

## CHAPTER V

### CHANGES IN PROPERTY RELATIONS AND THE MAKING OF SPACE: FISHERY RESOURCE MANAGEMENT IN KOH SENG VILLAGE

Natural resources are often the subject of competition. Political dimensions and power relations are often involved in the process of decision-making when the state has a keen interest in conserving and maintaining the political alliances it needs to remain in power (Buckles and Rusnak 1999). In this context, the state claims authority over resource tenure through its power and laws, while local people stake their claims based on existing customary practice and experience. This chapter focuses on changes in property relations in fishery resource management in Koh Sneng from the period of transition to the era of market economy. The chapter is divided into four main parts.

The first part of this chapter describes the evolution of access and the mode of fishery resource extraction. I briefly describe the pre-existing mechanism of village fishery resources management, the current implementation of fishery policies and fishery resource commercialization. In the second part, I contextualize village fishery community as the political formation of local institutions as well as practices against the outsiders. In the third part, I discuss the conflicting discourse over fishery community management. I will show how local fishers develop different types of social relations in order to gain access to fishery resources. Finally, I examine the development intervention by the government and local responses.

#### 5.1 The Evolution of Access to the Fishery Resources in Koh Sneng

The historical record of the Koh Sneng village is not available to determine when exactly it was established. However, according to the elders, it was established long before French colonial period (1863-1953). Meanwhile, the village economy during the early period has been characterized by hunting and gathering where people often adjusted and moved to predictable seasonal variation. The seasonal changes and adjustment of people were based on where important resources were available and abundance throughout the year.

During the French period, one of the main objectives was to gain control over territory by building roads and railways in the interest of 'Indochina Unity', the pacification of the country and the opening up of its land. To achieve this objective, a policy was introduced to impose tax collection<sup>1</sup> to cover government expenses and *corvee* labor for road construction (Yuon 1982). The French did not seem very interested with fish in the province, but they were more interested in forest resources and navigation systems in the Mekong River (from Kratie through Stung Treng to Lao border). During the decade of the 1930s, most male villagers from Koh Sneng were conscripted and forced to work constructing the road from Stung Treng to Lao PDR, known as Road No.13. Others cut timber for export and some built administrative checkpoints and a checkpoint tower.

In the case of Tonle Sap Lake, the French colonizers recognized the wealth of the fish resources, and modeled the taxation system on the traditional royal fund raising practice of issuing fishery leases. They also introduced the first fishery laws in the country. Degen and Thouk (cited in Piseth 2001) show that fisheries law and regulations were formalized and written down for the first time by the French Colonial Administration and published in several Complementary Royal Ordinances in 1908. The purpose was to extract revenue for financing the Colonial Administration. This ordinance succeeded in allowing the colonial treasury to increase its tax income from fisheries by 17% in the first year. In 1910, the tax from fisheries covered one-ninth of the administrative budget of the French Protectorate, compared to one-eighth provided by taxes from rice paddies.

But in Stung Treng, the fishing tax was not applied because it is far from the central government and concessions were not given at that time. Fish harvests were not done on a large scale because there was little demand from the external market. Fish were the source of protein for subsistence livelihoods. Fishery resources were abundant and local fishers told me that whenever they traveled on boat at night, they heard no sound of humans, but only the fish noises everywhere in the river. The fish were not afraid of humans at all. Based on their forefathers and their own experience,

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<sup>1</sup> Taxes were imposed on various goods and crafts, weights and measurements, cattle and buffaloes, fishing nets, pots, ferries, etc. Besides taxing goods, personal or head taxes was also collected. This was based on the number of household inhabitants, and totally unrelated to the peasant's income (Yuon 1982)

they understood seasonal fish migration patterns in the Mekong River and knew how to prepare a wide range of fishing gear to catch particular fish species. The fishing gear used in that time was rather simple, such as Chann (Drop-door trap), Tom (Vertical vase trap), and blocking the streams by the use of Roborng (bamboo fence) when the water starts to recede from the stream and fish migrate back to the Mekong River. In the case of O'talash, people camped near the stream seasonally using bamboo fences to block the stream and made fish traps.

According to local beliefs, before they blocked the stream, the village elders prepared food and drinks as offering to ask permission from the spirit of the water and the forest. During the ritual ceremony, women were strictly banned from entering the blocking place. But, once the stream had been blocked, women were allowed to join and each villager could select one location along the fence to place his or her fishing traps. Other villagers, who were unable to fish because they had no fish traps, were able to share the catch by assisting in fish processing. People call this the “*happy season*” because they can get to know and work together with people from other villages as well.

People knew how to preserve fish to prolong storage. These days, they made smoked fish, dried fish, *Prahoc* (fermented fish), salted fish and fish sauces which could be used for their household consumption and exchanged with outsiders. Certain types of fish were exchanged with outside people for bananas, papayas, and wine. Money was hardly used in their daily life.

Mr. Fung Fi who is now 57 years old said that since the French administration period, fishery resources had been rich and abundant. He explained to me that when he was 17 years old he used only 20 long line fishing hooks and he could catch about 50-60 fish in two nights. The fish were larger, weighing one kilogram to three kilograms each. Fish exploitation was in the form of non-market institutions and communitarian systems which people used to share among the villagers.

After the French colonial period, King Sihanouk (1953-1970) ruled the country marked by political stability, except towards the end, and considerable economic progress. During these years, the King wanted to modernize the country, much interest was paid to economic development based on agriculture and fishery. In terms of agriculture, Cambodia prospered from taxes levied on exports of rice and

rubber, and from substantial infusions of foreign aid (Piseth 2001). These paid Cambodia's bills, improved its infrastructure, educational and public health projects as well as being used towards often ostentatious public works (Mabbett and Chandler 1995).

In terms of fishery resources, King Sihanouk issued the first law of his regime in 1956 in order to preserve fish stocks based on top down management. The Department of Fisheries was established in 1960. Before this, it was a unit in the Ministry of Agriculture. The staff was selected for training for about two to three years, so they would be able to implement the law (Tana cited in Piseth 2001: 48).

This practice was effective mostly in the areas around Tonle Sap Lake where there were fishing lots, but it had little impact on fish resource management in Koh Sneng or the whole province because the central government lacked manpower and means of transportation to supervise the implementation of this fishery policy.

In the 1970s, the country underwent civil war between the Lon Nol and Khmer Rouge regimes. People were forced to work in a collective based on the agricultural sector. Meanwhile, a seine-net unit was used for catching fish in *Koh Tonle Mouy* for the communal supply in the village. They fished only one time per day and they could catch more than enough fish. The villagers reported that fishery practices in this period were still communal, as there was no market for all fish caught. They supplied the catch to military units and villagers. Villagers in Koh Sneng also recalled that they could catch fish by burning a fire on the boat and then fish jumped into the boat naturally.

In the early 1980s, the village chief and all levels of administrative system had been re-established under the support of Vietnamese soldiers. Following the period of war, the restructuring of exploitation of fisheries began in 1983, in a form basically the same as the pre-war management structure. This management structure was developed to follow Marxist theory of the socialist state. Under this new political economic structure, large and middle scale fishing activities were operated by state enterprises and by local people who were organized into "solidarity groups" formed at the local community level (Tana cited in TERRA 1999).

The fishing lot system was introduced and given to the state enterprises and solidarity groups. In return, fish harvests from both systems were supposed to be sold

to a state-owned enterprise in accordance with the defined planning for export and supply for domestic demand, especially to state institutions, such as the military. Even though the State was effectively providing subsidies to support the enterprises and the solidarity groups, both systems were internally changing their structure to become private capitalist institutions and they were still allowed to operate. This means that collusion took place between the state and company officials in the fisheries sector even during the absolute socialist regimes. In reality, most fish caught were sold privately and not to state enterprise. Therefore, both systems were bankrupt due to poor management, corruption and unfair benefit distribution amongst members (Tana 1999).

However, this practice did not take place in Stung Treng, as the area was largely controlled by the Khmer Rouge guerilla troops. Under this insecure situation, the province or and the village were not fully developed and only weakly linked to central government or affected by commercial activities. Even though there were conflicts between political groups (government and Khmer Rouge soldiers), fish resource in the commune were left in the hands of local communities.

Based on my interview with the seine net fishers ( 8 Jan, 2003) in Koh Sneng, the seine net was first introduced by Vietnamese fishers in the 1970s. The fish caught by seine net fishers was sold to the town markets, and to the military units, but still not on a large scale. Throughout the period of turmoil, fishery resources in the province and village had been kept from being over exploited.

What my informants told me implies that local management systems of the villagers existed throughout the history based on their long-term practice of social norms of reciprocity which largely prevented them from the “tragedy of the commons”.

### **5.1.1 The Present Fishery Management Policies**

The current fisheries management in Cambodia is based on the Fisheries Law Management and Administration No.33 KRO.CHOR passed by the Council of Ministers and the Ministry of Agriculture and Fisheries (MAFF) since 1987. It was formulated by a group of former staff of the Department of Fisheries who survived the radical communist time. Tana (cited in TERRA 1999) explains that the content and essence of the Fisheries Law are based on a socialist political reform, but most

restrictions relating to fishing practice are copied from the 1956 decree. Since then, mechanisms for enforcing the law were issued sequentially. The privatization of fisheries occurred in 1989, with fishing lots available for re-bidding in Tonle Sap Lake, but not in Stung Treng province because there were no fishing lots.

A part from this law, complementary decrees and sub-decrees, and specific declarations contain additional guidelines for fisheries management (Degen et al 2002). The Provincial Fisheries Office is responsible for the day-to-day management of all fisher's activities, maintaining close liaisons with the Central Department of Fisheries and agriculture committee of their respective provinces. The fishery office in Stung Treng was not active until commercialization began in the 1990s and different types of fishers emerged in Stung Treng (Table 5-1).

