

# Ecocide in the shadow of Transitional Justice in Cambodia



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<https://www.aljazeera.com/features/2015/1/7/marking-the-end-of-pol-pots-rule-in-cambodia>

Photo credit: Sen Sothea



# Ecocide 2021: Prey Lang Wildlife Sanctuary

- Ongoing intentional harvesting
  - Private industry actors
  - Protected tree species
  - Inside protected area
- Evidence from April 2020



Photo credit: Ouch Leng, April 2020



# Genocide and Ecocide

## A Tangled Web through History

- American War in Vietnam
  - Puts the term 'ecocide' in front of the International Criminal Court
- Khmer Rouge era, made possible by the American War
- **Development induced ecocide and cultural genocide**
- Changes to International Criminal Court (ICC) selection procedures
  - Cambodian land-grabbing case filed with ICC (Sre Ambel, Koh Kong).

# The American War in Vietnam

- Capitalist Democracy vs. Communist Authoritarianism
  - Different forms of politically organized subjection
- Norodom Sihanouk demands neutrality
  - Americans refuse – Coup d'Etat
- Sihanouk takes refuge in China
  - Denounces imperialism and embraces Khmer Rouge
- Americans aggressively bomb Eastern Cambodia
- AGENT ORANGE
- America loses and the Khmer Rouge win



# Agent Orange and the ICC

- 1970 US scientists called herbicidal warfare 'ecocide'
- Definition:  
the willful and permanent destruction of environment in which a people can live in a manner of their own choosing [is a] crime against humanity and called ecocide

Professor William Galston, 1970 , Conference on War and National Responsibility, Washington DC.

- Two meanings:
  - Destroy humans by destroying their environment
    - Legal scholars
  - Non-humans as victims of genocide
    - Environmentalists
- Stockholm Conventions
  - Proposal to amend Rome Statute include 'ecocide' - failed
- Problem of Intent



# Genocidal Priming and Cultural Genocide

- **Genocide:**
  - acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group
- **Genocidal Priming:**
  - common elements that precede the 'activation' of genocide (Alexander Hinton)
- **Cultural Genocide:**
  - the systematic destruction of traditions, values, language, and other elements that make one group of people distinct from another
- **The Problem of Intent**
  - Ecocidal, culture-destroying projects *intend* to make profit



It is essential that we recognize in our species (and in ourselves) a *genocidal capacity* and that we exercise a defensive hypervigilance... to the less dramatic, *permitted*, everyday acts of violence that make participation in genocidal acts possible... social exclusion, dehumanization, depersonalization... that normalize atrocious behavior and violence toward others.

**Nancy Scheper-Hughes.**

2018. "Coming to Our Senses: Anthropology and Genocide." Pp. 348–81  
in *Annihilating Difference: The anthropology of genocide*, edited by A. Hinton. University of California Press. P 369.



