that defined the conditions for French nationals to apply for rural land concessions in Cambodia in 1899. The authority to grant concessions was devolved to the level of provincial colonial authorities, namely the *resident* of the relevant province (Slocomb 2007, 22). The following year, King Norodom I sent his son to attend the Universal Exposition in Paris and to carry a letter on his behalf that argued against the concession system. The prince was prevented from addressing the French parliament, but the King’s letter leaked to the press and received widespread publicity; it included:

The Cambodian, free under the absolute authority of the king, has become a slave in the liberty of your administrators. Before, all Cambodian land belonged to the king. In fact, it belonged to the one who occupied it, who cultivated it. ... You have established ownership. You have granted large concessions. In one stroke, you have created poverty (Cambodian Prince Yukanthor 1900, quoted in Slocomb 2007, 23).

The letter created a scandal in the colony and Yukanthor was forced to flee from Paris, living the remainder of his life in exile while the concession system became more deeply entrenched in the years that followed (Slocomb 2007).

Alongside the creation of the legal tools to grant concessions for plantations, the French took control of logging activities through the granting of licenses by the Forest Administration to French companies starting in 1902. These licenses formed the basis of a forest concession system that would persist into the post-independence period until the start of civil war in 1970 (Diepart and Schoenberger 2017). Land concessions came shortly thereafter, as I discuss below.

Before concessions could be granted on the basalt-rich soils of the Memot plateau, the French had to stabilize and pacify the forested region that was/is home to the indigenous Stieng and Bunong groups (see Figure 3-1 for the geographic distribution of indigenous people in the Northeast).

Writing on histories of resistance in Cambodia, Slocomb notes

at the level of direct action, it was the people of the tribal minorities who were most successful in resisting French encroachment on their territory and on their culture. They were organized, persistent and fearless, and their resistance won grudging admiration from the French despite the heavy toll in life on both sides (2015, 231).

A series of uprisings, attacks and general unrest left their traces in the colonial archives, which Mathieu Guerin has detailed at length in his book *Paysans de la forêt à l'époque coloniale: la pacification des aborigènes des hautes terres du Cambodge (1863-1940)* (Peasants and the forest in the colonial era: the pacification of the indigenous people in the uplands of Cambodia (2008)), which I draw from to give an overview of how the French authorities exerted control over Kratie and the uplands and the local challenges to colonisation. Starting in 1912, and peaking around 1914-1915, a series of attacks on French outposts and armed indigenous militias caused general unrest (see Figure 3-2). The insecurity was summarized by a special delegate to Kratie that

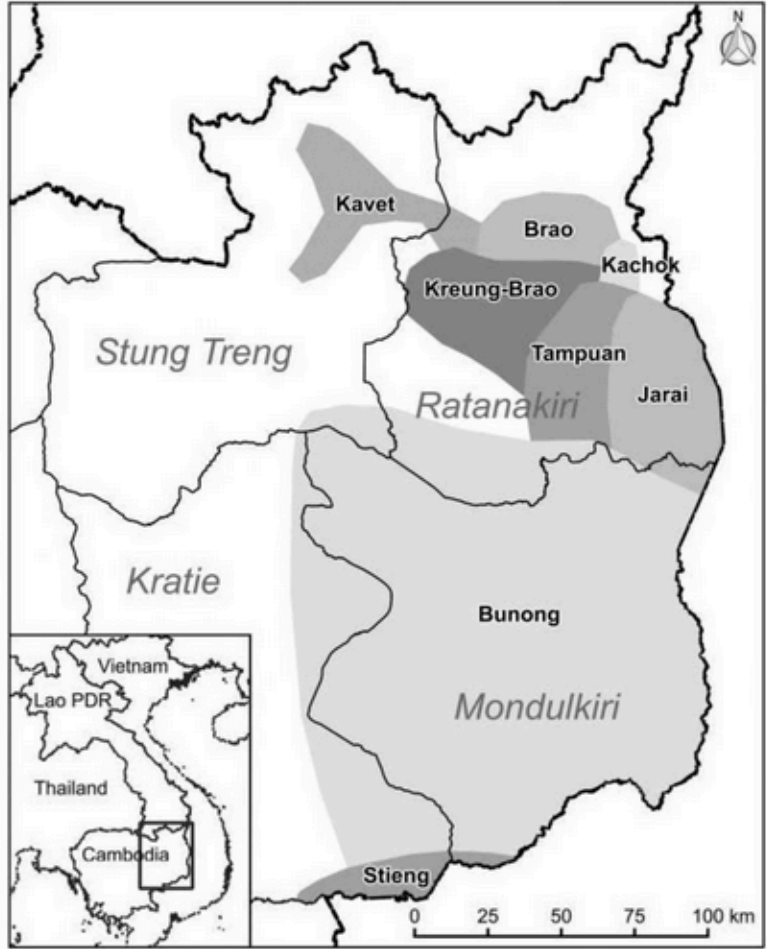


Figure 3-1: Map of indigenous groups in northeastern Cambodia. Note the distribution of the Stieng indigenous group. Source: Ironside *et al.* (2017, 245).

compiled a list three-pages-long of crimes and offenses committed by the rebels in 1915. Their report included the note:

There will be no more security in the country, neither for the Europeans nor for the natives. It is likely that the savages, emboldened by their continual success since the beginning of the year, will come to plunder our villages on the banks of the Mekong (quoted in Guerin 2008, 259).<sup>4</sup>

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<sup>4</sup> Guerin writes in French and works from the French language archives in the National Archives of Cambodia and those in Outre-Mer, France. The translations into English are my own (as are any errors; passive voice may be an indication of my limits as a translator).

The impetus for forming the special delegate was the assassination of Henri Maitre – who was a member of the civil service of Indochina, a leader of expeditions to explore and pacify indigenous groups in the early 1900s, and “one of the last heroes of the colonial cause” (255) – was killed by Pa Trang Loueng, leader of a Bunong militia. Guerin’s work in the archives revealed that the news of his assassination provoked “a true earthquake” (246) throughout the French administration in the borderlands and up to the highest levels in Phnom Penh and Saigon. This resulted in refocused efforts to bring the ‘zone of dissent’ under control. The same summer Maitre was killed, all the representatives of the administration present in the highlands were murdered (259). For the next two years, the difficulties of the “backcountry” of Kratie were often on the agenda of the Council of Ministers and the highest Cambodian authorities took a real interest in the situation, along with the King (264).

To counter such violent challenges, the French created a series of defence posts throughout the borderlands and the densely forested regions of Kratie. The North-South line of defence had its southern edge just outside of Snuol, in Sre Pring, at the junction of colonial road 13, which ran from Loc Ninh in Vietnam, through Snuol and onto Kratie town (depicted in Figure 3-2, below). In 1915, a series of attacks by Bunong armed groups on Stieng villages located near French rubber plantations, just over the border in Cochinchina, was cause for a second defence line. In spite of the administration’s need for more troops to counter the rebels, estimated to be around three to four thousand strong, the news of Maitre’s death came at the same time as the announcement of the First World War in Europe, and the colonial authorities had limited troops with which to respond (Guerin 2008).

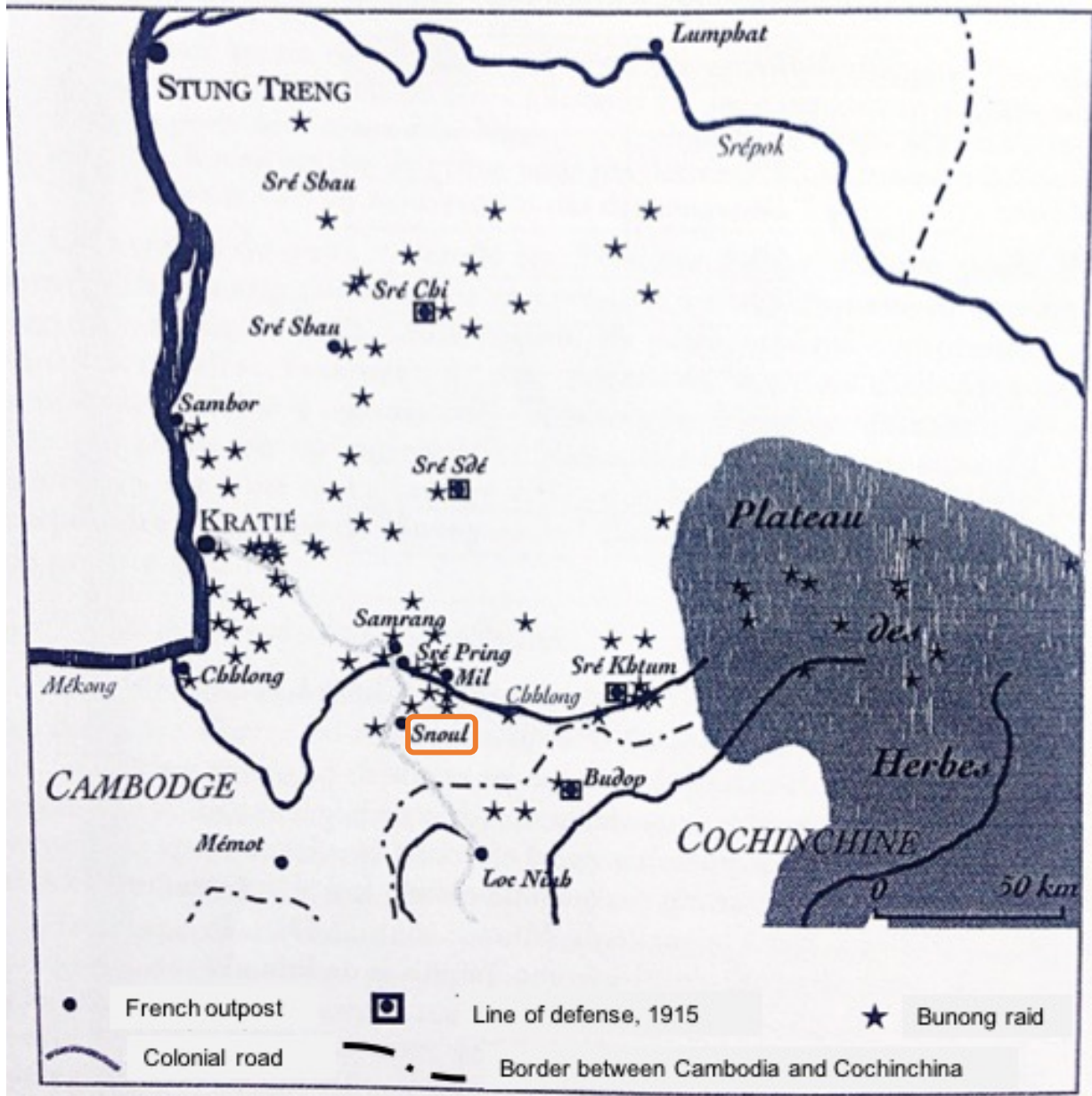


Figure 3-2: Bunong revolts in the backcountry of Kratie, 1912-1918. Source: Guerin (2008, 249).

The remaining traces of this time period in the archives emphasize roving bands of armed men that sowed terror throughout uplands of Kratie, disrupting commerce and making some territories virtually inaccessible. But there were also symbolic attacks. The last elephant of the colonial

delegation was stolen by Bunong rebels in broad daylight in 1915, even though it was less than a kilometre from the office of the head of conscription in Kratie, and the rebels were able to bring it back to the dissident zone some 40km away unimpeded (253). Within a year or two of the elephant heist, general unrest appears to have declined. Guerin suggests there are two factors: first, the ethnic Khmer peasants began inflicting their own damages and setbacks; and second, economic blockades in the region were having an impact. The *resident superieur* noted in his 1918 conscription tour report that the blockades may have “done more to bring them under control than the fear of our arms” (quoted in Guerin, 261).

Among Cambodian supporters of the colonial project, Guerin emphasizes the vital role of a Stieng chief, Lu Nek, in containing Bunong insurrections and bringing many Stieng villages under colonial administration's control. Nek was considered highly effective in gathering information and in crushing the Bunong rebel groups until he and his sons were killed by a Bunong group in 1922. Their deaths provoked strong unrest among the Stieng, and the *resident du Kratie* is said to have deployed all his diplomatic talents in an attempt to restore calm with the Stieng (270-71).

The French granted the first rubber concession in 1921, the same year that the “backcountry” defenses were effectively completed and a massive administrative reform was launched in Cambodia. The administration intended the reform to develop the efficiency of the administration, but it increased the tax burden and the powers of French administrators (Guerin 2008, 254). The French put the district divisions of Kratie in place in 1923. The *resident superieur* wrote in a letter that same year:

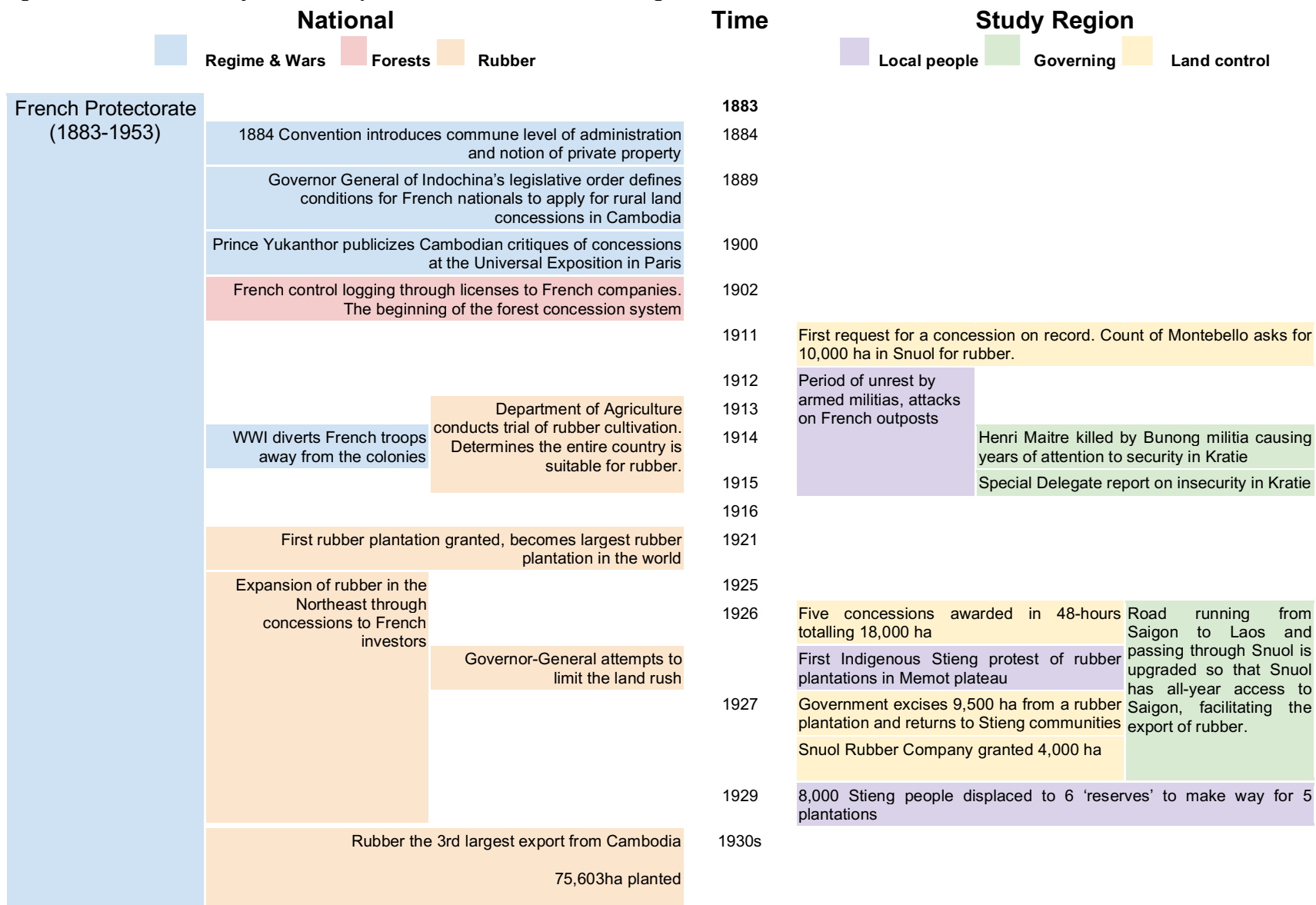
The project does not contain any provision to regulate the administrative situation in the ancient land of Kratie. Indeed, there can be no question of organization in the so-called independent Stieng

zone, which by the very nature of the relations between these people and the Cambodian government, escapes any continuous administrative action (quoted in Guerin 2008, 254).

Nonetheless, Guerin notes that the reform and the creation of the new districts had the effect of increasing the administrative presence in the border region between the 'rebel zone' and the Khmer lowland territories, fostering contacts between the colonial state and dissident populations (254), but was not successful enough to levy taxes on the indigenous people of Kratie (283). If some of the most important goals of territorialized state power are to generate income from taxes and to protect access to natural resources (Vandergeest and Peluso 1995, 390), then the colonial territorialisation process was as yet incomplete – as territorialisation always is.



Figure 3-3: Timeline of key events and periods in natural resource management from French colonization to UNTAC



		Estimated 10 million ha of forest remains	1950s	
Independence (1954)	Foreigners not able to manage forest concessions	French companies continue to run rubber plantations. No new rubber concessions granted to foreign investors. Rubber the main source of foreign currency.	1954	
Sangkum Reastr Niyum (Popular Socialist Community, 1955-70)	US Aerial bombing begins, targeting the NE for 4 years		1955	
			1969	US bombing hit villages in the study site.
Military Coup Khmer Republic (US-backed Lon Nol regime, 1970-75)		50% of Cambodia's rubber plantations destroyed	1970	Some villages are entirely abandoned. Some Stieng families flee over the border to Vietnam. In some villages life continues with minimal impacts
		Communist forces bloc the transport of rubber	1973	
Democratic Kampuchea (Khmer Rouge regime, 1975-79)			1975	Khmer Rouge arrive in the area
		Rubber is exported by Khmer Rouge with help from China		
			1978	Future leaders of Cambodia announce plot to overthrow Khmer Rouge in rubber plantation in Snuol
		<b>No claims to property prior to 1979 recognized by any subsequent laws</b>	1979	
People's Republic of Kampuchea (Vietnam-supported, 1979-89)	Khmer Rouge forces allow Thai military to log the Northwest, granting 15 Thai companies access to KR territory.	Vietnam controls the rubber industry. Rubber production concentrated on Vietnamese border to ensure control of production and export. All rubber exported to USSR		Vietnamese forces control Kratie and 6 other provinces East of the Mekong
		Vietnamese companies granted licenses to log the Northeast	1980	Memot plantations under control of former Khmer Rouge cadre, personal armed forces installed on plantations
	Forest concessions re-established. Timber the top export	Rubber 2nd largest export	1980s	Vietnamese gain 75,000 ha timber concession in Kratie
State of Cambodia (1989-91)		7 million ha of forest remains	1989	Military Region 2 soldiers and officers take control of logging in Snuol
		Official decollectivation of land holdings		
		Hun Sen grants tens of thousands of hectares directly to provincial authorities	1990	
United Nations Transitional Authority (UNTAC, 1991-93)		<b>Paris Peace Accords</b>	1991	
		1992 Land Law introduces fully private property		
		First democratic election results in power sharing between Hun Sen & Funcinpec	1993	Snuol Wildlife Sanctuary (68,575 ha) formed under Ministry of Environment

### *Colonial rubber*

The rubber industry was an anomaly of its times: it started relatively late, and unlike other colonies in Southeast Asia where the industry was more evenly divided between plantations and smallholders, in Cambodia it only took the form of large plantations. Large plantations were granted across the basalt rich soils of the volcanic red lands known as the ‘Memot Plateau’ that follows a southeast to north-northwest arc, roughly 50 kilometres wide and 250 kilometres long, running from Tay Ninh in Vietnam, through Memot and Snuol districts in the Cambodian borderlands, and into the bordering district of Kampong Thom province (Slocomb 2007).<sup>5</sup> A French geographer studying the colonial project, Pierre Gourou, described this region in 1940 as “one of the most certain bases of agricultural wealth in French Indochina” (quoted in Guerin 2008, 288). Figure 3-4, below, maps this band of basalt soil that drew French investors to the region.

The first concession on record is the request from the Count of Montebello in 1911 for a concession of 10,000 ha on the red lands near Snuol to launch the cultivation of rubber (Guerin 2008, 288). The concession was granted a year later but was never developed due to the Count’s death in 1912. The land was returned to the state in 1918 (Guerin 2008). In 1913, one year after the Montebello

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<sup>5</sup> The Cambodian concessions largely resulted from the push westward for more land after land on the Cochinchina side of the border was allocated. However, in one instance in which the border interfered with the shape of the plantation, a Belgian capitalist negotiated to “push the border back a little” in 1910 in order to form a neat 10 kilometre-square plantation (Slocomb, 2007, 18). This alteration, one that shows total disregard for Cambodian territorial sovereignty, is still visible for a length of 10 km where the border between Kampong Cham and the Vietnamese province of Loc Ninh is unusually straight. Slocomb uses this example to argue that the companies did not care about state jurisdiction, or land rights, but were solely focused on the maximisation of profit. These dynamics meant, she argues, that the rubber industry in Cambodia developed by default as the companies headquartered in Saigon considered Cambodian plantations to be an extension of the Cochinchinese industries.

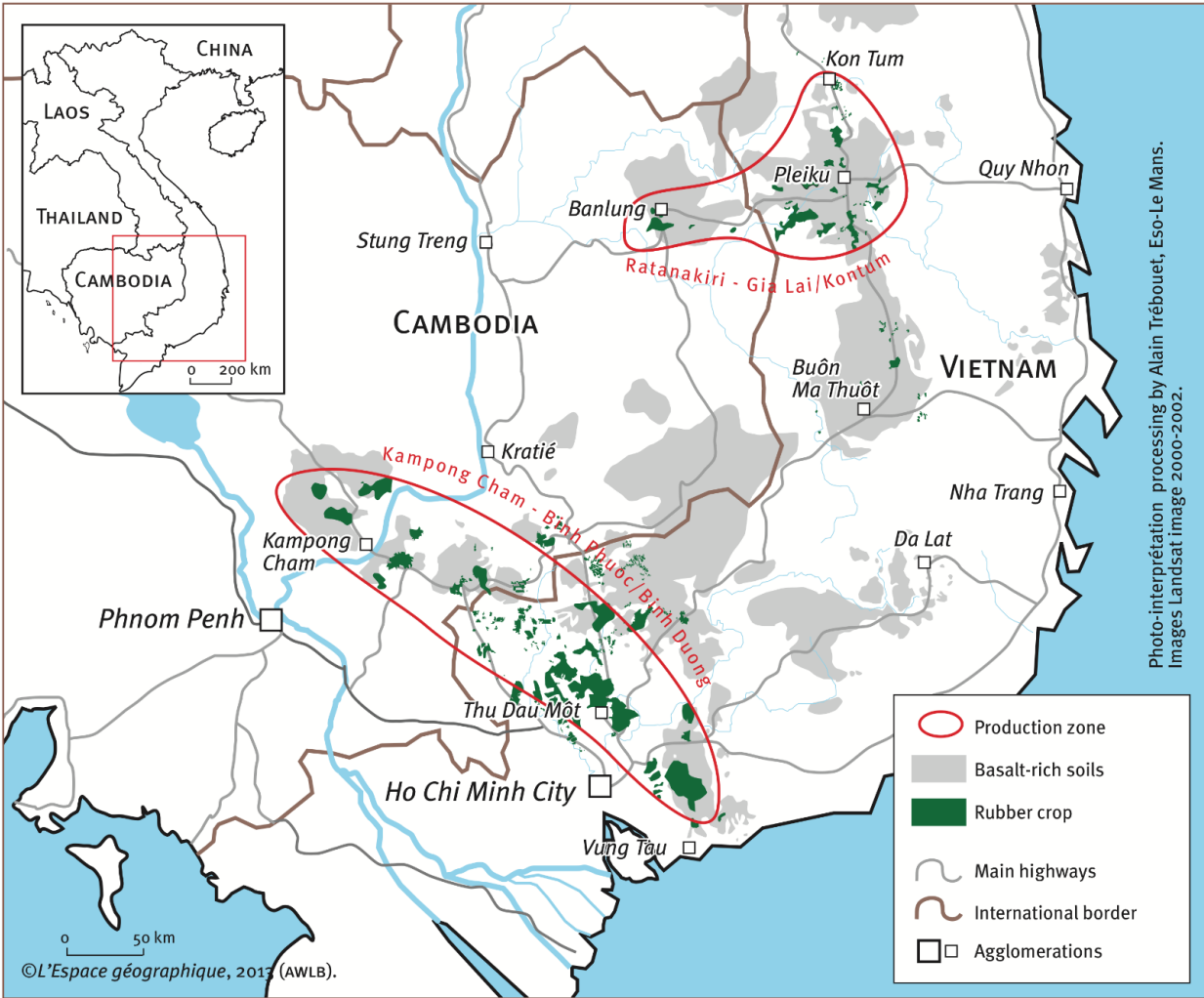


Figure 3-4: Map of basalt-rich soils and rubber crops in the early 2000s. The rubber crops depicted are prior to the contemporary boom in Snuol, which were planted in the late 2000s and are not ready for tapping. Source: Fortunel (2013, 158).

grant, the Department of Agriculture sent each provincial *resident* 12 *heavea brasiliensis* plants along with detailed instructions: “These plants should be put in place as soon as possible, close to your *residence* for you to observe their development” (quoted in Slocomb 2007, 14). The goal was to conduct a trial to determine the suitability of different regions for rubber cultivation. The result: after three years of trials and observations, the Chief of Agricultural Services reported, “Nearly the whole surface of Cambodia is perfect for the cultivation of rubber from the point of view of climate and soil” (quoted in Slocomb 2007, 14). With this, the era of rubber began in earnest. In

1921 the first plantation took shape in Cambodia, the Chup Rubber Company, growing to be the largest rubber plantation in the world at one time (Slocomb 2007).

By 1925, the rubber industry was booming and high international rubber prices contributed to a surge in applications for land in Cambodia. That year colonial administrators received applications for 500,000 ha to transform into rubber plantations (Slocomb 2007). After two years of requests “made in a rather imperious fashion,” the Governor-General was concerned about the pressure that rubber investors put on local administrators “to open to colonisation, without delay, vast regions without communication routes and some even impenetrable” (quoted in Slocomb 2007, 25). In 1926, he issued an order with the intent of circumscribing the land rush, however it seems to have had little effect.

Out of the rush, a total of 75,603 ha was granted as eleven large concessions, all of which are in present day Thbong Khmum province (former Kampong Cham), with the exception of one plantation in Snuol district, Kratie and within my study area. In Memot district (adjacent to Snuol) five concessions were granted side-by-side such that one massive 18,000 ha plantation was formed. All five were awarded within just 48 hours in October 1926. Less than four months later, the Snuol plantation, just 40 kilometres from Memot, was formed (Slocomb 2007, 55). The plantation developers in Memot and Snuol all went through the same French intermediary, Charles Hardouin, director of *Société Plantations des Terres rouges* (Red Earth Plantation Company). The involvement of leaders of the French colonial project, such as the colonel that demarcated the border between Siam and Indochine, strengthened the company’s position (Guerin 2008, 288-90). Two parallel companies were formed, with the same office and the same headquarters in Saigon,

and under the same director, The Count of Ursel. Both companies worked towards gaining land requested by Hardouin (Guerin 2008, 290) (this practice also has a contemporary manifestation as investors are known to go through multiple companies in order to evade the ELC size limitations set by law).

Although a vast complex of rubber plantations was developed on the Memot plateau, the area was far from provincial towns and the road was only partly sealed, meaning that it was difficult for the Administration to supervise and “it was the scene of almost constant conflict” starting with the companies’ occupation of land (Slocomb 2007, 39). In 1932, the Inspector of Agricultural Services of Indochina estimated that Cambodia rate of planting was the highest among the major producing countries, and that, as a group, Cambodia’s plantations “by their homogeneity, and beautiful uniformity, are one of the most remarkable in the world” (quoted in Guerin 2008, 290). The first rubber trees were ready to tap by 1933-34 and by the eve of the Second World War Cambodian rubber plantations produced about one-third of the total rubber production for Indochine (Guerin 2008, Slocomb 2010).

#### Indigenous resistance to plantations and the creation of ‘reserves’

The colonial concessions had important precedents for present day struggles for land: they overlapped with Stieng land use, thereby bringing traditionally held and managed lands into conflict with the capitalist economic system advanced by French rule; and were the sites of intense struggles for land control. Documents show that concessionaires minimized the importance of indigenous inhabitants when the companies pushed for, and gained, control over increasingly large tracts of particularly fertile land that was already cultivated (Guerin 2008). This dynamic led to a

series of important showdowns and both Slocomb and Guerin emphasize “that it had all the elements of high drama” (Slocomb 2007, 31). These clashes pitted not only the inhabitants against the concessionnaires, but also the colonial administration who were vexed by the companies’ under-reporting of the population as part of their machinations to gain increasing control of particularly fertile land.

The first of these conflicts to appear in the colonial archival records are the protests lodged by the chiefs of 17 Stieng villages in 1926 (Slocomb 2007). The conflict escalated as the company began to clear forest land and Stieng appealed through petitions to their village chiefs up the chain of command along with protests (Slocomb 2007, 40-2). The colonial administration decided to release 9,500 ha from the concession plan, thereby shrinking the concessionaire’s holdings by one-third and securing an allocation of approximately 10 ha per person (Slocomb 2007). To finalize the reduction of the concession, the government sent a cadastral team that worked for three months to establish a plan for the concessions, conduct a census, and survey land use by the Stieng. The team devised a solution of creating ‘reserves’ onto which the indigenous population would be displaced (Slocomb 2007).

The concessionnaires were furious at their loss of territory and in their complaints to the Governor-General, the chief administrator emphasized the territorialising role of the concession in extending colonial rule:

We are established in a region where there are no other European establishments, in a district deprived of resources, covered with timber, peopled by a few dispersed hamlets in the forest, inhabited by... Sting [sic] tribes, primitive tribes, still ignorant of the use of spades and ploughs and who can be employed for only the roughest of work (quoted in Slocomb 2007, 40).

His complaints continued, arguing against the ruling that reserved one-third of the land for the Stieng by stating that 10 ha per inhabitant was far too “generous” when compared to nearby Vietnam since in Cochinchina the allotment was three people per hectare, while in Tonkin it was six to seven (Slocomb 2007).

Guerin suggests that it is likely that the administration intervened on behalf of the Stieng villagers because it was driven by a fear of revolt and thus decided to position itself as a “defender of the villagers”. This cautionary attitude can be seen in a letter from the *resident* of Kampong Cham to the *resident superieur* in 1927, concerning the investor in the region, Count d’Ursel:

At the same time, I will draw the attention of [comte d’Ursel] to the possible repercussion in the lands belonging to the Stieng who are able to defend their property by all means at their disposal and, of course, by strength (quoted in Guerin 2008, 291-2).

Warnings from colonial administrators seem to have gone unheeded. Concessionaires continued to report unrealistically low estimates of the number of people impacted by their investments. In Memot they argued that no more than a thousand were affected, while the colonial administration census established that 8,763 people, the large majority of whom were Stieng, lived on the land granted for concessions (Guerin 2008, 292). These discrepancies led to long negotiations until the villagers accepted displacement into six ‘reserves’ and a compensation payment for their eviction that was far less than the value of their crops (Guerin 2008, 293). In total 7,959 inhabitants were displaced into these six reserves, making space for five concessions on the red lands of Memot (Slocomb 2007, 42; Guerin 2008).

In the midst of Stieng protests in Memot, the same company applied for 6,000 ha from the land that was set aside in 1912 for the Montebello plantation in Snuol (Guerin 2008; Slocomb 2007).



A royal ordinance from the King and the Council of Ministers authorised the auction of the old Montebello land in 1926. Like in Memot, the Stieng launched strong protests in response. The protests led to the reduction of the concession area for the Snuol Rubber Company from 6,000 ha to 4,000 (Guerin 2008, 288-9; Slocomb 2007). And yet shortly thereafter, in 1928, the company requested an additional 1,800 ha even though it had only cleared planted 10 ha with rubber and cleared just 170. The request was rejected by the *resident de* Kratie, who wrote:

The inhabitants are protesting energetically against giving the company any new ground. They urge that all red lands east of the Kampong Cham-Kratie road be reserved for them (quoted in Guerin 2008, 289).

The administrators considered the claims of the Stieng inhabitants to be reasonable and the concessionaire's request for additional land was refused in 1930.

#### Eradicating swidden agriculture through the reserve system

From the end of the 1920s and through the early 1930s – in the midst of concessions, insufficient reserve allocations, and plantation encroachment – the indigenous farmers in the region had to modify their agricultural traditions (Guerin 2008). Prior to the expropriation of their land, inhabitants of the highland areas did not, and could not, cultivate paddy rice; instead all agriculture was organized around swidden agriculture and farming livelihoods were supplemented through access to forests, rivers, and common lands (Slocomb 2007). The areas that were set aside as reserves, or onto which indigenous people were displaced, were insufficient to support a population of over 8,000 people according to agricultural practices suited to the local ecology (Guerin 2008). The pressure on the land was made even more critical since plantations frequently encroached onto reserve areas. The displacement of Stieng people into limited areas shortened the shifting cultivation period by half due to the size of the land area and the population pressures.

Historical sources emphasize that the allocated land allowed for only a two-year rotation and the area was insufficient for forest regrowth between cropping cycles according to shifting cultivation practices (Slocomb 2007, 42; Guerin 2009, 292).<sup>6</sup>

Colonial administrators attempted to support the transition away from swidden agriculture by introducing cash crops like corn, cotton and cassava, the latter of which is the predominant contemporary cash crop in the region. By 1938 the agricultural system had been re-oriented around paddy rice farming. The new system had eliminated shifting cultivation and the system was already under strain due to insufficient land for each family (Guerin 2008, 293). Since much of the red lands around Snuol were especially well-suited for shifting cultivation and less so for paddy farming, many villages in the area were forced to move many kilometres away from their original sites in order to seek other means of survival and land types that would support paddy rice cultivation (Guerin 2008).

Stieng may have populated the region and lived on the peripheries of the new plantations, but they were not hired to work them. The companies in Snuol and Memot considered the indigenous people to be “insufficient, primitive and unreliable” (Guerin 2008, 290). Instead, these plantations recruited thousands of workers from Tonkin (present day Northern Vietnam), known as ‘coolie’ labour, to work as indentured labourers for contracted three-year periods (Slocomb 2007; Guerin 2008). The Stieng were selectively employed to clear the land, a task they were considered well-

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<sup>6</sup> This shortening has its parallels in contemporary policies in the region, notably in Laos where rotation cycles were shortened to three years as part of a state policy to eliminate swidden (Vanderveest 2003, 52).

suites for, for additional income, but Guerin notes that they practically never became tappers (2008, 293). This roughly aligns with recollections by elderly Stieng people living near the Snuol Rubber Company, some of whom told me that they recall their parents occasionally working on the French plantations when they were children.

As capitalist enterprises – with large sums invested, huge areas demanded, shareholders in France and Saigon, and with significant political support – these plantation companies brought a model of colonisation that was totally different from the previous colonial settlements in the highlands. The companies were able to “mobilize financial, material and human resources hitherto unknown in the backcountry” (Guerin 2008, 290) and rubber acted as one of the main spearheads for the French-led capitalisation of Cambodia’s resources. Commentators writing during the colonial period made claims that the large rubber plantations “marked the beginning of capitalist colonisation in Indochina” (Virginia Thompson 1937 cited in Slocomb 2007). These concessions provided more than simply the blueprint for present-day ELCs, they also represented modern innovations of agriculture and capitalism in which labour and land were commodified in ways that were entirely new for the people and territory caught in the system (Slocomb 2007). Alongside these changes, the concessions also introduced practices of land speculation and the development of land for profit and rents. This transformation, Slocomb argues, relied on a modern bureaucratic state and was tied to changes in systems of arbitration and labour codes that carried notions of human rights and social justice along with them. And yet the living and working conditions inside these plantations were so difficult that rubber plantations were the first recruitment grounds inside Cambodia for the Indochinese Communist Party (Slocomb 2007; Gottesman 2004).

### *Post-Independence*

Once established, the plantations persisted through the political and economic upheavals of the late twentieth century. After Cambodian independence in 1954, the big French companies continued to run the plantations they had developed in the 1920s and 1930s, but no new concessions were granted to foreign investors (Gottesman 2003, Slocomb 2010). In comparison, foreigners were unable to manage forest concessions during the acute nationalism of the *Sangkum Reastr Niyum* (Popular Socialist Community 1955-1970) led by Prince Sihanouk (Diepart and Schoenberger 2017). During the *Sangkum* period, rubber was the principal source of foreign currency reserves and, together with rice, was one of the twin pillars of national development and economic independence, representing more than half the total value of Cambodian exports (Slocomb 2010).

The US bombing, the Second Indochina War, the civil war, and the political sea change that swept through Cambodia in the 1970s shifted control over the important rubber plantations and revenue. The Second Indochina War spilled over into Cambodia in 1969 with the start of the American secret bombing of Cambodia, much of which was concentrated in the rubber growing regions (see Figure 3-5). By 1970, the war had destroyed half of the rubber plantations' production and communist forces had blocked all transport of rubber (Slocomb 2010). Consequently, all but one of the big plantations stopped tapping rubber. Villagers in the study area emphasized that all the work for the French plantations stopped in 1970 (group discussions 3/2/14). The plantations were further damaged by defoliation and aerial bombing by the Americans that lasted until 1973, and their location in the far-east of the country meant they were situated where the Khmer Rouge forces were taking shape.

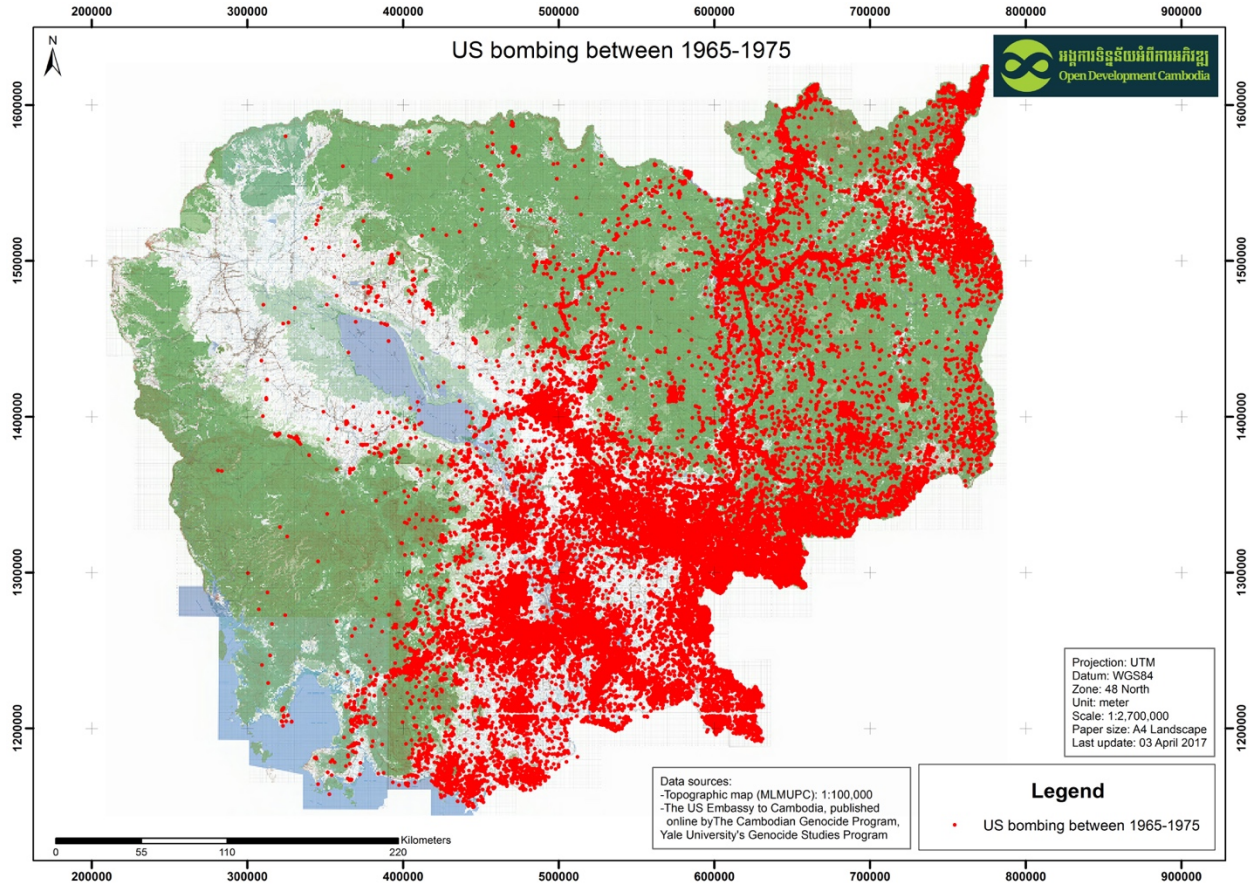


Figure 3-5: Map of US Aerial bombing from 1965 to 1975  
 Source: opendevdevelopmentcambodia.net

After the Khmer Rouge took over in April 1975, Chinese experts helped the Khmer Rouge operate the rubber plantations. They exported approximately 20,000 to 25,000 tonnes of rubber back to China over the four-year period (Gottesman 2003). This trade in rubber would later be cited as one of the many crimes in the verdict of the 1979 Pol Pot-Ieng Sary trial by the Vietnamese-supported People’s Republic of Kampuchea (PRK) (Gottesman 2003). However, Khmer Rouge control of the concessions likely faced smaller challenges on the ground. Elderly villagers who lived next to the Snuol plantation told me that during the Khmer rouge period they secretly tapped

the rubber trees and kept doing so until the Khmer Rouge fully left the area in 1998 (group discussion 4/02/14).

### *After the Khmer Rouge*

The origins of the contemporary Cambodian state lie in the early 1980s, during the PRK, when former Khmer Rouge cadres with Vietnamese and Soviet backing attempted to introduce a socialist state system that was more benign than the Khmer Rouge experiment and based largely on the Vietnamese communist bureaucratic model (Gottesman 2003, Milne *et al.* 2015). The new regime acted relatively quickly to restore the plantations. Within the first year of the PRK, a former Khmer Rouge cadre of the Eastern Zone was assigned the portfolio for the colonial plantations. In this position he was reported to have

embarked on a spree of malfeasance, pilfering state property, overestimating the number of workers in the plantations and pocketing their allocated salaries, stealing gold and silver, selling off state property, using state workers for the construction of his house... renting state land and generally attempting to profit from plantations (Gottesman 2003, 123-4).

Party documents from 1981 describe the problem as one in which the manager was “creating armed forces on the rubber plantations that are growing in strength and becoming personal forces that would live or die with [him]” (cited in Gottesman 2003, 124). To better understand the above assertions, it is important to know that a national currency had not yet been re-introduced during the early part of the PRK and the export of rubber to the Soviet Union was one of the only sources of hard currency available to the regime (Gottesman 2003, 99).

The importance of rubber meant that its export and control was also a key bone of contention in the ongoing struggle between Hun Sen, the Cambodian Prime Minister since 1985, and the

Vietnamese backers of the regime (Gottesman 2003) At its peak, the Prime Minister attempted to establish direct export of Cambodian rubber to the Soviet Union and East Germany, thereby bypassing the Vietnamese. Eventually Vietnamese advisors to the PRK gained control by focusing rubber production on areas near the border and bolstered control by staffing the plantations with Vietnamese advisors and workers (Gottesman 2003, 154). Struggles to control the rubber trade persisted throughout the decade amidst the ongoing civil war.

Towards the end of the PRK regime, in the late 1980s, provincial officials used their relative autonomy from the central government to sell off much of the rubber plantations under their control (Gottesman 2003). New opportunities for officials to privatize land or to sell or lease state property were also created by liberalising reforms that decollectivized landholdings in 1989 (Milne, Pak and Sullivan 2015). By 1990, Hun Sen was granting control of tens of thousands of hectares directly to provincial authorities (Gottesman 2003) in exchange for political loyalty and a share of the profits. This dynamic set the groundwork for an entrenched system of informal extraction and patronage in the state apparatus (Milne, Pak and Sullivan 2015).

#### Privatization of state-owned plantations

In the post-UNTAC period, the control of the colonial rubber plantations was slated to be transformed yet again. Structural adjustment policies from the World Bank determined that the concessions would be privatized and were legislated in sub-decree, Anukret No 52, in 1994 (Slocumb 2007), yet it took another 12 years for the privatization to be completed. In total seven state-owned plantations were divested as part of a long-standing Asian Development Bank (ADB) project. Rubber continued to be transported to Saigon for export until mid-2004, when marketing

finally shifted to Phnom Penh (Slocomb 2010). The Snuol Rubber Estate remained under MAFF control until February 2008, when there was tender for privatization. At the time, over 3,000 hectares were planted with rubber, the majority of which were re-planted in the 1950s and 1960s and were still yielding, with some newer trees planted with support of the Agence Française pour le Développement (AFD) in 1995 (NDC 2009). The process of divesting the French-era plantations was done quietly. In spite of the involvement of ADB and a French consulting firm, little information is publicly available. In the midst of the privatization, Slocomb (2007, 157) in the concluding words of her study of colonial plantations, emphasized that

few Cambodians are even aware that at least 50,000 hectares of the country's richest soil and some of the country's finest agricultural infrastructure is still part of state heritage.

