

From Individual Rights to Community Commons

Cambodia's community fisheries initiative is the most extensive and well-developed system of community fisheries in the world

The current fishery rights system in Cambodia is the most extensive and well-developed system of community fisheries in the world", said the European Union (EU) Representative to Cambodia at the FAO/UN User Rights 2015 Conference held in Siem Reap, Cambodia.

Defining tenurial boundaries and proving rights in an aquatic milieu is a daunting task. This is further confounded when dealing with a dynamic land-water interface marked by significant seasonal fluctuations. Yet, taking advantage of its overriding tenure over all such terrains, the state reserves the right of granting tenure with differential bundles of rights to

Cambodia's vast aquatic milieu is part of the larger Mekong River Basin and its fertile floodplains. At the heart of this area is the Tonle Sap Lake – the largest freshwater lake in Southeast Asia and the most productive and bio-diverse freshwater zone in the world. The Tonle Sap River flows out from the Lake and joins the Mekong at Phnom Penh, the capital of Cambodia. During the peak flooding season, from June to September, the seasonal monsoon causes the Mekong and its tributaries to spill out of their channels. The flooding is so heavy that the flow of Tonle Sap River is reversed back into the lake, inundating huge areas of forest and grassland across the country. When this happens, the Tonle Sap – now designated a UNESCO Biosphere Reserve – grows from about 2,500 sq km to cover over 16,000 sq km, or about 7 per cent of Cambodia's land area. Tonle Sap teems with fish that nourishes Cambodia's population, making them the world's largest consumers of inland fish.

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individuals or riparian communities to access and manage such fuzzy interfaces.

In Cambodia, the tenure rights were initially given to individuals. This system held for many centuries. But in 2000, a bold initiative in Cambodia became a trail-blazer when individual rights were replaced with community rights in this regard. This article very briefly narrates this unique case of top-down creation of community fisheries in an inland fishery in Cambodia, provides a brief evaluation of the current status and indicates the likely trajectory into the future.

Licences auctioned

In 1873 the French Protectorate introduced tenure rights to the most productive parts of the Lake by auctioning licences to individuals to erect fish enclosures called 'fishing lots' over vast areas of the lake.

The Tonle Sap was also mute witness to the genocide of the Pol Pot regime in the 1970s. The populations around the Lake were uprooted and scattered far and wide to realize his dream of making a communist state, based exclusively on a rice-growing proletariat subsisting on state welfare. Many Vietnamese fishers and Khmer

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A fisherman casting a net from the banks of the Tonle Sap River, Cambodia. The direction of events in Cambodia in the immediate future will reveal which way the dice is loaded for CFI and the riparian communities

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farmers who were educated and fishing lot owners were killed for fear that they would rise against the state. Fishing came to a standstill.

The vicious regime of Pol Pot was defeated in 1978. Cambodia slowly returned to the democratic mainstream in 1993 but only after over a decade of 'socialist' rule. The fishing lots gradually reappeared and their auctioning by the state was revived as it did form a sizeable revenue of the state – between US\$ 2 and 3 mn per annum. Fishing lot owners became a rich and privileged group. Many former military men also got involved. They jealously protected the lots from ingress by the large displaced Khmer peasant population who settled around the Lake after Pol Pot. Conflict over access to fish became endemic. Many deaths were reported among riparian communities as a result.

This situation was altered drastically in October, 2000. Cambodia's Prime Minister made the unexpected announcement cancelling half of all fishing lot licences of a few hundred powerful individuals. He turned over the rights of access to thousands of poor rural families to harvest the fishery resources for food and livelihood. It

was action which yielded important political rewards for the Prime Minister in the next elections in 2003.

This was a state-sponsored aquarian reform backed by the highest level of legal protection with the pronouncement of a Sub-Decree. The Fisheries Administration (FiA) was asked to start a Community Fisheries Development Office to assist the riparian communities set up new community fisheries institutions (CFI for short). Civil society organizations and international development partners were encouraged to help.

Meanwhile, spurred by the new freedom to access the resources, many communities, sometimes with the help of NGOs, initiated the process of creating new CFI. They submit to the local Fisheries Administration a 'petition of interest' signed by interested members and enclose a hand-drawn map of the proposed area of their commons, usually composed of a dynamic land-water terrain. The Administration investigates the claim, conducts a needs assessment with the petitioners, arranges for a rough check of the boundaries and gives a tentative approval or rejection notice in 30 days. If approval is obtained, the

Fisheries Administration sets out to disseminate to the interested members their rights and responsibilities as spelt out in the sub-decree.

To obtain formal recognition of their CFI from the Ministry of Agriculture, Forest and Fisheries, the CFI must do the following: With the assistance of the Administration, the members form a general assembly. This assembly initiates a democratic process to decide on a name for their CFI, frame their objectives, internal rules and regulations and also elect a managing CFI Committee from among the members. A list of names of all members and the Committee is prepared. To produce an accredited map, the CFI area is physically mapped together with the Administration and neighbouring communities to hedge against potential future boundary disputes. The local administration, competent NGOs and technical agencies often help with financial support and mapping skills. The use of orthophoto mapping technology, with assistance from international development agencies, has been widely reported. Large cement boundary markers are placed at points which are perennially under water.

Some of the best functioning CFI are marked by the greater participation of women in them.

