

## CHAPTER 6

### CONCLUSION AND RECOMMENDATIONS

The rise of governmental authority within the Tonle Sap's resource management framework over the last three decades has been facilitated by conservation and environmental protection policies, global integration, and also state revenue collection activities, through the allocation of fishing grounds on behalf of fishing concessions. Under the jurisdiction of the Fisheries Administration (FiA), power has been exercised to the exclusion of local people, though this is not a new finding, as it was the case within the fisheries sector for a number of decades, at least until local protests took place in late 1999. This power structure very much reflects the concept of “inequality, enclosure and dispossession”, and the mobilization of the four key powers of exclusion, these being: “regulation, the market, force and legitimation” (Hall *et al.* 2011). In analyzing the four powers at work in the context of Tonle Sap, it is first appropriate to begin with the regulatory response to my first research question - how the power of exclusion has been operated and enforced by local officials.

With the dismantling of the fishing lots in mid-2012 around the lake, it appeared the Cambodian government was becoming more liberal, leaving space for both conservation and the community, and; therefore, had taken a step in the right direction, applying what Hall *et al.* (2011) calls a state “countermovement”, having recognized “exclusion's double edge” regarding fishing lots and concessions. However, the withdrawal of the lots had some unexpected impacts, for local people lost the alternative incomes to be gained from wage laboring and catching fish within the lots – for the lots actually prevented fish migrating downstream and out of the area through the use of fishing barriers. However, these negative impacts require further investigation.

The state does not necessarily have a single rationale, nor does it represent a coherent set of interests. With respect to the closure of the fishing lots, the state did so within a context in which a large number of fishers continue to live and depend on

these areas (1.7 million). Moreover, as mentioned at the beginning of Chapter 1, fisheries contribute only 5.5 percent to total national GDP, a small proportion relative to other sectors. However, it has become apparent that the Cambodian government is now less interested in the fisheries sector and has also recognized the extent of the poverty to be found in the lake area, meaning its imperative has shifted towards promoting economic growth, leading it to simultaneously re-align the agricultural sector and improve the productivity levels of and incomes of farmers, rather than fishers.

Here, I aim to conclude with the key findings of the study and discuss the theoretical dimensions of any study into Tonle Sap Lake. In my study, I have attempted to cast light on the situation in Phat Sanday community; to try and answer the question as to why fisheries resource governance has failed to accomplish the desired goals of conservation and the improvement of local livelihoods, as well as try to find more workable solutions to the problems encountered. To understand the complexity of these problems, it is essential to examine first Tonle Sap Lake through the lens of how state regulations operate at the local level in the context of an informal economy and intense resource competition, in addition to focusing on how local people survive and manipulate relationships as part of their survival strategies.

### **6.1 The Main Findings of the Study**

The development of Cambodia is well underway, and includes a move from more informal to formal economic behaviors, those previously impacted by civil war and subsequent economic transformations. Cambodia is perhaps seen as an extreme case, as the Cambodian state has generally done more than just stake a claim to power, but has created its own opportunities through the use of threats and force - excluding local people, and particularly in the context of the fishing communities around Tonle Sap Lake. In fact, the government seems much more focused on political developments still at work, those aimed at changing the state structure. However, trying to answer the question: How can the historically weak Cambodian state develop and transform the country into a market economy? - as is mentioned in Chapter 4, is a useful exercise and will help us develop a more theoretical understanding of the state's apparatus, and why the informal economy has persisted in

the contemporary context of Tonle Sap Lake. Based on my discussions here, I have come up with three key findings, as follows.