Although bidding was open, it is understood that powerful local business interests claimed the plantations, and many were sold on to ruling party members and family of the Prime Minister (pers. comm. 2011). Exemplifying these claims, I've been unable to get a clear picture of who now controls the Snuol Rubber Estate despite it serving as the backdrop to many of my interviews.

### Forestry after the Khmer Rouge

At the end of the socialist period in 1989, an official at the Council of Ministers remarked "if we have no good way to manage timber, we will become a country with no trees because we have been cooperating with Vietnam to the East and with Thailand to the West" (Gottesman 2003, 293). As early as 1979, the embattled Khmer Rouge were pushed to the Western frontiers of the country where they made logging agreements with the Thai military to fund their war with Vietnamese troops and the PRK government (Le Billon and Springer 2007, Milne *et al.* 2015). In eastern Cambodia, logging was primarily under Vietnamese control, with the PRK granting logging licenses to Vietnamese investors on a year-to-year basis (Curtis 1989 cited in ADI 2004). In other



cases, local military units took control of logging activities and revenues. Joint timber companies were also formed with Vietnamese investors to facilitate timber exports to Vietnam and to ensure PRK control over the timber trade (Gottesman 2003). It is on the basis of these initial ‘joint ventures’ that forest concessions were (re)-established in the mid-1990s, almost 100 years after they were first introduced in Cambodia by the French (Le Billon 2000, Hibou 2004). The rents from logging were shared via lucrative deals between insurgents and competing factions within the post-conflict state. The enormous revenues involved facilitated the potential for a peace agreement (Le Billon 2002), which was reached after lengthy negotiations and formalized by the Paris Peace Accords in 1991. Philippe Le Billon (2000, 785), in his study of Cambodia’s political ecology in the 1990s, placed timber at the very heart of the political transition, arguing,

Timber represented a key stake in the rapacious transition from the (benign) socialism of the post-Khmer Rouge period to (exclusionary) capitalism, thereby becoming the most politicised resource of a reconstruction process that has failed to be either as green or as democratic as the international community had hoped.

The importance of logging revenues carried over into state-building in the early post-UNTAC years which centred around key leaders in the CPP – like Hun Sen and Chea Sim – building personal patronage networks and bases of power rooted in the cross-border trade and exploitation of natural resources like timber (Milne, Pak and Sullivan 2015).

Forest exploitation in Kratie gained momentum in the 1980s, when a 75,000 ha logging concession was granted to Vietnam on a year-to-year basis (Curtis 1989 cited in ADI 2004). In Snuol, logging got a further boost in the late 1980s and 1990s when Military Region 2 soldiers took control. The concession system introduced in the aftermath of the UNTAC period changed things once again. Nearly one-third of the 30 forest concessions granted in the mid-1990s were in Kratie, covering 702,642 ha (ADI 2004).

## Logging in Snuol: The Samling forestry concession

Snuol district, and especially Stieng villages in the area, were severely impacted by the 1994 forest concession to the Malaysian Samling International Ltd, which received a massive concession of nearly half a million hectares. The concession was split among several provinces, of which 143,350 ha was located in Kratie, much of which fell within Snuol district. The UK-based environmental group Global Witness served as Cambodia's Independent Monitor of the forest sector from 1999 to 2003 and during this time it regularly drew attention to Samling's concessions and slammed its mismanagement (Global Witness 1997). Reports described the concession's logging road in Kratie province as having "punched through the Snuol Wildlife Sanctuary" where the company was estimated to be felling 4,000m<sup>3</sup> of logs per day. At this rate, observers in 1997 expected Samling to totally strip its concession area by 2004, coinciding neatly with the eight-year tax holiday offered by the Royal Government of Cambodia (RGC) (WRM and Forest Monitor 1998). Samling's logging operation in the Cambodia-Vietnam borderlands was also linked to the illegal exportation of logs over the border to Vietnam and with the purchase of illegally cut timber from the Royal Cambodian Armed Forces (RCAF) Military Region 2. Their operations also allegedly paid the Khmer Rouge US\$350 per truck per month to permit the removal of logs from the concession – payoffs estimated at over US\$17,000 per month (Global Witness 1997, WRM and Forest Monitor 1998). These types of links between concessionaires of the 1990s, the military, and armed groups form an important precedent for understanding the power relations surrounding economic land concessions in Snuol in the present (a dynamic that will be unpacked in Chapter 5).

Reports and pressure by Global Witness were instrumental in revoking Samling's concession at the end of the 1990s. Khmer language translations of the *Going Places* (Global Witness 1998a) report from Global Witness, which revealed harmful logging practices in Kratie, was recognized as weakening rural support for the CPP: in an interview with the *Daily*, the CPP spokesman stated that the report and logging practices had "... affected our popularity in Kratie [province]" (Cambodia Daily 6/08/1998 cited in Global Witness 1998b).

Once the contract with Samling was cancelled in January 1999, the remaining logging opportunities were seized by high level officials, Military Region 2 units of the RCAF, and local businessmen such that most residents of Snuol district were unable to observe any change in the rate of logging<sup>7</sup>, only noting that the benefits flowed into more localised, but still removed, hands.

### **Contemporary Plantations: Economic Land Concessions (ELCs)**

Starting in the 1990s, and accelerating through the 2000s, the CPP began to grant concessions to agribusiness companies to develop for rubber, sugar, paper pulp, and cassava. The government has justified granting Economic Land Concessions (ELCs) as part of stimulating agro-industrial activities; developing so-called 'under-utilized' land; providing new wage labour opportunities in rural areas; encouraging economic diversification; and generating state revenues (Diepart and Schoenberger 2017, 161). In the 1990s, the expansion of concessions was part of the embrace of capitalism and the associated elite capture of resources tied to post-war state building (Le Billon

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<sup>7</sup> In 2004, a Global Witness project advisor commented, rather ironically, that now most of the logging took place in the forests outside of the Snuol Wildlife Sanctuary since the areas within had already been heavily logged (*Cambodia Daily* 22/2/04 cited in ADI 2004)

2000, Un and So 2011, Baird 2014, Beban and Work 2014, Diepart and Sem 2016, Diepart and Schoenberger 2017). The 2001 Land Law, and further legislation introduced in 2005, provided the legal tools for land concessions to surge in the mid to late 2000s (discussed further in Chapter 7; the evolution is depicted in Figure 3-9 later in this chapter).

There is no comprehensive list, or definitive dataset, that compiles information on all concessions in the country. Two ministries have granted ELCs, the Ministry of Agriculture, Forestry and Fisheries (MAFF) and, starting in 2008, the Ministry of Environment (MoE). Provincial Governors were also able to grant up to 1,000 ha at a time for concessions without any oversight from MAFF or MoE up until 2008. MAFF's 2014 (64) annual report declares that the ministry granted ELCs to 122 companies covering a total land area of 1,316,396 ha. This differs from information on MAFF's website and from figures reported by the Minister of MAFF to the National Assembly in May 2013, which identified 1.5 million hectares granted to 117 companies between 1996 and 2015 (Trach 2013). MoE does not publish any known datasets on the total area it has granted to concessionaires. There are also no joint datasets published by the two ministries. Non-government agencies argue that the true figure is much higher, and likely closer to 2-2.5 million hectares (Subedi 2012, ADHOC 2013, LICADHO 2015a, see Figure 3-6, below). All ELCs are located in peripheral upland areas, with a higher concentration in the northeast. Cambodia started to put the brakes on concessions by stripping provincial governors of their abilities to grant concessions in 2008, and followed this move with a full national moratorium in 2012 (part of Order 01, explained later in this chapter).

That the contemporary state has been able to claim such a large portion of Cambodia's territory is a result of the complicated legacy of land tenure in Cambodia associated with the Khmer Rouge period, which included policies of forced exurbanization, the extensive displacement of people across the country, and the full abolishment of all property rights. During the post-Pol Pot era (spanning the People's Republic of Kampuchea (PRK) 1979-89, the State of Cambodia 1989-90, and the UN Transitional Authority in Cambodia (UNTAC) 1991-1993), dislocated persons and families attempted to return to their original dwellings and to reunite communities torn apart. Return was not always possible, and many people settled on plots occupied prior to the Khmer Rouge era but that appeared to be vacant after the genocide. Given this complex history, land tenure claims prior to 1979 are not recognized. Post-Khmer Rouge farming first resumed under state policies of collective farming until 1989 when farming was officially de-collectivized and smallholder farming reorganized around local entitlements to land that were partially formalized as private holdings (Dwyer 2015). Although processes to obtain formal documents that gave full legal title to land accompanied decollectivization, the majority of families in the country were unable to access these short-lived opportunities, making them more vulnerable to eviction now. This trend was pronounced in the study region and elders could recall only three or four households in the village that paid the fees for formal documents, and even then, they only did so for paddy rice land.

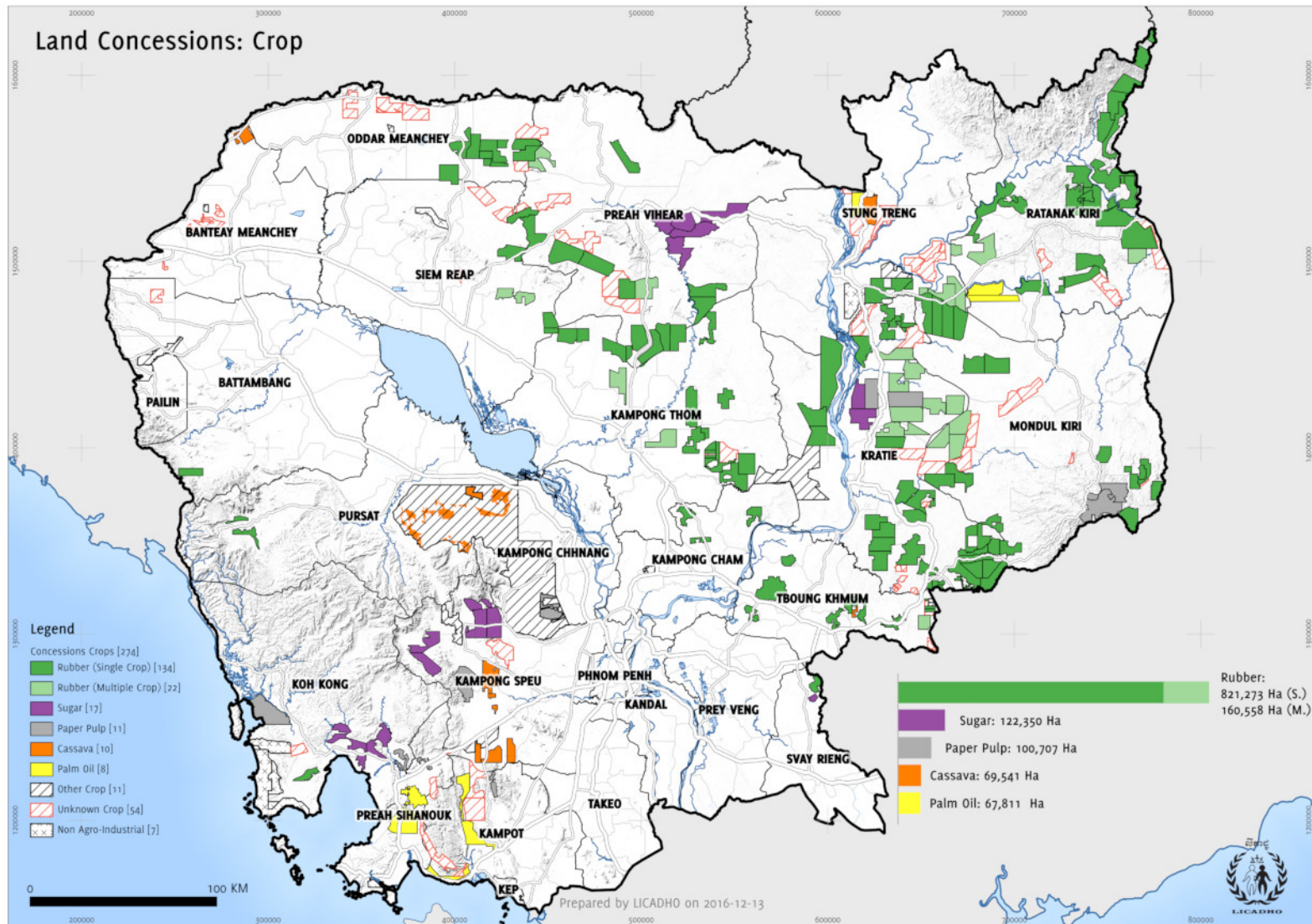


Figure 3-6: Overview Map of Land Concessions  
(Source: Licadho 2016)

Many ELCs followed the vast forestry concessions unleashed in the wake of the country's first elections in 1993 (De Lopez 2002). Between 1994 and 1997, approximately seven million hectares of land were awarded to 30 forestry companies who logged extensively, both inside and outside the concession boundaries (Barney 2010). The logging revenues financed the army's ongoing conflict with Khmer Rouge forces (which continued until Pol Pot's surrender in 1997), thereby helping to sustain the power of the army and the political elite much in the same way that economic land concessions are doing today (Le Billon 2000, De Lopez 2002, Global Witness 2007, Hughes 2008, Un and So 2009, 2011, Chandler 2010, Cock 2010, Springer 2011, Milne 2015).

In 1998, the year the CPP consolidated its grip on power, Cambodia had the highest rate of logging dependency in the world (43 percent of its export earnings) and yet only a fraction of the revenues were reaching public coffers (Le Billon and Springer 2007; Milne, Pak and Sullivan 2015). Amid mounting donor pressure over the government's failure to manage the forest concession system, Hun Sen suspended all commercial logging in 2001. That same year, the Land Law introduced the legal framework for ELCs, followed shortly thereafter by the 2002 Forestry Law, which made all logging on state land illegal without a permit (Milne, Pak and Sullivan 2015). These two laws had the effects of re-directing (and curtailing) logging opportunities to within the borders of ELCs, a form of state land granted to investors. It is estimated that each hectare of ELC with primary evergreen forests generates US\$100,000 in timber revenue; which, in light of the two million hectares granted as ELCs suggests staggering resource flows from timber extraction (Milne, Pak and Sullivan 2015, 42). Because granting ELCs and logging went hand-in-hand, Cambodia has had one of the world's highest deforestation rates since 2000 (Hansen et al 2013).

Processes of land grabbing tied to the expansion of ELCs are bolstered by Cambodian political and economic elite who seek to capture the opportunities tied to privatizing control over large tracts of land.<sup>8</sup> At the time of my research, Cambodia was characterized as a neopatrimonial state (Cock 2010; Un and So 2011; Springer 2011) and was frequently described along the lines of

a combination of a modern bureaucracy and personalized patron-client relationships within a traditional system of patrimonialism, with no clear differentiation between public and private realms... Central to the current political dominance of the ruling Cambodian People's Party (CPP) is its... allocation of resources, government positions and lucrative business licences to key segments of the political, military and business elites. As formal rules are circumscribed by personalized relationships, accountability exists mainly between patrons and clients... (Un and So 2011, 294).

Concessions are formed through networks of relationships and financial ties that criss-cross the ruling party and branches of its government, more than 270 private companies, and the state military forces that enforce the concessionaires claims to land and property (this network is detailed further in Chapter 5). The investors are both national and international, with the latter often comprised of regional neighbours like Vietnam or Thailand and rising economic powers like China and Korea. That an estimated one-fifth of the total land area granted as ELCs is held by just five senior CPP senators is suggestive of how these investments interweave the state, capital flows and illicit logging (Milne, Pak, Sullivan 2015, 42). The power of these claims is further reflected in the more than 250,000 Cambodians that are estimated to have been evicted from their land and homes in the last decade; and another 420,000 people that have been affected by land conflict (Hughes 2008, CHRAC 2009, NGO Forum on Cambodia 2009, 2010, Chandler 2010, Un and So

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<sup>8</sup> It is estimated that private investors pay approximately US\$500 in informal fees to government officials at various levels for each hectare approved in an ELC agreement. By this estimate, Un and So (2011) calculate that the 130,785 hectares granted to 20 companies in 2009 could have generated a total of US\$65.3 million in unofficial payments to the ruling party and their officials.



2011); and the associated increase in estimated landlessness from 13% in 1997 to 25% in 2007 (ADHOC 2013).

Concessions expanded rapidly in the mid-2000s until the early 2010s. However, many of the investments announced around the 2007-08 international food price crisis and the financial crisis do not stand up to scrutiny due to failures to complete (or even start) anticipated reported investment. This was case for investment to shore up food security in Gulf States like Qatar and Kuwait (Baird 2014, 444-45). Concessions were also incomplete because the ELCs were motivated by logging and abandoned once the areas were clear cut (Diepart and Sem 2016; Neef, Touch and Chiengthong 2013). Scholars in Cambodia have pushed back against global narratives of land grabbing that tie them to international crises and instead point to the role of money laundering and speculation in land (Baird 2014); the role of cultural dimensions of power, specifically religious and spirit-centred discourses that can be made to legitimise state land grabbing objectives (Beban and Work 2014); and the ways concessions are used to stabilize political rivalries, to generate revenues for warfare and state building, to consolidate ruling party power and to facilitate patronage-based electoral politics (Le Billon 2000, Un and So 2011, Baird 2014, Rudi *et al.* 2014, Diepart and Schoenberger 2017). The scholarly literature also emphasizes that concessions have been used as a tool for state territorialisation projects (Dwyer 2015, Diepart and Sem 2016).

## **Order 01: “New Actions and Existing Policies”**

In 2012, as land conflicts were peaking, the terrain shifted rather unexpectedly when Prime Minister Hun Sen announced *Order 01 on Measures for Strengthening and Increasing the Effectiveness of the Management of Economic Land Concessions*. The Order initiated a moratorium on granting concessions and called for a review of existing concessions. It also included instructions for the government to seize ELCs if concessionaires failed to comply with the contract or relevant legal procedures.<sup>9</sup> The entirety of the Order was one-page long and included four numbered points. The unofficial English translation of the Order by the Ministry of Land Management Urban Planning and Construction (MLMUPC) can be seen below in Figure 3-7. As written, the Order created opportunities for the government to seize land from concessionaires that used the concession to cut trees but did not cultivate the land; encroached on land beyond concession boundaries; left parts of the concession vacant in order to sell it to third parties; undertook business activities that violated the ELC contract; and took land from local people or indigenous communities. It thus represented a significant rupture to the land grab network and to land relations in Cambodia, especially those entangled with and impacted by ELCs. The Order specified that any seized concession areas shall return to the direct management of the state and introduced the term ‘leopard skin’ strategy to implement the ELC policy.<sup>10</sup> Although the

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<sup>9</sup> Despite the centrality of reviewing existing ELCs, it took two years to form an inter-ministerial committee to assess their implementation (for a detailed discussion see Grimsditch and Schoenberger 2015, 9-10).

<sup>10</sup> The metaphor of the ‘leopard skin’ used to describe the initiative refers to a counter-insurgency strategy that dates from the 1990s, and more specifically to guerrilla-held pockets of state territory that would be seized from insurgent opponents and then expanded until adversaries were defeated, taking everyone by surprise (Milne 2013). The military connections with the project run further: the son of the Prime Minister supervising its implementation is an army colonel and military hardware is used to move the students throughout the country – all of whom are dressed in military fatigues. The superficial militarization of these ostensibly ‘non-state actors’ and their enrolment in government functions represents one of the more unique aspects of the programme and one that troubles rights groups in the country (ADHOC 2013, Human Rights Watch 2013).

term ‘leopard skin’ is rooted in military counter-insurgency strategy, it is applied here as a heuristic for demarcating concessions in a way that avoids residential and smallholders’ agricultural land, thus reducing the likelihood of land conflicts. Readers may note the parallels with the French approach of creating ‘reserves’ amidst plantations in the 1920s.

Despite its brevity, Order 01 provided the basis for an announcement of a nation-wide land surveying campaign to issue titles to people living on state land, including forest land, ELCs and forest concessions. Five weeks after issuing the Order, the Prime Minister announced a new land titling campaign during a speech on 14 June 2012 (this announcement is discussed in more detail in Chapter 7). Implementation of Order 01 land surveys began the same month with the enrolment of thousands of ‘youth volunteers’, many of whom were university students. The youth volunteers were given a two-day training in land surveying techniques before they were dispatched throughout the countryside by the end of June. The geographic targeting of the campaign was laid out in the first official document detailing the campaign, *Notification #666* issued by the Council of Ministers (dated 26 June 2012). It specified that in addition to forest concessions, ELCs, and areas managed by MoE, the campaign would also target “illegally occupied state land”.

Remarkably, the volunteers were dispatched nearly one month in advance of announcement of the actual process for the Order 01 land surveys set out in the Council of Land Policy’s *Instruction 18* (dated 20 July 2012). Further instructions were issued throughout the implementation of the campaign until surveying ended in June 2013 due to the national elections in July of that year. Major surveying did not resume after the election, although it was promised by the Prime Minister,

but some areas surveyed prior to the election were later issued title (for example, the case taken up by Chapter 7).

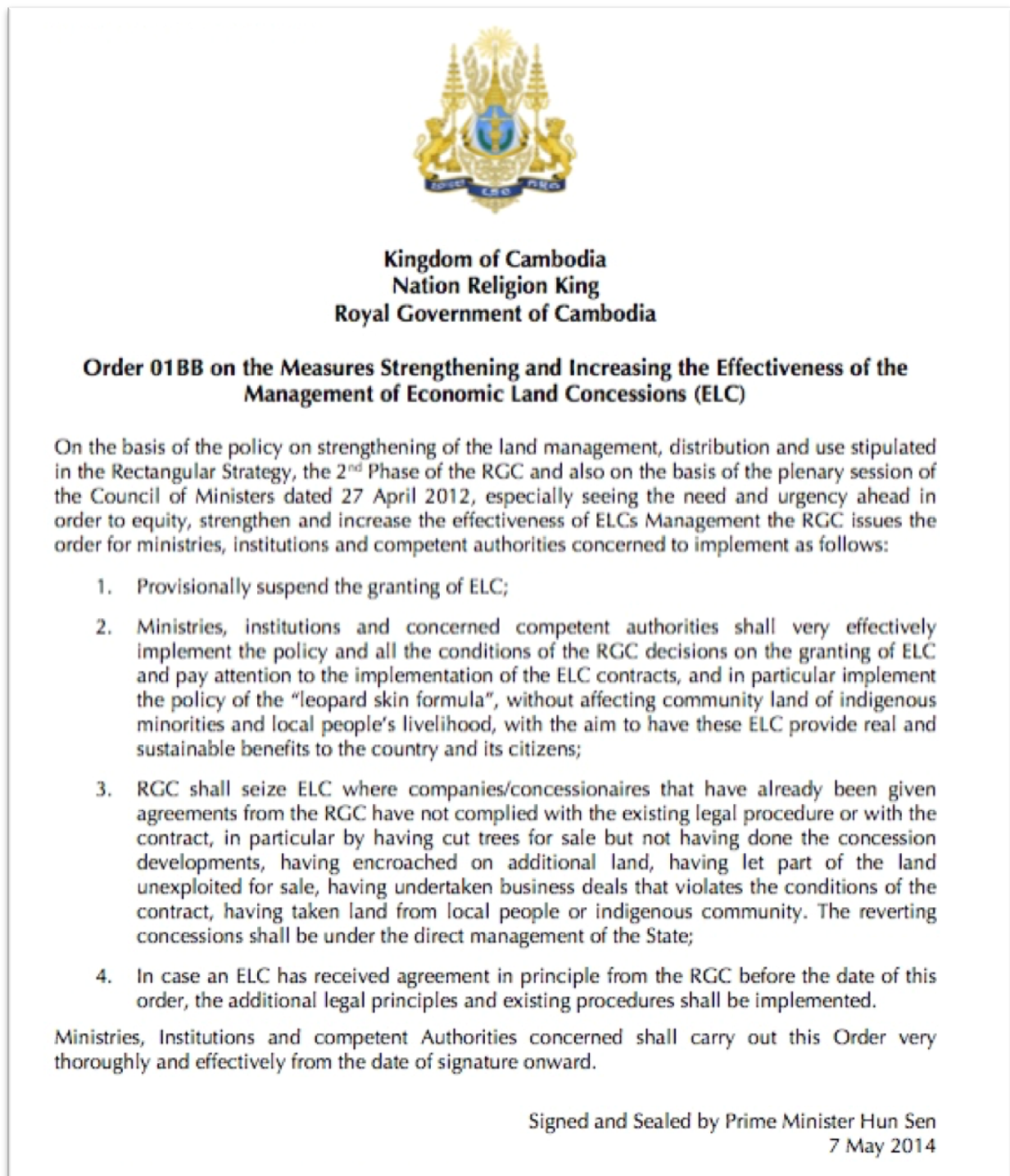


Figure 3-7: Unofficial translation of Order 01 from the MLMUPC published manual.

The land titling initiative was touted as “By Khmer, For Khmer” due to the non-involvement of international donors, NGOs or technical advisors in its funding, design, implementation and monitoring – which is exceptional in a country where donor funds make up half the annual state budget and where these non-state actors have historically been involved in drafting many of the key pieces of land legislation. The programme, launched by the Prime Minister, headed by one of his sons – an army colonel, who was named Deputy Secretary-General of the National Authority for Resolution of Land Disputes – operated in parallel to formal state systems. Its budget was generated from ‘private donations’ from the Prime Minister’s family and its implementation relied on the enrolment of thousands of youth volunteers tasked with surveying land and performing state functions while dressed in military fatigues.<sup>11</sup> The youth were outfitted with handheld GPS devices, given iPads and laptops and sent all over the country in military trucks (see Figure 3-8).

Analysis of the Order 01 process showed that, on paper at least, the process mirrored the existing legal framework for systematic land registration (SLR), albeit at a much faster pace and with some observed deviations (Grimsditch and Schoenberger 2015, 87-117). Overall, legal analysis found that the campaign took place “in a manner that was parallel to pre-existing mechanisms for land administration, rather than part of them” (Grimsditch and Schoenberger 2015, 12). The campaign also differed in its concentration on alleged ‘non-legal occupation’ of state land such that

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<sup>11</sup> The first phase ran from September to December 2012 and recruited over 1,000 youth volunteers while the second phase ran from January to June 2013, recruiting twice as many youth volunteers who comprised half the workforce implementing the campaign (Müller and Zülsdorf 2013, 9). The volunteers were formally retired in late December 2014 (Aun 2014a).

government speeches and documents related to the campaign speak in terms of ‘donating’ land. This distinguishes it from the SLR process, which acknowledges and formalizes existing legal land rights (Grimsditch and Schoenberger 2015, 74). The Minister for Land Management explained in a public speech

The campaign is to carry out the New Actions on Existing Policies on Land Sector is another step of the in-depth land reform to *resolve and strongly legalize the unclear land occupation* with safety through the donation of complete land ownership rights... in order to ensure tenure security; to resolve land conflicts; to promote national economy through the use of small, medium and large landholdings in an effective way and to maintain environmental stability and natural resources (Im 2012).

The explicit focus on land titling around large land deals has led some donors in the land sector to label the campaign as one of the only programmes of its kind in the world (Zsombor and Kuch 2013). Although at first glance this initiative may appear to fit neatly within the calls by various development institutions to more firmly secure land tenure through land titles as the panacea for land grabs (FAO 2009, FAO *et al.* 2010, World Bank 2010), on the ground this campaign intersected with a highly politicized land sector. The state claims as much as 80 percent of Cambodian territory as state land.<sup>12</sup> It is this category of land that can be conceded to investors according to the 2001 Land Law. This same state claim facilitates the granting of land to smallholder farmers through Order 01. The geography of state land is opaque and uncertain having never been officially demarcated and mapped. There is no publicly available land classification registry.

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<sup>12</sup> Dwyer (2015) undertakes an important genealogical analysis of the assertion that 80 percent of land is state land by tracing its emergence as a statistic in a 2002 Interim Land Policy Strategy Paper and its later movement through the citation chain such that it has been accepted as an unproblematic statistic.



Figure 3-8: Order 01 Samdech Techo Youth Volunteers dispatched from Phnom Penh at the start of the campaign  
(Photos published in the *Phnom Penh Post* 13/12/13, 24/12/12).



The campaign intended to produce rapid, large-scale land reform. Targets were set to survey 1.2 million hectares of land, and later revised upwards to 1.8 million ha – approximately the same amount granted as ELCs – and to award title to 470,000 families. From the start of the campaign in June 2012, to the posting of Order 01 results in December 2014, approximately 610,000 titles were issued. A total of 1.2 million hectares of land were reclassified through the Order (32% within ELCs, 23% in forest concessions, and 55% in other areas of state land and forest land) (MLMUPC 2014). These figures include 530,000 ha reclassified from ‘other’ types of state land and forest areas; 380,000 ha from 134 ELC companies; and 270,000 from forest concessions likely granted in the 1990s (MLMUPC 2014).

### *Personalisation of the campaign and control over the land sector*

The campaign was highly personalized in the ways that the performative and discursive elements of the initiative centred on Prime Minister Hun Sen. Hun Sen emphasized his role as the driving force behind the campaign, highlighting his financial support, and promoting the image of himself as ‘uncle’ to the volunteers in public speeches. The Prime Minister named the youths the “Samdech Techo Volunteering Youth Heroes”, in reference to Hun Sen’s honorific title, and instructed local officials to take care of the volunteers as many of the youth had never lived away from their parents before. He frequently referred to the volunteers as his ‘nieces and nephews’, and in public speeches instructed the population to take care of the volunteers, or else their families may lose faith in him and “won’t be concerned about uncle anymore” (quoted in Khoun 2012). The movements of the volunteers were the subject of numerous news reports and public speeches by the Prime Minister and figured so prominently in the public realm that Hun Sen would alert the nation to when the volunteers would travel for holidays, asking that motorists be careful that the volunteers arrive

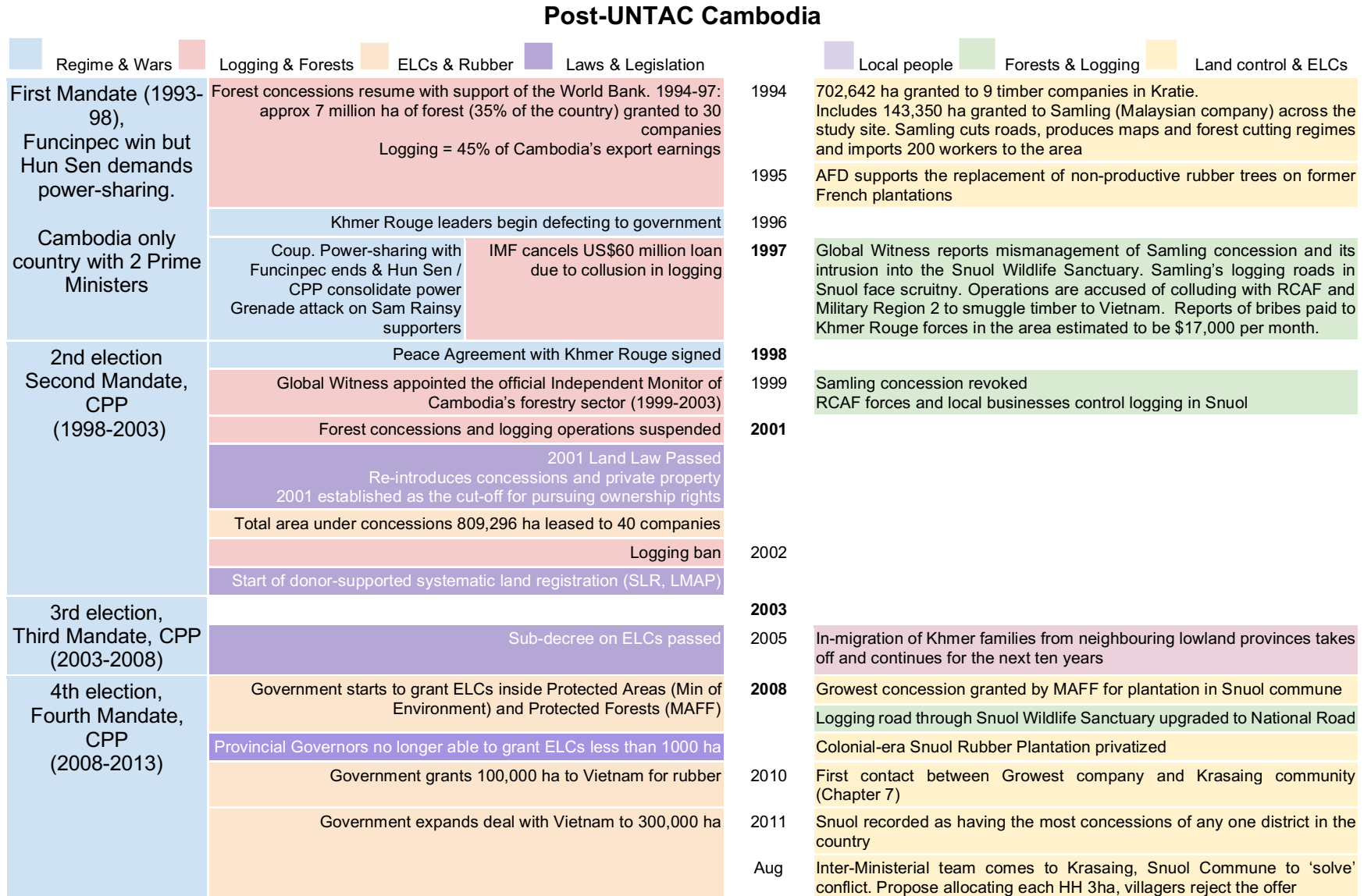


home safely (May 2012a). At the village level, people often simply referred to the campaign as “when the students came” and their role has been so central that the volunteers have been portrayed as heroes in Cambodia’s state-controlled media. The ‘volunteers’ were rewarded in the form of “nearly half a million dollars in cash bonuses from ‘uncle’ Hun Sen” (Milne 2013, 240) and given a monthly stipend higher than salaries for provincial land management officials, in addition to being offered lavish parties at times of national holidays. At such parties Hun Sen announced that the money for bonuses would come from “uncle, auntie and the party” (quoted in Phorn Bopha 2013), referring to himself, his wife and the CPP.

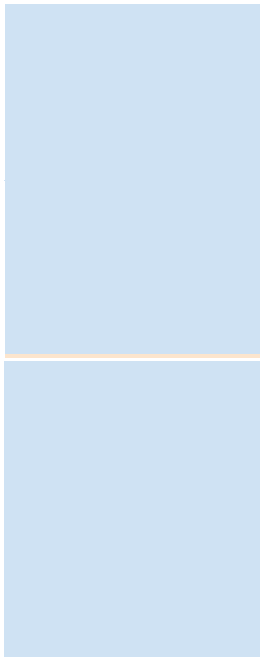
Müller and Zülsdorf (2013), part of the German development assistance programme with the Ministry of Land Management at the time, suggested that Order 01 is an important piece of legislation for shoring up power for land directly under Hun Sen, to reduce inter-ministerial quarrels, and to strengthen his power and rule internally. The Prime Minister also paid close attention to the campaign. Daily reports were first sent to MLMUPC in the late evening and were forwarded to Hun Sen’s office by midnight (Müller and Zülsdorf 2013, 14). The activities implemented were also highly personalized. In the early stages of the campaign, Hun Sen visited over 20 provinces – often accompanied by convoys of as many as 100 cars carrying government officials and members of the Politburo – to personally award titles to land (Vong 2013). Some villages in the study area had Hun Sen at their titling ceremonies and he selectively gave personal gifts to villagers, such as tuition scholarships for their children (more detail about how villagers experienced these ceremonies is given in Chapter 6). As the 2013 elections neared, Hun Sen regularly threatened that the land titling scheme would simply disappear if CPP and Hun Sen were not re-elected; a threat that may have seemed more convincing in light of the withdrawal of the

student volunteers prior to the election (Kuch 2013a, Vong Sokheng 2013, Worrell and Vong 2013).

Figure 3-9: Timeline of key events and periods in natural resource management post-UNTAC



5th election, Fifth Mandate, CPP (2013-2018)			<b>2012</b>	Binh Phuoc II plantation begins activities in Snuol Wildlife Sanctuary area	
			Jan	Plantation guards from TTY company fire on protesters in Snuol, shooting 4	
		Chut Wutty, environmental activist and anti-logging campaigner killed	April		
		Order 01 Announced Moratorium on granting new ELCs	May 7	Teenage girl killed during eviction near Casotim plantation in Kratie. Military helicopters used and hundreds of soldiers stormed the village.	
		Commune Council elections; CPP gets 62% of the popular vote	June 3		
		PM announces a new titling campaign during a speech 1,000s of youth volunteers enrolled, trained for 2 days and dispatched across the country	June 14		
		Phase 1 of Order 01 surveying activities	June 26		Order 01 Teams active in the study region
		Geographic targeting of campaign documented in <i>Notification #666</i>			
		Land survey procedures announced in <i>Instruction 18</i>	July		Land surveyed
				Hun Sen visits the study region to award Order 01 titles	Public display of survey results
			Dec		
		Phase 2 of Order 01	<b>2013</b>	NASA Landsat imagery confirms that 60% of Snuol Wildlife sanctuary logged between 2009-2013	Awarding of some titles
			Jan		
			March	Khsem community evicted (Chapter 8)	
		All Order 01 surveying activities suspended prior to national elections	June 20		
	CPP has worst outcome since 1998 CNRP wins 55 seats & 44% of the popular vote	July 28			
	CNRP dispute elections results and lead large protests Political stalemate	Aug- Dec			
		Dec	NGO in Snuol documents months of timber smuggling over the Vietnam border, estimated to be worth \$22,500 per night, primarily from the Snuol Wildlife Sanctuary and Binh Phuoc II		
		<b>2014</b>			
		Mar	Three Kratie province journalists allege that military police fired on them after they photographed the transportation of luxury timber in Pi Thnou commune, Snuol. The journalists are offered \$5,000 not to file a lawsuit	Krasaing village and Horizon Agriculture struggle over Order 01 results.	
		April	Violent eviction in Khsem commune, 266 houses burned		
		May	Khsem community protest in Phnom Penh.		
		June	Khsem community granted 750 SLC by Kratie Governor		
		July	Gunfight between Kratie police and timber smugglers in Snuol during a nighttime chase injures woman	Krasaing villagers protest in Phnom	



Order 01 Volunteers formally retired  
Results posted: 610,000 titles issued. 1.2million ha reclassified.

Law on Associations and Non-Governmental Organizations (LANGO)

		Penh
Sept		01 Titles awarded to Krasaing
Oct	Journalist investigating illegal logging in Khsem commune, Snuol shot dead. Police arrest a commune police chief, a military officer and an RCAF soldier for murder.	
Dec		
<b>2015</b>		
May	Police shoot at timber smugglers near Vietnamese border in Snuol. Prevent one truck from crossing, but 17 trucks make it over the border.	
July	RCAF soldiers from Kratie surround platoon from Mondulkiri and force them at gunpoint to free Vietnamese loggers at (July)	

## **The Cambodia-Vietnam borderlands of Snuol region in the present**

Snuol is a true hotbed of rapacious investment and peasant discontent; standing out as an extreme case in a country known for violent land grabbing. As discussed earlier in the chapter, Snuol was integrated into the colonial rubber project and state territorialisation through rubber concessions. This model of land control persists in the region. One year before the launch of Order 01, human rights group Adhoc declared Kratie to be the worst province in Cambodia for land disputes and Snuol district to be its epicentre (Chhorn and Vrieze 2011). Snuol is exceptional: it has the most concessions of any one district in the country (Khoun 2011). Meanwhile Kratie has more concessions than any other province and is the site of nearly one-quarter of the total concessions granted by MAFF nationwide (MAFF 2014). The province also has the highest number of ELCs granted by provincial authorities, 18 out of the 47 listed by MAFF in 2011. The land program officer at Adhoc emphasized the severity of the problem to the *Cambodia Daily* by explaining “Snuol has the most land disputes in the whole of Kratie. Each company in Snuol affects at least 200 to 300 families, while some villages are completely affected” (quoted in Chhorn and Vrieze 2011). In the same article, the district governor made clear that “thousands” of families would lose land to rubber companies (quoted in Chhorn and Vrieze 2011).

The exact number of concessions in Snuol is difficult to ascertain. The district governor was quoted in the media in 2011 as saying that 21 companies have been granted land concessions in the district since 2008 (Khoun 2011). This figure was countered in the same article by Adhoc, which suggested that more than 30 rubber companies are in fact operating in Snuol. When I conducted interviews with district officials in 2010, I was told that at least 12 ELCs

were granted to Cambodian, Chinese, Korean and Vietnamese investors to plant rubber (interviews 11/08/10). But the total area granted remained elusive as officials were either unable or unwilling to state the total conceded area, but offered that the average size is around six to seven thousand hectares. If we use this information to estimate, then as much as two-thirds of Snuol district (168,000 ha in a district of 261,100 ha) may have been granted to investors by mid-2011, one year prior to the moratorium initiated by Order 01. The district governor explained to the *Daily* that “sixteen out of 21 companies that have been granted land concessions in Kratie province’s Snuol district are involved in land disputes on a total of 80,000 hectares” (quoted in Khoun 2011). That the district governor went on record and made clear that 80,000 hectares of granted land is embroiled in land disputes with local villagers underlines the scale of the problem.

The landscape in the area is marked by rubber plantations expanding into huge swaths of recently cleared land, interspersed with scrubby forest and smallholder cassava farms (see Figures 3-10 to 3-15). Smallholding migrants from lowland areas have rushed in to plant cassava amid the remnants of the logged and burnt forest and this also makes a big visual impact, sometimes rivalling the changes unleashed by concessions. Proximity to the border with Vietnam provides a ready market for the cassava, cashew nuts, and rubber produced in the province. More than half of the province’s farmers grow cassava with much of the land promoted as better suited for cassava production than rice cultivation.





Figure 3-10: Still smouldering, a concessionaire has cleared the forest right to the village edge



Figure 3-11: Foreground: rubber planted on recently cleared fields; background: the forest edge (all photos: Schoenberger)





Figure 3-12: Cassava planted by smallholder migrant farmers in an area logged by an ELC



Figure 3-13: Homesteads on recently logged land amid cassava plantations





Figure 3-14: Chamkar rice planted amid recently cleared logs



Figure 3-15: View from the backdoor of a house in the study region

### *Sedimented enclosures in Snuol*

The recent near-total transformation of the landscape makes it easy to miss how it layers onto multiple rounds of enclosures. The oldest plantations in Snuol, the colonial era Snuol Rubber Plantation still stands. The old colonial road – cut so that rubber could be exported through Saigon – is still in use and currently forms the boundaries of one of the new ELCs in the area. It is also a preferred route for loggers smuggling wood to the border. Four Stieng interviewees could recall working in the French plantations in the post-Independence era and they considered it to be good work: there was good communication between the company and the labourers; the option to either work on a day-rate, or to work full-time for a monthly salary; and describe the income as being so high that “you can’t compare it to now, we could spend it and buy all that we could want” (group discussion 3/2/14).<sup>13</sup> The Snouol plantation was an outlier in Cambodia, according to Slocomb, because creating decent living conditions was a deliberate management policy (2007, 45, 66, 101-2).

As mentioned earlier, the study area was subjected to aerial bombings during the Second Indochina War. People recalled that once the bombing started,

we couldn’t do anything, houses were lost and destroyed. In 1970, they started to fall first on Snuol market, then the bombs fell on the village and burned it down in 1971. We ran away from the village and lived in the forest. Then between bombings we were able to come back and harvest the rice. But in 1972 the bombs came again and destroyed everything – all the village and the communities nearby (3/02/14).

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<sup>13</sup> An elderly Stieng man emphasized the good working conditions in the French plantations. He explained that the salary was 440 riel a month, it later rose to 700-800 riel a month. This was an incredibly high salary at the time because people only needed to spend 10 kak (something similar to one cent, he explained), giving the example of the price of shoes in the market being only 2 kak at that time, to show just how high the salary was (25/05/14). The French pay “also included medicine, food and clothes” (25/05/14).

In another village near the border, elders explained to me that the bombing meant they would run away to the forest, sometimes going back to the village a few times a month, while others went closer to the border where Viet Cong forces had been building up since 1969. Some Stieng families also left Cambodia altogether, choosing to live over the border with their relatives in communities in Vietnam. In another village further away from the colonial plantations, villagers recall the exact houses that were bombed and the intensity of the bombing that caused people to

run away quickly, there was no time to take anything and no time to prepare. The bombs hit all the houses and all the supplies so there was nothing left. If people could not run quick, they did not live (5/02/14).