**Table 5-1:** Summary of fishing scale and equipment in the province of Stung Treng 2003.

<b>Fishing equipment employed by scale</b>			
The middle scale		Family-scale/small-scale	
Gill-nets	74,500 m	Gill-nets	460,000 m
Seine nets (4 sets)	1,150 m	Cash-nets (790 sets)	32, 065 m
		Long Line Hooks	46, 000 hooks
<b>Labor employed by each scale</b>			
Middle-scale/ aquaculture		Small-scales	
Families	Total manpower	Families	Total manpower
285	454	4,970	9, 200
Note: Aquaculture is considered as middle-scale, which includes 38 families with 72 people.			

**Sources:** Provincial Fishery Office (2003)

According to the Fiat-Law (1987), Article 1 states that fisheries resource belongs to the state. In addition, Article 10 and 11(1987) state that the exploitation system of the freshwater fishery capture is formally divided into three types of scale, large scale fishing referring to the fishing lots, middle scale fishing or licensed fishing and family fishing also called subsistence fishing. Both large scale and middle scale fishing serve the purpose of collecting national revenue. These types of fishing can operate only during the open season (November to May). The middle scale fishing

gear has to be licensed and registered by the fishers or the group of fishers every year. The family fishing gear can be operated everywhere during the entire year.

In Stung Treng, fishery resource management falls into the second and third type, which is the family scale and middle scale. The fishing gear used by the fishers in the province in 1998-99 include; Mornng (gill nets, Lorp (Fishing Traps), Saiyoen, cast-nets, long-line-hooks, Chan, Tom, seine nets and paong. People use this equipment according to the time and place depending on fish migration. In Stung Treng, fishing ground has been divided by Fishery Law in 1999 into three types: (1) fishing ground (open access) where everyone can fish; (2) the fish spawning grounds and migration which need to regulated certain types of fishing gear and seasonal fishing practices, and (3) the protected fishing grounds which strictly prohibited for fishing (Vannaren 1999).

In 1992, the first icebox arrived in Koh Sneng, and fish started to be exported from the village in response to market demand. In 1999, the Ministry of Agriculture issued a proclamation to define all deep pools along the Mekong River in Sambor district, Kratie and Stung Treng provinces as Reserve Area in which all fishing practices were prohibited. However, this did not work, because of inadequate surveillance by fishery officers. The use of large mesh monofilament gillnets (20-35cm) has increased dramatically in recent years. This has led to the decline of many large species. In addition, approximately 8,000 explosives per year were used by armed forces and local people during 1993-1997 to catch fish in the pools in the dry season. These activities have seriously destroyed a lot of fisheries resources and their habitats (MRC 2002).

Moreover, the Mekong mainstream started from Provincial town up to Lao PDR border has also been designated as the Ramsar Site<sup>2</sup> in 1999, which involved many state institutions, in particular the Ministry of Environment (MoE) and the Ministry of Agriculture, Forestry and Fisheries (MAFF).

In practice, the Ministry of Environment (MoE) has a mandate in the management of Protected Areas in Cambodia (by Royal decree), but its role in the

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<sup>2</sup> The objective of Ramsar site is to promote activity that leads to achieving conservation, management and sustainable development. In particular, this convention of wetland is to promote the concept of wise use to ensure the sustainable use. The sustainable and wise use of natural resources of wetlands for the benefits of the human beings at the present time and future generations, we all must know how to use those resources in the right ways (Iwama 1999).

wetland management is less clear. The MoE is the contact agency for the International Convention on Wetlands (The Ramsar Convention), and is the focal point for the Convention on Biodiversity. In contrast, the MAFF has a wide range of power in relation to management of natural resources. Jurisdiction over crocodiles, turtles and other aquatic species is also claimed. Other relevant departments including the Department of Forestry, Department of irrigation, and Department of Agriculture are also involving in the management of wetland in the province.

The above description outlines the institutional arrangements for the monitoring and regulation of the laws surrounding fisheries in Stung Treng province. In practice, fisheries resource management concentrates on export as well and demarcation of fishing to be commercially exploited. The provincial fisheries office has the task of securing state revenues from fishery. Since these regulations and laws have been enacted, however, there have been ongoing conflicts among stakeholders.

However, most of the fishers both from inside and outside village are totally dependent on the market system which strongly penetrates every place in the areas. Some of fishers fish only for family consumption and some are mainly for selling, in particular the fishers from outside the village who come to conduct the seine nets, drifting net, and seasonal fishers who come to settle in the area while fishing. These types of fishing practices are closely linked commercialization and trading in the province, which I will examine in the following section.

### **5.1.2 The Emergence of Fishery Commercialization in the Village**

Historically, fish resource exploitation and commercialization in the country started since 1989 when the macro-economic government policies began to shift from a socialist, centrally planned economy to a market-based economy. This transition was accelerated by increasing international support and integration with international market forces during the administration of the UN Transitional Authority for Cambodia (UNTAC from 1991-1993). The emergence of fish export from the province to foreign countries had started since 1991 and a company was granted the legal right from Phnom Penh to buy and export fish from Stung Treng through its own line companies to Phnom Penh and Laos PDR.

At the same time, the modern fishing equipment and techniques were introduced including small mesh size and big size nets, explosive, poison and electro-



fishing. These types of equipment are considered illegal according to the Fiat Law 1987. However, people still used them to catch big fish in the deep pools, rivers, streams and creeks. This practice was done by both armed forces in the province and the local people in the areas. Mr. Soy, the former soldier who fought against the Khmer Rouge and now a farmer and fisher in Koh Sneng recalled that:

Every morning I got up, I heard the sound of grenades used in the river everywhere in which I can estimated around hundreds grenades per day at that time. Some local fishers in our village were also involved with these activities because there were not any controls from the central government. Most fish caught were sold at the provincial town market and sometimes sold to *Veun Kham*, the market at the Cambodia-Lao PDR border.

Mr. Fun Fi also admitted that electro-fishing was very destructive and villagers started to use it in the village since 1991 and it was widely used during 1995-97. He also bought one because it costed only 200,000 Riel (US\$ 50) and in one night he could catch 30-40 kgs of fish. Sometimes, he could catch only a few kilograms because there was less fish from the river. Fish caught had to be sold to local buyers, which was about 1,500-2,000 Riel/Kg. There were 10 people<sup>3</sup> in the village who became local fish dealers and retailers to Lao PDR.

In the mid 1990s, fish buying companies had started to operate in the province. Throughout my interview with Mr. Chan Samorn, who is the acting director of Provincial Fishery Office, he explained the evolution of fish buying and exporting in the province that:

The fish export companies have been licensed since 1995 throughout the coordination from the Provincial Office. Since then any fish buying transaction has to ask for permission from these companies, if not they are considered as illegal. From 1995-2000, fish product had been exported to Phnom Penh through the line of companies rather than the provincial fishery office. In 2001, another company (state owned-company from department of Fisheries in Phnom Penh) came and set up their stations in provincial town and the Cambodia-Lao border to buy fish from local fishers and then exported to Phnom Penh.

Chan Samorn  
Stung Treng, 3<sup>rd</sup> April 2003

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<sup>3</sup> These people were: Mr. Vuth, Muth, Yorn, Khorn, Khon, Chea Vatt, Mai Chanthly, Mr. Savorn, Mr. Lim Sai, and Mr. Soy.

The license gives exclusive right to those who win the bidding process. But throughout the process of licensing, different classes of people compete for these resources both legally and illegally. One form of the license is the selling of a particular section of tributaries which mostly done by the soldiers and policemen. In the case of O'talash and O'Cheuteal (streams) in Koh Sneng had been leased to the military officer by the provincial Office and the stream were blocked from 1995 to 1999. The blockage of streams and creeks in 1999 was protested strongly by local people and the incident was reported in the Cambodian newspaper known as Phnom Penh Post in 1999. The other form of giving legal license is the fish exporting and importing companies which obtained direct entitlement from the central government. The access to this bidding process has been strongly linked to the political connection and kinship relations. In this way, the local people who do not have a license have become illegal fishers and excluded from their access to fishery resources through legal process. However for them, their practice it is not illegal because it depends on their customary practice.

One of the cases is Mr. Mai Chanthy who is presently the chief of Village Fishery Community. He was a fish dealer and retailer from 1993 to 2001. In 2001, he was arrested for his fish trading business because he did not apply for legal license from the provincial office. He was also accused for firing the gun at the police checkpoint while transporting his fish from Kratie province to Vuen Kham in Lao. As a result, he was put in jail for seven days at the provincial town. He was released after he paid a fine for his misconduct with three million Riel (\$750).

The other case is Mr. Khorn, who was also a fish trader from 1996-98. He was also trading fish from Tong Deng in Sambo of Kratie province (bordering with Stung Treng) and sold to big *Moys* in *Veun Kham* of Lao PDR. He also admitted that his business became illegal according to the new regulation which requires him to apply and bid for the license from the provincial office. Even though, his trade kept going normally because his brother was a soldier at province town who could provide protection his business temporarily. Each time, he could buy fish from this area ranges from 500kg to 1000 kg and sold in *Vuen Kham*. This trading took place around three times per week.

He explained to me that in one ton of fish he could earn from 3,000 to 4,000 Baht, but each time he had to spend on ice, petrol, eating and police check point at the

border around 1,000 Baht. Unfortunately, his business was not able to last long as there has been a monopoly of fish buying companies in the province.

