

*An International Review of Peace Initiatives*

# Accord

Safeguarding Peace:  
Cambodia's Constitutional Challenge

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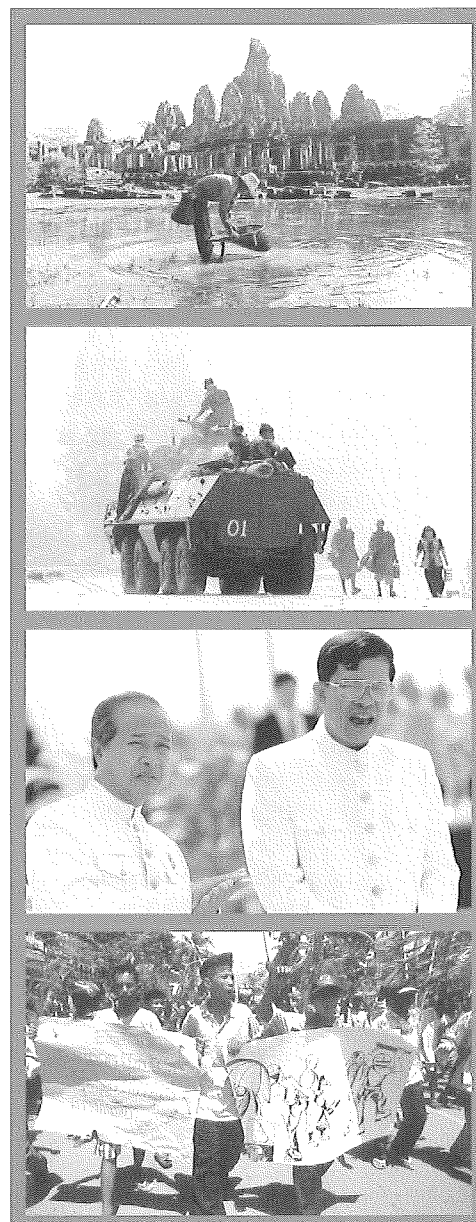
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Police block the funeral cortege of Thun Bun Ly  
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vated killing) as his son looks on.

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## Acronyms

ASEAN	Association of Southeast Asian Nations
BLDP	Buddhist Liberal Democratic Party
BLP	Buddhist Liberal Party
CGDK	Coalition Government of Democratic Kampuchea
CIA	Central Intelligence Agency
CIHR	Cambodian Institute of Human Rights
CPP	Cambodian People's Party
CPR	Coalition for Peace and Reconciliation
DK	Democratic Kampuchea
DNUM	Democratic National United Movement
EU	European Union
FUNCINPEC	National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia
IMF	International Monetary Fund
JIM	Jakarta Informal Meeting
JIOG	Joint International Observation Group
KID	Khmer Institute of Democracy
KNP	Khmer Nation Party
KPNLF	Khmer People's National Liberation Front
KPRP	Khmer People's Revolutionary Party
KR	Khmer Rouge
NEC	National Electoral Committee
NGO	Non-Governmental Organisation
NUF	National United Front
PRK	People's Republic of Kampuchea
RCAF	Royal Cambodian Armed Forces
SNC	Supreme National Council
SoC	State of Cambodia
SRP	Sam Rainsy Party
UN	United Nations
UNCHR	United Nations Centre for Human Rights
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNHCHR	United Nations High Commissioner for Human Rights
UNTAC	United Nations Transitional Authority in Cambodia

# Introduction:

## *Cambodia's constitutional challenge*

**F**acilitating the transformation of relations between warring parties into a stable institutional framework is perhaps the most difficult aspect of peace interventions. Given the acute differences often outstanding between former enemies, the long-term challenge is to build sustainable political mechanisms which allow rivalry and possible renewed tensions to be channelled in a non-violent manner. This critical process of state- and peacebuilding is one prone to violent setbacks as Cambodia's case illustrates, if adequate external safeguards are not envisaged to keep the process of reconciliation on track.

### **A kind of democracy**

Seven years on from the 1991 political settlement between Cambodia's four warring factions, the country stands at an important crossroads. Recent setbacks in the internationally-inspired peace process, which hinged precariously on the success of its fragile democratic transition, have placed an enormous burden on Cambodians themselves to bring to a close a tragic chapter in their history.

As the Vietnam War spilled over into Cambodia in the late 1960s, the politically-divided country was launched into a thirty-year period of war and social upheaval during which its people endured genocide, foreign occupation and a series of destructive interventions by the superpowers. Only with the

ending of the Cold War were conditions finally ripe for the settlement of the Cambodian conflict. Under intense pressure from their foreign sponsors, Cambodia's four warring factions signed a peace agreement in 1991 which was implemented by an 18-month United Nations peacekeeping mission. Though beset by numerous setbacks, including the 1992 withdrawal of the Khmer Rouge from the peace process, the UN successfully organised elections in 1993 which held open the promise of a return to a semblance of normality for Cambodia.

This was not to be. Cambodians could only stand by as the international community allowed the ruling Cambodian People's Party (CPP) to force its way into a power-sharing arrangement with election winners FUNCINPEC, with complete disregard for the spirit of the Paris agreements. Despite early indications that the political arrangement might work, the contradictions of power-sharing in the absence of genuine reconciliation and functioning democratic institutions soon became apparent. By 1997, with the prospect of upcoming elections (scheduled for the following year) and the break-up of the Khmer Rouge rebel movement portending dramatic changes in the balance of power, the coalition began to founder. Tensions erupted violently in July 1997, resulting in the overthrow of Prime Minister Prince Norodom Ranariddh (FUNCINPEC) by co-Premier Hun Sen.

International pressure was quickly brought to bear on Hun Sen, facilitating Ranariddh's participation in the July 1998 elections. By then, however, Hun Sen had effectively consolidated almost complete control over the state and the electoral machinery, a situation which did not bode well for a fair result. Despite financing the electoral exercise, the international community failed to establish clear benchmarks against which to assess the credibility of the polling process. Carried out under the shadow of widespread allegations of intimidation and fraud, the elections look set, in line with the 1993 experience, to return a government in which the distribution of power does not reflect the expressed will of the voters.

Although the official results gave Hun Sen and the CPP a relative majority of 41% of the votes, the joint results of the two main opposition parties FUNCINPEC (31%) and the Sam Rainsy Party (14%) were superior to the CPP. But a controversial change in the formula for allocating seats in the National Assembly gave the CPP a majority of 64 seats out of 122. By the end of October 1998, the opposition leaders were still holding out for a role in a future coalition which would reflect the dominant position they believed their parties had earned in the National Assembly. The chances of this being realised looked slim given Hun Sen's control over the government and the Constitutional Council which was officially charged with ruling on the outcome of the elections.

In the absence of strong and autonomous political institutions as called for by the Paris agreements, Cambodians must today face the harsh reality that their peace remains vested in the hands of a small number of political elites. With few legal constraints on their use of power, violence and intimidation have become common currency in the resolution of disputes. Not only has the human cost on an already war-weary nation been huge, but the delicate process of democratisation, ultimately necessary for longer-term peace in Cambodia, has also been seriously undermined.

## Building institutional safeguards

The challenge of vesting peace in Cambodia's fledgling democratic political institutions and the obstacles posed by the country's particularly virulent brand of 'winner-take-all' politics form the focus of this issue of Accord.

Concentrating primarily on the 1993-98 period, the articles draw upon a wide range of insights from both Cambodians and international commentators alike, the majority of whom have themselves been closely involved in the peace process.

From the start, giving substance to the formal political institutions provided for in both the 1991 Paris agreements and the 1993

Cambodian Constitution was destined to be difficult. Reflecting on the tremendous influence of Cambodia's history and culture on its contemporary political landscape, David Chandler's *Why history matters* highlights how the disregard for constitutional constraints on the exercise of their power puts some of Cambodia's present leaders in line with many of the country's past rulers. Similarly, the absence of a popular inclination to challenge Cambodia's strict patterns of hierarchy and personalised rule militates against a deepening of political accountability in the near future.

Despite this historical legacy, huge expectations were created by UNTAC's arrival in Cambodia in 1991. David Ashley's *Between war and peace* highlights that behind the façade of democracy erected with international support, real power remains in the hands of Cambodia's political elites. The unique political compromise which emerged from the 1993 elections provided for the two co-Prime Ministers to divide power 'equally' between them, though this did not so much foster national reconciliation as a division of the state between two competing power bases. Cambodia's political stability after 1993 was thus hostage to a political process which neither encouraged debate nor compromise and which became the inevitable victim of its own weak democratic foundations.



In *Cambodia's agonising quest*, Lao Mong Hay explores the dilemmas of translating the formal system of checks and balances provided for by Cambodia's Constitution into functioning institutions. Key bodies such as the Constitutional Council and the Supreme Council of the Magistracy, designed to guarantee a formal separation of power and protect the independence of the judiciary, have never been effectively empowered. In the absence of a functioning rule of law, civil society initiatives have not been well-placed to check or discipline those wielding power.

### Mixed messages

Without sustained international pressure after 1993, Cambodia's leadership felt little obligation to give the Constitutional arrangements 'teeth' to limit their own power. Having disengaged to a significant degree from Cambodia's political affairs, the international community was poorly placed to prevent tensions in the coalition from erupting violently in July 1997,

much less to respond to them constructively. Although the Association of South East Asian Nations (ASEAN) took the lead in seeking to manage the political crisis, Sorpong Peou's *Diplomatic pragmatism* examines the regional grouping's weakness in light of its lack of political or economic leverage and its long-standing tradition of non-interference in the internal affairs of either member or non-member states.

The international community continues to play an important part in determining Cambodia's fortunes, not least through support for the reconstruction process. However, Dylan Hendrickson's *Institutions versus personalities* suggests that the lack of consensus among international actors on peacebuilding priorities has inevitably strengthened the hand of the country's political personalities. Stability provided by a 'strongman' has become more important for the international community than the democratic character of Cambodia's government. The reluctance of donor countries

to explore constructive ways of using the leverage offered by the Paris agreements and their own aid programmes has undermined the ability to influence the democratic transition, in the process undermining its legitimacy.

Given the serious limitations of international peace interventions, this highlights the need for peacebuilding to be better grounded in the local culture. In *Steering the Middle Path*, Yos Hut Khemacaro suggests that Buddhism's message of non-violence has immense potential to serve as a platform for constructive social and political change in Cambodia today. While Buddhism cuts across the deep political divisions separating Cambodians today, the challenges should not be underestimated. The tradition of peace activism in Cambodia is weak, and sustained support will be essential if local non-governmental capacities to safeguard the peace are to emerge as an important force.

### Insights for peacebuilding

Cambodia's recent setbacks offer a number of lessons for future peacebuilding efforts, not least in relation to the design and follow up to the Paris agreements. The Cambodian experience implies that it would be misleading to interpret the current situation as simply an erosion of what was achieved in 1992/93, and hence overplay the accomplishments of UNTAC. The commentaries on the Paris agreements featured on pages 43-70 point to the failure to ensure an effective transition of power after elections or to identify the key ingredients needed to ensure implementation of the principles embodied in the accord.

### Complex realities

Certain shortcomings of recent interventions by the international community stem from the failure to come to terms with Cambodia's complex political culture. The partisan nature of past external involvement in Cambodia, which was shaped by Cold War politics, still leads to simplistic distinctions between 'communists' and 'democrats' which downplay

the difficulties Cambodia's leaders of all political persuasions face in governing. This masks important enduring features of Cambodia's political culture such as the crucial role which structures of loyalty and patronage play in bolstering the personal power of political elites. This contributes to the ease with which self-seeking rulers are able to circumvent constitutional constraints on the abuse of power.

### Realistic timeframes

Cambodia's experience challenges assumptions about the pace of institutional change in 'post'-conflict societies. History clearly 'matters' and habits die hard; in the context of the extreme uncertainty surrounding Cambodia's political landscape today, traditional political practices are not amenable to rapid change. The degree and complexity of change needed to 'institutionalise' peace was not sufficiently recognised in the Paris agreements. The emphasis on a short transition period increased the stakes and, ironically, exacerbated rather than mitigated the 'winner-take-all' approach which has long characterised the struggle between Cambodia's factions. The commentaries in this issue underline the need for a longer-term horizon for change and an institutional framework to accommodate it.

### 'Designing democracy'

Cambodia's experience with power-sharing highlights the danger of assuming that unresolved struggles for political power and dominance can be managed by constitutional design alone. What is the role of a guarantor in a reluctant coalition? Who should assume this role, and for how long? In the absence of a robust civil counterweight to the authority of the state, there is a greater reliance on a sustained international scrutiny and willingness to act where the democratic transition falters. It has been the task of enabling and strengthening its political institutions following the 1991 agreements, in the absence of adequate safeguards to guarantee its peace, which has proved to be Cambodia's most difficult challenge.



*Pro-democracy demonstrators, Phnom Penh,  
September 1998*



Source: Jean-Paul Jaslet

### **Consensus-based intervention**

The experience of partisan intervention in Cambodia's war and peace processes illustrates that international support for peacebuilding cannot be effective in the absence of consensus. The country's present dilemma suggests that such consensus must be built around respect for international human rights standards and negotiated with due regard for the principles laid out in the Paris agreements and the 1993 Constitution. A clear message must be sent to transgressors. Democratic transitions are, moreover, long-term projects which take place within specific contexts and as such, require recognition and adaptation to cultural and historical realities. Together, these elements provide the basis of a framework for legitimate international involvement.

### **Elections and democratic transition**

As an international peacebuilding tool, elections and electoral systems have tremendous potential to effect positive change. Yet the key test of elections is what happens afterwards. International

support for elections tends to be largely procedural in nature, not least in Cambodia's case. Ensuring that the results are respected requires a willingness to set clear benchmarks regarding not just the conduct of elections, but also how irregularities are addressed and, most importantly, how the transfer of power occurs. The legitimacy of the democratic process rests with the success of this transition.

### **The constitutional imperative**

The greatest legacy of the international community was the hope for democracy and the knowledge of how it should work. Yet the 1998 elections seemed to show that the 'rules' of the democratic game, as set out in Cambodia's Constitution, were being altered even as Cambodia's new democratic movements were learning to play it. The opposition parties argued that any resolution of the post-election crisis depended on a legitimate adjudication of allegations of electoral fraud by the Constitutional Council as well as the formation

**"In a Cambodia that is not a state of law and not a fully-fledged democracy, I have no other choice than to advise the weak to choose a policy that avoids misfortune for the people, the motherland, and themselves".**

*King Sihanouk urging the opposition parties to form a coalition government with Hun Sen, October 1998*

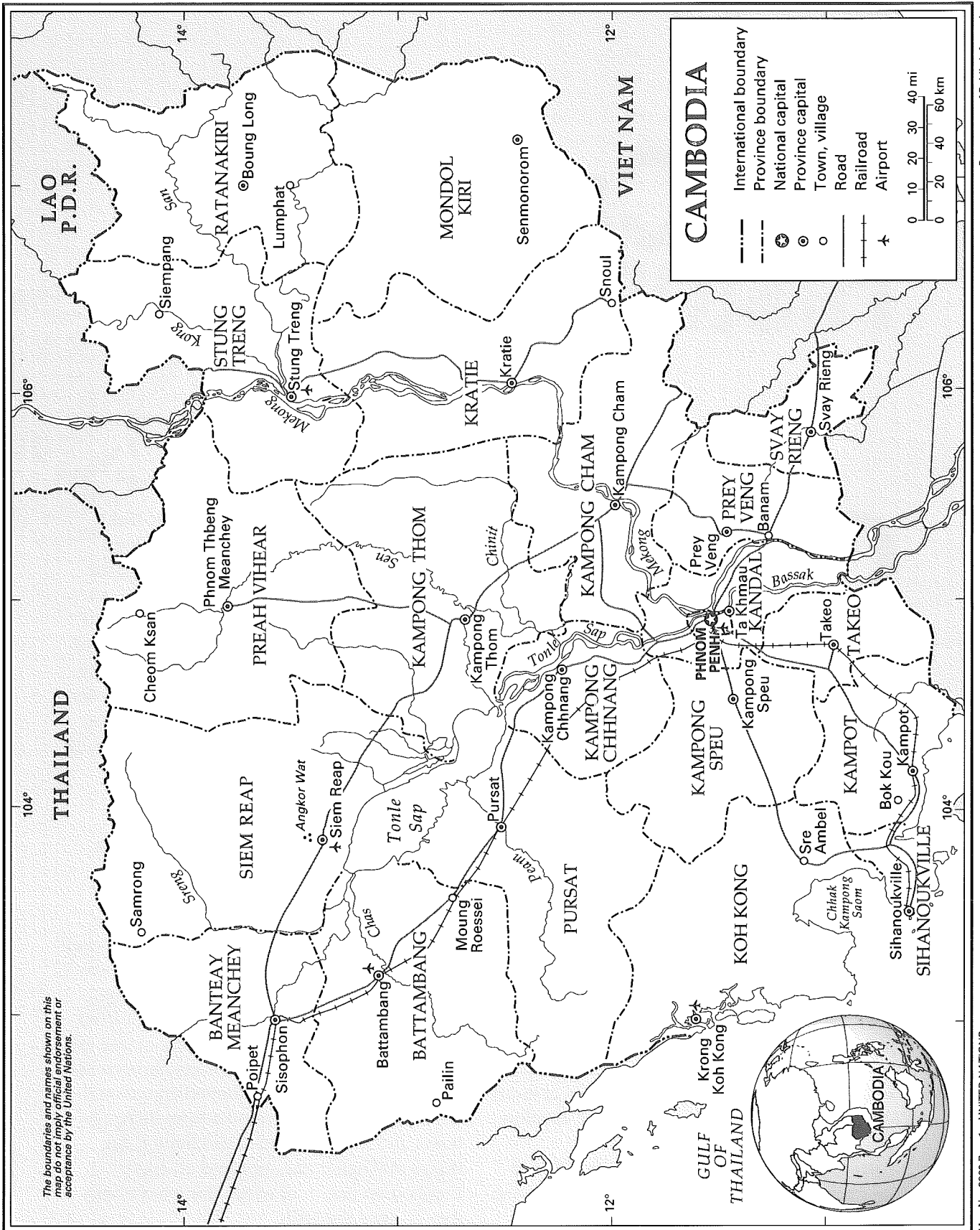
of a coalition government in line with constitutional provisions. Yet not only was the international community unwilling to take a strong stand in support of investigations of electoral fraud, but many countries placed immense pressure on the opposition leaders to form a government with Hun Sen.

This presented a real dilemma for Cambodians: at what point does one accept that a constitutional political system is not working and, in the interests of compromise and ending political deadlock, bow down before those wielding power? While critics were quick to attribute the intransigence of Cambodia's opposition parties to their own quest for power and wealth, it seems clear that it is only by challenging breaches of the Constitution that the rule of law can hold sway. This is the first step in attenuating Cambodia's destructive brand of power politics and forming a government which can claim real democratic legitimacy.

*Dylan Hendrickson, Jeremy Armon & Laura Gibbons  
Conciliation Resources  
London, November 1998*

Source: Mak Remissa





By David Chandler

# Cambodia's Historical Legacy

**C**ambodia's past, with its mixture of grandeur, obscurity and horror, weighs on its people and on those who study it with peculiar force. Two stretches of Cambodia's history in particular have tended to hold fascination and have shaped the country's present-day politics. These are the medieval era known in the West as 'Angkor' and the late 1970s when Cambodia was ruled by the murderous Khmer Rouge.

## Contrasting images

### Angkor

Between the ninth and the 15th centuries AD, a Hindu-Buddhist, Khmer-speaking kingdom centred in Cambodia's northwest was a powerful presence in Southeast Asia, extending its influence over much of present-day Laos, Thailand and Vietnam. Hundreds of elegant stone and brick temples, over 1,000 inscriptions in Sanskrit and Khmer and a wealth of mesmerisingly beautiful sculpture testify to the magnificence and complexity of the kingdom, the richness of its art and the sometimes awesome power of its rulers.

After Angkor was abandoned in the 15th century following a series of attacks from the west, Cambodia's centre of gravity shifted south-

wards to the vicinity of Phnom Penh. But Angkor lingered on in popular mythology. Several of the temples came to be associated with ancestral spirits and a few became Buddhist pilgrimage sites. Inscriptions could no longer be read, however, and the names of Angkorean kings, their demands on ordinary people and the cruelty of the Angkorean wars were forgotten. Over the next four centuries, the power of the Angkorean era was gradually watered down.

When Cambodia, like Vietnam and Laos, became part of French Indochina in the late 19th century, French scholars 'discovered' Angkor. Deciphering its inscriptions, they named its Angkorean kings, supervised the restoration of its major temples and established the sequence of Cambodian art. To their protégés, the Khmer, the French presented evidence of grandiose autonomy that contrasted sharply with the country's diminished size and dependent status. The Angkorean heritage has been used ever since by Cambodian nationalists to differentiate Cambodia from its neighbours and to enhance its own identity. An image of Angkor has appeared on every Cambodian flag — of which there have been five — since the 1940s.

Fisherman in front of the Bayon Temple, Angkor



Source: Mak Remissa

### The Khmer Rouge

The second period of Cambodian history that springs to mind is uglier and more recent. In April 1975, following 90 years of French 'protection' and 22 years of independence, an indigenous communist movement known in the West as the 'Khmer Rouge' seized power in Cambodia. Inspired by Mao's China, it stamped its utopian brand of socialism onto a population devastated by five years of foreign invasions, aerial bombardment and civil war. Until January 1979, when the regime was swept from power by a Vietnamese invasion, Cambodia called itself Democratic Kampuchea. It was ruled by a shadowy Communist Party led by a deceptively soft-spoken former teacher named Saloth Sar who hid behind the pseudonym 'Pol Pot'.

The so-called Party Centre which ruled Democratic Kampuchea consisted of Pol Pot and a handful of colleagues who believed that they had 'grasped the wheel of history', as they put it. Filled with revolutionary zeal they decided to cut off Cambodia from the rest of the world. They tried to revive its past grandeur and forestall what they saw as the corrupting influences of modernity by drawing on the perceived limitless revolutionary

empowerment of its people. Their goal was to achieve socialism faster and more thoroughly than it had been achieved anywhere else.

The human costs of this experiment were enormous, and are still being paid by survivors of the regime. Within a week of the Khmer Rouge 'liberation' of Phnom Penh in April 1975, its population was driven into the countryside *en masse* to begin establishing a collectivised agricultural system. Thousands of people died on the way. Within a month, towns, private property, markets and money were abandoned; law-courts, government offices and schools were closed and religious practices were forbidden. As everyone set to work under the supervision of revolutionary soldiers, Democratic Kampuchea became a prison farm. Pol Pot and his colleagues, who believed that secrecy had played an important role in their victory, only revealed their identity to the world in October 1977 when forced to do so by their Chinese patrons.

Conditions in Democratic Kampuchea varied from time to time and from place to place, but were generally harsher than most Cambodians had ever known. The Khmer Rouge had systematically set out to obliterate Cambodia's

Buddhist culture, its family-based system of social organisation and its educated classes. Between April 1975 and January 1979 perhaps as many as 1.5 million Cambodians died from malnutrition, overwork and disease. At least 200,000 others were executed without trial as 'class enemies'.

It was only during the 1980s that the full horrors of the Khmer Rouge period became known to the outside world. The Khmer Rouge had presided over the deaths of roughly one in five of Cambodia's inhabitants, pursuing what the French writer Jean Lacouture has called a policy of 'auto-genocide', which left deep scars on its survivors. What had happened in Democratic Kampuchea also altered people's views of Cambodian history. This era provided a striking contrast to the prevailing, sentimental view of Cambodians as peace-loving, non-violent people, more sinned against than sinning, whose culture reflected the beauty of Angkorean art without the passion and destructiveness of Angkorean politics. The Khmer Rouge period, in other words, exposed an inherent ferocity in Cambodian politics that had been either neutralised by foreign 'protection' or played down in the historical record written to favour those in power.

For many people, therefore, the word 'Cambodia' conjures up images of the medieval temples of Angkor – which seem so peaceful – or the killing fields of the 1970s, or both. At first glance, it is difficult to establish any continuity between these two epochs or to see beyond these two clichés. The intervening centuries are poorly documented and lack comparable emotional force. Nonetheless, to understand the background to present-day Cambodian politics, it is helpful to examine the more obscure years between 1400 and 1975 when times of prosperity and national self-confidence alternated with periods of subservience to outside powers. Was Cambodia a great nation treated unjustly by larger, inferior powers, or was it a weak state unable or unwilling to resist the inevitable dominance of its more advanced and more ambitious neighbours?

## The roots of vulnerability

### Expansionist neighbours

One key to understanding Cambodian history and the policies of its leaders lies in the country's physical geography and its relations with Thailand and Vietnam. In the Angkorean period, Cambodia owed much of its greatness to its ability to subjugate peoples immediately to the west. The Mekong Delta to the south-east, which was populated by Khmer-speaking people, had not yet come under the influence of the Vietnamese empire. Like Angkor itself, these areas were easily accessible to armies, immigrants and traders, with no natural barriers to protect them. As its neighbours became more populous and ambitious after 1400, the territory and population under the control of Cambodia's kings shrank markedly.

Cambodia was often invaded by Thai or Vietnamese armies which, in turn, would be expelled by forces assembled by the other neighbour. This destructive process reached a climax in the mid-19th century when the kingdom was on the brink of disappearing. It was at this point, with its western half falling under the patronage of Thailand and the land east of the Mekong coming under Vietnamese control, that the French offered the Cambodian King their protection.

During the French colonial era, Thai influence over Cambodia declined, but hundreds of Vietnamese civil servants worked in Cambodia and thousands of Vietnamese settlers came to live there. Many Cambodians and, in particular, nationalist members of the minuscule élite, were wary of the Vietnamese and fearful of their long-term intentions. This animosity persisted after independence and most markedly among the Khmer Rouge. Anti-Vietnamese feeling continues to smoulder today among many Cambodians both inside the country and abroad. Despite repeated Thai depredations throughout Cambodian history, however, anti-Thai feelings among the population have been rare.

### Social volatility

Another key to recent Cambodian politics is the nature of power and social relations in post-Angkorean, pre-revolutionary times. Chronicle histories, law codes, travellers' accounts and normative poetry from the period suggest that the King's power was in theory absolute. The word for 'govern', or 'reign' also meant 'to consume'. There was almost no corresponding notion, which is familiar in the West, China and Vietnam, of the King acting as the 'servant' of the people. Absolute power flowed downwards onto a powerless population. In practice, however, the King presided over a fractious family, rivalrous factions at court, ambitious officials with regional power-bases and a cowed but scattered rural population that was hard to reach.

Society, also, was rigidly structured in theory, but highly volatile in practice. The word 'society' was, in fact, not introduced into the Cambodian vocabulary until the 20th century. Instead, the population was seen as a collection of subjects subservient to the King, who in theory owned all of the land. The population was traditionally divided into those who gave orders (*neak prao*) and those who received them (*neak bomrao*), between those who exploited others and those who paid homage; as the Cambodians graphically put it, between the few who 'possessed' goods and power (*neak mean*) and the much larger component of the population who were deprived (*neak kro*). Loyalty was not a two-way street.

The volatility of post-Angkorean patterns of social relations was in some ways reinforced by Cambodia's dominant belief system, Theravada Buddhism. While it preached the avoidance of violence, it also awarded merit to those in high positions. There were, however, neither legal restraints on people holding power nor peaceful methods to replace them. Concepts of primogeniture or a loyal opposition did not exist. When a King died struggles for succession were often fierce and losers were routinely killed. Because Cambodia was regularly prey to foreign invasions, often encouraged by factions at the court seeking

foreign help, supposedly absolute rulers were often fearful and forced to negotiate their positions with their rivals or foreign powers.

During the French colonial period the King's powers were curtailed, though the institution of royalty remained powerful and deferential attitudes in the population at large remained in place. While political activity was forbidden by the French, little was done to diminish the hierarchical nature of Cambodian society or to introduce such concepts as accountability or a respect for human rights. Dependency was the order of the day. French rule, like monarchic rule in earlier times, was unquestioned. At the same time, the French brought much needed peace and security to Cambodia. The rural population flourished and expanded and a small, educated elite was trained to help the French govern their protectorate. With hindsight it could be argued that the French did less harm to Cambodian society than most post-colonial administrations.

### Personalised rule

Because Cambodia's kings – like those in Laos but unlike those in Vietnam – accepted French protection, resistance to the French in Cambodia was rare. Cambodian nationalism, which was slow to develop, was not particularly anti-French. When Cambodia gained independence in 1953, its young King, Norodom Sihanouk, who had been crowned by the French in 1941, embarked on a political career that took advantage of the ingrained habits of deference among the people (whom he called his 'children') and reflected his own considerable skills at subduing his political opponents.

Sihanouk claimed to have won independence almost single-handedly, ignoring the role played by the Vietnamese-led communist resistance. In 1955, in the face of the growing threat to his grip on power posed by Cambodia's nascent democratic parties, he abdicated, started a national political movement, and swept to power as an 'ordinary citizen'. Under various titles, he ruled the country almost single-handedly. Like previous Cambodian rulers Sihanouk interpreted opposition to his

## The makings of revolution

Cambodia's fledgling post-World War II political movements comprised both right- and left-wing tendencies, and covered the gamut of pro- and anti-monarchist sentiments. Despite the fact that King Sihanouk allowed elections to be held, he remained intolerant of dissent. This radicalised many young Khmers and, as the strength of the leading Democratic Party waned in the early 1950s, a more virulent left-wing opposition began to emerge.

The Cambodian communist party, formed in 1951, linked its opposition to Sihanouk with the anti-French nationalist movement. The Communists saw independence as but one stage in their revolution to completely transform Cambodian society. They had both a clandestine and a legitimate face and initially remained heavily dependent on the Vietnamese communists for support. When Sihanouk cracked down on the left-wing in 1963, three Phnom Penh teachers — Pol Pot, Son Sen and Ieng Sary — the core of the future Khmer Rouge leadership, fled to the jungle.

Even as the expanding Vietnam War undermined Sihanouk's power and the Cambodian economy, the Khmer communists were forced to delay the official launch of their armed struggle. The North Vietnamese refused to provide adequate support to their Khmer counterparts until the Americans had been driven out of Indochina. Moreover, the Vietnamese communists were eager to maintain good relations with Sihanouk who had secretly allied himself with Vietnam in 1966 in a desperate bid to avoid being drawn into the war.

Following Sihanouk's overthrow in 1970, the pro-American regime which replaced him steadily crumbled and Phnom Penh fell to the Khmer communists on 17 April 1975. This came two weeks before the communist victory in Saigon and ushered in a new phase of the Cambodian revolution without any connection to the one in Vietnam.

rule as treason. Fawning associates compared him favourably to the monarchs of Angkor. In the Sihanouk era, no countervailing institutions, such as an independent judiciary or an analytical press, were allowed to develop. His official ideology, a ramshackle confection called 'Buddhist socialism', effectively institutionalised the status quo.

In foreign affairs, Sihanouk wisely opted for a neutralist position. His greatest contribution was to keep Cambodia out of the Vietnam War which engulfed the country after his overthrow in 1970 in a pro-American coup. This contribution, however, needs to be balanced against his failure to allow political debate or suppress corruption, and his tendency to monopolise political life. Sihanouk allowed himself to be compared to Angkorean kings and repeatedly stressed Cambodia's past grandeur. In so doing he also encouraged some Cambodians, including the Khmer Rouge, to assume that they could — by virtue of their glorious Angkorean past — overwhelm the vast forces arrayed against them.

## Prisoners of the past

### Descent into chaos

Delusions of grandeur also plagued the American-backed regime that took office in 1970 under General Lon Nol. Encouraged by a United States increasingly involved in Indochina, the new regime quickly launched a holy war against the Vietnamese 'unbelievers' (communists) then sheltering in eastern Cambodia. But Lon Nol's holy war was unwinnable from the start. Despite continuing US military assistance and massive bombing of the Cambodian countryside, the Vietnamese armies, much better-equipped and trained, soon neutralised his forces. The indigenous Khmer Rouge, until then a marginal group, flourished and expanded until they were strong enough to seize power in April 1975.

The same fondness for absolute power that had characterised every Cambodian regime in the past reached grandiose proportions under the Khmer Rouge. Pol Pot and his colleagues believed that they could lead the swiftest and



most thorough socialist revolution in history. Like many previous rulers, they paid little attention to the human costs involved and equated debate with treason. Like Lon Nol, they also embarked on a holy war against Vietnam, counting as he had done on open-ended foreign patronage — from the United States in Lon Nol's case, from China in the case of Democratic Kampuchea. Like Sihanouk, the Khmer Rouge leaders were also inspired by Angkor. 'If our people can build Angkor,' Pol Pot declared on one occasion, 'they can do anything'.

Resenting the patronage of the Vietnamese communists and their policy of subordinating the Cambodian revolution to their own, the Khmer Rouge stepped up attacks on its former ally in 1977. In December 1978, Vietnamese forces launched a devastating attack on Cambodia. Within a month, the Khmer Rouge had been driven into exile in Thailand and a pro-Vietnamese regime took its place, protected by over 200,000 Vietnamese troops.

### Recovery impeded

The government of the People's Republic of Kampuchea (PRK) that took power in January 1979 differed from its predecessors. Headed by former Khmer Rouge officials, who had defected to Vietnam some years earlier, it understandably declined to stress Cambodian grandeur at the expense of Vietnamese intentions and took a more realistic view of power relations between the two countries. Under close Vietnamese supervision, Cambodia struggled to its feet in the 1980s though it remained isolated from global capitalism. Opportunities for corruption (or economic development for that matter) were few. Because of the welcome contrast the regime presented to the Khmer Rouge, few observers paid much attention to its systematic suppression of dissent and its monopoly of information.

Cambodia suffered inordinately in the closing stages of the Cold War because of the backing it enjoyed from Vietnam and the Soviet Union. The United States and its allies isolated Cambodia by cutting all economic and political ties. Using the armed forces mustered by the three resistance factions (Khmer Rouge, KPLNF and FUNC-

### Isolation and destabilisation

Throughout the 1980s, the Cambodian government was deprived of all humanitarian and development assistance by the United Nations. Moreover, Pol Pot's delegation was allowed to hold the country's seat at the UN, the only government in exile to do so. Because of the Khmer Rouge's horrendous record, however, the delegation officially represented the so-called Coalition Government of Democratic Kampuchea (CGDK). This comprised the two non-communist factions — the royalist FUNCINPEC founded by King Sihanouk and the Khmer People's National Liberation Front (KPLNF) — and the Khmer Rouge, the most powerful of the three.

The tripartite 'resistance' shared a hatred for Vietnam and a dependence on foreign support. This was provided through their sanctuaries in the huge refugee camps along the Thai border, home to some 350,000 Cambodians and the source of the factions' fighters. With relations between the superpowers warming in the early 1980s, China was actively encouraged by the US to arm the Khmer Rouge. The CIA itself, with the support of the Thai army, Singapore and various European countries, ensured food relief and military assistance reached all three armed factions. When the US Congress clamped down on the CIA's activities in 1986, they continued to provide assistance covertly and the British were also prevailed upon to provide the factions with military training.

With the tripartite resistance benefiting from the credibility of an international relief operation, the dividing line between humanitarian activity and war in Cambodia became very confused. Despite this massive assistance, the resistance factions never succeeded in gaining more than a small foothold on Cambodian territory. However, the US campaign to destabilise Cambodia and, by extension, Vietnam — the ultimate target of its aggression — was largely successful. With this broader objective in mind, the terrible price being paid by Cambodia's people, together with the fact that the West was actively supporting the perpetrators of the Khmer Rouge genocide, could be conveniently overlooked.

INPEC) on the Cambodia-Thai border, the United States and its allies conducted a proxy war against Vietnam and the Soviet Union. The war dragged on through the 1980s, raising hopes among exiled Cambodians that the Vietnamese-sponsored government in Phnom Penh would at some stage collapse or be overthrown.

These hopes proved illusory, and the main victims of the anti-Vietnamese strategy were Cambodia's own people. In effect they were punished for having been invaded by Vietnam (the US's enemy) and, at another level, for having been saved from Pol Pot (Vietnam's enemy). The end of the Cold War sharply diminished the interest of foreign powers in the conflict and led to the withdrawal of Vietnamese troops from Cambodia in 1989 as support from their Soviet patrons was reduced. Negotiations to solve the Cambodian problem nonetheless languished because of the severe intransigence among the Khmer factions and the difficulties of achieving a settlement acceptable to the major powers.

*Young member of the non-communist resistance, Oddar Meanchey province, 1990*



Source: Roland Eng

### **Inklings of peace**

The Paris peace accords of 1991 represented an honourable, if belated, effort by Cambodia's patrons to distance themselves from their unruly clients and lay the groundwork for a lasting peace. Hun Sen, the young Prime Minister of the 'State of Cambodia' regime (SoC – successor to the PRK), seemed to offer a pleasing contrast to his predecessors in the meetings and conferences that preceded the 1991 settlement. Unlike Sihanouk, Lon Nol and Pol Pot, Hun Sen seemed to be open to new ideas and eager to bring Cambodia into the wider world. United Nations-sponsored elections resulted in the formation of a government of 'national reconciliation' in 1993 between Prince Ranariddh and Hun Sen. It seemed as if Cambodian politics – while still far from open – were emerging from the shadows and practices of the past.