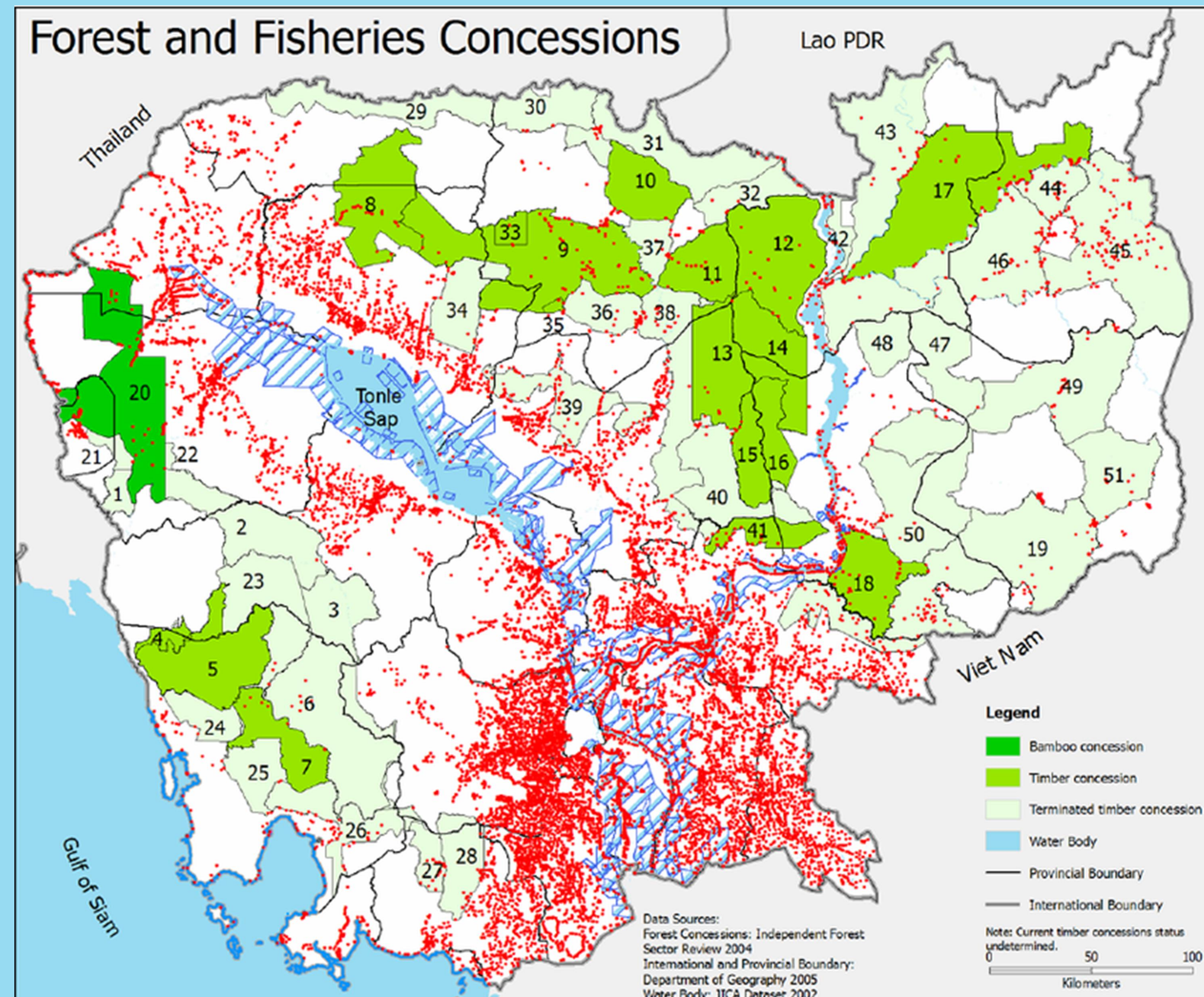
# The State of Cambodia

- The Vietnamese oust the Khmer Rouge- State of Cambodia
  - In absentia trials for KR leaders: crimes against humanity
- ASEAN and the West do not recognize SoC
  - Khmer Rouge leaders represent Cambodia at the UN (1979-91)
    - wage civil war against SoC
      - ASEAN, the US issue trade sanctions
- Mid-1890s Soviet and Chinese open markets
  - stop supporting vassal states like Vietnam
- **PEACE**, declared in Paris in 1991 and the market comes in earnest to Cambodia



# Forest Concessions

- In the context of ongoing civil war
- UN-sponsored elections
- International investment in a market transition
- Factional power struggles
- 1991-1999 Over 7 million hectares in concessions
  - Elite and Military allegiance



