

Refereed article

Legally Entitled or Dispossessed? Gender, Large-Scale Land Acquisitions and Agrarian Transformation in Cambodia

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Summary

Over the last decade, large-scale land acquisitions for the purposes of natural resource extraction and agribusiness have expanded in several countries, particularly in the Global South. In Cambodia, large-scale land acquisitions were enabled through Economic Land Concessions (ELCs) under the 2001 Land Law, which also transformed customary norms governing land access. Between 2001 and 2012, while smallholders' access to land shrank considerably, the Cambodian government is estimated to have leased more than half the country's arable land to private investors for agro-industrial development. This article focuses on the gendered implications of large-scale land acquisitions by mapping shifting agrarian livelihoods against reforms enacted under the 2001 Land Law. I argue that though the current legal framework governing land in Cambodia includes the provision of joint titling of private property, it simultaneously transformed access to the "commons." This shift, alongside the contestations inherent in legalizing property, are key to transforming agrarian livelihoods in Cambodia, experienced through locally specific gender relations. I support my arguments using qualitative interviews conducted in villages bordering ELCs in two provinces in northeast Cambodia.

Keywords: gender, Cambodia, land reforms, large-scale land acquisitions, dispossession

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Introduction

In the aftermath of the 2007–2008 world food crisis, which significantly intersected with crises in global finance and climate change, many countries in the Global South witnessed a boom in large-scale land acquisitions (LSLAs) for agro-industrial development. Some estimates suggest that between March 2008 and April 2009, nearly 40 million hectares—20 times higher than the average annual rate of land transfer in the preceding four decades—were involved in land transfers (Wolford et al. 2013). The striking rise of LSLAs over the last decade has produced mixed reactions from scholars and policy makers. Some have emphasized their inimical impacts on smallholders, indigenous peoples and other land users (Hall et al. 2015; Borras Jr and Franco 2013), dubbing these acquisitions “land grabbing” to underscore the violent, asymmetrical power relations implicated in these transactions (Borras Jr and Franco 2012). Others have suggested that LSLAs can yield a number of developmental benefits, including job creation, infrastructure development and improved agricultural productivity (Cotula et al. 2009; Mirza et al. 2014).

In Southeast Asia, Cambodia has emerged as a regional “hotspot” of land grabbing and scholarship resoundingly suggests that LSLAs have caused social and environmental harm that exceeds their purported developmental benefits (see for e.g. Scheidel, Giampietro, and Ramos-Martin 2013). The legal framework governing LSLAs emerged under the 2001 Land Law, which enabled the Economic Land Concessions (ELCs) policy alongside other significant reforms, such as Social Land Concessions (SLCs), thus transforming access to and ownership of private land. The policy allowed the Cambodian government to transfer large swathes of state-held land to private businesses in the form of concessions and was mired in controversy from the outset due to the conflicts spurred between the state and private companies, and previous land users and inhabitants. Much of the discussions on LSLAs in Cambodia have thus emphasized issues such as the state’s use of violence, force, and intimidation against smallholder farmers and indigenous peoples that have been dispossessed of their agricultural lands and homes across the country (United Nations Human Rights Council 2012, 47; ADHOC 2015).

In this article, I move away from narratives of land grabbing centered on state violence to focus our attention on other power hierarchies embedded in these processes, namely gendered social relations. Land grabbing is thus understood here through the lenses of everyday gendered experiences produced at the intersection of land dispossession and agrarian transformation. In the existing literature on Cambodian land grabbing, gender has generally received limited attention, with the exception of women’s resistance activities against ELCs (Park 2018; Lamb et al. 2017; Park and Maffii 2017). This article adds to scholarship on land grabbing in Cambodia by investigating the gendered materialities of changing land access against the legal framework that enabled LSLAs in Cambodia. To do this, I draw

on qualitative interviews with women and men living in Kratié and Ratanakiri provinces in northeast Cambodia conducted over multiple visits in 2015, 2016 and 2017.

Framing my discussion on intersectional, gendered experiences of land privatization and dispossession, I argue that while the 2001 Land Law aimed to provide joint titling for women and men in households, it also simultaneously dispossessed them of other forms of land access, particularly to communal forests, producing distinct gendered consequences. This—coupled with the fact that both private and communal land titling have not been implemented uniformly across the country—exposes the complex interactions between market-friendly land reforms, agricultural commercialization, and gendered political economy. This firstly shows that the agrarian transition accompanying LSLAs in Cambodia is refracted through gendered power relations determining access, entitlement, and roles in production. Secondly, these complex interactions indicate that such relationships are further mediated by structures of power such as indigeneity and class relations, as well as local histories of land use and production. In this article, by contrasting experiences from two provinces, both comprised of distinct groups of indigenous minorities, varied in histories of land use, and patterns of migration and land commercialization, I discuss the commonalities and variances in gendered experiences.

