

**Human Rights in Cambodia:
International Intervention and the National Response**

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by

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Table of Contents

Acknowledgements

List of Abbreviations

List of Figures

Chapter 1:	Introduction	1
Chapter 2:	Human Rights, Culture and Intervention: A Theoretical Overview	13
Chapter 3:	UNTAC in Cambodia	48
Chapter 4:	A Historical Perspective on Human Rights in Cambodia	84
Chapter 5:	Resources and Economies of Power in Post-UNTAC Cambodia	121
Chapter 6:	Violence, Economic Gain and Power in Cambodia	167
Chapter 7:	The Human Rights Movement and Civil Society	210
Chapter 8:	A Cambodian Human Rights Discourse	265
Chapter 9:	Oversight of State Power: Sovereignty and Intervention	307
	Conclusions	346
	Bibliography	353
Appendix 1:	A. Organisations Studied	375
	B. Target Groups Selected by UNTAC	388
Appendix 2:	Disbursements Made by the UNCHR Trust Fund for Human Rights in Cambodia'	389
Appendix 3:	Interview Schedules	391

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List of Abbreviations and Acronyms

ANKI	Armée Nationale de Kampuchea Indépendant
BLDP	Buddhist Liberal Democratic Party
CGDK	Coalition Government of Democratic Kampuchea
CPAF	Cambodian People's Armed Forces
CPP	Cambodian People's Party
DK	Democratic Kampuchea
Funcinpec	Front Uni National pour un Cambodge Indépendant, Neutre, Pacifique et Coopératif
ICORC	International Committee On the Reconstruction of Cambodia
KNP	Khmer Nation Party
KNUFNS	Kampuchean National United Front for National Salvation
KPNLF	Khmer People's National Liberation Front
KPRP	Kampuchean People's Revolutionary Party
NADK	National Army of Democratic Kampuchea
PAVN	People's Army of Viet Nam
PDK	Party of Democratic Kampuchea
PRK	People's Republic of Kampuchea
RCAF	Royal Cambodian Armed Forces
SoC	State of Cambodia
SNC	Supreme National Council
UNTAC	United Nations Transitional Authority in Cambodia

List of Figures

Table 3.1	Statistics of Violent Attacks during April 1993	70
Figure 5.1	The Cambodian State as Stipulated by the 1993 Constitution	137
Figure 5.2	The Cambodian State as Characterised by Interviewees	138
Table 6.1	Priority Rights Issues for Cambodian NGOs	169
Table 6.2	Abusers and Abused in Cambodia	172
Table 6.3	Newspaper Coverage of Abuse	172
Table 6.4	Types of Human Rights Abuse	173
Figure 9.1	Channels for Seeking Remedy for Abuse	312

Chapter 1: Introduction

This dissertation is a political study of human rights abuse and human rights promotion in 1990s Cambodia. It locates human rights concepts within power relations of international intervention, political competition and organised resistance. Human rights are conceptualised as a contested ideological phenomenon, while human rights abuse is viewed as a political strategy pursued by a power-maximising political elite to reproduce their power.

This analysis attempts to offer a conceptual framework which avoids the challenge of the cultural relativist critique. Viewing rights as a political resource renders the question of their connection to human nature or universal morality redundant. The arguments of cultural relativists in Asia are examined only to illuminate the contested nature of the concept of human rights and to demonstrate that possession of power permits ideological control of the concept within a particular culture. International organisations and local elites may engage in competition for such control.

As a case study of the political use of human rights in Cambodia, this dissertation also attempts to contribute to the scholarship on international interventions and of political competition in war-torn societies. Cambodia has long been the target of intervention by regional, colonial and superpowers. In the 1990s, world powers arranged one final and far-reaching intervention, to take place under the auspices of the United Nations Transitional Authority in Cambodia (UNTAC), intended to set in motion a process of liberalisation and democratisation within the country and to restore full sovereignty to the Cambodian government.

The ideological and theoretical background to this intervention are discussed in Chapter Two. UNTAC's mandate and operation are analysed in Chapter Three. UNTAC is viewed not as a monolithic expression of international will but as a complex agency, comprised of 'components' whose tasks and ideals conflicted with one another. One lesson to be drawn from UNTAC's experience of human rights promotion is that

although humanitarian concerns may provide political impetus for international intervention, these are rapidly replaced, once intervention has begun, by more traditional foreign policy interests. A second lesson learned reflected the fact that the term 'human rights', as used both by representatives of outside powers and the Cambodian parties in negotiating the terms of the Paris Peace Agreements, was ideologically coded and, consequently, understood differently by different parties. As a result, agreement achieved on human rights issues in Paris provided an inadequate basis for promoting human rights in Cambodia.

The second part of the dissertation assesses the implications of this intervention for human rights in Cambodia. It charts the evolution of discourses of power and rights in two national domains: that of the Cambodian government and state apparatus; and that of the Cambodian human rights organisations which form part of what UNTAC called 'civil society'. The power resources harnessed by political parties and Cambodian human rights NGOs to promote their respective imaginings of appropriate state-society relationships are analysed.

A political perspective on human rights entails that these should not be seen primarily as the bundle of minimum goods described in the Universal Declaration. 'Human rights' is a coded term which in itself forms a potent ideological power resource. It is used to confer or to undermine legitimacy; to mobilise active resistance to, or to encourage passive acceptance of, a political event or structure; to justify the donation or withholding of international aid. Within the Cambodian human rights movement, it is argued, 'human rights' is conflated both with both traditional moral values and with the concerns of the international community, in order to beckon both the authority of Cambodian religion and tradition, and the financial and protective power of international support.

This analytical model generates pragmatic conclusions, highlighting the practical limits constraining international intervention to promote human rights. Much of the literature on sovereignty and intervention sees the current international regime as a transitional one. Sovereignty is no longer sacrosanct, but intervention remains subject to the

shifting interests of the great powers. In spite of some trends towards cosmopolitanism in world affairs, international structures which could guarantee enforcement of human rights norms are undeveloped. Consequently, the most effective human rights safeguards are locally created and policed.

International intervention, even when intended to promote human rights, can sometimes be deleterious to the development of predictable and culturally embedded human rights safeguards. Transition periods, particularly, raise practical problems as lines of authority and responsibility, already poorly developed in this area, become more blurred. Uncertainty may confer advantage on human rights activists vis-à-vis an abusive state apparatus. The threat of international exposure, censure and intervention may deter and protect. Equally, such uncertainty may allow an abusive state apparatus to take advantage of unclear division of responsibilities between in-country and international human rights movements. Consequently, local protection for human rights, it is argued, is best served by international respect for sovereignty and indigenous promotion of a discourse of resistance supplemented by transnational solidarity.

In Cambodia, uncertainty in international-local relations has benefited the Cambodian state-apparatus. Arguably, Cambodian human rights NGOs view international donors as patrons of the kind that are familiar in Cambodian politics, a role which the international community has proved unable to fill. Consequently, strategies are adopted which do not contribute creatively to the empowerment of the grass-roots and NGOs have shown a reluctance to search for new political formations. International intervention in Cambodia has added a new resource into a familiar political economy of power, giving rise to an unprecedented period of pluralism and ideological openness, but the dominant economy of power remains arguably incompatible with sustained pluralism and respect for human rights.

The Cambodian Case Study

The case examined is that of the Kingdom of Cambodia in 1995/6, three years after a UN-sponsored election which was linked to the formation of a new government and promulgation of a new constitution. This period was unusual in Cambodian history

since it was a period in which two important, and opposed, political parties co-existed, in competition with one another, in the royal capital of Phnom Penh. The sketch of the situation that follows draw on a variety of works on Cambodia, particularly Milton Osborne's *Power and Politics in Cambodia* and David Chandler's *A History of Cambodia*.¹ A more detailed analysis of human rights in Cambodia in historical perspective is offered in Chapter Four.

The Royal Government between 1993 and 1997 was formally led by the Front Uni National pour un Cambodge Indépendant, Neutre, Pacifique et Coopératif (Funcinpec), the party of First Prime Minister Prince Norodom Ranariddh, which won the 1993 elections with 45 per cent of the vote. This party was closely connected, through Ranariddh, to his father, Norodom Sihanouk, the newly reinstated Cambodian king. The importance of Sihanouk, both as King and as a political personality, is indicated in the analysis offered in Chapter Four, of human rights in the 1950s and 1960s, an era when Sihanouk dominated Cambodian politics.

The second major political force in Phnom Penh in 1995/6 was the Cambodian People's Party (CPP), led by Second Prime Minister Hun Sen. The CPP is the successor to the Kampuchean People's Revolutionary Party (KPRP), which originated in the Kampuchean National United Front for the National Salvation (KNUFNS). The KNUFNS took power in January 1979, at the end of Cambodia's so-called 'Decade of Destruction' with significant assistance from the People's Army of Viet Nam (PAVN). The KPRP/CPP governed Cambodia until 1991, with the assistance of Vietnamese and Soviet bloc advisors and Vietnamese troops, mostly under conditions of western embargo. During this period, administrative and some public service systems were rebuilt, and agricultural and some cultural activity revived.

Control of 85 per cent of Cambodian territory from 1979 until the signing of the Paris Agreements in 1991 allowed the KPRP/CPP to build party, military and state apparatus

¹Milton Osborne, *Power and Politics in Cambodia* (Camberwell: Longman, 1973); David P. Chandler, *A History of Cambodia*, 2nd ed. (Chiang Mai: Silkworm Books, 1993).

which penetrated to the village level of Cambodian society. Official appointments were political, with employees expected to display active loyalty to the party in the conduct of their duties. As the state apparatus monopolised the supply of many goods and services, in the context of a state-directed, internationally embargoed economy, party and state structures came to resemble patron-client systems for the distribution of benefit to supporters.

The network of personal loyalties which link the CPP and the state bureaucracy, which developed between 1979-89, persisted into the 1990s. The nature of this system in the post-UNTAC era, and the potential for human rights abuse implicit in it, is analysed in Chapters Five and Six.

Throughout the 1980s, the armies of Funcinpec and the CPP fought for control of Cambodia in a bloody civil war. Partnering Funcinpec in the 'resistance movement' were two other political parties descended from the two regimes of the 1970s, the Khmer People's National Liberation Front (KPNLF) and the Party of Democratic Kampuchea (PDK). The KPNLF represented the political descendants of the US-backed Khmer Republic, formed after Sihanouk was overthrown by a parliamentary coup in 1970. Under the Khmer Republic, Cambodia entered the Second Indochina War, and was invaded and heavily bombarded by American forces. The Khmer Republic was defeated in 1975 by the PDK, also known as the *Khmers Rouges*,² a communist insurgent force which had allied with Sihanouk following his ousting, and which was backed by the North Vietnamese.

²The 'Khmer Rouge' are identified and characterised in scholarly and vernacular terms in a variety of ways. This dissertation views the Khmer Rouge as Cambodian interviewees viewed them, as a mythical force or concept, a vague threatening force, or, sometimes, as estranged brothers, rather than as a political party with a platform. This study does not seek to portray them or their policies historically. Consequently, I employ the term 'Khmer Rouge' to reflect the ideological construction of this party in government controlled areas. Where I refer to specific actions by the Party of Democratic Kampuchea, as a signatory to the Paris Accords, I refer to them as the PDK. I refer to the 1975-9 government as DK.

The history of Democratic Kampuchea (DK), or 'Pol Pot time', from 1975 to 1979, is well known for the scale of the atrocities that took place. Between one and two million died and social, cultural, political and economic upheaval was severe. This dissertation does not focus on the atrocities committed under the DK, or on human rights abuse in areas under Khmer Rouge control in the present. It discusses the Khmer Rouge only insofar as discourse about them, and about the legacy of their rule, impinged on human rights thinking and action in the government-controlled areas of Cambodia in 1995/6.

During the 1980s, Funcinpec, the KPNLF and the PDK, now allied in a Coalition Government of Democratic Kampuchea (CGDK) were sustained by aid from, particularly, China and Thailand on Cambodia's western border. Hundreds of thousands of Khmers fleeing Cambodia were placed in border refugee camps there, a few administered by the United Nations Border Relief Operation (UNBRO), most administered by one of the three parties which together mounted the military resistance to the Vietnamese-backed PRK.

The CGDK was recognised by Western and Non-Aligned nations throughout the 1980s as the rightful government of Cambodia, occupying Cambodia's seat at the United Nations for a decade. Funcinpec, the PDK, the KPNLF and the CPP were the four Cambodian signatories to the Paris Agreement on a Comprehensive Political Solution to the Conflict in Cambodia.

In 1995/6, Funcinpec and the Buddhist Liberal Democratic Party, a party formed from the KPNLF in order to contest the elections, partnered the CPP in a coalition government created by means of the UN-organised 1993 election, the culmination of the largest international peacekeeping operation ever mounted. A constitutional monarchy which formally embraced liberal democratic principles was created. The governing coalition was established via a power-sharing agreement brokered after the election. By early 1996 this agreement was crumbling as Funcinpec were frustrated in efforts to use their electoral mandate to penetrate CPP power networks within the state administration.

A new political competitor appeared in 1995, with the launch of the Khmer Nation Party (KNP), led by former Funcinpec parliamentarian Sam Rainsy. Rainsy had been

Minister of Economics and Finance in the Royal Government, but lost his portfolio in 1995 after strongly criticising the alleged corruption of the two prime ministers, Ranariddh and Hun Sen. He was subsequently ejected from both Funcinpec and the National Assembly.

Other features of the 1995/6 political landscape were the existence of a flourishing and spirited Khmer-language press corps; human rights and other non-governmental associations; a rapidly expanding Buddhist monkhood; and the offices of a range of international NGOs, UN agencies and bilateral and multilateral aid organisations. This non-governmental sector is surveyed, and their attitudes to human rights discourse and promotion assessed, in Chapters Seven, Eight and Nine.

The political arena contained a plurality of ideologies, interests and structures. This is exceptional in Cambodian politics, which has been characterised since independence by the repression of all forms of opposition. Many of the political struggles which took place during the period of the field research represented attempts, particularly by the CPP power structure, at restoring monopoly of historically essential resources of power following the political opening sponsored by UNTAC.

Methodology

Examining human rights in a context emphasising the uses of political power necessitated gathering evidence regarding conceptions of human rights; strategies for promoting human rights; and perceptions of the power relationships between the three elements of the theoretical model: state apparatus, local non-governmental sector and international community. The material used in this analysis comes from three major sources. The most important source of data was a programme of 90 interviews conducted between January and September 1996. Interviewees can be divided into three groups in line with the model: officials of the Cambodian state apparatus; members of the Cambodian non-governmental sector; and representatives of international organisations engaged in Cambodia.

It is a significant limitation of this study that the concept of human rights held by the 'ordinary Cambodian' does not emerge here. In focusing on organised political clusters and the interrelationships between them, this study excludes the 85 per cent of Cambodians who live in the rural areas, engaging in subsistence agriculture.

Arguably, this limitation reflects the realities of Cambodian politics. This dissertation focuses on concepts held by key players in a hierarchical power structure. In doing so, it follows orientations of power found within Cambodian political society, where ideological initiatives within organisations were observed to be transmitted downwards, from policy makers in Phnom Penh to provincial workers in the countryside. The concern with international intervention has reinforced this orientation as international power is, arguably, channelled through hierarchical structures within both governmental and non-governmental sectors.

Most international efforts at human rights promotion in Cambodia are channelled through local NGOs. UNTAC's human rights component worked actively to create and train a movement which could assume the component's tasks of human rights education, monitoring and investigation, after UNTAC's departure. Locating this study at the nexus between the international community, the Cambodian NGO movement and the state apparatus, required identification of individuals who operated on the cusp between these three organisational spheres. At this level, a three-way negotiation over the principle of human rights takes place.

A different negotiation takes place at the village level, where local representatives of the 'human rights movement', local authorities and villagers employ the concept of human rights with different aims and constraints in mind. This study primarily addresses the first level, although the conception of human rights at this level is to a great extent derived from participants' understanding of what takes place in the villages.

Consequently, the discussion offered here provides only part of the picture. Future studies must look in detail at human rights discourse and practice at the village level.

A range of interviewees from the Cambodian non-governmental sector were selected with reference to their position vis-à-vis international community and state apparatus.

The response of individuals to the contrasting ideological currents emanating from these power clusters varies according to a multitude of factors. A significant constraint in presenting the findings of the research was imposed by the vulnerability of the individuals studied to government repression. This vulnerability significantly worsened over the period of the field research and declined further in 1997, when a coup by Hun Sen prompted the flight of many political opponents of the CPP, including a number of individuals interviewed for this study, into exile. Some of these individuals have since returned to Cambodia under UN protection.

In presenting the views of these individuals regarding human rights issues, direct quotations of comments made by interviewees have been employed. Some indication is made of the positions of the authors of such comments, but detailed examinations of the backgrounds of the individuals speaking is precluded by guarantees of confidentiality and concern that individuals should not be identified from the details given. This imposes significant constraints on the degree of nuance that can be offered in examining the different orientations of different organisations and individuals.

In consequence, this study does not attempt to connect conceptions of human rights with personal characteristics or experiences of individuals. Rather, an attempt is made to identify common conceptions which indicate the birth of a unified human rights discourse in Cambodia, emerging from the complexity of international reactions within interacting influences of international intervention, governmental activity and local experience. Delineating the broad outlines of this discourse is all that is possible, given the need for confidentiality. Arguably, the deteriorating political situation in Cambodia renders a discussion of this discourse imperative.

Interviewees were selected with reference to two criteria; firstly, they were selected from groups which had been identified by UNTAC as potentially key agents for promotion of human rights. Secondly they were selected as leading figures in organisations which interact with the state apparatus, or the international community, or both. Appendix One lists the organisations studied and describes the sample that they represent.

A strategy of qualitative interviewing was adopted to gain insight into the categories and definitions considered appropriate by interviewees for use in human rights discourse. My interview strategy was to intervene as infrequently as possible in the train of thought of interviewees. My interview schedule, attached as Appendix Three, was designed to raise topics for the interviewee to interpret and enlarge upon. The major advantage of this strategy was that a large quantity of material was obtained, while minimising interviewer bias by giving interviewees less opportunity to gauge my reactions to their comments. I observed that encouraging interviewees to talk about their own priorities also encouraged them to speak more freely on what is, in Cambodia, a very politically sensitive subject.

One anticipated disadvantage of this method was the problem of establishing whether interviewees spoke about subjects they considered important, or adhered to subjects they considered “safe”. I found that, after some initial reserve, most interviewees spoke frankly on subjects of great “danger” as the interview proceeded and rapport developed. Sometimes, I was asked not to tape record these sections of interviews. Because of this, I stopped using tape recordings halfway through the research period, and relied on hand-written notes made contemporaneously.

Access to members of the Cambodian government proved problematic. This was in part due to the atmosphere of political tension that prevailed throughout the period of interviewing. While all of those who agreed to be interviewed appeared confident in the interview situation, others approached appeared suspicious of my motives and refused to participate. The sample of governmental representatives, particularly from the CPP, is thus smaller than planned.

It is supplemented by evidence from the second source of material: a survey over a one-month period of six Khmer-language newspapers, including two pro-CPP daily newspapers *Koh Santepheap* and *Reasmei Kampuchea*. Articles from these two newspapers supplement interview material in providing evidence for CPP use of the concept of human rights within its own economy of power. Additional evidence is

supplied in speeches delivered by the two prime ministers during the period of the fieldwork.

A third element of the fieldwork was observation of events, including the launch of the KNP on 11 November 1995; the arrival of the *Dhammayietra* peace march in Phnom Penh on 2 June 1996; a variety of training seminars and meetings of non-governmental organisations; and the trial of Chan Ratana on 28 June 1996. Observation of these events supplements the reading of speeches and newspaper reports and analysis of interviewee responses as coded references to underlying conceptions of meaning. The witnessing of key events also provided an opportunity to verify my identification of individuals as key players.

Much of the fieldwork required a knowledge of the Khmer language. In conducting interviews, I made increasing use of Khmer as the fieldwork progressed, although if the interviewee was fluent in English, interviews were conducted in English. As a number of directors of human rights NGOs were returnees from the US or Australia, many of them spoke English very well. In conducting interviews in Khmer, I made use of interpreters to discuss the meaning of unfamiliar words or concepts. Translations of interviews were produced by this collaborative effort. No obvious differences were noted in the spread of results between interviews conducted in Khmer and interviews conducted in English. Given that the aim of this dissertation is not to produce a linguistic analysis of particular concepts or terms, but to analyse political influences and impacts, language problems are not considered to be unduly limiting. It should also be noted in this respect that much of the discussion of human rights in Cambodia has been prompted by international intervention; part of this intervention comprised the translation of human rights terminology and law into the Khmer language, a process in which Khmer human rights activists have been heavily involved.

During the period of the fieldwork, I discussed the content of Khmer-language newspaper articles with Cambodian informants, but the translations offered here are mine alone. Because of this, I adhere more closely to a literal translation of the Khmer

in translations of newspapers, while accounts of the statement of interviewees are translated more colloquially.

Chapter 2: Human Rights, Culture and Intervention: A Theoretical Overview

Universality of Human Rights Norms

The universality of human rights norms constitutes a fundamental part of the appeal and utility of the concept of human rights in liberal philosophy. Western definitions of human rights have emphasised universality as a central feature, since the seventeenth and eighteenth centuries. One of the first human rights manifestos, the American Declaration of Independence, famously begins:

We hold these truths to be self-evident: that all men are created equal...

while the 1948 Universal Declaration of Human Rights declares:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.¹

Article 2 of the Declaration states that all human beings, *de facto*, possess human rights by virtue of their humanity,

without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.²

Seventeenth and eighteenth-century theorists regarded the universality of human rights as 'self-evident', a matter of natural law and divine will. Similarly, the 1948 Universal Declaration of Human Rights does not attempt any justification of rights. It declares as a statement of fact that:

...recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world...

¹United Nations, *Universal Declaration of Human Rights* (Adopted and proclaimed by General Assembly resolution 217 A(III) of 10 December 1948) Art. 1.

²UDHR Art. 2.

and that:

...the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from want and fear has been proclaimed as the highest aspiration of the common people...³

Jan Martensøn, discussing the preamble to the Universal Declaration argues:

the universality and continuing relevance of the Universal Declaration of Human Rights in a vastly changed world is not due to its legal style or precision nor to the expertise of its authors. Rather the Universal Declaration of Human Rights is relevant today because it reflects profound truths about human nature and the requirements of human dignity.⁴

To buttress claims of universality, modern philosophers attempt to find universal values in which human rights can be grounded. Maurice Cranston derives human rights from human nature, from “claim[s] which everyone naturally makes”, “aversions... so universally and so intensely felt that we speak of them as natural”, or “paramount wish[es]” that “demand from others their most unfailing respect.”⁵ The right to life, Cranston believes, is one such paramount wish:

man has a natural desire to survive, a natural impulse to defend himself from death and injury... To say that man has a right to life is to convert that demand into a kind of moral imperative, that is, to impose on all men a reciprocal duty to abstain from injuring their neighbours.⁶

Ronald Dworkin bases his conception of human rights on what he calls “the vague but powerful idea of human dignity” which supposes:

that there are ways of treating a man that are inconsistent with recognising him as a full member of the human community, and holds that such treatment is profoundly unjust.

To this he adds the idea of political equality which:

³UDHR Preamble.

⁴Jan Martensøn, “The Preamble to the Universal Declaration of Human Rights and the UN Human Rights Programme,” *The Universal Declaration of Human Rights: A Commentary*, eds. Asbjørn Eide *et al.* (Oslo: Scandinavian UP, 1992) 21.

⁵Maurice Cranston, *What Are Human Rights?* (London: Bodley Head, 1973) 25.

⁶Cranston 25.

supposes that the weaker members of a political community are entitled to the same concern and respect of their government as the more powerful members have secured for themselves, so that if some men have freedom of decision whatever the effect on the general good, then all men must have the same freedom.⁷

Cranston and Dworkin appeal to different rationale for universality, but both put this feature at the centre of their definitions of human rights.

Cultural relativism emerged as a critique of such universality. In 1947, the executive board of the American Anthropological Association delivered a statement to the Commission on Human Rights at the United Nations, which argued that a bill of human rights “must take into full account the individual as a member of the social group of which he is a part” on the grounds that, in the case of every individual,

from the moment of his birth not only his behaviour, but his very thought, his hopes, aspirations the moral values which direct his action and justify and give meaning to his life in his own eyes and those of his fellows, are shaped by the body of custom of the group of which he becomes a member.⁸

The statement listed three principles regarded as “essential in drawing up a Bill of Human Rights”:

1. The individual realises his personality through his culture, hence respect for individual differences entails a respect for cultural differences;
2. Respect for differences between cultures is validated by the scientific fact that no technique for qualitatively evaluating cultures has been discovered;
3. Standards and values are relative to the culture from which they derive so that any attempt to formulate postulates that grow out of the beliefs or moral codes of one culture must to that extent detract from the applicability of any Declaration of Human Rights to mankind as a whole.⁹

The Board maintained, “Man is free only when he lives as his society defines

⁷Ronald Dworkin, *Taking Rights Seriously* (London: Duckworth, 1977) 198.

⁸American Anthropological Association Executive Board, “Statement on Human Rights,” *American Anthropologist* 49 (1947): 539/540.

⁹AAA 541/542.

freedom.”¹⁰

This critique posits culture as an intervening variable which renders establishment of a global-local nexus to promote human rights problematic. Although many universalists view cultural difference as overlying common human values, and cultural relativists do not exclude the possibility of the same values appearing, *de facto*, in all cultures, the critique prevents external contributions when members of the same culture disagree with one another. It prevents authoritative criticism from outside.

The question of the relationship between culture and rights can be addressed, although not resolved, through theoretical examination of culturally relative meanings invested in concepts crucial to an understanding of rights. Views of the individual have been a particular target for this kind of philosophical human rights debate. Bhikhu Parekh addresses the diversity of norms of individuation in various cultures, arguing that “individuation is ... a matter of social convention”.¹¹ Individuals in Ancient Athens were seen as a “man taken together with his land and political rights”; in the Middle Ages, “a craftsman’s tools... were just as much an integral part of him as his hands and feet.” In modern times,

For the Hindus the caste into which a person is born is not an accident but a result of his or her actions in a previous life. It is an integral part of the person’s identity and determines his or her rights and duties as well as the value of the person’s life. The Chinese view of the family as an indissoluble organism linking ancestors and descendants into a living union gives rise to a highly complex conception of the individual.

For the liberal, Parekh argues, the individual is “an essentially self-contained and solitary being encapsulated in, and unambiguously marked off from the ‘outside’ world by his or her body”.¹²

Different definitions of the individual give rise to different definitions of “freedom,

¹⁰AAA 543.

¹¹Bhikhu Parekh, “The Cultural Particularity of Liberal Democracy,” *Political Studies* 40 (1992), Special Issue: 161.

¹²Parekh 161.

equality, rights, property, justice, loyalty, power and authority".¹³ Parekh finds that liberal individuals "seek to run their lives themselves, to make their own choices, to form their own beliefs and judgements, to take nothing for granted or as given" - thus they prize autonomy and are suspicious of "deep and powerful" emotions, which are "not fully comprehensible to reason or easily brought under its control", preferring social relations governed by "the relatively cold and distant principle of mutual respect", and thus preserve autonomy.¹⁴

Consequently,

The [liberal] individual's central moral concern is two fold, to maintain his or her personal independence and autonomy and to live peacefully with others by respecting theirs.¹⁵

This moral concern gives rise to the use of rights to govern relationships.

Relativists frequently argue that non-liberal cultures reverse the liberal priority of individual over community. African writing, according to Issa Shivji::

emphasises ... that African traditional society is based on a collectivity (community) rather than on an individual. And therefore the notion of individual rights is foreign to African ethnophilosophy.¹⁶

Similarly, Legesse holds:

[A] critical difference between African and Western traditions concerns the importance of the human individual. In the liberal democracies of the western world, the ultimate repository of rights is the human person. The individual is held in a virtually sacralised position. There is a perpetual, and in our view, obsessive concern with the dignity of the individual, his worth, personal autonomy and property.¹⁷

¹³Parekh 170.

¹⁴Parekh 162.

¹⁵Parekh 163.

¹⁶Issa G. Shivji, *The Concept of Human Rights in Africa* (London: CODESRIA Book Series, 1989) 23.

¹⁷Asmarom Legesse, "Human Rights in African Political Culture," *The Moral Imperatives of Human Rights: A World Cultural Survey*, ed. Kenneth W. Thompson (Washington D.C.: University Press of America, 1980) 120, qtd in Jack Donnelly, *Universal Human Rights in Theory and Practice* (London: Cornell UP, 1989) 57/58.

In Asia, Bilahari Kausikan contrasts “the individualistic ethos of the West” with Asian communitarian traditions and “consensus-seeking” with “adversarial” relations between “individual, society and state”.¹⁸ Kausikan believes that Asian challenges to authority, such as those seen in China in 1989 and Thailand in 1992, are concerned less with individual rights than with group concerns such as “good governance: effective, efficient and honest administrations able to provide security and basic needs with good opportunities for an improved standard of living”.¹⁹

These critiques contrast the priorities and values of non-liberal communities with the priorities and values forming the liberal ideological context within which human rights are frequently promoted. Insofar as these priorities and values can be discovered empirically they can inform the debate over the appropriateness of promoting particular rights in particular cultural contexts.

Neil Stammers views power as a key contextual variable which varies from culture to culture: “ideas and practices with respect to human rights can only be understood once their relation to particular forms and dimensions of power is fully grasped.”²⁰ This dissertation concurs with this thesis, and employs a model of the structure of power relations existing in societies to offer an analysis of both human rights promotion and human rights abuse as political, rather than moral, phenomena.

Analysis of culturally relative concepts of power inform this approach, permitting a culturally specific critique of human rights abuses as phenomena which prevent the fulfilment of claims viewed locally as vital. Promotion of respect for human rights, in itself a form of power exercise, can be analysed in terms of impact on relations of domination in society. Analysis of power strategies adopted by different political clusters within society provides a framework within which the reaction to and political impact of human rights promotion can be analysed. Susan Mendus, who asserts that the

¹⁸Bilahari Kausikan, “Asia’s Different Standard,” *Foreign Policy* 92 (1993): 36.

¹⁹Kausikan 37.

²⁰Neil Stammers, “A Critique of Social Approaches to Human Rights,” *Human Rights Quarterly* 17 (1995): 488.

philosophical problems in grounding human rights need not detract from the political utility of the human rights project, has suggested:

We should begin, not with a theoretical anxiety about the nature and origin of rights, but rather with a political question about what protection rights can afford us.²¹

Locating rights in a culturally specific power context permits a greater understanding of culturally specific forms of oppression and abuse, and of the most appropriate means of ameliorating these. The study of human rights abuse as a political phenomenon also offers practical guidance for international action on human rights. This supposition underlies this study.

Different cultural concepts of power alter the expectations of government, and conceptions of what governments should and should not be permitted to do. Consequently, different expectations as to the place of the individual in society obtain. For human rights to be a useful concept in non-liberal cultures requires that the term encompass different cultural views of the functions and attributes of both individuals and governments. Arguably, projection of liberal cultural concepts onto power structures which operate differently may be ineffective or counterproductive.

It is frequently argued that culturally relative views of power inhere in the different weightings given to individual freedom and state protection in different societies. Liberals often view freedom and protection as trade-offs, because of the dual perception of state institutions in liberal thought. Liberal theorists see state institutions at once as the guarantor of and major threat to the security of the individual. David Held defines institutions of state as

the burden individuals have to bear to secure their own objectives and it is also the basis upon which it is possible to safeguard their claim to equal rights and liberties.²²

A liberal view of state institutions, Held maintains, is that of a “key site of power in the

²¹Susan Mendus, “Human rights in political theory,” *Political Studies* 43 (1995), Special issue: 17.

²²David Held, “Sites of Power, Problems of Democracy,” *Alternatives* 19 (1994): 221.

community”.²³ While state institutions monopolise power “in order to provide a secure basis upon which trade, commerce and family life can prosper”,

liberals recognised that they had accepted a force that could and frequently did deprive citizens of political and social freedoms. Although liberals affirmed the necessity of the state to govern and regulate society, they also came to conceive of civil and political rights as essential for the regulation of this regulator.²⁴

In liberal human rights discourse, the aspect of institutions of state as a threat to freedom and autonomy is considered to be of paramount importance. Asian leaders frequently suggest that, in their societies, the protective aspect of state institutions is central. This position is frequently put forward in debates over the Crime Prevention Acts of Malaysia and Singapore, which allow detention of suspected criminals without trial. The ‘Singapore School’²⁵ argues that the threat posed by relaxing safeguards against arbitrary arrest and detention is of a lesser order than the threat posed by failing to secure incarceration of criminals.

An additional aspect to this debate is the use of Internal Security Acts in both Malaysia and Singapore to detain peaceful opposition activists. Here the protective role of state institutions extends beyond the protection of individuals from crime. The security provided is the security of a particular social and political order. The debate centres on a choice between a society where individuals enjoy freedom to pursue a diversity of political goals which challenge the political order and generate political conflict; and a society where government defines national political goals which are then protected from potentially conflictual and divisive challenges. Opting for security means opting for a stable political order as opposed to individual freedom from interference by state personnel in connection with political activities. The Singapore School asserts that

²³Held 224.

²⁴Held 224.

²⁵The “Singapore School”, as characterised by Eric Jones, comprises former Singaporean prime minister Lee Kuan Yew, Singaporean Ministry of Foreign Affairs official, Bilahari Kausikan, and diplomat Kishore Mahbubani, Jones, “Asia’s fate: a response to the Singapore school,” *National Interest* 35 (1994): 18-28.

Singaporeans prefer security.

A further element in this debate concerns economic development. Many Asian governments consider that the economic success of the NICs has been due to the imposition by strong institutions of states of the particular type of order considered necessary for encouraging economic investment. Individual freedoms are rightly subordinate to community aspirations for economic growth, it is argued. Emphasis of community protection and aspiration at the expense of individual rights can be derived from a prioritising of community over individual. A role for state institutions in creating the correct social, political and economic relationships required to encourage investment is comparable to the role of pre-modern Asian elites in harnessing supernatural forces in the pursuit of worldly prosperity.

The central concern is that individual human rights are incompatible with social order and stability. Kausikan pointed in 1993 to the “post-Marcos Philippines - which combines what is probably the most democratic constitution and political institutions in South-east Asia with mismanagement, lawlessness and the worst economic record in ASEAN” to indicate that civil liberties and political rights are not conducive to the political security that underlies physical and economic security. This is because individual freedom in a climate of economic underdevelopment gives rise to conflicts that cannot easily be managed within the framework of national or community stability. According to Kausikan, “poverty, insecurity and instability breed human rights abuses, while wealth creates the stability of Western societies.”²⁶ He denies the liberal claim that human rights have a stabilising influence, arising from the close connection between tyranny and rebellion.

Both these assertions may be true, or so this dissertation argues, but in different circumstances. Denial of certain goods which are vital to the maintenance of culturally significant norms and relationships causes social and political instability since it disrupts means of peacefully reconciling disputes according to accepted criteria. This connection

²⁶Kausikan 35.

is made in the *Universal Declaration of Human Rights*, which states:

... it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law...²⁷

The right to rebel, found in many Southeast Asian cultures also reflects this.

Liberal human rights are not necessarily anti-power, but represent a particular way of exercising power, consonant with the values and conceptions of liberal culture. This form of power can prove highly stabilising where it strengthens or complements important cultural devices for mediation. It can appear as an irrelevance if it does not. Where it disrupts familiar and significant cultural formations without providing an effective substitute, it can be destabilising.

In this dissertation, empirical evidence will be presented from the case study of Cambodia to show that disruption in cultural formations by war and invasion, as well as by the peace process, has contributed to widespread human rights abuse in the country. It will also suggest that certain human rights concepts have been adapted by a local NGO movement in such a way as to bolster, rather than replace, traditional dispute resolution mechanisms in the interests of stability. Internationally guaranteed pluralism, on the other hand, has generated conflicts which cannot be resolved peacefully via existing mechanisms, and result in violence.

This argument is important in that it demonstrates the working of a practical solution to the cultural relativist problem. In proposing that no list of rights could provide a legitimate standard of criticism against which to judge other cultures, the cultural relativist argument is counterintuitive. It offers no basis for policy recommendations in the face of bloodbaths and atrocities. While theorists from both North and South write about cultural differences in conceptions of rights, the individual and society, almost all retain the qualification that some regimes are simply unacceptable.

²⁷UDHR Preamble.

Lucien Pye, in a classic study of power in Southeast Asia, denies that the greater communitarianism of Asian societies, and lower incidence of open criticism, necessarily implies authoritarianism, within the context of Asian perceptions of power. He argues, “A reverence for individualism can blind Westerners to the fact that Asians can find satisfaction and security in knowing that their social fabric is firm and that they have the blessings of belonging to some larger and coherent community.” But he precedes this comment with the qualifying statement, “Many Asian regimes have unquestionably been obnoxiously authoritarian”.²⁸

Parekh rejects the universalisability of liberalism; yet he adds, “it is, of course, true that some traditional societies have grossly outrageous practices and customs which obviously need to be changed, preferably by internal and when necessary by a judiciously applied external pressure”.²⁹ Parekh argues that these societies should not be condemned for failing to introduce liberal democracy “as long as their forms of government are acceptable to their people and meet the basic conditions of good government.”³⁰

Such comments raise the question at the heart of the cultural relativist problem: if the moral judgements of outsiders cannot with validity be applied to a particular state’s practices, what can be done to aid those suffering from abuse? Despite philosophical objections to the universality of human rights, a consensus remains in the literature, among all but extreme cultural relativists, that some actions taken by some governments are acknowledged, by people inside the country and outside it, to be wrong. The purpose of human rights is to set a universal standard through which criticism of such governmental wrongdoing can be articulated and around which support for victims can be organised. Politicians, activists and philosophers from many different cultures admit the need for such a standard.

²⁸Lucien W. Pye, *Asian Power and Politics, the Cultural Dimensions of Authority* (London: Harvard UP, 1985), 26.

²⁹Parekh 171.

³⁰Parekh 171.

Grounding human rights in cultural values is important from a political, rather than a philosophical standpoint. Sensitivity to culturally-determined ascriptions of meaning to both human rights abuse and human rights promotion not only assists, in many cases, in judging when abuse is taking place, but also in predicting the outcome of interventions.

Culture, Power and Human Rights

The nature of power in Cambodia is discussed in later chapters of this dissertation. It is important to note that assessment of cultural perceptions requires awareness that cultures are not static but constantly changing. Within a given state, subcultures exist which challenge the dominant culture. If they succeed in bringing about change, they themselves will come to dominate. National politics can be seen as a site of perpetual struggle between dominant cultures and subcultures.

Ann-Belinda Preis argues that attempts by outsiders to 'translate' human rights norms mechanistically from one culture to another, will be unsuccessful, because of ongoing contestation of culturally ascribed meaning. She argues

When culture is... viewed as an externalised impediment to the struggle towards human rights, rather than as an integral part of the struggle itself, we are prevented from seeing the various contradictions, inconsistencies, and disagreements as culture - and perhaps the culture of human rights itself.³¹

Analysis of the connection between culture and power can inform understanding of cultural cross-currents in the local situation and the likely impact of intervention and promotion of human rights on different groups. An actor-oriented approach to empirical study can

enlarge the understanding of the contemporary, globalised conditions of cultural complexity in which human rights enter as both a defining and a defined set of values. One way to begin is to identify more yielding ways of exploring how, when, and why human rights become attributed with meaning in various contexts, including how they are put to work in the everyday life of men and women. In short we need to come to grips with

³¹Ann-Belinda Preis, "Human Rights as Cultural Practice: An Anthropological Critique," *Human Rights Quarterly* 18 (1996): 295.

human rights as a “cultural practice”.³²

Culture is variously defined in the literature. Frequently, it is seen as an ideational system aimed at integrating the orientations and aspirations of all people in society, giving rise to a collective consciousness or consensus based on a shared world view, or accepted norms.

Culture provides a context within which individuals ascribe meaning to phenomena, particularly actions of others, providing a framework within which social relationships are governed. The structuralist school views culture as arising from the impact of particular environments on a universal set of normative human cognitive processes. Emile Durkheim, studying culture in industrial societies, defined culture as a set of processes which provide a binding force for society in the context of increasing differentiation of labour and consequent fragmentation. Durkheim argued that:

wherever an authority with power to govern is established its first and foremost function is to ensure respect for beliefs, traditions and collective practices - namely, to defend the common consciousness from all its enemies, from within as well as without. It thus becomes the symbol of that consciousness, in everybody's eyes its living expression.³³

Durkheim viewed this as a positive development, achieving order from potential chaos. Marxists see such cultural formation as oppressive, as it is based on the relationship of different classes to the means of production and consequently arises from economic exploitation. Culture is viewed as ideology: a programme of beliefs about the world which is necessarily distorted by relations to the material base of society.

A key aspect of cultural norms is that they impose limits on the ability of members of both dominant and subordinate classes to conceive of alternatives to the existing order. Consequently, they promote rule by consent, rather than rule by coercion. This is achieved through various social systems, such as education and religion. The myth that the norms of the dominant class are ‘neutral’ maintains the illusion of freedom while

³²Preis 310.

³³Emile Durkheim, *The Division of Labour in Society*, trans. W.D. Halls (London: Macmillan, 1984) 42.

ensuring that their dominance is maintained through conferring legitimacy on the dominant culture and stigmatising or rendering inconceivable subordinate cultures.

The idea that the dominance of a particular culture in society is connected with power relations within that society need not be problematic for human rights promotion, if it is recognised that this is the case in all societies. The critique of the Singaporean School suggests that human rights are anti-power devices which promote selfish and anarchic freedoms. Yet power is exercised in liberal cultures; it is merely disguised. Durkheim views power as having positive characteristics in creating a meaningful context for individual action. Marxism-Leninism, also, views power exercised through a 'dictatorship of the proletariat' as positive. Liberalism, which promotes the values of freedom and autonomy as uniquely important, requires that power be exercised covertly.

Steven Lukes' essay on *Power, A Radical View*, describes the exercise of disguised power in liberal societies. For Lukes, the study of power in Western political philosophy, has taken three dimensions. The one-dimensional view of power restricts the empirical measurement of power to measurement of outcomes of observable conflicts. A two-dimensional study includes within its parameters the phenomenon of "non-decision-making"- that is, of acting, or failing to act, in such a way as to prevent an opponent's grievance from appearing on the political agenda. A three-dimensional characterisation of power recognises that it is:

the supreme and most insidious exercise of power to prevent people, to whatever degree, from having grievances by shaping their perceptions, cognitions and preferences in such a way that they accept their role in the existing order of things, either because they can see or imagine no alternative to it, or because they see it as natural or unchangeable, or because they value it as divinely ordained and beneficial.³⁴

According to Lukes, there need be no actual conflict for power to be exercised; all that is needed is a *latent conflict* which "consists in a contradiction between the interests of those exercising power and the *real interests* of those they exclude."³⁵ Lukes suggests

³⁴ Steven Lukes, *Power, A Radical View* (London: Macmillan, 1974) 25.

³⁵Lukes 24/25.

that such latent conflicts may be observed empirically, through comparison of people's wants with "what they would want and prefer, were they able to make the choice".³⁶

This prescription resembles the arguments of universalists in support of interventionary cross-cultural activity on human rights grounds. These arguments assume that citizens of liberal democratic societies are alone free of cultural 'mystification'. If we are to respect the principle that "respect for differences between cultures is validated by the scientific fact that no technique for qualitatively evaluating cultures has been discovered",³⁷ it is necessary to avoid assuming that liberals possess superior capacity for insight. It is necessary to accept the possibility that human rights which protect certain aspects of the individual's activities are similarly a cultural device which promotes consent within societies where dominant classes observably hold and reproduce their privileged status, and where economic equality is absent.

Political theory offers various explanations of how consent to domination is achieved. Means of eliciting consent are viewed here as exercise of 'covert power'. William Connolly posits a continuum of modes of power - "manipulation, coercion, anticipatory surrender, deterrence, force, and conditioning".³⁸ Manipulation and conditioning are covert. Connolly argues that covert power is preferred by elites because

to acknowledge power over others is to implicate oneself in responsibility for certain events and to put oneself in a position where *justification* for the limits placed on others is expected.³⁹

A number of further elaborations of 'covert power' will be used to inform the discussion of the Cambodian case in subsequent chapters. The discussion will not be bounded by a theoretical meta-narrative; rather concepts from the literature will be applied insofar as they aid understanding of the empirical data drawn from the Cambodian case study.

³⁶Lukes 33.

³⁷AAA 541.

³⁸William, E. Connolly, *The Terms of Political Discourse*, 2nd ed. (Oxford: Martin Robertson, 1983) 94-95.

³⁹Connolly 97.

The relationship between covert and overt power has been viewed as the relationship between superstructure and structure. Superstructural activities promote a hegemony which covertly compels consent and voluntarism, produced by intellectual domination by Church and 'civil society' - "a stratum of administrators, etc., scholars and scientists, theorists, non-ecclesiastical philosophers, etc."⁴⁰ which

operates without 'sanctions' or compulsory 'obligations', but nevertheless exerts a collective pressure and obtains objective results in the form of an evolution of customs, ways of thinking and acting, morality, etc.⁴¹

Institutions of state also operate "to raise the great mass of the population to a particular cultural and moral level," using agencies such as the school and the law court as "the apparatus of the political and cultural hegemony of the ruling classes".⁴²

This analysis is useful in that it underscores the mythical character of the liberal ideal of freedom from government. While the use of force by institutions of state is limited by human rights norms in liberal societies, nevertheless this critique suggests that power is perpetually exercised to maintain specific relations of economic production and political domination. Ideas of freedom constitute ideological resources of power exploited to mobilise support, but underlying these is a hidden power which disciplines those who deviate from accepted agendas. Human rights can be viewed as an ideological resource and as part of a concrete political economy of power which serves the dominant class by supporting capitalist relations of production and excluding alternatives.

A similar account of covert power exercised by stable societal institutions is implicit in the concept of *habitus*. Superstructural arrangements of customs, rituals and taboos in pre-capitalist economies are "capable of objectively ensuring the reproduction of the established order by its own motion",⁴³ disguising power by means of instituting

⁴⁰Gramsci, "The Intellectuals," *Selections from the Prison Notebooks of Antonio Gramsci* eds. and trans. Quintin Hoare and Geoffrey Nowell Smith (Lawrence and Wishart: London, 1971) 7.

⁴¹Gramsci, "State and Civil Society," Hoare and Nowell Smith 242.

⁴²Gramsci, "State and Civil Society" 258.

⁴³Pierre Bourdieu, "Structure, Habitus, Power: Basis for a Theory of Symbolic Power," *Culture/Power/History, A Reader in Contemporary Social History* eds. Nicholas B. Dirks, Geoff Eley and

discourses which are perceived as self-evident by reason of their unanimity. A particular relation of classes is internalised by their members linking power inextricably with cultural norms:

Because the subjective necessity and self-evidence of the common-sense world are validated by the objective consensus on the sense of the world, what is essential *goes without saying because it comes without saying*: the tradition is silent, not least about itself as a tradition...⁴⁴

Hidden power has also been viewed as a physical coercion masked by superstructural activities. Foucault's conception of "discipline" describes the inculcation of habits and attitudes which render the individual not only docile but efficient and productive. Constant and anonymous supervision monitors responses. This pervasive scrutiny, operating with reference to a detailed corpus of rankings and measurements, allows the immediate correction of infinitesimal deviances from the norm, optimum or average, providing "a guarantee of the submission of forces and bodies".⁴⁵ These guarantees underpin the stable workings of democratic sovereignty:

The juridical systems - and this applies both to their codification and to their theorisation - have enabled sovereignty to be democratised through the constitution of a public right articulated upon collective sovereignty, while at the same time this democratisation of sovereignty was fundamentally determined by and grounded in mechanisms of disciplinary coercion.⁴⁶

In analysing the nature of power in Cambodian politics, two concepts, borrowed from Foucauldian analysis, are employed - namely, resources and economies of power. Superstructural/ideological or structural/technological abilities available to power-holders, arising from Cambodian culture, society or economy, will be termed "resources of power". The power system as a whole - the rationale by which power is produced, distributed and exercised by means of ideological and technological resources - is termed the "economy of power".

Sherry B. Ortner (Princeton: Princeton UP, 1994) 184.

⁴⁴Bourdieu 162-163.

⁴⁵Michel Foucault, *Discipline and Punish, the Birth of the Prison*, trans. Alan Sheridan (London: Penguin, 1991) 222.

⁴⁶Michel Foucault, "Two Lectures" Dirks, Eley and Ortner 218/219.

Within an economy of power, some actions by rulers may be aimed at the practical objective of removing rivals and crushing dissent, and mobilising supporters to participate actively in reproduction of their power. These are displays of overt power, and include human rights abuse. Other activities may be aimed at institutionalising consent among the population and consolidating hegemonic, or covert power. This form of power may include commitment to human rights standards by a government. Tracing the uses of these different forms of power will provide a prognosis for the promotion of human rights in Cambodia.

Where there are no unified discourses or stable superstructural organisations in society, exercise of overt power is likely. Alternatively, overt power against certain groups identified as enemies, or in pursuit of a goal such as economic development, may itself institute a unifying and legitimising discourse of power. If the institution of such a legitimising discourse elicits the consent of a sufficient section of the population, practices may offend liberal sensitivities but the outcome is likely to be stable, and political and economic practices regular. Where overt power is used to replace consent, without generating support through institution of its own discourse, violence is likely to spiral into increasingly widespread repression, and social breakdown may be the outcome. In this situation, promotion of human rights may in theory assist in instituting a new discourse within which governance can be framed.⁴⁷

The Role of the State Apparatus

The key institution for exercising power in the modern nation is the state apparatus. Ashis Nandy describes the evolution of the state apparatus in the South towards monopolisation of both force and national cultural power resources. He argues that this effort at monopolisation is predicated on a widespread view in former colonies that the modern state represented a more efficient instrument for the projection of power than anything that had evolved in the pre-colonial South. Nandy writes:

⁴⁷The question of whether international action may be successfully taken is dependent on different variables, discussed later in this chapter.

indigenous intellectuals and political activists confronting the colonial power found in the idea of the nation-state *the* clue to the West's economic success and political dominance.⁴⁸

As a result, newly independent countries attempted to develop strong state institutions, playing a central role in society as “the harbinger and main instrument of social change”. This change was to be effected by modernisation - the adoption of secular government, and scientific rationalism and advanced technology in development.

These newly assumed functions naturally made the modern nation-state suspicious of all cultural differences, not on grounds of racial or ethnic prejudice, but on the ground that such differences intervened between the ‘liberated’ individual and the republican state and interfered with the more professional aspects of statecraft.⁴⁹

Nandy defines what he calls ‘nation-building’ - a process designed to make local peoples more amenable to and available for development - as a key function of state institutions and “a polite term for the cultural and ideological homogenisation of a country’s population”.⁵⁰ He sees the guardianship of culture by institutions of state as destructive to the variety and spontaneity of cultural traditions, as state institutions define themselves as neutral arbiters. The state is portrayed as:

a repository of cultural values even though, in reality, each sought to equate these values with a territorial concept of nationality that militated against the subtler meanings of the idea of culture.⁵¹

State-promoted culture is crude and static in character, yet in facilitating mobilisation of national power, it is an important product of the state-building process. Huntington saw this process as furthering the development of political institutions of state which could ‘socialise’ politicians into the discourse of national politics. Where this does not occur the result is “a shortage of political community and of effective, authoritative, legitimate

⁴⁸Ashis Nandy. “State”. *The Development Dictionary, a Guide to Knowledge as Power*, ed. Wolfgang Sachs (London: Zed Books, 1992) 266.

⁴⁹Nandy, 266.

⁵⁰Nandy, 265.

⁵¹Nandy, 266.

government".⁵² The modernising process integrates the citizenry into the new, single and state-led political and economic culture, inculcating them with new national cultural values to facilitate the often painful process of economic change.⁵³

According to modernisation theory, the growth, institutionalisation and 'nation-building' function of the modern state is the best means for maximising individual security and productivity within a paradigm of liberal democratic freedom. Joseph Camilleri argues that modernity comprises:

growth of codified knowledge as a way of controlling the physical environment; political centralization accompanied by the development of highly specialised bureaucracies, continuous increases in economic production and productivity; rapid rates of technological change; and introduction of social and cultural mechanisms designed to achieve the necessary psychological adjustment to these processes.⁵⁴

The key relationships of modernity bind the concept of the state both to the territory and to the people who live within it. The task of state institutions is to consolidate control over territory, and to transform the people living within it into self-conscious citizens of the state.⁵⁵ Citizenship is thus the central relationship in the formation of the state system.

Citizenship ... provides the critical link between the geopolitical formation of the nation state with the polity that comprises it. Citizenship is a form of social contract, made unique by its equal applicability to the vast majority of individuals by reason of birth. For the contract to work, however, requires first and foremost that people identify with the state as a legitimate entity,

⁵²Samuel P. Huntington, *Political Order in Changing Societies*, (London: Yale UP, 1968) 2.

⁵³Joseph Camilleri argues that education, culture, industry and the increasing role of the state apparatus were products of modernisation which "facilitated the convergence of cultural and political experience" necessary to create a meaningful entity at the level of the nation [Joseph A. Camilleri, "Rethinking Sovereignty in a Shrinking, Fragmented World," *Contending State Sovereignties: Redefining Political Community*, eds. R.B.J. Walker and Saul Mendlovitz 20].

⁵⁴Camilleri 26.

⁵⁵Ruggie describes the importance of territoriality in the development of states and their institutions as a unified centre to which the diverse individuals within the territory owed primary allegiance. This replaced the pre-modern system whereby the individual was located in a variety of feudal and religious jurisdictions within which "no univocal notion of citizenship could serve as a universal encompassing the many political relationships" [John Gerard Ruggie, "Territoriality and Beyond: Problematizing Modernity in International Relations," *International Organization* 47 (Winter 1993): 108].

because from this recognition stem both the justification for demanding rights and the grounds for a willingness to fulfil obligations.⁵⁶

This theory implies that newly-forming states in the South must establish new loyalties, replacing primordial ties of kinship or ethnicity, often greatly strengthened by colonial rule. State-building constitutes legitimate authority within the territory as the rational means of governance. Citizenship integrates the individual into the nation by means of drawing the individual into continuous learned relationships with other citizens and the institutions of state.

