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## CAMBODIA Democracy or Dictatorship?

*Caroline Hughes*

### **Political Issues**

In 2000, the political situation in Cambodia remained relatively stable for the second year in a row, which was an important achievement, given the country's tortuous history. This stability itself begs important questions regarding Cambodia's political trajectory, however — questions which are answered differently by activists and analysts on different sides of the ongoing political divide. This overview of events in the year 2000 will suggest that the current period of political stability is contingent and liable to relapse into turmoil, but that even contingent stability in itself generates forces for further change.

The current period of political stability coincides with the early and middle phases of the electoral cycle. In this respect, among others, the second electoral cycle since the promulgation of the 1993 Constitution contrasts significantly with the first. The first electoral cycle was marred throughout by a continued, overt power struggle between the two major parties of the governing coalition. On one side stood the possessor (by a narrow margin) of the 1993 electoral mandate, the royalist *Front Uni Nationale pour un Cambodge Independent, Neutral, Pacifique Et Cooperatif* (FUNCINPEC), led by First Prime Minister Prince Norodom Ranariddh. On the other side stood the junior coalition partner, the *Cambodian People's Party* (CPP), led by Second Prime Minister Hun Sen, the successor to the 1980s one-party state and continued near-total monopolizer of operational bureaucratic power.

Analysis of the first electoral cycle focused on the relationship between these two men, their central party organizations, and the military units loyal to them, as the key to Cambodian stability and reform. This power struggle deteriorated into long-predicted violence in July 1997, with the ouster of Ranariddh and much of FUNCINPEC's leadership, and the defeat of FUNCINPEC forces in a military battle in Phnom Penh and, subsequently, on the Thai border.

The coalition that emerged between the CPP and FUNCINPEC following new elections and protracted protests and negotiations in 1998 has provided

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the basis for the current period of relative stability. The CPP gained only a slim and contested majority in the National Assembly in the 1998 elections, but this has served to align the *de jure* distribution of power within the government with the *de facto* distribution of bureaucratic and military power on the ground. FUNCINPEC's ability to mount a political challenge to the CPP has been significantly undermined, and rumours of splits and discontent within FUNCINPEC were rife throughout the year. Similarly, the disarming of FUNCINPEC, together with the defection to the government of the insurgent National Army of Democratic Kampuchea, also known as the "Khmer Rouge", most of whose former commanders are now to a greater or lesser degree aligned with the CPP, entails that the CPP presently enjoys a near-monopoly over the political loyalties of the military.

As a result, few imminent threats to the position of the Hun Sen government are apparent. The current period of stability is the direct result of this recent consolidation of power. What remains unclear is whether this stability is engendering a transfer of power from effective partisan networks to fragile non-partisan political institutions, and whether Cambodia should in consequence be categorized as an emerging democracy or as a congealing dictatorship. The signals offered during the year were mixed, in this respect.

### *Elections*

This question will become more urgent over the next two to three years, as the current electoral cycle spins to a close. The concentration of military power in the hands of the CPP poses a potential problem for the ability of other political parties to campaign for support. While the problem is latent, midway through the electoral cycle, opposition parties can be expected to lobby vigorously over this issue, at home and abroad, in the lead-up to the commune elections, tentatively scheduled for 2002, and the general election in 2003. The commune elections are particularly important as an indicator of the distribution of power between non-partisan political institutions and partisan party networks operating within them. They will not only test the extent to which Cambodia's fragile democratic institutions are capable of disciplining CPP responses to strong opposition challenges, but also the extent to which the CPP can discipline its own local cadres.

The significance of the commune elections emerges from the nature of the Cambodian state, and the relationship between political parties and the bureaucracy. Cambodia's constitution commits the country to a regime of liberal democracy. However, the Kingdom of Cambodia in 1993 emerged from the 1980s State of Cambodia, following a United Nations-sponsored peace process that left the politicized "existing administrative apparatuses" of the 1980s intact. In particular, the commune authorities, appointed in the early 1980s and presumed to be loyal to the CPP, have been largely unaffected by the political transition.

The commune level of administration is crucial for the control of local politics in Cambodia. Opponents view the use of local authorities by the CPP

as a mainstay of CPP power. During the 1998 elections, it was alleged that commune authorities across the country had contributed to the CPP's victory, firstly, by mobilizing the three million voters to register as CPP party members and pressuring and exhorting them to vote accordingly, and secondly, through their domination of the Commune Election Committees charged with organizing the elections. Success in organizing commune elections, to break this monopoly, thus contributes significantly to Cambodia's democratization process at the national level also.

