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Chapter 7

Human Security in Post–Cold War Cambodia

Sorpong Peou

Over the past two decades or so the Cambodians have become more secure than ever before, if their personal security is assessed in terms of freedom from fear (from the threat of direct physical violence) and freedom from want (from the threat of indirect non-physical violence). Direct physical violence takes various forms such as armed conflict, small arms, light weapons, (landmines causing injuries and deaths) and crimes (most serious of which are war crimes, genocide, ethnic cleansing, and crimes against humanity) (Bellamy 2010). Indirect forms of violence include non-physical sources of threat to human development—those that deny people the following freedoms: freedom to exercise political rights and enjoy civil liberties, freedom from transnational nonmilitary threats (such as pandemics and organized crime, including human and drug trafficking), and freedom from poverty, hunger and homelessness (Peou 2013).

This chapter provides an analysis of human security in Cambodia after several decades of political repression, war and violence. The post-independence monarchical regime presided by Prince Norodom Sihanouk lasted until March 1970 when he was removed from power in a bloodless coup. The new republican regime led by the Prince's former minister of defense, General Lon Nol, plunged the country into a bloody civil war. The Khmer Rouge revolutionary forces then defeated the Republican Government and quickly turned the entire country into a mass labor camp and countless killing fields until the Vietnamese armed forces invaded Cambodia late in 1978 and ended the reign of terror. The war continued after the Cambodians' greatest nightmare was over, as various resistance forces, including the Khmer Rouge remnants, joined forces to drive out the Vietnamese troops. It was not until 1989 that Vietnam pulled its troops out of Cambodia. The end of this foreign occupation made progress toward peace more possible. On 23 October 1991, four Cambodian warring factions signed a peace agreement through which they invited the United Nations to intervene in the process involving a triple transition: from war to peace, from authoritarian to democratic rule, from a command to a pro-market economy. The Khmer Rouge signatory pulled out before the UN-organized election in 1993, after which a coalition government—led by First Prime Minister Norodom Ranariddh and Second Prime Minister Hun Sen—was established. Khmer Rouge armed rebellion continued until 1998. Until this time, armed politics within the coalition government had also grown intense, culminating in the removal of Ranariddh

from power after a bloody coup in July 1997. The coup mastermind, Hun Sen, emerged as the country's dominant political figure. The national election in 1998 witnessed a real transition from war to peace (Peou 2007, 2000, 1997).

This chapter argues that the Cambodians became more secure thereafter. The governments led by Hun Sen did not commit any most serious crimes outlined by the 2005 World Summit Outcome Document, namely war crimes, genocide, ethnic cleansing, and crimes against humanity. By mid-2012 progress on the human security front had resulted from growing political stability that the Hun Sen regime and the global community were able to provide. This does not mean that no political violence was committed or that all Cambodians enjoyed personal security to the fullest extent. The global donor community still proved unable to help consolidate Cambodia's state, with political and civil institutions, especially democratic ones, because of persisting security and hegemonic politics in the country and donors' lack of political will.

The Decline and Persistence of Physical and Non-physical Violence

Direct physical violence state leaders and their supporters committed against individual Cambodians declined but did not disappear. Unlike what had happened from the 1970s to 1997, the political regime—over which Prime Minister Hun Sen of the Cambodian People's Party (CPP) presided—provided political stability and committed few of the most serious crimes.

The 1970s witnessed the most violent period in Cambodian history. A civil war spread across the country after Prince Sihanouk had been removed from power, and it was intensified by the extensive American bombings of Khmer Rouge zones, contributing to the influx of refugees into cities. At least 600,000 people were believed to have died. When the war ended in April 1975, the revolutionary Khmer Rouge regime turned the entire country into a labor camp where its loyalists began to commit mass atrocities. Somewhere between one and two million people died of extra-judicial executions, hard labor, starvation, and disease (Peou 2000). This form of violence is discussed elsewhere, but it is worth emphasizing that the regime indeed committed horrendous atrocities, when assessed in terms of their scale and gravity. The regime "engaged in the most atrocious slaughter, through torture and widespread famine of about one-four of the country population" (Courtois 1999). According to Karl Jackson, "no previous revolutionary elite had moved so relentlessly to hunt down and killed as many as possible of the trained and educated manpower" (Jackson 1989). In the late 2000s, several surviving Khmer Rouge leaders were charged with of war crimes, genocide, crimes against humanity and other crimes.

Throughout the 1980s and much of the 1990s, war and repressive violence continued with varying degrees of intensity, as the Vietnam-backed regime sought to defeat the resistance movement made up of various armed resistance factions, including the Khmer Rouge remnants, the royalists known as FUNCINPEC, and

the Kampuchean People's National Liberation Front (KPNLF), which formed the Coalition Government of Democratic Kampuchea (CGDK) and who were signatories of the 1991 Peace Agreements. After the national election in 1993, the coalition government battled the Khmer Rouge rebels, but the armed rebellion was confined to only the far western and northern parts of the country. The rebels' complete disintegration in 1998 and their subsequent integration into the national armed forces spelled an end to decades-long armed politics and ushered in a new and brighter chapter in Cambodian political history.

Other forms of direct physical violence also occurred during and after the Government's war with the Khmer Rouge, but they were limited to groups engaged in the politics of protest and resistance and grew less intense over time. Political violence peaked in 1997. The violent incidents included the following: grenade attacks on members of the Buddhist Liberal Democratic Party (BLDP, belonging to the former KPNLF), leaving at least 17 people dead; the growing tension between the CPP and FUNCINPEC, which led to the removal of Prince Ranariddh from power in July 1997 and resulted in about 100 brutal killings. The Hun Sen Government refused to acknowledge any political motivations, and there were never any arrests or prosecutions in connection with this violence. The general security atmosphere improved after the National Assembly election in 1998, as the CPP became the dominant party and as Prime Minister Hun Sen continued to consolidate his power base across the country.

