

8 **Feminist legal geographies of land titling, indebtedness, and resistance in rural Cambodia**

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Following almost 30 years of armed conflict, the Cambodian peace agreements of the early 1990s ushered in several decades of intense policy and legislative activity related to land tenure reform, which is viewed as integral to the success of democratic governance and economic development in the country. The emphasis within cadastral programmes on joint land titles, issued in the names of both spouses, is based on the widely held assumption that equal ownership and control over land will lead to women's empowerment in both the 'public' and 'private' spheres along with a host of other desirable development outcomes, such as improved agricultural productivity, child nutrition, and educational attainment. This approach is supported by a range of international development actors active in the Cambodian land sector.

While women's equal rights to use, own, inherit, and control land are seen as core components of development programmes, these initiatives tend to conceive of land as an individually held economic asset without attending to relations of power that are embedded within the norms and practices of attributing land rights in rural communities (Li, 2014; Razavi, 2003; Schoenberger and Beban, 2020). The context within which formal, gender-equal rights to land have been accorded in Cambodia is one of highly unequal neo-liberal economic development (Beban, 2021; Kent, 2016). As Katherine Brickell notes in her study of the relationship between domestic violence and forced eviction in Cambodia, the existence of a 'justice façade' or a performance of equality in the formal legal provisions on land inheritance and ownership is at odds with the multiple material ways in which women experience and resist dispossession in practice (Brickell, 2020). In this dynamic setting, social class, age, and ethnicity intricately intertwine with gender identities to produce distinct experiences of oppression and domination (Park & Maffii, 2017).

The discussion in this chapter seeks to draw out the ways in which gender matters in the Cambodian land sector. By adopting a feminist legal geography framing, it also critically analyses the manner in which the roles and agency of women and men in rural spaces are reflected in laws and debates over land and resource rights (Bourke Martignoni, 2018; Brickell, 2020; Federici, 2019). First, we outline the legal and policy frameworks developed

by the Cambodian government and inter-governmental organizations, as well as the unwritten norms and the violence that govern the allocation of rights to own and use land and natural resources in Cambodia. We argue that Cambodia's current land governance regime, which theoretically enables formal land ownership for women through joint titling and subsequent access to micro credit, simultaneously emerges as a site of dispossession with distinctly gendered consequences (Brickell, 2020). Smallholder farmers are provided with private land title in a highly competitive environment that privileges investor-friendly large-scale land acquisitions through the economic land concession (ELC) policy introduced under the 2001 Land Law, the unequal effects of which have not been offset through the creation of social land concessions (SLCs). The failure of these policies to ensure equitable outcomes – coupled with the fact that both private and communal land titling¹ have not been implemented consistently across the country – exposes the gendered geographies of the commercialization of both land markets and agricultural production.

In the second part of the chapter, we consider the exponential growth of microfinance institutions and the way that debt and the accompanying potential for land loss through repossession are imbricated within the neoliberal promotion of private land titling. Arguments made in this section show how the agrarian transition in Cambodia is refracted through gendered power relations that determine access to land and capital. These relationships are further mediated through structures of power that are contingent upon attributes such as indigeneity, socio-economic class, and age as well as local histories of land use and agricultural production.

In the final section of the chapter, we explore the ways in which land dispossession – produced at the intersection of state and market forces and frequently legitimized through the legal system – becomes a driver of public resistance, articulated through distinctly gendered political subjectivities. Examining women's participation in movements contesting land dispossession, we show how gender constructs – meanings, roles, and ideals associated with notions of femininity and masculinity – are recast in violent struggles over rights to land and natural resources (Brickell, 2020). Women's resistance to the expropriation of their homes, farms, and communally managed lands thus reveals how agrarian transformation is deeply embedded within gendered social relations and the ways in which these intimate, localized conflicts are connected to global supply chains that promote the liberalization of land and agricultural markets.