This article is structured as follows. The next section presents the methods used in this study. Following this, I provide a discussion on the gendered dimensions of the 2001 Land Law, highlighting two key elements—first, the provision of joint titling in households and second, the transformed access to “the commons”—enacted by these reforms. Taking these two aspects as the starting point of my discussion, I turn to feminist writing in the fields of critical agrarian studies and political ecology to disentangle gendered questions at stake in discussions on joint titling, communally accessed forests, and large-scale land acquisitions. Finally, I use data from qualitative interviews conducted in Kratié and Ratanakiri to sketch gendered experiences of land commercialization driven by privatization of land and large-scale land acquisitions.

Methods

This article draws on qualitative interviews conducted over multiple field visits to Ratanakiri and Kratié provinces in northeast Cambodia in 2015, 2016 and 2017. I visited these areas with a group of Cambodian researchers working for a non-governmental organization (NGO) as part of a larger research project studying the relationship between gender, land commercialization and food security.¹ During

1 The project, titled DEMETER (*Droits et Egalité pour une Meilleure Economie de la Terre*), is based in universities and NGOs in Switzerland, Ghana and Cambodia. For further information see: <https://r4d-demeter.info/>.

the period of our research, political sensitivities over land grabbing were heightened. As forced evictions and other human rights violations linked to land grabbing in the country gained national and global visibility (see for example United Nations Human Rights Council 2012), the ruling Cambodian People's Party (CPP) government was increasingly concerned by the role of civil society organizations in highlighting the regime's egregious role in enabling dispossession (LICADHO 2016; 2020). Rising political tensions necessitated attentiveness to boundaries for our research—both with respect to areas we could visit and the questions we could ask our interlocutors concerning their experiences of dispossession. As a non-Cambodian Asian woman employed by a university in Europe, I was also aware that my presence invited additional curiosity and risks of surveillance during field research. In response to some of these issues, our research team chose to work in villages where my Cambodian colleagues had longstanding research links and felt secure conducting interviews. Additionally, to protect the identity of our interlocutors, the names of respondents and villages we visited are not mentioned in this article.

With the help of interpreters in Khmer and indigenous languages, I conducted 72 semi-structured interviews in Kratié and Ratanakiri, in a total of 14 villages, 7 in each province. Table 1 summarizes information on research participants. As the article discusses later, the dynamics of land dispossession and land commercialization are linked with the politics of migration, while ethnic divides overlap with class and gender to produce different patterns of access to land.

In each village, I first spoke at length to community leaders and village chiefs, before approaching households for interviews. Household research participants were selected through a combination of purposive and snowball sampling techniques. My interviews were based on a semi-structured interview guide that touched upon diverse issues relating to livelihoods, resistance against land concessions and gendered relations in households and communities. These interviews were later transcribed and coded using the qualitative data analysis software Nvivo 11. My coding protocol included a mix of inductive and deductive methods. Following an initial round of coding, the categories and codes that emerged became the foundations upon which I performed subsequent rounds of coding. Since the interviews were carried out over repeated field visits to the same locations, coding and data generation were integrated processes.

Table 1. Summary information on interviewees

Ethnic group	Number and percentage of interviews by province and sex								
	Kratie			Ratanakiri			TOTAL		
	Female	Male	TOTAL	Female	Male	TOTAL	Female	Male	TOTAL
Charai				16	12	28	16	12	28
Khmer	5	5	10	2	1	3	7	6	13
Khmer Islam	5		5				5		5
Stieng	10	4	14				10	4	14
Tampun				5	7	12	5	7	12
TOTAL	20	9	29	23	20	43	43	29	72

Gendered dimensions of land acquisitions: Rights, access, and livelihoods

This study is centered on a question raised in several inquiries on gender and development: How have women's property rights and access to land been transformed in relation to large-scale land acquisitions and other market-oriented reforms? To answer this question, in this section I first present a background on the Cambodian land reforms in the twenty-first century. Following this, I discuss insights from feminist studies on land rights and dispossession and connect these to Cambodia-specific literature pertaining to land rights.

