



Land and ‘space’ for regulating artisanal mining in Cambodia: Visualizing an environmental governance conundrum in contested territory



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ARTICLE INFO

Article history:

Received 10 June 2014

Received in revised form 23 February 2016

Accepted 14 March 2016

Keywords:

Cambodia

Land use policy

Space

Land use formalization

Environmental governance

Small-scale mining

Extractive sector

Visual representations

ABSTRACT

Globally, land use competition in mining areas is coming under increased scrutiny, leading to critical debates about inter-related physical and political “spaces” for environmental governance. By signing a global treaty called the Minamata Convention on Mercury, governments worldwide have conveyed a commitment to formalizing or regulating informal artisanal gold mining as part of an environmental governance strategy. Drawing on a case study of disputed gold mining territory in Kratie Province, Cambodia, this article examines how commitment to the Minamata Convention presents a conundrum given the government’s prioritization of larger-scale concessions in land use policy. In most mineral-rich regions of Kratie and other provinces, mineral exploration and/or mining rights – and other kinds of resource concessions – have already been granted to established companies and powerful actors, leaving ambiguous *physical* and *political* space for licensing artisanal mining. The article explores contested representations of mining as found in provincial government maps and civil society groups’ cartoon illustrations, unpacking how competing mandates in the mining sector have created dilemmas for regional environmental governance as complex land-use conflicts between artisanal miners and larger companies have unfolded. Diverse competing claims to resources in Kratie illustrate the need to move beyond framings of the Minamata Convention as a technical implementation challenge in order to carefully appreciate the power dynamics inherent in divergent ways of visualizing “productive space” in mining regions. Contributing to recent scholarship in this journal on contested land use governance in Cambodia, the article calls for unpacking complexities of formally “making space” for artisanal mining in contested territory. At a wider conceptual level, the analysis highlights the importance of sensitively challenging common de-territorialized depictions of land use formalization that oversimplify the dialectical and contextually idiosyncratic interplays between political and physical space.

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1. Introduction

The expansion of the mining sector globally is the subject of growing debate, with considerable attention devoted to power dynamics in governing and contesting large-scale mining in Asia (Bedi, 2013; Holden et al., 2011; Hatcher, 2012, 2015; Oskarsson, 2013). However, little literature in Asia has focused on power dynamics in regulating and representing artisanal and small-scale mining (ASM), a segment of the mineral economy that presents complex and often very different – yet related – socioeconomic and environmental challenges (Lahiri-Dutt et al., 2014; Verbrugge and Besmanos, 2016). In examining mining in West Africa, Maconachie

(2014) raised questions about how *spaces of participation* and *spatial metaphors* are understood in the extractive sector, profiling the importance of research on artisanal mining that uses spatial lenses to interrogate extractive sector development agendas. Maconachie interrogates “spaces of community-led development ‘from below’ and corporate controlled spaces of development ‘from above’” (p. 275). The present article uses a spatial lens – exploring the usefulness of spatial metaphors and visual representations of land use – to examine debates over artisanal gold mining governance in Cambodia, a country where there has hitherto been very little research examining mining and associated land use tensions. The article focuses on social contexts and interpretations surrounding a map of disputed resource rights, rethinking contested physical and political space in relation to mining sector land use in Kratie Province, a region discussed by Neef et al. (2013) as an example where policymakers have favoured large-scale land concessions

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<http://dx.doi.org/10.1016/j.landusepol.2016.03.015>

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that have “created new types of rural poverty and landlessness” (p. 1101). I argue that rethinking this map provides a useful prism through which to understand how Cambodia’s mining sector is caught between competing visions for the future of mining sector land use, with different “spatial logics” at work.

Dwyer’s (2015) recent analysis of land titling and politics in Cambodia leads him to question “the formalization fix as a policy solution” and how maps are used – by government agencies, donors and others – in situations where there is little “spatial transparency.” “Formalization” of resource use, he argues, can be a mechanism for privileging large companies and a “technology for writing smallholders out of the legal picture” instead of a tool to empower rural populations. The “formalization fix” needs rigorous analytical treatment in the mining sector too, recognizing complex links between market forces and land use policy mandates in contested territory. Past scholarship stresses that mining laws and environmental regulations in Asia have been ineffective and inequitable for numerous reasons, including the fact that ASM activities¹ are generally not licensed (Shen et al., 2009; Burke, 2006). While environmental scholarship has long stressed that poor ASM practices lead to land degradation and pollution, posing various health risks, a growing body of literature questions the mainstream portrayal of this sector in terms of its threats and “illegality,” noting that ASM provides crucial informal livelihoods to large numbers of people worldwide (Canavesio, 2014; Lahiri-Dutt, 2012; Hiron, 2011; Jönsson et al., 2013; Bryceson et al., 2013; Fisher and Childs, 2013; Spiegel, 2015). The first of the two main “spatial logics” analysed in this article lies in the government’s mandate to regulate ASM—which ostensibly became a priority when, in October 2013, Cambodia signed a historic global environmental treaty called the Minamata Convention on Mercury. The Minamata Convention signaled that policymakers were not only committed to managing mercury use in the ASM sector, one of the world’s largest sources of mercury pollution, but also agreed to develop new “steps to facilitate the formalization or regulation of the artisanal and small-scale gold mining sector” (Paragraph 1C, Annex to Article 7) (UNEP, 2013a). Currently, although Cambodia’s mining laws include provisions to legalize artisanal mining in theory, almost all ASM activity is not licensed (CRRT, 2013; Chapman, 2013; Phnom Penh Post, 2015a).