Although the Paris agreements were sweetened with promises of extensive foreign assistance, the powers drafting the accords also looked forward to a time when Cambodians would rejoin a wider world and deal with their own affairs. However cynical or well-intentioned these efforts may have been, what happened over the next few years, as David Ashley's article makes clear (see page 20), was disillusioning to everyone. The hope that the authoritarian style of Cambodian politics might be altered faded rapidly as the animosity between old enemies returned to earlier levels. With Prince Ranariddh's overthrow in July 1997, Hun Sen has again come to resemble a more traditional and intolerant leader. Indifferent to constitutional constraints and concerned with stifling dissent, this brings him into line with every recent Cambodian ruler.

Cambodian politics have remained in many ways a prisoner of a past in which effective or ineffective despots have seen themselves as born to rule. The Cambodian people, who deserve a better fate, are still being treated as commodities to be commanded, outmanoeuvred and 'consumed'. ■

## The struggle for a settlement

From the beginning, the Paris agreements were worked out by foreign powers who exercised tight control over the factions and the form the final settlement would take. This was because, on the one hand, the factions refused to cooperate among themselves, and on the other the superpowers sought a solution which would officialise their withdrawal from the conflict on terms they found acceptable. For the Americans this required a solution which would not give any kind of victory to Vietnam even if this meant inclusion of the Khmer Rouge in a final settlement.

### A 'comprehensive' solution

At a December 1987 meeting in France between Prince Sihanouk and Hun Sen, which marked the beginning of the peace process, the possibility of a power-sharing arrangement between the two non-communist factions — FUNCINPEC and the KPLNF — and the SoC regime was discussed. This would have ended the war, but was rejected by the US and China on the grounds that it excluded the Khmer Rouge and legitimised the Vietnamese-backed regime already in power. The inclusion of all four factions henceforth became the pre-requisite for a comprehensive settlement of the conflict acceptable to the superpowers; it would ironically often be argued that the Khmer Rouge were too 'militarily powerful' to be left out.

Future negotiations would therefore focus on an overall timeframe for a ceasefire and the withdrawal of Vietnamese forces from Cambodia; demobilisation of the factions' armies; measures to prevent further gross abuses of human rights such as had occurred under the Khmer Rouge; and the organisation of elections, which were key to bringing about an 'internationally-recognised' government. Negotiations would nonetheless constantly founder on the SoC's insistence that a Vietnamese withdrawal be linked to guarantees of a non-return to power of the Khmer Rouge. Though this was simply interpreted as political manoeuvring on the part of SoC to stall the peace process, it raised a delicate issue — rarely broached by the international community — concerning the fact that the peace process would legitimise the Khmer Rouge.

The factions made few concessions at their first face-to-face talks in Jakarta, Indonesia in July 1988 and February 1989, though the role of an international control mechanism for supervising implementation of a future agreement was discussed. In August 1989, 18 countries and the four factions attended the 'Paris Conference on

Cambodia' where the US, China and ASEAN pressed for a 'quadripartite' government to be formed as a solution to the conflict. This would not only require Hun Sen to dissolve his government, but give 25% of power to the Khmer Rouge, a condition he found unacceptable.

### International guarantees

Internationally-supervised elections were seen as the way forward, requiring that viable administrative arrangements be made for the transition period leading up to them. Drawing upon an Australian proposal to enhance the role of the UN in the process, a framework for a future settlement was proposed by the permanent five members of the Security Council in August 1990. The UN welcomed this initiative, though stressed it would need a well-defined and practicable mandate, backed by adequate resources, if it were to implement an eventual peace agreement.

In September, the Cambodian parties accepted the framework and in April 1991 announced their first ceasefire in 12 years. In mid-June 1991, the factions made this ceasefire 'permanent' and announced a halt to receiving outside military assistance. Most of the outstanding difficulties were ironed out at an August meeting in Pattaya, Thailand, which opened the way to the signing of the final agreement on October 23 at the second Paris Conference on Cambodia. This act marked the beginning of the transitional period in Cambodia, which would lead to the formation of a new Cambodian government following elections, to be overseen by the United Nations Transitional Authority in Cambodia (UNTAC).

### Compromises all round

There were reasons for optimism at this time. With the end of the Cold War, all four factions had been deprived of external military backing, were weary of war and in need of international legitimacy. At the same time, however, the Paris agreements were the product of numerous compromises focusing on the interests of each of the Cambodian factions as well as the superpowers, which did not bode well for its implementation.

The bottom-line for each of the Khmer factions, as the next article underlines, was that the peace would not be considered a 'just' peace unless they each won a share of the power. Hence, each stood to potentially gain from signing the agreements, though not necessarily from respecting its provisions. But the positions of the Khmer Rouge and Hun Sen's government, in particular, were irreconcilable. ■

By David Ashley

# Between War and Peace:

## *Cambodia 1991-1998*

**T**he 1991 Paris agreements and the resulting UN intervention to implement them reduced and altered, but could not end the Cambodian conflict. To understand why, one must first comprehend the core issue which frustrated peace negotiations from 1986 until 1991 and which has continued to dog Cambodia: the inability of the factions to share state power.

### **The struggle for power, 1991-1993**

In the late 1980s, as foreign involvement waned and the nationalistic and ideological aspects of the Cambodian war receded, the principal dynamic behind the conflict became the factional scramble for power. Cambodia was a nation with no traditions of sharing power and no institutions with which to limit it: one either had absolute power to use and abuse, or one was subject to those who did. Nor does Cambodian history provide any examples of governments peacefully giving up power: the violence with which opponents were traditionally treated, taken to gross extremes under Pol Pot, perhaps suggests why. Power – and only power – brought security, as it also did wealth and patronage.

But economic and military realities meant that prospective governments could not survive without international recognition and aid. So while the forms of the struggle between the factions varied during the 1980s and 1990s – military, diplomatic and political – the aims remained unchanged: power and legitimacy.

### **An absence of common ground**

Each of the factions justified its pursuit of power, less on the needs of its followers or its plans for the future than on its past claims to legitimacy and the past crimes of others. This made it all the more difficult to find common ground between them. In particular, the aims of the two militarily strongest factions, the Cambodian People's Party (CPP) and the Khmer Rouge (officially known as the Party of Democratic Kampuchea, PDK), were diametrically opposed. The CPP hoped the peace process would legitimise the state structure arranged by the Vietnamese in 1979, known as the 'State of Cambodia' (SoC). The Khmer Rouge hoped the peace process would dismantle the SoC regime and replace it with an administration made up of all four factions, thus returning to the Khmer Rouge a share of state power and legitimacy. Both still hoped to monopolise power in the long-term.

*Troops loyal to Hun Sen evacuate a wounded colleague during fighting in Phnom Penh — 6 July, 1997*



Source: Al Rockoff

The idea, floated from the early 1980s, of holding elections to decide who should have power and legitimacy failed to break the deadlock; after all, Cambodian elections had always been won by whoever organised them. The CPP insisted that elections be held under the SoC and the Khmer Rouge insisted that elections be held under a quadripartite coalition. The CPP argued the SoC was the only bulwark against the 'return of the genocidal Pol Pot regime'. The Khmer Rouge argued that the SoC was the creation and creature of an illegal Vietnamese occupation and that, with it in power, free elections were impossible.

The position of the two smaller factions, Prince Ranariddh's FUNCINPEC and Son Sann's KPLNF, was more flexible. Although allied to the Khmer Rouge before the peace agreement on nationalist grounds, they professed to desire peace and democracy. With the weakest armies, they had a vested interest in promoting peaceful competition. Since they, unlike the 'former' communist factions, had no hope of capturing the whole state, they aimed for a share of government posts. In the eyes of the Khmer Rouge and CPP, they were corrupt opportunists and potential allies rather than serious opponents.

### The aims of the Paris agreements

The Paris agreements had two primary objectives. The first was to end international involvement in the Cambodian conflict. This was achieved by all foreign players pledging to end partisan assistance to the factions. The second aim, acknowledging that the factions were unwilling to end the struggle between them, was to transform the military conflict into a political one. All factions would give up their weapons and compete in elections, with international recognition and aid going to the winner. To get around the intractable question of who should organise the elections and run the country in the pre-election period, the agreements entrusted this responsibility to the United Nations.

It was the failure of this second objective which determined Cambodia's troubled course after 1991. In part, no accord could have brought peace in 1991 because the motor behind the peace process was international pressure rather than national reconciliation. In part, the Paris agreements, by looking to elections to decide the winner in a decade-long war, raised the electoral stakes so high that no side could agree to lose (see page 61). And in part, the unsuccessful implementation of the agreements — including the failure to disarm factional armies and to create a neutral state structure — ensured elections would not end the conflict.

**Accord between the Cambodian People's Party (CPP) and the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC)**

In view of effectively implementing the Agreement on a political settlement and promoting mutual trust;

In view of maintaining political stability in Cambodia and creating conditions favouring the accomplishment of His Royal Highness Samdech Norodom Sihanouk's noble mission in the service of the nation;

The Cambodian People's Party represented by H.E. Mr Hun Sen, and the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia, represented by H.R.H. Prince Norodom Ranariddh, have agreed as follows:

**Article 1:** The two parties agree to cooperate fully in creating conditions favouring the accomplishment of H.R.H. Samdech Norodom Sihanouk's mission in service of the nation. The two parties pledge to support H.R.H. Samdech Norodom Sihanouk's candidature in the forthcoming presidential elections in Cambodia.

**Article 2:** The two parties agree to refrain from attacking each other from this day on and during the electoral campaign. The two parties pledge to make the necessary efforts to honour this commitment.

**Article 3:** The two parties agree to cooperate in the future National Assembly, and to do so regardless of the number of seats obtained by each party in the National Assembly, and to form a coalition government based on the supreme interests of the nation.

**Article 4:** The two parties agree to build on this cooperation to lay a solid basis for realising national reconciliation and contributing to social stability.

**Article 5:** This accord, which is the fruit of sincere goodwill, represents the basis for cooperation between the two political forces at the present time and in the future.

**Article 6:** Upon signature of this accord, the two parties will name their respective representatives to consult and resolve together any problems which might arise during its implementation.

Signed in Phnom Penh, 20 November 1991

In the name of FUNCINPEC, Norodom Ranariddh

In the name of the CPP, Hun Sen

**Dilemmas of implementation**

In retrospect, it was inevitable that the UN's attempt to implement the Paris agreements would run into difficulties. The objectives of the CPP and the Khmer Rouge remained incompatible: both only signed the accord under strong international pressure and in the hope that they could twist its ambiguities to their advantage. The CPP hoped that the UN Transitional Authority in Cambodia (UNTAC) and the Supreme National Council (SNC) – the quadripartite body set up to represent Cambodia's sovereignty and promote reconciliation – would be toothless bodies whose presence would simply legitimise the SoC structure. The Khmer Rouge hoped that a strong UNTAC and SNC would significantly weaken the SoC's control over the country. They could not both be right.

In the event, the problems arrived far sooner than UNTAC itself, which was charged with overseeing implementation of the Paris agreements and was only fully deployed in mid-1992. The agreements, signed on 23 October 1991, unleashed a rapid series of events which included a short-lived alliance between the CPP and FUNCINPEC (see box): the near-lynching of Khmer Rouge president, Khieu Samphan, by a CPP-organised mob on his arrival in Phnom Penh and the crushing of student demonstrations against SoC corruption. Meanwhile, UNTAC's arrival was delayed due to financial and bureaucratic hold-ups and the US Congress' continued to object to Khmer Rouge involvement.

From Pol Pot's perspective, an American plot was being hatched to divert the quadripartite Paris agreements into a bipartite (CPP-FUNCINPEC) accord, through which western aid would sustain the SoC structures and fund them to destroy the Khmer Rouge. Subsequent events over 1992 and 1993 – particularly UNTAC's failure to control the SoC structure and the creation of a CPP-FUNCINPEC coalition government after the elections – only confirmed Pol Pot in his analysis. Beginning in January 1992, the Khmer Rouge thus grew increasingly sceptical of the peace process: it

renounced the ceasefire, refused to disarm, ended cooperation with UNTAC, boycotted the elections and eventually launched an unsuccessful military campaign to derail the elections. But the Khmer Rouge's actions – which it justified by UNTAC's alleged refusal to implement the agreements' provisions on verifying withdrawal of Vietnamese forces and controlling the SoC structure – ironically served to make implementation harder and the CPP stronger.

First, the Khmer Rouge's renunciation of the ceasefire meant that the demobilisation of the other factions was suspended. All sides ended up retaining most of their men and weapons in the post-UNTAC era. This particularly favoured the CPP whose army was easily the largest. The continued Khmer Rouge attacks also made it easier – politically and practically – for the CPP to use violence against the 'opposition' parties as they sought to organise within SoC-controlled areas. Some 100 members of FUNCINPEC and the Buddhist Liberal Democratic Party (BLDP, the principal successor to the KPLNF) were killed in CPP-organised violence in 1992-93.

Second, given the continuing fighting, the Supreme National Council (SNC) failed to become a substantive institution or build reconciliation between the factions which – despite the gradual proliferation of alternative political parties, newspapers and non-governmental organisations – remained the key political players. This failure of reconciliation was not surprising. The factional leaders were never truly committed to burying their differences which instead were accentuated and even deepened by the process of electoral competition.

Third, the *de facto* withdrawal of the Khmer Rouge from the peace process weakened UNTAC's ability to take action against the CPP. UNTAC did not have the military capacity or international backing to compel the Khmer Rouge to abide by the agreements; the Security Council contented itself with imposing token trade sanctions. But this also meant that

UNTAC could do even less against the CPP's similarly systematic, but significantly less gross violations. Moreover, once the UN had invested its resources and credibility in Cambodia, it needed the CPP more than the other way around. With the Khmer Rouge out, UNTAC needed the remaining factions in order for there to be a peace process at all, in particular the CPP which controlled almost all of the territory on which UNTAC was deployed.

Against this background, it was impossible for the UN to implement its mandate to ensure a 'neutral political environment' for the elections. The CPP maintained its tight control of the bureaucracy, army, police, media and judiciary and used them systematically to support its electoral campaign. FUNCINPEC and the KPLNF were little different in the much smaller zones along the Thai-Cambodian border which they administered. Although aware of this, the UN lacked the margin for manoeuvre and the political backing of member countries to do much about it. The end-result was that almost nothing was done to remove key state structures from factional domination. For the same reasons, despite gathering evidence of widespread human rights abuses, UNTAC could not penetrate the wall of official impunity.

UNTAC did have major successes, particularly where it could do things itself – such as repatriating 350,000 refugees, promoting human rights awareness and organising the elections. In the longer perspective, the mere presence of 22,000 well-paid UN personnel throughout Cambodia greatly accelerated the fledgling process of economic and political liberalisation. But UNTAC's mandate, organisation and resources were designed for a peacekeeping rather than a peaceimplementation operation: where the factions refused to implement their commitments, UNTAC ultimately decided it could not force them into compliance.

### **The May 1993 elections**

The Paris agreements foresaw the elections taking place in a neutral, peaceful, free environment. By May 1993, despite admitting such an

environment did not exist, the UN insisted on holding the elections on schedule. FUNCINPEC and the BLDP, believing the CPP enjoyed a huge advantage, considered a boycott but were dissuaded by strong international pressure and the relatively peaceful and successful character of their final month of campaigning.

The gamble paid off. In a festive atmosphere, the hitherto silent Cambodian masses withstood the intimidation of both the Khmer Rouge and the CPP. Despite Khmer Rouge efforts to coerce people into joining its boycott of the elections, 89% of those registered turned out to vote. And despite the CPP's liberal use of violence and the SoC structures, it lost. Prince Ranariddh's FUNCINPEC won 58 out of 120 seats in the new assembly with pledges to return Sihanouk to power, forging peace with the Khmer Rouge and ending corruption and Vietnamese immigration. FUNCINPEC's long-time ally, the BLDP, gained 10 seats. The CPP, whose campaign focused on the need to fight the Khmer Rouge militarily and on accusations that FUNCINPEC and the BLDP were Pol Pot stooges, won 51 seats. Only one seat went to any of the 17 other parties.

Unfortunately, UNTAC's success in promoting and harnessing this overwhelming enthusiasm for democracy proved less important than its inability to bring about the institutions and environment necessary for a democratic transition. The CPP refused to accept the results and, by means of the gun, forced its way into the dominant position in a coalition government with FUNCINPEC (see box opposite).

Notwithstanding the dubious circumstances of the coalition's creation and the continuing Khmer Rouge insurgency, the international community declared the elections and UNTAC a great success. After all, a principal aim of the peace process had been an internationally recognisable government, and now there was one which not only controlled most of the country but could also claim popular legitimacy. With much relief, the international community declared the Cambodian conflict over.

## **The power-sharing experiment, 1993-1996**

### **Power-sharing as peacekeeping**

Given its origins, the coalition was never simply a political deal to gain a parliamentary majority. Rather it was the key element in an unwritten power-sharing arrangement which kept the peace between the CPP and FUNCINPEC for three years. This was evident from two of the most unusual features of the coalition:

First, the power-sharing arrangement embraced not only the cabinet but the entire state. This reflected the fact that CPP and FUNCINPEC remained factions – with their own armies, police, media and bureaucrats – rather than ordinary political parties. While the CPP-controlled institutions and personnel instantaneously became those of the Royal Government, FUNCINPEC (and to a lesser extent the BLDP) integrated large numbers of existing and newly-recruited personnel into the already bloated SoC civilian and military apparatus.

Second, the two parties were formally equal, as symbolised by having co-premiers with equal power and status. Not only the government but virtually every state body – from police commissariats to ministerial departments – had the same dual-command structure. Whether they had a head from the CPP and a deputy head from FUNCINPEC, or vice-versa, or two equal heads in the case of sensitive departments like the ministries of interior and defence, each was supposed to function on the principle of 'consensus' (i.e. all decisions were to be mutually agreed by both parties). But equality had its limits: the CPP retained a crucial advantage for it successfully defended its monopoly over the courts and sub-provincial authorities whilst the police, gendarmerie and army were all headed by CPP nominees.

This consensus-based power-sharing structure naturally gave the CPP a veto over all decisions of the new government. For the system to work at all Ranariddh had to make significant



concessions. He thus acquiesced in fighting and outlawing the Khmer Rouge, sidelining his father — who spent most of the post-election years in Beijing in poor health and spirits — and generally making no attempt to exert FUNCINPEC's parliamentary strength or implement his electoral pledges. Instead, Ranariddh concentrated on such common ground as existed with his co-premier: promoting foreign relations, economic development and their own power and wealth. For nearly three years, the two men cooperated surprisingly well on a programme of economic liberalism and political conservatism.

### **The decline of the state**

State power is both a means and an end in the Cambodian conflict. Without access to either state power or foreign assistance, the Khmer Rouge weakened significantly after 1993. By contrast, the CPP and FUNCINPEC, by sharing power as Cambodia opened up to international trade and investment, developed new sources of revenue independent of their former foreign patrons. Whilst the state remained reliant on foreign aid to fight the Khmer Rouge and to barely maintain Cambodia's appalling social services, the two parties grew rich on the spoils of office.

The simultaneous weakening of the state and strengthening of the parties was not restricted to finance. Instead of neutralising a 'One Party-State', power-sharing Cambodian-style created two separate 'Party-States', in effect two parallel structures of authority — one belonging to the CPP, the other to FUNCINPEC. Rather than working with their immediate counterpart from the other party, officials from the highest level down preferred to use their party clients and colleagues to conduct their business. Orders, loyalty and money flowed through these channels rather than the formal state apparatus. Hierarchical patron-client networks, a constant in Cambodian history, expanded and subsumed the state.

One result was that, instead of much-needed reform, the state continued to grow in size and weaken in effectiveness despite massive

### **Gun-barrel democracy**

When the CPP failed to gain its expected electoral victory, it immediately rejected the results, alleging that UNTAC had fixed them. Fearing an imminent coup, Prince Sihanouk suggested that the results be put aside in favour of a 50:50 coalition between CPP and FUNCINPEC (in line with his long-held preference for a grand coalition under his own leadership). When his son and FUNCINPEC President, Prince Ranariddh, initially refused, the CPP activated its contingency plan, threatening a secession of its heartland east of the Mekong and renewed civil war. Since neither FUNCINPEC nor UNTAC were in a position to confront the CPP militarily, and since FUNCINPEC and its allies lacked the two-thirds majority necessary to push through a new constitution, Ranariddh reluctantly accepted Sihanouk's compromise.

In return, the CPP accepted the fact (although never the validity) of the election results and the new assembly voted in a 'provisional national Government' with Ranariddh and the long-time SoC Prime Minister, Hun Sen, as co-premiers. The assembly proceeded to prepare a liberal Constitution which re-created the Kingdom of Cambodia. On 23 September 1993, Sihanouk returned to the throne after a gap of 23 years. The provisional government was renamed the Royal Government of Cambodia and the co-premier system was retained, with Ranariddh as the 'first' Prime Minister and Hun Sen as the 'second'.

The other two parties in parliament joined a government of national unity, which thus faced no formal opposition. Talks on bringing the Khmer Rouge into the government, however, floundered because the political positions of the CPP and Khmer Rouge remained irreconcilable. The war in the countryside continued.

foreign aid. Within the context of uncontrolled liberalisation and easy access to weapons, the state's weakness fostered a lawless society in which not only non-governmental organisations (NGOs) and investors, but also armed criminals and drug traffickers operated freely.

The growth of the parallel structures of authority, moreover, affected power relations within the two parties. The dual structures were ultimately answerable to the co-premiers and thus significantly bolstered their personal authority and wealth. Until early 1996 – besides suppressing their mutual opponents in the Khmer Rouge, the press and parliament – each Prime Minister used the other's support to attack opponents within his own political party.

In the case of FUNCINPEC, Ranariddh used Hun Sen's backing to act against internal critics, notably the Finance Minister Sam Rainsy and the Foreign Minister Prince Sirivudh. Sam Rainsy was sacked and later expelled from parliament for his trenchant criticisms of the co-premiers. Sirivudh resigned in sympathy with Rainsy but was arrested in December 1995 on the trumped-up charge of plotting to murder Hun Sen. Although Hun Sen accepted the King's request to exile Sirivudh, he was sentenced to 20 years and Hun Sen vehemently opposed any plan to allow him to return.

The arrest of Sirivudh, the FUNCINPEC Secretary General and the King's half-brother, was the clearest evidence yet of how Hun Sen was using Ranariddh's weakness as co-premier to undermine FUNCINPEC and humiliate the royal family. It also signalled another step in Hun Sen's inexorable rise. During his time as SoC premier from 1985 to 1993, Hun Sen had always had to compete for influence within the CPP's collective leadership. After 1993, he used Ranariddh's support to successfully expand his own scope for action. Using the phenomenal financial resources he accumulated as co-premier, Hun Sen built a formidable personal power-base. This included a 1,500-man bodyguard and a media empire embracing several radio and television stations and over 20 newspapers.

Hun Sen's rise did not go unchallenged. Anti-Hun Sen resentment within the CPP lay behind a failed coup by elements within the Interior Ministry in July 1994 and remained a thorn in his side thereafter. Chea Sim, the CPP President, and his brother-in-law, Sar Kheng, co-Minister of Interior, disapproved of Hun Sen's aggressive tendencies and his inclination to act without consultation. But while they and many others within the CPP believed that Hun Sen was unnecessarily provoking FUNCINPEC, by 1996 they no longer had the power to restrain him.

### **Collapse of the coalition, 1996-1997**

Cambodia's much-vaunted political stability foundered on two threats to the power-sharing arrangements in early 1996, one actual and one potential. The actual threat lay in the imbalance within the coalition as Hun Sen increasingly flexed his muscles vis-a-vis Ranariddh. The potential threat lay in the commune elections scheduled for 1997 (but eventually cancelled) and forthcoming parliamentary elections in 1998, which evoked the same hopes and fears as in 1993. Once again, these elections would bear the burden of deciding the winner and loser among armed adversaries in a country where there was no neutral state, a weak rule of law and where violence remained part of the political process.

Cambodia's stability was so fragile because it had not been built on a democratic process which could incorporate change and debate: indeed there had been little progress after 1993 in developing the institutions, fora and discourse essential for substantive political debate in Cambodia. Instead, stability rested on the denial of any political differences and the relationship between two all-powerful but impetuous men. When Hun Sen's provocations shattered that illusion, close cooperation turned into mortal enmity and the Cambodian conflict returned to centre stage.

### **Alliance building through 'national reconciliation'**

The period from April 1996 to July 1997 was one of ever-increasing tension. Although the coalition continued on paper, in practice the

*Hun Sen (on left) greets Ieng Sary in Pailin after his defection, November 1996*



Source: David van der Veen

state was split in two: it was a simple process for the dual structures to follow their leaders and move from coexistence to confrontation. In preparing for the inevitable showdown, whether it came in elections or on the battlefield, both parties competed for the allegiance of each and every political actor, from the most minor newspaper to the Khmer Rouge. On offer were money, positions and legal protection: any wrongdoing, from corruption to genocide, was considered subordinate to the need to build up one's party and personal networks.

Both parties used the label of 'national reconciliation' to cover their alliance building. For Ranariddh, 'national reconciliation' meant returning to the populist, anti-Vietnamese rhetoric of pre-1993 and re-embracing his former allies, including Rainsy, Son Sann and Khieu Samphan. For Hun Sen, 'national reconciliation' meant using his greater wealth and power to exploit internal differences within Ranariddh's 'National United Front' with the aim of bringing as many people over to his side as possible.

With the reduced relevance of post-1979 ideological stereotypes and the greater importance of money politics, alliance building became less predictable and more dynamic. Beginning in mid-1996, both Ranariddh and Hun Sen initiated tentative contacts with segments of the Khmer Rouge. Each offered attractive terms – continued control of armies, resources and territory; amnesties; senior military or provincial positions – beyond anything previously on the negotiating table.

This competition for its allegiance was the final straw which broke the Khmer Rouge's back (see box overleaf). In August 1996 a faction associated with Ieng Sary, Pol Pot's Deputy Prime Minister for Foreign Affairs between 1975 and 1978, broke away. In the name of 'national reconciliation' Ieng Sary was amnestied by the government, and his movement, which controlled two major strongholds, cleverly maintained its autonomy. The revolt meanwhile spread rapidly to all of the Khmer Rouge in western Cambodia and other Khmer Rouge elements ended up joining both parties.

## **The collapse of the Khmer Rouge**

The decline of the Khmer Rouge has been the greatest change in post-1991 Cambodia. As one of the last Maoist insurgencies it was ultimately doomed. Pol Pot's strategy rested on finding a way to dismantle the SoC apparatus, which never happened. Even if political opportunity had existed, the PDK was ill-equipped to exploit it. Its popular appeal was limited by memories of its period in power. The movement's structure, thinking and leadership had become outdated and inflexible. Its organisational coherence depended on a paranoid isolation of its followers from the outside world and by exposing them, even temporarily, to peace and contemporary normality, the Khmer Rouge leadership sapped the will of its fighters.

Without Chinese aid or Thai logistical support, its insurgency posed no serious threat to the Phnom Penh government. In mid-1994, lacking allies and ammunition and with morale sinking as peace and/or victory moved further away, Pol Pot sought to reinvigorate the movement with the 'class hatred' of the 'poor peasants'. He reintroduced the brutal Maoist rhetoric, discipline and tactics which the Khmer Rouge had, supposedly, renounced after the 'killing fields'. The effect was to deepen the disillusionment felt by many Khmer Rouge cadres and combatants. Defections gathered pace until the movement finally collapsed in western Cambodia.

Unsure who to blame for this disastrous decline, and who should succeed an ailing Pol Pot, the remaining leadership fought amongst itself. In June 1997, Pol Pot had his ex-defence minister, Son Sen, killed and tried to purge his veteran deputies, Nuon Chea and Ta Mok. He failed and was himself arrested, underwent a show-trial and was sentenced to life-long detention. By the time of Pol Pot's fatal heart attack on 14 May 1998, the movement itself was on the point of total collapse, with virtually no troops or territory. The vast majority had — for reasons of pragmatism, money or war-weariness — sided with their long-time enemy, Hun Sen.

In October 98, Nuon Chea, Khieu Samphan and Ta Mok, the key remaining members of the Khmer Rouge leadership, remained in the jungle — their fate uncertain.

## **The July 1997 coup**

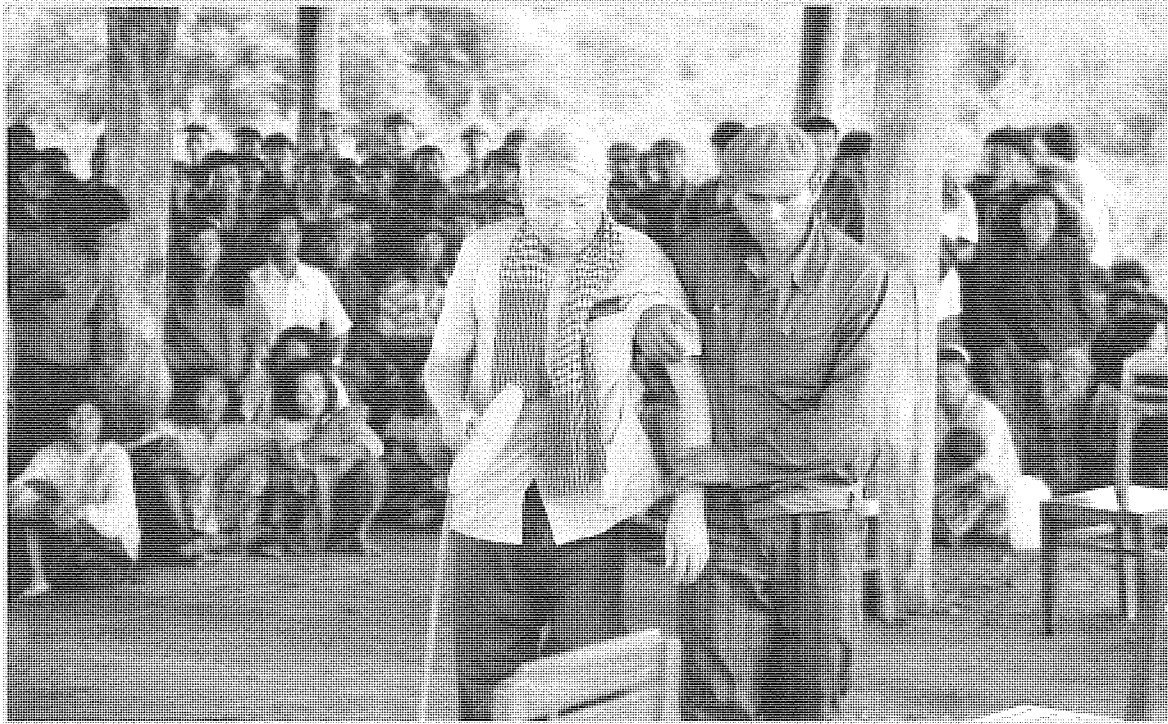
It was always likely that the stand-off between the co-premiers would end in violence. Hun Sen had already shown a willingness to revert to the threat and actuality of force. The worst single act of political violence was a March 1997 grenade attack against a Sam Rainsy-led demonstration outside the parliament, which left at least 16 people dead. According to a UN investigation, the attack was organised with the complicity of Hun Sen's bodyguard.

Any political solution — including new elections — depended on cooperation between Hun Sen and Prince Ranariddh, the absence of which was the cause of the stand-off. But the passive, disinterested attitude of the international community further contributed to the stalemate. The nations which had worked so hard to bring peace failed to capitalise on the leverage that the Paris agreements and their foreign aid gave them. All they offered were unco-ordinated and toothless appeals to the goodwill of Cambodia's leaders who, all evidence suggested, had none.

Confident that the outside world would take no action provided the façade of parliamentary democracy and coalition government was maintained, Hun Sen took action to undermine Ranariddh's position, first by fostering a revolt among FUNCINPEC members of parliament and, when that failed, by taking military action. Beginning on 2 July 1997, his forces disarmed FUNCINPEC-aligned troops first around, and then within Phnom Penh itself. The fighting in the capital, over the weekend of 5-6 July, left an estimated 100 civilians dead. The public aim of this unilateral military action was to arrest and replace Ranariddh.

The pretext centred on allegations that Ranariddh had brought thousands of Khmer Rouge soldiers into Phnom Penh in a plot to bring back Pol Pot's 'genocidal regime'. Although Ranariddh had indeed been negotiating with the Khmer Rouge remnants immediately before the coup, Hun Sen's allegations were baseless: no hardline Khmer Rouge were

*Pol Pot is assisted on leaving a 'People's Tribunal' in Anlong Veng after a public denunciation by former Khmer Rouge subordinates – 25 July, 1997*



Source: Nate Thayer

found among FUNCINPEC's forces in Phnom Penh and former Khmer Rouge from western Cambodia were by then at least as prominent among Hun Sen's forces as they were in Ranariddh's.

#### **Post-coup, pre-election**

Having gained power, Hun Sen still needed to secure legitimacy. Instead of suppressing all opposition, Hun Sen chose his targets carefully: his real aim, besides dismissing Ranariddh, was to demolish FUNCINPEC's parallel military and bureaucratic structures while retaining the façade of the coalition. In the immediate aftermath of the coup, senior figures in the FUNCINPEC military and police were captured and executed. The remaining FUNCINPEC forces proved no match for the larger and better-equipped CPP forces.

Hun Sen moved equally quickly to consolidate his political authority. Using the two-thirds majority in parliament which he now obtained through the co-optation and intimidation of several FUNCINPEC MPs, Hun Sen had Ranariddh replaced as first Prime Minister by the politically malleable Foreign Minister, Ung Huot. This effectively meant that the FUNC-

INPEC structure came under Hun Sen's control. Hun Sen also used his new parliamentary majority to cement his control over the judiciary: the two highest constitutional bodies, the Supreme Council of the Magistracy and the Constitutional Council, were both formed with clear CPP majorities (as was the National Election Committee the body responsible for organising the 1998 parliamentary election).

Although the international response to Hun Sen's actions was muted, he did suffer two major diplomatic setbacks: ASEAN suspended Cambodia's entry and the country's UN seat was left vacant, at Washington's insistence. Equally important, Cambodia's economy was simultaneously hit by the flight of investors after the fighting, the suspension of aid by the US, Germany, IMF and World Bank, and the regional financial meltdown. For both political and economic reasons, therefore, Hun Sen intensified his close ties with China. He also sought to ensure that preparations for parliamentary elections were sufficiently credible for the international community to bankroll the process and recognise the results. Once again, the focus of the Cambodian conflict shifted temporarily from the bullet to the ballot. ■

By Sorpong Peou

# Diplomatic Pragmatism:

## *ASEAN's response to the July 1997 coup*

**T**he July 1997 overthrow of Prince Norodom Ranariddh by co-Prime Minister Hun Sen came as little surprise to the members of the international community who had helped bring about the 1991 Paris agreements. But their political disengagement from Cambodia following the 1993 UN-organised elections had left them with few easy options for responding to renewed tensions and, for most of them, it was no longer a priority.

The members of the Association of Southeast Asian Nations (ASEAN), on the other hand, remained acutely aware of the threat Cambodia's internal problems posed to their security. Plans underway at the time to integrate Cambodia into ASEAN were seen as key to bolstering the country's fledgling peace and regional stability. While it was logical that ASEAN take the lead in managing the crisis which quickly spread to the western provinces bordering Thailand, it soon became apparent that it was ill-equipped to decisively influence events alone.

### **ASEAN and conflict containment**

Since its inception in 1967, ASEAN has been extremely successful at reducing tensions and

averting military confrontation between member states despite sharply diverging interests on many matters. ASEAN's collective political coherence, even in the absence of military strength, was also a key factor in preventing it from becoming embroiled in the Vietnam War during the 1970s. Yet ASEAN has always been ill-equipped to prevent or resolve conflicts in non-member states. The alliance was, after all, designed to further the interests of its members and its cohesion is dependent on strict adherence to principles of 'non-interference' (see box).

The constraints this poses on ASEAN were illustrated when Vietnam invaded Cambodia in 1979 to drive the Khmer Rouge from power. Fighting escalated in Cambodia in the early 1980s between the tripartite 'resistance' movement comprising the Khmer Rouge and two non-communist factions – FUNCINPEC and the KPLNF – and the Vietnamese-backed Phnom Penh regime. Despite the threat this posed to regional stability, ASEAN was able to do little but contain the conflict. The group lacked the collective military capability to expel Vietnam from Cambodia and – being perceived by Vietnam as too closely linked to its former enemy the US – was not in a position to play a mediatory role either.

