

CHAPTER 5

MANIPULATION OF INFORMAL RELATIONSHIPS AS A SURVIVAL STRATEGY

Based on the patronage links between local state agencies and fishers discussed in the previous chapter, in this chapter I will move forward with the discussion of patron-client relations that exist between fishers and the fish traders based on the fish trade system in place. Because fishing access is becoming increasingly restricted among the fishers, they have developed and manipulated their relations, not only with local state agencies but also the fish traders to ensure livelihoods survival within their given context. Within this system, living with debt (to the fish traders) is very common and continues to be a central feature of everyday life for the fishing households.

This chapter sets out to situate the complex contract arrangements that exist between the fish traders and the fishers, and the ways in which state agencies facilitate these relations. Following this, it is important to understand what type of strategies the fishers have employed - as forms of resistance – due to the unfavorable conditions they find themselves in. The most striking and noticeable form of local resistance takes the form of an intensification in use of the fishing gear – going against the rules and regulations, and this form of resistance is ultimately linked to the shifting position of both small- and medium-scale fishing activities, features I will discuss in the following section. For this reason, my second objective here is to examine the increased intensity with which fishing gear is now used and to describe how the fishers have shifted their positions between being small-scale and medium-scale fishers in practice.

5.1 Life under a Debt-Dependent Contract

With respect to old Cambodian society, patron-clients traditions in the fishing communities first appeared in the form of ‘barter’ arrangements between fishing communities and farming communities, in which fishers exchanged fish for rice and

farmers came seasonally to exchange rice for fish - based on mutual understanding, or what Sithirith (2011) calls the “rice-fish economy or bartering economy”, which used two local systems of ‘exchange’ and ‘paying installments’. These practices and social relations were common before the 1970s, but were interrupted, mainly by the arrival of the Khmer Rouge period. During the post-war period in the early 1980s, collective fishing activities were carried out under the fishing solidarity groups and with a state fishing enterprise set up under the authority of the MAFF, and this system functioned until the collapse of the communist regime in the late 1980s. With the beginning of the free-market economy period in the early 1990s, fish catches were initially opened-up to supply daily necessities across the country, though at this time, fish traders also emerged, some of whom were outsiders who migrated into fishing communities. The activities of these traders were free of state rule, as the management of fisheries at this time was focused on fishing concessions (fishing lot owners), so their activities were perceived as being small in scale and at the household level only. At this time, fish supplies were mainly aimed at domestic consumption, though there were also exports to neighboring countries such as Thailand (Kusakabe *et al.* 2008), because the demand for fish was growing.

The patron-client relations system operated over a long period, within which both parties benefited; however, this system diminished in importance and even disappeared due to civil war in Cambodia (1975-1979) and the arrival of market forces in the early 1990s. In its place, a distinct form of relations has developed based on vertical relations among fishers and fish traders, a system ultimately linked with the market economy transformations which have taken place in tandem. I call this process ‘contract fishing’, and will discuss it in this section, even though it has not developed as much as contract farming, but rather is built on traditional and informal relations at the local level. Contract fishing can be simply defined as the local, informal arrangements that exist between fish traders and fishers, since they are not formalized in the form of a contract, but instead on oral agreements and communication, and are not based on market and state policies, but are self-regulating, though the market is embedded into the social relations that exist.

Two essential features of this type of contract fishing will be discussed here, namely: 1) fishers are normally small in-scale with very limited amounts of capital at

their disposal. They normally call on cash loan to supply their growing demands and other family needs, though for well capitalized fishers, the purpose of the cash loans is to expand their fishing activities and create a surplus, and 2) fish traders are local business people who play a significant role in terms of collecting and buying the fish catches from the fishers or/and their debtors. These two actors are tied by a 'contract' based on the personalization of credit.

The notion of contract fishing is central to any understanding of the social integration of fishers into capital-labor relations. With the issue of access to fishing grounds being at stake, the informal contracts act as key agents - helping to stabilize an insecure economy. The growth of fish traders has helped support the subsistence activities of fishing households, as they are able to call on small loans to cover their basic needs; whereas, they find it hard to access formal cash loans. Looking at it optimistically, these contracts play a key role in the lives of the fishers in times of crisis and need, and this helps us to understand why they tend to identify state actors as the main threat to their livelihoods, not the fish traders.

