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**A KIND OF DEMOCRACY:
Political Domination in the Problematic Development
of Democracy in Cambodia**

A thesis
submitted in partial fulfilment
of the requirements for the degree
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Abstract

This thesis proposes to answer the question of how despite Cambodia having an election in 1993 in which the Cambodian people elected a government that adopted a constitution based on democratic principles, one party, the Cambodian People's Party (CPP) led by prime minister Hun Sen, has continued to dominate Cambodian politics in a political environment so biased in its favour that it calls into question the credibility of democracy in Cambodia.

This thesis contends that Hun Sen and the CPP's political domination of Cambodia is the result of a combination of historical, cultural, and political factors that together have created Cambodia's current political environment. These factors include (a) inherent cultural traits that have made the state susceptible to authoritarian rule by placing an emphasis on the development of patronage networks that are anti-democratic by nature, (b) historical and political developments that have made the state's elite hostile to political opposition and participation, (c) psychological and economic damage caused by decades of civil war and Pol Pot and the Khmer Rouge's wanton destruction of Cambodian society, (d) an imposed transition to democracy supervised by the United Nations and lacking an indigenous origin, (e) a political economy designed to the advantage of the CPP, (f) fragmented opposition parties that have failed to provide a viable alternative to the CPP, and (g) perhaps most importantly, the determination of Hun Sen and the CPP to remain in power regardless of the cost to democracy.

This thesis builds upon a theoretical framework derived from a survey of the literature addressing democracy and democratisation and proceeds to analyse historical and political developments chronologically in order to emphasise the progressive nature of political domination in Cambodia. Although it does not offer any easy solutions to the complex and often intractable problems hindering the development of democracy in Cambodia, by analysing the nature of political domination in that country it adds to the understanding of present-day Cambodia.

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Acronyms

ANFREL	Asian Network for Free Elections
BLDP	Buddhist Liberal Democratic Party
CCHR	Cambodian Centre for Human Rights
CGDK	Coalition Government of Democratic Kampuchea
COMFREL	Committee for Free and Fair Elections in Cambodia
CPK	Communist Party of Kampuchea
CPP	Cambodian People's Party
EU-EOM	European Union- Election Observation Mission
FUNCINPEC*	National United Front for an Independent Neutral Peaceful and Cooperative Cambodia
FUNSK*	United Front for National Salvation of Kampuchea
HRWA	Human Rights Watch Association
IMF	International Monetary Fund
IRI-IDI	International Republican Institute- International Democratic Institute
JIOG	Joint International Observers Group
KNP	Khmer Nation Party
KPLF	Khmer People's Liberation Front
NEC	National Election Committee
NGO	Non-Governmental Organization
PDK	Party of Democratic Kampuchea
PPA	Paris Peace Agreements

PRPK	People's Revolutionary Party of Kampuchea
PRK	People's Republic of Kampuchea
SNC	Supreme National Council of Cambodia
SOC	State of Cambodia
SRP	Sam Rainsy Party
UK	United Kingdom
UN	United Nations
UNAMIC	United Nations Advance Mission in Cambodia
UNTAC	United Nations Transitional Authority in Cambodia
US	United States of America
WWII	Second World War

***Denotes acronyms that have been derived from the French articulation of the name.**

Map of Cambodia



Source: Nations Online Project

Introduction

This thesis proposes to answer the question of how despite Cambodia having an election in 1993 in which the Cambodian people elected a government that adopted a constitution based on democratic principles, one party has continued to dominate Cambodian politics by creating a political environment so biased in its favour that it calls into question the credibility of democracy in that country.

Cambodia is a small kingdom located in Southeast Asia between Thailand and Vietnam. It has a population of approximately 14.5 million people. It has had a long and turbulent history since its origins in the ancient empire of Angkor. Its present government is dominated by the Cambodian People's Party (CPP) led by Hun Sen, who has been prime minister since 1985.

This thesis's methodology is based on an analysis of such secondary sources as books, academic journal articles, reports, and newspaper articles. At times it refers to my own observations that I made during time I spent in Cambodia in 2005.

This thesis first presents a theoretical framework based on a survey of the literature addressing democracy and democratisation, and then chronologically analyses Cambodia's political history, the development of democracy there, and the obstacles to that development created by the political domination by Hun Sen and the CPP. The rationale for using a chronological approach is that presenting events and developments in the order in which they have occurred emphasises the progressive nature of this political domination. This thesis concludes with a summary of this analysis, synthesising theoretical perspectives with actual events and suggesting what the future for democracy in Cambodia appears likely to be.

Chapter I constructs this thesis's theoretical framework by surveying the literature addressing democracy and democratisation. Central to this survey is an analysis of the so-called third wave of democratisation and its relationship to Cambodia's transition to democracy. It also focuses on the difference between transition to democracy and the consolidation of democracy, and concludes with the introduction of the concept of political domination and its relationship to the development of democracy in Cambodia.

Chapter II analyses Cambodia's historical background, beginning with the rise and decline of the Khmer Empire and including the impact of the French protectorate, independence, the Khmer Republic, Democratic Kampuchea, and finally the Vietnamese occupation and the establishment of the People's Republic of Kampuchea, later called the State of Cambodia.

Chapter III analyses the difficult process leading to the Paris Peace Agreements (PPA) and the establishment of the United Nations Transitional Authority in Cambodia (UNTAC). This chapter also analyses the 1993 election, the negotiations that led to the formation of a new government, and the promulgation of a new constitution.

Chapter IV analyses the CPP's progressive domination of the fragile coalition that formed after 1993 election, the decline of the Khmer Rouge, and events leading to Cambodia's 1997 coup.

Chapter V analyses Cambodia's 1998 national election, 2002 commune elections, and its national elections in 2003 and 2008. This analysis shows how Hun Sen and the CPP progressively created a political environment that was overwhelmingly biased to their advantage. This chapter also addresses the suppression and fragmentation of opposition parties and concludes with an overview of Cambodia's current political situation.

This thesis concludes with a summary of the material it has presented. This conclusion clarifies the importance of political domination to the problematic development of democracy in Cambodia and its prospects for the future.

Chapter I

Democracy and Democratisation: A Theoretical Framework

Introduction

It is important to define democracy before assessing its development in Cambodia. This chapter surveys some of the major contributions to the literature addressing democracy in the post-Second World War (WWII) period and their relationship to the development of democracy in Cambodia.

Democracy has been a part of the political lexicon for at least 2,500 years, and with such contributions as Pericles's praise of Athenian democracy, Jean Jacques Rousseau's position of democracy as the articulation of the general will, Immanuel Kant's democratic peace, and James Madison's warning of the tyranny of majorities, philosophers and politicians have argued about its meaning and efficacy.

This chapter focuses on writers of the post-WWII period, as it roughly coincides with Cambodia's independence from French colonial rule and its tentative first steps towards democracy. A surge of writing about the transition to democracy from authoritarian rule accompanied the great number of such transitions that followed the Portuguese Carnation Revolution in 1974, what Huntington (1991) called collectively the third wave of democracy.

Having achieved the difficult task of making the transition to democracy, these states faced the even more challenging task of sustaining and deepening their democracies, a process known as consolidation. This chapter outlines several influential works that sought to define democracy and to analyse the transition to democracy, with a strong emphasis on transition theory, as the nature of the transition greatly influences the nature of emerging democracies and the consolidation of democracy.

This chapter also considers several works specifically addressing Cambodia's transition to democracy and the problems facing its consolidation. What emerges from this literature is a trend towards the broadening of what

democracy encompasses, a narrowing of its prerequisites, and a theoretical basis for assessing democracy in Cambodia.

Democratic Theory

First published in 1942, Schumpeter (1987) is not temporally a post-WWII book, but as it has had a major influence on the era's political thinkers it is a good place to start in regard to defining post-war democracy. Schumpeter sought to overturn the so-called classical eighteenth century interpretation of the function of democracy, which he described as "the democratic method that has institutional arrangements for arriving at political decisions which realizes the common good by making the people themselves decide issues through the election of individuals who are to assemble to carry out its will" (p. 250).

Schumpeter (1987) criticised this doctrine on several points. He noted that no common good actually exists, as different people are bound to want different things. Any attempt to define it is therefore certain to be different for different people, and even if a common good did exist, no simple equation could explain how to achieve it. Another problem with this doctrine that Schumpeter identified is that it assumes that people are both rational and intelligent in their judgments of what the common good is, as well as moral enough to be selfless in desiring it, a proposition for which Schumpeter found little evidence.

Schumpeter (1987) proposed to rework this doctrine as the theory of competitive leadership, which explains that "the democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote" (p. 269). The role of the voters in this scheme is not to produce policy but simply to elect or evict governments. This procedural analysis guarantees them no freedom or rights, but just assumes that it is more likely that they will support candidates with such policies.

Schumpeter (1987) depicted the electoral space as a marketplace and political leaders as entrepreneurs who deal in votes. He insisted that political systems have to meet certain conditions in order for democracy to succeed. These are that they have leadership of high moral quality and intelligence, that politicians should limit the issues about which they make decisions, that they have a well-trained and loyal bureaucracy, and that the public should exercise

democratic self-control and leave politics to politicians between elections. This analysis clearly addressed the situation in modern industrialised states and discussed democracy as part of a larger argument that hypothesises that capitalism will eventually subside into some form of corporate socialism.

First published in 1959, Lipset (1983) described a direct correlation between economic development and democracy. The work described economic development as a cluster of such indices as wealth, industrialisation, urbanisation, and education, and by computing averages for these indices found that the more economically developed a country was, the greater its chances of sustaining democracy. Lipset concluded that economic development, producing increased incomes, greater economic security, and widespread higher education, provides a more stable political environment conducive to more gradualist and complex views of politics that ameliorate the divisiveness of the class struggle and nurture democracy.

Lipset (1983) concluded that people who think that they are progressing economically are more likely to accept their political systems. The acceptance of a political system is the key component of legitimising it, as “legitimacy involves the capacity of the system to engender and maintain the belief that that the existing political institutions are the appropriate ones for the society” (p. 64). To maintain stability political systems also have to be effective, which means that they must provide the basic functions of government as both the citizenry and such major institutions as big business and the military see them.

Huntington (1968) presented an argument contrary to Lipset’s (1983) view that economic modernisation always leads to democracy and political stability, arguing that such modernisation processes as urbanisation, industrialisation, increased literacy, and rising wealth create political expectations and demands that in the absence of strong political institutions to cope with them can result in political decay and instability. The work opens by stating, “The most important political distinction between countries concerns not their form of government but their degree of government” (p. 1).

In Huntington’s (1968) paradigm, therefore, the difference between democracy and dictatorship is less than the difference between states with strong political institutions and those without them. States at that time with effective bureaucracies, well organised political parties, a high degree of popular

participation in public affairs, working systems of civilian control over the military, extensive government involvement in the economy, and reasonably effective procedures for regulating succession and controlling political conflict included the United Kingdom (UK), the United States (US), and the Soviet Union, and countries weak in such institutions included the developing countries of Asia, Africa, and Latin America.

Citing this lag in the development of political institutions behind social and economic development, Huntington (1968) criticised the US for paying attention to the economic gap by providing development aid but ignoring the political gap. He asserted that the then-current thinking about modernisation reflected the flawed causal assumption that economic assistance promoted economic development and that economic development promoted political stability, concluding instead that economic development and political stability are two independent goals.

Huntington (1968) saw a similar incongruity between social reform and political stability, concluding that in some cases reform may reduce tensions by bringing about peaceful change, but in other cases may exacerbate tension and cause violence or revolution. Huntington explained that decolonisation and modernisation destroyed traditional structures of authority, leaving a space that demanded strong leadership.

For Huntington (1968), therefore, the primary problem is not liberty but the creation of legitimate public order, an order that, due to the pressures of modernisation, only an authoritarian government that fostered the development of strong political institutions could achieve. The role of the US should therefore be to assist these governments in establishing these institutions, as it was in its interests to do so, thereby justifying support for dictatorships in some cases.

While conceding that liberal democracy is a desirable political system, Huntington (1968) argued that in the US it was the product of a distinctive Anglo-American heritage and that the best system of government for developing nations should reflect their own cultures and heritage, a theme that was to reoccur in his work over the years. Huntington (1968) presented a subtext that reflects the type of US conservatism that maintains that strong, stable governments are good for the US's foreign interests, and if that means a reduction or suspension of liberty

and human rights in some countries in order to establish strong political institutions, so be it.

Liefer (1968) criticised Prince Sihanouk for his failure to institutionalise Cambodia's political system effectively enough to enable it to sustain his departure, a departure that was to result in Lon Nol's 1970 coup. As did Huntington, Liefer concluded that countries need strong political institutions to ensure a stable government, but he concluded that the authoritarian nature of Sihanouk's rule was stifling the development of such institutions.

Liefer (1968) emphasised that the perilous fragility of the Cambodian government in 1968 was a product of Sihanouk's paternal attitude and reliance on his personal charisma and the traditional respect of the Cambodian people for the monarchy. Sihanouk had also failed to foster the integration of elites into positions of power in the government and to allow a political culture to develop that encouraged participation and opposition.

Participation and opposition are the central features of Dahl's (1971) perspective, which reserved the term democracy for systems that have the quality of being completely or almost completely responsive to all citizens, an idealistic situation that was at best one towards which to strive. Dahl introduced the term *polyarchies*, defining them as "relatively (but incompletely) democratized regimes, or, to put it another way, polyarchies are regimes that have been substantially popularized and liberalized, that is, highly inclusive and extensively open to public contestation" (p. 8).

Dahl (1971) formulated eight institutional guarantees for populous democracies. These are (a) the people's freedom to form and join organisations, (b) freedom of expression, (c) the right to vote, (d) widespread eligibility for public office, (e) the right of political leaders to compete for support and votes, (f) the presence of alternative sources of information, (g) free and fair elections, and (h) that the presence of institutions for making government policies depends on votes and other expressions of preference.

From these eight guarantees Dahl (1971) distilled two theoretical dimensions of democratisation. These are contestation, which is permissible opposition, and public competition and participation, which is the right to participate in public competition. The degree to which a regime adheres to these dimensions measurably demonstrates how democratic it is. For Dahl politics was

the realm of elites, and polyarchies were minimal electoral democracies in which elites set the agendas and the role of the electors was simply to choose between elites.

While conceding that the higher a country's level of socioeconomic development the more likely it is to have a competitive and inclusive regime, Dahl (1971) was ambiguous about whether a threshold of socioeconomic development exists beyond which polyarchy was impossible, and while acknowledging that a correlation exists between socioeconomic development and polyarchy, was doubtful about the presence of a provable causal link between the two.

Dahl (1971) pointed out that polyarchies are more common in relatively homogeneous countries than in countries with a great amount of subcultural pluralism, and that any system is in peril if it becomes polarised into antagonistic groups. Cambodia is one of the most homogeneous societies on Earth, but it had experienced a bitter civil war between several highly antagonistic groups from 1979 to 1991. Dahl indicated that coalition governments are a plausible solution for maintaining subcultural conflict to a low enough level to sustain a polyarchy, and Cambodia adopted this solution following its 1993 elections. Dahl also noted that cooperation between elites is essential for maintaining such coalitions, a view that Lijphart (1977) confirmed, calling such cooperation consociational democracy, explaining that "consensus is sought not at the grass roots level but at the leadership level by enlisting the support of leading personalities from all major social groups" (p.143).

Since the elites had been responsible for most of the Cambodian conflict, however, the initial coalition arrangement broke down violently in 1997. Coalitions need an atmosphere of compromise and trust in order to function. The Cambodian leaders' mind-sets, however, were stuck in war mode, and their consequent distrust and unwillingness to cooperate inevitably led to the coalition's breakdown.

Transition to Democracy

Rustow (1970) surveyed the literature about democracy and noted that nearly all the authors were concerned with the same sort of approach, concluding, "The question is not how a democratic system came into existence. Rather it is how a democracy, assumed to already be in existence, can best preserve or

enhance its health and stability” (p. 339). In an effort to create a model to answer this question, Rustow pointed out that Lipset (1983) had been careful to address the socioeconomic *requisites*, not prerequisites, of democracy, and thereby to acknowledge the difference between correlation and cause. Rustow explained further that many readers had misinterpreted these correlations as preconditions, a misinterpretation that Lipset had encouraged by frequently slipping from the language of correlation to that of cause.

Rustow (1970) was reacting to the tacit assumption at the time that social and economic causes are somehow more basic than political structures, and consequently proposed a circular interaction between socioeconomic conditions and politics. Before outlining his model of transition Rustow put forward a methodological formula for developing the model, proposing first that the factors that keep a democracy stable may not be the ones that brought it into existence and explanations of democracy must distinguish between function and genesis. By doing this Rustow neatly delineated between transitology and consolidology without using those terms.

The model then notes that correlation is not the same as causation, and that a generic theory must concentrate on the latter. Not all causal links run from social and economic factors to political factors, or from beliefs and attitudes to actions. The genesis of democracy does not need to be either geographically, temporally, or socially uniform. It may have many sources, different factors may be crucial during successive phases of its development, and even in the same place and time the attitudes that promote it may not be the same for both politicians and common citizens (Rustow, 1970).

In order to maintain a tangible space for his model Rustow (1970) added that (a) empirical data in support of a generic transition must cover, for any given country, a period just before until just after the advent of democracy, (b) to examine the logic of transformation within political systems it may be necessary to omit countries where the major impetus for democratisation came from abroad, although I find the validity of this restriction to be doubtful, as major impetuses are major impetuses and political systems are not hermetically sealed, and (c) a model or ideal type of transition may be derived from a close examination of two or three empirical cases and tested by application to the rest.

For empirical cases Rustow (1970) used Sweden between 1890 and 1920 and Turkey between 1945 and 1970. The sole background condition upon which the model insists is national unity, which means that the citizens must have no doubt about to which political community they belong, because “the people cannot decide until someone decides who are the people” (Rustow, 1970, p. 351).

Rustow (1970) deliberately left open the possibility that underdeveloped states could make the transition to democracy by not including socioeconomic factors as background conditions. The transition’s preparatory phase is characterised by a prolonged and inconclusive struggle that is fraught with many obstacles and may halt or reverse at any stage. It ends when a decision phase replaces it. Rustow observed that countries do not become democracies in fits of absentmindedness. Deliberate decisions are necessary to adopt the institutions of democracy, and a key element of those institutions is compromise. Mainwaring (1989) noted that many of the particulars of democracy may represent second-best compromises, but in Latin America democracy had not succeeded unless elites were committed to it as their first choice of regime type.

This means that democracy is not a compromise, but a first choice with compromise being one of its intrinsic elements. This thesis will argue that democracy was introduced to Cambodia in 1991 as a solution to a prolonged conflict and that none of the country’s elites were particularly committed to it as their first choice for a regime. They had demonstrated this with the undemocratic nature of the government when each of them had had the opportunity to rule in the past, albeit in most cases with constitutional lip service to democracy. Chapter II of this thesis discusses this in more detail.

The final phase involves habituation, in which the practice of democracy becomes ingrained into a society over time. In Sweden after two decades of democracy a new generation of leaders for whom it was the norm and who sincerely believed in it replaced those who had only tolerated and pragmatically accepted it. A key element of the habituation phase is that trust in a democratic system grows more rapidly if in the new regime’s early decades a wide variety of political interests take part in running the government, either by the formation of coalitions or by taking turns as government and opposition. The habituation period should take a least one generation (Rustow, 1970). The next general election in Cambodia is scheduled for 2013 and will involve the first generation of

voters born since the 1993 election being old enough to vote, although the 1997 coup and subsequent domination of politics by the Cambodian People's Party (CPP) severely undermined the important element of the establishment of trust in the democratic system. Roberts (2003) located Cambodia's transition to democracy within Rustow's (1971) transition theory, but with qualifications. These are that the impetus for the institutions and procedures of democratisation, including the elections, having been largely the result of international intervention by the United Nations Transitional Authority in Cambodia (UNTAC), rather than directly from Khmer processes, weakened the foundation of the decision phase, making the habituation phase unlikely to emerge in the manner that Rustow's theory anticipates, as the violence of 1997 and the stagnation of the democratisation process demonstrated.

Actual events not conforming exactly to a theoretical model do not negate the usefulness of that model. Establishing where the Cambodian case differs from Rustow's (1971) model may help to define the nature of Cambodian democracy. Such countries that have democratised in response to the imperatives of aid dependency as Cambodia can experience a substitution of international forums, donor meetings, or UN forums for the emergence of a local sphere in which participation in agenda setting is possible, thereby stifling it (Hughes, 2003).

Huntington (1991) identified three waves of democratisation. These were a long one from 1828 to 1926, one associated with the allied victory in WWII and decolonisation that waned by the early 1960s, and one that began in Portugal in 1974 and included the Southern European countries of Portugal, Spain, Greece, and Turkey, the South American countries of Argentina, Bolivia, Brazil, Chile, Ecuador, Paraguay, Peru, and Uruguay, the Central American countries of El Salvador, Guatemala, Honduras, and Nicaragua, and the Eastern European countries of Bulgaria, East Germany, Czechoslovakia, Romania, and the then-Yugoslavia, and later some of the countries of the former Soviet Union.