However, whereas the Minamata Convention’s “formalization” mandate calls for licensing of ASM, building capacity and promoting cleaner technology in artisanal mining communities (presenting an ASM-oriented vision for formalizing land use), it stands at odds with a second spatial governance strategy—the current prioritization of larger-scale companies’ concessions. In most mineral-rich regions of Cambodia, mining and/or mineral exploration rights have already been granted to established foreign or local companies (in some cases overlapping with other companies’ land concessions), raising questions about whether there are practical possibilities for licensing ASM. Over the past decade, an unprecedented number of mineral exploration licenses have been issued, and non-governmental organisations (NGOs) have been vocal in critically questioning and challenging, for example, how powerful and well-established companies² were holding 128 mineral exploration concessions covering 24,000 square kilometers of Cambodia’s most mineral-rich land (CRRT, 2013). Land use conflicts have created difficulties for environmental planning, and conflicts between artisanal miners and security forces of both large companies

and state authorities have led to intensified public concern about the need for mining reforms (CRRT, 2013; Keating, 2012).

By unpacking the question “*Is there space for regulating artisanal mining in Cambodia?*” this article contributes to a growing body of scholarship on land conflicts and land grabbing in Cambodia, which has warned of the problems of eviction and forced relocation of marginalized rural communities (Milne, 2013; Dwyer, 2015; Rudi et al., 2014; Scheidel et al., 2013). Particular focus has been on whether there is physical land space as well as political space for recognizing the rights of local and migrant Cambodian land users in the face of neoliberal policies that prioritise large-scale companies and that benefit a small segment of the population (Baird, 2013, 2014a; Loehr, 2012a,b; Rudi et al., 2014; Scheidel et al., 2013, 2014; Dwyer et al., 2015). This study engages similar concerns in the mining sector, appreciating how dialectical relations between physical (material) space and political (symbolic) space are, as Harvey (2004, 2006) famously theorized, profoundly impacted by neoliberal policy biases, often with substantial environmental implications. Drawing on Harvey’s insights, Springer (2009, 2013) discussed the neoliberalisation of “space” in Cambodia and evictions of the poor in contested land, showing how physical and political spaces have been shaped by elite actors’ discourses of “order” and “stability.” Neef et al. (2013) discussed how environmental narratives have been politically instrumentalized in practices of land control in Cambodia, documenting cases where the language of “degraded” land and “non-use” of land has been used by state authorities to justify removing local people from lands to make space for large companies’ land concessions. A critical understanding of the Minamata Convention calls for a close examination of the extent to which there is “space” – physical and political – for artisanal mining, recognizing that paradigms for governing mining are contentiously visualized.

The section below provides background on Cambodia’s artisanal mining sector, including factors that contributed to Cambodia signing the Minamata Convention. The next section outlines the conceptual approach and research methods, setting out how a spatial lens for analyzing government maps and civil society documents, contextualized through interviews and participant observation, is used to rethink assumptions in mainstream environmental governance discourses. The following section discusses contested *regulatory space* at national and regional levels, examining tensions between artisanal miners and large companies to critically contextualize “formalization” challenges. It interrogates *physical space*, examining a map of mining rights in Kratie Province, along with competing formal and informal land claims in the area, as the point of departure for challenging technocratic notions of extractive sector regulatory space. The article then considers how the Minamata Convention can be interpreted as adding a new impetus – in theory – for environmental risk management and livelihood support in mining areas. Considering *competing visions of productive space*, this section argues that current neoliberal modes of prioritizing large-scale concessions in Cambodia’s development strategy, unless radically modified, threaten to undermine not only livelihoods of artisanal miners but also the environmental governance goals associated with the Minamata Convention. It underscores a need to conceptualize environmental governance in relation to contested visions of productive land use in gold-rich areas, rethinking ways of “making space” for less affluent constituents in the mining sector. This article stresses that a spatial lens applied to Cambodia’s mining context provides vital opportunities for challenging de-contextualized and de-territorialized policy discourses of land use formalization, calling for greater attention to differently situated ideas about visualizing space in mining areas.

¹ While heterogeneous, ASM activities are generally defined in terms of their reliance on rudimentary mineral extraction technologies.

² These include companies based out of Australia, South Korea, Vietnam, China, Singapore and Thailand, for example, in addition to companies based in Cambodia.

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