



City Research Online

City, University of London Institutional Repository

Citation: Loughlin, N. & Milne, S. (2021). After the Grab? Land Control and Regime Survival in Cambodia since 2012. *Journal of Contemporary Asia*, 51(3), pp. 375-397. doi: 10.1080/00472336.2020.1740295

This is the accepted version of the paper.

This version of the publication may differ from the final published version.

Permanent repository link: <https://openaccess.city.ac.uk/id/eprint/26886/>

Link to published version: <https://doi.org/10.1080/00472336.2020.1740295>

Copyright: City Research Online aims to make research outputs of City, University of London available to a wider audience. Copyright and Moral Rights remain with the author(s) and/or copyright holders. URLs from City Research Online may be freely distributed and linked to.

Reuse: Copies of full items can be used for personal research or study, educational, or not-for-profit purposes without prior permission or charge. Provided that the authors, title and full bibliographic details are credited, a hyperlink and/or URL is given for the original metadata page and the content is not changed in any way.

AFTER THE GRAB? LAND CONTROL AND REGIME SURVIVAL IN CAMBODIA SINCE 2012

Accepted_unedited version 2020.

Neil Loughlin (Corresponding author)

KITLV/Royal Netherlands Institute of Southeast Asian and Caribbean Studies

Reuvensplaats 2, 2311 BE Leiden, Netherlands

Email: loughlin@kitlv.nl

and

Sarah Milne

Crawford School of Public Policy, College of Asia and the Pacific, Australian National University, Canberra, Australia

ABSTRACT

The global land grab has played out vividly in Cambodia, giving rise to rural upheaval and new political dynamics. This article explores how the Cambodian government has dealt with the social and political consequences of this land grabbing, with the aim of exploring state formation in the context of socio-environmental disruption and dispossession. When a moratorium was declared in 2012, the ruling Cambodian People's Party faced one of its strongest political challenges, fuelled in part by land and resource conflicts. In this article, the focus is on the responses to this challenge, noting the recursive relationship between land administration and state formation. The analysis shows three tactics of land control used by the regime to ensure its survival after the grab: reform, repression and re-territorialisation. These tactics operate in parallel and sometimes contradictory ways, being highly performative in nature. We reveal a regime that uses political theatre to construct legitimacy and authority on the one hand, while deploying coercion and violence on the other. These observations complement typical diagnoses of Cambodia's politics as neo-patrimonial, highlighting the performative and symbolic nature of government actions, particularly in the land sector.

Key words: State formation; land control; Cambodia; neo-patrimonialism; authoritarianism; political theatre

Recent instability has raised new questions about the nature of political authority in Cambodia, held ostensibly by the ruling Cambodian People's Party (CPP) since 1993. Few commentators predicted how close a resurgent opposition, fuelled in large part by rural discontent, would come to winning the 2013 elections. Fewer still anticipated the violent crackdown by CPP-controlled state institutions that followed, leading to the destruction of formal political opposition, in an apparent transition to "hegemonic authoritarianism" (Morgenbesser 2019). The intimate links between land control and state power in Southeast

Asia are well documented (Peluso and Lund 2011; Vandergeest and Peluso 1995; Thongchai 1994). Yet scholars have only just begun to examine the relationship between Cambodia's land grab and these events (Loughlin 2019; Norén-Nilsson 2015; Un 2019).

Land transactions and contestations in Cambodia reflect key dynamics in the country's political life. Most prominent has been the granting of over 2 million hectares of Economic Land Concessions (ELCs) to private entities: long-term leases that allow the beneficiary to clear land, ostensibly for industrial agriculture (*The Cambodia Daily*, February 26, 2016). Such land transactions, along with other state-led land distribution and titling interventions, have been fundamental to the consolidation of the CPP and elite interests under Prime Minister Hun Sen (see, for example, Biddulph 2010; Cock 2016; Milne 2015; Un and So 2011). Yet the social and environmental effects of these interventions have been devastating, with 1% of Cambodia's population now said to own up to 30% of arable land (Neef 2013, 1085); and around 700,000 farmers displaced or dispossessed from their lands due to ELC expansion (HRW 2013). The social and political fall-out from Cambodia's land grabbing led to the 2012 moratorium on ELCs and a subsequent set of dramatic land reforms, which we focus upon in this article.

Our goal is to analyse the contemporary Cambodian regime through recent developments in land contestation and governance. We do this because land control and state power are recursively related, with government responses to land claims and the administration of property rights being *constitutive* of state legitimacy and authority (Lund 2016; Sikor and Lund 2009; Wofford et al. 2013). Prime Minister Hun Sen encapsulated this dynamic in a speech in 2012, when he asked, somewhat rhetorically: "they may say what power does Hun Sen possess that he could give land to the people? It is the power given to me by the people.

If I do not have rights to give land to people, I do not need to be a Prime Minister” (Hun 2012).

The focus in this article is upon the post-2012 period, which may be conceptualised as “after the grab.” The regime’s land control tactics in this period - which we identify as reform, repression and re-territorialisation – tell us about the nature of power in an authoritarian regime having to respond to unprecedented popular threats from below, as well as to elite demands.

In analysing the regime through its efforts to administer and control land, we add to recent studies of Cambodian politics, which have tended to conceptualise the regime through the hybrid of neo-patrimonialism (Morgenbesser 2016; Strangio 2014; Un 2019). This hybrid typically refers to a formal Weberian state bureaucracy that is inhabited or corrupted by informal patron-client relations (Erdmann and Engel 2007). It has been operationalised to explain how party and elite interests benefitted most from Cambodia’s land grab and other apparently “failed” land reforms (see Beban, So, and Un 2017; Cock 2016; Un and So 2011). It has also been used to interpret CPP strategies to leverage the wealth accumulated from predatory resource grabs to buy legitimacy at election time (Morgenbesser 2016; Strangio 2014; Un 2009). Yet, often missing from these accounts is analysis of the discursive, performative and symbolic practices used by the CPP to assert, legitimise or strengthen its authority in the state. We examine these practices in the Cambodian land sector, which has been a vivid realm of political theatre since 2012.

Our goal, therefore, is to extend interpretations of the Cambodian state by following the lead of scholars who “integrate the performative ... with more common institutional and interest-based approaches to politics” (Strauss and Cruise O’Brian 2007, 14). To do this, we attend to

the performative dimensions of land reforms, such as speeches, discourse, symbolism and ceremonies, which together constitute the regime's theatre of power. We also build on recent literature that shows how myths and performances have been a critical part of attempts by the Cambodian regime to fend off threats to its legitimacy (Norén-Nilsson 2013, 2016a. In other authoritarian contexts, the use of what Weeden (1999) identifies as "spectacles" and Pemberton (1994) calls "rituals" are also seen as part of the performance of political power. Relating these phenomena to Cambodia's land sector, we use case material, interview data, online media, non-government organisation (NGO) reports and government documents, to present an analysis that demonstrates the reassertion and rebuilding of state authority, at a time of challenge.

The article proceeds with a brief theoretical consideration of the relationship between land control and state formation. We then provide an overview of the rampant land grabbing that took place from 2005-2012, showing how land transactions supported regime consolidation. Our empirical focus is then upon the subsequent period, in which we examine three key dynamics of land control: reform, repression and re-territorialisation. In terms of reform, we focus upon the 2012 land reform package, which included the ELC ban and a suite of populist land distribution measures. In terms of repression, we look at the case of Pro Ma village in Kratie province, the site of recurring spectacular displays of the state's monopoly of violence and repression in response to a land conflict. In the case of re-territorialisation, we examine the 2016 jurisdictional reforms to state land which followed a nationwide audit of the ELCs, leading to the re-enclosure of 42% of Cambodia's land area by the state in the name of "conservation." Finally, we synthesise this material to analyse the contemporary regime, showing how the performance of power through the three tactics of land control is constitutive of state authority, and ultimately has enabled the CPP to reassert political control after a profound challenge.

LAND CONTROL AND STATE FORMATION

Interpretation of the global land grabbing literature in Southeast Asia has led to, and still demands, nuanced and situated accounts of state formation and land control (Schoenberger, Hall and Vandergeest 2017). We use the notion of “land control” developed by Peluso and Lund (2011) to approach this challenge. It enables an exploration of the multiple, parallel and contradictory dynamics at play in Cambodia’s contemporary land sector, that also speak to wider regime dynamics. Land control refers to the “practices that fix or consolidate forms of access, claiming, and exclusion for some time” (Peluso and Lund, 688). These practices or mechanisms include: primitive accumulation, enclosure and privatisation; territorialisation; legalisation; and violence – operating either “in concert or competition with one another” (Peluso and Lund 2011, 668). Together, these practices illustrate the ongoing processes of gaining and maintaining access to land, even after the initial grab, which is our focus in this article.

