

CHAPTER 2

RESOURCE POLITICS AND THE HISTORY OF FISHERIES MANAGEMENT

In the past there were a number of fishing conflicts over the issue of access to fishing grounds, stemming mainly from the actions of state actors who imposed regulations upon the area in the form of rigidly controlled zones within the fishing grounds, often understood in terms of the discourse of development. To understand these problems, I first need to give some background information on the historical development of the fisheries regimes, intertwined with the notion of territorialization of the fishing grounds, over different periods and on different scales. This chapter will present the history of resource management and the process of territorialization, and the ways in which states use these in pursuit of their particular aims. First, it is important to review fisheries management and examine how social and economic dimensions have changed Tonle Sap Lake, along with the changing political regimes in Cambodia. My work here relies on secondary data derived mainly from Fisheries Administration (FiA) reports and my fieldwork. There are a number of royal ordinances and policies dating back to the ninety-year French colonial period and moving on through subsequent fisheries regimes; however, here I will discuss only the key royal ordinances, laws and policies, those of significance and that have had an impact on the management of fisheries. Second, I will shed light on the territorialization of the fishing grounds around the Tonle Sap, in terms of how the management zones were defined and redefined, such as for commercial fishing, conservation and public fishing purposes, and also the issue of fishing scales and its implications with regard to fishing conflicts. Third, I also discuss how the introduction of rigid fishing resource boundaries was opposed and the actual practices of the fishers, having been excluded from access. Last but not least, it will describe the informal economy of the fishing communities in the study area, this being the main theme of my study, and will highlight the role of the state and the extensive use of regulatory power (mainly contradictory fisheries laws), in manipulating the

situation so as to take advantage of opportunities and for personal gain. This issue resonates and links well with the powers of legitimation, force, and the market.

2.1 History of Inland Fisheries Management

Tonle Sap Lake has a long history of fisheries management, with its richness of resources seen as remarkable by the French colonialists and so utilized economically. There has for a long time been much concern out the area's resources, because local people and Cambodian society as a whole have been highly reliant on fish consumption activities. Records of the abundance of fish resources in the lake can be traced back to historical records such as the chronicler Chou Ta Kuan, a Chinese visitor to Cambodia during the period 1296 to 1297, the sculptures at Bayon temple, Henry Mahout's diaries (a French traveler writing in 1864), and recent FiA reports. Fisheries management has endured a long period of change, with several political transformations taking place in the country. Here, I divide my analysis into four periods and chronological events: 1) prior to and during the Angkorean period, 2) prior to and during the French colonial administration (1863-1953), 3) the post-colonial period (1953) through to the end of the communist regime (1980-1989), and 4) the free market period (1989-present).

The period during and after Angkorean times was chronicled by Chou Ta Kuan, who states that at this time there was little or no formalization of fisheries institutions, laws and management systems, and nor had the concept of property rights been established. Tonle Sap Lake has long had an abundance of fish resources and a relatively low human population. During this period, fishing was practiced freely within common fishing grounds, and people had free access to fish anywhere, using traditional fishing gear, plus experience and traditions passed down through families. At this time fishing gear was improved in order to catch more fish, but practices were still based on traditional experience, without much innovation occurring in terms of fishing techniques originating from outside the locality.

The second period occurred prior to and during the French colonial time (1863-1953). Before the French colonized Cambodia (1857-1862), people practiced fishing based on customary rights and in the form of individuals or collectives. However, with the advent of the French colonial period (11th August 1863 to 1953),

fishing provisions were centralized in order to increase tax revenues, plus private property rights introduced. Indeed, between 1863 and 1872, industrial and commercial fishing practices were introduced around the Tonle Sap through the establishment of fishing areas or fishing concessions, the aim being to improve national economic development through tax revenues. However, there was little in the way of colonial investment, such as in the improvement of infrastructure in Cambodia; this mainly occurred in Vietnam. The formalization of private property rights was not fully implemented and developed until 1908, as will be discussed later, and so fishing was still practiced in a traditional way, with tax revenues remaining low.

Perhaps because fishing barriers had blocked the passage of vessels, in 1872, during the reign of King Norodom (1859-1904), royal ordinances were issued which placed restrictions on the width of fishing barriers to only one-third of the width of waterways, in order to enable any vessels to navigate rivers (interview with Touch Seng Tana, as cited in FiA 2006).

