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Common-Pool Resources, Livelihoods, and Resilience

Critical Challenges for Governance in Cambodia

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INTERNATIONAL FOOD POLICY RESEARCH INSTITUTE

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Contents

Abstract	iv
Acknowledgments	v
1. Introduction	1
2. Strategic Policy Choices	2
3. Institutional Development and Governance Reform	7
4. Conclusion	11
References	12

ABSTRACT

Common-pool resource management is a critical element in the interlocked challenges of food security, nutrition, poverty reduction, and environmental sustainability. This paper examines strategic policy choices and governance challenges facing Cambodia's forests and fisheries, the most economically important subsectors of agriculture that rely on common-pool resources. It then outlines policy priorities for institutional development to achieve improvements in implementing these goals. The core argument is that (1) policy support for community-based management in forestry and fisheries requires explicit prioritization to protect against threats from other types of private- and public-sector investment; and (2) the success of these initiatives depends on more systemic governance reforms that address issues of stakeholder representation, mechanisms of accountability, and institutional capacity.

Keywords: natural resources, governance, social-ecological resilience, environmental security, food security, Cambodia, fisheries, forestry, development policy

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1. INTRODUCTION

A large proportion of the poorest rural households in Asia, Africa, and Latin America depend critically on common-pool resources—such as forests, fisheries, and rangelands—for their food and livelihood. For many of these households, access to these resources means the difference between an adequate diet and malnutrition; for others it represents the chance for a growing income, a means to invest in children’s education, and a route out of poverty (Sunderlin et al. 2005; WRI 2005). Development scholars have documented a steady decline in the area of forests, fisheries, and rangelands to which local communities have secure access, along with a decline in productivity in those areas. Combined with the increased needs of a growing population and displacement of poor households to marginally productive areas, many such zones are the site of growing conflict as well. Any effort to address the interlocked challenges of food security, nutrition, poverty reduction, and environmental sustainability must therefore consider the problem of common-pool resource management (Dietz, Ostrom, and Stern 2003).

One of the most significant trends undermining poor people’s access to common-pool resources is the transfer of resource use rights for large-scale commercial exploitation, through international or domestic private-sector investment (Kugelman and Levenstein 2009). Concurrently, recent decades have witnessed a rising movement to protect and extend the rights of local communities to access and exploit forests, fisheries, and rangelands, notably through community-based management (Allison et al. 2011; Mwangi 2009; Tole 2010). Commercialization does not necessarily require a transfer of resource use rights, as successes in contract farming and community forestry enterprises attest. Yet, the tension between private-sector development and local livelihoods is expressed most forcefully in many regions as a conflict over access to land, forests, and water.

Cambodia represents all of these trends in sharp relief. On the one hand, the government has transferred resource exploitation rights through concessions—previously for forestry and now increasingly for agribusiness and mining—that have spurred widespread conflicts with local communities (USAID 2011). On the other hand, it has set in place a policy and legal framework that supports community-based forest and fisheries management. Fisheries reforms in 2000–01 saw a dramatic transfer of fishing access rights from commercial users to communities, followed by a surprise announcement by the prime minister in 2011 that suspended all remaining commercial fishing lots on the Tonle Sap Lake, the heart of the country’s highly productive freshwater fishery. And in the forestry sector, the government has announced an ambitious program to authorize 1,000 community forestry areas, a nearly tenfold increase from early 2011, aiming to bring the total forest area under community management to 2 million hectares.

This paper examines strategic policy choices and governance challenges facing Cambodia’s forests and fisheries, the most economically important subsectors of agriculture that rely on common-pool resources. It then outlines policy priorities for institutional development to achieve improvements in implementing these goals. The core argument is that (1) policy support for community-based management in forestry and fisheries requires explicit prioritization to protect against threats from other types of private- and public-sector investment; and (2) the success of these initiatives depends on more systemic governance reforms that address issues of stakeholder representation, mechanisms of accountability, and institutional capacity.