Source: David van der Veen



Differences within the grouping on how to respond to Vietnam's occupation of Cambodia led some ASEAN members to act individually. For example, Indonesia was more inclined to accept Vietnam's pre-eminence in 'Indochina' (comprising the former French colonies of Cambodia, Laos and Vietnam) which it saw as a strategic check on China's ambitions in the region. Thailand, on the other hand, felt threatened by Vietnam's presence on its borders and, along with Singapore, channelled US and Chinese military assistance to the resistance factions. All ASEAN member states nonetheless agreed on the need to use diplomacy to keep the conflict on the international agenda and to bring pressure to bear on Vietnam to withdraw from Cambodia.

With ASEAN's backing, the resistance factions occupied Cambodia's UN seat under the name of the Coalition Government of Democratic Kampuchea (CGDK) and Cambodia was further isolated internationally. While this strategy prevented the Vietnamese-backed regime from consolidating power in Cambodia, it was only under intense pressure from the permanent five members of the Security Council, main sponsors of the Khmer factions, that the war was brought to an end.

*Rebuffed by Hun Sen: the ASEAN 'troika's' attempt to mediate following the July coup. From left to right: Domingo Siazon of the Philippines, Ali Alatas of Indonesia and Prachuab Chaiyasan of Thailand*

### ASEAN's 'inward-looking' mandate

ASEAN was formed in 1967 by Indonesia, Malaysia, the Philippines, Singapore and Thailand with a primary aim being to foster regional peace and security and to prevent external interference in any form. Brunei Darussalam was granted membership in 1984, Vietnam in 1995, and Laos and Myanmar in 1997, bringing the total membership of ASEAN to nine. Cambodia's accession to membership was postponed indefinitely following the July 1997 coup.

While internal security and stability are also major preoccupations for ASEAN states, the Treaty of Amity and Cooperation adopted in 1976 — the so-called ASEAN 'code of conduct' — stresses the sacred nature of 'state sovereignty'. The association does not have a mandate to mediate in the internal problems of its members, much less those of non-member states, and has traditionally limited its role to providing diplomatic support to member states in international fora such as the UN.

During the peace process, ASEAN countries played a significant role in promoting dialogue between the factions by hosting a range of peace conferences in both Indonesia and Thailand. Moreover, each of the ASEAN countries contributed troops to the UN peace-keeping mission which implemented the 1991 Paris agreements.

However, when Cambodia regained its full sovereignty after 1993, the ability of ASEAN, like most members of the international community, to influence political events in Cambodia was greatly reduced. This was all the more so because ASEAN did not enjoy much economic leverage over the new government, given the very small amounts of reconstruction assistance its countries were providing. At the same time, however, optimism regarding prospects for a lasting peace in Cambodia were high, and what preoccupied ASEAN most after 1993 was securing Cambodia's membership. This would realise its goal of creating 'one Southeast Asia' with both the tangible and symbolic benefits this entailed for a common identity, market and security.

Having Cambodia in, instead of out – it was thought – would also allow ASEAN to help manage any problems which might eventually arise. The promise of membership could thus be used as an incentive to bring some influence to bear on events in the country. Accordingly, Cambodia was granted 'observer status' in 1994 and ASEAN countries followed this up by providing technical assistance to hasten and facilitate the transition to full membership. Yet when Cambodia's political situation began to deteriorate in early 1996, threatening the country's accession to membership and the stability of ASEAN as a whole, it could do little but make toothless appeals for peace to Cambodia's bickering leaders.

In May 1996, Malaysian Foreign Minister, Abdullah Badawi, warned the co-Prime Ministers against an escalation of violence which would delay Cambodia's entry into ASEAN. This was followed with a strong message from Singaporean Prime Minister Goh

Chok who, during a November trip to Phnom Penh, stressed the link between political stability and increased foreign investment. Tensions continued to mount, however, and ASEAN's decision in early 1997 to admit Cambodia, along with Myanmar and Laos, at its forthcoming 23 July annual meeting failed to prevent Hun Sen from moving against his coalition partner on 6 July.

Some days later, as fighting between forces loyal to the two Prime Ministers spread into Cambodia's western provinces bordering Thailand, Deputy Prime Minister Anwar Ibrahim of Malaysia acknowledged that ASEAN's 'non-involvement in the reconstruction of Cambodia contributed to the deterioration and final collapse of national reconciliation'. For the first time the idea of a more 'constructive intervention' in Cambodia's affairs involving diplomatic mediation was openly advocated. While it was clear that ASEAN had a real interest in responding proactively to Cambodia's political problems, this meant breaking precedent with its hallowed principle of 'non-interference'.

### **Constructive engagement**

A few days after Prince Ranariddh's overthrow at a 10 July meeting of ASEAN Foreign Ministers in Malaysia, a firm, though far from punitive, position was adopted. The issued statement reaffirmed a joint commitment to the principle of non-interference in the internal affairs of other states, but considered Hun Sen's use of force 'unfortunate'. It was also announced that Cambodia's admission into ASEAN would be delayed 'until a later date' and that Prince Ranariddh would continue to be recognised as the 'first' Prime Minister of Cambodia. This announcement was backed up by the United States' decision to suspend its aid to Cambodia for a period of 30 days as well as sanctions imposed by other countries.

Consensus emerged at the summit of the Asian Regional Forum (ARF) which followed shortly afterwards, bringing together ASEAN countries and dialogue partners including the



US, Japan, Russia, China and the European Union, that ASEAN should take the lead in addressing the crisis. The dilemmas were evident: to insist on returning Prince Ranariddh to power seemed unrealistic, and would restore the unwieldy coalition government which many countries felt had led to the crisis in the first place. At the same time, a weak reaction would call into question the international community's stated commitment to the Paris agreements and their support for Cambodia's fledgling democracy.

Instead, a strong appeal was made to Hun Sen to adhere to the Paris agreements and the Constitution and ensure that the elections scheduled for May 1998 took place. In the meantime, a 'troika' of three Foreign Ministers (Ali Alatas of Indonesia, Prachuab Chaiyasan of Thailand, and Domingo Siazon of the Philippines) was formed to define a mediatory role and push for a peaceful resolution to the crisis. With King Sihanouk's blessing, the ASEAN troika arrived in Phnom Penh on 19 July to talk with Hun Sen for the first time. The meeting accomplished little, however, with Hun Sen demanding that ASEAN either admit 'his' country by 23 July or 'forget it for the next five or 20 years'.

Hun Sen eventually accepted ASEAN's mediatory role on condition that it refrain from interfering in Cambodia's 'internal affairs' and respect a role of strict neutrality. By the end of July, however, Hun Sen had pressured the National Assembly to revoke Prince Ranariddh's parliamentary immunity. This would allow the Prince to be charged with the 'crimes' of illegally importing arms and colluding with the Khmer Rouge – Hun Sen's stated justifications for overthrowing Ranariddh in the first place. Ung Huot, a former Ranariddh minister, was then appointed the new 'first' Prime Minister in order to maintain the illusion that the coalition government was still intact.

At a second meeting between the troika and Hun Sen on 3 August, Hun Sen again criticised ASEAN for interfering in Cambodia's

## Internal realignments, mixed reactions

Despite the appearance of unity given by the joint statement, ASEAN's rather weak reaction to the July coup was indicative of the substantial political realignments underway in the regional forum. Vietnam, the newest ASEAN member, remained sympathetic to Hun Sen given both their strong historical links and Prince Ranariddh's publicly hostile attitudes toward Hanoi. Within days of the outbreak of violence, Hanoi expressed appreciation of Hun Sen's 'contribution' to the 'consolidation of friendship and cooperative relations between the two states'.

Thailand, Singapore and the Philippines, on the other hand, reacted negatively to the coup, though this did not mean a renewed willingness on their part to support an anti-Phnom Penh armed resistance movement, as they had during the 1980s. In fact, Thai Prime Minister Chavalit Yongchaiyudh even refused to meet with Ranariddh after the coup despite the fact that his counterparts in Indonesia, the Philippines and Singapore, had done so. Relations between the two had cooled dramatically since 1993 with Ranariddh seen as unappreciative of past support the Thais had provided to his royalist faction. Moreover, with fears of Vietnamese 'expansionism' in sharp decline in Thailand, commercial interests had quickly come to take precedence over traditional political concerns, and lucrative business relations had been established between associates of Chavalit and Hun Sen.

The backdrop to these mixed responses was the emerging regional economic crisis which increasingly preoccupied the ASEAN countries. The reality, moreover, was that their own mixed record of democracy left them poorly placed to criticise Hun Sen. This was forcefully brought home in January 1998 when Hun Sen snubbed the ASEAN countries, noting that on 'other things, like economics, they can teach us, but on the subject of democracy and human rights, they must not teach us.'

### The 'Four Pillars' peace plan

- 1) All parties should abandon any cooperation with the Khmer Rouge, who are specifically forbidden by the terms of the Paris peace accords from participation in Cambodian political life.
- 2) Both the Royal Cambodian Armed Forces (RCAF) and the forces loyal to Prince Ranariddh should implement an immediate ceasefire on the basis that Cambodian territorial integrity should be respected and the soldiers of the former RCAF should be re-incorporated into the RCAF with their original status and safety guaranteed.
- 3) The Cambodian legal authorities should conclude Prince Ranariddh's trial as soon as possible, after which the King should immediately bestow amnesty on the Prince on the basis of a petition from his family or other parties.
- 4) The Royal Cambodian Government should guarantee Prince Ranariddh's security and safety in Cambodia and should not bar him from participating in the election, so long as he observes the law of Cambodia.

*"... if we opposition leaders were indeed immoral then we would accept the undemocratic outcome that the ruling party has engineered. If we were indeed irresponsible, then we would ignore the democratic aspirations of our people ..."*

*Prince Ranariddh and Sam Rainsy responding to Domingo Siazon, Foreign Secretary of the Philippines, who suggested it would be "highly immoral or irresponsible" for them not to form a government with Hun Sen, September 1997*

internal affairs. In response to requests that Ranariddh be allowed to return to Cambodia, Hun Sen would henceforth argue that the problem of Prince Ranariddh was a 'legal' one, not a political one, and demand that the Prince cease his armed resistance and face trial for his crimes. While ASEAN, for its part, continued to maintain that there would be no change in Cambodia's 'observer' status within ASEAN until political stability had been achieved, by late August it had stopped raising the issue of who was Cambodia's legal 'first' Prime Minister.

As Malaysian Foreign Minister Abdulla put it: "To us, the question of recognition no longer arises. Our principle is that we have to deal with whichever government is in Phnom Penh". This change of heart was indicative of ASEAN's weakening ability to influence events in Cambodia and Hun Sen's increasing consolidation of power. The remaining fighters loyal to Prince Ranariddh were by then boxed in at O'Smach, their last stronghold on the Thai border, while a number of FUNCINPEC deputies and ministers had made a pragmatic decision to return from exile and work with Hun Sen. Moreover, at the end of October, Cambodia's head of state — King Sihanouk — abruptly departed for China when Hun Sen rebuffed his efforts to mediate in the crisis.

Hun Sen's strengthening position at home, however, did not obviate the need for him to regain some form of international legitimacy which only the elections scheduled for May 1998 could provide. ASEAN declared that it would not grant Cambodia membership until after the elections had taken place and also supported a UN decision to leave Cambodia's seat vacant until such a time. This struck a real blow to Hun Sen. His heavy dependence on international funding to organise credible elections thus opened the way for Cambodia's major donors to become more actively involved in finding a solution to the impasse.

## The Japanese initiative

Building on a growing international consensus for the need to link funding for elections to Prince Ranariddh's return, Japan, Cambodia's largest donor, advanced the so-called 'Four Pillars' peace plan in January 1998. It called for a ceasefire between troops loyal to the two sides, for Prince Ranariddh to distance himself from the Khmer Rouge and reintegrate his forces into the Royal Cambodian Air Forces, and for him to be tried and amnestied of all crimes. The peace plan would thus satisfy Hun Sen's demand to try Prince Ranariddh for his alleged crimes while allowing the Prince to return to Cambodia and contest the elections, by now delayed until July.

On 15 February, the ASEAN troika endorsed the Japanese plan at a consultative meeting of the 'Friends of Cambodia', an informal diplomatic group of countries involved in the Paris agreements. The group included Australia, Canada, China, the European Union, Japan, Russia and the United States; countries whose political and financial clout would underpin the peace plan's effectiveness. Hun Sen immediately and unconditionally accepted the Japanese proposals. Ranariddh initially rejected them, arguing that his alliance with the Khmer Rouge was 'informal' and protesting his innocence of any significant wrongdoing, but later accepted the peace plan.

The overriding objective of the international peace plan was to ensure Prince Ranariddh's return to Cambodia. The questions of whether there was any legal justification for a trial and whether the Prince would be tried fairly were not addressed. In two separate 'show trials' which took place in Phnom Penh in March, Prince Ranariddh was found guilty in absentia of importing arms illegally into the country and colluding with the Khmer Rouge. He was sentenced to 35 years in prison and fined US \$54 million. Then, in line with the peace plan, King Sihanouk granted his son an amnesty in response to a request from Hun Sen, thus opening the way for the Prince's return to Cambodia on 30 March.

The Japanese peace plan revived flagging international support for the elections, though it had required few concessions from Hun Sen. He still maintained full control over the state and the electoral machinery while the Prince's party, FUNCINPEC, and the other opposition parties were split and in disarray. In the run-up to the July vote the international community stressed to Hun Sen the importance of creating a 'neutral political environment' so that the elections would be free, fair and credible. As main funders of the elections, neither Japan nor the European Union were willing to withhold their assistance when it became evident that such an environment was not emerging.

## Limited options

Many countries – including most members of ASEAN – felt strongly that Hun Sen offered Cambodia badly needed stability at the time. On balance, it was argued that flawed elections were better than no elections at all and there were few alternatives to address the crisis. Despite the fact that Hun Sen's victory was secured under the shadow of widespread allegations of fraud, ASEAN and other countries placed immense pressure on opposition leaders Prince Ranariddh and Sam Rainsy to form a coalition government with him. This would grant Cambodia international 'legitimacy' again and open the way for it to become a full member of ASEAN.

Even once Cambodia becomes a member, ASEAN will still face the same dilemmas as it tries to influence the country's internal affairs. In reality, no member is yet prepared to sanction the surrender of sovereignty that a more interventionist approach would entail, a move which might very well prove terminal to the regional grouping. In the absence of political consensus or the joint capacity to exercise economic leverage, ASEAN's crisis management role will remain limited to containing the worst effects of Cambodia's political crises until more viable solutions can be found. ■

By Lao Mong Hay

# Cambodia's Agonising Quest:

*Political progress amidst  
institutional backwardness*

**S**ince independence in 1953, Cambodia has been ruled by a diverse array of governments which have successively claimed to be monarchist, republican, revolutionary, socialist and, most recently, democratic in nature. The political orientations of these governments have varied widely, as has the impact of their policies on the fortunes of Cambodians. Despite these seeming shifts, a more consistent aspect of Cambodia's political life has been the retention of power in the hands of elites. The provisions made, in the better of Cambodia's first five constitutions, to safeguard citizens' rights have never given rise to effective legal checks on the use of power.

In theory, Cambodia's 1993 Constitution, based on liberal democratic principles, goes further than preceding ones in preventing the abuse of power. But the system of 'checks and balances' it provides for is sharply at odds with Cambodia's deeply conservative political culture and its authoritarian underpinnings. While politics in Cambodia today are in some ways more open, pluralist and accountable than ever before, at the same time they have never been so

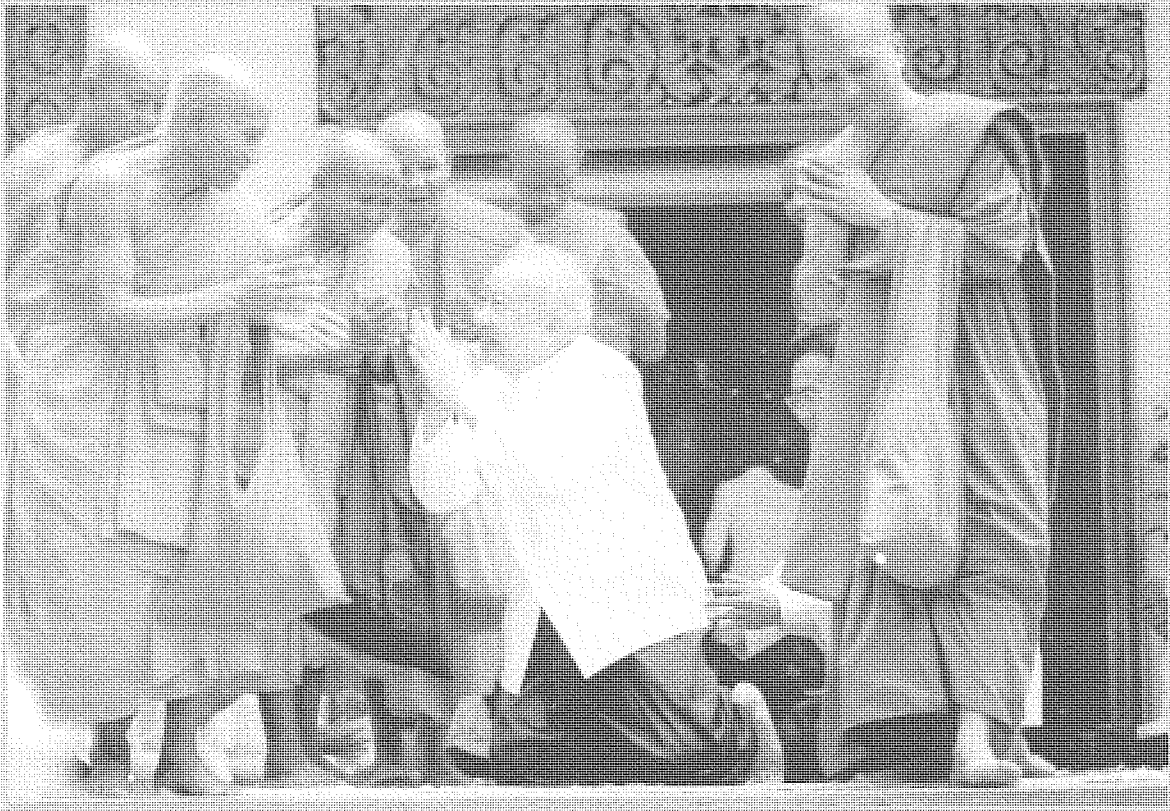
violent or corrupt. Public awareness regarding the functioning of democracy has surged in recent years, yet Cambodians still face an uphill struggle to have their Constitution respected as the supreme law of the land.

## **Rapid social change**

At the time of the 1991 Paris agreements, Cambodia had been closed to the outside world for a period of almost two decades. With the arrival of the United Nations Transitional Authority in Cambodia (UNTAC), charged with implementing the agreements, Cambodia was opened up to a world experiencing rapid economic growth, a dramatic revolution in information technology, and the seeming triumph of democracy over communism. The Paris agreements envisaged that integrating Cambodians into this radically different, 'free' world would alert them to their fundamental rights and freedoms and help consolidate the country's fledgling peace.

Under the watchful and protective eye of UNTAC, Cambodians created or joined polit-

King Sihanouk, in self-imposed exile in Siem Reap,  
following the July 1997 coup



Source: Mak Remissa

ical parties, and many more attended political rallies. In the May 1993 elections Cambodians voted *en masse*, the majority of them calling for a new government and an end to their long war. While Cambodians were still perhaps unclear about the exact mechanism by which their votes would translate into political change, they were more hopeful than at any time in recent memory that the changes which lay ahead would be positive.

In the years following UNTAC's departure, many Cambodians came to enjoy the benefits of the information revolution. The local media played an important role in informing and mobilising public opinion, as did local NGOs which provided thought-provoking criticisms of government policies and offered alternatives for the public to consider. As a consequence, Cambodians not only became more aware of events and developments in their country and the wider world, but also began to have opinions on them. During this period, many Cambodians actively followed parliamentary debates and listened to political speeches. The people began to notice that their

leaders, while seeking to cultivate their support, were also increasingly dependent on it to stay in power.

While UNTAC had enabled this initial political awakening to take place, Cambodians were subsequently emboldened to seek to influence government policy. After 1993, growing numbers of Cambodians demonstrated for better conditions in the factories where they worked, submitted complaints to the parliamentary Human Rights Commission and protested in front of the National Assembly to demand political reforms. Cambodian society became more dynamic and was moving ahead rapidly, though too fast for some.

The March 1997 grenade attack in front of the National Assembly which killed 16 demonstrators was a dramatic indication that the freedoms conceded to Cambodia's people during the UNTAC era were gradually being curtailed. It became clear that the lack of any meaningful mechanism to activate the grand provisions enshrined in the constitution could not protect even the most basic of human rights.

## **Constitutional provisions for a separation of powers**

Article 1 states that 'Cambodia is a Kingdom with a King who shall rule according to the Constitution and to the principles of liberal democracy and pluralism.'

Article 51 of the Constitution provides for a separation of powers between the executive (the Royal Government), the legislature (the National Assembly) and the judiciary. The Constitution also provides for specific roles to be played by the King, the Constitutional Council, the National Congress and the Supreme Council of the Magistracy in order to ensure the separation of powers is maintained.

The King is the head of the Royal Government, though the important principle is that he 'shall reign but shall not govern'. He appoints the Prime Minister and the Council of Ministers which govern. They are collectively responsible to the National Assembly and can be dismissed by it. The King also has the right to initiate amendments to the Constitution and to grant amnesties.

The National Assembly has the exclusive responsibility to make laws and it is only laws adopted by it that the King is required to promulgate. The Royal Government executes and implements these laws. The National Assembly must also approve all rules made by government authorities under any laws passed by it.

The judiciary is an independent power and includes the Supreme Court and all of the lower courts. Under the Constitution, the legislative or executive branches, including the Ministry of Justice, have no judicial power. Only the Supreme Council of the Magistracy, which is an independent body chaired by the King, has the right to appoint, transfer or remove judges. The King has the sole power to serve as guarantor of the independence of the judiciary.

## **An absence of checks and balances**

Cambodia's 1993 Constitution today remains little more than a proclamation of intentions. Article 51 stipulates that 'all powers belong to the people' and that they will 'exercise these powers through the National Assembly, the Royal Government and the Judiciary'. The establishment of these three branches of government corresponds closely with the liberal democratic spirit of the Paris agreements though in practice there is not yet a separation of powers. This can be seen most clearly with regard to the National Assembly which was directly elected by the people.

During its first term, the National Assembly was unable to exercise its legislative powers effectively or to control the government as foreseen by the Constitution. Not a single private bill was considered by Assembly members, let alone adopted; all legislation passed was drafted by the government. Rarely did the Assembly question either Prime Minister, or indeed any minister at all. In most of the debates which took place, the same few members of parliament took the floor and most deputies toed the lines imposed by party leaders. The National Assembly, in short, quickly became a 'rubber stamp' of the government.

While the effectiveness of the National Assembly was undermined by a packed legislative schedule and the lack of technical expertise needed to draft laws, the real problem was the absence of conditions conducive to open debate (see article page 65) and the blatant disregard by both the CPP and FUNCINPEC for constitutional procedure. Party leaders regularly suppressed debate on sensitive issues or delayed the passage of legislation which threatened the stability of the fragile governing coalition or personal interests.

The generally tense political climate did not favour the creation of other bodies intended to serve as checks and balances on the use of power. The National Congress during the 1950s and early 1960s, was an annual open-air meeting at which the population received gov-

ernment reports and raised issues of concern with their government. In the 1990s it could have served as an outlet for popular grievances, and as a way for the people to interact directly with their representatives, but it has never been convened.

The role of the Constitutional Council was to interpret the Constitution and ensure the legality of all laws made by the government. It was not established until May 1998 when international pressure mounted on the government to ensure that there would be a legal mechanism to adjudicate disputes arising from the July 1998 elections. Even then the independence and legitimacy of the council was quickly called into question because it had not been formed in accordance with the procedures outlined in the Constitution.

The Supreme Council of the Magistracy, for its part, was intended to assist the King in ensuring the independence of the judiciary. It has only met once and, as a consequence, the promised reform of the judiciary has never come about. Most current judges were appointed before 1991, more on the basis of their political loyalty to the CPP than on merit. Few have adequate legal training or are considered impartial. Moreover, in blatant contravention of constitutional provisions regarding the separation of powers, the Minister of Justice — a government official — controls the judiciary.

Underlying this problem has been the inability of the King to effectively guarantee the independence of the judiciary as called for by the Constitution. In the face of a tendency by certain officials to interpret his every action as 'political interference', the King has consistently refrained from exercising his legitimate powers to the extent that is possible. Instead, he has been content to make general proclamations calling for human rights to be respected or expressing his disapproval of unfolding political events. The King's ability to check abuses of power has thus been greatly undermined and the monarchy's future role in Cambodia's political life is being called into question (see box overleaf).

## Centralisation of power

In the absence of functioning checks and balances, state power has fallen increasingly into the hands of individuals. This was especially true following the ousting of Prince Ranariddh by co-premier Hun Sen in July 1997. Since that date, no one has been able to challenge Hun Sen who has consolidated control over the government, the National Assembly and the judiciary. He is also the sole commander-in-chief of the armed forces, meaning that political power in Cambodia is effectively controlled by a single individual.

A key consequence of the centralisation of power has been the institutionalisation of a culture of impunity in Cambodia. Both the powerful who can secure protection and the rich who can afford bribes remain above the law. They are able to secure out-of-court settlements or win law suits even when the case against them is well founded. In short, there are different rules for those with access to political power and those without. Even on issues of interest to the international community, such as drug trafficking and flagrant human rights abuse, Cambodia's powerful remain immune to outside pressure.

Another consequence is that the public service is far from politically neutral as called for by the Constitution. The 'dual' CPP/FUNCINPEC administration which emerged after 1993 was sharply divided along political lines. Even with renewed CPP domination of the bureaucracy, public interest still comes second to party or personal interests. Low salaries have forced public servants to hold second jobs and to extort bribes in order to make a living. With the complicity of corrupt superiors, public positions have in effect often been turned into private enterprises, leaving public servants trapped in a system of patron-client relations with little will or capacity to act in the public interest.

The post-1993 period illustrates that the political notions and practices of an earlier era do not simply come to an end with the promulgation of a new Constitution. Despite their rhetoric of democracy and human rights, the

## The monarchy's future public role: *to reign but not to rule?*

Cambodia's monarchy has undergone many changes over the years, with the 'universal sovereigns' and 'absolute rulers' of the past giving way more recently to King Sihanouk's 'constitutional monarchy.' Even though his formal political role has been reduced, Sihanouk remains a powerful and stabilising force in Cambodian political life and has been regularly called upon by both Cambodia's politicians and international leaders to resolve recent crises. Sihanouk's role in promoting the negotiations which culminated in the 1991 Paris agreements was decisive. Following both the 1993 and the 1998 elections, he was prevailed upon to resolve the political deadlock over the formation of the new government.

### **The monarchy rejected**

At the same time, however, the monarchy has often been perceived as a threat by Cambodia's political strongmen. Repeated efforts have been made to eliminate it, starting with King Sihanouk's overthrow in 1970 by his own government, again during the Khmer Rouge era when Sihanouk was under house arrest, and in the 1980s when the ruling State of Cambodia regime resisted efforts by armed groups, including the royalist faction founded by Sihanouk, to overthrow it.

Even though reinstated as King in 1993, Sihanouk has since been politically marginalised. Second Prime Minister Hun Sen and other anti-royalists often criticise him for interfering in government activities, while others interpret his reluctance to exercise his full constitutional powers as a sign of weakness. Other members of the royal family — Prince Ranariddh, Prince Chakrapong — Ranariddh's half-brother and Prince Sirivudh - the former Foreign Minister—have also suffered political hardship and humiliation at the hands of Hun Sen, resulting in at least temporary exile from Cambodia. This has been viewed publicly as a campaign to discredit the royal family and to keep it out of politics.

### **Competing schools of thought**

One view of the monarchy is of an antiquated irrelevant part of political life. Proponents of this view want a purely democratic form of government where state affairs are run by elected institutions rather than individuals or privileged groups; all citizens should have equal access to top leadership positions. Moreover, it is argued that rural people remain loyal to the monarchy largely through ignorance and should be educated in the

virtues of republicanism. The 1970 coup essentially emerged from the discontent of republicans and intellectuals who accused Sihanouk of autocratically handling state affairs and suppressing dissent by force.

The second school of thought argues that the majority of Cambodians still believe in the monarchy and that to abruptly break the ties between them and the monarchy would prove destabilising. The people look on Sihanouk, who led Cambodia to independence, as a patriotic leader and the 'father' of the nation. Despite the on-going campaign against the monarchy, public polls indicate that the King remains the most popular Cambodian political personality. Out of respect for the people's will, therefore, Cambodia is likely to remain a constitutional monarchy with the King as head of state.

### **A non-political role?**

If the monarchy is to be retained as the majority wish, certain constitutional articles should be amended to reflect contemporary Cambodian realities. First, many feel that for the monarchy to unify the nation, it requires the respect of all concerned parties. Therefore, it should not get involved in political power struggles or in formal party politics.

Second, succession procedures should be clarified. A crown prince or princess (there is a strong case for women to be allowed into the royal line) should be identified far enough in advance to allow for the grooming of new monarchs and to prepare the people psychologically. Moreover, the title 'Monarch for Life,' as employed in the Constitution, should be modified to allow a monarch to abdicate if he or she should wish. In July 1997, Hun Sen rejected the King's wish to abdicate in protest at Prince Ranariddh's violent overthrow, accusing Sihanouk of insubordination before the supreme law of the land.

As the next millennium approaches, Cambodia's monarchy has a potentially crucial role to play in unifying the nation and promoting peace. For this to come about, however, it needs a clear vision and purpose and must itself adopt a proactive attitude towards reform and adapt to present-day realities. However, it is the Monarchy's very intimacy with Cambodian politics today, which poses the biggest challenge, as it seeks to define a new, more independent role for itself. ■



deeds of Cambodia's leaders have not matched their words. They pledged not to use violence to settle disputes, but have done so. They promised free and fair elections, but have not respected the will of the people. And to appease and divert attention from the real issues at stake, they have launched populist campaigns to liberalise laws on gambling, drinking and prostitution.

### A 'social' check on power?

The mixed messages Cambodians are getting from their leaders have left many in a quandary. Cambodians are all too aware that, in the past, backward attitudes have carried their country to the brink of ruin. At present, this is stifling both social progress and economic development, the benefits of which many Cambodians have become accustomed to in recent years. Yet as they seek to push for political change, they are constrained by apathy, a lack of knowledge about how to act and social norms which do not encourage questioning of the status quo.

Following UNTAC's departure in 1993, a great burden was placed on Cambodia's young civil society to safeguard the fledgling democracy. Cambodia has little tradition of civil associations, however, and despite the recent proliferation of non-governmental organisations (NGOs) involved in human rights monitoring and democracy education, the ability of civil society to 'discipline' the government remains limited. Though many civil associations embody and practise democratic values through their activities at a grass-roots level, civil society initiatives fall far short of the unity or the influence needed to ensure that the state upholds these values.

To conduct advocacy and represent people's interests with any real influence requires a certain autonomy which, as the case of the press shows (See box overleaf), is still very limited. Many NGOs still rely heavily on international groups, or the government itself, for both funding and technical expertise. Though the government has been relatively tolerant of NGO activities in recent years, restrictive legis-

lation under consideration during 1998 would reduce NGO freedom dramatically if adopted.

Moreover, even though political activism is increasing, many Cambodians are still content to accept the status quo or lack options to challenge it in the context of the extreme political and economic uncertainty gripping the country. Cambodians have become increasingly conscious of being poor or powerless, either inside or outside the ranks of the powerful and privileged. As a consequence, they are torn between acquiescence and action, between the urge to move up in the ranks of the privileged and protect personal or family interests and the moral obligation to challenge perceived injustices.

### The risks of democratic tyranny

There is growing popular awareness in Cambodia today, as demonstrated by the public demonstrations following the 1998 elections, that direct action can lead to political change. Yet it is also clear that for political change to be meaningful and sustainable, a simple change in government is not enough. The conservative values underlying Cambodian politics must also give way to a more constructive emphasis on dialogue, compromise and mutual gain. In the absence of progress, democracy in Cambodia risks being simply a cover for a continuation of personalised rule and the abuse of power.

Cambodia's leaders can no longer hide behind the language of democracy and must realise that their people are more politically aware than ever before in their history. They realise that genuine democracy is not simply about how a government is elected, but about its goals. These must include a more competent and independent judiciary, greater equality before the law for all citizens, and the protection of constitutional freedoms and liberties. These goals are the yardstick by which Cambodia's people will henceforth measure their political leaders. Pursuing these goals is also the only way to consolidate Cambodia's fragile peace. ■

By John C. Brown

## Drawn into the political maelstrom: *Cambodia's nascent press*

In common with other sectors of Cambodia's emerging 'civil society', the press has not remained immune from the country's culture of personality politics and patronage. During and after the UN intervention in Cambodia, a virulent opposition press emerged. Some 150 papers have been in operation at one time or another since 1993. When publication rates peaked, just before the July 1997 crisis, six dailies were publishing. In contrast, before the UN arrived, there were only seven government publications and no daily, private, or opposition press.

### **Freedom without responsibility**

This dramatic expansion of the Khmer press stemmed not simply from political liberalisation but from a greater tolerance of unregulated private behaviour even when it had public consequences. Cambodia still is, it has been said, a country of very few formal liberties but a great deal of anarchic freedom. Attacks against reporters have occurred in recent years, and many suspect government involvement. For the most part, however, the print press in Cambodia has exercised its freedoms without constraint and, regrettably often, with little responsibility.

As desktop publishing equipment and newly-developed Khmer language fonts have become more available, private printing houses have proliferated. However, with the market for Khmer newspapers small, dozens of Khmer-language papers competing for sales and revenue from advertising limited, most newspapers have been dependent for survival on political patrons.

Khmer newspaper publishers are most attentive to the market created by the competition between political parties and personalities. Newspapers have published articles supporting opposition politicians, one or the other of the ruling parties, personalities within various parties or the King. With the exception of the minority royalist or republican papers, these newspapers are not ideological. Their focus is not primarily on the use of policy, but rather on the possession of power and who should or should not have it.

### **Patron politics**

In this context, Khmer newspapers are criticised — to some extent rightly so — for being politically biased, inattentive to fact, and for failing to distinguish appropriately between factual reporting and opinion. That does not mean, however, that these newspapers cannot and do not also address

serious issues, even as they help to further the political aims of their patrons, promoting political division even as they despair over the violence such divisions might produce.

Publishing peaked during each of the three political crises which preceded the July 1997 events. Newspapers attacked their political opponents, often slandering them through unsubstantiated and unfair accusations or fabrications. Across the political spectrum editors worried about a breakout in fighting even as they predicted it and, at times, threatened it. But as they wondered how political difficulties could be settled peacefully, it was clear — whatever the settlement — that their patron or party had to come out on top.

Apart from their political relationships, however, editors also worried about leaders who could act without constraint, about political competition that was not channelled into peaceful confrontation, and about the build-up of armed bodyguard units bound by loyalty to their political patron but outside the law. They wondered whether there was something wrong with a Cambodia that was seemingly continually faced with crisis. Though these newspapers had not developed a shared consensus for what constitutes professional journalism, they did share a concern for peace in Cambodia.

### **Regulation without democracy**

In the West, the press is an important part of the formal organisation of democracy, exercising vigilance on behalf of an often inattentive and sometimes uncaring public. While it is criticised for its failure to do that job properly, the important fact is that shared — though often conflicting — conceptions of what the press is, what it might be, and what it should be, do exist. It is in light of these, sometimes contradictory images that its role is debated, criticised and shaped in mature democracies.

That such a press has not materialised in Cambodia should not be surprising. The remarkable post-UN proliferation of newspapers was made possible by democratic-like conditions (a political environment that was free, though intermittently — but never systematically — oppressive), but also by a Khmer political culture of personality politics and patronage. Until Cambodia's political competition is channelled into democratic confrontations, a consensus of opinion on the role of the press and how it should be regulated will be slow to emerge. ■

# Full text of the Paris agreements with commentary

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*The full text of the 1993 Constitution can be found at:  
[www.cambodia.org/facts/constitution.html](http://www.cambodia.org/facts/constitution.html)*

# The Paris agreements in critical perspective

The international community, so quick to proclaim UNTAC a success, urgently needs to reflect more honestly on its experiences in Cambodia. That UNTAC has to date escaped a comprehensive, critical review is largely because of strong political pressures emanating from the UN and various countries to maintain the initial positive gloss thrown on the internationally-inspired peace process. Some have also argued that it is simply too soon to assess in any meaningful manner the political outcome of the Paris agreements. Recent events, however, suggest that other countries engaged in the search for peace have much to learn from Cambodia's painful post-1993 experiences.