During the period 1873-1889, fishing concession were expanded in size, and fishing techniques also improved. Tax revenues became the main focus at this time through the granting of concessions to private owners based on a bidding system. In 1874, a royal ordinance was issued, prohibiting the use of fishing gear with a mesh size over 2.5 centimeters, giving an idea as to the size of mesh used around the Tonle Sap up to that time. Fishing had also begun to play an increasingly role in supplying the daily needs of and maintaining food security for local people; however, lawmakers did not focus much on fishing restrictions; fisheries laws were loose and quite relaxed. Fishing was practiced freely by individuals or collectives in all areas except inside the private fishing lots; there was little or no law enforcement. However, benefits were extracted from those whose fish catches went beyond family needs, in the form of tax revenues.

During the period 1890 to 1929, royal ordinances focused mainly on the establishment of fishing lots and their procedures, including the use of fishing gear which went beyond family needs. In 1908, Directive no. 40 was issued, dated April 4th, which involved a census and the classification of all fishing grounds in Cambodia, in order to assess and identify the potential economic value of each

commercial fishing lot and to set fishing lot boundaries. Following this state directive, another royal ordinance (35) was issued on May 22nd 1908 and was signed by King Sisovath under French colonial supervision. There were two distinctive features of this royal ordinance. First, specific fishing areas were given to private owners, who were granted rights under the guidance of the state and through a contract and bidding system. Second, the fishing gear to be used in public fishing areas was restricted under the law and fishers had an obligation to pay tax. After this time, there were a number of royal ordinances issued, the aims of which were to add and revise previous ordinances based on the prevailing socio-economic changes taking place in Cambodian society.

The third period covers from the post-colonial period (1953) to the end of the Communist regime (1979-1989). After the colonial period ended in 1953, King Sihanouk took over the country until his ousting in 1970, and then two subsequent regimes took power; the Lon Nol regime (1970-1975) and the Khmer Rouge (1975-1979), and these two regimes had little to do with the fisheries sector (processes or management), as it was a period of war. A Fisheries Law was laid down in 1956 during King Sihanouk's rule, and this centralized the law and remained valid until 1970. The subsequent Khmer Rouge regime (1975-1979) abolished fisheries management completely, and no records of this period were kept at all. In fact, radical collectivization was deployed, in addition to the abolition of private property and money. As a result, access to fishing ground was prohibited, and local people were prevented from catching fish, except under the orders of regime cadres.

Following the collapse of the Khmer Rouge regime in 1979, nothing was left except existing documents and laws, so these were compiled together to form a new Fisheries Law. A centrally planned economy and fishing lot system was set up based on the same locations and policies which had been practiced in the past. At the same time, the state encouraged the formation of small-scale solidarity fishing groups (*krom samaki*), which were mainly oriented towards feeding the growing populations and to generate state revenues. These groups, and the provincial Department of Fisheries, were encouraged and permitted to exploit fish resources, then in 1980 the state also provided subsidies to the solidarity groups, to provide them with enough capital to maximize their fish catches. During this time, fishing methods were not fully

developed and remained small in scale, and the population depended on fish resources much less than they do now. Thus, fish species exploitation was not a major concern at that time as fishing practices were restricted. The collectivization period ended in the late 1980s.

The fourth period encompasses the recent free market economy time (1989-present); an era of potential and real fishing conflicts. The second Fisheries Law in 1987 was formalized and compiled by a few fisheries' officials who used to work in the fisheries sector during King Sihanouk's rule, and who were survivors of the Khmer Rouge regime. This law, called Fisheries Fiat-law No. 33, improved little on the content and essence of the previous law issued in 1956.

The fisheries situation changed during this period, as an increasing number of fishers engaged in fishing to supply the market, and also improved fishing gear and techniques were introduced. However, the Fisheries Fiat-law was outdated and did not contain enough operational detail to deal with the changes in socio-economic conditions taking place in the local fishing communities. As a consequence, in 1995 a review into the existing law commenced through the formation of working groups among concerned institutions, after which subsequent revisions were made. Notably, in 1999 poor management and law enforcement resulted in the widespread use of illegal fishing practices, with lot owners developing their own policies and excluding small-scale fishers from gaining access to the fishing grounds. They also expanded the unauthorized fishing areas. As a result, the lot system at this time led to the destruction of fish resources and also gave rise to conflicts between the lot owners and the small-scale fishers, conflicts which would last decades.

