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The Cambodian Elections of 1998 and Beyond: Democracy in the Making?

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The Cambodian elections of July 1998 sparked controversy over the issue of "freeness", "fairness", and "credibility". For some, it marked a new beginning in Cambodian politics: the country successfully managed to organize elections without foreign intervention, as had happened in 1993. For others, the rule of law has not prevailed over the rule of thumb. The electoral game has worked to the ruling party's advantage. Although the elections took place, the future of liberal democracy in Cambodia remains precarious. Among the major obstacles to democratic maturation are ideological conflict between the major contending parties, anti-democratic cultural values, and asymmetrical power relations among the political factions. With the Cambodian People's Party dominating the state's power structure, the politics of accommodation is unlikely to prevail.

On 26 July 1998, Cambodia held a national election. It was the first election since the one overseen by the United Nations Transitional Authority in Cambodia (UNTAC), held in May 1993. More than 5.3 million Cambodians (or 97 per cent of potential voters) registered to cast their ballots. About 90 per cent of them went to the polls. Altogether, 39 political parties registered to contest the 122 seats in the National Assembly. The Cambodian People's Party (CPP) was the official winner with 64 seats, followed by two opposition parties (Funcinpec, with 43 seats; and the Sam Rainsy Party, with 15 seats). The two opposition parties refused to accept the results, accusing the CPP of winning through intimidation and fraud. They declined to form a

coalition government with CPP Prime Minister Hun Sen and led protests that resulted in government crackdowns. Were the elections free and fair? Is Cambodia now on its way towards liberal democracy? Observers and analysts have differed in their assessments of the elections. It is argued that, although the elections were freer and fairer than expected, they were not free and fair in absolute terms. Existing structural conditions continue to prevent liberal democracy from taking root in strife-torn Cambodia.

The Electoral Process and Results

Before the electoral process can be objectively explained, it is worth looking at some of the basic rules of the electoral game, the main political parties' ideological commitments and promises, and their actual political behaviour.

Basic Rules of the Electoral Game

The rules of the democratic game in Cambodia are spelt out clearly in both the Constitution and the Election Law.¹ According to the Constitution, Cambodia is a constitutional monarchy governed by the "principles of liberal democracy and pluralism" (Article 1). This is compatible with the Paris Agreement signed on 23 October 1991 by four Cambodian factions — the State of Cambodia (SOC), Funcinpec, the KPNLF (Khmer People's National Liberation Front), and Democratic Kampuchea (the Khmer Rouge). According to the Agreement, the signatories agreed that the "Constitution will state that Cambodia will follow a system of liberal democracy, on the basis of pluralism". The Constitution "will provide for periodic and genuine elections", "for the right to vote and to be elected by universal and equal suffrage," and "for voting by secret ballot". Moreover, the Constitution ensures that "electoral procedures provide a full and fair opportunity to organize and participate in the electoral process" (Annex 5, 4).

In terms of electoral rights, the Constitution states that Khmer citizens of at least eighteen years of age "shall enjoy the right to vote", and those of at least twenty-five years shall have the right to stand as candidates for the election" (Article 34). They also have the right "to establish associations and political parties" (Article 42).

The liberal Constitution does not specify what electoral system Cambodia should adopt, although UNTAC had embraced proportional representation. It was not until the law on the election of the National Assembly was promulgated on 19 December 1997 that this was made clear. It stipulated that Cambodia would have elections in accordance with the principles of multi-party, liberal democracy, with

proportional representation as the electoral system in provincial/municipal constituencies. Members of Parliament "shall be elected by a general, universal, free, fair, equal, and secret election by means of secret balloting" (Article 5). Seats for each constituency would be determined and allocated to each political party, only after all complaints have been resolved. The Law also stipulates that "[remaining] seats for each constituency shall be allocated with the greatest average formula" (Article 118).

The political principle of "freeness" and "fairness" regarding the electoral process is based on a number of fundamental rules, one of which is the role of the media during the election campaign period. Article 74 of the Law stipulates that all media (whether the state-run press, television, or radio) shall provide services to the National Election Committee "at no cost", for civic education and publicity of electoral work. Article 75 further stipulates that all registered political parties have the right to publicize their political messages, "based on equal and orderly access to media".

Another key aspect of the electoral process is that political parties, their candidates, and supporters must play the democratic game according to the rules. The Code of Conduct, found in Articles 73, 76, and 131, makes this clear. Article 73 stipulates that during the election campaign period and on polling day, political parties and candidates "shall comply with the rules, regulations, procedures and principles set out in [the election] Law and with the Code of Conduct of the National Election Committee". Moreover, they "shall refrain from using violence, abuse, or contemptuous remarks, causing fear, confusion and loss of confidence in the secrecy of the ballot" (Article 76). Anyone found violating Article 73 or 76, "regardless of any possible criminal penalty, shall be fined from five million ... to ten million ... riels and/or have his registration card confiscated for five years, or his name deleted from the list of voters" (Article 131).