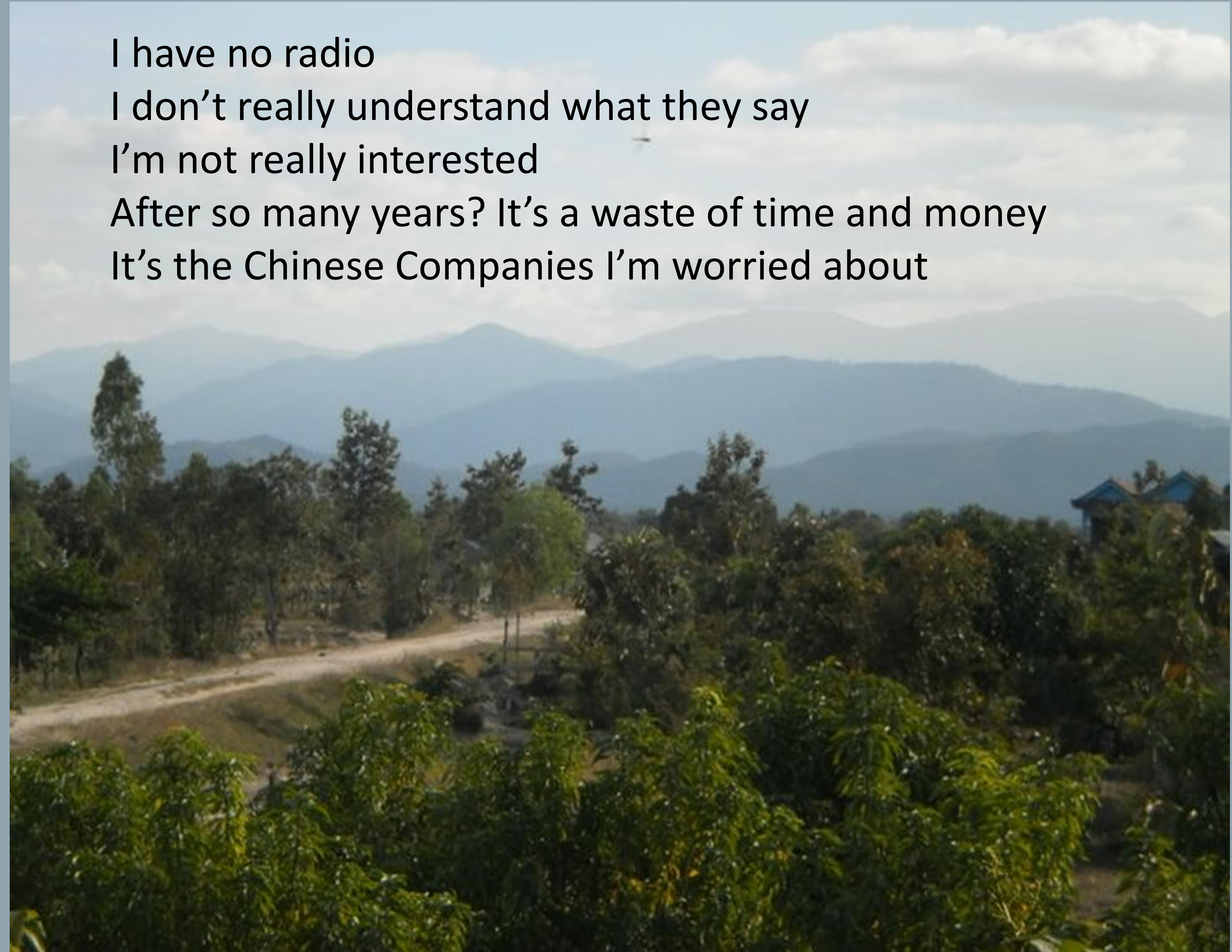


# Extraordinary Chambers of the Courts of Cambodia

- Proposed in 1997
- Established in 2001
- First trials began in 2009
- Over 300 million USD from 2006