Our arguments are based on a feminist legal geographies approach that emphasizes the complex materialities of power relations within the 'law-space nexus' of land governance in rural Cambodia (Cuomo & Brickell, 2019, p. 1047). This framework allows us to make visible the temporal and spatial linkages between international and national legal and policy frameworks and their articulation with local practices of land titling, dispossession, and resistance (Brickell, 2020). Along with an analysis of relevant gender equality

provisions in land laws and policies, we draw upon empirical findings generated from semi-structured interviews carried out by DEMETER researchers over multiple field visits in the three Cambodian provinces of Kampong Thom, Ratanakiri, and Kratié between 2015 and 2020. Research participants included community leaders (commune officials, village chiefs, and deputies) and households (both women and men). Our research was further informed by interviews with national civil society actors – based in Phnom Penh as well as in the three provinces – engaged in the fields of land and natural resource governance, gender and development, and human rights. These interviews were digitally recorded, transcribed, and coded using the qualitative data analysis software, Nvivo 12. Our coding protocol included a mix of inductive and deductive methods, and the key themes discussed in this chapter were drawn out through multiple rounds of qualitative coding.

The role of the state in shaping gender (in)equality in written and unwritten land laws and policies

Private titles, joint land tenure, and large-scale land acquisitions

The gender dimensions of processes of land-use change in Cambodia are difficult to quantify, given the lack of accessible and reliable data concerning land ownership and use in the country as a whole (Kieran et al., 2015). In a comparative survey of gender inequality in a number of Asian countries, Kieran et al. conclude that land ownership is ‘very common’ among both women and men in Cambodia, that men are only slightly more likely than women to be landowners, and that a ‘higher percentage of women than men own some land solely’ (2015, p. 127). The demographic survey data on which the authors base their findings has been used by government and development institutions to underline the success of the joint titling approach that was introduced in the 2001 Land Law. In 2014, the Cambodian Ministry of Land Management, Urban Planning, and Construction published statistics that showed that spouses jointly held 63% of the land titles issued in the country (Joshi, 2018). Other data indicate that in 2017, female-headed households owned 15% of Cambodia’s agricultural land (Cambodian government, 2017, pp. 21–22).

These findings are tempered by the fact that, in 2017, almost 60% of rural households reported that they had land holdings of less than 1 ha (Cambodian government, 2017, p. 23). In DEMETER survey data from the three Provinces (Kratié, Kampong Thom, and Ratanakiri) that were sampled in 2016, there was significant land loss amongst smallholders as a result of the extension of large Economic Land Concessions (ELCs) and this process of agrarian change affected 74% of the land that was held by those farmers with the smallest amount of land (less than 2 ha), whereas those with land holdings over 7 ha reported that they had still lost 36% of their land over the preceding five years. Importantly, female-headed households are much more likely to

have smaller land holdings and are, therefore, disproportionately vulnerable to land loss (Gironde et al., 2021). Declining average farm sizes and the consolidation of land holdings into large agribusiness operations mean that most smallholders can no longer rely on agricultural production as their main source of income or food (Gironde et al., 2021).

In spite of the emphasis on national policies, and legislation on the importance of land mapping, titling, and registration, private land titles have not reached the majority of Cambodia's rural population, particularly in areas that are historically tenure-insecure and that have been targeted for land concessions (Beban, 2021; Kent, 2016; Peou & Young, 2019). A 74-year-old widow in our study noted the difficulties associated with transmitting farming land in such an uncertain climate and described the common experience of being dependent on the local government authorities for title:

I really want to have land title. I want to have it so that it is easy to take care of the land. For the land that I gave to my children, I also want to have land title for their land, so it is easy for them to take care of their land. But the authority has not come to provide land title to us.

(74-year-old woman, Kampong Thom, March 2020)

Mapping of land titling programmes and land concessions indicates that systematic titling was avoided in areas where a majority of ELCs were granted (Diepart & Schoenberger, 2017; Dwyer, 2015; Park & Maffii, 2017). Thus, people who farmed on land that was likely to overlap with ELCs did not receive land titles and also lost access to the common forest and grazing lands and fisheries that have historically acted as an important source of non-farm income and food security (Joshi, 2018).

In 2012, the Cambodian government implemented a rapid land titling regulation (Order 01) aimed at quelling land conflicts between ELCs and rural citizens, enacting what it called the 'leopard skin' (*sbaich klar*) policy, where small farms would be carved out of large tracts of concession territories or state-held communal lands (Beban, 2021). Our interviews in villages in Kratié and Ratanakiri revealed that gaining land titles for farming land on the so-called 'leopard's spots', surrounded by large agro-businesses, did not secure them against dispossession. A village chief in Ratanakiri explained how, despite possessing land titles, households situated close to ELCs often lost their lands:

The company sometimes encircles people's land and threatens to move them out of that land. In return, they offer villagers some small money, around USD 200 per hectare, as compensation. They tell them that they will lose their land in any case so it's better to accept the compensation.