Besides these basic democratic principles and electoral rules, the Election Law contains provisions for electoral administration and enforcement action to ensure free and fair elections. The National Election Committee (NEC) is "an independent and neutral body", whose members, at all levels, "shall be neutral and impartial in the implementation of their electoral duties" (Article 12). The NEC has the power to rule on a complaint, to hold a public hearing to decide on a complaint, and to reject it. If complaints are rejected, candidates or political parties can submit a written appeal to the Constitutional Council whose "decision shall be final" (Article 117). The Council (established in accordance with the Constitution) is entrusted with the power to safeguard and interpret the Constitution and the laws adopted by the National

Assembly. According to the Constitution, it enjoys "the right to examine and decide on contested cases involving the election of assembly members" (Article 117).

Political Parties' Promises

During the one-month election campaign period, the three major parties — the CPP, Funcinpec, and the Sam Rainsy Party — pledged to do their best to serve the interests of the country and the people. In terms of goals and objectives, they differed only slightly on the emphasis given to issues related to domestic and foreign policies.

The CPP promised to carry out a number of policy goals and objectives. It said it would promote national reconciliation to achieve peace. In the social realm, it pledged to eliminate social problems like corruption, theft, the sex trade, and drug trafficking. On the economic front, it pledged to adopt a free-market economy, to ensure economic stability, to attract foreign investment, and to seek foreign assistance with the aim of reconstructing the country and of raising the pay of civil servants and the armed forces. As far as human rights and democracy were concerned, the Party promised to strengthen, respect, and defend the Constitution, to respect human rights, and to ensure the rights of all people stipulated in the universal communiqué of the United Nations. It would also practise free, multi-party democracy and freedom of the press, strengthen the rule of law, and reform state administration and the national armed forces. Regarding foreign policy objectives, it pledged to defend the country's independence, state sovereignty, and territorial integrity, and to settle border disputes with Cambodia's neighbours through peaceful negotiations. It would also block the in-flow of immigrants and resolve that problem through law enforcement.²

The Funcinpec also offered its policy goals and objectives. On the social front, it pledged to do the following: upgrade living conditions by raising the living standards of civil servants, the police and soldiers; eliminate poverty; fight drug trafficking; and develop human resources by setting up vocational training for youth. Moreover, it promised to promote respect for international treaties regarding human rights, and the rights of women, children and ethnic groups. Funcinpec's economic policy was aimed at investigating the loss of state property and attracting foreign investment. In the political realm, the party pledged to reorganize the civil administration, and to make the police and military system neutral, clean, and effective. It made clear that it would respect the 1993 Constitution with the motto "Nation, Religion, King", and would fight dictatorship, militarism, and violence. Concerning foreign policy, the party pledged to defend the country's national

independence, sovereignty, and territorial integrity, and to strictly enforce migration and nationality laws.³

Several policy goals and objectives also appeared in the Sam Rainsy Party's platform. In social terms, the party pledged to get rid of corruption by way of increasing the salaries of civil servants and the armed forces to a suitable level, improve social justice through protecting the poor, the vulnerable and victims, and providing adequate land and shelter. Respect for human rights would be ensured. In terms of the economy, the party pledged to maintain economic liberalism by ensuring and protecting property and house ownership, by protecting and preserving natural resources (namely, forestry and fisheries), and by revising and correcting any public contracts not in conformity with the law or serving the public interest. Politically, the party's objectives included reform of the armed forces, the police and military police (by making them neutral institutions), instilling respect for fair and liberal democracy, and putting an end to war between Khmer and Khmer. Its foreign policy objectives contained the following: to claim and defend the country's territorial integrity through legal means, and to deal with illegal immigrants through non-violent means.⁴

In general, the three parties pledged to achieve similar objectives: all three emphasized the need to rebuild the country, to meet social needs, to promote political rights, and to defend the country's international rights (political independence, state sovereignty, and territorial integrity). In terms of domestic policy, the three platforms indicated that none of the three parties embraced communism: all committed themselves to economic and political liberalism. In the field of foreign affairs, they pledged to defend the country through peaceful means. Even the CPP made clear its intention to curb the in-flow of immigrants.

That said, each party placed more emphasis on some issues than on others. Funcinpec, for instance, stated that it would "*strictly* enforce immigration and nationality laws". In terms of its commitment to peace, the CPP pledged to prevent any return to a genocide regime, to retain the law that has proscribed the Khmer Rouge, and to integrate the remaining armed forces and people in areas under the Khmer Rouge's control. Funcinpec, however, omitted any reference to the Khmer Rouge, but stressed the need for the control of arms, social order and public security. The Sam Rainsy Party supported the idea of abolishing the law proscribing the Khmer Rouge for the sake of national reconciliation and proposed that the budget left from the war be converted to assist handicapped widows and orphans, to clear mines, and to develop the economy. In other words, the parties disagreed on how to achieve peace. The CPP promoted a policy that would ensure its domination.

The other two parties, however, appeared to want to weaken the CPP through reform of the armed and security forces under the CPP's control, and through inclusion of Khmer Rouge remnants.

The Election Results and Problems

On 5 August, the preliminary results of the elections indicated that the CPP was the clear winner, taking 64 seats, followed by Funcinpec with 43 seats, and the Sam Rainsy Party with 15 seats. Among the other losers were First Prime Minister Ung Hout's Reastr Niyum Party, the Son Sann Party, National Assembly First Vice President Loy Sim Chheang's Sangkum Thmei Party, Information Minister Ieng Mouley's Buddhist Liberal Party, and Siem Reap Governor Toan Chay's National Union Party. Ung Huot fared worse than other members of less known parties like the National Solidarity and the Save Cambodia Women parties. The Son Sann Party did not get a single seat.