2. STRATEGIC POLICY CHOICES

Cambodia experienced a decade of rapid economic growth until 2007, putting it among a handful of the world's fastest-growing economies during this period. The same period saw considerable progress in reducing poverty and improving food security. Even as the country recovers from the recent global financial crisis, however, the earlier growth pattern is "unlikely to be self sustaining" (World Bank and International Finance Corporation 2009, xi) because it has relied narrowly on a few sectors, and was fueled by events that cannot be replicated, including the emergence from war, re-establishment of regional and global economic ties, infusion of development aid, and a low starting point. This period of rapid growth, moreover, has depended significantly on depletion of the natural resource asset base.

Looking back, it is clear that good policies and multi-faceted efforts to improve governance in specific economic sectors have shown results, contributing to growth as well as providing new employment opportunities for the growing population. This is most evident in the garment sector, which benefited not only from international trade agreements and policies to promote private-sector investment, but also importantly from adoption of international labor standards and innovative efforts at third-party monitoring by the International Labor Organization and independent civil society groups (World Bank and International Finance Corporation IFC 2009).

Looking forward, it is equally clear that sustaining growth and extending its benefits more completely to vulnerable segments of the population will require confronting a range of serious risks. The recent period of growth was marked by an "unusually rapid" rise in inequality, not only between rural and urban residents, but also within the rural population (World Bank and International Finance Corporation 2009). Some households were able to take advantage of economic opportunities; others, lacking the assets to do so, failed to keep pace. Inequality in landholding has become among the worst in the region, with estimates for landlessness ranging between 20 and 40 percent of rural households (USAID 2011). Lack of assets is a major source of vulnerability for rural households (World Bank 2006) and an important reason why chronic poverty and malnutrition persist. Although investments in health, education, rural infrastructure, and microcredit are essential to improving the asset portfolio of vulnerable households, one of the most pressing and immediate needs is to improve security of access to the natural resources that underpin rural livelihoods.

Equitable access to natural resources is an important element of the social safety net for poor rural households, especially in a country such as Cambodia where formal social protection programs remain incomplete and state resources to fund these are quite limited. Indeed, securing poor households' access to natural resources can help build their resilience in the face of economic shocks and natural disasters. Over the long term, equity in landholding has been demonstrated to contribute significantly to sustained economic growth in the transition from agricultural to advanced industrial economies, as exemplified by cases such as Japan, Taiwan, and South Korea (Dorner and Thiesenhusen 1990; Rodrik 1995).

Sustaining growth, reducing poverty, and strengthening food security in the coming years will require diversifying Cambodia's rural economy and transforming institutional and governance arrangements, building on the country's comparative advantages of abundant land, a still relatively high quality of natural assets, and inexpensive labor (World Bank and International Finance Corporation 2009). To date, most of the natural resource sector's contribution to growth is due to exploitation, drawing down on the asset base, rather than sustainable management. World Bank and International Finance Corporation (2009) identify improvements in natural resource management as one of three top priorities for sustaining growth.

"Cambodia is at a crossroad," wrote the World Bank in its comprehensive report to the donor consultative group seven years ago. "Natural resources, while still relatively abundant, are coming under increasing pressure. Current natural resource management policies, in addition to undermining the incentives for the broad governance reforms espoused in the Rectangular Strategy, are likely to lead to increased competition for resources from a growing population . . . Reorienting the governance of natural resources can improve livelihoods in rural areas, thus reduce the potential for conflict, contribute more

substantially to economic growth and exports, provide improved environmental services, and increase public revenues” (2004, 71).

Changes since then are inconsistent. On the one hand, we have seen significant improvements in the policy and legal framework supporting community-based management of fisheries and forests. Notable among these are the suspension or withdrawal of virtually all commercial forestry concessions and the adoption of regulation to support community fisheries and community forestry, as well as a range of initiatives to increase rural land titling and build capacity to resolve land disputes.

On the other hand, a broad range of other threats serve to increase competition and conflict over these common-pool resources. For a rural population still primarily dependent on agriculture, the rapid pace of consolidation in landholding, the widespread nature of land conflicts, and the systemic failures to resolve these conflicts (CHRAC 2009) are particularly concerning. Conflicts over access to agricultural land, as well as the common-pool resources of forests and fisheries, can lead to broader social instability and violence (Bannon and Collier 2003).