In the 1970s, Khmer Rouge forces were also taking shape in the region. Kratie province, like all provinces east of the Mekong, was controlled by the Khmer Rouge prior to the formal takeover of the country by Pol Pot's Democratic Kampuchea regime in 1975. In some parts of the borderlands whole villages were abandoned after the US bombing and then occupied by Khmer Rouge forces due to their proximity to the border. However, once the Khmer Rouge took control, interviewees generally describe it as an era of relative stability: plantations fell to rebel control, operations resumed, albeit on a smaller scale and all the bombing stopped. In one village this period was described to me as a time of relative peace, without any bombing. One person summarized the situation as: the Khmer Rouge "just came to the village but didn't do anything" (3/2/14). Their accounts emphasized that people lived and ate collectively, the arrivals of soldiers to the area, but that ordinary citizens were not relocated to the village. This is not to say that they painted a rosy picture of the Khmer Rouge, rather their accounts highlighted how dire the bombing had been. During the Khmer Rouge period villagers who had saved money from working in the rubber plantations were beaten and lost their savings. As a result, some people plotted to get money back. The strategy, I was told, was to wear the

Khmer Rouge uniform, thereby allowing villagers to behave like the Khmer Rouge and tap the rubber trees and sell the latex. The story was not at all clear as to whether or not this worked, but rather that it was very, very risky. An elder man later explained that the whole village would go to tap the old French plantation trees to get an income to support their livelihoods right up until the government privatised the plantation, so this may have been a strategy that persisted through several regimes (25/5/14).

The future leaders of the CPP crossed the border from Vietnam and assembled in the colonial Snuol rubber plantation to announce their intent to overthrow Pol Pot's government on 2 December 1978 (Gottesman 2003, 7), an event now commemorated by a monument towering over fields of rubber (see Figure 3-16). The overthrow of the Khmer Rouge meant intense fighting between armed factions in the study site and people can recall soldiers detaining and beating people, and disappearances. The violence de-escalated after 1979 when the Khmer Rouge retreated to the forest, where they remained throughout the 1980s and into the 1990s (3/2/14, 4/2/14). Stieng elders recalled collectivized farming as very challenging after the Khmer Rouge fell because people wanted to get their own land back and revert to their "pre-Pol Pot" practices (4/2/14). Collectivized farming remained in place until 1982, when people started to reclaim their family land and the government went along with it in the face of mounting pressure. The Khmer Rouge remained in the nearby forests with ongoing flare ups and smaller battles until 1998. For villages that were abandoned, people did not attempt to resettle until the end of the PRK period, and recall returning to villages where all the shelters,





Figure 3-16: December 2 Monument in December 2 commune, Snuol District, Kratie. Note the rubber plantations in the background (photos: Schoenberger 2013, 2014)

tools and rice supplies were either burned or destroyed by the departing Khmer Rouge forces (6/2/14).

After the overthrow of the Khmer Rouge, the colonial plantations were transformed alongside the Cambodian economy, shifting to state-owned enterprises during the socialist period, privatized in the late 2000s, and now surrounded by newer concessions granted in the mid-2000s to mostly Vietnamese and Cambodian investors.

### Logging in Snuol

Nature-society relations were further transformed during the early stages of the current regime when the Samling concession was granted (discussed earlier in this chapter). The Samling concession was broadly and deeply transformative: some of the roadways it cut to haul timber out have been upgraded to a national highway, while others form routes for ongoing timber smuggling; the maps it produced of the region shaped the boundaries of a future Wildlife Sanctuary and Protected Forest; it generated the first studies of the forest lands in the region and brought in over 200 workers to undertake this work. Focus group discussions that I held with communities in 2010, 2013, and 2014, as well as key informant interviewees, regularly stressed that the entry of the Samling company marked the start of real forest destruction and conflict with local forest users. One village leader recounted that “community forest protectors were threatened and intimidated, and even told that they would be killed” (9/07/14).

The Samling concession and the less regulated logging that came after, were instrumental in transforming the landscape in Snuol to one more ‘suitable’ for agri-business concessions by

clearing the forest, removing the high value timber trees, and ‘opening’ new territory for alternate land uses, specifically rubber plantations.

Logging is central to the local economy, yet power relations between loggers, armed forces, and local authorities appear uniquely unstable for Cambodia. Starting in the late 2000s, multiple high-profile conflicts have erupted, including shootings, violent evictions, and the destruction of villagers’ homes and crops. Unstable power relations emerge in shoot-outs, police shooting at journalists documenting timber smuggling, logging trucks blowing through the border crossing with Vietnam, and a kerfuffle in which soldiers from Kratie surrounded a platoon from neighbouring Mondulkiri province in order to release detained loggers (Aun 2015; Phak 2013, 2014, 2015; Vong 2014; Saing and Henderson 2014). An experienced local reporter working on resource struggles, with whom I was friends, once called out to me as I entered a bar in Phnom Penh: “Hey! What the hell is going on your field site?!”. In the conversation that followed he made clear that no one at the local paper where he worked could figure out what is going on and why there was not some kind of deal, or *détente*, between the loggers, border authorities, concessionaires, military units, and local government officials, as there typically was elsewhere in the country – but suggested that the various shootouts were an effect of those relations being worked out.

### Transforming the Snuol Wildlife Sanctuary

Running alongside the 2 December monument is a recently upgraded national road that passes through the 68,575 ha Snuol Wildlife Sanctuary under the jurisdiction of MoE. Although formally demarcated for conservation, kilometres of cleared land newly planted with rubber



betray any notion of a wildlife sanctuary. In 2011, ELCs covered most of the sanctuary, with the district governor confirming to *the Daily* that “less than 10,000 hectares of forest will remain in Snuol Wildlife Sanctuary” (quoted in Chhorn and Vrieze 2011). At the time of my research, the only remaining evidence that the area was under MoE’s jurisdiction were lingering signposts and ranger outposts. NASA Landsat imagery of the Sanctuary confirms that 60 percent of the evergreen forest was logged between 2009 and 2013 as part of the MoE getting in on the ELC game and granting 70 percent of the sanctuary to eight companies (Boyle and May 2013). By 2017, the sanctuary was regarded as completely given over to concessions and existing in name only (Aun and Zsombor 2017).

During my fieldwork, riding public minivans in the region routinely involved extended stops for drivers to pack the spaces under the seats with timber to ferry out of the Wildlife Sanctuary. While staying overnight in villages, I regularly saw cars belonging to state officials arrive at night with timber deliveries to be hidden under villagers’ homes as one stop on the journey over the border to Vietnam.

### *In-migration of smallholder farmers in the 2000s*

With vast logging operations underway and an influx of workers, pathways opened for land-poor families from neighbouring lowland areas to start to clear land and settle the frontier. The newer Khmer migrants, increasingly settling in Snuol district in the early to mid-2000s, either joined pre-existing indigenous Stieng villages, or established newer outpost communities along the recently upgraded roads, or deeper in the forestlands. One community leader summarized the migration:

Before the Khmer Rouge the village was only indigenous people. After the Khmer Rouge it was still only indigenous people. Khmer families started coming after 2006 as land prices went up. They came from Prey Veng, Svay Rieng, and Kampong Cham. Outsiders first bought house land and then started to clear forest to get land to cultivate. During that time the villagers didn't want to have conflict and there was a sharing culture so they mostly ignored the Khmer families and let them take the forest land (indigenous farmer, 50s, 5/12/13).

For the newly arrived, their reasons to migrate are many. Some settlers have faced multiple rounds of displacement from other places. Some were prompted to relocate once they reached adulthood since, as orphans of the Khmer Rouge era, they were unable to stake a claim in the decollectivization of land in the late 1980s because they were children without parents or families. Others give accounts of losing their farmlands throughout the 1980s and 1990s due to the demarcation of the border with Vietnam. The most recent arrivals to Snuol sought to clear and claim land to establish a foothold in the frontier in conjunction with the Order 01 land titling campaign. Witnessing rubber companies and smallholders competing to clear a remaining stand of forest has the feeling of “the apocalyptic landscapes Anna Tsing writes about” (Vandergeest pers. comm., see Figure 3-17).

## **Conclusion**

As this chapter makes clear, the Cambodian borderlands have been made and remade through a series of ruptures over the last century. And yet in spite of extreme and, at times, somewhat totalizing changes in the political and economic spheres, core tools, practices, and trends persist in the way concessions take shape on the ground and the challenges to them. These trends will be unpacked further in Chapters 4, 5, and 7.



Figure 3-17: The race to clear forest between smallholders and a rubber company  
(Photo: Schoenberger 2014)

## ***PART 2: KNOWING DIFFERENTLY***

### **4. FIELDWORK UNDONE: KNOWING CAMBODIA’S LAND GRAB THROUGH AFFECTIVE ENCOUNTERS <sup>14</sup>**

I drove along a rough dirt road into a small village in Cambodia’s northeast with my team of eight researchers. We parked our motorbikes near the community hall and organized ourselves into pairs to conduct a household survey. The sun was just coming up, and people walked about readying their baskets for harvest and preparing breakfast over small fires. I recognized some people from my visit the previous week when I had met the village chief. But this time the village chief—whom I had made aware of my research permission from higher-level authorities—was nowhere to be seen. We spread out around the village and began conducting our survey interviews, asking people how the influx of land concessions for rubber plantations in the area had changed people’s livelihoods. Just ten minutes later, two men drove into the village on a motorbike and pulled up in front of each house in turn, shouting to villagers: “If you talk with them, we will tell the village chief!”. People looked at us fearfully and gave hurried apologies as they retreated inside their houses. I called off the survey in that village and we decided to travel straight to our next field site, a village in the neighbouring district.

But on our way to the second site we were intercepted by a high-ranking police officer. He asked us to accompany him for a brief chat in his office. I could feel myself shaking as I followed my colleagues slowly toward the police station; I knew researchers who had been threatened with deportation, fined and detained by the police. At the station, the police officer told us he was happy for us to conduct research on land concessions, but he couldn’t “guarantee our safety”. He then spread a map of the district on his desk, took a pen from a drawer and circled areas where he said he could provide protection. All the circled areas were places where there were no land concessions. He stood up from his desk and stabbed his pen at the village we had hoped to visit. “That area”, he said, standing over me and speaking in a low, slow voice, “that area is very dangerous. I don’t know what could happen to you if you go there”. <sup>15</sup>

Our research in Cambodia—a country known for violent evictions and plantation-fuelled dispossession—was continually shaped by experiences such as the story above. We were not

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<sup>14</sup> This chapter is in press at *Acme*. It will be included in a 2018 special issue titled ‘Researching Conflict’, edited by Ann Laudati and Gill Green, it is an equal effort between myself and Alice Beban.

<sup>15</sup> Throughout the chapter, we offset and italicize our field stories to make clearer distinctions when we shift to first person narratives. We present these stories in the first person ‘I’ for ease, although they come from both authors’ experiences.

banned from conducting research that day. We could have continued our research in the first village, but the village emptied as people retreated into their houses. We could have negotiated with the police officer, but exactly what line we were transgressing (or could transgress), and what the implications may be, was not clear to any of us. To take heed of the police officer's threat would mean giving up on the possibility of collecting any usable data on land conflict that we felt important for social justice goals; but if we pushed on, we could be expelled from the field, as we saw with the detention of researchers we knew. The stakes are much higher for rural Cambodians who live in areas of land conflict. If they cross the shifting line between acceptable and unacceptable behaviour, they can be separated from their home and livelihood, denied state development benefits, threatened, abused, and even forced to disappear, as we both experienced when key informant activists fled our research sites in fear of state repression.

Through these experiences, we began to understand how a profound uncertainty is part of everyday violence in land conflict areas in Cambodia. Contrary to a notion of research contexts as 'open' or 'closed', where closure refers to processes of disciplinary power and authoritarian uses of space (Koch 2013), it was precisely the fluidity between moments of closure and possibility that made researching land conflict in Cambodia so difficult. Our research projects were continually disrupted because we—and our research participants—were under surveillance by a network of actors whose position vis-a-vis the land grab was impossible to know. In the face of powerful actors obstructing our research, we struggled to deploy research designs rooted in epistemologies that privileged long-term engagement at sites of land conflict.

But just as fluidity allows for closure, we came to realise that fluidity also allows for the political possibilities inherent in moments of openness. We met regularly in the capital city to swap stories, commiserate over our failures, and strategize how to push on with our projects, and these reflections led us to approach fieldwork differently. We saw opportunities to understand the land grab at a distance from the land concession itself when the risks to ourselves and our research participants appeared too great. We learned to go beyond seeing land as a bounded and researchable object, and instead began to engage with land grabs as a ‘networked object’ (Chapter 5); that is, an object constituted through a shifting constellation of people and things, as rich literatures on actor networks, assemblage and materiality have explored (Deleuze and Guattari 1987, Latour 2005, Bakker and Bridge 2006). Land grabs are networked objects in the sense that they are tied into, and made up of, wider webs of power where international capital articulates with people and processes already embedded in the landscape. Affects “pulse through” networks and constitute their power (Müller and Schurr 2016, 219). As we acknowledged our building sense of fear and the fear we recognized in research participants, we came to understand fear as an effect of land violence that haunted people beyond the site of land grabbing.

We encapsulate the shift in our research approach using Nancy Hiemstra’s (2017) metaphor of the ‘periscope’. A periscope is a tool constructed through a careful arrangement of mirrors and prisms that allows the viewer to see things beyond the viewer’s direct line of sight. Hiemstra uses this metaphor to conceptualize how research topics that may be obstructed from view, or out of range of more traditional approaches, can be made visible through the creative deployment of a variety of methodologies. “Periscoping”, Hiemstra writes, “combines a

feminist perspective on the everyday with the recognition that no space, even those intentionally obscured, can be fully contained” (2017, 329). It is this orientation towards overcoming intentional obscurity and the lack of containment that we find useful for understanding land grabs as a networked object. As a network, the land grab is never fully closed, nor is it the same over time. Amid obstructions to our research we found ways to approach the land grab through methodologies that did not depend on constant access to potentially violent field sites. Doing so allowed us to understand how violence worked across space and time. Our use of Hiemstra’s periscope extends its reach: periscoping not only reveals cloistered objects through their leakages, it is generative of new epistemologies that allows us to understand the object itself differently—in this case, to gain new insights into the everyday violence of land grabs.

We explore in later sections of this chapter one mirror of our periscope, which we term ‘affective encounters’. Affects, the “impressions which force us to look, encounters which force us to interpret, expressions which force us to think” (Deleuze 2000, 161), are notable as a set of *encountered* signs, contingent across time (Griffiths 2016, 8). For us, attention to affect — understood here as the experience of feeling that cannot be fully represented in words or reflective thought (Lawson 2007, Anderson 2012) — reveals the banal violence in areas of land conflict. We found that attending to encounters helped us to overcome barriers to *in situ* knowledge production by offering another pathway: the people who carry embodied experiences, emotions and effects of the land grab with them beyond the site of the grab itself. Encounters are inter-subjective phenomena that produce affects through interactions with others across chance meetings, sensory exchanges, or unexpected confrontations (Faier and

Rofel 2014, 1). As we turned to affect, we became more attuned to the ways that uncertainty and fear worked through us and our research interlocutors in different moments and places. This approach recognizes that all knowledge is partial and situated (Harding 1986, Moss 1993, Rose 1997, Haraway 1998), and that emotions profoundly shape field experiences and research outputs. Feminist researchers have increasingly acknowledged how the emotionality of ethnographic research shapes their research practice, pushing back against old ideas that writing about emotional experiences undermines scientific credibility (Billo and Hiemstra 2013, Ross 2015, 20, Caretta and Jokinen 2016, Smith 2016, 201). For us, incorporating the affective nature of encounters involved opening ourselves to new kinds of knowledge; a knowledge that centred emotional and bodily reactions to the field.

In what follows, we first note the silences within land grab studies on the challenges of researching violent and conflictual processes. We then consider what produces ‘closures’ in the research environment and how this manifests in Cambodia. We unpack the ways our research was undone and examine what this ‘undoing’ revealed to us about alternative approaches to fieldwork as we assembled our periscope. Using our periscope, we explore the methodological and epistemological implications of knowing differently by working through encounters. Ultimately, we found that in spaces of conflict, attention to the feeling and embodiment of everyday encounters can lead to a different understanding of the violence of land conflict; a violence that works through bodies, across space, forecloses futures, and implicates the researcher within this system.



## **Researching the land grab as a partially closed network**

Land grab scholarship is at its core about conflict. Property—as a social relation whereby some actors exclude others—is always, in some way, conflictual. Derek Hall (2013a, 1592) reminds us that, “taken at face value, ‘land grab’ straightforwardly (and dramatically) conveys the idea of land being seized by force”. Central to land grab studies are processes of dispossession and enclosure, oftentimes tied to acute cases of violent dispossession. In the aftermath of the 2007/08 food, fuel, and finance crises and the associated rise in large scale land acquisitions, scholarly work drew on Marxist political economy traditions to emphasize accumulation by dispossession on a large scale (Hall 2013). This was not the silent violence of capital's expansion and scholars highlighted the active role of state and private sector actors to dispossess people and nature, and the ways people and nature fought back (Borras *et al.* 2011, White *et al.* 2012, Scoones *et al.* 2013, Wolford *et al.* 2013, Keene *et al.* 2015, Schoenberger *et al.* 2017).

Despite grabbing and force lying at its core, the field of land grab studies has given scant attention to the methodological challenges involved in studying them as places and processes inherently shot-through with violence (c.f. Scoones *et al.* 2013). The so-called ‘first wave’ of land grab research emphasized counting hectares, mapping concessions, and identifying actors and processes driving investments (Borras *et al.* 2011, 211). Efforts to determine what was happening, and where, were partly driven by the urgency felt among NGOs, activists, and development institutions to illuminate this phenomenon in order to take political action. In 2013, agrarian studies scholars called for a second phase of land grab research that “abandons the aim of deriving total numbers of hectares in favor of more specific, grounded and

transparent methods” (Scoones et al. 2013, 475). Chief in this agenda setting was the need for more ethnographic and historical analyses that can “uncover on-the-ground realities” and case studies that are both “more numerous and more rigorous” (ibid., 495). These are the very things we found near impossible to pursue. What this agenda-setting did not do, then, was to trouble the idea that some of these ‘facts’ cannot be knowable to researchers or to the people they interview and collaborate with. This omission is all the more pronounced given the tendency for land grabs to occur in disorganized, fragile places with histories of conflict (Cotula *et al.* 2009, Borras and Franco 2011, Wolford *et al.* 2013, 191, Schoenberger *et al.* 2017, 708–11). The work done in Cambodia (and likely in other places with histories of conflict) to make contentious territory physically inaccessible to researchers, to prevent researchers from speaking with authorities, to obfuscate who, exactly, are behind deals, and to deflect efforts to gather statistics or quantify the exchanges of hectares and compensation—all this continues to be unaccounted for in the discourse of how to study and know the land grab.

### *Grounding the network in Cambodia*

In a special issue of *Area* (2013, 45.4) Natalie Koch (2013, 390) and collaborators use the term, ‘closed contexts’, for places that could be referred to as ‘illiberal’, ‘authoritarian’, ‘non-democratic’, or ‘coercive’, in order to focus on the nature of closure and coercion and to embrace the variety of scales and places at which these practices unfold. They note that “the literature on field methods in geography is almost completely silent” on the unique methodological problems in spaces of closure (391), and yet the research process in closed contexts is fraught by a “culture of fear” (394); a culture that is co-constructed by scholars who are silent on the matter.

We treat Cambodia as a context that is neither fully ‘closed’ nor ‘open’, but fluid—where access is uncertain, openings are at times fleeting, and much is obstructed. In this way, we find common cause with Belcher and Martin (2013) who emphasize the “dubiously pervasive ‘pockets’ of despotism in many ‘liberal’ and ‘democratic’ places” (Koch 2013, 392) as key to nuancing discussions and going beyond regime typologies. Attending to closure and openness helps to examine individual practices of governing the self and others “without lapsing into assumption that such practices are everywhere the same in a given country, region or village” (Koch 2013, 392), nor that they are the same over time. Our characterization of ‘the field’ is specific to the period we were in it, from 2010 to 2015, and thus we set aside the 2017 shifts towards outright authoritarian rule for discussion at the end of this chapter.

In Cambodia, the current predatory neopatrimonial state continues to rely on state practices of previous eras—characterized by mass displacement, genocide, and civil war—as it feeds off resource rents from timber, land and sand (Le Billon 2002, Global Witness 2010, Un and So 2011, Milne 2015). Under the Khmer Rouge regime that took power in 1975, all private property was abolished, and property rights remain murky and contested four decades later (Dwyer 2015). In 1980s Cambodia, as a new post-Khmer Rouge state formed under Vietnamese occupation, the ruling party established tight surveillance at the village level that prevented resistance and channelled resources through shifting, informal networks, which provide the basis for ongoing control (Milne 2015, 42). Since the 1990s United Nations-supported shift to an electoral democracy, the ruling Cambodian People’s Party (CPP) have intensified their grip on power through building politico-business networks, in which state

officials and business elite are given access to lucrative contracts and land concessions in exchange for loyalty—what scholars have termed a ‘neo-patrimonial’ or ‘shadow state’ system (Le Billon 2002, Le Billon and Springer 2007, Un and So 2011). Maintaining informal flows of resources outside state coffers is imperative, with local village and commune-level chiefs often playing active roles in resource grabbing in connection with higher-level officials and business elite. The fluid “ways in which governmental technologies of openness and closure are strategically woven together” (Koch 2013, 393) under the current electoral authoritarian regime continually reshape the research environment. In 2016, for example, Cambodian officials forcibly deported a Spanish doctoral student who was conducting ethnographic research on urban land grabs in Phnom Penh. The student later wrote a newspaper Op-Ed recalling the way that officials’ acts of closure built up over time:

The police had been very suspicious about me for a while. They took photos of me, they called me by my name, they checked my Facebook, they prevented me from walking freely during Black Monday protests. They even interrogated human rights defenders in detention about me. I decided to keep going (Bujosa Segado 2016).

The student said police suspicion built up until police detained and beat her. But a senior immigration official denied the allegations, “If we had really kicked her, she would be dead—please, look at her body” (Sek and Wright 2016). Further underscoring how manifestations of closure are difficult to predict, the official said he wanted to confiscate the student’s photos because, “We were worried she might be a sorcerer and then take photos to do black magic on our stomachs... Everyone knows the Spanish practice magic” (ibid.). Whether this bizarre allegation was an attempt to displace focus on officials’ roles in land deals, or whether there was actual concern about black magic, this case had the effect of further increasing uncertainty over how state officials may discipline researchers and with what rationales. This example is also representative of the blurry line between what may be acceptable research practice and

what may be cast as illegal. At various moments embassies in Cambodia<sup>16</sup> advise foreign nationals not to attend protests or public rallies, but researchers, like us, regularly use their own judgment and attend as onlookers. Since protests are often central to stories of land politics, we have observed such protests, almost always going with another person, and always hyper-aware of the context and mood. This line has shifted considerably. In 2013, rallies and marches were a common sight in the streets of Phnom Penh; now they are risky and partially outlawed.

Within Cambodia's political economy, research on land is particularly fraught as land is central to political and economic control. Land grabs typically take the form of 'Economic Land Concessions' (ELCs), granted by competing ministries to private companies for agri-industrial farming of rubber, sugar, cassava, and fast-growing tree plantations, among others. ELCs now cover vast expanses of territory and are concentrated in upland areas where the conceded land also offers opportunities for logging (Diepart and Sem 2016, Diepart and Schoenberger 2017). If we understand closure as a "*temporal* act of oppression" (Koch 2013, 392 emphasis in original), the land grab itself is an act of closure of possible futures (Li 2015). Drawing on David Harvey's (2000, 183) notion of closure, we can see plantations as an example of a particular use of space that forecloses others. Land grabs thus close or foreclose futures and "alternative imaginings of subjectivity and political arrangements" (Koch 2013, 392). Concessions are granted on land that rural families live on, or use for farming, grazing livestock, or collecting forest products. Thus, ELCs are often sites of long-running conflicts between the smallholders living there and the powerful networks of political-business-military

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<sup>16</sup> We note here that neither of us are citizens of a country with an Embassy in Cambodia.

elite who grant the land, cut the forest and invest in agribusiness. Smallholders are harassed and intimidated, sometimes reaching crescendo with violent evictions and burning and razing homes, and often result in a slow displacement of households and communities (Connell and Grimsditch 2017).

The resulting concession system is built on multiple levels of government colluding with plantation investors and operates in conjunction with loggers and the illicit timber economy (Milne, 2015). Land deals therefore often have the quality of illicit trade, even if in the bounds of the law, since they are concentrated in areas where property rights are unclear (Springer 2012, 2013, Dwyer 2015). The ‘land grab network’ connects finance firms to state actors and military cartels, and an enormous amount of work goes into maintaining obfuscation and secrecy over who exactly is involved in the network and how. Importantly, even the legal system, the courts, and government authorities of all kinds—the very actors that people should be able to turn to seek redress—are not outside the system but integrated into it. One farmer described local chief as “two-faced” because “he supports the company, but he also tries to talk with the people here” (farmer, 50s, 18.12.14), and another farmer said angrily, “the people who are supposed to help us to solve the problems, they are the ones perpetrating this because it benefits them” (man, 40s, 20.8.14). This uncertainty over where people stand foments distrust and suspicion among people who live in land grab areas. Entering land conflict areas meant repackaging our research to emphasize non-contentious aspects (for more details see Schoenberger and Beban 2017). But we found that even when we framed our scholarship through less politicised concerns such as livelihood studies or value chains—all seemingly

innocuous subjects—these topics became imbued with danger and fear because even ‘innocuous’ topics are implicated in land grab networks.

We began researching land grabs in 2010, after several years conducting academic and NGO research and working with development agencies in Cambodia. Our research projects sought to understand the socio-political implications of a pre-election land tenure reform that rolled out private land titles for people living in areas with ELCs. We worked on independent projects for our PhD dissertations, conducting ethnographic research for around two years in different parts of the country where land conflicts were prevalent. We also collaborated with think-tanks, NGO networks and research institutions to pursue collaborative research in parallel with our dissertation projects. Our methodological toolkits included participant observation of agrarian labour and community meetings; conducting participatory group meetings; interviewing landholders, labourers, government authorities, NGO and community network representatives, and company managers; and multi-sited surveys in communities situated within or near plantations. Our combined research experiences cover eleven of Cambodia’s twenty-five provinces, spanning the ecologically diverse coastal areas, central plains, and highlands – all areas where ELCs are prevalent. Although we did not know each other when we began fieldwork, we became fast friends and we met frequently to commiserate over the fieldwork closures we experienced and to develop new approaches to fieldwork. This chapter developed over our frequent discussions from 2014-17. We turn now to the way the pervasive atmosphere of distrust, uncertainty and suspicion in land conflict areas shaped our research.

## **How our fieldwork came undone**

We sought to mitigate potential harm to ourselves and our research participants by carefully negotiating research partnerships and field access and by deploying a range of methods. Both of us chose field sites located within ELCs, with active social movements, and where a land titling campaign had taken place the preceding year. We also chose places that were not connected to well-known tycoons or investors from the military, to minimize the likelihood of disruptions to in-depth research. Both of our proposals were reviewed by our universities' ethics boards and approved. We assumed that our efforts to build relationships, negotiate permission to access the field, and our site selection would allow us to undertake grounded fieldwork on land and property rights with some degree of routine and predictability. We also assumed that any closures of the research space would be clear dictates (such as instructions to leave research sites or the revocation of visas) that would be unambiguous in their implications. But we found that our efforts to conduct research in land conflict areas were constantly thwarted. This sometimes meant that we were caught off-guard months into data collection. There was a disjuncture between what we had prepared for via institutionalized ethical frameworks focused on generalised online risk surveys, and the everyday practice of negotiated ethics and good practice in the field that is “always contextual, relational, embodied, and politicized” (Sultana 2007, 383). Our ongoing support in judging and negotiating the field came primarily from each other, from fellow researchers, and our supervisory committees.

In this section, we describe the ways in which our research was ‘undone’ through constant small acts —threats, rumour, silences, surveillance, unusual questions, hints—that did not fully



close the research space, but generated uncertainty in us and our research teams about what was possible and caused us to self-censor and re-direct our research efforts. Our focus on ‘undoing’ is part of a growing literature on fieldwork failure, which problematises the masculinist underpinnings of the discipline and recognises that failure is a central component of geographical research (Billo and Hiemstra 2013, Harrowell *et al.* 2017). Here, we use the term ‘undone’ rather than ‘failed’ to recognize failure as a dynamic process that can unfold through ongoing, mundane moments of discomfort and uncertainty (Woon 2013) as well as spectacular moments of rescinded access and abandoned field sites (Harrowell, Davies and Disney 2017). Our research unravelled through repeated blocks in the field that began to elicit more intense affective responses.

Fieldwork failures can cause researchers to feel ashamed, uncertain, and deeply fearful, and processes of failure can be dangerous and violent. Some bodies are more precarious than others. While foreign researchers may be forced to abandon field sites and fly home, our Khmer research colleagues risked much greater consequences: Khmer researchers and journalists are routinely threatened, detained, and have been beaten and killed. Research on land grabs is particularly difficult; even the experienced Khmer researchers we worked with (including those from the research areas with deep knowledge of local customs) found that their ability to conduct research in land conflict areas was in flux and the cultural codes they possessed to navigate ‘the field’ were not working.

### *Uncertain access*

While other post-socialist states in Southeast Asia have formalized procedures for research permission (Turner 2013), in Cambodia there is no clearly outlined procedure for citizens and non-citizens to conduct research. At the time we began research, Cambodia was relatively open to researchers and to freedom of expression (including a lively NGO sector and independent media), an anomaly when compared to some of Cambodia's Southeast Asian neighbours. Government approval for research was not legally required, but officials often expected us to have some form of permission, which we each negotiated differently from various government offices. The lack of formalized procedures allows the researcher some flexibility when organizing fieldwork, but it also means that field access must be continually negotiated on the ground. In effect, flexibility concentrates power in the hands of the local officials/police with whom the field worker is dealing. These gatekeepers maintain subtle pressure and surveillance over researchers, contributing to ongoing insecurity for the researcher. For example, one of us used an official request from the funder's embassy to negotiate research permission from a high-ranking provincial official. But instead of writing a letter of permission that could be shown to lower-level authorities, the provincial official insisted the researcher call him when she wanted to access different villages in the area. He would then call the local officials each time. In this way, the provincial government sought to maintain constant power and surveillance over the researcher's access to new field sites.

Power holders closer to the village-level also acted to undo the research. Although village and commune-level officials recognized the authority of those higher up the chain, and often gave our research their blessing, they also reinforced uncertainty over the broader research process.

Hinting at closure was often subtly done through impromptu, provisional practices such as ignoring requests for interviews, intimidating villagers into remaining silent, delaying official procedures, or spreading rumours rather than any coherent state practice (Belcher and Martin 2013, 409). In this way, “merely ‘gaining access’ misses the performative, embodied and affective ways” that local power holders mediate access to information, people and places (Belcher and Martin 2013, 408). It is through continually encountering state agents that the symbolic boundaries of state power are reproduced. Our carefully planned research designs, surveys, interviews and sites of long-term ethnography unravelled over time as state officials and other power holders enacted small practices of closure, heightening our general uncertainty over what was kind of research was possible in this space.

### *Obscuring ethnography, interviews and observations*

The subjectivities of our research participants—including friends who we came to know over months of ethnographic fieldwork—shifted unexpectedly in the fearful environment of the land grab, making the long-term trusting relationships that are so valuable for ethnographic work difficult. Subject positions were not clear cut; while it was more likely that a powerful actor like a commune chief or wealthy businessman would be involved in land deals, we also encountered monks, teachers, and farmers—even one of our hosts—secretly brokering land for concession/logging companies that dispossessed other local people. Even community activists who spent years protesting land grabs were accused of land grabbing. Accusations that an individual may be up to more-than-meets-the-eye could be accurate since a core strategy used by state-affiliated actors to neutralize activists is to ‘buy them off’ (Beban *et al.* 2017). This occurs through bribes, paying children’s tuition fees or other substantial ‘gifts’, or offering

salaried positions in government in exchange for the individual ceasing their activism. Rumours constantly swirled, and people's shifting subjectivities made it impossible for us, and for people living in these spaces, to know where people stood at any one time. Uncertainty over actors and their intentions produced intense fear for people in our field sites and caused people to discipline their behaviour and distrust others.

The overall uncertainty over where any person stood at any one time put us in the difficult position of potentially aligning ourselves with people who others might come to see as distrustful. For example, one of us stayed with a well-known local activist during our village visits. Six months into the research, her host was accused of selling out. This accusation carried such weight that it began to undo the researcher's other relationships with people in the activist network. Members of the network even asked the researcher to surveil their accused collaborator. Through experiences like these, we found that trust between ourselves and research participants was an ongoing challenge, and we had to reckon with the instability of contextual knowledge we had built over time.

Interviews and ethnographic observations were core to our research design, yet these too were undone by the operations of the land grab network. Key stakeholders evaded our requests for conversations, interviews, village records, and so on. Their evasion strategies were often less a matter of clear refusal to be interviewed than deferring or avoiding planned meetings, often stating "I'm too busy to meet". Being "too busy" could be uttered while lounging in a hammock, seated in an empty office, or drinking coffee alone outside the local cafe. The repeated refrain of "too busy" showed how closure is enacted through the subtleties of "a

deferred decision, a question ignored in the hopes of its disappearance” (Belcher and Martin, 2013, 409). And when we got past “too busy”, new difficulties arose. In one instance, a village chief agreed to an interview after one of us produced a signed permission letter from higher officials. He answered all the interview questions, but he did the entire interview perched at the edge of a bed frame with his back to the researcher. She pressed on with the interview, unsure if his position was a matter of physical comfort, a personality quirk, or if he was moments away from turning around. Yet he never did turn to face the interviewer. In retrospect, and with the totality of the interaction to consider, his stance seemed like a form of bodily protest. And yet this was an individual with a great deal of local power, including the power to shut the research down, and the chance to interview him seemed ‘too good’ to throw away. This was the only interview of a village chief she conducted.

Observations were also challenged on multiple fronts. Company security forces obstructed roads, villages were under surveillance, and while people sometimes encouraged us to attend community festivals and meetings, they seemed uneasy with our attendance at other times. In areas close to ELC boundaries, even observations of everyday activities such as rice planting and gathering firewood were tense as company security could intimidate us by watching us and our participants and by questioning our intentions. Sometimes we withdrew from situations we deemed too risky. Other times, community members asked us to accompany them to specific places to bear witness to, and take photographic evidence of, clear-cut forests, company logging machinery, recently burned homes, and new plantation zones. In response to these requests, we sometimes went unimpeded, and other times community members chose to disguise us using typical farming clothes, along with gloves and face masks to hide our

whiteness, and then sent us on the backs of motorbikes driven by local men that would swiftly race through back roads to avoid security. As with the methodological challenges we faced in interviews and surveys, we were rarely fully excluded from observing, but we could not enter observation areas with any predictability.

Nagging rumours and hints of constant surveillance fuelled our sense of overwhelming uncertainty and caused us to censor our activities. State actors as well as individuals whose subjectivities were harder to position appeared to be watching us, as this story shows:

When my supervisor came to visit we took the opportunity presented by a hired car to get an overview of where forests had been, where plots had been titled and where land had been seized by the concessionaire. The community representative assigned us a guide to accompany us in the car. Mid-way through twisting back roads along a former plantation, I realized the guide had been recording us with a simple Nokia handphone. Moments later he received a call. The short call included mention of what we had seen and the types of questions we asked. I was too nervous to ask a direct question about whom he had spoken to on the phone. I was never certain who was interested in our drive around the village, but a government official seemed most likely since the majority of the village did not have mobile phones.

Repeated small acts such as this covert recording did not in themselves prevent us doing research. But what may seem like ‘trivial’ matters can signal something more serious (Gentile 2013: 429). Over time our discomfort and fear built up.

### *Disruptions to sampling strategies and survey work*

In our survey work, we selected field sites according to different criteria than our dissertation research. In one survey investigating the factors associated with smallholders’ access to land title, the survey team used a five-stage cluster sampling with proportionate probability, with the goal of a random, somewhat representative sample of a targeted 600 households. But when we reached the stage of village selection, the land grab network started to undo our research

design. Local police turned away survey teams, and state officials warned that the research was too risky, causing the team to turn to provincial NGOs to help with village selection. The NGOs' assistance, however, resulted in an over-representation of villages with NGO support, and reduced our ability to determine the overall likelihood of accessing the titling campaign. In another case, one of us designed a large survey in an ELC area with the aim to include both communities that had retained their land and those with significant land loss. Out of seven villages the survey team visited, however, state officials and company personnel shut down or severely impeded the research in four villages (described in the opening vignette of this chapter).

### *Leaving the site*

At some point it becomes wise to abandon the ship before it sinks, especially if there are more passengers (Gentile 2013, 432).

Neither of us were ever fully excluded from a research site, but we both abandoned survey sites and had colleagues who abruptly left. One of us decided to leave her whole study region after she was followed into a cafe, photographed and then visited by state officials at night at her home in a provincial town—a visit which conveyed a “we-are-watching-you’ message” (Gentile 2013, 430). We found that while occasional acts of physical violence or confrontation may shock, hints are often subtle and fear builds up over time, even if we tried to suppress it. One of us recalls, for example, the moment that her research colleague quit after several months of expressing concern about the possibility that they were under surveillance. What made him quit was not any particular moment of threat, but rather an ongoing barrage of rumours and hinting:

Rumours circulated that the village chief was cracking down on activists, and researchers might also be implicated. A local opposition party activist was run off the road while riding his motorbike. People made small comments over coffee about “having to be careful”.

Rumours like these were the primary way that local people suggested at, and communicated to one another, the (possible) actions of the network of politico-business elite that controlled land in ELC areas. Assessing risk is difficult in environments of secrecy and obfuscation because, as Gentile (2013, 427) notes in regard to post-Soviet spaces, “the ‘organs’ ... prefer keeping their activities in the dark”. Similar to the way respondents in Clark’s (2006, 418) survey of academics working in the Middle East recognised the ‘looming smell’ of the secret police, rumours and feelings were part of people’s repertoire for living within the ELC. They were also part of a generalised fear that was only occasionally punctuated by acts of physical violence, and this fear meant that small acts could trigger intense affective reactions:

My colleague became increasingly withdrawn. He grew fidgety during afternoon interviews, abruptly ending conversations so we could get home during the daylight. One evening we were held up later than usual with an interview and didn’t get on the road until dark. As I held onto him on the back of our motorbike, I could feel his body tense and he repeatedly looked behind us, making the motorbike swerve alarmingly. The next morning, he was gone. He called me from the city and said he had decided to quit.

Moments of ‘undoing’ reverberated differently but lingered and reinforced one another. We struggled to figure out what the research could look like and how we could work in a situation where things were never clear. Decisions over whether to leave were difficult because it was never entirely clear whether the field was safe—for us, for our research teams (for whom the risk was likely much greater), or for the people who participated in the research (who faced the most acute risk of any of us)—and thus any evaluation of risk was impossible to pin down. Leaving also leads to more questions: if we walk away (as we both did at different times), do we then seek out ‘safer’ areas? What does this mean for research motivated by social justice goals?



Our feelings of frustration and confusion were productive, however, because it helped us to find the limitations of an agrarian studies approach that we could apply. The ‘undoing’ of our research taught us that fear and obfuscation contour encounters with the field and, resultantly, our understanding of land grabs and land violence. Moments of openness, however, enabled us to deploy creative strategies to work through these obstructions. It is this productive aspect of fieldwork failure that deserves more attention amongst geographers—failure has a subversive, deeply political potential; as Halberstam (2011, 2) argues, “failing, losing, forgetting, unmaking, undoing, unbecoming, not knowing may in fact offer more creative, more cooperative, more surprising ways of being in the world”. As our research was undone, we began to embrace the uncomfortable, uncertain and emotional, and this helped us understand the lived experience of land grabs in a different way.

### **Nevertheless, we persisted**

In the face of mounting closures—both enacted and suggested—our strategies shifted towards finding openings through which we could continue to pursue research on aspects of the land grab network. Serendipitous encounters shaped our research in profound ways. In mid-2014, we were both hit by a series of setbacks to our research projects within weeks of one another. We decided to take a break from fieldwork to attend an academic conference (the Southeast Asian Geographers Association) held in a small Cambodian city full of backpackers. Tellingly, many scholars of Cambodia working on contentious issues opted not to present at the conference, but our attendance facilitated a string of rich, sometimes hushed, encounters over several days during coffee breaks, lunches and collegial dinners. We heard tales of the

disorienting effects of uncertainty from other researchers working on resource conflict. Over one coffee break we swapped stories with a fellow foreign researcher until she exclaimed, “Yes! They make us act like criminals!” with a tone of exasperated frustration.

We also found ways through the impasse in our chance encounters at this conference. We attended one session simply because we had sat with the presenter at the buffet lunch the previous day. The topic seemed unrelated to our research, yet this session sparked a rapid-fire reflection of our own field experiences. Mark Griffiths (2014) spoke about the political potential of volunteering he saw in the affective intensity of embodied encounters between volunteers and hosts. He spoke in a calm, quiet voice, telling a story rich in subtleties in which he slowed down moments of encounter to detail their fullness. Sometimes the disruptive power of affective stories or testimonies can connect with conference-goers, rupturing the typical academic tempo of PowerPoints delivered with a voice of dynamic authority (Roelvink 2016). This presentation enlivened our thinking about affect, previously informed by heavy theory, and remade affect as a form of storytelling, a way of seeing, and constitutive of an alternative epistemology with a political potential. We took stock of the obstructions we faced and what they communicated to us about the state’s reach and the murkiness of land grab networks. And we started to undertake our own mini 'affective turn', revisiting our field work and re-tuning our orientation.

In this section we delve into the ways we assembled periscopic lenses, mirrors and prisms (Hiemstra 2017) to build a creative methodological strategy in response to our experiences. We adapt this metaphor by using ‘lenses’ to refer to the more traditional agrarian studies

methods we set out to employ, like interviews and observation; ‘mirrors’ to refer to how we integrated our own embodied experiences of fear into the design; and ‘prisms’ to refer to the insights offered by affective encounters; a constellation we unpack and explain below.

Hiemstra’s (2017) metaphor of the periscope provides a heuristic device to constructively think through our reorientation to the field and a modality for working around obstruction. Researchers build a periscopic approach by assembling a set of tools that together can produce “a picture of elements” that had previously been illegible because data may not have been readily available or accessible. Periscoping allowed us to “pursue topics of study seemingly hidden behind masculinist barriers or lifted out of range on scaffoldings of power” because it serves as a tool that allows the viewer to see things out of her direct line of sight (329). As our research methodologies were undone, we loosened the constraints of what we judged to be possible sites and moments through which we may better understand the land grab and considered how to assemble moments and fragments of insights. Turning to the pursuit of the “fragmentary present” and “pairing the reflections and refractions” with other sources of data (330, 239), we assembled an approach to access knowledge on the land grab. Using this approach, we began to see the periscope as not just a methodological intervention to access knowledge of the land grab, but an epistemological one too.

We put our periscope into practice to understand land grabs at a distance from the physical concession itself, and this effort revealed land grabs to be a networked object. We now saw that serendipitous encounters in city streets, cafes and Buddhist temples revealed moments to understand grabs and struggles in sites distant from dispossession. We put our periscope

together by carefully collecting, assembling, and adjusting the lenses: Doing observation and interviews at public spaces such as wet markets where farmers gathered to sell produce revealed how land dispossession was tied into broader chains of food distribution and consumption. Involvement in NGO, activist and donor-affiliated research projects allowed us to gather larger datasets through quantitative surveys and to access high-ranking and influential persons. Work on collaborative projects and alliances yielded access to key players and the chance to develop activist scholarship in new directions through participation in workshops and policy forums. Building friendships with journalists meant we could hear additional stories about shadowy figures that did not make it to print, while media reviews gave access to political speeches and reactions of top-ranking officials to ongoing domestic tensions. One of us found herself uncertain of continuing field work at several sites as she felt marked by state surveillance and likely to draw unwelcome attention. Instead, she directed her attention to studying the people and objects that travelled from the sites of land grabs, and the encounters between urban state officials and community land activists who had marched from rural areas. She traced the state surveillance that followed protesters (and herself) into town cafes and city streets, revealing the reach of the land grab network. At the same time, these encounters offered the opportunity to reach towards knowing sites from which she had been turned away by local officials (Chapter 7).

Bringing fragments together to construct a narrative requires analytical work. By combining various forms of data from different spaces, encounters and methods, we were able link what may appear to be eclectic moments to gradually map some of the ways in which the land grab, (and the related system of conferring property rights) operates through networks that foster

uncertainty and fear in rural populations. In this work of construction, we attended to affective encounters as moments in which the land grab overflows time and space so that it leaks out of obscured sites.

### **Working through affective encounters**

As we became increasingly attuned to how the effects of the land grab travelled along with embodied experiences, emotions and people on the move, we began to focus on the affective intensity of everyday encounters as a set of mirrors and prisms that we assembled, alongside other ways of knowing, and constantly readjusted as we experienced research openings and closures (Hiemstra 2017, 330). This approach, that we term ‘affective encounters’, asks the researcher to be open (or ‘attuned’) to the affects that are produced in and through the research process. Our attention to everyday affective encounters builds on a rich history of feminist geographers who have emphasized the importance of scrutinizing the everyday for understanding power (Rose 1993, Hiemstra 2017), and the way space is produced through relationships that can extend across space and time (Massey 2005, Hiemstra 2017). Our focus on encounters also entailed engaging our bodies as tools in the research process (Dyck 2011) a scale of analysis “often overlooked by traditional research methods... as too banal or private to merit consideration” (Hiemstra 2017, 330). We found that bringing the scale of the body into the assemblage revealed “processes, relationships and experiences otherwise obstructed” (Mountz 2004, 328).

