Chapter 4: Release: The Cambodian government relinquishes control over Tonle Sap fisheries

In Southeast Asia, many people live and earn their livelihoods on or near the water. In some places, these communities frequently relocate from place to place to follow migrating fish, thereby practicing a sea or riverine nomadic lifestyle. One of the largest riverine nomadic communities lives around Tonle Sap Lake, an enormous freshwater body in Cambodia. This chapter explores how fisheries on Tonle Sap Lake are managed. It analyzes the reasons why the government abolished the system of exclusive fishing lots that had been in use for over a century, instead granting access to the fishing grounds for the broader community. This opening up of formerly enclosed areas seems contradictory to those policies examined in the earlier chapters, which sought to restrict access to spaces previously open to all. However, this policy also expands the influence of the environmental state, rendering inversion more likely.

# 4.1 Enclosing a non-stationary resource

## The cradle of life and livelihood for millions of water dwellers

Tonle Sap is the largest freshwater lake in Southeast Asia, providing Cambodia with a range of crucial economic and social resources. An estimated 1.7 million people, spread across over 1,500 villages, make their homes on and around the lake (Sithirith 2014, 597). A distinctive feature of Tonle Sap is the fluidity of its boundaries and in the rainy season, the lake swells to several times its dry-season size. Lake dwellers relocate as the shorelines slowly shift, dividing their time between farming and fishing with the change of seasons.



Figure 4.1 Stilt houses in Kompong Phluk on Tonle Sap Lake

Source: Photograph by Thol Dina (February 2012).

There are many reasons why lake dwellers choose to dwell in close proximity to the water. Community members have long benefitted from the freedom to live and work on the lake, with many basic necessities available to anyone with a boat. The climate is amenable all year round, and fish are—or at least used to be—available in abundance, creating economic opportunities and reducing the threat of famine. Communities across the lake also contain schools, health centers, and other infrastructure—all built on stilts.

However, the region's peaceful atmosphere can be deceptive. The abundant resources along with the high rate of poverty that make Tonle Sap Lake such an ideal habitat can also lead to conflicts over the control of areas with good fish harvests. When Cambodia was ruled by France, the colonial government established a licensing system to regulate access to specific fishing sites by partitioning off valuable fishing grounds and auctioning the rights to operate fisheries. This created the "fishing lots." Fishers who had been successful in their bids sought to protect their investment by enclosing their productive lots with fences. Despite this, illegal fishing persisted. To complicate matters more, fishermen and farmers often competed for the same space, with farmers at times cutting down sections of the "flooded forest" around the lake to secure more arable land (Ratner et al. 2017, 73).

On March 12, 2012, the Cambodian government announced a significant policy shift: the abolition of the century-old fishing lot system. This has had profound effects on the economically and environmentally valuable ecosystem of Tonle Sap Lake. Although the government had begun to reduce the total area of fishing lots around the year 2000, it was not until 2012 that the system was abolished. While the 2012 shift was initially welcomed by the small-scale fishermen subsisting on the Tonle Sap fishery resources, it has led to a rapid decline in fishing stocks along with the encroachment of seasonally flooded forests that provide important habitats for fish by rice fields (Mahood et al. 2020). This has come on top of other problems caused or worsened by climate changes due to the El Niño phenomenon, as fish in Tonle Sap have become smaller in size, and biodiversity has suffered (Seiff 2017).

This chapter examines how the dismantling of the fishing lot system has led to the inversion of the environmental state in Cambodia. Particular attention is given to the relationship between the state and society and how it influences the way nature is perceived as a resource. Studies on resource management in Southeast Asia tend to focus on the ways that governments enclose and monopolize resources under the guise of economic development, deploying both conservation and privatization as key tools. Such state action usually amplifies conflicts between authorities and local residents.

The abolition of the Tonle Sap fishing lot system is an unusual example of a government policy that was greeted with jubilation by the locals. The new approach, on the surface, appears to have decreased the dominance of the state and reinstated certain freedoms to the public. But this policy shift can also be interpreted as a kind of inversion. The case of the Tonle Sap Lake fisheries exemplifies a different kind of state power: the inherent power to relinquish control and responsibility.

## The tragedy of the commons

The previous chapters have examined how forests, minerals, and water function as resources. Fish can also be characterized as a resource, although a key difference is that they are difficult to preserve. In the past, therefore, fish were a resource that could be consumed primarily locally. Wood and minerals are very different: they are logged or mined specifically for transport to other regions and, unlike fish, suffer no damage in transit. Like water as a resource, fish are similar in the sense that they are generally used locally. More recently, the introduction of new refrigeration technologies for preserving fresh catches has allowed fish to be commodified. Fish are also exceptional as they are a vital source of protein.

