
New perspectives on liberal peacebuilding

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Re-examining liberal peacebuilding in light of realism and pragmatism: The Cambodian experience

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Peacebuilding has long been regarded as a liberal agenda whose goal is to prevent armed conflict from recurring. The assumption is that intra-state war and other forms of domestic violence have their roots in dictatorship, the illiberal culture of impunity and the lack of economic growth inherent in non-capitalistic economic systems. The agenda assumes that liberal alternatives can be promoted around the world and have a positive impact on relationships between and within societies.¹ Viewed in this light, international peacebuilding is a post-Cold War security agenda based on a liberal concept in the form of a "secular trinity" – the union of political democracy, rule of law and free market capitalist development – combined with a universal vision to transform world politics.

The extent to which the liberal vision has been achieved remains a subject of debate. On the one hand, liberal proponents argue that progress has been made, despite its shortcomings. In the case of Cambodia, elections have been held on a regular basis, the pursuit of criminal justice against Khmer Rouge leaders has advanced and economic growth has been rapid. On the other hand, critics claim that the liberal agenda is bound to fail. As one observer of Cambodian politics, Grant Curtis, put it, "Cambodia's many political commentators readily concede that 'liberal democracy' cannot be transplanted or otherwise grafted to a country lacking any real democratic tradition". He further added that "there has been a tendency to expect too much – and too much, too soon – of Cambodia's transition to liberal, multiparty democracy".² He himself was of the opinion that "[t]he last thing the country needed was a further

electoral campaign, particularly a negative campaign or one marked by violence". In his view, "[b]y end-1997 it was clear that Cambodia desperately required a period of political stability in order that the several achievements of the post-UNTAC [United Nations Transitional Authority in Cambodia] period might be consolidated".³ Others chastised liberal internationalists in general for lending support to the "same false assumption" of the modernization theory. In their view, political and economic liberalization had destabilizing effects on society. Roland Paris in particular asserts that "[p]eacebuilding exposes the inherently conflictual character of democracy and capitalism, both of which paradoxically encourage societal competition as a means of achieving political stability and economic prosperity".⁴ Critical theorists, especially those who subscribe to either neo-Marxism or postmodernism, point out that the peacebuilding agenda has worked to the benefit only of socioeconomic and political elites.⁵

This chapter argues that the international community has pursued the liberal agenda with the aim of transforming Cambodia into a liberal democracy, building and strengthening the rule of law and establishing a market-based economy, but this liberal agenda has its limits. Cambodia has failed to consolidate the democratic gains it made after the 1993 national elections organized by the United Nations. The pursuit of criminal justice has encountered numerous challenges and may not realize its intended results. Economic growth rates have been quite high but the growth engine remains shaky and has contributed dangerously to a growing gap between the rich and poor.

Overall it is safe to say that the liberal agenda has been more positive than negative, especially when measured in the context of negative peace (the absence of violent conflict or war). But what explains the limits? This chapter argues that the liberal conceptual underpinnings of peacebuilding itself contain contradictions, and that peacebuilding rests on several naive assumptions. First, liberals assume that political elites competing for power in post-conflict societies share a common interest in turning their battlefield into a ballot-box and are unconcerned about their security, regardless of whether they lose or win. Second, they assume that peace and democracy can be strengthened if criminal justice can be forcefully executed. Third, they assume that market forces offer solutions to political problems.

The recent Cambodian experience shows that peacebuilding could be better achieved if the international community did more to help consolidate democratic, legal and socioeconomic gains. Firstly, if possible, it must seek to tame hegemonic power politics, which tend to work against democracy. Second, criminal justice must be pursued in a pragmatic fashion so as to avoid intensifying the insecurity dilemma, which may derail

democracy. Third, the international community needs to do more to ensure better equity in economic development. This thesis is based on a theoretical perspective I call "complex realist institutionalism".⁶

The idealist agenda of liberal peacebuilding and its secular trinity

As an integrated concept, peacebuilding rests on general liberal assumptions about war and peace.⁷ Underpinning the liberal peacebuilding agenda are three intertwined processes: democratization of the political process, criminalization of political violence, and marketization of economic development. International democracy assistance galvanizes the first process – political liberalization in the form of democratization through the holding of free and fair elections. Thomas Carothers' work, for instance, has paid attention to the role of international "democracy aid".⁸ This type of assistance means "aid specifically designed to foster a democratic opening in a nondemocratic country or to further a democratic transition in a country that has experienced a democratic opening".⁹ Krishna Kumar and Jeroen de Zeeuw remark that "[i]nternational donors believe – with considerable justification – that democracy offers the best chance to promote peace and heal the wounds of war in postconflict societies".¹⁰