On the other hands, fishers are no longer as autonomous as they were previously, but are subordinated to fish traders and state agencies through personalized ties; with contract fishing representing a form of labor exploitation. As this contract fishing framework is not regulated and controlled by state agencies, so fish traders have been able to manipulate the relationships and rules to their own advantage. It is hard for the fishers to detach themselves from the contract fishing arrangements, since they are an integral part of their daily lives and occupy center stage in the fishers' lives within the fishing community. The contract system was introduced as a survival mechanism after the economy started to recover in post-war Cambodia, and helped create the incentives need to increase the scale of fishing activities and the size of fish catches. Contracts represent a means by which agents are able to persuade or force people into making increasingly large fish catches through the provision of fishing gear and cash loans to fishers who are not capable of accessing these kinds of resources themselves. In this sense, the contract represents a profound reflection of the changes that have taken place in the old forms of patron-clients relations, and marks a transformation in terms of fishing lives with the rise of capitalism, in which fishing activities go well beyond the scope of subsistence.

There has been little discussion in the literature about the role of the local fish traders around Tonle Sap Lake, as they are relatively small in number and in scale of their business. As Bryant and Bailey (1997) point out, local businesses contribute to even more destructive resource use practices with the collusion of state officials, but this has attracted little popular interest. Perhaps it is because the nature of their business is perceived as small in terms of buying fish from local people and providing small loans; however, these actors are rather powerful and serve as appropriate patrons in the absence of effective rules and regulations. This is the opposite of the classic idea of patrons as actors who must not invade the clients' space, based on Scott's (1976) discussions. Fishing households generally only survive, as their lives fall within the reach of three key 'power webs', as described by Sithirith (2011), these being the officials' power webs, 2) the fishing lot owners' power webs, and 3) the fish traders' power webs, and my study sheds important light on how power relations among these three actors are entwined with one another and push people who make contact with them into impoverishment.

The contract depends entirely on the fishing households being able to catch fish, and within the process, the fish traders buy the fish catch from the fishers and also provide them with small cash loans in return for having first refusal on the fish catch. Within the study village there are small- and medium-scale fishing operations, and the fish catch from the small-scale fishers is supplied on a daily basis and in relatively small amounts, plus is fragmented, while the medium-scale fishers, those with good capital, make larger catches. In the recent past, when there was no ban on the use of seine-nets, fish traders tended to provide large loans to medium-scale fishers, making more profits; however, unlike the small-scale fishers, the medium-scale fishers had to pay interest, so sought alternative buyers to the traders.

Under these arrangements, the fishers sell their catches based on the price set by the fish traders as part of a verbal agreement, and this helps settle the fishers' debts. Significantly, there is no ethnic distinction made when providing loans (Khmer or Vietnamese), in the sense that the traders simply wish to deal with people who are able to sell them fish. This means that the fish traders treat the fishers the same, regardless of whether they are Vietnamese or Khmer, since the traders primary focus is the extension of credit to them, to ensure a supply of fish. The debt repaid depends

upon how many fish are caught. If the fishers catch few fish, debt repayments will not be imposed by the fish traders, and the fish traders cannot put pressure on their clients because they are aware that their clients are unable to make ends meet, particularly during the off-season. The relationship developed is; therefore, based on mutual understanding and interest.

Debts are normally settled when a large number of fish are sold, especially during the peak fishing season, as the traders deduct a small number of the total fish catch sold. However, with the recent decline in fish yields and increased impoverishment among fishers, it has become harder for the fish traders to insist on the debts being repaid. Although the loans are provided at zero interest, the fishers have to sell their catches at a lower-than-market price, ranging from 100 to 500 Riel/kg of fish, with the price set by the fish traders. The price set is not the primary concern of the fishers and is likely to be accepted by them, and so they tend to sell their catches to their own local fish traders and moneylenders. As locally understood, they usually view this as an equal deal, as they normally take on loans in times of need, and; thus, it equates to selling their catch at a lower market price. They still have a moral weight, one based on the benefits they receive and their moral judgment (Scott 1976; Charles Tilly, cited in Lukes 2005). The decisive factor is determining the calculus of gain and loss, as others prefer to sell their catch outside the village; to the fish traders in Chhnok Trou commune who provide loans to them. To get a higher price, the fishers have to travel longer distances outside the village, and if they do so, transportation costs increase, while the final price is not much different. Second, there are no sanctions imposed by the fish traders, in fact, the fishers could sell their catches to others in order to avoid having to pay debts and the lower price, but this is rarely practiced, as they wish to maintain their moral obligation, and also acknowledge the fact that they may need further loans in the future, and that they will not be able to take out these loans if the fish traders feel they have been cheated. On the other hand, although contract fishing rests on mutual understanding without sanctions and disciplines, it is not unusual for fish traders to suspend any faith in an informal arrangement and rely instead on relations of trust, patronage and traditional reciprocities as moral economy of community. It is very evident that some fishers sold their catch to others outside village for higher price.