The notion of land control especially resonates with observations about the effects and governance implications of large-scale land acquisitions in Southeast Asia. In a recent volume on the subject, large land acquisitions like Cambodia’s ELCs are said to require being “upheld” with a combination of regulation, violence and legitimising narratives (Gironde, Golay and, Messerli 2016). Furthermore, they are said to give rise to political threats that must be managed, since they benefit a small number of powerful individuals, while dispossessing many more. These observations highlight the fundamental role of the state, given its assumed monopoly on violence and regulation, in creating and maintaining the conditions for accumulation and land control – as theorised in the related concepts of Marx’s

primitive accumulation and Harvey's accumulation by dispossession (see Hall 2013); as well as in Polanyi's notion of a double movement, which notes the interventionist role of the state in enabling market processes like enclosure and commodification (see Cotula 2013).

Less acknowledged is the way in which the state, too, is formed through the processes of accumulation and land control. To develop this notion, we first draw from Lund (2016), who shows that states and their authority are always in-the-making, through negotiations over the fundamental social contracts of property and citizenship. As Lund (2016, 1202) says: "the idea of the 'state' as something established is very powerful and can easily divert our attention from its constant reproductive and relational character." For Lund (2016, 1201), struggles over property and citizenship are therefore "constitutive of state power." This is evident in land relations, since the state possesses the ability "to entitle and disenfranchise people with regard to property, and to establish the conditions under which they hold that property" (Lund 2016, 1199). Thus, Lund (2016, 1201) argues for investigation into the "social production of property" so that "the dynamics of authority or state formation" can be observed and understood. It is with this lens that we observe the government's responses to land struggles post-2012 or after the grab.

More specifically, we consider the problem of regime survival in the period 2012-2018, by focusing upon the ways in which the ruling CPP's authority and legitimacy were both challenged and reconstructed. The CPP's authoritarian control over and politicisation of the state apparatus is well documented (Hughes 2003; Sullivan 2016). This means that, while the party has been able to maintain authority through force and electoral manipulation, it has lacked popular legitimacy overall, meaning that legitimacy-building narratives and political performance have been key elements of the CPP's repertoire for regime maintenance (Norén-Nilsson 2013; Heder 2007; Hughes 2006). We extend these observations about political

performance and regime maintenance to the realm of land, arguing that political theatre in the land sector became a key tactic for the regime to address its post-2012 crisis in legitimacy and authority. The chief mechanism at play here is that explained by Sikor and Lund (2011, 2): that the “process of recognition of claims as property simultaneously works to imbue the institution that provides such recognition with the recognition of its authority to do so.” Thus, dramatic and performative land reform was adopted by the CPP, to address protests over land grabs that had become *de facto* a challenge to state authority.

The notion of territorialisation also helps to explain how the CPP has sought to reassert its power and authority after the grab. Territorialisation involves spatial and discursive practices such as mapping, demarcation and regulation, that socially produce territory, making it subject to state rule and exploitation (Peluso and Lund 2011; Vandergeest and Peluso 1995). A key mechanism in land control, state territorialisation has especially been observed in relation to the governance of forests and conservation areas in Cambodia (Baird 2009; Milne 2012, 2015) and as Dwyer (2015) notes, also in the context of ELC governance.¹

Categorisation of Cambodia’s vast forested lands as state property has created a rich resource base for CPP-controlled accumulation and state-making (Milne, Pak, and Sullivan 2015; Springer 2013). Furthermore, for a regime whose discursive dimensions draw from the notion of the Second Kingdom – a term associated with the 1993 constitution, which was acquired nationalist and other imaginings under Hun Sen (Norén-Nilsson 2016a) – territorial control or dominion is an essential component of nationhood and the legitimacy of rule, as Thongchai Winichakul (1994) observed in the making of modern Thailand. State territorialisation is therefore a salient theme in Cambodia’s land grab.

INTERPRETING “THE GRAB”: REGIME CONSOLIDATION THROUGH PRIMITIVE ACCUMULATION

Cambodia’s long and devastating succession of civil wars and periods of international isolation ironically shielded it from economic pressures that resulted in the destruction of forests and redistribution of land that occurred in much of Southeast Asia from the 1970s onwards. That changed, however, with Cambodia’s political and economic transformation beginning in the early 1990s. The CPP consolidated power by subverting the “triple transitions” of: the end of civil war to relative peace, the imposition of multi-party elections after a decade of one-party rule, and the adoption of a free market economy, exploiting the benefits of previous incumbency to shape the country in its interest, often at the expense of the broader society (Hughes 2003). This resulted in widespread dispossession of peasants and informal rights holders, while enabling great gains for nascent landowners, who through primitive accumulation rose to dominate the economy and bolster the CPP regime (Collins 2016; Milne, Pak, and Sullivan 2015).

The two overlapping processes of forest exploitation and land control from 1990 to 2000 were especially foundational to the making of Cambodia’s current regime. First, competing factions in the civil war generated rents from logging that later contributed to alliance-building and the peace process (Le Billon 2002; Le Billon and Springer 2007). Second, as the CPP consolidated its power in the 1990s, it used centrally-controlled logging concessions and subsequent logging bans to cut out smaller provincial players, reorienting political authority and rents to Phnom Penh (Le Billon 2000). Third, in parallel with the logging, was the capture of ostensibly state-owned land for agro-industrial exploitation. This began in the 1990s, as land was leased or sold to emerging tycoons, many of whom had made their money

in smuggling in the 1980s and/or logging in the 1990s (see Heder, 2005). These tycoons in return became CPP supporters, as they benefited from lucrative state contracts and state-facilitated land access, granted by CPP officials. The seeds were sown for an extractive regime that has only deepened and evolved with time (Milne, Pak, and Sullivan 2015; Verver and Dahles 2015).

The 2000s brought new modalities of power and extraction for the consolidated CPP. For example, when international outcry led to the suspension of all commercial timber concessions in 2001, the game changed. The Forest Estate then became subject to conservation, through protected forests, and conversion of forest land for the purpose of agro-industrial exploitation, especially for ELCs. These new conditions made logging largely illicit, giving rise to a mutually reinforcing system that has provided military officials, emergent tycoons and state officials with legal cover and spectacular wealth (Global Witness 2007). The proceeds of land and forest exploitation also financed the CPP and its political projects (Heder 2005; Milne 2015). As the plunder went into overdrive from 2005, a period of unprecedented CPP dominance occurred, backed by a powerful military apparatus in the hands of Hun Sen supporters (HRW 2018). For nearly seven years the CPP dominated the state while political opposition, facing regular threats and intimidation, was weak and fractured.

By 2012, the political consequences of the CPP's extractive regime were becoming evident. The area of land allocated for ELCs had reached 2.6 million hectares, more than 10% of the entire country (Forest Trends 2015, i), and more than three times the area of land allocated to agricultural concessions in 2003 (Leuprecht 2004, 16). Furthermore, Global Witness (2013, 2) found five people own 20% of all this land, a group of powerful tycoons who all became CPP Senators in 2006. In contrast, nearly one million people, or around 6% of the population,

has been adversely affected by land grabbing (ADHOC 2014, 2). These circumstances fed into an upswing in opposition support, for the regrouped Cambodian National Rescue Party (CNRP).² The CNRP presented a serious challenge to the CPP in the July 2013 elections – a key issue of concern among opposition supporters being the issue of land grabbing and land contestation (Norén-Nilsson 2015, 269).

REGIME SURVIVAL AND CHANGING TACTICS OF LAND CONTROL, 2012-2018

Contests over property reflect struggles over the legitimate exercise of power and authority (Sikor and Lund 2009, 1). By its very nature, resistance is a challenge to authority and, by implication, to the legitimacy of that authority. In Cambodia this struggle can be observed in the resurgence of a popular opposition movement capable of harnessing discontent over land grabs to challenge the CPP's right to hold legitimate state power at elections in 2013.

In the literature on land grabs in Cambodia, various efforts to resist have been identified: everyday resistance (Neef and Touch 2012); mobilisation of community organisations (Beban, So, and Un 2017; Schoenberger 2017); NGO activism (Beban, So, and Un 2017; Schneider 2011); and links to international support networks (Baird 2017; Milne 2017).

However, perhaps the most important form of resistance evident in recent years, often neglected in existing analyses, is the ballot box. In the later 2000s, protests over land grabs crescendoed and the opposition CNRP quickly became, until its dissolution in late 2017, a formidable electoral force. It was quick to align with urban and rural protest movements, channelling the demands of garment factory workers, dispossessed farmers and disenfranchised young Cambodians. In a telephone interview, former CNRP leader Sam

Rainsy described his 2013 campaign platform as seeking “stability based on equitable development with the majority of people getting better off. Not the kind of social gap which is widening in Cambodia like right now” (Interview by Loughlin, August 15, 2017). The CNRP (2013) platform therefore highlighted the need to implement the land law and re-examine existing land deals in its policy platform.

The government was forced to respond to the CNRP challenge and its responses tell us much about the regime’s efforts to reassert legitimacy and authority. In the contested land sector, three tactics of land control that are telling of the regime’s struggle: reform, repression and re-territorialisation. Close attention to these tactics reveals the performative nature of authority shielding, poorly, the violence inherent in the reforms and the resultant state enclosures or re-territorialisation. These three tactics are analysed in the following sections, while the conclusion reflects upon how they work together as political theatre.

