



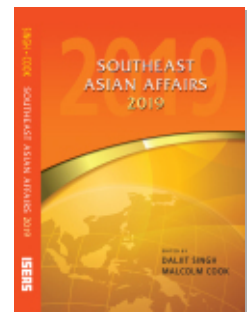
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Cambodia



CAMBODIA IN 2018: A Year of Setbacks and Successes

Sorpong Peou

Cambodia in 2018 was marked by a number of major setbacks in some areas and successes in others. On the political front, the senate and parliamentary elections resulted in the Cambodian People's Party's monopolization of power within the bicameral legislature. Prime Minister Hun Sen continued to tighten his grip on power by taking steps to control state institutions, most notably the armed forces, the judiciary, and the party system. Human rights in the country continued to face an uphill battle, although the CPP government took a few small positive steps towards the end of the year by reversing its tight restrictions on the opposition and political rights. All these negative developments occurred despite positive signs of socio-economic development and international pressure from some major countries on which Cambodia has long depended for economic growth. Developed countries like the United States and those in Europe threatened to impose sanctions on Cambodia because of the election results, but the Hun Sen government did little to address their concerns about the political and human rights situation.

The State and Political Society

The multiparty system that was introduced in Cambodia in 1993 through the 1991 Paris Peace Agreements and the intervention of the United Nations Transitional Authority in Cambodia is now dictated by the CPP, which allows weak and fragile opposition parties to exist without any prospects of them gaining enough seats to form a new government.

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The year 2018 was noteworthy in the sense that two major elections for the bicameral legislature — the Senate and the National Assembly — led to the CPP's total dominance, and further marked a move away from a hegemonic-party system to the beginning of a one-party state.¹ The election for the Senate was held on 25 February, after having been postponed from 14 January 2018, and the results left the CPP with all 58 elected seats, taking 12 seats away from the opposition. The CPP also captured all 125 seats in the National Assembly, having collected 4,889,113 votes, leaving the other nineteen political parties without a single seat. Banned in November 2017 by the Supreme Court from competing in the two elections, the Cambodia National Rescue Party (CNRP), which won 55 out of 123 seats in the 2013 elections, was not even among the nineteen parties that competed with the CPP. Also worth noting is the fact that the once-popular royalist party FUNCINPEC, which won the 1993 national election but was forced to form a coalition government with the CPP, once again did not capture even a single seat. FUNCINPEC's political decline began irreversibly when its leader, Prince and First Prime Minister Norodom Ranariddh, was pushed out of power in 1997 after a violent confrontation with the then Second Prime Minister Hun Sen. The royalist party has since been unable to make a comeback.

The CPP's electoral victories since 1998 have come as no real surprise to long-time observers of Cambodian politics. The ruling elite have taken action through control, coercion and co-option to make sure that no opposition parties would be in a position to repeat what took place in the 2013 national election. One of the steps Hun Sen took to tighten his grip on power was through control of the armed forces. In May 2018, Human Rights Watch published a report entitled *Cambodia's Dirty Dozen: A Long History of Rights Abuses by Hun Sen's Generals*, identifying the twelve senior generals and many others in the army, gendarmerie and police on whom Hun Sen has relied to maintain power. The CPP has incorporated military, security and government officials into its Central Committee. According to the report, "If the security forces are not professionalized and key abusers are not appropriately held to account, there is little possibility of democratic reform — or indeed any kind of structural reform — in Cambodia."²

While the assessment of Human Rights Watch is compelling, it is worth adding that Hun Sen's rule is far from secure and he is unlikely to give up power anytime soon, as he has kept appointing his family members to top positions of power. Late in 2017 he appointed his third son Hun Manith, the director of intelligence in the Ministry of Defence, as head of a new academy for training spies to combat terrorists and any suspected threat from "colour revolution"

forces. Shortly after that he elevated his eldest son, Lieutenant General Hun Manet (a deputy commander of the Royal Armed Forces), to the position of joint chief of staff. He also promoted his son-in-law, Dy Vichea (who formerly led the Ministry of Interior's Central Security Department), to deputy chief of the National Police. This appointment further allowed Hun Sen to tighten his political control over the national police, since his nephew-in-law, General Neth Savoeun, had already been promoted to the position of police chief in 2008.