These fishing conflicts became impossible to ignore and occurred in a number of areas where fishing communities were living close to fishing lot boundaries. This situation eventually led to action and change, brought through implementation of the Fisheries Reform in late 2000. As a result of this, the World Bank provided loans and technical assistance (TA) in order to write down the law in English – to sit alongside the Khmer version. The new draft fisheries legislation was reviewed and improved by the Department of Fisheries (DoF), taking into account the developing and changing socio-economic situation in the country. In particular, change occurred as a result of the emergence of a new concept; Community Fisheries (CFs), and in late 1999 the

Community Fisheries Sub-decree was set up by the DoF, establishing the Community Fisheries Development Unit (CFDU). At same time, the first stage of the Fisheries Reform was reduced to cover only 56 percent of the total fishing lot area around Tonle Sap Lake, with more set aside for communities to establish CFs and for family-scale fishing. The draft fisheries legislation was revised with local help, based on a local consultation and decision-making process. Finally, the revised Fisheries Law was approved in 2006. The DoF was replaced by the Fisheries Administration (FiA), as endorsed by the Prime Minister, on 11th August 2006; however, this was seen as leaving a gap between the practice and the law, an issue that has continued to the present.

In 2011, a further step was taken when five fisheries chiefs were sacked in each Tonle Sap province, to allow for an investigation into alleged fisheries offences and the temporary closure of all fishing lot around Tonle Sap Lake. However, there was no notice in place in order to deal with those who carried out offence or were provided of being corrupt. Finally, in mid-2012, a second stage was launched, with a total of 37 fishing lots being closed in their entirety -. This move lies behind a reduction in poverty and conflicts between the fishing lot owners and the small-scale fishers.

To summarize, along with the political regimes, fisheries have gone through different periods of historical development, but it was not until the advent of French colonialism that fishing grounds were divided up in response to economic developments and the introduction of market capitalism. The imposition of the market economy would not have been possible without privatization and the racialization of the fishing space. As a result, the fishery system around the Tonle Sap was transformed through the development of laws and regulations, plus the imposition of a market economy system. However, during that period, market developments proceeded much more slowly that had been expected and had a minimal, negative impact on local people's livelihoods, while fishing communities remained sparsely populated and developed. Since then, with the introduction of market-driven policies (in the early 1990s), the population has expanded dramatically and increasingly engaged in fishing, and this has led to an intensification of fishing conflicts over the last few decades, as well as competitive overfishing, which in turn has created

pressure on the fisheries and has become a key factor in the occurrence of production decreases and later, controversial fishing conflicts in late 1999. In light of these negative changes, the RGC had to reform the fisheries and the law in late 2000, and; thereafter, break-up of the fishing lots. Nowadays, the potential implications of territorialization have become more and more problematic on the ground, meaning fishing space is now divided into exclusive entities, a move opposed by the local people through their everyday practices.

2.2 Territorialization of the Fishing Grounds, and Fishing Issues

Historically, the Cambodian state has paid scant regard to the needs of the myriad populations who depended on the lake, as its dominant view has focused economically on state revenue generation. However, it became obvious some time ago that a degree of coordinated management was necessary, because fisheries are an integral part of both state revenue and local livelihoods generation. This move led to two broad ideas; first, establishing both formal and centralized governments institutions, and second, dividing areas up for management by different sectoral organizations based on mandates and interests present at the geographical and political levels. Management of all the fisheries in Cambodia is now vested in the Ministry of Agriculture, Forest and Fisheries (MAFF), and through the Fisheries Administration (FiA), which is the most influential institution, and until recently had centralized decision-making power over the bidding system and over the flooded forests, fisheries and other aquatic resources, that is, up to when the fishing lots system in Tonle Sap Lake was dismantled. Second, there are several other concerned institutions, including the Ministry of Environment (MoE), which is focused on environmental and biodiversity conservation and runs the Tonle Sap Biosphere Reserve (TSBR), plus the Ministry of Water Resources and Meteorology (water resources management). Thus, the state is made up of multiple actors at the geographical and political levels, all of whom have their own interest, mandates and different ways of managing Tonle Sap Lake, and these interests are not always shared. In addition, there is a need for increased collaboration and coordination that goes beyond the national level to the regional level, involving the Asian Development Bank (ADB) and Greater Mekong Sub-region (GMS) program. Thus, management of

the Tonle Sap is now on a vastly different scale to the past; global, national and local. At the local level, there exist different decentralized institutions for ensuring livelihood and food security, such as the formally established and institutionalized community fisheries (CFs). For example, the CF in Phat Sanday was one among others which was initially established on 28th September 2001, as facilitated by the Mekong River Commission (MRC) and the NGO - Southeast Asia Development Program (SADP), in collaboration with Department of Fisheries (now the FiA) in Phnom Penh.

