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The Emerging Khmer Extractive Industry: Engine of Unsustainable Development?

Jean Chapman

Sustainable development is taken to mean meeting the needs of today without compromising the ability of future generations to meet their needs. Unsustainable development compromises the land and her riches, and future generations meet their needs with unpredictable State apparatus. Local and foreign publicly listed companies, and investors, have arrived from Australia, Canada, China, France, the Republic of Korea, Japan, Malaysia, Singapore, Sri Lanka, Thailand, the USA and Vietnam, to explore Cambodia's gold, bauxite, silver, lead, copper, zinc, iron ore, granite, coal, nickel, gemstones, zirconium, graphite, tungsten, manganese and rare earths, and to drill for on-shore and off-shore petroleum and natural gas.

The transition in Cambodia is from a classic case of conflict timber during the civil war, to post-war social conflict rooted in forest exploitation and commodification. An argument made is that elite control of Cambodia's most valuable resources contributes to corruption, political factionalisation and unsustainable economic growth (Philippe Le Billon, quoted in Wallace and Conca 2012, p. 505). A similar argument is that the same elite which squandered Cambodia's timber resources are responsible for selling off its mineral, petroleum and natural gas wealth (Global Witness 2007, 2009, 2012).

Developing the Argument

The resource curse occurs when countries with an abundance of natural non-renewable resources experience stagnant growth or economic contraction. That happens when the national economy begins to focus on a single industry, such as mining for gold, and neglects other major sectors. The Dutch Disease, on the other hand, is when a nation finds ample natural resources; economic focus begins to target this high-income industry; skilled workers move in from other sectors; higher wages make national currency less competitive, and other industries begin to suffer. One could justifiably theorise the Khmer extractive industry (KEI) within either of these paradigms. What I explore here, however, is framing KEI within neo-liberalism, which is an economic doctrine that favours privatisation, deregulation and unfettered free markets. The liberal consensus that was practised up to the early 1970s was understood to be an uneasy agreement between government, capital and labour, and that markets produced social ruin when left to their own devices. The State – argued Western governments, academia and the media – was needed to mitigate inequality, provide basic services, and to even out boom and bust cycles.

The meaning of the prefix 'neo' is the subject of much discussion. On the political right, led by Milton Friedman, are those who argue that the failure of both State socialism and the welfare State made neoliberalism inevitable. For the left, neoliberal policies are an expression of the interests of capital which have infiltrated government in order to reverse post-war regulations. A keener observation is that under neoliberalism the nature of the State changes from being an entity standing above society and intervening in its economic functioning in the interests of society as a whole, to becoming an entity acting exclusively to promote the interests of finance capital. No longer is the State a spender, an investor and a producer. It assumes a new role of carrying out privatisation, disinvestment and deflation (Patnaik 2012).

The purpose here is not to theorise neoliberalism. Rather, it is a space in which Cambodia's neoliberalism can be discussed. Secondly, there are commonalities with other Third World countries, which were also theatres of brutal proxy wars during the Cold War. And lastly, Cambodia is uniquely positioned to contribute to the neoliberal discourse as the transitional process from conflict to post-conflict was a mandated outcome of the United Nations peace agreement in the early 1990s. Springer argues that an exclusive focus on external forces risks missing the profusion of local variations of the neoliberal project. For him neoliberalism is not an end state but a diverse series of 'protean, promiscuous, and processual phenomena occurring both "out there" and "in here" with differing and uneven effects' (Springer 2011, p. 2554).

With history behind it, one of the UN agencies, the United Nations Development Programme (UNDP) Asia-Pacific Region, initiated an e-discussion in August and September 2012, with the objective of identifying sustainable development strategies that work in the region. It is evident from submissions to the e-discussion (Chapman 2013) that contemporary Cambodia is the crucible for every possible strategy to rebuild a post-conflict State to accommodate global markets.

Also evident is that Cambodia is the hot-bed of every strategy to maintain single-party, autocratic rule with its 'four-way relationship between neoliberalism, violence, kleptocracy, and patronage' (Springer 2011); and, secondly, 'power has been generated through development projects and other material inducements whose source of funding were patronage politics backed by corruption that involved party and government officials, businesses people, and rural voters' (Kheang 2005, p. 224).

The argument that I make in this paper is that the Khmer extractive industry (KEI) is a site in which the elite is embracing neoliberalism and transforming alliances as a function of entrenching its power. The paper is organised as follows. The second section looks briefly at the policy framework built by western institutions and donors for neoliberalism; the third section analyses the impact of neoliberalism on the Khmer patronage system; the fourth section looks at the paradox that Cambodia is impoverished, resource-rich and aid-dependent. The paper concludes by pointing to ways in which transparency and ethics can clandestinely find their way into the KEI.

