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Reanimated City:
A Spatial Analysis of State Rule, Rupture, and Repurposing in Phnom Penh, Cambodia
(1979-1993)

By
Erin E. Collins

A dissertation submitted in partial satisfaction of the
Requirements for the degree of
Doctor of Philosophy
in
Geography
And the Designated Emphasis in
Global Metropolitan Studies
In the
Graduate Division
Of the
University of California, Berkeley

Committee in charge:

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Fall 2015

Reanimated City:

A Spatial Analysis of State Rule, Rupture, and Repurposing in Phnom Penh, Cambodia
(1979-1993)

2015

Erin Collins

Abstract

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Erin E. Collins

Doctor of Philosophy in Geography

University of California, Berkeley

Professor Gillian P. Hart, Chair

This dissertation explicates the remaking of sovereign rule through land reform in Phnom Penh, Cambodia through moments of social, political and economic reconfiguration. Depopulated by the Khmer Rouge in 1975, Phnom Penh was repopulated after the genocide by a mostly new urban citizenry. Then, in the spring of 1989, the socialist state introduced a comprehensive land reform program, that was critical to the regime's retention of power in the liberal era. What followed was a brief but highly contentious transitional period in which new land reform policies led to property disputes across the country, becoming especially violent in Phnom Penh. These territorial politics shaped and were shaped by new forms of authority, political economy, and rule of law, articulating shifting conditions of ownership and belonging. Through five empirical chapters, I explore how rupture becomes the basis upon which diverse claims to sovereignty are made. In particular, drawing from in-depth interviews with sixty-four state officials, property owners and informal settlers and archival research in the PRK/SOC state papers, and the United Nations Transitional Authority in Cambodia land dispute files, I consider how property and political regimes were co-constituted in the wake of the Cambodian genocide. I argue that by claiming a rupture with past, the state invites new urban populations to claim land in line with new conditions of ownership and belonging. In so doing, claimants confer power onto the regime's reformed political regime. Critically, these shifting conditions of land ownership in Phnom Penh are deeply entwined with a racialized state rule. In co-producing property and political regime, the state is simultaneously producing the normative national subjects that can rightfully claim a space in the city.

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LIST OF ACRONYMS

BLDP	Buddhist Liberal Democratic Party
CNRP	Cambodia National Rescue Party
CPP	Cambodian People's Party
DK	Democratic Kampuchea
FUNCINPEC	Front uni National Pour Cambodge Independent, Neuter, Pacifique, et Cooperative
KR	Khmer Rouge
PPA	Paris Peace Accords
PRK	People's Republic of Kampuchea
RCAF	Royal Cambodian Armed Forces
SOC	State of Cambodia
UN	United Nations
UNBRO	United Nations Border Relief Operation
UNHCR	United Nations
UNTAC	United Nations Transitional Authority in Cambodia

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I dedicate this dissertation to my father, Mark D. Collins, a great writer and thinker.

Erin Collins

Berkeley California
December 16, 2015

PHNOM PENH, CAMBODIA



Figure 1: "Plan du Phnom Penh en 1996". Source: Phnom Penh Municipality

METHODOLOGICAL PREFACE

This dissertation is informed by eighteen months of historical and ethnographic research conducted between June 2011 and September 2013. In the summer of 2011 I lived in Phnom Penh exploring possible topics and sources for my dissertation research. As part of this process I visited the National Archive of Cambodia where, through a conversation with archival staff, I was made aware of a collection of documents left by the UN in the wake of the United Nations Transitional Authority in Cambodia intervention. These files chronicle fourteen hundred and twelve complaints from sixteen provinces contained within thirty-four boxes. Five hundred and fifty two of these disputes pertain to disputes over land or property.¹ Twelve boxes, covering more than a third of all files and a significantly larger proportion of displaced individuals, refer to land conflicts within Phnom Penh. In addition to boxes organized by province, there are four thematic boxes: One box is entirely given over to land disputes that involve the Ministry of Defense. Another includes land disputes related to all other ministries.² There is one box composed of rejected and miscellaneous cases, and a final box containing UNTAC interoffice memos, statistical reports, policy briefs, and meeting notes chronicling the disputes in aggregate.

The Twelve Phnom Penh boxes, and four thematic boxes of this collection constitute the core primary source of my dissertation. Being introduced to this new primary source radically reconfigured my project. These files provide unprecedented detail onto the contested process by which private property and informal settlements came into being in Phnom Penh, in and through moments of radical transformation. The inconsistencies, the negotiations, and contestations between different claimants, multiple state offices and officials, and different responses from United Nations field officers, are a window onto the constitution of categories of private property and informality, social and liberal land regime and national and transnational forms of authority. In other words, these files document process of accretion (of common sense, rule of law, power) rather than the imposition of these terms as coherent or pre-given.

I complement these file histories with 64 in-depth interviews with state officials, land related NGO personnel, Phnom Penh property owners, and informal settlers. I conducted my interviews in a semi-structured, open way, allowing each interview to develop along its own particular path. Most interviews with state officials were conducted primarily in English (though almost without exception portions of the interview or certain terms or phrases would be relayed in Khmer). Most interviews with informal settlers and Phnom Penh property owners were conducted in Khmer. In all these cases I worked with an excellent set of Cambodian research assistants (who wish to remain anonymous). To the extent possible, we would conduct these interviews in Khmer, with me interrupting for clarification in English only where it was absolutely necessary (when I had lost the plot). Following interviews, my research assistant and I would rehash the key elements of the interview, and I would clarify points of confusion and fill in gaps. Then, if the interviewee had consented to be recorded my research assistant would transcribe the interview in Khmer, and we would later translate it into English together.

I began all my interviews with the same question: ‘Where were you in January of 1979, when the Khmer Rouge lost power, and where did you go?’ I asked this of powerful state officials as well as of the informal settlers facing eviction. I liked the question because it grounded the interview in personal biography, and the tangible and material elements of claiming space. I found that there was significant overlap in my categories of informants. For example, one Cambodian NGO worker with whom I conducted an interview also ‘owned’ a plot within an informal settlement. Many state officials held significant urban property and many reported

having settled along waterways or among the squatter ring that surrounded Phnom Penh in the 1980's. A significant number of informal settlers had previously owned/occupied urban addresses. Many were former soldiers, state cadre or police. Twelve of these sixty-four interviewees consented to a follow-up oral history with me. These were particularly rich sources from which I gleaned the texture of everyday life. The oral historical method gathers information about specific events or experience as embedded within the larger historical arc of the narrator's life. Oral histories were particularly adept at eliciting thick description and interconnections between different moments in the narrators' life.

Land dispute files, interviews and oral histories helped me to understand how people articulated their claims to space in the moment of post-socialist transition (as recorded in the land dispute files) as compared to in the contemporary moment. They shed light on the conditions for claiming to space in different historical moments and under different property regimes. How did people understand them then, and how do they understand them now, in retrospect? In this regard these three different methods garnered responses that at times complemented, at times corroborated and at times disrupted each other.

To get at the consolidation of state authority across moments of transformation I turned to another unsorted collection: the PRK/SOC state papers, housed on the second floor of the National Archive of Cambodia. While I was only able to explore a subset of these boxes, I hope in the future to revisit this source. In interviews I would often ask how people came to know of new laws or sub-decrees. The most common answers were: the radio, newspapers and neighbors. Newspapers were the easiest source for me to explore and so I additionally spent time in the National Library reading through Khmer and English language daily newspapers from 1979-1993. The State newspapers of *Brachijun*, *Raksmei Kampuchea* were useful sources of how the PRK/SOC state addressed the public. Other sources of this dissertation are materials from the Center for Khmer Studies library, especially the Supharid Hy papers. The library of Jesuit Refugee Services in Siem Reap also contained many NGO Forum briefs and reports concerning repatriation that I draw on in Chapter Five.

Finally, I conducted this research while living in Phnom Penh, garnering me the invaluable opportunity to discuss my thoughts, confusions and findings with friends. I saw the continuation of the issues that I studied in the archive in my everyday life. The nature of land disputes in Phnom Penh is such that you can literally never get very far away from them.



Figure 2: Grounds of the National Archive of Cambodia. Photo by author

Here you see the National Archive, where I would work most mornings, and to the right in the background you see a small hut. This is where a middle-aged woman from Svay Rieng and her extended family have lived, without title, since the mid-1980's. She manages a thriving nursery business on the grounds of the archive and her children watch over the motorbikes of the archive staff and guests. In another example, one day while sharing dinner with a woman and her family living in an informal settlement on the Southern edge of the city, and were in the midst of a struggle with local officials to remain on the land, she surprised me by narrating her eviction from the Casino Land site, a file that I had just that week been working with at the archive.

My point is that the intensity and sedimentation of these issues is such that the historical and contemporary, the textual and the material were constantly bleeding into each other in the course of my fieldwork, and this inseparability of the past and the present is central to both my methods and the way I which I theorize urban land politics.

My project is not to theorize Phnom Penh as palimpsest—as layered city. Rather, I aim to provide an account of urban space as what Walter Benjamin called a monad: a crystallization in which past and present coexist in a configuration pregnant with tensions (Benjamin, 1968).

¹ Informational Document 265: “Civil Administration Provincial Coordination” March 3rd 1993. “To date 1,412 complaints have been reported from 16 provinces. 739 cases (213 land disputes) have been closed and 617 cases (339 land disputes) are still pending.”

² Complaints are brought against the Ministry of Culture, Ministry of Social Action, Ministry of Interior, Ministry of Transport and Ministry of Health. The majority of cases within these boxes also pertain to property disputes within Phnom Penh.

INTRODUCTION: NEW PRACTICES IN THE FRAMEWORK OF OLD POLICIES

Over the course of more than three hours on June 26th 2012 Hun Sen, Cambodia's ruling prime minister of thirty years and counting, waxed philosophical before a captive and solemn assembly of 1,100 hand picked youth volunteers. These "students and intellectuals,"¹ as Hun Sen referred to them, sat in orderly rows within 'City Hall' (see figure 1)—a private event space in the architectural style of a Greek amphitheater that stands among other luxury developments with names like "The Riviera" and "Elite Town" (figure 2) on Diamond Island. Prior to significant land reclamation and fortification, Diamond Island was a seasonal sandbar formed by the confluence of the Tonle Sap and Mekong Rivers. It was the object of an intensive land struggle between the Phnom Penh Municipality, farmers and settlers in the early 2000's. Today Diamond Island sits tenuously appended to the western shore of central Phnom Penh by three suspension bridges. Property ownership on Diamond Island is unclear.

In a characteristically quixotic address that I watched on state television, Hun Sen outlined a new land reform program that marked a break with the systematic land titling program that had been in operation since the early 2000's.² Where systematic land titling was done in cooperation with foreign technical experts and paid for by foreign development dollars, Hun Sen repeatedly emphasized that this was a "Khmer program, for Khmer," and was emphatic that foreign involvement, interference and oversight was prohibited.³ With paternalistic aplomb he declared that he would pay for the program out of his own pocket. He instructed the students that they would report directly to him, and that they should refer to himself as Uncle and Bun Rany as Aunt. Each student volunteer would be issued a Cambodian Armed Forces set of military fatigues to wear while in the field. He described the land reform program as "new practices in the framework of old policies," a reference to the 1989 land reform that predated foreign development assistance.

The speech was vintage Hun Sen—an unwieldy mix of authority, charisma, and populism. He used the colloquial "chicken feather forms," (*ban slap moan*) to refer to the receipts that Commune People's Committee's issued to land claimants in the wake of the 1989 land reform. He told a personal anecdote about his family and their neighbor moving border demarcation stakes between their two plots of land back and forth in the nighttime until no one knew where the border really was. He admonished the female volunteers not to request assignment in dangerous or wild parts of the country by way of an off-color story about leaky female bodies in wartime.⁴

Hun Sen's 2012 land reform speech is my entry point into this study of the relationship between land and state power in Phnom Penh, Cambodia between 1979 and 1993. In this dissertation I document the remaking of sovereign authority in and across a moments of intensive political, social and economic change. This dissertation is informed by eighteen months of historical and ethnographic research conducted between May 2011 and August 2013. I base my analysis on a new, rich archive of more than 800 land dispute cases that erupted in the course of Cambodia's "triple transition"⁵—from war to peace, socialist to democratic rule and centrally planned to free market economy—in conjunction with research in four other archives and sixty four in-depth and oral historical interviews.



Figure 3: “City Hall” located on Diamond Island. Photo by author



Figure 4: “Elite Town housing development” Diamond Island, Photo by author

STATE REFORMATION THROUGH LAND REFORM

Hun Sen has ruled as Prime Minister of Cambodia under three different political titles, and across two transnational interventions.⁶ Hun Sen and fellow Cambodian People’s Party (CPP) leadership claim their mandate from their overthrow of the Khmer Rouge, joined with their success in developing the country.⁷ Yet, these claims have been greatly strained in recent years by the scale, scope and intensity of land disputes, eliciting a set of seemingly contradictory responses from the CPP. 2012 was “the most violent year for land disputes in Cambodian history,”⁸ punctuated by military assassinations of a land activist and a thirteen year old girl, more than two-hundred land related arrests, and more than twice the number of protests over evictions as seen in 2011.⁹ In 2012 Prime Minister Hun Sen also abruptly announced the land reform

program.

The morning after Hun Sen unveiled his land reform in the form of the televised Volunteer Land Titling speech introduced above, the *Cambodian Times* and the *Phnom Penh Post* each ran stories detailing the policy and political content of the speech. Both suggested that Hun Sen's land titling program was a case of cynical vote buying in the run up to the July 2013 national elections, and both stripped the speech of its more florid content. The 'vote buying' aim of the land reform is patently evident and well rehearsed: On the eve of the 2003 National Assembly elections Hun Sen similarly announced a radical slum upgrading policy, promising to upgrade one hundred of Phnom Penh's poor communities per a year between 2003 and 2008 (Rabe, 2009). Yet, elections are an inadequate measure of public will in authoritarian states. Indeed, the ruling party lost the 1993 elections to the royalist FUNCINPEC Party, and it is widely believed that they also lost the 2012 elections. Yet, the CPP have retained political authority in both cases. It reasons then, that vote buying does not adequately explain why Hun Sen would go to such lengths and expense, if he does not, in fact, need votes to maintain power.

Land reform, meanwhile, is a powerful tool of sovereign remaking. The efficacy of land reform as a means of renewing regime authority arises from its capacity to reconfigure power relations in everyday life (Lefebvre, 1979). For regime authority to be durable, it must reproduce itself through the minutia of everyday social relations—and in so doing create a new political space (Lefebvre, 1979). In the chapters that follow I rely on the tools of critical geography, especially Lefebvrian concepts of the Production of Space to train our collective eye on struggle, process, and contradiction (Hart, 2006). The proliferation of recent scholarship on dispossessions and evictions within Cambodia have rarely been attentive to the highly uneven yet significant moments of land redistribution such as have occurred in 1989, 1992, and 2012. Indeed, Hun Sen's characterization of the land reform as "new practices in the framework of old policies" indexes the current political and property regime as predicated on an earlier history of mutual recognition in which the state has "given" land to the people. This history necessitates an analysis of dispossession and redistribution as two interconnected facets of the same process of land governance by which sovereign power renews itself in moments of political crisis.

This dissertation provides a critical spatial analysis of state rule in Phnom Penh Cambodia. Geographer Simon Springer has written much on land politics in Cambodia—though his theory of power and of the state differs from my one. Springer (2009, 2012) argues that the key turning point in Cambodia's land regime was the passage of the 2001 Land Law, but this reiterates a top-down analysis of power. The 2001 Land Law enshrined unlimited private property rights and reclassified much state public land as state private land, which could then be sold or leased to investors. While the 2001 Land Law is certainly tool for violent accumulation, it is not the modality by which land governance produces space and organizes consent. To see this we have to focus on practices and processes much closer to the ground. If 2001 was a watershed moment, as Springer argues, we need to understand the conditions of its making. What were the series of emplaced practices and grassroots administrative structures that allowed such a coercive mandate to take root? In order to understand the contradictions and the possibilities of the present moment, we need a better understanding of the past that explores how authority has been assembled and stabilized across three political systems and two foreign interventions.

How one understands land politics is fundamentally entangled with how one understands the Cambodian state. The view from the present moment of the seeming totalizing nature of the power of the ruling, authoritarian regime lends itself to representations of the CPP's rule as coherent across time and space. Indeed, the predominant analytic frameworks applied to

Cambodian land politics are neo-patrimonialism (Hughes C., 2003; Un and So, 2011) and neoliberalism (Hughes, 2008; Springer, 2009, 2010, 2012). The neo-patrimonial framework argues that we are seeing a contemporary manifestation of the centuries old political norm of patron-client relations. The neoliberal argument sees the increasingly unequal land regime as a local articulation of the global ascendancy of market liberalism. Both conceptualize the state as monolith. This has distracted our attention from the fragile and uneven processes through which the ruling regime's state authority was produced, and must be reproduced.

In contrast, I focus on the everyday dimensions, cultural practices of state formation. Two days after Hun Sen's Volunteer Land Titling Speech, a contact within the Department of Land Management, Construction and Urbanization, passed me the translation of the speech that had been circulated among foreign staff working in the land sector. This translation too had been cleaned of the uncomfortable parables and anecdotes that had peppered the television address. Whereas the performative elements of Hun Sen's speeches are generally dismissed as window dressing for authoritarian rule, I contend that cultural politics are not incidental to state power. Indeed, I contend that the referents of reclaimed land, female bodily excess, demarcation stakes, and military uniforms that animated Hun Sen's speech are of central importance to Cambodian state craft and rule. In the chapters that follow I pay particular attention to the following elements at play in Hun Sen's speech: the past in the present, state paternalism, and the materiality of claims to land.

RUPTURE AND REPURPOSING AS A DIALECTICS OF RULE

By any account Cambodia's recent history has been punctuated by a series of radical transformations. Most life shattering among these was on April 17th, 1975 when Khmer Rouge soldiers emptied Phnom Penh of its residents at gunpoint. Residents were told that US bombing was imminent and were instructed to pack enough food for three days of travel. In fact their journey was much, much longer. Former Phnom Penh residents were marched to collective rural work camps and agricultural projects, where if they were lucky they would live until January 7th 1979 when Khmer Resistance Forces and Vietnamese troops liberated Phnom Penh, forcing the remnants of Democratic Kampuchea to flee to the Thai border. The Khmer Rouge left in their wake a population that had been uprooted from home and family. A great number of these people walked to Phnom Penh, in the hope that they would find food aid and security there. Others walked to the Thai border, searching for the same. This is where my analysis begins, with the reanimation of the Phnom Penh in 1979 by a population whom for the most part entered the city for the first time.

The historically unprecedented emptying of a major metropolitan area, and its reanimation, four years later by an almost entirely new population gives rupture powerful resonance in the city. Given this recent history, it is not surprising that in eighteen months of archival and ethnographic fieldwork in and around Phnom Penh, I continually encountered discussions of rupture.¹⁰ These representations, whether out of the mouths of Ministry Officials, Commune or Village Heads, Civil Society actors, or scholars had a particular tone to them. The proliferation of phrases such as, *blank slate*, *new program*, *fresh-start*, *clean-slate* as well as declaration of *nothing left behind*, *totally destroyed*, *missing*, that pepper my research notes and transcripts all turn around notions of erasure. Yet, in spite of this language, such accounts were at each turn complicated by, and entangled with, descriptions of the myriad practices by which officials and individuals repurposed existing space and the social relations that subtend it. The productive potentialities of this dissonance were first crystallized for me in a three hour-long interview with

His Excellency Lim Vaun, Director in Charge of the Department of Cadastre.

Lim Voan keeps his one of a kind copy of Rene Morizon's 1933 doctoral thesis¹¹ on the introduction of private property in Cambodia in a glass-covered bookshelf behind his desk. Each left facing page is written in his own penmanship in French, while the right facing pages is lined with his equally fastidious Khmer script. It took Lim Voan exactly a year to translate and copy the text. As we sit in his capacious office on the first floor of the new and imposing Ministry of Land Management building on the Southern stretch of Phnom Penh's Preah Monivong Boulevard, Lim Voan pulls this and other hand-copied, laboriously translated manuscripts out of desk drawers and places them on the table between us. As he does, the traces of the past in the present are suspended, as if in amber, in the material forms and bureaucratic practices on display. Through the course of the interview we lurch forward and backward in time, as Lim Voan narrates the uneven sedimentation and frequent intrusions of past land regimes into the politics of claiming space in the present moment of renewed, intensive land conflicts of 2012.

Lim Voan began surveying land in Prey Veng in 1969 as a cadastral agent. Between 1971 and 1975 he was a writer within the same department. One of only thirty National or Provincial cadastral officers working in the Department of Geography after 1979 (there had been approximately 1000 staff prior to the Khmer Rouge genocide), Lim Voan was among a small group tasked with putting the cadaster together as part of the state apparatus of the Vietnamese controlled, People's Republic of Kampuchea (PRK) that ruled between 1979 and 1989. After 1980 he studied and worked within the Department of Agriculture, working on the National Platform on Land Reform in 1987. This research prepared the ground for the reintroduction of private property rights in urban areas and possession rights in rural areas that was officially promulgated in the 1989 sub-decree "On Giving Land to the People" on April 23rd 1989.¹² A few years later Lim Voan helped write the 1992 Land Law that gathered together the various programs and policies of the 1989 land reform into codified law. Lim Voan further contributed to the 2001 Land Law, and today sits on the committee tasked with synchronizing and integrating Cambodia's myriad land related decrees, laws and procedures.¹³

As we discussed his biography and the chronology of Cambodia's property regimes, Lim Voan stayed in motion, sifting through desk drawers and cabinets, looking for maps that were missing, books and photographs that spoke back to my questions. When I asked about the United Nations Transitional Authority in Cambodia (UNTAC) period (1992-1993) and the explosion of land disputes that occurred in the crucible of that 'transition,' he raises a finger and retreats to a filing cabinet in the corner. He emerges with his UNTAC issued identification card, dated 1992, that verifies his official status as part of The National Committee for Returnees.

By the end of our meeting, the desk between us was littered with artifacts of these moments: a dissertation on how to induce private property amidst customary relations in Cambodia, the "*Code Civil Cambodgien*" (1951), Jean Delvert: *Le Paysan Cambodgien* (1961) and *L'Agriculture Au Cambodge* (Tichit, 1969); two short field manuals on the *krom samaki* socialist spatial form of graduated solidarity groups for collective agricultural production; and his UN identity badge. As a socialist and then post-socialist state functionary, Lim Voan combed black markets for maps from the Lon Nol period of crony-capitalism and US military bombing campaigns. In the National Library, he assiduously hand-copied manuscripts that were quite literally the former field guides of empire. With recourse to these documents Lim Voan gathered up and repurposed the detritus of colonial, military and socialist empire in order to lay the base maps for yet another accretion of state space.

The fragments and artifacts of Lim Voan's personal account index the fractured, recombinant form of Cambodia's urban space even as it traverses moments of rupture. Lim

Voan was not showing me representations of state space past; he was showing me what the current land regime is made of. In light of these tensions this dissertation will explore what I am calling rupture and repurposing as a dialectics of rule. By this I mean the following: moments of rupture become the basis by which certain kinds of authority and sovereignty are made. I argue that in Cambodia sovereign authority renews itself through the two-staged process that first evacuates space of its historical content—through the specter of rupture—and then, in a second move invites historical time back into abstract state space—creating the legitimating myth of state power premised on rescue, rebirth, and the blank-slate.¹⁴ Yet, as I document in the chapters that follow, rupture produces not so much a closure, as an amplification of possible claims. In the wake of rupture, the new property regime, common sense, and conditions of intelligibility are worked out through a period of intensive struggle over land and meaning. In dialectical fashion, claims to rupture and instances of repurposing generate new contradictions that state authorities must break from anew.

As a concrete elaboration of this theory: the ruling regime has time and again deployed the apparatus of land reform to renew their authority *as state* across moments of political, social and economic rupture. Claiming a rupture with past, the ruling party then invites the population to claim land in line with new conditions of ownership and belonging. In so doing, claimants confer power onto the re-formed political regime while ratifying the new property regime. Despite laws that declare a break with previous conditions, most often we see that preexisting claims remain valid but must be readdressed to the state in new terms. For example, the 1989 land reform and the 1992 land law both stated unambiguously that pre-1975 property claims were invalid. Yet, as I will show, there are many examples of Phnom Penh residents recovering their pre-revolutionary properties. Towards the middle of Hun Sen's address to the Student Volunteers he said something quite striking:

As I arrived here today, I learned that while initially only 150,000 families were requesting land measurement in one area, now we already have 300,000 families. I do not obstruct them. People know better than us what they are doing. According to the sub-decree, we could only provide each family with five hectares. Now, for those who claim ten hectares, we would have to issue title for five hectares for him and another five as small-scale economic land concession. He would not accept this small piece of economic land concession. Instead, they split the family into two so that each would get five hectares. I only caution that we have to be clear that self-occupation and possession of land [] cannot be recognized or provided with land titles.¹⁵

In other words, while the sub-decree limits the size of a claim to five hectares, families can claim their existing larger tracks, if they structure their claim according to the terms of the land reform, while properly addressing Hun Sen's authority.

State rule in Cambodia, like state rule everywhere, is invested in and operates through racial-state and patriarchal power. In different moments over the past half-century, anti-Vietnamese, anti-Chinese and anti-Thai racism have operated as a palpable political force in Cambodia, expressed most often in the idiom of land and blood. While I touch only briefly on anti-Chinese and anti-Thai racism, I deal directly with anti-Vietnamese racism as a mode of statecraft and rule. This was the articulation most present in my archival and ethnographic research. I argue that the intensity of anti-Vietnamese racism and the intimate anxieties that attend it emerge from a shared but differentiated history forged in the crucible of French colonization, Indochinese Communism, the American War in Vietnam, and the Sino-Soviet

split. This history renders Phnom Penh a global as well as national and regional fault line. This history places representations of race, gender and sexuality in the center of the constitution of Cambodian sovereignty.

CHRONOPOLITICS:

The temporality of rupture does critically important political work. In each chapter I identify the particular temporalities that subtend different claims to space and to authority. I explicate how rupture is articulated in the discourse of death and rebirth (Chapter One), transition (Chapter Two), the temporary (Chapter Three), the seasonal (Chapter Four), and finally how declarations of rupture prefigure the selective reincorporation of national bodies in the course of repatriation (Chapter 5).

This line of argumentation builds on scholarship of post-colonial, transnational feminist and critical theory. In 1991 the Paris Peace Accords declared a rupture with this paradigm, and “a break from policies and practices of the past,”¹⁶ mandating the most expensive and intensive United Nations Peace Keeping Operation to date: the United Nations Transitional Authority in Cambodia (UNTAC) intervention. The language of transition in the title is instructive. Mimi Thi Nguyen theorizes transition as “a chronopolitics of development” (2012: p47) that is both an invitation to historical time and an alibi for the continuation of liberal empire when conditions of inclusion are inevitably not met. If we think about transition as a move away from the past, it is also, simultaneously a move to index the past and fix it in a particular historical frame. Lauren Berlant (2011) argues that trauma as a genre has “induced a periodizing norm for writing about the history of the present,” in which we assume that in the wake of trauma people are always ‘stuck in the past.’ Berlant points out that an acute engagement with one’s present is equally an outcome of living through trauma. In Cambodia, I argue that this periodizing norm is expressed as rupture.

THE URBAN MILIEU

Though this is an urban study, my analysis is not bounded by the city’s limits. Rather, I take as my object of study the urban milieu of Phnom Penh. The concept of milieu gathers together race, space, sexuality and technologies of urban planning. Foucault links the emergence of the concept of milieu directly to the problematic of circulation and the technology of urban planning that co-emerged in the early 19th Century (2007: 20-23). Foucault writes,

The milieu, then, will be that in which circulation is carried out. The milieu is a set of natural givens—rivers, marshes, hills—and a set of artificial givens—an agglomeration of individuals, of houses, etcetera. The milieu is a certain number of combined, overall effects bearing on all who live in it. It is an element in which a circular link is produced between effects and causes, since an effect from one point of view will be a cause from another... Finally, the milieu appears as a field of intervention in which...one tries to affect, precisely, a population. (2007: 21)

Paul Rabinow gives us a genealogy of the term, as it moved past mechanical coordinates as, “the medium through which action takes place at a distance,” through the biological realm of “environmental influences,” and into a socio-natural set of interrelations, with clear racial correlates that actively shaped all elements within. (1989: 31-33).

The milieu under study in any given historic moment is inextricable from the process of knowledge production about the milieu. The urban milieu of this study includes transnational

circulations of Vietnamese advisors and labor migrants, United Nations peacekeeping forces, rural Cambodians who reanimated the city after 1979, the urban poor who have been displaced from the city, and the border refugee population. It incorporates material process of land reclamation, obstruction, destruction, and construction. The Phnom Penh milieu that I study includes historically and geographically specific articulations of multi-scalar technologies of truth making, urban planning, land reform and social engineering. I deploy the analytic of milieu, rather than ‘assemblage,’ because milieu bears the accent of empire—as do contemporary constructions of race and nature.

The dialectical emergence in the early French colonial period of the concept of milieu with practices of earth reclamation and sand dredging was pivotal as milieu congealed racial essence, natural landscape, mode of production and disease into a form of governance and object of developmental intervention. Subsequent transitions from a socialist to a liberal property regime that involved the formation of a land market and concomitant processes of dispossession were informed by this notion of milieu that gathers together diverse elements of a landscape into a singular developmental object. I argue that topographical difference was not simply the urban ecological manifestation of capitalist relations but rather a key modality through which racialized and classed difference has been produced and reproduced. Milieu provides the language and theoretical armature to my analysis of the interplay of nature, race, circulation and power.

The concept of milieu was central to the work of French geographer Pierre Gourou¹⁷—a forefather of Anglophone development geography and Francophone tropical geography (Power & Sideway, 2004). Gourou argued that intensive landscape modification was indicative of higher civilization concluding: “in reality it is the milieu that matters not the climate... The milieu does not consist of the climate alone, but also of tropical diseases, agricultural conditions, and the native population.” (1955 [1936]: 113). In his influential and widely read ethnography of the landscape and life ways of the “*Peasants of the Tonkin River Delta*,” wet-rice cultivation through irrigated agricultural methods was not simply the mark, but also the bearer of intergenerational progress and civilization.¹⁸ Methodologically, Gourou was one of the first to pair ethnography with aerial photography to capture what he called the “*viu de ensemble*” (Haffner, 2012). Gourou stressed homogeneity among particular ethnic groups, and heterogeneity between them, and in his writing he searched for the topographical imprint of “harmonious groupings of landscape and social forms”—the way in which the natural and built environment both produced and expressed the social and political natures of their inhabitants (Ibid.). When ethnographic detail of everyday life was paired with the objective view procured through the military technology of aerial photography, social and ecological natures congealed as man and milieu. Gourou and his contemporaries valorized the Cambodian rural peasant structure, arguing for measures to protect rural ways of life, while at the same time portraying these lifestyles as backward and uncivilized (Cleary, 2005: 362).



Figure 5: “The history of Phnom Penh is, in a sense, a history of water” (Vann, 2003:104)

The Lower Mekong Delta is a transnational space. For millennia a floating population of Khmer and Vietnamese, Chinese and Cham, among others, have moved back and forth across the national border, seasonally. David Biggs (2011) writes that colonial surveyors despaired that in many parts of the delta their border demarcations were annually submerged by a watery landscape of intermixing. French engineers complained about what they called the ‘dead spots in the river’ where the current came to a languid standstill, gathering silt that beached their large commercial barges. Biggs remarks that these same spots were colloquially referred to by Khmer and Vietnamese fishermen as, “meeting points;” denoting two different relationships to the rhythms of the deltaic landscape.

The “Phnom” of Phnom Penh means hill, and designates the only natural elevation to speak of in the city. In the rainy season all but the Phnom is below the water level of the three rivers and the numerous large lakes within and surrounding the city. Prior to colonial incursion the King owned all the land, while people settled and cultivated land in accordance with rural agricultural and ecological cycles. Originally settled in the 15th century, Phnom Penh was a small and unassuming settlement until in the early 1880’s when, at the behest of the French, King Norodom made it the capital of the Protectorate and the site of his new royal palace. At that time the city was defined by one main road (the Grand Rue) that ran for approximately three miles along the river, intersected by a number of smaller streets that pushed modestly westward into the interior (Muller 2006: 63-66). Penny Edwards (2006) recounts that prior to the French colonial period race operated as a fluid marker in the city, denoting one’s style of dress, habits of prayer and facility with language, rather than discrete categories, per se. As a Southeast Asian trading port, facility and identification with multiple ‘racial’ identities was a considerable asset.

In 1884 a French journalist wrote of the Grand Rue, “Chinese, Malabars, Malay, Siamese, Annamites and Europeans live in the most abject promiscuity,” (Muller, 2006: 61). In the face of such dangerous miscegenation, the French architect Febre initiated a civil engineering program designed to sort the urban population by race, while following the strict grid pattern radiating out from the Palace Complex (Wright, 1991: p180). In so doing, the Colonial racial order was inscribed within Cambodian cosmological space. The first canal was finished in the

1890's, reclaiming the European quarter from its watery environs, and carving the racial difference it purported to describe. The earth dredged from this and subsequent canals were used to infill swampy areas and to form a foundation for the streets of the French Quarter (*Ibid.* p47). Meanwhile the Khmer and Chinese quarters to the south of the city remained boggy, assembling the inter-referential elements of the “Asiatic Milieu: encompassing climate, disease, hygienic, pestilence, criminality, class and sexuality.” (Edwards, 2006: 55).

While the French were continually frustrated by their attempts to institute a private property regime in the countryside, Phnom Penh's modest size made it amenable to bureaucratic processes of demarcation, commodification and registration. Between 1890 and 1920 colonial urban planners built all the mainstays of colonial commerce and bureaucracy, “complete[ing] the capital's transformation from a rambling morass into a highly segregated and hierarchal city” (Edwards, 2006). Land reclamation was key to this transformation. Engineers erected a series of dikes in concentric rings, radiating out from the European Quarter. The first dike was constructed in 1920, reclaiming 400 hectares in 1920, and another 675 in 1940¹⁹. Modifications to the physical landscape of the city were conjoined with transformations in property regime. Land was officially recategorized from property of the crown to ‘property of the state,’ and urban territory was parceled into private plots (Nam, 2011: 59). In matters of trade and commerce Phnom Penh was reoriented towards the metropole, while becoming functionally integrated with the greater Indochinese bureaucracy that extended outwards from Saigon, and encompassed all of Cambodia and Laos (Brocheux et al., 2009).



Figure 6 & 7: The image on the left and right are wall-sized murals: “Indochina” and “Saigon and Environs,” that adorn the inside atrium of Saigon's central post-office. Today, the murals flank an equally large portrait of Ho Chi Minh. Photos by Author

The dissolution of the colonial space of Indochina left Vietnam, Cambodia and Laos formally independent but functionally entangled. Goscha writes, “everything that went into the twining of Laotian and Cambodian resistance zones to their Vietnamese opposites was symbolic of the rebinding of the two sides of the former French colonial bloc into a counter economic, administrative and military space” (1995:79). Although the three nation spaces had never been as administratively homogeneous as colonial proclamations wished/declared them to be, they were entangled through labor migration, road, rail and telegraph networks, and the inculcation of an Indochinese imaginary through schooling, travelogues and cartography. The dying days of French Empire thus incubated an Indochinese communist movement that was often at an angle to the nationalist passions that fueled the three nations' independence movements (Marr, 1997;

Zinoman, 2001, Goscha, 1995).

Post-colonial Phnom Penh was distinctly cosmopolitan in matters of race and taste, but increasingly stratified by class. As first Prime Minister of the Independent nation and then Head of State, Prince Sihanouk was thoroughly modernist in statecraft and aesthetics. The Prince saw no place for the muddled slums of the urban poor in the city of “la joie de vivre”²⁰. By and large, poor areas, characterized by impermanent wooden housing, were razed and their inhabitants displaced beyond the outer dikes of the city. In the *Sangkum Reastr Niyum* (1955-1970) period the city was expanded south along the Bassac River and West towards the new airport. In this period Vann Molyvann and his collaborators built what remain (and don’t remain) most all of Phnom Penh’s iconic buildings and key civic centers: the Chamkarmon Theater (now destroyed), the Independence Monument, the Bassac Development (destroyed, except for the white building), Olympic Stadium (sold and rumored to be awaiting redevelopment) and the Teachers College (Ross et al., 2006).

Vann Molyvann remains Cambodia’s most important architect and urbanist. His buildings profoundly shaped post-colonial Phnom Penh. His team’s incredible productivity in the *Sangkum Reastr Niyum* yielded social as well as aesthetic transformation. These buildings were concrete configurations of power and state planning—epitomized in the triangulation of major architectural focal points in the city such as Olympic Stadium, Borei Keila athletic grounds and the Athletes Village along the Bassac Riverfront. Incorporating water within the urban environment is a hallmark of Vann Molyvann’s aesthetic. Engineers complemented land reclamation—enlarging the city by 1300 hectares in 1960—with the enhancement and deepening of lakes to naturally contain the seasonal floods. The new approach was to absorb and disperse rather than barricade against inundation. Vann and his team of engineers and architects dredged sand from the Mekong to build up the lower areas of the Bassac Development area (an area that was densely settled by squatters in the late 1980’s and early 1990’s, and violently cleared in a spate of evictions between 1992 and 2001.)

Vann considers the Olympic Stadium to be his crowing achievement²¹. Colloquially referred to as ‘Stat Olympic,’ it remains today the most significant public space in the city. The sloped earthen ramparts of Stat Olympic rise organically from the grounds, while (at one time) the surrounding catchment lakes absorbed and slowly dispersed the seasonal floodwaters. The Stadium itself stands as monument to all that seemed possible in the immediate post-colonial moment. It is difficult to reconcile that moment in which it was imaginable (at least to the city’s elite) that Phnom Penh would be among the pantheon of world cities able to host to the Olympics, with the long interim of war, dislocation and destruction that followed.²²

In the Khmer Rouge era the Olympic Stadium was the site of mass executions of Lon Nol soldiers and others. Though the city was emptied in 1975, it was not kept empty; the State of Democratic Kampuchea maintained state administration in the capital as well as factories, port facilities, airport and of course political prisons such as S-21 at Toul Sleng School (Tyner et al., 2014). The Khmer Rouge demolished all private property rights, in urban and rural areas. But they went much further than this: the regime deliberately destroyed the social bonds and relations that produce space, alongside the destruction of private property per say. While all urbanites were displaced to rural collectives and infrastructural projects, rural Cambodians were also moved around the country at the whim of the faceless, nameless regime.²³ Families and communities were dispersed, and personal space destroyed. This was the nightmare out of which people emerged, if they survived, in January of 1979. Starving, traumatized and separated from family and home, many walked to the Thai border in search of aid and food, many more walked towards Phnom Penh in search of the same.