Soon after the new millennium arrived, Cambodians enjoyed more personal security: armed politics finally ended. In November 2000, a group of Cambodian Freedom Fighters (CFF) members was still seeking to overthrow the Hun Sen leadership by carrying out an armed attack on government buildings in Phnom-Penh; at least eight people were killed. Members of the CFF were arrested, prosecuted, and imprisoned. In June 2005, their leader, Chhun Yasith, was arrested at his home in California, where he was indicted on charges of conspiracy to kill, to destroy property in a foreign country, to use a weapon of mass destruction outside the USA, and to engage in a military expedition against a nation with which the USA was at peace. In April 2008, a Californian court convicted him on all four charges and, in June 2010, sentenced him to life imprisonment. Armed politics was thus brought to an end early in the 2000s.

As armed threats to the Hun Sen regime declined, the overall human security situation throughout the country improved. The Government made more efforts to reduce the proliferation and misuse of small arms and light weapons (Roberts 2009), regarded as a threat to people in the form of gun-related incidents and criminal activities. Although their exact number may never be known, hundreds of thousands of such arms remained in government stockpiles and private hands. In August 1998, the Government began a national weapons collection programme. In April 1999, a law aimed at cancelling all existing gun licences was approved. The Phnom-Penh municipal authorities initiated a weapons "buy-back" and confiscation scheme (offering US$ 7.50 for an AK-47 rifle and $5 for an M-16). In 2000, the National Commission for the Reform and Management of Weapons and

Explosives in Cambodia was created. In 2005, The Law on the Management of Weapons, Explosives and Ammunition was adopted. By mid-2007 the Government had collected 210,000 such weapons, most of which had been destroyed.

Progress on de-mining or mine-clearing efforts was also made. Between 4 and 6 million landmines and 2.7 tons of bombs were left scattered across the country and they contaminated over 4,544 square kilometres of land. The Government took action from early on to remove them. The Cambodian Mine Action Centre (CMAC) was established in June 1992. In 1999, the National Assembly adopted The Law to Ban the Use of Anti-Personnel Landmines. On 1 January 2000, Cambodia became a State Party to the Anti-Personnel Mine Ban Treaty and the Convention on Certain Conventional Weapons Protocol I to IV. Between 1992 and 2010, CMAC alone destroyed a total of 2,089,437 landmines and unexploded ordinance (UXO). Other organizations were also involved in mine clearing. Between 1994 and 1998, for instance, the Cambodian armed forces destroyed over 70,000 stockpiled anti-personnel landmines. By 2010 some 600 square kilometres had been cleared and many lives saved. By this time some 63,000 people had been killed and injured by landmines and UXO, but the overall number of casualties declined noticeably: from 1,153 in 1999 to only 112 in 2010 (Roberts 2009).

Physical violence against ethnic groups has now virtually disappeared. In the early 1990s, ethnic Vietnamese were subject to armed attack, especially by Khmer Rouge rebels. Other opposition parties also adopted a nationalist stance in an attempt to discredit the pro-Vietnam CPP. By the early 2000s ethnic violence had begun to disappear from electoral politics, although xenophobic rhetoric was far from dead. Recent reports by UN officials focused no attention on this issue. UN reports highlighted the fact that ethnic minority groups were victims of discrimination and inadequate consideration of their cultural and traditional beliefs. Their concerns shifted toward indigenous groups losing traditional lands as a source of livelihood and identity; however, as will be discussed, other Cambodians faced similar problems (Subedi 2012c: 57–58). Overall, physical violence against ethnic identities died down.

Violations of refugee rights also subsided in recent years. The Government violated the principle of non-refoulement (under which refugees were protected from returning to any country where they might be subjected to inhumane treatment), for instance, when it deported some 100 Montagnard asylum-seekers back to Vietnam in July 2005. Since 2011, thousands of Montagnards (belonging to a minority group in Vietnam) fled to Cambodia, citing fears of persecution because of their religious beliefs. In December 2009, the CPP Government deported back to China 20 ethnic Uighur asylum-seekers believed to be at risk of torture and mistreatment by Chinese authorities. (The asylum-seekers were members of the Turkic, Sunni Muslim minority native group who had fled to Cambodia, claiming that they had been persecuted by the Chinese Government following violent clashes in July 2009 between Uighur and Han Chinese in Urumqi, in the Xinjiang region of China). Arrivals of asylum-seekers decreased to just 10 in 2011, from 250 (2008), 64 (2009), and 48 (2010). The decreases may have resulted from the awareness

of Cambodia's pro-China and pro-Vietnam policy, especially after the Hun Sen Government closed down the UNHCR-run refugee centre on 15 February 2011.

Low levels of political violence still occurred before, during and after election times, but grew less and less intense. In early 2002 Human Rights Watch issued a review of developments in which it criticized the rise of political violence prior to the *khum* headship elections, the lack of improvement in prison conditions and the on-going use of torture by police and prison officials, who continued to act with impunity. After the 2008 General Assembly elections, direct physical violence against opposition party members diminished as members of the ruling elite became more secure and felt the need to take on their challengers through legal means.

If rape, domestic violence and human trafficking for the purpose of sexual exploitation are regarded as physical threats to women and girls, then such incidents remained worrisome; however, evidence showed that these threats also declined. In the first half of 2004, for instance, 109 cases of rape in 14 provinces were investigated, and 153 rapes, 246 incidents of domestic violence and 29 human-trafficking offences involving children were reported. The Cambodian League for the Promotion and Defense of Human Rights (LICADHO) continued to report on sexual and gender-based violence (LICADHO 2007). In more recent years, the overall level of domestic violence against women declined: from 64 per cent in 2005 to 52 per cent in 2009.

In short, various forms of direct physical violence declined from the 1990s to the 2000s. Armed politics finally ended. The threat of small arms, light weapons and landmines was reduced, and more lives were spared. Violence against ethnic groups and refugees disappeared. The number of violent incidents directed at political opponents became less and less frequent and intense. Rape and domestic violence still threatened women's and girls' security, but also became less severe. But, as will be discussed next, other forms of direct physical violence associated with socio-economic factors occurred also took place, although the number of casualties remained relatively low and non-physical forms of violence remained a concern.