The management of fish stocks is often exemplified as the classic problem associated with communal resources: the "tragedy of the commons." Long before ecologist Garrett Hardin published his seminal paper of the same name in 1968, scholars were already analyzing problems inherent in commons-based systems, including fisheries (Gordon 1954). The commons, by definition, are shared resources that must remain accessible to all potential users. Existing natural resources like forests and fish stocks are perceived as common because their continued existence in the form of shared reserves is essential to a community's survival, but also because it would be an extremely expensive undertaking to exclude certain groups of people from these domains. When demand for common resources is low, there is no competition between the users, and all is well. However, when the number of users increases, common resources deteriorate and can become depleted entirely.

The state has relied mainly on two options for ensuring the sustainability of shared resources: market principles and straightforward regulation. The pros and cons of both approaches have been studied extensively. "Leaving it to the market" generally implies taking a neoliberal approach. In practice, some local communal resources are commercialized to encourage the communities depending on these reserves to take an interest in their conservation (Castree 2008a, 2008b). In the case of Southeast Asia, for example, scholars have linked the commercialization of natural resources—anything from coffee, woodwork products, mushrooms, and bamboo shoots—to forest conservation (Nevins and Peluso 2008). In the second approach, regulation, the state makes its intentions explicit by enclosing the resources it wants to conserve. Enclosure debates are usually focused on forests and land (Hall et al. 2011); in reality, however, both approaches go hand in hand, as the large-scale commodification of shared natural resources requires some form of state involvement.

Researchers have noted that the most "successful" resource commercialization seems to evolve only after the resources are enclosed and local people excluded (Dove 1993). This exclusion through state-mandated enclosure is known as "territorialization," an idea first described by rural sociologists Peter Vandergeest and Nancy Peluso. "Territorialization is about excluding or including people within particular geographic boundaries, and about controlling what people do and their access to natural resources within those boundaries" (Vandergeest and Peluso 1995, 388). In other words, it is a process by which the state essentially colonizes land within its borders through land and forests (Pelsuo and Vandergeest 2020).

"Enclosure" is generally applied to land and forests, but other resources, such as coastal areas, lakes, pastures, and special economic zones have become targets of state enclosure in the past. Enclosure of the Tonle Sap Lake fishing grounds, initially by the French, was a government incursion that had tremendous consequences for Cambodians.

In recent decades, territorialization and environmental protection have become increasingly important factors in policymaking. The two often overlap, making it difficult to discern the true intent of a government that pushes for both. However, one thing is certain: through these policies, state power has been able to penetrate more domains and regions than ever before.

# 4.2 Fishing and politics in Cambodia

## Tonle Sap, the largest freshwater lake in Southeast Asia

The beginning of this chapter described the people living on and around Tonle Sap as fishermen for half of the year and farmers for the remainder. A more nuanced view reveals that some subsist primarily on agriculture or fishing, while others divide their time between the two (Sithirith 2016). The locals identify themselves as either land people (*neak leu*) or river people (*neak tonle*). Both groups produced goods essential to their survival and, through the exchange of fish and rice, maintained a longstanding barter economy until more capitalistic forms of production became dominant. This kind of society, based on mutual dependence through multiple subsistence means, was a distinctive hallmark of the lake region.

However, when money-based exchange systems were introduced, the local economy was radically transformed away from the barter system. This pivotal shift began during the colonial era when the government established the fishing lot system and began to enclose the fisheries on Tonle Sap Lake. Fishermen were forced to sell their catch at the market instead of bartering it for goods produced by their neighbors. Subsequently, economic activity around the lake became dominated by market trends and the interests of the middlemen, with the needs of local villagers being demoted to only a minor concern. Interdependence between land- and lake-based farmers collapsed, giving rise to new patron-client relationships. Fishermen who had succeeded in securing productive lots expanded their businesses by employing those less fortunate.

To understand the specifics of the fishing lot system, we need to take a closer look at the geography of Tonle Sap Lake. According to Cambodian researcher Mak Sithirith,[[1]](#footnote-1) Tonle Sap is divided into three distinct areas: fishing lots, common fishing areas, and protected areas. Until their dismantlement in 2012, the fishing lot areas in particular were subjected to strict supervision to prevent poaching.

