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CAMBODIA

Capitalist Transformation by Neither Liberal Democracy Nor Dictatorship

Steve Heder

Twenty years after the Permanent Five Members of the United Nations Security Council, joined by Australia, Japan, and the Association of Southeast Asian Nations (ASEAN), crafted the 1991 Paris Agreements compelling their Cold War Cambodian proxies to commit themselves to a political solution to an ultimately genocidal armed conflict with roots in the 1940s and which led to Cambodia's occupation by Vietnam, Cambodia was almost a normal country. A period of transformation of Cambodia into a politically sovereign, thriving capitalist part of Asia with a formally democratic political regime had succeeded, and was indeed deeply entrenched under the leadership of Prime Minister Hun Sen, who had first ascended that post in 1985, when Cambodia was still dominated by Vietnam. However, whereas the original implementation by the UN of the Paris Agreements had created the conditions making it possible for it to be imagined that Hun Sen could be voted out of power via free and fair elections, he has ensured that Cambodia is not a properly functioning liberal democracy, and there was little reason to think that a political transition could occur as long as Hun Sen continued to hold office. The year 2011 set the scene for new Hun Sen triumphs in the local and national elections scheduled for 2012 and 2013, respectively.

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Hun Sen Dominates the Political Scene

There was certainly no sign of any weakening of or challenge to Hun Sen's domination of Cambodian politics. Belying rumours that he was suffering from a serious illness was not only the premier's vociferous denial,¹ but his intensification of a gruelling schedule of public speaking events² during which he projected an image of himself as a man of the people by visiting rural areas, a man of military prowess by addressing army audiences, a man of education by presiding over university graduation ceremonies, and a man of money by appearing with aid donors and investors, especially but not only Chinese. These public displays of power furthered the political reinvention of Hun Sen as a magical God-King, towering over the frail, abdicated Norodom Sihanouk and his son, King Norodom Sihamoni.³ Hun Sen claimed a semi-royal or better than royal status himself, alluding to the belief he is the reincarnation of the sixteenth century fighting, populist pretender to the throne, Sdech Kan; describing himself as politically more astute than Cambodia's past kings; and claiming to be possessed of infallible military and particularly economic wisdom by virtue of which he has invented new military doctrines and is bringing about economic miracles. This justified the ever-growing use of his full royal-sounding official title — Samdech Akka Moha Sena Padei Techo (roughly, “exalted supreme great commander of gloriously victorious troops”) — and his conviction that it is perfectly natural that, given his achievements and consequent popular gratitude for them, he be Prime Minister for life, and that he be succeeded in power by his son, Hun Manet.

Hun Sen continued to whittle away at any potential competition from within the ruling Cambodian People's Party (CPP), using politically targeted prosecutions. In 2009, the Prime Minister had called for a crackdown on police officers involved in the drugs trade, and in 2010, the newly established Anti-Corruption Unit (ACU), headed by a Hun Sen advisor, was assigned to carry out this task. In 2011, it arrested police Lieutenant General Moek Dara, Secretary General of the National Authority for Combating Drugs, and several other important police officers for extorting bribes from drug dealers in exchange for protection from arrest,⁴ for which they were put on trial.⁵ The authorities admitted ACU operations were constrained by the fact that it was simply not possible for it to go after all cases of corruption, requiring it to take a selective approach,⁶ and diplomatic observers agreed that the selectivity was aimed at associates of CPP Chairman Chea Sim and his brother-in-law Sar Kheng, a Deputy Prime Minister and the Minister of Interior, long identified as potential challengers to Hun Sen's primacy over the CPP.⁷ This seemed confirmed by the arrest and conviction of several of Chea Sim's staff for alleged swindling.⁸ Meanwhile, corruption remained rampant,⁹ not

least at the highest levels of government, with the drug arrests barely scratching the surface of the problem.¹⁰