## Measuring success

Many early analyses of Cambodia's peace process focused on the internal successes and failures of UNTAC. A surprising number of scholars were quick to equate its undisputed technical successes in organising elections and repatriating refugees from Thailand with the overall success of the peace-keeping mission. The inevitable comparisons between UNTAC and early post-Cold War UN debacles such as Somalia and Bosnia lent a further gloss to the Cambodia mission which its many failings initially did little to tarnish.

The paradox was that UNTAC could be seen to have fulfilled its primary mandate (bringing about an internationally-recognised government through elections) even though the internal factors driving Cambodia's war remained largely unaddressed. These were not taken into account because many analyses, in line with the international community's general approach to the Cambodian problem itself, were based on predominantly 'external' assessments of the conflict. These attributed the longevity of the conflict predominantly to friction between outside powers and optimistically assumed that the Cold War's end would spell the end of the factions' capacity or will to fight.

Insufficient effort was made to understand the complex internal dynamics of Cambodia's conflict, its historical roots, what the peace process meant to the Cambodian people, and why all the faction leaders harboured deep-seated resentment over many aspects of the final settlement. This gave the impression that peace was something that could somehow be bequeathed by the international community to Cambodians who were hopefully responsible enough to nurture it wisely — rather than a dynamic, open-ended process whose outcome would largely be decided long after UNTAC's departure.

## Beyond the settlement

With the benefit of hindsight in the Cambodian case and a clearer understanding of the difficulties of consolidating peace in war-torn societies more generally, awareness is growing that what happens in the post-settlement phase is perhaps most important in assessing the viability of international peace-making efforts. How far did UNTAC go in putting into place a robust institutional arrangement which would allow the competition between Cambodia's deeply divided factions to be waged in a non-violent manner following UNTAC's departure?

While the Paris agreements committed Cambodians to constitutional provisions enshrining liberal democracy and pluralism, it was left to them to integrate this commitment with the harsh political, military and economic realities facing Cambodia after UNTAC was gone. For a nation recovering from two decades of war and social upheaval, the challenges were enormous. Crucial pre-conditions for democracy such as advanced levels of economic development and social mobilisation were not present in Cambodia. With the reserves of goodwill assumed to be sufficient among the former enemies, few contingency plans were made by the international community in the event that these ran out.

In the circumstances, it was claimed that the Paris agreements were the best that could be done given the availability of resources and international political will at the time. This has led to statements such as 'it is up to Cambodians to take over now' which betray the fact that the international community still remains heavily involved in Cambodia, at least in financial terms. This raises the question of how these resources can better be complemented with more creative developmental, diplomatic and political initiatives to build a stronger peace.

## Institutional guarantees

UNTAC's greatest legacy to Cambodians was the hope of democracy and the knowledge of how it should work. Yet in the absence of a capacity to build a viable institutional framework which has the power to preserve liberty and the rule of law, it has been small consolation for Cambodians to take part in either the 1993 or 1998 elections. The articles in this section make clear that consolidating Cambodia's fledgling peace was always going to be a long and difficult task culminating well after UNTAC left the country. The question nonetheless remains: to what degree did it lay the groundwork for this to be achieved? ■

# Final Act of the Paris Conference on Cambodia

- 1 Concerned by the tragic conflict and continuing bloodshed in Cambodia, the Paris Conference on Cambodia was convened, at the invitation of the Government of the French Republic, in order to achieve an internationally guaranteed comprehensive settlement which would restore peace to that country. The Conference was held in two sessions, the first from 30 July to 30 August 1989, and the second from 21 to 23 October 1991.
- 2 The co-Presidents of the Conference were H. E. Mr. Roland Dumas, Minister for Foreign Affairs of the French Republic, and H. E. Mr. Ali Alatas, Minister for Foreign Affairs of the Republic of Indonesia.
- 3 The following States participated in the Conference: Australia, Brunei Darussalam, Cambodia, Canada, the People's Republic of China, the French Republic, the Republic of India, the Republic of Indonesia, Japan, the Lao People's Democratic Republic, Malaysia, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the Socialist Republic of Viet Nam.

In addition, the Non-Aligned Movement was represented at the Conference by its current Chairman at each session, namely Zinbabwe at the first session and Yugoslavia at the second session.

- 4 At the first session of the Conference, Cambodia was represented by the four Cambodian Parties. The Supreme National Council of Cambodia, under the leadership of its President, H.R.H. Prince Norodom Sihanouk, represented Cambodia at the second session of the Conference.
- 5 The Secretary-General of the United Nations, H.E. Mr. Javier Pérez de Cuéllar and his Special Representative, Mr. Rafeeuddin Ahmed, also participated in the Conference.
- 6 The Conference organised itself into three working committees of the whole, which met throughout the first session of the Conference. The First Committee dealt with military matters, the Second Committee dealt with the question of international guarantees, and the Third Committee with the repatriation of refugees and displaced persons and the eventual reconstruction of Cambodia.

The officers of each committee were as follows:

## First Committee

Co-Chairmen: Mr. C.R. Gharekhan (India); Mr. Allan Sullivan (Canada)  
 Rapporteur: Ms. Victoria Sisante-Bataclan (Philippines)

## Second Committee

Co-Chairmen: Mr. Soulivong Phrasithideth (Laos); Dato' Zainal Abidin Ibrahim (Malaysia)  
 Rapporteur: Mr. Hervé Dejean de La Batie (France)

## Third Committee

Co-Chairmen: Mr. Yukio Imagawa (Japan); Mr. Robert Merrillees (Australia)  
 Rapporteur: Colonel Ronachuck Swasdikiat (Thailand)

The Conference also established an Ad Hoc Committee, composed of the representatives of the four Cambodian Parties and chaired by the representatives of the two co-Presidents of the Conference, whose mandate involved matters related to national reconciliation among the Cambodian Parties. The Ad Hoc Committee held several meetings during the first session of the Conference.

The Co-ordination Committee of the Conference, chaired by the representatives of the two co-Presidents, was established and given responsibility for general co-ordination of the work of the other four committees. The Co-ordination Committee met at both the first and second sessions of the Conference. An informal meeting of the Co-ordination Committee was also held in New York on 21 September 1991.

- 7 At the conclusion of the first session, the Conference had achieved progress in elaborating a wide variety of elements necessary for the achievement of a comprehensive settlement of the conflict in Cambodia. The Conference noted, however that it was not yet possible to achieve a comprehensive settlement. It was therefore decided to suspend the Conference on 30 August 1989. However, in doing so, the Conference urged all parties concerned to intensify their efforts to achieve a comprehensive settlement, and asked the co-Presidents to lend their good offices to facilitate these efforts.

8 Following the suspension of the first session of the Conference, the co-Presidents and the Secretary-General of the United Nations undertook extensive consultations, in particular with the five permanent members of the United Nations Security Council, with the Supreme National Council of Cambodia, and with other participants in the Paris Conference. The object of these consultations was to forge agreement on all aspects of a settlement, to ensure that all initiatives to this end were compatible and to enhance the prospects of ending the bloodshed in Cambodia at the earliest possible date. The efforts of the co-Presidents and the Secretary-General paved the way for the reconvening of the Paris Conference on Cambodia.

9 At the inaugural portion of the final meeting of the Paris Conference, on 23 October 1991, the Conference was addressed by H.E. Mr. François Mitterrand, President of the French Republic, H.R.H. Prince Norodom Sihanouk, President of the Supreme National Council of Cambodia, and H.E. Mr. Javier Pérez de Cuéllar, Secretary-General of the United Nations.

10 At the second session, the Conference adopted the following instruments:

**1) Agreement on a comprehensive political settlement of the Cambodia conflict**, with annexes on the mandate for UNTAC, military matters, elections, repatriation of Cambodian refugees and displaced persons, and the principles for a new Cambodian constitution;

**2) Agreement concerning the sovereignty, independence, territorial integrity and inviolability, neutrality and national unity of Cambodia;** and

**3) Declaration on the rehabilitation and reconstruction of Cambodia.**

These instruments represent an elaboration of the "Framework for a Comprehensive Political Settlement of the Cambodia Conflict" adopted by the five permanent members of the United Nations Security Council on 28 August 1990, and of elements of the work accomplished at the first session of the Conference. They entail a continuing process of national reconciliation and an enhanced role for the United Nations, thus enabling the Cambodian people to determine their own political future through free and fair elections organised and conducted by the United Nations in a neutral political environment with full respect for the national sovereignty of Cambodia.

11 These instruments, which together form the comprehensive settlement the achievement of which was the objective of the Paris Conference, are being presented for signature

to the States participating in the Paris Conference. On behalf of Cambodia, the instruments will be signed by the twelve members of the Supreme National Council of Cambodia, which is the unique legitimate body and source of authority enshrining the sovereignty, independence and unity of Cambodia.

12 The States participating in the Conference call upon the co-Presidents of the Conference to transmit an authentic copy of the comprehensive political settlement instruments to the Secretary-General of the United Nations. The States participating in the Conference request the Secretary-General to take the appropriate steps in order to enable consideration of the comprehensive settlement by the United Nations Security Council at the earliest opportunity. They pledge their full co-operation in the fulfilment of this comprehensive settlement and their assistance in its implementation.

Above all, in view of the recent tragic history of Cambodia, the States participating in the Conference commit themselves to promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia, as embodied in the relevant international instruments to which they are party.

13 The States participating in the Conference request the International Committee of the Red Cross to facilitate, in accordance with its principles, the release of prisoners of war and civilian internees. They express their readiness to assist the ICRC in this task.

14 The States participating in the Conference invite other States to accede to the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict and to the Agreement concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia.

15 Further recognising the need for a concerted international effort to assist Cambodia in the tasks of rehabilitation and reconstruction, the States participating in the Conference urge the international community to provide generous economic and financial support for the measures set forth in the Declaration on the Rehabilitation and Reconstruction of Cambodia.

In witness whereof the representatives have signed this Final Act.

Done at Paris this twenty-third day of October one thousand nine hundred and ninety-one, in two copies in the Chinese, English, French, Khmer and Russian languages, each text being equally authentic. The originals of this Final Act shall be deposited with the Governments of the French Republic and of the Republic of Indonesia.

## Cambodia's comprehensive political settlement: *closing a tragic chapter on Cambodia's past?*

Documenting and punishing war crimes is seen as the key to establishing justice, consolidating peace and promoting the rehabilitation of deeply divided societies. In this regard, the victimisation of Cambodians by Cambodians during their long conflict (Khmer Rouge atrocities, in particular) is rightly receiving much attention by the international community today. In the process, however, the complex historical legacy of outside involvement in Cambodia's war is often downplayed. This has hampered understanding of the country's continuing political problems and has also made it difficult for Cambodians to close a turbulent chapter on their past.

### External interventions

A vicious interaction of variables at domestic, regional and global levels has shaped Cambodia's tragic destiny. Repeated incursions by Cambodia's expansionist neighbours Vietnam and Thailand, starting in the 1500s, were followed in the 19th and 20th centuries by French colonisation, the US bombing and invasion of Cambodia at the height of the Vietnam war, and Chinese backing for the genocidal Khmer Rouge regime. Vietnam's 1979 invasion of Cambodia, ostensibly to save the Khmers from the Khmer Rouge, itself resulted in an eight-year foreign occupation. The ensuing US and Chinese-led international isolation of Cambodia effectively allowed the Khmer Rouge to retain Cambodia's UN seat through the 1980s and various armed groups to wage a destructive war against the government.

These foreign interventions both resulted from and intensified weaknesses within Cambodian society. Since the 1500s, one Khmer faction or another — often led by the country's ruler — has been complicitous with outside parties in the violation of Cambodia's sovereignty. Foreign values and political systems — such as communism — were often accepted blindly by Cambodia's people, stemming more from their need to survive than from any legitimate affinity with outside cultures. Along the way, Cambodians at all levels of society have lost faith in the viability of their own culture and in their ability to regain full control of their destiny as was promised by the Paris agreements.

### Contradictory impulses

This crisis of confidence among Cambodians manifests itself in contradictory ways. On the one hand, there is still a general suspicion of foreigners and a tendency by Cambodians to blame them for the country's persisting problems. The historical fear of being 'swallowed up' by Vietnam, for instance, continues to be manipulated by politicians playing the nationalist card for short-term political gain. The reality is that for most Cambodians 'anti-Vietnamese' sentiment stems more from a fear of Vietnamese hegemony than from a hatred of the Vietnamese people themselves. However, with historical patterns of foreign abuse and exploitation weighing heavily on their psyche Cambodians are often guilty of failing to separate the two.

On the other hand, there is still a widespread belief that peace — when it finally comes to Cambodia — will come from the international community. This explains the dramatic expectations created among many Cambodians by the Paris agreements and the deep disillusionment which has followed since 1993 as the promises of democracy, human rights and peace have failed to materialise. Though increasingly aware that they must look within their country for both the causes of and solutions to Cambodia's persisting problems, there is also a lingering belief among many Cambodians that the international community has left them ill-equipped to bring about the difficult political changes necessary.

### Closing a tragic chapter?

The comprehensive nature of the final settlement was intended to remove once and for all the external factors driving Cambodia's war by including guarantees to defend Cambodia's sovereignty. With the emphasis placed on Cambodians 'determining their own political future' through elections, the international community could in effect wash its hands of the problems bound to emerge during consolidation of the fragile peace. Not only has this made it difficult to achieve a full accounting of foreign involvement in Cambodia's long conflict, it has also meant that the country's powerful elites themselves face few external pressures to remain accountable to the people. ■

# Agreement on a Comprehensive Political Settlement of the Cambodia Conflict

The States participating in the Paris Conference on Cambodia, namely Australia, Brunei Darussalam, Cambodia, Canada, the People's Republic of China, the French Republic, the Republic of India, the Republic of Indonesia, Japan, the Lao People's Democratic Republic, Malaysia, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, the Socialist Republic of Viet Nam and the Socialist Federal Republic of Yugoslavia,

In the presence of the Secretary-General of the United Nations,

**In order** to maintain, preserve and defend the sovereignty, independence, territorial integrity and inviolability, neutrality and national unity of Cambodia,

**Desiring** to restore and maintain peace in Cambodia, to promote national reconciliation and to ensure the exercise of the right to self-determination of the Cambodian people through free and fair elections,

**Convinced** that only a comprehensive political settlement to the Cambodia conflict will be just and durable and will contribute to regional and international peace and security,

**Welcoming** the Framework document of 28 August 1990, which was accepted by the Cambodian Parties in its entirety as the basis for settling the Cambodia conflict, and which was subsequently unanimously endorsed by Security Council resolution 668 (1990) of 20 September 1990 and General Assembly resolution 45/3 of 15 October 1990,

**Noting** the formation in Jakarta on 10 September 1990 of the Supreme National Council of Cambodia as the unique legitimate body and source of authority in Cambodia in which, throughout the transitional period, national sovereignty and unity are enshrined, and which represents Cambodia externally,

**Welcoming** the unanimous election, in Beijing on 17 July 1991, of H.R.H. Prince Norodom Sihanouk as the President of the Supreme National Council,

**Recognising** that an enhanced United Nations role requires the establishment of a United Nations Transitional Authority in Cambodia (UNTAC)

with civilian and military components, which will act with full respect for the national sovereignty of Cambodia,

**Noting** the statements made at the conclusion of the meetings held in Jakarta on 9-10 September 1990, in Paris on 21-23 December 1990, in Pattaya on 24-26 June 1991, in Beijing on 16-17 July 1991, in Pattaya on 26-29 August 1991, and also the meetings held in Jakarta on 4-6 June 1991 and in New York on 19 September 1991,

**Welcoming** United Nations Security Council resolution 717 (1991) of 16 October 1991 on Cambodia,

**Recognising** that Cambodia's tragic recent history requires special measures to assure protection of human rights, and the non-return to the policies and practices of the past,

Have agreed as follows:

## Part I Arrangements During the Transitional Period

### Section I Transitional Period

**Article 1** For the purposes of this Agreement, the transitional period shall commence with the entry into force of this Agreement and terminate when the constituent assembly elected through free and fair elections, organised and certified by the United Nations, has approved the constitution and transformed itself into a legislative assembly, and thereafter a new government has been created.

### Section II United Nations Transitional Authority in Cambodia

#### Article 2

1) The Signatories invite the United Nations Security Council to establish a United Nations Transitional Authority in Cambodia (hereinafter referred to as "UNTAC") with civilian and military components under the direct responsibility of the Secretary-General of the United Nations. For this purpose the Secretary-General will designate a Special Representative to act on his behalf.

2) The Signatories further invite the United Nations Security Council to provide UNTAC with the mandate set forth in this Agreement and to keep its implementation under continuing review through periodic reports submitted by the Secretary-General.



## National reconciliation in Cambodia: *can there be forgiveness in the absence of the rule of law?*

The Paris agreements set as a key objective the promotion of 'national reconciliation' in Cambodia's profoundly divided society. While of crucial importance to consolidating Cambodia's long-term peace, it is a difficult and open-ended task. Little was said in the actual text of the agreements concerning how genuine national reconciliation would come about. Though it must ultimately end at the individual level, through a process of healing and forgiveness, this process is arguably best promoted by the establishment of a legal framework which secures and protects both the rights of the individual and the broader public interest.

### The difficulty of forgetting

Most Cambodians desperately want peace. The reality, however, is that people have different capacities to forgive and forget. The legacy of gross human rights abuses committed by the Khmer Rouge, along with outstanding grievances between Cambodia's political parties, have created an environment that is not readily conducive to cooperation among Cambodians. The country's 'winner-take-all' political system serves as a further disincentive to cooperation because the livelihoods of so many people are directly linked to the success of the political parties they support.

The difficulties of forgetting are illustrated at a political level by the post-1993 power-sharing arrangement which emerged between the CPP and FUNCINPEC in an initial attempt to foster reconciliation. This coalition came about not so much because the parties were ready to compromise on power-sharing, but because they had little choice but to work together. The apparent cooperation on one level between CPP and FUNCINPEC officials was undermined on another by deep-rooted distrust and an unwillingness to compromise. It soon became clear that each party wanted political reconciliation on its own terms.

This essentially meant holding on to power or swaying the political system to the party's benefit. As competition increased and the coalition government weakened, both Hun Sen and Ranariddh began to use the rhetoric of national reconciliation to justify building alliances with the Khmer Rouge to bolster their political positions. The public rationale for their actions was that they were seeking to end the war and reintegrate

the Khmer Rouge in Cambodian society. National reconciliation was thus pursued in the name of peace, which presented real dilemmas for Cambodia's people, many of whom were not ready to simply overlook the past.

### Peace or justice?

There are two prevailing views regarding the roles of peace and justice in shaping reconciliation. Some believe justice should be traded against the overriding aim of ending Cambodia's long war. The opportunity to prevent more deaths should not be taken lightly. However, the controversial amnesties given to Khmer Rouge leaders like Ieng Sary in recent years create a dangerous precedent of impunity for Cambodian society, threatening longer-term peace and stability. The prospect that Ieng Sary will not be brought to justice is almost unbearable for many people, all the more so because many believe he was granted an amnesty for the gain of the country's political leaders.

Others believe there can be no healing without justice. No one who suffered at the hands of the Khmer Rouge will ever forget; many will not be able to forgive. Retribution for those guilty of war crimes — both past and present — is for some, therefore, necessary to promote healing. But justice must not simply be sought for narrow political or personal gain, nor at any cost. The establishment of an effective rule of law in Cambodia which treats all equally — or at least a real hope that such a rule of law will come about soon — is crucial in promoting cooperation between Cambodians and allowing rebuilding to continue.

### The collective interest

The need for the rule of law was emphasised in both the Paris agreements and Cambodia's new Constitution. Article 31 states that 'every Khmer citizen shall be equal before the law'. Yet different conditions for different people in effect authorise those with greater power or wealth to place their personal interest before that of the public. The development of a legal system which defends the public interest is therefore in many ways the precursor for genuine national reconciliation among Cambodians. ■

### **Section III Supreme National Council**

**Article 3** The Supreme National Council (hereinafter referred to as "the SNC") is the unique legitimate body and source of authority in which, throughout the transitional period, the sovereignty, independence and unity of Cambodia are enshrined.

**Article 4** The members of the SNC shall be committed to the holding of free and fair elections organised and conducted by the United Nations as the basis for forming a new and legitimate Government.

**Article 5** The SNC shall, throughout the transitional period, represent Cambodia externally and occupy the seat of Cambodia at the United Nations, in the United Nations specialised agencies, and in other international institutions and international conferences.

**Article 6** The SNC hereby delegates to the United Nations all powers necessary to ensure the implementation of this Agreement, as described in annex 1.

In order to ensure a neutral political environment conducive to free and fair general elections, administrative agencies, bodies and offices which could directly influence the outcome of elections will be placed under direct United Nations supervision or control. In that context, special attention will be given to foreign affairs, national defence, finance, public security and information. To reflect the importance of these subjects, UNTAC needs to exercise such control as is necessary to ensure the strict neutrality of the bodies responsible for them. The United Nations, in consultation with the SNC, will identify which agencies, bodies and offices could continue to operate in order to ensure normal day-to-day life in the country.

**Article 7** The relationship between the SNC, UNTAC and existing administrative structures is set forth in annex 1.

### **Section IV Withdrawal of Foreign Forces and its Verification**

**Article 8** Immediately upon entry into force of this Agreement, any foreign forces, advisers, and military personnel remaining in Cambodia, together with their weapons, ammunition, and equipment, shall be withdrawn from Cambodia and not be returned. Such withdrawal and non-return will be subject to UNTAC verification in accordance with annex 2.

### **Section V Ceasefire and Cessation of Outside Military Assistance**

**Article 9** The ceasefire shall take effect at the time this Agreement enters into force. All forces shall immediately disengage and refrain from all hostili-

ties and from any deployment, movement or action which would extend the territory they control or which might lead to renewed fighting.

The Signatories hereby invite the Security Council of the United Nations to request the Secretary-General to provide good offices to assist in this process until such time as the military component of UNTAC is in position to supervise, monitor and verify it.

**Article 10** Upon entry into force of this Agreement, there shall be an immediate cessation of all outside military assistance to all Cambodian Parties.

**Article 11** The objectives of military arrangements during the transitional period shall be to stabilise the security situation and build confidence among the parties to the conflict, so as to reinforce the purposes of this Agreement and to prevent the risks of a return to warfare.

Detailed provisions regarding UNTAC's supervision, monitoring, and verification of the ceasefire and related measures, including verification of the withdrawal of foreign forces and the regrouping, cantonment and ultimate disposition of all Cambodian forces and their weapons during the transitional period are set forth in annex 1, section C, and annex 2.

## **Part II Elections**

**Article 12** The Cambodian people shall have the right to determine their own political future through the free and fair election of a constituent assembly, which will draft and approve a new Cambodian Constitution in accordance with Article 23 and transform itself into a legislative assembly, which will create the new Cambodian Government. This election will be held under United Nations auspices in a neutral political environment with full respect for the national sovereignty of Cambodia.

**Article 13** UNTAC shall be responsible for the organisation and conduct of these elections based on the provisions of annex 1, section D, and annex 3.

**Article 14** All Signatories commit themselves to respect the results of these elections once certified as free and fair by the United Nations.

## **Part III Human Rights**

### **Article 15**

1) All persons in Cambodia and all Cambodian refugees and displaced persons shall enjoy the rights and freedoms embodied in the Universal Declaration of Human Rights and other relevant international human rights instruments.

2) To this end,

a) Cambodia undertakes:

- ◆ to ensure respect for and observance of human rights and fundamental freedoms in Cambodia;
- ◆ to support the right of all Cambodian citizens to undertake activities which would promote and protect human rights and fundamental freedoms;
- ◆ to take effective measures to ensure that the policies and practices of the past shall never be allowed to return;
- ◆ to adhere to relevant international human rights instruments;

b) the other Signatories to this Agreement undertake to promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia as embodied in the relevant international instruments and the relevant resolutions of the United Nations General Assembly, in order, in particular, to prevent the recurrence of human rights abuses.

**Article 16** UNTAC shall be responsible during the transitional period for fostering an environment in which respect for human rights shall be ensured, based on the provisions of annex 1, section F.

**Article 17** After the end of the transitional period, the United Nations Commission on Human Rights should continue to monitor closely the human rights situation in Cambodia, including, if necessary, by the appointment of a Special Rapporteur who would report his findings annually to the Commission and to the General Assembly.

#### **Part IV International Guarantees**

**Article 18** Cambodia undertakes to maintain, preserve and defend, and the other Signatories undertake to recognise and respect, the sovereignty, independence, territorial integrity and inviolability, neutrality and national unity of Cambodia, as set forth in a separate Agreement.

#### **Part V Refugees and Displaced Persons**

**Article 19** Upon entry into force of this Agreement, every effort will be made to create in Cambodia political, economic and social conditions conducive to the voluntary return and harmonious integration of Cambodian refugees and displaced persons.

##### **Article 20**

1) Cambodian refugees and displaced persons, located outside Cambodia, shall have the right to return to Cambodia and to live in safety, security and dignity, free from intimidation or coercion of any kind.

2) The Signatories request the Secretary-General of the United Nations to facilitate the repatriation in safety and dignity of Cambodian refugees and displaced persons, as an integral part of the comprehensive political settlement and under the overall authority of the Special Representative of the Secretary-General, in accordance with the guidelines and principles on the repatriation of refugees and displaced persons as set forth in annex 4.

#### **Part VI Release of Prisoners of War and Civilian Internee**

**Article 21** The release of all prisoners of war and civilian internees shall be accomplished at the earliest possible date under the direction of the International Committee of the Red Cross (ICRC) in co-ordination with the Special Representative of the Secretary-General, with the assistance, as necessary, of other appropriate international humanitarian organisations and the Signatories.

**Article 22** The expression "civilian internees" refers to all persons who are not prisoners of war and who, having contributed in any way whatsoever to the armed or political struggle, have been arrested or detained by any of the parties by virtue of their contribution thereto.

#### **Part VII Principles for a New Constitution for Cambodia**

**Article 23** Basic principles, including those regarding human rights and fundamental freedoms as well as regarding Cambodia's status of neutrality, which the new Cambodian Constitution will incorporate, are set forth in annex 5.

#### **Part VIII Rehabilitation & Reconstruction**

**Article 24** The Signatories urge the international community to provide economic and financial support for the rehabilitation and reconstruction of Cambodia, as provided in a separate declaration.

#### **Part IX Final Provisions**

**Article 25** The Signatories shall, in good faith and in a spirit of co-operation, resolve through peaceful means any disputes with respect to the implementation of this Agreement.

**Article 26** The Signatories request other States, international organisations and other bodies to co-operate and assist in the implementation of this Agreement and in the fulfilment by UNTAC of its mandate.

**Article 27** The Signatories shall provide their full co-operation to the United Nations to ensure the implementation of its mandate, including by the provision of privileges and immunities, and by facilitating freedom of movement and communication within and through their respective territories.

In carrying out its mandate, UNTAC shall exercise due respect for the sovereignty of all States neighbouring Cambodia.

**Article 28**

1) The Signatories shall comply in good faith with all obligations undertaken in this Agreement and shall extend full co-operation to the United Nations, including the provision of the information which UNTAC requires in the fulfilment of its mandate.

2) The signature on behalf of Cambodia by the members of the SNC shall commit all Cambodian parties and armed forces to the provisions of this Agreement.

**Article 29** Without prejudice to the prerogatives of the Security Council of the United Nations, and upon the request of the Secretary-General, the two co-Chairmen of the Paris Conference on Cambodia, in the event of a violation or threat of violation of this Agreement, will immediately undertake appropriate consultations, including with members of the Paris Conference on Cambodia, with a view to taking appropriate steps to ensure respect for these commitments.

**Article 30** This Agreement shall enter into force upon signature.

**Article 31** This Agreement shall remain open for accession by all States. The instruments of accession shall be deposited with the Governments of the French Republic and the Republic of Indonesia. For each State acceding to the Agreement it shall enter into force on the date of deposit of its instruments of accession. Acceding States shall be bound by the same obligations as the Signatories.

**Article 32** The originals of this Agreement, of which the Chinese, English, French, Khmer and Russian texts are equally authentic, shall be deposited with the Governments of the French Republic and the Republic of Indonesia, which shall transmit certified true copies to the Governments of the other States participating in the Paris Conference on Cambodia, as well as the Secretary-General of the United Nations.

In witness whereof the undersigned Plenipotentiaries, being duly authorised there-to, have signed this Agreement.

Done at Paris this twenty-third day of October; one thousand nine hundred and ninety-one.

## Annex 1 UNTAC Mandate

### Section A General Procedures

1 In accordance with Article 6 of the Agreement, UNTAC will exercise the powers necessary to ensure the implementation of this Agreement, including those relating to the organisation and conduct of free and fair elections and the relevant aspects of the administration of Cambodia.

2 The following mechanism will be used to resolve all issues relating to the implementation of this Agreement which may arise between the Secretary-General's Special Representative and the Supreme National Council (SNC):

a) The SNC offers advice to UNTAC, which will comply with this advice provided there is a consensus among the members of the SNC and provided this advice is consistent with the objectives of the present Agreement;

b) If there is no consensus among the members of the SNC despite every endeavour of its President, H.R.H. Samdech Norodom Sihanouk, the President will be entitled to make the decision on what advice to offer to UNTAC, taking fully into account the views expressed in the SNC. UNTAC will comply with the advice provided it is consistent with the objectives of the present Agreement;

c) If H.R.H. Samdech Norodom Sihanouk, President of the SNC, the legitimate representative of Cambodian sovereignty, is not, for whatever reason, in a position to make such a decision, his power of decision will transfer to the Secretary-General's Special Representative. The Special Representative will make the final decision, taking fully into account the views expressed in the SNC;

d) Any power to act regarding the implementation of this Agreement conferred upon the SNC by the Agreement will be exercised by consensus or, failing such consensus, by its President in accordance with the procedure set out above. In the event that H.R.H. Samdech Norodom Sihanouk, President of the SNC, the legitimate representative of Cambodian sovereignty, is not, for whatever reason, in a position to act, his power to act will transfer to the Secretary-General's Special Representative, who may take the necessary action;

e) In all cases, the Secretary-General's Special Representative will determine whether advice or action of the SNC is consistent with the present Agreement.

## UNTAC's 'top-down' approach: *insensitivity or pragmatism?*

Six months after the signing of the Paris agreements, UNTAC arrived in Cambodia to an environment of extreme tension and hostility. Given the deep and persisting antagonism amongst the Cambodian factions, UNTAC faced a formidable task in consolidating the precarious peace by facilitating the transition to a non-violent political system which would outlive its stay. Since UNTAC's mandate did not permit the use of force by its peacekeeping troops, it was entirely dependent on the goodwill and cooperation of the Cambodian people, which were rapidly undermined by its 'top-down' approach.

### High-impact operation

In keeping with its mandate, and following the pattern of previous UN missions, a high-impact, short-term operation was put in place. At its peak, UNTAC consisted of over 22,000 military and civilian personnel, drawn from over 100 countries, and cost the international community in excess of US \$2 billion. However, in a fragile society that had endured many years of violent conflict, as well as a decade of international isolation, little thought had been given to the possible impact of such a large-scale operation. Indeed, the effect on Cambodia's economy was significant, contributing to distorted patterns of economic growth that further intensified vulnerability for many Cambodians already living near the poverty line, and stifling local initiatives and capacities.

UNTAC's approach to the complex tasks assigned to it was based essentially on the transfer of expertise, via its numerous international personnel. Little recognition was given to the achievements of Cambodian people in rebuilding their own lives after the 'zero years' of the Pol Pot regime. Local skills and knowledge were instead marginalised as UNTAC, rather than encouraging the participation of local communities as partners to the peace process, treated the Cambodian people as targets of the peacebuilding operation — 'victims' rescued from a disaster of their own making.

It has been argued that Cambodia's climate of mistrust and hostility forced UNTAC to adopt this 'top-down' approach since, to involve Khmer personnel in anything other than a basic role would have undermined the neutrality of the operation, and further destabilised Cambodian politics. The antipathy with which UNTAC was viewed by the

Cambodian People's Party and the Khmer Rouge in particular — the two most powerful factions with the most to lose from successful implementation of the Paris agreements — was an additional obstacle, as was its short-term mandate which militated against participatory peacebuilding.

### Cultural insensitivity

UNTAC's 'top-down' approach may also be explained as symptomatic of the UN's bureaucratic culture which failed to recognise local resources or customs or the benefits of participatory development. Certainly, UNTAC as a whole showed very little interest in developing an understanding of the national culture with which it was engaging. Despite a number of fact-finding missions prior to its arrival, information and training on Cambodian culture available to staff remained vague in the planning stages and indeed, throughout the whole operation. It became apparent that the UN placed little importance on designing a culturally-appropriate peacebuilding model, or promoting culturally-sensitive behaviour by its personnel.

This was most evident in the widely reported antics of a number of UNTAC's peacekeepers. Outside commentators observed that 'as stories of outrageous acts by individual ill-disciplined soldiers piled up and were told and retold, UNTAC was seen with horror as a horde of drinking, whoring, half-naked drivers who ran over people and couldn't care less'. In retrospect, Yasushi Akashi, the Secretary-General's Special Representative to Cambodia, admitted that the effectiveness of the operation had been limited by a lack of cultural awareness: "...in the future we should have more strict, clearer criteria and standards of recruitment. If possible, we should have more training before we send peacekeeping forces and civilians to make them more sensitive and more attuned to the local and national cultures, manners and languages".

### Participation as imperative

While such measures would be welcomed, it is imperative that the UN goes further in rethinking its whole approach to its peacekeeping operations. Where local cooperation is essential to the success of the operation, a politically-attuned, participatory approach can no longer be perceived as an optional extra, but must be recognised as purely pragmatic in building sustainable peace. ■

- 3 The Secretary-General's Special Representative or his delegate will attend the meetings of the SNC and of any subsidiary body which might be established by it and give its members all necessary information on the decisions taken by UNTAC.

## Section B Civil Administration

- 1 In accordance with Article 6 of the Agreement, all administrative agencies, bodies and offices acting in the field of foreign affairs, national defence, finance, public security and information will be placed under the direct control of UNTAC, which will exercise it as necessary to ensure strict neutrality. In this respect, the Secretary-General's Special Representative will determine what is necessary and may issue directives to the above-mentioned administrative agencies, bodies and offices. Such directives may be issued to and will bind all Cambodian Parties.
- 2 In accordance with Article 6 of the Agreement, the Secretary-General's Special Representative, in consultation with the SNC, will determine which other administrative agencies, bodies and offices could directly influence the outcome of elections. These administrative agencies, bodies and offices will be placed under direct supervision or control of UNTAC and will comply with any guidance provided by it.
- 3 In accordance with Article 6 of the Agreement, the Secretary-General's Special Representative, in consultation with the SNC, will identify which administrative agencies, bodies and offices could continue to operate in order to ensure normal day-to-day life in Cambodia, if necessary, under such supervision by UNTAC as it considers necessary.
- 4 In accordance with Article 6 of the Agreement, the authority of the Secretary-General's Special Representative will include the power to:
  - a) Install in administrative agencies, bodies and offices of all the Cambodian Parties United Nations personnel, who will have unrestricted access to all administrative operations and information;
  - b) Require the reassignment or removal of any personnel of such administrative agencies, bodies and offices.
- 5 a) On the basis of the information provided in Article I, paragraph 3, of annex 2, the Special Representative of the Secretary-General will determine, after consultation with the Cambodian Parties, those civil police necessary to perform law enforcement in Cambodia. All Cambodian Parties hereby undertake to comply with the determination made by the Special Representative in this regard;

b) All civil police will operate under UNTAC supervision or control, in order to ensure that law and order are maintained effectively and impartially, and that human rights and fundamental freedoms are fully protected. In consultation with the SNC, UNTAC will supervise other law enforcement and judicial processes throughout Cambodia to the extent necessary to ensure the attainment of these objectives.

- 6 If the Secretary-General's Special Representative deems it necessary, UNTAC, in consultation with the SNC, will undertake investigations of complaints and allegations regarding actions by the existing administrative structures in Cambodia that are inconsistent with or work against the objectives of this comprehensive political settlement. UNTAC will also be empowered to undertake such investigation on its own initiative. UNTAC will take, when necessary, appropriate corrective steps.

## Section C Military Functions

- 1 UNTAC will supervise, monitor and verify the withdrawal of foreign forces, the ceasefire and related measures in accordance with annex 2, including:
  - a) Verification of the withdrawal from Cambodia of all categories of foreign forces, advisers and military personnel and their weapons, ammunition and equipment, and their non-return to Cambodia;
  - b) Liaison with neighbouring Governments over any developments in or near their territory that could endanger the implementation of this Agreement;
  - c) Monitoring the cessation of outside military assistance to all Cambodian Parties;
  - d) Locating and confiscating caches of weapons and military supplies throughout the country;
  - e) Assisting with clearing mines and undertaking training programmes in mine clearance and a mine awareness programme among the Cambodian people.
- 2 UNTAC will supervise the regrouping and relocating of all forces to specifically designated cantonment areas on the basis of an operational timetable to be agreed upon, in accordance with annex 2.
- 3 As the forces enter the cantonments, UNTAC will initiate the process of arms control and reduction specified in annex 2.
- 4 UNTAC will take necessary steps regarding the phased process of demobilisation of the military forces of the parties, in accordance with annex 2.