The Cambodian transition to democracy can be classified as part of this third wave. Schmitter (1993) argued that Huntington's (1991) long wave was not really a wave, as the initial impulse or the interactive properties that constitute a wave could not have lasted that long and Huntington would have been better served to propose four waves:“(1) The ‘Springtime of Freedom’ in 1848-49; (2)

around the First World War and its aftermath (1910-1920); the Second World War and its aftermath (1943-1948; and (4) the present (1974-??)” (p. 349).

This is a notably different attitude toward democracy than that in Huntington (1968). Huntington (1991) asserted further that “democracy is good in itself and . . . has positive consequences for individual freedom, domestic stability, international peace, and the United States of America” (p. Xv). Huntington (1991) identified three forms of democratic transition, which are (a) transformation, in which elites in power take the lead in bringing about the change to democracy, (b) replacement, in which opposition groups take the lead in bringing about democracy, and (c) transplacement, in which the change occurs largely as a result of joint action by government and opposition groups. Outside intervention can also have a place, Huntington’s example being the 1983 invasion of Grenada. The Cambodian transition, which was the result of both intervention by the UN and joint action by government and opposition groups, could be classified as a supertransplacement process. Huntington noted that these categories correspond with Linz’s *reforma* and *ruptura* and Share and Mainwaring’s *transaction*, *breakdown-collapse*, and *extrication*, and that scholars often make up their own terms for the same ideas.

This model pays minimal attention to electoral processes in its analysis of the transition to democracy, arguing instead that whether the previous regime was a personal dictatorship, a military regime, or a one-party state and the nature of country’s culture and history are the major determinants of what sort of democracy emerges. It also posits a snowball effect in which the democratisation of one country influences similar phenomena in another (Huntington, 1991).

The cumulative effects of the third wave of democratisation and the end of the Cold War provided the international political environment for the democratic transition in Cambodia. Huntington (1991) tended to be generally optimistic about the third wave of democracy, although expressing doubt about the prospects for democracy in East Asia, Africa, and the Muslim world, which received greater attention in Huntington (1996). The doubts about the suitability of Western-style democracy in Asia centred on a discourse addressing Asian values that place stability and community above individual rights, thereby legitimising authoritarian government.

Schmitter and Karl (1991) analysed the same wave of democratisation and concluded that the mode of the transition is the determining factor in what sort of democratic regime emerges and how likely the consolidation of a particular democracy is. They represented these modes of transition schematically by placing strategy on an x axis with the dimension of compromise to force and actors on a y axis with the dimension of masses to elites. This shows that transitions can be the result of (a) *pacts*, which are compromises between elites, such as occurred in Spain and Uruguay, (b) *impositions*, in which elites force on the masses against the resistance of the incumbents, such as occurred in Turkey and Brazil, (c) *reforms*, which are non-violent compromises within the masses without violence, such as occurred in Czechoslovakia, and (d) *revolutions*, which the masses that defeat the previous authoritarian rulers militarily impose by force, such as occurred in Cuba.

The countries' placements in the schema indicate that pacts are the most successful mode of transition to democracy, but the forms of democracy that they produce are likely to be restricted. When the incumbents lose control over the processes of transition and the new structures of power and authority emerge from below the probability of successful outcomes diminish, as had been the case with such failed democracies as Cuba and Bolivia (Schmitter & Karl, 1991). The most problematic transitions were those that were mixtures of different modes, placing Cambodia squarely in the problematic area, as its transition as a compromised pact was also the result of imposition by external actors.

Transition and Consolidation

Schmitter (1994a) differentiated between the exciting, high-risk dynamic of transitions to democracy with their uncertain outcomes and the more prosaic study of the consolidation of democracy, with its underlying concern for stability and continuity. Schmitter delineated two schools of thought on consolidation, called the tortoises and the hares.

The tortoises focus on the British example and maintain that the consolidation of democracy is the result of a long process that encompasses a vast number of prerequisites that countries must satisfy before they can operate under democratic laws and practices. These include establishing civilian control over the military, the gradual diminution of arbitrary executive power, the establishment of

capitalism, and the indoctrination of the populace into a *civic culture*, which mostly involves the establishment of democratic political institutions (Schmitter, 1994a).

The hares focus on the French example of the rapid introduction of democratic reform, republicanism, universal suffrage, a declaration of human rights, popular mobilisation, and the various other accoutrements of fraternity, equality, and liberty (Schmitter, 1994a). Schmitter expressed suspicion of the tortoise perspective's advice that democracy is a dispensable luxury for developing countries and that they need strong leadership in order to cope with the stress of modernisation, as Huntington (1968) asserted, arguing instead that the attainment of a civic culture is more likely to be the result of democracy rather than a prerequisite for it. Schmitter also expressed scepticism about how a civic culture, with its norms of mutual trust, tolerance, compromise, and personal efficacy, can develop under autocratic rule.

With its abrupt adoption of democracy and a democratic constitution Cambodia has taken the path of the hare perspective, albeit under the auspices of the United Nations. Schmitter (1994a) noted that the emergence of a transnational civil society was a characteristic of the wave of democratic transitions at that time, citing democracy's growing international legitimacy, which has been a crucial political and economic factor in Cambodia's problematic transition to democracy and consolidation of it. O'Donnell (2007) observed that in addition to more countries than ever being formally democratic, more countries than ever were claiming to be democratic, envisaging democracy as some form of international currency of legitimacy.

Schmitter (1994a) noted, however, that:

Democracy is not inevitable and it is revocable. Democracy is not necessary: it does not fulfil a functional requirement of capitalism, nor does it respond to some ethical imperative of social evolution. Hence its consolidation requires a continuous and extraordinary effort. (p. 15)

Schmitter (1994b) elaborated on this theme, discussing the difficulties that new democracies must face that are intrinsic to all democracies and those that are extrinsic to new democracies in that they call into question their compatibility with existing social, cultural and economic circumstances. The intrinsic dilemmas include (a) oligarchy, which is the tendency of political institutions to become

entrenched and therefore less accountable to the public, (b) freeriding, which involves citizens learning not to contribute or vote, as doing so seems to have little impact on outcomes, (c) policy cycling, which refers to the need to make choices involving uneven distributions of costs and benefits, as whenever this is done by majority vote the possibility exists of alienating everybody, (d) functional autonomy, which refers to all democracies' dependence on such inevitably undemocratic institutions as armed forces and central banks, and (e) interdependence, as all contemporary states are entangled in complex interdependent webs with other democracies and some autocracies.

The extrinsic dilemmas include boundaries and identities, as the process of democratisation may put the boundaries and identity of the state into question. This is the one overriding political requisite for democracy (Schmitter, 1994b).

Another extrinsic dilemma involves capitalist production, accumulation, and distribution, which presents the paradox that capitalism is both a necessary though not sufficient condition for democracy and must be significantly modified to make it compatible with democracy (Schmitter, 1994b). It is worth noting that since 1987 Cambodia had been on a path toward adapting its command economy under the communist regime to allow various mechanisms of private enterprise to operate, a pragmatic response to the economic crisis it was facing. This diluted the economic shock of adapting to a capitalist economy during its democratic transition. The current leadership has, however, shifted from its communist origins to the concept of private entrepreneurship with perhaps too much alacrity (Hughes, 2003).

Yet another extrinsic dilemma involves overload and ungovernability, as democracies are not anarchies. This dilemma includes many of the problems cited in Huntington (1968), but with an emphasis on the influx of disparate organised interest groups and new democracies' need for the legitimacy to build the institutions that establish legitimacy (Schmitter, 1994b).

A further extrinsic dilemma involves the presence of corruption and decay. New democracies are usually born in a burst of civic enthusiasm and moral outrage against the corrupt decadence of the old regime, but as a result of the professionalization of politicians, who expect to be paid well for their services and have no other means of income, opportunities for corruption are ever present. This

can be particularly disillusioning for a new democracy (Schmitter, 1994b). Cambodia has a system of patronage networks and political gift-giving has deep cultural roots, making it particularly susceptible to modern forms of corruption.¹ Cambodians therefore tend to expect corruption rather than be disillusioned by it (Hughes, 2003).

The final extrinsic dilemma that Schmitter (1994b) addressed is external security and internal insecurity. Fledgling democracies can be attractive targets for opportunistic aggressors, or their governments may exploit external security risks to suppress opposition. In Cambodia border incidents with Thailand regularly coincide with the run-up to elections, and residual internal security problems from the transition period often flair up. This is especially pertinent since a plethora of unresolved issues have remained from the civil war, and the repercussions of the Khmer Rouge's genocide and crimes against humanity are still in the process of being resolved (Chandler, 2010).

The current wave of regime changes may indeed be followed by fewer regressions to autocracy than in the past. The many dilemmas facing new democracies remain a concern, however, and such regimes may remain frozen as unconsolidated partial democracies (Schmitter, 1994b).

In order for a state to fulfil Dahl's (1971) eight institutional guarantees that democracies must provide, an independent judiciary must back those guarantees up (O'Donnell, 2004). Law in a democracy includes more than its minimal historical sense that whatever law exists must be written down and promulgated by an appropriate authority before the events it is meant to regulate. O'Donnell added that "what is needed rather is a truly democratic rule of law that ensures political rights, civil liberties and mechanisms of accountability which in turn affirm the political equality of all citizens and constrain potential abuses of state power" (p. 32).

O'Donnell (2004) conceded that societal change and the struggle for the acquisition of new rights and the reinterpretation of old ones makes the democratic rule of law a moving horizon. It does, however, have dimensions that can be measured in order to establish whether a democracy is present.

¹ Transparency International Corruption Perception Index (2009) rated Cambodia as one of the most corrupt countries in the world, 158th of 180 countries.

In regard to the legal system the law must treat everybody equally with laws that prevent forms of discrimination under the supremacy of a constitution. In regard to the state and government the law must exist over the whole of the territory, institutions should exist for the accountability of elected officials, and state institutions should treat all citizens equally, with mechanisms in place for the prevention and redress of situations that ignore this requirement. The judiciary must be free of undue influence from the executive, legislative, and private interests. All citizens should be ensured equal access to the courts and legal representation. The police and other security forces must respect the rights of individuals (O'Donnell, 2004).

In regard to social matters the right to associate in directly political organisations and to participate in political activities must exist. In regard to civil and human rights citizens should have protection from discrimination by gender, race, and age and from domestic and police-perpetrated violence. An important aspect of all citizens being treated equally before the law is that no one should be above or have impunity from it (O'Donnell, 2004).

In Cambodia UNTAC had an unprecedented range of powers in governance matters, but in the eagerness to end the civil war and proceed with the elections did not consider human rights and justice to be priorities. Although the 1993 constitution generally provided for a system of the rule of law reflecting the United Nations Declaration of Human Rights, endemic government manipulation of the judiciary has taken place, the government has suppressed political opposition using legal manoeuvres, and government officials have enjoyed a systemic culture of impunity, all of which have called into question the rule of law in Cambodia. Even as the long-delayed trial of several surviving members of the Khmer Rouge leadership for crimes against humanity began in Phnom Penh under the auspices of a hybrid Khmer and international court, there is a palpable sense of no real judicial independence in the country, which affects the long-term outlook for democracy there (Chandler, 2010).

Political Domination

Carothers (2002) deconstructed the transition paradigm by observing that many of the transitional countries are either dictatorial or not clearly headed towards democracy. They are instead stranded in a political grey zone in which

they exhibit many of the characteristics of democratic political life, including at least limited political space for opposition parties and an independent civil society, regular elections, and democratic constitutions. They also, however, exhibit such serious democratic deficits as poor representation of citizens' interests, low levels of political participation beyond voting, frequent abuse of the law by government officials, notably low levels of public confidence in state institutions, and persistently poor institutional performance by the state.

Carothers (2002) therefore argued that it is pointless to persist with the democratic transition model if these countries are not actually transitioning to democracy. The literature has given such names to these states in limbo as semi-democracies, formal democracies, pseudo-democracies, electoral democracies, facade democracies, weak democracies, partial democracies, illiberal democracies, and virtual democracies, but Carothers noted that "by describing countries in the grey zone as democracies, analysts are trying in effect to apply the transition paradigm to the very countries whose political evolution is calling that paradigm into question" (p. 10).

Along with feckless pluralism the most common political syndrome in the grey zone is dominant-power politics. This syndrome exhibits a blurred line between the state and the ruling party, as such principal state assets as jobs, resources, the media, police power, and the judiciary are in its direct service. Regular elections occur in order to maintain international and domestic legitimacy, but the dominant power is able to manipulate these elections in its own favour to ensure victory. Opposition parties have difficulty achieving public credibility, as the ruling party's system keeps them out of power and they remain outsiders. Opposition groups often seek the support of international NGOs to provide credibility to their claims of governmental abuse of democratic and human rights and the environment. A single party's extended monopoly of power almost inevitably results in large-scale corruption and political cronyism becoming embedded features of the political landscape (Carothers, 2002).

Conclusion

All the features of the dominant-power syndrome could be said to apply to Hun Sen and the CPP's domination of Cambodian politics. This thesis will examine the origins of the political environment that produced the conditions for

this dominance, how the CPP has maintained it, and its effects on the problematic development of democracy in Cambodia.

The dominant-power syndrome does, however, have the significantly positive feature of being relatively stable. Cambodia has been relatively at peace, apart from a few hiccups, since 1993, has steadily improved economically, and has engaged in international interaction, most notably by joining the Association of Southeast Asian Nations (ASEAN) in 1999 (Langran, 2000).

Cambodia in 2010 was a markedly different country to the war-ravaged, strife-torn one that signed the Paris Peace Agreements in 1991, paving the way for the 1993 election. Underlying this thesis's investigation of the problematic development of democracy in Cambodia is the absolute certainty that while it is problematic at best, a return to the horrors of the past appears to be unlikely. The future for democracy in Cambodia lies in the development of grassroots organisations and a democratic civic culture, and while these developments can be nurtured by international encouragement, they must evolve from within Cambodia itself.

Chapter II

Historical Background: Angkor to the State of Cambodia

Introduction

An ornate sign in English, Japanese, and Khmer stands before the scaffolding and cranes of the restoration work being carried out on Angkor Wat, the magnificent twelfth-century temple complex located just outside of Siem Reap, Cambodia. It reads, “Let’s learn from and understand about the Angkor Period. Let’s work hard in safety, carefully, good teamwork, tidy and honesty.” I observed this sign in January 2005. A joint Cambodian-Japanese team was doing restoration work on the Angkor Wat and Bayon temples under the auspices of UNESCO World Heritage.

Imagery of Angkor permeates Cambodian society. Depictions of Angkor Wat adorn the national flag, the currency, and countless tourist brochures. Covering 200 square kilometres, these ruins represent to Cambodians an almost mythical golden era of Khmer accomplishment and grandeur. The restoration-work sign’s subtext is that the people who created these wonders are capable of building anything. These sandstone mega-shrines, however, were built largely by slave labour under the vainglorious orders of god-kings and consumed such massive amounts of the Angkor economy that they contributed significantly to the collapse of the Angkor Empire. Still, Angkor established the boundaries of the modern Cambodian state and Cambodia’s sense of nationhood emerged from it (Chandler, 1983, Peou, 2000).

Scholars are divided about the origins of the people who came to live in what is now Cambodia. Evidence exists of a cave-dwelling people who knew how to make pots as early as 4200 BCE, but whether these people migrated from China, India, or the islands of Southeast Asia is unknown (Chandler, 1983).

The Mon-Khmer subgroup of the Austro-Asiatic language family became established in Cambodia in prehistoric times (Mabbett & Chandler, 1988). Khmer, which first appeared in an Indian style written form in the third century CE, emerged from this language (Smith, 1999).

Such Indian influences as Sanskrit and Indian dress and religion mixed with Khmer traditions of folk religion and ancestor worship over a millennium to produce a distinct Khmer culture. While infused with such recognisably Indian aspects as the pantheon of Hindu gods and elements of Indian law and administrative organisation, it never developed a structured caste system at the village level, although rudiments of caste hierarchy became instituted as a ritual element of the ruling elite. The Indianization of Cambodia should not be seen as a process of cultural colonisation instituted by India, but more as one of absorption and the Cambodian elites' picking and choosing of elements of Indian culture as a legitimising function of their emerging regimes (Smith, 1999).

Pre-Angkorian Cambodia consisted of two collections of principalities, the coastal Funan and later the more inland Chenla, though knowledge of these states is vague and relies on reports from Chinese emissaries. It is likely that the smaller principalities that the Chinese collectively referred to as Funan and Chenla made trading alliances with each other that encouraged the Chinese to consider them to be incorporated kingdoms. The integration of these independent states into a coherent, unified state occurred during the eighth century as the result of increasing population, wet-rice technology involving the creation of reservoirs and irrigation systems, and internal military events, resulting in the formation of Angkor in the ninth and tenth centuries (Chandler, 1983).

The Rise and Decline of Angkor

The Angkorian period lasted from 802 to 1431. At its height Angkor ruled most of the Indochinese peninsula, with political power centring in the Northwest around present day Siem Reap. It began with Jayavaraman II's unification of the separate principalities and ended with the abandonment of Angkor and the relocation of the Cambodian capital to Phnom Penh (Chandler, 1983).

The period is noted for byzantine internal power struggles, the ebb and flow of Angkor's relations with the neighbouring states of Siam, now Thailand, and Champa, now southern Vietnam, and mammoth construction projects of irrigation systems, reservoirs, and temples. Debate has arisen on the actual significance of Jayavaraman II's reign. He is regarded as the founder of the Khmer Empire and of the *Devaraja*, or the cult of the god-king, which drew upon both Hindu and Khmer traditions and established the king as a divine universal

ruler and earthly manifestation of Siva. However, it is likely that his successors projected much of the significance of his reign back as a legitimising mechanism for their own rule (Chandler, 1983).

Jayavaraman II's reign can be seen as part of a long process of establishing a pan-Khmer identity. Historians have pieced together the history of Angkor from the evidence of the monuments and earthworks they left behind, oral history, temple inscriptions glorifying the various kings, and reliefs depicting both royal accomplishments and the everyday life of Khmers (Meister, 2000).

The kings of Angkor were remote figures who held absolute power over their subjects, who considered them to be a channel between the earthly and celestial realms. In the earthly realm, however, the king could only maintain his power through a hierarchical network of patronage and mutual obligation radiating outward in expanding circles from the throne to close associates and family members through to local power holders at the edges of the kingdom (Vickery, 1986). These patronage networks are called *khsae*, or strings. They combine pyramidal hierarchies of power and respect with personal dyads of favour and reciprocity. Operating at a local level these networks had a certain element of negotiation and responsiveness to them, as relationships could be renegotiated in times of stress (Hughes, 2006).

Angkorian society consisted of the three main classes of the royalty, officials, and the peasants, who made up the bulk of the population. The peasants did not own the land they farmed, as all land belonged to the king, and had practically no opportunity to improve their status either socially or economically (Vickery, 1986). A large section of the population, furthermore, lived in various types of slavery, such as indentured labourers, prisoners of war, and royal property (Delaye, 2003).

This social structure endured after Angkor and well into the twentieth century. While the fortunes of the Angkorian kings rose and fell, everyday life at the bottom of the pyramid remained virtually unchanged. The villagers depended on the monsoon for their annual rice harvest, rice being their diet's staple, often supplemented with fish. Meaningfully, the Khmer term *si bay* means both 'to eat' and 'to eat rice' (Mabbett & Chandler, 1995).

The politics and religion of the court were a remote world away from the subsistence farming and local deities of the village. The main disruption to village

life was the constant threat of war, either by the pillage of invading armies or from being drafted into armies to go invading. The ruling class viewed the bulk of the Khmer population as a commodity to be consumed by the king and his elite. In Khmer the verb 'to reign' translates as 'to eat the kingdom' (Short, 2004).

Jayavaraman VII (1181-1220) was perhaps the most successful of the Angkorian kings. During his reign his army expelled the Cham invaders and expanded the kingdom. He undertook a massive building programme, including numerous roads and public houses connecting the kingdom, and many temples, including the Bayon with its distinctive sculptures of Jayavaraman VII's face (Chandler, 1983).

He also instituted Buddhism as a state religion. His religion called for a restructuring of the relationship between the king and his subjects. As a bodhisattva, or potential Buddha, his benevolence towards his people reflected his own spiritual journey and marked a dramatic shift from the concept of the Devaraja (Woodward, 2001). Peang-Meffar (1991) argued that the hierarchal Devaraja concept and the more egalitarian Buddhist karma-based concept present dual strains in Khmer thinking about social structures.

Presenting a complex dichotomy of compassion and megalomania that has echoed down 700 years of history, Jayavaraman VII's reign has reflections in both Sihanouk Norodom's authoritarian, paternalistic Buddhist socialism and Pol Pot's mass mobilisation of the population and attempts to remake an entire society to his ideological vision (Chandler, 1983). While his reign can be viewed as the apex of Angkorian splendour, the thirteenth century also marked the beginning of the steady decline of Cambodia as the hegemon in the region, as competing centres of power rose in Siam and Vietnam.