Limited access to fishing grounds, combined with the need for cash to pay for daily food expenses, fishing gear and fishing fees, have all enabled fish traders to control the local market and capture profits from the local fishers. If their costs of production (fishing gear, fishing fees and gasoline) exceed the returns, or their income is insufficient to sustain their families, they fall into a spiral of debt. This situation is common among the fishing households, who claim they are not like farmers, who at least own their land and property. For them, the fishing grounds look like land, and feel that if they don't fish they will not survive. Taking out loans in return for selling fish is very common, not only among the Vietnamese, but also the Khmer households. The purposes of these loans are to help the fishers buy food, pay fishing fees and buy fishing gear, and to cover urgent needs such as illnesses or paying fines after arrest; however, they can be broken down in two simple categories. Loans for food are very important for people's daily lives, and they sometimes give very tiny loans to each other, particularly when they go hungry during the low fishing season. At such times they can borrow from the merchandise or small goods or grocery stalls as foodstuffs loans, and then repay in installments as cash, because of the very small amount of such loans. The shopkeepers then do not insist on repayment, unlike the fish traders, because they have less influence and deal with small items such as rice, fishing gear and food. Therefore, there is less need for a close dependence upon shop keepers than fish traders and also it is obvious that food security is still a major problem among the fishing households, who are unable to make ends meet, even on a daily basis. Second, cash loans given to pay bribes are normally for a large amount of money when cash is urgently needed, normally to release confiscated fishing gear, or when they have been arrested (they are then keen to get their gear back as it is a key asset for them). Such urgent loans are usually given by fish traders and relatives. The amount of money borrowed ranges from very small amounts up to a maximum of 300,000 to 400,000 Riel (or 75-100 USD). If they intend to borrow a large amount, it is normally to pay fishing fees or upgrade their fishing gear, rather than for other purposes. Although the amounts borrowed are not so high, the number of those taking loans is high. In the past, loans of up to 500 USD were given; however, fish traders have recently tended to reduce these amounts, because they realize the fishers are unlikely to be able to pay-off the debt due to a decline in the fish stocks and the charging of informal

fishing fees. This means that the crisis among the fishers is having a direct and negative impact on the fish traders' businesses.

Based on my interview with a female fish trader, during the normal fishing season she is able to buy around 500 to 600 kg per day from the fishers, making a profit of around 500 to 1,000 Riel per kilo after she has sold the catch at the landing site. It is easy to understand that she can make 50 to 100 USD per day. However, she told me that she sometimes makes only around 100,000 Riel (or 25 USD) per day. She originates from a farming community in Kampong Thom province, and has been making a living as a fish trader for around twenty years. She has a client base of 150 indebted fishers out of a total of 200 who regular sell their catch to her. In order to run her business smoothly, she also has to borrow money from others sources, such as the *Brasac* bank and also state staff whose office is in the village. She has borrowed 1,000 USD from a state agent whose name is *Talong* and is currently head of the Office of Military Waterways Traffic in the community. She has to pay interest amounting to 5,000 Riel (or 1.25 USD) per day on a loan of 1,000,000 Riel (or 250 USD). Much of this money is used to provide small loans to the fishers.

Obviously, in the village there are not only fish traders but also a small number of those who play a dual role; working in the government service and as money lenders. The fishers and fish traders seek loans from these people, paying them interest in cash. For example, to borrow 10,000 Riel (or 25 USD) attracts an interest rate of 500 Riel per day. Others borrow money from their relatives.

Most fishers are in-debt to the fish traders and are caught in a spiral of debt, because they are unable to repay as their fish catches have continued to decline. At the peak of the fishing season, between November and March, they make a significant effort to fish and expect to pay-off a small amount of their debts, save money and reserve some for the low fishing season. Thus, the need to take out fishing loans increases at such times and the fish traders tend to provide more loans at this time when compared to the low fishing season, so this period gives them greater profits when larger fish catches are sold. In the low fishing season and off-season; however, the fishers have to call on loans again, mainly for food, as they catch fish less, sometimes below family needs.