- 5 UNTAC will assist, as necessary, the International Committee of the Red Cross in the release of all prisoners of war and civilian internees.

## Section D Elections

- 1 UNTAC will organise and conduct the election referred to in Part II of this Agreement in accordance with this section and annex 3.
- 2 UNTAC may consult with the SNC regarding the organisation and conduct of the electoral process.
- 3 In the exercise of its responsibilities in relation to the electoral process, the specific authority of UNTAC will include the following:
  - a) The establishment, in consultation with the SNC, of a system of laws, procedures and administrative measures necessary for the holding of a free and fair election in Cambodia, including the adoption of an electoral law and of a code of conduct regulating participation in the election in a manner consistent with respect for human rights and prohibiting coercion or financial inducement in order to influence voter preference;
  - b) The suspension or abrogation, in consultation with the SNC, of provisions of existing laws which could defeat the objects and purposes of this Agreement;
  - c) The design and implementation of a voter education programme, covering all aspects of the election, to support the election process;
  - d) The design and implementation of a system of voter registration, as a first phase of the electoral process, to ensure that eligible voters have the opportunity to register, and the subsequent preparation of verified voter registration lists;
  - e) The design and implementation of a system of registration of political parties and lists of candidates;
  - f) Ensuring fair access to the media, including press, television and radio, for all political parties contesting in the election;
  - g) The adoption and implementation of measures to monitor and facilitate the participation of Cambodians in the elections, the political campaign and the balloting procedures;

- h) The design and implementation of a system of balloting and polling, to ensure that registered voters have the opportunity to vote;
- i) The establishment, in consultation with the SNC, of co-ordinated arrangements to facilitate the presence of foreign observers wishing to observe the campaign and voting;
- j) Overall direction of polling and the vote count;
- k) The identification and investigation of complaints of electoral irregularities, and the taking of appropriate corrective action;
- l) Determining whether or not the election was free and fair and, if so, certification of the list of persons duly elected.

- 4 In carrying out its responsibilities under the present section, UNTAC will establish a system of safeguards to assist it in ensuring the absence of fraud during the electoral process, including arrangements for Cambodian representatives to observe the registration and polling procedures and the provision of an UNTAC mechanism for hearing and deciding complaints.
- 5 The timetable for the various phases of the electoral process will be determined by UNTAC, in consultation with the SNC as provided in paragraph 2 of this section. The duration of the electoral process will not exceed nine months from the commencement of voter registration.
- 6 In organising and conducting the electoral process, UNTAC will make every effort to ensure that the system and procedures adopted are absolutely impartial, while the operational arrangements are as administratively simple and efficient as possible.

## Section E Human Rights

In accordance with Article 16, UNTAC will make provisions for:

- a) The development and implementation of a programme of human rights education to promote respect for and understanding of human rights;
- b) General human rights oversight during the transitional period;
- c) The investigation of human rights complaints, and, where appropriate, corrective action.

## Annex 2 Withdrawal, Ceasefire and Related Measures

### Article I Ceasefire

1 All Cambodian Parties (hereinafter referred to as "the Parties") agree to observe a comprehensive ceasefire on land and water and in the air. This ceasefire will be implemented in two phases. During the first phase, the ceasefire will be observed with the assistance of the Secretary-General of the United Nations through his good offices. During the second phase, which should commence as soon as possible, the ceasefire will be supervised, monitored and verified by UNTAC. The Commander of the military component of UNTAC, in consultation with the Parties, shall determine the exact time and date at which the second phase will commence. This date will be set at least four weeks in advance of its coming into effect.

2 The Parties undertake that, upon the signing of this Agreement, they will observe a ceasefire and will order their armed forces immediately to disengage and refrain from all hostilities and any deployment, movement or action that would extend the territory they control or that might lead to a resumption of fighting, pending the commencement of the second phase. "Forces" are agreed to include all regular, provincial, district, paramilitary and other auxiliary forces.

During the first phase, the Secretary-General of the United Nations will provide his good offices to the Parties to assist them in its observance. The Parties undertake to co-operate with the Secretary-General or his representatives in the exercise of his good offices in this regard.

3 The Parties agree that, immediately upon the signing of this Agreement, the following information will be provided to the United Nations:

a) Total strength of their forces, organisation, precise number and location of deployments inside and outside Cambodia. The deployment will be depicted on a map marked with locations of all troop positions, occupied or unoccupied, including staging camps, supply bases and supply routes;

b) Comprehensive lists of arms, ammunition and equipment held by their forces, and the exact locations at which those arms, ammunition and equipment are deployed;

c) Detailed record of their minefields, including types and characteristics of mines laid and information of booby traps used by them together with any information available to them about minefields laid or booby traps used by the other Parties;

d) Total strength of their police forces, organisation, precise numbers and locations of deployments as well as comprehensive lists of their arms, ammunition and equipment and the exact locations at which those arms, ammunition and equipment are deployed.

4 Immediately upon his arrival in Cambodia, and not later than four weeks before the beginning of the second phase, the Commander of the military component of UNTAC will, in consultation with the Parties, finalise UNTAC's plan for the regroupment and cantonment of the forces of the Parties and for the storage of their arms, ammunition and equipment, in accordance with Article III of this annex. This plan will include the designation of regroupment and cantonment areas, as well as an agreed timetable. The cantonment areas will be established at battalion size or larger.

5 The Parties agree to take steps to inform their forces at least two weeks before the beginning of the second phase, using all possible means of communication, about the agreed date and time of the beginning of the second phase, about the agreed plan for the regroupment and cantonment of their forces and for the storage of their arms, ammunition and equipment and, in particular, about the exact locations of the regroupment areas to which their forces are to report. Such information will continue to be disseminated for a period of four weeks after the beginning of the second phase.

6 The Parties shall scrupulously observe the ceasefire and will not resume any hostilities by land, water or air. The commanders of their armed forces will ensure that all troops under their command remain on their respective positions, pending their movement to the designated regroupment areas, and refrain from all hostilities and from any deployment or movement or action which would extend the territory they control or which might lead to a resumption of fighting.

### Article II Liaison System and Mixed Military Working Group

A Mixed Military Working Group (MMWG) will be established with a view to resolving any problems that may arise in the observance of the ceasefire. It will be chaired by the most senior United Nations military officer in Cambodia or his representative. Each Party agrees to designate an officer of the rank of brigadier or equivalent to serve on the MMWG. Its composition, method of operation and meeting places will be determined by the most senior United Nations military officer in consultation with the Parties. Similar liaison arrangements will be made at lower military command levels to resolve practical problems on the ground.



## Business by the gun: *lethal consequences of failed demobilisation*

The recent collapse of the Khmer Rouge and the resistance forces loyal to ousted Premier Prince Ranariddh heralds the end of large-scale military resistance to a Cambodian government for the first time since the mid-1970s. Yet the suspension in 1992 of the demobilisation of the four Khmer military factions called for by the Paris agreements has translated into a mounting security problem of a different sort since UNTAC's departure. Underlying this problem are the precariousness of rural livelihoods, the wide availability of guns and the tightening links between business and organised violence.

### Generalised lawlessness

With the breakdown of state authority in Cambodia since 1993, various 'strongmen' — be they officers of the security forces, government officials or bandit chiefs — have become increasingly engaged in a wide range of illicit commercial activities backed by the gun. The timber trade is the most lucrative, involving illegal logging, the exaction of protection money from logging companies, and the unofficial taxation of transported wood, especially as it crosses Cambodia's borders. High-ranking political leaders are complicit in this trade, selling permits to fell timber to the highest bidder — usually foreign companies.

Little of the potential revenue from this activity, estimated at as much as US \$100 million in 1996 and 1997 by the IMF, reaches government coffers. Moreover, little thought is given to proper forestry management and Cambodia's forests, its most valuable natural resource, are shrinking rapidly. The stagnation of government revenues has made it difficult to pay the country's security forces which have become increasingly involved in commercial activities as their military utility has decreased.

### Master-servant relationships

Soldiers receive salaries of some US \$12-15 a month which represents barely a third of the minimum needed to survive. As a consequence, master-servant relationships — whereby soldiers are totally dependent on their commanders for the handouts needed to supplement their salaries — have become accentuated. Inducements such as the promise of looting or involvement in illicit commercial activities further strengthens this relationship and have in effect become the only way to maintain a standing military force in Cambodia today.

At the heart of the problem are Cambodia's bloated, corrupt and unprofessional armed forces which

drain the national budget. Paradoxically, the decline of the Khmer Rouge threat has led to the swelling of the Royal Cambodian Armed Forces (RCAF) as thousands of defecting Khmer Rouge soldiers have been integrated into its ranks between 1995 and 1998. Of the RCAF's current 140,000 soldiers (three times the number currently needed), up to one third are 'ghosts' whose salaries are regularly siphoned off by their commanders.

The village-based militia system — an armed wing of district, commune, or village chiefs — constitutes an additional, lingering problem. Though once serving as an effective bulwark against the Khmer Rouge in areas left uncovered by the RCAF, their local protection function is no longer necessary. But the guns remain — an estimated 500,000 small arms throughout the country — and when political tensions rise or livelihoods become precarious, they come out again, often with tragic consequences.

### Security reforms

Cambodia's environmental and security problems are closely linked, but neither can be effectively tackled in the absence of political reforms. An August 1997 eight-point plan proposed by Hun Sen to reduce the security problem included restrictions on the number of personal body guards, the outlawing of illegal check-points and reductions in the size of local militias. These measures provided relief in Phnom Penh and — at least by day — on Cambodia's highways, but fell far short of what is needed to tackle the security problem effectively.

The plan to demobilise 40,000 soldiers set in motion in 1997 with World Bank assistance was an important first step, though it was cut short by the July 1997 coup. This in itself, however, would have had little impact on the overall security situation without a weapons amnesty, better border controls and the creation of alternative employment for demobilised soldiers. Given the key business interests outside Cambodia which profit enormously from the rape of its forests, any solution must have both a local and an international component.

Membership of ASEAN would offer Cambodia a platform to begin addressing the regional dimensions of the illegal timber trade, though this will do little to tackle lawlessness back home. The success of future security reforms in Cambodia is dependent on greater political stability and more accountable state institutions. ■

### **Article III Regroupment and cantonment of the forces of the Parties and storage of their arms, ammunition and equipment**

- 1 In accordance with the operational timetable referred to in paragraph 4 of Article I of the present annex, all forces of the Parties that are not already in designated cantonment areas will report to designated regroupment areas, which will be established and operated by the military component of UNTAC. These regroupment areas will be established and operational not later than one week prior to the date of the beginning of the second phase. The Parties agree to arrange for all their forces, with all their arms, ammunition and equipment, to report to regroupment areas within two weeks after the beginning of the second phase. All personnel who have reported to the regroupment areas will thereafter be escorted by personnel of the military component of UNTAC, with their arms, ammunition and equipment, to designated cantonment areas. All Parties agree to ensure that personnel reporting to the regroupment areas will be able to do so in full safety and without any hindrance.
- 2 On the basis of the information provided in accordance with paragraph 3 of Article I of the present annex, UNTAC will confirm that the regroupment and cantonment processes have been completed in accordance with the plan referred to in paragraph 4 of Article I of this annex. UNTAC will endeavour to complete these processes within four weeks from the date of the beginning of the second phase. On the completion of regroupment of all forces and of their movement to cantonment areas, respectively, the Commander of the military component of UNTAC will so inform each of the four Parties.
- 3 The Parties agree that, as their forces enter the designated cantonment areas, their personnel will be instructed by their commanders to immediately hand over all their arms, ammunition and equipment to UNTAC for storage in the custody of UNTAC.
- 4 UNTAC will check the arms, ammunition and equipment handed over to it against the lists referred to in paragraph 3. b) of Article I of this annex, in order to verify that all the arms, ammunition and equipment in the possession of the Parties have been placed under its custody.

### **Article IV Resupply of forces during cantonment**

The military component of UNTAC will supervise the resupply of all forces of the Parties during the regroupment and cantonment processes. Such resupply will be confined to items of a non-lethal nature such as food, water, clothing and medical supplies as well as provision of medical care.

### **Article V Ultimate disposition of the forces of the Parties and of their arms, ammunition and equipment**

- 1 In order to reinforce the objectives of a comprehensive political settlement, minimise the risks of a return to warfare, stabilise the security situation and build confidence among the Parties to the conflict, all Parties agree to undertake a phased and balanced process of demobilisation of at least 70 per cent of their military forces. This process shall be undertaken in accordance with a detailed plan to be drawn up by UNTAC on the basis of the information provided under Article I of this annex and in consultation with the Parties. It should be completed prior to the end of the process of registration for the elections and on a date to be determined by the Special Representative of the Secretary-General.
- 2 The Cambodian Parties hereby commit themselves to demobilise all their remaining forces before or shortly after the elections and, to the extent that full demobilisation is unattainable, to respect and abide by whatever decision the newly elected government that emerges in accordance with Article 12 of this Agreement takes with regard to the incorporation of parts or all of those forces into a new national army. Upon completion of the demobilisation referred to in paragraph 1, the Cambodian Parties and the Special Representative of the Secretary-General shall undertake a review regarding the final disposition of the forces remaining in the cantonments, with a view to determining which of the following shall apply:
  - a) If the Parties agree to proceed with the demobilisation of all or some of the forces remaining in the cantonments, preferably prior to or otherwise shortly after the elections, the Special Representative shall prepare a timetable for so doing, in consultation with them;
  - b) Should total demobilisation of all of the residual forces before or shortly after the elections not be possible, the Parties hereby undertake to make available all of their forces remaining in cantonments to the newly elected government that emerges in accordance with Article 12 of this Agreement, for consideration for incorporation into a new national army.

They further agree that any such forces which are not incorporated into the new national army will be demobilised forthwith according to a plan to be prepared by the Special Representative. With regard to the ultimate disposition of the remaining forces and all the arms, ammunition and equipment, UNTAC, as it withdraws from Cambodia, shall retain such authority as is necessary to ensure an orderly transfer to the newly elected government of those responsibilities it has exercised during the transitional period.

- 3 UNTAC will assist, as required, with the reintegration into civilian life of the forces demobilised prior to the elections.
- 4
  - a) UNTAC will control and guard all the arms, ammunition and equipment of the Parties throughout the transitional period;
  - b) As the cantoned forces are demobilised in accordance with paragraph 1 above, there will be a parallel reduction by UNTAC of the arms, ammunition and equipment stored on site in the cantonment areas. For the forces remaining in the cantonment areas, access to their arms, ammunition and equipment shall only be on the basis of the explicit authorisation of the Special Representative of the Secretary-General;
  - c) If there is a further demobilisation of the military forces in accordance with paragraph 2. a) above, there will be a commensurate reduction by UNTAC of the arms, ammunition and equipment stored on site in the cantonment areas;
  - d) The ultimate disposition of all arms, ammunition and equipment will be determined by the government that emerges through the free and fair elections in accordance with Article 12 of this Agreement.

**Article VI Verification of withdrawal from Cambodia and non-return of all categories of foreign forces**

- 1 UNTAC shall be provided, no later than two weeks before the commencement of the second phase of the ceasefire, with detailed information in writing regarding the withdrawal of foreign forces. This information shall include the following elements:
  - a) Total strength of these forces and their organisation and deployment;
  - b) Comprehensive lists of arms, ammunition and equipment held by these forces, and their exact locations;
  - c) Withdrawal plan (already implemented or to be implemented), including withdrawal routes, border crossing points and time of departure from Cambodia.

- 2 On the basis of the information provided in accordance with paragraph 1 above, UNTAC will undertake an investigation in the manner it deems appropriate. The Party providing the information will be required to make personnel available to accompany UNTAC investigators.
- 3 Upon confirmation of the presence of any foreign forces, UNTAC will immediately deploy military personnel with the foreign forces and accompany them until they have withdrawn from Cambodian territory. UNTAC will also establish checkpoints on withdrawal routes, border crossing points and airfields to verify the withdrawal and ensure the non-return of all categories of foreign forces.
- 4 The Mixed Military Working Group (MMWG) provided for in Article II of this annex will assist UNTAC in fulfilling the above-mentioned tasks.

**Article VII Cessation of outside military assistance to all Cambodian Parties**

- 1 All Parties undertake, from the time of the signing of this Agreement, not to obtain or seek any outside military assistance, including weapons, ammunition and military equipment from outside sources.
- 2 The Signatories whose territory is adjacent to Cambodia, namely, the Governments of the Lao People's Democratic Republic, the Kingdom of Thailand and the Socialist Republic of Viet Nam, undertake to:
  - a) Prevent the territories of their respective States, including land territory, territorial sea and air space, from being used for the purpose of providing any form of military assistance to any of the Cambodian Parties. Resupply of such items as food, water, clothing and medical supplies through their territories will be allowed, but shall, without prejudice to the provisions of sub-paragraph c) below, be subject to UNTAC supervision upon arrival in Cambodia;
  - b) Provide written confirmation to the Commander of the military component of UNTAC, not later than four weeks after the second phase of the ceasefire begins, that no forces, arms, ammunition or military equipment of any of the Cambodian Parties are present on their territories;
  - c) Receive an UNTAC liaison officer in each of their capitals and designate an officer of the rank of colonel or equivalent, not later than four weeks after the beginning of the second phase of the ceasefire, in order to assist

UNTAC in investigating, with due respect for their sovereignty, any complaints that activities are taking place on their territories that are contrary to the provisions of the comprehensive political settlement.

- 3 To enable UNTAC to monitor the cessation of outside assistance to all Cambodian Parties, the Parties agree that, upon signature of this Agreement, they will provide to UNTAC any information available to them about the routes and means by which military assistance, including weapons, ammunition and military equipment, have been supplied to any of the Parties. Immediately after the second phase of the ceasefire begins, UNTAC will take the following practical measures:
  - a) Establish checkpoints along the routes and at selected locations along the Cambodian side of the border and at airfields inside Cambodia;
  - b) Patrol the coastal and inland waterways of Cambodia;
  - c) Maintain mobile teams at strategic locations within Cambodia to patrol and investigate allegations of supply of arms to any of the Parties.

#### **Article VIII Caches of weapons and military supplies**

- 1 In order to stabilise the security situation, build confidence and reduce arms and military supplies throughout Cambodia, each Party agrees to provide to the Commander of the military component of UNTAC, before a date to be determined by him, all information at its disposal, including marked maps, about known or Suspected caches of weapons and military supplies throughout Cambodia.
- 2 On the basis of information received, the military component of UNTAC shall, after the date referred to in paragraph 1, deploy verification teams to investigate each report and destroy each cache found.

#### **Article IX Unexploded ordnance devices**

- 1 Soon after arrival in Cambodia, the military component of UNTAC shall ensure, as a first step, that all known minefields are clearly marked.
- 2 The Parties agree that, after completion of the regroupment and cantonment processes in accordance with Article III of the present annex, they will make available mine-clearing teams which, under the supervision and control of UNTAC military personnel, will leave

the cantonment areas in order to assist in removing, disarming or deactivating remaining unexploded ordnance devices. Those mines or objects which cannot be removed, disarmed or deactivated will be clearly marked in accordance with a system to be devised by the military component of UNTAC.

- 3 UNTAC shall:
  - a) Conduct a mass public education programme in the recognition and avoidance of explosive devices;
  - b) Train Cambodian volunteers to dispose of unexploded ordnance devices;
  - c) Provide emergency first-aid training to Cambodian volunteers.

#### **Article X Investigation of violations**

- 1 After the beginning of the second phase, upon receipt of any information or complaint from one of the Parties relating to a possible case of non-compliance with any of the provisions of the present annex or related provisions, UNTAC will undertake an investigation in the manner which it deems appropriate. Where the investigation takes place in response to a complaint by one of the Parties, that Party will be required to make personnel available to accompany the UNTAC investigators. The results of such investigation will be conveyed by UNTAC to the complaining Party and the Party complained against, and if necessary to the SNC.
- 2 UNTAC will also carry out investigations on its own initiative in other cases when it has reason to believe or suspect that a violation of this annex or related provisions may be taking place.

#### **Article XI Release of prisoners of war**

The military component of UNTAC will provide assistance as required to the International Committee of the Red Cross in the latter's discharge of its functions relating to the release of prisoners of war.

#### **Article XII Repatriation and resettlement of displaced Cambodians**

The military component of UNTAC will provide assistance as necessary in the repatriation of Cambodian refugees and displaced persons carried out in accordance with Articles 19 and 20 of this Agreement, in particular in the clearing of mines from repatriation routes, reception centres and resettlement areas, as well as in the protection of the reception centres.

## The undoing of UNTAC's elections: *no mechanism for a transfer of power*

The principal focus of the Paris agreements was on the holding of UN-organised elections in which the factions, and any other political parties formed, would compete. It was foreseen that, after no more than three months, the constituent assembly would adopt a new constitution and choose a government which would receive international recognition. This would then signal the end of UNTAC's mandate, though the sustainability of the political transition — not to mention Cambodia's fragile peace — would hinge precariously on the factions' willingness to respect the election results.

### Elections as 'war by other means'

The importance accorded to the elections by the international community was not so much because it insisted Cambodia had to be a democracy, but because it seemed to be the only available means to end the violence. Only through elections could international insistence that all factions cease hostilities and participate in a settlement be reconciled with the factions' refusal to share power. The elections were therefore to be 'war by other means' and held open to each of the factions the possibility of achieving final victory in their long struggle for power.

Arguably this strategy was the only one available in 1991 given domestic and international realities. Nonetheless, it failed and its failure can be traced to three flaws in the Paris agreements:

First, the agreements treated the elections as a one-off 'exercise of the right to self-determination of the Cambodian people', more akin to a referendum on independence (such as the UN had organised elsewhere) than part of a long-term democratic transition. The agreements said nothing about how such a transition would work in practice or how the election results would be implemented. The agreements foresaw how a new government could be formed (albeit after a potentially dangerous hiatus of three months) but not how a new state structure would be put into place.

For example, no clear mechanism was created by which the security forces and bureaucracies of the competing factions would be transformed into a single, apolitical state apparatus. Whilst UNTAC was supposed to control the factional structures prior to elections, it was not empowered to permanently reform and unite them. One consequence was that, when a relatively weak FUNCINPEC

won the polls, it had no practical means with which to enforce its democratic mandate.

### Peacebuilding delayed

Second, the relatively limited mandate of UNTAC meant that the longer-term challenges of consolidating the peace would be left to the post-election government. Even if UNTAC achieved disarmament, numerous other challenges would remain after its departure. These included uniting the factional armies and administrations, building a viable market economy and creating a new set of laws and institutions to protect human rights, including the first independent judiciary in Cambodian history.

A crucial prerequisite for the other steps would be a genuine willingness by the factions to set aside their differences. But by envisaging a short transition ending in elections, the agreements obstructed rather than promoted reconciliation. Parties contesting elections inevitably stress their differences. But where the contestants are factions who, after a decade-long war, retain their animosities, territories and structures intact, no election campaign can expect to foster reconciliation and goodwill.

### Electoral stakes too high

Thirdly, the agreements simply made electoral victory too important an arbiter of power. If the potential rewards of winning the election were enormous — virtually absolute power and patronage, including over the courts, bureaucracy, economy and media — the consequences of losing were more significant still. For the factions relegated to the role of political opposition, there were to be no effective institutions, no enforceable legal provisions, and no indigenous traditions to protect their interests once UNTAC left. Their political and economic interests, not to mention their lives and liberty, would be at the discretion of their former enemies.

What had protected the factions hitherto — their armed strength — was supposed to be given up at precisely the moment of greatest vulnerability. It should have come as no surprise, therefore, that no faction was prepared to accept electoral defeat. Instead each used every means at its disposal in the pursuit of victory and it was ultimately the CPP's superior military power and dominance of the administration which made the difference. ■

## **Annex 3 Elections**

- 1 The constituent assembly referred to in Article 12 of the Agreement shall consist of 120 members. Within three months from the date of the election, it shall complete its tasks of drafting and adopting a new Cambodian Constitution and transform itself into a legislative assembly which will form a new Cambodian Government.
- 2 The election referred to in Article 12 of the Agreement will be held throughout Cambodia on a provincial basis in accordance with a system of proportional representation on the basis of lists of candidates put forward by political parties.
- 3 All Cambodians, including those who at the time of signature of this Agreement are Cambodian refugees and displaced persons, will have the same rights, freedoms and opportunities to take part in the electoral process.
- 4 Every person who has reached the age of eighteen at the time of application to register; or who turns eighteen during the registration period, and who either was born in Cambodia or is the child of a person born in Cambodia, will be eligible to vote in the election.
- 5 Political parties may be formed by any group of five thousand registered voters. Party platforms shall be consistent with the principles and objectives of the Agreement on a comprehensive political settlement.
- 6 Party affiliation will be required in order to stand for election to the constituent assembly. Political parties will present lists of candidates standing for election on their behalf, who will be registered voters.
- 7 Political parties and candidates will be registered in order to stand for election. UNTAC will confirm that political parties and candidates meet the established criteria in order to qualify for participation in the election. Adherence to a Code of Conduct established by UNTAC in consultation with the SNC will be a condition for such participation.
- 8 Voting will be by secret ballot, with provision made to assist those who are disabled or who cannot read or write.
- 9 The freedoms of speech, assembly and movement will be fully respected. All registered political parties will enjoy fair access to the media, including the press, television and radio.

## **Annex 4 Repatriation of Cambodian Refugees and Displaced Persons**

### **Part I Introduction**

- 1 As part of the comprehensive political settlement, every assistance will need to be given to Cambodian refugees and displaced persons as well as to countries of temporary refuge and the country of origin in order to facilitate the voluntary return of all Cambodian refugees and displaced persons in a peaceful and orderly manner. It must also be ensured that there would be no residual problems for the countries of temporary refuge. The country of origin with responsibility towards its own people will accept their return as conditions become conducive.

### **Part II Conditions Conducive to the Return of Refugees and Displaced Persons**

- 2 The task of rebuilding the Cambodian nation will require the harnessing of all its human and natural resources. To this end, the return to the place of their choice of Cambodians from their temporary refuge and elsewhere outside their country of origin will make a major contribution.
- 3 Every effort should be made to ensure that the conditions which have led to a large number of Cambodian refugees and displaced persons seeking refuge in other countries should not recur. Nevertheless, some Cambodian refugees and displaced persons will wish and be able to return spontaneously to their homeland.
- 4 There must be full respect for the human rights and fundamental freedoms of all Cambodians, including those of the repatriated refugees and displaced persons, in recognition of their entitlement to live in peace and security, free from intimidation and coercion of any kind. These rights would include, inter alia, freedom of movement within Cambodia, the choice of domicile and employment, and the right to property.
- 5 In accordance with the comprehensive political settlement, every effort should be made to create concurrently in Cambodia political, economic and social conditions conducive to the return and harmonious integration of the Cambodian refugees and displaced persons.
- 6 With a view to ensuring that refugees and displaced persons participate in the elections, mass repatriation should commence and be completed as soon as possible, taking into account all the political, humanitarian, logistical, technical

## Cambodia's refugee repatriation: *hostage to a precarious peace*

The treatment of refugees was a central concern of the Paris agreements and the repatriation of some 350,000 refugees in 1992 and 1993 became one of UNTAC's landmark accomplishments. Cambodian refugees did not, however, return to a working peace plan, let alone peace: many returned to areas of substantial insecurity and open conflict. Repatriation was a gamble that would only pay off if the groundwork for a durable peace was successfully established during UNTAC's 18-month mission.

### Uprooted again

By March 1994, barely three months after UNTAC's mission ended, that gamble had not paid off; 25,000 Cambodians were forced to flee into Thailand following renewed fighting between government forces and the Khmer Rouge. Many other Cambodians would be displaced over the next three years, most of whom had been repatriated from Thailand during 1992-93. Just months before the 1998 elections, following fighting between forces loyal to the two Prime Ministers, some 60,000 Cambodians were still sheltering on Thai territory. At least as many again — predominantly women and children — were internally displaced inside Cambodia.

### Political priorities hold sway

The post-1994 population displacements in Cambodia should not mask the fact that the UNTAC-led repatriation effort had been carried out with extreme technical proficiency, and in safety. Repatriation was an integral part of the overall peacekeeping mission and its humanitarian objectives — closing the squalid border camps and fulfilling the overwhelming desire of the refugees to go home — closely matched three political objectives at that time:

First, in terms of ending the war, repatriation would allow the border refugee camps, from which the three resistance factions had drawn the bulk of their soldiers and provisions, to be closed. Second, repatriation would help set the stage for the 1993 elections by giving the right to vote to the maximum possible number of Cambodians. Finally, repatriation would relieve the massive burdens placed on Thailand which had generously hosted the Cambodian refugees for over a decade.

However, the Paris agreements fell short of spelling out the conditions under which the return of Cambodian refugees could be deemed safe and

the contingencies under which it was not. In particular, the agreements tied the United Nations High Commissioner for Refugees (UNHCR) to UNTAC's demanding timetable, since it was central to the agreements that repatriation be completed before the May 1993 elections. Slowing down or halting the repatriation would deal a crippling blow to the credibility, even the viability, of the elections and the UN mission itself. Consequently, crucial questions of reintegration and ensuring the protection of returnees once they were home received less attention than they should have done.

### Persisting vulnerability

Until a new government was formed, UNTAC would be the key guarantor of the safety of repatriated refugees. However, it could ultimately do little to curb the violence which plagued Cambodia's rural areas. Moreover, in the absence of adequate information, many refugees ended up returning to places which were already unstable and which the UNHCR itself had designated 'no go areas'. Certain districts in Battambang province, for instance, Cambodia's 'bread-basket' and the favoured destination of refugees, were heavily mined and lacked sufficient farmland to resettle all who came.

The repatriation's general success, moreover, did not preclude the possibility of future population displacements. The renewed refugee movements into Thailand in 1994 were initially pushed back by the authorities, though the Thais would be more accommodating in later incidents. By 1994, the UNHCR itself had largely ceased providing support to returnees and had reduced its presence in Cambodia. It had no official mandate to deal with those people subsequently displaced internally, many of them the so-called 'old refugees' repatriated in 1993, simply because they had not crossed Cambodia's borders.

Cambodia's repatriation was therefore ambitious, with little margin for error. Its humanitarian concerns were in many ways held hostage to its avowedly political aims. Even though the repatriation, like the 1993 elections, was a tangible technical success, its sustainability would ultimately depend on the success of the political transition underway in Cambodia at the time. In the absence of a durable peace, the 'privilege' of returning home has meant, for many Cambodian refugees, little more than a sentence to increased vulnerability. ■

and socio-economic factors involved, and with the co-operation of the SNC.

- 7 Repatriation of Cambodian refugees and displaced persons should be voluntary and their decision should be taken in full possession of the facts. Choice of destination within Cambodia should be that of the individual. The unity of the family must be preserved.

### Part III Operational Factors

- 8 Consistent with respect for principles of national sovereignty in the countries of temporary refuge and origin, and in close co-operation with the countries of temporary refuge and origin, full access by the Office of the United Nations High Commissioner for Refugees (UNHCR), CRC and other relevant international agencies should be guaranteed to all Cambodian refugees and displaced persons, with a view to the agencies undertaking the census, tracing, medical assistance, food distribution and other activities vital to the discharge of their mandate and operational responsibilities; such access should also be provided in Cambodia to enable the relevant international organisations to carry out their traditional monitoring as well as operational responsibilities.
- 9 In the context of the comprehensive political settlement, the Signatories note with satisfaction that the Secretary-General of the United Nations has entrusted UNHCR with the role of leadership and co-ordination among intergovernmental agencies assisting with the repatriation and relief of Cambodian refugees and displaced persons. The Signatories look to all non-governmental organisations to co-ordinate as much as possible their work for the Cambodian refugees and displaced persons with that of UNHCR.
- 10 The SNC, the Governments of the countries in which the Cambodian refugees and displaced persons have sought temporary refuge, and the countries which contribute to the repatriation and integration effort will wish to monitor closely and facilitate the repatriation of the returnees. An ad hoc consultative body should be established for a limited term for these purposes. The UNHCR, the ICRC, and other international agencies as appropriate, as well as UNTAC, would be invited to join as full participants.
- 11 Adequately monitored short-term repatriation assistance should be provided on an impartial basis to enable the families and individuals returning to Cambodia to establish their lives and livelihoods harmoniously in their society. These interim measures would be phased out and replaced in the longer term by the reconstruction programme.

- 12 Those responsible for organising and supervising the repatriation operation will need to ensure that conditions of security are created for the movement of the refugees and displaced persons. In this respect, it is imperative that appropriate border crossing points and routes be designated and cleared of mines and other hazards.

- 13 The international community should contribute generously to the financial requirements of the repatriation operation.

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## Annex 5 Principles for a New Constitution for Cambodia

- 1 The constitution will be the supreme law of the land. It may be amended only by a designated process involving legislative approval, popular referendum, or both.
- 2 Cambodia's tragic recent history requires special measures to assure protection of human rights. Therefore, the constitution will contain a declaration of fundamental rights, including the rights to life, personal liberty, security, freedom of movement, freedom of religion, assembly and association including political parties and trade unions, due process and equality before the law, protection from arbitrary deprivation of property or deprivation of private property without just compensation, and freedom from racial, ethnic, religious or sexual discrimination. It will prohibit the retroactive application of criminal law. The declaration will be consistent with the provisions of the Universal Declaration of Human Rights and other relevant international instruments. Aggrieved individuals will be entitled to have the courts adjudicate and enforce these rights.
- 3 The constitution will declare Cambodia's status as a sovereign, independent and neutral State, and the national unity of Cambodian people.
- 4 The constitution will state that Cambodia will follow a system of liberal democracy, on the basis of pluralism. It will provide for periodic and genuine elections. It will provide for the right to vote and to be elected by universal and equal suffrage. It will provide for voting by secret ballot, with a requirement that electoral procedures provide a full and fair opportunity to organise and participate in the electoral process.
- 5 An independent judiciary will be established, empowered to enforce the rights provided under the constitution.
- 6 The constitution will be adopted by a two-thirds majority of the members of the constituent assembly.



## Breathing life into Cambodia's Constitution: *constraints to debate in the National Assembly*

Despite its good provisions, the liberal democratic Constitution bequeathed to Cambodia by the Paris agreements remains largely inoperative five years after its promulgation. With UNTAC's mandate drawing to a close, intense pressure was placed on Cambodians to form a legitimate government and to adopt a new Constitution within three months of the May 1993 elections. The difficult task of formulating and passing the organic laws required to enable the Constitution was effectively deferred until after UNTAC's departure.

### Still-born Constitution

As the Royal Government's first parliament drew to a close following the 1993 elections, key laws governing the activities of judges and public prosecutors, as well as the organisation of the courts and other legal bodies, had still not been enacted. Moreover, the Constitutional Council, which is charged with interpreting these laws and ensuring their legality, was only formed two months before the July elections. The Council's legality and legitimacy were questioned from the start because it had not been formed in accordance with constitutional procedures and was seen to be biased in favour of the Cambodian People's Party.

These problems highlight the fact that political conceptions and practices of an earlier era do not simply come to an end by the mere adoption of new principles, no matter how attractive or appropriate these may seem on paper. Since many of the new laws under discussion in the new National Assembly were politically controversial, the ability to debate, (together with a willingness to search for common ground and to compromise in the interests of progress), was perhaps the most important skill the new deputies would need. No amount of outside technical support would make a difference in passing the new legislation required as long as the political and cultural barriers to debate in Cambodia's traditionally hierarchical political system were not addressed.

### Barriers to debate

Under the communist regime of the 1980s, in particular, debate within the National Assembly was from the top down and the role of parliamentarians was essentially to approve laws formulated by party leaders rather than to discuss them. Today, parliamentarians have the right — in prin-

ciple — to table propositions for new laws, though in practice the only ones accepted for debate come from the government. Few parliamentarians — be they from the CPP or FUNCINPEC — dared challenge their respective party lines during the 1993-97 period. Moreover, FUNCINPEC's leadership was reluctant to risk its delicate power-sharing relationship with the CPP by tabling sensitive issues for discussion in the National Assembly.

Behind these political barriers to debate lie more enduring cultural constraints. In the Khmer culture, to simply question someone can often be misinterpreted as criticising or placing blame on them. Many people are still not comfortable with the idea that political opponents can harangue each other in a parliamentary session, as happens in Western parliamentary systems, without one of them losing face. Women deputies, in particular, are still often expected to conform to rigid Khmer cultural norms requiring them to be soft-spoken and submissive.