As part of the attempt to build and strengthen the rule of law in post-conflict society, the international community has also made efforts to criminalize political violence. Chandra Lekha Sriram's chapter in this volume regards transitional justice as part of liberal peacebuilding. Indeed, the second process can be traced back to the liberal vision for an international society – a society based on the rule of law instead of the law of the jungle. A Western legalist asserts that "the vast tragedies of the 20th century are... due to the absence of a permanent system of international criminal justice".¹¹

Since the early 1990s, the international community has worked to establish justice institutions with the aim of building sustainable peace. War can be ended and negative peace can be restored when criminal leaders are arrested, convicted, sentenced and put behind bars.¹² The International Criminal Tribunal for the former Yugoslavia (ICTY), for instance, "was meant to end a real war".¹³ Ad hoc criminal tribunals "have significantly contributed to peace building in postwar societies".¹⁴ Positive peace can be sustained when dictators and torturers are excluded from positions of power and influence, when democratic leaders come to power through peaceful means such as free and fair elections,

and when post-conflict societies can proceed with economic development. Criminal justice contributes to the process of democratization, because "the continuing legacy of impunity proved a serious impediment to democratization".¹⁵ The idea of "peace through justice" rests on the growing belief that impunity has not prevented human rights violations from recurring.¹⁶ It is thus unsurprising that international criminal justice has now been included as part of the new integrated peacebuilding process.

Marketization is the third process of peacebuilding, involving economic reconstruction, development and – in theory – poverty reduction. The various leading international financial institutions or specialized agencies within the UN system – the United Nations Development Programme (UNDP), the World Bank and the International Monetary Fund (IMF) – have taken the lead. The Bank and the IMF in particular "were found[ed] on the basic notion that liberal rules of free trade, free payments, monetary stability and capital mobility would best promote international economic welfare".¹⁷ More recently, they have placed emphasis on the need to avoid anything that would violate human rights and to promote freedom from poverty. In 2000, for instance, the IMF and the World Bank issued a joint statement: "Given the challenges facing the global economy, the work of the Fund and the Bank has become even more essential in helping to promote financial stability, sustainable growth and poverty reduction."¹⁸ The strategies to reduce poverty include efforts to increase productivity among the poor by investing in social development, such as health and education. This strategy is based on the liberal assumption that, without economic development, there is no sustainable peace. Western states and international organizations have pointed to this relationship. The United States and the European Union see a direct link between widespread poverty and the incidence of conflict.¹⁹ The United Nations Millennium report stressed the connection between poverty and conflict.²⁰ The UNDP makes the following statement: "Without peace, there may be no development. But without development, peace may be threatened."²¹

The neo-liberal agenda for peacebuilding proceeds with another key assumption: the various actors in the world involved in the process of peacebuilding can help turn their shared vision for peace into reality by coordinating their aid activities and taking collective action. In 1995, Boutros Boutros-Ghali wrote: "If UN efforts are to succeed, the roles of the various players need to be carefully coordinated in an integrated approach to human security."²² John Ruggie further points to the fact that governments within the UN system have complained "about the lack of effective coordination for the past half-century, [but] they have done little about it".²³ Country-level donor coordination also remains poor: "While some minor pooling of bilateral aid efforts has occurred,

assistance from the community of donor countries remains largely uncoordinated."²⁴ But neo-liberal institutionalism tends to put faith in cooperation and coordination for *mutual* advantage. In the field of peacebuilding, however, liberalism goes beyond the role of states and the promotion of self-interest or mutual interest among them. Various non-state actors are assumed to be capable of acting in the interest of world peace and individual freedom for "strangers" living in other corners of the world.²⁵ The idea of international aid coordination – among states, international organizations and non-state actors such as non-governmental organizations (NGOs) – has now become part of peacebuilding. Liberals agree that aid coordination has difficulties but point out that they can be overcome.

In short, the most distinctive feature of liberal peacebuilding is the global vision for the liberal peace that global actors – state and non-state – share on the basis of a secular trinity: political democracy, criminal justice and capitalist development. The question is whether this vision is internally coherent in that the three processes of the liberal peace work in tandem. If they do, we can assume that peacebuilders can accumulate systematic knowledge about the long-term impact of their efforts on post-conflict societies and can collaborate to ensure and sustain bright prospects for peace.