The Royal Government of Cambodia (RGC) Rectangular Strategy places good governance at its core, and highlights the agricultural sector (including forestry and fisheries) as the first among four “strategic growth rectangles” requiring priority support (RGC 2008a). This is entirely sound, and provides an appropriate reference point for dialogue about strategic policy options for the future. Yet, even with such overall policy direction in place, the competition and conflict arising from current and planned natural resource use signals the need for a clearer hierarchy of goals for natural resource governance in relation to economic growth, poverty reduction, food security, livelihood diversification, equity, social stability, and community well-being.

Key strategic policy questions include the multiple roles of the commons: To what extent can Cambodia’s common-pool forestry and fishery resources serve as a social safety net, an engine for rural economic development, or a source of government revenue? Under what circumstances do these goals compete? What are the different implications of large-scale commercial allocation of common-pool resources versus community-based management? In the following subsections, we address these questions for the fisheries and forestry sub-sectors, which in 2008 represented 32 percent of agricultural gross domestic product (GDP; see Nang et al. 2011). These questions are therefore hardly marginal, especially given the renewed emphasis on agriculture as a means to diversify the sources of growth in the Cambodian economy.

As a prelude to that discussion, it is essential to clarify some foundational concepts that are frequently misused in policy debates, and that help to distinguish among the strategic choices. “Common-pool resources” is used to designate a class of resources that share certain characteristics; namely, where it is costly to exclude individuals, and where the benefits captured by one reduce benefits available to others. Common-pool resources may be controlled by a number of distinct property regimes—public property, private property (vested in individuals or firms), or common property. Common property refers to a system in which a collective of resource users exercises a bundle of rights including the right to exclude other users, so it is distinct from “open access” (Ostrom and Hess 2010).

In Cambodia, as in many countries, commercial exploitation of common-pool resources is typically granted through concessions by the state rather than outright transfer of ownership. (There are, additionally, many cases of disputes involving encroachment on state lands claimed for private ownership.) Similarly, community-based management for fisheries as well as forestry consists of a time-bound granting of specific rights to access, use, exploit, and manage a designated area, conditional on compliance with certain criteria. There are also frequently overlapping rights for the same geographic area, which may be distributed among different users, for example, the rights to tap rubber trees or harvest other non-timber forest products as distinct from timber, or the rights to use specified classes of fishing gear during a designated season. For these reasons, it is clarifying to speak of the specific rights and how they are distributed among different users—in law and in practice.

Community Fisheries

In July 2011, during the celebration of National Fish Day, Prime Minister Hun Sen made a surprise announcement that brought renewed focus to governance challenges in the fisheries sector and launched a new wave of reform. With officials gathered before him and in front of the news media, he ordered the minister of agriculture to dismiss fishery cantonment heads in the five provinces surrounding the Tonle Sap Lake so as to make way for an investigation into fishery offenses. He explained that the chiefs were suspected of illegally benefiting from the allocation of the fishing lots and irregular enforcement of fishing regulations, particularly in the closed season. The dismissal was described as part of a push for fishery-sector reform in order to secure and sustain fish stocks so important to the diet of Cambodian people.

The prime minister also called on Deputy Prime Minister Bin Chhin to form an interministerial task force to investigate illegal fishing, including irregularities in the allocation and management of fishing lots on the Tonle Sap Lake. Earlier, he had instructed the Tonle Sap Authority (TSA), headed by the minister of water resources, to take measures to monitor enforcement of the closed season ban on commercial and medium-scale fishing, a move many saw as an implicit critique of the performance of the Fisheries Administration. The following month, in August 2011, after reviewing the report of the new task force, the prime minister announced the suspension of all 35 fishing lots in the five provinces surrounding the Tonle Sap Lake, citing concerns including the illegal use of fine mesh nets. Acknowledging that the policy shift would be a disappointment for lot operators, the prime minister declared, “I am not worried to lose their support, as long as I have the support of the people in the whole of the Tonle Sap area” (Cambodia New Vision 2011, 3).