**Table 5-2:** Some marketable fish species during Mr. Khorn's trading (1996-98).

Name of species	Buying price/Kg	Selling price/Kg
Trey Khya ( <i>Mystus wychioides</i> )	50-60 Baht <sup>4</sup>	90 Baht
Trey Kes ( <i>Kryptopterus micronema</i> )	40 Baht	60 Baht
Trey Kes Chumrao ( <i>Kryptopterus bleekeri</i> )	40 Baht	60 Baht
Trey Klaing Hay ( <i>Belodontichthys dinema</i> )	10 Baht	40 Baht
Mixed Fish Species (all type together)	20 Baht	50 Baht

The official control of fishing activities has paved the way for fish buying and exporting companies to operate in the province. This policy adopted as the state expansion by opening up the way for outsiders. For instance in 2003, there are two fish buying and exporting companies (*Moy*) operating in the province. The first company is known as SAMBOMALINE Import and Export Co. Ltd, which has been registered with the Ministry of Commerce with the total capital of 20,000,000 Riel (twenty million Riel), which covers all types of business in the provinces. The mandate of this company is for 99 years.

According to the letter from the ministry of Commerce dated July 18, 2002, No. 2303 Por.Nor.Nor.Tor.Kor suggests that the company must apply for permission from the responsible department regarding to their specific activities. In the requesting letter to Department of Fisheries, the company planned to set up fish buying stations and exports 50 tons of fish from 2002 to 2003. The target fish species are: Trey Kes, Trey Kya, Trey Krobey, Trey Krai, Trey Slat, Trey Chdor, Trey Pra, Trey Promar, Trey Sanday and the processed fish species (see also appendix C).

At the beginning of January 2003, there was only one company (SAMBOMALINE) which has exclusive rights over fish buying and supplying in the

<sup>4</sup> Baht was commonly used for fish trading trough Lao PDR in which one Baht is equal 98 Riel and US\$ 1 is around 3, 900 Riel.

province. This issue has been published in the newspapers (The Rasmey Kampuchea Daily: Jan.1, 2003).

Some contradictory issues were revealed. First, the company bought and exported the fish species which were considered the most endangered such as: *Trey Reach*, *Trey Trawsak*, *Trey Koul Reang*, *Pa Se Ee*, and *Trey Pava*. All of these fish species are considered as the most endangered and extinguished which need to be protected not only by the Cambodian government, but also by the International Conservation Agencies such as IUCN.

The second reason was that the company has lowered the fish price for local fishers. For instance, the price at market level is 8,000 Riel/kg, but the company offered only 3,000 Riel/kg. Fish has been exported to Lao PDR through Don Krolor checkpoint along the Road No.13 from Stung Treng to Lao PDR.

The newspaper also revealed that sometimes the company exported 50 to 60 tons of fish to Lao PDR, but there was no control by the provincial fisheries officials. It was only the nephew of the director of Provincial Department of Agriculture, Fisheries and Forestry who often come to visit the company, as he was a shareholder.

During this period, there was only one fish buying company which won the bidding process and operates exclusively in four provinces: Kratie, Mondulkiri and Ratanakiri and Stung Treng where the main stations is based. In response to this monopoly company, one more company was permitted to operate which received license in late March 2003. This company was TRY PHEAP<sup>5</sup> Co. Ltd, as the second buying company in the province whose mandate has taken place until March 2009.

The objective of this company is to respond to and promote the market mechanism and the “open sky” policies of Prime Minister Hun Sen (1997) in order to reduce poverty in every provinces and rural areas.

The license allowed this company the right to buy all types of fish species both in Stung Treg and Kratie province in order to supply to the demand of the local people in the Kingdom of Cambodia and the surplus will be exported to Lao PDR. Based on this procedure, exported taxes will be paid to the government according to the exact amount of fish.

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<sup>5</sup> The total capital of this company is not mentioned in the requested letter, but only they are capable enough to operate the business.

**Table 5-3:** The estimated fish caught from January to March 2003

Months	Fish Catch Estimated			Processed Fish			
	Grade 1 (tons)	Grade 2 (tons)	Grade 2 (tons)	Prahoc (tons)	Paak (tons)	Dried Fish (tons)	Fish sources (liters)
January	25	54	59	7	1	4	1,500
February	22	51	59	9	2	5	2,000
March	69	152	165	13	5	36	6,000
Total	116 t	263 t	283 t	29 t	8 t	45 t	7,500L

The estimated fish caught by the first quarter of 2003 is 662 tons and processed fish is 82 tons. The two companies exported 11 tons. In March 18, 2003, TRY PHEAP Company exported five tons of fish to Lao PDR, most of which fish collected from their buying stations in Osvay commune and Stung Treng district. The exact money from fish exported taxes was not reported in the exported license. In February, SAMBOMALINE exported six tons and paid exported taxes of 1,849,450 Riel.

Since the two companies obtained the legal license, all small-scale fish buyers are considered illegal and thus excluded. In March 2003, there are 11 fish-buying stalls in Koh Sneng commune, four in Koh Sneng, four in Koh Key and three in Koh Srolao villages. The fishery officials in provincial town called these actions illegal and anarchic fish buyer because there was no agreement or license from the Provincial Fishery Office. They suggested that these *Moy* could continue their business if they asked for permission or apply for license, in particular from the commune chief through the district and then the provincial fishery office.

Mr. Sorn Khon who is one of three local fish buyers in Koh Sneng explained that during the anarchic period (1992-1997) he only paid the chief of commune 5,000Riel/month and exported directly to Lao PDR. Now all fish have to be sold to big *Moy* who has exclusive right from the government operating in our province. By selling fish to his big *Moy*, he still can earn 500 Riel per kilogram. However, fish bought locally varies in price. He explained to me that:

From 2001-2003, the amount of fish bought varied according to seasonality. During the scare time, I could buy with amount from 100 to 200 kg/week while during the rainy season or closing season (May to October); I could buy fish from

500-1,000 kg/week. This amount of fish could range from 10 to 20 tones per season and most of the fish are bigger than the fish during the open season.

Mr. Sorn Khon  
Koh Sneng, April 4, 2003

Throughout his business transaction, Khon had to give money for the local fishers to buy their fishing equipment or bought them fishing equipment so that he could buy their fish back in the form of verbal agreement or mutual interest. He said some fishers take only two days fishing and are able to pay back his debt, while the others take one month to pay his debt. So far, he had bought fishing equipment for many fishers. This year most fishers have their own equipment, but the business relations still remained. The other case of local fish buyer and seller is from Koh Key village whose husband is the chief of village. She also explained that:

Now we could not sell our fish directly to our big *Moy* in Lao PDR border and we have to sell to fish buying company who have received legal license from the government. Fish has to be sold at the price 3500 Riel/Kg to the fish buying station based at the police checkpoint in the Cambodia-Lao borders. The price sold is similar, but the weight and scales of our fish are always lower or get lost.

Local fish buyer  
Koh Key, January 30, 2003

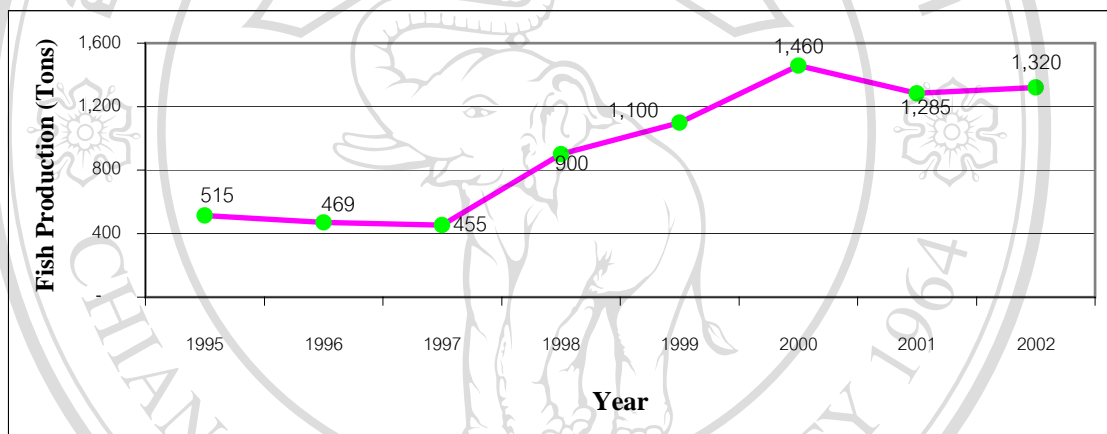
In Koh Key, fish bought from local fishers ranges from 1500 to 2500 Riel/kg according to fish species. For instance, Trey Klaing Hay one kilo was 2500 Riel, and Trey Chourk Kdar was 1,500 Riel/Kg. The local fish buyer has more power to determine the price. Sometimes, fishers can exchange those fish with wine, cigarette, and batteries. However, there was not many fish to be caught by local fishers at that time, but each fish was big in which one fish weight from 2.5kg -3 kg as the species I have mentioned.

At the village chief's house, there is also a Cham<sup>6</sup> family from Phnom Penh who was staying there to build boats and fish. These Cham fishers often fish in three places seasonally, in Phnom Penh, Kon Tuy Kor of Stung Treng and Koh Key. The Cham fishers told me that in the lower part now there were a lot of fishers and they had to pay money to the local authority as well. That is why, they keep moving upstream until Koh Key and fish there.

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<sup>6</sup> The wife of village chief was the fish buyer while these Cham are fishing next to her house. They did not know anybody, but only the village chief and they make friend since then.