STRUCTURE OF THE DISSERTATION

Chapter 1, “*Reanimated City*” traces the ruling regime’s claim to authoritarian right to the origin story of the death of the city under the Khmer Rouge, and its “rebirth” under their rule during the 1980’s. Yet, I show that the regime paradoxically refuses to recognize claims to urban space that stem from this same period. I argue that the discourse of death and rebirth is central to the management of this contradiction. Death and Rebirth keys into the lived experience of Phnom Penh residents, while also erasing the myriad ways in which people rebuilt with the detritus of the past in this crucial decade. Recovering a materialist history of this decade lays the foundation for subsequent chapters by historicizing contemporary uneven geographies such as the establishment of informal settlements along waterways, the density of settlement in the center city, the extensive peri-urban slum ring, the extent of ‘state land,’ and the functional overlap of military land and spaces of soldiers’ social reproduction. In contention with prevailing views, I argue that the land governance regime of the PRK was negotiated rather than ad-hoc. This intervention is important because focusing on the language and process of ‘negotiation’ recovers the dialectical relationship between claims to space and to state authority, and refutes regime claims to operate with a ‘blank slate’ in the 1989 land reform that reintroduced private property. The chapter closes by noting that for the political opposition and their supporters, January 7th 1979 marks a moment of sovereign rupture that precipitated ten years of Vietnamese occupation. I show that this historical framing also operates within the discourse of death and rebirth, articulated as sovereign anxieties over uncertain paternity.

Chapter 2, “Dispensing with Socialism” focuses on the redistribution of power and privilege following the formal dissolution of the socialist state in spring of 1989. 1989 was a moment of global rupture, in which the Berlin Wall fell and Vietnamese troops withdrew from Cambodia. In April of 1989 the People’s Republic of Kampuchea changed their name to the State of Cambodia and introduced a set of liberal reforms. The most important among these was the reintroduction of limited private property rights in urban areas and rights of possession in rural areas. I show how the land reform was critical to the regime’s remaking of their sovereign power as liberal state. Yet, the land reform also created significant fissures within the state apparatus itself. The land reform dispossessed soldiers, state cadre, police and the urban poor. I document how these groups claimed state lands and open lands, resulting in widespread post-socialist informality in the city. I argue that battles over post-socialist informality were particularly volatile because informal settlers claimed space based on their biographical and political histories that tied themselves to state lands—claims that flew in the face of the regime’s assertion of rupture with the past.

Chapter three and four attend to the transformation of geographies of everyday day life within Phnom Penh that attended these radical transformations. In Chapter Three, “*Disputes of a Family Nature*” I argue that the enforced bifurcation of domestic and political space by State of Cambodia and United Nations authorities has erased the key transformations of urban household composition that occurred in this era. I document the consolidation of the nuclear household form out of the more heterogeneous households of the 1980’s, and the eruption of land disputes among kin as well as between biological kin groups. I identify claims to the ‘temporary’ nature of geographies of co-habitation as a key chronopolitics of dispossession. I document the material repertoire of practices of construction, destruction and obstruction through which claimants materialized their claims in household disputes. I then make the argument that the label of “anarchistic” that state officials apply to urban informality in the transitional period often denotes “anachronistic” construction. Chapter Four, “*Yuon Beyond the*

Pale” provides a historical and geographical account of the “racial formation” of Vietnamese. It picks up on the anxious interlacing over loss of territory, miscegenation, and transnational intervention introduced in Chapter One, showing a parallel racial formation of Vietnamese that was crystalized in the transitional period. I then provide a material history of this representation as racialized milieu. I document how different political, class and historical clusters of ethnic-Vietnamese populations came to be spatially concentrated along inundated land in the city. I document the SOC’s naturalization of racialized dispossession through the categorization of inundated land as state land and the chronopolitics of ‘seasonality’. I document how, once emptied, this land was then ‘reclaimed’ by the municipal and central state officials for sale as private property.

Finally, in Chapter Five, “*Refoulement, Repatriation, Repair*” I explicate the signing of the Paris Peace Accords in 1991 as a moment of global rupture with the Cold-War paradigm. The UNTAC intervention was the most extensive mandate of international intervention of its time, and signaled a shift from third-country resettlement, to the ‘right to return home.’ The Paris Peace Accords cleared the way for the repatriation of the Cambodian refugee population, despite the fact that many refugees did not wish to return to Cambodia. Drawing on regional notions of sovereignty I argue that for the State of Cambodia and the Khmer Rouge, the reincorporation of the refugee population into the nation space was a matter of re-territorialization. I argue that refoulement metaphorically and materially links biopolitical state rule to geopolitical violence. This chapter mirrors Chapter One, in that both explore the politics of making sovereign claims in the context of transnational intervention. It picks up the theme of the bifurcation of domestic and political space from Chapter Three, showing how this same logic undergirded the UN’s instructions for refugees to return home. Finally, Chapter Five completes the argument of Chapter Four, showing that racial state rule is produced at the confluence of national and transnational modes of sovereign power.

The conclusion returns us to 2012-2013, a moment punctuated by yet another contested national election and yet another program of land reform. I argue that in dialectical fashion, the renewal of sovereign authority through claims to rupture, followed by the repurposing of the previous state space towards reformed interests, and has generated profound contradictions for the ruling regime. I show how the urban poor and dispossessed repurpose the rhetoric of rupture and the chronopolitics that subtend it for their own claims to space, wielding biography and the artifacts that give them veracity in their resistance to displacement.

¹ Composed of 312 Pagoda Boys, 391 students from the Royal Agricultural University of Chamka Daung, 216 from the Federation of Cambodian Democratic Students and Intellectuals, 83 from the Cambodian Institute of Technology, and 12 from the Ministry of Land Management, Urban Planning and Construction.

² My account in this section is from my own viewing of this address on television on June 26th, 2012. I later crosschecked my understanding of the content with a Cambodian colleague.

³ Hun Sen’s statements notwithstanding Chinese investment and involvement in recent land politics have been considerable. See LICADHO for a discussion of this involvement: <http://www.licadho-cambodia.org/reports/files/8682LICADHOFacadeDemocracyReport2005-06.pdf>

⁴ The story featured a female soldier during the revolution (he did not specify if this was when he was fighting for the Khmer Rouge or against them), who insisted on coming to the front lines with her male comrades, but then fainted when the action began. One of her male comrades saw

blood on her pants and assumed she had been shot. He carried her on his back all day to a village only to find that she was menstruating, not shot.¹

Hun Sen's comments here call to mind Penny Edwards' argument that, "The past decade has seen a recurrent interest in the issue of Cambodian morality, both among the general population, particularly those in their mid-twenties and above, who fear its loss, and among the male leadership, whose public rhetoric is increasingly studded with strategically timed morality tirades. A primary focus of such tirades is the female form." (2008: 213-214)

⁵ Many scholars use the term 'triple transition' to characterize the period of 1989-1993. These include: (Hughes 2003, Springer 2009)

⁶ In 1979 the People's Republic of Kampuchea (PRK: 1979-1989) was put in power by Vietnamese forces that overthrew the Khmer Rouge. In 1989 the PRK undertook a series of liberal reforms and changed their name to the State of Cambodia (SOC). In 1992 the regime again changed their name to the Cambodian People's Party to run as a political party in Cambodia's first democratic elections of 1993. The PRK/SOC's rule has thus been book-ended by the Vietnamese intervention, and the UNTAC intervention.

⁷ Prime Minister Hun Sen's Border Speech (August 8th, 2012)

⁸ "Cambodia's 'Worst Year' for Land Disputes." Accessed February 8, 2013.

<http://www.phnompenhpost.com/2013012460955/National/cambodia-s-worst-year-for-land-disputes.html>

⁹ LICADHO: 2012 in Review: Land Grabbing, the Roots of Strife: Published and accessed 02/12/2013: <http://www.licadho-cambodia.org/articles/20130214/135/index.html>

¹⁰ Former Prime Minister Pen Sovan described Phnom Penh to me as dead and reborn in 1979. A United Nations Provincial Governor from the UNTAC period recounted that when they entered Ministry Offices they found abandoned offices and empty filing cabinets." I heard a remarkably similar account from a UN Habitat official regarding his first day on the job in the late 2000's. A Ministry of Land Management official told me that the point of PM Order 001 was to start over with a "clean slate" for land disputes. Another Ministry official described Circular 03 as a "fresh start" in dealing with squatters. A village head that I interviewed in the midst of application for property rights declared that when he and other villagers came to this area, it was a jungle—they cleared the land and "started from scratch."

¹¹ University of Paris Faculty of Law

¹² Beginning in 1987, Lim Voan and his team travelled the country, observing production on smallholdings, talking to peasants and village heads about land use in anticipation of the dissolution of collective ownership of land. Lim Voan and his team conducted research on land availability to facilitate the reintroduction of private ownership rights to property in urban areas and possessory rights to property in rural areas.

¹³ Lim Voan is himself a stellar example of how the new state power always seeks to enlist and incorporate the knowledge and infrastructure from the previous regime into their political projects.

¹⁴ I am indebted to Lisa Lowe for the sentence structure of this argument (Lowe, 2007)

¹⁵ Again this is based on my own translation of the address as it was televised on June 26th, 2012.

¹⁶ Paris Peace Agreements

<http://www.un.org/en/peacekeeping/missions/past/unamicbackgr.html>

¹⁷ Gourou was born in Tunis, taught in Tunis in 1923, Saigon in 1926 and Hanoi in 1927. He completed his doctorate thesis: "The Peasants of the Tonkin Basin" in 1936. He is credited as the forefather of tropical geography and one of the forefathers of development geography.

¹⁸ "The Peasants of Tonkin Delta (1936) begins by explaining how the seeming chaos of Tonkinese

villages from the ground pixelates into clear patterns from the aerial perspective. Gourou shows four different examples of social agglomeration on the landscape, that he explains express four divergent ethno-cultural groups, life ways, political relations and modes of agricultural production. (Haffner, 2012).

¹⁹ Phnom Penh: The Functions of a City (1985:3)

²⁰ The Prince was a consummate filmmaker as well as politician. “La joie de vivre” is the title of one of Prince Sihanouk’s most famous films that takes place in Phnom Penh.

²¹ Interview Vann Molyvann (8/26/2013)

²² Today the space is intensively used, especially at the beginning and end of each day. At sunup and sundown mixed-aged groups assemble around their preferred young aerobic instructor, paying 500 or 1000 Riel to be led through a series of exercises with blaring Cambodian, Thai or Korean musical accompaniment. Hundreds of others walk aerobically or casually along the rows of seating, moving through the soundscapes of multiple, competing sound-systems. Meanwhile, the expanse of tramped earth that surrounds the stadium is informally parceled into a patchwork of five-a-side soccer pitches, upon which you often see players wearing either a right or left football boot—having given the other to a teammate. Each player on the field gambles 1000-2000 Riel (25- 50 cents) on the game, making the atmosphere jovial but intense. Slightly further out, Dragon dancers and drummers practice intensely in anticipation of New Year. There is also pick up basketball and organized swimming. Ironically, it is the official stadium pitch that is the least used, though it is meticulously maintained. To play on the actual pitch is beyond the means of most of the stadiums daily users.

The Olympic Stadium today bears the mark of the uncertainty that attends all public space in Phnom Penh. In the 2000’s the Olympic Stadium has been radically encroached upon by development. The catchment lakes that maintain the structural integrity of the stadium have been repurposed for capital-intensive development. Meanwhile, the other elements of Vann’s development (the housing for athletes, and the training ground of Borei Keila), have all been condemned, destroyed, or redeveloped. Many believe that it is only a matter of time until the Stadium is itself torn down.

²³ see: Kiernan, (2014)“The Pol Pot Regime: Race Power and Genocide under the Khmer Rouge (1975-1979) for an in-depth discussion of the Khmer Rouge regime.

CHAPTER 1: REANIMATED CITY

In this chapter I situate rupture and repurposing as a dialectics of rule in the lived history of the city's evacuation by the Khmer Rouge in 1975, and then reanimation in 1979 by a majority new population. I draw on oral historical and interview sources to give affective texture to death and rebirth as a powerful structure of feeling that shapes memories of the key decade of the 1980's. I argue that death and rebirth is also central to historic and contemporary claims to sovereign mandate, a framing that, while grounded in lived experience, simultaneously erases the critically important materialist history of this decade and agency of those who remade the city in the wake of genocide. Section 1.3 documents the slow reanimation of the city over the course of the decade, a process that I characterize as "building with, rather than on"¹ the ruins of the previous city. Finally, I show how, despite the historically unprecedented emptying of a major metropolitan center, followed by its reanimation by an almost entirely new population, this decade is habitually erased in contemporary historiography. I argue that this erasure has significantly narrowed the terrain of the urban poor in the present. As the conclusion will make clear, recovering this history is key to contemporary struggles over the right to the city.

1.1 DEATH AND REBIRTH

"When an era crumbles, history breaks down into images, not into stories." -Walter Benjamin



*Figure 8: Vietnamese and Cambodian Soldiers enter Phnom Penh, January 7, 1979
Documentary Center of Cambodia archival image*

When the Vietnamese army and Khmer resistance forces entered Phnom Penh on January 7th, 1979, an East-German film crew entered with them, shooting the very first footage of the city. The resultant film: "Kampuchea Dying and Reborn" frames an extended argument about the divergent nature of the two socialist regimes. *Kampuchea: Dying and Reborn* is exemplary of Nam's contention that 'decay and rebirth' is a key imaginary shaping historical interventions in the built environment of Phnom Penh (2011: 57). The film is saturated in what

Christina Schwenkel (2013) calls “post/socialist affect,” a repertoire that includes landscape, notions of the socialist social body, nostalgia, memory and violence. It affectively illustrates rupture and rescue through the juxtaposition of personal stories with the presentation of spaces of everyday life—in which time, and death seem to have ossified.

Rupture is made palpable through the organism of Phnom Penh itself. Through the motion of the camera along empty city streets, and into homes and bedrooms, absence is made present, it takes up space. The film opens with nearly two minutes of uninterrupted streetscape. We glide along the empty arteries of Phnom Penh to the discordant music of Reiner Bredemeyer.² We encounter the city as museum—in tact but empty. The sensation of moving through Phnom Penh without traffic, without sidewalk life, without life is—uncanny. We encounter familiar streets rendered strange. As we circumambulate the grand, Art Deco Central Market,³ our attention is held for a moment by the dissonance of a clump of palm trees among an expanse of urban abandonment.

“Kampuchea Dying and Reborn” compellingly presents the affect of rupture, through capturing images of violence and neglect as they hardened into concrete forms. We pass a baby-grand piano parked on a street corner with a pair of platform high-heeled shoes lying languidly beside it. The scene conjures both decadence and decay. We encounter pigs on the grounds of the National Library, and the rubble of the National Bank. Compelled forward by the growing discordance of the music we enter a bedroom space, a *mise-en-scene* that is immediately marked as both intimate and traumatic. Our gaze settles on open drawers—clearly rifled through in haste—a half-packed suitcase lies askance on the bed. In a portrait hanging on the wall, an elderly woman sits poised, watching over this assemblage of left behind things. The chaos of the exodus of Phnom Penh on April 17th, 1975—the historical rupture that animated this space, and then congealed in this particular arrangement of abrupt departure, remains suspended in the objects themselves. Even before a voiceover poses the question, “*Where have all these people gone?*” We have conjured the morbid conclusion.

Images of urban and human decay, and of the empty city provide the moral and material backdrop for the film’s claim to rebirth under the People’s Republic of Kampuchea (PRK)—the Vietnamese supported state that overthrew the Khmer Rouge and claimed sovereign legitimacy in 1979. These scenes set the stage for the repurposing of the physical environs of the city for a new urban politics. As the film progresses, scenes of decay are increasingly coupled with scenes of rebirth. The circulation of the camera—through the city, into homes, and freezing on scenes of death—is repeated, now fixing our collective gaze on new life. We witness the city resuscitated in long cuts of children traveling on bicycles through the city, factory workers repairing urban infrastructure, and Buddhist blessings and dancing at a traditional Khmer wedding. The pedagogical content of the film is clear: The PRK entered a city left to die by the Khmer Rouge, and are now bringing Phnom Penh back to life. Though also shown in *Phnom Penh*, the film was primarily written as an act of documentation and persuasion, aimed at an international audience. Convincing the world that the Khmer Rouge as a genocidal regime may seem like an unnecessary project today, but in 1982, the US, Europe, and the ASEAN countries recognized the Coalition Government of Democratic Kampuchea (which included and was dominated by the Khmer Rouge) as the legitimate Cambodian state⁴, and decried the January 7th liberation of Phnom Penh as a Vietnamese invasion.

“Kampuchea Dying and Reborn,” contrasts the biopolitical rule of the socialist PRK’s with the necropolitical rule of the also socialist Khmer Rouge.⁵ In this way then the film is “triple

post-socialist,”⁶ it is shot by East-German socialist artist/propagandists as a critique of Khmer Rouge socialists, and in support of PRK socialists state. Mid-way through the film a sallow cheeked, earnest young man who speaks in measured tones about Democratic Kampuchea’s perversion of Marxist Leninist thought addresses us. The young Pen Sovan—whom Evan Gottesman calls “the most important of the Vietnamese-trained revolutionaries” (2004, xxiii)—pulls two large, deeply creased photographs of Marx and Lenin from his pocket. Pen looks into the camera and declares his love for his country, his adherence to ‘true’ Marxist-Leninism, and his hatred for the “murderous Pol Pot- Ieng Sery clique.” Pen Sovan served as the Secretary General of the Kampuchea People’s Revolutionary Party (KPRP), the Minister of Defense, and (briefly) as Prime Minister in 1981.

Pen Sovan explained that Hanoi supported him because they trusted him. Besides, he said: “They said that Cambodia was like a house on fire, and they were the neighbors.” However, Pen’s favor among Vietnamese advisors was short lived. On December 2nd 1981 he was arrested by Vietnamese troops. As he explained it,⁷ his advisors had grown tired of his criticism of Vietnamese emigration, his independence, and his cultivation of a direct relationship with the Soviet Union. Pen Sovan was replaced by Chan Si, who died in December 1984, at which point Hun Sen was appointed prime Minister on January 14, 1985. Pen Sovan, meanwhile, spent the next decade languishing in a re-education camp in Hanoi.⁸ He was finally released in 1992 as a condition of the Paris Peace Accords.

Apropos Nam’s thesis, we see here the coherence of a particular aesthetic and allegorical register that tendrils through all manner of subsequent transnational architectural and developmental interventions in the city (Nam: 2011). However, where Nam traces the resilience of colonial and post-colonial notions of ruins and absence within contemporary urban planning logics and modes of experimentation in Phnom Penh, my argument is different. I focus on death and rebirth as a structure of feeling that ties into lived experience of those who lived through the 1970’s decade of war and genocide. I argue that for Cambodians who lived through the genocide, death and rebirth is a powerful ‘structure of feeling,’ that harbors memories as well as silences. By structure of feeling I am adopting Raymond Williams’ (1977) term. A structure of feeling “[fuses] lived histories and memories that relate cultural identities to place” (Kosek, 2006:119). As a dialectical concept, a structure of feeling also, over time, subsumes other memories and experiences. Death and rebirth, I contend, is also an underlying logic of contemporary and historic state rule.

It is essential to differentiate structure of feeling from any notion of artifice, representation, or trope. I am arguing that it is precisely the intimate and lived experience of death and rebirth that gives notions of rupture such power. It is invocations of rupture, I argue, that dispossess the present of its multiple and embodied pasts—narrowing the band of admissible claims within Phnom Penh today. The images of Kampuchea Dying and Reborn are truly jarring. In the empty streets, the scenes of intimate dislocation, in death and decay, we are confronted with the horror perpetrated by the Khmer Rouge. An estimated 1.5-2.2 million out of 7 million, or nearly one in five people, lost their lives under Khmer Rouge rule (Kiernan, 2014). Rather than doing away with social hierarchies the Khmer Rouge inverted them: empowering children, peasants, the unschooled while terrorizing, subjugating, and murdering parents, urbanites, scholars and professionals. That the most powerful moments in *Kampuchea Dying and Reborn* are those that sift through the detritus of everyday life, rendering trauma intimate, speaks to the modalities of Khmer Rouge sovereign terror itself: the Khmer Rouge’s ‘return to

year zero,' began by breaking up the family as the basic unit of society. An interviewee recalled being separated from his parents and siblings and assigned to a boy's battalion of similarly aged children in 1975. He told me, in sparse and haunted spurts over the course of several interviews how, when he was reunited with his parents in 1979, at first he felt nothing at all. There is an analogous moment in Davy Chao's beautiful film: *Golden Slumbers*, in which in clear anguish one of the protagonists remarks that while he remembers every detail from the films of 'Cambodia's Golden Era' (Sangkum Reastr Niyum: 1954-1970), he cannot recall the faces of his parents who perished under the Khmer Rouge.

Boreth Ly reflects upon the relative paucity of artistic representations of the Khmer Rouge period by survivors as the product of optic trauma and devastated vision wrought by the Khmer Rouge.⁹ Ly's claim resonates with a number of other scholarly reflections on the unrepresentability of horrific events. It conjures Adorno's assertion that poetry after the holocaust was an abomination, as well as Mahmood Darwish's reflection on the impossibility of writing in the midst of the bombing of Beirut:

I halt my quest for figurative language. I bring my search for meaning to a complete stop because the essence of war is to degrade symbols and bring human relations, space, time and the elements back to a state of nature, making us rejoice over water gushing on the road from a broken pipe (Darwish, 1995: p9).

Blanchot argues that while unrepresentable, the trauma of the holocaust floods all representations (1995). Whereas Darwish (quoted above) plows the unrepresentability of traumatic rupture back into spaces of everyday life. 'Memory for Forgetfulness,' is an extended engagement with the terms (figurative and reproductive) of living in trauma and its aftermath. In a way, Darwish gives texture to Berlant's claim that an acute engagement with one's present is equally an outcome of living through trauma.¹⁰ Berlant writes that trauma as a genre has "induced a periodizing norm for writing about the history of the present," a norm which (overdetermined by psychoanalytic theory) asserts that in the wake of trauma, people are 'stuck in the past.'

In this chapter I explicate how the death and rebirth couplet both captures and erases the materialist history of Phnom Penh between 1979-1989. I argue that April 17, 1975 and January 7th, 1979 are the fused moments of rupture upon which diverse state authorities stake their claim to sovereign rule.

1.2 PATERNAL CLAIMS AND PREROGATIVE POWER

In 2013 I interviewed a much older Pen Sovan.¹¹ The interview took place at the Phnom Penh headquarters of the opposition, Cambodia National Rescue Party (CNRP), in the immediate aftermath of the contested National Assembly elections in which the CNRP claimed victory, and Pen Sovan won a seat as the Member of Parliament representing Kampong Speu Province. The significance of the moment is that, in many ways, it paralleled the moment in which he was filmed in January 1979. In both instances Sovan was speaking in anticipation of state authority, though from opposite political positions. Among other things, I asked him for an account of Phnom Penh as he found it in January of 1979. Sovan recalled:

When I arrived in Phnom Penh, there was no sign of people but there was an

overwhelming odor from decaying bodies. I stayed in the Royal Palace since there was nowhere else I could stay; besides, they¹² could not harm me there. I lived in the Royal Palace for three months- January to March. During the Khmer Rouge regime, many people died in Phnom Penh. Some were found dead at the bottom of their stairs. They might have been very hungry and tried to scavenge through houses for something to eat. Unfortunately, they could not find anything edible and died of starvation.

The Central Market was filled with coconut trees, planted by Pol Pot. And, Tauch Market was full of banana trees the Koreans ordered them to plant...As soon as I entered Toul Sleng, my emotion were all over the place. I started to sob uncontrollably and I could not see anything through my swollen eyes, because I could not stop crying. There I found a two-year-old girl whose mother was murdered, so I took her back with me to stay at the station. The mother's throat was cut and her body was covered in blood. Later on, Phnom Penh had no residents and I decided to give [the little girl] to the city Mayor. I named her Pen Sophany. So, her name was like my name Pen Sovan and Phany, which sounds similar to Reach Theany [capital]."

Though Sovan now resolutely renounces Marxist-Leninism, and speaks of the Vietnamese advisors of the 1980's not as liberators, but as occupiers, the aesthetics of his account are uncannily similar to those of "Kampuchea, Dying and Reborn." Across the expanse of thirty-five years and a one hundred and eighty degree shift in political ideology, Pen Sovan conjured several of the exact images that appear in the film: bodily decay, coming upon a scene of violent death at Toul Sleng, palm trees at the central market. The coherence of this aesthetic register underscores the power of death and rebirth as a structure of feeling shaping memories of this decade.

Second, I contend that the paternal claim at the center of Sovan's account is not incidental to his claim as PRK head of state. In his account, as in "Kampuchea Dying and Reborn," urban decay gestates the new city. Pen Sovan recovered a small child from the scene of bodily decay, and named her Pen Sophany—an amalgam of his name and the word for capital. Trauma and patrimony are fused in the birth of the new city. In Sovan's account we see how the lived history of death and rebirth is constitutive to the PRK's claim to sovereign authority. Rupture is the legitimating myth of rescue, and rescue carries with it conditions of paternalism and prerogative power. This chain of sovereign relays remains the crux of the ruling party's claim to state authority today. As such, much hangs on the claim to paternity.

Immediately after overtaking Phnom Penh in 1979, Vietnamese advisors and PRK state officials embarked upon a concerted project of urban memorialization of January 7th, 1979. The PRK named a central district "Pram-Pi Makara" [7th of January]. They further declared 7th of January a national holiday. Vietnamese advisors cordoned off and preserved the gruesome scenes of bodily destruction, christening S21, "Toul Sleng Museum of Genocidal Crimes," bolstering the national narrative of PRK rescue (Ledgerwood, 1997). The lynchpin of this material landscape of meaning making is the Vietnam-Cambodia Friendship Monument, which stands, pride of place within Botum Park, in central Phnom Penh, very close to the Royal Palace.

Carved in soviet realist style, the thirty foot, Vietnam-Cambodia Friendship Memorial features a chiseled Vietnamese soldier standing just behind and next to, while ever so slightly larger than, a Cambodian soldier. The men stand protectively behind a Khmer woman in

traditional dress. Where the soldiers each hold guns, she holds a baby.



Figure 9: Vietnam Cambodia Friendship Monument. Photo by author

The monument condenses multiple histories of empire. The bodily comportment of the three figures and the relationships between them say much about power relations that animated the 1979-1989 People's Republic of Kampuchea (PRK) decade, as well as contemporary memories thereof. The monument powerfully illustrates Anne McClintock's contention that all nations depend on powerful constructions of gender (1993: 61). Building with McClintock, we see that while men are metonymically tied to the nation (the brotherhood of the Vietnamese and Cambodian soldiers is representative of the fraternity of the two nations), women are metaphorically tied to the nation (the woman as the cultural and natalist Cambodian essence that the men protect)¹³ Brown argues that this gendered difference lies at the heart of prerogative state power:

Conventional constructions of masculine sexuality (as opposed to masculine rationality, interests or privileges) are most heavily featured in [the prerogative] domain because this dimension of state power is more immediately visceral and corporeal than, for example, bureaucratic or juridical power, both of which tend to organize and work on bodies with out touching them so directly (Pp25-26).

The monument also refracts the distinct socialist hierarchy that attended the Indochinese Communist Party. The position and stature of the Vietnamese soldier makes clear that the 'socialist brotherhood of Vietnam and Cambodia' was a sibling relationship of uneven power¹⁴. Indeed, the terms siblings and brothers have no equivalent in Khmer or Vietnamese. In

mainland Southeast Asian languages familial terms are expressed relationally as: Anh/Em in Vietnamese and Bong/B'aong in Khmer. In each couplet the first term designates 'older' and the second 'younger,' while also carrying with it relations of relative power.

Finally, and most salient for the current discussion of the ruling regime's claim to prerogative authority—based on death, rebirth, and the right of the father—the presence of the Vietnamese soldier in the monument throws the paternity of the child into question, begging the question of Cambodian sovereignty itself. It is, after all, the Vietnamese soldier's gun that protrudes horizontally from the woman's abdomen, while the Cambodian soldier's gun points upwards. The Vietnam-Cambodia Friendship Monument is today the focal point of considerable nationalist anxiety. On at least three occasions arsonists have attempted to destroy the monument in 1998, in the context of post-election protests, again in 2007, and most recently in 2009. In photographs printed in the Phnom Penh Post following this last attempt, a very large explosive (impotent due to a faulty ignition switch) juts out from the monument's base—itsself a monument to anti-Vietnamese racism in the city.

1.3 REANIMATED CITY

“The resurrection of the Kampuchean people began immediately after the elimination of the Pol Pot regime.”
(“The Functions of a City, 1985, Page 6)



Figure 10: People walk back into the empty city in January 1979. Documentary Center of Cambodia Archives

The reanimation of Phnom Penh unfolded in the wake of genocide and under conditions of radical uncertainty. The effects of these two things cannot be overstated. The city was first governed by the PRK as military base—foregrounding matters of state security. Later, the military functionality of the city gave way to the socialist workers city. Household resettlement was determined in the minutia of negotiation between numerous parties and factors, all of which were subject to intervention and reshuffling if the property was needed for 'higher state purpose.' In essence, the PRK state's land regime was assembled out of hundreds of thousands of negotiations between village heads, school directors, military division heads, other state functionaries and the returnees. This negotiated urban land regime was imbricated by countless

instances of adaptation, modification and repurposing by urban inhabitants in accordance with needs of material and social reproduction. In what follows I discuss each of these geographies in detail.

Table II. Population of Phnom Penh after 1979

Year	Total Pop.	No. Families	% of total under 15	% of female over 15
1979	122,779	25,219	46%	62%
1980	323,958	61,973	47	62
1981	346,503	64,804	51	61
1982	391,496	71,054	48	58
1983	398,792	72,628	48	60
1984	426,539	81,497	48	59
1985	500,000 (est)			

As can be seen from the above graph, Phnom Penh's population has almost quadrupled in size since 1979, and is at the same level attained during the early 1950's. The present population has a proportionally very high number of children (under 15 years) and adult women (over 15 years).

Figure 11: "Phnom Penh: The Functions of a City" 1985, page 10

In the first year after the 7th of January 1979 liberation, the PRK state prioritized security, military, and basic necessities. For approximately four months soldiers set a perimeter around the city to block refugees from entering until adequate infrastructure was in place.¹⁵ Pen Sovan estimated that there were 80,000 people waiting at kilometer number six, 30,000- 40,000 more waiting near the airport, and tens of thousands waiting east of Chba Ampov. Sovan stated that he instructed the soldiers guarding the barricades to admit only those among the returnees with foreign language skills, engineers, former civil servants, and former educators.¹⁶ There is compelling evidence that while particular skills procured entry, particular racialized identities precluded return to Phnom Penh. Edwards writes that from 1979-1981 ethnic Chinese Cambodians attempting to return to the city were turned away by Vietnamese guards (2002: p25-16). A man who rode from the Cambodia-Vietnam border into Phnom Penh in 1979 on a Vietnamese tank explained, "if you wanted to get into the city you could do so by getting in with someone who spoke Vietnamese, so you tried to associate yourself with someone from the Eastern Zone."¹⁷ Another man whom I interviewed recalled bartering with Vietnamese soldiers, providing them with meat in order to gain entry.¹⁸

The controlled reanimation of the city served a security function for the nascent state and urban population. In a grim demonstration of "people as infrastructure," (Simone, 2004) the refugee ring created a human buffer between the city and any marauding DK forces. Throughout the 1980's wave after wave of refugees arrived first in this temporary ring city, which overtime congealed into permanent low-income settlements.¹⁹ PRK Municipal authorities planned to enhance the human barrier around the city: "New urban districts of neighborhoods should be introduced in the form of self contained towns of approximately 50,000-100,000 people... *These new urban districts will form a ring of peripheral communities which will serve as a continuous*

*defense line for the city of Phnom Penh.*²⁰

Within the barricades soldiers claimed significant swathes of the city: The Ministry of Defense and Central State functions claimed the lion's share of Chamkarmon District, erecting barricades along the roads and controlling travel in or out. A second significant cluster of military barracks, training grounds and facilities flanked the North of the city, in Toul Kork District. The Royal Cambodian Armed Forces (RCAF) stadium was a center of that node, with soldiers living on the lands surrounding, as well as slightly farther north and east at 'Construction Site Number 12.' Throughout the 1980's soldiers living in these areas started families and much of military land came to resemble something closer to military villages with football fields, housing, kitchen gardens etc. This is a point of significant importance in the land reform of 1989, when all military land is claimed as state land, and thus thousands of military families dispossessed from their homes in the city.

The rupture of 1979 was spatial as well as temporal. Phnom Penh's former residents died in much larger numbers during the genocide than did rural residents, and a great number of those who did survive the genocide fled to Thai refugee camps in 1979, in the hopes of 3rd country resettlement abroad. As consequence, seventy percent of those that entered Phnom Penh in the early years of the city's reanimation entered Phnom Penh for the first time, and a vast majority of these, being formerly from rural areas, experienced urban life for the first time.

The formerly rural people who entered Phnom Penh after the barricades were dropped moved into the homes of the dead and the disappeared.²¹ While we might imagine the first residents would have occupied colonial villas, in fact, those who first reentered the city preferred to settle in dense clusters, rather than spread out in an eerily empty city. The focus was on food security and physical security. As a forty-four year old Phnom Penh man explained it:

At that time no one thought of having many houses, or even a big house. All we thought about was security and rice. All the people lived on top of one another at the central market area and around the riverside. No one wanted to live here [reference to the Phnom Penh neighborhood near the Olympic Stadium]. Many families would live in one room or one house. People wanted to feel secure, to live close together, they did not care to have a big house.²²

Terms such as security and ownership had fundamentally different meanings than they do today—born of the historical conditions of the time. Gottesman (2004) argues that it would have been potentially dangerous for average people to claim large villas—that only elites within the new regime had the temerity to occupy that kind of space. Williams (2009) meanwhile claims that all the villas were taken by political elites within the PRK. Keeping in mind that the Phnom Penh settlers had just lived through a communist regime in which having held significant property was grounds for execution, it is not surprising that recent urban migrants/returnees would have been cautious in laying claim to space under another communist state, whether or not the home was empty.

Arguably, Phnom Penh in 1979 was as alien for former residents as it was for new migrants. Boreth Ly recalls returning to his home after 1979 and finding only "an empty shell, looted of material possessions."²³ When I conducted oral historical interviews with people who had lived in Phnom Penh prior to the Khmer Rouge period about their return to the city, I was struck by what I initially interpreted as ambivalence about recovering their prior home. A man who returned in 1981 gave the following account. "I went back to my former house, but a soldier there told me that this area was now for Vietnamese, so I came around the O'russey Market area to look for a room."²⁴ Interviewees narrated how they first went to their former home, but then

for a set of reasons ended up settling elsewhere—often in much more cramped and less salubrious accommodations. A friend spoke of how, when his family rowed their way back into Phnom Penh on two small fishing boats from Kratie in 1981, they first went to their former house in the central Boeung Kang Kong neighborhood. “We were two years too late to recover the gold that my mother had wrapped in a piece of cloth and buried under the front stairs. My mother went back to look, but it had already been dug up.”²⁵ The widespread scavenging for the hidden gold of Phnom Penh’s previous residents, coupled with the repurposing of building materials from uninhabited homes to repair and extend inhabited homes, further deteriorated Phnom Penh’s housing stock (HABITAT, 1992:23)

Seeing that their former home was already occupied, my friend’s family found another home still empty a few blocks away. Yet, he explained that they didn’t settle there either though, due to the dark patch by the front door. He explained that they were afraid of the ghost that likely died badly in this home, and thus would remain tethered to this place. In the end his family settled in a back room of a smaller ‘broken’ house—a house that was shared with three other partial families. Phnom Penh’s new and former residents built with the shards of the past, and that included the fragments of families. People moved in with extended kin where they could be found, but where they could not, they moved in with non-related persons. The preponderance of households composed of non-related and multi-nucleated groups emerged as a major source of land disputes in the transitional period (and is the subject of Chapter Three). In cases when extended family members showed up years later, they most often joined their kin. A 1992 UN HABITAT ²⁶advanced mission states:

As more and more families arrived, houses were subdivided²⁷, people moved into non-residential buildings and partly demolished houses or squatted on vacant land and on rooftops. For reasons of security and support, people shared accommodation with relatives and friends so that badly damaged buildings often housed as many as twelve families. (Yap et al., 1992: 23)

This urban geography of co-habitation and the density of settlement occurred along the central riverfront between the old market to the North and to the Independence Monument to the South. There was also a dense corridor of settlement that ran as a tangent from the riverfront to the central market. Lastly, as already mentioned state functionaries and military families densely settled Chamkarmon District. Importantly, the extensive urban land holdings of the military were not dissolved, but were rather integrated into the socialist workers city.

I do not mean to suggest that land disputes *only* emerged with the land reform. Land and household disputes certainly occurred in the 1980’s. However, throughout the PRK period land disputes were adjudicated in a conciliatory rather than adversarial framework. ²⁸ As a Technical Advisor working within the Ministry of Land Management explained it,

It was not so difficult in the 1980's. There were People’s Committees from the top to the ground. The People’s Committee at the Village level would settle disputes. The system was based on compromise, not, “you are right, and you are wrong.” Based on the evidence the parties would come to a compromise. The boundary, the history of the occupants and the policy of the state would be taken into account. Based on the evidence the parties would come to a compromise. The policy of the state was that people could stay in the homes they occupied—they did not need to give them back to the former owners. Often, the [two parties would] live together. The new settler on the ground floor, and if the former owners came back they would say: “OK the former owners can have

the 1st floor. 29”

A SOCIALIST WORKERS CITY:

At some point in the early 1980’s labor superseded security as the primary spatial logic of the city. Sovan recalled,

If they wanted to run business, we would help them. The residents had to make handicrafts or work in the factories which manufactured nails, furniture and cement. We did not want them to be jobless because this meant the government had to support them, and we did not want that. We made economic zones throughout the city ... Those who used to be factory workers had to work in factories. We also established a women’s association for ordinary citizens and former union members resumed their positions. Once people were a member of an arranged team, they could not change their career. We did not allow them to live wherever they wanted.

In short, one’s home was tied to one’s work. Property was fixed, and people circulated according to the dictates of state bureaucracy and burgeoning urban production. Many factories and production units allocated parcels of land within or adjoining the facility to their employees.³⁰ If a civil servant changed jobs, they could request, or be moved by the local authorities, to a domicile close to their new place of work. The state subsidized the low wages of state workers with food sundries as a home or land in the city (Hughes, 2003: 24). In the PRK period bureaucratic category of ‘head of household’³¹ denoted the public sector employee³² within the household. The head of household performed the critical role of maintaining and building the family’s position within a network of political relations.