This move to reduce the extent of common-pool fisheries resources available for large-scale, commercial exploitation in favor of community access parallels the reforms of a decade earlier, in 2000-01, when the area of fishing lots was reduced by 56 percent. What management regime will follow the current three-year suspension period, however, remains to be seen. The prime minister’s own comments, as well as subsequent clarifications by the director general of the Fisheries Administration, indicate that a mix of three options will be considered: expansion (or addition) of community fishery areas, new protected areas (fish sanctuaries), and newly assigned fishing lots of smaller size. By removing the lot operators, at least temporarily, the prime minister has defused the long-standing tensions between commercial and subsistence fishers on the lake. Other sources of resource competition, however, still loom large, including conflicts over illegal fishing by local residents as well as seasonal migrants; competing uses of water and land in the floodplain zone (So et al. 2011); and the potential impact of new infrastructure, particularly dams (Baran 2011).

For many households who depend on fishing as their main source of income, moreover, real profits have declined significantly since the late 1990s. Indeed, many family fishing operations are barely profitable, taking into account the cost of family labor (Navy and Bhattarai 2009). Taking into consideration the growing numbers of people who turn to freshwater fisheries for food and income given population growth and displacement of farmers from crop agriculture, there is no guarantee that improvements in fisheries management will be sufficient to ensure food security for all those who depend on the sector.

This new wave of reform in freshwater fisheries explicitly acknowledges the competing interests of large-scale commercial and small-scale and subsistence fishers, and it presages a more enduring shift in favor of community access and management. It also implicitly discounts the function of the fisheries sector in generating government revenue through the lot system in favor of more direct household benefits. Yet many questions remain concerning the ultimate shape of the new management regime that will be instituted. If fishing lots are reintroduced, what safeguards will be put in place to improve transparency in their allocation, reduce illegal fishing, and encourage better relations with residents in adjoining community fisheries areas? If the areas for fish sanctuaries are extended or reshaped, can they be mapped to better target the ecological sites (such as the mouths of tributaries) that most effectively contribute to broader productivity? How will responsibility for enforcement be distributed among various

agencies, and how can these functions be resourced adequately so as to reduce the incentives for abuse? These questions constitute priorities for analysis and public deliberation.

Community Forestry

“The Royal Government of Cambodia considers the ecologically, socially and economically viable conservation and management of forest resources as a major pillar of public welfare directly contributing to environmental protection, poverty reduction and socio-economic development,” states the national forest-sector policy (RGC 2002). At the time this policy was introduced, nearly a decade ago, the Cambodian government was under intense pressure both domestically and internationally for widely acknowledged mismanagement of the commercial forestry concession system. A new forestry law was introduced the same year, along with a halt to new commercial forest concessions. Subsequent years brought a sub-decree on community forestry (2003), operational guidelines for community forestry registration (2006), and cancellation of most remaining commercial forestry concessions on the grounds of failure to abide by management plans. With the nascent community forestry movement gaining momentum, the National Forest Program, approved in 2010, sets a target of creating 1,000 community forests with official legal status by 2030 (RGC 2010). The aim is to bring 2 million hectares under community management—some 20 percent of the country’s total forest area.

Despite significant deforestation since the 1980s, forest cover in Cambodia remains among the highest in Southeast Asia, estimated at 57 percent in 2010 (RGC 2010). Even in areas that have been degraded by logging of the most prized timber species, the residual forests play an important role in local livelihoods. One recent study in three forest-dependent communities found more than 98 percent of households engaged in forest-related income-generation activities, and these sources of income are especially important during the rainy season when rice and vegetable crops are not harvested—an important contribution to food security (Ra et al. 2011).

With a de facto moratorium on new forestry concessions, community activists have turned their attention to other sources of competition over rights to access and use forest resources. Conflicts over land rights, which includes both agricultural and forest land, typically pit poor farmers and forest-dependent communities against politically connected private actors, the military, or state agencies. According to the Sub-Decree on Economic Land Concessions (RGC 2005), intended to promote agro-industrial development, “the prioritized method for granting economic land concessions is through competitive solicited proposals.” This implies the need for an overall area planning approach that would identify areas for potential development, for which proposals would then be solicited. In practice, however, these proposals have been allocated exclusively through unsolicited proposals. This is permitted by law, “where the proposer . . . should promise exceptional advantages.” The exception, however, has become the norm. For concessions for mining and mineral exploration, the legal framework is even less well defined, increasing opportunities for elite resource capture (Cock 2010).