In brief, since 1990s, access to fishing ground became more chaotic with foreseeable fish degradation reflecting the metaphor of the tragedy of the commons. From 1998-99, all stakeholders such as government officials, NGOs and local communities started to discuss about fishery crisis in the village and the province. The Village Fishery Community was the topic which local fishers and NGOs used to bargain and set up the regulation to stop the illegal fishing. Then, the anarchic management of fishery resource has been reduced in which some part of the fishing ground had cut for the local control. In 2000, the local fishers in Koh Sneng have formed themselves as a fishery community to manage and eliminate illegal fishing in the areas. Since then fish have started to increase in the province if we compare with the annual catch in the province.



**Figure 5-1:** The trends of annual fish production from anarchic situation to the formation of Community Fishery Management (1995-2002).

**Source:** Provincial Fishery Office (2002)

By comparing with that data provided by the Provincial Fishery Office shows that fish catch production trend decreased year to year during 1995-1997 before the formation of Fishery Community Management (Figure 5-1). During that time, there were a lot of illegal fishing activities, especially the use of explosives, and electro-fishing and these activities started to decrease from 1998. By 1999, the illegal fishing and destructive equipment use in Koh Sneng had been reduced by 70% according to the commune statistics (2002). Meanwhile, the fish production also started to increase compared with 1995-1997 catch. In 2000, the fishery community in the commune has been established. At the same time, it was the peak fish catch production in the province with 1,460 tons which is three times higher than those catch from 1995 - 1997.

Since the formation of the fishery community in the commune, the fish private operations are also introduced in the same territory in which the local authorities has divided up fishing ground into fish conservation and commercial fishing in the same areas. On the other hand, because of the ecological terrain, fishing grounds in Koh Seng have attracted different groups of fishers who come to fish in this area seasonally. The commercialized fishing operation has also come into the areas, so the fishing rights and access in Koh Sneng has been overlapped with these fishers. In this sense, the fishery community as the space has been seen as being contested by different group of actors competing to fishing ground in which I now turn to in the next section.

## **5.2 The Political Formation of Village Fishery Community in Koh Sneng**

The process of resource demarcation has reflected the state power by recognizing the central concept of territoriality. This concept has recently been extended to understand how a nation-state seeks to expand their control of internal space involves the control of internal resources and environment. The concept, as the state function, involves the creation and defense of property rights in order to enclose and claim valuable resource by changing its property right status (Vandergeest and Peluso 1995).

In contrast to state governance, various counter mapping procedures generated by NGOs or local communities have been used to re-describe social and natural communities in order to assert local community control over natural resources derived from a communal territorial claim. Reddy (2002) argues that the political character of this institution comprised non-state spaces representing decentralized nodes of political and social power based on the control of resource and the construction of political space within the nation-state boundaries. By early 2000, the Village Fishery Community (VFC) in Koh Sneng was formed in response to the crisis of fishery resource. There are five people<sup>7</sup> selected by the villagers as the Committee of this local institution. In principle, the elected committees will not work for any political parties or any other individual interest, which means they have to work for the interest of the local villagers.

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<sup>7</sup> Mr. May Chanthy, Mr. Sai Soy, Mr. Krueng Vuth, Mr. Chea Phan and Mr. Sorn Khon



The overall duties of the VFC are responsible for fishery extension dissemination of information related to fishery, taking action against offenders who violate the Village Fishery Community Regulation (VFCR), contact concerned agencies and local authorities for technical assistance and report monthly to the provincial fishery office through line institutions such as commune council. These people have the right to solve any problems and conflicts happening within the fishery community. If the conflict is more serious, they need to consult with village elders or the chief of village and commune for their judgment. The other duty of the committee is to organize monthly meeting among themselves and every three-month with villagers.

Throughout my fieldwork, the monthly meeting was organized and supported by the NGO workers who are working on the fishery community organization. The meeting has been conducted with the commune level<sup>8</sup> in which all VFC representative come to meet together in order to report what they have been implemented and the problems faced by the fishery community and what the solutions they have done so far. So, they know how to make action plans for the next months activities. Throughout the report presented by the committee are mainly faced with illegal fishing which is conducted at nighttime in which they do not have enough money to buy petrol to monitor the illegal activities.

Under the facilitation of local NGOs, the representative of these local groups had been asked to attend workshops, training courses, study tour at the district, provincial and national levels as well as at regional levels such as in Thailand<sup>9</sup> and Lao PDR. In March 2000, the representative of VFC in the commune have been invited to visit the Fishery Community in Sihanouk Ville in order to exchange and share experience. Since then, they have been invited to other provinces: Pursat, Battambang, Kg.Cham, Kratie, Kg.Chnang. Their visits are varied which include attending the consultation of the newly-drafted sub-decree on fishery community,

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<sup>8</sup> It was December 21, 2002 that the meeting was conducted in the commune in which all the village fishery community come to joint including the representative of commune.

<sup>9</sup> In 2000, Mr, Kreung Vuth, the representative of VFC member had been invited to attend the fisher forum in Bangkok organized by TERRA (Toward Ecological Recovery Regional Alliance).

attending the training on fishery conservation organized by MRC-Fishery department in Phnom Penh and in Kratie province.

This process of raising awareness of VFC is to return rights to the local community and an equal share of resource distribution. Since the formation of this local institution, there is no destructive fishing conducted by the villagers in the commune. However, this mechanism cannot stop the illegal fishing easily. Throughout my field visits to other communes, there was report that villagers from Koh Sneng came to use poison to kill fish, in particular in O'talash in the deeper forest where there were not many people could access to this area. With the assistance from NGOs, the Village Fishery Community Regulation (VFCR) was developed for their own management and submit for the local authority to recognize. But this process is only approved from the commune level, while from district up to the provincial are hesitate to recognize, as they were waiting for the official law from the government and also try to make use with this absent of law as well.

**Table 5-4:** Summary of Village Fishery Regulation

- Ban on using explosives to catch fish.
- Ban on using electro-fishing and any kind of poisons.
- Ban on using fishing nets to block the streams and creeks.
- Ban on cutting inundated forest or commonly known as “*Prey Lung Tuek*”.
- Ban on catching fingerling fish, endangered fish species such as: Trey Reach (*Giant Catfish*), Trey Trasork (*Probarbus spp.*) and Trey Koul Reang (*Giant barb*).
- Ban on using big size gill-nets to catch endangered fish living the deep pools, which are the fish habitat during dry season (gill-nets which is from 18 cm up are considered as illegal).
- Ban on pumping the creeks/streams

On the other hand, some activities had also taken place after the formation for the village fishery community. In June 2001, the World Environmental Day was

conducted for the second time<sup>10</sup> in Koh Sneng in order to raise awareness of environmental issues. Under the coordination from local NGOs, this special day was participated by the provincial governors, and the representative from line departments of the provincial office (see also appendix A).

On the same day, the signboard of three endangered fish species such as: Trey Reach (*Giant-catfish*), Trey Traw Sawk (*Probarbus jullieni* or *Seven-line Barb*), and Trey Koul Raing (*Giant barbs*) was installed in the landing port of the village as the symbolic of fishery conservation. The signboard says that, “Please help to save and to protect these endangered that are living in the deep pools in the river”.

To enforce the regulations, the committee takes action against whoever from inside or outside the village commits offenses against the rule mentioned above. For the first mistake, is an initial warning and promise by the local people not to repeat this mistake. Meanwhile, the confiscation of illegal fishing gears will be applied. For the second mistake is to fine with money, which is equal of 500,000 Riel, and the confiscated fishing gears are also needed. And the third mistake, the committee will send the offender with the proofs of illegal instruments to provincial fishery office.

Throughout this enforcement, there are some events encountered in the village. In January 2003, one group of fishers from Khe village came to pump one stream (O’kambor) in Koh Han. The offenders claimed that this O’ belongs to their village and they need to pump and catch fish to share with their villagers.

However, the claim did not work, as the villagers in Koh Sneng show them the map since Sihanouk Regime (1953-1970). The representatives included the village fishery committees, the commune policemen, the environmental rangers and the chief of commune. The offenders were asked to come to the commune chief in order to talk and clear up the entire mistake.

The local representative knew there was the illegal pumping since the first day, but they thought it was good to let them pump until the stream empty so that they would come to arrest and confiscate everything. The pumping took four days until the water is shallow enough to catch fish, then the representative from Koh Sneng came

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<sup>10</sup> The first time was in 1998, while 100 trees were planted in the commune as the symbol of environmental awareness. The villagers also admitted that it was the first time, they have seen the provincial governor come to visit their village.

to arrest the offenders. It was coincident that the offenders<sup>11</sup> and the local elites know each other, as they are from the same province (Preah Vihear).

Based on this relation, the punishment had been negotiated and allowed to continue as the form of patron-client relations. The local elites had come up with discourse and explained to the villagers that the offenders had spent too much petrol (60 liters) and they need to catch fish to compensate the expenses. Therefore the stream finally was allowed to be emptied to catch all types of fish from this stream. The next day, the villagers asked the local elites how much fish had been caught from the stream, the local elites said only one boat which was around one ton of fish. Actually, the second boat of fish had been transported to the market early morning around 3.am. The local fishers estimated that fish exported around two tons while they get only some to eat.

The other case was electro-fishing in *Koh Tonle Moy*. It was conducted at midnight by local fishers from Koh Hep in upper part of the village. Receiving this information, the representative of VFC, environmental rangers, and the commune militia went out to arrest them. Coincidentally, the offenders threw his electro-fishing equipment into the water to falsify the proof, as he could not escape. By the time, there were some fish in his boat which were enough to proof the fish come from electro-shocking. So, the committees and commune militia arrested him. Mr. Vuth who is one of the VFC member and also the environmental rangers decided the offender would be fined with 500,000 Riel (US\$125) in order to discourage the other from committing the same mistake. The offender was kept in the commune office overnight waiting for the local court tomorrow. However, it was later reported that he managed to escape.