(Male village chief, Ratanakiri, 2016. Also cited in Joshi 2020, p. 5)

Any findings about the role of land mapping and titling initiatives with respect to advancing gender equality therefore need to be read against the

politics of land concessions wherein the mere existence of mapping and registration processes does not automatically lead to security of tenure for either women or men. The importance of class status, political connections, and geographical location in determining access to land titles poses additional challenges for women, who are typically less embedded in local patronage structures (Maffii, 2009; Kusakabe et al, 1995; Kusakabe, 2015). A 30-year-old woman, recently separated from her partner, spoke about the bribes she may have to pay to local officials to secure title for her land:

I want to get a land title, but I 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.

(30-year-old woman, Ratanakiri, 2016)

The gender of joint land registration and titling

The 1993 Cambodian Constitution contains guarantees of equal land and property rights for all Khmer citizens as well as a prohibition on discrimination against women in line with the country's ratification of international human rights instruments, including the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Under the 1989 Cambodian Law on Marriage and the Family, spouses have equal rights to property acquired during marriage and to individually own property possessed prior to marriage or received as a gift or inheritance. Joint property may not be disposed of without the consent of both spouses. The 2011 Civil Code further strengthens the legal framework for formal gender equality in rights over immovable property in relation to marriage, divorce, inheritance, and intra-familial succession.

Despite the evidence mentioned above that systematic land registration schemes have not increased tenure security for most people in rural areas, the commonly held view amongst development actors in Cambodia is that joint land titling, whereby property is registered in the names of both spouses, promotes women's empowerment both in the 'public' domains of markets and political institutions and in the 'private' sphere of the family (Thiel, 2010). Several of the female participants in our research also expressed the opinion that their power within the household was deeply connected to the formal acknowledgement of shared land ownership and usufruct rights.

INTERVIEWER: It seems your husband is the main decision maker in your family?

RESPONDENT: Yes, because the land is under his name.

(28-year-old woman, Kratié, 2017)

Women's land tenure, however, has multiple meanings although joint title is often regarded as a proxy for the full exercise of ownership, access, usufruct, and transfer rights over land. There are many structural limitations

that interact with contextual factors to influence the extent to which spouses with joint title are equally able to exercise the ‘bundles of rights’ that attach to tenure (Doss & Meinzen-Dick, 2020). In most of the households that were surveyed in the DEMETER research, married couples with joint ownership of land reported that although women often hold family money for safekeeping and are responsible for decisions about food, health care, education, and household expenses, it was the male partner who was most likely to take decisions with respect to buying and selling land as well as which crops should be planted on it. Men’s ability to take unilateral decisions on land inherited by their partners reveals the unequal power relations in household decision-making over shared assets:

I had 2 hectares of land that I inherited from my parents. My ex-husband was a gambler. He lost a lot of money and sold my land. I divorced him because he was always in debt, and we were always fighting.

(30-year-old Charay woman, Ratanakiri, 2016)

While the woman quoted above was able to obtain an official divorce certificate, few men and women in rural Cambodia formally register marriages or divorces with local authorities. As a result, when couples separate, joint titles can impose an additional complication as changing legal proof of ownership is often too costly and difficult for poor households (Joshi, 2018; Kusakabe et al., 1995). While local authorities tend to acknowledge *de facto* marriages, they typically do not do the same for separations and our research documents many cases of village and commune officials pushing couples to reconcile, including cases where there was a history of domestic violence or an otherwise seemingly irretrievable breakdown in the relationship (Joshi, 2018). In this way, women are often pressured by authorities to maintain their former partners’ name on the joint land title documents, even if they do not wish to do so, to preserve at least the outward appearance of a harmonious settlement (Baaz et al., 2017). The Cambodian situation thus reveals the ways in which linking land ownership to marital status through joint titling of family land does not inexorably lead to women’s emancipation and may, in certain circumstances, actually contribute to their dispossession.