Reform

Beginning in 2012, the Hun Sen government implemented dramatic land reforms that are instructive of the regime’s struggle for legitimacy and authority, in the face of a resurgent opposition. The land reforms involved three key elements: (i) a moratorium on the granting of ELCs, delivered in a lengthy and dramatic speech by Hun Sen in May 2012; (ii) a massive push to issue individual land titles to farmers across the country, launched shortly after the ELC moratorium; and (iii) a renewed effort to designate Social Land Concessions in rural areas, for the landless or land-poor groups (see Diepart and Sem 2018). Tellingly, these

reforms all use the rhetoric of gift-giving and land redistribution, while failing to meet villagers' demands sincerely.

The 2012 land reform package was issued as Order 01 on “Measures to strengthen and enhance the effectiveness of management of economic land concessions...”.³ In addition to the moratorium on new ELCs, the Order called for a review of ELCs already in existence and cancellation of those not in compliance with the law. It also signalled the implementation of a pre-existing policy idea, to allow farmers to continue to inhabit land cut out of concessions, known as the “leopard skin formula.”⁴ The reforms were political, as Hun Sen (2012) acknowledged a few months after the moratorium: “[t]his is going to be a political message to the people of Cambodia as well as to those partners and friends of Cambodia. This is not by any means an indicator of international pressure on Hun Sen. In fact, this is an indication of the Royal Government’s commitment on the issue of land reform.” The reforms were also populist, with a strong emphasis on land restitution. As Hun Sen (2012) had earlier reminded people, “[i]n my term of power and as long as Hun Sen is in power, people will get their share of land...”.

In practice, reform implementation was a top down affair that made little attempt to resolve land conflicts or respond to farmers’ grievances. For example, the cancellation of ELCs was said to have occurred mostly on land abandoned prior to the moratorium (*The Cambodia Daily* July 23, 2015). Furthermore, it was rumoured in Phnom Penh that there was a pattern to the cancellation of the concessions, reflecting factional lines within the CPP, whereby the interests of Hun Sen and his network were favoured (Interview by Milne, staff member at the UN Office of the High Commissioner for Human Rights, Phnom Penh, February 12, 2013).⁵ Uncertainty was to reign in the wake of the moratorium, with only indicative results of the ELC review announced in 2016 (*The Cambodia Daily*, February 26, 2016), despite

government claims in 2014 of the reallocation of 1.2 million hectares of former ELC land to farmers (Grimsditch and Schoenberger 2015, 3). This period of uncertainty and waiting served the ruling party well: the populace has been enticed with the prospect of land restitution, while the ruling party has asserted its authority as the only body that controls and administers land.

As part of the Order 01 reforms, Hun Sen (2012) announced, by diktat, a land-titling scheme aimed at providing people with “primary land ownership titles... to become hard land ownership titles in a matter of time.” Implementation was organised with remarkable rapidity and flare in mid-2012, with the mobilisation of around 2,000 Phnom Penh university students and another 2,000 officials, all with explicit ties to the CPP, to rural areas to conduct mapping and titling (see Oldenburg and Neef 2014, 66). The students worked in “Heroic Techo Samdech Volunteer Groups,” youth units named by the honorific title given to Prime Minister Hun Sen (HRW 2013). They enjoyed conspicuous CPP support through lavish parties and positive media attention (Milne 2013). The exercise was overtly theatrical, with the student groups roaming targeted rural areas in military-style uniforms and using iPads to conduct their surveys. Notably, the process worked in parallel to normal state bureaucratic functions, with the entire exercise being funded using CPP-controlled off-budget finances, with limited harmonisation or consultation with local authorities (Feldt 2016; Milne 2013; Rabe 2014). As witnessed by Milne (2013, 332) in Mondulkiri in 2013, the students’ mapping results were then displayed publicly in local commune offices, for villagers to see, even if the maps were unintelligible to many. Despite criticism and despite incomplete and patchy implementation – including avoidance of areas where ownership of land is contested – Order 01 has been recognised for its widespread impact, including moderate community satisfaction, with around 610,000 titles issued by December 2014 (Grimsditch and Schoenberger 2015, 3).

Significantly, the new land titles – soon to be converted to ownership certificates – were framed as “gifts” from Hun Sen and the ruling party, with the benefactors being portrayed as the only authority with the “right” to bestow land upon the people.⁶ As Hun Sen (2012) emphasised repeatedly in his land reform speech, “I ... make it clear to our people that no one could, besides the Royal Government, give you the rights to own the land.” This may be read as the Prime Minister enforcing the legislative and constitutional framework in place to adjudicate land claims.⁷ However, Hun Sen’s speeches at the time and since display an attempt to personalise that process *through* himself, apparently to strengthen his legitimacy and authority. In this way, the land titles were not framed as a natural consequence of land ownership, but instead as a “donation” from the ruling party, paid for by the Prime Minister (Feldt 2016, 9). Land administration has therefore become another element in the party’s often conditional gift-giving strategies (Hughes 2006). In keeping with this, blame for irregularities in the land sector was pinned on lower-level officials – a situation that prompted Hun Sen’s direct intervention and the mobilising of *his* students “to help measure land and give it to people” (*Voice of America*, July 19, 2018). The land reforms in practice therefore revealed not a willingness to address the discontent of those flocking to the CNRP, but a flexing of Hun Sen and the regime’s discretionary power over the state, performed in public as political theatre.

The performance also involved overtures to violence, combined with intense secrecy and top-down implementation – all of which were constitutive of party authority. The reforms especially reinforced a vision of state authority that was centrally concentrated and, at times, menacing. This was evident during a speech in 2013, when Hun Sen threatened civil war if the opposition was to win that year’s election. During the speech he addressed the student titling scheme and tied it to the CPPs continued dominance of the state: “To those whose lands have not been measured and those who have not been given land titles, I would like to

inform you that the youths can return to work only if the CPP wins the election... If you want the youths to come back, there is only one choice for you: to vote for the CPP” (cited in *Radio Free Asia*, April 19, 2013).

Meanwhile, on the ground, the well-equipped, army-like students exuded an air of power and control; and some villagers were reportedly threatened with the full might of the state if they dared to complain about the titling scheme, especially with regard to its avoidance of contested areas. As one villager claimed to HRW: “We spoke with the student chief, who said if we made trouble, he would summon the competent authorities to ‘throw you in irons and send you to prison.’ We said we just wanted a solution, and he said we couldn’t have a solution for land that was in dispute” (HRW 2013). Significant concerns were also raised about the effect of Order 01 on indigenous communities, whose land and resource tenure is more communal, customary and mobile (Grimsditch and Schoenberger 2015; Milne 2013; Rabe 2014).

In parallel, NGOs and donors with long-term involvement in Cambodia’s land sector were actively excluded from the new titling processes. Furthermore, the reforms were operationalised in a way that would de-legitimise those who supported communities to claim back land from ELCs. In the Prime Minister’s words: “You may support the opposition or join with so and so NGOs, but it is the rule that you have to bring your attention to the sub-national level authorities and legal state institutions. The opposition parties could give recommendations, but they do not have rights to grant you anything...” (Hun 2012).

Again, this narrative constitutes the party’s authority, and chimes with a long-standing notion of the CPP as the “the core force of the nation” (CPP 2015, 98) with “Samdech Akka Moha Sena Padei Techo Hun Sen as Prime Minister” (CPP 2015, 116).⁸ As Hun Sen reminded people in his land reform speech: “[I have] done everything from the time when people died

every day to the time people are saved and now free from war and in development” (Hun 2012). Alternative parties in land reform, whether NGOs or opposition parties, are rendered illegitimate or irrelevant in party discourse.⁹

A final element of the 2012 reforms, also geared to entrench regime authority, related to Social Land Concessions (SLCs). Established under the 2001 Land Law and strengthened in Sub-decree 19, SLCs are intended to provide state land to landless or land-poor households, in coordination with the ELC moratorium (ADHOC 2014). The SLCs were framed as a way to respond to landlessness, ultimately to curb villagers’ claims to possession rights on public land – a strategy that tacitly enabled the ELCs to proceed unhindered (Neef, Touch and Jamaree 2013). For example, Hun Sen (2012) urged people “not to claim land anymore (without the permission of the state). You now can demand for social land concessions, which after five years will be yours.” Here, the tactic of state monopolisation over land adjudication *as* authority-building is clear (see Lund 2016). Even more problematically, SLC implementation ignored pre-existing land claims: some villagers were forced to relinquish their claims in return for potential recognition under SLCs, while others had their farms taken away to provide land for SLCs. As one observer noted, “we know that many people have been evicted to make way [for] SLCs.... It is increasingly clear that the moratorium does not mean the end of the land conflict in Cambodia” (*The Phnom Penh Post*, January 31, 2014).