In the oral histories that I conducted with early Phnom Penh residents, narrators most often connected their home to their work, and their work to a particular person, to whom they became politically attached. Rarely if ever did they take the tone of personal ingenuity. Instead they named an office, or an individual who shepherded their return and carved a space for them within the regime and within the city. For example, in an oral historical interview a man narrated his return to the city and place of residence thus:

At that time I came into Phnom Penh, I asked for a job. I worked at Education Department of the municipality. Yes, I was a teacher. While I worked at the Education Department, the department gave me a flat located on Kampuchea Krom Blvd. This was still 1980. Early 1980 because we had our son at the end of ’80, yes my son was born just before ’81. However, I worked there for around a year.³³

The narrator then explained that he was recruited to work for a powerful Minister. Here the narrator explains his property relations as a function of his relationship to this man:

Chamkarmon at that time was a State Council site... Some parts of Chamkarmon were completely destroyed, and some houses were perfectly intact. One concrete house would be perfectly intact, but then the next one a pile of rubble... One day, around 1982, [the Minister] rented his house at Norodom Blvd and built his own house on an empty plot of land adjacent to the newly built State Council building. The State Council was established... in 80, 81, or 82, I forget. Yes, at that time [the Minister] recruited more and more staff, and he provided a plot of land for those staff to live on.

It was the Minister who first claimed and settled on state land, only later apportioning plots to his staff. In this way, he acted as patron, gifting central urban plots to his staff in a context in which state wages were depressed and commodity goods scarce. This could certainly be read in the vein of patron-clientelism. This is the dominant scholarly framing applied to Cambodian land politics (cf. So, 2011; Un & So, 2011; Williams, 2009). In this framing, Cambodia's contemporary deeply unequal property regime is explained as an iteration of centuries old cultural norm of patron-client relations. Yet, when invoked as a transhistoric category, patron-clientelism papers over the distinct political entanglements and bonds of reciprocity produced in particular historical moments. Neo-patrimonialism becomes a pejorative shorthand, redolent in Colonial topos of the passive peasant and the corrupt official that explain away political contestation with the brush of the cultural wand.³⁴ For example Williams writes,

Prior to the Cold War, Cambodia had been seen as a primeval kingdom with a traditional, almost unchanging way of life. This stereotype made the radical violence and dislocation of the Khmer Rouge period and the subsequent years of civil war and political isolation all the more shocking and unfathomable. From this perspective, the victory of the Khmer Rouge in 1975 appears to represent a fundamental turning point in Cambodian history. However, the persistence of traditional patronage-based approaches to the exercise of power throughout the post-Khmer Rouge period demonstrates a strong continuity with Cambodia's past, for better or for worse. Patronage networks have typically operated as a de facto source of power behind the facade of imported political ideologies, whether the French colonial mission civilisatrice (1863-1953), Vietnamese-sponsored bureaucratic communism (1979-1989), or the Western liberal democracy currently enshrined in the Cambodian constitution as the country's official policy." (2009: p29)

Williams' use of the passive voice in his opening sentence sets the reader up for the debunking of this stereotype. Yet, by the end of the paragraph, he has instead confirmed "the persistence of the traditional patronage-based approaches to the exercise of power" behind the facade of colonial, bureaucratic communist, and liberal political interventions. In Williams' analysis patronage persists *despite* colonial, socialist and liberal superstructures.³⁵ There is a propensity in neopatrimonial analyses to assign political agency to 'patronage networks,' as a disembodied and totalizing structure that reaches from the upper echelons of state power down to local bureaucrats. In a very important article on the subject James Scott (1972) asserts that patron-clientelism was uneven across Southeast Asia, and are horizontal as well vertical. Scott cautions that these relations must be explored, rather than asserted in their geographic and historical particularity. Indeed, reflecting on village life in 1959 when she conducted her famous village ethnography, May Ebihara stated, "the patron-clientelism I felt did not really exist that much if at all in the old days" (2004: p207-208). However, Ebihara contends that when she returned to the same village in the 1990's she noted patron-client relations to be very strong (Ibid.) Caroline Hughes incisively argues that what gets glossed as 'patron-clientelism' is often "gift-giving as invented tradition" rather than cultural continuum (2006:469).³⁶ I build on these analyses arguing that in the PRK decade, patron clientelism developed through a socialist gift-economy in which, as Katherine Verdery argues, the aim was to accumulate people (patrons and clients) rather than capital (Verdery, 2004). While the gift-economy of the 1980's had not yet taken on the coercive tenets Hughes documents, the patron-client relations built through these exchanges were certainly constitutive of 'big-men' from the 1990's forward.

Sometime in 1983 the population of Phnom Penh recovered to the pre-civil war equilibrium of roughly 75,000 people. Yet, as already noted, much of the urban housing stock had been destroyed during the period of civil war that directly preceded the DK regime, as well as during the DK regime itself—leading to acute shortages of quality housing, and extreme urban densification in the center of the city.³⁷ The Municipal report, The “Functions of a City” concludes,

As we have a shortage of houses the population has been allowed to build their own houses, with permission from the local authorities. Hence, since 1979 there are 17,692 such huts and shacks of this type have been built on available plots of land (1985: 6).

The invocation of population in the Municipal statement above requires qualification. As in all state regimes before and since, ostensibly neutral terms such as ‘population,’ ‘citizen,’ and ‘Cambodian’ were crosscut by racialized exclusions. The state racism of the PRK was directed towards the ethnic-Chinese population. In 1983 Government Circular 351 formalized a set of anti-Chinese policies. Through the instrument of a census, PRK officials recorded, photographed and enumerated people of Chinese descent. Among those identified some “disappeared,” others were imprisoned, and the majority were barred from government jobs, denied access to housing and schooling (Edwards, 2002: 266-267). The biography of an ethnic-Chinese man in his mid 50’s whom I knew well, illustrates the compounding nature of racism experienced by Phnom Penh’s ethnic-Chinese population through two, diametrically opposed socialist state regimes. This man’s entire family (six siblings and two parents) were murdered or died of exhaustion/disease under the Khmer Rouge. Then, he explained that though he had studied civil engineering at the Royal University of Phnom Penh prior to the Khmer Rouge period, he was barred from working within the PRK state apparatus. Excluded from state employment, he was also excluded from state allocated housing in the heart of the city, and thus in 1981 moved into an empty flat by the Olympic Stadium because at that time the area was still relatively empty. This man tied the contemporary concentration of Chinese language schools in the O’russey/ Olympic Stadium area to this history of racialized exclusion during the PRK period.³⁸

Edwards writes that PRK state discourse fixated on the Chinese population as “greedy for Cambodian territory,” a favorite trope of state power, applied to different racialized others (most often Vietnamese, but also at times Thai and here Chinese) from the colonial period to the present. In response to these policies many Chinese fled to the Thai border, while a smaller number took refuge in UNHCR camps in Vietnamese territory. Contemporaneous with the institution of Circular 351, the Vietnamese Central Committee issued a decree authorizing for a dramatic increase in Vietnamese emigration into Cambodia (*Ibid.*) In Chapter 5 I will situate state manipulation of racialized flows of refugees across the Thai-Cambodia and Cambodia-Vietnamese border within biopolitical processes of sovereign remaking. The simultaneous expulsion of Chinese ethnic-minorities and incorporation of Vietnamese migrants in 1983 is, In Edwards’ turn of phrase, an earlier “ripple of [this] history” (*Ibid.*, p268)

Those who came to the city after all existing homes were claimed built structures behind, above or between existing structures. Other newcomers settled first by open canals or on inundated land, later receiving a room in a home when they found formal employment within the state. A retired geography teacher³⁹ whom I interviewed explained that when he gained entry to the city prior to the barricades being dropped (thanks to French language skills) he first settled by an open canal. Later, when he took up the post of literacy teacher at a night school for PRK

cadre the Ministry of Education assigned him a wooden home close to the school. When he was later transferred to teach at a school in the South of the city, he moved out of the home and took up residence adjacent to his new place of work, near the Russian Hospital. In another example, a forty-seven year old man I interviewed narrated how, when he entered Phnom Penh in the mid 1980's, "the whole city was full." At first he lived on the side of a canal with his adopted mother, working as a youth bicycle taxi. He heard that there was free land along the road in Phnom Penh Thmai, so they went there. He recounted that a man came and told him that he controlled the area—this man demarcated a plot for them for which they paid 500 Riel⁴⁰.

New arrivals to the city were encouraged to improve land and their environs. Doing so was a legitimate means of establishing a claim and receiving recognition from the local state. The case description of a land dispute that erupts in Chamkarmon District in central Phnom Penh reads, "[5 Individuals] are living since 1984 on a land without any number. *They have planted fruits, trees and vegetables there.*"⁴¹ In another case, five evicted families submitted a petition⁴² to UNTAC Human Rights Division in which they documented their claim to the land as follows,

Referring to the subject mentioned above, we would like to submit this to your kind information that after 1979, we five families had lived in the South of Kompoul Pich Cinema. Formerly the lands were muddy, we had cleaned and filled up these five lots of lands. And we had planted such as coconut, mango and papaya trees and cabbage, etc. And we also built houses.⁴³

A case file from the outer Phnom Penh district of Meanchey documents that a Mr P. H.'s parents applied to occupy a free plot of land, and that their application was approved by the group (krom) authorities in 1982.⁴⁴ The claimant writes, "Since 1979 free plots of land in Phnom Penh belonged to the state. My parents have taken care of the land from 1982-1989 and grew many plants." There are dozens of such examples. Chapter 3 explains how, in the 'transitional period' of the early 1990's new or improved homes were particularly vulnerable to destruction and their residents to eviction.

Oral historical and archival sources suggest a lively urban property market in operation from 1983 forward, though lacking the speculative, violent, and frenzied tenor that would characterize Phnom Penh's property market after 1991. In lieu of adequate wages public sector employees sold their state allotments (Gottesman, 2004: pp188-200). Phnom Penh residents traded, bought, and sold homes with increasing veracity from 1983 forward. Property transactions were denominated in gold, baht and dong. However, in the absence of full commodification, and especially in the absence of transnational capital, Phnom Penh's property market remained relatively tame. Property circulated according to the dictates of use and as a sink for illicit wealth.

In the absence of banks, and the reasonable suspicion that capital would be seized by the state, traders, smugglers and vendors purchased urban properties. In one such case that I came to know well, an ethnic-Chinese woman who operated a lucrative trade at the O'russey Market purchased three separate villas in Phnom Penh between 1983 and 1987—paying in gold bars for each. She moved her daughter's family into one, and she rented the other two to mid-level civil servants. When I asked why those civil servants didn't have their own homes, allocated by the state, she shrugged and suggested that they probably did. She speculated that they rented these to others—perhaps to new migrants to the city. In such a case the state allocated room or home would have remained registered to the state official, while the vendor would have registered the

villas in her children and husband's name. These tiered transfers were meticulously recorded by transacting parties but did not appear on any official register. The widespread double-booking of urban property devolved into chaos in the transition to a liberal property regime discussed in the next chapter.

In the PRK period the difference between original and newly constructed housing was one of quality rather than of category. The Municipality reports: "The large demand for limited housing in Phnom Penh has created city slums, squatting problems, over crowding and urban land use problems. Needless to say the present housing problem is appalling." (Functions of a City: 5) It is worth noting here that while the term anarchistic settlements ("*tanbun anatapatai*") does occasionally appear in PRK documents, it is applied to places rather than to people, and in context seems to denote 'unplanned and untidy.' As such, in PRK documents the term is stripped of the moralistic tones that attend its current usage in state discourse. Today state officials often refer to informal settlers as "anarchists and opportunists." a framing that is fundamentally about identifying the urban poor as dirty, amoral, and out of place in Phnom Penh.⁴⁵ Subsequent chapters will chart this drift through recourse to land disputes that erupt after 1989.

Under the subheading, "Resurrection of the City of Phnom Penh after the liberation of January 7th, 1979." Part IV of the Municipal Report "Phnom Penh, The Functions of a City" lists, in bullet point form, a set of 'important signs of Phnom Penh's recovery' (in 1985):

- Some Ministries and departments opened their doors and recruited personnel.
- Schools opened their doors and the number of students has increased each year
- Hospitals began treating patients again, and at the same time equipment was replaced or repaired.
- Buddhist monks returned to the pagodas
- There were markets for bartering as there was no national currency until early 1980's.
- There began a 'baby boom,' following the years of separation and chaos.
- Traditional weddings were allowed.
- Family members began to live together

The section concludes, "All of these activities show that Phnom Penh [was] resurrected, it [is] no longer a city of death."⁴⁶

CONCLUSION: AD-HOC VS. ARBITRARY STATE AUTHORITY

While the geopolitical dimensions of the PRK decade remain deeply contested, the social, political and property relations outlined above are most often erased.⁴⁷ Despite the historic nature of this decade, in which an almost entirely new population moved into the city, the predominant narrative recites that the Khmer Rouge regime destroyed the social fabric of the city along with records, bureaucratic and administrative capacity.⁴⁸ And then here the narrative leaps forward thirteen years to the signing of the Paris Peace Agreements in 1991 and the subsequent UN intervention.⁴⁹ For example, Though Sylvia Nam specifically analyzes death and rebirth as a idiom of rule, she skips the PRK period entirely (2011). Yasushi Akashi, the head of the UNTAC mission published a paper in the Harvard International Review titled, "*To Build a New Country: The Task of the UN Transitional Authority in Cambodia.*" Meanwhile, Khathrya Um titled

her Pacific Review article summarizing Cambodia in the year 1993, “Year Zero Plus One” (Um, 1994).⁵⁰ Yet, when UNTAC forces hit the ground in 1992, twelve years had passed.

When scholars do attend to the land politics of the 1980’s they most often dismiss them as having been ad-hoc. Khemro and Payne declare that homes were claimed “on a first come first served basis” (2004: p182). Williams, meanwhile, lumps the PRK, SOC and CPP land regimes together (socialist, transitional and liberal), writing that the “redistribution and privatization programs of [post-Khmer Rouge] regimes [were] corrupt and haphazard”(2009, page 21). I suspect that a good part of this erasure stems from the liberal conceit imagines that socialism didn’t have its own intricate property relations (Verdery, 2004). However, if we understand arbitrary policy as precisely the exercise of prerogative state power than the political import of the PRK’s urban property regime is very significant indeed.

The prerogative authority of the PRK was entangled with a paternal claim to rescue and a patriarchal claim to the right of the father; both of which pivot around the rescue of the city in January 1979. The PRK allocated land and moved people around in the 1980’s according to an evolving set of priorities. This arbitrary power inherent to prerogative power has, however, been misdiagnosed in contemporary scholarship as ad-hoc. This framing at best minimizes, and at worst erases the critical urban land politics of this decade. And the erasure of the spatial politics of the 1980’s narrows the band of admissible claims to space in the present.

This was made abundantly clear on the morning of January 3rd 2012, when more than three hundred residents of the central Phnom Penh informal settlement of Borei Keila were violently evicted, and their homes bulldozed despite many individual’s residence on the land from the 1980’s. Over the course of the day, I looked on with perhaps another hundred bystanders as residents frantically salvaged household items from the piles of rubble left by the bulldozers. This is a picture of what remained when all was said and done a few days later:



Figure 12: Borei Keila settlement a few days after eviction. Photo by author

The day after the eviction Phnom Penh City Hall issued the following statement on their website:

It has been a longstanding policy of the Royal Government of Cambodia under the wise leadership of **Samdech Techo Hun Sen**⁵¹ that the municipality of Phnom Penh had to strike a balance between the interests of the municipality in developing the Capital City of Phnom Penh and those of the people who flocked into the city by necessity after the

collapse of genocidal regime of the Khmer Rouge.... *The poorest of the poor [] never took possession of [large piece[s] of property, but crowded in the midst of others of the poorest among the poor in narrow, dark, dirty and generally uninteresting places. [In] the eyes of the ordinary people, the investors and developers as well as the authorities and the law they did so for reasons nobody ever understood. They became victims of their own making when development and growth took them by surprise.*⁵²

Contrary to the Phnom Penh Municipality's claim of unintelligibility: "they did so for reasons nobody every understood," the settlement of Borei Keila is *only* intelligible through a politicized account of the PRK period of socialist reconstruction⁵³. Borei Keila was a key node of Fortress Phnom Penh. The area was used intensively as a military training and athletic grounds through the 1980's. Soldiers and their families lived on the site at the behest of the Ministry of Interior and with the permission of the Municipality.⁵⁴

The regime's ability to distance itself from this historical entanglement, while at the same time claiming patrimony over the outmoded state space of the Khmer Rouge, is a poignant expression of how rupture and repurposing functions as a dialectics of rule. How, as I laid out in the introduction: *sovereign authority renews itself through a two-staged process that first evacuates space of its historical content—through claims to rupture—and then, in a second move invites historical time back into abstract state space—creating the legitimating myth of state power based on rescue, rebirth and the blank-slate.* In the PRK's origin story, it is they who are the giver of life, rather than the people who make the city live. In the breach of rupture, the PRK sired a new city. As a Cambodian historian and scholar who himself emigrated back to the city in the early 1980's put it to me,

You have to understand that the original leaders from the PRK period think of Phnom Penh as their war chest—they think of the city as something they won from the Khmer Rouge and later gave to the people. This is why they do not have patience for squatters and protesters.⁵⁵

A claim to Phnom Penh as war chest is a claim premised on 1979 as a moment of rupture and state rescue, not on popular remaking in the wake of incredible dislocation. The gulf between death and rebirth and rescue and repurposing is the sum total of negotiations and city forged in the minutia of countless negotiations between Phnom Penh returnees new residents and the claim, adopted by the PRK/SOC in 1989 to "give land to the people."

¹ I take this evocative phrase from David Stark (1996)

² Played by the Neue Musik Hanns Eisler Group

³ Called the "New Market" in Khmer

⁴ The Coalition Government of Democratic Kampuchea held the United Nations seat until 1990.

⁵ KR/PRK split as refracting Sino-Soviet split, while the 'West's' resuscitation of the KR on the Thai border and the Vietnamese support of the PRK, refracts global cold war geopolitics.

⁶ Here I am in conversation with Penny Edwards' analytic description of the Toul Sleng genocide museum as "doubly post-socialist" in that it is curated by Vietnamese socialists to memorialize the horrors of the Khmer Rouge's socialism (Edwards, forthcoming). One could argue that Kampuchea: Dying and Reborn is even "quadruply post-socialist," in that a good deal of the persuasion of the film is aimed at legitimating the Vietnamese presence in Cambodia and advisor

position to the PRK.

⁷ Gottesman provides a more complex analysis that includes these elements as well as Sovan's failure to cultivate political clients and a set of personal stylistic differences between Sovan and rest of the PRK leadership. (2004, pages 130-132)

⁸ Though extremely short lived, the significance of Pen Sovan's leadership and his removal from power cannot be overstated. Gottesman writes, "The arrest changed the direction of the PRK. Many of Pen Sovan's policy initiatives, particularly his pursuit of economic independence, came to an immediate halt. Sovan's removal also reminded the Cambodian leadership that they served at the behest of Vietnamese authorities. The Vietnamese demonstrated their distaste for the accumulation of authority by any one Cambodian leader by dividing Pen Sovan's responsibilities: Heng Samrin was named Party secretary, and Chan Si, a forty-seven-year old Hanoi veteran, became prime minister. (2004: p131)

⁹ Boreth Ly, 2003, "Devastated Vision(s)

¹⁰ Berlant, L. 2011, "Cruel Optimism"

¹¹ August 11, 2013. Interviewed by Dy Khamboly, Erin Collins and Long Dany. Transcribed by Mam Sovann. Translated by Dy Khamboly. I have in places smoothed the grammar of the English translation. The interview occurred in the immediate aftermath of the contested Parliamentary elections in which Pen Sovan was elected the MP for Kampong Speu Province.

¹² The remnants of the Khmer Rouge

¹³ There is perhaps no better example of "the nation [a]s the spatial extent of the men of the nation" (McClintock, 1993) than Khmer Rouge's differential treatment of Cambodian men and women with foreign spouses. When the KR overtook Phnom Penh, a cluster of expatriates and their families barricaded themselves within the French Embassy, awaiting repatriation. While the KR allowed Cambodian women married to foreign men to leave the country, they insisted that Cambodian men married to foreign women must remain. Men are of the nation, where women are only ever appended.

¹⁴ All of the PRK leadership underwent advanced political education in Vietnam, and all were handpicked and advised by the Vietnamese Communist Party (Gottesman, 2004). Christopher Goscha quips that the Indochinese Communist movement "maintained a strong Vietnamese accent" (1995:58)

¹⁵ Interview with Pen Sovan Prime Minister of PRK 1979-1981 (8/10/2013)

¹⁶ Ibid.

¹⁷ Interview with Author, Phnom Penh, August 2013

¹⁸ Interview with author, Phnom Penh, October 2012

¹⁹ An United Nations Advanced Mission to Cambodia report records that as late as 1992, this refugee block continued to serve a security function for the state. (Yap et al., 1992)

²⁰ "Functions of a City" 1985: p13

²¹ Urbanites had died in much higher numbers during the Khmer Rouge period. Further, many with resources had fled either before or after the Khmer Rouge, living in refugee camps in Thailand, immigrating to America, France or further afield. For those Phnom Penh people that did return to the city of their birth, it sometimes took years for family members to find each other and account for their dead and their living. Many families were not reunited until mid-1980's, and throughout the decade household composition was extremely heterogeneous. People did buy, sell and trade land starting in the mid-1980's, though they did so in the context of a land market that was not yet commoditized.

²² Interview with returnee to Phnom Penh. August, 2012, Phnom Penh

²³ Borth Ly, 2003, "Devastated Vision(s): p69

²⁴ Conversation with Phnom Penh resident about returning to the city in 1981.

²⁵ Yap KS, Standly T, Ottolenghi R., (1992) Report of the UNCHS (HABITAT) Needs Assessment Mission in the Urban Sector in the Light of the Imminent Influx of Returnees in Cambodia.

²⁶ Yap KS, Standly T, Ottolenghi R., (1992) Report of the UNCHS (HABITAT) Needs Assessment Mission in the Urban Sector in the Light of the Imminent Influx of Returnees in Cambodia.

²⁷ Curiously while the HABITAT report is sensitive to the repurposing of existing space by Phnom Penh's new residents, they too report that habitation was ad hoc: "Phnom Penh is unique in the world in that housing was allocated on a first-come, first-serve basis. Because the city was virtually empty in 1979, the families who came to the city simply occupied whatever shelter they could find." 9p23)

²⁸ Unpublished UNTAC report (1991: The Structure of the Cambodian State, Party and Popular Front), corroborated in interviews with former PRK village and commune heads.

²⁹ Interview with Author, Phnom Penh, July 2013

³⁰ Such was the case for four families who were allocated land within the environs of the Brick Factory (File 26.279) as well as for 269 people working within the solidarity agricultural group (krom samaki) in Dangkor District (File 6.164)

³¹ In one land dispute case between two sisters illustrates how head of household came to structure land claims in the transitional period: "it was found It was concluded that at that time E.P. left from work and wanted to avoid paying the high tax of the house as the other people did, so she allowed her younger sister to stand as the family head."

³² For example, the "White Building" on Sotheros Boulevard was a Ministry of Culture building, inhabited by musicians and artists. While the community that inhabits The White Building today is quite mixed, the seriously dilapidated former public-housing project remains renowned for cultural production. (For a description and discussion of The Building see Simone: *"The Politics of the Possible"*: 2008).

³³ Oral Historical interview with author, Phnom Penh, July 2012.

³⁴ Springer (2010) rightly critiques the neo-patrimonial analytic framework for explaining away political economy by way of culture.

³⁵ It is worth noting that there are far more orientalizing invocations of patronage (see for example Brickley, 2011).

³⁶ In this vein Hughes argues that urban life itself "depersonalized" patronage relations. What had been relations of verticality in rural areas, became dispersed in an urban environment in which persons could attach themselves to any number, and even multiple, patrons (2003: 176) In another piece, Hughes makes the critically important point that the contemporary gift-economy is actually a high-jacking of the discourse of Buddhism for the purposes of authoritarian politics. She shows that the contemporary operation of gifts that cannot be refused from big men to the poor is an entirely new political phenomena, rendering cultural theses dangerous as well as incorrect (Hughes, 2006).

³⁷ By 1983, Phnom Penh's population was nearly 400,000 organized into approximately 72,000 households. Yet there were only 45,736 intact homes in the city (82,000 of the 120,000 pre-1975 dwellings in the city were destroyed by the Khmer Rouge). The above cited Municipal report continues, "Houses left after 1979 belong to the State. Among these there are: 9017 "villa" type dwellings, 4972 "half-villa type dwellings, 31,752 flats (mostly concrete), and 17,692 huts or shacks.

³⁸ Fieldnotes December 2012. Interview by author.

³⁹ Functions of a City” (1985)

⁴⁰ The narrator recalled that after he heard about sub decree 25 in April of '89, he went out and drove four posts into the corners of their plot. Later, a District Agricultural Officer came out to measure it, and issued him a receipt “the size of a movie ticket.”

⁴¹ File 32.115

⁴² File 62.234 (signed August 25, 1992)

⁴³ The file contains four extremely lovely photos of the plots of land and their crops, including one of a couple standing in front of their home looking embattled.

⁴⁴ File 3.023

⁴⁵ It is worth noting that in neither contemporary or historic usage does the tone convey any of the utopian elements of anarchist thought. It is unclear to me where this language originally came from.

⁴⁶ In December of 1985, Kry Being Hong, as representatives from the Municipality of Phnom Penh presented the paper called, “Phnom Penh: The Functions of a City” in New Delhi. (Here forth “Functions of a City” (1985)

⁴⁷ The two key exceptions to this paradigm are Evan Gottesman's excellent “After the Khmer Rouge” (2004) and Margaret Slocomb's “The People's Republic of Kampuchea” (2003). However, neither book focuses on property, as both manuscripts are centrally concerned with the political organization of the PRK and the government and party structures at the national, provincial and local levels.

⁴⁸ For example see James Tyner: “The Killing of Cambodia”(2008), Barron & Anthony (1977): *Murder of a Gentle Land: The Untold Story of a Communist Genocide in Cambodia*, Nam (2011)

⁴⁹ This erasure is present even in critical analyses of the UNTAC intervention: “Cambodia has made important progress in terms of political stability and economic growth since the devastation wrought by the Khmer Rouge regime in the early 1970's and the many subsequent years of civil war and economic stagnation. This has come about largely due to a “threefold transition,” beginning in the early 1990's, which led Cambodia “from civil war to peace, from one-party rule to multiparty politics, and from an isolated and subsistence-oriented economy to one based on the market and open to international trade.” (Williams, 2009: 19, embedded quote (World Bank, 2006, “Cambodia: Halving Poverty by 2015?”)

Here Williams moves directly from the *‘devastation wrought by the Khmer Rouge regime’* to Cambodia's *‘three-fold transition’* under the auspices of the United Nations, referencing the PRK period only obliquely in the phrase, *‘subsequent years of civil war and economic stagnation.’*

⁵⁰ See also this paragraph from Brown: “After decades of war, civil strife, and multi-tiered diplomacy, *a compromised political settlement had finally come to Cambodia*. How “comprehensive” the settlement actually was and how durable it would be remained in doubt. But clearly, *Cambodia's best hope for peace had been realized during 1991*. Sihanouk's return—arm in arm with his former enemy—to the royal palace overlooking the Tonle Sap River *symbolized at once the rebirth of Cambodia and the uncertainties of a peace fraught with ambiguity and palpable dangers.*” (Asian Survey: 1992, p88: Emphasis added)

⁵¹ Bold in original. Hun Sen's current full title is Samdech Akka Moha Sena Pedei Techo, which Human rights watch translates as “princely exalted supreme great commander of gloriously victorious troops.” <https://www.hrw.org/report/2015/01/12/30-years-hun-sen/violence-repression-and-corruption-cambodia>

⁵² Accessed from Phnom Penh Municipality's official website on March 13, 2012 “Samdech Techo Hun Sen” is bold in the original, *italics added for emphases*.

⁵³ Then, on October 21st, 1996 the Borei Keila settlement quadrupled its size over night

following a speech by Hun Sen in which he recommended that residents not leave (as municipal officials had ordered them to do) unless they were handsomely compensated¹: “*PM’s Pledge Lures Crowds to Sports Center.*” is the front page headline of the Cambodia Daily.² (Hun Sen’s motivation was to embarrass and discredit his primary political opponent, Ranariddh, who had authorized the eviction and sale of the land.) Following this powerful endorsement, plots were subdivided overnight and residents lived relatively unmolested, though without title until their violent dispossession in January 2012. (Source: Hun Sen speech in Takeo Province, broadcast on national radio and reported in the Cambodia Daily Cambodia Daily October 21st and October 23rd, 1996.

⁵⁴ Paul Rabe, *From Squatters to Citizens? Slum dwellers, Developers, Land sharing and Power in Phnom Penh Cambodia*, University of Southern California, 2009 pp152

⁵⁵ Phnom Penh: 7/29/2013

CHAPTER 2: DISPENSING WITH SOCIALISM

1989 was a global as well as national conjuncture. The Berlin Wall fell down and Vietnamese troops and advisors withdrew from Cambodia. In this chapter I show that the socialist PRK remade itself as liberal state through land reform. This land reform was a highly successful elaboration of the workings of rupture and repurposing as a dialectics of rule. The regime declared a rupture with the past, and then invited urban residents to apply for ownership rights over the homes in which they were already living. Crucially, this meant that the regime ‘gave land to the people’ from a starting condition of comprehensive state ownership over land. I show that this premise conditioned significant dispossession of the urban population alongside generalized enfranchisement. While the land reform consolidated SOC state authority vis a vis other political contenders, it simultaneously splintering the SOC apparatus itself, resulting in what I characterize as post-socialist informality.

2.1 INTRODUCTION

“The mission is extremely concerned about the process of land registration currently taking place in urban areas...there will soon be no land available to resettle returnees in urban areas, to allocate land for low-income housing and to reserve land for public purposes. —Report of the UNCHS (HABITAT) Needs Assessment Mission in the Urban Sector in Light of the Imminent Influx of Returnees in Cambodia, (1992: p2)

The spring of 1989 marked the end of state socialism in Cambodia. What followed was a brief but highly contentious transitional period in which new land reform policies led to property disputes across the country, becoming especially violent in the capital city of Phnom Penh. These territorial politics shaped and were shaped by new forms of authority, political economy, and rule of law. They articulated shifting conditions of ownership and belonging. In this chapter, I draw heavily on the primary source of property disputes filed with the United Nations Transitional Authority in Cambodia (UNTAC) in 1992 and 1993.¹ These disputes illustrate the complex, lived experience of Cambodia’s post-socialist transition by providing fine-grained narratives of social, political and economic reconfiguration.

In the last chapter I showed how the prerogative state authority of the PRK was premised on a rupture with the pre 1979 past, even while the new city was assembled out of the ruins of the old city. In this chapter I document 1989 as a key moment in which the ruling regime remade itself through rupture. In the wake of Vietnamese withdrawal and on the eve of the United Nations intervention, the PRK introduced a comprehensive land reform in which they “gave land to the people,” at break-neck speed. I argue that the land reform was key to the PRK’s reformation, as well as to their consolidation of power in the transitional period.

The 1989 land reform declared a rupture with the past, asserting comprehensive state ownership over land, and then invited urban residents to apply for ownership rights over the homes in which they were living. This elaboration of rupture and repurposing conditioned significant dispossession of the urban population alongside generalized enfranchisement. I provide an account of how formal and informal land tenure operated as a mode of statecraft and rule. Through the land reform, the ruling party consolidated their state authority vis a vis other

political contenders. However, the land reform simultaneously splintered the SOC apparatus itself. The social and political coordinates that came to constitute post socialist informality directly challenged the SOC's premise to rupture with the PRK period, and thus authority to allocate land anew.

Cambodia's 1989 land reform was unprecedented in speed, scale, and scope. In the brief window between the end of Vietnam's ten-year occupation (1979-1989) and the arrival of the United Nations Transitional Authority to Cambodia (UNTAC: 1992-1993), the newly reformed State of Cambodia (SOC) distributed 4.9 million receipts for individual claims to property across the country.² This land reform was designed to tether individual property rights to the regime in a bond of mutual recognition; reproducing regime authority across the United Nations supervised democratic elections. As SOC Prime Minister Hun Sen stated in a 1992 speech before the Council of Ministers,

We can observe that the situation has gradually shifted from a military struggle to a political struggle waged within a socio-economic struggle...All provinces and cities have to understand that giving land possession is the foundation to attract people's minds and support for our government and party. If we prolong this until after the election, it is meaningless.³

In short, through distributing land rights in great haste, the ruling regime of the communist era sought to remake itself as liberal state authority under reformed political economic conditions. While Williams (2009, page 38) and others have argued that the land reform was designed to anticipate and stem the land claims of the 360,000 refugees that were set to be repatriated in the early 1990's (the subject of chapter 5), this analysis radically underestimates the political power and cost of land reform.

The Paris Peace Accords signed in April of 1991, parceled out political power in the 'transitional period,' as follows: The UN was the official interim authority, with a comprehensive mandate to exercise control over all organs of state "necessary to ensure a neutral political environment," "variety the withdrawal of foreign forces," ensure the "non-return of policies and practices of the past," and create the conditions for "free and fair elections,"⁴ Meanwhile, PPA designed the Supreme National Council (SNC) as the "unique legitimate body and source of authority in which, throughout the transitional period, the sovereignty, independence and unity of Cambodia are enshrined."⁵ was designated as the official interim state authority. The SNC was headed by Prince Sihanouk and was composed of representatives of each of the four major factions: Democratic Kampuchea (the Khmer Rouge), FUNCINPEC (Royalist), BLDP (Buddhist Liberal Democratic Party) and SOC). While the SNC held formal state authority, and UNTAC the authority to intervene, Article 6 of the PPA specified that, "The United Nations, in consultation with the SNC, will identify which agencies, bodies and offices could continue to operate in order to assure normal day-to-day life in the country."⁶ Pragmatically, Lyndall McLean nicely sums up the distance between mandate and capacity in the following statement:

With its demands to monitor all aspects of the media, scrutinize all sources of information, examine and control all financial records, judicial and administrative decisions, let alone deal with the queues of complaints lining up on a daily basis to present their allegations against officials—was totally unrealistic purely from the point of [view of] language skills alone." (Brown 1998: p108)

The complaints to which McLean refers overwhelmingly pertained to property disputes, and are the primary source of this chapter. For reasons of infrastructure (the SOC had an established

grassroots land governance regime) and capacity (linguistic, juridical), land governance remained under the authority of the SOC.

Struggles over land the transitional period were struggles over state authority itself. When in 1992 the Supreme National Council issues a statement declaring, “*any transaction made outside of the system would not be recognized by the new government*,”⁷ Hun Sen responds by Instructing the Council of Ministers:

“Some investors want to invest after the new government is elected. Therefore, State of Cambodia shouldn’t examine their proposals at this time—before the election. To any previously not implemented contracts such as those who have kept the land empty without building anything on it, we have to cancel those contracts and give it to other investors who dare to cooperate with the State of Cambodia before the election. Concretely we have already cancelled a land rental contract with a French company located in front of the former Foreign Trade Bank and found a new investor immediately.”⁸

Canceling pending contracts with cagey developers and re-allocating them to those willing to throw their lot in with the ruling party threw into sharp relief the difference between Hun Sen’s actionable authority and the symbolic authority of the other players. Second, it recruited powerful domestic and international elite allies for the regime. Lastly, the sale of valuable urban property to developers generated significant funds for the CPP/SOC regime in the lull between the withdrawal of Soviet support and the withholding of United Nations controlled funds. SOC control over land governance in the transitional period was integral to their consolidation of state authority.

While the Paris Peace Accords created a blueprint for a neutral playing ground for all political parties and factions, it was only a blueprint. In lived space of the city, the SOC had a distinct advantage over all other factions: as they had a grass-roots administrative structure in place, and their state apparatus occupied key buildings and streets within the city. Hun Sen regularly flexed his political muscle through the organism of the city. When Khieu Samphan, a senior Khmer Rouge leader returned to the city on November 27th 1991 he was attacked by an angry mob that is widely believed to have been Hun Sen’s political theater. Opposition political parties and news outlets had a very difficult time securing Party Office space, and so were often run out of private homes. There were numerous threats and granade attacks against these home offices, as well as often the homes of leaders and supporters.⁹

Control over land crystallizes the territorial, governmental, and property aspects of state sovereignty (Peluso and Lund, 2011). When a governing institution recognizes a property claim, that act of legitimation simultaneously imbues the institution with state authority (von Benda-Beckmann, 1981), making land reform a critical modality for the co-constitution of citizenship and the state (Lund, 2011). Building with these provocative assertions, I make two further claims. First, if property as a set of relations produces state authority, then it follows that the nature of the property regime put in place will condition the form that state authority takes. Second, if the distribution of private property rights creates mutual recognition between land claimant and the state, then a different set of political relations will be reproduced where that recognition is withheld.

Cambodia’s transitional land politics splintered the state. A significant portion of low-level state cadre living on state land were dispossessed in the land reform process. In response, many settled open land and ambiguous parcels, creating sprawling informal settlements throughout the

country, most prominently in Phnom Penh. The state, as an uneven collective of offices and individuals, was involved in both sides of urban informality—as illegal settlers and as evicting municipal police forces. Just as informality was produced by the state (Roy, 2009; Roy & AlSayyad, 2004), informality shaped Cambodia’s post-socialist state authority. I argue that land invaders and state authorities forged relations of post-socialist informality where private property rights were withheld. By post-socialist informality I am calling attention to the highly uneven, power-laden process punctuated by untenable contradictions and harboring unlikely commonalities by which informal settlements were formed, governed, and razed in Cambodia’s transitional period.

Parnell and Robinson (2012) caution that informality as a category is in danger of taking as given what needs to be explained: the imbrication of state-civil society in particular places, under particular conditions. Chatterjee (2004) has famously argued that in post-colonial settings political society is the sphere, separate from civil society, within which the poor engage the state with tactical claims based on moral entitlements. Yet, such analytic sequestering assumes coherence of the categories of civil society, state, and informality themselves. In the immediate aftermath of a communist structure, the division of state patrimony is the very terrain of political struggle (Hsing, 2006). Indeed, as the petitions, documents, and reports within the UNTAC land dispute files that I turn to below make clear, struggles over the dissolution of formerly state lands were simultaneously struggles over livelihood and over the post-socialist redistribution of state authority.

I offer the term post-socialist informality as a way to conceptualize state authority as emergent from situated struggles, rather than imposed onto, or against informal modes of rule. Writing about China’s late-socialist urban land politics Hsing (2010) theorizes “civic territoriality” as the bottom up process that counters top-down state territoriality through urbanization projects. Yet, what emerges from the UNTAC land dispute files is the entanglement of official and unofficial modes of territorialization. In Phnom Penh in the early 1990’s, soldiers, myriad state officials, investors and profiteers claimed a place within informal settlements based on their position within, or relationship to, the state. Meanwhile, new hierarchies of post-socialist state authority were worked out through struggles over the governance of these areas.

