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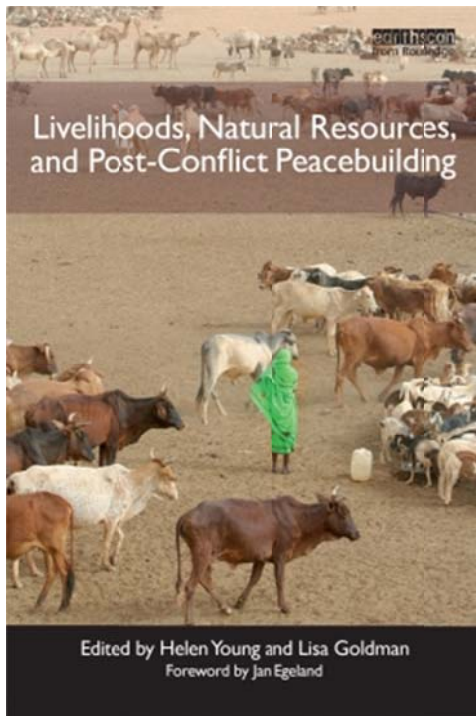
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Forest Resources in Cambodia's Transition to Peace: Lessons for Peacebuilding

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Forest resources in Cambodia's transition to peace: Lessons for peacebuilding

Srey Chanthy and Jim Schweithelm

Cambodia underwent more than a decade of civil conflict following the end of the Viet Nam War. The Khmer Rouge regime, which took power in 1975, forced much of the population to perform heavy labor and carried out targeted violence against ethnic minorities. After the Khmer Rouge government collapsed in 1979, all Cambodian warring factions agreed to begin negotiating a peace settlement. Years of negotiations in Jakarta, Indonesia, and Paris, France, culminated in 1991 in the Paris Agreements signed by all combatant groups, all major world powers, and many other United Nations member countries.¹ The accords requested the United Nations Security Council (UNSC) to assist with the rehabilitation and reconstruction of Cambodia. Administered by the United Nations Transitional Authority in Cambodia (UNTAC), UN interventions included organizing free and fair national elections, administering the country in the interim, and rehabilitating and developing the country. These goals were to be pursued by disarming all Cambodian warring factions, restoring peace and political and social stability, building democracy and a free market economy, promoting respect for human

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The authors wish to acknowledge support by the U.S. Agency for International Development for their earlier analysis of forest resource conflict in Cambodia (Schweithelm and Srey 2004). Srey Chanthy participated in the events described in this chapter as a member of the initial peace mission, as a United Nations Transitional Authority in Cambodia staff member, and later, in the 1990s, as an employee of the Cambodian Ministry of Agriculture, Forestry, and Fisheries. He also survived imprisonment by the Khmer Rouge.

¹ The Paris Agreements are formally known as the Agreements on a Comprehensive Political Settlement of the Cambodia Conflict and were signed in Paris on October 23, 1991. For the complete text of the four agreements—the Final Act of the Paris Conference on Cambodia; the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; the Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia; and the Declaration on the Rehabilitation and Reconstruction of Cambodia—see www.un.org/en/peacekeeping/missions/past/unamicbackgr.html.

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rights, and ensuring respect for and recognition of Cambodia's territorial integrity and sovereignty.

Despite efforts by the international community, the civil war caused substantial harm to the country's forests and the people who depend on them. This chapter explores the challenges UNTAC and the interim government faced and the lessons that can be drawn from the experience for future peacebuilding efforts by the international community. It begins by presenting the impacts on Cambodia's forests and forest users during the transitional period ushered in by the peace accords. It then presents a brief history of forest management in Cambodia leading up to the forest-related events of the 1990s. The chapter revisits the treatment of forests in Cambodia during the country's transition to peace, with an eye to extracting lessons from the experience. The last section considers how these lessons might be applied in other post-conflict countries with significant forest resources.

FOREST RESOURCES IN CAMBODIA'S TRANSITION TO PEACE

UNTAC administered Cambodia from 1991 to 1993 under the provisions of the peace accords, providing the international community with a key role in shaping the peacebuilding process in a country that was slowly emerging from two decades of armed conflict.

During this period, UNTAC and the interim government, the Supreme National Council (SNC), faced many peacebuilding-related challenges, including providing public security amid continuing conflict,² preparing for a general election, repatriating displaced people, and providing humanitarian assistance. They also faced the formidable task of stimulating economic recovery and generating government revenues. UNTAC and the donor community recognized that Cambodia's commercially valuable forest resources could provide a means to quickly create economic activity in the shattered economy and generate revenues for the new government.