Indeed, in 2017, independent observers noted that few of the stated objectives have been achieved. For example, a senior human rights monitor described the situation as: “a mess... efforts to find resolution still continue in a very ad hoc fashion... the deeper we dig the more we find that not very much has been resolved at all” (Interview with Loughlin, Phnom Penh, February 16, 2017). Similarly, a GIZ analysis on its work in the land sector since 1995 reflected: “the implementation process of Order 01 was non-systematic, non-transparent,

non-participatory, done by people who were not familiar with the subject, which caused confusion and conflicts in affected communities” (Feldt 2016, 19).

In stark contrast, the government has declared its reforms a resounding success. For example, Minister of Environment Say Sam-al in 2017 declared: “After we created the committee to resolve land disputes, we have solved them all” (*The Cambodia Daily*, January 5, 2017). Therefore, not only is the regime the sole arbiter of land disputes, it is also the judge of its success in this realm, contrary to the findings of independent monitors. Such pronouncements are indicative of the performative nature of the 2012 reforms, as local realities appear to have little bearing upon public discourse.

Correspondingly, as political theatre, the reforms were performed in public with the spotlight on Hun Sen, who appeared to believe he could carry the show. The impacts of the reforms therefore waxed and waned alongside the electoral calendar, as part of the act. For example, NGO monitors noted a decrease in the number of newly-affected families involved in land dispute cases in 2012 and 2013 (LICADHO, April 1, 2014). In the year after the election however, they were again investigating land grabs and forced eviction cases at 2011 levels (LICADHO, April 1, 2014). This performance was repeated in the 2017 commune election year, as newly registered disputes dropped to 2013 levels (FIDH, LICADHO, and FORUM-ASIA 2019, 2). All of this reinforces the view that the CPP’s efforts to address land grabs were a measure to quiet dissent before elections. This reflects the CPP’s belief in the efficacy of public performances, as observed in previous elections, when people were compelled to clap along in the face of the state’s bureaucratic and coercive force (Heder 2007, 162).

By 2017, however, the electorate seemed unconvinced by the CPP’s political theatrics. In the commune elections, the CNRP made gains throughout the country, suggesting their strong showing in the 2013 national elections could be replicated in 2018, as the party made inroads

into rural areas that had long been CPP dominated (Chheang 2017; Hughes and Eng 2018). The land reform measures had not quieted discontent. This was reflected in a CPP-commissioned opinion poll in September 2016. After drugs and crime, “corruption,” “environment” and “land rights” were identified by respondents as the areas in which the Prime Minister had been weakest.¹⁰

However, land reform was not the only tactic the government had in its repertoire, with accompanying repression highlighting the limitations of reform and drawing attention to the extent to which it was, to a large degree, cosmetic. Thus, the situation was reminiscent of previous bitter pills that people had been expected to swallow – such as insufficient compensation to farmers after dispossession – “through a combination of threat and a lack of options” (Hughes 2006, 485).

Repression

If reform was a top down affair, aimed at asserting regime authority through performance, repression was a tactic working in concert and used against those who dared to contest that authority. Repression, often but not always physically violent, has been at the forefront of settling land disputes in Cambodia (Springer 2015). In the context of reform, it has bolstered regime authority by demonstrating the high cost of contestation and resistance. Repression has also helped the government to push a vision of *its* reform as the only game in town. This notion has dovetailed with regime attempts to de-legitimise competing claims by opposition parties, communities and NGOs to be able to settle land disputes.

To illustrate these dynamics of repression, we use the case of Pro Ma village in Kratie province – one of the bloodiest and most high-profile land conflicts in Cambodia’s recent history. On the CPP’s political stage in 2012, Pro Ma became an exemplar for the nation of the consequences of community resistance to land grabbing. It also foreshadowed more recent displays of violence against land protestors, ahead of the 2018 elections, in which disproportionate and highly militarised state responses have been deployed against discontented villagers (*The Phnom Penh Post*, March 13, 2018).

The Pro Ma conflict broke out when villagers who had settled in the area in 2008 became involved in a land dispute with Casotim, a partly Russian owned company granted a 15,000 hectare concession to plant rubber (*Southeast Asia Globe*, March 9, 2018). Conflicts escalated when soldiers came to clear the village land, prompting some villagers to block roads and mount a rudimentary defence with homemade weapons. On May 15, 2012, hundreds of soldiers then surrounded the village. The next day they stormed it in a “military-style operation” that left a 13-year-old girl, Heng Chantha, dead, reportedly shot by a government soldier (LICADHO 2012). In the aftermath of the shooting, and the domestic and international attention it garnered, the government attempted to portray the land dispute as part of a plot by villagers to secede land from Cambodia. This was not credible, as a leading Cambodian human rights activist put it at the time: “Are we to believe that a few hundred villagers armed with sticks and crossbows are trying to start their own country? The more reasonable explanation is that they simply want to farm their own land” (LICADHO 2012).

The government’s response to the Pro Ma dispute presented a stark warning to those who dared to exercise their rights to land independently. Any failure to accept regime authority would be met with an overwhelming violence and state repression, enacted through coercive state institutions. What followed resembled previous performances by the CPP, intended to

overwhelm the audience into submission: what Heder (2007, 162) has identified as shows of “unchecked bureaucratic might... [enacted] because they can get away with it and reap enormous immediate benefits from such actions.”

The Pro Ma dispute resonated with wider political disenchantment that the CPP was compelled to address. It therefore may be seen as a precursor to the escalating repression that culminated in the outlawing of political opposition in 2017 and the depiction of challengers as “hostile forces” intent on dismantling the CPP state (Heder 2018, 113). It also fed into an overarching political story in which the CPP under Hun Sen portrays itself as the only legitimate state authority, whereby any contestation is tantamount to sedition and justifies the use of judicial and violent repression against opponents (Loughlin 2019). In a landmark speech, Hun Sen framed Pro Ma in this way:

An association declared itself to be a state.... They do not recognize the village, communal administration and placed a barricade at entry forcing people to become its members. Warrants of arrest have been issued for five peoples.... No matter where you are, extradition will be coming to you. We will go for them no matter where they may be (Hun, 2012).

The regime then used the Pro Ma dispute for further advantage, by tying it to the activities of a critical pro-democracy activist, Mam Sonando, who was promptly arrested (CCHR 2012). Around the time of his arrest, Mam had broadcast on his popular radio station an interview with a politician who had fallen foul of the government, in part by attempting to bring a case against Prime Minister Hun Sen to the International Criminal Court (CCHR 2012). Mam was imprisoned for eight months, being released shortly before the 2013 election. Minor charges

were upheld and remained dormant with the possibility of being reactivated at any time that suited the regime. Others caught up in the dispute included respected human rights investigator Chan Soveth, who had aided one of the Pro Ma villagers later accused of leading the secession (*RFA*, November 1, 2013). Again, charges were dropped a few months before the 2013 election.

Since the Pro Ma conflict, the CPP's anti-opposition and anti-NGO narratives have escalated within broader attempts by the regime to stamp out any opposition to its rule (Loughlin 2019). This has involved the shutdown of well-known land sector NGOs, the imprisonment of human rights activists, the closure of critical news outlets and, finally, the dissolution of the opposition CNRP in late 2017 (*The Guardian*, July 29, 2018). Such repression is justified with a CPP narrative of "stability" against "hostile forces" intent on bringing chaos to Cambodia through what Hun Sen calls a "colour revolution" (Heder 2018, 113). These logics were evident when the opposition leader Kem Sokha was arrested in 2017 on spurious charges that he intended to "overthrow the government," and on other recent occasions when NGO activists and journalists faced charges depicting their criticisms of the government as "anti-state" (HRW 2018). Those unhappy with the land reform and, by extension, the regime's control of the state, are therefore characterised as "captured" by NGOs or as anti-government forces, who could never be satisfied. Thus according to Phay Siphan, Government Spokesperson, NGOs just inflate numbers of cases of land grabbing and incite the people to demonstrate. Stressing the government's benevolence and ignoring the complexities of many of the cases, he suggested that the state had no need to grant land titles to people evicted from state land, but often did so anyway, on top of the improvements in livelihoods that the land reforms brought. (Interview with Loughlin, Phnom Penh, August 23, 2017).

Phay Siphon was referring to, and dismissing, the eviction of former residents from the Boeung Kak area of Phnom Penh, and the granting of ELCs for the growing of sugar in Cambodia's Southwest. These are two of the most contentious land grab cases to emerge from the concession boom (*Southeast Asia Globe*, August 1, 2012). Both have been found to be sites of grave human rights abuses, and both disputes are ongoing (Global Witness 2019).

A key dynamic in these struggles, which highlights the CPP's tactic of repression, is the extent to which villagers are vilified for asserting their claims to land. Since the land grab began, villagers have come to Phnom Penh to deliver petitions to Hun Sen in the hope that he might settle disputes or at least curb the worst excesses. Yet the political response, in general, is to frame villagers' concerns as an NGO stunt: "to gather everyone to come to show off that we have problem with the land grabbing" (Interview with Loughlin, Government Spokesperson Phay Siphon, Phnom Penh, August 23, 2017). Overall, the petitioners are met not with a resolution to their grievances, but violence meted out by the municipal security forces in the name of maintaining public order; and/or they are expected to be content with promises of solutions at a later date, that often never materialise (ADHOC 2013; *The Phnom Penh Post*, October 25, 2018). Furthermore, and in painful irony, the villagers' complaints strategy directed to 'the top' reinforces the political order (Lund 2016, 1208).