Those key agents which work within the fisheries sector include the FiA at the national level and the Provincial Department of Fisheries (PDoF), which is regarded as a powerful department as it has control over valuable resources. The PDoF is divided into the district, commune and village levels. As well as these entities, there are lower structures of state institutions, such as the village heads and commune chiefs; the police, military and soldiers. These concerned stakeholders play a key role in the management of the lake and cooperate with one another; indirectly involved in fisheries management. For example, FiA staff have the right to call for cooperation from the armed forces groups (police and PM) when they wish to crack-down on illegal fishing activities. However, this more decentralized model provides much more space for local state agents to reinforce their power, leaving the state's practices compromised and allowing illegal fishing activities to take place in the pursuit of economic benefits and personal gain.

The inland fishery domains define state property as comprising “permanent waters, the Mekong River flooded areas and inter-tidal areas” (Fisheries Law 2006). Fishing grounds around Tonle Sap Lake are mapped into commercial fishing areas, conservation zones and public fishing areas. The area is also regulated in terms of access through the classification of fishing gear into ‘small-scale’, ‘medium-scale’ and ‘large-scale’ fishing gear, together with the use of open and closed fishing seasons. FiA officials play a key role, controlling local people's access around the fishing zone areas, while the conservation zone is under the Ministry of Environment (MoE) (see Table 2.1). Regarding this point, I will discuss the divisions and scales related to fishing, those which function both in theory and in practice.

Table 2. 1 Brief Summary of Allocated Fishing Grounds

Designated Fishing Ground	Name	Responsibility	Medium-scale Fishers	Small-scale Fishers
Commercial fishing area	•			
Conservation Areas	Fish sanctuary	FiA		
	Tonle Sap Biosphere Reserve (TSBR)	MoE, but FiA have right to enforce the law within the area		
Public fishing areas	Open access area	FiA	•	•
	Community fishing area	Community Fisheries (CFs)		•

First, commercial fishing areas or fishing lots have been territorialized since 1908 – during the French Protectorate regime. They were initially formed for tax revenue collection purposes, as mentioned earlier, with exclusive rights given to the private sector and with a specific fishing boundary set. As a result, this territory was demarcated as the largest fishing area on the lake. In 1919, the commercial fishing areas on Tonle Sap Lake covered 603,880 ha, but had declined by 1940 to about 444,970 ha. However, after the Khmer Rouge era, the area under commercial fishing increased to about 507,731 ha (Chevy and Le Poulain; Degen *et al.* 2000, cited in Sithirith Mak 2011). Apart from raising state revenues, fishing lots also provided a few jobs for local people, and were a source of fingerlings for small-scale fish farmers.

By the year 2000, the RGC had reformed the fisheries sector and released 56.46 percent of the total fishing lot area (538, 522 ha) on the Tonle Sap for the establishment of CFs, which were allocated as public fishing grounds (FiA 2006). Once again and most recently, in mid-2012 the second stage was introduced with the complete abolition of all commercial fishing lots; the first time for 104 years. As a result, the RGC has released a total of 37 fishing lots in their entirety. The total fishing lot area released covers 271,126 ha, of which 177,881 ha (65.6%) has been allocated for community use and 93,236 ha (34.4%) for fish sanctuaries (DPA news).

The released areas have also been re-defined and re-classified, as a form of expansion into public fishing grounds and fish sanctuaries.

The dismantling of all the fishing lots can be seen as a check and balance. This was given clear expression through the RGC, which publicly endorsed the fact that tax revenues from the former 37 fishing lots on Tonle Sap Lake contributed only two million US Dollars per year - a relatively a small amount compared to the amount of general taxation collected per day, which is equivalent to three million US Dollars (cited in a public RGC speech, 2012). This is seen as a better way to alleviate poverty and generate income for the local people.

Today, there are no fishing concessions given, since this system has recently been abolished in response to alleged mismanagement, increasing exploitation of fisheries resources and persistent fishing conflicts. However, there are a few who believe that this reform, the aim of which is to achieve an improvement in local livelihoods, is directed at rectifying 'poor resource governance', but rather is focused on other relevant issues. In theory, the reform has created more space for local people to fish, but in practice, these areas permit illegal fishing due to the incentives created by market capitalism.

Second, conservation areas are large fishing areas on the Tonle Sap representing 'conservation space', and these were first implemented in the 1940s and have continued to this day. This form of territory can be classified into two: 'fish sanctuaries' and 'biosphere reserves'. The fish sanctuaries were originally formed as part of the commercial fishing lot areas and in support of the commercial fishing lots, then in 1993, a royal decree designated the Tonle Sap as a multiple-use protected area, and, due to increased environmental concern, was also nominated in October 1997 as the Tonle Sap Biosphere Reserve (TSBR), under the 'Man and the Biosphere Program', as initiated by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) (ADB 2006). The fish sanctuaries and Biosphere Reserves act as a form of conservation territoriality on Tonle Sap Lake.