First scheduled for 1996, commune elections have been repeatedly delayed, but already, the leaders of both FUNCINPEC and Cambodia's third party, the opposition Sam Rainsy Party (SRP), have alleged that political violence has been perpetrated against party members who were being groomed to contest the commune elections.<sup>1</sup> As ever in Cambodia, the lack of hard evidence in these cases of alleged political killing, and the intense partisanship of all those involved, precludes an authoritative assessment of this claim, and the associated question of involvement of senior party figures in ordering the alleged abuses. Past experience suggests that once the date for commune election has been set and preparations begun in earnest, greater international attention may have a deterrent effect, particularly to the extent that international funding is sought for the commune election process, and that conditions are attached to that funding. The impressive ability of the CPP leadership to discipline the lower ranks of the party has been demonstrated before, in particular following then second Prime Minister Hun Sen's call for calm in the aftermath of the July 1998 national elections.

It is important to note, however, that the interests at stake in national elections are primarily those of the party leaders, who are the most immediate beneficiaries of international approbation and aid. Whether the same level of intra-party discipline is possible during election processes where the future of the local party cadres hangs in the balance remains to be seen. Until this is demonstrated, the current level of political calm must be seen as politically contingent — resting upon the current interests and capabilities of the ruling party leadership — rather than as politically necessary, emerging from a common and cross-party commitment to the consolidation of democracy, embedded at all levels of the political apparatus.

Security is not the only concern attending discussions of the commune elections. Other major concerns are the integrity of the election process, and the implications of the elections for the development of the Cambodian party system. These concerns translate into two hotly debated provisions in the draft commune election law, approved by the Council of Ministers on 18 August 2000, and currently awaiting the attention of the National Assembly. These provisions concern the question of reform of the National Election Committee (NEC); and the form of commune leadership and the election system to be used to select it.

The question of reform of the NEC is contentious, because of a lack of consensus over the NEC's performance in organizing the 1998 elections. Those

who believe that the 1998 elections represented an adequate reflection of the will of the people consider the hard-won technical experience of the existing committee structure as too valuable to lose. Those who view the 1998 elections as a complex and cynical mechanism for manipulating international concerns believe that root and branch reform of the NEC — the alleged overseer of this elaborate charade — is necessary. In January 2000, Hun Sen expressed the opinion that the NEC should remain unchanged until nine months before the next general election. The SRP and FUNCINPEC, who claim that they are unrepresented on the committee, demand reform, together with non-governmental organization (NGO) observers.

With regard to the electoral system, there are two contending options for commune leadership, with associated implications for the contending parties. The first option is for the popular election of an individual commune chief from a number of candidates, including both party-sponsored and independent candidates. Once elected, the chief could either appoint a council, or work with a full-time, permanent secretariat. The second option is for collective leadership by means of a council, elected by a system of proportional representation from party lists. Once elected, the council could choose a chief from amongst themselves.

These options are contentious because of the drastic implications for the influence of political parties over this vital level of administration. Both the CPP and FUNCINPEC are confident of their electoral appeal in the countryside — the CPP because of its formidable organizational ability, and FUNCINPEC because of the broad appeal of royalism — and thus can be expected to favour a party-based system that increases their influence over local politics. The SRP, by contrast, is a largely urban party and has an interest in the emergence of independent commune leaders who are likely to permit greater space in the rural areas for opposition party proselytizing.

The party list system forms the basis of the current draft law, and its approval by the Council of Ministers was viewed by some NGO representatives as the prelude to a carve-up of local power between the coalition partners.<sup>2</sup> The draft law has yet to be debated in the National Assembly, and a date for elections is unlikely to be set until each of the coalition partners believes that the situation is favourable to them. The form and conduct of the commune elections will offer a new opportunity to examine the ways in which partisanship, rather than statesmanship, affects decision-making over the framework for Cambodia's future democratic development.

### *Reform of the State*

The form and functioning of the state apparatus moved in 2000 to centre stage in Cambodia's relations with international donors, as well as in relations between parties. The May 2000 meeting of the Consultative Group of international donors generated a working group for public administration reform, with a remit to promote good governance in Cambodia.