For Pro Ma, with the 2013 election impending and protests quelled, the government redistributed some land from inside the Casotim concession to villagers. Accordingly, students were dispatched to the village to draw up titles under Order 01. Yet this did not address the fact that, in the interim, the military had managed to carve out some of the land in Pro Ma for its own use, where it has retained a presence in the wake of the 2012 violence (*Southeast Asia Globe*, March 9, 2018). This shows how, under the guise of reform and law and order, multiple state institutions both participate in and benefit from the repression of

land conflicts. Furthermore, land restitution under Order 01 was unsatisfactory, with villagers' woes continuing long after the shooting – even as the government, in yet another reform measure, sought to establish an SLC in the area. This time, a woman was arrested in 2016 for contesting the confiscation of 100 hectares of land for the SLC, along with 65 other families (*The Phnom Penh Post*, June 7, 2016).

Repression of this kind continued into the run-up to the 2018 elections, and beyond. For example, just two months before the elections, and with the CNRP already dissolved, soldiers, gendarmes and police descended on protesters in Memot in Kratie Province. This time the dispute was related to a concession linked to Hun Sen's niece, on his wife's side, Kim Sokleap, who Chair of the Board of Directors of Memot Rubber Plantation Co., Ltd.¹¹ The security forces burned houses they said were inside Memot Rubber's concession. When farmers gathered to protest later that day, the security forces opened fire, shooting three. Later, eight farmers were arrested (*Australian Broadcasting Corporation*, March 16, 2018). What is striking about this case is the timing. As one senior human rights monitor put it, reflecting on the political dimensions of the violence and control in the new era: "it's changed. This is a new normal for repression. Before, this would never have happened in an election year!" (Interview with Loughlin, Phnom Penh, November 28, 2018. These dynamics signal a more politically comfortable CPP, unburdened by competitive elections and more secure to use repression, indeed willing to flaunt its authority to do so.

Such violence in turn has been seized upon by the Prime Minister as means to burnish his credentials. For example, in January 2019, when a mixed group of around 100 security forces fired on protesters who were disputing a murky supreme court land settlement in Sihanoukville (LICADHO 2019), the Prime Minister responded two months later by sacking two Deputy Governors in the province. He did this with characteristic theatrics, as if to

remind the audience of his central role in settling land disputes and in protecting the people: “I must remove the gravel and sand from my shoes in order to move forward.... I don’t have the time to talk to disgraced government officials, and I don’t have the time to educate them. I will attack tigers, snakes, and rats regardless (cited in *Radio Free Asia*, March 1, 2019).

Ironically, this came shortly after the Ministry of Land and Urban Management had issued a directive aimed at delegating power to local officials for resolving land disputes (*The Phnom Penh Post*, January 18, 2019). Local officials, however, would be rightly cautious to avoid assuming full responsibility for the implementation of Hun Sen’s land reforms. This is because the Prime Minister continues to claim that problems with his land policy are not due to the policy itself, but rather its corruption by officials lower down the chain (*Voice of America*, July 19, 2018).

These actions may be read as part of broader efforts within the CPP to clean house, if only rhetorically, with Hun Sen warning his party on the eve of the 2018 election: “votes were cast because of anger due to our mistakes in the past, and that cannot happen again” (Prak, 2017). The absurdity of this remark, of course, was that by the election eve of 2018 there was no opposition capable of credibly challenging the CPP at the polls. In the end, the CPP easily won the election, taking all 125 seats.

Thus, a remarkable combination of top-down, theatrical reforms went hand-in-hand with repression to secure the regime’s authority over the state. As these tactics unfolded in increasingly bizarre ways, state territorial interventions also expanded across the country.

Re-territorialisation

The final tactic of land control in Cambodia's post-2012 regime is that of state re-territorialisation. The notion of *re-territorialisation* is used to convey how post-2012 reforms – including Order 01 and other related jurisdictional reforms that followed in 2016 (described below) – have prompted new efforts to recreate and reassert “state public land,” with recategorisation having long been a used to extend state control over contested land (Hak, McAndrew, and Neef 2018). This may be observed in the production of new maps and regulations, which vastly extend state land categories like Forest Estate, Protected Areas, National Parks and Biodiversity Conservation Corridors (see Souter et al 2016). Yet all these categories overlay onto complex and typically informal land-use by peasants and indigenous people, meaning that the designation of state land for environmental purposes inherently violates customary rights (Baird 2009;). Ultimately, post-grab land reforms have given rise to a re-territorialisation process, which is discursively akin to, or performed as, the making of the dominion of Hun Sen's “Second Kingdom” (Norén-Nilsson 2016a).

Vast areas of forest, floodplain and apparently uncultivated land are categorised as “state public land”: a fact that reflects government failure and/or unwillingness to recognise the customary rights of farmers (Oldenburg and Neef 2014, 49). State claims to land also reflect the historical weakness of private property institutions, due to past Khmer Rouge and Vietnamese-inspired collective farming and age-old traditions that emphasise recognition of customary use rather than property (Springer 2013, 527). Today's “state public land” emerged from the 2001 Land Law, which assumed that all land was state property, unless farmers could demonstrate occupation or cultivation of the land for five years prior to the promulgation of the law (Diepart and Sem 2018, 8). In tandem, the 2002 Forestry Law declared all natural forests to be state public land, with only vague allowances for customary

user rights (Milne 2012). These laws have rendered countless farmers into squatters, subjecting them to land enclosures by the state either for conservation, environmental regulation, ELCs, mining concessions or all of these.

Cambodia's 2005-2012 land grab relied upon the government's ability to convert state public land into private concessions. This occurred mainly through the two Ministries in charge of the majority of state public land, the Ministry of Environment (MoE), which ran the original protected area system, and the Ministry of Agriculture Forestry and Fisheries (MAFF), which governed Cambodia's vast Forest Estate and other resources, including suspended logging concessions, protected forests and floodplains. These two ministries emerged from the mid-1990s nation-building process, when Cambodia was governed by a coalition of the Royalist FUNCINPEC (Front uni national pour un Cambodge indépendant, neutre, pacifique et coopératif) party and the CPP. Recognising that control over land and resources was a source of revenue and power, the parties shared control, with the CPP controlling the then more lucrative MAFF, while FUNCINPEC was allocated nominal control over the MoE (Milne 2009, 200). This allocation made the MoE weaker, but power relations changed with the demise of FUNCINPEC and subsequent consolidation of the CPP and its extractive regime in the 2000s. Indeed, both Ministries were involved in the issuing of ELCs during the boom, with the MoE approving 113 ELCs within protected areas, which then covered 26% of Cambodia's land area (Souter et al 2016, 1).

The dramatic post-grab reforms therefore had major implications for MoE and MAFF and the extent of state public land. Above, we discussed how Hun Sen emphasised notions of land redistribution and property rights formalisation for insecure or landless farmers, as part of the reforms, for example through measures like Order 01 and SLCs. Much attention has focused upon the "effectiveness" of these reforms for farmers (see Oldenburg and Neef 2014; Feldt

2016); less attention has been paid to their territorial effects. In particular, the *inverse* of the Order 01 titling effort is that land remaining untitled – land that is *not* a leopard’s spot – is by implication state land, even if it remains subject to contestation or customary use (Milne 2013; Beban, So, and Un 2017). Thus, the reforms must be scrutinised for their wider territorialising effects – a key aspect of which comes into play through the national review of ELCs, which was announced as part of the Order 01 reform package.

Although the ELC review was announced in 2012, its results took over four years to generate and uncertainty remains as to the status of many ELCs. This did not stop Hun Sen from announcing with great fanfare the “results” of the ELC review in another major speech in February 2016. The key announcement in this speech was a decision to “take back” nearly one million hectares of public land that had been handed out to investors, allowing 1,090,000 hectares to remain under ELCs. To maximise political gain from this, Hun Sen emphasised how this land would enable re-allocations back to small-holders, or in his words: “there will be no issue of a lack of social land concessions to give to landless families” (*The Cambodia Daily*, February 26, 2016). However, there were no maps of the land to be given back; nor was there a publicly available list of the ELCs being cancelled at the time. Subsequent analysis shows that around 780,000 hectares of former ELCs are to be appropriated by the government, although with unclear end uses and likely ongoing tensions between peasant land claims and state territorialisation (Diepart and Sem 2018, 69).