Poor health conditions remained an indirect form of threat to personal security, but the overall situation also improved in recent years. At the end of 2004, 157,000 Cambodians were said to have lived with HIV/AIDS; however, at the end of 2008, according to USAID, the number had declined to 75,000 (of whom 20,000 were women and 4,400 children). Progress was made when data showed that the prevalence rate of this epidemic among the population dropped to 0.6 per cent in 2011, putting the country ahead of the target the UN set for reducing the number of victims to 0.9 per cent by 2015. My recent interviews with Cambodian health officials further revealed that the number of AIDS victims in 2011 stood only between 70,000 and 80,000.

Drug trafficking remained a nontraditional source of human insecurity. The UN Office on Drugs and Crime (UNODC) reported that illegal drugs-trafficking in Cambodia skyrocketed in 2004 compared with 2003. The amount of

amphetamine-type stimulants entering the country increased 10-fold, prompting UNODC staff to declare that the drugs situation in the country was out of control. According to the US State Department's *International Narcotics Control Strategy Report* (2012), money laundering and drug-trafficking still put the country at "significant risk." Transnational criminal networks continued to use Cambodia as a location for synthetic drug production and a transshipment point. The report UN estimated that up to 500,000 Cambodians were drug users (making up of 4 per cent of the population and spreading from cities to rural areas) and drug addicts continued to be treated as criminals (US State Department 2012).

The UN Development Program's Human Development Index (HDI, measured in terms of a long and healthy life, access to knowledge, and a decent standard of living), shows that social exclusion on the basis of poverty, education or gender discrimination remained in Cambodia; however, progress was made over the last 20 years. Between 1995 and 2011, the country's HDI score improved: to 0.523, from 0.407. Within Southeast Asia, Cambodia in 2011 did better than Myanmar (which received the lowest score of 0.483) but less well than Laos whose score stood at 0.524 and far worse than Singapore (the most developed country in the region, which enjoyed the highest score of 0.866). Progress on human development can also be measured in terms of per capita gross national income (GNI), which rose to $760 (2010) from $650 (2009), $388.50 (2005), $246.1 (2000), and $247 (1998). The percentage of people living below the poverty line (earning $1.25 per day) declined: from between 40 and 50 per cent (1994) to 36.1 per cent (1997), 35 per cent (2004), 30 per cent (2007), and 28.3 per cent (2011) (World Bank 2009).Overall, chronic hunger remained a major problem for the poor, who also had no adequate access to sanitation and were thus subject to disease (Robinson 2012). Life expectancy in the country, however, increased to 63.1 years (2011) from only 39.7 years (1980).

These positive social-economic indicators reflect economic growth over the last two decades, but do not include other negative socio-economic trends. Economic growth bounced back at 7.8 per cent (2011) and 6.2 per cent (2012), after it was reduced to 0.1 per cent (2009) and 6 per cent (2010). The textile and garment sub-sector of the industry was the main driver of economic growth at a rate of 20.5 per cent in 2011 (Economic Institute of Cambodia 2012). Socio-economic inequalities continued to widen, however. Gini coefficients of income inequality, for instance, rose from 0.35 (1994) to 0.39 (2004) and 0.43 (2007). (A Gini score of 1 represents perfect inequality, whereas a Gini of 0 represents perfect equality). Whether socio-economic and gender inequalities will become a new source of armed politics and conflict is far from clear, but the level of poverty remained a source of threat to personal security.

A new form of economic violence also began to intensify in the early 2000s, as disputes over illegal land grabs and forced evictions escalated and often remained unresolved (Subedi 2011, 2012b, and 2012c). Land disputes often resulted in some physical violence causing injuries and deaths, such as the killing on 26 April 2012 of an outspoken environmental activist and human rights defender (Chhut Wutty).

Women and girls bore more brunt in this development, as they became activists on the frontlines at protests. Security forces often used force against them, such as the shooting death on 16 May 2012 of a 14-year-old girl involved in a land dispute with a private company.

In addition to causing direct physical violence, illegal land grabs deprived their victims of life-supporting necessities. Government, military and police personnel seized land areas from villagers or used bulldozers to clear lands in community forests. Between 2008 and 2011 some 2 million hectares of land, much of which from small-scale farmers, had been transferred to industrial agricultural companies. Economic land concessions threatened the livelihood of ordinary people who depended heavily on their surrounding environments. This type of threat include limiting access to safe drinking water, disrupting transportation ways, blocking paths and roads used to access forested areas and waterways, diverting water from local areas or causing farms to flood, contaminating water, and sickening or killing livestock.

Forced evictions also constituted a threat to thousands of people being removed from their homes in order to make way for new development projects. In June 2009, for example, the authorities evicted some 30 families affected by HIV/AIDs from their homes in BoreiKeila, an area of prime land in central Phnom-Penh. The families were transferred to an area on the outskirts of the capital, where they were given insufficient compensation and the arrangements for their permanent re-housing remained precarious. The problem of forced evictions became more prevalent in recent years. By the end of 2011, almost 500,000 people had been negatively affected by land grabs and forced evictions. The year 2011 saw some 60,000 people forcibly evicted from their homes, with some 30,000 of them from Phnom Penh alone (Subedi 21 September 2011, 2 August 2012, and 24 September 2012).

In sum, Cambodia witnessed the relative decline of both direct physical violence directed at groups and individuals and even some forms of indirect non-physical violence. However, non-physical violence caused by economic factors continued unabated. The overall improvement of human security in the country was far from ideal and thus requires an explanation.

The Weakness of Formal Institutional Capacity for Human Protection and Empowerment

Why did the human security situation in Cambodia remain far from ideal? The answer may lie in the fact that the country achieved a higher level of political stability, thus making the regime less prone to violence, but democratic under-institutionalization allowed violence on a small scale to continue, especially when members of the ruling elites were still free to pursue their interests.

