State Building in Cambodia

by

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In memory of my late mother, Gek Cheng EA, who valued knowledge, education and perseverance.
Abstract

This study examines the factors affecting Cambodian state capacity since 1993 with illustrations from the fisheries and inundated forest subsectors. These two subsectors are used as an illustration due to their socio-economic and economic values and the limited state capacity to manage them. Based on primary and secondary documents and field interviews in Phnom Penh and two provinces around the Tonle Sap Lake with ninety-four key stakeholders, namely, fisheries officials, NGO officers, researchers, local authorities, community fisheries committees, lot concessionaires and operators and common fishers, it investigates the relations between the fragmentation of social control; limited state autonomy; limited Weberian state structure; weak civil society and state-society relations; a quest for internal political legitimacy, and impacts from donors’ assistance on Cambodian state capacity. Besides proving that the state capacity (penetration, regulation, extraction, appropriation, policy and legislation, midwifery and husbandry) in general and that of the subsectors in particular has been limited, albeit variable and improving, this research finds that the six factors above have an overall negative impact on Cambodian state capacity. On the theoretical front, this study locates the limited state capacity within the context of the post-communist electoral legitimacy where a dominant ruling party dominates and where there are less functional but politicized state apparatus and poor interactions amongst and within them, strong ego-centered social forces, less capable civil society and poorly engaging state-society relations, and limited meaningful engagement between donors and between donors and Cambodian state agencies.
Acknowledgements

Undertaking this PhD has been a challenge. Yet, it is also an enlightening and delightful journey. Many people and institutions have assisted me throughout the entire quest for this enlightenment, and I have thus owed my gratitude to them.

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This project has been made much easier and less stressful thanks to my dear wife, Sophourn Ep. I could not imagine how hard it could have been if I had undertaken this journey without her by my side. Her company, endurance, encouragement and understanding have been an invaluable aspiration. Her trust in me and the supportive atmosphere she has created have always inspired me to do my utmost best. Therefore, I must thank her for making this project more entertaining and less onerous, and I dedicate this thesis to her. I would also like to express my gratitude to my parents-in-law, Nhil Ep and Kimhum Sek, for their love, warmth and care. I have been very fortunate that they both came into my life. The fieldwork was made more pleasant due to the homely atmosphere they offered. My other in-laws and nieces and nephews deserve thanks for lightening up my days and supporting me every possible way they could.

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List of Abbreviations and Acronyms

ACU = Anti-Corruption Unit
ADB = Asian Development Bank
ASEAN = Association of Southeast Asian Nations
CBO = Community-based organization
CC = Commune council
CCF = Commune Council Fund
CDC = Cambodia’s Development Cooperation
CDC/CRDB = Cambodia Rehabilitation and Development Board of the Council for Development of Cambodia
CDCF = Cambodia Development Cooperation Forum
CDP = Commune Development Plan
CEPA = Culture and Environment Preservation Association
CFC = Community Fisheries Committee
CFDD = Community Fisheries Development Department
CFDO/D = Community Fisheries Development Office/Department
CFDU = Community Fisheries Development Unit
CFi = Community Fisheries
CG = Consultative Group Meeting
CMDG = Cambodia’s Millennium Development Goal
CNMC = Cambodia’s National Mekong Committee
CoCF = Coalition of Cambodian Fishers
CoM = Council of Ministers
CPP = Cambodian People’s Party
D&D = Decentralization & De-concentration
D&S = Defense and Security
Danida = Denmark’s Development Cooperation
DFA = Department of Fisheries Affairs
DFID = Department for International Development
DIW = District Integration Workshop
DK = Democratic Kampuchea
DoA = Department of Agriculture
DoF = Department of Fisheries
DP = Development Partner
EU = European Union
FACT = Fisheries Action Coalition Team
FAO = Food and Agriculture Organization
FDAP = Fisheries Development Action Plan
FiA = Fisheries Administration
FL = Fisheries Law
FUNCINPEC = Unified National Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia
GAP = Governance Action Plan
GDCC = Government Donor Coordinating Committee
GDP = Gross Domestic Product
HHI = Hirschmann-Herfindahl Index
ICORC = International Committee for the Rehabilitation of Cambodia
IDA = International Development Association
IMF = International Monetary Fund
INGO = International Non-Governmental Organization
IO = International Organization
JMI = Joint Monitoring Indicators
LNGO = Local Governmental Organization
MAFF = Ministry of Agriculture, Forestry and Fisheries
MBPI = Merit-Based Pay Initiative
MCRRC = Ministerial Conference on the Rehabilitation and Reconstruction of Cambodia
MEF = Ministry of Economy and Finance
MoE = Ministry of Environment
Mol = Ministry of Interior
SPF = Strategic Planning Framework for Fisheries
SWAp = Sector-Wide Approach
TA = Technical Assistance
TFN = Tonle Sap Fishers’ Network
TI = Transparency International
ToR = Terms of References
TSA = Tonle Sap Authority
TSBMO = Tonle Sap Basin Management Organization
TSBR = Tonle Sap Biosphere Reserve
TSEMP = Tonle Sap Environmental Management Project
TSSLP = Tonle Sap Livelihood Project
TWG = Technical Working Group
TWGF = Technical Working Group on Fisheries
UN = United Nations
UNDP = United Nations Development Program
UNTAC = United Nations Transitional Authority in Cambodia
VDC = Village Development Committee
WB = World Bank
## Glossary of Khmer Words

<table>
<thead>
<tr>
<th>No.</th>
<th>Khmer Words</th>
<th>English Equivalent/Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Achar</td>
<td>Buddhist ritual master of ceremonies</td>
</tr>
<tr>
<td>2</td>
<td>Bor</td>
<td>A kind of nylon filament fence trap</td>
</tr>
<tr>
<td>3</td>
<td>Chhnangbai</td>
<td>Cooking pot</td>
</tr>
<tr>
<td>4</td>
<td>Dai</td>
<td>Bag net</td>
</tr>
<tr>
<td>5</td>
<td>Dangkhao</td>
<td>Lead fisher</td>
</tr>
<tr>
<td>6</td>
<td>Kampong</td>
<td>A village by a river</td>
</tr>
<tr>
<td>7</td>
<td>Khnong</td>
<td>Backer/Back</td>
</tr>
<tr>
<td>8</td>
<td>Khsae/tuyo</td>
<td>String/Pipe</td>
</tr>
<tr>
<td>9</td>
<td>Krom samaki</td>
<td>Solidary group</td>
</tr>
<tr>
<td>10</td>
<td>Lok</td>
<td>A kind of large wooden fishing trap</td>
</tr>
<tr>
<td>11</td>
<td>Lon</td>
<td>Bamboo trap for eels</td>
</tr>
<tr>
<td>12</td>
<td>Me</td>
<td>Leader/Boss</td>
</tr>
<tr>
<td>13</td>
<td>Moy</td>
<td>A kind of business partnership/Customer</td>
</tr>
<tr>
<td>14</td>
<td>Neakthom</td>
<td>Big guy/powerful person</td>
</tr>
<tr>
<td>15</td>
<td>Prakas</td>
<td>Edict</td>
</tr>
<tr>
<td>16</td>
<td>Preus</td>
<td>A kind of bamboo fence traps</td>
</tr>
<tr>
<td>17</td>
<td>Rotka</td>
<td>Facilitation money</td>
</tr>
<tr>
<td>18</td>
<td>Samrah</td>
<td>Brush park</td>
</tr>
<tr>
<td>19</td>
<td>Sangkat</td>
<td>Fisheries Administration lowest level office</td>
</tr>
<tr>
<td>20</td>
<td>Wat</td>
<td>Buddhist temple</td>
</tr>
</tbody>
</table>
Chapter 1: Introduction

1. The Importance of This Field to Understanding Cambodian State Development

There are a few main reasons why this study on Cambodian state capacity, especially in fisheries and inundated forests subsectors, is required. Firstly, the subsectors are chosen as an illustration due to its socioeconomic and economic values to Cambodians, Cambodia and its economy and the state’s limited capacity to manage them. Millions of rural dwellers around the Tonle Sap Great Lake, the Mekong River and their tributaries depend on fishing as primary or secondary sources of incomes and livelihoods. Besides rice, fish is a second major source of protein.\(^1\) Inundated forests are equally important. They are fish habitats and breeding grounds and sources for non-forest timber products. In this sense, fisheries and forests have a socioeconomic value and are a source for national and food security. The economic value of fisheries is likewise great. It has contributed substantially to the gross domestic products (GDP) – an average of 8% over the last decade, and the landing values over the last two decades have been estimated at between $150-300 million.\(^2\)

Although Cambodian state capacity is variable in terms of time, space, sectors and types of capacity, its capacity can be generally said to be limited. In the subsectors, though their socioeconomic and economic values are huge, the state capacity to manage them is limited. As discussed later, its regulation capacity, as expressed in low compliance to state’s or communities’ rules and widespread selective law enforcement, is limited. It likewise extracts minimal rents from the resources. While the farm-gate value stands at between $150-300 million, the state only generates a few million dollars from large and medium scale fishing, while a much larger share of the profits goes to private pockets.\(^3\) In addition, the state capacity to assist fishing lot concessionaires and Community Fisheries (CFis) is also inadequate. The limited capacity is indeed applied to appropriation, penetration, and to a much lesser extent policy and legislation production. The status quo thus calls for one imperative expedition – an understanding of the current state capacity

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1 A review by the MRC in 1992, for example, puts it that ‘in the Cambodian diet freshwater fish covers about 70 percent of animal protein intake.’ Cited in Seang Tana Touch and Todd Bruce, *The Inland and Marine Fisheries Trade in Cambodia* (Phnom Penh: oxfam America, 2002), 9.
3 The small or family-scale fishing is theoretically rent-free.
in general and in the subsectors in particular and a search for an inclusive factual and theoretical explanation.

There is a significant body of work on fisheries and inundated forest management. There is, however, still little systematic academic research on state capacity to manage the resources, especially in the field of political science. This study therefore wishes to contribute to filling in this academic vacuum. As seen in Chapter 2, Cambodian political science since 1993 has been dominated by three main themes – democracy/democratization, decentralization and good governance. This study thus aims to draw more attention to the study of state capacity per se, to contribute to the understanding of state capacity in post-conflict Cambodia and to enrich literature on the state and state capacity in least developed countries. Specifically, this study will measure the Cambodian state capacity generally and on the sectoral basis against seven benchmarks and indicators devised from academic literature on state capacity and the claims of the Cambodian state and then discuss the major factors that affect the state capacity.

2. Research Aim

This study examines the factors affecting Cambodian state capacity since 1993 with illustrations from inland freshwater fisheries and inundated forest management. It will investigate the relationships between the distribution of social control; weak civil society and state-society relations; limited state autonomy; limited Weberian state structure; a quest for internal political legitimacy; impacts from external aid agencies’ assistance and limited state capacity. It is hypothesized that state capacity in post-conflict Cambodia, referring to Cambodia after 1993, in general and specifically state capacity in inland freshwater fisheries and inundated forests, hereinafter fisheries and forests, management is rather limited. In addition, the above factors have an overall negative impact on Cambodian state capacity.

3. Contextual Background to Fisheries and Forest Management

Cambodia’s efforts to systematically manage both resources have a long history.\(^4\) In 1296, Chou Ta-Kuan, the Chinese missionary to Angkor, reported the abundance of fish and other aquatic animals from the Great Lake;\(^5\) however, he stopped short of writing on fishing exploitation and forest management per se. Stone steles are

\(^4\) Fish bones were uncovered in settlements dated between 1,600 and 2,400 years ago in Angkor Borei. Vuthy, Voeun as cited in Kent G. Hortle, Sopho Lieng, and John Valbo-Jorgensen, *An Introduction to Cambodia's Inland Fisheries* (Phnom Penh: Mekong River Commission, 2004). 7.

not informative on this matter either. Nevertheless, anecdotal evidence suggests that fishing was mainly for subsistence and small-scale bartering, and hence there probably was little effort to formalize resource exploitation.

More formal management arrangements came in King Norodom’s reign (1863-1904) through the leasing of fishing rights in some areas for large-scale exploitation. Under his and his predecessors’ reigns, the king was entitled to collect arbitrary taxes on fishing. ‘General farmers’ – Sino-Cambodian traders and investors – purchased the use rights of certain fishing grounds and paid the dues to the Royal Treasury. They then sub-leased them to other people, some of whom continued to sub-lease with a chain of five or six or more go-betweens. The French colonists further reinforced fisheries and forest management through passage of fisheries-cum-forests legal codes and legalization of industrial fishing. During the protectorate-ship, the monarch collected fisheries taxes and paid a portion to the French. From 1889, however, the French started to collect payments directly and introduced formal fishing lot leasing in 1900.

The first two post-independence regimes retained the colonial lot system. After 1953 the Department of Hydrology, Forestry, Wildlife and Fisheries was established, and in 1960 a separate Department of Fisheries (DoF) was founded. Due to increasing fishing conflicts, the Khmer Republic revoked some lot licenses. The Democratic Kampuchea (DK) terminated commercial fishing, while small-scale fishing was neglected. Some former lots were operated as they used to by cadres and the produce was supplied to collectives, cadres and the administration in the capital. This period also experienced large-scale forest clearance to expand farmland.

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7 Darboux, et. al. 1906 & Petillot, 1911 as cited in Peter Degen and Thuok Nao, "Inland Fishery Management in Cambodia: Is the Fishing Lot System the Basis for Improved Management or Should It Be Abolished?" (Phnom Penh: MRC/DoF/Danida, 1998), 6-7.
8 Ibid; Fisheries Action Coalition Team and Environmental Justice Foundation, Feast or Famine? Solutions to Cambodia’s Fisheries Conflicts: 40. For a list of the legal codes, see, for example Thuok Nao and Seng Choeu Po, An Executive History of the Creation of Fisheries Laws of the Kingdom of Cambodia (Phnom Penh: Department of Fisheries, August 2006).
9 Fisheries Action Coalition Team and Environmental Justice Foundation, Feast or Famine? Solutions to Cambodia’s Fisheries Conflicts: 40.
There was some remarkable development in the People Republic of Kampuchea (PRK) and the State of Cambodia (SoC). In late 1979, the Ministry of Agriculture and Forestry was re-established. Fisheries exploitation was generally collectively managed. From 1979 to 1987, it was done mostly by krom samaki (solidarity groups) and by some PRK’s departments and army units. The PRK privatized its economy in late 1980’s, and with this transformation, it re-introduced the lot system in 1987 in an attempt to privatize resource exploitation and earn more revenues. Thus the previous fisheries law and a lot leasing sub-decree were enacted in 1987 and 1989, respectively. Post-conflict Cambodia witnessed more development. The prioritization of revenue generation over rural livelihood and intensified resource privatization had worsened conflicts between concessionaires/operators and rural villagers. Therefore, in 2001 Hun Sen implemented a drastic fisheries reform – releasing 56% of the existing lot areas to communities. A new Fisheries Law (FL) was enacted in 2006, and new supporting decrees, sub-decrees, and prakas have been passed.

Although the change from a socialist one-party to a liberal democratic multiparty regime was done with good faith, it was too abrupt. The sweeping reforms were, in large part, determined by the initiation and pressure from the external actors and factors. This hasty development has contributed to many dysfunctions, one of which is the state’s limited capacity to regulate, penetrate and extract from the society and to appropriate rent from its resources. It also cannot facilitate both private sector and local community development. This applies to fisheries and forest management. For instance, many lots, areas set aside for small-scale fishers within lots, open access areas and protected areas were not clearly demarcated and delineated before the privatization, leading to conflicts over access and poor regulation.

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12 See for example, McKenney Bruce and Tola Prum, Natural Resources and Rural Livelihoods in Cambodia: A Baseline Assessment (Phnom Penh: CDRI, 2002).
There are a few explanations for the limited state capacity to manage the resources. One explanation is fragmentation of social control; that is, power to decide how the resources are managed is in the hands of private individuals and groups. In this case, concessionaires, operators and other fishers have their own rules of the games that are at odd with those passed by the state. Besides, state’s weaknesses can be understood in the context in which implementors and local and other relevant authorities are captured by vested interests. This has contributed to poor management of the resources and widening the gap between policy formulation and implementation.

The macro-level accommodation and power struggle pose another threat to state capacity. Power struggle between various macro-level forces is still omnipresent in Cambodia. The 5/6 July 1997 internal fighting between the two main ruling parties – the Cambodian People’s Party (CPP) and FUNCINPEC\(^\text{13}\) – is a telling example. As will be discussed later, accommodation at the top is also widespread, reflecting in politicians’ interventions into the affairs of state apparatus in favor of their clients or proxies. In the subsectors, interventions into auction lot bidding and ‘research lot’ application are fairly common.\(^\text{14}\)

Related to the limited autonomy from private interests is the limited autonomy within and between state apparatus. The Cambodian political culture of centralized leadership gives rise to a ‘strong, albeit authoritarian’ leader and politics being perceived as a ‘zero-sum game’. Cambodian leaders are considered paramount and never tolerate opposition. This is against the backdrop of a lack of a loyal opposition group.\(^\text{15}\) This has restricted the development of a mature democratic parliamentary political society, contributing to limited checks and balances between the executive and the other branches of the state, rampant patronage politics within state agencies, and limited capacity to manage the resources.

Weak civil society and state-society relations are another main factor. History shows that politics and state building has been predominantly the tasks of the educated and powerful elites. The exclusion of ordinary people affects the state’s\(^\text{13}\) FUNCINPEC stands for the Unified National Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia. Some scholars label the fighting as a coup d’état. See for example, Sorpong Peou, *Intervention and Change in Cambodia: Towards Democracy?* (Singapore: Institute of Southeast Asian Studies, 2000).

\(^\text{14}\) See for example, Touch and Bruce, *The Inland and Marine Fisheries Trade in Cambodia*.

\(^\text{15}\) Sinclair Dinnen in his study of the PNG also sees the relationship between its political culture and state capability – and in this case, state incapability. Sinclair Dinnen, "In Weakness and Strength - State, Societies and Order in Papua New Guinea," in *Weak and Strong States in Asia-Pacific Societies*, ed. Peter Dauvergne (Leonards: Unwin Publishers, 1998).
capacity as accountability takes its own shape – a sui generis patronage system with its own rule and norms of ‘accountability’. By and large, ordinary people adopt a more ‘passive participation’ approach to state building. Self-initiated or horizontal grouping or “linkages” have been hard to find in Cambodia throughout its history. Peter Degen and Thuok Nao argue that such absence also applies to fishing villages.\(^\text{16}\)

In late 1990’s, there were pilot efforts to establish rural communities. This has gained more momentum since 2000. Since then Development Partners (DPs) and non-governmental organizations (NGOs) began to focus on establishing various rural communities or groups, including fisheries communities and later community-based organizations (CBOs). Local NGOs (LNGOs), though having a better standing, are likewise new to Cambodia. It was after 1993 that NGOs and associations began to proliferate. Their relation with the state is ongoing and hence sometimes contentious and suspicious at best. They face other problems, including lack of grassroots ownership and good governance, dependency and elitism. These problems are more or less applied to rural associations/groups. These communities and the NGOs that assist them are generally powerless vis-a-vis rich and powerful local elites.

Another challenge is the limited Weberian state structure and poor resources. Some prominent issues are power concentration, poor coordination and cooperation and patronage networks within state agencies. As discussed in Chapter 9, lower level bureaucrats are less daring to make decisions unless the matters have gone through their immediate ‘bosses’. Cambodian state agencies also have a poor track record of coordination/cooperation. Besides, state capacity is weakened by patronage networks and corruption. David Chandler notes that patronage arrangement has been “drummed into everyone from birth,”\(^\text{17}\) and this arrangement has seeped into state apparatus. Speaking about the fisheries bureaucracy in 2000, Hun Sen said: “Some government officials have been using the fishing lot systems as their ‘chhnangbai,’ in exchange for pay-offs guaranteeing impunity for any violation of


\(^{17}\) Chandler, A History of Cambodia: 127.
the law by the concessionaires. Some of these men, they are really corrupt. They don’t eat fish, [sic] they eat money.”

With the elections since 1993 came the democratic political legitimacy. The ‘democratic’ elections do not replace patronage politics outright. The desire for political legitimacy by prominent parties makes patronage politics even more critical as more financial and structural resources are required to support and popularize a party at the expense of building ‘competent’ state agencies. Many political and bureaucratic positions and state resources have been granted to loyalists and supporters in exchange for their support. The need to sustain ‘mass patronage’ since 1998 has meant raiding the state apparatus, siphoning off its resources and back door trading with businesses. This has made compromise and co-optation even more necessary. The adoption of ‘mass patronage’ has, however, contributed to some development.

Finally, external actors also impact state capacity and building of state institutions. Aid-dependent Cambodia needs international legitimacy as a condition to receive aid. Since 1992, Cambodia has received more than $12 billion in grants and loans. The money from multi-lateral and Western DPs (including Japan) is usually attached to promises of reforms. The strings attached and money injected, as discussed later, work to some extent and result in state capacity enhancement and institutional capacity building. On the other side, coordination and cooperation amongst DPs and between DPs and Cambodia is still fairly poor, thus undermining the impacts of the assistance. The rise of non-traditional DPs as major donors is also alarming, as these latecomers do not condition their assistance to good governance.

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18 As cited in Frank van Acker, "Don't Trust Fish When They Are in Water: Cambodia's Inland Fisheries in Transition," (n.a.), 11 and 24. Original quote with lot owners replaced by lot concessionaires. "Eat money" is a Khmer slang to mean 'take bribes'.

19 For reports on 2010 pledges, see for example, Sebastian Strangio and Sovan Nguon, "$1.1 Billion Pledged in Donors Aid," The Phnom Penh Post 4 June, 2010; Sebastian Strangio, "Donors to Give near $3 Billion in 2010-2013," The Phnom Penh Post 8 June, 2010; Sebastian Strangio and Sokha Cheang, "Donors, Government Open Aid Talks," The Phnom Penh Post 3 June, 2010. Aid pledges have increased over time, for example in 2007, it was $690 million, in 2008, $951.5 million, and 2010, $1.1 billion.

20 For example, in December 2009, China pledged $1.2 billion in economic aid agreements during a visit by Chinese Vice President Xi Jinping immediately after Cambodia agreed to expatriate 20 Uighur asylum seekers whom Beijing had accused of being terrorists because of their alleged involvement in the Xingjiang uprising in July of the same year. Many observers drew a correlation between the two. See for example, Sebastian Strangio, "Asylum Policy Failed Uighurs, Activists Say," The Phnom Penh Post 22 December, 2009; ———, "Beijing Sends Note on Uighurs," The Phnom Penh Post 15 December, 2009; Sokha Cheang and Sebastian Strangio, "China VP Lauds Gov't for Return of Uighurs," The Phnom Penh Post 22 December, 2009; Sebastian Strangio,
4. **Research Methodology**

4.1. **Research Design**

This explanatory, retrospective-prospective study is conducted qualitatively. As such interviewees were asked mainly about the current situations in the two subsectors and to recall their experiences, some dating to the 1980’s or early 1990’s. Content analyses are used to identify categories and patterns emerging from interview scripts and primary and secondary documents.

4.2. **Data Collection Methods**

This study uses three principal sources of information. Semi-structured interviews were conducted with key informants. An interview schedule focusing on Cambodian state capacity and factors affecting state capacity in the two subsectors was produced. Spontaneous and probing questions were usually used. Second, it is based on substantial primary documents the researcher collected over the course of the fieldwork. Besides, secondary data are used quite extensively in this study.

4.3. **Research Sites**

The fieldwork was conducted in three locations – Phnom Penh and two provinces. The provinces are not identified, but are referred to as Province A and Province B. In each, the researcher conducted his research in three locations: the provincial towns and two villages each. In the last village, the researcher conducted interviews with Community Fisheries Committee (CFC) heads from three CFis. These locations are not identified by names either. The two villages in Province A are referred to as Sites 1-2 and the two in Province B as Sites 3-4. Where necessary, the three CFis in Site 4 are referred separately as CFi-A, CFi-B and CFi-C. The anonymity is required to ensure correspondents’ personal safety and security.

4.4. **Sampling Techniques**

This study employs chain referral sampling to select relevant participants. Between 25 January and 24 February, 2011 initial contacts were done with seven NGO/IO staff, four Fisheries Administration (FiA) officials and four researchers. All but two each of the first and second categories failed to respond to the requests. During the course of the fieldwork, the researcher contacted some fishers independently, while

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"Uighurs' Fate Seen as Stain on Kingdom," *The Phnom Penh Post* 21 December, 2009. In a speech during the inauguration of the Prek Kdam Cambodian-Chinese Friendship Bridge, the PM praised China for ‘talking less, but doing more.” "China a Major Donor to Cambodia," in *Radio Free Asia* (Radio Free Asia, 31 May, 2010).
one NGO, two FiA officials and one village chief assisted with arrangements of
three separate group discussions. The FiA officials also helped arrange meetings
with three concessionaires.

4.5. Sample Size

Interviews were conducted with 94 informants between March and September. For
their safety and security, they are referred anonymously as Informants 1-94. There were forty-one, three and six solo, pair and group interviews, respectively.
The interviewee composition is as follows: sixteen NGO/IO/DP staff, eleven FiA
officers, nineteen CFC members, thirty-three fishers, four concessionaires/operator,
six researchers and four commune council (CC) members and one village chief.

5. What This Study Covers

This study mainly covers Cambodian state capacity to manage inland freshwater
fisheries and inundated forests since 1993. State capacity in this study refers to the
capacity to penetrate and regulate the subsectors, extract resource rents, appropriate
its resources, and midwife and husband concessionaires and CFCs. Besides, it
relates the capacity in the subsectors to broader Cambodian state capacity. There
are a few relevant state agencies responsible for fisheries and forest management,
yet this study focuses mainly on FiA and, to lesser extent, the armed forces, courts
and local authorities.

6. Paper Outline

This dissertation is divided into 12 chapters. Chapter 1 introduces the study. Chapters 2 and 3 review the existing literature on state capacity and Cambodian
politics and state, and present the theoretical framework on state capacity,
respectively. Chapters 4 and 5 assess the state capacity overall and on a sectoral
basis. Chapters 6 and 7 focus on how social control fragmentation, weak civil
society and existing state-society relations impact state capacity. Chapters 8 and 9
concentrate on how limited state autonomy and weak state structures and resources
affect state capacity. Chapters 10 and 11 draw the attention to how the quest for
internal legitimacy and the impacts of DPs on state capacity and state institutional
capacity building, respectively. Chapter 12 synthesizes the study and draws some
implications on Cambodian state capacity.

21 For the list of interviewees, see Appendix B.
Chapter 2: Literature Review

This chapter discusses the literature on relevant theoretical issues on state capacity and considers some key studies on post-conflict Cambodian politics, governance and the state. First, it discusses some pertinent debates on state capacity, including paradigm shifts in political science over the last few decades; how different scholars relate state structure and state-society relations to state capacity; how state capacity is understood and measured, and how international factors and legitimacy relate to state capacity. It then presents some key research on post-conflict Cambodian politics, governance and the state and highlights the limited research on state capacity per se.

1. Literature on State Capacity

There are a few dichotomies on state capacity in the literature worth discussing. One is the paradigm shift over the past decades. Political science and sociology in the 1960’s and 1970’s were dominated by the ‘society-centered’ paradigm. Its central feature is ‘political practice and institutions were ultimately determined by broader social forces’ and that the state is not taken seriously as a unit of analysis or is relegated to secondary importance. Talcott Parsons and Samuel Huntington (structural-functionalism), Seymour Lipset, Robert Dahl and James Hunter (pluralism), and Marx-Engels and their disciples exemplify the major advocates of this school.

In the 1980’s and 1990’s, there was an effort to ‘bring the state back in’. Some scholars were thus labeled ‘state-centric’ for taking the state as supreme, utmost powerful and autonomous actors from social actors and the effort amongst scholars to draw clear state-society boundaries. Thus, state received more attention, and social actors secondary importance in the analyses. Such dichotomous treatment

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1 Badie and Birdbaum & King as cited in Bradley Nash, "Labor Law and the State: The Crises of Unions in the 1980’s" (Virginia Polytechnic Institute and State University, 2000), 44.
2 Skocpol as cited in Badie and Birdbaum & King as cited in ibid., 46-47.
3 For a discussion of these approaches to the state, see ibid., especially Chapter 2.
‘proves detrimental to a fuller sociological understanding of the nature and role of political institutions in contemporary social life.’

Another issue is whether the state shall be insulated from or embedded with the society for it to be effective. Max Weber supports state supremacy over and autonomy from society as a prerequisite for state capacity. One of his prominent adherents is Theda Skocpol. She argues that it can ‘formulate and pursue goals that are not simply reflective of the demands or interests of social groups,’ owing partly to its ‘organizationally coherent collectivities of state officials, especially collectivities of career officials relatively insulated from ties to currently dominant socioeconomic interests.’

Peter Evans, though treating the state as a prominent actor, focuses on how the state structure and its relations to social groups determine state capacity. He proposes ‘embedded autonomy’ to explain developmental states’ success and intermediate states’ relative success in industrial transformation. The former’s internal structure, which resembles Weberian bureaucracy and its relations with, not its insulation from, industrial groups explain their ‘joint project’ success. Similarly, Francis Deng, Damien Kingsbury and others argue for the participation of civil society in the management of the state’s affairs and for mutual capacity enhancement.


7 Peter Evans, Embedded Autonomy: State & Industrial Transformation (Princeton: Princeton University Press, 1995). 12 and 39-42. Researcher’s emphasis. In an earlier study, Adrian Leftwich refers to a state with autonomy, effectiveness and legitimacy as a development state. Such a state has the ‘capacity to define, pursue and implement developmental strategies which can and do override class, regional and sectoral interests in putative national interest.’ However, due to his focus on economic growth as an indicator, he raises a few countries which Evans would consider intermediate states as developmental as well. Adrian Leftwich, "States of Underdevelopment: The Third World State in Theoretical Perspective," Journal of Theoretical Politics 6, no. 1 (1994): 68.

Joel Migdal also sees state-society relations as a determinant of state capacity, but as a zero-sum game. While Evans, inter alia, see capable society as a counterpart to state capacity building, Migdal argues that a ‘weak state’ with a ‘strong society’ results in weak capacity as social control is diffused rather than concentrated in the state. The anthology edited by Peter Dauvergne on Asia-Pacific societies contains good examples of the negative impacts of ‘weak states’ and ‘strong societies’ on state capacity.

Another debate is how to analyze the state and state capacity. Many neo-Weberian thinkers see the state as a centralized and institutionalized entity with good coordination amongst its agencies and power radiating from the center. Therefore, they frequently focus on ‘the very top leadership, the elites in the upper echelon of the state organization.’ To the contrary, Migdal suggests that to understand the state and the effectiveness of its policies, one should analyze its different components, which oftentimes have potential conflicts and may go into different directions, and their interactions with social forces. He thus proposes state and social force dissection to understand state capacity and the interactions amongst and between them.

The next issue is state-society boundary or distinction. Such scholars as Weber, Skocpol and Stephen Krasner suppose ‘that there are precise and unambiguous boundaries between state apparatus and society, state managers and social forces, and state power and societal power.’ Migdal, on the other hand, proposes that the boundaries are fuzzy and dynamic. While the image of the state suggests that a clear boundary exists and that the state is not only separated but also aggrandized, the actual practices may bolster or erode its image; they may reinforce the notion of

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12 Yet as Mitchell Timothy shows, Skocpol and Krasner ‘find it hard to delineate state and society in their political analysis of the state.’ Cited in Say Sok, "State Building in Cambodia: The Politics of Land Management and Administration in Cambodia - Focusing on Ratanakiri Province" (Kobe University, 2005), 19-20.
the territorial and public-private boundaries or neutralize them. Benedict Kerkvliet also highlights the plurality of state organizations and the state’s inseparability from society; that is, ‘the degree of coherence among the organizations within it [state] varies over time and from one state to another…. [W]hile the state is different from society, it is not separable from it.’\textsuperscript{13} The study on post-communist states further supports that the boundaries are not clear-cut and that the boundaries between state agencies and political parties are likewise not unambiguous.\textsuperscript{14}

That international factors and actors matter is another debate. Migdal sees the colonial/imperialist administration’s manipulation of a colony as a determinant of post-independence state capacity.\textsuperscript{15} Evans proves that ‘new internationalization,’ has brought with it more opportunities; consequently, careers in the private sector are more promising and has lured the ‘best and brightest,’ while positions within the bureaucracy become a second best. The shrinking in material rewards poses another potential threat as it may increase craft and bribery.\textsuperscript{16} Anna Grzymala-Busse and Pauline Luong propose that post-communist state building is influenced by international pressure, which has an effect on the types of formal institutions in which elites compete.\textsuperscript{17}

Another issue is that legitimacy matters to state capacity; however, different regimes and leaders may need or popularize different forms of legitimacy. Weber divides sources of legitimacy into three ideal types: traditional, charismatic and legal-rational. The first is ‘the eternal yesterday.’ The ruled are peers or subjects

\begin{footnotesize}
\begin{enumerate}
\item \textsuperscript{15} Some colonial masters help build and work through the colony’s structure and hence build its capacity, whereas others use divide-and-rule policies, channeling huge wealth to social organizations and therefore strengthened their social control at the detriment of state capacity. Besides, the expanding of world economy has routed resources ‘selectively to build up the strength of such social groups,’ thus further weakening state capacity. Such factors as civil wars and revolutions also affect state capacity and state-society relations. Cited in Sok, "State Building in Cambodia: The Politics of Land Management and Administration in Cambodia - Focusing on Ratanakiri Province," 34. Migdal’s grand historical theory fails to capture how the existing external actors in aid dependent countries affects state capacity – a subject of further discussion in Chapter 11.
\item \textsuperscript{16} Evans, Embedded Autonomy: State & Industrial Transformation: especially Chapter 8.
\item \textsuperscript{17} Grzymala-Busse and Luong, "Reconceptualizing the State: Lessons from Post-Communism," 541-43.
\end{enumerate}
\end{footnotesize}
and the sovereign’s rule is governed by ‘customary laws of equality and moral justice or by personal expediency.’ The people aiding him are not bureaucrats, but servants of some sort. The two characteristics of this legitimacy are: the lack of clear separation of the ruler from the institutions of rule and the corresponding lack of broad, meritocratic recruitment and autonomy and security of tenure for his subordinates. The second is ‘authority of the extraordinary.’ The ruler acquires legitimacy from sources within himself, which can be dangerous as the leader stands ready to renounce or get rid of those of his subordinates who fail to adhere to the path ‘whose direction he alone may specify.’ The final type is based on the belief in the rationally established rules and in the legitimacy of the ruler who gains authority within the establishment of the law. The most typical form is bureaucracy. Weber cautions that these pure types rarely exist in reality. These types of legitimacy affect the relationship between political leaders, state agencies/agents, treatment of state resources and the populace, and hence state capacity.

Leaders of many developing countries base their legitimacy on, at least, two more things: performance and/or electoral victory, and this too affects state capacity. Muthiah Alagappa identifies four elements of legitimacy: shared norms and values, conformity with established rules for power acquisition, proper and effective use of power and consent of the governed. In this vein, “[a] command-obedience relationship may be defined as legitimate if that power is exercised within prescribed limits for the promotion of the community’s collective interest.” As discussed later, performance in turn affects legitimacy and state capacity. Post-communist regimes/leaders need electoral legitimacy to be seen legitimate. As Coner O’Dwyer and Grzymala-Busse and Luong show, leaders of many countries

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adopt elections as a means to attain legitimacy. Yet, whether electoral legitimacy means more state capacity depends on many other factors.\(^{20}\)

The final issue is the difference in defining and measuring state capacity. The term has been defined and understood differently. Skocpol and others define it in terms of the state’s ‘organizational and/or structural powers’ to achieve its agendas. Byongil Rho links state capacity to its resources, autonomy, and legitimacy.\(^{21}\) Many other authors define it in terms of roles or functions. Neil A. Englehart equates state capacity to the ability and willingness of the state apparatus to carry out government policies. Brian Smith and Francis Fukuyama focus, amongst others, on policy and legislature capacity. Dauvergne associates it to social control maintenance, policy production, rule and regulation imposition, basic service provision and economic management. Verena Fritz proposes that it be measured by weighing state’s functionalities against dysfunctionalities and three indicators to measure it: decision making, implementation and control. Ho-Soon Lee understands state capacity as state power to extract resources from the citizens, coerce them to abide by its rules and incorporate them into the society.\(^{22}\)

Migdal views state capacity as the state leader’s capability to use subordinates to make people within its territory do what they want the people to do. It is measured through the level of citizen compliance to state rules, participation in the channels it sets and legitimacy. He proposes four state capabilities: to penetrate the society, to regulate social relationship, to appropriate resources and to extract resources from

\(^{20}\) These include the state of pre-reform state structure and society, nature of post-communist competition and international contexts. Grzymala-Busse and Luong, "Reconceptualizing the State: Lessons from Post-Communism."; O'Dwyer, Runaway State-Building: Patronage Politics and Democratic Development.

\(^{21}\) Evans, Rueschemeyer, and Skocpol, Brining the State Back In, 351-52; Byeongil Rho, "State Capacity and Third World Politics: A Comparative Analysis of South Korea and Philippine Cases" (University Microfilm International, 1992), 35.

the society. Kingsbury reduces the criteria to compliance and legitimacy, while Kerviet adopts the three but disagrees with the hierarchy Midgal suggests.23

Evans defines it in terms of means (roles) and end (development). State capacity is the ‘ability to implement strategies to achieve its economic, political, or social goals in society.’ He elaborates four roles the state shall execute to attain its goal. They are custodianship, demiurge, midwifery and husbandry. Custodianship refers to a restrictive regulator; demiurge denotes the role as a producer. Developmental states play two more important roles to bolster the private sector: midwifery, assisting the private sector to venture into a new challenge or inducing new groups of entrepreneurs and husbandry, ‘cajoling and assisting’ private entrepreneurs to meet up the challenges from the global forces and actors.24

All authors above but Evans focus mainly on the top-down and unilateral nature of state capacity. A capable state in a developmental sense, however, is the one able not only to penetrate and regulate the society, extract resources from the society and use the resources in a determined way unilaterally, but also to enter into discussion with and assist society. Thus, the state shall devise a workable policy and assist social groups through meaningful engagement and consultation.


24 Cited in Karen Barkey and Sunita Parikh, "Comparative Perspectives on the State," Annual Review of Sociology 17(1991): 525-26; Evans, Embedded Autonomy: State & Industrial Transformation: 12-17. ibid. John McKay vividly exemplifies these four roles of the developmental state as follows: “In Japan, more recently in South Korea, Taiwan and Singapore, and later still in China, the role of the government has certainly been central. Governments had clear and detailed strategic plans for the development of their economies and indeed their wider societies. Key industries were identified, protected and supported until they were strong enough to be competitive in world markets. Extremely large investments were made in physical infrastructure, such as ports, roads and telecommunications systems, and in social infrastructure, especially education. In most cases, competition within key sectors was carefully managed and emerging ‘national champions’ were often given a monopoly position. Trade union activity and hence wage increases were carefully controlled in the name of maintaining export competitiveness, for it was the emphasis on exports of manufactured products that was also a very distinctive component of the Asian model. At the same time, the lack of market discipline within most individual industrial sectors was replaced by strong government supervision.” John McKay, "The Economics of Development," in International Development: Issues and Challenges, ed. Damien Kingsbury, et al. (New York: Palgrave McMillan, 2008), 115.
2. Literature Review on Cambodian Politics and State

There are a number of established studies and academic research on international intervention and/or democracy in post-conflict Cambodia. *Cambodia’s New Deal* is a first report on state of the political after the 1993 elections. William Shawcross discusses some contemporary issues such as weak state institutions, intra- and inter-party power wrangling, the CPP’s domination over the state apparatus, patronage politics and their hindrance to reforms, and civil society’s weaknesses.  

In *Intervention and Change in Cambodia*, Sorpong Peou invokes the relationship between international intervention and ‘power relationship among factional groups within the state and between state and social actors’ to explain the ‘unconsolidated’ and ‘illiberal’ democracy in the 1990’s. The United Nations Transitional Authority in Cambodia’s (UNTAC’s) inability to divorce the SoC’s structure from the CPP, poorly coordinated intervention from and a priority on ‘stability’ by the ‘international community’ and limited ability of the other factions within the state to check the CPP’s power have given rise to a ‘hegemonic’ party and leader, anti-democratic practices and limited democratization.

In another paper, he discusses some critical issues Cambodia faces. The state apparatus was weak and dominated by the CPP, ‘fragmented along the line of sub-factional and interest groups unwilling and/or unable to transcend their parochial interest’ and lacked necessary resources and organizations. Political development and critical reforms were hamstrung by patronage politics and politicized state agencies. Moreover, checks and balances were limited as power was concentrated in the more institutionalized executive and dominant ruling party. Civil society, though emerging, was weak. Politics was elite-based, and political parties heavily depended on ‘strong leaders’ for electoral success.


Another work on this period is *Political Transition in Cambodia 1991-1999*. David Roberts focuses on how Cambodian cultural values and experiences present a ‘challenge’ to alien multi-party liberal democracy. Deeply-rooted ‘absolutism’ and patronage are at odds with the newly imported and externally ‘superimposed’ democratic values and institutions. Political elites thus tried to manipulate this ‘democratic’ transition, and stability could be attained only when major elites and their factions were satisfied with the power-arrangement.\(^{28}\)

Kheang Un draws a link between Cambodian ‘patronage politics’ and ‘hybrid democracy,’ in which elements of ‘liberal democracy’ co-exist with illiberal ones and where patronage is banked upon by ruling elites to maintain ‘political control’. To sustain procedural legitimacy, the CPP has relied on ‘dual methods of domination’: surveillance over and intimidation of rural voters by elements of state apparatus, but more importantly rural development projects and ‘material favors’ financed by contribution from state agents and big businesses, and such ‘pork-barrel politics’ breeds corruption, favoritism and patronage.\(^{29}\)

In another study, he links the limited democratic consolidation to the ‘absence of horizontal and vertical accountability’ with an illustration in the judiciary. Each state institution is not accountable to another, nor independent from each other, but is instead plagued by patronage, corruption and intervention. This state of affairs is further aggravated by the limited accountability towards the weaker citizens and civil society groups. In an expansion to this study, he later turned to the structural analysis of the judiciary, discussing its limited independence from other state agencies and parties, structural challenges to its operations and their impacts on democratization.\(^{30}\)

While the studies above focus mainly on international interventions, political society and democracy/democratization, the following two studies focus mainly on society. The first by Yukiko Yonekura emphasizes the contribution from civil


society associations to democratization. Her survey indicates that their contribution to democratization was limited because of their weaknesses vis-à-vis the state and political parties and limited pressure from their foreign donors who can or were not willing to push state leaders to open up more political space for them. Besides, they have quite limited historical roots. Many had a nasty relationship with the state, and themselves lacked democratic attributes. The other study focusing on rural villages shows that in the 1990’s social organizations above the family were noted for their absence and that citizen interactions with the local state agencies/agents were infrequent and top-down.31

A closer emphasis on the state itself is *Political Economy of Cambodian Transition: 1991-2001*. Caroline Hughes links the entrenched patronage politics, extraction from the office and unwillingness to reforms to the central government’s (ruling parties’) need for support from state agencies/agents, especially local governments and the armed forces to win an election through voter surveillance and campaigns of inclusion/exclusion. To strengthen the ties between the dominant parti(es) and state agents, the central government needs not only to allow but also to protect ‘entrepreneurial activities’ by the local governments and military. Additionally, the inability to arrest the rampancy of ‘entrepreneurial activities’ was due partly to array of donors that could not forge a united front to demand better governance. Civil society as a sphere of power to check the state’s power was also limited.32

Philippe Le Billon brings political economy to the sectoral level. He employs the commodity chain analysis and discursive practices to identify a chain of actors involved in timber businesses and to explain the ‘exclusionary’ capitalist exploitation of Cambodian forestry in favor of the central and provincial politico-military elites and well-connected private logging companies. Social networks and power, rather than a right-based access, determine how much one could benefit from forestry exploitation. The drastic deforestation was exacerbated by the global

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need for timber, tacit involvement of elements from the neighboring countries, financial need to fight the war and to sustain the fighting after 1993, and ruling parties’ need for resources to maintain patronage-based power maintenance. The harsher conditionality from donors after 1997 and its promotion of an ‘idealized timber commodity chain’ in an environment of weak governance only serve to legalize and consolidate existing ‘shadow state politics’ and reinforce inequitable resource rent distribution and ‘crony capitalism’.

The discussion so far portrays politics as mainly elite-based; hence elites’ support was necessary for rulers to stay in power. Kimchoeun Pak and David Craig, however, observe the evolution of politics from ‘elite patronage’ to ‘mass patronage’. They focus on rural development projects provided by the CPP’s Party Working Groups (PWGs). Central and provincial officials and businesses are responsible for fund-raising, and district and commune officials for implementing the projects. In this ‘mass-patronage,’ the support from the mass is needed to sustain its legitimacy; therefore, rural development is essential. Investigating three case studies, they report substantial injection of capital into rural development and argue that such has an impact on socio-economic development, although impacts of such ‘party-dispensing’ development on state capacity were not probed.

The quest for electoral legitimacy and mass-patronage have altered local governments’ relationship with the electorates and caught them in a dilemma. The discourse that describes their previous relationship was a lot of fear, very little admiration and some respect. Decentralization has reversed the order to more respect, some admiration and little fear. A case-study research by Hughes and others supports this change; however, it shows that they are caught between representing and being accountable to their constituency and party patronage.

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politics and that their options are constrained by party-affiliated local big businesses.36

The jargon aside, many of these authors converge at a few points that: international intervention and support matters to democracy; democratization and/or good governance, Cambodian politics is dominated by the CPP and other parties are weaker; legitimacy matters; the state structure and/or resources are manipulated by political parties; checks and balances amongst the three branches of the state are weak, and civil society is weak and young.

The departure of a majority of the studies on Cambodian politics and in Cambodian political science starts with international interventionism, democratization and/or local governance, while very few studies focus on state capacity per se. Therefore, this study attempts to contribute to ‘bringing the state and state capacity analyses in’. Moreover, a lot of academic literature focuses on politics as it plays out between prominent leaders, though there has been a shift to research on local governance. What is missing is an emphasis on how social actors affect state capacity – a gap this study hopes to highlight.

Although the degree of ‘stateness’ in many developing countries is low, deleting the state from the analyses of state capacity would be counter-productive. Yet treating it as unitary, dominant and autonomous would likewise obscure the interactions and struggle between state agencies, social and political forces, civil society groups and international actors for domination and contradictory practices by state agencies and social forces. The existence of the dichotomous social actors likewise calls for dissection of society to better explain state capacity and understand its dynamics. This study thus accepts that the state be included in the analysis, but be treated as one actor amongst others (political and social), that state and non-statal actors be dissected, that state must be both autonomous from and embedded to civil society and that insulation itself do not bring about successful ‘joint projects’.

Migdal’s portrayal of social actors is mainly negative. This sole emphasis on the negativity overshadows the situation where these forces co-exist with civil society groups working to promote the ‘image of the state’ – ones attempting to depoliticize state institutions, promote their independence from social forces and political pressure or cooperate with the state to develop its agencies or agents. Evans proves that the state must be competent, autonomous and embedded in social groups to achieve development. Many other scholars also support that strong civil society can enhance state capacity.

However, in many post-communist countries, including Cambodia, the existence of ‘strong’ egocentric social forces, ‘weak’ civil society and ‘less capable’ state exacerbates and thwarts state capacity. This state of affairs is further complicated by the presence of external actors and factors. The nature of state and society and their relations and capabilities are still evolving and dynamic, and egoistic social forces co-exist with emerging civil society associations. Likewise, relationship between foreign agencies and state and societal counterparts are being defined and embryonic. This dynamism hence demands eclecticism to explain the state capacity. Thus, this study adapts ‘state-in-society’ and ‘embedded autonomy’ (its limitedness) as they play out in a post-communist context where electoral and developmental legitimacy dominates and local and foreign agencies interact to explain the limited state capacity.
Chapter 3: Theoretical Framework on State Capacity

This chapter presents the theoretical framework on state capacity. It starts with the outline of how this study measures state capacity. This is followed by an analysis of six factors that affect state capacity. Since this study discusses how the Cambodian state structure and state-society relations impact state capacity in the post-communist context, it invokes these factors as determinants of state capacity: fragmentation of social control; weak civil society and its limited and imbalanced relations with the state; limited state autonomy from social and political forces and amongst state agencies; limited Weberian state structure; the quest for internal legitimacy and impacts from external agencies.

1. State Capacity Measurement

Adapting from Migdal, Evans, Fritz and Smith, this study focuses on the following state capacity characteristics: penetration, regulation, extraction, appropriation, policy and legislation, midwifery and husbandry. Penetration focuses on population and civil servant ratios and civil servant distribution. Appropriation emphasizes resource distribution, disbursement and usage, funding to CFIs, and fishing area distribution. To measure extraction, the study investigates revenue collection, nature of the economy and rent extraction from the subsectors. To measure regulation capacity, the research probes the scope of the crackdown on illegal fishing and forest clearance.

In addition, the research investigates the evolution of state capacity in planning, policy and legislation production and briefly discusses how much these are put into practice. Even in these purely extractive subsectors, midwifery and husbandry are needed. Midwifery here refers to insurance of internal peace and stability, provision of a forum to exchange ideas between and amongst public and private sector actors and facilitation to concerned stakeholders in getting their businesses/communities established and running, and husbandry deals with ‘research lot’ research and development (R&D).
2. Factors Affecting State Capacity

2.1. Fragmentation of Social Control

A factor that impacts state capacity is the fragmentation of social control, viz. the heterogeneity of rule-making and implementation or state’s inability to successfully subordinate “people’s own inclinations of social behavior or behaviors sought by other social organizations in favor of the behavior prescribed by state rules.” Thus the state and social forces are in fierce struggle for domination and control and in such “an environment of conflict, especially, the social control exercised even by small social organizations tucked away in remote areas constrains the state tremendously.” That is, neither the state nor society can claim a priori to have precedence over the other. In total statelessness, society gains ‘integrated domination’. Yet, in most cases ‘dispersed domination’ prevails – neither the state nor the constellation of social forces gain total social control. The state capacity is thus determined by the “particular array of forces in their arenas and their relative weights.” In policy areas, especially ones which ‘demand changes in behavior’ of a broad segment of the citizens, the state usually fares poorly.

Other authors agree that this fragmentation matters. Jeff Haynes emphasizes that the state incapability is resulted from ‘political and societal fragmentation.’ Englehart and Harold Crouch argue that a limited state may find it troublesome to make its rules binding and experience blatant violation of its rules by private actors. Moreover, according to Gunner Myrdal, in a ‘soft state’ there is a ‘general inclination of people in all strata to resist public controls and hinder policy implementation.’ Migdal likewise observes the limited capacity of many states, stating: “All states have not succeeded in reshaping mattering maps, as their leaders have envisaged. Like any other organizations, states have real limits to their power:

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what they can do and what they cannot do, when they can collect taxes and when not, which rules they can make binding and which not.”

Case studies on Asia-Pacific states have epitomized the state’s incapability to completely shape their ‘mattering maps’. Sinclair Dinnen’s study on Papua New Guinea (PNG) shows how associations of local kinship and lineage and organized criminals contested the state law and order and impose their versions. Similarly, in the Philippines when state policies did not conform to the interests of local power brokers and/or strongmen, compliance or their implementation was weak.

Rather than advocating for and influencing public policies, social forces vie for ‘who establishes the procedures.’ That is, the state and social forces compete with one another and for social control. The higher the social control the state garners, the higher the ‘collective state power’ However, in many states various social forces can hold ‘tenacious grip on local power and politics prevent[ing] states from consolidating overall social control from the centre.’

2.2. Society and State-Society Relations

While egocentric social forces challenge state capacity and that such state-society relations are a zero-sum game, a strong and capable civil society and well-

4 Migdal, State in Society: Studying How States and Societies Transform and Consti- tute One Another: 106.
7 This study adopts this definition of civil society: ‘An intermediate associational realm composed of social organizations with some degree of autonomy from the state between the state and the basic social units such as individuals, families and firms’. White, et. al. cited in Yonekura, "The Emergence of Civil Society in Cambodia: Its Role in the Democratization Process," 5. In another study, White is reported to define it as: ‘an intermediate associational realm between state and family populated by organizations which are separate from the state, enjoy autonomy in relation to the state and are formed voluntarily by members of society to protect or extend their interests or values.’ Cited in Un, "State, Society and Democratic Consolidation: The Case of Cambodia," 234. The italicized part of the definition is problematic for many Cambodian civil society groups, including NGOs and even grassroots associations whose existence is anything but formed voluntarily by members of society. A study by the World Bank defines the term even more broadly. It refers to “the public sphere, outside of government, market and the family, where citizens and a wide array of non-governmental and not-for-profit organizations associate, express their interests and values and seek to advance the common good”. Carmen Malena et al., Linking Citizens and the
functioning state-society relations are conducive to state capacity attainment and enhancement. The belief in a ‘strong society’ as a counterbalance to the state dates to Aristotle and more recently to Montesquieu. This research argues that less institutionalized civil society and its limited interactions with (embeddedness) and weaker power-relations vis-à-vis the state are a challenge to state capacity.

Evans suggests that the state be embedded in society. Thus, unlike Weber, who proposed that the bureaucracy be insulated from society, he suggests that it be connected to social groups via social ties ‘that binds the state to society and provides institutionalized channels for the continual negotiation and re-negotiation of goals and policies.’ Embedded without or with limited autonomy and vice versa, however, will not produce desirable results. The successful ‘development’ is ‘*only when embedded and autonomy are joined together,*’ while partial ‘embedded autonomy’ brings about partial transformational success. Experiences from predatory states attest the importance of society and state-society relations to state capacity. Such predatory states as textbook Zaire treat civil society groups as a menace and endeavor to predate and to disorganize them before they can pose a threat to their survival. With this systematic cleansing vanish the organizations with the intent of transformation and the possibility of a ‘joint project’.

That civil society and state-society cooperation improves or increases state capacity (or better still each other’s capacity) is well-founded. Haynes argues that a strong civil society ‘functions as the citizens’ curb on the power of the state.’ Similarly, Smith argues that strengthening the demand side of capacity building via improvement of civil society groups is crucial for state capacity. As for state-society relations, Dietrich Rueschemeyer views positive state-society relations, social structures and interest constellations crucial for and conducive to state capacity.

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*State: An Assessment of Civil Society Contributions to Good Governance in Cambodia* (World Bank, 2009). 74. Many CFCs, for example, were founded by DoF in response to the order from the prime minister and sustained by external support and even guidance. Manfield and MacLeod define civil society more narrowly as ‘all associations and interactions that exist outside of the government and market sectors.’ Cristina Manfield and Kurt MacLeod, *Advocacy in Cambodia: Increasing Democratic Space* (Phnom Penh: Pact Cambodia, 2002). 6.


effectiveness. Likewise, Crouch proves that a capable state and reform-demanding society could usher in a more capable state. Deng and others also argue for a ‘strong state’ and ‘active-demand-bearing groups’ to solve or prevent conflicts in Africa. Kingsbury is more explicit, stating: “[W]here there is strong civil society and strong positive state power, the two are likely to interact together to increase their respective capacities.” An advantage of their engagement is their contribution to the judgement and improvement of the services. Their active participation helps arrest the deterioration and corrosion of public institutions. Highlighting the essence of civil society, O’Dwyer pinpoints to the correlation between weak civil society and runaway state building in post-communist countries. This demobilized society can be explained by the communist regime’s suppression of civil society and forced participation in the communist party, generating ‘ingrained’ suspicion in political participation and a culture of nonparticipation, resulting in underdeveloped civil society.

In summary, effective state building does not necessarily mean weakening of or need for ‘weak society’. A strong and capable civil society can be an effective partner to arrest institutional decay, curb state despotic power and increase its institutional power. Moreover, cooperation between a functional open state and competent and cooperative civil society groups, which can actively create civic engagement and encourage citizens’ broad participation in state building, can help augment state capacity. And the missing link, therefore, affects the state capacity.


2.3. State Autonomy

Next, this research argues that the limited state autonomy from social and political forces (manipulation of state agencies by social or political actors to accommodate to their interests) and limited autonomy amongst state agencies (domination or manipulation of one state agency by another) affect state capacity. State autonomy (or the lack of, hereafter also referred to as state capture) is seen differently by different scholars. Statist thinkers, for example, normatively see state as highly autonomous of society. Therefore, they see state autonomy as the formulation and pursuit of state goals and interests independent of social pressure or demands. Jones Hellman and Daniel Kaufmann refer state capture to the manipulation by or influence from social groups on state policy and legislation formulation. Donald Crone, advocating for state autonomy from social groups, focused both on policy formulation and implementation. Evans advocates for strong state-society relations, yet state agencies and agents must be autonomous from social pressure to make ‘joint projects’ viable. O’Dwyer, Grzymala-Busse and Luong and Kingsbury, as will be discussed later, caution the impact that the lack of state autonomy from its very own agents may have on state capacity. Despite their differences, all agree that state autonomy is important for state capacity.

One way social forces can reduce state capacity is the ability to capture state material and human resources, or even the whole bureau of the state, to adopt their rules. Their presence has put state agents in the trenches and dispersed field offices in a dilemma as to whether to follow instructions from the central or regional supervisors or to adapt to the strongmen’s demands. Because of a weak political

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base and the lure for state officials of empowerment or enrichment, these strongmen can easily capture them to dictate the implementation to their advantages. Besides the local state capture, power struggle and accommodation at the central level can further reduce the state capacity. The struggle here can be between different state agencies and between the state and central level social forces. Even central level state apparatus can be captured. Moreover, the political power struggle at the center shifts the state’s attention from politics of local administration. In summary, the power struggle between various forces and accommodation of the state’s tentacles at all levels cripple the state capabilities.

Dinnen and Peter Larmour in their respective study of PNG and Melanesia have empirically validated this point. In the former, security forces were lured by opposing local clans to further their ends. In the latter, state officials have been bribed in exchange for licenses to exploit timber trade.

Crone proves that state autonomy has an impact on state capacity and explains why some of them are not autonomous from social forces. He argues that the existence of social/economic elites representing broad groups provides state managers a channel for cooperation, while a narrow elite structure with shallow social support presses the state to opt for a more coercive means and that the dominant social/economic groups’ structure has an effect on ‘policy flexibility’ and state capacity. When there is a limited range of important social/economic elites, the state hardly desists particularistic demands – reducing its autonomy and thus capacity, whereas when there is a wider array of elite groups, the state can better defuse demands from them via balancing ‘such elements against each other’ in pursuit of its own policies. To conclude, in (neo)-patrimonial, soft or post-communist states, a recurring theme is the collusion between state agents and powerful private elite individuals or groups. The state is unable to control its poorly

17 Dinnen, "In Weakness and Strength - State, Societies and Order in Papua New Guinea," 54; Peter Larmour, "Migdal in Melanesia," in Weak and Strong States in Asia-Pacific Societies, ed. Peter Dauvergne (Leonards: Unwin Australia, 1998), 78-79.
paid officials, who, instead of facilitating effective governance, are more likely to derail it and manipulate their offices for wealth and personal power accumulation.¹⁹

Other authors raise the issue of state autonomy from its own agents as crucial for its capacity. Haynes, for instance, argues that political leaders’ reliance on clientelism to retain power and to maintain or gain constituencies in the face of their inability to build a nation-state “interacts, feeds off and helps sustain the other.” Adrian Leftwich reckons likewise, arguing that in many countries, public institutions experience the lack of such independence because of patrimonialism, patronage politics and politicians’ interference into the public institutions’ affairs, resulting in impartial, biased and ineffective bureaucracy.²⁰

Kingsbury also underlines that many developing states’ apparatus are neutralized or captured due to the establishment of the state by certain agents of the state. In such a situation, the independence [and impartiality] of ‘state functions has been seriously compromised.’ Therefore, the success or otherwise of the state depends on the state’s independence from its agents. Further, he argues for each branch of the state to be autonomous from one another to enable them to act as checks and balances on each other.²¹

Experiences from many post-communist states show that they have limited autonomy from political actors. Because of the communist legacy, state agencies are not autonomous from politicians’ intervention into their affairs. Larry Diamond, Linz Juan and Seymour Lipset argue for bureaucracy’s relative autonomy from politicians’ interference to enable it to ‘check on the potential patronage and corruption.’²² However, politicians in these countries usually abuse their status and interfere in the affairs of the politically weak bureaucracy and judiciary in favor of


²⁰ Haynes, Third World Politics: A Concise Introduction: 29-31; Leftwich, "Theorizing the State," 222-25. As noted elsewhere, his characterization of ‘developmental state’ is not necessarily as rigid as that of Evans’s.

²¹ See, Damien Kingsbury, South-East Asia: A Profile (Melbourne: Oxford University Press, 2005). 6 and 22; ———, Political Development: especially Chapters 4 and 5.

²² Diamond, Linz, and Lipset, Politics in Developing Countries: Comparing Experiences with Democracy, 23.
particular social individuals/groups or their proxies. All in all, state capture by social and political forces and poor checks and balances between state institutions undermine state capacity.

2.4. State Structure and Resources

State structure and resources, or the scarcity of Weberian bureaucracy, to borrow terms from Evans, also affect state capacity. Weber believes that bureaucracy is essential for present mass administration. This body of impersonal officials has six major characteristics: legally rigid and authorized jurisdictions; a hierarchy of authority without the taking over of subordinate’s authority; management of the office based on files with clear public-private separation; the requirement of expert and thorough training; a requirement of full working capacity of officials, and finally bureaucrats’ adherence to a learnable, fairly stable and clear rules.

For ‘embedded autonomy’ to work, in line with Weber’s argument, Evans argues that the state internal structure matters. The developmental state is functional because of its close proximity to Weberian bureaucracy. Such state is imbued with ‘highly selective meritocratic recruitment and long-term career rewards,’’ generating genuine commitment and corporate coherence, which in turn produces ‘autonomy’. In predatory states, by contrast, their inability to usher in ‘development’ results partly from the scarcity of the bureaucracy. As a corollary, incumbents pursue their own goal at the expense of state capacity and social welfare enhancement, and personal ties and personal gain maximization take precedence and supersede collective wellbeing. In the words of Smith, a

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25 What can be inferred is that, firstly, ‘office holding is a vocation’ with prior training and competitive examinations and that the tasks ascribed to an office is viewed as a duty, and not as a source for rent-seeking and the officer in charge is not considered a leader’s personal servant. Second, the office holders enjoy social respect, are appointed by his superior based on functionality and work experience, hold the tenure for life, receive remuneration in salary while at work and as pension after retirement based on functions and length of office, and are promoted based on seniority or expert examinations. From Max Weber: Essays in Sociology: 196-204; ———, The Sociology of Max Weber: 234-39. For the influence that Nietzsche, Machiavelli, Hegel, and Jellinek had on Weber’s conception of the state, see Kelly, The State of the Political: Conceptions of Politics and the State in the Thought of Max Weber, Karl Schmitt and Franz Neumann: 40-110.

26 Evans, Embedded Autonomy: State & Industrial Transformation: 12 and 39-47. Cf. Adrian Leftwich refers to a state with autonomy, effectiveness and legitimacy as a developmental state.
predatory state is led by ‘rapacious officialdom’ whose government is neo-patrimonial in nature. Soharto’s New Order Indonesia confirms that poor state structure and resources affect state capacity.27

Other studies concur that competent state institutions and resources, or their lack of, affect state capacity. Leftwich observes a correlation between successful and effective modern state institutions and successful economies. Richard Jackson affirms a strong relationship between economic development and vigorous state institutions and a causal relationship between inability to implement policies, economic underdevelopment and under-resourced and underdeveloped institutional capacity. Smith suggests that social development requires strong state institutions, while the absence of a well-functioning bureaucracy can lead to corrupt practices and economic underdevelopment, etc. A comparative study between Indonesia and the Solomon Islands exemplifies that under-institutionalized and poorly equipped state agencies are a major factor contributing to poor forestry management.28

Jaime Becker and Jack Goldstone agree that state structure and resources are crucial for state capacity and draw three main conclusions with regards to resources a post-revolutionary state can count on to rebuild itself. They are “prior and centralization and professionalization, human and cultural capital and visionary and pragmatic leadership.”29 To expand the first point, the more developed, centralized and professional the civil service and military of the former regime, the more effective and efficient the new administration can utilize them to rebuild the state. On the contrary, the more patrimonial and personally attached to the previous regime’s leadership the civil service and military are, the more difficult the new administration can rely on them for state rebuilding.

Such a state has the ‘capacity to define, pursue and implement developmental strategies which can and do over-ride class, regional and sectoral interests in putative national interest.’ However, due to his focus on economic growth as an indicator, he raises a few countries which Evans would consider intermediate states as developmental as well. Leftwich, "States of Underdevelopment: The Third World State in Theoretical Perspective," 68.  

27 Crouch, "Indonesia's Strong State," 105-10; Smith, "State-Building," 234.  
Another common explanation for the relative absence of Weberian state structure in many Southeast Asian (SEA) states is their deeply-rooted historical-cultural legacy. Before Western colonization, many inland indigenous states adopted Hindu and/or Buddhist concepts of governance. Martin Stuart-Fox asserts that in this process of state formation, similar power structures exist at different levels. Carter Bentley describes this power-relation arrangement as ‘pyramidal in form.’ Accordingly, the power available to each level was not equal; however, the power available to leaders of all levels is ‘essentially the same.’

Kingsbury depicts the power relations between the SEA centre-periphery in this manner. The indigenous SEA states expanded or retracted around an ‘exemplary centre,’ where the highest authority resided. Power receded in accordance with the distance. “At or near the centre, authority was greatest; at the periphery, it was dispersed, often through local rulers of increasing independence and increasingly doubtful loyalty, until it ceased to exist in practice.” Stanley Tambiah, who advanced the ‘galactic polity’ to explain power relations in these states, ascribed this ‘pulsating character’ to ‘structural constraints on royal power,’ and to centrifugal forces. With this mandala comes the indigenous intrastate governance system. The monarch with the highest authority ruled via a system of informal clientage relations. He may also settle a bargain with other regional powerful individuals or substate groups to maintain stability or remain in power, yet this further diminished the centralized power.

Kingsbury asserts that certain aspects of this power model have persisted into the post-colonial period. Hence ‘centralization of power and the distribution of patronage continue to be hallmarks of SEA political models, to varying degrees.”


31 Kingsbury, South-East Asia: A Profile: 15-16. See also ———, Political Development: 70-71.

32 Bentley, "Indigenous States of Southeast Asia," 292-93; Lawrence Palmer Briggs, The Ancient Khmer Empire (Bangkok: White Lotus, 1999); Kingsbury, South-East Asia: A Profile: 16; ———, Political Development: 71.

33 Examples are Soharto’s Indonesia, Hun Sen’s Cambodia and Ne Win’s Cambodia. ———, South-East Asia: A Profile: 15-16. See also ———, Political Development: 71. For criticisms of the mandala model, see, for example, Bentley, "Indigenous States of Southeast Asia," 292-93.
Such power arrangement affects state capacity and its implementation of a uniform rule. Other authors also find that states are ‘much stronger’ in the capital and urban areas than in the hinterlands where ‘petty despots fill the vacuum’ and where human rights abuses are more rampant.  

For post-communist countries, another plausible explanation is the legacy from communism – power centralization and neo-patrimonialism. Post-communist states are far from being consolidated and functional and red tape is still uncontrollably high. Civil servants, party activists and leaders generally lack experience in public administration. Interagency coordination, as attested in Yeltsin’s Russia, is a failure. These states usually undergo rapid and sweeping state building; the process is dominated as much by informal structures and practices as by formal institutions, both of which are used to varying degrees by both actors seeking to establish their authority and those seeking to resist this authority. Furthermore, they have inherited broad and politicized state apparatus and are left with ‘an intricate and robust set of informal structures and practices utilized by political elites, factory managers, and ordinary citizens alike, which have survived the collapse of communism.’

2.5. The Quest for Internal Political Legitimacy

The quest for internal political legitimacy also impacts state capacity. To legitimize their domination, state leaders in many developing countries endeavor to promote performance. Many Asian leaders understand that ‘political legitimacy and stability depended in part on a well-managed and growing economy, and on improving the welfare of the rural poor.” Similarly, Deng and others advocates for linking state legitimacy and capacity to provide at least basic services and respecting basic rights and freedoms. Kerkvliet likewise argues that ‘political legitimacy is a mixture of competence, reciprocity, abiding by the rules, and the appropriate use of coercion

35 Grzymala-Busse and Luong, "Reconceptualizing the State: Lessons from Post-Communism,” 529-36; Holmes, "Conclusion: The State of the State in Putin's Russia," 300. Besides when a party other than the former Communist Party comes to power, it inclines to replace these red administrative officials because of their ‘communist credentials.’ O'Dwyer, Runaway State-Building: Patronage Politics and Democratic Development: 23-34.
or force. The fall of Soharto regime is a powerful testimony to this thesis. The anthology by Diamond, Linz and Lipset also highlights the relationship between performance and legitimacy. A developing democratic country pivots on, amongst others, economic and political performance for its legitimacy. The better the state in meeting its citizens’ needs, the greater and more deeply rooted its legitimacy is and the better it is to weather crises, whereas the state with shallow legitimacy often bases its legitimacy on current performance which can easily crumble.

While the foregoing discussion underlines the influence that performance has on legitimacy, the reverse is equally true. A legitimate government, being able to formulate and implement policies without pressure from vested interests, can mobilize resources and carry out long-term policies, and therefore enhances its legitimacy and shores up institutionalization, generating a virtuous cycle. A government experiencing contested legitimacy finds itself investing heavily in physical violence to stay in power, reducing its resources for citizens’ welfare enhancement and state institutional building; poor performance further saps its legitimacy. Michelle Ann Miller concurs that there is a relationship between state capacity and legitimacy – a state which is seen as legitimate in the eye of the majority can govern more effectively, whereas a state which loses or lacks legitimacy more likely encounters the resistance from social groups, resulting in the state resorting to the use of forces to achieve unity. Post-independence PNG is a good example. Its leaders often rely on security forces to enforce law and order which fuels distrust between the state and the citizens. This reliance on violence reduces the state’s ability to build physical and institutional infrastructure.

38 See, for example, Crouch, "Indonesia's Strong State."; Kingsbury, South-East Asia: A Profile: especially Chapter 14.
39 Diamond, Linz, and Lipset, Politics in Developing Countries: Comparing Experiences with Democracy, 9-14.
40 Alagappa, Political Legitimacy in Southeast Asia: The Quest for Moral Authority, 3-4 and 43. Diamond et al. also agree with this analysis. See Diamond, Linz, and Lipset, Politics in Developing Countries: Comparing Experiences with Democracy, 10. An aid dependent country like Cambodia also witnesses an upwards legitimacy – that is, international legitimacy – which also poses a constraint on state capacity, which is not the focus of these works cited thus far. The review so far has not touched on it; however, more thorough discussion will be presented in the latter chapters on Cambodia.
42 Dinnen, "In Weakness and Strength - State, Societies and Order in Papua New Guinea."
Related to performance legitimacy is electoral legitimacy. Many post-communist states are pressured to conform to some resemblance of electoral legitimacy, and this quest for legitimacy has an impact on state capacity. Whereas Migdal downplays the impact that a political party has on state’s impartiality, neutrality, independence and capacity, Bob Jessop points out that to understand state capacity, one must view it as ‘conditional and relational,’ for example, between the state and the wider political system and the connections between the state apparatus and other political forces.43

The study on post-communist states testifies to the hijacking of state agencies by political parties to build and strengthen the latter’s power. According to O’Dwyer, where civil society is weak, opposition parti(es) are poorly institutionalized and ruling parti(es) are dominant, the state agencies are usually raided by the ruling parti(es) to strengthen itself/themselves. In the case of weak civil society, a strong opposition and a weak and uncompromised ruling coalition, the partners in the government are unlikely to propose institutional changes and reforms for fear of strengthening an untrustworthy partner. O’Dwyer furthers that state bureaucracy evolution in post-communist countries is paradoxical because despite severing ties between the communist party and the state, the bureaucracy is still bloated, yet “these states continue to underperform, and in some cases have even declined, in their capacity for governance.”44

While the sequencing explanation, which proposes that where party building occurs prior to state consolidation, the party builders tend to use patronage politics to build the party at the expense of the state, gives the ‘best answer’ as to why patronage politics occurs in some new democracies and not others, O’Dwyer argues that it cannot explain state capacity variations in post-communist countries. He proposes that these variations are best explained by his ‘party systems explanation,’ which has three elements: demobilized societies, delegitimized states and the logic of party system competition. First, in a demobilized society, political parties find it hard to build party organizations on the ground of mass membership; therefore,

43 Jessop, "Bringing the State Back In (Yet Again): Reviews, Revisions, Rejections, and Redirections," 165-67. According to Alagappa, electoral legitimacy refers to the legitimacy through conformity with established rules for acquiring power and consent of the governed Alagappa, Political Legitimacy in Southeast Asia: The Quest for Moral Authority, 14-15.

they are more inclined to build support via ‘activists and popular leaders’ who can attract supporters and who can be held in line via patronage. The second aspect is de-legitimated and unconsolidated states. The administrative officials are remembered as ‘remnants of the nomenklatura system,’ and for its ‘widespread corruption and informal connections needed to get things done.’

The last aspect is the logic of party system competition. The competition can result in one of the three scenarios. In the worst scenario, ‘weak governance’ logic, competition produces an incoherent government and a divided opposition. The many parties in the government, instead of building a programmatically unified agenda and state agencies, maximize patronage and dispense state positions to loyalists, while the multiple, unstable opposition parties are a less-than-ideal alternative to the governing parties. In the second scenario, elections may give rise to a dominant party. This partial and uneven political institutionalization makes the rest of the party systems left under-institutionalized, small, unstable and unpredictable. Such an arrangement spawns either an arrogant government and an ineffectual opposition or an incompetent government and an unyielding opposition. In the first case, the government party monopolizes and maximizes patronage, while officials holding different views are purged. The last and best scenario is ‘responsible party logic of governance.’ The government can be formed by a few parties with similar programs, reducing patronage as a means to build and maintain majority. The existence of only a few opposition parties makes them a check to the governing coalition.