A Naga Cambodia in the Greater Mekong Subregion

Hun Sen's continuing consolidation was nevertheless buoyed by his genuine successes in overseeing the transmutation of Cambodia into what he hailed as a rising capitalist economic *naga* (dragon), with the recovery in economic growth witnessed in 2010 and continuing in 2011, again propelled above all by burgeoning Chinese investment and aid, but accompanied by increasing Korean, Vietnamese, other Southeast Asian, Japanese, and Western business activity. At year's end, Hun Sen predicted 7 per cent GDP growth,¹¹ and international financial institutions forecasts clustered around the 6–6.5 per cent mark.¹²

Looking to the future, Hun Sen pushed hard for economic diversification, with an accent on a huge expansion of agriculture combined with greatly accelerated industrialization. A key part of this vision is Hun Sen's insistence on expanding paddy production in order to be able to export one million tonnes of milled rice by 2015, a highly ambitious target. The government announced that already during the first three quarters of 2011 it had exported 2 million tonnes of unmilled paddy, which it said proved the goal was within reach. Non-government analysts were sceptical, arguing that it would be extremely difficult to establish the necessary domestic milling capacity, but the government was determined to forge ahead.¹³ While the year's serious flooding wiped out 10 per cent of the rainy season paddy, the government claimed that increased yields per hectare meant the harvest for that crop was better than in 2010.¹⁴

Hun Sen furthermore envisaged transforming Cambodia into the economic heartland of the Greater Mekong Subregion by ever more deeply integrating it economically with its neighbours and China and connecting it to markets beyond. The year 2011 marked the implementation of a new, qualitatively heightened "comprehensive and strategic" cooperation between Cambodia and China. Chinese aid and investment projects in garments, land, oil, hydroelectric dams, and infrastructure launched in previous years advanced towards completion, and new commitments or expressions of interest were made during the year with regard to electricity generation and transmission, port construction, machine manufacturing, aluminium mining, bridge and road building, banking and agricultural plantations. Cambodian, Chinese, and other foreign firms made deals to export rice, rubber, and palm oil to China. According to official figures, annual trade reached US\$1.58 billion in the first half of 2011, up by 68.7 per

cent year on year, although it was extremely lopsided in favour of Chinese imports into Cambodia. By the end of June 2011, China's recent cumulative non-financial direct investment in Cambodia had reached US\$1.181 billion and the accumulative contract value of projects amounted to \$4.949 billion, reflecting the fact that Cambodia is "one of the favorite places for Chinese enterprises to make direct investment".¹⁵ The relationship was further cemented by reciprocal visits bringing senior Chinese officials to Phnom Penh and taking Hun Sen to China, plus Chinese provisions of non-lethal military aid such as uniforms and sale of sophisticated military equipment in the form of helicopters

The Cambodian and Vietnamese Governments promoted Vietnamese investment via agreements on projects worth more than US\$900 million in agribusiness, iron-mining, and hydropower. This was on top of existing Vietnamese investments in these and other realms, such as telecommunications and airlines; some 330 Vietnamese companies were operating in Cambodia. The 2011 goal for Cambodia-Vietnam trade was US\$2 billion, a target already reached by the end of September (although again the balance was very much against Cambodia).¹⁶ The other aspects of positive relations from the two governments' perspective were the Cambodian side's success in closing the UN High Commissioner for Refugees Office in Phnom Penh, effectively ending any possibility for Vietnamese Montagnards, a persistent thorn in Hanoi's political side, to achieve refugee status by fleeing to Cambodia,¹⁷ and progress in bilateral efforts to demarcate the Cambodia-Vietnam border.