This discussion of post-socialist informality finds affinity with other open-ended analyses of urban politics such as “un-civil society” (Bayat, 1997), “occupancy urbanism” (Benjamin, 2008), and “the politics of the possible” (Simone, 2008). Simone observes that Phnom Penh’s history of sequential remaking is a key resource of the urban poor, who remake the city and their place in it through countless negotiations. Where Simone theorizes informal practices and energies as “contracted” into an urban “politics of the possible” (2008, page 187), Bayat contends that everyday life simultaneously contains the seeds for “episodic collective action” (1997, page 57). For Bayat, the daily necessities of social reproduction are the condition of possibility for a broader urban politics. Benjamin meanwhile attends to the oscillation between these two political terrains; between “the constant relationship between day to day acts on material issues (land, economy, working the bureaucratic system) and the consolidation of a popular political consciousness influenced by those actions” (Benjamin, 2008, page 545). In particular, Benjamin’s discussion of occupancy urbanism focuses our attention on the role of state actors as landlords and land brokers within urban informal settlements. In Phnom Penh, the presence of high-ranking government officials, including police and military personnel, is often noted, though rarely explained (see Khemro, 2000, page 21). Here I historicize this phenomenon, while elaborating how state rule is forged, contested, and reproduced through relations of post-socialist informality.

2.2 FROM LAND REFORM TO DISPOSSESSION

When the People's Republic of Kampuchea (PRK) changed their name to the State of Cambodia (SOC) in 1989 and introduced a set of liberal reforms, the most significant among these was the reintroduction of (limited) private property rights in urban areas, and rights of possession in rural areas.¹⁰ The 1989 land reform redrew the boundary between state and private domain, producing both private property and informality in the process. Private property claims enunciated a shift from socialist entitlements to liberal rights and from centralized state control to more diffuse forms of governance. However, these private property rights did not unfurl upon a blank slate, as socialism had its own distinct property forms and categories with which the subsequent regime had to contend (Gottesman, 2004, Hughes, 2003, Hsing, 2006; Khemro & Payne, 2004; Verdery, 1996 2003).

The newly reformed State of Cambodia regime ran land reform through existing socialist grass-roots infrastructure of Commune and Provincial People's Party offices.¹¹ The 1989 sub-decree declared that all pre-1979 claims were invalid and that the state would give land rights to the families of cadre, staff, soldiers and the poor that could prove that they were living peaceably on the land when the sub-decree was signed. Those who did not fit within these categories were given the opportunity to buy their property from the state.¹² According to the sub-decree, all public buildings were to be preserved for the public interest. As will be seen, the application of these guiding principles was extremely uneven.

Yet the land reform process simultaneously put in place a set of spatial and temporal exclusions. When the sub-decree was passed, SOC Prime Minister Hun Sen¹³ gave the following three instructions that did not enter into the text of the sub-decree itself, but did condition which claims to land were deemed legitimate and which illegitimate.

1. Phnom Penh must organize some plots of land for special tasks and keep other parcels of land empty for private investment.
2. Land along the road to Pochentong [airport] must be kept for building large buildings.
3. It is prohibited to provide land along the riverbank to the people.¹⁴

In this constitutive exclusion, the property claims of tens of thousands of people were deemed inadmissible through state manipulation of topographical and geographical difference. Additionally, the land reform had the effect of erasing long-standing patterns of seasonal settlement along the waterways of the city. A 1992 UN HABITAT Advanced Mission reported that in addition to Phnom Penh's (approximate) permanent urban population of 700,000,

There are some 100,000-200,000 seasonal migrants who live in the city for only part of the year (i.e. The dry season) and return to their rural areas of origin to plant rice or to harvest. These temporary migrants often build their houses on unoccupied land which is flooded during the rainy season when they are back in their village. (Yap et al., 1992: p21)

The difference between dry land and seasonally inundated land emerged as a salient distinction demarcating land that was allocated to inhabitants as their private property, from state land which could not be distributed through land reform. Critically, the designation of state land did not necessarily preserve these parcels as public resource. Rather than constituting a commons, *outside of private property*, state land was the condition of emergence for other forms and later cycles of accumulation by dispossession. The same HABITAT report states, "All the land which was not in use in principle still belongs to government/municipality but there are no maps which show government land." (P. 24) The report goes on to note, "Most of the new low-income housing (squatters, evicted squatters, etc.) are outside the [inner] dikes, in fact along the peripheral dikes." (Ibid., p26). All waterways including lakes, ponds and rivers, as well as

seasonally inundated land were by default categorized as ‘State Land,’ and thus those inhabiting those areas were categorized as squatters. The topographical exclusions rendered the land discursively empty, and thus those on it: “*squatters and anarchists.*”

State archival records show an intensification of land reclamation and sand dredging within Phnom Penh beginning in 1991. A report¹⁵ dated 22nd March 1991, from the People’s Committee of Phnom Penh to the Cabinet of the Council of Ministers, describes an ongoing project of dredging sand from the Tonle Bassac River for use as infill of Boeung Snout lake, a new development in Phnom Penh Thmai, and the Chruoi Changva Peninsula,¹⁶ — *the peninsula between the Tonle Sap and the Mekong that is directly adjacent to the French Quarter.* The document goes on to state, “*we must stem unregulated and unapproved (anarchistic) building in these areas.*” An informal settlement that is “*spoiling the beauty of a Buddhist temple little by little*” is identified as needing immediate redress. The final paragraph reports on the progress of the People’s Committee of Phnom Penh in terms of the larger scale Master Plan for the city. “*After reviewing the plans of the schema directeur*¹⁷ *we recommend the dredging of Tonle Bassac River for the development of these areas.*” Two months later, the Cabinet Council of Ministers authorizes the pumping of sand to enlarge Phnom Penh.¹⁸ In short, while the land reform apportioned property, it also dispossessed.¹⁹

While the land reform program was well organized and thorough when it came to distributing plans and receipts, it was much less so in processing and investigating the legitimacy of the claims themselves. The political efficacy of the program was, after all, in the distribution not the adjudication of land rights. The staggering pace of the land reform, and the frequent issuance of multiple receipts to different individuals for the same property set the stage for the eruption of land disputes across the country that accompanied the 1992-1993 United Nations Transitional Authority in Cambodia (UNTAC) intervention.²⁰

The UNTAC operation was the most expensive and intensive intervention of its time. In its role as interim authority, UNTAC oversaw the reconstitution of Cambodian sovereignty out of warring territories, the instantiation of a liberal form of government, and the country’s transition to a market economy (Hughes, 2003; Springer, 2009). Concretely, the United Nations Peace Keeping Operation was tasked with repatriating the more than 350,000 Cambodian refugees living in Thai border camps, decommissioning seventy percent of all factions’ armed forces, and holding democratic elections (Cambodian Peace Agreement, 1991). Though UNTAC had not planned to be involved in land governance, it turned out that control over land underpinned each aspect of UNTAC’s mandate: sovereignty, stability, and repatriation. In an interoffice memorandum to all Province Heads, the Chief of the Complaints and Investigations Unit wrote,

Land disputes: these cases are extremely difficult to handle. In some cases it is reasonable to evict people from illegal settlements. However, even in these “legal” evictions, it is absolutely necessary to examine the effect in a broad sense. Evictions are contributing to increasing instability which could easily build up to be manipulated with resultant civil unrest...It is desirable that resettlement sites are arranged for evicted families in order to avoid “permanent” evictees who are chased away from place to place... I am aware that these cases are involving almost every UNTAC component.²¹

Subsequently, Lead Investigating Officer Greves wrote a position chapter reframing land governance as a set of “administrative practices within UNTAC’s power and explicit mandate.”²² Land related complaints were collected and investigated by the Complaints Investigation Unit that reported to the Director of Civilian Operations of each Province.²³ Cases deemed politically consequential were then discussed at bi-monthly meetings of the Complaints Clarification

Committee, composed of SOC and UNTAC officials.²⁴

Ironically, land disputes were greatly stoked by the United Nations intervention. The 2.8 billion dollar mission injected massive amounts of capital into the urban economy, accelerating the commodification of urban land (Shatkin, 1998, page 384).²⁵ At the cusp of the UN intervention a UN HABITAT mission cautioned, “The pressure on the housing market is enormous with rents of US\$2500-US\$5000 for large villas” (Yap et al., 1992: p24). In a terse letter addressed to the director of UNDP in Phnom Penh, Dr. Nesbitt the Director of the Cambodia Rice Research and Development Institute (CARRDI) wrote,

With the promise of the arrival of UN peace forces, land prices have escalated out of all proportion throughout Cambodia, particularly in Phnom Penh. In addition, political factions are making rash promises to gain votes. Some troublemakers approached farmers near CARRDI and offered them \$6,000 per [hectare] when the real price is closer to \$500 per [hectare].²⁶

As the CAARDI land dispute thickened, 4,500 people from six villages became embroiled in the land dispute. At one point disgruntled villagers burned down key infrastructure, cut the access road to the research center and offered a bounty on the life of any high ranking CARRDI staff member.

The CAARDI case generally, and Dr. Nesbitt’s comments specifically, illustrate that property in the transitional period held as much political as economic value. Land ownership and the division of state property was a common theme for all major parties in their 1993 National election campaigns.²⁷ The royalist party *Front Uni National pour un Cambodge Independent, Neutre, Pacifique, et Coopératif* (FUNCINPEC) routinely criticized the SOC’s selling of state land, and on occasion submitted petitions to UNTAC urging the return of land to its pre-Khmer Rouge owners. While Son Sann, the leader of the BLDP (Buddhist Liberal Democratic Party) promised Khmer Krom (ethnic Khmer living in Vietnam) land in Cambodia if they entered the country in time to vote. The SOC’s own political party, the Cambodian People’s Party (CPP) vowed to protect existing land rights if elected. On occasion, this promise was inverted as a threat. As one Village Head loyal to the SOC/CPP reportedly put it to his constituency, “If you support FUNCINPEC where will you live? The SOC will not help you when soldiers come to steal your land.”²⁸

Far from instituting a *tabula rasa* for private property rights, the 1989 land reform redefined the edges and extent of the state, producing an uneven urban topography that included new social categories of landholder and illegal settlers.²⁹ This was fundamentally a violent process (Springer, 2009 2013). The UNTAC land dispute files make clear that though inflation induced displacement was undoubtedly a force, it was extra-economic forms of expropriation that defined Phnom Penh’s transitional land politics. Much more than merely the extension of capital’s reach (expanded reproduction), the (re)making of private property transpired primarily through processes of enclosure of public space and the dispossession of tens of thousands of people from their place in the city (DeAngelis, 2004; Ghertner, 2014).³⁰ The remainder of this chapter explores these dynamics in detail through the lens of the UNTAC land dispute files.

2.3. THE UNTAC LAND DISPUTE FILES: PRESENCES AND ABSENCES

Throughout the eighteen months of the UNTAC intervention, UN human rights and civilian operations staff heard, catalogued, and (usually) investigated fourteen hundred and twelve complaints from sixteen provinces. Five hundred and fifty two of these were categorized as land disputes.³¹ The land dispute files are contained within thirty-four boxes, the majority of which

are grouped by province. Twelve boxes, covering more than a third of all disputes and a significantly larger proportion of displaced individuals, refer to land conflicts within Phnom Penh. In addition to boxes organized by province, there are four thematic boxes: One box is entirely given over to land disputes that involve the Ministry of Defense. Another includes land disputes related to all other ministries.³² There is one box composed of rejected and miscellaneous cases, and a final box containing UNTAC interoffice memos, statistical reports, policy briefs, and meeting notes chronicling the disputes in aggregate. This box in particular is a valuable source of internal UNTAC notes, analyses, and reports.³³ For example, an inter-UNTAC memorandum from September 1992 categorizes the complaints as thus:

1. Correct decisions but no implementation
2. Family disputes where the authorities encourage compromise but otherwise take little action
3. Arbitrary action taken by officials without any legal basis
4. Interference with a decision by senior officials, military, or police
5. Ministers with all necessary documentation provided but no legal basis
6. Action taken by a central authority for which we are unable to access any information.
7. Total lack of action or response by the authorities to a claim from private individuals³⁴

The memo instructs: “In UNTAC’s view types 3, 4, 5, and 6 are more worthy of consideration,”³⁵ documenting how investigation by UNTAC field officers (and thus inclusion in the archive) was dependent upon a notion of ‘the political’ as inherently separate from everyday life. In contrast, in my analysis of these case files I treat “the quiet encroachment of the ordinary” (Bayat, 1997: 57) as a key terrain of political struggle and state formation.

The UNTAC land dispute files record disputes brought to the Complaints Clarification Committee prior to the closure of investigations on the 27th of May 1993.³⁶ They range from disputes between two members of the same household to a case on Phnom Penh’s central waterfront area—the so-called “Russian Embassy Site”—that UNTAC officials estimated to involve the eviction of between 10,000 and 30,000 individuals.³⁷ Most files contain a dossier with claimants’ statements of their history on the land, copies of land documents, and previous local, provincial, and national level adjudication of the case through various SOC state apparatuses. In general, original documents are in Khmer, with accompanying English or French translations or summaries.

It is important to note that this archival source, like any, is attended by erasures and exclusions. Land complaints were only accepted and filed in sixteen out of twenty-four provinces. As one former human rights officer in Banteay Meanchey Province put it, “We had many, many land complaints but told everyone that we could not deal with them, as we were focusing on political cases.”³⁸ Thus, the lack of files from the remaining provinces should be read as a gap in the archive, not as an absence of land disputes in those areas. Lastly, the capacity for a victim of a land grab or eviction to lodge a complaint was unevenly distributed. The UNTAC Civilian and Human Rights Officers who recorded, investigated and filed these claims were geographically uneven across the country. Who had the confidence to file a claim, and not least, who had the knowledge of the most efficacious language in which to make claims when appealing to the United Nations, cut differently along the lines of class, gender, ethnicity, history and geography.

While I assert that land complaints were inextricably political, it is important to note the

newness and fragility of political rights that UNTAC officers were tasked with defending. 1993 was the country's first ever free and fair elections, and of course came on the heels of two decades of authoritarian rule (of multiple stripes). Politics (*ka noyobay*) in the sense of joining a party, casting a vote and debating current issues were radical political acts, especially given the environment of intimidation and violence inculcated by the Khmer Rouge and State of Cambodia factions³⁹. In the chapter I explicate how land governance was a key terrain through which political authority was worked out. Chapter 3, meanwhile, considers the profound reconfiguration of the household through land disputes.

Reading the UNTAC land dispute files closely upsets clean binaries of victim and villain. A reflexive analysis of my archival research practices illustrates this point. I spent the afternoon of August 21st 2013 researching complaints from the Phnom Penh district of Toul Kork. As I read and took notes on these cases I was drawn into the minutiae of one particular file. Reading the file chronologically, back to front, I reconstructed in my notes the armature of the claim. The first page was an original typed Khmer case description from the Commune Council Office. The form was punctuated by dozens of tiny, perfect circular and tear-dropped holes where the Khmer script typewriter was too insistent for the rice paper it imprinted upon. Each rounded vowel was a window onto the next form: a handwritten statement by the claimant, written in English, in which she opens with the emphatic statement, "A soldier is using his power to violate, and build his house on my roof." Building on top of existing structures was common practice in the context of an acute shortage of affordable housing in the city. Illegal roof structures were less visible to authorities, and thus less vulnerable to eviction. As with most cases, the claimant had already appealed to multiple State of Cambodia forums, and was now approaching UNTAC out of desperation.

The UNTAC field officer investigating the case noted in his report that each state official that had come to investigate the situation had ordered the soldier to cease construction. I recorded in my own notes that the complainant's statement asserted that officials were reticent to take direct action because the soldier had a gun. Working my way through the thirty-some pages of the file, I moved up through the stack towards the moment of consequence: *would the soldier be evicted or not? Would the woman hold onto her land in the face of the threat of violence?* In my mind the case was making a home for itself within a larger story about gender and power. A significant number of the land dispute files tell stories of gendered dispossession in which a woman is menaced out of her property by a male relative, soldier, or neighbor. This was how I was interpreting this story as I sifted through the details of the case and recorded its 'facts.'

Distinct from most other cases, fastened to the top sheaf of this file was a small rice-paper sleeve containing a set of photographs. Photographs in this archive are a rare treat, so I slipped these from their sleeve with great anticipation. When I looked at the photos, I was confronted with my own partial perspective onto this past. The pictures show what is clearly a fine, late colonial era building. Squeezed into the corner on top of this grand building is a tiny thatched shack that looked to be at the most six by ten feet.

In a moment, the script of the story had flipped. This was not a case of an armed soldier intimidating a woman out of her property—or at least it wasn't only that story. It was also a story about the stark class stratification that came into being in this brief conjuncture. And it was a story about the exclusion of soldiers from the land reform and their scapegoating during the Peace Process itself. The story told by the photographs and the one told in the text condense two very different claims to space—one was woven from palm fronds into roof panels in a tactical occupation that the soldier hoped would thicken into domain. The second wielded private property's newly hardened countenance of the right to exclude. The picture of the hut on the

roof crystallizes a moment in which soldiers were being squeezed out of the frame of the emergent property and political regime.

The Paris Peace Agreement mandated all factions to decommission seventy percent of their soldiers prior to the 1993 elections. With the immense inflation of land values, many commanding officers capitalized on the opportunity to sell land to investors for significant profits while being lauded for thinning their ranks. Such an alignment of forces unleashed an armed, disenfranchised, mercenary population into Phnom Penh's land conflicts (Hughes, 2009, pages 103-106). Among the two hundred and eighty-six Phnom Penh files, even excluding the Ministry of Defense files (discussed below), soldiers play a role in eighty-five cases. Soldiers were hired to dispossess others. They dispossessed their own family members and strangers. They sold land to others that did not belong to them, and guarded land for unnamed businessmen, politicians, and their commanders.

Yet, far from simply being the coercive arm of the state, soldiers were very often themselves victims of dispossession. As one soldier put it to an investigating UNTAC field officer immediately following being evicted by a superior officer,

This is the misery of people, of soldiers, of anyone who has been demobilized, we cannot do anything to our commanders when they oppress us. If UNTAC doesn't help keep an eye on this, I don't know how things will work out, each man for himself I suppose. All we asked for is a tiny bit of help, not to become rich and build villas. They have big wages, they have big rank, they sell things and buy a few villas, and they say this is their destiny. They say they are rich because it's their destiny, but what about our destiny? We get what we deserve, huh?⁴⁰

The seventeen files in the box labeled "Cases involving Ministry of Defense" enumerate the dispossession of more than six hundred soldiers and their families from former bases in and around Phnom Penh, while another very large case in the port city of Sihanoukville, documents the dispossession of approximately one thousand soldiers and their families. A Phnom Penh UNTAC Civilian Operations Deputy Director wrote the following,

I am seriously concerned about how we should deal with these issues. My office has received more than 500 complaints from military families, victims of eviction. It would appear that while planning for cantonment and eventual demobilization recognizes the need to provide training and support for demilitarized soldiers in order to prepare them for returning to civilian life, there was no recognition that for many, housing and shelter had been provided not just for the soldiers but their families in Ministry of Defense properties, from which they were now being evicted on a large scale. The assumption that they all have somewhere else to go does not ring true.

While the UNTAC land dispute files are partial, incomplete, and politically compiled, they yet provide an unparalleled window into the situated sets of relations out of which individuals assembled claims to ownership and authority in the context of political transformation. They further document the territorial practices through which the commons were enclosed and a significant swathe of the urban population dispossessed.

It is often remarked that what is written on paper in Cambodia is a poor representation of what happens "on the ground." (Subedi: 2012: p2)⁴¹ The implication is that official forms poorly reflect the "real situation." Generally, the mismatch between reality and representation is attributed to corruption, opacity of legal process, an underdeveloped bureaucratic apparatus, and/or incomplete transition to liberal democracy. But the view that bureaucratic forms should stand in mimetic relation to their material referent misrecognizes the function of the form itself.

Bureaucratic forms are not merely descriptive; they are also aspirational, normative and constitutive.⁴²

2.4 THE OCCUPATION AND EXTENSION OF INFORMAL SETTLEMENTS

Who has the authority to distribute, claim, and govern land is a key terrain of political struggle in any post-socialist transition (Hsing, 2006 2010; Verdery, 2003). While land reform was a source of authority for the SOC, its unfolding also, paradoxically, generated acute power struggles within the SOC's state apparatus itself.⁴³ Who could "speak for the state" (Hsing, 2006, page 591) and thus dissolve and distribute what had formerly been state land was hotly contested among different officials and offices. As officials sold off land to private investors, or claimed it for themselves, disputes erupted between military commanders and their units, commune chiefs and village heads, ministers and their subordinates.⁴⁴

For the most part low-level state cadre were excluded from the spoils of privatization. In one case, one hundred employees working at the Ministry of Culture filed a complaint against senior ministry officials for the illegal dissolution of state property. Their petition alleged that the Minister, Vice Minister, and twenty employees had divided among themselves six villas, a number of apartment buildings, guesthouses, garages and a number of other urban assets, with the remaining one hundred employees (the complainants) given merely two hundred dollars each.⁴⁵ Two additional complaints were filed by workers regarding the dissolution and unequal distribution of profits from the sale of the Om Chanta Material Transport Company and Tire Factory No. 3, both against the Ministry of the Interior. Disgruntled state employees brought further cases against the Ministry of Health, the Ministry of Social Action, and the Ministry of Transport.

Lower echelons of the state were excluded spatially as well as monetarily. While it had been common practice throughout the PRK period for public workers to live within or around the areas at which they worked, these arrangements did not, for the most part, transfer into ownership rights in the land reform process (Collins, forthcoming). In most cases, these residents were issued eviction notices, whether or not their domicile had been state sanctioned under the previous land regime. In response, evicted state cadre and workers joined the landless poor in contesting the terms of Cambodia's post-socialist transition. They did so through official channels and through what Benjamin (2008) calls "a politics of occupation." As the HABITAT report cautioned, "Already families are building their simple wooden and bamboo houses along the major roads to the North, West and South and along the outer dikes of Phnom Penh as well as in the areas which had been only partly planned and developed by 1975" (1992: 24) Here I discuss two group disputes that occurred within Phnom Penh in detail, highlighting relations of post-socialist informality.

From Informal Claim to Private Property:

Ten of the UNTAC land dispute files pertain to disputes over school land within Phnom Penh.⁴⁶ In the socialist, People's Republic of Kampuchea (PRK) period, in addition to schools for primary and secondary education, there were night schools for adults and political schools for cadre.⁴⁷ Often, school grounds included large open spaces used for growing food, with surrounding homes and buildings allocated for faculty and staff housing. In the transitional period such extra curricular uses of school lands were discontinued, and these greater school environs became coveted spaces for competing futures of habitation and capitalization.⁴⁸ Here, I discuss one such school land dispute. I complement the file history with excerpts from an oral history that I conducted in 2012 with an original settler on the land.

On August 18, 1992, forty-five individuals applied their thumbprint to a petition addressed to the Council of Ministers and the National Assembly. Their petition opens, “We are the teachers, staff, and workers of Ang Aing School.” In their petition they outlined their claim to the empty parcels surrounding the school where many of them had settled on in the mid 1980’s. They were appealing a decision by District officials granting the parcels to two military officers who had never lived on the site. The teachers, staff, and workers staked their claim to their collective poverty, their sacrifice for the state, and their histories on the land. The military officers, on the other hand, based their claim on the paper title that they had (dubiously) obtained, a claim they backed up with coercive force. This case is exemplary of the dynamics of post-socialist informality in that 1) The contested land was formerly state land. 2) Claims to space were fabricated out of the symbolic, bureaucratic, and coercive matter of state 3) Both parties paired formal appeals to different state offices with a territorial politics of occupation.

The Ang Aing settlers’ petition begins by establishing their intimate knowledge of the property. Beginning in 1984, they write, the school was used as an orphanage. This was the case until 1986 when it was returned to its original purpose of primary education. In 1987, the school became a cadre training school where state functionaries attended evening courses. The undersigned asserted their rights of possession to the land as both longstanding and permissible according to the previous property regime. Beginning in 1984, the letter explains, many of them moved onto the school grounds, while others occupied the surrounding houses.

Disputes over formerly state lands were struggles over the redistribution of power between central and local state authorities. Under the PRK land regime, the allocation of housing and land, like the control of most resources, had primarily been the purview of local authorities (Hughes, 2003, page 24). In the 1990’s, which scale of state would govern formerly state land, was at stake alongside who could claim it. New political hierarchies were worked out in contrasting land dispute rulings. In their petition the Ang Aing settlers play upon the chauvinism of the central state. They write,

Why has the study of the Ministry of Inspection not been completed? Instead the Municipal People’s Committee ordered the People’s Committee of [the district] to conduct the study. The latter has issued a decision to remove our houses immediately. Are we to understand that the People’s Committee of Phnom Penh is more powerful than the Ministry of Inspection?

Their petition closes with an appeal to the paternalism of the central state: “We suggest that the high authorities look into this for us because we are poor workers living in broken houses with small rooms.”

A former resident of Ang Aing and participant in the struggle recalled that shortly after they submitted the petition the director of the school threatened all of them to leave or face violent expulsion. A few days later, municipal soldiers arrived to defend the claim of their commanding officers.

All of us staff with houses on the school land were evicted. They didn’t want us there. They fired their guns in order to scare people. All the staff retreated to move into the small rooms within the broken houses. They humbled themselves, settled to live in the small rooms of the broken houses. The soldiers still insisted the staff had to move from the school grounds and they threatened that if we did not, we would face trouble. When the soldiers arrived they carried the title to claim against the people.

The local state authority of the District and Commune People's Committee backed the military officers' claim. District and Commune state officials wielded considerable power in the land reform and its aftermath, as they were responsible for recognizing a claim and issuing receipt for that claim. Yet, while holding paper title was powerful, it was alone insufficient to secure a claim. Higher state offices such as the Municipality or the Council of Ministers could overturn Commune or District rulings when the case was sufficiently compelling to warrant investigation and action. This was what the Ang Aing settler's were hoping to elicit by goading the Ministry of Inspection. In this case, the Phnom Penh Municipality, the Council of Ministers and the National Assembly did not overthrow the Commune People's Committee ruling. UNTAC officials assembled documents, statements, and dossiers, but did little else. In the narrator's words:

We lost out and had to walk away from that place. Some people did not agree to walk away—they got that land and sold it to the soldiers, and other brokers who wanted the land. The soldiers tried to extend their land. They took one plot, and then continued to stretch their claim. When they extended their land, a number of staff formed a group to stand up to the soldiers. The place where the soldiers could not grab the land was left for the group. The group was not afraid, even if they died for it, it was okay with them. For me, I was afraid, I didn't dare to confront the soldiers like this, so I had to walk away.⁵⁰

The Ang Aing dispute is exemplary of the messy and contested process through which many formerly state lands were enclosed in the transitional period. While at first glance this appears to be a clear-cut case of dispossession, in fact not all of the original settlers were displaced. Some staff and teachers banded together, staving off further incursion by the soldiers, ultimately securing their own property claim. Further, the roles of victim and villain were more ambiguous than it first appears: While defending the land of their superiors, some soldiers carved out their own plots in the area adjoining the disputed parcels. As already discussed, these soldiers may well have been the victims of earlier dispossessions. Finally, any distinction of state vs. civil actors is thoroughly undone in the immediate post-socialist context in which teachers, soldiers, and workers all identified as state cadre.

Ultimately, the small informal settlement of the Cadre Night School was violently dissolved into individual private property claims. Whereas, in the Casino Land Case examined next, sweeping dispossession on formerly state land cleared the way for capital-intensive development in the center of the city.

From Informal Site to Speculative Development:

When the Council of Ministers approved the sale of a large central riverfront swathe of formerly state land to a Thai investor in 1992, municipal officials made plans to evict residents of the large informal settlement that had sprung up on the site. After conducting a census, municipal officials issued eviction notices to the Casino Land settlers. Much to their chagrin, this act incited the opposite of their intended effect. As the Vice-President of the municipality wrote to UNTAC in desperation, "Overnight, the Casino settlement appears to have swollen to five times its original size."⁵¹ A large scale and complicated land struggle ensued. The Casino Land Site dispute, as it came to be called, is one of the best-documented cases among the UNTAC land dispute files. The file provides a detailed enumeration and state surveillance of 'political elements' within a large informal settlement. Ultimately, the Casino Land Case illustrates the capacity of relations of post-socialist informality to coalesce into a political block without those relations being necessarily durable or withstanding.

Documents circulated between central SOC, the Municipality, and UNTAC are centrally concerned with political relations present within the Casino Land settlement. Prime Minister Hun Sen and Deputy Prime Minister Sar Kheng purportedly refer to the situation as a “powder keg in the center of the city.”⁵² The PM and Deputy PM purportedly claimed that opposition parties were using the Casino Land conflict as a means to stir up political unrest. They expressed concern over the increasing numbers of Khmer Krom (ethnic Khmer from Vietnam) at the site whom they believed were arriving in response to opposition campaign promises of land and Cambodian citizenship rights.⁵³ Numerous other documents are given over to enumeration of political elements, and discussion of their political and social characteristics. One well circulated page reads:

From the original two hundred and forty one families in the site in June the number has now increased dramatically. Exact number of families is not clear. However, as of yesterday there were 1042 houses either completed and occupied or under construction. It is known that there are at least fourteen police families and twenty six military families in the site...and twenty eight state employee families.⁵⁴

In another report, the municipality estimates there to be at least two hundred Vietnamese⁵⁵ families living on the site. State authorities employed divide and rule tactics in the hopes of inhibiting the formation of a unified opposition to the land sale and eviction. Notes from a meeting between the Vietnamese Ambassador and UNTAC officials state, “The SOC’s intention was to try and split the settlers to lessen their strength.” The memo details how the SOC would recall all military⁵⁶ to their barracks for cantonment and order municipal police settled in the site to leave.⁵⁷ The Vietnamese association, in turn, agreed to approach the Vietnamese settlers separately and pressure them to leave.

The Casino settlers, meanwhile, repurposed the rhetoric and infrastructure of the state. When district officials erected a fence to stem the flow of people entering the settlement, settlers immediately incorporated it into the fourth wall of a number of new homes.⁵⁸ In the final days leading up to the eviction, settlers organized themselves into groups to resist and called upon more people from outside to join them. They set up armed border patrols, prevented non-residents from entry. They organized children into groups to harass the police, as well as to gather rocks and materials that the settlers might use as weapons.⁵⁹ Finally, in a terse petition submitted to UNTAC, the settlers threatened to burn down the adjoining Cambodiana Hotel if evicted. They stated unambiguously, “Further ingress from State of Cambodia military or police will be considered tantamount to Civil War.”

Not surprisingly, the SOC saw this declaration of sovereignty as intolerable and went ahead with the eviction on the 11th of September. The raid was led by SOC military and was characterized by UNTAC’s Head of Complaints and Clarification Unit as “excessively violent.”⁶⁰ As the Phnom Penh municipal police and SOC military evicted settlers from the Casino Land Site, further throngs swelled adjacent areas. Being first deposited outside the outer dikes of the city, many of these same individuals and families turned up several weeks later at the Russian Embassy Site and other informal settlements along the riverfront. There, the newly (re)dispossessed joined others to form new assemblages of those left out of Phnom Penh’s development boom.

Reflecting on the Casino Land Site eviction, Eduardo Vetere, UNTAC’s Head of Complaints and Clarification Unit warned, “It is not inconceivable that victims of large-scale evictions, both military and civilian, will start to join forces.”⁶¹ In fact, no overarching political movement congealed in Phnom Penh in this moment. Indeed, it would be incorrect to

characterize the hundreds of individual land disputes and the dozens of group land invasions documented in the pages of the UNTAC land dispute files as having overlapping interests in the eyes of claimants, state authorities, or UNTAC officials. As an UNTAC report made on “Public Perceptions of the Casino Land Conflict” elaborates,

Canvassing of numerous Cambodians (primarily middle-class) has revealed no support for the settlers. The general feeling seems to be that while there is little support for the Municipal People’s Committee, why should the casino settlers get special treatment? A common view is that there are many people involved in individual land disputes receiving no compensation nor even attention from the Municipality and most people have as yet no clear title to land and are at risk. Resentment is a common reaction.⁶²

The failure of middle-class property claimants and informal settlers to form a unified front in the face of wide-scale dispossession could be read through the lens of political vs. civil society (Chatterjee, 2004). In other words, as the bifurcation of urban politics into two distinct spheres: political society—where the urban precariat make tactical, entitlement-based claims to space, and civil society—where bourgeois citizens make rights-based claims to property. Yet, I contend, evidence of divergent interests should not be mistaken for evidence of divergent processes. Though claimants did not articulate ‘common cause’ in resisting displacement, their respective plights did indeed share a common cause: dispossession and enclosure. To analytically separate claims to space made within informal settlements from claims to individual parcels of land is to forget the political constitution of the categories themselves.

2.5. CONCLUSION

Post-socialist informality is at once a claim to space and a claim to historical continuity. It was precisely the historical content of the claims of the Ang Aing school settlers, as well as the Casino land settlers that rendered them incompatible with the reformed SOC property and political regime. Just like at Borei Keila evictions that I discussed in Chapter 1, the Ang Aing and Casino settlers’ biographical claim on the space as continuous with 1980’s norms of habitation and rule flew in the face of the SOC’s claim to rupture with this era. These claims were thus a challenge to the SOC’s own claim to operate with a blank-slate. Just as the PRK state had declared a rupture with the Khmer Rouge, yet inherited the state space of that regime, the SOC claimed ownership over the extensive state urban land holdings including military land, open land and inundated land throughout the city, while simultaneously declaring a rupture with that state form and ideology. While individual claimants to property were not guaranteed a successful claim—and as the next chapter will explore there was a great deal of dispossession and displacement of individual household claims—they were for the most part “given” land rights in the frenetic land reform of 1989.

The 1989 land reform produced both private property and informality. This process was political and violent. A great number of low-level state officials were left out of the land reform. Many joined the urban poor and the newly dispossessed to forge sprawling informal settlements on formerly state lands, most prominent in Phnom Penh. I have argued that close examination of these struggles, rather than an analysis only of their outcomes, thoroughly undoes theories of top-down state power vs. bottom up popular resistance. Soldiers, in particular, held an ambiguous position in Cambodia’s transitional land politics as both dispossessing and dispossessed en masse. I have suggested the concept of post-socialist informality to conceptualize state authority as emergent from these situated struggles, rather than imposed onto, or against informal modes of

rule.

The unique value of the UNTAC land dispute files is the highly affective nature of the petitions, complaints and claims. Far from a dispassionate trove of appeals to liberal laws and rights, the petitions are saturated in social and political relations, as well as normative assertions about the correct distribution of state patrimony. With the soldier who asks, “They say they are rich because it’s their destiny, but what about our destiny? We get what we deserve, huh?”⁶³ In the Ang Aing settlers’ goading, “Are we to understand that the People’s Committee of Phnom Penh is more powerful than the Ministry of Inspection?” and in the statement of the Casino Land settlers that, “Further ingress from State of Cambodia military or police will be considered tantamount to Civil War,” we see an urban politics that is simultaneously about individual livelihoods and the post-socialist redistribution of power and privilege.

This chapter has offered a processual account of struggles over space and power through the lens of post-socialist informality within Phnom Penh, Cambodia in the short interim between the end of one form of state authority and the advent of another. By post-socialist, I locate not simply a historical moment for this struggle, but also an idiom of claim making that rubs against the grain of rupture and repurposing as a dialectics of rule. The post-socialist context congealed a subaltern population distinctive from other cities of the ‘Global South.’ This was a population that claimed a right to the city from within the discursive space of the state. They further resisted displacement by resisting the terms of the land reform itself. And importantly, in their petitions and occupations they specifically connected their claim to conditions of recognition and reciprocity from the PRK period—rejecting the notion of rupture with the 1980’s, and a blank-slate for land redistribution. While the contours of post-socialist informality as I have outlined them here are historically and geographically particular, I suggest that post-socialist informality as a set of claims constitutive of state rule, while also being a thorn to it, manifests in other cities across the Global South. In the interest of building towards a comparative and post-colonial urban studies (Robinson, 2011) we might ask if and how relations of post-socialist informality suture together—however fragile and tenuous—different historical moments and relations across moments of political reconfiguration. Through studying these dynamics, their concrete unfoldings and reticulations in different places and times, we may come to recognize new forms of political action, novel configurations of power and unlikely solidarities, without assuming their politics in advance.

¹ This chapter draws on two collections of primary documents: the UNTAC land dispute files (1992-1993) and PRK/SOC papers from 1989-1993). Both are held at the National Archive of Cambodia (NAC).

² Document Ref: AC/ER/DJB-16.92. UNTAC land disputes files.

³ 1224 SJN.SR, “Record of Plenary Meeting of Cabinet Council of Ministers.” July 17th 1992. PRK/SOC papers

⁴ Paris Peace Accords: “Necessary to ensure a neutral political environment (Article 14); “Verify the withdrawal of foreign forces” (Article 8), “Non-return of policies and practices of the past” (Article 15) “Free and fair general elections (Article 6).

http://peacemaker.un.org/sites/peacemaker.un.org/files/KH_911023_FrameworkComprehensivePoliticalSettlementCambodia.pdf

⁵ Ibid., Article 3, Section 3)

⁶ (Ibid., Article 6)

⁷ UNTAC post-operation Internal Evaluation. Section 6.3: p43. Center for Khmer Studies: Supharidh Collection.

⁸ Cabinet of Council of Ministers document No. 1224SchN.SR. Phnom Penh dated on 17th July 1992.

⁹ Human Rights Watch publication, “30 Years of Hun Sen,” cites a UNHCR study from September 1993 that lists the following abuses committed by SOC: “39 incidents of “killing of political opponents” that resulted in 46 “casualties,” as well 25 “killings the primary purpose of which is to intimidate the civilian population and other summary executions” that resulted in 40 “casualties.” The report listed hundreds of other cases of SOC abuses, including enforced disappearances and torture.” (2015: p30) Accessed December 8, 2015 at: https://www.hrw.org/sites/default/files/reports/cambodia0115_ForUpload.pdf

¹⁰ The key documents of the 1989 land reform were promulgated through Sub-decree No. 25 ANK on April 22nd 1989, and the Instruction on Implementation of Land Use and Management Policy, No 03 SNN of June 3rd, 1998.

¹¹ Cabinet Council of Ministers Announcement: “On limiting the costs of issuance of documents involved with land titles.” Published in *The People’s Newspaper*, October 5th 1989

¹² No. 25 ANK, Article 5

¹³ The State of Cambodia held administrative authority, though not formal state authority, through the UNTAC intervention.

¹⁴ No. 59 KNH.OUS “Cabinet of Council of Ministers Notes.” April 22nd 1989

¹⁵ #350,

¹⁶ These are all areas that continue to experience very dense growth, and capital-intensive development today.