In the weak governance and dominant-party logics scenarios, power tips towards politicians and away from administrative personnel. When patronage politics factors in as politicians intervene in and infiltrate the administrative apparatus for political support, the prospect for careerism is bleak at best. Therefore, “[a] critical mass of professional administrators never forms, and the state administration remains mired in the patrimonial mode.” The failure to bureaucratize brings about a vicious cycle: the ineffective administration makes the politicians unable to deliver their campaign program promises, disillusioning voters, and increases parties’ reliance on popular leaders and party activists ‘whose own loyalty rests on the

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informal *quid pro quo* of patronage politics.\(^\text{46}\) In these scenarios, thus, patrimonialism fuses with legal-rationalism, emasculating state capacity.

Grzymala-Busse and Luong, like O’Dwyer, draw a link between mode of elite competition and state capacity. Firstly, the clearer the distinction was made between state and society before the collapse of communism, the more representative the competition is, whereas the less clear the distinction, the more self-contained the competition is. The existence of voluntarily organized groups before the reforms creates potential constituencies and hence representation and mobilization. On the contrary, elites in states where voluntarily organized groups were non-existent or organized along patronage lines are now involved in self-contained competition for authority.

Secondly, the institutional means for competition: formal (codified and depersonalized) or informal (discretionary and personalized) also shapes and constrains competition. If well-developed state apparatus exist, elites usually compete via formal institutions and resources for implementation are channeled via formal established mechanisms; however, if elites compete via informal means such as patronage networks, informal practices of decision-making and policy execution, and open opposition to formal structures are the rule rather than exception. The domination of each means depends on the strength of the other.\(^\text{47}\)

Besides, elite competition is influenced by the pacing of transformation. Fast transformation requires elites to involve in the competition quickly and directly and to use the existing institutional and cognitive shortcuts, which is usually at the advantage of the ruling elites. If the transformation is slightly gradual, they are more likely to resort to a combination of the old and new institutions. Such recombinance favors the elites who control the new resources of the state; they can, for example, draw on such informal acts as surveillance, exclusion and theft to sabotage the aspiration of formal structures and to weed out potential challengers or


\(^{47}\) If the formal mechanisms are well-developed, the informal augment it, while the less developed the formal, the informal will decree the political and economic system. Grzymala-Busse and Luong, "Reconceptualizing the State: Lessons from Post-Communism," 529-41.
opponents. In contrast, more gradual transformation allows more elites to mobilize and build up and increases the number of competitors and impacts on the process.\textsuperscript{48}

All in all, who competes and how they compete determine the type of state that emerges and can result in one of the four types of state building processes. First, formalized and representative competition produces a democratic state. In this, elites are more accountable and responsive, and the populace is more willing to comply with state rules. Second, formalized but self-contained competition results in an autocratic state as elites can rule with few constraints from the population or other elites. The populace’s compliance is also low. Third, representative but informal competition leads to fractious state building. Elites are only accountable to their respective constituencies to stay in power, and there is little concurrent popular compliance. Lastly, both informal and self-contained competition generates personalistic state building. There is minimal constraint on elites, while the absence of formal channels leads to low compliance. Distribution of resources is instead based on personal or familial ties to elites and other patronage networks.\textsuperscript{49} To conclude, this research argues that the requirement for performance legitimacy has, to some extent, increased state capacity; however, it is constrained by the fact that electoral competition is fairly close to O’Dwyer’s second scenario and Busse and Luong’s fourth type of competition.

\textbf{2.6. Contribution from External Development Partners}

That international and regional actors and factors impact state capacity has been widely studied and discussed in Chapter 2. Migdal’s discussion, drawing attention to historical and imperial factors, understates the impacts that current international and regional forces and movement have on state capacity. For least developed countries, assistance from external actors, which can come in the form of material resources and/or frameworks for a new state, affects state capacity.\textsuperscript{50} Kingsbury, Grzymala-Busses and Luong, O’Dwyer, Deng and others and Dauvergne underline

\textsuperscript{48} Fast transformation requires elites to involve in the competition quickly and directly and to use the existing institutional and cognitive shortcuts, which is usually at the advantage of the ruling elites. In this context, the existence of voluntarily organized groups prior to state building plays the more important roles to determine whether the competition is representative or self-contained. Less chance for mobilization privileges involvement of only ‘intentional elites’ and the lack of time forces elites to use the existing institutions. ibid., 541-43.

\textsuperscript{49} Ibid., 543-46.

the impacts that global or regional bodies, international agencies and frameworks and global economy have on the state capacity and roles.⁵¹

To expand Grzymala-Busse and Luong’s discussion here, international actors and factors have put tremendous pressure on state building in post-communist countries via demands for formal political and economic institutions up to an international standard and the impacts on the pacing of transformation. The attached carrots or sticks impact how elites behave, and as discussed above, the pacing impacts how elites compete. For instance, when there is a strong ambition to join an international body, elites are pressured to engage in representative contestation. However, when there are few incentives or no sanctions for nonconformity, the competition is self-contained.⁵²

As will be discussed later, aid dependent countries like Cambodia witness even more pressure from international and regional forces. Aid agencies have injected substantial amount of money for state institutional rebuilding and state capacity enhancement and demanded structural reforms from the state. Such pressure has pushed them to adopt some structural reforms, but less successfully to adopt new state behavior. Moreover, their loose coordination, donor-driven reforms and approaches to the assistance they adopt have contributed to limited state.⁵³

To conclude, this chapter discusses six main factors that affect state capacity. They are social control fragmentation, strength/weakness of civil society and state-society relations, state autonomy or capture, state structure and its resources, a quest for internal legitimacy and contribution from external actors and factors.

⁵¹ Deng et al., Sovereignty as Responsibility: Conflict Management in Africa: 3-4; Grzymala-Busse and Luong, "Reconceptualizing the State: Lessons from Post-Communism," 535-36; Kingsbury, Political Development: 59.
⁵² Grzymala-Busse and Luong, "Reconceptualizing the State: Lessons from Post-Communism," 529-43.
⁵³ Lee in his cross-sectional studies of economic aid in 1970 and 1980 found a ‘statistically significant negative effect’ of foreign aid on recipient states’ revenues, whose reasons, according to Roberts Wood quoted, is the loosening of appropriation of domestic economic surplus and the discouragement of statist development in recipient countries. Lee, State-Building in the Contemporary Third World: 88-89 and 153.
Chapter 4: Measuring Cambodian State Capacity (1)

This chapter discusses Cambodian state capacity in general and four types of state capacity: penetration, appropriation, regulation and extraction in general and DoF/FiA-specific. After a brief discussion of Cambodian state capacity and institutional capability, it analyzes civil-servant-population ratios and DoF/FiA staff distribution. As for appropriation, it discusses financial resource allocation amongst state agencies and within DoF/FiA and its disbursement, and fishing areas distribution between different scales of fishers. It then discusses the scales of crackdowns on illegal fishing and forest clearance and gears used and activities carried out by different scales of fishers. Finally, to measure extraction, it probes revenue collection and pertinent issues, capacity to extract from the fishing industry, mainly from concessionaires, and benefits accrued to them.

1. Cambodian State Capacity and Institutional Capability

State capacity differs with respect to sector, agency, time and location. However, Cambodian state capacity and institutional capabilities are believed to be limited but have slowly increased. The Asian Development Bank (ADB) states that the ‘donor community’ agrees that Cambodia lacks strong state institutions and limited state capacity, reflecting in poor public service provision, low revenue collection and limited long-term investments from the private sector – a stance the World Bank (WB) concurs. Likewise, the PM, though noting the improvement in the government’s performance, admits that the state capacity is ‘limited.’

At the sectoral and sub-sectoral levels, the picture is as ambivalent as at the national level. Kol Vathana accurately depicts the ten agencies responsible for water and wetland management as having ‘limited capacity’. The Ministry of Agriculture, Forestry and Fisheries (MAFF) and Ministry of Water Resources and Meteorology (MOWRAM) raise a few issues affecting them, including their

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limited institutional, management and project implementation capacity, extension staff’s limited capacity, lack of proper training and incentives and ineffective staff mobilization. The ADB also shares these concerns.3

At the sub-sectoral level, according to Mahfuzuddin Ahmed and Nicolaas van Zalinge, fisheries/forest management is plagued by limited human resources, research facilities and infrastructure, lack of up-to-date data, and poor compliance. Frank van Acker and Try Ing and others identify the lack of logistical means and human capacity and limited reliable data, respectively, as obstacles to DoF’s ability to function properly. A decade after Ahmed and van Zalinge’s complaints, Mak Sithirith and as recently as 2011, the first over-arching Strategic Planning Framework for Fisheries: 2010-2019 (SPF) still complained about similar things.4

2. Penetration Capacity

2.1. Civil Servant-Population Ratio

Fukuyama argues that a developing country requires a smaller state. Yet a bloated state is usually a challenge for post-communist states.5 Before 1993, Cambodia had some 60,000 civil servants.6 Table 1 shows that unlike other post-communist countries, the size of civil servants during the SoC was small. However, it reached 147,000 in 1994 due to staff integration from other political factions and transitional staff inflation. It did not increase much in nominal terms since then. Further, the population-civil servant ratio decreased from 1.7 in 1994 to 1.2 in 2011. Initially, donors conditioned that the government stop recruiting civil

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6 Informants 8-9 citing a CoM high ranking official, Informants 8-9, 19th April, 2011.
servants, yet later the government has bought into the idea and voluntarily stopped recruiting more administrative civil servants.7

Table 1: Civil Servants in Selected Years8

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Civil Servants</th>
<th>Population Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994</td>
<td>147,000</td>
<td>1.7</td>
</tr>
<tr>
<td>1995</td>
<td>164,900</td>
<td>1.5</td>
</tr>
<tr>
<td>1996</td>
<td>168,100</td>
<td>1.5</td>
</tr>
<tr>
<td>1997</td>
<td>174,400</td>
<td>1.5</td>
</tr>
<tr>
<td>1998</td>
<td>172,600</td>
<td>1.5</td>
</tr>
<tr>
<td>1999</td>
<td>163,000</td>
<td>1.4</td>
</tr>
<tr>
<td>2000</td>
<td>163,000</td>
<td>1.4</td>
</tr>
<tr>
<td>2003</td>
<td>166,600</td>
<td>1.4</td>
</tr>
<tr>
<td>2011</td>
<td>170,000-</td>
<td>1.2-</td>
</tr>
</tbody>
</table>

(NB: *ratios from researcher’s calculations based on 1998 population census figure of 11,437,656; **Figure from Informants 8-9; ***researcher’s calculation based on 2008 population census figure of 14,021,762 as cited in Ministry of Environment, and United National Development Program in Cambodia. Building Resilience: The Future of Rural Livelihoods in the Face of Climate Change. Phnom Penh: Ministry of Environment and UNDP Cambodia, 2011).

Initially, donors and academia condemned that the bureaucracy was overstuffed, a stance the government echoed.9 Since 2000, there has been a shift in perception. Two reports agree that the public administration is still small and might not exceed the public sector needs. Moreover, in comparison to countries in the region, the size of the bureaucracy is smaller and costs much less. However, disproportionate civil servant distribution across ministries/agencies and having the wrong people doing the wrong jobs are still the concerns.10

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2.2. DoF/FiA Civil Servant Distribution

There are a few critical challenges to DoF/FiA full penetration. First, it is plagued by inappropriate staff distribution. DoF is described as having ‘a big head with much tinier legs and body.’ This certainly applies to its parent ministry and other ministries/agencies. Existing studies also decry this vertically disproportionate staff distribution. Table 2 confirms skewed staff distribution between the central and sub-central levels, with the former accrued with almost half of the staff, while twenty or so provinces are allotted with the rest, and each provincial office/cantonment with a dozen or two staff. Rural provinces with fewer lots but many water bodies have even fewer staff.

The closer to the field, where more implementors are needed, the body and legs wane. Because fisheries management means managing both fishers and fishing gears, the small number of field staff is daunting. Before the 2008 restructuring, each district had one or two officials, and there was no staff at the commune level and districts that did not have a water body. After the restructuring, each division is staffed with 1 to 4 people and at each sangkat, there are between 1 and 3 staff.

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11 Informant 7, 11th April, 2011.
13 Informant 89, 29th July, 2011. See for example, Department of Fisheries, "Inland Fisheries Review," (Phnom Penh: Department of Fisheries, 2001); Thuok Nao and Sina Ly, "Review of the Fisheries and Aquaculture Sector in Cambodia," (Phnom Penh: Department of Fisheries, 1997).
14 Informant 3, 11th March, 2011; Informant 80. A division covers a few small districts or one big district. Forestry and Fisheries Ministry of Agriculture, "Decision on Civil Servant Appointment," (Phnom Penh: Ministry of Agriculture, Forestry and Fisheries, 6 February, 2009). Only one sangkat has 4 officers; 27 have 3 each; 38 have 2 each; 74 have 1 each, and 19 have one officer overseeing two sangkats. Also, Informant 3; Informant 66, 20th July, 2011; Informant 80. A fisheries sangkat covers one commune or multiple communes, depending on their sizes.
### Table 2: DoF/FiA Civil Servant Distribution in Selected Years

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td>1,288</td>
<td>1,314</td>
<td>1,422</td>
<td>1,457</td>
<td>1,597</td>
<td>1,568</td>
<td>1,341</td>
<td>1,070</td>
<td></td>
</tr>
<tr>
<td><strong>Central</strong></td>
<td>491</td>
<td>535</td>
<td>660</td>
<td>696</td>
<td>729</td>
<td>571</td>
<td>(n.a)</td>
<td>552</td>
<td>(n.a)</td>
</tr>
<tr>
<td><strong>Sub-central</strong></td>
<td>797</td>
<td>779</td>
<td>762</td>
<td>761</td>
<td>868</td>
<td>761</td>
<td>(n.a)</td>
<td>789</td>
<td>(n.a)</td>
</tr>
<tr>
<td><strong>Battambang</strong></td>
<td>49</td>
<td>50</td>
<td>50</td>
<td>51</td>
<td>63</td>
<td>57</td>
<td>55</td>
<td>54</td>
<td>58</td>
</tr>
<tr>
<td><strong>Kampot Chhnang</strong></td>
<td>56</td>
<td>50</td>
<td>60</td>
<td>60</td>
<td>61</td>
<td>(n.a)</td>
<td>55</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td><strong>Kampot Thom</strong></td>
<td>51</td>
<td>62</td>
<td>36</td>
<td>36</td>
<td>70</td>
<td>(n.a)</td>
<td>63</td>
<td>56</td>
<td></td>
</tr>
<tr>
<td><strong>Kandal</strong></td>
<td>108</td>
<td>100</td>
<td>100</td>
<td>102</td>
<td>111</td>
<td>(n.a)</td>
<td>107</td>
<td>87</td>
<td></td>
</tr>
<tr>
<td><strong>Takeo</strong></td>
<td>36</td>
<td>32</td>
<td>33</td>
<td>34</td>
<td>35</td>
<td>(n.a)</td>
<td>36</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Kampong Cham</strong></td>
<td>50</td>
<td>35</td>
<td>33</td>
<td>38</td>
<td>40</td>
<td>(n.a)</td>
<td>34</td>
<td>(n.a)</td>
<td></td>
</tr>
<tr>
<td><strong>Phnom Penh</strong></td>
<td>113</td>
<td>113</td>
<td>113</td>
<td>93</td>
<td>92</td>
<td>74</td>
<td>65</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(NB: n.a. = not available; *Data from Informant 11; Informant 80.)

Studies and stakeholders give different answers as to whether there is enough staff and raise some concerns. An NGO board member, a cantonment leader, Mak and Carl Grundy-Warr draw the attention to the sheer size of the water bodies as a concern for full penetration. Besides, many informal fish landing sites pose another problem of accurately recording catch statistics and other monitoring activities. Case studies and interviews with stakeholders point to difficulty in communications, long distance between crime scenes and DoF’s local offices and limited ground staff as a challenge to timely crackdowns and surveillance.

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The answers as to whether there are sufficient officials vary between overgovernment, being enough, to being understaffed.\textsuperscript{17} The current structural reform acts as a brake to staff recruitment.\textsuperscript{18} The analysis above, nonetheless, indicates that the central level is bloated, while there are too few at the division and \textit{sangkat} levels. Since there are million fishers, and between 1,700 to 1,070 officials, many of whom are posted in Phnom Penh, the ratio between the two is very large. The FiA has a most widely distributed network of enforcers; however, what is needed, as Mak put it, is rationalization.\textsuperscript{19}

The penetration capacity is further plagued by too many ‘ghosts,’ high absenteeism and incompetency.\textsuperscript{20} The FiA likewise faces a dire situation. A leader and two former officials believe that there are “too many officials” with at least half absenteeism or half-day work.\textsuperscript{21} In the two provinces visited, the situation is quite similar. Apart from the problems above, the cantonment, division and \textit{sangkat} levels suffer from having some officials pursuing their degrees and having some positions staffed by officers from elsewhere, and hence some of them only show up occasionally and do not stay onsite at the weekend.\textsuperscript{22}

Finally, the Khmer Rouge posed another problem to penetration. Pre-1999 Cambodia best represented the inability of the state to fully rule its territory with the Khmer Rouge and bandits plundering and attacking parts of Cambodia. It was the capture of Ta Mok in 1999 that the state finally eliminated the threat from the Khmer Rouge. Before then, the Khmer Rouge and bandits posed a challenge to

\textsuperscript{17} Informant 3; Informant 6, 8th April, 2011; Informant 10, 22nd April, 2011; Informant 11, 2nd May, 2011; Informant 12, 4th & 12th May, 2011; Informant 22, 20th June, 2011; Informant 66; Informant 89. See for example, I. Csavas et al., \textit{Cambodia, rehabilitation and development needs of the fishery sector} (Rome: Food and Agriculture Organization of the United Nations, 1994); Ing, Sao, and Thay, "Small-Scale Fisheries Management in Cambodia."; Mak, Vann, and Te, "Communication Strategies for Fisheries Conflict Management: A Case Study in Cambodia."; Thuok Nao, Korn Long, and Chenda Taing, "Fisheries Monitoring, Control and Surveillance in Cambodia," (Phnom Penh1998); Magnus Torrell, Albert M. Salamanca, and Blake D. Ratner, eds., \textit{Wetlands Management in Cambodia: Socioeconomic, Ecological and Policy Perspectives} (Penang: The WorldFish Center, 2004); Emma W Whittingham, "Sites of Practice: Negotiating Sustainability and Livelihoods in Rural Cambodia" (University of Exeter, 2010).

\textsuperscript{18} Informant 10.


\textsuperscript{20} Hun Sen correctly labels the last aspect as: “too many, but too few;” that is, too many officials, but too few competent ones.

\textsuperscript{21} Informant 5, 6th April & 3rd June, 2011; Informant 7; Informant 20, 25th May, 2011.

\textsuperscript{22} Informant 66; Informant 67, 21st July, 2011; Informant 80; Informant 89.
DoF’s penetration. A report commissioned by the Food and Agriculture Organization (FAO) in 1994 underlined DoF’s inability to carry out its monitoring, control and surveillance due to the Khmer Rouge’s threat. This lack of penetrative capacity was supported by numerous complaint letters from concessionaires on the disruption onto their businesses and the inability of the armed forces and DoF to protect their operations.

3. Appropriation

Migdal suggests that appropriation be measured by whether the state “uses resources in determined ways,” while Fritz suggests investigating whether the state can pursue its policy goals for common good. Therefore, this section probes if the state uses its resources in determined ways to meet its goal. At the national level, the vision the state sets for Cambodia since 1993 has been to do with poverty reduction, good governance, equitable and inclusive development and high standard of living. As for the subsector, up to 2005, there was no policy paper that clearly set the common vision for the subsectors. The vision was first spelled out

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24 Csavas et al., Cambodia, rehabilitation and development needs of the fishery sector: 56. For some complaint letters, see for example, Department of Fisheries, "Proposal for Battambang Lot 1 Fee Reduction for Fishing Season 1995-06," (Phnom Penh: Department of Fisheries, 5 August, 1996); ———, "Proposal for Kandal Lots 8, 14, 15, 11 and Siem Reap Lots 4-5-6 Fee Reduction," (Phnom Penh: Department of Fisheries, 28 June, 1993).


27 The first few national programs merely jotted down a few broad objectives. Concurrently, there was no over-arching vision for the subsectors in sectoral plans or policies. The first National Programme to Rehabilitate and Develop Cambodia 1994 only jots down ‘efficient exploitation’ of the resource as its objective. The Socio-Economic Rehabilitation Plan 1994-5, the First and Second Five Year Socioeconomic Development Plans (SEDPs) 1996-2000 and 2001-2005, and the National Strategic Development Plan 2006-2010 allocate a few pages for the fisheries and inundated forest subsectors, and set the objectives for fisheries and forest management, which can be summed up, as increase in revenue generation, conservation, sustainable exploitation, equitable distribution of the resources, livelihood enhancement, and strengthening CFis as their objectives. ———, National Programme to Rehabilitate and Develop Cambodia: 23; ———, Socioeconomic Rehabilitation Plan 1994-5 (Phnom Penh: Royal Government of Cambodia, 1995). 25 and 72; ———, First Five Year Socioeconomic Development Plan 1996-2000: 33-36; ———, The Second Five Year Socioeconomic Development Plan 2001-2005: 27; ———, National Strategic Development Plan 2006-2010: 46-47. The brief Report on the Development Plan for Cambodia’s Fisheries Sector 1991, and Five Year Socioeconomic Planning 1996-2000 (for the DoF) do not mention any objectives for the sector, while the successor of the latter for the period 2001-2005 adopts objectives quite like above. Department of Fisheries, "Five Year Socioeconomic Plan for Fisheries Sector
in the brief “Statement of the Royal Government of Cambodia on the National Fisheries Sector Policy,” which stated it as: “[m]anagement, conservation, and development of sustainable fisheries resources to contribute to ensuring people’s food security and to socioeconomic development in order to enhance people’s livelihood and the nation’s prosperity” – a vision the SPF adopts. Appropriation here thus covers funding to the priority ministries, including MAFF and DoF/FiA (to ensure conservation, management and development), resource (re)allocation (equitable distribution, food security and socioeconomic development) and sustainable resource exploitation.

3.1. Financial Resource Allocation and Disbursement

After protracted wars “everything is the priority for Cambodia.” However, given the limited financial resources, the state should prioritize the priorities. Therefore, in 1998 four ministries were identified as ‘priority ministries;’ the number has since climbed to seven. The first cohort was health, education, rural development and agriculture; the latter were land management, women’s affairs and justice. This sub-section thus focuses on the expenditure on these ‘priority ministries,’ especially, MAFF and DoF/FiA.

Analyzing expenditure is cumbersome since substantial capital expenditure is under DPs’ direct management. This study hence only discusses the actual operating current expenditure and capital expenditure as stated in the Budget Laws. During 1993-98, the state spent roughly 50% (reducing to 1/3) of its current budget on defense and security (D&S). This is justifiable given the

31 NGO Forum on Cambodia and Economic Institute of Cambodia, Guide to the National Budget.
mounting pressure from the Khmer Rouge. Upon final Khmer Rouge integration, the PM vowed to fast-track the reforms. Since then, there has been an increase in the expenditure on the seven priority ministries, increasing from 30.6% in 2000 to 35.5% in 2006. Concurrently, D&S expenditure slid from 37.2% to 21.1%. Yet the ‘non-priority ministries’ saw their share surged quickly from 9.9% to 25.4% too. The capital expenditure on the ‘priority ministries’ during this period also experienced a slight increase from 28.7% to 32.5% of the total expenditure. In real terms, the current expenditure on the priority ministries during 2000-07 was roughly a half more than that for D&S. Overall, the state has, to large extent, shifted its spending from D&S to other (non) priority ministries since 1999.

Table 3: Current Expenditure for Defense & Security, (Non-) Priority Ministries, MAFF and MoJ

<table>
<thead>
<tr>
<th></th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Administration</td>
<td>277,655</td>
<td>262,659</td>
<td>290,959</td>
<td>325,271</td>
<td>291,679</td>
<td>343,914</td>
<td>432,935</td>
<td>1,041,273</td>
</tr>
<tr>
<td>Defense &amp; Security</td>
<td>450,725</td>
<td>417,323</td>
<td>406,754</td>
<td>411,013</td>
<td>422,820</td>
<td>451,183</td>
<td>520,154</td>
<td>615,867</td>
</tr>
<tr>
<td>Defense</td>
<td>308,560</td>
<td>277,026</td>
<td>264,615</td>
<td>269,515</td>
<td>271,739</td>
<td>289,373</td>
<td>328,146</td>
<td>372,613</td>
</tr>
<tr>
<td>Security</td>
<td>142,165</td>
<td>140,297</td>
<td>142,139</td>
<td>141,498</td>
<td>151,081</td>
<td>161,810</td>
<td>192,008</td>
<td>243,254</td>
</tr>
<tr>
<td>Priority Ministries</td>
<td>361,664</td>
<td>452,029</td>
<td>590,053</td>
<td>619,452</td>
<td>676,265</td>
<td>674,501</td>
<td>831,408</td>
<td>972,960</td>
</tr>
<tr>
<td>Non-Priority Ministries</td>
<td>125,436</td>
<td>283,621</td>
<td>286,349</td>
<td>388,840</td>
<td>354,886</td>
<td>497,858</td>
<td>570,140</td>
<td>784,740</td>
</tr>
<tr>
<td>MAFF</td>
<td>23,415</td>
<td>30,468</td>
<td>39,652</td>
<td>39,024</td>
<td>38,552</td>
<td>47,099</td>
<td>55,941</td>
<td>57,655</td>
</tr>
<tr>
<td>MoJ</td>
<td>5,784</td>
<td>6,298</td>
<td>7,195</td>
<td>11,099</td>
<td>10,487</td>
<td>11,733</td>
<td>13,229</td>
<td>15,632</td>
</tr>
</tbody>
</table>

(NB: * Except budgets for the Ministry of Justice ((MoJ)).

In percentage, MAFF share of the current expenditure increased quite insignificantly from 1.9% in 2000 to 2.4% in 2006. However, according to the


33 NGO Forum on Cambodia and Economic Institute of Cambodia, Guide to the National Budget. According to the ADB, in 1999 the expenditure for the four ‘priority ministries’ was merely 24%, while the expenditure on D&S was 40%. Asian Development Bank, Country Assistance Program Evaluation for Cambodia (Manila: Operations Evaluation Department, Asian Development Bank, 2004). 64.

34 In billion riels. Source of data: researcher’s calculation from Ministry of Economy and Finance, "Main Economic Indicators (2009)."
budget laws, its share of the capital expenditure increased quite dramatically from 0.9% in 2000 to 6% in 2006.\(^{35}\) Moreover, in real terms, as seen in Table 3, if judged against D&S, the current expenditure is approximately 1/10th, and hence still small. The paradox also happens to FiA, which ‘has a low profile,’ thus does not attract much funding from the state.\(^{36}\) An expatriate advisor to a local NGO noted: “It is astonishing that in a lot of government reports fisheries is emphasized in importance to the people, culture, and stuff… but the sector is under-funded and gets very little financial support from the government.”\(^{37}\)

Similarly, DoF/FiA annual reports and key informants within the administration continually complain of lack of funds for its operation.\(^{38}\) A draft report for fishing season 1999-2000 reports the enacted budget for DoF at roughly $332,080,\(^{39}\) and the budget for 2007-08 from the government was some $200,000. The SPF estimates the required budget to attain the goals it sets for 2010-19 at $78.55 million, with an annual requirement of some $8 million. The government promises to contribute $1.25 million annually with a possible 15% increase with no guarantee.\(^{40}\) Overall, the government’s funding to DoF/FiA has been small.

Existing evidence similarly points to poor budget allocation to its central offices/department and sub-national line agencies. According to FiA officials, the funding to the Community Fisheries Development Department (CFDD) and provincial cantonments for CFi affairs is minimal. A division and two sangkat leaders confirmed that there is no funding flown down to these implementing levels

\(^{35}\) It peaked at 9.9% in 2004. NGO Forum on Cambodia and Economic Institute of Cambodia, Guide to the National Budget.

\(^{36}\) Asian Development Bank, Cambodia: Country Environmental Analysis: 11-12; Jock Campbell, Department of Fisheries Institutional Review (Phnom Penh: Department of Fisheries, 2006). 2; Department of Fisheries, "Discussion Document on Adopting Programmatic Support for the Fisheries Sector," (Phnom Penh: Technical Working Group on Fisheries, Department of Fisheries, 2006), 3; Gum, Inland Aquatic Resources and Livelihoods in Cambodia: A Guide to the Literature, Legislation, Institutional Framework and Recommendations 22. Informant 11. It should, however, be noted that DPs spend a large share of their fund on non-D&S ministries and agencies.

\(^{37}\) Informant 4, 17th &18 March, 2011.


for CFi-related activities. Generally, such disproportionate vertical funding distribution also occurs in other agencies.

Fund disbursement presents another challenge. Revenue collection and allocation was centralized in 1993, leading to myriad problems, including untimely distribution of funds (even to the priority ministries), poor participation from the local administration in budget allocation, poor and untimely budget implementation and “off-the-record tax,” (to quote the PM). The longer the funding chain the harder it is to get the funds and more leakage there is; therefore, when funds do reach the local level, there can be little left. As some Informants put it, they put the “signature to receive mere paper.” The DoF Institutional Review also raises the lack of funds and late budgeting as an impediment to its operation. Since 2005, there has been improvement in budget disbursement after some reform measures. However, the situation is apparently continuing.

With limited budget, DoF/FiA and its line agencies face another dilemma, where to invest the money. They need funding for both administration and maintenance and development-oriented activities, including CFi assistance and R&D. They do not have much choice, but to spend a majority of fund on staff salaries and some office and field equipment, and to leave a fraction for development activities. The current limited Provincial Investment Fund (PIF) does not fund much of the provincial cantonment’s activities either. Neither do the CCs which spend their funds mainly

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41 Informant 20; Informant 22; Informant 65; Informant 66; Informant 67; Informant 89.
42 Informants 8-9.
44 Informant 65; Informant 92.
45 Campbell, *Department of Fisheries Institutional Review*: 25 and 41-42. Such measures include establishment of a provincial budget management center, and establishment of internal audit units and the National Audit Authority. In late 2004, the PM warned the agencies responsible for disbursing fund from collecting tea money and heads of agencies receiving fund from signing off receipts if the amount is not what is stated in the documents. Cambodia New Vision, "No to Corruptions - Opening the Good Governance for Poverty Reduction and Development National Seminar," *Cambodia New Vision* December 2004, 6; Charles Schneider, Ky Ka, and Chhim Vanak Roy, *Private Sector Assessment for the Kingdom of Cambodia* (Phnom Penh: Ministry of Industry, Mine and Energy, 2003). 75; World Bank, *Country Assistance Strategy for the Kingdom of Cambodia:* 56.
on basic physical infrastructure building and maintenance.\textsuperscript{46} 

In summary, there has been some improvement in financial resource distribution and allocation for development and conservation both at the macro- and micro-levels. There has been a shift to spending on development-oriented sectors, and for DoF/FiA, PIFs and Commune Council Funds (CCF), from purely administrative purposes to some development-oriented programs. Besides, the state has allocated more funds to FiA in recent years; however, spending on ‘priority ministries’ and DoF/FiA is still small.

\textbf{3.2. Fishing Area Distribution and Resource Conservation}

This sub-section discusses distributive justice and sustainability. Starting with almost 2 million hectares in 1988, the lot size was reduced to roughly 1 million hectares before 2001 and to 422,216 hectares afterwards.\textsuperscript{47} With the nullification of 36 lake/stream ‘research lots’ in the Tonle Sap and some others in four provinces around the Mekong in 2012, the lot size has again been drastically reduced. Over the last two decades the resource allocation between the haves and the have-nots has improved. However in retrospect, in the 1990’s (and to some extent, afterwards), a lot of injustice befell the poorer population, whose livelihood critically depended on the resources.

Here are a few basic facts to show that the resource allocation was not just and fair. First, some 3 million people, a majority of whom are fishers or fishers/farmers, live in the six provinces around Tonle Sap Lake.\textsuperscript{48} Degen and others showed that small and medium scale fishers can earn $183 million per annum from fishing. Yet, they were allotted only 20\% of the lake before 2001. Fifty-six lots (with at most 500 shareholders) held a much larger share and the most productive areas. Even after 2001, more than 50\% of the most productive area within the Lake was still under thirty-eight lots until the 2011 suspension. Disproportionate distribution of forests


\textsuperscript{47} Department of Fisheries, "Table of Lots and Sanctuaries 1980-2008," (Phnom Penh: Department of Fisheries); \textit{———, "Report on Lot Size Calculation,"} (1989). Of which 143 were lake/stream lots. For 164 lots of which 82 are lake/stream lots. Data from Degen and Nao, "Inland Fishery Management in Cambodia: Is the Fishing Lot System the Basis for Improved Management or Should It Be Abolished?," 6.

\textsuperscript{48} From the fieldwork and in a Coalition of Cambodian Fisher Conference held in Phnom Penh in 2011, many fisher-farmers report that extra income from fishing is needed to meet their daily needs and have descent subsistence. Informant 25-27, 20th June, 2011; Informant 29-43, 21st June, 2011.
also occurs, with 0.45 million hectares within lot boundaries and 0.23 million hectares within CFi areas.49

Second, there is a negative correlation between the areas for concessionaires and small-medium scale fishers and employment. The large-scale fishing hired 1% of the fisher-laborers, while some ¼ are small-scale full-time or seasonal fishers and some ¼ medium-scale fishers.50 Third, there were poor lot designs. There was little preparation in 1988 when lots were privatized, so the boundaries created a century ago were adopted, resulting in almost a million people living within lots, creating tremendous conflicts and competing fishing.51

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50 A study in 2001 reported that each lot hires between 30-80 laborers. Hence, before and after the 2001 reforms, the concessionaires in the Tonle Sap Lake merely hired between 1,680-4,480 and 1,140-3,040 laborers, respectively on the seasonal basis. Further, these people usually come from a different district or province, and few local residents are hired. These are confirmed by lot concessionaires interviewed in both provinces. See for example, Mahfuzuddin Ahmed et al., Socio-Economic Assessment of Freshwater Capture Fisheries of Cambodia: Report on a Household Survey (Phnom Penh: Mekong River Commission Secretariat & Department of Fisheries, 1998); Ministry of Commerce, Integration and Competitiveness Study: Part C (Phnom Penh: Ministry of Commerce, 2001). 46; Schneider, Ka, and Roy, Private Sector Assessment for the Kingdom of Cambodia: 78. According to Informant 68, his lot hires 78 workers; Informant 82 between 100-150, and Informant 83, 50 laborers in the out-going fishing season on the seasonal basis. A reason given for hiring distant laborers was that local residents did not like to work for lot concessionaires. Informant 68; Informant 82, 28th July, 2011; Informant 83, 28th July, 2011.

Many stakeholders, including fisheries officials, have observed this inequitable distribution and limited distributive justice. They have called for reforms since 1996, labeling the allocation more and more ‘inequitable, divisive and destructive;’ ‘inappropriate;’ ‘limited access and acute competition;’ ‘bias(ed);’ ‘breaking inequity’ and ‘endangering [fishers’] livelihoods’. The 2001 reforms were therefore enthusiastically applauded and drew praises from many stakeholders, calling the reforms ‘more pro-poor’ and ‘a step in the right direction’. Nevertheless, there were later complaints and concerns. First, the release was done with little grassroots participation and consultation. The process can be at best described as ad-hoc and variable in terms of who participated and how many local people were asked to participate. Local fishers’ participation was overall limited. Next, there was a complaint that the released areas were shallow and unproductive, while the lots still retained the richest parts. In general, this may hold true as the


56 See for example, Gum, Inland Aquatic Resources and Livelihoods in Cambodia: A Guide to the Literature, Legislation, Institutional Framework and Recommendations ; Mak and Grundy-Warr,
released areas were either from the most inexpensive lots or edges around bigger lots. A former DoF official accused DoF of having special interests and hence did not release the most productive areas; however, DoF actually had little time and limited human resource and capacity to properly execute the order.

All-out anarchic fishing upon the reforms was another concern. All DoF implementors were withdrawn from the water – creating an institutional vacuum where no other state or non-state institutions were ready to replace. One NGO worker monitoring fishing in the Tonle Sap during this time described: “Lighting from the boats on the Tonle Sap was like that of lighting in Phnom Penh during the night time now.” Moreover, the reform released hundreds of thousand hectares of forests to communities or public access areas. With initially no and currently weak institutional capacity on the part of CFCs, there was the concern that large areas would be cleared and claimed privately. This has been confirmed by the fieldwork. Fourth, there is the issue of ‘selective overfishing’ and unsustainable exploitation. There is no limit on how much or of which species concessionaires can exploit, although some endangered species have been prohibited from harvesting. There was/is no limit on the number of small and middle scale fishers and how much they can catch. Though there is no scientific study on the matters, anecdotally there is a trend of selective overfishing and unsustainable harvest.

"Spaces of Engagement and Contested Territories of the Tonle Sap," 18; Mak and Te, "Enabling Fisheries Conflict Management: A Case Study in Cambodia."; Manfield and MacLeod, Advocacy in Cambodia: Increasing Democratic Space: 48; Oxfam Great Britain, Evaluation of the Impact of the Fisheries Reform in Cambodia on the Livelihoods of Poor Fishers: 6; Patrick, Melissa, and Puadyal, Flood Forest, Fish and Fishing Villages: Tonle Sap, Cambodia: 9; Schneider, Ka, and Roy, Private Sector Assessment for the Kingdom of Cambodia: 97-98.

57 Informant 7. The expensive ones cost up to $50,000 or more in renting fees. However, according to a cantonment leader, the rental fees of a lot does not always determine its fertility as there had been cases of collusion between lot bidders and auction committees to retain the fees low. McKenny and Prom interviewed selected CFi representatives also see their reporting, in the main, the released parts as productive or a little less than that of lots'. Bruce McKenny and Tola Prom, Natural Resources and Rural Livelihoods in Cambodia: A Baseline Assessment (Phnom Penh: Cambodian Development Research Institute, 2002). 58-59. Informant 80.

58 Informant 13, 6th May, 2011.

59 See for example, Chansothea Tep et al., Asserting Rights, Defining Responsibilities: Small-Scale Fishing Communities and Fisheries Management. Perspectives in Asia, A Study on Cambodia (Phnom Penh: ICSF & CBNRM Learning Institute, 2007). 14; Wildlife Conservation Society and Fisheries Administration, "Comparison between Outcomes under the Proposed Prek Toal Sanctuary and Alternative Management Regime," in Integration of Commercial and Conservation Objectives in Prek Toal, Tonle Sap and Battambang Fishing Lot #2 (Phase 1: Understanding Current Management Systems and Recommendations for Reforms, ed. Sophie Allebone-Webb and Tom Clements (Phnom Penh: Wildlife Conservation Society and Fisheries Administration, 2010), 107. CFC and CFi members informed the researcher of inundated forest clearance in the four sites that he went to.

60 See for example, Degen et al., "People, Power, and Fisheries Policy: Fisheries Management Reform Addressing Community Fisheries in Cambodia," 14; Gum, Inland Aquatic Resources and Livelihoods in Cambodia: A Guide to the Literature, Legislation, Institutional Framework and
Finally, another concern is the correlation between a CFi population and the CFi area. Currently there is no mechanism to determine the best size of a CFi area. CFIs were allotted with ad hoc sizes without taking into account the population within that CFi and/or productivity of the areas. As an illustration, a CFi in Site 4 with a population of 1,550 receives about 1,200 hectares, while another in Site 1 with 2,229 people receives a more productive area of almost 16 times bigger.\(^6\) Besides these issues, in terms of post-reform income re-distribution and access to resources, the picture is mixed and skewed towards middle scale fishers. Some reports and evaluations painted a rosier picture of the reforms in terms of income generation, fish catch, less bribery, but warned of unsustainable exploitation, income inequality and ecological destruction.\(^6\)

### 3.3. Resource Re-Concentration and Unsustainable Exploitation

Starting in 1997, DoF kick-started another round of re-concentration with initially seven of the ‘big, expensive, and most lucrative’ lots allocated to some concessionaires for four consecutive seasons without any bidding. This was later expanded to fifty-four concessionaires (with some lot holding extended to six years) through its introduction of ‘research lots’. This was done without any prior consultation with the Ministry of Economy and Finance (MEF) and other

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stakeholders, including concessionaires and field implementors. Though the auction system is far from perfect, the ‘research lot’ introduction makes redistribution much worse. The covert negotiation between the fishing elites (with usually powerful backers) and selected DoF officials and probably provincial administration led to poor transparency and accountability and opaque resource allocation. In the first two seasons when this ‘system’ was introduced, the concessionaires’ identities were not revealed, even in DoF’s reports. That there were interventions from some politicians and/or their relatives suggested that some deals were offered to the politically well-connected. One DoF insider called this introduction ‘a way to collect [a] commission.’

The problem drew the PM’s attention. He branded the ‘system’ as ‘caus[ing] a very bad phenomenon’ and ordered MAFF to return the lots to open bidding once the mandate was over. However, this practice has stayed intact for more than a decade afterwards with 87 lots (as of 2011) labeled ‘research lots’. These had become more skewed towards the richest and well-connected elites, with ¾ of 60 lots being held by the same individuals for between 8-12 years and the rest between 4 to 6 years before 2012. Besides, the 1987 sub-decree on lot renting set the limit of one lot per person; the new ‘system’ has witnessed many individuals (in his/her own name or by a proxy) holding more than one lot – in one extreme case, one person held 18 lots before 2012. According to three DoF officials, one rich local

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elite in Province A held fishing rights to five lots by having his relatives standing as proxies.\(^{67}\)

The Royal Government of Cambodia (RGC), as expressed in its policies, vows to ‘promote economic development [and] ensure equitable distribution of fruits of progress and reduce poverty.’ However, in reality, the state agencies and agents seem not to fully support the state to live up to the vision.\(^{68}\) Although resource distribution has been fairer, fair distribution came slowly often in reaction to malpractices. Besides, there is an issue of unsustainable and unregulated exploitation within these lots. A number of people who held the rights to these lots were pure businesspeople or fisher-cum-businesspeople who partitioned them for sub-lease. As the name suggests, the lots are supposed to be for research and rehabilitated and since 2010 are not for sub-lease. However, on the ground, their partition for sub-leases was common and varied only by extent.\(^{69}\)
4. Regulation Capacity

4.1. Crackdowns on Illegal Fishing and Forest Clearance

The state capacity to regulate these subsectors, as seen in the number of arrests and prosecutions, shows a large variation over time and space.\(^\text{70}\) There were substantial crackdowns in 1994 and 1995. However, the number of cases had been decreasing until 2001. Since then there has been more momentum in the crackdowns. Yet fishers and NGOs denounce that most of the arrested are poor fishers.\(^\text{71}\) Anecdotal evidence also confirm that no concessionaires were brought to justice even during the 2001 and 2012 reforms despite reports and investigations proving that they had conducted massive illegal activities.

**Table 4: Crackdown Cases in Selected Years**\(^\text{72}\)

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases</td>
<td>615</td>
<td>1,753</td>
<td>1,312</td>
<td>578</td>
<td>36</td>
<td>535</td>
<td>453</td>
<td>1,348</td>
<td>2,080</td>
<td>2,574</td>
<td>2,921</td>
<td>1,681</td>
</tr>
<tr>
<td>Court Case</td>
<td>54</td>
<td>227</td>
<td>194</td>
<td>114</td>
<td>7</td>
<td>76</td>
<td>37</td>
<td>220</td>
<td>131</td>
<td>101</td>
<td>144</td>
<td>166</td>
</tr>
<tr>
<td>Imprisonment</td>
<td>37</td>
<td>61</td>
<td>47</td>
<td>52</td>
<td>(n.a.)</td>
<td>21</td>
<td>42</td>
<td>40</td>
<td>49</td>
<td>3</td>
<td>107</td>
<td>91</td>
</tr>
</tbody>
</table>

(NB: *Researcher’s calculation based on provincial figures from Ministry of Agriculture, Forestry and Fisheries. *“Annual Report for Fisheries Sector for Ministry of Agriculture, Forestries and Fisheries for 2004-05 and Action Plan for 2005-06.” **Data for the first semester only; ***Including marine fisheries crimes & ****For semester 1, including marine fisheries crimes).

As seen above, the number of people sent to court is just a fraction of those arrested. Moreover, the number of people prosecuted relative to the lodged cases differs substantially. A DoF report shows that during 2002-2004, 8.83% of the arrest was sent to courts, yet only 1.7% of this was found guilty, while the other cases were dismissed or the perpetrators were set free. The report opined: ‘[S]uch settlements are not proportionate with the crimes committed and cannot deter the

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\(^{70}\) For the variation over provinces in selected years, see for example, Department of Fisheries, "Result of Fisheries Crimes Crackdown between 1998 and 2004 and Recommendation for Sustainable Fisheries Resource Protection."

\(^{71}\) See for example, Mak, Vann, and Te, "Communication Strategies for Fisheries Conflict Management: A Case Study in Cambodia," 30.

perpetrators from the illegal acts. In 2010, the MAFF minister also accused the courts of “dragging their feet on forestry, agriculture and fisheries crimes, claiming 70% nationwide have not been to trial.” Likewise, a division and three CFC leaders criticized their provincial court for not taking strict actions against perpetrators. Overall, the arrest and prosecution show that the state has some regulation capacity; however, it is so variable and limited.

There are three more important issues: poor and selective enforcement, low compliance and challenges from the Khmer Rouge. Stakeholders agreed that law enforcement countrywide is weak and uneven. A study, for example, puts the use of explosive devices for fishing in Stung Treng during 1993-1997 at 8,000, and another reports that the use of samrah has been common. Low compliance is

75 Informant 86-88, 29th & 31st July, 2011; Informant 89.
76 For example, Informant 1, 4th March, 2011; Informant 2, 6th & 19th March, 2011; Informant 4; Informant 6. The crackdowns as reported represented only 20-30% of the illegal cases, alleged by the Tonle Sap Authority (TSA) in 2011. Tonle Sap Authority, "Request for Strict and Effective Measures to Preserve Fisheries Resources for Next and Following Years," (Phnom Penh: Tonle Sap Authority, 15 March, 2011).
another issue. According to many studies and reports, there is a large gap between what is stipulated in the prakas on gear types and what fishers and concessionaires actually use.\(^7\) While the use of gears larger in sizes or numbers than legally allowed is common, the use of illegal gears under the law is persuasive yet crackdowns are few.\(^8\) An FiA leader, cantonment leaders, field implementors and other stakeholders agreed that illegal fishing is rampant, though there has been more effort to crackdown since 2010.\(^9\)

The FLs bans more than a dozen gears and activities and restrict fishing in sanctuaries.\(^7\) However, the use of illegal gear is reportedly common. A study by Seang Tana Touch and Bruce Todd identify nine most destructive fishing methods commonly used in the 1990s. These were small mesh size fishing gears, fishing with explosives, electro-fishing, brush parks, motorized push net, motorized surface trawling, motorized bottom trawl fishing, spear fishing with spotlights and fish fry collection.\(^8\) Informants in Site 1 reported the widespread use of pumping, brush parks, bor and electro-fishing in nearby public access areas and their CFi

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\(^8\) Asian Development Bank, Cambodia: Country Environmental Analysis, 2-3; Asian Development Bank and Cambodia Development Research Institute, "Rapid Analysis of the Commune Workshops in Tonle Sap," (2010); Degen and Nao, "Inland Fishery Management in Cambodia: Is the Fishing Lot System the Basis for Improved Management or Should It Be Abolished?", 11; Fisheries Action Coalition Team and Environmental Justice Foundation, Feast or Famine? Solutions to Cambodia's Fisheries Conflicts: 21; Ing, Sao, and Thay, "Small-Scale Fisheries Management in Cambodia," 34; Ratner, "Community Management by Decree? Lessons from Cambodia’s Fisheries Reform,” 83.

\(^9\) Informant 3; Informant 11; Informant 20; Informant 66; Informant 67; Informant 71-78; Informant 79; Informant 80.


\(^8\) Touch and Bruce, The Inland and Marine Fisheries Trade in Cambodia: 38-44. Similarly, in 1999 Acker reported common use of excessive net sizes, small-meshed nets, brush parks, electro-fishing and trawling river bed in public access areas. Cited in Fisheries Action Coalition Team and Environmental Justice Foundation, Feast or Famine? Solutions to Cambodia’s Fisheries Conflicts: 21.
area. Similarly, the use of pumping and brush parks is rife in Site 3 in Province B. Illegal fishing in sanctuaries is likewise common.

The capacity to manage forests is also poor and compliance is weak. According to a DoF report during 2000-2006, 9,672 hectares was cleared and other 20,531 hectares of degraded forest was claimed by private individuals and companies. The PM put the figure of destruction in the six provinces around the Tonle Sap Lake during 2005-2010 at 48,170 hectares. There is no common definition of flooded forest; hence data is largely incomparable. There is nevertheless an agreement that the destruction rate since 1930’s is extremely alarming. A survey in 1992/3 put the figure at 370,700 hectares. The figure for 1997-98 was 360,000 hectares, and that for 2007/8 was 197,000 hectares. Compared to the 1930’s and 1990’s, 4/5 and ½
of the flooded forests, respectively, has been cleared. The rapid destruction is supported by provincial and regional level data. A report in 2004 stated that almost 50% of the Tonle Sap forests had been cleared. In 1997, Peter Swift reported the nullification of flooded forest in Takeo and substantial forest clearance in Kampong Chhnang. Half of the area in Siem Reap and Kampong Thom has reportedly been cleared.89

Before 1999, the Khmer Rouge presented challenges to crackdowns because parts of the Tonle Sap and Mekong were under its control, while some others were grey zones. A review in 1994 and key informants, for example, admit the threats that it had on its monitoring, control and surveillance.90

### 4.2. Legal Gears with Illegality

Another challenge to regulation is the common use of gears that are larger in size or numbers than legally permitted by small and medium-scale fishers. Nao and Ahmed say that this was ‘common’ in the 1990’s.91 A few studies and interviews with fishers lend support to this assertion. This practice has persisted or probably intensified after 2001 as officials have been more lenient on such usage and there has been more gear graduation.92

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90 Csavas et al., Cambodia, rehabilitation and development needs of the fishery sector: 56.

91 Cited in Thuok Nao, "Community Fish Refuge Husbandry in Lowland Agricultural Ecosystem: An Alternative Option for Increasing Fish Supply and Improving Economic Condition of Farmers in South-Eastern Region of Cambodia" (Build Bright University, 2009), 32.

A review of work by Keang Seng shows that small-scale fishers used gears considered medium scales in both 2000 and 2006. According to the tables below, the use of gears that conform neither to communities’ internal rules nor to the 2011 *prakas*, let alone the more restricted 1987 *prakas* on gear types and numbers. While family scale fishers use medium scale gears, medium scale fishers further upgrade their gears beyond what the law allows. For example, the use of arrow-shaped traps could be three or four times longer than the length allowed. An unpublished report shows that in Battambang there were 240 arrow-shaped traps with length between 500 and 1,500 meters illegally stationed within two CFi and Prek Toal areas in 2009. In Site 1, these gears increased from 24 in 2009 to 32 in 2010.

**Table 5: Gear Lengths and Units Used in Different Regions**

<table>
<thead>
<tr>
<th></th>
<th>Lower Mekong</th>
<th>Upper Mekong</th>
<th>Tonle Sap</th>
<th>1987 <em>Prakas</em> on Gear Types (Medium Scale)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Arrow-Shaped Fence Trap with Horizontal Cylinder Trap and Trap</strong></td>
<td>5 traps (2000)</td>
<td>5 traps (2000)</td>
<td>8 traps (2000)</td>
<td>(Medium scale gear with length less than 500 meters)</td>
</tr>
<tr>
<td><strong>Pair Trawl</strong></td>
<td>1 unit (2000)</td>
<td>1 unit (2000)</td>
<td>(none)</td>
<td>(Outlawed)</td>
</tr>
<tr>
<td><strong>Giant Cast Net</strong></td>
<td>(none)</td>
<td>300m in circumference (2000)</td>
<td>(none)</td>
<td>(Medium scale gear)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>100m in circumference (2006)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

94 Battambang Fisheries Cantonment, "Name List of Potential Perpetrators Using Bor in Battambang," Informant 25-27; Informant 29-43; Informant 45-59. All informants within this village complain of the use of ‘bor’.

64
Table 6: Selected Common Gears Used in Site 196

<table>
<thead>
<tr>
<th>Gear Name</th>
<th>Used Size/Unit</th>
<th>Internal Regulation</th>
<th>Prakas on Gear Types</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floating Gillnet</td>
<td>20-30m (length)</td>
<td>100m (length)</td>
<td>50m (Closed) 100m (Open)</td>
</tr>
<tr>
<td>Hook Lines</td>
<td>1,000-1,500</td>
<td>1,000</td>
<td>50 (Closed) 100 (Open)</td>
</tr>
<tr>
<td>Bamboo Trap for Eels (Lon)</td>
<td>100-150</td>
<td>100</td>
<td>10 (Closed) 20 (Open)</td>
</tr>
</tbody>
</table>

Table 7: Selected Common Gears Used in Site 297

<table>
<thead>
<tr>
<th>Gear Name</th>
<th>Used Size/Unit</th>
<th>Internal Regulation</th>
<th>Prakas on Gear Types</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floating/Fixed Gillnet</td>
<td>300m (length)</td>
<td>150m (length)</td>
<td>(As above)</td>
</tr>
<tr>
<td>Hook Lines</td>
<td>1,000</td>
<td>50 (Closed) 1,000 (Open)</td>
<td>(As above)</td>
</tr>
<tr>
<td>Lon</td>
<td>50-100</td>
<td>50 (Closed) 100 (Open)</td>
<td>(As above)</td>
</tr>
</tbody>
</table>

Table 8: Selected Common Gears Used in Site 498

<table>
<thead>
<tr>
<th>Gear Name</th>
<th>Used Size/Unit</th>
<th>Internal Regulation</th>
<th>Prakas on Gear Types</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floating Gillnet</td>
<td>200-300m</td>
<td>300m</td>
<td>(As above)</td>
</tr>
<tr>
<td>Hook Lines</td>
<td>200-300 (Some 500)</td>
<td>150 (Closed) 300 (Open)</td>
<td>(As above)</td>
</tr>
<tr>
<td>Lon</td>
<td>20-50</td>
<td>50</td>
<td>(As above)</td>
</tr>
</tbody>
</table>

4.3. Fishing Lots – A Pandora’s Box

Lot regulation is not any better, though the levels of compliance vary. Lot regulation is lax and compliance is poor.99 Apart from catch under-reporting, the

use of illegal gears and activities are common and widespread – existing ‘in almost all fishing lots.’ Before the 2011 suspension, the situation had not seen any significant improvement. While a fisheries official complained that the gears used by concessionaires/operators are ‘not in compliance with the burden books,’ fishers complained that officials overlook ‘larger scale destructive fishing practices.’ Senior and junior fisheries officials and local authorities agreed that despite widespread illegal fishing within lots, punishment, warning and crackdowns are rare. One official described lot crackdowns as ‘a showcase game – with the burning and dismantling of materials that are unworthy and with lot having removed the more valuable materials or submerged them.’ The 2011 Tonle Sap Authority’s (TSA) report and the subsequent large-scale crackdowns and the deputy-PM’s report unearthing massive illegal activities in research lots around the Tonle Sap Lake are the most recent evidence of concessionaires’ illegal activities.

Both prakas on gear types list barrage traps and dai (bag nets) as industrial fishing gears. These are used in this industrial-scale fishing. However, concessionaires and operators use other illegal gears and activities. Some figures may help. A
survey of 30 lots across 7 provinces in 1999 reports that 27% of lots used pumping; 40% electro-fishing; 70% multiple sweeping, and 73% brush parks. The peak year of illegal fishing was probably 2001 when almost all lots adopted ‘total harvest mentality’ before the handover.

The field interviews and the deputy PM’s report suggest that these activities were still widespread before 2011. Some fisheries officials added two more problems: many legal gears not being placed as stipulated in the ‘burden books’ and major lifting of the gears without notifying them as decreed. The deputy PM’s report lists the following illegal gears and activities as commonly used by the ‘35 research lots’ investigated: gears disproportionate with the legal stipulation; poisoning outside lots to force fish into the lot areas; multiple trawling of riverbed or multiple sales of fishing rights afterwards; bamboo fencing and traps (preus) at the edge of the lot boundaries to catch fish from outside; forest clearance; major fish collection two-three times per season; bamboo spacing of 0.8-2 centimeters; (double) fine-meshed fencing of the lots; fine-meshed net gears of between 0.8-2.5 centimeters; bag nets with 1.5cm nets extending 2-3 kilometers with multiple traps (lok); canal building and pumping followed by electro-fishing; flying trawling; gill nets of 0.5-


Patrick, Melissa, and Puadyal, Flood Forest, Fish and Fishing Villages: Tonle Sap, Cambodia: 16; van Acker, Cambodia's Commons: Changing Governance, Shifting Entitlements?: 18. 108 Informant 5; Informant 29-43; Informant 65; Informant 66; Informant 67; Informant 71-78; Informant 79; Informant 80; Informant 86-88; Informant 92. 110 Informant 66; Informant 92. 109
2.5cm and brush parks. His report is supported by various specific case studies and the field interviews.\textsuperscript{111}

The resistance to the 2001 reforms, expansion of lot boundaries into the public access areas and more recently into nearby communities and payment to CFCs to fish within CFi areas, expropriation of areas set aside for fishers and prohibition of fishers to access the lot areas during the closed season are other serious violations and evidence of limited regulation capacity.\textsuperscript{112} These illegal expansions had persisted until 2011.\textsuperscript{113} Besides, informal sub-leasing does not conform to laws; that is, concessionaires exploited the fishing industry 'beyond rules, regulations and other conditions being documented in the burden book[s].'\textsuperscript{114} The actual sub-leasing, as discussed later, was a mess. The most severe violations of the law occurred in 2010 and 2011 when sub-leasing was strictly prohibited, yet informal sub-leasing took place in both years.\textsuperscript{115}


\textsuperscript{112} Degen and Nao, "Inland Fishery Management in Cambodia: Is the Fishing Lot System the Basis for Improved Management or Should It Be Abolished?", 10; Gum, \textit{Inland Aquatic Resources and Livelihoods in Cambodia: A Guide to the Literature, Legislation, Institutional Framework and Recommendations} 24-28; Keang et al., "Conflicts Arising from Re-Allocation of Fishing Lots: Perceptions from Community Fisheries in Cambodia," 10; Lamberts, "The Unintended Role of the Local Private Sector in Biodiversity Conservation in the Tonle Sap Biosphere Reserve, Cambodia," 50; Ly, Yin, and Degen, "Management Aspects of Cambodia’s Freshwater Capture Fisheries," 95; Oxfam Great Britain, \textit{Evaluation of the Impact of the Fisheries Reform in Cambodia on the Livelihoods of Poor Fishers}: 12; Swift, \textit{Developing a Research Framework for the Fishing Lot System in Cambodia: Two Preliminary Case Studies on Fishing Lots in Takeo and Kompong Chhnang Provinces}: 61; Touch and Bruce, \textit{The Inland and Marine Fisheries Trade in Cambodia}: 34. Informant 71-78; Informant 80; Informant 86-88. For selected case studies, see for example, Gum, \textit{Inland Aquatic Resources and Livelihoods in Cambodia: A Guide to the Literature, Legislation, Institutional Framework and Recommendations} 24-26; NGO Forum on Cambodia, "Fishing Conflict in Kompong Chhnang."


\textsuperscript{115} Fisheries Administration, "Burden Book," (Phnom Penh: Fisheries Administration); Royal Government of Cambodia, "Sub-Decree on Investment Procedure, Public Bidding, Renting
Table 9: Numbers of Fishing Lot Guards and Weapons\textsuperscript{116}

<table>
<thead>
<tr>
<th>Province</th>
<th>Lots Selected</th>
<th>Lot Guard Number</th>
<th>Guards per Lot (Average)</th>
<th>Weapon Number</th>
<th>Weapons per Lot (Average)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Battambang</td>
<td>9</td>
<td>82</td>
<td>9</td>
<td>64</td>
<td>7</td>
</tr>
<tr>
<td>Banteay Meanchey</td>
<td>4</td>
<td>34</td>
<td>8</td>
<td>21</td>
<td>5</td>
</tr>
<tr>
<td>Kampong Chhnang</td>
<td>6</td>
<td>51</td>
<td>8</td>
<td>128</td>
<td>21</td>
</tr>
<tr>
<td>Pursat</td>
<td>4</td>
<td>42</td>
<td>10</td>
<td>204</td>
<td>51</td>
</tr>
</tbody>
</table>

That lots were associated with private enforcement, human rights abuses and conflicts is another testimony to poor regulation.\textsuperscript{117} As Table 9 shows, the numbers of military guards and weapons per lot were considerable. Furthermore, some civilian concessionaires were reported to hold several guns.\textsuperscript{118} Concessionaires still hired armed men to guard their lots recently. Lot 2 in Battambang and 7 in Siem Reap in 2008 had 15 and more than 20 armed guards, respectively. A few nearby lots to Site 3 were protected by armed men in 2011.\textsuperscript{119}

Finally, Fritz suggests that to measure ‘control capacity’ one should look at high profile corruption prosecution of officials involved\textsuperscript{120} and by extension here prosecution of social actors committing wrong doing. Anecdotal evidence suggests that prosecution of officials involved in corruption in the sub-sectors is rare. In addition, some authors bemoaned the lack of prosecution of concessionaires, operators and armed guards who committed flagrant human rights violation and

\textsuperscript{116} Source: Saroeun as cited in Fisheries Action Coalition Team and Environmental Justice Foundation, \textit{Feast or Famine? Solutions to Cambodia's Fisheries Conflicts}: 25.


\textsuperscript{118} Gum, \textit{Inland Acquatic Resources and Livelihoods in Cambodia: A Guide to the Literature, Legislation, Institutional Framework and Recommendations} 25-26; Mak, "Fishing for Lives: Conflicts and Struggles between Communities and Fishing Lots in Kompong Chhnang Province."


\textsuperscript{120} Fritz, "State Weakness in Post-Communist Countries: The Concept of State Capacity," 18.
illegal activities. A *sangkat*, cantonment and commune leader in Province A responded that they had never seen concessionaires sent to court, though there were occasions when they were fined or warned of misconducts. The 2001 and 2011 reforms prove that many (if not all) concessionaires/operators and officials had committed illegal activities, yet post-reform prosecution are never heard of, although some fisheries officials were ‘transferred’ and fishing rights to certain lots terminated. In short, the state regulation capacity of the fishing industry is limited.

5. Extraction Capacity

“[T]he growth of the very first modern states in Europe included building a triad of essential state tentacles – a standing army, a vastly improved tax-collecting mechanism, and an expanded set of judicial courts.” However, clientistic/fusion states like Cambodia are not willing to raise revenues as rulers need to keep patronage system in place, while many bureaucrats also see few reasons to improve the state extraction capacity.

5.1. State Revenue Collection

This section looks into GDP trends, revenue/GDP, tax/GDP, corruption perception and the formality of the economy as indicators for extraction capacity. As seen in Table 10, Cambodia has achieved tremendous economic growth, as seen in the steady GDP growth rates and in real terms, especially since 1999. The nominal tax and revenue increased ten-fold between 1995 and 2008. The percentage of tax and revenue to GDP experienced positive trends, too. These indicate that the state’s extraction capacity has increased.

---

121 For example, Lamberts, "The Unintended Role of the Local Private Sector in Biodiversity Conservation in the Tonle Sap Biosphere Reserve, Cambodia," 47; Mak, "Fishing for Lives: Conflicts and Struggles between Communities and Fishing Lots in Kompong Chhnang Province," 12; Mak, Vann, and Te, "Communication Strategies for Fisheries Conflict Management: A Case Study in Cambodia," 10-11; NGO Forum on Cambodia, "Fishing Conflict in Kompong Chhnang," 12.

122 Informant 60, 21st June, 2011; Informant 67; Informant 79.


Table 10: Selected Macro-Economic Indicators

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
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<th></th>
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</thead>
<tbody>
<tr>
<td>GDP</td>
<td>3,420</td>
<td>3,481</td>
<td>3,387</td>
<td>3,105</td>
<td>3,515</td>
<td>3,649</td>
<td>3,984</td>
<td>4,280</td>
<td>4,663</td>
<td>5,359</td>
<td>6,293</td>
<td>7,275</td>
<td>8,613</td>
<td>10,495</td>
</tr>
<tr>
<td>GDP Growth Rate</td>
<td>6.7</td>
<td>5.0</td>
<td>6.8</td>
<td>3.7</td>
<td>10.8</td>
<td>8.8</td>
<td>8.1</td>
<td>6.6</td>
<td>8.5</td>
<td>10.3</td>
<td>13.3</td>
<td>10.8</td>
<td>10.2</td>
<td>7.0</td>
</tr>
<tr>
<td>Tax</td>
<td>445</td>
<td>534</td>
<td>597</td>
<td>679</td>
<td>948</td>
<td>1,040</td>
<td>1,131</td>
<td>1,269</td>
<td>1,267</td>
<td>1,998</td>
<td>2,392</td>
<td>3,594</td>
<td>4,463</td>
<td></td>
</tr>
<tr>
<td>Domestic Revenue</td>
<td>643</td>
<td>749</td>
<td>881</td>
<td>942</td>
<td>1,316</td>
<td>1,423</td>
<td>1,564</td>
<td>1,786</td>
<td>1,821</td>
<td>2,220</td>
<td>2,719</td>
<td>3,394</td>
<td>4,235</td>
<td></td>
</tr>
<tr>
<td>Tax (% of GDP)</td>
<td>(n.a.)</td>
<td>6.4</td>
<td>6.5</td>
<td>6.4</td>
<td>8.3</td>
<td>7.4</td>
<td>7.2</td>
<td>7.6</td>
<td>6.8</td>
<td>7.7</td>
<td>7.7</td>
<td>8.0</td>
<td>10.2</td>
<td>10.4</td>
</tr>
<tr>
<td>Revenue (% of GDP)</td>
<td>8.5</td>
<td>9.0</td>
<td>9.6</td>
<td>8.9</td>
<td>11.5</td>
<td>10.1</td>
<td>10.0</td>
<td>10.6</td>
<td>9.8</td>
<td>10.4</td>
<td>10.6</td>
<td>11.4</td>
<td>12.1</td>
<td>12.5</td>
</tr>
<tr>
<td>Fisheries Revenue*</td>
<td>(n.a.)</td>
<td>7.1</td>
<td>7.4</td>
<td>8.2</td>
<td>9.2</td>
<td>9.9</td>
<td>5.8</td>
<td>8.8</td>
<td>5.8</td>
<td>7.0</td>
<td>7.4</td>
<td>7.0</td>
<td>7.1</td>
<td>8.8</td>
</tr>
</tbody>
</table>

(*in billion riels)

Nevertheless, many underlying systemic problems exist. The RGC explicitly admits that the financial management system is very weak. On many occasions, the PM publicly acknowledges this, complaining about substantial loss from taxation, inefficient tax and revenue collection, massive illegal smuggling and lack of ‘tax culture’ A WB review estimates that in 1996-97, 5-6% of GDP was lost to illegal activities and tax exemption, while a speculation puts the tax loss of $400 million per annum to tax evasion. Many reports by the ADB criticize the state’s weak revenue raising capacity and ranked it one of the lowest in the region. Between 1992 and 2004, Cambodia’s revenue and tax ratio to GDP was about half of the average for low-income countries. The ADB reports also lament the ‘limited capacity in tax and customs administration’ and poor public financial management (PFM) capacity. Other reports underline the widespread corruption in public


agencies, prevalent tax evasion and capture of state resources by political and military elites. Moreover, off-budget revenue is leaked to private individuals due to opaque dealings with private individuals by state agencies without transferring the fund to the treasury.\textsuperscript{129} There is both ‘living corruption’ and ‘clandestine’ corruption.\textsuperscript{130} Both Transparency International’s (TI) ranking of Corruption Perception Index for 2005-09 and Kaufmann and others’ Governance Indicators for control of corruption for 1996-2008 rank Cambodia better than Burma, and sometimes Laos amongst the Association of Southeast Asian Nations (ASEAN) members.\textsuperscript{131} This confirms that the extraction capacity is limited.

Table 11: Kaufmann’s Indictors for Corruption Control

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Brunei</td>
<td>0.37</td>
<td>0.43</td>
<td>0.33</td>
<td>0.33</td>
<td>0.29</td>
<td>0.40</td>
<td>0.25</td>
<td>0.24</td>
<td>0.24</td>
<td>0.51</td>
</tr>
<tr>
<td>Cambodia</td>
<td>-1.17</td>
<td>-1.11</td>
<td>-0.93</td>
<td>-0.98</td>
<td>-0.93</td>
<td>-1.05</td>
<td>-1.18</td>
<td>-1.21</td>
<td>-1.11</td>
<td>-1.14</td>
</tr>
<tr>
<td>Indonesia</td>
<td>-0.51</td>
<td>-1.16</td>
<td>-0.98</td>
<td>-1.13</td>
<td>-0.97</td>
<td>-0.91</td>
<td>-0.87</td>
<td>-0.77</td>
<td>-0.69</td>
<td>-0.64</td>
</tr>
<tr>
<td>Laos</td>
<td>-1.18</td>
<td>-0.69</td>
<td>-0.92</td>
<td>-0.92</td>
<td>-1.01</td>
<td>-1.10</td>
<td>-1.16</td>
<td>-1.12</td>
<td>-1.04</td>
<td>-1.23</td>
</tr>
<tr>
<td>Malaysia</td>
<td>0.54</td>
<td>0.61</td>
<td>0.40</td>
<td>0.36</td>
<td>0.32</td>
<td>0.42</td>
<td>0.32</td>
<td>0.36</td>
<td>0.23</td>
<td>0.14</td>
</tr>
<tr>
<td>Myanmar</td>
<td>-1.23</td>
<td>-1.37</td>
<td>-1.39</td>
<td>-1.36</td>
<td>-1.38</td>
<td>-1.69</td>
<td>-1.62</td>
<td>-1.72</td>
<td>-1.47</td>
<td>-1.69</td>
</tr>
<tr>
<td>Philippines</td>
<td>-0.31</td>
<td>-0.37</td>
<td>-0.55</td>
<td>-0.52</td>
<td>-0.</td>
<td>-0.62</td>
<td>-0.64</td>
<td>-0.79</td>
<td>-0.79</td>
<td>-0.75</td>
</tr>
<tr>
<td>Singapore</td>
<td>2.23</td>
<td>2.19</td>
<td>2.18</td>
<td>2.37</td>
<td>2.31</td>
<td>2.31</td>
<td>2.17</td>
<td>2.19</td>
<td>2.22</td>
<td>2.34</td>
</tr>
<tr>
<td>Thailand</td>
<td>-0.34</td>
<td>0.02</td>
<td>-0.19</td>
<td>-0.33</td>
<td>-0.26</td>
<td>-0.21</td>
<td>-0.13</td>
<td>-0.24</td>
<td>-0.41</td>
<td>-0.38</td>
</tr>
<tr>
<td>Timor-Leste</td>
<td>-0.53</td>
<td>-0.52</td>
<td>-0.53</td>
<td>-0.79</td>
<td>-0.</td>
<td>-0.93</td>
<td>-0.89</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vietnam</td>
<td>-0.55</td>
<td>-0.68</td>
<td>-0.77</td>
<td>-0.70</td>
<td>-0.62</td>
<td>-0.80</td>
<td>-0.80</td>
<td>-0.76</td>
<td>-0.68</td>
<td>-0.76</td>
</tr>
</tbody>
</table>


\textsuperscript{130} See for example, ———, Country Assistance Strategy of the World Bank Group for the Kingdom of Cambodia.