Citizenship is essential for the possession of rights, guaranteed by both the institutions of state and by the idea of the state as an entity. Certain civic duties accompany, but are subordinate to, these rights, the primary of which is to obey the law. Citizenship is also a functional relationship which makes the citizen available to the state and its institutions. Through his citizenship, the individual contributes his economic productivity. Through his disciplined consent to the exercise of power by state institutions in pursuit of culturally and politically determined goals, he forms the legitimising consensus by which exercise of power via state institutions is made possible. Through his participation in national discourse, he maintains the idea of the state.

Concomitant with citizenship is nationalism. Nationalism represents the cultural embedding of the secular citizenship relationship within primordial and internalised political relationships. It subordinates all other relationships, of religion, language, ethnicity and kin, to the relationship between individual and state, and promotes the process whereby international linkages between individuals or peoples are repudiated, enhancing the authority of state institutions. By means of promotion of nationalist sentiment, the choice of the state as the particular level of cultural and ideological organisation of peoples has been enforced against both more wide-ranging and more localised alternatives. According to David Stern :

⁵⁶Alan Fowler, "Non-Governmental Organizations as Agents of Democratization: An African Perspective," *Journal of International Development* 5 (1993): 335.

The notion of state sovereignty presupposes that the place of politics is pre-eminently the state. In our day, the state has become the primary focus of the political and its sovereign authority has overwhelmingly displaced other sites of action.⁵⁷

In the late twentieth century, other sites of action are reasserting themselves. Of particular relevance to the issue of human rights is the thrust of globalisation. Transnational politics embraces regional bloc politics, international organisations and international law. It also includes formations and networks created by grass-roots movements which exhibit cross-border solidarity, challenging the convention generated by the Westphalian system of state sovereignty, that citizenship is prior to humanitarianism.⁵⁸

Sovereignty and Cultural Diversity

While states homogenise internally, they also protect their internal cultural distinctiveness from global homogenisation. Classical realist interpretations of international relations rest on this presupposition. They describe a model of homogenous and equal states which recognise no higher authority. Each state engages in what Daniel Philpott calls “the endless competition between armies and economies”⁵⁹ in Machiavellian efforts to preserve, at a minimum, its own existence in the face of attempted foreign expansionism, and, maximally, to expand its own power to its furthest possible territorial extent. In such a world, the ascription of “supreme legitimate authority within a territory”⁶⁰ to each state by all other states, regardless of their particular internal circumstances, is the defining rule of the international regime. It represents a reciprocal acknowledgement by states of one another’s unique authority within their own territories.

⁵⁷David S. Stern, “State Sovereignty: The Politics of Identity and the Place of the Political,” *Perspectives on Third World Sovereignty, The Postmodern Paradox*, eds. Mark E. Denham and Mark Owen Lombardi (London: Macmillan, 1996) 28.

⁵⁸R.J.B. Walker and Saul H. Mendlovitz, “Interrogating State Sovereignty,” Walker and Mendlovitz 5.

⁵⁹Daniel Philpott, “Sovereignty: An Introduction and Brief History,” *Journal of International Affairs* 48.2 (1995) 353.

⁶⁰Philpott 358.

Sovereignty has evolved as “a practice that serves to identify the character, location and legitimacy of political authority, including the authority to judge what is authoritative”.⁶¹ It recognises the culturally embedded nature of authority, where authority is viewed as “the capacity for reasoned elaboration on communally valid values”,⁶² values which may or may not be universal. The assumption that sovereignty is authoritative implies that outsiders have no right to intervene in a domestic situation. The normative ascription of authority to institutions of state prevents outsiders from claiming that their intervention is a ‘just’ one. Empirical lack of universally authoritative values entails that a right to ‘just’ intervention would inevitably be subject to the moral definitions of the most powerful. This proposition is “especially dangerous given the crusade mentality of the typical superpower”,⁶³ a mentality which brings superpowers into conflict with nationalists defending culturally particular moral systems. Sovereignty preserves difference because it preserves the moral autonomy of small states vis-à-vis powerful states, offering a “resolution of the claims of universality and particularity at the level of the state”.⁶⁴

Cosmopolitanism and Universality

Ideals of ‘cosmopolitanism’ challenge the ability of the sovereign state to encompass the manifold relationships available to the individual in the current world in the light of changing conditions. Familiar forms of international relations are also challenged. Held describes cosmopolitanism as:

the beginning of the creation of a new international democratic culture and spirit - one set off from the partisan claims of the nation-state. Such developments might take years, if not decades, to become entrenched. But 1989-91 has shown that political change can take place at an extraordinary

⁶¹R.J.B. Walker, “Space/Time/Sovereignty,” Denham and Lombardi 25.

⁶²Carl J. Friedrich, *Tradition and Authority* (London: Macmillan, 1972) 61.

⁶³Caroline Thomas, “The Pragmatic Case Against Intervention,” *Political Theory, International Relations and the Ethics of Intervention*, eds. Ian Forbes and Mark Hoffman (London: Macmillan, 1993) 92.

⁶⁴R.B.J. Walker, “Sovereignty, Identity, Community: Reflections on the Horizons of Contemporary Political Practice,” Walker and Mendlovitz 165.

speed, itself no doubt partially a result of the process of globalization.⁶⁵

A trend towards replacing the system of sovereign states with a new cosmopolitan system would have a particular impact on human rights promotion, since traditionally the state, via its institutions, has been seen as the appropriate respondent to the claims conferred by human rights norms. The relationship of citizenship confers rights, since it creates an entity, in the state and its institutions, from whom guarantees can be demanded. However, the inevitability of attachment of rights to the state-society relationship has been questioned. A 'positive theory of rights' posits:

if we could aid somebody who has a positive right at no comparable cost to ourselves then we are responsible for the consequences of that failure to aid. We are causing the deaths of people whose lives we could have saved at no comparable cost to our own.⁶⁶

A positive view of rights confers a moral justification for intervention on the grounds of "our responsibility to [the needs of] people in other societies".⁶⁷ Institutions of state, which are justified, on a rights-based political theory, through the function of human rights protection, have in such a case failed, and the state cannot claim sovereignty in the context of such failure.⁶⁸ For cosmopolitanism to replace citizenship in conferring and guaranteeing rights requires two developments. Firstly, it requires universal agreement on what, exactly, "our responsibility to people in other societies" involves - in other words, universal acceptance of a particular human rights code. Secondly, it requires the creation of an international jurisdiction, comparable to the state in domestic politics, which can organise such interventions. Such a jurisdiction does not as yet exist in international society, although in the immediate post-war period, a number of suggestions were put forward for transforming the UN into a much more active and interventionist organisation. The Cambodian intervention was portentous in this regard, but global movement ceased, arguably, with the failures of United Nations missions in

⁶⁵David Held, "Democracy: From City States to a Cosmopolitan Order?" *Political Studies* 15 (1992), Special issue: 37.

⁶⁶Raymond Plant, "The Justifications for Intervention: Needs before Contexts," *Forbes and Hoffman* 110.

⁶⁷Plant 110.

⁶⁸Plant 111.

Somalia and Bosnia. If the presumption of states that their sovereign rights will be respected has been challenged, as yet no other entities possess institutions which can offer international guarantees to individuals as world citizens regarding respect for their human rights.

Theorists recognise that sovereignty has always been a contested principle, continually “rewritten” by international actions. Interventions, Cynthia Weber argues:

participate in the production and re-stabilization of concepts like the state and sovereignty. Intervening states offer justifications for their actions to a supposed international community and couch their justifications in terms of acting on behalf of the sovereign authority in the target state... Determining what is legitimately within the domain of a state’s sovereign authority and what lies beyond it produces a particular historically and temporally situated state with specific competencies.⁶⁹

In three different phases of twentieth century American interventions, she argues:

the intervening power was constituted as one community of judgement about the true meanings of sovereignty and intervention and the true location of sovereign authority.... Within a logic of representation, discourses of truth (sovereignty) legitimate uses of power (disciplinary acts of intervention). However dispersed, power refers to truth.⁷⁰

Examinations of the impact of human rights issue networks reveal that states themselves, in reacting to human rights pressures, have rewritten their own sovereign authority and *de facto* legitimised the intervention of issue networks into the state-society relationship.⁷¹ Sovereignty continues to be contested and rewritten through the interaction between various cosmopolitan movements and states. Intervention, rather than acting seamlessly to secure rights to all world citizens, occurs in a context of conflicting loyalties to nationalist, subnational and transnational movements. Frequently, intervention clearly reflects the priorities and interests of the intervenor

⁶⁹Cynthia Weber, *Simulating Sovereignty: Intervention the State and Symbolic Exchange*, (Cambridge: Cambridge UP, 1995) 125.

⁷⁰Weber 123/124.

⁷¹Kathryn Sikkink, “Human Rights, Principled Issue-Networks, and Sovereignty in Latin America,” *International Organization* 47 (1993): 411-441.

rather than a universally grounded moral authority.

Cosmopolitanism can be seen in two ways in the current international context. It may represent an organic change in the 'natural' level of the political community in the light of economic globalisation, breakthroughs in information technology, and a concomitant constituting of a true, humanitarian 'international community'. Alternatively, it may be conceived as a new, disguised form of international intervention by the powerful into the affairs of the weak. Intervention prompted by 'cosmopolitan' ideals and intervention prompted by self-interest currently go hand in hand.

Viewed empirically, international interventions, particularly complex ones such as that embodied by the United Nations Transitional Authority in Cambodia, are likely to encompass and respond to a range of different interests, viewpoints and agendas.

Cosmopolitan idealism and self-interested promotion of particular economic, cultural and political agendas will constitute motivating factors. The impact overall on a target state is likely to be highly contingent on the internal power dynamics of the intervening body and the domestic response to this.

A cosmopolitan ideal for interventionary practice, entitled *An Agenda for Peace*, which formulated the concept of "post-conflict peacebuilding" was prepared for the Security Council by UN Secretary-General Boutros Boutros-Ghali in 1992, entitled *An Agenda for Peace*. This concept is explored here because the timing and authorship of the *Agenda* connect it directly to the UNTAC operation; as such it impinged directly onto perceptions of UNTAC and the international community's responsibilities in Cambodia.

In 1995/6, interviewees in Cambodia were found to be optimistic regarding the possibility of cosmopolitan intervention to secure their rights in a context where the state apparatus was perceived to be abusive. The relationship between the Cambodian human rights movement and the international community is discussed in detail in Chapters Seven and Nine of this dissertation. To put the Cambodian views discussed later into the context of international views of post-Cold War intervention, the concept of 'peace-building' is briefly discussed.

Peace-building and Rights

Boutros-Ghali's *Agenda for Peace* can be seen as a blueprint for exercise of international authority, based on common values, which are identified with the UN Organisation and the ideological agenda of the Charter:

In these past months a conviction has grown, among nations large and small, that an opportunity has been regained to achieve the great objectives of the Charter - a United Nations capable of maintaining international peace and security, of securing justice and human rights and of promoting, in the words of the Charter, "social progress and better standards of life in larger freedom". This opportunity must not be squandered. The Organisation must never again be crippled as it was in the era that has now passed.⁷²

Boutros-Ghali saw the end of the Cold War as providing an opportunity for a new form of international intervention, which could tackle the causes of war - namely, injustice, lack of democracy and underdevelopment. In referring to the 'great objectives of the Charter', Boutros-Ghali, in this document, frames the new goals of the United Nations in the liberal democratic ideology which underlay the Universal Declaration of Human Rights, discussed earlier in this chapter.

In the early 1990s, interest, particularly in the US, focused on making international relations authoritative, through promotion of a core consensus of values, such as peace, democracy and human rights. These three goods were seen as linked, as the Kantian doctrine of perpetual peace between liberal democracies was re-examined.⁷³ Promotion of democracy was held to promote openness and predictability in foreign policy making, enabling states to accommodate one another more easily without recourse to military force. It was assumed by some that if consulted, citizens will almost always vote against war. The 'inevitable competition of states' could be rendered 'harmless', according to Stanley Hoffman, by two 'fundamental liberal 'revolutions': national

⁷²Boutros Boutros-Ghali, "An Agenda for Peace. Preventive Diplomacy, Peacemaking and Peace-Keeping," *An Agenda for Peace 1995*, 2nd ed. (New York: United Nations, 1995) 39.

⁷³Michael Doyle, "Liberalism and World Politics," *American Political Science Review*, 80 (1986): 1151-1163; Daniele Archibugi, "Immanuel Kant, Cosmopolitan Law and Peace," *European Journal of International Relations*, 1 (1995): 429-456; Stanley Hoffman, "The Crisis of Liberal Internationalism," *Foreign Policy* 98 (1995): 159-177.

revolutions to create accountable governments in every nation-state; and an international revolution to create a 'world public opinion' and a "transnational economic society... linking people across borders".⁷⁴

Some western policy makers echoed this view in 1993. Boutros-Ghali wrote, "Democracies almost never fight each other. Democratization supports the cause of peace";⁷⁵ while US Secretary of State Warren Christopher commented, "Democratic nations are far less likely to go to war with each other and far more likely to respect international law."⁷⁶ Australian foreign minister Gareth Evans wrote in 1994:

In-country peace-building is a long-term preventive strategy that focuses on potential causes of insecurity; ...It seeks to encourage equitable economic development, to enhance human rights broadly defined and to facilitate good governance. These goals should be pursued not only for their own sakes, but also because making progress toward them contributes powerfully to national and international security.⁷⁷

The concept of 'peace-building' emerged from this posited connection between democracy and peace. Peace-building involves the application of technocratic expertise to building institutions and systems of government in order to encourage democratisation and consequent consensus to support international action in pursuit of these goals:

There is a new requirement for technical assistance which the United Nations has an obligation to develop and provide when requested: support for the transformation of deficient national structures and capabilities, and for the strengthening of new democratic institutions.... There is an obvious connection between democratic practices - such as the rule of law and transparency in decision-making - and the achievement of true peace and security in any new and stable political order. These elements of good governance need to be promoted at all levels of international and national political communities.⁷⁸

⁷⁴ Hoffman 161.

⁷⁵Boutros Boutros-Ghali, "An Agenda for Peace: One Year Later," *Orbis* 37 (1993): 329.

⁷⁶Warren Christopher, "America's Leadership, America's Opportunity," *Foreign Policy* 98 (1995): 10.

⁷⁷Gareth Evans, "Co-operative Security and Intra-State Conflict," *Foreign Policy* 96 (1994): 111.

⁷⁸Boutros-Ghali, "Agenda" 62. Boutros-Ghali's "Agenda" for the United Nations is paralleled by agendas

The technocratic orientation of this strategy is underlined by the posited importance of 'fact-finding' as a basis for 'appropriate preventive action'. Fact-finding requires the employment of "civilian political officers, human rights monitors, electoral officials, refugee and humanitarian aid specialists and police [who] play as central a role as the military"⁷⁹ in peacekeeping and -building by means of the application of specialist knowledge.⁸⁰ Facts facilitate supervision of international convergence towards authoritative international norms. They increase certainty in the international environment. They provide the basis for the technocratic action that, by nature of its hegemonic depoliticisation, lends authority to intervention while formally respecting state political sovereignty. States are drawn into "confidence building measures... systematic exchange of military missions, formation of regional or subregional risk reduction centres, arrangements for the free flow of information, including the monitoring of regional arms agreements".⁸¹

Constructing systems for fact-finding complements Boutros-Ghali's plans for applying diplomatic, economic, judicial (via the World Court) and political as well as military pressure to various phases of conflicts, creating a comprehensive, and hence more effective and efficient, network of power, based on minute mutual surveillance. The

put forward for US foreign policy. For example, Theodore Sorenson concurs in advocating a role for US professional experts giving instruction in:

how to build a truly free legislature, an independent judiciary, a restrained police authority, a system of responsible local governments and a civilian-controlled defence force... In addition to free political institutions, free economic institutions must also be in place to make economic assistance meaningful. From agriculture to banking, to transportation and energy... the need for technical and practical advice from the US and others is enormous in these nations, north and south, making their way to freedom [Theodore Sorenson, "Rethinking National Security," *Foreign Affairs* 69.3 (1990): 17].

⁷⁹Boutros-Ghali, "Agenda" 60

⁸⁰Sorenson argues, similarly that post-Cold War US National Security Council meetings should be attended by experts from

Commerce, Agriculture, the US Trade Representative's Office, the Environmental Protection Agency, the Council of Economic Advisers, and non-governmental organisations as well. The State Department will need to devote more attention to its stepchildren in USIA, AID, NED, the Peace Corps and other multilateral diplomatic and financial organisations. The CIA will need to find more experts on Germany and Japan as well as the Soviet Union on Islamic fundamentalism as well as Marxism-Leninism, on industrial as well as military espionage, and on oilfield as well as battlefield defence [Sorenson 17].

⁸¹Boutros-Ghali, "Agenda" 47.

covert nature of this power, exercised through international institutions, increases its legitimacy and authority. Ideological convergence promoted by normalisation of domestic procedures creates an authoritative basis for further legitimate exercise of international power. Boutros-Ghali writes:

The authority of the United Nations system to act in [the field of building democratic institutions] would rest on the consensus that social peace is as important as strategic or political peace.⁸²

Institutionalisation of legitimacy and legitimisation of institutions feed into one another to give rise to increasing stability based on growing consensus. The manufacture of legitimate authority requires an international cultural homogenisation, prompted, it is envisaged, by standardisation of domestic political institutions.⁸³

The impact of such intervention on power relations and conflict resolution within a sovereign state is the focus of this discussion of the Cambodian case. The primary concern of state-building is to create, within national territory, a single, unifying ideological and structural framework within which the activities of individuals take place and to mobilise the loyalties of individuals to this framework. Post-conflict peacebuilding creates a role for international technical expertise in developing the structures crucial to this framework:

structures which will tend to consolidate peace and advance a sense of confidence and well-being among people. these may include disarming the previously warring parties and the restoration of order, the custody and possible destruction of weapons, repatriating refugees, advisory and training support for security personnel, monitoring elections, advancing efforts to protect human rights, reforming or strengthening governmental institutions and promoting formal and informal process of political participation.⁸⁴

International experts take control of these tasks to exert a normalising discipline:

In a country ruined by war, resumption of such activities may initially have to be entrusted to, or at least co-ordinated by, a multifunctional peace-

⁸²Boutros-Ghali, "Agenda" 62.

⁸³See Robert A. Scalapino, "Asia and the United States: The Challenges Ahead," *Foreign Affairs* 69.1 (1989/90): 104.

⁸⁴Boutros-Ghali "Agenda" 61.

keeping operation, but as that operation succeeds in restoring normal conditions, the programmes, funds, offices and agencies can re-establish themselves and gradually take over responsibility from the peace-keepers, with the resident co-ordinator in due course assuming the co-ordination functions temporarily entrusted to the special representative of the Secretary General.⁸⁵

The ideals and strategies of peace-building were influential in some international interpretations of the *Paris Agreements on a Comprehensive Political Solution to the Conflict in Cambodia*, and, to a lesser extent, on its implementation. These interpretations and the implementation of the *Paris Agreements* are discussed in the next chapter. Post-UNTAC international intervention in Cambodia also reflects the strategies put forward in the *Agenda for Peace* in the attention paid to setting up 'civil society' organisations and funding projects to enhance processes of debate and accountability within government.⁸⁶ It has also, it is argued in Chapter Nine, shaped the continuing expectations of international support, expressed by individuals interviewed for this study.

Yet it is argued that the Cambodian case study has also illustrated the limitations of the ideas outlined in *The Agenda for Peace*. The most important of these limitations is the limitation imposed by the lack of consensus in the international community, and particularly the Security Council, regarding the desirability of such far-reaching interventions which significantly rewrite the meaning of sovereignty. The response of many Asian governments, including China, a permanent member of the Security Council, to international human rights interventions has been negative, frequently making use of an ideology of cultural difference in Asian values, as described in the discussion of the Singapore School's stance on human rights issues.

⁸⁵Boutros-Ghali "Agenda" 20/21.

⁸⁶ The nature of international aid to 'civil society', including human rights NGOs is discussed in detail in Chapter Seven. International projects to promote debate and accountability in government include Asia Foundation projects to provide international expertise in drafting of laws, the setting up of a parliamentary library and the creation of a Cambodian *Hansard* [I6, personal interview, 10 Oct. 1995, Phnom Penh. To preserve confidentiality international human rights promoters interviewed for the present study are identified by the letter 'I' and a number].

Such responses have limited the extent to which the strategies outlined in the *Agenda for Peace* could be used to promote human rights, particularly following UN lack of success in the former Yugoslavia and Somalia. International consensus on the desirability of the UNTAC operation was prompted, arguably, by pragmatic economic concerns; yet in Cambodia the effectiveness of the strategies outlined in the *Agenda* is also in doubt.

Given that pragmatic concerns are more important than ideals in prompting international intervention, projected time-scales for interventionary exercises are important. Long-term engagement is affected by shifts in the international political and economic climate. 'World public opinion', which Hoffman views as essential for sustaining intervention, is insufficiently developed to counter national interest arguments, once economic imperatives cease to be important, or begin to conflict, with continued intervention.

As yet, cosmopolitanism is only a force in the international relations of states insofar as cosmopolitan policies can be presented as advantageous or inexpensive to the citizens of the Security Council members and other great powers. The attitudes of American and Japanese citizens are crucial to the implementation of a cosmopolitan regime.⁸⁷ Despite the growth of organisations like Amnesty International, the depth of understanding of, and consistency of commitment to, international humanitarianism on the part of these citizens remains in large part subordinate to local concerns. Humanitarianism on the part of American and Japanese citizens is also subject to the discourse of imposed by power structures in their own society.

Hoffman's second revolution, which would create a world public opinion supporting international policing of a liberal democratic order, is imperfectly completed. There is no international unitary political discourse. Even in the most information-rich countries,

⁸⁷See Tony Evans, "Hegemony, Domestic Politics, and the Prospect of Universal Human Rights," *Diplomacy and Statecraft* 6 (1995): 616-644; Peter F. Cowhey, "Domestic Institutions and the Credibility of International Commitments: Japan and the United States," *International Organization* 47 (1993): 299-326.

knowledge about the internal politics of distant nations is not widely disseminated. All national medias, including those operating in democratic countries, give truncated versions of events, biased strongly according to prevailing ideas of 'newsworthiness'. These promote sensationalism in reporting, and polemical moralism in editorialising. Dependence on populism and reader accessibility to sell copies leads editors towards simplistic stances which pander to local cultural norms and partisan interests.⁸⁸ Direct transnational contacts remain patchy for the majority of world citizens.

In view of the fluctuations in international great power consensus and political will, post-conflict peacebuilding does not imply open-ended international engagement, raising the question of "the timing and modalities of the departure of the peace-keeping operation and the transfer of its peace-building functions to others".⁸⁹ The policy for reasserting the centrality and valuation of the state-citizen relationship following intervention is not clearly defined in the *Agenda for Peace*. It is argued in Chapter Nine of this dissertation that in 1995/6, Cambodia faced a situation in which structures had been developed which remained reliant on international support; yet international will to provide the support desired by the Cambodian staff of these structures was increasingly in doubt.

One problem in achieving restoration of sovereignty following such intervention arises from the fact that the various interventions and demands implicit in peace-building will

⁸⁸Jay S. Ovsiovitich, "News Coverage of Human Rights," *Political Research Quarterly* 46 (1993): 671-689. Ovsiovitich surveyed coverage of human rights in the New York Times, Time Magazine and CBS Evening News over a ten-year period from 1978-1989. He found that "newsworthiness is defined in part by societal values and expectations of the way the world operates" and that news coverage "is incomplete, thus skewing the public's perception of human rights around the world [685]". See also Edward Herman and Noam Chomsky, *Manufacturing Consent: the Political Economy of the Mass Media* (New York: Pantheon Books, 1988). Gwyn Prins suggests that military intervention in Bosnia, prompted by public response to media images rather than great power interest, resulted in a "trickle intervention [which] occurred in spasms". He characterises this as "the worst sort of intervention possible". ["Global Security and Military Intervention," *Security Dialogue* 27 (1996): 7-16]. An anonymous contributor to *Human Rights Quarterly* also pointed out that western concerns over human rights and 'ethnic cleansing' delayed the achievement of a peace settlement in the former Yugoslavia. The contributor sees a lesson for the human rights community in the fact that "Thousands of people are dead who should have been alive - because moralists were in quest of the perfect peace". [Anonymous, "Human Rights in Peace Negotiations," *Human Rights Quarterly* 18 (1996): 249-258].

⁸⁹Boutros Boutros-Ghali, "Supplement to An Agenda for Peace," *An Agenda for Peace 1995* 20.

inevitably advantage some groups within the target state at the expense of others. Some local groups will see greater advantage in continued international engagement. Others will prefer a swift move back to national sovereignty. Some groups will continue to invest their loyalty in international allies, militating against the orientation of loyalties primarily towards the state itself. Global-local alliances will introduce instability due to continual fluctuations of interest in the policies of great powers and international organisations, responding to the swings and 'compassion fatigues' of 'world opinion', in a still-competitive sovereign state system.

If sovereignty is to be restored, in an environment of peace and respect for human rights, a single, national framework for dispute resolution must be created. By providing alternative sites of political activity within the territory, through the existence of international mediators and agencies, the presence of international peace-builders intervenes in the relationship between citizens and institutions of state. This may be exploited from within the target state. As described, international political will is likely to be uncertain when compared to that of local protagonists to a dispute. 'World opinion' is likely to waver according to events, and to be based on a limited or biased understanding of the history and nature of the problem. International peace-builders will be faced with attempts by elite groups to enlist them as an ally against competitors. Alternatively, intervenors may find local parties uniting against them in a nationalist response. It is argued in Chapters Three and Nine of this dissertation that international intervenors, and the material and protective power they bestow on local clients, have been drawn into the divisions within the Cambodian polity.

Building authoritative institutions that are immediately effective requires basing them on local cultural values. These values lend authority to technocratic solutions, and must supplement professional expertise to create structures which possess political utility and durability. The task of endowing political structures with political and cultural value is not well suited to a standing international task force. In the Cambodian case, local counterparts have been funded by international intervenors to attempt the task of introducing a valued human rights discourse into the Cambodian polity. The approaches employed by the Cambodian organisations involved is discussed in Chapters Eight and

Nine of this study.

The fundamental and long-term problem, which contributes to all these potential difficulties, is the problem of how international technocrats can carry out their duties with authority, while at the same time strengthening the authority of the state institutions whose authority they are, for the present, overriding; and then effect a handover of authority back again when the international community wishes to reduce its direct governing role. In war-torn, deeply divided, underdeveloped countries, the chances of successful implementation of such a task must be minimal within the time-frame that 'world opinion' and the political will of international governments and organisations allows. In Cambodia, from 1993 to 1997, it is argued, international will proved in many instances inadequate to counteract the efforts of Cambodian power-holders to combat human rights promotion, using familiar power resources, including human rights abuse. Yet international intervention has created new political forces in the Cambodian polity and has altered political outcomes significantly.

The impact of international peace-building in Cambodia will be examined within a three-dimensional political framework of relations between state, international community, and a Cambodian 'human rights movement'. It is argued that the Cambodian case study provides evidence for the contradictions between peace-building and state-building outlined above. It is also argued that analysis of human rights promotion in Cambodia within a framework of international-state-local power relations allows greater understanding of the contingent, Cambodian understanding and practice of human rights that has emerged from international intervention. The international community has employed Cambodians to attempt the task of endowing human rights norms with cultural value. Analysis of this task in a context of power and culture reveals a process not of replicating Western ideals but of negotiating a flexible metaphor for domination and resistance, embedded in the particularity of relationships between the global, the state and the local.

Chapter 3: UNTAC in Cambodia

A critical analysis of UNTAC's operation, and its long-term effects on Cambodian politics, reveals the practical implications of current uncertainty regarding the relative claims of sovereignty and human rights. UNTAC can be viewed in two ways. As an attempt to reconcile conflicting ideologies of intervention and sovereignty while implementing internationally desired policies, it succeeded to an extent. It facilitated the emergence of an internationally recognised Cambodian government and limited the scale of civil war in the country. Partisan military aid flows to Cold War proxies largely ceased and were replaced by co-ordinated international economic and technical aid designed to support regional economic integration. UNTAC repatriated refugees and created a domestic structure of human rights watchdog organisations. Subsequently, UNTAC departed leaving the future of Cambodia in the hands of the Cambodian government. The United Nations presented these achievements as promoting both humanitarianism and stability, benefiting the Khmer people and the Southeast Asian region, as well as strengthening the international regime of sovereign states. All these achievements suited the immediate interests of neighbouring and great powers.¹

Viewed as an exercise in liberal democratic cosmopolitanism, UNTAC was less successful. Limits to international power and political will became obvious during the mission, particularly concerning issues which did not directly affect external powers. Human rights policies exemplified this. When faced with conflicts between reinforcing human rights principles, and securing short term operational necessities, UNTAC chose the latter course of action. In a complex operational setting, cosmopolitan ideals were subordinated to the disengagement goals of external powers.

¹Superpower and regional interests of *realpolitik*, and their evolution from 1979, are described in: Kishore Mahbubani, "The Kampuchean Problem: A Southeast Asian Perspective," *Foreign Affairs* 62.2 (1983/4): 407-425; Chang Pao-min, "Kampuchean Conflict - The Continuing Stalemate," *Asian Survey* 27 (1987): 748-764; Charles MacGregor, "The Sino-Vietnamese Relationship and the Soviet Union," *Adelphi Paper* 232 (1988); Keith Richburg, "Back to Vietnam," *Foreign Affairs*, 70.4 (1991): 111-131; James A. Baker III, "America in Asia: Emerging Architecture for a Pacific Community," *Foreign Affairs* 70.5 (1991): 1-18; Laura J. Summers, "Cambodia: The Prospects for a UN-Controlled Solution," *Asian Review* 5 (1991): 43-71; Surin Maisrikrod, "Thailand's Policy Dilemmas Towards Indochina," *Contemporary South East Asia* 14 (1992): 282-300.

The extent to which UNTAC's mandate can be characterised as a peace-building, rather than a traditional peace-keeping operation, is unclear. Arguably, three interpretations of the peace process existed. The *Agreement on a Comprehensive Political Settlement of the Cambodia Conflict* contained some elements which appeared to place human rights principles above sovereignty, thus reflecting the new era heralded by the *Agenda for Peace* three months later. While the main thrust of the Agreements was to effect a withdrawal of foreign forces, cease-fire, and installation of a new regime, many participants in, and observers of, the peace process believed in the existence of a moral agenda.

The original Australian peace proposal of February 1990 did not mention long term human rights concerns, but aimed to use democratic elections to restore sovereignty:

- (1) to achieve conditions in which Cambodian people can freely, secure from intimidation or coercion, choose their own leaders and determine their own future, by free and fair elections; and
- (2) achieve a reconstructed Cambodia with internationally guaranteed sovereignty, independence and neutrality.²

The final Paris Agreements awarded responsibilities for human rights promotion to the Cambodian government and citizens³ and, significantly, to the external signatories, who were required:

to promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia as embodied in the relevant international instruments and the relevant resolutions of the United Nations General Assembly, in order, in particular, to prevent the recurrence of human rights abuses.⁴

No time limit is placed on this oversight. It is stipulated that "after the end of the transitional period, the United Nations Commission on Human Rights should continue

²Australian Ministry of Foreign Affairs, *Cambodia: An Australian Peace Proposal* (Canberra: Australian Government Publishing Service, 1990) 1.

³Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, 23 October 1991, Paris, Art. 15.

⁴Comprehensive Art. 15.

to monitor closely the human rights situation in Cambodia”,⁵ including, possibly, by means of a Special Rapporteur reporting annually to the UN. These provisions are restated in the *Agreement concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia*, with the further stipulation that:

In the event of serious violations of human rights in Cambodia [the signatories] will call upon the competent organs of the United Nations to take such other steps as are appropriate for the prevention and suppression of such violations in accordance with the relevant international instruments.⁶

These provisions provide a legal basis for continued oversight and intervention to protect human rights, even while reaffirming Cambodian sovereignty. Sovereignty and human rights are delinked, shifting human rights into the sphere of international concern and foreshadowing the cosmopolitanism of the *Agenda for Peace*. The Paris Agreements render human rights in Cambodia a legitimate continuing subject of world attention and, if necessary, action. The accords also dictated human rights and liberal democratic provisions for inclusion in a new Cambodian constitution.⁷

UNTAC’s human rights mandate comprised checks and balances designed to oversee, and demand accountability from, the Cambodian existing administrative structures.

UNTAC was required to:

make provision for:

- a) The development and implementation of a programme of human rights education to promote respect for and understanding of human rights;
- b) General human rights oversight during the transitional period;
- c) The investigation of human rights complaints and, where appropriate, corrective action.⁸

The Human Rights Component pointed out that these measures were to be taken “in context of a ... traditional peacekeeping operation, without clearly defined enforcement

⁵Comprehensive Art. 17.

⁶Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia, 23 October 1991, Paris, Art. 5.

⁷Principles for a New Constitution for Cambodia, 23 October 1991, Paris, §2.

⁸Comprehensive Annex 1, Section E.

powers”.⁹ This meant that local co-operation with UNTAC directives was voluntary, reflecting, arguably, a caution that was later abandoned in Somalia. This caution led, in the execution as well as in the framing of the mandate, to reliance on strategies of persuasion, international pressure and limited threats - for example, to fine candidates or remove their names from the ballot paper - to constrain particular activities of the Cambodian parties. Constraints were aimed particularly at protecting those groups in society who played an active role in the election - political party activists, newly-forming human rights organisations, newspapers, intellectual organisations, and voters. In this respect, human rights provisions focused on validation of the electoral process.

Boutros-Ghali interpreted UNTAC’s human rights role as “to encourage” the Cambodians themselves, who “clearly have the obligation to promote and protect human rights and fundamental freedoms in Cambodia”.¹⁰ He stipulated that UNTAC “would... expect to... encourage the establishment of indigenous human rights associations” and “may also wish to associate indigenous human rights monitoring groups with its [investigations and provision of redress for abuse], with the agreement of the parties concerned”.¹¹

Boutros-Ghali argued that, “the development and dissemination of a human rights education programme is foreseen as the cornerstone of UNTAC’s activities in fostering respect for human rights and fundamental freedoms”.¹² This accords with his view that “Cambodians must fully understand both the content and the significance of those rights and freedoms in order to be in a position to know when and how to protect them properly”.¹³ He added that human rights education must be “culturally sensitive”, yet this refers to methods of transmission rather than content. Regarding the content of

⁹ UNTAC Human Rights Component, “Final Report,” unpublished report, September 1993, 10.

¹⁰ Boutros Boutros-Ghali, “Report of the Secretary-General on Cambodia Containing his Proposed Implementation Plan for UNTAC including Administrative and Financial Aspects,” UN Document S/23613, 19 February 1992, §9.

¹¹ Boutros-Ghali, “Implementation” §13; §19.

¹² Boutros-Ghali, “Implementation” §12.

¹³ Boutros-Ghali, “Implementation” §12

human rights education, he prescribes emphasis on

particular themes... notably relating to the exercise of rights in an electoral environment, the existence of mechanisms for remedial action, rights relating to protection of the person and other rights enshrined in the Universal Declaration of Human Rights.¹⁴

This prescription firmly locates human rights within the context of UN activity and the holding of elections. Focus on use of ‘mechanisms for remedial action’, which were to operate through UN oversight of the civil administration, put the United Nations in control of strategies of resistance to oppression. The mandate for such oversight stated:

If the Secretary-General’s Special Representative deems it necessary, UNTAC, in consultation with the SNC¹⁵, will undertake investigations of complaints and allegations regarding actions by the existing administrative structures in Cambodia... UNTAC will also be empowered to undertake such investigation on its own initiative. UNTAC will take, when necessary, appropriate corrective steps.¹⁶

“The exercise of general human rights oversight in all of the existing administrative structures in Cambodia”¹⁷ was also intended to prevent human rights abuse. Activities in this field included the production of ‘special guidelines’ and ‘codes of conduct’ for civil servants and law enforcement and judicial officers.¹⁸ UNTAC staff would supervise and train these staff as part of its mandate to directly control “all administrative agencies, bodies and offices acting in the field of foreign affairs, national defence, finance, public security and information” in order “to ensure strict neutrality”.¹⁹ Oversight was explicitly linked to the holding of elections.²⁰

Heder and Ledgerwood in 1996 focus on the limitations of the mandate, arguing that

¹⁴Boutros-Ghali, “Implementation” §14.

¹⁵The SNC was the Supreme National Council, a committee chaired by Sihanouk including representatives of the four Cambodian signatories, created as a repository of Cambodian sovereignty during the transition.

¹⁶Comprehensive Annex 1, Section B, §6.

¹⁷Boutros-Ghali, “Implementation” §16.

¹⁸Boutros-Ghali, “Implementation” §17.

¹⁹Comprehensive Annex 1, Section B, §1.

²⁰Agencies, bodies and offices to be controlled were those identified as able to “directly influence the outcome of elections.” Comprehensive Annex 1, Section B, §2.

while fulfilling the Agreements required the implementation of a democratic transition, “consolidation of liberal democracy” was not a high priority. Despite the incorporation of requirements that the new Cambodian constitution contain provisions safeguarding liberal democracy and pluralism, it was left to Cambodians to “integrate this commitment with the political, military, social, economic, cultural and diplomatic realities facing Cambodia once UNTAC was gone”.²¹

This account, along with that given in Boutros-Ghali’s implementation plan, reflects pragmatic priorities employed by UNTAC in implementing a complex operation. Yet international excitement surrounding the UNTAC operation stemmed in large part from the early 1990s international context in which liberal democracy was perceived as triumphant.

The Human Rights Component, along with many observers of the process, arguably viewed the mandate as incorporating policies for democratic consolidation. The Human Rights Component’s final report criticises a failure to foresee “a need for a radical overhaul of existing state institutions [and]... to urgently rebuild or build new structures of government.” The Component points out that the mandate did not provide for “peacebuilding” activities, which the Component viewed as “clearly... necessary” for “the success of human rights efforts in the future”.²²

Arguably, this criticism of the mandate reflects an expansive reading of the aims of the peace process. The focus on institutional reform and the long-term outlook suggests a concern with the democratic consolidation that Heder and Ledgerwood argue was not envisaged by the Agreements. The Component viewed its task as beginning a long-term process of cultural reform to be followed up by various forms of international “assistance” after a sovereign government had been reinstalled. This task was viewed as consonant with the control and oversight mandates of the Civil Administration, Civil

²¹Steve Heder and Judy Ledgerwood, “The Politics of Violence: An Introduction,” *Propaganda, Politics and Violence in Cambodia, Democratic Transition under United Nations Peace-Keeping*, eds. Heder and Ledgerwood (London: M.E. Sharpe, 1996) 15.

²²Human Rights Component 9/10.

Police, Electoral and Human Rights Components. Exercises of powers of control, primarily intended to prevent the parties from using 'unfair' means to distort the democratic electoral process, could leave a long-term legacy in the form of models of exemplary conduct.

From this perspective, the task of ensuring that "the policies and practices of the past shall never be allowed to return",²³ required promotion of a liberal democratic culture within which future policies and practices could be framed, criticised, and, if necessary, punished. In 1992, Yasushi Akashi, Special Representative of the Secretary-General, described UNTAC's role as "to act as a facilitator for the peace process and as a catalyst for the political and structural reform of democracy"²⁴ suggesting the accords were intended to have a long-term democratising effect on the country.

The distinction between a view of UNTAC as a democratising force, and the more pragmatic view of Heder and Ledgerwood represents, arguably, the distinction between the intervention as presented to the Western and Cambodian public, and the intervention as implemented in Cambodia. This distinction reflects the difference between cosmopolitan ideal and pragmatic reality in an operational context in which a series of major problems threatened to derail the peace process.

A third reading of the peace process conflates the issue of democracy and human rights with 'genocide' and opposition to the PDK. The preamble to the Paris Agreements recognised:

that Cambodia's tragic recent history requires special measures to assure protection of human rights, and the non-return to the policies and practices of the past.²⁵

This was read as a specific, although euphemistic, reference to the DK regime.

For some commentators, UNTAC and the peace process represented an atonement for

²³Comprehensive Art. 15.

²⁴Yasushi Akashi, "To Build a New Country, The Task of the UN Transitional Authority in Cambodia," *Harvard International Review* (Winter 1992/3): 69.

²⁵Comprehensive, Preamble.

the amoral 1980s policy of diplomatic support for the PDK, as a member of the CGDK. The US had participated in this policy, by supporting the claim of the CGDK to Cambodia's UN seat, and by acquiescing to Thai and Chinese military aid flows to the PDK army, the National Army of Democratic Kampuchea (NADK). In 1990, US Congressman Stephen J. Solarz, Chairman of the House Subcommittee on Asian and Pacific Affairs since 1981, characterised this support and tacit acquiescence as "an act of complete moral cynicism" and portrayed the Cambodian question as "primarily... moral and humanitarian",²⁶ reflecting post-Cold War reorientations. For Solarz, a negotiated solution was imperative as the Vietnamese withdrawal had left "the world to face ... an armed and revitalised Khmer Rouge".²⁷ He commented:

If the international community truly believes that humane treatment of the defenceless is a norm that should be applied wherever possible, it must act now and to the utter limits of its capacity to block a new round of genocide in Cambodia... Cambodians have suffered too long because of the moral cynicism of others. We degrade our own values if we unnecessarily permit them to suffer any longer.²⁸

Richburg also reports that the US Congress was critical of the inclusion of PDK in the peace process, reflecting a decisive swing in attitudes as the Soviet presence in Southeast Asia weakened.²⁹

Similar political reorientations took place in Europe, Southeast Asia and within the UN itself, where the CGDK occupied Cambodia's seat. On 1 June 1991, the EC and ASEAN stated "the return of the genocide regime must be rendered impossible".³⁰ On 23 August a UN Human Rights Subcommittee passed a resolution inviting all parties to "take all the necessary measures to prevent a situation likely to create a risk for the Cambodian people of new crimes against humanity".³¹

²⁶Stephen J. Solarz, "Cambodia and the International Community," *Foreign Affairs* 69.2(1990): 99-115.

²⁷Solarz 103.

²⁸Solarz 115.

²⁹Keith Richburg, "Back to Vietnam," *Foreign Affairs* 70.4 (1991): 121.

³⁰SPK (Cambodian News Agency), 6 June 1991. Qtd by Raoul Jennar, "The Cambodian Gamble," unpub. report, European Far Eastern Research Centre, Sept. 1991, 6.

³¹UN Sub-commission on Prevention of Discrimination and Protection of Minorities, Resolution 1991/8

Many commentators decried the non-exclusion of the PDK from the peace process, viewing their participation as incompatible with peace and democracy. The Cambodian Documentation Commission's David Hawk wrote to Raoul Jennar:

I share your dismay that there is no exclusion of those most responsible for terrible crimes against humanity or disablements against the political movement that carried out the genocide - a situation which represents the failure of what my Cambodian colleagues and western associates specialising in law, human rights and Cambodia scholarship and I have worked for a decade to achieve.³²

Jennar, consultant for the NGO Forum on Cambodia, commented that, the West "failed in a moral and legal obligation concerning those historically responsible for genocide", arguing that the West missed an opportunity to discuss "a containment" of PDK leaders in spring 1991 when "Peking was prepared to discuss a few names". Jennar argued:

As long as Pol Pot, Nuon Chea, Ieng Sary, Mok, Pauk, Bit are not neutralized, the Khmer Rouge will constitute the greatest threat to the life of the Cambodians.³³

Emphasis on the 'containment' and 'neutralisation' of individuals by great powers ignores the reality of support for the PDK in Cambodia, viewing them only as an outgrowth of Chinese military aid. Continued historic interventions in Cambodia and a conviction that external intervention is responsible for Cambodian problems,³⁴ arguably, led to the widespread assumption that Cambodians themselves are helpless while a solution can be found and implemented by the international community.

Akashi, also, commented, "UNTAC's strength is derived from the unanimous support

Situation in Cambodia, 23 August 1991. Qtd by Jennar, "Gamble" 17.

³²David Hawk, letter to Raoul Jennar, 23 January 1991.

³³Raoul Jennar, "Cambodian Chronicles IV: Success and Firmness in Tokyo, Deadlock in Phnom Penh," unpub. report, European Far Eastern Research Centre, Sept. 1992, 8.

³⁴See Penny Edwards "Imaging the Other in Cambodian Nationalist Discourse Before and During the UNTAC Period," Heder and Ledgerwood, *Propaganda* 62. Edwards describes how both Cambodian elites and Westerners have laid the blame for the past two decades of destruction in Cambodia at the door of intervention. She argues that this political strategy is used within Cambodia to undermine the legitimacy of political opponents, create scapegoats for social and economic problems, to reinforce elite political structures by distracting attention from their weaknesses, and, importantly, to disempower the ordinary Cambodian.

of the international community”,³⁵ but it is significant that this strength of external consensus could not be used as a power resource within the country. The ability of former regional and superpower patrons to control former clients declined drastically after foreign arms deliveries ended. Withdrawal of the PDK from the peace process, despite appeals from Thailand and China, demonstrated this.³⁶ UNTAC quickly found that the Cambodian parties had significantly different interests from their former international supporters, and significantly different interpretations of the peace agreements.

Despite heavy emphasis in some circles on the question of genocide, the agreements contained no practical provisions to defend the process against large-scale atrocities or massacres. A key power cluster which interpreted the human rights terms of the accords as protection against the return of the PDK was the Phnom Penh Government which had continually raised this question during the negotiating process. Throughout the 1980s, the Phnom Penh government refused to negotiate with “the Pol Pot clique”, branding them a threat to the survival of the Khmer nation. Boutros-Ghali comments that at the first Paris Conference on Cambodia in 1989:

The two primary stumbling-blocks were the formula for power-sharing among the four factions during a transitional period ..., and the future participation of the Party of Democratic Kampuchea.³⁷

Jennar describes how the Phnom Penh government - the State of Cambodia (SoC) - declared their “first priority” was “concrete and precise measures” to prevent the “return to power of the authors of genocide”. Such measures were to include the trial of PDK

³⁵Akashi “To Build...” 69.

³⁶In a letter to Boutros-Ghali concerning attempts to secure DK compliance, Akashi listed a number of member states who may be able to exert influence over the DK including Thailand - “They can obviously do a lot by cutting of its ties with the DK” - and China - “China still enjoys the confidence of DK, although its large influence is probably diminishing since the cessation of its military assistance to the DK.” He also mentioned Indonesia, Japan, the US, and France, adding “We need to work with all these countries if pressure on DK is to be kept. It is particularly important that the ASEAN countries are with us, rather than argue for an unspecified “Asian approach” [Yasushi Akashi, letter to the Secretary-General, 27 July 1992, repr. in United Nations, *The United Nations and Cambodia, 1991-1995* (New York: United Nations, 1995) 207]. Despite the efforts of these countries, DK compliance was not achieved.

³⁷Boutros-Ghali, “Introduction,” *UN and Cambodia* 7.

leaders or a ban on “any party claiming to stem from the DK”.³⁸ Eventually, the SoC gave way on this issue in return for preservation of its administrative structure and 30 per cent of its military forces.

The issue of ‘genocide’ resurfaced continually during UNTAC’s deployment. Penny Edwards notes that, while in the West the word is synonymous with the Khmer Rouge:

[t]he term entered Cambodian political parlance years before Pol Pot came to power. In a report to the UN in 1967, Sihanouk accused South Vietnam of committing genocide against Khmer. Lon Nol’s republican rags of 1970-1975 are replete with references to a Vietnamese genocide of Cambodia. Genocide, as read by many Cambodians, is understood in a specific cultural context as meaning the destruction of the Khmer race.³⁹

While SoC propaganda resembled the fears of Western commentators, genocide was used as a propaganda weapon by the SoC’s opponents, including the PDK themselves. Edwards describes how “all four parties based their call for votes or to boycott the election on the claim that they alone were the key to the survival of Cambodia” citing the threat of the “Vietnamised ‘sham’ of the CPP”, in the case of the BLDP, Funcinpec and the PDK, or “‘genocidal Pol Pot clique’ and its Funcinpec and BLDP proxies” in the case of the CPP. She comments:

Straddling ideological differences among the parties was the uniformity of a central campaign theme: if it falls into the wrong hands, Cambodia will disappear.⁴⁰

The parties also sought support for their positions from the UN. Hun Sen (CPP), Khieu Samphan (PDK), and Son Sann (BLDP), all wrote to Boutros-Ghali on the issue. Hun Sen’s letter reflected an attitude familiar in the West, condemning PDK cease-fire violations as “call[ing] into question not only the organization of the forthcoming

³⁸Jennar “Gamble” 7.

³⁹Edwards 57.

⁴⁰Edwards 58. The fear of Vietnamese ‘annexation’ or ‘swallowing up’ of Cambodia has a long history. Edwards traces it back to racial stereotyping by French colonialists, Ramses Amer to the victory of the Thai-backed branch of the royal family over the Vietnamese-backed branch in pre-colonial times. Amer, “The Ethnic Vietnamese in Cambodia: a Minority at Risk?” *Contemporary Southeast Asian Studies* 16 (1994): 210-241. A detailed account of this phenomenon is found in Nayan Chanda, *Brother Enemy, the War After the War. A History of Indochina since the Fall of Saigon*, (New York: Collier Books, 1986).

elections which the Party of Democratic Kampuchea-Khmer Rouge is already rejecting, but also the very life of the Khmer nation and people” and requesting that the UN take “appropriate measures” invoking “if necessary” Chapter VII of the United Nations Charter.⁴¹

The central platform of the former resistance parties is less familiar to Western publics. Basic to their political stance was the view that the CPP owed a debt of gratitude to Vietnam and would allow Vietnamese forces and settlers to swallow Cambodia up as a result. Foreign forces, as described by the ex-resistance parties, included both Vietnamese military and ordinary ethnic Vietnamese settlers, some of whose roots in Cambodia dated back to the Sihanouk era. The PDK withdrew from the peace process on the stated grounds that UNTAC had failed to ensure withdrawal of Vietnamese troops from Cambodia, and had not given sufficient power to the Supreme National Council (SNC).

Heder and Ledgerwood argue that international negotiators had “attempted to blur the Vietnamese issue”⁴² in their search for a political settlement. The framework document produced by the UN Security Council, which formed the basis of negotiations at the Paris Conference, charged UNTAC with verifying the “withdrawal from Cambodia of all categories of foreign forces, advisors and military personnel”.⁴³ Heder and Ledgerwood point out that the term *all categories* could be viewed as including “everyone covered by the PDK definition”.⁴⁴ The Paris Agreements “reproduced the ambiguities of the earlier documents, which masked fundamental conflicts and differences on major issues”.⁴⁵

⁴¹Hun Sen, Letter to the Secretary-General, 5 January 1993, *UN and Cambodia* 249. Chapter VII permits the Security Council to authorise use of force against a state which poses a threat to international peace and security. Hun Sen is suggesting that the UN use force against the PDK, to protect the elections and the existence of the Cambodian nation.

⁴²Heder and Ledgerwood, “Introduction” 11.

⁴³Framework for a Comprehensive Political Settlement of the Cambodia Conflict, UN Document A/45/472-S/21689, 31 August 1990 §15 (qtd. by Heder and Ledgerwood, “Introduction” 11).

⁴⁴Heder and Ledgerwood, “Introduction” 11.

⁴⁵Heder and Ledgerwood, “Introduction” 12.

When the plan was implemented, differences in definition led to a breakdown over what was, for the former resistance parties, an essential feature of the war and, consequently, the peace - the status of Vietnamese soldiers, settlers, and migrant workers who, they believed, threatened the Khmer nation. Khieu Samphan wrote to Boutros-Ghali:

Our sole objective is to ensure a complete withdrawal of all categories of foreign forces from Cambodia so that peace and independence could be restored and national reconciliation could be realised.⁴⁶

He argued that UNTAC had been ineffective in verifying this withdrawal and was "out of touch with the Cambodian reality notwithstanding its goodwill". That reality, as Khieu Samphan described it, was that:

foreign forces in various form - soldiers, advisers and experts - still remain in Cambodia in disguise as soldiers of the Phnom Penh party or civilian 'advisers' or 'experts' working in the administrative structure of that regime or civilians merged with the Vietnamese settlers or ordinary persons living in the countryside and the cities. Therefore, measures taken in the military aspect alone would not be sufficient and effective.⁴⁷

This stance was supported by BLDP leader Son Sann. He wrote

since 1979, the so-called Vietnamese settlers have entered Cambodia in a great number, freely, without passport or visa, following on the Vietnamese invading troops. Since the signing of the Paris Agreement, those illegal Vietnamese settlers continue to arrive freely, to grab fertile lands, trades and jobs in town, fishing in our great Lakes, management of our rubber plantations... Most of them are demobilized Vietnamese soldiers, they are young and armed... A great many of them hold Cambodian identity cards and would have the possibility to vote in Cambodia...The presence of about one million Vietnamese is very badly accepted by the Cambodian people.⁴⁸

This issue was related to that of the status of the SNC vis-à-vis the SoC. The SoC was viewed by the resistance parties as an illegitimate, Vietnamese creation, and a threat to the nation. It was therefore essential that powers be devolved to the SNC, to protect Khmers. Khieu Samphan wrote to Boutros-Ghali that the 'spirit' and 'aims' of the Paris

⁴⁶Khieu Samphan, letter to the Secretary-General, 29 September 1992, repr. in United Nations, *UN and Cambodia* 223.

⁴⁷Khieu Samphan, Letter 223.

⁴⁸Son Sann, Contribution to the Search for a Solution to the Deadlock in the Implementation of the Paris Agreements, 30 September 1992, repr. in United Nations, *UN and Cambodia* 224.

Agreements required that extra 'measures' should be taken to enable the SNC to fulfil its role as 'the unique legitimate body and source of authority in Cambodia'. These measures included moves to "enable the existing administrative structures of the four Cambodian parties to function free from the directives and policies of any 'government', which must no longer exist ever since the signing of the Paris Agreements".⁴⁹ Such measures included the 'depoliticization' of the SoC political framework, including the ministries, People's Assembly, Council of Ministers, and presidency so that:

There will be therefore no Prime Minister, Deputy Prime Ministers, Ministers, Vice Ministers, President and other attributes of the State or Government. Along with those measures, it is necessary that within the existing administrative structures and the police forces of all the Cambodian parties, *Consultative Committees of the SNC* be set up.⁵⁰

The Paris Agreements had stipulated that 'existing administrative structures' should remain in place. Samphan's proposal takes advantage of what Heder and Ledgerwood call the 'blurring' of issues used during negotiations in order to achieve agreement. The euphemism 'existing administrative structures' was employed in the Agreements in response to the fact that both SoC and CGDK regarded themselves as the only legitimate government of Cambodia, and refused to lend credibility to their opponents by referring to them as such. In this proposal, the PDK redefine the diplomatic language of the Agreements to suit their own purpose, using 'existing administrative structures' to refer to the lower ranks of the bureaucracy and police, who must be freed from 'governments,' who are denied the legitimacy of this appellation by means of inverted commas.