Background: Cambodia's land in the twenty-first century

The restructuring of property rights was a key feature of Cambodia's transition to a neoliberal, free-market economy in the 1990s from the socialist regimes that previously ruled the country. Under the brutal Khmer Rouge regime (1975–1979), private property was abolished, and agriculture was collectivized. Following the Vietnamese intervention, which established the People's Republic of Kampuchea (PRK) between 1979 and 1989, collectivization of agriculture continued under the *krom samaki* (meaning “solidarity group”) system, where groups of 10–15 families used land, agricultural equipment, and animals collectively (Diepart 2015, 10).

After reintroducing private property rights in the 1990s, the Cambodian government created a comprehensive legal framework for land ownership, underpinned by the ideologies of market-oriented development, in 2001. Drawing on colonial law developed during the French protectorate in Cambodia (1862–1941), the 2001 Land Law recognizes three main categories of land: state land (divided into two sub-categories: state public land and state private land), private land, and communal land, including the collective ownership rights of indigenous peoples.

Under Article 59 of the 2001 Land Law, the state is allowed to lease land to private individuals or business entities as ELCs on state-held private land for 99 years.² Breaking from preceding property laws in the country (such as the 1992 Land Law), the 2001 Land Law put an end to possession rights based on occupation i.e. usufructuary rights to land for those cultivating crops as a source of livelihood. This meant that the customary practice of clearing land and using it for agriculture, which bestowed ownership rights on users, was disallowed from 2001 onwards (Diepart 2015, 16).

The clash between these two facets of the 2001 Land Law, i.e., the changing legal implications of customary land-use practices and the legalization of large-scale concessions on agricultural and forest lands in the form of ELCs, has since become the center of political contention over land in Cambodia. Given the lack of transparency in ELC allocation, these concessions have largely served as instruments of state patronage to the CPP's business and political allies. Not only have ELCs openly violated the laws and regulations under which they were to be governed (Un and So 2009), rural households have often laid claim to several parts of the lands granted as ELCs.

The lack of transparency in allotting ELCs, matched with the failure of various land titling processes, further aggravated land conflicts. Programs such as the multi-donor funded Land Management and Administration Project (LMAP), and the Land Administration Sub-Sector Program (LASSP), were both mired in controversies and effectively failed to ensure equitable and even access to land titles for existing land users. The complicated processes of registering and titling land in the country mean that most smallholders affected by such overlaps did not have official documentation or measurements of their plots (So 2009, 117, 183). This led to forced evictions, dispossession and other human rights violations against smallholders across the country (United Nations Human Rights Council 2012). Civil society groups estimate that between 2000 and 2015, more than 830,000 Cambodians were affected by land grabbing (FIDH 2015). In 2012, it was estimated that 2.1 million hectares of land, more than half the arable land in the country, had been granted as ELCs to Cambodian and foreign companies.

An important gendered dimension of the 2001 Land Law concerns the provision of joint titling for women and men. This aspect of the 2001 Land Law did not represent a major break from historically established customary practices wherein Khmer and indigenous women in Cambodia possessed the right to inherit property and retain it after divorce (Mehrvar and Chhay 2008). According to a survey conducted by the government's Ministry of Planning and Ministry of Health, 54 percent of Cambodian women are estimated to be landowners and in rural areas 37 percent of women hold land through joint ownership (National Institute of

2 Under the same law, SLCs were also established. SLCs were intended to enable landless and poor people and groups including veterans and persons with disabilities to access housing and farming land (Neef, Touch, and Chiengthong 2013).

Statistics, Directorate General for Health, and ICF International 2014, 246–47). At the same time, it is important to note that tenure security—in the form of access to official land titles—remains fragile in the country. It is estimated that more than two million landowners do not have land titles in Cambodia (ANGOC and Land Watch Asia 2019, 25).

In June 2012, as conflicts over land were at their height, Cambodia’s Prime Minister Hun Sen declared a moratorium on granting ELCs—a measure that is still in force. Simultaneously, he announced a rapid titling policy ostensibly aimed at ending conflicts between peasants and concessionaires called Order 01, also known as the “Leopard Skin” policy (Milne 2013).³ This much-publicized measure, implemented prior to a closely contested national election, sought to “return” disputed lands (putatively 1.8 million hectares) to smallholder farmers. Studies have found that Order 01 was not only unevenly implemented—meaning that many smallholders involved in disputes did not receive land titles (Grimsditch and Schonenburger 2015)—but also opened up new exclusions and displacements in the course of its operation (Work and Beban 2016). Following the general election, land titling under Order 01 was suspended.