The informality of the economy is another challenge to extraction. The PM notes that not all taxable enterprises are registered and that there is collusion in tax collection.\textsuperscript{132} Therefore, formal sector of the economy is very small and many enterprises opt out of the \textit{formal sector}. Fritz suggests that a shadow economy of 15\% of GDP represents dysfunctional extraction capacity. Against this, the Cambodian state is far from functional as the informal economy accounts for up to 80\% of the GDP.\textsuperscript{133} As of 2002, 9,265 enterprises registered with the Ministry of Commerce, while more than 90\% were in the informal sector. The picture seven years later is strikingly similar. A survey in 2009 indicates that only 9,024 or 2.4\% of the establishments were registered, leaving the rest in the informal sector. The informal/estimated tax regime leaves the discretion to tax collectors, who negotiate the taxable amount with enterprises, leading to the loss of state revenue and corruption.\textsuperscript{134}

5.2. Extraction Capacity in the Fisheries Subsector

The fisheries subsector situation is likewise not rosy. In the 1990’s and 2000’s, its contribution to GDPs was between 8-10\% and 8-12\%, respectively. An RGC’s report puts its contribution of $426 million to the economy in 2005.\textsuperscript{135} In the 1990’s, the farm-gate value was estimated at $150-250 million, and the revised estimate for 2000’s was $200-300 million with the retailed value of $500 million.\textsuperscript{136}

\textsuperscript{132} Cambodia New Vision, "No to Corruptions - Opening the Good Governance for Poverty Reduction and Development National Seminar," 1 and 5.
\textsuperscript{136} See for example; Baran, Jantunen, and Chong, \textit{Values of Inland Fisheries in the Mekong River Basin}: 44; Cambodia National Mekong Committee, \textit{Integrated Water Resources Management in Cambodia: National Sector Review}: 49-50; Degen et al., "Taken for Granted Conflicts over Cambodia's Freshwater Fish Resources," 6; Fisheries Administration, \textit{The Strategic Planning Framework for Fisheries: 2010-2019}: 2; 17; Gum, \textit{Inland Acquatic Resources and Livelihoods in
Yet, the state’s capacity to capture appropriate rent has always been a challenge. The figures calculated below can be under-estimates because the actual catches are believed to be higher and the mean values at the landing sites can be higher. The calculations are mainly to illustrate the meager rent extracted by the state from the fisheries subsector. While the annual fish catch is valued at $200 million (or more), the state extracts on average less than $2 million in tax and non-tax revenues per annum (of which roughly 2/3 is from fishing lots and medium-scale fishing fees). While fishing lots (and before 2001, medium-scale fishers) could make on average $50-60 million per annum from fishing, the state manages to extract a little over a million dollars in leasing fees (including a 5% tax on the lease fees) from the fishing industry. Taking the catch under-reporting into account, the takings were certainly much more than $50-60 million per annum. In 2001, Degen and others, for example, estimated the commercial value at $110.3 million with a total value of $276 million. The Cambodia’s National Mekong Committee (CNMC) in 1998 puts the landed value from commercial and middle-scale fishing from the Tonle Sap Lake alone at between $62-80 million.
Table 12: Inland Freshwater Fish Values and Revenues from Fisheries

<table>
<thead>
<tr>
<th>Year</th>
<th>Inland (Tonnes)</th>
<th>Value (Million Dollar)</th>
<th>Revenue (Fisheries) (Million Dollar)</th>
<th>Commercial (Tonnes)</th>
<th>Commercial Fish Value (Million Dollar)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
<td>67,900</td>
<td>95</td>
<td>(n.a.)</td>
<td>67,900</td>
<td>95</td>
</tr>
<tr>
<td>1994</td>
<td>65,000</td>
<td>88.5</td>
<td></td>
<td>65,000</td>
<td>88.5</td>
</tr>
<tr>
<td>1995</td>
<td>72,500</td>
<td>95</td>
<td></td>
<td>72,500</td>
<td>95</td>
</tr>
<tr>
<td>1996</td>
<td>63,510</td>
<td>85</td>
<td>2.7--</td>
<td>63,510</td>
<td>85</td>
</tr>
<tr>
<td>1997</td>
<td>73,000</td>
<td>90</td>
<td>2.5--</td>
<td>73,000</td>
<td>90</td>
</tr>
<tr>
<td>1998</td>
<td>75,700</td>
<td>94.5</td>
<td>2.2--</td>
<td>75,700</td>
<td>94.5</td>
</tr>
<tr>
<td>1999</td>
<td>231,000</td>
<td>115.5</td>
<td>2.4--</td>
<td>71,000</td>
<td>35.5--</td>
</tr>
<tr>
<td>2000</td>
<td>245,600</td>
<td>123</td>
<td>2.6--</td>
<td>84,940</td>
<td>42.5--</td>
</tr>
<tr>
<td>2001</td>
<td>385,000</td>
<td>192.5</td>
<td>2.3</td>
<td>135,000</td>
<td>67.5--</td>
</tr>
<tr>
<td>2002</td>
<td>360,300</td>
<td>180</td>
<td>2.6</td>
<td>110,000</td>
<td>55--</td>
</tr>
<tr>
<td>2003</td>
<td>308,750</td>
<td>154.5</td>
<td>1.7</td>
<td>94,750</td>
<td>47.5--</td>
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<tr>
<td>2004</td>
<td>250,000</td>
<td>125</td>
<td>1.8</td>
<td>68,100</td>
<td>34--</td>
</tr>
<tr>
<td>2005</td>
<td>324,000</td>
<td>162</td>
<td>1.9</td>
<td>94,500</td>
<td>47--</td>
</tr>
<tr>
<td>2006</td>
<td>422,000</td>
<td>211</td>
<td>1.8</td>
<td></td>
<td>(n.a.)</td>
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<tr>
<td>2007</td>
<td>395,000</td>
<td>197.5</td>
<td>1.8</td>
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<tr>
<td>2008</td>
<td>365,000</td>
<td>182.5</td>
<td>1.7</td>
<td>115,000</td>
<td>57.5--</td>
</tr>
<tr>
<td>2009</td>
<td>390,000</td>
<td>195</td>
<td>1.7</td>
<td>120,000</td>
<td>60--</td>
</tr>
<tr>
<td>2010</td>
<td>405,000</td>
<td>202.5</td>
<td>(n.a.)</td>
<td>125,000</td>
<td>62.5--</td>
</tr>
</tbody>
</table>

(NB: *Total production, including rice-field fisheries, small-scale, medium and large-scale fisheries. Before 1999 the first two categories were not included; **Researcher’s calculation based on the suggested price of $0.50/kg; ***Researcher’s calculation based on figures from Ministry of)


5.3. Lot Concessionaires’ Benefits

Another good indication of extraction capacity is the extent of benefits accrued to concessionaires. Concessionaries usually complain that lot operation is not profitable. \(^{141}\) As seen in Table 13, numerous compulsory research studies on ‘research lots’ support this claim. Some studies and informants, on the contrary, believe that lot operation is lucrative. \(^{142}\) While the operation of small lots may not be cost-effective, bigger lots have gained tremendously from this business. Even a small lot concessionaire (whose lot fee is $11,000) reported that he and two shareholders usually made $15,000 per annum from the operation. A fisheries official believed that the profit could actually be a few times higher. \(^{143}\)

Table 13: Profits from Lot Operations for Selected Research Lots Based on DoF Research \(^{144}\)

<table>
<thead>
<tr>
<th>Lot Number</th>
<th>Year</th>
<th>Profit (In Riels)</th>
<th>Lot Fee (In Riels)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tonle Sap Fishing Unit 2</td>
<td>1994</td>
<td>24,049,761</td>
<td>45,500,000</td>
</tr>
<tr>
<td></td>
<td>1995</td>
<td>23,134,500</td>
<td>40,350,000</td>
</tr>
<tr>
<td></td>
<td>1999</td>
<td>18,238,800</td>
<td>80,500,000</td>
</tr>
<tr>
<td>Lot 2 (Battambang)</td>
<td>1998</td>
<td>-402,566,130</td>
<td>180,000,000</td>
</tr>
<tr>
<td></td>
<td>1999</td>
<td>543,577,400</td>
<td>180,000,000</td>
</tr>
<tr>
<td></td>
<td>2006</td>
<td>111,500,000</td>
<td>226,000,000</td>
</tr>
</tbody>
</table>

\(^{142}\) Mak, "Fishing for Lives: Conflicts and Struggles between Communities and Fishing Lots in Kompong Chhnang Province," 9; van Acker, "Don't Trust Fish When They Are in Water: Cambodia's Inland Fisheries in Transition," 14-18. Informant 13; Informant 65; Informant 89.  
\(^{143}\) Informant 68; Informant 82; Informant 89.  
Lot 6 (Kampong Thom) | 1998 | 6,708,350 | 335,000,000  
Lot 7 (Siem Reap)    | 1998 | 103,540,000 | 235,000,000  
Lot 12 (Kandal)      | 2000 | -21,977,000 | 52,000,000   
Lot 5 (Takeo)        | 2010 | 31,589,100  | 28,000,000   

(NB: *Reporting as 141,451,270 riels due to subtraction of 1998 loss*)

Existing studies substantiate the disproportionate benefits to concessionaires and hence confirm poor state extraction capacity. Firstly, a study in 2001 on five lots show that the benefit from just renting lot sections alone was between 3 and 7 times the auction fees. Lot 12 in Kandal in 2000 as reported above lost almost $55,000. However, Olesen reports that in 2000 by sub-leasing alone this lot earned 3.5 times ($43,000) the fee it paid to DoF. 145 Another study on lot operations and subleasing during 1998-2004 of four lots in Takeo attests to the lucrativeness. Lots 1 and 3 earned just half the lot fee due to reportedly massive spending on facilitation fees (twice the profit at roughly $10,000); the concessionaires of Lots 2 and 5, on the other hand, earned three times the lot fees (55,000,000 riels for Lot 2 and on average 115,000,000 riels for Lot 5). 146 Thirdly, a study of Fishing Lots 14 and 18 in Prey Veng for fishing season 2001-02 shows that irrespective of the investment on gears, the lots earned 7.5 ($54,590 in revenues vs. $7,436 in fees) and 3 times ($98,150 in revenues vs. $33,846 in fees), respectively, the fees they paid to DoF. 147 Finally, a more systematic cost-benefit analysis of Lot 2 in Kampong Chhnang reveals that this lot earned six times the lot fee (earning 99,877,667 riels, excluding alleged pay of 20,000,000 riels to the Khmer Rouge and 2,000,000 riels to the military). 148

145 Olesen as cited in Fisheries Action Coalition Team and Environmental Justice Foundation, Feast or Famine? Solutions to Cambodia's Fisheries Conflicts: 6. A study by Peter Swift of Lot 19 in Takeo also shows that by simply partitioning this lot for sub-lease alone, the concessionaire could earn more than one time the amount he paid to the government. Swift, Developing a Research Framework for the Fishing Lot System in Cambodia: Two Preliminary Case Studies on Fishing Lots in Takeo and Kampong Chhnang Provinces: 18-19.

146 Ana Norman-Lopez, "Effect of the Reform of Fishing Lots in the Year 2000 to the Commercial Fisheries and Family Scale Fisheries in the Province of Takeo" (University of Portsmouth, 2004).


148 Nary Ngan, "Fishery Economy on Kompong Chhnang Province" (Royal Agriculture University, 1994).
Lot 2 in Battambang is the outstanding example of poor rent extraction. Unlike the research by DoF staff above which reports huge loss or insignificant gains, other studies point to the windfall benefits. According to a study based on data provided by the concessionaires, the average annual value for black fish alone for 1994-2000 was $524,182. While the DoF’s study records huge loss for 1998 and puts the total income at $252,713, according to this study, the sale of black fish alone was $594,717,\(^{149}\) not to mention hundreds of thousands of dollars from sales of white fish. Another study in 2001-02 puts the landed value from this lot at $1,771,108.\(^{150}\)

A calculation of catch by barrages alone in this lot for 2007-08 fishing season puts the landed values at $464,500. Besides, in the other research based on interviews with the sub-leasees and concessionaires in the same year reveals that the concessionaires could earn between $942,000-1,024,000 from sub-leasing five big lakes and 7 streams. This practice of sub-leasing at exorbitant prices had been a practice for decades.\(^{151}\) In 2010, the Wildlife Conservation Society and FiA conducted a systematic study of fish catch in this lot. The annual fish catch was estimated $3.2 million per season, and this estimate is still considered ‘conservative’.\(^{152}\)

Judging against the average fee of $50,000 (plus $3,000-4,000 for ‘research’ and rehabilitation), the state received too little a share, while the two concessionaires who had held fishing rights to this lot since 1997 had benefited tremendously from this lot.\(^{153}\) Degen and Nao rightly note that even after some

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\(^{150}\) Troeung et al., "A Comparison of Fish Yields and Species Composition between One Fishing Lot in Battambang province and Two Fishing Lots in Prey Veng Province." The riel-dollar exchange is calculated based on National Bank of Cambodia, *Annual Report 2001*.

\(^{151}\) Allebone-Webb et al., "The Value of Commercial Fisheries."; National Bank of Cambodia, *Annual Report 2008* (Phnom Penh: National Bank of Cambodia, 2008). Researcher’s calculations based on the prices for each species suggested in the study and by Informant 93, 26th September, 2011. According to Informant 93, the price of kranh and kanthor was 2,000 riel per kilogram, while the price of andeng was 6,000 riel per kilogram in 2007-8. Carl Middleton, Sodary Chap, and Sarom Leng, "Resettlement of Peam Psot Village, Ta Pon Commune, Sangke District, Battambang Province," (Phnom Penh: Fisheries Action Coalition Team, 2005); van Zalinge and Troeung, "Organization of Fishing Operations in Lot 2 Battambang and Proposed Sampling Plan to Assess Its Fish Catch."

\(^{152}\) Allebone-Webb et al., "The Value of Commercial Fisheries," 46.

\(^{153}\) Department of Fisheries, "Table of Research Lot Fees for 1999-2001 and 2001-2003," (Phnom Penh: Department of Fisheries); Ministry of Agriculture, "Decision on Granting of Fisheries Exploitation Rights for 2009-2011."; Forestry and Fisheries Ministry of Agriculture and Ministry of Economy and Finance, "Joint Decision on Fixation of Research and Development Lot Fees for
years of investment on necessary infrastructure, the benefits accrued to the concessionaires are ‘generally far greater’ and that ‘the major fisheries remain too profitable for scientific monitoring to be allowed by [concessionaires].’


Chapter 5: Measuring Cambodian State Capacity (2)

‘Policy capacity’ is crucial for economic development and success of the state. This no doubt applies to legislation production and execution. Jeffrey Sachs and Deng and others argue that policy capacity is necessary for any interventions to have positive impacts.1 Furthermore, the state needs to ensure a business-friendly environment and assist and work in partnership with the private sector and communities to effect efficacy and development. This chapter therefore discusses Cambodian state capacity to produce policies and legislation, viz, its evolution, pertinent issues and challenges in their production and their implementation. As for midwifery and husbandry, it discusses political stability, assistance and facilitation provided to private sector and rural communities, including concessionaires and CFCs, and ‘lot research’ and development activities carried out by concessionaires.

1. Legislation and Policy Capacity

1.1. Evolution of Policy and Legislation Capacity

Many laws and policies from the previous regimes were destroyed during the DK. In addition, the few and mainly sketchy socialist-oriented laws from the 1980’s needed modification after 1993 to suit the new political and economic regime.2 Thus there has been an urgent need for legislation and policy capacity.

The post-conflict policy capacity can be divided into three phases. The first saw policies devised mainly by donors. This started with the “Interim Strategy” devised by donors in 1992 for the ‘reconstruction and development’ of Cambodia. Next came the more detailed but not-all-inclusive National Programme to Rehabilitate

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and Develop Cambodia (NPRD) 1994 and its revised Socio-Economic Rehabilitation Plan 1994-5, devised with the ‘assistance from the United Nations Development Program (UNDP) and ADB’. The Socio-Economic Development Plan 1995-2000 (SEDP I) devised with the ‘assistance’ from ADB institutes the first post-war medium-term development planning.

The second phase, starting in 2001, witnessed donors ‘competing’ to ‘assist’ Cambodia to develop different medium-term strategies. The production of SEDP II 2001-2005 was assisted by the ADB; the National Poverty Reduction Strategy (NPRS) 2003-2005 and Interim NPRS 2000-2003, the financing and costing plan for SEDP II, from the WB, and the Cambodia’s Millennium Development Goals (CMDGs), SEDP II’s targets, was assisted by the UNDP. These important papers, supposed to be complementing and building up each other, were drafted by three different DPs with little coordination and cooperation. In addition, there was the Governance Action Plan (GAP) I (2001-3) and shorter strategies, such as the Triangle Strategy (1998-2003) and the Rectangular Strategy (RS) (2004-2008). Hence, there was no ‘overarching development strategy’ in this period.3

These two phases also experienced deficiency of and little focus on sectoral strategies. In 1991, DoF formulated a scant fourteen-page descriptive Development Plan for Fisheries. The national plans then also contained little focus on these subsectors. The first medium-plan for the subsectors is the eight-page Five Year Socio-Economic Plan for the Fisheries Sector 1996-2000. This is followed by a slightly more detailed successor for 2000-2005. Overall, these two plans contain

mainly what to achieve and aggregate costing, with no provision of how these activities were to be financed and little focus on CFCs.\(^4\)

The last phase started in 2006. The National Strategic Development Plan (NSDP) 2006-2010, incorporating the previous ‘multiple competing strategies’ represents the inception of an overarching national strategy. This policy was updated in 2010 and became the NSDP Update 2010-2013.\(^5\) Concurrently, more attention to develop comprehensive sectoral policies has gathered pace. As for fisheries/forests, the first attempt to produce a broad strategic framework by the Technical Working Group on Fisheries (TWGF) was the Fisheries Development Action Plan (FDAP) 2005-8 in 2004. This is followed by the three-volume SPF 2010-2019, which is the most current and detailed plan for fisheries/forest management.\(^6\)

Post-conflict Cambodia also faces an absence of and vagueness in its legislation. PRK’s legislation formulation capacity was limited, manifesting in very few detailed laws and sub-laws.\(^7\) The contents often lacked details and were socialist-oriented. Most of these laws and sub-laws were/are in force some two decades later. For example, the 1987 FL and 1989 sub-decree on lot exploitation rights were

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\(^7\) For some laws and sub-laws from this period, see for example, Department of Fisheries, "Documents from the 1980’s."; ———, "Compilation of 1980’s Documents."; ———, "Compilation of Policies, Accounting and Finance," (Phnom Penh1985).
in effect until 2006 and 2010, respectively. To exemplify the vagueness, the FL stipulates that small-scale fishing was for subsistence, however, there was no clear definition or clarification of what subsistence was.

Over the last decade, however, there has been considerable increase in legislation (overall and fisheries/forest-specific) and more detailed supporting sub-decrees and prakas. Despite the vast improvement, there is a lingering problem of inadequacy, incompleteness and conflicting stipulations. The pending production of (as of 2011) 4 out of 7 sub-decrees, 15 out of 24 prakas and two technical orders to support the entirety of the FL, temporal inconsistency between the CC law (2001), CFi management sub-decree (2007) and de-concentration legislation (2008), and sectoral nature of the FL, Environmental Management Law and Water Management Law provide living examples of these shortcomings.


1.2. Formulation Capacity

Cambodia’s capacity to formulate development strategies and legislation is still ‘weak’. One problem with a strategy is that there is an unrealistic consideration of the planned targets against available financial resources, and for sectoral strategies there are few formal mechanisms for participation by other relevant state agencies. An exception may be the joint strategy, such as the Strategy for Agriculture and Water (SAW) 2006-2010. Another issue is slow production of policies, legislation and supporting documents. The initiation of the fisheries strategic framework, for example, started in 2004 and the FL was in the draft form in 1999; however, the FL was only passed in 2006 with many supporting sub-decrees, prakas and orders pending and the SPF passed in 2011. Third, any enacted laws are usually incomplete and leave important details to sub-decrees and prakas. Therefore, laws that are in force are not in full operation even a few years afterwards. Fourth, there is limited coordination amongst government agencies in policy and legislation production. The separate preparation of SEDP II and NPRS by two groups of state agents; the limited coordination in producing the Public Investment Program 1995-1998 between the Ministry of Planning (MoP) (for planning), MEF (for government financing and foreign loans) and Cambodia’s Development Cooperation (CDC) (for external grants), and the ministerial-level preparation of such related laws as forestry, water management, fisheries and land laws, resulting in overlapping mandates and conflicting stipulations, are the cases in point. However, there has been some improvement in policy and legislation formulation, for example, with the establishment of inter-ministerial committees.

At the department/administration level (in the case of DoF/FiA), the annual action plans lack details. The one-two page action plans (usually forming a part of the previous year annual review) simply set the targets for the following year. They

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11 Cf. Informant 5; Informant 10.
12 Cf. Kato et al., Cambodia: Enhancing Governance for Sustainable Development; Kol, "Review of Wetland and Aquatic Ecosystem in the Lower Mekong River Basin of Cambodia."
exist only as bullet points on what actions to do and provide few details of how to attain them, including costing and financing. For each national office/department, provincial office/cantonment, district-level division and commune-level sangkat, the annual action plans running from ½ to one page each follow this format.14 Furthermore, due to the top-down nature of planning and legislation formulation there are passive participation or insufficient inputs from the sub-national officials; hence there is little ownership of or buy-in to the documents. This is not, however, to downplay their participation via national workshops or meetings.15

The SPF production witnessed broader collective and bottom-up participation with inputs from all national departments and sub-national levels which help with data compilation and district-level workshop organization. Nonetheless, according to a division leader, he and his sangkat subordinates were not asked to contribute anything to the SPF, though to what extent this applied nationwide is not known.16 However, it may have been that selected division and sangkats were requested to organize district-level workshops to seek inputs from relevant stakeholders. With the SPF, there is now a new way to formulate annual action plans as well. Before 2008, when it was under the provincial department of agriculture (DoA), the fisheries office was not asked to propose annual operational budget. The divisions and sangkats were still not asked to prepare such plans during 2008-10. Yet in 2010, the division and sangkat heads in Province B (and probably countrywide) were then asked to formulate action plans and proposed estimated budgets for their annual operation to the cantonment. However, as of July 2011, there had not been any disbursement as requested. Since 2010, there has been another development;

15 Informant 3; Informant 7; Informant 89.
16 Informant 2; Informant 3; Informant 66; Informant 80; Informant 89.
that is, Denmark’s Development Cooperation (Danida) has experimented with provincial budget de-concentration in selected provinces.\textsuperscript{17}

Overall, the state’s (or more accurately, the government’s) formulation capacity is improving with assistance from donors and the Supreme National Economic Council playing a central advisory role to the government.\textsuperscript{18} At the FiA, the policy and legislation formulation capacity may be limited but it is increasing as seen in the SPF production and changing nature of the annual action plan preparation. However, how long this will last or whether it will continue once DPs stop funding FiA is another matter altogether.

Another issue deserved attention is how much Cambodia owns its strategies and legislation. The degree has changed over time. In early and mid-1990’s there was an urgent need for policies and legislation to deal with the influx of aid; thus it relied heavily on donors for policy and legislation formulation. In the first and second phases, many strategies and legislation were drafted in totality by donors or with slight consultation with relevant ministries. The development of such strategies as NPRD, SEDP I and II, (I)NPRS, CMDG and GAP I was, euphemistically, ‘assisted’ by donors and their foreign consultants. Many laws that were parts of donor conditionality such as FL were drafted by foreign consultants. During this period, the PM frequently complained about foreign consultants working for (not with) government counterparts in policy and legislation formulation; therefore, there was little capacity building of the Cambodian counterparts as required. These foreign consultants, as one scholar puts it, are ‘highly influential’.\textsuperscript{19} This has led to laws being in drafts for years and once passed being incomplete or loosely implemented. These laws and policies also suffer from limited buy-in. Besides, due to the stand-alone project nature of aid, there is a lack of coordination amongst donors in formulating related policies. SEDP II, NPRS and CMDGs formulation is a good example. The most serious consequence of the

\textsuperscript{17} Informant 10; Informant 89.


fragmentation is that for a decade and a half, Cambodia did not have its own one all-inclusive development strategy.\(^{20}\)

At the sectoral level, the picture was similar. There was little donor coordination in policy and legislation production. It was WB consultants who drafted FL and Fisheries Master Plan 2001-2011, while the ADB’s drafted the CFi management sub-decree and a five-year master plan for the Tonle Sap Fisheries. Other donors produced their plans to achieve their goals with little coordination with each other or consultation with DoF. Such an approach does not ‘respond to the long-term development of the sector.’ Therefore, the price DoF paid is that Cambodia did not have a comprehensive fisheries strategy until 2011.\(^{21}\)

The NSDP and NSDP Update production represents a new phase of the government’s attempt to produce and own its development strategy. Likewise, the government’s capacity to produce and revise legislation has accumulated. The FL, for instance, went through several rounds of revisions before its adoption. There has also been change in sectoral policy (such as the SPF) preparation though the sectoral capacity is still, as some Informants put it, quite limited, but improving. The framework was initiated by the then lead DP (Danida) and the TWGF secretariat and drafted by an English consultant, but with inputs from all FiA’s departments and line agencies. Some informants, as a result, doubt the FiA’s ownership of and capacity to produce its self-made framework. All said, the SPF could be labeled a first ‘joint product’.\(^{22}\)

### 1.3. Implementation Capacity

The bigger concern is whether the policies and legislation have been put into practice. As discussed in Chapter 4, implementation capacity varies from sector to


\(^{22}\) Informant 4; Informant 6; Informant 7; Informant 90.
sector (fisheries vs. arm control), even within a sector (fisheries exploitation vs. aquaculture), on temporal basis (pre- and post-2000 reforms) or relative to oversight from above. At a brushstroke, to adopt the judgment by the ADB, “the rate of overall progress in implementation of these reforms efforts has been slow.”\textsuperscript{23} The implementation of the natural resource management policies and legislation and that of the fisheries and forests in particular, as many writers and informant acutely condemn, is ‘lacking,’ ‘weak,’ ‘selected,’ ‘inconsistent,’ ‘sectorial,’\textsuperscript{24} biased and exploitative.

2. Midwifery and Husbandry

2.1. Peace and Political Stability

After prolonged wars, what Cambodia needs as a prerequisite for development is peace and political stability. The PM rightly noted: “As long as peace prevails, development can be attained [and] as long as development is attained, peace can be guaranteed.”\textsuperscript{25} After 1993, Cambodia was not peaceful and stable. The Khmer Rouge was still a threatening force and the factions in the government did not trust each other, resulting in multiple maneuvers against one another and culminating in the factional fighting in 1997. It was not until 1999 that the threat from the Khmer Rouge eventually ended, and political parties and state institutions have better institutionalized. The RGC, donors and Cambodian people have admitted that Cambodia has attained ‘peace and political stability’. An article published by the WB praised: “Cambodia has generated a growth peace dividend by establishing a track record of political and macroeconomic stability.”\textsuperscript{26} With the Khmer Rouge gone and the armed forces withdrawn to the barracks, peace and stability prevails on the Tonle Sap Lake and Mekong River. This has eased pressures on lot operations and smaller scale fishing tremendously.

Table 14: Political Stability and Absence of Violence

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As Kaufmann and others’ indicators above suggest, there has been huge improvement in ‘political stability and absence of violence’. Cambodia has done much better than many peer ASEAN members and even surpassed many countries, which were politically more stable than it was two decades ago. The indicators nevertheless illustrate a worrying sign. The country is not totally stable as indicated in low scores that it gets. To adopt Diamond’s terms, the institutions have perhaps acquired some measure of depth, flexibility, and value, but not enough to ensure them safe passage through severe challenge.’ All said, one would appreciate how much Cambodia has achieved, if he/she had lived here in the 70’s and 80’s.

2.2. Public Private Sector Forum

After 1993, the Cambodian state recognized the need to move from production to business facilitation. However, the focus was on policy production and provision of

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social service facilities and physical infrastructure. Even in 2000, private businesses still complained about the lack of consultation with them on policy production, implementation and wider reforms and about centralized decision-making by a small circle of senior politicians and technocrats. Since 1999, the government began to engage more meaningfully with the private sector, and the Public-Private Sector Forum was established in 1999 to discuss policies and challenges that the private sector faces and for them to seek solutions from the government. A WB report notes that the forum ‘is a mechanism for improving the business environment, building trust between the public and private sector, and fostering private investment.’ The forum meets on a semester basis, is chaired by the Prime Minister and attended by relevant ministries and businesses. In 2004, a Steering Committee for Private Sector Development was established and is supported by three sub-committees.\footnote{For more details, see for example, Cambodia’s Development Council, "Cambodia’s Report on Progress toward Enhanced Aid Effectiveness," (Phnom Penh: Cambodia’s Development Council, 2005), 6.}

In 2001, seven working groups (later eight) were established. They represent the following areas: manufacturing and small and medium enterprises, export processing and business facilitation, energy and infrastructure, tourism, legislation, tax and governance, finance banking and related services, and agro-industry and food processing. These groups are made up of representatives from relevant government agencies and private businesses and hold regular meetings, although Hun Sen used to reprimand some groups for their passivity. The groups allow the government and private sector to exchange ideas and experiences, promote communication and seek joint solutions to various issues.\footnote{Asian Development Bank, \textit{Developing the Capacity for Reconstruction and Development}: 9; \textit{—}, \textit{Cambodia: Growth and Sector Reforms}: 4; Cambodia New Vision, "Address to the Fourth Government-Private Sector Forum in Phnom Penh," \textit{Cambodia New Vision} August 2001, 7-8; \textit{—}, "Addressing the 7th Royal Government-Private Sector Forum," \textit{Cambodia New Vision} August 2004, 1-8; \textit{—}, "The Fifth Government-Private Sector Forum," \textit{Cambodia New Vision} February 2002, 1-2; Guimbert, "Cambodia 1998-2008: an episode of rapid growth," 11; International Development Association and International Monetary Fund, "Assessment of Interim Poverty Reduction Strategy," 31-33; Kato et al., \textit{Cambodia: Enhancing Governance for Sustainable Development}: 123-24; World Bank, \textit{Country Assistance Strategy for the Kingdom of Cambodia}: 59 and 123.} As seen in the areas above, unfortunately, fisheries exploitation is nowhere to be seen in this forum and the working groups.
2.3. Business Facilitation

The state ceased assisting the private sector after 1993. Yet the PM later recognized that it was a strategic mistake.\(^{31}\) Therefore, since 1994 the state has re-committed into assisting private businesses. It re-iterates that the private sector is the engine of growth and a partner in development and that it is committed to working closely with and providing it with facilitation.\(^{32}\) Nevertheless, rhetoric and reality do not often match. Private businesses usually complain about corruption in dealing with state agencies, and the assistance to the private sector is ‘scattered and at times redundant’ and little assistance is provided in the ‘form of market information, trade promotion, matching services or training.’\(^{33}\) In fishing lot operations, this also holds true. According to an FiA leader, the support FiA gives to lots is teaching some of them how to raise fingerlings and to prepare sanctuaries.\(^{34}\) Two cantonment and another central leaders confide that the only main assistance FiA officials provides to concessionaires is the preparation of applications for lot exploitation rights. This is confirmed by a concessionaire and a unit official who add that the facilitation is not free; that is, concessionaires have to pay informally for such services.\(^{35}\)

2.4. CFC Assistance

DoF, and certainly many other state agencies, are more familiar with law enforcement and conservation than with fostering participatory management. A review of its history shows that it was never tasked with assisting communities, yet since 2001 it has been assigned with a new role – assisting CFCs with CFi establishment and management.\(^{36}\) The RGC has expressed its commitment to adopt community-based natural resources management and to assist communities with

\(^{31}\) Because interference into its affairs was thought to be ‘communist,’ something the unpopular SoC’s successor was eager to shed. Cambodia New Vision, "Kraing Yov: A Model of Rural Development," *Cambodia New Vision* June 2009, 5.


\(^{34}\) Informant 11.

\(^{35}\) Informant 20; Informant 65; Informant 66; Informant 68; Informant 80.

\(^{36}\) Department of Fisheries, "Inland Fisheries Review," 48-48; van Acker, *Cambodia's Commons: Changing Governance, Shifting Entitlements?:* 36; ———, "Don't Trust Fish When They Are in Water: Cambodia's Inland Fisheries in Transition," 33. Informant 3; Informant 7; Informant 10.
their management. However, there is a persistent problem of communicating the commitment to the field implementors who are often unable to deliver the services ‘that they are mandated to provide.’

DoF/FiA faces numerous challenges in assisting CFCs. It has only limited institutional capacity in dealing with CFCs and CFIs – though that has been increasing. The abrupt reforms simply give it a large new task, but not much institutional preparation. When CFIs were introduced, only a few individuals at the national level knew what CFIs would be, and later a few sub-national officials were recalled to the capital to learn about CFIs and facilitation and communication skills and to relay the knowledge to their peers. The scope was probably too small to have any significant impacts. Thus, many sub-national officials were unfamiliar with and inexperienced in CFI management when this ‘management system’ was introduced.

Nor did it have sufficient time to prepare CFIs. The PM ordered that they act immediately, not to await the CFi sub-decree and do it successfully. With no time to spare, no experience and no legal/policy blueprint, it was no wonder that no two communities were the same. A cantonment leader informed that in order to meet the central demand, in one day one or two CFIs were created and with little

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meaningful participation from the communities. He referred to their establishment as ‘a process of trials and errors and learning by doing.’ The rapid increase in the number of CFIs is hauntingly ‘impressive’. In 2000 there were only 30 CFCs, by 2001, 2002 and 2003, the numbers climbed to 165, 246 and 316, respectively.39

Next are issues of limited community empowerment and assistance provision to CFIs in resource monitoring and surveillance. First, some fisheries officials, as well as other authorities, saw CFIs as a threat to their livelihoods and hence were reluctant to support to these new institutions.40 Nowhere is this lack of support more apparent than in CFI patrol and crackdowns. Irrespective of the law, assistance in crackdowns on violators varies from communities to communities. That is, communities closer to shore, those with assistance from NGOs or donors’ projects, or those having built good relations with the relevant agencies receive more assistance. Assistance also varies from time to time with more assistance during a project’s lifetime; more daytime versus nighttime patrols, or more when there is pressure from above. Generally, cooperation is limited and poorly timed, and in some cases there is outright refusal to be involved in enforcement. Further, there is accusation that opportunistic authorities collude with perpetrators and are reluctant to ‘smash their own cooking pots’ and that some even threaten and get rid of CFC and CFi members who are active and interfere with their affairs.41

DoF’s assistance to the communities is further hindered by reluctance to delegate authority to its sub-central agencies. For example, the CFi management sub-decree outlines a tedious eight-step process for CFi registration starting from recognition by a CC until the final approval by MAFF. This process is so centralized and can

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40 Informant 7. See for example, Patrick, Melissa, and Puadyal, Flood Forest, Fish and Fishing Villages: Tonle Sap, Cambodia: 32.

take up to two to three years to complete. Another indication of centralization is that for *sangat* and division officials to offer a community or CFC any training or to attend its meeting, they have to receive a green light from the cantonment.\(^{42}\)

The major challenge for CFDO/D to assist CFIs in any meaningful way is its limited funding for its operation – something that the leadership admits. It and its line agencies are ‘ordered’ to shoulder a challenging task of organizing, managing and assisting 500 CFIs with little financial support. Cantonment leaders in the two provinces disclosed that the cantonments do not have any budget for CFi development. A *sangkat*, division and provincial unit official in the two provinces complained that they are responsible for assisting CFCs but are not provided with per diem, means of transport or budget. Besides, CFDO/D and its line agencies lack the financial resources for such follow-ups such as joint patrols or CFC and CFi capacity building, etc.\(^{43}\)

Because of the limited budget (hence commitment), its assistance to the communities for their establishment and operation is inadequate and often ragged. For instance, many CFC elections were conducted in haste, creating many dire consequences. Offenders, non-fishers and even former concessionaires/operators were elected to some CFCs, and many fishers did not participate in the elections. This led to dysfunction and loose solidarity in many CFCs. Moreover, after 2001, many CFCs that were established received little follow-up support in patrol back-up, capacity building, monitoring of progress, management planning, by-laws and agreement preparation etc. Some CFCs immediately collapsed; others did not function; some had internal disputes and most did not clearly understand their rights and responsibilities; many did not even have the necessary documentation nor the budgets to run the CFIs.\(^{44}\)

\(^{42}\) Ministry of Agriculture, “Sub-Decree on Community Fisheries Management,” 8-9. Informant 89. Another issue is that the sub-national arms of the Community Fishery Development Office/Department have not been formally established. Job assignments are therefore ad hoc and CFDU lacks the appropriate human resources. Informant 65; Informant 66; Informant 80.


\(^{44}\) Cf. Chap, "Effectiveness of Participation in management and Use of Community-Based Fishery Resources in Kampong Siem District, Kampong Chhnang Province," 32-33; Ly, Yin, and Degen, "Management Aspects of Cambodia’s Freshwater Capture Fisheries.;" Sverdrup-Jensen, Poul, and
It was not until more funding from NGOs and the disbursement of the ADB’s loan for the belated Tonle Sap Environmental Management Project (TSEMP) that saw more active involvement from DoF in the re-organization and/or re-elections of Tonle Sap-wide CFCs; preparation of documentation for CFi registration with MAFF; establishment of conservation areas; provision of concrete tubes and boundary poles for their conservation areas; capacity building; awareness raising and legal training to CFC and CFi members, etc. Overall, this assistance is case-specific and project-based, potentially undermining its sustainability. In summary, despite its effort to assist CFIs, the state provides all CFCs with little financial or in-kind support for their operation.

Like DoF/FiA, CCs’ assistance to CFCs is limited and has evolved from being none to blurry at best. This also applies to the district and provincial authorities. When a few NGOs organized and experimented with CFIs in the late 1990’s, there was no legal framework stipulating what roles the councils should play. It was the 2001 Law on Commune/Sangkat Administrative Management which states that one of their roles is to ‘protect and preserve the environment and natural resources.’ The CFi management sub-decree confirms that the CCs shall cooperate to establish a CFi and nothing more. These laws stop short of defining their roles in CFi management. This lack of legal clarity and vested interests produced a mixed blend of councils and regional authorities. Despite the lack of clarity, some authorities gave CFCs their support and participated actively in their establishment.


46 Ministry of Agriculture, "Sub-Decree on Community Fisheries Management.;" Royal Government of Cambodia, "Law on Commune/Sangkat Administrative Management."

47 See for example, Department of Fisheries, Impacts of the Fisheries Policy Reforms in Kampong Cham, Pursat and Takeo Provinces: First Round Assessment Report: 39; Mak and Te, "Enabling Fisheries Conflict Management: A Case Study in Cambodia," 15; Marschke, "Livelihood in Context: Learning with Cambodian Fishers," 82; Patrick, Melissa, and Puadyal, Flood Forest, Fish and Fishing Villages: Tonle Sap, Cambodia: 11.
However, there were some which were reluctant to support CFis and to provide them with the necessary recognition.\textsuperscript{48}

CCs also lack the necessary skills, knowledge and experiences in local participatory natural resources management and budget to support CFis. Due to the change in legal status and a decade-long communist system plus another decade under its shadow, they are unfamiliar with their new roles and responsibilities and way of working.\textsuperscript{49} Moreover, local and provincial authorities have little budget for CFi affairs. For example, one of the two CCs contacted in Province A had no funds for fisheries affairs, while the other had $12.50 as a counterpart fund with one NGO for a CFi patrol. Likewise, three CFCs in Province B reported that they receive no financial support from CCs and that what they receive is the ‘green light’ for patrol and their participation in training and meetings they organize. Similarly, a review by the TWGF secretariat shows that provincial and district authorities have allotted little funding for fisheries management. Besides, they lack the necessary skills and knowledge in this new management system.\textsuperscript{50}

The latest positive development of CCs’ assistance to CFis is the integration of CFC annual projects into the commune development plans (CDP) as a priority so that they can help attract funding from NGOs and state agencies. There has been some remarkable development in this. A survey of the forty registered CFCs in Battambang in 2007 indicates that only two and five had fully or partially integrated their projects into CDPs, respectively. The situation improved significantly in 2010. Twelve and fifteen of thirty CFCs had their work plans fully


or partially integrated, accordingly. Given the good cooperation between the other ten CFCs and councils in 2007, it is very probable that most of them had their projects either fully or partially integrated in 2010 as well.

Finally, with facilitation of and sponsorship from NGOs and DPs, there have been more contacts and interactions between CFCs and CCs via capacity building provision by council members to CFi and/or CFC members, CCs’ field visits to successful CFCs, etc. Furthermore, the Tonle Sap Sustainable Livelihood Project (TSSLP) has strengthened their ties through the provision of basic equipment to the Tonle Sap core zone CFCs by 37 councils in this region.

2.5. Research and Development

The RGC provides FiA with little funding for R&D activities. Established in 2002, the Inland Fisheries Research and Development Institute is the FiA’s R&D arm. However, it is not covered in this study. This thesis only focuses on the research on “research lots” with financial support from respective concessionaires and their lot development activities.

Evans suggests that social actors join a ‘joint project’ with the state when they view it as a positive-sum game. This is achievable when they share the state’s vision and the state apparatus are embedded, but competent and autonomous. In ‘research lot’ R&D, the concessionaires and ‘research lot’ researchers see more personal benefits from opting out of the joint project; hence many researchers instead act with the current concessionaires to reap the short-term benefits. One former DoF official thus criticized that these officials, instead of working against the concessionaries’ wrongdoings, are captured by them for mutual gains.

The raison d'être for a research lot is to conduct research to determine fish catch; to develop the lots via re-planting inundated trees; to conserve some endangered

53 Campbell, Department of Fisheries Institutional Review: 35; Sam Onn Mao, "Improving Inland Fisheries Management in Cambodia" (Memorial University of Newfoundland, 2001), 45. Another research institute on marine fisheries was established in 2011 with the assistance from Japan.
54 Informant 7.
species, to rehabilitate some lakes/streams etc.\textsuperscript{55} The rental contracts since 2002 have been more extensive on what concessionaires shall fulfill. However, in reality, little meaningful research is carried out, and some DoF/FiA staff assigned to this task does not have enough capacity to carry out meaningful research; some lot researchers do not even hold a bachelor’s degree.\textsuperscript{56}

FiA national officials responsible for such research, their sub-national peers and some concessionaires interviewed confided that the researchers mostly collect the data from concessionaires or leave them record books to fill in, or in most cases such statistics as fish catch and expenses are collected from the concessionaires via sangkat officials. Some do not even go to the field, according to some insiders, and rely solely on information relayed from sangkat and division officials and/or concessionaires. Concessionaires have an interest in hiding accurate data, and this severely affects the research quality. Mak therefore argues that such results ‘contribute little to any reformulation of policies on fisheries management’\textsuperscript{57} and fisheries/forest management generally.

As for lot development and rehabilitation, selected reviews by Provincial Fisheries Offices (PFOs) over a few years on whether research lots had fulfilled the contracts report that in most cases they had, though some were slow to fulfill the contracts due to ‘natural causes’ and some points were not honored or fell short of agreements in the contracts. Two cumulative reports by DoF for 2000 and 2007 likewise paint a rosy picture of contract fulfillment. It was the 2001 reports by the provincial offices and central (sub)committees to evaluate research lots which unearthed that in that particular year, most contracts were not fulfilled because of the fisheries reforms and the attempt to cancel research lots. Only the sub-committees for Kampong Chhnang and Kampong Thom report that research lots in these provinces to a greater extent fulfilled the contracts, although the reviewers for Kampong Thom did not go to inspect onsite and relied entirely on information from fisheries officials and local authorities.\textsuperscript{58}

\textsuperscript{55} Ly, Yin, and Degen, ”Management Aspects of Cambodia’s Freshwater Capture Fisheries,” 92.
\textsuperscript{56} Informant 7; Informant 80; Informant 89. Lamberts, \textit{Tonle Sap Fisheries: A Case Study on Floodplain Gillnet Fisheries in Siem Reap, Cambodia}: 56.
\textsuperscript{57} Mak, ”The Environmental Management in Tonle Sap Lake, Cambodia,” 7. Informant 5; Informant 7; Informant 68; Informant 89; Informant 92.
Though undeniably some lots have fulfilled their contracts, the current report by the deputy PM shows that research lots’ research and development are more a Pandora’s box. While most of the reports above depict the concessionaires as law-abiding contractors, his review shows, on the contrary, that only a small fraction of them honored the contracts. Only a few of them, for example, have a hatchery station, release brood stock into the wild, replanting inundated trees, and rehabilitating lakes and streams. Informant 5 complained that concessionaires usually fall short of fulfilling the contracts, while Informant 65 lamented the lack of an ‘audit’ on these research activities.59

In retrospect, provincial authorities and fisheries officials have an interest in the longevity of the research lots, and hence there is a need to hide as much sensitive information as possible. For example, a top fisheries official in Province A is responsible for nursing inundated trees and fingerlings for some research lots.60 According to a fisheries official and some studies, officials in provincial governorship receive substantial money from facilitating granting of research lots.61 Therefore, the need to produce good reports and to keep the research lot fees low is necessary. Besides the issue of capacity, there are few incentives for DoF/FiA researchers to conduce any meaningful research, since the research provides them a

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59 Bin, "Report on the Result from Implementing Decision 39 SSR Dating 01 July 2011 of the Royal Government of Cambodia on the Establishment of Commission to Inspect Development Lot around the Tonle Sap Lake." For selected articles on the release of brood stock, see the Koh Santepheap Newspaper between May and July. Informant 5; Informant 65.

60 ———; Informant 66; Informant 68.

61 Informant 66. Norman-Lopez, "Effect of the Reform of Fishing Lots in the Year 2000 to the Commercial Fisheries and Family Scale Fisheries in the Province of Takeo."
chance to ask for some more money. As of 2001, more than 200 million riels or as of 2006, 759 million riels (or $185,484) per annum were allotted by concessionaires for R&D\textsuperscript{62} and that there is little meaningful monitoring and evaluation means that the state has lost millions of dollars and that little rehabilitation and development activities have taken place within lots.

In summary, the overall and sectoral analyses of the Cambodian state capacity so far prove that the state capacity is limited and variable over time, space and types of capacity, although the overall and sectoral capacity has been increasing. As can be seen above, the state’s capacity to formulate policies and legislation is higher; the capacity to appropriate its resources has somewhat improved, yet overall regulation, penetration, extraction and midwifery/husbandry are weak.

Chapter 6: Fragmentation of Social Control

This chapter discusses the impacts that social forces, including the Khmer Rouge, small and medium scale fishers, lot concessionaires and operators and CFCs, have on Cambodian state capacity by investigating how they accumulate and/or exercise their ‘social control’ and how these affect state capacity. It also deals with how concessionaires translate state legislation/policies into practices and their power vis-à-vis other statal and non-statal local actors. The discussion proves that least developed states like Cambodia are far from a single dominant actor and that the considerable social control fragmentation has a great impact on Cambodian state capacity to properly manage the resources.

1. The Khmer Rouge and State Debility

The state is more than a mere arena where social forces make claims to their demands; it has ‘relative autonomy’ vis-à-vis the forces. However, in less functional states like Cambodia the degree of autonomy from social forces can be relatively low, and these forces may resist the state’s endeavor to manage them. While Migdal identifies such formal actors as tribes, clans and businesses as formal forces in struggle for social control, in Cambodia before 1999, one major formal force that threatened the state’s dominance was the Khmer Rouge.

Shawcross and Peou point out the Khmer Rouge’s strength and resilience during 1991-95. For example, it could retake control two of its last strongholds in a few weeks after they had been captured by Phnom Penh in 1994.1 In the sub-sectors, the prevention of state’s full internal sovereignty attainment dates to the 1980’s.2 As discussed in Chapter 4, its presence did not allow the state to fully penetrate and regulate the society and extract and appropriate the resources, let alone midwife or husband the sub-sectors. For example, its presence prohibited DoF from carrying out full monitoring, control and surveillance and accessing many areas under its de...

1 Shawcross, Cambodia’s New Deal: 44-52; Peou, Intervention and Change in Cambodia: Towards Democracy?: 230.
facto control.\textsuperscript{3} Besides, its resistance required the state to spend huge budget on weaponry and armed forces, greatly reducing the possibility to allocate more funds to development-oriented activities.\textsuperscript{4}

In addition, the Khmer Rouge created its own rules for resource exploitation. Analyses of many DoF central and provincial reports reveal that cases of demands for protection money; kidnapping and killing of concessionaires/operators; destruction of their gears and capture of certain lakes within lots and giving them to smaller scale fishers were reported, and these were substantiated by letters from the Khmer Rouge.\textsuperscript{5} In 1994 and 1995, for example, DoF reports stated that 56 out of 141 lots were suffering from demands for protection money from the Khmer Rouge and had their gears destroyed.\textsuperscript{6} It was not until 1999 that its threat to the state capacity was diminished.\textsuperscript{7} Yet even with the full integration, some local Khmer Rouge leaders were allowed de facto control over the territory formerly under their control.\textsuperscript{8}

2. Small and Medium Scale Fishers

One of the biggest challenges to the state to penetrate and regulate fisheries and forests and extract rents from their users is the sheer size of small scale fishing

\textsuperscript{3}Csavas et al., *Cambodia, rehabilitation and development needs of the fishery sector*: 56; Degen et al., "Taken for Granted Conflicts over Cambodia's Freshwater Fish Resources," 2-3.


population. This indeed applies to other natural resources involving huge and diverse users, such as forestry and mining. Data on the total number of fishers is unavailable. Surveys on selected provinces, however, show that the number is substantial. A survey of eight provinces in 1995/6, for example, found that more than 1 out of 4.2 million people were either full- or part-time fishers, with the rest fishing occasionally. There is further demographic pressure with almost 1/3 of the total population living in the Tonle Sap Lake Basin where fishing is a major means of livelihood. This area also has larger family sizes with an average of 6-8 persons per family and the highest incidences of poverty with 40-60% of the households living in poverty. At the country level, the population has almost quadrupled to 15 million in the last three decades, with a population growth rate of 1.54%, putting 210,000 people into the labor force every year. Because job creation in other sectors cannot absorb most new entrants, many are likely to enter into fishing or fishing/farming – hence likely to increase the incidences of illegal fishing and forest clearance.

Weber argues that the state (successfully) claims control over its territory and the people within it; however, controlling million hectares of water body and flooded forest and (disorganized) rural fishers and fishers/farmers is almost untenable. Illegal fishing activities, extraction using medium-scale gears with little or no formal rent payment and flooded forest clearance by small and medium scale


fishers/farmers is ubiquitous, and there is no sign that these activities are abating. Experts thus correctly believe that the sub-sectors are ‘too dispersed to be efficiently monitored.’ Gamal Abdul-Nasser stated: ‘[F]ighting against ourselves is naturally much more difficult than fighting against an outside enemy.’ Likewise, for the Cambodian state, to successfully challenge the ‘cooking pots’ of million citizens is more than an uphill battle.

The state capacity to manage medium scale fishers before the reforms did not fare any better. To exemplify, the FL decrees that this scale be licensed and carried out in a designated area using gears specified in the license. Studies and this research prove that the reality was messy at best with fishers fishing where they wanted, used gears without any regards to the licenses and in many cases without payment of formal rents. In addition, they have carried out illegal activities in public access areas and sanctuaries. Their most flagrant defiance against any rule


16 Citing in Migdal, Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World: 50.
18 People Republic of Kampuchea, Fisheries Management and Administration Law.
of law is the survival of this scale beyond 2001, when a prime ministerial *prakas* ordered its abolition. Over the past few years, the use of large-medium scale gears such as arrow-shaped traps extending a few kilometers in public access areas and large dragging nets in sanctuaries is well-documented and found to have been extensively used by fishers in Province A. 20 A letter from the Governor of Kampong Thom to the Minister of Interior (MoI) in January 2009, for instance, reports that there were between 20 to 100 pair dragging nets of between 1,000 to 2,000m or longer with mesh sizes of between 1 to 2cm dragged by 180-250 horsepower engines in Tonle Sap operating since November 2008. 21

Where CFCs are weak, this form of large-medium scale fishing and illegal fishing seep in. Selected case studies show that this large-medium scale fishing occurred in many CFi areas in violation to the communities’ internal rules and CFi management sub-decree. 22 Over the past decade, Site 1 suffered from such a practice of fine-meshed net arrow-shaped traps each extending between one to three kilometers, fine-meshed dragging nets with high capacity boats and pumping lakes/streams, mainly by outsiders. Such incidences indeed take place in many other CFi areas around Cambodia. 23 In countries with poor law and order the powerful private interests have more power to coerce citizens to follow their

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22 Tep et al., *Asserting Rights, Defining Responsibilities: Small-Scale Fishing Communities and Fisheries Management. Perspectives in Asia, A Study on Cambodia: 7-14*; Khai and Thai, "Community Participation in Fisheries Management: A Case Study from Tboung Khlaa and O Mreah Villages, Stung Treng Province, Kingdom of Cambodia," 7; Viner et al., *Development of Fisheries Co-management in Cambodia: A Case Study and Its Implications: Chapter 2*; Marschke, "Livelihood in Context: Learning with Cambodian Fishers," 72.
rules, and this applies to these powerful fishers. In Site 1, they did not allow CFi members to go close to their gears or use small gears near an arrow-shaped trap for fear of disturbing ‘their fish’. Likewise, CFi members were not permitted to go to the lakes when they were being pumped. Some community members report that they had been verbally threatened for the disobedience to these prohibitions.

In post-communist countries, informal practices and structures thrive as much as formal ones. In Cambodia, three informal social relations are identified as essential for a successful fishing business: khnong (backers), khsae/tuyo (string/pipe) and moy (some sort of lop-sided business partnership). To illustrate, the money to make an arrow-shaped trap is huge. Key informants put the amount between $15,000 and $70,000 per trap – something some fishers cannot afford. Hence they need to borrow money from a rich fisher/trader to construct ones, usually on the condition that they sell the fish to the latter below the market price, and some simply rent the traps from rich ethnic Vietnamese fish traders. Likewise, some fishers do not have enough money to buy dragging nets; they too rent the nets from richer fishers/traders on similar conditions. It is these higher bosses who deal with any issue that may arise from using these illegal gears. Edward Shils understands the periphery as a ‘passive recipient’ and does not affect the capabilities of the center. By contrast, as van Acker put it: “The state may order but it does not exist in a void;” there are other individuals, and in these cases they are the medium-scale fishers and/or their backers, who try ‘to position themselves to exploit’ the natural resources, propose their rules, offer their versions of the survival strategies to other fishers and adopt practices which resemble little to what the state dictates.

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25 Informant 29-43; Informant 45-59.
26 Grzymala-Busse and Luong, "Reconceptualizing the State: Lessons from Post-Communism," 534.
27 For example, loans on the condition that the fish is sold to a lender or advancement of fund for lot bidding on the condition that once the bidder won the smaller lenders would gain an access to a section of the lot. Piseth Chiep, "A Case Study of Everyday Practices among Fishers in Tonle Sap Lake, Cambodia" (Chiang Mai University, 2001), iv; Try, "Making Space and Access in Fisheries Resource Management for Local Communities in Stung Treng Province," 16-17.
28 Informant 24; Informant 25-27; Informant 29-43.
29 Informant 24; Informant 62-64.
The 2001 reforms were an attempt to attain more distributive justice. The reforms were well-intended, yet due to the weak post-reform legal-institutional framework, the benefit was more than less skewed towards richer fishers. Kingsbury notes that ‘the incapacity of a state to extend its power and authority to the extent of its sovereign territory…implies that the equitable and consistent rule and application of law are reduced or no longer available.’ Post-reform reports and evaluations show that wealthier fishers and businesses quickly exploited the vacuum through gear graduation and intense exploitation, while some others have carried out extensive forest clearance for farming or purely speculative purposes, hence they have benefited disproportionately from the reforms. As an illustration, a DoF report lists numerous instances of forest clearance of between 20 and 2,000 hectares between 2000-06 by farmers and businesses for possession. All in all, though much smaller in number, these medium scale fishers and businesses owing to their socio-economic and political power pose substantial challenge to state capacity.

Before 2001 there was almost no community representative of any form speaking on behalf of small or medium scale fishers. The nullification of medium-scale fishing in 2001 only makes it illegal, but not illegitimate. All this points to one thing: It was impossible to involve millions of small and medium scale fishers into any meaningful policy and legislation discussions or into meaningful R&D activities or to provide them with assistance. While small scale fishing is rent-free (at least formally), the disorganization and mismanagement of the medium scale
fishing saw the state extracted only minimal rent before 2001, and its out-law simply exhausts the state from any rent collection from it.

3. From No Representation to Pseudo-Representation?

According to Kingsbury, in more traditional societies, localized elite groups may occupy positions in their communities.\(^{34}\) Besides, in states with limited capacity, the formalization of relationship between state and society might result in elites carving up ‘the benefits of state institutions to maintain their own networks of power-preserving patronage and clientelism.’ That is, the de-concentration of administrative responsibilities for natural resource management to small groups of local elites may see the domination of those ‘proficient in and connected to administration’ and endanger and narrow political representation.\(^{35}\) Migdal’s examples of villages undergoing external market penetration and the case study of Egypt prove the state’s inability to minimize the local elites’ power through local institutional reforms. Local elites can be so adaptive and manipulative, spring up in other forms to dominate and exploit local politics and adopt rules that do not necessarily reflect state desires.\(^{36}\) Evans emphasizes that embeddedness and autonomy must go hand in hand to produce a positive-sum result. In the subsectors in this study, embeddedness with little capacity and morale on the part of the society and little motivation and rationale for the state’s apparatus to engage meaningfully with the CFCs ensures that the embeddedness is unlikely to bear much fruit.

The political landscape in rural Cambodia is not stagnant. It was observed that ‘rural society in becoming more plural, more complex and more open, and at the same time less predictable, less docile and less easily subdued.’ However, politics is still dominated by local elites of different walks of life.\(^{37}\) Even when new institutions such as Village Development Committees (VDCs) are established, they

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\(^{37}\) Ojendal and Kim, "Korob, Kaud, Klach: In Search of Agency in Rural Cambodia," 526.
can be quickly transformed into a patronage-based institution and captured by local authorities. In the words of Judy Ledgerwood and John Vijgen: “It will be no surprise that former ‘patrons’ took over the new power positions. Village chiefs, their deputies or their relatives became chairmen, or at least members of the VDC, and thus re-established their power base.” This has re-enforced the patron-client relationship and allowed local elites to dominate local committees – a phenomenon prevalent in both government and NGO-established institutions.

Aristotle contends that the ‘best political community’ is one where a large middle class exists and plays a balancing act between other classes. However, in small states, citizens are usually divided into two classes ‘who are either rich or poor and [] leave nothing in the middle,’ and this affects the proper functioning of the state. Cristina Manfield and Kurt MacLeod observed such phenomenon in Cambodia: “As Cambodia’s middle class is just barely emerging, the country does not benefit from this central stabilizing factor.” Local politics in Cambodia is thus affected by the fact that the educated middle class is almost absent, while the overwhelming majority of the poor and illiterate are too powerless or ignorant to get involved in it, leaving local politics, including the management of government-established or NGO-created local bodies, to a small pool of local elites – those who have time, money and/or literacy.

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40 Cited in Ebenstein and Ebenstein, *Great Political Thinkers: Plato to the Present*: 112.
42 The Ministry of Planning and the World Bank highlight that poverty in Cambodia is a ‘rural phenomenon.’ The national poverty rate is 39.7%. Of this, 93.4% lives in rural areas, making up of 4.7 million people. Moreover, there is a positive correlation between poverty, income earning capacity and level of education and the chances of sustaining a child’s education. In 1990, the adult literacy rate was predicted to be 62%, increasing to 73.6% in 2004. Like poverty, illiteracy is also a rural phenomenon. As illustrated with the four CFCs, there is only a tiny fraction of household heads who attain senior high school education, and almost none attain post-secondary education. Field interviews with villagers in Site 1 reveal that none of the children in the village goes to university and only a few complete senior high school education. World Bank, *Cambodia Halving Poverty by 2015?: Poverty Assessment 2006* (Washington D.C.: East Asia and the Pacific Region, World Bank, 2006). 17-54; Asian Development Bank, *Country Strategy and Program 2005-2009: Kingdom of Cambodia*: 34; Ministry of Planning, *A Poverty Profile of Cambodia 2004* (Phnom Penh: Ministry of Planning, 2006). vii-xvi. Informant 45-59.
Table 15: Educational Attainment of Household Heads in Selected CFCs

<table>
<thead>
<tr>
<th>CFCs</th>
<th>No or Little education</th>
<th>Primary</th>
<th>Junior High</th>
<th>Senior High</th>
<th>Post-Secondary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otrel</td>
<td>13%</td>
<td>46%</td>
<td>36%</td>
<td>5%</td>
<td>0%</td>
</tr>
<tr>
<td>Srey Chik</td>
<td>26%</td>
<td>53%</td>
<td>16%</td>
<td>5%</td>
<td>0%</td>
</tr>
<tr>
<td>Chroy Chek</td>
<td>50%</td>
<td>44%</td>
<td>5%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Thnal Dach</td>
<td>28%</td>
<td>58%</td>
<td>9%</td>
<td>4%</td>
<td>1%</td>
</tr>
</tbody>
</table>

The *new* politics of fisheries/forest management, though allotting more physical space to smaller scale fishers, continues to see the rise of a new group of local elites – CFC members – and their manipulation by former concessionaires. After the 2001 reforms, there were complaints that previous local elites defied or manipulated the order and continued to exploit the released areas. Moreover, some DoF-established CFCs were allegedly dominated by former concessionaires/operators and proved to be self-serving and destructive. Apart from this manipulation by outsiders, an LNGO advisor warns that the CFi registration process and management is too complicated and time consuming for the poor to get involved in it; therefore, CFi registration and management is carried out by a small group of well-off or well-connected elites sometimes for their personal benefits. Two case studies of four different CFCs substantiate this claim – that is, the CFCs are staffed by people with affluence and influence: people who have relationships and strong networks. The CFC introduction has therefore reinforced the social position and hierarchy: those with 'freedom to maneuver' participate actively. Those with less privilege participate more passively and those using illegal gears are ostracized or excluded.

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43 Data sources: Chap, "Effectiveness of Participation in management and Use of Community-Based Fishery Resources in Kampong Siem District, Kampong Chhnang Province."; Meas, "Effectiveness of the Participation Management of Fisheries Resources as Community Fishery-Base, in Srey Chik, Kanh Chor Commune, Kkon Dieng District Pursat Province."; Phlang, "Management and Utilization of Fisheries Resources on Fisheries Community in Otroel Thalaboriwat Stung Treng Province."; Sophanha Chap, "The Situation of Inundated Forest after Fisheries Reform: A Case Study in Thnal Dach Community in Sotra Nikorm District, Siem Reap Province" (Royal University of Agriculture, 2004). For Otrel CFC, the educational attainment is of sampled CF members.


46 Informant 4.

47 Two are coastal-based CFCs. Melissa Marschke, "From Planning to Action: What Can Community-Based Management Look Like 'on the Ground'," in *The Development of CBNRM in Cambodia*, ed. Serey Rotha Ken, et al. (Phnom Penh: CBNRM Learning Institute, 2005), 268;
The fieldwork shows another sign of local elite capture of the reforms; that is, many of the old guards ‘elected’ into this new institution back to 2001 or a bit later have still stayed intact. This is the case in a floating CFC in Pursat, three CFCs in Province B and one CFC in Province A. There was a re-shuffle in the latter in 2006 because the head had resigned. The deputy was promoted and a patrol team member added to the CFC with no election in contradiction to the law.\textsuperscript{48} According to an LNGO working on CFCs and a division leader in Province B, no-elections and patronage appointments are generally the case for other CFCs in this province.\textsuperscript{49} The other CFC in Province A experiences regular elections due in part to the funding from NGOs. However, some old members accused of practicing destructive fishing or collecting bribes have been re-elected.\textsuperscript{50}

There are two more issues related to elite capture of the reforms. Available literature shows that some CFC members have too many roles and some government officials and local authorities are members of CFCs, which may compromise their work quality and neutrality. Melissa Marschke, for instance, finds that in the sites she studies, some CFC members sit in three or four village level committees.\textsuperscript{51} In Site 1, the newly elected CFC head is also the CBO head, and according to the village chief, some CFC members sit in other village level committees, including the agricultural groups.\textsuperscript{52} Furthermore, there are cases in which elements of village/commune authorities and government officials sit in CFCs. A village chief who is also a CFC head opines that the CC overseeing his village wants to see more village authorities in the CFCs as that ‘may help facilitate contacts between the two institutions.’\textsuperscript{53}

\textsuperscript{48} Informant 21; Informant 71-78; Informant 86-88.
\textsuperscript{49} Informant 84-85; Informant 89. A few CFC heads in this province reason that elections may even backfire as ‘bad’ fishers can be voted into the committees; thus sometimes appointments can work better. Informant 21; Informant 71-78; Informant 86-88. This may hold some truth as the election in Site 1 shows.
\textsuperscript{50} Informant 24; Informant 25-27; Informant 60.
\textsuperscript{52} Informant 24. The issue was not probed in the other four CFs.
\textsuperscript{53} Informant 21; Informant 86-88. Also, Buntheoun Sim et al., "Overall Analysis and Synthesis," in \textit{Key Factors That Influence the Success of Community Fisheries Management}, ed. Vuthy Ly, et al. (Phnom Penh: CBNRM Learning Institute, 2006), 62; Chap, "The Situation of Inundated Forest
The other is the manipulation of the resources by former concessionaires/operators or rich villagers and the resulting poor governance within CFCs. There are accusations that CFC members use their positions to generate money with little accountability and transparency. One way to do so is through the sales of fishing rights. For instance, a CFC head in a floating village in Pursat confesses to such sale of the CFC’s section to a nearby lot in 2011, arguing that it is necessary for the running of his CFC. His CFi members were not consulted and not even informed of the deal. There are no sales of fishing rights in the two CFCs in Province A, while the three CFCs in Province B have rented parts of the CFi areas since 2001. However, the deal is more transparent, participatory and accountable, though the standard is still low. A lottery is used to determine who has access rights. Fund allocation is consulted with CFi members in a meeting and decided by an open vote. The responsible persons are asked to collect the money and thumbprint the receipt. However, there is no mechanism to track down how the funds are used, and the ‘facilitation’ money given to relevant officials had no receipt.

The two CFCs in Province A are not involved in such sales, but some of their CFC and patrol team members are implicated in pocketing money from illegal fishers. The CC leader in Site 2 reports that CFC members in his commune had pocketed money from illegal fishers before the establishment of a CFC union a few years ago. In the other, selected CFC and patrol team members for the 1st and 2nd mandates (2004-2010) were involved in bribery. The alleged bribe per arrow-shaped trap and lake/stream pumping is between $12-25 and $25-50, accordingly. Therefore, they could collect considerable bribes because in 2009 and 2010, 24 and 32 traps, respectively, were spotted in this CFi area and eight big and many smaller lakes/streams were pumped. The heads and their deputies were not implicated in this collusion; however, the 2nd mandate head was alleged by a patrol member to have profited from attending NGO-sponsored seminars and funds for dissemination. Apart from collecting bribes, some CFC members in this village

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54 Informant 7.
55 See for example, Keang et al., "Conflicts Arising from Re-Allocation of Fishing Lots: Perceptions from Community Fisheries in Cambodia," 58.
56 As interviewed by Informant 21.
57 Informant 20; Informant 21; Informant 79; Informant 80; Informant 84-85; Informant 86-88.
58 Informant 79.
59 In discussing their disunity and breakdown, the village chief metaphorically describes the CFC and patrol team members as ‘never eating delicious meals. But when they had something delicious and couldn’t equitably share the benefits, there were arguments.” Informant 23; Informant 24; Informant 25-27; Informant 29-43; Informant 45-59; Informant 60; Informant 62-64.
also use destructive gears – an incidence that is not confined to this village. That is, collusion between CFC members and enforcement agencies in collecting fees or fines happens elsewhere.60

4. Fishing Lots – An impediment to State Capacity

While the sheer number of small and medium scale fishers poses a challenge to the state capacity, the power of the handful of concessionaires/operators and their challenges to the state’s predominance are likewise enormous, and their involvement in augmenting developmental capacity is limited. They set their own rules within lots in defiance to the rules set by the state and they participate in the minimal level in resource conservation and development. These peripheral social actors indeed impact the capacity of the ‘center’ tremendously. Their challenge to the state’s predominance and capacity is partly reflected in their defiance to the gear stipulation as set forth by the state.61 As discussed earlier, countless illegal gears and activities within lots have been reported. The situations are described by some as illegal ‘beyond rule of law’ and ‘common’.62

Field interviews and the deputy PM’s report show that the state of affairs was persistent and ongoing, even in research lots whose major role was to balance commercial exploitation and environmental protection.63 In June 2011, in response to TSA reports, a MAFF undersecretary of state in an internal report states that ‘there are always illegal activities within lots’ though he doubts the picture that the MOWRAM (TSA) depicts.64 Instead of adhering to regulations, these forces use gears that enable them to meet their goals – profit maximization – with few

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60 Informant 15; Informant 21; Informant 24; Informant 44; Informant 65. See for example, Tom Blomley et al., "Review of the Community Forestry and Community Fisheries in Cambodia," (2010), 16; Wildlife Conservation Society and Administration, "Comparison between Outcomes under the Proposed Prek Toal Sanctuary and Alternative Management Regime," 110.

61 This is not limited to fishing lot concessionaires/operators. There are also private businesses in other sectors of the economy that curtail the state's capacity. Examples from such (sub)sectors as logging, agri-businesses and land transactions abound. See for example, Global Witness, *Cambodia’s Family Trees: Illegal Logging and the Stripping of Public Assets by Cambodia’s Elites* (Washington D.C.: Global Witness Publishing, 2007); Sok, "State Building in Cambodia: The Politics of Land Management and Administration in Cambodia - Focusing on Ratanakiri Province."

62 Mak, Vann, and Te, "Communication Strategies for Fisheries Conflict Management: A Case Study in Cambodia," 9; Sverdrup-Jensen, *Fisheries in the Lower Mekong Basin: Status and Perspectives*, 6: 18; Degen and Nao, "Inland Fishery Management in Cambodia: Is the Fishing Lot System the Basis for Improved Management or Should It Be Abolished?,” 11.

63 Informant 12; Informant 16; Informant 17; Informant 21; Informant 29-43; Informant 65; Informant 66; Informant 71-78; Informant 79; Informant 86-88; Informant 92. Bin, "Report on the Result from Implementing Decision 39 SSR Dating 01 July 2011 of the Royal Government of Cambodia on the Establishment of Commission to Inspect Development Lot around the Tonle Sap Lake."

64 Fisheries Administration, "Meeting Minute on Review of Results from Inspection of Anarchic Illegal Fishing in Response to Order 01BB Dated 22 May, 2011," (Phnom Penh June, 2011).
sanctions from the state. Above all, despite the illegality and their running counter to the state’s desire, the lot system had stayed intact for more than two decades with mostly the same old hands in the business. In a sense, these concessionaires/operators defy any penetration into and regulation of their affairs and the appropriate use of the resources. These strongmen tugged in rural Cambodia cripple the state’s capabilities and hinder the state’s pursuance of its development goals and programmes.65

Besides, these local strongmen have their own informal rules on how other fishers can or cannot fish within their lots and the vicinity – another manifestation of the ‘currency’ in their hands. The mandala model suggests that in the periphery where the state capacity is low, regional strongmen are quick to fill in the vacuum and establishing a centralized state authority is a challenge. These local strongmen ‘have been unwilling to relinquish their prerogatives, their ability to devise rules governing some aspects of people’s lives… and developed practices contradicting the official laws and regulations.’66 This is nowhere truer than in Cambodia and especially in these sub-sectors. Hughes’s view of the Cambodian state is that it is incapable of maintaining coherence and projecting its power vis-à-vis society.67 There is a belief in Cambodia, historically reinforced, that ‘paper [law] does not have power, people have power.’ That is, power comes from a person and/or a weapon.68 In the two sub-sectors, the ‘state may order but it does not exist in a void;’ the influential, powerful and wealthy concessionaires put the law into their hands and make rules on ‘almost all aspects of the local fisheries, including decisions violating the burden book stipulations and requirements.’69 The look into how these local chiefs manage lease arrangements and enforce rules in and around ‘their lots’ below further testifies how much social control they have.

Figure 1: Fishing Operation in a Lot as Allowed by the State\textsuperscript{70}

Concessionaire or Shareholders (Temporal Condition: Open season)

Lease (No more applicable after 2010)

Leases (condition: catch not exceed 50% of total catch, contract & open season)

Family scale fishers (Spatial & Temporal condition: areas set aside in open season & everywhere in closed season)

Figure 2: Typical Actual Fishing Operation in a Lot\textsuperscript{71}

Concessionaire or Shareholders (Operation or Simply Middlemen)

Small scale fishers: Disenfranchisement of:
1. areas set aside
2. vicinity of lots
3. lot ground in closed seasons

Leases (One year operation & not taking into account 50%)

Sub-Leases (One year operation & not taking into account 50% stipulation)

Fishing right buyers:
1. fee per boat
2. fee for a fishing area
3. share of fish catch for a fishing gear/activity
4. share of fish catch for a fishing area
5. sale of fish catch to concessionaire/shareholder/leasee for a fishing area
6. sale of fish catch to concessionaire, etc. for a fishing gear/activity
7. etc.

Lot Guards (no further the case since 2001, but hired and paid in money)

Exchange for protection

Disenfranchise =
Sale of fishing rights =
Informal and/or illegal lease or sub-lease =


\textsuperscript{71} Modified from Ly, Yin, and Degen, "Management Aspects of Cambodia’s Freshwater Capture Fisheries," 95.
According to Figure 1, the state decrees that fishing lot operations can be done by the concessionaires and/or shareholders in the open season. Before the passage of the 2010 sub-decree, which bans all types of leases, concessionaires could enter into a leasing arrangement with other fishers as far as their catch did not exceed 50% of the total catch; the leasees abided by the burden book and fisheries regulations, and a contract was made and authenticated by relevant PFOs. Family scale fishing is not allowed in a lot in the open season, but it is allowed within areas set aside within lots year round and within lots in the closed season. Figure 2 presents how concessionaires/shareholders have translated the law into actual practices over the last two decades, bearing little resemblance to what the state desires and dictates. It is not a caricature of rules and regulations, but a de-configuration beyond recognition.

There could be those holding rights to small lots who operate them by themselves. There are also different degrees of lease and sub-lease. However, as a whole leasing and sub-leasing is common – one study regards it as ‘the standard system for commercial fishing lot management.’ Some concessionaires/shareholders allegedly rent lots from the state for simply leasing, which is totally illegal. The leasing and multiple sub-leasing are usually done without a contract and on the verbal basis. While the leasing is usually on a yearly basis, the sales of fishing rights, as seen in Figure 2, are more ad hoc. Whereas the de facto leasing and sub-leasing are already illegal, some concessionaries/operators lease some areas to fishers who conduct illegal activities, doubling or tripling the illegal acts. Touch and Todd are correct to say that with this chaotic arrangement, the imposition of the stipulated below 50% catch by leasees is impractical. Existing studies provide

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76 Touch and Bruce, The Inland and Marine Fisheries Trade in Cambodia: 128.
detailed accounts of messy leasing and sub-leasing as practiced in Lot 19 in Takeo in 1997 and Lot 2 in Battambang in 2007-08. Other literature and field interviews support these studies, showing that such were practiced in other lots and that such arrangement was still ongoing despite its ban.\textsuperscript{77}

Besides the de facto arrangement above, many concessionaires and sub-leasees challenged or disenfranchised small-scale fishers and expropriated the areas set aside for them and public and CFi areas.\textsuperscript{78} Though it is impossible to gauge the extent of the illegal expropriation or disenfranchisement, case studies, reports and the field interviews show many instances abound and are still ongoing. The


Kampong Chhnang PFO head in 2000 described the illegal expropriation as their ‘customary practice’. The expropriation has been probably less intense after the withdrawal of the armed forces in 2001.

Moreover, lots are associated with private enforcement beyond what the state allows. The 1989 sub-decree allowed concessionaires the authority to temporarily arrest illegal fishers, while the current burden book stipulates that they can cooperate with FiA officials to crack down on illegal fishing within lots. However, with power, wealth and weapons on their side, such arrangement is open to abuses and manipulation. Concessionaires and sub-leasees sometimes arrest, levy fines on fishers for poaching and passing through lots, detain alleged poachers by themselves, and even inflict injuries or death. In countries with poor law and order, powerful interests have more elbows to move and coerce the citizens and commit human rights abuses. With the de facto privatization of fines, arrests and a lag in supervision, ‘equitable and consistent rule and application of law are reduced or no longer available.’

To illustrate, a case study in Kampong Chhnang in 2000 shows two concessionaires taking ‘law and order’ into their own hands. Twenty-eight people were reported to have been arrested. Thirteen of them were forced to work between one week and one month to pay for their alleged illegal fishing. Five were forced to pay between 100,000 to 200,000 riels for their freedom. One saw his/her gears confiscated and nine were detained. The report added:

"These people were forced to stay at the lot camp and were not allowed to come home in the evening. The life in the camp could be compared to a prison. There is a guard, keeping an eye on these people to avoid them escaping from the center. They were forced to do a variety of works including fishing, cutting forest and making samrah etc. The people were arrested mainly because they were accused of trying to fish in the fishing lot areas. Most of these people were unaware that these areas belong to the lots, for as many years people used to fish there."