Unfortunately, the literature reveals several major challenges to peacebuilding. The trine liberal processes have often experienced tensions from within and without. Democratization may start with the transition from dictatorship but more often than not finds it hard to discover solid ground. Edward Newman and Oliver Richmond are among those who have reason to be wary of uncritical democracy promotion. They counsel peacebuilders to be patient and careful when introducing democracy to post-conflict societies: "Democracy – together with justice, human rights, and free market economics – is something that should be introduced carefully and sensitively in 'post'-conflict societies."²⁶ The pursuit of criminal justice does not always seem to give rise to the liberal peace when political leaders operate within extremely weak states and fear that they may be subject to criminal charges when they lose power. Marketization offers material incentives for the advancement of the liberal peace when antagonists find reason to see it coming, but does not usually lift the majority of people affected by war out of poverty. Paris further contends that the Wilsonian agenda to build the liberal peace tends to give rise to several pathologies or destabilizing effects. In his words, "[p]romoting democratization and marketization has the potential to stimulate higher levels of societal competition at the very moment... when states are least equipped to contain such tensions within peaceful bounds".²⁷

These propositions have not challenged my earlier work on the security dimension of peacekeeping and peacebuilding.²⁸ In my view, there is nothing wrong with introducing or even imposing the liberal will on societies prone to conflict, but peacebuilders must take the insecurity dilemma and hegemonic power politics in conflict-ridden societies more seriously. To build the liberal peace in structurally weak states, social engineers must be aware of spoilers but should not carelessly assume that spoilers are bent on ruining the liberal peace all the time and at all costs. Newman, Richmond and their associates argue in defence of the need for serious attention to be given to the initial stage of the peace process,²⁹ a just and inclusive process as a critical prerequisite "to limit the power of spoiling and extremist violence"³⁰ and to reduce opportunities for spoilers to undermine peace,³¹ "neutralizing" the political environment to prevent aggression,³² and refraining from the use of force, which "tends to undermine confidence-building efforts".³³ They also warn that third parties may be spoilers themselves when allocating resources, offering recognition and playing favourites among the factions in conflict, and when they overlook the need to coordinate their peace activities. Paris makes a reasonable suggestion when stressing the need to build institutions in extremely fragile states. But, as will be demonstrated in this chapter, the Cambodian case study shows why such good intentions may not be sufficient. Institutionalization before liberalization tends to threaten the security of those who rely on undemocratic institutions, such as the armed forces, militias and corrupt or deeply politicized judges and lawyers. Unless democracy is first promoted to ensure that none of the competing factions is left out to spoil the peace process and that none emerges as the hegemonic power, democratic institution-building is difficult. Another challenge to institution-building is that global actors, especially donors (including liberal democratic states), do not always put effective collective pressure on local actors to support institutional reform. If there is a clash with their national security interests, democracies tend to choose to work with dictators in an effort to win them away from their foes.

The limits of international liberal peacebuilding: Evidence from Cambodia

The neo-liberal agenda for peacebuilding was beginning to emerge when the war in Cambodia was bowing to the pressure of the international community led by the United Nations under the collective leadership of the five permanent members of the Security Council. Evidence shows

that the liberal peacebuilding efforts over the past 15 years have proved beneficial to the people of this country when "measured" in terms of the decline and disappearance of armed conflict roughly five years after the 1993 election. The argument that democratization works against peace and that democracy is not what Cambodia needs most has merit, but it is not fully convincing. The argument overlooks the fact that, without the Paris Peace Agreements, which laid the ideological foundation of liberal democracy in the country, the war might have gone on far longer than it did. The 1993 election was far from perfect, but it did bring about some reconciliation among former enemies, who subsequently formed a coalition government. Critics also ignore the fact that the former foes have since returned to the ballot-box instead of using violent force to resolve their political differences. The last several elections have made it possible for the factions and their political parties to compete for power using means short of war.

The process of democratization has its limits, of course. The overall political trend points to monopolization of power by one political party rather than democratic consolidation. Although the elections in recent years have become less and less prone to violence and have witnessed less political intimidation, the political process has shifted in favour of the ruling party – the Cambodian People's Party (CPP). The CPP lost in the 1993 national election (having gained 51 out of 122 seats in the National Assembly), whereas FUNCINPEC (National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia) won 58 seats. The CPP then won the 1998 election, having captured 64 out of the 122 seats. In 2003, the CPP gained 73 seats. In 2008, the CPP consolidated its power when it won more seats on 27 July. After polling day, CPP Minister of Information Khieu Kanharith claimed that unofficial results showed that his party won 90 seats, followed by the Sam Rainsy Party (SRP) with 26 seats and three other parties – Human Rights Party, Norodom Ranariddh Party and FUNCINPEC – each with only 2 seats. The four main opposition parties then met together, deemed the election a "sham" and signed a joint letter urging the Cambodian public and the international community not to recognize the election results and asking voters across the country to return to the polls.