CPP Prime Minister Hun Sen was quick to declare the possible formation of a coalition government with the two opposition parties. According to the Constitution, the winner needs a two-thirds majority in order to form a government. The CPP needed another 18 parliamentary seats (or 82 out of a total of 122 seats). While agreeing to a formula of a 60 per cent share of the Cabinet posts for the CPP and 40 per cent for the opposition parties, he vowed to keep control over the key ministries: finance, justice, foreign affairs, security, and defence.

Ranariddh and Sam Rainsy turned down the CPP's call for a coalition, making clear that they were in no hurry to share power with the man who had once pushed them out of power. The CPP threatened to end the stalemate by saying that the current National Assembly dominated by the CPP Members of Parliament could easily amend the Constitution to allow a party to form a government with only a simple majority. Stalemate continued as the opposition parties' call for Hun Sen's resignation fell on deaf ears. They were prepared to work with anyone else within the CPP if the party got rid of Hun Sen. Sam Rainsy admitted that he would not join a government led by the "Mafia". Their "non-negotiable" condition was not well received, as the CPP voted to confirm Hun Sen's nomination as prime minister-elect.

Frustrated by the NEC's and CC's unwillingness and inability to address their complaints, Funcinpec and the Sam Rainsy Party began to organize public protests to demand a resolution of their complaints regarding election irregularities. The protests began on 24 August. Encamped at the park in front of the National Assembly, a place dubbed as "Democracy Square", with all the pretence of imitating China's Tiananmen Square in 1989, or the Philippines' 1986 "people's power" revolution, protestors increased in number, to more than 10,000.

They listened to opposition leaders demanding that the election irregularities be investigated.

The protests took a violent turn after a grenade attack on Hun Sen's Phnom Penh residence on 7 September, following the CPP leader's call for the arrest of opposition leaders and a move to block them from going abroad. Hundreds of riot police, using force, moved in to smash the tents and drive the protestors out of the park. A man was killed. The following day, police continued to crush the "Democracy Square" protest, using electric cattle prods, gunfire, and a bulldozer. On 9 September, a monk was killed. The government moved quickly to ban protests and forbade monks from taking part in the protests. But opposition leaders defied the ban. Prince Ranariddh even warned that the protests could move from "peaceful struggle to violent struggle" when people stopped listening to him or Sam Rainsy, who condemned the killing of the monk and urged the government to stop using "barbaric" force to crush peaceful demonstrations. The next day, thousands of people took to the streets, swelling the ranks of a march led by about fifty monks. Some protestors were armed with bamboo or wooden sticks, stones and even firearms. The United Nations Center for Human Rights in Cambodia discovered at least eighteen bodies in irrigation ditches, ponds, and rivers around Phnom Penh.

A Free and Fair Democratic Game?

The 1998 elections divided observers and analysts into two major groups: the optimists and the pessimists. The optimists viewed the elections as free, fair and credible. The pessimists, however, expressed sympathy with the opposition parties and considered the elections a farce; to them the elections were not free and fair, and lacked credibility. Which of these perspectives offers the most balanced account of the elections? It can be argued that the elections were not free and fair, but largely acceptable.

The "Free and Fair" Perspective

Members of the international community who have been active in Cambodia include multilateral and bilateral donors, international organizations, and non-governmental organizations (NGOs). Although not all of them share an optimistic view of the elections, a majority of them have publicly declared the elections to be free, fair, and acceptable. Japan, France, the European Union, and ASEAN were among the proponents of this view. On 29 July, the European Union (EU) which had dispatched some 200 observers, urged all Cambodian parties to respect the election results. The EU President issued a statement that

the EU was satisfied with initial reports that the elections could be considered "credibly free, fair and representative".⁵

On 4 September, ASEAN also hailed the elections as "successful". Filipino Secretary of State Domingo Saizon even accused opposition leaders, who refused to form a coalition government with Hun Sen, of acting irresponsibly and immorally. Singapore Foreign Minister S. Jayakumar, Chairman of the ASEAN Standing Committee for 1998, also issued a statement, saying that the group was looking forward to admitting Cambodia as a member "in the near future". He stated that "ASEAN extends its felicitations to the Cambodian people for the successful nationwide elections for the Cambodian National Assembly held on 26 July 1998." The statement supported the Joint International Observation Group's (JIOG) findings, which declared that the elections were "free and fair to an extent that enables it to reflect, in a credible way, the will of the Cambodian people." Success was judged on the basis of the large voter participation: "The enthusiastic support of around 90 percent of the registered Cambodian voters ... is a clear manifestation of their desire to choose their leaders through popular elections",⁶ noted the JIOG.