Feminist perspectives on land rights

Women’s access to land and its significance in empowering their positions in both farming processes and intra-household decision-making has been a longstanding feminist concern. But while mainstream development discourses have more unequivocally embraced the agenda of promoting women’s land rights (World Bank, FAO, and IFAD 2009, 125–27; FAO, IFAD, and ILO 2010, 89), some feminist scholars remain apprehensive of “one-size-fits-all gender and development prescriptions that still advocate a blanket policy of ensuring women’s land access through titling” (Razavi 2003, 6). In this regard, feminists have debated the centrality of land ownership for ensuring gender equality (see for e.g. Jackson 2003). While some view joint land titling as problematic for women because control over property continues to be tied to their conjugal status (Agarwal 2003), others point out that individual titling does not circumvent the problem of patriarchal structures outside the household, as women accessing individual titles in certain cases may be met with social disapproval and discrimination (Walker 2003). Scholars have also demonstrated how colonial and modern attempts at overhauling customary land tenure arrangements and introducing individual land titling have restricted women’s claims on land that were stronger under the previous system (Whitehead and Tsikata 2003). Overall, there seems to be a consensus that possession of a title (joint or individual) under (formal or

3 The Prime Minister’s 2012 rapid land titling campaign was evocatively dubbed the “Leopard Skin” (*sbaik klar*) policy, conjuring an image of the agrarian landscape where small farms resemble proverbial leopards’ spots surrounded by large tracts of concession territories.

customary) land tenure arrangements is only one step towards ensuring gender equity in agrarian economies (Razavi 2003, 21).

In Cambodia, the limitations of linking land titles to marital status have been noted. Firstly, while divorce and separation are common practices and are permitted under customary law, registering both marriage and divorce with local authorities is uncommon among rural households (Mehrvar and Chhay 2008). As a result, in cases of separation/divorce between couples, joint titles may impose an additional complication and in some cases tenure insecurity for ex-spouses, since changing legal documentation of ownership is often too costly and tedious for poor households. Baaz et al. found that “while de facto marriages were acknowledged, de facto separations were not” (Baaz, Lilja, and Ostlund 2017, 217), implying that even where women did not want their partners’ names included on the land titles, they may be pressured by local authorities to include them.

As natural resources in agrarian societies are accessed in gendered terms, studies also highlight that the loss of such resources is also experienced differently by women and men. Michael Levien’s (2017) comparative study of gendered impacts of dispossessions in five cases in varied geographical and historical contexts finds that due to women’s higher dependence on common resources, the enclosure of commons hurts women’s livelihoods more than men’s. He also finds that women’s labor was marginalized or increasingly exploited, contingent on the economic opportunities that replaced dispossessions; but in both situations, patriarchal social relations were strengthened (Levien, 2017, p. 19). In the context of global land grabs, scholars argue that when common resources are targeted by investors, women are more likely to be affected by these transactions (Daley and Pallas 2014; Tsikata and Yaro 2014). For example, in Southeast Asia, a study on the indigenous Dayak Hibun community in Indonesia, where smallholder farmers gave up their land (under customary tenure) to an oil palm plantation company in exchange for access to smallholder plots, found that “modernization has been accompanied by masculinization of ownership and access to resources” (Ben and Julia White 2012, 1013–14). In this case, the loss of access to forest resources for food and income-generating activities, such as basket weaving for women, were not replaced with more sustainable or lucrative livelihoods (Ben and Julia White 2012, 1011).

In Cambodia, studies have parallelly shown how changing access to communal resources due to large-scale land acquisitions and privatization has produced distinctly gendered impacts. Studies among indigenous communities in Ratanakiri—where communally managed forests formed the basis of agrarian livelihoods until the 1990s—have shown how gender division of labor is transformed in the wake of land commercialization (Joshi 2020) and “women’s identity, status and autonomy as agriculturalists are eroded” (Park and Maffii 2017, 16). In lowland Cambodia, gender roles have also transformed due to the disappearance of forests. Women as food providers are now dependent on markets

to fulfil their households' dietary needs—a change that relates both to their food security and their decision-making roles in households (Reysoo and Suon 2017).