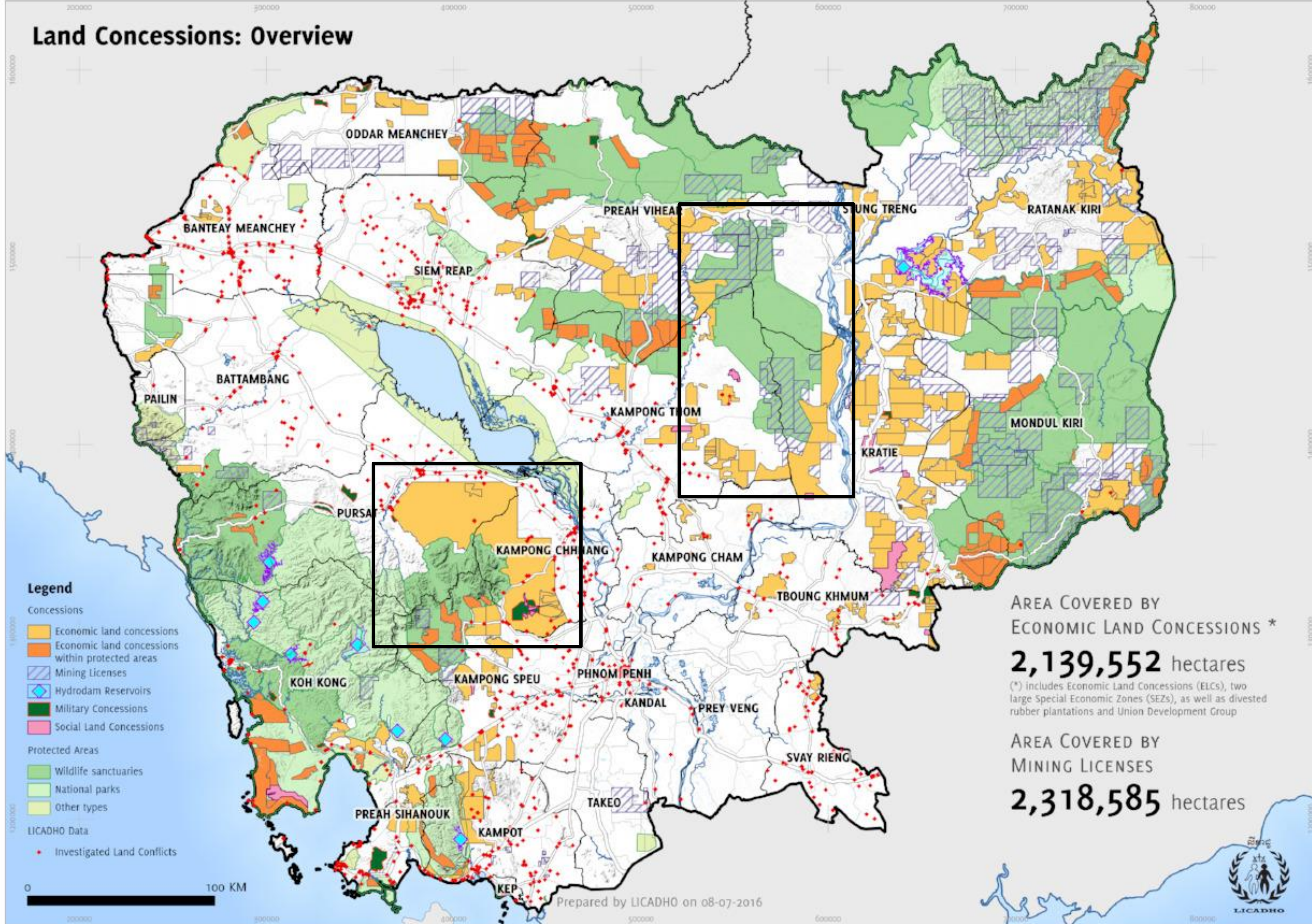


I have no radio  
I don't really understand what they say  
I'm not really interested  
After so many years? It's a waste of time and money  
It's the Chinese Companies I'm worried about