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79 NGO Forum on Cambodia, "Fishing Conflict in Kompong Chhnang," 25.
82 Cf. Kingsbury, Political Development: 183-84.
Another separate case study on one of the lots reports that a lot guard killed a fisher and that another fisher was on the run due to the allegation of illegal fishing.84 With power, money, support, 'legal loopholes and weak enforcement, fishing lot concessionaires continue to practice these methods but are never convicted.'85

To maintain and enforce their conflicting rules on leasing and access, these strongmen are supported by a small colony of private hired guards made up of soldiers, police and/or local militia.86 Lot 2 in Battambang, for example, was like a ‘small empire’ with each entrance to the lot being guarded, a resident armed solider protecting each outer fence pen and guards keeping an eye on permitted illegal activities.87 In a country like Cambodia, especially in the hinterlands, where power, wealth, weapons and politico-military khsae or khnong meet and reinforce each other, the power of these ‘neakthom’88 is immense. The lot operation arrangements are like a small state within a state with each lot having its rules, norms, sanction, rewards, partial sovereignty and armed guards to enforce the rules.

Besides hindering the penetration, regulation and appropriation as discussed thus far, these local chiefs also thwart the state capacity to extract the necessary rents. The fishing industry is still ‘too profitable’ for fishing lots to allow scientific monitoring by the state,89 which only extracts a fraction of its share. Complaints of

85 NGO Forum on Cambodia, "Fishing Conflicts in Battambang," 12. Original quote with lot owners replaced by lot concessionaires.
86 Degen and Nao, "Inland Fishery Management in Cambodia: Is the Fishing Lot System the Basis for Improved Management or Should It Be Abolished?," 10; Fisheries Action Coalition Team and Environmental Justice Foundation, Feast or Famine? Solutions to Cambodia's Fisheries Conflicts: 25; Mak, Vann, and Te, "Communication Strategies for Fisheries Conflict Management: A Case Study in Cambodia," 10-11; Swift, Developing a Research Framework for the Fishing Lot System in Cambodia: Two Preliminary Case Studies on Fishing Lots in Takeo and Kompong Chhnang Provinces: 62.
88 Neak thom means big people. A group of villagers in a rural part of Province A use it to refer to all outsiders who have money, power or guns. Informant 25-27; Informant 29-43.
89 Cited in Baran, Jantunen, and Chong, Values of Inland Fisheries in the Mekong River Basin: 45.
catch under-reporting which distort appropriate rent calculation are numerous; nevertheless, serious investigation and punishment are rarely heard of.\footnote{Informant 1; Informant 5; Informant 6; Informant 12; Informant 13; Informant 66; Informant 67; Informant 89. Cf. Ahmed, Touch, and Nao, "Sustaining the Gifts of the Mekong: The Future of Freshwater Capture Fisheries in Cambodia," 6; Cambodia National Mekong Committee, "Paper Presentations Made at the Workshop Entitled Options for the Development of the Tonle Sap Region," (Phnom Penh1998); Lamberts, \textit{Tonle Sap Fisheries: A Case Study on Floodplain Gillnet Fisheries in Siem Reap, Cambodia}: 52-53; Sensereivorth Thor, Leoung Dep, and Thuok Nao, "Freshwater Capture Fisheries Data Collection in 1998," in \textit{Present Status of Cambodia’s Freshwater Fisheries and Management Implications: Nine Presentations Given at the Annual Meeting at the Department of Fisheries, Ministry of Agriculture, Forestry and Fisheries, 19-21 January, 1999}, ed. Nicolaas Van Zalinge, Thuok Nao, and Leoung Dep (Phnom Penh: Mekong River Commission and Department of Fisheries, 1999), 40-43; Touch and Bruce, \textit{The Inland and Marine Fisheries Trade in Cambodia}: 30 and 130-31.} In the words of van Acker, the involvement of business community in Cambodia’s countryside with its weak institutions usually tends to be ‘exploitative, as illustrated by commercial logging and fisheries.’\footnote{van Acker, \textit{Cambodia’s Commons: Changing Governance, Shifting Entitlements?:} 31.} To recap, these wealthy and powerful social forces are particularly capable of weakening the state capacity. In addition, to maintain their own version of ‘rules and regulations’, they have both positive and negative sanctions, including provisions of protection and a means of living to those adhering to them and intimidation, fines, threat, violence or even deaths to those who do not support their cause.\footnote{Cf. Migdal, \textit{Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World}: 25-26.}

The concessionaires’ involvement in bolstering the state’s developmental capacity has a poor record as well. To recall, a shared project is possible when the social actors see positive-sum outcomes.\footnote{Evans, \textit{Embedded Autonomy: State & Industrial Transformation}: 36-37.} In the case of fishing lots, a two-year contract does not guarantee that the current lot holders will reap the benefits from resource conservation and preservation. A DoF report in 1999, for instance, stated that auction lot concessionaires did not conserve and preserve the fisheries resources, but focus on the maximal exploitation of the resources.\footnote{Department of Fisheries, "Report on Fishing Lot Leasing," (Phnom Penh: Department of Fisheries, April 1999).} The shorter-term leasees and sub-leasees find it even more meaningless to conserve the resources and adhere to proper management.\footnote{Hortle, Lieng, and Valbo-Jorgensen, \textit{An Introduction to Cambodia’s Inland Fisheries}: 28; Lamberts, \textit{Tonle Sap Fisheries: A Case Study on Floodplain Gillnet Fisheries in Siem Reap, Cambodia}: 67; Wildlife Conservation Society and Administration, "Comparison between Outcomes under the Proposed Prek Toal Sanctuary and Alternative Management Regime," 105-06; Zurbrugg, "Where There Is Water, There Is Fish: An Analysis and Critical Assessment of Cambodia's Tonle Sap Fisheries."}
With limited oversight, even the long-term lease (4 and 6 years) does not make much difference with respect to conservation and rehabilitation. A former fisheries official underscores that even when the terms and conditions were lighter and expenses on such were less, many ‘research lot’ concessionaires did not even bother to fulfill the contracts. In his evaluation, the deputy PM likewise reported blatant breaches of the contracts.\(^96\) When participation does not produce any direct benefits or absence from participation does not have any direct consequences, participation is low. For example, not many concessionaires participated in the SPF preparation.\(^97\) They also provide lot researchers with unreliable information and hence contribute little to policy reformulation\(^98\) and proper resource management.

Probably their most meaningful participation in natural resources management is flooded forest protection, though this too is ambivalent. There are reports that concessionaires clear flooded forest for rice cultivation and gear production.\(^99\) For example, Nao, Ahmed and Nov Sam reported: “Fishing operations in a fishing lot uses on average 20 to 40 km of bamboo fences and 40,000 to 80,000 poles to encircle the fish shoal each fishing season.”\(^100\) Generally, the lot system has created some ad hoc and de facto environmental protection. Even auction lots in the 1990’s took some measures to protect the forest and wildlife. Lot 2 in Battambang prohibits burning of forest, and if such occurs the contract will be nullified or not renewed. Further, flooded forests within lots are better protected than those outside.\(^101\) All in all, the concessionaires’ participation in the lot development is not promising.


\(^97\) Informant 91.

\(^98\) Ly, Yin, and Degen, "Management Aspects of Cambodia’s Freshwater Capture Fisheries," 92; Mak, "The Environmental Management in Tonle Sap Lake, Cambodia," 7.


\(^101\) Cf. Baran, Jantunen, and Chong, Values of Inland Fisheries in the Mekong River Basin: 51; Chheng, "Case Study of Fishing Lot No. 3 in Siem Reap Province," 113; David Coates, Biodiversity and Fisheries Management Opportunities in the Mekong River Basin (Vientaine: Mekong River
Apart from the de facto practices discussed so far, another major indication of their social control is the big gap in their power vis-à-vis other local actors. More than 3/4 of conflict managers Mak and Te interviewed believe that powerful groups, and in this case, fishing lots and leasees, ‘will be able to win their conflicts over the less powerful groups of fishers’ unless there is political support from the ‘center,’ which comes only occasionally and only when it is under intense pressure. Therefore, conflicts are settled by power rather than through rule of law, and there is a prevalence of ‘rule by law’ and culture of impunity. Because of the weak rule of law “a local process to determine exclusion and access, based on equal voice and opportunity, has limited currency in the world of the wealthy and powerful [and] there is no other way to stop the wealthy and powerful from railroad a local rule setting.”

The power of CFIs as an entity vis-à-vis the concessionaires does not fare much better. To illustrate, with a fisheries official’s facilitation, a boundary dispute between Lot 8 in Province A and a nearby CFC in 2010 ended with a compromise. That is, the concessionaire agreed to rehabilitate a CFi lake, constructing two concrete guard posts, placing 25 concrete tubes in and releasing 350 kilograms of fingerlings into its conservation area. While this CFC can demand some

102 Conflict managers refer to local authorities from village to provincial levels, CFC members and fisheries officials. Mak and Te, "Enabling Fisheries Conflict Management: A Case Study in Cambodia," 19-20.
contribution from the lot in exchange for its expansion, the placement of *bor* by a lot operator in another CFi in this province did not see any protest from the then CFC. Some CFi members chastised: “The CFi does not lodge a complaint against the lot operator. How can we lodge a complaint against him when we are not even able to deal with the smaller scale fishers – such as fishers using electro-fishing?” A CFC head in the nearby province admits the difficulty in enforcing rules onto concessionaires because ‘these people have money and power.’

Referring to the pre-CFC union establishment, a CC leader in Site 2 noted: “The CFCs [in his commune] were never in the eyes of the lot concessionaires.”

The power of commune councilors and village chiefs is also no match for concessionaires’. A report by an NGO accuses concessionaires of having little respect and regard for the less powerful local authorities, while Swift describes concessionaires as ‘probably more powerful than the district chief.’

According to a CC leader, there are illegal activities within lots in his commune; nevertheless, they are usually not dealt with unless such an act affects his villagers. Villagers in Kampong Chhnang believe that such an attitude from their ‘parents’ is because they are bought either with fish or money. It is probably more accurate to perceive these ‘meso-level statal actors’ as relatively powerless vis-à-vis the more powerful interests and hence have to accommodate to their demands.

The power of field implementors – *sangkat* and division officials – vis-à-vis concessionaires is not much different from the local politicians’ since they have limited capacity to enforce the fisheries law, especially onto concessionaires. Furthermore, they are perceived as ‘allies of the wealthier lot operators and less concerned or supportive of small-scale operators.’ The deputy PM’s report

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107 Informant 25-27.
108 As interviewed by Informant 21.
109 Informant 79.
111 Informant 79.
112 Mak, "The Tonle Sap and Its Fisheries Management: A Case in Cambodia," 16-16; NGO Forum on Cambodia, "Fishing Conflict in Kompong Chhnang," 19-20. The term ‘meso-level actors’ here is adopted from Whittingham, "Sites of Practice: Negotiating Sustainability and Livelihoods in Rural Cambodia." ‘Parents’ is a figurative term, referring to the local authorities.
114 Mak, "Fishing for Lives: Conflicts and Struggles between Communities and Fishing Lots in Kompong Chhnang Province," 10; NGO Forum on Cambodia, "Fishing Conflict in Kompong Chhnang," 19-20; Wildlife Conservation Society and Administration, "Comparison between
reveals that there was no inspection of gears and activities and no crackdowns on illegal activities within lots from fisheries and other relevant officials. A cantonment and division leader interviewed agrees that there are illegal activities within lots, but they are rarely clamped down unless they affect nearby communities. Key informants believe that FiA officials’ inability to bring the concessionaires to obey the state’s law and policies is to do with their limited power vis-à-vis these strongmen. According to an NGO director, for example: ‘[L]ot concessionaires are even more powerful than the RGC’s staff stationed in the field to manage the fisheries resources.’ A former FiA official adds that the repercussion of dealing with these big businesses, especially when they have big backers, could be a loss of one’s position. A sangkat leader in Province A describes his request for fisheries statistics from concessionaires as ‘begging for it,’ while his provincial boss identifies research lot concessionaires as less ‘afraid of the FiA’ than auction lot concessionaires.

As an illustration of concessionaires’ power, these are how two field officials locate their position in this power relation. According to the first:

Lot concessionaires are usually powerful as they have good relationship with officials of all levels. They have good relationship with officials from the commune officials, provincial joint armed forces, provincial officials, and even officials at the central FiA and ministerial levels. Sangkat officials are just very ‘small’ and how can they dare challenge lot concessionaires. The field implementors are also afraid of their security as they live in a remote area, while those lot concessionaires and the other state armed apparatus have money and/or power.

The other added:

The relationship between lot concessionaires/operators and sangkat and division officials is generally not so good as the former (the rich ones, particularly) do not respect the roles of the latter as they think that they have nothing to be afraid of these officials. They only need the cooperation from and build good relationship with the cantonment head and provincial governors as they need their support to propose a research lot hiring.


118 Informant 66; Informant 89.

119 Informant 67.

120 Informant 89.
Finally, how did these strongmen emerge and sustain their dominance? The origin of these local chiefs can be traced to the quick and manipulated liberalization in the late 1980’s and early 1990’s, and their sustenance is supported by the fortune they have collected and hence diversification to other businesses and in a majority of cases backstage support from powerful military or political figures. Daniel Levy notes that the Mexican corporatist state under the ‘hegemonic party’ gives special treatment to privileged groups for political stability.121 The situation is not much different in Cambodia, where “[e]lite groups often receive differential access to public services, national resources, and business opportunities.”122 The control over fishing lots is a telling example. They are concentrated into the hands of a small group of ‘politically and financially powerful.’ In the 1990’s they were in the hands of just 135 concessionaires123 and even fewer in the subsequent decades.

Grzymala-Busse and Luong observe that state building in post-communist countries is rapid and unstable, and dominated by both formal and informal structures and practices, which ‘are used to varying degrees by both [international and domestic] actors seeking to establish their authority.’ This usually gives privilege to those who participate in the initial stage of the transition; therefore, those accessing the ‘economic, political and/or ideational resources’ have an upper hand in resource exploitation.124 The transformation in Cambodia is harsher than the description above. Indeed, the socialist-oriented 1980’s was not conducive to the rise of a business class – it was also too short a period for political elites to amass wealth in large amount. However, the harsher reality is that the country’s business groups had perished in or fled the DK regime. Therefore, with the overnight liberalization, the business group was too small to handle the enterprises that were to be controlled privately. In the fishing lot operation specially, two main phenomena helped establish an ‘artificial’ business elite group – rich enough to bid for a lot – simulated wealth accumulation and simulated auctions.

123 Patrick, Melissa, and Puadyal, Flood Forest, Fish and Fishing Villages: Tonle Sap, Cambodia: 3-5.
124 Grzymala-Busse and Luong, "Reconceptualizing the State: Lessons from Post-Communism," 531-37.
The state legally prohibits bidders from collecting fees from lessees before the auction.125 Yet in the 1980’s and 1990’s and beyond, many concessionaires collected fees from potential lessees beforehand to deposit to the auction committee as required by law.126 This informal practice allows mediocre businesses to have enough startup capital to bid for the lots. Other sources of initial capital include having relatives or friends as shareholders or lending from relatives, friends and/or informal moneylenders.

As a rule of thumb, to acquire an auction lot, two more informal steps are necessary: negotiation with other bidders and arrangements with the auction committee. Due to capital intensive and highly organized nature of lot operations, the business is dominated by few individuals – therefore bidding is participated among limited number of bidders.127 Statal and non-statal stakeholders agree that there are collusions and prior arrangements between concessionaires to keep the offering prices low. A Battambang deputy governor and the former DoF director, for example, concur that there are collusions amongst bidders for either tea money or low lot fees.128 A concessionaire recalled the competition in the early 1990’s:

When the krom samaki system ended in 1991, many in the krom samaki leadership did not become lot owners; it was business people who bid for the lots and hired dangkhao [lead fishers] to fish on their behalf. There were a lot of cutthroat competitions between and amongst those who had expertise in fishing and those business people who had money but not fishing technical expertise. This was especially true between 1993 and 1997.129

A DoF report refers to the collusion as ‘too complicated for the committees to identify’ and to a majority of bidders as ‘rogue’.130 According to a cantonment leader, there are two main types of collusions: (1) a discussion between the bidder who wants to hire a lot and other bidders on the highest price to be offered and the tea money for the latter and (2) a prior discussion amongst bidders for mutual

125 Fisheries Administration, "Burden Book."
126 Degen and Nao, "Inland Fishery Management in Cambodia: Is the Fishing Lot System the Basis for Improved Management or Should It Be Abolished?,” 8; Degen et al., "Taken for Granted Conflicts over Cambodia's Freshwater Fish Resources,” 2-3; van Acker, "Don't Trust Fish When They Are in Water: Cambodia's Inland Fisheries in Transition,” 12-15.
129 Informant 68. He himself was a former krom samaki head.
130 Department of Fisheries, "Report on Fishing Lot Leasing.”
assistance – exchanged promises for not bidding to a certain level for one lot in exchange for a similar promise for another lot.\footnote{Informant 66.}

Besides this bidder-to-bidder arrangement, there must be arrangements with the auction committees. Touch and Todd describe the auction as ‘a mob in the auction hall’ with poor organization, collusion and corruption, and enormous expense is unavoidable to come on terms with government bureaucrats and skilled intermediaries.\footnote{Touch and Bruce, \textit{The Inland and Marine Fisheries Trade in Cambodia}: 128-31.} In 1999, letters from many fishers in Kampong Cham accused bidders and committees of collusion in price setting, though DoF quickly rejected the claims.\footnote{Department of Fisheries, "Letter No. 153, 158 and 161 RS.Kh 199 dating 06 and 07 May, 1999 of the Commission on Human Rights and Litigation of the National Assembly," (1 July, 1999).} More than a decade later (in 2011), TSA still accused auction committees of irregularity and corruption in bidding of seven lots in Kampong Cham, Prey Veng and Kandal.\footnote{See for example, Sophakchakrya Khouth, "PM Order for ACU Oversight," \textit{Phnom Penh Post} Monday 28 November, 2011.} Likewise, two fisheries officials report that there are collusions between bidders and auction committees; a cantonment leader refers to the money paid as ‘\textit{rotka}’ –‘money for facilitation.’\footnote{Informant 65; Informant 66.} If the collusions with all actors fail to produce any result, competitive (or bloated) bidding takes place or else an arrangement with the central administration is needed before another round of bidding.\footnote{Touch and Bruce, \textit{The Inland and Marine Fisheries Trade in Cambodia}: 129-30.}

Where market mechanisms were still undeveloped, post-communist simulated transition in Cambodia ‘allows political capital to substitute for economic capital’ or the ‘recycling of the old political elite as an economic one.’\footnote{Degen et al., "Taken for Granted Conflicts over Cambodia’s Freshwater Fish Resources."; van Acker, "Don't Trust Fish When They Are in Water: Cambodia's Inland Fisheries in Transition," 12.} That is, ‘[a]s the state withdrew, informal alliances of state patronage (state bureaucrats, former communist party members and cronies) appropriated these assets. Network contacts…were transformed into power, and power into property relations and private ownership of economic capital.’\footnote{———, "Don't Trust Fish When They Are in Water: Cambodia's Inland Fisheries in Transition," 12-13. See also, Degen et al., "Taken for Granted Conflicts over Cambodia's Freshwater Fish Resources," 18; Lamberts, "The Unintended Role of the Local Private Sector in Biodiversity Conservation in the Tonle Sap Biosphere Reserve, Cambodia," 50-51; Blake D. Ratner and Eric Baran, "From Sound Economics to Sound Management: Practical Solutions to Small-Scale Fisheries Governance in the Developing World," \textit{Maritime Studies} 6(2008): 30-31.} With this high incidence of patronage,
'many privatized assets did not end up in the hands of entrepreneurs who could make them productive.' All in all, the fisheries resources fell into the hand of those who could accumulate enough capital to benefit from the liberalization and who had some form of connection to relate to the committees or central DoF and so could gain access to the lots and then partition them for profits. The FL sets that any collusion in the bidding shall lead to the nullification of bidding results; however, that a lot holding is nullified on the ground of collusion has rarely ever been heard of.

The collusion and corruption in bidding allows an elite group of concessionaires to build up and concentrate in this business. An analysis of auction lot concessionaires in Kandal and Battambang, for example, shows that in the 1990’s eleven and seven concessionaires gained the rights to exploit the same or adjacent lake/stream lots for between four and six years (out of eighteen and twelve lots) respectively, and indeed this pattern of domination happened in other provinces. The introduction of research lots further sustains and consolidates their power. While many statist thinkers draw a line between the state and society, the experience of post-communist countries reveals that there is little distinction between the private and public. Crone shows that even in non-communist countries where business elite number is small the state finds it hard to resist the economic dominant groups’ interests. And when the interests are implicitly linked to political, military or

140 An exception was probably the nullification of a number of bidding results in 2011 by the PM after TSA found out that there had been irregularity in the bidding in Kampong Cham, Prey Veng and Kandal.
142 Degen & Nao; Luco cited in van Acker, "Don't Trust Fish When They Are in Water: Cambodia's Inland Fisheries in Transition," 20-21. Also, Nao, "Community Fish Refuge Husbandry in Lowland Agricultural Ecosystem: An Alternative Option for Increasing Fish Supply and Improving Economic Condition of Farmers in South-Eastern Region of Cambodia," 42.
bureaucratic leaders, it is even much harder to resist. This is nowhere truer than in Cambodia, and especially in the fishing industry. Big business through their connections and ‘power of the purse’ have favorable access to ‘state resources, protection and a wide range of kickbacks’ based upon the proliferation of multiple inter-personal power relationships in which those with wealth, arms or political protection were privileged. The FL and the Order on Management of State Property were used to start the rental of research lots. However, due to the opaque and non-participative nature of its handling, the laws are manipulated by ‘means of informal alliances and negotiations outside legal frameworks,’ through which key figures within the states interfere into DoF’s affairs on behalf of big businesses and their relatives. Probably business elites find it much easier to bank on a central or provincial powerful backer to intervene on their behalf than to deal with the auction committees and other ‘rogue’ bidders on more favorable terms. Chapter 8 will discuss this topic in more details.

Migdal theorizes that to maintain their dominance or expand their domination, the strongmen have three options, two of which are more concentration in a particular field or expansion into other fields. The ‘research lot’ introduction feeds into this, thanks partly to the handsome profits from exploiting auction lots for a few consecutive seasons. As discussed earlier, since its establishment there has been more skewed concentration of the productive lots into the hands of just a few dozens of individuals. Besides, the rich concessionaires have expanded their businesses into other sectors, such as construction, manufacturing, processing, agri-

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145 See for example, Department of Fisheries, "Letter No. 153, 158 and 161 RS.Kh 199 dating 06 and 07 May, 1999 of the Commission on Human Rights and Litigation of the National Assembly." See also,Royal Government of Cambodia, "Order on Management of State Property," (Phnom Penh: Royal Government of Cambodia, 1997).
businesses, aquaculture and exporting.\textsuperscript{147} All these simply build up and consolidate their social control vis-à-vis the state and civil society.

In summary, the state is far from being the sole dominant actor in the sub-sectors,\textsuperscript{148} and lot concessionaires held substantial social control before 2012. To appreciate the local strongmen’s power, it is worth quoting two informants here. One NGO staff opined:

\textit{The state does not have much authority to stop the forest clearance on the Tonle Sap. The RGC is only one of the key actors in the Tonle Sap management area. There are different levels of government and non-state actors that impact the reduction of the inundated forest, and the state does not have the time, money and energy to sort those players out.} \textsuperscript{149}

With regards to the danger that LNGO staff may face in their day-to-day operations, an NGO board member added that since they are working on natural resources [and] working on projects that may challenge those that may make a profit…what is probably more dangerous is the upsetting of local power men – like the one clearing flooded forest, for example, to create an irrigation scheme that the private interest is more dangerous even if they have collusion with the state in some way.\textsuperscript{150}

All in all, such social forces as the Khmer Rouge, CFC members, and all scales of fishers flagrantly abuse the fisheries legislation and policies and establish their rules and practices, which hinders the state from realizing its full capacity.

\textsuperscript{147} van Zalinge and Troeung, "Organization of Fishing Operations in Lot 2 Battambang and Proposed Sampling Plan to Assess Its Fish Catch." Informant 65.
\textsuperscript{148} However, the instantaneous reforms in 2001 and 2011 without any consultation with any social stakeholders attest to the ‘strength’ of the state vis-à-vis society.
\textsuperscript{149} Informant 4.
\textsuperscript{150} Informant 12.
Chapter 7: Society and State-Society Relations

As discussed in the theoretical framework, a competent civil society and its strength vis-à-vis the state can be a balancing act against the state despotic power and can enhance state capacity. Furthermore, a strong and competent civil society can check against strong and exploitative social forces. While the previous chapter proves that exploitative social actors limit the state capacity, this chapter will prove that overall the reform-demanding society is weak and that its engagement with the state is restricted, albeit improving. Moreover, its strength vis-à-vis the state is rather limited.

This chapter thus highlights local NGOs’ contributions to state and communities’ capacity building and discusses factors limiting their community capacity enhancement and their relationship with and power relations vis-à-vis state agencies with illustration from LNOGs working on fisheries and forest management. This chapter then investigates CFIs’ and CFCs’ competency and weaknesses with regards to fisheries/forest management and their relationship with and power relations vis-à-vis relevant local statal actors. It ends with a brief discussion of the absence of fishing lot associations and concessionaires’ relationship with relevant state agencies.

1. Evolution of Society and State-Society Relations at a Glance

The concept of civil society does exist in Cambodia, although formal social groups were rare and bridging groups spanning a few villages probably never existed before 1990’s. Little is known about social interactions in Funan and Chenla. This too applies to Angkor, though they could have been very ‘structured’. One aspect of relations that does have more details is the patronage nature of its religious foundations, which could have been ‘economic colonies’ run on endowments, labor and in-kind support from assigned villages probably in exchange for protection from the lordly families.1 Even during pre-French arrival and decades after independence, traces of civil society groups were thin; patron-client relations still ruled, and rural dwellers’ contacts with central and regional state agencies/agents were sporadic and unfriendly, for example, for taxation and labor conscription.2

2 See for example, David Chandler, "Cambodia before the French: Politics in a Tributary Kingdom, 1794-1848" (University of Michigan, 1973); Ebihara, "Svay: A Khmer Village in Cambodia."
The term ‘civil society’ (sangkum civil in Khmer) itself had been alien to Cambodians before 1992. Even ‘society’ as a lexicon emerged in as late as 1930’s, and Cambodians have “preferred to think of themselves in terms of a king and his subjects.” Even when the ‘modern state’ was established, Sihanouk’s ruling style of ‘l’etat c’est moi’ and his treatment of his relationship with the ‘subjects’ as ‘Papa’ and ‘children and grand-children’ are not role models or an aspiration for state-society separation and citizens’ empowerment for latter regimes.

Post-communist scholars argue that civil society density and its boundary clarity vis-à-vis the state before the collapse of communism affect post-communist elite competition and state capacity. Moreover, the discouragement of association and coercion to participate in state-sponsored groups impedes post-communist civic participation and civil society building. Entrepreneurialism was not supported; such endeavor was instead suppressed. In Cambodia, the few loosely organized and weak state-sponsored mass associations representing youth, workers and women in the 1980’s were captured, accommodated or dissolved before and upon the perestroika. In post-SoC, these organizations or those derived from them are still affiliated with the Solidarity Front, which is associated with the CPP. Like these mass associations, the numerous imposed krom samaki (solidary groups) for farming and fishing were likewise not cohesive, but diluted and dissolved in the late 1980’s. All in all, little trace of ‘civil society’ groups left over from the 1980’s.

Ebihara’s observation of Svay, for example, is that it lacked ‘indigenous, traditional, organized associations, clubs, factions, or other groups that are formed on non-kin principles.” ibid., 148-49.


4 Sihanouk was not the first king who described the relationship between a king and his subjects in familial terms, though. Jayavarman V is inscribed in his eulogy as saying: “Like a father cherished by his children, he dried the tears of his afflicted subjects.” Mabbett and Chandler, The Khmer: 163-64.

5 Bratton & Walle also concur that the pre-existing conditions of the regimes in Africa determine “the dynamics and outcomes of political transitions.” Michael Bratton and Nicolas Van de Walle, "Neopatrimonial Regimes and Political Transitions in Africa," World Politics 46, no. 4 (1994): 454 and 85. Although illegal smuggling was happening sometimes with even implicit or explicit support from the cadres and family businesses were allowed to operate. See for example, Margaret Slocomb, The People’s Republic of Kampuchea 1979-1989: The Revolution after Pol Pot (Chiang Mai: Silkworms Books, 2003). Chapter 5.

6 See for example, Veasna Nuon and Melisa Serrano, Building Unions in Cambodia: History, Challenges, Strategies (Singapore: Friedrich-Ebert Stiftung, 2010); Yonekura, "The Emergence of Civil Society in Cambodia: Its Role in the Democratisation Process."


8 For a discussion of farming solidarity groups, see for example, Sok Udom Deth, "The People’s Republic of Kampuchea 1979–1989: A Draconian Savior?” (Ohio University, 2009); Evan Gottesman, Cambodia after the Khmer Rouge: Inside the Politics of Nation Building (New Haven
With the UN’s arrival in 1991 emerged a new ‘civil society’ groups – local NGOs. They have contributed quite substantially to state capacity enhancement and civil society building; however, there are shortcomings in their operations, and generally their relationship with state agencies is not always cordial, but distant and lopsided and interactions are less frequent. As for the rural society, in the 1990’s the rural social landscape was quite similar to that of the pre-war period with little trace of formal civil society groups. Joakim Ojendal and Sedara Kim observed: “Throughout the 1990s, excluding the organisations crafted by the foreign development industry, the ‘Wat Committee’ would typically be the only nongovernmental group in most villages and communes.” Since then the rural social bonds have been denser and varied thanks to the introduction of various types of externally funded CBOs. In the sub-sectors, this has given birth to more than 500 CFIs and their committees (CFC). Frieson argues that the tumultuous past has affected Cambodian communities, but ‘there are very few who would argue against their resilience.’ Yet, how Cambodians will transform such groups as ‘community’ is yet to be seen.

2. NGOs in Cambodia
2.1. NGOs’ Contributions to Capacity Building

Migdal’s focus on society as usurpers of state capacity overshadows the civility of organizations that help boost state capacity. While ‘predatory states’ would prefer...
to delete every trace of civil society, ‘intermediate states’ like Cambodia opt for selective suppression and cooperation. This study thus refutes Andrew Cock’s condemnation that the ruling elites are trying to ‘disorganize’ civil society and that ‘state’s energies are thus directed towards preventing the emergence of social groupings that might have an interest in transformation.’ More accurately, Grant Curtis notes that ‘limited civil space’ has developed and been permitted, and one type of civil society organizations that have come to dominate the Cambodian political and social landscape since 1990 are NGOs.

Since 1991 “[c]ivil society organizations and the media have flourished like mushrooms after rains,” noted Hun Sen. This is an accurate observation of the development when it comes to their numbers. Starting with one LNGO (with a foreign director) in 1990, the number has increased drastically. The total figure for 2009 was 3,207 of which 1,933 were NGOs. In 2000, over fifty NGOs worked in the fisheries/forestland subsectors. According to the SPF, thirty NGOs have worked on conservation, development, post-harvest and industry development, credit provision, and research.

14 ________, "Samdach Hun Sen's Key Note Address to the Opening Ceremony of the National Conference on 'Democracy, Good Governance and Transparency'," *Cambodia New Vision* March 2000, 2.
15 This first one was the Cambodian Development Research Institute. The first NGO with a Cambodian director – Khemara – was established in 1991. Yonekura, "The Emergence of Civil Society in Cambodia: Its Role in the Democratisation Process," 53. Including a few hundred INGOs. The initial purpose for the establishment of the local NGOs was to carry out development programs of parents INGOs or other aid agencies. However, over the years, they have diversified and engaged in activities ranging from pure human rights advocacy, legal representation, research, social service deliveries, rural community development, etc. Cf. Asian Development Bank, "Cambodia: Overview of NGOs," (2005), 2-3; Manfield and MacLeod, *Advocacy in Cambodia: Increasing Democratic Space*: 7.
16 Campbell, *Department of Fisheries Institutional Review*: 16; Fisheries Administration, *The Strategic Planning Framework for Fisheries: 2010-2019*, 2: 56. FAO, World Fish Center, Oxfam GB, Leucaena, JICA and Forum Syd are some INGOs that have programs dedicated to fisheries and/or inundated forest issues. Some prominent local NGOs working on fisheries and inundated forests are the Fisheries Action Coalition Team (FACT), the Learning Institute (LI), and the more nascent Cambodian Coalition of Fishers (CoCF). There are also province-based LNGOs working on the issues. For example, in Battambang there are Krom Aphiwat Phum (KAWP), Village Support Group (VSG), Aphiwat Satrey (AS), and CSID.
Table 16: Number of NGOs and Associations in Cambodia

<table>
<thead>
<tr>
<th>Year</th>
<th>INGOs</th>
<th>LNGOs and Associations</th>
<th>Miscellany</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>≈ 30</td>
<td>1</td>
<td>1 LNGO</td>
</tr>
<tr>
<td>1998</td>
<td>133</td>
<td>159</td>
<td></td>
</tr>
<tr>
<td>1999</td>
<td>200</td>
<td>&gt; 250</td>
<td>Both stood at some 900, according to Hun Sen.</td>
</tr>
<tr>
<td>2001</td>
<td>250</td>
<td>867</td>
<td>Only 200-400 LNGOs were active.</td>
</tr>
<tr>
<td>2003</td>
<td>≈ 200</td>
<td>&gt; 800</td>
<td>93% and 45% of international NGOs (INGOs) and LNGOs, respectively, were active.</td>
</tr>
<tr>
<td>2005</td>
<td>337</td>
<td>1,495</td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td>3,207</td>
<td>1,933 NGOs and 1,274 associations</td>
<td></td>
</tr>
</tbody>
</table>

There are four ways NGOs help boost the state capacity: advocating for other civil society groups; strengthening their capacity; building up a sense of community and giving weight to communities in dealing with other stakeholders. First, many NGOs are active in advocating for the rights of rural communities and committed to human right protection and act as watchdogs against its violations. The 2001 reforms were, for example, attained due partly to NGOs’ advocacy. Then NGO Forum on Cambodia conducted workshops to discuss fisheries issues and studies unearthing concessionaires’ culpability and fishers’ suffering, and advocated on fishers’ behalf. In 1999, fishers in Site 2 were accused of destroying a concessionaire’s gears and he brought the matter to court, resulting in the arrest of eight alleged leaders. During a protest for their release, two NGOs provided protesters with logistical and moral support.


19 Informant 71-78. According to their account, the previous lot operator allowed fishers to fish in ponds and lakes near the village. However, in 1999 a new operator claimed that the area belonged to the lot and prohibited villagers from fishing there, while villagers claimed that this area traditionally belongs to them. The lot operator employed gears to catch fish in this area; however, the villagers took the matter into their own hands and destroyed the gears. Some of the accused, according to the informants, did not even participate in this. A former village chief, who was alleged to have thumb-printed identifying the eight as leaders, denied that he ever gave his thumbprint and reported that he did not even meet the police officer. He believed that it was the police officer who falsified his print. A few village elders consulted with one of the two NGOs and asked for their help; however, the NGO encouraged them to protest on their own and gave them some ideas of how to go ahead.
Next, NGOs facilitate establishment of community-based groups/associations, including CFis, and have contributed to establishing hundreds of them. In the subsectors, according to field observations, facilitation includes training key fishers, conduct of elections and provision of per diems to government officials for their participation. NGOs also play an active role in CFi capacity and institutional development. Some post-election assistance provided by two NGOs in both provinces to partner CFis includes consulting on by-laws and other legal requirements, CFC registration, capacity building via awareness raising workshops and study tours, meeting facilitation, cash and in-kind support, and linking communities to local stataal actors. Two things are noteworthy: CFCs with a few years of NGOs support are more capable than their counterparts with no such support, and the presence of active NGOs usually facilitates the working relationship between CFCs and local authorities (and to some extent fisheries officials). While CFis with no such facilitation can end up in hostility and/or power imbalance in favor of state agencies. Overall, NGOs receive positive rating from researchers and communities they assist.

Third, with a change in their donors’ development approach, many LNGOs are shifting their focus and are assisting communities with the establishment and

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management of so-called CBOs, linking various community-based groups and associations to build up and strengthen a sense of ‘community’. Finally, since 2001, they have continued to advocate for fishers, including protests against forest clearance and legal representation provision. In the words of three fishers: “Now that we have partnered with an NGO, the expertise officials such as the fisheries officials and military police also somewhat are afraid of us. Previously, they could ride a free hand.”

Many NGOs also help the state in capacity enhancement in certain ways. They act as catalysts bringing relevant state agencies/agents closer to the people. With their continuous coordination, interactions between state agencies and communities and amongst sub-national state agencies have been strengthened, and the state apparatus are more familiar with serving the people. For example, some commune councilors in Site 2 have changed their working attitude towards communities after study tours organized by NGOs. Besides, with per diems, state officials have been extrinsically motivated to work harder. An NGO program officer added: “[A]fter the existence of the CFi sub-decree, the CFDD is more active in helping the communities with its establishment and management; however, incentives and financial support from NGOs are still necessary.”

Finally, some LNGOs (and INGOs) conduct relevant research and communicate the findings to the government and hence boost its capacity.

2.2. Factors Limiting NGOs’ Community Capacity Enhancement

Since 1990, Cambodia has been a testing ground for community empowerment for international donors via NGOs’ catalysis. With little financial support from the state and private entities, LNGOs are dependent on foreign financial assistance. Yonekura, for example, finds that four out of sixty NGOs she had surveyed were

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25 Informant 25-27.


27 Informant 70.

28 Informant 13.

29 van Acker, Cambodia’s Commons: Changing Governance, Shifting Entitlements?: 32.
solely depended on foreign funding and 68% reported that their main financial resources came from foreign donors.  

This heavy reliance on foreign assistance affects their ability to assist community building. First, it affects their sustainability and sustained support provision to the communities. An NGO leader, for instance, confided that his organization would collapse if donors terminated their funding. NGOs in the sub-sectors are no exception. One of the two prominent NGOs in province B ceased assisting thirteen partner CFCs due to the funding cuts, and the other has reduced the numbers of communities assisted since 2010 because of funding reduction. Such are the experience of some NGOs in Province A, and indeed elsewhere throughout the country.

Figure 3: Simplified Interaction between Actors in Fisheries Management with Regards to Funding and Transparency and Accountability

Another factor minimizing the positive impacts of NGOs is the nature in which their agendas are set. Contrary to their language of participation empowerment, many donors implicitly or explicitly set the agendas and approaches for LNGOs. According to an NGO director, “there are certain donors who impose models of

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32 Informant 65; Informant 70; Informant 84-85.

development on their partners and control their growth and direction.” That is, to obtain funding, LNGOs have to ‘accept the donor’s rules and play the donor’s game.’ 34 This power imbalance occurs in the subsectors too. For instance, an NGO director articulated: “Again, NGOs are feeding up.” 35

To illustrate, the Culture and Environment Preservation Association’s (CEPA’s) objectives in community empowerment, instead of being elicited from the community, run parallel to those of Oxfam GB, whose policies are set by its UK-based headquarters. 36 This applies to a prominent Scandinavian INGO, whose program officer agrees that the objectives and approaches are set by the headquarters. For example, since it does not work on livelihood issues, it does not support such projects; hence LNGOs wanting its funding must align their proposals with its vision and missions. LNGOs thus learn to ‘gauge the direction of the wind’ and raise a ‘marketable project’. 37

According to the program officer above, since 2011 his organization has started to focus on climate change, a mission set by the headquarters, and helped train some partners’ officers to produce proposals for such projects. 38 A researcher observed the evolution of this funding: “[A]gain donors are coming and the way community fisheries are now really about climate change and food security, so if you want to get anything funded in fisheries you have to link it to climate change or food security.” 39 Therefore, many LNGOs working on fisheries/forests now have a climate change component in their projects. Besides linking fisheries/forests to climate change and food security, the other trend is the shift to funding CBO projects. For instance, CEPA had its funding temporarily suspended because it did not operationalize its livelihood enhancement component of its fisheries program. The funding has apparently continued but the focus has shifted to self-help groups. 40 This shift occurs in other provinces. Three CFi heads in Province B indicate that their funders now conduct more meetings with the self-help groups

34 A CDC’s analysis as cited in Curtis, "Beyond Transition: Cambodia in the Post-UNTAC Period,” Chapter 5, 30. See also Malena et al., Linking Citizens and the State: An Assessment of Civil Society Contributions to Good Governance in Cambodia: 8; Un, "State, Society and Democratic Consolidation: The Case of Cambodia," 239.
35 Informant 12; Informant 14. van Acker, "Don't Trust Fish When They Are in Water: Cambodia's Inland Fisheries in Transition," 41-42.
36 For more details, see Whittingham, "Sites of Practice: Negotiating Sustainability and Livelihoods in Rural Cambodia,” especially Chapter 6.
37 Informant 5; Informant 70; Informant 84-85.
38 Informant 5.
39 Informant 14.
40 Whittingham, "Sites of Practice: Negotiating Sustainability and Livelihoods in Rural Cambodia," 128-29.
and less with the CFCs. An NGO team leader in Province A explained her organization’s shift from CFi to CBO:

The funding to the CFi by Oxfam GB ended in 2008. Therefore, since then there has been no financial assistance to CFis supported by us. Since 2009, we began to link associations and groups, such as CFis, Livelihood Rehabilitation Association, self-help groups, and Farmers’ Associations within each village to create a CBO under the sponsorship of VSO. Because of the availability of funding for CBOs, our organization began to discuss with committee members of these associations and groups about establishing a CBO within their village. After agreeing to the essence of CBO, we submitted a draft funding proposal to VSO and upon approval of the draft fund, a finalized proposal is submitted. Before 2006 we got the funding from Oxfam GB for the CFi program; the funding ended in 2008; VSO jumped in. ICCO and EED funded the entire CBO program for its founding and strengthening since 2008. Their intention and focus are on CBOs, not for CFis, so they are not interested in funding CFis.

All in all, with heavy reliance on external funding and little bargaining power, LNGOs are limited in what they can do and approaches they adopt. This is not to criticize that these agendas and approaches are bad, but that they are determined by global trends of funding and therefore lack local inputs as to what is necessary. One NGO board member explained:

I am not criticizing that agenda because on the whole like the work on human rights, the work on participation, on transparency, on better use of the resources, all of these are good things. I do often feel that the agenda is driven by what donors are able to fund, and if I am to say more broadly the limitation of NGOs is that…they can only do what donors want.

The limited bargaining power finally falls to the communities. A Tonle Sap Fishers’ Network (TFN) staffer, for example, explains that what he is doing responds to the CFC’s needs. However, the CFC must ‘respond to the five principles of the Fisheries Action Coalition Team (FACT)’.

LNGOs’ external dependency and lack of grassroots support within the context of narrow rural political space limit their political space and maneuver and dictate how they seek support when they are in trouble or want to push for reforms. Un, for example, finds that advocacy NGOs usually call for donors to pressure for judicial reforms, which is not always fruitful. Similarly, their participation in fisheries/forest consultation meetings organized by DoF/FiA was often made possible only after INGOs’ interventions. CEPA alleged that the governor of Stung Treng wanted to exert control onto its operation and to deal with this

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41 Informant 86-88.
42 Informant 70. Original quote with the name of the NGO replaced by ‘us/we’. The informant could not give the full names of ICCO and EED.
43 Informant 12.
44 Informant 23.
46 Manfield and MacLeod, Advocacy in Cambodia: Increasing Democratic Space: 48-49.
pressure, it implicitly urged the CFi it supported to demonstrate in front of PFO, but more importantly sought the support from the Swedish embassy. In short, instead of seeking support from communities they assist, LNGOs often turn to their foreign backers to open up their ‘space of engagement’ which is not always effective.

Finally, due to their external dependence and no grassroots membership, LNGOs are poorly accountable to the people they claim to represent and fail to cultivate ‘social embeddedness’ with villagers. Therefore, any ‘effort to empower citizens, promote grassroots participation or build civil society from the bottom-up is still limited in scale and scope.’ That is, since LNGOs are run by elites and professionals, ‘their societal depth, engagement and representation can be questioned.’ Hughes rightly argues that the NGO sector ‘is primarily urban, professional, intellectual and existing in a didactic relationship to the weak, uneducated and rather dangerous grassroots.’ In other words, NGOs have failed to build a sense of ‘civil society’ in rural areas, developed at the expense of overall growth of civil society and unintentionally sustained patronage in rural society.

Apart from external dependency, NGOs’ community capacity enhancement is further affected by NGO elitism, limited grassroots support and participation and narrow political space in the countryside which can result in three negative repercussions. First, most NGOs concentrate in Phnom Penh and major provincial towns and have many projects there and fewer in the rural areas where their intended beneficiaries reside. A survey, for example, shows that 70% of NGOs are based in Phnom Penh and half of the rest in such large provinces as Battambang, Kandal and Siem Reap. That NGOs’ activities center in Phnom Penh and provincial towns is probably less true for NGOs working in the two subsectors as their beneficiaries are on or near the water bodies. Second, since many staff are not from the communities they work for, they lack enthusiasm in activism and

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48 Malena et al., Linking Citizens and the State: An Assessment of Civil Society Contributions to Good Governance in Cambodia: 8; van Acker, Cambodia's Commons: Changing Governance, Shifting Entitlements?: 34-35; ———, "Don't Trust Fish When They Are in Water: Cambodia's Inland Fisheries in Transition," 41-42.


commitment of activists. Finally, there is less meaningful or effective participation from the communities in decision-making and a lack of soliciting initiatives from them. According to Yonekura, only 17% of CAs in her study consulted with their target beneficiaries in decision-making. NGO interviewed claim that they hold discussions with villagers before deciding a course of action or introducing a new project/approach. However, due to power asymmetry and the patronage nature of Khmer NGO structure and process, discussions can be a fait accompli or simple going through the motions. Some NGOs even work for or in place of the communities. They, for instance, draft CFi agreements and hand them to the communities. CSID is, for example, reported to have handed over a by-law to the community in Site 1. Community (even CFC) members claimed that they did not participate in its production. This NGO allegedly did many other things on behalf of the CFC.

Table 17: Level of Participation in Decision-Making

<table>
<thead>
<tr>
<th>Participation Level</th>
<th>%</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participation of target beneficiaries in decision-making</td>
<td>17%</td>
<td>10</td>
</tr>
<tr>
<td>Participation of staff or ordinary members in decision-making</td>
<td>43%</td>
<td>26</td>
</tr>
<tr>
<td>Decision-making by leaders only</td>
<td>40%</td>
<td>24</td>
</tr>
</tbody>
</table>

Three other limitations that restrict the impacts of NGOs’ interventions are the absence of phase-out plans, limited coordination/cooperation amongst each other and with the state and project duplication. Two informants lament the lack of an exit plan once a project is over. According to Informant 12:

> When an NGO is paid to do a project, it tends to almost become a form of better management whereas it does not have a hand-over plan of full ownership to the communities. That’s a blanket statement…but you also find example of it where an NGO doesn’t have a phase-out plan, a hand-over plans, that sort of thing, which I personally find ridiculous because there is always more work to be done, it is not like funding away one project to be sustainable in a community means that it works.

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52 Asian Development Bank, *A Study of NGOs: Cambodia*: 2; Kato et al., *Cambodia: Enhancing Governance for Sustainable Development*: 46-47. In the language of the CDC, NGOs argue over what is the best development approaches between: “we are the educated and expert and powerful and we know best’ approach and the ‘we must encourage and support the local community to articulate its own development needs’ approach. Cited in Curtis, "Beyond Transition: Cambodia in the Post-UNTAC Period," Chapter 5, 31-32.
53 Informant 70; Informant 84-85.
54 Informant 45-59. Some other things it did on behalf of the community include erecting sign and guard posts at the sanctuary. This could not be confirmed by the NGO. CSID stands for Community Support Improve Development. Manfield and MacLeod, *Advocacy in Cambodia: Increasing Democratic Space*.
56 Informant 14.
As for coordination/cooperation among NGOs, there has been some effort to improve their networking and coordination. That is, some formal networks have developed “well-organized systems and structures for regular information exchange and coordination.” There are also sector-specific umbrella organizations. Nevertheless, their coordination and cooperation are still limited. Cooperation and coordination amongst sub-national NGOs is even more limited because of funding competition, leadership personalization and little technical and financial support. As a result, “efforts to build up a strong society as a counter-balancing power to the government” is further weakened.

In the subsectors, no formal network for sharing information, coordination and collaboration was found before the reforms. FACT, established in 2000, began the coordination with initially eight NGOs and as of 2006 with twelve national and thirty-six province-based NGOs. Individual NGOs, however, still reserve their rights on how to implement their projects. One result of such limited coordination is uneven geographical project distribution, project duplication and limited build-up of interventions. An INGO program officer indicates that some CFIs receive support from multiple NGOs, while others receive little or none. According to his observation, NGOs usually work in areas that are easily accessible, leaving areas with difficult access with little support. This has been confirmed by interviews in the field. For example, CFIs in the middle of the Tonle Sap Lake receive less support. Besides, NGO workers believe that there are many project duplications on the ground. An NGO in province A shows that projects in some of its target areas overlapped with TSEMP (2004-2008), PACT’s project (2004-2009) and more recently Fintrac’s (2011-); another reports that its target areas also received TSSLP (2009-2010). One NGO in province B witnessed similar interventions by the Mekong River Commission (MRC) in selected villages that it worked during 2001-

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59 Informant 5.
04. Some informants reveal that there has been no discussion amongst them about their projects; therefore, some interventions have been duplicated. Due to the lack of coordination, many of these projects are not linked up and do not build up the previous efforts by other organizations.

Finally, two other limitations that restrict their contribution to community building merit some attention. First, many LNOGs’ operational capability is still weak due to their embryonic or building-up stages. Therefore, instead of full dedication to community building, many are also concerned with development of their organizations. Second, many NGOs’ interventions are based on a single issue. For example, in Site 1, there are at least four externally assisted associations: one CFi, two agricultural associations and one so-called CBO. Such is the experience in other communities visited. This threatens to be divisive to the building of a coherent community or fragment communities into various small factions.

2.3. NGO-State Relations

The state formally admits NGOs’ contribution in reconstruction, development and reforms of Cambodia. Policies usually “promise” to provide NGOs with favorable environment for their operation. To quote the government’s language: “The Royal Government welcomes the participation of the NGOs in the process of socio-economic rehabilitation and development and the promotion of Democracy and respect for human rights.” The actual relationship is best described as ‘complex.
and still being defined,’ ‘controversial,’ ‘mixed’ and ‘competing for external funding’.64

The state’s attitude towards NGOs can be described as liberal because it permits association and networking quite freely.65 However, generally cooperation is hindered by mistrust and poorly devised and infrequent joint projects. A CPP parliamentarian, for instance, said: “Some NGOs rock the boat.”66 The wary relationship and limited trust are also seen in the subsectors. To illustrate, an ADB’s internal report reveals that the delay of Component 2 of TSEMP was due in part to ‘the reluctance of the government to work with NGOs’ as the contract required that 50% of the government counterpart fund would be executed by NGOs.67 A Tonle Sap Biosphere Reserve (TSBR) secretariat consultant distinguishes between ‘acceptable’ and ‘unacceptable’ NGOs when asked whether TSBR can work with NGOs.68 Despite all these, the state is often supportive of NGOs’ initiatives, and DoF and NGOs have engaged with each other and worked in some joint projects.69

State-NGO relationships must be viewed as spatial and temporal and can be both place and issue-based. NGOs have more interactions with state agencies in Phnom Penh because of larger political space and presence of donors’ agencies.70 In big

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64 Campbell, Department of Fisheries Institutional Review: 16; Mak, "Cooperation in the Mekong River Basin: A Reflection of Cambodia Experiences in the Mekong Development," 31; World Bank, Country Assistance Strategy of the World Bank Group for the Kingdom of Cambodia: 1. Campbell, Department of Fisheries Institutional Review: 16. Here is how an INGO director sees FiA-NGO relationship: “International NGOs have a very good relationship with government because they often function as donors, but national NGOs like CEPA and LI, they are often rivals, competitors for funding because they would go to donors for similar activities…They still very much compete with each other for funding for implementing similar activities.” Informant 6.
provinces such as Kampong Thom and Battambang, where there are more interactions and a relatively large NGO community, there is more (informal) cooperation and less mistrust. In the smaller and more remote provinces as Kratie and Preah Vihear, the relationship is less cordial.71

Over time, this relationship has also improved. In the early 1990’s, there was more suspicion between the state and NGOs and some state agencies saw NGOs as a threat. Furthermore, there were no formal mechanisms to facilitate interactions between the two.72 Interactions and dialogues in the last decade and a half have built more trust and the two have seen each other in a more favorable light. As the RGC now puts it: NGOs are now called ‘a development partner’. Some signs of improving relations include more access to information by and consultation with NGOs in policy and legislation formulation and more participation by state officials in events NGOs held.73 In fisheries/forest management, the pre-reform period likewise saw tension between NGOs and provincial/local authorities and DoF; more recently, there has been increasing engagement with NGOs and communities.74 In Phnom Penh, more formal and systematic mechanisms for interactions have been established – for FiA, it is the TWGF.75 There are some shortcomings in the interactions, though. One is that advocacy and interventions are usually done through personalities, rather institutionalization. Second, Yonekura finds that CAs with special support from the government, such as having state officials affiliated with them in some way, have less ‘problematic relationship’ with state agencies.76 Third, while NGOs have more input to laws and policies, their inputs into sub-laws are more restricted.77

71 Manfield and MacLeod, Advocacy in Cambodia: Increasing Democratic Space: 31.
73 ———, Cambodia: Enhancing Governance for Sustainable Development: 39-47; Manfield and MacLeod, Advocacy in Cambodia: Increasing Democratic Space: 10. This is also reflected in the PM’s judgment that out of more than 2,000 NGOs, only some 1% do not play a constructive role. Cambodia New Vision, "Asia Sajak Graduation: Welcome Thai Friends with Korko," Cambodia New Vision June 2009, 1.
74 Cf. Campbell, Department of Fisheries Institutional Review: 50-51; Manfield and MacLeod, Advocacy in Cambodia: Increasing Democratic Space: 39.
76 For example, ones receiving some financial support from a state official or having state officials affiliated with them in some way. Hughes, The Political Economy of Cambodia's Transition, 1991-2001: 166; Manfield and MacLeod, Advocacy in Cambodia: Increasing Democratic Space: 11; Yonekura, "The Emergence of Civil Society in Cambodia: Its Role in the Democratisation Process," 93-94.
77 Manfield and MacLeod, Advocacy in Cambodia: Increasing Democratic Space: 30.
Apart from temporal and spatial specific, state-NGO relations are based on the issues NGOs pursue and activities they carry out. NGOs working on social service delivery enjoy a better working relationship with the state, whereas their counterparts working on human rights and democracy promotion have less amiable (and sometimes harsh) relationship with the state. Over time, the state even encourages NGOs to work on social development issues. In the subsectors, many NGOs working on CFIs have had more or less good cooperation from local authorities and DoF, especially after 2001. A watchdog role usually makes advocacy NGOs, including those working on fisheries/forest management, ‘a thorn in the eyes’ of state agencies as they dig up their passivity and negative attributes. This leads to oftentimes poor relationship and distrust. This is true with regards to relationship between some NGOs and FiA since “a watchdog role sometimes requires NGOs to say things that are difficult for the government to swallow.” For instance, when a LNGO uncovered and published concessionaires’ abuses and corruption of DoF’s staff and local authorities in the late 1990’s, DoF was unhappy with what it did. When NGOs shout outside the system or do tasks DoF thinks overstep its jurisdiction, the relationship is even worse.

FACT-FiA relationship is a telling example of an advocacy NGO and a state agency. While many NGOs ‘are easy to work with,’ FACT is ‘going into a different direction,’ according to an FiA leader. A cantonment leader describes FACT as ‘shaking hands and stamping on the feet’ and impossible to work with ‘since FACT works mostly on advocacy and criticizes the government’ and he is a government official. One NGO advisor puts the problem down to the fact that “FACT was very critical of the FiA’s performance and accountability and its ability

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79 Cf. Khai and Thai, "Community Participation in Fisheries Management: A Case Study from Tboung Khlaa and O Mreah Villages, Stung Treng Province, Kingdom of Cambodia," 6; Tath et al., "Case Study on Community Fisheries Established in Kampong Chhnang and Battambang Provinces, Cambodia."


82 Informant 11.

83 Informant 80.
to manage fisheries,” accusing the administration as being pro-elite. Others agree that there is an uneasy relationship between FACT and state agencies, including FiA due to the nature of its work. One NGO board member describes the relationship as a power struggle between the NGO sector and FiA and the latter’s unwillingness to treat NGOs on an equal term. The government released the lots en masse in 2001 and NGOs had been actively involved in establishing and strengthening the communities for years without much DoF’s interference. It was when TSEMP was operational in 2005 that saw the heightening of the relationship. Over the last three years, however, there has been some improvement due probably to more interactions via the TWGF and the changing attitudes on the part of FACT as it tries to seek for DoF’s cooperation in its projects. Indeed, other NGOs have tried to improve their relationship with FiA too. One TFN staff, for instance, describes his role as a lobbyist to link all statal stakeholders to CFCs and adds that his regional boss advises him to cultivate good relationship with all actors involved, including FiA’s staff.

All in all, the NGO-FiA relationship has been changing. There was not much interaction as CFIs were not yet established in early 1990’s and were in a pilot stage in late 1990’s. Then, there was little cooperation but suspicion on the part of the state towards NGOs’ initiatives. The early 2000’s saw a heated relationship because NGOs now advocated on the behalf of fishers. There were probably fewer interactions (though animosity remained) until TSEMP started when DoF more forcefully re-asserted itself into CFi management, and when they were reluctant to share the stage over the best approach to community management. The

84 Informant 4.
85 Ibid; Informant 7; Informant 12. See also, Em and Team Members, "Approach to Build up Assembly of Cambodia’s Fishers around Tonle Sap Lake."; Mak and Te, "Flooded Forest Clearance for Reservoir and Irrigation or Taking Flooded Forestland for Ownership: A Case Study of the Conflict Between Community in Poy Tasek Village and a Private Company.
86 Informant 12.
87 Informant 4; Informant 7; Informant 12; Informant 70; Informant 84-85.
88 Informant 23.
89 See for example, van Acker, "Don't Trust Fish When They Are in Water: Cambodia's Inland Fisheries in Transition," 41-42.
90 Informant 12. This informant adds that the government was thinking of replicating best practices of co-management around the lake and NGOs were to play a supportive role, while NGOs were suspicious of this as they were afraid of losing the power and came under the government’s control. The government was re-defining its roles in CFC management after Hun Sen released the areas to the people. See for example, Manfield and MacLeod, Advocacy in Cambodia: Increasing Democratic Space: 48-50; Tath et al., "Case Study on Community Fisheries Established in Kampong Chhnnang and Battambang Provinces, Cambodia."; Somomy Thy, Bunthoeun Sim, and Srey Mom So, "Community Fisheries Development and Networking," in The Development of CBNRM in Cambodia, ed. Serey Rotha Ken, et al. (Phnom Penh: CBNRM Learning Institute, 2005), 128-29.
relationship has improved over the last three years as some advocacy NGOs were invited to the TWGF and DoF officials attend NGO events. One source describes the evolution:

The relationship between NGOs and FiA has seen improvement over the years. Before and a few years after the reforms, the relationship was not good, as a large number of NGOs worked mostly or totally on ‘advocacy’ and digg[ing] out the inactiveness and negativity of FiA to donors; however, simultaneously there were NGOs that worked along with DoF. Later, there have been changes in NGO working habits, with many turning to work and support FiA.\(^{91}\)

These continuing interactions help cement state-NGO relationships. Nonetheless, the good relationship is further enhanced because FiA officials receive per diem for their work with or for NGOs. Given their meager salary, these supplementary incomes to sub-national officials provide them with some external motivation.\(^{92}\)

The relationship is also promoted by donor-sponsored projects. For example, a fisheries official in Province A relates his close relationship to NGOs to TSEMP, which allows the cantonment and NGOs to work together.\(^{93}\) Two things are noteworthy. Cooperation is issue-specific. FiA is more cooperative when it comes to attending NGOs’ meetings, providing them with “less sensitive” documents and participating in less controversial activities. NGOs complain that DoF sub-national officials are less cooperative in dispute resolutions between communities and fishing lots and with crackdown on illegal activities within CFi areas.\(^{94}\) Second, personal relationship helps facilitate cooperation. Yet, although nurturing relationships with lower level officials is easier, they are not often in a position to make decisions, and they usually need their provincial boss’s authorization if they want to work with NGOs.\(^{95}\)

The relationship between sub-national authorities, especially CCs, and NGOs has also changed. In the 1990s, they were unhappy with local NGOs, which exposed their inaction and caused them a loss of revenue from bribery and other activities. Moreover, the NGO presence challenged their de facto monopoly over local power; thus there was a need to co-opt or control how they operated. Such is the case of

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\(^{91}\) Informant 13. Two NGO leaders also see the trajectory of their NGO with the sub-central FiA in a similar vein. Informant 84-85. See also, Campbell, *Department of Fisheries Institutional Review*: 16; Ly, "Inland Fisheries Management and Institutional Changes in Fisheries in Cambodia," 75.

\(^{92}\) Informant 3; Informant 23; Informant 70; Informant 84-85. See also Ministry of Social Affairs, cited in Asian Development Bank, *A Study of NGOs: Cambodia*: 23.

\(^{93}\) However an NGO in Province B attributes TSEMP to more distant relationship with the cantonment. Informant 65; Informant 84-85.

\(^{94}\) Informant 25-27; Informant 69.

\(^{95}\) ———; Informant 70; Informant 89. Bradley in her study on NGO networking also comes up with this finding of authorized participation. Bradley, *Natural Resources Management Networking in Cambodia: Status, Lessons Learned, and Future Possibilities*: 37.
the Stung Treng governor as discussed earlier. However, even then, there were informal mechanisms in some provinces for coordination and information exchange. Yet, since 2002 elections (and more so since the indirect district/provincial council elections in 2009), the CCs have been closer to the people, and there has been more cooperation and interactions with NGOs which are perceived as local ‘development partners’ which inject substantial money into their communes. NGOs are, for example, invited to fund projects in CDPs and District Integration Workshops (DIWs), including fisheries/forest-related projects. This cordial relationship is further re-enforced by the monetary incentives (per diem and travel allowance) provided by NGOs for their cooperation and other assistance schemes, such as NGOs’ funding of CCs’ study tours and their monthly meetings. Two CCs and two LNGOs interviewed thus speak of improvement in relationship and more frequent interactions over the years.

There are limitations in their relationship, nevertheless. Some NGOs lack the attention to the local governance structure – formal and informal – hindering the ‘buy-in’ from local authorities. An NGO in Province B, for instance, agrees that before 2005 it viewed local authorities as unimportant for its operation and did not bother to cultivate good relationship with them. Besides, there are instances of responsibility evasion on the part of local authorities, especially towards issues that are hard to deal with. There are complaints that local authorities push NGOs to seek assistance from FiA instead when it comes to complaints about illegal activities within CFi areas or when there are abuses from concessionaires or operators. All in all, there has been improvement in state-NGO relations; this is especially true for NGOs working on development issues. In addition, there have also been more interactions and improvement in relations with advocacy NGOs. In terms of power relations, NGOs’ bargaining power is still weak, though that is increasing through more interactions with state agencies. In the subsectors, this...
weak power-relation reflects itself, for instance, in the limited incorporation of the 10-point recommendations from NGOs and communities into the CF sub-decree.\textsuperscript{102}

3. Community Fisheries and Their Committees

3.1. Strength of CFIs and CFCs

Unlike predatory states, the Cambodian state has tried to build up communities of various sorts. This manifests in the formation and increase in CFIs and other rural groups. In this sense, Cambodian social landscape is said to be now ‘vastly more integrated,’ ‘more plural, more complex and more open.’\textsuperscript{103}

Table 18: Number of CFIs\textsuperscript{104}

<table>
<thead>
<tr>
<th>Year</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
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<td>316</td>
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<td>423</td>
<td>447</td>
<td>447</td>
<td>467</td>
<td>469</td>
</tr>
</tbody>
</table>

‘Communities’ created by outside agents with sufficient sustained technical, legal and financial support prove to be functional.\textsuperscript{105} According to an NGO director: “Some [CFCs] are very new; some are just established for two years and they don’t have the core members to keep it going, while other community fisheries groups have been operational for nearly ten years, and they have a very strong leader, they have administrative capacity to manage themselves, administratively, financially.”\textsuperscript{106} Other key informants agree that there are successful CFCs and CFi/CFC members that show willingness, determination and enthusiasm in their work throughout the country.\textsuperscript{107} NGOs and CFi/CFC members interviewed indicate that generally at least 1/3 to ½ of CFC members are actively involved in the CFIs’

\textsuperscript{102} Cf. Asian Development Bank, \textit{Cambodia: Growth and Sector Reforms}: 5; Malena et al., \textit{Linking Citizens and the State: An Assessment of Civil Society Contributions to Good Governance in Cambodia}: 10; Manfield and MacLeod, \textit{Advocacy in Cambodia: Increasing Democratic Space}: 8-9 and 32-35. Out of the ten points, only 1 was accepted and the rest were dismissed for the lack of technical backup. In the words of Informant 12, “At the time of the fisheries law preparation – I think it was the 10-point letter was sent by FACT on behalf of the wider network of NGOs and fishers, yet the final law did not account for those points. So if we look at the balance of power between the state and the civil society, then we can say that the state does have a strong control over the how the regulation was drafted.” Informant 12.


\textsuperscript{105} Patrick, Melissa, and Puadyal, \textit{Flood Forest, Fish and Fishing Villages: Tonle Sap, Cambodia}: 6. Informant 14.

\textsuperscript{106} Informant 6; Informant 20.

\textsuperscript{107} Informant 2; Informant 10; Informant 13; Informant 15; Informant 79. Mak, "The Environmental Management in Tonle Sap Lake, Cambodia," 21.
management. Furthermore, with NGO and FiA support, many CFCs’ administrative skills have improved, resulting in less corruption and more transparency. Some have engaged with relevant state agencies more often and even helped their communities diversify their livelihood options.

These attributes have brought about some positive impacts. First, over the decade and in comparison to public access areas, destructive fishing practices in most CFi areas have dramatically decreased. A study in Pursat, for example, shows that in 2003-04, in Anlong Raing CFi area only 16% of respondents used brush parks, while a nearby non-CFi area saw 66% of respondents using this gear. Second, studies and field interviews show that there are communities which see or perceive increase in fish catch and income. Third, communities have been less subservient and shown signs of more solidarity. They are more courageous, better informed of their rights and more knowledgeable. Finally, some CFCs have contributed to local development via monetary contribution to the aged, the poor and vulnerable, provision of counterpart funds to various self-help groups and contribution to

building local infrastructure. While some people applauded their considerable progress in natural resources management and local development, others are more reserved in their judgment since successful cases are scattered at best.

3.2. CFCs’ Weaknesses in Resource Management

All stakeholders concur that overall CFCs’ capacity to manage the resources is limited. Their knowledge, skills and experience do not suffice for effective management. Three CFC heads in Province B state that despite constant NGOs’ training and sharing workshops, half of their members experience little improvement in capacity. Besides, most CFIs are in the initial phase and ‘have not reached a stage beyond the creation of institutional structure and the articulation of basic resource use regulations.’ Worse still, some CFCs only exist on paper.

Informant 25-27; Informant 86-88.

114 For ‘successful’ cases, see for example, Wolf D. Hartmann, "It’s Co-Management or No Management," Mekong Fish Catch and Culture June 2000, 3; Marschke and Sinclair, "Learning for Sustainability: Participatory Resource Management in Cambodian Fishing Villages," 208-09. Informant 3. For the other, see Chap, Carl, and Leng, "Fisheries Conflict and a Failed Community Fishery in Phat Sanday Commune, Kampong Svay District, Kampong Thom Province," 3; Middleton, "The Expansion of the ADB’s Influence in Cambodia’s Water Sector: Judging the Effectiveness of ADB Water Management Projects in the Tonle Sap Basin," 16-17; Oxfam Great Britain, Evaluation of the Impact of the Fisheries Reform in Cambodia on the Livelihoods of Poor Fishers: 15; Tath et al., “Case Study on Community Fisheries Established in Kampong Chhnang and Battambang Provinces, Cambodia,” 1; Viner et al., Development of Fisheries Co-management in Cambodia: A Case Study and Its Implications. Informant 12; Informant 80. An NGO deputy director describes the evolution of CFCs as a parabola with communities’ interests and determination in CFi affairs increasing since 2001 and with more engagement from FiA and donor’s financial support via NGOs. This state of affair peaked in 2005-06 before the release of the CFi sub-decree and has nose-dived ever since due to the lack of cooperation from FiA and concerned state agencies. Informant 69.


116 Informant 86-88.

117 Mak, "The Tonle Sap and Its Fisheries Management: A Case in Cambodia," 12-13; Mak and Grundy-Warr, "Spaces of Engagement and Contested Territories of the Tonle Sap," 19-21; Seng, Impact of Community Fisheries Management on Livelihood of Small-Scale Fishers in Cambodia: 1. Numerous case studies prove that their capacity is limited. For example, Khaiing, Sung, and Un, "Participation in Fisheries Co-Management in Kandal," 146; Koroma, "Local Reforms of Community Forest and Fisheries Management," 305; Mak and Te, "Community Fisheries—Up and
One manifestation of incapacity is that in all CFi areas there is illegal fishing and forest clearance. In some CFIs, it is a total rule breakdown. There are cases where even sanctuaries are fished, where CFC members themselves get involved in illegal fishing and forest clearance and/or where CFCs are not able to make outsiders conform to their internal rules. In one case study, illegal fishers from outside the community made up of more than 2/3 of perpetrators. Anecdotally, villagers in a floating CFi complain that the CFC is quick to arrest or fine them, but rarely take action against outsiders. Out of the 32 bor in Site 1 only a few belong to outsiders and the CFC cannot get rid of destructive practices by nearby lots. This ‘muscle power’ exercised by outsiders occurs elsewhere as well. Another manifestation is the sale of fishing rights by selected CFCs, skirmishing of NGOs’ support and moonlighting by some CFC patrol teams. Some CFCs are plagued by poor governance, such as lack of transparency and accountability, poor consultation in decision-making and top-down mentality. All these sometimes lead to total community breakdown.

Villagers in Site 1, for example, reveal that their
leaders have never informed them of progress of their four protests against illegal fishing. CFCs in Site 4 show that they have never receipted the ‘facilitation’ money offered to CC members and FiA staff and that there is no mechanism to follow up how these packages given to authorities are spent. Finally, a sense of community in many CFIs is questionable. Many CFi members, for instance, are not keen in patrolling when there is no chance for personal benefit.

Building cohesive CFIs faces many challenges. First, communities’ historical roots are shallow and this is further destroyed by protracted conflicts; therefore, local institutions must ‘start with a handicap.’ Second, rather than building strong institutionalization in the first place, many state agents established CFIs to meet central requirements. Elections were conducted in haste, sometimes lacking broad participation, and many poorly qualified villagers are elected into the committees. Such elections have thus resulted in drastic increase in CFi quantity, not quality.

Third, community leadership in many CFIs is still weak – a Danida representative describes them as ‘raw people’ with little leadership and management skills and technical knowledge. Fourth, there is the issue of CFi/CFC members’ participation and harmony. Some CFi members (around half) are not actively involved in the CFi affairs. Related to this are that many CFCs lack unity and a culture of

Fish When They Are in Water: Cambodia's Inland Fisheries in Transition," 40-41. Informant 21; Informant 23; Informant 45-59; Informant 60.

125 Informant 29-43; Informant 86-88.


128 As of 2010, out of 469, 236 were registered; 60% had by laws, 31% had maps, 13% had action plans and 17% had sanctuaries. Fisheries Administration, The Strategic Planning Framework for Fisheries: 2010-2019, 2: 45; Ministry of Agriculture, "Achievements after Ten Years of Fisheries Reforms (2000-2009)." See also, Tep et al., Asserting Rights, Defining Responsibilities: Small-Scale Fishing Communities and Fisheries Management. Perspectives in Asia, A Study on Cambodia: 12-13.