The shift of the centre of power in Cambodia in the mid-1400s from Angkor to the Phnom Penh region in the southwest was the result of a convergence of factors that both made Angkor a less viable location and Phnom Penh a more attractive one. Angkor was vulnerable to threats from military excursions from the expanding kingdom of Ayutthaya in Siam, which invaded it in 1431 (Chandler, 1983), and recent analysis of tree rings in the Angkor region point to climate change resulting in a decades-long drought from the 1330s to the 1360s, followed by a more severe, but shorter, drought from the 1400s to the 1420s that played havoc with Angkorian infrastructure and society (*Science Daily*,

2010). Phnom Penh's location at the confluence of the Mekong River with the great lake Tonle Sap also placed it in an ideal position for the elite to take advantage of burgeoning trading opportunities in the area and the relative security of its distance from Siam (Mabbett & Chandler, 1995).

Another important change that occurred in Cambodia during the post-Angkor period was the conversion of a majority of the population to Theravada Buddhism and the consequent emergence of the community of monks known as the *sangha* as an important segment of Cambodian society. Gaspar da Cruz, a Portuguese missionary who visited Cambodia in 1556, estimated that the sangha included more than a third of the able-bodied men in Cambodia, by his estimation some hundred thousand (Chandler, 1983). The sangha served as an important religious, political, and social institution, providing educational services, acting as an accessible bonding element in Cambodian society, and serving as a conduit between the king and his subjects (Osborne, 1966).

The rise of the Nguyen lords in southern Vietnam in the 1620s resulted in their taking over Saigon, known to Cambodians as Prey Nokor. Over a 200-year period they annexed large amounts of Cambodian territory inhabited by thousands of ethnic Khmers, effectively cutting off Cambodia's access to maritime trade and creating resentment towards the Vietnamese in general. A side effect of the entrapment of Cambodia in a vicelike grip between its powerful neighbours in Vietnam and Siam was that contenders for the Cambodian throne, driven by factionalism, could divide along pro-Thai or Pro-Vietnamese lines, depending on who supported the incumbent in Phnom Penh. Their rivals then sought the support of the other, positioning Cambodia as a battleground for hegemony between Vietnam and Siam. This unhappy situation continued until the onset of the French protectorate in 1863 (Chandler, 1983).

The French Protectorate

By the 1860s Cambodia was in danger of disappearing altogether under the combined pressure of Siam and Vietnam, Siam dominating the area west of the Mekong, including the province of Siem Reap with the ruins of Angkor, and Vietnam those parts to the east. With the death of King Ang Duang in 1860 the Cambodian court elected his eldest son Norodom to be his successor, a succession

that was complicated by objections from his brothers Sisovath and Soi Votha, the latter of whom went into open rebellion (Dommen, 2001).

Faced with this brotherly rivalry, a rebellion by Cham Muslims, and interference from the courts in Siam and Vietnam, Norodom saw an opportunity to insulate his position by seeking military aid from the French, who by then had annexed the provinces adjoining Saigon and begun their expansion into what they were to call Indochina. In 1863 the French governor of Cochin China, Admiral La Grandiere, signed a treaty with Norodom whereby France undertook the protection of Cambodia (Mabbett & Chandler, 1995).

The 1863 treaty with France conceded the control of Cambodian foreign affairs and made various mineral and forestry concessions to France in exchange for French protection of Cambodian territory and recognition of the country's political sovereignty (Peou, 2000). With French and Thai co-sponsorship Norodom assumed the Cambodian throne in 1864 and Siam recognised France's protectorate over Cambodia with the Franco-Siamese treaty of 1867 (Dommen, 2001).

Norodom's assumption that traditional Cambodian internal political structures would remain intact proved to be delusional, as the French forced him to cede an increasing amount of control to them. Article 2 of a new treaty that the French pressured Norodom into signing in 1884 reveals the extent to which the French intended to control and reform Cambodia politically and economically, specifying that "His Majesty the King of Cambodia accepts all the administrative, judicial, financial and commercial reforms which the French government shall judge, in future, useful to make their protectorate successful" (Chandler, 1983, p. 143).

France had abolished slavery in 1848, and part of their justification for their domination of Indochina was the abolition of slavery there (Delaye, 2003). The French reforms involved a total restructuring of the Cambodian social and economic system, placing French *residents* in provincial cities, dismantling royal land ownership, abolishing slavery regardless of whether the slaves were content with the security that this arrangement provided, centrally rationalising tax collection, and reducing the number of *okya*, who were the royally appointed elite officials at the apex of complex patronage systems and who had effectively run

the country, and altering their status to that of paid civil servants (Chandler, 1983).

The reform treaty prompted a nationwide rebellion in 1885 that, although quelled by French and Vietnamese troops, was costly and demonstrated the effectiveness of guerrilla tactics in Cambodia. Although the French maintained the monarchy they gradually eroded the king's authority, isolating him by selecting his advisors and increasing his dependence on them, and also on the large amounts of opium with which they supplied him. They also did little to create an alternative indigenous civil governance system. The French generally employed Vietnamese rather than Khmer as clerical administrators for what was essentially the economic exploitation of Cambodia. As a subsidiary to its larger operation in Vietnam, France did little to invest in Cambodia. For example, they built their first *lycée*, or high school, there in 1936 and channelled taxes out of Cambodia into Vietnam and France (Peou, 2000).

After Norodom's death in 1904 the French chose Cambodia's next three kings, Norodom's brother Sisovath (1904-1927), Sisovath's son Sisovath Monivong (1927-1941) and Norodom's great-grandson Norodom Sihanouk (crowned in 1941). They confined modernisation initiatives to Phnom Penh, emphasising the disconnection between the city and countryside that was to characterise twentieth century Cambodia (Chandler, 1983).

Significantly for Cambodian identity, the Thais ceded Battambang and Siem Reap back to Cambodia in 1907. The creation of a road and railway system from 1900 to 1930 served both to improve communications and to increase French commercial penetration into the countryside with the development of rubber plantations and increased rice exports. Osborne (1978) noted that the peasant protests known as the 1916 Affair, when large numbers of peasants marched on Phnom Penh to protest the implementation of new taxes and *corvée* requirements, which were labour in lieu of tax, and against Chinese and Vietnamese immigration, show that the reactions to the changes that accompanied the French protectorate were not confined to the king and the court elite.

The protests revealed two significant factors. One of these was the remarkable organisation of the protest leaders, many of whom were Buddhist monks of the *sangha*, in mobilising such large numbers of protesters. The French estimated that approximately 40,000 marchers passed through Phnom Penh in the

early months of 1916 (Chandler, 1983). The other factor was that their complaints were directed at the king, not the French, showing who they thought could rectify their grievances. The 1916 Affair revealed a proto-nationalist spirit among the peasants and the Buddhist sangha, which nationalist leaders who came from outside the royal family were to continue in the 1930s and 1940s (Osborne, 1978).

The emergent nationalist movement received nurturing from the Lycée Sisovath, the Institut Bouddhique, and *Nagaravatta*, the first Khmer-language newspaper, which had been founded in 1936 and was closely associated with Son Ngoc Thanh, a French-educated lawyer. *Nagaravatta*'s editorial stance was initially pro-Cambodian, although not officially anti-French, being more concerned with the Vietnamese domination of the civil service and Chinese domination of commerce, but the onset of WWII and the arrival of the Japanese reset the agenda, as it did throughout Southeast Asia, and independence became the goal for *Nagaravatta* and the nationalist group (Chandler, 1983).

Unlike the other colonial powers in Southeast Asia, France was able to maintain supervision of its holdings in Indochina throughout most of the war by negotiating with the Japanese and by not declaring war on them. The Vichy government's policy in Indochina included contradictory strains in an attempt to survive the war. It encouraged patriotism to the colonial empire, in Cambodia by linking this to an idealised depiction of the Angkorian past. It also attempted to combat Japanese influence and Thai irredentism by forming indigenous paramilitary youth organisations to support its own military vulnerability. The French therefore committed "intellectual suicide," as their intended form of patriotism morphed into nationalism (Raffin, 2005, p. 5).

The Franco-Siamese war of 1940-1941 resulted in the French ceding Battambang, most of Siem Reap, and parts of Laos to the Thais under Japanese pressure, which was a humiliating loss for King Sisovath Monivong, who died in April, 1941. The French selected 19-year-old Norodom Sihanouk as the king, seeing his youth and inexperience as likely to make him a malleable instrument through which to enact their policies, a view shared by the nationalists who saw him as a French puppet. This was an inauspicious start to this remarkable man's idiosyncratic political career, during which he became the holder of the *Guinness Book of World Records*' title for having occupied the greatest variety of political offices in the world (King Father, 2007, September 8).

Festering nationalist sentiment climaxed with a monks' demonstration of July 1942, when more than 1,000 marchers, about half of them of the sangha, protested the arrest of the monk Hem Khieu for his implication in a coup against the French. The protest resulted in the arrest of *Nagaravatta's* editor Pach Chhoeun and in Son Ngoc Thanh fleeing to Battambang and later to asylum in Tokyo (Chandler, 1983). The new king's inaction in response to the plight of the nationalist struggle and his close relationship with the French crystallised anti-monarchist sentiments in the minds of many of the nationalists, which were to inform the rest of Sihanouk's reign (Peou, 2000).

The end of the Vichy government in France in August 1944 and the establishment of the provisional government of the French Republic in Paris the following month placed the French representatives in Indochina in an awkward position with the Japanese, as now a government that was formally at war with Japan was in power in France. Following an influx of Japanese troops into Indochina to defend against a possible allied invasion, the Japanese implemented Operation Meigo, the code name for the coup d'état that resulted in the removal from office and imprisonment of the French command in Indochina. Sihanouk, in Phnom Penh at the request of Kubota, a Japanese diplomat who took the place of the *resident superieur*, and General Manaki, commander of the Japanese troops, declared independence for Cambodia and abrogated the 1863 treaty and the 1884 convention (Dommen, 2001).

The Japanese-sponsored independence lasted only a few months. A nationalist cabinet held office briefly with the newly returned Son Ngoc Thanh as prime minister, whom the French imprisoned for treason on their return in October 1945. It became apparent that Cambodia could not declare independence and that it could receive it only if the French granted it. The French did, however, grant some concessions towards independence. For the first time in Cambodia a government allowed political parties to be formed, and near the end of 1946 a Constituent Assembly to advise the king on a constitution was elected on the basis of universal male suffrage, with the newly formed Democrat Party under Prince Sisovath Yuthevong winning 50 of the 67 seats (Mabbett & Chandler, 1995).

The constitution, modelled closely on the new constitution for the Fourth Republic in France, did not include fiscal independence or control of foreign affairs and placed Cambodia in the French Union. Sihanouk promulgated the text

of the new constitution even though it greatly reduced the role of the king to that of ceremonial head of state (Marks, 1994-95). The new constitution contained liberal principles regarding political and legal rights, suffrage was widened to include all Cambodian citizens of both sexes who were at least 20 years of age, and it guaranteed freedom of political expression and the right of association, as long as this did not threaten the other liberties it granted. The political reality, however, remained that the French were in charge, although Sihanouk instigated numerous constitutional changes between 1947 and 1955 aimed at strengthening the executive position of the throne (Peou, 2000).

While the Democrat Party and the king had decided that the route to independence lay in negotiation with the French, a more radical insurgent movement for independence that advocated republican views called the *Khmer Issarak* (Free Cambodia) began operating along the Thai border. They presented themselves as the true fighters for Cambodian independence, eventually joining up with Son Ngoc Thanh, who had returned from exile in France in 1951, and members of the communist Vietminh to form the United Issarak Front (Liefer, 1962).

By 1952 communist-controlled guerrilla bands, operating in cooperation with the Vietminh, controlled large parts of Cambodia tying down several thousand French troops. Although the Vietnamese had sponsored the formation of a Khmer People's Revolutionary Party from the dissolution of the Indochinese Communist Party, the leaders of the new party were mostly Cambodians born in southern Vietnam, and relations between the Vietnamese patrons and their Cambodian protégés were often antagonistic, setting the stage for a serious rift that was to occur in the 1970s (Kieran, 1984).

Independence

In 1952 Sihanouk, increasingly frustrated by challenges to his authority and humiliated by his reputation as a French puppet, took the initiative and dismissed the Democrat Party government and closed down the assembly, declaring a King's Crusade for Independence. Following an international publicity campaign that Sihanouk led in late 1953, France granted Cambodia almost complete independence, giving the king authority over Cambodia's armed forces, judiciary, and foreign affairs while retaining their economic interests in the

import-export sphere (Chandler, 1983). Although Sihanouk managed to exclude the Cambodian communists from the 1954 Geneva Conference to settle the war in Indochina and received assurances of the withdrawal of Vietminh forces from Cambodia, the conference's agreement stipulated that national elections be held in Cambodia in 1955 (Zagare, 1979).

Having usurped the independence movement, Sihanouk's next major move was his surprise abdication in early 1955 in favour of his father, Norodom Suramit, and the founding of a national political movement called the *Sangkum Reastr Niyum* (People's Socialist Community) to contest the upcoming elections. The former king, having become Prince Sihanouk, espoused an ideology that he called Buddhist Socialism and that had the objective of "putting an end to the quarrels and rivalry of parties and political groupings and bringing them together in a vast movement of unity" (Slocomb, 2006).

The institution of the Sangkum effectively ended political plurality in Cambodia, as many parties joined the Sangkum prior to the 1955 elections and prominent leaders disassociated themselves from their own parties to join it. The Sangkum won 83% of the vote and all 91 seats in the National Assembly after a campaign characterised by police harassment of anti-Sangkum parties, most notably the leftist Pracheachon Party, paving the way for the increasingly authoritarian Sihanouk to suppress opposition and dominate Cambodian politics for the next 15 years (Short, 2004). The death of Sihanouk's father in 1960 left the throne vacant, and while not resuming it himself Sihanouk pushed through a constitutional amendment making himself head of state for life, all but eliminating the façade of liberal democracy that disguised what was in reality a personal dictatorship (Short, 2004).

Sihanouk's determination to keep his country out of the escalating conflict in Vietnam resulted in his terminating US-Cambodian relations in 1964 and moving towards the communist camp internationally. He reached an accommodation with the North Vietnamese through which they could maintain bases in Cambodia in exchange for supporting the Sihanouk regime while simultaneously suppressing domestic leftists and promoting such right-wing elements as Lon Nol at home. The result of this oddly schizophrenic policy was to drive young communists, including Saloth Sar, who later gained notoriety as Pol

Pot, to the *maquis*, the growing communist network in the countryside that was modelled on the French underground (Short, 2004).

The prince had dubbed the communist underground the *Khmer Rouge*, thereby alienating the right, who suspected him of leading Cambodia towards communism, a suspicion that became entrenched when he nationalised the banks, insurance companies, and import-export businesses and antagonised the US. In March 1969 US President Richard Nixon secretly ordered the US Air Force to begin bombing Vietcong sanctuaries in Cambodia, and over the next 12 months US planes flew over 3,000 sorties over Eastern Cambodia at a time when Sihanouk was trying to repair relations with it (Short, 2004). Shawcross (1979) examined the machinations of Richard Nixon and Henry Kissinger's foreign policy in regard to Cambodia and concluded that it was the foreign policy component of Watergate and that it created the circumstances that enabled Pol Pot to come to power. Shawcross' contention is that the clandestine bombings were illegal as bombers flight paths were disguised to appear to be delivering their payloads to legitimate targets in Vietnam, to disguise the escalation of bombing into Cambodia. This was part of a pattern of secret and illegal activity carried out by the Nixon administration, which culminated in the Watergate cover-up. Shawcross surmises that the bombings so devastated the infrastructure of Cambodia and so traumatized the population as to create the opportunity for the Khmer Rouge to recruit numerous volunteers and eventually seize power.

The war in Vietnam was therefore spilling over into Cambodia despite all of Sihanouk's efforts to prevent that from happening. Overriding his ambiguous attitude toward democracy was his paternalistic attitude toward the Cambodian people, to whom he constantly referred as his children, and his desire to retain his personal authority. That authority, however simply disappeared in 1970 when the Lon Nol faction ousted him in a bloodless coup, most probably with US encouragement, while he was travelling overseas. On March 18 the Assembly voted to strip him of his office as head of state, replacing him with Cheng Heng, the president of the Assembly (Peou, 2000). On March 23 Sihanouk announced from exile in Beijing that he was forming a political movement, to be called the National United Front of Kampuchea, to oppose the Lon Nol government, setting the stage for civil war (Short, 2004).

The Khmer Republic

The 1970 coup resulted in the establishment of the Khmer Republic by a unanimous vote in the Assembly, with the expectation of a legitimising election and the promulgation of a new constitution to follow. During an extended period of emergency government a new republican constitution was drawn up and on March 14, 1972 Lon Nol declared himself president. The constitution promulgated on May 10, 1972 declared Cambodia to be a democratic and social republic with the motto “Liberty, Equality, Fraternity, Progress, and Happiness” and based on the principle of “government of the people, by the people, for the people” (Peou, 2000, p. 51).

The Lon Nol government continued the precedent set by Sihanouk of setting agendas that espoused liberal and democratic principles and then completely ignoring them and governing by increasingly authoritarian measures. The 1972 presidential elections, which Lon Nol won, were the subject of accusations of large-scale fraud. A presidential contender named In Tam charged that as many as 100,000 of his supporters had been cut off the lists and that the authorities had manipulated electoral districts in favour of Lon Nol, thereby skewing the result. In Tam and Sirik Matak declared the election unconstitutional and boycotted it, thereby allowing Lon Nol’s Social Republican party to declare a sweeping victory, carrying all 126 of the Assembly seats (Peou, 2000). Lon Nol’s regime was notable for its suppression of any opposition and unfavourable press and of the widespread repression of ethnic Vietnamese (Kiernan, 1996), but the escalating civil war that was engulfing Cambodia made its survival unlikely.

From its base in exile in Beijing an unlikely collaboration between Sihanouk and the Communist Party of Kampuchea (CPK) had begun waging war against the republican government’s forces. Vietnamese communist troops were operating in Cambodia, as were South Vietnamese and US troops, reducing the countryside to war-torn chaos. From 1969 to 1973 American aircraft dropped more than half a million tons of bombs on Cambodia, killing more than 100,000 peasants and driving many survivors into the ranks of the Khmer Rouge or into Phnom Penh as refugees (Kiernan, 2002).

By the time the last American personnel withdrew from Cambodia in April 1974 the US had spent \$9 billion dollars on the war there, approximately the equivalent of 10 years of Cambodia’s national income, 600,000 Cambodians had

died, and the Khmer Republic was in its death throes (Short, 2006). The collapse of the Lon Nol regime and the Khmer Rouge takeover of Cambodia in 1975 then ushered in the darkest chapter in Cambodia's history.

Democratic Kampuchea

The Khmer Rouge Tribunal's demographic survey estimated that the population of Cambodia in April 1975 was between 7.84 million and 8.1 million. Of those between 1.75 and 2.2 million perished under the Democratic Kampuchea regime; between 800,000 and 1.3 million died violently and the remainder succumbed to starvation, overwork, and other causes. During this period approximately 36% of Cham Muslims, nearly 100% of the Vietnamese living in Cambodia, and 18.7% of ethnic Khmers perished (Public indictments, 2010, September 29). Democratic Kampuchea was a failed political and social experiment that was characterised by brutality, fanatic idealism, and incompetence and has left scars in the Khmer psyche well into the twenty-first century.

Saloth Sar had taken the name Pol Pot and had gained the leadership of the CPK in 1962. For him the key to revolution in Cambodia lay in the mobilisation of the peasantry rather than the Marxist orthodoxy of the dictatorship of the proletariat, as Cambodia had virtually no industrial workforce and 85% of its population were peasant farmers. It therefore made sense to adopt a Maoist approach to communism and to supplant the proletariat with the peasantry. In Pol Pot's vision proletarian consciousness was an act of will rather than a product of the economic environment and Cambodia's future lay in a revolution of worker-farmers led by a party composed of proletarianised peasants and intellectuals who had reformed their thought and overcome their origins to build their class position (Short, 2004). From this distinctive ideology, combined with an almost mystic Khmer nationalism, an obsessive secretiveness, and murderous paranoia emerged the state of Democratic Kampuchea.

In May 1970 Sihanouk announced a Cambodian government in exile, the Cambodian Royal Government of National Union. It was composed of Sihanouk loyalists based in China and cadres based in Cambodia, and was headed by Prime Minister Penn Nouth. Its most prominent communist member was Deputy Prime Minister and Minister of Defence Khieu Samphan (Vickery, 1984). Pol Pot was unknown to the outside world at this stage. While Sihanouk led the international

opposition to the Lon Nol government, the CPK led the internal opposition. The association with Sihanouk was a propaganda coup for the CPK, who focused their recruitment on being representatives of Sihanouk and omitting their communist ideology (Frieson, 1993). Such misrepresentation and outright lies were to become key features of CPK strategy.

The CPK cultivated peasant ignorance and confusion of its beliefs and intentions with its united front association with Sihanoukists, nationalists, intellectuals and its vague terms of self-reference: *Angkar* (“organization”) or *Khmer Romdas* (“Khmer Liberation”) while simultaneously demanding peasant support for its programs and war objectives. (Frieson, 1993, p. 36)

On April 17, 1975 the Khmer Rouge entered Phnom Penh and, under the pretence of the threat of US bombing, evacuated the city’s population of 2 million into the countryside. Large-scale retaliation against former Khmer Republic officials and soldiers and the brutal conditions of the forced evacuation of Phnom Penh resulted in the death of 20,000 people (Short, 2004).