The government's reform plan, presented at the donors' meeting, covered "a number of areas of governance reform deemed critical to Cambodia's development over the near- and medium-term, including judicial and legal reform, public finance, civil administration reform, anti-corruption, natural resource management, and military demobilization."<sup>3</sup> Reform of the public service had already taken some first steps in the form of censuses of both the bureaucracy and the military, conducted in 1999/2000, designed to facilitate the removal of "ghosts" from both apparatuses, and to serve as a baseline survey upon which policies for change could be based. In the case of the civil service, the census was to be followed by a "functional analysis" aimed at identifying key roles, to which appropriate expertise and resources could be targeted.

The CPP-led government, and Prime Minister Hun Sen, have repeatedly reiterated their commitment to the process of reform. However, significant obstacles stand in the way, notably the vested political interests and power bases that had been built during the one-party regime of the 1980s, and consolidated during the early years of the 1990s. Rampant corruption and patronage within the bureaucracy was officially sanctioned at that time as a means to secure official loyalties, as evidenced by measures such as the infamous Article 51 of the Civil Servants Law, which prevented prosecution of bureaucrats or soldiers charged with crimes, except with the express permission of their superiors in the civil service or armed forces.

Article 51 was amended in 1999, and an ambitious reform agenda has been embraced, in the context of CPP dominance in the government. The test of the reform policy is whether the CPP is prepared to loosen its grip on the political loyalties of the military and bureaucracy to the extent that the party's ability to exercise power outside the context of the democratic mandate is threatened. The signs are not all positive. In early 2000, the *Phnom Penh Post* reported that foreign investors were disappointed with the progress made in an anti-corruption drive announced in late 1999.<sup>4</sup> Several months later, Prime Minister Hun Sen defended the record of the military from (well-documented) accusations of illegal land confiscation and human rights abuse, stating that such accusations "affect the dignity of the military and I can't accept it."<sup>5</sup>

Other unwelcome portents included the decision to transfer control of village militias, currently under the Ministry of Defence, to the Ministry of Interior.<sup>6</sup> The village militias have long been viewed by the CPP's opponents as the armed wing of the party, a key means by which the CPP controls political dissent in rural Cambodia, and a major source of human rights abuse. The SRP and international human rights activists have long called for the militia to be disbanded, and its transfer from one ministry to another suggested that this course of action is not imminent.

While a discourse of public sector reform has been embraced at the behest of donors, the implementation of such reforms is constrained by the weight of vested political interests, and the ways in which these support the CPP's political



dominance. Politicized patronage networks within the bureaucracy undermine the emergence of a broad ethos of public service, permitting partisan use of the state to further party aims. Throughout the war years, state and party interests had been viewed as inseparable, by both sides, and this perception continues to be a significant force determining the functioning of political institutions.

The key material barrier to the emergence of a more professional bureaucracy is the paltry remuneration offered to public servants. Low public sector salaries continue to mandate partial and rent-seeking behaviour on the part of cliques of public officials. Since 1998, public sector salaries have been raised by 30 per cent, but still remain inadequate to meet the cost of living. Further pay increases have been ruled out until rationalization plans are finalized in 2001.<sup>7</sup>

If wages are raised significantly, removing the justification for corruption as an economic necessity for impoverished civil servants, then the space would open for a radical reorientation of allegiance and competence within the Cambodian state. This would permit the cultivation of a commitment to efficiency and effectiveness, rather than to patron and party. Significant pay rises within the bureaucracy, judiciary and military, not to mention the education and health services, are vital to movement towards good governance in Cambodia, and remain the most important test of the government's will to reform in that direction.

#### *State-Society Relations*

A significant departure since 1998 has been the opening of political space for the expression of grievance from society at large, in response, arguably, to the relative lack of acrimony between Cambodia's politicians. This was illustrated throughout 2000 by a series of demonstrations and strikes, mostly located in Phnom Penh, but often comprising discontented constituencies from rural Cambodia. The SRP has frequently associated itself with these protests, but there is little evidence that it has orchestrated them. Rather, the party has adopted an advocacy role, facilitating and channelling protest, rather than provoking it.

The emergence of aggrieved and vocal protestors must be regarded as an important step for Cambodian democracy. The increasing confidence of Cambodian citizens in expressing concern and demanding redress from the government reflects the lessening of tension between the senior party leaders and, crucially, their associated military units. While the consolidation of military power in the hands of the CPP in 1997 is problematic for the electoral prospects of the opposing parties, it has also permitted a transfer of the main site of day-to-day political contention away from the military sphere and into the civil domain.