The fish sanctuaries were first established in the 1940s under the French Protectorate Regime, and have continued to exist on Tonle Sap Lake since that time. These areas represent territory reserved for fish production and scientific fisheries research, with the objective of providing refuges for fish broodstock; to escape the

intensive fishing carried out inside the fishing lots and public fishing areas during the dry season, and so as to improve the replenishment of fish stocks during the breeding season. The serious decline in some fish stocks and the threatened status of some fish species has made the protection of broodstock a high priority, and fish sanctuaries have played a major role in achieving this objective. By 1998, the fish sanctuaries covered 24,680 ha of the Tonle Sap (ADB, FAO & DoF, 2003, cited in Sithirith Mak 2011). All kinds of fishing activities are prohibited from these areas, in order to allow the fish to spawn and feed.

In my research study province (Kampong Thom) there are two fish sanctuaries: Balot and Pistoun, which cover 1800 ha and 1030 ha respectively. Pistoun fish sanctuary is close to Phat Sanday community, and this fish sanctuary is demarcated by poles, and the FiA assigns technical staff to guard it; most of who work at the lowest level of the FiA, known as a '*sangkat nesat*'. In theory, this area has a ban on fishing, but in practice, people are allowed to enter this area to carry out illegal fishing activities, particularly at night, in return for the payment of informal fishing fees.

Tonle Sap Biosphere Reserve (TSBR) was established in 1997 by UNESCO, and its secretariat was formed in September 2001 under the Cambodia National Mekong Committee (CNMC). The Ministry of Environment (MoE) is responsible for this territory. The TSBR is divided into three zones: three core areas, a buffer zone and a transition zone. The three core zones are unique ecosystems with high levels of biodiversity and high conservation value. The buffer zone is covered by flooded forest, in which fishing activities are dominant. The transition zone is mostly farmland in which rain-fed rice and floating rice cultivation takes place. The TSBR is designed to reconcile the needs of biodiversity and environmental conservation, and economic development, in an integrated manner, and has three functions: conservation, sustainable development, and education and research.

The three core areas identified within the Tonle Sap floodplain are Prek Toal (21,342 ha), Boeng Tonle Chmar/Moat Khla (14,560 ha) and Stung Sen (6,355 ha) (quoted from poster of MoE, no date). These three core zones are unique, and contain preserved flooded forests used for fish reproduction, the protection of water birds of international significance, and maintain the diversity of wild animals. The protection

of these core areas is important, not only for increasing the number of species, but also to sustain fish stocks and fish catch levels, the aim being to improve the living standards of local communities.

In Kampong Thom Province, the TSBR consists of two core zones: Boeng Tonle Chmar and Stung Sen. The third core zone in Stung Sen is characterized by closed-canopy flooded forest, containing the tallest flooded forest in the area, close to Phat Sanday commune. There are five fishing villages in Phat Sanday commune and three ex-fishing lots (fishing lots 1, 2 and 3) surrounding it. Similar to the 'transition' and 'buffer' zones, the boundary of the 'core zone' is clearly marked on maps, but not clearly demarcated on the ground, making control and management of the area problematic.

Public fishing areas can be divided into two: open access and community fishing areas (CFs), as follows:

Open access areas: outside of the fish sanctuaries, the remaining areas are given over to general public fishing areas, which include settlements and navigation channels. The management of these areas is also problematic, as although described as 'open access', fishing activities are highly competitive and cross provincial boundaries, plus there is seasonal and temporary migration, with people entering the areas from lowland communities. In light of these problems, community fisheries have been formed as follows:

In response to a recognition of the challenges faced in managing public fishing areas, where competition is high - leading to a potential depletion of fish resources, community fisheries (CFs) were formed in 1999 and a Community Fisheries sub-decree enacted in 2001 - after the release of 56 percent of the total fishing lot areas in late 2000. Under this system, the MAFF is entitled to allocate public fishing area in community fishery as 'community fishing areas (Fisheries Law 2006). CFs have been formalized and institutionalized and have to go through a prescribed set of formal procedures which must subscribe to the relevant sub-decree. Indeed, CFs have by-laws, internal regulations, management plans, area maps and agreements recognized by the competent authorities, and according to the provisions of the sub-decree on community fisheries management.