The case of Cambodia shows that levels of political violence depended largely on levels of state leaders' ability to respond to challenges or manage threats

(both perceived and actual) from within the state and society. Comparatively, the Khmer Rouge regime was the most repressive of all regimes in Cambodian history, but it was also the least prepared to govern. Its reign of terror was not simply the byproduct of Khmer chauvinism, which may have been a result of ideological, perceptional and institutional factors, such as the elite's perception of existential threats to personal and regime security or survival. The Khmer Rouge movement began as a small peasant army led by a small group of young leftist intellectuals trained in France. The revolutionary army engaged in an unexpected war after the 1970 coup, heavily relied on the military support of Communist Vietnamese forces, and had to use excessive violence to win the war. Following its victory in 1975, the Khmer Rouge leadership had no real institutional base of its own upon which it could use to govern effectively. Instead of relying on political and social institutions from the previous regime, it demolished them. The entire country was run by a Communist Party whose leadership also appeared to have been highly fragmented. The struggles for power among the ruling elites grew intense, leading to widespread purges within their ranks, leaving the regime in a "state of nature," and provoking Vietnam to intervene militarily. Efforts to rebuild state and social institutions in the 1980s were limited by the fact that the regime focused its policy attention on the war against the resistance movement.

After the early 1990s, state institution building began but remained limited. Government ministries remained institutionally weak. They were corrupt and inefficient. Their employees hardly worked. In recent years, the Hun Sen Government managed to strengthen its institutional capacity. For instance, revenue collection was estimated to increase by 17 per cent in 2011 and reach 13 per cent of GDP. More direct revenues and taxes on goods and services were collected. This allowed the state to increase its expenditures on subsidy and social assistance. But the institutional capacity of the three branches of government was increasingly concentrated in the hands of the Prime Minister and government ministries remained far from institutionally effective.

Efforts to reform the security sector were far from successful. As a result of the protocol on power-sharing between them after the 1998 election, Hun Sen and Ranariddh agreed to reform the armed forces widely viewed as overstaffed, underpaid, unruly, and heavily engaged in illegal logging activities. The exact size of the armed forces was unknown. The number of "ghost soldiers" on the payroll (who had either been killed or had returned to their villages but whose pay was still collected by senior officers) may have constituted one-third of the 155,000 military personnel. The Government identified only 15,551 "ghost soldiers." Approximately 1,500 soldiers were demobilized in 2000 and an additional 15,000 in 2001. By the end of 2003, government efforts to demobilize another 15,000 troops had failed and the program was suspended. The armed forces still remained unprofessional and deeply politicized.

Hun Sen increasingly dominated the military and showed no hesitation to use it to strengthen his power base. All factional armed forces had been integrated into the national armed forces by the late 1990s, but they came under the control of

CPP leaders who fully dominated the Ministry of Defense. Although he resigned as Commander-in-Chief of the Armed Forces in 1999, Hun Sen elevated CPP General Ke Kim Yan (the former Chief of the General Staff) to that position but dismissed him in 2009. The new Commander-in-Chief, General Pol Saroeun, was not only a CPP member but also one of Hun Sen's loyalists. The Prime Minister also appointed seven new Deputy Commanders-in-Chief (Chea Dara, Mol Roeu, Meas Sophea, Hing Bun Heang, Kun Kim, Ung Samkhan, and Sao Sokha)—all of whom remained loyal to him.

The Prime Minister also successfully tightened his control over the national police. For instance, he built a family alliance with top police officials, most notably General Hok Lundy (Police Chief), through the marriage of their children. After the plane crash on 9 November 2008 that killed Hok Lundy, Hun Sen quickly appointed Deputy National Police Commissioner, General Neth Savoeun, as the new police chief, who was married to one of his nieces.

But the armed forces did not become sufficiently institutionalized, capable of effectively protecting people. Hun Sen "developed a full array of outside institutions—captive firms, controlled media, party-affiliated NGOs and unions… to support the corrupt system" (Calavan; Diaz Briquets; O'Brien 2004). The Prime Minister succeeded in building an armada of additional institutions, such as a bodyguard force of well-armed 3,500 soldiers who would protect his life at all cost and the Pagoda Boys who served his political interests. The Pagoda Boys were prepared to launch counter-attacks on any anti-CPP demonstrations. Members of the armed forces also failed to enforce the laws put in place and were still free to serve the interests of powerful and wealthy individuals. In spite of the law adopted to protect women, government, police and military officials were widely implicated in drug and human trafficking as well as forced prostitution (LICADHO 2006). The gendarmerie and armed police often helped government officials, their families and private companies demolish houses before any negotiations for compensation had been concluded (Subedi 2012b: 8). Between September 2011 and January 2012, for instance, they demolished more than 300 homes in Phnom Penh alone, rendering people homeless or putting them in unpredictable housing situations, and arrested scores of peaceful protesters (Subedi 2012a: 5–7). Some protesters were charged with insurrection and even murdered. Concession companies began to hire armed forces and security guards to protect themselves and their properties. Youths—allowed to wear military fatigues commonly worn by members of the national armed forces but without the military insignia—were recruited, received limited training and then used to demarcate land. In some cases, they intimidated local communities (Subedi 2012c: 55–56).

Members of the ruling elites were also more preoccupied with their own security than the security of others, especially their political opponents. Cambodia held four national elections: 1993, 1998, 2003, and 2008, two senate elections, and three commune elections, but the results reveal personal power consolidation. The CPP lost the election in 1993, but kept gaining more seats in the national elections (from 51 in 1993 to 64 in 1998, to 73 in 2003, and to 90 in 2008). The 2008 election

saw a 30 and 40 per cent decline in the voter turnout at 65.4 per cent. The CPP nearly monopolized the commune seats since the local council election in 2002. It held tight control of close to 1,600, or nearly 99 per cent, of all commune chiefs. The second election for 1,621 communes and sub-districts, held on 1 April 2007, gave the CPP another landslide victory: it retained most of the commune councils, collecting 1,591 council chief positions. The other parties combined received only 30 positions. The third commune election in June 2012 resulted in another victory for the CPP collecting 8,283 out of 11,450 seats, leaving it in a dominant position. Government officials were mobilized to work for the CPP, which also used the public media and space to increase its chances of winning before the election (COMFREL 2012).