A move towards political contention in the form of civil rather than military action permits greater participation by ordinary citizens, and an expanding

view of citizens as legitimate participants in political affairs, rather than merely as victims of political turmoil. This view is also taking hold within the sector of internationally-funded non-governmental organizations in Cambodia. Two political campaigns organized by NGOs in 2000 — a campaign to promote public input into the shape of commune election legislation, and a campaign to elicit views on a trial for the leaders of the Democratic Kampuchea (DK) regime — saw the mobilization of citizens to participate in public forums, petitions, and public rallies for change.

These campaigns are ground-breaking in that they represent attempts by NGOs to mobilize the power of public opinion in order to promote transparency and accountability regarding highly sensitive and contentious political issues. Previous examples of public rallies and protests by NGOs have been relatively scarce. A notable early instance was the series of public forums organized by the NGO network, Ponleu Khmer, to facilitate public discussion of the constitution, coterminous with debates within the Constitutional Assembly in 1993. The advocacy campaigns seen during 2000 attempt to recapture the early democratic optimism of the Ponleu Khmer forums, by once again facilitating specifically public discussion and ownership of issues basic to the future of Cambodian democracy. In this sense, they reflect the growing perception of ordinary citizens as powerful political actors in their own right.

Yet the civil protest that occurred in Cambodia during the year has had limited impact on the government. This was evident when the Council of Ministers in August approved a draft commune law which exhibited almost total disregard for public opinion, as mobilized by the election networks. *Ad hoc* groups of demonstrators have found the government similarly immovable. A series of demonstrations was held early in the year by market traders at the O'Russeï market, protesting the requirement that traders buy back at high prices from private developers customary rights to stalls in a newly redeveloped market building. The campaign failed to elicit significant concessions or support from the government.<sup>8</sup> A major campaign of industrial action by garment workers elicited only minimal wage rises, and widespread abuse of the labour law continues within the garment industry. Protests by squatters placed under an eviction order by the Phnom Penh municipality have also been limited in their impact on government policy. While space for civil protest has opened in Cambodia, and has been used creatively and courageously by citizens in pursuit of their rights and interests, this has not yet been matched by greater accountability on the part of the government.

Two events at the end of the year raise a note of concern, in this respect. In late November, fighting broke out in Phnom Penh as a group of armed men attacked a television station, the Council of Ministers building, and the Ministry of National Defence with AK47s and grenades. A fire fight with security forces ensued, leaving eight dead, and subsequently, hundreds of people were detained for questioning in relation to the attack. Within a fortnight, further violence occurred in the form of a bomb blast in the centre of Phnom Penh.



The government laid responsibility for these attacks at the door of a supposed U.S.-based terrorist group called the Cambodian Freedom Fighters, and commentators suggested that the attacks were intended to prevent a visit from the Vietnamese Prime Minister to Cambodia, scheduled for late November. While few concrete facts have emerged, political accusations were quick to fly, as the opposition SRP accused the government of manufacturing the original incident as a pretext to arrest opposition party members. Other commentators suggested that the attack was connected to internal power manoeuvres within the CPP.

While the precise causes and implications of the violence remain unclear, it reflects the lingering polarization within Cambodian society and a continued belief that peaceful political contention within the bounds of the constitution is ineffective. In particular, to the extent that the attack was connected to the impending official visit, it reflects a continued belief in the CPP's subordination to Vietnamese "hegemony" — a theme that has long been a staple of opposition party rhetoric. It is fuelled, at least in part, by continued inflexibility and lack of responsiveness of government to popular concerns. This both increases frustration among citizens suffering from very real social and economic hardship, and encourages their suspicion that, as the Cambodian Government does not appear to them to be acting in the interests of the Cambodian people, it is perhaps operating in the service of a foreign power.

## Social Issues

### *Service Delivery and Policy Implementation*

In this political context, a number of serious social problems were addressed during 2000, although opinion remained sharply divided on how much of the rhetoric translated into action. A particular concern has been the continued failure of the state to guarantee, even minimally, the basic rights of ordinary people, or to respond in an efficient and equitable fashion to a series of social and environmental crises. These issues reflect, in part, a lack of infrastructure for service delivery. However, a sharp difference lingers in the effectiveness of state action in pursuit of party objectives, as opposed to broader objectives of governance, suggesting that the politicization of social objectives, and the harnessing of these to party fortunes, is a continuing political strategy used by the Cambodian leaders.