While feminist perspectives in agrarian studies often reveal differential impacts along gender lines, scholars like Razavi (2003) urge us to consider the locally specific ways in which gender shapes macro-structural changes such as agricultural policies and land reforms. In this regard, it is important to ground gender analyses in local histories of production and ownership, as well as to understand gender as intersecting with other hierarchical social relations. For instance, in the discussion on LSLAs, Elmhirst et al. (2017) draw on feminist political ecology to propose a conjectural and intersectional approach. They argue that gendered dimensions of land grabbing—in fields such as employment, decision-making, labor arrangements and access to and control of land—are shaped by agro-ecological, historical, cultural, and political contexts as well as other markers of social identity such as age, marital status, ethnicity, and class. Their study on oil palm plantations in Indonesia reveals that different modalities of incorporation and resistance to oil palm production are shaped by contrasting socio-ecological histories and in turn influence “gender relations around resource access” (Elmhirst et al. 2017, 1137).

The feminist interventions discussed above highlight that women's livelihoods are dependent on a variety of sources, private as well as communally held (Razavi 2003, 29). The question of how access to common resources vs. private resources was transformed through the changing configuration of property relations is thus an important axis on which the gender dimensions of the 2001 Land Law can be perceived. At the same time, feminist political ecology perspectives demonstrate how even within a single country context, variation in agro-ecological and historical factors such as patterns of land use and migration, and other axes of power/difference such as race and ethnic identity inflect gendered experiences. In this way, we can expect the reforms under the 2001 Land Law in Cambodia and ELCs to produce multiple gendered subjectivities that are situated in their local histories and shaped by intersecting identities.

Gendered experiences of agrarian change in northeast Cambodia

Kratié and Ratanakiri: Contrasting local contexts

Situated in the northeast of the country, the two provinces studied in this article, Kratié and Ratanakiri, bordering Vietnam, are characterized by the presence of indigenous communities. The rich, red soil found in these provinces has made them major targets for large-scale agricultural concessions, particularly for rubber production. In both provinces, the villages I visited between 2015 and 2017 have been directly affected by ELCs in the last 10 to 15 years.

According to government sources, 30 large-scale and 19 small-scale ELCs were registered in Kratié as of 30 December 2010, covering 22 percent of the province's

territory (Neef, Touch, and Chiengthong 2013)⁴. Snuol district in Kratié, from whence data for this article was generated, is among the districts with the highest numbers of land concessions in the country (Schoenberger 2017) and has thereby also become a site for increased political contention over land. In Snuol, I visited villages comprised of indigenous Stieng populations and Khmer migrants, including one settlement of a Muslim minority community known as “Khmer Islam.”

Ratanakiri is home to the largest population of indigenous people in the country (National Institute of Statistics, Ministry of Planning 2013). Indigenous populations in Ratanakiri traditionally practiced a shifting form of cultivation until the mid-1990s (Bourdier 2009). With dense forest cover found in the highland region of Ratanakiri, non-timber forest products (NTFP) were also an important source of households’ livelihoods. As of 2012, Ratanakiri had 22 ELCs, of which 18 used rubber as the main or sole investment crop (Gironde and Senties Portilla 2015). I visited two of Ratanakiri’s easternmost districts, Andong Meas and O’Yadav.

In both provinces, ELCs have been the source of conflict between local populations that lost access to agricultural land and/or communal access to forests on the one hand, and the government, and ELC-holding companies on the other. Figure 1 presents a national map of Cambodia displaying the prevalence of land concessions in Kratié and Ratanakiri provinces.

All the villages studied in this article have faced conflicts with ELCs in the last five to seven years, resulting in the loss of agricultural and/or forest land. Among the households interviewed, 15 stated that they owned no agricultural land. These households were entirely dependent on wage labor, small-scale businesses, or environmental incomes for their livelihoods. Aside from these landless households, many households interviewed owned between 1 and 5 hectares of land.

Patterns of smallholder migration have also resulted in growing pressure on land in north-eastern Cambodia in the last decade. In the years following the 2001 Land Law, the movement of communities from the land-scarce, lowland central plain areas to the forested provinces in the northeastern and northwestern parts of the country (Diepart 2015, 19) have had a lasting impact on these provinces’ indigenous populations. In Kratié and Ratanakiri provinces, both characterized by sizable indigenous populations, the concession boom was accompanied by an increased inflow of Khmer migrants, speculative land markets and illegal clearing of forested land (Baird 2014; Ironside 2013, 261). Between 1998 and 2008, Kratié and Ratanakiri’s populations grew by 1.93 percent and 4.67 percent respectively, while Cambodia’s average national growth rate for this period stood at 1.54 percent (National Institute of Statistics, Ministry of Planning 2013, 17).

4 The lack of more recent, publicly available figures on land concessions in Cambodia is related to, and indeed indicative of, the illegality, controversy, and political tensions over land governance in the country.