Overlaps in the areas designated for economic land concessions, mining concessions, community-managed forest areas, and smallholder agricultural land are fueling renewed local resistance, protest, and conflict. Community organizers and civil society groups that have mobilized to defend resource rights for local users have consistently failed to achieve resolution through the courts and describe an atmosphere of impunity and systematic bias against poor resource users, indigenous groups, and other local communities (IPNN 2010; Ratner and Parnell 2011).

In some of the areas where community forestry areas were first authorized, such as in the northwestern Siem Reap and Oddar Meanchey Provinces, there is evidence that this legal status is providing protection in practice against illegal encroachment (Ratner and Parnell 2011). In 2010, a group of Buddhist monks in Oddar Meanchey Province won the prestigious Equator Prize for their work to conserve more than 18,000 hectares of forest—one of the most successful community forestry initiatives in the country. For communities already in conflict over forest access rights that have not yet completed the process of applying for and legalizing community forestry status—which typically takes several years—there is little effective recourse available.

In one of many recent cases, authorities detained activists from Prey Lang Forest in August for protesting peacefully in Phnom Penh on the grounds that the group's distribution of leaflets "could disrupt social order" (CCHR 2011a). Prey Lang is a large forest area spanning parts of Kratie, Kompong Thom, Preah Vihear, and Stung Treng Provinces, recognized as a priority for conservation by Cambodian authorities but without protected area status. Forest communities there face multiple threats from mining operations, economic land concessions, and logging authorized in advance of planned hydropower development.

Such cases illustrate that although policies and regulations within the forestry sector have become substantially more supportive of community-based management, conflicts over access and use rights in forest areas continue because of threats from outside the sector. The strategic policy choices confronting the government, therefore, concern reconciling these competing interests and reasserting a hierarchy of goals. If equitable access to and sustainable management of forest areas are indeed "major pillar[s] of public welfare," then the social costs and benefits of mining, agro-industry, and infrastructure development schemes need to be publicly deliberated in accordance with the law before being allowed to proceed in forest areas. When the Forest Administration is ineffective in advocating for the interests of forest communities in decisionmaking outside the sector, and when community activists are repeatedly arrested for peacefully drawing attention to their concerns, it signals that sectoral reforms alone are inadequate to address the challenge of forest governance.

3. INSTITUTIONAL DEVELOPMENT AND GOVERNANCE REFORM

The sectoral reforms reviewed above primarily concern the distribution of authority among state, private-sector, and civil society actors with regards to decisionmaking over natural resource allocation and management. In both fisheries and forestry, we see a notable development in policy and regulation to support community-based management, justified on the grounds of local livelihoods, economic opportunity, and environmental sustainability. Yet, as these brief reviews make clear, improving natural resource governance requires much more than getting sectoral policies and regulations right. It depends critically on the effective functioning of state agencies, alongside the private sector and civil society, to help translate policy goals into practice.

In particular, beyond distribution of authority, effective governance reform requires measures to ensure

- inclusive *representation* of affected groups, particularly the poor and vulnerable, in policy formulation and development planning at all levels;
- robust mechanisms of *accountability* to ensure that individuals and groups granted decisionmaking authority are held responsible for the public consequences of their choices and do not abuse their authority; and
- institutional *capacity* to enable public, private, and civil society actors to fulfill their roles effectively; to adapt to changing circumstances; and to negotiate implementation challenges as they emerge.

In the following sections, we discuss each of these challenges in turn, highlighting the implications for community management of fisheries and forests.