The persistent impoverishment of health services is a good example, in the light of the continued emergence of evidence regarding the rapid spread of the HIV virus in Cambodia. A United Nations report released in February 2000 commented that the prevalence of HIV in Cambodia was "alarmingly high", reaching 42.6 per cent among commercial sex workers, and estimated at 1 in 70 among the total Cambodian population.<sup>9</sup> The report also highlighted the increase in mother-to-child transmission of HIV, as a result of increased prevalence among married women (2.4 per cent in 1998).<sup>10</sup> Intensive activities

by NGOs and international organizations have promoted education and awareness of the issue, and recent moves to decriminalize commercial sex and to promote the use of condoms within the commercial sex industry have been positive in terms of promoting the health of sex workers.<sup>11</sup> However, a lack of availability of affordable health care means that people living with HIV in Cambodia remain largely without access to treatment designed to prevent the onset of AIDS. This not only has an impact upon the quality and expectancy of life for those affected, but also imposes a heavy burden upon families to cope with the crisis, thus inhibiting social acceptance of people living with HIV.

In communications with international donors, the Cambodian Government has prioritized the issue of increasing spending on social services, while reducing the proportion of the budget devoted to defence spending.<sup>12</sup> This aspiration is closely related to the question of depoliticization of the state, since manipulation of defence funding has been closely linked to the consolidation of political party influence throughout the 1990s. Yet few concrete moves towards the stated goal have been noted. The disparity between social services and defence expenditure has actually increased since 1996, according to some estimates, with health spending occupying little more than 5 per cent of government expenditures in 1999 — a 1 per cent increase from the previous year — compared with more than 40 per cent devoted to defence. The International Crisis Group notes World Bank concerns that whereas the Health and Education ministries often cannot “make full or efficient use” of the minimal resources they are awarded, the Ministry of Defence regularly overspends its budget.<sup>13</sup> Continued tolerance of this situation in the face of, among other problems, an HIV epidemic that the United Nations describes as “alarming” once again suggests a deprioritization of non-partisan issues, and an almost exclusive focus upon political party fortunes.

The year 2000 did see some action on longstanding plans to reduce the size of the armed forces through the demobilization of soldiers — a plan intended to release money for the social sector. Overall, the government, with international prompting, plans to demobilize 30,000 soldiers out of a total defence force of 133,817, by the year 2003. If the demobilization of soldiers is successful in prompting a broader demilitarization of society, it will not only permit greater investment in social service infrastructure and delivery, but will also tackle the most serious source of social violence in Cambodia, namely, the presence and dispersion of ill-disciplined, poorly paid and heavily armed soldiers across the country.

Early evidence suggests, however, that the reintegration of former soldiers into society has been poorly managed. A pilot project, demobilizing 1,500 soldiers, gave rise to criticism during the year, as the International Crisis Group called it “a magnet for new forms of corruption”,<sup>14</sup> and journalists reported that soldiers had been left with few opportunities to engage fully in civilian life, and often remained clustered around bases, looking to their former

commanders for support. This prompted fears that, rather than demobilizing, the military was merely moving soldiers off the official payroll, while individual commanders unofficially retained their services in the broad and unregulated sector of military entrepreneurship and violence.

Similar problems are evident in the government's management of environmental protection — a crucial policy area in a country where the overwhelming majority live off the land. In a commentary on the National Environment Action Plan, for 1998-2002, the Asian Development Bank stated that the Cambodian “institutional framework is weak, and operating guidelines and practices yet to be developed and internalized. The number of people who have received suitable and sufficient training in environment-related disciplines is still low.”<sup>15</sup>

A series of episodes, including the discovery of toxic waste emitted from garment factories in the Tuol Kok district of Phnom Penh,<sup>16</sup> an outbreak of fish poisoning in Siem Reap province,<sup>17</sup> and the dispossession of fishermen of their fishing rights,<sup>18</sup> suggest that the government controls neither the private sector nor its own officials adequately, with profound consequences for the lives and livelihoods of citizens. In the forestry sector, similarly, the environmental watchdog Global Witness commented in May 2000 that the government had “by and large, failed to suppress illegal activities by timber concessionaires, both in terms of detection and punitive actions.”<sup>19</sup>