Under customary law, Cambodian women have the right to unilaterally inherit property and to withhold it after divorce. However, these practices are being supplanted by formal statutory law and the presumption of an equal division of marital property in the event of dissolution of the partnership. The Civil Code, adopted in 2007, provides that upon divorce, marital property and assets shall be divided equally between spouses (Van der Keur, 2014). In recognition of this, several of the respondents in our qualitative interviews stated that their mothers were reluctant to transfer land title to their married daughters, not wishing it to go to the husband in the event of divorce. One of the indigenous women in our survey area reflected on this issue:

My mother just shares the land so that I can work on it. She dare not inherit land to me for land title because I got married to a Khmer man. She is afraid that my husband would leave and sell the land. So, I just keep working on her land and get harvest for sale.

(25 year-old woman, Ratanakiri, 2020)

Another crucial disadvantage of joint titling for women's empowerment is that many women remain in abusive relationships due to fear of losing their share of land in the event that they decide to leave. Several women in our research recounted feeling 'trapped' as a result of the legal, financial, and social difficulties that extricating themselves from situations of joint ownership would entail. Similar findings have been reported by researchers working in other areas of the country (Baaz et al., 2017).

Land redistribution through SLCs

The 2001 Land Law established a dual track system of ELCs, designed to promote agricultural investment and to create employment opportunities, and SLCs that were supposed to enable landless and poor people and groups including veterans and persons with disabilities to access housing and farming land (Neef et al., 2013). Women were one of the target groups identified as potential beneficiaries of the SLC programme, which was heavily supported by the World Bank with a view to providing the poor with land as an economic and food-producing asset that could be further leveraged in order to access credit to expand their incomes (Lamb et al., 2017; Neef et al., 2013; Thiel, 2010). An additional rationale for the allocation of SLCs, provided for in the 2007 Sub-Decree on Social Land Concessions, is that they may function as resettlement sites for populations displaced by ELCs and, therefore, contribute a pool of labourers linked to the economic concessions to promote the development of agro-industries. In reality, the role played by ELCs in the creation of rural employment in local communities, particularly for women, has been relatively insignificant and the idea that displacing communities could be made more palatable through the offer of land and housing in peripheral areas with few infrastructures remains contested (Kusakabe, 2015; Diepart & Schoenberger, 2017; Joshi, 2020; OHCHR, 2018).

In 2018, the UN Office of the High Commissioner for Human Rights (OHCHR) in Cambodia conducted an assessment of six land allocation projects established under the National Social Land Concession scheme. They surveyed 640 households and found that 28% of respondents declared that the head of the household was female, with 82% of those interviewed stating that they were married or in a domestic relationship, whilst 13% were widowed or divorced (OHCHR, 2018, p. 17). On the same page, the OHCHR notes:

Gender discrimination in terms of land allocation and distribution does not appear, *prima facie*, to be an issue, although monitoring and data

collection appears to be inconsistent across the six SLC sites. Gender discrimination does appear to be a persistent problem in terms of access to education.

The OHCHR assessment found that while average income had increased for households living in SLCs, there were serious problems with respect to food insecurity, lack of water and sanitation as well as with the soil fertility of the land allocated for agricultural production. In addition, the issue of conflicts between SLC beneficiaries and local communities was highlighted – in particular, the clearing of communal forest land for the concession – as well as the lack of responsiveness of authorities at the village and commune levels of governance in connection with complaints about conditions in the sites (OHCHR, 2018).

One of the communities in the DEMETER study area includes an SLC and our findings about the impact of the allocation of land on the existing villagers as well as the beneficiaries of the project are very similar to those contained in the OHCHR assessment. Many of the people interviewed in 2016, and again in 2020, appeared unclear about who the beneficiaries of the SLC are: some stated that it was persons with disabilities, others, that it was veterans, widows, or people identified by social security services as poor and vulnerable. A number of those we spoke to pointed out the large numbers of empty dwellings and the lack of active farming going on in the community despite the stipulations in the 2007 Sub-Decree on Social Land Concessions that provide that the land allocated for SLCs must be resided upon for at least six months per year and cultivated within 12 months of it being granted. During our round of qualitative interviews in 2016, a 45-year-old widow recounted the way in which she had originally been allocated land in the SLC, but the authorities decided to convert the area into an ELC and effectively evicted the population by depriving them of food, health care, and freedom of movement until they agreed to be resettled in the village. Following that experience, she had spent many years embroiled in negotiations concerning usufruct rights over her farming land:

A: I currently own two plots of residential land. One plot I got from the committee when they moved me out of the ELC area. And one more plot I bought from a person whose name was on the list to get land as compensation from the committee when they were moved out of the ELC.