Ensuring Equitable Representation

The implementation of procedures for public review of private-sector investments well exemplifies the gap between policy and practice in the domain of stakeholder representation. The 2011 report of the Technical Working Group on Forestry and Environment (TGWFE), a forum composed of sectoral agencies and development partners, provides a blunt summary regarding economic land concessions (ELCs):

The process for the granting of ELCs is not open for consultation and decision making which creates serious issues including: non-active (dormant) ELCs; overlap with [community forestry] areas; encroachment on farmland and residential areas of local communities; and sometimes overlap with the core zones of Protected Areas and Protection Forest, which is leading to social unrest. (TGWFE 2011)

The report calls for efforts to improve dialogue between forestry-sector stakeholders and those involved in granting and administration of economic land concessions, as well as increased investment to improve forest law enforcement and governance.

Similarly, no systematic framework is in place to assess the cumulative environmental and social impacts of hydroelectric power and other infrastructure projects, irrigation schemes, or mining operations, or to weigh these objectively against the expected benefits. Environmental and social impact assessment procedures have tended to disregard cumulative impacts on environmental services, such as maintenance of fisheries' habitat and migration routes through riverine and floodplain connectivity, as well as the social and economic implications for communities beyond the immediate project area (Nguyen-Khoa and Chet 2006; USAID 2011). Failures to assess project impacts on the broader population, as well as to engage such communities in reviewing and voicing their interests before investment decisions are finalized, constitute serious gaps in representation.

The intersectoral nature of many of the risks facing community resource access means that addressing the gap in representation requires better coordination across sectoral agencies. The establishment of intersectoral bodies such the Tonle Sap Authority (TSA), created in mid-2009, presents

opportunities. Among other duties, this body is responsible for “coordinating the management, conservation and development of the Tonle Sap basin, including ongoing and planned activities/projects of ministries and agencies, local authorities, national and international organizations, NGOs and civil society working in the Tonle Sap basin” (RGC 2008b, article 4). With a broad mandate and limited staff, the TSA has yet to demonstrate, however, that it can indeed widen the space for civil society involvement.

The decentralization and deconcentration reform agenda provides another opportunity to improve coordination and stakeholder representation. Locating decisionmaking authority at more local levels should increase the chances for more direct dialogue among local stakeholders. In the ambitious words of the forest-sector policy, it should facilitate “coordinated multi-stakeholder processes . . . to enable the harmonization of the different perceptions, interests and objectives of the various forest interest groups at all levels” (RGC 2002). To date, however, there are few instances of authorities at the commune, district, or provincial level effectively mediating disputes over forest resources, particularly in the conflicts involving large-scale commercial interests perceived to have higher level backing. Local planning councils have also tended to focus on investments in infrastructure such as schools, clinics, and roads, as opposed to the more institutionally complex issues of natural resource management.

Building Public Accountability

When local stakeholders, and particularly the poor, have a voice in decisions over policies, regulations, and investments, it creates opportunities for their interests to be taken into account. But often more direct measures for decisions over natural resource allocation and management are needed to ensure public accountability of decisionmakers at commune, district, provincial, and national levels.

For community fisheries and community forestry organizations, securing legal recognition of rights to access and manage local resources is only a first step. Communities’ ability to defend these rights in practice depends on the responsiveness and accountability of public authorities. The distribution of benefits depends on the degree to which the leaders of such community organizations are in turn accountable toward their members. A recent review of community fisheries and community forestry found that both are demonstrating improvements in resource protection and enforcement, but that poor households are still lagging behind in their ability to realize an equitable share of benefits (Blomley et al. 2010).

In the particular case of Cambodia’s indigenous peoples, who live predominately in forest areas, land disputes are the foremost concern (Adler, Ironside, and Ratanak 2010). A recent report of the Indigenous People NGO Network (IPNN) states that, because of the threats from economic land concessions, mineral concessions, and hydroelectric power projects, “the situation regarding land security of indigenous people has regressed . . . Contention around insecure land tenure for indigenous people is only indicative of the severity of the broader situation and, even if only a small proportion of these projects go ahead, it could contribute to overall environmental, social and economic instability in the country” (2010, 5). Their top demand, however, is not a change in policy or law. They are seeking fair implementation of the existing Land Law, which already includes protections for indigenous people’s rights to the territories they have traditionally used and inhabited, though these are routinely disregarded in practice. They are seeking accountability of the courts, public authorities, and the military to abide by the law, and full participation in development decisionmaking regarding matters that affect their livelihoods.