129 See for example, Asian Development Bank, "Technical Assistance Kingdom of Cambodia: Preparing the Tonle Sap Lowland Stabilization Project," 8-9; Chap, "Effectiveness of Participation
teamwork. In Site 1, unity and cooperation were curtailed by personal disputes between the head and her deputy and uneven distribution of bribery among the leadership and/or the patrol team.\textsuperscript{130} Besides, a fisheries official indicates that the elections of political party-affiliated individuals and/or perpetrators into CFCs often destroy their unity and cooperation.\textsuperscript{131}

The sustainability of many CFIs is at risk as they are dependent on little or uncertain external funding. This is exacerbated by donors' late intervention into the subsectors. The belated TSEMP and TSLLP were meant to inject some capital into CFCs to enable them to generate more revenue. However, as a CFC in Province A complains, the revenue is too little to matter.\textsuperscript{132} Many CFCs thus lack financial resources for CFI management.\textsuperscript{133} While CFIs' by-laws stipulate that membership fees shall be paid annually; in reality this is not the case and there is little effort to enforce this.\textsuperscript{134} Some CFCs manage to ‘rent’ sections of CFI areas; however, large
part of the revenue is used for socio-economic development rather than for CFi-related activities.\textsuperscript{135}

Table 19: Use of the Proceeds from 2011 Renting Fee in CFi A

<table>
<thead>
<tr>
<th>Village Development</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building a sacred hall</td>
<td>100,000 riels</td>
</tr>
<tr>
<td>Subtotal</td>
<td>100,000 riels</td>
</tr>
<tr>
<td><strong>CFC Purpose</strong></td>
<td>Amount</td>
</tr>
<tr>
<td>Gratitude contribution to CFC members and patrolling</td>
<td>100,000 riels</td>
</tr>
<tr>
<td>Subtotal</td>
<td>100,000 riels</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>200,000 riels</td>
</tr>
</tbody>
</table>

Table 20: Use of the Proceeds from 2011 Renting Fee in CFi B

<table>
<thead>
<tr>
<th>Village Development</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Repairing a bridge</td>
<td>1,000,000 riels</td>
</tr>
<tr>
<td>Counterpart fund for building a common toilet</td>
<td>528,000 riels</td>
</tr>
<tr>
<td>Counterpart fund for repairing a village road</td>
<td>1,000,000 riels</td>
</tr>
<tr>
<td>To contribute to funerals in the village</td>
<td>200,000 riels</td>
</tr>
<tr>
<td>Subtotal</td>
<td>2,780,000 riels</td>
</tr>
<tr>
<td><strong>CFC Purpose</strong></td>
<td>Amount</td>
</tr>
<tr>
<td>Inundated tree nursery</td>
<td>200,000 riels</td>
</tr>
<tr>
<td>CFC patrol team, CFC members, Woman Group and Village Chief, totally 35 persons (20,000 riels each)</td>
<td>700,000 riels</td>
</tr>
<tr>
<td>CFC Activities and Materials: paper, pens, patrol, out-of-village meetings (per diem, patrol and food for participants)</td>
<td>720,000 riels</td>
</tr>
<tr>
<td>Subtotal</td>
<td>1,420,000 riels</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>4,200,000 riels</td>
</tr>
</tbody>
</table>

Table 21: Use of the Proceeds from 2011 Renting Fee in CFi C

<table>
<thead>
<tr>
<th>Contribution to the Local Authorities</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount contributed to the CC</td>
<td>750,000 riels</td>
</tr>
<tr>
<td>Payment to the village chief</td>
<td>300,000 riels</td>
</tr>
<tr>
<td>Subtotal</td>
<td>1,050,000 riels</td>
</tr>
<tr>
<td><strong>Village Development</strong></td>
<td>Amount</td>
</tr>
<tr>
<td>Purchasing utensils for a sacred hall</td>
<td>1,000,000 riels</td>
</tr>
<tr>
<td>Counterpart fund for building a commune road</td>
<td>500,000 riels</td>
</tr>
<tr>
<td>Subtotal</td>
<td>1,500,000 riels</td>
</tr>
<tr>
<td><strong>CFC Purpose</strong></td>
<td>Amount</td>
</tr>
<tr>
<td>Gratitude contribution to 11 CFC and 14 patrol team members</td>
<td>45,000 * 25 = 1,125,000 riels</td>
</tr>
<tr>
<td>Payment to hiring villagers to guard inundated trees in the forest (for 1 year)</td>
<td>200,000 riels</td>
</tr>
<tr>
<td>Tar to repair a patrol boat</td>
<td>300,000 riels</td>
</tr>
<tr>
<td>Conservation (25 concrete tubes)</td>
<td>1,000,000 riels</td>
</tr>
<tr>
<td>Patrol (for a year)</td>
<td>2,375,000 riels\textsuperscript{136}</td>
</tr>
<tr>
<td>Petrol and office stationery</td>
<td>100,000 riels</td>
</tr>
<tr>
<td>Subtotal</td>
<td>5,100,000 riels</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>7,650,000 riels</td>
</tr>
</tbody>
</table>

\textsuperscript{135} Informant 84-85; Informant 86-88.

\textsuperscript{136} Researcher’s subtraction of gratitude contribution, payment to hire villagers to guard inundated trees, tar for boat repair and conservation from a total package of 5 million riels.
The biggest challenge to building a capable community is the limited ownership of the community due to the rushed elections, involuntary nature of community, and members’ restricted involvement in preparation of internal rules and regulations, or more broadly in fisheries/forest management. Cambodian communities are generally loose and lack common interests and activities. Furthermore, some CFIs have heterogeneous racial composition and huge wealth gaps (with rich villagers less interested in CFIs), which hinders successful community building and resource management. Besides, according to the five CFCs interviewed, membership lists have never been updated. Because of this absence of formal community-wide inclusion and representation, many CFCs may lack real legitimacy. Overall, many fishing communities seem to lack a sense of community.

Some scholars advocate for broad citizens’ participation as ‘a necessary condition for the success of the state’ and its good governance. Such conditions in natural resource management in Cambodia are not large-scale or ‘militant’ enough to bring about good governance. For instance, Vuthy Ly and others describe CFi members’ active participation in fisheries management as a ‘thorny matter’. If participation is defined as people as beneficiaries of development and stakeholders, decision-

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139 Patrick, Melissa, and Puadyal, *Flood Forest, Fish and Fishing Villages: Tonle Sap, Cambodia*. Informant 71-78; Informant 84-85. Besides Khmer, Vietnamese and Cham are two big ethnic groups that carry out fishing. Due to historical factors, animosity remains and communication is limited.

140 Informant 71-78; Informant 86-88. Cf. For example, Asian Development Bank, "Technical Assistance Kingdom of Cambodia: Preparing the Tonle Sap Lowland Stabilization Project," 8-9. This is also a problem with other types of communities. See for example, Malena et al., *Linking Citizens and the State: An Assessment of Civil Society Contributions to Good Governance in Cambodia*: 42-43.


makers and implementors of development activities, \textsuperscript{143} CFi members’ participation in CFi affairs is far from adequate. Not many villagers actively participate in CFIs’ management. \textsuperscript{144} Van Acker correctly added: ‘[T]he existence of an association does not necessarily mean that people will work together.’\textsuperscript{145} In an election observation in Site 1, only some 100 people went to cast their votes although there were more than 600 families in this village. Besides, people rarely attend and/or express ideas in a meeting. According to the three CFC heads in Province B, in their quarterly meetings with CFi members, some $\frac{1}{4}$ to $\frac{1}{3}$ of them show up and amongst the participants, only 3 or 4 speak up. \textsuperscript{146} This is the pattern in other locations and types of meetings too.\textsuperscript{147}

Yet, the rural social landscape is far from being dormant and unchanging. For example, CFi members interact with their CFCs more actively and forcefully when there is no pressure, such as in state agents’ absence or when there is a good facilitator.\textsuperscript{148} In Site 2, with good facilitation from an NGO and the CFC, villagers indeed participate in their CFi development. A case in point is its members’ and the local pagoda’s active involvement in the fish sanctuary rehabilitation. They bought

\textsuperscript{143} Kato et al., \textit{Cambodia: Enhancing Governance for Sustainable Development}: 2-3.

\textsuperscript{144} See for example, Chap, “Effectiveness of Participation in management and Use of Community-Based Fishery Resources in Kampong Siem District, Kampong Chhnang Province,” 30; Chap, “The Situation of Inundated Forest after Fisheries Reform: A Case Study in Thnal Dach Community in Sotra Nikorm District, Siem Reap Province,” 42; Marschke, ”Livelihood in Context: Learning with Cambodian Fishers,” 66; Viner, “Assessing Success of Community Fisheries in Cambodia: An Institutional Analysis of Co-management Arrangements,” 61-67; Viner et al., \textit{Development of Fisheries Co-management in Cambodia: A Case Study and Its Implications}: 24; World Bank, \textit{Country Assistance Strategy for the Kingdom of Cambodia}: 92. Informant 28; Informant 70.

\textsuperscript{145} van Acker, \textit{Cambodia’s Commons: Changing Governance, Shifting Entitlements?}: 36.

\textsuperscript{146} Informant 86-88.

\textsuperscript{147} According to a study, only 10% of participants in commune council meetings speak up, for example, and few dare to challenge the activities of the councils or ask sensitive questions. Malena et al., \textit{Linking Citizens and the State: An Assessment of Civil Society Contributions to Good Governance in Cambodia}: 30. An NGO officer observes similar patterns in a community in Stung Treng. Informant 15. A study by Kaing, Sung and Ung in Kandal also finds out that while up to 98 percent of CFi members attended CFC elections, only 16.5% participated in implementation, 14.7% in planning and 11.4% in plan reviews. Khaing, Sung, and Un, ”Participation in Fisheries Co-management in Kandal,” 146. For some possible explanations for this low participation, see for example, Battambang Fisheries Cantonment, ”Report on the Implementation of TSEM in Battambang.”; Mak, ”Cooperation in the Mekong River Basin: A Reflection of Cambodia Experiences in the Mekong Development,” 31; Marschke, ”Livelihood in Context: Learning with Cambodian Fishers,” 30-31; Tath et al., ”Case Study on Community Fisheries Established in Kampong Chhnang and Battambang Provinces, Cambodia.”; Thay, ”Current Perceptions of Local Fishers of Community Fisheries or Co-Management of Fisheries: A Case Study,” 36; van Acker, \textit{Free Riders and Social Fences: Common Property, Collective Action and Decentralized Natural Resource Management in Cambodia}: 76-77; Viner et al., \textit{Development of Fisheries Co-management in Cambodia: A Case Study and Its Implications}; Whittingham, ”Sites of Practice: Negotiating Sustainability and Livelihoods in Rural Cambodia,” 107-08.

\textsuperscript{148} Informant 2; Informant 14; Informant 15.
1,000 and 2,500 truckloads of soil, respectively, from a private company in exchange for the digging fees.\textsuperscript{149}

Building a cohesive fishing community is also affected by the violation of internal rules by fishers from outside the community. With weak leadership, poor CFi members’ participation and inadequate support from state agencies, it is doubtful how effective the CFis/CFCs can deal with outside ‘free riders’ and their backers. Some interviewees in Site 1 complained: ‘[W]e have the CFC, but it does not have any authority’ over free riders.\textsuperscript{150} Institutionalization of norms and values into the society is complex and more variegated.\textsuperscript{151} Such institutionalization as gear specification in a fragmented community where the more powerful outsiders are also entitled to fish is indeed much harder, and this further divides up the community and weakens its building.

The last big challenge to building a capable community is how to link the CFCs and other CBOs in a locality and all CFCs together. One study shows that at the commune level, such linkage is very limited.\textsuperscript{152} Some NGOs have established the so-called CBOs linking all groups within a locality. This is still in an early stage and again initiated by outsiders. The biggest challenge yet is linking the 500 CFCs/CFIs so that they can learn from one another and create larger ‘space of engagement’\textsuperscript{153} with state agencies. In this regard, the establishment of the Coalition of Cambodian Fishers (CoCF) in 2004 linking CFIs in the six provinces around the Tonle Sap (and later in the Mekong and coastal regions) was a good start. It has carried out some awareness raising activities and workshops, for example.\textsuperscript{154} However, it is still nascent, inexperienced, powerless vis-à-vis state agencies and financially dependent on external agencies.\textsuperscript{155} In a national seminar in

\textsuperscript{149} Informant 70; Informant 71-78.
\textsuperscript{150} Informant 29-43.
\textsuperscript{152} Malena et al., \textit{Linking Citizens and the State: An Assessment of Civil Society Contributions to Good Governance in Cambodia}: 48.
\textsuperscript{153} A term adopted from Mak and Grundy-Warr, "Spaces of Engagement and Contested Territories of the Tonle Sap," 21.
\textsuperscript{154} See for example, Em and Team Members, "Approach to Build up Assembly of Cambodia’s Fishers around Tonle Sap Lake," 17; Seng, Te, and Mak, "Construction of Space for Small Fishermen in Tonle Sap: Building the Fisherman Organization," 1-7.
2011, CoCF listed its challenges as: weak CFi facilitation, limited information flow from top to bottom and vice versa, limited ability to write reports and lack of communication with NGOs/IOs for funding.  

3.3. CFi and CFC Relations with the State

Contacts between the upper levels of the Cambodian state and the citizens throughout history were infrequent, and the state was not eager to empower its citizens either. Further, citizens rarely dared to demand much from the state for fear of retribution; they probably did not even feel that they were entitled to do so. Khmer culture further reinforces the mentality that the knowledgeable, powerful and resourceful are to give orders. The MAFF, for example, was reluctant to relinquish authority to CFIs. The last decade has witnessed more encouragement of citizens’ participation in natural resource management. However, their participation only comes in the final stage, and the final decision still rests with state agencies. Their contacts with the legislature as an institution are rare and often the approach is more personal. With NGO facilitation, there are occasions when CoCF has had chance to meet with certain legislative commissions. Relations with elements of the armed forces are probably the thorniest, and in weak CFIs, these elements still abuse their power for personal benefits.

The relations with the local authorities, especially with CCs, changed in 2002. Before then, contacts between fishers and CCs were sparse and their relations were
suspicious and distrustful of one another at best, with the CCs being accused of not supporting their constituencies or involving in illegal sales of common access areas or keeping a blind eye to illegal activities.\textsuperscript{162} The relations intensified in early 2000’s as some council members saw the reforms as a loss of income and fishers received little support from them in the disputes with concessionaires/operators.\textsuperscript{163} The councils were first brought closer to the citizens with VDC introduction, and the relationship has later been cemented by direct CC elections.\textsuperscript{164} This is further reinforced by having the CFCs in the councils’ monthly meetings and having CFCs’ projects added to CDPs. TSSLP as discussed earlier has also linked the councils to its constituencies. Probably, informal linkages such as some councilors’ pocketing profits from CFi area renting and patrol teams’ entrepreneurialism help foster the relationship.\textsuperscript{165}

Not all news is good, though. The commune councils’ assistance to the CFCs is limited due to their focus on infrastructure projects and the belief that strengthening the CFCs is a line agency’s task.\textsuperscript{166} Further, councils are more supportive towards the communities with light matters and are accused of not taking strong enough actions against illegal practices. Some even allegedly support illegal fishing, are reluctant to relinquish authority to CFCs, and intimidate fishers who pose a threat to their benefits.\textsuperscript{167} Protesters in Site 1, for example, were threatened by council members because of their protest against illegal fishing in the sanctuaries.\textsuperscript{168} Chandler rightly utters that ‘deep conservatism persists among older people and in rural areas” and that it is doubtful whether such concepts as human rights,


\textsuperscript{164} See for example, Hughes, "The Seila Program in Cambodia," 105-13; Manfield and MacLeod, \textit{Advocacy in Cambodia: Increasing Democratic Space}: 8.

\textsuperscript{165} Cf. Blomley et al., "Review of the Community Forestry and Community Fisheries in Cambodia," 16.

\textsuperscript{166} Informant 62-64; Informant 79.

\textsuperscript{167} See for example, Whittingham, "Sites of Practice: Negotiating Sustainability and Livelihoods in Rural Cambodia," 194-203.

\textsuperscript{168} Informant 29-43. Those went to Phnom Penh were photographed at the council office. Though there were no further actions, these villagers were already very frightened.
pluralism and rule of law ‘have taken root in a significant way among those holding power in the country, who continue to act...as if these imported concepts had no bearing on their behavior or on how the country is governed.’

Fishers’ relations with DoF were adversarial and severely alienated during the 1990’s because of its focus ‘mainly on control and surveillance through policing’ and its ‘dysfunctional regulation,’ which prevented the cooperation between stakeholders after the reforms. A CFDO assessment in 2004 reported that some fisheries officials considered the fisheries reforms as a “baby born before its parents,” whose inference is that the relations were not even good at the very beginning. Some DoF officials allegedly did not crack down quickly and some even colluded with illegal fishers. However, DoF counter-attacks that CFCs usually violated their jurisdiction by carrying out unilateral crackdowns. Besides, DoF was reluctant to hand over authority to CFCs due to their limited management capacity; however, it generally spares little effort to improve it. Moreover, there was limited mutual trust and cooperation, and some DoF officials viewed CFCs as a disadvantage.

In the last few years, however, DoF has had increasing engagement with the communities, and many CFC heads interviewed have admitted better cooperation

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171 Department of Fisheries, Impacts of the Fisheries Policy Reforms in Kampong Cham, Pursat and Takeo Provinces: First Round Assessment Report: 39. A few CFC heads in Province A also raised this point. Informant 71-78. This refers to the fact that the CFCs were organized before the passage of the CF management sub-decree, which was passed in 2007, six years after the reforms.
172 See for example, Mak, Vann, and Te, "Communication Strategies for Fisheries Conflict Management: A Case Study in Cambodia," 24; Manfield and MacLeod, Advocacy in Cambodia: Increasing Democratic Space; Viner et al., Development of Fisheries Co-management in Cambodia: A Case Study and Its Implications.
lately. This may be made possible by NGO projects and TSEMP. During the fieldwork the PM’s 001 Order had contributed to more cooperation. However, as witnessed in Site 1 where the CFC was weak, DoF’s officials were quick to exploit the loopholes. The relation between CoCF and state agencies have been less well documented and was not dealt in depth during this fieldwork. However, existing evidence shows that the atmosphere between DoF and CoCF is far from cooperative and trusting.

All in all, the state-CFC relation is far from predatory. Nor is it close to being institutionalized or ‘embedded’. It is also neither ‘power over’ nor ‘power through,’ being somewhere in between. Assistance is not mapped out in ‘clear and detailed strategic plans’. The release was done quickly with a sub-decree rather than through an articulate policy; therefore, many officials were forced to simply fulfill the order from their bosses. DoF provides CFCs with limited support; therefore, many still cannot carry out even basic operations.

In terms of power relations and despite the rhetoric of community empowerment, fishing communities are far from being empowered although some ‘space of engagement’ has been established. Poor consultation with fishers on lot release, poor acceptance of their recommendations and CFCs’ subservience to the letter of the law attest to this. The survey with 27 conflict managers indicates that 2/3 of them agree that ‘the power relation of small fishers to other government officials is

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176 Informant 23; Informant 24; Informant 25-27; Informant 29-43; Informant 45-59; Informant 60. Order 001 was the order to crackdown on illegal fishing issued in 2011.
Their bargaining power vis-à-vis the local authorities and line officials is no doubt weak. These officials are reluctant to resign some authority to the communities and forgo the power to ‘rape the law’ when oversight is weak and when CFIs and CFCs are reluctant to impose their will on these officials, overstep the boundaries and demand for good governance. Referring to their unsuccessful protests against illegal practices but threats from the local authorities, another group of fishers added: “Our people are very afraid of power. They now do not dare to do anything affecting powerful people. Our people are afraid of being steamed. The threat over the years has weakened our spirit.”

4. Fishing Lot Association?

To achieve economic development and in this case also sustainable resource management through embedded autonomy, a strong social partner is required so that “a concrete set of connections that link the state intimately and aggressively to particular social groups with whom the state shares a joint project of transformation’ are made possible through ‘clear and detailed strategic plans’.

This is missing in Cambodia. Business associations as civil society groups are a new concept. There are some newly established business associations, yet the

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181 Mak and Te, "Enabling Fisheries Conflict Management: A Case Study in Cambodia," 18-20. “Conflict managers” refers to village and commune council chiefs, district and provincial governors, fisheries officials and CFC heads. ibid.


183 Nhem is right to note that due to the history of top-down management, it will need some time for the state to ‘build their capacity to listen to the communities.’ Nhem, "Mainstreaming Natural Resources and Environmental Management: The Seila Decentralization Program," 83. Informant 29-43. The power relation between CFCs and the local authorities and DoF is asymmetrical due also partly to the fact in the Cambodian context power relations between state agencies and their constituents are viewed vertically. Local authorities are seen as a ‘mother and father’ and hence whose decisions must be respected – though they may be wrong. Whereas line agencies such as the Fisheries Department are viewed by the officials themselves and the citizens as ‘technical;’ therefore, they are superior as they are knowledgeable in the field. However, it is unfair to view fishers as possessing no knowledge. A former researcher on CFCs, for instance, argues that it is not always fair to suggest that local people are not clever – they sometimes even understand the ecology better than the government staff who are scientists. Informant 14.

formal private sector is undeveloped\textsuperscript{186} and business associations are even more premature, alien and noted for their absence in the countryside. This applies as well to fishing lots. As a civil society group, they are probably the weakest of all. There has never been a lot association of any sort; therefore, concessionaires’ interactions with state agencies and agents are ad hoc and individualized.\textsuperscript{187} Owing to the lack of peer pressure and weak oversight, their operations are at best ‘exploitative’.\textsuperscript{188}

The acute lack or prematurity of business associations is a corollary of protracted civil strife alienating business elite cooperation and the young culture of networking and teamwork. The DK, for instance, not only worsened mutual trust but also decimated human capital and grinded the market institution to a haul.\textsuperscript{189} Because of the informal and/or illegalized private businesses in the 1980’s, they could not work together and were sometimes suppressed. Former PM Chan Si said in 1983: “The unique thing about Cambodia is that Pol Pot annihilated all the capitalists, and we must do whatever we can not to allow them to raise their heads again.”\textsuperscript{190} Upon the perestroika and glasnost, the informal private sector did not bother to consolidate themselves either while the fishing and farming \textit{krom samaki} was dismantled. Since 2000, the state has urged some businesses to form associations. However, fishing lots apparently receive less encouragement. Donors’ focus on the private sector consolidation likewise came too late and probably too little.\textsuperscript{191}

In terms of state-business relations, as discussed earlier, there were little and sporadic contact and consultation in the 1990’s. The Public-Private Sector Forum

\textsuperscript{186} Such as the Cambodian Chamber of Commerce and Small and Medium Enterprise Association. Cf. Peou, "Cambodia after the Killing Fields," 53-54; Schneider, Ka, and Roy, \textit{Private Sector Assessment for the Kingdom of Cambodia}: 112; World Bank, \textit{Country Assistance Strategy of the World Bank Group for the Kingdom of Cambodia}: 10 and 86.

\textsuperscript{187} Cf. \textit{———}, \textit{Country Assistance Strategy for the Kingdom of Cambodia}: 65. The PM also notes this exploitative relation and urges private companies from paying bribes to ‘bad officials’.

\textsuperscript{188} van Acker, \textit{Cambodia’s Commons: Changing Governance, Shifting Entitlements?}: 31; \textit{———}, "Don't Trust Fish When They Are in Water: Cambodia's Inland Fisheries in Transition," 43.


\textsuperscript{190} Cited in Gottesman, \textit{Cambodia after the Khmer Rouge: Inside the Politics of Nation Building}: 186. Researcher’s emphasis.

has increased the interactions and dialogues. Unfortunately, fishing lots are not linked up and hence have little bargaining power. A concessionaire complains that they usually do not have rights to talk to DoF officials because when they do talk the latter reply that they are the experts and hence have the technical knowledge.\textsuperscript{192}

To conclude, civil society groups’ capability, albeit slowly improving, is generally weak. Building a functional civil society to counter balance the state’s despotic power still has a long way to go. Society is more than less dispersed, compartmentalized and disorganized, and grassroots participation in communities’ affairs and resource management is sparse. Donors’ demands for state-society interactions and the ‘intermediate’ nature of the state have somewhat improved the state-society relations and given some ‘voice’ to civil society. However, the relations and cooperation are still limited and power still inclines towards the state. Indeed, poor and fractured Cambodia suffers from a lack of trust between its citizens and the state, hindering relation building and reliance on despotic power more common.

\textsuperscript{192} Informant 68.
Chapter 8: State Autonomy

Evans argues that for ‘embeddedness’ to generate capacity, the state must be autonomous from social groups. The previous chapters prove that ‘embeddedness’ in Cambodia is not strong enough. This chapter will demonstrate how the state is not autonomous from social forces and the limited independence of each branch of the state, which further weakens its capacity. Like Timothy Colton and Migdal, this study adopts state and capture disaggregation.

The discussion of the limited autonomy here is threefold. First, it draws attention to macro-level accommodation. The communist legacy of state agencies’ and agents’ subjugation to the party and its top cadres is their lack of insulation from politicians’ intervention into their affairs. The bureaucracy should have ‘relative autonomy’ from politicians’ interference to enable it to ‘check on the potential patronage and corruption.’ However, politicians in post-communist countries usually abuse their statuses and interfere into the affairs of the politically weak bureaucracy and judiciary via informal institutional practices in favor of particular social forces or their proxies. Second, it focuses on micro-level state capture by business interests (including fishers) and the state’s inability to curb its agents’ rent-seeking activities. In (neo)-patrimonial, soft or post-communist states, one recurring theme is the collusion between state agents and private individuals/groups, private extraction from the state and the state’s inability to control its agents in the ‘corruption games’. Finally, each branch of the state

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1 Evans, Embedded Autonomy: State & Industrial Transformation.
3 Diamond, Linz, and Lipset, Politics in Developing Countries: Comparing Experiences with Democracy, 23.
should be autonomous from one another for them to act as checks and balances on one another.\textsuperscript{6} This chapter will argue that this, too, is missing in Cambodia.

1. The Invisible Hands

Skocpol, Stepan and others suggest that there is a clear boundary between state and society.\textsuperscript{7} This is not always the case for many developing countries. These neo-patrimonial states adopt a legal-rational structure. However, this is masked by patrimonial practices. Therefore, the formal system is transformed into a `wealth accumulation network’ by powerful state figures to serve themselves or their networks and to link lower level officials to vertical private networks. Such states can extract and distribute rents, but this is done in a particularistic and privatized manner.\textsuperscript{8} Such neo-patrimonial practices apply to many post-communist states. Here formal and informal practices are used to gain or award contracts to allies through opaque accounting procedures, and elites gaining initial access to economic, political and/or ideational resources have upper hands in any dealing with the state.\textsuperscript{9} Many other authors likewise highlight the poor public-private distinction, the corollary manipulation of the state for private benefits, corruption, collusion and resistance to institutional reforms.\textsuperscript{10} In such states, challenging big business interests, especially those linked to political, military and bureaucratic leaders is hard to overcome as technocratic authority is circumscribed by elite power, while the leaders are quick to protect the status quo.\textsuperscript{11}

\textsuperscript{6} Cf. Kingsbury, \textit{South-East Asia: A Profile}: 212-13; ———, "Political Development," 203.
\textsuperscript{7} See for example, Skocpol, "Bringing the State Back In: Strategies of Analysis in Current Research," 7.
\textsuperscript{10} For example, Ebenstein and Ebenstein, \textit{Great Political Thinkers: Plato to the Present}: 21; Rueschemeyer, "Building States - Inherently a Long-Term Process? An Argument from Theory," 147-50.
Patrimonialism linking Cambodians to local patrons and through the latter to central ruling elites in a lopsided relationship has been a part of Cambodian culture.\textsuperscript{12} With this comes poor legal culture, rise of the personality cult, power over law/authority, and love of and devotion to power, whose consequence is the ‘emergence of nepotism, favoritism and corruption, etc.’\textsuperscript{13} Resulting from such practices is the intermingling between the private and public spheres. The decade-long rule under communism further reinforces this and underpins the prominence of selected political leaders – whose effects can still be felt even after the perestroika and glasnost.

The WB believes that the evolution of the rule of law is hampered by the imperfect political system, weak governance and \textit{unwarranted political interference} and that the ‘\textit{boundaries between the public and private sectors remain ill-defined}’.\textsuperscript{14} The externally imposed ‘democratic’ reforms have introduced new political and institutional structures such as elections, freedom of association and expression, participation, accountability and transparency, yet they are all still young and are implanted on overlapping patronage structures.\textsuperscript{15} Moreover, such control agencies as the Ministry of Parliamentary Affairs and Inspection, the National Audit Authority, the Anti-Corruption Unit (ACU) are new, understaffed, ill-equipped, under-financed and under-operational, and undermined by limited independence from especially the executive; the in-built inspection departments within each ministry suffer from similar plagues.\textsuperscript{16} Therefore, the state apparatus is vulnerable to financial and political pressure, and state-society interactions become ‘decentralized and particularistic,’ privileging those with wealth, arms or political connections.\textsuperscript{17} Echoing a WB report, two researchers concur that though the formal

\textsuperscript{12} See for example, Chandler, \textit{A History of Cambodia}: 128-31.
\textsuperscript{13} Cf. Aun, \textit{Democracy in Cambodia: Theories and Realities}: 39-44.
\textsuperscript{17} Cf. Hughes, \textit{The Political Economy of Cambodia’s Transition, 1991-2001}: 80; Manfield and MacLeod, \textit{Advocacy in Cambodia: Increasing Democratic Space}: 8.
state institutions’ strength is increasing, the informal institution of patronage still plays a more dominant role in resource distribution.\(^{18}\)

One result of the blurring state-society boundaries in Cambodia is the culture of intervention, especially by political figures into the state’s affairs on behalf of their clients, or what this research calls the ‘invisible hands’. Bemoaning party domination over the state and hence the limited neutrality of public administration, Porn Moniroth Aun added: ‘Everyone depends on their backers and their networks.’\(^{19}\) The invisible hands have aggrandized powerful political figures’ words over laws/authority and the executive and ruling parties over the state, its bureaucracy and the other two branches, let alone the regional and local governments and implementors, breeding both petite and big corruption.\(^{20}\) Aun furthered:

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Law is respected and applied only in instances where one’s own interest is protected or enhanced. In many cases, law and social ethics are practically abused almost by everyone and everywhere. Corruption, bureaucracy, nepotism, favoritism and extortion have become a way of life. The powerful officials will squeeze more while the less powerful will squeeze less, respectively.\(^ {21}\)
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The PM’s warning to senior officials to refrain from interventions and appeals for an end to the ‘culture of interventions’ indicate their urgency.\(^ {22}\) His biographers correctly note that ‘the most formidable stumbling blocks’ for this ‘strongman’ from achieving his vision of a prosperous Cambodia come from the ‘influential politicians and powerful civil servants.’\(^ {23}\) With little investment but high returns via the invisible hands within the context of weak governance, these people will resist ‘changes introduced by new policies or projects.’\(^ {24}\)

Like other state agencies, FiA is plagued by ‘poor governance,’ which is conducive to the thriving of the invisible hands. As discussed earlier, poor governance and manipulation of the auction committees allow the generation of economic capital

\(^{19}\) Aun, *Democracy in Cambodia: Theories and Realities*: 55-56.
\(^{21}\) Aun, *Democracy in Cambodia: Theories and Realities*: 3. Bureaucracy here refers to bureaucratic red tapes. This error is due to direct translation from Khmer into English.
\(^{24}\) Cf. World Bank, *Country Assistance Strategy for the Kingdom of Cambodia*: 64.
out of political capital and the pocketing of state revenues by officials and concessionaires.  

25 The introduction of research lots with no public bidding and closed door negotiations with little good governance further exacerbates lot mismanagement and favors politics of intervention by politicians on behalf of selected clients in research lot granting.  

26 While fisheries officials and experts call such an informal management ‘complicated,’ Manfield and MacLeod accuse the government of doing little to prevent powerful figures from transforming political power to economic power.  

Agencies responsible for natural resources management wield more influence in post-communist states, according to Grzymala-Busse and Luong.  

28 However, as the Cambodia’s case shows, such agencies are also under economic elites’ intense pressure and politicians’ interventions. MAFF and FiA are no exception.  

29 Piseth Chiep and Thuon Try argue that khnong and khse ease fishing and fish trading.  

Such is the case for research lot applications as well. Many studies allege that through opaque dealings, lucrative research lots have been granted to wealthy and/or well-connected individuals to veteran politicians, often via ‘intermediaries with strong connection with powerful politicians.’  

A report by Thomas Olesen cites officials from the senate, parliament and Red Cross as beneficiaries. Fisheries

25 See for example, Lamberts, “The Unintended Role of the Local Private Sector in Biodiversity Conservation in the Tonle Sap Biosphere Reserve, Cambodia,” 50-51; van Acker, Cambodia's Commons: Changing Governance, Shifting Entitlements?: 12. 


27 Ly, Yin, and Degen, "Management Aspects of Cambodia’s Freshwater Capture Fisheries,” 98; Manfield and MacLeod, Advocacy in Cambodia: Increasing Democratic Space: 8. 

28 Grzymala-Busse and Luong, "Reconceptualizing the State: Lessons from Post-Communism,” 532-33. 

29 Asian Development Bank, Agriculture and Rural Development Sector in Cambodia: 16-17; Degen et al., "People, Power, and Fisheries Policy: Fisheries Management Reform Addressing Community Fisheries in Cambodia,” 25; Degen and Nao, "Inland Fishery Management in Cambodia: Is the Fishing Lot System the Basis for Improved Management or Should It Be Abolished?,” 7; Kol, "Review of Wetland and Aquatic Ecosystem in the Lower Mekong River Basin of Cambodia,” 39 and 71; Nao, Long, and Taing, "Fisheries Monitoring, Control and Surveillance in Cambodia,” 16; Touch and Bruce, The Inland and Marine Fisheries Trade in Cambodia: 18 and 123. 

30 khnong and khsae = Literally a back and a string. See, Try, "Making Space and Access in Fisheries Resource Management for Local Communities in Stung Treng Province,” 15-16. 

officials and a concessionaire interviewed likewise support that political intervention into the granting of research lots on behalf of big businesses exists.32 A review of DoF documents and written comments on selected applications show that since 1997, some politicians and military figures have intervened on behalf of many applicants.33 A former provincial deputy governor observed: ‘[A] majority of research lots have a powerful person at the back. They request for a lot and then sell it….’34 According to Informants 65 and 68, concessionaires have to pay ‘facilitation’ fees to multiple individuals, while Informant 7 adds that pressure is high in this field as money is involved.35

With this extra power for many concessionaires state capacity to manage the resources is curtailed. The capacity to appropriate and extract has been restricted and many lots are barely penetrable as discussed earlier. The regulation within lots is generally left up to the concessionaires and thus is chaotic. The deputy PM’s report, for instance, underlined: ‘[T]here are no inspections of gears and activities within lots and no crackdowns on illegal activities within lots by fisheries officials

32 Informant 5; Informant 7; Informant 65; Informant 68. Cited in Fisheries Action Coalition Team and Environmental Justice Foundation, Feast or Famine? Solutions to Cambodia's Fisheries Conflicts: 20.


35 Informant 7; Informant 65; Informant 68.
or other competent authorities.Officials from cantonment downwards are afraid to crackdown on lots with strong connections. To recall what a sangkat leader raised somewhere above here: concessionaires are too powerful, well-connected and well-protected for field implementors to challenge them. As seen in the research lot, researchers may be reluctant to unearth the concessionaires’ wrongdoings. Evans’s warning that ‘without autonomy the distinction between embeddedness and capture disappears’ and that the individualistic nature of relations degenerates into a super-cartel aiming to uphold the status quo applies here. Supporting what Swift wrote in 1997, a former fisheries official echoed: “Implementors do not dare to deal with big businesses with big backers, especially backers at the central level as directly confronting these people may result in the loss of one’s position.” As discussed in Chapter 6, this is applied to other micro-level agencies dealing with natural resources as well. A report by the Center for Advanced Studies likewise attests their powerless, underlining that in disputes involving ‘higher-ranking officials or influential outsiders, a commensurately high ranking or influential interlocutors are needed to resolve the dispute.’

2. Capture of State Apparatus

The local strongmen’s power, aided in many cases by powerful political backers, partly explains why these subsectors are messy. However, to understand why the actual policy implementation is very poor is to probe the actual practices from the inspectorate level downwards, especially those of the implementors and other relevant non-DoF local agencies. While lower level fisheries officials, local government officials and elements of the armed forces are reluctant to deal with

36 Bin, "Report on the Result from Implementing Decision 39 SSR Dating 01 July 2011 of the Royal Government of Cambodia on the Establishment of Commission to Inspect Development Lot around the Tonle Sap Lake." Cf. Ing, Sao, and Thay, "Small-Scale Fisheries Management in Cambodia," 34. They claim that illegal fishing activities and transport happen the country over and this is supported by ‘high-ranking officers’.
37 Informant 65; Informant 67; Informant 80; Informant 89.
40 Cf. Informant 62-64; Informant 79. A case of inundated forest clearance in Poy Tasek in Battambang in which provincial level officials downwards were reluctant to take action against the company though the act was wrong. Mak and Te, "Flooded Forest Clearance for Reservoir and Irrigation or Taking Flooded Forestland for Ownership: A Case Study of the Conflict Between Community in Poy Tasek Village and a Private Company."
fishing lots, many quickly grab existing opportunities to make extra pocket money. Migdal correctly underlines that local politics ‘holds the richest and most instructive hints’ on how societies in developing countries affects resources management.42

Migdal’s politics of administration fits squarely here. To deal with local strongmen, a strong political base is required; however, this is the missing link in ‘weak states.’ State leaders at the apex are busy with the politics of survival, and this has swayed the politics of local administration in that it ‘lessens backing and threat of sanctions from supervisors’ and made the implementors reluctant to deal with the strongmen and enter into a triangle of accommodation with them and the local political and administrative elites. In short, such politics ‘diminishes accountability and control’ and opens up the opportunities for strongmen to capture implementors and other local agents and for the latter to moonlight.43

As discussed in the literature chapter, Phnom Penh politics has always been nasty, especially during the first mandate with heightened inter- and intra-party power struggle44 and political parties’ interest advancement. While reforms and strengthening of state institutions are relegated to secondary importance, the conflicts were usually over the division of major state positions, balance of power and how to keep each other in check. Power leans towards the CPP, though FUNCINPEC has managed to keep some balance even as late as 2006. Besides, party leaders need to manage intra-party factionalism, divisions or competition.

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43 ———, Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World: 200-56; ———, State in Society: Studying How States and Societies Transform and Constitute One Another: 53-116. That is, they need to deal with strongmen in the capital (both local and foreign) and subordinate political elites to ensure that they will not challenge their power – and in the case of Cambodia, major rival political parties, especially between 1993 and 2008. For a review, see also Sok, “State Building in Cambodia: The Politics of Land Management and Administration in Cambodia - Focusing on Ratanakiri Province,” Chapter 2. Evans also argues that in predatory states, ‘[p]ersonalism and plundering at the top destroys any possibility of rule governed behavior in the lower levels of the bureaucracy, giving individual maximization free rein.’ Evans, Embedded Autonomy: State & Industrial Transformation: 41-46. This study believes that Cambodia is more than less an ‘intermediary state’. Myrdal likewise argues that in a ‘soft state,’ its softness allows ‘conservative and reactionary forces in the rural and urban areas’ whose conduct state officials are to regulate capture them; thereby, railroading the state’s ideal policies for ‘modernization’. Myrdal cited in Leftwich, “States of Underdevelopment: The Third World State in Theoretical Perspective,” 56-58.
44 See for example, Peou, Intervention and Change in Cambodia: Towards Democracy; Roberts, Political Transition in Cambodia: Power, Elitism and Democracy.
Politics has been about mistrust of one’s partner, winner-takes-all approach and weakening of opponents by all means.45

The quest for internal legitimacy, as discussed in Chapter 10, requires the ruling parties to keep local governments, bureaucrats and armed forces on their sides. Such co-optation results in the government providing them with ‘de facto protection’ in their endeavor to amass wealth through resource exploitation in exchange for their loyalty and missions. The ‘protection and facilitation further weaken the central government’s control of the local authorities’46 and indeed state capacity. That is, to maintain informal clientage networks, political elites must be cautious with state capacity enhancement.47

The politics of survival and a need for sub-central state agents as a bridge in the context of prevalent social forces and weak civil society have produced one severe repercussion: rent-seeking activities by sub-central state agents and their capture by vested interests. In newly democratized ‘limited states,’ “[t]he very state institutions meant to facilitate effective government seem just as likely to frustrate it,” aggravated by the ruling elites’ inability or unwillingness to prevent its agents’ power abuses and rent-seeking.48 This applies to the Cambodian state. While the PM occasionally warned: ‘No one at any level of the society or within the government can be above the law,’ he admits that corruption is ‘gigantic and pervasive in all walks of life’ and that ‘having access to power sources are prone to bribes.’49 Many middle and low-level agents allegedly use their positions to

45 This ability to hold some balance manifested in having a co-minister for the Ministries of Interior and Defense, a first secretary of state for the Ministry of Economy and Finance with the nominal rank of a minister and retaining 40% of the cabinet though it won only 26 seats (against the CPP 73) in the 2003 general elections. Over the last two decades there has also been ongoing and dramatic increase in positions from secretaries of state to central deputy departments and in many provinces/municipalities provincial/municipal deputy governors as political compromise and accommodation. For a more extensive discussion, see for example, Sok, "State Building in Cambodia: The Politics of Land Management and Administration in Cambodia - Focusing on Ratanakiri Province," Chapter 3.
generate extra income and even pass up some proceeds to their higher bosses. That is, "the Cambodian state is weak in demanding allegiance of its employees and in maintaining its coherence."50

In what Englehart calls ‘agency loss’ or what others label crises of governance, capture of state agents by fishers and concessionaires have been common and well-documented.51 Some fisheries officials interviewed agreed with this.52 While a 2003 prakas warned enforcement officers of “loose implementation,” some watchdogs denounce that bribery has been ‘common-place’ and that concerned officials have turned a ‘blind eye’ to illegal activities.53 Many have been ‘hijacked’ and instead of protecting the resources, they ‘reportedly compete for turf.’54 In Province A, for example, according to an implementor, a bor user in his locality pays fisheries officials, local authorities and joint forces a sum of 4 million riels per long bor. Similar arrangements in other places are confirmed by interviews with CFC and CF members in another area, where officials from various agencies are involved in collecting varying amount of bribes from lake/stream pumping, electro-fishing, big drag nets, etc.55 A RGC’s report emphasized: “[T]he enforcement of

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52 Informant 5; Informant 65; Informant 67.


55 Informant 23; Informant 24; Informant 25-27; Informant 29-43; Informant 45-59; Informant 60; Informant 67. A local representative in a public forum in Battambang also complained of pervasive
existing legislation is somehow deficient in the country because of unacceptable behavior and lack of accountability by some government representatives." \footnote{Royal Government of Cambodia, \textit{National Biodiversity Strategy and Action Plan} (Phnom Penh: Royal Government of Cambodia, 2002). 69.}

That is, ‘the very agencies that should be responsible for enforcement of the law are often amongst the worst violators,’ to conclude many studies. \footnote{Wildlife Conservation Society and Administration, "Comparison between Outcomes under the Proposed Prek Toal Sanctuary and Alternative Management Regime," 107.}

In lot areas, especially before 2000, many of these officials assist concessionaires/operators to establish their rules and regulations. In offering his explanation for hundreds of illegal 1,000-2,000-meter dragging nets in Tonle Sap public access areas in 2009, the Kampong Thom governor opined: “Such a practice can be resulted from collusion with expertise officials and other concerned authorities in provinces around Tonle Sap since the perpetrators use hundreds of pair dragging nets days in and days out and can catch thousand tons of small and big fish to transport to Kampong Luong and Chnok Tru for sales. There are plenty of fisheries officials on Tonle Sap, but they do not take any measures.” He also cites fishers and CFCs complaining the lack of measures by expertise officials “who stand and watch lot concessionaires pumping water out of big lakes and electrocuting fish everywhere within lakes. These officials cannot see such acts as well.” \footnote{Kampong Thom Provincial Hall, "Report on the Illegal Fishing in Tonle Sap in Phat Sanday and Peam Bang Communes in Kampong Thom."}

Even concessionaires report that they have to pay multiple and multi-layers of officials to gain fishing rights and fishing operations. \footnote{Swift, \textit{Developing a Research Framework for the Fishing Lot System in Cambodia: Two Preliminary Case Studies on Fishing Lots in Takeo and Kompong Chhnang Provinces}: 18; Touch and Bruce, \textit{The Inland and Marine Fisheries Trade in Cambodia}: 120-31. Informant 68. Lots 1 and 2 in Takeo reported payment to the following officials: police and army in the village, village and commune chiefs, fisheries inspectors, government officials, department of agronomy and provincial governor. Norman-Lopez, "Effect of the Reform of Fishing Lots in the Year 2000 to the Commercial Fisheries and Family Scale Fisheries in the Province of Takeo," 83. A complaint by 8 lot concessionaires around the Tonle Sap to DoF in 1997 also requested for the reduction of agencies responsible for crackdowns as more of them meant more illegal activities as these agencies were involved in corruption. "Complaint by Lot Concessionaires," (20 June, 1997).}

In common access areas, weak CFIs and even in
some sanctuaries, being bribed by fishers or forcing them for a bribe they set up inconsistent informal rules with little regards for the rule of law.\textsuperscript{60}

2.1. Capture of Fisheries Officials

The inspectors from the Regional Inspectorate down to the \textit{sangkat} officials probably bear the direct blame, for they are directly involved in small and medium scale bribery.\textsuperscript{61} Two FiA leaders disparage that officials ‘loved’ to work in the Inspection Office/Unit before the reforms as that was considered ‘a lucrative position’ with ‘an opportunity to generate pocket money.’\textsuperscript{62} In the 1980’s and 1990’s, a catchphrase was: ‘A forestry/fisheries position is oily [profitable].’\textsuperscript{63} According to Mercedes Logarta, for example, 82% of Kampong Thom PoF’s staff worked as inspectors.\textsuperscript{64} The mismanagement peaked in 2000, resulting in the PM blasting some officials of ‘eating money,’ labeling the fisheries bureaucracy as ‘rotten to the core’ and in the immediate removal of some senior and all field staff from the water body.\textsuperscript{65} In a 1999 report, Chhea Song, the MAFF minister, criticized that there were ‘ongoing collusion between fisheries officials and perpetrators’ and warned such officials to refrain from doing it.\textsuperscript{66} Reaffirming existing reports, an FiA leader agrees that even after their re-assignment, some officials have still colluded with the perpetrators. Besides, some cantonments are captured by provincial administrations. This is the case of the forestland clearance in Kampong


\textsuperscript{62} Informant 11; Informant 20.

\textsuperscript{63} A Cambodian catchphrase to mean that a position is lucrative as one can generate a fortune out of it.

\textsuperscript{64} Cited in Degen et al., "People, Power, and Fisheries Policy: Fisheries Management Reform Addressing Community Fisheries in Cambodia," 15.

\textsuperscript{65} Ibid., 17; Department of Fisheries, \textit{Impacts of the Fisheries Policy Reforms in Kampong Cham, Pursat and Takeo Provinces: First Round Assessment Report}: 48; van Acker, "Don't Trust Fish When They Are in Water: Cambodia's Inland Fisheries in Transition," 11-30.

Thom, where a former cantonment head colluded with the then governor and stopped the information from reaching DoF.67

Accusations that sub-central fisheries agents turn a blind eye to illegal fishing by medium and small scale fishers in public access areas or sanctuaries for personal profits are typical – though the current scale is probably not as serious as before 2001. Swift documented in 1997, for instance, that to use cast-nets in a closed season, fishers in Kampong Chhnang allegedly paid 15,000 riels to officials from the Fisheries Inspection and 10,000 riels to those from Tonle Sap Inspectorate. In July 2011, a newspaper reported that a sangkat officer in this province extorted between $18-25 per fisher who used floating nets larger than the sizes allowed. A month later, the deputy PM’s report showed that relevant officials were colluded to allow dai fishing extending to two or three kilometers in public access areas.68

Where CFis/CFCs are weak, they also profit from collecting bribe from mega-medium scale fishers and other illegal fishers. Complaints over unexpected and untimely releases of perpetrators are rife.69 According to a former fisheries official

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67 Informant 11. An NGO board member also heard from fishers of collusion between sub-national fisheries officials and medium scale fishers: “I heard from fishers again and again of like medium scale fishers doing illegal fishing activities, but having in their hands a piece of paper which authorizes them by local, provincial or district level fisheries officials...” Informant 12. See for example, Fisheries Action Coalition Team and Coalition of Cambodia Fishers, “National Seminar on the Consultation to Determine the Priority Challenges to Submit to the National Level Decision-Makers for a Solution and to Reflect on the Activities for the Early Part of 2011.”; Manfield and MacLeod, Advocacy in Cambodia: Increasing Democratic Space: 48; Ratner, “Community Management by Decree? Lessons from Cambodia’s Fisheries Reform,” 82-83; Thay, Sim, and So, “Fisheries Policy Reform and Legal Framework for Community Fisheries,” 99. A former fisheries official explains that apart from personal gains, this is necessary to serve other purposes, such as paying for central officials’ visits. Informant 7.


69 See for example, Blomley et al., "Review of the Community Forestry and Community Fisheries in Cambodia."; Mak, Vann, and Te, "Communication Strategies for Fisheries Conflict Management: A Case Study in Cambodia," 24; Oxfam Great Britain, Evaluation of the Impact of the Fisheries Reform in Cambodia on the Livelihoods of Poor Fishers: 16; Viner et al., Development of Fisheries Co-management in Cambodia: A Case Study and Its Implications. Informant 23; Informant 24; Informant 25-27; Informant 45-59; Informant 60; Informant 61; Informant 70. In Site 1, the alleged
instead of protection the resources, they ‘rather go along with them than to prevent outsiders from encroaching on the communities.’ Another phenomenon is the acceptance of ‘tea money’ or ‘facilitation fees’ from assisting CFCs to seek permission from provincial administration for renting CFIs’ areas.\(^\text{70}\) Such poor regulation and enforcement lead to unsustainable harvest, destruction of forestland, inequitable resource distribution and loss of state revenues.

As for fishing lots, collusion starts from how to obtain them. Even the PM condemned some fisheries officials for “using the fishing lot system as their ‘chhnangbai’ [cooking pots]…Some of these men, they are really corrupt.”\(^\text{71}\) Collusions between auction committees and bidders are common, and potential bidders have to pay facilitation fees to a fisheries official for the arrangements. Forty concessionaires revealed: ‘[E]normous expense is unavoidable from making arrangements with strong competitors and government bureaucracies…often [the arrangements] need skilled intermediaries who can manage the collusion.’\(^\text{72}\) The TSA investigation in 2011 of lot bidding showed that collusions occurred in some provinces.\(^\text{73}\) A study of business registration shows that almost all businesses depend on a facilitator (usually an officer within a concerned ministry) to do it for a fee.\(^\text{74}\) As discussed in Chapter 5, this too is the case for research lots.

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\(^\text{70}\) Informant 7; Informant 84-85; Informant 86-88.

\(^\text{71}\) Chhnangbai = a cooking pot. Cited in van Acker, "Don't Trust Fish When They Are in Water: Cambodia's Inland Fisheries in Transition," 11.

\(^\text{72}\) Touch and Bruce, The Inland and Marine Fisheries Trade in Cambodia: 120-31. A fisheries official alleges that usually it is the head of the committee who receives a large share of the pie. Informant 65; Informant 66; Informant 68. See also, Degen et al., "Taken for Granted Conflicts over Cambodia's Freshwater Fish Resources," 10; Nao, "Community Fish Refuge Husbandry in Lowland Agricultural Ecosystem: An Alternative Option for Increasing Fish Supply and Improving Economic Condition of Farmers in South-Eastern Region of Cambodia," 42; Nao, Ahmed, and Sam, "Cambodia’s Great Lake: How to Sustain Its Ecological and Economic Diversity," 4; Neou et al., "Towards a Holistic Approach to Wetland Governance: The Legal and Institutional Framework and Economic Evaluation of Wetland Resources in Cambodia," 59; Ratner and Baran, "From Sound Economics to Sound Management: Practical Solutions to Small-Scale Fisheries Governance in the Developing World," 30-31; Touch and Bruce, The Inland and Marine Fisheries Trade in Cambodia: 120-31; van Acker, "Don't Trust Fish When They Are in Water: Cambodia's Inland Fisheries in Transition," 12-13.

\(^\text{73}\) It resulted in the dissolution of the bidding results by the PM. See for example, Khouth, "PM Order for ACU Oversight."

\(^\text{74}\) Schneider, Ka, and Roy, Private Sector Assessment for the Kingdom of Cambodia: 55. And the fee is usually much higher than the official registration fees.
The report above furthers that inspections of business establishments by concerned authorities mean opportunities for profit generation. Likewise, many implementors and their provincial supervisors can squeeze some profits out of their missions, including patrolling, turning a blind eye to lot expansion or illegal activities by operators, aiding them to disenfranchise smaller scale fishers, hiding actual catch statistics and alleged collusion to set up scenes of destruction by the Khmer Rouge. To quote fishers in Takeo, ‘these people have been bought off.’

While the TSA report reasoned that crackdowns and inspections within lots are curtailed by the concessionaires’ sponsorship of everything, including petrol and meals, the deputy PM is blunt to report that fisheries officials are captured by ‘leasees and sub-leasees so that the latter can use illegal gears and activities.' As discussed in Chapter 5, even R&D activities within research lots have been dictated in the concessionaires’ interests.

2.2. Capture of Local Authorities

Throughout history, local authorities held considerable power; some were allowed to keep thousands of armed personnel at their disposal. The power to collect taxes and poor records allowed them to ‘increase their own opportunities for profits.' Similarly, the PRK/SoC’s local governments could make discretionary arrangements and retain some discretion, enabling them ‘to develop their personal

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75 Ibid., 60-61.
77 Bin, "Report on the Result from Implementing Decision 39 SSR Dating 01 July 2011 of the Royal Government of Cambodia on the Establishment of Commission to Inspect Development Lot around the Tonle Sap Lake."; Tonle Sap Authority, "Request for Strict and Effective Measures to Preserve Fisheries Resources for Next and Following Years." A former NGO director, echoing the TSA report, says that field implementors need to depend on lot concessionaires for their livelihood, and hence they do not dare to deal with them and the operators. Informant 1, personal communication. A fisher who bought a section from a lot in Site 3 in Province B in 2011 reported that he had to pay local police, economic police, FiA officials and so on each 500,000 to 600,000 riels. Informant 1; Informant 16.
78 Chandler, A History of Cambodia: 133 and 87-88.
power bases, which allowed some commune chiefs, and some village chiefs, to take advantage of their positions.\textsuperscript{79} In the 1990's, buying their loyalty was even more indispensible given the politics of legitimacy and intense power struggle. That the district and commune authorities were the CPP’s backbone and its most trusted agents suggested that it needed their support and loyalty; however, as Hughes alleged this came at a price: de facto support of their exploitation of privatization.\textsuperscript{80}

The local authorities’ manipulation of the fisheries privatization was diverse. Before the reforms, many authorities from village to district levels were involved in protecting and illegally collecting bribes from illegal fishing.\textsuperscript{81} More seriously, many appropriated open access areas and sanctuaries to lease out for paid exploitation. Mak, echoing many reports, raised: “[T]here is an accusation that local authorities appropriate common access areas outside the fishing lot, privatize them and sell them to economically powerful individuals. Any subsequent complaints of villagers about their exclusion from access to the common access areas are broadly ignored.”\textsuperscript{82} For example, a DoF report in 1998 recorded numerous illegal sales of fishing rights in many provinces, including such sales of some lakes/streams by two commune chiefs in Kampong Cham, 42 lakes by a district chief in Prey Veng, three streams and a location by district and commune chiefs in three districts in Kandal, 60 lakes in Kampong Chhnang, and 50 lakes in Banteay Meanchey by commune and district heads.\textsuperscript{83}

\textsuperscript{83} Some chiefs claimed that the proceeds were slated to build local infrastructure. Department of Fisheries, "Report on Request to Eliminate Shallow Lots and Anarchy in Sales of Public Domain
Reap and Kampong Thom, they were alleged to permit large-scale farmers to block rivers or clear flooded forest to build reservoirs. Some even assisted concessionaires/operators to exclude small-scale fishers from areas they are entitled to, confiscated common access areas and sold fishing rights to concessionaires/operators and were reluctant to aid small-scale fishers in their disputes with concessionaires/operators. Van Acker wrote: ‘Frequently, the military, and village and commune chiefs were also in cahoots, in exchange for specific exclusive rights.’ Swift and Wayne Gum estimated that while MEF collected between $1-4 million per year, the ‘local authorities probably collect[ed] far larger amounts of informal income from fisheries.’ While often these were done for monetary profits, sometimes they were under pressure from ‘other economically and politically powerful parties to accommodate their interest.’

History shows that provincial and local leaders resisted any reforms that jeopardized their interests. Such resistance emerged after the 2001 reforms though it was subtle due to the upcoming multi-party commune elections. Ruechemeyer claims that restructuring is resisted by a body of officials who see the imposed policies as being at odds with their orientation of benefits. This was the case for the reforms. In Phat Sanday, for example, the local authorities blocked a meeting organized by CFDO to elect a CFC unless there were ‘orders from their

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84 See for example, ———, "Meeting Minutes on Annual Meeting for 1999 and Action Plans for 2000."
85 Gum, Inland Aquatic Resources and Livelihoods in Cambodia: A Guide to the Literature, Legislation, Institutional Framework and Recommendations 81-82; Mak, "Fishing for Lives: Conflicts and Struggles between Communities and Fishing Lots in Kompong Chhnang Province," 20; van Acker, "Don't Trust Fish When They Are in Water: Cambodia's Inland Fisheries in Transition," 10.
86 Cited in McKenny and Prom, Natural Resources and Rural Livelihoods in Cambodia: A Baseline Assessment: 55; van Acker, "Don't Trust Fish When They Are in Water: Cambodia's Inland Fisheries in Transition," 18-19.
87 Khai and Thai, "Community Participation in Fisheries Management: A Case Study from Tboung Khlaa and O Mreah Villages, Stung Treng Province, Kingdom of Cambodia," 6; Ly, Yin, and Degen, "Management Aspects of Cambodia’s Freshwater Capture Fisheries," 93; Mak, "The Tonle Sap and Its Fisheries Management: A Case in Cambodia," 16-17; Mitchell, Tonle Sap Biosphere Reserve Policy Analysis and Secretariat Strategic Action Plan: 4-5.
immediate superiors.”⁹⁰ Upon the reforms, reports from NGOs and DoF indicate that parts of the released areas were captured by local authorities which ‘still controlled and rented the release areas to private individuals for personal incomes.’ There were complaints that in some areas the powerful and sophisticated networks that characterized former lot operations tried to capture the reforms in new guises.⁹¹ One common guise was the renting of CFi sections under the name of CFCs. A notification from MoI to some provincial governors in 2002 read: “There have been ongoing occurrences of large scale fishing in former fishing lots under the banner of CFIs and in some places renting of some lots for individual exclusive fishing by local authorities in almost all municipalities and provinces that have fishing lots.”⁹²

Even in 2004, such complaints continued, though some local authorities reasoned that the proceeds were used to develop their communes.⁹³ In some CFIs visited, the latest evolution is that the renting is now managed by CFCs with money kicked up to relevant CC members and with verbal agreements from village to district chiefs. The three CC chiefs in Site 4 where such renting occurred in 2011 are reported to receive 1,310,000 riels, 1,500,000 riels and 750,000 riels (with the latter another 300,000 riels separately given to a village chief), respectively. The informants confided that such had been a practice since 2001.⁹⁴ Such renting occurs in other provinces. A DoF report in 2001 stated: “There emerges a phenomenon of fishing by bamboo fences under the banner of CFIs. In reality, the local authorities colluded with each other and sell the fishing domain to a group of individuals –

⁹⁴ Informant 84-85; Informant 86-88.
such fishing occurs in Prey Veng, Kampong Cham, and so on.”95 Subsequent reports in 2004 and 2006 complained that such industrial scale fishing with collusion from local authorities still continues.96

Besides, some local authorities are involved in supporting or collecting bribes from illegal fishers operating in CFi areas. Fishers and a TFN staffer in Province A reported that their village chief collects money from illegal fishers, with proceeds apparently kicked up to commune and district authorities.97 In a mapping exercise with the newly elected CFC and a few villagers, the participants complained: “The participation of the local authority, such as commune councils, in the protection of inundated forest is still weak – as weak as zero…. The local authority has never cared to take care of the natural resources – they don’t even eke their heads in.”98 A group of fishers in the village added:

The CFC has organized three protests thus far since 2004. In 2004, we thumb-printed a complaint against an achar who was in love with pumping a common ancestral stream. But we did not pay attention to the letterhead. I was involved in this protest. Villagers thumb-printed against pumping the lake… I brought it to the then district head. The result, because we were ignorant of what was written at the top, they falsified the document, writing that the people agreed to sell the stream to the achar at more than 1 million riels to build this and that… We don’t know who falsified the documents, but I brought the documents to the district quarter. We did not receive any money; it was apparently the expertise officials… We had another protest related to illegal fishing, to which I don’t remember the year. We complained up to the National Assembly, during the second mandate, probably in 2007… More than 20 people went to protest in Phnom Penh. The National Assembly told us to deal with the problem at the district level.

95 Ministry of Agriculture, “Status of Community Fisheries Preparation and Fishing Exploitation by Bamboo Fence in Released Lots.” Also, Department of Fisheries, "Industrial Fisheries Exploitation in Lots Released for Family Scale Fishing by Sub-decrees," (Phnom Penh: Department of Fisheries, 16 November, 2001).
96 ———, “Report on Organization and Management of CF and Community Fish Refuges for First Nine Months of 2006.”; Ministry of Agriculture, "Proposal to Seek Permission from Samdach for Use of Barrage in Former Lot 8-12 from People of Angkor Ang Commune, Peam Chor District, Prey Veng Province."
97 Informant 23; Informant 29-43; Informant 60. Accordingly to a CBO patrol team member in Site 1, the money paid to the village chief could be around 1 million riels per patrol trip, according to his records from bor owners during his patrol. ibid. See also, Simon Bush, "Contextualizing Fisheries Policy in the Lower Mekong Basin," Journal of Southeast Asian Studies 39, no. 3 (2008): 339-40; Fisheries Action Coalition Team and Environmental Justice Foundation, Feast or Famine? Solutions to Cambodia's Fisheries Conflicts; Khai and Thai, "Community Participation in Fisheries Management: A Case Study from Tboung Khlao and O Meah Villages, Stung Treng Province, Kingdom of Cambodia," 9; Oxfam Great Britain, Evaluation of the Impact of the Fisheries Reform in Cambodia on the Livelihoods of Poor Fishers: 9. Informant 2 raises her case study as an example where a commune chief was reluctant to crack down on illegal fishing carried out by his nephew. An NGO board member heard from fishers that some local authorities issued a permit papers to illegal fishers to fish in CFi areas. However, this could not be verified with local fishers in the field sites. Informant 12. See also Chap and Leng, "Monitoring Report on the Activities of Fishery Issues from the Key Fishers' Monitoring Network - November 2004-March 2005."; Chhom and Leng, "Monitoring Report on the Activities of Fisheries Issues, April-June, 2005."
98 Informant 45-59.
When we came back, the district took photo of us one by one. We were very frightened. They took the photos and kept them at the district...They accused us of complaining against the district chief and counter-protested that we accused them of accepting bribes. We were so frightened of being handcuffed and imprisoned and swore that we would never involve ourselves in any protest again. The result was ‘useless’. Some people were so frightened that they secretly left the village. No one has ever been arrested or imprisoned; they just threatened us. They usually just called the organizers in to threaten; we then came back to our village and informed each other. In most of the cases, they just asked the ‘heads of the wind’ in to threaten and when they came back, everything is quiet.\textsuperscript{99}

According to two fisheries officials, such ‘green light’ illegal fishing takes place elsewhere in this province. Likewise, three CFC heads in Province B complained: ‘There is quite widespread inundated forest clearance by villagers within the CFi areas. However, when the CFCs temporarily arrest them and send them to the commune councils; the latter rarely take action against the perpetrators.’\textsuperscript{100}

Provincial governments hold considerable power. Before 1993, the administration held de facto autonomy, including financial autonomy. Even the center had problems in communicating with them. A 1979 party decision referred to ‘the phenomenon of [the provinces] working according to impulse without reports or without requesting the opinion of the central committee.’\textsuperscript{101} Even after the D&D reforms, provincial governments across the board have ‘been implicated in a range of corrupt and abusive activities.’ Even with the introduction of the Seila program, one interviewee confided to Hughes that governors still wear ‘two hats, a black one and a white one. When we work with Seila, we wear our white hats.’\textsuperscript{102}

\textsuperscript{99} Informant 29-43.

\textsuperscript{100} Informant 65; Informant 67; Informant 86-88. Some local authorities permitted forestland clearance for big reservoir establishment. Informant 7. A MAFF notification in 2000 also raises an alarm of such illegal clearance. Forestry and Fisheries Ministry of Agriculture, "Digging of Streams, Ponds, and Reservoir Building in Fisheries Domains," (Phnom Penh July, 2000).


\textsuperscript{102} Seila is a pilot donor-sponsored decentralization program. Hughes, "The Seila Program in Cambodia," 106.
they are the committee heads and a signatory of the applications, respectively. A fisheries official alleged that apparently the ‘head of the committee receives a largest share of the money.’ Two others add that building good relationship with the governorship is necessary for such a business. While a study in Takeo shows that a governor was paid, a Takeo DoA document alleged that the ‘provincial [administration] demanded $20,000 to sign off’ an application for a research lot in 2001.

In addition, provincial authorities are sometimes reluctant to confront powerful local businesses; such was the construction of a 100-hectare reservoir in Poy Tasek village in 2007. An FiA leader raises that “some provincial authorities delay crackdown missions via delaying granting permissions for the crackdowns – this is done through the delay in signing off the ‘mission letters’ for the concerned envoys. That is, when there are personal interests involved, concerned actors are quick to protect them.” Further, as existing research shows, before and upon the reforms, the Stung Treng administration granted fishing concessions illegally. In one instance, the money allegedly went to private pockets and in a meeting ‘authorities at all levels in the province accepted the fact that the concessions are illegal but suggested that all in the province should help keep this a secret.” In the other, local villagers were advised by the provincial administration to follow the commune chief’s ideas. Manfield and McLeod bemoan that “no amount of legislation or directives from the central government can instill political will within provincial authorities to solve fisheries dispute.” The PM also observed:

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104 Informant 65; Informant 67; Informant 89.
105 Department of Fisheries, "Report on Dispute of Fishing Lot No. 5," (Phnom Penh: Department of Fisheries, 12 October, 2001); Norman-Lopez, "Effect of the Reform of Fishing Lots in the Year 2000 to the Commercial Fisheries and Family Scale Fisheries in the Province of Takeo," 83.
106 Mak and Te, "Flooded Forest Clearance for Reservoir and Irrigation or Taking Flooded Forestland for Ownership: A Case Study of the Conflict Between Community in Poy Tasek Village and a Private Company."
107 Informant 11.
‘Provincial or sub-national level authorities dare make decisions that are relating to their interests but they are not if they are not involving their interests.”\textsuperscript{110}

### 2.3. Capture of the Armed Forces

Of all state actors that tip the greatest balance towards social forces against any rules of law are probably elements in the armed forces. While in medieval Europe, a strong standing army was one element for state building, in many limited states with a weak army institution, they are part of the problem.\textsuperscript{111} Further, when patronage is needed to bind the fragmented army leaders to the state leaders, the situation can even be worse, as witnessed in Soharto’s Indonesia and Lon Nol’s Cambodia.\textsuperscript{112} Even after 1993, the military and security services still hold ‘a dominant power in Cambodia’ with general impunity from prosecution for their wrongdoing and exercise considerable autonomy. Toshiyasu Kato and others complained: ‘[T]he military and police forces have contributed to the lawlessness, insecurity, and fear of violence that pervade Cambodia.’\textsuperscript{113} While Un and Hughes link such state of the affairs to patronage politics,\textsuperscript{114} to rein them in can probably endanger the government’s cohesion.

The armed forces’ contribution to the lawlessness in the subsectors, especially before 2001, is notorious. Then, there were numerous complaints that elements of the armed forces confiscated public access areas for sales of fishing rights, provided protection to illegal fishers who even fished in sanctuaries and closed seasons, or conducted illegal fishing by themselves. Throughout the 1990’s, such complaints by PFOs and DoF were common. In 1997, the DoF annual report criticized: “Gunmen protect perpetrators of illegal fishing crimes both (petty and serious) without any fear of rule of law... A majority of perpetrators who use..."}


\textsuperscript{113} Kato et al., Cambodia: Enhancing Governance for Sustainable Development: 9 and 22; Kingsbury, South-East Asia: A Profile: 85; Peou, "Cambodia after the Killing Fields," 46-47. See also Cambodia New Vision, "Addressing the Seminar on Judge and Prosecutor Works," Cambodia New Vision December 2002, 2; Shawcross, Cambodia's New Deal: 90. They also held considerable power during the SoC. According to Khai & Thai, between 1982-1993, in Stung Treng the fisheries officials did not dare to crack down on the violations because powerful men and armed forces supported these activities. The local authorities also did not dare to involve in the crackdown. Khai and Thai, "Community Participation in Fisheries Management: A Case Study from Tboung Khlaa and O Mreah Villages, Stung Treng Province, Kingdom of Cambodia," 6.

illegal gears are protected by armed forces." PFO annual reports painted the same picture. In 1998, for example, the Pursat PFO complained: “Armed forces are involved in illegal fisheries crimes; therefore, the fisheries officials find it very hard to crackdown on them.” In May 1999, Chhea Song raised the issues in a Council of Ministers (CoM) meeting. He reported: “In the last few years there have been different forms of anarchy such as expropriation of thousands of hectares of protected domains in Tonle Sap… by armed men who policed 2,000 to 3,000 hectares of them… and allowed those who paid them for fishing…” The follow-up of the meeting was a prakas to control and eliminate anarchy in the subsectors, with one provision targeting the armed forces, stipulating: “Call for concerned ministries and authorities to take serious measure against the armed forces that involved in these illegal activities.” This was actually preceded by a call from the PM to ‘put an end to bad elements in the armed forces – those who perform illegal businesses or back such businesses.”

Numerous reports and a complaint from eight concessionaires similarly lamented the lawlessness created by the armed forces. The ADB, for instance, underlines that ‘widespread interference by other authorities, including the military and the police’ is one of the six major unresolved fisheries issues. Swift in 1997 documented illegal fishing activities backed by military officers in Kampong Khnang and

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Takeo, adding: ‘Each military group has its own territory, and people from other military groups, can only fish there with permission of the local group.’ Such territorialization took place in Province A. A fisher recalled fishing in public access areas:

Before the PM released the area to the community, we had to pay to fish in the public access areas…As for me, I used to work as a soldier and knew all soldiers, so they did not charge me – even a cent. But for people from outside, such as from Chikreng, they did charge them. I also paid to the armed forces when I fished further from the community area, as it is their territory. We also needed to pay to military police. We paid 10,000 riels each to the three docks of the DoF sangkat, military police and soldiers. A group of concessionaires complained against elements in the armed forces in 1997, reporting: “Inundated forest clearance for samrah in thousands of locations, swooping fingerlings, electro-fishing, and catching fish using electric lights in closed seasons happened in all provinces around Tonle Sap except in Banteay Meanchey.” Some reported that senior local military leaders were involved. A former fisheries official reported: “[T]here are cases in which rich fishers colluded with the Inspectorate or big military figures to fish in the reserve lots.” Likewise, in an interview with Hughes, one judge reported:

Since the recent [1993] election, we have become independent [but] … in reality, we have pressure from the military, local authorities, other departments. Sometimes there is violence, sometimes oral threats. To deal with these cases we depend on the local authority. Sometimes they can protect us. But sometimes it’s a big leader of the Armed Forces and they cannot … Most of the time we have got to be careful. Our safety is not guaranteed. People who violate the law are normally people with arms.
As discussed elsewhere, elements of the armed forces, including their local leaders, benefited from assisting concessionaires with their businesses. That is: ‘The fisheries inspectors, police, and army protect the system rather than the letter of the law, in exchange for benefits from the concessionaires.’\textsuperscript{126}

Probably the greatest problem arose during the transition to CFi management. A report by an NGO complained: “Communities across Cambodia report problems from the military and police units protecting illegal fishers in exchange for money.”\textsuperscript{127} An NGO officer who was monitoring fishing in Tonle Sap recalled: “Immediately after the reforms, illegal fishing was mushrooming...These illegal fishers were mostly not ordinary people, as they were backed by military, military police or soldiers.”\textsuperscript{128} In February 2001, a MAFF secretary of state likewise raised: “[O]ther agencies such as traffic police, economic police, navy, a research and intelligence department, military police, port police, etc. and other bad guys also take the opportunity to demand money from fishers.”\textsuperscript{129} Besides, they helped protect some former concessionaires to exploit the lots in defiance of the sub-decrees.\textsuperscript{130}

Kingsbury claims that in Thailand and Cambodia, ‘the role of the military in political affairs has declined.’\textsuperscript{131} A veteran observer of the subsectors likewise contended: “Before 2001, the crackdown on illegal fishing, for example, sometimes was carried out by DoF staff alone or by other agencies, such as police, military police, or soldiers, separately. There has been more respect for one’s duties amongst concerned agents since 2001.”\textsuperscript{132} Since then DoF and its PFO annual


\textsuperscript{127} Fisheries Action Coalition Team and Environmental Justice Foundation, Feast or Famine? Solutions to Cambodia's Fisheries Conflicts: 22-24.

\textsuperscript{128} Informant 13.


\textsuperscript{130} For example, Fisheries Action Coalition Team and Environmental Justice Foundation, Feast or Famine? Solutions to Cambodia's Fisheries Conflicts: 25; Manfield and MacLeod, Advocacy in Cambodia: Increasing Democratic Space: 30; Sales, "Improving the Regulatory and Management Framework for Inland Fisheries," 7-8.

\textsuperscript{131} Kingsbury, South-East Asia: A Profile: 12.

\textsuperscript{132} Informant 13.
reports have never complained of armed forces’ involvement in their affairs. This probably hints at interference reductions. However, elements of the armed forces are reported to continue to protect illegal fishing. A FiA leader, for example, said: “There are places where commune chiefs or police chiefs, etc. ask for monthly fees from perpetrators.”

Evidence from the fieldwork suggests that actually the interference has been transformed to joint demands for money with DoF ground staff, through joints patrol missions, for example. This may partly contribute to the fact that fishers and LNGO workers in both provinces see them as one and refer to them as ‘mixed forces,’ ‘expertise officials’ or ‘competent authorities’ – which usually include local fisheries officials, military, military police and police forces. A group of fishers indicated: “I saw the FiA official collect money from the ‘head of the wind’ of the bor users. It is a mixed force who collected the money. The military police and police were also seen receiving money. We don’t know whether they issued any paper, we just saw them hand out money.”

The village chief agreed: “The joint forces and expertise officials also go to investigate onsite, but when they hear the perpetrators moan about the challenges with their livelihoods… [They] began to understand their situations and compromise, by simply fining the [illegal] activities to cover their travel and snack – just a little.”

A provincial fisheries official added: “The crackdown team can make a lot of money out of the mission as money must be paid to different institutions involved in the crackdowns.”

Reports on demands for money, withholding of support to CFi patrol teams and payments by large-medium scale and other illegal fishers to fish illegally within CFi areas to elements of the armed forces are not uncommon either. CFi patrol teams in two provinces complain that the joint district forces who participated in patrol never send offenders to court, but insisted on keeping them ‘for resolving at

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134 The provincial joint forces led by a fisheries official with armed forces as ‘core forces’ were created in 2001 after the fisheries officials were temporarily recalled from their duties in February, 2001. Department of Fisheries, "Meeting Minute on Meeting to Discuss Measures to Implement 519 S.Ch.N. A.S," (15 May, 2001).

135 For example, Informant 23; Informant 60.

136 Informant 29-43.

137 Informant 65. This is supported by Informant 67.
their office.” Fishers interviewed complained of lake/stream pumping in their CF area: “To pump, they also have to buy the lakes/streams. I do know some of the sellers, but I cannot reveal the names. The sellers can be military police and other armed forces or fisheries officials. Now they do not talk about selling. They talk about, for example, to pump a lake, one has to pay 1 million riels to the military police, one million riels to police.” In Province B, three CFC heads report that traffic police, economic police and a nearby district army unit come to demand for money when “Fish Yield Collection Groups’ begin fishing operations. All in all, their involvement is ongoing – though transformed. Even the PM repeatedly warns elements of the armed forces to step back from illegal acts or supporting them, including those that destroy natural resources.