The other issue in the village is that there are fishers from outside such as from Sre kor, Se San in Se San district who came to fish in the Bungs. They used to fish in the commune along the deep pools, and flooded forest before the formation of the fishery community in 2000. These fishers claimed that fishing here is like their seasonal practices and they do not know what is VFC asked for the official law to

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<sup>11</sup> One of the offenders was the former Khmer Rouge soldier in Preah Vihear province. But since the KR has defected to the government, he stopped and left for Stung Treng and married with woman in nearby village. He said he is not good at fishing, but only know how to pump the stream.

recognize this fishery community. The villagers could do nothing with these offenders, as they are the relatives with the policeman in the district office.

Throughout these events, the villagers have noticed that the enforcement of Village Fishery Regulations are insufficient, but they still recognize that fishery regulation enforcement in their areas is very important and they really need it. With unclear institution, the fishery community becomes a discourse used by different actors to claim the access and legal right.

### **5.3 Conflict Over Accesses and Discourse of Fishery Community**

In the case of Koh Tonle Mouy, the fisheries unit (the seine nets operation) has been authorized by the provincial fisheries office, in particular the Provincial Department of Agriculture, Forestry and Fisheries. It is allowed to fish in the assigned fishing ground and must not use fishing gear, which is not mentioned in the contract. Furthermore, they must limit their fishing to designated areas within the fishery. During the seine net fishing during the open season, the lessees can reduce common-pool losses by enforcing the rule of any rotational system or through assignment of fishing grounds by the provincial fishery office.

Fishery access is either territorial or open access during monsoon from May to September. The water level is high from June to August until September, and the large fish species are dispersed during June-September (also see chapter 3). From October to April, access to fishery resources is controlled by the target and mobile seine net fishers when the water level is falling and becomes lowest. This type of access would be more appropriate to describe as a social relations, power relation and patron-client relations in which the local fishers look at the seine net fishers as the clients of local elites who pay for their protection when they need support.

During the lowest water level, the seine nets fishers have exclusive right on the richer water bodies, while poorer bodies are left for the local fishers and other groups of fishers from outside (see also chapter 4). In this regard, the relationship between the seine net fishers as the holder of property rights over the water bodies and the local fishers are under contested through certain discourses.

Local fishers argue the initiative of the VFC has played an important role for daily fish consumption and selling the surplus of fish caught. For them, the strength

and the resistance of villagers to alternative community-based approaches serves as political space in order to avoid the tragedy of the commons. Since the fishing ground in Koh Sneng has been used by different groups of fishers, it is also hard to exclude other user groups. Instead the fishing grounds are easily enclosed by fishers from outside both illegal and the customary practice. The local discourse of VFC has reduced the role of agency chose for the alternative space such ‘the community territory’ to mitigate the tragedy and suggests the restricting access and effort to avoid tragedy by distinguishing the free access and open access. Based on what I have described, I would like to show how different types of fishers in Koh Sneng make claim and tell their story regarding access to fishing resource.

### **Case Studies 1: Small-scale fisher in Koh Seng village**

Mr. Sai Soy is the deputy of the fishery committee in Koh Sneng village. He said that since the seine net has started in this area, he found it difficult to catch enough fish for family consumption and selling the surpluses catch. He revealed that:

For me, I have three gill-nets, one cast net, and 100 of long line fishing hooks and I hardly catch enough fish to eat by this time. So, I decided to buy the mesh gillnets (*Mornng Trey Riel*) to catch small fish (Trey Riel) migrating up stream in large school through this river channel and island’s corridors. Even though, I could not catch these fish, but the target seine net managed to catch them in large amount, which is about three tons/day. Normally, by this time I should be able to catch enough fish to make *prohoc* (around 50kg) that we can use during the critical time from June to February while we are spending most of the time working on the rice-field and farming.

Mr. Sai Soy, April 4, 2003

For villagers in Koh Sneng, fish paste had been served most of the time in their cooking and meals when they did not catch enough fish. This practice is not only happening in the family I was staying during fieldwork, but it also used with every household in every villages in the commune. One of the main purposes behind the processing fish is for daily food consumption during rainy season.

The practice of seine net in Koh Sneng is in disregard to the local institutional of fishery resource management. The practice of leasing fishing ground to a concessionaire for the commercial practice does not encourage the use of sustainable harvesting techniques. These activities in conjunction with unsuitable fishing practices such as electro-fishing, and poisoning the waterways are considered as having negative impact on the fishery stocks.

### Case study 2: Seine net fishers in Koh Sneng commune

To obtain license for fishing here is not easy for the normal people. Every year, the seine net fishers have to pay for “gratefulness”<sup>12</sup> to all related authorities in the provincial level based on their hierarchy. To apply for the fishing license is really difficult and takes time. Sometimes, it takes them three months. This year, the seine netters obtained the license easily and they could operate since November, one month ahead of the open season.

The binding procedure is totally dependent on the power relations, social relations and the capital they have to offer unofficially to the related provincial offices and departments. Since there are changes in resource tenure in this place, they also find it difficult to fish here. Last year, the seine net fishers had a lot of problems such as the people from law office, the environmental rangers in the commune; the officials from environmental department who came to threaten them. The seine nets fishers explained that:

One of the big problems was the environmental ranger and the representatives of Village Fishery Community Committee in Koh Sneng<sup>13</sup> came to threaten us by warning to burn our seine nets and the fishing license issued by the Provincial Department of Agriculture. It was in March while *Trey Riel* migrating up in large school. Finally, we managed to continue because the intervention from people in Chorm Thom village. This year, I decided not to apply for license, but I had been asked and supported by one of the provincial governors (the second) so that we decided to continue and our businesses are going on smoothly for this year without any problem (Mrs. Chandy, the seine net fisher in Koh Sneng 2003).

From 2002, the seine net fishers have paid taxes to the commune office, since then access and right to control the fishing ground has become completely exclusive. Before that the seine net fishers only paid tax to the fishery office at the provincial office, and the other seasonal fishers have right to set up their hut at the fishing ground and fish around there as well. But later on, since the seine net start to pay tax to the local authority the right to control this areas become more like monopoly.

The seine net fishers bring their fish from Koh Sneng to sell in different places

<sup>12</sup> The type of gratefulness (or patron-client relations) is very common in the bidding process in the province. This can be a form of money or other valuable things worthy in exchange. The seine net operators told me that we could count the money she has spent on this process, there will be too much. They did not tell me how much exactly, but it must be in a big amount.

<sup>13</sup> There were also people from Koh Key and Koh Srolao villages come to joint Koh Sneng.

such as in Sre Rusey commune next to the provincial town, in the market at Thalaboriwat district, and the provincial market. However, fish sold in the provincial town has to pay tax to the fishery inspection units in which one ton of fish they have to pay around 200-300kg. This could be from 100,000-200,000 Riel based on the fish price at the market.

The seine nets takes place during open season that normally starts from January to early June. Fish catches are varied, but during January they catch *Trey Sluek Rousey*, and *Trey Riel* in abundance. The seine net operators also explained that *Trey Riel* is swimming in large school in the river channels upstream to Lao PDR, then we could catch in large amount during January and February and this continue until the end of the open season.

Based on geography and ecology, the sandbar where the seine net is operating is shared territorial boundary within Koh Sneng and Chorm Thom villages. There is one canal that serves as creeks of the Mekong (as shown in Map in chapter IV), which are the boundaries of the two villages and also the place for seine net operation. This year, the seine net fishers often come to visit other villages such as Koh Sro Lao, Koh Key and Chom Thorm and rarely visit Koh Sneng since there was a warning from the environmental rangers not to allow her enter his village. However, there were more problems regarding to her fishing access, she had maintained good relations with villagers in Chom Thom who could protect her fishing access.

### **Case study 3: The Village Fishery Community in Chorm Thom village**

In terms of fishery management structure, the Fishery Community in Chorm Thom is loosely organized compared with Koh Sneng. However, the village is surrounded with rich natural resource in terms of fishing ground and natural forest. Until now, most people in this village are still going to forest to Non Timber Forest Product (NTFP) as their source of livelihood. The seine net fishers understand this situation well, that is why they decided to settle down their fishing hut and establish the connection with the villagers rather than villagers in Koh Sneng village.

Throughout my interview with some villagers and the member of fishery community in Chom Thom village revealed that most villagers do not agree to have seine net operated in the their village, but some agree because this the decision from the top. Culturally, it is dangerous for them to work against the decision from the



higher authority, and the head of the village could not refuse, but only to accept the offer and decision. One representative of VFC in Chorm Thom explained to me that:

At the moment, we are not allowed to fish in the territory assigned for the seine nets operating because they have obtained license from the provincial office. The license reads that the seine net operates from January 1 until June 1, but in practice they start since November. Last year, the seine net length 300m with 10 workers, but this year they say only 250m lengths with eight workers.

(Mr. Prom Mab, Vice-chief of VFC of Chorm Thom, January 8, 2003)

Prom Mab also revealed that last year, the village received 300,000 Riel (around US\$75) from the seine nets operator in which the money had been used to cut timber for village school. They asked villagers by allowing them to cut timber from the forest behind their village. Meanwhile, the environmental rangers from Koh Sneng came to arrest and fined him for cutting the forest. But he refused because the forest is in his village territory and this problem was solved with the intervention from the commune office.

Most of the villagers from Chorm Thom believe that protecting and conserving fish is good for them, but normally their local rules are ignored by outsiders and sometimes contradicted. In principle, the idea of organizing the VFC is to train the villagers on fish resource conservation and exploitation with more sustainable. This does not work because the village is partly poorer than Koh Seng village and the illiteracy rate is as high as 62%.