This is where other land reforms in 2016, announced alongside the ELC review, are of vital importance. These extra reforms are jurisdictional and they attend to the respective roles of the MoE and MAFF – for example, who should govern existing ELCs and who should manage former ELC areas now reabsorbed back into state land. The new logic here is that the MoE should govern land for conservation and the environment, while MAFF should govern

land that is for development and production (Souter et al 2016). This has resulted in the transfer of 74 ELCs from MoE to the MAFF, and “in return” MAFF transferred 18 protected forests and production forests to the MoE for inclusion in a new protected area management system that was announced in May 2016.¹² A subsequent reform in January 2017 established a suite of Biodiversity Conservation Corridors to provide connectivity between existing Protected Areas, also governed by MoE (RGC 2017).

The result of these jurisdictional reforms, at least on paper, is a re-booted protected area system that covers over 7.4 million hectares – a remarkable 41% of Cambodia’s surface area (RGC 2017). The new protected areas have emerged from the old MoE and MAFF systems, but they include five new protected areas, covering over one million hectares of forest and grassland () and new biodiversity conservation corridors, covering over 1.4 million hectares (Souter et al 2016; RGC 2017). The new protected area system is therefore substantially larger than before, with major implications for farmers and indigenous people that rely upon the resources within protected areas (see Figure 1).

INSERT FIGURE 1 ABOUT HERE

In line with these dramatic reforms is the performance of state (re)territorialisation, including public pronouncements, map-mapping and planned government activities for renewed Protected Areas (see RGC 2017). For example, the draft 2017 joint ministerial Forest Investment Program, notes that all but one of Cambodia’s 51 protected areas is in need of management plans, with “land registration and demarcation in the field yet to be done” (MoE 2017, v). Loans and grants are available from the Asian Development Bank and the World Bank, among others, to complete these processes (MoE 2017, 31). A flurry of governmental

activity is underway, even though ground-level conditions of weak law enforcement appear to have changed little and in some cases have deteriorated (Interviews with Milne, ex-MoE officials and international NGO observers, Phnom Penh, 2018 and 2019). This activity corresponds with the performative aspects of state territorialisation, alongside established notions of political theatre in Cambodia.

Apart from the theatrics, the re-assertion and expansion of state public land is a major act of re-territorialisation that demands attention. This is for two reasons. First, although the Protected Area law allows for community development and sustainable use zones, it provides limited scope for communities to secure formal resource rights or land titles. Thus, having 41% of the country designated for protection, deeply cements state territorial control over so-called natural areas, even if the rhetoric talks about the role of protected areas in poverty alleviation (see RGC 2017). Second, and even more worryingly, is that protected areas produce a state territorial monopoly, which previously has been used to facilitate highly lucrative, illicit resource extraction in the interests of the ruling elite (Milne 2015; Milne, Pak, and Sullivan 2015). This stark relationship between state “protection” and extraction is evident in the fact that 70% of past ELCs either overlapped or bordered onto protected areas, showing a clear agenda of illicit resource extraction focused upon logging and land enclosures (Milne 2015). This recent history must serve as a warning, as the resurgent CPP now reasserts and reconstitutes its dominion.

CONCLUSION: LAND GOVERNANCE AS POLITICAL THEATRE

This article has considered regime responses to land contestation in post-2012 Cambodia – a period conceptualised as “after the grab,” when the regime needed to respond to popular push-back over land grabbing on the one hand, while consolidating land control and authority on the other. To probe this tension, we identified and analysed three tactics of “land control” used by the regime, which we term: reform, repression and re-territorialisation. Our empirical focus around these land control and governance tactics has allowed us to observe the dynamics of a state in the making and a regime reconsolidating control after a period of political instability, whose tendency is to use political theatre and performance to build authority. Overall, our findings show how the three land control tactics are complimentary, working in parallel and mutually reinforcing ways to build regime authority.

The post-2012 reforms were found to be highly performative – acted out by the regime to reassert its control over the state in the face of contestation, rather than a sincere attempt to address the problems faced by smallholders. The reforms were strongly linked to ways in which the regime has previously attempted to frame its legitimate control of the state, as the natural state authority (Loughlin 2019). In particular, as the Prime Minister’s speeches reveal, land was framed as a gift to be given rather than a right to be asserted – echoing a key political fault line). Resistance to that notion, in turn, faces the full force of the state – as previous political performances have shown (Heder 2007).

Indeed, repression and violence were used to reinforce the regime’s apparent inevitability and to overwhelm the audience into submission. This played out in Pro Ma, as the government violently asserted its vision of reform as the only legitimate one. Land control is constitutive of state authority and the CPP used repression at every turn to protect this discursive and territorial domain. In parallel, the CPP moved to counter any suggestion that “outside forces” – be they civil society groups or the resurgent political opposition – could intervene in the

land issue. Ultimately, regime intolerance of any contestation over its authority was made clear through the dissolution of the political opposition in 2017, meaning the only party able to effectively challenge the CPP could not participate in elections in 2018.

The third land control tactic at play here, in service of the regime, was re-territorialisation. Recent efforts to assert and establish state territorial monopoly – ostensibly for the purposes of environmental conservation – are now vast, covering over 40% of Cambodia’s surface area. While ground-level actions to accompany this new territorial project are incipient, its performative value must be noted, as the Party cultivates its dominion over the Kingdom. To understand Cambodia’s land control dynamics, identified in this article, is therefore to understand the regime itself.

Importantly, our analysis complements a recent neo-patrimonial literature on the regime by bringing attention to its performative aspects. The notion of political theatre may therefore help to illuminate how the CPP state is responding to other challenges to its authority and legitimacy. It also raises questions about how political theatre is received by the people, in the land sector and elsewhere. For example, recent struggles over wages and labour rights show parallels with the reform-repression dynamic observed in land reform (Salmivaara 2018). Herein, the government has sought to bring labourers under its control via government-sanctioned wage increases and sectoral reform with Hun Sen’s regular performances to workers on the one hand, combined with repressive efforts to silence independent voices on the other (*Asia Times*, May 2, 2018). Such political theatre also appears evident in the CPP’s attempts through dances, public events and parades, to build its legitimacy among younger Cambodians who flocked to the CNRP in 2013 (*The Phnom Penh Post*, November 29, 2018), while simultaneously taking severe measures against youth who seek to criticise the government (*Al Jazeera*, July 11, 2019). In all cases, attempts to build

legitimacy through performance have been backed by the full legal-judicial and coercive might of the state. Ultimately, this has enabled the CPP to extend state authority in contested spaces. Future research into the performative and symbolic actions of the dominant CPP government, and people's responses to this, promises to reveal new aspects of the formation of political authority and regime maintenance.

ACKNOWLEDGMENTS

This article was developed initially through a workshop in 2018 called “Land governance and rural transitions in Southeast Asia and the Pacific” at the Crawford School of Public Policy, funded by the College of Asia and Pacific of the Australian National University. The authors would like to thank Dr Michael Buehler and Dr Steve Heder for comments on earlier versions of this article. The manuscript also benefitted greatly from the feedback of three anonymous reviewers.

FUNDING

Sarah Milne acknowledges funding from the Australian Research Council (DP180101495).

Views expressed in this article do not reflect the views of the Australian Research Council.

REFERENCES

- ADHOC. 2013. *Cambodia: A Turning Point? Land, Housing and Natural Resource Rights in Cambodia in 2012*. Phnom Penh: Cambodian Human Rights and Development Association.
- ADHOC. 2014. *Land Situation in Cambodia in 2013*. Phnom Penh: Cambodian Human Rights and Development Association.
- Amnesty International. 2012. *Imprisoned for Speaking Out: Update on Phnom Penh's Boeung Kak Lake*. London: Amnesty International.
- ADB. 2014. "Cambodia: Country Poverty Analysis 2014." Manila: Asian Development Bank. Accessed July 12, 2019. <https://www.adb.org/sites/default/files/institutional-document/151706/cambodia-country-poverty-analysis-2014.pdf> ed. Accessed July 12.
- Baird, I. 2009. "Controlling the Margins: Nature, Conservation and State Power in Northeastern Cambodia." In *Development and Dominion: Indigenous Peoples of Cambodia, Vietnam and Laos.*, edited by F. Bourdier, 215-248. Bangkok White Lotus.
- Baird, I. 2017. "Resistance and Contingent Contestations to Large-Scale Land Concessions in Southern Laos and Northeastern Cambodia." *Land*, 6 (1): 1-19.
- Beban, A., So, S., and K. Un. 2017. "From Force to Legitimation: Rethinking Land Grabs in Cambodia." *Development and Change*, 48 (3): 590–612.
- CPP. 2015. *Pravoat ney kar ta-sou neung aphivoat meatophoum kampuchea neung tumneak-tumnorng kampuchea-vietnam pi chhnam 1989 dal chhnam 2013* [History of the Struggle and Development of the Cambodian Motherland and Cambodia-Vietnam Relations from 1989 to 2013]. Phnom Penh: Cambodian People's Party.