The Senate also remains dominated by the CPP. When the first Senate elections took place in January 2006, only the 123 MPs and some 13,000 commune councillors (most of whom remained CPP loyalists) could cast their vote for the 57 senators allocated for the next six-year term. Unsurprisingly, the CPP captured 45 of the 57 elected seats; the National Assembly and the King appointed the other four seats.

At the commune level, the CPP continues to maintain its political domination. During the first commune elections on 3 February 2003, the CPP

took control of nearly 99 per cent of all communes (with 1,598 out of 1,621 commune chiefs elected), leaving the SRP and FUNCINPEC with only 13 and 10, respectively. During the following commune elections on 1 April 2007, the CPP got 1,591 commune chiefs elected.

Overall, election outcomes have become more certain because the CPP has become increasingly sure of electoral victory. Before polling day in the 1993 national election, there was still an element of uncertainty. The CPP did not feel invincible then.³⁴ After the 1997 coup that led to the overthrow of First Prime Minister Norodom Ranariddh, however, it became clear that the CPP would not let slip the opportunity to win. Its future looked increasingly bright. Before the election in 1998, Hun Sen, the leader of the CPP, showed his growing confidence in the CPP's ability to win. In January 2007 he revealed his long-term ambitions when stating: "If I am still alive, I will continue to stand as a candidate until I am 90."³⁵ Early in 2008, the year that marked the twenty-third year of rule since his premiership began in 1985, he made his bid to stay in power clear: "I wish to state it very clearly this way. No one can defeat Hun Sen."³⁶

Hun Sen has become more determined than ever to consolidate his power so that members of other political parties would have no choice but to give up their struggles and join with the CPP out of either self-interest or necessity. The royalists remain deeply divided; some have already joined the CPP, and others have been under pressure to defect. Leading FUNCINPEC members (such as Prince Norodom Chakrapong, Prince Norodom Sirivudh, Princess Norodom Vichheara, and Prince Sisowath Sirivath Phanara) have been in effect marginalized and driven out of active politics.

There still exists a myth that Cambodia has enjoyed increased civil liberties such as freedom of speech, but evidence shows that the CPP virtually monopolizes the broadcast media and has allowed few opposition newspapers to operate. In recent years, the freedoms to speak one's mind critically and to strike or protest have been further weakened by ongoing political intimidation. On 21 May 2008, for instance, Hun Sen threatened the country's most independent radio station (Beehive) after it had broadcast programming from opposition political parties. A week later, a new radio station, Angkor Ratha, had its six-month-old licence revoked because it had offered air time to opposition parties. Fewer protests and critical voices thus do not seem to indicate more growth of freedom; they simply mean the opposition has been silenced.

A basis for the rule of law in Cambodia was laid after the 1993 national election, but it remains shaky and deeply politicized. Numerous justice and legal institutions have been established, but they do not function properly. The constitution (adopted in 1993 and amended in 1999) is

considered liberal, if not perfect, but other related institutions such as the Constitutional Council and the courts have proved far from independent or effective. In recent years, the government has frequently resorted to lawsuits as a way to weaken dissent and opposition.³⁷ The Constitutional Council (tasked with the responsibility to protect and interpret the constitution) remains reluctant to challenge government legislation and tends to ignore applications or requests from opposition members. This is not surprising, considering that six of the nine members of the Council are affiliated with the CPP. The independence of the courts has been questioned. The Supreme Council of Magistracy (tasked with the responsibility to protect the independence and professional integrity of judges and prosecutors but including one government minister *ex officio* and one member of the CPP's permanent committee) has proved unable to play a credible role. Judges still fear powerful economic and political figures. Cases against political critics have rarely gone beyond the CPP-subservient Phnom Penh Municipal Court, and the Supreme Court has rarely considered politically sensitive cases. UN reports have urged wholesale reform that would make the judicial system not only independent but also seen to be independent.³⁸

The extent to which criminal justice has strengthened democracy and the rule of law is still subject to speculation. One positive legal and judicial development has been the pursuit of criminal justice against top Khmer Rouge leaders. Even before the signing of the Paris Peace Agreements in 1991, lawmakers, scholars and human rights activists had pressed for legal action against the Khmer Rouge leaders with the aim of preventing the resurgence of genocide.³⁹ Those in favour of putting them on trial have based their logic on the importance of overcoming the culture of impunity, ensuring future deterrence and promoting democracy and human rights. Under pressure from the international community, Cambodia agreed to set up a criminal court within the Cambodian court system. The Extraordinary Chambers in the Courts of Cambodia (ECCC) were then set up for this purpose: to prosecute Khmer Rouge leaders "most responsible" for war crimes and crimes against humanity committed during their reign of terror from 1975 to 1978.