The United States, the United Nations, and Thailand

Relations with the United States were reasonably good. U.S. military ties with Cambodia were strengthened via visits by U.S. defence and armed forces officials and provision of US\$1 million in annual aid, mostly for training.¹⁸ Cambodian troops participated alongside U.S. and other foreign forces in exercises in Cambodia and elsewhere. The military assistance was alongside US\$65 million in civilian aid.¹⁹ A growing number of U.S. firms were involved in investments in Cambodia, the major interests being in oil and gas, manufacturing, financial services, telecommunications, and health. The annual value of Cambodian garment exports to the United States was around US\$2 billion, making it still Cambodia's largest export market.²⁰

Relations with the UN appeared to improve, at least on the surface. The occasionally testy public exchanges between the government and Cambodia-based UN agencies that characterized 2010 were no longer heard after the departure

of the head of the Cambodia Office of the UN High Commissioner for Human Rights, who left Cambodia after it became clear the government was going to continue to treat him as *persona non grata* for having openly questioned a few of the government's many failures to adhere to international human rights standards. In a departure interview with the media, he declared "human rights are tolerated to the extent that they do not challenge the political, economic and financial interests of the ruling elite", adding that the fundamental problem was a trend towards a situation in which "there is no more limit to executive power", allowing it to become "arbitrary and abusive",²¹ but such forthright remarks were not overtly repeated by in-country UN agency officials thereafter. This reflected a truce arising because the government's anti-UN offensive in 2010 had to a degree cowed UN agencies into greater submission, but also because the government's bid to secure a Cambodian seat on the UN Security Council in 2012 evidently made it relatively reluctant to provoke them. This may also explain the government's seeming equanimity with regard to a public report by the United Kingdom-based independent UN Special Rapporteur on Human Rights in Cambodia, who spoke of its failure to protect the rights of ordinary people, leading, he said, to "alarming patterns of violence" between them and the authorities and a "narrowing of political space in Cambodia" un-conducive to democracy.²²

Also averted during the year was any open government-UN confrontation over Hun Sen's proclaimed opposition to further investigations by the UN-assisted Extraordinary Chambers in the Courts of Cambodia (the "Khmer Rouge Tribunal") of former Khmer Rouge leaders allegedly "most responsible" for the Khmer Rouge crimes of 1975-79, beyond the alleged Khmer Rouge "senior leaders" indicted in 2010, with regard to whom preliminary trial hearings commenced in 2011. Hun Sen, himself a former local Khmer Rouge military commander, was happy with the opening of the senior leaders' trials, but did not want any judicial action on five additional, lower-ranking Khmer Rouge candidates for prosecution, whose cases were also before the court, and who had broadly been at the same level in the Khmer Rouge-era administration as certain figures in the CPP (although Hun Sen himself was lower ranking). A UN-nominated investigating judge, Siegfried Blunk, tasked along with a Cambodian counterpart with investigating the potential culpability of the five, acted in a manner which could only reasonably be understood as intending not to lead to the indictment of further suspects, and thus in accordance with Hun Sen's wishes. This led to a public outcry and mutiny among his own UN staff, ending with his resignation in October. Although Blunk's UN-nominated reserve arrived at the end of the year to replace him, the future of the five additional cases remained potentially very contentious.²³

The dark spot for the first half of the year was the resumption of a bitter border dispute with the Thai Government of Abhisit Vejjajiva. A serious border clash occurred in February along the Preah Vihear province frontier, site of the dispute about sovereignty over the Preah Vihear temple and nearby territory, prompting Hun Sen to call for UN Security Council intervention and possible deployment of UN peacekeepers. With UN support, the chairman of ASEAN (Indonesia's Foreign Minister) made an attempted mediation trip to Phnom Penh, but Abhisit and the Thai army continued to stick to their long-standing position that border disputes should be resolved bilaterally. Hun Sen put the matter before an ASEAN summit in March, after which Abhisit declared Indonesian military observers, desired by Cambodia, would not be deployed any time soon, endorsing the Thai military's opposition to stationing them in disputed areas. In late April, a new round of fighting broke out along a stretch of frontier bordering on Oddar Meanchey province, lasting until early May. Cambodia meanwhile said it was requesting that the International Court of Justice (ICJ) provide an interpretation of its 1962 judgment awarding sovereignty over the Preah Vihear temple to Cambodia and possibly to rule on other areas of dispute. In June, as Thailand's elections approached, the border situation stabilized. Hun Sen and other senior Cambodian officials hailed the July Pua Thai victory of Yingluck Shinawatra and her formation of a government, looking forward to much better possibilities for border peace and other improved relations, as Hun Sen had previously had very friendly relations with her brother, Thaksin Shinawatra. This was indeed the case to the extent that there was no more fighting during the year. However, an interim ruling by the ICJ calling for the creation of a provisional demilitarized zone around the temple was not implemented by either side. The ceasefire remained tenuous, and it was unclear whether either a final court decision or UN or ASEAN démarches would be sufficient to prevent future clashes.²⁴