¹⁷ In French in the original

¹⁸ Document no. 75 SSR, dated May 24th, 1991

¹⁹ My use of the analytic of dispossession here is to underscore the state driven nature of expropriation as qualitatively distinct from modes of capitalist expansion (De Angelis, 2004; Ghertner, 2014; Harvey 2005).

²⁰ The indeterminacy of the 1989 land reform is still being felt today. Though the receipts were temporary, to be verified and converted subsequently into legal titles, in many parts of the country this has still not happened two decades later. In many areas receipts continue to circulate in lieu of titles in land transactions and disputes (Un & So, 2011: page 292).

²¹ REF AC/ER/AN-01.92 “Guidelines and Practical Procedures” November 1st 1992.

²² *Ibid*: Annex 2.

²³ Eduardo Vetere was the Director of Civilian Operations for the city of Phnom Penh.

²⁴ The permanent members of Complaints Clarification Committee (CCC) consisted of nine permanent members with State of Cambodia representatives from the following state posts: Tribunal, i.e. prosecutor/judge, police, Military, Control Commission, Land Titles/Cadastral, and one final member nominated by the President of the People’s committee. UNTAC representatives were from Civil Administration, Civil Police, and Human Rights.

(“Policies/Guidelines—UNTAC.” November 30th 1992)

²⁵ Shatkin (1998, page 385) cites a report from 1992 stating that twenty percent of Phnom Penh villas were rented to expatriates. While Whitworth (2004: page 63), citing a number of Phnom Penh Post newspaper articles, writes that two months after the Paris Peace Agreements were signed, the average Phnom Penh rent increased by four hundred percent.

²⁶ Dr. Nesbitt writes that In January of 1990 the land was valued at \$230 per hectare. ERS/DJB/AC/ER/PP27.

²⁷ A subset of land related complaints within the UNTAC land dispute files are printed on FUNCINPEC or KPNLF stationary. Further, UNTAC Information and Education reports document land issues as a major focus of political rallies and publications by all parties in the run-up to the 1993 elections.

²⁸ Doc. Ref C102. The complaint submitted 2/18/93 by FUNCINPEC Party to UNTAC alleging political threats and intimidation by a local leader in Kampong Chhnang Province.

²⁹ This claim resonates with recent critical geographic work on rural Cambodian land politics. Springer (2013) argues that in many land disputes in Cambodia, oral-based claims of possession are literally “written over” by liberal property law. While Dwyer (2015) shows that in rural Cambodia the deployment of property formalization has in many cases operated as a means of land grabbing.

³⁰ I am indebted here to the distinction that DeAngelis (2004) makes between expanded reproduction and accumulation by dispossession as turning on the primacy of extra-economic means of expropriation. See Ghertner (2014) for a cogent discussion of the stakes of this analytic distinction for urban land politics in the Global South.

³¹ Informational Document 265: “Civil Administration Provincial Coordination” March 3rd 1993. “To date 1,412 complaints have been reported from 16 provinces. 739 cases (213 land disputes) have been closed and 617 cases (339 land disputes) are still pending.”

³² Complaints are brought against the Ministry of Culture, Ministry of Social Action, Ministry of Interior, Ministry of Transport and Ministry of Health. The majority of cases within these boxes also pertain to property disputes within Phnom Penh.

³³ In some cases the original Khmer statements and documents are missing, in others the translation is missing.

³⁴ “Summary of action on complaints received up to 16 September 1992.”

³⁵ *Ibid.*

³⁶ “Closure of Complaints Cases in Phnom Penh.” Interoffice memorandum. Arne Nyberg, Chief Complaints and Investigations Service, Civic Administration. May 27th 1993.

³⁷ In the ‘Russian Embassy Case,’ Phnom Penh Municipal officials’ claim that only 2088 families will be affected by the eviction, illustrating the contested, political nature of eviction statistics, then and now.

³⁸ Personal Correspondence, May 2012

³⁹ Katrin Travouillon’s PhD dissertation (2015) documents the making of political authority through the practices of democratic pluralism, and orchestrated by the UNTAC (especially public forum and debate through radio and TV broadcast

⁴⁰ Summary Report of Eviction Involving UNTAC CIVPOL. September 1992.

⁴¹ “The majority of the challenges I have identified in this report (analyzed in sections V-VIII) derive from a failure to apply the domestic legal framework – that is, the laws, policies and regulations that the Government itself has developed (explained in section III). The granting and management of economic and other land concessions in Cambodia suffer from a lack of transparency and adherence to existing laws. Much of the legal framework on these matters is relatively well developed on paper, but the challenge is with its implementation in practice.”

⁴² Akhil Gupta writes: “If representations are not incidental to institutions but are constitutive of them, the study of everyday practices and of the circulation of the representations that constitute particular states might tell us not just what they mean, but how they mean it, to whom and under what circumstances. The materiality of files, orders, memos, statistics, reports petitions inspections inaugurations and transfers, the humdrum routine of bureaucracies and bureaucratic

encounters with citizens, this is the stuff out of which the meanings of states are continually constituted.” (2013, p70)

⁴³ This resonates with Hsing’s finding that following the establishment of China’s land leasehold market in 1988, staff members and officials of SOE’s often acted as brokers for urban land development projects (2006, p581). For Cambodia, Gottesman notes that local officials acted informally (and illegally) as land brokers from the mid-1980’s onward (2004, pages 272-273).

⁴⁴ Sixty-five of the Phnom Penh files allege the illegal sale or seizure of state owned property. In dozens of other cases individuals accused District or Commune authorities of colluding with “business persons” to forge documents and dispossess the claimant of their property.

⁴⁵ Their complaint included two, hand-drawn cartoons depicting collusion among senior Ministry of Culture officials.

⁴⁶ In addition to the case analyzed here, there are nine other cases involving land disputes and occupations of school land in Phnom Penh. Of note are the following cases involving group evictions: (1) forty-six families from the land of and adjoining Ecole Kampuchea in Chamkarmon District, (2) Six families evicted from the grounds of Tuol Svay Prey School in Chamkarmon, (3) Twenty three military families were evicted by the Ministry of Defense from the land of the Technical School in Toul Kork.

⁴⁷ In the Khmer Rouge period school buildings were used as administrative centers and prisons, as well as for training and alternative education (Tyner et al. 2014). Many young people missed key years of schooling in this period, necessitating night schooling in the PRK period.

⁴⁸ In the aftermath of the Khmer Rouge genocide, the People’s Republic of Kampuchea (PRK: 1979-1989) socialist state reestablished dozens of schools around the city. In addition to schools for children, there were night schools and political schools for cadre. School grounds often included large open spaces used for growing food or housing faculty and staff.

⁴⁹ Oral historical interview with author, Phnom Penh, July 2012

⁵⁰ *Ibid.*

⁵¹ “Meeting Notes Between UNTAC and Municipal Officials,” July 24th 1992.

⁵² Situation Report on Proposed Eviction of Settlers at Casino Land Site: August 10th 1992

⁵³ These promises were purportedly made by the Khmer People’s National Liberation Front (KPNLF)

⁵⁴ “Casino Land Site.” August 21st 1992.

⁵⁵ “Summary of “Casino Land” Situation and Recommendations.” Lyndall McLean, Civil Administration Phnom Penh. *Undated.*

⁵⁶ In a passage titled “State and Civil Society,’ Gramsci dissects the abstract category of the military to show how the military is in certain historic moments a key piece of the bureaucracy, while also being itself shot through with class divisions, making the state’s calling on the military in a moment of organic crisis a dicey move because “in such situations, the question has to be posed in such terms to prevent the unrest in the country being reproduced within the army, and the determining power of the General Staff thus evaporating through the disintegration of its military instrument.” (Selections from the Prison Notebooks, p212) This is a useful elaboration of how the neat homology of state-military-coercion does not stand up to an analysis of the relations of force in practice.

⁵⁷ *Ibid.* The Vietnamese Ambassador purportedly makes this statement to UNTAC Deputy Director of Phnom Penh Province regarding the Ambassador’s meeting with Prime Minister Hun Sen and Sar Kheng.

⁵⁸ *Ibid.* In the file this statement is attributed to the District Chief of Daun Penh.

⁵⁹ “Casino Settlers—Situation Report” September 1st 1992.

⁶⁰ Vetere writes, “From my observation point I clearly saw arbitrary beating and kicking of men and women of all ages, and even some children. They were not resisting the military, on the contrary they were trying to exit the site and were just being beaten on their way for good measure.”

⁶¹ Vetere. Phnom Penh, October 14th 1992.

⁶² “Summary of “Casino Land” Situation and Recommendations. Lyndall McLean, Civil Administration Phnom Penh. *Undated*.

⁶³ Summary Report of Eviction Involving UNTAC CIVPOL. September 1992.

CHAPTER 3: DISPUTES OF A FAMILY NATURE

In this chapter I elaborate the effects of rupture and repurposing on the reconfiguration of everyday space and social relations of the household. I document how, in declaring a rupture with the past, the 1989 land reform gave rise to a discursive amplification of claims and forms of address. Claims proliferated among kin groups and between them, in the language of rights and of needs. There was also a proliferation of material claims to shared household space through acts of construction, destruction and obstruction. These transformations demonstrate the irreducibly political nature of household disputes. Indeed, I contend that the categorical separation of the political from the family sphere was the political act par excellence. The discursive separation of political from family space naturalized the instantiation of the heteronormative household form, devalued reproductive labor, and largely erased the significant gendered dispossession that attended the transitional period.

3.1 INTRODUCTION:

In 1992, two sisters filed competing claims with UNTAC. Both sisters asserted sole ownership over their shared home in Phnom Penh's central Toul Kork District.¹ The bones of the case are as follows: when the land reform was announced in April of 1989, one woman claimed ownership of the property on which she had been living since 1979. Then in 1990 her sister made her own claim to the property. This is a quintessential 'Type 2 case' from the UNTAC's land dispute typology:

Type 2: Family disputes where the authorities encourage compromise but otherwise take little action:

A surprisingly large number of complaints received are based on disputes between family members over property. Invariably, the complainant does not advise us that the other party is a relative. We are now asking complainants, as a matter of course, whether they are in any way related to the other party. Essentially we consider UNTAC should not be involved in these cases. However, there are instances when one party has some form of power base on which to influence any decision by the authorities and so at the minimum we try to look at the details of the case before deciding whether it is appropriate to take it on formally.²

In this case the UNTAC investigating officer visited the People's Court of Phnom Penh and discussed the case with the presiding judge. The judge explained that the court's ruling—to award one sister the home and the other the land—was made in consideration of the fact that the property was the older sisters since 1968, before the Khmer Rouge regime. The judge confirmed that in 1979 the elder sister returned to live on the property with her younger sister, who had preceded her back to Phnom Penh and taken-up residence in the home. However, when the elder sister's husband was issued another home she went to live with him, relinquishing the Toul Kork home to her younger sister.

There are two points of interest here. First, note the relationship between SOC state authority and this pre-1975 land claim. Despite the law's insistence that pre-1975 claims were invalid, we see that the elder sisters' pre-1975 hereditary claim *is* in fact a mitigating factor. Despite the laws rupture with the pre-1979 division of property, the SOC judge accepts the elder

sister's hereditary claim. We see then how, rather than shutting down pre-1989 claims, rupture solicits a discursive amplification. Declaring a rupture with their own socialist past enables the regime to fold the pre-socialist hereditary claims into their reformed state space. Having declared a formal rupture with socialist property regime, the SOC officials were free to invite a diversity of claims in, and arbitrate them in the arbitrary manner befitting sovereign authority. The land reform prompted an amplification of claims that manifested in a florescence of intra-household land disputes throughout the city. These disputes proliferated both among and between families.

The second key point is how the family becomes a repository for the contradictions and messy inequities inherent to the transition to liberal property regime. Though the judge's ruling in this case is in direct contradiction of the law, UNTAC does not follow up on the case: "In this case no further action for UNTAC. The Supreme Court will handle the case and issue a decision." For the most part UNTAC field officers did not investigate intra-family disputes. This is despite the fact that, as the policy brief above notes, "A very large percentage of [land dispute] cases are between family members." This categorical erasure had far-reaching effects for refugee repatriation and gendered dispossession in addition to its effects on household reconfiguration. My own analysis of household land disputes will document the political nature of transformations within the household that attended this period.

3.2 THE CONSOLIDATION OF THE NUCLEAR HOUSEHOLD

As explored in Chapter One, the traumatic context of Phnom Penh's reanimation—by an almost entirely new urban population, in the wake of genocide, and under a socialist state that preserved collective ownership of property—led to the formation of households out of shards of families (Ledgerwood, 2011). Then, with the reintroduction of private property rights in urban areas (detailed in Chapter Two), urban space came under extreme pressure—wrought by the full commodification of land, the rapid in-flow of foreign investment, and dramatic UNTAC induced inflation—erupting into competing property claims. These processes resulted in the consolidation of the nuclear household form from the more heterogeneous household composition that predominated in the central city throughout the 1980's. Where rights of possession were compatible with heterogeneous household configuration, private property was a zero-sum game. Cadastral agents sought to apportion discrete housing units or parcels of land to discrete family units. As consequence, land disputes erupted between families that had previously co-habitated in the same flat or home, or in multiple structures on the same land. Cleavages further emerged between siblings and among extended families. Son in laws conspired with commune heads to become head of household on land receipts and siblings filed multiple, competing claims.

Katherine Verdery (2004) writes that those first disposed by socialism were then dispossessed by market liberalism. The same was true for Cambodia. However, how this second moment of state dispossession articulated with kinship relations and household form unfolded rather differently in Cambodia. Verdery documents how, in the course of Transylvania's post-socialist land reform, the collectivization of land strengthened horizontal kinship ties amongst siblings, cousins, as well as neighbors relative to the vertical kinship ties based on inheritance and heir. With land restitution, Verdery contends, vertical kinship was revalorized, as land was redistributed to heirs of the pre-Revolutionary land holders (Ibid: 161). Reconfiguration of social relations in Transylvania thus entailed a fraying of social relations between siblings and cousins who fought over the property scraps of their parents, grandparents, uncles and aunts. Verdery further notes the concurrent minimization of performative kinship—kinship as something one

does, such as caring for an elderly relative, rather than something one has (Collier, 1997).

The 1989 land reforms' explicit invalidation of pre-socialist claims meant that there was (at least officially) nothing to be gained from claims to vertical kinship. And, due to the brevity of the socialist interim, horizontal kinship could either be an asset (in disputes against non-related co-claimants) or it could be a liability (in the case of competing kin claims). Where kinship based claims were an ineffective wedge for elevating one's case above others, claimants performed their claims in a variety of fascinating and innovative ways. Among the most common are (1) the discursive claim to a temporary sharing arrangement, (2) territorial strategies of occupation and displacement, and (3) the strategic spreading out family members to occupy space and maximize claims. In Phnom Penh, where relations of horizontal kinship were eroded, so in many cases were relations of vertical kinship. In 1994, Lyndall McLean reflected on intra-family land disputes: cases writing, "I witnessed the actual breakdown within families, people were literally throwing out their grandmothers, mothers, brothers and sisters who they'd shared a house with for 10 years."³

In a land dispute case in the 7th of January District, the Ministry of Commerce provided a home for one of their female employees⁴. In 1992 she filed a complaint with UNTAC, asserting that her son forged family cards and used them to gain ownership over the property. She claims that once he had obtained the preliminary title, he forced her out. While the tribunal found in favor of the mother, the Ministry of Security intervened on behalf of the son. There is never any follow up by UNTAC. In another intra-family dispute, Ms. ⁵S files a complaint against her sister and nephew. She writes that she and her sister occupied a home together in 1980. In 1983, they were joined by her sister's son, whom Ms. S alleges continually harassed her, finally driving her out in 1990. In 1992 the Municipality awarded the home to Ms. S's sister. The only documentation Ms. S holds is the family card, which lists her sister as the head of household. UNTAC investigating officers note, "not much to be done. Letter sent with advise to approach tribunal—28/12/92—case closed." There is a copy in the file that reads:⁶

Since this case is basically a family dispute it does not come within the scope of UNTAC activities. The documentation attached with the complaint does not suggest that the case involves abuse of authority or similar actions by the local authorities. Therefore, no further action on the part of UNTAC can be taken regarding your complaint and the case is considered closed.

Turning to cases where horizontal kinship relations dissolved in the transition to a private property regime: we have the case of two sisters who shared a home and adjoining plot of land with another family. In 1991, the sisters allege that the family offered to buy their portion of the land but they declined. The family then engaged in tactics of intimidation to force them to sell, tactics which included interrupting their running water and planting trees in front of their kitchen garden. The sisters write that the other family further obstructed their relatives from visiting them on the property. A Ms. LS a 42 year old widow living on the outskirts of Phnom Penh in Meanchay District complained to UNTAC that when she returned to Phnom Penh following the Khmer Rouge regime, she found that another woman was already inhabiting her house and adjoining land. She writes,

After the 7 Jan 1979 liberation I walked from Kampong Cham province to my home of birth to see it and in order to find out my relatives who survived. When I arrived home I saw Ms. CN was living on it, then I allowed her to stay for a while with me because I understood her difficulty and she is also my relative. ⁷

At that point Ms. LS moved into the upstairs of the home and petitioned the District to regain access to the full property on numerous occasions between 1983 and 1990. District Authorities did not rule until 1990, at which point they awarded ownership of the property in its entirety to the other party. In her appeal to UNTAC Ms. LS writes that the other party is “planting banana trees over her grandmother and grandfather’s grave in order to cover them, and secretly putting the land up for sale.” If true, these actions strongly suggest that Ms. CN too was worried that at some point LS’s heritage claim would have traction. In speeches FUNCINPEC politicians had at many times suggested that if elected the new government they would return land to its pre-revolutionary owners. By covering the graves, Ms. CN erased material evidence of LS’s heritage based claim. By selling the land, she further extracted herself from the history of the land. After all, a historical claim is even less likely to stick when the property has already changed hands. Presumably this was also the case in a case from the outer district of Mean Chey, where a land dispute that had emerged from a divorce case was sealed if not settled when the husband sold a section of the property in dispute to a third party, who subsequently erected a fence.⁸ The investigating officer notes, “little is to be done as the land is already sold.” There is also the case of a worker for the Ministry of Industry who accused a police officer of Veal Vong Commune of stealing his land and selling it on to a third party. He writes that he has lived on the property since 1984 and that some years later the police officer asked to stay temporarily, but then forged ownership papers and sold the property following the 1989 land reform.

The language of ‘temporary’ is significant. In a great many of land disputes that describe the consolidation of the nuclear family household out of the fragments of related and non-related kin groups, the party whom has occupied the home for the longest time asserts that the other party(s) claim is inferior, as their stay was always understood to be ‘temporary.’ The temporality of the temporary, then, emerged as a key means of injecting difference into possession in common. So far as I can tell, this is an innovation of land claimants, as I find no distinction of temporary vs. permanent habitation in any of the relevant legal documents. The following case provides a nice example of the invocation of the temporary/permanent distinction as an idiom of claim making: A woman writes to UNTAC that she was allocated a home in Chamkarmon District by Mr. Kry Beng Hong, the Director of Urbanism and Civil Engineering. She writes,

However, five months after I occupied it, I was asked by my uncle Mr. HLS to give him one room which he should leave within three months. After expiration of that delay he did not want to leave it in spite of my repeated demands he is still now illegally occupying it. Even more, his nine-member family is there, of course it provoke[s] very serious problem and quarrels between our two families.⁹

She writes that the tribunal awarded her the house but declared that she must pay her uncle \$10,000, terms that she agreed to, but he refuses. She requests UNTAC to implement the tribunal’s decision. UNTAC closes the file without follow-up. The distinction of temporary vs. permanent is the centerpiece of a dispute between two sisters where one asserts that she allowed her sister to stay in the house “on a temporary basis.”¹⁰ As in the case above, she claims that her sister then went behind her back to obtain a family card in her own name and subsequently laid claim to the property. The complainant includes in her petition a Khmer proverb: “The poor are always awaiting death while the rich, with their money, enjoy doing whatever they want.” She closes her petition writing that if the UN is not able to resolve land disputes for the people than “it does not make sense at all to [create] laws because nobody will observe [the] Law of State.”¹¹

Much like where, in Chapter 2 the petitioners of Ang Aing School played upon the chauvinism of the central state, here the complainant chides UNTAC, questioning whether their transnational authority is really superior if they cannot enforce their mandate. This is useful fodder to remind us that though national, transnational and patriarchal power was mutually constitutive, they were also at time contradictory. Hegemony is, after all, shot through contradictions, slippages and openings (Hart, 2007, 2008)

3.3 FROM MANY SHARING ONE TO ONE OWNING MANY

The land reform ran into significant problems not just in the division of individual homes to multiple parties, but also the converse: single individuals claiming multiple properties. In other words, concurrent with the consolidation of the nuclear household type, was the consolidation of property wealth among a few. These processes were not just contemporaneous, they were co-constituted. As Chapter 1 documented, property accumulation and consolidation had already begun in the late 1980's under a socialist land regime. However, it was in the transitional period that it emerged as a force of dispossession and a key vehicle for political elites. As Verdery argues, "property as an institution often produces scarcity rather than arising in responses to it"(2004:16). The 1992 land law prohibited individuals from claiming more than one house in urban areas and limited each household to five hectares of land in peri urban and rural areas. Yet, it was possible and indeed common for people of stature to have obtained a second home on the black market, or rent their state allotted home to newcomers to the city and then purchase another in the 1980's (Gottesman, 2004). Take for example the following case in which a woman claims multiple properties against her sister:

All the records of the High Court are unjust and unreal. It [is] said that Mrs. KP got the House Affidavit and this point I would recognize, but I would like to inform you all the details that, since June 1979 my family have cleaned two houses and another one was sold now the one which contain three stores with No 108 is left. In 1980 Mrs. KP and her children have pleaded to live with us, then we felt pity for them and let them live on the first floor. But on November 1982 at a time when I left for training course Mrs. KP has sold that house to a Chinese who lived in Siem Reap province for the cost of, in real gold (maybe 80 US \$). After knowing that house was sold we tried to persuade that Chinese to buy it back, whereas Mrs. KP had already left.¹²

In the end the tribunal mediated a settlement between the sisters. Interestingly neither the tribunal nor UNTAC question how she could claim multiple houses in the context of a socialist property regime based on habitation. The black market for housing was so well developed and tacitly state sanctioned by the end of the 1980's to make landlordism a public secret (*Ibid.*). State officials were especially well placed to become peti-landlords in this environment (Khemro, 2000), and stood to gain the most from not rocking the boat. For UN officials, though they were ostensibly enforcing the 1992 land law that precluded ownership of multiple homes, this contradicted their overall mandate, which was to foster the inculcation of liberal rights (human and property).

The complainant's claim above inflects socialist conditions for claims to space (improvement), with the temporal marker of original (and thus superior) claim. Her sister's affidavit, on the other hand presents as evidence her successful application to the District Cadastral Department for ownership, as well as her actual habitation within the home under

dispute. Despite the unambiguous position of the 1992 land law and 1989 sub-decree that insist property rights flow from habitation in April of 1989, we see that both sets of claims are recognized by SOC officials. This is what I mean by declarations of rupture with the past creating a discursive amplification.

In a related case in Daun Penh, ¹³between brothers, the one complains to UNTAC that he is the rightful owner of two homes. He writes that he allowed his brother, KNH to stay temporarily in one of the houses, but that in 1984 his brother threatened him and claimed both the houses, leaving himself with none. The Municipal Court and Supreme Court offer opposing rulings, leaving the case in stalemate. A final letter in the file from the complainant stresses the importance of a timely intervention as, he claims, his brother is attempting to sell one of the houses before the two opposing rulings can be resolved.

3.4 FORMS OF ADDRESS

“We can see that various modes of laying claim to public space and to citizenship require both translation and performative modes of expression” (Butler, 2009: x).

The land complaint files are a window onto the process of discursive amplification. The UN intervention included an Education and Information component as well as an extremely popular Radio UNTAC broadcast. The various skits, debates, news, and reports aired on Radio UNTAC¹⁴ sought to teach liberal values of rule of law, human and property rights, juridical procedure, and good governance. This programming also offered a critically important counterpoint to the propaganda and hate speech of other media outlets. ¹⁵ John Marston argues that a new etiquette of discourse developed in this period between UNTAC and other state media, as well as direct public participation in this newly expanded public sphere debate. ¹⁶

The talismanic power of particular words was not lost on an urban population who had lived through several sequential, intensely propagandistic state regimes. Terms such as human rights and rule of law circulated with considerable currency, they took their specific valences from the post-socialist condition of their use. In this sense then, these land claims were highly performative. I am drawing here on the work of Judith Butler, for whom performative denotes not an ‘act’ as in a fiction, but rather an iterative act that, over time, constitutes a norm (Butler, 1990) In recent work Butler has explored the links between performativity and precarity. Butler writes, “I would suggest that it is on the basis of [] who counts as a subject and who does not, that performativity becomes linked with precarity (2009: iv).” Take, for example the following case, in which the politics of translation¹⁷ and the uneven performance of liberal citizenship are evident:

I’d like to tell you again about the bull-action violence about the human right of the family of ES and ES. They seem they didn’t know what is the laws, in fact after they knew minister council gave me the room they made the new room in my balcony in order to cut the sunlight out on 19.7.92 and after the license of Ministers of Council and announcement of Phnom Penh people’s commission they acted better than before. ...Above actions make me very unhappy and they looked down on the ability forces of the state and that’s the long violence to me. I want to complain about ES and ES as well as relatives to the chief of UNTAC about their actions that’s the smuggled action and human right of other people. ¹⁸

The language of these petitions is sometimes incredibly beautiful and sad. One woman writes (in English), “The authorities who behaved like this stood on the businessman’s side. Their behavior made poor people homeless, becoming foolish beggars suffering about cruelties.¹⁹” In another case, a Mrs. H complained against a Cambodian Air Force soldier and his wife. She writes that in 1987 the soldier came to Phnom Penh and asked to share the home with her only until they could save enough money to build their own home. However, she writes, when the soldier and his wife learned the value of the land they changed their claim, asserting instead that the land was their inheritance from the pre-Khmer Rouge period. She enumerates their actions to displace her, which include putting a fence around the land and “planting many plants such as banana trees.” Her letter to UNTAC concludes,

They acted like this because they thought themselves soldiers and moreover they have collusion with the head of village in order to threaten my family and their activities [are] in contradiction of the law. I’m a widow living with my son in a poor situation they look down on. [They] violated my family and presently I have no shelter, I stayed under the neighbors verandah. When it was raining I slept with suffering so much.²⁰

In other cases the form of address chafes against the content of the claim. In the following case the claimant deploys the language of human rights while actually conducting a human rights abuse. On the 15th of October 1992 at 2:30 pm, a group of thirty to forty landless people invade a vacant parcel of land. In response, the owner, a businessman from Phnom Penh²¹ arrives with a Phnom Penh municipal military battalion. The military set about burning huts, and evicting the villagers. When interviewed by UNTAC Human Rights officers, the businessman admits that he ordered the soldiers to burn and demolish 42-45 huts. He justifies his actions based on his purchase of the land from a Minister for \$16,000 on March 3rd, 1992. The field officer’s notes record that he stated, “I want you to provide the protection from violence in the manner of UN human rights. As the above mention, I request you to help me in justice.” The claimant was asserting the right of protection of his property against ‘violence,’ while himself ordering violence against those on the land. The businessman’s claim takes precedence for the provincial authority (who may well have benefited from this transaction). Rights cohered to property rather than person; title was elevated above concerns of distribution.

Claimants were shrewd in terms of tone and language when addressing different state forums. The most efficacious form of address, it turned out, differed according to the forum of address. And so, in von Benda-Beckmann’s famous theorization they went “forum shopping” (1981). In letters and files addressed to various SOC apparatus we see a preponderance of claims made in terms of bureaucratic recognition, history on the land, improvement. These complainants most often adopt the posture of deserving subject while framing the other party as ambitious, greedy or deceitful. For example recall that in the Ang Aing case discussed in Chapter 2, those under threat of dispossession began their petition: “We are the teachers staff and workers of Ang Aing school.” They positioned themselves as poor and deserving. Finally, they appealed to internal struggles within the SOC apparatus itself. In this way, the Ang Aing petitioners were proving von Benda-Beckmann’s argument that while disputants shop forums, forums also shop claimants to bolster their authority (Ibid.).

In the transitional period these terms and the broader discourse of property and belonging were very much under construction. In the unevenness of rulings on household disputes we discern not ‘ad-hoc’ governance, but rather the process through which a new common sense and rule of law materialized.

3.5 FORMS OF REPURPOSING

“Visible boundaries, such as walls or enclosures in general, give rise for their part to an appearance of separation between spaces where in fact what exists is an ambiguous continuity.”
(Lefebvre, 1991, 87)

The shift from public ownership to private property, while generally analyzed at the level of laws is necessarily put in place through concrete struggles. Indeed, material claims can, at times, supersede the law quite ingeniously. This section offers an exploration of the material edifice of an exclusive claim to a formerly shared space. Individuals built permanent looking structures, obstructed other party’s access to their home, and/or they deconstructed alternative claims. These practices of construction, obstruction and destruction proved a highly effective means of creating the habitus they purported to describe.

For example, in a case also in central Phnom Penh, seven neighbors add their fingerprints to an affidavit asserting that their neighbor, a Mr. L.A. asked his neighbors to store his things on their property temporarily while he repaired his home. However, they assert that while he was repairing his home he incorporated part of their shared property into his structure—effectively appropriating their space.²² Mr. LA used his belongings as a Trojan horse: a material presence that made possible his subsequent act of appropriation by providing ‘material evidence’ of his presence on the disputed land. Four families in Toul Kork filed a collective complaint asserting that one of the residents of the building hired a group of Phnom Penh military and police to seize their lands by blocking the access of the other four families. Their petition describes how, on November 19th, 1992 at approximately nine o’clock in the morning a group of twenty to thirty Toul Kork and Phnom Penh Municipal soldiers and police invaded a building within which the families were cohabitating, deconstructing the existing fence and erecting a brick barrier that prevented their access to the (previously) shared property.²³ In another case a heterogeneous household was displaced by an outside party: In Dang Kor District, five families complain against the owner of Pochentong Ice Factory and the local authorities who sided with the owner in dispossessing them.²⁴ They write that the ice factory owner removed their fences in November of 1992. In an out of date register the families write, “they have violated and suppressed my family several times, but I cannot defend my rights by myself because they are capitalists.”

In 1990, the Phnom Penh Municipal Construction Department ruled that a construction adjoining a home in the Tonle Bassac neighborhood along the riverfront was illegal. However, rather than removing the construction, the violating party built another four foot by four foot room which extended into an area used in common by all residents. The file is incomplete, so we do not know what eventually became of this case, the encroaching party, and the formerly shared area. It is likely that given the chaos of the period, and the proliferation such disputes local officials never followed up the case on, and thus this act of enclosure accrued legitimacy over time (with the right complementary inputs of bribes to local officials). In other similar cases, the opportunistic encroacher quickly sold their home to a third party, adding another layer of conflict to the dispute, and further diminishing the likelihood that municipal officials would act. A great number of cases of obstruction entail the resident of the bottom floor blocking off the stairway so as to capture the floors above him/her.²⁵

In a case that occurred in the O’Russey Commune of 7 Makara District, the Municipality issued three separate decisions ordering the obstructer to reopen the stairs, but the file notes no

implementation. In another case in the same district, a second floor resident builds an extension to his home on the terrace of the third floor, thereby appropriating substantial space from the third floor resident while blocking their light. When the aggrieved party complained to the Commune authority the other party took down a wall on the third floor, expanding his property claim further, and allegedly installed two vicious dogs on the stairway, impeding the complainants access to his property. The file summary page closes, “[Mr. LV] asks for immediate assistance from UNTAC in seeing that his case is dealt with before construction and subsequent possession of his terrace becomes a *fait accompli*.” As this case makes quite clear the practices of obstruction were often successful even when they ran counter to the law. In short, the material artifice of a claim mattered. If one could successfully construct the trappings of their habitation on the land, or conversely erase countervailing evidence of another party’s habitation and improvement, one’s chances of grounding a durable claim were greatly enhanced.

On the 25th of November 1992, the Provincial People’s Committee defends the displacement of twelve families surrounding the old market to UNTAC thus:

On the other hand through the investigation, we are aware that some of the families separated themselves into 2 families each. And some of them, who had no permanent dwelling and were the dependents on the other families, claimed to be the usual, eligible families like the other ones. This leads to the increase of difficulty in having enough land for them.”²⁶

There is little doubt that the urban poor did engage in household shape shifting to maximize their claim and spread out the significant risk of dispossession. Recall that in the Casino Land Case I discussed in Chapter Two, families did just this in the run-up to their confrontation with Municipal and SOC police. Household reconfiguration was both the outcome of the transformation in property relations and a means of improving one’s access to the means of production within the new, capitalist political economy.

While the law declared a rupture with the pre-socialist past thus invalidating all claims to land prior to the 1975, Municipal and Commune authorities declare many *anachronistic* (non-original) structures to be *anarchistic* (illegal). Use and improvement, the very practices by which habitation rights were established within the 1979-1989 socialist property regime could potentially delegitimize a person’s household claim. Take for example the following land dispute that was brought to the attention of the United Nations in 1992 in which the current resident has been denied title because of they inhabit a ‘new construction.’

The letter of department of urbanization and construction No 812 of 12/05/1988 which decided [that I must] remove this house from the property because it is a new construction [that] has not been authorized [by] urbanization and construction...I wish to inform you that: house no 65E2 ...is not a new construction, it is my [existing] house, a former structure...After 7.1.1979 the damaged site has been repaired by my family in order to live in it, it is not a fully new construct[ion] that causes harm to technical buildings or [the] beauty of [the] town.²⁷

This double bind enabled Municipal land officials to differentiate between settlements that were the housing of the poor—generally assembled out of scavenged materials, from the structures built by the middle-class or the wealthy that blended into existing facades. Where pre-1979 claims were illegitimate, post- 1979 structures were suspect-- creating a double bind for the urban poor.

3.6 DEMARCATING PUBLIC FROM PRIVATE

There are a handful of cases in which individuals claim property (or others dispute their claim) based on labor within the home. A file summary for a case in the 7th of January District is particularly interesting: One Ms. DS had been living with a woman and her daughter for many years acting as nursemaid/nanny for the daughter while the mother worked. When the mother died the tribunal granted assets to the daughter. However, as she was a minor her aunt was granted the home as guardian. DS (the nurse/nanny opposes the decision saying she should have some recompense for years of work in the home. She also lived there. Internal UNTAC notes record that Ms. DS had not complained to UNTAC, but that District officials raised the case with UNTAC in the bimonthly Complaints Clarification Committee, asking if UNTAC agreed with the tribunal's decision to evict the nanny.²⁸

Ms. DS believed that she should be compensated for her many years of living and working in the home, caring for the child “like a daughter.” (Post)socialist SOC authorities ruled the nursemaid's claim baseless, a ruling confirmed by UNTAC. The UNTAC investigating officer scrawls his official position across the title page of the case file: “Nothing here for UNTAC involvement. Decision seems made on legal basis: case closed.” And yet, the property laws of the time make clear that peaceful residence on a property at the end of the socialist era (April of 1989) did constitute grounds for a claim to that property. So, what does it mean that being employed within a home was considered incompatible with being a part of that home? What conditions of abstract citizenship are smuggled within this disavowal?

I submit that it is the interpenetration of public and private life that renders her claim both outside of socialist and liberal categories of intelligibility. For the UN, working inside the house puts her outside of the category of the household—negating her right to property. Whereas for the SOC authorities, working inside the house puts her outside of category of socialist worker—negating her historical claim to the property. I am suggesting that her claim failed, at least in part, because her performance of citizenship fell between socialist and liberal conditions of intelligibility and forms of address. She did not appeal to the paternalism of the (post) socialist state. Ironically, though her claim to space was based on her labor—the socialist subjectivity par excellent—as gendered labor internal to the reproductive sphere of the home it did not qualify her to the recognition of a state worker. Nor did she adopt the position of a normatively gendered charge of the state—a claim most often articulated in terms of widowhood, poverty, or need.

I'll give one more example of a shared premise of separation between public and private space as linking UN and SOC interests. This is a dispute of a family nature that the UN deemed political, as the case was brought against an SOC Minister by his brother. While the high-profile nature of the officials concerned elevated this case to the realm of politics in the eyes of the UN, in substance the case was no different from the dozens of other contemporaneous instances of intra-familial dispossession. The case is referred to UNTAC by the opposition, Buddhist Liberal Democratic Party, and includes the assembled thumbprints of dozens of neighbors who purportedly support the brother's case.²⁹ The brother writes that he and a third brother had “come to choose” the villa 34 Eo and 34 Ei in 1979, which they also shared with the brother of another powerful state official. The complainant asserts that when he married in 1987, he and his wife separated their rooms within the villa from the others. UNTAC representatives bring the case up in their bi-monthly ‘Complaint Clarification Committee Meetings with SOC officials, at which point the Vice Mayor of Phnom Penh gives a fascinating account of the case:

Vice Mayor claimed to know whole case. He explained how the Minister had given a room to his younger brother, had educated him and had even arranged for his marriage. He said that if now the house were to be given to younger brother no Khmer would understand this and no one dare give shelter to one's own family. Mentioned that the Council of Ministers had given decision in Minister's favour.