It is common for the Vietnamese fishers to be unable to get loans from the bank, probably because they are poor and do not have Khmer citizenship. More importantly, owning property in a floating community is of less value than in a land-based community, so it is common for formal credit agencies (banks) to not give loans to Vietnamese fishers, plus the process such agencies require the fishers to follow are quite complex.

Taking a loan from a fish trader, in contrast, is easy and requires no complicated documentation to be completed. Most importantly, the fish traders tend to be tolerant towards them, as they don't call back the debts when the fishers are unable to pay them off. The traders businesses depend heavily on the debtors being able to sell their catches. It is generally believed that the profits derived from fishing add up to more than the debts outstanding, and in this sense, the fish traders seem little worried, regardless of the repayment situation, as long as they can secure a fish supply and maximize their profits on fish sales. The more fish are caught during the peak fishing season, the more likely traders will offer loans.

One strategy employed by the fish traders is to stay mobile during the peak fishing season; in fact, they are not always in the village but settle down in certain areas outside the village where fishers fish together. However, some fish traders from outside have settled down in Phat Sanday community, in search of the fish catches there by making themselves available to fishers who want to sell fish quickly. By doing this, the traders are able to buy catches from both non-debtors and debtors, and in some cases, fishers who have a small boat and no money to cover their fishing trips ask fish traders to tow their boat to the fishing site. At the same time, fish traders use tactics such as supplying all the materials required, including food, fishing gear and others materials, meaning the fishers are only able to fish using their own labor with the support of the fish traders. There is no competition in terms of the fish price among the fish traders, as they have never been in the village, and the fishers usually lack information on the actual fishing fees paid and depend on whatever the fish traders tell them verbally. However, they know the price they get is probably lower than price obtained in the village. In fact, after deductions, the money remaining is not so much once they return to the village, and in such cases, the fish traders benefit considerably by deducting all the costs of supply. However, from the local people's

point of view, they see the fish traders in a less negative light, as they can call on the loans they provide when they face problems.

It seems that contract fishing is free of state involvement, but in practice the state covertly supports the process. In fact, state agencies engage indirectly and through informal relations. The fish traders are small in number but rather powerful, mainly because of their ability to control the fish trade and their connections with local state agents. There is one trader in the study area who has good connections with state agents and who can either borrow money to expand the business or be complicit in illegal fishing activities. With monopoly control over the small-scale fishers, the fish traders are able to use such patronage relationships as a mean of securing their fish supplies and capture a good profit. They acknowledge that the indebted small-scale fishers are unlikely to pay the fishing fees and even buy them intensive fishing gear, so as to secure their fish supply, plus provide material supplies such as rice and fishing gear, and more importantly, are sometimes at the forefront of negotiating fishing fees with concerned stakeholders, meaning fishers do not have to pay access fees in advance because the fish traders take responsibility for these fees. In some cases, the fishers need help from the fish traders to negotiate with other stakeholders, since money is in the fish trader's hands. This happens during the peak fishing season, when traders want to speed-up fishing activities and maximize their catches. Fishers do not have access to information related to the actual fees paid by the fish traders; they simply depend on what the traders tell them; therefore, are happy to provide their own labor to fish, as the fish traders have facilitated the process. Even calculations over the number of fish and the repayments made are left in the hands of the fish traders, and in this way the traders can ensure that their clients will not sell their catches to others. In those cases where fishers intend to negotiate directly with the concerned stakeholders over fishing fees, without the involvement of the fish traders; however, the traders' fees are likely to be higher. The reason for this is that the stakeholders and fish traders compromise on their fees and cooperate with each other, in the sense that they have a relationship as money borrower and money lender.

Accepting the fees from the fish traders instead of collecting fees directly from the fishers remains a rationale among the local officials. In a fishing community characterized by large numbers of poor people with little capital when compared to

rich households, the extortion of fishing fees individually is a rather difficult process and time-consuming. My assumption is that the fees collected from fishers represent very small amounts, while the fees from fish traders are larger and are given direct to the local office. In addition, fishers are unlikely to fish using intensive fishing gear or pay fishing fees, and; thus, there is a little room for state agents to claim ‘illegal fishing practices’ and take bribes. For such reasons, accepting fees through the fish traders is easier and more secure.