However, the SNC first needed to control the rampant illegal exploitation of these resources, which threatened both the forests themselves and the ability of the country and the government to benefit from them. In January 1993, the SNC imposed moratoria on round log and sawn wood exports as a temporary solution, allowing for time to assess existing forest resources, which had not been inventoried since the conflict began, and to develop forest management policies and procedures. UNTAC was mandated to monitor enforcement of these moratoria, but its efforts failed to slow the illegal flow of wood out of the country (UNSC 1992). While UNTAC invested US\$407 million to train Cambodians in economic development (UN n.d.), none of this training was devoted to forest management or administration.

² Despite the peace accords, the civil war continued, with Khmer Rouge elements ambushing UNTAC personnel, Khmer civilians, and other factions.

What actually happened to Cambodia's forests after the 1993 general election was quite different from what ordinary Cambodians and the international community might have envisioned. In 1994, the newly elected Royal Government of Cambodia gave authority over timber exports to the Ministry of National Defense to generate revenues to fight the Khmer Rouge forces that still controlled the northwest part of the country (McKenney and Tola 2002). The government also gave the Ministry of National Defense control over sizable areas of forestland for a planned demobilization program. In 1995, despite ongoing talks with key donors over how to effectively manage Cambodia's forests to support economic growth, the government issued timber concessions covering 6.4 million hectares (35 percent of the nation's total land area) to international firms and political allies of senior officials (Global Witness 2002). These concessions were awarded despite the weakness or absence of forest management laws, institutions, and data. Those who lived in and depended on the forests were not consulted in the process of awarding or managing the concessions (see figure 1 for Cambodia's heavily forested provinces).

During the second half of the 1990s, Global Witness documented concessionaires, military forces, and illegal loggers harvesting Cambodian timber far in excess of sustainable levels, with no management plans in place and with techniques that significantly reduced timber yields and caused serious ecological



Figure 1. Heavily forested provinces in Cambodia

Source: Schweithelm and Srey (2004).

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damage (Global Witness 1996–2002). Royalties were paid on only a small fraction of the harvested timber, greatly reducing projected government revenues. Much of the profits leaked across international borders in the form of either wood or money, diminishing the potential for Cambodia to benefit from employment and domestic investment. Funds generated by illegal logging fueled corruption, reinforcing a system of political patronage that retarded the growth of democratic institutions and undermined the faith of Cambodians in their government. In addition, the Cambodian armed forces used funds from the sale of illegal timber and other illegal ventures to operate semi-independently of civilian oversight.

Forest communities paid a high price for this period of “anarchic logging,” as the Cambodian government later referred to it. Many communities lost important livelihood assets such as land for shifting agriculture; financially and culturally valuable nontimber forest products, notably resin; and subsistence resources such as food items and building materials. Yet even as the forests were being logged past the point of commercial viability, the government was reestablishing security in the countryside, giving forestland value that it did not have during the armed conflict. The government quickly took advantage of this opportunity to award agricultural concessions for lands located within timber concessions. The resulting forest conversion displaced communities and eliminated their access to forest resources. Since even degraded forest provides some livelihood resources compared to plantations, this de facto loss of traditional forest resource property rights caused even greater hardship than had logging.

Numerous cases were reported during the late 1990s of serious conflict between concessionaires and communities over control of forest resources, including physical intimidation and the use of deadly force by military and other government security forces working for the concessionaires (Schweithelm and Srey 2004). It has been estimated that as many as 1.7 million people (12 percent of Cambodia’s population) may have been affected by such conflict since the end of the UNTAC administration, based on an analysis of people’s physical proximity to timber concessions or demonstrated dependence on forest resources (Schweithelm and Srey 2006). Land conflicts are currently increasing as additional forestland is being awarded for agricultural plantations or mining concessions, or is subject to land grabbing by land speculators.

HISTORY OF FOREST MANAGEMENT IN CAMBODIA

The forest management events of the 1990s are rooted in Cambodia’s colonial and early post-independence history. Historically, forests have belonged legally to the government, helped support rural livelihoods, and constituted a source of political and military funding. In 1863, a French delegation concluded a treaty with King Norodom offering him military protection in return for timber concessions and mineral exploration rights (Chandler 1993). The ensuing colonial administration introduced land reform in 1884 (Delvert 1961; Tichit 1981), which included some forest governance provisions. The first Forestry Law for Cambodia

was adopted in the 1930s, which first permitted commercial logging by local businessmen.³ Throughout the colonial period, forest-dwelling people had free de facto access to forest resources, as they always had. After independence in 1953, the Royal Government under King Sihanouk continued this policy. A U.S. Agency for International Development–funded forest inventory conducted from 1958 to 1960 indicated that 73 percent of Cambodia was covered by forest, and identified specific areas for timber production, conservation, or conversion to agriculture (Tichit 1981).