The Vice Mayor's explanation alarms rather than soothes his UNTAC colleagues. Lyndall McClean responds: "intervention by government authorities in family disputes is unacceptable behavior." In a final twist, when McClean then writes to the complainant to give him the good news that his case will be retried, "by suitable legal authorities," he responds that he has already sold his portion of the home to a SNC Council representative. What interests me here is that both Vice Mayor and Lyndall McClean's positions both insist upon a separation between family/politics; both take a non-interventionist position. McClean argues that "government intervention in family disputes is unacceptable"—insisting on the non-interference of family on the sphere of the law. Whereas, the Vice Mayor contends that were the Minister's brother to be awarded the property, "No Khmer would understand and no one dare give shelter to one's own family." In other words, he is insisting on the non-interference of the law into family relations. Both positions insist upon the separation of public from family life. As Anne McClintock succinctly puts it, "nations are symbolically figured as domestic genealogies. Yet, at the same time, since the mid nineteenth century in the West, 'the family' itself has been figured as the antithesis of history" (1995: p63). The point that I am trying to make in pulling us through these family disputes is the point that Butler articulates so well:

If the terms of power lay out "who" can be a subject, who qualifies as a subject of recognition, in politics, or before the law, then the subject is not a precondition of politics, but a differential effect of power. (Butler, 2009, iii)

CONCLUSION: GENDERED DISPOSSESSION

While hard numbers are impossible to come by, it is clear from the files we do have that a disproportionate number of women were dispossessed in these household disputes. There are a number of likely reasons for this. First, A study conducted by Eva Mysliwiec in 1986.³⁰ found that a quarter of households surveyed were female-headed, with 91% of these widows. There were also a high proportion of female-headed households in the refugee camps, reflecting higher male death toll during the Khmer Rouge and PRK period (Ledgerwood, 2011). The PRK's K5 program of forced conscription sent thousands of men to the malaria-infested areas along the Thai border in the PRK's ongoing war against the border factions.³¹ The Cambodian cultural norm whereby when a couple is married they go to live with the woman's family may also have contributed to this skew. Lastly, and in my estimation the most significant, women (and especially women living alone) were likely perceived as the most easily displaced by threat of violence. In a case filed in the Western city of Battambang a woman files a complaint against a CPAF soldier:

This land I have been staying since 1979... LA wants to kill me. The chief [of the] village said he will find the land for me in 1992, and I agreed. I was to move in 1992 [so the] the power [ful] men at Samaki Sub district [could] solve this problem, but [now] the chief village cannot find the land for me. This man make trouble...he has cut my tree and then made the fence in middle of my house...Because I am a female and staying with my mother I can't oppose him... I can't move because I have no money to move [] and no

money to buy a new land because I am a poor woman.³²

Finally, there is the case of a woman who appeals to UNTAC to support her petition for divorce. She alleges that her husband has threatened her life and the life of her parents on three occasions, that he has a gun, and that he is politically protected by a high SOC official. She writes,

I request to divorce [], because he is a cruel, brutish and violent man that I cannot g[o] on living with him and have not confidence in more. He has not known what is value of a life, what is a happiness. He has had no common sense and moral spirit. In general, he is a mysterious, dangerous and formidable man. So that, I am not able to be patient with a suffering life anymore. In essence, I would like you to decide or sentence this case for me to divorce completely and help to divide correctly and totally our common property, that is just I will agree.³³

UNTAC's Complaints Clarification Unit nonetheless labels this case a family dispute and sends her the following response:

I refer to your complaints regarding decision no. 57 of 19th March 1992 by the tribunal of PP in relation to your divorce and the division of property between yourself and your former wife. As a private dispute between family members, this case does not fall within the UNTAC mandate, which is primarily to ensure a neutral political environment conducive to free and fair elections. Consequently UNTAC is unable to take any further action on your complaint. However, I wish to confirm that the action you have taken in approaching the Supreme Court to appeal the Tribunal verdict is correct according to the law and recommend that you continue to pursue this channel.³⁴

Effectively, female-headed households found themselves in a double bind in the context of dramatic property inflation, structural transition, and authoritative ambiguity. Within the patriarchal household, men protect 'their' women from incursions by others, creating a feedback loop between masculine authority in the home, and the patriarchal state (Brown, 1992:24). Women within households outside of this patriarchal structure were vulnerable to violent incursion from the men within their households (Federici, 2004). While there are a few cases in which the gendering of dispossession is reversed³⁵ the majority of these cases detail sons or son in laws, brothers and uncles displacing female (often elderly) household heads.

The declaration of the non-political nature of the household is a compelling illustration of the bracketing work that categories effect. The cases that we have a window onto today, those recorded in the UNTAC land dispute files, are cases that UNTAC pursued as far as necessary to determine whether or not there was political interference. In many cases these files are truncated. Even more disabling: countless other cases are simply absent—cases where field officers did not record or investigate the disputes—as they were deemed outside of the space of the properly political. As a consequence, the significant reconfiguration of the household form from multi-nucleated to a nuclear household, and gendered dispossession are but traces in the archive, and are largely written out of historiography of the period.

The demarcation of a line between family and political spheres was also consequential for the refugee repatriation program. The PPA mandated the repatriation of 377,000 refugees from the Thai refugee camps, the decommissioning of seventy percent of the soldiers from all four factions (estimated to be 190,000 in the immediate UNTAC period), and the resettlement of 180,000 internally displaced persons.³⁶ What all these people needed was land—the key component in an agrarian economy, and the material base of the reconstitution of the

Cambodian nation. The international priority was to return all Cambodians to Cambodian soil before the 1993 elections. Yet, the UNTAC intervention unfolded within and greatly intensified inflation of land values—leading to hoarding, dispossessions and speculative development that in turn produced scarcity of affordable housing (especially in urban areas) at exactly the moment that large tracts of land were needed to accommodate returnees. Numerous scholars have noted that the failure to find adequate land for returnees led to their steady migration to Phnom Penh and other urban centers up to the present. Refugee repatriation also had significant effects on household structure and power relations.

Once it became clear that there was insufficient available land to absorb the returnees, the UNHCR began encouraging refugees to take ‘Option C,’ *\$50 and rice rations for 400 days*, and explicitly directed them to “go settle with family.” This despite the fact that a Ford Foundation survey conducted in border camps in 1989 found that eighty three percent of refugees had had no contact with families living within the country since 1979.²⁸ In this move, the burden of national reintegration was effectively shifted into the reproductive sphere of the household, and out of the ‘political sphere.’ The UN’s simultaneous dependence on the familial social structure to smooth out the difficulties of national reconciliation, while at the same time locating the family as ‘outside’ of the realm of politics, articulates a classic liberal conceit. The allocation of land to refugees is the subject of Chapter Five.

¹ File 8.059

² “Summary of action on complaints received up to 16 September 1992.”

³ Excerpt from “Shooting the Moon: Cambodian Peace workers tell their stories.” Marje Prior, reported in Phnom Penh Post, Friday 23rd September 1994.

⁴ File 12.092

⁵ File 47.173

⁶ Ref: LD/IL058/CKM 173. Letter signed Lyndall McLean 28/12/ 1992:

⁷ File 18.183

⁸ File 31.339

⁹ File 21.077

¹⁰ File 75.314

¹¹ Ibid., document dated February 12, 1993

¹² File 56.211

¹³ File 14.104

¹⁴ For a more comprehensive discussion of RADIO UNTAC see: Katrin Travouillon (2015) *Speaking to an imagined community. How the Paris Peace Agreements shaped ideas of the new political order in Cambodia 1992-93*. Philipp University Marburg

¹⁵ Most egregious in this regard was Khmer Rouge radio, which regularly called on Cambodians to rise up and commit violence against Vietnamese or to boycott the elections, etc. However, SOC media outlets were also highly propagandistic, reporting in an extremely biased and sometimes flatly untrue manner. See various UNTAC Information and Education reports on DK/SOC media. See also Marston (1997) for broader media context.

¹⁶ John Marston (1997a, 1997b) analyzes print media from before, during and after the transitional period, providing a fascinating account of the emergence of what he terms a new “etiquette of discourse” in this period.

¹⁷ Expediency was a major concern of many complainants. The notes of the above case state,

“she fears that her house will be destroyed before any decision can be made by the Court.” This is likely why she submitted her petition in English, despite obvious difficulties with the language. She likely (correctly) reasoned that their case would be attended to more quickly if it did not need to go through translation first. Meanwhile, her use of ‘human rights,’ articulates awkwardly with other elements of her petition.

¹⁸ UNTAC analysis Document ID: JM/230

¹⁹ File 43.157

²⁰ File 14.277

²¹ File 074

²² File 7

²³ File 37.271

²⁴ File 13.257 (5 families)

²⁵ File 26.192, “Neighbor closed off staircase access. 3 Municipal decisions ordering stairs to be reopened but no implementation.”

²⁶ Signed by Som Sophat, representing the Provincial People’s committee, on complaints

²⁷ File 26.096.

²⁸ File 7.100

³⁰ PADEK 1986, findings reported in Yap et al. 1992, p22

³¹ See: Margaret Slocomb, “The K5 Gamble: National Defense and Nation Building under the People’s Republic of Kampuchea,” *Journal of Southeast Asian Studies* (Vol.32, No.2: June 2001, p.201.

³² BTB Province/(no file number) Dated 05.06/93

³³ File 212

³⁴ File 29 “Rejected Cases”

³⁵ See for example the case 5.046 from Toul Kork in which a 73 years old man complains to UNTAC that his daughter in law tried to drive him away from his house. There is also a case 58.215 in Chamkarmon in which a father allegedly divided his land equally among his children, but then the eldest daughter applied for and was granted half the land.¹

³⁶ These figures come from UN HABITAT Needs Assessment (Yap et. al., 1992: 12

CHAPTER 4: YUON BEYOND THE PALE

Pale:

- (1) *adj.* Lacking strong or natural color: a pale complexion
- (2) *noun.* a stake or picket, as of a fence.
limits; bounds: outside the pale of my jurisdiction
- (3) *idiom:* *beyond the pale.* Beyond the limits of proper behavior

In this Chapter I explore the spatial rupture of the Cambodia-Vietnam border, historically and materially. First, I sketch a historic geography of diverse Vietnamese populations in relation to the unique ecology of the lower Mekong region, and the historic particularities of the 1980's and 1990's. Then I link the urban environs of these populations at the eve of the UNTAC intervention to a particular modality of dispossession. I document how, in the crucible of the transitional period, the CPP/SOC dissociated themselves from long-standing seasonal habitation patterns of the ethnic-Vietnamese population through declaration of rupture with the past, and then repurposed these valuable urban environs for capital intensive development through the material process of land reclamation. Finally, I analyze a contemporary representation of the UNTAC operation and Vietnamese presence that condenses sovereign anxieties born of the imperial racial formation of bodies and borders.

4.1 INTRODUCTION

“Particular representations emerge from specific material spatial practices and from certain forms of domination and control of space, yet they can become material forces in their own right.” Watts, 1992: 118

“We must begin to think of construction not as site or surface, but as a process of materialization that stabilizes over time to produce the effect of boundary, fixity, and surface we call matter.”
Butler, 1993: 9

The Cambodia-Vietnam border is a geopolitical rupture running through a continuous socio-natural deltaic landscape. The border has been carved through forms of racialization and rule repeatedly over the course of the two nations' historically sedimented, uneven incorporation into consecutive projects of French colonization, post-colonial nationalism, US Military incursion, and Indochinese socialism. Sequential imperial/authoritarian regimes have asserted their sovereign rule over Cambodia through demarcating the national border between Cambodia and Vietnam as a spatial rupture. Then, in a second move they have transgressed this border in assorted politics of expansion and occupation. The conjuring of the national border as rupture between two distinct populations erases the long history of trans-border mixing, syncretism and pluralism that has always characterizes the region and especially Phnom Penh.

French colonizers legitimated their role in Cambodia as “Protectorate” of the Khmer from the territorially avarice Vietnamese (Edwards, 2006), but of course colonized both countries (as well as Laos), subsuming ethnic-difference into racialized antagonism through the differential

incorporation of Khmer and Vietnamese within colonial bureaucratic and power structures (Goscha, 1995). Vietnamese circulated throughout Indochina as civil servants, while Khmer and Lao were (for the most part) spatially bound within Cambodia as subjects. Subsequently the US declared war with Vietnam, yet between 1964 and 1975 the US Air Force dropped a staggering 2,756,941 tons of bombs on Cambodia: considerably more than the estimated two million tons of bombs dropped by the Allied powers in all of World War II (Kiernan & Own: 2007, p67). Then, in 1975, the Khmer Rouge came to power promising recovery of the lost territory of the Mekong Delta (Kampuchea Krom in Khmer: 'Lower Cambodia') that was ceded by the French to Vietnam in 1949. Yet, one of the ten rules posted in every interrogation cell of S-21--the Khmer Rouge's political prison in Phnom Penh, was "Don't tell us how much you hate people from Kampuchea Krom [lower Cambodia bordering Vietnam] in order to hide your Vietnamese ancestry."¹ In other words: while the Khmer Rouge claimed Kampuchea Krom for the Khmer, one could not be both truly Khmer and from Kampuchea Krom. The framing of the border as rupture obscures the historic constitution of the border itself, while naturalizing the a-historic fiction of Cambodia as the homogeneous racial space of the Khmer.

In this chapter I explore the dispossession of ethnic-Vietnamese Cambodians in the transitional period, and the simultaneous emergence of a sexualized and gendered representation of Vietnamese as racial enemy. Crystallized in the racial formation of the 'yuon' —the pejorative term for ethnic-Vietnamese out of a set of historically specific articulations of race, class and sexuality/gender. I use the language of racial formation as an analytic adequate to anti-Vietnamese racism as a process of continuous construction built out of a string of historically particular articulations of race, class gender and sexuality. Omi and Winant (1994) define racial formation as,

The shifting construction of racial meanings formed in the dialectic between state categorization and social challenges to those categorizations, and the sociohistorical process by which racial meanings are created, lived and transformed" (quoted in Lowe, 1996: p21).

4.2 HISTORICAL-GEOGRAPHIES AND RACIAL TOPOGRAPHIES

A distinct ethnic-geography overlays Phnom Penh's urban topography of river rise and fall. For hundreds of years, ethnic-Vietnamese fisher people settled Phnom Penh's seasonally inundated areas. In the dry season these communities erected temporary homes along the exposed riverfront areas in the city. In the wet season, they decamped to rural areas to farm or they followed the fish up river on boats, relinquishing their urban environs to the rising river.² In the 1970's a large number of Cambodia's Vietnamese population fled to Vietnam to escape the Khmer Rouge, for whom expunging the Vietnamese was a central to their political project of making a purely Khmer society. Many of these people returned to their country in the 1980's. With the permission of the Phnom Penh Municipality they again predominantly settled along urban waterfront, seasonally seizing and the ceding riverbank lands according to the rhythm of the delta. These Cambodians were additionally joined in the 1980's by Vietnamese civil servants who came to work within the PRK bureaucracy. Many, but not all of these civil servants left the country in 1989 in concert with the Vietnamese military withdrawal. The early 1990's brought new populations of Vietnamese into the city. The UNTAC intervention itself created a booming service sector—with particularly high demand for sexworkers. Women from

poor families in the Vietnamese Mekong Delta disproportionately entered this sexual economy. However, while Vietnamese prostitutes remain the stereotype of the Vietnamese population, poor Vietnamese migrants also disproportionately worked in the booming urban construction sector. Lastly, as mentioned in Chapter 2, some opposition politicians offered ethnic Khmer-Vietnamese (Khmer Krom) land in the country if they returned to vote in the 1993 elections. All of this is to make two, absolutely essential points about “Vietnamese” in the transitional period: 1) The category of Vietnamese was and is crosscut by class, gender, and national difference. 2) This difference is dynamic across time and space.

In the transitional period, the very right of Vietnamese to citizenship and property was an open question. A cornerstone of the 1991 Paris Peace Accords was the “verification of the removal of Vietnamese forces.” While originally intended to pertain only to Vietnamese military forces, the ambiguity of the clause became fodder for FUNCINPEC, BLDP and especially DK propaganda. Each of these parties maintained that the clause pertained to all Vietnamese persons, and thus the PPA mandated the removal of all Vietnamese persons from Cambodian soil. Jay Jordens (1994: p140-142) documents the systematic withdrawal of SOC identity papers from the Vietnamese population of Phnom Penh during the UNTAC intervention.³

Jay Jordens gives us the most comprehensive empirical analysis of anti-Vietnamese violence during the UNTAC period in his 1994 chapter, “Persecution of the Ethnic-Vietnamese Population During UNTAC and After.” Jordens spoke fluent Khmer and Vietnamese and worked as an UNTAC Education and Information officer during the UNTAC intervention (alongside Ledgerwood, whose account and analysis I also draw heavily upon in this chapter), providing an analysis that is both scholarly and the product of direct experience. Jordens eschews the predominant explanatory frame of ‘transcendent cultural antagonisms,’ analyzing anti-Vietnamese violence of the period as calculated, and historically specific. Jordens documents that though opposition party’s never tired of asserting the CPP’s ‘close relationship with Vietnam’ the SOC in fact, systematically disenfranchised the ethnic-Vietnamese population after 1989. I build on this work, showing the mutual constitution of racist ideology and racialized dispossession.

CATEGORICAL INCOHERENCE

In Chapter Two I discussed the struggle over, and eventual eviction of, a large informal settlement along Phnom Penh’s central riverfront area—the so called, Casino Land Site case. The Casino Land Case is a window into the ways in which land governance was wielded as a tool of racialized dispossession in the transitional period. There I noted but did not elaborate the Municipality’s finding that 101 of the 241 families counted in the original census were Vietnamese. The high representation of Vietnamese families in this case is consistent with the geography of the site as seasonally inundated⁴. A UN investigation of the informal settlement finds:

Many of the Vietnamese are fluent in Khmer, were born in Cambodia and until recently lived in the provinces. Fears of the DK and discrimination have prompted them to come to Phnom Penh. Others have recently entered Cambodia for economic reasons and speak no Khmer.⁵

A study completed by the Vietnamese Association of Cambodia corroborates this finding, adding that *the majority* of the Vietnamese settlers on the Casino site “were born in Cambodia but had fled to Vietnam during the Pol Pot regime and later returned.” In other words, the Casino Land Site is a microcosm of the differentiated category of Vietnamese, which is itself a

historically sedimented composite, not a coherent community. Analogous to my argument in Chapter Three that ‘temporary’ functioned as a temporality of exclusion in individual property claims; here I document how longstanding *seasonal* settlement practices of the ethnic-Vietnamese fisher population were negated based on their impermanence. This is effectively the case that SOC Vice President of the Municipality (Mr. Um Nhanh) made to UNTAC Civilian Police Commander of Phnom Penh: (Supt Larson) in the following exchange recorded in the notes from the meeting:

Mr. Um Nhanh stressed that UNTAC must understand the customs of the Vietnamese: they were mobile, settling in one place and then changing to elsewhere. They came in their boats, constructed houses but later moved to another place.

Supt Larson queried whether it was known exactly who were Vietnamese settlers, how long they had been here and any rules that applied to their settlement?

General Nuon Sareth responded that they had no papers. They came for fishing and for jobs. They would work a while but when a census was taken they would move away and later go elsewhere. They have no ID cards or legal papers but during the rainy season it was easy for them to cross into Cambodia from Vietnam, the rivers flood on the border and they just come in by boat.

Supt Larson suggested then that such movement was a long-term custom and it could be claimed they were not illegal.

Mr. Um Nhanh responded they were illegal and came only to find jobs. He reiterated that they were mobile, some were sponsored by their relatives but after they had earned enough money they went back to Vietnam. It was a seasonal approach. In response to a query on naturalization Mr. Um Nhanh said there was no naturalization law—there was no possibility for them to become Cambodian citizens.⁶

When Municipal authorities first informed UNTAC of their plan to raze the Casino Land settlement, they confirmed their plan to separate the Vietnamese families from the Khmer. UNTAC representatives objected in that this would further stoke racial antagonisms in the city, and so brought the Vietnamese Ambassador and Vietnamese Association into discussions with the municipality. It is in this capacity that Mr. Nguyen Ngoc Sanh, President of the Vietnamese Association mentioned that some families wished to leave but had been threatened with violence by other settlers if they did so (recall from Chapter Two that solidarity was key to the Casino settlers’ resistance to eviction). Here McLean offered UNTAC protection for those who wished to leave⁷. In essence, UN protection was offered to Vietnamese persons who wished to cede their claims to land and citizenship, but not to those who wished to claim these rights in situ.

Mr. Nguyen relayed to the mixed UNTAC-SOC group, that many of the families at the site with were not direct squatters but had bought their houses from Cambodian people, and therefore requested assistance or compensation. General Nuon Sareth commented that this was reasonable, but complained that the number of Vietnamese families had grown since the first census from 101 to 137. At this point Mr. Nguyen clarified that there were, in fact, 150 Vietnamese families but that, “during the census taken by the Municipality some of the Vietnamese had told the police they were Cambodian.”

What is important to note here is what is so easy to lose sight of, given the passionate tenor of discussion of Vietnamese presence/possession/dispossession. It is impossible to visibly distinguish between ‘Vietnamese’ and ‘Cambodians’ with any degree of accuracy. The

Municipality did not count the Vietnamese families because the families did not identify themselves as Vietnamese.

At this point, the notes record that Mr. Um Nanh looked at the list made by the Vietnamese Association and noted that there was no distinction made between long-term and short-term settlers, and that while some are from Vietnamese provinces others are from Cambodian provinces. Caught in the incoherence of Vietnamese as a racial category, Um Nanh fell back on Vietnamese as a national category—and sought to draw a line between ethnic-Vietnamese Cambodians and Vietnamese nationals. Yet, here too he is entangled in categorical incoherence: he and the other SOC authorities had at this point already declared that they intend to treat the Khmer Krom at the site as Cambodian: “Recently arrived Khmer Krom (no figures available) have no ID but are being treated by the SOC as Cambodian for the purposes of this exercise.”⁸ So then, the SOC’s desire to govern these groups differently cannot hang on bureaucratic difference—as the Khmer Krom settlers, like their Vietnamese counterparts, had no papers.

As noted in the introduction, prior to the arrival of the French, race was a fluid marker throughout the region—denoting language and custom not phenotype or essence (Edwards, 2006). There I argued that the colonial concept of milieu “congealed racial essence, natural landscape, mode of production and disease into a form of governance and object of developmental intervention.” While in the French colonial period the Asiatic Milieu “encompassed, disease, hygienic, pestilence, criminality, class and sexuality,” (Edwards, 2006: 55) and was populated by the “swamped race” of the Khmer (*Ibid.* p50), by the early 1990’s it is the Vietnamese population that is discursively conjoined to watery landscape, prostitution and poverty.

Topographical difference was not simply the urban ecological manifestation of race relations but rather a key modality through which racialized and class difference was produced and reproduced. This returns us to the main argument of the chapter, the exchange between representatives of the Municipality, Vietnamese Association and UNTAC, underscore how property interests were constitutive not incidental to the anti-Vietnamese practices and policies of the SOC. Where the SOC’s position reveals incoherence, it is no great analytic feat to show that racism is incoherent. The next mass eviction I discuss lays bare the conjoined logic of capitalist accumulation and racial-state rule. Following the lucrative Casino Land Site sale, in September of 1993 the Council of Ministers approved the sale of an additional swathe of riverfront property to Mr. Suor Srun, to build another high-end hotel. In turn, the Municipality made plans to evict the massive informal community encamped on state land in front of the Russian Embassy. UNTAC internal memorandum record: “We had heard that the numbers of people (not families) involved could be as high as 30,000 persons. Even 10,000 would be a substantial number to relocate.”

File notes relay, “The Municipality was under a lot of pressure from the Council of Ministers to evict the residents from the site.”⁹ Hok Lundy claimed that while some of the houses were “very firm structures” and had been there since 1982, the majority were “only temporary houses with their owners waiting to be relocated with compensation.” Hok Lundy invoked temporary as a means of delegitimization again stating, “The fact remained that it was state land and the people had not been granted title. They had temporary residence pending any need by the state to use the land for other purposes.” Recall that in the 1980’s all land was state land, and thus all residents’ claims were “pending any need by the state to use the land for other purposes.” Indeed, as outlined in Chapter One, people were moved out of private homes for all sorts of reasons. “Mr. Hok Lundy recognized that there would be some difficulties, but claimed there was

an “obligation...people could not just settle on public land, they had to be moved to the outer suburbs. If the problem was not solved it would create a bad model”. In turn, Lyndall McLean (Deputy Director of Phnom Penh Civilian Operations) urged Hok Lundy to wait until after the elections:

I expressed my serious concern that this settlement numbered approximately 36,000 people and that I believed it would be far more in the SOC’s interest to wait until after the election. Other parties would no doubt use such large-scale evictions as a basis for criticism of the CPP and could easily influence the people by making promises on land as an election issue, even if they couldn’t fulfill them. *Hok Lundy’s reaction was that fifty percent of the settlers at the Russian Embassy site were Vietnamese and his assessment was that there would be no impact on the election, perhaps a positive one as “no-one would object to moving Vietnamese.* ¹⁰

Hok Lundy’s nonchalant assessment that “no-one would object to moving Vietnamese,” thoroughly undoes common sense claims that the SOC was “protecting Vietnamese.” SOC authorities were only too happy to dispossess ethnic-Vietnamese and Vietnamese migrants from valuable central city land, turning a tidy and timely profit; all the better if they could frame it as expelling the Vietnamese.

KHMER KROM:

The geopolitical and national coordinates of Khmer Krom are especially complicated, and warrant further discussion. It is instructive to turn to an oral history I conducted with a Khmer Krom¹¹ man who arrived in Phnom Penh in 1982. YK was born in Tra Vinh Province (which he referred to as Preah Tropeang: “one of the stolen provinces of Cambodia.”). YK learned English between 1964-1967 from a USAID advisor stationed in his village. He subsequently worked with the American troops between 1969-74. After US troops withdrew from Vietnam YK hid in the Mekong Delta. Laboring in the rice fields, he bided his time until the wet season of 1982, when he escaped to Cambodia on his fishing boat. Though his original goal was to continue on to Thailand, he was unable to do so: “the Vietnamese forces in Phnom Penh watched Khmer Krom very closely,” and so settled in Phnom Penh. YK narrated his arrival in the city in terms of where he could *not* settle:

I could not claim an empty house in Phnom Penh because they were full of Vietnamese people and people who worked for the government. You could only stay in an empty house if you worked for the state. If you worked for the government you could have a home in Phnom Penh, if not you had to settle on the empty land.

Despite fluency in Vietnamese and Khmer, YK did not take a job with the government, because, as he put it, “the PRK was communist, and I had been with the Americans.” Plus, he added, “working for the PRK did not pay well.” He preferred to catch fish. YK settled on the banks across from the (present day) Japanese bridge. At the time the area was a tangle of mangrove forests, and so he and a group of a dozen or so new migrants (all recent returnees from Vietnam) chopped down the trees. Over the next few years, they were joined by many more ethnic-Vietnamese and some Khmer Krom. He estimated that by 1985 the area was still eighty to ninety more ethnic-Vietnamese and some Khmer Krom joined them during the dry season, during the wet season they lived on the Tonle Sap—fishing.

In 1985 the local authorities moved the whole settlement to a place called Svay Pak¹²,

eleven kilometers North of Phnom Penh. There he said, local authorities had demarcated plots for all those removed from the riverfront: “No paved roads, water or electricity, but then again we didn’t have those things in Phnom Penh either.” In his assessment the local authorities moved them in order to sell the land they were on to newcomers to the city. YK explained that while you could not officially sell land in 1985, “it happened all the time between local authorities and the people.” The Village Head and the Commune Head moved them all to the Svay Pak area and sold the plots to others (again predominantly Vietnamese). YK said that they did not have to buy their new plots in Svay Pak, but neither were they compensated for their old plots.¹³

In the course of the UN intervention the river communities of ethnic-Vietnamese Cambodian and Khmer Krom were joined by an estimated 100,000 more Vietnamese nationals¹⁴ who emigrated from Vietnam to work in a booming urban service sector awash in development dollars (Jordens, 2004: page xx). These new migrants also tended to settle in the rapidly densifying areas on riverbanks for matters of economy: these were by and large the only affordable housing within the city, and for matters of path dependency: this was where people spoke Vietnamese, and the place that migrants that preceded them spoke of. So here then is a sketch of the Vietnamese communities living along the riverfront in the early 1990’s. The long history of Vietnamese migration into Cambodia makes any discussion of the ‘Vietnamese community’ inadequate to the variegated Vietnamese *communities* that live within Cambodia in the transitional period (Jordens, 1994: p135). The ethnic and national subgroups described above were themselves crosscut by class difference. While landlords and cafe owners in the riverfront communities were quite well off, new migrants were in general extremely poor.¹⁵ Yet, despite diversity of history, nationality, class, and ideology, ethnic-Vietnamese predominantly (though certainly not exclusively) settled along the river. The next section explicates the material and bureaucratic alchemy by which water was turned into land and residents turned into squatters—a process that disproportionately dispossessed Phnom Penh’s Vietnamese population.

4.3 MAKING LAND FROM WATER:

When an area flooded in the 1980’s, residents generally received assistance from the state. An elderly woman whom I interviewed recalled that in the PRK period Commune officials would distribute tarps to residents whenever their neighborhood flooded, “though not now, not for ages.” Citizens’ earnest expectation that the state would respond to flooding is clear in a complaint filed with UNTAC in October of 1992. More than a thousand villagers of Tum Nub Kop Srov¹⁶ in the northern district of Russey Keo filed a complaint against local authorities when their homes flooded between 10th-16th of October. They cite the non-action of the local state as a violation of their human rights. Where in the 1980’s flooding was a basis for claims to state assistance, in the 1990’s flooding was a basis for eviction. This remarkable transformation turned on the category of land itself. The 1989 sub decree and subsequent 1992 land law categorized all waterways including lakes, ponds and rivers as ‘state land,’ and thus foreclosed private property claims to these areas. This classificatory scheme left the classification of the significant swathes of the city that were flood-prone, boggy and seasonally inundated land ambiguous. The edges and extent of state land were a matter of perception and persuasion. Unsurprisingly, this led to struggles over space. These struggles often took topographical form. The authors of the 1992 HABITAT report note: “All the land which was not in use in principle still belongs to government/municipality but there are no maps which show government land” (1992:24). A policy of unmapping (Roy, 2009) strengthened the SOC’s authority over these valuable areas.

State archival records show an intensification of land reclamation and sand dredging within Phnom Penh beginning in 1991. A report¹⁷ dated 22nd March 1991, from the People's Committee of Phnom Penh to the Cabinet of the Council of Ministers describes an ongoing project of dredging sand from the Tonle Bassac River for use as infill of Boeung Snout lake, a new development in Phnom Penh Thmai, and the Chruoi Changva Peninsula,¹⁸ The document states, "we must stem unregulated and unapproved (anarchistic) building in these areas." An informal settlement that is "spoiling the beauty of a Buddhist temple little by little" is identified as needing immediate redress. The final paragraph reports on the progress of the People's Committee of Phnom Penh in terms of the larger scale Master Plan for the city. "After reviewing the plans of the schema directeur¹⁹ we recommend the dredging of Tonle Bassac River for the development of these areas." Two months later, the Cabinet Council of Ministers authorizes the pumping of sand to enlarge Phnom Penh.²⁰

The designation of areas as state land did not necessarily preserve these parcels as public resource. Rather than constituting a commons outside of private property, in many cases inundated state land was the condition of emergence for exclusive high-end development properties throughout the city. This process worked as follows, through the filling in of inundated areas water became land, and in the process, alienable. At the scale of the local state land reclamation was often a tool of dispossession. The following case came from Tuk Tla Commune, Russey Keo District, on Phnom Penh's north side:

Land dispute between a collective group of people and their Chief of Village who allegedly sold communal land and kept the money personally. The land in question contains a pond, the water of which is used by the people of the village communally, which is the properties, sole value to the people. To quiet the uproar of the "sale" of this land, the pond is being surreptitiously filled in so that there is nothing left to argue about. The villages think this may be finished within two days. Can anything be done to enjoin the filling in of this pond pending the tribunal's decision on the merits of this case?²¹

Here the physical process of sand dredging wore away the villagers' claims through the change in the material form of the land itself. The transposition of water into land buried the claims of those living around the pond, rendering the space empty of alternative claims, and available to the village chief to parcel and sell as private plots.

It did not take long for the practice of land reclamation to be adopted by the urban poor and others. In 1990 the Municipality allocated thirty hectares of land to CONCERN (a global NGO) for the purpose of resettling the squatters who had been evicted from the French Embassy and an adjacent Wat. CONCERN built a dike around the area reclaiming the inundated land. Immediately upon completion surrounding villagers claimed the land.²² The villagers acted in the moment of plasticity, claiming the space as it was transformed from water into land.

Finally, land reclamation operated at the scale of the household and as a tactic of individual occupation. Throngs of people (squatters, the urban poor, the already dispossessed, soldiers and cadre included) moved onto inundated land, reclaiming the land themselves. In an effort to shore up the land and their claim to it, settlers built ramparts against the river and filled in boggy areas with earth. According to socialist laws and norms of the 1980's, these were authorized practices of claiming based on improvement. According to the post-socialist norms being forged in the transitional period, these were acts of anarchism and squatting. Incredible transformations occurred in this moment of flux.

Already, families are building their simple wooden and bamboo houses all along the

major roads to the north, west and south and along the outer dikes of Phnom Penh as well as in the areas which had been only partly planned and developed by 1975. In other countries these areas would be called squatter settlements, but in the unclear tenure situation in Cambodia, the families may be de-facto owners of their plots. (HABITAT, 1992: p24)

4.4 RACIALIZED DISPOSSESSION:

In 1992, Judy Ledgerwood warned of growing anti-Vietnamese racism in the Phnom Penh:

People are talking about the Vietnamese civilian population as being a serious problem. The KPRLF and PDK media lines on this topic are being taken very seriously. People who never previously voiced anti-Vietnamese sentiments in the two to three years that this Information Officer has known them are doing so now. ²³

Anti-Vietnamese sentiments had material force. On the 29th of March 1993 a series of simultaneous grenade attacks were carried out against Vietnamese businesses in the capital, leaving eight dead and more than a dozen wounded. The next day, The Voice of the Great National Union Front of Cambodia (DK radio) called on Khmer in the city to rise up and finish the job:

According to a report from Phnom Penh residents at Phsar Silep in the capital city recently attacked a group of yuon and killed eight of them. The local people and traders are furious with the growing number of male and female yuon who—counting on the implanted yuon police and military forces and UNTAC which gives them a free hand to act and which recognizes the yuon invasion of Cambodia—have come and controlled the area at will. They have misappropriated the people's land and traders' stalls at Phsar Silep market the people who are extremely furious with these yuon can no longer remain patient. In the wake of the event the Phsar Shlep residents have commented that they need to deal seriously with these yuon because they are very pretentious and are protected by the bad elements inside and outside UNTAC. If the people do not deal with them personally, Cambodians are certain to have no place to live.

Jordens characterizes the anti-Vietnamese policies of the SOC as an instance of realpolitik with an ear to anti-Vietnamese populism. However, Jordens ends his chapter by suggesting that the 1994 murder of 13 ethnic-Vietnamese fisher people in a Phnom Penh suburb may well have been motivated by property rather than politics (Ibid.152). Here I build from this claim, asserting the centrality of property to matters of racism and politics. I assert that the specific valences of anti-Vietnamese racism are thoroughly entangled with the political economy of the UNTAC period.

Given the recategorization of the environs of the Vietnamese population and the open question of their citizenship status, it is no great surprise that this population was especially vulnerable to dispossession. The Cambodian People's Party (CPP) was the name that the political arm of the SOC adopted in the run up to the first democratic elections of 1993. Characterized by their political opposition as the "puppets of Hanoi," the CPP sought to distance themselves from Vietnam. A key modality of their statecraft, like that of their predecessors, was to disenfranchise the Vietnamese population, irrespective of citizenship status or other mitigating historical factors.

The politics of disenfranchisement live in the pages of the following property dispute from the District of Daun Penh. The complainant (VCT) claims to have bought the house in 1982. He

was joined in 1983 by another party.²⁴ In 1989 VCT took the other party to court, claiming that his claim was superior as the other party was merely his tenant. The Municipal Tribunal decided in favor of VCT awarding him ownership rights over the property. However, in 1992 the Supreme Court reversed the ruling on the grounds that the claimant “was a Vietnamese and therefore as a foreigner has no right to buy land.” VCT countered that he was naturalized in 1988.

A few cases seem politically motivated. For example, a handwritten note²⁵ within a land dispute file from Chamkarmon states: “According to our source BLDP is encouraging people to demonstrate to evict 15 ethnic Vietnamese families from Phsar Depot II on 23rd of May 1993.”²⁶ Most cases, however, read more as the opportunistic seizing of valuable urban property for private gain by private individuals and state officials. In a house dispute between aunt, niece and mother²⁷, the niece and mother claim that they are being dispossessed by their aunt from the mutually owned and maintained property. The niece writes that her mother contributed \$500 (total) on two occasions to build and maintain the home, but they have no paperwork and their names are not on the land deed. The Aunt meanwhile sought sole ownership of the property on the grounds that her niece is Vietnamese. The Aunt submits a statement saying, “First of all, I will take care of [my sister in law] but not include members of her family: [niece], her children and husband, who is a former Vietnamese soldier.” UNTAC investigating officer speaks to the Commune Chief, the Commune Chief clarifies: “both parties are Khmer, and not Vietnamese as alleged by the complaint,” however P.O. married a demobilized Vietnamese soldier. At this point UNTAC notes are unclear on whether he is in fact Vietnamese or not: “she is certainly Khmer, and he may be because nowhere does it declare him Vietnamese.” Then there is a case of eviction of residents along Street 474 for reasons of ‘urban beautification.’²⁸ The case file notes read:

On the right side of street 474 backing onto a military barracks are sixteen small family timber/furniture businesses. Of the sixteen, thirteen had been advised to remove their premises. A drainage canal is currently under construction the length of the street but the premises in question are not intruding upon the construction... It was revealed that not all the residents on the right side of the street were subject to the eviction order and in fact new buildings were being constructed with the permission of the local committee. Further investigation revealed that all parties ordered to evict were ethnic-Vietnamese. A committee member advised us confidentially that the order for the eviction was made by the military and he had been instructed to tell us the earlier story of local discontent with safety and traffic hazards.²⁹

While the contents of the file are unclear as to who benefited materially from this dispossession—someone surely did, and likely several parties.

By far the largest number of ethnic-Vietnamese were dispossessed in group evictions along the Bassac Riverfront. Twenty-five families³⁰ living on the grounds of the 26th of August Hotel file a complaint with UNTAC after receiving eviction notices from the Municipality. In this file too, it is unclear whether the complainants are returning Cambodian citizens or new migrants:

The complainants are all Vietnamese by ethnic who migrated into the state of Cambodia in the year 1981 and were issued with family certificate allowing them to stay in Cambodia. No land was given to them then, this resulted to erect

temporary shelters beside the bank of Bassac River near the 26th Hotel, which is owned by the Ministry of Defense.

In mid-April, 1992 Municipal forces surrounded their homes with a fence, preventing them from going in or out.³¹ Racialized exclusion is materialized through obstruction.

4.5 REPRESENTATIONS AND RESOLUTIONS

Those evicted from the Casino Land Site were dumped on a site without running water or roads outside the outer dikes of the city (as discussed in Chapter Two). When an UNTAC representative visited the resettlement site he found it under water, with clusters of evictees huddled along the raised bank of the road, though most had simply disappeared. The Russian Embassy settlers, meanwhile, were offered 150,000 Riels if they voluntarily moved to the ten-hectare site twelve kilometers south of Phnom Penh³² that the developer had purchased³³ for the purpose of resettling the displaced. UNTAC officials were understandably leery of the resettlement plan:

A detailed plan was required on the proposed new 10-hectare site: its location, how many plots, water availability, roads and other services. Is the land adequate in size to house the estimated number of families, how large was each plot? On the assumption that there would be no provision for agricultural land, was there any plan for alternative income generation, as most individuals would be far removed from their place of work? Additionally, Dangkor District was already the site of many land complaints, including the forced purchase of land from farmers. From whom had the 10 hectares of land been purchased and what was the title status of the land?