Figure 1. Cambodia's land concessions

(Source: LICADHO, 2021, URL: https://www.licadho-cambodia.org/land_concessions/)

In this regard, the differences in the histories of migration into the two provinces crucially shaped patterns of land access and dispossession. According to interviewees in Kratié, Khmer migrants arrived in these villages almost 20 years ago, clearing agricultural land from forests and buying land from local indigenous people. However, the more recent migrants belonging to Khmer and Khmer Islam communities were most impacted by ELCs and thus are commonly landless. For indigenous Stieng communities, loss of land was partial, ranging between 2 and 12 hectares.

In Ratanakiri's O'Yadav district, on the other hand, indigenous Charai and Tampun interviewees commonly attributed landlessness to land sales to Khmer migrants and investors. Meanwhile, in Andong Meas district, several indigenous households stated that they had lost access to 2–10 hectares of fallow agricultural land to overlaps with ELCs but were not completely landless. In contrast, Khmer migrant families in Andong Meas had almost no access to land. However, these households possessed enough capital to run small grocery businesses, which allowed them to rent land from indigenous households for cash crop production. In such cases, Khmer women were commonly in charge of managing grocery shops, while their husbands focused on farm work.

Contrasting patterns of migration and land access also carry important gendered implications, particularly in the realm of inheritance and marriage practices. In Ratanakiri, our Charai and Tampun interviewees spoke of inter-marriage between Khmer men and indigenous women as a driver of land dispossession, arguing that migrant Khmer men were marrying indigenous women to take over the land these women received through inheritance (field notes, 2015). One respondent in Ratanakiri mentioned:

My mother just shares the land so that I can work on it. She dare not transfer land to me because I got married to a Khmer man. She is afraid that my husband would leave and sell the land. (Woman, 25, Charai, Ratanakiri, 2020)⁵

Traditionally, Charai and Tampun communities are matrilineal clans, where valuable assets and land are inherited by female descendants, with the youngest daughter usually inheriting the family home (Bourdier 2009). In both groups, marriages are not arranged and both women and men have the right to choose their own spouse. In this regard, we see that in the statement above, increasing pressure on land and suspicion over Khmer migration into Ratanakiri has an impact on indigenous women's customary rights to land through inheritance and their freedom to choose a spouse (see also FAO 2019). In Kratié province, where there is a longer history of migration from lowland areas, inter-marriage among Khmer and indigenous Stieng groups is more common and less contested.

Gendered access to land

The status of land titling in the villages I visited in Kratié and Ratanakiri was highly uneven. Systematic land titling has never occurred in these areas and only some parts of the districts received land titles under Order 01. In both Snoul and O'Yadav, our interviewees recounted that those areas facing conflict with ELCs were not accorded titles and, in some cases, villagers received titles only for their house plots, but not their farming lands. Access to land titles during Order 01, according to some villagers in Snoul, was politically motivated.

The side of the village where soldiers, the village head and the police had land conflicts with the ELC received titles. My land was situated in an area where poor people had their plots, so I didn't get a land title. (Man, Stieng, 50s, Kratié, September 2016)

In Andong Meas in Ratanakiri, most households did not have land titles due to ongoing conflicts with Vietnamese rubber companies. Women in these households stated that they would like to have land titles to protect their lands from the company or "rich people from the city" that may lay claim to them. In this way, class and political connections are thus significant features determining access to land titles for inhabitants in the villages I visited. Here, women's lack of political

⁵ Interview data, DEMETER 2020. This interview was conducted as a follow-up visit to the same villages by members of the DEMETER project.

and social capital marked their inability to secure their lands. In an interview with a recently separated single mother, she said that obtaining a land title meant negotiating webs of patronage.

I want to get a land title, but I don't know how much it costs to ask the village head. If officials ask me for extra money, I wouldn't be able to pay it. (Woman, Charai, 30s, Ratanakiri, August 2016)

The value of official documentation is also significantly linked to access to microfinance loans, which are frequently collateralized by land titles in rural Cambodia. Several micro-finance institutions (MFIs) were active in the areas we visited, and our household interviewees indicated that they accessed loans. In this regard, cycles of indebtedness and land repossession that increasingly characterize Cambodia's agrarian landscape due to a largely unregulated microfinance sector (see LICADHO 2019) were a palpable source of stress and coercive land sales for households in our study areas.