Q: How about farmland?

A: I have two plots of *chamka* (farm) land. One plot is 1 ha and one is 1.5 ha. 1 ha of *chamka* land I received from the social land concession and 1.5 ha I bought from a neighbour for 700USD. Both plots I cannot access for farming even though I got the land receipt from the village chief in 2013. I have the land receipt but have never been able to use the land for farming.
(45-year-old woman, Kampong Thom, 2016)

The contribution of SLCs to gender equality in land rights needs, therefore, to be weighed against the way in which these schemes have been implemented in practice. As mentioned in the introduction to this section, the political economy of rural Cambodia is such that statutory land laws do not automatically prevail over other forms of normativity grounded in patronage relationships, administrative practices, or even traditional usufruct rights (Adler & So, 2012). The prospects of land redistribution for women through SLCs are, therefore, relatively limited and demonstrate the ways in which poverty, ethnicity, and gender intersect in particular settings to produce specific experiences of inequality and exclusion (Lamb et al., 2017; Neef et al., 2013; Park & Maffii, 2017). The fact that most local political authorities, including those responsible for the governance of various SLCs, are male-dominated, means that these structures do not necessarily provide the opportunities for women's empowerment or gender equality in the public sphere that have often been anticipated as a desirable side effect of the establishment of government-led land redistribution schemes (Lamb et al., 2017).

The 'crisis ordinary': gendered geographies of indebtedness and land loss

A further threat to security of land tenure for smallholder farmers and rural labourers has emerged in Cambodia in recent years in the form of commercial microfinance actors that provide loans against the land titles that they hold as collateral. Several non-governmental organizations and researchers have sounded the alarm over the unethical lending practices that characterize the relationship between financial institutions and the Cambodian land sector (Bateman, 2020; Green & Bylander, 2021). To date, however, this form of dispossession has generally been regarded as a 'crisis ordinary' rather than a serious or urgent form of structural violence that demands an immediate political response (Brickell, 2020). The gender dimensions of over-indebtedness and land repossession have yet to be comprehensively evaluated. However, many of our interviewees – both women and men – reported high levels of stress connected to the pressure to repay loans, along with their fear that default will lead to land loss and the transmission of debt to other family members.

Within the new neo-liberal landscape, where rural people are encouraged to leverage their assets and become entrepreneurs, the necessity to use land as collateral for loans pushes smallholder farmers to seek formal title for their land from local authorities. As a 51-year-old married woman with several adult children noted during an interview with the DEMETER research team in 2017:

Currently many people get loans from the microfinance institutions (MFIs) or banks. Before mostly people got loans from private money-lenders but since then a lot of MFIs and banks come into the village and

many people change to access loans from them. As I said, next year I will ask for land title to make it easier to get a loan.

(Kratie, 2017)

An overwhelming number of respondents in our surveys reported juggling multiple loans from commercial financial institutions and from informal money lenders to manage ever-increasing levels of debt (DEMETER, 2021). Most of the households we interviewed stated that both partners had jointly made the decision to take out loans for farming inputs, new small businesses such as grocery stores, repayments on existing loans, medical costs, or everyday items such as food and educational expenses. Several of the loan officers from microfinance institutions (MFIs) whom we spoke to claimed that they were legally required to ensure that both of the land title holders gave their consent to the loan and that it was crucial that they were joint parties to loan agreements. Nevertheless, in practice, our research shows that it is women who often bear the day-to-day emotional load of navigating repayments.² A married Khmer woman in her mid-30s recounted that she and her husband had used their jointly owned farmland as collateral to borrow USD25,000 from a MFI for the purposes of building a house and starting a grocery and money transfer business:

Q: The loan is under your name too. If there are any problems in your family, what will you do?

A: I think if that happens, I will sell land to pay back the loan. In fact, the loan was under my husband's and my name from the beginning because we are both on the land title, but I am the one whose name is on the form that says that I will repay the money to the bank.