Among individual observers who were proponents of this perspective was Tony Kevin (the Australian Ambassador to Cambodia from 1994 to 1997), who once allegedly considered Hun Sen a "democrat at heart". He called Sam Rainsy "a bad loser", who has "remarkable powers of persuasion to claim this election was fraudulent". Rainsy did his best to tarnish what Stephen Solarz (former U.S. Congressman) and James Lilley referred to as "a miracle on the Mekong". Kevin accused Rainsy of being a Cambodian leader lacking credibility and of "manipulating the truth". He concluded: "In rejecting on unconvincing grounds the mandate given by the Cambodian electorate, Rainsy has shown contempt for his people and for the international community that observed this election honestly and professionally."⁷

Those who considered the elections free and fair relied on their own observations and/or on the Joint International Observer Group's findings. One day after the elections, the JIOG pronounced the elections free and fair. Two days later, it stood its ground by asserting: "We find no reason to change [our July 27] conclusions after the debriefing of our observer." The basis upon which the decision was made related to the high turnout of voters and a relatively open polling day.⁸

The "Flawed Election" Perspective

Not all international observers and policy-makers agreed with the Joint International Observer Group's findings, or the elections' endorsement by the EU and ASEAN. Among those who considered the elections not

free, fair, or credible were American journalists and Cambodian election observers, and other foreign officials and politicians.

Certain American organizations had also reached a consensus that the elections were not free and fair. The National Democratic Institute and the International Republican Institute (which have worked in Cambodia since 1992, with the aim of strengthening and expanding democracy worldwide) released some statements which were more critical of the elections than those of the "free and fair" school. They sought to define "free" and "fair" elections by examining what took place not only on polling day but also before and after the elections. On 14 July 1998, they issued a statement which concluded that the process leading up to the elections was "fundamentally flawed", because of the continuation of political intimidation and violence and because of the government's failure to arrest violators of human rights. They felt that the circumstances were not favourable to the holding of free and fair elections, and that the CPP enjoyed exclusive control over the military, security forces, civil service, electronic media, and electoral administration. Systematic and widespread political intimidation and violence were viewed by them as unlawfully restricting campaign activities, affecting the opposition parties' ability to rebuild their party membership networks and to compete fairly in the elections.⁹

In another statement on 22 August 1998, the National Democratic Institute argued that its pre-election concerns were "well founded". In its view, the National Election Committee and the Constitutional Council lacked credibility. The eleven-member NEC was dominated by the CPP, as party seats had been given to those backed by the CPP, and the selection of the NGO representative was "seriously flawed". Consequently, the NEC dismissed more than 800 complaints submitted to it for investigations. The NEC's lack of transparency and failure to explain why it selected and adopted different formulas were to the advantage of the CPP. According to the statement, the Constitutional Council "has yet to hear any cases". The Council "has refused to accept complaints about intimidation of opposition party agents, alleged fraud, and the formula by which seats are allocated on the grounds that these complaints had either not been formally rejected by the NEC, or had not been filed before the deadline."¹⁰

Former UNTAC Force Commander, General John Sanderson and Deputy Chief Electoral Officer Michael Maley appeared in an Australian Foreign Affairs sub-committee hearing, in Canberra on 24 August 1998, and argued that the CPP had tainted UNTAC's legacy up to 1998. Strongman Hun Sen and his loyalists had dominated Cambodia. Both Sanderson and Maley urged Australia to recognize that the 1998 elections were "simply an element of the theatre by which

despots seek to justify their continuation in power". That the elections were not free and fair was "in no sense unavoidable or attributable to the difficulties of conducting elections in [a] developing country". The difficulties "flowed from conscious political acts by the ruling clique, reflecting a lack of genuine commitment to the process and to the rights of individual Cambodians." The CPP-dominated government, in their view, had "no genuine commitment to either liberal democracy or the rule of law".¹¹

Martin Collacott (former Canadian Ambassador to Cambodia, chief Canadian Observer, and Canadian Representative to the Joint International Observer Group during the elections) also considered the elections "flawed". He argued that the opposition parties' complaints and appeals were not satisfactorily addressed. There was a lack of transparency on the seat-allocation formula and suggested that the NEC make a special concession by reverting to the allocation formula, which would give the CPP only 59 rather than 64 seats. The NEC should also quickly review opposition parties' complaints regarding election irregularities. The analysis was based on the concern that the CPP did not fully play the game by the rules. Since the elections in 1993, "there has been for the most part more erosion than consolidation of democratic values". The Ambassador traced this trend to the political repression that began with the government's failure to respond to the National Assembly's request for details of major contracts signed with foreign countries. The CPP also continued to monopolize government control at the village and commune level and rejected in 1996 any suggestions for power-sharing at this level. The disturbing culture of impunity, sustained by a judicial system lacking independence, had targeted opposition leaders and encouraged attacks on opposition parties.¹²

Unlike the "free and fair" school, whose pragmatism was the guiding principle for assessing the elections, the more critical perspective focused its attention on the absolute principle of liberal democracy and the entire electoral process.