There may be many reasons explaining Hun Sen's relentless consolidation of power, but his electoral victory in 2018 indicates that he did not want to see the events of the 2013 election repeated. He was more driven by the need to maximize security than enhance his political legitimacy. Recent political developments leading up to the election showed that he was prepared to win at all cost. The imprisonment of the CNRP president, Kem Sokha, in September 2017 based on trumped-up charges of treason, followed by the banning of the CNRP from competing in the 2018 election and the barring of 118 CNRP members from politics for five years, left the electoral process with the full sense of certainty that all traces of democracy had effectively been erased. Inside the country, however, the CNRP sought to boycott the election, making the case that it was "fake" and manipulated. The opposition party regarded the National Election Committee as effectively being under the control of the CPP. It accused the committee of conducting a "fake election" and "artificially inflating voter turnout",³ told its supporters to ignore the election results and called for action against "CPP dictatorship". Supporters of the CNRP outside Cambodia protested the election results, especially those in the United States, with protestors taking to the streets in New York. During his speech at the UN General Assembly on 28 September 2018, Hun Sen was called a "traitor".

As 2018 was drawing to a close, the CPP took only a few small symbolic steps to give the opposition some breathing space. For instance, the Ministry of Foreign Affairs said in December that it was "reviewing legal provisions to enable individuals who were banned from politics to resume their political activities" and would ease its pressure on civil society, unions and independent media outlets.⁴ The National Assembly, whose website said that it took steps to "promote the spirit of national reconciliation as well as strengthening liberal democracy", amended the election laws to allow CNRP members banned from the 2018 election to return to politics.⁵

Overall, 2018 marked another major setback against any hopes of seeing multiparty democracy put back on track. Having consolidated power through tightening control over the armed forces, the legislature and the judicial system,

Hun Sen feels more secure, but he is unlikely to give up power anytime soon. The opposition is no longer in a position to undermine the CPP and is now left without an influential leader capable of mobilizing support to weaken Hun Sen's grip on power, despite the release of CNRP president Kem Sokha after nearly a year in prison. The CNRP's former president, Sam Rainsy, did not even join the protests against the CPP in New York, claiming he had other commitments, such as attending a gathering of liberal parties in South Africa.⁶ In spite of condemnations of the election results from democratic states (which will be discussed further later), Hun Sen is unlikely to let the opposition get its own way.

Rule of Law, Human Rights and Justice

Cambodia continues to rank low on the rule of law. The World Justice Project scored the country with a 0.32 on its rule-of-law index (2017–18), placing Cambodia the second-lowest among 113 countries and keeping its standing at the bottom of the list of fifteen countries in East Asia and the Pacific, below Myanmar, the Philippines, China and Vietnam.⁷

While the global and regional ranking of Cambodia's rule of law may not accurately reflect the full realities inside the country in 2018, there is no real evidence to suggest that the country has made real progress in the areas of transparency, accountability and judicial independence. Legal norms and principles such as due process and fair trials are still disregarded and violated. Justice has been carried at the behest of the CPP. The Supreme Court's decision to ban the CNRP from competing in the election was just one glaring example of how the court system is not independent of the executive branch of government. Rhona Smith, the UN Rapporteur for human rights in Cambodia, called on "the Ministry of Justice and judicial institutions to be more transparent in relation to their operations, to take more steps to combat corruption and to strengthen judicial independence and impartiality".⁸

The CPP continues to wage war against political rights and civil liberties. In the Reporters Without Borders' 2018 World Freedom Index, Cambodia ranked 142nd — a drop of ten places compared to 2017.⁹ As previously discussed, the CPP's parliamentary victory did not result from a free and fair election, despite the absence of widespread political violence. Not only was the CNRP banned and its members barred from engaging in politics but efforts were also made on the part of the ruling party to put pressure on voters to cast their ballots in its favour. These efforts to intimidate voters prompted Rhona Smith to state that:

The reports of threats to voters if they did not vote are of particular concern: the ink-stained finger, a sign in the past of hope and freedom, ironically has become a symbol of coercion.¹⁰

There were signs towards the end of 2018 that the government was becoming less repressive of labour activism. In December 2018, for instance, the Phnom Penh Municipal Court gave only a suspended two-and-a-half-year sentence to each of the six union leaders who had been charged with and found guilty of involvement in violence and property damage during protests in 2014 and 2015. However, the laws adopted to suppress civil liberties, which include the Law on Associations and Non-Governmental Organizations, the Trade Union Law, and a *lèse-majesté* clause in the Penal Code, remain in place.