Attempts to silence the opposition were also accompanied by the CPP's efforts to weaken civil liberties such as the freedom of expression and peaceful demonstration. After the coup in 1997, the CPP moved quickly to dismantle their media outlets and still restricts their access to the media sector. Any attempts to level the playing field in the broadcast media sector were thwarted. The SRP was never authorized to open a radio station. Prior to the 2008 election campaign period, for instance, opposition party candidate and editor of a newspaper *Moneaksekar Khmer* Dam Sith was arrested and detained because of his report on a speech by Sam Rainsy. The SRP leader himself received a threat because of making that speech. After the 2008 election, for instance, the UN Office of the High Commissioner for Human Rights in Cambodia issued a public statement, still expressing concerns "about deeply entrenched inequalities among the political parties in their access to, and control of, both electronic and print media, and the consequent effect upon the voters' right to an informed electoral choice" (UN Office of the High Commission of Human Rights in Cambodia 2008).

The institutional power of the bicameral legislature became increasingly concentrated in the hands of a few powerful CPP lawmakers still subject to the Prime Minister's executive prerogatives. After the 1997 coup, the opposition weakened considerably. FUNCINPEC lost almost all of its political and military muscle and disintegrated. Prince Ranariddh was ousted from the party in 2006, formed a new party after his name—the Norodom Ranariddh Party—which also performed badly: it received only two seats in the 2008 elections (one seat less than what the Human Rights Party received). After the 2008 election, FUNCINPEC weakened further and proved unable to play the role of an effective party in parliamentary politics.

The National Assembly and the Senate remained rubber stamp institutions. Although the Senate was more institutionalized than the National Assembly, the CPP dominated the two Houses. Each House had nine commissions, none of which was chaired by any of the opposition MPs. Members of parliament who challenged the executive branch in general and Hun Sen in particular always faced the prospect of being sued and having their parliamentary immunity lifted. In August 2004, for instance, CPP and FUNCINPEC MPs agreed in a majority vote to exclude the opposition SRP from positions on the nine assembly commissions.

In February 2005, the two ruling parties succeeded in lifting three SRP MPs' parliamentary immunity using a show of hands that violated the parliamentary rule of secret ballot. In June 2009, Hun Sen got his way again by forcing the CPP-dominated National Assembly to lift the parliamentary immunity of two SRP members of parliament (MPs). Meanwhile, Hun Sen also succeeded in getting some business tycoons with close personal ties to him elected to the Senate, which saw a reduction of non-CPP seats to 12 from 28 out of the 61 senators (57 of whom were elected by Commune/Sangkat Councillors most of whom were CPP members, two by the National Assembly, and the remaining two by the King). Tycoon-turned senators could still use state and private security forces to advance their personal interests. In 2006, for instance, CPP Senator Ly Yong Phat used such forces to relocate dozens of families in Koh Kong province to develop a sugarcane field. Another instance involved a tycoon-turned CPP senator, Lao MengKhin (who also directed the Pheapimex Group and Wuzhishan L.S. Group and owned a company—Shukaku) developed a joint venture in a vast luxury development and was involved in the forced eviction of some 4,000 families in Phnom Penh. The legislature often failed to protect people's rights: it was neither willing nor able to hold effectively its own members and members of the executive branch to account for what they did (Subedi 2012a: 11–14).

The judicial system also remained deeply politicized and corrupt. In 2005, for instance, Sam Rainsy (and another SRP member) fled the country. The SRP leader was sentenced in absentia but was "granted amnesty only to be sued after in 2008 by a senior minister for defamation."(Asian Human Rights Commission 2009) CPP leaders always won in their lawsuits, but anti-government lawsuits always failed. For instance, when Sam Rainsy Party MP Mu Sochua filed (on 27 April 2009) a lawsuit against Hun Sen for defamation, the Phnom Penh Municipal Court indicated that it had received the complaint, but Hun Sen's counter-lawsuit prevailed. The Court informed Mu Sochua that her lawsuit against the Prime Minister was rejected; however, the same Court laid charges against her and requested that her parliamentary immunity be lifted. Hun Sen's lawyer made it clear that the counter-lawsuit would not end. Subsequently the Prime Minister had the National Assembly lift her parliamentary immunity and succeeded in doing. The parliamentary immunity of another SRP MP (Ho Vann) was also lifted; he was accused of making the false claim in April 2009 that 22 senior military officers had obtained meaningless awards from Vietnam. A new penal code came into effect in November 2009, raising concerns about potential prosecution for defamation and disinformation. The Government used the Penal Code to prosecute its opponents. In 2010, for instance, Rainsy was sentenced to 10 years in prison on charges of racial incitement, destroying Cambodia-Vietnam border demarcation posts, disinformation, and falsifying maps.