# Land Concessions: Overview







Rice harvest

Mango production

Logging

Charcoal

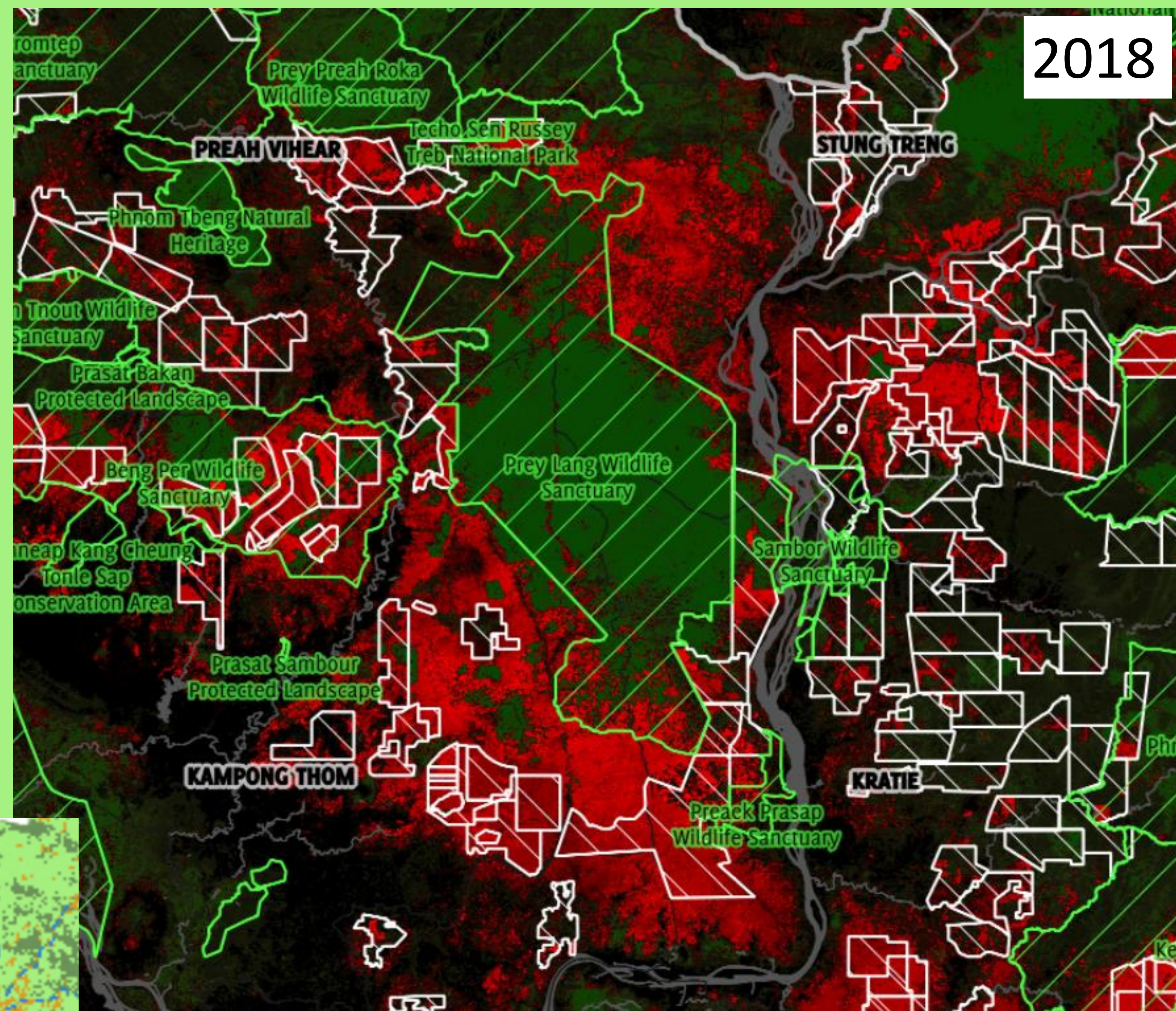