By the end of 2008, the Khmer Rouge trials had enjoyed only limited success. Five notorious Khmer Rouge leaders – Nuon Chea, Pol Pot's chief deputy or right-hand man; Khieu Samphan, the former Khmer Rouge head of state; Ieng Sary, Pol Pot's foreign minister and deputy prime minister, and his wife Ieng Thirith, Pol Pot's social affairs minister; and Kaing Guek Eav (alias Duch), the chief executioner at the infamous Tuol Sleng prison centre – have finally faced justice, charged with war crimes and crimes against humanity.

The ECCC continues to confront numerous challenges, however. First, lack of funds and political wrangling threaten to undermine its work. The original budget of US\$56.3 million quickly ran out, and an additional US\$170 million was required to meet a mandate extended until 2011. The period 2008–2009 alone required US\$50 million. Funding for the ECCC was withheld early in August 2008 after alleged corruption within the ECCC was exposed. Political wrangling also caused delays in the judicial process, as trials were scheduled to begin late in 2008. Ieng Sary's lawyer, Ang Udom, argued that the trial of his client would be illegitimate, since Ieng had already obtained a royal pardon and an amnesty from the then-King Sihanouk. Nuon Chea's two Dutch lawyers demanded that a Cambodian judge, Ney Thol, who sat at the Court's pre-trial chamber, be removed because of his role as an army general heading the country's military court and a member of the CPP. One of Khieu Samphan's defence lawyers, Jacques Vergers (a French national), caused a delay when he angrily protested about the ECCC's failure to translate thousands of pages of documents into French, one of three official languages used in the Court (along with Khmer and English). Translating documents into three languages proves difficult.

Second, the pursuit of criminal justice resulted from, and did not initiate, the peace process, which had benefited from a formal amnesty and a series of informal ones. These amnesties led to the defection of Khmer Rouge leaders to the government, growing infighting among Khmer Rouge leaders, and the disintegration that finally ended their rebellion in 1998. It was not the threat of legal punishment that brought peace to this country – the recent peace resulted from the political process of reconciliation among former foes.

Third, it is far from clear that the criminal process can serve as an effective deterrent against future atrocities. Duch, a born-again Christian, was 66 years old in 2008. As the trials began, the other four Khmer Rouge leaders were already advanced in years and experiencing health problems. When Nuon Chea was arrested in September 2007 he was 81 years old. When Khieu Samphan was arrested on 19 November 2007 at a hospital, after undergoing treatment for a stroke, he was 76 years old. In 2008, Ieng Sary was 83 and his wife was 76. Ieng Sary became seriously ill late in July and was hospitalized on 1 August. Their ages thus range from 66 to 83, making it difficult for anyone to argue that justice would deter these former Khmer Rouge leaders from committing future atrocities.

Fourth, although we still do not know whether criminal justice can contribute to the rule of law and democratization, the evidence points to a weak relationship. There is no indication that former Khmer Rouge

elements want to start a war, but there is more evidence suggesting that they have become uneasy about the trials. Even high-ranking members of the CPP have expressed this concern. I have discussed this elsewhere in my work,⁴⁰ but it is worth adding that members of the CPP elite remain in way of such legalistic efforts, partly because of their lack of real interest in making the Cambodian judiciary more independent and more effective and partly because of their fears that the politicization of the Khmer Rouge trials might implicate them in the future. On the twenty-ninth anniversary of the Khmer Rouge's January 1979 downfall, for instance, CPP president Chea Sim warned against politicizing the Khmer Rouge trials, calling those intent on doing so "absent-minded elements" and "ill-willed political circles" who were opposed to the process of reconciliation after years of civil strife. In his words: "We condemn any acts to use the courts with the aim of creating instability or disrupting society."⁴¹ In June 2008, Dam Sith, an SRP candidate and editor of the *Khmer Chronicle* newspaper, was arrested because he questioned the role that CPP Foreign Minister Hor Namhong allegedly played during the Khmer Rouge period. Although Hun Sen and several members of his government have been assured that they do not fall within the scope of the tribunal, they remain anxious about the long-term prospect that they might be put on trial in the future.