A Critical Reassessment

The CPP's domination in the political environment is unquestionable. Public opinion surveys and internal CPP documents have revealed that the party had not been considered the best choice by the Cambodian people. According to Nick Cumming-Bruce, internal CPP documents had predicted that the party might win only 20 per cent of the vote in Phnom Penh. Before the elections, an independent survey had indicated that the Sam Rainsy Party would win 32 per cent of the vote in the capital, Funcinpec would receive 19 per cent, and the CPP would get as low as 8.7 per cent of the vote. "Nationally, those figures even out

with Rainsy at 13.5%, Funcinpec at 12.4% and the CPP at 10.3%." Even the CPP had estimated that it would win only 51 of the 122 parliamentary seats, as opposed to 82 estimated in June.¹³

The CPP made sure that the opposition parties would not have adequate access to the media. After the coup in 1997, the CPP had moved to take over the opposition parties' news-broadcasting stations. The Funcinpec's radio station (FM90) was closed down after the coup, and its TV9 (with US\$1 million worth of equipment) was vandalized and had to operate under self-censorship. Prince Ranariddh's return from exile on 30 March received no attention from local news producers.

A United Nations' monitoring of local media coverage during the month of May revealed that the CPP enjoyed a clear upper hand in broadcasting news about its political activities. The monitoring evaluated newscasts by National Radio of Cambodia and TV stations like state-owned TVK, TV3 (owned by the Phnom Penh municipality), and TV5 (owned jointly by the Ministry of Defence and Thai interests) which were biased towards the CPP. CPP party officials stole the show, being featured 448 times, of which Hun Sen was featured 170 times, and CPP President Chea Sim, 36 times. Political parties close to the CPP also received favourable coverage. First Prime Minister Ung Huot's Reastr Niyum Party was featured 91 times. Those who were seen as critical of, or challenging, the CPP were not featured as often: Funcinpec and the Sam Rainsy Party were featured 14 times, and were generally portrayed negatively.¹⁴

Evidence of the CPP's domination of the state-run media can be measured not only in terms of the number of times it was featured but also in terms of the length of coverage. Hun Sen's activities tended to be covered at great length. After ending his self-imposed public silence (following his mother's death), he talked for two hours, announcing his plan to fight against poverty. Most radio stations covered the entire speech. When he made a lengthy campaign speech on 19 June, some radio and TV stations had to cancel other news programmes in order to broadcast it.¹⁵

Prior to the elections, the rule for seat allocation instituted by UNTAC for the 1993 elections was changed to ensure that parties with more votes would have a greater advantage over those with fewer votes. On 29 May, a decision was made to adopt the d'Hondt allocation system, in which seats are allocated province-by-province using the highest average formula. NEC Chairman Chheng Phon, a former CPP Cabinet Minister, approved the system, which translated the number of votes the CPP received into 64 rather than 56 (based on the UNTAC system of the highest residual number). The decision to change the seat

allocation formula was not approved by all members of the NEC and was not brought to public attention. According to one election observer, "Nobody told the parties and nobody told the public that the formula of the allocation of the seats has been changed."¹⁶ When asked to release the minutes of a meeting (one day after the seat allocation formula had been approved), the NEC was evasive and was unable to prove that the meeting had a quorum of seven members, with at least six of them approving the change.¹⁷

CPP members had also dominated two important organs — the National Election Committee and the Constitutional Council. When the NEC ceased work on 5 August, the CC was supposed to consider the appeals of the political parties whose complaints remained unresolved. When on 29 July, the opposition parties lodged complaints of fraud by the CPP, the NEC took note and promised to investigate. But the complaints generally went unheeded. The CC rejected about 75 complaints from Funcinpec and considered only 15 of them. Because of allegedly incorrect documentation and late filing, the Council's clerks also rejected the Sam Rainsy Party's 85 appeals to the NEC.

Evidence suggesting the government's use of intimidation and violence to scare voters from voting for opposition parties also includes murder. The Cambodian office of the High Commissioner for Human Rights investigated 49 killings between 20 May and 20 August and found 16 which were "apparently" politically motivated. Few CPP members were victimized. Immediately after the elections, hundreds of opposition party supporters were fleeing their homes in the countryside and flocking to opposition party and human rights offices.¹⁸

In spite of the absence of absolute "freeness" and "fairness", it would be misleading to conclude that the elections were totally unacceptable. While views differed, the "free and fair" and "flawed election" perspectives seem to agree on one thing: a large number of voters turned out; polling day was relatively open, and voting went on smoothly; the voting and counting processes were also well administered. Moreover, the CPP did not amass all the votes for itself, thus making it appear that, despite some political intimidation and violence, the government had not engineered the electoral process to the CPP's absolute advantage.

Obstacles to Democratic Maturation

Two perspectives may be helpful in shedding light on the difficulty of achieving free and fair electoral competition in Cambodian politics: one is based on ideology, the other on culture. While they have

explanatory utility, these perspectives exclude another impediment to democracy — Cambodia's hegemonic power structure.