The overall human rights situation in Cambodia is far from ideal, despite the work done by the donor community, international and national civil society actors, and the Extraordinary Chambers in the Court of Cambodia (ECCC) established to prosecute Khmer Rouge leaders accused of committing the most serious crimes during their reign of terror from 1975 to 1978. The ECCC continued to conduct formal trials against Khmer Rouge leaders. One major development was the conviction of Khieu Samphan (the Khmer Rouge regime's head of state) and Nuon Chea (known as second to Prime Minister Pol Pot), who had been charged with the crime of genocide in addition to other most serious crimes; namely, war crimes and crimes against humanity.

The tribunal faced some setbacks in 2018, after the two ECCC co-investigating judges (one Cambodian and one international) issued two contradictory orders against Oh An, a former Khmer Rouge official who played a role below that of the most senior central command of the regime and was charged with the crime of genocide against the Cham population and crimes against humanity. The Cambodian co-investigating judge, You Bunleng, sought to dismiss the charges, whereas his international counterpart wanted to proceed with the charges to the Trial Chamber.¹¹ The CPP government then made it clear that it intended to bring to a close the work of the ECCC. According to one report, Deputy Prime Minister Sar Kheng thought that “the tribunal’s work had been completed and there would be no more prosecutions for acts committed when the Khmer Rouge was in power”.¹²

Whether the ECCC's latest convictions further proved that justice has been served is still a matter of debate among policymakers and pundits, but the fact is clear: only three Khmer Rouge leaders held responsible for the most serious crimes have been convicted, after more than a decade and a cost of at least \$300 million.

Whether the hybrid tribunal has helped to deter mass atrocities over the last ten years and brought about peace is a matter of opinion, and it is far from clear whether the ECCC should be adopted as a model of international peace and security through justice. The tribunal was established and came into operation in 2006, long after the disintegration of the Khmer Rouge in the late 1990s. As noted earlier, neither democracy nor the rule of law have since been strengthened. Several top leaders within the CPP, such as Hun Sen and Heng Samrin, are former Khmer Rouge officials who have no wish to see the tribunal succeed beyond punishing a few Khmer Rouge leaders like Nuon Chea and Khieu Samphan.

In short, 2018 was still not a year of real triumph for the rule of law and justice. Not only did democracy suffer another serious setback but the human rights situation also made no headway. Although a number of political leaders were released, and in spite of the ongoing work of the ECCC, political rights and civil liberties were still severely restricted.

Socio-economic Development

The elections and the weak rule of law did not however cause Cambodia to descend into chaos or prevent it from enjoying economic growth, which is an important source of the CPP's performance legitimacy. The average economic growth rate of Cambodia between 1995 and 2017 was 7.7 per cent. Steady economic growth continued in 2018. According to the World Bank, the economy ranked sixth among the world's fastest-growing economies, and it is expected to grow by 7 per cent in 2018 and remain robust in the medium-term.¹³ Cambodia is projected to perform better economically than any other country in Southeast Asia: Vietnam (6.9 per cent), Laos (6.6 per cent), Myanmar (6.6 per cent), the Philippines (6.4 per cent), Indonesia (5.2 per cent), Malaysia (5 per cent), Thailand (4.5 per cent), Singapore (3.1 per cent) and Brunei (2 per cent).¹⁴ In 2015, Cambodia attained lower-middle-income status. If the economy continues to grow at the rate of 7 per cent, Cambodia is expected to obtain a high-middle-income status by 2030.