The first key finding of this study is that within the policy framework and under the authority of the FiA, state regulations on fishery resources management have led to contradictory outputs in terms of the allocation of fishing areas and access to them, as well as the prescription of fishing gear and the fishing seasons (open and closed seasons) due to the configuration of the local landscape. The key feature of these regulations has been to delineate how and by whom these areas can be used, and this has been quite effectively implemented, allowing a variety of local state agents (not only the FiA officials) to manage and manipulate these rules by taking advantage of local people for their own economic gain. These methods are in turn regulated by informal and unequally distributed resources, control over which is based primarily on economic considerations, ignoring the ethnic dimension. This shows that the management of fisheries resources is highly problematic, in part because the Fisheries Law looks better on paper than it works in practice, meaning a large gap exists between the law and the practice on the ground.

As Chapter 4 shows, each of the designated fishing areas has not been clearly defined and does not conform to the rule of law, such as in the conservation areas (Tonle Sap Biosphere Reserve and the fish sanctuary) and the public fishing areas (open access and community fishing areas under the name of community fisheries (CFs)), despite the break-up of the commercial fishing lots. The emergence of these designated areas has become a space of manipulation for law enforcement officials and even other local state agencies, those who are interested in gaining wealth via personal opportunism. Furthermore, formalization and institutionalization of local governance under the name of CFs, which have been promoted by a combination of government and non-government agencies, no longer function well due to the restrictions placed on local people's rights by CF members (prescribing the fishing gear to use), actions which have further restricted their livelihoods. The creation of the CFs has done little to improve the situation, as their members play a passive role and most importantly, community committees under the CFs act in the same way as local agents did in the past, using their elective role to manage the designated areas for their own personal benefits. Thus, It does not engage a united community of

people who cared about the community orientation and does not amount to support for their self-regulating given the context of informal economy. Furthermore, these designated areas represent complex political and geographic spaces, becoming less productive due to a reduction in water levels during the dry season and; therefore, less used by local people.

Second, the nature of the revised 2006 Fisheries Law means that it looks simple and effective on paper, but is complex and inefficient in practice, creating a lack of clarity in terms of the status and definitions of small-scale fishing and resource users, such as the Vietnamese fishers, who are currently well-represented and a key resource user around the lake, but lack a clear legal status and sometimes are treated with suspicion by Khmer people over the utility of the local resources. My findings show that the legal definitions of family or subsistence fishing, as well the law's prescriptions on fishing gear, are not appropriate among the rapidly changing social and economic environments faced by fishing households, and based on their realistic livelihood requirements. The definitions used assume fishing households to be homogenous and vague, but this does not adequately represent the diversity of needs that exist and the importance of these needs to their livelihoods. It is envisaged that fishing practices will be small in scale (see Appendix A), but the restrictions placed on the use of fishing gear make it difficult for marginal fishers to obtain a sufficient catch; hence, the current fishing practices used tend to be illegal and fall outside the rule of law.

Last but not least, those fishing regulations related to the fishing seasons, what Sithirith (2011) terms “temporal scale” regulations, are also complex when applied in practice. In theory, the closed season means there is a ban on all fishing practices, except for subsistence fishing activities, while the open season means the reverse. However, in practice, the division of the seasons has led to the increasing role of state actors, who either directly or indirectly impose fees upon those carrying out fishing activities.

The second finding is that the emergence of the informal economy has been the direct result of the inconsistent laws, which have left a gap between law and practice. As stated in the first chapter, the informal economy in the study area covers three key activities: (i) the household or subsistence fishing economy, which exists

partially or wholly outside of formal state regulations and is used as part of the survival strategy of the local people, (ii) economic activities carried out to earn cash, and that reflect the fact that control over fisheries management is vested in the hands of local state agents who are constantly managing and manipulating the inconsistent and incompatible laws for their own personal gain, based on extortion, and (iii) most importantly, the ‘social economy’ or patronage relations, which has developed within a context in which informal exchanges take place between fishers, state actors and money lenders (the latter two activities may be carried out by the same person). Fishers engage with these informal relationships in two ways; with fish traders through informal loan contracts and with state actors through informal access fees. They take on loans in return for the selling of their fish catches at lower than market prices, and pay for informal access rights. Referring to the notion of ‘land grabbing’ in the context of land issue Cambodia, in the fishing context - I call this ‘rent grabbing’, in the sense that state agents/moneylenders try to grab money or exploit prices through their relationships with the fishers, based on the use of informal contracts and informal access fees. This is partly possible because water-based resources are not easily grabbed or held as physical possessions, like land. In short; therefore, the fishers are tied by both the fish traders (informal contracts) and the local authorities (informal access fees), and this situation has led to significant impoverishment among the fishers. Furthermore, the high level of participation by local people in informal patronage relations is the result of a lack of trust in the state in terms of improving their well-being.