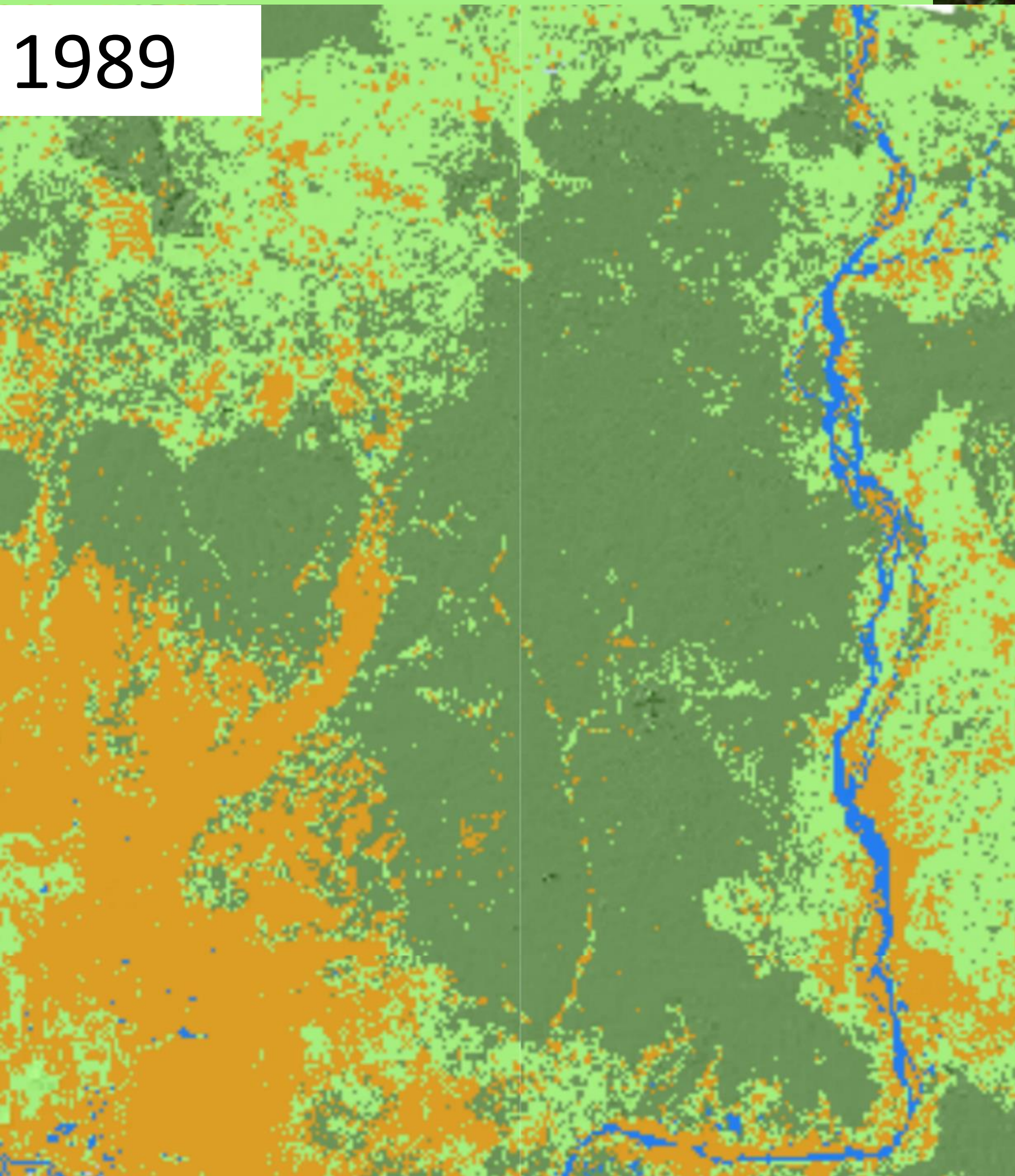
Constant work of clearing new land for new crops