Policy Framework for Development

As part of the shift to a free market economy, Cambodia has membership in the World Trade Organisation (WTO), the International Monetary Fund (IMF) and Association of Southeast Asian States (ASEAN). The stock exchange was launched on 11 July 2011, and three State-owned enterprises have been selected to list on the exchange. Those are the port in Sihanoukville, Telecom Cambodia and Phnom Penh Water Supply Authority. Cambodia has a dollarised economy with three currencies in circulation: the Riel and US dollar throughout the country, with the addition of the Baht in the northwest.

In 2008, the Council for the Development of Cambodia was created as a one-stop service organisation for investments. It grants exploration and mining licences. The area under exploration is 13.6 per cent of the total land mass (Invest in Cambodia 2012). Economic land concessions (ELCs) are granted for forestry products, and increasingly for agribusiness and mining. ELCs transfer the authority for the exploitation of tracts of land from State ownership to private investors. It is not always evident to whom ELCs have been granted, or the terms and conditions agreed upon. In some instances, a moratorium on issuing ELCs is declared, it can get reclassified as 'temporary' and the licence is reactivated. In other instances, a moratorium is declared and within a short period new ELCs, located in protected areas, are granted (Hance 2012). The explanation given by the Royal Government of Cambodia (RGC) is that those ELCs were in the pipeline, making them exempt from the moratorium. The pipeline is a loophole now large enough to swallow the entire ELC process.

The President of the Cambodian Association of Mining and Exploration Companies believes that a setback to the development of KEI is the tendency for speculators to buy and sell ELCs with little intention of actually exploring their tenements. People are evicted from the land, high-value timber is harvested and investors leave, rather than developing the project for which they have been granted the ELC in the first place (Thul 2012). It is tempting to posit that ELCs are creating a speculation bubble around KEI.

In the post-conflict period, a major policy shift took place. The RGC reintroduced private property rights. There were 236 conflicts over land in 2009 (Yurdi, Kelley *et al.* 2010). It is estimated that between 4 to 12 per cent of the population, or between 5,00,000 to 1.7 million Khmer, are affected by forest conflict, the majority being those who derive their livelihood from forests. Not only do land disputes and forced evictions continue unabated, the use of force by the authorities and business enterprises has led to violent clashes with communities (Subedi 2012, pp. 8, 10).

ELCs have become a nightmare of abusive, uncompensated evictions. There is push-back against neoliberalism. Unlawful evictions are seen to be aberrations. Journalists are doing investigative journalism and placing findings in the public domain. Videos on illegal logging and land seizures are also in the public domain. The State and its allies remain unmoved and above the law. That will change.There is a campaign to remove Cambodia's everything-but-arms duty-free access to the European Union. 'Blood sugar' is the term used to describe sugarcane produced on grabbed land in Cambodia.

The Articulation of Patronage in Cambodia

> Corruption is a necessary component of the very *modus operandi* of a neoliberal economy. It is not an aberration. It is central to its functioning. It plays the role of creating a support base among politicians. (Patnaik 2012, p. 2)

> Cambodia remains burdened by endemic corruption and an entrenched system of client patronage that leaves many of its population impoverished and subject to exploitation by the country's rich and powerful. (Ear 2010, p. 64)

Land grabbing and evictions are symptomatic of Khmer patronage which is pervasive, clandestine and hierarchical. Rewards can include an appointment on a Board of charitable organisations, travel abroad in the Prime Minister's entourage and the entourage of his wife, or the highest honorific title in the land, *Okhna.* Judges, top monks, high-ranking military and police officials, journalists, media chiefs and commune chiefs are on an unofficial payroll. The payroll is managed by two rival patronage systems within the Cambodia People's Party; the key players are first, the Prime Minister, and secondly, the person who acts as the Party Chairman, President of the Senate, and Acting Head of State. The key players are not on equal footing as it appears that the Prime Minister has more supporters, and control over both the military and the police. Those connected to the patronage system face pressure to be agents or accomplices in the murder of political adversaries, or at least participants in an ongoing conspiracy of silence. Violence has transitioned alongside neoliberalism, and violence 'now focuses its malevolent energies on those who challenge the logic of neoliberalisation in the country, as it is neoliberalism that forms the contemporary backbone of political economic power that Cambodian elites enjoy' (Springer 2011, pp. 2562–63). The Prime Minister has proven to be a highly intelligent and ruthless leader. His 'main tactic has been the threat and use of force'(Adams 2012), and the strategy of linking big money to the rural electorate.