While no follow-up account exists within the file to answer these questions, it is not cynical to assume that the land was flood prone (given its location outside of the city's outer dikes), that there were no services (given what we know of other resettlement sites during UNTAC and after) and that resettled families who wished to remain would have been embroiled in subsequent land disputes with local farmers (given the CONCERN case discussed in this Chapter). What is known is that in the wake of these dispossessions that disproportionately affected ethnic-Vietnamese residents, Svay Pak (the area where the municipality had forcibly resettled the ethnic-Vietnamese fisher community in 1985) exploded from a few hundred residents to several thousand. In turn, the area became a magnet for Vietnamese in-migration. Here is YK's account of that process:

[In 1985] At Svay Pak, we had to start all over. There was no work for anyone. We had been fisher people and now we were far from the river. Families started opening cafe's and restaurants, and then little by little brothels began operating behind restaurants. This was before UNTAC that it began because there was no other work. But then when UNTAC arrived—the prostitution exploded. Twenty-four brothels operated in Svay Pak in the UNTAC period. Sex cost two dollars. The community was half brothels, cafes and restaurants and half-day laborers—construction workers. We were all very poor.

What I am trying to sketch is the contours of a radically uneven urban economy driven by property inflation on the one hand and UN development dollars on the other, that dealt Phnom

Penh's (diverse, segmented) ethnic-Vietnamese population the double-whammy of being dispossessed en masse, and then disproportionately drawn into (some of the same people, but also many new migrants) the city's booming illicit economy. And that this transpired within a political and media environment that race-baited the Vietnamese for all manner of ills and vices. I am not arguing that this was a closed circuit, but rather that it was a common circuit.

These articulations of political economy, urban topography, and racism congealed a new racialized milieu. Ironically, while at no other time in Cambodian history was the Vietnamese presence in Phnom Penh more diverse and fractured, this is the period in which the dominant representation of 'Vietnamese' as vector of social ills, racial contaminant, and colonizing force congealed in the figure of the Vietnamese prostitute. Without a doubt Vietnamese women were overrepresented within the sex-worker population. Svay Pak, (along with Toul Kork) was an epicenter of prostitution in the UNTAC period. However, Svay Pak was by no means the only site of prostitution. In 1993 monks of Provovong Pagoda requested that UNTAC evict the approximately seven hundred families living on the pagoda grounds. The population they wished to have resettled had been living on the pagoda grounds following liberation, but had grown considerably during the UNTAC period. The monks write: "both Vietnamese and Khmer women living within the pagoda are working as prostitutes."

The Cambodian Cultural Village in Siem Reap³⁴ features a life-sized wax exhibit in which the visitor is led through a developmental history of Cambodian patrimony in four acts. The exhibit is titled "Cambodia Throughout the Ages," and is composed of a series of life-sized wax dioramas. The first scene is of the Angorean Empire. Scene Two depicts a scene from the French Colonial period. In the third scene a nameless, male Khmer Rouge cadre in black with red checkered headscarf stands before a rural backdrop in which a sea of bent bodies vanish into the horizon of an endless rice field. Act Four depicts a United Nations soldier in uniform leaving a bar with his arms around a prostitute—the banner above him reads: "*UNTAC PERIOD: The UN Brings AIDS to Cambodia.*"

This representation of the UNTAC intervention is clearly a domestic corrective to the international celebration of the UN intervention. Shock value aside, there is ample evidence that this is a popular historical account of the UNTAC period. The UNTAC intervention precipitated incredible growth of prostitution in the country, especially in Phnom Penh. Twenty five thousand UN troops—the vast majority of whom were male— earned a daily wage that was equal to the average annual income³⁵ of Cambodians at the time, creating the conditions for a booming illicit urban service sector. In a 1992 internal report UNTAC Information and Education officer, Judy Ledgerwood warns of the political potency of this situation:

The explosion of the number of Cambodian and Vietnamese prostitutes in Cambodia during the UNTAC mission has created a very high level of resentment among Cambodians...The issue is mixed with Cambodia's particular ethnic problems because the growth of the prostitution industry contributed to the pull factors which brought more ethnic Vietnamese to Cambodia.

DK radio and other opposition propaganda outlets pointed to this sexual economy as evidence of continued Vietnamese domination within the country, and of collusion between Vietnamese and UNTAC. Reflecting on the crystallization of this racial formation Jay Jordens writes,

Vietnamese prostitutes were portrayed as probably the most despicable and insidious agents of the rapacious and immoral Vietnamese state. Their role was said to be on the one hand to mislead and trick Khmer men into a complacency and confusion, and on the

other to reproduce in order to pollute and overwhelm Cambodia with half-Vietnamese métis who would act as advance shock troops for their more pureblooded brothers and sisters.³²

Meanwhile a UNTAC Education and Information report dated 12 July 1993 records, “the lack of discipline with in the ranks of the Civilian Police component was so well known that the word “CivPol” became synonymous with the stereotypical “bad” UNTAC who ran over people in speeding cars and beat up prostitutes.”³⁶

The scene is thus also a comment on the Vietnamese presence in Cambodia, and the crystallization of a particular racialization of the ethnic-Vietnamese that congealed in the transitional period. Phonetically UN harbors a double entendre: In pronunciation it is extremely close to “yuon” a pejorative word for Vietnamese. So then, the title of the exhibit can also be read as: “UNTAC PERIOD: the *Yuon* bring AIDS to Cambodia.” DK (the Khmer Rouge) radio regularly referred to UNTAC as “Yuon-TAC” throughout the intervention, making this wordplay familiar to Cambodians. Reading the surprise on my face as I stood in front of Act Four, my companion offered the explanation that the prostitute is Vietnamese. “See how light her skin is? Most prostitutes in Cambodia are actually Vietnamese, especially the ones the UN soldiers used.”

¹ This translation is Boreth Ly (2003) and is in my opinion a closer approximation than the translation posted at the Toul Sleng Genocide Museum which is; "do not use the pretense of Kampuchea Krom in order to hide your traitorous jaw"

² This ethno-ecological articulation is mirrored on the Vietnamese side of the Mekong Delta, where Phillip Taylor (2014) documents an ethnic-elevation of Khmer Krom (ethnic Khmer in Vietnam) communities life ways are tied to the ebb and flow of seasonal waters (Taylor: 2014).

³ Jordens documents numerous accounts of local officials literally collecting residency papers and property title receipts from Phnom Penh’s ethnic-Vietnamese population and replacing them with papers of less tactical value in land disputes (i.e. Family books). Drawing on testimony of the Overseas Vietnamese Association he recounts that the system for qualifying for residency was progressively dismantled in this same period (1994)

⁴ At least in part: the full extent of the informal settlement that mushrooms around the original encampment sprawls onto solid ground as well as swampy, seasonally inundated land.

⁵ “The Current Situation at the Site” from Lyndall McLean August 21, 1992

⁶ Record of Meeting 28 July, 1992. Casino Land Site File.

⁷ A subsequent report from the Vietnamese Association states that seven families had departed during the week preceding the eviction, resettling in Toul Kork.

⁸ A report on the “Current Situation at the Site” (August 21, 1992) Casino Land Site File

⁹ 14th October 1992, from Eduardo Vetere

¹⁰ September 11, 1992

- ¹¹ Oral History 25 August, 2013
- ¹² Svay Pak is located at the 11 Km mark on National Road 5
- ¹³ YK estimated that they sold for between 5-7 Chi of gold with 1 chi of gold = \$100 = \$2500 Riel at that time.
- ¹⁴ Jordens estimates this population to have been between 200,000 and 300,000.
- ¹⁵ “Perceptions of UNTAC in Phnom Penh” Ledgerwood, 18 September 1992: ““Cambodians think that many thieves are ethnic Vietnamese...this is related to the fact that many recently arrived Vietnamese who are working as construction laborers are very poor.”
- ¹⁶ File 17.295
- ¹⁷ File 350,
- ¹⁸ These are all areas that continue to experience very dense growth, and capital intensive development today.
- ¹⁹ In French in the original
- ²⁰ Document no. 75 SSR, dated May 24th, 1991
- ²¹ File 3.057
- ²² Yap et al., “Report of the UNCHS HABITAT...(1992: 23)
- ²³ 18 September, 1992. “Perceptions of UNTAC in Phnom Penh” J. Ledgerwood
- ²⁴ File 26.44.274
- ²⁵ Dated 20th August 1993
- ²⁶ File 50.182
- ²⁷ File 067/LOU K/INV/96/92
- ²⁸ File 8.021/Doc. ID: 92/92/AU
- ²⁹ File 8.021, Report Prepared by L McLean,
- ³⁰ Vietnamese migrant block, group 41, Tonle Basac Section
- ³¹ PNP 04/12/92
- ³² Prey Sur, Dang Kor District
- ³³ Notes record that Mr. Suor Srun had purchased the land at a price of \$5000 per hectare— a fraction of the value of central land he had purchased in front of the Russian Embassy.
- ³⁴ Siem Reap is Cambodia’s second largest city behind Phnom Penh, and the epicenter of foreign tourism due to proximity to Angkor Wat and other Ankoeran era monuments and ruins.
- ³⁵ Whitworth, S. *Men, Militarism, and UN Peacekeeping: A Gendered Analysis*. Lynne Rienner Publishers, 2004.
- ³⁶ “Perceptions of UNTAC some final comments” UNTAC Information and Education Files

CHAPTER 5: REPATRIATION, REFOULEMENT, REPAIR

This chapter explicates biopolitical dimensions of sovereign remaking that infuse and overspill Phnom Penh's territorial coordinates. April of 1991 marked both a national and transnational moment of rupture from the Cold War paradigm. Fourteen member states and the four Cambodian factions signed the Paris Peace Accords (PPA), signaling an end to the multi-decade civil war and a "break from policies and practices of the past." The repatriation of 377,000 Cambodian refugees from the Thai border linked rupture to sovereign repair. For the international community, repatriation of this refugee population marked the end of the Cold War quagmire, of which Cambodia was the remaining lodestone. For the SOC/CPP as well as their political opponents, refugee repatriation marked the resolution of the sovereign rupture of 1979. The PPA's laid the groundwork for the reincorporation of the Khmer body politic into Cambodian national space. And, as this chapter will explore (building on the last) The ethnically circumscribed language of Khmer was intentional. The chapter continues the analytic thread of Chapter Four, arguing that reincorporation of 750,000 persons and the dispossession of several hundred thousand ethnic-Vietnamese Cambodians were not only contemporaneous, but co-constituted. The remaking of Cambodian sovereignty entailed the spatial sorting of differentiated populations.

5.1 REFOULEMENT

(v) to push or force back. A political term for forced repatriation, refolement (n) names the process by which water is forced back into the channel of a river.

Between October and June the Tonle Sap River empties into the Mekong until equilibrium is reached across the two river bodies. At this point, a lull resonates across the lower Mekong River Delta. Over the course of several days, the flow of the Mekong reverses its direction, forcing water back into the Tonle Sap River. In a normal year this pulse pushes thirty-eight million cubic meters of water North and West, towards the Tonle Sap Lake, inundating the surrounding low-lying floodplain and covering the region in nutrient rich silt (Vann, 2003:146). The refolement of water and sediment is often mobilized as metaphor for the nation's troubled history of sovereignty lost and regained. Gottesman opens his political history of post-Khmer Rouge Cambodia thus:

Cambodia's rivers tell many stories. The Mekong, the longest river in Southeast Asia, originates in the Himalayas and passes through China, Thailand, and Laos before entering Cambodia and heading toward the delta of southern Vietnam. A route for trade and immigration, it links Cambodia to the rest of the region geographically, politically, and economically. The Tonle Sap, by contrast, is a purely Cambodian river that flows from a lake of the same name in the center of the country south to Phnom Penh, where, a mere 110 kilometers from its source it joins the Mekong. Separately, each river represents a way to look at Cambodia—as a country swept along by regional and global trends or as a unique nation proceeding according to its own traditions. Small and vulnerable, Cambodia has been colonized, overwhelmed by foreign ideologies, torn apart by international conflict, and occupied by other countries. Faced with these incursions, Cambodians have attempted to define an

uncontaminated national identity. One version of history thus inspires the other. In riparian terms, the mightier the flow of the international Mekong, the more the Tonle Sap stands as a symbol of Cambodian purity. (2004:12-13)

Ecological metaphors naturalize particular political paradigms. In Gottesman's narrative introduction, the complex ecology of the Mekong Delta region is parsed into separate elements; one ascribed a pure, national nature while the other is caricatured as a vector of foreign incursion. Yet, in Cambodia where civil war and Cold War geopolitics were co-constituted, and national repair was yoked to a United Nations intervention, refoulement, as material and metaphoric archive, gathers together other histories of sovereign (re)making. Refoulement indexes Cambodia's tangled history of mass displacement, forced repatriation, and racialized dispossession. In this chapter I draw on diverse textual sources to locate refoulement within national and transnational modes of address and exchange. Watery metaphors of purity and contamination course through the state discourse of the United Nations, the Khmer Rouge and the State of Cambodia, conditioning claims to citizenship, property and rights. I draw on documents¹ ranging from state propaganda to records of meetings to bureaucratic forms to land disputes. I complement these textual sources with interviews and oral histories with former refugees.

5.2 NATIONAL BODIES:

Under the authority of the United Nations Transitional Authority in Cambodia (UNTAC) and via the United Nations Border Relief Operation (UNBRO), Cambodia's national space was to be re-assembled out of two camps. The refugee population living in Thai border camps were to be poured back into the container of the nation-space, and "verification of the removal of foreign elements" was a paramount onus of the peacekeeping operation. In other words: boundaries were to be demarcated according to an earlier imperial geography, normative populations were to be sorted spatially, and 'foreign' populations expelled—such were the harbingers of Cambodia's post-socialist, post-conflict sovereignty.

Recall that when the mixed Khmer and Vietnamese forces overthrew the Khmer Rouge in January of 1979, the remnants of the genocidal regime compelled a sizable population² of somewhere between 50,000 and 80,000 civilians to flee to the Thai border with them (Terry, 2013). In the months that followed, they were joined by tens of thousands of others who walked into refugee camps willingly, seeking food, aid, and shelter. The international community recognized the remnants of the Khmer Rouge and other resistance forces encamped on the border as the Cambodian state in exile throughout the 1980's, while the USSR and its allies recognized the PRK as state.

The Khmer Rouge military-state, and captive civilian collectivity that arrived on Thai national soil in early 1979 was at first accommodated by the Thai state as refugees in camp Khao I Dang. As refugees they were eligible for third-country resettlement and protected against refoulement.³ However, at the end of April 1979, the Thai government closed the door to Cambodians seeking asylum, forcing new arrivals back into Cambodian territory. One man whom I interviewed narrated this policy reversal as a matter of personal biography:

You want to know my personal biography after 79? Yes, after 79, I ...immediately following liberation I tried to go abroad by crossing into Thailand at Nong Chan. Yes, I stayed there about a month. Then the Thai authorities sent us out through the Cardamom Mountain in Preah Vihear province because they wanted us to go

back to Cambodia [strained laugh]. I went down the mountain and into the minefield, through the mined area. I walked along the mountain to Kampong Thom province. At Kampong Thom, I met my previous student. Yes, it was there that I met him. He arranged my transportation to Phnom Penh. I stopped trying to enter Thailand at this point, and I decided to live in my country. I went then to find my family.

The shocking images and high death toll that resulted from these actions precipitated a United Nations Summit, at which a semantic solution was found for a political problem. Thailand agreed to again admit Cambodians into Thai territory as ‘displaced persons,’ a nomenclature stripped of the rights of the refugee (Terry, 2013: 30). Other asylum seekers, especially Vietnamese boat people, were however categorized as economic migrants or illegal migrants, designations that left them especially vulnerable to brutality and arbitrary outcomes (Heton, 1989: 23-28). The 1980’s decade was punctuated by a number of policy reversals by Thailand, leaving the refugee population, and especially new arrivals, vulnerable to the vicissitudes of geopolitics. In 1988, the Thai state again took an aggressive posture towards refugees, instituting a “pushback policy,” whereby boats from Vietnam were forced back into the ocean or even rammed by military and civilian vessels (Heton, 1989: 23-28).

Over the course of the 1980s Thai border camps grew into displaced cities.⁴ As stateless polities they were subject to Thai martial law and governed by whichever of Cambodia’s rebel faction controlled the camp. Democratic Kampuchea (DK) controlled five camps, including the two largest, the Khmer People’s National Liberation Front (KPNLF) controlled two camps, and forces loyal to the deposed Prince Sihanouk controlled one camp.⁵ These three factions were loosely united within the Coalition Government of Democratic Kampuchea (CGDK), an entity dominated by DK. Though ideologically opposed, they were united in their common opposition to the Vietnamese and their client state the People’s Republic of Kampuchea (PRK) government (Jordans, 1996:138).

Then in April of 1991, sovereign repair was yoked to a transnational intervention. Fourteen member states of the United Nations and Cambodia’s four warring factions signed the Paris Peace Agreement. Officially titled, ‘Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia,’⁶ the Peace Agreement outlined a comprehensive solution for Cambodia’s decades long civil war and the region’s refugee crisis. It mandated a transnational intervention in the name of sovereign reconstitution. Yet, as Gosha wryly notes, “in the contemporary world, sovereignty resides precisely where the UN’s peacekeepers do not” (1994: 421).

5.3 INTERNATIONAL BODIES:

Cambodia’s protracted conflict served as a zone of experimentation for a renewed and expanded United Nations mandate, and a proving ground for a new humanitarian common sense that valorized ‘the right of refugee return.’ The most symbolic element of the UNTAC intervention was the repatriation of refugees from Thai border camps. The early 1990s was a global conjuncture in which the geopolitical impasse of the Cold War gave way to a multitude of civil wars. In the context of this global sea change, UN Security General Elect, Boutros-Boutros Ghali sought to redefine the role of the United Nations. Ghali reaffirmed the centrality of state sovereignty in the post-Cold War era, while asserting that global economic, discursive, and environmental circulations had fundamentally reconfigured it:

The foundation stone of this work is and must remain the State. Respect for its fundamental sovereignty and integrity are crucial to any common international progress. The time of absolute and exclusive sovereignty, however, has passed; its theory was never matched by reality. It is the task of leaders of States today to understand this and to find a balance between the needs of good internal governance and the requirements of an ever more interdependent world. Commerce, communications and environmental matters transcend administrative borders; but inside those borders is where individuals carry out the first order of their economic, political and social lives. Yet if every ethnic, religious or linguistic group claimed statehood, there would be no limit to fragmentation, and peace, security and economic well-being for all would become ever more difficult to achieve.⁷

In an interconnected world, Ghali intimates, State sovereignty is permeable (to supranational forces) and restricted (unlimited claims to self-rule threaten the peace, security and wellbeing of all). Just as not all sovereign claims are equally valid, not all nations are equally permeable. Where the 1970s and 1980s had seen unprecedented numbers of refugees seeking resettlement in countries of the Global North, the 1990s saw a distinct shift from an international politics of refuge to a politics of repatriation (Eastman, 2002; Hughes, 2009; Mallke, 1995). The new humanitarian common sense that promoted repatriation over third country resettlement was accompanied by an affective shift in discourse that romanticized notions of home and return (Mallki, 1995; Eastman, 2002). Eastman writes,

In the discourse of repatriation into post-conflict societies, return is often depicted as a vital component in the healing of the social body, torn apart by war and civil strife. In that logic, former refugees are thus to be re-fitted as the missing parts into the disrupted and dis-membered national body. (2002:3)

Refugees lack both property and citizenship, yet densely signify the nation through this privation. The plight of refugees makes clear that citizenship and rights are not bestowed upon a universal 'human' as professed, but are rather cleaved on the knife-edge of citizenship (Arendt, 1968). The political dispossession of Cambodians in Thai refugee camps in the 1980s shows Arendt's critique to be of contemporary as well as historic significance: 'displaced persons' living in Thai border camps were only recognized *as* refugees in the moment of repatriation (Eastman, 2002). As returning refugees, they were assured the very rights that they had been denied for more than a decade while in Thai border camps⁸: the right of self-determination in destination and to non-discrimination in resettlement. As national subjects, they were extended political subjectivity. baptized political subjects,

Cambodian refugees' right of self-determination was however spatially circumscribed within the national boundaries of Cambodia, third-country resettlement was no longer an option (Robinson, 1998:74). In Chapter Three I argued that this policy effectively shifted the burden of national reintegration into the reproductive sphere of the household. Here I call our attention to how the romanticization of "going home" was integral to the international humanitarian shift away from third-country resettlement. Radio UNTAC broadcasts and United Nations Border Relief Organization (UNBRO) pamphlets instructed refugees to 'go and settle with family.' For a great number of Cambodian refugees, 'family' and 'home' were deeply fraught concepts, mimetically tied to trauma, insecurity, and deprivation (Thompson, 1993). The celebration of "the refugee's right of return," obscured the fact that for a great many, repatriation was a further moment of displacement as many did not wish to return to Cambodia in the context of an uncertain peace. The antinomies of home are evident in this account of a former Site Two

refugee:

The van arrived to take us back and that was all. [Long pause] We were informed that the country was at peace and we must go back. I was a child when I came to the border. [*He had come with his mother in 1982, his wife was born there*]. I did not remember Cambodia. We first went to Kien Svay, where I had family. We stayed there for almost five months, but there was no land for us. It was impossible to live. [He and his wife had originally chosen the land option, but as there was no available land, in the end, they took Option C.]...We came here [informal settlement on outskirts of Phnom Penh] because we heard of this place from my family. We heard that there was land for sale here. In 1992 we bought one plot of land for 9 Chi⁹ of gold.¹⁰

The majority of refugees elected neither to return to their former villages nor to go and settle with family, but rather to reestablish themselves within the Western provinces of Battambang, Siem Reap and Bantea Meanchey.¹¹ These provinces contained rich agricultural and fishing lands, and were proximate to the Thai border, in case it was again necessary for returnees to seek refuge abroad. The Western Provinces were also the areas in which the property and citizenship claims of refugees and ethnic Vietnamese Cambodians came into acute and sometimes violent confrontation. In total, during the UNTAC period 150 ethnic-Vietnamese Cambodians were either killed or disappeared, and between 20,000 and 30,000 fled to the Vietnamese border prior to the April 1993 elections (Whitworth, 2004:60 footnote 52).

Ethnic Vietnamese Cambodians are the third type of international body discussed in this chapter. In many ways the refolement of the ethnic Vietnamese population occurred with, rather than against, the politics of national repair. The wide scale dispossession of ethnic Vietnamese Cambodians in the nation's sovereign remaking returns us to Foucault's argument in 'Society Must be Defended' that racism lodges the sovereign right to kill within the biopolitical field of 'making live.' Racism introduces a caesura within the population, 'fragmenting the field of the biological that power controls' (Foucault, 2003: 355). In Cambodia's moment of sovereign remaking, who counted as a member of the nation, and thus needed to be incorporated for the nation to be whole, and who was deemed foreign, and thus could be expelled, was a function of race not citizenship.

5.4 BODIES AS TERRITORY

Territorial sovereignty harbors biopolitical exclusion. Where territorial sovereignty separates inside from outside in thick lines on political maps, biopolitical sovereignty inscribes difference on bodies and ecologies, producing inside and outside as categories of intelligibility. It is important to note that I am not arguing that repatriation excluded matters of territory. The very word reincorporation is rooted in the body (corporeal), while repatriation is rooted in native land (patria).

The biopolitical basis of sovereign power has a long history in Southeast Asia. Westphalian sovereignty emerged out of a Western European paradigm in which wars were fought over territory. Whereas, in land rich but population sparse pre-Modern Southeast Asia, wars were primarily fought over populations (Tambiah, 1977; Steinberg et al., 1987) with territorial acquisition of secondary concern (Peluso and Vandergeest, 1995). Though colonization brought territorial notions of sovereignty to bear on populations and states (Winichakul, 1994), preexisting notions of sovereignty based on population remained an operative concept of power

and modality of rule. This line of theorization entails a methodological reframing. If Phnom Penh is the extent of its population not its borders, then the historic geography of Phnom Penh includes claims to space and authority established within the refugee border camps. As Chapter One recounted, a disproportionate percentage of Phnom Penh's pre-1975 population died under the brief but brutal rule of the Khmer Rouge. A great number of those who did survive fled to Thailand seeking refuge and third country resettlement in the 1980's. And a great number of these refugees were then forcibly repatriated to Cambodia in the context of "Cambodia's Comprehensive Settlement," brokered by the Paris Peace Agreements (1991), and enforced by United Nations Border Relief Organization (UNBRO). In turn, in the decades following repatriation, many refugees made their way to urban areas, most often settling in informal settlements. After more than a decade living in border camps many refugees, especially young people, lacked the skills to survive in rural Cambodia, and many more lacked the crucial input of sufficient arable land. As a 1992 UN HABITAT needs assessment report predicted:

While all present repatriation and reintegration plans are premised on a return to rural agricultural based activities, a potentially large segment of the returnee population may, ultimately, choose to settle in urban areas so as to pursue other than agricultural activities. Due to the unavailability of suitable land (suitable land is presently available for only 25 to 30 percent of the total number of returnees) and delays in the resettlement process for security and other reasons...It is possible that urban centers will have to absorb up to 500,000 persons. The consequence of such an unplanned—and unprepared for—movement of population requires little imagination.¹²

The body is itself national territory at a fine scale. Refugee bodies within the camps constituted valuable territory for the resistance factions in lieu of control over national territory itself. Democratic Kampuchea in particular claimed international legitimacy based on their 'representation' of the sizeable refugee population (OXFAM, 1991:12). The Coalition Government of Democratic Kampuchea (a coalition dominated by the Khmer Rouge) held the United Nations seat for Cambodia from 1979 to 1982. They continued to represent Cambodia within the United Nations as the head of the CGDK for another decade (Kiernan, 1993).

In the moment of sovereign reconstitution, DK forces sought to confer this international sovereign authority into national sovereign authority, through controlled repatriation of "their" refugee population. I.e.: *territorialization through repatriation*. As early as 1988 Democratic Kampuchea (DK) emptied several of their camps, using refugee bodies to re-territorialize areas within Cambodia (Heton, 1989: 139). Following the signing of the Paris Peace Agreements in 1991, the PDK repatriated more refugees to these "liberated zones," ahead of the UN's own repatriation program. Families willing to repatriate under the DK timeline and within liberated zones were allocating up to three hectares of land to clear and cultivate.¹³ This incentive was laced with threat. The DK leadership cultivated fear of property scarcity and Vietnamese colonization among the camp populations. They circulated the following saying within their camps:

Those who go back first will sleep on cots

Those who go back second will sleep on mats

Those who go back third will sleep in the mud

Those who go back last will sleep under the ground¹⁴

The stanza warns that to wait for the UN's own program of repatriation was to potentially find oneself, yet again, human remainder in the process of national reconstruction. Through an intimate set of spatial relationships, gradations of social standing are projected onto bodily relations in domestic space. While a homeowner sleeps on a cot, a servant sleeps on a mat, a transient sleeps in the mud, and the dead sleep under the ground. This saying played on what was arguably the most acute anxiety for refugees—that they would return to Cambodia after as many as thirteen years living in Thai border camps, landless.¹⁵ As the material base of an agrarian economy and the often-sole asset of the poor, access to land modulated the line between reintegration and ruin for returning refugees.

While the international community had sanctioned (and materially supported) DK's territorialization of refugee bodies in the space of the camp, UN authorities acknowledged the dangers of extending this logic into the space of the nation state:

Return under factional control will have both humanitarian and political implications. Clustering of returnees in villages where they form a majority may lead to attempts to impose an administration independent of Phnom Penh and to reverse existing laws. This seems to be the KR goal in threatening to repatriate its camp populations independent of the UN plan, to zones currently under its control. Especially dangerous will be any attempt by military leaders or civilian refugees to seize homes and lands occupied by others since 1979. Return under factional control also may delay integration and create polarization into those who stayed and those who left for the border.¹⁶

Through their mouthpiece, 'Voice of the Great National Union Front of Cambodia' Democratic Kampuchea's leadership entreated Khmers to rise up and clean the nation from the scourge of the Vietnamese. And indeed, forces loyal to Democratic Kampuchea committed a spate of land grabs in the course of refugee repatriation. In one instance in Kampong Chhnang, three families enlisted the Khmer Rouge's help to force off five other intruding families. The five families then claimed adjacent land, displacing other families in what became a chain reaction affecting twenty families (Tefft, 1991:5). In another case publicized by Khmer Rouge radio, people in Battambang burned over one hundred homes belonging to ethnic Vietnamese families near Bek Chan airfield, and subsequently claimed their land.¹⁷ In Phnom Penh, there were numerous grenade attacks against Vietnamese owned businesses.¹⁸ Khmer Rouge radio celebrated these attacks saying: 'if the people do not deal with [the Vietnamese] personally, Cambodians are certain to have no place to live,'¹⁹ indexing how Democratic Kampuchea constructed the thriving of Khmer as dependent upon the expulsion and disenfranchisement of the racialized other. Foucault writes:

The leadership of the Khmer Rouge regime was committed to the concept of 'permanent revolution,' engaging the population in a ceaseless process of purification through the rooting out of class enemies. Yet, the most tangible enemy within Khmer Rouge propaganda and state historiography were a racial, rather than a class enemy, recalling Foucault's argument:

Whenever socialism has been forced to stress the problem of struggle, the struggle against the enemy, of the elimination of the enemy within capitalist society itself, and when, therefore, it has had to think about the physical confrontation with the class enemy in capitalist society, racism does raise its head, because it is the only way in which socialist thought, which is after all very much bound up with the themes of biopower, can rationalize the murder of its enemies. (2004: 262)

Those that the regime charged to be spies, and cleansed from the revolutionary space of the nation were said to have '*Khmer bodies but Vietnamese heads.*' (Kiernan, 2002). Khmer-speaking UNTAC Information and Education division officers found widespread acceptance among the civilian population of the basic tenets of Khmer Rouge propaganda that the Vietnamese had infiltrated Cambodia and the Peace Process itself.²⁰ In 1991, UNHCR brought six refugees from Khao I Dang to see first hand the liberalization of the country, and the freedoms enjoyed by citizens. The expectation was that this would pique interest among camp residents for voluntary return. Instead, the visitors reported there to be Vietnamese everywhere—"dressed as Cambodians and speaking fluent Khmer. They said that there was no freedom. They saw what they had been expecting to see."²¹ Popular belief in Vietnamese colonization was common sense such that, the lack of visible Vietnamese led refugees to determine not that the Vietnamese had left, but that they had become fully integrated and invisible.²²

Nearly two hundred ethnic Vietnamese Cambodians were murdered in the six months leading up to the UN supervised elections of 1993 (Amnesty, 1993: 6). The most violent attacks occurred in the areas surrounding Tonle Sap Lake. This area includes the richest fishing grounds in the country that have, for centuries, been settled by ethnic Khmer, Vietnamese, and Cham communities.²³ On 10 March 1993, thirty-three ethnic-Vietnamese citizens were massacred (including 15 women and 14 children), and thirty-four more wounded, within the floating village of Chong Kneas (Jordans, 1996:138). Tonle Sap Lake was not just surface, but also mobile substrate for a racially integrated way of life. The annual refoulement of the delta is the life-blood of Cambodia, responsible for the bounty of both soil and rivers. Refoulement replenishes farmland along the banks of the rivers, and makes Tonle Sap Lake the most fertile fishing grounds in Southeast Asia. The annual directional reversal of rivers has for centuries modulated regional population movements and life-ways as discussed in Chapter Four.

Where bodies constitute a territorial claim, their movement in space paces out the limits of sovereign authority. In such a schema, foreign bodies are vectors of colonization and infection that must be eliminated for the national body to cohere. Khmer bodies, meanwhile, must be seized and directed. In the following transcription of a Khmer Rouge Senior Command meeting, anxieties over lost sovereignty are expressed in the idiom of sexuality, circulation and nature:

The Chinese have turned cold. Their situation is comparable to that of a boat, which is just about to reach the pier: they are killing the engine. The Thai don't seem to know what to do anymore. It's comparable to the foreign expression 'impuissance.' Alatas knows that this is the way the situation is evolving, but he has become impuissance. The Chinese also know what is going on, but are impuissance. Everyone knows the Yuon are all over Phnom Penh, but they've all become impuissance.

First, the Yuon are in Cambodia without there being anyone to control them and so they will continue to be the masters. Second, the second level is called "Yuonization" of the Cambodian people. Although it is true that more than one million Yuon nationals have taken up residence in the Eastern part of Cambodia, still only a few have come to take up residence in central and western Cambodia. These Yuon are just waiting for the moment when the Khmer Rouge no longer have any punch and then both their army and their people will simply come right in.

Therefore, the only way to cut through this muddy water is to put in some alum and stir things up. We've had experience of this already in Ta Ngok camp...human beings in the

camp were human beings belonging to us, but the committee was mischievous and didn't want them to come with us. However we conducted a battle to remove those scoundrels and we were able to seize the people.²⁴

The Khmer Rouge's anxieties were not entirely misplaced, at least in terms of their equation of the loss of the captive refugee population as the loss of sovereign authority. Following repatriation Democratic Kampuchea (the official, party name of the Khmer Rouge) steadily lost authority, and resorted to increasingly hostile attacks on the Peace Process, United Nations and ethnic Vietnamese population.

5.5 THE WATER JAR IS FOR CATCHING WATER

The PRK/SOC repaired their sovereign authority through distributing land and rights to refugees. Hooking returnees into the web and weave of state space manifested authority for the State of Cambodia regime. As the Prime Minister of the state power that controlled the vast majority of Cambodian territory, yet lacked sovereign legitimacy, Hun Sen was only too happy to facilitate resettlement for returnees.²⁵ Reincorporating the displaced population into national space legitimated the State of Cambodia regime in the eyes of the international community and solidified their authority in the eyes of refugees—as the state capable of bestowing land, rights and recognition.²⁶ Simultaneously, refugee repatriation de-territorialized the claims of Democratic Kampuchea and the other border factions. It would be absurd to claim that the issuance of instructions from central State of Cambodia offices to provide land for refugees necessarily resulted in compliance. Yet, the political rhetoric and the scaffolding of solicitation and recognition it created are significant.

In a meeting with UNHCR head of refugee repatriation Shar Kibria in May 1989, Hun Sen articulated both the historic conjuncture and the privileged place of refugee repatriation in it.²⁷ Hun Sen opened the meeting saying, “It seems there are five minutes left in a ten year competition,” referring to the decade long impasse in which his territorially based PRK state had been militarily and geopolitically opposed to the internationally recognized CGDK state in exile. Hun Sen then turned to the matter of refugee repatriation, saying: “For me there is no obstacle. As we say, the water jar is for catching water.”

This meeting occurred just weeks after Hun Sen unveiled the land reform program. As already discussed, the 1989 sub-decree explicitly invalidated claims based on residence prior to 1979, predicating land allocation on existing settlement in 1989. In essence, this made land rights contemporaneous and coextensive with regime authority, creating a powerful mechanism of mutual recognition between state authority and citizen, concretized through property relations (Lund, 2011). Refugees returning voluntarily from the border were, however, a special case. A circular issuing guidance on land management and usable policy states,

Toward Cambodian Refugees—Cambodian people who stayed abroad, that return back into the country and other people who abandon the enemy line and return as repatriated people, we will offer free housing and farming land to the ability of each base organization.²⁸

While claims to rupture with the past were the basis by which the State of Cambodia asserted the right to distribute land, this did not in fact preclude the success of claims directly contrary to this law. Rather, it established the terrain of negotiation, wherein citizens must address their claims to property rights in the idiom of the regime's authority, and to State of Cambodia state officials. In a speech made in 1992 to provincial and city delegates the Deputy Director of Council of

Ministers and the Director of the National Committee in charge of repatriation, provided the following instructions:

Our good work at this moment has shown the international community and expressed to repatriating families our Royal Government's honesty, and has strongly confirmed our commitment to "*freedom of election and human rights*," showing that the violations we were accused of in the past are now over. We ask you to strengthen your capacity to accommodate repatriated families who want to live in their hometown, particularly on their former land and farmland. If we can implement this, the party and the state will benefit in the estimation of reunited Khmer families.²⁹

Contrast the posture above with the one taken by the Council of Ministers in the following case, in which 355 families, comprising 1,646 people from the Site Two refugee camp form an 'association' and request repatriation as a group to two adjoining communes.³⁰ The Cabinet Council of Ministers summarily rejected this request. Their notes provide the following frank explanation: "*Keeping in mind the standing of the government, we cannot build refugee camps within Cambodia.*"³¹ In other words; the SOC will not reproduce zones of exception to their own state authority within Cambodian territory.

Refugees repatriated through the UN program were initially given the option of either two hectares of agricultural land, a plot of land for a house and building supplies, or \$50 per adult and \$25 per child support. However, it was almost immediately evident that there was insufficient available land within the Western provinces where the vast number of refugees elected to resettle. Thus, the cash option (Option C) was in most cases the only option. While in theory this meant that the SOC base authorities were not responsible for finding land for the returnees, in practice Option C refugees presented considerable challenges to national reconciliation and sovereign reconstitution. Vong South, the Representative of the Kandal Provincial People's Committee writes in a report on refugee resettlement to the Council of Ministers,

We still face some difficulty for Type C families. When they first return, they chose type C to live with siblings and parents but when they arrived in their native land they find that their siblings and parents have all died... This is why they live without refuge, and some depend on the base authority and others claim public or private land causing anarchy for the base authority.³²

Central State of Cambodia authorities instructed local officials to find suitable land for them regardless of their category. In a speech addressed to Provincial District and Commune People Committee members in Phnom Penh, the Deputy Director of the National Committee in charge of repatriation admonished the base authorities:

Do not think that we do not have any responsibilities to returnees who choose Option C, on the contrary, we have to pay close attention to their situation since if they can't develop in 1993, our burden will become more and more... I understand the difficulty in this, but I ask you to help the Royal Government in providing farmland and housing to returnees regardless of whether they are A, B or C option.³³

As for the ethnic Vietnamese population, their racialized dispossession occurred through, not around, the liberal economy of human rights and national sovereignty. Prime Minister Hun Sen instructed the party, the police, and the government as follows:

In the future the [opposition] will find cause to fight with Vietnamese that are living in Cambodia, in order to provoke a demonstration [and] force the SOC police to protect Vietnamese instead of the nation. Therefore, Ministry of Police and all Province-Cities have to cooperate with UNTAC by letting UNTAC solve this problem. Our police do not protect Vietnamese [because] this is a human rights issue which is the responsibility of UNTAC.³⁴

Here, human rights are relegated to an arena of humanitarianism, separated from the political sphere of state authority, recalling Agamben's prescient observation that the separation of humanitarianism from politics unfolds directly from the original distinction, identified by Arendt, between the rights of man and the rights of citizen (1998: 133).