The evacuees were designated as *new people* and distributed among seven administrative zones that corresponded to those established by the Khmer Rouge during the war against the Khmer Republic. They treated the new people extremely harshly in comparison to the established *base people*, as the Khmer Rouge transformed Cambodia into what was essentially a giant labour camp. Conditions varied greatly among the zones, depending on the vigour with which zone leaders and cadres interpreted and applied party centre directives. Pol Pot was deliberately vague in his instructions, expecting correct revolutionary vigour to result in correct actions, and considered any mistakes made to be the result of insufficient revolutionary zeal (Peou, 2000).

In its efforts to fulfil its egalitarian socialist vision the Khmer Rouge attacked the two most important aspects of Khmer society, the family and Buddhism. Its assault on the family consisted of enforcing communal living and dining and breaking up family units. It banned Buddhism, defrocked monks, and forced them into labour. It abolished money and personal property and, with Orwellian overtones, attempted to destroy mental private property, as it expected all to succumb to the overriding will of *Angkar* (Short, 2004). In a seminar to returning overseas party members, Khieu Samphan stated that:

if we can destroy all material and mental private property . . . people will be equal. The moment you allow private property, one person will have a little more, another a little less, and then they are no longer equal. But if you have nothing—zero for him and zero for you—that is true equality. (Short, 2004, p. 317)

The Khmer Rouge ideology contained elements of the Buddhist philosophy of the annihilation of the ego, but was bereft of compassion. Those who did not or could not transform to the new ideal were destroyed, the elimination of one individual, especially one in a leadership position, often resulted in the elimination of their entire khsae network, adding to the mounting death toll. The Khmer Rouge was attempting not just to change the political and social system in Cambodia but to change the Cambodians (Short, 2004). Prince Sihanouk, the titular head of state, returned to Cambodia in September 1975, but the symbol of the revolution was soon to discover that there was no place for him in the new regime, and in March 1976 he resigned and became a virtual prisoner of the Khmer Rouge, albeit in comfortable surroundings. Sihanouk's resignation signalled the end of any pretence of a united front, the new government that was announced was purely Khmer Rouge, with Pol Pot emerging from the shadows for the first time as Prime Minister (Short, 2004).

The new government promulgated a new constitution that read more like a revolutionary manifesto; it omitted the specific rights of citizens and the obligations and institutions of the government normally present in constitutions, the main right singled out for citizens being the right to work. The constitution was absolute in its opposition to and refutation of past governments and colonialism. Article 10 of the constitution observed that any opposition to the people's state must be "condemned to the highest degree" (Chandler, 1976).

Despite the agrarian revolution that was supposed to triple the rice harvest and the entire population having been set to work in the countryside, Cambodia experienced widespread food shortages and between a third and a half of the population was sick, hungry, or both and in no condition to work (Short, 2004). All of the Cambodians to whom I've spoken about the Khmer Rouge years mentioned being always hungry. This was largely the result of incompetence, rural cadres being afraid of not fulfilling unrealistically high rice quotas, and false reports that quotas had been reached becoming the basis for central levies to

supply the army and administration, thereby leaving the rural population on starvation rations (Kiernan, 1996).

Strategic mass movements of the population meant that large numbers of people were moving to areas unprepared for their arrival. The construction of large-scale irrigation systems by manual labour cut back on the number of people actually working in the fields, and even if they were physically able to work they had little incentive apart from fear, for they were essentially slaves (Short, 2004). Unwilling to admit that these failures were the result of flaws in his overall plan, Pol Pot launched severe purges to eliminate saboteurs and enemies of the state, whom he saw as responsible for these problems. In Phnom Penh and throughout Cambodia the regime set up interrogation centres, such as the notorious S-21 in Phnom Penh, for the purpose of soliciting confessions of treason and collaboration with Vietnam, the CIA, and the KGB, leading to further arrests. Having obtained confessions under torture the Khmer Rouge eliminated its prisoners (O’Kane, 1993).

The amount of repression employed by a state against its people is indicative of its weakness. In this regard Democratic Kampuchea, despite its image as an all-powerful totalitarian regime, must be seen as extremely vulnerable. Throughout the Khmer Rouge period competition between zone commanders and factionalism within the party, compounded by various military revolts followed by further purges, served to demonstrate the regime’s weakness (Peou, 2000). While Cambodia was collapsing from within the disastrous decision to engage in armed hostilities with Vietnam sealed the fate of Democratic Kampuchea.

The People’s Republic of Kampuchea-State of Cambodia

In December 1978 Vietnamese forces, under the cover of the United Front for National Salvation of Kampuchea (FUNSK), invaded Cambodia. By January 7 they had taken Phnom Penh and the Khmer Rouge leadership had fled towards the Thai border. The *casus belli* for the invasion was the numerous attacks the Khmer Rouge had made into Vietnam and its bellicose pronouncements about taking back Kampuchea Krom, as it called the Mekong Delta. Hanoi felt it had no choice other than to change the Cambodian regime (Quinn-Judge, 2006).

Understanding the Vietnamese invasion requires viewing it in the larger context of the relations between Cambodia, Vietnam, and China and the shifting dynamics of the final chapter of the Cold War. Vietnam had severed relations with China, fearing domination by its larger neighbour, and drawn closer to the Soviet Union. A parallel dynamic occurred in Democratic Kampuchea, which feared domination by Vietnam and had sought military aid from China. As early as 1973 Pol Pot was asserting that Vietnam was Cambodia's principal enemy, a reflection of his resentment at Vietnam's patronage, and paranoia that Cambodia would be assimilated into a communist Indochina, dominated by Vietnam (Vickery, 1986). While Vietnam saw itself being encircled by China, with a Chinese-supported Cambodia threatening its southern flank, China felt itself being encircled by the Soviet Union, with its military forces in Afghanistan and Vietnam (Nguyen, 2006). The Chinese detente with the US underscored the new international dynamic, which resulted in Vietnam's isolation from the West, along with the government it sponsored in the newly named People's Republic of Kampuchea (PRK) (Nguyen, 2006).

The Vietnamese formed the People's Revolutionary Party of Kampuchea (PRPK), led by Heng Samrin, who had defected from the Khmer Rouge in 1978. It was based on the leadership of FUNSK, such former Khmer Rouge members as Heng Samrin, Chea Sim, and Hun Sen, who had been Democratic Kampuchea's East Zone administrators, and such Cambodian communists as Pen Sovann, Keo Chanda, and Nou Beng, who had been in Vietnam since 1954 (Vickery, 1986). The PRPK claimed that it had originated in 1951 and portrayed itself as the true Cambodian communist party as opposed to what it called the Pol Pot-Ieng Sary clique. It held a congress in December 1978 at Snoul in Kratie province that elected a central committee and adopted an 11-point declaration concerning the future of the Cambodian revolution. This included, in addition to the toppling of the Democratic Kampuchea regime, "to establish a people's democratic regime, to develop the Angkor traditions, to make Cambodia a truly peaceful, independent, democratic, neutral and non-aligned country advancing to socialism" (Slocumb, 2006, pp. 386-387).

Although it is difficult to consider establishing a democratic regime and developing the Angkor traditions to be compatible objectives, the congress envisaged a future for Cambodia in which general elections would choose the

assembly, a new constitution would be promulgated, and legislation to create a democratic state would be enacted, as all the previous regimes since independence, including Democratic Kampuchea, had promised (Peou, 2000). The situation the new government faced in Cambodia in the wake of the departed Khmer Rouge was dire. It was confronted with the task of rebuilding a state from the wreckage of Democratic Kampuchea with a severe lack of trained personnel, most of whom had either died or sought refuge in Thailand, more than half a million Cambodians having fled Cambodia after the Vietnamese invasion (Peou, 2000), and a countryside full of displaced people whose relief at the removal of the Khmer Rouge did not necessarily translate into welcoming an occupying army that was both Communist and Vietnamese, their traditional enemy (Peou, 2000). On visiting Cambodia in 1980 Shawcross (1984) observed that the government's propaganda efforts deflected the blame for the crimes committed by the Khmer Rouge from communism or even the Khmer Rouge itself to the single person of Pol Pot or at best a small group, portrayed as demonic agents of China bent on genocide. This approach enabled it to portray the Vietnamese as liberators and to exonerate former Khmer Rouge cadres who had become part of the new government. Food was critically short and without aid from Vietnam and the Soviet Union the country would have experienced a famine. Until 1990 80% of its budget came from the Soviet bloc's Council for Economic Assistance (Hughes, 2003).

Although the PRPK could never have overcome the Khmer Rouge without the backing of Vietnamese troops, neither could the Khmer Rouge have maintained its opposition to the new government without international support, as Cambodia was once again embroiled in civil war. The Khmer Rouge leadership sought refuge in the Cardoman Mountains along the Thai border, where it continued to receive financial and military support from China, an estimated \$100 million in military supplies annually, and held the Cambodian seat in the UN, on its own from 1979 to 1982 and then as part of the Sihanouk-led Coalition Government of Government of Democratic Kampuchea (CGDK) (Kiernan, 2002). The CGDK was another of the unlikely coalitions in which Sihanouk specialised. It included the Khmer People's Liberation Front (KPLF), which was composed of remnants of the Khmer Republic and led by Son Sann, an ex-President of the Bank of Cambodia and Prime Minister from 1966-68, which was a right-wing,

pro-Western, anti-communist political faction that fielded the Khmer People's National Liberation Armed Forces, Sihanouk's own political faction, the National United Front for an Independent Neutral Peaceful and Cooperative Cambodia (FUNCINPEC), which fielded the Sihanouk National Army, which was led by Sihanouk's son Norodom Ranariddh, and the Khmer Rouge. The three groups' hatred of each other was only surpassed by their hatred of the PRK and Vietnam, a classic example of my enemy's enemy being my friend (Vickery, 1994).

Although China supported the Khmer Rouge directly, by its inclusion in the CGDK it had the tacit support of the US and the UN. All this was part of a larger geopolitical game through which China and the US hoped to punish Vietnam and its ally the Soviet Union by prolonging the conflict in Cambodia (Roberts, 2001). It was a cynical ploy that all but ignored the suffering of the Cambodian people and continued through the 1980s. A genuine international attempt to broker a meaningful peace only began with the end of the Cold War. Fear of a Vietnamese-dominated Indochina drew the ASEAN states, especially Thailand, which was alarmed by Vietnamese troop incursions into its territory in pursuit of CGDK forces, to the side of the CGDK (Rolls, 2002). A pattern continued during the 1980s of dry-season offenses by Vietnamese and PRK forces followed by wet-season resurgences by CGDK forces resulting in a stalemate (Peou, 2000).

Although ostensibly a socialist state organised along Marxist-Leninist lines, circumstances forced the PRK government to allow a certain amount of leeway to the free market, turning a blind eye to thriving markets, supplied by smuggling from Vietnam and Thailand, operating in Phnom Penh (Vickery, 1984). As Pen Souvan made clear in his address to the Fourth Party Congress in May 1981, "the state should not be too severe with the free markets . . . it should encourage consumption and provide initiatives for the stimulation of productivity" (Vickery, 1986, p.70).

This reflected a pragmatic response to the chaotic situation in Cambodia, and although Pen Souvan was soon to disappear from political life, being removed from office for criticising the Vietnamese and subsequently imprisoned in Vietnam, this approach to the economy was to continue throughout the 1980s until the economic reforms of 1989, when the regime renamed the PRK the State of Cambodia (SOC) and adopted a more deliberately liberal approach to the

economy. The PRK promulgated a new constitution in 1981 that vested all power in the hands of the PRPK, and while outlining numerous civil and political rights of the citizens, the reality was that no opposition was tolerated and the state and party had a free hand, unencumbered by deference to the rule of law (Marks, 1994).

A lack of trained judges and lawyers severely hampered the PRK's attempts to establish a legal system, as up to 80% of the 400 to 500 lawyers and legal experts in Cambodia had been killed or had died of starvation under the Khmer Rouge (Donovan, 1993). This is an advantage for those who want to dominate a legal system, but a serious handicap for those who want to create one that works. It therefore implemented ad hoc programmes to recruit and give minimal training to judges and prosecutors, whose appointments were largely based on political considerations. Although reports of arbitrary arrests, torture, and imprisonment without trial served to feed anti-PRK propaganda, there does appear to be ample evidence that many incidences of such abuses of human rights occurred, especially during the first half of the PRK's tenure, as documented by two fact-finding missions by the Lawyers Committee for Human Rights in 1984 and 1985 (Slocomb, 2003). That these reports were based solely on accounts given by refugees who had recently arrived at Thai border camps and the missions were not permitted to investigate inside Cambodia opened them to criticism about their reliability.

The problem of finding suitably qualified personnel extended to all aspects of the new state apparatus. Potential state employees were fearful of the Vietnamese advisors, distrusted communism, and often had to be coerced into state service. A dearth of material resources, fractured infrastructure, and the on-going civil war all served to enfeeble an already weak state (Hughes, 2003).

True to its socialist ambitions the PRK attempted to instigate collectivised farming. In 1979 the government announced that agricultural producers should be organised into *krom samaki*, or solidarity groups, of ideally 10 to 15 families in order to produce cooperatively and share in the rewards (Vickery, 1986). Although this was markedly different to the enforced communes instigated by the Khmer Rouge, the peasantry resisted this attempt strongly; the abiding memories of forced labour under the Khmer Rouge and the detested communal living arrangements of those years combined with a preference for traditional single-

family-based farming practices ensured its failure. Collectivisation initially served the useful purpose of returning the countryside to normal and providing a social safety net for the thousands of widows, orphans, and disabled people left by the Khmer Rouge, but collectivisation in the name of social revolution was meaningless to rural people, and by 1984 corruption, greed, and malpractice were endemic throughout the system (Slocomb, 2003).

The process with which the PRK eventually dropped socialism in favour of a quasi-liberal agenda involved the government encouraging private-sector and family economic activity from 1987 onwards. This reflected in part the influence of Mikhail Gorbachev's reform programme in the Soviet Union and similar trends throughout the Soviet Bloc, but was also a pragmatic response to internal resistance to collectivisation (Hughes, 2003).

In 1989 the series of reforms that included the renaming of the PRK as the SOC and the PRPK as the CPP effectively authorised the privatisation of land and the economy in general. Hughes (2003) noted that although people usually consider the liberalisation of the economy and the introduction of democracy in socialist countries to be concurrent events, in Cambodia economic liberalisation occurred well before the transition to democracy. Furthermore, reversing the 1980s trend of local leaders' resistance to central government by co-opting them into exploitative patronage networks became the basis of the CPP's domination of Cambodian politics (Hughes, 2003). The 1989 reforms also included the creation of the Cadastral department inside the Ministry of Agriculture, which had the task of surveying, registering, and allocating land titles, and an amendment to the constitution that stipulated that "the citizens have full rights to manage (*kan kap*) and use (*praeu pras*) land and have the right to inherit land granted by the state for the purpose of living on it and exploiting it" (Frings, 1994, p. 51).

Although most analysts assumed that this amendment provided for the privatisation of land, Article 14 of the constitution, which stipulated that all land was state property, remained unaltered. What the amendment provided was a kind of usufruct arrangement. Although these reforms were popular they opened the way for a creeping culture of corruption, as those officials in charge of the allocation of land were able to appropriate the best land for themselves, their family, and their friends (Frings, 1994).

Economic liberalisation therefore led to a widening of the gap between the rich and the poor in Cambodia, and the reforms had also removed the social safety net of collectivisation. Cambodian peasants' disgust for collective organisation and collective work, however, were not just a reaction to 14 years of socialist experimentation but to a long-standing individualist and family-oriented tradition. These reforms also reflected another long-standing tradition, that of officials using their position to enrich themselves, and the state was able to take advantage of this in order to consolidate its power (Frings, 1994).

Despite the challenges it faced, its lack of material and personnel resources, and the disadvantages of being engaged in a costly on-going civil war, the leadership of the PRK-SOC remained relatively stable. After the sudden departure of Pen Souvan from the political scene Chan Si replaced him as Prime Minister, and after Chan Si's death in 1984 Hun Sen took over, at 35 years of age one of the world's youngest prime ministers. Heng Samrin continued as head of state and party secretary, and Chea Sim held the position of party president. Such possible causes of friction within the party as the shift of the balance of power away from those who had lived in Vietnam and the perception of Chea Sim as a socialist hardliner in contrast to Hun Sen's more moderate position never erupted into public hostility and the party maintained a united image (Peou, 2000).

The remarkable trajectory of Hun Sen can be attributed to several factors, not the least of which being his uncanny survival instincts and his ability to attract loyalty from his troops and patronage from senior party figures. He himself attributed his rapid elevation as being "the logical culmination of his leadership roles as a guerrilla, a commander, and later as an organizer of the united front" (Mehta & Mehta, 1999, p.94). That he had achieved the equivalent rank of colonel in the Khmer Rouge in his early 20s was not unusual, as they were notable for the youth of their cadres and military leaders, but his ability to continue his ascension under the Vietnamese-sponsored PRPK despite the Confucian system of seniority that prevailed in Vietnam is evidence of his leadership qualities, political astuteness, and the significance of his ties to the military and his position as the PRPK's foreign minister. All of these factors bolstered his role in the torturous path towards a peace settlement (Mehta & Mehta, 1999).

Conclusion

This short history of Cambodian politics until 1991 highlights several patterns and conditions that have influenced Cambodia's problematic transition to democracy since then. A hierarchical political culture developed based on complex patronage structures. It was highly susceptible to foreign intervention and to varying degrees reliant on foreign support.

All of the post-independence regimes, including in a distorted way Democratic Kampuchea, proclaimed themselves to be participatory democracies but delivered authoritarian rule that was intolerant of any opposition. A pattern emerged of a series of such charismatic leaders as Sihanouk, Lon Nol, Pol Pot, and Hun Sen, men who manipulated ideology and tradition to ensure their personal power at the expense of the freedom and wellbeing of the Cambodian people. The failure to create the capacity for institutionalised opposition and a political culture that viewed politics as a zero-sum game left a political environment that was systemically hostile to the compromises necessary for a functioning democracy, a legacy that was to reverberate through the next two decades of Cambodian politics.

Chapter III

Transition to Democracy: The Paris Peace Agreements and the 1993 Election

Introduction

The 1993 election in Cambodia represented the climax of the UN's efforts to seek a peaceful solution to the conflict that had engulfed Cambodia for two decades. The introduction of UNTAC, an international peacekeeping operation of an unprecedented scale, was the result of arduous diplomatic efforts and a level of international cooperation only possible with the end of the Cold War.

Although those involved hailed the election as a triumph for democracy and indulged themselves in a round of international backslapping and self-congratulation, the reality on the ground was that although a democratic veneer had been laid over the country, the struggle for political domination between elites continued. The structure of the fragile coalition government that emerged did not truly reflect the will of the people as expressed at the polls, but was more the result of backroom bargaining, threats of violence, and political pragmatism.

The UN's confidence that democratic elections would resolve the prolonged conflict in Cambodia reflected a general confidence in democracy in post-Cold-War international relations (Annan, 2002). Many saw the election as the end point of UN involvement and considered that the more quickly the situation reached that point the better, but as then UN Secretary-General Boutros Boutros-Ghali acknowledged, the UNTAC experience had demonstrated the need for a realistic understanding of the social, political, and infrastructural conditions on the ground before the plan was made operational (UN, 1995). While UNTAC can be seen as successful on its own terms, the outcome was more problematic in terms of democracy for Cambodia.

The Long Road to Paris

In assessing the 1993 elections it is important to bear in mind that at that stage the UN's priority was ending a conflict that outside powers no longer saw as serving their interests and that had become an irritant to relations among the superpowers (Findlay, 1995). For the Cambodian parties, however, the withdrawal of international support for the continuation of the conflict put

pressure on them to negotiate; a desire for democracy was a priority motivating none of them (Peou, 2000).

Just as the conflict in Cambodia had involved the local, regional, and global levels, so too did the peace negotiations that led to the 1993 election. On the ground in Cambodia the situation had become a “mutually hurting stalemate,” which is one in which the protagonists cannot win by military means and continuing the conflict only diminishes their own strength, making it ripe for negotiation (Zartman, 1995, p.8). Peou (2000) refined this in regard to the Cambodian civil war as a “hurting balance of power” (p. 19), as the protagonists seemed prepared to continue with an unwinnable conflict.

For the ASEAN states, particularly for the frontline state of Thailand, over the border of which the war regularly spilled, the conflict in Cambodia represented an imminent security risk. Since the early 1980s Indonesia and Malaysia had sought a regional solution to the conflict that would exclude interference from the superpowers. This was in line with the Zone of Peace, Freedom, and Neutrality declaration signed by the foreign ministers of ASEAN’s then-member states Indonesia, Malaysia, the Philippines, Singapore, and Thailand in 1971, which stated their intention to keep Southeast Asia free from any form or manner of interference by outside states (Prasad, 2001).