What makes Tonle Sap noteworthy is the fact that the size and location of these supposedly distinct areas change as the lake floods. Tonle Sap expands dramatically during the rainy season, as Figure 4.2 shows, and this annual transformation calls for a complex system of resource management.

The start of the rainy season (between the end of June and the beginning of July) causes the Tonle Sap River to reverse its course and flow toward the lake instead of away from it. This continues until mid-October, and the lake swells to five times its regular size (marked as "floodplain" in Figure 4.2). As the lake expands, its average water depth increases from 1–2 meters to 8–10 meters (Kasai 2003, 43). Tonle Sap is surrounded by its famous flooded forests—swampy wetlands that are regularly submerged.

Rapid development in recent years has been destroying this remarkable ecosystem. A number of international organizations, including the Asian Development Bank (ADB), the UN Food and Agriculture Organization (FAO), and the Mekong River Commission (MRC), have formed a coalition to protect the lake's environment and prevent further damage. Tonle Sap Lake today is perceived as a "global space" for biodiversity conservation. At the same time, regional and national actors shape different approaches and systems to influence its governance based on other interests and political motivations, which complicates the governance of water and resources in the lake (Sithirith 2022).

According to Sokhem and Sunada (2006), who authored one of the few works on the socio-political aspects of Cambodian fishery, the core problem for the country's fishing sector is the weak enforcement of its laws and regulations. Similar research by Degen and Ratner shows that the dwindling catches of the smaller-scale Tonle Sap fishers are closely correlated with the overall decline of fish stocks in the lake and that mounting competition is only adding to the problem (Sok et al. 2022; Ratner et al. 2011; Degen et al. 2000).

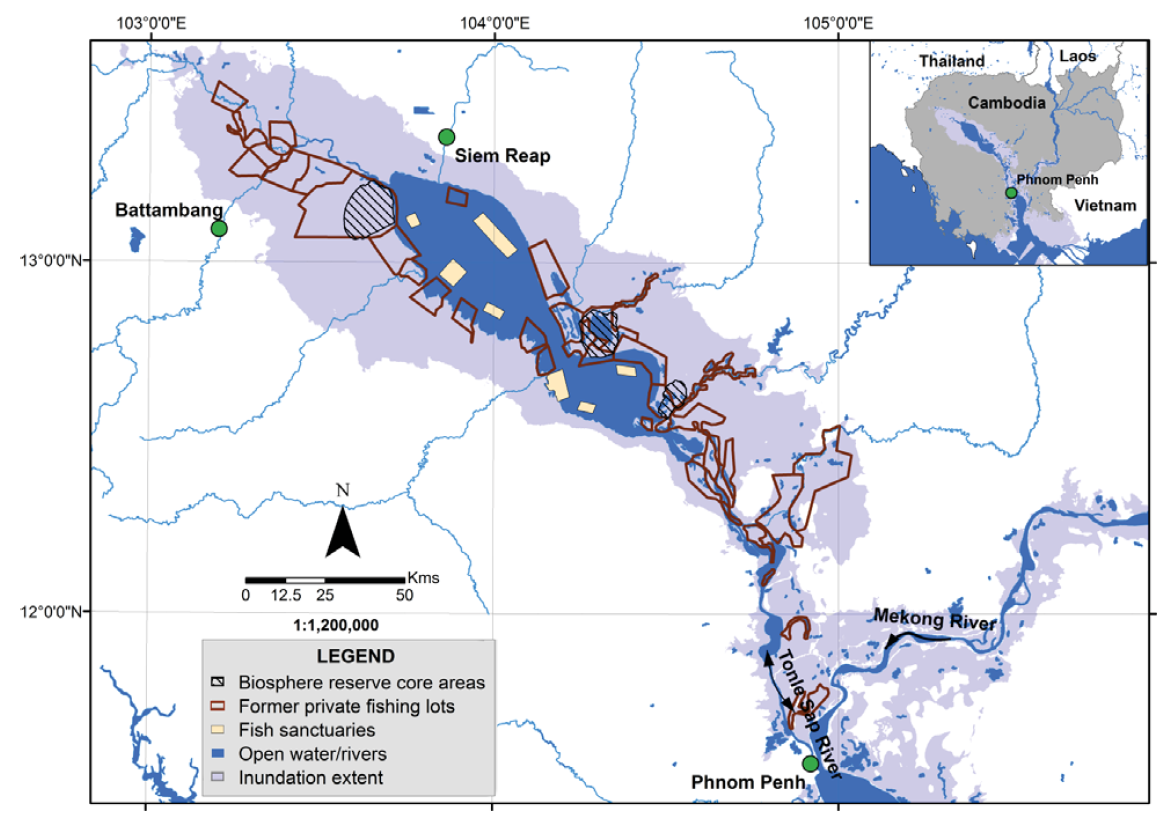


Figure 4.2 The flooding of Tonle Sap Lake

Source: Cooperman et al. (2012)