- CCHR. 2012. *The Case of Human Rights Defender Mam Sonando*. Phnom Penh: Cambodian Center for Human Rights.
- Chheang, V. 2017. "Cambodian Power Shift in 2018?." *ISEAS - Perspective* 53: 1-7.
- CNRP. 2013. "National Policies." Phnom Penh: Cambodia National Rescue Party. Accessed August 30, 2018. <https://www.cnrp7.org/national-policies>.
- Cock, A. 2016. *Governing Cambodia's Forests: The International Politics of Cambodia's Policy Reform*. Copenhagen: Nordic Institute of Asian Studies.
- Collins, E. 2016. "Postsocialist Informality: The Making of Owners, Squatters and State Rule in Phnom Penh, Cambodia (1989–1993)." *Environment and Planning A*, 48 (12): 2367–2382.
- Cotula, L. 2013. "The New Enclosures? Polanyi, International Investment Law and the Global Land Rush." *Third World Quarterly*, 34 (9): 1605-1629.
- Diepart, J-C. and Sem, T. 2018. "Cambodian Peasantry and Formalization of Land Rights: Historical Perspectives and Current Issues." *Research series*. Paris: French Technical Committee on Land Tenure and Development (AFD-MEAE),.
- Dwyer, M. 2015. "The Formalization Fix? Land Titling, Land Concessions, and the Politics of Spatial Transparency in Cambodia." *Journal of Peasant Studies*, 42 (5): 903–928.
- Erdmann, G., and U. Engel. 2007. "Neopatrimonialism Reconsidered: Critical Review and Elaboration of an Elusive Concept." *Commonwealth & Comparative Politics*, 45 (1): 95-119.
- Feldt, H. 2016. *Land Rights Programme, Cambodia – Knowledge Profiles*. Phnom Penh: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ):
- Forest Trends. 2015. *Conversion Timber, Forest Monitoring, and Land-Use Governance in Cambodia*. Washington, D.C.: Forest Trends.

- Ghai, Y. 2010. "Access to Land and Justice: Anatomy of a State Without the Rule of Law." *Marginalized Communities and Access To Justice*, edited by Y. Ghai and J. Cottrell, 37-59. New York: Routledge.
- Gironde, C., Golay, C and P. Messerli. 2016. *Large Scale Land Acquisitions – Focus on Southeast Asia*. Online: Brill.
- Global Witness. 2007. *Cambodia's Family Trees*. London: Global Witness.
- Global Witness. 2013. *Rubber Barons*. London: Global Witness.
- Global Witness. 2014. "Unprecedented Case Filed at International Criminal Court." October 8. Accessed May 3, 2015. <http://www.landcoalition.org/fr/blog/unprecedented-case-filed-international-criminal-court-proposes-land-grabbing-cambodia-crime>.
- Global Witness. 2016. *Hostile Takeover*. London: Global Witness.
- Global Witness. 2019. "Who Profits from the Death of Cambodia's Democracy?" July 20. Accessed February 18, 2020. <https://www.globalwitness.org/en/campaigns/cambodia/who-profits-death-cambodias-democracy/>
- Grimsditch, M., and L. Schoenberger. 2015. *New Actions and Existing Policies: The Implementation and Impacts of Order 01*. Phnom Penh: The NGO Forum of Cambodia.
- Hak, S., A. McAndrew, and A. Neef. 2018. "Impact of Government Policies and Corporate Land Grabs on Indigenous People's Access to Common Lands and Livelihood Resilience in Northeast Cambodia." *Land* 7 (4): 1-20.
- Hall, D. 2013. "Primitive Accumulation, Accumulation by Dispossession and the Global Land Grab." *Third World Quarterly*, 34 (9): 1582-1604.
- Heder, S. 2005. Hun Sen's Consolidation: Death or the Beginning of Reform?" *Southeast Asian Affairs*, 113–130.

- Heder, S. 2007. "Political Theatre in the 2003 Cambodian Elections: State Democracy and Conciliation in Historical Perspective." In *Staging Politics: Power and Performance in Asia and Africa*, edited by J. Strauss and D. Cruise O'Brien, 51–172. London: I.P. Taurus.
- Heder, S., 2018. "Cambodia–Vietnam: Special Relationship against Hostile and Unfriendly Forces." *Southeast Asian Affairs*, 113-131.
- Hughes, C. 2003. *The Political Economy of Cambodia's Transition, 1991–2001*. London: RoutledgeCurzon.
- Hughes, C. 2006. "The Politics of Gifts: Tradition and Regimentation in Contemporary Cambodia." *The Journal of Southeast Asian Studies*, 37 (3): 69-489.
- Hughes, C., and N. Eng. 2018. "Facebook, Contestation and Poor People's Politics: Spanning the Urban-Rural Divide in Cambodia?" *Journal of Contemporary Asia* 49 (3): 1-24.
- Hughes, C., and Un, K. (eds). 2011. *Cambodia's Econmic Transformation*. Copenhagen: Nordic Institute of Asian Studies.
- HRW. 2013. "Cambodia: Land Titling Campaign Open to Abuse." Human Rights Watch, June 12. Accessed August 13, 2018.
<https://www.hrw.org/news/2013/06/12/cambodia-land-titling-campaign-open-abuse>.
- HRW. 2018. "Cambodia: Country Summary." Human Rights Watch. Accessed August 29, 2018.
https://www.hrw.org/sites/default/files/cambodia_3.pdf
- HRW. 2018. *Cambodia's Dirty Dozen: A Long History of Rights Abuses by Hun Sen's Generals*. New York: Human Rights Watch.
- Hun, S. 2012. "Selected Impromptu Comments During Official Launch Mid Term 2009 Review Report Royal Government Cambodia." Accessed August 12, 2018.

<http://cnv.org.kh/selected-impromptu-comments-during-the-official-launch-of-mid-term-2009-13-review-report-of-the-royal-government-of-cambodia/>.

FIDH. 2014. " Cambodia: ICC Preliminary Examination Requested into Crimes Stemming from Mass Land Grabbing." International Federation for Human Rights. Accessed May 3, 2018. <https://www.fidh.org/en/region/asia/cambodia/16176-cambodia-icc-preliminary-examination-requested-into-crimes-stemming-from>.

FIDH., LICADHO, and FORUM-ASIA. 2018. *Joint Submission to the 32nd Session of the Working Group on the Universal Periodic Review (UPR)*. Paris: International Federation for Human Rights, Cambodian League for the Promotion and Defense of Human Rights, FORUM-ASIA.

Le Billion, P. 2002. "Logging in Muddy Waters: The Politics of Forest Exploitation in Cambodia." *Critical Asian Studies*, 34 (4): 563-586.

Le Billon, P. 2000. "The Political Ecology of Transition in Cambodia, 1989–1999: War, Peace and Forest Exploitation." *Development and Change*, 31 (4): 785–805..

Le Billon, P., and S. Springer. 2007. "Between War and Peace: Violence and Accommodation in the Cambodian Logging Sector." In *Extreme Conflict and Tropical Forests*, edited by W. De Jong, D. Donovan and K. Abe, 17-36. Dordrecht: Springer.

Leuprecht, P. 2004. *Land Concessions for Economic Purposes in Cambodia: A Human Rights Perspective*. Phnom Penh: Office of the United Nations High Commissioner for Human Rights.

LICADHO. 2012. "LICADHO Calls for Investigation into Deadly Kratie Shooting." Cambodian League for the Promotion and Defense of Human Rights. May 17. Accessed August 23, 2019. <http://www.http://www.licadho-cambodia.org/pressrelease.php?perm=277>.

- LICADHO. 2014. 2014 "Brings a New Wave of Cambodian Land Conflicts." Cambodian League for the Promotion and Defense of Human Rights. April 1. Accessed 18 February 2020. <http://www.licadho-cambodia.org/pressrelease.php?perm=342>.
- Loughlin, N. 2019. "Authoritarian Regime Durability: An Analysis of Cambodia's Coercion-Dominant Winning Coalition." Unpublished PhD Thesis, School of Oriental and African Studies, University of London.
- Lund, C. 2016. "Rule and Rupture: State Formation through the Production of Property and Citizenship." *Development and Change*, 47 (6): 1199–1228.
- Mahanty, S. 2018. "Contingent Sovereignty: Cross-Border Rentals in the Cambodia–Vietnam Borderland." *Annals of the American Association of Geographers*, 108 (3): 829-844.
- Milne, S. 2009. "Global ideas, local realities: the political ecology of payments for biodiversity conservation services in Cambodia". Unpublished PhD Thesis, Department of Geography, University of Cambridge.
- Milne, S. 2012. "Grounding Forest Carbon: Property Relations and Avoided Deforestation in Cambodia." *Human Ecology*, 40 (5): 693-706.
- Milne, S. 2013. "Under the Leopard's Skin: Land Commodification and the Dilemmas of Indigenous Communal Title in Upland Cambodia." *Asia Pacific Viewpoint*, 54 (3): 323-339.
- Milne, S. 2015. "Cambodia's Unofficial Regime of Extraction: Illicit Logging in the Shadow of Transnational Governance and Investment." *Critical Asian Studies*, 47 (2): 200-228.
- Milne, S., and S. Mahanty. eds. 2015. "Conservation and Development in Cambodia: Exploring Frontiers of Change in Nature, State and Society." London: Routledge.
- Milne, S., Pak, K. and M. Sullivan. 2015. "Shackled to Nature? The Post-conflict State and its Relationship with Natural Resources." In *Conservation and Development in*