2.4. Capture of the Courts

“An expanded set of judicial courts’ is another tool for state building. By contrast, an underpaid and subservient judiciary is subsumed to corruption and political manipulation. The capture of the courts in Cambodia, as in many developing countries, is a serious problem. The court system is perceived to ‘be riddled with corruption’ ‘at every step of the legal process from the police to the courts.’ In 1999, a senior government official candidly said: “Cambodian courts are so corrupted they’re beyond help.” Even the PM agrees with his critics that

139 Tath et al., "Case Study on Community Fisheries Established in Kampong Chhnang and Battambang Provinces, Cambodia," 11-12.
140 Informant 25-27. This is supported by Informant 24; Informant 29-43; Informant 61. For more examples and discussions, see also Chea, "Fisheries Activities in Stung Treng Province, Cambodia," 60; Khai and Thai, "Community Participation in Fisheries Management: A Case Study from Tboung Khlaa and O Mreah Villages, Stung Treng Province, Kingdom of Cambodia," 5-7; Koroma, "Local Reforms of Community Forest and Fisheries Management," 312; Mak, "The Tonle Sap and Its Fisheries Management: A Case in Cambodia," 12-13; Marschke and Sinclair, "Learning for Sustainability: Participatory Resource Management in Cambodian Fishing Villages," 211; Tep et al., Asserting Rights, Defining Responsibilities: Small-Scale Fishing Communities and Fisheries Management. Perspectives in Asia, A Study on Cambodia: 22-24.
141 Informant 86-88.
progress in judicial reforms ‘lags behind other reforms’ and that amongst the three branches, ‘the power of the court seems to have failed.’

Many judges, prosecutors, clerks and lawyers whom Un interviewed agreed that corruption occurs in the judiciary, though refuting the magnitude widely believed by the public. One judge admitted: “The court is corrupt and that I am not denying. But there are some good people. There are some bad people but these people are the product of poverty.” Surveys of citizens’ perceptions support that the ‘rule of law’ is a distant future. A qualitative survey in 2003 reported that participants perceived that little progress was made to combat crime and corruption because of a weak and corrupt judicial system which favored the resourceful and powerful. Likewise, the corruption perception index for the judiciary barely improved during 2005-09, according to TI surveys.

Table 22: Impacts from Corruption on Selected Sectors and Institutions

<table>
<thead>
<tr>
<th>Year</th>
<th>Legislature</th>
<th>Military</th>
<th>Police</th>
<th>Tax Registry</th>
<th>Legal System/Judiciary</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>2.4</td>
<td>2.5</td>
<td>3.2</td>
<td>3.1</td>
<td>3.9</td>
</tr>
<tr>
<td>2007</td>
<td>3.7</td>
<td>2.9</td>
<td>3.9</td>
<td>3.4</td>
<td>3.3</td>
</tr>
<tr>
<td>2009</td>
<td>2.7</td>
<td>3.5 (public officials)</td>
<td></td>
<td></td>
<td>4.0</td>
</tr>
</tbody>
</table>

(Note: Scale 1-5; 1 = not corrupt at all & 5 = extremely corrupt)

In the subsectors, there have been numerous court cases on fee reductions and disputes between concessionaires and smaller scale fishers. Whether there were interventions in these cases is not known. However, many judicial staff in Un’s studies agreed that selected interventions by powerful political figures into courts’ affairs in favor of their clientele occurred and that when such happened, they were often subsumed to the requests for fear, affection, safety or professional security.


148 Data source: Adapted from Transparency International, Global Corruption Barometer (2005); ———, Global Corruption Barometer; ———, Global Corruption Barometer.

149 This was done through writing, telephoning or sometimes sending their fixers onsite to talk directly with judges and prosecutors. Un, "State, Society and Democratic Consolidation: The Case of Cambodia," 231-32; ———, "The Judicial System and Democratization in Post-Conflict Cambodia," 84-92. See also Asian Development Bank, Cambodia: Enabling the Socio-Economic
As discussed in Chapter 4, the majority of fishing infractions do not reach the courts. Courts are reportedly weak and corrupt and offer judgments that are unfair to poor and powerless fishers. Prosecution of the military guards and concessionaires/operators were rare and rulings generally were in their favors.\(^\text{150}\)

For example, a report raises two cases where community members confiscated illegal gears found in their community areas; however, they were sued by the illegal fishers to whom the court sided. The survey with conflict managers revealed that 2/3 of them agree that due to the weak legal and judicial system, ‘the powerful groups will be able to win their conflicts over the less power groups of fishers.’\(^\text{151}\)

Some key informants agree that the courts are also parts of the problem. To an NGO worker: “DoF is not totally to blame. The court was involved. Sometimes the culprits were caught today and released the next … In sum, it is like ‘trey ngeat chhleat pong.’” A catchphrase which literally means ‘a dried fish opportunistically tries to lay eggs,’ simply refers to a person who is an opportunist.\(^\text{152}\) Another added: “We hear again and again [when we go to the fields] that the courts cannot be trusted, especially when it goes to the provincial level.”\(^\text{153}\) Fisheries officials and CFC members concur. A division head elaborated:

In crackdowns, if the team only sees the illegal gears, it just destroys them. It can arrest perpetrators only when they are caught red handed. In such a case, a form is filled to send the perpetrator to court. The investigation and decision as to whether to punish the perpetrators is within the jurisdiction of the court. In many cases the court simply lets free the alleged within one or two weeks on bail for further investigation. There are occasions when I asked the court how long the investigation period lasted and the answer that I got from one prosecutor during a workshop was that ‘the period was Renaissance: 9-10; Manfield and MacLeod, *Advocacy in Cambodia: Increasing Democratic Space*: 8.
\(^{150}\) See for example, Fisheries Action Coalition Team and Environmental Justice Foundation, *Feast or Famine? Solutions to Cambodia's Fisheries Conflicts*: 24; Frieson et al., "Coastal Transitions, Traumas and Trials: Case Studies from Small-Scale Fishers and Resource Conflicts," 225; Lamberts, "The Unintended Role of the Local Private Sector in Biodiversity Conservation in the Tonle Sap Biosphere Reserve, Cambodia," 47; Mak, Vann, and Te, "Communication Strategies for Fisheries Conflict Management: A Case Study in Cambodia," 10-11. Some NGOs also prefer an out-of-court settlement. For example, the community in Prek Kanlong in Kampong Chhnang removed illegal fishing gears anchored by an individual who later sued them in court for the illegal confiscation of private property. The case ended with the advocacy from the Fisheries Action Coalition Team toward the provincial governor, who ordered the PFO to intervene to stop the case and seek an out-of-court solution. Seng, Te, and Mak, "Construction of Space for Small Fishermen in Tonle Sap: Building the Fisherman Organization."
\(^{151}\) Mak and Te, "Enabling Fisheries Conflict Management: A Case Study in Cambodia," 18-20; Mak, Vann, and Te, "Communication Strategies for Fisheries Conflict Management: A Case Study in Cambodia," 31. According to the Fisheries Sub-decree, the CFIs are not entitled to confiscate gears, though.
\(^{152}\) Informant 13.
\(^{153}\) Informant 12.
indefinite.’ I used to ask a prosecutor why the perpetrators were usually let free, and he replied that it was the privilege of the judges to decide whether to punish the alleged based on evidence.  

He exemplified this with three current cases:

In 2010, [my] division sent three cases to court – the perpetrators were set free in a few months’ time at best. One of the cases in 2010 involved cutting inundated forest…and two others involved electro-fishing… In 2011 it sent one case, involving eight persons who were alleged of cutting inundated forests, to court in May, and they were set free in July.

Three CFC heads supported these accounts:

With serious offenses such as electro-fishing, when a CFC reports to the fisheries officials or when they see them during their patrol, they rarely let the perpetrators go; they usually fill in the form and send the perpetrators to court. We never see the court punish these perpetrators as severely as the law stipulates. The most serious punishment that we observe is two or three month imprisonment or even a few weeks’ imprisonment. In most cases, the court simply suspends the sentence with bail payment, which can be up to $250 per person. In this case, there is a receipt of bail payment. There are cases in which the court asks the perpetrator to sign a contract to allow the alleged to stay out for further investigation with some informal payment.

A DoF report likewise points to the courts’ leniency and inaction, arguing: “Such dealing with criminal cases did not punish the accused as they shall have to pressure the perpetrators from quitting’ illegal activities. Philippe Cacaud and Sok Phal Sam stated: ‘[C]ourts are powerless and judges are corrupted resulting in alleged violators being routinely released for lack of evidence.’ There are likewise complaints of unfair dealing with debt arrears and claims. A MAFF report said: “To those who stubbornly refused to pay fishing lot fees, DoF filed a complaint to the courts, but there have never been any positive responses.” MEF, too, used to complain about unfair rulings on lot fee reductions.

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154 Informant 89.
155 Ibid.
156 Informant 86-88.
159 Forestry and Fisheries Ministry of Agriculture, “On Ministry of Agriculture, Forestry and Fisheries Allowing Department of Fisheries or Its Provincial/Municipal Offices to Keep Lots for Technical Research and Rehabilitation to Preserve Fisheries Resources,” (Phnom Penh: Ministry of Agriculture, Forestry and Fisheries, 1 July, 1999.). There are cases in which courts ordered concessionaires to pay back the debts to the DoF. See for example, Kampong Chhnang Department of Agriculture, "Report on Results from Court Cases on Demands of Fishing Lot Fees," (23 March, 1999.).
160 For example, referring to seven lot fee reductions in Kampong Cham in 1997, in a letter to Hun Sen, MEF complains that the decision by the Kampong Cham court to reduce the fees were ‘in contradiction to Point 5 in the Burden Books and MEF Circular on Revenue Collection from the
For a state to properly function and for government agencies be accountable for what they do, checks and balances of the three central branches of the state are necessary. Many policies support strengthening all branches and express the will to ensure their independence and neutrality to increase these checks and balances. The RGC political platform, for example, lays out: “The Royal Government will continue to strengthen…the legislative, executive and judicial bodies so that they could effectively fulfill their roles and duties with accountability.”\(^{161}\) Despite the rhetoric, the executive is more powerful and capable than the other two whose ability to act as checks and balances against the former is limited, and the separation of power between the three is not clear. Kato and others, for example, agree that currently there is little effective separation between the three branches, resulting partly from “the prevalence of party politics which touches everything connected with government or public policy. The result is the absence of genuine checks and balances within Cambodia’s system of governance and the concentration of power in the hands of a few individuals.”\(^{162}\) Englehart argues that in ‘weak’ states, the government sees this as necessary for it to freely ‘indulge in patronage, corruption and repression without fear of being checked by other public authorities.’\(^{163}\)

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Fishes Sector’ though the court based its decisions on the contract laws, arguing that DoF and the local authorities failed to provide security protection to the lot concessionaires. Ministry of Economy and Finance, “On Debts of Fishing Lots for 1995-96 That Kampong Cham Provincial Fisheries Office Lodged a Complaint to Court,” (Phnom Penh: Ministry of Economy and Finance, 6 August, 1997); Civil Code Verdict 06A, (10 January, 1997). Referring to the forestry sector, the PM also criticizes the courts for not taking action when there is a complaint from MAFF or if any action is taken at all it is taken in a ‘flash manner’. He urges MAFF to take all the necessary measures first before sending any case to the courts. Cambodia New Vision, "Stock-taking Agricultural, Forest & Fisheries Conference," Cambodia New Vision March 2006, 2.


According to Peou, the legislature’s ability to check the executive’s arbitrary exercise of power is limited. In the subsectors, for example, there were few occasions when the legislature invited the government to clarify on fisheries issues. The government and aid agencies play a role (deliberately or unintentionally) in neutralizing and marginalizing it and often fail to ‘consult or even inform [it] about major policy or legislative initiatives’ timely. Moreover, the legislature’s capacity is limited. One manifestation is that a majority of bills are initiated by the executive, while the legislature usually plays a ‘reactive’ role of deliberating and passing the drafts often in totality as proposed or only with slight correction. As of 2002, all but some of the 140 laws enacted were proposed and prepared by government agencies, and “[g]overnment officials are usually involved in meetings of the Assembly commissions when draft laws are reviewed.” As seen in Table 23, only twenty and thirty-five members of parliament (MPs) of the last two mandates, respectively, completed graduate and post-graduate studies. That bills are drafted by the executive is therefore understandable because the legislature, including the technical commissions, lacks human resources, technical expertise and collective experience for oversight function and legislation initiation, contributing ‘to imbalance in the system of checks and balances’ and ‘adversely affect the quality of good governance.’

165 For two requests, see for example, National Assembly, "Request to Have His Excellency to Clarify to Third Committee of National Assembly," (Phnom Penh: National Assembly, 9 April, 2001); ———, "Questions to Government," (Phnom Penh: National Assembly, 13 December, 1999).
166 Kato et al., Cambodia: Enhancing Governance for Sustainable Development: 123; Peou, Intervention and Change in Cambodia: Towards Democracy?: 191-93; ———, "Cambodia after the Killing Fields,” 54-56.
167 Kato et al., Cambodia: Enhancing Governance for Sustainable Development: 41; Peou, "Cambodia after the Killing Fields,” 54-56.
168 Manfield and MacLeod, Advocacy in Cambodia: Increasing Democratic Space: 33.
169 Kato et al., Cambodia: Enhancing Governance for Sustainable Development: 41.
170 Ibid., 41, 89 and 123; Shawcross, Cambodia’s New Deal: 56.
171 Kato et al., Cambodia: Enhancing Governance for Sustainable Development: 8-9. There are a few occasions that the legislature flexes its muscle, though. Such were the rejection by the senate in 1999 of a draft bill stipulating that the minister for the Ministry of Women’s Affairs shall be a woman and the other on financial institutions on the ground that the five day period was too short for consideration. ibid., 19.
Harold Laski contends that the separation of the judiciary from other state apparatus, especially the executive, is ‘very great’. This is not the current case with the Cambodian judiciary, which has weak capacity and lacks independence and separation, especially from the executive. This is partly the legacy of communism and the decimation of people with legal backgrounds during the DK; hence many judicial posts were filled by people with no such backgrounds. For example, a prosecutor Un interviewed stated: “Under the Communist regime, the court had no independence at all. In court cases related to serious crimes, the court had to go to the party for advice. The party was the institution that determined the degree of punishment. [Currently] judges do not ask for advice in making their judgment. However, the court’s independence remains limited.” His studies, moreover, indicate that interventions into court cases by executive and powerful figures on the grounds of ‘nepotism, patronage and politics’ were frequent. A judge, for example, revealed: “Intervention is normal. Any judge experiences this with cases over which he presides. The issue is complicated. When this issue arises, we have to think of our safety.” That is, the judiciary is sometimes manipulated to ‘strengthen the executive power at the expense of the principle of checks and balances.”

Table 23: MPs’ Levels of Education

<table>
<thead>
<tr>
<th></th>
<th>Primary</th>
<th>Secondary</th>
<th>Tertiary</th>
<th>Graduate</th>
<th>Post-Graduate</th>
<th>Honorary</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>3rd Term</td>
<td>5</td>
<td>28</td>
<td>63</td>
<td>16</td>
<td>4</td>
<td>5</td>
<td>123</td>
</tr>
<tr>
<td>4th Term</td>
<td>2</td>
<td>27</td>
<td>58</td>
<td>30</td>
<td>5</td>
<td>6</td>
<td>123</td>
</tr>
</tbody>
</table>


174 Kato et al., Cambodia: Enhancing Governance for Sustainable Development: 44-45. See also, Kingsbury, South-East Asia: A Profile: 212-13; Peou, "Cambodia after the Killing Fields," 49-56; van Acker, Cambodia’s Commons: Changing Governance, Shifting Entitlements?: 6.

175 Un, "State, Society and Democratic Consolidation: The Case of Cambodia," 232-33; Hughes, The Political Economy of Cambodia’s Transition, 1991-2001: 43-44. There were also occasions that the legislature oversteps the authority of the Supreme Council of Magistrates – such was the questioning of the two suspended judges by a senate commission. Kato et al., Cambodia: Enhancing Governance for Sustainable Development: 82.
judiciary ‘is in its early stages. Some confusion and reliance on past practices is to be expected.’

Besides limited independence, the judiciary is plagued by the lack of resources (human and financial) and poor governance. A study in 2000 shows that only 30%, 67% and 1 person of the lowest, appellate and supreme courts, respectively, received a bachelor’s or associate degree in law; 40% reached lower or higher secondary school; 7% primary school, and the rest possessed other non-legal qualifications. Prosecutors fared even more poorly – only 9% received a bachelor’s degree in law and 22% some legal training. The situation has improved over the last decade, though statistics is not available. According to the PM, with 133 judges and 65 prosecutors in 2002, their ratio to the population was 1:50,000. In terms of financial resources, though the MoJ is a priority ministry, its share of the total expenditure as seen in Chapter 4 is minimal. Up to 2002, average salary for court officials, including judges and prosecutors, was $24; a reform measure in 2003 increased salary for judges and prosecutors to between $320 and $400. This low salary indeed is one root cause of corruption. The appointments, promotions and transfers of judges, prosecutors and other court officials, especially to lucrative positions or locations, also lack transparency. Insiders revealed that such were done based on patronage and bribery. A prosecutor, for example, complained: “Within the court system if someone wants to be promoted he/she has to make a request and the request involves paying a bribe.” Another judge indicates that some judges are incompetent; however, they can retain their position because of the power of the purse. All in all, the politics of interventions by politicians into state agencies’ affairs, capture of relevant state agents by businesses and limited checks and balances present challenges to the state’s full capacity.

176 ———, Cambodia: Enhancing Governance for Sustainable Development: 82. See also, ———, "Summary of Cambodia Governance Assessment," 10; van Acker, Cambodia’s Commons: Changing Governance, Shifting Entitlements?: 6, 24 and 81.
177 Kato et al., Cambodia: Enhancing Governance for Sustainable Development: 45 and 84-95. For details, see ibid., 84.
179 For an illustration of how the budget was shared, see for example, NGO Forum on Cambodia and Economic Institute of Cambodia, Guide to the National Budget: 44. See also Kato et al., Cambodia: Enhancing Governance for Sustainable Development: 36.
Chapter 9: State Structure and Resources

This chapter examines how the Cambodian state structure and resources affects its capacity. According to Hun Sen, “[C]ompetent public officials with good ethics are key to success in reforms and improving the credibility of the country…[T]he government needs highly competent and clean officials with good moral.”¹ What this statement suggests is that state institutions and qualified state agents matter. On the theoretical front, many scholars agree that the state’s appropriate internal structure and sufficient resources are crucial to attaining state capacity and effectiveness since they allow ‘the growth of infrastructural in addition to coercive power,’ to quote Rueschemeyer.² Yet based on extensive analyses on DoF/FiA and, to much lesser extent, on CCs, this chapter will show that ‘modern’ Cambodian public administration lacks any historical depth and suffers from protracted wars. The resulting inefficacy therefore disenables it from achieving its utmost capacity. This is further exacerbated by top-down management, limited resources, sectoral power struggle, poor actual career path setting, poor inter- and intra-agency coordination/cooperation and responsibility duplication.

1. The State Structure Development at a Glance

Cambodian administration had taken shape by early 7th century or earlier. According to Ma Tuan-lin, the court of Isanarvarman I (616-635) showed sophistication and hierarchy.³ The administration underwent major development during Angkor, especially under Rajendravarman II (944-968). Inscriptions show highly developed administration with levels of officialdoms from top to bottom. Despite this advancement, regional and local leaders retained substantial discretionary power, and loyalty existed between persons, not offices; likewise power emanated from persons, giving rise to nepotism, favoritism and patronage.⁴ These features continued into post-Angkorean Cambodia, yet the turbulence at the center further increased regional and local leaders’ power – resulting in

³ Coedes, The Indianized States of Southeast Asia: 73; Mabbett and Chandler, The Khmer: 51-60 and 85.
⁴ Cf. Chandler, A History of Cambodia: 40-56; Coedes, The Indianized States of Southeast Asia: 120; Kingsbury, Political Development: 71; Mabbett and Chandler, The Khmer: 154-71. James Scott defines patron-clientelism as “a special case of dyadic ties involving a largely instrumental friendship in which an individual of higher socio-economic status (patron) uses his own influence and resources to provide protection and/or benefits for a person of lower status (client) who, for his part, reciprocates by offering general support and assistance, including personal service, to the patron.” Cited in Hughes, The Political Economy of Cambodia’s Transition, 1991-2001: 18-19.
diminishing central control and poor public administration rationalization. 
Appointments were based on patronage and favoritism, and there was no rigid 
promotion system for small and big positions alike.5

Another best bet for systematic bureaucratization was the almost century-long 
Western colonization. This period, too, witnessed more continuity than 
transformation. France initiated some public administrative reforms with mixed 
successes. Overall, there were few moves ‘to train Cambodians in a systematic way 
to replace Frenchmen in the administration.”6 Meaningful reforms that could have 
transformed post-independence political and administrative landscape came too late 
and too little.7 Of similar repercussions was its limited focus on education beyond 
the primary level. As an illustration, seventy-five years after its control, only four 
Cambodians had graduated from the sole Lycee Sisowath and probably a dozen 
from tertiary institutions abroad.8 As for the subsectors, commercial fishing started 
in 1884, and it was a main source for the colonial revenues. Nevertheless, it was 
not until 1947 that the National Fisheries Team was created and there were no 
trained personnel in fisheries. The Institute for Fisheries Research was established 
in 1949, yet before 1950 technical research and fact-finding had been conducted by 
the French.9 In summary, France put little effort to strengthen Cambodian state’s 
administrative capacity to manage the fisheries/forest resources in particular and 
public administration in general.

5 Cf. Aun, Democracy in Cambodia: Theories and Realities: 33-34; Chandler, A History of 
Cambodia: 111-12 and 50; Mabett and Chandler, The Khmer: 224-28; Milton Osborne, The 
French Presence in Cochinchina and Cambodia: Rule and Response (1859-1905) (Ithaca and 
the key holders of prestige and power in the kingdom as royalty, religious leaders including the 
chief monk (sanghareach), Brahmins, literati, “sages, scholars, poets,” and “high-ranking 
mandarins, the four ministers (of justice, finances and palace, land transport and war, and sea and 
water transport); and the functionaries and servants in their service.” Cited in Edwards Penny, 
Cambodge: The Cultivation of a Nation, 1860-1945 (USA: University of Hawai‘i Press, 2007). 70- 
71.

6 Chandler, A History of Cambodia: 200-03. See also, ibid., 175-78; Osborne, The French Presence in 
Cochinchina and Cambodia: Rule and Response (1859-1905): 212-49; ———, Politics and 
Power in Cambodia: The Sihanouk years (Camberwell: Longman, 1973). 24-25; Penny, 
Cambodge: The Cultivation of a Nation, 1860-1945.


8 Chandler, A History of Cambodia: 200-01; Osborne, Politics and Power in Cambodia: The 
Sihanouk years: 28. Vickery also bemoans this lack of focus on education, reporting that in 1936 
there were only 50-60,000 primary school students. By the second year of independence, the 
number of primary and secondary school students climbed to 271,000 and 3,300, respectively and 
only 144 finished the baccalaureate. Michael Vickery, Cambodia 1975-1982 (Chiang Mai: 

9 John Bardach, Report on Fisheries in Cambodia (Phnom Penh: USOM, 1959). 42-43; Nao and 
Po, An Executive History of the Creation of Fisheries Laws of the Kingdom of Cambodia: 15-16; 
Zurbrugg, “Where There Is Water, There Is Fish: An Analysis and Critical Assessment of 
Cambodia’s Tonle Sap Fisheries,” 154.

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After independence, Sihanouk inherited fragmented state and political structures: immature and inexperienced ‘bureaucracy’, a young assembly, immature political parties and contests, etc. Besides, he inherited political factionalism and ‘powerful’ regional leaders. During 1970-75, state building faced further hiatuses as Cambodia was plunging into the Indochina and civil wars and undergoing frequent changes in governments, providing the public administration with little opportunity to mature.

The public administration suffered the heaviest blow during the DK. The previous regime’s administration was dismantled and the new one was staffed by mainly new and inexperienced cadres. Moreover, officials of previous regimes were targeted and many were killed. When the regime fell and the PRK took power, merely 15% of the intellectuals were believed to have been left behind in its territory, and almost all were non-communists and chose not to return to their professions. The PRK thus had a daunting task of “recreat[ing] from scratch a non-productive administrative and service sector.”

Many DPs note that even more than a decade later the ‘public institutional infrastructure was left in a state of disarray’ and most institutions “were barely functioning’ when the new coalition government was established.

The PRK/SoC was far from building Weberian bureaucracy, but it managed to set up ‘a solid structure of administration from Centre to grassroots.’ With the Vietnamese intervention, the regimes adopted Marxism-Leninism and one-party rule, which enhanced the command-control mindset. With lax oversight, its central and local leaders were quick to consolidate power and dispensed patronage, and its civil servants were allowed to moonlight as long as they respected

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‘hierarchy’ and kick-backed some profit to their supervisors. In preparation for the political solutions, the regime and party calculated that it was more necessary to permit these officials ‘to benefit directly and personally from local economic activity… [to] create networks of happy officials whose loyalty the regime could count on.’

DoF likewise suffered from the DK’s legacy and communism. It was dissolved and many officials perished under the DK. It was re-established in 1979 mainly to fish to supply to party cadres and state officials. In 1980, it recruited one engineer, three vocational graduates and four basic technicians to re-vamp the administrative structure. Overall, it lacked qualified human and financial resources, and owing to the communist influence, the management was top-down and focused on policing and extraction, especially since 1987.

2. Hindrance to DoF/FiA Institutional Capabilities

2.1. Dysfunctional Public Administration

The RGC recognizes that the public administration is under-qualified and vows to enhance its efficacy and good governance. One reform agenda, for instance, states its objective as ‘to establish a State administration that is neutral, responsible, transparent, closer to its citizens, and responsive to the needs of the people.’ However, the administration, including FiA, is still far from functional.

The public administration is ‘extremely weak’ across the board from macroeconomic to natural resources management; therefore; public service quality is severely compromised, and the state capacity ‘to formulate policy and implement development programs is still severely constrained.’ In addition, its ‘institutional

16 Gottesman, Cambodia after the Khmer Rouge: Inside the Politics of Nation Building: 111-34 and 325-35. Sim Kar added, “In some cases [of embezzlement of state property] when we conduct really deep research, there are a great many connections right up to provincial Party secretaries, and some soldiers are involved, too.” Cited in ibid., 324.
17 Ibid., 299-300.
19 Cited in Kato et al., Cambodia: Enhancing Governance for Sustainable Development: 59-60. See, for example, also Royal Government of Cambodia, Rectangular Strategy for Growth, Development, Equity and Efficiency in Cambodia: 6; Schneider, Ka, and Roy, Private Sector Assessment for the Kingdom of Cambodia: 48.
weaknesses remain endemic,' and the state has ‘limited success in improving the efficiency and management of public institutions’ and its effort to reform the administration has seen little progress.\(^{21}\) As late as 2008, the RGC admits that despite significant progress in key areas ‘the quality, efficiency and delivery of the public service still remain as challenges and could not yet respond fully to the real needs of the people.’\(^{22}\) Kaufmann and others’ longitudinal analysis attests that its effectiveness has only slightly improved – a stance supported by a WB report.

### Table 24: Cambodian Government Effectiveness\(^{23}\)

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<tbody>
<tr>
<td>Brunei</td>
<td>1.13</td>
<td>0.93</td>
<td>0.91</td>
<td>0.81</td>
<td>0.68</td>
<td>0.06</td>
<td>0.59</td>
<td>0.77</td>
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<td>-0.83</td>
<td>-0.81</td>
<td>-0.76</td>
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<td>-0.92</td>
<td>-0.90</td>
<td>-0.86</td>
<td>-0.81</td>
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<td>Indonesia</td>
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<td>-0.56</td>
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<td>1.06</td>
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<td>-1.61</td>
<td>-1.33</td>
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<td>-0.15</td>
<td>-0.28</td>
<td>-0.11</td>
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<td>2.13</td>
<td>2.26</td>
<td>2.11</td>
<td>2.19</td>
<td>2.23</td>
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<td>2.29</td>
<td>2.45</td>
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<td>Thailand</td>
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<td>0.36</td>
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### Table 25: Public Sector Management and Institutional Capacity\(^{24}\)

<table>
<thead>
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<th>Public Sector Management and Institutional Capacity</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
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</thead>
<tbody>
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<td>Property Rights and Rule-Based Governance</td>
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<td>2.5</td>
<td>3.0</td>
</tr>
<tr>
<td>Quality Budgetary Financial Management</td>
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<td>3.0</td>
<td>3.0</td>
</tr>
<tr>
<td>Efficiency Revenue Mobilization</td>
<td>3.0</td>
<td>3.0</td>
<td>3.0</td>
</tr>
<tr>
<td><strong>Quality of Public Administration</strong></td>
<td>2.5</td>
<td>2.5</td>
<td>2.5</td>
</tr>
<tr>
<td>Trans. Acc. &amp; Corruption in Public Sector</td>
<td>2.5</td>
<td>2.5</td>
<td>2.5</td>
</tr>
<tr>
<td><strong>Average</strong></td>
<td>2.5</td>
<td>2.7</td>
<td>2.8</td>
</tr>
</tbody>
</table>

(NB: A scale from 1 to 6, one being very weak and six being very strong.)

Public institutions dealing with natural resources face the same problems partly because many ‘are still in their formative stage.’\(^{25}\) Csavas and others describe the

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24 World Bank, "2008 Country Policy and Institutional Assessment for Cambodia."

DoF structure as ‘burdensome, non-functional and likely to be inefficient.’ Complaints of its inability to achieve sustainable resource exploitation, poor governance in research lot granting and lot auctioning, poor law enforcement and poor service provision are common. To exemplify, fishers in Province A complained: “We used to lodge a complaint to the FiA sangkat and the Commune Council. But they have never taken any action.” A researcher experienced fishers voicing their agreement, saying: “Providing the necessary support to the village is not always in the interest of the fisheries department officials as they have a livelihood to attend to and they may have some interest in turning a blind eye to illegal fishing.” DoF staff also suffers from low morale. One former fisheries official expresses that local fisheries officials and the local authorities seem to ‘do their work simply to fulfill their duties.’ An FiA leader concurred: “There are also our officials who do not care much about their work.” Sovanna Nhem adds that government staff who are supposed to provide services are ‘not necessarily committed to providing the support they are mandated to provide… A challenge for local governance is how to ensure departments actually look after local resources.’ The removal of all field implementors and demotion of former DoF Director in 2001 are a testimony to the fact that both the central and sub-central officials are the cause for fisheries mismanagement.

### 2.2. Limited Capable Human Resources

Civil service performance is constrained by numerous factors. First, it is constrained by the low education of its staff. A report in 2007 indicates that more than 50% of civil servants attained only high school education or lower. Almost a quarter had some post-secondary vocational training and only 11% held college

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26 Csavas et al. cited in Kim and Hav, "Fisheries and Aquaculture in Cambodia’s Wetland Management," 7-8.
27 See for example, Fisheries Action Coalition Team and Environmental Justice Foundation, Feast or Famine? Solutions to Cambodia’s Fisheries Conflicts: 9; Ing, Sao, and Thay, "Small-Scale Fisheries Management in Cambodia," 35; Mak, "The Tonle Sap and Its Fisheries Management: A Case in Cambodia," 15; Mak, Heun, and Pen, "Decentralization and Natural Resource Management in Cambodia: Implication of the Decentralization Process to Date, A Case Studies in Pursat Province," 7; Mao, "Improving Inland Fisheries Management in Cambodia," 30; Try, "Making Space and Access in Fisheries Resource Management for Local Communities in Stung Treng Province," 5. Informants 65, 71-78 & 79, for instance, complain of the lack of access to the burden books though they are a fisheries official, CFC members and a commune council chief, respectively. Informant 65; Informant 71-78; Informant 79.
28 Informant 25-27.
30 Informant 5; Informant 11.
An analysis of civil servants’ education in DoF reveals a similar trend, although officials with post-graduate and undergraduate degrees are increasing substantially. Even as late as 2005, non-skilled employees still accounted for 37%, decreasing from 66% in 1993. The tabulation of the sub-central staff’s education – as illustrated with the case of Siem Reap – shows similar patterns.

### Table 26: Fisheries Officials' Levels of Education

<table>
<thead>
<tr>
<th></th>
<th>Fisheries Skilled</th>
<th>Non-Fisheries Skilled</th>
<th>Total</th>
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</thead>
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<tr>
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<td>Post-Grad.</td>
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<td>Associate</td>
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<tr>
<td>1994</td>
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<tr>
<td>2005</td>
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<td>194</td>
</tr>
</tbody>
</table>

### Table 27: Siem Reap Fisheries Officials' Levels of Education

<table>
<thead>
<tr>
<th></th>
<th>Fisheries Skilled</th>
<th>Non-Fisheries Skilled</th>
<th>Total</th>
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<tbody>
<tr>
<td></td>
<td>Post-Grad.</td>
<td>Tertiary</td>
<td>Associate</td>
</tr>
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<td>5</td>
<td>2</td>
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</tr>
<tr>
<td>2000</td>
<td>1</td>
<td>7</td>
<td>12</td>
</tr>
</tbody>
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A related issue is the lack of skilled and experienced staff. Many civil servants are new recruits. Many institutions have few qualified staff, resulting in poor service quality, low absorptive capacity, underemployment and unproductivity. An ADB report describes the shortage as ‘acute’ and ‘across all sectors.’ A WB report agrees that weak technical and managerial skills are severe, ‘particularly in the areas of implementation, planning and financial management.’ Another report added:

The current Government inherited a civil service that was poorly remunerated, lacking in the skills and knowledge necessary to manage a technical bureaucracy in a market economy, and suffering from a distorted demographic profile. There are relatively few staff in the 30 to 40 age group and younger staff are poorly equipped to perform. Older staff, while better trained, are poorly motivated and their skills are unsuited to a market economy.

A study commissioned by CRDB in 2008 also noted:

Gaps in trained and experienced staff appear to be particularly acute at the middle and lower levels of the public service, in the provinces and in particular technical sectors, departments and functions. Most observers pointed to excellent but overworked staff at the top of many public agencies followed by ‘missing middles’ that constrain the progress of work, resulting in poor policy execution and a recurring demand for technical assistance.

Agencies managing natural resources similarly have limited staff with professional and administrative experience and too many unqualified ones. The ADB stated:

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“The number of people who have received suitable and sufficient training in environment-related disciplines is still low.”³⁹ MAFF and MOWRAM concede that their ‘[m]anagement remains weak [and] many staff has limited skills and experience,’ inhibiting their research and extension services.⁴⁰ DoF does not fare any better. Only a handful of officials hold undergraduate and graduate degrees. Many interviewees agree that it still faces shortage of skilled staff. An FiA leader admitted: “Though the number of higher degree holders in FiA is increasing, there is a lack of human resources both in terms of number and human capacity. Though there are hundreds of master’s degree and a dozen or so of PhD holders, the human capacity of the FiA is still limited.”⁴¹ An NGO director, suggesting that the number of competent individuals does not suffice to fill in the gap, furthered: “A vast majority of the staff doesn’t have profiles of training or sometimes even motivation to do well in their jobs. I think it is very common in a government job… The competent people go into the management positions, and they all get very busy.”⁴²

The problem of insufficiency is further complicated by the fact that it is not permitted to replace its retirees and lack of formal ‘technical and skill transfer’ within the administration.⁴³ The fieldwork indicates that it is the less competent employees that are unemployed or underemployed. A former fisheries official recounted: “Generally, it can be said that 30% to 40% of the staff members are active, especially when working for projects, while the less educated staff members

⁴¹ Informant 11.
⁴² Informant 6.
cannot work for a project and do not have much to do. Some just go to office once a while, whereas others simply sit around with few things to do.”

The staff distribution analysis in Chapter 4 reveals that more competent and more staff is concentrated in the capital and provincial towns, leaving fewer and less competent ones to division and sangkat levels. FiA admits that even “the capacity of Cantonment staff is limited, especially management, competency, technical knowledge, planning and coordination with key players in the province.”

According to an NGO board member, the field officials are amongst the most ‘unmotivated’ due to the poor incentives from higher up. The low technical and administrative capacity at these levels has inhibited de-concentration, perpetuated centralization and constrained their contribution to planning, management and implementation of development policies. This occurs in other agencies too. Verbaas reveals that ‘in selected provinces up to 80 percent of provincial staff was based in the provincial capital,’ inhibiting the extent of provincial service delivery.

CFDO/D and the Exploitation Office/Department of Fisheries Affairs (DFA) suffer from the same problem –lack of skilled staff, especially at the sub-central levels. CFDO was established in a reactive manner, putting even more constraints on its operation. DoF managed to put a few competent individuals to lead the central office; however, the tasks were new. It was tasked to establish and assist CFIs as

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44 Informant 5. This view is agreed upon by other officials. Informant 7; Informant 20; Informant 67; Informant 80.


46 Informant 12.


soon and as many as possible, yet it lacked capable human resources, especially at the sub-central levels. An Oxfam evaluation argues that if the initial establishment was to be done properly, it ‘would have required a number of years,’ but CFDO was given just three months to finish it. That is, the responsibility ‘is huge but the resources and capacity to cope are limited.’ DoF echoes that the reforms lacked ‘a corresponding programme of institutional support and capacity building, or clear legal guidelines regarding roles and responsibilities of different players.’

Since the CFDO’s inception, capacity building of such skills as CFi facilitation, monitoring, etc. to its staff has not significantly improved and is reckoned not sufficient for proper operation. Sten Sverdrup-Jensen and others observed: “[T]he capacity-building support from the Department of Fisheries and the Provincial Fisheries Offices has been limited and is far from sufficient to meet the challenges to effectively implement such Community Fisheries Organizations.” As for TSEMP, no local staff went through any training in CFi management, and it was conducted by trained cantonment staff, rather than division and sangkat officials. The funder rightly appraised that the subsectors have seen a more pro-poor approach, in which the communities take a more proactive approach to fisheries management; however, “capacity of both fisheries officials and local communities to fully implement the reforms is weak.”


54 Informant 80; Informant 81; Informant 89.

As for DFA’s research on ‘research lots,’ Dirk Lamberts notices that the ‘capacity of the Department of Fisheries to effectively carry out this research is insufficient.’\textsuperscript{56} Some lot researchers were not up to the tasks, and it was the central officials who carried out the ‘research’.\textsuperscript{57} In a sense, though the FiA’s mandates have been expanded into areas that it is unfamiliar with and beyond pure command and control, ‘re-orientation and re-tool[ing]’ of its staff from mere law enforcement is poor.\textsuperscript{58}

2.3. Poor Internal Organizational Structure and Interactions

Former DoF organizational structure (effective as of 2009) presents some challenges to efficiency and efficacy. It was divided into the central department, regional inspectorates and provincial/municipal offices and their affiliated sangkat. However, there was ‘a lack of clear definition of roles and responsibility’ between each level, while PFOs had considerable discretion ‘to determine their own policies and programmes.’\textsuperscript{59} Besides, they were placed under the provincial DoA, leading to slow and weak communication with DoF, weak linkages between each PFO and the provincial administration as PFO did not attend its meeting, weak linkages between DoF and PFOs, and sometimes conflicting interests between DoA and its PFO.\textsuperscript{60} There were no fisheries sangkat in areas with no water bodies, and many sangkats’ jurisdiction did not conform to the communes’ physical boundaries, making cooperation between fisheries sangkat and CCs difficult.\textsuperscript{61}

Performance is also affected by unclear division of responsibilities even after the DoF restructuring. The new structure was adopted in 2006. The law redefines its roles and responsibilities and revamps its organizational structure, elevating it to FiA (an equivalent of a general department) with more autonomy from MAFF and its central offices to departments, detaches PFOs from DoAs and upgraded them to

\textsuperscript{56} Lamberts, \textit{Tonle Sap Fisheries: A Case Study on Floodplain Gillnet Fisheries in Siem Reap, Cambodia}: 56.

\textsuperscript{57} Informant 5; Informant 80; Informant 89.

\textsuperscript{58} Cf. Blomley et al., "Review of the Community Forestry and Community Fisheries in Cambodia," 16.

\textsuperscript{59} Csavas et al., \textit{Cambodia, rehabilitation and development needs of the fishery sector}: 40.


\textsuperscript{61} Informant 80; Informant 89.
cantonments, adds divisions as a new layer over *sangkat* and re-structures its *sangkat* in conformity with communes’ physical boundaries. However, it was not until 2009 that full restructuring was completed. There are currently five levels from *sangkat* to FiA, if MAFF is excluded. Due to its newness, role and responsibility division between each level is not yet clear. The cantonments established in 2008 lack clearly defined roles and responsibilities between and amongst the leadership, while the organizational structures are different from province to province and offices under each cantonment are yet to be established.62

Poor vertical and horizontal coordination and cooperation within DoF/FiA is another weakness. Corporate coherence and connectedness within an agency is ‘the underlying structural basis for successful state involvement in industrial transformation.’ However, the state ‘is often an entity riven by internal tensions.’63 MAFF, like other state agencies, has a structure that ‘reveals overlap, with duplication of roles and responsibilities among its departments’ and poor vertical communication.64 The DoF/FiA structure likewise poses a problem. Under the former four-tier structure, there were ‘weak and erratic’ vertical coordination, overlapping responsibilities, poor and untimely vertical communication, potential rivalry between the different levels, and excessive discretion to inspectorates and PFOs.65 Poor bottom-up information flow contributed to non-systematic, incomplete and poor evidence-based policy formation.66 Three hierarchical levels (*sangkat*, provincial and inspectorate) were all involved in patrolling, leading to duplication and inefficiency. With the new five-tier administration, vertical coordination and duplication are not yet resolved.67

62 Informant 66; Informant 80.
65 Csavas et al., *Cambodia, rehabilitation and development needs of the fishery sector*: 40-42; Department of Fisheries, "Inland Fisheries Review," 34; Kim and Hav, "Fisheries and Aquaculture in Cambodia’s Wetland Management," 7-8; Kol, "Review of Wetland and Aquatic Ecosystem in the Lower Mekong River Basin of Cambodia," 71-72.
66 Campbell, *Department of Fisheries Institutional Review*: 41.
Horizontal coordination/cooperation is probably as serious. There was a disagreement between the former department director and his deputy. A leader recalled: “In meetings, I raised the appointments of people with master’s degrees or higher into the heads of offices; however, the previous director usually dismissed my ideas.” 

Discussing the current situation, he adds that amongst the seven departments and two research institutes, there are some that ‘even have internal problems. For instance, there are cases in which the heads just work alone without delegating the duties to others.’ Cross-departmental coordination is likewise limited. Campbell wrote: “[D]ivisional plans tend to be prepared in isolation from each other with limited coordination around a common policy framework.” One informant believes that there is a conflict of interest between CFDD (advocating more community-based management) and DFA (advocating fishing lots). Provincial cantonment and sangkat leadership reveals that animosity and poor working relationship amongst the leadership also takes place. One cantonment leader complained that once the issue was raised to the higher level, there was no solution, but threat of all-inclusive demotion. All said, Jock Campbell reports that there was a ‘strong informal network within the department’ and a monthly meeting for communication. This has facilitated coordination/cooperation. Nevertheless, these were ‘unstructured and irregular,’ and the meetings focused on ‘outlining constraints to progress rather than a more general flow of communication to achieve greater cooperation and coordination.’

2.4. Power Centralization and Unclear Responsibility Division

The DoF/FiA capacity is also affected by power centralization. Fritz demonstrates that ‘it has not been easy to transition from previous top-down, and often...
oppressive control systems to the kind of horizontal and vertical control systems."\textsuperscript{74} Hun Sen contextualizes this, stating: “Behavioral change of the officials is a big issue in any reform’ as there are ‘officials who are addicted to power and position.”\textsuperscript{75} Cambodian public administration is generally centralized and hierarchical, leading to slow and cumbersome decision-making, inequitable resource distribution, lopsided accountability, ruling rather than serving mentality\textsuperscript{76} and increasing red tape. Van Acker commented: “Cambodian ministries involved in natural resource management conceive of their mandate not so much as the custodian and supervisor of a specific resource base, but as its owner... These departments have traditionally been ‘command and control’ agencies without much appreciation for bottom-up approaches.”\textsuperscript{77} Two related negative impacts of the entrenched centralization is: that many officials ‘who were trained to meet the expectations of a centralized, hierarchical, communist system...now occupy important, mid-level positions in the bureaucracy” and that these officials and their subordinates thus either dodge their responsibilities or are reluctant to make a decision for fear of making mistakes.\textsuperscript{78} Even the PM showed his irritation: “They [government officials] should not wait for Hun Sen to have a say on all issues. I want the whole mechanism to function all at once without having to wait for order all the time. It has been annoying that everyone seems to have attached

\textsuperscript{74} Fritz, "State Weakness in Post-Communist Countries: The Concept of State Capacity," 16-17.
\textsuperscript{77} van Acker, "Don't Trust Fish When They Are in Water: Cambodia's Inland Fisheries in Transition," 48-49. See also, Milner et al., "Cambodia: Establishment of the Tonle Sap Basin Management Organization 2," 7.
\textsuperscript{78} Cited in Kato et al., Cambodia: Enhancing Governance for Sustainable Development: 63 and 72; van Acker, Cambodia's Commons: Changing Governance, Shifting Entitlements?: 33-34.
“recommendation of Samdech Prime Minister” to their actions. I am quite concerned with this.”

DoF/FiA is no exception. It adopts a ‘top-down management system’ and is unlikely to ‘advocate participatory approach to management.’ With few capable sub-central staff and vast size of the resources, such management practices are not conducive to effective management. Some illustrations of centralization are lack of sangkat and division’s participation in the deliberation of ‘research lot’ hiring and their need for permission from the cantonment to participate in activities organized by NGOs. Moreover, many projects and responsibilities are concentrated in Phnom Penh. One cantonment leader complained:

D&D [Decentralization & De-concentration] only exists in the policy. In reality, it was the central FiA which allocate tasks to the cantonment, which is to implement the policies. There are certain minor issues that the cantonment can decide such as the provision of permit to transport fish, family aquaculture, permits to establish a site for fish transaction and digging ponds below 5,000 m2. For more huge issues, the cantonment is to make recommendations to MAFF for decisions.

An NGO director concurred:

I think everything is still very much controlled at the central level, so authority is not properly decentralized where the real action takes place. The Fisheries Administration is in the process of decentralization, building the capacity of the cantonment offices and delegate more authority to them, but it is still very much in just talking about it, not so much doing it, implementing it. I think it is pretty common with other ministries as well… I think it [the central level] is where all the decisions are made and all the money is held.

A researcher added: “There is always the busy work of what people higher up ask people to do – it can be hard for people in the middle level to respond to the lower level. Everyone is managing up. That makes it tough to manage fisheries just up the

81 Informant 89. Bradley, Natural Resources Management Networking in Cambodia: Status, Lessons Learned, and Future Possibilities: 37.
82 Informant 7.
83 Informant 80.
level. I think there is good upward accountability in Cambodia, but less downward accountability.”

Associated with this is the issue of power relations within and without DoF. A report raised: ‘Power tends to be highly centralized, steeply hierarchical and personalized rather than institutionalized.” Though Cambodia has talked extensively about D&D, power actually concentrates in the PM, ministers, and in most, if not all, central and local agencies in each agency’s head. This mandala-styled work arrangement, according to Kingsbury, is further reinforced by communism. The 2001 reforms, including the lot release and field staff withdrawal, and the 2011/12 reforms, including the lot suspension and nullification, Order 001 on crackdowns and demotion of five cantonment heads, were initiated by the PM, while DoF/FiA and MAFF were probably caught by surprise. This is not to downplay that before these events many officials had created a huge mess. Another instance of more permanent power concentration in CoM is that the final decision on granting ‘research lots’ fishing rights since 2001 rests in the final say from the PM. This was again implemented in response to irregularity in granting ‘research lots’ fishing rights. While such responses should be applauded for their good intention, it will not help establish good governance in the long-run.

The minister still practically holds substantial power despite the 2006 re-structuring. This applies to the approval of auction lot fishing rights, (dis)approval of civil society’s inputs on bills and policies and CFC recognition. Referring to the omission of the recommendations from civil society groups for the draft CFi sub-decree, an NGO board member raised: “It seems to me that the fisheries policy is

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85 Informant 14.
86 Malena et al., Linking Citizens and the State: An Assessment of Civil Society Contributions to Good Governance in Cambodia: 5.
87 Kingsbury, South-East Asia: A Profile: 291.
89 According to a circular, “the decision on the number of research lots must be agreed upon between MAFF and MEF and then be submitted to CoM for a decision.” Council of Ministers, "Report on Inter-Ministerial Discussion on Issues of Fishing Lot That MAFF Allotted for Research," (Phnom Penh: Council of Ministers, 25 August, 1999). Cock correctly notes the concentration of power in CoM via establishment of autonomous agencies from relevant ministries, such as the National Petroleum Authority. Cock, "External Actors and the Relative Autonomy of the Ruling Elite in Post-UNTAC Cambodia," 2.
influenced quite heavily by the Ministry of Agriculture, Forestry and Fisheries... It seems to me that the Fisheries Administration was barely in control in developing the law."\(^91\) Many officers complain that ‘their research is not particularly valued by their senior managers in the ministries, and that there is little understanding of what research is and how it can help policies and approaches to managing resources.’\(^92\) Even the PM weighs in the shortcoming of this power asymmetry. He raised on the 2011 Fish Day: “So far there is no one who can control them [some cantonment heads] – even His Excellency Nao Thuok [General Director] finds it difficult to manage some of them since they were appointed by His Excellency Chan Sarun [minister] and are supervised by His Excellency Nao Thuok.”\(^93\)

An FiA leader complains of the power asymmetry with regards to the previous DoF head and some current department/institute heads.\(^94\) Similar complaints are heard from two cantonment and one sangkat leaders in the two provinces. One cantonment leader complained: “The demoted head of cantonment is good at administration... However, when it comes to working, he seemed to work on everything (especially those which money was involved) and rarely did he delegate tasks to other deputies.”\(^95\) The leader in the other province showed similar grievance:

> He [the recently demoted head] rarely used his four deputies... The head was to be responsible for the overall affairs. All the tasks in the sangkat, divisions and cantonment were to go through him. The four deputies were to assist with (not responsible for) [overall management]... Most tasks did not go through the deputies. The other three deputies therefore did not have any feeling to work, as the head usually just worked with the deputy assisting him on Inspection, Lot Exploitation and Research Lots.\(^96\)

### 2.5. Poor Career Path Setting

Another factor affecting the DoF/FiA performance is the poor civil service’s terms of references (ToRs). The ADB and WB attribute civil service’s poor performance to the ‘absence of clear hiring’ policies, lack of a well-defined motivating career


\(^{92}\) Kate Grace Frieson, "Institutions and Innovations,” in *Social Landscape and Rural Livelihoods: Cambodian Communities in Transition*, ed. Kate Grace Frieson (Phnom Penh: Learning Institute, 2010), 205-06.

\(^{93}\) Recorded and translated by the researcher, 1st July, 2011.

\(^{94}\) Informant 11.

\(^{95}\) Informant 66.

\(^{96}\) Informant 80. Researcher’s emphasis. A sangkat leader likewise complains of power concentration in the sangkat head. Informant 67. When it was a provincial office, the final decision maker at the provincial level was the DoA head. Chan, *The Review of the Roles and Linkages of Sub-National Fisheries Institutions for Service Deliveries*: 7.
path, and poorly-defined “[f]unctional responsibilities, formal accountabilities, and integrity structures.”\(^{97}\) Csavas and others complained about poor ToRs within DoF in 1994,\(^{98}\) and this has been a concern since. For example, Danith Chan, writing on PFOs, shows that “no Terms of Reference for individual PFO staff had been developed other than a very brief and broad description of the roles and responsibilities of each unit and sangkat… The final version was agreed by the PDA [DoA], but did not appear to be followed or regarded.”\(^{99}\) The lack of clear ToRs also plagues CFDO/D and DoF/FiA as a whole. According to Jock Campbell, “many staff are operating without clear terms of reference or their positions or are operating outside of their mandate. Some have little clear understanding of what they are supposed to be doing.”\(^{100}\)

Related to TORs is the issue of appointments, promotions and incentives. Korea first institutionalized exam-based civil servant recruitment in 788.\(^{101}\) It was in 1906 that France introduced such exams to Cambodia. Such ceased altogether in DK and PRK/SoC, and it was not until 1994 that it was again re-instituted.\(^{102}\) Thus, poor public administration is partly caused by ‘poor quality of recruitment and promotions.’\(^{103}\) The WB criticized: “Although hiring and promotion is formally merit-based, patronage-based practices continue to prevail in nearly all of government as a legacy of post-conflict settlement.”\(^{104}\) Even the PM disparages interventions by some high-ranking officials’ wives into their husbands’ state affairs, including appointments and promotions.\(^{105}\)

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\(^{98}\) Csavas et al., *Cambodia, rehabilitation and development needs of the fishery sector*: 46.


\(^{102}\) Informants 8-9.


MAFF and DoF/FiA are not immune against such practices. In 1996, the minister issued a notification stressing that ‘the ministry observes that appointments, promotions and re-shuffling of officials in the agricultural field lack good implementation and uniformity countrywide.’ In 2011, FiA officials still complained about irregular appointments, promotions and unfair incentive practices. Two former officials allege that to obtain a lucrative position, one has to spend thousands of dollars for facilitation. One of them added:

There is a lack of transparency in appointment and promotion. It can be said that there is lack of systematic promotion and appointment. The appointment and promotion, especially to profit-making positions, are done based on who is the highest bidder; while offices which are not profit-generating see more push for competent individuals to occupy.

The other recalled:

I was recommended by DoF in principle for a promotion to a rank of deputy office chief twice during my time at DoF. However, since I did not follow it up to the ministry for the facilitation, I was never promoted, and the position was slotted to other officers instead. This was the experience of other colleague and classmates of mine who were proposed by DoF for promotion and who were hard working and committed both as a student and officer, spending most of their time at their offices.

A provincial official talked about similar experience of being persuaded to spend money for facilitation and failed to obtain the post of deputy provincial office head. His negligence and an apparent interference by a rich concessionaire failed his application. He added: “Officials who see prospects from making money out of their positions usually dare to bribe to have a position as they know that they can make money out of their positions just from occupying the position in the first year to cover up the money spent to buy the position.”

A cantonment leader recounted actual promotion and incentive implementation:

There is no clear policy in promotion and incentives in practice. I began with a Kor3/13 in 1988, when I graduated with a bachelor’s degree and with a master’s degree now – my rank is Kor10. Some officials with only a certificate began with Khoor10, for example, some of these officials currently hold Kor6 and hold only a bachelor’s degree. Incentives are also not fair. My medal started with a bronze and has been upgraded to a silver and gold (ever since). Some lower ranking officials have received higher medals. What they did was to contact the accounting office and paid a few hundred dollars and could be awarded with these medals.

107 Informant 7.
108 Informant 5.
109 Informant 65.
110 Informant 80. For the formal promotion and appointment procedures, see Council for Administrative Reform, Handbook for Civil Servants (Phnom Penh: Council for Administrative Reform, 2010).
A *sangkat* leader likewise lamented irregularity in promotion, adding:

some *Sangkat* officials have to make money by colluding with perpetrators within and without the lots and give a portion of the proceeds to the cantonment head to be able to stay in the posts. These implementors have to often pay a package of money to the central level officials who visit the areas under their control and to pay for their food, means of transport. Those officials who do not know how to make money or not much money are usually not the favorite and are not promoted…. There is no clear criterion for promotion. It is usually done on a ‘string’ basis. For example, the head of the cantonment favors a group of individuals; these people usually get higher positions and can get some share of the benefits from him. However, those whom he does not like, despite qualification and work experience, rarely get promoted. The promotion of the *sangkat* and division officials hinges on their good relationship with the cantonment leadership, and hence they have to build good relationship and give benefits to it to be able to get promoted.\(^{111}\)

One former official cited earlier added: “There are also officials who benefit from corruption and these people are unlikely to support reforms as the money generated from corruption is much higher than their salary several folds.”\(^{112}\)

The experiences of the local authority are not much different. The PM complained: “As far as I know, some officials at the local level have not been encouraged. Those who have been clerks for a long time have not been promoted at all.”\(^{113}\)

A former district joint force member responsible for crackdowns on illegal fishing recalled:

> When we came back from crackdowns, we needed to kick back some [money] to our bosses so as to stay in the position for long. If we went and just piled up the number of illegal cases on the desk, they would not be happy and want to keep us. If we came back with 2,000,000 or 5,000,000 riels and gave the bosses some, they would be very contented with our work. This is the reality. I am talking about what had happened through my experience.\(^{114}\)

Van Zalinge, Nao and Sam would call it living corruption and a need for money to purchase ‘positions in government hierarchy.’\(^{115}\) Aun would add:

> Thus, the competition to obtain official position which offers possibilities for earning unofficially more money has led to the emergence of nepotism and favoritism. Everyone depends on their backers and their networks. Presently, these negative behavioral characteristics have transformed themselves into work habits and are deeply ingrained in the mentality and the way of life of the Cambodians.\(^{116}\)

\(^{111}\) Informant 67.

\(^{112}\) Informant 7. This is supported by Informant 65. See also Wildlife Conservation Society and Administration, "Comparison between Outcomes under the Proposed Prek Toal Sanctuary and Alternative Management Regime," 111.


\(^{114}\) Informant 23.


\(^{116}\) Aun, Democracy in Cambodia: Theories and Realities: 56.
In summary, the patronage practice within a state agency ‘destroys any possibility of rule governed behavior in the lower levels of the bureaucracy,’ allows powerful patrons and interest groups to plunder and impedes long-term development. Many African and Asian countries are trapped in this dilemma. Cambodia public administration is no exception. This neo-patrimonial arrangement has thus limited the state’s administrative and transformational capabilities, made it unwilling or unable to hold itself or its agents accountable for misconducts, affected public service provision and rule-of-law maintenance, and demotivated and corrupted its agents. Chan and others correctly add that such a practice ‘greatly compounds the difficulties of being able to get the most capable people in the right places’ and that this informal structure of interests and incentives is ‘usually more influential’ than the formal system.

2.6. Poor Remuneration and Limited Financial and Material Resources

Poor remuneration poses probably the greatest challenge. High salary, as Evans attests, guarantees the insulation of the bureaucracy and ensures efficacy. Cambodian civil servants are poorly paid. Here are some illustrations. In 1995, their average monthly salary was $20-30, while the private sector paid on average $150. In 2000, there was little increase in salaries, and they were categorized the lowest paid, whereas the living wage was $200-300. In 2007, the internationally-adopted compression ratio benchmark was 12; that for Cambodia stood at 5.5 and the salary was still far below the markets and subsistence. The FiA staff similarly


119 Chan et al., "Cambodia Evaluation of Aid Effectiveness," 13-14 and 47.


suffer from poor, albeit increasing, remuneration. Discussions with some DoF officials reveal that there has been a bigger gap in salary between different categories of officials. In 1993, an office chief was paid $14.5-16; the lowest category $12. In 2011, a department (former office) head could collect more than $200 from salary and allowance; the lowest category was paid $30-40.

This low salary has devastating impacts on the public sector, leading to poor performance, demotivation, absenteeism, underemployment, moonlighting, poor governance, brain drain and non-service provision. DoF/FiA acknowledged: ‘[T]he wages of government staff are so low many lack motivation or may be attracted to participate in corrupt practices. This results in an under-performing sector with limited capacity for change and a weak knowledge base in government for effective planning within the sector.’

There are several patterns to generate extra income. Many well-educated staff choose to work in the private sector or earn extra income from an FiA-affiliated project; some take a second job; some,

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124 Csavas et al., Cambodia, rehabilitation and development needs of the fishery sector: 47. Informant 7; Informant 20; Informant 22; Informant 89. It is also noteworthy that the former also gain more from supplementary income from donor-sponsored projects.


126 Fisheries Administration, The Strategic Planning Framework for Fisheries: 2010-2019, 2: 73-74. See also Csavas et al., Cambodia, rehabilitation and development needs of the fishery sector: 46; Fisheries Action Coalition Team and Environmental Justice Foundation, Feast or Famine? Solutions to Cambodia's Fisheries Conflicts: 23; Patrick, Melissa, and Puadyal, Flood Forest, Fish and Fishing Villages: Tonle Sap, Cambodia: 8; van Zalinge, "Update on the Status of the Cambodian Inland Capture Fisheries Sector with Special Reference to the Tonle Sap Great Lake," 8.
especially field and supporting staff and powerful individuals, from eliciting money from their clients or a combination of them.  

The indifference of many ‘best and brightest’ to the civil service and more competitive salary from the private sector and IOs/NGOs induces staff outflow from state agencies and presents difficulties in recruitment. A senior CoM official noted: ‘Fresh graduates eye for the private sector rather than the civil service positions.’ The ADB observed: “While technical skills have improved throughout the public sector, project management skills continue to be in short supply, and as the private sector grew, the Government’s ability to attract and retain skilled young engineers and technicians diminished.” The WB added: “A serious consequence of this situation [low salary] is that investments in training in the public sector may be ineffective, because the trainees, when qualified, will simply join the private sector or will try to find employment in donor-financed projects.”

The DoF/FiA situation is not any better. In 2001, the newly appointed director issued a notification to office and unit heads, warning: “[S]o far in DoF there are some fisheries officials who have left to work for various international organizations without seeking permissions. Such a practice has detracted some work they shall do and produced disorderliness within DoF.”

A 2006 DoF institutional review also cautioned against ‘outward migration of the better staff into the NGO and private sectors’ and its ‘effect of depleting badly needed skills,

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128 Interviewed by Informants 8-9.


131 Forestry and Fisheries Ministry of Agriculture, "Regarding Department of Fisheries Officials Working for International Organizations," (Phnom Penh: Ministry of Agriculture, Forestry and Fisheries, 8 May, 2001).
experience and knowledge.\textsuperscript{132} While an FiA leader downplays the brain drain of competent staff via their promotions to ‘good positions and delegating tasks to them,’ two former fisheries officials argue that ‘substantial’ number of ‘active’ staff or those ‘with big degrees’ but do not have connections and ‘are not well-taken care of’ leave FiA to work for NGOs and IOs.\textsuperscript{133}

Financial resources and extraction from society are crucial for state building. However, in ‘lame leviathans’ resources at state’s disposal are scarce,\textsuperscript{134} and extraction from society is minimal. This quite accurately describes Cambodia. The state’s extraction capacity is limited. Moreover, it lacks the necessary budgets to cover every priority that is essential for the state building. The PM underscored: ‘[E]verything tends to be priority, but clearly we lack the resources to meet all priorities,’ impeding the comprehensive reform program implementation.\textsuperscript{135} Agencies managing natural resources, including FiA, face the same problems. Reviews of its annual reports point to one convergence: ‘lack of budgets’ and means to carry out their activities, inhibiting it from implementing its policy ‘across the whole spectrum of policy areas.’\textsuperscript{136}

\textsuperscript{132} Campbell, \textit{Department of Fisheries Institutional Review}: 26-27 and 49.
\textsuperscript{133} Informant 5; Informant 7; Informant 11. Chan and others also agree that ‘individuals with the requisite capacity tend to work elsewhere to make their living or for better pay, except those who are attracted to high ranking or key positions of influence and prestige.” Chan et al., \textit{Cambodia Evaluation of Aid Effectiveness}: 14.
To illustrate, CFDO/D is given a huge task, yet it has been allotted insufficient budget for its operation. A former CFDO official revealed that when CFDO was established, it was provided with $127,420 for its annual operation. According to an unpublished document, the requested fund for its 2007 activities was roughly $49,000.\(^{137}\) Similarly, a few officials in the central leadership reported that the funding is so limited. Sub-national officials also complain of a shortage of operating funds. The 2011 Fisheries Action Plan indicates that the funding for the entire CFC activities is $814,288 (with the RGC’s budget of $66,210, donors’ support of $317,531, and a shortfall of $430,547) and separate funding of $39,853 (of which $37,950 from donors and a budget gap of $1,903) to selected cantonments for CFC related issues.\(^{138}\) The funding from the RGC is still limited and is even less than the initial support.

Parallel with skewed staff distribution is financial and material resource distribution. The further it is from the center, the fewer resources there are. A report in 2002 went: “Those [provincial] offices are very poor and do not have any modern office materials such as computers, photocopy machines, fax, phones, etc. These commodities are only found at headquarters.”\(^{139}\) According to the field observation, cantonments are better equipped though equipment is limited and variable. Divisions and sangkats lack even basic office equipment. Some do not even have offices and some offices are rented.\(^{140}\) A report from the Battambang cantonment fully captures this: There is a “lack of offices at the division and

\(^{137}\) Department of Fisheries, "Table of Planned Expenditure for Establishment and Management of Community Fisheries Committees for 2007," (Phnom Penh2006).


\(^{139}\) Ing, Sao, and Thay, "Small-Scale Fisheries Management in Cambodia," 35. See also Gum, Inland Acquatic Resources and Livelihoods in Cambodia: A Guide to the Literature, Legislation, Institutional Framework and Recommendations iii; van Acker, Cambodia's Commons: Changing Governance, Shifting Entitlements?: 27.

\(^{140}\) Informant 7; Informant 89.
sangkat levels to provide fisheries-related services to concerned stakeholders. [There is a] shortage of office stationery such as tables, chairs, cupboards, computers, telephones and fax services.”

Field implementors complain about limited budget for patrol, monitoring of lot fish lifting and information dissemination. The alleged ‘siphoning of the fund’ as it travels from top was another issue. An officer alleged: “As far as I know, the cantonment does receive some fund for petrol, but the former head of the cantonment never gave it to his subordinates and the patrol teams also did not receive money for the missions.”

3. Hindrance to Local Governments’ Institutional Capabilities

Most shortcomings discussed above apply to the local governments. Ergun Ozbuden and Levy call for enhancement of their capabilities to make public administration more effective and to counter-balance the central government. Cambodian state also bets better governance on more effective local governments as reflected in many policies and reform measures. However, decentralization is generally slow and the government structure is still very much top-down. Even the PM lamented: “The change in practices and attitudes at the ministries and national institution levels to support decentralization process, which involves the transfer and delegation of authority, role and resources to the local authorities, are still limited.”

142 Informant 22; Informant 66; Informant 89. See also, Council of Ministers, "Report on the Investigation of Complaint by Fishers in Chong Khneas village, Chong Khneas Commune, Siem Reap District and the Collection of Information on the Tax Payment of Hotel, Guesthouses, Massage Clubs and Restaurants in Siem Reap."); Csavas et al., Cambodia, rehabilitation and development needs of the fishery sector: 34; Ing, Sao, and Thay, "Small-Scale Fisheries Management in Cambodia," 34.
143 Informant 67. This account is supported by Informant 5. However, it was impossible to verify this allegation with cantonment leadership in both provinces.
146 Cambodia New Vision, "Addressing the First-Term CC/Sangkat’s Performances," Cambodia New Vision August 2006, 4. See also, Nhem, "Mainstreaming Natural Resources and Environmental
Before 2002, CCs lacked clear roles and responsibilities.\textsuperscript{147} Despite the elections and better legislated roles and responsibilities, their authority is still limited, albeit improving, and they continue to face poor incentives, limited human and other resources and weak institutional capacity, while many councilors and clerks are new to this young system.\textsuperscript{148} Their duties have shifted from pure regulation to local investments and development. Nonetheless, their ability to generate revenues, revenue allocation from above and implementation and extension capacity are quite restricted. In 2006, for instance, the average fund transferred to each commune was some $11,700. The PM admits that fiscal decentralization is limited; however, he accurately brands it a ‘complicated task.’\textsuperscript{149}

Their capacity to help manage the two subsectors is limited owing to their limited resources, skills and technologies.\textsuperscript{150} Besides, because of the high premium on natural resources, they face resistance of authority devolution from concerned line offices and departments and sometimes difficulties in coordinating them.\textsuperscript{151} The

\textsuperscript{147} Hughes, "The Seila Program in Cambodia," 111.
nature of fisheries and forest management sometimes demands cross-commune collaboration; nevertheless, as van Acker notes, “such experiences have been very limited.”\textsuperscript{152} The corollary of these shortcomings is, as discussed earlier, their limited contribution to CFC and lot management.

Due to low incentives, some local officers are demotivated, as attested in the precariously nomination of CFC candidates by the village chief and less meaningful CC participation in CFC elections in Site 1. The village chief invited 7 non-fishers out of 14 nominees and some fishers with a history of using illegal gears to stand for a CFC election for the 2011-14 mandate. Some of these nominees were elected into the new CFC. The CC representative was not present in this election process and only showed up when the vote counting started and left immediately after it ended.\textsuperscript{153} Though this case cannot be generalized, it may be a usual practice given the little pay that they get from performing their duties.

Commune councilors generally possess restricted authority vis-à-vis line offices and local strongmen, yet many do have discretionary power. As Ojendal and Kim\textsuperscript{154} spell out, the power abuses include ‘day-to-day corruption, unjust allocation of resources and occasional work opportunities, and foot-dragging.’ Different forms of power abuses in the subsectors are fairly common. Weak capacity and authority and arbitrary power more than less apply to the district and provincial administrations\textsuperscript{155}.

\textsuperscript{152} van Acker, "Don't Trust Fish When They Are in Water: Cambodia's Inland Fisheries in Transition," 46.
\textsuperscript{153} Informant 24. Personal observation of an election in Province A.
\textsuperscript{155} The district and provincial administration likewise face many shortcomings. After the 1993 elections, financial autonomy and discretion were taken away from them, leaving them with limited sources of tax revenues and power over expenditure, and they were transformed 'into administrative units to implement national budgets determined by the central government.' Therefore, they were left with limited budget for district and provincial development activities. The re-alignment of line agencies has also taken away their authority to monitor progress of line departments and offices – with some of them allegedly failing to collaborate with the district and provincial administrations. See for example, ———, Cambodia: Enhancing Governance for Sustainable Development: 43-77; Peou, "Cambodia after the Killing Fields," 45. Informants 8-9. Like their commune counterparts, despite limited authority and capacity, they do hold arbitrary power. In the fisheries and inundated forest subsectors, for example, sales of common resources, backing of inundated forest clearance, demands for tea money for lot applications, and delays of patrol mission letters are usually heard of. To cite Hughes, they do wear ‘black hats’. Hughes, "The Seila Program in Cambodia," 106.
States are not a monolithic entity; thus overlapping jurisdictions, competition for resources, poor coordination/cooperation and jurisdictional and interest warfare amongst their agencies often exist. This certainly affects state capacity. Though state agencies in developed countries face these challenges, in post-communist countries they present even more challenges because of the benefits at stake when resources change hands.156

Cambodia’s public administration too is far from perfect. SAW agrees that the public administration has ‘some gaps, overlaps and poor coordination functions.’ Hughes and Tim Conway maintain that each ministry or agency treats its jurisdiction as a fief ‘with leaders of certain ministries treating sectors as personal territories or domains’ and avoiding interference into the affairs of others in hope for reciprocal non-interference. Because of the high premium on natural resources for rent-extraction, jurisdictional and interest protection and responsibility compartmentalization are probably fiercer. Overviews of reports and studies written or commissioned by ADB reveal consistent patterns of complaints. Its 2001-2003 Country Assistance Plan branded the ‘development of water resources’ as being ‘at a crossroads’ and raised the concern over restricted inter-agency/sector-wide coordination and cooperation, contestation amongst ministries for the control of various sub-sectors, and unclear and overlapping mandates.159

Another report in 2005 added: “Conflicts among agencies arise from broad interpretations of law and unwillingness to work together for common benefit…” Cambodian institutions often appear to stake out claims for control of land, water


158 Cited in Pak et al., Accountability and Neo-Patrimonialism in Cambodia: A Critical Literature Review: 60.

and biotic resources and, where these claims overlap, compete among each other.”

These instances are ‘one of the major stumbling blocks for environmental management,’ the repercussion of which is inefficient management. Other DPs and researchers raise similar concerns. For example, Marschke wrote: “Institutions working on resource management issues are not connecting, let alone considering the linkages between environmental and poverty issues.” Lamberts attributed this turf war on the high premium on natural resources for personal gain. He reasoned:

The underlying explanation is that there is much more at stake than just management authority. With the latter comes direct and indirect control over a huge informal income and benefits system. This enables senior staff to allow subordinates to generate indispensable supplements to inadequate government salaries, and to generate benefits for themselves and their own superiors.

Fisheries and forest management is likewise vested in many agencies, each of which is separately responsible for different aspects of the sub-sectors. To exemplify, FiA is responsible for fisheries and inundated forest; the Ministry of Environment (MoE) protected area management, such as the Tonle Sap biosphere reserve and Mekong Ramsar Sites; MOWRAM water resource management, the Ministry of Rural Development (MRD) rural development, and local authorities local development. In the biosphere reserve, there are fishing lots and CFIs and in the Ramsar Sites there exist CFIs and subsistent fishing, which fall within the FiA jurisdiction. MRD is tasked with rural development, including community development, while FiA is responsible for CFi development. Their cooperation and coordination are thus of utmost importance for successful resource management given their overlapping and complementary responsibilities. Yet this is mainly the missing link. This section chiefly discusses the challenging relationship between

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FiA and MoE face some inter-agency issues. First, there are jurisdictional confusion, competition and conflicts over the management of fishing activities and inundated forest in the biosphere reserves and Ramsar Sites owing to broad legislation interpretation, discrepancies between legislated and actual responsibilities and policy and jurisdictional wrangling.\footnote{Cf. Cambodia National Mekong Committee, \textit{Natural Resources-Based Development Strategy for the Tonle Sap Area}: 56-57; Campbell, \textit{Department of Fisheries Institutional Review}: 8; Kol, "Review of Wetland and Aquatic Ecosystem in the Lower Mekong River Basin of Cambodia," 71-72; Mak, "The Tonle Sap and Its Fisheries Management: A Case in Cambodia," 13-16; Patrick, Melissa, and Puadyal, \textit{Flood Forest, Fish and Fishing Villages: Tonle Sap, Cambodia}: 9. Informant 6. For FiA’s responsibilities and rights, see Royal Government of Cambodia, "Law on Fisheries." For MoE’s and other relevant agencies’ responsibilities, see for example, Kol, "Review of Wetland and Aquatic Ecosystem in the Lower Mekong River Basin of Cambodia," 36-45.} FiA admits the impacts from overlapping institutional responsibilities, underscoring: “There is also a lack of cross-sectoral clarity about which agency has the responsibility to legislate and enforce regulations in different environments which leads to confusion and wasted resources.”\footnote{Fisheries Administration, \textit{The Strategic Planning Framework for Fisheries: 2010-2019}: 2: 72.} Before the passage of FL, there was also jurisdictional competition over the fisheries and forest management in the overlapping areas.\footnote{Mak, Heun, and Pen, "Decentralization and Natural Resource Management in Cambodia: Implication of the Decentralization Process to Date, A Case Studies in Pursat Province," 24-25.} According to Informant 14:

In general, the ministries don’t get along. I don’t think there is a good cooperation between the Ministry of Environment and FiA. In fact, I’m sure there is not. They don’t like each other because it is a competing interest. Environment is broad and it covers everything, including water areas, biosphere reserve, natural resources, whereas the Department of Fisheries is more specific. I think in Cambodia, the MoE suffers from the same problems as most MoEs suffer from, which is that it is weak. Because it is broad, it seems to have a weak mandate. It also does not have a way to generate revenues so easily, whereas FiA within MAFF gets a clear way to generate money, therefore FiA gets more power…In the last five years, I’m not sure. I’m really talking about like 1998-2005.\footnote{Informant 14. See also, Hartmann, "It’s Co-Management or No Management," 4.}

Even after 2005, they have harbored some resentment against each other over policy and legislation interpretation, competition for external funding and management of certain areas\footnote{Informant 2; Informant 4; Informant 6; Informant 7. Keang et al., "Conflicts Arising from Re-Allocation of Fishing Lots: Perceptions from Community Fisheries in Cambodia," 59.} and government funding.