After meeting in the Malaysian town of Kuantan in March, 1980, Indonesian President Suharto and Malaysian Prime Minister Datuk Hussein Onn produced what became known as the Kuantan Principle, which was an attempt to resolve the Cambodian conflict without the interference of extra-regional powers. Its four main elements were that (a) Vietnam should withdraw its troops from Kampuchea in a phased manner, (b) Vietnam should not remain in the orbit of Soviet influence, (c) Vietnam should ask the Soviet Union to withdraw from Vietnamese military bases, and (d) Cambodia’s neutrality should be restored as well as its earlier status as a buffer state between Vietnam and Thailand (Prasad, 2001).

The Kuantan Principle foundered, as Hanoi maintained its position of viewing the situation in Cambodia as part of its wider security concerns in regard to China’s influence in the region and projected the Soviet presence as a counter-balance to US influence. It also perceived the Kuantan Principle, furthermore, to be “an insult to its autonomy and independence” (Prasad, 2001, p. 49). Thailand

also rejected the Kuantan Principle, as it failed to meet its security demands, and the problem, aggravated by Vietnamese troop intrusions over the Thai border in pursuit of Khmer resistance forces, threatened ASEAN unity (Rolls, 2002).

Vietnam and the Soviet bloc boycotted the International Conference on Kampuchea convened by the UN in 1980, symptomatic of the international intransience over the problem (Findlay, 1995). What finally opened the door to negotiations were the political and economic developments in the late 1980s that resulted in the end of the Cold War, the staged removal of Vietnamese troops from Cambodia, and the cessation of external aid to the warring parties.

The breakup of the Soviet Union and the expanding economies of the ASEAN states, which had come to view the countries of Indochina more in terms of potential markets than as security threats, helped to create an environment conducive to negotiation. Diplomatic efforts led by the UN, France, and Indonesia brought about the first bilateral meetings between Sihanouk and Hun Sen in early 1988 (Curtis, 1998). Superficially, Sihanouk and Hun Sen had little common ground, but it is important to bear in mind that both of Sihanouk's partners in the CGDK, the Khmer Republic remnants in the KPLF and the Khmer Rouge, had betrayed Sihanouk at one stage or another, and with Hun Sen there was an opportunity for a new start. The result of these informal meetings was a joint communiqué issued by Sihanouk and Hun Sen calling for a political solution that would leave Cambodia "peaceful, independent, democratic, sovereign, neutral and non-aligned" (Prasad, 2001, p. 91).

In May 1988 the Vietnamese foreign ministry issued a statement that it would withdraw 50,000 troops from Cambodia between June and December 1988, anticipating the complete repatriation of all "Vietnamese volunteer troops" by the end of 1990 (Prasad, 2001, p. 93). All the signs were pointing toward an imminent end to the prolonged conflict, but what was necessary was a mechanism to achieve that end.

The first Jakarta Informal Meeting (JIM) held on July 25-28, 1988 in Bogor, Indonesia allowed the possibility of quadripartite bargaining over the future of Cambodia. Representatives from the PRPK, Sihanouk's FUNCINPEC, the KPNLF, and the Khmer Rouge were all present, as were representatives from Laos, Vietnam, and the ASEAN member states. The informal nature of these talks

bypassed the tricky issue of an official meeting between parties that did not officially recognise each other (Findlay, 1995).

Sihanouk's resignation as head of FUNCINPEC two weeks prior to the talks initially threatened to jeopardise the meeting, but by designating Prince Ranariddh as his representative and also being there himself as the personal guest of President Suharto he achieved the twin goals of divorcing himself from the Khmer Rouge and creating a neutral position for himself in whatever peace negotiations may have followed (Prasad, 2001). As ever, tactical resignation was clearly one of his favourite devices.

Although the JIM talks produced no substantive agreement, the parties did make significant progress in regard to how they were to negotiate a peace. Sihanouk modified his demand for the dismantling of the PRK to "gradually and meticulously" transforming the Phnom Penh administration into a quadripartite one, and consensus was forming around the issues that had to be negotiated. These were (a) fixing the Vietnamese troop withdrawal, (b) declaring a ceasefire and end of resistance, (c) recruiting peacekeepers, (d) establishing a coalition government, (e) planning and organising free, supervised elections, (f) sequestering and disarming all troops, and (g) conducting an international conference to organise the peacekeepers and declare Cambodia's neutrality (Um, 1989, p. 76). Key elements of the eventual peace agreement were falling into place.

The Paris Peace Agreements

The parties made further progress at the Paris Conference on Cambodia in 1989. This was an extended forum that had come to include, along with the JIM participants, China, France, the Soviet Union, the UK, the US, Australia, Canada, India, Japan, and Zimbabwe, then the chair of the Non-Aligned Movement. One major stumbling block, however, was that the SOC government refused to consider any power-sharing arrangement that would include the Khmer Rouge, thereby negating the plan for a quadripartite government under Sihanouk's leadership to rule until elections could be held (Findlay, 1995).

Further complicating matters was disagreement about what to do about the mass murders that had occurred under the Khmer Rouge regime. Some parties advocated war-crime trials. The Khmer Rouge, however, refused to acknowledge

that crimes or genocide had occurred, preferring instead to use the term *mistakes*. In 1979 the PRK had sentenced Pol Pot and Ieng Sary to death in absentia for the crime of genocide. The UN General Assembly, however, revised the draft of the JIM consensus that referred to “the genocidal practices of the Pol Pot regime” to read “the universally condemned practices of the past” (Chigas, 2000, p. 249). Despite this disagreement over the use of the term genocide for what happened in Cambodia under the Khmer Rouge, major crimes against humanity had indeed occurred.

Although Hanoi announced the withdrawal of its remaining 26,300 troops from Cambodia, the Khmer Rouge contested the validity of this announcement and the SOC forces received a major influx of arms from the Soviet Union. The fighting continued as the negotiations stalled (Um, 1990).

In July 1990 US Secretary of State James Baker announced that the US would end its support of the CGDK’s occupancy of Cambodia’s UN seat, thereby softening the SOC’s attitude toward a UN-supervised solution to the conflict (van der Kroef, 1991). Hun Sen and Sihanouk had previously been close to brokering a deal that would have excluded the Khmer Rouge, but the US and China had vetoed these attempts, as they were intent on keeping the other factions in the process to protect their own interests (Roberts, 2001).

As pressure from all sides mounted to reach a compromise, it had become apparent to Hun Sen that any deal would have to come under the auspices of the UN. Australian Foreign Minister Gareth Evans put forward a proposal in 1989, based on suggestions Sihanouk had made in 1981, for solving the difficult problem of how to end the conflict and prepare the country for a free and fair election. The concept was that instead of having a quadripartite coalition government prior to the election, the UN itself would take over the administration of Cambodia, canton and demobilise all the factions’ armed forces, and conduct the election, after which it would hand over power to the newly elected government (Findlay, 1995).

In August 1990 the UN Security Council agreed on a settlement framework based on this concept, including a principal role for the UN in supervising and controlling the activities of Cambodia’s existing administrative structures during a transitional period. The settlement framework called for the establishment of a Supreme National Council of Cambodia (SNC), to be made up

of representatives of the competing parties and in which the sovereignty of Cambodia would be enshrined. The settlement framework made it clear that the Security Council would welcome the election of Prince Sihanouk as president of the SNC (UN, 1995).

The settlement document also called for the establishment of UNTAC, which would have military and civilian components. The military component was to carry out the peacekeeping aspects of the political settlement, including supervising and monitoring a ceasefire, verifying the withdrawal of all foreign forces, locating and confiscating caches of weapons throughout the country, initiating a programme for the removal of mines, and cantoning the armed forces of the various factions. UNTAC was also to be responsible for conducting free and fair elections, including comprehensive responsibilities for voter registration, electoral procedures, voter education, access to the media for candidates, and the overall direction of polling and the count (UN, 1995).

The settlement document stated further that all Cambodian people and others in Cambodia and all Cambodian refugees and displaced people should enjoy the rights enshrined in the Universal Declaration of Human Rights and other relevant international human rights instruments. It also contained provisions for safeguarding Cambodia's independent and neutral status (UN, 1995).

The SOC had the most to lose from this arrangement. It would have to be dismantled under foreign direction and share whatever perceived power the SNC would have with the Khmer Rouge. As power-sharing was not part of Cambodian political culture, the settlement framework was a bitter pill for Hun Sen to swallow. He later recalled that "we no longer had control. What could we have gained? The Vietnamese wanted a settlement. The Chinese wanted a settlement. The US wanted a settlement. They all wanted a settlement on their terms" (Roberts, 2001, p. 28). SOC President Heng Samrin noted that the framework settlement document was an "invitation [for his government] to commit suicide" (Findlay, 1995, p. 8).

Despite these misgivings the SNC was formed, with six members from the SOC government and two each from the three resistance parties. Sihanouk acted as chairman. A voluntary ceasefire was declared on May 1, 1991. Although outstanding issues remained in regard to the relationship between the UN and the SNC, the pace and nature of the disarmament process, and the thorny issue of

Khmer Rouge crimes, an informal meeting of the SNC in Beijing in July formally elected Sihanouk its chairman and therefore de facto head of state (Findlay, 1995).

To assuage SOC fears of a Khmer Rouge resurgence, the UN amended the framework document to provide for only 70% demobilisation of each party's armed forces. It made no provision for war-crimes trials and instead of mentioning genocide or who was responsible for it the document side-lined the issue with a vaguely worded reference to ensuring "the non-return to the policies of the past" (Findlay, 1995, p. 9).

The four factions signed the Paris Peace Agreements (PPA) on October 23, 1991 as the SNC. Also signing were the five permanent members of the UN Security Council and Australia, Brunei, Canada, India, Indonesia, Japan, Laos, Malaysia, Vietnam, and Yugoslavia. The PPA recognised the framework document in its entirety, establishing a transitional period between their signing and the formation of a constituent assembly elected in a free and fair election. It would draft a new constitution and thereafter transform into a legislative assembly that would form a new government (UN, 1995).

The PPA outlined UNTAC's mandate, which was that the SNC would advise the head of UNTAC, the Secretary General's Special Representative, who would then determine if any problems arising complied with the agreements. If the SNC could not reach consensus Sihanouk, in his role as its president, would advise UNTAC. Although the SNC was to embody the sovereignty of Cambodia, during the transitional period UNTAC would have the actual authority. The SNC's position was unprecedented in international law. It embodied Cambodian sovereignty and therefore could grant special powers to UNTAC, even though it was not Cambodia's government or recognised as such by either the UN, the other conference states, or any of the parties involved (Ratner, 1993). The PPA also called for UNTAC to provide arrangements for the voluntary repatriation of refugees to Cambodia and made declarations promising international support for the country's rehabilitation and reconstruction (UN, 1995).

UNTAC

The elections were to be the key to a comprehensive political solution to the Cambodian conflict, a switch from bullets to ballots that would enable the Cambodian people to determine their own future (Peou, 2001). The PPA

stipulated the establishment of a system of laws and administrative procedures necessary for the holding of a free and fair election in Cambodia, including the adoption of an electoral law and a code of conduct consistent with respect for human rights and prohibiting coercion or financial inducement to influence voters (UN, 1995).

UNTAC's mission was to ensure the smooth running of the election and that it would be free from intimidation or coercion, and not to run the country *per se*. The SOC administration was to stay intact and resistance forces were to continue to administer areas and populations under their control, while UNTAC would exercise supervision over those aspects of government that could most directly influence the outcome of the election, particularly foreign affairs, national defence, public security, and information (Findlay, 1995).

When Sihanouk returned to Phnom Penh from Beijing in November 1991 escorted by Hun Sen, the United Nations Advance Mission in Cambodia (UNAMIC), a 268-member advance guard for UNTAC, which was to be installed in 1992, was already in place. As preparations for the election began it seemed that the long years of war were finally at an end (Brown, 1992).

Coinciding with the PPA and the fragile ceasefire, the SOC government began to transform itself, or at least perceptions of itself, in preparation for a plural election. At an extraordinary congress of the KPRP held in October 1991, it renamed itself the CPP and endorsed a continuation of economic liberalisation away from Marxism, dropping the last vestiges of communist ideology. The congress side-lined Heng Samrin, whom it shuffled off to the largely ceremonial post of honorary president, while Chea Sim became chairman of the party and Prime Minister Hun Sen became its vice-chairman (Brown, 1992).

The PPA presented a formidable challenge to the CPP, which had to contest for power in a democratic forum with an uncertain outcome that could spell disaster for it. Roberts (2001) argued that because the peace settlement was forced by outside powers onto a country with no tradition of loyal opposition or power sharing it was inevitable that the transition to democracy would collapse. He based this argument on the traditionally absolutist nature of power in Cambodia since pre-Angkorian days, elaborating that the organisers of the PPA had attempted to implant equality and individuality in a "society governed, and financed, through hierarchical inequality and group loyalties" (p. 35). Roberts also

made the standard analysis of patronage and clientelism that works from the bottom up, with lower ranks seeking to ensure the preservation of elites for their own security, as a formidable stumbling block to voter autonomy, and criticised the settlement as creating a situation that would disrupt this model, which had no institutionalised contingency for opposition within government.

Hughes (2003) offered a significantly different analysis of the nature of the patronage model that emerged in Cambodia in the late 1980s, envisaging it as distinct from the traditional one. She noted that as it shed its socialist ideology and transformed from a numerically small to a mass organisation in order to compete in the upcoming election, the CPP endeavoured to present itself in nationalist and traditional terms, emphasising its role in the ousting of the Democratic Kampuchea regime and associating itself with a return to Khmer cultural values. Hughes argued further that the CPP had co-opted the traditional client-patron model as part of its rhetoric, but its actual form was much more exploitative, and it used it to marginalise outsiders, especially the poor, and to bolster its legitimacy by evoking older, better times, thereby dressing up exploitative rent-seeking activities by the state and military as customary norms (Hughes, 2003).

While the spectre of the upcoming elections presented a tangible threat to the SOC's hegemony, the CCP held clear advantages in the electoral competition via its control of the media and civil service, and while during the civil war and the negotiation of the settlement the CGDK had maintained a tenuously united front, the breakup of the CGDK into its component parts to compete in the election diminished the strength of each element relative to the CPP, which had remained intact. A counterbalance to what the CCP was giving up by engaging in the democratic process were the potential rewards this compromise offered, not only in terms of international legitimacy and the economic benefits that the end of isolation promised, but also in terms of seriously weakening its opponents (Peou, 2001).

For the Khmer Rouge signing the PPA was the only option other than continuing to fight on, in international isolation, against the combined forces of Hun Sen, Sihanouk and Son Sann (Short, 2004). When Khieu Samphan, by then the Khmer Rouge's nominal leader, returned to Phnom Penh on November 19, 1992 to establish a Party of Democratic Kampuchea (PDK) office and lead the PDK delegation to the SNC, within hours a mob had attacked him at his villa and

almost lynched him, forcing him and his entourage to flee to Bangkok. That, and the hopelessness of ever returning to power by being elected, confirmed the Khmer Rouge leadership's determination to continue the conflict and to use whatever opportunity the ceasefire gave them to gain ground in the interim (Findlay, 1995).

By September 1992 UNTAC, under the leadership of Yasushi Akashi, was fully deployed, with 15,900 peacekeeping troops, 3,600 civilian police, and about 3,000 civilian administrators and election officials, at an estimated cost of US\$1.9 billion. It soon became apparent, however, that the Khmer Rouge was not going to cooperate with the cantonment and disarmament phase of the operation, refusing UNTAC access to its base areas, firing on UNTAC helicopters and mining roads leading to them. It eventually pulled out of the electoral process entirely (Brown, 1993).

The PDK maintained that UNTAC had not created the neutral political environment stipulated by the PPA and refused to cooperate with it until it had done so (Peou, 2000). The central reasons the PDK presented for its repudiation of a neutral political environment were the alleged presence of Vietnamese forces and the CPP's continuing control of the state organs. The PDK's definition of Vietnamese forces, however, was tenuous at best, as it was referring to any Vietnamese, including farmers and settlers. UNTAC's definition of forces referred only to soldiers (Roberts, 1998).

The PDK's accusation that the UNTAC was unable to control the CPP was, however, well merited. According to one UNTAC representative, "Control of SOC was a laughing game. . . . The main problem was we could never admit this. The credibility of the whole thing would have come down around our ears" (Roberts, 1998, p. 39). Faced with PDK recalcitrance and the imminent collapse of the PPA, the UN decided in UN resolution 783 to proceed with the elections as planned, with or without the PDK's participation (UN, 1995).

While the withdrawal of consent by the PDK negated the PPA's consensus, the UN had too much invested in the peace process to let it collapse. Coercive action against the PDK was out of the question, as that was both unrealistic and beyond the UNTAC's mandate. In July 1992 General Loridon, the former military commander of the UNAMIC, and then UNTAC's deputy military

commander, was relieved of his command for advocating the use of force against the Khmer Rouge (Findlay, 1995).

The Khmer Rouge had developed its own sources of funding through gem mining and forestry concessions, negotiated mainly through the Thai military and private sources, making it virtually immune to international sanctions and granting it a degree of independence from Beijing (Roberts, 1998). Although it had withdrawn its consent the Khmer Rouge did allow UNTAC operations to continue, however. Had it fully declared war on the election it is highly likely that it would not have taken place. What the Khmer Rouge did do was maintain an environment of fear around the election process (Findlay, 1995).

The SNC finally approved the electoral law that UNTAC had submitted on April 1, 1992 on August 5. The resistance factions had striven to exclude ethnic Vietnamese from having the vote. Although the PPA had intended to enfranchise all persons born in Cambodia over the age of 18 *or* with one parent born in Cambodia, the revised law restricted the franchise to all persons over 18 born in Cambodia *and* with at least one parent born in Cambodia. Also to be included were those over the age of 18 born anywhere who had at least one parent and one grandparent born in Cambodia. This meant that recent Vietnamese settlers were to be excluded from the vote, but a large number of Cambodians living overseas would be included. Although many obstacles, both political and environmental, were present in regard to access, voter and party registration was remarkably successful, with more than 4.5 million registered voters, and by late January 20 political parties had officially registered for the election, the Khmer Rouge's PDK being conspicuous by its absence (Findlay, 1995).

The CPP clearly enjoyed advantages in the run-up to the election due to its control of the media and ability to mobilise public officials for campaigning (Doyle, 1995). It was also the subject of many accusations of using its security forces both to attack its opponents, including grenade and rocket attacks on FUNCINPEC and Buddhist Liberal Democratic Party (BDLP) (Son Sann's political party) offices in Battambang, and to intimidate voters (Peou, 2001). The SOC police's unwillingness to prosecute infringements of the electoral law was unsurprising, since most of these incidents were connected with the government itself, and the rapidly escalating lawlessness also underscored the ineffectiveness of UNTAC's civilian police (Findlay, 1995).

The deteriorating situation intensified when the CPP launched a series of coordinated attacks on Khmer Rouge positions within hours of the January 31 deadline set by UNTAC for the completion of voter registration and for the Khmer Rouge to accept the terms of the peace process. A confidential UNTAC report obtained by the *Far Eastern Economic Review* stated there was:

a very serious erosion of public confidence in UNTAC. . . . the population believes that the SOC/Cambodian People's Party have undertaken a full-fledged campaign of violent political repression, thereby making it impossible for other provisionally registered political parties to seriously conduct legitimate political activities. (Thayer & Chanda, 1993, p. 11)

The 1993 Election

Although two of the UNTAC's major objectives, creating a neutral political environment and maintaining the ceasefire, were seriously compromised, the election campaign officially began on April 7, 1993. UNTAC head Akashi acknowledged that it had not achieved the neutral political environment envisaged in the PPA and that the outcome of the election would have to be judged on the freeness and fairness of the actual polling, a shift in emphasis that international assessments of all later elections in Cambodia also reflected (Roberts, 2001).

The electoral law had allocated the 120 seats in the Constituent Assembly to the 21 provinces and the Phnom Penh special district on the basis of their number of registered voters as part of a system of proportional representation in which voters voted for parties and not individual candidates (UN, 1995). The CPP had barred opposition parties from access to government TV, radio stations, and printing outlets, but Radio UNTAC proved to be notably successful in disseminating electoral information, particularly that relating to the secrecy of the ballot, and of negating the multitude of rumours circulating throughout the country about the dangers of opposition to the government (Findlay, 1995).

Despite speculation about an imminent Khmer Rouge attack to scuttle the elections, the voting period of 23-28 May was remarkably free of incident. Although the Khmer Rouge had withdrawn from the election, it decided to direct its cadres to vote for FUNCINPEC. Some division apparently existed in the Khmer Rouge leadership about how to respond to the election, as its radio station denounced it as a farce while at the same time a party official in Palin announced that it would recognise the government if the Sihanoukist party came to power, as

Prince Sihanouk had promised that they would have a role in any coalition government formed under his leadership (Findlay, 1995).

An estimated 89.5% of the 4.6 million enrolled voters cast their vote (Findlay, 1995). Table 1 shows the final tally of votes.

Table 1

Results of the 1993 Cambodian national election

<u>Party</u>	<u>Votes</u>	<u>% of Vote</u>
FUNCINPEC	1,824,188	45.47
CPP	1,533,188	38.23
BLDP	152,471	3.81
Others	501,783	12.49
<u>Total</u>	<u>4,011,631</u>	<u>100</u>

(United Nations, 1995, p.46)

With the other 17 parties accounting for the rest of the votes, these results translated into 58 seats in the Constituent Assembly for FUNCINPEC, 51 seats for the CPP, 10 seats for BDLP, and one seat for Moulinaka, a splinter group from FUNCINPEC (Um, 1994, p.75).