Samphan's stance on this issue was again supported by Son Sann:

The Cambodian people will be reassured only when all powers are held by the SNC with the agreement of UNTAC.⁵¹

Akashi reported,

⁴⁹Proposal of the Party of Democratic Kampuchea, 12 July 1992, repr. in United Nations, *UN and Cambodia* 200.

⁵⁰Proposal of the PDK 200-201.

⁵¹Son Sann 225.

...our care to present a new protocol, enhancing the importance of SNC, seems to have somewhat pleased DK.... At the same time, we have taken a firm line that no body can tinker with the Paris Agreement and that “the existing administrative structures”, including the Phnom Penh administration has to function if complete chaos is to be avoided.⁵²

Akashi views the Phnom Penh government as essential to pragmatic operational needs, while acknowledging the party political importance of the SoC bureaucratic structure in his characterisation of the PDK proposals as an attempted “crippling blow to the Phnom Penh regime”. The proposals would allow DK “to improve its political and military power to such an extent that the other parties will be place at a distinctive disadvantage when UNTAC leaves”.⁵³ Pragmatism, and concern to balance the different strengths of the parties, informs UNTAC’s approach.

A similar cost-benefit calculus may be seen in the muted UNTAC response to ethnically motivated massacres of Vietnamese in Cambodia. Despite intense SoC and international concern over genocide perpetrated by the PDK against Khmers, these attacks, which approximated acts of genocide, met with little local or international response.

UNTAC’s Human Rights Component reported that 116 ethnic Vietnamese were killed, 87 injured and 11 abducted between July 1992 and August 1993.⁵⁴ UNTAC investigations concluded that NADK troops were responsible, yet anti-UNTAC propaganda put out by the PDK arguably prevented UNTAC from taking action. Nayan Chanda reported that UNTAC was identified by the PDK as “bad and evil people”, collaborating with “the *yuon* aggressor”⁵⁵ to engineer an SoC victory. The PDK challenged the UN to show its neutrality by “virtually cleansing Cambodia of all ethnic Vietnamese”. Chanda reported

⁵²Yasushi Akashi, Letter to the Secretary-General., 27 July 1992, repr. in United Nations, *UN and Cambodia* 206.

⁵³Akashi, Letter 206.

⁵⁴Human Rights Component 31.

⁵⁵ For a discussion of the usage and origins of the word ‘*Yuon*’ for ‘Vietnamese’, see Serge Thion, “On Some Cambodian Words,” *Watching Cambodia* (Bangkok: White Lotus, 1993) 30-35.

specialists fear that by wrapping their anti-Vietnam tirade in anti-Western xenophobia, the Khmer Rouge may have hit upon a political winner. The enemy is not just the Vietnamese but also the 'colonialist' UNTAC.⁵⁶

Boutros-Ghali reported to the UN that in March 1993,

UNTAC has no special responsibility under the Paris Agreements for foreign residents or immigrants and considers that these questions are long-term matters that can be resolved only by discussions between the future Government of Cambodia and the Government of Vietnam.⁵⁷

UNTAC's response fell short of its mandate to create an environment in which respect for human rights would be ensured in that only minimal efforts were made to protect the physical security of the ethnic Vietnamese. Boutros-Ghali claimed that resources were insufficient, but significantly, also explained,

There was also the consideration of the PDK's perspective on the situation; their participation in the election was not ruled out, and UNTAC would only jeopardize the chances of the PDK's joining the process by appearing to make exceptions to the mandate on the behalf of ethnic Vietnamese.⁵⁸

As a 'compromise', UNTAC did 'monitor the movements of fleeing Vietnamese' and attempted to 'ensure that local authorities assumed their responsibility to protect' them, but this latter effort was unsuccessful. The SoC "only reluctantly committed civilian police forces to [their] protection" while "the other factions ... stated publicly that these people had no claim on Cambodian citizenship and should be deported to Vietnam".⁵⁹ According to Jamie Metzl, "Special Representative Akashi even rejected suggestions that he should visit ethnic Vietnamese victims of racially motivated attacks in the Phnom Penh hospital" for fear of feeding "Khmer Rouge propaganda which accused UNTAC of delivering Cambodia to the Vietnamese".⁶⁰ UNTAC allowed pragmatic considerations to impede action in a clear-cut case of large-scale human rights abuse,

⁵⁶Nayan Chanda, "Wounds of History," *FEER* 30 July 1992, 14.

⁵⁷Boutros Boutros-Ghali, "Fourth Progress Report of the Secretary-General on the United Nations Transitional Authority in Cambodia," UN Document S/25719, 3 May 1990 §48.

⁵⁸Boutros-Ghali, "Introduction" 42.

⁵⁹Boutros-Ghali, "Introduction" 42.

⁶⁰Jamie Frederic Metzl, "The Many Faces of UNTAC: A Review Article," *Contemporary Southeast Asia* 17 (1995): 91.

and was not prepared to risk its popularity for the sake of human rights principles.

These issues exemplify a recurring feature of the human rights aspect of the UN intervention in Cambodia. Definitions of the terms of the Agreements were stretched to their limits as each side attempted to interpret the accords to benefit their own position in the new political context. Common understandings and assumptions did not exist. "Neutrality" was consequently non-existent, and principled action could only be understood within the cost-benefit calculations of the four parties. Consequently, such action was perennially subject to hostile interpretation, and quickly abandoned by UNTAC frustrating attempts by the Human Rights Component to promote a culture of democratic accountability. Pragmatism was preferred to principle.

S.N. Sangmpam uses the concept of 'overpoliticisation' to analyse the Cambodian peace process.⁶¹ He describes an overpoliticised state as displaying five characteristics. These are the use of 'overt compulsion' in politics; fluidity of state power and insecurity of state power-holders; political participation and competition taking place outside established institutions; use of open violence and confrontation; and lack of compromise over outcomes of competition resulting in a low rate of successful conflict resolution. . . .

Many of these symptoms flow from fundamental features of the Cambodian polity which are radically incompatible with liberal democratic competition. One such problem lay in notions of sovereignty and nationhood which in the Cambodian context were constructed so as to prevent compromise and promote violence. Edwards, Heder, Ledgerwood and Kate Frieson refer to the question of "Khmerness" and "otherness" in Khmer politics, in their analyses of UNTAC's intervention.⁶² The parties to the conflict each attempted to equate themselves with notions of sovereignty/ the state/ the people,

⁶¹S.N. Sangmpam, "The Overpoliticised State and International Politics: Nicaragua, Haiti, Cambodia and Togo," *Third World Quarterly* 16 (1995), 619-641.

⁶²Edwards 60; Heder and Ledgerwood, "Introduction" 23; Judy Ledgerwood refers to the "rhetoric of finding and purging enemies" in her "Patterns of CPP Political Repression and Violence during the UNTAC Period," Heder and Ledgerwood, *Propaganda* 131; Frieson describes the branding of resistance party members as thieves and genocidalists, in "The Politics of Getting the Vote in Cambodia," Heder and Ledgerwood, *Propaganda* 194-195.

and portrayed their enemies as traitors/ invaders/ threats to the national welfare. The ideological construction of 'enemies within' was at the root of many human rights abuses in a state which lacked a secular notion of the juridical rights-bearing citizen.

Both cosmopolitan and traditional peace-keeping interpretations of the Paris Agreements centre on creation of a unitary territorial government with some domestic legitimacy - a sovereign state. While, as Weber describes, sovereignty on an international level is created by international agreement to recognise ("writing the state"⁶³), legitimation of sovereignty at home is more problematic. It requires the creation of a meaningful and authoritative unity out of the diversity of population within the territory.

In Cambodia, the attempt to unite four different and, in part, mutually exclusive concepts of the Cambodian nation into one sovereign government by means of invented devices, such as the Supreme National Council, the general election and the constitution, did not lead to any swift resolution of the issue. Each party attempted to define these devices in such a way as to promote their own interests and retard the interests of their rivals.

The 'focal point'⁶⁴ of the Cambodian project was the general election, designed to award decisive sovereignty to one or other party via the mandate of the people.⁶⁵ For such a mandate to be meaningful, in liberal democratic ideology, the election had to be 'free and fair' and held within a "neutral political environment".⁶⁶

⁶³Weber 1-10.

⁶⁴Boutros-Ghali, "Introduction" 12.

⁶⁵The Peace Agreements also brought back Cambodia's traditional sovereign, the King, and it is significant in the context of a search for a domestically meaningful sovereign unity, that on several occasions during the implementation of the accords, at points when it appeared that the holding of multi-party parliamentary elections might be too problematic, that a new plan to hold a presidential election in which Sihanouk would stand unchallenged, was seriously considered. See Boutros-Ghali "Report of the Secretary-General on the Implementation of Security Council resolution 783 (1992) on the Cambodia Peace Process," UN Document S/24800, 15 November 1992, §21; Security Council resolution 792 (1992), 30 November 1992, §3.

⁶⁶Comprehensive Art. 12.

To create this environment, the Supreme National Council, which embodied Cambodian sovereignty during the transitional period, delegated to UNTAC

an unprecedented level of involvement in a country's official activities during a peace-keeping operation.... the United Nations was to exercise direct supervision or control over those of the SoC's administrative agencies, bodies and offices which could directly influence the outcome of the elections... The Special Representative of the Secretary-General was to have the right of unrestricted access to all administrative operations and information, as well as the right to reassign or dismiss officials should the need arise.⁶⁷

The neutral political environment was intended to substitute for a national democratic consensus on acceptable modes of political competition. UNTAC would police the cease-fire, civil administration and election campaign to prevent 'unfair' advantages from arising. This was frequently described as a 'balancing' operation. Boutros-Ghali describes the pre-election phase as:

a complicated and delicate balancing act among the various components of UNTAC and between the Cambodian politicians themselves.⁶⁸

Akashi also describes "a delicate balance" between the SNC, UNTAC and the administrative structures.⁶⁹

Balancing between parties was essentially needed to keep all of them on board. PDK and SoC participation was vital to end the war between their armies. The non-communist Funcinpec and BLDP were required to facilitate Western recognition of the process. Balancing the combined strength of PDK and SoC was essential to give the weaker parties an opportunity to campaign; balancing their interests vis-à-vis one another was necessary to prevent their disaffection in the light of deep divisions between them. In the human rights field, balancing also required protecting and empowering citizens vis-à-vis the parties. Although many commentators focused on the human rights record of the DK, the SoC government had also been responsible for human rights

⁶⁷Boutros-Ghali, "Introduction" 13.

⁶⁸Boutros-Ghali, "Introduction" 28.

⁶⁹Akashi "To Build..." 34.

abuse since 1979.⁷⁰

This balancing act to create a “neutral political environment”, arose from two problems: the absence of an accepted definition of ‘fair’ behaviour, and the problem of motivating parties to continue to participate in the face of likely defeat. ‘Fair’ political competition can be defined as competition according to rules accepted by both sides. No such rules existed in Cambodia. Each party played by its own rules, and linked these rules with the survival of the nation, through an electoral platform which emphasised the dangers represented by opponents.

It was not possible for the PDK or the CPP to accept publicly the prospect of defeat by the other, since each campaigned on its ability to protect the nation from the other. The Phnom Penh regime’s major claim to legitimacy was its overthrow of Pol Pot, consistently presented as a bogey-man in government propaganda since 1979 in an attempt to win domestic support.⁷¹ Meanwhile, anti-Vietnamese propaganda put out by the PDK boosted their popularity.⁷² The intractable nature of Cambodia’s civil war was due, in large part, to this rift between the two communist parties. Their mutual accusations - that the SoC regime were puppets of the “Race exterminating aggressor Vietnamese bandits”; that Pol Pot was “head of the gang of butchers”⁷³ - go to the heart of Khmer nationhood, and therefore neither could recognise the other as a legitimate adversary. There could be no democratic debate between them, since in terms of their respective ideologies, to engage in debate with the other would be treason. Campaigning

⁷⁰One account of abuses of judicial process which took place under the SoC can be found in Lawyers Committee for Human Rights, *Cambodia, the Justice System and Violations of Human Rights* (New York: Lawyers Committee for Human Rights, 1992). Reports of forced conscription and forced labour for the K2 project can be found in the EIU reports. Both UNTAC’s Human Rights Component’s Final Report (Phnom Penh: UNTAC, September 1993) and Amnesty International’s report from the early UNTAC period indicate that abusive methods were routinely used by police and prison officers under the SoC. See Amnesty International, *State of Cambodia: Human Rights Developments, 1 October 1991 to 31 January 1992* (London: Amnesty International, 1992).

⁷¹See Frieson “Politics” 192-196.

⁷²See Frieson “Politics” 184; and Edwards 64.

⁷³ព្រះយេស៊ូឈ្លានពានបំពាក់ពូជសាសន៍ and មេបនពេជ្ជរាមាភិ . These epithets are taken from a 1991 glossary of terms used on Khmer language radio since the 1970s, JPRS Report, *East Asia, Southeast Asia, Cambodia. Khmer-English Glossary*, JPRS-SEA-91-022, 17 Sept. 1991 (Springfield: US Dept. of Commerce, 1991), 154-155.

as equals represented acknowledgement of the other's legitimate claim - such an acknowledgement would have been disastrous for their own legitimacy.

The relationship between CPP and the other former resistance parties, Funcinpec and BLDP, was similar, because of the CPP's need to justify the long war against these parties, and to neutralise the stigma attached to its own record by the anti-Vietnamese rhetoric of the opposition. During the election campaign, the CPP concentrated its propaganda on identifying these groups with the Khmer Rouge. David Ashley describes a page from a CPP Youth movement member's exercise book, found in Ek Phnom district of Battambang, which claimed, "Funcinpec is one of the three strategic measures of the enemy in our Cambodia today with the aim of serving their fundamental ploy, that is to bring Pol Pot... back to power over our people once more".⁷⁴ Meanwhile, the BLDP and PDK ran campaigns aimed at identifying the CPP with the Vietnamese.

Just as there could be no pluralist consensus regarding the right of parties to exist and compete, so there could be no democratic consensus over the value of peaceful political competition. In the atmosphere described, the very survival of the nation was considered to be at stake. For each party, the means by which victory was achieved - by military, terrorist, or peaceful democratic activities - was important only insofar as it was effective.

This situation is incompatible with the restoration of sovereignty or the creation of a 'neutral political environment for free and fair elections'. Both these concepts presuppose that certain fundamental national questions have been resolved. Questions such as, "Who is a Cambodian?", had to be answered before 'the Cambodian people' could decide on the future of their nation. Yet agreement was not reached on this question with the result that it dominated the election.

Heder and Ledgerwood describe the problems inherent in the nationality question. The territorial residence requirements put forward by the United Nations "opened up the

⁷⁴David Ashley, "The Nature and Causes of Human Rights Violations in Battambang Province," Heder and Ledgerwood, *Propaganda* 168.

possibility of non-Khmer, noncitizens, and nonnationals, including *chun-cheat* [ethnic] Vietnamese and Chinese voting in the election". This represented a "new imagining of communities [that] denied that political and civil rights derived from Khmer custom and culture... Many ordinary Cambodians... found it distressing or at least extraordinary".⁷⁵

In the realm of civil and political rights, conflicting conceptions of the context of political competition - for example, the question of who is entitled to vote - politicised human rights. In addition to massacres of Vietnamese, the election campaign engendered political killings, intimidation and 'dirty tricks' to promote a climate of fear.

Boutros-Ghali reported in January 1993:

One of UNTAC's most important tasks is the creation and maintenance of a neutral political environment conducive to the holding of free and fair elections.... [S]uch an environment does not yet exist. A spate of violent incidents over the last few months has heightened a sense of insecurity among Cambodians....

He placed these threats in three categories: politically motivated attacks on party offices and staff; ethnically motivated attacks on Vietnamese; and killings with no particular motivation which contributed to a climate of fear.⁷⁶

A similar categorisation is employed in Table 3.1, which shows statistics reported by the NGO Resource Project for the month of April 1993, midway through the election campaign. This data exemplifies the climate of fear in which the less militarised opposition parties operated. Of particular concern in this respect is the 89 attacks on the offices of these parties, in which, commonly, grenades were thrown into the buildings or bullets sprayed at the windows. Of 113 deaths reported, 34 were party activists, 12 from Funcinpec. Most of the 82 civilians killed were ethnic Vietnamese.

⁷⁵Heder and Ledgerwood, "Introduction" 24.

⁷⁶Boutros Boutros-Ghali, "Third Progress Report of the Secretary-General on UNTAC," UN Document S/25154, 25 January 1993, §94-95.

Table 3.1: Statistics of Violent Attacks during April 1993⁷⁷**A. Attacks on Persons:**

Target	Perpetrator	Number of Deaths	Number of Injuries	Number of Abductions
Funcinpec Activists	CPAF/SoC	5	1	-
Activists from Other Parties	CPAF/SoC	2: 1 LDP/1 BLDP	-	-
All Political Activists	Unidentified	7 Funcinpec	9 Funcinpec 2 other	-
SoC	NADK	17 (Civilians and Police)	4	-
Civilians	NADK	62	137	31
Civilians	Unidentified	20	32	-

B. Attacks on Political Offices:

Target	Number of Attacks
Funcinpec	59: SoC/CPAF definitely involved in 12, allegations of SoC involvement in more.
BLDP	13: SoC officers involved in 'several'
Other Political Parties	17.

These categories of abuse, and especially the attacks on party offices, are significant in that they represent violent outgrowths of the propaganda and power systems of the Cambodian parties. The attacks on ethnic Vietnamese stem from efforts of resistance parties to employ anti-Vietnamese rhetoric and to promote the idea of a Cambodian nation based on ethnicity, as ideological power resources. Politically motivated attacks which spread a climate of fear and intimidation emerge from the importance of

⁷⁷NGO Resource Project, Daily Report, unpub. report, 11 May 1993.

protection and control, particularly in the economy of power of the SoC/CPP.

Frieson refers to Funcinpec's campaigning activities as "the CPP's worst nightmare, an opposition party infiltrating its territory".⁷⁸ She and Ledgerwood both describe a genuine inability on the part of CPP officials to accept peaceful opposition activities as legitimate.⁷⁹ The CPP constructed peaceful opposition as disloyalty and subversion; acts of political violence and intimidation demonstrated continued CPP control and ability to punish within its territory.

Meanwhile CPP propaganda aligned CPP power with UNTAC. Frieson describes how SoC/CPP propaganda activities "were intended to confuse the division of authority between SoC and UNTAC in the public's mind".⁸⁰ During the process of voter registration, SoC plans to use government offices, instead of schools, as registration sites for voters demonstrated "a clear intention to exercise as much control over the election as possible".⁸¹

Summers reports that PDK proposals to 'depoliticise' the SoC administration were intended

to inform Cambodian voters that the Hun Sen-led SoC administration could no longer beckon Vietnamese power and could no longer command the status, respect or deference which is associated with state power in Khmer culture.⁸²

The SoC attempted to co-opt UNTAC power into its own power system while continuing to exercise violence independently. Heder and Ledgerwood interpret the SoC message to voters:

The real authority in Cambodia is SoC; we, not UNTAC, control things and

⁷⁸Frieson "Politics" 197.

⁷⁹Ledgerwood describes SoC police security reports which detailed "Violations of the Paris Agreements" under two headings: "Armed", comprising reports of NADK military activities; and "Unarmed", covering peaceful opposition political party activities [Ledgerwood, "Patterns" 124]. See also Frieson "Politics" 194.

⁸⁰Frieson "Politics" 189.

⁸¹Frieson "Politics" 189.

⁸²Laura Summers, "Cambodia: The Prospects for a UN-Controlled Solution," *Asian Review* 5 (1991): 47.

protect you.⁸³

This monopolisation of political action within its territory arises from a conception of power as 'overt compulsion', in Sangmpam's terminology, commonly employed in Cambodian politics. Power is not seen as a negative attribute, to be disguised as 'freedom' and 'choice'. It is seen as the capacity to protect and sustain, in the face of destructive forces. This conception informs both the widespread fears of Cambodia's demise if the 'wrong' party is allowed to take power, and the concern of power holders to redemonstrate their strength when challenged.

Heder and Ledgerwood argue:

The cross-linkages between loyalties to political networks and the dehumanising labelling that pushed people beyond the realm of "Khmerness" - thereby making them expendable - form the circle of logic that runs through the propaganda, politics and violence of the UNTAC period.⁸⁴

These 'political networks' are networks for power distribution, or political economies of power. Political economies of power in Cambodia differ significantly from those in the modern liberal democratic states described by Gramsci and Foucault. As Sangmpam describes, power is exercised by individuals acting outside the constraints of political institutions. It is heightened by displaying ability to prevail. Frequently it is associated with visible trappings of wealth and equipment. Ledgerwood comments on Cambodian perceptions of UNTAC's poor performance in arresting human rights abusers:

[D]isjuncture between UNTAC's outward signs of power - its obvious wealth, cars, helicopters and so on - and its seeming impotence in such cases was mystifying to many Cambodians.⁸⁵

The need to be observably in control, particularly through the retention of loyal bureaucratic and military apparatus, in order to attract support and the propaganda of protection against mortal threats to the Khmer as a nation from dehumanised 'others'

⁸³Heder and Ledgerwood, "Introduction" 32.

⁸⁴Heder and Ledgerwood, "Introduction" 26.

⁸⁵Ledgerwood, "Patterns" 126.

were the twin elements undermining human rights and democratic competition. The former element required that the SoC should be seen to control the peace process. The latter justified any means, including violence, by which this was achieved.

UNTAC was unable to resolve issues of overpoliticisation because UNTAC itself became a contested concept. Instead of providing a framework within which political competition was carried out, UNTAC became a power resource, the target of competition between the parties. The SoC was able to portray its co-operation with UNTAC as a sign of UNTAC support, leading “many Cambodians [to be] sceptical of UNTAC’s oft-proclaimed political neutrality”.⁸⁶ Sangmpam writes:

the contradictorily accommodating stand of foreign power results not from what they do or fail to do but from the ability of overpoliticised third world states, regardless of their size, strength and level of dependence, to impose an accommodating posture on foreign actors as they pursue their interests.⁸⁷

Through the size of its deployment and the extent of its activities, the UN attempted to substitute itself for a truly neutral political environment. UNTAC interpreted the mandate to provide the framework for control. It possessed the power to take sanctions against actions it defined as contrary to UNTAC-given norms. Through its own internal cohesion of purpose, it attempted to impose the necessary consensus to enable transfer of power by means of elections. This attempt led to the creation of a peacekeeping force which was “unprecedented”⁸⁸ in size and in the scope of the expertise employed. UNTAC comprised 15,500 troops and 6,000 civilians in “a \$1.7 billion effort that reached out to nearly every district in every province in the country”.⁸⁹

The size and complexity of UNTAC also reflected the desire to intervene at the sub-state level, dealing directly with the Cambodian people in order to find a solution to the conflict. UNTAC’s relationship with ordinary Cambodians was envisaged in the mandate which called for extensive interaction with Cambodian citizens in training

⁸⁶Heder and Ledgerwood, “Introduction” 32.

⁸⁷Sangmpam 620.

⁸⁸Boutros-Ghali, “Introduction” 5.

⁸⁹Boutros-Ghali, “Introduction” 54.

activities. The partisan attitudes of the parties made it essential that UNTAC give their own, 'neutral', version of electoral arrangements and human rights direct to the people themselves. Use was made of a variety of methods of communication: training sessions held nation-wide; distribution of leaflets, badges, T-shirts and videos; songs recorded by Cambodian singers; cultural shows; competitions and 'Human Rights Days'. By September 1993, the Human Rights Component estimated, 90,000 Cambodians had been trained in human rights courses and in addition "countless thousands of Cambodians were exposed to human rights 'teachings' through the media".⁹⁰

UNTAC was supposed to reach deep into the Cambodian polity to get its message across. A factor considered crucial to the success of the elections was the popularity of UNTAC radio, launched in November 1992 after the withdrawal of the PDK from the peace process, to "take UNTAC's message into every part of Cambodia 24 hours a day... to counter anti-UNTAC propaganda from DK radio".⁹¹

Successful voter education policies such as these eventually ensured an extremely high voter turn-out rate of 88.9 per cent. In part this was due to SoC encouragement of voters to go and vote, but Frieson reports that many voters arrived at the polling stations in SoC trucks and then voted for Funcinpec. This confidence to vote against SoC demonstrated UNTAC's success in assuring Cambodians that their ballots were genuinely secret in an atmosphere in which rumours of 'spying' at the polling stations were rife.

While UNTAC was able to hold a successful election, it did not have the ability to impose a framework of liberal democratic meaning on the peace process, and had little impact on the economy of power underlying human rights abuse. UNTAC radio propaganda represented a relatively limited response to the reach of the various mechanisms of intimidation of the two most heavily armed parties - PDK and SoC. UNTAC controllers did not penetrate these two administrative structures. There was

⁹⁰Human Rights Component 48.

⁹¹Australia, Ministry of Foreign Affairs, "Cambodia: Next Steps. Australian Paper Dated 16 September 1992," repr. in United Nations, *UN and Cambodia* 209/210.

little evidence that state officials were responding to the example set by UNTAC, or to UNTAC directives.⁹²

Crucially for human rights, UNTAC failed to end the civil war and demilitarise the country; the climate of impunity for armed abusers persisted.⁹³ A major reason for this was UNTAC's increasing reliance on the SoC, once the PDK left the peace process. UNTAC found this constrained its freedom to manoeuvre. Lack of success in preventing and remedying human rights abuse was a combined result of inability to control, and concessions made to, SoC. SoC was able increasingly to channel UNTAC power; UNTAC could bypass SoC only by such means as Radio UNTAC.

Boutros-Ghali had commented that certain "essential conditions" would have to be met for the Agreements to be implemented successfully; among them

the full co-operation of the four Cambodian factions and all other concerned parties, full freedom of movement and communications...⁹⁴

Yet the parties, rather than co-operating with UNTAC's 'neutral' implementation of the plan, attempted to co-opt UNTAC into their own electoral strategies, or to redefine the mandate to deny UNTAC the ability to act. Areas of non-co-operation frequently corresponded to key areas of political strength. Boutros-Ghali observes:

initially criticised as being unfairly restrictive of the Phnom Penh Government, ... [the oversight of civil administration] provision turned out to be nearly impossible to achieve because of language problems, lack of enforcement measures, and inadequate experience on the part of UNTAC personnel with the kind of bureaucratic structures and procedures employed by the SoC.⁹⁵

SoC ability to draw UNTAC into its own economy of power was deleterious for human rights oversight. The Human Rights Component reported that failure adequately to

⁹²For a detailed account of UNTAC's failure to control the state bureaucracy, see Michael Doyle, *UN Peacekeeping in Cambodia: UNTAC's Civil Mandate* (New York: International Peace Academy Occasional Paper, 1995).

⁹³See Boutros-Ghali, "Introduction."

⁹⁴Boutros-Ghali, "Introduction" 14.

⁹⁵Boutros-Ghali, "Introduction" 55.

control SoC ministries, and obstructive SoC attitudes towards the arrest of official personnel, combined with UNTAC's lack of enforcement capability, undermined its efforts.

For example, SoC frequently refused to investigate human rights abuse committed by members of its own administrative structure, perpetuating the climate of fear in Cambodia. An example was the case of Ung Sami, governor of Battambang, who was alleged to have been involved in a series of attacks against opposition parties in the province. When his removal from office was mooted, the *Phnom Penh Post* reported, an SoC spokesman declared

If UNTAC insists on removing him it will have to remove Prime Minister Hun Sen and the SoC won't co-operate with UNTAC any more.⁹⁶

No action was taken against Ung Sami, despite an internal UNTAC report which detailed threats allegedly made by him to "attack with rockets a house rented to the Funcinpec party". Subsequently, the house was attacked and party workers were injured. The reports concluded that Ung Sami was "literally and figuratively laughing in the face of UNTAC".⁹⁷

In the face of such intransigence, UNTAC had two options; it was entitled by the Paris Agreements to "all powers necessary to ensure the implementation of this agreement"⁹⁸ and could have used this provision to take upon itself the power to arrest human rights violators without reference to the SoC. Alternatively, it could continue in attempts to persuade the SoC to take action itself. The Human Rights Component describes how an Action Cell, formed to consider these options, decided on the latter course. The Component described this course of action, which "uniformly ended in failure", as "founded upon [a]... misconception of the control function of UNTAC...", reflecting the Component's cosmopolitan reading of the mandate.⁹⁹

⁹⁶PPP, 15-28 Jan. 1993, 6.

⁹⁷PPP, 12-25 Feb. 1993, 3.

⁹⁸Comprehensive, Annex 1, Section A, §1.

⁹⁹Human Rights Component 41.

Conflict between the Human Rights Component and other components was inevitable in the light of differing analyses of UNTAC's human rights role. The Human Rights Component stated that "state structures and institutions were such that they required a radical reorientation if they were to come into line with the democratic aspirations of the Paris Peace Agreement".¹⁰⁰ These democratic aspirations were viewed by the Component as going beyond the immediate demands of the election, encompassing the creation of long-term human rights safeguards and the eventual transformation of Cambodian culture by means of "strengthening democracy".¹⁰¹

The Human Rights Component viewed this as a technical task, regarding human rights abuse as a function of "the absence of institutions and structures capable of governing in accordance with international human rights standards", including "the inability of legitimate state authorities to prevent continuing and increasing violence", "the complete absence of a functioning legal system", and the "singular lack... of the basic institutions and processes upon which respect for human rights fundamentally depends [including]... a free press,... a broadly educated professional class, and indigenous non-governmental organizations able and willing to promote the interests of civil society".¹⁰² The Human Rights Component argued that Cambodia was a state in which "(v)acuum in political authority, the immediacy of humanitarian needs, and the absence of viable local partners would compel the United Nations... to undertake an even more intrusive and far-reaching role".¹⁰³

Difficulties experienced in building such structures were identified by the Human Rights Component as arising from two major sources. The first was caused by constraints and delays in the deployment of staff and resources for the component. The second issued from the constraints of a peacekeeping mandate, which lacked an "enforcement philosophy" and caused "inevitable compromises imposed by the mission's diplomatic

¹⁰⁰Human Rights Component 10.

¹⁰¹Human Rights Component 65.

¹⁰²Human Rights Component 69; 70; 9.

¹⁰³Human Rights Component, 10.

efforts to ensure that all parties co-operated with UNTAC in the transitional period”.¹⁰⁴

In focusing on the building of new structures and agencies, the Component failed to recognise the likelihood that they would become as politicised as existing structures given the Cambodian economy of power. The Component targets the political will of UNTAC’s leaders and backers for criticism, offering no critical analysis of the causes of human rights abuse or the function of human rights in a non-liberal democratic economy of power.

For example, the Human Rights Component saw reform of the court system as a “major aim”,¹⁰⁵ and attempted to “introduce the notion of the independence of the judiciary into the legal system”.¹⁰⁶ Consequently, UNTAC introduced a ‘transitional criminal law’ and launched a programme of court monitoring which involved “human rights officers meeting court officials and judges to discuss the scheduling of trials and other applications concerning prisoners’ cases, and attending at the court to monitor hearings when they took place”.¹⁰⁷

This programme met with varied success. The Human Rights Component reports that judges were able to ‘improve the efficiency of their courts’ in some provinces, yet attempts to hold hearings for 73 untried detainees held in Phnom Penh prisons were unsuccessful: “The promised trials did not take place and the prisons again became overcrowded within a few months”.¹⁰⁸ The Component’s approach was unsuccessful in addressing the politicisation of the courts, which caused delays in holding trials.

Where UNTAC was able to arrest human rights abusers,

it was obvious that such offenses would not be prosecuted by state-appointed prosecutors. These prosecutors faced not only the threat of interference, but also physical danger should they seek to institute penal

¹⁰⁴Human Rights Component 72.

¹⁰⁵Human Rights Component 14.

¹⁰⁶Human Rights Component 16.

¹⁰⁷Human Rights Component 17.

¹⁰⁸Human Rights Component 21.

action against the will of the relevant existing administrative structure.¹⁰⁹

In response to this problem, a Special Prosecutor's office was established in January 1993, to try cases of alleged human rights abusers arrested by UNTAC. This was also unsuccessful. The Special Prosecutor issued sixteen arrest warrants, and four arrests were made. Two of these prisoners subsequently escaped, but a special UNTAC prison was built for the remaining two detainees, due to the fact that existing Cambodian prisons were below international standards.

The Human Rights Component hoped to try the cases in the Cambodian courts, hoping "by the public nature of such prosecutions [to] play a role in altering the legal and official 'culture' of the courts of the existing administrative structures".¹¹⁰ Courts refused to hear the cases, on the instructions of the SoC Ministry of Justice.

The politicisation of the SoC prevented the building of 'neutral' structures envisaged by the Human Rights Component, without resort to 'enforcement'. The Component, and international NGOs, including Human Rights Watch/Asia,¹¹¹ criticised UNTAC for subordinating human rights issues to the pragmatic necessity of maintaining minimal co-operation from the SoC. Both on the issue of arrest of SoC officials, and the issue of gaining access to and compliance from PDK existing administrative structures, the question of using force to pursue objectives against the wishes of these political parties was debated. Consensus could not be found among the international community, which hesitated to convert political problems into military ones.

On the issue of PDK non-compliance, UNTAC responded by ending the demobilisation of the armed forces of the other three parties. This represented a significant departure from the aims of the peace process and reflected a decision to abandon the aims of demilitarisation rather than to improve, or to be seen to improve, PDK comparative

¹⁰⁹Human Rights Component 43.

¹¹⁰Human Rights Component 46.

¹¹¹See "Cambodia: Human Rights Before and After the Election," *Human Rights Watch/Asia Bulletin* 5.10 (1993); "An Exchange on Human Rights and Peace-Keeping in Cambodia," *Human Rights Watch/Asia Bulletin* 5.14 (1993).

advantage, or to risk UN troops being drawn into protecting the election and new government from NADK attacks. This decision rendered it increasingly unlikely that SoC human rights violations could be restrained. SoC co-operation became necessary not only for holding the election but also for defending both the polls and the new government.

Use of the SoC to marginalise the PDK entailed that the environment surrounding the election was significantly less 'neutral', and more biased towards the SoC, than intended. SoC bureaucratic procedures and human rights abuses went largely unchecked. No new culture of governance was inserted into the CPP administrative framework, and elections did not remove its leaders from power.

The experience in Cambodia prefigured UN experiences in Somalia and Bosnia in demonstrating that 'New World Order' ideology was based on an erroneous assumption that civil war combatants could be pressured into conformity by international 'community' demands, without need for force, in the same way as most individuals can. In Cambodia, the parties responded only minimally to international community pressure. UNTAC was forced to submit, in many major respects, to the mutually incompatible interpretations of the situation made by the parties. Michael Doyle and Nishkala Suntharalingam point out:

as soon as the UN begins its investment of money, personnel and prestige, then the bargaining relationship alters its balance. The larger the UN investment ... the greater is the independent UN interest in success and the greater the influence of the parties becomes.¹¹²

Non-co-operation by the parties was compounded by UNTAC's lack of understanding, at least initially, of the political economy of power used by the existing administrative structures. Because power was a function of personal relationships, it was not easily controlled by UNTAC monitors. Ledgerwood describes the inability of UNTAC to uncover any documentary evidence of organised human rights abuse by the CPP, despite unannounced raids on CPP offices:

¹¹²Michael W. Doyle and Nishkala Suntharalingam, "The UN in Cambodia: Lessons for Complex Peacekeeping," *International Peacekeeping* 1.2 (1994), 142.

The documents yielded no 'smoking gun'. No document contained a direct order from on high to kill nor reported from below the carrying out of a political assassination. Perhaps such orders or reports were not found because they were never made and the deaths that occurred were 'excesses', made possible by the circumstances of but not ordered by the system.¹¹³

Arguably, the political economy of power which sustains the CPP is decentralised in that at each level of the party and state hierarchy, individuals dispose of their own power in their own interests. Decisions to respond violently to political competition are decentralised also. This proposition is discussed in detail in Chapters Five and Six. It is argued that UNTAC's failure to understand the economy of power at work within the existing administrative structure led to inability to address the causes of violence. The Human Rights Component employed technocratic solutions in an attempt to restructure Cambodian political ideology, in line with the theories put forward by the *Agenda for Peace*. It is argued that they failed; the structures and codes created have since been either co-opted or marginalised.

The result of this lack of success was that the overarching context of the election was one of continued violent action and inflammatory wrangling over the right to define and represent the unified, sovereign state, rather than peaceful political debate within pre-defined, national limits. Continued national division was expressed through the withdrawal of PDK from the peace process and the massacre of ethnic Vietnamese; through SoC terrorist activities against opposition party activists and continued military activities against the PDK; and through Funcinpec's monopolisation of the cultural symbolism of the monarch, who symbolised nationhood and culture in the eyes of many Khmers. For the electorate, this monarchical representation of the nation was the most attractive, and Funcinpec won the election.¹¹⁴

Power was not transferred peacefully, as the defeated SoC threatened to launch a secession bid in the eastern provinces of the country. Fearing chaos and bloodshed and

¹¹³Ledgerwood, "Patterns" 129.

¹¹⁴Frieson "Politics" 201. Frieson comments, "Convincing people that a vote for Funcinpec was a vote for Sihanouk was a winning move for the party. Sihanouk's return to Cambodia in 1991 was interpreted by many Cambodians as having a religious significance".

concerned about the ability of Funcinpec to organise an effective government without significant CPP administrative and military support, in the face of continued DK military action, Sihanouk brokered a compromise. With UNTAC backing, a coalition government was formed, comprised of Funcinpec, the CPP, the BLDP, and the smaller Moulinaka party.

The incorporation of all elected deputies into the governing coalition meant that there was no opposition in the national assembly, an admission of the absence of pluralism in Cambodian politics. A power sharing agreement was designed to recognise the reality that the power resources of the CPP - loyalties within the bureaucracy, military and police - were not about to be passed to Funcinpec on the basis of its electoral victory. It was hoped that the experience of sharing power would contribute to a more consensual environment over the course of the first term of the Royal Government.

Evidence emerging from fieldwork in 1995/6 suggests that incorporation of all these groups into government did not resolve the problem of finding a satisfactory and inclusive definitional framework for the national political community.

UNTAC's attempt to transfer inter-party competition from military to the political arena was only partially successful. The PDK withdrew from the political arena altogether and resumed its military tactics. The difference between pre-UNTAC and post-UNTAC eras, in this regard, was the transfer of international recognition away from the PDK, so that the resistance became an insurrection. This remains the case, even following PDK support of Ranariddh after his ouster by troops loyal to Hun Sen in July 1997. In terms of the third reading of human rights provisions in the Paris Agreements, described above, this could be viewed as a success.

UNTAC's Human Rights Component claimed successes in promoting human rights discourse, in the legal, civil and educational fields. The inclusion of human rights safeguards in UNTAC legal codes and the new constitution, and the accession by the SNC to several human rights treaties, the establishment of indigenous human rights associations, and the widespread interest in human rights education were seen by the component as major steps taken in human rights promotion.

UNTAC also left a changed political landscape. A multi-party political society existed in Phnom Penh. The precedent of multi-party elections had been tentatively established. Most crucially, UNTAC had reduced the intangible climate of fear. One former UNTAC Human Rights Component official described the change in detail:

UNTAC had a tremendous effect at the level of morale... Cambodia was a closed society where people could be shot and killed and no-one cared. But suddenly everyone was watching - criticism came from outside. People felt powerless - for example, if they saw the police beating someone, they couldn't intervene. But foreigners could - they had the backing of UNTAC... Nobody can get Cambodia back to 1991. If you compare how Cambodians talk now with their silence before the elections... We had four meetings with [Cambodian counterparts]. During the first three meetings none of the Cambodians spoke. At the fourth meeting, one stood up and said, "How do I know these people aren't spies?" That sense of surveillance has gone. The power of the Ministry of the Interior has decreased.¹¹⁵

Associated with this opening of society was the development of what UNTAC called a 'civil society' - organised expressions of public will, operating independently of the government, fed by "an improvement in the economic well-being of at least some segments of society ... The unprecedented growth of contacts with foreigners and the huge increase in the availability of new information and ideas" led to the "undermin[ing of] the social and political controls which previously existed".¹¹⁶

These aspects of UNTAC's mission were presented as contributing to Cambodia's long term rehabilitation as a democratic and peaceful state. The impact of these organisations, and the national response to them, are assessed in Chapters Seven, Eight and Nine of this dissertation.

¹¹⁵17. personal interview, 16 July 1996. Phnom Penh.

¹¹⁶Human Rights Component 68.

Chapter 4: A Historical Perspective on Human Rights in Cambodia

Locating human rights in Cambodia in a historical perspective requires establishment of an appropriate 'base-line', in view of the continual reinventions of Cambodia which have occurred throughout history. Here, the Sihanouk era, from independence in 1953 to the establishment of a republic in 1970 by a right-wing *coup d'etat*, is posited as a suitable reference point from which to begin examining later events, since it represents the only recent period of Cambodian self-rule in peacetime.

Assessing the human rights situation in the Sihanouk era requires analysis of data generated at a time when human rights discourse was less common in political studies than the language of nationalism or of economic oppression. While evidence is available from the Sihanouk era regarding the ability of members of the Cambodian intellectual stratum to exercise political rights and freedoms, the lack of data pertaining to the relationship between officialdom and the peasantry prevents characterisation of the human rights situation in the country as a whole, until the time of the DK regime.

David Chandler and Ben Kiernan point out:

The historiography of Kampuchea in the years since 1970 is hampered by ... the shortage of 'base-line' economic and social studies - to say nothing of reliable statistics dealing with earlier periods. We know a good deal, for example, about 'politics at the top' in the Sihanouk era...; but how did the economic and social changes that swept over Kampuchea in these years affect the majority of its people? We know very little about local-level politics or about networks of patronage in the countryside...¹

Milton Osborne points out that contemporary commentaries on the Sihanouk era were frequently distorted by the ideological concerns of scholars writing in the 1960s. He argues:

For those who were critical of American policies... the Prince and his

¹ David P. Chandler and Ben Kiernan, "Introduction," *Revolution and its Aftermath in Kampuchea: Eight Essays*, eds. Chandler and Kiernan, Monograph Series No. 25 (New Haven: Yale University South East Asian Studies, 1983), 6.

policies were frequently portrayed as wise and courageous. Those who wrote from a pro-American bias were frequently unready or unable to comprehend the complexities of the Cambodian political scene and unwilling to accept his justifications of Cambodia's foreign policy.²

Osborne adds that in the 1960s, circumstances within Cambodia

rendered rigorous field research into domestic politics difficult, if not impossible.... While foreign scholars were not banned from Cambodia, there were implicit, and effective, restrictions upon the nature of the research which could be pursued in Cambodia and the range of subjects which could be examined.³

The historical literature on Cambodia also strongly reflects, arguably, different degrees of hindsight. Osborne, in his *Politics and Power in Cambodia*, states explicitly that "the coup of 18 March 1970 offers a new perspective from which to examine Cambodian affairs". He comments:

Sihanouk's overthrow has not changed the events of the past. It has made observers aware of points of significance that, in large part, were either ignored or insufficiently understood previously.⁴

The overthrow of Sihanouk by members of the Cambodian elite allowed a reassessment of the position of intellectuals in the Sihanouk era. Similarly, the DK era offered a new perspective which encouraged scholars to look again at the position of the peasantry under Sihanouk, to determine origins of and explanations for the upheavals and atrocities which occurred from 1975 to 1979. Accounts of the Sihanouk era given by Cambodian interviewees in the 1990s, are also filtered through ideological reorientations connected to Sihanouk's present political role and represent application of hindsight to an era which many in Cambodia are too young to remember.

Reviewing the historical literature to provide a background for a study of human rights

² Milton Osborne, *Politics and Power in Cambodia, The Sihanouk Years* (Camberwell: Longman, 1973)
². Similar reflections on the ideological objectives of western researchers studying the DK era are found in Gavan McCormack, "The Kampuchean Revolution 1975-1978: The Problem of Knowing the Truth", *Journal of Contemporary Asia* 10 (1980): 75-118; Michael Vickery, *Cambodia 1975-1982* (Boston: Southend Press, 1984).

³ Osborne 4.

⁴ Osborne 1.

in Cambodia entails a further rewriting of Cambodia's history, to refocus on relationships between individuals and the state apparatus. Oral histories, gathered by Kate Frieson, of the period from 1970 to 1975⁵ offer valuable insights into the attitudes of peasants towards the political changes which were taking place, and the economic and social conditions in which they lived, yet the concern of this work, too, is to understand attitudes to revolutionary ideology. Peasant memories of their situation as presented by Frieson are not specifically framed in terms of human rights or human rights abuse.⁶ Although the Universal Declaration of Human Rights draws links between revolutionary potential and human rights abuse⁷, extrapolating from this historical literature to establish the human rights conditions of the average peasant in the Sihanouk era provides conclusions which must be viewed with caution, in view of the contrasting ideological concerns of human rights activists and socialist revolutionaries.

While some observations may be advanced regarding themes which remain of concern to human rights activists in Cambodia today, the historical record is largely bereft of the language of human rights especially in relation to violence and economic conditions. Injustice is frequently couched in terms of economic exploitation or class oppression, reflecting Gavan McCormack's assessment that in 1975:

Alternative formulas for national salvation and social transformation in the direction of justice and equality were lacking. Sihanoukism's claims to legitimacy because of its line on the national question were contradicted by its blindness on the social questions which had become an integral part of the national movement. As of 1975, there were no other organisations, no other programmes, for Kampuchea than the Khmer Rouge.⁸

Human rights discourse has become significant in international politics only with the growth of organisations such as Amnesty International and Human Rights Watch, and the post Cold War reorientation of great power politics in the late 1980s and early 1990s. It is recognised that in viewing the problems within Cambodia, especially those

⁵ Kate G. Frieson, *The Impact of Revolution on Cambodian Peasants: 1970-1975*, PhD Dissertation, Monash University, 1992 (Ann Arbor: UMI Dissertation Services, 1994).

⁶ Frieson discusses the methodological problem of testing the accuracy of memories, given the problem of hindsight, on pages 5-7.

⁷ UDHR *Preamble*.

⁸ McCormack 78.

of the Cambodian peasantry, in the 1960s as problems of human rights, this chapter analyses Cambodian history from a position of hindsight and imposes the scholarly and ideological concerns of the 1990s onto an era in which human rights discourse was not yet established.

Yet an outline of the power structures which existed in the Sihanouk era provide an important background to the assessment of human rights in Cambodia in the 1990s, which is the concern of this study, because it permits greater insight into the forms of political power used in Cambodia in the 1990s. In providing an outline of the historical context, the emphasis here is upon aspects of the Sihanouk era which inform issues of power considered later in this study.

Studies of the Sihanouk era reflect an enduring feature of Cambodian political study, namely the division of Cambodian society into the largely urban elite and educated class, and the rural masses which comprised, in the 1960s as now, 85 to 90 per cent of the population. May Ebihara viewed Cambodian society in 1959 as composed of three strata. The 'elite group' was composed of the royal family, aristocracy, high-ranking officials in governmental and religious organisation and very wealthy businessmen. The 'lowest group' was composed of 'the rural peasantry, craftsmen, fishermen, etc. as well as unskilled labourers in the city who are often little removed from their rural origins'. An 'intermediate' group, of "businessmen, merchants, professionals (teachers, doctors etc.), white-collar workers in commercial offices etc." also existed.⁹

Participation in national political debate during the Sihanouk era was largely confined to members of the first and third groups, while the peasantry remained on the whole passive observers. Consequently, and in view of divisions between political society and the "grass roots" drawn in later chapters of this study, the present discussion is divided into an assessment of, firstly, the political rights of urban intellectuals and the subordination of these rights to the Sihanoukist ideology of 'Buddhist Socialism'; and secondly, an examination of the evidence pertaining to the condition of the peasantry

⁹ May Ebihara, *Svay, A Khmer Village in Cambodia*, unpub PhD diss., Columbia University, 1968.

vis-à-vis the state apparatus under the Sihanouk regime. A complete account of the history of Cambodia in the 1950s and 1960s is not attempted.

Political Rights in Sihanouk's Cambodia

In the earliest days of Sihanouk's reign, before independence was achieved in 1953, an ideology of democracy and political freedom can be discerned in the political demands of sections of the Cambodian elite and intellectual strata. Chandler notes that in 1946, Sihanouk's input into the drafting of a Cambodian constitution was vital in securing a precedent for electoral democracy and political freedoms in Cambodian politics. According to Chandler, Sihanouk rejected French plans for a constitution which "emphasised the allegedly absolute powers of the king and provided for an advisory national assembly chosen under a two-tiered electoral system that gave limited suffrage to male members of the elite".¹⁰ He proposed instead the election of a constitutional assembly, elected by universal male suffrage, to consult with the King in the drafting of a new constitution. Chandler points out,

This second amendment cleared the way for an unprecedented set of decrees that guaranteed freedom of speech, freedom of assembly and the establishment of political parties, whose candidates could then compete for election, again by universal male suffrage, to the consultative body.¹¹

Chandler views these developments as engendering a shift in the power balance in Cambodia "away from the king and his protectors toward a larger, more unpredictable segment of the population".¹²

Osborne sees Sihanouk's proposals as emerging from the influence of a progressive group of "young elite Cambodians", recently returned from studies in France, led by Prince Sisowath Yuthevong.¹³ Yuthevong's prominence as a spokesman for progressive elite opinion continued from his formation of the Democratic Party in 1946 until his

¹⁰ Chandler *The Tragedy of Cambodian History, Politics, War, and Revolution since 1945* (New Haven: Yale UP, 1991) 29.

¹¹ Chandler *Tragedy* 29.

¹² Chandler *Tragedy* 29.

¹³ Osborne 42.

early death in 1947. The Democratic Party was the most significant and successful political party to emerge in the period of political pluralism that followed the promulgation of the constitution. It dominated electoral politics in Cambodia until 1952.

The nature of the Democratic Party is significant in illustrating the division between the urban intellectual strata and the peasantry in Cambodia. Chandler characterises the Democratic Party's appeal as arising from their demands for "independence and democracy" and their "attacks on nepotism and corruption".¹⁴ Vickery views the Democratic platform as comprising "the achievement of a European-type parliamentary system with a maximum of democratic rights".¹⁵ These ideological tenets were attractive to young, educated, urban Khmers.

Yet the style of campaigning of the Democratic Party suggests that their ideological commitment to democracy, which was the source of their appeal amongst the urban intellectual stratum, was not supported by their organisational strategy within the villages. Rather than attempting to win the ideological support of villagers through propagation of their ideas, the Democrats exploited the traditional respect accorded to members of the religious establishment to attract votes, and maintained networks of support within the lower levels of the state apparatus, in order to prevent other parties from gaining access to the electorate. Thus Chandler writes that the Democrats:

took care to nominate candidates who commanded widespread local support, often choosing former monks or *achar*, whereas its leaders were drawn from Cambodia's elite.¹⁶

In his *History of Cambodia*, Chandler states that the Democratic victory in 1946

revealed the popularity of the Democratic Party among Cambodian authority figures who were in a position to "deliver the vote". In this election, as in others over the next twenty years or so, many peasants voted as they were

¹⁴ Chandler *Tragedy* 36; 38.

¹⁵ Michael Vickery, "Looking Back at Cambodia," Ben Kiernan and Chantou Boua (eds) *Peasants and Politics in Kampuchea, 1941-1981* (London: Zed Press, 1982) 91.

¹⁶ Chandler *Tragedy* 31-32.

told to vote by people whom they habitually obeyed.¹⁷

Of vital importance to the power base of the Democrats was their popularity within the civil service. The party maintained provincial and district committees within the state apparatus, which “often dominated the local state administration which was used to mobilise support and block activities by rival parties”.¹⁸

According to Steve Heder:

The Democrat Party’s stance on the issues were crucial to its ability to win over, organise and utilise the civil service for the party’s electoral purposes, and this in turn was crucial to its ability to get out and win the vote.¹⁹

The Democratic Party’s platform indicates the existence of a section of the elite, particularly young returning scholars, who aspired to democracy and political freedom. Yet its victory at the polls was achieved through exploitation of networks of local administrative control, rather than through fostering democratic values of political pluralism within the villages. It is significant that the Democrats were unable successfully to pursue their ideological aspirations in the years that followed.

Despite opposition from the French colonial authorities and the conservative elite grouping, the Democratic Party won 50 of the 67 assembly seats in the 1946 elections, a victory which Chandler attributes to their “organisational skills, the idealism of their leaders, and their links with 1945”²⁰ - a reference to the nationalist movement led by Son Ngoc Thanh which briefly took over the administration of the country following the Japanese internment of the French authorities in March of that year.

Yet by 1955 the power of the Democrats had turned to impotence, in the face of an increasingly politically active monarch who used his appeal amongst the peasantry to undercut the political base of the Democrats. In the constitutional assembly formed after the 1946 elections, the Democrats argued for strict constitutional limits to

¹⁷ Chandler *A History of Cambodia*, 2nd ed. (Chiang Mai: Silkworm, 1993) 175.

¹⁸ Steve Heder, “A Lesson in Power: The Rise and Fall of the Democrats” *PPP* 30 Jan.-12 Feb. 1998, 11.

¹⁹ Heder “The Democrats” 11.

²⁰ Chandler *Tragedy* 31.

monarchical power. Osborne states that a conservative grouping of elite interests, associated with the powerful Prince Monireth, were strong enough to maintain “as a constitutional fact that ‘All powers emanate from the King (Art. 21)’”,²¹ although he adds that it was the King’s symbolic, rather than legal, position which allowed Sihanouk, six years later, to concentrate power in his own hands.²²

Following the promulgation of the constitution, an informal coalition of political forces including the French colonial authorities, conservative parties in the assembly and, to an extent, the King, combined to manufacture and exploit scandals which caused the downfall and defection of a number of Democratic deputies in the assembly. Economic troubles, and particularly a decline in revenues from taxation, exacerbated by a deteriorating security situation in the countryside where insurgents known as the *Khmer Issarak* (Free Khmer) were demanding independence and challenging, militarily, French control, caused a succession of governmental crises which weakened the power of the national assembly as a whole.