This is how it works. The elite and locally elected officials comprise the Prime Minister's travelling entourage. A request will be made on behalf of village residents. The Prime Minister will listen, turn toward his entourage, and he will be given a nod by an individual. The nod is a commitment to build whatever is requested. It could be a road, a well, a pagoda, a school. The Prime Minister will make a speech which is aired hour after hour on State-owned TV networks. At the appropriate time local politicians will bring out – sometimes led by the hand – the vote, and remind voters of the person and political party which gave them the infrastructure which, by this time, has the Prime Minister's name chiselled on it. The Prime Minister and officials get re-elected. This is the shadow State which extorts from businesses and manages an extensive illicit economy. It is administered by managers fluent in the jargon of good governance and sustainable development.

The system of patronage pre-dates Khmer neoliberalism. According to Springer, neoliberalism frequently opens opportunities for well-connected government officials to informally control market and material rewards, allowing them to line their pockets. What constitutes neoliberalism in Cambodia as distinctly Khmer are ways in which the patronage system has allowed the local elite to coopt, transform and articulate neoliberal reforms through a framework that has 'asset stripped' public resources (Springer 2011, p. 2555). During the 2004 rush for mineral resources, the Council for the Development of Cambodia came into being under a cloak of secrecy where bonuses totalling millions of dollars paid to secure ELCs did not show up in the 2006 and 2007 revenue reports from the Ministry of Economy and Finance (ibid., p. 2566).

What follows are two examples of the shadow State's relationship with small-scale operators. Artisanal and small-scale gold mining, generally supplemental to agriculture, have existed for centuries in the region. In 1975, there were twelve gold deposits. In July 2001, the Law on Management and Exploitation of Mineral Resources was ratified and it defines all gold mining as illegal unless permission is granted by the ministry in charge of mining. By 2004, there were nineteen gold deposits in Cambodia that employed between 5,000 and 6,000 miners. One of the major differences between the mining industry in Cambodia and those in other countries is that the sector was dominated by small companies.

The number of independent miners is decreasing. In its place is increasing control by concessionaires and wealthy miners who deploy the services of the police and army to protect their interests. Despite operating under licence, companies levy taxes and fees on independent gold miners, and disregard health and safety regulations. Mercury contamination is the most widely known contributor to environmental and social problems affecting miners, surrounding communities and ecosystems (Barreto 2011). The RGC has put small-scale and artisanal mining on notice.

Illegal mining operations will generally have to be eliminated through the collaboration of the Ministry of Industry, Mining and Energy (MIME) with all relevant agencies and local authority. In dealing with illegal small-scale artisanal mining operations in mining concessions, the Director General has been formulating a study whose findings will form the basis for developing policy that will determine how to deal with such illegal activities. The solution may include their legalisation and limiting their operations to designated areas with low mining potential and as defined by the Director General on Mines, and their organisation into small-scale mining community operations (Suy 2010, p. 2).

There are alternatives to eliminating, ghettoising and making artisanal and small-scale operations illegal. In the formalisation of the gold mining sector, for example, the RGC could consider the positive impacts of small-scale mining: it stems the flow of rural–urban migration; it maintains a link between people and the land; it makes a major contribution to foreign exchange earnings; it enables the exploitation of what otherwise might be uneconomical resources; it has been a precursor to large-scale mining, and it provides employment.

A second example of the shadow State's relationship with small-scale operators is the demand and supply of sassafras oil, a precursor to Ecstasy – a global recreational drug. Historically, sassafras oil was used in the fragrance and pesticide industries, and it is a traditional medicine used in the region to treat skin disease and rashes, and also used for decorative carvings, housing, furniture and coffins – and in Vietnam, for furniture polish.