In his summation of the election, Boutros Boutros-Gahli commended the bravery and fortitude of the voters who turned out despite threats of violence and banditry, rough terrain, and the heavy rain that swept most of the country. On June 2 the Security Council endorsed Akashi's declaration that the election had been free and fair (UN, 1995). The reality facing FUNCINPEC was that although it had won the election, SOC's 100,000 soldiers and 45,000 police outnumbered its armed force of 5,000 men and the country's administration was essentially that of the SOC. In order to govern the country it therefore needed the CPP's cooperation. The CPP, furthermore, was already alleging procedural irregularities, demanding a recount, and threatening secession, so an interim arrangement to stabilise the situation was necessary (Um, 1994).

Under the terms of the PPA a two-thirds majority was necessary for unilateral leadership, so FUNCINPEC and the CPP had to reach some sort of compromise. Anxious to avoid a confrontation between the parties and UNTAC, on June 3 Sihanouk announced an interim government in which the CPP and FUNCINPEC would share power equally, with himself as head of state and Hun Sen and Ranariddh as vice ministers. This coalition lasted one day before

Ranariddh backed out of the agreement and UNTAC and the US mission objected to a negating of the election results, so on June 4 Sihanouk announced that he was cancelling the new government (Roberts, 2001).

Escalating tension, the resignation of 32 CPP members from the Constituent Assembly and the announcement of an autonomous breakaway zone east of the Mekong by CPP party members General Sin Song and Prince Norodom Chakrapong convinced FUNCINPEC and UNTAC that in order to maintain stability the CPP would have to be accommodated more or less along the lines that Sihanouk had suggested. What evolved was a uniquely Cambodian solution, a fragile coalition consisting of the four elected parties known as the Provisional National Government of Cambodia headed by co-prime ministers Hun Sen and Prince Ranariddh, an arrangement as littered with minefields as the war-torn countryside (Roberts, 2001).

While the interim arrangement was a departure from the terms of the PPA, it was a pragmatic compromise and one that served to isolate the Khmer Rouge further. The provisional government was sworn in on July 1, with the ministries being divided equally among the two major elected parties, FUNCINPEC with the ministries of finance, the economy, and foreign affairs and the CPP keeping control of the ministries of information and justice. For balance each CCP minister had a FUNCINPEC deputy and vice versa. The BLDP and Moulinaka had token cabinet positions (Findlay, 1995).

The next step was for the Constituent Assembly to draft a new constitution, which involved a lengthy period of closed negotiations. The PPA had outlined a structure for the new constitution based on six principles derived from a 1982 UN recommendation for Namibia's transition to independence. The new constitution would (a) be the supreme law of the land, (b) include a declaration of human rights, (c) commit the country to liberal democracy based on periodic elections governed by universal suffrage, full participation, and secret balloting, (d) declare Cambodia to be neutral, (e) create an independent judiciary, and (f) be adopted by two-thirds of the Constituent Assembly (Findlay, 1995).

A 12-member drafting committee composed of six members from FUNCINPEC, five from the CPP, and one from BLDP drafted the new constitution. They kept it secret from the public at large and also from the other 108 members of the Constituent Assembly, a significant move away from

participatory democracy that outraged *Ponleu Khmer* (Cambodian Illumination), a newly formed coalition of Cambodian non-governmental organisations (NGOs) that had hoped to take part in the process (Marks, 1994), thereby establishing a pattern of antagonism between government and NGOs that has endured.

No one doubted that Sihanouk would play an important role in the future of Cambodia, as Hun Sen and Prince Ranariddh had travelled to Pyongyang to consult with him over the constitution. It came as some surprise, however, when on September 24 the Constituent Assembly promulgated a new constitution re-establishing the monarchy in a liberal democratic framework (Marks, 1994). Sihanouk was once again king.

The New Constitution

The preamble to the new constitution² called for “a restoration of Cambodia into an ‘Island of Peace’ based on a multi-party liberal democratic regime guaranteeing human rights.” It noted the terrible destruction of the previous two decades and envisaged a peaceful and prosperous future (Findlay, 1995).

Although the new constitution restored the monarchy, it was clear that the king was to reign, not govern. The king’s constitutional power is largely symbolic. He is nominally the Supreme Commander of the Royal Khmer Armed Forces and Chairman of the Supreme Council of National Defence, but Article 22 of the constitution states that he cannot declare a state of emergency until after reaching agreement with the prime minister and the president of the Assembly. He is also unable to appoint his successor, as Article 13 grants this power to the Royal Council of the Throne, composed of the president, the first and second vice-presidents of the National Assembly, the prime minister, and the Buddhist chiefs of the Order of Mohanikay and Thammayat. Article 27 states that the king has the right to grant partial or complete amnesty, a sub-clause that became important later (Findlay, 1995).

Chapter III of the constitution, under the title of The Rights and Obligations of Khmer Citizens, provides a substantial human-rights component, recognising the Universal Declaration of Human Rights and stating further that

² I have relied on the translation of the 1993 Constitution of the Kingdom of Cambodia reprinted in Findlay (1995, pp. 193-207).

every Khmer citizen shall be equal before the law, enjoying the same rights and freedoms and fulfilling the same obligations regardless of race, colour, sex, language, religious belief, political tendency, birth origin, social status, wealth, or other status (Findlay, 1995). Some expressed concern about the constitution's frequent use of the term 'Khmer citizens', fearing that such wording could potentially be used to justify discrimination against members of such non-Khmer ethnic groups as Cambodians of Vietnamese origin (Marks, 1994). Included in the human-rights chapter are such rights as freedom of expression, media, and political association, a declaration of the equality of the sexes, and the right to the ownership of private property (Findlay, 1995).

The constitution stipulates that the Assembly is to be the only organ to hold legislative power in Cambodia and that it has power over the executive, as a two-thirds majority of all its members can pass a vote of no confidence in the government. However, this not much of a power over the executive, in most other jurisdictions a simple majority can pass a vote of no confidence, two-thirds is a very high proportion for a successful vote of no confidence. Article 80 of the chapter on the Assembly states that the deputies shall enjoy parliamentary immunity and that no assembly member shall be prosecuted as a result of opinions expressed during the exercise of their duties, a rule that later became of major significance (Findlay, 1995).

After an election, at the recommendation of the president of the Assembly with the agreement of the vice-presidents, the king must invite a representative of the winning party to form the Royal Government, which is then subject to a vote of confidence in the Assembly. This resulted in the unusual situation that a two-thirds majority is needed to form a government, usually only a simple majority is needed (Findlay, 1995). Peou (2000) noted that the prime minister has enormous power, as he can select members of his government from within or outside the National Assembly as long as they belong to a political party, and they have the sole right to initiate legislation.

Transitional provisions in the constitution allowed for the appointment of first and second prime ministers to accommodate the agreement reached after the election. They were to enjoy equal power, optimistically based on the principle of co-decision. Chapter X of the constitution stipulates that the judicial power is to

be an independent power granted to the Supreme Court and to the lower courts of all sectors and levels (Findlay, 1995).

Conclusion

On the face of it UNTAC's mission in Cambodia was a qualified success. Presented with a monumental task, it had managed to conduct a free and fair election from which emerged a new government, ostensibly based on a multi-party liberal democracy. That it had failed to preserve a neutral political environment in which to conduct the election reflects more the impossibility of that task rather than a failure on its part.

It fulfilled most of the other elements of its mandate. It verified the withdrawal of Vietnamese troops, it cantoned and disarmed those troops to which it had access, it began the reconstruction of Cambodia's infrastructure, most notably in its efforts to remove landmines, and it succeeded in repatriating a large number of refugees (Findlay, 1995). At a minimum its approach served to place the Khmer Rouge in isolation (Solarz, 1990), and although still a formidable military presence the Khmer Rouge had lost the mantle of the CGDK, its share of the UN seat, and Beijing's support. Even though it had significantly increased the area under its control during the UNTAC period, the writing was on the wall for the Khmer Rouge (Short, 2004).

Although the government that emerged was not a precise reflection of what the Cambodian people had voted for, as a more accurate result would have placed FUNCINPEC in a senior position to the CPP in the coalition, the election itself had been a remarkable success. Cambodia's major post-election challenge was to consolidate what it had gained from the peace process and the election into a meaningful democracy, a challenge that was to be derailed by both the political culture from which the coalition emerged and the personalities of the leaders of FUNCINPEC and the CPP.

Chapter IV

Democracy Unravelling: The 1997 “Coups” and Political Domination by Hun Sen and the CPP

Introduction

The Cambodia that emerged from the 1993 election was a precarious proposition, desperately poor, ravaged by decades of war, and with a fragile coalition government that ostensibly sought reconciliation and stability. Unresolved issues, however, the legacy of decades of conflict and the on-going struggle for power, eventually exploded in 1997, fundamentally challenging Cambodia’s newly found democracy.

Although the 1993 election had resulted in a new government, an old name, and a new constitution, the administrative and technical structure of Cambodia remained that of the SOC, which was much to the CCP’s advantage. The power-sharing arrangement that characterised the ministerial level of government extended down to the provincial level, meaning that each province had a governor, a first vice-governor from the competing party, and two additional vice-governors from each party, bloating the already unwieldy civil administration and intensifying its already politically partisan nature (Curtis, 1998).

The reality on the ground was that CPP officials had long experience in the dynamics of Cambodian politics and were enmeshed in long-standing patronage networks that ensured their position and authority, whereas the FUNCINPEC officials, most of whom had been out of the country for 25 years, had no such experience and had great difficulty in establishing their authority. Of even greater significance was that a major share of the police and military were also bound by similar ties of loyalty to the CPP. Curtis (1998) quoted a source close to Sihanouk as observing that:

the official titles are just theatre—a cinema. Inside the roots are too deep. . . . The administrative structure has been maintained, the military status quo and the administrative status quo. Not a hundred percent but 90 percent. Only 10 percent will be fulfilled by FUNCINPEC. (p.22)

However the CPP and FUNCINPEC continued to maintain the illusion of power sharing.

Problems in State Building

Many organisations attempted to establish a Cambodian civil society during the post-UNTAC period. In addition to political parties, rapid growth took place in the number of media outlets, NGOs, professional and religious societies, trade unions, think tanks, and both local and international human rights groups. A lack of coordination and cooperation existed among these groups, however, perhaps reflecting the lack of trust that was the legacy of the many years of suppression and civil war, and a distinct governmental attitude of regarding NGOs as anti-government (Downie & Kingsbury, 2001).

Cambodia was something of a magnet for international NGOs, with such groups as Oxfam, Save the Children, the International Human Rights Law Group, Coopération Internationale pour le Developpement et la Solidarite, and the American Friends Service Committee offering training, funding, and support to local NGOs. Various United Nations offices remained in Phnom Penh after the departure of UNTAC, including the Cambodian Office of the High Commissioner for Human Rights, the United Nations Development Programme, the Joint United Nations Programme on HIV/AIDS, the United Nations Children's Fund, and the United Nations Educational, Scientific and Cultural Organisation (Hughes, 2003).

Many bilateral donor countries also opened offices in Phnom Penh. Due to security problems, however, they limited much of their activity to the capital. The intermittent nature of their work in the countryside, coupled with resistance from villagers, who were often afraid to be seen cooperating with them or who resented what they perceived to be their patronising and colonial attitudes, hampered their stated mission of generating a civil society (Hughes, 2003).

Cambodian NGOs tend to be highly centralised and hierarchical, with a heavy disposition for the didactic transmission of foreign knowledge and a markedly cautious approach to mediating between grassroots and government. This has been detrimental to the development of a political space for civil contention with state actors (Hughes, 2003).

Two contradictory impulses operated within the coalition, one being to continue the struggle for power within the coalition setting and the other to work

together to stifle any criticism of or opposition to its rule. Both of these impulses helped to strangle the democratic process.

An early sign that the CPP and FUNCINPEC were prepared to cooperate in the silencing of any opposition was the sacking of finance minister Sam Rainsy from his cabinet post in October 1994 and his expulsion from FUNCINPEC and the Assembly in June 1995 (Jeldres, 1996). Rainsy was the son of Sam Sary, the former leader of the Pracheachon Party and a member of the Sangkum who had run afoul of Sihanouk and disappeared under mysterious circumstances in 1962. The son had been educated in France and had gained a reputation in Cambodian politics as a Mr Clean for his efforts to expose corrupt government practices (Peou, 2000).

A small group of FUNCINPEC and BLDP deputies had formed around the popular Rainsy, but his expulsion from FUNCINPEC and then the Assembly by Ranariddh, apparently at the urging of Hun Sen, served as a warning to the Assembly that opposition would not be tolerated. Peou (2000) quotes one member of the assembly as saying, "If well-known politicians like Rainsy could be expelled, anyone could be expelled" (p.195). Rainsy formed the Khmer Nation Party (KNP), later to be renamed the Sam Rainsy Party (SRP), and has continued to be the most outspoken government critic and perennial irritant for Hun Sen ever since (Than, 2004)). It is significant that no galvanizing pro-democracy figure emerged during the lead-up to the transition to democracy in Cambodia, such as Václav Havel in Czechoslovakia or Corazon Aquino in the Philippines. In many ways Rainsy would come to serve this role.

Article 31 of the 1993 constitution guaranteed freedom of expression, press, publication, and assembly. Many journalists and human rights organisations therefore considered the introduction in August 1995 of a press law that made it illegal to publish stories that the government assessed to be dangerous to political stability to be a threat to freedom of expression in Cambodia. These anxieties increased with a series of government-directed actions resulting in the newspaper *Khmer Ideal* being closed down, the editor of *New Liberty* being jailed because the government deemed one of his editorials to be illegal, and legal action being taken against the editor of the *Morning News* because of an article that the government viewed as sullyng the reputation of its leaders (Lizee, 1996).

Along with official reprimands and prosecutions for journalists that the government considered to be critical of it, a culture of extrajudicial persecution of journalists developed that resulted in the murder of three Cambodian journalists in 1994 that were never investigated, suggesting official complicity (Peou, 2000). FUNCINPEC and the CPP appeared to be in collusion in the suppression of the press, with Ranariddh defending the suspension of human rights as sometimes necessary in the cause of stability and economic growth. Peou quoted him as saying, “Discipline is more essential in our society than democracy, though they have a need of both” (p. 196).

As noted in the previous chapter the Cambodian judicial system was deeply flawed due to a lack of trained personnel, most of whom had been appointed on a political basis, calling judicial independence into question. The UN had sponsored efforts to develop a modern court system, including a judicial mentor programme that had relied on guidance by overseas judges, but the poorly paid local judges were vulnerable to corruption and intimidation, producing a culture of impunity for both politically motivated and other criminal activity. Large numbers of demobilised soldiers became police, receiving below-subsistence pay. This resulted in an ill-disciplined, corrupt police force in a country that had suffered decades of violence, contributing to a culture that viewed violence as a legitimate means of dispute resolution. This environment made Cambodia a haven for illegal forestry, drug and sex trafficking, money laundering, small-arms smuggling, and other illicit cross-border activities (Broadhurst, 2004).

FUNCINPEC fumed against the CPP’s dominance of the judiciary, the majority of whom were SOC appointees, and in March 1995 Ranariddh complained that “it was not fair” that FUNCINPEC had not appointed any judges to the judiciary (Roberts, 2001, p. 135). The source of his anger was apparently not that the judiciary was not independent, but rather that he could not get a foothold in to influence it.

The Decline of the Khmer Rouge

Negotiations to end the fighting with the Khmer Rouge stalled, as the government and the Khmer Rouge could not reach agreement on the terms of integrating the Khmer Rouge into the government, an arrangement that would

have required a constitutional amendment. For the government the preconditions for such integration were a ceasefire, dissolution of the Khmer Rouge army, and the relinquishing of its territory. The Khmer Rouge insisted on no preconditions to negotiations, a guarantee of 15% representation in state ministries, and its army remaining intact within the national army (Um, 1995).

With the failure of these talks the government declared the Khmer Rouge an outlaw group and the fighting continued with the Khmer Rouge relying on guerrilla tactics, kidnappings, and attacks on ethnic Vietnamese. The government responded with largely ineffectual military operations and instigated a programme of encouraging defection from the Khmer Rouge by offers of amnesty and financial rewards. Matters were complicated by the Royal Cambodian Army, which the CCP dominated, being riddled with corruption. Numerous instances occurred of commanders inflating troop numbers and then pocketing their ghost troops' salaries, of selling military supplies to the Khmer Rouge, and generally indulging in criminal activity (Jedres, 1996).

At the heart of the growing tension between FUNCINPEC and the CPP was the inability of the former to gain leverage into the political system as a result of the latter's entrenched position in the civil administration. While this obviously had repercussions for democracy in Cambodia, what it meant for FUNCINPEC was that although it maintained a marginal numerical superiority in the Assembly, this did not necessarily translate into the implementation of policy at the local level. More importantly for FUNCINPEC, they were unable to obtain the sort of political rewards that their supporters expected, thereby weakening their effectiveness in a political culture based on patron-client relationships (Hughes, 2006). Throughout the 1993-1998 government's tenure it was the norm for the government to portray the construction of such basic infrastructure as roads, schools, and health clinics as personal gifts from its leaders, predominantly Hun Sen, after whom they were then named, instead of as part of the normal function of government (Downie & Kingsbury, 2001).

The CPP appeared to tolerate the façade of power-sharing, but any threat to its dominance of internal politics also threatened the country's fragile stability. Such a threat arose in 1996 when a schism developed in the Khmer Rouge leadership, splitting Ieng Sary from the Pol Pot faction, effectively setting up an autonomous region in the gem-and-forestry-rich Palin area and generating a

competition between Hun Sen and Ranariddh to court the opposing factions onto their side (Lizee, 1997).

One of UNTAC's most significant failures had been its inability to disarm the Khmer Rouge, and as its leadership imploded its remaining forces created a tempting opportunity for the coalition's fractious leaders. Their announced policy was to weaken the Khmer Rouge by encouraging defections and dividing it. Ieng Sary claimed that he had been ostracised by the party in 1986 and had been in conflict with Khmer Rouge leaders Pol Pot, Khieu Samphan, Nuon Chea, and Ta Mok since then. Although Ranariddh had initiated talks with Sary, Sary defected to the government under the aegis of Hun Sen, declaring that as the rest of the Khmer Rouge leadership favoured FUNCINPEC he would get a better deal with the CPP (Roberts, 2001).

Ranariddh's next strategy was enter into talks with the other factions of the Khmer Rouge in an attempt to bolster his political and military standing by resurrecting the CGDK alliance against the CPP. It must be noted that while it was legitimate for both parties in the coalition to seek to bolster their political standing by seeking extra-parliamentary alliances, Hun Sen did it more or less out in the open, while Ranariddh's negotiations were done clandestinely. While Hun Sen appeared to be following the coalition tactic of seeking to weaken the Khmer Rouge, Ranariddh's tactics seemed to be directed against the CPP (Roberts, 2001).

The 1997 "Coup"

The deteriorating nature of the relationship between FUNCINPEC and the CPP was emphasised when Ranariddh threatened at the FUNCINPEC congress held in March 1996 to leave the coalition unless the CPP was willing to ensure a more equitable sharing of power (Peou, 1998a). Relations between the two coalition partners steadily deteriorated, with a battle of words between the two leaders and armed clashes between the police and military loyal to each side continuing throughout the first half of 1997. On June 17 fighting broke out between the police headquarters of the CPP and FUNCINPEC, and in a display more resonant of gang warfare than power sharing FUNCINPEC police head Ho Sok died in CPP custody (Roberts, 2001).

In an attempt to consolidate opposition to the CPP Ranariddh announced a new political front, the National United Front, a deliberately provocative move to which Hun Sen responded by signing agreements with the Liberal Democratic Party and the BLDP, by then led by Ieng Mouley, who had broken with Son Sann in 1996 (Peou, 1998a). Both leaders were shoring up their support for the next election, which was due in 1998, and also signalling the coalition's demise. Many attributed two 1996 grenade attacks on Son Sann supporters, which had injured numerous people, to the CPP, although no one was ever charged. Then in late March 1997 four grenades were thrown into a peaceful demonstration staged by the KNP, killing 17 people and injuring as many as 119, including Sam Rainsy. Although again no one was charged for the attack on the KNP rally, the repercussions of this attack continued to simmer in Cambodian politics (Peou 2000).

Ranariddh and Khieu Samphan agreed in principle at a June 1, 1996 meeting that Samphan's National Solidarity Party would join Ranariddh's National United Front, opening the road for the more moderate factions of the Khmer Rouge to partake in the parliamentary process. Ranariddh then prematurely announced that a deal had been struck whereby Pol Pot, Ta Mok, and Son Sen, who had been Democratic Kampuchea's minister of defence and an intimate of Pol Pot since their Paris student days, would go into exile. When Sihanouk issued a statement on June 9 ruling out pardons for Pol Pot and Ta Mok but not Son Sen, Pol Pot sensed betrayal and ordered the execution of Son Sen and his family. This was one murder too many, and on June 11 Ta Mok, aware of his own vulnerability, placed Pol Pot under arrest for murder and assumed the leadership of the Khmer Rouge (Short, 2004). On July 8 Ranariddh and Samphan signed an agreement formally integrating the remnants of the Khmer Rouge into the National United Front (Peou, 2000). By then, however, events in Phnom Penh had escalated as Hun Sen struck out at his coalition partner.