There are currently 284 CFs situated on Tonle Sap Lake (ADB 2012:19, cited in Serey Sok *et al.* 2012), and these were officially established by and registered with the FiA. They also receive support from a variety of non-government organizations. Based on a ADB report (2005:39), the CFs have been a massive failure and now are at a crossroads. The problems faced by the CFs are quite similar to those experienced before, and can be summarized as follows:

- “• A lack of revenue, because CFs are restricted in their revenue collection activities, plus, as they do not have legal status, they cannot open a bank account
- Non-members do not respect boundaries, rules and regulations
- They have no powers to stop illegal fishing activities
- Committee members have a low capacity to do the work
- No funds are available for income-generating activities (IGA) or livelihoods improvement
- Committee members do not receive a remuneration, and
- There is conflict with the commercial fishing lots.”

The failure of the CFs, as summarized by the ADB report, revolves around manageable issues. It is undeniable that these issues need to be improved; however, there is a need to develop an in-depth understanding of the problems and come up with pragmatic idea; to find the root cause of the state mapping and local state manipulation issues, whereby state policy lacks an in-depth understanding and harms livelihoods. Under this system, local people participate and contribute little to the CFs, though their livelihood needs are urgent, and there is very little trust between the local people and the state authorities.

Regarding fishing gear, the way in which the exploitation of inland fisheries is carried out is by controlling fishing practices through the classification of fishing gear into three types, these being: small-, medium- and large-scale fishing gear. A prescribed set of these types of gear is determined by a proclamation from the Minister of Agriculture, Forestry and Fisheries (Fishery Law 2006). This classification is based on the distinct fishing areas, as already mentioned above.

Small-scale fishing gear is designated for small-scale or subsistence fishing only, using a large variety of low capacity fishing gear, such as nets, traps, hooks and bamboo fence traps, among others (see Appendix A) and with a prescribed set of fishing gear as determined by the proclamation of the Minister of Agriculture,

Forestry and Fisheries. This category of gear is free of charge, not licensed and predominates among the fishing communities. Subsistence fishing can be operated at anytime throughout the year within the public fishing areas (both open access and community fishing areas), plus inside the fishing lots during the closed season.

Medium-scale fishing can only be practiced inside the open access area using medium-scale fishing gear, while 'industrial' fishing can only be operated inside fishing lots using large-scale fishing gear. These two types of fishing exploitation can only operate in the open fishing season, and operators must have a fishing license, pay taxes and fishing fees to the state, and follow the regulations stipulated in the license.

Article 16 of the Fisheries Law 2006 defines the closed fishing season for medium-scale fishing activities as follows:

- 1) From 1st June to 30th September for the inland fishery domains located north of Tonle Chaktomok parallel (Latitude: 11o 33' 259"N)
- 2) From 1st July to 31st October for the inland fishery domains located south of Tonle Chaktomok parallel (Latitude: 11o 33' 259"N).

Thus, except in the CF areas, medium- and small-scale fishing activities operate within the same fishing area. Medium-scale fishers use arrow traps, large seine-nets and large gillnets, as stipulated in the proclamation. This situation has led to fishing conflicts developing between different scale operations within the same territory.

The management of fishery resources occurs on all spatial scales; global, national and local. The process of territorialization has resulted in a dividing-up of the fishing grounds into designated territories, these being: conservation areas, which are sub-divided into fish sanctuaries and the TSBR, and public fishing areas – which are set aside for the establishment of CFs as a form of decentralization. It is obvious that the fishing areas have become more functional and that multiple institutions have been formed and claim space at all spatial levels, the global, national and local, and these organizations compete over the right to control designated fishing spaces, adding to the competing claim of local people regarding access to the fishing grounds. It is clear that as more management has been introduced to the fishing communities, so local people's access to the fishing grounds has reduced. The presence of the local authorities is commonly viewed by local people as a threat to their access rights,

leading to unequal resource distribution and impacting adversely on their livelihoods. Not surprisingly, all mapping activities are centralized, leading to numerous threats to the livelihoods of local people and the destruction of fishing grounds.

2.3 Discussion and Implications of Territorialization

A historical perspective reveals that fundamental transformations have taken place in Tonle Sap Lake through the privatization of fishing grounds, and this has led to a change in the social relations of production on the ground. Over the last three decades, one of the pivotal explanations given for the failure to fisheries management in the area has been the impacts of state territorialization of the fishing grounds, driven by politics and leading to problems in practice. Such a management reality was based on people protecting their own financial and political interests. Definition of the gear, seasons and zones, and the imposition of different taxes, have been hotly contested, with increasing levels of dissatisfaction locally over mismanagement of the fisheries. Not surprisingly, this approach has never been effectively implemented and has so far been a significant failure on the ground. Management of the fishing areas is more often an exercise in politics or in competing over fishing space, rather than reflecting a comprehensive attempt at conservation or preserving livelihoods.