In sum, Cambodia has no effective system of institutional checks and balances. The executive branch under the political leadership of Hun Sen still dominates the legislature and the judiciary, as well as other local institutions, such as the media. The legislature may not have been particularly feeble, corrupt or patronage ridden, but it commands little respect among the public and remains a rubber-stamp institution. The judiciary enjoys no political independence and is extremely under-funded and corrupt.

A relatively more successful story can be found in the process of marketization. The country has so far witnessed better economic growth since the mid-1990s than during the 1980s. Some estimate that between 1994 and 2006 average growth in the gross domestic product (GDP) stood at more than 7 per cent. Government and donor officials agree that the economy performed best in 2005 (13.4 per cent growth, making it the highest rate in the world) and still did well in 2006 (10.4 per cent) and 2007. The currency has become stable. The National Bank has maintained a prudent monetary policy, fiscal discipline and a relatively stable exchange rate. One can thus make the case that the absence of large-scale violence or war has so far been positively correlated with the economic growth that has resulted from the process of marketization.

On the negative side, the recent economic growth tends to help the CPP leadership consolidate its power: it has now convinced more Cam-

bodians, especially unemployed youth in need of jobs, that the CPP remains the national party most capable of ensuring economic growth. However, economic growth has had its limits in that it has strengthened the power of socioeconomic and political elites and kept the poor powerless. Per capita gross national income (GNI) rose very slowly between 1998 and 2005 (from US\$247 to US\$320). Per capita GNI of \$320 means that Cambodians earned an average income of just US\$0.87 a day (a little over US\$26 per month). Although poverty reduction has been evident since the early 1990s, at least one-third of the population still live below the poverty line (with income measured at around US\$0.75 per day). The country has also witnessed growing inequality between the rich and poor: its Gini coefficient increased from 0.35 in 1994 to 0.42 in 2004,⁴² which is high compared with that of neighbouring countries (for example Indonesia, whose Gini coefficient was 0.34). The uneven economic growth has mostly benefited a minority of elite members, especially those associated with the CPP.

With the political and economic elites running the economy, various forms of economic violence have also become more extreme. Land-grabbing and forced evictions have become a new challenge to political legitimacy because they have been committed by members of state institutions (including the police, the military and the judiciary). On 3 March 2007, Hun Sen declared "a war against land-grabbers" identified by him as members of his party and in positions of power. Because of the existing institutional weakness, this war has so far proved ineffective.⁴³

The way to build sustainable peace?

The Cambodian case study poses a real challenge to the peacebuilding agenda, although the evidence presented here should not lead us to conclude that liberalism is now in terminal crisis. In this section, I argue that the criticisms levelled against liberalism are normatively powerful. Certainly we must pay heed to any challenges liberalism still confronts and remain open-minded about alternatives, but we also need to pay attention to the realities we face.

First, we must not ignore the question of security-driven behaviour within domestic and international politics. Liberals assume that peacebuilding can be implemented effectively without adequately taking into account the crucial question of security. The recent political, legal and economic developments in Cambodia remind us of the ongoing challenges to political, legal and economic liberalization. In institutionally weak states such as Cambodia, political and socioeconomic elites

compete for hegemonic power when possible, because this seems to be the best way to maximize their security.

Second, some liberals also naively assume that the so-called international community can act together according to the logic of global solidarity. In recent years, many international donors have admitted to a lack of aid coordination. The Japan International Cooperation Agency (JICA) acknowledged this problem in a 2002 report, which stated: "Although there is trend towards effective and efficient cooperation by strengthening international partnerships to increase Cambodian ownership, the experience of partnership formation has been limited so far due to differences in approaches, aid schemes, and procedures among the donors."⁴⁴ A joint report published in 2004 by the World Bank and the IMF also acknowledges that, "[o]ver the past decade, poor aid management has not only resulted in technical inefficiency, but also contributed in part to the governance problems facing the Cambodian state."⁴⁵