To sum up, the drive to acquire capital has transformed social relations between people on the one hand, and between people and fisheries degradation on the other. First, in terms of the fish traders’ strategies, by giving loans in return for the fishers selling their fish at a low price, they have the ability to control the fishers, their labor and fishing gear, plus can provide other supplies and facilitate the process, if not entirely. For this reason, the fish traders are integral to enabling the small-scale fishers to fish using intensive fishing gear, and thus, their accumulated capital does not just represent the appropriation of a surplus, but also forces the fishers to destroy the fish resources. It is also clear that this exploitation of local people cannot be attributed solely to state actors, nor the depletion of fish resources, as fish traders are increasingly involved in such a process. The experiences of fishers who are contracted to fish trades shows that production risk in terms of the fish price lies in the hands of local fish traders, adding economic insecurity to the process, especially in the absence of another local market to regulate the price. Contract relations have further subordinate independent fishers to state actors through the use of debts and credit, and the fishers accumulate debts as rapidly as they are required to pay informal fees. In this sense, their contract remains a source of tactical resistance based on informal relations, and is used to upgrade their fishing gear illegally and sell their fish catch to avoid the set prices.



Figure 5.1 A Female Trader from the Study Community Weighing her Clients' Fish Catch



Figure 5.2 A Female Fisher Selling her Fish Catch to a Trader



Figure 5.3 Petty Trading in Chhnok Trou Community

5.2 Intensification of Illegal Fishing Practices

Fishing offers the prospect of money to pay for food, school fees, medical fees, better housing and clothes, and other desirable goods, and in short means everything to the fishing households. However, regulations attempt to stop them from carrying out their market-oriented activities, assuming they will not be innovative. The fishers then attribute their actions to the need to protect fish resources using community management activities, as their needs will not be fulfilled otherwise. For this reason, fishing and labor intensification is ultimately linked with the notion of the shifting positions of small-scale and medium-scale fishers, a situation I will discuss as a following section.

The growing number of fishing households and outsiders living around the lake who engage in fishing activities is noticeable, and it is this which has led to the intensification of fishing practices using innovative fishing techniques. However, traditional fishing gear has not disappeared, but is in decline, primarily because

financial capital is not made available to marginal fishers. For instance, the Vietnamese in the study area uses simple fishing gear such as gill nets, traps, multiple hook lines and scoop nets, while a small number of them practice medium-scale fishing, using large bamboo fence traps. The net is a common type of fishing gear which is usually used by the poorer fishers, while the rich families use bamboo fence traps (see Figure 5.5). Thus, while some fishing gear has remained unchanged or changed slightly, innovations have occurred and are usually deployed by wealthy fishing families.

Most households vary the types of fishing gear they use throughout the year, as the fish catch per unit of fishing gear is relatively low, forcing most of them to increase the number, size and capacity of the gear they use depending on the changing water level. They are constantly shifting their fishing location and so do not use fixed fishing gear at all times, because it doesn't improve their well-being and also because the catches made with these nets are sometimes very low - below subsistence. Thus, the most they can do is to find ways to intensify their use of the fishing gear based on the materials they have to hand. To do this, they opt to take out cash loans, in order to feed their families as well as meet their growing demands for cash; however, their fishing remains small-scale in nature because of the limited size of the loans they receive from the fish traders, meaning they cannot invest in larger-scale gear and the fees it attracts.

One Khmer village headman told me that the fishing techniques used by the Khmer and Vietnamese are not so different; however, in some respects, the Vietnamese tend to take more risks than the Khmer, who will hesitate to invest in large-scale fishing operations if they don't have enough money themselves; they tend not to borrow large amounts of money.