On July 5 Hun Sen's troops attacked FUNCINPEC headquarters, residences, and military bases. After two days of bloody fighting he announced that Ranariddh was effectively ousted. Some dispute exists about whether what occurred in July was actually a coup. Hun Sen defended his actions as a legitimate response to illegal actions by Ranariddh that threatened stability, citing Ranariddh's provocative strategy of secretly building up his military and the

politico-military alliance with the Khmer Rouge as tantamount to a declaration of war (Peou, 2000). The White Paper that the government produced after the July events accused Ranariddh of importing some three tons of sophisticated weaponry under false bills of lading labelled as spare parts. Since these included antitank weapons and the Royal Cambodian Army was the only force to have a large number of tanks, the conclusion is inescapable that these weapons were to be used against the CPP (Curtis, 1998).

Roberts (1998) supported the view that it was not a coup, as nowhere in political science definitions is a coup d'état normally followed by the installation of a democratically elected, Assembly-ratified replacement for an individual who, whilst democratically elected himself, broke the rules of his own constitution. As FUNCINPEC member Ung Huot became first prime minister after Ranariddh fled the country, Hun Sen retained his position as second prime minister and the monarchy, constitution, and structure of the government remained the same, it becomes problematic to define these events as a coup.

Peou (2000) contended, however, that it was a coup, as what Hun Sen did drove the leader of the winning party out of power, a view shared by UN Secretary-General Kofi Annan, who considered it to be a coup because “a change in the composition of the Government had been initiated and carried out by force” (p. 303). Peou also noted that since Ranariddh had dismissed Ung Huot from FUNCINPEC, which he could do under the party charter, and those party members who had voted for Ung Huot did not form a quorum, it was illegitimate for him to replace Ranariddh.

What makes defining the July events as a coup problematic is the coalition's unique arrangement. If Ranariddh had managed to oust Hun Sen, that would probably not have constituted a coup. The events brought out into the open the reality that, regardless of the election or the coalition agreement to share power, by its domination of the military and the administration the CPP had held the actual reins of power in Cambodia, and the events just confirmed this. Chandler (1997) cited the metaphor of a Western diplomat in Phnom Penh describing the relationship between the CPP and FUNCINPEC as, “Two freight trains had been set in motion, at opposite ends of a single track, with faulty breaking systems and ambitious engineers” (p. 32).

Hun Sen apparently had not pre-planned the events, as he had been out of the country at the time. It was rather that events escalated in an already volatile environment in which a collision was inevitable. Ranariddh's leadership was, furthermore, generally ineffectual, as he was unable to maintain cohesiveness within FUNCINPEC, and the party's response to the coup was ambiguous. Hun Sen, however, was ruthless and moved quickly to suppress opposition elements in FUNCINPEC. In the aftermath of the coup dozens of FUNCINPEC supporters were arrested, looting by government soldiers was widespread, and at least 40 people were assassinated (Chandler, 1997).

Hughes (2003) considered FUNCINPEC's failure to establish a clear policy programme and to develop political structures in the rural areas, combined with Ranariddh's determination to concentrate on politics at the centre, as the basis for its decline. By alienating such popular reformers as Sam Rainsy, attempting to build transformed patronage networks based on his assumed right of leadership through his connection to the king, accepting large-scale gifts that opened him to accusations of corruption, and trying to match the CPP militarily Ranariddh was playing a game that he had no hope of winning. Had he followed a more democratic model he may have built up the support necessary to get on a more even playing field with Hun Sen.

The international response to the coup was a muted condemnation of Hun Sen's actions coupled with a desire for peace and stability in Cambodia as a condition for investment there. On July 10 ASEAN decided to delay Cambodia's admittance but refrained from condemning what it regarded as an internal matter, and on September 19 the UN Credentials Committee decided to leave the Cambodian seat vacant. On July 16 the US Senate voted 99 to 0 to halt all US aid to Cambodia until a new government had been established in Phnom Penh by a free and fair election, and on August 8 Washington announced that it would halt all non-humanitarian aid to Cambodia. The World Bank also announced a temporary suspension of its aid programmes in Cambodia (Peou, 2000).

While softly condemning Hun Sen's actions, the major desire of most donor countries was that peace and stability be maintained and that the election should go ahead in 1998, with Ranariddh's participation. Most countries, including China, condemned Ranariddh's moves to join forces with the Khmer Rouge. Peou's (1998, 2000) position on international intervention in Cambodia

since the 1993 election swung from praising the international community for refraining from direct intervention over the July coup to criticising it for tacitly supporting Hun Sen's efforts to obtain hegemonic power from 1993 to 1997.

Hughes (2003) regarded the ambiguous response of the international community to the coup as the reflection of disappointment at the ineffectualness of FUNCINPEC and a general disintegration of the first flush of post-Cold War idealism giving way to a pragmatic acceptance of governments that appeared to be delivering certain economic goods, even if at the expense of human rights and the rule of law. An example of this was Australian Ambassador Tony Kevin reportedly describing the 1993-1997 coalition as "sterile and unworkable" (p. 105), and reporting in a leaked communication to the Australian government that Hun Sen was working to restore stable government to Cambodia.

Hughes (2003) also noted that exiled FUNCINPEC members and the Sam Rainsy Party were increasingly using international forums as a means of protesting events in Cambodia from abroad, demanding the recognition of problems in Cambodia as international problems. Although this tactic may have raised international awareness and pressure on Phnom Penh, which was fundamentally dependent on international aid, it may also have served to marginalise internal opposition.

To allay fears that the CPP's domination of the government was turning into a dictatorship, Hun Sen announced that the CPP was committed to democracy and free and fair elections and pushed for the adoption of a law addressing political parties and another to govern elections. On October 28 the National Assembly voted 84 to 6 in favour of the law on parties and on December 19 it passed the law on elections, announcing that the next election would be held in July, 1998 (Peou, 1998b).

Conclusion

Cambodia's 1993-1997 coalition government began under the threat of violence, but established itself with the stated intent of reconciliation, cooperation, peace, and stability. It ended in all but name in violence because of the inability of the coalition partners to accept the necessary compromises that the power-sharing arrangement of the coalition demanded. Much of the blame for this failure belongs to Hun Sen and the CPP for refusing to accept the 1993 election results and

exploiting their domination of the military and administrative structure to exclude FUNCINPEC from its rightful share of power, but FUNCINPEC failed to build on its electoral mandate by creating a democratic counterweight to the CPP's dominance, choosing instead to pursue a dangerously provocative and ultimately futile strategy of attempting to build up its military assets in a direct challenge to the CPP.

That the situation escalated so rapidly is also a reflection of the personalities of Hun Sen and Ranariddh. The 1997 coup consolidated the trends that were to characterise the next 14 years of Cambodian political life, which were domination by Hun Sen and the CPP, the marginalisation of political opposition, and the stifling of the development of a civil society reliant on the rule of law. As this thesis's previous chapters reported, all of these trends had precedents in the political development of the modern Cambodia.

Chapter V

A Kind of Democracy: More Elections, Less Democracy

Introduction

After the 1997 coup the CPP consolidated its domination of Cambodian politics and Hun Sen consolidated his personal power, often through patronage structures outside of the party structure. Hun Sen and the CPP realised that Cambodia's aid-dependent economy relied on international recognition of the state's legitimacy and that they would have to modify the tactics they employed for maintaining their dominance. They have consequently gradually replaced violence and coercion with other, more subtle, techniques.

Although regularly scheduled elections that the international community has, by and large, judged to be free and fair, or at least acceptable, have taken place, by using "gift-giving," intimidating surveillance, and the suppression of the opposition party's access to its power base in the rural hinterland, Hun Sen and the CPP have created a political environment that is problematic for the flourishing of participatory democracy. They have managed to marginalise any opposition or criticism through the intimidation and manipulation of the judiciary and have largely managed to contain opposition activity to the urban areas and foreign forums. This chapter analyses the 1998, 2003, and 2008 elections and the introduction of commune elections in 2002 and discusses how Hun Sen and the CPP have progressively consolidated their dominant position.

The 1998 Election

The prospects for stability and democracy in Cambodia at the beginning of 1998 were dim, but by the end of the year the country had reason for a cautious optimism for a peaceful future. The indications for the future of democracy in Cambodia were, however, less hopeful. Pol Pot died on April 15, and after journalists had verified his death his body was cremated on a pile of rubbish and car tyres (Short, 2004). By December all of the remaining Khmer Rouge leaders except Ta Mok had defected to the government, effectively ending the Khmer Rouge era (Peou, 1999).

The year had begun with sporadic fighting between royalist and government troops and Hun Sen calling for the trial of Ranariddh for the illegal

importation of weapons and treasonable negotiations with the Khmer Rouge, but by February his position had softened and he agreed to a Japanese proposal to allow Ranariddh to take part in the election after his trial (Peou, 1998b). The Japanese proposal, endorsed by the foreign ministers of Thailand, the Philippines, and Indonesia and by the so-called friends of Cambodia, composed of representatives from Australia, the UK, Canada, France, Germany, Japan, New Zealand, South Korea, Russia, and the US, was to be the basis for international support and financing for the July election. It called for Ranariddh to break all ties with the Khmer Rouge and declare a ceasefire, thereby allowing his forces on the border to be reintegrated into the RCAF, in exchange for his trial proceeding immediately and being followed by a full pardon from the king (Hughes, 2003).

One of the CPP's strengths was its ability to present a united front for the electorate despite its internal disagreements. FUNCINPEC had ejected Sam Rainsy in 1995 and his party had appealed to many urban voters who otherwise might have voted for FUNCINPEC. Following the 1997 coup FUNCINPEC split again, with Ung Hout forming his own party, the Reastr Niyum Party, and National Assembly Vice-President Loy Sim Chheang forming the Sangkum Themei Party. The former Siem Reap Governor, Toan Chay, had also rejected Ranariddh's leadership and formed his own party (Downie, 2000). The BLDP had split into Ieng Mouley's Buddhist Liberal Party and Son Sann's Son Sann Party (Peou, 1998b, p.284). These parties did not present substantially different electoral platforms, but were part of a trend among well-known politicians to form their own parties and seek electoral success based on their personal followings, a strategy that played into the hands of the more cohesive CPP.

Urban areas, with their more sophisticated voters and more open political spaces, were easier centres in which to operate for opposition parties, but approximately 85% of the Cambodian population lives in rural areas, and the key to the CPP's electoral success is its domination of the rural vote. It has managed this by both systematically curtailing opposition parties' ability to operate in rural areas and securing the loyalty of rural voters with a combination of gift-giving, surveillance, and intimidation (Un, 2005).

Gift-giving as practiced by the CPP in Cambodian politics has a double-edged nature. Such projects as the numerous roads, schools, and temples that bear Hun Sen's name have the purpose of projecting Hun Sen as a benevolent

benefactor whose party gets things done; even if these gifts were financed by international aid, the CPP has usually portrayed them as personal gifts from Hun Sen. This has the tacit corollary that not voting for the CPP would have dire consequences for villages' and communes' access to material resources (Hughes, 2006).

On an individual level the CPP's massive membership drive during the build-up for the 1998 election involved the provision of such small personal gifts as a T-shirt or a bag of MSG to every voter whom it had not identified as a supporter of the opposition. This involved an implied threat that not accepting these gifts publicly identified those people as enemies of the party who were rejecting the traditional *khsae* and the security it entailed, thereby marginalising themselves in society. The CPP's practice of taking thumbprints for party membership cards and collecting elector registration cards, which the party functionaries would return when they took voters in groups to vote, also carried the implication that the party was scrutinising voters, placing the secrecy of the ballot in doubt (Hughes, 2003).

The predecessor of the SRP, the KNP, had faced constant difficulty operating in the provinces, where local authorities had suppressed it by preventing it from opening offices and erecting billboards. Even after it was allowed a physical presence in the countryside its access to rural voters was restricted by the government's refusal to grant it a broadcasting license. Radio and television were vital for reaching rural voters and providing election information, as Radio UNTAC had demonstrated in the 1993 election, since newspapers rarely reached the largely illiterate rural population, who could not afford them anyway. The CPP's domination of electronic media played a crucial role in the 1998 election, contributing to the uneven playing field that it enjoyed (Un, 2005).

While UNTAC had supervised the 1993 election, the 1998 election took place under the political party and electoral laws that the CPP-dominated National Assembly had passed at the end of 1997 while Ranariddh and 20 other FUNCINPEC MPs were out of the country. The National Election Committee (NEC), established in February 1998, supervised it. The NEC had a mandate to oversee and monitor the registration of voters, parties, and candidates, supervise the election campaign, organise polling and counting, and then verify the accuracy of the vote. By filling the NEC and the provincial and commune electoral

commissions that it had established to support it with people who were CPP officials or supporters, the CPP showed its intention to control the administration of the election (Downie, 2000).

Downie (2000) noted that in his testimony before the US Senate Foreign Relations Subcommittee on East Asia and the Pacific, Stephen Heder stated, “National, provincial and commune electoral commissions are basically creatures of CPP. Like the police, army, and the courts, they have little choice but to operate according to the dictates of Hun Sen” (p.46). As an example of the CPP’s influence over the courts, Chea Sim was the acting chairman of the Supreme Council of Magistracy, the country’s judicial overseer, and simultaneously acting head of state, the president of the CPP, and the president of the National Assembly (Downie, 2000).

One month before the election the Constitutional Council was convened, almost five years after the constitution was promulgated. Six of its nine members were from the CPP and the king’s three nominees refused to take their seats due to their perception that the council, constitutionally designed to be impartial, was merely a CPP tool (Downie, 2000). UNTAC had failed in its efforts to sustain a politically neutral environment for the 1993 election, and Hun Sen and the CPP had clearly orchestrated an even less politically neutral environment for the 1998 one.

The electoral law allotted one month before the July 26 election for campaigning. The three main parties, CPP, FUNCINPEC, and SRP, presented almost identical platforms emphasising the need to rebuild the country, to meet social needs, and to defend the country’s political independence, sovereignty, and territorial integrity. All three advertised themselves as committed to democracy, economic liberalism, and peaceful solutions to the country’s many problems. The ghost of war haunted the campaign, with the CPP emphasising its role in ousting the Khmer Rouge and highlighting the opposition parties’ association with them, while both FUNCINPEC and SRP depicted the CPP as a Vietnamese puppet with origins in the Khmer Rouge (Peou, 1998b).

The NEC had determined that the number of seats to be decided would be 122 and had divided the country into 23 electoral districts composed of 20 provinces and three towns. The electoral districts had from 1 to 18 seats, and although the electoral law prescribes the distribution of seats by proportional

representation, a first-past-the-post system operated in the eight districts where only one seat was available. It used the d'Hondt apportionment system for multi-member districts. Every voter voted in favour of one party in a secret ballot (Weyden, 2000).

The d'Hondt allocation system, which the NEC had adopted earlier in 1998, allocates seats within the electoral districts using the highest average formula, as opposed to the highest residual formula, which UNTAC had used. This system usually favours larger parties, and resulted in the CPP winning 64 seats, rather than the 56 it would have won under the UNTAC system. The NEC neither publicised this change nor approved it unanimously, and it was later a cause for complaints by FUNCINPEC and the SRP (Peou, 1998b).

UNTAC had enlisted 22,000 personnel to monitor and guard the 1993 election; in 1998 about 500 international observers formed the Joint International Observer Group (JIOG), under the auspices of the European Union. Such international human rights groups and such NGOs as Amnesty International, Human Rights Watch Association, the International Republican Institute-National Democratic Institute (IRI-IDI), and the Asian Network for Free Elections dispatched another 200 observers. Three newly formed Cambodian electoral organisations calling themselves the Neutral and Independent Committee for Free and Fair Elections, the Coalition for Free and Fair Elections, and the Committee for Free and Fair Elections in Cambodia (COMFREL) posted observers at nearly every voting station, as did the three main parties. The overall feeling was that if a genuinely politically neutral environment was unobtainable, efforts could be made to ensure that at least the election itself was run freely and fairly (Downie, 2000).

The official turnout for the 1998 general election was 5,401,208, or 97.7% of all registered voters, a figure that puts Western democracies to shame and demonstrated the Cambodians' enthusiasm for the process. The NEC had approved 39 parties to participate in the election. A majority of the international observers declared it free and fair and acceptable, acceptable being the new standard for legitimacy. The International Republican Institute-National Democratic Institute, however, described the pre-election period as "fundamentally flawed," citing (a) widespread intimidation, (b) flaws in the institutional framework, including the make-up of the NEC, ruling party control of the election administration, and the failure of the Constitutional Council to

convene, and (c) a denial of equal access to the electronic media for the opposition parties (Downie, 2000, p. 51).

Voters encountered subtle intimidation at polling booths, where election commission officers known to be CPP supporters exuded a threatening presence. This kind of intimidation, plus political killings and intimidation before the election, led several international organisations, including, Human Rights Watch Association, Amnesty International, and the International Crisis Group to proclaim the election not to have been free and fair (Downie, 2000; Peou, 1998b).

The day after the polling, however, JIOG declared that “voting day and counting day were free and fair to an extent that it enables it to reflect, in a credible way, the will of the Cambodian people” (Downie, 2000, p. 52). Table 2 shows the results of the 1998 election.

Table 2

Results of Cambodia’s 1998 Parliamentary Election

<u>Party</u>	<u>Percentage of Votes</u>	<u>Seats in National Assembly</u>
CPP	41.42	64
FUNCINPEC	31.71	43
SRP	14.27	15
Others	12.6	0
Total	100	122

(Weyden, 2000, p.617)

Although the CPP had won an outright majority in the National Assembly, it did not have the two-thirds majority required to form a government. Hun Sen announced that he was willing to form a coalition government with FUNCINPEC and the SRP, offering a 40% share of cabinet posts to the opposition parties with the condition that the CPP keep control over the key ministries of finance, justice, foreign affairs, security, and defence. Ranariddh and Sam Rainsy immediately rejected this offer, which was hardly surprising considering the way the previous coalition with Hun Sen had turned out (Peou, 2000).

Personal animosity against Hun Sen fuelled Ranariddh and Sam Rainsy’s refusal to join a coalition, as they both stated that they would consider a coalition with the CPP if Hun Sen were removed. They also expressed grievances that the

NEC and the Constitutional Council had failed to resolve their complaints in regard to electoral irregularities. Starting August 24 the opposition parties staged a series of protests in Phnom Penh, which government forces met with a violent crackdown following a grenade attack on Hun Sen's residence on September 7 (Peou, 2000).

Hun Sen and Ranariddh finally reached an agreement on November 17 to form a new government within which Hun Sen would become the sole prime minister and Ranariddh would become the chairman of the National Assembly. Part of the new settlement called for the establishment of a royally appointed Senate, to be led by Ranariddh as the chairman of the National Assembly and the CPP party president, Chea Sim. The Senate was to act as an upper house of parliament, with the Assembly still holding primary legislative power. The Senate's main role was to be that of a filter, reviewing draft bills approved by the Assembly, offering comment and advice, and, if warranted, returning bills to the Assembly for reconsideration before promulgation. The Senate does have the power to initiate legislation, which must be approved by the Assembly, and can debate and delay legislation, but not to prevent its passage. Although the king appointed the first Senate, subsequent Senates were to be elected by commune officials on behalf of their constituencies and supplemented by two senators nominated by the king and two elected by the Assembly (Peou, 1999).

The National Assembly approved the new government on November 30, leaving Sam Rainsy out of the coalition; thereby positioning Rainsy and the 13 other SRP MPs as the only opposition party in the Assembly (Peou, 1999). Hun Sen and the CPP had secured domination of Cambodian politics, and while he played lip service to liberal democracy, the 1998 election was another step in their consolidation of power.

The 2002 Commune Council Elections

Despite lingering questions about the freeness and fairness of the 1998 election, two signs of international recognition of the legitimacy of the new coalition and its apparent stability were Cambodia's admittance to ASEAN in February 1999 and the resumption of aid programmes that had been stalled by the 1997 coup from such donor agencies as the Asian Development Bank, the European Union, and the International Monetary Fund (IMF). At the February

Consultative Group meeting donors pledged US\$470 million for the coming year (Langran, 2000).

Cambodia remained highly dependent on international aid, with approximately one-third of the government's budget coming from foreign donors. Donors increasingly linked aid packages to the government's progress in political and economic reform, specifically citing corruption in the logging and fishing industries. The IMF also called for reforms to broaden the tax base, reduce military spending, and streamline the civil service (Langran, 2001). Within Cambodia local NGOs and the SRP, as the sole opposition party in the National Assembly, called for international pressure to be put on the government for reform and transparency (Hughes, 2003).