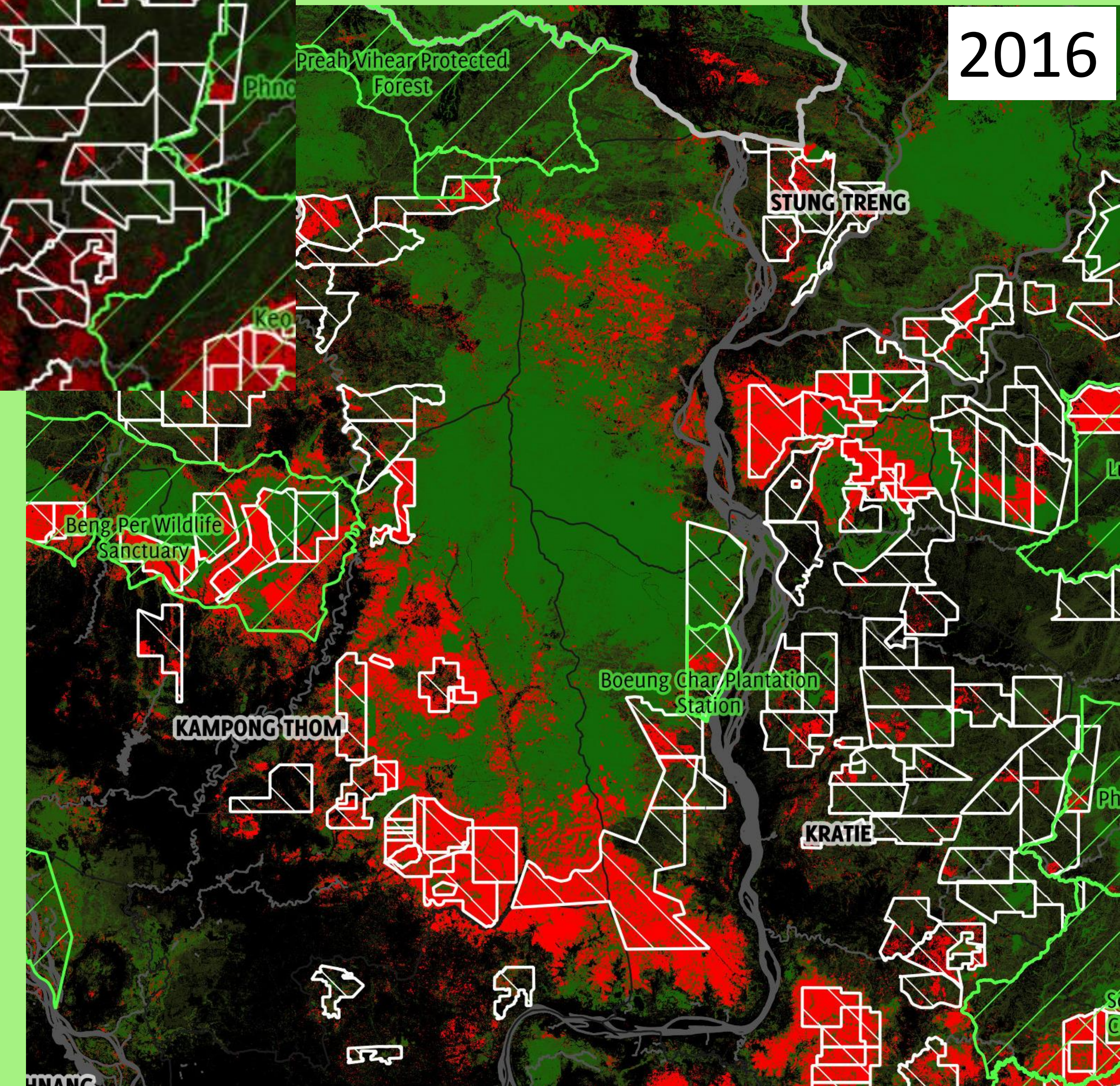
1989



2018

## Prey Lang Wildlife Sanctuary

Established 2016  
Site of First ELC 2004  
Spill-over effect



2016

Licadho Map, using forest data Published by Hansen, Potapov, Moore, Hancher et al. 2018









Key reforms are needed for Cambodia to sustain **pro-poor growth**, foster competitiveness, sustainably manage natural resource wealth and improve access to and quality of public services. Cambodia continues to have a **serious infrastructure gap** and would benefit from greater connectivity and investments in rural and urban infrastructure are essential.

<https://www.worldbank.org/en/country/cambodia/overview>

Same road 2016 and 2019



*Pol Pot only killed the people.  
Now everything's gone*

*(Steung Treng, Man, February 2018).*











# Changes at the International Criminal Court

15 September 2016

ICC Prosecutor, Fatou Bensouda, publishes comprehensive Policy Paper on Case Selection and Prioritization

the court will prioritize

“crimes committed by means of, or resulting in, the destruction of the environment”  
and further

“the illegal exploitation of natural resources... and land grabbing”

December 2020

lawyers gathering to define ecocide for inclusion in the ICC

- Prof Philippe Sands of University College London
- Justice Florence Mumba, formerly of the ICC, and now judge at the Extraordinary Chambers in the Courts of Cambodia

Other world leaders are also stepping up and speaking up

- Emmanuel Macron of France
- Pope Francis of the Roman Catholic Church

*“All this development is ruining our lives”*

Kuyuman, Krotia, 2016



*There is a connection between killing every  
non-human thing and acts of human  
genocide*



Not the end....