Working through affect raises questions about what we can know, and whether and how we can “simultaneously identify with, and recognize as different from ourselves, the others on

whose experiences we draw” (Bondi 2003, 67). We are certainly not suggesting that our feelings of fear mark our experiences and emotions as equivalent to those of Cambodian researchers, farmers or activists. Instead of assuming identification with others, focusing on affect produced through encounter may allow for a certain empathy (Woon 2013), or “affinity” (Haraway 1991), with its potential to transcend the split of subject and object. This potential is rooted in the understanding that our embodied experiences and identities shape, but do not determine, affect; rather, affect is produced, spread, and subverted in intersubjective encounters that resonate through the social body rather than existing within the individual (Ahmed 2004). Researching affect therefore demands attention to the spatiality of encounter, as we use more than our rational capacities to interpret our research participants’ tone, gestures, silences, facial movements etc., as well as sensing how our own emotional responses arise and shift in our encounters with research participants in particular spaces. Sensing the way emotional intensities travel across space and stick to objects, binding subjects together (Ahmed 2004, 119), showed us how the land grab worked to discipline people in different spaces within and beyond the site of the grab, as fear and uncertainty are re-placed in specific encounters. This opens a way of thinking about methodological approaches to land violence that operate from multiple spaces rather than from the site of land violence itself.

Treating our embodied experiences of fear as one mirror of the periscope, or one way of knowing, allowed us to better understand how fear is embodied in encounters among the researcher and others, how it manifests in conversations, and how it travels in groups and crowds. We came to recognize how intense affects such as shock, surprise, or fear can arise in exceptional moments of trauma, but they can also be a core element of the everyday. Recall,

for example, that police and state officials appeared unannounced at one of our homes. After this, she became much more attuned to the ways that violence ripples through everyday life:

While having a coffee with another female researcher who had been intimidated and detained for her research on land conflicts, the sound of an electronic camera shutter flickered and I jumped. My friend flashed a teasing grin as I sat up to scan the room only to slump down again once I realized that it was simply another patron snapping a selfie with their iced coffee and not, as I realized only once I had settled down, someone documenting our rendezvous to report to authorities. The intensity with which I startled struck my friend as funny at first, until she remembered that she had cycled away furiously from a uniformed parking guard trying to hand her a parking slip because she had at first thought it was the police reaching out to catch her. This brought us pause, as we started to think about the way state intimidation had altered our everyday conduct in the aftermath and far away in the capital city.

In the physicality of that moment, the jolt caught us off guard. Communicating on a nonverbal channel (Griffiths 2016), it revealed to the two of us that we were marked by experiences with the state that were not so easy to shake off and not necessarily easy to narrate. This embodied reaction also revealed a line of thought that resonated further as phone calls from unidentified people persisted for days afterward. When we assembled this prism of the periscope in constellation with other methods, it revealed the inconspicuous and capricious workings of the land grab network. All of a sudden, the way that community leaders, activists, and development workers repeatedly complained to me that they received too many phone calls made sense in an entirely new way as I realised that repeated phone calls could be a violent act. Moments like these engendered a new awareness that caused us to revisit past conversations in which fixations on seemingly banal occurrences had seemed out of place, repeated and oddly emphasized. We realised we had missed the way these accounts mattered. This realisation opened a different epistemology for understanding the violence enacted in land grabs in the way that it moves through our bodies and others' bodies beyond the site of the land grab and along connections to collective memories, anxieties, and surveillance networks that further shifted across space and time (Chapter 5). This approach forced us to confront our embodied

presence in the field (as white women) and the tensions we experienced as we sought to bear witness to violence, and to protect our research participants and ourselves.

This awareness also caused us to examine the way that threats and intimidation are directed differently to differently situated actors, and in particular, how threats and intimidation are gendered as women defy the land grab network and masculine state power (Lilja 2008, Kent 2014; Chapter 8). Women have been threatened, intimidated, detained and legal tools have been deployed against them, notably urban land activists like Tep Vanny and the Boueng Kak 15 (Brickell 2014). The cases drawn from foreign researchers presented in this chapter—which all detail women’s experiences of intimidation in the field—also suggests that state authorities and security forces, who are almost always men, do not have a problem with intimidating or incarcerating defiant women. Female researchers in cross-cultural settings are exposed to greater risks and must navigate complex power hierarchies, as “gender alone can put female field researchers in subordinate positions relative to men, in a way that effectively trumps their cultural power” (Ross 2015, 182). To reckon with these challenges, Ross (2015) asserts that gendered risks must not be approached as “one woman’s account of a singular act” but rather as an example of experiences that are part of women’s everyday lives (Moss 1995, 447).

### *Political possibilities of working through encounter*

Incorporating affective encounters into our assembled methodologies meant not only attending to fear, but also to moments of hope. Hiemstra (2017, 332) frames periscoping as “an activist methodology in step with long-standing feminist goals, an intentionally political strategy that seeks to interrogate power relations and disrupt epistemic violence”. In the same way that the



periscope pushes back against obstruction, the encounters that produce anxiety, fear and uncertainty also have the potential to generate hope and new articulations of power (Wilson 2016, 7), for affect has an autonomy that can never fully be captured (Massumi 1987). “The temporality and the quality of affects—and the ways that these two properties come together in the opening (or closing) of certain political agencies” (Griffiths 2016, 8) raises the question: What are the political possibilities of knowing through encounters?

We found an answer to this question by participating in, feeling, and documenting encounters that work to subvert uncertainty, fear, and violence. As one example, one of us attended meetings of a community activist network that brought people from ELC areas together in a nearby town NGO office. In late 2014, the activist network held an emergency meeting to discuss fears about a new irrigation project that threatened to submerge people’s rice fields. No one knew precisely who was involved in the irrigation project, what the construction was for, or what land would be taken, but rumours flew:

The three-day meeting of around forty people grew increasingly quiet as, one by one, people talked about their fear that they would lose their land. No one was sure how to respond; it all seemed too overwhelming. On the second afternoon, the head of the community network stopped the meeting and put on some music. She persuaded people to start dancing, and we all struggled up and joined in a Khmer folk dance in an unruly circle around the room and onto the courtyard outside. I felt awkward at first and confused (why are we dancing when there are serious issues to discuss?), but I let myself be dragged into it and my jerky hand movements slowly relaxed into the music. After an hour of dancing, people took turns at singing, performing improvised songs about the community, their love for the forest and for the people in the network. The words themselves were of less importance in that moment than the collective affect that was produced. As it went on I realized that the dancing and singing was a conscious effort to produce a feeling of community that resisted fear and uncertainty through its collaborative performance. I felt a release of tension that I didn’t know I had been holding. Across the collective a qualitatively different atmosphere seeped in and took hold. That evening, people worked in small groups to devise strategies of resistance to the project. The groups spread out on the floor; laughter and loud conversations punctuated the space.

Such an intervention may seem trivial if viewed in isolation. But these moments of affective intensity extend capacities in unpredictable ways (Gibson-Graham 2006). As Griffiths (2016,

6) notes in a discussion about the affective power of music and dance to bring people together, it is such moments of intimacy that “renders the world sensual, cutting loose—momentarily—structural impositions and attendant constructions of identity”. Such light-hearted moments of possibility may not disrupt the likely eventualities of the land grab “but more important is that these moments take place despite such messy actualities” as they build the ‘glue of solidarity’ (Griffiths 2016, 7). We suggest that this encounter demonstrated a different kind of power and hope which, as researchers working through encounter, we also have a responsibility to recognize and take seriously.

## **Conclusion**

The ways the land grab network worked to undo our research was transformative, not just of our research design and the methodological tools we deployed, but also of what we understood to be ‘the land grab’. As our orientation shifted towards a methodological assemblage inclusive of affective encounters, we embraced the ways that a singular chance meeting holds deep potential for understanding violence. Encounters—intended, unplanned, and wholly spontaneous—reoriented us epistemologically and exposed us to fresh academic approaches. The social world described in this chapter is full. Its fullness is made up of co-researchers, friends, colleagues, and teammates; state officials from the top of the hierarchy to the bottom; everyday farmers, community leaders, and activists. All of our encounters layered and interlaced with one another so that taken together they formed the arrangement of lenses, mirrors and prisms of our periscope. We re-tooled our periscope to fully account for the richness of encounters and re-trained it to study what constitutes a land grab so that we came to see the phenomena differently. What we ultimately encountered was a grab unmoored from

the moment of displacement, no longer confined to the boundaries of a polygon on a map; a grab that travelled instead through bodies and across space.

Our intervention focuses on researching land conflict, but broadly resonates with scholarship on fieldwork in violent contexts, which is criticized for not offering a “conceptual and theoretical framework for understanding the difficulties it entails, or a proposal for how to use them in order to further our knowledge of these phenomena” (Macek 2014, 2). In partially closed research contexts like Cambodia, where access is uncertain, openings are fleeting, and much is obstructed, we suggest that researchers work to prepare ourselves (and our students) to consciously embark on fieldwork open to encounters that may overflow and deviate from the research design with which we set out. Focusing on encounters “that confronts, engulfs and even overwhelms us” (Drewsbury and Naylor 2002, 286), and creatively assembling a collection of lenses, mirrors and prisms, also means accepting that research is always unpredictable and the researcher must always be on her toes. Approaching the field through attention to affective encounters means embracing the uncomfortable and the unexpected, and working to learn about the object of our research by facing the feel of things.

### *Looking ahead*

Since submitting this chapter to *Acme*, Cambodia has changed yet again, making a “descent into outright dictatorship”, as the final headline of the *Cambodia Daily* declared. In the lead up to the 2018 election, the ruling party has dissolved the main opposition party and arrested the party’s leader, shut down human rights NGOs and independent media outlets, and stepped up surveillance and detainment of activists. Our reviewers invited us to extend our analysis to

this current conjuncture. In late 2017, we had the opportunity to return to Cambodia for new research but deemed it too risky to our interlocutors, and too volatile to make informed decisions. Instead we assembled a new periscopic approach that involved working collaboratively, but from a distance, by assembling media analysis, skype and phone interviews with people in Cambodia and those making asylum claims abroad (Schoenberger *et al.* 2018). We cannot be sure if the current crackdown will be a moment of closure or a new normal, but the turn to outright authoritarianism is likely to accentuate the challenges we faced, to expand the list of ‘risky’ research topics, and to intensify the risks for Cambodians who speak with researchers. Thus attention to the feel of things, to the subtleties of encounters, and to creatively assembled methodologies is ever more important.

## 5. “THEY TURN US INTO CRIMINALS”: EMBODIMENTS OF FEAR IN CAMBODIAN LAND GRABBING<sup>17 18</sup>

When we protest, they ask who are the leaders, they want to know the names and the villages of the people involved. So they can charge them with something. **We do nothing wrong but they turn us into criminals** (Male villager, Cambodia).

I was asked to come here today to talk with you about land. **But that would be illegal...** (Cambodian university professor at an international conference).

They make us act like criminals! (Foreign researcher in Cambodia).

These three quotations are from three very different people we met during fieldwork in Cambodia, yet their common theme is striking. They share an unsettling fear: a feeling of having transgressed some unclear boundary between legality and illegality, a feeling of having been marked that is felt by researcher and research subject alike, a feeling that haunts people across space and time. These quotes show how people who live and do research in spaces of resource conflict are transformed: farmers turned into activists and illegal squatters; researchers becoming criminals.

This chapter emerges from our experiences of fear while studying large scale land acquisitions, or land grabbing<sup>19</sup> in Cambodia. We experienced constant surveillance from police, state

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<sup>17</sup> This chapter is an equal effort between myself and Alice Beban. It is adapted from an article in the *Annals of the American Association of Geography*.

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<sup>19</sup> We use the term land grabbing to refer to processes that grab control over land, and are thus broader than “the global land grab” (Peluso and Lund 2011, Schoenberger *et al.* 2017, 701). Land grabbing also emphasizes the power inequalities and violence that would be obscured by referring to these investments as “large scale land acquisitions”.

authorities and company representatives. We had to abandon field sites due to threats to our participants. People we knew were hassled, denied state benefits, arrested, forced to flee, and one murdered. In this chapter, we argue that these experiences reveal land grabs as a project that produces fear and is reliant upon fear. This argument destabilizes land grabs as a bounded object of study confined to a particular Cartesian place, and reveals the ways that land grabs are tied into wider webs of political economic power that reshape relationships between the state, economic actors and local citizens. These politico-business networks draw power from obfuscation and threat. As the quotes at the start of this chapter suggest, this production of fear continually re-constructs the line between legality and illegality in ways that foments distrust, fractures communal and individual subjectivities, shapes people's everyday practices, and leads the researcher to self-censor or be censored. Through an exploration of the embodied experiences of fear in both research participants and researchers, this chapter seeks to make theoretical contributions in two ways: First, theorising fear as a tool of governance that facilitates state control and capital accumulation, and through this analysis, furthering a second goal of broadening the ontology of land grabs by foregrounding affect in the processes of dispossession to show how the affective dimensions of the grab precedes, surrounds, and reverberates beyond specific, bounded sites.

Land grabs are an expression of multiple forces colliding: global capital moving into new spaces and blurring boundaries of state/corporate actors; capital rich, land/food poor countries looking to offshore production of food and fuel; and global South elite looking for opportunities to accumulate wealth and control (Borras and Franco 2011; McMichael 2014). Domestic state actors and state-sanctioned violence play a central role in shaping land grabs

(Wolford *et al.* 2013, 190). State actors mediate corporate access to land, and different kinds of state power articulate in land deals, as government leaders call on the courts, police, military and “shadowy elements” to implement land deals. The violence that accompanies land grabbing is therefore not outside the modern state, but constitutive of it (Grajales 2013). Despite the violence inherent in the idea of a “grab”, and the fact that many land grabs occur in disorganized, fragile places with histories of conflict, the literature on land and resource grabs in geography, political ecology, and agrarian change has given scant attention to the challenges involved in studying them as places and processes inherently shot through with violence (Cotula *et al.* 2009, Borras *et al.* 2011, Scoones *et al.* 2013, Wolford *et al.* 2013) although violence has been a core concern of the larger field of political ecology and resource geographies (Le Billon 2001, Watts and Peluso 2001, Peluso and Vandergeest 2011). Wolford *et al.* (2013, 193) point to the ways land grabs produce new subjectivities as shifting property relations mean that people become either empowered or dispossessed of their ability to make claims on the state. What we do not see in this literature is the feel of everyday violence that makes the constitution of new subjectivities so troubling to people. This chapter integrates Rachel Pain’s (2009) calls for an “emotional geopolitics of fear” into the land grab literature to explore links between the global and the local; and to connect the ways fear is produced discursively as a tool of governance with fear as it plays out in people’s everyday lives. We do this by focusing on the embodiment of fear to understand how fear connects global capital flows with state projects of control and accumulation, and with the intimate sphere of the body (Pain and Staeheli 2014).

Our epistemological approach to knowing fear through its embodiment expands the ontology of the land grab to recognize the ways that the “grab” is an affective grab that travels beyond the site of dispossession. Political ecology has been late to integrate the broader attention to affect in cultural studies and the “affective turn” (Clough 2008) that was integrated into cultural and feminist geography (Bondi 2005, Davidson *et al.* 2005, Smith *et al.* 2009, Pile 2010). Political ecologists have recently started to analyse how resources and emotions intermingle in practices of everyday resource management as well as social struggle (Sultana 2015). We show how fear and uncertainty are produced and used by networks of shadowy state/corporate actors, and how these affects travel, disciplining people within and beyond the site of the grab itself. We emphasize the ways that the researcher is also implicated in the network and subject to similar manoeuvres.

The active production of fear and everyday violence can be difficult for the researcher to grasp through interviews or observations; in part, because the lived experience of this fear is cumulative as small threats are felt more intensely over time. Often, the stories that people focused on in interviews at first seemed banal to us and not particularly threatening. One of us recalls a community leader in a land conflict area repeating that he had received phone calls, sometimes at night. The constant stressing of this point throughout a conversation was something that stood out as a strange concern in an area where shoot-outs and brute physical force around plantations, and the associated logging activities, is regularly front-page news—phone calls seemed hardly worth mentioning. However, we came to understand a little of the way that fear works in the land grab only as we realized that we too had become fearful. Narratives of subtle threats took on a new resonance. Our research encounters showed the



many ways that land grabs threaten people's sense of self as a villager, and the entire social fabric of their worlds—their relationship with the state, notions of community, the viability of how to make a life—that can be difficult to grasp only through words.

We first outline our methodological challenges and link them to the literatures on fear and embodiment to argue that land grabs are facilitated by the production of fear. We then ground the land grab in the particularities of Cambodia to explain how the researcher is also governed by the land grab network. From this networked understanding of the land grab we explore the ways that our research participants within and beyond the site of land grabs come to be governed by fear, and how people seek to adapt to and resist fear. We draw primarily from our experiences working in Cambodia, but we suggest that this resonates with the experiences of our colleagues working on broader issues of resource violence in the Global South.

### **Coming to know the land grab through fear**

Both of us lived in Cambodia working in NGO and academic settings prior to researching land grabbing. Working on independent projects, we both undertook nearly two years of ethnographic research in different areas of the country, with preliminary research between 2010-2012 and intensive field research from 2013-2015. Our methods toolkits included participatory group meetings and activities; interviews with landholders and labourers, government authorities, non-governmental organizations (NGOs), community network representatives, and company managers; and multi-sited surveys of over 400 respondents. We focused on long-term ethnography in several sites of land conflict. This, in addition to our involvement in research projects with NGOs, meant our fieldwork spanned 11 of Cambodia's

25 provinces.<sup>20</sup> In some areas our observational data was limited, but this multi-sited and multi-method approach meant that we encountered a range of communities situated within or adjacent to plantations.

As researchers trained in feminist epistemology and methodology, our orientation to the field was grounded in recognition that all knowledge is partial, and that researchers must come to terms with the (embodied) distinctions between researchers and research subjects (Harding 1986, Haraway 1989, Moss 1993, Moss and Falconer Al-Hindi 2008). We worked to consider how people negotiated their subjectivity—their sense of self—in relation to their surroundings (Rose 1997, Hiemstra and Billo 2017). This positioning connects with feminist geographers' longstanding recognition of the critical importance of scrutinizing the everyday, and its inherent spatiality, for understanding how power is created and maintained (McDowell 1992, Rose 1993).

As part of reckoning with our positionality and incorporating reflexivity into our research practice, we met frequently in Phnom Penh city (which lay between our respective field sites) to commiserate on our field work failures. Yes, failures. Because the longer we were in the field, the more we realized that our attempts to understand land grabbing through interviews, surveys, village ethnography and a structured research design were not working. They were

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<sup>20</sup> In presenting our research methodology with only vague references to specific places and people, we are making a conscious choice to make it less easy for readers to connect our research efforts and the people we connected with. This is due to the increasingly tense environment within which researchers, activists and ordinary people are located.

not working because the field was in constant flux, and we—as with our research participants—were under constant surveillance. We are both white, foreign women, and this makes us visible targets for surveillance. Yet, the surveillance and obstructions persisted in different ways when teams of Khmer researchers went to field sites without us and also persisted across our research team members’ markers of status, gender, education, and place of origin. This chapter slowly emerged through discussions between us during fieldwork and afterward (from 2014-2017), as well as discussions with our research teams and with other researchers investigating land grabs in Cambodia and elsewhere in Southeast Asia. We learned through our conversations in the field and realized that our experiences were not isolated incidents; rather, they reveal the way the land grab works to discipline both the researcher and the people who live in land conflict areas.

### *Embodying fear*

As we struggled to enact our research projects, we altered our approach to fieldwork. We began to foreground affect, and, in particular, fear and uncertainty. In working through our fear as an alternate pathway to knowing the land grab, we found it fruitful to think of fieldwork as “an encounter that confronts, engulfs and even overwhelms us” (Drewsbury and Naylor 2002, 286). Integrating more nuanced insights about fear into our work meant engaging the body as a scale of analysis (Dyck 2011). This approach recognizes that attention to affect—in both our interlocutors and ourselves—are important pathways to knowledge in violent settings (Macek 2014, 2). Working through affect raises questions about what we can know, and whether and how we can “simultaneously identify with, and recognize as different from ourselves, the others on whose experiences we draw” (Bondi 2003, 67). Donna Haraway’s (1989) call for

“the particularity and embodiment of all vision”, and her notion of “affinity”, with its potential to transcend the split of subject and object, helped us to develop our approach in this chapter by pushing ourselves to consider the way we, too, were part of assemblages of fear. Qualitative methods texts often treat the researchers’ fear as something to be controlled, managed or mitigated, yet as Sharp and Dowler (2011, 286) point out, “it seems curious at best that so much of what informs our work can be so succinctly written out”. Once we more fully engaged “the field as a place where space writes back with its empirical agency and its embodied affect” (Sharp and Dowler 2011, 286), we saw the epistemological and ontological potential of engaging assemblages of fear as they were “built, trained, embedded, woven, nurtured and natured into the way specific times, places and events work” (Pain and Smith 2008, 3). The production of affect is potent in part because it is transpersonal, emerging and flowing unconsciously from layers of collective memory and intersubjective encounter (Massumi 1987, 2002).

Bringing together insights from literature on affect, fear and embodiment helps conceptualize the violence of the land grab as a generalised fear that connects the intimate site of the body with state projects of social control and global capital accumulation. Attention to affect shows how land grabs are not just about grabbing territory, but are also an “affective grab” that controls and disciplines human lives and bodies. At the core of the land grab network in Cambodia is a pervasive, but always hard to pin down, fear of state-concession sponsored violence. This fear binds people to the network through their relation to legal accountability, its production of guilt, illegality and, ultimately, the criminalization of everyday life for smallholder communities. Fear shapes, but never fully determines, people’s social

relationships in areas of land conflict, and fear can be transformed into an emancipatory productive force that furthers resistance (Wilson 2016).

Our understanding of fear as socially and spatially constituted is indebted to a rich literature on emotions and affect in geography and across the social sciences (Valentine 1989, Young 1990, Pain 2009). Feminist scholars countered prevailing understandings of fear as pathological or individually constituted by showing how fear is experienced in people's everyday lives, and emerges from specific histories, biographies, space and time (Valentine 1989, Pain 1991, Pain and Smith 2008, 9). For people who live in environments of systemic violence, small threatening acts may engender a sense of structural vulnerability that is tied to social/political positioning (Young 1990). But while grounded feminist analyses of everyday fear illuminate the cumulative effect of small threats and the potentiality of violence, scholarship shifted after the 11 September 2001 terrorist attacks to focus on national and global scales of analyses (Gregory and Pred 2007, Pain 2009, Pain and Staeheli 2014). Although this trend is useful in connecting global and state discourse to more local strategies for political control, we agree with Rachel Pain's (2009) argument that an analysis of fear through (primarily) the lens of geopolitics tends to constitute fear as omnipresent while lacking grounding. We therefore respond to Pain's (2009) call for an "emotional geopolitics of fear" that connects global capital flows with state projects of control and accumulation, and with the intimate sphere of the body (Pain and Steaheli 2014).

Understanding fear through embodiment, and our research participants' narratives and everyday practices, allows us to trace how people's relationships with land, with each other,

and with themselves are shaped by fear. Working through embodiment also helped us to identify possibilities for alternatives to fear and to locate moments of hope for things to become otherwise. We are not suggesting that our encounters and our feelings of fear mark our experiences as equivalent to those of Cambodian farmers and activists. On the contrary, while we may be harassed and expelled from the field, rural Cambodians who live in areas of land conflict can be separated from their homes, livelihoods, and social relations, threatened, abused, and even disappeared. As foreign researchers, this was only a temporary home for us and we could leave. Rather, our analysis of our own fear in this chapter and the way we observed others' fear in our encounters within and beyond the site of land grabs ultimately led us to an expanded ontology of what constitutes a land grab. Focusing on fear allowed us to trace how the intensity of affect manifests such that the governing potential of the land grab diffuses over time and space.

### **Grounding the Land Grab in Cambodia**

Contemporary land grabs have important continuities with the colonial concessions described in Chapter 3. Land grabs continue to be concentrated in areas that are far from central state control. Land grabs continue overlap with indigenous land use and smallholder farming, thereby bringing traditionally held and managed lands into conflict with the capitalist economic system advanced by Hun Sen's rule; and are the sites of intense struggles for land control. The population in remote upland areas continue to be viewed by the post-Independence state as anarchic and unruly settlers.

The initial deals with corporate actors, and the polygons drawn on maps to denote concessions, usher in new forms of surveillance and state/military/corporate threat (Figure 1). These changes are often sudden and intense, as the injection of capital creates the frantic possibility of getting rich for those who can get in on the game, and it creates the urgent necessity to control those who are not. Our research participants in upland areas frequently began stories about land grabs by talking about the sudden appearance of machinery:

Then, one night in 2004, bulldozers and tractors came. The villagers had no warning; the first they knew was the sound of bulldozers crunching trees. The company tried to do it secretly; they hired people from other provinces. When the villagers saw the trees cut, they cried. I cried. (woman community activist and farmer, 8.8.14).

Processes of enclosure slowly creep towards people's fields, sometimes reaching their homes. Companies routinely dig deep trenches to demarcate their land claims and to prevent people and livestock from entering. Communities' access to water is disrupted as companies re-route or destroy waterways, and many people told us that they did not let their children drink from streams they previously swam in because children became sick. Companies construct new roads to facilitate forest clearcutting (often stripping the same trees that local people previously managed for resin). Companies hire the military to guard access points, deliver threats to villagers, shoot at livestock and control plantation workers. Oftentimes local officials will appear in villages, alongside the company and their hired guns, to explain impending land losses or restricted land access.

Until the company has planted its agri-industrial crop, people often seek to regain their land. Farmers organize petitions, plead their case to local officials, form relationships with advocacy groups and human rights NGOs, block roads and take protests to the capital city. Conflicts escalate. In one attempt to repress protestors, military helicopters and at least 2,000 armed

forces stormed a village, killed a fourteen-year-old girl, and blocked off access to the village while the government investigated the community for secessionist intentions. More common still are the burning and razing of people's homes. Other acts of intimidation are more banal. Ongoing intimidation is folded into the everyday, provoking activists to flee the area, plucking off individuals through bribes in order to break up community solidarity, or making people too fearful to speak out.

Once land is grabbed and the fields planted, some local people become wage labourers on the same land from which they were expelled, but more often migrant workers from other provinces are employed. Talk of fights among plantation workers is common with the occasional drunken brawls spilling over into surrounding villages. Some people retain a small area of land but lose access to streams, forests, grazing land and crop areas needed to maintain rural livelihoods. Others lose access to all their land and are left wandering, hoping to move further into the forest to cut new farm plots. Even in villages beyond the boundaries of the plantation, people talk about conflicts in nearby villages, and express concern that these problems may come to the village at any moment.

Fear works through the layering of trauma from past civil conflict, and from post-socialist state surveillance, with current threats and occasional physical violence (Hinton 2004)(Hinton 2004). State discourse draws on memories of past conflict to re-inscribe a distinction between the ruling party—associated with stability and prosperity—and the opposition party—associated with a disorder that threatens to plunge the country back into chaos. In this way, affect not only controls, but also produces subjectivities (Taussig 1992, Newman 2012). State



officials produce fear by intimidating people, spreading rumours, obfuscating land claims, delaying decisions, threatening, and violently evicting people from their land, while also seeking to produce other affects such as gratefulness and hope through conferring development. State manufacturing of consent is made possible, as Ann Stoler (2004, 10) points out, “not through some abstract process of ‘internalization,’” but by “shaping appropriate and reasoned affect, by directing affective judgments, by severing some affective bonds and establishing others” to redefine what constitutes the moral subject.

The moral subject has been constantly redefined over the past century as Cambodia has undergone vast shifts in governance, including colonialism, civil war, American bombing, genocide, state socialism, foreign occupation, partial democratization, and waves of resource grabs centred around timber, land and sand. In the 1980s, when the post-war state was formed under Vietnamese occupation, Cambodia’s ruling party established tight surveillance at the village level that prevented resistance and channelled resources through informal networks; many of these characteristics persist, providing the basis for ongoing control (Milne 2015, 42). Starting in the 1990s, the ruling elite have intensified their grip on power through building politico-business networks in which officials and business elite are given access to lucrative contracts and land concessions in exchange for loyalty—what scholars have termed a "neo-patrimonial" or "shadow state" system (Le Billon 2002, Le Billon and Springer 2007, Un and So 2011). Yet, Sarah Milne (2015) argues that characterizing Cambodia as falling within shadow state descriptions does not fully capture the ways that illicit revenues are interwoven with formal practices, as state predatory practices articulate with transnational investments in natural resources. Companies use the military to make direct contact with villagers. Soldiers

hired by companies use their guns to threaten villagers, commonly shooting into the air. People's experiences with the Khmer Rouge add to the fearful potentiality of the military, as one elder indigenous man argued,

The soldiers that work for the Company are former Khmer Rouge soldiers. High-ranking officials like to employ former Khmer Rouge soldiers as guards for the plantation area because these people only think about money. They do not think about other people and they will do anything for the Company (05.08.10).

In this way, fear that emerges from Cambodia's many years of trauma and authoritarian repression shapes the ontology of land grabbing before the grab occurs. It is this affective dimension that allows land grabbing to take place and gives the process ongoing durability. This violent process of dispossession proceeds at the same time as the state selectively performs good governance. At the time of our research, state elite pointed to the freedom of the press, the existence of a research community, and the active civil society sector to reinforce the narrative of openness and democracy that is part of the post-socialist project. This need to retain the illusion of freedom explains in part why the state does not just forbid research in conflict areas. While other post-socialist states in the region have formalized procedures in place for research permissions, with high levels of surveillance by local officials (Turner 2013), in Cambodia there are no clearly outlined procedures for research permission. This apparent openness reinforces the narrative of post-conflict good governance, while enabling murkier processes of control through the surveillance of the researcher's movements, and the accompanying production of fear and uncertainty. As a form of control, this practice is so effective precisely because there are no known rules. The researcher never fully knows where the line lies between acceptable/unacceptable behaviour because this line can be re-made by powerful actors in every encounter (Schoenberger and Beban 2017). The researcher learns to

self-discipline, staying away from certain topics or conflict areas, always guessing what will cross the line from acceptable to threatening to the regime.

State strategies of casting populations and practices as “criminal” or “illegal” create binaries that become an important mechanism of control. People affected by the land grab are transformed as their lives become marked by incoherence and pervasive fear that alters subjectivities. As a villager noted at the start of the chapter, “we do nothing wrong but they turn us into criminals”. Even though the subject positions of community members, farmers, and other rural people are complex, multiple and shifting, the land grab works to create sharp divisions and encourages people to position themselves as “legal”, non-threatening, and lawful. Those seen as threatening or illegal may be criminalized, labelled “opposition party supporters” and charged with inciting violence. The potential label of opposition supporter extends to farmers trying to pursue their livelihoods:

When the people complain, they accuse us of being from the opposition party. But we are just normal villagers. We want our land (woman, 40s, 14.11.14).<sup>21</sup>

This labelling has real stakes: people fear that if they are labelled, they may lose the support of the village chief and lose access to development schemes and material goods (like donated toilets) or the maintenance of infrastructure (such as roads). Such interpretations are regularly reinforced by Hun Sen, who laces public speeches with warnings not to defy him. For example, he commented during the Arab Spring, “I would like to send you a message that if you provoke or foment a Tunisia- style revolt, I will close the door to beat the dog this time” (Cheang 2011).

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<sup>21</sup> We are including the approximate ages of participants in some of the interview codes to indicate that the interviewee lived through the Khmer Rouge Regime, which was the case for anyone who was in their mid-30s and older at the time of our research.

Cambodian people who try to take their complaints to state authorities find themselves being directed from one agency to another (Chapter 7). Appeals through the court system are rarely successful (Morris 2017), and outright protest may cross the uncertain line beyond what is acceptable, so many people are afraid to protest. And yet, some people do overcome fear and resist land grabbing. Community mobilisers are central to overcoming fear. Through the routine work of face-to-face community meetings and by building long-term relationships, these mobilisers instil the importance of becoming brave. Connections with national and international NGOs, and politicians, can also provide resources and motivation that help overcome fear, although they may channel resistance to non-confrontational forms. We also observed people reach a breaking point when they were violently evicted or when the threat of land loss revealed their deep connections to the land. These people joined resistance efforts despite their fear, telling us “I don’t care if I die”. Some people organize and march to Prime Minister Hun Sen’s residence to protest, appealing to the Prime Minister’s benevolence and authority in hopes that he will recognize their rights (Chapter 7). Others resist by mobilising common cultural understandings of land as owned by land spirits [*nayk taa*] that may be angered by the plantation’s land clearance (Beban and Work 2014), or striking deals with company management or local officials to gain partial compensation (Beban *et al.* 2017).

Some communities do manage to hold onto their land, but there is no clear formula for success. Instead, outcomes are tied to finding momentary openings, sometimes grounded in personal relationships, and multiple factors play a part: political connections, political timing, the power of adversarial actors and how valuable and accessible the land and its resources are to the

concessionaire. When communities do win land rights, people talk of being “winners”, and affects of bravery and hope travel beyond the community to other areas embroiled in land conflict. In group interviews with one village that successfully gained land back, for example, people recounted tales of their bravery and collective fortitude. As one farmer taking a break from clearing land explained,

We are happy we won and we got the land back and are living on that land. We won this case by protesting for only one month, yet other communities in Cambodia spend several years protesting and still may get nothing! (01.08.14)

As the quote suggests, in most cases, petitions are ignored, protesters are met with violent security forces, and people are too fearful of state repression to press their case.

### **“A pineapple with many eyes”, “a prison without walls”**

The land game is one way the ruling Cambodian People’s Party (CPP) plays off different factions and consolidates power. This works its way down the chain through every layer of government inclusive of national, line ministries, provincial, district, commune and village levels. Figure 2 attempts to render the constellation of actors assembled around the land grab. Broad groups become marked by its operation in diverse ways: granting permissions, securing territory, extracting timber, working as hired labour, struggling to maintain access to territory and livelihoods, and raising awareness about the machinations of the land grab. The lines of connectivity are not vectors but trace common relationships and are not exhaustive. One branch of the network is the ruling party and those associated with the party. These actors ally with investors to form plantations and facilitate the work of loggers that clear the land and trade in illicit timber. State and private security forces guard these investments. Another branch are the local officials and community representatives, community organizations, small-scale land

brokers, cash croppers and everyday peasants. The third branch are the activists, researchers and media bound up to the network as they seek to resist, to document, to analyse and to publicize.

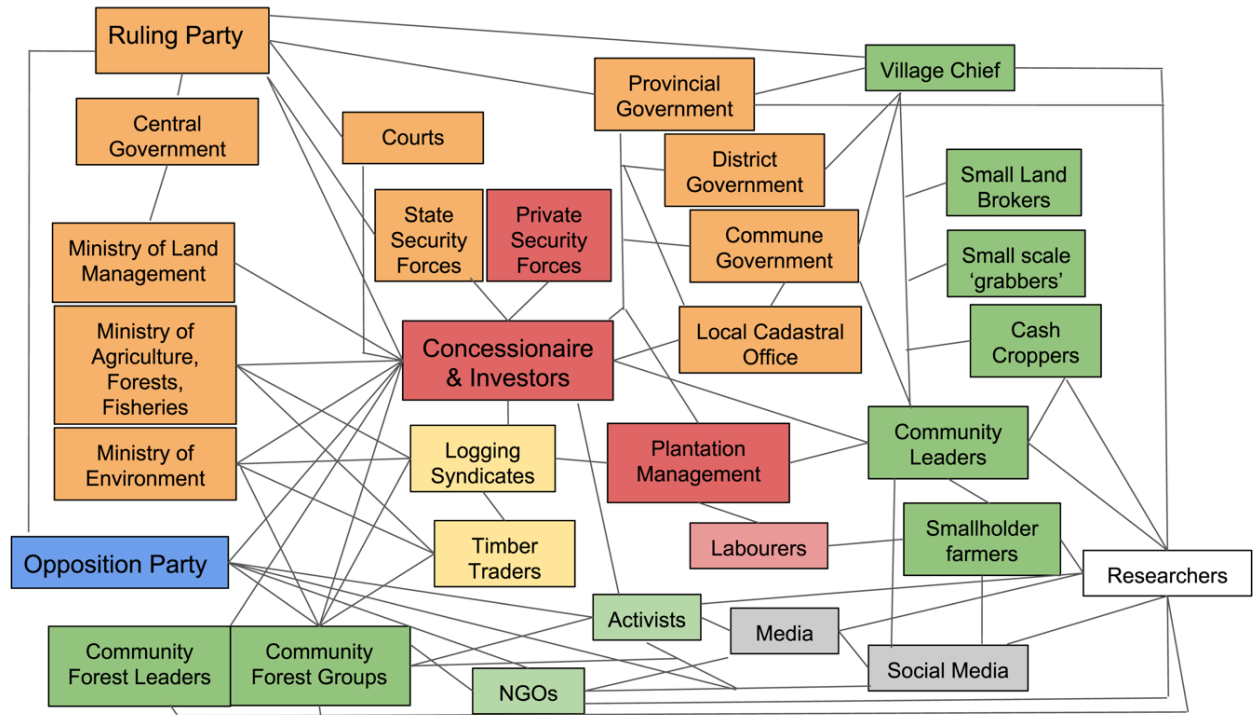


Figure 4-1: The constellation of networked actors producing and marked by the land grab

An enormous amount of work goes into maintaining obfuscation and secrecy over who exactly is involved in the land grab network and how. This makes it impossible for people living there, or the researcher, to know where people stand at any one time. In this environment of distrust, everyone suspects someone, whether local official or community leader, may in fact be working for the company. One man explained,

The people are all rotten [koh]. People with money and people with power—all the police and the army—they all work together. There is no security.... In Cambodia, we have a war about land with the people who have power, a war for land and forests...It's a war, all for people with money (farmer, 50s, 26.6.14).

For this man, there is no distinction between investors, politicians or local state officials; they are all potentially part of the "rotten" land grabbing network. The secrecy over who is involved in this network is central to maintaining people's fear, and means that distrust and fracturing of social relations often occurs at the local level while powerful actors remain in the shadows. Speaking about a crackdown on land claimants who travelled to Phnom Penh to protest in front of the Prime Minister's residence, one community organizer explained,

The guard shocked people and tore the photograph of Mr Hun Sen and Ms Bun Rany. They stomped on the photograph, so I asked them, "why do you tear the photo and stomp like that?" The guard told me, "I don't know, the boss ordered me to do it and so I followed. I don't know and I don't care, I just follow the orders".... He was just a labourer... The boss is like the third hand... and the third hand tries to keep us people out (man, 40s, 3.09.14).<sup>22</sup>

The "third hand" is a recurring motif in interviews with communities, and in speeches by the Prime Minister, and signals hidden forces that act behind the scenes and are connected in a disjointed fashion to the regime: an agentive force that is not clearly traceable.

Even those who seem outside the network (e.g. community leaders) frequently get worked on by the land grab long and hard enough that the movement fractures and individuals get plucked off. Subject positions are in flux as people shift and inhabit more than one subjectivity. Powerful people take advantage of murky subjectivities to maintain uncertainty over their involvement in land grabbing. At the same time, local state officials use their power to label community activist leaders "dangerous instigators" and warn other people to stay away from activists, thereby reinforcing legal-illegal binaries. Rural people also reproduce this binary in

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<sup>22</sup> It is impossible to be certain why the guard did this, but the photographs are used both as a plea and as evidence of the community's connection to Hun Sen himself, and their hopes of making requests of him. When the guard tears up the photograph it destroys this plea, severing this imagined connection, thereby possibly acting to also sever the legitimacy of the community's protest and claims.

their own narratives, and in the way they situate themselves relative to others in their communities. Within activist networks, there is an ever-present threat that individuals may defect and go to “the other side”. Rumours that activists have been bribed carry such power that individuals must prove they are on one side or the other, causing social relationships to fracture. One community leader explained,

You know, when I started this job, I thought there were just two groups I had to fear: People with power and money, and the company. Then I realized when I worked for a while that there are three: also NGOs. And now I realize that I also must worry about my own organization (woman, 50s, 12.2.15).

This community leader began to fear her own organization because she felt she could no longer trust other members after state/concession actors began approaching people at their homes to offer them money or official positions if they would report on organization activities. In a similar vein, on the other side of the country a group of community leaders found that one of their own had built increasingly good relations with local authorities and proceeded to undercut the work of the village committee who were attempting to organize land protests. Thus, fear works to suggest that people may not be what they seem and that it is important to "sort out" what sides people are on.

Importantly, even the legal system, the courts, and government authorities of all kinds—supposedly independent actors that people should be able to turn to seek redress—are not outside the land grab network but integrated into it. One man described the community’s inability to know where local officials stood:

With the Commune Chief, he supports the company too, but he also tries to talk with the people here. The higher authorities suppress us. When we have a meeting, the Village Chief and Commune Chief don’t dare show their faces. They hide in the shadows. When we needed something signed [the commune chief] helped but he was two-faced (farmer, 50s, 18.12.14).



This man's sentiment was something we heard often in our fieldwork: villagers feel powerless as they perceive government authorities to be colluding with plantation investors to grab land. These acts are likely sometimes due to self-interest or incompetence rather than a coherent state strategy. But it is precisely this uncertainty over actors and their intentions that produces people's intense fear and causes people to discipline their behaviour, distrust others, and avoid certain areas of (their) land. It is the *possibility* that one is being observed (not knowing precisely by whom) that is so powerful as a mechanism of social control.

The idea that people were stuck in a "cage" or helpless to do anything was another common refrain during our fieldwork. One man described this as a prison:

It's like we are in a prison without walls. The government uses threats to win. Hun Sen goes on TV and says, "if you protest, no Buddhist festival". Villages that are controlled by the ruling party get better roads and schools. I'm scared. I'm scared of this cheating by the authorities and the companies. The villagers, many of them don't know because they are illiterate. And even if we know, what difference does it make? The people that are supposed to help us, to solve the problems, they are the ones perpetrating this because it benefits them (40s, 20.8.14).

The prison without walls this man refers to works because of the control that the state and companies exercise over infrastructure, services, even cultural rites, encouraging people to discipline themselves to perform correct behaviour. This man recognizes that even if he knows about the "cheating" authorities, protest could result in his exclusion from state services and community rituals. He feels a need to take heed of his fear, to stay quiet, and to continue playing the role prescribed for him. The pervasive sense of panopticon-like surveillance that causes people to self-censor their behaviour is part of the mechanism of constant fear (Foucault 1977). This surveillance has an important historical precedent in the Khmer Rouge regime's official slogan that "The Angkar has the [many] eyes of the pineapple", implying that the Angkar [organization] has eyes everywhere and sees everything, a threat tied to disappearances

and murders of “enemies of the people”. This discourse is no longer coded in references to the pineapple, but it persists through the ongoing surveillance of the population as the party goes down to the local level and diffuses through decentralization processes (Craig and Kimchoeun 2011). This complex interplay and layering of the past with the present is found throughout conversational references to the Pol Pot era, which is routinely invoked to interpret the past against the present. As just one example, a woman farmer explained her efforts to withdraw from the social and political arena:

What gives us security is following what they do. In Pol Pot's time, they used violence, they killed us. Now they use the cool method, politics. They keep talking about the law. They are the law. We do best if we act stupid, not say anything. They don't like me because I talk too much. So now I don't say anything. I can do that, act stupid. (40s, 13.8.14)

Even when people try to remove themselves from politics and “act stupid”, however, rumours of violence and betrayal circulate constantly, heightening people’s fear. We frequently heard stories about people being killed in the plantation, fights among workers, mysterious illnesses striking down workers due to angry land spirits, and one grisly story about a body in a sack repeated over and over. We could not confirm this story, but uncertainty kept the rumour alive throughout villages around the plantation area; it was a powerful reminder to people that the plantation was a violent place. In a similar way, a rumour circulated throughout several villages recalling an incident in 2004 when 2000 people gathered to protest land grabbing and an unknown assailant threw a hand grenade into a group of sleeping protestors. Although this attack occurred ten years before our fieldwork, this story continued to colour the present because the assailants were unknown and people speculated that they may have been officials who were still in local positions of power. People frequently recalled precise details surrounding the attack as a way of explaining why they did not continue to protest. One young woman cafe owner, for example, shook her head as she told one of us, “You know, an egg

can't hit a stone [*pong moan min ait jool tmor*]... They threw a bomb at us, a bomb! In the temple!" (café owner, 25.4.14). While this woman had been a child at the time of the protest and had not participated, the collective memory of violence contributed to her fear. But this incident was not always repeated to explain (and reproduce) fear. One of us attended a meeting of around forty villagers who gathered to discuss how they could resist land grabbing, and one woman who helped lead the protest in 2004 told this story to show what was possible:

The people stood strong. They were not afraid to die. We blocked the road for five days. But then, while we were sleeping, a bomb went off and injured nine people. They tried to scare us, but we didn't give up. We stopped the company. (26.9.14)

In contrast to the café owner's violent metaphor of the stone, the community leader stood in front of the meeting and threw her hands out to the assembled villagers as she recalled in a slow, strong voice, "we stopped the company". She subsequently repeated this story during meetings and informal conversations with other villagers. This was an attempt to subvert fear and encourage affects of bravery amongst the villagers by reminding them of past victories.