Ratner (2006) suggested that a system of community fisheries could help mitigate this incipient ecological crisis. Such a setup would involve creating fishery cooperatives similar to those in Japan, with established operational rules and recognition of the fishermen's rights to access and utilize certain areas. This is precisely what Cambodia did in 2012 when it handed over governance of the Tonle Sap fisheries to the local communities. Despite the state's claim that it wanted to promote decentralization and democratization, many NGOs at the time doubted that this strategy would have the intended effect, knowing the lack of capacities of the local communities to enforce such policies.

Are the community fisheries that govern Tonle Sap today truly benefiting local people? Mak Sithirith's doctoral dissertation in 2011, titled "Political Geography of Tonle Sap: Power, Space, and Resources," goes a long way toward answering this crucial question. Sithirith analyzes the territorialization of Tonle Sap Lake through the lens of political geography to tease out the multifaceted political forces at work. Through fieldwork, he explores the possibilities and limitations of local communal fisheries. Similarly, Vong Rylidia assessed the effectiveness of community-based resource management in the Eak Phnom district of Battambang province Tonle Sap in 2014 and 2015, finding that lack of enforcement of the property rights system had failed to effectively exclude outsiders. It also showed the ineffective development of alternative sources of income after conservation measures were tightened (Vong 2019).

These empirical works, based on an extensive number of local interviews, are important contributions to uncovering the realities of benign-sounding "community-based" practice, but they fail to consider the critical role the lot owners have established as mediators of fishermen, business entities, and the state. This chapter addresses this limitation, using information collected during my interviews with the former fishing lot owners to explain the changes resulting from the abolition of the fishing lot system and to highlight the evolving relationships between the government and local communities around Tonle Sap.

## The origins of the fishing lot system

Tonle Sap's fishing lot system dates back to the 19th century, with the government seeking to commercialize fisheries on the lake and consequently setting up a system to enclose parts of it. At that time, Cambodia was still a French protectorate, and marine products made up the bulk of the country's exports. Eighty percent of these marine products were salted and dried fish, mostly catfish caught in Tonle Sap (Kikuichi 1981, 501). Adhémard Leclère, who held a key position in the French administration near the end of the 19th century, observed that, during the reign of King Ang Duong (1840–1860), the fishing rights to particular locations were usually granted for free. This changed when King Norodom (1860–1904) began the financial leasing of fishing rights (Kikuchi 1981) to fund the construction of a royal palace in Phnom Penh. Fishing along the shores of Tonle Sap, however, remained free for everyone at that time. King Norodom accumulated much of his wealth by selling monopoly rights to Chinese entrepreneurs, his chief trading partners (Cooke 2011).

It is not easy to determine a specific date when Tonle Sap's fishing lot system actually took shape. Most researchers assume that the system was created by the French colonial administrators when they implemented the first fishing lot-related policies around 1908 when Cambodia was part of French Indochina. The reality, however, may be more complex. Research by Michiki Kikuchi shows that the leasing system for fishing rights introduced by King Norodom for small and mid-sized rivers and lakes (with the exception of Tonle Sap) gradually expanded into the surrounding areas. It is possible that the French rule simply enabled this system to swallow up Tonle Sap Lake at the same time.

France did, however, codify the fishing lot system in Tonle Sap in 1908 to streamline its tax collection efforts. Fish harvests fluctuate from year to year, making the product difficult to tax. Taxing fishing rights was much easier, producing a steady stream of income for the government coffers. The new French system also sought to limit abuse from indigenous, traditional tax collectors who used their middleman position to exploit fishermen. The amendments laid the groundwork for a system in which fishing lots were auctioned off to a relatively small group of owners who then paid taxes directly to the state. From 1900 to 1920, annual revenue from the fisheries sector (including income from export taxes) made up around 10% of Cambodia's national budget (National Archive File No. 24105-24086).