Courts and mechanisms for dispute settlement remained ineffective and almost always took sides with powerful and wealthy individuals (Subedi 2012a: 8–9). UN reports point to the fact that the judiciary often failed to uphold the rights of many people affected by illegal land grabs and forced evictions. The existing mechanisms

for land disputes, such as the cadastral commissions and the National Authority for Land Dispute Resolution, proved ineffective in upholding the rights of small landholders. Instead of protecting vulnerable people, courts often punished them. Courts often prevented the accused from presenting evidence, but the accused were often convicted on the basis of coerced confessions provided by police. Judges often sent to jail those who protested against illegal land grabs and forced evictions. In June 2011, for instance, at least 11 people were injured when 250 residents from several communes armed themselves and clashed with hundreds of armed police and military police attempting to enforce a 2009 Supreme Court order, which awarded a private company a 65-ha plot of land occupied by villagers (Subedi 2012a: 7). In 2012, in another instance, a court sentenced a leading broadcaster to 20 years in jail because of his role in speaking out against illegal land grabs. Instead of examining evidence from the accused, the court found him guilty of masterminding a rebellion and helping villagers create a "secessionist movement." Unsurprisingly, local communities lacked faith in courts, viewing them as increasingly inclined toward criminalizing rights defenders and thus preferring non-judicial mechanisms and authorities such as commune and district chiefs, tycoons, government officials, and the King (Subedi 2011: 11, 24 September 2012: 60–61). As noted earlier, such non-judicial authorities were also ineffective.

The trouble with justice in Cambodia was that the judicial and legal system remained subject to the CPP Government's tight control. The Constitutional Council (CC), tasked with the constitutional responsibility to uphold the separation of powers and judicial independence, proved ineffective. Almost all of the nine CC members were affiliated with the CPP. At the same time, the CC "cannot examine any matter on its own initiative. Only the King, the President of the Senate, the President of the National Assembly, the Prime Minister, one quarter of the Senators, one tenth of the members of the National Assembly, or the Supreme Court can make a request to the Council to review the constitutionality of a law passed by Parliament" (Subedi 2012a: 16). But as noted earlier, these state institutions themselves also remained under-institutionalized and politicized. The CPP appointed most of the judges and prosecutors. The President of the Supreme Court was a member of the CPP's Standing and Central Committee. The Supreme Council of Magistracy (SCM) remained dominated by the CPP, because most of the nine members were nominated (three by the king, three by the National Assembly and three by the SCM) and were closely affiliated with the CPP. The SCM had little power to select and discipline judges. The Minister of Justice, not the SCM itself, ran the SCM Secretariat.

Small, poorly equipped and deeply politicized, the legal community remained under-institutionalized. The country had little over 100 judges, around 100 prosecutors, and about 250 private lawyers. The Council of Ministers still controlled the Royal Academy for Judicial Professions, which trained judges, prosecutors, and court clerks. The Cambodian Bar Association, though becoming more professional, even admitted some politicians without any legal credentials (such as Hun Sen) and gave them the full right to practice law.

In short, the multiparty system that emerged in Cambodia during the 1993 national election now gave way to a hegemonic-party system in which the CPP monopolized power in the executive, legislative, and judicial branches, using coercion, patronage, and other means to deny opposition parties any real chance of winning elections. Opposition parties were still permitted to exist and compete for public office, but some became more like satellite licensed parties. All this development helps explain recent political stability and lower levels of political violence because the opposition proved less and less able to challenge Hun Sen and his dominant party.

Overall, formal state and political party institutions remained weak because of the elite's power consolidation. World Economic Forum's *Global Competitiveness Report* (2005–2006) ranks Cambodia's public institutions 114th among 117 countries (World Economic Forum 2006). According to one study published in 2008, Cambodia ranks 34th among 141 developing countries in terms of state weakness—weaker than Timor-Leste (43rd) but stronger than North Korea (15th) and Myanmar (17th) (Rice and Patrick 2008: 11). These rankings may not be accurate (Cambodia seems institutionally stronger than Timor-Leste), but still reflect a high degree of formal institutional weakness in Cambodia. This does not mean no other strong institutions exist, but they tend to be created by government leaders to protect or empower themselves.

This also does not mean that state leaders always abused their power, but nor does it mean that they became truly effective in making decisions and implementing them. In fact, the process of personalizing power also means that members of the ruling elite had to depend on the loyalty of those who supported them but must maintain such loyalty by not taking effective action against them. Hun Sen, for instance, pledged to press for the adoption of anti-corruption law in June 2003, but failed to make good on his promise. The Prime Minister declared a "war against land-grabbers" in March 2007, but proved unable to win the war. According to Lao Mong Hay (a long-time prominent observer of Cambodian politics), "forestry land-grabbing has been on the increase in almost all provinces" (Lao 2008: 2). State institutions remained deeply corrupt and highly politicized. As noted earlier, evidence shows no genuine progress in the area of military and police institutional reform. Surveys during the first half of the 2000s showed that Cambodians regarded the police forces as one of the most dishonest and corrupt institutions (Nissen 2005: 8). No evidence shows that the Government effectively used revenue generated from land concessions for the purpose of social and economic development or that land concessions contributed to poverty alleviation (Subedi 2012c: 47).

Based on these insights and evidence, it is possible to conclude that the overall limit on the improvement of human security had more to do with the ruling elite's ability to govern by weakening the threat of political challenges to their authority, by personalizing power instead of formally institutionalizing it and by using personal power to secure their own interests instead of strengthening democratic institutions to better protect people. At the same time, the process of personalizing

power with low-level formal institutionalization kept political leaders dependent on political supporters and unable to take effective action against them even when they committed crimes that threatened the security of individuals, especially political opponents. Some members of the Government, including those in the armed forces, became actively involved in human and drug trafficking, illegal land grabbing, and forced evictions. As will be discussed next, the improved human security environment since the end of the Cold War also resulted from the support Cambodia received from the international community.

The Global Community: The Limits of Institution Building for Human Protection and Empowerment

Members of the global community made a positive impact on human security development in Cambodia. Their activities included sending a UN mission known as the United Nations Transitional Authority in Cambodia (UNTAC) with seven components designed to ensure a triple transition from war to peace, from authoritarian rule to democracy and from a command to a free-market economy; political assistance to help ensure free and fair elections; measures to prevent gross human rights violations by reporting on violence in Cambodia and helping to establishing a hybrid criminal tribunal to bring Khmer Rouge leaders to justice.