Mr. Prom Mab who is deputy of VFC and also the VDC (Village Development Committee) revealed that he used to argue against the seine net operations, but he found it hard to trust on the fishery community management system because we are powerless. This year he has paid less attention to fishery community since he has involved more work with development programs such as the credit from Sith Komar<sup>14</sup>, and the pumping wells for his village.

The other reason is that the village chief, most often, received extra benefit from the seine net fishers and in return he protects them from the criticism and protest from his villagers against the seine net fishers. So, there is no face-to-face confrontation within the village or with the seine net fishers from this village. In

<sup>14</sup> Sith Komar (children right) a program supported by the UNICEF in the province. This program is very similar to what PFD had been doing in the province. But now PFD finished their mandate and Sith Komar is continuing while credit is one of their development programs in each village.

addition, the chief of VFC did not get on well the chief of village so that his ideas are often rejected by the local elites. That is why the structure of VFC is not strong if there is no support from outsiders.

The other group of fishers found in Koh Sneng come from Kon Tuykor (the cow tail) in Stung Treng district. Every year, from December to March, they come to settle their temporary huts and fish along the creeks, tributaries, island corridor, and the river channels. These fishers have settled their huts on the other side of Koh Tonle Moy in which the areas has submerged like an island surrounded by seasonal flooded forest during the dry season. On the southern part of this island-like area is an open space toward Koh Sneng which serves as the main fishing grounds characterized with rocky, deep pools, and rapids, shallow and deeper and the sandy bank which the fishers can use different fishing gears.

However, I observed that the enforcement of the local regulation and institution is very limited and selective. For instance, the other case of electro-fishing was the relative of the chief of police in the district. And the police based in the commune are reluctant to arrest them when encounter this illegal activities.

#### **Case Study 4:** The seasonal fishers in Koh Sneng

Mrs. Lach Vorn and Mr. Chan Sorn are the seasonal fishers in Koh Seng. They are a couple with two children. They are from Samaki commune in Stung Treng district. Fishing and selling fish has been the one of the seasonal economic activity and serves as the main sources of their livelihood. They have been fishing here since 2000 which normally taken place during the dry season from December to April. They explained to me that:

Most of the seasonal fishers here also used big size gillnets (illegal) by tying with rock and drop into the deep pools to catch big fish staying in the riverbed. Besides that they also used single long line fishing hooks to catch those fish as well in the deep pools. I have never seen any fishery officials and fishery community here. (Mrs. Lach Vorn and Mr. Chan Sorn, February 27, 2003)

For Sorn's family, they are not involved with only fishing while they are here. His wife who does not often accompany him fishing stays in the hut looking after the children and run the small shop in the area. Normally, she sells cigarettes, wine, beer, gasoline, and other small commodities which could be sold or exchanged with the villagers, other seasonal fishers in the areas and the travelers or passengers who

passed through the areas (From Vuen Kham in Lao PDR to Stung Treng town), and also waiting for *Moy* from Lao border who to buy her fish which are kept in a cage. He revealed that since he grew up, he has seen lot of people come to fish here most of them come from his commune. There are around eight families from Samaki commune come to settle the fishing camp here and one family consists of two to three members.

The evidence illustrated above shows that fishing grounds in Koh Sneng are not clear-cut within the state perspective and local fishers over the fishing right and access. By looking at fishing ground as a space, then the compliance and resistance to this space have been contested which involves a multi-dimensional social structure based upon actors' social network within the wider context of capitalist relations (Verschoor 1992). In this way, the embedded local actors are directly involved in the privatize operations to wider networks with which the commodity chain interacts like the case of Mr. Khorn who used to be fish buyer and trader in the village during the transitional period.

On the other hand, the seine nets operators believe that because they have a state sanctioned right to use the fishing grounds they may exclude all other users from that area, including putting gillnets or navigation. Moreover, it is obvious that fisheries policy at the provincial town is more concerned with the commercialization of the fishery than with subsistence or conservation. Based on what I have discussed above, the process of access over fish resource in Koh Sneng would be appropriated to describe as a power relations, patron-client relations and social relations.

#### **a) Access Through Power Relations**

With the penetration of market economy, this process has determined the idea of which laws and regulations rather than customary access govern resources. The shift of power from the population to the state and associated private firms in the allocation of resources is strongly determined by power relations. When the access to fishery resource are determined by the power relationships, this action is very dangerous because it confers legitimacy on the state actions which serve only personal interests to consolidate its power at the local level. Legal mechanism and the misuse of public authority are, together with overt coercion and violence, used to expropriate communities of their access and rights to fishery resource.

Without solving the unequal power relations, the local elites are trying to manipulate and validate only an exclusionary system of resource access. For instance, the formation of fishery community in Koh Sneng is to strengthening community access to fishery of resource control. Since local people are powerless, their proposed alternative local institution has been ignored and overlooked by the local elites and politicians who continue to protect their personal gain with the conjunction with the business interests.

### **b) Access Through Patron-Client Relations**

This kind of relation is based on vertical, and unequal power relations. The patron-client relationships are the informal hierarchies fuelled by exchanges between a high-status 'patron' and some (often many) 'client' of lower status. The colloquial phrase big and small man (*Nek Thom/Nek Touch*) relationships convey the nature of the interaction. Lacking resources of their own, clients gather round their patron for protection and security. Political patrons control the votes of their clients and persuade them to attend meetings, join organizations or simply follow their patron around in a different manner. Hague, Harrop and Breslin (1998) explain patrons can be landlords, employers, or political entrepreneurs.

Participation through patronage is a device, which links elite and mass, center and periphery, in unequal and diverse societies. Patronage networks act as political glue, binding the 'highest of the high' with the lowest of the low' through faction membership. Such networks transcend, without nullifying, inequalities of wealth, status and power. Poverty means the poor are vulnerable and need protection; inequality means the rich have the resources to provide it in exchange for political allegiance.

*Moy* is seen as a form of patron-client relations through regular customer in particular in commercial relations. In practice, this form of *moy* can be seen through fish buyer or commercial fishers who may help advance capital to the commercial fishers during a bidding process and before the lot becomes operational. In return, the fish buyers have a contract (written, or unwritten contract) to buy fish from him at marketable prices or at an agreed upon price.

This form of relation is popular among villagers in terms of commercial interest-loaning money. It forms a contractual relation between the money lender and

the money borrower. Small-and medium-scale fishers often advance capital in making or buying fishing tools or as to use it for other purposes.

Like Mr. Sorn Khon who is one of three local fish buyers in Koh Sneng explained that during the anarchic period (1992-1997) we only paid to the chief of commune 5,000Riel/month and exported directly to Lao PDR. Now all fish are sold to big *Moy* who has exclusive right from the government operating in our province.

Throughout his business transaction, Khon had to give money for the local fishers to buy their fishing equipment or bought them the fishing equipment so that he could buy their fish back in the form of verbal agreement or mutual interest. He said some fishers take only two days fishing and are able to pay back his debt, while the others take one month to pay his debt.

### c) Access Through Social and Kinship Relations

By social relations, these involve with specific kinds of social relations such as more advantages can be gained over those without these connections. The social relations are the process of cooperation and contradict and conflict to whom they are interacting. The social relations in Koh Sneng are more clearly discerned through out kinships, relatives, and sisters or brother relations.

This social relation is based on kin relations, which is based on horizontal and equal relations of power. In term of brother and sister in-law relations, this relation is also effectively practiced as part of the kinship network in the commune. Moreover, the terms *bong/phoun* are hierarchically ordered along the elder-younger dimension. This term can apply to all kinds of relations in Khmer society which reveal an absence of the 'formal structured, functional kin groups beyond the nuclear family as found in kinship analysis.

## 5.4 Development Intervention and Local Response Strategies

Since the formation of fishery community in Koh Sneng, there have been development strategies from the government applied in the village. However, not all the development intervention policies necessary produce equal access, but it exacerbates the conflict among the traditional practice, creating the stakes of economic competition which is determined by the web of power of actors and power relations. The recent development of Village Fishery Community is inevitably

conflicting and subversive because it challenges established economic, or social and political power structures. In this section, I would like to classify the discussion into two parts, the development intervention in the village and the local responses strategies against the development system.

#### **5.4.1 The Development Intervention From Government**

In 2001, the government adopted the Second Socio-economic Development Planning (SEDPII) for accelerating growth in the rural economy, which could result in the largest reduction in poverty. Meanwhile, decentralization of state power has been developed to offer new opportunities for political representation and facilitate direct participation of the poor in the local public decision making process, in particular the coping strategies of the poor and to channel local governments' resources to their support and diversification (RGC 2002).

To respond to this decentralization program, in 2002, the first communal election was set up in which the persons to be elected are the agents from each political party: the Cambodian People's Party (CPP), the Funcinpec, and the Sam Rainsy Party (SRP). As the result, the CPP won the majority in which the chief, the first deputy and secretary general are the CPP, while the second deputy is Funcinpec and the third deputy from SRP. Throughout process of communal administrative work, the SRP who powerless has been excluded from decision making and become the opponent while Funcinpec is the alliance of CPP.

Because of these unequal power relations, every decision related to resource management is coming from the coalition parties. For instance, the leasing of fishing ground to the private operation are done by the decision from CPP agents and the support from Funcinpec, while the Sam Ransy Party disagree and demand that all these resource should be controlled and managed by local people. As a result, this party has been accused of trying to conspire people against them and considered as the troublemaker in the commune. This mechanism has been used coercively to control people not only the party members.