Confrontations took place between the assembly and the executive, partly because the government was not constitutionally required to be formed from sitting members of the dominant parliamentary party, and partly because continued French control placed limits on governmental activity, encouraging attempts by deputies to impede the orderly procedures of government as the only available means of exercising power.²³

Difficulties in forming and sustaining governments were exemplified by the fall of two governments, in August 1948 and January 1949, and the dissolution by Sihanouk of the National Assembly in September 1949 when another confrontation loomed. The government operated without reference to the Assembly until September 1951, when new elections were held, this time with the participation of the returned influential nationalist Son Ngoc Thanh.

The Democratic Party, including Son Ngoc Thanh, won the 1951 elections, and moved,

²¹ Osborne 45.

²² Osborne 45.

²³ Chandler *History* 177.

under Thanh's influence, to take up a more assertive stance on independence, a stance reflected in the publication of the newspaper *Khmer Krauk* (Cambodians Awake!) which was closed by the French after only a month of publication in February 1952. Shortly afterwards, Son Ngoc Thanh fled to the *maquis* to join the *Khmer Issarak*. Polarisation over the question of independence, splintering of the party, and the arrest by the Democratic Prime Minister Huy Kanthoul of a former Prime Minister, Yem Sambaur, who enjoyed a close relationship with Sihanouk, led the King to dismiss the government and assembly and to assume full emergency powers in June 1952 with the full support of French administrators and troops.

Osborne comments that "the most significant aspect of these years is found in the extent to which the sterility of the parliamentary system established under the Constitution was revealed".²⁴ The lack of a forum within which to operate between 1949 and 1951, and again from 1952, weakened the Democratic Party. The events of these years also illustrated the weakness of the national assembly and the impotence of the electoral mandate as a resource of power, in the face of opposition from the French military and colonial administration which was allied with conservative elite Cambodian interests throughout the 1946-1954 period.

Between June 1952 and November 1953, Sihanouk achieved a number of major successes, particularly independence from the French, who by this time faced bleak military prospects in neighbouring Vietnam and whose control of Cambodia was undermined by Sihanouk's non-co-operation during the so-called 'Royal Crusade for Independence'. In achieving independence, Sihanouk was able to assume the mantle of nationalism which had previously belonged to the Democrats, through their association with Yuthevong and the 'independent' government of 1945. In doing so, he won the support of many former Democrats in the civil service; a thorough purge of the lower ranks of the bureaucracy in 1953 further weakened the Democratic organisational base, cutting off their former control of the electorate.

²⁴ Osborne 47.

Chandler and Osborne agree that Sihanouk was able to take advantage of the weakness of both the national assembly, as an institution of state, and the Democrats as a party, because of the symbolic power attached to his position as Monarch. This power was heightened by the victory of his Royal Crusade for Independence, and supplemented by the personal popularity he cultivated among the peasantry. These factors, along with the support of conservative families within the Cambodian elite, enabled Sihanouk to exploit the constitutional provision that “all powers emanate from the King”.

In February 1955, a referendum was held to determine the level of popular approval for Sihanouk’s assumption of emergency powers in 1952. Official figures showed a 99 per cent approval rating for Sihanouk. Proposals put forward by Sihanouk soon afterward for constitutional changes that would invest the King with greater powers over government and assembly met with wide criticism among the political elite.

Abandoning this plan, and, arguably, seeking a means to exercise power which would bypass the often critical, non-royal and Francophone elite, Sihanouk abdicated, employing his popularity as demonstrated in the referendum, so as to be able to lead both the government and assembly as prime minister, rather than preside as constitutional monarch.

From 1955, following Sihanouk’s abdication, the symbolic power of the monarchy was organised through the movement of the *Sangkum Reastr Niyum* and the ideology of Buddhist Socialism. After the creation of the *Sangkum* in 1955, human rights discourse became a subordinate discourse in Cambodian ideology. Increasingly, during the 1960s, Cambodian politics became defined by competition between the socialist ideology espoused by radical intellectuals of the underground CPK, and Buddhist Socialism as espoused by the *Sangkum*. For the urban intellectual stratum, repression of political rights increased over the next 15 years, alienating students, business, interests, journalists and technocrats, and heightening the appeal of the communist movement, as the only viable opposition movement.

From this point onwards, historical studies emphasise the conservative nature of Cambodian politics, especially the marginalisation of prominent liberal and progressive

intellectuals, and the reassertion of 'traditional' relationships between rulers and ruled. A closer examination of the *Sangkum*, and its ideology of Buddhist Socialism, lends insights into the nature of monarchical power in Cambodia, and the incompatibility between this form of power and the existence of pluralist political party competition.

The *Sangkum* was formed as a vehicle through which Sihanouk's popularity with the peasantry could be organised. Rather than taking the form of a political party, the *Sangkum* was "to be a national organisation flexible enough to accommodate a wide range of political opinions".²⁵ It was equated with loyalty to Sihanouk, the throne and the state. A number of minor parties, such as the Liberal Party, were disbanded, their members joining the *Sangkum*. Significant numbers of former Democrats also joined, leaving only a weakened Democratic Party and the left-wing *Pracheachon* (People's) party to contest the September 1955 elections. In those elections, the *Sangkum* gained all the seats in the national assembly and more than 80 per cent of the vote, to the Democrats' 12 per cent and *Pracheachon's* 4 per cent.

The dominance of the *Sangkum* at the polls did not prevent the emergence of divisions within the political elite in Phnom Penh, for the movement embodied 'left', 'right' and centrist tendencies, but it allowed these divisions to be subordinated to the question of national leadership. Political crises occurred, but were transformed into tests of loyalty to the throne or to Prince Sihanouk, rather than prompting debate over policy.

This is exemplified in Sihanouk's handling of the so-called 'Bangkok Plot' of 1959, in which the Cambodian government received information that a former advisor to the King, Sam Sary and Siem Reap governor Dap Chhuon, in collaboration with the exiled Son Ngoc Thanh and Thai personalities, were planning to overthrow the regime with American backing. This crisis was resolved, not by addressing the concerns of these disaffected members of the elite or by permitting discussion of policy, in order to provide stable and legal channels through which a plurality of opinions could be mediated, but by calling a referendum in October 1959 which offered Cambodians a

²⁵ Osborne 58.

putative choice between Sihanouk, Son Ngoc Thanh and communism.

The issues discussed in the campaign were couched in foreign policy terms, with Sihanouk associated with neutralism, Son Ngoc Thanh with 'pro-SEATOism' and communism with the international communist movement. Voting was organised by offering a choice to predominantly illiterate voters between a photograph of Sihanouk, a photograph of Son Ngoc Thanh, or a red card to represent communism, suggesting that personalities were uppermost in the campaign surrounding the vote.²⁶

The presentation of Sihanouk himself as the focus of the *Sangkum* movement combined with the ideology of Buddhist Socialism to marginalise meaningful political debate. Chandler characterises Sihanouk's ideology of Buddhist Socialism as the expression of the alleged "consensus between rulers and ruled that had allowed Angkor to flourish". Chandler argues,

A society mobilised to perpetuate the status quo was what he had in mind. His Khmer or Buddhist socialism was based on an idealistic reading of Cambodia's social relations. To make it work, Sihanouk counted on the deference of ordinary people and the good will of more fortunate Khmers.²⁷

Buddhist Socialism represented the use of traditional legitimacy to mobilise support for hierarchical and heavily personalised political power formations. This legitimacy emerged from the cultural triad of monarchy, religion and rural tradition.²⁸ Sihanouk claimed that "the inaugurators of socialism were the Kings of Angkor themselves", and that "Buddhism is today our most precious guide in the working out of our socialism, from the moral and philosophical point of view". Rural society, in Sihanouk's view, was "the most healthy foundation for our people ... [and] the most egalitarian and democratic society it is possible to be."²⁹

Girling suggests that the ideology rested on three major assumptions, which combined

²⁶ Osborne 67.

²⁷ Chandler *Tragedy* 87.

²⁸ J.L.S. Girling, *Cambodia and the Sihanouk Myths*, Occasional Paper No. 7 (Singapore: ISEAS, 1971), 26.

²⁹ "Considerations sur le socialisme khmer", inspired by Sihanouk, 1961, quoted in Girling *The Sihanouk Myths* 26.

to render debate and dissent inconceivable within the Cambodian polity. The first assumption posited the 'harmonising' role of the state which "does not impose, but guides and advises"; the second posited the leadership of Sihanouk, whose 'exceptional' prestige and abilities obviated the need for authoritarian measures; the third posited the 'solidarity of all social classes' within the *Sangkum* which caused people to make "voluntary efforts for the service of the Khmer community and nation."³⁰

Girling writes:

[The Cambodian] state of harmony was supposedly based on the support of the masses, infusing their strength into new democratic institutions suited to the nature of the country, which in turn served as links between the people and the Prince, President of the *Sangkum* and Head of State, at the summit of the pyramid.³¹

Girling adds that this 'union of people and prince' was 'reminiscent of the cosmic harmony which the Kings of Angkor sought to achieve'. It was "deemed so obviously in the real interest of all Cambodians that the Prince could not believe or refused to accept that any serious opposition or criticism could be genuinely Cambodian in origin."³²

The supposed Angkorean consensus rested on a hierarchical cosmology, similar to that described by Mikael Gravers in his discussion of power in Burma:

to gain and retain power, the king had to administrate his absolutist monarchy in accordance with Buddhistic cosmology and ethics which dictate a number of attributes. He must be a *dhammaraja* and rule in accordance with *dhamma* and ten royal attributes. The king's most important task was to protect Buddhism, to ensure welfare and prosperity and to show charity. Peace, prosperity and the absence of natural catastrophes depended upon the laity and monks being content with their lot. Harmony in the university provided the laity with the possibility of accumulating religious merit.³³

³⁰ "Considerations", quoted in Girling, *The Sihanouk Myths*, 26. The characterisation offered is Girling's.

³¹ Girling *The Sihanouk Myths* 4.

³² Girling *The Sihanouk Myths* 4.

³³ Mikael Gravers, *Nationalism as Political Paranoia in Burma, an Essay on the Historical Practice of Power*, NIAS Reports No. 11 (Copenhagen: Nordic Institute of Asian Studies, 1993), 21.

Similar notions of power are set out by Lucien Pye in his examination of classical Southeast Asian societies. Pye argues that people in these societies “saw all governmental activities as dedicated to achieving harmony with the supernatural”.³⁴ Cosmic order was seen as a prerequisite for the protection of society; earthly pursuits were of little significance compared to the great supernatural forces to which society was prey. Power was not a commodity to be wielded by either government or people. Rather it issued from the alignment of the individual, society, the ruler, and the supernatural and the nature of this alignment determined whether or not the effects of power were good or bad. The purpose of government was to ensure the proper relation between the different cosmological levels:

The consensus was that those who ruled should devote all their time and energies to performing acts which would ward off evil spirits and help good spirits to triumph. Everyone should co-operate in supporting the rituals because the community as a whole, and not just the elite, had a stake in the cosmic order.³⁵

The result, as these societies developed over time, was a political culture in which tolerance of dissenting opinion was subordinated to the importance of achieving consensus for the good of the community:

Those with power tended to conceive of themselves as embodying the collectivity, defending a consensus, rather than representing particular interests. People tried to avoid adopting partisan positions on public ‘issues’ but instead they generally preferred the techniques of intrigue and personalised tactical manoeuvring, which were more compatible with conflict in stable hierarchical arrangements.³⁶

Sihanoukist Buddhist Socialism posited the centrality of the position of Sihanouk himself, as the embodiment, interpreter and guarantor of popular aspiration, viewed as a political consensus. In his person, Sihanouk embodied the safety, solidarity and development of the nation. The ideology rested on an idealised theory of Angkorean state-society relationships. The extent to which it had any real connection to pre-

³⁴Lucien W. Pye, *Asian Power and Politics, The Cultural Dimensions of Authority* (London: Harvard UP, 1985) 45.

³⁵Pye 44.

³⁶Pye 53.

colonial Cambodian 'tradition' is unclear.³⁷

For the urban intellectual class, the promulgation of Buddhist Socialism, and the increasing attacks, through the 1960s, on critics of Sihanouk, represented the creation of an increasingly constricting political environment. Yet, arguably, the ideology of Buddhist Socialism dovetailed sufficiently with the notions of power of ordinary Cambodians that Sihanouk's increasingly personal rule offered "non-material returns to the general welfare"³⁸ and prevented, for a time, a political breakdown ensuing from a deteriorating economy and ideological polarisation within the elite.

According to Vickery:

For most of the Cambodian peasantry, a monarch was essential to the well-being of the country and even to the maintenance of Buddhism. Any king, properly enthroned and who maintained the traditional rituals would have served the purpose... but Sihanouk went beyond this and attempted to become a popular sovereign.³⁹

Sihanoukist 'populism' is described in a highly sympathetic 1964 account. This account emphasised Sihanouk's personal intervention in government at different levels, in line with his attempts to mobilise personal support and to embody popular will:

The personal attention of Sihanouk is in many ways the hallmark of the changes that are taking place in Cambodia today. An inveterate overseer and campaigner, Sihanouk interests himself in and has first-hand knowledge of nearly everything that goes on in the country....⁴⁰

This account also points to Sihanouk's central role in making government policy and propagating national ideology:

Sihanouk today habitually behaves as if he were campaigning for a national election. His campaigning serves two purposes. He wins support for his policies - consent is the operative word in his concept of democracy - and he educates his people politically. They come to understand Cambodia's problems and Sihanouk's solutions for them. Perhaps no Head of State has

³⁷See Osborne 13-18.

³⁸Vickery "Looking Back..." 102.

³⁹Vickery "Looking Back..." 102/103.

⁴⁰John P. Armstrong, *Sihanouk Speaks*, (New York: Walker and Co, 1964), 18.

worked harder to inform his people and win their consent. And certainly none has ever given so large a proportion of his people the opportunity to see him in person.⁴¹

Electoral mobilisation is used to provide an illusion of participation which obviates the need for authoritarian measures, while at the same time preventing meaningful participation in debate and discussion. Analysing the institutional form of *Sangkum* democracy, Girling comments that it was 'different from what is commonly understood by democracy' in that:

Rule by the majority was not at all Sihanouk's objective, firstly because the people were not 'ready' to decide, and secondly, because he himself 'incarnated' their will. Instead the rituals and slogans of democracy were intended by an appeal to the emotions, to reinforce popular loyalties to the nation, to encourage elements of solidarity and to inculcate faith in the leader.⁴²

Democratic process was required to mobilise and educate the people, rather than to encourage debate among them. Popular support, displayed through the results of referendums and elections, strengthened the bond between the people and the monarch, without encouraging popular participation in setting ideological and political agendas. Armstrong's account also points to the socialising effect of the idealised deferential relationship between people and monarch:

Sihanouk's relationship to the Cambodian people is characteristically paternal. He speaks to them openly and frankly of his personal feelings and ... problems. He calls them his children and they look upon him as their father.⁴³

By combining the ideology of Buddhist Socialism with populist campaigning and the creation of the *Sangkum* as a political vehicle through which patronage could be distributed, in the form of administrative offices and candidacies,⁴⁴ and loyalties regularly organised into expressions of public support, Sihanouk created a means to

⁴¹Armstrong 20.

⁴²Girling *The Sihanouk Myths* 3.

⁴³Armstrong 21.

⁴⁴Until 1966, all *Sangkum* electoral candidates were selected by Sihanouk. He ended this practice in 1966, "probably motivated by accusations of abuse of personal power" [Leon Boramy and Malcolm Caldwell, "Cambodia" *Peace Press* 6.3/4 (1970): 11]

marginalise elite dissent and opposition. Within this ideological framework, there was little room for a conception of individual human rights or of pluralist political debate. Provided his populist campaigns were sufficient to mobilise significant support for his policies, mass repression was unnecessary. As economic conditions worsened through the 1960s, this ceased to be the case and abuse of rights took place on a grand scale, particularly against critics on the left.

In terms of political rights, the marginalisation of elite critics increasingly took the form of active repression. Although disempowered by the existence of the *Sangkum*, dissenters still existed, both on the right and, increasingly, on the left. Dissent was aggravated during the 1960s by a deteriorating economy, a series of scandals, and the discontent of increasing numbers of educated youth who resented the lack of career opportunities open to them. Concerned to maintain a consensus supporting his rule, Sihanouk sought to dampen dissent by equating respect for the Cambodian monarchy and his own foreign policies of neutrality with the survival of the Khmer nation, under threat from increasing conflict in Laos and Vietnam. Leifer comments that through the *Sangkum*:

Sihanouk sought to embrace the factions in Cambodian political life in order to achieve a sense of national union at a time when the country could no longer afford internal cleavages.⁴⁵

Increasingly, in Sihanoukist newspapers and journals, the Cambodian nation was portrayed as in danger of immediate engulfment by neighbouring countries. An ideology which placed political consensus, cosmological harmony, and neutralism in foreign policy at the centre of political life, and equated them with the survival of the Khmer nation, prompted harsh measures to be taken against opponents who were viewed as betraying the office of the King, the harmony of social relations and the future of the nation. Political rights were increasingly abused, and dissenters on the left were either marginalised within the government or persecuted.

According to Kiernan:

⁴⁵Michael Leifer, "The Cambodian Opposition", *Asian Survey* 2.2(1962):12.

[Sihanouk] saw the kingdom in terms of the *Sangkum*. In speeches during those years, he frequently divided Khmers into those who were pro-*Sangkum* and those 'agents' of other countries who wished to sell Cambodia to their 'foreign masters'. Theoretically there was no room for left and right in his interpretation of Cambodian politics, and revolutionaries and reactionaries alike received similar treatment from him.⁴⁶

The marginalisation and repression of the Phnom Penh elite caused increasing disaffection as both the economic and security situation declined in Cambodia in the 1960s.

Sihanouk's energetic efforts to expand the education system had created a pool of intellectuals who could find no place within the constraints of the regime. The return from France of dozens of left-wing intellectuals, including Saloth Sar (later known as Pol Pot), Khieu Samphan, and Hou Yuon, contributed to the range of ideological dissidence among the elite, and also increased Sihanouk's perception of the threat to his position and his policies. Leifer argues that it was in response to the perception of the increased disaffection of the elite youth that Sihanouk formed his Royal Khmer Socialist Youth organisation, designed to channel the energies and loyalties of "our young intellectuals most of whom have become so-called 'progressives' and do nothing but criticise their elders" and who "want to torpedo our present regime and replace it with communism".⁴⁷

Repression against dissenters increased steadily in scale and brutality throughout the 1960s, taking the form of the arrest and execution of 'traitors' (mostly associated with the exiled Son Ngoc Thanh) and the harassment by the police and military of those whose loyalties were suspect. Debate and criticism of policies became increasingly dangerous. Summers reports:

As economic and social conditions of life in the country worsened, defence of state prerogative led to generalised official surveillance, restriction of contacts with foreigners, censorship of the press, and legal prosecution for

⁴⁶Ben Kiernan, *The Smlaut Rebellion and its Aftermath, the Origins of Cambodia's Liberation Movement Part II*, Working Paper No. 5 (Melbourne: Monash, n.d.) 9.

⁴⁷Speech by Sihanouk at the National Congress 1961. Quoted by Leifer "The Cambodian Opposition" 13; 14.

real or contrived offences. Unknown numbers of people lived in fear of their lives. Some fled to the *maquis* while others 'disappeared' altogether. Amidst rumours of widespread assassinations and national economic collapse, those imprisoned within the logic of monarchy still waited for the 'established power' to sort out the chaos then reigning.⁴⁸

Intellectuals accused of dissidence were forced to flee to the *maquis* where the CPK was active, setting up revolutionary cells. Frieson reports:

Educated Cambodians joined the resistance movement due to intellectual restlessness and their disdain for [Sihanouk's] rule. During the Sihanouk era, teachers, journalists and other intellectuals who opposed the monarchy were subject to harassment by the police and army. They criticised corruption at all levels of the administration and the lack of intellectual freedom which they argued was required for political and social development.⁴⁹

By 1967, Kiernan claims,

the situation was one of near complete estrangement of the urbanised elite in Phnom Penh and elsewhere, with radicals and educated youth opposing Sihanouk from the left, while in the rural areas, where grievances were comparatively few, his popularity remained as yet unchallenged.⁵⁰

Political polarisation after the 1966 elections, in which right-wing *Sangkum* members took most of the seats in the Assembly, combined with a declining economy and increased complaints about 'corruption'. When the Samlaut Rebellion, the only major peasant rebellion of Sihanouk's reign,⁵¹ broke out in 1967, near Battambang, Sihanouk responded with further repression of the left. Marginalisation of left-wing parliamentarians, the last of whom fled to the *maquis* in 1967 after being threatened with trial by Sihanouk during a radio broadcast, represented the end of "any possibility

⁴⁸Laura Summers, "Translator's Introduction," Khieu Samphan, *Cambodia's Economy and Industrial Development*, doctoral thesis, Paris, 1959, trans. Laura Summers, Data Paper No. 111 (Ithaca: Cornell University Southeast Asia Program, 1979) 1.

⁴⁹Frieson *Revolution* 43/44.

⁵⁰Kiernan *Samlaut Part I* 5.

⁵¹According to Kiernan, at the height of the rebellion, ten thousand peasants left their homes and took to the forest [*Samlaut Part II* 18], although Frieson comments, "It is not known how many of these peasants left voluntarily or were forced to march into the jungle on the heels of Red Khmer soldiers" [*Revolution* 37].

for reform of Sihanouk's state".⁵²

Through this response Sihanouk manifested the extent to which he viewed human rights and rule of law as subordinate to his ideal of social harmony engendered by subservience to the will of the Prince:

The Prince insisted in June 1968 that he was above the Constitution and that he had the right to order massive executions without being accountable to rules of procedure. Deputies who tried to defend the rights of citizens to be judged in court before condemnation were themselves threatened with summary execution.⁵³

According to Leon and Caldwell:

A general assault on the left ensued, and resulted in the arrest and execution of many people known for progressive views, mostly school-teachers and university professors, and of many others who were simply outspoken in their criticism of the government. The exact number of victims is not known but it is generally agreed that the figure ran as high as hundreds, if not thousands.⁵⁴

Through pursuing an ideology of populism combined with significant reliance on the symbolism associated with his position as former monarch, Sihanouk was able to maintain a power base which allowed him, for fifteen years, to repress savagely elite and intellectual dissent and effectively to deny political and civil rights to the increasing numbers of educated Cambodians. The parliamentary coup against Sihanouk in 1970, supported by a wide spectrum of elite and urban interests, was symptomatic of the frustration engendered by the administrative arrangements Sihanouk instituted. Some months later, a Khmer Republic was proclaimed.

Elite responses to the coup, as expressed in contemporary Khmer newspapers, used the language of nationalism and the language of rights and freedoms to criticise, retrospectively, Sihanouk's policies, giving an insight into the frustration and fear these policies engendered amongst the urban strata. For example, one contemporary account

⁵²Summers "Introduction" 20.

⁵³Girling *The Sihanouk Myths* 4.

⁵⁴Leon and Caldwell 13.

which conflated nationalism and political freedoms read as follows:

Of what use was our patriotism and our support for national polices when Prince Sihanouk claimed a monopoly on love for the country and took charge of everything himself. And when anyone dared to say anything, they were uselessly accused of being Red, Blue, Yellow or whatever. This is why most of us simply stopped talking, or having any opinions at all. Everyone thought mostly about how they could keep themselves out of trouble. It was in this horrible way that the Sihanouk regime succeeded in suppressing Cambodia's national dynamism.⁵⁵

A more strictly rights-based critique indicates the extent to which civil, as well as political, rights of the elite were abused:

Politics is a dangerous occupation. Some political activists are rotting away in jail cells, imprisoned for many years without being sentenced. Others have died of torture there while awaiting their time in court. Others have been sentenced to 10 years, 20 years, or life after irregular trials. And yet others, finally, have been assassinated or tortured to death in secret by killers unknown for all eternity.⁵⁶

Arguably, the Sihanouk era can be divided into two parts. In the early years, political freedoms among the urban strata allowed the existence of competing political parties. Yet the power of these parties was constrained by their inability or unwillingness to appeal through ideology to a power base of rural support; and through the constraints on Cambodian politics imposed by the alliance between French colonial power and conservative elite interests.

As French colonial power weakened, Sihanouk entered the political arena more forcefully, claiming the mantle of independence hero and campaigning actively to mobilise peasant support. The ideology of Buddhist Socialism, based on an idealised view of Cambodia's past glories, was used to legitimise Sihanouk's marginalisation of the intellectual strata in Phnom Penh. Through association of the alleged Prince-peasant consensus with the Khmer nation, Sihanouk was able to construct all dissidence as

⁵⁵Nuon Khoeun, "Cambodia, Our Motherland, Lives!" *Nokor Thom*, 22 Mar. 1970, trans. Laura Summers and Ong Thong Hoeung.

⁵⁶Nuon Khoeun, "Prison and Democracy," *Khmer Ekereach*, 24 Feb. 1971, trans. Laura Summers and Ong Thong Hoeung.

foreign interference or treason. This opened the way for massive abuses of political rights, as the economy declined and the pool of disaffected educated youth grew. These abuses, arguably, led to the overthrow of Sihanouk by a group of the right-wing elite in 1970.

Although the Republic initially proclaimed political freedoms for the elite, its birth coincided with the Cambodia's entry into the Second Indochina War. The militarisation and displacement of society which followed quickly submerged concerns over political rights. These concerns resurfaced only rarely in Cambodian political discourse during the next twenty years.

The Human Rights Situation in the Countryside

The relationship between the peasantry and Sihanouk is frequently described as one of passive but whole-hearted support by the peasants for the man they perceived as a 'god-king'.⁵⁷ Such analyses suggest that the ideology of Buddhist Socialism concurred with the peasants' view of their situation; or at least, that no alternative discourse was available, prior to the spread of communist ideology, within which peasant grievances could be articulated.

Girling argues that Sihanouk's political institutions "were widely accepted for more than a decade, since they provided emotional satisfaction; and because they were believed in - or because no alternative could be conceived of - they were a reality at that time".⁵⁸

Oral histories collected by Frieson from rural Cambodians tend to support this view; Frieson views lack of state penetration into the countryside, economic 'egalitarianism' in rural society, and passive rural "subservience to the centuries old monarchy... spiritually legitimised through the Buddhist religion" as the three major obstacles to CPK recruitment campaigns into the 1970s.⁵⁹

⁵⁷Osborne 79; Chandler *Tragedy* 89; Frieson 30; Kiernan "Introduction" *Peasants and Politics* 16, and "Resisting the French: the *Khmer Issarak*" *Peasants and Politics* 132.

⁵⁸Girling *The Sihanouk Myths* 3.

⁵⁹Frieson *Revolution* 15.

Evidence of the nature of state-society relationships in the context of one Cambodian village in 1959/60 is available from the work of May Ebihara, one of the few anthropologists to carry out fieldwork in rural Cambodia. Ebihara describes the political status of the hamlet of West Sobay, part of the village of Sobay, as follows:

The hamlet has a degree of political autonomy within Sobay because of its unofficial system of authority, which grants two 'big' men some measure of power to oversee hamlet affairs. In addition informal mechanisms of social control, such as gossip and ostracism, do more to keep people in line than recourse to police or law courts. (Indeed, villagers tend to shun the latter).⁶⁰

Ebihara describes these 'big men' as "having exceptionally 'good character', sound judgement and strong personalities" and as being "accorded special prestige and some authority in hamlet affairs".⁶¹ The village of Sobay itself has an elected headman and is part of a subdistrict,⁶² which also has an elected chief. Ebihara reports villagers consult the subdistrict chief

for many legal-administrative concerns: to report births and deaths, to obtain marriage or divorce certificates, to obtain bills of sale for important items of property, to have serious disputes adjudicated, and so on.⁶³

Beyond this level of government, Ebihara reports that "the formal political structure does little to stimulate extravillage contacts". The next layer of local government - the level of district administration - is visited 'infrequently' by villagers. Ebihara writes:

this is due partly to the fact that most matters concerning villagers are handled by the subdistrict chief and partly because the district chief and his aides - professional bureaucrats assigned to their posts by the central government - are considered impersonal aloof, socially superior individuals whom villagers hesitate to approach. By contrast, the subdistrict chief is a fellow peasant elected to his position by the villagers themselves.⁶⁴

The district chief was considered "a 'big person' (*neak thom*) demanding respect and

⁶⁰May Ebihara, "Intervillage, Intertown and Village-City Relations in Cambodia," *Annals of the New York Academy of Sciences* (1971): 370.

⁶¹Ebihara "Intervillage" 360/1.

⁶²'Subdistricts' (*khum*) are more commonly translated in Cambodia today as 'communes'.

⁶³Ebihara "Intervillage" 364.

⁶⁴Ebihara "Intervillage" 366.

distance".⁶⁵ Consequently, the district office is consulted "only for matters that cannot be resolved at the subdistrict level, just as various offices of the national government in Phnom Penh are visited only as the last and final resort for very serious concerns".⁶⁶

Ebihara sums up the position of the peasantry vis-à-vis the institutions of state as follows:

the interaction between the central government and the village as mediated through the various regional officials is primarily a one-way road. The government sends down policies, programmes, propaganda, and laws, while little more than taxes and vital statistics pass upwards.⁶⁷

Yet in their political, as well as economic and ritual, contacts with the local subdistrict, Ebihara reports that the villagers of Sobay enjoy "frequent and easy interaction".⁶⁸

Ebihara's characterisation concurs with Frieson's view of Cambodian villages in the 1960s as 'autarkic'. Frieson argues:

The autarkic quality in village Cambodia permitted extensive personal freedom.... This notion of personal freedom was repeatedly raised by informants of their descriptions of village life in Cambodia. Typical statements made by former rice farmers were: "We worked at whatever we wanted; We worked a little or a lot as we liked; We were happy to work this way because we didn't have anyone telling us what to do." Indeed this individual freedom... began as soon as labour obligations had been fulfilled; it was a widely enjoyed aspect of rural life.⁶⁹

For rice farmers who owned or controlled their own land, at least, constraints on activities were minimal. Vickery comments that village and family organisation in Cambodia, compared to China, Vietnam or India, was 'extremely weak'. Consequently,

Corporate discipline over the individuals by extended families or by village organisation was weak, and once a person had fulfilled his obligations to the state - as a tax or corvee - there was little constraint in his activities. It is thus likely that a paradoxical situation of great anarchic individual freedom

⁶⁵Ebihara *Svay* 512.

⁶⁶Ebihara "Intervillage" 366.

⁶⁷Ebihara *Svay* 527.

⁶⁸Ebihara "Intervillage" 364.

⁶⁹Frieson *Revolution* 23.

prevailed in a society in which there was no formal freedom at all.⁷⁰

Both Ebihara's and Frieson's accounts suggest that contacts with officialdom were avoided, but not frequent enough to be disruptive. Frieson comments, "Village autarky made Khmer peasants suspicious of outsiders, especially urbanites and officials whose officiousness often upset their sensibilities".⁷¹ The fact that officials were seen as 'outsiders' and 'urbanites' suggests that there was little sense within the village of pervasive threat or surveillance from the state authorities. Ebihara's description suggests that in Sobay, at least, the village and subdistrict chiefs were seen as fellow peasants rather than powerful bureaucrats. The fact that they were elected suggests a measure of accountability.

Kiernan argues that the replacement of elected village headmen by state appointees in 1968 was a source of grievance among the peasantry:

This represented a significant development in rural administrative repression by Phnom Penh. It was no doubt resented by many peasants who cherished, for sound enough reasons, the traditional autonomy of village affairs.⁷²

A further formal layer of peasant representation consisted of the election of National Assembly representatives. Yet Ebihara reported in 1959 that the regional delegate to the National Assembly for the village of Svay was "a vague and remote figure who is supported because he has Sihanouk's endorsement".⁷³

This view of personal freedom within the village, of village interaction with the lowest levels of government and of relative independence from higher levels contrasts with a view expressed by a Khmer republican newspaper in 1971:

From the time we are born, each Khmer, whether born into an intellectual or peasant family, is taught how to be afraid, and to fear everything. Fear of gecko, fear of crocodiles, fear of wolves, fear of ghosts, fear of older brother, fear of young brother, fear of grandfather, fear of aunts, fear of mama, fear of papa, fear of teachers, of officials, of Ministers, fear of Kings

⁷⁰Vickery *Cambodia 1975-1982* 13.

⁷¹Frieson *Revolution* 22.

⁷²Kiernan *Samlaut Part II* 13.

⁷³Ebihara *Svay* 537.

and princes, fear of going to prison, fear of dying and fear of not being able to be reborn as a human being. The biography of every Khmer from his birth to his death, is a chronicle of fear and cowardice.⁷⁴

In this account, the author attempts to undermine the unconscious, cosmological thinking underlying Khmer perceptions of their own position, positing 'fear' as an imposed, cultural factor rather than a natural part of life. Though born and reared in rural society, the author of this commentary was addressing elite newspaper readers. The difference between his characterisation of rural life as circumscribed by 'fear', and the 'freedom' described by the informants participating in Frieson's study, may reflect differences in the way 'freedom' was conceptualised between rural villagers and the urban elite. Many of the fears cited above may have been viewed as self-evident and unavoidable dangers by rural villagers rather than intrusions of political power into the liberty of the individual.

Equally, the difference between Ebihara's description of village life in 1959, and this 1971 characterisation, may be explained by a deteriorating situation in Cambodia through the 1960s, which impinged upon the countryside as well as the town. A significant cause of grievance in the late 1960s, viewed as a major factor in the sparking of the Samlaut Rebellion of 1967/8 was the use of the military in 1967 for '*ramassage*' - the collection of rice from the peasants for the state purchasing and marketing system.

Characterising discontent in the Samlaut district, Kiernan writes:

Much discontent was engendered by corruption of officials, high prices and *the increasing assertion of central control over the livelihood of the people* in an area where landlordism was already common; and on top of this, a well-organised and determined government '*ramassage*', enforced by military pressure on the cultivators...⁷⁵

Rice requisitioning in a subsistence agricultural economy entails serious economic hardship for the peasantry. This account suggests that intrusion by the authorities, and particularly the military, into the political economy of peasant life was a relatively new

⁷⁴ Nuon Khoeun in a commentary entitled "Politics is..." *Khmer Ekereach*, 10 Aug. 1971, trans. Laura Summers, Nuon Khoeun, Ong Thong Hoeung.

⁷⁵ Kiernan *Samlaut Part I* 31. My emphasis.

phenomenon at the end of the 1960s, although nation-wide military activities to hunt down former Viet Minh had occurred in the early 1950s. A further cause of the Samlaut Rebellion was local land confiscation, again a serious abuse in a subsistence economy, to make way for the development of fruit plantations.⁷⁶ Frieson reports:

Poor peasants were helpless when faced with investors who paid officials in the Department of Property Licenses to obtain land titles. When bulldozers arrived to clear the land of its former owners and prepare for the development of plantations, peasants in the area became irate and killed the bulldozer driver.⁷⁷

It is not clear that such grievances were widespread in earlier years. Ebihara's and Frieson's accounts suggest that lack of state penetration into the rural areas, throughout most of Sihanouk's reign, entailed that peasant-official contacts, though exploitative when they took place, were sufficiently rare to constitute a minor factor in peasant political awareness. While the peasantry in Sihanouk's Cambodia arguably possessed few means of exercising political power, either at the macro or the micro level, it is difficult to come to any conclusions regarding peasant perceptions of the impact of officialdom on their lives. The historical evidence available suggests that peasants may have found contact with district officials disruptive to their day-to-day life; but it is difficult to find evidence which suggests that the peasantry perceived themselves as under pervasive attack from an exploitative official class. Indeed, the historical record suggests rather that contacts between the peasantry and state or provincial officials were infrequent, at least until the late 1960s.

Where contact did occur, such as in Samlaut District, these incidents demonstrated to peasants their lack of political power, and resulted in rebellion. It is not clear whether in other areas, or in earlier years, such events were sufficiently common to inform a more generalised peasant dissatisfaction with the political arrangements which disempowered them.

The populism of Sihanouk was a significant factor legitimising administrative

⁷⁶ Kiernan *Samlaut Part I* 40.

⁷⁷ Frieson *Revolution* 37.

arrangements. Frieson observes that, following Sihanouk's overthrow in 1970, his "popularity was seen as a wedge that could be driven between the population and Lon Nol" because:

Peasants were accustomed to obeying Sihanouk, whereas they had no respect for Lon Nol, whose propaganda was inept, carried out by urbanites or corrupt officials.⁷⁸

This view suggests that peasants, arguably, perceived Sihanouk, not as a distant symbolic figure, but as a real and immediate authority. The hierarchy of state officials existing between Sihanouk and the peasantry may have been, in the eyes of the peasants, ephemeral and of lesser impact on everyday life than the well-publicised activities of Sihanouk himself. Ebihara comments:

Political conflicts and parties do exist in Cambodia, but they are usually almost exclusively a phenomenon of the urban elite and intelligentsia and Svay's inhabitants know nothing of them. So far as the villagers are concerned, there is only Norodom Sihanouk, the nation's leader and the monarchy with which he is identified.⁷⁹

She adds that, although villagers 'sometimes grumble' about 'arrogant or dishonest officials whom they may have encountered' Sihanouk himself was accorded 'loyalty, affection and respect'.⁸⁰ In her view:

it is evident that village political opinion mirrors national government (i.e. Sihanouk's) policies... Now that Cambodia has become stabilised under the firm control of Sihanouk it is not likely that diverse political attitudes and loyalties will appear among the general populace unless his power wanes.⁸¹

Through his position, Sihanouk may have been able to dispel discontent engendered by the abuses of those below him in the state apparatus. This view is supported by evidence of peasants attempting to take grievances directly to Sihanouk. Kiernan comments that at the outbreak of the Samlaut Rebellion:

Two delegates were apparently elected and sent to bring [grievances

⁷⁸ Frieson *Revolution* 75.

⁷⁹ Ebihara *Svay* 543/544.

⁸⁰ Ebihara *Svay* 545.

⁸¹ Ebihara *Svay* 551/552.

regarding forced evictions of peasants in the district] to Sihanouk's attention, but were intercepted and 'liquidated' by agents of Lon Nol.⁸²

Again, Sihanouk is depicted as a figure who can be called upon to intervene on the side of the peasants. Although the state apparatus prevented the delegates from reaching Sihanouk, following the uprising Sihanouk visited Samlaut, distributed gifts among the peasants and removed the military commander for being 'too severe' and the provincial governor for 'corruption'.⁸³

Formal opportunities for the presentation of grievances to the King were provided by the National Congresses, biennial events attended by 'thousands, many coming from distant provinces' which were important as 'a forum for airing grievances and promoting particular policies'.⁸⁴ Osborne notes that to a great extent the Congresses were 'stage-managed' affairs and 'not opportunities for the mass of the population to exert political power'.⁸⁵ Yet they may have worked well in dissipating grievances by providing an appearance of governmental concern and action to resolve complaints. Ebihara writes that both national elections and National Congresses served an important socialisation purpose in that

the villager is made to think that his vote is meaningful (although in fact all he usually does is to rubber stamp what Sihanouk advocates) and thus comes to feel that he has at least a minimal voice in government.⁸⁶

National mobilisations of rural support not only provided Sihanouk with a power base to be used against urban intellectual critics, but may have served an important legitimising function. They promoted the perceptions that the peasant played a significant role in the national polity, and that the impact of Sihanouk was greater than that of the local authorities on peasant lives.

Frieson's findings suggest that peasants did not question the legitimacy of the arrangements which circumscribed their political environment, and retained significant

⁸² Kiernan *Samlaut Part I* 43.

⁸³ Kiernan *Samlaut Part I* 27/28.

⁸⁴ Osborne 59.

⁸⁵ Osborne 59/60.

⁸⁶ Ebihara *Svay* 538.

confidence in Sihanouk, to the extent that local political committees formed by revolutionaries in the 'liberated zones' in the early 1970s could include "members of Sihanouk's former government, or monks, provided that they enjoy the confidence of the people and enthusiastically resist the US and its henchmen".⁸⁷ The United Front stratagem employed by the revolutionaries meant that officials of the former administration who remained loyal to Sihanouk and who retained their legitimacy with the Cambodian peasants were mobilised into the 'resistance' war against the US-backed Republic.

A further aspect of the situation of the peasantry was the extent to which it was possible for rural aspirants to become part of the urban intellectual class. Ebihara states that the expansion of rural education during the Sihanouk era was highly valued by rural families, and offered greater opportunities for social mobility than ever before. She writes:

A loosening of the traditional hierarchy has made high status more obtainable through achievement as well as ascription; and the expansion of public schooling makes education, the major means of mobility for the peasant, more accessible to all.⁸⁸

She adds, "several West Svay children now dream of secondary education and the possibility of becoming teachers or civil servants".⁸⁹ As described earlier, the lack of employment opportunities for educated youth became a major cause of dissatisfaction in the late 1960s. Yet the loosening of formal or cultural bars preventing social mobility during the early Sihanouk years allowed recruitment of at least some of the brightest of the rural youth into the urban intellectual class, thus dissipating a potential source of dissatisfaction within the villages.

Other studies of rural society seek to explain peasant support for revolution by reference to economic grievance among the peasantry, as articulated by CPK intellectuals, notably

⁸⁷ COSVN circular, April 16 1970, quoted by Frieson *Revolution* 68.

⁸⁸ Ebihara *Svay* 419.

⁸⁹ Ebihara *Svay* 532.

Unable to command a fair price for his products, the peasant falls into a spiral of debt as he borrows money at usurious rates of interest to buy commodities and tools.⁹⁴

Again the lack of power of the peasant, this time economic power, is evident from this account. Monopolies on trade, largely in the hands of Chinese and Vietnamese, were connected with the Khmer political elite in these accounts through the association of economic exploitation of the peasantry with the 'corruption' of Khmer political structures and the taxation imposed by the Cambodian administration. Revenues gained from exploitation of the peasants was used to support extravagant and parasitic urban lifestyles through the squandering of national wealth on imported foreign luxuries, it was argued.⁹⁵

'Corruption' is a characteristic attributed by a number of commentators to Cambodian officials.⁹⁶ According to Vickery, this corruption was legitimised, in the early years, by tradition. He points out:

In traditional Cambodia, before the French protectorate, people of status were rewarded not with salaries, but by a cut of the fees, taxes or products they collected for the crown, and with the privilege of using people of lower status for personal services or as direct producers of items for consumption.⁹⁷

Vickery argues that the wealth generated by these activities was, in former times, redistributed through sponsoring of indigenous artisans, the building of temples and dwellings and the support of large service retinues by the wealthy. He concurs with the CPK analysis in claiming that in later years:

the system was much more fragile and oppressive. Conspicuous consumption indulged in by the elite was no longer within the economy, but involved the acquisition of expensive foreign products, frequent trips abroad, hard currency bank accounts, and the construction of amenities

⁹⁴Hou Yuon *Peasants and Politics* 60-61.

⁹⁵Hou Yuon states that 49 per cent of the value of imports was represented by 'products designed for the Europeans, the feudal class and the bourgeoisie' who make up less than 10 per cent of the population, *Peasants and Politics* 62.

⁹⁶Vickery *Cambodia 1975-1982* 22; Osborne 61. Later in this study, this issue is addressed in the context of the 1990s, and is defined under the rubric 'rent-seeking', in Chapter Six.

⁹⁷Vickery *Cambodia 1975-1982* 22.

by Khieu Samphan, Hou Yuon and Hu Nim.⁹⁰ These authors offer a class-based analysis of the relationship between peasant-producers and other economic actors, particularly money-lenders, landlords, and merchants. Kiernan claims that disaffection among the peasantry was widespread by the end of the 1960s,⁹¹ he uses the works of Hou Yuon and Hu Nim to put forward the view that it is not so much Sihanouk's overthrow in 1970, but his survival through the economic decline of the 1960s, which requires explanation. A key explanatory variable in this respect, according to both Kiernan and Vickery, is the lack of organisation amongst the peasantry.⁹²

Although these works do not analyse the position of the peasantry from a perspective of human rights, and offer only glimpses of the relationship between the peasantry and officials of the state apparatus, they allow insight into the lack of economic power of Cambodian peasants in the 1960s.

Hou Yuon argues:

The market in Kampuchea is such that the peasant is robbed when he sells his agricultural produce and held to ransom when he buys the products he needs.⁹³

Monopolistic control of markets for agricultural products by Chinese compradors creates a situation where 'the isolated, individual peasant' is compared to 'an insect trapped in a spider's web'. Hou Yuon states:

The prices of the agricultural products are determined on the market by the monopoly position of the big foreign businessmen, with the laws of supply and demand playing an insignificant role. The peasant is totally disarmed because he does not decide the prices which are fixed in Cholon by the big businessmen, the capitalists of industry and trade.

⁹⁰ Khieu Samphan, *Cambodia's Economy and Industrial Development*, doctoral thesis, Paris, 1959, translated by Laura Summers Cornell University Southeast Asia Program Data Paper No. 111, 1979; Hou Yuon, "The Peasantry of Kampuchea: Colonialism and Modernisation", extracts from *La Paysannerie du Cambodge et ses Projets de Modernisation*, doctoral thesis, University of Paris, 1955, translated by Ben Kiernan, *Peasants and Politics* 31-68; Hu Nim, "Land Tenure and Social Structure in Kampuchea", extracts from *Les Services Publics Economiques du Cambodge*, doctoral thesis, University of Phnom Penh, 1965, translated by Ben Kiernan, *Peasants and Politics* 69-86.

⁹¹Kiernan "Introduction" *Peasants and Politics* 13.

⁹²Kiernan "Introductory Note" *Peasants and Politics* 32/33; Vickery, *Cambodia 1975-1982* 13/14.

⁹³Hou Yuon *Peasants and Politics* 59.

modelled on those of Paris and New York; and the large dependent clienteles through which wealth was once distributed were no longer needed or desired.⁹⁸

Yet Frieson's interviews lead her to the view that "the relatively homogenous nature of Khmer peasant society, and *the lack of economic grievances* turned out to be formidable obstacles in the way of Red Khmer recruitment drives prior to 1970",⁹⁹ suggesting that while peasants had little power to affect either economic or political structures within Cambodia, neither of these were sufficiently oppressive to cause widespread discontent. Kiernan, too, comments that in 1967:

in most rural areas, where grievances were comparatively few, [Sihanouk's popularity] remained as yet unchallenged.¹⁰⁰

Frieson argues that perceptions of poverty may have been dulled by the fact that:

Cambodia was a poor country, where most rural areas were left untouched by French colonialism and poorly developed after independence in 1953. This meant that the disruptive effects of capitalist development, well documented in comparable rural societies, were not keenly felt in the Khmer countryside. Cambodia's poverty also meant that even peasants who did form part of the minuscule percentage of large landowners did not necessarily have all the accoutrements of what is normally considered a rich urban lifestyle. Degrees of wealth in village society were not extreme.¹⁰¹

Once again, disparity between the perceptions of intellectuals and the perceptions of the peasants themselves is suggested, and the lack of information available to rural-dwellers concerning urban activities¹⁰² may have hindered rural appreciation of the 'parasitic lifestyles' in the towns.

The peasant possessed little economic power, in the same way as he possessed little political power, but in the absence of conspicuous local differences in wealth, rural-dwellers may have harboured few ambitions regarding their material circumstances. Frieson argues that while peasant impoverishment worsened over the period of

⁹⁸Vickery *Cambodia 1975-1982* 22.

⁹⁹Frieson *Revolution* 13. My emphasis.

¹⁰⁰Kiernan *Samlaut Part I* 5.

¹⁰¹Frieson *Revolution* 27/28. Original emphasis.

¹⁰²Frieson *Revolution* 23.

Sihanouk's reign "it never reached the brink of disaster which James Scott, Barrington Moore, and Eric Wolf, among others, argue is the spark necessary to ignite peasant revolutionary potential".¹⁰³

Sihanouk's populist courting of peasant support, and the ideology of Buddhist Socialism, which offered a continuity between religion, tradition, and politics, may arguably have produced a situation in which the peasants found little reason to question the legitimacy of the political and economic arrangements that circumscribed rural life, or to resent the fact that these arrangements left them with little political and economic power.

To conclude, while disaffection amongst Cambodian intellectuals was prompted, to a great extent, by constraints imposed on the emerging private sector by nationalisation, and by the lack of political freedoms available to intellectuals during the Sihanouk regime, among the peasantry a different situation prevailed. The lack of political power available to the rural Cambodian meant little in a context where contacts in the state were, arguably, limited. The village structure formed, for the majority of Cambodians, a political framework which allowed significant levels of personal freedom and which was touched only infrequently by the intrusion of exploitative or oppressive outsiders. The weakness of the peasant vis-à-vis other economic actors, as articulated in Khmer communist ideology, which may well have been an objective economic reality, is not reflected in the peasant memories of their perceptions of this era, collected by Frieson.

Bourdieu's analysis of the concept of *doxa* in political arrangements is helpful in understanding different perceptions of political arrangements. Bourdieu argues that where political arrangements are unchallenged by heterodox views, they become self-evident. He writes:

The adherence expressed in the doxic relation to the social world is the absolute form of recognition of legitimacy through misrecognition of arbitrariness, since it is unaware of the very question of legitimacy, which arises from competition for legitimacy, and hence from conflict between

¹⁰³Frieson *Revolution* 28.

groups claiming to possess it.¹⁰⁴

The oppressive nature of these arrangements is not a political factor because it is not perceived. The introduction of heterodox views leads to a repressive response by dominant groups, concerned to uphold the orthodoxy; meanwhile, the existence of a heterodox discourse allows articulation of criticism of this response as repressive. In the 1950s and 1960s in Cambodia, ideological challenges to Sihanouk's rule were largely confined to the elite. Grievance within the countryside was frequently addressed within existing political frameworks of dispute resolution, through the mediation of respected members of the village, such as monks, or through the royal intervention of Prince Sihanouk, as in the Samlaut Rebellion.

Within the elite, dissent was associated with political crisis, and dealt with by means of repression. These crises were attributed to outsiders in Thailand, Vietnam or the US, with the connivance of individual and 'traitorous' members of the domestic elite, in part to preserve the Cambodian polity as, in Bourdieu's terms:

a world which has no place for *opinion* as liberal ideology understands it, i.e., as one of the different and equally legitimate answers which can be given to an explicit question about the established political order.¹⁰⁵

Stigmatising elite dissent as 'foreign' may be viewed as an attempt to neutralise its challenge as a "different and equally legitimate answer".

Significantly, in view of what followed, increasing state penetration into the rural areas through the decade of the 1960s began to illustrate ever more clearly the political and economic powerlessness of the peasantry. Their own disempowerment must certainly have become clear to the peasants themselves particularly as more of them left the land or sought supplemental income in an economy increasingly penetrated by capitalism, leading to outbreaks of unrest such as the Samlaut Rebellion. It is significant that this rebellion took place in an area where military intrusion and development activities, to create plantations and build roads, were relatively intense, compared to other areas of

¹⁰⁴Bourdieu 163.

¹⁰⁵Bourdieu 163.

the country.¹⁰⁶ Greater penetration by state authorities combined with the arrival of increasing numbers of Khmer communist and progressive intellectuals in the *maquis*, introducing a new political discourse of revolution which may have allowed greater articulation and awareness of grievance and thus undermined the legitimacy of previously unquestioned political arrangements.

However, Frieson argues that the intrusion of revolutionaries into rural life was not distinguished from the intrusion of state authorities; both were met by a 'passive deference' underlain by a 'fear' of the increasingly militarised 'outside forces' that impinged upon village life. Frieson argues that rural dwellers were driven "to find respite from the chaos and violence of the war.... in themselves and in their resolve to protect their individual autonomy, in spite of their outward mask of 'support'".¹⁰⁷

The spontaneous insurrections hoped for by the Khmer communists never occurred. Any sense of grievance elicited by the education of peasants in communist ideology remained insufficiently pronounced to allow widespread recruitment of peasants to the revolutionary movement until the legitimising figure of Sihanouk was removed, and until the activities of the Lon Nol military in the early 1970s, attempting to seek out insurgents and Vietnamese troops, had destroyed the rural autonomy that the peasants sought to defend. Frieson quotes the testimony of one peasant woman from Kompong Thom province:

When the Prince was there before the military forces came life was easy. But after the Prince was overthrown things were not easy. When the Prince was there there weren't any problems. We could live easily. But with Lon Nol it was difficult.¹⁰⁸

It is likely that for the rural Cambodian, the increasing intrusion of state, military and revolutionary forces into a previously autarkic existence was traumatic, and sharpened awareness of power differentials that had previously been a relatively minor factor in rural life.

¹⁰⁶Kiernan *Samlaut Part 1* 31-38

¹⁰⁷Frieson *Revolution* 71/72.

¹⁰⁸Frieson *Revolution* 48.

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Chapter 5: Resources and Economies of Power in post-UNTAC Cambodia

Characterising the political terrain onto which human rights are promoted in Cambodia in the 1990s requires analysis of the nature of control exercised by dominant political and governmental forces, and an investigation the use of political resources within the framework of a political economy of power. Economies of power are functions of political perceptions, objectives and behaviour. In Cambodia, these factors have been severely disrupted over the last three decades. The violence of the recent past has proved destructive, not only of human life and economic resources, but of society and culture, with significant impact on the resources and technologies of power available to rulers.

It is argued that ideological tools which could provide the basis for a hegemonic national discourse are weak, given the disruption of education, religion and other social systems since 1970, and in a context of increasing militarisation and intrusion of political parties and appointed state representatives into village life. The symbolic legitimacy enjoyed by Sihanouk in the 1950s and 1960s has been replaced by a form of rule in which the loyalty of the military and the state bureaucracy are key power resources for government leaders. It is argued further that the pluralism in political society in 1995/6, which saw opposing political parties competing for support in the villages, created new disruptions in the lives of ordinary people.

Cambodia remains predominantly agricultural. 85 per cent of Cambodians live in rural areas and are “directly or indirectly dependent on agriculture for employment and incomes”.¹ Little industrial plant exists; education and health services are concentrated around provincial centres. During the years of war, stable agricultural arrangements were not maintained, causing displacement which ruptured families and communities. Village organisation suffered from the movements of various armies, the widespread

¹The characterisation of Cambodia offered here comes from Royal Government of Cambodia, *Implementing the National Programme to Rehabilitate and Develop Cambodia* (Phnom Penh: Royal Government of Cambodia, 1995) 26.

Application of human rights language to this situation is problematic. While the rural Cambodian possessed few legal rights and little political power, contacts with the state were, arguably, minimal before war, insurgency, and, to an extent, modernisation led to disruption of rural lifestyles. Capitalist penetration was also limited and restricted to small private traders and money-lenders, due to governmental controls on industry and rice markets. Although rural indebtedness was high, the absence of revolutionary feeling among rural-dwellers does not suggest a widespread perception of abuse by the powerful in the pre-war years. Human rights discourse was not made available to the peasantry at this time, so it is impossible to assess how it would have been received.