International donors have also taken a realistic approach by not only accepting the need for political stability but also taking a soft approach toward Cambodia in the hopes that it would not drift toward the China camp built around the "Beijing consensus", instead of the Washington consensus. China has been regarded as posing a strategic challenge to the US-Japan security alliance. Recently, Japan identified China as a "threat" to its security interests. Tokyo has moved Japan deeper into Southeast Asia by seeking "a broader leadership role" in the region.⁴⁶ China's aid has also aroused competition with Western donors and Japan. Chinese aid carried no conditions or penalties for bad practices such as corruption. In its dealings with the Hun Sen government, the leadership in Beijing maintained a degree of secrecy and did not usually work alongside other donors involved in Cambodia. According to one report, "Western aid donors complain that China is secretive about its aid projects, and declines to attend the traditional meetings chaired by the World Bank in poor countries to co-ordinate aid activities."⁴⁷ The former Japanese ambassador to Cambodia, Takahashi Fumiaki, expressed his concern about China's aid: "Currently we do not know clearly what projects and programs China is generally providing for this country" and "[w]e would appreciate China's active participation in donors' coordinating meetings."⁴⁸

Rivalry between China and the US-Japan security alliance seems to be connected with the rise of Chinese power and the growth of Chinese influence over Southeast Asia.⁴⁹ In 1994, Tokyo issued a new National Defense Program Outline, which touched on nuclear arsenals in neighbouring states and justified the need to increase forces in the south (close to China and North Korea). The document did not mention China as a threat then, but 10 years later the 2004 National Defense

Program Guidelines were "the first national security document to openly identify a potential threat from the People's Republic of China, noting that the PRC was modernizing its forces and expanding its range at sea".⁵⁰

Bilateral relations between Washington and the Hun Sen government have improved in recent years. Washington's fears of Islamist militancy have tempered its criticism of the Cambodian government and it now considers Cambodia (relative to the other states in the Association of Southeast Asian Nations) "most willing" to cooperate with its efforts to combat global terrorism. As Hun Sen succeeded in consolidating his power, he presented himself as a leader committed to combating terrorism in the region. The dubious arrests of foreign Muslim men in Cambodia, who were later charged with terrorist offences, and Cambodia's plan to expel Islamic foreigners prior to the holding of the 2003 ASEAN Regional Forum conference, must have pleased the US government. In April 2007, General Hok Lundy (Cambodia's notorious National Police Chief) was even allowed to hold bilateral talks on counter-terrorism with the Federal Bureau of Investigation in Washington. Senior US officials also met with the General at the State Department. All this took place amid criticism from human rights activists and others that Washington had changed its policy by granting the General a visa to enter the United States after it had refused to do so in 2005 because of his alleged complicity in human trafficking and involvement in unresolved political killings, especially those committed in March 1997 and during the coup in July 1997. Cambodia also pleaded Washington when it signed the "Article 19" Agreement with the United States, which contained a Cambodian commitment not to send any US citizens to the International Criminal Court. The Bush administration signed a congressional appropriations resolution for the 2007 fiscal year which contained "no restrictions on direct US government funding of the Cambodian government activities". According to US Ambassador Joseph Musumeli, the move "is yet another sign of the deepening and strengthening of the promising relationship between our two countries".⁵¹ In February 2007, a US warship paid a visit to Cambodia's seaport for the first time in 30 years. US officials also unofficially entertained the idea of establishing a military base in Cambodia.

Third, peacebuilders need to be realistic not only in terms of ongoing security politics in post-conflict societies and among the states and donors around them, but also in terms of their approach to peacebuilding. They need to place greater emphasis on institution-building. Several questions come to mind when the issue of institution-building is raised: When is the most appropriate time for peacebuilders to begin this task? Which are the most important institutions that need to receive the most attention?

How must those institutions be built so as to ensure that they can achieve their stated objectives?

Regarding the first question, there is disagreement over whether the process of institution-building should take place before or should proceed alongside political, legal and economic liberalization. A strong case can be made that institution-building must precede the processes of democratization and marketization (associated with Paris's "institutionalization before liberalization" thesis). The strength of this proposition lies in the fact that peacekeeping and peacebuilding in war-torn states with extremely weak structures are likely to face great challenges. Peacekeepers and peacebuilders went to Cambodia with good intentions, but they overlooked the security dimension and the action they took to address this important aspect of peacebuilding was ineffective; some even threatened to use force to ensure local compliance. Peacekeepers and peacebuilders must not rush to hold elections without demonstrating their ability to ensure security for all the parties involved in conflict and in the electoral process. Parties that feel insecure are likely to take extreme measures. Time and goodwill alone will not promote political moderation unless the question of security is effectively addressed. If the security situation does not improve, the passage of time will only deepen mutual distrust among political parties locked in competition for power. Electoral rules can be designed to reward political moderation, but they will not succeed unless they can constrain the dominant party and ensure the security of challengers.