With regard to these, and a variety of other serious social issues that continue to threaten the quality, and even the possibility, of life for the Cambodian citizen, the problems of low levels of competence within the bureaucratic machinery of the state remain intertwined with political questions. Failures apparent in the management of crisis and reform cannot be placed solely at the door of material and technical constraints. Responsive and highly effective informal chains of command are apparent in cases where mobilization to protect party political interests is necessary. The massive CPP operation in 1998, which saw three million voters enrolled into the party and rewarded with centrally-allocated gifts, is a case in point, exhibiting impressive organizational skills reaching across the country and down to the village level. Yet these organizational capacities break down regularly and irretrievably in cases where a non-partisan and even-handed approach to reform is required, and particularly where powerful vested interests are challenged. This pattern suggests a continued tendency on the part of many officials to elevate partisan loyalty to the party above non-partisan loyalty to the state. This is a failure which is likely to be exacerbated rather than relieved, at least in the short term, by the continued incumbency of the dominant party as the party of government, as this continuity of itself stabilizes and secures the vested interests upon which political fortunes rest.

### *Impunity and the Trial of the DK Leaders*

Continued failures to implement policy effectively are mirrored by a continued arbitrariness in the judicial system, another key item on the reform agenda

agreed with donors. One hundred individuals acquitted of crimes by the courts were arbitrarily rearrested in December 1999 on the orders of Hun Sen, in response to complaints of court corruption, and remained in jail without trial in July 2000. Meanwhile, a vicious acid attack on a young woman during the same month, allegedly perpetrated by the jealous wife of a high-ranking CPP official, evoked little response from the government. Although an arrest warrant was issued by the court, it was not implemented. Cabinet spokesman Khieu Thavika described the attack as a personal matter "for the first and second wife to resolve."<sup>20</sup> Subsequently, the official whose wife was implicated in the attack was selected by the government as an official observer at a meeting of a U.N.-sponsored Asia-Pacific Forum of National Human Rights Institutions in New Zealand.<sup>21</sup>

The question of impunity has been viewed as lying at the heart of issues over the proposed international tribunal for former leaders of the DK regime, which presided over the atrocities of the late 1970s. Overthrown in 1979, these leaders enjoyed international support throughout the 1980s, allowing them to build an insurgent army which continued to threaten stability and development in Cambodia into the mid-1990s. This army came to be viewed by the contending parties of the early 1990s as a key prize in the political power struggle that followed the U.N.-sponsored peace process of 1991–93.

From 1996, a series of defections to the government led to the demise of the insurgency, with the arrest of the last man standing, the so-called Ta Mok (or "Grandfather" Mok), in 1999. Mok is at present in jail without trial, awaiting the outcome of protracted negotiations between the Cambodian Government and the United Nations over the possibility of international participation in a tribunal to try him. This issue has been at the centre of much international comment and analysis of Cambodia's political developments during the year, frequently presented as a test of the government's commitment to reform.

The question of an international tribunal is an illuminating example of the way in which Cambodia's political leaders prioritize the retention of discretionary powers in dealing with political and social issues. Differences regarding the broad philosophy underlying the trial have seen the Cambodian Government positing peace and justice as opposing values in this context, to which international negotiators respond that peace without justice is an oxymoron. More specific questions at issue between U.N. negotiators and the Cambodian Government have been the location of the trial, the ratio of Cambodian to foreign judges, and the procedures for deciding disputes between them.

All these differences, arguably, reflect the mismatch between U.N. concerns to promote a procedural and impersonal form of justice, familiar to Western liberal publics, and Cambodian Government concerns to promote a highly personal form of justice embedded in local political power realities. U.N. negotiators fear that for the Cambodian Government, the tribunal is not viewed as an opportunity to create judicial precedents, which empower the notion of

principled treatment of citizens according to the law. Rather, it is feared that the Cambodian Government views the tribunal as an opportunity to wreak vengeance on its erstwhile enemies, while protecting those who have defected, thus exhibiting and confirming the importance of loyalty and patronage, over justice and right, in providing personal protection in post-war Cambodia. If this is achieved, the international tribunal will serve to embed impunity even more thoroughly into Cambodian governance.