Ideology-Based Explanations

Ideology as a source of explanation for Cambodian politics has long been recognized. In the 1998 elections, the opposition parties had sought to explain the CPP's undemocratic behaviour by accusing its leaders of continuing to adhere to communist totalitarianism. In an article published in the *Wall Street Journal*, Sam Rainsy continued to talk about Pol Pot's communist legacy. He argued that the Hun Sen regime was like Pol Pot's, because it "is comprised of Khmer Rouge-tainted communists". Sam Rainsy accused Hun Sen of following an economic policy no less destructive than Pol Pot's economic policies. The battle was one between former Khmer Rouge "communists" and "true democrats" or "liberals"¹⁹. Rainsy made clear what his own ideological goal was: to "dismantle the communist-type system, where the ruling political party structures and state structures are intertwined".²⁰ A few American law-makers also adopted this perspective. For instance, Dana Rohrabacher considered communist ideology as anti-democratic. Supportive of the Cambodian opposition parties, he described Hun Sen as a "communist dictator" and a "war criminal". He contended that Hun Sen should not be allowed to become another Pol Pot, who "will murder Cambodia's future and hand the country over to foreigners who seek to enslave the Cambodian people". Like Sam Rainsy, Rohrabacher viewed Hun Sen as continuing "his war against democracy" and "peace-loving" Cambodians.²¹

Is the ideology-based perspective on the lack of political compromise in Cambodia convincing? While communist legacy may not have died out completely, it would be misleading to view the ongoing political crisis as an ideological battle between communism and capitalism, or between totalitarianism and political liberalism. As indicated earlier, the CPP's platform is far from rooted in communist ideology. Its public commitment to economic and political liberalism has been made clear. That Hun Sen has become increasingly authoritarian is unquestionable, but the driving force behind his behaviour is not communism, as has been alleged. It is also unclear that the opposition leaders are true democrats. When Prince Ranariddh was First Prime Minister, his behaviour was far from democratic: he restricted freedom of expression, turned a blind eye to human rights violations, and considered liberal democracy inappropriate in the Cambodian context. That Sam Rainsy is a liberal is also doubtful; he has, however, gained a reputation as Cambodia's political "maverick". The truth will come out only when Rainsy has a chance to run the country.

Cultural Explanations

The persistence of Cambodian authoritarianism can be more effectively explained by Cambodian political culture. This perspective can be found in the work of a former politician named Bunchan Mol. In the book *Charet Khmer* (Khmer practice, or conduct), he describes the bestial nature and divisions of a liberation movement (known as "Khmer Issaraks", meaning Khmers who are their "own masters"), formed in 1946, which he had helped to lead against the French colonial masters. He also describes subsequent tragic political events until 1973 and bemoans the fact that the Khmers could not work together and tolerate one another. The following characteristics are said to be inherent in Cambodian conduct or behaviour: egoism, plagiarism, ingratitude, indecency, arrogance, lack of consultation, political apathy, generational revenge, unwillingness to accept defeat and to end combat until the opponent is totally destroyed. As he put it: "A Khmer does not want any others other than himself to become more popular and cannot trust anyone else enough to let the latter soar higher than himself. He must be the supreme leader who stands over and above everyone else."²² The determination to destroy one's enemy is explained as follows: "We Khmers ... If one knocks down another person, one will not stop there; one will rush to finish him off by beating him until he either loses consciousness or even dies." But "if the loser is still alive, it would mean that victory has not yet been won".²³ The notion of defeat and victory explains why factions have usually not spared their enemies, for fear that the latter will seek retribution. They are egoistic, insecure of their positions, and have a deadly win-lose or zero-sum mindset.

Among scholars who hold this cultural view are Michael Leifer, Abdulgaffar Peang-Meth, and Pierre Lizée. Peace in Cambodia is elusive, simply because the Cambodians cannot work together. According to Leifer, genuine compromise and power-sharing among adversaries in Cambodia are difficult to achieve, since these liberal values are not part of the Indochinese political tradition. In this part of the world, power is treated as something to be enjoyed by one leader or faction on an exclusive basis.²⁴

Abdulgaffar Peang-Meth also provides an interesting analysis of Khmer resistance to peacemaking. Having traced Khmer history, important influences (Hindu, Brahmanic and Buddhist) on Khmer culture and society, he discusses conflicts and contradictions and generalizes Khmer behaviour and characteristics. These philosophical-religious variables have conditioned Khmer resistance to compromise, thus making "peace, stability, and democracy very difficult to achieve".²⁵

Pierre Lizée similarly asserts that any attempt to inject liberal values into traditional and factionalized societies like Cambodia is

likely to fail. Conceptually, the intellectual foundation upon which the United Nations peace plan rested fundamentally contradicted Cambodia's political traditions dominated by "factional aggrandizement" and "violence". Unless a strengthened state structure, a cohesive administrative apparatus, and a capitalist economy emerge and allow social groups to arise, a movement from violent to non-violent politics in Cambodia is not plausible.²⁶ According to Lizée, there are several obstacles to peace in Cambodia. Any new social contract in Cambodia will be difficult, especially if it involves, in a short time, changes which have taken centuries to develop in other societies. The idea of non-violent politics in Cambodia will be difficult to establish, because the social transformations necessary to allow a shift from violent politics cannot be implemented. Dominant factions in Cambodia will seek to thwart reform efforts, which endanger the social order where their power rests. The Cambodian factions will not accept any challenges to the social order which they want preserved.²⁷

A Structuralist Perspective

While ideological and cultural factors can shed much light on Cambodian politics, they cannot explain why authoritarianism remains unchanged. A better explanation of the ongoing crisis in Cambodia and a prediction of its political future is to be found by closely examining the country's hegemonic power structure (with Hun Sen placed at the top), and characterized by the political factions' unequal power capabilities.