## **Criminalization of the everyday**

Life becomes increasingly criminalized as the livelihoods people try to maintain alongside the operations of the plantation are squeezed from multiple sides. People who lost access to farm and forest land due to expanding plantations said that just trying to survive in this landscape is a criminal act. One desperate farmer explained,

There is nothing here for the people to do. If they go to take the trees, they get fined. If they try to take something to eat, they get thrown in prison. There is no way to make a living (woman, 21.7.14).

Even those who had not directly lost land said that their fear of potential loss was all-consuming. The difficulty of everyday activities is further underscored by the account given

by an old man that worked as a security guard in the plantation and at night went back home to his village. Showing one of us the rifle that he keeps on his small desk in a hut on the plantation boundary, his voice broke when he explained:

They told me not to kill [the cattle or buffalo]; they want them shot in the leg so they can limp back out and then it's a warning to the villagers not to let any more cattle in. [*He looked furtively out of the hut before continuing.*] But I don't do that. If I see them, I just yell at them, I chase them out... I don't want to shoot anything.

This man is essentially policing his own community, having to choose between maiming his friends' and neighbours' cattle, or potentially losing his job. However, he shoos away the cattle rather than maiming them, showing his care for his community and the ways he navigates the boundaries between being a member of a targeted community and a company employee, despite the contradiction that this creates. Such contradictions are one way in which the plantation threatens to undo social relations. This kind of everyday violence reverberates through a "fear that is real but not necessarily actualized in events" (Das 2007, 9). Following Das, we can think of the violence of the land grab as

not only violence experienced on one's body... but also the sense that one's access to context is lost that constitutes a sense of being violated. The fragility of the social becomes embedded in a temporality of anticipation since one ceases to trust that context is in place. The affect produced on the registers of the virtual and the potential, of fear that is real but not necessarily actualized in events, comes to constitute the ecology of fear in everyday life (2007, 9).

Context becomes fragile and lost in the sense that the physical situatedness of social relationships is under threat, as the landscape that comprises home and place is changed beyond recognition; the subjectivities of whom one is in relation with become slippery and the land grab network criminalizes everyday practices. Lost context also throws open gender roles and they become replaced differently, in different contexts. For example, when a military unit confiscated villagers' land for a rubber plantation, only men were able to enter the area. For one woman, this meant that she didn't "dare to enter because I don't have any sons" (farmer,

40s, 28.7.14); another woman asked her adult son to “live on the land, to stay in the hut there all the time, so they won’t take it” (farmer, 50s, 8.8.14). Former paddy rice fields were thus transformed into the domain of men and military. Gender roles were re-constructed differently during a violent eviction in another area, when men were assessed as more precariously positioned and encouraged men to flee to the forest. One woman explained:

There was no warning. They just came and burned [the house]. What could I do? Just watch it burn. My husband was angrier than me, but the men needed to run away because we were afraid the men would be caught. The military shot in the air to threaten us. The men had to escape into the forest (woman, 30s, 4.8.14).

Gunshots may punctuate the threats in this example, but the fragility of context is often felt through threats that are banal and insidious. Community activists had stories about the constant intimidation they experienced: phone calls, unannounced home visits, a vandalized motorbike.

The fear was intensified by rumours, as one man relayed,

They [local authorities and company] said that they would kill me if I kept talking about this. I don’t know for sure, but people told me about this. (farmer, 50s, 28.6.14).

The importance that people gave to small details and rumour underscores the way that generalized fear can be maintained through constant, small threats. As Diego Gambetta’s (1996, 131) work on the mafia reminds us,

Threats which are not explicit but only hinted at create an atmosphere which increases the effect of intimidation and the need for protection. If you do not know when and where the hit will come, anxiety and mistrust are intensified; fear becomes hazy and generalized. The acute, almost paranoid, sensitivity to signals which develops transforms the raising of an eyebrow into the most compelling of threats.

Like Gambetta’s “raising of an eyebrow”, one focus group participant recalled the way that seemingly innocuous sounds could take on threatening overtones in the tense environment: “Whenever the people hear the sounds of an engine, they tremor and shake with both fear and anger” (14.8.10). Our research participants’ focus on small details shows how fear and violence

pervades people's everyday. It is not only about violent killings and spectacle, but how fear and threat seep into people's daily behaviour and are felt as bodily sensations.

The affective dimension of violence flows through not only our research participants but also the researcher. Unfamiliar people stroll up to observe interviews and the mood tenses, a phone is pulled out and sound recording starts. A motorbike is going around the village calling out a message in an indigenous language; people disappear. After meeting members of a community that one of us had known for several years outside of a land titling ceremony in the provincial town, she was followed, photographed and ultimately a number of military police came to her house in the middle of the night, along with a high-ranking official. The official proceeded to question her:

Who are you? Where are you from? What are you doing?

Then he interrupted her response:

Yes, yes. I know you are a researcher. I know that. I came to see about your personality.

Throughout the questioning, people were polite, then she realized several soldiers had clambered onto the balcony. What exactly was at stake was never clear, what was being sought never specified. In the end, after pouring over a letter of permission from a district official, he said: "It doesn't matter, sweet dreams, sleep well, goodnight!" He beamed a strangely enthusiastic grin and abruptly everyone left. She wrote in her field notes, "Only then I freak out". In the following days, she received upwards of ten phone calls a day from people who would not say who they were but wanted to know what she was doing and where she was. Police were outside her house. Moto taxi drivers lingered too long and called people to say "yes, I have the foreigner, she can speak Khmer". Research contacts in the province started to

call complaining of strange phone calls, many in the night. It clicked. The terror over too many phone calls that land activists complained about finally clicked.

Experiences like this made us both realize in a very physical sense the pervasiveness of fear and uncertainty that means silences, glances, turned backs and slammed doors can be incredibly important. Beyond outright violence, it is this constant fear and uncertainty pervading every aspect of one's life that is the work land grabs do on people.

### **The land grab on the move, extending through space and time**

The way that fear is collective, pervasive and haunts people and encounters means that the land grab extends beyond the actual physical sites of the grab itself. The land grab also extends through community activism. Protests and petitions shift encounters between the community and the state away from the territory of the grab to the streets, parks and temples in the capital city, and to the courts and provincial halls. Some communities we worked with travelled hundreds of miles to bring their struggles to the streets of Phnom Penh. One community expelled by a violent eviction found that they faced state security forces at every turn. Armed forces even threatened to remove them from a Buddhist Temple where they sought refuge. Other groups found that the state deployed truckloads of military police that would swarm their weekly attempts to march in the capital. In one instance, ten villagers, including a four-year-old boy, were injured by security forces armed with electric batons as they attempted to march from the National Assembly towards Hun Sen's villa. The grandfather of the injured boy explained to one of us:

The strategy is good... But there was a problem because the police or the guard hit the villagers. Three to four villagers were injured [including] my grandson. The police shocked the child. Now the child is still weak, and their health is not good like before. He passed out for three hours. Three hours... At the march, the police just started hitting us. They didn't ask us to go, they just started beating people. I didn't know they were coming here to fight, but after a while: "Oh! they are hitting!", and some villagers escaped (03/09/14).

We spoke with protesters like this man in towns and cities after we were forced to leave sites of land conflict ourselves. We left field sites in part because of the potential for state/company intimidation of our research participants. Others did not have the choice of whether to leave. One Spanish doctoral student working on urban evictions was detained and forcibly deported from the country. Tied to these experiences are hard to answer questions about how the presence of a researcher, whether foreign or national, can draw in the system of surveillance, threat and fear to new spaces, and how the spectacle of the foreign researcher being disciplined can reinforce fear. Even as we withdrew from the sites of the grab, we found that we never truly left the field. As Jennifer Hyndman (2001) reminds us, the field is not some place out there; one changes the field and is changed by it, thereby challenging notions that the field is bound by time and place. If we recast the field as a network of power relations in which we are but a small link (Hyndman 2001, 263), then stepping out of the village to consider how the land grab travels through marked bodies and psyches may help to further demonstrate the stakes of our argument.

In 2014, a Dutch woman working as an independent consultant was brutally murdered in her home, as was her young child. Between the two authors, we were living a few hundred meters from her home, had spent a public holiday together, were housemates with the reporter called to the scene, and were colleagues with a family friend who brought the injured infant to the hospital. This hit us closely. Rumours circulated that the woman was targeted due to her



research on eviction. This experience made everything about the capital city, the provinces, field sites and encounters feel different; things felt more threatening and subtleties took on a new edge. One author considered withdrawing from the country entirely. We each witnessed the other experiencing fear and were attuned to the other's scattered thinking, distant gaze, jumpy bodily reactions—the manifestation of fight or flight instincts in bodily ticks—that gave away deeper workings of fear and uncertainty in spite of our attempts to conceal these affects to join in group dinners and scholarly/activist meetings. In bearing witness through our own embodied encounters to each other's fear, we came to know the land grab in new ways and gained deeper insight into what villagers might feel (albeit with the understanding that our fear and others' fear are not equal).

Once out of the physical context, intimidation faced in the field continued to have an impact upon us and caused at least a small amount of paranoia, supporting our point that fear is pervasive. One author joined the academic networking site academia.edu shortly after a conference paper on a contentious land grab was posted to a publicly accessible website. Within hours of joining, she had multiple visits from people within the source investment country, suggesting that the investment company may have set Google Alerts or traced her online activity. While drafting this chapter, the other author received a Facebook request from a provincial branch of the ruling party in a land conflict area, causing a jolt since people are being detained because of their Facebook activity. Such examples underscore that the field is not “out there”. Intimidation and fear can persist long after the recorder is turned off and the researcher has left the encounter, after field notes are put away on the shelf, and after papers are published.

## **Conclusion**

This chapter aims to broaden research on land grabs by underscoring the role of fear in enacting land grabs and in working to hold this assemblage together. We do this in two main ways: first by exploring how fear shapes subjectivities of those marked by the grab and the research encounter; and secondly by examining land grabbing in Cambodia as a broad process that is not confined to the specific, bounded sites of plantations but instead transcends time and space as fear and uncertainty restructure social relations. Land grabs are not just about grabbing territory; our focus on fear shows how the land grab can be thought of as an affective grab that disciplines human lives and bodies. In this way, we show how affect is an important part of the spatial transformation of rural territories.

Attention to affect in work on land violence also has much to offer to work on the geographies of resource conflict, and to fieldwork in violent spaces more broadly. In this chapter, we foreground the role of fear as a collective and productive aspect of governing, but we do not mean to suggest that the state/capital apparatus is monolithic. We as researchers cannot know to what extent surveillance and intimidation is a coherent state strategy or whether it reflects an incoherent series of individual actions and reactions. It is likely both. What matters is that people in land grabbing areas feel this surveillance, and it produces and reinforces pervasive fear. People often spoke of feeling helpless or in prison, and yet, people do find ways to overcome fear. Attention to affective governance therefore also illuminates its instability; fear and threat requires constant reinforcement to work on individuals and communities, but this governing mechanism can never fully capture transpersonal affective life. Just as powerful

actors use affect to produce individual and collective subjectivities, affect can also bind people together through recalling past acts of bravery and subverting fear.

Finally, we highlight the place of the researcher in these processes: The researcher is also implicated in the land grab network. The researcher's presence and writing may also intensify the fear and threat people experience. It is no longer possible to imagine that the traditional actors in "village level ethnography" are separate from online academic and social networks in which our academic knowledge production circulates. When international investors and Cambodian state elite can and do access sensitive material, this raises questions of how current ethical norms of anonymity can ensure the safety of research participants, as well as the researcher, while still enabling people's struggles over land to be heard.

We feel that shutting ourselves off from these places is not an answer, for the stories of people's lives in these spaces of violence are important to understand, and not just in an academic sense. Rather, we suggest that the researcher's attention to embodied encounters and the prevalence of fear in the everyday within and beyond the site of the grab can lead to a deeper understanding of how the land grab is lived. We came to understand the governing effects of the land grab on subject transformation through our affective encounters. We became more attentive to our embodied encounters with authority, with subjects, and our observations of subject encounters in the field, as we realized that in this charged landscape, violence is visible in the way it works through us in small banal activities. Attending to the power of affect by allowing ourselves to feel unsettled and reflecting on the fear research participants express through their embodied narratives and everyday practices opens us to new forms of knowledge. For if we maintain

silence around the incoherence and pervasive fear, this ignores the violence that works through bodies, across space, forecloses futures, and implicates the researcher.

## ***PART 3: RUPTURES***

### **6. RUPTURING LAND RELATIONS, OPENING NEW POSSIBILITIES**

This chapter contributes to my overall goal of enhancing representations that chip away at the perceived dominance of land grabbing by examining a state policy that did just that. The campaign intended to produce rapid, large-scale land reform. Targets were set to survey 1.2 million hectares of land, and were later revised upwards to 1.8 million ha – approximately the same amount granted as ELCs – and to award title to 470,000 families. From the start of the campaign in June 2012, to the posting of Order 01 results in December 2014, approximately 610,000 titles were issued. A total of 1.2 million hectares of land were reclassified through the Order (32% within ELCs, 23% in forest concessions, and 55% in other areas of state land and forest land) (MLMUPC 2014). The campaign thus represents the most significant state intervention to award land rights in the post-war era, and it is more exceptional due to its focus on legalising the land claims for families living within or nearby ELCs, forest concessions, and on other forms of nominally ‘state land’.

The objective of this chapter is to interrogate the implementation of Order 01. I argue that while Order 01 provided opportunities for some to secure land tenure, its roll out as a personal project of Hun Sen, and uncertainty in the campaign’s targeting in terms of what qualified both territory and people for inclusion, led to new vulnerabilities for Cambodia’s rural poor. As an act of territorialisation, land titling is more than an ‘event’ and is part of larger territorialisation processes. This chapter brings attention to the ways that territorialisation happens at multiple

scales and is the effect of struggles between different actors operating at different scales to articulate rights to space and resources (Byrne et al 2016, 1274). It shows tensions among the actors tasked with determining categories of territory, drawing boundaries and delimiting types of authority. It also connects with subsequent chapters in the dissertation that show how territorialisation can also be an illusion that state-led processes necessarily lead to legibility.

As an empirically driven chapter, it unpacks key findings of the NGO Forum research on Order 01 (explained in Chapter 2) and reads them against experiences in the study site. The key finding of our research across six provinces was that the campaign was highly uneven in terms of geographic targeting and its approaches to land conflicts with ELCs and more local disputes (Grimsditch and Schoenberger 2015). This unevenness means that Order 01 left in its wake a highly uneven patchwork of property rights with interspersed patches of tenure security and insecurity. This patchwork is significant because Order 01 also produced new categories of vulnerability for smallholders who did not benefit from the short window of opportunity to legalize their holdings: local officials in the study region have used the lack of Order 01 title as ‘proof’ that land occupation is illegal and to justify burning fields and raising the houses of those who were left untitled (Aun 2014b).

This chapter explores how Order 01 articulated with local governing and land relations. Data was collected in three districts of Kratie with high numbers of concessions, namely Snuol, Chhlong, and Sambo. Across these three districts, 82 households responded to our questionnaires; key informant interviews were conducted with one district official, one commune official, six village chiefs, and two local NGOs (for a total of 10 key informant

interviews in Kratie), these are further supplemented by a focus group discussion in one community in Snuol with a longstanding conflict with an ELC company.<sup>23</sup> This dataset is further supported by my interviews with authorities in villages near to those selected for the NGO Forum study. I detail and examine the unevenness of the campaign to argue that its legacy will be a patchwork of uneven land tenure that persists across multiple scales – from the level of household claims all the way up to the national – and that this legacy will have consequences. To answer the question nagging me at the end of the NGO Forum research – what will happen to families and communities that did not get Order 01 titles during the brief window to do so? – the other two chapters of Part 3 examine pathways to secure land claims in the wake of Order 01.

### **The rupture**

Between issuing the Order 01 document and the announcement of the titling campaign, Chhlong district in Kratie (adjacent to Snuol) was the site of a brutal crackdown in which hundreds of soldiers and military police stormed a village to evict villagers from land inside a demarcated ELC. The forces were ordered to evict the residents by a joint committee of the Minister of the Interior, the National Police Chief, and the Kratie Provincial Governor. The eviction order was tied to spurious accusations that the community was attempting to form an autonomous state (May and Boyle 2012b).

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<sup>23</sup> To maintain confidentiality and to provide key informants with anonymity, villages and exact job titles are not named in this dissertation or in the report released by NGO Forum (Grimsditch and Schoenberger 2015). Similarly, concessions are not named to ensure anonymity and confidentiality.

In a village on the edge of a 15,000 ha rubber concession granted to Casotim in 2010, the soldiers first fired warning shots before an estimated 1,000 soldiers advanced with the support of military helicopters, eventually shooting and killing a 14 year-old girl (Strangio 2014, 171–3 presents a vivid account). Eyewitness accounts collected by the rights group Licadho told how forces surrounded the village the night before the eviction, blocked off all access points and moved in the next morning, firing shots as they did (May and Boyle 2012c). The *Phnom Penh Post* published further eyewitness accounts of how the military police rounded people up into separate groups and opened fire on them with automatic weapons (May and Boyle 2012b). After the attack, the military set a perimeter blocking residents, rights workers, the UN, and journalists from accessing the area (May and Boyle 2012c; anonymous pers. comm.). An independent political analyst suggested that there were parallels between this crackdown and the 1967 Samlaut uprising that was brutally suppressed by government forces: “That was the beginning of the revolution of the Khmer Rouge; it was about land as well, similar circumstances, land grabbing issues” (Lao Mong Hay quoted in May and Boyle 2012c). The Kratie crackdown was one in a string of violent shootings in 2012. These included security guards hired by the concessionaire TTY opening fire on villages who were trying to prevent the clearing of cassava fields in Snuol. Four protesters were shot (May 2012b). In April, Chut Wutty, an environmental activist, was shot and killed.

The signing of Order 01 (7 May), the military raid in Chhlong (16 May), the 2012 commune council elections (3 June), and the announcement of the titling campaign (14 June) happened with quick succession. It was a time of turmoil and rupture. When viewed in context of the military raid, that Order 01 grew into a titling campaign appears even more strange. I spoke



with a community leader in Kratie in the midst of the turmoil, and just one week prior to the announcement of the titling campaign. Her account of the current climate emphasizes confusion, uncertainty, and fear:

In general, the situation here in Kratie is worse than it was in the past. I'm not sure why. I understand that it is close to the commune council election, but it is not clear why. Rumour is that the government is afraid that people may separate and are concerned that the people will get more involved with the opposition party.

One thing in Chhlong district that is certain is that the local authorities conspired with the company and had some incentive or benefit so that they supported the company and not the villagers... Let's see what happens after the [2013] election.

The company and government work together. They kill people... The district or provincial officials do not have a solution, they just seem to send more soldiers to the village, but not in a role of helping people. The Ministry of the Interior announced that people have the right to protest and demonstrate, but that is just on paper. There is no change and no work to solve the land problems in Kratie. The top level will announce and instruct to stop doing bad things, but at the ground level it still happens (activist 7/6/12).

When I asked another community leader in the same region about the overall climate around the 2012 commune council elections, immediately before the campaign launched, he recalled:

In the 2012 commune council elections the candidates did not talk about land conflict because they feared the company's power and there is pressure from the district and provincial levels – levels where the company has good relationships (activist 7/12/13).

This was confirmed by participants in a focus group discussion who described the campaigning around the 2012 commune council elections as:

... [there] was no discussion about land issues. The CPP candidate came to the village but they did not talk about land issues. They talked instead about the Khmer Rouge and shared about the history of the movement to liberate people from the Khmer Rouge. But the people all already know about this history and now they want a solution to the land issue and for the village to develop (9/12/13).

As these accounts suggests, Order 01 was not just a rupture in policy, it truly took people by surprise, not just in the capital city, but in communities on the frontlines of struggles with concessionaires and the associated state violence. Remarkably, within the same year that state forces were used in Snuol to violently dispossess villagers of their claims to land, both the Casotim and TTY concessions were targeted by Order 01. Both had land excised in January

2013 under the same official document, a line in the accompanying document clarified that “this is about giving land back to the people” (quoted in May and Worrell 2013).

## **Peculiarities of the campaign**

Given the suddenness with which the campaign ruptured land relations, the motivations behind it were subject to much debate. Many respondents, both government officials and villagers, explained that the Order came from “the top”, but the perceptions of the reasons behind Order 01 differed significantly. Some state officials emphasized its role in solving long-standing conflicts:

It was a national program, and because it was from the national level, we didn’t know much about it. But the mission was to measure areas where there was a land conflict. It was helpful to people who will no longer be worried about losing their land – a large number of land conflicts were solved (commune authority, KRT1 9/7/14).

The motives were driven by the conflicts people had with the companies... When a large number of people came to advocate and protest then the government decided to cut land from the concession for the people (village chief, KRT2 9/7/14).

The campaign came to solve land conflicts between the people and the company (village chief, KRT3 9/7/14).

Another official rooted its purpose in staving off migrations from other rural areas and pre-empting settlement on state or company land:

The campaign focuses on the company land in order to prevent the people from grabbing the company’s land (village chief, KRT5 7/7/2014).

Others gave accounts that show how struggles for authority among different government departments were articulated through this territorialisation project:

It was an effect of the government’s system that conflict was happening between the people and the government institutions. The people settled and built homes in the area of the Forest Administration. They were evicted, their houses destroyed, there was intimidation and demonstrations to protest. The provincial level extracted land to control it. Then Order 01 came to measure land for the people (village chief, KRT6 6/7/14)

Interviews with key informants in the land sector (all of whom requested anonymity) suggest that the campaign caused intra-party and intra-governmental discord, especially for ministries that lost territory and were not consulted prior to teams surveying in particular areas. Senior staff in these ministries lost major sources of revenues. There was also some animosity towards volunteers who were effectively paid US\$ 200 per month, far higher than salaries for sub-provincial officials and regular cadastral staff that have starting salaries of US\$25-30 per month. As one cadastral officer in the study region explained,

The student volunteers were OK. Some groups were difficult to control because they also listened to their own boss and they seemed to see themselves as working for the Prime Minister... That they were dressed in an army uniform also appeared to generate concern among the local people who expressed some level of fear. They were afraid to even ask questions as they believed this group of students were part of army units and so they should not challenge them (KRT8 17/7/14).

The final observation about the volunteer's uniforms may be relatively overstated compared to the responses given in the questionnaire, which suggested favourable views of the volunteers among surveyed families (Grimsditch and Schoenberger 2015, 37-41, 262-5) and thus may be suggestive of tensions between long-term civil servants and the new recruits. The volunteers were also invited to sit an exam for entry into the Ministry of Land. The 600 volunteers who passed the exam entered the Ministry at a level far higher than an entry position – one that it would typically take ten years of hard work to reach (anon. personal comm. 26.11.14). The various resentments towards the volunteers and how they absorbed key local functions, and the associated opportunity to collect rents, may contribute to the willingness to critically discuss the campaign for some of the officials who agreed to interview.

Village-level authorities expressed clear frustration with the campaign, alleging they were side-lined in the process at the design stage and when the Order 01 survey teams arrived to the village. One in Chhlong district explained, “this work took place without informing the village chief. I do not know how many land titles were given or how many plots were measured” (KRT5 7/07/14). In Sambo district another chief complained, “the student volunteers arrived without any prior communication with the local authorities, they did not inform us about anything” (KRT6 6/07/14). Elsewhere, village chiefs expressed frustration over their inability to draw the Order 01 campaign to their village by working through provincial authorities:

I had to request again and again for the students to come, asking six times. The students came and went, maybe six times. I wrote a complaint letter to the local government three times, once in 2012... I don't know the date. But, in 2012, I sent a letter of complaint to the local government. They approved it. And after they approved it, they took it to Hun Sen and then an observer of Hun Sen came to see what was wrong with the ELC company and other problems with the land. And then these problems were reported to Hun Sen and he prepared for the students to come (KRT9 21/3/2014).

This chief was successful in drawing the survey teams to his village by going above the provincial government and appealing directly to Hun Sen (see Chapter 7 for analysis as to why such a strategy can be successful). Some of this confusion was likely due to the rushed and rapid nature of the campaign. One cadastral officer thoughtfully reflected:

in my opinion, the quick process made it very difficult for the technical team to work with the land conflicts. These conflicts were already overwhelming and difficult to resolve over just the Order 01 period. As is often the case, therefore, the technical team wasn't able to be totally successful in finishing all of the conflicts. We tended to just set it aside and move along with the plan.

At the same time, over this period, measurement teams had to cover a larger area with less people to do the work. In this case we were able to focus only on the technical aspects of measuring land, but we could not do much with other aspects like public campaigning or community education.

The technical process included filling the form, identifying the land and recognizing it, getting approval from the commune office, then we asked the families to wait at their land and finally began the measurement. I also had the feeling that due to the quick process we could not carry out the public education as much as it was needed. We were in a rush with the process and so we just gave instructions to people about how to comply with our process (KRT8 17/7/14).

The campaign also brought the Prime Minister to villages with histories of land conflicts and this in and of itself presented unique opportunities. A Stieng leader took advantage of receiving a title directly from Hun Sen to appeal to him personally. The community leader explained,

The company used armed forces to shoot at villagers. In 2011, people were shot at. I told Hun Sen about this when he came to distribute the land titles. I explained to him that I reported the case of the company breaching the ELC law because they grabbed the land without consulting with the villagers beforehand. Instead, they took the land and used armed forces and shot at villagers. They announced, like as a threat, that if you dare to enter we will shoot you and if anyone dies, we can only pay \$5,000 if someone dies. I also said thank you for the land titles. This all happened on the stage.

Hun Sen said he admired me because I know the law and the Land Law – I had mentioned Article 25 of the Law concerning shifting cultivation. The Prime Minister continued to tell everyone about the Law. Then he asked me how many children I had and announced that he would help [REDACTED] to get an education.

He did not mention a solution for the case that I raised about the company shooting people and the land claims of the villagers... (5/12/13).

This leader's bold stance makes this story exceptional, but it is also indicative of the way Order 01 facilitated the centralization of land relations and further personalized them around the figure of Hun Sen. The 'gift' of supporting [REDACTED] education had repercussions; there seemed to be rumours that the family "sold out" when he accepted Hun Sen's help. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Like the 'gift' of a child's tuition fees, the 'donation' of land and Order 01 from the state had uneven consequences, and I argue, created new vulnerabilities even as it provided a pathway to gain land back from ELCs.

### *The Murky Geographic Targeting of Order 01*

Order 01 represents a major legal transfer of land from the murky and opaque claims of the state, as well as from concessionaires, to the smallholders who farm and use it. Government speeches and documents related to the Order referred to the land reform as “donating” land and often emphasized that the recipients were “non-legal settlers” on state land. In spite of the far-reaching consequences of this initiative, its effects and precise geography are difficult to ascertain as the only public details available are aggregate statistics of number of hectares measured, number of titles awarded and the number of families involved, disaggregated only to the provincial level (Milne 2013, MLMUPC 2014, Dwyer 2015). There is no publicly available list of all the concessions that have been reduced or cancelled under Order 01 (Grimsditch and Schoenberger 2015, 11). The opacity of the programme is also matched by the secrecy of its development and implementation, which spurred a number of studies during and after its implementation that sought to determine who had access to Order 01 and how it proceeded on the ground (Focus on the Global South 2013, Milne 2013, Müller and Zülsdorf 2013, Rabe 2013, Beban and Pou 2014, Grimsditch and Schoenberger 2015, Dwyer and Young 2016, Work and Beban 2016).

Contributing to the murkiness of the campaign is that it is not clear how the various categories of land that could be eligible for survey were defined and interpreted. Information gathered from sub-national officials in Kratie indicated that the identification of state land was conducted at the provincial level, with input from various provincial-level departments including land management, environment, and agriculture, forests and fisheries. This work included subdividing targets by types of state public and state private land. It is not clear from

our research, or that by others (see Beban and Pou 2015, for example), exactly how provincial authorities chose where to survey and what determined which areas were prioritized. This uncertainty manifests in cases where within the same ELC some land was considered eligible for survey while some land was not; in other cases some ELCs in the same region were targeted while others were not. Relatedly, it is not at all clear from our study across 36 villages that there was any consistent process to determine what areas were ‘state land’ and ‘forest land’, and where exactly these areas were, and thus what would be eligible for the Order 01 titling campaign (Grimsditch and Schoenberger 2015, 15; see also MLMUPC 2014).

An analysis of the categories of ‘land’ and ‘forest’ helps to ascertain what, if anything, qualified land for survey under Order 01. In principle, from documents and speeches it appeared that forested lands could *not* be titled, even though this runs counter-current to the campaign’s explicit targeting of forest concessions and forest land. *Instruction 15* issued by the Council on Land Policy, clarified that no claims could be considered for land within “jungle areas, semi-jungle areas, Prey Lang forest, national defense areas and historical and cultural zones”. There was no guidance for how survey teams could interpret or identify ‘jungle’ or ‘semi-jungle’. This left these categories open to local interpretation and it seems survey teams attempted to generate simple criteria. In Oddar Meanchay, a province in Cambodia’s Northwest, one village chief explained that “thick forest” was not surveyed (ODM4 12/07/2014); participants in a focus group discussion in Ratanakiri in the Northeast explained that ineligible forests were those with “trees taller than an elephant”; in Kratie forest that could not be surveyed was determined to be “where the forest had the highest trees” (KRT2 9/07/14; also KRT6 7/07/14; KRT7 6/07/14). Forests can also be “made into land”, as many

interviewees explained. The slipperiness of the two categories was described along the lines of “the forest was already degraded and converted into land” (KRT2 9/07/14) and “now some part of the forest has become land” (KRT6 7/07/14). One village chief in Snuol district explained that sometimes outsiders who had tried to clear land before the campaign arrived did not get a title because “they did not have the real land for measuring” because clearance and planting were incomplete (KRT3 9/07/14). Residents and government officials both identify logging companies, ELCs, smallholder migrants and long-standing residents in the surveyed areas as engaging in the work of turning forest into land – the phrase “it became land” repeated across the study area. Once ‘forest becomes land’ it was often judged eligible for survey, likely erasing decades of land use histories that incorporated fallow periods and swidden farming.

Kratie stood out among the six studied provinces because local government had greater involvement in selecting survey sites. A district cadastral officer offered a clear description of the process to determine where to survey:

In each province we formed technical working groups that were responsible for dealing with land conflicts and other conflicts over the Order 01 campaign. The places that were selected for measurement included areas with forest concessions, economic land concessions and land that needed to be classified as state land. This was land that had conflict between the community and companies. The land that was measured was treated as belonging to those that had been considered illegal occupants (KRT8 6/07/14).

Yet below the provincial level, and outside the cadastral office, there was general uncertainty among commune and village authorities surrounding how land was selected for survey. The uncertainty was captured in interviews:

I am not sure who had the authority to select the land (KRT3 9/7/14)

We don’t know if they [the student teams] had a map in their hands or not (KRT5 07/7/14).



This uncertainty extended to the Order 01 process, and some local officials expressed that they did not always understand what was happening:

I was not involved in the whole process, so it meant that when they needed the village chief to sign something that I did not always understand it or know clearly about the process (KRT5 07/714).

The unclear process, and the side-lining of village-level officials, was tied to the centralization of authority over Order 01, and the scaling up to higher levels:

There was already a plan from the higher levels, maybe from the district, that already identified where to measure and what areas were company land or forest (KRT4 8/07/14)

The choice of where to survey was according to the orders of the Provincial Governor, where he ordered to measure the team had to follow, they had to go anywhere he said. They had a target area and a clear plan for measuring, as village chief I just had to go along with them as they measured only the residential land (KRT6 7/07/14).

The provincial level was in command... The students came to measure the land and already had a map with clear points for measurement identified by the provincial and national levels (KRT7 6/07/14).

The remainder of this subsection drills down into what the confusion and uncertainty meant for landholders that ought to have been eligible for Order 01 titles.

*Producing a patchwork of rights: Inconsistencies in geographic targeting and interpreting eligibility for survey*

Order 01 contributed to exacerbating a highly uneven mosaic of land rights by fragmenting forms of land ownership across formally titled and legally recognized landholdings, signified by an Order 01 title, and other forms of recognition, or lack thereof. Across the 18 studied districts, our findings consistently demonstrated that the campaign's approach to disputed land was highly inconsistent. This finding is consistent with research conducted both during and after the campaign's implementation that has found no pattern or trend indicative of a systematic approach in terms of how the campaign treated disputed areas or landholders in

conflict with ELCs (Focus on the Global South 2013, Milne 2013, Rabe 2013, Beban and Pou 2014). In some areas, surveying activities were directed to areas in conflict, while in other cases undisputed land was specifically not included in the Order 01 process, and in others disputes were the reason given for why an area was *not* selected.

The questionnaire found that people living within areas surveyed by Order 01 had a high likelihood of receiving title to at least some of their land, but that many plots were left untitled. As much as 75% of respondents reported that they did not receive titles for *all* the land that was surveyed, and over half said that some of their plots were not surveyed at all (Grimsditch and Schoenberger 2015). Various reasons were given for why plots did not receive titles, but the reasons were not applied consistently and ranged from the existence (or not) of a dispute, overlap with ELCs and overlap with protected areas, among others.

To show the variation with which Order 01 hit the ground, Table 6-1 compares land that was considered eligible for survey with land excluded from the Order 01 process for seven villages in Kratie. You will note that there is very little overlap across the categories when examined village by village.

Table 6-1: Overview of how Order 01 was interpreted on the ground in Kratie

<i>District, Village</i>	<i>Titled / Eligible for title</i>	<i>Excluded / Deemed ineligible</i>
<i>Snuol Village 1</i>	"The ELC submitted a list of 62 families to the government and the government cut land for them... mostly chamkar and rice fields"	Forests "where the forest had the highest trees"
<i>Snuol Village 2</i>	Land in conflict near the ELC's borders	"Rice and Chamkar land close to the village" "Land left fallow for a long time" Forests
<i>Snuol Village 3</i>	Land inside ELC-1, 700ha for about 30 families	Land inside ELC-2, 'about 90% of the village has land here'
<i>Chhlong Village 1</i>	Rice fields and chamkar next to the company or outside the company's border Inside ELC-1, 8 families received title	Residential land, farm land close to the village Inside ELC-2, 93 families denied title
<i>Chhlong Village 2</i>	"All the land except residential"	Residential land
<i>Sambo Village 1</i>	"Focused on area where there were already houses and big plants or fruit trees"	Forests "with tall trees" Chamkar, rice fields
<i>Sambo Village 2</i>	"Focused on land in conflict with companies" [4 ELCs in this village]	Chamkar near houses or along roads (100 plots not surveyed) Community Forest area

Table 6-1 makes clear the unevenness of the Order 01 campaign on the ground. In some parts of Kratie, the Order was interpreted to mean that residential land was ineligible for title (KRT1 9/07/14; KRT4 08/7/14; KRT5 7/07/14), even though it was not. In other areas forests were considered ineligible (KRT2 9/07/14; KRT3 9/07/14; KRT6 7/07/14). In one village this ineligibility extended further to "rice fields and chamkar that was close to the village and land that was left fallow for a long time" (KRT3 9/07/14). Turning to look at the two studied villages in Sambo district, Order 01 resulted in two highly divergent outcomes: in one village all agricultural land was excluded; in the other agricultural land was surveyed, but not if it was near homes or along a road, such that 100 plots were left out (KRT6 7/07/14; KRT7 6/07/14).

From this subset of seven villages we can see how policy was applied unevenly within the province, within a district, and even within the same village, sometimes producing multiple tenure and property arrangements, and always fragmenting the completeness of the cadastral system. And yet Kratie stands out in comparison to five other studied provinces because interviewees and key informants consistently said that Order 01 teams avoided land that was *not* in conflict across the three studied districts – meaning that if tenure was perceived to be secure in 2012-2013, then it was not surveyed and entered into the national cadastral system as land belonging to smallholder farmers.

In addition to the unevenness of the campaign, local authorities also manoeuvred to hold onto their authority to determine local land rights (Springer 2012, Diepart and Sem 2016), effectively producing two land registration systems for claims within one village. The system that was devised in one village in Chhlong had Order 01 teams survey rice fields and chamkar land that was either next to or outside the company's border. The remaining residential land and farmland close to the village was to be certified by village and commune chiefs (KRT4 08/7/14). Contributing further to this fragmentation, the village was nearby two ELCs, in one 8 families received titles, in the other 93 families did not.

It is important to emphasize this point further as it was a finding consistent across all six provinces: when the survey teams arrived at villages, they sometimes surveyed one ELC with overlapping claims, but not the other(s). Across the larger study it was impossible to identify a pattern of consistent justifications for why the titling proceeded differently for neighbouring

families and why the policy was applied differently towards two concessions in the same area. In one village in Snuol, land was measured inside one ELC overlapping with the village, but not inside the area of a second ELC, even though this second ELC had greater overlap with villagers' claims. This divergent approach was confusing and frustrating for villagers who had been instructed to prepare their documents and photographs of their land claims inside both ELCs. When one of the two ELCs was passed over, they were told to wait for a later phase of Order 01 to complete the survey in both ELCs – a phase which never happened since Order 01 survey activities never resumed after the 2013 elections (KRT9 21/03/14). When I asked community leaders to assess why one ELC was surveyed and not the other, they suggested that it was an outcome of the village straddling a commune border such that land of one ELC was in one commune and the land of the other in a different commune. To summarize, a villager put it: “this is a problem of geography” (farmer, 11/12/13).

Certainly there would have been opportunities for concessionaires – especially the well-connected – to influence the Order 01 process. Although it is difficult for researchers to ascertain the extent of this, a botched attempt by a concessionaire left its traces in Snuol. A representative from a rubber company in Snuol that had received a concession from the provincial governor attempted to thwart Order 01 surveys. The representative was eventually arrested following intervention from “senior government officers supporting the student teams” (KRT2 9/7/14). Once the representative was detained, land was surveyed, titles issued, and disputes between the company and the people resolved, according to the village chief. Elsewhere in Snuol, one village chief believed that the 62 families who received title for

chamkar<sup>24</sup> and rice fields had been determined by the concessionaire, who instructed the provincial officials about where to survey and which families ought to be eligible (KRT2 9/07/14).

## **Titling Outcomes**

This next subsection looks at household level data to demonstrate uneven outcomes at the household and village levels. People who lived in areas visited by the Order 01 teams were likely to have *at least some* of their land surveyed, but over half of the questionnaire respondents (53%) said that some of their plots were not surveyed at all. In cases in which plots were surveyed, three-quarters of respondents did not receive titles for *all* of the land that had been surveyed. To understand what these outcomes looked like at the household level, we gathered data on the three main land uses: rice paddy, chamkar, and residential. Across the six studied provinces chamkar and rice land were very likely to be surveyed (401 and 399 responses, respectively). Residential land was relatively less likely to be surveyed, but still more than half of respondents had their residential land measured (283, 61%). In comparison to the five other studied provinces, Kratie was exceptional for how seldom rice land was surveyed: 77% of respondents did not have their rice land measured meanwhile in other provinces the figure was 20-42%. It also stood out for the low levels at which residential land was surveyed (see Figures 6-1 to 6-3, below).

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<sup>24</sup> As explained in Chapter 3, ‘chamkar’ is a Khmer word that refers to land that is unirrigated and typically used to grow rain-fed rice (often referred to as ‘upland rice’), cassava, fruit trees, and other cash crops.

Almost all of the questionnaire respondents who had some land surveyed received a title. However, more than three-quarters (77%) received titles for only part of what was surveyed (see Figure 6-4). This means that after Order 01 the vast majority of households secured only a portion of their land holdings and still face significant tenure security challenges.

In addition to the land that was surveyed but not titled, a large amount of claimed land was not surveyed at all. Close to half of 470 respondents reported that they were refused survey for at least part of their land. The most common reason was that land was in conflict with an ELC. The previous section gave an overview of reasons that local officials gave to explain why some areas were excluded.

Friction and unevenness at higher scales repeated at smaller, more intimate scales as there were widespread inconsistencies with how smallholder farmers fared in claiming their land through Order 01. For example, the requirement for both spouses to thumbprint the application form meant that families in which a spouse had migrated for wage work lost the chance to get their lands surveyed, with the consequence that a year after the campaign, their land remained untitled (KRT5 7/7/14).

Given the unevenness at multiple scales - household, village, commune, district, province - in which some households had some or all of their holdings surveyed and titled, while others were excluded from the process, and the uneven patchwork of titles this generates, the outcomes of Order 01 raises important questions for future state land management efforts. It

also begs the question of who, exactly, received titles and what qualities may have facilitated their access to the campaign?

### *Who Received the Titles?*

A major area of contention during the campaign's implementation was the extent to which it may have spurred efforts to clear land in order to secure claims. The opportunistic clearing of forest and farmlands by the relatively better off in an attempt to appear to be legitimate residents and to secure land titles was widely reported (see, for example, ADHOC 2013, 35). We found that households who were longstanding residents – living in the area and using the land for 20 years or more – were very likely to receive a title (80%) and far likelier to receive title than families who had been in the area and using land for less than three years (about 55%).<sup>25</sup>

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<sup>25</sup> On average, people across the six provinces reported that they started to farm their paddy fields in 1992, i.e. around the UNTAC period and as the civil war was winding down. When this data was disaggregated by plot, most families reported that they started farming their rice fields in 1979, that is, in the immediate aftermath of the Khmer Rouge regime. In comparison, chamkar fields tended to be developed much later, with an average start around 1998, the end of the civil war. This corresponds with a decrease in fighting in areas likely to be further removed from village centres.



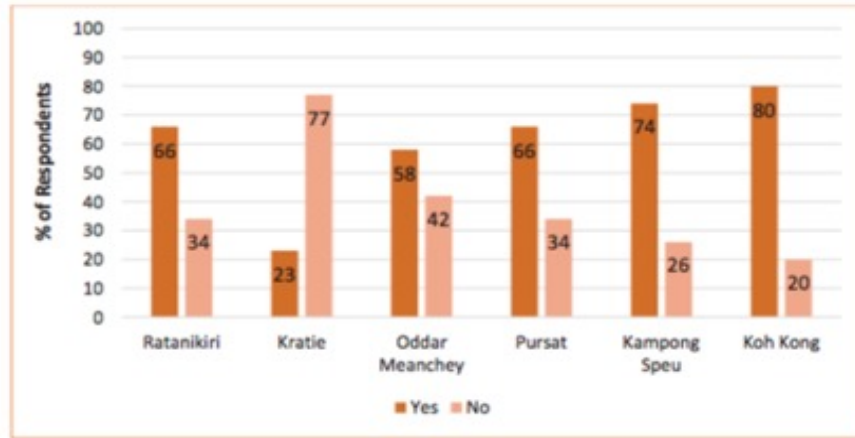


Figure 6-1: Percentage of questionnaire respondents who had rice land surveyed

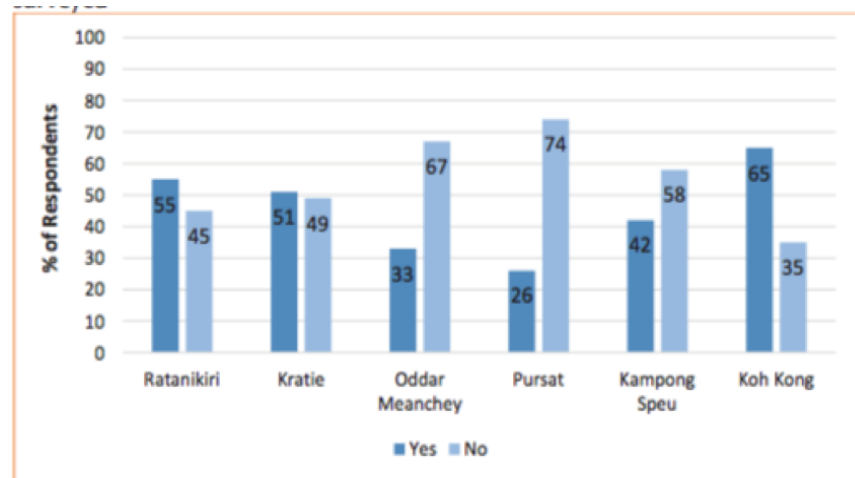


Figure 6-2: Percentage of questionnaire respondents who had chamkar<sup>26</sup> land surveyed

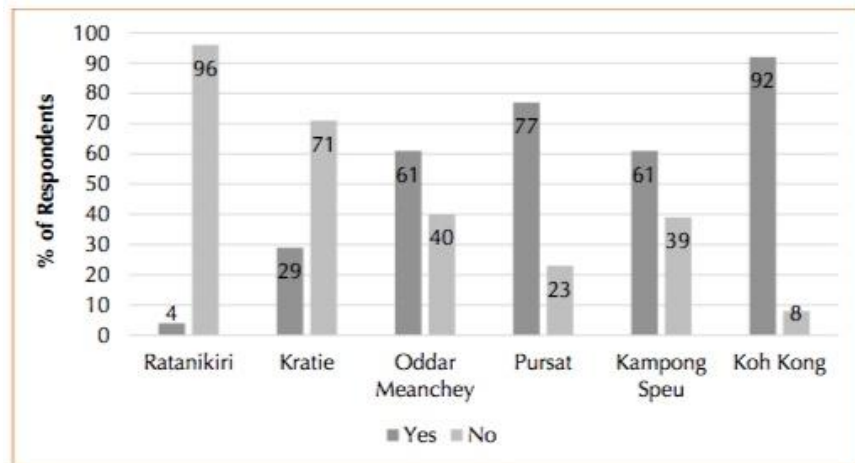


Figure 6-3: Percentage of questionnaire respondents who had residential land surveyed  
Source: Grimsditch and Schoenberger 2015, 125, 126.