Cambodia slid ever more deeply into civil war during Cambodia's Khmer Republic period of 1970–1975, a time when both the government's armed forces and the opposing Khmer Rouge fighters harvested timber to support their operations. During the subsequent rule of the Khmer Rouge (1975–1979), private rights to land and forest resources were not recognized. Anyone caught harvesting forest resources was subject to severe punishment, including death. When the Khmer Rouge regime fell in 1979, it was replaced by a Vietnamese-backed government that morphed into the SNC of the UNTAC period. Two successive constitutions in the 1980s confirmed state ownership of land and forests, while allowing limited forest use by rural people. Meanwhile, the civil war between the Cambodian government (supported by its Vietnamese ally) and the Khmer Rouge continued throughout the 1980s and well into the 1990s. Both sides sold large quantities of timber during this time to traders from Thailand and Viet Nam to fund their respective military operations (Global Witness 1997).

FOREST MANAGEMENT LESSONS FROM CAMBODIA'S TRANSITION TO PEACE

Cambodia's civil war was atypical in terms of its duration, political complexity, and the barbarity of the Khmer Rouge's four-year rule. Yet the forest management failures and consequences described above are possible in any forest-rich country emerging from a period of armed conflict severe enough to destroy forest governance institutions and capacity. In the case of Cambodia, the two years of international administration under UNTAC provided an opportunity, even if brief and under difficult circumstances, for the international community to assist the Cambodian transitional government in developing an interim framework and action plan for forest management. This would have provided a concrete basis for donor assistance in the crucial two years after the 1993 election, when the forest-related dialogue between the government and donors was largely unproductive (ARD, Inc. 1998). During this period, both legal and illegal logging activities were almost completely unregulated. The heated dialogue between the government and donors culminated in an impasse, in which Global Witness, which had been appointed by the government to serve as Cambodia's independent

³ Arrêté du 21 mars 1930, fixant le régime forestier de l'Indochine.

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forest monitor, was expelled from the country and categorized diplomatically as *persona non grata*, and the World Bank–funded Forest Management and Conservation Project was closed down prematurely. Once the government began issuing timber concessions in 1995, the opportunity to proactively guide forest management was lost—and the task of the international community then shifted to trying to limit the negative impacts of virtually unregulated timber harvesting on a grand scale.

Despite this missed opportunity, the World Bank and other donors and international organizations successfully engaged the government on forest sector issues after the concessions were awarded. Donor pressure led to the creation of the National Steering Committee on Forest Policy and four technical assistance projects to guide what had become a sector reform process: Forest Policy Reform, Forest Concession Management, Log Monitoring and Enforcement, and Forestry Law. Completed in 1998, these projects produced comprehensive recommendations for legal, institutional, and technical reform of the forestry sector, including the adoption of community forest management (ARD, Inc. 1998). Pressure from donors, international nongovernmental organizations (NGOs), and Cambodian civil society organizations mounted during the late 1990s, and forest policy took a prominent position on the agenda of the donor community’s annual Cambodia Consultative Group meetings. Partly in response to this pressure, Cambodia’s prime minister announced a broad crackdown on illegal logging in 1999, including the establishment of the Forest Crimes Monitoring Unit and appointment of the NGO Global Witness as an independent monitor reporting to the Council of Ministers and the donor community. In 2002, the prime minister announced a total moratorium on logging in Cambodia, although illegal logging and forest conversion to plantation agriculture continues to the present. Also in 2002, the Cambodian parliament enacted the Law on Forestry that incorporated many of the features recommended in 1998, including provisions for community management of forests. By 2009, 401 community forestry sites covering 380,587 hectares had been established, and an additional 2 million hectares of forestland are to be allocated for community forestry between 2010 and 2029 (Royal Government of Cambodia 2010).

The events described above must be viewed in the context of the exceptional challenges encountered in developing and implementing an effective and equitable framework of forest governance in post-UNTAC Cambodia. First, the new government was politically divided and faced difficult peacebuilding and national reconciliation tasks after years of bitter warfare that continued as government forces fought the Khmer Rouge for control of the northwestern part of the country into the late 1990s. Both Khmer Rouge commanders and government armed forces essentially controlled some portions of the country and extracted natural resources to maintain their forces. Full peace and stability was not achieved until 2001.

Second, during its rule, the Khmer Rouge effectively destroyed most government institutions and killed many Cambodians possessing technical, legal, and administrative skills. Faced with these serious shortcomings, the new government

focused on establishing core governance functions, ending armed conflict, reconciling the various factions, and ensuring its own survival. Global Witness has asserted that revenues from timber concessions fueled corruption among senior government officials and were used to buy the support of autonomous military units (Global Witness 1996).

While the government of Cambodia eventually adopted many of the elements of a forest governance framework proposed by donors, serious and largely irreversible economic, social, governance, and environmental damage had already taken place. It is clear that the international community's intensive efforts to assist Cambodia to improve forest governance and management in the late 1990s should have been initiated earlier, during the UNTAC administration, in coordination with the declared logging moratoria. However, it is not clear whether that would have prevented the anarchic logging that later ensued. Significant technical assistance, financial support, and possibly international sanctions on timber exports would have been required to achieve a positive outcome.