This impressive growth has benefited from low inflation rates and is primarily driven by tourism, foreign aid, trade liberalization, direct foreign investment, and exports. The inflation rate is expected to hover around 3.2 per cent in 2018 and 3.5 per cent in 2019. The tourism industry also did well in 2018. According to the Ministry of Tourism, the country's three international airports in Phnom Penh, Siem Reap and Sihanoukville saw the number of tourist arrivals increase to at least 10 million by the end of 2018, up from 8.8 million

in 2017.¹⁵ Official development assistance (ODA) has also been a major factor for economic growth, despite criticism that aid has done Cambodia more harm than good in political terms. Australia, Japan and China were among the major bilateral donors. Australia's ODA remains substantial, standing at \$89.1 million in 2017–18 and \$83.6 million in 2018–19.¹⁶ In March 2018, Japan pledged more than \$90 million in a grant and loan agreement with Cambodia.¹⁷ China has become Cambodia's biggest donor, having given the latter around \$4.2 billion worth of grants and soft loans by 2017,¹⁸ with more loans coming in 2018. Multilateral donors also continued to provide development assistance. In April, the World Bank approved \$90 million of financing to support Cambodia's higher education sector and research for industrial development.¹⁹ In July, the Asian Development Bank agreed to finance \$66 million to build twenty-two roads in Cambodia and "another US\$141 million for a climate-friendly agribusiness value chain sector project". In total, Cambodia has received \$2.95 billion from the ADB.²⁰

Foreign direct investment (FDI) has been another source of economic growth. During the first nine months of 2018, the total amount of FDI flows into Cambodia reached \$3.9 billion (compared to \$2.8 billion in 2017 and \$2.4 billion in 2016). Of the \$3.9 billion, the agriculture sector accounted for 9.2 per cent, the industrial sector 17.5 per cent, the services sector 66.5 per cent and the tourism sector 6.8 per cent.²¹ Although it declined in the garment and agricultural sectors, the inflow of FDI increased in the banking, real estate, assembly and manufacturing sectors.²² China has in recent years become the biggest investor in Cambodia, especially after Chinese President Xi Jinping's visit to Phnom Penh in October 2016 (bringing with him more than two hundred Chinese investors as part of his Belt and Road Initiative), and has taken the lead in the real estate sector.²³

Cambodia's export-led growth can be explained in terms of its access to global markets, especially those in the European Union (EU) and the United States. According to the Ministry of Finance and Economy, the total value of exports in the first nine months of 2018 amounted to \$9.63 billion, compared to \$17.3 billion in 2017.²⁴ These exports went to the EU (€2,784 million), the United States (\$2,280 million), Great Britain (\$887 million), Japan (\$805 million), ASEAN (\$740 million), and others (\$2,143 million). These figures suggest that most of Cambodia's exports have gone to developed countries in the West and that Cambodia has enjoyed trade surpluses. Exports of Cambodian goods to the United States, for instance, reached \$3.1 billion in 2017, resulting in a deficit of \$2.7 billion for the United States.²⁵ In contrast, Cambodian exports to China have been small (\$634 million from January to November 2017), whereas imports from

China grew to \$4.48 billion in 2017 (from \$4.33 billion in 2016).²⁶ Cambodia has clearly benefited much more from trade relations with developed countries than with its biggest investor, China.

According to the United Nations Development Program's 2018 statistical update, Cambodia made steady progress in terms of life expectancy at birth, expected years of schooling, mean years of schooling, and gross national income per capita. Cambodia's Human Development Index (HDI) increased to 0.852 (2017) from 0.634 (1990). Life expectancy at birth increased to 69.3 (2017) from 53.6 (1990). Expected years of schooling and mean years of schooling increased to 11.4 and 4.8 (2017) from 6.7 and 2.7 (1990), respectively. However, the country's HDI still ranks 146th out of 189 countries and territories.²⁷

In spite of the progress made over the years, Cambodia still faces numerous challenges. Poverty rates — defined as those living on less than \$2 a day — declined to 13.5 per cent (2014) from 47.8 per cent (2007), but a large majority of the population (estimated to be around 70 per cent) still live on less than \$3 a day. Economic growth has been driven by foreign aid, FDI and tourism and remains dependent on exports to developed countries in the West. Overall, the economy is performing well but remains largely vulnerable to external circumstances.

Foreign Relations

Cambodia's relations with international organizations and other states did not change much in 2018, despite the domestic political developments before and after the parliamentary election. Members of the international donor community continued to provide development assistance, as noted earlier, although Cambodia-UN relations were strained due to criticism from senior UN officials about the 2018 elections. During his speech at the UN General Assembly on 28 September 2018, Hun Sen warned against any foreign interference in his country's domestic affairs. In terms of foreign policy direction, Cambodia continued to do more business with China, as the CPP government sought to consolidate political power to the dismay of Western democracies.