The third finding of this research is covered in Chapter 5; that the ways in which local people negotiate for their survival in the community seems to be hostile. As argued previously, the context to be found in the study area has spawned informal and/or patronage relations, in the sense that people survive by attaching themselves on to the existing system through personal ties, and subordinate themselves to both the fish traders and the local state agents, because fishing activities are at the mercy of those two groups. Due to the use of fishing loans or contract fishing and the state’s desire for fishers to fish based on market mechanisms (rather than for subsistence), the whole process has led to the increased use of illegal fishing gear – the aim being to catch as many fish as possible and generate a surplus. However, the view that these

illegal fishing practices have led to excessive resource exploitation needs to be treated with caution. For a start, the notion of 'illegal' is actually no longer considered so, as it is based on official classifications of small-scale fishing which fail to allow the fishers to survive. This means that the fishers have simply replaced the official classifications with their own. Therefore, these 'illegal' fishing practices have become both a norm and a kind of survival strategy, acceptable in the eyes of the local people, but illegal in the eyes of local officials - who blame the local people. However, in reality, these practices simply reflect the officials own corrupt methods.

I have also found that the local people's negotiation stances shift, based on a continuum which runs from medium- to small-scale fishing, and that this reflects the different types of fishing gear utilized - a very important factor in them being able to achieve their livelihoods. I argue that marginal fishers are continually re-classifying or rescaling and re-mapping the definition of small-scale fishing and also the designation of restricted areas, in order to allow them to make a living. It is obvious that the law enforcement officials have not been able or willing to clean-up the illegal fishing activities, within the study community or elsewhere on the lake. The reason for this is that the official classifications place them at a disadvantage, as these classifications make it very difficult for the fishers to obtain a sufficient catch to survive, while at the same time fish catches are shrinking by the day. It is; therefore, common for fishers to constantly upgrade and up-scale their fishing gear on a regular basis, leading to a blurred line in terms of what scale they are actually practicing.

The availability of financial capital for both procuring fishing gear and paying informal fees is a determining factor, which is the reason why different social groups may participate in different types and levels of illegal fishing activity. Those marginal fishers with little capital cannot easily shift to other kinds of more extensive fishing activity, so stay at the small-scale level or go slightly beyond the official classification. Very often, these fishers avoid the imposition of fees by sneaking into fishing grounds, in order to poach, and this practice is now out of control, reflecting the failure, on the part of the state, to respond to their pressing livelihood needs. On the other hand, wealthy households have the chance to upscale their activities because of their own social and mainly financial capital, and this up-scaling can be legalized through its categorization as medium-scale fishing in the law. However, with little

monitoring carried out by local agents, the wealthy group carry out extensive fishing practices when compared to the marginal group. As a result, it is obvious that different groups employ very different fishing techniques, each with very different environmental implications.

In addition, I found that the fishing community is vulnerable as it lies in an open access area, and this has particular implications for the poor, who often lack the means to support their subsistence livelihoods. The population of Phat Sanday community is not homogenous, and contains people who have undergone, or continue to undergo, three different types of migration: permanent, temporary and seasonal migration. Each of these types of migration has its cultural roots and is carried out by different groups and involves varied social relations. The lake; therefore, is not merely a political space, but also a social and cultural one, which can be partially explained by the particular historical and geographical context of the area. Tonle Sap Lake has been transformed into a space of manipulation in different ways by multiple local agents, as a way of imposing rules and regulations related to fishing access, while it is also a unique space in which the poor and very poor households can make use of its fish resources in order to sustain their livelihoods. In addition, the area is still being revived, after the economic crises caused by civil war and the subsequent transition periods in Cambodia.