Numerous examples demonstrate that, despite the risk, public mobilization not only brings attention to community resource access and livelihood concerns, but can also help spur government action. Repeated community protests over illegal construction of reservoirs to expand rice cultivation in the flooded forest zone, for example, preceded a visit by the prime minister to Kompong Thom Province in May 2011, in which he called for a coordinated crackdown on the practice. Human rights advocacy on behalf of forest communities in remote Ratanakiri Province has likewise prompted the intervention of national authorities (Ratner and Parnell 2011).

Proposed regulation that would govern the civil society sector has raised deep concerns among nongovernmental organizations (NGO), community groups, and grassroots networks as a threat to advocacy. The draft Law on Associations and Non-Governmental Organizations would require registration under a supervising line ministry and reporting of work plans and finances, among other requirements, and is viewed by many as an effort to restrict in particular the activities of advocacy NGOs and community groups. Concerns focus on burdens of the registration and reporting process that may prove an obstacle for many civil society groups, and on procedures for suspension, as well as lack of transparency in the process of assessing applications and compliance.

Among those likely to be affected by the proposed legislation are community-based networks (many of them unregistered) and NGOs active in the fields of human rights and defense of community interests in the face of conflicts over agricultural land, forests, water, and fisheries, among other activities deemed “political.” The prime minister has stated that NGOs focused on service delivery need not worry; the implication is that those who are vocal critics of government or private-sector interests would be targeted and could be subject to closure under the new law. These concerns were heightened in August 2011 when the ministry of interior suspended a local NGO that has played a vocal role in publicizing land rights and evictions (CCHR 2011b).

These moves that could restrict civil society advocacy come at a time when strengthening such advocacy should be a critical priority. Donors have invested considerably in the modernization of Cambodia’s judicial sector, but the courts continue to lack the independence, legitimacy, and capacity to effectively resolve disputes over land and other natural resources. Indeed, a study of land disputes found that “written laws, legal processes or rule-based forms of decision making were notable by their absence, in the sense that they played little role in the dispute resolution process” (Adler et al. 2006, 39). Results in resolving land disputes came instead from political pressure on key decisionmakers, leading the authors to conclude that, in the current governance context, political mobilization in defense of local land rights remains essential to generate greater accountability and responsiveness from government actors. A related study argues that efforts to improve the management of land disputes should include encouraging civil society engagement through innovative efforts at alternative dispute resolution (Center for Advanced Study 2006).

Given the slow progress in improving accountability through the courts, building institutions for conflict resolution and justice accessible to poor natural resource users requires a multifaceted approach. This means simultaneous efforts to strengthen the judicial sector, administrative processes for dispute resolution, and alternative dispute resolution mechanisms, while protecting the ability of communities to organize and advocate for their rights.

Strengthening Institutional Capacities

To achieve results in line with policy goals, clear authority distributed among relevant stakeholders and strong mechanisms of accountability must be complemented by adequate institutional capacity. This applies to public, private, and civil society actors alike. In the forestry sector, for example, the effectiveness of enforcement depends significantly on the performance of forestry officials. There are far too few forest rangers to patrol all remote areas, so the effectiveness of enforcement depends significantly on the ability of forestry officials to communicate and negotiate with police and other local authorities. It also requires skills in facilitation and capacity building to support community forestry, which are largely lacking (Ito and Mitsugi 2010). Community institutions require similar capacities, along with the ability to catalyze collective action in support of local management plans. Where these are well developed, community institutions can achieve measurable progress, such as reductions in poaching (Clements et al. 2010) or illegal fishing (Nuon and Gallardo 2011).

Over the long term, the capacity of community, state, and private-sector institutions to adapt to changing environmental and economic conditions is an essential attribute of resilience (Folke et al. 2010). The food price surge of 2008, for example, exposed vulnerabilities for many fishing households who depend on the market for purchases of rice and other basic necessities (CDRI 2008). As a result, groups

like the Coalition of Cambodian Fishers began to place new emphasis on supporting community-based organizations in areas such as poultry rearing, vegetable cultivation, and handicrafts to develop alternative sources of food and income. Community-based livelihood diversification also reduces the incentives for destructive and illegal resource use and creates bonds of cooperation that can help poor and vulnerable households cope with crises (So et al. 2011).