Socio-economic Support and Challenges

The unresolved situations along the Thai border and with the Khmer Rouge Tribunal notwithstanding, Cambodia's international relations were generally conducive to shoring up Hun Sen's regime. However, it seemed fear of political unrest and instability haunted Hun Sen and many in positions of authority throughout his regime. Although Hun Sen demonstrated in 2011 that he was prepared to concede some popular demands, making himself sometimes appear to be a benevolent and reasonable protector of society and enhancing CPP electoral prospects, he remained very wary about mass political activism. As the Prime Minister stressed to the

forces of law and order at the Ministry of Interior in February 2011, the CPP “can assume that peace, security, social order and stability are fragile, and can become chaotic at any time without an advanced prediction”. Pre-emptive measures must be taken to preclude this, he warned. In this regard, he could rely on security forces that remain tightly under control of army and police generals personally loyal to him, including his son Hun Manet; on the courts, which were subservient political and economic power circles; and on the super-rich Cambodian capitalist “barons” (*okhna*), who were the main beneficiaries of domestic capitalism and whose links to the security forces continue to solidify.²⁵

Arguably, Hun Sen could also rely to a considerable extent on other economic beneficiaries of his rule who were likely to be found among the proprietors of the more than half a million Cambodian private business enterprises, big and small, employing almost two million people, that Cambodia’s capitalist revolution has already created. The number of these has been increasing extraordinarily rapidly, with close to 100,000 new establishments being added annually,²⁶ fuelling the rise of Cambodia’s middle class, which appeared set to grow very rapidly in the years to come.²⁷ It may well be inclined to thank Hun Sen for its birth and expansion and value the political stability of his rule, as most foreign investors almost certainly did, accepting the government’s argument that this entailed the holding of regular elections, but under a system of CPP domination that meant Cambodia was neither a dictatorship, nor a place where the government was likely to change in any foreseeable future.²⁸

Perhaps generally less prone to be grateful on economic grounds was the 400,000-strong industrial workforce, which is also expected to grow as Cambodian labour’s cheapness advantage over competing locations in Asia was increasing.²⁹ While the number of strikes declined as more conflicts went to arbitration, organized and wildcat disputes between workers and employers continued in all major industries and sometimes turned violent. Like other civil society figures, unionists were subject to prosecution, and lurking in the background was the draft of a new labour union law, the original text of which convinced union activists it was formulated to facilitate government suppression of union activity. Unions threatened strikes and demonstrations unless changes were made, and major modifications followed, but at year’s end unions were seeking additional amendments.³⁰