Class differences based on land ownership played an important role in determining the need for microfinance. Women in households with medium to large farming plots (5–10 hectares) and those with smaller plots (<5 hectares) presented contrasting reasons for borrowing from MFIs. Those in the former category stated that they accessed MFI loans to hire labor, while for poorer women access to loans was the only means of buying food during the “lean season” of the agricultural cycle. Unlike previous periods where land—both privately cultivated and communally accessed—was a source of food for households, commercial crop production, land commodification and the enclosure of the commons have transformed the role land plays in ensuring social reproduction. Instead, we see that for the poorest households in Cambodia land's value is increasingly borne against microfinance debt to match the increasing cost of food and the social reproduction of the household under agrarian commercialization (Green 2020).

While women from indigenous households in both provinces cited inheritance as the main means of accessing land, what was also evident was that in many cases women were not equally involved in decision making on cropping and land sales. In Ratanakiri women in seven landless households attributed their situation to distressed land sales made by their husbands due to gambling. A woman whose ex-husband (a Khmer man) sold the land she had inherited from her parents recounted:

I didn't want to sell my land. But people my ex-husband lost money to kept coming to my house. I was forced to sell the land because there was no way out. (Woman, Tampun, 20s, Ratanakiri, 16 August 2016)

Such narratives suggest that land ownership in the form of jointly or individually held property, in and of itself, does not ensure women's control or decision-making ability. We see through examples of distressed sales relating to gambling how unequal gendered power relations within households, shaped by the intersecting

categories of class and ethnic difference, come into sharp focus as land value is more tightly linked to circuits of exchange.

Gender and wage labor activities

The women I met in both provinces emphasized that owning land was an essential component for ensuring their livelihoods. The preference for farming one's own land rather than being employed on a farm belonging to others was common among the women we met. A crucial reason for this is the difficulty of managing wage work and domestic responsibilities, particularly childcare. The preference for farming and wage labor activities was also reiterated by male respondents. The inherent inequality of wage labor arrangements instead of doing one's own farming was an important concern. As an elderly respondent from the indigenous Charai community observed:

When we sell our labor, the person with the farm gains the most and I just get some small change. (Man, Charai, 50s, Ratanakiri, 17th August 2016)

In cassava farms, women and men receive \$5 USD per day as wage laborers. However, more lucrative non-farm jobs such as construction work and transport are reserved for men. Jobs in the ELCs surrounding the villages I visited were also limited. According to the villagers in both provinces, companies managing ELCs hire Khmer migrant workers from the lowlands and from across the border in Vietnam to work on their plantations. The migrant Khmer workers (male) that had previously worked as full-time employees of the ELCs described working conditions and wages as sub-optimal. A young man in Kratié said that he received around \$110 USD per month for planting, weeding, and watering in a rubber plantation ELC, but these wages were not enough for him to support a family once he was married. "Even after working four years at the company, I didn't save any money," he commented (Khmer man and Stieng woman, 20s, Kratié 19th September 2016).

On rubber plantations, the more lucrative rubber tapping jobs (paid around \$230 USD per month in Kratié) were challenging, because they involved working from midnight to the early morning, which according to employers was the best time to tap rubber trees. These timings also mean that women are largely not hired for these tasks due to concerns for their security. Such practices suggest that gender importantly shapes access to income-generating activities created through large-scale land acquisitions. The narratives above indicate that higher paying jobs at rubber plantations are *de facto* "men's jobs" as women bear the brunt of the potential threat of gender-based violence in the workplace.

Among the indigenous communities, there are clear gender differences in seeking business or wage labor opportunities outside the village. Indigenous men in both Kratié and Ratanakiri, particularly younger men, are typically more likely to find wage labor and business opportunities in neighboring villages and district centers, while women cited their lack of education and language skills as problems when

interacting with Khmer-speaking migrants. In contrast, Khmer women migrants in villages in Ratanakiri that operate small businesses did not cite gender-based challenges in their interactions with indigenous “outsiders” (Khmer woman, 30s, Ratanakiri, 14th August 2015). Overall, while both Khmer and indigenous men predominantly access lucrative jobs in the district centers, including small government jobs, businesses or services, the perception that Khmer migrants have higher skills and access to social and financial capital to secure such jobs was commonplace.

Migrating for work outside the province is not practiced at all among both men and women in the villages studied in Ratanakiri. A young woman interviewee who mentioned that though her family was in serious need of more income, the option of migrating for work was too risky because she feared being trafficked for sex work (Charai woman, 20s, Ratanakiri, 12th August 2015). In Kratié, where there has been a greater exposure to Khmer migration, several indigenous Stieng women and men in the villages studied have travelled outside the province to seek factory jobs in Phnom Penh or in neighboring Thailand.