Once formally registered with the Ministry, a CFI has the exclusive use and management rights to the fishery domain within their mapped jurisdiction for an officially recognized period of three years, which is renewable. Fishing in the CFI is strictly meant for subsistence and only very small-scale nets and traps are legally permitted. Consequently, the risk of overfishing is minimal in this salubrious and highly productive ecosystem. Each CFI is required to prepare their own management plan to chart out how they will utilize and conserve their common domain and its resources. This plan includes a careful inventory of the different ecosystems

in the area; listing of the fish species diversity and seasonal patterns; the total fishing assets available with the members and a rough assessment of the sustainable resource yields which can be harvested. All the commoners of the CFI are duty-bound to protect their commons from harm. Formal patrolling groups composed of members are active in all CFI.

An assessment made in 2012 – of the 450 CFI established by then – demonstrated that the aquarian reforms resulted in a much wider distribution of the benefits gained from the teeming fishery resources of the Lake and also the other riverine and marine areas brought under the CFI regime.

Leading the list of benefits was the greater quantities of fish consumed by the rural population – particularly the children. Secondly, the use of the small cash incomes from sale of fish contributed to family expenditures such as children's school books; minor health costs and minor repair of homes; purchase of rice in the lean season and such like. For the rural communities such small but crucial expenses make significant differences in their lives. Knowing that all this comes from resources over which they have collective control is a great source of empowerment.

Democracy

There have also been tangible improvements in the local ecosystem through the collective efforts of the CFI members to protect the flooded forests; plant mangroves; stop destructive fishing and other conservation measures. The structured role of women in the CFI committees provided new avenues to gradually bring in more gender equality in the communities. Some of the best functioning CFI are marked by a greater participation of women in them.

The governance of their CFI has thrown up new leaders; reinforced the merits of collective action and made a significant dent in the 'trust deficit' which prevailed due to periods of conflict and war. But there are also many challenges to overcome. These include, importantly, the bane of illegal fishing and the conflicts arising

from it. There are dispute settlement procedures and graded sanctions in place, but the will of the community often pales before the might of the powerful. Another issue of concern is the 'restrictive' definition of the organization as a 'fishery' institution when the clear majority of the community only fish for consumption but depend on agriculture and other service sector activities for their main livelihood. Noting the small but significant nutritional, economic and social benefits which widely accrued to the communities from his earlier policy pronouncements, the Prime Minister completed his reforms in 2012 by taking over the remaining half of the fishing lots. Some were converted into exclusive conservation zones in the Lake, in his words, "to protect the lake's pressured wild fisheries on which tens of thousands of subsistence fishermen rely."

Today (2018) there are over 500 CFI in Cambodia. The majority are around the Tonle Sap Lake. Their common area covers over 850,000 ha spread across 19 of the 25 provinces of the country. There are 188,000 members, of whom over 61,000 are women. Not all the CFI in Cambodia function as 'lively commons'. Many remain 'empty shells' for lack of leadership and timely support from civil society and development partners. The framework for a modern commons and the rich experience of thousands of commoners collaborating over the last 18 years is already a huge corpus of social capital which can be tapped with the right facilitation and support.

In conclusion, it can be said that fish is an integral part of Cambodia's aquatic ecosystem, an indispensable component of its people's food intake and an essential part of Khmer cultural identity. As long that this remains true, there will be a role for CFI in Cambodia, where community-based collective action to sustain and manage aquatic ecosystems is the basis for equitable benefits to individual members. But the current reality is that there are already threats to the ecosystem, changes in food habits and new competing elements entering the cultural realm.

The greatest of these threats relate to the assault on the ecosystem: the conversion of flood plains to agriculture; the damage to the flooded

forests; the destruction of mangrove swamps and mudflats; the reduction of river flow due to erection of barriers and construction of dams; and the use of illegal fishing gear and destructive fishing methods. Much of this assault on nature is undertaken with the patronage of powerful economic interests, often with political backing. If CFI are to survive in this situation, they will have to take more affirmative collective action to guard their domain and the resources within it.

CFI

CFI were created in 2000 in a particular socio-political context which existed in Cambodia during that period. The rewards from the reforms which created CFI were reaped both by the riparian communities and those at the helm of political affairs that heralded the reforms into existence. As long as this convergence of interests continues, CFI in Cambodia have a future.

However, empowering CFI to become vibrant democratic people's organizations, living up to the narrative of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (the SSF Guidelines) and guaranteeing a bright future for the aquatic ecosystems, fishery resources and the members of riparian communities, will depend on many factors.

These include: the genuine commitment to democracy and concern for the livelihoods of the rural poor on the part of the political establishment; a strong belief in the viability of CFI on the part of the Fisheries Administration; the co-ordinated support of civil society organizations to promote self-reliance of the CFI; and the emergence of more committed leaders and enthusiastic young membership within the CFI.

The direction of events in Cambodia in the immediate future will reveal which way the dice is loaded for CFI and the riparian communities. 🍀

For more



http://www.icsf.net/images/samudra/pdf/english/issue_63/3795_art_Sam63_E_art02.pdf

Cambodia: Small scale fisheries, A Community Future

http://www.worldfishcenter.org/resource_centre/Cambodia_s%20Aquarian%20Reform.policy%20paper%20-%20English_1.pdf

Cambodia's Aquarian Reforms: The Emerging Challenges for Policy and Research

<https://vimeo.com/138482914>

Film: Give A Woman A Fish - Tonle Sap Lake, Cambodia

<http://www.fao.org/3/a-i7206e.pdf>
Community Fisheries Organizations of Cambodia: Sharing processes, results and lessons learned in the context of the implementation of the SSF Guidelines