Although they have little capital available and some families have no capital at all and live from hand-to-mouth, and although they are subject to fees or risk receiving threats from the local authorities, the Vietnamese have to overcome economic hardship through fishing activities as these are their sole source of income. By doing so, they resort to loans from fish traders, neighbors and relatives; to upgrade their fishing gear and pay fishing fees, while others poach or sneak into the fishing grounds to increase their productivity. Meanwhile, well-capitalized fishers, those who

are more efficient, are able to accumulate capital. In sharp contrast, officials are able to benefit and most likely pocket the fees themselves. During my interviews, one Vietnamese fisherman told me he waits until lunchtime, when the fishery officials are out of the office, then he travels to place his fishing traps, hiding them in the water inside the fish sanctuary, then returns home. For the next few days, he will go to collect fish from the traps at the same time of day. Although entering the fishing sanctuary is prohibited, in practice many fishers operate at night, and they no doubt pay the local officials to enter the area. Another Vietnamese fisher told me:

I went to their office to talk about what gear I want to use; I took my fishing gear and then talked about how much I had to pay. After I had negotiated the fishing fee with them, my name was written in a small book. Once, I did not have enough money to pay them, so I decided to take a risk and sneak into the fishing ground, but I encountered them. They then confiscated my fishing gear and used angry and rude words. They told me I was very close to their office, but did not go to talk with them first. As a result, I had to pay more than the usual fee (Field interview, Feb. 2012)

His account shows that without paying the fees, a fisher's name will be taken off the list. In cases where the state agents patrol and detain the fishers, their fishing gear and boat boats are confiscated immediately, without tolerance shown, and they must pay higher fines. In such cases, one cannot go back to get their fishing gear without paying a fee. In these situations, the Vietnamese behave subordinately, using soft-spoken words in order to beg for the fishing gear and for a reduction in the fees and fines. However, behind their backs, the Vietnamese always criticize and display hatred towards the government officers; they feel they are not subjects worthy of pity and sympathy. As Mr. Thy told me:

When they (the PM) need someone to help tow their office, we are willing to help them; however, when they force us to pay money they never think of our kindness. Also, they operate electrical equipment in their office, which makes a lot of noise and sometimes they operate it until midnight. We just keep quiet and never complain, especially the Vietnamese fishers whose houses are directly behind the office. (Field interview, Feb. 2012)

It is important to note that the Khmer language is an important marker in daily conversations, as a means of communicating with local state agents. The Vietnamese experience language barriers, but if they could speak Khmer clearly, they would be tolerated. The Vietnamese point out that if their fishing gear is confiscated and they send the Vietnamese women to negotiate, the situation gets worse because they cannot speak Khmer very well at all. Thus, it is not common for Vietnamese women to be used to reduce tensions during negotiations due to the language barrier. In contrast, the Khmer fishers are of the same race and find it easier to communicate with the officers. This shows that is not only their consciousness as ethnic Vietnamese that is an issue, but also that their negotiation space remains limited with the Khmer agents. In other words, they are the victim of state practices and tend to survive rather than protest. Their position is undermined by poor financial capital, by their ethnic identity, and also their very low level of education. As an elderly Vietnamese man, one who has lived in Cambodia nearly his whole life, explained:

Every local state institution tends to threaten the Vietnamese, and they are increasingly forcing the Vietnamese to pay higher fishing fees than the Khmer. Nowadays, life around the Tonle Sap involves hardship, and the opposition party wants us to move out; they said we are a danger to national security and that we take the land. Personally, I would move if it was legal and supported by the state. I have heard some Vietnamese say they wanted to apply for Khmer citizenship, but were worried in case the opposition party used it against them. (Field interview, Feb. 2012)

Local state agents keep an eye on all the fishing households in the village, because many fishing households now tend to poach inside the fishing grounds to avoid paying the fishing fees. Thus, making a living is a struggle for the Vietnamese fishers, but there is one case in which a Vietnamese man has done well to survive. One Vietnamese broker I spoke to actually does not work for the local officials but tends to take advantage of the local situation. He keeps an eye on the illegal fishing activities among the Vietnamese and then reports them to the local authorities. Since most people use fishing gear to avoid paying fees, he plays a key role in spying on the fishers and sharing his information with a few state agents. The state officials then

pay him, as much as 5,000 to 20,000 Riel (1USD-5USD), but his family has been discredited among the other Vietnamese, so he has been dropped as a representative of the Vietnamese village and as a member of the savings group.

The upgrading of fishing gear is common practice, but varies based on the financial situation of a given household. The Vietnamese are marginal fishers and are not seen as aggressive, so are likely to be more subordinate than the Khmer, because they are well-conscious of being part of an ethnic minority and of being subjected to threats. Broadly speaking, the Vietnamese are the most hated group when compared to the others, a fact which can be traced back a long way, at least to the racist violence of the 1960s and 1970s. The political attacks stem from only small groups who are most likely the well-educated, opposition party members or former Khmer Rouge, not civilians. As the Vietnamese fishermen point out, nearly all the Vietnamese turn into Khmers eventually, it is just the race that is different. However, this view is not always accepted by the Khmer people, who emphasize that the Vietnamese remain staunchly Vietnamese. In terms of local relations between the Vietnamese and Khmer, these views are less extreme in the sense that they are more worried about their daily livelihoods.