<sup>26</sup> As explained elsewhere, chamkar is unirrigated land used for upland rice and cash crops.

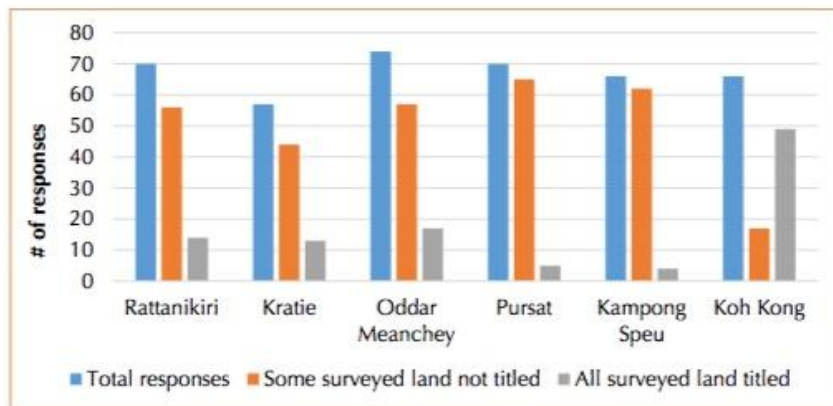


Figure 6-4: Incidence of surveyed land that failed to receive title  
 Source: Grimsditch and Schoenberger 2015, 131.

Kratie is a major site for rural-to-rural migration and people in the study area expressed that they perceived the majority of land title recipients to be new arrivals to the area, often referred to as ‘outsiders’. In comparison to the other studied provinces where typically around 10% of respondents considered the main beneficiaries of the campaign to be ‘outsiders’, in Kratie about one-third of respondents thought that the majority of title recipients were not local to the area. A commune official from Snuol district told interviewers that “many outsiders, especially those from Kampong Cham [the neighbouring province], got large lands. By the time the campaign started, the outsiders had already cleared and sold land and many of them got titles” (KRT1 9/7/14). In another village in the same district, the village chief said that although most of the residential and farm areas close to the village were occupied by local people. Whereas outsiders, especially people from Kampong Cham, had acquired land by clearing large areas of forest within company areas, emphasizing: “the people from Kampong Cham were brave enough to do it” (KRT3 9/7/14). This idea of migrants from lowland areas, like Kampong Cham, being brave was also invoked by a village chief in Sambo district:

Many migrants from Kampong Cham province came here and cleared forest in order to get land and sometimes they sold it. They were brave enough to clear the forest and cleared many plots. The original people from here were not brave enough to do it (KRT6 7/7/14).

The efforts to legalize new land claims in this case went unrewarded since the Order 01 teams did not survey and title the newly cleared land.

Accusations of outsiders arriving for the sole purpose of gaining an Order 01 title emerged in just one of the seven studied villages in Kratie. There, a village chief said that people from Takeo, Kampong Cham and Prey Veng provinces began arriving in 2013, after the Order was announced. Many of them had official letters to change their residence and were clear in their goal to clear chamkar land in the forest. In his opinion, there was enough advance notice about the arrival of the Order 01 teams that people from Kampong Cham could get to Kratie in time to claim land, which they then could secure with a title (KRT7 6/7/14).

When given an opening to talk about migrants, local officials went on to accuse migrants of a great many things, especially deforestation and grabbing land, albeit on a smaller scale. Their accounts included descriptions of illegal logging and clearing land for sale (KRT2 9/07/14; KRT6 7/07/14; KRT7 6/07/14); clearing land within the ELC areas (KRT4 8/07/14); and not holding a family book that establishes residency in the commune in spite of holding large areas of land (KRT5 7/7/14). Although these accusations are suggestive of tensions among migrants and long-term residents, I tended to encounter united fronts at the community level and thus they may be more suggestive of the difficulties local officials face administering areas where people migrate with the goal of claiming land.

### *Titling ceremonies: titles as collateral*

The instruction to use the titles as collateral was core to messaging at titling ceremonies and throughout the campaign. Hun Sen, members of the Politburo, and high-ranking provincial officials attended the ceremonies in the early stages of the campaign and since one of the first ceremonies in the country was in Snuol district, many people can recall seeing Hun Sen. A community leader described what he could remember of the ceremonies

The titling ceremony was held at the commune office, around 500 families got land titles across three villages. Only ten community representatives went on stage to get the titles directly. Not much was said. At first, it was just taking photos. But then there was a long speech by Hun Sen, it lasted about three hours. A lot was talked about... I cannot remember all of it. The Prime Minister told us not to sell the land, but to share it (5/12/13).

Like the community leader above, many people do not recall the specifics of the speeches that tended to last for several hours, but typically the take-away message was that land with a title is secure and that the titles should be used as collateral to ease financial pressures:

a lot of people, so many people, came to join the titling ceremony since Hun Sen came to give the title himself. He explained three things: first, the title shows that the land is owned by the citizens; second, no one can take this land now it has a title; and, three, if there is not enough money then people can take the title to the bank - like the microfinance banks (KRT9 21/3/14).

In the context of consistent messaging to use the titles as collateral with micro-finance institutions (MFIs), one of the more surprising results from the questionnaire research was that most of the recipients had *not* used their titles as collateral. This finding, however, was contradicted during interviews with village chiefs and focus group discussions, which overwhelmingly suggested that widespread borrowing had taken place and that rural indebtedness had increased due to Order 01. For example, a village chief in Sambo district observed that almost every household in the village had used the titles as collateral to buy ploughing machines. Another popular reason to use the titles as collateral was to shift to more profitable cash crops, specifically from cassava to growing peppercorns, a shift that requires

around US\$3,000 to invest in buying columns to grow pepper (KRT7 6/7/14). The deepening of rural indebtedness and increasing reliance on cash crops was a major cause for concern in one focus group in Snuol. Participants were worried about how cash crop cultivation was speeding the decline in soil fertility at the same time that households were going deeper into debt; except now land titles were on the line. They worried: “people may decide to abandon the land to migrants, or that being a labourer is a better way [to make a living] than farming their own land”. Their bleak assessment was reinforced by the observation that “the microfinance institutions don’t care about the land, its quality or the level of outputs, they just focus on the land title” (KRT-FGD 9/7/14). A community leader in the same village summed up the situation as: “in the past we couldn’t farm the land because the company had it so there was no reason to borrow money to farm. Now we have the land and we are all in debt” (5/12/13).

### **Waiting: What will happen in the aftermath of Order 01?**

Central to understanding the uneven outcomes of Order 01 is the fact that the campaign was universally suspended across all land surveying sites not due to completion, reaching targets, or any rationale tied to land surveying and the cadastral system. Instead it was suspended due to a political event. On 20 June 2013, to avoid accusation of interference in the 2013 election campaigns, the Order 01 youth volunteers were called back to Phnom Penh and the teams disbanded. Although there were promises that the campaign would resume after the elections, surveying effectively ended, and the cadastral system set, based on how much land was surveyed prior to the teams withdrawal on 20 June 2013.

Waiting was a long-lasting impact of Order 01. People were told to wait for the teams to return. Waiting was a feature throughout the campaign as well. Order 01 teams were often redirected to other areas or faced disruptions ranging from company affiliates attempting to block titling to high water levels and storms. People were told they would return after the rain stopped; after the stream lowered; after the next wave of surveys; after the next village; after the elections; and so on. Because Order 01 was suspended not due to its completion, but due to a political event, surveys are incomplete. One village chief in Snuol explained the predicament to me:

There were a lot of brothers and sisters in the village that ... advocated but in the end [the company's] land was not measured. People were told to wait: "Later, later. Tomorrow, tomorrow" ... People asked why it was like this and they advocated. They waited and tried to find a solution. I've asked [officials higher up] three times already why the company's land was not measured but was always told, "Wait, wait, wait".

I have no hope that the students will come again. I've advocated three or four times but there was no help. After the students left, I spoke three or four times about the ELCs with the commune and district government. I ask why people don't have land for farming and if anything will be done. I ask the local government and they say, "we will find a solution, don't worry". But people worry because after the company cleared the land they did not do any work on it and the local government said they would find a solution.

Now the government's idea of a solution is to bring the people – the whole village – to another district, to relocate the village somewhere else in Kratie... The government started to give this suggestion every time I speak with them over the past year. The year before, they did not suggest this. No one will go because they do not want to go somewhere so far and so different. (KRT9 21/3/14)

Since the promises of further survey work have been unfulfilled, Order 01 has resulted in a mosaic of land that was surveyed and titled, surveyed and un-titled, and overlooked entirely. It is unclear what will come next for areas and plots that did not get a title during the one-year campaign in terms of whether or not any teams affiliated with the systematic land registration could return to complete the surveys, or if they will be part of future initiatives to legalize landholdings, to define property rights, or to distribute state land. The uncertain future is the cause of much deep-seated concern. One village chief explained

There is a lot of concern for people who had land inside the company's area that was not measured. They will apply for land titling through the land department, but they have to pay so much money for this [kind of title that is not Order 01]. This kind of approach is only for people who have a lot of money and a large area of land. For those whose land was not measured, they are still waiting for the students or the land officers to come back again since this campaign is so useful" (KRT 4 8/7/14)

Some village chiefs took advantage of the research team's presence to try to send a message, or make a request to a larger audience:

I want to request that people please come soon and continue to measure of finish measuring the remaining land... It would take about two days to finish. I think if no one advocates, then this won't be done. If all the land is not measured, then the conflict will still happen. (KRT7 6/7/14)

Land titling is a process to provide rights. On the surface it leads to legal rights and tenure security. But it also has the effect of demarcating the places where people do not have rights. This other side of titling is particularly important for Order 01 because it was fast, incomplete and uneven. There were three core reasons for the campaign's unevenness. First, the categories used by the campaign were not locally intelligible in consistent ways and were open to interpretation. Second, the teams of youth and local officials were tasked with interpreting the order in a highly tense and politicised environment. Third, land that was relatively secure was sometimes mapped and titled, and sometimes the work to do so was deemed unnecessary since there was not an immediate and obvious challenge to tenure. This meant that not all land rights were formalized. It also produced new forms of vulnerability.

From visiting seven villages in the study region, and the findings of the NGO Forum research, I left Cambodia in 2015 with increased concern over what the future may hold for plots, areas, families, and communities who were passed over by the Order 01. I grew even more concerned because of how areas that were left untitled after the Order would be approached in law and in practice was also unclear. For that reason, I directed my attention towards documenting cases

where Order 01 had been partially implemented, or were passed-over, but nonetheless secured formalized land rights, the topic of the next two chapters.



## 7. STRUGGLING AGAINST EXCUSES: WINNING BACK LAND IN CAMBODIA<sup>27</sup>

This chapter engages with smallholders' temporal experience of the state in the frontier. I focus on how the state extends itself into areas delimited for concessions and offers protection and inclusion through a land titling campaign. Then retreats, withdraws protection, and makes excuses as the results of the land survey are cancelled. And is later jostled back into the work of governing its territory and population through concerted efforts by peasants. While many studies have documented the processes through which land grabs occur in Cambodia, in this chapter I am focusing specifically on the rupture in land relations within and around land concessions unleashed by the Order 01 land titling campaign in May 2012. The Prime Minister's Order 01 initiated a moratorium on granting ELCs. It later introduced mechanisms to excise land from ELCs to distribute to smallholders as private titles via a nationwide land titling campaign that aimed to redistribute and title more than one million hectares to smallholders within one year. The unanticipated Order 01 created the first opportunity for many peasants in the uplands and frontiers to gain fully recognized rights to land as well as the mechanisms to secure land claims vis-à-vis concessionaires and land grabbing processes. Order 01 was a rupture: an 'open moment when opportunities and risks multiply, when the scope of outcomes widens, and when new structural scaffolding is erected' (Lund 2016, 1202),

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<sup>27</sup> This chapter is adapted from an Accepted Manuscript of an article published by Taylor & Francis in the *Journal of Peasant Studies* on 19 June 2017, available online: <http://www.tandfonline.com/10.1080/03066150.2017.1327850>:

Laura Schoenberger. "Struggling against excuses: winning back land in Cambodia", *The Journal of Peasant Studies*, 44 (4): 870-890.

in the sense that the Order quickly disrupted processes of land grabbing and the pre-existing local practices and state authority around land tenure.

The story for this chapter starts from an encounter in August 2014, when I was immersed in research on another community in Kratie that had gained land rights after protesting the burning and razing of their homes (see Chapter 8). Twitter alerted me to another community that seemed to have adopted the same strategy of camping out for weeks at a social justice-oriented temple to march and petition in the capital city. Riot police were deployed on the streets of Phnom Penh to prevent the community from marching to the Prime Minister's house. Curious, I set out with Vanessa Lamb and was surprised to encounter familiar faces. The protesters had come from the first place in which I had conducted research in Cambodia several years earlier, and an area where local officials had blocked my research project earlier that year.

Krasaing community members had staged a sit-in at a park near the Prime Minister's house and displayed placards with copies of their Order 01 land survey receipts, signed by local authorities and Prime Minister Hun Sen's Order 01 youth volunteers. These receipts were an important trace of the Prime Minister's one-year land surveying campaign and are issued as part of the survey process and in advance of a full land title. In their marches, demands and petitions, the community used the presence of the Order 01 teams and the survey receipts as evidence of their right to have rights in the new property regime unleashed by the Order. Given the role of these receipts, how they were displayed on placards during sit-ins and marches as signifiers of legitimacy, I approach the receipts as actants, or hybrids, that shape political

mobilizations and that challenge the terms of governing. I draw from Latour (Latour 2005, 8, 65) to treat the receipts as an object whose traces help to make visible new (momentary) social associations as they gather into new shapes – in this case, new relations of governing ELCs, land and property. As a signifier of the ‘incorporation of potential citizens’ (Ferme 2004, 97), the survey receipt functions as an assemblage that joins together material things with desires – both material and cultural. Holding and displaying a survey receipt – the paper that documents family composition, place of birth, and history of occupation, size and location of the claimed plot, confirmed with signatures from the head of the Order 01 survey team and the commune chief – was an act of mobilizing these documents to be both signifiers and constitutive of citizenship. The receipts played an important role in the process of gaining greater citizenship rights, since holders of full land title are able to enjoy different sets of political and economic rights in comparison to those who did not secure a title during the campaign and are thus left vulnerable to ongoing and future dispossession by land concessions. Further, the different practices the community engaged in – from reaching out to local officials, provincial officials, elected members of parliament, ministerial actors and the Prime Minister, to occupying roads, temples, land and the streets in the capital, and attempting to reach the Prime Minister’s home – can be seen as exerting different types of status within the category of citizens in order to push to gain another dimension of citizenship – land rights.

Recording an encounter with the state, the Order 01 survey receipt embodies ‘forms of life through which ideas of subjects and citizens come to circulate among those who use these documents’ (Das and Poole 2004, 16). By showing the presence of the Order 01 survey teams, an extension of the Prime Minister himself into the lives of peasants on the frontier, the documents enabled peasants to take on the role of the concerned citizen seeking to try to correct

the campaign, guide its procedures and hold it accountable to the Prime Minister's order. Yngvesson and Coutin (2006, 184) argue that paper trails produce the materialization of existence since papers do not simply document prior moments, but also 'have the potential to redefine persons, compel movement, alter moments and make ties ambiguous'. In thinking through the work that documents do, they focus on how 'papers jut out into the future, requiring the selves who are authenticated by these documents to chart new and sometimes unanticipated courses' (184).

When I met the community in Phnom Penh I had to ask how was it that, despite holding records showing that the Order 01 survey teams had deemed their land eligible for titling, more than a year later they found it necessary to go to the capital city to fight for recognition of their claims and demand full titles. Starting from this tactical use of documentation by villagers to render their land claims legible – to the state, to the map, and to the concessionaire that threatened their material existence – this chapter engages with villagers' struggle to be seen and to construct a recognized interpretation of rights and claims.

As Lund (2016, 1205) suggests, adapting from Oscar Wilde, 'there is only one thing worse than being seen by political authority, and that is not being seen'. In querying the state's manoeuvre to un-see its population, this chapter engages questions of what it means for governing agrarian transformations when the state erases subjects, populations, territories and lives from its official records. What happens when the state's documentary practices no longer make the state legible to itself along the lines of Scott's (1998) legibility effect, but instead some state actors abandon the effort to know the population and their relations to its territory?

What are the implications of these manoeuvres for understanding struggles surrounding land grabbing?

By thinking of the survey receipt as an object with ‘a traceable path’ that can be followed (Latour 2005, 193), my attention has been directed to the strategic use of various sorts of visibility – survey receipts, petitions, letters, embodied smallholder farmers blocking rural highways and city streets – to produce legibility to the state. This has drawn me to two moments. First is the moment when the state chose to react to critiques of land grabbing by choosing to see its population in the frontier and to recognize their rights. The second moment is the production of new excuses by various state actors as to why people could not secure rights to land after the concessionaire exerted its influence to undo the survey results and erase people’s claims from the map.

Taking up the struggles to produce recognition and fight erasure of land claims highlighted the need to grapple with excuses to think through the work done by different institutions to avoid enacting authority. As I detail later in this chapter, paying attention to how excuses are used can help to identify anomalies and failures since excuses signal breakdowns in different parts or stages of the machinery (Austin 1957). As Order 01 deployed the Prime Minister’s survey teams to ELC-heavy regions, the traces left by the titling campaign destabilized longstanding excuses as to why people could not gain recognition for their land claims. The very existence of the campaign produced the need for new kinds of excuses to explain why state officials were not enacting authority to determine property rights for smallholders living and farming within ELCs. To highlight the ways authority was remade under Order 01, I detail two public

performances crucial to this case. One is of authority, demonstrating the potential for the state to discipline land grabbing processes by choosing to see its population and their relations to territory. The other is a volley of excuses as to why state efforts to see came undone and property rights were erased.

In focusing on these two performances I direct attention to the ruptures created by Order 01 and the resulting possibilities for citizens to exploit and expose this upheaval to gain rights. I situate the struggle as one of competing projects of legibility and illegibility, of recognition and erasure, to highlight the work done by smallholders and the concessionaire to foster a version of the record that could stick as the recognized interpretation of land rights in a context in which authority and the power to determine land rights is murky and unclear, partly by intent. This take differs somewhat from the tendency in critical agrarian studies to draw upon Scott's (1998) concept of legibility to focus on projects of the state exerting its control over marginal populations. Here we are instead facing a population that is seeking to draw in the state and its legibility projects because legibility to the state, through things like entries in the national cadastral system and land titles, is tied to state protection against land grabbing processes.

This chapter proceeds as follows. I first outline my methods and approach to the case before situating it in the history of land rights and titling in Cambodia and the upheaval caused by Order 01, detailed in the second section. The third section takes up the announcement of the Order 01 titling campaign. The fourth section draws us into the story of Krasaing community and their struggles to maintain access to land. In the fifth section I take up how excuses have

been approached in the scholarly literature to set the groundwork for delving into the specifics of how Krasaing struggled against excuses. I then focus on the ways officials jockeyed to deploy acceptable excuses that could explain why the state abandoned its efforts to know its population through the titling campaign as well as excuse themselves from the responsibility to enact authority.

## **Methodology**

I first went to Snuol district, Kratie province, in 2010. I chose this site for a research project with the International Development Research Centre (IDRC) on the relationship between food security and land concessions, because the area was undergoing rapid and expansive change. It was also considered relatively less contentious and potentially easier to access than other locations as there were no known investments from tycoons, the politically well-connected or the armed forces. For this research, I held informal group discussions in Krasaing community, inclusive of participatory mapping activities, ranking exercises, and building timelines of key trends and events in the community. I also conducted 20 household interviews with Stieng families and Khmer settlers concerning their land claims and livelihood activities. In 2010, the village was tense and ELC security sporadically fired their guns to little reaction from people who commented ‘they do it just to make us fearful or because they are bored’ (field notes, August 2010). In 2013, I returned to the area for my dissertation research and met with community leaders to understand how their land claims had proceeded in the intervening years and during the Order 01 campaign. I had wanted to focus on the community for my dissertation, but the district government denied my requests for permission in 2014. The reasons given were that this community is a ‘new community’ and so ‘had no history’ and would not be suitable

for research (field notes, 5 February 2014). There were also concerns that the village was engaged in advocacy for land rights, and officials feared that a researcher might spread a political message or encourage activism.

Faced with this obstacle, I did not pursue further field visits to Krasaing. Instead, this chapter emerges from a serendipitous encounter in Phnom Penh and the stories and documents the community shared with me while I worked outside of their village. As such, my study is removed from the territorial situatedness of the community and shifts to encounters between the community and the state in the streets, parks and temples in the capital city, and at the provincial hall, as community members mobilized through petitions and marches. This spatial shift engages with Poole's (2004, 38) suggestion to look to the highly mobile, tangible and embodied spaces to see

what happens if, instead of locating the margins of the state somewhere between the urban and rural spaces in which peasants live, we look for it in that odd – and highly mobile – space between threat and guarantee that surfaces every time and every place a peasant hands either legal papers or documents to an agent of the state?

I place these encounters within three years of data collection via field work throughout the district. I also draw from an extensive review of secondary sources including ELC contracts, community requests and petitions, interviews with local officials, and media coverage.

Temporally, this case is situated in the aftermath of Order 01. Survey teams were withdrawn from the Cambodian countryside in late June 2013, in advance of the national elections. Although there were promises to re-deploy the teams if the ruling party won, large-scale survey work ended despite the ruling party maintaining power. Even though there were no further surveys, Order 01 did not formally end, and the reclassification of agricultural and



forest concessions continued into 2015. As such, this case works through ‘the suspended moment in time that separates threat and guarantee’ as a ‘site’ that is not ‘stable, as in either predictable or ideologically intentioned’ but rather is traceable through ‘the sorts of fleeting instances in which peasant life engages the institutions, spaces and people who represent justice and law’ (Poole 2004, 36–37). Specifically, this chapter shifts from analysing the anticipation of Order 01 (Work and Beban 2016) and its effects (Milne 2013, Diepart and Sem 2016), to seeking out the remaining gaps left by the traces of the Order and their associated opportunities.

### **Land rights and titling in Cambodia**

Order 01 was a rupture, which Lund (2016, 1202) has described as a moment of opening in which both risks and opportunities multiply, and when new structures emerge. Cambodia has been the site of many such ruptures in property relations in the past century. In the context of a massive land rush, the Prime Minister’s 2012 announcement of a national land titling campaign that specifically targeted areas with ELCs and forest concessions, as well as state forests and state land, caught many by surprise (Müller and Zülstdorf 2013). That the campaign intended to title within large land deals led some donors in the land sector to label the campaign as one of the only programmes of its kind in the world (Zsombor and Kuch 2013). Given the targeting of smallholdings both within and adjacent to ELCs, the campaign appeared to fit neatly within calls for property rights formalization as a means to counter the problem of land grabbing (FAO 2009, FAO et al. 2010, World Bank 2010). It appeared to represent the political resolve to assuage rural land conflicts that are estimated to have affected more than 770,000 people between 2000 and 2013 (ADHOC 2014). The Order was explicit in its aims to solve

land conflicts by reclassifying 1.2 million ha of land and then issuing private titles to 470,000 households. To this end, the campaign enrolled thousands of university students as ‘youth volunteers’, outfitted them in military fatigues and dispatched them throughout the country to survey land from July 2012 until June 2013. The campaign exceeded its targets and issued 610,000 titles by December 2014 (MLMUPC 2014).

Important for contextualizing Order 01 are the processes of the 1990s and early 2000s that re-established private property, and a legal framework for land that curtailed the abilities of Cambodians to claim private property rights in the post-conflict era (i.e. after 1998). First came the 1992 Land Law, drafted with urgency during the UNTAC period, which copied many provisions for land ownership from the French colonial government’s 1920 Civil Code that had introduced fully private property (Trzcinski and Upham 2014). In 2001, a new land law, that was developed with donor involvement, introduced concessions and private property.<sup>28</sup> The 2001 Land Law introduced mechanisms for people in lawful possession of land as of 2001 to apply for ownership rights after five years of continuous possession. Meanwhile, the law precluded people from attaining full ownership rights for any land that was newly possessed or used after 2001. Crucially for cases of dispossession and displacement, under the Cambodian Constitution and the new 2001 Land Law, full land title certificate is the only indisputable proof of ownership.<sup>29</sup>

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<sup>28</sup> Constitution of the Kingdom of Cambodia, Article 44; Land Law (2001), Article 5.

<sup>29</sup> Two legal scholars evaluating the legal framework for land in Cambodia describe the 2001 law as the epitome of top-down social engineering with the added dimension that it was based on foreign models and designed by foreign experts with reference to global best practices .... It does not purport to reflect or connect to existing social practice beyond its recognition of pre-2001 possession. (Trzcinski and Upham 2014, 60).

With the legal framework for private property in place, work began on a systematic land registration (SLR) programme to title land. SLR, under the donor-funded Land Management and Administration Project (LMAP), began in 2002. It focused on areas considered to be easy to resolve and to title, and avoided areas that were likely to be disputed as well as areas with unclear status. This tended to mean that titling efforts focused on lowland rice-growing areas and avoided areas that were likely to be in the path of planned developments or ELCs, areas where tenure was in dispute, and areas where land was desired by well-connected individuals or companies (Grimsditch and Henderson 2009, Biddulph 2010, Grimsditch *et al.* 2012, Trzcinski and Upham 2014, Dwyer 2015, Biddulph and Williams 2017). Biddulph and Williams (2017, 174) sum this up as follows: ‘the story of rural land distribution has been one of quiet evasion’.

These evasions had real consequences. Land tenure in upland areas was made legally precarious in the absence of SLR and exposed communities to accusations of being illegal ‘anarchic squatters’ (Grimsditch and Henderson 2009, 7). In the meantime, large-scale agrarian expansion away from the rice plains and into the uplands over the past 15 years (Diepart and Dupuis 2014), and since the 2001 Land Law came into effect, means that the Order 01 titling campaign is catching up with changes in smallholder land use.

Given the 2001 cut-off for claiming possession rights, Order 01 created a massive legal opening for Cambodian peasants on the move. It was also a geographic re-orienting of titling efforts towards areas that were likely settled since the end of the conflict with the Khmer

Rouge. The campaign also differed from SLR in its concentration on alleged ‘non-legal occupation’ of state land such that government speeches and documents relating to the campaign speak in terms of the state ‘donating’ land. Since the Order explicitly targeted areas where the state had claims to land, either as concessions or as forms of state land, its implementation entailed erasing some of the claims of powerful groups, including the ruling Cambodia’s People Party’s (CPP) key clients, as well as civilian and military officials (Biddulph and Williams 2017).

Although modelled after the donor-supported SLR process, Order 01 was beset by inconsistencies across sites, and local officials interpreted the Order with a high degree of variation in terms of determining what land was eligible for survey and in how the teams approached areas with disputes and conflicts (Grimsditch and Schoenberger 2015). Research by Work and Beban (2016) captured how uncertainty at the outset of the campaign encouraged peasants to transform their landholdings to prove eligibility for the campaign, with uneven outcomes. Further research conducted by non-governmental organizations (NGOs) and academics documented the incompleteness of survey and titling efforts and the differential access and titling outcomes across the country. Importantly, both quantitative and qualitative research found no pattern or trend indicating a systematic approach in terms of how the campaign treated landholders in conflict with ELCs (Focus on the Global South 2013, Rabe 2013, Milne 2013, Grimsditch and Schoenberger 2015), or found that areas in dispute were simply not titled by Order 01 teams (Beban and Pou 2014).<sup>30</sup>

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<sup>30</sup> Such irregularities are particularly pronounced in two quantitative studies done after the campaign’s implementation. One study of 480 households in six provinces found that as many as three-quarters of smallholders did not receive a land title to all the parcels that had been surveyed within two years of the

## **Setting the stakes: uttering the biopolitical divide**

With so much potentially at stake, it is striking how difficult it is to discern what exactly the criteria were for a household, area or community to be eligible for survey and titling. Order 01 was a one-page notice that contained four bullet points outlining its goals. The Order did not contain reference to a land titling campaign. Instead, the Prime Minister announced the campaign to title land in June 2012, during a closed-door meeting with ministers and provincial governors on the implementation of the national development strategy. The Phnom Penh Post reported that the Prime Minister ordered that space must be provided for people who would be displaced within every ELC in the country. The Prime Minister reportedly told provincial governors that they had ‘just six months to demarcate 10 per cent of every agro-industrial, forest or illegally established ELC for villagers to live on’ (Boyle and May 2012). The Order was accompanied by a threat, with the Prime Minister quoted as saying ‘And if any provincial governor does not do it, be aware that I will go to put up a tent to measure land for the people directly’. The Prime Minister continued that in cases of conflicts between companies and citizens, priority had to be given to the people.

In the excitement after the announcement, people eagerly sought records of the speech, and a TV station offered to distribute videos of the speech to anyone who requested a copy. Within days, hundreds of villagers sent in requests for the footage, with The Cambodia Daily reporting villagers saying they ‘would use it as insurance to solidify claims to their land if local

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campaign ending (Grimsditch and Schoenberger 2015). Additionally, more than half of respondents said that not all their plots of land were surveyed. Another study of 400 households in three provinces found that about half of respondents had their land surveyed, but that one-third of respondents had not yet received title (Beban and Pou 2014).

authorities prove reluctant to implement the prime minister's orders' (Kuch 2012). A representative of the TV station further commented that 'we've received a lot of orders from villagers, especially people facing controversial land disputes' and that 'villagers want to keep Samdach's [Hun Sen] order on land policy as a form of accountability for authorities'. Not only were villagers requesting a video of the speech, provincial governors were also on the record as trying to gain a copy of the speech, as one provincial governor remarked, 'it's important to get the video compact discs of the prime minister's order because some people heard and some people have not heard what the prime minister ordered'. The urgency to secure evidence of the Prime Minister's words as 'proof' for citizens seeking to enforce policy, alongside the authorities tasked to implement it, underscores just how important such utterances are in state making, particularly state making at the margins. The emphasis on the speech, its policy-setting role, and the scramble to secure evidence of these utterances recalls Das's (2004, 234) emphasis on 'how the documentary practices of the state, on the one hand, and the utterances that embody it, on the other, acquire a life in the practices of community'.

Following the announcement of the campaign, the Minister of Land outlined its details in a speech to the donor community two months later. In terms of the specifics of what land would be eligible, the Minister's speech specified that the campaign would be active in 20 provinces, focus on 'not yet legal occupation' and target only 10 percent of land within highly disputed ELCs (Im 2012). In terms of what kinds of claimants would be ineligible, the most detail is given in Point 20 of the speech:

there have also been some bad opportunists to encroach onto a new area, and claim for recognition from local authority. In this case, I would like to emphasize that any anarchic encroachment or claim on inactive occupied-planted-used land by various proofs is not eligible with this campaign. (Im 2012)

Supporting these two speeches were a series of at least 11 administrative documents in the forms of Notifications and Instructions issued throughout the campaign's implementation that provided the written guidelines and correctives. The written instructions tasked provincial and district land management teams with the work of selecting adjudication areas, although the documents do not specify detailed criteria for the selection of survey areas. Reviews of Order 01 by foreign advisors working on SLR noted that, with respect to the process by which some claimants were considered invalid, 'we do not know on which criteria the verification is based' (Müller and Zülsdorf 2013, 14). My own readings of documents and speeches reveal important silences and omissions when it comes to evaluating just who could seek title under the Order.

By attending to the unnamed qualities of a successful claimant we can see how a number of considerations are missing for determining eligibility, such as the period of land occupation, the types of land use eligible for surveying, pre-existing tenure arrangements with local authorities and so on. By extension, the criteria of who could make fuller claims to citizenship by accessing land rights through the campaign were signalled by terms like 'poor' and 'non-legal', and identified in relation to descriptions of farm size, but were not detailed according to clear parameters as all these categories are 'fuzzy' and require interpretive work to both claim and recognize.

This did not mean that all those who met descriptions of 'poor' or 'non-legal occupants', or those who were in an area targeted for survey, had their land surveyed by the Order 01 teams. Rather, inclusion was most clearly determined by where the survey teams reached before they were withdrawn on 23 June 2013 in advance of the national elections.

Because Order 01 was the first chance for many Cambodians to secure land tenure via legal title, the fact that the titling campaign was abandoned before its completion has important repercussions for citizenship. Representative of inclusion and rights, land titles are a technology of regulation and nurturance that brings segments of the Cambodian population under the umbrella of state care, and in the process assigns different social fates to segments of the population. In a legal context in which full land title is the only indisputable proof of ownership, citizenship fragmented further as those who gained titles became able to enjoy different sets of civil, political and economic rights from those who did not secure a title during the campaign and are left vulnerable to eviction and displacement by land concessions. If drawing upon a Foucauldian conception of biopolitics in which ‘the negative referent of biopolitics seems to be the point at which a cut is made between those whose lives are managed and enhanced’ and those who are abandoned by the state, then the biopolitical cut represented by the Order 01 titling campaign is one of the campaign’s key effects (Das and Poole 2004, 25). By further segmenting the population and creating new internal divisions, the outcomes of the campaign align well with Ong’s (2000) notion of ‘graduated sovereignty’, referring to ‘the differential treatment of populations – through schemes of biopolitical disciplining and pastoral care – that differently insert them into processes of global capitalism’ (62), which occurs along- side ‘gradations of governing – disciplinary, pastoral, civilizing/disqualifying policies, or military occupations and de facto autonomous domains’ (65). Given the stakes of Order 01 – that to receive a title is to receive state acknowledgement and recourse to protection, and to remain untitled is to be further removed from legal protection while the concessionaires’ claims are strengthened inversely – much is on the line.



## **The story**

Krasaing has been impacted by the rushes for land and resources that characterize the agrarian-environmental transformations of Snuol: the Samling timber concession in the 1990s; parallel efforts to exploit the forest by local military and entrepreneurial elites; increasing migration by ethnic Khmer families from lowland provinces; and a boom in efforts to plant rubber by concessionaires, and cassava by smallholders. Migrant families that settled in Krasaing cleared unclaimed land, or purchased landholdings from Stieng families, or negotiated with village and commune authorities for permission to settle and farm the land. These local tenure arrangements were upended when MAFF granted a large concession to a South Korean company, Growest, in 2008. At 9996 ha, the concession was just within the legal limit of 10,000 ha. Like most ELCs in Snuol, the investor planned to grow rubber since the volcanic red lands of the area are particularly well suited for rubber growing (Slocomb 2007).

The vast Growest concession spanned three communes and overlapped with the land claims of several communities. Maps attached to the concession contract indicated where it overlapped with communities, and the map's legend identified 1684 ha as 'land in conflict with people'. The contract also included provisions that the company must conduct field surveys of land legally occupied, yet villagers only became aware of the concession two years after the deal was signed when the company first ordered several families off their land. Between the community's first contact with the company in May 2010 and when I visited in August, the company had destroyed many upland fields and the community had received multiple notices of impending evictions. They had also gotten word of an ominous plan to take 2800 ha of claimed land and confine 113 households to an area of just 50ha. Several months later, Growest

sold the concession to another Korean company, Horizon Agriculture Development. By the time people from Krasaing had gone to Phnom Penh to protest, Horizon had cleared and planted rubber on 3700 of its 9996 ha.

As the community struggled to hold onto land, they sought decision makers who would recognize their land holdings and provide some clarity on their rights vis-à-vis the ELC. Their advocacy efforts strategically moved up the chain of command, appealing to commune, district and provincial authorities. In 2010, a migrant farmer explained the situation to me as, ‘the company is backed by local and top government authorities. They just say words and the company stops for a short period, but then it continues’. After repeatedly being rebuffed by local officials’ claims that solving disputes with the ELC was up to ‘high- ranking officials’ and so they could not get involved, the community turned to three elected Members of Parliament (MPs) from Kratie. The community successfully captured these MPs’ interest and a written message was discussed in the National Assembly in late 2010. In response, an inter-ministerial team composed of officials from MAFF and the Ministry of Land Management Urban Planning and Construction (MLMUPC) came to the village in August 2011, about one year before the launch of the Order 01 survey. Although the inter-ministerial team assembled a ‘solution’ to recognize the community’s claims, the community rejected the proposal. They rejected it because households would be limited to 3 ha of land, irrespective of their current holdings or family size, and because they believed that the officials had taken instructions from the company as to where to survey and what land could be given to the smallholders.

The announcement of Order 01 in June of the following year signalled the potential to break the deadlock. The youth volunteers arrived in Krasaing one month after the launch of the campaign and began to survey land around the Horizon concession. The survey took six months, at least three times longer than typical under Order 01's expedited process, due to numerous interruptions and delays caused by debates over whether the land within the ELC was eligible for survey. To protest the delays and push for the whole area to be surveyed, the community blocked the National Road. They hoped that by doing so they could draw attention to their case and force authorities to recognize their existence and their land claims. The rationale was that if they could get the attention of higher levels of government, then provincial and district authorities might be held more accountable and not interfere with the survey on behalf of the company. When pushed by the Phnom Penh Post, the district governor explained the conundrum:

The authorities didn't ban the voluntary youths from measuring the land for the residents at all, and we always wanted to measure the land, with real land tenure for the residents ... [but] how can we measure the land for them if they just point out the land that was already bulldozed by the company? (quoted in May 2012c)

Despite the company's attempts to redirect the survey teams, the youth volunteers eventually chose to interpret Order 01 as an instruction to survey land inside the concession, provided it was not already planted with rubber by the company. Once the survey was complete, households received their survey receipts and a public display of the results was held in May 2013, the last official step before awarding titles. Then people waited for titles. And waited. Although two sub-decrees officially excised land from Horizon Agriculture Development Co.

Ltd in January 2014, months continued to pass without any awarding of titles.<sup>31</sup> Frustrated with the months-long delay, people surrounded the commune chief's office and threatened to prevent anyone from entering or exiting the building. This action provoked a meeting between district and provincial officials and the community. Again, when pushed by reporters, local officials attempted to excuse the delays, this time blaming the delay on a 'dearth of government staff' (Kuch 2013b).

## **Excuses**

Although the literature on property and authority emphasizes that 'claims to rights prompt the exercise of authority' (Lund 2016, 1199), this case highlights the work done to avoid enacting authority by different institutions. Much of the property literature takes up examples of institutions that vie to define and enforce property relations and rules, along-side securing the recognition of their ability to do so from the governed populations – especially in post-colonial and post-socialist societies like Cambodia (c.f. Sikor and Lund 2009, Lund 2011, 2016). As Hall (2013b, 57) writes about authority in the frontier,

If we imagine 'the state' to be an anthropomorphized actor with desires and wishes, it is easy to assume that 'it' wants to fully assert 'its' control over the frontier – to be able to see everything, to know everything, to regulate everything, to extend the national administrative framework to every nook and cranny of the country's territory.

Yet when we disaggregate 'the state' into the various agencies and people who occupy positions in the state, the constraints and restrictions on their operations become more apparent in the forms of limited budgets, limited means to govern isolated and thinly populated places,

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<sup>31</sup> As reported on the online open data initiative, [www.opendevelopmentcambodia.net](http://www.opendevelopmentcambodia.net), sub-decrees 18 and 19, passed on 13 January 2014, excised 1990.94 ha and 4737.47 ha, respectively, from Horizon Agriculture Development.

and the competing agendas of other agencies – all of which may contribute to the state ignoring local pleas for more state activity (58). In the face of such pleas, different branches of the state may struggle to gain jurisdiction over particular issues and the associated rents, but these actors also struggle ‘to disown them (to avoid blame, liability, et cetera)’ (Lund and Boone 2013, 6), and attempt to conceal or manage what Mathews (2011, 2–6) refers to as the ‘uncertain authority’ of local bureaucracies and state actors.

This case, however, complicates narratives of state agencies vying for authority as the community mobilized to engage the full array of relevant institutions: village, commune and district officials; provincial departments and the provincial governor; MAFF and MLMUPC at the ministerial level; elected members of parliament; the Prime Minister and his representatives – yet at all these different levels and branches the community struggled to have their claims addressed and were met with excuses as to why these actors could not act. As such, this case challenges the assumption that institutions will vie and jockey for authority. In this struggle over two competing legibility outcomes, namely smallholder claims versus those of the concession, we encounter very different institutions all making excuses as to why they have not defined, and cannot define, property relations. Instead of jockeying for authority, the interplay between claimants and authority is marked by competition among institutions to avoid enacting authority, which becomes even more pronounced when the Prime Minister gets in on the game. Key to this avoidance is the deployment of excuses and public declarations of blame over which institution ought to take authority to make a decision to resolve property rights.

In working through the role of excuses I take my cues from Das's (2004) writings that advocate for a turn to the domain of infelicities and excuses on the part of the state, and consideration of how these circulate in the realm of the public. Das (2004, 244) draws from the philosopher Austin's (1956) analysis of the language of excuse to draw out 'the realm of infelicities when performative utterances fail'. In connecting excuses to the work of governing and enacting – or failing to enact – authority, Austin's assertion that 'it rapidly becomes plain that the breakdowns signalled by the various excuses are of radically different kinds, affecting different parts or stages of the machinery, which the excuses consequently pick out and sort out for us' (6) helps us to re-centre breakdowns of governing and focus on the machinery. Part of this breakdown in the machinery is also tied up in the granting of large land concessions that tend to have dubious legitimacy at the local level, and within the legal framework, with the implications that smallholders living and farming in and around these concessions are not entirely invisible or irrelevant to the state. This necessitates the need to respond to the partial validity of smallholders' claims, even prior to Order 01.

In thinking of excuses as signposting various breakdowns, it is important to stress that villagers and community members in Cambodia are frequently up against local officials who claim they cannot resolve land claim problems due to this being the prerogative of higher authorities. This was certainly the case for many years in Krasaing, during which local state actors responded to letters, petitions and pleas with explanations that they were limited in what they could do since it was a matter for 'higher authorities' or were met with delaying tactics by being told simply to wait for a solution. In many parts of the Cambodian frontier these excuses hold as acceptable and maintain the status quo, at least temporarily. Occasionally, local officials'

deferment to higher authorities leads a community to travel to the capital city to demonstrate in front of the Prime Minister's house or to march and deliver petitions to ministries and embassies. Rarely do these efforts result in smallholders returning to their community with a land title, as Krasaing succeeded in doing.

In the widely cited 'A plea for excuses', Austin explains that,

to examine excuses is to examine a case where there has been some abnormality or failure: and as so often, the abnormal will throw light on the normal, will help us to penetrate the binding veil of ease and obviousness that hides the mechanism of the natural successful act. (1957, 5)

As a case that is abnormal, both in the sense that it was successfully resolved in favour of smallholders, and in the sense that a series of excuses clashed and lost status quo acceptability, the abnormalities of this case help to signal the various breakdowns in authority due to the ways Order 01 ruptured state–society relations and disoriented the realm of acceptable excuses. What constitutes an acceptable excuse is important as the 'whole realm of acceptable excuses creates the realm of the civil, in which the very legibility of the state to its citizens becomes the mode of establishing its legitimacy' (Das 2004, 248).

Order 01 drew the central government deeper into the everyday lives of peasants in the frontiers and its operation demonstrated the ability of the central government to determine property rights for smallholders vis-à-vis ELCs. As the discourse that surrounded persistent land struggles and the realm of acceptable excuses ruptured, claimants were able to grab onto new avenues by which to reject longstanding excuses of authorities saying they were unable to resolve conflicts with ELCs.

As Krasaing's tactics shifted to the streets of Phnom Penh and caught the Prime Minister's attention, the jockeying to avoid responsibility became even more pronounced. The Prime Minister also entered the realm of excuse-making, even though Order 01 was a way for him to take control of the property–authority social contract from the Council of Ministers, relevant ministries, and from actors in the provinces (Müller and Zülsdorf 2013, Milne 2013, Grimsditch and Schoenberger 2015).

### **Struggling against excuses**

Krasaing community had many tactics: they attempted to invoke authority from institutions at commune, district and provincial levels; reached out to the youth volunteers and survey teams; blocked national roads; and ultimately chose to travel 250 km to the capital city where they marched four times in attempts to gain the attention of Hun Sen, MLMUPC, the National Assembly and various embassies. By the time they reached Phnom Penh, the community was exhausted by local officials claiming that the case was the concern of higher levels of government, relevant ministries claiming it was the responsibility of provincial officials, and so on.