Sassafras oil is produced from the root and lower part of a high-value hardwood tree in the protected Cardamom Mountains (in southwest Cambodia and eastern Thailand) which comprise a rain forest, national parks and a wildlife sanctuary. Harvesters cut or burn the tree, then dig out the stump and roots, cut it into blocks, place the blocks on trays above the water level in a cauldron 5–7 metres high and 3 metres in diameter. The surrounding trees are used for a high heat, subterranean slow-burn fire. The steam travels through metal tubing into vats submerged in a stream. The cool temperature leads the sassafras vapour to condense in the vat. The production process takes ten to fifteen hours, uses 0.7 to 2 tons of wood to produce 20–60 litres of oil. Each camp can produce 90–150 litres a day. 'At the height of the illegal operations in 2006, it was estimated that there were at least seventy-five processing factories run by crime syndicates' (Ear 2010, p. 64). Camps are set up for three months. Total production is/was 300 tons per annum. The price of the oil is US$2.50 per litre in the protected Cardamom forest; US$5 in Pursat and US$50 at the Khmer–Vietnamese border. The biggest producer is Heng Suon Kim who was granted an export licence which was not renewed, and the company operates illegally. The illicits still were run by Vietnamese businessmen with strong connections to the police and politicians in Cambodia (Wikileaks 2006; Chaiwat 2010).

The operation was brought to heel by the Cambodian Army, the

Australian Police and a green consultant, Fauna and Flora International (FFI). At the time the raid was carried out, 245 million Ecstasy tablets were found with a street value of US$7 billion (Ear 2010). Cambodia did not, on the face of it, gain much from the sassafras oil business. RGC and non-government organisations' (NGOs') efforts to battle precursor production typically yield factories with low-level workers, or no people at all (Chaiwat 2010). Cambodia has a lot to loose. The production sites, on protected land, are under threat of deforestation and pollution, but as long as there is 'international demand and high profitability for drugs, the emergence of new Ecstasy manufacturing facilities and the destruction of rare trees and forests will continue in Cambodia' (Ear 2010, p. 66).

The patronage system and the shadow State pay little heed to traditional knowledge accumulated over centuries; it severs a link between local, resource-rich communities and the RGC; it threatens to ghettoise artisans in non-productive areas; and it creates intermediaries who are creating new alliances and methods to wield power. Which begs the question: what is power looking like for the RGC's old allies, Western donors, who Cambodia inherited with the Paris Peace Agreement?

The Khmer Neoliberal Paradox

Cambodia is resource-rich, and I use crude oil to make the point. In 1934, Texaco marketed lubricants in Cambodia. Chevron and Texaco merged in 2001. In 2008, a retail and marketing subsidiary was changed from Caltex Cambodia to Chevron which continued to do business under the Caltex brand. Caltex operates twenty-four service stations in Cambodia, seventeen convenience stores, eight gourmet cafes and six lube bays. Chevron imports fuel and lubricants through its overseas subsidiaries. Chevron has a 30 per cent interest in Cambodia's off-shore Block A, an area covering 4,709 sq. kilometres in the Gulf of Thailand. Chevron began exploration in 2002. Not a drop of crude oil has been extracted by Chevron in Cambodia.

A second source of wealth is aid. The West bankrolls Cambodia to the tune of over 50 per cent of the RGC's annual budget, which peaked in 2008 at US$1 billion and reached US$1.1 billion in 2011 (McCartan 2011). Western dollars are controlled by donors and their NGOs. There is an estimated 3,492 registered NGOs and associations in Cambodia (ICNL 2012). Mainstream green NGOs are among the most powerful, as RGC ministries and agencies which deal with environmental issues are staffed and managed by green NGOs. Under NGO supervision the RGC has sold off land, including protected areas, more than half an ASEAN Heritage Park, 340 sq. kilometres of land carved out of a national park for a city-sized gambling resort. A 64-km highway has cut through a four-lane swathe of mostly virgin forest (Marshall and Thul 2012). Land from which people have been forcibly evicted has been sold to or exchanged with oligarchs and foreign investors. The green NGOs have remained silent on the impacts on the people and the land (Marshall and Thul 2012). Five per cent of the approximately 2,000 major development projects conducted environment impact statements between 2004 and 2011. The complicity of the greens is matched by NGOs that want access to Cambodia (Silverstein 2011, pp. 2, 3).

Change is in the air. China's investment in Cambodia totalled US$1.9 billion in 2011, representing more than double the combined investment by the ASEAN and ten times more than the USA (Thul 2012b). Cambodia's leadership functions with confidence. For example, Cambodia chaired the 28–30 May 2012, ASEAN's ten-member meeting held in Phnom Penh. For the first time there was no joint statement at the close of the meeting. The Chair had succeeded in keeping off the formal agenda, a discussion of the ongoing dispute over the South China Sea in which Vietnam, China, the Philippines, Malaysia, Brunei and Taiwan are embroiled. They have laid claim to all or a part of the disputed territories. The islands are potentially rich in petroleum, and are some of the busiest shipping lanes in the world. China pledged more than US$500 million in soft loans and grants, and thanked the RGC for its help in maintaining good relations between it and ASEAN members.