Changing access to forests

Given the expansion of ELCs in the areas I visited, lack of access to forestry has been a major feature of transforming livelihoods. Differences in access to food has been the most significant consequence of losing access to forests.

Our biggest expense is food. When we lived in this village earlier, we had enough to eat because of the forest. The quality of the rice was also better then. We didn't need to buy food in the market. (Woman, Tampun, 60s, Ratanakiri, August 2016)

In villages that successfully fought back against concessions granted on forested lands, “community forestry” or locally managed forested areas continue to provide an important source of income from NTFP, particularly for women. In Kratié, women mentioned collecting wood from their community forest and selling it as charcoal in the district center market as an extra source of income. However, community forestry only served a purpose when it was located within walking distance of the village. Women in O'Yadav, Ratanakiri mentioned that because of domestic responsibilities and lack of access to household motorcycles (which were mostly used by men), they were unable to go to community forests in neighboring villages or districts. With the transformation of the agrarian landscape, the remaining pockets of communal lands for household food requirements thus do little to help the daily social reproductive work of women in such cases.

During my interviews, I found that the view that maintaining communally managed forests is beneficial for the village was alluded to in several interviews but was by no means uniform. The increasing need for cash has made timber extraction a lucrative activity for some villagers. In four villages in Kratié, young men in their 20s and 30s, particularly in households that had lost (partial or entire)

access to their farm lands due to ELCs, mentioned illegal logging of neighboring forests or in other provinces as an important source of additional income for their families. As one village chief from a Stieng community argued:

We cannot blame anyone [for cutting down the forest]. Those that dared to cut the forest, got land [...] If we didn't do it, someone else would have. Then, they will have land, and we would be laborers. (Man, Stieng, 60s, Kratié, 21 September 2016)

Conclusion

In this article I have discussed the gendered implications of the increasing commercialization of land and agriculture, with a focus on the tensions between access and property, entitlement, and dispossession. Based on interviews conducted with rural women and men in land concession affected areas in Kratié and Ratanakiri provinces, I found that access to land titles is uneven. This uneven access, alongside the orders of legitimation in the form of “hard” or “soft” land titles, reflects the ways in which claims on land are enmeshed in webs of power, wherein gendered hierarchies further fracture women’s access. Such hierarchies, as I have shown, are significantly textured by ethnic and class differences, which further shape the power relations that determine access to and use of land.

Accessing a land title or legitimation of ownership is a process mediated by capital—economic, political and social—which in turn affects the potential to benefit from farmland, as well as other livelihood resources such as micro-finance loans. As Sikor and Lund assert: “property relates to authority because property claims require support by politico-legal institutions in a position of authority” (Sikor and Lund 2009, 9). Viewed from a gender perspective, women’s claims on land must also be viewed in relation to their access to politico-legal authority. Secondly, the examples of distressed land sales made by women’s spouses highlight the importance of access control, which is also a form of contestation over meanings and values of resources (Ribot and Peluso 2003, 159). Patriarchal relations within the household, as feminists have long argued, are an important site for such contestation (Agarwal 1997) and evidently mediate control over resources.

For households dispossessed of land, where their claims on land lost out to competing claims made by the state or private companies, wage labor and environmental incomes are salient. However, access to both these resources is also mediated by hierarchies, capital and conflicting interests. Gendered patterns of access to wage labor demonstrate that women earn less and must balance such jobs with unpaid care work, which is not always feasible. This confirms patterns seen in other contexts, where loss of livelihoods from common resources were not equally replaced by wage labor or non-farm incomes for men and women. Income from forestry continues to play an important role in supporting rural women’s livelihoods in some areas, particularly for food and sometimes extra cash. However, masculinized activities such as illegal logging and clearing of forests are

also embroiled in claims over natural resources and are at loggerheads with preserving forests for communal use. These examples help highlight that the 2001 Land Law in Cambodia therefore not only changed the structures of property and entitlement but also the value, meaning and control over resources. Understanding the gendered consequences of the 2001 Land Law by studying gendered experiences therefore ultimately speaks to questions of whose interests, whose claims and whose power shapes access, ownership, and control.

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Acknowledgements

Research leading to this publication has been supported by a grant from the Swiss Programme for Research on Global Issues for Development, co-funded by the Swiss Agency for Development and Cooperation and the Swiss National Science Foundation [grant number 400540].