Yet over the next twenty years, penetration of national political authority into rural life intensified, with the intrusion of war during the years of the Khmer Republic, reaching an apogee during the DK era, and continuing in the form of a state apparatus of party-appointed officials exercising control at all levels of society under the subsequent PRK/SoC regime into the 1990s. UNTAC's attempts to encourage the establishment of a human rights movement, and human rights ideology to circumscribe the activities of these officials represent a new solution to a relatively recent problem - the intrusion of state officialdom into a rural world which traditionally saw few formal or institutional constraints on individual activity, but in which reverence for a monarch endowed with quasi-religious protective powers had endured.

Human rights principles, which require popular acceptance of political and ideological pluralism, bounded by rule of law administered by 'neutral' institutions of state, represent in many ways the antithesis of the patrimonial promotion of a nationalist, hierarchical and imposed 'consensus' which characterised Sihanouk's style of rule. Forms of power exercise adopted by Cambodia's present rulers are analysed in detail in the next two chapters. The cultural and political impact of the human rights movement, and the human rights discourse which emerged from it, are examined in Chapters Eight and Nine.

laying of land mines, conscription, and collectivisation. Infrastructure has been destroyed, and travel around the country is both dangerous and difficult, reinforcing the sense of cultural and social fragmentation.

The deaths or departures in the 1970s of almost all members of the Buddhist *Sangha* and of the intellectual stratum, and the destruction of temples and schools, disrupted the means by which cultural values were maintained and transmitted from one generation to the next. Since 1989, the country has changed economic course, embracing the principles of free-market economics, and an influx of mainly Western NGOs, engaged in a range of activities aimed at 'developing' the country in prescribed directions, economic, social and political, has occurred.

The disruption of these levels of human perception, behaviour and aspiration has brought an intense uncertainty into power relations within political society and within society as a whole. This uncertainty was heightened during and after the UNTAC period by the creation of opposition political parties and a free and critical press, the constitutional separation of governmental powers, and the intrusion of supervision by national and international organisations into the functioning of state and government.

In spite of this upheaval, certain basic concepts of power, arguably, changed little. As described in Chapter Four, pre-war studies of Cambodian political life document the importance of the symbolic power of kingship, legitimised by the traditional religious cosmology, and distributed via patronage through the endemic factionalism and intrigue of the administrative elite, and via populist campaigning to the politically powerless peasantry who formed the bulk of the Cambodian population. 'Democratic' processes such as general elections in which candidates were selected by the Prince, and in which the support of the peasants for the traditional hierarchy could be relied upon, were used to marginalise dissidence.

Nationalist rhetoric was used to justify harsh repression of political opponents, and pluralism was replaced by a 'consensus' imposed by the Prince himself. Even through the so-called 'decade of destruction', the continual resurfacing of familiar modes of power distribution, such as patron-clientism, mass mobilisation in support of imposed

'consensus' and the importance of status, has been noted, indicating an underlying continuity in the types of power relationships and mechanisms of power, despite wide swings in official regime ideology.²

Evidence which emerged during fieldwork in 1995/6 indicates a continuing reliance by Cambodia's rulers, and particularly Second Prime Minister Hun Sen, on these forms of power. Power is overt, and exercised through personal relationship, and reciprocal arrangement. Clark D. Neher describes 'patron-client alliances' as a common form of political organisation throughout Asia, which take the form of "exchange bonds" determining "power, status, authority relations, and the citizen's role in society".³ He argues:

In Southeast Asia the principal pattern of exchange interaction is the superior-subordinate relationship, characterised by personal, reciprocal ties between persons or groups of persons who command unequal resources by mutually beneficial transactions. They are hierarchical, face-to-face, superior-inferior relationships of reciprocity.⁴

In Cambodia in the 1990s, it is argued, similar relationships are organised through the allied structures of the Cambodian People's Party and the state apparatus. These two hierarchical structures, which throughout the 1980s tightly controlled much of Cambodian territory, have created channels and networks of patronage and protection running through the Cambodian polity to the village level. Central appointments by the CPP to village and commune level political positions have replaced the high degree of autarky of the countryside in Sihanouk's early reign with a highly politicised, hierarchical network of control and surveillance.

The key goods offered by superiors within these structures are economic advantage and protection from physical abuse or punishment. This chapter and the next examine the workings of these structures in the context of the 1990s. Since 1991, new political

²See Serge Thion, "The Pattern of Cambodian Politics," *The Cambodian Agony*, eds. David A. Ablin and Marlowe Hood (London: M.E. Sharpe, 1987) 149-164.

³ Clark D. Neher, "Asian Style Democracy," *Asian Survey* 34 (1994): 950.

⁴ Neher 950.

forces, including opposition political parties, international agencies and local NGOs, and new political processes, such as elections, challenge the dominance of the CPP, creating a situation in which the loyalty of subordinates acquires extra value for superiors. It is argued that the impact of attempts to promote liberal democracy in Cambodia have created a situation in which active loyalty in the face of manufactured crisis, rather than passive consent to manufactured normality, is demanded from subjects in return for rewards of economic gain and physical protection.

Resistance to liberal democratic reform arises out of the extreme inflexibility of the managers of the economy of power in Cambodia. New images and values are resisted due to the intense vulnerability felt by power holders. This vulnerability is a product of the difficulties experienced by rulers over the past 40 years, in their attempts to capture and monopolise, through personal relationships and in a personal capacity, the full range of power resources which exist in the Cambodian polity. These attempts have prevented the investiture of political loyalties and power in a secular idea of the nation, and have led to attempts by leaders to exclude, rather than tolerating, power resources which could not be co-opted. Such political manoeuvres have generated a separation between the organisational and protective resources of the CPP, captured by Hun Sen through personal relationships within the military and bureaucracy; and the royalist legitimacy captured by Ranariddh through his relationship with his father.

With their position insecure, CPP politicians are inclined to recycle and intensify attempts to monopolise old means of maintaining and exercising power, particularly via control of the loyalties of state employees, and to exclude competitors, rather than risking a new approach. This response to the UNTAC intervention has already been described in Chapter Three. Since UNTAC's departure in September 1993, the CPP has continually re-manufactured familiar icons of power and continues to rely upon established networks of personal relationships.

In this chapter, CPP use of party loyalties within the state apparatus is described with reference to three spheres of political activity. First, the discourse employed to perpetuate party loyalties is described. Second, CPP strategies to co-opt or exclude opposition parties, and particularly tactics used to prevent campaigning by opposition

parties in the provinces, are analysed. Finally, the position of the judiciary is examined in detail to illustrate the means by which politicised personal relationships are maintained and conceptions of 'neutrality' in the state apparatus are marginalised in Cambodia. Throughout this discussion, the discourse and *modus operandi* of the CPP and state apparatus are contrasted with the 'neutral' mode of operation required by human rights principles.

The CPP Discourse of Effectiveness and Loyalty

Within the CPP, the perception that the role of the powerful is to protect the loyal, rather than to represent and lead the nation, as a secular construction, is consciously perpetuated by CPP leaders as a power resource. Peaceful opposition activities are often portrayed by these leaders, as in the Sihanouk era, as threats to national security. Displays of effective protection against enemies, real or imagined, are the active ingredient in the maintenance of Cambodian political relationships.

A speech delivered by Hun Sen to CPP Ministry of Transport workers on 29 June 1996, at a time when CPP-Funcinpec relations were poor, underlines the importance of loyalty and personal relationships, particularly within the civil service, in the CPP's power system.⁵ Hun Sen criticised a restructuring of the Ministry of Transport undertaken by Funcinpec Transport Minister, Ieng Kieth, which had caused job losses among CPP ministry workers and exploited grievances of ministry workers in order to mobilise support for his own confrontation against Ranariddh, thereby reaffirming his position as protector of the party.

Hun Sen's speech on this occasion reveals the content of the exchange-bargain offered by CPP leaders to their supporters. Protection, state posts, and the wider benefits of being an 'insider' in an organisation with effective power are offered; active loyalty, manifested as demonstrations against opponents, is demanded. For example, on the question of a Funcinpec appointment to replace the CPP director of the port of Phnom

⁵Extracts from this speech were reported in "Hun Sen: Exhorting the party workers," *PPP* 26 July- 8 Aug. 1996, 4-6.

Penh, Hun Sen comments:

I simply ... asked in return if a new director is appointed, where will the old one go and what fault does he have? Since then... he hasn't been appointed and Mr Mon Siphon remains port director. So that means in my mind that I can act as a defense, can offer protection... - at my level of competence I can offer protection.⁶

In return for this protection, Hun Sen calls for party mobilisation:

...I wish to inform you that I have difficulties, that's why I need forces from below to protect our people. If they speak about parties, then so will we, and if it's party against party we're stronger.⁷

The "strength" referred to is strength measured as direct action facilitated through the necessary organisation to "combine forces" on the basis of shared economic interest:

[W]e see that we cannot be honest with this tricky bunch ... We have been too honest already, there are now officials of us who've lost their jobs, the pressure continues, I've reacted many times already but today I want to utilise and combine the forces of the Party, the forces of the women, together with the law in order to struggle against these people.⁸

"Strength" emerges from a network of personal loyalties, which overrides legal "right":

The first and second Prime Ministers have the same rights but perhaps my effectiveness is more than [Ranariddh's], because I have a mechanism. [Ranariddh] can order but our people won't listen if [he] give[s] the wrong order. But if I command, these people will act. That is the difference.⁹

In this comment, Hun Sen specifically compares the power resource of 'right' (សិទ្ធិ) with the power resource of 'effectiveness' (ឥទ្ធិពល) and posits the dominance of 'effectiveness', thus indicating the opposition between the structure of power he promotes via the CPP, and a structure of power based on rule of law.

A frequent rhetorical device employed by Hun Sen is to suggest that in a situation of

⁶Exhorting 4.

⁷Exhorting 4.

⁸Exhorting 4.

⁹Exhorting 5.

equal rights for all, the leader or party with the most 'effectiveness' will dominate because of their superior ability to harness the loyalties of the people. Given that these loyalties may be expressed in the form of violence against the less 'effective' party, this translates into a situation whereby the strong dominate the weak and the majority dominate the minority. This is incompatible with the liberal democratic concept of rights as devices ensuring the juridical equality of the citizen in certain key areas of activity. 'Equal rights', in Hun Sen's terminology, translates as the equal right to engage in a trial of active strength. Consequently, he urges ministry workers to "march from here in a demonstration and take those officials and put them back in their place.... it's not illegal, it's very, very right".¹⁰

Hun Sen also accuses Funcinpec of illegality in violating his own subdecrees. He claims:

they did not just abuse the low-level [workers] but the law itself.... Prime Minister Hun Sen requests that the workers protect his rights, because it is his right as a Prime Minister to sign subdecrees... So the Prime Minister defends the workers and the workers defend the Prime Minister.¹¹

Once again, it is suggested that rights are appropriately protected by mobilising the support of followers in a show of strength. Although Hun Sen decries abuse of 'the law', he does not propose recourse to the judicial system to address this issue through application of political notions of 'impartiality' and 'neutrality'. Rights are defended through 'effectiveness' and loyalty, rather than through the use of neutral institutions and procedures, such as the courts.

Hun Sen constructs Funcinpec's activities as an attack on the constitution: "If you don't respect the Constitution, that's not on. We all of us took the oath." He warns, "If you don't abide by the Constitution you're in for it right now!" and claims:

We put ourselves forward as the CPP and as the people implementing the law and Sok An, brother Ho Non, Hok Lundy, Ke Kim Yan¹² stand behind

¹⁰Exhorting 4.

¹¹Exhorting 5.

¹² These are the names of key CPP Ministry of Interior officials.

me. Dith Munthy, Ho Non, Sok An, look into the legal means, if they resist - handcuff.¹³

Again, and throughout this speech, reference to the law is linked with a rhetorical emphasis on force and strength, emerging from the links of loyalty and comradeship between party members and control of key positions in the state apparatus, rather than with specific statutes, or with legal procedure.

The fact that Hun Sen refers to the 'law' and the 'constitution' suggests that these concepts have attained some ideological power in Cambodia, which, in line with attempts to monopolise power resources, must be addressed and exploited. In this speech, Hun Sen attempts to co-opt these resources into a pre-existing economy of power within the CPP, rather than using them as a framework within which to reshape political relationships. His central concern is to use the resources of the state to protect structures of personal relationship and comradeship established much earlier:

It is time for us to use all the forces in order to protect these people [of CPP], jobs, social achievement... The January 7th has been revived now and we all are the January 7th [people], so there's no problem, let's help protect each other.¹⁴

The speech contains a paradigmatic account of CPP party power. Justifications offered for this right reflect resources of legitimacy commonly employed by the CPP; for example, the 'scorn' directed towards party workers who have "sacrificed so much for this country from January 7th [1979] up to the present" is decried; the party's rural school-building record is recounted; members are reminded of the CPP's sacrifices during the transitional period:

We have done so much, to an extent the world has never seen before; no country has ever done what the CPP did, holding virtually all power, in control of virtually the entire territory, and exchanging that for peace, for national reconciliation...¹⁵

¹³ Exhorting 4.

¹⁴ Exhorting 5.

¹⁵ Exhorting 4.

The CPP is associated with strength, with benevolence to the population and with due regard for the future of the nation. Reference to the dual nationalities held by many Funcinpec politicians - "This bunch are as scared as anything, off they flee, off to France out of here" - indicates not only the lack of nationalism of Funcinpec politicians but also the weak and insubstantial nature of their challenge, compared to CPP "strength". Rivals who challenge CPP mechanisms are characterised as 'dogs', and as appropriate targets for violence: "If it comes to fighting over this, so be it."¹⁶ The violence envisaged is spontaneous violence by the workers themselves.

Characterisation of violence as the spontaneous anger of the people, is a trademark of Cambodian politics. This reflects the importance of loyalty, and of active, visible support. It facilitates the dissociation of leaders from the actions of their followers, making it difficult for human rights observers to identify a 'smoking gun' of evidence connecting the two. As a method of mobilising support, it is the antithesis of election by secret ballot. It is significant that CPP success in mobilising demonstrators was not matched by its performance at the polls in 1993.

CPP Exclusion and Co-optation of Other Parties

CPP relationships with other political parties reveal the reverse side of this political economy of power: the exclusion of outsiders and non-loyalists. For the CPP, which lost the 1993 election, the ability to monopolise the loyalties of a large section of the armed forces, state personnel¹⁷, and local and commune chiefs was a major resource of power following the formation of the Royal Government, because it allowed use of the state and military apparatus to compete with and exclude other political parties

Control of local politics was particularly important to the CPP as this limited the ability of other parties to gain access to and forge personal relationships with voters. In this respect the CPP resembles the Democratic Party of the 1940s, in its attempts to

¹⁶Exhorting 5.

¹⁷This monopoly was shaken by the election result in 1993, but the result was obtained through a secret ballot. Open loyalties are monopolised by the CPP. These, especially in the military, are important in Cambodian politics, where power is exercised through mass mobilisation rather than secret ballot.

monopolise the loyalties of key figures in a position to deliver the vote in their district. Concern to protect these monopolies dictated the conduct of the CPP towards its coalition partners and towards political opponents between 1993 and 1997 and formed the context of political developments. Funcinpec's capture of potent ideological symbols such as the King and, of lesser importance, the electoral mandate, matched CPP power resources only with difficulty in the realm of everyday politics, where the ability to mobilise activists is key, although as Frieson described, association with the King was vital in winning the election.¹⁸

The violent and highly symbolic battle over Khmer Nation Party signboards in the provinces provides one example of CPP determination to maintain local control. The dominance of the CPP at village level is visible in the Cambodian landscape. Along national routes and in provincial towns and villages the CPP's red and blue party signboards are ubiquitous. Funcinpec offices, by contrast, appear insignificant in number and unimpressive in appearance. The launch of the KNP in November 1995 by Sam Rainsy, who enjoyed a high reputation both domestically and internationally as an anti-corruption campaigner, represented a new challenge to the CPP monopoly of the village political landscape. This challenge has been met by a variety of strategies, and increasing use of violence.

From its launch in November 1995, the Royal Government consistently refused to recognise the KNP officially as a legal political party, employing a variety of pretexts to justify its stance. While the central government did not directly prevent the KNP from conducting activities in Phnom Penh, the party's lack of legal status led to direct repression of the party in the provinces.

Throughout 1996, KNP delegations were continually prevented by local CPP authorities from opening party offices and raising party signs. In S'aang District of Kandal Province, signs were raised and lowered again at least four times. On the fourth occasion, according to opposition newspaper *Samleng Yuvachon Khmer*, local police

¹⁸Frieson "Politics" 201.

fired gunshots over the heads of the crowd who were gathered for the opening ceremony.¹⁹ KNP officials confirmed the newspaper's account; Rainsy commented, "There are provinces where there is less tension, but nowhere can we operate freely".²⁰ Faced with a challenge to its monopoly of visibility in the provinces, the CPP mobilised violence to deny rivals physical space.

It is characteristic that in this trial of strength, the central government dissociated itself from the activities of local authorities. According to the opposition newspaper *Moneaksekar Khmer*, Minister of Interior Sar Kheng denied KNP claims that provincial police were using violence and intimidation against KNP offices:

At a press conference ... Mr Sar Kheng ... said, "regarding the issue of KNP signs in the Prey Noap District (south of Sihanoukville) - ... The KNP of Mr Sam Rainsy agreed to follow the law laid down by the Prey Noap District authorities and agreed to take down the signs themselves."... Sar Kheng [also] denied all accusations of police and local authority violence in Kandal Province, claiming that in S'aang District, ... "local authorities didn't pull down the KNP signs. This is a problem between the people and that party".²¹

This presentation of violence not as official policy, but rather as a spontaneous response of 'the people', blurs lines of responsibility and accountability, and portrays central government as operating to restrain human rights abuse, rather than perpetrating it. In the case of KNP signboards, problems of accountability were compounded by the existence of directly conflicting Interior Ministry directives. *Moneaksekar Khmer* describes how:

[i]n answer to the ... CPP [district] officials, who justified themselves with a letter from the Ministry dated 19th April - the KNP produced a letter dated 3rd May from the same ministry, which, according to this letter, had no prohibition against any of the 20 political parties pursuing activities.²²

¹⁹"Political Repression in S'aang District: Cruel Deeds Committed by Local Authorities in S'aang District Against the KNP Before the Eyes of the People," *Samleng Yuvachon Khmer (SYK)*, 16-17 June 1996, 1.

²⁰ Sam Rainsy, personal interview (Eng.), July 1996, Phnom Penh.

²¹"Mr Sar Kheng and the Conflicting Explanation about the Khmer Nation Party; Where Is the Truth?" *Moneaksekar Khmer (MK)*, 14-15 June 1996, 1.

²²"Mr Sar Kheng...." 1. The "20 political parties" were the parties registered by UNTAC to contest the 1993 election.

In an earlier report on the situation in Kandal Province, the newspaper commented:

...the S'aang District authorities did not listen to the instructions of Mr Sar Kheng, Co-Minister of the Interior, who ordered them not to interfere with the raising of political party signs. By such deeds, the S'aang District authorities seem to be scorning the Co-Ministers of the Interior.²³

Conflicting directives and decentralisation of power into the hands of the provincial authorities meant that various decrees and interpretations of 'the law' were selectively enforced at local level in the interest of local authorities, without direct central involvement. Khieu Kanarith, Secretary of State for Information, declared that:

We would like to firmly reject that there is a ban on [the KNP] because all Cambodians have the right to found a political party and participate in political activities in the Kingdom of Cambodia.²⁴

Kanarith explained the central government's failure to recognise the KNP legally, a pretext frequently used by local authorities to justify repression, arose from the absence of a new law on political parties.²⁵ An UNTAC law governing this issue existed, but Kanarith argued this law could not be applied because "since the creation of the Royal Government and the dissolution of the Supreme National Council, there was no authority able to interpret UNTAC law".²⁶ The absence of such an authority is largely due to the government's own failure to set up two key institutions envisaged in the 1993 Constitution: a Constitutional Council to interpret the constitution, and a Supreme Council of Magistracy to foster an independent judiciary.²⁷

In this context, the Cambodian government used alleged concern for law to justify infringements of political rights: *Moneaksekar Khmer* commented, "The word 'law' is not really connected with any article of any law or any law being agreed by the

²³"Khmer Nation Party Opens Offices in Kandal Province and Takeo Province," *MK*, 7-8 June, 1996, 1.

²⁴"There is No Ban on Political Parties!" *Reasmei Kampuchea (RK)*, 28 June 1996, 4.

²⁵Statement by Khieu Kanarith, qtd in "No Ban..." 4.

²⁶"No Ban..." 4.

²⁷This point is made in "Government Runs Along KNP's Winding Road! KNP Mocks Government!" *MK*, 28-29 June 1996, 1.

assembly, or anything".²⁸ Reference to laws planned but not yet passed, while ministries released conflicting directives, arguably, represented an attempt to meet the ideological challenge of liberal human rights and rule of law concepts by a blurring of legal definitions aimed at securing continued discretion of action for provincial and local party loyalists.

Concern expressed for order and security also appears disingenuous. Kanarith advised political parties to

send information ... to the relevant authorities, before that party holds any meeting or opens party offices in order that the authorities can help to protect security and supervise; ... Kanarith said that "it is a very important issue because Cambodia does not yet have peace and security fully, which necessitates provision of protection to those people".²⁹

This alleged concern to protect rights arguably constructs political rights as contingent on submission to government protection. This places all political activists in a subordinate position within the government's economy of power, and re-emphasises the claim that only the CPP is 'effective'. It requires that all opposition activities be conducted under the surveillance of military and police, and creates a relationship of patronage between opposition politicians and the government. It associates political activity with insecurity; rejection by activists of the government's protection opens the way to physical abuse.

While the KNP was systematically excluded from Cambodian politics, relationships between the CPP and its coalition partners, Funcinpec and the BLDP, combined exclusion with co-optation. Defeat in the UNTAC-organised election, forced the CPP to co-operate with these rivals. The CPP responded to this challenge by co-opting sections of these parties into its own economy of power in subordinate positions and manoeuvring to marginalise and exclude others.

The dichotomy between co-optation and exclusion is fundamental to an understanding

²⁸"Mr Sar Kheng..." 1.

²⁹"No Ban..." 4.

of political events in Cambodia. One high-ranking CPP official acknowledged the lack of tolerance for dissent, and consequent importance of co-optation, in Cambodian politics:

The fact that the two partners are still in the coalition is already a major step;... if we had had one in government and one in opposition, maybe we would already have had bloodshed in the streets.³⁰

The Cambodian proverb that "one mountain never has two tigers", reflects the anti-pluralist drive to incorporate all political forces into a single power distribution system. Using similar imagery, one interviewee commented on the importance of the participation of the Khmer Rouge in the peace process:

Do you think it is better to have tigers in the cage or in the jungle, in the wild? ... It's better to have these people in the town than in the jungle... We would then have peace.³¹

A Funcinpec National Assembly deputy commented, regarding the status of the Khmer Nation Party:

I think the KNP should be in government. If the opposition party is within the government it will have a stronger voice and people will listen. But while it is outside government people don't care much. They have to work inside government - that's the best way to do the job.³²

Arguably, the requirement for non-violence and participation in Cambodian politics is incorporation - as long as all parties are incorporated into the single, monopoly power distribution system, there can be peace and positive governance. Where parties or individuals attempt to stake out a position which is independent from the dominant system and its channels of power mobilisation and exercise, violence is used or threatened against them.

³⁰E3, personal interview (Eng.), 13 Aug. 1996, Phnom Penh. To preserve confidentiality, interviewees drawn from the executive branch of government are identified with a letter 'E' and a number.

³¹H16, personal interview (Eng.), 1 Feb. 1996, Phnom Penh. To preserve confidentiality, interviewees drawn from human rights NGOs are identified with a letter 'H' and a number.

³²D3, personal interview (Eng.), 4 July 1996, Phnom Penh. To preserve confidentiality, National Assembly deputies are identified with a letter 'D' and a number.

It is significant that important elements of Funcinpec and the BLDP have also followed a strategy of exclusion on occasion. The pattern for dealing with internal opposition was to swiftly jettison dissenters, and then reconstitute them as targets for violence.

Victims of such strategies of exclusion and surveillance included the Son Sann group of the BLDP, which was challenged by a group associated with BLDP Minister for Information Ieng Mouly, and targeted by a grenade attack which injured 35 people on 30 September 1995, when it attempted to hold a congress in Phnom Penh. The assailants were never identified, but warnings of a possible attack were given by the Ministry of Interior, Hun Sen and Ieng Mouly in advance of the incident. Hun Sen warned that organisers would be blamed if they proceeded in the face of threats of violence, demonstrating the contingency of political rights:

To those who don't listen to the government and the authorities: if something happens that day the government will not be responsible. They must be responsible for what happens themselves.³³

A grenade attack on a KNP rally outside the National Assembly building, on 30 March 1997, which killed 19 people, was treated similarly. Hun Sen reportedly discussed with the Ministry of Interior whether they should "drag the demonstration's mastermind by the scruff of the neck to court", commenting that "this bunch must be handcuffed according to the law as [they are] responsible for the deaths because they are the ones who caused it".³⁴ The right to physical security is politicised and rendered contingent on non-provocative behaviour. Protection of obedient subordinates is substituted for rule of law.

From 1993 to the coup which forced Ranariddh into exile in 1997, relations between the two largest parties, Funcinpec and the CPP, deteriorated. According to a senior Funcinpec politician, the obstacle is one of incompatible ideologies:

Cambodia is a special country because Cambodia has had war for a long

³³Television broadcast by Hun Sen, 23 Sept. 1995, qtd in Gretchen Peters, "Safety Fears for Faction: Amnesty," *CD* 4 Oct. 1995, 10.

³⁴Qtd in Jason Barber and Christine Chaumeau, "Slaughter on Sunday - March 30 1997," *PPP* 4-17 Apr. 1997, 1.

time. The UN and the great powers tried to help solve the problems in Cambodia - that's how we were able to have the elections in 1993. But they did not yet disarm the people. How could we solve this problem after the election? The King advised all the parties that Cambodia needed national reconciliation. That meant we had to organise a government with two prime ministers... This is the problem - because Funcinpec is a democratic liberal party and the other party is a former socialist party. The two extremes.³⁵

Arguably, the major obstacle was less an issue of ideology than an issue of modes of power distribution. The existence of separate parties which were preparing to compete in elections in 1998 was incompatible with an economy of power which depended on the ability to be seen to exclude competitors. Funcinpec made few attempts to introduce democratic reforms during this period. The issue which prompted a deterioration in the CPP-Funcinpec relationship throughout 1996 was rather the issue of the sharing of administrative positions at the commune and district levels of the civil service. Failure on the part of Funcinpec to insert its own members into this level of the state apparatus, arguably, prompted attempts by Ranariddh to court Khmer Rouge defectors into alliance with the party in 1997, as these defectors maintained their own administrative apparatus in areas which had previously been beyond the control of the Phnom Penh administration. Hun Sen's coup was arguably a response to the first real challenge to CPP monopoly of local power.

The Politicisation of State Agencies: The Judiciary

The perpetuation of this economy of power weakens organs of state which are subjugated to personal and party networks. Lack of political institutionalisation in 1990s Cambodia is almost total. State formations resemble empty shells; power flows through different channels. Ledgerwood's account of the failure to find a 'smoking gun' linking central government to provincial human rights abuse reflects this.³⁶ Figures 5.1 and 5.2 show the divergence of actual channels for power from the constitutional ideal. A shadow economy of power operates by means of personal, unregulated links, characterised by exchange of goods, services, and protection awarded in return for

³⁵D4, personal interview (Eng.), 7 July 1996, Phnom Penh.

³⁶Ledgerwood, "Patterns" 129.

Fig. 5.1 Organization of the Cambodian State as Stipulated in the 1993 Constitution

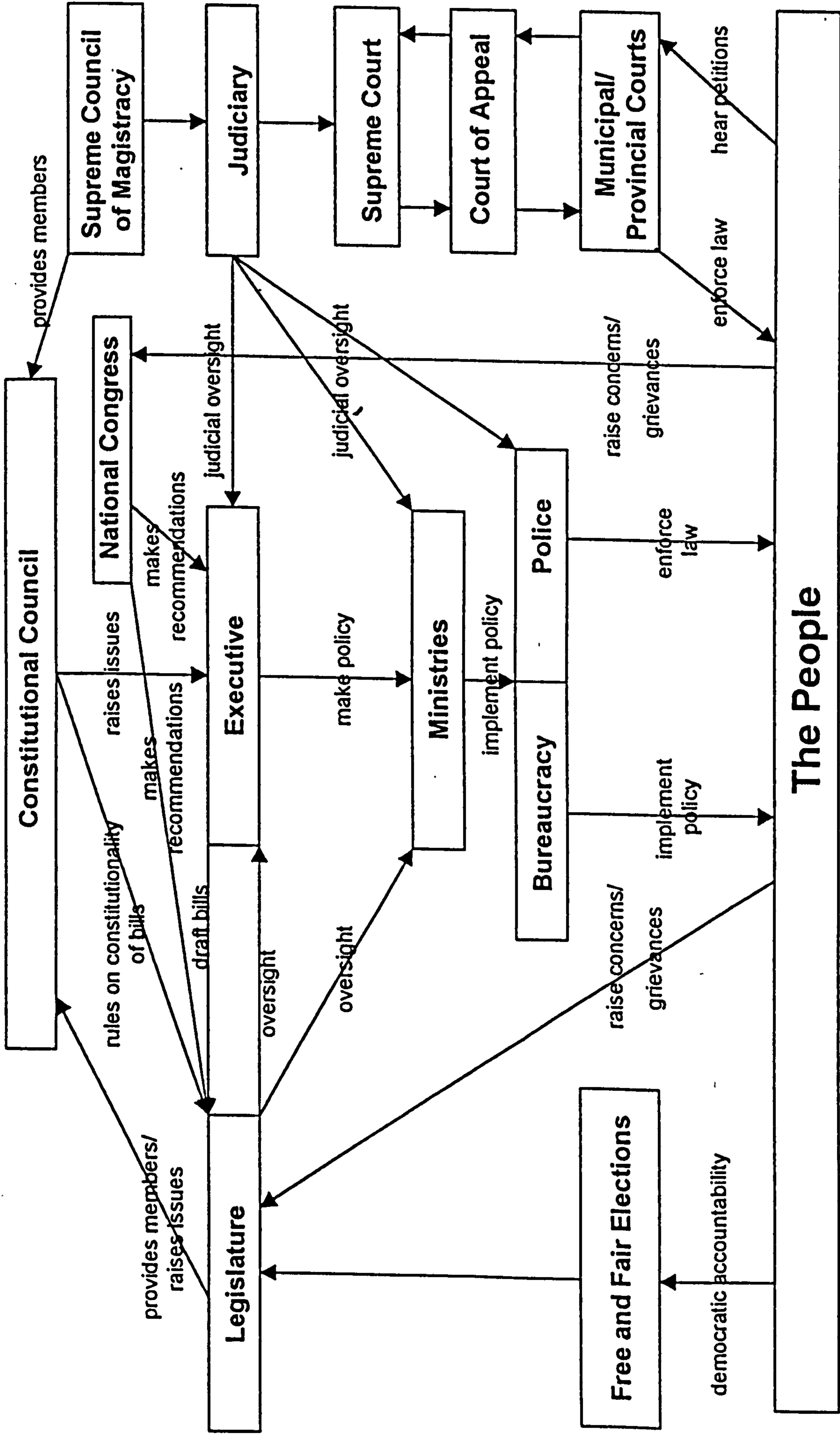
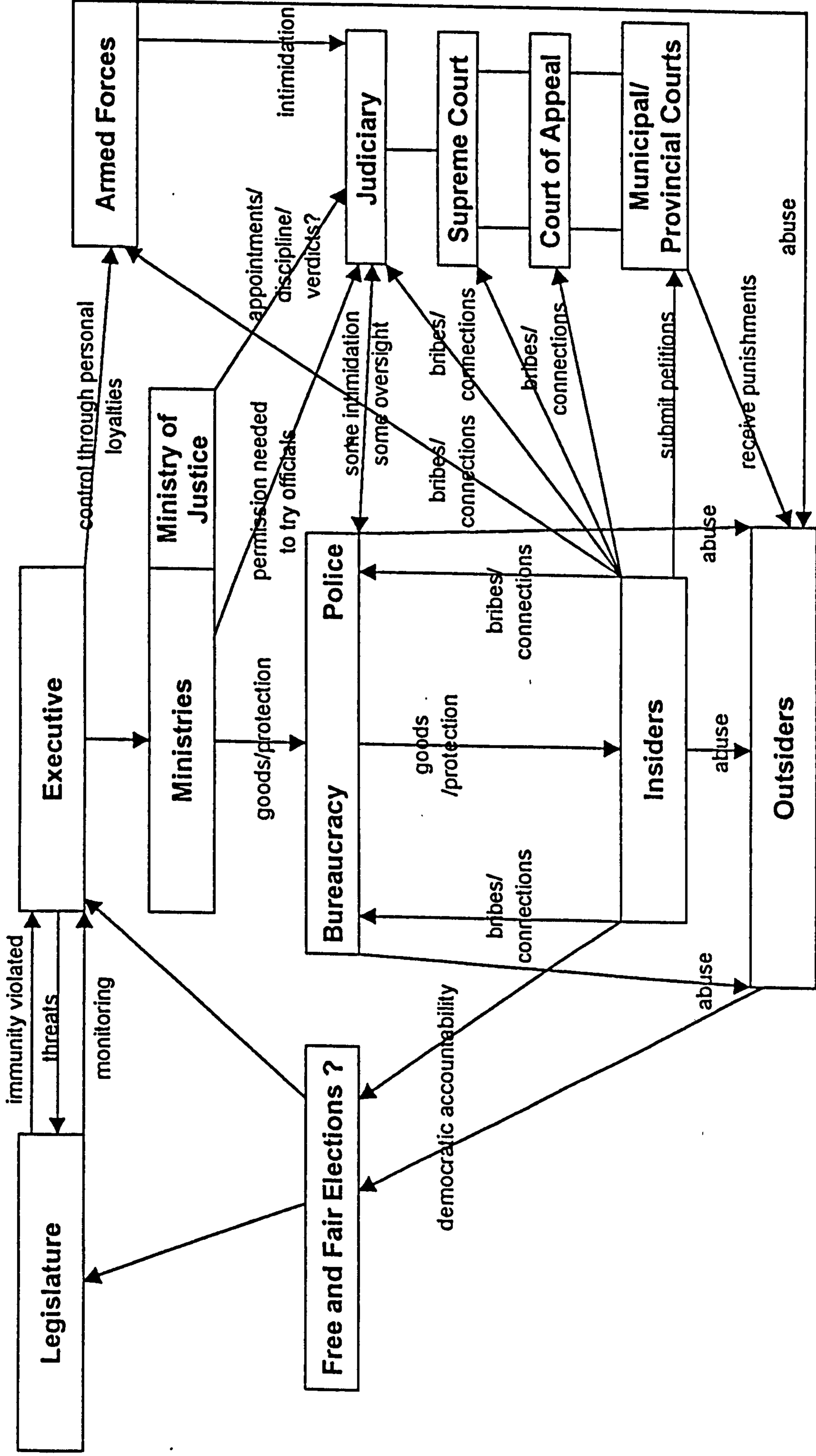


Fig. 5.2 Organization of the Cambodian State as Characterised by Interviewees



active political loyalty to an individual or party.

The personal nature of power and its association with distribution of material benefits works against the spread of power throughout society via a Foucauldian “network of relations”. It promotes a concentration of power at the apex of a hierarchy. It also militates against state-building because loyalty to party leaders is promoted above conceptions of the national interest. The continued rule of the protector at the apex of the system is constructed as the national interest, as the system becomes identified with protection of the nation. Consequently, citizenship rights of system ‘insiders’ are of a different order to citizenship rights of ‘outsiders’. In the context of deep political division, this fosters use of rights abuse in conflict resolution and marginalises secular political devices for interest mediation.

The case of the Cambodian judiciary is instructive, not only because Cambodian judges are located within the CPP economy of power and are thus expected to display politicised loyalties, but also because the position of the judiciary also exemplifies the marginalisation of law and due process, as secular devices for conflict resolution. Relations between court officials and the public also reflect the wider politicisation of the state-society relationship. The judiciary is examined here in three contexts: as it perceives itself as a branch of government; as it is perceived by politicians as a potential political weapon; and as it is perceived by human rights workers as an abusive state agency. It is argued that the power structure in which the judiciary exists militates against respect for rights of due process on the part of judges.

a) The judiciary as a branch of government. As Figure 5.2 shows, the judiciary is in no sense the independent and equal branch of government envisaged in the Constitution. Since 1993, judicial oversight has rarely been used to legitimise government decisions through the application of impartial review. Increasingly, extra-judicial means have been found to repress opponents, by-passing the judiciary altogether. Recourse to a fair and impartial tribunal is not a means by which disputes and conflicts are managed and dissipated in Cambodian politics. The Cambodian judiciary is used as a minor vehicle for strengthening the power of the CPP, as the dominant party in the governing coalition, by impressing upon the population a sense of the importance of political

loyalties.

Judges, when interviewed, displayed an awareness of the role of the judiciary in a liberal democratic economy of power, and were particularly conscious of the relationship between rule of law and free market economic relations:

[No] country [can] become prosperous until it has three different powers - executive, legislative and judiciary. The court department has to find justice for the truth for the public, so the court has to try the case legally - follow the law and not care about the pressures from outside.³⁷

To run the country, to develop the country, we need a separation of powers. When people don't believe in the law, not only the court but the whole country suffers.... It makes it easier for the country to [deal] with other countries ... if we can suppress crime... We can ... make the country ordered. So courts and laws are very important to make the country prosperous. When a country develops illegally it is not a good way.³⁸

Judges interviewed said that their position does not allow them to fulfil such a role. Institutional, political, professional, and material support are lacking. The judiciary was formally awarded independence by the 1993 Constitution, but the essential institution intended to support judges, the Supreme Council of Magistracy, has not been set up. This body was to have been responsible for making appointments, imposing discipline and assisting the King in his role as "guarantor of the independence of the judiciary".³⁹ In the absence of the Council, these tasks are undertaken by the Ministry of Justice, compromising judicial independence and the separation of powers.

Many judges lack any legal or judicial training. The contents of new laws are not circulated to judges and other court officers as a matter of course. A public defender complained:

I met a [police commander] in the Ministry of the Interior - he didn't know that the police should give the charge to the prosecutor for the trial. In 1994, I went ... to interview the ... Lieutenant-Colonel in charge of the judiciary

³⁷J2, personal interview (Khm.), 4 Apr. 1996, Kampot. All interviews were carried out under conditions of confidentiality; the letter 'J' and a number identify interviewees from the judiciary.

³⁸J1, personal interview (Khm.), 4 Apr. 1996, Kampot.

³⁹Constitution of the Kingdom of Cambodia, 1993, Arts. 113-115.

police. But he doesn't know the law. He said that he'd never seen the UNTAC law. So he just does what he did before.⁴⁰

Deprived of information and expertise, judges are forced to depend on the more powerful and well-informed Ministry of Justice for advice:

Cambodia is different from France - ... we should differentiate [between executive and judiciary], but now we don't have enough judges. The Supreme Court cannot ask the Ministry of Justice for verdicts. But in the lower level courts they could ask.⁴¹

Lacking formal support structures, judges and the legal process are open to abuse by more powerful branches of government. Judges and courts receive little protection from armed sections of the state and are vulnerable to intimidation given Cambodia's high degree of militarisation:

Since the recent election, we have become independent [but] ... in reality, we have pressure from the military, local authorities, other departments. Sometimes there is violence, sometimes verbal threats. To deal with these cases we depend on the local authority. Sometimes they can protect us. But sometimes it's a big leader of the Armed Forces and they cannot.... Most of the time we have got to be careful. Our safety is not guaranteed. People who violate the law are normally people with arms. Weapons are spread everywhere.⁴²

One difficulty is that ... Cambodia doesn't have enough peace in the community... People who lose cases come to the court with guns. They bring armed people to threaten the court. They don't obey the ordinance of the court.⁴³

It is significant that judges perceive the threat of intimidation as emerging from a variety of sources. While there is a widespread perception that judges "dare not go against the

⁴⁰L2, personal interview (Eng.), 11 Jan. 1996, Phnom Penh. To preserve confidentiality, lawyers and public defenders are identified with an 'L' and a number.

⁴¹J4, personal interview (Khmer.), 28 May 1996, Phnom Penh.

⁴²J1.

⁴³J5, personal interview (Khmer.), 30 May 1996, Phnom Penh. Limited support was awarded to the judiciary when Minister of Justice Chem Snguon protested over two episodes of violence against court personnel in January 1996 [Ker Munthit and Matthew Grainger, "Snguon gets tough in support of courts," *PPP*, 23 Feb. -7 Mar. 1996, 1]. Judges interviewed reported no specific policies implemented to suppress these violations.

Ministry of Justice",⁴⁴ judges also reported hostility and intimidation from local authorities, police and military, as well as threats from armed criminals who may not be identifiable as members of the government. Although they can call on some protection from military police, judges largely feel unsupported in the face of these attacks.

An attack by a group of monks and civilians on the Kampot Courthouse on 28 December 1995 exemplifies the climate of threat which surrounds judges. The group of demonstrators were protesting a decision made by the court over a land dispute. Local police were present during the attack, in which monks broke down the doors to the courthouse, smashed furniture and ransacked the courts' records. Court officers, including judges, were forced to flee the courthouse, but no arrests were made.⁴⁵ Consequently, the court was unable to assert its authority over the attackers and the prestige and power of court officials suffered as a result.

According to one human rights worker, the Kampot court later refused to investigate a complaint made by a woman who came from the same village as the demonstrators, as a retaliation against the attack. This indicates that the court officials attempted to exact some limited, personal vengeance for the attack. It is a response which is out of keeping with the establishment of rule of law but which exemplifies the use of official position to pursue personal agendas which characterises the Cambodian economy of power.

In 'political' cases, it is widely believed that judges are expected to deliver verdicts required by the Ministry of Justice, and that they comply with this expectation:

[Verdicts are dictated by the Ministry of Justice in] all the cases that are related to political members. For example - you are working in one political group - for the CPP. And the judge asks you to do something that is not in favour of you. So you will go to any person who you know and then that

⁴⁴L1, personal interview (Eng.), 11 Jan. 1996, Phnom Penh.

⁴⁵ I was able to see a video of the demonstration, documenting the event from assembly at the pagoda, truck journey to the courthouse, to inflicting of damage on the courthouse buildings. I was told the Ministry of Information had filmed this video, but it was not clear why the film had been made, nor why the authorities did not protect the judges and prosecutor who fled the scene. The effect of the violence was as clear as its instigators and ulterior motivation were mysterious. Similarly, the extent of actual armed intimidation against the judiciary is unclear, but that the judiciary is operating in a climate of fear is, on the evidence of this film, unquestionable.

person will ask the Ministry of Justice to provide anything like that. To support you.⁴⁶

In spite of this, the lack of support given to the judiciary, and the intimidation of the judiciary by other elements of the state, indicates that judges do not enjoy high status as a central element in the government's punitive apparatus. Their position may be viewed as that of low-status state functionaries, expected to follow orders in return for retention of a position which may be exploited to attract income through bribe-taking.

Judges themselves did not consider their position as particularly valued or desirable. Asked why they became judges, those interviewed for this study replied that they were appointed by the Vietnamese-backed regime in the early 1980s which "just appointed people with a general education" after the destruction of the former French-trained judiciary in the DK era: "In the old days, you just agreed with the appointment. You had no choice."⁴⁷ Under the KPRP/SoC regime, the judiciary had no independence and no discretionary power: "When the court was founded, we were under control of the Communist regime - we must follow the guidance of the Party."⁴⁸

Judges emphasised that although the 1993 Constitution changed their role on paper, there has been little alteration in their material circumstances. This is apparent from a comparison of the neglected condition of the Supreme Court Building in Phnom Penh, with the restored National Assembly building and the imposing and modern Office of the Council of Ministers. Complaints made by judges regarding the material constraints on judicial activity exemplify the lack of regard given the judiciary by the centre of power. The level of judicial salaries, at approximately \$20 a month,⁴⁹ is inadequate to support an individual and inhibits honesty:

A really serious difficulty is the standard of living of the court personnel. We can only just exist... if our living standard was good enough, we could

⁴⁶L1.

⁴⁷J1.

⁴⁸J2.

⁴⁹Michael Kirby, "Human Rights Questions: Technical Co-operation in the Field of Human Rights," UN Document A/50/68, Sept. 1995, 12.

be honest. But if we don't have enough money, even honest people have difficulties.⁵⁰

Few resources are made available for equipment or investigations;

We have the will to rebuild the country, but we need enough budget and equipment. Before, we didn't have this courtroom - we just had to go and work in a small house..... If we compare our salary, it cannot compare to prices. We cannot live. We would like to find justice, but we have an unjust salary.⁵¹

In this court, if we didn't have assistance from [foreign NGO workers] we might not have paper. And there is a lack of resources for investigations - equipment to look for fingerprints, autopsy reports. Not only that, but money to pay for the investigating judge to go and investigate. If he has to go far away he needs transport. If he stays overnight he needs money for rice and accommodation.⁵²

Lack of material support, visible in the accommodation of courthouses in small, unimpressive buildings, clearly signals the judiciary's low status. International NGO workers describe efforts to bolster the position of judges through the provision of material support, training and encouragement of judges to take pride in their status:

First, we showed up and said we care about you, we see you as colleagues, we support you. Second, we gave them training in analysing cases... Third we gave them things - for example, we upgraded the courthouses.⁵³

We redid the courtroom. You can influence the whole court by redesigning the courthouse. Before, everyone was on the same level - the judge, the defendant and the prosecutor. So we raised the judge's seat. And there was laundry hanging up in the court - someone was living in there. We set up permanent desks and repainted it.... Then they feel better, as a judge, to hold the court - they feel proud... That's some progress.⁵⁴

While such international support addresses the material inadequacies arising from lack of governmental concern for the role of the judiciary, it does not address the lack of

⁵⁰J1.

⁵¹J2.

⁵²J1.

⁵³I9, personal interview, 31 Mar. 1996, Phnom Penh.

⁵⁴I8, personal interview, 22 May 1996, Phnom Penh.

concern itself. Judges complain that other branches of government continually usurp the power awarded to them by the Constitution. For example:

In Cambodia there are three classes of court... municipal or provincial court, Appeal Court, then Supreme Court. Some people already complained to the three courts - but when they lose they continue to make a complaint to the King. They do not accept they have lost. The King is not the one to settle the problems. But people try to complain to the King... so the King will order the Ministry of Justice to review the case again.⁵⁵

The law says clearly that the prosecutor should direct all investigations, and especially the police investigations. But in some provinces, the prosecutor cannot even go to check the prison without the permission of the police...⁵⁶

Another problem is Article 51.⁵⁷ Before we charge someone who works in the civil service, we need permission from the concerned department. Sometimes it is easy, sometimes it is difficult - it depends. But it causes a delay. It normally takes six months or more.⁵⁸

The decision of the judge is not perceived as final, and judges are not perceived as possessing sole and independent jurisdiction over matters of law. This subordination of the judiciary as a government power reflects the marginalisation of law itself to other means of organising relationships and resolving disputes. Few laws have been passed since 1993, as significant levels of absenteeism in the National Assembly have delayed legislative activity.⁵⁹ Those laws that have reached the statute books are not disseminated to the competent authorities, and powerful branches of government ignore their provisions:

⁵⁵J4.

⁵⁶J1.

⁵⁷The interviewee is referring to Art. 51 of the Law Regulating Civil Servants, passed in October 1994.

⁵⁸J1. Under Cambodian law, detainees cannot be held without trial for longer than six months.

⁵⁹Ker Munthit, "MPs Busy Passing 106 Words a Fortnight," *PPP*, 12-23 July 1996, 2. The 1995/6 parliamentary session failed to pass much of the legislation required for the holding of commune elections in 1997, particularly the nationality law, political parties law, and the electoral law itself. This was partly due to the difficulties experienced in getting a quorum of MPs to attend parliamentary debates. Extra sessions were scheduled for July 1997, when the assembly should have been in recess but these were equally ill-attended. Arguably, the problems experienced in the functioning of the National Assembly mirror the problems in the functioning of an independent judiciary. Both are caused by a subordination of law and accountability to the imperative of bolstering the visible and personal power of the executive branch.

There is not enough law in Cambodia. There are more than seventy articles in UNTAC law, but they are not clear. If they are not clear about the crime, what can the courts do?⁶⁰

The National Assembly or the MoI or the Council of Ministers always forget about the criminal procedures. They just say we have the old law, use that one. That's why the justice system is jumping up and down.⁶¹

The problem is the executive doesn't look at the law - it only exists on paper... For example, the law on forestry. Even though there has been a sub-decree by the prime ministers, the forestry department doesn't follow the law. They are logging out the forests. We have no way to solve [the problem].⁶²

The economy of power which operates in Cambodia provides an explanation for the lack of attention to legal and judicial questions. Laws are restrictive to the exercise of power in a polity in which political advantage is achieved through the ability to grant discretionary rights of protection or material advantage. The juridical equality of citizens implied by the strengthening of rule of law under the auspices of an independent judiciary is a fundamental aspect of liberal democratic and human rights respecting hegemonic rule. In the Cambodian economy of power, the juridical constitution of the citizen, imbued with entitlements and rights held against the state, regardless of personal status, loyalties and relationships, is anathema to the maintenance of clear bases of personal support through the awarding of protection and material advantage to followers. In the competitive political atmosphere found in Cambodia in the 1990s, it was not in the interests of rulers to allow such support bases to fade away.

For this reason, arguably, the Government has not given priority to the strengthening of the judiciary and rule of law. A high-ranking Ministry of Justice official commented: "It is natural for a country just after the war to need time to rebuild the system. It can't be done in one year. We have to do it step by step."⁶³ Few steps have been taken, and the

⁶⁰J1.

⁶¹L3, personal interview (Eng.), 15 Mar. 1996, Phnom Penh. The term 'jumping up and down' is a Khmer expression which could be more colloquially translated as 'running around like a headless chicken'.

⁶²J3, personal interview (Khm.), 4 Apr. 1996, Kampot.

⁶³E2, personal interview (Fr.), 31 July 1996, Phnom Penh.

consistent neglect of the legal system, to the extent that no progress has been made towards providing any institutional, legal or material support by the government, shows a pattern of lack of political will. The failure to set up constitutional arrangements to ensure the judiciary's independence; the failure to draft laws regarding the organisation of courts, and penal and civil codes and procedures; the failure to take steps to increase the prestige and efficiency of judges by providing them with increased salaries or adequate resources for conducting investigations and trials; and the continued alleged interference of the Ministry of Justice in verdicts, especially in political cases, indicate that there is, at least, no vested interest in creating a strong and independent judiciary. Examination of preferred power relationships suggests that there are vested interests in perpetuation of judicial weakness.

Low salaries awarded to judges, by contributing to the prevalence of bribe-taking, ensure that the courts will not become an avenue of recourse for the ordinary citizen.

The Ministry of Justice appears to view this prospect with approval:

Confidence in the court system is increasing very well; but people are not using it more because we always use a mediation system. We have an arrangement to mediate between friends and family; afterwards with the chief of the district if he wants. If he doesn't accept the decision, *then* he has to go to court... Most of the affairs are solved by the chief of the district or of the *sangkhat*.⁶⁴

It is highly unusual in any country for a high-level Ministry official to applaud unofficial mechanisms which bypass his own domain. The de-emphasis of the role of the judiciary is evidence that the judiciary is not seen as a channel through which power can be efficiently or appropriately exercised in Cambodia. Despite the terms of the Constitution, the position of the judiciary in Cambodia in 1996 was consistent with a gradual retreat away from attempts to distribute power via liberal democratic mechanisms. Movement towards a more familiar Cambodian economy of power was marked during this period.

b) The judiciary as a tool of political repression. It might be expected that, even in this

⁶⁴E2.

power context, judges could occupy a favoured position as instruments of a particular party, performing the important function of punishing its enemies. Although judicial positions are monopolised by the CPP,⁶⁵ judges' loyalties do not seem to command a particularly high price, in terms of awarded status or material benefit.

The judiciary is not frequently used to achieve precise outcomes in major political cases, as a tool of repressive government power. In such cases, the role of the judiciary has been minor. During the period of the fieldwork, three high-profile trials involving political opponents of the government were held. The trial of Prince Norodom Sirivudh, former Secretary-General of Funcinpec, on charges of organised crime and possession of illegal firearms was held in February 1996 at Phnom Penh Municipal Court. Sirivudh had been arrested the previous November, following newspaper allegations that the Prince was involved in a plot to assassinate Hun Sen. Supreme Court hearings of appeals against prison sentences imposed on opposition journalists Chan Ratana, and Hen Vipheak, both previously convicted of disinformation, were held in June and August 1996 respectively.

Analysis of these cases indicates that, even in these instances, judicial process was relatively unimportant compared to the events surrounding the trials. This is not only because the verdicts were politically motivated and were probably determined in advance. The atmosphere of threat and the political manoeuvring surrounding the trials created a perception that power was exercised personally, by aggrieved individuals whose power had been challenged, rather than by a conceptualised notion of 'society' operating via the impartial procedures of 'the law'. Use of the courts may have been designed to give legitimacy to the verdicts in the eyes of the international community.

In the Sirivudh case, the power contest underlying the legal accusations was a contest between Hun Sen, on one side, and the monarchy and Funcinpec, combined in the person of Sirivudh, on the other. Sirivudh is half-brother to the King, and enjoyed

⁶⁵Munthit, "Ranariddh Targets CPP's Control of Judiciary," *PPP* 20 Oct.- 2 Nov. 1995, 3. Ranariddh complained that there were no Funcinpec judges and that, as a result, Funcinpec could not appoint anyone to the Supreme Council of Magistracy, leaving the judicial system entirely in CPP hands.

popularity and prestige as the Secretary-General of Funcinpec. He had also been closely associated with former Minister of Economics and Finance, Sam Rainsy, having resigned as Minister of Foreign Affairs in 1995 in protest after the sacking of Rainsy from his ministerial position and subsequent expulsion from Funcinpec. These activities had made him a potential target for both elements within Funcinpec and for the CPP.

A significant aspect of the Sirivudh case is that, initially, legal procedures were followed, but these became increasingly irrelevant, as soon as it was clear that Sirivudh's potential allies would mount little resistance. Eventually the opportunity of resolving the issue via judicial process was "effectively" barred by threats of violence. Arguably, resort to legal formalities was employed initially as a strategy to obscure and conceal, from international scrutiny, the real mechanics of Sirivudh's downfall.