Despite growing awareness of the need to exchange ideas in the interests of the broader public good, many parliamentarians lack the skills and confidence to debate. Already overworked, few have the time to learn these skills or to prepare for parliamentary sessions. Although CPP deputies are often better prepared for debate than their counterparts in other parties, their rigid line of argumentation — which is still determined by strict party guidelines — leaves them poorly placed to engage in broader discussions, to respond constructively to opposing viewpoints, or to compromise.

### Repudiating past practices

It is worth recalling that the international community became involved in Cambodia in the first place because the Khmer factions would not speak with each other. While foreign technical assistance has played an important role in supporting the National Assembly's activities, this has rarely been accompanied by enough monitoring or follow-up to ensure concrete results. Nevertheless, if their Constitution is to be enabled, Cambodians must themselves take the lead by making conscious efforts to repudiate past ways of thinking and by creating a climate more conducive to genuine dialogue. ■

# Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia

Australia, Brunei Darussalam, Cambodia, Canada, the People's Republic of China, the French Republic, the Republic of India, the Republic of Indonesia, Japan, the Lao People's Democratic Republic, Malaysia, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America, the Socialist Republic of Viet Nam and the Socialist Federal Republic of Yugoslavia,

In the presence of the Secretary-General of the United Nations,

Convinced that a comprehensive political settlement for Cambodia is essential for the long-term objective of maintaining peace and security in Southeast Asia,

Recalling their obligations under the Charter of the United Nations and other rules of international law,

Considering that full observance of the principles of non-interference and non-intervention in the internal and external affairs of States is of the greatest importance for the maintenance of international peace and security,

Reaffirming the inalienable their own political, economic, cultural and social will of their peoples, without outside interference, any form whatsoever, right of States freely to determine systems in accordance with the subversion, coercion or threat in

Desiring to promote respect for and observance of human rights and fundamental freedoms in conformity with the Charter of the United Nations and other relevant international instruments, have agreed as follows:

## Article 1

- 1 Cambodia hereby solemnly undertakes to maintain, preserve and defend its sovereignty, independence, territorial integrity & inviolability, neutrality, and national unity; the perpetual neutrality of Cambodia shall be proclaimed and enshrined in the Cambodian constitution to be adopted after free and fair elections.
- 2 To this end, Cambodia undertakes:
  - a) To refrain from any action that might impair the sovereignty, independence and territorial integrity and inviolability of other States;
  - b) To refrain from entering into any military alliances or other military agreements with other States that would be inconsistent with its neutrality, without prejudice to Cambodia's right to acquire the necessary military equip-

ment, arms, munitions and assistance to enable it to exercise its inherent right of self-defence and to maintain law and order;

- c) To refrain from interference in any form whatsoever, whether direct or indirect, in the internal affairs of other States;
- d) To terminate treaties and agreements that are incompatible with its sovereignty, independence, territorial integrity and inviolability, neutrality, and national unity;
- e) To refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;
- f) To settle all disputes with other States by peaceful means;
- g) To refrain from using its territory or the territories of other States to impair the sovereignty, independence, and territorial integrity and inviolability of other States;
- h) To refrain from permitting the introduction or stationing of foreign forces, including military personnel, in any form whatsoever, in Cambodia, and to prevent the establishment or maintenance of foreign military bases, strong points or facilities in Cambodia, except pursuant to United Nations authorisation for the implementation of the comprehensive political settlement.

## Article 2

- 1 The other parties to this Agreement hereby solemnly undertake to recognise and to respect in every way the sovereignty, independence, territorial integrity and inviolability, neutrality and national unity of Cambodia.
- 2 To this end, they undertake:
  - a) To refrain from entering into any military alliances or other military agreements with Cambodia that would be inconsistent with Cambodia's neutrality, without prejudice to Cambodia's right to acquire the necessary military equipment, arms, munitions and assistance to enable it to exercise its inherent right of self-defence and to maintain law and order;
  - b) To refrain from interference in any form whatsoever, whether direct or indirect, in the internal affairs of Cambodia;
  - c) To refrain from the threat or use of force against the territorial integrity or political independence of Cambodia, or in any other manner inconsistent with the purposes of the United Nations;

# Preventing future human rights abuses: *whose responsibility?*

The 1991 political settlement envisaged a joint effort by Cambodians and the international community to protect human rights following UNTAC's departure. In practice, however, the Cambodian legal system lacks the capacity or independence to work effectively while the international community lacks an official mandate to take vigorous action where required. Though Article 3 of this agreement commits the international community to help prevent a 'recurrence of human rights abuses' in Cambodia, this responsibility is effectively diluted by Article 2, which demands that it 'refrain from interference in any form ... in the internal affairs of Cambodia'.

## Impunity institutionalised

This agreement called for the United Nations to monitor the human rights situation closely in Cambodia as well as to appoint a Special Rapporteur to assist in this task and report back to the Commission and the General Assembly annually. Working hand in hand with local human rights NGOs, the Cambodian office of the United Nations High Commissioner for Human Rights (UNHCHR) and the Special Rapporteur have played a key role in recent years in highlighting persisting human rights abuses, a fact illustrated by government calls on various occasions to have the local UNHCHR office closed down.

Human rights successes during the 1993-97 period were nonetheless mixed and partial, and recent events illustrate that a culture of impunity has again been institutionalised in Cambodia. No action has been taken to punish those guilty of the March 1997 massacre of public demonstrators in front of the National Assembly or the executions of some 40 of Prince Ranariddh's military advisers following his July overthrow. Despite detailed findings on these and a wide range of other human rights abuses by Thomas Hammarberg, the Special Rapporteur, no effective mechanism exists within the UN to translate them into strong international action.

## Limits of external influence

External influence — be it direct political pressure by countries or international public opinion expressed through NGOs such as Amnesty International — will continue to face limits in preventing human rights abuses in Cambodia due to this inability of outsiders to interfere in the country's internal affairs. One consequence has been recent interest within the international community in trying Khmer Rouge leaders guilty of gross abuses of

human rights, outside the country. Without a doubt, such a trial would send a strong message of moral support to the Cambodian people as well as putting current perpetrators of human rights abuses on their guard.

However, the key question is how such a trial would, if conducted overseas, link into the development of a local capacity and will to try past and present war crimes, and effectively deter those in the future. Although there exists a general consensus in Cambodia on the need to try senior Khmer Rouge leaders, their crimes against humanity cannot easily be dissociated from those committed more recently. Moreover, given the extreme volatility of international support for such a trial, it is perhaps the case that more efforts should be made to see justice served in Cambodia, by Cambodians.

## The importance of local capacity

Despite their small successes in collaboration with the UNHCHR, Cambodia's human rights organisations still lack official clout. Their activities are further hampered by a weak and politicised judiciary and inadequate legislation protecting their rights to conduct human rights education and to monitor the current situation. In this context, the establishment of a National Human Rights Commission, with a mandate to investigate human rights abuses and to provide the information needed for the courts to prosecute offenders, has been suggested as a way forward to tackle human rights abuses more effectively.

Making the Commission independent (accountable to the King), strong and impartial would nonetheless be difficult, and would require both a constitutional provision to legitimise its activities and concurrent reform of the judiciary and police. Until these conditions are met, such a commission would be dependent on strong support from the international community. Should the government seek to use the establishment of a National Commission as justification for closing down the UNHCHR office, for example, this would need to be strongly resisted.

Cambodia's present culture of impunity is the greatest barrier to the consolidation of its peace. Tackling it is a long-term challenge which the international community can do much to support. Without a doubt, however, the most meaningful measure of progress will be the degree to which Cambodian society gains awareness of human rights and its institutions are enabled to exercise effectively a mandate to protect them. ■

- d) To settle all disputes with Cambodia by peaceful means;
- e) To refrain from using their territories or the territories of other States to impair the sovereignty, independence, territorial integrity and inviolability, neutrality and national unity of Cambodia;
- f) To refrain from using the territory of Cambodia to impair the sovereignty, independence and territorial integrity and inviolability of other States;
- g) To refrain from the introduction or stationing of foreign forces, including military personnel, in any form whatsoever, in Cambodia and from establishing or maintaining military bases, strong points or facilities in Cambodia, except pursuant to United Nations authorisation for the implementation of the comprehensive political settlement.

### Article 3

- 1 All persons in Cambodia shall enjoy the rights and freedoms embodied in the Universal Declaration of Human Rights and other relevant international human rights instruments.
- 2 To this end,
  - a) Cambodia undertakes:
    - to ensure respect for and observance of human rights and fundamental freedoms in Cambodia to support the right of all Cambodian citizens to undertake activities that would promote and protect human rights and fundamental freedoms;
    - to take effective measures to ensure that the policies and practices of the past shall never be allowed to return;
    - to adhere to relevant international human rights instruments;
  - b) The other parties to this Agreement undertake to promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia as embodied in the relevant international instruments in order, in particular, to prevent the recurrence of human rights abuses.
- 3 The United Nations Commission on Human Rights should continue to monitor closely the human rights situation in Cambodia, including, if necessary, by the appointment of a Special Rapporteur who would report his findings annually to the Commission and to the General Assembly.

### Article 4

The parties to this Agreement call upon all other States to recognise and respect in every way the sovereignty, independence, territorial integrity and

inviolability, neutrality and national unity of Cambodia and to refrain from any action inconsistent with these principles or with other provisions of this Agreement.

### Article 5

- 1 In the event of a violation or threat of violation of the sovereignty, independence, territorial integrity and inviolability, neutrality or national unity of Cambodia, or of any of the other commitments herein, the parties to this Agreement undertake to consult immediately with a view to adopting all appropriate steps to ensure respect for these commitments and resolving any such violations through peaceful means.
- 2 Such steps may include, inter alia, reference of the matter to the Security Council of the United Nations or recourse to the means for the peaceful settlement of disputes referred to in Article 33 of the Charter of the United Nations.
- 3 The parties to this Agreement may also call upon the assistance of the co-Chairmen of the Paris Conference on Cambodia.
- 4 In the event of serious violations of human rights in Cambodia, they will call upon the competent organs of the United Nations to take such other steps as are appropriate for the prevention and suppression of such violations in accordance with the relevant international instruments.

### Article 6

This Agreement shall enter into force upon signature.

### Article 7

This Agreement shall remain open for accession by all States. The instruments of accession shall be deposited with the Governments of the French Republic and the Republic of Indonesia. For each State acceding to this Agreement, it shall enter into force on the date of deposit of its instrument of accession.

### Article 8

The original of this Agreement, of which the Chinese, English, French, Khmer and Russian texts are equally authentic, shall be deposited with the Governments of the French Republic and the Republic of Indonesia, which shall transmit certified true copies to the Governments of the other States participating in the Paris Conference on Cambodia and to the Secretary-General of the United Nations.

In witness whereof the undersigned plenipotentiaries, being duly authorised thereto, have signed this Agreement. Done at Paris this twenty-third day of October, one thousand nine hundred and ninety-one.

## International assistance: *reinforcing dependency or fostering self-sufficiency?*

In recognition of Cambodia's massive needs, the Paris agreements made generous provisions for international reconstruction assistance beginning with the arrival of UNTAC and continuing well after its departure. This assistance has been invaluable and, in response, Cambodians have usually expressed sincere gratitude to international donors. Too often, however, insufficient attention has been paid by both the providers and the recipients of this aid to ensuring it has a long-term impact which will move Cambodians toward progressive independence and greater cooperation.

### **Overcoming obstacles to long-term community development**

Since 1991 the foreign assistance agenda, underpinned by the notion that Cambodia has been 'devastated', has been dominated by emergency aid and repairs of physical infrastructure. Due to an overwhelming reliance on outside 'expertise' and resources, there has been inadequate consultation of the 'beneficiaries', an absence of public debate and insufficient attention paid to the longer-term goal of self-sustaining community development. In the rush to rebuild there has often been an unwillingness to consider that there is an intangible element relating to the ownership of the reconstruction process which should perhaps take priority over the concrete one.

Given the weakness of Cambodia's state institutions and its extremely low levels of human resource development, the international community faces genuine dilemmas in helping Cambodians assume responsibility for their own affairs. In the current politically divisive environment, it is particularly hard for donors to know which groups to support or at what point these groups are in a position to be accountable in terms of quality and coverage of programmes as well as use of donor funds. Many Cambodians themselves willingly buy into the 'magic' of outside assistance without adequate consideration given to how the country can gradually alleviate its current culture of dependency.

Cambodia's politicians, for instance, have a tendency to subscribe to short-term goals and the use of overwhelmingly concrete indicators to measure progress in rebuilding the country. Their uncritical glorification of the country's past triumphs deflects attention from the difficult choices Cambodia must make regarding the future and further reinforces

the focus on what has been destroyed at the expense of what exists and can be built upon. Without prudence and cross-cultural sensitivity, international assistance can reinforce these narrow and ultimately self-destructive attitudes.

### **Recognising local resourcefulness**

Foreigners are, however, well placed due to their positions of influence, to help unleash creativity inherent in Cambodian society and promote the idea that a return to pre-war patterns of social interaction is not only impossible, but undesirable. Provided a long-term perspective is adopted, much can be done to counter Cambodia's profound social malaise by promoting the development of local leadership resources and a critical capacity for self-evaluation.

More than financial and leadership resources are required, however, for Cambodia does not have a strong tradition of voluntary or cooperation-based development efforts. The prevailing attitude towards community involvement among many Cambodians is that helping others is against one's own self-interest. International assistance since 1991 has clearly shown an important lesson: non-profit principles and management skills have to be nurtured through practical examples and careful training. The staff of international NGOs, in particular, are in excellent positions to promote an attitude-change and demonstrate through personal commitment that options and advantages are expanded when people work together.

### **Re-opening dialogue**

With due cross-cultural sensitivity, outsiders can also facilitate cooperative efforts between Cambodians at other levels which would not otherwise come about without their involvement. The lack of trust, particularly within the intellectual and political leadership, stands in stark contrast to the reception Cambodians give to many foreign workers or diplomats. This gives the latter an important opportunity to play emissary roles in rebuilding confidence and re-opening lines of communication between Cambodians. The importance of this cannot be over-emphasised: the historical legacy of foreign interventions in Cambodia has been to fuel competition among its people and many still seek outside support today for partisan political gain at home. ■

# Declaration on the Rehabilitation and Reconstruction of Cambodia

- 1 The primary objective of the reconstruction of Cambodia should be the advancement of the Cambodian nation and people, without discrimination or prejudice, and with full respect for human rights and fundamental freedom for all. The achievement of this objective requires the full implementation of the comprehensive political settlement.
- 2 The main responsibility for deciding Cambodia's reconstruction needs and plans should rest with the Cambodian people and the government formed after free and fair elections. No attempt should be made to impose a development strategy on Cambodia from any outside source or deter potential donors from contributing to the reconstruction of Cambodia.
- 3 International, regional and bilateral assistance to Cambodia should be co-ordinated as much as possible, complement and supplement local resources and be made available impartially with full regard for Cambodia's sovereignty, priorities, institutional means and absorptive capacity.
- 4 In the context of the reconstruction effort, economic aid should benefit all areas of Cambodia, especially the more disadvantaged, and reach all levels of society.
- 5 The implementation of an international aid effort would have to be phased in over a period that realistically acknowledges both political and technical imperatives. It would also necessitate a significant degree of co-operation between the future Cambodian Government and bilateral, regional and international contributors.
- 6 An important role will be played in rehabilitation and reconstruction by the United Nations system. The launching of an international reconstruction plan and an appeal for contributions should take place at an appropriate time, so as to ensure its success.
- 7 No effective programme of national reconstruction can be initiated without detailed assessments of Cambodia's human, natural and other economic assets. It will be necessary for a census to be conducted, developmental priorities identified, and the availability of resources, internal and external, determined.
- 8 To this end there will be scope for sending to Cambodia fact-finding missions from the United Nations system, international financial institutions and other agencies, with the consent of the future Cambodian Government.
- 8 With the achievement of the comprehensive political settlement, it is now possible and desirable to initiate a process of rehabilitation, addressing immediate needs, and to lay the groundwork for the preparation of medium- and long-term reconstruction plans.
- 9 For this period of rehabilitation, the United Nations Secretary-General is requested to help co-ordinate the programme guided by a person appointed for this purpose.
- 10 In this rehabilitation phase, particular attention will need to be given to food security, health, housing, training, education, the transport network and the restoration of Cambodia's existing basic infrastructure and public utilities.
- 11 The implementation of a longer-term international development plan for reconstruction should await the formation of a government following the elections and the determination and adoption of its own policies and priorities.
- 12 This reconstruction phase should promote Cambodian entrepreneurship and make use of the private sector, among other sectors, to help advance self-sustaining economic growth. It would also benefit from regional approaches, involving, inter alia, institutions such as the Economic and Social Commission for Asia and the Pacific (ESCAP) and the Mekong Committee, and Governments within the region; and from participation by non-governmental organisations.
- 13 In order to harmonise and monitor the contributions that will be made by the international community to the reconstruction of Cambodia after the formation of a government following the elections, a consultative body to be called the International Committee on the Reconstruction of Cambodia (ICORC), should be set up at an appropriate time and be open to potential donors and other relevant parties. The United Nations Secretary-General is requested to make special arrangements for the United Nations system to support ICORC in its work, notably in ensuring a smooth transition from the rehabilitation to reconstruction phases.

By Yos Hut Khemacaro\*

# Steering the Middle Path:

## *Buddhism, non-violence and political change in Cambodia*

**T**he limitations of the recent, internationally-inspired peace intervention in Cambodia highlight the need for a greater emphasis on peace-building initiatives which are grounded in the local Khmer culture. Buddhism is the sole institution which cuts across the deep political divisions separating Cambodians today. The tendency to see it as a passive religion has often led its great potential to be overlooked by outsiders. Khmer Buddhism's timeless message of non-violence and compassion offers an important platform for promoting constructive social and political change in Cambodia today.

Such a mandate is, however, still seen as controversial by many in Cambodia. Moreover, Khmer Buddhism's inherent conservatism and its slow recovery from near annihilation under the Khmer Rouge leave it poorly placed to challenge prevailing social injustices. Cambodia's monks face real challenges and dilemmas as they seek to reconcile a greater public role with traditional Buddhist edicts requiring them to adopt a strictly non-partisan approach – the so-called 'Middle Path'.

### **Destruction and revival**

Buddhism has always been much more than a religion in Cambodia: it is a social doctrine encompassing all aspects of life. Most Cambodians consider themselves Buddhists. The village-based monastic system which developed over many centuries in Cambodia effectively linked enlightenment with community involvement. Under the direction of monks, *wats* (temple-monasteries) became not only religious centres but also sources of popular education and social services. Buddhism, as a consequence, became the main medium through which the Khmer language and culture was transmitted, explaining why it remains intricately woven into the current social fabric despite Cambodia's tumultuous past.

The arrival of the French 'civilising mission' in 1863 set in motion significant changes in Cambodia's Buddhist culture. The *Sangha* (the formal Khmer monastic institution) was gradually forced to modernise and incorporate western-based teaching methods, although it

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\* The author wishes to acknowledge the support of Dylan Hendrickson in the writing of this article.

Clash of unequals: Buddhist monks and instruments of war

Source: Mak Remissa



continued to serve as the principal moral and institutional opposition to colonialism. Following World War II, Cambodia's westernised elites continued the transformation of the country from a Buddhist-influenced polity into a secular nation-state. The number of *wats* and monks nonetheless underwent a phenomenal rise at this time, though this was not necessarily accompanied by an increase in the quality of Buddhist practice.

Some suggest that rituals, ceremonies and festivals became increasingly bereft of meaning. Meditation and thinking on Buddhist principles were promoted with less intensity than recitation of the Pali scriptures. Among many monks, the quest for 'inner peace' took precedence over the development of a more socially activist role as had occurred in neighbouring Vietnam. Despite enjoying immense moral authority in their local communities, Cambodia's Buddhist abbots rarely sought to extend their influence into the political domain.

However, the *Sangha* would not remain immune from the deep ideological rifts that plagued Khmer society from the 1960s and 1970s as the Vietnam War spilled over into Cambodia. Some

learned monks took an active part in the political tumult and the *Sangha* fell victim to neglect on the one hand and to western ideologies of both left and right, on the other. By the early 1970s fighting between communists and anti-communists, along with an intensive bombing campaign by the US, was creating severe social havoc across Cambodia.

This turmoil laid the groundwork for the Khmer Rouge's rise to power in 1975 and the virtual destruction of Cambodia's Buddhist culture. Defining religion as reactionary and a tool of the exploiting class, the Khmer Rouge systematically set out to obliterate Buddhism along with the minority faiths of Islam and Christianity. Many *wats* and the bulk of the Khmer Buddhist literary heritage were destroyed over the next four years. Monks, like ordinary people, were forced to pledge loyalty to the *Angka* ('Organisation' — a euphemism for the communist party). Very few of Cambodia's 65,000 Buddhist monks survived the Khmer Rouge's reign of power.

Despite the massive scale of human tragedy, however, the Khmer Rouge only succeeded in destroying the outward signs of Buddhism and



not the beliefs within. Buddhism's recovery during the 1980s would be slow given the decimation of its leadership and moral influence, the lack of resources to rebuild, and the restrictions imposed on Buddhism by the new Vietnamese-backed government which had driven the Khmer Rouge out of power. Although Buddhism was formally restored as the national religion in 1988, and many of the restrictions on it lifted it has never resumed the status and role it enjoyed prior to the 1970s. This can in large part be explained by the decay of traditional values stemming from the war and Cambodia's increased exposure to outside cultures during the last century.

Yet the widespread building of *wats* in contemporary Cambodia, along with popular participation in a wide range of religious ceremonies, indicate that Buddhism remains very strong in people's consciousness. This suggests that Buddhism could potentially play a more active peace-building role than it has to date in Cambodia, although this would require a radical adaptation by Khmer Buddhists to the changes occurring in Cambodian society and the wider world.

### Radical conservatism

Khmer Buddhism's inherent conservatism is a reflection of its development in an agricultural-based society. Peasants have traditionally sought to mitigate their economic insecurity through hierarchical patron-client relationships. The implied protection offered by elites in exchange for loyalty under this system has long stifled the development of a strong sense of collective social responsibility in Cambodia. Along with the high value placed on harmony in the Khmer culture, this has served as a strong disincentive among monks and the wider population to challenge the existing social order.

This conservative outlook on change persists in post-war Cambodian society due to low levels of formal education. In this context, Cambodians have become very discouraged about the persisting conflict and many believe that peace – when it finally comes – will come from outside.

The Buddhist clergy continue to place more emphasis on serving as the 'conscience' of society than on actively seeking to transform it. Moreover, many monks are very young and lack both the education and the experience needed to effectively lead their monasteries or to gain the respect of the community.

The Buddha's 'step-by-step' approach to social change has resonance with political notions such as participation, democracy and human rights which have come from outside Cambodia. While these ideas are touted by some politicians as foreign imports, with little relevance to Cambodia, they are also found in the *dharma* (see box overleaf). Buddha himself advocated democracy within the community of monks, citizen participation in government and opposition to tyranny.

Committed Buddhism requires active participation in social and political life, which in turn requires a clearer understanding by people of both their rights and obligations in the society in which they live. In the face of Cambodia's age-old traditions of deference and hierarchy, it is easy to misinterpret Buddhist teachings on forgiveness and justify inaction in the face of injustice. The key lesson of recent years in Cambodia is that peace is not sustainable if injustice prevails. Khmer Buddhists must take their faith out of the monasteries even at the risk of defying Buddhist edicts which have traditionally kept them out of public life.

### Steering the Middle Path

Because public activities which challenge injustice are often seen as partisan by Cambodia's leaders, monks have a responsibility strictly to follow the Middle Path. Non-partisan activism in favour of peace walks a fine line between neither endorsing nor opposing any party in a conflict and making clear statements of opposition to policies which lead to violence and suffering. Nevertheless, in Cambodia's current political climate, such a position is still seen as controversial by many.

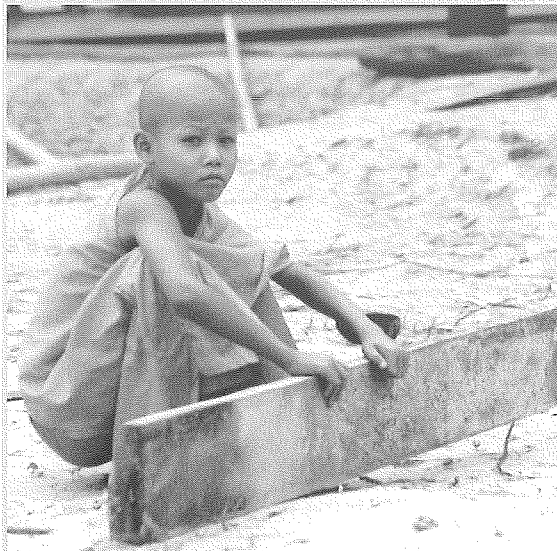
Many within both the government and the Buddhist clergy argue, for instance, that

### The *dharma*: building peace 'step-by-step'

Even though the Cambodian *Sangha* (the formal Khmer monastic institution) remains poorly equipped to address the social dimensions of peacemaking, a bold way forward is outlined in the *dharma* (the Buddhist teaching). The Buddha himself advocated a 'step-by-step' peacebuilding approach which envisaged a broad process of social change as the ultimate goal. The starting point is the quest for inner peace which, the Buddha taught, can only be achieved through a process of instruction, meditation and strict observance of the five precepts — to refrain from killing, stealing, sexual misconduct, lying and intoxication. As one is gradually liberated from one's greed, hatred and delusion, one attains greater spirituality.

The achievement of inner peace does not result in inactivity, but on the contrary leads to greater creativity in the face of society's problems. Buddhism links personal change to social change by teaching that a peaceful heart makes for a peaceful person, a peaceful family, community, nation and world. It is therefore not enough to simply wish for peace — Cambodians must actively contribute to achieving it, sustained in their relations with one another by the pillars of loving kindness, compassion and wisdom. Even if each Cambodian only follows these ideas partially, the country as a whole will be better for it.

*Novice monk*



Source: Roland Eng

monks who adopt a more public role are meddling in politics and overstepping the bounds of their religious duties. They also maintain that political problems should be dealt with by the proper authorities who are empowered by the Constitution. These arguments highlight the risks Cambodia's monks take in seeking to play a more active social role, though there are many ways in which they can have a constructive impact on politics and remain non-partisan.

Cambodia's legal institutions are currently far from adequate: there is a pressing need for complementary initiatives to bolster the state's formal system of governance. Domestic violence and land disputes, for instance, are perhaps the greatest source of conflict in rural Cambodia and are often closely linked to conflicts at the national level. Community-based development has traditionally been the basis for social peace in Cambodia and monks are actively involved in a range of initiatives to promote this. This includes training seminars which seek to instill values of human rights and democracy in the community as well as economic initiatives which target the poverty underlying much social unrest.

There is also a need to ensure that the national law is formulated and applied fairly so that all Cambodians may benefit equally. Khmer Buddhists recognise the Constitution as the supreme law of the land. Buddhist groups actively participated in the 1993 Constitutional Assembly, registering their views and concerns as the new laws were debated. Cambodia's monks also have the influence to hold political leaders to account. Recognising the immense moral authority which monks enjoy, political leaders regularly call upon them to bless their programmes. This enhances the public legitimacy of politicians, though all too often monks have not taken advantage of the opportunity offered to instruct political leaders on their duties to the people.

In many cases, however, monks will simply not be listened to. Cambodia's leaders often say that the people are not ready for human

*Dhammayjetra peace march entering Pailin, March 1997*

Source: David van der Veen

rights or democracy. They argue that to call for more human rights is a political act which is not the responsibility of monks. Yet many Buddhists would argue that human rights are not simply a political matter, but are part of the much more fundamental economic and social freedoms guaranteed by the Constitution. The dilemma is that if the people simply wait for the government to offer them their rights they may never have them.

This raises the possibility of more direct involvement by monks in party politics or other forms of political activism in order to put pressure on the government to make changes. This is an issue of legitimate concern for Cambodia's monks who are divided on which approach to take. Ironically, the National Electoral Law authorises monks to vote even though the Assembly of Monks, which has the authority to rule on this matter, was not consulted during the formulation of the electoral law. Certain government officials, who feel they have the support of the monks, are happy that they are accorded the vote though they consistently resist any other kind of political role.

While many monks did vote in the July 1998 elections, others still believe that voting will lead the Buddhist clergy to adopt a partisan position in defiance of their traditional Buddhist edicts. They would argue, however, that this does not necessarily stop monks from instructing the people on the criteria to use when making their choices. Public education campaigns are not incompatible with maintaining political neutrality if their focus is on increasing respect for the Constitution, the highest law of the land.

Other forms of social mobilisation led by monks, such as the *Dhammayjetra* peace marches (see box overleaf) have come to be tolerated, if not accepted, by the government. As Cambodians become more socially aware, they will be in a better position to organise themselves and press for political change. Associations for farmers, teachers, students and factory workers, for example, are the key to empowering the dispossessed and replacing the cults of power which exist in Cambodian society. Yet because Cambodia has little tradition of such associations, it will be a long time before people have the courage or knowledge to mobilise themselves.

## The *Dhammayietra* peace marches

The *Dhammayietra* ('pilgrimage of truth') peace marches are the most visible expression of Khmer Buddhism's condemnation of violence. The 'army of peace', as it came to be known, made its first historic journey in 1992. A large party of refugees and monks from Cambodia and other countries were led by the Venerable Maha Ghosananda on a four-week march from the Thai border into Cambodia. By the time the army of peace reached Phnom Penh, it was 1,000-strong and had attracted the world's attention to Cambodia's problems.

This massive peace demonstration has become an annual event in Cambodia and traverses some of the country's most insecure regions. Two marchers were injured in 1993 and two killed in 1994 when the peace march made its way through battle zones. Rather than flagging, however, the peace march was reinvigorated by these trials and has continued to bring a message of hope and encouragement to all Cambodians. More recent marches have also raised awareness on issues such as landmines and deforestation: in 1996, 2,000 trees were planted along the march route.

As a rule, marchers must be dressed in civilian clothes and may not carry firearms or any form of party political slogans. They must also attend a pre-march training, where they are informed of guidelines for the march and are given basic training in Buddhist concepts, meditation and ways of handling fear. Military personnel from all sides in Cambodia's conflict are barred from marching, even to protect the marchers. "Non-violence", the organisers insist, "cannot be protected with the instruments of violence."

This 'peace army' has come to enjoy the support of many Cambodians, including some government officials, and has gained a momentum which will prove increasingly difficult to stop. Based on universal values of compassion, non-violence and solidarity, the peace army also serves as a model of social mobilisation for oppressed people in other countries.

## Baptism of fire

A new generation of activist Cambodian monks came to the forefront of Cambodian politics in September 1998 during public demonstrations against Hun Sen's allegedly fraudulent electoral victory. Their open defiance of traditional Buddhist edicts and orders from their elders not to participate made them targets of a violent government crackdown. Their fate prompted a mixed reaction: incredulity and outrage among many Cambodians, while others again argued that 'religion and politics do not mix'. Some monks themselves protested that 'if the government wants to keep Buddhist monks from getting involved in politics, they should not allow monks to vote'.

Yet, public actions denouncing injustice are desperately needed in Cambodia, given the very real possibility that war will break out again if human rights abuses continue unchecked. Challenging the powerful requires great conviction on the part of monks who are themselves not immune from pressures and temptations. Cambodia's political fractures have been reflected in the Buddhist community, making it harder for monks to develop a forceful and united stand in favour of peace. In order for their contribution to be constructive they require greater education on the teachings of Buddhism as well as a more sophisticated awareness of the world outside the monastery. Only then can they effectively instruct and provide guidance to the people.

The possibility that peace activism will be opposed with force by the government poses the greatest challenge for contemporary Khmer Buddhism. While the principles of non-violence and neutrality are not open to compromise, the Buddha himself made it clear that social injustices themselves lead to violence. To forsake social change and ignore the causes of Cambodia's persisting conflict will only delay the emergence of a more viable peace in the future. ■

By Mu Sochua

## Cambodian women in politics: *breaking through the traditional image*

The socio-economic burdens of Cambodia's transition from three decades of upheaval to relative peace have been disproportionately shouldered by its women. Along with unequal access to educational opportunities and persisting cultural biases, this has proved a formidable obstacle to Khmer women seeking a more active role in public life.

### **Women as mass mobilisers**

During the 1980s Cambodian women played a major role in the revitalisation of their society. Shattered by the long war and the Khmer Rouge genocide, Cambodia suffered further from the international isolation of its new Vietnamese-backed government. At this time, women accounted for some 60% of the population. One third of them were widows. More than half were also the principal breadwinners in their families.

Led by the Women's Association of Cambodia, women were behind a nation-wide literacy campaign. They also took the lead in caring for the thousands of war orphans and in developing a nation-wide system of cooperatives to regenerate local social and economic activity. With women still struggling to meet their families' daily needs, however, only a very few became active in formal politics.

### **A timid political awakening**

The 1991 Paris peace agreements opened the way for Cambodian women to play a greater political role than ever before. The proliferation of indigenous NGOs (some 300 to date, of which over 40 have a women's agenda) marked an important step forward. Khemara, Cambodia's first indigenous NGO, was founded by a small group of women dedicated to a society based on democratic and gender-balanced principles. The fledgling NGO-based women's movement became involved in addressing domestic violence and sexual exploitation and also lobbied for specific articles in the Constitution to ensure greater recognition of their rights.

At the same time, Cambodian women have worked to promote a broader social and human development agenda for Cambodia's reconstruction. This reflects a more comprehensive understanding of the needs of Cambodia's deeply divided society with a particular focus on its largely neglected rural majority. In a society marked by open displays of violence, the peace-building approaches of women, involving diverse initiatives such as peace rallies and petitions,

stand out from the more confrontational tendencies of men and student groups

Through their experience as social activists, women have come to realise that overcoming gender-biased policies will demand a more active political role as well as broader changes in Cambodia's male-dominated society. After the 1993 elections, seven women joined the 120-seat National Assembly and a Ministry of Women's Affairs was created. At the same time, however, virtually no women won posts in the provincial, district and commune-level administrations. While there were twice as many female candidates in the 1998 elections, they still represented just ten% of the total at this level.

### **Changing mind-sets**

The lack of women in official posts masks more enduring problems in Cambodian society. Even when women are elected to official positions, they still face difficulties in breaking into the 'boys' club' and playing a real role in decision-making processes. Behind the formal trappings of the parliamentary system, this still occurs informally in a largely male-dominated world. Here elections and politics are often interpreted narrowly as a means of settling disputes rather than as an opportunity to debate and advance issues linked to broader national interests.

The ability of women to make their voices heard is further undermined by traditional cultural biases against women. Women are still expected to be more soft-spoken than men, and many Cambodians see the maintenance of gender relations which discriminate against women as crucial to the preservation of the Khmer cultural identity. Few Cambodian political parties, despite their claims, have seriously invested in programmes to help women move out of their traditional gender roles. Along with fears of intimidation and a lack of formal education, this saps the confidence of many women.

The huge socio-economic demands still placed on Cambodian women are perhaps the greatest obstacle militating against their greater political role. While there is still a long way to go before women enjoy the full fruits of equality, their growing involvement in Cambodia's political life has injected a new vitality into it and placed a greater emphasis on social issues. ■

By Dylan Hendrickson

# Institutions versus personalities:

## *International peacebuilding dilemmas*

**G**iven the serious outstanding differences between the four Khmer factions at the time of the 1991 political settlement, transforming the ceasefire in force into a viable peace was going to be a difficult, delicate and long-term task. In recognition of this, various 'safeguards' were envisaged by the Paris agreements to prevent a return to the violence and disorder of the past. These safeguards were informed by two broad assumptions:

First, with no faction in a position to win outright power militarily, due to a halt in outside assistance, each could seek to strengthen its political position by electoral means. The risks of renewed violence would thus be constrained by the functioning of Cambodia's fledgling parliamentary system – the 'internal' safeguard. Second, due to the deep and persisting distrust between the factions, a neutral, firm and committed international community would be called upon to facilitate, finance and otherwise ensure that the terms of the final settlement were respected by all the factions – the 'external' safeguard.

The problem with these safeguards was that they assumed more goodwill from both the faction leaders and the international community than was forthcoming or indeed realistic at the time. Despite the UN's success in organising the 1993 elections, its contribution fell far short of laying the groundwork for the kinds of political institutions needed to attenuate Cambodia's destructive brand of personality-based politics. With the UN's departure, almost all power – and the fate of the fragile peace itself – remained concentrated in the hands of the governing CPP-FUNCINPEC coalition, subject to the whims and weaknesses of the party leaders and the deep-seated tensions between them.

Although the Paris agreements made liberal reference to a post-election international role to consolidate peace in Cambodia, as much emphasis was placed on preventing outside interference in the country's 'sovereign' affairs after 1993. Despite the fact that Cambodia has continued to benefit from vast amounts of international assistance for the purposes of reconstruction, there has been no effective mechanism to link this aid to the kinds of

*Prince Ranariddh and Hun Sen*

Source: David van der Veen



political changes needed to build peace. This has called into question the international community's ability to decisively influence the democratic transition or to prevent crises such as the July 1997 overthrow of Prince Ranariddh.