Even more serious was the situation in the countryside, where people still overwhelmingly lived by some combination of farming, forestry, and fishing, including most of Cambodia’s severely poor and those particularly susceptible to natural disasters, as during the 2011 flooding.³¹ Thus, while overall the number

of people below the conventional poverty line has been significantly dropping, 21 per cent of households were landless and another 45 per cent were so land-poor as to be struggling to subsist on what they can grow.³² Landlessness was probably growing at more than 2 per cent annually,³³ and the persistence of serious poverty was demonstrated by the stubbornly very high proportion of children who were so malnourished that their growth was stunted.³⁴ Landless and related poverty were clearly linked to ever-expanding economic takeover of the countryside by *okhna* and foreign companies, often operating in joint ventures, via the government's granting to them of land concessions in the form of long-term leases.³⁵ NGO analyses of government data indicated that out of Cambodia's total area of 17,651,500 hectares, 7,021,771 have been granted or licensed to private companies since 2008 for agribusiness, forestry, and mining.³⁶ Such land covered half of the country's arable territory.³⁷ Court action against people involved in resisting what they said was illegal land-grabbing and in providing legal aid to such people dramatically intensified, with the police and judiciary often perceived as functioning as tools for companies and the rich against the poor and their defenders.³⁸ This was part of a syndrome in which disputes more and more often turned violent, as desperate protesters confronted determined security forces and local authorities in tests of strength in which the protesters were generally the ultimate losers, even if they sometimes at least temporarily halted company activities.

Severe land disputes also continued in urban areas, above all Phnom Penh. The most acute involved the development by an *okhna*-Chinese joint venture of the Boeng Kak area of the capital, in pursuit of which the company and municipal authorities had driven local residents off land to which they had a legitimate ownership claim and without proper compensation.³⁹ Protesting victims clashed repeatedly with police and officials during the year. A Hun Sen sub-decree in August, backed by the concerned Chinese investor, provided some of them a parcel of land for on-site resettlement, but protests by those excluded led to further violence, after which the compensation deal was a bit widened, but the dispute continued to be volatile, as was the case for another involving eviction of people living along a railway line in the capital undergoing rehabilitation. The government's behaviour with regard to Boeng Kak precipitated a halt in the funding of new projects by the World Bank, which had previously financed land titling in Cambodia, while the government's suspension of and warnings against NGOs involved in critically monitoring the railway project caused concern for one of its funders, the Asian Development Bank, which backed the organizations' work. However, the government appeared ready to tough out these difficulties because it could turn instead further to Chinese aid and investment to drive the economy

forward⁴⁰ and despite the fact that, with tens of thousands of more people slated for eviction from urban locations in the near future, further popular confrontations with the authorities seemed inevitable.⁴¹

Finally, rural and urban destitution contributed to the growing migration of Cambodian labour abroad, the largest group working in Thailand, where more than 200,000 legally registered themselves during the year and perhaps almost 100,000 more were present illegally,⁴² which included men trafficked to Thailand who ended up working as fishermen under sometimes slave-like conditions.⁴³ Similarly driven by a lack of opportunities in Cambodia, since 2009 some 40,000–50,000 Cambodian women and girls had gone as domestic workers to Malaysia, many of whom were illegally detained and mistreated during “training” by recruitment agencies in Cambodia and ended up in what was tantamount to debt bondage in Malaysia. At the root of such illegal and abusive treatment has been collusion between local and national-level Cambodian authorities and Cambodian recruitment agencies that are often effectively controlled by government officials. The flow was halted in October pursuant to an order from Hun Sen, who recognized that the situation was a national scandal, but the underlying causes of the problems driving migration and dangers of abuse at home and abroad remained in place.⁴⁴

Civil Society and Political Party Opposition

The rights and socio-economic position of factory and migrant labour and people involved in land disputes were a prime concern for Cambodia’s many non-governmental and other civil society organizations (NGOs/CSOs). Their members were hit by arrests and other legal actions, and, like labour unions, they fought draft legislation containing provisions effectively giving the government additional powers to curtail their activities.⁴⁵ The government produced a series of drafts during the year, all of which were severely criticized by activist NGOs and CSOs,⁴⁶ and earlier ones of which were also evaluated as anti-democratic by various independent UN experts operating outside Cambodia.⁴⁷ A fourth draft incorporated major changes in language, but still enhanced the government’s legal capacity to act against civil society.⁴⁸ At the end of the year, Hun Sen said adoption of the law could be delayed until 2014, but existing tools for circumscribing civil society remained in place.⁴⁹