Following its ascension to government as part of the coalition, which many regarded, tantamount to selling out, FUNCINPEC began a gradual decline as a credible alternative to the CPP. By forging links with urban protest movements and trade unions, the SRP was steadily gaining ground as a political force in Cambodia. Strong links came into being between the SRP and the Free Trade Union of Workers of Cambodia, led by the charismatic Chea Vichea, until his murder in 2004. Amnesty International (2006) has called for an investigation into the subsequent arrest and conviction of two suspects for Chea Vichea's murder, which has been widely criticised as being subterfuge by Hun Sen and the CPP to disguise their own involvement in the murder. Chea Vichea commented in 2000 that "Sam Rainsy formed this trade union, because at the time [1996] the workers didn't know what a union was" (Hughes, 2002, p. 179). Rainsy was able to draw on the support of international trade unions and foreign governments, resulting in tangible improvements for workers in the Cambodian garment industry. He acquired a reputation for practical action on behalf of workers that Hughes (2007) considered to be a major reason for the SRP's success in the 2002 commune elections, where the SRP gained control of six Phnom Penh communes.

In March, 2001 the government promulgated the Law on Commune and Sangkat Administrative Management, with the intention of establishing "administrative management of all communes/sangkats in the Kingdom of Cambodia following a policy of decentralization" (Slocomb, 2004, p. 462). Elections for the 1,621 communes, clusters of villages, and urban neighbourhoods took place on February 3, 2002 (Un & Ledgerwood, 2003).

Blunt and Turner (2005) noted that successful decentralisation requires a context in which the dominant values are supportive of genuine decentralisation and that includes a commitment to popular participation, the acknowledgement of local autonomy, support for bottom-up decision making, and special consideration for the most vulnerable. None of these values were central to the context of Cambodia's 2002 commune elections.

The government hailed these elections as a sign of its commitment to democracy, noting that they were in partial response to donor groups' concerns for good governance, popularly thought to come about by decentralisation. Indeed, the World Bank and the United Nations Development Programme had specifically endorsed decentralisation as a way to generate good governance (Blunt & Turner, 2005).

Slocomb (2004), however, noted that since the newly reformulated commune councils came under the authority of the Minister of the Interior, the elections had actually had a reverse effect to decentralisation and had instead concentrated the allocation of resources away from local bodies to the discretion of the elite in Phnom Penh. Blunt and Turner (2005) reached a similar conclusion, as the CPP had achieved a sizeable victory in the elections, which actually enhanced central control.

The CPP was the subject of accusations of violence and intimidation in the lead-up to the 2002 elections similar to those made against in 1998, with about 20 political activists, mainly from the SRP, either killed or dying in suspicious circumstances. Overseas observers, however, judged the elections themselves to be acceptable. Again demonstrating its overwhelming advantages in financial and human resources and its dominance of local government through its organised networks, the CPP won 62% of the total vote and 97% of the top offices (Un & Ledgerwood, 2003).

As in the national election, the voting was for parties, not individual candidates, which would have been preferable to many, as they knew the qualities of the local individuals who were the candidates (Slocomb, 2004). Elected CPP commune administrators had, in essence, replaced CPP-appointed commune administrators. One significant result of the election was the fall in FUNCINPEC's share of the vote from 32% in 1998 to 22% in 2002 and the SRP's rise from 14% in 1998 to 17% in 2002. While the communes have no legislative

power, the elections boosted the CPP's confidence in its invulnerability for the general election scheduled for the next year (Hughes, 2002).

The 2003 Election

Three significant factors emerged from the 2003 national elections. These were the increasing dominance of the CPP, the SRP surpassing FUNCINPEC in the popular vote for the first time, and a downturn in the number of Cambodians voting, which reflected the people's creeping disenchantment with the electoral process. That it took 11 months from the July 27 election until the formation of a government in June 2004 reflected both the unsatisfactory constitutional legacy of the PPA's requirement for a two-thirds majority of the Assembly to form a government and the antagonistic relationship between the leaders of the three main parties (Albritton, 2004)).

Dissatisfaction with the partisan nature of the NEC had resulted in pressure from opposition parties and local and international NGOs for amendments to the 1998 electoral law, proposing a smaller, independent, neutral, and more transparent body to select the NEC on a non-partisan basis. The government responded by creating a smaller, five-member national committee, but as it still came under the authority of the Ministry of the Interior its impartiality remained suspect. To dispel accusations in regard to the government's monopoly of access to the electronic media, the new NEC instituted a policy of what it called *equitable access* to state-owned media, in which parties received a percentage of what it called special airtime based on their results in the previous national election. Overall coverage, however, was heavily biased in favour the CPP (Sullivan, 2005).

Once again the campaign period leading up to election was imbued with an atmosphere of fear, marked by accusations of intimidation and politically motivated killings linked to the CPP, the most prominent of which was the murder of Buddhist monk Om Radsady, an advisor to Ranariddh. The Cambodian Center for Human Rights (CCHR) stated that it was extremely concerned at the many instances of illegal voter registration restrictions it had found and other irregularities, intimidation, and associated violence (Than, 2004). Fewer instances of intimidation and violence took place overall than in 1993 and 1998, indicating

both the CPP's grudging tolerance of opposition campaigning and its confidence in the result (Albritton, 2004).

The response of international observers to the 2003 election was largely positive, although some doubts were again cast in regard to its absolute freeness and fairness the overall consensus was that it was technically acceptable. Observers attributed the decrease in the number registered voters casting their votes to 81% from 93% in 1998, to voter disenchantment with the parties, difficulties in getting to polling stations, and a lack of voter education. The turnout, however, was still notably high by international standards (Than, 2004). Table 3 shows the results of the 2003 election.

Table 3

Results of Cambodia's 2003 Parliamentary Election

<u>Party</u>	<u>% of Votes</u>	<u>Seats in the National Assembly</u>
CPP	47.3	73
FUNCINPEC	20.7	26
SRP	21.9	24
Others	10.1	0
<u>Total</u>	<u>100</u>	<u>123</u>

(Sullivan, 2005, p.134)

The CPP had won a 73 to 50 seat majority in the 2003 National Assembly, but it had again failed to attain the two-thirds majority required to form a government. Ranariddh and Sam Rainsy almost immediately announced that they would not take part in a coalition led by Hun Sen and a lengthy stalemate ensued (Albritton, 2004).

Negotiations reached an impasse, with Hun Sen declaring that until agreement had been reached the makeup of the government would continue as it had been prior to the election. FUNCINPEC and the SRP formed a temporary alliance called the Alliance of Democrats, putting forward various proposals for how to form a tripartite government, all of which Hun Sen rejected, announcing that opposition parties ran the risk of forfeiting their parliamentary seats if they carried out their threat of boycotting the first session of the new parliament (Than, 2004).

Although no government had been formed the new National Assembly was sworn in and a hung parliament followed until a new government was announced in June 2004. FUNCINPEC's alliance with SRP had fallen apart and the new government was along lines similar to the previous one, with FUNCINPEC as junior partner in a coalition with the CPP, Hun Sen as sole prime minister, and Ranariddh as president of the Assembly. The settlement agreement involved a cumbersome arrangement of more than 200 ministries, swelling the already bulging civil service (Beresford, 2005).

The renewed amity between CPP and FUNCINPEC served the dual purpose of reassuring donors of Cambodia's stability and of isolating the SRP. Sam Rainsy had left the country in early 2005 after Hun Sen had filed several defamation suits against him in regard to Rainsy's accusations of Hun Sen's complicity in the 1997 grenade attack against his party. Hun Sen and Ranariddh had also filed joint defamation suits against him in regard to his accusation that Ranariddh had accepted bribes from Hun Sen to form the coalition. The Assembly voted to revoke Rainsy's parliamentary immunity and in December 2005 he was sentenced in absentia to 18 months in jail (Weggel, 2007).

After years of procrastination the National Assembly voted in October 2004 to ratify a UN-backed law to set up a tribunal to prosecute the surviving leaders of the Khmer Rouge for crimes against humanity during the Democratic Kampuchea period, but by May 2005 the government had managed to delay the process again. The chief obstacles to setting up the tribunal were cost factors, the need to establish international credibility for the Cambodian judiciary, and some of the potential suspects being embedded in national and local government. A hybrid Cambodian-UN court finally began the first hearings of the Khmer Rouge Tribunal in 2007 (Weggel, 2006).

The turbulent ebb and flow of Cambodian politics took a dramatic turn in 2006 with a major change to the constitution and the further consolidation of Hun Sen's grip on power. Hun Sen and Sam Rainsy struck a deal in which in return for his party's support for a constitutional amendment to the two-thirds majority requirement to form a government, Rainsy, who had been granted a pardon by the new king Norodom Sihamoni, would be assigned a 12-man bodyguard and welcomed back to parliament. On February 14 the National Assembly voted through the constitutional amendment, so that in future an absolute majority

would be enough to constitute the Assembly and seat a government. Enraged by this vote, Ranariddh resigned from the Assembly presidency and Hun Sen's old mentor Heng Samrin was voted in as the new president (Weggel, 2007).

Festering discontent within FUNCINPEC at Ranariddh's leadership resulted in the other MPs ousting him from the party in October 2006. Undaunted by charges of corruption, he formed his own party, the Norodom Ranariddh Party. The schism and the public bickering it engendered, however, left both parties seriously damaged (Hughes, 2008).

An election was held for the Senate in January 2006. This was a non-universal-suffrage election, as voting was only open to local officials and national legislators, leading to a boycott by election-monitoring groups, who declared that it lacked credibility due to its not being open to the general electorate. The CCP won 45 of the 61 seats, FUNCINPEC 10, and the SRP 2. The newly elected senators included several of Cambodia's richest businessmen, all of whom had close ties with Hun Sen, reflecting the flourishing relationship between Hun Sen and the business community (Weggel, 2007). By the end of 2007 the CPP had managed to consolidate its domination of the Assembly and the Senate, and in the 2007 commune elections had reaffirmed its domination of local administration (Hughes, 2008).

The 2008 Election

In its summary of the 2008 election the European Union Election Observation Mission concluded that:

It was clear from the outset, however, that problems would not lie with the technicalities and the administration of e-day, but rather the more general context, the role of the ruling Cambodian People's Party, the lack of confidence in the impartiality of the National Election Committee (NEC), the culture of clientelism, the practice of electoral gifts, and in a more political and institutional context, the still existing culture of impunity. (Ford, 2008)

Hughes (2009) elaborated on this theme by noting that the CPP's monopolisation of the administrative apparatus ensured that party loyalists were in charge of voter registration and that these officials played an active role in campaigning and turning out the party vote. Hughes also noted that the continued failure to award communes a discretionary budget or revenue-raising powers left

them reliant on party financing, meaning that villages could not afford to vote against the CPP.

Although the incidents of violence were down from the 2003 election, many claimed that the CPP had mounted a major campaign of inducements, threats, and reprisals against opposition party members, the SRP in particular. The European Union Election Observation Mission supported these claims by reporting that “the pattern and frequency of opposition defections to the CPP support claims that the CPP offered large sums of money, expensive goods such as motorbikes, and government positions to attract opposition leaders and key activists” (Thayer, 2009, p. 88).

A new player on the Cambodian election scene, the Human Rights Party, made a surprisingly good showing in the election, winning three seats in the National Assembly and receiving more votes than both FUNCINPEC and the Norodom Ranariddh Party. Led by a prominent human rights activist and vocal critic of the government named Kem Sokha, it was the first Cambodian party to elect its leaders democratically. Twelve political parties contested the 2008 election, which had a 75% voter turnout, the lowest of the four parliamentary elections, and delivered an overwhelming victory to the CPP. Table 4 shows the results of the 2008 election.

Table 4

Results of Cambodia’s 2008 Parliamentary Election

<u>Party</u>	<u>% of Vote</u>	<u>Seats in National Assembly</u>
CPP	58.11	90
SRP	21.91	26
Human Rights Party	6.62	3
Norodom Ranariddh Party	5.62	2
FUNCINPEC	5.05	2
Others	2.69	0
<u>Total</u>	<u>100</u>	<u>123</u>

(Thayer, 2009, p. 86)

It is an anomaly of Cambodia’s proportional representation system based on multi-member provincial constituencies that enabled the CPP to win 90 of 123

seats, or 73%, with just 58% of the popular vote. Even without the constitutional amendment that had removed the two-thirds majority rule the CPP could form a government for the first time without the support of a coalition partner, which it immediately proceeded to do. The election had sent FUNCINPEC and the Norodom Ranariddh Party into political irrelevance and made the SRP the only remaining opposition party of any significance (Thayer, 2009).

State of the Nation

In recent years Hun Sen and the CPP have used their domination of the courts, military, and police to remove hundreds of thousands of Cambodians from their land by forced evictions in both rural and urban areas to the advantage of agribusiness and foreign investors. They have evicted more than 130,000 people from their land in Phnom Penh and at least 250,000 people in the countryside. Amnesty International and Human Rights Watch view these evictions as the most pressing human rights violations in Cambodia (Chandler, 2010). COMFREL has strongly objected to the Law on Expropriation, which the government passed in December 2009, asserting that this law allows the authorities to expropriate land and forcibly evict residents without adequate due process or just compensation (COMFREL, 2010).

State corruption is endemic in Cambodia. Global Witness has characterised Cambodia's extractive industries as "exhibiting early warning signs of kleptocratic state capture," and describes the informal business and power networks around Hun Sen as a "shadow state" (McCargo, 2010, p. 15). An example of this selling of Cambodian assets was the announcement that a vast quantity of sand from Cambodia's shoreline was to be sold to Singapore. This would have a devastating effect on the ecology of the country's environment, the multi-million dollar profits of the sale were to go to a group of tycoons 'close' to Hun Sen (*The Irrawaddy*, February 27, 2011).

The government has continuously stalled the passing of an anti-corruption law, as it has had a vested interest in prolonging the current situation. COMFREL (2010) complained that keeping the draft law on corruption out of the public eye is contrary to the spirit of a law that is meant to call for openness and transparency. It also noted that the one part of the draft that has been leaked

seemed to be designed to allow the government to treat NGOs as civil servants and therefore subject to government control.

The recent growth of Chinese economic assistance, with more than US\$1.7 billion in loans and grants and another US\$5 billion in investment, particularly in the garment industry, since 2005, has come, unlike other international assistance, with no strings attached in regard to governance, transparency, corruption, and human rights. The possibility of the exploitation of oil resources, furthermore, which may free the government from aid dependency, does not bode well for the development of a civil society in Cambodia (Chandler, 2010).

Cambodia currently has fundamental impediments to freedom of expression, a cornerstone of democracy. In 2010 a collection of Cambodian NGOs under the co-ordination of the Cambodian Centre for Human Rights (2010) published a report on freedom of expression in Cambodia that concluded:

the pillars of democracy in Cambodia—parliamentarians, the media, lawyers, human rights activists and the Cambodian people—are being systematically targeted by the [Royal Government of Cambodia]. Tactics of intimidation, harassment, threats and legal charges continue to be used to silence dissenting voices and criticism of governmental policies. (p. 40)

The government forced the closure of two opposition newspapers in 2009 and that by the end of the year Hun Sen and the CPP had controlled the country's Khmer-language media as well as virtually all radio and TV stations (Chandler, 2010). The CPP successfully used its domination of parliament and the courts in a series of defamation cases to silence SRP MPs, most notably Sam Rainsy and Mu Sochua. In November 2009 it revoked Sam Rainsy's parliamentary immunity and issued an arrest warrant for him after he symbolically pulled out six border posts along the Cambodia-Vietnam border to highlight local farmers' complaints that the new border encroached on their lands. Rainsy was sentenced in absentia to two years in jail in January 2010. Sam Rainsy is currently living in France and faces imprisonment if he returns to Cambodia. The court proceedings were closed to journalists, human rights activists, and members of the public (COMFREL, 2010).

In 2011, at the age of 58 Hun Sen has been Prime Minister of Cambodia for more than 25 years and his grip on power is as tight as it has ever been.

Waiting in the wings is his West Point educated son Hun Manet, who has been fast-tracked through the army to the rank of Brigadier-General at the age of 33. Brigadier-General Hun Manet commanded Cambodian troops in clashes with Thai troops at the contested temple site of Preah Vihear in February, 2011. Hun Sen apparently wanted his son at the forefront of the confrontation in order to boost his public profile in preparation for his entry into politics (Thailand insists, 2011, February 7). He is married to Hok Chendavy, the daughter of the late police commissioner Hok Lundy. After his death in 2008 Hok Lundy was replaced by Neth Savouen, who is married to one of Hun Sen's nieces, just one example of the close-knit circle of power around Hun Sen (Strongman father, February 10, 2011). Although Cambodian politics is volatile and unpredictable, it is still highly likely that the CPP and Hun Sen will maintain their political domination over the country well into the future.

Conclusion

The title of this thesis is *A Kind of Democracy*. It is deliberately ambiguous in order to evoke the ambiguous nature of democracy in Cambodia. Since 1993 Cambodia has constitutionally been a liberal democracy, but the political domination by Hun Sen and the CPP have progressively compromised the development of that democracy. Before the 1993 election Cambodia was a one-party state; in 2011 it is virtually a one-party state again.

Scholars have debated the reasons for how this situation came about. They have proposed that it was the result of (a) inherent traits in Cambodia's culture that have made the state susceptible to authoritarian government, (b) historical and political developments that have made the state's elites hostile to political opposition and participation and therefore neglect to build the political institutions that a democracy requires, (c) the decades of war that left the country economically and psychologically so damaged that participatory democracy was fundamentally handicapped from the start, (d) an imposed transition to democracy that, bereft of indigenous origin, was bound to falter, (e) a political economy designed to the CPP's advantage, (f) fragmented opposition parties unable to create a viable alternative to the more cohesive CPP, and (g) Hun Sen and the CPP's ruthlessness and determination to retain power at all costs. It is this thesis's contention that all of these factors combining has resulted in Cambodia's present political situation.

Huntington's (1991) contention that a state's culture and history are a major determinant of the nature of the democracy that emerges after transition clearly applies to Cambodia. The political culture of hierarchical patronage networks, which developed over centuries, still holds sway in contemporary Cambodia. Hun Sen and the CPP have built their dominance on such networks, which are anti-democratic by nature.

The French neglected to foster democratic institutions during their colonial rule, a neglect that continued during the Sihanouk period after independence. By constantly stifling any opposition, Sihanouk managed both to handicap the development of democracy and to sow the seeds of his own downfall. By the time

Sihanouk was deposed and war had engulfed the country and any chance for democracy in Cambodia had been lost.

The impact of the Khmer Rouge regime on hampering the development of democracy in Cambodia cannot be emphasised enough, and that emphasis includes the US's responsibility for contributing to the creation of the circumstances that produced Pol Pot. The unimaginable suffering of the Cambodian people and the wanton destruction of Cambodian society at the hands of the Khmer Rouge has left a terrible legacy from which Cambodia is still recovering. The core of Cambodia's present government emerged from the ashes of Democratic Kampuchea. The civil war deeply affected the mind-set of the leaders of its factions. They have tended to see power as the product of military superiority, and violence and intimidation have replaced the compromises and trust necessary for democracy, as the events of July 1997 amply demonstrated.

Schmitter and Karl (1991) concluded that the transition process itself is the greatest determinant of the likelihood of a state's consolidation of democracy. That Cambodia's transition to democracy was more or less imposed by outside interests as a means of extracting themselves from supporting a costly and futile war rather than engendered by indigenous forces has had a great bearing on the fragility of that democracy.

Hughes's (2003) approach concentrated on the political economy of Cambodia's transition. Hughes argued that contrary to Rustow's (1970) habituation theory that the establishment of democratic procedures habituates populations to democratic practices, in Cambodia the state's monopoly of resources has resulted in the economic marginalisation of most of the population and has therefore hampered the development of democracy. After the CPP had shed its communist ideology and embraced a market economy it retained its domination of state institutions, refashioning patronage networks to its own advantage with the veneer of tradition disguising aggressive exploitation.

A viable opposition is necessary in order to fulfil Dahl's (1971) conditions for a polyarchy by providing voters with a democratic choice. Although Hun Sen and the CPP have achieved much of their domination by suppressing opposition parties, it must also be noted that the fragmented nature of Cambodia's opposition political parties and their failure to present substantial policy alternatives has also served to marginalise them. FUNCINPEC has relied on its royal association but

has been fatally compromised by internal disputes and collaboration with the CPP. The SRP has failed to make inroads into the rural electorate, often relying on xenophobic rhetoric in attempts to do so, and in a political catch-22 has failed to project itself as a party capable of winning an election, which it needs to do for voters to take the risk of voting for it. It failed to win over the voters who deserted FUNCINPEC in the 2008 election, who instead mainly voted for the CPP, increasing its majority.

Incumbent governments in democracies face the inherent risk of being turned out of office if an election does not go in their favour. This is a risk that Hun Sen and the CPP have consistently refused to accept. By refusing to accept the result of the 1993 election, which clearly showed the Cambodian people favoured a FUNCINPEC-led government, and enforcing an equal power sharing arrangement Hun Sen and the CPP set a pattern that was to continue until the present. Their failure to abide by the conditions of the coalition by continuing their domination of the military, police, judiciary, and local administration came to a climax with the coup of July 1997. Although most official observers have judged all the elections following the events in July 1997 to be free and fair, or at least acceptable, the political environment in which these elections have been conducted has been so biased in favour of the incumbent government as to call into question the credibility of democracy in Cambodia.

While international and local NGOs, opposition parties, commentators, and activists all call for democratic reform in Cambodian politics, the political domination by the present government is so overwhelming that little progress can be expected in the present conditions.

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