This French Indochina-era approach became the backbone of Tonle Sap Lake's resource management system. The level of taxes was based not only on the fishing lot itself but also on the type of equipment used. Fishing lots were classified and taxed according to the type of fishery operations: large, medium, or small. Lots for large fisheries—which used enormous stationary trawl nets—were reallocated through a competitive bidding process every two years (Fukumoto and Ishikawa 2008). Medium-size fisheries required a license but also had to have prior approval to use particular types of fishing equipment in specified numbers. That being said, these fisheries were not restricted to the fishing lots and were able to operate in public fishing grounds. Both large and medium-sized fisheries were commercial entities forbidden from operating between June and the end of September. This restriction did not apply to small fishing operations, such as those sustaining a single family who could operate year-round, with the caveat that they were prohibited from using certain types of fishing gear.

A year after the introduction of the fishing lot system, the fishing industry was contributing one-ninth of the government's entire budget—a significant increase. Nevertheless, illegal fishing was rampant, and policies aimed at conserving fishing resources were ineffective (Cooke 2011). By the 1930s, France had begun to make serious efforts toward implementing extensive conservation policies. This led to a flurry of laws and regulations.

After independence in 1953, Cambodia retained the old French fishing lot system. The post-colonial government established the Department of Fisheries (later renamed the Fisheries Administration) in 1965 to bolster its fishery resource governance. It also overhauled the Fisheries Law. These, however, were relatively superficial changes, and the underlying system of designated fishing lots remained functional. As a fisher from the 1960s recalls:

When I came of age in the 1960s, we also had a fishing lot system and protected areas. Everyone took the boundaries of these areas very seriously. Lot owners operated only in their designated areas and never crossed into the lots of others. The protected areas were also strictly policed, and local fishers respected their boundaries. Whenever lot owners did stray beyond the boundaries of their territory and tried to fish in public fishing grounds, there was uproar [Interview with a villager in the Kampong Phluk Commune, Prasat Bakong District, Siem Reap Province, October 2012].

This account highlights the fact that people were less concerned about small-scale poachers in the fishing lots than about the lot owners who intruded into public fishing grounds.

Between 1970 and 1979, the rise and subsequent rule of the Khmer Rouge triggered a civil war that greatly affected the Tonle Sap area. The fishing lot system was plunged into chaos. Forbidding fishing altogether, Pol Pot's regime forced the people to work the rice fields in cooperative units based on communist ideals. Some Khmer Rouge cadres may have continued fishing in Kompong Chhnang Province, but we know very little about events in the lake area during this period. Certainly, there was virtually no commercial fishing on Tonle Sap for ten years, and by the time operations resumed in the 1980s, the fishing grounds were unsurprisingly richer than ever.

## The ramifications of the fishing lot system

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

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

The Cambodian government's first major intervention into the Tonle Sap system was in 2000 when it reduced the total area of fishing lots on the lake by 56%. In 2012, as noted above, the system was abolished in its entirety. According to an official from the Fisheries Administration, the government took over half of the area that had been essentially privatized as fishing lots, allocating it as an open-access fishing ground to be managed in cooperation with local communities.[[2]](#footnote-2) In practice, 76.37% of the total area previously taken up by fishing lots was turned over to the community, while the rest (23.63%) became state-designated conservation areas for the protection of Tonle Sap's ecosystem.



Figure 4.3 Fishers with small nets working on Tonle Sap Lake

Source: Photograph taken by Nobuyuki Yagi (March 2015).

Table 4.1 Number of fishing lots, average size per lot, and number of fishing lot-related conflicts

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Year | No. of fishing lots | Total areas of lots (ha) | Average area per lot (ha) | No. of conflicts |
| 1998 | 164 | 390,000 | 2,378 | 826 |
| 1999 | 155 | 953,740 | 6,153 | 1,990 |
| 2000 | 83 | 422,203 | 5,086 | 1,258 |
| 2001 | 82 | 422,203 | 5,148 | 493 |

Source: Hori et al., 2008.

To recap, the fishing lot system had functioned for about a century, except for the brief interruption during the Khmer Rouge communist regime. Throughout this period, the total area allocated to the fishing lots gradually decreased, as shown in Table 4.1. The idea of "territorialization" describes the government-led enclosure and virtual privatization of this vast lake and its resources. Subsequent shrinkage of the fishing lots resulted from the government-mandated opening of the fishing grounds, which we may call "de-territorialization." De-territorialization occurs when a government relinquishes its hold on previously enclosed resources. For example, in Cambodia, the total area of fishing lots in 1919 was 1,434,710 ha. By 1998, this had been reduced by the government to 390,000 ha, or less than a third. However, Table 4.1 shows that while the total area of fishing lots decreased, the size of individual fishing lots remained stable or even expanded. This suggests that access rights to fishing resources had become concentrated in the hands of fewer lot owners, who had become either employers or subcontract providers.