- Cambodia: Exploring Frontiers of Change in Nature, State and Society*, edited by Milne & S. Mahanty, 28-50. Oxon: Routledge.
- Milne, S. 2017. "On the Perils of Resistance: Local Politics and Environmental Struggle in Cambodia." *International Institute of Asian Studies Newsletter*, 78: 32-33.
<https://www.iias.asia/the-newsletter/article/perils-resistance-local-politics-environmental-struggle-cambodia>.
- MoE. 2017. "Forest Investment Program. Cambodia's Investment Plan (Draft for Review)." No place: Ministry of Environment. Accessed February 16, 2020.
http://www.moe.gov.kh/wp-content/uploads/2017/05/Forest-Investment-Program_Cambodia-Investment-Plan.pdf
- Morgenbesser, L. 2016. *Behind the Facade: Elections Under Authoritarianism in Southeast Asia*. Albany: State University of New York Press.
- Morgenbesser, L. 2019. "Cambodia's Transition to Hegemonic Authoritarianism." *Journal of Democracy*, 30 (1): 158-171.
- Neef, A. and S. Touch. 2012. "Land Grabbing in Cambodia: Narratives, Mechanisms, Resistance." Paper, International Conference on Global Land Grabbing II. Cornell University, Ithaca, October 17–19.
- Neef, A., S. Touch and Jamaree Chiengthong (2013) "The Politics and Ethics of Land Concessions in Rural Cambodia," *Journal of Agricultural and Environmental Ethics*, 26 (6): 1085–1103
- Norén-Nilsson, A. 2013. "Performance as (Re) incarnation: The Sdech Kân Narrative." *Journal of Southeast Asia Studies*, 44 (1): 4-23.
- Norén-Nilsson, A. 2015. "Cambodia at a Crossroads: The Narratives of Cambodia National Rescue Party Supporters after the 2013 Elections." *Internationales Asienforum*, 46 (3-4): 261–278.

- Norén-Nilsson, A. 2016a. *Cambodia's Second Kingdom: Nation, Imagination, and Democracy*. Ithaca: Cornell University Press.
- Norén-Nilsson, A. 2016b. "Good Gifts, Bad Gifts, and Rights: Cambodian Popular Perceptions and the 2013 Elections." *Pacific Affairs*, 89 (4): 795-815.
- Oldenburg, C. and A. Neef. 2014. "Reversing Land Grabs or Aggravating Tenure Insecurity? Competing Perspectives on Economic Land Concessions and Land Titling in Cambodia." *Law and Development Review*, 7 (1): 49–77.
- Open Corporates, 2018. "Memot Rubber Plantation Co. Ltd." Accessed September 3, 2018. <https://opencorporates.com/companies/kh/00007260>.
- Peluso, N., and C. Lund. 2011. "New Frontiers of Land Control: Introduction." *Journal of Peasant Studies*, 38 (4): 667-681.
- Rabe, A. 2014. "Investment and Land Titling Failures in Northeastern Cambodia Indigenous Communities' Need for Legal Empowerment." *Business, Peace and Sustainable Development*, 3: 31-161.
- RGC. 2017. *National Protected Area Strategic Management Plan 2017-2031*. Phnom Penh: Royal Government of Cambodia.
- Salmivaara, A. 2018. "New Governance of Labour Rights: The Perspective of Cambodian Garment Workers' Struggles." *Globalizations* 15 (3): 329-346.
- Schneider, A. 2011. "What Shall We Do Without Our land? Land Grabs and Resistance in Rural Cambodia." Paper, International Conference on Global Land Grabbing, University of Sussex, 6-8 April 2011.
- Schoenberger, L. 2017. "Struggling Against Excuses: Winning Back Land in Cambodia." *Journal The Journal of Peasant Studies*, 44 (4): 870-890.
- Schoenberger, L., D. Hall, and P. Vandergeest. 2017. "What Happened When the Land Grab Came to Southeast Asia?." *Journal of Peasant Studies*, 44 (4): 697-725.

- Sikor, T. and C. Lund. 2009. "Access and Property: A Question of Power and Authority." *Development and Change*, 40 (1): 1-22.
- Souter, N., V. Simpson, A. Mould, J. Eames, T. Gray, R. Sinclair, T. Farrell, J. Jurgens and A. Billingsley. 2016. "Will the Recent Changes in Protected Area Management and the Creation of Five New Protected Areas Improve Biodiversity Conservation in Cambodia?" *Cambodian Journal of Natural History* 1: 1-5.
- Springer, S. 2013. "Illegal evictions? Overwriting Possession and Orality with Law's Violence in Cambodia." *Journal of Agrarian Change*, 13 (4): 520-546.
- Springer, S. 2015. *Violent Neoliberalism: Development, Discourse, and Dispossession in Cambodia*. New York: Palgrave Macmillan.
- Strangio, S. 2014. *Hun Sen's Cambodia*. New Haven: Yale University Press.
- Strauss, J. 2006. "Inaugural Lecture: Theatres of Land Reform: Performance and State Building in Su'nan and Taiwan, 1950-53." Accessed 31 October 2018.
<https://www.soas.ac.uk/about/events/inaugurals/2013-14-inaugural-lecture-series/16oct2014-theatres-of-land-reform-performance-and-state-building-in-sunan-and-taiwan-1950---53.html>.
- Strauss, J., and D. Cruise O'Brian. 2007. "Introduction." In *Staging Politics: Power and Performance in Asia and Africa*, edited by J. Strauss, and D. Cruise O'Brian, 1-14. London: I.B.Tauris.
- Sullivan, M. 2016. *Cambodia Votes: Democracy, Authority and International Support for Elections 1993-2013*. Copenhagen: Nordic Institute of Asian Studies.
- Thongchai Winichakul. 1994. *Siam Mapped: A History of the Geo-Body of a Nation*. Honolulu: University of Hawaii Press.
- UNDP. 2018. *National Human Development Report for Cambodia*, Phnom Penh: United Nations Development Program.

- Un K., 2005. "Patronage Politics and Hybrid Democracy: Political Change in Cambodia, 1993-2003." *Asian Perspective*, 29 (2): 203-230.
- Un K. 2009. "Politics of Natural Resource Use In Cambodia." *Asian Affairs* 36 (3): 123-138.
- Un K. 2019. *Cambodia: Return to Authoritarianism*. Cambridge: Cambridge University Press.
- Un K., and S. So. 2011. "Land Rights in Cambodia: How Neopatrimonial Politics Restricts Land Policy Reform." *Pacific Affairs*, 84 (2): 289-308.
- Vandergeest, P. and N. Peluso. 1995. "Territorialization and State Power in Thailand." *Theory and Society*, 24 (3): 385-426.
- Verver, M., and H. Dahles. 2015. "The Institutionalisation of Oknha: Cambodian Entrepreneurship at the Interface of Business and Politics." *Journal of Contemporary Asia*, 45 (1): 48-70.
- Wolford, W. Saturnino M., Hall, R., Scoones, I., and B. White. 2013. "Governing Global Land Deals: The Role of the State in the Rush for Land." *Development and Change*, 44 (2): 189-210.

NOTES

¹ Mahanty (2018) offers a more nuanced and contingent view of state sovereignty and territory in Cambodia's borderlands.

² The CNRP came onto the political scene as a result of the merger of two smaller parties in 2012. The CNRP was dissolved by the Supreme Court in 2017. The CPP did this by filing a complaint following an amendment to the Law on Political Parties made by the CPP while the CNRP was boycotting the National Assembly (*The Phnom Penh Post*, November 27, 2017).

³ Also known as BB01, where BB is short for *bot bonchier*, meaning "Order." It is a form of legislation.

⁴ The Leopard Skin policy became the popularly used term for the land titling drive that resulted from Order 01. So-called because farmers' land carved out of concessions would resemble the leopard's spots.

⁵ It was suggested that ELC's linked to the Chea Sim faction of the CPP were cancelled, while those aligned with Hun Sen's network were left untouched. 2013.

⁶ We refer here to "rights" (*setthi*) within the vernacular as discussed by Norén-Nilsson (2016b).

⁷ According to Article 58 of the Constitution land is state property, the “control, use and management” of which is determined by law. Ownership categories are provided by the Land Law (2001).

⁸ This translates literally to: *princely exalted supreme great commander of gloriously victorious troops*.

⁹ Neef, Touch and Jamaree (2013) also show how international aid agencies and other development partners were “instrumentalised” by the CPP in the formal displacement of rural Cambodians, through their engagement on social land concessions.

¹⁰ Polling conducted by an Israeli company, Shaviv and leaked to the media in 2017 (see The Cambodia Daily, June 19, 2017). Documents are in Loughlin’s possession.

¹¹ Information publicly available online (Open Corporates, 2019).

¹² These figures on ELC and protected forest area transfer are from the RGC in 2017, sourced from a former Ministry of the Environment official.