### **Fragmentation of responsibility**

It is worth recalling that the Paris agreements came about in large part due to the strong international consensus which existed in 1991 on the need to bring to an end Cambodia's war. Similarly, it was this solid consensus which underpinned the ambitious and intrusive character of UNTAC's peacekeeping mandate, conceived by some in terms as grand as 'nation-building'. When UNTAC's mission ended abruptly in late 1993, collective international responsibility for Cambodia was rapidly downgraded and fragmented.

This is not to say that the continuing threat to Cambodia's stability was not recognised. Indeed, a November 1993 UN Security Council resolution called for the appointment of a person to "coordinate the UN presence in Cambodia, in accordance with the spirit and

principles of the Paris agreement". However, even before the Secretary General's Representative in Cambodia (SGRC) had arrived, this mandate was modified by the UN General Assembly which rejected a proposal for 'integrated offices' combining UNDP and political functions. Some countries felt that combining development aid with the pressure to promote human rights and democracy would have given the SGRC undue power.

The mandate of the SGRC was therefore confined to 'preventive diplomacy' with responsibility for coordinating international assistance given to the UNDP's Resident Coordinator. In the absence of strong backing of UN member states or a clear or pro-active peacebuilding strategy from New York, the status of the SGRC vis-a-vis the Royal Government, the Resident Coordinator and other ambassadors was poorly defined. The SGRC's role thus remained low key, consisting essentially of monitoring political developments, maintaining dialogue with the Royal Government and reporting back to the Secretary General, with no mandate to mediate in the event that serious problems arose.

As a consequence, the primary emphasis of international engagement with Cambodia effectively shifted to reconstruction. Besides the ten UN donor agencies working in Cambodia, there were also numerous international NGOs and various governments which were providing considerable assistance. This covered a wide range of development and humanitarian-oriented activities in support of efforts to rebuild the country's damaged physical infrastructure, alleviate poverty, promote multi-party politics and hasten Cambodia's complex transition from a centrally-planned to a market-driven economy. These activities could be seen as key elements of a longer-term peacebuilding strategy which would help tackle the underlying economic, social and institutional factors driving Cambodia's conflict.

With some US \$1.5 billion channelled into Cambodia between 1993-98, foreign aid came to represent more than half the national budget and was potentially an important tool with which to influence government policy. In the absence of a framework through which this instrument could effectively be used, however, it was rarely taken out of the 'toolbox'. Crucially after 1993, any international potential to influence political events in Cambodia would depend on integrated action and consensus on peacebuilding priorities, which was in short supply among the foreign countries involved in Cambodia at the time.

There were nonetheless important short- and long-term reasons why countries should seriously consider using the leverage offered to them by their aid and the Paris agreements to influence political events in Cambodia. In the first case, with political tensions still high in the coalition government and with none of the factions having demobilised their armies, there was a very real risk of renewed violence which would undermine all that had been achieved. In the second, any hope of consolidating Cambodia's peace in the long-term was linked to the success of the democratic transition. Unless the international community was willing to demonstrate that democratic ideals were worth upholding by taking action, when

serious human rights abuses occurred or constitutional provisions were blatantly flouted, democracy would lose legitimacy in the eyes of Cambodians themselves.

### **Aid conditionalities**

Without attempts to link financial and technical assistance with political changes to strengthen the peace, the effectiveness of international peacebuilding would therefore be diminished. The option of using political conditionalities to influence government policies nonetheless raised many dilemmas for countries, not least of which was that politicising aid would be perceived as a violation of Cambodia's sovereignty.

The principle dilemma was that for political conditionalities to be effective in influencing government policy, countries would need to act in unison. This required agreements on what kinds of conditions should be placed on aid, at what point sanctions should be used, and what the ultimate objectives of such actions were to be. Consensus was hard to achieve because certain countries had their own political reasons for not wanting to place undue pressure on Cambodia's government while others were ambivalent about what was happening in the country. With increasing international aid being channelled into Cambodia through NGOs, a related problem was that cutting this assistance would have a limited effect on government policy.

This points to a second dilemma which was often used to argue against placing conditions on the use of aid: if it was cut, even temporarily, this would have both short- and long-term consequences on stability. First, because much aid underpinned efforts to alleviate Cambodia's extreme poverty, sanctions could have serious humanitarian consequences and heighten social tensions. Second, many long-term programmes being supported by aid such as administrative reform were crucial to the success of the democratic transition and, if halted, would jeopardise future political stability. It was thus difficult to achieve agreement between aid administrators and



diplomats on the point at which aid should be cut, if at all, to further political objectives.

A final dilemma regarded the question of how far the international community could legitimately intervene in Cambodia's affairs given the legacy of foreign involvement in Cambodia and the clear provisions made in the Paris agreements to prevent a repeat of this. The question of intervention was far from clear-cut because the agreements also made the international community guarantors of the peace plan. It was clearly in the spirit of the agreements that the international community should act in the face of a serious threat to the peace even if the agreements were rather vague regarding the kinds of actions to be taken.

A clear line needed to be drawn, based on an appreciation of the provisions contained within both the Paris agreements and Cambodia's Constitution, defining which kinds of intervention could be justified. Nurturing democracy is a slow and complex process which has to take into account Cambodia's complex cultural and historical circumstances. There is therefore a danger of imposing outside priorities on the direction, form or speed of this political change. At the same time, however, there are very clear areas which are not open to negotiation: these include respect for basic human rights and the rule of law. By responding consistently when blatant violations occur, the international community's actions would also serve to strengthen Cambodia's nascent democratic institutions by bolstering their legitimacy.

When political tensions grew sharply between Prince Ranariddh and Hun Sen in 1996, most countries preferred to express their concerns privately to the government. These diplomatic initiatives lacked collective force and the messages conveyed were often not in harmony with one another. While aid programmes, tourism and private investment ushered in a period of rapid economic growth, the outside world stood by as the factions again resorted to violence to resolve their differences.

## Human rights: slipping mandates

The failure to protect human rights provides the clearest example of where the international community fell short of taking strong action, after 1993, to keep the peace process on track. The United Nations High Commissioner for Human Rights (UNHCHR) was mandated by the Paris agreements to monitor Cambodia's human rights situation following UNTAC's departure and to provide technical assistance to the government in promoting human rights.

Between 1994-96 the local UNHCHR office at times took a critical stand on government policies which resulted in threats from the co-Prime Ministers to close it down. In 1997, human rights abuses mounted dramatically when 16 people demonstrating against the government were killed in a grenade attack in front of the National Assembly. This was followed by the extra-judicial killings of some 40 military advisers of deposed Prime Minister Prince Ranariddh following the July coup, meticulously investigated and documented by the UN rapporteur for human rights, Thomas Hammarberg, in which people close to Hun Sen were implicated.

Yet to date it has not been possible for the international community to translate this evidence of human rights abuse into sufficiently strong pressure by UN member countries to see justice served. It has been felt by some countries that to take too strong a line against the government would compromise the international community's ability to maintain a human rights presence in Cambodia. At the same time, however, in the absence of strong actions condemning human rights abuses this inevitably strengthens Cambodia's tradition of power politics.

## Accommodating the strongman

The events following the July coup brought home most clearly the extent of the international community's disengagement from Cambodia since 1993. In spite of clear signs that tensions were threatening to erupt violently, little concerted international action was taken to avert the fighting. In the aftermath, the official Security Council statement was surprisingly mild, calling for no specific action on the part of the UN. With no official reaction from either China or Russia, this left initiatives in the hands of ASEAN, Japan, the US and EU.

Divisions within the international community were heightened, with the US threatening to treat Cambodia as a pariah state because of Hun Sen, and other nations such as France choosing to overlook human rights abuses. Cambodia was receiving confusing signals at a time when clarity was needed (see box opposite). Just as the lack of consensus had created conditions favouring Hun Sen's coup by leaving him confident that concerted international condemnation would not be forthcoming, after the coup it gave him a certain freedom to consolidate his position.

The July events left many countries torn between their stated commitment to the Paris agreements on the one hand, and growing ambivalence regarding events in Cambodia on the other. Temporary and partial cuts in international assistance were made and Cambodia was deprived of its UN seat and entry into ASEAN. Few countries were eager to see the unwieldy pre-July 1997 power-sharing arrangement restored, nor were there any easy options. The new reality was accepted and Hun Sen was instructed to respect human rights and ensure that 'free and fair' elections took place, as scheduled in 1998 with Ranariddh's participation.

The main opposition to Hun Sen's consolidation of power in the run-up to the elections would come from the US, whose call for a 'principled' democratic line conflicted with the more pragmatic stance adopted by other coun-

tries including Australia, China, Japan and members of ASEAN and the EU.

At this point the gap between the rhetoric of many members of the international community, which professed a strong commitment to democracy in Cambodia, and their actions on the ground, became glaring. Hun Sen was completely dependent on international assistance to organise the elections and turned to both the EU and Japan which between them provided US \$18 million in support. While both insisted that this assistance was conditional on the establishment of a neutral political environment in order for 'free and fair' elections to take place, no clear benchmarks were established to determine when assistance might be cut.

With stability also seen as key to development, and Hun Sen's iron grip the best way to ensure stability, the blatant perversion of the 1998 electoral process became an acceptable 'cost'. Elections seemed the only solution to the crisis which those in favour of stability and democracy could agree on. As in 1993, this would enable the establishment of a 'legitimate' government – at least in the eyes of the international community – which could be supported without too many awkward questions asked. As in 1993, few countries were willing to confront the contradictions inherent in their policies, not least of which was that by accepting Hun Sen's victory under the shadow of widespread political intimidation and allegations of fraud, they were delegitimising the very democratic process they were trying to promote.

This rhetoric of 'democracy' versus 'stability' adopted by the international community masked not only different national interests but also shared constraints on how to influence policy in Cambodia. In practical terms, support for human rights and democracy was increasingly tempered by a pragmatic acceptance of certain political realities: the slowness of democracy to take root, the lack of political will to make the changes needed, and the apparent need for a 'strongman' to rule the country in order to avoid renewed conflict.

by François Danchaud and Dylan Hendrickson

## Selective principles, confusing signals: *French and US policy on Cambodia*

Although France and the US no longer have significant strategic interests in Cambodia, their long involvement in Vietnam has conditioned their roles in Cambodia in contrasting ways, at times exacerbating, if not directly contributing to internal political tensions.

### **Courting Vietnam**

France was seen to have 'saved' Cambodia from the hegemonic tendencies of its neighbours with the establishment of its protectorate in 1887, though its strategic interest in Southeast Asia has always revolved around Vietnam and continues to do so. The strong attraction Vietnam holds economically for France means that its efforts to promote good relations with Vietnam as well as to restore French influence over its Indochinese colonial empire have strongly influenced its policy on Cambodia.

Following Cambodia's international isolation during the 1980s, France was the first major Western power to restore relations with the Hun Sen regime by re-opening its Phnom Penh embassy in 1991. France led the rally to declare Hun Sen's victory in the 1993 elections and, in spite of Prince Ranariddh's surprise victory, the perceived threat he posed to French relations with Vietnam means that Hun Sen remains in favour. This relationship was clearly illustrated by France's muted response to both the July coup and Hun Sen's 1998 electoral victory under widespread allegations of fraud.

### **Punishing Vietnam**

The US response to the July coup was also heavily influenced by its historical role in Vietnam, one which still casts a long and painful shadow. Though the initial response by the US Embassy in Phnom Penh was also muted and likely interpreted by Hun Sen as an indication that the US would not take sides, the US State Department soon came under domestic pressure to condemn the 'communist dictator' Hun Sen. Although the US has sought stronger ties with Vietnam in recent years as part of its policy of normalising relations, allowing Vietnam the moral victory of seeing its 'man' Hun Sen retain power was a step too far for right-wing elements within the American Congress still intent on punishing Vietnam for the war.

Congress' action forced the State Department to take a strong line, to cut all but essential humanitarian assistance to Cambodia, and to pressure Hun

Sen to allow Prince Ranariddh's participation in the July elections. Although unhappy with Ranariddh for his failings as Prime Minister, strong US political backing was provided for him in exile which, along with the support of other countries, was a crucial lifeline for FUNCINPEC. While the first serious attempt to use political conditionalities, there was a danger that it was based on a simplistic assumption about how democracy should be supported in Cambodia. At the same time, it also raised the spectre of partisan involvement by the US in Cambodia's affairs, reminiscent of the Cold War.

### **Hollow principles**

The US position contrasted sharply with France's unwillingness to condemn the July events and their pragmatic argument that 'stability' should take precedence given the 'new political reality' in Cambodia. The lack of consensus between the two camps was not lost on Hun Sen, and was also evident before the coup. Furthermore, persisting tensions between Prince Ranariddh's Cabinet and the French Embassy, tensions which were often publicly, though not officially, expressed by both sides, also reassured Hun Sen that the response to his violent ouster of Prince Ranariddh would not be universally condemnatory. This proved to be true.

While the US role was key in bringing about Prince Ranariddh's participation in the elections, the limits of its principled approach soon became evident. With the refusal of the EU and Japan to place conditions on their electoral assistance, the capacity of the US to take a strong stand in influencing how the elections were conducted was diminished. While the US also publicly distanced itself from the Joint International Observation Group's premature decision to certify the elections as 'free and fair', the overwhelming response of other countries in support of it again undermined its position.

The ambiguity of the US position after the elections highlights the limits of a principled approach in dealing with Cambodia's problems when it is not adhered to consistently or when other countries do not adopt it. Without a search for greater international consensus, there is the very real risk that the policies of countries like France and the US — no matter how 'pragmatic' or 'principled' — will be seen to mask the pursuit of national interests. ■

## Recognising harsh realities

In the absence of greater efforts to enable Cambodia's political institutions in line with the spirit of the Constitution, international policies unwittingly support political personalities, whether so-called 'democrats' or 'strongmen'. Moreover, with the international spotlight on the differences between Cambodia's political camps, the difficulties of governing are easily downplayed resulting in simplistic prescriptions for bringing about political change.

The reality is that behind the formal trappings of democracy in present-day Cambodia, such as the National Assembly, is a political system based on factional politics, hierarchy and personalised rule. The hostility between the so-called 'democrats' and 'communists' disguises a high degree of war-weariness and general agreement on running the state along free-market and democratic lines. The question is: who should control the process of liberalisation?

The 'winner-take all' attitude underlying Cambodia's political culture is reinforced by the attitude that 'if you are not with us, you are with them'. This attitude is ingrained in the psyche of Cambodia's politicians, including many of those — particularly of the older generations — who have spent time in exile. This undermines cooperation and dialogue and also makes it difficult for more far-sighted Cambodians or external diplomats to play the role of a neutral mediator. In a climate of heightened competition and acute distrust, there is little incentive for transparency in decision-making, much less consensus-building.

Underlying these patterns of political interaction in Cambodia is the crucial role played by resources. Maintaining power is dependent on the ability of politicians to deliver patronage to their supporters in exchange for loyalty. All political leaders — of all political persuasions — are forced to play this card to stay in power. The past five years show that beneath the surface many of the so-called 'democrats' in the

opposition differ little from their CPP counterparts, in the way they play the political game even if their stated intentions are better.

The failure of the opposition parties to work together during 1993-97 is a sad indictment of their lack of success — if not commitment — in promoting the new, more inclusive way of politics in which they profess to believe. Moreover, the massive corruption involving some within FUNCINPEC during their time in power cannot be overlooked. Yet when these problems are seen by outsiders simply as causes of Cambodia's problems rather than as symptoms of its dysfunctional institutions, this masks the real challenge of strengthening political institutions.

In the absence of easy explanations for problems, outsiders often have a tendency to blame current Cambodian politicians for a 'lack of political will' as an explanation for what is going wrong. To the extent that the accusations frequently levelled at Prince Ranariddh for being 'an incompetent ruler' or at Hun Sen for being 'drunk with power' are accurate, this emphasises the need to see the creation of political will as an important peacebuilding goal in itself, rather than falling into the trap of assuming that it already exists and can simply be called upon.

The common tendency within the international community to search for a new 'personality' to lead Cambodia out of its troubles therefore seems like an excuse to overlook the dilemmas they will face once in power. A good example of this is the case of Sam Rainsy, considered by some to be the future hope of Cambodian politics. Young and energetic, he has the image of a reformer, and is adept at wielding the language of democracy. While he enjoys a certain popularity and demonstrated real strengths as Finance Minister from 1993-95, the extreme political positions he at times adopts have been interpreted by some as an indication that he is just another politician with a winner-take-all mentality.

Whether Sam Rainsy is better or worse than other Cambodian politicians is perhaps not the

key issue; the question is rather what can be done to ensure that he, or other people who hold power, are able to fulfil their constitutional responsibilities effectively. Without greater efforts to look beyond personalities and seek to influence the institutions which both shape and constrain the actions of Cambodia's leaders, international peacebuilding efforts will fall far short of laying the groundwork for a more stable, institution-based peace.

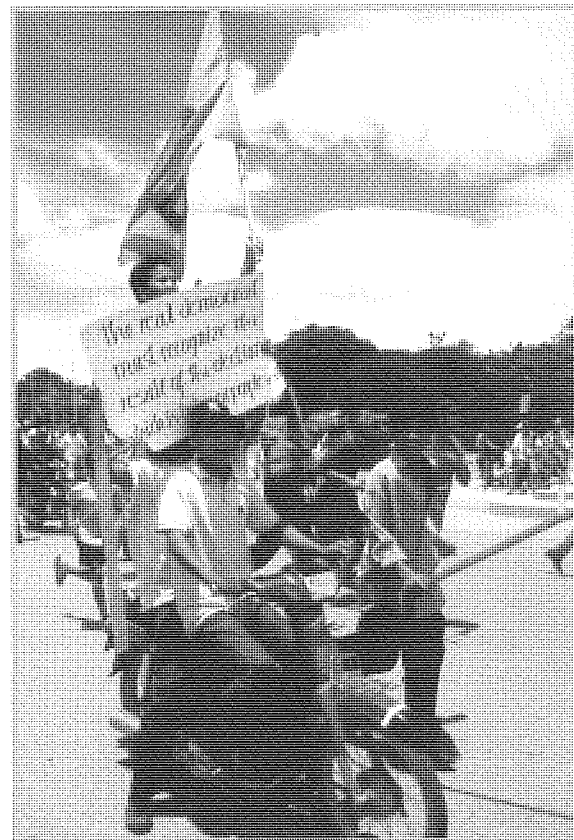
### Engaging more constructively

While there is a genuine long-term need in Cambodia to restore some sort of balance between opposition parties such as FUNCINPEC which seem to enjoy more popular legitimacy, though lack power, and the CPP which currently enjoys more power than popular legitimacy, this must be done by supporting the political institutions upon which democracy resides. Without consensus within the international community on when, whether or how aid should be linked to progress on issues such as democracy and human rights, and a willingness to act, the democratic changes being promoted will not be sustainable.

There is nothing inherently undemocratic about Cambodian culture, though many Cambodians have lost faith in their country's ability to surmount the huge obstacles which lay ahead. While this has contributed to an apparent reluctance among some to challenge the system, it belies the fact that there are many individuals who are actively breaking the mould. Often from a younger generation, these are people who have lived in exile and returned to join either the CPP or opposition parties like FUNCINPEC. Their exposure to more mature democracies has equipped them to exert a positive political influence over leaders who have for too long expected and received the unquestioning loyalty of their fol-

lowers. These progressive Cambodians need to be identified and supported.

This nonetheless presents unique challenges for countries wary of further 'interfering' in Cambodia's political problems. Insofar as constructive engagement implies a more interventionist approach, this will only be acceptable – and consent will only be forthcoming from Cambodians themselves – if the international community is seen to adopt a more united and consistent approach. This not only means matching their rhetoric of democracy with concrete actions to promote it, but also making better use of the wide range of political tools at their disposal. ■



Source: Jean-Paul Jaslet

*Pro-democracy demonstrators, Phnom Penh, September 98*

Compiled by Carl Bergquist

# Chronology

## 1863-1941

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French colonial rule in Cambodia is relatively stable due to French patronage of the King and because popular challenges to authority are smothered. During the early part of the 20th century, the westernisation of Cambodian life intensifies and the French exercise a particularly strong control over Cambodian rulers until a less cooperative monarch, Norodom Sihanouk, accedes to the throne.

### **Sihanouk, independence and neutrality (1941-1970)**

## 1941

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Following the death of King Sisowath Monivong, his eighteen-year-old nephew, Norodom Sihanouk is installed as King by the French colonial authority.

## 1945

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Japanese occupying force removes French colonial officials from their posts and urges Sihanouk to declare Cambodia's independence. The French regain control over Cambodia when World War II ends.

## 1946-47

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The anti-Sihanouk Democrat Party wins Cambodia's first multi-party elections and control of the National Assembly. Real power remains in the hands of the French and the King.

## 1948-49

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Sihanouk asserts increasing control over domestic politics and wins greater control from the French over military and foreign affairs.

## 1950-51

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Fearing communist expansionism, the US begins to pour military aid into Southeast Asia. Pro-Sihanouk, right-wing parties begin to compete with the Democrat Party. The Cambodian communist party, forerunner of the Khmer Rouge is formed, supported by the Vietnamese communists.

## 1952-53

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Sihanouk launches a bloodless coup against his government, with French support. Appointing himself Prime Minister, he promises full independence within three years. A concerted campaign begins to suppress the Democrats, radicalising many young Khmers. Cambodia gains independence in 1953.

## 1955

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The revival of the Democrats leads Sihanouk to abdicate and form a political movement, Sangkum Reastr Niyum (People's Socialist Community), which captures all seats in the National Assembly. His ageing father, Suramarit, becomes King and chief of state. Sihanouk declares Cambodia neutral, but accepts US military and economic aid.

## 1958

Sangkum maintains dominance after National Assembly elections. Sihanouk's government survives several foreign-inspired attempts to overthrow it.

## 1960

King Suramarit dies and Sihanouk becomes chief of state again. His mother serves as monarch for ceremonial purposes.

## 1962-63

Sangkum again dominates National Assembly elections. Pol Pot becomes secretary of the communist party, which is still legal. Fearing a Sihanouk crackdown, Pol Pot and other leftist leaders take to the jungle. Relations cool with the US and Sihanouk stops accepting aid.

## 1965

The Vietnam War intensifies. Sihanouk continues to proclaim Cambodian neutrality, severing diplomatic relations with the US. Desperate to keep Cambodia out of the war, he allows the North Vietnamese to maintain bases in Cambodia. They in turn urge the anti-Sihanouk Khmer communists to delay launching their armed struggle.

## 1968-69

The communists (increasingly referred to as the Khmer Rouge by Sihanouk) officially launch their armed struggle and within two years control half the country. Sihanouk restores diplomatic ties with the US. President Nixon authorises secret bombing of eastern Cambodia to destroy North Vietnamese military bases and supply routes.

## War and social upheaval (1970-87)

### 1970

While abroad, Sihanouk is deposed by his government which is unhappy with his foreign and economic policies. General Lon Nol remains

Prime Minister, declares Cambodia a republic and renews military ties with the US. Sihanouk seeks refuge in Beijing and considers an alliance with the communists. Lon Nol launches two disastrous attacks against the Vietnamese. The US and South Vietnam invade eastern Cambodia in pursuit of North Vietnamese forces.

### 1973

The US air force carpet-bombs large sections of eastern Cambodia, delaying an imminent Khmer Rouge victory and keeping the dying Lon Nol regime in power. The US Congress halts further bombing.

### 1975

Phnom Penh falls to the Khmer Rouge on 17 April. Democratic Kampuchea (DK) is founded and the population is ordered to evacuate all urban centres and form agricultural collectives. Intellectuals and other 'enemies of the revolution', including monks, are summarily executed. North and South Vietnam are re-unified after the fall of Saigon.

### 1976

A new Constitution abolishing private property and organised religion is created. Sihanouk returns from Beijing but is soon placed under house arrest in Phnom Penh by the DK leadership which remains concealed from the outside world.

### 1977

DK receives military aid from China. Internal purges of dissidents begin. A number of DK commanders, including Hun Sen, flee to Vietnam where they are groomed as a government in exile. Vietnam launches attacks into Cambodia following border disputes.

### 1978

Famine is widespread throughout Cambodia. Many people flee to Thailand. Over one million Cambodian's have by now died from

hunger, disease and execution. Pol Pot rejects talks with the Vietnamese. On Christmas Day Vietnam begins its offensive to 'liberate' the Cambodian people from the DK regime.

## 1979

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Phnom Penh quickly falls. The entire DK leadership escapes and Sihanouk is flown to Beijing. Large numbers of Cambodians head for the Thai border. The Vietnamese-backed People's Republic of Kampuchea (PRK), of socialist orientation, is established. The Vietnamese disregard a UN resolution calling for them to leave Cambodia and the Khmer Rouge keep Cambodia's UN seat. Former Prime Minister Son Sann creates an anti-PRK armed movement based on the Thai border which comes to be called the Khmer People's National Liberation Front (KPLNF).

## 1980-81

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The Khmer Rouge regroup in the north under Pol Pot. Some 100,000 Vietnamese troops remain in Cambodia to prop up the PRK. Under pressure from the Chinese and other foreign powers, Sihanouk creates a resistance front called FUNCINPEC. The international community isolates Cambodia economically and politically to punish Vietnam. Evidence begins to emerge of the huge scale of Khmer Rouge atrocities from 1975-79.

## 1982

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Under pressure from the US and ASEAN, the Coalition Government of Democratic Kampuchea (CGDK) – a tripartite 'resistance' movement comprising the Khmer Rouge, FUNCINPEC and Son Sann's KPLNF – is formed in exile. Sihanouk becomes its President and his son, Prince Ranariddh, assumes leadership of FUNCINPEC. With western military support a guerrilla war is launched against the People's Republic of Kampuchea.

## 1983-86

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The resistance factions are pushed back onto Thai territory by PRK and Vietnamese troops.

Military stalemate sets in. Completely isolated, Cambodia is among the world's poorest countries. A young Hun Sen is named Prime Minister of the PRK in 1986.

## The struggle for peace (1987-1991)

### 1987

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Sihanouk holds talks with Hun Sen in Paris marking the start of serious efforts to resolve Cambodia's conflict. The possibility of forming a coalition government between the PRK, FUNCINPEC and the KPLNF, excluding the Khmer Rouge, is rejected by the US and China.

### 1988

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The four Cambodian factions meet face to face for the first time at the Jakarta Informal Meeting (JIM) hosted by Indonesia in July.

### 1989

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A second meeting between the factions takes place in February. Faced with the loss of Soviet patronage, Vietnam begins withdrawing its troops from Cambodia. The PRK changes its name to the State of Cambodia (SoC) and tentatively embarks on some political and economic reforms. Nineteen countries, the UN and the four factions meet at the Paris Conference on Cambodia. The factions are not yet ready to make serious concessions for peace.

### 1990

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The US government announces it will no longer permit the Khmer Rouge to hold Cambodia's UN seat. China reduces its aid to the Khmer Rouge. As pressure grows on the four Cambodian parties, they accept a framework for a political settlement proposed by the five permanent members of the Security Council. The Cambodian parties form the Supreme National Council (SNC) which is to be the unique legitimate body and source of authority in Cambodia throughout a transitional period.



## 1991

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The factions declare their first ceasefire for 12 years in June. King Sihanouk joins the SNC and is elected as its President. At an August meeting the key obstacles to a political settlement are ironed out. The Paris agreements are signed by the four Khmer factions, 19 countries and the UN Secretary General on 23 October in Paris. Soon after, the UN Security Council authorises establishment of a peacekeeping mission to oversee implementation of the agreements.

### Implementing the agreements (1991-93)

## 1991

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### November

Sihanouk returns to Cambodia for the first time since 1978. FUNCINPEC and the SoC announce a formal political alliance, designed to bolster their joint position in the elections, but it soon collapses. The first UN personnel arrive in Cambodia. Khieu Samphan, the Khmer Rouge representative to the SNC, is nearly lynched by an angry mob in Phnom Penh.

## 1992

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### March

Yasushi Akashi, the UN Secretary General's special representative for Cambodia arrives, marking the first day of UNTAC's deployment. The UN begins repatriating some 350,000 Cambodians from Thailand.

### June

The cantonment, disarmament and demobilisation of the military factions begins. The Khmer Rouge refuses to participate. The UN rejects a Khieu Samphan proposal linking its regroupment and cantonment with the dismantling of the Phnom Penh government.

### August-September

The electoral law is promulgated by Akashi in consultation with the SNC and registration of political parties begins. Khieu Samphan states

that sanctions of any sort against the Khmer Rouge would 'jeopardise the integrity' of the agreements. Voter registration begins.

### November-December

The Khmer Rouge maintains it will not participate in elections until the 'neutral political environment' called for in the Paris agreements has been created. UNTAC effectively suspends the demobilisation process. The Khmer Rouge begins a concerted campaign to intimidate UNTAC as it completes its military deployment across Cambodia.

## 1993

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### January-March

Voter registration is completed. SoC political intimidation directed at members of FUNCINPEC and other opposition parties increases sharply. Akashi expresses dissatisfaction with the political environment. Some 100 ethnic Vietnamese are massacred by the Khmer Rouge in several attacks on villages.

### April

The UN Security Council strongly condemns Khmer Rouge attacks resulting in five UNTAC deaths. Akashi denounces the SoC for obstructing implementation of the electoral law. The six-week electoral campaign begins. Widespread political violence by the SoC continues.

### May

Voting takes place peacefully. Turnout is extremely high and the UN declares the elections free and fair. FUNCINPEC and the Buddhist Liberal Democratic Party (BLDP), the political movement of the KPLNF, agree to accept the results unconditionally, but the SoC reserves its final position.

### June

Final election results are released. FUNCINPEC wins 45.2% of the vote, the SoC's Cambodia People's Party (CPP) – 38.7% and the BLDP 3.7%. Hun Sen rejects the results, threatening secession of several eastern provinces as well as violence. UNTAC and the international community stand by as Sihanouk convinces FUNC-

INPEC, the CPP and the BLDP to share power. A provisional government is formed while the new Constitution is drafted.

### September

Sihanouk is reinstated as King and promulgates the new Constitution. Cambodia becomes a constitutional monarchy with the King as head of state. Prince Ranariddh and Hun Sen are appointed 'first' and 'second' Prime Ministers respectively of the Royal Government.

### October-December

The new government launches a major offensive against the Khmer Rouge. By the end of the year UNTAC completes its withdrawal from Cambodia. FUNCINPEC ministers complain of CPP dominance in the government.

## The peace unravels (1994-97)

### 1994

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#### January-March

FUNCINPEC Finance Minister, Sam Rainsy, initiates anti-corruption reforms without support from the Prime Ministers. Khmer Rouge strongholds of Anlong Veng and Pailin are gained by the government but are soon lost again.

#### April-June

The Khmer Rouge almost captures Battambang city. Sihanouk's attempts at peace talks with the Khmer Rouge fail when it refuses a ceasefire. Tensions rise within FUNCINPEC as Rainsy and Foreign Minister Prince Sirivudh publicly voice differences with Ranariddh.

#### July

A coup attempt is alleged and the CPP plotters including Prince Chakraong, Ranariddh's half-brother, are exiled. Hun Sen criticises as 'unconstitutional' Sihanouk's proposal to resume power if asked to do so by the government.

#### September-October

Rumours abound that Hun Sen is to be replaced by his deputy Sar Kheng. A crack-

down on government critics leaves one newspaper editor dead. Rainsy is removed as Finance Minister and Prince Sirivudh resigns as Foreign Minister out of solidarity. The CPP further asserts its dominance within the coalition. Renewed fighting with the Khmer Rouge leaves some 90,000 people internally displaced.

### 1995

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#### January-February

Seven thousand Khmer Rouge soldiers defect to the government. FUNCINPEC officials openly complain about the CPP stranglehold over the sub-provincial administration.

#### March-April

Hun Sen and Ranariddh call on the UN to 'phase out' its human rights office in Cambodia. In Paris, Hun Sen warns international donors not to place political conditions on aid. Amnesty International publishes a stinging criticism of human rights violations in Cambodia.

#### May-June

Rainsy is expelled from FUNCINPEC and soon after loses his seat in the National Assembly without a formal vote being taken. The BLDP splits into two separate parties after tensions between party leader Son Sann and his deputy Ieng Mouly come to a head.

#### October

The CPP and FUNCINPEC agree a fairer distribution of power at district level. Ranariddh openly criticises CPP dominance of the judiciary.

#### November-December

Sam Rainsy forms the Khmer Nation Party (KNP), to the government's great displeasure. Prince Sirivudh is arrested on a trumped-up charge of plotting to assassinate Hun Sen and stripped of parliamentary immunity. Sihanouk negotiates exile for him in France.

### 1996

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#### February

The Cambodian army advances on Khmer Rouge-controlled Pailin again. The Khmer Nation

Party splits into two after internal disputes.

### **March-April**

At a FUNCINPEC party congress, Ranariddh lashes out at the CPP's continuing monopoly of power, signalling a deep split in the governing coalition. Logging deals signed by the government with foreign companies are widely criticised. Hun Sen strongly warns Ranariddh not to withdraw from the coalition.

### **May**

Politically-motivated violence rises sharply. The IMF is unhappy that logging revenues are not reaching the Ministry of Finance and freezes its financial support.

### **August**

As the Prime Ministers continue to bicker, rumours circulate that some FUNCINPEC members plan to defect to the CPP. Ranariddh urges unity in the party. Ieng Sary, the former number two in the Khmer Rouge, defects with thousands of his troops to the government side, though reaches an agreement allowing him to maintain effective control over his stronghold in Pailin.

### **September-October**

Following a request from Hun Sen and Ranariddh, Ieng Sary is granted a controversial amnesty by the King which leaves open the possibility of future prosecution for crimes against humanity.

### **November**

ASEAN announces Cambodia will be granted full membership in July 1997. Political tensions spark a military stand-off in Battambang between forces loyal to the two Prime Ministers.

## **1997**

### **January-February**

The National United Front (NUF) is established by FUNCINPEC, Sam Rainsy's KNP, Son Sann's BLDP and the Khmer Neutral Party. The CPP denounces its coalition partner's alliance with 'opposition' parties. Fighting breaks out in Battambang between rival factions of the national army loyal to the

two Prime Ministers. Frustrated with the political problems, the King threatens to abdicate.

### **March-April**

Hun Sen suggests royals should be banned from politics. Hun Sen and Ranariddh try to make up in public, pledging to cooperate. Grenades are thrown at a public demonstration led by Sam Rainsy in front of the National Assembly, killing 16 people. Hun Sen denies orchestrating the attack. Two senior FUNCINPEC officials announce a split with Ranariddh, and form a second FUNCINPEC party.

### **May-June**

Hun Sen accuses Ranariddh of warmongering after an arms cache is discovered. Ranariddh representatives negotiate with Khieu Samphan in a bid to win his defection and divide the Khmer Rouge. Ranariddh is denounced by Hun Sen and tensions between the two mount. Elite bodyguards of the two Prime Ministers clash violently in Phnom Penh. As splits widen within the Khmer Rouge, Son Sen, another key leader, is killed by Pol Pot.

### **July**

Ranariddh flees to Bangkok as heavy fighting breaks out in Phnom Penh. Hun Sen says his military action against Ranariddh was to prevent a coup. Several hundred casualties are reported as forces loyal to the Prince are routed. Party members flee the country or go into hiding and some 40 military advisers to Ranariddh are executed. The international community denounces the coup mutedly and a few countries suspend aid. ASEAN postpones Cambodia's membership and sees its offer to mediate in the crisis rebuffed by Hun Sen. In western Cambodia, Pol Pot is denounced by his associates at a 'people's tribunal' and placed under house arrest. Ta Mok assumes control of the Khmer Rouge.

## **Managing the crisis (1997-98)**

### **August-September**

Ranariddh is stripped of parliamentary immunity. Hun Sen appoints Ung Huot, the FUNCINPEC Foreign Minister as 'first' Prime Minister claiming the coalition government is

still intact. Cambodia's UN seat is left vacant. A thousand-strong peace march is led through Phnom Penh by monks to calm the people. Forces loyal to Ranariddh regroup around O'Smach on the Thai border where fighting has forced some 50,000 civilians across the border.

#### **October-December**

Self-exiled FUNCINPEC parliamentarians begin to return home. Hun Sen claims that Ranariddh can return, but must stand trial for 'colluding with the Khmer Rouge' and 'illegally importing arms'. Sihanouk leaves for China when his mediation efforts are rebuffed. Sam Rainsy meets with Hun Sen in a bid to broker Ranariddh's return. The Law on Political Parties is adopted on 28 October and the National Assembly sets 26 July as the date for the 1998 elections. The Law on the Election of National Assembly Members is not passed until 19 December.