The "institutionalization before liberalization" thesis, however, raises some crucial questions. How can members of the "international community", especially donors, successfully build institutions when they often prove unable to take effective collective action? Experience tells us that overcoming the international collective action problem is still difficult, if not impossible. Major states and donors continue to pursue their national interests; harnessing them "to peacebuilding objectives", as Keating and Knight suggest,⁵² remains a daunting task. How long should we wait for the level of institutionalization to become adequate to allow the process of democratization to proceed? Based on my research, the process of institutionalization is open ended and may take a very long time. Elections cannot be postponed until police forces become sufficiently reliable and a new cadre of local judges is adequately trained. There is also little evidence to suggest that democratic institutionalization can proceed under authoritarian rule, either. It is not in the best interests of autocratic elites to encourage institution-building that would weaken their secure power base. The CPP leadership has done what it could to personalize power by institutionalizing personal power and de-institutionalizing democratic power.

Can institutionalization also proceed without political, legal and economic liberalization? This is a difficult question to answer, because institutionalization is not a process that can easily be detached from liberalization based on liberal reform initiatives. This case study, for instance, suggests that Cambodia could not have adopted a national constitution before a democratically elected government first came to power. We cannot expect to build a more independent judiciary in a country such as Cambodia (whose rulers continue to dominate this branch of government) unless a process of political and legal liberalization also begins and the ruling party no longer monopolizes judicial power. Nor can we expect a police force to become reliable in enforcing the rulings of the Constitutional Court until police reform gets under way.

Whether peacebuilders should concentrate only on state or on political and civil society institutions is a matter of debate. The Cambodian case study shows that state institution-building is a must: the three branches of government – executive, legislative and judicial – must be built and strengthened to the point where a system of institutional checks and balances is successfully put in place. But democratization, criminalization of political violence and marketization are unlikely to make sustainable progress until a multi-party system becomes so institutionalized that the official opposition in parliament can keep the dominant party in check, can effectively represent those who do not belong to the party that runs government institutions and can work with civil society in their joint opposition to any abuses of power by the executive branch.

As to how institution-building can be achieved, the Cambodian case study further shows that political society institutions (especially political parties) can be effectively built only if opposition parties receive adequate support from the international community (whose members tend to shy away from doing this because of their sensitivity to the issue of state sovereignty and fears of political backlashes).

Fourth, peacebuilders need to be not only realistic but also pragmatic. Ideological dogmatism often does more harm than good. The issue of criminal justice, for instance, requires a degree of pragmatism. Few deny the importance of justice in peacebuilding. All criminal leaders who commit war crimes, genocide and crimes against humanity deserve to be brought to justice and punished if convicted; however, justice must be pursued with care. When the pursuit of criminal justice works against peace through negotiation, it must be postponed. Justice is likely to succeed when criminal leaders lose power. The Cambodian case study proves that informal amnesties should be allowed to precede criminal justice. The aggressive pursuit of criminal justice might end up preventing future peace negotiations, especially when other criminal leaders

learn about the risk of losing power and feel they must continue to consolidate power at all costs.

Moreover, judicial institution-building – not vengeance – should be the ultimate goal of criminal justice. Simple-minded legalism tends to rest on the fallacy that, when criminals are put behind bars, peace prevails, the rule of law advances and democracy and human rights thrive. It worries me when some proponents of criminal justice sound more like “crusaders” seeking to put evil-doers away, without sufficiently understanding the structural root causes of their crimes. I am frequently reminded of the radical “justice” the Khmer Rouge leaders once aggressively pursued: “equality for all” ended up turning them into murderers and the country into killing fields. Political crimes are often committed when state institutions break down, when the competition for power among factions or elites gets out of control, when insecurity becomes very acute, or when regime or personal survival is increasingly at stake.⁵³

Conclusion

This chapter demonstrates that peacebuilding has its conceptual roots in neo-liberalism, initiated and campaigned for by people in Western states and Western-dominated international organizations, especially the United Nations and its specialized agencies. This neo-liberal agenda rests on the secular doctrine of the trinity: the union of political democracy, rule of law and capitalist development. The Cambodian case study does not suggest that democratization, criminalization of political violence and economic liberalization have proved detrimental to the peace process. But these three processes have their limits. “Complex realist institutionalism” thus takes into account the realities of security and power within domestic and international politics. To achieve its peacebuilding mission more effectively, the international community must do more to build an effective system of checks and balances among state institutions (namely, the executive, legislative and judicial branches of government), as well as between them and institutions within political society (such as political parties) and civil society. With this system of institutional checks and balances in place, market forces can also be subject to regulation so as to ensure that the economy will grow in a more equitable fashion.

Notes

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