Since the formation of Commune Councils, there are more natural resources and domestic items has been taxed and privatized in the village. These include: the cutting of timber in the forest in the commune, the selling of buffaloes, local made-wine, rice mill, motorboat of each household as shown in table bellow:

**Table 5-5:** The summary of local items and domestic product to be taxed

<b>Domestic items and products</b>	<b>The taxing price</b>
Local-produced rice wine	300, 000 Riel/month
Cutting timber	300, 000 Riel/month
Motorboat	23,000 Riel/year
Selling buffaloes	20, 000 Riel/buffalo

By early 2003, there are six rice wine producers in the village. Mrs. Yat who is one of the rice wine producers explained that the villagers as a whole feel that it is impossible to tax this product since they used their own rice surplus to make rice wine for family need and sell some with the extra. One important factor lying behind the wine producing is that its waste has been used to feed the pigs, ducks, chicken and also used as the natural fertilizer for growing vegetable and this job most often fall into the women responsibility in the village. She suggests that one pot (15-20 liters) should be taxed from 1,500 to 2,000 Riel.

Mr. Yorn who is considered as a local wine entrepreneur in the village said that the policy has introduced in the provincial town and some companies who could produce in large quantity around 1,000 liters per day could pay with this tax. For his family, he could produce only about 50-60 liters/day in which he could not afford to that taxing system.

In terms of forest exploitation, before people cut the timber from the forest and pay to the commune council with 20,000Riel/m<sup>3</sup>, but now they have to pay 30,000 Riel/m<sup>3</sup> to the council. Even though, this procedure is not good, the commune elite wants the exclusive right for one group or family to cut the timber and distribute to all villagers who need to buy. So, the authorized group has to pay the exclusive taxes of 300,000 Riel/month (around US\$ 75) to the commune council.

The other assets that have been taxed include the motorboat. At the provincial office, each motorboat has to pay 15,000 Riel/year, while in the commune the price increases up to 23,000Riels/year<sup>15</sup>. And the last domestic item to be taxed is from the selling of buffaloes. This year villagers sold their buffaloes totaling 20 in which for

<sup>15</sup> As I have mentioned in chapter 4, the total motorboats are 68 which some families could have three motorboats. Besides these, there are other seven chain saws, seven rice mills in the village, seven carpenters, two Karaoke, which are yet to be taxed.

one buffalo they have to pay tax of 200,000 Riel. In Koh Sneng village alone, there are 310 buffaloes, which does not include other villages<sup>16</sup>. For a healthy and big buffalo, they could be sold for a good price (one million Riel). This tax came into effect the year while I was conducting my fieldwork.

However, what I have presented above is the very recent case effected by the development policies of the government in which I will not examine in detail. In this regard, I would like to examine one of the hottest issues which taking place since the beginning of market mechanism come into the province. This study attempts to investigate how local fishers in Koh Sneng make space in order to gain access to fishing grounds. In particular, I want to show how fisher-folk in Koh Sneng use different strategies to negotiate with the seine net operators and how they organized among themselves.

#### **5.4.2 The Local Response Strategies**

The leasing of fishing ground in the village to the seine net operations have been done since the anarchic period of fish management crisis in the village. Before the existence of commune council in 2002, the seine net operation had been granted fishing right directly from the provincial level. Meanwhile, some villagers can ask for some fish from the seine nets for their consumption and making fish pasted. But later on the fishing right has been granted from the commune up to the provincial level in which the seine net fishers have to break down their minimal taxes to the commune council. According to these changes, the seine net fishers believe that they have exclusive right to fish in the areas assigned by the government, so they stop giving fish to the local fishers and exclude all other fishers from their territory.

In trying to gain access to fishing in order to meet their livelihood needs, some strategies have taken place in the form of negotiation, protest, and threats, diversify occupations and form themselves as the networks. These three types of strategies, which are manipulated through social relations, are complicated. The social relations involved include communal relations, kin relations or other forms of social ties.

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<sup>16</sup> The total buffaloes of the four villages are 909, 28 cows, 160 pigs, 95 ducks and 1755 chickens (the commune statistic 2003).



One type of strategies done by the villagers so far is through the consultation and brings their complaints to their own village and commune chief first by explaining their problems they are facing. The village head then discusses the problem in a meeting with the chief of the commune. Several groups of fishers often went together directly to complain to the local authority at the commune level. They asked the authorities to make a petition for complains to be heard by the district authority. In such a case, they have to follow the administrative procedures. That is, the petition will be sent from the commune to the district office and then to the provincial authority. However, the petitions are usually ignored and the people do not know at what levels and with whom they have to meet to keep the process moving forward.

Since the formation of the VFC, there are some complaints and petitions made by local fishers. In 2000, the local fishers exercised their right by filing a petition against the seine net fishers. This action was led by the VFC committee, the environmental rangers by preparing the list for thumbprints of local fishers to sign up, but the commune officials and the local fish traders were not involved in this thumbprint because they do not have interest in their petitions.

In 2001, the representative of VFC, the seine net fishers, the chief of district and the representative of provincial fishery office come to talk about the issues regarding to the seine net operation. One of the common explanations from the district office was that the seine net fishers had paid taxes to the government and the operation was not effect at all to the fishing stock. Therefore, they judged the seine operation as legal and right. At the commune level, the villagers also asked the local elites regarding to the leasing of fishing ground. The answer was contradicted, and they accused the villagers are the opponent political parties. They also warned their people “You, the local people, don’t have to complain about the leasing of the fishing ground to the private operation, this is the decision from the top level (provincial level). The oxcart keeps moving, while the dogs are barking which could not stop oxcart at all”.

There are many reasons behind such different phenomena. First, fishers say that there is collusion between the seine net fishers and officials who are responsible for solving the problems. A few fishers observed that the seine net fishers and the officials know each other very well, so they believe that complaining to the authority is like inviting them to engage in corruption with the seine net fishers.

Because the procedure of this administrative line does not work, the villagers have diversified their petition and the report to different institutions such as Provincial Department of Environment, Department of Agriculture, Forestry and Fisheries and the Department of Environment. In contrast, these two institutions are strong contradicted with each other, in particular the idea of conservation and the exploitation of the fish resource in the area.

As a result, in late 2002, the Provincial Department of Environment has written a letter to the Minister of Environment saying that the leasing of fishing ground in Koh Sneng to the private exploitation is in the protected areas for the endangered fish species and most the these endangered species are close to extinguish. In addition, this action has happened in the previous years as well in which in contrast the idea and the objective of the protected areas. We understand that this is related to the fishery office, but we should discuss first before allowing any exploitation in the areas.

According to the declaration signed by the Minister of Agriculture, Forestry and Fisheries No.259 Pro.Kor.Kor Sor Kor dated August 12, 2002 has strictly banned the illegal fishing equipments including the seine-net which size from 1.5 cm down, and the requested letter by the seine operators says their nets is 1.6 cm. However, the environmental rangers in the commune argue that the length of the seine net and its size are not really exact, as they have mentioned in the letter. Their nets have different bunches as well.

The second type of response strategies was done throughout the diversity of occupations. Mr. Vuth who is one of the representative of the VFC and also the environmental ranger in the commune explained that now there have been more changes in the commune such as laws and regulations are being reformed and then imposed on us by banning from doing this and that. In everyday life, most of the fishers are shaking their head because they could not make enough money to support their families. Some villagers who usually fish by using only long line fishing hooks are now also shaking their head, as they could not catch enough fish. For him, he told me that:

For me what I want to focus on now is to work hard on my rice field, farms, and raising animals so that I would be able to make enough money to support my children who are in primary school here. Since the laws on many things have been

reformed and introduced, I have found the condition here are the same, but more people in the village now getting more and more selfish and nepotism than before.

Mr. Vuth, January 8, 2003

The other cases happening in the village the chief of fishery community (Mr. Mai Chanthy) has been away to conduct his own fishing business in Sre Pok and Sesan Rivers near Vietnamese border. He realized that since formation of VFC, he could not use all his fishing nets so he decided to move away where there is no regulation and punishment at all. Normally, he has been there from December until May to conduct his fishing. There are around six families come with him and most of them are his relatives.

He has a lot of fishing nets, which is more than one thousand meters so that he has to hire the local people there to help dropping his fishing net. Most of the fish caught had to be sold at Vietnam, Banlung of Ratanakiri, and Mondukiri provinces in Cambodia. People in the village told me that he had returned home three times and each time he could earn around one million Riel (around US\$ 250). However, fishing in this area is one of the most productive in term of economic space for his family.

The other type of diversify occupation strategy is the shift from fishing to Non Timber Forrest Product collecting rather than fishing. One case study related to these activities shows that collecting forest product becomes one of the main sources of informal economy of the family. Mr. Phan who has been the NTFP collector in the commune expresses his view that:

I have been a NTFP collector for more than 10 years. I think it is one of my livelihoods as am able to earn enough money from these forest products. Until now, I could not stop because it becomes my cooking pot and also the only source of my family economy. Each time, I could collect waxes from resin tree around 30-40 liters in which I could sell them to the boat makers or make *Chon Los*.<sup>17</sup> One *Chon Los* could be length of 40 cm and the size of 4 cm and we can sell them with 500 Riel

Mr. Phan, January 8, 2003

The third type of local responses is through personal negotiation, cooperation and protest. Before the seine net fishers paying tax to the commune council, some villagers in particular the representative of VFC can ask some fish from the seine net

<sup>17</sup> *Chonlos* is normally used in the rural area during nighttime because there is no electricity and some families in the village are also lack of money to buy kerosene.

fishers without paying money. The other type of cooperation was that Mr. Vuth who is the environmental ranger and also the member of VFC committee forced the seine net fishers to buy his gasoline, which the price of one barrel is more expensive than the normal price at the market (5, 000 Riel). Later on, the seine nets fisher decided to stop buying because they come to the province everyday. This attitude has made the relations become worse and worse in which there is less protection from the people in Koh Sneng.