Table 4.2 also shows that the total area of the fishing lots increased by 100,000 ha between 1998 and 2000. This period was marked by numerous—at times violent—conflicts between lot owners and small-scale local fishermen. Frequent disputes pushed stakeholders to petition for government mediation, and the number of government interventions increased. One major intervention was in March 2000, when Prime Minister Hun Sen announced that he had instructed the Cambodian Ministry of Agriculture, Forestry, and Fisheries to formulate a plan to reduce the number of fishing lots and convert some of these into open-access public fishing grounds.

There is little statistical evidence of the ripple effects caused by the policies aimed at opening up fishing lots in Cambodia. One available source is the Fisheries Administration data on known conflicts occurring in the years after the partial opening of fishing lots in 1998 (Table 4.2). While these figures can be interpreted in several ways, they definitively confirm that the number of disputes skyrocketed in the late 1990s. In other words, although the government reduced the absolute number of fishing lots and increased the total area of public fishing grounds, this was accompanied by an increase in disputes. Why? Perhaps fishermen from different areas clashed over access to the newly opened fishing grounds. It is also possible that some fishing lot owners who were ordered to open up their lots refused to comply.

Although my January 2018 interviews with Fisheries Administration officials did not clarify the exact number of disputes, they did provide information on the different types of conflict: arguments over illegal fishing, dredging of sand in protected areas, deforestation, tourism development, and construction of hydroelectric power plants—i.e., conflicts generated by actions and measures related to economic development. Given that Cambodia is experiencing rapid growth, these conflicts can be expected to increase even if territorial confrontations over access to fishing lots eventually subside.

Table 4.2 Changes in the size of fishing lots (ha)

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Province | 1919 | 1940 | 1998 | 2000 | 2001 | 2001-2012 |
| Kampong Chhnang | 67,667 | 63,037 | NA | 62,256 | 45,084 | 17,172 |
| Kampong Thom | 248,272 | 192,571 | NA | 127,126 | 69,353 | 57,773 |
| Siem Reap | NA | NA | NA | 83,941 | 22,725 | 61,216 |
| Pursat | 105 | NA | NA | 55,120 | 24,848 | 30,272 |
| Banteay Meanchey | 182,352 | 189,362 | NA | 332,756 | 6,411 | 26,358 |
| Battambang | NA | NA | NA | 146,532 | 102,718 | 43,814 |
| Total | 1,434,710 | 444,970 | 390,000 | 507,731 | 271,139 | 236,605 |

Source: Vikrom and Sithirith (2008) (from ADF, FAO, and DoF 2003); FiA (2018).

# 4.3 Why did the government relinquish its control over the fishing lots?

There are several hypotheses on the question of why the Cambodian government decided to open up the fishing lots. For one, the administrative incentive of the state was a factor (Levi 1988). There are oil and gas reserves under Tonle Sap Lake. For the government, the first step in securing control over the area was to dismantle the system that provided rights to private entities over parts of the lake and establish itself as the main beneficiary of future revenues from the exploitation of these subterranean resources. However, the profitability of the still-hypothetical oil and gas exploitation remains to be determined, as there are no concrete plans to develop these reserves (Cock 2010). No clear link seems to exist between the abolition of the fishing lot system and plans for future resource development.

Furthermore, the main beneficiaries of the abolition scheme are the small-scale fishermen whose activities are not taxed by the government at all. From a revenue perspective, it probably would have been better for the government to simply leave the fishing lots in place and keep the associated revenues. If so, why did the Cambodian government intervene in Tonle Sap in a manner that ostensibly harmed its own interests? My hypothesis is that the state, intending to use the lake’s natural resources for the redistribution of economic profit and the ensuing political stability, hoped to gain support from a broader sector of the country’s population in and around the lake. This explanation raises the possibility that, instead of attracting votes with subsidies, infrastructure projects, and other gifts that confer direct economic benefits, the government is trying to achieve its political goals by promoting grander objectives, like reducing inequality and protecting precious ecosystems.

Can this agenda account for what is happening around Tonle Sap? As of 2015, fishing, which encompasses industrial fishing, household fishing, and open field fishing (for example, in rice paddies) (MAFF 2015), contributed about 8% to Cambodia's GDP. According to Prime Minister Hun Sen's statement on March 8, 2012, only about a hundred fishery companies were involved in industrial-sized operations, and this small cluster generated about 400 million USD in total revenue. The stated goal of the government's new interventions in the fisheries sector was to distribute these revenues more broadly. Hun Sen proclaimed that "I ordered the Ministry of Agriculture, Forestry, and Fishery to review all fishing lot leases across the whole country issued before April 2000. I also ordered the ministry to return all fishing lots under commune control to the people for household fishing" (Catch and Culture 2012, 18).