Formally, the case began when Sirivudh was "invited to stay at home for his own protection",⁶⁶ in the words of Minister for Information, Ieng Mouly, on 17 November 1995, following the uncovering of evidence of his alleged involvement in a plot to assassinate Hun Sen. This formulation was used to avoid criticism that the activities of 17 November 1995 violated Sirivudh's constitutional right to immunity from arrest, as an elected member of the National Assembly.⁶⁷ On 21 November, the National Assembly voted unanimously to strip him of his parliamentary immunity, without hearing any of the evidence against him. This allowed Sirivudh to be formally arrested and charged.

These legal issues were surrounded from the outset by extra-legal activity, including threats of violence. The major piece of evidence against Sirivudh was a tape-recording of a private telephone conversation, which had been made illegally and in violation of Sirivudh's constitutional right to privacy.⁶⁸ On 17 November, around 100 troops, five

⁶⁶Gretchen Peters and Barton Biggs, "Gov't Implicates Sirivudh in Alleged Plot," *CD*, 20 Nov. 1995, 9.

⁶⁷Constitution Art. 80.

⁶⁸Constitution Art. 40, states, "The right to privacy of residence and to the secrecy of correspondence by mail, telegram, fax, telex and telephone shall be guaranteed."

tanks and an armoured personnel carrier, loyal to Hun Sen arrived in Phnom Penh to take up positions around the houses of Hun Sen and Sirivudh,⁶⁹ contributing significantly to an atmosphere of tension and physical intimidation. Allegations of threats of violence also began to be made almost immediately. These were crucial in dictating the reaction of potentially powerful actors such as the King, Ranariddh, and the National Assembly.

On 20 November, the King released a statement reporting that he had written to warn his half-brother to stay at home “because outside there are ‘anti-Sirivudhs’ who want to kill him”.⁷⁰ On the following day, after the vote was taken to lift Sirivudh’s immunity, the *Cambodia Daily* reported that Funcinpec MPs had received orders from Ranariddh to vote in this way. MPs told the newspaper that they feared if they had voted otherwise they would have been “finished with Funcinpec” and “in big trouble”. The newspaper reported that Ranariddh had “told Funcinpec MPs that if Prince Sirivudh did not stand trial, he could be killed” and “had given in to demands to detain Prince Sirivudh Friday night after receiving a report that, if he were not detained, ‘he would be dead by 4 am [Saturday]’”.⁷¹

Three days later, Ranariddh released a statement claiming, “Without my successive interventions, personal interventions and also in my capacity as First Prime Minister, Prince Sirivudh, at present would not longer be in this world”.⁷² On 28 November, the King wrote to the *Cambodia Daily* that “Silence is golden... the less Sirivudh says, the better it will be for him.... The reason, in particular, is to save his life, even if he still has to go to prison”.⁷³

It is significant that at no time during the period of Sirivudh’s imprisonment did any of

⁶⁹Biggs, “Distressed King to Leave Country,” *CD* 23 Nov. 1995, 1.

⁷⁰Peters, “Sirivudh Put in T3 Prison...” *CD* 22 Nov. 1995, 2.

⁷¹Robin McDowell and Peters, “Sirivudh Stripped of Immunity, Taken to T3; Evidence Not Heard; MP Vote Unanimous,” *CD* 22 Nov. 1995, 10.

⁷²“Ranariddh Denies Losing Grip on Party, Gov’t,” *CD* 27 Nov. 1995, 8.

⁷³Peters, “King Says for Sirivudh ‘Silence is Golden’,” *CD* 29 Nov. 1995, 8.

these actors question why Sirivudh should be in danger, or the identity of those who made the threats. Potential supporters of Sirivudh behaved consistently as if violence against him was unavoidable, even though, following the vote to lift his immunity, Sirivudh was taken into the custody of the Ministry of the Interior.

This exposes the artifice inherent in Cambodian government organisations. The National Assembly could not protect one of its members despite constitutional provisions of immunity. Funcinpec and BLDP MPs candidly admitted that they were intimidated and perceived themselves as powerless to affect the course of events. Parliamentary immunity - designed to preserve the integrity of the National Assembly as an institution from attempts at intervention from other branches of power - was violated by the individuals it protects. Instead of defending the *de jure* status of the legislative branch vis-à-vis the executive, deputies accepted the *de facto* constitutional violation, seeking only to ameliorate the outcome, and save Sirivudh's life.

In the face of direct threats of violence, the lack of meaning and value invested in constitutionality since 1993 was exposed. Rather than contributing to power or governance by promoting the consistent application of valued patterns of behaviour, Cambodian state organs merely provide the landscape over which battles for dominance between individuals and their followers are symbolically fought - replacing the actual battles between factional armies which took place in earlier years.⁷⁴ Legality is not a

⁷⁴The role of the National Assembly from 1993 to 1997, like that of the judiciary, was highly dependent on the wider power context described. In some issue areas the Assembly was able to operate as a significant political actor, while in others it was subject to intimidation by the executive power. The issue of legislative oversight of ministerial activities is particularly important for ensuring accountability. An editorial in *Reasmei Kampuchea*, in June 1996, described an appearance by Ing Kieth, Minister for Public Works, before the National Assembly to answer questions, noting approvingly that this was a sign that the National Assembly was taking steps towards fulfilling its role of oversight of ministerial activities. This occasion was the first time a minister had appeared before the full Assembly, as opposed to specialist National Assembly Commissions (such as the National Assembly Human Rights Commission before whom the Minister of Interior and the Minister of Defence had appeared). *Reasmei Kampuchea* commented that in general, the response of ministries to the National Assembly was poor, noting that "some government ministers do not reply to the line of questions put by the people's representatives ... until after the time limit" and "do not come to explain as requested by the competent commissions who invite them for questioning". The newspaper noted, "This lack of respect cause those who are unhappy to say that "the government rides a horse with no reins" ["Editorial: Welcome Courage!" *RK* 1 June 1996, 2]. Significantly, the editorial warned that legislative oversight should not be used "to create a situation where rough words are used in order to [do each other down] or where problems are created, out of

significant resource of power in Cambodia; military force is. The deployment of tanks exhibited Hun Sen's determination that Sirivudh should be removed. Resort to the provisions of the constitution were considered by National Assembly members to be worthless in combating a credible military threat.

Sirivudh acknowledged the mismatch between his *de jure* and *de facto* status during the period he spent in custody when he said later:

I want to thank those MPs, thank my party boss for saving my life. But I want also to say that it was a very strange way to save someone's life, by voting to strip them of their immunity... I think that they really believed the threats that I would be killed if they did not do that. But I think many of them have a very heavy conscience following that vote...⁷⁵

It is significant that the threats that Sirivudh would be killed 'if he were not detained' and the view that his life could be saved "even if he has to go to prison"⁷⁶ altered as soon as parliamentary immunity had been lifted. On 12 December, having brokered an exile deal with Hun Sen, the King wrote to Sirivudh saying that if he went to jail, "You would die at the hands of these people who are killers and assassins".⁷⁷ Arguably, between the vote to lift Sirivudh's immunity and the brokering of the exile deal on 12 December, a decision was made to resolve the crisis by extra-judicial means.

Reflecting the decision that there was to be no trial, Sirivudh's guilt was from this point onward assumed. In a letter to Hun Sen, arranging the exile deal, King Sihanouk wrote:

My younger brother, Norodom Sirivudh, uttered words directed against Your Excellency which were totally unjust, unjustified, and unforgivable. But as Your Excellency is a strong pillar in noble support of Buddhism and The *Dharma*, which encourages us to be tolerant and to accord pardon to the guilty, I humbly permit myself to ask Your Excellency *Samdech's* compassion ... and for a semi-pardon for my younger brother Norodom Sirivudh in the form of expulsion from Cambodia and consignment into exile in France... As for Cambodian justice, it will be able to follow its

revenge, in order to bring the dignity [of individuals] into disrepute".

⁷⁵Biggs, "Sirivudh on Funcinpec and 'Forgotten Ideals'," CD 5 Feb. 1996, 2.

⁷⁶See footnotes 70 and 72.

⁷⁷Peters and James Kanter, "King Warns Sirivudh of Possible Death in Prison," CD 14 Dec. 1995, 1.

course concerning the case of Norodom Sirivudh, who uttered very unfortunate words of menace and murder directed against Your Excellency *Samdech*...⁷⁸

Although the King refers to “Cambodian justice” being “able to follow its course”, for Sirivudh to accept the exile deal requires him to accept the assumption that he is guilty.

The King’s request to Hun Sen is framed in language which is quite different from the language of law and rights, as an alternative system of values is invoked. The King places himself in the role of petitioner, emphasising the discretionary power of “His Excellency *Samdech*”, within a moral world in which the duty of the ruler, according to Buddhist teaching, is to show compassion and mercy to the weak. The imagery invoked places Hun Sen in the role of a *Dhammaraja* whose duties of compassion define the concept of justice. This role contrasts with that of a constitutional ruler whose power is constrained by a notion of justice as an objective reality, laid down in written laws and interpreted by ‘impartial’ courts.

Similarly, Sirivudh is not constructed as a citizen with rights, including the right to due process to determine his objective guilt or innocence. He is constructed as a subject who is dependent for his status on the compassion of the offended ruler. The King requests that Hun Sen act to restore the appropriate, compassionate relationship between ruler and ruled, rather than requiring an independent investigation to determine whether an infraction of secular law has occurred. The terms of the request made by the King exemplify the extent to which a perception of the traditional cosmological relationship between ruler and ruled, described in Chapter Four, remains central to Cambodian state-society relationships. Conceptions of rule of law and the equality of the rights-bearing citizen are subordinate to conceptions of the power of the ruler to determine and embody justice and mercy.

Shifted into this conceptual framework, the subsequent trial is irrelevant in terms of deciding the question of culpability. Sirivudh was required to give up his right to due

⁷⁸Norodom Sihanouk, letter to Hun Sen, 12 December 1995, unofficial trans., published as “Exchange Between King Sihanouk and Second PM Hun Sen,” *CD* 13 Dec. 1995, 9.

to ten years imprisonment on charges of criminal conspiracy and the bearing and transporting of illegal weapons. One of his defence lawyers received death threats before the trial, and perhaps because of this, his defence team did not cross-examine any witnesses.⁸⁴ Although the sentence means that Sirivudh would be arrested and imprisoned immediately, if he returned to Phnom Penh, on a number of occasions in 1996 he stated an intention to return. This prompted threats from second Prime Minister Hun Sen that he would meet Sirivudh at the airport "with tanks and rocket launchers".⁸⁵

These threats combined to distract attention from the trial itself, and the judicial punishment imposed. This issue was turned into a personal and violent contest between the two men: Sirivudh was cast in the role of an invading and subversive threat, while Hun Sen portrayed himself as the aggrieved party, purging the country of bad elements and avenging himself with his superior power. Once framed within this economy of power, legal questions became inapplicable, and few observers attempted to shift the level of discourse back into a more secular, juridical notion of power. The manner in which the Sirivudh case was treated indicates the emptiness of constitutional provisions and government organisations such as the National Assembly and the court which have not been invested with any meaning within the Cambodian power context. The protagonists with the relevant resources to affect the outcome were Hun Sen, drawing on the personal loyalties of troops, and the King, using the great prestige attached to his position.

The role of the courts as instruments of government strategy in the cases of the journalists Chan Ratana and Hen Vipheak is similar. Although a greater role was given to the courts, in so far as appeals against sentence were pursued as far as the Supreme Court, the impact of the court's decision was largely nullified by the fact that the King had already offered an amnesty months before the Supreme Court's final hearing took place. The King stated that the amnesty would not be awarded unless the two prime ministers agreed. Ranariddh swiftly did so; Hun Sen, however, stated that the courts

⁸⁴112, personal interview, 4 June 1996, Phnom Penh.

⁸⁵"Malaysian PM Sends Plug for Political Stability," *PPP* 27 Dec. 1996 - 9 Jan. 1997, 3.

must be allowed to judge the cases first, thereby inserting himself in the position of having the final say on the matter.⁸⁶ Chan Ratana and Hen Vipheak both received amnesties within days of their imprisonment, after the Supreme Court upheld the verdicts against them.

Again, the major power brokers in the situation were the two prime ministers and the King. The court's decision was assumed from the outset and discussion over the question of amnesty distracted attention from the court as a channel for the exercise of power. The outcome of the Supreme Court hearing on Chan Ratana's case was reported in advance in anti-government newspapers,⁸⁷ following a leak by an undercover KNP member working in the Ministry of the Interior.⁸⁸ The certainty of the outcome was also indicated by the presence of large numbers of troops around the Supreme Court building while the hearing was taking place. The deployment of these troops and the speed with which Ratana was removed to jail following the reading of the decision added an element of physical threat to the court proceedings.⁸⁹

The extrajudicial killing, on 18 May 1996, of Thun Bunly, publisher of the newspaper *Udam Kate Khmer* and the fourth Cambodian journalist to be murdered since 1993 also overshadowed these cases.⁹⁰ Bunly had also been awaiting a Supreme Court hearing.

⁸⁶Sihanouk wrote in response to a petition from *Samleng Yuvachon Khmer* journalists: "I am waiting to erase the punishment of Mr Chan Ratana but I cannot reach an accommodation with His Excellency Hun Sen about this matter. The erasure of Mr Chan Ratana's punishment will be effected as soon as I have received agreement from Mr Hun Sen" ["Sihanouk: I Am Waiting to Erase the Punishment of Mr Chan Ratana, but I Cannot Come to an Accommodation with His Excellency Hun Sen about this Matter," *MK* 3-4 July 1996, 1].

⁸⁷*Moneaksekar Khmer* reported, accurately, in its 25 June edition, three days before the hearing that:

the verdict against the former *Samleng Yuvachon Khmer* editor, Chan Ratana, ... will be upheld by the judges just the same. Sources added that they would seize Mr Chan Ratana roughly... and take him to jail immediately. ["Mr Yim Sokha Will Become the First Political Prisoner in the Second Kingdom of Cambodia," *MK* 25-26 June 1996, 1].

⁸⁸N9, personal interview (Khmer.), 20 June 1996, Phnom Penh. To preserve confidentiality, journalists are referred to with a letter 'N' followed by a number.

⁸⁹Author's observations, Supreme Court hearing of the case of Mr Chan Ratana, 28 June 1996, Phnom Penh. The presence of "an armed force of more than 200 troops (police and military police)" at the hearing was also foretold in the edition of *Moneaksekar Khmer* which appeared on the morning of the trial, ["Mr Chan Ratana is interviewed on NDN Television," *MK* 28-29 June 1996, 1].

⁹⁰Two journalists died in the summer of 1994 - one was the editor of *Antarakum* who was "secretly and

Following the initiation of all three cases in mid-1995, the use of the courts in dealing with journalists was abandoned in favour of more direct means of repression, culminating in the closing of all opposition newspapers after the July 1997 coup, and the death or flight of opposition journalists.

There is little observable effort to empower the court system for use as an instrument of the authoritarian state in Cambodia, because the structure and discourse of the Cambodian economy of power militates against this. Violence is a more effective and useful power resource for a government which is by no means totalitarian. Power in Cambodia is not exercised to homogenise or regulate society, nor is it used to force compliance to strict and intrusive norms or rules. These roles would invest a court system with importance as a repressive tool. In Cambodia, pervasive lawlessness and bribe-taking indicate that wide margins are allowed for particular kinds of freedoms, although these are not liberal democratic freedoms.

The wide margins of discretion for action, enjoyed by insiders, is arguably the most vital element of the economy of power in Cambodia. Power is exercised by personalities rather than by bureaucrats, in a discretionary and, sometimes, arbitrary manner. Political leaders mobilise support by protecting and rewarding supporters, and by marginalising opponents. By contrast, little attention is paid to the creation of systems for the efficient implementation of policy. Cambodian politicians seek the active loyalty of individuals, not the passive subjection of the population. Because insecurity pervades all levels of

severely beaten on his head and neck" just a few days after his newspaper resumed publication following a bomb attack on its office in March 1994. The second was Nguon Chan, editor of *Samleng Yuvachon Khmer* (the paper subsequently edited by Chan Ratana). Nguon Chan was shot dead in Phnom Penh on 7 September 1994, following articles in his newspaper which criticised the government and Cambodian businessman Teng Bunma, and which hinted at Bunma's involvement in the 2 July 1994 attempted coup. A third journalist, Chan Dara, of *Koh Santepheap*, was murdered in Kompong Cham province after writing articles criticising unregulated timber exports from the province to Vietnam. CPP General Sat Soeun was indicted for the murder but was acquitted by Kompong Cham provincial court ["Cambodia: Assassinations, Terrorism, Warnings, Judiciary Pursuits... Against Freedom of Press," Address by Chan Ratana, Press Forum, Phnom Penh, 31 July 1996]. A Funcinpec radio disc-jockey, Ek Mongkul, was seriously injured in an assassination attempt in February 1996, a few days after reading "an article ... about the government's criticism of Vietnamese encroachment along the eastern border" [Chaumeau, "Motive still unknown in shooting of radio star," *PPP* 23 Feb.- 7 Mar. 1996, 4]. Journalists have also been killed following the 1997 coup. No convictions have been secured in any of these cases; General Sat Soeun has been the only suspect arrested in connection with them.

society, a hierarchical chain forms through which power can be distributed. The links in this chain are personal ties of loyalty and support, created as people of all social ranks seek out or buy connections to protect themselves:

The core members of the political party - the court cannot catch them. Because the court is the same party.⁹¹

All of our clients are poor and I never saw any rich man arrested.⁹²

If one relative is powerful then the whole family - no one can threaten them.⁹³

Law is relevant to the project of politicians only in a tactical sense. Applied more generally, through the construction of a 'rule of law state', law impedes the smooth working of this system. Rule of law disrupts the chains of reciprocity which bind the levels of the hierarchy to one another, by ensuring an even distribution of services according to non-personalised criteria, and by extending general and undifferentiated protection of society as a whole. Routing power via the judiciary detracts from the personal nature of power exercise. Consequently in Cambodian political trials, the trial itself is never the major focus of attention. The spotlight is always diverted away from the actual court scene towards the power brokers, the dealers, and the personalities, who intervene with expressions of personal animosity or offers of protection. The judge, and the process of law itself, remains firmly in the background.

Pursuit of judicial repression of political enemies requires that infractions be framed in juridical language. This in itself facilitates articulation of criticism using human rights language. The length of time required for a case to progress through the courts also suggests that the judiciary is unlikely to become a favoured weapon of the Cambodian government. In the case of Sirivudh, a trial and possible imprisonment could have turned Sirivudh into a *cause célèbre*. Consequently, great pains were taken to ensure that he would not stand trial or be allowed to return to face his punishment.

⁹¹H2, personal interview (Khm.), 29 July 1996, Kompong Cham.

⁹²L2

⁹³H3, personal interview (Khm.), 4 Apr. 1996, Kampot.

In Cambodia, different concepts of power mean that judicial process does not legitimise government action in the eyes of the public and thus operate as a resource of power. For judicial power to bestow legitimacy implies that an action taken by the judiciary is more rightful than the same action taken by another power cluster. In liberal democratic societies, the rightfulness of the judiciary's power to punish is achieved by the ideological investment of the judiciary with particular attributes - independence, impartiality, learning, and status.

In the economy of power described here, these qualities are not ideologically constructed in the same way. The ability to protect, punish and reward is valued in the national leader. Loyalty to a leader is rightfully rewarded by protection, while disloyalty is met with punishment. The display of power inherent in the Sirivudh case reaffirmed Hun Sen's control and leadership capacity by demonstrating his ability to avenge himself - personally and without help from institutions of state - upon would-be assassins. The treatment of Sirivudh was not legitimised by the show of judicial process involved, but by Hun Sen's assumption, from the first, of his right, as a powerful leader, to take vengeance against a challenger. Other actors in the case did not challenge this right.

David Stern describes how modernity constructs the individual as a juridical entity in its dealings with the state, thus ensuring an even and hegemonic penetration of state power which acts alike on all subjects. In pre-modern states, he argues,

relations of authority and power, obligations, provision of evidence in legal matters, and so on, were all tied to particular features of the concrete situation in which they occurred. Questions about the origin of one's family, one's occupation, connections with other persons, participation in public rituals, possession of property and so on, were critical determinants of one's political standing.

Stern views the "achievement of the modern age" as the construction of the citizen "uncontaminated by the contingent features distinguishing one person from another".⁹⁴ In

⁹⁴David S. Stern, "State Sovereignty: The Politics of Identity and the Place of the Political," *Perspectives on Third-World Sovereignty, The Postmodern Paradox*, eds. Mark E. Denham and Mark Owen Lombardi (London: Macmillan, 1996) 32.

the Cambodian economy of power, the status of the individual, as government views him, is contingent. His loyalty (and the loyalty, in turn, of his followers) is a resource of power for rulers whose ability to retain their position is a function of the number of bodies they can mobilise in their support. His personal qualities are essential to his utility as a supporter and to the danger inherent in his enmity.

The assessment made by those in power of an individual's utility or potential as a challenger is crucial in determining whether the rights of an individual will be respected. If an individual is weak and unimportant, he may be preyed upon for financial gain or used as an example to others. If he is strong and important, able to mobilise followers of his own, he may be protected and rewarded in the hope that his support will be awarded reciprocally in the future. Senior Khmer Rouge defectors have frequently been treated in this way. Alternatively, steps may be taken to exclude powerful individuals from the political process, as in the Sirivudh case and in the coup which ousted Ranariddh in July 1997. Governance by means of such relationships is incompatible with the construction of the modern, rights-bearing citizen. Because of this, it is incompatible with liberal democratic rule of law as well as with totalitarian repression by means of law.

Because the judicial system has a limited role in solving political problems means that the government has little to fear from allowing foreign NGOs, such as the International Human Rights Law Group's Court Training Project, to offer training and material assistance to provincial and municipal judges. International assistance of this kind has little impact on the prevailing economy of power since such assistance offers benefits to judges without requiring that their loyalties be transferred away from the government.

c) The judiciary as an abusive state organisation. International training may alter the practice of judges in non-political cases, since central government does not monitor such cases. The judiciary's handling of non-political cases is characterised by human rights organisations not as uniformly repressive, but as erratic, and as likely to be based on nepotism, cronyism, or pure prejudice as considerations of either due process of law or the advancement of political power. International training may, in some cases, alter this balance in favour of adherence to legal codes and procedures. Other central features

which undermine impartiality in the courts are the solidarity of members of the CPP, and the importance of bribe taking. It is unlikely that international training can erase these factors since they are at the heart of the economy of power within which judges are located. A judge retains his position only by displaying loyalty to other CPP members. He can make a living only by taking bribes. For example,

Sometimes the judge doesn't care what proof is submitted by the defender because they have received a bribe from the rich. And almost all judges are appointed by the political party, and they keep working for the political party. They don't work for the public, don't work for the interests of the people. So in any political conflict, they will support their party.⁹⁵

The absence of adequate salaries requires that, in a majority of cases, judges be allowed by central government to use their position as they see fit for the generation of income through bribe taking. This results in a lack of trust in the court system, especially among the poor. For judges, as for other state employees, holding an official position provides opportunities for personal enrichment as a result of rent-seeking activities, and for networking 'inside', thereby gaining access to other important state services. Within the Cambodian economy of power, these activities are believed to provide sufficient reward.

Concerned to generate income, the performance of the judge in court must be designed to impress upon the accused the personal power at the judge's command. This power must be portrayed as unconstrained by regulations, but open to deflection through the offering of bribes. The judge reproduces at the micro-level the power relations that exist at the macro-level: power relations based upon personal ability to prevail.

Because of the emphasis on personal power rather than on due process of law, the courts are perceived as threatening by ordinary citizens. As members of a society in which hierarchical and patrimonial relationships disempower those without insider connections, the ordinary Cambodian is socialised into fear of contact with powerful figures, unless he or she can personally access some effective means by which to

⁹⁵L4, personal interview (Eng.), 22 Jan. 1996, Phnom Penh.

influence the outcome of such encounters. In part, the expertise of Cambodian human rights NGOs, the information they can provide about the workings of the court, and the language of law and rights, offers the individual some protective support on such occasions. For example:

People are afraid of the court. For example, they owe someone money... so they go to the court and the court just tells them, "You owe money so you've got to pay otherwise I'll put you in jail", and then the court clerk says, "Come back tomorrow" and he comes back and he just doesn't feel safe, he thinks, "If I go a second time maybe they put me in jail" because every word they mentioned was just "Jail! Jail! Jail!" If they come to this office we explain that, "If you cannot pay all the debts at the same time, then you can pay monthly". So he says, "OK".⁹⁶

A common criticism levelled at judges is that some still apply "communist ideology". Rather than reflecting a Stalinist philosophy of the infallibility of the Party, as the representative of the working class, 'communist ideology' in the context of the Cambodian court system refers to attempts by judges to portray themselves as infallible, because of their status.

Defenders suggest that these judges view a trial less as a process by which evidence is examined and guilt or innocence determined, than as a theatre performance in which their own personal status vis-à-vis the rest of the cast - prosecutor, defender and accused - is re-established. By emphasising his personal power, rather than following codified procedures, the judge is able to enhance the perception that he is personally responsible for the trial's outcome. This contrasts to the liberal democratic perception of the judge as the vehicle through which the application of due process ensures that justice is done. It also differs from the Stalinist show trial, which represents the reaffirmation of the supremacy of Party and class.

The need to project an image of personal power, to generate income through bribe taking, also encourages threats of violence against the judge by supporters of the defendant. It increases the tendency to erratic and arbitrary behaviour on the part of the

⁹⁶H6, personal interview (Khm.), 3 Apr. 1996, Kampot.

judge and predisposes him against openness to the presentation of persuasive arguments and the possibility of acquittal. Public defenders, who advise their clients against offering bribes, maintain they are never called in by the courts in cases where money is involved, but only where the defendant is poor.

The importance of personal responses is evident in a comparison made by one public defender of two Cambodian judges. Although one is praised as open-minded and the other criticised as 'communist', both employ personal reactions in judging cases:

[The judge in] Kandal province is about 45 years old and he was trained by a USAID programme here, the law school here, and then he attended very many courses - his mind is somewhat broader than the others, even if ...[the defendant]'s a little bit guilty, if the defender tries to prove hard enough to him, he can reduce the sentence. It's not like other people. Other judges, even if you try to prove they just say - "You can say anything you want - I will punish you." That is old Communist thoughts - need to be reformed...⁹⁷

Similarly, another defender feared that judges viewed appeals as personal affronts:

I haven't wanted to [lodge appeals] so far because we will meet the judge again and again. Because of that case, they can cause us some pain later - when we meet the judge in the future for some other case.⁹⁸

The idea of a trial as a formal process, in which participants fulfil impersonal roles is missing from this account. The court seeks to portray its power as a personal ability to prevail, which can be deflected only by bribery. In this way, the mode of power exercised by court personnel reflects the larger-scale uses of power in Cambodia. While procedures and perspectives employed by individual judges differ, responses to the training of international NGOs are universally hindered by the pressures inherent in judicial subordination to the Ministry of Justice, armed attackers, and other branches of local government. They are also hindered by the need to project an image of personal power necessary to generate income through bribe-taking.

⁹⁷L3.

⁹⁸L1.

The situation of the judiciary offers an insight into a number of characteristics of Cambodian political power, which can be seen to operate in a variety of milieux across the state and party apparatus. The highly personalised nature of relationships between state officials, and between state officials and the people, militates against the institutionalisation of bureaucratic roles and functions, the constitution of the juridical citizen and, consequently, respect for the rule of law, due process and human rights. The form of these relationships, involving reciprocal exchanges, means that treatment by the state apparatus of different individuals depends upon their status, and, particularly, their political loyalties. This is illustrated, in Figure 5.2, by the division of civilians into “insiders” and “outsiders”. Insiders have cultivated their utility to those in power. Outsiders have not and are likely to receive poor treatment at the hands of the state apparatus, if only to maintain the perception that there is some advantage to being a loyal “insider”.

Within this economy of power, there is no incentive for the homogenisation of society, or the uniform incorporation of the whole society under the auspices of the state. The concept of the citizen is precluded. Because of this, liberal democratic forms of hegemonic control, employing concepts of neutrality, impartiality and rights to legitimise dominance, are impossible. Power is overt and differential treatment is a key resource. If equal treatment of rights-bearing citizens by a neutral state is promoted, patronage links lose their rationale and their effectiveness as resources of power.

In this economy of power, support is contingent on provision of protection and material benefits. Leaders must continually attend to their support bases and as a consequence, distribution of resources is highly politicised. Control of resources is paramount in Cambodian politics. A party which loses this control will quickly lose support, so periods in opposition are to be avoided. This political reality lay at the root of the distrust between the coalition partners from 1993 to 1997. It also undermined the effectiveness of administrative organs. Each party attempted to pack state agencies with its own supporters in order to maximise their own ability to distribute resources in a partisan manner, and to inhibit the same ability in their opponents.

As a result, state organs remained politicised. Divided political loyalties were evident

within the police. This dictated that inquiry into the grenade attack on the KNP on 30 March 1997 should make “little headway” because “the police did not have the technical expertise to do forensic work and the CPP and Funcinpec team members did not trust each other”.⁹⁹

Similar divisions were reported by an interviewee as existing within the National Assembly Commission for Human Rights and Reception of Complaints:

[Regarding] political problems, [the Commission] cannot [succeed] because the Commission has seven members, three from Funcinpec, three from CPP, and one from BLDP; so if [the Commission] has some problem which [affects] some political party, the members of that political party won't accept that. [The Commission] cannot do anything.¹⁰⁰

The Supreme Council of Magistracy has not been set up because of disagreements over the number of members to be nominated by each party in the Assembly.¹⁰¹ The desire to dominate state organisations results either in monopoly by one party or in deadlock.

The 1993 constitution was intended to provide a framework within which a unitary state could be forged out from the integration of the four pre-existing administrative structures. The creation of a new Kingdom of Cambodia was intended to facilitate the investiture of diverse power resources into a single, national, framework of power, within which both governance and political competition could be conducted in a pluralist and rights-respecting manner. This required, initially, that the concept of unitary national institutions become the focal point of political allegiance, and later, the conceptual framework for Cambodian political thought and action.

Yet the discourse of ‘effectiveness’, focusing particularly on the ability to exclude competitors, militates against the conduct of peaceful party competition within a unified framework of valued national institutions. There was little evidence in 1995/6 that the process of engaging jointly in governance had strengthened confidence and rationalised

⁹⁹Barber, “Government Rows Over Bomb Probe,” *PPP* 18 Apr. - 1 May 1997, 7.

¹⁰⁰D1, personal interview (Eng.), 3 May 1996, Phnom Penh.

¹⁰¹Munthit, “Ranariddh Targets CPP’s Control of Judiciary,” *PPP* 20 Oct.- 2 Nov. 1995, 3.

attitudes to the extent that political leaders could focus their activities on creating such institutions. Rather, politicians used the opportunities presented by governance to tend their own support bases and bolster their own power resources vis-à-vis one another, particularly within the state apparatus, and in the village political landscape. Viewed as resources of power, rather than frameworks within power could be legitimised, state agencies remained weak, and subject to intimidation.

Chapter 6: Violence, Economic Gain and Power in Cambodia

CPP concern to perpetuate the politicisation of the Cambodian state apparatus by maintaining the loyalties of low-level state employees has led, arguably, to the creation of significant opportunities for human rights abuse by state employees, in a climate of impunity fostered at the highest levels. Abuse of human rights can yield rewards for abusers which can cement their loyalty to the system which allows them to abuse. A political strategy aimed at tying loyalties in this way can compensate for the fact that the CPP lacks ideological legitimacy, a fact clearly shown in the result of the 1993 election. Gramsci describes how violence is used by rulers to exercise power without the benefit of patterned norms of behaviour:

If the ruling class has lost its consensus, i.e. is no longer 'leading' but only 'dominant', exercising coercive force alone, this means precisely that the great masses have become detached from their traditional ideologies, and no longer believe what they believed previously, etc... [T]he old is dying and the new cannot be born; in this interregnum a great variety of morbid symptoms appear...

In Cambodia, disruption of cultural and political patterns, engendered both by civil war and intrusion of new ideologies, has fostered uncertainty. Violence has been used to plug the gaps which have appeared in the ability of rulers to command. According to Gramsci:

The death of the old ideologies takes the form of scepticism with regard to all theories and general formulae; of application to the pure economic fact (earnings etc.), and to a form of politics which is not simply realistic in fact... but which is cynical in its immediate manifestation...¹

In Cambodia, arguably, a 'cynical' attempt at exploiting existing monopolies of force and economic opportunity, to meet the challenge posed by the formation of opposition political parties and the introduction of new ideologies and discourses, is underway. The present chapter offers an analysis of the nexus of violence, economic gain, and competition for power and posits a connection between the discourse of 'effectiveness' and the incidence of human rights abuse in Cambodia. It begins by presenting a picture

¹Gramsci, "Civil Society" 276.

of the form of human rights abuse taking place in Cambodia as this was described by interviewees drawn from Cambodian human rights NGOs.² It goes on to discuss the function of this human rights abuse as a power resource to resist the ideological and organisational challenges which accompanied the peace process. The implications of these findings for liberal democratic political devices to facilitate peaceful reform, such as ‘free and fair’ elections, are discussed.

Human Rights Abuse in 1990s Cambodia

Cambodian human rights NGO workers interviewed for the present study were asked, “What kind of problems need to be addressed as a priority in improving the human rights situation in Cambodia?” Their replies are categorised in Table 6.1, matched to corresponding rights in the Universal Declaration. The problems mentioned by NGO workers encompass clusters of rights, as the third column in Table 6.1 shows.

The single most commonly mentioned problem, land disputes, incorporates issues of violence, liberal freedoms, and economic rights. Land is essential to the economic rights to livelihood of the majority of Cambodians who depend upon subsistence agriculture. Land rights controversies in Cambodia do not centre on land reform or redistribution, as in some other Asian countries. The pressing nature of land rights questions arises from the widespread practice of arbitrary confiscation of land by officials or the military, and the lack of avenues for complaint and redress. Recourse to the courts over land questions often leads to demands for bribes which bias judgements in favour of the rich. Land confiscation may or may not involve violence; evictors are often armed and threats often used.

Similarly, the question of trafficking of women and children incorporates a variety of abuses. Human traffickers are described as ‘gangs’ or ‘mafia’, constituting the problem as a law and order issue, although alleged police and military involvement in

² Further details regarding Cambodian human rights NGOs, and the sample of interviewees drawn from them, are offered in Chapter Seven.

Table 6.1 Priority Rights Issues for Cambodian NGOs

Problem	No. of responses	Type of Rights Abused
Land rights questions	8/56	Rights to own property; livelihood; freedom from arbitrary interference; effective remedy for abuse; security of home and persons.
Judicial independence	7/56	Rights to due process; equal protection of the law.
Climate of impunity	6/56	Right to effective remedy.
Abuse of power	5/56	Rights to life, liberty and security; freedom from arbitrary arrest, interference and discrimination; to property; equal protection of the law.
Woman- and child-trafficking	4/56	Rights to liberty and security of person; freedom from slavery and servitude; freedom from cruel, inhuman or degrading treatment; freedom from arbitrary detention; to an adequate standard of living; to education; rights of the child.
Lack of professionalism in the police force	3/56	Right to life, liberty and security of person; due process; freedom from torture, arbitrary arrest, detention, interference, discrimination; to own property; to livelihood; rights of prisoners.
Abuses by the military	3/56	Right to life, liberty and security of person; due process; freedom from torture; freedom from arbitrary arrest, detention, interference; to own property; to livelihood.
Abuse of political rights	3/56	Rights to life, liberty and security of person; freedom from discrimination; freedom of conscience, opinion, expression, peaceful assembly and association; to representation in government; to equal access to public service.
Homelessness	2/56	Right to an adequate standard of living.
Poverty	2/56	Right to an adequate standard of living.
Malnutrition	2/56	Right to an adequate standard of living.
Murder	2/56	Right to life.
No separation of powers	1/56	Right to a fair and public hearing by an impartial independent tribunal; to representation in government.
Corruption	1/56	Right to equal protection of the law; freedom from discrimination on the basis of property.
Rape	1/56	Right of women to security of person; freedom from cruel, inhuman or degrading treatment; equal protection of the law.
"We must do everything at once"	3/56	

prostitution and associated protection and extortion rackets constitutes abuse of power.³

Equally, sale of women and children by heads of households may be viewed as domestic abuse, or as arising from failures regarding economic rights, particularly rights to adequate standards of living. Lack of education also contributes, as parents are tricked into selling children to traffickers posing as legitimate employers, and are then unaware of avenues for complaint and remedy:

It is bad that the parents decide for the children, that the parents accept the money and allow the daughter or son to go away with a foreigner that they don't know - but it's because of poverty... So we have to train parents ... First of all we need education, information, explanation.⁴

Many human rights problems arise from the related issues of poverty, displacement vulnerability within society, lack of education, impunity of officials, militarisation and abuse of power. From this perspective, the view of three respondents that "we must do everything at once" is significant.

Human rights abuse emerges not as failure by the state to guarantee certain goods, including negative goods of non-interference, but as a systemic question arising from the disruption of economic, social, political and cultural arrangements which sustain life and dignity. All human rights workers interviewed perceived economic survival as dependent on the ability to combat violence and abuse of power:

If the country does not obey human rights, our rice will be taken from us by a handful of armed people.⁵

Concomitantly, a significant number of human rights organisations complement civil and political rights activities with economic programmes, such as skills training or

³See for example, Nick Lenaghan, "Officials Implicated in Koh Kong Sex Trade," *CD*, 19-21 Apr. 1996, 1; Lenaghan, "Pimps up for hefty sentences, but reservations about new law," *PPP* 8-21 Mar. 1996, 13. In the latter article, Lenaghan cites Kien Serey Phal, president of the Cambodian Women's Development Association, who says of a new Law on Suppression of Trafficking of Humans, "We are afraid this law will not be effective because the people enforcing it already have their hands in the business."

⁴H14, personal interview (Eng.), 14 Jan. 1996, Phnom Penh.

⁵M2, personal interview (Khm.), 29 Jan. 1996, Phnom Penh.

financing the digging of wells.⁶

Eight of the fifteen problems in Table 6.1 constitute direct abuse of power or arbitrary treatment of the individual by the authorities. Other problems, such as human trafficking, murder, and rape, may or may not involve government officials, military or police. Where officials perpetrate abuse, impunity and lack of judicial independence means that effective remedy is unlikely to be forthcoming.

Guaranteeing political rights, which incorporates both ending violence perpetrated on individuals as members of political parties, or as individual dissenters, and creating channels for meaningful political participation, was mentioned less frequently than guaranteeing land ownership, due process, and ending arbitrary behaviour by officials. The major concern of human rights NGOs emerges as concern to alleviate official abuse of rights to physical and economic security.

Interviewees were also asked, “what kinds of people suffer particularly from human rights abuse in Cambodia?” The majority cited the mass of poor farmers who comprise 85 per cent of Cambodia’s population. A small number cited vulnerable groups such as women, children, detainees and ethnic minorities. Only one interviewee mentioned opposition parties and journalists. Asked “what kinds of people abuse human rights in Cambodia?”, the majority cited government personnel, in the military, police, judiciary or bureaucracy. Only two interviewees mentioned criminal gangs and only two cited particular political parties. These findings are presented in Table 6.2, which reveals that the primary location of NGO activity is the interface between state and society, particularly at the local level. The picture drawn is of a state apparatus which abuses the people, often violently.

Emphasis on abuse against the poor, uneducated subsistence farmer offers a different window on human rights issues from that offered by the opposition newspapers, which focus on abuses against political parties and the press. Reports of provincial human rights abuse against ordinary people are rare in opposition newspapers, despite an

⁶See Appendix 1.

editorial stance continually reaffirming support for human rights and democratic principles. Such orientations are shown in Table 6.3, as evidenced by stories published by two opposition newspapers in June 1996.

Table 6.2 Abusers and Abused in Cambodia

Abusers	No. of responses	Abused	No. of responses
Police	13	The grass roots/ the general people	15
Military	13	The poor	6
Local authorities	12	Illiterate people/ those with a low educational level	3
"People with power"	10	People accused of crimes	2
Courts	8	Women	2
"High-ranking officials"	7	Children	2
The government/ government officials	7	Ethnic minorities ⁷	2
"The rich"	4	Opposition parties	1
"Armed gunmen"	4	Journalists	1
"The War"	2	People living in battlezones	1
Military Police	2		
Gangs	2	Everybody suffers	1
The CPP	1		
The Khmer Rouge	1		
Village Militias	1		
"Those who control the rubber areas"	1		

Table 6.3 Newspaper Coverage of Abuse

Type of Abuse	Number of News Stories (June 1996)	
	<i>Udam Kate Khmer</i>	<i>Moneaksekar Khmer</i>
Land Disputes	1	1
Abuse of Power by Police/Military	2	2
Abuse of Freedom of Expression and the Press	5	4
Abuse of Political Rights - Against KNP	3	11
Abuse of Political Rights - Against Funcinpec	-	1
Abuse of Political Rights - Electoral Impartiality	-	-
Abuse of Right to Privacy	-	1

Partly, differences in emphasis reflect the orientation of newspapers towards political society and their readers in Phnom Penh, while NGOs penetrate further into the provinces, where political society is weaker and arbitrary abuse by officials more widespread. Partly it is a difference of ideology; this will be discussed in greater detail

⁷Both the respondents who named ethnic minorities as suffering particularly from human rights abuse worked for NGOs aimed specifically at protecting the rights of ethnic minorities.

in Chapters Seven and Eight.

Discussing particular cases, NGO workers informally divide them into three categories: 'low-level', 'serious', and 'big, political'. The distinction between 'low-level' and 'serious' cases depends on two criteria - the importance of the alleged abuser, and the number of people who suffer from the alleged violation. Cases where the alleged abuser holds a high government or military rank, or where a whole village is a victim of land confiscation, are viewed as serious. Routine cases where few people are involved and the abuser has relatively little power - for example, an abuse by an ordinary policeman or commune official against an individual - are described as 'low-level'.

Also classed as 'serious' are cases where the perpetrator is presumed to be connected to high ranks in the government. The murder of opposition newspaper publisher Thun Bunly, by two unknown gunmen, fits into this category. 'Big political' cases are cases of violence between parties which are so serious as to prompt a government crisis, and to raise the possibility of resort to armed force.

Two further distinctions may be made, illustrated in Table 6.3. Abuse may be divided into cases of selective violence, carried out against a particular individual - for example, the murder of Thun Bunly. Alternatively, it may be non-selective - arbitrary abuse the motive for which is unrelated to the particular identity of the victim.

Table 6.4 Types of Human Rights Abuse

	Selective	Non-selective
Big political	Sirivudh case	-
Serious	Assassination of Thun Bunly Shooting of Ek Mongkul	Children of Krang Kontroul Murder of waiter by Gen. Sat. Soeun
Low-level	Physical abuse of Vietnamese-Khmers	Physical abuse by commune authorities

Functions of Abuse

A further distinction may be made between different functions of human rights abuse. Within the Cambodian economy of power, arguably, abuse has four major functions, all of which are associated, directly or indirectly, with the challenge represented by the existence of opposition parties and the need to bolster power resources perceived as under threat from discourses of human rights and rule of law. In this context, abuse is used to physically remove rivals and silence dissent. It is used to demonstrate the continued 'effectiveness' of the capacity either to protect and reward or to punish and exclude. It is used to promote a pervasive climate of fear which motivates individuals to seek 'effective' protection, undercutting the ideological appeal of opposition parties. It is used to facilitate economic gain for insiders, which is, in itself, a resource of power. Frequently, a single instance of human rights abuse will serve more than one of these functions.

a) Big political cases. Big political cases combine practical manoeuvres to remove particular opponents with a carefully promoted symbolism that dramatically heightens the general atmosphere of fear to the point where national stability is endangered. In these cases, the attacker attempts to harness the power resource of national threat perception against his enemy. The victim of such attacks is branded a threat, not only to individuals, but to society as a whole. Referring to Sirivudh's alleged plot to assassinate him, Hun Sen told villagers:

You have to destroy those forces from afar in all forms. No one would regret if they have to die because if they exist they are nothing but worms that destroy the society.⁸

Sirivudh was skilfully isolated from potential allies, to whom it was made clear that any attempt to defend him would be detrimental to their own safety. Willingness to abandon the victim, in a big political case, becomes a litmus test of loyalty to government and nation. The victim becomes an internal exile. His survival is seriously threatened, and it is made clear that this threat extends to anyone who allies with him.

⁸Extract from speech made by Hun Sen to villagers in Kraingyov Commune, S'aang District, Kandal Province, 25 Nov. 1997, qtd. in Munthit, "Hun Sen: the 'Worms' that Must Die," *PPP* 1-14 Dec. 1995, 3.

The grenade attack on the KNP rally of March 30 1997 is also typical in this respect. The way in which security forces responded in the aftermath of the attack suggests that its aim was not only to remove the critical voice of Rainsy, but to act as a demonstration of the isolation which those who become KNP members face. After the attack, soldiers prevented bystanders from coming to the aid of the victims. The wounded were roughly manhandled onto cyclos to be taken away. A nearby hospital failed to respond with medical assistance or vehicles. When victims reached other hospitals, there were delays before they were treated. All these factors suggest that the victims had become stigmatised by their attendance at the rally. Several of the wounded died from lack of prompt medical attention.⁹

The ability of the government to punish and exclude in this way is a direct result of its monopoly of state resources and services, and of the climate of fear that exists in Cambodia. It is unlikely that direct orders were given to doctors not to give medical aid. Awareness of their position in the government's economy of power would, arguably, have been sufficient to convey to health workers the dangers of involvement. Such incidents reinforce division of society into insiders, who enjoy protection and reward, and outsiders, who are vulnerable and unable to enforce claims to goods or services.

In certain situations, the Cambodian government possesses the capacity to determine responses absolutely. One interview described this, with reference to the Sirivudh case:

I compare it to a typhoon... so if we are in our boat and if we don't want to sink, we have to come to the port, attach well to the port and stay here. Don't go out in front. Stay and stand by for a while. Wait for the radio to say to us, 'Now it's gone'.¹⁰

The importance of Sirivudh's arrest and the bombing of the KNP demonstration arises from the level of threat these actors represented to the governing economy of power. Sirivudh, as a member of the royal family and a popular democrat, commanded certain resources of power which challenged CPP monopoly of power. The KNP was attacked

⁹Barber and Chaumeau, "Slaughter on Sunday - March 30 1997," *PPP* 4-17 Apr. 1997, 1.

¹⁰H14.

violently shortly after it entered an alliance with Funcinpec for the purpose of opposing the CPP in the 1998 elections. Both cases exemplify the abandonment of even a powerful actor, if he becomes a target for attack, by insiders who fear loss of insider status through association with the excluded victim.

Big political cases are national political events, exemplifying the anti-pluralist drive towards monopoly at the level of national political competition. These cases illustrate deep vertical fissures between different party structures in political society, and show the uses of “effectiveness” in the CPP economy of power. Through incidents such as the Sirivudh case and the grenade attack on the KNP, Hun Sen demonstrated his ability to transcend constitutional, international, or internal political checks on his power.

b) Local level cases. Descriptions by NGO staff of their day-to-day work give a stronger sense of a horizontal rift between the state and the ‘grass roots’. Human rights workers rarely named particular political parties as human rights abusers, tending to group ‘the authorities’ together.

Partly, this is because at the local level, the majority of police, military, officials, court personnel, and ‘people with power’ are CPP. Consequently, at the micro-level of state-society relations the ‘authorities’ are relatively undifferentiated politically. The difficulty experienced by Funcinpec in inserting large numbers of its members into the state apparatus except at ministerial level means that for the majority of Cambodians, officialdom retains the same face in the 1990s as it had in the 1980s. Thus one interviewee commented:

The situation is quite difficult because the new commune chiefs are not selected yet, so they are all CPP. So it’s quite difficult. Other political party members only have titles, no power. I think there will be a lot of intimidation [around the elections] because they are all in the same party.¹¹

Partly, perceptions of the ‘authorities’ as undifferentiated politically reflects the fact that the majority of Cambodians are not members of opposition parties. Abuses against non-members are abuses against outsiders rather than against active government opponents.

¹¹H4, personal interview (Khm.), 29 July 1996, Kompong Cham.

Cases of non-selective violence, including land confiscation, arbitrary killing, intimidation and extortion by police and military, are widespread in Cambodia, and motivated more often by economic than by political considerations. Officials of the state apparatus are paid minimal salaries which they often supplement through abuse of rights for economic gain - through bribe-taking, extortion, the sale of confiscated property, and, in the case of the police and military, robbery.

While the immediate motive is often economic, pervasive violence is an expression of the exclusionary ideology of the prevailing economy of power. Those with connections can escape being touched by such activities; the perpetrators of them, as insiders with connections, can escape punishment. Thus the division between insiders and outsiders is pertinent at every level of society, and the insecurity faced by outsiders is extreme. For example,

Before we provided training to [the local people] there was a very serious incident in one family. The daughter was raped by the local authorities, and they just did not know where to go to make a complaint. They thought that if they went to the Commune, or to the District, it's useless because all those guys are friends with each other.¹²

This is a typical case of non-selective violence. The rape was arbitrary and the victim was not an opponent of the government, but her family was powerless to seek effective remedy because they did not have the appropriate connections. It is significant in this respect to note that this interviewee identifies the commune, or subdistrict, and district officials as 'friends with each other', indicating the increased politicisation of local levels of the state apparatus in comparison with the Sihanouk regime. May Ebihara describes the subdistrict chief for Sobay Village in 1959 as a 'fellow peasant' - elected by and sharing a similar background to the villagers themselves.¹³

A second case, reported by Amnesty International in March 1997, concerned a drunken soldier, who fired a rocket launcher over the heads of his drinking partners during an argument, killing six children crowded around an ice-cream stall in Krang Kontroul

¹²H6.

¹³Ebihara "Intervillage" 366.

village, Kompong Chhnang Province. According to witnesses, four soldiers, also wounded, shot at the feet of villagers who rushed to the scene, to coerce them into helping the soldiers, before helping their own children. Amnesty International's report quoted the words of one villager:

We want to know why all of those people have been killed in our village and is it an injustice or justice that the government hasn't done anything to stop it? The government just allows these people to commit the same abuses again and again and people live in constant fear. When people are being murdered like animals, like chickens and ducks and the government does nothing about it, the people are afraid...¹⁴

Again, the presence of the military in the villages represents a feature of rural life which was much less common before the late 1960s.

In both these cases, the arbitrary behaviour of members of the authorities seriously abused civilians, and no action was taken on behalf of the victims. After Amnesty International's intervention, soldiers were arrested for the incident at Krang Kontroul, but significantly, domestic channels of complaint were not available to the villagers themselves.

The non-selective abuse of human rights at the micro-level is advantageous to leaders viewed as able to protect effectively, since it creates a climate of fear. Outsiders, who have no opportunity to secure protection or remedy for abuse, face a constant threat. The pervasiveness and arbitrariness of violence in Cambodia makes it particularly pernicious, in that the individual can take no unilateral precautions to avoid it.

Such activities promote the strength of existing patronage machines. Against the threat of violence, only attachment to the authorities by means of political or family connections constitutes protection. Consequently, abuse acts as a stimulus to seek out the most powerful protector that can be found. Frequently, the most egregious abusers are identified as the most powerful protectors, creating a situation where abuse attracts support and thus creates greater incentive for further abuse. For the CPP, pervasive

¹⁴Amnesty International, *Kingdom of Cambodia. The Children of Krang Kontroul: Waiting for Justice* (London: Amnesty International, Mar. 1997), 4-5.

violence, and particularly the threat of arbitrary abuse of human rights, represents a significant power resource in that the offering of protection is the CPP's greatest strength, and the sphere in which it is unrivalled by the other parties.¹⁵

Victims of this power system experience difficulties in making their voices heard. According to one human rights worker, this is a long-standing feature of the Cambodian polity:

People want to have rights. Because they are afraid of the authorities.... It is the custom in Cambodia that we cannot speak to the authorities, just respect, respect, respect. We cannot talk to the high-ranking elite - like French, Khmer Rouge... Before, the government had absolute power.¹⁶

Arguably, the greater intrusion of military and political and state officials in the villages in the 1990s, compared to the 1950s and early 1960s, renders the problems raised by such power differentials more acute. The gulf between state and citizen, at village level, is absolute, for those without insider connections, through family or political party. The climate of fear fostered by arbitrary abuse causes the continued disempowerment of the citizen in his relationship with state representatives and seriously impedes day-to-day, micro-level political participation by outsiders. Insiders, on the other hand, are advantaged by widespread human rights abuse. Insiders are not usually the victims of abuse. When they suffer, channels for gaining effective remedy are available to them.

Violence is thus embedded in an economy of power in which protection is a key resource to be exchanged for political loyalty. It is exacerbated by the introduction of multi-party competition. Just as 'big political cases' result from competition within political society, so abuse of civil, political, economic and environmental rights spiral throughout society as a result of competition between systems of protection.

¹⁵In the very early years of the Royal Government the Khmer Rouge offered some protection for villagers fleeing harassment by government military or officials; but from 1995 onwards, facing a deteriorating military situation, they began to pressure villages more intensely. In 1996, accounts of villages suffering abuse from both Khmer Rouge and government forces were reported, for example, "Mr Kem Sokha: Go Down to the Crocodile, Climb Up to the Tiger! Police in Chamkiri District Arrest People to Extort Money!" *UKK* 26 June 1996, 1.

¹⁶H10, personal interview (Eng.), 25 Jan. 1996, Phnom Penh.

Big political cases show explicitly the current insecurity of the dominant economy of power, transposed into a multi-party democracy. When a patronage system is threatened with competition, the most symbolically significant method of defeating its rival is to strike at its head. Popular rivals who could provide an alternative source of patronage and protection are removed in order to demonstrate their weakness and to re-assert the power of the dominant party.

The same competition is responsible for pervasive violence at village level. Insiders increase their predatory activities towards outsiders, for example, through the appropriation of lands, forced closure of opposition party offices, and random perpetration of murder, extortion and rape with impunity. These activities, and the climate of impunity fostered to facilitate them, reflects the insecurity of patrons when faced with challenge from an alternative system. Fostering of impunity reflects attempts to increase the cohesiveness of the system, by allowing insiders to glean ever larger rewards. Concomitantly, it demonstrates increasingly clearly to waverers the risks inherent in transferring allegiance.