The extent to which the global community helped end the armed conflict and protect people from direct/physical and indirect/non-physical violence is difficult to determine. The fact that armed politics and political violence did not come to an end immediately after UNTAC's departure and socio-economic violence continued led some observers to make the case against imposing Western-style liberal ideas and institutions. The Peace Agreements, critical scholars argue, included the Khmer Rouge murderers, imposed liberal democracy on a country where authoritarian leaders had run for centuries, and aimed to integrate Cambodia into the world capitalist economy that disempowered people. The poor were left to fend for themselves. Critical scholars would further contend that the neo-liberal agenda was responsible for the growing gap between rich and poor Cambodians, made worse by the fact that the elites proved far from capable of taking action against illegal land grabs, ensuring adequate compensation for forced evictions, not making effective use of national revenue to provide for most vulnerable social groups. The liberal agenda was simply a recipe for failure and human insecurity.

Critical perspectives, however, tend to overlook the fact that progress on the human security front was made. Without any liberal international intervention, most Cambodians would have experienced far more insecurity that they did. The human security situation remained dire when UNTAC arrived. State, political, and civil society institutions existed at a rudimentary level. After two decades of war and mass violence, the UN led an almost impossible mission: seeking to keep the peace in the face of armed politics driven by deep-seated distrust among former

adversaries and to build liberal institutions from scratch. Following UNTAC's departure, the international donor community became involved in various activities that can be considered part of what came to be known later as the human security agenda. Members of the donor community made positive changes in terms of micro-disarmament involving the removal of small arms, light weapons, and landmines. Foreign governments that provided funding for these disarmament activities included the European Union, Japan and the United States.

The UN also took measures to prevent threats to human rights. The world organization established the Office for Human Rights in Cambodia. Until 2008, the UN also sent Special Representatives of the Secretary-General to monitor the human rights situation in the country.[1] They undertook regular visits or missions to Cambodia and submitted reports to the General Assembly and the Commission on Human Rights, which later changed to the Human Rights Council. Beginning in 2009, the current UN Special Rapporteur sought to work the Cambodian government but provided it with critical analyses and recommendations that often clashed with the latter. The UN also helped establish the Extraordinary Chambers in the Cambodian Court of Cambodia (ECCC) whose mandate was to bring Khmer Rouge leaders to justice.

In the two decades after UNTAC's departure, the donor community provided Cambodia with more than $10 billion worth of international assistance (the total is now significantly more than this). From the CPP elites' perspective, the Hun Sen regime was rewarded for its success in consolidating power, providing political stability and ensuring economic growth, and this goes to show that these positive developments heavily depended on international assistance over the years. Without international assistance, Cambodia might not have enjoyed the levels of economic growth and poverty reduction that it did.

The trouble with the global community was that it did not do well enough, nor was its Cambodia agenda liberal enough. UNTAC itself was still learning to organize and conduct such multifaceted peace operations; the mission was unprecedented in terms of size and mandate. It came as no surprise that the mission was slow and weak in undertaking its tasks. The ceasefire among the Cambodian armed factions went into effect on 1 May 1991, but the UN Security Council did not authorize the establishment of UNTAC until February 1992. A small UN mission known as the United Nations Advance Mission in Cambodia (UNAMIC) began to arrive in October 1991, armed with the temporary task of assisting the Cambodian parties in the process of maintaining the ceasefire, but it proved ineffective. The UN only began to deploy its peacekeepers on 15 March 1992, but the full deployment of its troops was not completed until the summer. Slow UN troop deployments remain problematic today (Bellamy 2010). It is also questionable whether the 15,000 peacekeepers and some 3,500 police monitors were strong enough to

1 They were Michael Kirby from Australia (1993–96), Thomas Hammarberg from Sweden (1996–2000), Peter Leuprecth from Austria (2000–2005), YashGhai from Kenya (2005–2008), and Surya Subedi from Nepal (2009–present).

keep the peace, as the ceasefire was violated. One thing was clear, though: they did not succeed in implementing the process of disarmament and in ending the Khmer Rouge's rebellion. Without adequate security provision (Adekanaye 1997: 359–366), the armed factions chose to protect themselves by not cooperating with UNTAC. This problem remains common today, as UN peacekeeping operations continue to experience financial shortfalls, states still defend their sovereignty, and they remain unwilling to give the UN more power and resources to keep the peace effectively (Bellamy 2010: 177–179; Diehl and Pharoah Khan 2010).

It would also be an over-exaggeration to conclude that the global community deserved all the credit for the progress made in Cambodia. UNTAC did not end the Khmer Rouge's armed rebellion, nor did it deserve much credit for the disintegration of the Khmer Rouge leadership in 1998. The UN democratic process helped discredit the Khmer Rouge movement, but the Khmer Rouge disintegration resulted mainly from a series of formal and informal amnesties granted to some of Khmer Rouge leaders as well as from the process of national reconciliation. The ECCC - which had sentenced only one Khmer Rouge official to jail by 2011 and looked unlikely to finish its work until 2018—was not the main cause of peace and stability Cambodia enjoyed but was rather the product of Khmer Rouge disintegration which made it possible for the global community to pursue justice against Khmer Rouge leaders. This also helps explain why the Hun Sen Government showed considerable reluctance to the idea of bringing more Khmer Rouge leaders to justice, fearing that this form of retribution would bring the country back to civil war or bring about political instability. Moreover, the global donor community proved willing but often unable to help consolidate the democratic gains from the 1993 national election.

There are several reasons why democratic institution building was far from successful. First, UNTAC was never able to control the state structure dominated by the CPP. The political opposition grew weaker after UNTAC's departure, especially after the coup in 1997 that destroyed most of the royalist forces and after the Khmer Rouge disintegrated in 1998. All this development brought about greater political stability but also paved the way for the CPP leadership to consolidate its politico-military power at the expense of opposition parties.