Furthermore, he also asserted that the Tonle Sap fisheries contributed 1.5 million USD to the government's coffers every year. Given that the economy had, at the time, been maintaining a growth rate of over 6%, this is actually a very small amount. Government revenue statistics show that throughout the 2000s, revenue from fisheries declined from 0.8% of the national budget to barely 0.2% (Bar Association of the Kingdom of Cambodia 2010). This means that the government's intervention in Tonle Sap was almost certainly not motivated by economic considerations, such as securing additional income from taxes, and that little was lost in terms of the national budget.

The intent to redistribute fishery profits, upon inspection, also proves insufficient as an explanation. This intervention must be examined against the backdrop of the wave of decentralization, which at that point, had been dominating Cambodian politics for a decade. It is very likely that state interventions in Tonle Sap were related to the emergence of democratic governance heralded by the country's general election in 1993 (Öjendal and Lilja 2009; Peou 2007).

Around the turn of the millennium, Cambodia was undergoing a decentralization process, accelerated by new legislation mandating communal elections and the enactment of the Law on Commune/Sangkat Administrative Management in 2001. Up until that point, municipal leaders had assumed seats in local government. From 2002 on, for the first time, Cambodians across the country elected their community representatives directly (Slocomb 2004; Mansfield and McLeod 2004; Öjendal and Sedara 2011). Further local elections based on the new laws took place in 2007 and 2012, bringing victory to the ruling Cambodian People's Party (CPP). The first commune council elections in 2002 were not only a milestone for the country's democratization process but also a symbol of decentralization.

Commune councils create space for various political party members to debate and decide on matters of local policy. By the 2010s, the power of the CPP in these councils was absolute and unchallenged, despite occasional "reforms" of the election system. Therefore, if the ruling party already enjoyed such a solid power base, why did it keep intervening in Tonle Sap's fisheries arrangements?

In 2011, Cambodia had a population of 14.5 million inhabitants, out of which over four million, or one in four, had a direct or indirect stake in fishing on the lake (Sithirith 2011). The government was anxious to keep a lid on politically sensitive conflicts between the small-scale fishermen, who make up the vast majority of these four million stakeholders, and the smaller group of fishing lot owners, a group counted in the dozens. While relatively minor in terms of tax revenue, the issue had potentially dramatic political ramifications. The general election of July 18, 2013, resulted in a narrow win for the CPP, with the opposition Cambodia National Rescue Party greatly increasing its seats in the National Assembly. Allegations of fraud by the ruling party rocked the country's still-fragile foundations of democracy. In the aftermath of the elections, Prime Minister Hun Sen arranged for the Cambodia National Rescue Party to be dissolved. The next general election in 2018 ended in a decisive win for the CPP from among twenty political parties.

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

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

Many fishing lots have been designated as communal fishing grounds and protected areas. Yet this raises another problem: who will manage them and how? Many community fisheries have considerable incentives to govern their fishing grounds properly. It remains to be seen, however, how successfully they will manage to do so in practice.

It is equally uncertain how well the Ministry of Environment will do at conserving the new "protected areas" under its jurisdiction. The policy of opening up the fishing grounds was greeted with optimism by the small-scale fishermen. However, some fear that Tonle Sap Lake is a "tragedy of the commons" scenario waiting to unfold. A report based on interviews with fishermen claimed a steep drop in the variety and volume of catches, even in the new "conservation areas" that have recently been established with help from the European Union (Jones 2015). In addition, there are obvious limits to the resource management that communities can accomplish on their own, especially with respect to controlling illegal fishing activities. This will be discussed in the next section.

# 4.4 How "returning power to local communities" can trigger inversion

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

The overall reaction of small-scale fishers to the total opening of the Tonle Sap fishing grounds has been positive. Previously, fishing lots were fenced off or patrolled by armed guards who reacted violently whenever fishermen ventured into areas other than their own. While all that has disappeared, not all is well. Representatives from local NGOs are concerned about the rising cases of overfishing and the use of illegal methods like electrofishing. Community fisheries are ill-equipped to resolve this, as they lack the funds even for such minor expenses as the gasoline required for patrolling common fishing grounds for poachers. Reported cases of illegal fishing and conflicts among fishermen have declined in certain areas after the implementation of this decentralization policy (see Bahadur et al. 2020).