But it was the intervention by the Korean Embassy that truly shifted the terrain. The Korean Embassy filed formal complaints with the MLMUPC on behalf of Horizon Agriculture Development in March 2014, two months after the sub-decrees were issued to excise land from the ELC. A formal meeting was also held between the Minister of Land Management and the Korean Ambassador. The involvement of the embassy spurred the retreat of local officials from the case. Local officials now claimed the dispute was a matter of international affairs and that



plans to issue titles could no longer proceed (Aun and Wright 2014a). Months later, the results of the Order 01 survey were cancelled and provincial officials informed Krasaing that they were no longer considered eligible for title. The community then grabbed national headlines for two months when nearly 200 people, representing 329 families, took their demands for title to Phnom Penh.

Once in Phnom Penh, the community launched a series of marches to try to deliver a letter to the Prime Minister by demonstrating outside of the National Assembly and marching to the Prime Minister's villa. Several of these efforts were rebuffed by members of the Prime Minister's cabinet, who initially told villagers that

we cannot take the petition from you because you have not yet tried to solve this with local authorities ... We ask all of you to return home to find a solution with local authorities and we will intervene later if that fails. (quoted in Aun 2014c)

The farmers pressed on, making weekly attempts to march in the capital with their Order 01 survey receipts displayed, while the state deployed truckloads of military police and district security guards to stymie the protestors. The state also posted security forces around the Buddhist temple that hosted the community to monitor the group and to prevent future marches. After several weeks of trying to reach the Prime Minister, a member of his cabinet accepted the petition, telling villagers 'we can't find a solution for you at this time' but that the letter will be passed 'to the upper level to push local authorities to find a solution for you' (quoted in Aun and Wright 2014a). That the solution was once again located in local authorities frustrated community members who had directed their efforts towards Phnom Penh after the district governor told them that the provincial governor had given the community one month to file a complaint with MAFF and to request an investigation into the Order 01 survey results (Aun 2014c). As one older woman explained to the press, 'I have no hope that the provincial

authorities will find a solution for us because we have protested three times but got no results’ (Aun 2014d). These sentiments were reinforced by a community leader, who explained to the press,

we won’t try to get a solution with local authorities because we have tried many times. We will continue to stay at the pagoda to make new plans to protest, demanding Samdech Hun Sen help to find a real solution. (quoted in Aun and Wright 2014a)

These efforts to gain Hun Sen’s attention were met by state security forces. In one instance, 10 villagers, including a four-year-old child, were injured by security forces armed with electric batons as they attempted to march from the National Assembly towards Hun Sen’s villa. After this violent clash, protestors were pushed into a park where they were visited by the Secretary of the State at the Land Management Ministry accompanied by members of the cadastral committee. These Land Management officials told the villagers, ‘I wish to request all of you to return home and we will find a solution later’ and that a working group would be sent to find a solution (quoted in Aun and Hul 2014). This too was met by further resolve and commitment to continue sleeping at the temple and staging protests; as the community representative summed up for the press, ‘we agree to return home when Samdech Hun Sen offers the land back to us’ (quoted in Aun and Hul 2014).

### *Deploying an acceptable excuse*

As Krasaing grew to be a high-profile case, the Prime Minister began to weigh in. Hun Sen first attempted to distance himself by professing ignorance of the case and placing the onus on provincial level officials and relevant ministries. From the lectern of another public speech, speaking to an audience of diplomats, ministers, provincial governors and other high-ranking officials at a food security workshop at his Peace Palace, the Prime Minister lashed out, arguing

that officials in the provinces were ‘not listening or understanding’ (quoted in Vong and Ponniah 2014). The Prime Minister made clear that he expected that people living on land overlapping with ELCs should be given priority over investors. The speech further called on government officials to work to find solutions ‘instead of being lazy and continuously deploying police to block protesting villagers’. Hun Sen further claimed that local officials failed to deliver petitions to his office in Phnom Penh.<sup>32</sup>

The Kratie provincial governor and the Minister of Land were explicit targets of the Prime Minister’s ire over the invalidated surveys conducted under his own titling campaign, and the ongoing conflicts that had resulted. Expressing his frustration, Hun Sen was quoted in local papers as saying:

[I] heard that the youth have measured the land, but the titles are not approved. Is it true? Did anyone report to me? For these problems, did all Kratie provincial authorities die already? (Aun and Hul 2014)

Speaking directly to the provincial governor, Hun Sen called on him to resolve the problem locally. Continuing his warning, Hun Sen threatened:

I will now follow you to catch your mistakes ... . Please, this is enough. But if you say, ‘I can’t fulfil this duty because it is a big burden’, you can resign. It’s no problem if you don’t work to find a solution because we don’t lack people who want to be governors. (quoted in Aun and Hul 2014)

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<sup>32</sup> A parallel story also unfurled around the rejection of the Prime Minister’s claims of ignorance of the Krasaing land dispute by a rights campaigner during a Voice of America radio broadcast. The campaigner asserted that the only way the Prime Minister would not know about the dispute is if he ‘is a person who does not read the newspaper. He is a person who does not watch the news’ (quoted in Khy 2014). The Prime Minister fired back – again, at a public speech, but this time at a university graduation ceremony – that the advocate was ‘a stupid, defiant boy’ (quoted in Khy 2014). Hun Sen persisted with excuses that he had not known about the dispute due to a sluggish bureaucracy that ‘tested the patience of villagers involved in land disputes until they have no option but to come to Phnom Penh’.

Among civil society and rights advocates there was much criticism of Hun Sen's attempts to blame his subordinates, with one advocate stating,

I see the prime minister always blames his subordinates but not himself ... blame is blame, but [people] are stuck without any resolution for land conflicts. Blaming is not the resolution; law implementation is the resolution. (quoted in Vong and Ponniah 2014)

Despite widespread doubt that the Prime Minister was hearing about the case for the first time, his threats were a big shake-up to the status quo and local government offices reacted rapidly (pers. comm., anonymous, 25 May 2014). Since the Order 01 survey teams were dispatched by the Prime Minister alongside MLMUPC staff, and thus under the central government's purview, the Provincial Deputy Governor was quick to weigh in. He denied responsibility for the escalation of the dispute, as implied by the Prime Minister's speech, asserting, 'we reported to the Interior Ministry and the Land Management Ministry. So this is not the fault of the provincial level; this is the fault of the national level' (quoted in Aun and Hul 2014). Although provincial officials made public attempts to evade responsibility, the province and MLMUPC resolved the case within two weeks of the Prime Minister publicly uttering threats to their jobs. The Land Management Minister, accompanied by the Deputy Kratie Governor, went to the Phnom Penh temple to announce the villagers' success and that 1562 ha of land would be taken back from the ELC and awarded to local residents as private titles. In total, 312 families received titles, following the Order 01 survey results. Explaining this decision to *The Daily* by telephone, the Deputy Provincial Governor explained that 'the company received an economic land concession, but they did not use the land for development' as the rationale for choosing to distribute title nearly two years after the survey teams first arrived in Krasaing (quoted in Aun and Wright 2014b).

The families I met outside the land titling ceremony were proud to display their titles as a sign of victory, and shared joyous relief to have secured rights. And yet a company representative spoke to local media on the day of the titling ceremony, continuing to call the community's claims into question: 'if people really lived there, then it means thousands of people lived there and must be almost the biggest town in that area, which is nonsense' (quoted in Aun and Wright 2014c) (reader, be reminded of the French concessionaires of the 1920s described in Chapter 3).

## **Discussion and Conclusion**

In this case study, the temporal experience of the state is important: the state extends itself, offers inclusion; then retreats, withdraws protection, makes excuses; and is later jostled back into the work of governing its population through concerted efforts by peasants. This chapter focuses on two moments to emphasize the processes and practices tied to the state 'going out' to the frontiers and the moment in which state actors try to justify their retreat after smallholder property is erased from official records. I examine the work of governing, the transformative potential of the Prime Minister's utterances in terms of the law and practices around land, and the temporal experience of the state in the frontier via processes of inclusion and neglect. To engage these two performances of state power I have drawn upon literatures on property and authority, graduated sovereignty and biopolitics, actor-network theory and writings on the role of excuses to work through the ebb and flow of how the state is experienced in the frontiers by foregrounding the lived experience of the state. Taking up the ways that previously acceptable excuses fractured around the Order 01 campaign and its traces revealed how the campaign ruptured state–society relations in the everyday.

The social, political and economic relations around land, timber and resources in Snuol district are messy: multiple resource grabs criss-cross, both spatially and temporally, such that power relations surrounding various resource rushes are continually being worked out. Order 01 ruptured the pre-existing tenure arrangements, as well as longstanding conflicts with ELCs, by sending agents of the central state out into the frontiers. It also remade important biopolitical distinctions. The campaign and its titles brought some populations under the umbrella of state care and protection. It also further marginalized those who did not secure a title and who not only stay vulnerable to evictions that threaten life and livelihood, but are possibly more vulnerable to these processes if the lack of title is interpreted of ‘proof’ that their claims lack legality. The campaign also demonstrated the potential for the state to sort out property rights and grant protection from land grabbers if the Prime Minister orders the central state to get involved. However, it turned out not to be so straightforward. With attention to the two public performances of power, and what transpired between them, the uncertainty of property relations comes into relief and makes clear the ways these relations are murky and unclear, and intentionally so.

The community faced numerous delays in gaining recognition of their pre-existing claims to land that began with their awareness that an ELC had been awarded. These delays continued throughout the Order 01 titling campaign and extended into its aftermath. Contrary to core narratives in the property literature, institutions did not jockey for power but instead jockeyed to avoid the responsibility to enact authority. As different governing bodies delayed, tried to explain inaction, or redirected the community back to the very same offices to which they had

just appealed, excuses shaped peasants' relations with the state. Although publicly claiming the inability to act is also a claim to authority, it does not signal the institution's competency or jurisdiction to citizens. Such avoidance also became increasingly untenable once peasants had survey receipts in hand from the Prime Minister's campaign. While some writings on property and land in frontiers acknowledge the hesitancy of various actors to enact authority, I chose to take up excuses to look at how peasants experience this avoidance by focusing on how it is both performed and constituted through excuses. By looking at excuses we can see how the state is not necessarily generative of order – even during a national legibility campaign – and can better attend to its breakdowns and failures. From the multiple instances in which the community faced excuses, delays and rebuffs from all kinds of actors within the state machinery, the picture of a machine that is unresponsive to rural citizens emerges and the fraught character of local–national linkages within the state becomes clearer.

In terms of what happens when some state actors abandon the effort to know the population and their relations to its territory, this case suggests that the traces of these legibility projects – the documents and assemblages they leave behind – can be mobilized by citizens to produce their own legibility to the state. Order 01's documentary traces imbued peasants' claims with a legitimate character that helped them to take to the streets to present visible evidence of their (temporary) inclusion. The survey receipts were a key actant in the process of making territory as they signified the potential transformation of longstanding claims into rights that deserve state recognition. These receipts enabled smallholders to grab the state and drag it back into the position of determining their rights to exist and to assert their position vis-à-vis the biopolitical divide between titled and protected and untitled and vulnerable. As Krasaing

increasingly occupied public space in the capital while holding up this signifier of legitimacy, the receipts suggested their erasure was worthy of attention. As an assemblage of the social and the political that held together the two moments – one of seeing, one of receding – the document represented the traces of state efforts to see its population and govern smallholders' territory. It later took on the role of foiling state excuses as to why the smallholders were no longer 'seen'.

This analysis also emphasizes the uncertain and arbitrary nature of the state and state authority in Cambodia. The volley of excuses and the public performances of feigning ignorance and redirecting villagers to different government offices that played out between the Prime Minister and various branches of the state showed how the state machinery was destabilized by Order 01 and the work needed to establish a 'new normal' in the Order's immediate aftermath. Ultimately, it was the Prime Minister himself who deployed the final excuse to evade the responsibility to determine property rights and spur to action the institutions he tasked. Notably, it was the very same actors who repeatedly claimed the inability to recognize the smallholders' property rights – the provincial authorities, who had directed the community to find a solution in Phnom Penh, and the MLMUPC, who agreed to the Korean Embassy's requests to annul the survey results – that resolved the smallholders' claims and jointly announced that titles would be awarded. This interplay underscores the messy and contingent processes at work as the state is not homogeneous but an 'always incomplete' project (Das and Poole 2004, 8).



## 8. GENDERED EVICTION, PROTEST, AND RECOVERY: A FEMINIST POLITICAL ECOLOGY ENGAGEMENT WITH LAND GRABBING IN RURAL CAMBODIA<sup>33</sup>

Alongside the dramatic rise of large-scale economic land concessions (ELCs) and acquisitions, termed the global ‘land grab’ (GRAIN 2008, Baird 2014), academics and civil society organizations have documented profound social, economic and political transformations and impacts on resource users (Peluso and Lund 2011, White *et al.* 2012). Yet how gender matters to the global land grab is noted as one of two main ‘silences’ of the land grab literature (Hall *et al.* 2015, 482) even as Behrman, Meinzen-Dick, and Quisumbing (2012, 73) argue that ‘The available evidence thus far indicates that large-scale land deals have tended to overlook the rights, needs, and interests of women and as a result have tended to aggravate gender inequalities in affected communities’. If we turn to Cambodia, arguably an epicentre of the

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<sup>33</sup> This chapter is adapted from an Accepted Manuscript of an article published by Taylor & Francis in the *Journal of Peasant Studies* on 11 June 2017, available online: <http://www.tandfonline.com/10.1080/03066150.2017.1311868>

Vanessa Lamb, Laura Schoenberger, Carl Middleton and Borin Un. 2017. “Gendered eviction, protest and recovery: a feminist political ecology engagement with land grabbing in rural Cambodia”, *The Journal of Peasant Studies*, 44 (6): 1215-1234

The research develops from a case study for a consultancy with Oxfam America, for which I was the team leader and drafted the report for this case:

Laura Schoenberger, Vanessa Lamb and Un Borin. 2014. “Eviction, Protest and Social Land Concessions in Khseum Commune, Snuol District, Kratie Province - Placing a Foothold in the Forest Frontier”. *Access to productive agricultural land by the landless, landpoor and smallholder farmers in the four Lower Mekong River Basin Countries*. Phnom Penh: Oxfam America.

Vanessa Lamb took the lead to develop this for the 2015 LDPI conference that this chapter is based on and which was selected for the special issue of *JPS* “Gender, Generation and Rural Transformation” (edited by Clara Park and Ben White). I contributed to the developing the argument, the conceptual framing of the paper, and was involved in all stages of its development.

dramatic rise of land grabbing,<sup>34</sup> the focus on women in land-grab scholarship is perhaps an exception. Since the 2008 emergence of ‘land grabbing’ (Baird 2014), a number of insightful and timely studies have considered the negative impacts of land grabbing and eviction on women in Cambodia (Mehrak *et al.* 2008, COHRE 2011, McGinn 2013, Brickell 2014, Kusakabe 2015, LICADHO 2015b, Park 2015).<sup>35</sup>

This essential work provides insight into the serious impacts of urban eviction on women (McGinn 2013, SKO 2013), as well as the role of women protesting urban eviction (Brickell 2014). It has also contributed to the broader land grab literature by revealing the negative impacts of eviction on women, and women’s uneven access to land and formal political representation. Building on this work, we examine a case of gendered rural eviction, protest, and subsequent community (and state) rebuilding in Khsem commune, Kratie province. We examine what we argue has been overlooked in the Cambodian context: the roles and practices of women in relation to men and their complementary struggles to protest, and later rebuild their community, in the wake of eviction. We also show how, through the rebuilding of post-eviction social life, uneven gendered relations as directly linked to the state and to the land are rebuilt.

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<sup>34</sup> An independent estimate from the NGO LICADHO shows that more than 2.1 million hectares has been granted to ELCs in Cambodia (LICADHO 2016).

<sup>35</sup> As evidence of the focus on women as gender, many of these reference women directly in their titles; examples include Cambodia’s Women in Land Conflict (CCHR 2016) and Brickell’s (2014) study “‘The whole world is watching’: intimate geopolitics of forced eviction and women’s activism in Cambodia’.

We carried out this research in two parts over 1.5 years. The initial field visit was linked to a research consultancy on gender and land access for an international non-governmental organization (NGO) working on land rights and poverty. During a second visit, one year later, we followed up with key interviewees about the community's rebuilding process. The research site in Khsem is located in the country's northeast frontier of Kratie province. Kratie has undergone large-scale transformation related to ELCs. Attesting to this change, Kratie, formerly the most forested province, is currently the country's most concessioned province (MAFF 2014).<sup>36</sup> Our research into the Khsem case began after the community's eviction as result of a conflict with a company holding an ELC, and our insights are drawn from what transpired post-eviction, with a focus on the rebuilding of the community.

Drawing on data generated from fieldwork, we demonstrate two key points. First, by highlighting the gendered responses and changes by women alongside and in relation to the emerging practices of men in the post-eviction circumstances, we show an evolving gender division which saw first women and then men take lead roles. This could or would go unnoticed if we focused only on the impacts on women. This case also provides insights into these divisions under conditions of community reconstruction, as, uniquely, after the women-led protests, this community obtained a Social Land Concession (SLC) allowing them to retain access to their land. SLCs are considered 'land concessions for the people' and constitute the main pillar of land distribution under Cambodia's 2001 Land Law.<sup>37</sup> At present, however, very

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<sup>36</sup> The Ministry of Agriculture Forestry and Fisheries numbers do not include concessions granted by the Ministry of Environment (MoE) within their territories (protected areas, wildlife sanctuaries, etc.). MoE began granting concessions in 2011, but this information was not publicly available at the time of research.

<sup>37</sup> The 2003 Sub-decree on Social Land Concessions states that in addition to targeting the poor and landless, SLCs may also be granted to families who have been displaced by public infrastructure development or

little is documented about the establishment of SLCs, their impacts and their relationship to gender relations in rural Cambodia, even as the state's depiction names 'women' as a group of special concern for an SLC.<sup>38</sup>

Second, we abstract these findings to suggest that land grabbing and eviction processes offer the grounds for rebuilding and re-inscribing uneven gender–state–environment relations post-eviction. To link the rebuilding of gender to state and land, we draw on work in feminist political ecology, and Das' work (2004) on the role of the modern state in a frontier. Bringing these literatures together, as we do in the next section, allows us to conceptualize the eviction of the people in this Cambodian frontier as part of the state 'rebuilding' process which, we demonstrate, is simultaneously a rebuilding of gender relations.

In approaching this study, we understand that there is much at stake. We agree with others in this collection that a gender perspective matters to the way that land grabbing impacts, unfolds, and works to marginalize the most vulnerable. That gender matters in understanding not only the uneven impacts, but also the uneven benefits, of such land transformations is essential in understanding what is at stake in the Khsem case and in Cambodia. There are also potential transformations of land and land access that could create positive new opportunities for women, but if land deals and grabs continue to 'take resources away from women [they] can reduce the welfare of women and their families, even if there are some income gains to men'

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affected by natural disasters; demobilized soldiers and families of soldiers who were disabled or died in the line of duty; facilitating economic development; and facilitating ELC by providing land to workers of large plantations (Article 16).

<sup>38</sup> As Neef et al. (2013, 1100) explain, 'SLC land provides secure use rights and gives special attention to women and the disadvantaged'.

(Behrman, Meinzen-Dick, and Quisumbing 2012, 51–52). This is important for our case where post-eviction and post-protest governance of the SLC has emerged principally as ‘men’s work’, even as it is defined by the state as land redistribution for the poor and vulnerable, including women. It is important to study both men and women to document such complementary changes.

Moreover, as the current literature on land grabbing and gender in Cambodia is primarily focused on women,<sup>39</sup> we are concerned that such a focus overlooks relational change and risks misdefining aspects of the land grab and eviction as a ‘women’s problem’.<sup>40</sup> As Morgan (2017, 1179) explains in her examination of women in protest in Indonesia against plantation expansion,

While rarely discussed in the literature until now, gender is increasingly understood as one of the key axes of differentiation affecting the distribution of opportunities and costs from large-scale land acquisitions. Yet discussions on the relationship between social differentiation and large-scale acquisitions rarely extend beyond identifying who is most vulnerable or victimized to consider the ways in which differentially located people exercise agency and shape their futures vis-à-vis land.

One of the ways that we propose complicating the analysis of social differentiation is to extend beyond identifying ‘women as gender’ or women as the most vulnerable, to also understand how such positioning of ‘women’ may influence subsequent roles for women in political action in informal and formal spheres, such as how participation in protest may link to governance

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<sup>39</sup> See also Ikeya’s (2014) argument that gender scholars in Asia and Southeast Asia focus on ‘women as gender.’

<sup>40</sup> In turn, this unintentionally risks mirroring what has been shown in development studies as placing the burden for change on women (Schroeder 1999, Gururani 2002).

roles both during the protest and subsequent to it, and also to understand how women and men's relations to the state and land are made in relation to one another.

Before we examine the details of the case of gender and land in Cambodia, we first present our conceptual and methodological approach.

### **Conceptual Approach**

To understand the processes of 'rebuilding' gender, we draw on feminist political ecology scholarship. This is important because such an approach understands that gender is not fixed, even as it may have enduring performances. Recent work in feminist political ecology (Nightingale 2006, Elmhirst 2011a) draws on post-structuralist understandings of gender, which provides insight into how gender is understood as a process or performance, one that is dynamic and intersectional, and that cannot be disentangled from our concepts of nature and land. This work emphasizes that gender 'does not refer to women or to differences between men and women. Rather, gender is the process through which differences based on presumed biological sex are defined, imagined, and become significant in specific contexts' (Nightingale 2006, 171). Moreover, in approaching gender as a process, 'the dynamic relationship between gender, environment, and other aspects of social and cultural life can be brought into view' (Nightingale 2006, 165).

Bringing this approach to gender and land into relationship with the state's role, we turn to Das' work on the modern state in a frontier zone, and its 'refounding'. Das explains that 'at the margins', like at Khsem, we can best understand 'the authority of the state as literalized in

everyday contexts' (Das 2004, 225). Following Das and Poole (2004), the state's eviction and disavowal of residents alters the community's relations to land and state. As such, eviction may be an integral part of the state-making process, where 'the state is imagined as an always incomplete project that must constantly be spoken of – and imagined – through an invocation of the wildness, lawlessness and savagery that not only lies outside its jurisdiction but also threatens it from within', and thus people on the margins are caught up in this tension between the desired and undesired 'inside' (Das and Poole 2004, 7, McCreary and Lamb 2014, 618). This state project, then, is not an outcome or authority that is taken for granted, but instead it requires continual processes of re-articulation and rebuilding, and bringing the undesired, the wild and the lawless within the state's domain.

Building on this work, we invoke the term 'rebuilding' to examine the intersection of gender–state–land in principally two ways. First, in invoking rebuilding (rather than simply 'building'), we recognize the violent eviction of the community to be the state's work to deny rights in this case of eviction; in a sense, we can emphasize that/how the state's violent eviction matters to – but does not necessarily define – these relationships. Following Das' work (2004; Das and Poole 2004), we emphasize the rebuilding of the community and state through the responses to eviction, linked to establishing 'refounding order' over land and community 'at the margins'. Second, we expand on this literature to consider the ways in which rebuilding entails the continual work and processes of performing gender, as understood in critical feminist political ecology scholarship. This provides insight into how gender is operationalized in different contexts and can deepen understanding of the relations between gender, land and state. Our

ensuing examination of the intersections of gender, land and state emphasizes the incomplete project of rebuilding the state and gender together, both in and through relationships with land.

## **Methods**

Our research team, myself, Vanessa Lamb, and Borin Un and one research assistant, carried out fieldwork in late July and early August 2014, with one follow-up trip in June 2015. All names referenced here are pseudonyms and interviews are numbered and referenced according to the sequential number and date of interview.

In 2014, the research team conducted 28 household interviews with community members, including both women and men, and Khmer and indigenous Stieng peoples. Our field research, including our visit to Khsem, interviews and group-focus discussions, was carried out after the community was evicted and protested, and shortly after they had been awarded their SLC. With community leaders (n = 7) we held focused discussion and conducted group mapping exercises, as well as holding two public meetings and group discussions (n = 238). We also held key informant interviews with community representatives and activists, and NGO staff both active in the case and working on land claims in the area more broadly (n = 7). What is missing from this data set, however, are observations by the research team of land use and livelihoods that existed prior to eviction, since fields and homes were, for the most part, already destroyed by the time of our research.

The initial focus of our research, shaped by our research consultancy, meant that of our 28 household interviews, the majority (20/28) were women. A focus on telling women's stories



is not necessarily ‘wrong’, but it does tend to rely on a set of assumptions which we are concerned can overlook relational change between men and women (as a way to understand gender), which was important in this case. To address this point, we drew upon our research data that was more gender diverse (more equally split between men and women), such as interviews with the village committee, all of whom were men at the time of our field visit, the residents we met in two public meetings, residents in group discussions, and key NGO informants. We then expanded the data through targeted follow-up interviews conducted in June 2015, after the consultancy work was complete.

The authors also reviewed documentation of the case, including multiple written exchanges, requests and petitions between the community and government at commune, district, provincial and national levels, as well as letters targeting embassies and other institutions, and published media accounts and background documents provided by NGOs. Thus, the arguments presented in this chapter draw on data generated through fieldwork and review of documents, as well as a review of literature related to gender and land. We now examine some of that literature on Cambodia, as a transition into the case of eviction in Khsem.

### **Representing gender and land**

In present-day Cambodia, there exists a friction between gender roles or codes for women that are understood to be ‘traditional’ with the contemporary designs for improving women’s lives and reducing gender inequality (Brickell 2011). This stems from the codes of conduct which exist for Khmer women and men, namely *chbap srey* and *chbap broh* respectively (Ledgerwood 1994, Kent 2011). The two texts set out complementary positioning of women’s

bodies, with women instructed to protect their bodies, while men are tasked with the work of protection and governance (of, for instance, women's bodies). This presents a hierarchical relationship, with men situated above women. As Gorman, Dorina, and Kheng (1999, 10) emphasize, 'In general, women are considered to be of lower status than men of the same socio-economic background', which is not limited to Cambodia, but is certainly significant for our case.

We see these gendered hierarchies mirrored in governing and governance across Cambodia, where governing has largely been the work of men. At the national level, men make up 80 percent of the National Assembly as of the 2013 National Election. This most recent election also brought in an era in which all Senior Ministers are men, and 93 percent of the other ministerial positions are held by men – a proportion that has been unchanged since 1998 (CCHR 2013). At the sub-national level, men make up 87 percent of district and provincial councillors (Kuch 2014). At the commune level, men hold 82 percent of the 16,000 positions of commune councillors and 94 percent of the seats for commune chiefs (Comfrel 2012, Kuch 2014). Getting closer to the ground, 97 percent of village chiefs are men (Comfrel 2011). Central in feminist critiques of the Cambodian state is women's unequal access to political power; Frieson (2001, 2) reminds us 'the gendering of the state and social forces within it produce unequal power relations between women and men'. In our analysis, we extend consideration of how the work of governing has been gendered, to that of administering and ordering new forms of territory and land access.

Low literacy levels among women are a reported reason why women are less likely to have knowledge of land titles (Frieson 2011), which is also important to our study in terms of how the tasks of community governance and administration in Khsem were gendered. Recent research on women's experiences of land registration has further found that women are perceived to have less knowledge than men about plot sizes, legal tenure requirements and the new Land Law. Frieson (2011, 186) explains that, 'although this stems in part from their lower literacy levels, it is also partly because of the social stigma attached to women engaging directly and equally with men in matters requiring access to local authorities and legal matters', underscoring the importance of gender in the interface between local officials, community representatives and households (Lilja 2008, Mehrak *et al.* 2008). Recent academic research has also provided insights into the differential impacts of these constraints in relation to land laws and women, particularly as related to women's participation in mobilizations to protest urban eviction (McGinn 2013, Brickell 2014, Kent 2016).

These insights also link with work outside Cambodia, such as Morgan's (2017) insights into what conditions lead to participation in public protests around land by examining women's 'unlikely' roles in protesting oil palm expansion in Indonesia (Einwohner *et al.* 2000). Morgan interviewed a diverse set of female protesters, finding that 'Many chose to mobilize these gendered roles in protest motivation even though by doing so they risked reinforcing the unequal gendered positions that often exclude them from politics in the first place' (2017, 7). The unintentional reinforcement of uneven power relations is also important to our case. As Kent (2016, 19– 20) illustrates in the well-documented Cambodian case of Boeung Kak Lake (BKL), many women-led protests are portrayed as 'resisting' traditional gender roles and

increasing women's 'empowerment', but there are also reasons why men have avoided joining protests. These include fear of repercussions in their employment or status at work as government officers, alongside concerns with avoiding state violence, which are complicated when their employer is the same government carrying out the evictions. Our study across eviction, protest and post-eviction rebuilding allows us to explore the evolving role of women (in relation to men), including women's leading role in the women-fronted protest following eviction, through to the post-eviction period where rebuilding the community became defined as predominantly 'men's work'.

### **The case of Khsem community, and the production of gender in the aftermath of eviction**

To introduce the Khsem community, we first lay out the geographical context and process of the community's establishment, proceeding to the community's eviction and post-eviction protest before finally turning to the creation of the SLC 'win' and its governance. After presenting the case, we consider the overall implications of the case study in terms of rebuilding the state and gender, and offer some conclusions and directions for future research.

Khsem commune, located in northeastern Cambodia's Kratie province, is an area of multiple high-profile evictions and an extraordinary number of land concessions (MAFF 2014). As the head of a rights-based NGO explained, 'Kratie is the province that suffers the most from land concessions, and authorities have no solution for villagers who lost their land' (Khoun 2011). At the time of our first field visit in July 2014, the residents of Khsem commune had experienced a violent eviction just months earlier. This community was evicted in March 2013

and again in April 2014, which saw destruction of homes and cropland, in an area that a Vietnamese rubber company claimed to be within its land concession. Just days after their houses were destroyed, the community travelled to Phnom Penh to protest as a way to ask the Provincial Governor for help, and more specifically for an SLC. SLCs are meant to help Cambodia's landless or land poor and can eventually be converted into full private ownership with land title.<sup>41</sup> At the time of the eviction, in April 2014, none of the families held a land title and previous attempts to receive formal recognition of their land had not succeeded.<sup>42</sup> They, like many previously evicted communities mobilizing around land evictions in Cambodia, set up in a temple in the city, Wat Samakki Raingsey.

Prior to the eviction, since 2012, the community had been struggling over the encroachment by the Vietnamese-owned Binh Phuoc II rubber plantation. Complicating the community's relationship to the company, many residents are day labourers on the plantation, and came to this area for work, often in logging or on the plantation. They have also planted cassava and other crops on plots they cleared. The majority of those we interviewed, with the exception of people who identified as indigenous Stieng, moved to Khsem from elsewhere, mostly Kampong Cham, but also Prey Veng, Svay Rieng and the newly formed Thboung Khmum province. Many of these households migrated via networks of family members, who became

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<sup>41</sup> Implementation of SLCs has received skepticism (Neef *et al.* 2013, LICADHO 2015c).

<sup>42</sup> The closest Khsem came to receiving a formal land title was during the Prime Minister's Order 01 land-titling campaign that targeted state forests, and areas near ELCs and forest concessions. In December 2012, 186 families applied to the commune authorities requesting that the youth volunteers working to measure land as part of the campaign come to measure their land. The youth volunteers never came.

familiar with the area after the upgrading of the national road through the Snuol Wildlife Sanctuary and the subsequent expansion of logging opportunities in the region.

In terms of livelihoods, all 28 households we interviewed, whether Khmer or Stieng, centred their livelihoods on household-scale cassava production. There was very little crop diversification, except for several Stieng households' cultivation of small plots of inter-cropped upland rice. Nearly all the families we interviewed did not grow enough rice to last the year. For migrant families from other provinces, some also had limited access to small plots of farming land in their home villages, which they split their time between, following the agricultural seasons in Khsem. However, the majority of villagers we spoke with had no land in their homeland, underscoring the importance of their settlement in Khsem.

In terms of gendered roles in the community prior to the eviction, we have limited primary data to work with as we visited the community after the eviction had occurred. During our research, men and women were working together to cultivate their land. In an attempt to make legible claims on the land, many husbands and wives had previously worked together to clear land and plant cassava in what was a forested, but not unpopulated, area. They also established a homestead and built a rainwater-harvesting system to secure access to water. However, these efforts to make their spaces more legible<sup>43</sup> were at times fragmented and incomplete, as they were also waiting to find out where their plots would be in the SLC before investing in the land

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<sup>43</sup> By legibility we refer to two linked processes. The first, clearing land and planting crops, is a visible claim to neighbours, local officials and/or an encroaching company of their right to use the land. This form of claim-making is pre-condition to a second form of legibility achieved by appearing in the central cadastral system through processes like the Order 01 titling campaign (Scott 1998).

and upgrading the homes from tarpaulin walls to more durable structures. Both men and women worked in the plantations, for the company, and on their own fields, but working in logging was men's work, albeit with women playing a supporting role by carrying petrol for the power saw, for example (Interviewee 21, July 2014). Many also travel for wage labour in their hometowns.

That the village, the farmlands and the plantation are located in and around the Snuol Wildlife Sanctuary is important for understanding this case, and complicates the community's claim to the land. Consistent with maps of ELCs (see [OpenDevelopmentCambodia.net](http://OpenDevelopmentCambodia.net)), we observed that expansive tracts of land have been cleared within the sanctuary for planting rubber and cassava. This has mostly been carried out by logging syndicates and ELCs, but more recently, villagers seeking to claim the land they farm, or plan to farm, has resulted in them clearing land and quickly planting cash crops, like cassava, to make their claims legible.

Key to this large-scale land transformation – the granting of ELCs and high rates of deforestation – was the upgrading of a former logging road through the Wildlife Sanctuary to an all-season National Road in 2008. Improved road access facilitated the expansion of company activities and also the in-roads made by migrating smallholder farmers. Additionally, also starting in 2008, the Ministry of Environment began reclassifying state public land as state private land, thus allowing granting the land as ELCs. Within just five years, more than 70 percent of the protected area was granted to eight companies (Boyle and May 2013). Images from Landsat satellites taken between 2009 and 2013 confirm that these companies logged about 60 percent of the sanctuary's forest (Boyle and May 2013). As logging activities

expanded and investors rushed in, a land rush by landless and land-poor families from neighboring Kampong Cham province, along with Svay Rieng, began as well. Indeed, before 2008 the area was considered remote and was mostly swidden farming land for indigenous Stieng people in the area, highlighting just how drastic the scale of change has been.

The above means that Khsem is a relatively new community in multiple senses. It also relates to the history of land (re)allocation in Cambodia. The community's successive experiences of landlessness underscore the country's history of violence and conflict, as a number of household heads now in their 30s and 40s lost their parents to the Khmer Rouge and as orphans did not receive land in the 1980s during Cambodia's post-collectivization land redistribution program.<sup>44</sup> When we asked residents about their reasons for settling in the case study area, all replied that they were either landless or land poor in their home village and came to Khsem for work and to claim land. This underlines the importance of their land in Khsem.

### **Eviction and protest: increasing the visibility and roles of women**

The company's encroachment culminated in violent evictions that saw hundreds of houses razed and burned in March 2013 and again in April 2014. The April 2014 eviction alone resulted in the burning and destruction of 266 homes and nearby croplands by private and public security forces under the direction of multiple authorities at the sub-national level.

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<sup>44</sup> Notably, the indigenous Stieng families were also displaced during the Khmer Rouge period and had re-settled two to three times before arriving to reside in Khsem



We cannot emphasize enough the impact on the Khsem community of the violent evictions enacted by state authorities in conjunction with the company. The security force that evicted the community and the government officials they negotiated with were all men, as is the case across Cambodia. As the burgeoning work on the gendered impact of eviction in Cambodia shows, forced eviction from the home has serious, long-term impacts (McGinn 2015). House burning, as seen in this case, is particularly significant; as one Khmer woman who was planting cassava noted, ‘it sends a message, we all know people and authorities alike could use that wood’ (Interviewee 34, June 2015).

In Khsem, community members emphasized the impacts of eviction and the burning and razing of houses in each interview. Boupba, a mother of four young children, described the 2014 eviction scene as follows:

They took the rice even – they destroyed it, they spilled it out. They took the tools, like the axe, they took the axe. They took the boards to my house too, if it was a good board. Who was it? I just know it was the Binh Phuoc II company. There was no warning. They just came and burned it. What could I do? Just watch it burn. My husband was angrier than me, but the men needed to run away because we were afraid the men would be caught. The military shot in the air to threaten us. The men had to escape into the forest. (Interview 12, August 2014)

As Boupba notes above, the impacts of eviction were traumatic, and women and men reacted differently. Not only did she see her husband display anger more visibly, but the family believed he had to flee to the forest to escape the threat of violent retaliation for his response to the military. Som, a Khmer woman in her 30s, told us, ‘I noticed the impact of the ELC on the men. After the houses were destroyed, the men were not allowed to go into the village. Only women are allowed to come in and collect belongings’ (Interviewee 9, July 2014).

As Som and Boupha suggest, women and men worked differently during the eviction and post-eviction protest period. When responding to eviction, families wanted to avoid any possible violent retaliation. The men fled or ‘were asked to flee for their safety by their wives’ while the women felt that they could stay and observe what their evictors did, without eliciting violent reaction. Following the forced evictions, women told us they were informed by the authorities present that they could collect their belongings from the rubble ‘quickly’ but that men would be shot if they tried to do the same. We were informed that men were being more closely monitored by the police – especially in terms of going in and out of the community – after the evictions. Central to the perceived need for men to flee into the forest is that the forces conducting the burning and razing of homes were all men, and these encounters were necessarily gendered as consequence, with women now bolstered to face their male evictors on behalf of the family.

In May and June 2014, after the literal dust and ash of the eviction had settled, the gendering of responses expanded further as the community launched a series of marches led by women throughout the capital city. This organized community also worked at multiple scales, from blocking national roads locally in their home district, to petitioning embassies and the Cambodian Red Cross in Phnom Penh, attracting national headlines. In our discussions with residents about the protests, their narrations were full of excitement, while also acknowledging the risks. A young woman in her early 20s animatedly explained, ‘If you do not do anything, then you cannot win. If communities meet a land problem, they must protest to get the land back. They must work hard together!’ (July 2014). Responding to our inquiries about the future, and whether the women would go to Phnom Penh to protest again, the response from

Nuon, like that of many others, was ‘Yes, we will go’, with a big smile (Interviewee 20, July 2014). Women’s comments about the protests were in line with that of the director of the NGO LICADHO, which is responsible for many of the high- profile reports on land grabbing in Cambodia, that ‘Women activists, particularly those who lead their communities, have gone beyond the traditional role assigned to Cambodian women of caring for the home and the family’ (Wight 2015).

When we asked women directly about their roles, we were also told about the difficulties and strategic positioning. For instance, one woman who participated in the Phnom Penh protests explained that ‘I have to cry and yell in the protest things like ... “Kratie Provincial Governor please help me because now, no house, no pot, no plate, nothing! Please help now!”’ (Interviewee 21, July 2014). Srey Mom, a local organizer speaking about the role of men and women, explained that ‘Women are more emotional; they could cry, shout, show the difficulty they face better than men do’ (Interviewee 36, June 2015). Srey Mom further explained that ‘the authorities pay less attention in terms of taking action or responding to the women’, and thus this is seen to reduce the likelihood of violence. This positioning of ‘women at the front’ was strategic. Considering how male bodies were being policed, and the very heated role that men were seen as playing during the evictions, it is not surprising that women continued to play a greater role in public protest, especially because it required travel and encounters with state security forces.

Srey Mom, in a follow-up interview, reiterated that the impacts of eviction and increased policing of land were felt differently by men than by women:

Men had to protect themselves from being arrested ... [In this case] it was mostly women who took action because when men protested or challenged strongly, authorities often fought them or arrested them. You can see in many cases, men were arrested ... . In the protest, the reason women are at the front line is because they think that if men are at the front line, it might be easy to provoke the situation or cause violence. The protestors believed that men can't protest strongly as women did; if they did, men could be caught or arrested. If men challenged authorities, it could more easily result in violence. (Interview 36, June 2015)

Srey Mom links the impacts of the eviction, and the enhanced role of women in protest, with women's enhanced roles vis-à-vis men to reduce violence. Like Khsem, in the case of BKL of Phnom Penh, Brickell (2014, 1257) explains that 'Community members of both genders initially conceived of women's leadership as a means to maximize the associational value of Khmer women to peace ... as a way to minimize the potential for (male) violence and reduce disruption to men's income earning'. Emphasizing the departure from traditional gender roles, one of the BKL group's leaders said, 'We can do more than take our husband's clothes, wash them, and hang them' (Brickell 2014, 1257). In both cases, women's roles are described as exciting and fighting for justice (see also Sethi 2013, Wight 2015). They simultaneously recognize it is a challenge not without risk.

For Khsem residents, some of the challenges included the distance to travel to protest in Phnom Penh, also necessitating re-arranging home and livelihood activities within their whole family. In interviews with women and families who had participated in the protests, we were also told of the multifaceted struggles faced by the entire family to work together to participate in protest while making ends meet. It is significant that in addition to work at the individual or community level, the whole family had to organize and coordinate their activities over an extended period, and sometimes great distances, to be able to protest, which further drew out the gendered divisions of labour in the household. Consider the case of Kunthea and her family (Interviewee 1, July 2014). The eviction was difficult for her in many ways; she told us that

‘When the company came to burn my house, they burned my clothes, they burned my ID card. We knew each other since I worked at the company and I know their faces’ (Interviewee 1, July 2014). Kunthea has resided in Khsem since 2009, and works for the rubber plantation, earning 20,000 riel (USD 5) per day. Kunthea, as a mother of a family of four, migrated from Kampong Cham where neither she nor her husband had any land. She came to the area for work at the plantation, and upon arrival made a living clearing the forest, and collecting wood and other products from the forest. Her family established a plot of land of around two hectares, on which she and her husband worked together to plant corn and cassava. After the eviction, the family decided to participate in the protest in Phnom Penh, but in order to do so Kunthea and her husband had to share child care responsibility; sometimes this meant sending their daughters to Kampong Cham, highlighting the way that gendered participation in protest was negotiated in relation to other roles.

### **The SLC: an ending to the protest and a start to rebuilding**

Ultimately, the community gained land rights and had their land access restored in the form of an SLC in 2014. This was seen as quite a remarkable outcome for residents. As one participant emphasized in group discussion, ‘We are an example for others!’ (July 2014). However, initially, in response to their requests, the provincial government offered an SLC in another, unspecified district (Aun 2014e). To redress this, Khsem protesters promptly responded with a list of seven demands which included that they be resettled on the same land and not be displaced to other areas. The following day, the Kratie Governor allotted a 750-hectare SLC to an unspecified number of families, ambiguously referred to as ‘the protestors that stay in Wat Samakki Raignsey’. The offer was contingent on them ending their protest and returning

immediately to sign documentation.<sup>45</sup> This process actually deviates from procedure detailed in the 2001 Land Law and relevant sub-decrees, because the group obtained an SLC signed by the Provincial Governor for land upon which they were already settled. This act of governance was sparked by the community's successful deployment of multiple strategies and the opposition party casting the community as internal refugees, and was also due to their ongoing support to raise the profile of their eviction at a time of district council elections.

The lack of clarity as to who is included in the SLC led to a number of censuses undertaken by provincial authorities. However, these attempts by state officials to generate a list of who could gain land within the SLC were rejected by the community. Hence, it transpired that the community themselves were charged by the deputy governor of Snoul with counting people and mapping land to clarify the number of people on the list eligible for the SLC. In 2014, during our first field visit, the community was conducting their own census which was detailed by person (age, disability, year of arrival, land size, family information) to create a reliable list for dividing the SLC land. This met one of the community's continued challenges: gaining recognition from the authorities for their rights to settle and cultivate the land within the SLC.

As we discuss next, one of the key points of this confusion over who is eligible to gain a plot of land within the SLC comes from the original issuing of the SLC, in which the government

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<sup>45</sup> Initially, some Khsem residents did not accept the offer, which provided less than the three to six hectares many of the families were already farming (Sek 2014). Eventually, however, the community did accept the SLC, with specification that the land would be divided equally among claimants and that for families whose land was outside the SLC boundaries, they would obtain a plot inside the SLC by lottery.

did not make explicit the number of families intended for the SLC or who was eligible. These nuances also make the work we detail about rebuilding the community even more significant.

### **The creation and governing of the SLC: ‘men’s work’?**

As noted above, upon being awarded an SLC, the community returned from their protest in Phnom Penh to sign the documentation. In order to negotiate the details with the government, the community worked through an eight-member committee. This committee also supported the administrative work necessary to implement the SLC, such as mapping land and the community census mentioned above. While it would be more typical for the local government to undertake this administrative work, in the case of this ad-hoc SLC the community is taking a leading role, as we show below. The committee was elected by the community to represent them at meetings with district and provincial authorities. It was entirely comprised of men.<sup>46</sup>

At the time of the research, in 2014–2015, we could see the ‘work’ the committee was undertaking was functioning as a predominantly male task, as compared to the protest activities being described as ‘women’s work’, as we detailed earlier. While there was one female name listed on one of the documents we reviewed from 2014, during the research team’s visit and subsequent follow-up interviews, it was reiterated that ‘only men have taken the lead in the committee process’ (Interviewee 36, June 2015).