(Kampong Thom, 2020)

This situation accords with the social norm in many Khmer communities that it is women who hold responsibility for family financial management. While this clear-cut division of household labour is not as prevalent in indigenous communities, one of our male respondents noted that, in the Charay and Tampuon ethnic groups in upland provinces in the country, seeking assistance from informal family networks to repay loans was also regarded as falling to women:

Normally, the wife will look for a solution like borrowing money from her siblings or parents. It is rare for the husband to borrow money from his parents to repay loans because in Charay and Tampuon culture, parents help their daughters more than their sons after marriage.

(28-year-old indigenous man, Ratanakiri, 2019)

Other female respondents discussed the way in which using jointly titled land as collateral meant that they were trapped by the looming threat of land

repossession in a seemingly never-ending cycle of repayments. A 65-year-old woman from Kampong Thom whose husband had decided to become a monk and retire from their farm vividly discussed her current responsibility for maintaining the repayment schedule on her own, despite the fact that her financial situation was now radically different.

When we took the loan, they asked for the land title and how many places I had loans from. I had never had a loan before. They asked me to give my thumb print at the village. I gave my thumb print with my husband, and I had a witness and the witness also gave thumb prints on their documents.

Q. Does this mean that you still have to pay back the loan even though one of you is missing?

A. Yes, I have to pay. For example, I have to pay on the third of every month, but I cannot pay. So they will fine me because I am late.

(Kampong Thom, 2020)

The impact of microfinance debt on the accessibility of the rights to food and health is also clearly apparent in our research. In the 2020 round of interviews, a woman in her 40s from Kampong Thom was visibly upset about the way in which indebtedness was affecting her family's food security and the fact that they were trapped in a vicious cycle whereby selling land to repay loans would lead to their having even less access to income from cash crops or to food grown through subsistence farming:

We don't dare eat delicious food. We need to save money to repay the debt. Before we had a loan, we could eat 1kg of fish in two days. Now we have to make the fish last for one week. We think that if we sell the land in order to repay the debt, we will not have land to do farming and we will have even less food to eat.

(Kampong Thom, 2020)

The interviews also reveal the ways in which the gender division of reproductive and productive labour within families with respect to loan repayments reflects the political economy of rural labour markets. Many of the people surveyed noted that it is husbands and sons who bear the primary responsibility for earning income to service familial debt as women and older people are generally not able to find employment that would enable them to also care for children and other dependent family members (Joshi, 2020). There are a variety of experiences here, however, with some women reflecting on the fact that they can no longer 'stay at home, doing the domestic work' because they must contribute income for loan repayments or risk losing the family's land (36-year-old Khmer woman, Kampong Thom, January 2016). On the other hand, a 30-year-old married mother of two commented on the way in which indebtedness had further

cemented the traditional gender division of household reproductive labour in her family:

Q. You now have more loans than before. So, does your family work harder than before or not?

A. Yes, we try harder and we do not have much time to relax.

Q. When you had smaller loans, did you have to work this hard?

A. Before, we had time to stay at home. But when we took more loans we cannot stay with family, we need to earn money. For me, I stay at home to take care of children. My husband and I work harder than before. I pity my husband, but we need to do it for our family. We took the loan to buy equipment so when we pay off the MFI that equipment will become our property.

(Kampong Thom, 2020)

These gendered experiences of indebtedness tied to the potential for land loss are also mediated through characteristics such as age, ethnicity, and social class. Several of our respondents recounted stories of mixed marriages in which indigenous women had their inherited land mortgaged by their non-indigenous husbands without their consent. To overcome the potential loss of family land in this way, some indigenous women noted that their mothers were no longer passing their land down to them but were, instead, allowing their daughters to work on the land and collect money from the harvest. However, this strategy was not always successful in preventing dispossession through indebtedness. In one of our interviews in Ratanakiri, a respondent recounted a story about a couple where the Khmer husband had fraudulently used his indigenous mother-in-law's land certificate to borrow money from a cassava broker against the value of her crop and land:

The husband (Khmer man) went alone to the broker while his wife went to the farm. He showed the land certificate which belonged to his mother-in-law to the cassava buyer... So, finally his mother-in-law had to pay back the loan instead. She paid him back by selling 1ha of land to get 1,500 USD.
(42-year-old indigenous man, Ratanakiri, 2019)