## **6.2 Theoretical Discussion of the Finding**

The study of the politics of fishery resources around Tonle Sap Lake must start within the context of an informal economy, as well as taking the political ecology approach, as fishing grounds around the Tonle Sap were originally constructed and reconstructed as “representations of space” on a number of scales - based on ‘state territorialization’, and more specifically, as “productive space” (Lefebvre 1991; Vandergeest and Peluso, 1995; Vandergeest, 1996; Sithirith and Grundy-Warr 2009), all of which tend to contradict and/or oppose the realization of livelihoods by local people. However, I have not used the livelihoods perspective, nor ethnic and racial inequality, as has occurred in the case of forest politics in Thailand, where the process of territorialization has been based on the “production of racialized space” (Vandergeest 2003), and where ethnic and resource conflicts stem from

“historical and ethnic classification”(Chusak 2008). In this thesis, the regulatory exclusion of access among the Vietnamese fishers can be viewed simply as ethnic bias, as manifested through everyday state practices at the local level, rather than at the policymaking and/or national level, in the sense that the Vietnamese fishers have retained an unclear status and ethnic issues seems not major issues in contemporary problems of Tonle Sap Lake.

A striking feature of fisheries management around the Tonle Sap over the last three decades or four decades has been the number of state actors, those who have shifted their locus of control over access based on their own political interests and mandates. As a consequence, many fishers have been left behind or marginalized from the interested actions of state performance. The lake; therefore, can be seen as a unique space, one which works in different ways across space, scales and social groups, and which reflects a host of everyday practices.

I point to the need for alternative understandings to be developed within the overall policy framework, as a way to bring harmony, and to focus more on local processes based on an understanding of the basic fishing rights given and of the fishing area classifications used. This suggests there is a need to look at the deeper nuances within policy-oriented discussions; to institutionalize various forms of management and conservation in a way so as to improve people’s livelihoods and alleviate poverty. I question whether the attempts of state-based activities is making positive changes happen in the quality of people’s live and in nature of their participation in state intervention and can produce results achieved through the implementation of those features. At the moment, there is a gap between law and practice which continues to be the on-going basis of everyday practices, involving various actors who intentionally go unnoticed or unrecorded, a gap which forces local fishers into a spiral of debt and a cycle of poverty. Based on my research, I urge the interested parties to pay closer attention to the interaction between local processes, state policies and local actors (local state agents and fish traders) and to come up with a more pragmatic and comprehensive framework, rather than one based on an idealized point of view. This is why my research has attempted to investigate and focus more on the state regulation process within the local context, though it has also

helped us develop a clear picture of the whole state structure in place at the present time.

I argue that the revised Fisheries Law of 2006 is not a fully enforceable entity, and has not been legitimized in the eyes of local people, because the definition of small-scale fishing is only enforced by the state, and sometimes only partially, in the sense that the state itself is also well-aware of the impracticability of the law on the ground; that the concept of access rights as defined in the law does not allow the fishers to sustain their livelihoods. For example, the definition of family or subsistence fishing, as stated in Chapter 7 of the Fisheries Law, is not clearly defined at all in the sense that small-scale fishing households are assumed to be homogenous, though it defines well the fishing areas to be deployed, though only in terms of the open access area, the family-scale fishing areas under the CFs, and the fishing lot areas during the closed season, as well as the restrictions placed on the use of fishing gear. Hence, the state exercises its power along these axes; it has produced rules regardless of people's livelihood realities, but does not always enforce these laws, adding further uncertainty to the fishers' lives. As a result of this uncertainty, the fishers have developed informal exchange processes, as a way of negotiating in informal and illegal ways, and so have allowed other local actors to dominate their everyday lives.