The situation of the organized political opposition was much more dire. Hun Sen saw allowing its existence as useful to discourage armed rebellion, but, as he explained, “I govern not only to make the opposition party and group weak, but to make the opposition group die.”⁵⁰ Indeed, after years of battering,

the organized political opposition was in close to complete disarray. The major opposition Sam Rainsy Party (SRP), a formidable force up through the elections of 2008, has since unravelled under constant Hun Sen hammering. Its leader, Sam Rainsy, remained in exile as court decisions consigning him to prison and fines continued to pile up, and he was also stripped of his parliamentary seat.⁵¹ His attempts to run the party from abroad only exacerbated long-simmering internal tensions, thwarting attempts at internal reform and revitalization, and prompting a series of resignations and defections to other parties of veteran party activists. This reduced the party's profile and sapped its remaining dynamism amidst further setbacks, including arrests or threats of arrests of local party personnel for alleged incitement⁵² or other alleged criminal acts, often to do with land disputes. Prospects for a merger into the SRP of the Human Rights Party, created on exaggerated hopes of popularity to contest the 2008 elections, only to receive a paltry three seats, collapsed as they have in the past largely because its leader, Kem Sokha, and Sam Rainsy could not agree on terms. However, Hun Sen's manipulation of the rivalries and suspicions between the two men by revealing their past dealings with the CPP also played a part. Their indecorous mutual mudslinging had the effect of further discrediting both parties to the advantage of the CPP.⁵³

SRP could perhaps be brought dramatically back to life by a return to Cambodia of Sam Rainsy, even if or especially if he immediately landed in jail, but this seemed less than likely, despite party vows he would come back before commune councillor elections in 2012.⁵⁴ The public leader, at least, of the residual SRP inside the country was outspoken national assemblywoman Mu Sochua, who functioned from the weakened position of having been previously stripped of her parliamentary immunity. She and other SRP figures championed those victimized by Cambodia's development, such as those with grievances against rural and urban land-grabbing; but in particular, Sochua took the lead in bringing to light and opposing the plight of Cambodian girls and women subjected to abuses or at risk of them in connection with migration to work as maids in Malaysia. In September, the SRP held a congress, attended by 4,000–5,000 delegates, at which a programme was adopted highlighting the party's nationalistic opposition to what it said was the government's policy of "cutting Cambodia into pieces and selling our country bit by bit to foreign companies under the form of 'concessions'". It promised the SRP would "give back to the Khmer people any assets stolen from them" and appropriately punish "any individual or private company that forcibly seizes land or living areas" from the population. It called for "a genuine development for the people that will protect the people's assets, serve the people's interest and effectively improve the people's living conditions", including by promoting

foreign investment to process local produce and by putting greater emphasis on providing health care for the poor. It also proposed limiting prime ministers to no more than a five-year term, the normal life of a parliament.⁵⁵

The SRP meanwhile began intensifying local proselytizing in preparation for the commune elections, trying to mobilize networks of voter opposition, implausibly claiming a nationwide membership of 500,000⁵⁶ and talking bravely about gaining more councillor seats in 2012 than in the last such elections.⁵⁷ Although its election programme might have considerable traction among Cambodia's economically exploited, disadvantaged, and dispossessed, the SRP was, at least as much as in past years, up against an electoral system with many un-free and unfair aspects, which were manifest during a 2011 voter registration processes that gave the CPP many advantages.⁵⁸ These, together with the CPP's monopoly of force, its control of the courts, its performance legitimacy, and the patronage resources generated for it by the resumed economic boom, helped along by Hun Sen's benefactions to society, seemed likely to propel the CPP to a further electoral marginalization of the opposition at the commune level and to do so again at the national level in the general elections scheduled for 2013.⁵⁹

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