The year 2018 began with the high-profile visit of China's Premier Le Keqiang, which saw both countries signing nineteen new memorandums of understanding and other agreements, which include promises by the Chinese to develop infrastructure in Cambodia, such as an expressway connecting Phnom Penh and Sihanoukville at an estimated cost of \$2 billion, two electricity transmission projects, and two new airports in Phnom Penh and Siem Reap. China also committed to the construction of a breeding centre for luxury wood tree species, and a new medical programme

called “Love Heart Journey” aimed at providing surgery for heart disease patients in Cambodia.

These new agreements further cemented Cambodia’s growing dependence on China, not only for economic development but also for political protection and security. In spite of China’s well-known claim about giving aid without any strings attached, the new agreements can be viewed as a foreign policy tool that both countries use to accomplish their political ends. With its growing influence on world and Asian affairs in recent decades, Beijing continues to display an interest in keeping Cambodia as close to China as possible. For his part, Hun Sen treats China as the most credible protector of his regime. Their mutual interest is clearly stated in the joint communiqué, which asserts that the visit “achieved full success and vigorously pushed forward the Cambodia-China Comprehensive Strategic Partnership of Cooperation”. The communiqué further made it clear that the “Cambodian side reaffirmed its resolute adherence to the One-China policy, and its support to the Chinese government’s efforts to safeguard national sovereignty and territorial integrity”.²⁸ In recent years China has found Cambodia to be a reliable supporter of its territorial claims over the South China Sea. In 2012, Cambodia hosted the annual ASEAN summit and managed to prevent any discussion on the South China Sea, resulting in the regional group’s failure to issue a joint communiqué for the first time in its history. In 2016, Cambodia was again seen as being responsible for the omission of any mention of the international arbitration’s ruling in favour of the Philippines in its territorial disputes with China in the joint communiqué arising out of the ASEAN summit in Laos.

Cambodia’s pro-China foreign policy reaped additional benefits when Beijing rewarded the CPP by defending the 2018 election results. For China, the election was “smooth” and affirming of the Cambodian people’s trust in the CPP. Chinese State Councillor Wang Yi made it clear that China “has always resolutely supported Cambodia’s efforts to protect its sovereignty, independence and stability, and opposes any foreign country interfering in Cambodia’s internal affairs”.²⁹ Chinese president Xi Jinping conveyed his congratulations to Hun Sen, saying his leadership brought about political stability and fast economic growth. According to China’s Foreign Ministry, “the Cambodian People’s Party will continue to unite and lead the Cambodian people to pursue a development path that suits its own national reality”.³⁰

Sino-Cambodian relations have also developed with other geopolitical implications. Cambodia’s growing dependence on China is also a manifestation of the former’s historical distrust of its two more powerful neighbours; namely,

Thailand and Vietnam. What this means is that Cambodia's place in ASEAN is not as positive as it looks or should be. The nineteen newly brokered Cambodia-China deals might have raised more concerns among other ASEAN members, especially those that have competing maritime claims with China. Cambodian-Vietnamese relations, for instance, are no longer as good as they used to be, especially in the 1980s when the Hun Sen regime still depended on Hanoi for military and political support. Concerns about China's growing influence in Cambodia have also been expressed by observers of regional politics. One writer put it this way: "While it cannot be denied that Cambodia's economy faces uncertainty due to the fact of China's growing influence, Cambodia needs to find balance to ensure it remains in control of its own economic future."³¹

The CPP government's growing dependence on China risks alienating Cambodia from other major countries in Asia and around the world. Japan, which has been a major donor in Cambodia, has reason to worry about Cambodia moving closer to its regional rival, China. This explains why Japan continues to support the Hun Sen government by providing foreign aid and democracy assistance, despite the fact that the past elections were unfree and unfair. Before the 2018 election, for instance, Tokyo did what the EU and the United States refused to do, which was to fund Cambodia's National Election Committee, although its assistance fell short of that of China. Japan only provided ten thousand ballot boxes worth \$7.5 million, whereas China donated \$20 million in equipment, such as computers, laptops and polling booths. Japan, which has tried to form an anti-China alliance of democracies, considered the election "disappointing".³²