The experience in Liberia a decade later indicates that a positive outcome for forest management is possible in the transition from armed conflict to peace. Like Cambodia, Liberia is a forest-rich country that suffered under a brutal regime that financed armed conflict through the sale of natural resources—in Liberia's case, diamonds as well as timber. In July 2003, the UNSC imposed sanctions on the export of Liberian round logs and timber (UNSC 2003). By December of that year, the UN had already developed a program to reform the forest sector, identifying specific tasks needed and the international organizations responsible for undertaking them. This program was implemented expeditiously and ultimately successfully—resulting in passage of a comprehensive new forest law and regulations—with the support of the new Liberian government, the Liberian people, and a broad range of donor organizations (Altman, Nichols, and Woods 2012).

Despite the similarities, it should be noted that forest sector reform in Liberia was less challenging than in Cambodia for several reasons. In Liberia, the institutions of forest management had not been completely destroyed; armed warfare had ended; the moratorium was easier to enforce because logs were shipped by sea from specific, easily monitored ports; and the post-conflict government fully supported forest sector reform, including the concept of vesting forest management rights in local communities.

Cambodia's experience with forest sector reform highlights important lessons for other forest-rich countries, especially when contrasted with the case of Liberia:

- In forest-rich countries with large forest-dependent rural populations, forest management in the transition to peace is an important part of the peacebuilding process—socially, economically, and politically.
- Timber is an ideal conflict resource because it is financially valuable and relatively easy to harvest and sell. Mismanagement of forest resources is, therefore, very likely to occur in the transition to peace without countervailing

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political will on the part of host governments, awareness and participation of forest dwellers, and encouragement and financial and technical support from the international community.

- Forest governance institutions must comprise an integral part of the national governance structure to ensure sustainability.
- Timing is critical. A concrete forest management action plan and the means to implement it are needed early in the peacebuilding process to avoid the rapid depletion of forest resources.
- Community and individual rights to forest resources and land must be established early in the peacebuilding process to reduce conflict and protect livelihoods.
- Financial and other incentives may be required to achieve buy-in from the government, communities, and other key forest stakeholder groups, which may include security forces and armed groups. Enforceable legal sanctions on the international sale of timber and wood products may also be required at the outset.

APPLYING LESSONS FROM CAMBODIA TO FUTURE PEACEBUILDING EFFORTS

The events that took place in Cambodia in the 1990s raise difficult questions. The newly elected government had an electoral mandate to govern, but it was operating amidst continuing armed conflict in an underdeveloped political environment without meaningful judicial and civil society oversight. In countries emerging from conflict under similar circumstances, does the international community have a responsibility to protect the rights and livelihoods of forest communities that are severely affected by irresponsible forest management, or to prevent an important national economic resource from being squandered? Did UNTAC fulfill its mission in this regard? Or was it too narrowly focused on holding an election, rather than on creating a foundation for governance and national economic development? Tropical forests are now viewed as global resources based on their carbon sequestration value, raising a question about the right or responsibility of the international community to protect these forests during transitions from war to peace. The actions of the international community to build forest governance capacity in Liberia indicate that attitudes are changing. As a practical matter, the international community and the private sector now have legal and technical tools to reduce the international trade in conflict and illegal timber that did not exist in the early 1990s.

Assuming that the international community is responsible for taking an active role in forest management during peacebuilding, the practical actions described below are needed to prepare to meet this challenge. How these procedures and methods are applied will need to be context specific. The teams that further develop the procedures and methods and apply them on the ground will need appropriate technical skills as well as prior experience or training in

transitional environments. The overall political and security situation will need to be assessed to determine how much progress is feasible. In most cases, the process of developing a forest governance framework will be incremental, starting with a basic system that becomes more elaborate as more information and stakeholder input become available. It should be noted that some forest stakeholder groups may be difficult to engage in planning and implementation; forest communities, for example, may be difficult to access due to security concerns, and relevant civil society groups may not yet have formed. It will be essential, however, to integrate these stakeholder groups into the planning process as the forest governance framework is refined.

Practical actions that could prove useful to improving forest management during post-conflict peacebuilding include the following:

- Development of procedures and templates designed to support forest stakeholders in rapidly creating forest management frameworks and action plans that address basic policies, property and use rights, resource inventory and allocation, and procedures for timber harvest and royalty payments.
- Deployment of teams of experts skilled in key aspects of rapid forest sector assessment, including remote sensing and spatial planning, community and stakeholder engagement, forest governance, forest management, community forestry, land tenure and property rights, and forest industries.
- Development of standard approaches for supporting transitional and newly elected governments in forest management, including short- and long-term staff training.
- Identification of likely sources of donor funding for both short-term needs and longer-term support.

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