As discussed in Chapter 10 in this collection, the absence of social protection mechanisms such as state-provided pensions also has an impact on the ability of many rural people – particularly women, who tend to be excluded from the formal labour market and its social security entitlements – to continue to service debt (Hiilamo et al., 2020). Many older people in our research, such as this woman in her late 50s with three adult children, highlighted their anxiety about intra-familial debt transmission:

Q. Do you still have other loans?

A. No, I don't want to borrow anymore. We are old now and we can save some money to meet our needs. If we need more money, we can sell

labour instead. We are afraid that if we borrowed money and accidentally died, our children would take over our debts. If they cannot earn money to pay back the loan, they would lose their land.

(Kampong Thom, 2019)

The expansion of microfinance throughout the Cambodian countryside is remaking the landscape and increasing the precariousness of already insecure tenure for many smallholder farmers (Green & Bylander, 2021). While the gendered contours of land use change arising from indebtedness still need to be studied, this context of intensive commercial pressure on land has led some women to take on new roles to resist multiple forms of dispossession.

Standing one's ground: women's resistance against land dispossession and commercialized agriculture

Over the past fifteen years, women have been increasingly involved in social movements that seek to contest land and resource grabbing throughout Cambodia. The presence of women as leaders of resistance movements in high profile land conflicts, including the notorious Boeung Kak lake development in Phnom Penh, which resulted in six women serving lengthy prison sentences, has been the focus of much feminist scholarship on Cambodia (Brickell, 2014; Hennings, 2019; Joshi, 2020a; Lamb et al., 2017; Park, 2019; Park & Maffii, 2017). Such protests draw attention to the ways in which constructions of femininities and masculinities and affective relationships with land influence the forms taken by social dissent as well as the ways in which gender stereotypes are strategically deployed by the actors involved (Hennings, 2019; Joshi, 2020a). Resistance to land-use change also acts as a site for the renegotiation of prevailing gender norms and points to the deep imbrication of gender hierarchies within political processes of claim-making (Beban, 2021; Brickell, 2014, 2020; Lamb et al., 2017; LICADHO, 2014; Park, 2019).

Several of the respondents in the first round of DEMETER qualitative interviews in 2016 spoke powerfully about their experiences of engaging in resistance to violent, state-supported, corporate land grabbing, and of the gender dimensions of these protests. There was a widely held assertion that women were more adept at negotiating settlements than men and that part of their motivation to take part in protests was the existence of gender norms that accord women with the primary responsibility to maintain 'land for farming to feed our families' (25-year-old woman, Kratié, 2017). In one case, a 48-year-old indigenous woman recounted the way in which her community had sought to defend their land from company bulldozers:

Q. Did anyone die or get injured when they were shooting?

A. They shot but the people ran away to escape the gun fire so no one died.

After they stopped shooting, we went back to the places again. We

decided to struggle until we die. When they used an excavator to dig land for a canal, about 20 of us walked towards the excavator at the same time. Then they stopped digging but first they bulldozed all our crops and made a canal surrounding our lands.

- Q. When you had the protest, was it women or men standing in the front line against the companies?
- A. It was women and even young girls in the front line. Men dared not stand in front, they were afraid that the company would respond more violently if they did. If the women and girls in the front line were treated with violence, then the men behind would help. But finally, we still could not win.

(Kratie, 2016)

The mobilization of gendered stereotypes about women – mothers in particular – being naturally more inclined towards the promotion of peace and non-violence is one that has been a common feature of land conflicts throughout Cambodia (Hennings, 2019; Joshi 2020a; Lamb et al., 2017; Park, 2019). There is a diversity of viewpoints about the meaning of women acting as protagonists in anti-land grabbing movements. Some authors suggest that women's bodies are being 'instrumentalized' by non-governmental organizations and that pushing them as 'human shields' into the front lines in land protests, rather than leading to increased empowerment, actually exposes them to considerable physical, emotional, and financial risk that has not been rewarded with a reconfiguration of gendered social hierarchies (Hennings, 2019). Others, like Lilja, argue that while women's resistance is 'parasitic on traditional discourses', women land activists are disrupting gendered stereotypes through these repeated assertions of their rights (Lilja 2016, p. 687). In the same vein, it has been observed that groups of indigenous women in upland Cambodia are actively exercising their agency to claim land rights even in the face of family and community opposition and in the absence of external support (Park & Maffii, 2017; FAO, 2019).