I found that the Vietnamese have merged into Khmer society for social and economic reasons, but that being outsiders, they are more likely to receive less attention around the Tonle Sap. However, they are not marginalized in Cambodian society, for somehow they are eligible to access all kinds of services, though their poor status limits their level of access. I believe that the Vietnamese should be encouraged to participate more in local activities, being such a large group of resource users around Tonle Sap Lake. They do not claim any form of autonomy or self-government, but rather wish to claim rights on a par with Khmer people, particularly those related to resource access. The Vietnamese are well-conscious of being outsiders, and this study has highlighted the fact that negotiations with the state are not common among the Vietnamese, as their position is undermined by their low levels of financial capital, their very low education levels and their ethnic identity. Less surprisingly, they tend to endure and survive, rather than protest or attempt to influence or change local power relations.



Figure 5.4 Small-scale Bamboo Fence Traps (free of charge)



Figure: 5.5 Medium-scale Bamboo Fence Traps (with charge)



Figure 5.6 Marginal Vietnamese Fishers Casting their Net



Figure 5.7 Female Fishers Making Nets

5.3 Shifting Positions of the Medium-scale and Marginal Fishers

The scales associated with the small- and medium-scale fishers are the product of a state classification process; however, in practice these two groups of fishers shift their position regularly and are difficult to define using state categories. This shifting of fishing scales practiced by the fishers on an informal basis is important, and is

achieved through the upgrading of fishing gear, as mentioned above. These practices best serve their own survival interests and may be described using James Scott's (1985) term, as "weapons of the weak", though their forms of resistance may be seen as individual, fragmented and unorganized.

The number of medium-scale fishing operations is low due to the relatively high operating costs involved in terms of buying fishing licenses and gear, while small-scale fishing predominates as it is free of charge. Many fishing operations in the study area are based on subsistence fishing, but these are permitted to operate only in designated 'open access and community fishing areas'. However, they operate mainly in open access areas, while the CF covers mostly shallow areas during the dry season and so is less used by local people. Likewise, medium-scale fishing is permitted only in 'open access areas', but only in the open season. The problems linked to this categorization are shown in Table 5.1, which shows that shifts among medium-and small-scale fishers operate informally based on the fishing areas covered, gear used and the season. This practice has become common in recent times.

Table 5.1 Summary of Differences between Official and Actual Fishing Practices

Official Classification	Defined Fishing Areas	Fishing Season	Prescribed Fishing Gear	Actual Fishing Activities	Risks
Medium-scale fishing	Open access areas	Open season (1 Oct-30 May, or 1 Nov-30 June)	Arrow traps, large seine-nets, large gillnets		Insecure legal fishing; high operating costs including license and informal fees
<i>Grey line in-between</i>	<i>Unpermitted areas</i>		<i>Unpermitted gear</i>		Medium-and small-scale fishers
Small-scale fishing	Open access areas and community fishing areas	All year round	Nets, traps, hooks, bamboo fence traps		Fish in decline and catches below subsistence needs

The grey line described in Figure 5.1 shows that all fishers use the illegal fishing areas, using illegal gear and fishing out of season, and do so in an uncontrolled manner. There are several reasons why medium-scale fishers move down in scale and

why small-scale fishers go beyond the official levels into illegal fishing operations. The law clearly defines the fishing scales allowed. Medium-scale fishing is commercial in purpose while small-scale fishing is for subsistence purposes only. The fishing gear to be used is prescribed as per a proclamation from the Minister of Agriculture, Forestry and Fisheries (see Appendix A), which is often revised and has flexibility built-in to evolve with the socio-economic conditions in the fishing communities. In reality, illegal operations are carried out by a large number of fishers and it is difficult to find out what scale of fishing gear they are using. The term ‘free-scale’ has been used by Sithirith (2011), to refer to the fishers’ adopting their own practices rather than using the official classifications of small- and medium-scale. However, they are not completely free to choose whatever gear they want, since specific gear is operated informally based on unofficial permission and consent. What accounts for the shift away from the regulations is not a right to fish using customary practices, but simply a need to survive and make a living within the context of an informal economy. This kind of claim is especially problematic for the officials to enforce at the local level, because it is difficult to penalize people just for wanting to survive.