There are also persistent allegations that officials can be bribed to turn a blind eye to overfishing. Sithirith (2014) suggests that officials are susceptible to kickbacks because of their meager salaries. The opening of the fishing lots did nothing to eliminate these corrupt practices; it has only made them more complex. Without clear boundaries for the fishing lots, corrupt officials have the means to bend the definition of "illegal fishing" according to their needs. Illegal fishing operations continue to evade the law with well-placed bribes to the police or Environmental Conservation Bureau officials.

In short, the opening of the fishing lots has created space for ambiguity, which is now becoming an obstacle to the government's stated goal of reducing inequality and preserving resources. Tonle Sap was exposed to privatization for many years, which operated specifically on the logic of exclusion and, later, through the delegation of power to communities—a process that is not the same as nationalization. The result, although perhaps not in all areas of Tonle Sap as noted above, has been mounting disputes between villagers as boundaries blur and patrols fall short, a situation exacerbated by the accelerated rate of resource depletion. The unforeseen outcomes of the opening-up policy suggest that the longstanding fishing lot system had some fragile merit. Garrett Hardin predicted that "injustice [as a consequence of lawful privatization of commons] is preferable to total ruin" (Hardin 1968, 1247). Sadly, this prediction is now coming true on Tonle Sap Lake.

The popular "release" of resource access under the label of redistribution should be scrutinized to uncover the state's hidden aims. I argue that the Cambodian government is willing to intervene in Tonle Sap because millions of people depend on the lake's fish for subsistence. Given that Tonle Sap remains relatively marginal in terms of overall tax revenue and economic production, implementing a popular fisheries policy on the lake is an easy way for the state to appease at least a fourth of its citizens. It is hardly a coincidence that Hun Sen's government pushed its successive fishing lot policies just before the elections. No doubt, the state was well aware of the political value of interventions in the lake's fisheries, whether they comprised enclosure or opening. Officials continue to obscure the state's possible motives behind claims of decentralization and democratization. Moreover, the real social and environmental effects of these populist tactics remain unexamined. If approaches like the one taken by the Cambodian government are indeed deliberate tools of governance, they should be subjected to scrutiny (Dina and Sato 2014).

The traditional fishing lot system was exclusionary in the sense that it enabled private management of the commons. Nonetheless, it remained stable for extended periods. Confusion and the reconfiguration of corruption may be inevitable when this type of system is dismantled, and resources are opened up to the management of local communities that vary not only in size but also in their ability to govern. The Fisheries Administration seems to lack the administrative power to restore order around Tonle Sap. Thus, NGO support for communities has become a stop gap until the policy issues are resolved.

This chapter shows that even when the economic importance of natural resources diminishes, they can still retain powerful political significance when relied upon by a significant population. For the government, toying with the possibility of allowing access to such resources can have greater value than imposing taxes or doling out subsidies. This is especially true in countries where many depend on primary industries for their livelihoods. People residing in the proximity of exploitable natural resources tend to have less political power. They are also less likely to notice unfair distribution when access to these resources is manipulated more at the central state level. Once a government becomes aware of these realities, using access to resources for political gain becomes tempting.

In 2016, an environmental foundation called the Global Nature Fund declared Tonle Sap "the most threatened lake in the world," highlighting the decline of the natural environment and the depletion of resources that has affected this vast region (Seiff 2017). A more recent report by the groups of scientists found that the issues are not simply the deterioration of water availability and access to fishery resources but also the health risks caused by heavy metals, pesticides, and microbial pollution (Shivakoti et al. 2020).

The new policies of returning power to local communities and protecting the environment have created serious contradictory effects in some areas of Tonle Sap. Delegating governance to communities can lead to inversion when responsibilities are not delineated and the affected communities do not receive the resources needed to undertake their management. It will be a long time before the government and the people of Cambodia can work together to manage the lake's abundant resources in a way that resolves inequality and protects the ecosystem for the future. Neither the reform of government solutions nor local initiatives alone will be sufficient to provide solutions. It is the nature of the mutual dependency between multiple actors changing through their dependence on the resources that will ultimately determine the future of the lake.

1. Mak Sithirith was a longtime staffer of the Tonle Sap conservation NGO FACT (Fisheries Action Coalition Team). [↑](#footnote-ref-1)
2. In 2020, there were 225 community fisheries with 94,122 members across 361 villages operating in the 538,739 hectares of Tonle Sap fishing areas (Camille & Lieng 2020). [↑](#footnote-ref-2)