The dominant state viewpoint initially emerged economically through the privatization of fishing grounds - for the sake of raising state revenues, from the French colonial period and up until mid-2012 when the fishing lots were dismantled around Tonle Sap Lake. Fishing areas were mapped based on 'productive space', not based on ethnic classifications, in the sense that the state doesn't have a concept of local property rights and has thus excluded a large number of fishing communities who depend entirely on the fishing for their primary livelihoods. Needless to say, the Vietnamese, who are not recognized as a 'nationality' and who are disliked by local people, have been completely invisible within the formal planning, state policymaking and decision-making processes. More importantly, the state's practices have been aimed at raising fishing fees - in pursuit of personal gain and economic benefit, rather than enforcing the law and the appropriate regulations. However, it is unrealistic to expect the release of commercial fishing areas to contribute to local income and reduce poverty, and more realistic to expect it to produce unevenly distributed access

over the released areas. Fisheries reforms have placed much of their emphasis on the commercial fishing owners, as they are the key actors giving rise to fishing conflicts and seem to ignore the complex set of power relations at the local level, as already mentioned in this thesis. The key issue for fishing activities around the Tonle Sap is not the reform or release of commercial fishing lots, but rather the issue of poor fisheries resource governance. Access to fishing has increasingly been at the mercy of the local authorities, and often at the expense of the poor and vulnerable.

Needless to say, rigidly zoned public fishing grounds, conservation zones and community fisheries (CFs) are contradictory in terms of raising local incomes and protecting fish habitats. It is common to find that what is shown on the map is in stark contrast to what is actually seen on the ground. In theory, public fishing grounds have been formed in order to improve local incomes, but in reality they are areas in which the state can exert greater power over who should be excluded and included, usually based on market mechanisms and very often at the expense of local people, who are threatened and forced to pay fees. Meanwhile, fish sanctuaries have allowed the use of larger-scale fishing gear than officially allowed. In the daytime, these areas are strictly controlled within the demarcated territories, but at night, entry into these areas is not restricted, in return for the payment of informal fishing fees.

Looking from another perspective, fisheries management is relatively challenging when a large proportion of the local population consists of poor people who depend entirely on fishing as their main income source. Added to this, the FiA has a low level of capacity, a limited number of staff (who are paid meager salaries) and a limited budget, while attempting to manage a vast expanse of fishing areas. On the ground, territorial water-based management is difficult to discern, and in fact, demarcation creates a blurred zone based on both physical fences and the perceptions of local people. For example, conservation is managed through the placing of a few poles, which are difficult to identify both on the ground and on the maps. Local people are little aware of the defined boundaries. In addition, based on the changing ecological and water regimes, some areas are not accessible and become shallow during the dry season, including rivers, tributaries, streams, ponds, flooded forest and grasslands. As a result, these areas are difficult to control and manage.

2.4 Informal Economy in the Fishing Community

Tonle Sap Lake today is not so remote, and has already developed and has interactions with the broader environment, as characterized by market-driven mechanisms produced by a discourse of development across different scales – the global, national and local - and with the support of aid projects (notably the ADB project). Multiple state actors have come into being and control resources, activities and access rights in the study area. The presence of these local state agents is perceived by local people as the main threat to their livelihoods, rather than them providing local security. It is common for the Cambodian state to be generally described as a “predatory state” (Le Billon 2000) and it plays a dual role; being a part of the action taken to suppress illegal fishing activities, while at the same time playing a key role in turning a blind eye to those charging access fees.

When one talks about the informal economy in the context of a fishing community around Tonle Sap Lake, it resembles cases in peripheral and remote mountainous areas or borderlands (Scott 2009; Donnan and Wilson 1999), as the state more or less allows illegal activities to operate and thrive on the margins of mainstream economic life. It is illegal practices which local people use to try and evade state tax collection activities, in collusion with local state agents. However, given the fisheries context, this is not to say that local people take advantage of the opportunity, but rather that the state’s current practices and the inconsistent laws compel them to take part in the existing system to sustain their livelihoods, and in turn they have become impoverished fishers imposed upon by informal fishing arrangements and fees which hardly provide a return. On the other hand, the Tonle Sap is characterized by ineffective or absent laws, though laws are enforced when the market is waiting to participate. This regime is also marked by the extensive use of force and violent action through the use of threats, physical force, arrests, fishing gear and equipment confiscation, and even offensive and rude words practiced by state agents.