Second, at stake are cooperation and coordination on policy formulation and implementation. The sectoral nature of resource management leads to poor or non-
existent institutional cooperation/coordination, preventing ‘inter-ministerial monitoring, coordination and the sharing of resources and expertise’ and sometimes to conflicting decisions. 169 When asked about cross-ministerial projects, an FiA leader responded: ‘They do their tasks and we do ours. There is a different budget package for each department handling the same project.’ 170 An ADB officer describes the state agencies’ coordination in the Tonle Sap area as ‘very complex.’ 171 A former fisheries official attributes this to ‘protection of individuals’ or institutions’ interests,’ and an NGO program manager to a ‘conflict of interests’ and ‘conflict of power,’ adding: “Usually, if the tasks are involved two or three agencies, it is difficult to get them work together or elicit support from all of them. For example, if one NGO works with FiA on a project in the Prek Toal protected area, it may get facilitation from the FiA staff; however, it faces some administrative burden when dealing with the MoE.” 172

The overlapping responsibilities, conflicts and competitions at the center have an impact on their respective sub-central implementing agencies. Mak, Honey Heun and Raingsey Pen argue that the provincial line departments work more collaboratively on managing communities fisheries and forestry, 173 however, two informants view them as competing for their agenda at the provincial and district levels and protecting ‘one’s interests rather than working for a common goal.’

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169 Gum, Inland Aquatic Resources and Livelihoods in Cambodia: A Guide to the Literature, Legislation, Institutional Framework and Recommendations 82-83; Kol, "Review of Wetland and Aquatic Ecosystem in the Lower Mekong River Basin of Cambodia," 38; Mak, "The Environmental Management in Tonle Sap Lake, Cambodia," 19-24; Mak and Grundy-Warr, "Spaces of Engagement and Contested Territories of the Tonle Sap," 21; Kosal Mam, "Existing Institutional, Legal and Policy Framework for Wetlands Management in Cambodia," in Wetlands Management in Cambodia: Socioeconomic, Ecological and Policy Perspectives, ed. Magnus Torrell, Albert M. Salamanca, and Blake D. Ratner (Penang: WorldFish Center, 2004), 25; Neou et al., “Towards a Holistic Approach to Wetland Governance: The Legal and Institutional Framework and Economic Evaluation of Wetland Resources in Cambodia,” 69; Royal Government of Cambodia, National Biodiversity Strategy and Action Plan: 69; van Acker, "Don't Trust Fish When They Are in Water: Cambodia's Inland Fisheries in Transition,” 48-49. The issue of lack of cooperation also applies to relations between DoF and other agencies as well. For example, while MRD is responsible for community development and DoF/FiA for CFis (a form of community), the cooperation between the two with this regard is also poor. Mak, "The Tonle Sap and Its Fisheries Management: A Case in Cambodia,” 17.

170 Informant 20.
171 Informant 91.
172 Informant 7; Informant 13.
173 Mak, Heun, and Pen, "Decentralization and Natural Resource Management in Cambodia: Implication of the Decentralization Process to Date, A Case Studies in Pursat Province,” 24-25. A provincial cantonment leader also raises that there is a cooperation between the cantonment and DoE. However, the example given is working together in a crack-down mission – a thing that is stipulated in Article 3 of the Law on Fisheries. Informant 3.
Bunheur Neou and Chan likewise report that there is little coordination between the two agencies.\textsuperscript{174}

Cooperation and coordination between line agencies and local authorities are another issue. Before 2001, there was widespread belief by DoF staff that many mass protests by villagers were instigated by local authorities in order to control and exploit the fishing domain by/for themselves.\textsuperscript{175} DoF reports then also complained of poor cooperation from local authorities in the resource management. An FiA leader agrees that the working relationship between the local authorities and FiA was ‘not good’ during 1993-2006. Though there has been some improvement since then, there are still limitations. A sangkat leader complains that some elements of the local authorities and armed forces pressure fisheries officials ‘to cooperate and live in harmony’ with them via the protection of illegal fishing. A cantonment leader criticizes that some CCs are reluctant to deal with fisheries complaints and usually ‘push the grievance parties in disputes to complain to the FiA,’ though after some negotiations ‘there have been some changes in attitude and some CCs began to facilitate disputes.’\textsuperscript{176} The reactions from the local authorities are similarly mixed. While three CC members in Site 1 show some resentment over the fact that fisheries and forestry are mainly under the expertise offices’ control, a CC leader in Site 2 describes the working relationship as ‘fairly good’ with occasional fierce arguments, raising an example of FiA allowing businesspeople to dig ponds in his commune without informing him and not giving him the burden book.\textsuperscript{177}

\textsuperscript{174} Informant 7; Informant 14. Chan, The Review of the Roles and Linkages of Sub-National Fisheries Institutions for Service Deliveries: 8; Neou et al., "Towards a Holistic Approach to Wetland Governance: The Legal and Institutional Framework and Economic Evaluation of Wetland Resources in Cambodia," 69. Even the PM complains that central ministries and agencies ‘have established many committees at provincial and municipal level and transferred some responsibilities to those committees to implement activities in their respective sectors. The key point I want to raise here is that most committees have very similar composition while their responsibilities are mostly duplicated.’ Cambodia New Vision, "Addressing the SEILA Program National Workshop," 4. A view shared by Hughes. Hughes, "The Seila Program in Cambodia," 86.


\textsuperscript{177} Informant 79. See also, Mak, "The Tonle Sap and Its Fisheries Management: A Case in Cambodia," 17.
In the main, the technical offices’ authority outweighs that of the local authorities. The ambivalent relationship, animosity and partial cooperation are the result of competition for turfs, lack of clear roles and duties and de-concentration with little decentralization and decentralization with little de-concentration. Agencies such as DoF prefer to devolve authorities and functions to their line agencies rather than to or through the local authorities. Likewise, CCs have few contacts with the line agencies. According to Chan, “during the preparation of the [Provincial Development] Priority Action Plan (annually) for PIF funding, the fisheries officials, had little involvement or [are] not consulted by the commune councils about the fisheries demand in their localities.”

A few permanent central inter-sectoral bodies have been established or initiated for inter-agency coordination. Two noticeable ones are the Cambodia’s National Mekong Committee and the Tonle Sap Authority. They too face many challenges. CNMC has weak technical capacity and scarce financial resources and is sometimes by-passed by its member agencies. Before TSA was established in 2007, the ADB initiated two short-lived agencies: TSBR Secretariat in 2001 and the never-born Tonle Sap Basin Management Organization (TSBMO) under CNMC. The prelude to the TSBMO and TSBR Secretariat establishment saw line agencies trying to neutralize or water down its authority as much as they could.

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182 For discussions of the two, see for example, Mak, "The Tonle Sap and Its Fisheries Management: A Case in Cambodia," 15; -----, "The Environmental Management in Tonle Sap Lake, Cambodia," 14-17; Mak and Grundy-Warr, "Spaces of Engagement and Contested Territories of the Tonle Sap," 6-7; Middleton, "The Expansion of the ADB’s Influence in Cambodia’s Water Sector: Judging the Effectiveness of ADB Water Management Projects in the Tonle Sap Basin," 14-24; Milner et al., "Cambodia: Establishment of the Tonle Sap Basin Management Organization 2," 8. TSBR Secretariat predecessor was the Tonle Sap Coordination Unit under MoE.
The more extensive TSBMO, extending from the secretariat to the district level, was never adopted, and the government initiated the Phnom-Penh-based TSA under the leadership of MOWRAM minister instead. It has been quite active in fisheries and forest management, including the destruction and modification of some mega-water reservoirs in the inundated forest around Tonle Sap, two major rounds of illegal fishing clampdowns and one round of lot auction monitoring. How much it can assist with the resource management is to be seen as it is still young and competent staff is few.\(^{183}\) MAFF is likely to protest its dominance. In a clarification letter to the PM, its minister, for example, wrote: “I would like to take this opportunity to thank TSA that concerns for the disasters to fisheries resources \(\text{though the Authority does not have any jurisdiction}\)\(^{184}\) over the issues.

The TWGF is another good mechanism for tri-ilogue between NGOs, DPs and concerned government agencies working on fisheries and forestry issues; however, participation from other central agencies in bi-monthly meetings organized by the TWGF is likewise limited. A frequent attendee reasoned: ‘There is little cross pollination. There is little collaboration between each group… so the TWG is not so effective for inter-ministerial coordination.’\(^{185}\) Another informant added: Other state agencies ‘have no interests [in participating in the TWGF] or they do not gain anything from engaging with it.’\(^{186}\)

To conclude, the low institutional state capacity and limited resources contribute to bureaucratic dysfunctionality. The state is notable for the absence of the Weberian bureaucratic characteristics. It has adopted the modern state garb, but not necessarily modern state behavior.\(^{187}\) Such characteristics as meritocratic promotion, competency-based recruitment, file-based management, separation between office and officers, non-exploitation from offices, high material rewards and social honor, hierarchical and non-interfering decision-making and systematic

\(^{183}\) Informant 7.

\(^{184}\) Forestry and Fisheries Ministry of Agriculture, "In Response to Recommendation to Close Fishing Season before Deadline as Requested by Head of Tonle Sap Authority," (Phnom Penh: Ministry of Agriculture, Forestry and Fisheries, 24 March, 2011), 1. Researcher’s emphasis. One FiA leader and an NGO program manager opine that its establishment is a foundation of ‘apparel’ institution. Informant 13; Informant 20.

\(^{185}\) Informant 4; Informant 6; Informant 10.

\(^{186}\) Informant 6.

disciplines are either absent or weak. To cite Evans, the bureaucracy is not the problem, but its scarcity is. An internal robust cohesive structure, inter-agency coordination/cooperation and a sense of unity amongst bureaucrats are feeble, leading to inefficiency and ‘incursions by the invisible hand of individual maximization.’ Like the Solomon Islands and Indonesia, bureaucratic agencies work with insufficient funds, equipment, and trained personnel and breed patronage networks. Building an ‘effective bureaucracy is an arduous task’ and without history of ‘deeply rooted bureaucratic traditions,’ the task is even more daunting as ‘there is no guarantee that supply will match demand.’ Furthermore, in the absence of a competent bureaucracy, norm and value internalization and institutionalization amongst the officials take even more time. These perfectly apply to the Cambodian state structure and FiA in particular. Paradoxically, like Fred Block recommends to post-communist countries, these state agencies also require de-bureaucratization: more autonomy to junior employees, a shift from procedural to substantive regulation (and as Evans suggests midwifery and husbandry) and more civic participation.

190 Cf. Dauvergne, "Weak States and the Environment in Indonesia and the Solomon Islands," 142-43.
191 Evans, Embedded Autonomy: State & Industrial Transformation: 40 and 71.
Chapter 10: The Quest for Internal Political Legitimacy

The discussion so far shows that civil society and state agencies in Cambodia are weak. This chapter will prove that the opposition and one of the main coalition partners in the governments are likewise weak. In such a context, the quest for internal political legitimacy does not significantly enhance state capacity and build its institutional capacity. Instead it allows the dominant ruling party or parties to raid state apparatus in order to build and strengthen itself/themselves and enables them to intensify and diversify patronage politics. Besides, the politicization of state agencies contributes to state debility and weak institutional capacity since the ruling parti(es) are reluctant to hold state agencies and their agents accountable for their misconduct. However, the transformation from elite to mass-patronage has somehow allowed the dominant parti(es) to make state agents and dominant businesses contribute to the socio-economic development of the country.

With the end of the Cold War, external powers backing the Cambodian conflict were more seriously committed to ending the Cambodian war and pushing all factions into negotiations. With their patrons’ withdrawal of support, they were more serious about ending the protracted war. Hence, the Paris Peace Agreement was finally signed on 23rd October 1991. This agreement saw the four factions in principle agree to multi-party liberal democracy and to seeking political legitimacy via election under the supervision from the UN in 1993. Properly calculating its unpopularity, the Khmer Rouge defaulted on the agreement and withdrew from the elections. The other factions along with the UN proceeded with the elections, which saw millions of Cambodians go to the polls for the first time in two decades.

The elections saw a surprise victory for FUNCINPEC, which had little time to prepare for them, and a defeat by the CPP, although they were held mostly in territory under its previous control and there was systematic foul play by its party members.¹ However, FUNCINPEC did not win a decisive two-third majority to rule by itself; hence it needed CPP’s support to form a coalition government. After protracted negotiations, a coalition government of parties with seats in the Assembly was formed with Ranariddh as the first PM, Hun Sen the second and ministerial posts divided amongst all winning parties with no opposition party. From here, the coalition of the strange bedfellows began their shaky political journey.

¹ For the alleged electoral irregularities, see for example, Shawcross, Cambodia’s New Deal: especially Chapter 1.
1. From a Shaky Coalition to a Dominant Ruling Party and Weak Oppositions

The People’s Revolutionary Party of Kampuchea (PRPK), the CPP’s predecessor, started almost from scratch in 1978 when its members teamed up to oppose the DK. At the beginning it had roughly 200 cadres. When the DK fell, the membership was still small as many DK cadres went with their leaders to the Cambodian-Thai border. It was slowly increasing; however, even in 1988, the party had merely 22,000 cadres (excluding the core groups) in nearly 3,000 party branches. At the lowest level, only two-thirds of the communes had party branches. Even Hun Sen admits that the bigger mistake ‘was neglecting to build the party at the base.’\(^2\) The pre-election years witnessed the party mass-issuing party memberships and claim to have millions of members.\(^3\) Even in 1993, the party was thus quite weak. However, it was closely linked to the SoC’s agencies. The PRK/SoC “sought to replicate the vast, ubiquitous structure of the Vietnamese Communist Party, establishing Party branches in every state institution, from ministries to local government offices, military units, schools, and hospitals. Initially, however, the lack of Party members forced the regime to rely on the next best thing: core groups.”\(^4\)

Such a practice put the party, whose central committee had re-established state institutions, at the helm and blurred the party-state distinction. Party committees for internal security, national defense and diplomacy were established and placed under the party’s direct control. Besides, by 1989 it had managed to hold a firm grip over the commune administration.\(^5\) Envisioning the imminent political solution, ‘it decided to transfer the states entire industrial sector over to the Party.’\(^6\) Therefore, by the early 1990’s, the party had ‘built the state into a cohesive and


\(^3\) According to Cheam Yeap, in 2012 the party has 5,570,000 members. Yuthana Kim and Bridget Di Certo, "Parties Gear up for Elections," *Phnom Penh Post* Monday 21 May, 2012.

\(^4\) Chandler, *A History of Cambodia*: 279-80; Gottesman, *Cambodia after the Khmer Rouge: Inside the Politics of Nation Building*: 48-49. “The [Vietnamese] technical specialists and economic experts who advised Cambodian state institutions ranged from deputy ministers, seconded from ministries in Hanoi, to low-level bureaucrats… Educated in Vietnam and, in some cases, the Soviet Union, they tended to approach their role from the perspective of doctrinaire communism…” ibid., 145.


\(^6\) For the details, see Gottesman, *Cambodia after the Khmer Rouge: Inside the Politics of Nation Building*: 318.
loyal apparatus. In line with the sequencing thesis because the party competition took place before the state consolidation, the party builders raided the state to build the party first through patronage politics. While one of UNTAC’s roles was to neutralize the administrations of all factions during the transition, it could do little; thus the CPP gained the leverage since it had the most extensive public administration and most numerous soldiers in the largest territory. The legacy from its inability to neutralize the administrations is the CPP’s domination over the state apparatus which is tied together by patronage.

Consequently, though FUNCINPEC achieved electoral success, the CPP could bargain for a favorable power sharing deal, including the second-premiership, almost equal ministerial and provincial governor posts, co-ministership for defense and interior and consensus-based decision-making. More importantly, when the government was formed, the existing bureaucracy, local and provincial governments and a majority of the armed forces still answered to the CPP, while Funcinpec was slow to assert ‘firm leadership.’ According to Harish Mehta and Julie Mehta:

Although Ranariddh took charge as the first prime minister he could not control the vast provincial administration that was run by second prime minister Hun Sen’s party. Too small and too thin on the ground [sic] Ranariddh’s party lacked the manpower. Hun Sen’s party, in contrast, controlled the administration through its network of army commanders, police chiefs, and governors, most of whom had fought alongside their prime minister in the war of liberation against the Khmer Rouge. The powerful provincial figures were handpicked by Hun Sen, and they remained loyal to him. Ranariddh’s partymen generally held foreign passports, and did not appear to have the stomach for the heat and dust of the poverty-stricken countryside, or the bullets that flew out of the tall grass. Compared to the CPP, Funcinpec was minuscule.

Nate Thayer concurred:

…the traditions of real power in Cambodia are rooted in control of the armed forces, security apparatus, state bureaucracy and, importantly, the provincial political structures which control police, armed forces, tax collection, and civil service. These areas remain under the control of the CPP and respond to political loyalties before central authority.

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9 See for example, Shawcross, *Cambodia's New Deal*: 17-21.
The two junior parties were even more powerless. The Buddhist Liberal Democratic Party secured the leadership of the Ministry of Information; it was riven by internal power struggle, resulting in its split in 1995. The Moulinaka Party, winning only one seat, was offered one position of Under-Secretary of State at MRD by FUNCINPEC. Therefore, the government was weak, shaky, fragile and volatile and beset with power struggle especially between the two main parties, and the coalition would last only if and until when Funcinpec agreed to accommodate to the dominant CPP’s interests. The splitting of the International Development Association-sponsored project into two components was a good illustration of power struggle. In 1994, IDA proposed an agricultural and rural development project; however, because MAFF “was dominated by CPP staff, and the Ministry of Rural Development by FUNCINPEC staff, …the project concept foundered until the project was split—one for agriculture and one for rural development. The rural development project was postponed until FY99.”

It was the 1997 factional fighting between the two main coalition partners that decided once and for all the CPP’s domination over Cambodian politics and Funcinpec’s decline. The CPP has the largest and most sophisticated organizational structure and is the richest party with many wealthy and educated members. Since 1993, it has had a better grip over the bureaucracy, military, provincial and local government (controlling all provincial and district governorship from 2008, winning 98% of the commune chief positions in 2007 and 2012 elections, controlling 99.5% of the village chief positions since 2007), and the Assembly (winning more than two-third of the seats in 2008). The hegemonic,

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institutionalized Institutional Revolutionary Party of Mexico blocked other parties from achieving party institutionalization; such is applied to the CPP. Since most of its supporters are rural dwellers, it has thwarted other parties, especially the main opposition party, from building a stronghold in the countryside.\(^{19}\)

The rise of the CPP, especially of Hun Sen, runs parallel with the decline of FUNCINPEC, especially of Ranariddh and eventual demise of the two junior parties in the first coalition. FUNCINPEC has declined since 1993, reflecting in its inability to fully penetrate the countryside, reduction of assembly’s seats from 54 in 1993 to 2 in 2008, reduction to a sole junior coalition partner, division into many parties, and above all demotion of Ranariddh and his decision to leave Funcinpec to form a new party in 2007.\(^{20}\) The Norodom Ranariddh Party (NRP) has been not so successful either, getting only two seats in the 2008 elections.

As for opposition parties, it was not until 1995 when Sam Rainsy, the former finance minister, was demoted and sacked from Funcinpec that a real opposition party was born. In the 1950’s and 1960’s, Sihanouk showed little tolerance towards the opposition.\(^{21}\) The legacy of wars and a culture of political hegemony are probably the main challenges for the acceptance of a ‘loyal’ opposition.\(^{22}\) Thus, oppositions, or even coalition partners, are seen as threats and hence are targeted via divide-and-rule tactics, law suits, alleged sponsored defections, intimidation and threats and restrictions of political maneuver, especially in the countryside, by

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\(^{21}\) See for example, ———, *Cambodia's New Deal*: 58.

the dominant party. The oppositions’ structure itself poses a problem. Like the ruling parties, they are organized top-down and are elite-based. However, with weaker bases, they mainly call on the ‘international community’ to assist them with space-of-engagement expansion. Besides, the opposition groups, like FUNCINPEC, are in disarray with no consolidation, but increase in numbers and little intent to forge a unified opposition.

2. Weakening and Co-opting State Apparatus

When the first coalition government was formed in 1993, there was no downsizing of the existing public administration. Moreover, more personnel from the other parties were added to the former SoC’s administration due to the politics of compromise – resulting in the ‘inflation of positions and staffs’ and appointments of many non-qualified civil servants, as Hun Sen usually laments. The WB reported that 18,000 staff was incorporated for ‘political balancing under the peace agreement’ – a practice a provincial department director labels as “dumping” of parties’ members into the civil service. To be fair to the other parties though, the SoC’s extensive personnel were all kept intact, although many were under-qualified. The final integration by the Khmer Rouge further enlarged the size of the civil service.

Because of the political uncertainties and instability, especially during the first two mandates, the two major ruling parties were less interested in building a capable

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and autonomous civil service, but to build patronage networks.²⁹ Besides the bloating of (deputy) ministerial posts, there were promotions and appointments of unqualified personnel – something that Hun Sen referred to as ‘bitter experiences’ or ‘political prices’ for ‘political reconciliation,’ although he admits that “the incidents of appointing officials in a non-virtuous manner, or through lobby of wives or concubines have not been the problem of FUNCINPEC alone, but a matter that has been found also in CPP.”³⁰ A cantonment leader agreed that some ‘integrated officials’ to DoF ‘do not possess high qualifications – what they had was certificates from attending short courses at the border camps,” while another official alleged that more positions were created to generate more money to parties.³¹ Pak and others observed: “Politics influence the entire structure and size of the bureaucracy, as positions are created and filled in accordance with the whim of powerful patrons who appoint members of their political network as a reward for positive performance or as part of a wider process of political negotiations and compromises.”³²

It was not until 2008 when Hun Sen announced the end of ‘quotas’ for non-political administrative positions.³³ By then, the CPP was certain that it could govern alone thanks to the constitutional amendment allowing a party winning 50% plus one of the votes to form a government on its own and its ability to grab more than two-thirds of the seats in the Assembly for the first time in 2008. All in all, the political compromise in the first three mandates had ‘added another layer of patron-client networks’ and created ‘two bureaucracies running the government, which was expensive and unwieldy.’³⁴

³⁴ Kingsbury, South-East Asia: A Profile: 213; Un, "State, Society and Democratic Consolidation: The Case of Cambodia," 229.
A communist legacy is the belief in infiltration into other organizations, including state apparatus, while the consequence of ‘economic development’ first is the confluence of a party and the state. This is especially the case when the state was created by a party or individuals. The intertwining of the dominant party and the state is not new to Cambodian politics. The Democratic Party won the elections in 1946 and 1952 through ‘the exploitation of networks of local administrative control’ by maintaining provincial and district committees within the state apparatus and through tapping into customary structures of authority. Sihanouk’s movement did not spare the bureaucracy either. The PRPK’s fusion with the SoC’s structure and UNTAC’s inability to separate them has given leverage to the CPP ever since.

Though FUNCINPEC has had some loyalists appointed to the bureaucracy and together with SRP and NRP has gained some control over the CCs, the CPP still wins the loyalty of and dominates most of the public administration and all branches of the state ‘with its vast political networks extending deep and wide into communes and villages.’ ADB and WB reports bemoan the heavy influence of ‘party politics’ over “a poorly paid, patronage-based civil service system.” Similarly, Mehta and Mehta noted: “The dividing line between the party, the government, and the civil service had been erased. Civil servants and ministers were required to be members of parties, and this had politicized the entire government machinery and the administration – a nexus that was impossible to sunder.” To be fair to the CPP, FUNCINPEC also had little interest in insulating

36 Chandler and Heder as cited in Hughes, "Reconstructing Legitimate Political Authority through Elections?", 34-36.
37 See for example, Peou, Intervention and Change in Cambodia: Towards Democracy?: 43-46.
38 Pak et al., Accountability and Neo-Patrimonialism in Cambodia: A Critical Literature Review: 52; Peou, Intervention and Change in Cambodia: Towards Democracy?: 208-27.
41 Mehta and Mehta, Hun Sen: Strongman of Cambodia: 240. See also Asian Development Bank, Country Assistance Program Evaluation for Cambodia: 33; Greenberg Quinlan Rosner Research
the public administration from party politics, but endeavor to increase its share of patronage within the state apparatus, including the judiciary and district administration.\textsuperscript{42}

The CPP’s manipulation of the state apparatus to achieve its electoral success can be divided into two main stages, the first of which is the strengthening of their allegiance to the party via permitting them to extract from the state and society and reliance on them for material goods distribution to party members, surveillance and intimidation of voters, etc., and soliciting their financial support to win elections. Hughes was an early writer to highlight the protection of ‘entrepreneurial’ activities ‘to strengthen the political attachment of local authorities to deliver the electoral victories.’ Such a practice enriched individual civil servants rather than the Treasury and discouraged systematic reforms when they ‘appeared to become too threatening to loyalty structures.’\textsuperscript{43} At this stage, the CPP was observed to use more heavy-handed methods to stay in power.\textsuperscript{44} Given the rural nature of the constituency, poor trust between citizens and the state and local authorities’ power and influence, the authorities’ catalases were necessary to win an election. FUNCINPEC too joined this game of gift distribution and rewards of state positions to major funders.\textsuperscript{45} Cock argued that the extraction from the state and society and the passage of income to the superiors have created a relatively stable ruling elite group.\textsuperscript{46}

The ‘entrepreneurial’ activities are applied to natural, including fisheries, resource exploitation. Billon argued: “In 1994, the government permitted the military to secure the forest sector in exchange for its allegiance. With this permission, the

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\textsuperscript{44} See for example, Shawcross, \textit{Cambodia's New Deal}; Un, "Patronage Politics and Hybrid Democracy: Political Change in Cambodia, 1993-2003."

\textsuperscript{45} Hughes, \textit{The Political Economy of Cambodia’s Transition, 1991-2001}: 119-36. See also Pol, "Cambodia," 165-78.

\textsuperscript{46} Cock, "External Actors and the Relative Autonomy of the Ruling Elite in Post-UNTAC Cambodia," 244-64.
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army, working through networks of businesspeople, forestry bureaucrats, politicians, and provincial authorities sold timber for personal gain and to raise funds for the civil war." Even the subsequent bans did ‘not eliminate illegal logging in all areas, because of the ongoing dominance of patronage-based politics.’ Mak likewise claims that there was a lack of transparency in lot management, opening the room for ‘corruption, including diversion of government revenue to the accounts of political parties.’

It is noted that the need for legitimacy from dominant groups is more important than from the population; hence in many developing countries patronage dispensing to buy loyalty and to elicit their support to garner votes is indispensable. This in turn hinders the states’ endeavor to reform and curtail their capacity. Deng and others acutely notes such a phenomenon in Africa, stating:

Financial assistance [from private as well as official sources] for the special use of individual parties has generally been handled confidentially. It is reasonable to expect that political parties acceding to power on the strength of such assistance would remain beholden to their patrons and, accordingly, endeavor to return some favors… While some return of favors might be expected even in the more mature democracies, in African countries this phenomenon is particularly troublesome since parties could remain beholden to a few large supporters capable of controlling governments to further individual ends.

By contrast, Diamond, Linz and Lipset argue that ‘the more successful a regime has been in providing what people want, the greater and more deeply rooted tends to be its legitimacy.’ Such a position is supported by other scholars. In Cambodia, in the eyes of many people, livelihood and possibility for its enhancement (or more
generally economic development) are more important than full-fledged democracy. With substantial aid money and better macro-economic management, Cambodia has experienced remarkable economic growth. Consequently, the CPP and its leaders are confident of their ‘ability to deliver on the promise of economic growth’ and improving the welfare of the rural dwellers.\footnote{Kato et al., *Cambodia: Enhancing Governance for Sustainable Development*: vii; Um, "Cambodia: A Decade after the Coup," 109-10.} It has therefore shifted its electoral strategy from more coercive means and ad-hoc gift distribution to more systematic countrywide rural development programs via PWGs, especially since the 2\textsuperscript{nd} general elections. Elections and election seasons have also been less and less violent. Hughes and others noted the changes in strategies:

> By the turn of the century, although local authorities were still blamed for intimidation around elections, tales of commune and village chiefs or policemen getting away with violent assaults, rapes and outrageous landgrabs had become far scarcer, as the Cambodian People’s Party (CPP) began to attend more assiduously to its popular image and to rein in loose cannons at the local level.\footnote{Hughes et al., "Local Leaders and Big Business in Three Communes," 248-49.}

According to Pak and Craig, many state officials and businesspeople who are CPP members are allocated to PWGs ranging from the central to commune levels. The projects mainly focus on basic physical infrastructure and pagodas. Considerable contributions are required, and

> Even poorly paid central officials will contribute $20, $30, $50 a month to a fund held in the name of their District Working Group head. The head will also actively solicit money from central figures and networks, and supplement funds from their own (including family) resources… Those entirely dependent on government for income sources have the most compelling incentives to participate. In any case, party contributions are closely watched, expected, acknowledged and calculated as a part of an overall assessment of a party member’s (and especially a potential role or office candidate’s) capability, loyalty, “internal solidarity” (willingness to fit into party arrangements), morality, influence, and potential for popular appeal.\footnote{Craig and Pak, "Party Financing of Local Investment Projects: Elite and Mass Patronage," 222-23.}

Generally, such contributions from lower level officials were made as ‘private contributions to development projects bearing the name of a prominent official, as a way of getting close to and expressing loyalty towards a patron, something that occurs nation-wide’ and ‘with an eye to securing support and patronage in the future, or perhaps to enabling an actor to become a public political figure himself.’\footnote{Ibid., 234-41.} FiA’s officials who are party members similarly contribute substantially to their respective PWGs. According to two informants, *sangkat* and division
officials also contribute financially to their PWGs ‘though they usually do not need to spend much. Officials from the provincial and central administrations spend more.’ These officials are to contribute monthly to a PWG plus on an ad hoc basis during an election. In this latter stage, the dominant party has thus moved from capturing the state for a small group’s benefits to capturing it to strengthen itself and begun a more systematic and institutionalized redistribution of private and public goods to its supporters.

These projects have given the CPP considerable credits and enhanced its electoral success. Thayer, for example, agrees that ‘the CPP government under the leadership of Hun Sen was genuinely popular, especially in rural areas.” However, such a development strategy has intensified patronage politics within state agencies and induced a development approach in which state officials are required to contribute to party coffers, leading to corruption and ‘rampant exploitation of natural resources.” Hughes concurred that in the politics of “politicized, party-owned rural development projects… Provincial governors are required to contribute both to raising the necessary funds, through a range of practices associated with corruption and natural resource exploitation.” The politicization of the state apparatus to achieve political ends has put ‘pressure on provincial governments to deliver political support at crucial times [which] makes it difficult for provincial governors to ‘switch hats’ easily.” Even some donors highlight that monetary incentives from some donor-sponsored projects are often ‘shared among many people: superiors, the party, other people in the clan and ministry.” This politicized development also affects FiA’s operations. A cantonment leader, for instance, raised that the contributions to party’s coffers has ‘impacts on the effectiveness of the work of state officials,’ while a former fisheries officials added that sometimes lower level officials have to allow illegal fishing to exist so that they can kick up ‘part of the money gained from illegal activities to

58 Informant 65; Informant 89.
61 Hughes, "The Seila Program in Cambodia," 107-10.
support party politics.” Van Acker added: “There have been many cases where irrefutable evidence exists of unlawful activities, yet the culprits got away scot-free because of their status as public servants or members of the security forces, or their adherence to particular parties.” A TWGF’s officer attributes the lack of a long-term vision within FiA and other government institutions to the leadership’s ‘busyness with the institutional and party responsibilities.’

The quest for political legitimacy also impacts the appropriate use of resources. Major reforms are usually done in haste before an election and with insufficient preparation and follow-up. Such was the conversion of residential and farmland from state to private property in 1989 to compensate for SoC’s unpopular policies, contributing to massive land disputes even since. The picture is likewise quite messy in fisheries reforms. The rushed lot privatization and krom samaki termination in 1988, for example, was done to ‘keep their party cadres content’ and to raise revenues. Subsequent reforms were similarly conducted in haste. Some reports link the 2001 lot release to the looming 2002 commune and 2003 general elections and a need to draw popularity. And indeed the CPP won an across-the-board and landslide victory in both elections. As discussed earlier, the poorly-planned, top-down reforms resulted in ineffective CFCs, weak CFDO/D and massive illegal fishing and forest clearance upon the reforms. In March 2012, the

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63 Informant 7; Informant 80.
64 van Acker, Cambodia’s Commons: Changing Governance, Shifting Entitlements?: 6.
65 Informant 90.
government initiated another major reform – the abolition of all research lots around the Tonle Sap and in four provinces along the Mekong. These provinces are large in terms of population. Again, this was done three months before another commune election, in which the CPP has won a landslide victory. The haste reforms were conducted in the context that FiA had received insignificant budget for capacity building and operations. The reforms have an impact on state revenue collection (and by extension its midwifery and husbandry capacity) and regulation.

Interviews with some fisheries officials, a former member of the district joint force and CFCs show that in selected locations there are interventions from communes and district authorities or even PWG leadership to loosen crackdowns in election years. According to an FiA leader: “When there are strong crackdowns on illegal fishing, there are also ‘reactions’ and ‘interventions’ from other concerned actors, for example, the commune or district levels and even the working groups to relax the crackdowns.” A division leader added: “They [CCs] sometimes do not cooperate and ask FiA sangkats and division not to crackdown too often as that may affect their political activities and popularity. In an election year, commune and district officials usually ask the FiA sangkats and cantonment not to carry frequent crackdowns.” The former district officer gave a similar account: “There are also cases in which the crackdown team is asked to reduce the crackdowns before a national/commune council election by the local authority.” Though some CFCs do not report such incidences, a CFC head in Province B concurred that this happens in his CFi, adding: “[T]here was an order from the commune authority to the CFCs for not conducting frequent crackdowns during the election year.”

sector with special reference to the Tonle Sap Great Lake,” 5. Informant 13; Informant 24; Informant 80; Informant 84-85.


70 Informant 11.

71 Informant 89. This is supported by other fisheries officials. Informant 5; Informant 65; Informant 67.

72 Informant 23.

3. Business Co-optation

Another potential group to be co-opted for the wealth they hold and hence power they have is businesses. That the fall of the Sangkum was partly attributed to them attests to their power, as Milton Osborne argued in late 1969 ‘the urban elites were no longer prepared to accept the existing situation. The decline in the economy had finally reached a point where palliatives could no longer stand in the place of root and branch cures.”74 Surveys and voter turnout rates suggest that Cambodians are still interested in elections.75 Businesspeople therefore are needed to fund political campaigns and other activities. Theng Bunma admitted that he had given millions of dollars to fund CPP’s political campaigns.76 Likewise, other heavy-weight businesspeople ‘are directly linked to the ruling party and the government...[and many] have monopolies over critical economic sectors such as the importation of medicines, extraction of natural resources, and management of national heritage and tourist sites.’ Many provincial businesspeople are also linked to the ruling party and government through appointments to positions of advisors to senior party leaders. A report thus underscored that ‘big money’ corruption is ‘widespread’ partly because money is needed ‘to support systems of political patronage and influence.”77

As Pak and Craig argue above, Cambodian politics has moved from elite to mass patronage in which winning an election via material goods provision and ‘development’ projects is more prominent. Thus, big business elites sit in the PWGs and contribute significantly to their coffers. They are usually well- and extensively-connected, even to the top and hence are influential.78

While these elites argue that their contribution is for humanitarian purposes and local development, there are counter-arguments that such is done with business interests in mind – that is, there is a benefit to associate oneself with a government

74 Osborne, Politics and Power in Cambodia: The Sihanouk years: 112-13. See also ibid., Chapters 7 and 8, for details.
75 See for example, Greenberg Quinlan Rosner Research and National Democratic Institute, "Cambodian Public Opinion in Advance of the 2003 Elections."
76 Mehta and Mehta, Hun Sen: Strongman of Cambodia: 266-67; Peou, "Cambodia after the Killing Fields," 60.
78 One villager, for example, describes a local oknha as having ‘salty’ spit – a slang meaning ‘influential’. Craig and Pak, "Party Financing of Local Investment Projects: Elite and Mass Patronage," 225-40; Hughes et al., "Local Leaders and Big Business in Three Communes," 257-59.
position or to high ranking state officials. Un, Hughes, Calavan and others argued: “[P]atronage systems have also extended themselves to cover business’ activities to exploit the privatization of state resources. Many rich businessmen try to build connections with people in the government, providing financial supports in exchange for favourable treatment from the government.”\(^79\) Un furthered that these ‘development donations’ enabled them to ‘tap government monopolies and buy influence and… [to] have access to state resources, protection, and a wide range of kickbacks.’ This patronage politics hence results in ‘a web that breeds corruption and breeches the rule of law.’\(^80\)

The link between ‘development donations’ and businesspeople having a stake in natural resource exploitation and its ineffective management is also clear. A WB evaluation report complained: “Forestry concessions were granted to the military and others based on regional party affiliations. Revenue from log exports, which enriches political and military leaders and funds partisan political activity, did not flow through the budget.”\(^81\) Evidence from the sub-sectors paints quite a similar picture. Mak, Piseth Vann and Sokkhoeun Te contend that the granting of research lots with little transparency has caused the ‘loss of government revenue, leaving it open to corruption, including diversion of government revenue to the accounts of political parties.’\(^82\) A CPP veteran in his request on behalf of potential concessionaires stated: “…In order to contribute more energetically to [my] constituency in the upcoming elections, I have cooperated with businesspeople in Kampong Cham, Kandal and Prey Veng to find budgets to support the 2003 elections.”\(^83\) Other party members likewise intervene on behalf of their clients into DoF’s affairs to seek fund for electoral activities.\(^84\) In 2000, there was a great


\(^82\) Mak, Vann, and Te, "Communication Strategies for Fisheries Conflict Management: A Case Study in Cambodia," 26.

\(^83\) "Request for Community Development and Rehabilitating Lots 3-10 in Kampong Cham, Lot 12 in Kandal and Trey Linh Dai 1 Me Keung in Prey Veng for Development for a Period of 6 Years from 2003-2009," (22 July, 2002).

\(^84\) Forestry and Fisheries Ministry of Agriculture, "Regarding Requests for Businesspeople to Develop and Rehabilitate 12 Fishing Lots (Lots 2, 9 and 10 in Kampong Cham, Lots 10, 11 & 19 in Kandal, Lots 6 and 7 in Pursat, Lot 2 in Prey Veng and Lots 4, 5 and 6 in Kampong Thom by the Party Committee of the Senate Secretariat," (Phnom Penh: Ministry of Agriculture and Fisheries, 28 May, 2002.).
momentum to abolish research lots and convert them to auction lots; however, ‘before the elections in 2002, the lots were again reversed to the research lots with an extension of leasing from four to six years.’\textsuperscript{85} A review of concessionaire lists reveals that a PWG member who is an advisor to a prominent politician held more than a dozen of lots. Hence, a concessionaire’s allegation that some lots ‘do not serve the state and are usually personal or party lots’ holds merit.\textsuperscript{86}

4. Socio-Economic Development

Cambodia is far from a predatory state – one adopting neither competition nor mass redistribution, intentionally weakening state agencies’ capacity and ‘plunder[ing] without any more regard for the welfare of the citizenry.’\textsuperscript{87} However, it is far from a developmental state. Over the last two decades, it has transformed from a more fusion to an intermediate clientelistic state, to adopt terminology from Grzymala-Busse and Evans. Yet instead of strengthening the state apparatus per se to deliver public services, dominant parties are more inclined to strengthen the parties’ working groups and co-opt state agents to work for the parties’ benefits and to deliver public services. In this sense, Grzymala-Busse rightly judged: “State seizure does not simply corrode the state.”\textsuperscript{88} Intermediate clientelistic states in particular are more likely to experience dominant parties building party and to a lesser extent state structures to re-distribute wealth to the mass. In Cambodia, with quite a large purse and conducive state and party organizational structures from central to group levels, the CPP mounts its campaign of mass rent-redistribution to attain socio-economic development via the PWGs. Though this shadowy arrangement has disadvantages as discussed above, it has contributed to socio-economic development, especially in rural areas. A need for electoral victory/legitimacy has

\textsuperscript{85} Mak, "The Tonle Sap and Its Fisheries Management: A Case in Cambodia," 7-8.
\textsuperscript{88} Grzymala-Busse, "Beyond Clientelism: Incumbent State Capture and State Formation," 639.
also pushed it to adopt other reforms that make resource distribution more equitable or brought about better governance.

Rent redistribution is not confined to current politics in Cambodia. Though Angkorean rulers gained legitimacy from their royalty and genealogical linkages, territorial expansion and warfare skills, another source of legitimacy was the capacity to sustain their subjects’ welfare. Such great kings as Yashovarman I, Suryavarman I and Jayavarman VII sponsored many public projects, including irrigation works, hospitals, bridges and roads.\footnote{Jacques and Freeman, *Angkor: Cities and Temples*: 83 and 270; Chandler, *A History of Cambodia*: 42-51; Jon Ortner, "Introduction," in *Angkor: Celestial Temples of the Khmer Empire*, ed. Jon Ortner, et al. (New York and London: Abbeville Press Publishers, 2002), 27-33; Mabbett and Chandler, *The Khmer*: 101-02. To illustrate, Jayavarman VII is inscribed to have constructed 121 houses of fires, 102 hospitals (and provision of medicines to these hospitals) and many houses of rest. Coedes, *The Indianized States of Southeast Asia*: 173-76.}

The CPP’s concern for the rural dwellers’ welfare dates probably to 1982 when Hun Sen was a deputy PM. During the PRK, even PMs and deputy PMs were allocated to supervise work of a few provinces each, and Hun Sen was ‘taking his new provincial duties seriously.’\footnote{Cited in Gottesman, *Cambodia after the Khmer Rouge: Inside the Politics of Nation Building*: 131-34.} A meeting minute cited him as saying: “I propose that comrade prime minister and the deputy prime ministers…visit, examine, and follow the situation in the provinces, in accordance with this work system, we visit the provinces two months out of the year.”\footnote{See for example, Slocomb, *The People’s Republic of Kampuchea 1979-1989: The Revolution after Pol Pot*: 109.} He and his entourage frequented rural Cambodia to assist farmers with rice planting or harvest, and the like.\footnote{With the lack of traditional and waning charismatic legitimacy based on aggrandizing the ‘liberation’ and ‘political stability,’ the CPP’s best bet is electoral legitimacy through economic performance, above all the enhancement of rural wellbeing.} Since 1993, it has showered Cambodia with ‘development projects,’ including school buildings, pagodas, bridges and roads, and this has gathered pace since 1998. Hun Sen has been an outstanding figure in this. As of 1998, 1,753 school buildings, 65 bridges, 23 water pumps, 178 water canals and 103 laterite roads were built across Cambodia by him or in his name. As of early 2010, the school...
buildings bearing his name reached 3,458 and water pumps/stations 53.\footnote{Cambodia New Vision, "Samdech Hun Senʼs Letter of March 28 to His Majesty the King," \textit{Cambodia New Vision} February 1998, 3-4. Researcherʼs calculation based on the numbers by provinces. These latest figures were the number of school buildings as of May 29, 2010 ibid.} Though data for other amenities are unavailable, media coverage indicates that their numbers have increased substantially.

Besides, public infrastructure built by or in the name of other public figures personally and via the PWGs is considerable. Although there has been no overarching study on this, Pak and Craigʼs case study research in three districts shows that PWGsʼ investment on these amenities is substantial. In Case One, $1,050,000 was spent to build public infrastructure during 2003-07. In the second, 75 classrooms, 14 roads, 6 bridges, 75 pipes, 3 dams, 5 canals, 11 ponds, 1 pumping station and 222 wells were constructed in the CPPʼs name over the same period. There was significant contribution to the third district too.\footnote{For details, see Craig and Pak, "Party Financing of Local Investment Projects: Elite and Mass Patronage," 227 and 31-35. According to Pak and Craig the local authorities are less interested in ‘touching the money’ flown through the PWGs as they perceive it as ‘hot money’ – a slang to mean ‘money with responsibilities attached, money you had better take care of.’ ibid., 237.} Because the PWGs are a countrywide system, their contribution to infrastructure building thus is sizeable. There has been no systematic study on the impact of these projects on socio-economic development and poverty reduction either; however, given their public nature and low discriminatory attitudes towards opponents, it has certainly contributed to poverty reduction from 46% to 30% over the last two decades, local economic development and achieving CMDGs.\footnote{Cf. Asian Development Bank, \textit{Cambodia: Growth and Sector Reforms}: 4.} For example, rural roads and bridges link up rural to urban areas and ease the transport of goods and people to urban markets, and canals and pumping stations can improve agricultural activities and outputs. Even some harsh critics of the CPP partly attribute the improvement in human development indicators and remarkable poverty reduction to the ‘investment in infrastructure, as a result of mass patronage by the CPP government and investment via initiatives” of ASEAN and ADB.\footnote{Hughes and Un, "Cambodiaʼs Economic Transformation: Historical and Theoretical Framework."}

The quest for electoral legitimacy, especially via the commune elections, has also given the CPP opportunities to weed out ‘the most unpopular of the old guard and
left behind a more reform-oriented cadre.⁹⁶ Since the first commune elections, it has grasped the opportunity to arrange internal party voting for grassroots activists of popular candidates to stand for the elections – a practice it still adopted for the third elections in June 2012. To boost its chance to win and maintain its rule via some semblance of democracy, the party requires a strong institutional structure to the very grassroots and peripheral level; consequently it is genuinely committed to maintaining an acceptable degree of good local governance.

Specifically for the sub-sectors, the two rounds of lot release were done immediately before the elections and can be argued as CPP’s tactics to win elections. So was the medium-scale fishing fee abolition. In offering the options as to whether the fee should be kept, a CPP secretary of state offered three options:

Option 1: Request the issuance of a sub-decree to eliminate fees on all medium-scale gears not only to help fishers but to stop opportunists from taking this opportunity to demand money from them. Moreover, we can gain tremendous political leverage…. Options 2 and 3 [fees on selected gears] are quite similar in meaning; however, the revenue from them is not much, while opportunists can take this opportunity to demand money from fishers, which can tarnish our political benefits.⁹⁷

These options were weighed both on their possibility to alleviate poverty and refrain ‘opportunists’ from demanding money, and on the political benefits (before the elections in 2002 and 2003). Option one was finally selected by the PM. It can thus be safe to assume that the release too was done with political benefits in mind.

Moreover, the PWG mechanism has allowed CPP-member-cum-FiA officials and wealthy concessionaires to return some benefits they have gained from clean and/or corrupt practices to the populace. As seen in media coverage, FiA-based PWGs are as active as others in contributing to the development of localities they are responsible for. Some PWGs help villagers dig family ponds for aquaculture to reduce pressure from fishing in natural water body, for example. Further, the mechanism gives rich concessionaires a chance to return some of the excessive benefits from fishing to local communities, however meager that may be. Some concessionaires who belong to the PWGs, for instance, build local infrastructure, often in the names of prominent figures. There are also cases in which commune/district council members, provincial governors or their deputies or even

⁹⁶ Ojendal and Kim, "Korob, Kaud, Klach: In Search of Agency in Rural Cambodia," 514; Hughes et al., "Local Leaders and Big Business in Three Communes."
⁹⁷ Tong Iv Chan, "Regarding Taxes on Medium Scale Fishing Gears or Fees for Freshwater Fishing Domain," (18 February, 2001). Researcher’s emphasis.
parliamentarians (at least one) who support selected CFCs or their applications to make money from their CF areas. This has opened up opportunities for CFCs to make some revenues to self-finance and contribute to local development.

To conclude, at best the impact of the quest for political legitimacy in the context of a dominant ruling party, and weak coalition partners, opposition, state agencies and civil society on state capacity and its institutional building are mixed, though negative impacts probably outweigh the positive. In this context, the state agencies are not detached from the dominant ruling parti(es), but instead patronage politics is further entrenched. The operation of the politicized state agencies with weak checks and balances is mostly ineffectual. Specifically, the quest for legitimacy has seen more injection and maintenance of un/under-qualified civil servants in the state apparatus. Injections of resources from party members into the PWGs and substantial release of natural resources to rural communities have contributed to poverty reduction, socio-economic and rural development and redistributive justice. Yet critics argue against the pork-barrel nature of the financing and resource management, while the release was done without a master plan and in a reactive manner. Moreover, little effort was made to enhance state agencies, including FiA, institutional capability and state capacity.

98 See for example, Yeap Cheam, "To His Excellency Chan Sarun, the Minister for Agriculture, Forestry and Fisheries," (19 July, 2007); ———, "To His Excellency Chan Sarun, the Minister for Agriculture, Forestry and Fisheries," (20 July, 2009).
Chapter 11: Development Partners and State Capacity

This chapter presents a review of Development Partners’ contributions to Cambodian state and institutional capacity building over the last two decades. It also discusses the impacts of insufficient coordination/cooperation between DPs and between DPs and Cambodia have on state capacity and institutional capacity building.

Financial dependence on external actors is not new to the modern state of Cambodia. Since its inception in 1953, each regime, to a variable extent, depends on external financial support to stay intact. Sihanouk’s governments, for example, were dependent on funding from France, China, the United States and Soviet Union; the Khmer Republic from the United States. Different factions in the Cambodian conflicts in the 1980’s relied on different backers, with the Phnom Penh government receiving aid from the Eastern bloc and Vietnam and the rest mainly from China, the United States and a few ASEAN countries. After the Peace Agreement since 1991, Cambodia has received aid from more diverse international actors. According to the Cambodia Rehabilitation and Development Board of the Council for Development of Cambodia (CDC/CRDB), between 1992 and 2011, more than $12 billion was disbursed, and as seen in the graph, the disbursement has been increasing over the years.¹

Figure 4: Aid Disbursement to Cambodia²

¹ There was a significant drop in 1997 as donors cut or froze the assistance due to the July factional fighting. Aid in this study refers to both grant aid and loans. Majority of aid to Cambodia comes in the form of grant aid; however, over the decades the share of loans has been increasing significantly.

The effects from this assistance to Cambodian state capacity and institutional capacity building have been ambivalent and double-edged. Aid has improved state capacity to provide basic services, to reduce poverty and usher in rural development, to collect more revenues, to prepare bills, to plan and better execute the plans/strategies, to link the state and the private sector and rural communities, etc. Moreover, certain donors have pressured the state to adopt harsher reform measures and assisted with capacity building of state agents and agencies and institutionalization. Specifically to the sub-sectors, various donors have assisted to build the capacity of DoF/FiA, local authorities and communities. Danida, for example, has improved FiA staff’s capacity in research and data quality and supported the working of the TWGF and drafting of the SPF. Since the late 1990’s, more resources from donors have been allotted to strengthen local authorities’ capacity to assist with managing natural resources and to establish CFCs and to build their capacity. The WB correctly notes that Cambodia has ‘a very active and committed donor...community,’ while the PM thanks DPs for their contribution to Cambodia’s ‘remarkable achievements.’

However, there are numerous shortcomings from reliance on external support. First, that donors have more power to fund activities and programs of their choices can undercut the positive impacts on state capacity and institutional capacity building. Second, weak coordination/cooperation between donors and between donors and state agencies has a similar impact. Third, many donors have dodged the use of state systems – where they exist – and relied heavily on foreign experts

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4 Cf. ———, "Opening Speech to the Cambodia Consultative Group Meeting Tokyo, Japan 25-26 February 1999," Cambodia New Vision February 1999, 1. According to a former fisheries official, for example, there are occasions that state agencies work cooperatively when there is donors’ pressure for such a thing. Informant 7.
5 See for example, Department of Fisheries, "Discussion Document on Adopting Programmatic Support for the Fisheries Sector," 2-3; Koroma, "Local Reforms of Community Forest and Fisheries Management," 304-05; Nao and van Zalinge, "Challenges in Managing Cambodia’s Inland Fisheries: How Can We Meet Them?," 13-14.
7 Development partners and donors are used interchangeably here.
9 Royal Government of Cambodia, National Strategic Development Plan 2006-2010: ii. According to an NGO advisor, for example, it is ‘donors who decide whether or not to fund a ‘wish list’. Informant 4.
to plan and implement their projects or programs; such a practice certainly undermines the build-up of state institutional capacity in the long-run.\textsuperscript{10}

External support to Cambodia since 1992 can be divided into three phases.\textsuperscript{11} The first between 1992 and 1999 is a decade of ‘total’ donor-ship, characterized by donors controlling how their money was spent and usually choosing to spend it themselves, a focus on rehabilitation and reconstruction, especially of basic physical and social infrastructure, piecemeal capacity building of state agents and agencies, weak state agencies and agents, weak aid coordination agencies (CDC as the RGC’s aid coordination focal point) and heavy bypassing of state agencies and use of international consultants.\textsuperscript{12} The second phase between 1999 and 2004 saw more effort to coordinate aid and cooperate between donors and between donors and RGC via the establishment of five donor working groups in 1999 and corresponding government reform councils, introduction of sector-wide approaches (SWAps) in such key sectors as education, health and D&D, and a shift to focus on traditional investment projects.\textsuperscript{13} Though there was some improvement in aid coordination and cooperation, they were still very weak. The coordination/cooperation meetings were ad hoc and donor-dominant;\textsuperscript{14} the use of the state systems was minimal and assistance was still very much project-based. This period also saw increasing assistance from non-traditional bilateral donors such as China and Korea.

\textsuperscript{10} The reliance on aid money has, as Englehart argues, impeded the state from developing a ‘strong state apparatus’ and negatively impacted the state’s revenue collection capacity. Englehart, "State Capacity, State Failure, and Human Rights," 168. The dwarf of revenue collected over the last decade and weak revenue-collecting agencies in Cambodia are probably a good case in point.

\textsuperscript{11} This excludes the intervention period by UNTAC, which can constitute a phase in itself. Over the decades the Cambodian state has claimed more leadership over aid management and proven more capable to manage aid coordination, while donors have also relented their control over their aid money. This is nominally reflected in the change of chairpersonship from total donors’ domination, to co-chairmanship and finally under Cambodia’s leadership and the change of venue for high level talks from overseas to Cambodia.

\textsuperscript{12} See for example, Asian Development Bank, Developing the Capacity for Reconstruction and Development: 12-17; Kato et al., Cambodia: Enhancing Governance for Sustainable Development: 25-26; World Bank, Country Assistance Strategy of the World Bank Group for the Kingdom of Cambodia: 12-13. CDC was established in 1994.


The third phase from 2004 to the present sees more effort to coordinate and cooperate between donors and between donors and Cambodia. In 2004 the six ad hoc working groups were transformed to seventeen thematic/sector Joint Government-Donor Technical Working Groups (TWGs); the ad hoc donor-government joint stocktaking meetings were transformed to the Government Donor Coordinating Committee (GDCC), to which the TWGs report. This year witnessed twelve major donors signing a non-binding declaration to harmonize and align their assistance with a single forthcoming NSDP and joint country strategy development by the ADB, WB and DFID (British Department for International Development). More aid agencies began to buy in to coordination/cooperation from strategy preparation to project/program evaluation and a wider application of SWAps. The use of country systems has been increasing, albeit still limited, and there has been increasing numbers of sector/thematic strategies.

1. Donors’ Support and State Capacity

As discussed earlier, the quest for international support from major multi-lateral and some bilateral donors has seen many developing countries under pressure to reforms. With limited budgets and numerous issues and demand groups to deal with, some ‘external sovereignty’ has to be sacrificed in exchange for access to resources and assistance. Such conditionality influences the domestic discourses on the norms of legitimation, affects the power resources of domestic contestants and leads to establishment of ‘formal’ political, economic and social institutions, etc. Due to years of isolation, Cambodian rulers require international legitimacy – particularly in the 1990’s. Donors thus use aid as a carrot or a stick to push for critical reforms.

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15 This is followed by a 2006 Cambodia Declaration in which 16 donors agreed to harmonize and align their assistance.
18 Cf. Alagappa, Political Legitimacy in Southeast Asia: The Quest for Moral Authority, 48-49; Grzymala-Busse and Luong, "Reconceptualizing the State: Lessons from Post-Communism," 531-37.
The (conditional) financial support has contributed to enhancing state capacities and building state agencies’ and agents’ capacity. Overall, they have improved governance, including better participation from civil society groups in the management of certain resources, contributed to economic growth, and brought about democratization (at least procedural), decentralization and de-concentration, including devolution of limited authority to local authorities and communities. Conditional support results in the state carrying out some harsh reform measures which improve its capacities. For example, the first few IMF’s Enhanced Structural Adjustment Facility arrangements contributed to civil service and military reforms, including reduction of (ghost) civil servants and military personnel, amongst others in exchange for loan disbursement (penetration).20 Donors also demand for and/or assist with better revenue collection, for example, conditioning assistance on better management of logging concessions and value-added-tax introduction (extraction), preparation of policies and laws (legislation and policy production), better regulation of the economy, including natural resources and establishment and strengthening of regulatory agencies (regulation), more spending on priority sectors (appropriation), and provision of assistance and facilitation to private businesses and establishment and running of local communities (midwifery).21 In summary, the external assistance and conditionality have contributed to some improvement in state capacity.

Many donors have contributed to building capacity of state agents and agencies via provision of stand-alone technical assistance (TA) and/or investment-related capacity building projects. A survey by Siddiqui and others, for example, found that in 2002 89.5% and 80.3% of multilateral and bilateral projects, respectively, provided capacity building training, usually through short courses, workshops and seminars to Cambodian counterparts. Agriculture, forestry and fisheries were one of the five sectors that received most of the training, valuing at $3.1 million.22 An evaluation study by CDC/CRDB on assistance to four sectors, including local

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governance and financial management, shows that ‘there are some clear indications that individual capacity has been enhanced in all the cases studied.’

Eva Mysliwiec, a prominent aid worker in Cambodia since the 1980’s, concurs that there is ‘[i]ncreasing capability on the Cambodian side as a result of technical assistance, and [that] the many opportunities for study and training have contributed to strengthening and expanding Cambodia’s human resource base.’

Table 28: Capacity Building Activities by Selected DPs in 2002

<table>
<thead>
<tr>
<th>Capacity Building Activity</th>
<th>Number and Percent of Donor Projects Providing Capacity Building Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Multilateral</td>
</tr>
<tr>
<td>In-country and overseas training</td>
<td>No.</td>
</tr>
<tr>
<td>In-country</td>
<td>77</td>
</tr>
<tr>
<td>Overseas</td>
<td>64</td>
</tr>
<tr>
<td>National personnel</td>
<td>61</td>
</tr>
<tr>
<td>Int’l personnel</td>
<td>(2,334)</td>
</tr>
<tr>
<td>Total number of projects or NGOs</td>
<td>86</td>
</tr>
</tbody>
</table>

(NB: In brackets, numbers of national staff employed.)

The Seila program has certainly built the capacity of local councilors and clerks, improved the councils’ capacity in planning for local development, opened up dialogues between councilors and their constituents or representatives and provided the former with funding for local projects. Likewise, there is an overall agreement that the support from the ‘international community’ has contributed to capacity development, including research capacity, of FiA and its officers. One self-assessment report covering the period 1995-2008 by the ADB rates positively its contribution to the development of the agriculture sector, pointing to amongst others the following outputs: ‘passage of fundamental legislation,’ ‘preparation and adoption of policies and medium-to-long-term strategies,’ ‘establishment of an institutional and administrative structure for the development and environmental protection of the Tonle Sap Basin’ and ‘demarcation of community fisheries areas.

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27 Nao and Ly, "Review of the Fisheries and Aquaculture Sector in Cambodia," 27-28. An NGO program manager concurs with Nao & Ly, raising that ‘after the reforms [in 2001], there have been effort by donors and NGOs to strengthen the capacity of the government institutions.’ Informant 13.
and the formation of community fisheries organizations around Tonle Sap Great Lake."  

28 It added:

Personnel at the national and provincial levels in MAFF, MOI, MOWRAM, MRD, and the Ministry of the Environment have received both formal and on-the-job training from their exposure to ADB activities… In addition, projects and TA under the TSI [Tonle Sap Initiative] (in particular) have been instrumental in building capacity among government personnel at the commune council level and beneficiary groups… Sector investments and TA have also provided support to agriculture and fisheries research and extension, a national water strategy, and the establishment of the Tonle Sap Basin Authority.

29 Relevant stakeholders interviewed agree that DPs’ projects have increased the FiA capacity and its capacity to assist communities. A fisheries officer participating in various donor-sponsored projects agrees that his capacity in research and community facilitation, amongst others, has improved. Referring to the ADB-sponsored project, he added: “after TSEMP, a large number of fisheries officers are more capable in research methodology and conduct of research, conservation and facilitation skills, for instance.”  

30 Two more officers added: “TSEMP has trained the officials to a large extent. For instance, before the training, some officials did not even know what a community was.” Donor representatives, NGO workers and local beneficiaries agree that external assistance has built up the capacity of FiA and its officers.  

31 As discussed in Chapter 5, TSEMP enabled cantonment officials to assist selected CFCs with capacity building, preparation of necessary legal requirements, provision of necessary equipment, institutional setup, etc., while TSSLSP, building up on this project, enabled CCs to assist smaller number of CFCs through establishment of some localized livelihood programs. As discussed in Chapter 9, Danida, starting from 2009, has experimented with de-concentration in planning and execution within FiA.

Despite the positive contribution to enhancing state capacity and capacity building, conditionality by and assistance from external actors do not always yield positive or utmost results. Fukuyama argues that hanging onto a certain structure of political power is often a life-and-death issue for leaders in poor countries.  

33 In the case of Cambodia as the WB attests, reforms in forestry, demobilization and economic management faced particular problems, including a breach of fiduciary duties in


29 Ibid., 30-31.

30 Informant 65.

31 Informant 80; Informant 81.

32 For example, Informant 3; Informant 10; Informant 12; Informant 23.

some Bank-funded projects because the RGC responded too slowly to the reforms or ‘because the incentives for resisting reform were extremely strong.’

There are cases where reform measures stall or particular activities cease to function once aid for a particular project dries up or when donors turn their emphases to other (sub)sectors (for example, the case of forestry reform and assistance to CFCs). In addition, the private sector has criticized donors’ strong emphasis on legislation and policy production with little regard for their implementation. Van Acker underlines the establishment of formal organizations conforming to donor demands ‘without changing the underlying institutional relations.’ Some reform measures even backfire. Fukuyama notes that in African countries due to the strength of neopatrimonialism, some structural adjustment measures did not reduce unnecessary state scope, such as reducing spending on D&S, but rather its strength, such as scaling back on education and health care. This was what Cambodia experienced in the 1990’s though the main motive was the need to fight the Khmer Rouge insurgencies and inter-party power struggle. Besides, poor coordination/cooperation and donor-ship have undermined the positive impacts on state capacity and capacity building.

The rise of non-traditional lenders, together with the global agenda on aid effectiveness, has given the Cambodian state more elbow room to be more assertive in demand for ownership, adjustment of assistance approaches and mutual accountability from donors. China is particularly singled out for being ‘easy to communicate with’ and ‘talk[ing] less but do[ing] more.’ However, on the flip side of such unconditional assistance is the ability of the ‘ruling elites’ ‘to navigate and deflect pressures from’ necessary reforms on such issues as human right abuses.

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34 World Bank, *Country Assistance Strategy for the Kindgom of Cambodia*: 17; ———, *Country Assistance Strategy Progress Report for the Kingdom of Cambodia for the Period FY05-08*: 7-16.
35 See for example, Ear, "The Political Economy of Aid and Regime Legitimacy in Cambodia."
37 van Acker, *Cambodia’s Commons: Changing Governance, Shifting Entitlements?*: 42.
39 See for example, Asian Development Bank, *Country Assistance Program Evaluation for Cambodia*: 63. The demand for the cap on civil servant number also decreases the state’s absorptive capacity. Heavy reliance on external support as Hughes argues might also disrupt the relationship building between state-society in the long-term, including an indigenous demands for accountability from state agencies by its citizens, weakening of extraction capacity (as funding is more or less available), etc. Hughes, *The Political Economy of Cambodia's Transition, 1991-2001*: 113.
and impunity, grand and systematic corruption, substantial democratization and other sensitive issues that may cut deep into the patronage networks.\footnote{Cf. Cock, "External Actors and the Relative Autonomy of the Ruling Elite in Post-UNTAC Cambodia," 259-61; Ek and Sok, "Aid Effectiveness in Cambodia," 14; Thayer, "Cambodia: The Cambodian People's Party Consolidates Power," 97.}


\[\text{(NB: In million dollars)}\]

2. **Insufficient DP-DP and DP-RGC Cooperation and Coordination**

To maximize the benefits from the external assistance to strengthen state capacity and capacity building requires donors’ coordination/cooperation with each other and with Cambodia. In Cambodia where a majority of projects are small and hence assistance is highly fragmented, coordination/cooperation is of paramount importance. Yet over the two decades, coordination and cooperation between and amongst these two sets of actors have been weak, albeit improving.

High fragmentation is reflected in the number of on-going projects. In 1997, twenty DPs supported 257 projects; in 2005 there were only 22 DPs, but the project number increased to 532. A majority of the projects are small in value. In 2007, 622 out of 759 active projects totaling $142 million valued each less than $1 million, averaging $229,000.\footnote{———, "The Cambodia Aid Effectiveness Report 2008," 19-20. According to Chanboreth Ek and Sok in 2006, 10 out of 39 bilateral donors provided a combined ODA of less than $1 million, while other 22 bi- and multi-lateral donors provided only $5 million combined. Ek and Sok, "Aid Effectiveness in Cambodia," 20.} Another indication is the Hirschmann-Herfindahl Index (HHI). The average HHI for Cambodia during 1996-2005 was 0.08, putting
it in the highly fragmented aid recipient category, well below 0.3 for all developing countries and 0.22 for Sub-Saharan Africa.\textsuperscript{45} An analysis of sectoral HHI in 2006 confirms that aid to many sectors/thematic areas, including agriculture and governance, was highly fragmented.\textsuperscript{36} “Aid that is donor driven and fragmented is less effective,” to cite an Organization for Economic Cooperation and Development (OECD) report. It increases transaction costs to the recipient country, reduces the value for money, risks duplication of efforts and inefficient aid allocation, negatively impacts economy of scales, challenges aid coordination and sucks out local capacity.\textsuperscript{47}

Table 29: The Cost of Managing Development Assistance\textsuperscript{48}

<table>
<thead>
<tr>
<th></th>
<th>1997</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>ODA Receipts (million dollars)</td>
<td>383</td>
<td>617.9</td>
</tr>
<tr>
<td>Number of DPs</td>
<td>20</td>
<td>22</td>
</tr>
<tr>
<td>Share of ODA (5 largest donors)</td>
<td>52%</td>
<td>57%</td>
</tr>
<tr>
<td>Number of active projects</td>
<td>257</td>
<td>532</td>
</tr>
</tbody>
</table>

Aid coordination/cooperation in Cambodia can be divided into three phases. First, the period between 1992 and 1999 is labeled as ‘a decade of donor-ship’ or ‘development anarchy’ with little coordination/cooperation between donors and between donors and the state. An early observer of the ‘aid market’ criticized:

Donors were equally if not more to blame for the lack of effective coordination. As a whole, donors showed a marked lack of interest in either coordination or being coordinated…While the Royal Government could be criticized for not having established a coherent policy and coordination framework for specific sectors or activities, donors made only limited efforts to avoid duplication of effort, much less the elaboration of competing or contradictory programmes and activities. Although considerable attention was given to the form of coordination through sectoral and other coordination meetings, there was less attention to the substance of coordination, or what might be termed donor ‘discipline’.\textsuperscript{49}

\textsuperscript{45} Note: HHI < 0.1 means high fragmentation/low concentration; HHI between 0.1-0.18, moderate fragmentation and HHI > 0.18, low fragmentation/high concentration. In 2006, the HHI for Cambodia was 0.087, dropping from 0.093 in 2002. \textsuperscript{—}—\textsuperscript{—}, “Aid Effectiveness in Cambodia,” 3 and 20-21.


\textsuperscript{49} Curtis, ”Beyond Transition: Cambodia in the Post-UNTAC Period,” Chapter 4, 4. He adds that the provision of technical assistance in this period was ‘uncoordinated in the extreme.’ \textsuperscript{ibid.}, Chapter 4, 18-19.
He further observed: “Some donors were very insensitive to the issues of Cambodian consultation and participation in the design and decision-making process and often hid behind the pretext of maintaining neutrality.”\(^{50}\) Even DPs themselves agree that aid coordination/cooperation amongst them and with the state was poor. In many reports, the ADB and WB raise the issue of weak coordination/cooperation between aid agencies and with the state. Aid coordination/cooperation at the sectoral level fared even poorer.\(^{51}\) Specifically for the sub-sectors, Gum laments that there was ‘insufficient donor, project and inter-sectoral coordination.’\(^{52}\)

The period between 1999 and 2004 constituted a second phase witnessing more coordination/cooperation and learning to work together more closely at the sectoral/thematic level between donors and donors and state agencies. To illustrate, the ADB’s Agricultural Sector Program resulting in the Land Law was followed up by WB’s and the German Development Cooperation’s projects to implement the law and provide titles. Besides, it worked closely with UNDP and FAO in TSEMP preparation and implementation.\(^{53}\) In 1999, five donors working groups and government reform councils were established to discuss and monitor reform measures. Despite some improvement, aid agencies and the government still complained that aid coordination/cooperation was weak though the levels varied from stage to stage of a program cycle\(^{54}\) and (sub)sector to (sub)sector. As an illustration, in 2003, donors undertook some 400 missions, yet less than 10% were joint missions. According to the ADB, the working groups were ineffective in aid coordination/cooperation.\(^{55}\) CRDB/CDC was still quite young; moreover, there was


weak inter-agency coordination and procedural harmonization between CDC and other government agencies dealing with aid such as MEF and MoP.\textsuperscript{56}

The situation in the sub-sectors was similarly bleak during this period. The TWGF was just established in 2004 and before then “donors worked on their own; they did not discuss with the sector [DoF],”\textsuperscript{57} complained Informant 90, adding: “[B]etween 1993 and 2005, it was totally stand-alone projects. Donor did not talk to one another; they did what they wanted. A large number of projects were duplicated, and some were not important to the sector…they did not care whether what they were doing responded to the achievement of the benchmarks or whatsoever.”\textsuperscript{58}

Given that approximately $6 billion was disbursed during these two phases, much was lost during this period.

The third phase between 2004 and the present represents more effort to work together between donors and between donors and the state. In 2004, the six working groups\textsuperscript{59} were turned to seventeen TWGs, thereby DPs with solid strong record in a particular sector/thematic area have been clustered together to support it. Meanwhile, a localized Paris Declaration on Harmonization and Alignment\textsuperscript{60} was adopted and followed in 2006 by a Cambodian Aid Effectiveness Declaration, to which 14 DPs were signatories and the Action Plan on Harmonization, Alignment and Results: 2006-2010. This year saw Cambodia adopted an overarching single development plan. This phase also witnessed increasing preparation and adoption of sectoral plans and SWAps to assistance. DPs were encouraged to align their assistance with these plans. Some donors have taken different approaches to coordination/cooperation. The ADB, WB and DFID, for example, for the first time jointly formulated their medium-term country strategies and each agreed to work in areas with comparative advantages, for example, on irrigation, land and forestry, and fisheries and rural livelihoods, respectively. The UN family members and EU member states have their own mechanisms for coordination/cooperation.\textsuperscript{61} Cox Marcus thus correctly underscores that DPs ‘are


\textsuperscript{57} Informant 90.

\textsuperscript{58} Ibid. His comments were supported by others in this sub-sector, including Informant 6; Informant 11.

\textsuperscript{59} One more working group on coordination and harmonization was established in 2002.

\textsuperscript{60} For the Declaration, see World Bank, \textit{Country Assistance Strategy for the Kingdom of Cambodia}: 109-11. The Action Plan for Harmonization and Alignment: 2004-2008 was subsequently devised. For the Action Plan, see ibid., 97-106.

cooperating much better at a strategic level, and are providing more coordinated policy advice to Government.”

This development represents a long journey of cooperation/coordination between DPs and DPs and the state. However, instances of DPs working together are still limited and have a large room for improvement. The results from the three Paris Declaration Surveys below prove that coordination is not only far from the targets but also deteriorated over time.

Table 30: Baseline and Targets for Two Paris Indicators

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Coordinated technical cooperation</td>
<td>36%</td>
<td>35%</td>
<td>27%</td>
<td>50%</td>
</tr>
<tr>
<td>10a</td>
<td>Coordinated missions</td>
<td>26%</td>
<td>12%</td>
<td>19%</td>
<td>40%</td>
</tr>
<tr>
<td>10b</td>
<td>Coordinated country analytical work</td>
<td>58%</td>
<td>17%</td>
<td>35%</td>
<td>66%</td>
</tr>
</tbody>
</table>

The WB agrees that ‘sector coordination arrangements are still at a fairly early stage in Cambodia.” DP-DP and DP-RGC coordination/cooperation in fisheries and inundated forest management is quite new. The TWGF was established in 2004 and an interim FDAP was adopted for 2004-2008 and the SPF was just adopted in 2011. Existing literature and field interviews confirm that assistance ‘has tended to be an uncoordinated and externally driven process. In part this is due to the lack of capacity within DoF to develop policies and plans, to establish effective coordination mechanisms and to implement those plans” and in part to the limited coordination amongst DPs and between DPs and DoF.