#### **January-March**

The international community backs a Japanese peace proposal linking Ranariddh's return with the holding of elections. The EU and Japan announce funding for the elections. Efforts to arrange a ceasefire between troops loyal to the two Prime Ministers fail. In line with the peace plan, Ranariddh is found guilty in two show trials before a military tribunal, is pardoned by his father, and returns to Phnom Penh. The Law on the Organisation and Functioning of the Constitutional Council is approved on 19 March.

#### **April**

The opposition parties, now in disarray, prepare for elections. The US announces US \$7 million in electoral assistance to be provided through local NGOs for voter education campaigns. The UN human rights office denounces some 100 politically-motivated killings since the July coup. Pol Pot dies in captivity from natural causes.

#### **May**

Foreign governments, NGOs, and the opposition parties express real concern that the elections will not be 'free and fair' given Hun Sen's complete dominance of the state and the electoral machinery. As thousands more Khmer Rouge defect, the movement is on the verge of

collapse. The long-awaited Supreme Council of Magistracy is established on 21 May.

#### **June**

The election campaign begins, marked by the political intimidation of opposition parties and openly anti-Vietnamese remarks by some politicians. Hun Sen keeps a low profile, portraying himself as the 'guardian of democracy'. Some of the opposition parties threaten to boycott the elections unless a more neutral environment is created.

#### **July**

The voting goes smoothly on 26 and 27 July, though the opposition parties quickly allege electoral fraud. International observers, led by the UN and the EU, tentatively declare the polls 'free and fair' some days following the vote. A range of independent observer groups disagree with this initial positive assessment.

#### **August**

Official electoral results give the CPP 41.4% of the vote, FUNCINPEC 31.7% and the KNP 14.3%. A controversial formula used to allocate seats gives Hun Sen a parliamentary majority. The Constitutional Council throws out most official complaints of fraud without addressing them. International pressure is placed on the opposition leaders to form a coalition government with Hun Sen. They resist.

#### **September**

Popular demonstrations at Phnom Penh's 'Democracy Square' calling for fraud allegations to be addressed are violently repressed. The King attempts and fails to broker a solution to the crisis. The new National Assembly is convened the same day as an alleged assassination attempt on Hun Sen. Prince Ranariddh, Sam Rainsy and other opposition politicians leave Cambodia fearing for their safety.

#### **October**

With many of the opposition deputies, and both Prince Ranariddh and Sam Rainsy still outside the country, Hun Sen is unable to achieve a quorum to convene the new National Assembly. Meanwhile, negotiations over the formation of a new government remain deadlocked ■

Compiled by Carl Bergquist

# Profiles

## *Contemporary Actors in the Peace Process*

### Political Parties

#### **Cambodian People's Party (CPP)**

The CPP, the ruling party of the former socialist State of Cambodia (SoC) regime which had governed Cambodia since 1979 (originally under the name of the People's Republic of Kampuchea) remains the dominant political force in Cambodia today. The CPP's authority is entrenched in the state administration at both national and local levels and in the national security forces, enabling it to effectively resist UNTAC efforts to neutralise its political influence in the state administration as called for by the Paris agreements. Although coming second to FUNCINPEC in the 1993 elections, it forced its way into a dominant position in a power-sharing arrangement with the royalist party. The 1997 overthrow of Prince Ranariddh opened the way for the CPP to maintain its political dominance after the

*Hun Sen, CPP Prime Minister*



Source: David van der veen

1998 elections which it organised. It gained a relative majority of 40% of the votes, though under the shadow of widespread allegations of fraud and political intimidation.

The party's coherence stems from a tightly woven network of personal relations between its leaders, based on strong kinship and business links developed over many years in power. The two key figures in the CPP, Prime Minister Hun Sen and Party Leader Chea Sim, are both former Khmer Rouge officials who defected to Vietnam in 1978. In 1979, they returned with the invading Vietnamese force which drove the Khmer Rouge from power. The Vietnamese installed the PRK government in power and provided strong military and political backing for it throughout the 1980s.

A liberalising tendency in the CPP, led by younger faces from abroad and people such as former Deputy Prime Minister Sar Kheng, has recently come up against more hardline elements. Among the latter is Hun Sen, who retains effective control, often by use of force, over the Cambodian state. In the face of growing challenges to its grip on power, the CPP has thus far been much more successful at maintaining party unity than any of its opposition counterparts.

#### **FUNCINPEC**

The National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia (FUNCINPEC) began as an armed movement in 1981 formed by King Sihanouk. FUNCINPEC was one of the two non-communist members of the tripartite resistance which, alongside the

Source: Dylan Hendrickson



*Prince Norodom Ranariddh, head of FUNCINPEC*

Khmer Rouge, fought the Vietnamese-backed PRK/SoC regime during the 1980s. In 1989 Prince Norodom Ranariddh, one of Sihanouk's sons and a university professor in France, took over the leadership of the faction. Following its transformation into a political party in 1992, the party won a surprising victory in the 1993 elections, though was almost immediately forced to concede the most power to the CPP.

With a leadership formed predominantly of educated elites, who had spent much of the 1980s in exile and hence lacked practical political experience, FUNCINPEC failed to assert its influence over the CPP-dominated government. Political pragmatism on the part of Prince Ranariddh led to a division of his loyalties between his party's interests and those of the coalition government. FUNCINPEC's unity was undermined and critics of Ranariddh's policy, such as Finance Minister Sam Rainsy, sought alternative outlets for their political aspirations. Prince Ranariddh's failure to build a strong and competent team of advisers, greatly undermined FUNCINPEC's legitimacy both in Cambodia and abroad.

Following Ranariddh's overthrow by Hun Sen, the FUNCINPEC party apparatus was left in disarray. Prince Ranariddh was nonetheless able to participate in the 1998 elections following international pressure on Hun Sen to allow his return from exile. The contested elec-

tion results gave FUNCINPEC some 30% of the vote, while only one of the seven FUNCINPEC splinter parties won a sizeable share. Prince Ranariddh's royal status ensures that he will continue to command a great deal of popular support in Cambodia, though whether FUNCINPEC will be able to translate this into political power in the near future seems unlikely given the CPP's current dominance.

### **Sam Rainsy Party (SRP)**

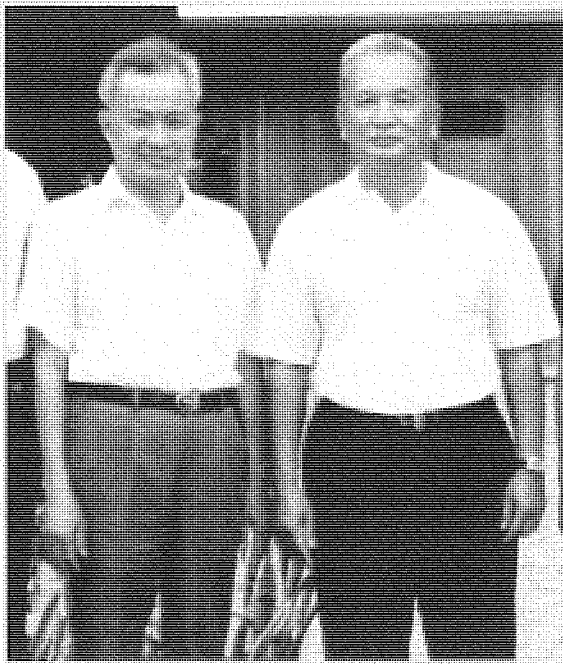
The SRP was formed in 1995, originally under the name of the Khmer Nation Party (KNP), by ex-FUNCINPEC Finance Minister Sam Rainsy. Rainsy's willingness to challenge government corruption during his brief stint in government from 1993-95 earned him the wrath of both Hun Sen and Prince Ranariddh and led to his expulsion from both the government and the National Assembly. The government strongly opposed the establishment of the KNP and after it split in 1996 the Sam Rainsy wing adopted his name. Sam Rainsy espouses a populist form of politics and has been particularly effective in cultivating international support and adopting the language of democracy. The party's success in capturing some 14% of the votes in the July 1998 elections shows that it has the potential to be a significant force on the Cambodian political scene, whether inside a future coalition government or in opposition.

*Sam Rainsy*



Source: Al Rockoff

Source: Reuters



*Khien Samphan and Nuon Chea (1986)*

### **Khmer Rouge**

The Khmer Rouge emerged from the Cambodian communist party, formed in 1951 with the backing of the Vietnamese. During their period in power from 1975-79, the regime known as 'Democratic Kampuchea', the Khmer Rouge presided over the deaths of some 1,000,000 Cambodians (see article page 12). Adhering to a radical Maoist version of communism, the Khmer Rouge sought to transform Cambodia virtually overnight into a classless, rural-based society. Throughout its history, the movement's power has stemmed from its ability to harness the support of foreign patrons, in particular the Chinese, and to exploit the threat of an expansionist Vietnam which drove it from power in 1979.

The Khmer Rouge not only controlled the most powerful military of the three factions resisting Vietnamese occupation of Cambodia during the 1980s, but also benefited from Western support. Though included in the 1991 political settlement, the Khmer Rouge withdrew a year later spelling the beginning of its final demise. Most of the movement's forces were too young to have experienced their period in power and this generational gulf contributed to the movement's diminished ideology and unity. Starting

in 1994, the defection to the government of thousands of its troops, together with key leaders such as Ieng Sary and many secondary commanders, all but spelt the end of the movement (see article p 20).

With the death of Pol Pot in May 1998, the key surviving leaders, Ta Mok, Khieu Samphan and Nuon Chea, are the likely subjects of a possible Cambodian war crimes tribunal under either the auspices of the international community or the Cambodian government. This masks the fact that many former Khmer Rouge are now integrated into the government and national armed forces. While various armed groups continue to operate in the jungle under the name of the Khmer Rouge, the political movement as it was known in the 1970s and 1980s has for all practical purposes ceased to exist.

### **Buddhist Liberal Party (BLP)/Son Sann Party**

The BLP and the Son Sann Party emerged from a split within the BLDP (Buddhist Liberal Democrat Party) which had a role in the post-1993 coalition government. The BLDP emerged from the Khmer People's National Liberation Front (KPLNF) which was formed in 1980 by Son Sann, a former Prime Minister during the 1960s. It was one of the three resistance factions allied against the government in Phnom Penh during the 1980s. Largely seen as a republican movement, as distinct from its more royalist and communist counterparts, it was prone to divisions which continued after 1993. After the 1995 split in the BLDP, the faction led by deputy Ieng Mouly remained aligned to the CPP, while the Son Sann Party allied itself with the opposition. Neither party gained seats in the 1998 elections.

## **The Monarchy**

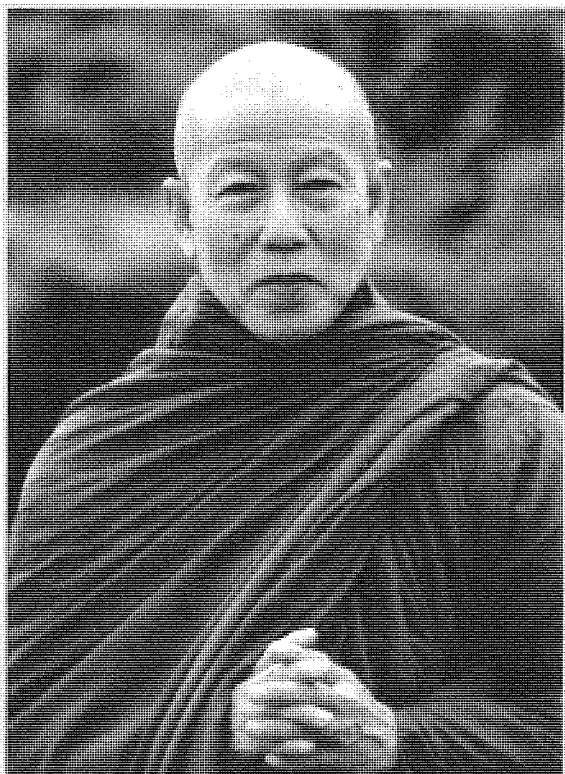
### **King Sihanouk**

King Norodom Sihanouk is Cambodia's constitutional monarch and as such, the formal head of state. He was brought to the throne in 1941 by the French colonial authority and is considered the 'father' of Cambodia, having led it to independence in 1953. Since then he has been



Source: David van der Veen

*King Norodom Sihanouk*



*Maha Ghosananda*

the most dominant and enduring figure in Cambodian political life.

Sihanouk's dominance has stemmed as much from his own personal authority and influence as from any constitutional powers. Relying on an often autocratic style of rule during the 1950s and 1960s, Sihanouk was adept at steering a line between right- and left-wing challenges to his authority, and between the interests of North Vietnam and those of the US as the Vietnam War intensified. Sihanouk's dominance of Cambodian political life until his 1970 overthrow by his own government, helps to explain the ambiguous position he occupies today.

Reinstated as head of state in 1993 Sihanouk still enjoys huge popular support. Though he played a decisive role in bringing about the 1991 Paris agreements, his desire to resume a dominant position in Cambodian political life by leading a government of 'national reconciliation' has been actively resisted by anti-monarchists and pro-monarchists alike, including his son Prince Ranariddh, who feel the time has come for him to step down from active politics. Sihanouk suffers from a number of serious medical complaints for which he receives regular health care in China, his long-time supporter and host during much of his exile. With the selection of his successor ultimately in the hands of the politically-controlled Council of the Throne, the future role of the monarchy is distinctly uncertain (see article p. 40).

## **Civic Peace and Democracy Groups**

### **Buddhist associations**

Given the slow recovery of Buddhist institutions from the massive destruction suffered under the Khmer Rouge and during the long war, Buddhist associations have hitherto played a minor role in Cambodian political life (see article p. 71). Nevertheless, a growing number of politically-minded associations have recently emerged, including the Coalition for Peace and Reconciliation and the Dhammayietra Centre for Peace and Non-Violence led by the Venerable Maha Ghosananda. Their growing influence is felt



most strongly at a grass-roots level through the wide range of peace and democracy activities they carry out. The peace marches led by Maha Ghosananda have been particularly important over the past seven years in focusing public attention on Cambodia's conflict. Through the Forum for Peace Through Love and Compassion, a wide range of local and international NGOs have been brought together to promote non-violence and peaceful responses to conflict.

### Human rights NGOs

Internationally-inspired non-governmental organisations working specifically in the human rights and democracy arena have come to play an important, though still comparatively minor role in disciplining the government since 1991. Key human rights groups in Cambodia include the Association for Human Rights in Cambodia (ADHOC), the Cambodian League for the Promotion and Defense of Human Rights (LICAHDO), the Khmer Institute of Democracy (KID) and the Cambodian Institute for Human Rights (CIHR). Many of these groups have assisted the UN in monitoring and investigating human rights abuses, particularly following the July 1997 coup. The Human Rights Action Committee is a 15-member federation of NGOs active in monitoring human rights abuses. Some 75 Cambodian NGOs are members of Ponleu Khmer, a grouping formed in 1993 to monitor and contribute to debate surrounding the Constitution and efforts to promote the rule of law in Cambodia.

### Security Forces

#### Royal Cambodian Armed Forces (RCAF)

The RCAF was formed in 1993 to unite the armed forces of the former Cambodian government with the military forces of FUNCINPEC and the KPNLF. However, due to the failed UNTAC demobilisation, the force remains disproportionately laden with officers. With some 150,000 soldiers on the payroll, including some 25,000 Khmer Rouge soldiers who have defected since 1994, the army is much too large for Cambodia's current needs (see article p. 57).

Political control of the army was a sensitive issue between 1993-97. While overall command remained in CPP hands, in practice, armed units retained their former allegiance to one or other of the two prime ministers. Following the July 1997 coup, 40 military advisers to Prince Ranariddh were executed by forces loyal to Hun Sen and many other Ranariddh loyalists regrouped at O' Smach, along the Thai border, under the command of General Nhek Bun Chhay. While the 1998 Japanese peace plan made provision for their re-integration into the RCAF, this has yet to come about.

Along with a large and heavily-armed, village-based militia system and various 'special' police forces under the direct control of the CPP, the RCAF poses a significant threat to security in the country if political tensions are not quelled and if significant reform of the security forces is not undertaken.



*Khmer Rouge defectors try new government uniforms for size, Pailin, November 1996*

Source: Al Packhoff

## Foreign Governments

### Australia

From 1984, in keeping with its broader economic and strategic interests in the Asia-Pacific region, the Australian government became actively involved in attempts to broker a solution to the Cambodian conflict. It was the country's then Foreign Minister, Gareth Evans, who proposed a framework peace plan involving a significant UN role which became the template for the 1991 Paris agreements. In addition to contributing troops to UNTAC, Australia has provided extensive development assistance since 1993. Australia has tended to take a pragmatic stance toward recent political problems in Cambodia, favouring constructive engagement over strong actions to express its disapproval. After the July 1997 coup, Australia suspended its A\$2 million bilateral Defence Cooperation Program, but not its A\$32 million aid budget.

### China

China has consistently sought to play a major role in Cambodia, perceiving its influence and status in Southeast Asia to be at stake. Once a battleground where China sought to confront its Vietnamese and Soviet rivals, Cambodia is now seen as a means to counteract ASEAN dominance in the region. The key supporter of the Khmer Rouge after its rise to power in 1975 and its overthrow in 1979, China's cooperation was essential in achieving the 1991 settlement. China provided a home in exile to Sihanouk during the 1970s and 1980s and consistently backed his peacemaking efforts. Since 1991, as Chinese influence over the Khmer Rouge has waned and relations with Vietnam have improved, relations have also warmed with the CPP. The Chinese capitalised on the international isolation of Hun Sen after July 1997, carefully nurturing ties with him by providing military and other forms of aid.

### France

Cambodia's former colonial power, France has actively sought to regain its former influence in Cambodia since the 1991 political settlement. France hosted several sessions of the Paris

Conference on Cambodia and also played a key role in the implementation of the Paris agreements through UNTAC. The first European country to reopen an embassy in Cambodia following the agreements, France has consistently supported the CPP since 1991, not wavering in the aftermath of the 1997 coup. Extensive French aid has been provided to Cambodia in recent years both to promote French culture and language and other aspects of the reconstruction process. One of only three EU countries with official representation in Cambodia, France has had a strong influence on EU policy towards the country.

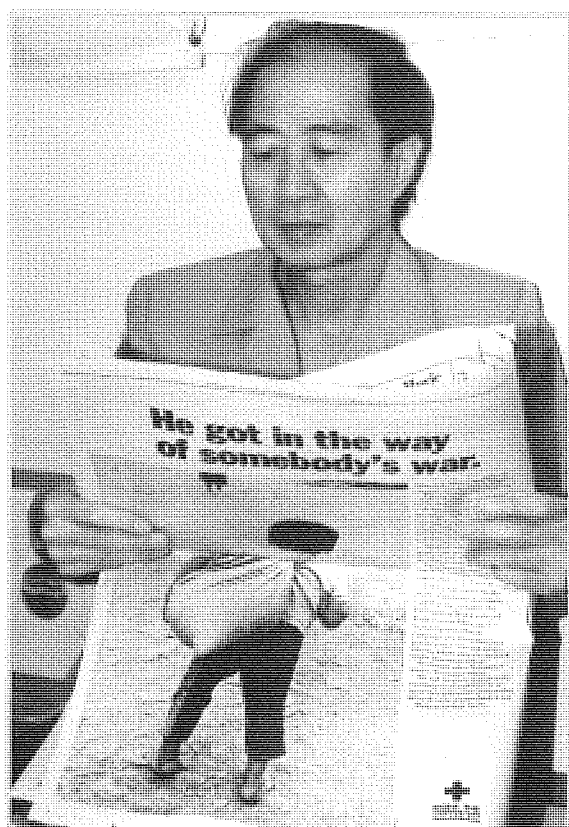
### Indonesia

Indonesia's role in the peace process was particularly significant preceding the 1991 settlement, hosting two key meetings between the Cambodian factions in 1988-89. Its long-serving Foreign Minister, Ali Alatas, was co-President of the Paris Conferences on Cambodia and Indonesian soldiers also formed the largest national contingent within UNTAC. Following the 1997 coup, Ali Alatas was again one of the 'troika' of ASEAN foreign ministers mandated to seek a negotiated solution between Hun Sen and Prince Ranariddh. Indonesia's minimal role in the reconstruction process, and its severe political and economic problems at home, mean it will continue to endorse the pragmatic ASEAN stance.

### Japan

Other than a brief occupation of Cambodia during World War II, the Japanese were not significantly involved in Cambodia again until the late 1980s when they also sought to broker a solution to the conflict. Their initial efforts showed few concrete results, but Japan came to play a major role in the implementation of the Paris agreements by UNTAC. Japanese troops were posted overseas for the first time since the Second World War, and the country played a significant role in financing and staffing the peacekeeping mission. Japanese diplomat, Yasushi Akashi, was appointed to head the mission. Since 1993, the Japanese government has been Cambodia's largest bilateral aid donor and has actively sought to enhance its profile in Cambodia. Japan's role has been marked by its

Source: Serge Corrieras



*Yasushi Akashi, head of UNTAC (1992-93)*

close ties to the Hun Sen government which, together with the US \$10.5 million it provided in electoral assistance, helped it to promote its 'four pillars' peace plan to manage the July 1997 crisis. Within days of the 1998 elections, Japan was quick to recognise Hun Sen's 'victory' and has done little to disguise its preference to continue working closely with the CPP.

### **Malaysia**

Malaysia's most significant contribution to the peace process, following its contribution of troops to UNTAC, has been the substantial involvement of its commercial sector in Cambodia's reconstruction. The involvement of Malaysian companies in a series of high profile 'tourist development' initiatives and large-scale logging deals have been controversial. It exerts little official political leverage over Cambodia, carefully endorsing the ASEAN position. Close personal ties between key Malaysian business and political leaders and Cambodian politicians mean that the country will continue to play a significant role in Cambodia.

### **Russian Federation**

The Soviet Union provided extensive political and military support throughout the 1980s for its Southeast Asian clients Vietnam and the People's Republic of Kampuchea government. With its economic decline starting in the mid-1980s, aid to the PRK was quickly reduced and then cut. The withdrawal of Vietnamese forces from Cambodia, which opened the way for the 1991 settlement, was a key consequence of this. Russia remains a minor player in contemporary Cambodian affairs.

### **Singapore**

The Singaporean government, fiercely anti-communist and anti-Vietnamese during the 1980s, was the main conduit for Western arms to the non-communist resistance factions, FUNCINPEC and the KPNLF, during the 1980s. Through ASEAN, Singapore also consistently supported efforts to achieve the 1991 political settlement and contributed a small number of peacekeepers to UNTAC. Since 1993, Singapore's involvement in Cambodia has been limited to endorsing the ASEAN position as well providing small amounts of private foreign investment.

### **Thailand**

Thailand shares a long border with Cambodia and a turbulent history characterised by sentiments of both animosity and generosity toward its neighbour. Wary of Vietnamese aggression following the country's 1979 occupation of Cambodia, Thailand gave sanctuary to the tripartite Khmer resistance as well as 350,000 refugees. Thailand served as a conduit for Western and Chinese military assistance to the factions, and its own military also supported all three factions. Anxious to relieve itself of the refugee burden and the security problem on its borders, Thailand also actively supported the peace process, hosting a number of key conferences in Pattaya in the run-up to the final settlement.

While official support for the peace process has always been forthcoming from the Thai government, the close ties existing between Thai commercial and military elements and the

Khmer Rouge have made it difficult to isolate the rebel movement. Despite Thailand's open condemnation of the July 1997 coup, it no longer perceives Vietnam as an imminent security threat. The active involvement of its business sector in Cambodia has meant that it is increasingly willing to support a pragmatic stance in dealing with continuing problems in Cambodia.

#### **United Kingdom**

The UK was a key supporter of the tripartite resistance during the 1980s and, as a permanent member of the Security Council, was also active in achieving the 1991 political settlement. It contributed a small number of troops to UNTAC's military component and has played an active role in the reconstruction programme by providing £5-6 million in bilateral assistance for a range of programmes including education, governance and mine-clearing. The UK has always adopted the EU line in response to recent events in Cambodia and its pragmatic response to the July crisis, which favoured early elections as a way out of the impasse, is indicative of this.

#### **United States**

US policy towards Cambodia has always been subsumed within its wider geo-political agendas and has changed dramatically over time. The US bombed Cambodia extensively between 1969-73 in an attempt to destroy North Vietnamese supply routes running through the country as well as to forestall the victory of the Khmer communists. It provided active support for the Lon Nol regime which overthrew Sihanouk, who the US perceived as insufficiently supportive of US interests. The US also took the lead in isolating the PRK internationally in the 1980s to punish Vietnam for its invasion of the country and was also the key backer of the resistance factions. This involved an active role for the Central Intelligence Agency (CIA) working under a humanitarian guise through refugee camps along the Thai border.

The US, keen to end an increasingly costly and strategically inconsequential involvement in Cambodia, also played a decisive role in bringing about the 1991 settlement. Though the Americans backed the non-communist factions in the 1993 elections, their disillusionment with FUNCINPEC's inability to govern effectively has led to a more pragmatic position of late. Differences between the State Department and Congress have led the US to adopt a critical stance regarding recent events, though in practice, the US is focusing its attention on longer-term support for democracy and civil society. The US provided some US\$7 million in assistance to local NGOs preceding the 1998 elections and was one of the few international voices urging caution in declaring the elections 'free and fair'.

#### **Vietnam**

Long perceived by Cambodians as their country's primary 'antagonist', Vietnam's involvement in Cambodia has been fundamental in shaping its current political landscape. The initial backing provided by the Vietnamese communists to their Khmer counterparts starting in the 1950s quickly waned after the Khmer Rouge took power in 1975. When Vietnam invaded Cambodia in 1979 to overthrow the Khmer Rouge regime, it gave the resistance factions, in particular the Khmer Rouge, the key to unlocking anti-Vietnamese sentiments within the Cambodia population which would underpin their popular support. The withdrawal of Vietnamese military forces from Cambodia in 1989 opened the way to the 1991 political settlement, though anti-Vietnamese feelings still pervade the political and social scene.

Ethnic Vietnamese in Cambodia, many of whom have lived there for generations, continue to be the victims of discrimination and violence. Parties such as FUNCINPEC and the SRP have played the anti-Vietnamese card for political gain in response to the continuing close links between the Vietnamese government and its historic CPP allies. As a member of ASEAN today, Vietnam will continue to ensure that the regional forum desists from any harsh criticism directed at Hun Sen's government.

## Inter-Governmental Organisations

### ASEAN

A regional grouping, formed in 1967, ASEAN has grown to include all ten Southeast Asian nations, with the exception of Cambodia which looks set to join when political stability returns to the country. ASEAN has consistently supported diplomatic efforts to resolve Cambodia's internal problems (see article p. 30), though it has lacked the leverage to act effectively on its own given its strict adherence to a policy of non-interference in the internal affairs of member states.

### European Union

While the EU provides significant development and humanitarian assistance to Cambodia, its local representative does not deal directly on a political level with Cambodia's government as do the diplomatic representatives of EU member states. Although the EU is notionally well-placed to provide consistent, critical and politically-sustained support for Cambodia's democratisation process, EU member states have relinquished little responsibility for foreign affairs to the EU. The EU has thus been forced to rely on 'toothless' statements or 'démarches', rather than close interaction with the government to convey its concerns regarding recent political events in Cambodia. This lack of political autonomy means that the EU is not well placed to link the provision of aid with political conditionalities, as became evident in the case of the assistance it provided for the 1998 elections. At the same time, some of the larger European countries such as the UK and France, which could possibly exert more political clout if they acted unilaterally, have been content to hide behind the cover of a common EU position to avoid criticism for their unwillingness to take a strong stand on Cambodia's problems.

### IMF/World Bank

The international financial institutions' focus on financial accountability, institutional reform and more general economic development has played a vital role in guiding Cambodian government policy as it seeks to rebuild. Both the

World Bank and IMF have been involved in efforts to regulate the exploitation of forests and the IMF, most notably, cut its assistance and withdrew its representative from Cambodia in 1996 following the government's failure to permit greater transparency over the use of funds from timber sales. World Bank support for the planned reform of the army, a crucial element of attempts to tackle Cambodia's security problems, has so far had little success – in part due to the upheaval caused by the July 1997 crisis. With the policies of both institutions impacting heavily on the political situation in Cambodia, there is much potential for them to work more closely with other actors in the international community in tackling tensions before they erupt violently again.

### United Nations

The UN has had a mixed role in Cambodia, depriving it of development assistance during the 1980s though, during the same period, making efforts to bring about dialogue between the rival Cambodian factions. While it was ultimately the influence of the super-powers which made the 1991 settlement possible, the UN was vested with the responsibility of overseeing implementation of the agreements. At US \$2 billion and with some 20,000 peacekeepers, the United Nations Transitional Authority in Cambodia (UNTAC) was the largest, most ambitious and most intrusive peacekeeping mission ever. Following UNTAC's withdrawal from Cambodia in late 1993, the UN's dwindling influence on the political process has been exerted through the UNDP, the UNHCHR and the Secretary General's Representative in Cambodia (SGRC).

### UNDP

Since 1992 some US\$600 million has come to Cambodia through the UN system for a wide range of reconstruction projects covering poverty alleviation, governance, infrastructure-related and public administration reform. Some ten UN development agencies are present in Cambodia today and their activities are coordinated by the Resident Coordinator of the UNDP.

Thus far, there has been little attempt to link the provision of technical development assistance to any form of conditionality to influence political events in the country (See article p. 78).

#### **UNHCHR**

The appointment of a UN rapporteur and the establishment of a permanent office to monitor human rights have been the international community's most direct channels for addressing the human rights problem in Cambodia since 1993. The primary role of the office of the UN High Commissioner for Human Rights (UNHCHR) was to carry out human rights education programmes and provide technical assistance to the government, though its mandate has been broadened more recently to monitor and investigate human rights abuses. This has been perceived as interference in the country's internal affairs by the Cambodian government and in 1996 it asked that the UNHCHR office in Phnom Penh be phased out, (although this did not happen). Despite regular visits by the current rapporteur, Thomas Hammarberg, and the meticulous evidence which he has accumulated incriminating government elements in many recent human rights abuses, no mechanisms are in place to translate his findings into a practical political response by the international community.

#### **UN SRSG**

The small office of the Special Representative of the Secretary General in Cambodia (SRSG) has been the only formal political link between New York and Phnom Penh since 1993. First headed by Benny Widyono, and since July 1997 by Lakhan Mehrota, it has largely focused on observing political events and reporting back to the Secretary General. While a 20-person Military Liaison Team was also left in Cambodia following UNTAC's departure in December 1993, this was reduced to three members by May 1994 and, shortly thereafter, to one. Despite clear evidence that tensions were mounting in Cambodia in early 1997, the Secretary General has largely adopted a hands-off approach to problems in Cambodia. In the absence of strong support from member countries for a more active political role, the UN role

was largely limited to coordinating international observers for the 1998 elections. The JIOG (Joint International Observation Group) moved quickly to declare the elections 'free and fair' despite widespread allegations of electoral fraud and political intimidation. This was in line with the UN's general desire to avoid increased political involvement in Cambodia.

#### **Commercial Interests**

With the breakdown of the state, criminal activities such as drug trafficking, money laundering, the timber trade and prostitution has increasingly come under the control of organised groups, often linked to the government or operating with complete impunity. Large-scale illegal logging in Cambodia, for instance, has been made possible by lucrative contracts signed between Cambodian political and military figures and a range of commercial companies in China, Japan, Laos, Malaysia, Taiwan, Thailand and Vietnam. While many foreign investors in Cambodia are actively supporting the reconstruction process in positive ways, the inability of the state to effectively monitor their activities or to levy the taxes which are due has been undermined. This means that the line between legal and illegal activities has become worryingly blurred and is increasingly overstepped by profit-seekers. ■



Source: Jean-Paul Jaslet

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**Laura Gibbons** is the incoming Series Editor of *Accord*. She joined Conciliation Resources from the Overseas Development Institute where she was for three years editor of the Relief and Rehabilitation Network. Prior to that she held a number of posts in EU and UK public policy organisations after obtaining a Masters Degree in political administration from the College of Europe in Bruges.

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**Lao Mong Hay** is Executive Director of the Khmer Institute of Democracy in Phnom Penh.

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### Khmer Institute of Democracy

This issue of Accord was produced in collaboration with The Khmer Institute of Democracy (KID) in Phnom Penh which will also oversee production of a Khmer-language version. The KID, which is headed by Dr. Lao Mong Hay, was founded in October 1992 and provides training and education on democracy and human rights issues. Among other activities, the KID conducts seminars in many of Cambodia's provinces for groups including military officers, teachers, police officers and civil servants. The KID has also been involved in producing televised programmes on issues relating to the strengthening of civil society and also supports relevant research by Cambodian students.

# The Accord Series

*Accord: An International Review of Peace Initiatives* is published by Conciliation Resources (CR). It provides detailed narrative and rigorous analysis on specific war and peace processes, combining readability with practical relevance. *Accord* readers work in governments, non-governmental and inter-governmental organisations in the fields of conflict resolution, human rights, relief and development. Its appeal should also extend to anyone with a general interest in its themes including academic researchers, armed opposition groups and journalists. The *Accord* series is financed by issue sales and contributions from DG1A of the European Commission and the UK Department for International Development.

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#### Issue 1 October 1996

This issue documents the six years of military 'peacekeeping' and negotiations which led to the Abuja Accord of August 1996. It focuses on regional interests, the weaknesses and strengths of the settlement and the ongoing challenge of rebuilding a shattered nation.

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Negotiations for social justice, political pluralism and the rule of law were at the heart of Guatemala's national peace process. This issue describes the successes of regional and civic actors in promoting democratic principles, while highlighting the formidable forces seeking to dilute their impact.

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Tamil and Sinhalese language editions forthcoming

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#### Cambodia's Constitutional Challenge

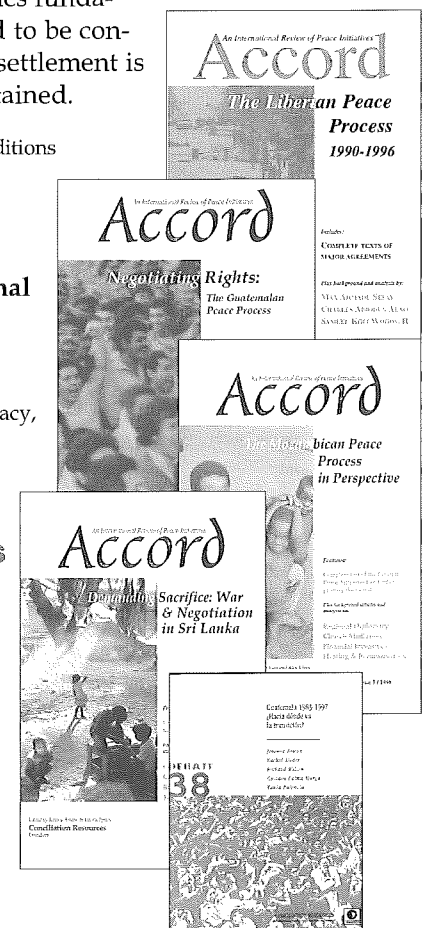
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# conciliation resources

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Conciliation Resources (CR) was established in 1994 to support the activities of those working to prevent or transform violent conflict into opportunities for social, political and economic change based on more just relationships. To achieve this objective CR draws on a pool of skilled staff and programme associates to:

- ◆ assist organisations in the development of indigenously-rooted, innovative solutions to short- and long-term social, economic and political problems related to armed conflict or communal strife;
- ◆ encourage, wherever possible, the inclusion of previously marginalised groups in community and national peacebuilding processes;
- ◆ promote organisational transparency and accountability, as well as inclusive decision-making;
- ◆ participate as fully as possible in the local and international development and dissemination of conflict resolution practice and theory.

## Programme areas

### Fiji

CR's programme partner in Fiji, the Citizen's Constitutional Forum (CCF), has played a lead role in promoting dialogue and discussion aimed at reforming Fiji's race-based constitution in ways broadly acceptable to all sectors of Fijian society. CCF/CR initiatives since 1994 have focused on community and national political education related to democratisation and conflict prevention.

### West Africa

CR has been active in West Africa since 1995. Activities have included providing support for community-based and

national organisations engaged in mediation, demobilisation, reconciliation, human rights, democratisation, youth issues and conflict reporting activities. CR has supported the activities of the Liberian Women Initiative, the Sulima Fishing Community Development Project, the Bo Peace and Reconciliation Movement, the Gambia Press Union, the Press Union of Liberia and the Sierra Leone Association of Journalists.

### Other areas

CR recently carried out an in-depth consultation with African media practitioners on conflict and professional issues. Programme development is also being undertaken with a number of local and international agencies working in the Caucasus region. Consultancies have been carried out for Amnesty International, the London School of Economics, Life and Peace Institute, the Netherlands Institute of International Relations, UNICEF, ActionAid, the Foundation on Inter-Ethnic Relations, the King Baudouin Foundation and others.

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