Viewed as an ill omen, in this respect, is the acquittal in June this year of Chhouk Rin, a former National Army of Democratic Kampuchea (NADK) commander charged with the kidnap and murder of three foreign tourists in 1994. Chhouk Rin subsequently defected to the government and was awarded an amnesty, which formed the basis of the judge's decision to acquit him. U.N. negotiators have insisted that any international tribunal should work unhampered by both amnesties awarded in the past and the prospect of royal pardons in the future. Yet a policy of judicious amnesty and pardon has been central to the CPP's exercise of power in the 1990s. The amnesty, together with the pardon, is a key political tool in Cambodia, where the judicial system is habitually manipulated, and used as a foil in order to demonstrate the power of individuals to punish and protect.

Low levels of competence among the Cambodian judiciary, as noted by U.N. experts seeking to justify international control of any tribunal for the DK leaders, assist such manipulation. Not only are courts non-assertive and easily pressured, in cases where powerful officials or army commanders are accused of crimes, but they are also open to ridicule by the Executive branch, as demonstrated by Hun Sen's order in December 1999 that the one hundred suspects acquitted by the courts be rearrested and held in jail. As such cases illustrate, the Executive has retained discretionary control over crime and punishment in Cambodia, and has used this control to make flamboyant gestures of vengeance and forgiveness towards political enemies. Such flamboyance is anathema to the legalistic approach of the U.N. Group of Experts planning the tribunal for the former DK leaders. Consequently, many of the negotiations throughout the year focused on the margins of discretion awarded to the Cambodian judges who will constitute a majority on the tribunal.

The outcome negotiated is a "supermajority" system, in which a decision obtained by a simple majority of all the Cambodian judges voting unanimously requires the concurrence of at least one foreign judge, in order to be carried. Promoters of international control argue that this provision is too slender a guarantee, and that in the highly charged political atmosphere of Phnom Penh, the possibilities of undue influence being brought to bear on foreign judges are infinite. Promoters of Cambodian control argue that the implicit requirement of a foreign sanction for Cambodian justice is an invasion of Cambodia's hard-won sovereignty. Such polemics continue to surround a process of painstaking negotiations aimed at finessing fundamentally divergent perspectives on justice into ever-finer print on the agreement.



**Economic Issues**

While the impact of forces for democratization within the Cambodian state and polity is at present ambiguous, the current period of stability is constituting and empowering forces from the wider society, which will affect Cambodia's political trajectory in the future. Foremost among these is the development of the economy, which continues to represent an arena of change with profound effects for society and politics over the long term.

Cambodia saw continuing economic growth in the first six months of the year. Tourism arrivals in Phnom Penh increased by 21 per cent in the first quarter, year on year, and arrivals in Siem Reap rose by more than 100 per cent. Surveys among urban workers found that wages had increased for most sectors, some sharply. Growth of real gross domestic product (GDP) was forecast in June at 5 per cent for the year 2000, similar to the growth figure for 1999, with the industry and service sectors expected to expand by 9.8 and 7.7 per cent respectively. Garment exports in the first quarter increased by 47 per cent from the first quarter in 1999.<sup>22</sup> Exchange rates remained stable throughout the year, while inflation fell to an annual average of 4 per cent in June, reflecting falling food prices in the first half of the year.<sup>23</sup> Nevertheless, investor confidence — badly shaken by the political upheaval of 1997–98 — has not yet been restored. Foreign direct investment was projected at US\$120 million for the year 2000, showing no change from the levels reported for 1998 and 1999, and significantly less than the 1996 level of US\$294 million.<sup>24</sup>

This performance was praised by Cambodia's international donors. In particular, the government's imposition of value-added tax (VAT) in 1999, leading to an increase of two percentage points in tax revenues as a proportion of GDP, was viewed as a positive step by donors. Increased control over forestry and customs was viewed by International Monetary Fund staff as contributing to the improved performance in revenue collection, and as constituting a "break from Cambodia's past record of inconsistent policy implementation and poor governance."<sup>25</sup> However, other analysts saw these apparent improvements in governance as arising from contingent developments, rather than structural changes. The International Crisis Group reported that it was unclear whether the extra revenue "can be attributed to the VAT imposed on external sources of cash or to selective crackdowns on particularly lucrative industries or wealthy individuals."<sup>26</sup>

Devastating floods in October and November were predicted to take at least one percentage point from the estimated growth figure.<sup>27</sup> The floods — recorded as the worst in Cambodia in thirty years — affected twenty-one provinces and three million people, causing 252 deaths, with the most severe damage located in the southeastern provinces of Kandal, Kompong Cham, Prey Veng, Takeo and Svay Rieng. About 1.3 million people were displaced, and almost half a million hectares of crops were lost. Also destroyed were health centres, schools, and clean water supplies. The government estimated the total cost of rehabilitation and reconstruction in the wake of the floods at US\$79 million.<sup>28</sup>