World Bank, Country Assistance Strategy for the Kingdom of Cambodia: 1 and 27. The former, for example, organize “their harmonization agenda around the UN Development Assistance Framework (UNDAF) with an annual joint monitoring cycle with the Government,” while EU group adopts such measures as: “(a) the maintenance of monthly meetings among EU Development Counselors, (b) regular update and sharing of mission schedules, (c) the agreement to nominate one EU lead actor for one sector or sub-sector, who will represent other EU external development partners in the partnership structure with the RGC, and (d) the convention of technical meetings to discuss and consolidate EU positions on thematic issues (where necessary)”.


64 World Bank, Country Assistance Strategy for the Kingdom of Cambodia: 20.

65 Asian Development Bank, Cambodia: Growth and Sector Reforms: 39-40; Campbell, Department of Fisheries Institutional Review: 3; Department of Fisheries, "Discussion Document on Adopting
One major challenge for coordination/cooperation between DPs is that they have their own agenda and objectives to defend and promote. This was especially severe in 1990’s when DPs bombarded Cambodia with projects of their choices and priorities. Though coordination/cooperation in the sub-sectors is improving, especially in the last five years, DPs’ agenda and objectives still so much define their initiatives and what to fund. An INGO director opined:

Fisheries Administration people are very patient with the donors. I admire them for that. Donors come and go, and they have their own interests and priorities, and the tendency is that donors would just arrive in and tell them this is what we want to do, accept or not. And [in] most cases, Fisheries Administration just said: “Yes. Sure, we’ll accept [it]. We’ll do it. We can – we mostly do it the way you want us to do, but we will negotiate”. Some donors have resource sustainability interests; donors like ADB, Danida, they have a very strong environmental conservation emphasis, so their interest is sustainable resource management; DFID for example [is] more interested in community development groups; FAO [has] different interests and emphases. JICA [has] more interest in the development of fishing industry and technology.

Recalling the SPF preparation, a TWGF officer said:

Initially, consultation was quite extensive, but when we put the plan to discuss within the TWG, there were controversies over the conflicts of interests – so there was substantial modification over time. Because when the new lead donor came in, it had its own interest, which was different – there was a need to change this and that – that’s why it was time-consuming.

Such poor coordination and cooperation have negative impacts on state capacity, capacity building and development effectiveness, including: adoption of a narrow approach to institutional strengthening and attainment of short-term outputs; a lack of selectivity and focus in a program; duplicative efforts and piecemeal activities and development results; proliferation of different procurement, disbursement,
auditing and monitoring systems; over-stretching of state agencies’ capability to meet different DP systems; lack of cohesion in demands for good governance from the state; disproportionate attention to some crucial (sub)sectors or even within sub-sectors (fisheries/forestland receiving limited assistance despite their potential to reduce poverty and the focus on CFCs but not fishing lots being the case in point), uneven geographical distribution of assistance and little emphasis on overall institutional building, especially on cross-cutting issues of governance, policy production, information management and human resource management. These shortcomings indeed apply to the two subsectors.

3. Aid Coordination Mechanisms

As seen in Table 31, the country level aid coordination mechanism between DPs and Cambodia has evolved from pure donor-ship to more local ownership. Names of the meetings and venues have changed. So has chairmanship. UNTAC Rehabilitation Office was responsible for aid coordination before 1993 – identifying priority needs and directing aid flows. The Ministerial Conference on the Rehabilitation and Reconstruction of Cambodia (MCRRC) established the International Committee for the Rehabilitation of Cambodia (ICORC), which met annually alternately in Japan and France. Rather than dealing with technical and economic aspects of aid, these high level meetings focused mainly on political issues. Therefore, aid coordination on the ground was done by UNDP and via ad

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69 According to Godfrey and others only 1% of aid money was allocated to the natural resource sector and 4% to agriculture, forestry and fisheries. As cited in Marschke, "Livelhood in Context: Learning with Cambodian Fishers," 36-37.


71 See for example, Campbell, Department of Fisheries Institutional Review: 21 and 42; Department of Fisheries, "Discussion Document on Adopting Programmatic Support for the Fisheries Sector," 2-4.

72 Asian Development Bank, Developing the Capacity for Reconstruction and Development: 12.

hoc in-country meetings among representatives. In 1996, the committee was transformed to the Consultative Group Meeting (CG). The first five meetings were held in Paris and Tokyo alternately and chaired by WB, while the last three were held in Phnom Penh and co-chaired by the RGC and WB. The latter took the lead in DP discussions and policy dialogues with the RGC. The aim of the CG meeting was to discuss socio-economic development; amongst other things, it was meant to: evaluate and monitor overall progress and challenges at the country level, analyze and discuss policy and reform measures and needs to achieve the goals, review progress made in the past year, and reveal DPs’ future aid pledge.

In 2007, the mechanism was renamed Cambodia Development Cooperation Forum (CDCF) and led by CDC permanent vice chairman. CRDB plays a secretariat role in this meeting, while WB functions as Lead Donor Facilitator. The functions of the CDCF and CG are quite identical. However, instead of pledging short-term assistance, many DPs have begun to announce a multi-year pledge to support the NSDP. Cambodia is planning a review to transform the CDCF to Cambodia Development Forum, incorporating the CDCF and the Public-Private Sector Forum. Citing the pending results from the 4th Global High Level Forum on Aid Effectiveness held in Korea in early 2012, the RGC announced the postponement of the 4th CDCF, though ‘the existing dialogue mechanism, through bilateral consultations’ and GDCC and TWGs ‘will continue to function as normal.”

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77 Ibid.
78 Some major DPs such as Japan and the USA refuse to provide long-term commitments, though. Ek and Sok, "Aid Effectiveness in Cambodia."; ibid., 24-25.
Table 31: Chronology of Country-Level Coordination/Cooperation Meetings\textsuperscript{81}

<table>
<thead>
<tr>
<th>Date</th>
<th>Name of Meeting</th>
<th>Venue</th>
<th>Chairmanship</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992: 21-22 June</td>
<td>MCRRC</td>
<td>Tokyo</td>
<td>Japan and UNDP</td>
</tr>
<tr>
<td>1993: 8-9 September</td>
<td>ICORC-1</td>
<td>Paris</td>
<td>France (Facilitator UNDP)</td>
</tr>
<tr>
<td>1994: 10-11 March</td>
<td>ICORC-2</td>
<td>Tokyo</td>
<td>Japan</td>
</tr>
<tr>
<td>1995: 14-15 March</td>
<td>ICORC-3</td>
<td>Paris</td>
<td>France</td>
</tr>
<tr>
<td>1996: 11-12 July</td>
<td>CG-1</td>
<td>Tokyo</td>
<td>WB &amp; Japan</td>
</tr>
<tr>
<td>1999: 25-26 February</td>
<td>CG-3</td>
<td>Tokyo</td>
<td>WB</td>
</tr>
<tr>
<td>2000: 24-25 May</td>
<td>CG-4</td>
<td>Paris</td>
<td>WB</td>
</tr>
<tr>
<td>2001: 12-13 June</td>
<td>CG-5</td>
<td>Tokyo</td>
<td>WB</td>
</tr>
<tr>
<td>2002: 20-21 June</td>
<td>CG-6</td>
<td>P.P.</td>
<td>WB &amp; RGC</td>
</tr>
<tr>
<td>2004: 6-7 December</td>
<td>CG-7</td>
<td>P.P.</td>
<td>WB &amp; RGC</td>
</tr>
<tr>
<td>2006: 2-3 March</td>
<td>CG-8</td>
<td>P.P.</td>
<td>WB &amp; RGC</td>
</tr>
<tr>
<td>2007: 19-20 June</td>
<td>CDCF-1</td>
<td>P.P.</td>
<td>RGC</td>
</tr>
<tr>
<td>2008: 4-5 December</td>
<td>CDCF-2</td>
<td>P.P.</td>
<td>RGC</td>
</tr>
<tr>
<td>2010: 2-3 June</td>
<td>CDCF-3</td>
<td>P.P.</td>
<td>RGC</td>
</tr>
<tr>
<td>2011: 24-25 November</td>
<td>CDCF-4</td>
<td></td>
<td>(Postponed)</td>
</tr>
</tbody>
</table>

To support the country level mechanism, a supporting mechanism was developed and has evolved over the two decades. After the CG establishment, UNDP and ADB, co-chairing with the RGC, took the rotating lead to organize mid-term CG meetings in Cambodia.\textsuperscript{82} After the 1999 CG meeting, five donors working groups each covering a broad sectoral/thematic area of governance, focusing on anti-corruption and legal/judicial reform, public administration reform, fiscal management reform, social development reform and natural resources management reform, concentrating chiefly on forestry, were established. The government correspondingly set up counterpart reform councils. Each group met quarterly, later semi-annually, with their government counterpart to review progress of agreed upon reform agenda, set priorities and discuss performance indicators in the respective sector/thematic area.\textsuperscript{83} At the sectoral level, some key ministries or agencies established ad hoc committees to coordinate aid agencies for a particular

\textsuperscript{81} Adapted from ———, "The Cambodia Development Cooperation Forum: Objectives and Procedures."


In 2002, the Government-Donor Partnership Working Group was established to assist DPs and Cambodia in aid harmonization.85

Another major effort to restructure the aid coordination/cooperation mechanism took place in 2004 when seventeen, later nineteen, TWGs led by a government ministry/agency and participated by relevant government agencies, DPs and in most cases NGOs and GDCC (led by CDC/CRDB) were established to replace the donor-led ad hoc working groups and joint stock-taking meetings.87 The TWGs are meant to ‘serve as the mechanism for ongoing dialogue, coordination, issue identification, operational planning and resource mobilization’ through a ToR, joint action plan and monitoring indicators.88 That is, TWGs are ‘technical and operational forums to discuss, agree upon and pursue clearly defined and measurable targets at the sector level.’ GDCC is a forum that meets quarterly to discuss and share information on policies, reform programs and activities covering cross-sectoral/thematic issues, to discuss matters related to overall socio-economic development of Cambodia and to develop and agree upon a set of Joint Monitoring Indicators (JMIs),89 while CDCF is an overarching country-level forum for

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84 For an evaluation study, see for example Government-Donor Partnership Working Group, "Practices and Lessons Learned in the Management of Development Cooperation: Case Studies in Cambodia."
86 This occurred after the 2003 First High Level Forum on Aid Effectiveness in Rome. It is of note that Cambodia is a member of the OECD/DAC Working Party.
87 Cambodia's Development Council, "Building Partnerships for Development: An Update," 11; ———, "Cambodia’s Report on Progress toward Enhanced Aid Effectiveness," 8-9. The role of the GDCC is "to provide policy guidance, to set priorities, and to propose measures to solve problems raised by joint technical working groups. The GDCC is chaired by Senior Minister, Minister of Economy and Finance and the 1st Vice-chairman of CDC." ———, "Building Partnerships for Development: An Update," 11. Many local and international NGOs also participate in a majority of TWGs. As late as 2011, 16 TWGs had NGO representatives in their groups. ———, "The Cambodia Development Effectiveness Report 2011," 21.
88 Anthony Land, "MDSP Independent Review: Capacity Development for Aid Effectiveness,” (November 2009), 14; World Bank, Country Assistance Strategy for the Kingdom of Cambodia: 85. The Partnership Working Group was renamed TWG on Partnership and Harmonization and is assigned ‘to coordinate and facilitate the implementation of the Royal Government’s Action Plan on Harmonization and Alignment to implement the Rome Declaration’s commitment… continue to provide guidance on overall policy on these issues as well as dealing with implementation/operational issues’ [and] to provide guidance on these issues to all Technical Working Groups [while] the newly restructured sectoral/thematic Joint Technical Working Groups to take the responsibility for the day to day operational management of the implementation of the activities in the Action Plan and for monitoring progress in their areas.” Cambodia’s Development Council, "Building Partnerships for Development: An Update," 16; ———, "Cambodia’s Report on Progress toward Enhanced Aid Effectiveness," 9-11.
89 JMIs are indicators jointly developed by a relevant government agency and DPs to monitor progress made by concerned agencies. At the TWG level, the JMIs list down the required processes
discussion of Cambodia’s socio-economic development from a broader and longer-term perspectives, stocktaking progress, pinpointing major and critical areas where GDCC shall pay attention to and monitor, and announcement of mid-range aid pledges.90

Table 32: List of TWGs91

<table>
<thead>
<tr>
<th></th>
<th>TWG on Agriculture and Water</th>
<th></th>
<th>TWG on Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>TWG on Decentralization and Deconcentration</td>
<td>12</td>
<td>TWG on Legal and Judicial Reform</td>
</tr>
<tr>
<td>2</td>
<td>TWG on Education</td>
<td>13</td>
<td>TWG on Mine Action</td>
</tr>
<tr>
<td>3</td>
<td>TWG on Fisheries</td>
<td>14</td>
<td>TWG on Partnership and Harmonization</td>
</tr>
<tr>
<td>4</td>
<td>TWG on Food Security and Nutrition</td>
<td>15</td>
<td>TWG on Planning and Poverty Reduction</td>
</tr>
<tr>
<td>5</td>
<td>TWG on Gender</td>
<td>16</td>
<td>TWG on Private Sector Development</td>
</tr>
<tr>
<td>6</td>
<td>TWG on Forestry and Environment</td>
<td>17</td>
<td>TWG on Public Administration Reform</td>
</tr>
<tr>
<td>7</td>
<td>TWG on Health</td>
<td>18</td>
<td>TWG on Public Financial Management</td>
</tr>
<tr>
<td>8</td>
<td>TWG on Infrastructure and Regional Integration</td>
<td>19</td>
<td>TWG on Rural Water Supply, Sanitation and Hygiene</td>
</tr>
<tr>
<td>9</td>
<td>TWG on HIV/Aids</td>
<td>10</td>
<td></td>
</tr>
</tbody>
</table>

Fisheries and inundated forests were slow to be put on the agenda and it was not until 2000 that they were included into the natural resources management theme under the CG meeting.92 The TWGF was just established in 2004 to facilitate and coordinate all technical issues, technical information and trans-boundary issues related to fisheries/forests to harmonize and align DPs’ assistance to achieve targets set in the NSDP in a more transparent and accountable manner.93 To achieve the end, the TWGF serves as a forum to encourage a program-based approach and


91 Adapted from ———, "The Government-Donor Coordination Committee (GDCC) and Technical Working Groups (TWGs) in Cambodia: A Review," Annex 1.


93 Informant 10.
division of labor amongst major DPs. The TWGF meets once every two months and reports to the GDCC once every three months against the JMIIs. Though this TWG is new, it is well praised by NGOs and DPs who attend its meetings. One NGO board member praises that “the TWGF is one of the most active technical working groups.” Even NGOs that are critical of FiA participate in its meetings. The TWGF allows more transparency of DPs’ operations, including voluntary announcement of annual budgets and active/pipeline projects and coordination/cooperation between DPs and DP and FiA. According to an FiA leader, “after the establishment of the TWGF, there has been improvement in cooperation between donors and FiA.” Besides, donors have come together in a pre-meeting to discuss relevant issues before raising it to FiA. As such they can talk with ‘one voice’ since 2007.

Aid coordination/cooperation mechanisms have improved over the last two decades. However, it was not until 1999 that broad working groups and reform councils were established. Yet the groups were managed by donors and meetings were ad hoc with no overall framework for their operation. An ADB report in 1995 therefore judged the aid coordination/cooperation mechanism as ‘unsatisfactory,’ leading to ‘instances of duplication, overlapping and competition among funding efforts.’ Even with these groups and councils, another ADB report in 2002 gave a blanket judgment that despite the presence of the existing mechanism, aid coordination ‘remains weak.’ In 2005, two WB reports similarly note that ‘[f]ragmented donor assistance is still a problem,’ yet ‘resources devoted to this [architecture] were grossly inadequate.’

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94 Informant 90.
95 At the time of the fieldwork, the meetings focused on policy modification/reform measure recommendations, establishment of a subsector plan for institutional capacity building and discussion of hot issues in the subsectors. ibid.
96 Informant 12. This is also supported by another NGO staffer. Informant 4.
97 Informant 10.
98 Informant 11. This view is shared by Informant 91.
99 Informant 10; Informant 90. At the sub-central levels, DIWs serve as a coordination meeting between local authorities, technical departments and offices and donors/NGOs to reduce duplication of efforts. Government-Donor Partnership Working Group, "Practices and Lessons Learned in the Management of Development Cooperation: Case Studies in Cambodia," 94.
101 Asian Development Bank, Developing the Capacity for Reconstruction and Development: 16.
102 ———, Country Assistance Program Evaluation for Cambodia: 47.
The TWG mechanism has improved sectoral/thematic aid coordination/cooperation, and some TWGs have held regular meetings and are successful in fulfilling their missions. However, even the PM admits that some are ‘not smoothly operational.’104 A review by CRBD in 2006 (and confirmed by an independent review in 2008) shows that ‘a third of the 18 TWGs are perceived to be working very well; a third are just beginning to make progress; and a third are still quite some distance away from establishing themselves as effective bodies.’105 The last two categories consist mainly of the TWGs freshly established in 2004 or/and those working on politically contentious sectors/thematic areas. Some signs of dysfunction include irregular attendance, attendance by government’s junior officials and/or DPs’ staff who are generalists or administrators with little relevant technical expertise, DPs’ unwillingness to disclose their budgets or align their support to Cambodia’s priorities or preferences, insufficient leadership on the part of Cambodia and/or jurisdictional rivalries.106 There are cases in which donors within a TWG do not communicate well with each other to adopt a consensus, so their voice is ‘fragmented’ when they talk with their government counterparts.107 All in all, Chanboreth Ek and Hach Sok correctly judged: ‘TWGs are not well managed and organized and they lack the technical and financial resources needed to support the national effort to enhance ownership and align development assistance to national priorities and systems.’108 Even the government agrees that the existing ‘aid architecture comprising TWGs, the GDCC and the CDCF has not yet produced the anticipated results in terms of effective aid delivery and improved development impact.109

107 Informant 90.
108 Ek and Sok, "Aid Effectiveness in Cambodia," 39.
109 Cambodia's Development Council, "The Cambodia Aid Effectiveness Report 2008," 22. Another independent review also concurs that ‘CRDB has thus far been less successful at bringing about substantive change in key areas of aid effectiveness reform such as harmonization and alignment of capacity development support, or adoption of program-based approaches.’ Land, "MDSP Independent Review: Capacity Development for Aid Effectiveness," 15. For the roles and responsibilities of CDC and its arms, including CRDB, see, for example, Royal Government of Cambodia, "Sub-Decree on Organization and Functioning of Council for Development of Cambodia," (Phnom Penh: Royal Government of Cambodia, 29 December, 2005).
Despite its novelty, the TWGF’s capacity to coordinate aid has been judged quite positively by stakeholders321 involve(7,14),(992,989). Some shortcomings still exist, though. First, a review in 2006 showed that it was still unable to coordinate donors and to adopt ‘a more integrated approach to sector funding;’ therefore, funding to FiA continued to be project-based. Many interviewees complain that such is still the case, albeit admitting that it has improved to an extent. One reason is that DP’s priorities are usually set by their higher-level bosses (their governments or headquarters) and could not be changed easily. Thus the TWGF only serves as a forum for ‘some negotiations of boundaries, territory, so to speak.’ Second, some DPs are still unwilling to disclose their budgets, adopt a program-based approach or align their assistance to the FDAP/SPF. Third, though the subsectors are closely related to other (sub)sectors, participation from other government agencies is ‘still limited.’ Finally, an NGO advisor concerns with ‘how much teeth’ it has. Since the work is technical, controversial or politically sensitive issues are not covered.

4. Assistance Approaches

In a study on aid effectiveness in Cambodia, John McAndrew concluded: ‘[A]id infusion between 1992 and 1995 did not improve the recipient’s capacity due to the lack of enhancement of its absorptive capacity which was low and the mismanagement of the TAs.” Poor capacity building indeed applies to the entire two decades, albeit to a different degree. One reason for poor enhancement of state capacity and slow institutional building despite enormous aid injection is how assistance is designed. Generally, DPs adopt a project-based approach (PBA) to their assistance. That is, DPs manage the fund directly or indirectly via an attached or separate Project Implementation Unit (PIU) with separate disbursement, accounting, auditing and reporting procedures.

110 Campbell, Department of Fisheries Institutional Review: 49.
111 Informant 4; Informant 6; Informant 90; Informant 91.
112 Informant 6.
113 Informant 90.
114 Informant 6; Informant 10; Informant 90.
115 Informant 4.
The major reasons cited for the heavy reliance on PBA is the ‘weakness of government systems for the management and implementation of development projects, in particular public financial management’ and a need for transparency and efficiency of the assistance.\textsuperscript{118} This is understandable given the poor track record of the public administration and instances of aid mismanagement.\textsuperscript{119} However, as Curtis argues it is also resulted from DPs’ ignorance or explicit rejection of the fact that the PRK/SoC had managed to establish a structure of public administration.\textsuperscript{120} Thus, in the 1990’s ‘development cooperation activities were planned, managed and delivered by development partners with limited ownership of development choices and management process by concerned Cambodian institutions.’\textsuperscript{121} A survey in 2000 showed that 30% of 50 projects surveyed were managed independently of the existing state structure.\textsuperscript{122} During 1999-2004, PBA was still the main financing modality,\textsuperscript{123} though Program-Based Approaches within certain sectors were gaining currency.

### Table 33: Mode of Project Implementation\textsuperscript{124}

<table>
<thead>
<tr>
<th>Mode of Project Implementation</th>
<th>Multilateral</th>
<th>Bilateral</th>
<th>NGO</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside government, directly by project staff</td>
<td>6%</td>
<td>15%</td>
<td>8%</td>
<td></td>
</tr>
<tr>
<td>Outside government, though intermediary organizations</td>
<td></td>
<td>35%</td>
<td>14%</td>
<td></td>
</tr>
<tr>
<td>Inside government, through normal structure</td>
<td>67%</td>
<td>100%</td>
<td>55%</td>
<td>70%</td>
</tr>
<tr>
<td>Inside government, through special units</td>
<td>28%</td>
<td>10%</td>
<td>55%</td>
<td>70%</td>
</tr>
</tbody>
</table>

\textsuperscript{119} For examples of mismanagement of aid money in some World Bank and WFP-supported projects, see for example, Sophal Ear, "Governance and Economic Performance: Credibility, Political Will, and Reform," \textit{Cambodian Economic Review} 1, no. 1 (2005): 38-40; World Bank, \textit{Country Assistance Strategy for the Kingdom of Cambodia}: 27; \textit{———}, \textit{Country Assistance Strategy Progress Report for the Kingdom of Cambodia for the Period FY05-08}: 7-16.
\textsuperscript{120} Curtis, "Beyond Transition: Cambodia in the Post-UNTAC Period," Chapter 4, 2.
\textsuperscript{121} Cambodia's Development Council, "Enhancing Development Cooperation Effectiveness to Implement the National Strategic Development Plan," (Phnom Penh: Cambodia's Development Council, 2006), 41-42. See also Curtis, "Beyond Transition: Cambodia in the Post-UNTAC Period," Chapter 4, 27.
\textsuperscript{122} Godfrey et al., \textit{Technical Assistance and Capacity Building in an Aid-Dependent Economy: The Experience of Cambodia}: 38.
\textsuperscript{124} Adopted from Godfrey et al., \textit{Technical Assistance and Capacity Building in an Aid-Dependent Economy: The Experience of Cambodia}: 38.
An NGO board member has expressed concerns that PBA ‘is not a stable way of running a government.’\[^{125}\] PBA presents some challenges to state capacity and capacity building. First, as Curtis argues, PBA, especially parallel PIUs and heavy dependence on expatriate TA, diverts the existing limited competent staff, especially mid-level officers, from their routine tasks,\[^{126}\] and as the PM asserts, has siphoned off tremendous benefits from Cambodians via unnecessary spending,\[^{127}\] such as hefty expenses on foreign experts and tied procurements. Second, project proliferation and demands for different management systems have undermined and fragmented the Cambodian administration, overstretching the capacity of the high and mid-level officers who are involved in donor-funded projects and put DPs in competition with the state for competent staff.\[^{128}\] A CDC report rightly argued:

> The existence of Multiple and Duplicative Systems and methodologies in such areas as reporting, audit and evaluation, project and programme management and related areas impose[s] an extreme burden on our Government’s management staff (as well as on Donor Agencies). There is a proliferation of committees, working groups, structures and coordination mechanisms, some of which duplicate one another, and all of which impose excessive demands on the time of Government and donor staff alike. The existence of such systems, combined with numerous donor sponsored project management and implementation units result in Capacity Depletion in many sectors of Government and society, and indeed introduce inequities and imbalances in public sector human resources management.\[^{129}\]

Third, stand-alone projects usually prioritize ‘control and delivery over capacity and sustainability,’ so they fail to build state’s institutional capacity.\[^{130}\] The survey cited above maintains that only 58% of the projects ‘were structurally well positioned for capacity development.’\[^{131}\] Besides, there are plenty examples where once a project is over, staff revert to their previous working practices or look for

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\[^{125}\] Informant 12.

\[^{126}\] Curtis, "Beyond Transition: Cambodia in the Post-UNTAC Period," Chapter 4, 27.


other projects. Fourth, PIUs, especially parallel ones, disrupt accountability and transparency between the bureaucracy and the government in particular and the state in general. All in all, PBA is unlikely to help Cambodia build its capacity and to develop a capable state structure to attain its long-term development goals.

Despite its limitations, the first phase of assistance was noted for PBA domination, while the second saw the experimentation with program-based approaches in some key sectors. The wider adoption of these approaches in the third phase is still on the horizon. Unlike the narrower definition of the approach the OECD adopted, Cambodia adopts a broader definition. Its characteristics, according to the former, include: “country leadership over a programme; use of a sector strategy and budget framework; and mechanisms for coordination and use of national systems.” Cambodia refines the second component and accepts that programmes are ones which are ‘coordinated according to a sectoral strategy or action plan, irrespective of whether there is a single budget framework in place.’ In this sense, DPs can freely adopt the form of funding assistance, for instance, a stand-alone project, a project within a program, budget support, etc. as far as their assistance buys into a sectoral strategy.

The government has pointed out some advantages of a program-based approach, including more alignment of external assistance with Cambodia’s priorities, aid harmonization and cross-project coordination, learning and transfers, enhancement of Cambodia’s ownership over the assistance, and increase in efficiency and

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132 See for example, Godfrey et al., Technical Assistance and Capacity Building in an Aid-Dependent Economy: The Experience of Cambodia: 24-25. A technical expert similarly puts it: “Projects with a separate office and a PIU will leave nothing behind when they go.” ibid., 38.
135 However, there has been wider acknowledgement of the importance of program-based approaches and more vocal demands from the state for donors to adopt the program-based approaches.
138 Informant 90.
effectiveness of service provision and capacity building.\textsuperscript{139} Despite these credits, many donors still ‘have not done enough to change their own institutions to support aid effectiveness… [and still] have a project mentality’ though some improvement in their behavior has been observed.\textsuperscript{140} The 2010 Paris Declaration Evaluation in Cambodia confirms that most projects are still not aligned with a sector strategy, for example.\textsuperscript{141} The aid market is trapped in a ‘low level but stable equilibrium’ where risk aversity combines with ‘high volume of uncoordinated projects fragments ownership, undermines coherent capacity development and limited (sic) focus on project-level outputs.’\textsuperscript{142} To illustrate high volume of projects, in 2008, there were 710 ongoing projects and some 1,000 PIUs, steering committees and stand-alone working groups, many of which were of semi-parallel nature.\textsuperscript{143} As seen in Table 34, the reduction of parallel PIUs during 2005-2010 is still far from its target of 19 in 2010. Despite the improvement in the quality of the PFM systems (though still way from being perfect but enough to meet the 2010 target), DPs’ use of the PFM systems saw little improvement in the five years’ period and met only half of the target. Likewise, though DPs’ adoption of program-based approaches had increased, this indicator just met roughly half the target.\textsuperscript{144}

\textsuperscript{139} Cambodia’s Development Council, “Cambodia’s Report on Progress toward Enhanced Aid Effectiveness,” 3-4; Department of Fisheries, "Discussion Document on Adopting Programmatic Support for the Fisheries Sector," 4 and 7.

\textsuperscript{140} Cambodia’s Development Council, “Enhancing Development Cooperation Effectiveness to Implement the National Strategic Development Plan,” 41; Cox, \textit{What Structures and Processes Are Emerging at Country Level to Support a More Effective and Accountable Development Partnership? Cambodia Country Case: 15}. The RGC also understands that some state agencies also resist changes as there are personal interests involved. Cambodia’s Development Council, "Partnership and Aid Management Processes: Principal Studies and Processes Contributing to Policy and Support Services TWG Network Meeting," 3.


\textsuperscript{142} \textit{———}, "The Cambodia Aid Effectiveness Report 2010," 27.

\textsuperscript{143} Presentation at a Conference & WB as cited in Ek and Sok, "Aid Effectiveness in Cambodia," 23. See also Cambodia’s Development Council, "Partnership and Aid Management Processes: Principal Studies and Processes Contributing to Policy and Support Services TWG Network Meeting," 3. While western donors are quick to demand accountability and transparency from the RGC, some are reluctant to cooperate with the government through provision of information about their assistance. Government-Donor Partnership Working Group, "Practices and Lessons Learned in the Management of Development Cooperation: Case Studies in Cambodia," 27. As an illustration, the RGC has established an online tool for DPs to input details of upcoming and previous missions so as to rationalize and improve coordination of donor missions; however, very few DPs have input their missions into this webpage. Organization for Economic and Cooperation and Development, \textit{Aid Effectiveness 2005-10: Progress in Implementing the Paris Declaration}, 2: 15.

\textsuperscript{144} For Indicator 2a, the scale runs from 1 (very weak) to 6 (very strong); Indicator 2b, the nominal scale runs between A (the highest) to D (the lowest). \textit{———}, \textit{Aid Effectiveness 2005-10: Progress in Implementing the Paris Declaration}, 2: 5.
### Table 34: Selected Baseline and Targets (Paris Indicators)\(^{145}\)

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<tbody>
<tr>
<td>2a</td>
<td>Quality of PFM systems</td>
<td>2.5</td>
<td>3.0</td>
<td>3.5</td>
<td>3.5</td>
</tr>
<tr>
<td>2b</td>
<td>Reliable procurement systems</td>
<td>not available</td>
<td>not available</td>
<td>C</td>
<td>No target</td>
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<tr>
<td>5a</td>
<td>Use of country PFM systems (aid flows)</td>
<td>10%</td>
<td>12%</td>
<td>21%</td>
<td>(40%)</td>
</tr>
<tr>
<td>5b</td>
<td>Use of country procurement systems (aid flows)</td>
<td>6%</td>
<td>16%</td>
<td>24%</td>
<td>No target</td>
</tr>
<tr>
<td>6</td>
<td>Parallel PIUs</td>
<td>49</td>
<td>121</td>
<td>66</td>
<td>19</td>
</tr>
<tr>
<td>9</td>
<td>Use of programme-based approaches</td>
<td>24%</td>
<td>28%</td>
<td>35%</td>
<td>66%</td>
</tr>
</tbody>
</table>

In numerical and normal scales, the survey results are ‘very unimpressive’. The overall picture is more promising, however.\(^{146}\) The steady improvement in all but one indicator in five years’ time was remarkable. Although there had been no comparable survey results from pre-2005, anecdotal evidence points to the fact that there has been increasing use of program-based approaches (for example, 14 TWGs by 2008 had developed or adopted a sector strategy and the others were on the way) and that there is effort to reduce parallel PIUs, for instance, amongst EU member states.\(^{147}\)

The situation in the subsectors is not much different. Campbell writing about the practices before 2006 reveals many shortcomings in external assistance. The main channel of assistance was parallel PIUs; thus the assistance led to a piecemeal approach to policy implementation, uneven capacity development within DoF, with mainly central DoF staff being trained and hired for projects, uneven distribution of benefits geographically (DPs as deciding which locality to fund), competition between projects for limited competent DoF staff, resulting in some staff working for several projects simultaneously, lack of integration within DoF, and a focus on achieving project outputs rather than meeting long-term needs of the subsectors.\(^{148}\)

Interviews with key stakeholders confirm this. Referring to the pre-TWGF establishment, Informant 90 revealed that the assistance


\(^{146}\) Chan et al., "Cambodia Evaluation of Aid Effectiveness," 30.


\(^{148}\) Campbell, Department of Fisheries Institutional Review: 14 and 42-49.
was totally stand-alone projects. Donors did not talk to one another; they did what they wanted. A large number of projects were duplicated, and some were not important to the sector… The plan was based on the plan of individual donor… based on what the donor wanted. Such an approach does not respond to the long-term development of the sector.149

An FiA leader added:

Donor-funded projects were carried out by separate donors, whose projects also purchased different equipment and these could not be used by other departments or FiA as a whole. Project staff was not under the management of FiA, and hence there was the discontinuity in the project implementation once the support ended. There are cases in which projects hired people from a different department, and hence when the project was over, the people simply went back to their department once the project terminated. The projects and FiA back then were ‘enemy’ with one another.150

Informant 90 concludes that such a practice has undesirable impacts on state capacity and capacity building since: the existing system is not used, staff capacity is not systematically enhanced, the assistance does not respond to the sector’s needs, and there was discontinuity in the projects.151 The lack of transparency in the assistance also enabled each department to hide projects from one another,152 limiting cross-project coordination and building-up of cumulative impacts.

Despite the TWGF existence since 2004, external funding continues to be project-based153 since it is ‘difficult to get consensus especially from the donors who have their own policy instructions and interests.’154 Projects are still crowded out at the central level, demotivating ground staff from working hard, though the trend is changing, allowing some cantonment staff to become implementors,155 consultancy and capacity building to FiA staff and CFCs are still fragmented;156 joint budget allocation between donors and FiA and information sharing between DPs (before 2011) were missing,157 and trust in the state system is still low.158 Some reports by

149 Informant 90.
150 Informant 11.
151 Informant 90. Discontinuity in project is a major problem for projects in general, according to a DP officer. It is still a challenge even now. TSEMP presents the best example. It was carried out by cantonment officers in several provinces around the Tonle Sap. Interviews with staff in a province show that after the end of the project in 2008, besides carrying out their previous routine activities, the ten staff members have never visited the communities as they did during the lifetime of the project. Middleton rates it as ‘performing disappointing.’ Informant 80; Informant 81; Informant 89; Informant 91; Middleton, "The Expansion of the ADB’s Influence in Cambodia’s Water Sector: Judging the Effectiveness of ADB Water Management Projects in the Tonle Sap Basin," 12.
152 Informant 7; Informant 14.
153 Campbell, Department of Fisheries Institutional Review: 49.
155 Informant 7.
156 Informant 90.
157 Informant 10.
158 Informant 90.
CDC/CRDB also note that only a few DPs use the FiA systems and many still refuse to use them although agreed-upon mechanisms have been developed and it was mutually agreed that DPs would use its planning, accounting and monitoring systems by the end of 2007.\textsuperscript{159} Out of the 23 projects during 2005-2011 reported to CDC/CRDB, only three used FiA’s procurement and budget executing systems. Six partially integrated PIUs were established to implement six projects and one fully integrated PIU was established for one project.\textsuperscript{160}

The adoption of program-based approaches is far from complete and perfect. In 2009, for example, only Danida/DFID/NZAID and Wet Land Alliance jointly funded the FiA’s 2009 Action Plan (67\% of total funding) using common FiA systems, procedures and existing FiA’s PIU.\textsuperscript{161} Among the 23 projects reported to CDC/CRDB only three adopted a programmatic approach. FiA still adopts the broad, flexible definition of a program-based approach and assistance in any form, including stand-alone projects, is still welcomed.\textsuperscript{162} Informant 90 estimates that in 2011 roughly 50-60\% of the assistance bought into the program-based approach, meaning simply that the assistance was aligned with the priorities set in the SPF.\textsuperscript{163}

Overall, the road to Paris is still long and bumpy. However, we can judge that there has been improvement in aid coordination and cooperation in the last few years. The TWGF is better functioning, and many DPs are more forthcoming in disclosing their assistance, negotiating the ‘boundaries’ of their assistance, relegating some project implementation to the cantonment, promising to stop establishing more unnecessary PIUs, and buying into the SPF.

The final issue is the capacity building to the bureaucracy by DPs. The PM repeatedly calls on the ‘donor community’ to help build public administration’s technical capacity.\textsuperscript{164} The two graphs below show that huge amount of assistance has been allotted for TAs, including money spent on hiring foreign experts, monetary incentives, equipment and training of Cambodian counterparts. The time series breakdown for each component is unavailable. Yet, an extrapolation for the

\textsuperscript{160} CDC’s database ———.
\textsuperscript{161} ———, “The Cambodia Aid Effectiveness Report 2010,” 46.
\textsuperscript{162} Informant 90.
\textsuperscript{163} Ibid.
\textsuperscript{164} See for example, Cambodia New Vision, "Addressing the 6th Cambodia Consultative Group Meeting," 4.
2002 disbursement of $530.9 million put the expenditure of $60 million and $50-70 million for training and hiring 740 foreign experts, respectively. Therefore, large amount of money has been spent on capacity building.

**Figure 6: Disbursement Percentage for TA and Non-TA**

The capacity building effort has contributed to building Cambodian state agencies’ and agents’ capacity. Moreover, attention has been paid to projects’/programs’ capacity outcomes in recent years. However, shortcomings in capacity building initiatives exist. First, as Fukuyama points out the main focus of aid money is on the provision of services, rather than institutional capacity building per se; the ‘international community’ thus made little headway in ‘creating self-sustaining

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The WB’s 2005 Country Assistance Strategy admitted: “Progress in social service delivery has generally been more positive than in the core areas of governance reform.” In a sense, attention is mainly paid to how much projects/programs deliver social services on behalf or in the name of the state rather than or together with assisting the state to build a capable public administration. Second, tangible project/program outputs take precedence over institutional capacity building. Anthony Land and Peter Morgan argue that the ‘product focused nature of most contracts and reporting systems’ discourage private firms and consultants from focusing on capacity development. Other reports confirm that many foreign experts fail to impart their expertise to their local counterparts (some in blatant violation of their ToRs) and in some cases, local counterparts are absent or less interested in capacity building itself. Third, related to lack of capacity building is the issue of capacity substitution, where experts find it handier to do things by themselves rather than to act as ‘advisors and/or supervisors.

Fourth, most capacity building is carried out through on-the-job training or short-term courses to enable Cambodian counterparts to fulfill their duties within a project rather than to contribute to broader goals of capability development of the public administration. In this regard, the ADB frankly acknowledges that while

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many of its projects managed to improve technical skills at the individual level, they are less effective in building up the institutional capability.\textsuperscript{174} Fifth, a majority of projects hire central staff as counterparts; therefore, it is they who have more chances to undergo capacity building.\textsuperscript{175} Generally, such a practice is justifiable because they are more capable; however, the practice has contributed to widening the capacity divide between central and sub-central officers and agencies. Some donors’ projects such as the ADB’s TSEMP and Danida’s Project for Management of the Freshwater Capture Fisheries of Cambodia did, nevertheless, recruit provincial staff as counterparts. Finally, the most serious shortcoming is that attention to build an overall ‘coherent, well-conceived strategy of capacity development’ is lacking given the piecemeal nature of capacity building initiatives.\textsuperscript{176}

To summarize, DPs have contributed substantially to enhancing Cambodia’s state capacity and institutional capacity building. There has been increasing cooperation/coordination between DPs and between DPs and Cambodia, especially since 2004, in managing external assistance. Cambodia’s capacity to coordinate aid has experienced remarkable improvement with the establishment of multi-tier mechanisms for aid coordination from technical to country levels. There have been better-coordinated efforts to enhance the capacity of the state apparatus and wider adoption of program-based approaches to assistance. These experiences are reflected in the subsectors. The TWGF has functioned as a forum for discussion on issues in these subsectors and to coordinate aid infusion. Its capacity to coordinate DPs has improved significantly, and more DPs have bought into the SPF and hence align their assistance to the FiA’s priorities. Interviews with FiA staff and evidence from existing literature show that many projects have contributed to capacity building of the FiA and its staff.

\textsuperscript{174} Asian Development Bank, \textit{Country Assistance Program Evaluation for Cambodia}: 30, 38 and 54.
Yet, many shortcomings in DPs and DP-Cambodia cooperation/coordination persist. DPs are still far from speaking with one coherent voice. Many donors still pursue their own agendas and have different objectives in their involvement in Cambodia. This has constrained their possibility to work together to demand for harsher reforms and good governance from Cambodia. Furthermore, the rise of non-traditional donors has further watered down the influence of Western donors on Cambodia. Aid infusion is still very much fragmented, and Cambodia’s capacity to coordinate aid is still quite limited, while as a recipient it has little influence on pressuring DPs to coordinate their assistance and align it with Cambodia’s priorities. While the wider application of program-based approaches is plausible and encouraging, assistance is very much project-based and Cambodia’s government systems are not used and they are still far from being adequate for DPs to trust. Large amount of aid has been used for institutional and individual capacity building; however, it is questionable whether the money has made proportionate impacts on capability enhancement. The fisheries/forest subsectors face many of these constraints. Though non-traditional donors play limited roles in these subsectors, agenda setting is still in DPs’ hands. That there are many smaller players in this field presents a challenge for coordination/cooperation amongst them and with FiA. Aid infusion therefore is still quite fragmented. DPs still have more room to decide whether to buy into the SPF and align their assistance with it, and many opt to ‘work outside the system.’ Though capacity building efforts via on-the-job training and short courses are plenty, FiA is yet to produce its HR and HR development strategies.
Chapter 12: Conclusions

1. Main Research Findings

This study investigates the factors affecting post-conflict Cambodian state capacity with illustrations from fisheries and inundated forest management. It puts Cambodian state and society, external agencies and their relations and interactions into the post-communist context to explain how they impact the state capacity. The following are the major findings from the research.

A survey on the existing literature on Cambodian politics proves that academic research on the state per se and Cambodian state capacity, more specifically, is rather thin. More research has been directed towards democracy, democratization and local governance (decentralization) and, to a lesser extent, civil society. That is, the politico-socio aspects of political science have been emphasized, while the statal aspect is under-researched.

Overall, Cambodian state capacity is limited, albeit slowly improving. The capacity is variable in terms of time, location, sectors and types of capacity. Its penetration capacity, as expressed in the population-civil-servant ratio, is quite low. As seen in the FiA staff distribution, penetration, especially into the rural areas, is quite limited as more staff is concentrated at the central, and to a lesser extent, provincial, levels. The last decade has seen the state trying to attain the appropriate use of its resources to attain economic development and reduce rural poverty through diversion of its expenditure to non-D&S sectors, although the priority ministries, including MAFF, still receive quite low funding in real terms and in percentage share of the total expenditure. In addition, the state has tried to attain more distributive justice through re-distributing more fishing areas and inundated forests to small-scale fishers. In 1990’s, however, these resources were mainly concentrated into a handful of private concessionaires.

Its regulation and extraction capacities probably fare the poorest amongst all the capacities studied. The poor regulation capacity is reflected in the massive illegal fishing activities and forest clearance, poor compliance from and enforcement of state’s and communities’ rules and regulations onto all scales of fishers. Although its capacity to extract from the society has been somehow increasing, it is still very
low, manifesting in significant leakage of revenues, low tax and revenue ratios to GDP. And as illustrated in fisheries resource rent extraction, especially from industrial scale fishing, the state can extract only minimal rents.

Its capacity to produce policies and legislation has improved considerably and is probably at the top of the chart amongst all the capacities. This is not to downplay various shortcomings in policy and legislation production, especially in 1990’s. It was not until 2006 that it first had an over-arching national development policy, and before then national development policies were fragmented and sectoral policies were scarce. Sectoral policies, such as the SPF, come much later. More detailed laws, at least those on natural resources management, were enacted in 2000’s. Many laws, including FL, still need more supporting sub-decrees and prakas. The production aside, how much these policies and legislation are put into actual practice is questionable.

The state does realize that to achieve economic development and poverty reduction, it needs to provide the private sector and rural communities with favorable environment and appropriate support. It has, to a large extent, managed to maintain peace and political stability, establish a forum for ongoing dialogues between the private and public sectors, link state agencies and rural communities, such as via DIWs, provide the private sector with some business facilitation and rural communities with some assistance, including setting them up and providing some necessary equipment and legal framework. Yet, its capacity to assist private businesses, including fishing lots and rural communities, viz. CFCs is fairly limited. Its husbandry capacity, as seen in ‘research lot’ research and development, fares the poorest amongst all the capacities covered in this study, reflecting in dereliction of its agents’ duties, collusion and breach of contracts.

Social control is very fragmented. In the subsectors, the presence of ego-centric and or antagonistic social forces with substantial social control in their hands, namely the Khmer Rouge, all scales of fishers, especially medium-scale fishers and lot concessionaires and even many newly established CFCs, have crippled the state capacity. Many of them (have) even established their rules of the games and distorted the state’s legislation and policies beyond recognition. This study traces the emergence of business elites, including elite lot concessionaires, to the abrupt
economic liberalization and the manipulation of this transition. Their persistent domination is partly a result of the politics of intervention and collusion between state agents and business elites.

As seen in Chapter 7, civil society is still weak. The trace of civil society groups throughout history is thin. The PRK/SoC managed to set up some state-mandated associations and groups. However, they became diluted. When the country adopted the liberalized economy, the few associations became enfeebled or disorganized, while the solidarity groups, including fishing groups, simply disappeared. Many NGOs have emerged since 1991. They have contributed to shaping the socio-political landscape and helped build the capability of rural communities, including CFCs, and some state agencies and agents. However, the NGO sector is nascent, and many shortcomings, such as upwards accountability to their funders, poor coordination and cooperation amongst them, limited grassroots participation and compartmentalization of their assistance to rural communities, exist.

In the last two decades, different forms of rural community groups, including CFIs, have been established, mainly by NGOs and state agencies. Some of their members and leaders have been quite active in natural resources management and contributed to better resource management. Reduction of destructive illegal fishing activities within CFi areas and contributions to rural socio-economic development are two examples. However, these mass associations are even younger than NGOs, and their capacity and institutional capability are more limited. In the subsectors, these are reflected in the persistence of illegal fishing and forest clearance in CFi areas, limited attributes of good governance in many CFCs’ operation and even total breakdown of some communities, and limited ownership of the CFIs by and limited participation from CFi members in resource management. CFi sustainability is also questionable since they are financially dependent on external funding, and there is little effort to mobilize the legislated internal funding. Rural communities’ social cohesion is also challenged by compartmentalized externally induced community group establishment.

In terms of relations and power relations between civil society and the state, the latter still relies more on ‘despotic power’ and its engagement with civil society groups, albeit improving, is still far from perfect. As reflected in the FiA-NGO and
CC-NGO relations, the engagement was limited in 1990’s and became more antagonistic during the transition to more community-based resource management. There has been increasing selective cooperation, especially with associations working on soft issues, in the last few years. Therefore, though the state is more engaging with NGOs working on development issues, its engagement with NGOs working on advocacy issues is quite contentious. Certain mechanisms, such as TWGs and GDCC, PIFs and DIWs, have provided venues for dialogues; however, these are mainly to discuss or simply raise some ‘soft issues’ or to discuss local funding from NGOs.

At the local level, in the 1990’s CBOs working on development issues, including natural resources management, were limited in numbers. There were limited interactions between fishers and commune councils, provincial line departments and district offices. The state agents, moreover, were accurately seen as exploitative and coercive, leading to conflicts and animosity. Since 2000’s, more CBOs, including CFIs, have been established. Their relationship with the local authorities and field implementors, albeit improving, is restricted as well. More engagement reflects itself in CC’s participation in CFCs’ meetings and vice versa, CFCs’ participation in CC’s meetings, inclusion of CFCs’ annual action plans into CDPs, FiA’s participation in the preparation of legal documents for CFCs, etc. Communities’ bargaining power vis-à-vis state agencies and agents is, however, relatively weak. Their dealing with them is often via informal practices and final decisions still rest with state agencies with little recourse to address disagreements. Fishing lots as a civil society group probably fare the poorest as they are not unified to bargain with state agencies, and hence their engagement with them is more individualistic and personalized. All in all, state-society relation is neither predatory nor developmental.

State agencies and agents are not insulated from political and social forces’ interference into their affairs. The collusion in lot bidding between bidders and between bidders and auction committees is an example. Besides, as seen in the granting of ‘research lot’ fishing rights, some politicians have interfered into fisheries resources management in favor of their clients or probably proxies. At the provincial and local levels, state agents have been captured by private interests to achieve their goals of profit maximization. As seen in the two sub-sectors, various
state agents and agencies, including fisheries officers, elements of the armed forces, members of the local and regional authorities and judicial staff have been captured by private interests to serve their purposes. Besides, state agencies are poorly accountable and engaging with each other, undercutting their efficacy and efficiency. The three branches of the state are not autonomous from one another, and the legislature and judiciary in the main are not able to curb the power of the executive and ruling parties.

As discussed in Chapter 9, the state structure barely approaches Weberian bureaucracy. Cambodia’s ‘bureaucracy’ lacks any historical depth and suffers from disruption and destruction by protracted wars and manipulation by politicians and dominant rulers. Local and regional administration has a long historical root; however, it was not (and has never been) managed through legal-rationalism, but has been managed more than less via patronage politics. Overall, the public administration as a whole is far from efficient, effective and adhering to good governance. As for the sub-sectors, the Fisheries Team was just established in 1947 and has suffered multiple disruptions. It hardly functioned as a bureaucratic entity when it was first re-organized in 1979. Like any other state agencies, it has faced many challenges – financial, structural and behavioral. These challenges also apply to the local authorities when it comes to natural resources management. Some central and local inter-agencies or mechanisms have been established; however, they are mainly to ‘co-ordinate’ their members and are relatively powerless vis-à-vis their members.

Chapter 10 shows that Cambodian political landscape at the center has transformed from a shaky coalition government to a one-dominant ruling party with weak and fragmented opposition groups. State agencies and agents have been politicized and co-opted to effect political victory. There is thus limited systematic effort to increase their autonomy from ruling parties and their agents and to enhance their institutional capability. State agencies and dispensing of state positions have been used as a tool for political compromise, and state agents and businesses have been accommodated to fund party-directed rural development projects. The ‘politicized’ rural development projects and quest for political legitimacy have contributed to socio-economic development and selective state capacity enhancement. However,
they have also undermined state capacity, including the capacity to extract from and to regulate the society.

Chapter 11 shows that foreign development partners have contributed to state capacity enhancement and institutional and individual capacity building. However, the DP-DP and DP-RGC cooperation and coordination, as reflected in those of the DoF/FiA and its external DPs, in the first decade and a half since 1993 had been quite limited, and hence DPs’ assistance had been very much fragmented and uncoordinated, especially at the (sub)sectoral level. Cambodian capacity to coordinate external assistance had likewise been inadequate. It was in 2004 that a more systematic multi-level mechanism and framework and more DP-DP cooperation amongst selected DPs were developed. These mechanisms are still young, and many are not functioning properly. The TWGF, for example, was just established in 2004, and before then there was limited coordination between FiA and other main players and amongst external agencies. It was not until 2011 that the SPF was produced as a guide for coordination and cooperation. Overall, coordination and cooperation are still evolving and far from ideal. Due partly to ineffective state systems and donor-ship mentality, PBAs have been dominant approaches to external assistance. The last few years have seen more effort by both the RGC and DPs to systematize the assistance approaches and there have been wider adoption of various program-based approaches. However, assistance is still very much project-based, and external assistance is still rather fragmented.

2. Towards an Understanding of Cambodian State Capacity

The introduction of electoral legitimacy in 1993 and considerable DPs’ financial support and pressure present hope for higher state capacity. Indeed, there has been some improvement in state capacity, for example, in extraction (increasing tax/revenue), appropriation (better resource allocation and distributive justice), policy/legislation production (better policies and legislation), and midwifery (some business and community assistance and facilitation). The two most outstanding achievements are probably peace and political stability maintenance and policy/legislation production.

Yet, despite some improvement and variability in capacity, overall, the capacity is limited, almost across the board. This is especially the case of penetration
(disproportionate staff distribution and shortage of ground staff), stagnant and limited extraction capacity (low tax/revenue generation, poor rent extraction from its resources and widespread corruption), weak appropriation capacity (disproportionate resource allocation, resource concentration and unsustainable exploitation), limited regulation capacity (poor and selective enforcement and low compliance) and limited midwifery and husbandry capacity (especially R&D and business and community facilitation).

The attainment of high state capacity is constrained by several factors. First, it is constrained by the politics of a weak political society and partial political institutionalization. The quest for initially externally imposed electoral legitimacy since the late 1990’s has, to some extent, improved some state capacity, such as appropriation capacity (better distributive justice and resource de-concentration) and midwifery capacity (in particular peace and stability maintenance) and some rural development. However, electoral contests playing out in the context of a rapid transformation under a dominant ruling party, weak coalition partner(s) and weak opposition groups result in ensuing patronage politics; unwillingness to arrest poor governance within state agencies since support from state agents is needed to win an election and hence a need to return a favorable deal; politicized and weak state structure and limited state resources; a favorable deal to businesses in return for their support, and in the case of the local governments, a need to capture their constituency, especially in election years via leniency in clampdown on illegal activities. A dysfunctional state in return contributes to sustaining this politics of a weak political society and partial political institutionalization.

Second, the state capacity is constrained by fragmented external assistance and pressure and donor-ship mentality. Coordination and cooperation between DPs and between DPs and Cambodia is weak. Coordination/cooperation mechanisms, though improving, are still weak and PBAs are widely adopted. Although there is rhetoric of recipient country ownership of assistance, empowerment and mutual accountability, in the main, donors are reluctant or unwilling to forgo the control over their assistance. This, however, is not to downplay the low institutional capabilities and poor governance within the existing state systems. The poor DP-DP coordination/cooperation results in limited pressure for the state to carry out harsher reforms and drive for better governance. The emergence of non-traditional
latecomers which do not tie their aid to good governance further weakens the ‘one-
voice-ness’. Besides, poor coordination and cooperation between DPs disable them
to open up bigger space of engagement for civil society groups. This and
widespread PBA adoption put pressure on the already over-stretched capabilities of
state agencies and competent agents, lead to unsustainability of development
programs and lack of over-arching institutional capability building.

Third, the capacity is constrained by the weak state structure and poor resources.
Weberian bureaucracy and bureaucratic governance in Cambodia has shallow
historical depth, and their building has been disrupted by wars and manipulation.
The little build-up and limited consolidation of state agencies before the 1990’s
political contests contribute to their being captured by politicians and political
parties to maintain political domination. The bureaucracy and public service in
general little resemble Weberian bureaucracy. Due to their novelty, deep historical
roots of power concentration and post-communist effects, inter-agency
responsibility duplication and power wrangling, top-down management styles,
hierarchical authority overstepping and authority concentration are common. The
quality of the service and dereliction of duties are further plagued by poor material
resources, poorly motivated, under-qualified and underpaid civil servants, staff
outflow and poor civil service rationalization and systematization, including
appropriate staff distribution, poor intra- and inter-agency
coordination/cooperation, and poor application of merit-based appointments,
promotions and incentive schemes.

Fourth, weak civil society and contentious state-society relations cannot help arrest
state debility. There have been better and more interactions between civil society
groups with state agencies and some improvement in the strength and capabilities
of civil society groups, including increasing operational capacity, denser networks,
fairly flourishing rural communities and stronger civil society groups. However,
civil society lacks historical depth, and civil society was not permitted in the
communist regimes (or to be fair, has never taken roots throughout history). The
dilution and disappearance of state-sponsored groups and associations before the
democratization are not conducive for representational electoral competition, and
hence further entrenched the deeply rooted (historically and culturally) patronage-
based competition.
Therefore since the country opened up, civil society groups (including business communities and rural community-based associations) have been weak vis-à-vis the state and have fairly restricted capabilities. The upward accountability from the rural community-based associations towards NGOs through to INGOs/donors is not conducive to creating strong and capable civil society. Community-based associations are moreover new and compartmentalized, which further decreases their bargaining power with local state and political agencies. In addition, state and civil society interactions are constrained by mistrust, a cultural demand for subservience from society by state agencies and agents and limited joint projects. The weak civil society overall cannot check the misconducts of state agencies and agents. Further, their establishment by external agencies has created a sub-class of rural elites, many of whom are ‘raw people,’ not familiar with bottom-up management, have violated their roles and duties and uphold practices that confirm neither to the communities’ by-laws nor to the state’s rules.

Fifth, the state capacity is constrained by limited state autonomy. The limited external pressure, need for financial contribution to sustain electoral legitimacy from state agents and businesses, dysfunctional state structure and weak civil society are favorable to the capture of the state agencies and extraction from the state for personal gains, either for an individual or an organization, and hence weaken state capacity. Extraction from the state through the capture by businesses and citizens in general and interference from politicians on behalf and in favor of their clients into the affairs of the ‘bureaucracy’ and state agencies is common. Where the ‘bureaucracy’ is barely functional and businesses as a civil society group are weak, the chance for ‘embeddedness’ to succeed and to attain a successful ‘joint project’ is slim, as attested in the cases of ‘research lot’ research and lot rehabilitation and development. The limited autonomy of the other two branches of the state from the executive weakens the checks and balances against the latter and the dominant parti(es) and disables them to demands for good governance from them.

Finally, the fragmentation of social control is a constraint to state capacity. Before 1999, the Khmer Rouge presented a challenge to full state capacity attainment. Besides, the state capacity is hindered by the sheer size of resource users, from whom state agencies are not able to demand their compliance and cooperation. The
well-connectedness of business elites to politically powerful individuals and their power of the purse do not enable less ‘powerful’ state agents to demand compliance or sometimes even to enforce state’s rules and regulations in areas under their control. The state inability to rein in their agents allows these businesses and citizens to capture or buy support from elements of the state to further their goals.

3. Qualified Hope

There is some qualified hope in the state to improve its capacity, though such is constrained by the factors discussed above. Kato and others complimented: “Given the enormity of the challenges facing Cambodia during the last decade, the leaders and authorities certainly deserve credit for their efforts and leadership to reconstruct and develop the nation.”\(^1\) It has moved from a post-conflict to a ‘more normal’ state, experiencing ‘unusual period of rapid growth’ and having better public administration, including local authorities and line departments/offices.\(^2\) For example, FiA has substantial number of competent staff,\(^3\) and the CFDD’s capacity to handle CFCs has improved. An NGO director praised: “I work with so many competent, experienced individuals in the Fisheries Administration. I am always impressed with how much they know, of what they are capable of,” albeit adding that it ‘has a very strong technical capacity. But as a government institution, probably only the technical capacity is not enough; you need operational capacity, financial management capacity, administrative capacity, [and] people who have a good understanding of policy making.’\(^4\)

Migdal cautions that state leaders’ engagement in politics of survival does not necessarily mean that they do not have a ‘slightest interest in using the state as a vehicle for progressive social change.’\(^5\) The premier can be described as a

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1 Kato et al., *Cambodia: Enhancing Governance for Sustainable Development*: 125.
3 Informant 6; Informant 10.
4 Informant 6.
reformist. Some other officials share his view of state modernization. The RGC recognizes the importance of capable public institutions and vows to ‘revamp the structure and size of civil administration and professionalize the public machinery’ though this is done one a piecemeal and incremental basis. The FiA re-structuring, for example, gives it more autonomy and makes it ‘a more effective service provider in the sector especially at the commune level.’ In addition, the government is committed to better management of the Tonle Sap and addressing poverty in this area as witnessed in its request for the TSEMP loan to improve CFi capacity, an instance that a donor representative describes as ‘uncommon because the government usually preferred a grant for such projects.’ Informant 91 branded FiA as open and reform-oriented, and Campbell calls its director a source of vision and direction. Even an NGO director, who is critical of it, believes that the RGC has an intention to improve fisheries and inundated forest policy formulation and implementation. This partly reflects in the CFDO establishment, staffing it with younger, better-trained and more energetic staff.

Furthermore, the state has carried out some critical reforms. First, it has established such reform institutions as the Supreme Council of State Reform and Council for Administrative Reform and partially accepted such principals of good governance as accountability, transparency, responsiveness and participation. Second, it has carried out some reform measures, including civil service censuses and public sector functional analyses, D&D, capping civil service size, injecting more youth into political positions and lately into the public service via examinations, annual salary increase of 10-15% and termination of party-based-quota appointment into the civil service. Third, it has put some effort to develop institutional and

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6 See for example, Kato et al., Cambodia: Enhancing Governance for Sustainable Development: 80.
10 Informant 91. Campbell, Department of Fisheries Institutional Review: 38.
11 Informant 1.
individual capacity.\textsuperscript{15} Besides learning from participation in donor-sponsored projects and line activities, some staff has acquired capacity via donor-sponsored projects targeting capacity building.\textsuperscript{16} TSEMP and TSSLP are good examples. Cantonment staff and local councilors participating in them agreed that their capacity has improved through on-the-job and actual training.\textsuperscript{17} The Seila program and its predecessors have built local councilors’ capacity and introduced more participatory local development planning and execution.\textsuperscript{18}

D&D has, to some extent, induced some frontline officials and local and central decision-makers to embrace civil society groups’ participation in their affairs. The FiA director was reported to have welcomed recommendations from NGOs and fishers to improve the FL and CFi- sub-decree.\textsuperscript{19} The relationship between local councilors and villagers has improved. The former have become more accountable and responsive, and the latter are less afraid of and approach them more often.\textsuperscript{20}

Some case studies prove that some local authorities are actively involved in CFC establishment.\textsuperscript{21} Moreover, some councilors have participated in communities’ meetings and tried to solve their problems, including calling illegal fishers to CC halls for ‘education’ and providing counterpart funds for selected CFi activities.\textsuperscript{22}

More recently, many CCs have tried to seek funding for CFCs under their jurisdiction and invited the latter to their monthly meetings and to contribute to...
their one-year rolling plans and CDP development. Two surveys in Battambang show that many more CFCs in the province had their plans fully or partially integrated into the CDPs in 2010 than three years ago. An NGO director noted:

Some community fisheries groups are not well situated within the local authority system – the village, commune councils. Some community fisheries groups are just like a group of fishermen that are self-contained. They only deal with fisheries officials, but not with other local authorities. And they are constantly running into problems when there is a conflict with non-fishing members of the village who have different interests. When the community fisheries groups are very well integrated into the local system, then they are better dealing with problems if they have the support of the commune council members.

Neo-utilitarianism views state employees as lacking ‘public spirit’ and individual maximizers. This does not accurately reflect Cambodian civil servants. Though the civil service, including FiA, is far from perfect and functional, there are committed and hard-working individuals who care for the proper functioning of the administration. Margaret Slocomb writing about the PRK commented: “That there were committed and honest party cadres must be acknowledged and respected, but there were too few of them to make the difference that was required to change Cambodia.” A Researcher who has contacted a few line departments’ employees reported: “Within each department, there are certain individuals who are active and hard working.”

The FiA’s staffs are of no exception. Non-state actors who have regular contacts with some officers express positive attitudes towards and admiration of their skills, hard work and commitment. An NGO director commended: “Some of these individuals genuinely care about the issues. They do care about the sustainability of the fisheries resources and the well-being of the community fisheries. And that is

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23 Informant 7; Informant 71-78; Informant 79; Informant 86-88.
24 Troeung, "Community Fisheries Committee Quality Assessment 2007."
25 Informant 6.
26 Evans, Embedded Autonomy: State & Industrial Transformation.
28 Informants 8-9.
29 Informant 4; Informant 6; Informant 7; Informant 14. For example, according to a researcher, “[t]he vice chief of the fisheries cantonment in Stung Treng was very active and had a good understanding of the wider issues. He as an individual was very capable – kind of individual motivation to do the work … He was quite fundamental in making certain things work in that place. The fisheries administration [in Stung Treng] as a whole is not very active…In Stung Treng the capacity is so limited, but there are a few individuals that make things work.” Informant 2. See also Department of Fisheries, Impacts of the Fisheries Policy Reforms in Kampong Cham, Pursat and Takeo Provinces: First Round Assessment Report: 67; Mak, Vann, and Te, "Communication Strategies for Fisheries Conflict Management: A Case Study in Cambodia," 27.
surely a factor driving them. And they also want to do a good job.”

CFDO staff is particular singled out. According to a researcher, “within the department of fisheries, you have the community fisheries department, and I think there are a few strong people there, committed as well.”

Elements of local authorities too are well-praised. An NGO officer reported that in a community that used to conduct his research a village and a deputy commune chief were very active in crackdowns on illegal fishing.

Besides internal motivation, two things explain the commitment – close oversight from above such as the premier’s 001 Order and incentives, such as per diem from NGOs, a chance to improve one’s knowledge and salary supplements.

Interviews with stakeholders show that during a life-time of a donor-sponsored project, employees often actively fulfill their duties. A former officer reported: For each office, roughly 30%-40% of officers are involved in projects. People are active during the project; however, once the project is over, they simply return to their normal work, with some do not even have much to do.

Referring to TSEMP, a TFN staff added: “Now the FiA sangkat only helps establish CFCs and explains to the people and CFCs to protect the fisheries resources. A few years ago there was a PIU within FiA which helped erect boundary posts around conservation areas and guard posts and to determine the CFi boundaries.”

Some officials express their frustration over limited separation between their work and political obligation and politicians’ interference into their affairs. A fisheries officer in Province A and a cantonment leader in Province B want to see clearer

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30 Informant 6. See also Ahmed, Touch, and Nao, "Sustaining the Gifts of the Mekong: The Future of Freshwater Capture Fisheries in Cambodia," 5. Campbell gives a similar judgment: “The fisheries sector involves a large number of government staff who are able to contribute to the development of the sector. These are represented at central, provincial and district levels. Amongst this group are some very well educated, committed and hard working staff with a willingness to learn and apply new processes and knowledge… In spite of the limited funding and the institutional weaknesses of DoF, it has a strong base of committed people who contribute to the continued implementation of field activities in support of DoF’s plans.” Campbell, Department of Fisheries Institutional Review: 39.

31 Informant 14.

32 Informant 15. See also Hughes, "The Seila Program in Cambodia," 110-11; Kato et al., Cambodia: Enhancing Governance for Sustainable Development: 72; Patrick, Melissa, and Puadyal, Flood Forest, Fish and Fishing Villages: Tonle Sap, Cambodia: 11.

33 Informant 25-27; Informant 86-88. For example an NGO program manager describes an FIA official: “[A] CFDD staff member who is a partner with an LI’s project likes taking initiatives and is motivated to learn though the financial support from LI is not so much.” Informant 13.

34 Informant 5.

35 Informant 23. Also Informant 2; Informant 7; Informant 10; Informant 14; Informant 71-78; Informant 80; Informant 81.
separation between ‘technical experts’ authorities’ and politicians’ involvement in running the public administration. A deputy head of a department in FiA was reported as hard working and committed – and to have demands for more professional service provision to concerned stakeholders.36

Because of bureaucratic inefficiency, Brazil adopted ‘pocket of efficiency,’ resulting in some successful transformational projects.37 Likewise, concerned with rapid change in the economic sector and its low capacity, the RGC with support from donors decided to create ‘a core team of civil servants to promote centers of excellence.’38 The ADB and WB assisted with the design of Priority Mission Groups (PMGs) and Merit-Based Payment Initiatives (MBPI), respectively. PMGs were first established in 2002, and MBPI, providing supplementary salary to employees involved in donor-supported projects, was operational in 2005 first in MEF and later expanded to other ministries.39 Though the RGC promised to expand both schemes, MPBI was terminated in 2010,40 and has been replaced by Priority Operation Costs (PoC). While the pay is not much different from MPBI, the new scheme divides the recipients into three categories with pay according to their ranks in the project rather than to their government positions as in MPBI.41

36 Informant 7; Informant 65; Informant 80.
39 Partnership Technical Working Group, "Joint Government-Donor Strategy for Phasing Out Salary Supplementation Practices in Cambodia," (Phnom Penh: Partnership Technical Working Group, 26 January, 2006), 2-3; Schneider, Ka, and Roy, Private Sector Assessment for the Kingdom of Cambodia: 3-4; World Bank, Country Assistance Strategy for the Kindgom of Cambodia: 30-31; ———, Country Assistance Strategy Progress Report for the Kingdom of Cambodia for the Period FY05-08: 3-4. According to the sub-decree, proposed monthly ‘merit based pay supplement incentives’ for donor funded projects are as follows: For director general = 1,600,000 riels, deputy director general = 1,280,000 riels, director of department = 1,080,000 riels, deputy director = 880,000 riels, administrative officer = 720,000 riels, bureau chief = 480,000 riels, kramka = 320,000 riels and secretary = 200,000 riels. Royal Government of Cambodia, "Sub-Decree on Implementation of Merit-Based Pay Supplement Incentive," (Phnom Penh: Royal Government of Cambodia, 5 August, 2006). The monthly remuneration for the PMGs is between $50-150. International Monetary Fund, "Cambodia: Selected Issues and Statistical Appendix,” 19. The PMG participants can also earn extra incomes from MBPIs.
40 Royal Government of Cambodia, Rectangular Strategy for Growth, Development, Equity and Efficiency in Cambodia: Phase Two: 14-15. According to a senior CoM official, the reason for the termination is that over the years the Cambodian government counterpart fund would increase from 0% to 100%, while the fund from donors would decrease, accordingly. As interviewed by Informants 8-9.
41 According to the sub-decree, the pay effective from July 2010 is as follows: For national or national supporting staff: Program manager or deputy = $350-400; project manager, deputy or division head = $200-300 and specialist or supporting staff = $120-180. For sub-national or front
The pocket of efficiency is not void of shortcomings. So are these schemes. However, they give selected state officials more incentives to work harder. These positive attributes of state agencies/agents, together with emerging civil society groups, a need for electoral legitimacy via more ‘inclusive development’ and broad electoral contests to appease constituents, continuing external support and improving coordination/cooperation between DPs and DPs and the state, give some glimpse of hope for the betterment of state capacity.

Council of Ministers, “Regarding Expenditure Table for Priority Operation Expenditure Sponsored by Development Partner’s Project Operation Credit,” (Phnom Penh: Council of Ministers, 25 May, 2010).

See Evans, *Embedded Autonomy: State & Industrial Transformation*.

First, PMGs as of 2007 covered only slightly over 1,000 staff in 20 ministries. Second, the supplementary income from these schemes, especially to lower staff, is minimal. Third, MBPI (and later PoC) does not ‘provide a sustainable foundation for a broad-based civil service reform.’ Fourth, they lack sanctions for non-performance. International Monetary Fund, "Cambodia: Selected Issues and Statistical Appendix," 19-20. Though the prevalence is not investigated, Pak and others’ interview with a provincial bureaucrat showed that he needed to kick-back his supplement incomes to his boss to get a slot in a donor-funded project. Pak et al., *Accountability and Neo-Patrimonialism in Cambodia: A Critical Literature Review*: 62. Such rumors are commonly heard, however.
Appendix A: Interview Guide

These questions seek to explore the Cambodian state capacity in general and the capacity in inland freshwater fisheries and inundated forest management and the possible factors that impact its capacity to manage the resources.

A. State Capacity in General

1. What is your assessment of the overall capacity of the Cambodian state after the 1993 general elections?
2. Is there any overall improvement in the Cambodian state capacity over time since 1993?
3. What are the factors that affect the state capacity overall?

B. State Capacity in Freshwater Fisheries and Inundated Forest Management

4. What are the major methods that people use to fish in the freshwater bodies?
5. What is the state of the inundated forest around/in the freshwater bodies, especially the Tonle Sap Lake and the Mekong River in Cambodia?
6. What is the state capacity in inland fisheries and inundated forest policy formulation?
7. What is the state capacity to regulate inland freshwater fishing and capacity to regulate inundated forests?
8. Are there enough government officials in the expertise fields to manage inland freshwater fishing and inundated forests at the sub-national level?
9. Does the state use the fisheries resources appropriately?
10. Do you think the state gains any benefits from the freshwater fishing lot concessions?
11. How does the state facilitate the fishing lot concessionaires in their businesses?
12. To what extent has the state assisted communities in the management of the community fisheries since their establishment?

C. Factors Affecting State Capacity in Inland Fisheries and Inundated Forest Management

13. What are the factors that affect the state capacity to regulate inland freshwater fishing and inundated forest around the freshwater bodies?
14. What are the factors that affect the state capacity to use the freshwater fisheries resources appropriately?
15. What are the factors that affect the state capacity to extract benefits from inland freshwater fisheries?
16. What are the difficulties for FiA and its provincial and district and sangkat agencies in executing their duties with regard to fisheries exploitation and inundated forest management?
17. How do you describe the relationship between the central ministries (MAFF), in particular, the Fisheries Administration, and its line agencies at the sub-national levels/local governments?
18. How do you describe the relationship between the FiA’s fisheries sub-national agencies and the local governments/other local executing agencies of other central institutions?

19. How do you describe MAFF and FiA relationship with other central state agencies that have a stake in freshwater management?

20. What are the difficulties for freshwater fisheries communities in managing the community fisheries?

21. Overall, is there any improvement in the state capacity in its management of inland freshwater exploitation and inundated forests since 1993?
## Appendix B: List of Interviewees

<table>
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<th>Informant</th>
<th>Position</th>
<th>Interview Date</th>
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<td>NGO Director</td>
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<td>2</td>
<td>Informant 2</td>
<td>Former PhD Candidate</td>
<td>6&amp;19-Mar-11</td>
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<td>3</td>
<td>Informant 3</td>
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<td>4</td>
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<td>6-Apr&amp;3-Jun-11</td>
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<td>Lot Concessionaire</td>
<td>28-Jul-11</td>
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<tr>
<td>42</td>
<td>Informant 83</td>
<td>Lot Concessionaire</td>
<td>28-Jul-11</td>
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<td>Informants</td>
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<tr>
<td>84-85</td>
<td>NGO Director &amp; Program Manager</td>
<td>30-Jul-11</td>
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<td>86-88</td>
<td>CFC Leaders</td>
<td>29&amp;31-Jul-11</td>
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<td>89</td>
<td>Division Leader</td>
<td>29-Jul-11</td>
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<td>90</td>
<td>TWGF Staff</td>
<td>12-Jul-11</td>
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<td>DP Project Officer</td>
<td>31-Aug-11</td>
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<td>FiA Staff</td>
<td>7-Jul-11</td>
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<td>Ranger</td>
<td>26-Sept-11</td>
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<td>94</td>
<td>Researcher</td>
<td>30-Sept-11</td>
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NB: “Leader” does not necessarily denote a head of an institution.
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