The application of enforcement mechanisms related to preventing illegal fishing activities very often masks implicit economic interests, while the failure to suppress these illegal activities reflects the level of corruption prevalent within the fisheries governance framework, which is commonplace among local state agents, in whose hands control over resources sits. I argue against this imagined and constructed state framework, one which has been a massive failure on the ground.

The most critical need in terms of further research on Tonle Sap Lake, is to develop a deeper understanding of people's different points of view regarding illegal fishing practices, for although these practices may be viewed as technically illegal by the state, for the fishers they are the only way for them to survive. For this reason, their practices may be difficult to prevent, as they have become the norm and accepted in the eyes of the local populace. Being able to recognize and fill the gap between those who benefit from the fishing areas and the power claimed over the

protection of nature for the public good, should not be underestimated. In addition, this may not take account of the way in which some fishers who are engaged in illegal activities actually act in complicity with the local authorities. Discussion of this issue might need to become less a part of the problem and more a part of any solution, one which helps develop sounder policies and laws regarding the fishing sector helps introduce changes on various levels, but mainly at the institutional and policy level.

I have shown here that local fishers play an active role in the negotiation process with the state framework, and have shifted their position from using the classified fishing gear to creating their own classifications. The concept of local negotiation helps to depict the active role they are playing to try and maintain their livelihoods within the contemporary context of a fishing community in which informal exchanges play a role in helping to achieve livelihood survival.

As I portrayed in Chapter 2, the study fishing communities have played a key role in shaping the complex social relations that exist between different people in the area, those who have migrated to the area over different periods. The introduction of community fisheries (CFs) may not represent an effective way of producing the desired output, and may well not be the most effective strategy for local fishers either, since the community is fragile and its members under daily pressure to sustain their livelihoods. I would; therefore, argue that it is the impossible context in which the community approach projects an image of village participation and attempts to engage them for conservation and CBNRM purposes that is the problem. There is; therefore, a need to examine how the fishing community is constituted using the concept of the community (Vandergeest 2006), though it is not as fashionable to discuss issues in this way, as it once was. In the context of my study fishing community, complexity is high and its composition highly diverse, as it is comprised of displaced people, returnees, seasonal migrants and lowlanders from other areas, and they all run-up against the hard reality and the consequences of a long-endured civil war.

All in all, the regulations applied in the study area do not always serve to resolve common property resource problems, and while they continue to form the basis of Tonle Sap Lake's management regime, as run by the FiA, the state remains ignorant of the importance of local livelihoods and of the fact that the contradictory designation of specific areas renders them even more contested and ambiguous than

the state assumes. Incentives to empower the CFs are effectively zero, as the main problem in the area is the precariousness of people's livelihoods. A better and interlinked understanding of the complexities surrounding the state's regulations, local people's livelihoods, and the social and cultural contexts, as well as the local perceptions of illegal fishing activities, may help with the design of appropriate strategies to deal with the problem.

Over the longer term, the restrictive FiA regulations, as reflected in the fishing classifications system is of most concern to fishers and their livelihoods, as it turns the landscape into a profit-centered playing field; it fails to manage fish resources and manages only what is valuable and scarce. The key issues of concern to the fishing households is not conservation-oriented activities, but market-based ones, as caused by the actions of the FiA, which makes use of the unilateral imposition the rules to constrain fishing activities and exclude fishers from their livelihood needs. The main reason this happens is because the system works against their economic interest. My argument here is that the power structure still involves dominant figures at the community level, who have retained much of the overarching management powers through their control of most state activities in their respective domains. The many government agencies in the area have varying levels of authority - not only the FiA has a mandate to regulate fish resources, though it is the most active in terms of regulating fishing activities. These power structures force the fishers to depend on the local fish traders and local authorities, rather than provide them with alternatives.