Based on these relations, the local fishers come up with discourse together regarding to the environmental justice and the culture which associated with rivers. The protest was organized by the environmental rangers, the Village Fishery Community Committee in Koh Sneng and their relatives from Koh Srolao and Koh Key villages came to threaten to burn their seine nets as well as the fishing license signed by the commune chief up to the provincial office. The event was happened in March 2002, while *Trey Riel* migrated up stream in large school. However, the seine net fishers managed to continue their business because people from Chom Thom village came to help. Throughout social relations and power relations, the seine net fishers have built up strong relations with Chom Thom village and all level of government officials that's why they can be helpful to them.

Even though the protest and petition against the seine net operators was not successful, villagers in Koh Sneng has managed to build up their relations with other local fishers in other commune through out fishery net work in the areas supported by NGOs. Throughout my interview with local fishers from nearby commune, they produce the common discourse against the seine net fishers with the common explanation. One of the fishers from nearby commune explained to me that use of seine net is one of the most destructive fishing equipment, which causes fish decline.

Local people observed that in every season, the seine nets operator in Koh Tonle Mouy could catch fish at least more than a hundred tons per year from the area. The use of seine nets is one of the most effective equipment used to catch all types of fish. Every year, they could get profits around 20-30 million Riel while they pay to the communal council only 600, 000 Riel for this year and last year they received only 400,000 Riel.

By looking at the format of licensing process it shows that the decision of leasing fishing ground to the private is coming from the chief of commune who signed the letter and send to the top level to approve as requested. But when asked the chief of commune about this process, he admitted that he was not the main decision-maker.

The meaning in the letter is already set up and he just only signed because he is not the big boss. Mr. Sai Soy, one of the VFC committees, also explained that the structure of communal council administrative shows the chief of commune as the general managers waiting for approval, while the most powerful is the commune secretary who is in charges both finance and day-by-day administrative work. The secretary commonly explained to villagers that the money is used for the officials on travel, participate the meetings or training courses outside the commune.

The cases described above provide an example of everyday practice of fishers who have different strategies. In brief, everyday practice, different individuals and groups of small-scale fishers adopt many different strategies and tactics depending on their own conditions and circumstances. Some of them have developed patron-client relationship. When individual tactics fail, people tend to take collective action such as protest, and sending petitions to the related institutions. This is because they have common problems of being excluded from fishing ground operated by the seine net fishers.

On the other hand, because of the absence of legal framework, a local officials or the provincial governor are not willing to support the CFM (Community Fishery Management) because there is no clear legal mandate or policy for this. So, they are reluctant to act openly and publicly. Even if there has been debated and interpreted at the provincial, district, and local levels regarding to the CFM, but the government officials accept that this concept is very new to them, but not the local people.

Regarding to the Fishery Community, Article 76 (a) of Chapter 12 of the newly drafted fishery law also states that all Cambodian citizens have the right to form a Fishery Community in their own area on a voluntary basis to take part in the management, conservation, development and use of fishery resources with more sustainable manner, and (b) also states that the statutes, regulations and plans of community management shall be developed by the Fishery Community, and shall be

approved by the fishery administration and the Ministry of Agriculture, Forestry and Fisheries.

In the meeting between the chief of district and NGOs on 24 December 2002, the district authority claimed that setting up the fishery communities is not wrong, but we need the laws or any other principles we can trust:

If the government has approved the sub-decree on fisheries community, the village fishery community by-law could be signed and approved at the commune level without the approval from the district and provincial level. There are two reasons that we do not offer the exclusive management for the local community: (1) there is no official law to recognize their community establishment, and (2), they the local community do not have enough capacity to manage their own resources and most often they don't understand their roles as well.

Mr. Chea Thavarith, December 24, 2002

Throughout this process, most of the local elites realized there is a new law on fishery being drafted and a sub-decree on community-based fishery resource management. But, they ignore it and produce a system which shows that the process of leasing fishing ground comes from the chief of commune who is the main actor in decision-making process while the top level are waiting for approval based on hierarchy. They also realized that the local people have never protested against their decision. There must be some support from NGOs who are working toward local resource management.

In late 2002, there was a consultation in Phnom Penh between local people who live in the concession forest with the forest concessionaire company regarding the right to organize forestry communities, which is controlled by local people. Unfortunately, the process has moved to mass demonstration in which the government accused coordinated NGOs as opponent political parties working against the state. This situation legitimized the local authority to increase more control on local communities and the NGOs who are working with local development have been the target, and the scapegoat for creating the national unrest. As a result, the monthly meeting of fishery network coordinated by NGOs has been stopped and banned by the district authority as they are accused of being political party agents. The other reason was that NGOs did not initially take a strong stand was that they could not quantify the mismanagement of fishery resources. But partly, this was because of poor security in these remote areas before the national election held in July 2003.

As for the fishery officials, who are responsible for fishery law enforcement, they rarely came to the village because of its remoteness and security problems. My interview with local fishers revealed that the fishery official from the provincial town came occasionally to control fishing activities around two to three times per year.

One case in December 2001 shows that the district agriculture and fisheries officers including the director of the Provincial Fishery Office came to discuss with villagers in Koh Sneng regarding to the leasing and demarcating of their fishing grounds for the seine net operation. The villagers knew that the visit was unofficial, so they asked for the commission letter from the provincial office. But there was none so that villagers started to leave the meeting one by one until only a few people were left. The officials realized that the villagers did not like them so that they left in shame.

The other case was in May 2002, there was special environmental awareness celebrated in the village and the provincial Director of Fishery Office declared he would abide by the rule of law and the fishery regulations by protecting the fishery resources in the province, but this promise seemed to be contradicted what had been happened and practiced in the areas.

As I have argued earlier the village fishery community as a local institution seeks territorial control over resource vis-à-vis the local elites and other agents in the landscape. This theoretical argument is connected to the empirical evidence of the case in Koh Sneng shows that the community has struggled to maintain the control over its fishing grounds vis-à-vis the local authority and its business alliances. The behavior of VFC as political agents in a changing landscape was illustrated by the political struggle that took place throughout various forms of responses. Even though the struggles were not successful, at least it represents a critical historical moment that determined whether the state, the business or the local community would be the one who maintain the territorial control over fishing grounds. In brief, I would like to draw on three factors that play out a major role in hindering the adoption of more sustainable fishing practices in the village.

The first is the lack of government initiative in promoting sustainable fishery management. The major focus of government effort in fishery matters until now has been fish exported-orientation and bans on several things such as destructive practice, the maximization of catch in which these bans often contradict in everyday practices.

The second is a cultural reluctance and power relations to forbid others to do something, particularly when the other parties are known to those affected by the action. Thus, where communities are aware that their fish stocks are being depleted by overuse of gill nets, seine nets for instance, they are not usually willing to take action to prevent this, unless consensus can be reached with the seine net users on the need for change.

The third factor is the lack of effective mechanisms for consultation and communication among fishing communities over sufficiently large areas such as river basins. In addition, the monthly meeting on fishery communities network in the area had been banned by the local elites who have their interest in the fishery resource exploitation in conjunction with business which make them less willing to take cooperative steps to deal with the problems.

### 5.5 Summary

Throughout history, the fishery resource management in Koh Sneng has been well managed based on co-organization and social norms of reciprocity. But since the 1990s, these resources were strongly influenced by market demand and the ensuing crisis of fishery management in the areas. Village Fishery Community has been one of the response strategies by which individual and groups can jointly manage resources. In principle, this local institution typically involves defining a common property regime with strict controls on access and use so as to prevent over exploitation.

Because these resources are not fixed in space and it involves diverse user groups, this has resulted in conflict over access to the common property in particular with fishers. The village, moreover, based on ecological setting, there are more available spaces for local fishers to fish, but not in the most productive grounds which have already been demarcated for commercial operations. On the other hand, local villagers also find it difficult to stop outsiders to the open fishing season.

In order to gain access to fishery resources, actors use different strategies such as power relations, patron-client relation and social relations among all stakeholders. Privatization of fishing grounds is suggested as a possible solution for the physical rehabilitation and sustained productivity. This is a part of the often-repeated recommendation for handling the so-called tragedy of the commons. The ultimate



concern of public policies should be the elimination of human hunger and over-exploitation of the resources.

But without the clear legal mandate or policy for Village Fishery Community, the local authority is also reluctant to show support. For these reasons, it is important, where possible to gain informal support for community-based processes to illustrate the strength of such an approach and to bring policy makers on-side. Perhaps there are some benefits to not yet having a legal framework for Community-Based Natural Resource Management (CBNRM) programs in Cambodia.

In the absence of legal framework, some NGOs in the province like CEPA and CAA has used informal methods: such as training, field visits, group dinners, informal discussion and conduct provincial workshops to engage policy makers and influential persons as well as the garner support for local level activities. Attention needs to be given to the drawing policy-maker at all level into the field to see just what a difference local participation can make. Li (2001) suggests that the CBRNM approach advocated for this region, which anchors legal rights in specific practices and identities, locates them in fixed territorial units (communities, ancestral domains), and makes them conditional upon sustainability outcomes, is at best a partial response to the need of local people to secure the benefits. Communities do need formal recognition of their right to manage the resources; however, policy makers need to be cautious in defining these rights to narrowly.

Brosius, and Tsing (1998) argue that community-based natural resource management programs are based on the promises that local populations have a greater interest in the sustainable use of resources than does the state or distant cooperate managers. They are more cognizant of the intricacies of local ecological processes and practices, and that they are more able to effectively manage those resource through local or “traditional” form of access. By providing a concrete scheme for action in the form of the community-based natural resource management model, NGOs and their allies have sought to bring about a fundamental rethinking of the issues of how the goals of conservation and effective resource management can be linked to the search for social justice for historically marginalized peoples.