After the signing of the Paris Agreement in 1991 and after the 1991 elections, the CPP emerged as Cambodia's strongest faction. The military stalemate that forced four warring factions to sign the Agreement broke down, as the Coalition Government of Democratic Kampuchea (CGDK, formed in the early 1980s with the support of ASEAN, China, and the United States) disintegrated. The three resistance political factions — the Khmer Rouge, Funcinpec, and the KPNLF (which was renamed the BLDP) — went their separate ways. The CPP (formerly known as the State of Cambodia, or SOC, established after the Vietnamese invasion of Cambodia in late 1978 and was not recognized by the United Nations and internationally isolated) received new international legitimacy. Although Funcinpec emerged as the winner in the 1993 elections, the CPP refused to transfer power immediately, and forced it to share power on an almost equal basis.

The coalition government enjoyed a brief honeymoon and short-term stability. This was when Funcinpec and the CPP worked together in their joint fight against the Khmer Rouge (who had pulled out of the electoral process just weeks before the 1993 elections took place). As the Khmer Rouge leadership disintegrated, the coalition began to fall

apart. The early months of 1997 witnessed growing tensions between Funcinpec and the CPP, with the latter gaining the upper hand. Funcinpec was internally divided and exploited by Hun Sen, who successfully staged a pre-emptive coup against Prince Ranariddh in early July 1997.²⁸ Subsequently, the CPP's hegemonic position in domestic politics strengthened. Prince Ranariddh's royalist army was defeated in Phnom Penh after two days of fighting with Hun Sen's troops and was pushed to the Thai-Cambodian border, in an area called O'smach. A group of aid donors intervened, but failed to restore the *status quo ante*. Japan, Cambodia's largest donor (whose aid disbursements between 1992 and 1996 to this cash-strapped country amounted to US\$500 million, larger than the amount disbursed by the United States with about US\$175 million, or by France with US\$179 million), stepped in to mediate in the conflict.

The Japanese intervention, driven by the harsh realities of Cambodian politics, worked to the CPP's military advantage. Initially, Tokyo showed its concern about the violent coup, as evident in the sending of its air force transport planes to a base in Thailand in preparation for a possible evacuation of its citizens from Cambodia. Tokyo suspended its aid to Cambodia, but did not take any serious punitive actions against Hun Sen. The Japanese peacemaking diplomacy was largely based on the idea that a "carrot" is more effective than a "stick". The Japanese then hinted that they were prepared to recognize a new Cambodian government, if the latter agreed to maintain democracy. Unlike the Americans, which initially demanded that Ranariddh be reinstated to his position as First Prime Minister, the Japanese asserted that they would recognize anyone elected to replace the ousted Prince.

Tokyo finally presented to Cambodia a peace plan with "four pillars". First, a cease-fire must be observed. Second, Ranariddh's troops must be reintegrated into the Cambodian armed forces, and his military alliance with the Khmer Rouge must be terminated. Third, he must be quickly tried in *absentia*, on charges brought by Hun Sen. Fourth, he would then receive a royal amnesty from King Sihanouk and would subsequently be allowed to take part in the elections scheduled for 1998.

There is no question that the peace plan produced most of the intended results. It clearly contributed to the disintegration of the Khmer Rouge movement. In early March, a Cambodian military court found Ranariddh guilty on charges of illegal arms imports and clandestine negotiations with the Khmer Rouge, and sentenced him to 35 years in prison and a fine of more than US\$50 million. King Sihanouk complained bitterly that the judicial decisions were "unjust", making

his son a “double criminal”. On 21 March, Hun Sen requested King Sihanouk to grant Ranariddh an unconditional amnesty. The pardoned Prince returned to Cambodia on 31 March. Although pardoned, Ranariddh had been weakened militarily: his generals had either been killed or were not allowed to return to Cambodia with him. Hun Sen had thus consolidated his control over the most powerful ministries — defence, interior, justice, finance, and foreign affairs — and continued to insist after the 1998 elections that the CPP continue to exercise exclusive control over them.

The politics of accommodation will in all likelihood not prevail in Cambodia any time soon. Whether the CPP or its opponents take heed of Thai Deputy Foreign Minister Sukhumbhand Paribatra, who, on 14 September, tried to broker a peace deal among the Cambodian factions, remains to be seen. According to the Thai Deputy Foreign Minister, the CPP should have control over 11 ministries, Funcinpec should have 8 (two of which might be finance and foreign affairs), and the Sam Rainsy Party should get 3. A remark by a CPP member, however, speaks volumes: “How can the losers make demands of the winners? It cannot be done. It is stupid.”²⁹

Conclusion

The Cambodian elections were certainly not truly free, nor fair, but was acceptable in the Cambodian context. Those who had subscribed to the view that the elections were free and fair failed to measure success in relative terms, despite an admission that the elections were not “perfect” and were ridden by unfair treatment of the opposition parties. The proponents of this school arrived at their conclusion on a pragmatic basis, rather than on the strict principle of fairness. Those who subscribe to the view that the elections were “flawed” provide a more balanced perspective since they took into account the entire electoral process. However, all would agree that the elections were more or less acceptable in that the level of violence was surprisingly low and about 90 per cent of those who had registered to vote turned out to cast their ballots.