In December of 1992, at the high water mark of refugee repatriation, Hun Sen invoked a different metaphor of the home, drawing a line in governance over the process based on racialized difference. This time he states,

For all the repatriated people, I will prepare and control when they arrive because I am the owner of the house. However, for returnees from Vietnam we have to be careful because they don't want to return into Cambodia, they wait for third country [resettlement], but now they have to return to Cambodia in order to go abroad. Repatriated people from Vietnam really want to live in Phnom Penh, and it is difficult for the Royal Government since they are not original Khmer, so if there are any political events, we request [UN]HCR to be fully responsible.

Hun Sen too drew on the caesura of race to make a distinction within the population between those whom would be governed as citizens (ethnic Khmer returnees) and those that would be governed as outsiders through humanitarian structures (ethnic-Vietnamese returnees). The right to property and citizenship was premised on what Arendt theorized as "the right to have rights,"

5.6 NEWCOMERS AND RETURNEES:

*"We do not agree with the local authority to divide for constructing residences because all these lands are exploited by present living people every year for their living and if the state power is holding on like this it seems to slit open the throat of the people."*³⁵

"Sometimes it is not a question of first having power and then being able to act; sometimes it is a question of acting, and in the acting, laying claim to the power one requires." (Butler, 2009, X)

The Paris Peace Accords mandated the repatriation of 377,000 refugees, the resettlement of 180,000 internally displaced persons and the demobilization of 190,000 soldiers³⁶. What all these people needed was arable, de-mined land, the very thing that was day by day more scarce and more expensive due to intervention induced inflation, intensive struggles over land, and rampant property speculation. Sixty percent of refugee families elected to be resettled on rural land in Cambodia's Western Provinces. However, once repatriation was under way it was immediately apparent that there was insufficient land in the Western Provinces to match demand. As such, refugees were redirected away from Option A: *Five hectares of land in the place of their choice*, to "Option C: \$50 cash per adult and \$25 per child and rice rations for 400 days. Cash in hand, refugees were encouraged to "go and settle with family." This, despite the fact that (as noted in Chapter Three) a Ford Foundation survey conducted in border camps in 1989 found

that eighty three percent of refugees had had no contact with families living within the country since 1979.

Unsurprisingly, in many cases orders from Central SOC authorities to provide refugees, decommissioned soldiers and internally displaced persons with land came into direct conflict with preexisting claims, as well as with local authorities' own designs on the land. While the 1989 land reform prohibited pre-1975 claims to land, the Paris Peace Accords required allocating returnees land in the place of their choosing. In the disjuncture between these two mandates, there was ample room for local officials to sell land to the highest bidder. One case file reads: "Case of demobilized/ former soldiers seeking to occupy land that was sold out from under them to Phnom Penh people by an earlier district chief." ³⁷In 1992-1993 few refugees came into the central Phnom Penh (where land prices were most expensive and land conflicts most explosive), but peri-urban areas such as Kien Svay were the bleeding edges of land speculation, and ground zero for conflicts between 'newcomers' and local state officials.

On 28th of August, one hundred families³⁸—approximately ten percent of them demobilized soldiers— entered the grounds of a military training school in Kien Svay that had recently been decommissioned in accordance with the PPA. The one hundred families claimed the 9.5 hectare property back from the state on the grounds that they were the pre-1975 owners. In the weeks that followed the one hundred families swelled to 180 families. ³⁹ Local authorities contest the settlers' historic claim: "The governor raised the question as to where these people suddenly came from... He was sure that those who came and occupied the land came from outside the village and they were influenced by someone that land with the military school could be occupied." The UNTAC investigation ⁴⁰report identifies a returnee, a handicapped soldier, two demobilized soldiers from CPAF and a staff member of the Phnom Penh Foreign Affairs Office as the "instigators of the agitation." UNTAC representatives made the same argument to the governor that they had made to SOC forces in the Casino and Russian Embassy cases: "that it would be in the interests of all to settle this and other land cases and would particularly be a strong political point in the favor of the existing administration." And, like in the Casino and Russian Embassy case, SOC officials saw it differently. They counter that "dividing the land among the people" would set a dangerous precedent for other cases of military land. The file concludes with a report from the Provincial Director, explaining that an agreement was reached with the district leader to settle this case by apportioning the land. The military would take the part of the land where the school stands to house the demobilized soldiers. The remaining land would revert to the people but the people would have to prove that they had lived in Kien Svay prior to 1984 and before that members of the family (one or more) have cultivated on this piece of land. Refugees and internally displaced persons were summarily excluded from the agreement. Finally, the Vice Governor stressed the importance of the land claimants addressing their claim to SOC authority:

For his part, Mr. Kun Kim said that he would approve of landless people to occupy the land but they must apply to the provincial authority. He agreed to the suggestion on apportioning but it would not be workable unless the people were first moved out so that the claims could be assessed...If he agrees and gives the land back to the people it would create similar requests all over the province. He pointed out that hundreds of soldiers would occupy the land and that morning he had received a petition from 700 soldiers requesting of land and he wanted to know how he would resolve it.

The UNTAC Provincial Governor, Ms. Sue Tang, notes in the file that she has reason to believe that “the SOC administration wanted to sell the military land to private owners and the people would not be able to get it back.” This is one of the many frustrating case files which is marked “closed” yet it is left entirely unclear which scenario was followed: wholesale dispossession, selective dispossession, or accumulation by dispossession.⁴¹

One hundred villagers from the same general area brought another land dispute case against local authorities, contesting the redistribution of land to newcomers:

In 1979 after the liberation from Pol Pot’s regime, the state awarded the lands at Chom Prekh village [for] farming. These lands since then have been used by the people for farming. The problem now is that more families came in to live in the village because of this the land that is given for farming has now become smaller. The produce of farming also decreased. The people in the village have less food to eat.⁴²

In June of 1992 approximately one hundred people of Koki Commune, in Kien Svay District entered the compound of the Commune People’s Committee office⁴³, “demarcating the area, and dividing pieces of land between them to enable construction of houses.” The group was composed of “twenty demobilized soldiers, five families of returnees and the others of unemployed and landless poor. “Finally, there is a case, also in the same Commune, in which the Chief of the Land Committee rails against forty six “anarchists” who occupied 5744 square meters of state property in Toul Thnoat Village.⁴⁴ The Chief of the Land Committee notes in his statement that some of these “devilish people’ are repatriated people with Category “C.”⁴⁵ Finally, in the case from which the first epigraph comes, seventeen villagers of Chong Prek lodged a complaint about Commune and District Committee chiefs for reselling land to newcomers that they claim had earlier been allocated to them.

Group land and occupations that occur in peri-urban areas, and especially those led by returnees and soldiers, have a set of common features. In most such cases land invaders immediately set about transforming the land, as a means of grounding their claim. The orderly accretion of anarchy and invasion is on display in dozens of files that describe invasions and seizure of rural and peri-urban land in the uncertain times of 1992-1993. These actions were most often led by decommissioned soldiers, or state cadre, and often included groups of refugees or unspecified “newcomers.” We have encountered these practices before: In Chapter One I argued that improvement was a modality of claiming space in the socialist land regime of the PRK. Then, in Chapter Three I argued that practices of material transformation—construction, destruction and obstruction—were a key means by which claimants grounded their claim while displacing a competing claim. In the context of land invasions, both of these sets of processes are at play, but these practices also entailed different dynamics than their central-city counterparts. In these cases land invaders repurposed empty state lands into household agricultural plots, rather than into tightly packed housing of central city informal settlements. One file renders this process particularly vivid: On a stretch of road not far from Cheung Ek, the eponymous Khmer Rouge killing fields on the edge of Phnom Penh, a group of demobilized soldiers entered a parcel of land claimed by a Mr. T.C. in June of 1992, and divided it amongst themselves.⁴⁶ In turn, T.C. filed unanswered complaints with the Ministry of National Security, the Control Ministry and others. In desperation, he sent a letter, dated 30 September 1992, to UNTAC describing events in great detail:

On the 21st June this year my land was taken over by Mr. N.B., another resident of

the village, and a group from a disbanded mobile police unit: Mr. T.S. (a Chief) Mr. K.S. (a Deputy Chief) and more than 10 men from the unit. During the day the fence was ripped up and a hut was built for the ex-policemen. On the second day of the occupation, the 22nd June, the land was divided and fenced into four parts, for the three men mentioned already and a fourth, Mr. L. On this day, a threat was also made to my wife by one of the troops, that they would “burn down the house” referring to my house in the village—if I made a complaint to the authorities. On the third day, the four partners hired a man to plough my land and he was guarded by troops as he carried out his work.

I have owned this land since 1985, and my ownership was confirmed by the land titles office [] on 23 November 1990. The 1,500 kgs of rice that this land yields every year is my livelihood, so it is very important to me to get it back...Having tried every avenue open to me, I come to you, to ask for your help in removing squatters from my land. The land represents my livelihood and my only source of income, and if I were to lose it, I and my family would be ruined. They tell me this sort of thing is happening everywhere in Cambodia today, but unless examples can be made of the N.B.’s and the T.S.’s of this country, when is this type of tyranny going to stop?

The letter above provides an account of the construction of a claim through material transformation, distribution, and a politics of making live. The soldiers did not simply occupy the land, they ripped up the previous occupants hut, divided the land, and demarcated new plots. They then erected a hut and plowed new furrows that conformed to the contours, and thus buttressed the historical authenticity of, their re-apportioned plots. Through these practices they simultaneously unearthed T.C.’s claim to the land and rooted their own claims.

Chapter One recounted that the area surrounding Toul Sleng (the school in South Central Phnom Penh that the Khmer Rouge repurposed into a political prison) was among the last to be settled, due to the palpable presence of ghosts. In 2012 I interviewed the community leader (protean sahakom) an original settler of a (yet untitled) group of two hundred and five households bordering Toul Sleng. At the time of the interview the community was in the final stages of the land titling process, and were inline to receive title to plots that many had occupied for decades. The community leader, whom I will call Om⁴⁷ (“grandfather”) was among the first to settle the area in 1983. He narrated how he and about thirty others cleared the trees from the plots and used the wood to construct rudimentary homes on the cleared site. Om stated that more people came in 1985, but that by far the most people came between 1993 and 1996. The majority of these newcomers were refugees and decommissioned soldiers. A census conducted shortly thereafter revealed that of the 105 families in the group, thirty percent of the residents came from the Thai border, and another ten percent were decommissioned soldiers.

In 1996 the community began soliciting recognition from local state authorities. They held a meeting and determined lack of drainage and persistent flooding to be their most pressing problems. Om approached the Commune authority to ask permission to upgrade the drainage and infrastructure of the settlement. The commune authority approved, and they dug drains along the roads in 1998. A bit later they connected their homes to municipal water mains. After this, they paid to run electric wires along the streets, connecting to the urban grid. In 2002 there was a fire in the community, destroying most of the wooden homes. Following the fire they partnered with an NGO that supported them in pouring concrete streets. In his narration of this sequence of events, Om marked this as a key moment of transformation from squatter settlement

into a legitimate community. He punctuated, “Now we rebuilt in concrete,” with a meaningful pause.

As the community’s representative Om has assembled their application for formalization several times. The first time was in 2000 (no response) the second time was in 2005 (he was skeptical that these documents ever got to the relevant authorities). In 2012 he sent the documents “directly to Hun Sen.” The final step will be to widen the road to be in compliance with the city’s Master Plan. This process will take away two meters from each house plot—to which residents have readily agreed. “Now we will be recognized.”

Note that in Om’s account formality was a matter of material accretion. He narrated the community’s transformation from informal settlement to proper community through a process of urban upgrading—sewers first, then water mains, then electricity, then paved roads, concrete houses, and finally appropriate spacing from the street. From one perspective we can see this as a continuation of socialist era conditions of claiming space based on improvement. These are moments of “autogestion:” a self-making of the city, and through remaking the city, remaking one’s self (Lefebvre, 1970). James Holston renders this concept material in his study of urban slum dwellers in Sao Paulo (2008), where he shows that slum dwellers endeavor to pay taxes, and to design and build according to formal regulations and dimensions of urban planning. Yet, there is a volunteerism in Holston’s work that doesn’t account for the power relations that undergird the process of formalization as it transpires in Cambodia.

Those with insecure urban tenure need permission to upgrade. At each step, Om asked for permission from local authorities (and almost certainly paid significant informal fees) to do so. Along these lines, the fire that destroyed homes in 2002 is particularly significant. In the early 2000’s a spate of fires swept through Phnom Penh’s urban informal settlements, clearing space far more efficiently than the military run evictions of the 1990’s. In May 2001 a fire destroyed five hundred homes along the riverfront. Then on 26th November, ⁴⁸ a fire destroyed thirteen low income communities located in villages 14 and 15 of Sangkat Tonle Basac, Khan Chamkarmon. UN HABITAT produced the following, damning report:

Residents and other witnesses describe fire trucks on site, but refused to do anything but prevent the fire from spreading from the low-income communities to higher income communities. Numerous first hand accounts state that men from outside the villages started the fire, and that it was allowed to engulf all the communities. Very shortly after the fire residents were forcibly removed to a relocation site 20 kilometers from Phnom Penh— giving further evidence to the thesis that the fire was premeditated and approved at a high state level.” (2002: 3)

In a different informal community— this one facing eviction not entitlement in 2013—in which I conducted interviews, a woman explained:

If you want to build a second floor for your children than the police come and demand bribes. If we make any improvements—for example if we want to build our home out of brick like this one [motioning to the home where we sat], the authority forbids it. You can make small improvements—but you must pay, and you cannot make big improvements.

She felt the prohibition against improvement acutely, as her home had recently burnt down in a kitchen fire. At the time she was in tense negotiations with the authorities to allow her to rebuild at all— and they had expressly forbade her from rebuilding with brick or cement. Preserving the aesthetics of informality: temporary building materials, flooded streets, lack of infrastructure, is a

powerful means of letting die—of maintaining precarity and wearing away the claims of the urban poor.

I will give one final example of the biopolitics of making live and letting die as they shape urban informality in Phnom Penh. In April of 2013 I spent time in a highly anomalous untitled area in the Southern section of the central city that was also in the final stages of the sporadic titling process. This area was highly anomalous in that the homes are all quite lavish; if you did not have a map showing that the area was categorized as state owned land, and thus was excluded from systematic land titling, you would never have guessed it. In the context of an interview with a long term resident of the area who was the owner of a particularly expansive and beautiful home: four stories high, made of fine and permanent materials and full of expensive wood and marble, I asked if she was worried about her house being removed due to lack of title. Looking genuinely shocked she replied, “of course I’m not worried! I am not an anarchist—this is a beautiful home! This is a proper community.” What then, I asked, if not lack of title, defines an informal settlement? Now she looked at me with considerable surprise, replying:

Anarchistic areas are full of shacks and poor people, the shacks are very close together and they are not proper homes. The areas often flood and so are full of sewage and disease. There is high crime and the areas are ugly to look at... they degrade the beauty of the city.

In other words, the material conditions of flooding and impermanence congeal the contours of subaltern populations themselves. The point here is that the categories of informal community and private property emerge from the material conditions of their environs, rather than the other way around.

5.6 (RE)FOULEMENT:

This chapter redresses a persistent, but in my estimation false, claim that the PRK/SOC regime implemented the 1989 land reform in order to preclude returnees’ claims on their former properties (cf. Williams, 2009: 40)⁴⁹ Understanding the land reform as primarily an instrument of exclusion radically undersells its significance. As I argued most directly in Chapter Two, the 1989 land reform put in place a process whereby residents applied to the SOC for recognition of their claims. This process of application, in turn, engendered mutual recognition between claimant and SOC apparatus as *the* legitimate state authority in a moment of political uncertainty. An understanding of the land reform as process makes clear how claims to space and to state authority were (1) co-constituted, and (2) recomposed regime authority across the post-socialist, post-Cold war rupture.

While a rupture from the pre-revolutionary past was the basis by which the State of Cambodia declared their right to distribute land, this did not in fact preclude the success of claims directly contrary to this law. Rather, it established the terrain of negotiation, wherein refugees addressed their claims to property *in the idiom* of the regime’s authority, and *to* State of Cambodia officials. This fits in the broader claim of the dissertation that in Cambodia sovereign authority renews itself through a two-staged process that first evacuates space of its historical content—through the specter of rupture—and then, in a second move invites historical time back into abstract state space—creating the legitimating myth of state power based on rescue, rebirth and the blank-slate. I show that in some cases refugees did recover pre-1975 land and homes. In many more cases central SOC authorities applied pressure on local state officials to return property to refugees or, at the least, to settle them on comparable land. These findings

underscore the inadequacy of monolithic concepts of the state.

The dense semantic weave of *refoulement* reveals the constitutive entanglements of rivers, territory and bodies. *Refoulement* links biopolitical circulation to geopolitical violence. In April of 1993, Sadako Ogata, the head of the UNHCR gave a speech in Phnom Penh in which she declared the end of the Indochinese refugee crisis. Nate Thayer noted at the time that had Ms. Ogata turned around and looked at the stretch of the Mekong River visible from her window, she would have been confronted with the falsity of that statement. On that day, and in the days and weeks that followed, a steady stream of fishing boats full of ethnic-Vietnamese Cambodians filled the river, heading for the Vietnamese border.⁵⁰ Between twenty and thirty thousand ethnic Vietnamese Cambodians fled ethnic violence in the run-up to the 1993 elections. The extent of the UN's intervention on their behalf was 'Operation Safe Passage,' effectively an armed escort protecting their bodies in exodus, though not in place. An UNTAC Information and Education officer visited a camp of stranded refugees on the Vietnamese border, and filed the following report:

There are currently about 200 families stranded at the CV3B border crossing point. Their applications to enter Cambodia have been flatly rejected without explanation by the Cambodian border authorities. These people are Cambodians of ethnic Vietnamese origin who fled Cambodia after violence and intimidation carried out against them during the pre-election period. The living situation of these refugees has reached a very tenuous point. They have exhausted their savings after several months of enforced non-productivity in Vietnam. Some will very soon be facing starvation. Refugees interviewed by the Information Officer unanimously and unequivocally stated their desire to return to Cambodia as soon as possible. This decision is primarily driven by a wish to return to what for them, and for generations of their ancestors, is home.⁵¹

In the end, Cambodia's newly formed coalition government, the UNHCR, and the Socialist Republic of Vietnam all refused to recognize this population. More than two thousand refugees remained stateless in border camps until 2010, when they were awarded Vietnamese citizenship. They never recovered their Cambodian citizenship or land.⁵² That the talismanic power of 'home' and 'return,' did not hold for these refugees in the eyes of national or transnational state authorities (as they had for their Khmer counterparts on the Thai border) makes clear that liberal universals of rights and citizenship are undergirded by all manner of exceptions and exclusions. In this case, the rights of ethnic-Vietnamese Cambodians to protection of property and personhood were precluded by their status as racialized outsiders. Though hailed by both international and national state authorities as a moment of national repair, making Cambodia whole, in fact, turned on the expulsion of foreign bodies.

¹ Primary source documents are from the unsorted State of Cambodia and People's Republic of Kampuchea documents at the National Archive of Cambodia (NAC) in Phnom Penh, Cambodia; UNTAC Information and Education Division papers; papers from the Centre for Khmer Studies (CKS) in Siem Reap, Cambodia; Khmer language newspapers housed in the National Library.

² Terry (2013) estimates that 50-80,000 people entered Thailand under the authority of the fleeing Democratic Kampuchea troops.

³ The Rights of the Refugee are enshrined in Articles 1, 55 and 56 of the United Nations Charter. Available at: <http://www.un.org/en/documents/charter/>

⁴ Throughout the 1980s the Site Two camp was the second largest Khmer city in the world.

⁵ Between 1979 and 1989, UNBRO and a handful of NGO's provided emergency aid to 252,000 civilians living in a series of eight camps just within Thai national space. These camps, in turn, supported a series of satellite guerrilla military encampments just over the border in Cambodia that were engaged in on going civil war against the Vietnamese supported, People's Republic of Kampuchea (PRK) government. These military camps were estimated to be home to an additional 10,000 civilians and an unknown number of soldiers.

⁶ The Paris Peace Agreement begins with a preamble affirming the sanctity and mutually reinforcing tenets of sovereignty, freedom, human rights and security.

⁷ Ghali, B., "An Agenda for Peace, Preventive diplomacy, peacemaking and peace-keeping," (17 June 1992) Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992.

⁸ The Supreme National Council (SNC), the interim state authority comprised of members from each of the four factions, confirmed the refugee's right to self select, declaring: "The members of the Supreme National Council reaffirm the cardinal principle of free choice of final destination inside Cambodia and confirm that all Cambodian refugees and displaced persons, who return home under the arrangements foreseen in the Paris Peace Agreements will not be subject to persecution, prosecution, punitive or discriminatory measures on account of their departure from Cambodia, or their status as refugees or displaced persons, or, without prejudice to relevant provisions of international law, their political affiliation or activities subsequent to their departure." Signed April 1, 1992

⁹ In 1994 they bought a second plot of land for 5 Chi of gold (note that land got cheaper after UNTAC inflation period) and the third adjoining parcel for \$600 in 2000. The significant drop in land price between 1992 and 1994 illustrates just how inflated land prices were in the moment of repatriation. This is another reason for high rates of landlessness reported among former refugees.

¹⁰ 4th August, 2013, and 7th of August, 2013

¹¹ "UMBRO Repatriation Plans." State of Cambodia papers.

¹² Yap Kioe Sheng, Terry Standley, Roberto Ottolenghi, (1992) Report of the UNCHS (HABITAT) Needs Assessment Mission in the Urban Sector in the Light of the Imminent Influx of Returnees in Cambodia"(25 April-24 May, 1992)

¹³ Information/Education Division, 24 July 1993. "Aspects of life in the NADK rear-bases: Corridor 505 and Samlaut Sector (SW Battambang and Pursat) UNTAC Information and Education Division papers.

¹⁴ Robinson, W. Courtland. "Terms Of Refuge: The Indochinese Exodus And The International Response (Politics In Contemporary Asia) 1998:75

¹⁵ "UN officials, relief workers and Cambodian government officials fear that once land distribution begins, a mad rush will begin by refugees afraid the best land will be taken by those who get there first." (Cambodia: A Time for Return, 1991:30)

¹⁶ "Repatriation to Cambodia: A Time for Return Reconciliation and Reconstruction," October 1991, p32.

¹⁷ 29 January 1993: UNTAC Education and Information report on DK Radio: reported violence occurred on January 25th in Battambang. "Voice of the Great National Union Front of Cambodia in Cambodia"(which is Khmer Rouge's Radio)

¹⁸ On the evening of 29 March 1993 there were attacks against three Vietnamese run businesses, resulting in eight deaths and numerous casualties.

¹⁹ UNTAC Education and Information report and translation of "The Voice of the Great

National United Front of Cambodia broadcast,' 27 March 1993.

²⁰ 'Report on Field Trip to Kompong Cham Province 18-15 January 1993,' (28 January 1993) UNTAC Information Education Papers

²¹ Cambodia: A Time for Return, Reconciliation and Reconstruction. Refugee Policy Group. Center for Policy Analysis and Research on Refugee Issues. October 1991: 21

²² Jordans writes, 'Defining the battle as one between 'good Khmer' and their 'racial enemy,' the Vietnamese, border forces attempted to unite Cambodia's fractured society on the basis of race, against Vietnamese occupation. Employing the common denominator of "race" meant every single ethnic Vietnamese in Cambodia—soldiers, fisher folk, migrants; men, women and children—were imagined to be integral cogs in the machinery of Hanoi's historical mission to "swallow" (lep) Cambodia.' (1996: 138) Jordans' claim is corroborated by the following archival sources: Information/Education Division, 24 July, 1993. "Aspects of life in the NADK rear-bases: Corridor 505 and Samlaut Sector (SW Battambang and Pursat) UNTAC Information and Education Division papers Section V.: "*Obstacles to Returning Home*"

²³ Prior to 1993 there were approximately 50,000 ethnic Vietnamese living within fishing villages on or around Tonle Sap Lake. Nearly all fled to Phnom Penh or Vietnam following a series of gruesome attacks. (Jordans, 1996:136-38).

²⁴ Transcription of a Khmer Rouge Senior Command meeting from February 1992. UNTAC Education and Information Papers.

²⁵ 15 July 1992. Signed Heang Soy Elin. State of Cambodia Papers.

²⁶ The SOC distributed identification cards and family books to all repatriated persons at the six temporary Refugee Processing Centers. Council of Ministers Directive #97 SCHN.AV, 27 June 1992. Signed by Kong Somol, Deputy Director Representative Council of Ministers.

²⁷ 2 May 1989 meeting between Prime Minister Hun Sen and Shar Kibria, President of UNBRO and Director of ESCAP in Bangkok. Meeting notes, NAC, unsorted collections of PRK/SOC.

²⁸ (03SNn) 3 June 1989. State of Cambodia papers. NAC

²⁹ Undated Speech by HC Kong Samol, at Banteay Meanchey Province. Likely late 1992. State of Cambodia papers.

³⁰ Roleap commune and Ansachambak communes in Krankor District, Pursat Province.

³¹ Cabinet Council of Minister Notes. State of Cambodia Papers. NAC

³² Inventory of refugee families that have been allocated land in Kandal Province up to January 31, 1993. Document No 010 RBA (rh). 2 February 1993. NAC

³³ "Solving the Land Problem for Repatriated People" State of Cambodia papers, NAC.

³⁴ Document no 1224 SCHN.SR. Notes of Cabinet Council of Minister Meeting: July 17th, 1992.

³⁵ Ref: K/INV/24/92

³⁶ UN HABITAT Needs Assessment (Yap et. al., 1992: 12)

³⁷ 006/KSU ERS/DJB/AC/ER/KA6

³⁸ File 014 AC/ER/47.93 EA/AC/ER/DJB-17/92 (100 families Kien Svay District against Ministry of Defense)

³⁹ As in all such cases, the encampments swelled quickly: "A survey taken by the province authority during 28-31 August 1992, indicated that about 170-180 families have installed themselves on the land where the military school stood."

⁴⁰ Inspector Investigation Officer, Civpol HQrs, Kandal.

⁴¹ The site resurfaces in July of 1993, when Military of the 3rd Region lodge a complaint against people stealing building materials from the Military School—suggesting that the case remained in stalemate (at least to the end of the UNTAC period).

⁴² File 006/KSU ERS/DJB/AC/ER/KA6

⁴³ File 015/KSU

⁴⁴ 19/11/1992

⁴⁵ 041/KSU

⁴⁶ File 9.191

⁴⁷ Pseudonym

⁴⁸ “Fire in the Tonle Basac,” November 2001 (UN Habitat Report):

⁴⁹ “[The 1989 land reform] appears to have been more successful in its implicit goal of pre-empting serious consideration of property restitution to Cambodian refugees and IDP’s.” (Williams, 2009:40).

⁵⁰ Thayer, Nate, 1995. ‘Wretched of the Earth,’ *Far Eastern Economic Review*. April 15th, p21

⁵¹ Report on the Current Plight of Returning Cambodians of Ethnic Vietnamese Origin.

8/7/1993. Jay Jordans, Analysis/Assessment Officer UNTAC Info/Ed Division. UNTAC Information and Education Division Papers.

⁵² This population included those who had fled Cambodia during the Khmer Rouge genocide, and during the anti-Vietnamese pogroms of 1992-1993. “Vietnam ends stateless limbo for 2300 former Cambodians.” 19 July 2010, UNHCR News Story:

<http://www.unhcr.org/4c447a796.html> Downloaded January 9th, 2015.

CONCLUSION:

In this dissertation, I have offered an account of the dialectics of rupture and repurposing that condition contemporary and historic claims to authority and space in Phnom Penh, Cambodia. During the two years that I lived in Phnom Penh, the slow burn of land disputes, urban evictions, and rural land grabs that had grown in incidence and intensity for decades boiled over in a slew of violent clashes. A number of urban informal communities that had weathered the evictions and dispossessions of the 1990s and 2000s were suddenly cleared. In 2012, a mixed military and police force displaced the residents of the former military property of Borei Keila and in 2013 thousands of individuals were evicted from the Boeung Kak Lake neighborhood, a 133-hectare construction site in central Phnom Penh where the city's largest lake used to be. These urban evictions were accompanied by dozens of violent rural land grabs. LICADHO, a highly respected human rights organization called 2012 the "worst year for land disputes in a decade" and in 2012 Hun Sen unveiled his Volunteer Land Titling program, dispatching thousands of youth volunteers across the countryside to provide titles to "squatters" living on state land.

The elections of 2013 paralleled the 1993 elections I have detailed in this dissertation in ways that extend beyond the familiar couplet of land violence and land reform as well. In 2013, the United Nations was again orchestrating a project of global truth making. More than three decades after the end of the Khmer Rouge rule, Ieng Sary, Khieu Samphan, and Nuon Chea were finally tried in the Extraordinary Chambers in the Courts of Cambodia (ECCC).² 2013 was also the year that Sam Rainsy returned to Cambodia following five years in exile to lead the Cambodian National Rescue Party (CNRP). All of July saw daily pro- CNRP rallies in 'Democracy Square,' (ti lien bratupatai) near Wat Phnom that emerged as the heart of the CNRP campaign. Between Rainsy's return and the elections of July 28th, Democracy Square was jammed full of tens of thousands of supporters, who spent all day in the searing heat listening to Rainsy, Sokha, Mu Sokhua, and opposition party leaders detail the injustices of the CPP and outline an alternative state platform. By day, slowly moving cavalcades of CPP or CNRP supporters snaked through the city. By night, the two groups separated into dueling rallies— At Democracy Square young people drove their motorbikes around and through jovial CNRP supporters who waved the CNRP's flag: a sun rising in a sea of powder blue. Further South, CPP supporters did the same along the streets lining Botum Square, just a block from Hun Sen's residence. There, Cambodian pop-stars entertained the CPP supporters with the Vietnam-Cambodia Friendship Memorial in the background.³



Figure 13: Pro-CPP Rally in Phnom Penh, (2013) Phnom Penh. Photo by author

On June 19th, 2013, I stood on the edge of a Cambodia National Rescue Party⁴ in Democracy Square with an estimated ten thousand others to listen to Sam Rainsy speak. With a voice that echoed loudly from a central stage, Rainsy railed against state corruption and Vietnamese incursions. He used the pejorative term “Yuon” repeatedly. Rainsy accused the CPP of having ceded territory and influence to Vietnam. He referenced his symbolic unearthing of demarcation stakes along the Vietnam border in Svay Rieng in 2009 as evidence of his commitment to redress this wrong. (It was Rainsy’s demarcation of the border that precipitated his exile of five years.) Later that afternoon an elderly man approached me, addressing me in French. I apologized to him in Khmer: I do not speak French. He began again in English. He wanted me to know that the Yuon killed millions of people during the Pol Pot era. He said that now the Khmer will have their revenge, that the CNRP will finally chase out the Yuon. I was stunned. I muttered something to the effect of, “But the Khmer Rouge were the ones responsible for the genocide.” He replied, “No Khmer would kill fellow Khmer, so they must have been Vietnamese” I later wrote in my field notes that I was unsure whether I was more stunned by the speaker’s confidence in this racial tautology or that he hailed me as an ally in this racist discourse.

As in 1993, Cambodians turned out to vote in huge numbers for the 2013 elections. I visited three polling stations on Election Day where lines were long and the mood was festive. At each station, young people approached me to repeat stories they had heard about Vietnamese who had crossed the border to vote in the elections, about fraudulent voter ballots, and missing names of known CNRP supporters. Election watchdogs uncovered that the indelible ink that was supposed to make sure everyone could only vote once in fact washed off in a simple solution of lemon juice and baking soda. In Russey Keo district, two ‘suspected’ Vietnamese were attacked by a mob when they tried to vote. The mob went on to overturn a police vehicle and light it on fire.

On the 28th of July 2013 both parties claimed electoral victory. The CPP brought military battalions into the city, and cordoned off Phnom Penh’s main arteries controlling traffic into and out of the city. Friends stockpiled food and water and told me to keep my passport on me at all times. The city was tense and quiet. Besides a few forays to the Independence Monument to verify that there were, in fact, soldiers blockading the streets around Hun Sen’s house, I mostly

stayed inside and watched the news. State television ran a loop of clips showing ‘anarchistic’ CNRP youth.⁵ They interviewed elderly shop-keepers and residents in Phnom Penh, who made statements including that the CNRP youth remind them of the Khmer Rouge, that they feared that the country would be plunged back into civil war. In these intensely propagandistic pieces, they asked Sam Rainsy and Kem Sokha to cede victory for the sake of peace. Sam Rainsy first claimed victory, and then hours later retracted that claim. A stalemate ensued in which CNRP continued to hold rallies, but the tone was decidedly more sober, and people I spoke to who had openly supported the opposition were genuinely afraid. A friend expressed dismay: “If only Sam Rainsy had stood firm in his claim, Khmers would have stood with him. But he retracted his claim, and now the young people are afraid—their parents have called them back into the home.”⁶ In the end, the ruling party again reproduced their sovereign power across the contested elections, making 2013 an inflection point along a continuum of power, rather than its undoing.

In dialectical form, the movement from rupture through repurposing generates all manner of contradictions and openings for state rule that the regime must break from anew. Forms of erasure are never complete. In moments of rupture state, officials and institutions intensively mine and repurpose existing state space, reorienting it towards reformed interests. As I conducted interviews and spent time in two informal settlements in 2012-2013, I came to appreciate how the urban precariat repurposes the discursive terrain of rupture itself. Given the state’s claim to multiple sequential ruptures, contemporary urban evictions often turn on a temporal, rather than a spatial or a legal claim.

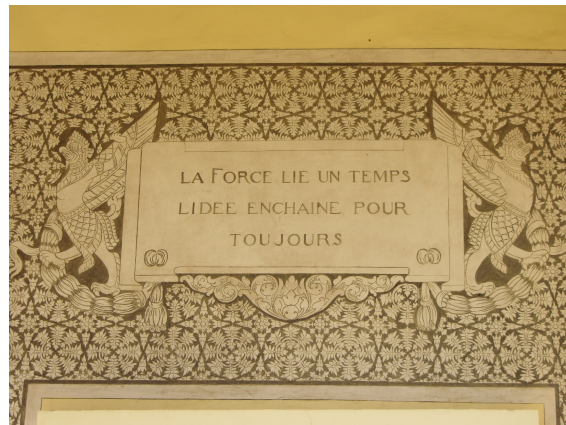
Proof of residence at key moments of political change in Cambodia (April 1975, January 1979, April 1989 June 2001 or June 2012) is a critical resource in the fight against displacement.⁷ Often such forms of evidence are sufficient to win (some) compensation or procure resettlement. As such, the urban precariat carefully attends to the emphasis of key dates within personal biographies, and the artifacts that place them at those moments. This takes all manner of permutations. For example, one informal settlement presently under threat of dispossession named their community after the date in 1992 when the original residents of that settlement were displaced from the center of Phnom Penh. In this way, they have adopted the citational strategy of the ruling party itself, who recall, named a central Phnom Penh district “pram-pi makara” after January 7th overthrow of the Khmer Rouge. This community’s name too is a claim to legitimacy based on a moment of rupture: the rupture of an earlier dispossession by the ruling regime. Residents showed me pictures and artifacts from the old site—the material base of a truth claim that ties that informal community (more so than the individual people who come and go within it) to an earlier moment of state dispossession. It is, in effect the state’s logic turned back on itself. Terre-biography rather than autobiography. In another community where I conducted interviews, I noted dates scrawled on the walls. Interviewees explained that these were “important dates” weddings, blessings, births. I asked a woman why she wrote it on the wall, to which she replied, “to remember, and also to show that I was here.” In a context where informal residents often have to pay bribes to make improvements or additions to their homes, these temporal markings are a material trace of that transaction.

The inassimilable lived experience of several, sequential decades of war, displacement, loss and genocide, renders death and rebirth a powerful structure of feeling within Cambodia. It is precisely the salience of this discourse that gives notions of rupture such resonance. Yet, I have argued that notions of rupture simultaneously dispossess the present of its multiple and embodied pasts. Through the lens of land politics in Phnom Penh, I have argued that rupture and repurposing functions as a dialectics of rule reproductive of regime authority across moments of radical social, economic and political reconfiguration.

In an inversion of Benjamin's thesis, in Cambodia the progressive (as in steady) consolidation of authoritarian state power is time and again dressed up as rupture. As I have argued, notions of rupture not progress "establish a causal connection between various moments in history" (Benjamin, 1940). In the breach of rupture, the ruling party asserts their authority over the present by way of erasing the past. In "The Thesis on the Philosophy of History," Walter Benjamin writes a critique of historicism as orders the past like 'beads on a rosary.' Benjamin counters this representation with his evocative textual explosion on Paul Klee's Angel of History:

There is a painting by Klee called *Angelus Novus*. An angel is depicted there who looks as though he were about to distance himself from something which he is staring at. His eyes are opened wide, his mouth stands open and his wings are outstretched. The Angel of History must look just so. His face is turned towards the past. Where we see the appearance of a chain of events, he sees one single catastrophe, which unceasingly piles rubble on top of rubble and hurls it before his feet. He would like to pause for a moment, to awaken the dead and to piece together what has been smashed. But a storm is blowing from Paradise, it has caught itself up in his wings and is so strong that the Angel can no longer close them. The storm drives him irresistibly into the future, to which his back is turned, while the rubble-heap before him grows sky-high. That which we call progress, is this storm (Ibid.).

I have argued that we need to similarly be critical of a type of imperial historicism that narrates the re-inscription of authoritarian forms of state rule as a series of ruptures and new beginnings, distracting our attention from the progressive accretion of state violence.



*Figure 14: "Force is Temporary, knowledge is forever"
Inscriptions that flank National Library veranda, Phnom Penh. Photo by author.*



*Figure 15: “Force is Temporary, knowledge is forever”
Inscriptions that flank National Library veranda, Phnom Penh. Photo by author.*

¹ <http://www.inclusivedevelopment.net/bkl/> Accessed 2/15/2014.

² The ECCC has been riddled with controversy, as Hun Sen has repeatedly put limits on the scope of the trials beyond the second case. (Case number one was that of Kang Kek Lew, the director of S-21)

³ fieldnotes July 24, 2013

⁴ CNRP is the opposition party which is widely believed to have one the popular vote in the 2012 National Assembly elections, but which was awarded a minority of the votes due to ruling party control over the election monitoring and reporting.

⁵ I noticed this theme first on Thursday July 25th. I noted it in my field notes that day because it signaled a radical departure from the approach up to that point which had been to give CNRP no air time or mention whatsoever, except sometimes euphemistic reference to ‘the other party.’ The ‘out of control youth’ clip that was shown the most often was a man who appeared to be in his late teens or early 20’s who was barefoot and only wearing a red and white kramah around his waist—(a detail that I interpret as a not so subtle representational link to the Khmer Rouge)

⁶ fieldnotes 8/25/2013

⁷ This, of course, cuts both ways: For Borei Keila the new owner of the land built eight of ten apartment buildings in order to house the dispossessed (as the land sharing agreement specified), but then refused to build the final two, arguing that the remaining families were “anarchists and opportunists” who only came to the site to benefit from the agreement.

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