China is negotiating a free trade agreement with the ASEAN and is its biggest trading partner. China is providing military aid to Cambodia and an agreement was signed on 29 May 2012, for US$17 million for a training facility and medical supplies (Sok 2012). There was a discussion of the dispute over the South China Sea but no joint statement at the end of the ASEAN meeting chaired by the Khmer Prime Minister in Phnom Penh on 18–20 November 2012.

An insightful comment is that Cambodia's donors have cited multiple justifications for not insisting that the government implement reforms which would be in the interests of the Cambodian people. They argue that taking a stronger stance on governance will push Cambodia further into the pockets of its biggest donor – China (Global Witness 2009, p. 55). Whether it is a push or a pull, Cambodia is making accommodation with China.

The paradox is that two out of every five persons still live on less than US$1.25 a day (CIDA 2012). The country's Human Development Index (HDI) is 0.523, which gives it a rank of 139 out of 187 (UNDP HDR 2011). According to Transparency International 2012 Corruption Perception Index, Cambodia is the nineteenth most corrupt country. Behind every fact and figure are real people with real lives and true stories.

Transparency as a Counterpoint

Rather than the traditional 'conclusion' to a paper which reiterates the hypothesis and the research question, and draws together the findings, I will make a detour and answer the question, 'what can be done about this?' I advocate transparency. Transparency International was founded in May 1993, by a lapsed regional director of the World Bank. Its mission is to make a world free of corruption in government, business, civil society and in the lives of individuals. Its strategies are to compile accurate data; make data available; name and shame offenders; and share topical information on corruption around the globe.

Another initiative is tailored for the extractive industry. In 2003, the Extractive Industry Transparency Initiative (EITI) was launched. What makes a move toward embracing this initiative attractive is events might yet overtake the RGC. The US, through the Securities and Exchange Commission, passed the Dodds–Frank Wall Street Reform and Consumer Protection Act on 22 August 2012. Rules for resource extraction companies require disclosure of payments to US and non-US governments. Annual reporting requires a company, a subsidiary or an entity under the control of the company to disclose the type and total amount for each project made to each government. The Dodds–Frank Act has its opponents but in the event that it becomes law, it and similar legislation by other donor countries might leave very little wriggle room for the Khmer elite and its allies.

Should there be foot-dragging on EITI, the mining industry might implement the Goodland (2012) Eight Principles. They are:

(i) an objective social and environmental assessment for project design;
(ii) no social and environmental assessment should be kept secret from potentially impacted stakeholders;
(iii) if stakeholders do not want the proposed project, it should not go ahead;
(iv) mining must not decrease resources in areas of scarce land or water;
(v) corporations will uphold international social and environmental agreements, and the practices of corporate and social responsibility;
(vi) all mines will engage in a rigorous independent certification regime;
(vii) insurance and performance bonds should become standard; and
(viii) accurately assess all relevant costs and benefits to ascertain whether the proposed mine will earn a significant net benefit.

Goodland identifies five 'no-go' zones. Those relevant to Cambodia are fragile watersheds; biodiversity habitats and wilderness which includes national, state or provincial parks; UN Biosphere reserves; UN World Heritage Sites; and protected forests, to which can be added ASEAN Heritage sites.

Strategies that do not require legislation, rely on moral suasion and could also be the panacea for dirty money are: donors and NGOs record the names of the dead, count them, and let the world know where and how they died fighting for their rights; donors and NGOs call for a permanent moratorium on concessions and full transparency on concessions granted in the pipeline, temporary, cancelled and inactive; donors make funding packages conditional upon applying for EITI membership and rewarding full membership; only funds from donors with EITI membership be accepted by the RGC; donors and their agencies use their own and not RGC criteria to evaluate the impacts and benefits of their aid packages; a UN expert panel be struck with the mandate to link high-value natural resources and state-sponsored violence; and donors finance an in-depth study of the implications of the paradigm shift from Western to Chinese aid.

For effective public participation, the residents of resource-rich communities should be made aware of their rights and how to access them in the changing, volatile climate. Information asymmetry can be addressed using strategies such as round tables and workshops, press briefings, use of traditional media, street marches, street theatre, photo exhibits and art installations, fund-raising, film screenings, candlelight vigils, e-letter writing campaigns, bicycle rallies, high-value tree planting, social media, and open access publishing.

In conclusion, we should be alarmed that ELCs are as central to the KEI as derivatives were to the banking industry, the architects of the housing bubble that burst. The underpinning of both the KEI and the banking industry was speculation.

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