Ideology and culture alone cannot fully account for the relatively low level of violence and an acceptable degree of electoral contestation. Variations of factional behaviour must, therefore, be placed in the structural context. That the CPP did not apply excessive force to get its way, but allowed the electoral process to be run more smoothly than expected, can only be explained by the fact that the party leadership’s politico-military position had emerged relatively secure. This sense of

relative security had resulted from a weakening of the opposition parties and members of the international community taking a realistic approach to Cambodian politics.

There is no doubt that today's Cambodia is different from the one that existed in the past. But is the dawn of liberal democracy in the country about to break? While proponents of the "free and fair" perspective may be optimistic, their hopes are likely to be dashed. To be sure, their endorsement of the election outcome helps to create political stability, as the war has ended and Hun Sen remains Cambodia's "strongman", and is seen as capable of holding "sticks" to make his policies stand. But for Hun Sen's CPP to run the country effectively, it will need co-operation from the opposition parties. This is a tall order. With exclusive control over the military, security, and judicial institutions, the CPP will be tempted to break any stalemate by force. If *realpolitik* has so far prevailed, it is likely to remain the guiding rule of the political game. Cambodia's hegemonic power structure remains coup- and violence-prone. Only when the leading factions rise above survival instincts can they overcome this inherent structural problem.

NOTES

1. The discussion on the Constitution and the Election Law is based on the following publications: Kingdom of Cambodia, *The Constitution of the Kingdom of Cambodia* (1993); and *Law on the Election of the National Assembly and Political Parties* (English translation revised on 24 February 1998).
2. "Promises, promises: A post-election reminder," *Phnom Penh Post* (hereafter cited as *PPP*), 21 August–3 September 1998, p. 16.
3. *Ibid.*, p. 16
4. *Ibid.*
5. *The Nation*, 30 July 1998.
6. Agence France Presse (AFP), 4 September 1998.
7. Tony Kevin, "Rainsy's Claim Smack of Sour Grapes," *PPP*, 21 August–3 September 1998, p. 12.
8. They said that "a clear signal to Cambodian leaders and the international community alike that the Cambodian people are embracing democracy and are determined to decide their own political future". Matthew Grainger, "Critics Say JIOG Statement Jumps the Gun," *PPP*, 31 August–6 July 1998, p. 2.
9. National Democratic Institute and International Republican Institute, "Statement by the Pre-Election Assessment Mission," 14 July 1998.
10. "The Cambodian Election Process", The National Democratic Institute's Second Post-Election Statement, 22 August 1998.
11. Matthew Grainger, "UNTAC Officials Speak Out on Election," *PPP*, 4–17 September 1998, p. 2.
12. Martin Collacott, "Cambodia's Flawed Election — Where to from here?," *PPP*, 4–17 September 1998, p. 15.

13. Nick Cumming-Bruce, "Chaos Threatens Phnom Penh after Monks Shot," *Irish Times* (posted on bit.listserv.seasia-I, 10 September 1998).
14. *PPP*, 3–16 July 1998, p. 4.
15. *Ibid.*
16. Cited in Chris Fontaine, "Preliminary Results in, but Questions Remain," *PPP*, 7–20 August 1998, p. 2.
17. Chris Fontaine and Elizabeth Moorthy, "Character of Constitutional Council should emerge in seat controversy," *PPP*, 21 August–3 September 1998, p. 17.
18. Special Representative of the UN Secretary-General for Human Rights in Cambodia, "Monitoring of Election-Related Intimidation and Violence post-Election Period" (Report, 26 July–18 August 1998)
19. Sam Rainsy, "Pol Pot's Legacy Lives On," *Wall Street Journal*, 20 April 1998.
20. Nate Thayer and Rodney Tasker, "Cambodia: Unfree and Unfair," *Far Eastern Economic Review (FEER)*, 13 August 1998, p. 17.
21. Statement by Congressman Dana Rohrabacher, "Hun Sen is becoming Cambodia's new Pol Pot," 11 September 1998.
22. Bunchan Mol, *Charret Khmer* (Phnom Penh, Cambodia: Residence No. 79, Hem Cheam Boulevard, 1973), p. 217.
23. *Ibid.*, p. 180.
24. Michael Leifer, "Power-sharing and Peacemaking in Cambodia?," *SAIS Review* 12, no.1 (Winter–Spring 1992): 139–53.
25. Abdulgaffar Peang-Meth, "Understanding the Khmer: Sociological-Cultural Observations," *Asian Survey* 31, no.5 (May 1991): 455.
26. P. Lizée, "Building Peace: The Challenges and Contradictions of the Cambodian Peace Process" (Ph. D. dissertation, York University, September 1995).
27. Italics added. *Ibid.*, pp. 3–4.
28. Sorpong Peou, "Hun Sen's Pre-emptive Coup: Causes and Consequences," *Southeast Asian Affairs 1998* (Singapore: Institute of Southeast Asian Studies, 1998), pp. 86–102.
29. Matthew Grainger, "Opposition Parties Fighting for their Lives," *PPP*, 21 August–3 September 1998, p. 3.

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