Consequently, non-selective, arbitrary violence and selective, political violence are related, arising from the drive towards monopoly over resources of protection and material enrichment. In a single-party system, monopoly is uncontested. A context which sees rival party machines attempting to monopolise power at the expense of one another is more unstable and leads to competitive excess.

Comparison of present-day Cambodia with the Cambodia of the Sihanoukist period in the late 1950s and early 1960s is instructive in this respect. Then, as now, outsiders were isolated; hence the flight into exile of Son Ngoc Thanh, the disappearance into the *maquis* of the Khmer Rouge leadership, and the execution of thousands of dissenters on both left and right. It is instructive that during the Sihanouk era, the pervasiveness of violence increased in conjunction with increasing levels of intellectual dissidence.

A key difference between human rights abuse in Sihanouk's time and human rights abuse in the 1990s lies in the extent to which abuse today emerges from politicisation within the villages. As discussed in Chapter Four, with reference to studies made by

Ebihara of village life in Cambodia in 1959, political divisions in the Sihanouk era were largely confined to the urban intellectual strata. Within the villages, loyalty to Sihanouk was widespread, and was cultivated through Sihanouk's populist activities designed to promote ideological adherence to the state-society relationships envisaged in the doctrine of Buddhist Socialism.

During this period of Cambodian history, there was less need to manufacture crisis within the villages in order to prove the regime's protective capacity and the consequent advantages of loyalty. The ideology of Buddhist Socialism and Sihanouk's personal popularity obviated the need for overt exercises of political power within the villages. Sihanouk's use of rural support, expressed through ballots and referenda, to strengthen his position vis-à-vis elite rivals indicates the stability of the peasant-prince relationship, which did not need to be continually bolstered by use of threat. In the 1990s, this has been replaced by the fostering of a politicised network of appointed officials, who enjoy little traditional or ideological legitimacy in the villages, and whose political loyalties to their superiors are rewarded by high-level tolerance of their abusive activities towards 'outsiders' in the villages.

The work of Ebihara and Frieson, discussed in Chapter Four, suggests that in Cambodian villages, at least until the late 1960s, the divisions between insiders, with access to the power of state institutions, and outsiders, who were at the mercy of them, were not as clearly defined as they are in the 1990s, because of the limited reach of state institutions for most of this period. In the second half of the 1960s, rural teachers and monks became targets of repression, but these groups were still differentiated from the mass of ordinary farmers, whose contact with the world beyond the village was generally mediated by Chinese merchants, rather than by politicised state structures.¹⁷

Since 1979, the civil war, Vietnamese occupation, and the building of a politicised state apparatus aimed at penetrating, surveilling and controlling the rural population have brought political divisions permanently into the lives of the majority of Cambodians.

¹⁷Frieson *Revolution* 44.

Since the election campaign in 1993, Cambodian political parties have competed for active support within the villages. The self-evidence of political relationships has been destroyed in rural society. The insecurity of political leaders means that the loyalty of the ordinary villager cannot be assumed until actions prove the contrary, as it was in the days of Sihanouk's rule. It must be redemonstrated continually, by party membership or other form of attachment. Party members are rewarded by guarantees of protection and impunity, which alter relationships within the villages between those with political connections, and those without.

The ability to monopolise force at local level remains the CPP's greatest resource. In response to the competitive crisis constituted by elections taking the form of a national secret ballot, the CPP has increasingly required active proof of loyalty from insiders, while employing the same tactics of violence towards and exclusion of outsiders as Sihanouk used against elite dissidents in the 1960s. In a context of political competition in the villages, where the pool of outsiders is much larger than in the context of the monarch-subject relationship, violence spirals. It is this that accounts for the extraordinary prevalence of state violence, not just within the political arena but in all levels of Cambodian society down to the village.

For the average Cambodian, the level of the state with which he is likely to have contact is still CPP-dominated. Membership of any other party is likely to leave him more isolated, more vulnerable and no better protected in the village. Therefore a perpetual climate of fear of arbitrary abuse is a resource of power which serves the CPP well.

This does not mean that arbitrary abuses are ordered by the highest levels. Abuse arises from a number of contingencies, including the militarisation of society; the lack of income available to soldiers and police; the lack of laws, and awareness of laws; and most importantly, the climate of impunity which allows state departments and military divisions to protect their members. It is the lack of government action to ameliorate such causes of abuse - such as, for example, removing legal impediments to prosecution of alleged rights abusers in the civil service - which provides compelling evidence that such abuses operate in the interests of leaders. Other parties were ill-equipped to compete in that they had insufficient organisation at village level to counter the CPP's

strategy. By using its monopoly of force within the villages to cultivate loyalty through fear, and to allow illegal self-enrichment of supporters, rather than to engender a general atmosphere of security and promote nation-wide development schemes, the CPP tightened its hold over its followers and created an environment in which violence is politicised.

This analysis puts human rights abuse and impunity for abusers at the heart of the CPP's strategy to retain power between 1993 and 1997. It suggests further that the economy of power employed historically by Cambodian rulers and recycled by the present regime is incompatible with political freedoms in the sense of recognition of the right to participate peacefully in a multiparty system. This is partly due to the association of power networks with the idea of the nation.

The exercise of power in Cambodia takes the form of personal relationships spreading down and outwards from the ruler at the top of the hierarchy towards the lowest levels of the state. Beyond the state are the people who are excluded from possessing power except through personal relationships with members of the state, through family or political allegiances. In the traditional Cambodian kingdoms, ideally, if not in practice, the ruler maintained a symbolic relationship with all his rural subjects, as well as, to an extent, a political relationship in that he was accessible to them for receiving petitions and hearing grievances. Recent rulers have gained power by virtue of their ability to overthrow incumbents and have not enjoyed legitimacy in the eyes of the nation as a whole; consequently they have attempted to negate opposition by redefining the nation to exclude opponents as 'traitors' or 'invaders'. This tactic is familiar from the Sihanouk era, but, given greater politicisation at village level, it excludes much wider sections of the population from enjoyment of rights of citizenship.¹⁸

¹⁸This is an emphasis subscribed to by the political opposition also, particularly in the pro-KNP newspapers. As described in Chapter Three with reference to the UNTAC era, the professed concern of nationalists is to prevent the Khmer nation from being "swallowed by neighbouring countries a little at a time until it is all gone ["Who Are the Lovers of Corruption?" *MK* 28-29 June 1996, 1]" and to end "the barbarous war that destroys Khmers ["I Really Wonder..." *UKK* 13 June 1996, 2]". By employing rhetoric designed to exclude the CPP leadership as "former Khmer Rouge run[ning] to make Red *Yvon* politics ["Editorial: Political Games of Old Children - They Want to Hold Demonstrations to Get Rid of Khmers from Khmer Territory," *MK* 21-22 June 1996, 1], the nationalists are in effect redefining Khmer

c) *Other forms of violence.* Violence in the form of continued warfare against the remnants of the Khmer Rouge can be explained using this theoretical model. Whereas the competition between the CPP and Funcinpec, and later also the KNP, was transferred to the political stage between 1993 and 1997, competition between the CPP and the Khmer Rouge remained on the battlefield.

Violence on the battlefield has been used in a similar way to violence within political society itself, for symbolic and economic purposes as well as to keep rivals physically at bay and to provide a rationale for the maintenance of militarisation. The CPP's resort to military force in 1997, following Ranariddh's attempts to bring the Khmer Rouge into Phnom Penh in the run-up to elections, indicates that the CPP was determined to keep the CPP-Khmer Rouge contest on a military level. Partly this can be seen as a response by the CPP leadership to its military constituency. Providing military commanders with a *raison d'être* was an important element of a political strategy which relied on credible threats of force.

The CPP also attempted to use the Khmer Rouge threat as an ideological power resource. The stigmatising of enemies of the CPP as 'Khmer Rouge'¹⁹ is an example of

nationalism as a common anti-Vietnamese stance. Anyone who does not subscribe to this stance is branded a "traitor"; for example:

[Hun Sen] should know that anywhere where the *Yvon* have invaded, taken our Khmer territory along the border, he should go and block them, chase them out again, because he is responsible for the destiny of the nation... If he is a patriot, he should know what he should do! If he still acts as if he doesn't know about, or hear about, or isn't bothered about these problems then it can only be that he is connected with these actions. And if he is the instigator of the loss of Khmer land to *Yvon*;... and of calling the *Yvon* to enter and settle the whole country; and helping the *Yvon* to have high positions; then truly hasn't he become a traitor? ["Mr Hun Sen Should Know!" UKK 19 June 1996, 4].

This alleged concern for the destiny of the nation excludes a section of the nation through use of the exclusionary terms 'patriot' and 'traitor'. The issue, although aimed at personalities such as Hun Sen, involves the status of hundreds of thousands of Cambodians of Vietnamese origin. Rhetoric excludes these, and by association excludes anyone with a pro-immigration stance as excluded from legitimate political participation by reason of their ethnicity or beliefs. By defining these issues as a litmus test of loyalty to the nation, peaceful democratic debate on these issues is ruled out in favour of the kind of exclusion and division that perpetuates violence.

¹⁹For example, the KNP reported from Phnom Penh on 16 Nov. 1996:

In a press conference held today at Hun Sen's residence, 3 Khmer Rouge defectors stated that Sam Rainsy has connections with the Khmer Rouge, has received money from the KR

this. The symbolism inherent in the CPP-Khmer Rouge conflict and its impact on the peace process between 1991 and 1993 has been discussed. The resurrection of the January 7th holiday in 1996, despite opposition from Funcinpec, to commemorate the 'liberation' of Phnom Penh from the Khmer Rouge, shows that this symbolic resource is still awarded some political potency by the CPP. In a speech made on this day, Hun Sen took the opportunity to remind crowds of the DK era, and of his own alleged role in liberating Cambodia:

Today is the day that saved us from Pol Pot's genocide, the day that gave us the second birth.... This historic victory has saved the nation. It has saved millions of lives in a timely manner. It has brought democracy and the respect for human rights back to life and has actively participated in the effort for regional peace and stability... If I did not ask foreigners to liberate the country, who would have come? Answer it, answer the question.²⁰

Promoting the image of effective protector requires promoting the perception of immediate threat.

Economic considerations also came into play. Before the defection of Ieng Sary and his troops in September 1996, the mineral wealth and timber resources controlled by them in the Pailin region were highly desirable prizes. Proposals for contracts with Thai

has met Khieu Samphan in Bangkok; KNP is full of KR members. Sam Rainsy has incited to violence these 3 defectors by instructing them to throw grenades at foreign embassies, especially the US, French and Australian embassies and by promising to pay US\$3,000 for each grenade launched. Many other details are given of Sam Rainsy's connections with the KR.

The KNP feared that this would be used as a "pretext" for action to be taken against Rainsy, either judicially or extra-judicially ["Hun Sen-Sam Rainsy," *Camnews* 17 Nov. 1996 04:31:14 -0500]. A more subtle example is taken from *Reasmei Kampuchea*. The newspaper reported a coincidence between a date fixed by Rainsy for leading a demonstration in France, and a date given by Khmer Rouge radio as beginning a drive to 'arrest anyone who still serves the government'; *Reasmei Kampuchea* commented, "We can see that Mr Rainsy and Mr Khieu Samphan coincide just as if it was prearranged. One struggles against the government and curses the government from outside, and the other announces the capture and extrajudicial execution of anyone who still works for the government. We don't mean to accuse Mr Sam Rainsy of being drawn into the Khmer Rouge, or that he is Khmer Rouge; but only to recognise that these two men like to do things in a similar way" ["Mr Sam Rainsy and Khieu Samphan Want Things to Coincide?" *RK* 9 June 1996, 2].

²⁰Extract from a speech made by Hun Sen, at the Hun Sen Gardens, Phnom Penh, 7 Jan. 1996, qtd in Munthit, "Funcinpec MPs Rally Against Jan 7 Holiday," *PPP* 12-25 Jan. 1996, 1-2. Here, Hun Sen relates 'human rights' and 'democracy' specifically to the overthrow of the Khmer Rouge, conflating human rights abuse with the policies pursued in the DK era. This tactic has been discussed in Chapter Three with reference to the UNTAC era.

logging and mining companies were considered by the prime ministers in February 1996 in anticipation of military victory in the area.²¹ Opportunities for establishing lines of economic patronage are also inherent in the financing and equipping of military operations. According to one analysis:

A continuing civil war ... accounts for 58 per cent of the current expenditures in the 1995 National Budget and helps to conceal the many irregularities and abuses of power. This includes the payment of salaries to ghost soldiers, purchase of overpriced equipment and other inflated expenditures involving 'commissions', collection of 'taxes' and 'duties' by armed groups acting as substitutes for the official Tax Department, massive illegal logging and smuggling, drug trafficking, covert borrowings on behalf of the State contributing to the parallel budget run by the Army.²²

A strategy of continuing conflict was also problematic in certain respects. The continuing conflict was unpopular with Cambodians generally, and bringing peace would provide a boost in popularity for the peacemaker. Furthermore, while some advantage could be taken from the insurgency, embarrassing reverses on the battlefield were certainly disadvantageous to the CPP's 'effective' image.

The major factor in the decision to return to war when peace seemed imminent, by means of the July 1997 coup, was undoubtedly electoral strategy. A united front of KNP, Funcinpec and Khmer Rouge, the latter rehabilitated through their break with Pol Pot, was considered too formidable an electoral opponent. By opening up areas where the CPP's writ did not run, co-opting significant numbers of Khmer Rouge troops, and removing the threat of Pol Pot's return, the front would have significantly undermined the CPP's ability to monopolise power.

An indication of the future reaction to the defection of the Khmer Rouge can be seen in a speech made by Hun Sen to party members in Kompong Cham, in June 1996 following reports that Pol Pot had died. According to *Reasmei Kampuchea*:

His Excellency Hun Sen said that, "These days there is one political party in Cambodia which creates political crises in Cambodia in order to seek

²¹Chaumeau and Matthew Grainger, "Deals Being Discussed for Pailin Booty," *PPP*, 23 Feb. -7 Mar. 1996, 1.

²²Sam Rainsy, "The Current Situation..." 2.

political scapegoats....” And they currently put out propaganda to the effect that “Pol Pot is dead, which is a new and very obvious political trick in the future”. His Excellency explained that perhaps in the future they would raise the issue of negotiations between the legitimate Royal Government of Cambodia and the rebel group of Khmer Rouge.... because they have claimed that Pol Pot is dead.

The report continued to warn against “Pol Pots” in general. Although only other members of the Khmer Rouge leadership were mentioned by name, Hun Sen referred to “all Pol Pots within and Pol Pots without... joining together”. This implies that “Pol Pots” exist both inside and outside the Khmer Rouge.

If one Pol Pot is dead, not all are dead yet. Why? Because of the designated political organisation and troops of Pol Pot who speak in the style of Pol Pot, so that even if Pol Pot is dead, Khieu Samphan, Ieng Sary.... Pol Pot’s designated political organisation is not yet all gone. This is why “we mustn’t have hallucinations about the ability of Pol Pot to return at all, because these days all Pol Pots within and Pol Pots without are currently joining together”.²³

The existence of the Khmer Rouge is the necessary foil for such displays. The words of Hun Sen suggest that without Pol Pot, a new enemy, external or internal, will be manufactured.²⁴

Violence within society in 1990s Cambodia, which frequently takes the form of crime, revenge killing and domestic abuse, is also politicised. These forms of violence are perceived as widespread by Cambodians, contributing to the climate of fear: immediate fear of attack, in the case of crime, and a less immediate but no less substantial fear of societal break-up, in the case of domestic violence.

Crime is promoted by the atmosphere of lawlessness engendered by the arbitrariness of government abuses, the corruption within the police and courts, and the lack of laws themselves. The failure to institutionalise law and order means that amongst civilians,

²³“Create a Political Crisis in Order to Find Political Scapegoats,” *RK* 12 June 1996, 1.

²⁴The trial of Pol Pot reported by Far Eastern Economic Review correspondent Nate Thayer as having been held on 25 July 1997 by the Anlong Veng Khmer Rouge under Ta Mok, has brought about this situation; see various reports, *PPP* 15-28 Aug. 1997. The trial was pre-empted by the creation of a new battlefield and military attack on Ranariddh as a Khmer Rouge collaborator.

as well as between government personnel and citizens, the strong prey upon the weak. The issue of crime is highly politicised. A letter to the editor printed in an opposition newspaper claimed the government, and particularly the CPP promoted crime in its own interests:

If we take a look at the current situation in the country, we will see the vicious war without end; destructive deeds of murder and abduction for ransom occurring all over the country; economic saboteurs dodging taxes; there is addiction in many places; prostitution; and homeless people proliferate causing fear ... but there are profiteers from these problems too... those who have a history of stealing national resources, those who have a history of approaching other nations for help, those who have many villas, those who have many cars, because of their power, those who rely on power and so on and so on.²⁵

Concern over the effects of crime has implications for human rights. Since UNTAC's era, human rights NGOs report attempts by the government to identify them as "protecting criminals".²⁶ Provisions in the Paris Agreements called for the release of all prisoners of war and civilian detainees held in connection with the conflict. The mandate to oversee human rights led UNTAC to release all detainees held for long periods without trial against whom there was insufficient evidence for a hearing.²⁷ These efforts were still blamed, in 1996, for rampant crime. The newspaper *Udam Kate Khmer* reports:

Mr Hun Sen said in Kompong Speu recently, "Gangs of thieves and gangs of criminals who were released from jail in the UNTAC era have gone back to

²⁵ "Stir the Water Until it's Muddy - Easy to Catch Fish," *MK* 3-4 July 1996, 1. The references to 'stealing national resources' and 'approaching other nations for help' clearly identify the 'profiteers' as members of the CPP.

²⁶ The following comments are typical:

At the start the local authority or the government circulated rumours that all human rights workers are protectors of bandits, criminals.... they assist [prisoners] but not the victims of crime [H5].

Nowadays robbers arrive at the court with freedoms. They have the freedom to do whatever they want to do. When they catch robbers, human rights organisations come and scream, protest, put it in the newspapers, make declarations. When they have freedom, they think it means they can do whatever they want... They want to copy westerners but in fact they go too far [J4].

²⁷ *Comprehensive Arts*. 16; 21-22.

illegal activities again".²⁸

The report went on to describe a declaration by Hun Sen that his own bodyguards would be redeployed to protect society and restore order. The newspaper claimed that this move had three functions, to distract attention from CPP violence, to increase surveillance of opposition politicians and journalists, and "to show that he is the strongest and has greater effectiveness than the whole government".²⁹ By this means, crime is constructed as a threat against which Hun Sen is able effectively to protect.

While it is used to political effect, crime in Cambodia cannot be laid at the door of either government, human rights NGOs or released detainees. It must be viewed as arising from systemic factors. The failure to institutionalise the legal equality of all citizens leads to relationships of power appearing at every level. The orientation of political relationships is always towards the extraction of maximum advantage by the strongest party, with the objective of maximising power. Arguably, in an atmosphere of social dislocation and free market economics, such an attitude has been transferred into social and economic relationships too.

With no institutionalised framework for conflict resolution, vendettas, including revenge killing, lead to spiralling violence. The disruption to social organisation over the past twenty-five years has also caused a breakdown in moral values in the eyes of interviewees:

In Kompong Speu there was a husband who got drunk and hit his wife. After he learned about rights, now he just sleeps instead. And problems with children - want to fight all the time. But after human rights training we can reduce such violence. Because before, our young men used to go and live in the monastery and were taught by the monks how to live a good life. Now human rights organisations have to do this.³⁰

The most traumatic development in Cambodian society was the harsh Khmer Rouge revolution. It destroyed humanity in many Cambodians. When stealing was taken as normal for survival... We lost that.... And the

²⁸"Mr Hun Sen Deploys His Own Bodyguards Because He Doesn't Trust the Activities of the National Police?" *UKK* 26 June 1996, 1.

²⁹Bodyguards 1.

³⁰H10.

young Cambodians now who were born and brought up in the [Khmer Rouge] days - some of them are brutes.³¹

Perceptions such as those above suggest a polity pervaded by fear and social crisis, consonant with the analysis of an economy of power which places a premium on provision of protection to loyalists and exercise of overt power against opponents, in the context of multi-party competition.

d) Human Rights abuse for economic gain. Human rights abuse is also important in offering the opportunity for insiders to enrich themselves in material terms at the expense of outsiders, upon whom they may prey with impunity:

Most of the Cambodian officials, they just use their power for their own interests and it starts from here. Because if you are a policeman, you have a gun and because you have this you are able to get any interest³² that you need. That's the problem.³³

In Cambodia, the phenomenon of 'rent-seeking' - the use of an official position to generate private income - is widespread in all levels of government. While the imposition of small 'fees' by teachers or healthworkers for services constitutes a minor burden on the public and is not perceived as a human rights abuse, extortion and robbery by local military and police is perceived as such. At the highest levels of government, officials using their position to seek personal gain has far-reaching consequences for the social, political and economic development of the nation.

The many land rights complaints received by human rights organisations exemplify the connection between human rights abuse and economic gain:

Land disputes are very important. After the liberalisation of the economy, the price of land increased and the powerful people or the authorities - some of them violate the rights of the people. They occupy the land using the military, by force, or by other means, tricks... For example in Kompong Speu town, we helped the people to remain in the same place after they arrested some people and put them in jail; or after they trick the people, we

³¹H16.

³²The term 'interest' - ~~ស្រុក~~ refers to profit or advantage; it is often pecuniary and extracted from connections to a patron or from holding a position of power.

³³L1.

assist the people... But sometimes we fail also.³⁴

Some property of the people has been confiscated by the authorities to sell to the rich, to businessmen [T]he land issue in Cambodia is a very, very big question right now. Because land attracts a high price. So people who have a plot of land near the city have been victims of land confiscation. Sometimes in the provinces.³⁵

In a predominantly agricultural country, with little alternative employment available, uncompensated land seizure is disastrous for farmers, but by fostering impunity, the CPP is able to provide for the economic welfare of its followers by this means, without expending its own resources.

In the cities, squatters and other urban poor are at risk. A letter to an opposition newspaper argued that the demolition of “hundreds of illegal buildings and small houses”, which took place before the 1993 election under the slogan “Improving the Beauty of Phnom Penh”, was in fact used to clear plots of land which were

sold by the CPP to investors under the slogan of free market economics. Not only this, but factories, undertakings, public buildings, village halls, houses, hundreds more places that belong to the state were sold.

Income generated was used to buy CPP votes, the letter asserted.³⁶

Land disputes are complicated by a paucity of land ownership records following the upheavals of the last twenty five years, and by the lack of effective and meaningful judicial oversight. It is a relatively new form of abuse. While historical precedents can be drawn from, for example, the confiscation of land to create fruit plantations which sparked the Samlaut Rebellion in 1967/8, this appears, from the historical record, to have been a relatively localised form of abuse at the time. In the 1990s, a more widespread trend of using human rights abuse to gain economic advantage can be noted, emerging from the new property relations created by the transition to a free-market economy in the late 1980s.

³⁴H5, personal interview (Eng.), 10 Jan. 1996, Phnom Penh.

³⁵L4.

³⁶“Stronger than a Tiger!” A reader’s view, *MK* 28-29 June 1996, 1.

In the 1990s, the illegal sale of other 'national resources', such as timber, to raise money for the political purpose of vote-buying is also frequently alleged by the political opposition. Sam Rainsy, former Minister of Economics and Finance and currently president of the opposition Khmer Nation Party, charged in 1995 that both prime ministers had reneged on commitments to limit timber exports. Rainsy argued the prime ministers were involved in secret exports, carried out by the military, under the Ministry of National Defence, avoiding scrutiny by customs officers and by all other organs of state.³⁷ Rainsy argued that vast sums were being lost to the national budget from this unscrutinised and untaxed trade; the same was true in the rubber industry, largely controlled by 'armed gangs', 'provincial governors' and 'warlords'.³⁸

This view is supported by the environmental NGO Global Witness, which has repeatedly made charges of illegal logging in Cambodia, and claimed in 1997 that

illegal logging is fuelling a parallel budget to equip and feed "private armies" which de-stabilise the country and hinder economic development.... The effects of the situation run counter to development, plunder the country's resource base and result in increased human rights abuses. "Forestry officials can't do their job anywhere.... Independent RCAF groups are popping up because of the income.... There are well-armed and financed groups all over the place".³⁹

Environmental issues are frequently addressed by Cambodian human rights NGOs. For example, the Cambodian Committee for Human Rights in 1996 raised a number of environmental issues with government, including silting of the Mekong River in Phnom Penh, logging, hygiene in fish farming, and water and air pollution.⁴⁰ The right to a healthy environment has been recognised in international law as a so-called "third generation right".⁴¹ In economies based on subsistence agriculture, environmental

³⁷Sam Rainsy, "The Logging Issue, Its Impact on Public Finance, Environment, and the Food Situation." *Cambodia: Documents for the International Conference on the Reconstruction of Cambodia (ICORC)*, Rainsy (Paris, 14-15 Mar. 1995).

³⁸Sam Rainsy, "A Condition for Further International Assistance Should Be Greater Transparency in Public Decision Making," *Documents for ICORC* 4; 6.

³⁹Hurley Scroggins, "Bout of pre-CG Lobbying," *Phnom Penh Post*, 27 June- 10 July 1997, 15.

⁴⁰H13, personal interview (Khm.), 10 July 1996, Phnom Penh.

⁴¹Third generation rights, including the rights to peace, development, and a healthy environment, were introduced into international law following the UN General Assembly's 1986 Declaration on the Right to

issues have a major impact on farming patterns, affecting the right to an adequate standard of living. Deforestation in Cambodia has been connected to flooding, which endangers lives, livelihoods and homes.⁴²

The involvement of the military in illegal logging also turns logging areas into no-go areas for civilians, enhancing the climate of fear. Use of secret logging revenues to support political parties is a political rights issue. Use of human rights abuse for economic gain, at the highest levels of governance, occurs on a scale sufficient, arguably, to retard modernisation and development, impede democratic accountability and political participation, and wreak major changes in the lives of ordinary Cambodians. Rights-based analysis of such issues suggests that imposing divisions between different 'generations' of rights disguises their indivisibility in connection with systemic abuses of power.

Politicised Development and Political Competition

Widespread use of funds gained from abuse of rights, including rights to a healthy environment, impinge upon wider concerns of accountability and transparency of governance. In the political sphere, the channelling of funds away from the coffers of state institutions, and into the pockets of political figures for use in winning political support, undermines efforts to encourage neutrality and accountability in the state bureaucracy.

According to a confidential report submitted by Rainsy to the Consultative Group on Cambodia meeting in Tokyo in May 1996:

Second Prime Minister Hun Sen has already begun his election campaign

Development. These rights are discussed in Jack Donnelly, *Universal Human Rights in Theory and Practice* (London: Cornell UP, 1989) 143-157.

⁴²Sam Rainsy argues that uncontrolled deforestation led in 1994 to "successive flooding and drought of very uncommon intensity. The consequence was a disastrous harvest, a sharp increase in the price of rice (and hence inflation) and now an extremely serious food shortage, bordering on famine, for a large part of the rural population.... [I]t is only a foretaste of what is to come if Cambodia's evergreen forest coverage, which has declined dramatically from about 70 per cent of land-area in 1970 to less than 40 per cent at present, is allowed to decline yet further [Rainsy, "Cambodia: The Logging Issue, Its Impact on Public Finance, Environment and the Food Situation" *Documents for ICORC 6*]."

and proudly shows off his “donations”; hundreds of schools, canals and parks bearing his name and reportedly financed out of his own pocket. He openly acknowledges that he has requested and received “contributions” from prosperous companies and wealthy individuals. This corrupt system of clientelism works to the detriment of the State which is deprived of normal revenues and thus unable to perform its normal functions. In the absence of transparency and accountability, it is increasingly difficult to plan and implement development policy at any level, in any sector.⁴³

Rainsy criticised the acceptance of ‘gifts’ and ‘tips’, including a tip from the Malaysian firm Ariston of \$108 million, by the two prime ministers from private companies when governmental contracts were signed. Such tips, Rainsy argued, militated against the formation of clear development plans. He commented:

In Cambodia, certain leaders treat State assets and the property of the nation as their own personal belongings. Leaders have acted more as businessmen out to make a fast buck, than as statesmen responsible for their country’s future.⁴⁴

The emergence in Cambodia of an underground economy, serving the interests of power rather than promoting a modernist development strategy, provides important power resources to those who wish to resist democratic change and rights to political participation. By using the military to avoid oversight, and by encouraging the complicity of low-level officials, economic gain by the elite can take place beyond the controls of state, democratic accountability or law.

The culture of individual appropriation and distribution of state budgets is anti-modernist, viewed from a liberal pluralist perspective, since it does not permit the formation of a secular or ‘neutral’ conception of national development or the national interest, detached from personalities and their individual political agendas. It perpetuates politicisation in all aspects of state domestic policy. If the state budget is usurped by individuals to be bestowed as gifts, then there can be no planning, no oversight, and no criticism of the pattern of disbursement; indeed, no policies as the term is understood in a liberal democratic context.

⁴³ Sam Rainsy, “The Current Situation in Cambodia is Appalling, the Donor Countries Must React Urgently,” unpublished note for the Consultative Group Meeting, Tokyo, 11-12 July 1996, 6.

⁴⁴ Sam Rainsy, “Transparency” 9.

This politicisation has a significant impact on political participation and pluralism in that there is no role for a loyal opposition party in such a political system. Citizens are not perceived as enjoying a right to equal benefit from the state budget, so there can be no basis on which to criticise. Parties within government will divert as many funds as they are able to appropriate to areas strategic to their own political bases. Parties without access to funds are disempowered through their inability to reward support.

Consequently, development activities are politicised. Hun Sen, in a speech to business students at the University of Phnom Penh, argued that

We should not worry even if there are 50 more political parties... The Cambodian people would benefit from more [political] parties because the parties would compete to build schools and roads and dig wells.⁴⁵

The dividing line between state funds and party funds, state income and personal income becomes blurred. One opposition newspaper asks:

where does [Hun Sen] get the extra money he has to give to students, give to the people and build schools, tarmac roads, canals, saying it is a present from himself and makes them put his name on these?⁴⁶

In a subsequent issue the same newspaper declared:

We believe that the general citizens certainly understand about the demagogic tricks without doubt and the citizens will be hurt and will join in the resistance in the democratic political movement to struggle and demand the return of justice, a free society, and conscience for the national interest...⁴⁷

It is unclear whether ordinary Cambodians view the issue similarly. Pro-CPP newspapers give wide and laudatory coverage to these activities.⁴⁸ Yet students

⁴⁵Extract from a speech by Hun Sen at University of Phnom Penh, 3 Feb. 1996, qtd in Vong Sokheng, "Parties Could Boost Development, PM Says," *Cambodia Daily*, 5 February 1996, 8. What is significant is not the fact that Hun Sen claims to accept new parties, since this statement is contradicted by his activities vis-à-vis political rivals; rather, the comment is an indication of the patron-client ideology underlying conceptions of national development.

⁴⁶"Mr Hun Sen Should Know!" *UKK* 9 June 1996, 1.

⁴⁷"Military Might and Demagogic Tricks" *UKK* 13 June 1996, 3.

⁴⁸Newspaper accounts of Hun Sen's appearances at various events in the provinces invariably include descriptions of gifts donated. For example, speaking to orphans and disabled children at a celebration for International Children's Day in 1996:

demonstrated against the sale of state-owned buildings and enterprises, viewed by the students as a means to enrich officials and politicians, in 1991.⁴⁹

Such issues exemplify the relativism inherent in different economies of power. In a one-party system, the requirement that leaders redistribute through patronage the income generated from control of national and state resources may work well in ensuring that wealth does not become too highly concentrated at the apex of society.⁵⁰ The implications of this culture in a society where liberal democratic style political competition is promoted are not benevolent, because of the tendency for different party-patronage systems to compete to divert resources towards their own supporters. The burden on the non-politically aligned - outsiders - increases along with the scale of rent-seeking activities at the highest levels.

It has been suggested that the rapid sale of state property which occurred before the

His Excellency the Second Prime Minister said that: there are hundreds of thousands of orphans who were freed to live their lives by the 7th January 1979. Both blind children and children with other physical disabilities are a sorrow and a worry to His Excellency, who will continue to pay great attention to these... His Excellency Hun Sen gave to each child 10,000 riel, and a t-shirt, and gave breakfast ["Render Powerless Politicians Greedy for War," *RK* 2 June 1996, 5].

Later the same month, *Reasmei Kampuchea* reported donations to CPP members in Kompong Cham Province comprising:

three school buildings, of 15 rooms, in Lvay Commune, Koh Souten District..., 25 water pumps, 5 tons of rice to Koh Souten District, and 1-3 million riel to Lvay Commune. His Excellency gave \$10,000 from the CPP to the Lvay CPP for the citizens who were members of the party to borrow for business ["Create a Political Crisis in order to Find Political Scapegoats," *RK* 12 June 1996, 1.]

Similarly, the newspaper reported gifts given by Ranariddh in Banteay Meanchey province:

the school building, built of brick, and tiled, had four rooms with desks, and cost US\$27,150, which was a gift from His Majesty Norodom Ranariddh. His Majesty inaugurated a road with a bridge ..., 12.5 km long, costing US\$65,000 which was a gift from His Majesty and Nhiek Bunchhay ["His Majesty the Prince is Embarrassed in front of Mr Banham," *RK* 27 June 1996, 1].

⁴⁹See Amnesty International, *State of Cambodia. Killings of Demonstrators*, London: Amnesty International, Jan. 1992.

⁵⁰It should be noted that the failure of the rich to redistribute the gains of office, which were used instead to pay for luxury imports, was an important part of the critique of CPK intellectuals in the 1960s. See Michael Vickery *Cambodia 1975-1982* 22.

election was prompted by the CPP need to buy votes in the 1993 election.⁵¹ While democracy is supposed to enable control of government by citizens, it may also lead to greater intensity in familiar means of shoring up support, leading to excess. Practices which are tolerated at a low level, are rendered burdensome.

Further abuse then arises from attempts to stifle criticism of these activities. The 1991 student anti-corruption demonstrations ended with eight demonstrators killed.⁵²

Criticism by the opposition press of development activities in the Kraingyov Development Zone, which has benefited from Hun Sen's personal investment, led to an attack on the office of opposition newspaper *Sereipheap Thmei* in October 1995 by angry Kraingyov villagers. Hun Sen's open and immediate support of this attack, in which he said:

I just would like to exercise my right... to express the opinion that Kraingyov people were not wrong in their action.⁵³

indicates the denial of the appropriacy of criticism of patronage/development activities by the political opposition.⁵⁴

Hun Sen's claim that "those who are opposed to Kraingyov people ... are Khmer Rouge"⁵⁵ reconstructs the newspaper's criticism of technical standards as an insurgent attack, heightening the tension surrounding the incident and justifying derogation of the rights of the newspaper staff by the villagers.

Hun Sen's relationship with the Kraingyov Commune exemplifies the use of the material advantages of power - for example, control of state funds - to reward loyalties in reciprocal and personal relationships. This dynamic of patronage and loyalty, which is the context within which every aspect of governance takes place in Cambodia,

⁵¹"Stronger than a Tiger!".

⁵²Amnesty, "Killings...".

⁵³Extract from a speech by Hun Sen in Kraingyov Commune, S'aang District, Kandal Province, 30 Oct. 1995, qtd. in Barber and Munthit, "PM Says Attackers Defended their Honor," *PPP* 3-16 Nov. 1995, 1.

⁵⁴ This remark underscores the conflation of 'right' with the right to engage in trials of populist strength with critics, as described in the previous chapter.

⁵⁵Attackers 1.

combines with multi-party political competition to cause extreme politicisation of all spheres of Cambodian life. There is little sense within Cambodian politics that policies could be made to enhance the life of the nation as a whole. Disbursements of material goods are made competitively with party interests in mind. Winning votes is viewed as a function of personal relationships conferring material benefits rather than of more abstract ideological appeal:

People need help for their communities and as individuals. As long as anyone can help them they will vote for them.⁵⁶

In this political economy of power, mobilisation of loyalty to and extreme alienation from the state and its activities are inextricably linked. Several interviewees expressed the alienation of the people from the business of government:

You have to decide in your life; if you want money - OK, go into politics, into business.... The kind of people who do politics are the ones who like to become leaders with money, with power.... But we, we work with the grass roots.⁵⁷

If I was a candidate for a political party, I wouldn't have the chance to... provide any support to the people. I would have my position - big man, Congressman - you know, in Cambodia he is called "Your Excellency". It's the top. But if we are more concerned about people than about status, it's better to work in NGOs.⁵⁸

Before we expected that Ranariddh, because he was a teacher in the Faculty of Law in France, would bring democracy and respect for human rights to Cambodia. But then he became the first Prime Minister. He put [these principles] aside. And now many foreigners expect that Sam Rainsy and Sirivudh will be good political leaders in our country in the future... like Ranariddh! Now they don't yet have power, but what then? I don't believe that, now.⁵⁹

⁵⁶D3, personal interview (Eng.), 4 July 1996, Phnom Penh.

⁵⁷H14.

⁵⁸L3.

⁵⁹H5. By contrast, one National Assembly Deputy argued that the backing of the constitution and the electoral mandate made the Assembly a more effective champion of rights:

I think local NGOs are not effective for solving these problems with human rights because the Cambodian leaders don't respect these NGOs much... we are members of parliament elected by the people. We have power given by the people - not like local human rights NGOs. Not like international NGOs. We have influence over the local authorities... We can check the prisons any time. We can ask some questions of the government. We have

The activities of politicians were seen by interviewees from human rights NGOs as largely self-serving, unrelated to the promotion of the general welfare:

Within the parties there is nepotism to help the people who get along together well... Party members don't work for the government - they work for their own political party from top to bottom.⁶⁰

In the 1990s, the CPP, with its 1980s State of Cambodia framework left more or less intact, and even strengthened due to the new availability of international aid, worked towards monopolising resources of power and presenting itself as the single framework for the distribution of key goods: economic benefits and physical protection, particularly in the villages. This strategy was specifically referred to by Hun Sen in April 1996:

If you want to overthrow me by using military force, don't expect to win... you cannot win. You absolutely cannot win. I don't care who you are.... To overthrow me by using military forces is not possible.... Today, I am here to help provide for a school building. Other politicians must come to build eight school buildings, that is the best way to beat and overthrow Hun Sen.⁶¹

Similarly pro-CPP newspaper *Reasmei Kampuchea* editorialised:

The best way to beat the People's Party is to compete to develop the countryside. Even though the People's Party has set out very far ahead of other parties, only if they use this strategy to compete can they have some hope.⁶²

The CPP's rival, Funcinpec, also newly empowered by its return to Phnom Penh after many years on the border, attempted to insert its own members into the distributive structure, while competing for the right to monopolise resources of power. Funcinpec's bid was strengthened by the legitimacy bestowed by its electoral mandate and by its association with the King, who, as constitutional monarch and symbol of the unity of the nation, retains a monopoly on cultural symbols.

legislative power. [D1].

It is significant that this National Assembly deputy was among those forced to flee Cambodia following the 1997 July coup, and has since returned under UN protection.

⁶⁰H1, personal interview (Khm.), 4 Apr. 1996, Kampot.

⁶¹Extracts from speech made by Hun Sen at a school inauguration ceremony, Prey Veng Province, 8 Apr. 1996, qtd in To Serey and McDowell, "Hun Sen Warns of Assassination Plot," *CD* 9 Apr. 1996, 3.

⁶²"Editorial: If you want to defeat the People's Party," *RK* 29 June 1996, 2.

Funcinpec was also bolstered by the support of the international community which is the source of the majority of economic resources. To some extent, Funcinpec was able to distribute economic benefits of its own, although Hun Sen, in his speech to the Ministry of Transport, denigrated these efforts:

They tried to build schools but ultimately they just changed the school signboard, changed the name... What sort of nonsense is that! ... Yesterday the people said they received one toilet and the name was changed, that was in S'aang District. Just one toilet and they change the name of the school, whereas for that I build three buildings.... [P]ut your own, you build one, I'll build ten. We're a superpower too when it comes to doing that.⁶³

Unable to dominate economic resources completely, the parties engaged in competition to display generosity, fuelling corruption, so that the burden on the citizen increased. It may be assumed that the burden fell most highly on outsiders, while the benefits were distributed disproportionately towards insiders. Part of the profits made from the rapid deforestation of Cambodia may have been redistributed in the villages by means of patronage. The fact of redistribution does not substitute for a sustainable environmental policy to safeguard agriculture and subsistence farmers.

Implications for Liberal Democratic Processes of Reform

Arguably, the systemic causes of human rights abuse in Cambodia cannot easily be addressed by means of liberal democratic devices. A primary device for reform, as envisaged by the *Paris Agreements*, was the device of periodic free and fair elections. In liberal democratic polities, the political pluralism promoted by elections and the institutionalisation of the role of loyal opposition are intended to overcome tendencies by governments to reward an exclusive group of supporters disproportionately in a competitive political context. Cambodia's recent electoral experience exemplifies the inapplicability of liberal democratic forms transposed into a different power context.

Elections are a new component of the 1990s Cambodian political environment.⁶⁴ In

⁶³Exhorting 4/5.

⁶⁴The constitution grants "citizens of either sex of at least 18 years of age" the right to participate in a "free, universal, equal, direct and secret ballot" to elect deputies to five-year National Assemblies, Constitution Arts. 34; 76; 78.

theory, a poll empowers outsiders, once every five years, to express their discontent at the position in which they find themselves. It is for this reason that elections were seen by UNTAC's Human Rights Component, as vital to the promotion of human rights in Cambodia:

The relationship between human rights and the transition to democracy is very close: a level of respect for basic rights and freedoms was essential for the beginnings of popular political participation; conversely, the establishment of representative institutions and processes will act as the best long term safeguard for human rights.⁶⁵

While the Cambodian public responded with enthusiasm to the UNTAC election, analysis of responses by party leaders to the 1993 and forthcoming 1998 elections suggests that power was and will be exerted in such a way as to prevent elections from performing this political function.

To the extent that a meaningful choice is available in an election, such a ballot represents a serious crisis for an economy of power such as that seen in Cambodia. This can be seen from the increasing violence which has occurred in the run-up to the 1998 elections in Cambodia, culminating in a coup in July 1997 which removed Ranariddh from power and saw the killings of government opponents. The crisis represented by elections is intensified in Cambodia by the fact that the party which is dominant in terms of military power does not control ideological resources of power, such as royal sanction or nationalism. Resort to force is likely as the dominant party attempts to prevent ideological attacks from competitors.

An incumbent facing democratic elections has a number of choices. The most obvious solutions to the threat of removal are to rig the ballot via vote-buying or other means, or to intimidate the voters. Possession of military power makes these options attractive. Alternatively, potentially effective rivals may be removed in advance of polling day. Another strategy is to inform voters that, whatever the result of the election, power will not change hands, thus turning the election into a test of loyalty.

⁶⁵Human Rights Component 63.

If international legitimacy is required, and international scrutiny constrains the actions of the rulers, the first three options may not be available. The latter alternative requires intensifying the existing economy of power. The level of potential threat and potential reward must be ratcheted up, to retain sufficient support in the key areas of bureaucracy and military. By this means, even if the voters elect an opponent, the instruments of state power can be relied upon to prevent a transfer of power.

Familiar resources of power will be used in electioneering - the attention of the voters will be drawn to the physical strength and ability to protect the loyal and punish the disloyal, displayed by the incumbent and his followers, and the relative weakness, in this respect, of the opposition. Such power will be portrayed as inherent not in the incumbent's inhabitation of powerful state institution, but in the organisation and loyalty of party followers. The question will be tacitly raised, what will happen to this centre of power if another party, on the basis of an electoral win, attempts to take control? Such power, the electorate will be reminded, cannot be peacefully transferred, since it inheres in persons, not in institutions. This is exemplified by Hun Sen's regular reminders to the electorate of his relative youth:

if you create any crisis, time is on our side because I'm just 44 years old and will not die that soon. Whereas some are old and have prepared passports already. Some have already gone, some are preparing their passports... I'm just 44 years old... I've survived one attempt to assassinate me...⁶⁶

In a society where knowledge of the catastrophic effects of violence is widespread, the electorate are likely to be highly responsive to such threats. This was the thinking underlying CPP secession threats following the 1993 elections. By demonstrating its continued power, despite the electoral returns, the CPP was able successfully to demand a place in the government. The CPP thus demonstrated to the Cambodian people that power in Cambodia does not inhere in an electoral mandate.

The coup of July 1997 achieved a combination of strategic objectives; it informed voters that the CPP is the only effective operator in Cambodia. Critics and popular opponents,

⁶⁶Exhorting 5.

particularly Ranariddh, Rainsy, members of the Son Sann BLDP grouping, and groups of Khmer Rouge with whom Ranariddh was allegedly negotiating, have been removed. "Fair" elections may now take place and affirm the CPP's hold on power. The experiences of 1993 and 1997, showed that UNTAC's emphasis on democratic accountability as a key plank of human rights policy was misplaced. The CPP does not view the election as a resource of power domestically, but as a crisis, which necessitates full deployment of familiar power resources, such as violence and material patronage.

Analysis of the risks inherent in fighting elections offers an explanation for this.

Arguably, the following necessary, if not sufficient, conditions must be met before incumbent power holders will run the risk of fighting a democratic "free and fair" election:

1. That no reprisals be taken against ousted incumbents for activities while in power.

A government that has ruled by division, violently abusing and enriching themselves at the expense of both rivals and outsiders, can expect to face sanctions after handing power to a rival. Unless this condition is fulfilled, the dynamic of loyalty and protection requires that the party leader continue to fulfil his responsibilities to his followers, who will be unprotected from revenge after his fall from power. If the leader cannot convince followers of his ability to protect, his followers are likely to replace him with one of their own number rather than allow the monopoly of force to pass to an opposition party.

2. That the interests of the incumbent and the interests of the challenger not be fundamentally opposed. While fear of reprisals may be the most immediate conflict of interest between the incumbent and the challenger, other conflicts may be pertinent. Some minimal area of consensus is required for the incumbent to be allowed, by his followers, to submit to the possibility of being ousted. There must be a view, on the part of the incumbents, that life would be tolerable in opposition. Two factors discussed previously militate against this in Cambodia: the limited role of the opposition, which confers little status on ousted leaders; and the widespread perception that political rivals constitute a threat to the survival of the nation.

3. That the incumbent's political appeal be based on something other than his control of the government. If the incumbent maintains the loyalty of his followers solely through functions associated with his monopoly of force and economic goods, he will be unable to maintain a coherent party organisation in opposition. The dynamic in operation among the three governmental partners indicates that loyalty, in the 1990s environment, flows towards power. A number of Funcinpec deputies in early 1997 split from Ranariddh to form a pro-CPP Funcinpec fraction within parliament. Earlier in the life of the government, the split between the Ieng Mouly and Son Sann fractions of the BLDP also indicated that part of the party was successfully co-opted by the centre of power.

4. That the incumbent and his followers have an alternative means of livelihood. There must be some other means by which the incumbent, if ousted, can maintain a certain status and standard of living in society. This implies that some economic opportunities exist that are not contingent on political connections. At present this is not the case in Cambodia; although the NGO sector arguably contains a number of politicians-in-waiting and may absorb some ousted deputies after the next elections.

In Cambodia, none of these conditions obtain at present. The CPP controls few ideological resources. It mobilises support through offering protection and material goods, and is ill-equipped to survive without control of these resources. In maintaining its pursuit of monopoly control and perpetuating the distinction between insiders and outsiders, the CPP responds to the dynamics of its own internal system and obstructs democratic reform and emergence of hegemonic forms of control and order.

Institutionalisation of income, status or protection would undermine the party's functions and is opposed to its interest.

Lack of institutions means that a party's display of power is continuous in Cambodia. The political contest is ongoing. Personal allegiances must be continually tended. An important reason for Funcinpec's weakness compared to the CPP, despite their overwhelming electoral victory and capture of the royalist mantle, lies in the fact that Funcinpec has failed, since 1993, to maintain relationships with old party loyalists, and failed to cultivate successful new ties of loyalty within the state administration.

Funcinpec's overtures to the Khmer Rouge in 1997 represented an attempt to make up for this weakness.

The CPP, on the other hand, maintained its relationships extremely effectively, and is consequently able to mobilise supporters for attacks against enemies, as in the Sirivudh case, the sacking of the *Sereipheap Thmei* office, and as threatened in the denunciation of Ing Kieth. The CPP has demonstrated to Cambodians its effectiveness through its ability to remove opponents and to protect supporters. Funcinpec has removed only its own members - Sirivudh, Rainsy, and finally even Ranariddh - and demonstrated only its failure to protect its insiders. According to Hun Sen:

Power is based on reality - what you dare to say you must dare to do... When they listen to what you say, this is power and when no-one listens to you, this is no power. If [they] demand the dissolution of the National Assembly or the Royal Government or to affect the Constitution, Hun Sen would like to declare to use armed forces to suppress [them].... I have the strength to do... I have the power to order troops, armed forces and that power entitles me to protect the Constitution.⁶⁷

The electoral mandate has little relevance as a resource of power because it offers only a snapshot of the distribution of passive support at one particular time. Liberal democratic ideology institutionalises this snapshot into the basis of power itself by promoting the concept that the electoral mandate is identical to and indistinguishable from the will of the people; and by promoting loyalty to the maxim that the will of the people should rule. In Cambodia such a process of institutionalisation has not taken place and power continues to be a function of the ability to be 'effective' - to prevail in a crisis, through mobilisation of active loyalty.

The 1998 election is unlikely to be politically significant, following the removal of serious rivals in July 1997, unless significant interventionary support is offered to CPP opponents by the international community. An electoral mandate can only confer power if loyalty within the nation is primarily to the electoral system, rather than to individual parties. In Cambodia, sufficient time has not yet elapsed for such loyalty to become

⁶⁷Extract from a speech made by Hun Sen at a medical training school, Phnom Penh, Apr. 27 1996, qtd in "Hun Sen: 'Live and Die With the People'," *PPP* 3-16 May 1996, 3.

engrained. Entrenchment of the concept in the future seems unlikely given the continued use of violence to undermine pluralism. As a technique designed to empower outsiders, promoting respect for human rights abuse, democratic accountability via periodic free and fair elections has failed.

Given that elections cannot be effectively used within the Cambodian context to achieve outcomes which empower outsiders, it is necessary to question the relevance of "human rights" as a political concept within the Cambodian political framework. Since 1991, a number of voices have emerged within Cambodia which critique the existing political framework, with reference to both liberal democratic ideas promoted by the international community, and to so-called 'Cambodian values', presented as emerging from Khmer culture. These critiques, and the nature of the internationally sponsored 'civil society' from which they emerge, are examined in detail in Chapters Seven, Eight and Nine. To provide a context within which to examine these local intellectual responses to the human rights situation, some comments can be made regarding the theoretical implications of the analysis offered here for cultural relativist critiques of universal promotion of human rights.

It has been argued that the problems prioritised by Cambodian human rights NGOs arise from systemic factors which are integral to the Cambodian political economy of power. Frequently these problems encompass abuse of a variety of different rights, going beyond the liberal cluster of civil and political freedoms to encompass rights to education, livelihood, and a healthy environment. When these abuses are viewed within the context of the system that produces them, the indivisibility of certain goods, which can be conceptualised in the language of rights and freedoms and which are essential for survival in culturally significant ways, can be perceived.

The applicability of liberal democratic solutions to denial of these rights cannot be clearly demonstrated. In Cambodia, much of the current violence springs from the existence of political competition. Because the key power resource of 'effectiveness' manifested through control of force and violence has become separated from major ideological power resources, of royal sanction and nationalism, the polity is split into a group of loyal insiders, who are rewarded, and a large group of outsiders who are

targeted.

Within traditional Cambodian culture, a unified patronage system would have provided protection and reward within a hierarchical political framework legitimised by traditional and religious values and discourses. This framework has been sundered and the structural and superstructural elements of power have been turned against one another causing a mismatch between legitimacy and power. The application of liberal democratic solutions, through, for example, the creation of liberal democratic organs of state or promotion of civil society may exacerbate violence since these formations are not promoted within a liberal democratic framework of understanding and political pluralism.

The term 'human rights' can arguably be usefully applied in this situation, not in order to beckon liberal democratic solutions, but to mark practices which make an acceptable standard of living impossible. Arbitrary violence and dispossession is, arguably, particularly pernicious because the individual can take no steps to protect himself other than adherence to potential abusers. Consequently, within the framework of the economy of power currently prevalent in Cambodia, such violence has a tendency to spread and increase. As yet, it will be argued in the next chapters, few internal mechanisms have emerged within the current Cambodian power structure which can prevent the spread of violence and stabilise the situation. Violence will continue to spiral until a monopoly is re-established.

The use of violence in Sihanouk's time involved repression of urban intellectual malcontents; the loyalty of the broad mass of the peasantry engendered greater stability in the countryside. In the 1990s, Cambodians perceive violence as pervasive, arbitrary and directed against large sections of the population. Sihanoukist repression targeted the small stratum of intellectuals who had broken the prevailing, stable political relationship between ruler and ruled by questioning the position of the monarchy. The targets of violence and extortion in the 1990s are politically unconnected, punished for political non-engagement rather than active disloyalty. Non-selective violence is the category which most concerns Cambodian human rights activists, for whom arbitrariness and insecurity are key concerns.

The most important distinction, arguably, between human rights abuse in Sihanouk's day and human rights abuse in the 1990s is that Sihanouk gained the support of rural-dwellers by ideological means, even though this ideology permitted and, arguably, provoked intolerance of intellectual dissent. In the 1990s, the CPP has little ideological legitimacy. Its strategy for gaining support is identical to its strategy for crushing dissent - promotion of a climate of fear within which only loyalty to the CPP can offer protection.

The concerns of Cambodian human rights workers interviewed for the present study can be found to underpin many of the lists of rights put forward by theorists favouring a 'common core of values' approach to meeting the cultural relativist challenge.⁶⁸ Where the actions of government arbitrarily threaten large sections of the population, who are not themselves a threat to the government, thereby creating a climate of fear and insecurity, human rights can be said to have been abused. Sanctions against individuals who have chosen to put themselves into a position of dissent, in situations where conformity would not endanger their physical, economic or cultural survival,⁶⁹ are less widely decried.

The common core of values is in essence an agreement that government action should not arbitrarily cause individuals or communities to live in a state of perpetual insecurity, because this is an outcome which undermines the reason for the development both of cultures and the modern state as contexts which facilitate human endeavour. This outcome has characterised the Cambodian economy of power since 1975.

Such a definition of human rights abuse would exclude from protection members of Cambodia's political society, such as Sam Rainsy and Thun Bunly, as well as the nineteen victims of the 30 March 1997 grenade attack. Significantly, comments made by the injured to the press after the attack, stressed their lack of involvement with the KNP.