At the same time, our research made visible important variations in modes and forms of women's protests across regions, each marked by local histories of dispossession, agrarian change, and gender norms. Khmer women based in Phnom Penh and lowland provinces, due to their connections with civil society networks and higher levels of education, were more visible as public protestors and their protest activities received coverage in national and international media (see, for example, CCHR, 2015; Wight, 2015). In our study areas, particularly in Ratanakiri, there were few women and men from indigenous communities who had travelled outside their village to participate in or organize protest movements. A Tampuan woman who heads a civil society organization based in Ratanakiri argued that while indigenous women play an important role in anti-dispossession struggles, they engage differently from their Khmer counterparts in other regions.

Indigenous women's protest is very different from Khmer women. Our traditions are very restricting for women. Single women doing something without elder's permission is not allowed. The community encourages women to work in groups and no one becomes a 'leader' but rather women work as a collective.

(36-year-old woman, Ratanakiri, 2019)

Our interviews also reveal the many ways in which women engage in less visible forms of everyday resistance to land dispossession and to agricultural commercialization. These include women acting as organizers by collecting thumb print signatures from community members affected by land grabbing and using these to successfully petition political authorities in provincial centres for compensation and the return of land from ELCs (Kampong Thom, 2016). In Kratié, a number of families – including several headed by women – discussed their resistance-by-occupation in which they camped on their farming land for over four years to prevent their fields from being taken by the ELC. Some of our respondents who were not personally affected by land grabbing also talked about providing financial and moral support to people in their communities who had lost land out of a feeling of solidarity. In other areas and at other times, women mentioned their practices of exchanging labour and participating in the preservation of communal forest and grazing lands as strategies to ensure the continuation of non-commercial circular economies (Female focus group discussions, Kratié, 2017; Ratanakiri, 2019).

Conclusions: the gendered legal geographies of land rights

The Cambodian case provides an illustration of the gendered legal geographies of land ownership and user rights in rural communities. In practice, legislative and policy measures designed to promote gender-equal land rights and employment opportunities in rural areas through presumptive joint titling, ELCs, and SLCs have not been able to redress the systemic inequalities generated by land and agricultural commercialization. Our research documents the ways in which gender intersects with ethnicity, social class, age, and location to produce specific forms of legally sanctioned dispossession.

In connection with women's access to land through state-supported redistributive schemes, Cambodian government agencies and development organizations highlight statistics that suggest women have been the primary beneficiaries of cadastral reform through joint titling and the allocation of SLCs since the early 2000s (Cambodian government, 2017; Thiel, 2010). In reality, these processes of formal tenure reform have failed to produce a sustainable system of land registration and titling and have arguably underpinned massive deforestation and privatization of common pool resources in the country, along with 'public' and 'private' violence and land loss as a result of over-indebtedness (Beban, 2021).

A feminist approach to the legal geographies of land use directs us to look at the ways in which the Cambodian government, international development institutions, and global markets are shaping both the ‘public’ space of land and agricultural investment laws and policies, as well as the ‘private’ space of intra-familial land ownership, and the household division of reproductive and productive labour (Brickell 2020; Cuomo & Brickell, 2019; Federici, 2019; FAO, 2019)). Feminist analysis also provides a counterweight to the dominant neo-liberal paradigm of land as a neutral, economic asset by attending to the ways in which land use is embedded within social relations of power at different geographic scales (Cuomo & Brickell, 2019; Schoenberger & Beban, 2020; Kelkar & Krishnaraj, 2020). A feminist exploration of material experiences of possession, dispossession, and resistance might take us beyond the existing market-centric approaches to gender equality and land governance in Cambodia towards a more equitable future.

Notes

- 1 Cambodia’s 2001 Land Law recognizes indigenous peoples’ rights to communal titling and offers protection against the acquisition of indigenous communal land by the state and individuals outside these communities. However, until 2021, only 33 applications for communal land titling had been granted by the Cambodian government (Keeton-Olsen, 2021), while many of the provisions for interim protection of indigenous lands have failed to be implemented.
- 2 See Chapter 1, ‘From food-crop to food-shop: Agricultural commercialization and food security in Cambodia’ in this collection.

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