Apart from bad weather, the relative recent health of Cambodia's economy has already spawned new social and political forces in the shape of trade unions, which have emerged at the forefront of the newly empowered social movements in Cambodia. Located in the garment factories which provide Cambodia with the major part of its export earnings, the trade unions have expanded in membership and increased in activism since the first stirrings of industrial unrest were felt in 1996. The unions are unusual among Cambodian non-governmental organizations in that they have emerged in response to local action, rather than in response to internationally promoted values and funding.

Throughout the year 2000, spontaneous walk-outs and demonstrations by factory workers protesting ill-treatment and poor pay and working conditions preceded the unionization of factory after factory. The high point of the year's activism occurred in June, when 29 of Phnom Penh's 179 factories went on strike, demanding legislation to increase the minimum wage. The unions have become embedded in transnational networks, including the Clean Clothes Campaign in the United States, which encourages American retailers to check working conditions in suppliers' factories, and have participated in training programmes with American trade unions and with the International Labour Organization. Unions also hold classes for workers on provisions of the Cambodian Labour Law, in temples in the industrial districts of Phnom Penh and Ta Khmau:

While reports have emerged of union officers in factories being persecuted, the spread of unionization appears to be inexorable, as workers interviewed offered tale after tale of successful strikes to demand the reinstatement of union officials.<sup>29</sup> While conditions within factories remain deplorable, and wages pitiful, the organization of workers is proceeding apace, and the activism of the unions reflects a new energizing force among the pressures for greater democratization of Cambodia's political system.

### Conclusions

The current political stability enjoyed by Cambodia comprises the stabilization of both pro-democratic and anti-democratic forces within the country. Whilst the greater concord currently observable at the level of high politics permits a greater openness for civil action by citizens in pursuit of their rights and grievances, it also reflects a stronger hold by the dominant party over the reigns of power. Commentators are divided on whether the increasingly co-operative attitude of the CPP towards the demands of donors reflects a genuine desire for reform stymied by material factors, or the cynical use of reformist rhetoric to mask policies aimed at the stabilization of vested and politically partisan interests. Either way, the key indicators of state effectiveness, such as responses to social crises and the implementation of the long-standing reform agenda for demobilization and promotion of the rule of law, suggest an uneven development of the state's capacity or willingness to act promptly, effectively, and impartially.

The failure of the CPP-dominated government to act decisively and unequivocally to promote professionalism within the bureaucracy feeds suspicions of a continued concern within the CPP to make use of bureaucratic partiality for electoral ends. From this perspective, it appears that the increasing stability of formal political arrangements is contingent upon a continuing perception on the part of the CPP, that such arrangements can assist, rather than significantly hinder, the CPP in retaining power.

Stability has wider effects, however, which over the long term will produce marked changes to the structure of Cambodian society and politics. Early industrialization has already produced trade unions with a powerful mobilizational capacity locally, and a strong transnational network. Similarly, the student movement and internationally-sponsored NGOs are becoming more vocal in Phnom Penh. Increasing political confidence, in conjunction with the tensions produced by the transition to the free market, for example over the issue of land ownership and access, has led to the constitution of constituencies of interest, who are forging transnational links, and staking a claim to government attention and concern.

Rapid moves towards consolidated democracy are not to be expected in Cambodia in the near future, and the next elections may engender a new period of instability. However, for this war-weary nation, stability in itself offers a range of new opportunities for as yet unacknowledged political constituencies to coalesce, to find their voices and to project their concerns. The success of the CPP in consolidating power *vis-à-vis* its political party opponents, and the contingency of democratic arrangements upon the degree to which they assist in this, suggest the use of formal democracy in the service of single-party dominance. However, the CPP has by no means won the consent of the population to this style of rule. Moreover, rapid economic changes are likely to prompt a concomitant restructuring of interests in society in the future, which will require a response from the state that goes beyond personal benefaction. The strikes of garment workers, together with demonstrations by landless farmers, suggest that a thickening of state-society relations as a consequence of political stability has offered citizens a chance to make their complaints heard. Sooner or later, a convincing response from the government will be required, or violent incidents, of the sort seen in Phnom Penh in November and December, may become a more frequent occurrence.

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