Climate change is predicted to increase the frequency of extreme flooding and drought, which will bring increased investment in water control infrastructure along with challenges to fishing and farming communities negotiating competing uses of water in the dry season (Ministry of Environment and United Nations Development Programme 2011). It will also increase the demands on forest communities to act as stewards of upper watersheds and to protect forests for their role in carbon sequestration. A comparison of payment for environmental service schemes that compensate villagers for such conservation efforts found that, although community-based programs supported by NGOs took longer to establish and were more challenging to operate in comparison to programs administered through individual contracts, they were much more successful in building shared awareness and commitment to conservation goals (Clements et al. 2010). This reaffirms the importance of investments that build social capital through enduring institutions alongside direct support to households in need (Pretty 2003). In Cambodia, where the legacy of mass killing and systematic dislocation of social networks under the Khmer Rouge still inhibits local collective action (Weingart and Kirk 2008), this is especially crucial.

4. CONCLUSION

Common-pool resources in Cambodia, as in so many of the world's poor, rural areas, provide an essential lifeline to food security. The country's forest and fishery resources, however, also play a critical role in the rural economy. If well managed, they can contribute to long-term national economic growth and to the resilience of livelihoods and food production systems. If in contrast, the rural communities who rely on these resources are systematically denied access or displaced, or if the resources are degraded to the point that they are inadequate to sustain rural livelihoods, this can provide fodder for growing social conflict. Despite notable improvements in the policy and regulatory framework for community-based management of forests and fisheries, Cambodia's current development trajectory is sacrificing the long-term resilience of ecosystems and the economy for short-term gains, increasing the risks and vulnerabilities that poor, rural communities in particular face.

Navigating the challenges of governance for Cambodia's common-pool resources requires action at several levels. First, it requires strategic policy choices that extend well beyond the fisheries and forestry sectors to address and manage the risks associated with natural resource allocation and large-scale investments, especially in agro-industry, mining, and hydropower. Second, it requires improvements in the more systemic attributes of governance—stakeholder representation, mechanisms of accountability, and institutional capacity—that influence the prospects for successful community-based resource management.

These governance challenges are by no means unique to forestry and fisheries. A stakeholder analysis in the water management and irrigation sector cited similar issues regarding lack of clarity in roles, overlapping roles, misfit between formal roles and actual practice, lack of effective “feedback mechanisms,” and inadequate coordination and participation (Nang et al. 2011). For agricultural and rural development more broadly, limited coordination among government agencies in policy formulation and implementation is likewise cited as a major constraint (Kem et al. 2011).

Strengthening institutions to manage the commons is not simply a matter of removing state interference and letting local communities get by as they see fit. In Cambodia—as almost anywhere in today's world of integrated markets, scarce resources, and growing demand—the competition is far too great for local institutions to manage alone (Armitage 2008). It does not imply a rejection of market forces, as equitable access to market opportunities is an essential requirement for the success of community-based management. The effectiveness of state institutions is essential for just administration and dispute resolution for individual, corporate, and community-based tenure arrangements alike (Markussen 2008).

Progress in governance does, however, require a willingness to look beyond written policy, law, and regulation, to critically examine how power is exercised in practice. In their analysis of Cambodia's garment industry, Adler and Woolcock (2009) found that the establishment of legal rights is fundamental but the ability of people to advocate for and defend those rights is equally vital. This holds true as well in the natural resource sectors, where compliance is all the more difficult to monitor.

Communities across rural Cambodia today face major obstacles, and many assume significant risks in advocating for their legal rights to access and use forests, fisheries, water, and wetlands. Efforts that address this competition at the strategic policy level, complemented by investments in institutional reform to make community-based management viable over the long term, are necessary for Cambodia's future development and security. Where such innovations succeed, moreover, they may provide lessons of broader significance on pathways to effective governance of the commons that link community welfare and national economic development.

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