It has also been transformed into an informal economy, as illegal fishing activities are widespread and have never been completely halted. Indeed, the state has imposed its power by controlling the designated fishing grounds and the access of local people based on a prescription of the fishing scales and fishing gear that can be

used. However, the state manages this in such a way that permits illegal fishing activities to take place, or selectively turns a blind eye to any infringement of the regulations in return for the payment of informal fees. These activities are not a secret and are seen as normal practice at this time, even though the government has recently paid closer attention to fisheries issues, starting in 2011. The key change is that these illegal fishing activities have become more covert. This context has created a compelling reason among local people to take part in illegal fishing activities, very often paying bribes to sustain their primary livelihoods, since their usual fishing practices are general defined by the state as 'illegal'. Thus, corruption is a key part of the daily practices carried out between the state and local people. Without capital available, a lot of poaching occurs within the fishing grounds, while others pay informal fishing fees in return for securing a right to access the grounds. These actions can be moved backwards and forwards easily between "resistance and collusion", and considerable illegal fishing activities go on throughout the lake.

The need to fish as the sole form of economic income, and in a context characterized by contradictory fishing laws the need for local people to subsist in the study area, has been a key factor encouraging various state actors to mobilize other powers of exclusion using legitimation, force and the market. The contradictory law has allowed local state agents to impose sanctions and/or seek to have these people coerced in pursuit of personal gain, by threatening them and forcing them to pay fees in return for granting access. This approach has attracted fish traders, who are playing an increasingly role in providing loans to fishers who need capital for fishing purposes, as I will discuss in Chapter Five.

It is believed that the motive for such practices is the payment of salaries below subsistence level, making it an incentive for local government workers to seek incomes outside of their job. These practices also constrain the flow of administrative funds from the central government. As one fishery official explained to us in an indirect way, they do not have enough money to monitor illegal fishing activities, such as having a budget to cover gasoline and administration costs in their office. As a result, they have to manage and subsist by themselves, such as charging fees to transport fish and fining people for fishing illegally, and in turn using this money to cover their patrolling and other expenses. This account implies that they have become

dependent on these fishing fees to sustain their office, whether the fees are informal or formal. On the other hand, local people tend to offer bribes while fishing outside the law by using illegal fishing gear, which are very often subsumed into illegal fishing practices. Thus, the most important thing they can do is act in complicity with the illegal activities rather than comply with the law, as the law lacks any in-depth understanding of realistic livelihoods situation. Without capital available, some sneak into and poach on the fishing grounds; however, this is not to say that all of them carry out illegal fishing practices and pay fees; some stick to their small-scale fishing activities.

In short, 'shared poverty' can be applied, not only to the local people but also to the lower-level local authority employees, and there is little secrecy about such activities, for it is common practice in many parts of the Tonle Sap. Fishing fees allow the local authority employees to supplement their official salaries.

Thus, it is not always easy to enforce the Fisheries Law and suppress illegal fishing activities in a context where the state agents themselves seek-out such activities in order to impose fees and actually depend on them, while local people tend to bribe the officials for their survival, as they have little opportunity to diversify their livelihoods outside of fishing. On the other hand, while regulations are sometimes imposed on the local people, the state can also control access and allocate it selectively along class lines. In case that a fisher is poor, he or she is likely to be tolerated after the imposition of sanctions in the form of a fee.

2.5 Summary

The fisheries management regime was inherited as a by-product of the colonial period that proves to be economically viable through the introduction of privatization of the fishing grounds for economic development purposes. This system has continued to exist and has kept pace with and responded to the changing times, representing a departure from the previous approaches and making it explicit that the territorialization of fishing space is a key way to control people, activities and resources, plus allocate access rights. This has been a significant development in light of the diverse problems caused by the continuous process of territorialization and division occurring in the fisheries sector over the last three decades across all scales

and spaces. In recent times, with faster economic growth and with the restrictions imposed on the use of fishing gear, as well as the open and closed fishing seasons and the fishing zones, the inconsistent Fisheries Law has played a significant role and had a significant impact on local livelihoods, and this is one of the primary reasons for the existence of fishing conflicts, the depletion of fishing resources and for local people's livelihoods disappearing. More importantly, the current Fisheries Law makes most of the local people's normal fishing practices illegal, and under such a system they have tended to seek survival through the use of bribes rather than contribute to the sustainable fishing grounds through covert or overt fishing practices.