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<sup>46</sup> We heard different versions of the make-up of the eight-member committee, including that the committee comprised between zero and two women. There was one woman listed on a series of meeting minutes with the District Governor that we reviewed from 2014. In follow-up with two of the male members of the committee, they did not remember a female representative.

As a community made up of a large number of migrants, it is exceptional in the area in terms of the number of university-educated men available to support organizing with skills in business administration, computer literacy, and knowledge of policies and laws, all buttressed by advanced literacy skills. Among the eight community leaders, at least four had university degrees, some with more than one degree, and others with a history of religious study. As such, the community representatives possessed critical human and cultural capital that they drew upon to negotiate their claims and to reach out to important institutional actors. These male leaders are positioned very differently from potential female counterparts in the village, who have not had tertiary education and likely only partial secondary schooling, if that.

After our 2014 visit, we spoke again with Srey Mom, the female land activist who had commented on women's roles in protest. Based on her close working relationship with the community, she provided a not entirely unfamiliar perspective on gender make-up of the committee. She emphasized that women were strong enough to be in such roles, and that 'Women are not afraid, they are brave and strong' as seen in the protests. However, she also noted that women do face challenges in such roles. The woman who was listed in documents we reviewed was part of an earlier iteration of the committee but was subsequently voted out. While the case appears to be quite complicated and 'full of gossip', Srey Mom told us it 'is not good for women who have limited knowledge and can't follow the other representatives' (Interview 29, August 2014). While this certainly resonates with noted barriers for women's participation in more formal political spheres, as well as research showing that informal political spheres would not necessarily translate to the formal (Morgan 2017), it is noteworthy



that the committee's work in the 'formal' political sphere is being done by men. Moreover, while the make-up of the committee is notable, the committee's work is also worth expanding upon, to provide insight into rebuilding relations with the state, and as part of revealing the new practices as gendered 'male'. The committee's work included meetings with government authorities, counting of residents as part of a census, and compiling the 'list' to indicate who was eligible for a plot in the SLC.

One of the first tasks was for the village committee to represent the community to those outside the community. In contrast to the protest period, when women were being recognized as leaders or as points of contact for media or researchers, in the SLC men took leadership roles, on the committee, in their coordination with government officials and with our research team. They were responsible for all correspondence and meetings with local government. For example, they met with the district office in June 2014 after the awarding of the SLC, for an important discussion with the government authorities about who was to be included on the list to gain a plot in the SLC (citing a letter from Deputy Governor and Chairman Paen Vanna on 24 June 2014). In this meeting, the committee accepted the task of carrying out the village census, in order to create a list of names and conduct a lottery, thus establishing who would gain a plot in the SLC. While the lottery is a typical SLC procedure, in this case the Deputy District Governor charged this committee with the task of 'making the list of names carefully and transparently' (citing letter from Deputy Governor and Chairman Paen Vanna on 24 June 2014).<sup>47</sup>

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<sup>47</sup> Further complicating matters, some families have their names on the list and their land within the SLC boundaries, while others are eligible to receive land, but their land holdings are outside the designated SLC

Because the document that formed the SLC only identified the recipients as the ‘families who stayed at Samakki Raignsey pagoda’, subsequent attempts by local officials to identify such eligible families saw an influx of nearly 500 other families, mostly from neighbouring communities similarly affected by encroachment, who sought to advance claims to the SLC. Added to this tension, there are families living within the community who are not on the list of those eligible 300–400 families, and who fear they will not receive plots in the SLC. This meant that the work to decide who was ‘in or out’ was not only complicated, but essential to the founding of the SLC. In that 2014 meeting, it was determined that

The authorities do not know the brother and sister citizens who live in the area at this point. That is why I [Deputy Governor] trust you [eight representatives] to make this for me. I would like the representatives of the citizens to choose clearly before sending this list of the names to the district governor’s office. (citing letter from Deputy Governor and Chairman Paen Vanna on 24 June 2014)

This assignment is significant in at least two ways: first, distinct from the community’s earlier attempts to be recognized by the state, this exchange shows the local government’s recognition of the community via its representatives. Second, it essentially means that in the rebuilding of the community’s relationship to the district government, an all-male committee was responsible for making the community ‘known’ and ‘trusted’ in relation to the district authorities, who were also all male, according to the meeting minutes.

As the committee’s work progressed, the work to undertake a local census and initiate the lottery proved contentious, for several reasons. For instance, some families who had one or

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area. We spoke with 17 households who confirmed their names were on the list of families to get land, and 11 households who both were on the list and had land that fell within the borders of the SLC.

more members with health problems may have been left off this list for land allocation within the SLC because they were unable to attend the public protests in Phnom Penh. This held even if they were active community members, and had land under cultivation within the designated SLC area. That literate men, several of whom had tertiary education in administration and management, took the lead in determining inclusion and exclusion of the SLC is also significant, and is an important factor in reproducing community land governance as men's work. This gendered division is further deepened when we understand that those most likely excluded from the SLC were female-headed households because, missing a family member to share labour, they were unable to participate in the protests. One example is Chanda's family (Interviewee 24, July 2014), originally from Kampong Cham province. She told us, 'I'm not in the list because no one in my family went to Phnom Penh to join the protest. I was busy and unable to go because I was sick'. However, we understand that a reason why the production of the local census has taken a significant amount of time and work is because the committee is making efforts to include such households.<sup>48</sup>

Alongside this work to count and list residents, the committee must discern how the SLC will be subdivided among the families. This has been evidenced mostly in discussions of how individual plots will be formed. As one male Khmer settler explained, 'I want five hectares of land for each family from the government. I have four children, and if the land is only 2.5 hectares it won't be enough to plant crops for my family's survival'. Even as lists are made

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<sup>48</sup> As of August 2015, after more than one year, the committee's census for final SLC allocation is incomplete, largely due to a lack of communication from the government authorities (Interviews 37 and 38, June 2015).

and discussions continue with government authorities, doubts remain, as illustrated above, about the sufficiency of the land allotments for a viable livelihood. Residents further explained that they simply did not know how much or where their land will be, so they did not feel confident to build new houses to replace those demolished during evictions, and, as such, they also adjusted their agricultural activities accordingly. In response, residents and leaders stressed the importance not only of carrying out the local census to determine which families are awarded land plots in the SLC, but also of establishing a need for roads, a school, a health centre, a police station and a temple as part of the process of making the SLC liveable, reflecting their hopes for the future.

Enfolded within the process of working to rebuild the community, which while no longer in a period of violent crisis was still far from a routine practice of everyday farming, is the process of rebuilding gender and the community's relationship to the state. The process of interaction within the community as it undertakes its work, as well as the community's interaction with the state and others, is simultaneously a negotiated production of gendered roles and refounding state relations. While there is much at stake for the community in this process, analysis of the case has shown that men are, post-eviction, involved in logistics and community governance which are focused on creating and being responsible authorities. Such roles are not in contravention of traditionally 'male' work in Cambodia, which would include, for instance, the work of representing the family in public matters like tax collection, land registry, and civil registration with the state (Frieson 2011). The work to establish the SLC post-eviction was in effect new work for the community to take on, and much of this work was being defined as 'male' through the gendering of its practices. In other words, as crisis shifted to rebuilding, the

work of governing became the practice of men, even though women had previously been at the ‘front line’ in land struggles to obtain the SLC. We consider this further in our discussion.

### **Discussion: rebuilding the state and gender**

Our discussion centres on two points. First, we discuss the differentiated gender roles in Khsem that have emerged post-eviction in the rebuilding of the SLC, and their implications. Second, we abstract these findings to discuss how these articulations of gender evidence the rebuilding of relations between gender, state and land.

First, the work differentiated as ‘men’s work’ alongside ‘women’s work’ in the context of Khsem reveals gender as a process through which assumed differences are ‘defined, imagined, and become significant’ (Nightingale 2006, 171) in relation to the impacts of the large-scale land transformation that Cambodia is undergoing. In this case, the violence of state eviction influenced the Khsem community to, for instance, position women as leaders in the public protest, particularly as they differentiated the threat of violence against men and women. Women’s position on the ‘front line’ at the public protests in Phnom Penh came after the experiences of forced eviction. Women were better able to be ‘emotional’ and ‘shout strongly to the authorities’, with a perceived reduction in the threat of violence. This increased public role for women in protest was important work for the community, resulting in the awarding of an SLC, and as reflected in family discussions regarding household priorities of income generation, crop production, childcare and the struggle to maintain current landholdings.

Women's public profile and the protest essentially shifted once the community was awarded an SLC. Like other cases (Hart 1991, Argawal 2000, Morgan 2017), in Khsem, the increased role for women in protest did not translate into the subsequent governance work related to the establishing of the SLC, where 'limited knowledge' and other constraints were noted as barriers to participation. We showed this by examining the case beyond the moment of protest to consider the transition into establishing the SLC, and by identifying how it was not only the impacts and practices of eviction and protest that were gendered. Hence, we showed that post-eviction and rebuilding activities, such as the 'mapping' of land, and people in the form of a census and a list of SLC-eligible residents, by an all-male committee, were also formative and constitutive of the gendered roles and relationships around land post-eviction. Here, the members of an all-male committee were, and are, collecting data in a village census and keeping and making lists and land-related documents for their community in communication with local government, who are also all men.

While the actual make-up of the committee and local government is important to identify, equally important is the way that such a committee will continue to facilitate particular relationships and gender hierarchies around land and authority. As noted earlier, in Cambodia formal governing is overwhelmingly the work of men; when women who were 'leaders' in protest discussed this, they viewed their limited capacities, such as skills in written language, as an outcome of the power imbalance with men, rather than its cause (Maffi and Hong 2009). Gender differentiation in public protest might be considered a strategy in deploying gender as a 'cultural resource', effectively engaging 'emotional resistance' which actors use to further their goals (Einwohner *et al.* 2000). At the same time, however, this strategy effectively

reinforces a hierarchy already established in Cambodia where women are often overlooked in representative government and in governing. Looking to other cases of gender and protest in land grabbing, positioning women at the front line can be at the risk of reinforcing unequal gender relations, and we are concerned about how increased roles in one sphere (the informal) do not appear to translate to the other (the formal). Expanding on this risk and the limitations of protest by women, Morgan (2017, 11) explains that ‘Gendered political opportunities condition whether and through what political channel women act’. The barriers to more formal politics were identified in women’s low education and literacy levels, and the observation that ‘protests tend to be less time-consuming and so women do not have to sacrifice or compromise their household responsibilities on a regular basis in order to participate’ (Morgan 2017, 12).

Positioning the work of women in protest and men in governance side by side allowed us to examine more fully the impact of eviction and land grabbing on the community over different periods. We argue that this processual gender division which saw first women and then men take lead roles could or would go unnoticed if we focused only on the impacts on women. In other words, a focus only on the impacts of eviction on women might take for granted, and thus not interrogate, questions of gender in post-eviction and recovery governance if it is assumed the work of governing would be done by men.

In the case of Khsem community, we also identify the potential and real implications for the division of men’s and women’s work. With women only seen in leadership roles during protest, a dichotomy is reinforced which places women in public not for the power of their minds to

tackle issues of eviction and social justice, but for the power of their bodies to deflect harm. It reinforces the gendering of authorities as male, and does not seem to challenge a hierarchical relationship, which sees men as above women, or to pose long-lasting opportunities for women's empowerment or equality.

This brings us to the second discussion point. By positioning women's and men's work side by side, we illustrate that these two sets of responsibilities are part of a longer rebuilding process among residents, their land, the state and gender. Even though the authorities may have generally neglected this settlement prior to evicting it, we see that the state played an important, if messy, role in the eviction and rebuilding of Khsem. This neglect and messiness also provides insight into the work of the state and its rebuilding. Not only were residents' homes destroyed by state authorities in eviction, necessitating the physical rebuilding of structures, but the community's rights to exist and claim land were disavowed by the state, also necessitating a different kind of 'rebuilding' work. This eviction by the state becomes even more worthy of interrogation when we consider that another arm of the state – the Provincial Governor – subsequently awarded the community rights to the land from which they had been evicted in the form of an SLC. As an integral part of state rebuilding processes, the state and the community negotiated new relationships and practices. Central to this reconfiguration was the community's negotiation to take on the work of governing and administrating the relation between territory and population as the district government transferred the responsibility to determine the list of eligible land recipients to the male committee. This rebuilding process is essential to the state project. The state is not a homogeneous entity, but is a fractured, 'always incomplete' project (Das and Poole 2004, 8), with different moving pieces and contingent ways



that it relates to residents in rural Cambodia. In thinking about the state in this way, as continually incomplete and requiring recognition by residents and of its authority over land, we also reveal that the work of frontier settlers in Khsem is important in ‘rebuilding’ not only their relations with the state, but the state itself.

In emphasizing these processes, we find useful connections to the ways that gender is continually constructed, messy, and incomplete (Nightingale 2006; Elmhirst 2011). The relations that are being ‘rebuilt’ in the work to establish the SLC, we argue, are both influenced by gender and shape the way that gender is performed. The assumption of violence of the state against men in eviction can influence women to take a greater public role (and risk) to gain back rights to the land. At the same time, this greater and more ‘emotional’ protest role for women does not position women well for continuing the important work of improving the legibility and governance of the community with local government, which was later required once the community was formally recognized. As the state erodes relations with the community – and between the community and the land – in gendered ways, these relations (or, in the gaps or lack of relations) then rebuild gender. In other words, the rebuilding of the community and state in the responses to eviction and establishing the SLC are linked to ‘refounding order’ over land, and the production of uneven gender relations.

## **Conclusion**

Examining the eviction and ‘rebuilding’ of one community in rural Cambodia, we have argued that uneven relationships among and between residents, the state, land and gender emerge. ‘Rebuilding’ emphasizes the continual enactments of gender, land and the state, which must

all be continually worked on, in addition to the physical rebuilding; it also reveals both gender and the state as messy and contingent projects.

Moving forward, there are still many issues related to gender and land grabbing in Cambodia to address, including key knowledge gaps. We identify the need for work that considers impacts and benefits of land transformations, including ELCs and SLCs in Cambodia, that considers how gender intersects with race, ethnicity, indigeneity and class. For instance, in this case, there are several issues related to increasing competition for land within the community, unevenness in current land distribution among community members, and how this breaks down by ethnicity that need to be explored further. Class and access to education are intimately linked in Cambodia, as are gender and educational opportunities, and although we have signposted these issues, a deeper examination across cases is warranted, in terms of how these factors may shape the types of outcomes available, among other aspects.

We also suggest that insights emerging from work interrogating masculinity in Asia could be useful for understanding gender, land and the state. Additionally, gendering perpetrators of violence as well as victims and activists, and drawing out how this may be productive of types of encounters, would be an important complement to focusing on men within communities, and avoid sometimes taken-for-granted assumptions in activist and academic literature on the gendering of state violence in land grabs in the region.

We recognize that such work continues to be increasingly difficult in Cambodia with increasing restrictions on research on land and with the passage of the Law on Associations

and NGOs in July 2015, which may also be used to target community organizations, such as the village committee described in this chapter. These struggles for land access and land titles are very real and significant, and will continue to influence the country's social-political fabric. However, it is imperative because, as we have shown, if scholarship and documentation of the impacts of eviction on women leave out men, they also overlook the relationships between men and women that produce gender and rebuild the state.

## 9. CONCLUSION

To conclude this dissertation, let me remind you what my objectives were. The overall goal was to interrogate how fear, uncertainty and hope animate and infuse the processes by which relations to land are shaped and reshaped in the context of land grabbing. This was supported by two sub-objectives. First, to theorize how emotions, especially fear, contours the land grab and shapes everyday life and both what it is possible to know about the land grab and what the land grab is. Second, to understand the dynamics of Order 01, how the Order proceeded on the ground and how it disrupted land grabbing processes. Working towards these goals led me to four main contributions. I will restate each one and summarize the main insights in turn before returning to the role of collaboration and co-authorship in this work and then finishing with a discussion of the ways this dissertation contributes to re-thinking the land grab.

### **Land grabbing as an affective grab**

Contribution #1: Land grabs are not just events and are not a bounded object of study confined to a particular Cartesian space. Land grabs are ontologically more complex because affect and fear contours the process by which people come to know and experience the land grab.

The land grab is a project that produces fear and is reliant upon fear. The collective research experience of Alice Beban and myself, and the research teams we collaborated with, in areas of land struggle revealed the land grab to be a networked object tied into wider webs of power that are unmoored from the moment of displacement. This network draws its power through obfuscation and threat. Fear is unsettling. It is effective because the line between legal and illegal is unclear. Fear works to constantly redraw the line between illegal and legal in ways that foments distrust and fractures communal and individual subjectivities and shapes people's

everyday practices. It also leads the researcher to self-censor or be censored. The feeling of being marked is shared by farmers and researchers alike and transforms subjectivities: farmers become activists and illegal squatters; researchers become criminals. This fear travels and haunts people across space and time.

Our work on land grabbing seeks to make two main theoretical contributions. First, by theorizing fear as a tool of governance that facilitates state control and capital accumulation, and secondly, by broadening the ontology of land grabs by foregrounding affect in processes of dispossession. We argue that attention to the affective dimension shows how the land grab is an affective grab that precedes, surrounds and reverberates beyond bounded sites. Although land grabs occur in disorganized and fragile places with histories of conflict, the literature on land and resource grabs in geography, political ecology and agrarian change has given scant attention to the challenges in studying grabs as processes inherently shot through with violence. We also add to this literature a feel of the everyday violence that makes the constitution of new subjectivities so troubling.

We focus on the embodiment of fear to show how global capital flows are connected with the intimate scale of the body. When we too became fearful then narratives of subtle threat – like the insistence of receiving too many phone calls – took on new resonance. What matters is that people in land grabbing areas feel surveillance from the state and shady actors likely aligned with the concession and this produces and reinforces pervasive fear. It led us to see how land grabs threaten people's sense of self as a villager and the entire social fabrics of their world, inclusive of their relations to the state, notions of community, and viability of how to make a

life. The social fabrics of rural life and the stability of context is under threat, as the systematic burning and razing of 266 families' homes (detailed in Chapter 8) makes clear. The violence does not have to be actualized in events for it to be impactful. It is visible in the ways it works through us in small banal activities. Attention to these embodied workings can open us to new forms of knowledge and new understandings of what the land grab is.

### **Methodological and epistemological implications of an expanded land grab ontology**

Contribution #2: Explore how the workings of fear and uncertainty that surround the land grab pose challenges to the researcher and research process and how working to overcome these challenges may reveal new insights.

One of the implications of the first contribution, namely that fear haunts people across space and time, is that it is possible to find 'the land grab' and its emotional effects elsewhere; away from the site of the grab and even at the scale of the researcher's own body (recall the vignette of jumpiness in the cafe). Our research experiences suggested that the active production of fear and everyday violence can be difficult for the researcher to grasp through interviews and observations. This is because the lived experience of fear is cumulative: small threats are felt more intensely over time. What at first seems banal reveals itself to be deeply threatening over time (like too many phone calls, for instance).

Within this fearful social world, transgressions and their implications were not clear. Profound uncertainty is part of the everyday violence in land conflicts in Cambodia. This uncertainty persists through, and structures, the fluidity between moments of closure and possibilities for openness. It is this dynamic that makes research so difficult. Researchers and participants are

constantly under surveillance by a network of actors whose position vis-a-vis the grab it was impossible to know.

The land grab network and its effects disrupted research designs that privileged knowledge makings at the site of the grab. These disruptions led us to identify opportunities to understand the grab at a distance from the land concessions itself. This was possible, we argue, because if the land grab is a networked object then it is constituted through a shifting constellation of people and things. Alternative methodologies, like periscoping, that are oriented towards overcoming intentional obscurity reveal cloistered objects through their leakages. Looking for leakages can be generative of new epistemologies that allow us to understand the object differently and offers new insights into the everyday. People carry embodied experiences, emotions and the effects of the land grab beyond the site of the grab itself. Opening ourselves to new knowledges centred on affective embodied encounters – the emotional embodied reactions to the field – offered ontological, epistemological and methodological insights. Attention to embodied encounters and the prevalence of fear in the everyday – both within and beyond the site of the grab – can lead to a deeper understanding of how the land grab is lived.

### **Ruptures and new openings to gain land rights**

Contribution #3:       examine how the Order 01 land titling campaign ruptured the land grab and created new openings for citizens to advocate for their rights.

People in the study areas may have emphasized feelings of helplessness in the face of rampant land grabbing but people do find ways to overcome fear. Attention to affective governance can

help to illuminate its instability. As explained in Chapter 4, the fluidity between closure and openness allows for political possibility.

Order 01 is a state policy that has chipped away at the perception that concessionaires are unstoppable and that land grabs are permanent. The Order was the most significant state intervention to award land rights in the post-war era. It was even more exceptional because it focused on legalizing land claims of families living within or nearby ELCs, forest concessions, and other forms of state land. The Order functioned to expose the weaknesses of land grabs as a logic for re-ordering rural territorial relations and made clear the state can intervene (on a large scale) to restore smallholder claims to territories in the frontiers and uplands. The way the Order proceeded on the ground was, however, highly uneven (Chapter 6). Two chapters, 7 and 8, look at the implications of this unevenness for smallholders in the midst of protracted struggles with the land grab network. Both chapters are motivated by the goal of drawing attention to – and enhancing scholarly representations of – hopeful instances in which smallholders have maintained their claims to land that was targeted by ELC investors.

In Chapter 7 I drew attention to the materiality of the campaign and its promise as signified by the survey receipts. I argue that the receipts were actants that shaped political mobilizations and challenged the terms of governing because citizens mobilized to use these receipts as being both signifiers and constitutive of citizenship. Survey receipts and titles matter because to hold them means having the ability to enjoy a different set of political and economic rights. We can also look at these receipts as objects that are entangled with hope, an assemblage that joins together material things with desires.



## **New empirical material to understand land relations in Cambodia**

Contribution #4:       add to the new literature on land relations in Cambodia that emerged in response to the recent surge in land grabbing by tracing both grabs and the rights of smallholders in areas of land investment from the colonial era to the present. Explore what these trends mean for smallholders in the Vietnam-Cambodia borderlands.

Chapters 3 and 6 contribute to detailing context and to connecting new empirical data with the traces left in the archives of the colonial concession system in the borderlands. Development practitioners, governing bodies, scholars, and activists often use the Khmer Rouge era as the divide between past and present. By extending local narratives about land control back in time and past the Khmer Rouge period I show how colonial models towards land governance persist and are re-tooled by the government to support ongoing rounds of enclosure and the enrichment of those well-connected to the ruling party.

I also contribute to the literature on property formation in Cambodia through my examination of Order 01. I argue that Order 01 was highly uneven, and its unevenness meant the campaign left a highly uneven patchwork of rights in its wake: some land was surveyed and titled; some was surveyed and untitled; and some was left out of the campaign entirely for reasons that are not uniform nor consistently clear. Throughout the country, these newly delimited interspersed patches of tenure security and insecurity produced new categories of vulnerability. Missing out on an Order 01 title has real, biopolitical stakes. After Order 01, lack of title has been interpreted as ‘proof’ that occupation is illegal. The campaign thus redefined the line between legal and illegal and reinforced perceptions held by some actors, like officials and investors, that this divide is legitimate in rural areas. Chapter 7 looks at the temporality of this unevenness. It examines how the state extended itself into areas delimited for concessions and

offered protection and inclusion. Then the state retreated and withdrew from the work of knowing its population and their relations to territory. Citizens then jostled the state back into the work of governing.

In Chapter 6 I laid out the empirical details from the province with the most concessions in the country to explore how Order 01 was interpreted differently within village and community areas and across larger scales of analysis. The incompleteness of the campaign and the questions that arose in its wake underscore how territorialisation is always an ongoing process. Chapters 7 and 8 bring new case study material on successful rural struggles for land rights to ongoing debates and documentation efforts. The material presented in Chapters 3, 7, and 8 about smallholder resistance to concessions shows continuities that span nearly 100-years in terms of tactics to generate visibility to the state through petitions, letters, and census-like activities that can make the population within conceded territories more visible. Chapter 8 also brings into view another form of redistribution of land, the Social Land Concession (SLC). It is possible to see similarities with the colonial system of reserve land devised to quell land conflicts in the 1920s through partial recognition of rights, sometimes through displacement to new territory. Both the colonial reserve system and SLCs do not necessarily recognize the full extent of existing land use or the amount of land needed to support what are very marginal livelihoods. Order 01 may also result in a similar squeeze in the years ahead as young generations mature because many families may only be able to subdivide the portion of their 2012-13 land use that was legally recognized by the campaign. Chapter 8 is also a study of an ad-hoc SLC that is not donor funded and makes clear the struggles the community faced within this form of recognition of land claims. Enacting the SLC was an act of rebuilding that required

governing and administration work to determine who could join, how to divide land, all of which was gendered as men's work.

## **Collaborative work**

This dissertation has been built from a variety of co-productive relationships and encounters. First among these are methodological, inclusive of the series of encounters in which knowledge was co-produced through conversations, questionnaires, observations, group activities and daily life, as well as the longer-term and structured work of doing research with research teams attached to development organizations and institutional research projects. Two chapters of this dissertation (6 and 8) are the outcome of deeply collaborative work with teams of researchers. Chapter 8 is the outcome of a short-term (six-months) collaborative project to produce a case study for an NGO project. In comparison, Chapter 6 draws upon research design, data collection, analysis and writing that spanned 21-months. The work of design, analysis, and writing was shared primarily by myself and Mark Grimsditch, with the involvement of Dr Jeremy Ironside and Dr Meas Nee, and supported by a team at the NGO Forum on Cambodia. The work of interviewing key informants in the capital was shared by Mark and I, while Nee coordinated the teams of six enumerators that did the work of gathering information by questionnaires, focus group discussions and key informant interviews in the six studied provinces. We collaborated with a data analyst to undertake the work of analyzing the quantitative data. This relatively long-term project generated important data that told the story of how Order 01 proceeded on the ground at a large scale. Working in a team deepened my understanding of the Order as we were in constant contact comparing notes and new insights as part of the deeper work of piecing together just what had happened. The understanding from

this large scale and longer-term research also provided the basis for me to situate processes of property rights formalization and to contextualize the study area for the dissertation (as done in Chapter 6). This view at the larger scale also facilitated my collaboration on shorter-term projects (like Chapter 8) and helped me to identify important case studies that would contribute a more nuanced view of the landscape of land rights after Order 01.

Part 2 of this dissertation is formed around the second main form of coproduction used in this dissertation, namely epistemological. What I mean by this is that the work Alice and I did to bring our experiences in the field together, to process and make sense of them alongside what they tell us about the land grab, was the collaborative work of generating a way of knowing. This is careful, slow, steady (and unplanned) work that spanned four years and is ongoing. It started with regular conversational debriefs when we overlapped in the city and extended to a deeply collaborative project of co-authorship in which we both feel that we are edging towards a generating a coproduced identity or coproduced subjectivity. Bringing our experiences together – across academic and practitioner research, across half the provinces of Cambodia, and across teams that were foreign, mixed, or wholly Cambodian – and fully integrating them produced what we feel is a more powerful and cohesive argument about the workings of the land grab. Bringing our experiences together has helped us to make clear that the challenges we faced were anything but individual. It also helps us to counter work by powerful actors to obscure the land grab and how it operates.

## **Rethinking land grabbing**

The violence of the land grab worked to undo my research design and methods. Attention to this undoing altered what I understood to be the land grab and contributes to the field of land grab studies, which has been silent on the challenges of researching violent and conflictual processes. Taking fear seriously broadens research on land grabs in a number of ways. It shows that land grabs are more than just grabbing territory. It is an affective grab that disciplines human lives and bodies. Attention to affect and its embodiment shows how fear is an important part of spatial transformation of rural territories. In areas of pervasive land grabbing, fear shapes the subjectivities of those marked by the grab, including those in the research encounter. Land grabbing in Cambodia is a broad processes that is not confined to the spatially bounded sites of plantations. It transcends time and space because fear and uncertainty structure social relations.

Land governance is also highly uncertain. The tensions between the concession model, rural livelihoods, and state policy highlight that the state is always incomplete. Territorialisation is an ongoing, messy and contingent process that can be ruptured by one-off policies or by sustained citizen mobilizations.

Fear, threat and affective governance are unstable because they require constant reinforcement to work and because they can never fully capture transpersonal affective life. As a network, the land grab is never fully closed, nor is it the same over time. People speak of feeling helpless but they do find ways to adapt to and resist this fear (Chapters 7 and 8). Land grabs can be destabilized either through government policy, like Order 01, or through citizen organizing

efforts. There is hope in what can seem like a durably hopeless situation. In my future work I intend to explore more deeply the affective dimension that works to destabilize land and resource grabs.

## AFTERWORD

*Today I saw 'A Cambodian Spring'. It was the world premier [at Hot Docs in Toronto] and the Venerable Louth Sovath was there. The film was really affecting - the scenes were crowded as bodies amassed to crowd in to see and hear what was going on, to provide protection, to form a layer between the monk police, the police; the violators. Children and women flailed and wailed and screamed and crawled on the ground. Emotions ran high, higher than high, they were amplified to a level of rawness so as to be nearly absurd. Almost all of this was women's and children's work: prostrating oneself on the ground; wailing, shrieking in anguish for one's mother; flailing and yelling and screaming and shrieking as a neighbour's house is destroyed; throwing oneself in abandon at a car carrying a monk who would be threatened by state security forces.*

*All of it was filmed with a close frame and was very, very visceral. The pitch of the screams, the lingering shots of violence. That made me think more and more about the emphasis of documenting, witnessing, photographing and videos – to make something seen and known – and how this fits into the Khmer Rouge history and what wasn't seen, and the importance of evidence and documents in its aftermath. Why such brutal imagery?*

*As for after the film, I shyly introduced myself to the Venerable and found myself talking to him in Khmer and entering autopilot. I gave my intro "Knom nisedt bundut. Knom rien ompei panyaha dei tli" [I am a PhD student, I study about land problems]. I found myself on camera - I agreed! - answering what I thought of the film, how it made me feel, and my hopes for Cambodia. But again, I automatically defaulted to my intro about land problems in Kratie, and that I was a PhD student in Canada. I explained that the film made me have a happy heart because the people all worked together but sadness, also, because the violence happens so quickly and so many get involved.*

*I answered the question about what I thought about Cambodia and hope. I went straight to the film and the moment in 2013. The time of rallies and marches surrounding the national election. When everyone came together and it being a great moment of hope. I was nervous. I was eager to speak correctly to the monk, in Khmer, and to honour his work and his activism. I had just seen the film and felt the energy of the pre-election rallies – it seemed the easiest thing to access on the spot and it spoke to the film. I was fidgety and nervous.*

*Afterwards I got a deepening sickening. A lot was brought on by being up against my housemate and explaining the government's grip on things; it made me want to be sick. It sunk in more and more as I pushed at whether the ways the film was coded for a Cambodian audience: the intensity and the crowding, and the violent bursts, and visualizing the intimacy of violence, blood, injury. I kept coming back to swarming mobs where everyone*

*had to get their hand on a bit of the violence – the rush of bodies to take control of the activist by physical force, mob beatings, or overpowering a person and bringing them into a car for detainment. The way there seems to be a logic of intensity – that the only outcome is to move from swell to full on surge – de-escalation feels like it lies fully outside of the matrix of possible choices. All of that overwhelmed me.*

*I caught myself tapping my feet to cheers, nodding my head to interviews. All of those embodied responses that I learned in Cambodia I was now repeating in the Scotiabank Theatre in downtown Toronto. The film had an intimacy, the language and the topic triggered twitches - how I signalled to myself and to the listener that I followed dialogue and punctuated main points or insight. I did it as a response to Khmer, to the familiarity of what was spoken, but also the topic. I fully felt how foreign the experience was – or how it had been rare and confined – as I don't typically nod along to accounts given in movie theatres as I push myself off subtitles and into audio recognition.*

*The foot tapping and bodily jitters of Rainsy's crowd mobilizations was another involuntary reaction brought on by my memory of being in the square that day and many afternoons, but I went with it. I realized I hadn't connected with that overwhelming upsurge of action and hope, tinged with a sort of fear, attached with defiance and boundary crossing. I did it all. And as I did it, I felt it all the more and I longed for it, even as I was afraid of it.*

*That's ultimately where I wanted to bring this entry, to the utterly jittery-swirly-belly-fidgety-AGH!-I've-got-to-tell-someone-who-understands-but-who-could-that-be-they're-all-so-far feeling. I'm lucky, I caught Alice online and could blurt it all out. It all made me switch to [Chapter 5] and how the fear travels. Just introducing myself to an actor (in the agentive sense) in a film made me doubt all of my judgment. Panic set in over how I let myself say such things on film. And then it just rolled on and on to wondering what the paper [Chapter 7] I just sent the final revisions on to the journal at 4.45pm in order to make the 6pm showing – what had I done?! What had I said? I just submitted a paper that pushes and makes clear what governing authorities do in Cambodia by compiling quotes and bringing potential shame and loss of face by exposing excuses and weaknesses. That and all my other writing on fear and governing, all the ways I characterize the Cambodian state. And then the icing on the cake is my eagerness to make a fleeting connection with the filmmaker that I blurt out about researching land conflicts and explain that I'm a PhD student and say my hopes lie in the 2013 uprising, all while being filmed on his camera phone – what was that for thinking on the spot?! What ways do I speak as an audience member versus someone with a professional-type opinion?*

*In feeling utterly sick, butterfly-stomach-jumble and frantic energy – the ways it had been so wholly overwhelming – made me double down on the land grab travelling and not being bound by space and time. It's been 22 months since I was in Cambodia, I'm in a 'hometown'*



*of sorts, doing academic research that is far removed from the action and yet I left feeling increasingly drawn inward, shutting down, caving in on myself, and unable to keep engaging, articulating and explaining as I became more and more aware that a lot was rumbling and poorly suppressed in a way that snuck up on me, kind of like an ah-ha!—fuck!—not this! Stepping back, it also feels like there is no one temporally unified Cambodia – it’s more complex than electoral tide years – it’s almost multi-dimensional – that things click into place and intersect for particular facets, openings that disappear, so that it closes in a new way and new things become risky.*

3 May 2017, Toronto

An excerpt from my dissertation journal.

My core motivation behind this dissertation was to enhance representations of hopefulness in what is often described as a hopeless situation. There is a tendency for conversations with community members living in areas with ELCs to turn towards hopelessness and narratives of abandonment of the state. For Cambodian activists, the work to counter narratives of hopelessness rests on a profound defiance in the face of mounting pressures and fears, as one explained:

I know I’ve been on a blacklist for many years already because I’ve been working for a long time, so I face challenges with the local authority. I don’t know what will happen in the future. I am sure I will be arrested, but I don’t know when, because my activity is noticed by the authorities.

But I will continue with community forest work and to build networks from one village to another to let people solve this problem. I understand that local authorities are not happy that I build networks to allow people to work together. Frankly, when I wake up at night I feel unsafe and concerned about my security. I wake up at night and worry that probably someone will come and do some kind of bad thing to me, but I keep pushing myself forward. (7/06/12)

The complex interweaving of fear and hope persists across multiple subjectivities in the study area. Speaking with a group of farmers [REDACTED], I asked, “why do you think the government ignores you?”. [REDACTED] [REDACTED] replied:

I don't think the government ignores us because we like the opposition. I don't think that is the reason the government ignores the people. It is the culture of the government to ignore the people.

“Ahh,” I say, and people laugh, and I ask him to explain more:

Because the people in the government cannot earn any benefit from the citizens, so then the officials only think of nepotism, of strengthening their power. The people can only accuse them of corruption, but they do not have anything to benefit the officials...

For example, I complained [about Order 01 not being complete] in October 2013 to the provincial governor, and at that time it was handed to the district governor who said he was too busy to deal with the case. The district level said they are too busy, but that, anyway, the case has already ended and so there should be no more protesting or struggles to complain.

So I said that the villagers will keep struggling and the case has not ended yet. I will keep struggling until the mandate of Hun Sen ends. If his mandate continues, then I will continue to complain!

I probed, “and what did the district chief say to that?”

He just said that he was too busy to solve it and he just delayed... [he trailed off]

Our conversation continued, jumping from concerns of state violence, military intimidation, and additional rights that the village should have by law since its inhabitants are indigenous. It ended with him explaining

Getting the individual title is first step. The Communal Land Title [a category of land for indigenous people] is the final goal. It is the very final goal for me.

I still have hope that the reign of Hun Sen ends. Then a new reign could help and we could still get a Communal Title. I still have hope. When the government changes, the laws always changes too. The existing Prime Minister and the government will disappear one day. I still have hope (7/12/13).

It was with hope that I set my research sights on the Order 01 campaign as one meaningful instance with real material consequences that may improve the lives of smallholders in a context that has heretofore been marked by acute tenure insecurity and land dispossession. Although the titles represented a meaningful effort towards land reform, a key informant in the land sector wondered:

Are these titles going to be as respected as the Systematic Land Registration titles? The process was slapdash, the actors were inexperienced, most of the regions where the teams went to are

lawless. There was no oversight, there are no NGOs involved, there are low awareness levels of land rights. So, they issued titles, but the way they issued them is very dubious when it comes to long term tenure security (22/2/14).

Amid a similar wide-ranging critique of the campaign and its impacts, a rights worker eventually settled on: “it was a semi-successful, radical solution to a drastic problem” (25/3/14). My assessment of the campaign, like the rights worker, is somewhere in the middle. Order 01 was radical; it truly offered an opening and an opportunity to claim a form of security for people who had been dispossessed of their rights. This is no small thing. It came at a time when accounts of hopelessness were commonplace, violence was mounting, and it was difficult to see a way forward in which it would be possible to maintain smallholder farming livelihoods across the Cambodian countryside. In one village I have visited since 2010, soldiers had been patrolling the village’s access points and chamkar fields and for several years people had been sleeping outside of their homes and in their fields to protect their land from being grabbed by the company. When the Order 01 teams arrived in the area, the military withdrew and have not returned. Side effects, like this, are important and meaningful to everyday life. The campaign was also semi-successful, it was beset by numerous inconsistencies and leaves many questions about how land tenure security will be fostered and maintained amid such differential outcomes and incomplete surveying activities. Crucially, it also led to a shrinking of possibilities, narrowing the goalposts such that private legal title was the thing to obtain to the exclusion of other tenure arrangements and land uses that could be multiple and overlapping in nature. The campaign also makes no provisions for land that lies outside of the new cadastral maps but are integral to peasant livelihoods: communally held indigenous land, common property resources, forests (c.f. Vandergeest 2003, 49).

█ man I quote earlier in this Afterword had one of the most progressive views of the campaign that I encountered when out in villages. Viewing Order 01 as but one step in a long process to secure communal land title and to confirm their indigenous rights to land was a somewhat radical view. More so that he tied this possibility to the overthrow of Hun Sen's regime and to the pattern of laws and legal frameworks being overturned with each regime change in the country. And yet, such an assessment made a very different kind of sense when it was given in December 2013. The election results were still contested, protest marches were growing in energy and conviction, and it seemed that the CPP and Hun Sen, the world's longest reigning Prime Minister, could possibly be toppled. As I finalize the dissertation, news from Cambodia tells of an authoritarian crackdown starting with the forced shuttering of all independent radio broadcasts, the imprisonment of the opposition leader on 3 September 2017 over charges of treason; the forced shutdown of the *Cambodia Daily* on 4 September; the Supreme Court ruling in November 2017 that outlawed the CNRP and prohibits its members from involvement in politics for five years; the detainment of common everyday people due to their Facebook posts. This shrinking of political space and of independent media, and a very real crackdown on civil society, all of it suggests a very different lead up to the national elections of 2018. Gone seem to be the days of the ruling party announcing a massive campaign to win over poor rural voters by 'donating' land to them. Now a survey of the headlines looks like:

“General Banh to ‘Smash Teeth’ of Opponents” (*The Cambodia Daily* 17 May 2017)

“Cambodia arrests Opposition Leader, Accusing him of Treason” (*The New York Times* 2 September 2017)

“Bodyguard Unit shows off hardware, warns against protests” (*The Phnom Penh Post* 4 September 2017)

“Cambodia's Hun Sen a master of manipulative, ruthless rule” (*Asia Times* 18 September 2017)



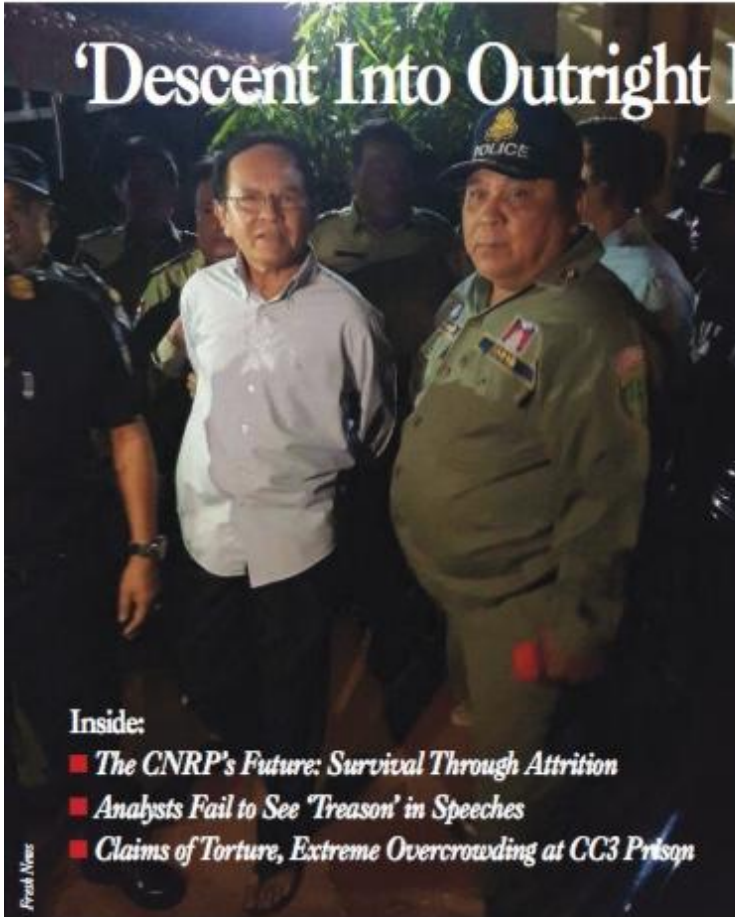
also argue, also holds together hope and fear. Thus, as Cambodia appears to enter an intensification of authoritarian-styled rule, holding onto the hopeful edge of uncertainty is even more important.

All the News Without Fear or Favor  
**The CAMBODIA DAILY**

Final Issue

Monday, September 4, 2017

2,500 riel/63 cents



## 'Descent Into Outright Dictatorship'

*The Cambodia Daily*

The arrest of opposition leader Kem Sokha sent the opposition reeling, donors drafting statements, army generals cheering and observers warning of a descent into unbridled dictatorship yesterday.

A rapidly escalating crackdown on government critics reached CNRP President Kem Sokha's Phnom Penh doorstep early yesterday morning as police arrested the opposition leader on treason charges.

Hing Soksan, the head of the CNRP's youth wing, also said he was in hiding after plainclothes police officers swarmed his home in Phnom Penh yesterday evening.

"Today is when all the diplomats, donors and U.N. agency staff who argued it was possible to handle Hun Sen now finally have to stare at the dictator unmasked—and realize that the idea of a free and fair 2018 election was their own pipe dream," Phil Robertson, deputy Asia director at Human Rights Watch, wrote in an email yesterday.

CPP spokesman Sok Eysan suggested that more arrests were coming and said Cambodia would be better off for the moves.

"I think those people lie. Instead it will make democracy be strengthened and improved," Mr. Eysan said. "Please wait and see...whether our democracy dies or lives."

No one appeared more surprised by the turn of events than Mr. Sokha, who was photographed with a look of shock and disdain as he was escorted in handcuffs from his

*Continued on page 6*

**Inside:**

- *The CNRP's Future: Survival Through Attrition*
- *Analysts Fail to See 'Treason' in Speeches*
- *Claims of Torture, Extreme Overcrowding at CC3 Prison*

*Frank News*

## Cambodia Daily Announces Immediate Closure Amid Threats

*The Cambodia Daily*

Facing imminent threats of closure and legal action over a disputed \$6.3 million tax bill, The Cambodia Daily will cease operations as of today, bringing to a close more than 24 years of independent journalism.

"The power to tax is the power to destroy. And after 24 years and 15 days, the Cambo-

dian government has destroyed The Cambodia Daily, a special and singular part Cambodia's free press," said the Daily's owner Deborah Krisher-Steele.

The announcement came exactly one month after a document from the General Department of Taxation was leaked online, giving the Daily until today to pay the tax bill, and

less than two weeks after Prime Minister Hun Sen described the publishers as "thieves" and told them to either pay the tax or "pack up and go."

The Daily has insisted that the tax dispute is politically motivated, calling for a proper audit and good faith negotiations. Meetings between the newspaper's management and tax officials, however, have

failed to bridge the impasse.

"In an ordinary process, matters in dispute would be resolved after an audit and private negotiations," Ms. Krisher-Steele said. "Instead, the Daily has been targeted for an astronomical tax assessment, leaks and false statements by the tax department and public vilification by the head of

*Continued on page 32*

Figure 10-1: The final front page of *The Cambodia Daily* (1993-2017)

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