Because of the risks faced, medium-scale fishers are susceptible to downward mobility, though they may not fall below the line prescribed for small-scale fishing, since they possess the resources needed to sustain their fishing practices below this level. In contrast, the small-scale fishers struggle to meet their subsistence needs, as the law remains inadequate due to growing cash demands, so in reality these fishers fish beyond the law. This is clearly illustration by case study as a follow.

Case 1: In the past, Mr. Vann Nov and his family were rather better-off, because three years he operated a seine net fishing operation (fine-mesh sized net of a length of 1200 meters), which was medium in scale. In order to run his fishing operation smoothly, he borrowed ten million Riel (or 2,500 USD) from a Khmer fish trader in Chhnok Trou commune in order to buy fishing gear and pay for his fishing license. He hired a total of twenty laborers to pull out the nets.

When preparing to buy his fishing license, he asked the state staff, such as the police administration or *sangkat* staff to write a request letter and he had to pay 20,000 to 50,000 Riel (or 5-12.5 USD) for this, while the *sangkat* in Kampong Svay

district, Kampong Thom province, collected fees of four million Riel (or 1,000 USD) for the issuance of the fishing license. Although he held a legal fishing license, there were remaining areas left for other stakeholders and that served as a common area for fishing operations. He paid the PM 150,000 Riel and the waterways traffic staff 50,000 Riel, as well as the police administration staff and so on. However, after the RGC issued declaration (Prokas) no. 001, declaring a ban on the use of seine nets, his fishing gear had to be destroyed, and he received no protection from the stakeholders he had paid fees to. It is obvious that even though he bought a fishing license, he was still insecure. As soon as the government declared a ban on the use of seine nets, his fishing gear was destroyed and he received no compensation for his business loss.

In contrast, small-scale fishing is vested in by small-scale fishers who have a large number around Tonle Sap Lake. The Fisheries Law of 2006 presumes that they are small operations in terms of their catches (not for sale or trade) and incomes. In reality; however, it is hard to say they are small, since they shift position over periods of time. They use a variety of fishing gear all-year-round based on the fish species they are targeting and the seasons, such as gillnets, traps and hook-lines. Simultaneously, because they lack the capital required to increase the scale of their fishing gear, they may be well in compliance with the law, though on the other hand, at times they may not. This shifting depends heavily on the receipt of loans, as these allow them to buy fishing gear and/or pay the access fees. In some cases, they themselves ask the fish traders to negotiate access fees with the concerned stakeholders on their behalf, and by doing so, fish traders are at the forefront of paying fees in advance, after which the fishers must sell their fish catches to the traders in return. Thus, it is not so easy to say they are small in scale all the time, since their operations go mostly beyond the official classifications and beyond the designated fishing areas, such as into the fish sanctuary and core zones.

To sum up, the Fisheries Law exists, but is rarely used in practice, and there exists the formal and informal allocation of fishing areas, gear and seasons, all of which come together. This management approach has not been affected by the separation of resource users in space and time, indeed, the classification of fishing practices has been created by the Fisheries Law, which defines small-scale fishers as homogeneous, though the reality is different; they are much more “free-scale”.

Implementation of the law is weak, since there are huge variations between the official and unofficial operations, and also since fishers tend to resist, regardless of the government regulations.

5.4 Summary

In this chapter, I have discussed how fishers form relations with the fish traders as part of their survival strategies, as well as the tactics they use in terms of the intensification of fishing gear and their constant shifting of positions. I have shown that the fishers are by no means passive agents, as they are always involved in such practices.

I have also highlighted the fishers growing dependence on debt, as part of their daily lives, and contemporary production relations between the fish traders and the fishers mirror these shifting forms of production. Within a situation of ineffective state regulation, fish traders play an integral role in dominating the lives of the fishers through the use of contract fishing, plus have a significant role to play in terms of protecting the local fishers by providing fishing gear and loans, and in some cases even negotiating fishing fees with the local authorities on the fishers' behalf. The fish traders' practices are carried out in pursuit of social and financial accumulation, and are contributing to the destruction of the fishing grounds.