Second, the CPP's successful struggle for survival and political supremacy through hegemonic politics limited the ability of the global community to strengthen democratic institutions. There was little donors could do to undermine the CPP regarded by many observers as most capable of ensuring political stability and preventing the return of the Khmer Rouge. There was never a real alternative to the CPP. The main opposition parties were internally divided and unable to build an effective alliance front capable of winning elections and perhaps governing the country. International pressure was put on the Hun Sen regime to ensure free and fair elections and international assistance was provided to help achieve this end, but the donor community proved either unwilling or unable to strengthen the multiparty system. Political party building was never high on the aid agenda because this area of democracy building was regarded as politically most

sensitive and most offensive to the CPP. As a result, opposition parties remained institutionally weak and unable to compete effectively for political power.

Another important reason for the global community's limited impact on democratic institution building was that major powers were still unprepared to take effective action against the Hun Sen Government since doing so would prove detrimental to their interests. Prime Minister Hun Sen worked toward the idea that no powerful state would be able to work against his regime. In recent years, he moved the country closer to China and this made it increasingly difficult for Western powers to use coercive measures to weaken his power base. China never made democracy and human rights promotion part of its foreign policy. Its rise as an economic and military power also raised security concerns among other democratic states. Japan and the United States regarded China as a threat to their security interests and thus would not want to do anything that might push Cambodia closer into the China orbit than it already was. The two democracies preferred to work with the CPP. Japan did not even have a strong foreign policy tradition of promoting democracy in foreign countries. Its traditional emphasis on developmental statism also drove its human security policy agenda (Peou 2013). The US war on terrorism also determined Washington's interest in working with the Hun Sen Government. The Cambodian opposition called on Washington to suspend its military aid to Cambodia until a full review of economic land concessions was undertaken but did not succeed (Mu and Wikstrom 2012). China became Cambodia's largest military donor and Washington is unlikely to undermine its own interests by challenging the Hun Sen regime; it sought to prevent the latter from getting too close to Beijing and to ensure its support for the US war on terrorism (Peou 2009).

Conclusion

This chapter shows that more Cambodians enjoyed better security in the last two decades, as threats to their freedom from fear and want diminished. The fear of direct physical violence associated with armed conflict and serious violent crimes had disappeared by 1998. Thanks to the consolidation of personal power exercised especially by members of the executive branch of government, armed politics ended and other forms of threat such as small arms, light weapons, and landmines posed threats to fewer people, as more efforts were devoted to micro-disarmament. Members of the global community, especially donors (bilateral and multilateral, intergovernmental and non-governmental), helped improve the human security situation. Through military, political, legal and economic intervention that began in the early 1990s, they helped make it more possible for the Cambodians to turn their battlefield into a ballot-box, get on with micro-disarmament, reform the security sector, build democratic institutions and develop the economy. Overall, the country remained formally under-institutionalized, and this helps explain why low-level violence remained. There were limits to what personal power and global

intervention could do to ensure human security to the fullest extent. With more power concentrated in the hands of a few state leaders in the executive branch of government and with persisting weaknesses in democratic institutions, many Cambodians still experienced inadequate institutional protection and personal development. They still faced various forms of non-physical violence such as premature deaths caused by pandemics such as HIV-AIDS, human and drug trafficking, hunger and poverty, despite the noticeable overall improvement was made over the past two decades.

The limits of collective efforts to help protect Cambodians and empower them, especially in the area of democratic development, show that the global community was not as effective as it should have been, for various reasons. One reason had to do with hegemonic power and security politics in Cambodia. Another was that members of the donor community were more concerned about political stability than about democratic consolidation, more interested in preventing mass atrocities than weakening the ruling elites that helped overthrow the Khmer Rouge, and more interested in pursuing their national interests by working with the CPP rather than undermining its power. Overall, to be fair, the role played by various actors in the global community from the early 1990s to the 2000s was far more positive than what critical scholars think, when assessed in terms of progress on human security. Realists also help shed light on the limits of international intervention for human protection and empowerment. Unless states care less about their sovereignty and are prepared to contribute more resources to help implement the human security agenda and until state leaders feel less threatened, global intervention to secure humanity is unlikely to become more effective and humans are unlikely to enjoy more security.

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Chapter 8

Oligarchic Rule, Ethnocratic Tendencies, and Armed Conflict in the Philippines

Nathan Gilbert Quimpo

Introduction

In the 1950s, just some years after it attained independence from American colonial rule, the Philippines was widely regarded as the second most economically developed country in Asia (after Japan). In addition, among East Asian states, it was reputed to have experienced the longest tutelage in the ways of Western-style democracy. Since then, however, the Philippines has been overtaken in economic development by a good number of its neighbors. Once regarded as a vibrant democracy, it fell victim to Marcos's imposition of authoritarian rule in 1972, returned to democracy after the "people power" uprising of 1986, but has been rated by Freedom House over the last few years as being only "partly free."

One of the factors that have contributed to the Philippines' economic and political malaise is that it has been wracked by armed conflict—communist insurgency, Muslim separatism, etc.—through most of the years since it gained independence. According to the Human Security Report 2009–10, the Philippines ranks no less than fourth (after Myanmar, India and Ethiopia), among the countries with the greatest number of conflict years in 1946–2008, averaging 1.6 conflicts per year. The Moro separatist rebellion and the Maoist insurgency, both started in the late 1960s, are two of the world's most protracted and bloodiest civil conflicts that are still ongoing. In the latest Global Peace Index (2012), which ranks countries by their peacefulness, the Philippines is one of the countries in the bottom 20 per cent, ranking 133rd out of 158 countries.

Why has been the Philippine been wracked by so much armed conflict and why have the insurgencies proven so intractable?

This chapter argues that the persistence of armed conflict in the Philippines can be traced mainly to the oligarchic character and strong ethnocratic tendencies of the Philippine state, and that these were aggravated by US support for the landed elite and the oligarchic state in the immediate postwar years, by the shifts from democratic to authoritarian rule under Marcos with US backing and by the shift from clientelist to predatory regimes during the Marcos and the Estrada-Arroyo eras. The chapter traces the development of the state's oligarchic-ethnocratic features from the colonial era to the contemporary period and analyzes how they