Democratic countries in the West dismissed the election results. Several countries that used to send election observers to Cambodia during its elections chose not to do so in 2018. Tensions between Cambodia and the EU grew after the latter threatened to impose sanctions on the former, although there were signs that the CPP was softening its position on the opposition. The EU pointed to the "lack of genuine electoral competition and the absence of an inclusive political process", which in its view meant "that the 29th July election is not representative of the democratic will of the Cambodian electorate and therefore its outcome lacks credibility".³³ In October 2018 the EU said it would end Cambodia's special access to European markets under the Everything-But-Arms (EBA) preferential trade agreement. The EU threat initially led the CPP government to regard it as an act of "extreme injustice". According to Cambodia's Ministry of Foreign Affairs, "By implementing these withdrawal measures, the European Commission risks negating twenty year's worth of development

efforts.”³⁴ By the end of 2018, however, the EU had yet to terminate its EBA agreement with Cambodia.

The United States also played a role in trying to constrain the consolidation of power by the CPP and in deterring it from moving closer to China, but this policy effort appears to have resulted in further straining its bilateral relations with Cambodia. The imprisonment of CNRP president Kem Sokha in September 2017, which resulted from the Hun Sen government’s allegation of his collaboration with Washington to overthrow the CPP, led to American politicians making threats to impose sanctions on Cambodia. On 23 October 2017, for instance, Senator Ted Cruz wrote a letter to the Cambodian ambassador to the United States expressing concerns about the political situation in Cambodia and considering the CPP’s anti-opposition actions as an “attempt to undermine the Cambodian people’s faith in the democratic process”. Hun Sen dismissed Cruz’s criticism, saying that his country had its own law, that “there is no such thing as international standards when it comes to politics”, and that there should be no interference and no need for any legitimization of election outcome from “outsiders”.³⁵ Hun Sen’s combative attitude towards the United States may have been emboldened by his belief that the latter had stopped providing ODA to his country since 2016.³⁶ According to the U.S. Department of State’s website dated 15 August 2018, “in 2014, U.S. foreign assistance for programs in health, education, governance, economic growth, and demining of unexploded ordnance totaled over \$77.6 million”. Assistance after 2014 is not mentioned.³⁷

Cambodia’s relations with the United States deteriorated further before the 2018 election when Congressman Ted Yoho, chairman of the House Foreign Affairs Subcommittee, introduced a bill known as the Cambodia Democracy Act 2018, which was approved by the House of Representatives on 25 July. The bill would impose sanctions on sixteen Cambodian individuals, including Hun Sen, his sons and the head of his bodyguard unit. The Trump administration considered the election to be “neither free nor fair”, making it clear that it “failed to represent the will of the Cambodian people” and threatened to take action against the CPP government, “including a significant expansion of the visa restrictions announced on December 6, 2017”.³⁸

In short, Cambodia’s relations with the Western world no longer appear to be where they used to be, as Hun Sen has continued to take steps bringing the country closer to China and further away from the democratic West. Although it is still unclear how far he can go, Hun Sen seems to have learnt from history that he can succeed in playing major powers off against each other in his efforts to maximize security through power consolidation.

Conclusion

The year 2018 witnessed the most serious setback on the political front, despite the fact that the economy performed as well as it had in previous years. For the first time since 1993, the CPP succeeded in politically erasing the remaining traces of democracy by grabbing all possible elected seats in the bicameral legislature. As the CNRP, the country's main opposition party, had been barred from competing in the two elections, other smaller opposition parties were too weak to compete against the CPP and thus failed to win even a single seat. Hun Sen's political success can be attributed to his control of the armed forces and the judicial and party systems, which he has used effectively as coercive means to suppress the opposition. Moreover, the support of China — which has emerged as Cambodia's biggest investor, largest donor and the strongest defender of Hun Sen's authoritarian politics — was another major source of power that he used to counter any threats from developed countries in the West. Cambodia now appears to be emerging as a new site of geopolitical contestation between the democratic West and the authoritarian East led by China, although the security situation is far from being as it was in the 1970s and 1980s when the country was used as a battleground by the rival capitalist and socialist blocs to fight their proxy war. However, Hun Sen's dependence on China may cost his government or himself in the future. Because his political legitimacy is largely tied to economic performance, it becomes an issue that Cambodia's economic growth is both simultaneously dependent on Chinese aid and investment as well as exports to the West. If and when the economy stops performing well, the CPP may end up self-imploding.

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