⁶⁸For example, Peter Berger, "Are Human Rights Universal?" *Commentary*, Sept. 1977, 60-63.

⁶⁹Cases where not dissenting would endanger physical, economic or cultural survival could include situations where individuals or communities resist government development proposals which will endanger their livelihood or destroy sacred areas; repression of such dissent by government would constitute abuse under the common core of values definition.

This theme was used by Hun Sen who asserted the organisers of the demonstration, who had led these innocent people into danger, should be punished. Liberals would refuse to accept this formulation of human rights, since it precludes protection of peaceful movements aimed at changing political systems.

A common core of values definition of human rights would, arguably, condemn the violence of Cambodia in the 1990s, but would allow recognition of the early Sihanouk era, at least, as an 'acceptable' regime. Liberals would reject this thesis, on the grounds that, as in Sihanouk's era, the stability of an anti-pluralist one-party system is unlikely to pertain over the long term. An unresponsive, unaccountable regime will break down. The liberal project seeks to ensure that change occurs peacefully. Repression of cultural change is the issue which renders cultural relativism counterintuitive. When a small movement aimed at transforming the economy of power begins to grow and to challenge vested interests, it may be constructed by national leaders as a cultural anomaly and a threat to national cultural values. Intellectual dissent was constructed in this way in Sihanouk's day. Creating protected political space in which advocates of change can organise is a core feature of the liberal project. It is also the most controversial in terms of universality.

In Asia, the most pervasive form of final check on political economies of power which have become malignant are various concepts of the 'right to rebel'. Liberalism attempts to regularise, sanitise and institutionalise this right through establishment of rights to political participation and free and fair elections, which can substitute stable and peaceful transitions for bloody revolutions. The Cambodian case suggests that this substitution is not necessarily effective if the necessary consensus on the power of the electoral mandate does not exist. While superficially the project of reducing violence which has become abusive, according to any common core of values that could be projected, may seem to be a universal one, nevertheless the importance of cultural context, in terms of perceptions of political power relations, means that the causes of violence need to be addressed in culturally specific ways.

Human rights can be used as an ideological power resource in this project. Arguably, even if the bundle of goods set out in the Universal Declaration of Human Rights are not

universally recognised as of special significance, the term “human rights abuse” is universally recognised, by governments, as requiring special justification or denial in the eyes of the world. By naming particular events ‘abuses’, the human rights movement stigmatises them, denying their rightfulness and placing pressure on the abuser.

The most effective use of the term, in the Cambodian context, is arguably not to promote a specific bundle of internationally recognised goods, but to attract ideological power resources towards a negotiated definition of the term which mediates between local and international concerns. Universalists at the international level may argue that local redefinition of the term devalues its use as a standard of criticism validated by international law. Arguably, this level can only be invested with meaning through the negotiations of local actors which connect it to the different understandings and concerns of ordinary people. UNTAC attempted to address this question through its encouragement of and assistance to indigenous human rights associations in Cambodia which could take on the task of promoting human rights following UNTAC’s departure. The remainder of the present study analyses the work of these organisations in the political context described.

Chapter 7: The Human Rights Movement and Civil Society

The Cambodian Human Rights Movement

Cambodian human rights NGOs were first established under the direct auspices and protection of the UN. In its final report, the Human Rights Component stated, "Support for indigenous human rights associations and other non-governmental organizations was a particular concern."¹ These organisations represented a new kind of political structure in Cambodia, as well as a non-governmental conduit through which international engagement could continue. The present chapter analyses the structure and the political, social and economic status of these organisations, and locates them in relation to the wider social strata in Cambodian society.

UNTAC viewed the non-governmental organisations that were set up under its auspices as a 'civil society' development. This conception draws on a broad body of literature referring to the role of private interest organisations in strengthening pluralist liberal democratic values. 'Civil society' can be viewed as the organisational and co-ordinating capabilities of non-state society.² The development of 'civil society' organisations in many countries of the South has been seen as providing an impulse towards democracy,³ through the ability to facilitate "full political and economic participation by the poor". Michael Bratton comments:

By their very existence, NGOs help to pluralize the institutional environment and, to the extent that they encourage participation in decision making, to promote a democratic political culture.⁴

UNTAC's Human Rights Component believed, "The strengthening of civil society is

¹Human Rights Component 9.

²Definition offered by Laura Roper Renshaw, . "Strengthening Civil Society: the role of NGOs." *Development* 1994: 46.

³See for example, Larry Diamond, "Rethinking Civil Society, Toward Democratic Consolidation," *Journal of Democracy* 5.3 (1995): 4-14.

⁴ Michael Bratton, "The Politics of Government-NGO Relations in Africa," *World Development* 17 (1989): 570.

the most essential guarantee against the recurrence of the state repression of the past.”⁵

It reported at the end of UNTAC’s mission, “Cambodian political and civil society tenuously began a process of re-establishment, many aspects of which are even now perhaps irreversible.”⁶

Given the intransigence of the major political parties, displayed during the transitional period and beyond, the formation of an independent civil society able to co-ordinate interests was seen by UNTAC as vital in balancing government power and entrenching democratic attitudes. This could build both peace and a stronger, more secular, sense of the Cambodian nation. In civil society analysis, this is usually viewed as taking place as a consequence of the role of civil society as a forum for mediating grassroots or other indigenous interests as these are formulated and expressed by the interest groups themselves. Civil society socialises individuals into national political discourse by providing them with an opportunity to discuss and promote their own interests and concerns within a pluralist political framework.

In discussing this attempt at fostering Cambodian civil society, a key question concerns the level at which such pro-democratic participation and interest articulation occurs. Viewed as a movement of civil society, Cambodian human rights NGOs differ significantly from civil society in other Southeast Asian countries. Their emergence as ‘the children of the UN’⁷ sets them apart from civil societies which develop out of grassroots interests. Norman Uphoff draws a distinction between the ‘grassroots organisations’ and ‘non-governmental organisations’ which together comprise a third, civil, sector between the market and the state.⁸

Uphoff views grassroots organisations as “any and all organizations at the group,

⁵Human Rights Component 7.

⁶Human Rights Component 68.

⁷ Michael Kirby, ‘Oral Statement,’ delivered to Third Committee of the General Assembly, 27 Nov. 1995, 2.

⁸ Norman Uphoff, “Grassroots Organisations and NGOs in Rural Development: Opportunities with Diminishing States and Expanding Markets,” *World Development* 24 (1993): 607-622.

community or locality level.”⁹ He defines the ‘group level’ as “a self-identified set of persons with some common interest, such as occupational, age, gender, ethnic or other grouping”; the ‘community’ level is defined as “an established socio-economic residential unit, often referred to as the village level”; while the ‘locality’ is viewed as “a set of communities having social and economic relations, usually with interactions centred around a market town.”¹⁰

While grassroots organisations are defined in terms of the spatial level at which they operate, non-governmental organisations, which include grassroots organisations, are better defined in terms of the “incentives used to get co-operation or compliance.”¹¹

While the state uses bureaucratic mechanisms and enforcement, and the market uses calculations of private interest, the “third sector depends more on voluntaristic mechanisms, involving processes of bargaining, discussion, accommodation and persuasion.”¹² He notes that there may be overlap between the sectors in their use of these three different methods of gaining compliance.

It will be argued in the remainder of this dissertation that while the human rights NGOs studied in Cambodia form part of the ‘third sector’, they are not primarily located at the grassroots level. Although they maintained offices in most of Cambodia’s provincial towns, and attempted to maintain contact with volunteer ‘informants’ at the subdistrict level, these NGOs pursued a top-down approach to human rights promotion, with policy-making occurring at the level of the head offices in Phnom Penh, frequently in collaboration with other NGO head offices, or with representatives of the international community. The ‘bargaining, discussion, accommodation and persuasion’ envisaged by Uphoff’s definition takes place primarily at this level, between NGO directors, government officials, and representatives of the international community.

There is a strong emphasis within these NGOs on didactic transmissions of concepts and

⁹ Uphoff 609.

¹⁰ Uphoff 608.

¹¹ Uphoff 610

¹² Uphoff 610.

policies to the 'grassroots' through 'education' rather than through participation by the lower levels. As described in Chapter Six, human rights NGO workers interviewed stated that the major sufferers of human rights abuse were the 'grassroots'.

Interviewees, arguably, viewed human rights promotion as a task for 'professionals', rather than for the grassroots themselves. These 'human rights professionals' are divorced from the grassroots by virtue of their full-time status as human rights workers and by virtue of their origins in a professional middle class which is not representative of the majority of the Cambodian population.¹³ They are divorced from wider middle class support by the lack of private sector white-collar employment in the Cambodian economy, and the politicisation and patrimonial aspect of public sector white collar employment described in Chapter Six.

It is argued that this orientation towards 'professionalism', rather than grassroots or middle class participation, emerges to a great extent from the weak and politicised conditions, respectively, of the grassroots and the middle class. This has prompted close relationships to be forged between human rights NGOs and the United Nations and other organisations which represent the international community, a relationship which is further strengthened by the perceived funding and protection capabilities of the international community. Arguably, the Cambodian human rights workers interviewed respond to a great extent to the priorities of their international donors and protectors. Policies implemented represent opportunities foregone, and in imposing particular structures, mechanisms and perceptions on Cambodia, UNTAC and subsequent foreign intervening agencies created a framework for human rights activity which both facilitates and constrains.

The remainder of the dissertation explores in detail the relationship between human rights NGOs and the international community in the fields of protection and finance, ideology and discourse, and strategies for constraining the abuses of the Cambodian government. It is argued in the present chapter that the hierarchical structure and

¹³ The relationship with other sections of the Cambodian urban middle class is described in the second half of the present chapter.

professional status of Cambodian human rights NGOs contribute to a human rights movement which resembles, to a great extent, channels for the dissemination of international human rights discourse, rather than for the promotion of a grassroots discourse developing organically in the villages.

It is argued also that this orientation dovetails with familiar hierarchical structures in Cambodian politics. Arguably, as Heder and Ledgerwood pointed out in their analysis of the UNTAC era, the relationship between the international community and local NGOs did not challenge, and even reinforced, orientations within Cambodian politics¹⁴ towards political relationships which focus on the distribution of economic benefit and protection in return for activities which display and promote ideological loyalties.

It is considered that this orientation does not necessarily further consolidation of democracy within the lower levels of Cambodian society, as emphasis on hierarchical structures and bureaucratic, rather than participatory, responses to human rights abuse does not directly empower the grassroots vis-à-vis the state.

Rather, this emphasis encourages continued reliance on the international community and well-educated human rights 'professionals' to mediate state-society relations. A necessary consequence, arguably, of UNTAC's promotion of itself as the provider of protection and of remedy for abuse during the peace process, and the promises of continued engagement via the Secretary General's Special Representative for Human Rights in Cambodia, and the United Nations Centre for Human Rights Field Office in Cambodia, was to discourage creative development of grassroots strategies of resistance, which might have led to popular empowerment.¹⁵

The Cambodian NGO movement as a whole formed a large and varied sector in 1995/6. In 1995, 90 organisations were members of the Cambodian Co-operation Committee,¹⁶

¹⁴ Heder and Ledgerwood "Introduction" 18.

¹⁵ The content of conceptions of human rights possessed by the Cambodian human rights movement two years after UNTAC's departure is discussed in detail in Chapter Eight. The movement's attempts to provide redress for abuses are analysed in Chapter Nine.

¹⁶ CCC Agency Personnel Listing, Phnom Penh, Dec. 1995, 1-6.

the largest umbrella grouping of NGOs, formed “to share the lessons of the NGO experience, to monitor development assistance and to promote partnership between international and national NGOs.”¹⁷ Of these, 41 were development organisations, 30 were organisations catering to the needs of minorities, special interest groups or professionals, 10 were human rights organisations, 5 were cultural organisations and 4 were smaller umbrella groupings of NGOs.

The interviewees selected for this study from the NGO movement, were drawn from organisations whose primary activities were human rights-related; NGOs which identified themselves primarily as ‘development’ NGOs were not studied, although it is acknowledged that within a civil society analysis, to the extent that they pursue participation in development, such NGOs may also play an important role in promoting democratisation and accountability at the grassroots level. Minority rights and special interest NGOs which organise human rights programmes were also studied.

The rationale for selecting interviewees from these NGOs was the hypothesis that these NGOs will be central for developing a culturally-embedded Cambodian conception of human rights and for developing strategies for promoting respect for human rights and processes ensuring remedy for abuse, within society and the Cambodian state apparatus. The NGOs, and other ‘civil society’ groupings selected, also reflect the attention paid by UNTAC to these groups as important to the promotion of human rights in Cambodia. It was hypothesised that the concepts developed and the strategies pursued by these groups would provide insight into the nature of cultural mediation of internationally-promoted ideologies within the Cambodian context. It cannot be presumed that the structure and orientations of these NGOs are representative of the Cambodian NGO movement as a whole.

Interviews with these members of these groups, and observation of their activities, suggested that Cambodian human rights NGOs have adhered quite rigidly to UNTAC’s example, in the form of their activities, if not always in their conceptions of human

¹⁷ “Action Plan for 1996”, CCC Newsletter, Phnom Penh, Nov. 1995, 1.

rights themselves. In their ideological orientations and in the form of their activities, these groups adhere closely to the international agenda. Yet international intervention in Cambodia has been interpreted, by these interviewees, within a conceptual framework of patronage and hierarchy; arguably, this reflects a conception among these groups of themselves as clients of the international effort in Cambodia, which provides them with funding and protection in return for ideological loyalty.

Staffing and Membership. Despite the wide variety amongst NGOs in terms of size, geographical scope and range of activities, some features are characteristic. All the NGO representatives interviewed had been educated at least to high school standard; many also had degrees either from universities within Cambodia, universities abroad, or from educational institutes set up in refugee camps on the Thai border during the 1980s. Most were drawn from white collar occupations or professions, such as banking, medicine, law or teaching. Many were returnees from the west or from refugee camps.

The first six human rights organisations to be established in Cambodia have continued to represent the leadership of the NGO movement, through their active engagement in NGO coalitions. Four of these six NGOs, Licadho, Adhoc, Vigilance, and Outreach, maintain provincial offices and conduct training activities throughout the country in all but the most remote provinces.¹⁸ The remaining two, the Cambodian Institute of Human Rights and the Khmer Institute of Democracy, maintain fewer offices but are active in producing Khmer translations of human rights materials, have produced regular television programmes and televised debates on human rights issues, and are active in advocacy work.

A brief sketch of the backgrounds of the founding leaders of these six NGOs illustrate the distance between these NGO leaders and the grassroots constituency they claim to represent. Vigilance was established by Kem Sokha in 1991. Kem Sokha later left the

¹⁸Details of the activities and geographical scope of these NGOs can be found in Appendix 1. Generally, the north-eastern provinces of Stung Treng, Ratanakiri, and Mondulhiri have seen few human rights initiatives, partly because these provinces are inaccessible by overland travel, and can be reached only by canoe or by air. These provinces are sparsely populated, and are home to non-Khmer speaking tribal communities, which have historically had relatively little contact with the lowland Khmer.

NGO to stand as a candidate in the 1993 elections on behalf of the BLDP in Takeo province. He is a returnee from the US with long-standing links to the BLDP, formerly the KPNLF, when it was part of the resistance movement in the 1980s. Kem Sokha was involved in human rights work within the KPNLF before founding the NGO, but returned to politics in the belief that the National Assembly would prove a more powerful forum for dealing with human rights complaints. He became president of the National Assembly Commission for Human Rights and Receiving Complaints after the promulgation of the 1993 constitution and gained a reputation for outspoken defence of human rights within the government.¹⁹

Outreach was founded by Srey Chan Phallara, a former state bank official and leader of the party-affiliated women's mass organisation of the bank under the SoC regime. She was trained as a lawyer in the University of Phnom Penh's law faculty before 1975, and was sent to the countryside to work as a farmer during the DK era. She left the state bank to found the NGO when international support and protection for human rights work became available in 1992.²⁰ Kassie Neou, head of the Cambodian Institute for Human Rights is a returnee from the US, where he worked for the Cambodian Documentation Commission which gathered information on human rights abuses in Cambodia during the DK era. He was active in refugee camps such as Site 2 on the border, particularly involved with the production of Khmer-language literature on international human rights law, and returned to Cambodia to found the CIHR during the transitional period.²¹

The president of Licadho, Dr Peng Chiv Kek Galabru, is a medical physician who spent most of the 1970s and 1980s in France. Her family background allows her access to the highest levels of government; she went to school with Ranariddh; both her parents held

¹⁹ Personal interview. Individuals are named in this section because the information offered is either uncontroversial or already within the public domain. Details of date and place of interview are not given to avoid cross-referencing the named individuals with comments, made by them under conditions of confidentiality during the interview, discussed elsewhere in the dissertation.

²⁰ Personal interview.

²¹H16. Kassie Neou was not available for interview during the fieldwork period 1995/6.

ministerial positions in the Sihanouk regime; and her father was also minister without portfolio attached to the SoC Office of the Council of Ministers from 1989 to 1993. Her husband is a French diplomat. In the 1980s, Kek Galabru, while still in France, served as an informal liaison officer for CPP/SoC was a member of the CPP; she takes credit for persuading Hun Sen to allow visas to the first Medecins Sans Frontier and Amnesty International teams to visit the country in 1989 and 1991, respectively.²²

Adhoc was founded by another former CPP member, Thun Saray, who occupied political positions in Cambodia under the SoC. The organisation was established in 1992 as a consequence of his experiences as a political prisoner in 1990/91, in the last years of the SoC regime, when he was detained without trial for attempting to set up a new political party. His experience of SoC prisons prompted him to abandon politics for human rights work.

The Khmer Institute of Democracy was headed in 1995/6 by a returnee from Britain, Dr Lao Mong Hay. Trained as an academic in the UK in the 1970s, Lao Mong Hay was an active member of the KPNLF in the 1980s, involved in human rights work within the organisation on the border, where he was director of the Institute of Public Administration in Site 2 camp, teaching courses on human rights. He was a representative for the BLDP on the Supreme National Council during the UNTAC era, and afterwards headed the Cambodian Mines Advisory Centre. He left this organisation to lead the Khmer Institute of Democracy, which was originally set up by the Australian royal biographer Julio Jeldres, in 1994.²³

All six NGO leaders described are highly educated with experience in professional, government or international NGO work. While the human rights activists who staff their organisations do not enjoy the same high political profile, the sample of interviewees selected reflected this mix of returnees and non-returnees, and of former SoC employees with professionals from health, education and law. This is important in

²²Personal interview; extra details supplied by Laura Summers.

²³ Personal interview.

view of the fact that Cambodian human rights NGOs claim to represent the 'grassroots'.²⁴ Information gained about the educational and professional backgrounds of the human rights workers interviewed strongly suggested that human rights workers are not themselves members of the 'grassroots' but rather emerge from the small Cambodian stratum of urban intellectuals.

The stated motivations of human rights NGO workers for engaging in human rights work are also revealing in this respect. Commenting on her decision to found a human rights NGO Kek Galabru stated,

Since 1970... when we had the coup d'etat until the beginning of January 1971 [when she left for Paris]... I saw already the sorrow in my country. It was an island of peace, a land of smiles in Cambodia and it turned into an island of sorrow. So I already had the idea that it's good to have a human rights organisation to watch what's going on in Cambodia, because when you have war, always, always you have abuse of human rights. So I was motivated from the beginning of the war but I was waiting for the right moment.²⁵

She added a further motivation was,

my willingness to help the grassroots.... I help them to get access to the legal process - we need to protect them, because they are lost, they are alone, nobody to take care of them.²⁶

These comments not only suggest an idealised view of Cambodia in the pre-war years, but a distinctly patrimonial relationship between the NGO and the grassroots. The view that NGOs could 'protect' the grassroots is reminiscent of the importance of the rhetoric of protection in Cambodian political society, and contrasts with ideals of local grassroots empowerment which are central to analyses of the democratising effect of civil society formation. Lao Mong Hay took a different view, describing himself as a

²⁴ This claim was expressed both in answer to the question "What kinds of people suffer most from human rights in Cambodia?" and also to the question "Whose interests does this NGO represent?" Concerns to help the grassroots were also expressed in discussing motivations for becoming involved in human rights work, as described below.

²⁵ Personal interview.

²⁶ Personal interview.

'technocrat'. He presented his motivations for becoming involved in human rights work as a legacy of his studies in Britain:

Living in Britain gave me quite a lot of ideas about human rights, about rule of law... My goal [was] to return and become an academic, because I would like to bring back home ideas, knowledge and pass them on to my young compatriots.²⁷

Although it is couched differently, this view supports the thesis that Cambodian human rights NGOs perceive their role as facilitating the circulation of international, rather than 'grassroots' discourses, and view political reconstruction in Cambodia as a top-down process of training rather than a process prompted by grassroots initiatives.

Thun Saray's personal experiences as a political prisoner led him to human rights work via concerns about political rights:

In jail, I saw the maltreatment of prisoners; and also I would like to have liberty in our society - why can't we express ideas, why can't we have liberty of association? I observed the maltreatment of the prisoners, especially the political prisoners - like animals. They put us in dark cells with shackles... And I didn't believe that before. I thought that the political prisoners had a room, could read, study, meet the family but in reality, no.²⁸

Concern for the rights of political prisoners in this account, and particularly the distinction between political and other prisoners implied in the expectation that political prisoners would be offered study facilities in prison, again distances Thun Saray from the 'ordinary' Cambodian. Only two interviewees, aside from Thun Saray, claimed to have been motivated by abuses suffered personally - one said he had been the victim of a violent attack and the other had been evicted from her house. One more interviewee was motivated by the lack of freedom of expression within the country generally.

Kek Galabru and Lao Mong Hay were both motivated by concern to help others by offering protection or knowledge. These motivating factors were more typical of the group of interviewees as a whole; for example, a public defender explained that he

²⁷ Personal interview.

²⁸ Personal interview.

wished to share experience abroad within Cambodia:

From 1989-93, I was working in Site Two Camp... I had experience in law and helped to form the judicial system, legal system, in Site Two ... I think through the work here I can share my experience to help my people.²⁹

Other NGO representatives explained that they attempted to offer help to constituencies which they believed could help to develop the nation. For example,

In Cambodia since the war, many children were homeless and uneducated and children are very important for the future of the nation, so if they children are not educated it will be a very big problem for Cambodia, so to help our country we are focusing on the children, especially on their rights.³⁰

A number were motivated by abuses they had witnessed, particularly abuses aimed at the poor. A provincial human rights director commented:

I am interested because when I was a student I was very interested to help others especially the one who suffered or was threatened and especially when I was a kid in the village, local authorities with power always take land from the poor people. And the poor people have no education, they don't know how to complain or whether what the local authority has done is right - so they just keep quiet and suffer all that. And so I would like to help - the idea of helping each other, make them realise who the property belongs to and how they should take care of their property.³¹

It is significant that two human rights organisations which worked with minorities such as the Vietnamese, Cham and upland tribal communities were headed and staffed mainly by members of the Khmer Kampuchea Krom community - ethnic Khmer from southern Vietnam:

In fact I am not native - I am Khmer Kampuchea Krom and was living in Vietnam and when I was there I saw the dire sufferings of the minorities, so I had the idea to set up human rights education for the minority people. In communist countries - they use their authority against the minority so these people are very frequently violated.³²

²⁹ L2.

³⁰ H18, personal interview (Eng.), 18 Mar. 1996, Phnom Penh.

³¹ H6

³² M1, personal interview (Khmer.), 18 Mar. 1996, Phnom Penh.

Such comments suggest that many Cambodian human rights workers view themselves as professionals, working on behalf of those who cannot help themselves, rather than as facilitators of direct political and economic participation by the disempowered. This perception is significant in that it represents a different form of civil society development in Cambodia from that described in much of the literature.

Motivations for engaging in human rights promotion were seen by foreign human rights workers and former UNTAC officials as resulting to a great extent from lack of alternative white-collar occupations in the Cambodian economy:

NGO work in Cambodia generally is a good job for young, bright people. Foreign aid is coming in - it has prospects and a good salary... A lot of hopeful, mildly idealistic youngsters join because they get foreign aid. They do care, but enthusiasm for human rights is complex. It's perceived as a growth area.³³

[Cambodian human rights workers] didn't go in as human rights activists. They mainly went in for the salary. Or for the card. But gradually they began to believe in them.³⁴

These comments characterise Cambodian human rights activists as members of the educated elite, seeking career prospects in an economy which offers few alternative opportunities. Remarks made by Cambodian NGO directors suggest that they, too, viewed professionalism and expertise rather than grassroots commitment, as the most valuable qualifications for human rights work. From their perspective, staff shortages were acute until UNTAC's departure, because local NGOs could not compete with UN salaries. After 1993, NGOs were able to employ former local UNTAC staff. Accounts given by human rights NGO directors suggest that conviction is perceived as less important than general professional competence for NGO staff:

When we set up our NGO, the UN was here so the UN took all the best elements... Cambodians who know English, French, anything... they pay well, so how can we compete with the UN? Only after the UN departure could we get some... But then some went to the embassies, private

³³11, personal interview, 22 Aug. 1995, Washington DC.

³⁴12, personal interview, 24 Aug. 1995, Washington DC.

companies, as they have some knowledge, how to deal with people, how to work, how to co-ordinate, how to use English, so off they went to have a good salary and we had to take elements that weren't really good. But we train, train, train...³⁵

High-ranking government officials or [those] who have a stable life in society don't like to have adventures with us. Because this activity is dangerous for them. And that's why the people who came from the provinces are teachers,... or students or ordinary people - they helped our organisation and worked with us from the beginning, at first as volunteers, receiving only a small fee. That's why we could not select the good people for our activity.³⁶

All of our staff are volunteers, and so far we have not got any payment for them. Because we have no funds for salary for them. I think it seems very strange to people that they volunteer. But actually they volunteer because most of them just finished school or university and they have no job to do. So I just try to persuade them to work here because even if now we have no salary, we hope that in the future if we are doing a good job, somebody might help us.³⁷

This attitude suggests that human rights work is seen less as a matter of ideal than of professional organisation. Lack of emphasis on strength of conviction, as opposed to general professional competence, in the hiring of human rights workers by directors of NGOs further suggests the technocratic and professional, rather than political, nature of these organisations. Emphasis on professionalism may work to marginalise the constituency represented from setting the agendas and defining the concepts implicit in human rights work. Consequently, a 'professional' human rights NGO sector may not have the democratising impact expected, although it may operate to ameliorate the level of 'abuse', defined according to their own criteria.

One international human rights worker, who works closely with Cambodian human rights NGOs believed that the provision of international salaries and protection to human rights workers had led to an organisational spirit which differed from that of

³⁵H14.

³⁶H5.

³⁷H18. This NGO, in common with some other smaller NGOs, did not pay salaried staff, but, in common with other NGOs, sought funding to pay professional staff in the future.

human rights NGOs in other countries:

The strength of a human rights organisation is primarily based on the commitment of the people. Having so much money may give rise to a situation where you don't really get the right people to do human rights work - that's a reality in Cambodia. There are people doing human rights work and yet do not really care that much.³⁸

Asked during interviews about their motivations for becoming involved in human rights work, most interviewees, as expected, spoke about the importance of human rights ideals rather than the job opportunities offered.³⁹ One interviewee cited salary as a factor alongside ideological concerns:

First of all I worked for the government, but I like this kind of job - I get a better living standard and salary.... But I worked five years for government - it's a bad situation. I've seen people coerced by the local authorities so I became interested in protecting.⁴⁰

Dr Lao Mong Hay stated that he became involved in human rights work after rejecting the option of working at the University of Phnom Penh because of the poor salaries paid to faculty members:

I failed to get a job at the university, not because of anything related to me, but because of the below-survival salary. I could not be a university lecturer, I could not take bribes from the students. I had been taught by British society to help others, not to commit sins or crimes... I can use this institution to disseminate knowledge, skills and ideas.⁴¹

This account underscores the position of NGOs as organisations of professionals and intellectuals who find the patrimonial environment of public service stifling to reform efforts and aspirations. It further demonstrates the top-down approach of this NGO, which contrasts with grassroots organisations formed by volunteers, or local activists as

³⁸I3, personal interview, 15 Jan. 1996, Phnom Penh.

³⁹While the answers given to this question offer insight into how human rights concepts are perceived by interviewees, within the interview situation it is to be presumed that interviewees would be unlikely to admit to any financial motivations. This does not necessarily mean that these motivations are not significant.

⁴⁰H1, personal interview (Khm.), 4 Apr. 1996, Kampot.

⁴¹Personal interview.

direct expressions of grassroots concern.

Arguably, these answers may also indicate a perception among human rights workers of themselves as potential patrons of the disenfranchised and oppressed. As described in previous chapters, political relationships in Cambodia frequently take the form of exchange bargains. Goods exchanged are frequently protection and loyalty. The relationship between human rights organisations and the grassroots can also be viewed in these terms. Protection is offered, via a hierarchical framework established for handling complaints of abuse, in return for grassroots participation in education and training activities which promote ideological loyalty to the aims of the human rights NGO movement.

Viewed from this perspective, human rights organisations appear as one level in a patrimonial hierarchy within which international donors are the patrons, and the grassroots are the clients. Human rights workers form the link between an interventionist international community concerned to promote liberal democratic ideology, and a marginalised and abused grassroots constituency formed of disempowered individuals seeking protection from an intrusive state apparatus and military.

Members of the grassroots are encouraged to become members of human rights NGOs. UNTAC's Human Rights Component reported that human rights NGOs had gained more than 150,000 members by the end of the UNTAC period,⁴² but membership does not require active involvement in human rights promotion. Becoming a member of a human rights NGO requires only that the applicant fulfil a five-day training course in human rights. Such training courses are offered by human rights organisations in village pagodas and schools throughout Cambodia.

One international NGO worker suggested that such perceptions motivated members of the Cambodian public to join human rights organisations:

⁴²Human Rights Component 66.

Often people joined just to get the membership card - there was a card mania in Cambodia... They want it because they see it as another patron, and because the card has their picture on it - not many Cambodians have photos of themselves.⁴³

The passive nature of membership and the perception among both members and human rights NGO workers that their job is to protect and educate suggests that ideological input from members on the activity and orientations of the organisation is minimal.

Size and Range of Activities. The professional and top-down approach of many human rights organisations in Cambodia is underlined by descriptions offered by NGOs of their activities. Although the particular focus of activities differed among NGOs, all the interviewees viewed the content of human rights work generally as falling into four main categories: education for the general public; training for employees of the state authorities; monitoring of the human rights situation in the provinces or constituencies in which they operate; and investigating or referring complaints of specific cases of abuse. This similarity of perception may have arisen from the position of Cambodian NGOs vis-à-vis the international community which, arguably, has set the agenda for NGOs within Cambodia to a very large degree.

It is significant that these activities tend to reinforce the relationship between the 'grassroots' and the human rights NGOs, rather than attempting to develop the assertiveness of the 'grassroots' themselves. Educational activities carried out by national NGOs within the villages frequently focus on teaching villagers how to define a human rights abuse, and how to 'make a complaint' to an NGO office if a human rights abuse occurs. Emphasis on training and educational activities suggests there is little concern to debate and develop indigenous definitions of human rights, within the national NGOs.

Variation in size between these organisations is wide. The largest human rights NGOs, Adhoc, Licadho, Vigilance, and Outreach, pursue activities in a range of human rights fields, commissioning reports into issues such as human trafficking and child labour;

⁴³II.

organising regular visits to prisons; taking a leading role in NGO coalitions, such as the Action Committee, the Cambodian Human Rights Co-ordination Committee and the Committee for the Monitoring of Free and Fair Elections (COMFREL); and lobbying at the international level.

They sustain professionally-staffed provincial offices in almost all Cambodia's provinces, and undertake education and investigation activities in villages throughout the countryside, attempting by this means to build networks of human rights informants at the local level who can pass on information regarding cases of local human rights abuse. They also meet regularly with government officials in meetings and seminars, organising training sessions for government personnel, particularly the police and military, and making contacts within the administration which can be used in seeking redress in cases of human rights abuse.

Other NGOs have a much narrower focus, implementing a limited range of projects in particular geographical locations. For example, the Victim Contribution and Assistance Organisation operates only through the efforts of volunteers in Phnom Penh and the four adjacent provinces, and restricts its activities to seeking funds to provide relief to families victimised by human rights abuse, and to offering free English lessons to children, combining language instruction with education on the rights of the child.

Other NGOs pursue human rights activities as one of a range of programmes catering to the needs of a particular constituency; for example, the Cambodian Disabled People's Organisation, the Vietnamese Association and the Urban Sector Group. These small NGOs rarely contact the government directly to pursue human rights concerns, but operate as links between a particular constituency, such as urban children, disabled people, ethnic minorities and the squatter community, and the larger human rights NGOs.

It is notable that 'capacity building' within the villages was not mentioned by workers of the national human rights NGOs as a concern, although capacity building among disabled people and urban squatters was an important activity for the special interest organisations working with these groups. The director of one organisation working with

urban squatters described its goals as follows:

My organisation talks to the people in the squatters' districts and if the government has a plan to evict people from their own community - for example, the government has a place it has provided to be a new community for these people - and then my organisation talks to the people and takes one representative from each community to do a survey of the place that the government wants to move these people to... to find out whether the place the government wants to move the people to is good or not.... Afterwards the representatives will go with this organisation and with other organisations also to be involved in the discussions with the government.... This way we can present one clear voice to the government.⁴⁴

It is significant that this interviewee did not view his organisation as a human rights organisation, commenting:

This organisation is not involved deeply in human rights, but just works for housing rights. But this organisation also supports rights.⁴⁵

The *modus operandi* of this organisation, which also organises small-scale demonstrations of squatters in front of the National Assembly or the Office of the Council of Ministers to protest against eviction orders, differs significantly from the education, training and complaint receiving role of the larger human rights NGOs.⁴⁶

This raises the question of whether non-governmental organisations in Cambodia which do not identify themselves as human rights organisations are engaged in activities which encourage economic and political participation, thus performing a role which resembles more closely the democratising role of civil society envisaged in the literature. This is a question for further research. Arguably, human rights NGOs have viewed their grassroots constituency as targets for education in norms emerging from the international community, rather than attempting to engage members of the grassroots in debate on the appropriate political and economic content of human rights in Cambodia.

This analysis, arguably, is also borne out by the nature of training sessions held by

⁴⁴ Personal interview

⁴⁵ Personal interview

⁴⁶ This difference in strategy is discussed further in Chapter Nine.

Cambodian human rights NGOs. Those observed for the present study took the form of a talk offered by a human rights trainer on international human rights law and concepts, sometimes cross-referenced with ideas drawn from Buddhist teachings, followed by questions from the audience, answered by the trainer. In the training sessions observed, little opportunity was offered for listeners to debate issues or personal experiences.⁴⁷ This didactic quality, focusing on transmission, rather than debate, of concepts, is underlined by accounts of training offered by provincial NGO directors working for different NGOs, in Banteay Meanchey and Kompong Cham provinces:

We teach people that human rights are similar to Buddhism. Because when I teach people, I put up a poster and the poster says about Buddhism, tells the people about sin. And when people in Cambodia hear about sin, they are scared about that.⁴⁸

We give training to government staff and people in the province. We disseminate human rights doctrine, law of democracy, national constitution of Cambodia, criminal code of UNTAC, other laws declared by the UN since the election - to sum up laws which give benefit to the people.⁴⁹

In the latter account, the definition of 'benefit to the people' is assumed, rather than open for discussion by trainees. The training activities of human rights NGOs suggest that while human rights are offered as a framework within which political activity can be organised, the nature of the framework itself is not considered an appropriate issue for participatory debate, but as a fixed set of norms taken from international law and discourse, to be implanted into Cambodian politics and society. To this extent, democratisation is seen as the harnessing of external ideologies and practices rather than the development of an indigenous framework for conflict resolution beginning with empowerment of individuals at the grassroots level:

We learn from our mistakes. All together, we follow the international community's wishes, Cambodian wishes, and try to solve the problems in a

⁴⁷ Author's observations, training sessions held by the Khmer Buddhist Society and Adhoc, January and July 1996.

⁴⁸ H21, personal interview (Khm.), 26 January 1996, Phnom Penh.

⁴⁹ H11, personal interview (Khm.), 30 July 1996, Kompong Cham.

peaceful way. Democratic process is the most peaceful way.⁵⁰

Relationship with the International Community. The impact of the preferences of international funders on Cambodian human rights NGOs is strong. As discussed, human rights workers frequently viewed themselves as working to inculcate international norms in Cambodian society. This view has emerged, arguably, both from the circumstances under which human rights organisations were set up in Cambodia, and from continuing reliance on international funding and protection.

Formal NGOs are a new phenomenon in Cambodia. Until 1991, the Cambodian Red Cross was the only indigenous NGO in evidence, although

State supported 'mass organisations' such as the National Women's Association, the Youth Association and the Trade Unions, at first politically oriented and motivated, played a significant role in civic, health and sanitation education, in literacy campaigns, vaccination campaigns, and in assisting the families of soldiers lost in battle.⁵¹

These mass organisations were not independent of government, but were formed to facilitate the implementation of government policy. In the 1990s, they were replaced through the encouragement of the United Nations and other international donors, by non-governmental organisations which had more opportunity to pursue objectives independently of the Cambodian government, as the international effort to rehabilitate and reconstruct Cambodia made grants of aid available to indigenous organisations. Heder and Ledgerwood described human rights organisations during the UNTAC era as "fledgling facsimiles of archetypical bodies of civil society" which, under UNTAC's protection, "play[ed] a disproportionate and precocious role."⁵²

The degree of exposure to international influence and ideology varies between NGOs. The larger human rights NGOs employ expatriate staff, visit counterparts in other

⁵⁰ H16.

⁵¹ Eva L. Mysliwiec, "Cambodia: NGOs in Transition", unpublished paper presented to the United Nations Research Institute for Social Development (UNRISD), Workshop on the Social Consequences of the Peace Process in Cambodia, Geneva, 29-30 April 1993, 8.

⁵² Heder and Ledgerwood, "Introduction" 18.

countries, and lobby at the international level. Smaller NGOs must compete with each other and with larger NGOs for the attention of international organisations and embassies.

Networking between local and international NGOs is facilitated by umbrella committees, including the Action Committee and the Cambodian Human Rights Co-operation Committee, in the human rights field, and *Ponleu Khmer*, which organised popular debates on the Constitution in 1993. Interviewees considered that participation in these committees provided protection to NGO workers; smaller NGOs gain strength through these contacts with larger local counterparts. A hierarchy of NGOs has developed with smaller urban NGOs and the provincial offices of the larger NGOs looking for leadership and support to the head offices of the six national NGOs, and to the umbrella groupings. Larger Cambodian NGOs frequently take the lead in initiatives which require an approach to be made to the government, and offer, to a limited extent, training and finance to smaller NGOs. Consequently attitudes to human rights work emerging from the largest Cambodian NGOs filter through the movement as a whole.

International influence can be characterised as follows:

The UN just has a support role - political, financial, technical... Especially how to lobby, how to set up systems of communications. And when the political authorities give trouble - intervene and bail them out.⁵³

The channels by which protection and aid flow from the international community to the NGO movement, and the ideological response from Cambodian human rights workers, can be viewed as bearing a striking resemblance to familiar Cambodian power relationships which reward appropriate ideological stances with economic benefit and physical security. Heder and Ledgerwood describe UNTAC-Cambodian relations:

UNTAC at times seemed pervaded with the condescending belief that "the Cambodians" were incapable of anything unless UNTAC held their hands and walked them through it... the hierarchical nature of Cambodian

⁵³I5, personal interview, 13 Aug. 1996, Phnom Penh.

political/social patron-client networks fit all too nicely with such attitudes.⁵⁴

Other international observers and participants in UNTAC's mission recall "paternalism"⁵⁵ and "colonialism"⁵⁶ in UNTAC's attitudes:

During UNTAC ... there was a patronising attitude, they are like children, they can't stand on their own feet, they don't know what they are doing....[UNTAC] failed to think of the NGOs as independent, self-sustaining, domestic entities. It thought of them as outgrowths of the UN.⁵⁷

Examination of the forms of protection and funding offered to NGOs by the international community and the services provided by NGOs to international donors illustrates the nature of the relationship between the international and local human rights movement.

Protection. Significant support and protection was necessary from UNTAC in order for human rights organisations to appear; at least one of these spent its first months of operation housed in the UNTAC Human Rights Component office under its direct protection.⁵⁸ In an attempt to encourage the assertiveness of local NGOs, UNTAC and international NGOs offered protection in a variety of ways through, for example, assistance with regional and international networking,⁵⁹ technical assistance and training to provide "skills and self-confidence"⁶⁰ and physical support from the presence of international observers. These activities were aimed at changing decisively the cultural parameters of the relationship between rulers and ruled:

I would go on all investigations with people from [human rights NGOs]... but they had just started, they were scared to death. They had no money, no protection.... it was a new idea that you should question authority. The way

⁵⁴Heder and Ledgerwood, "Introduction" 30-31.

⁵⁵11.

⁵⁶17.

⁵⁷15.

⁵⁸H17, personal interview (Eng.), 9 Jan. 1996, Phnom Penh.

⁵⁹Dennis McNamara, "UN Peacekeeping and Human Rights in Cambodia: a Critical Evaluation". Unpub. paper delivered at Meeting on UN Peacekeeping and Human Rights, Geneva, Aug. 1994, 17.

⁶⁰12.

Cambodians deal with authority - it's all very well expecting them to go to the provincial governor, but do they ever dare to go even to their father ... that's the key question.⁶¹

International provision of material aid is also sometimes used to support Cambodian NGO attempts to gain official compliance, in a manner familiar to the Cambodian economy of power. For example, intervention in Koh Kong Province, where court rent-seeking interfered with scheduling of trials, was described:

We went to the prison ... We said if we can have a session to educate everyone about their rights then we'll help get some stuff for them - whiteboards for education, hats, a volleyball - we bought cement to rebuild the kitchen and pots and pans. And we got them to promise that lawyers can have free and open access to the prison. We got sixteen cases that had not been tried, scheduled. But we had to do it in a nice way.⁶²

These comments illustrate the means by which political, financial and technical support were intended to support Cambodian human rights workers in their attempts to address a government and state apparatus which was hostile to human rights promotion during the UNTAC period and beyond. It will be argued in Chapter Nine of this dissertation that Cambodian NGO workers have not formulated any clear strategies aimed at making themselves independent of international protection. Cambodian human rights workers interviewed generally viewed the protection of the international community as essential to their work now and in the future.

Funding. Funding for Cambodian human rights NGOs comes from the international community. The international effort to aid the reconstruction of Cambodia is co-ordinated through the Consultative Group on Cambodia (CG), formerly the International Committee for the Reconstruction of Cambodia (ICORC) which meets regularly to discuss aid disbursements to the country. This co-ordination body includes representatives from multilateral donor agencies, international institutions such as the United Nations and the International Monetary Fund, donor governments, and donor NGOs. The sources of funding for the NGOs studied are partly identified in Appendix

⁶¹12.

⁶²18.

1. The chart accurately depicts the mix of donors contributing to the reconstruction of Cambodia. Only 5 of the organisations studied received no external funding at all, and these organisations indicated that they were in the process of submitting proposals to international donor agencies.

Concern regarding the extent to which international control of funds has led to international agenda-setting within Cambodian NGOs is apparent among some sections of the international NGO community. One criticism was voiced in a joint statement by international NGOs made to the Donor's Review Meeting in Phnom Penh in 1993:

The rehabilitation program is weakest in its efforts to include Cambodians in the design and planning phases of projects and in facilitating the transfer of information technology so necessary to the process of decision-making. Information relevant to project planning and project appraisal, as well as information technologies themselves appear to be concentrated in, and under the control of, the expatriate community, while Cambodians are relegated more and more to the role of passive actors in the rehabilitation process. Too often Cambodians are the last to be informed regarding new developments. More efforts to provide essential documentation and reports in the Khmer language would help to increase Cambodian participation in all aspects of the rehabilitation and development process.⁶³

An international NGO worker interviewed similarly criticised foreign control over the non-governmental sector:

We'll all leave. Most international organisations have foreigners in positions of authority. But we need to develop human resources - we don't have qualified people, but there's a growing pool of capable people who have practical experience - they are not given a chance.⁶⁴

Reliance on foreign funding has constrained Cambodian human rights NGO activities, and has allowed foreign agencies and governments to a great extent to set the agenda for NGO activities. The Cambodian human rights NGOs studied submit annual proposals and reports for funding to international donors, and spend much time attempting to cultivate contacts in donor organisations. Competition for funding increases ideological

⁶³ 'NGO Statement for the Donors' Review Meeting, Phnom Penh, Cambodia, 25 February 1993, 3.

⁶⁴ 18.

homogenisation amongst these NGOs, as they network with one another and with international human rights workers and undergo training in the framing of funding proposals.⁶⁵

None of the human rights NGOs studied attempted to raise funds from the Cambodian population itself, in line with their perception of human rights NGOs as providers of services to the grassroots, who need to attract grassroots interest through, for example, the provision of lunch at training sessions, rather than depending on their financial and other support. Some interviewees arguably viewed the relationship between the NGOs and the grassroots as a process of exchange, whereby the grassroots agree to be educated in human rights ideology in return for economic incentives.

For example, one NGO, which focused on providing public defenders to accused persons and human rights education programmes in the villages, decided to begin a chicken farming development project in order to generate greater interest from the Cambodian public:

First we had a policy of human rights for Cambodian people but when we tell them about rights... and people say, "Oh, we need human rights but we do not have any money to buy food - even if we care about human rights we do not have any money to buy food". And if you have human rights and development together that is the way to teach about human rights and democracy in Cambodia. That's why I started development work.⁶⁶

The orientation towards professionalism among the NGOs studied also prompts them to search for foreign funding to provide salaries to staff, where possible. As described, use of volunteers is viewed by human rights NGO directors as a last resort, if funds for professionals are not available. Training rural Cambodians in human rights norms is a labour-intensive activity. Because of the hierarchical nature of Cambodian human rights NGOs, money is urgently required to meet the costs of sending professional urban educators out into the countryside, to visit different villages and communities:

⁶⁵ For example, the British aid organisation Voluntary Service Overseas places professional fund-raisers from British charities with Cambodian NGOs to offer advice in raising funds from the international community.

⁶⁶ L3

One problem is funds. We need to publish documents, need money for trainers to go to the provinces.⁶⁷

We haven't been up to the North East. We concentrate on the Cham minorities, because it's difficult [to reach the North Eastern tribal communities] because of road communications. The budget for the association is low. We are appealing to foreign associations for funds to facilitate going to the North Eastern provinces.⁶⁸

In the field of human rights, close contact with the UN is maintained via the United Nations Centre for Human Rights Field Office in Cambodia, which holds regular meetings with local NGO representatives, offering advice and funding, through the Trust Fund for a Human Rights Education Programme in Cambodia. Grants awarded to NGOs and to the Cambodian government through this programme up to July 1995 are set out in Tables A and B of Appendix 2.

The disbursements made through the Trust Fund illustrate international support for the four main areas of activity described by Cambodian interviewees: education, particularly through the production of Khmer language booklets, school curricula, newsletters and videos; training for state officials, particularly in the penal and legal systems; and monitoring and investigation. A particular concern of the international community, since UNTAC, has been the provision of Khmer language copies of the international human rights treaties signed by the Supreme National Council during the transitional period. International NGOs, foreign aid programmes and embassies also contribute directly to the continued financing of Cambodian human rights organisations. Co-funding of human rights projects by different international organisations, who meet to discuss aid disbursements within the framework of the CG, contributes to the homogeneity of Cambodian human rights NGOs, and of their projects.

One international human rights worker commented that the interests of international NGOs in maintaining programmes in Cambodia at times conflicted with the task of empowering Cambodians to set the human rights agenda. A case exemplifying this,

⁶⁷ H10.

⁶⁸ M5, personal interview (Khm.), 17 May 1996, Phnom Penh.

according to this interviewee, was the case of the Cambodian Defenders' Project (CDP), which is run by the Washington-based Human Rights Law Group. In 1995/6, the CDP was headed by two co-directors, one American and one Cambodian. One group of public defenders split from this organisation to form their own public defenders' NGO, Legal Aid of Cambodia. The interviewee described the reasons for this split:

[International human rights workers] said, [the Cambodian CDP employees] can't run their own show. They were making a lot of money [in USAID grants], so there was a lot of resistance from the Washington office. That was very unfortunate... Also they said the Khmers were not ready. But when will they ever be ready? We have to take the risk. And they will undergo a mental change when they take over.⁶⁹

While the CDP is unusual in that most Cambodian human rights NGOs are headed only by Cambodians, the impact of foreign preferences, particularly those of funding organisations and of international trainers working in Phnom Penh is high throughout the Cambodian human rights NGO sector.

Ideological Impact. To a great extent, the Cambodian human rights NGOs studied reflect the need of international human rights promoters to develop local implementation agencies for their policies. During UNTAC's mission, local human rights organisations were vital in assisting with the implementation of UNTAC's training programmes,⁷⁰ and in linking UNTAC with the Cambodian population in a way that the existing administrative structures failed to do.

After UNTAC's departure in September 1993, they were to continue to provide a channel of communication and power between the international community and the Cambodian people, which could bypass the political power concerns of government. This attitude is noted in one commentary on the Cambodian NGO sector during the transitional period:

In the Cambodian situation it was not uncommon, in the period after the signing of the Peace Accords, for some bi/multilateral donors to encourage

⁶⁹ 18.

⁷⁰ McNamara 18.

their client NGOs to avoid working with the Cambodian administration which they, the donors, do not support.⁷¹

International NGO workers interviewed believed that external influence has defined the content of human rights work conducted in Cambodia. Ideological adherence to international norms may be seen as a service provided by human rights NGOs in return for the funding and protection they receive:

[The approach of Cambodian NGOs is] in many cases a very traditional Western approach. UNTAC encouraged NGOs in strict civil and political rights - rights to life, against torture. So the human rights NGOs mainly concentrate on that.... It's what they've always been led to believe because of the backing from Western human rights activists and donors - but they also set their own agenda based on what they perceive are the basic issues.⁷²

We had to work to give them this heavy re-orientation on what they were doing and what they were supposed to do. We had to say, 'No, no, no - as a human rights NGO, this is what you should do'. That takes time... the human rights NGOs are still struggling to learn themselves just exactly what human rights work is.⁷³

They spend a lot of time finding out about abuses and reporting them to the relevant authorities. That's the UNTAC dynamic. UNTAC wanted to protect human rights groups from pressure and the human rights groups didn't want to expose themselves. They often adopted education as a safe option, or reporting abuses to UNTAC for action...⁷⁴

Heavy reliance by human rights NGOs on foreign funding and training has continued since the departure of UNTAC in September 1993. In part, one international NGO worker suggested, this reliance is prompted by the attitude of NGOs themselves:

Sometimes they say, we can't do this now, we need more training. We have to tell them, no, what you need now is to put into practice the training that you have already received.⁷⁵

⁷¹ Mysliwiec 16.

⁷² 15.

⁷³ 13, personal interview, 15 Jan. 1996, Phnom Penh.

⁷⁴ 11.

⁷⁵ 13.

This input is highly valued by the Cambodian NGO workers interviewed, because the Cambodian economy is incapable of supporting such a large, professional non-governmental sector. It is also a signal of political support, which translates into the protection that is essential, given the climate of fear which lingers in Cambodia. Cambodian human rights workers regard close association with international sources of power as strengthening their own internal position, which is distanced from both grassroots and state centres of power:

International NGOs can provide some more advice and ideas on how to solve the problem. Because international NGOs have been experienced for a long time in this area... We need to get experience and ideas from them.⁷⁶

The international NGO has more power than the local NGO to meet the government authorities; like it's easy for them to have access to the Prime Ministers, the King or the Ministries. So the international NGO has more power.⁷⁷

Heavy reliance on international norms and values in formulating conceptions of human rights, arguably, also reflects the view that promotion of human rights in Cambodia is an international, rather than a local, project:

We just respect the law of the Universal Declaration of Human Rights... We also rely on the Agreements of 31 October 1991, the Peace Accords - at that time human rights were born in Cambodia, so I just rely on that.⁷⁸

[The UN Border Relief Operation] hired people to help teach human rights. they financed publications on human rights and so on. And so I feel the adoption of human rights by Cambodia is a collective work. And it was enshrined in the Paris Agreements and later on in the Constitution.⁷⁹

Such attitudes militate against the development of creative and participatory grassroots solutions to Cambodia's human rights problems. Yet, although power relationships between the international community, the government and Cambodian human rights

⁷⁶ H18.

⁷⁷ L4.

⁷⁸ H20, personal interview (Kh.), 26 Jan. 1996, Phnom Penh. In fact, the Paris Agreements were signed on 23 Oct. 1991. 31 Oct. is the date of the King's Birthday.

⁷⁹ H16.

NGOs circumscribe the human rights movement, there is room for negotiation, as both 'patron' and 'client' seek to exploit mutual contact to their greatest advantage. While the international agenda has heavily influenced the local one, the contextual and cultural variables, particularly the response of the Cambodian government, have also had a significant impact on human rights activity and discourse. Although interviewees claimed to 'rely on' international treaties for their conceptions of human rights, in fact, these frequently differed significantly from conceptions of human rights found in liberal democratic ideology.

The response of interviewees to international intervention reflects the impact of a negotiation between the human rights movement, the grassroots, the Cambodian government and the international community within the particular environment of Cambodia since 1993. While international backing heavily influences NGO activity in human rights promotion, perceptions of the condition and capabilities of the 'grassroots' and fear of a violent government response are certainly constraining factors on NGO ideology and activity.

The attitudes of the Cambodian human rights movement also reflect the cultural backdrop to their activities, as they strive to promote human rights ideals in the setting of the Cambodian political economy of power. This response is manifested by the human rights activity and discourse which continued in Cambodia in 1995/6, three years after UNTAC's departure.

It is argued in later chapters that in both their activities and in the human rights discourse which has emerged from the Cambodian human rights movement, the impact of this process of negotiation can be perceived. The conflicting pressures, funding and patronage opportunities, and cultural values which circumscribe NGO work have affected the way that human rights, as a political concept, has been introduced into the Cambodian political economy of power. Arguably, the result has not been the emergence of the kind of participatory, grassroots civil society anticipated in the civil society literature.

The next chapter examines the production and nature of the human rights discourse

employed by the Cambodian human rights movement, and argues that this discourse is the product of attempts by Cambodian activists to marry the human rights ideology promoted by international organisations with, firstly, a set of pre-existing cultural values which inform Cambodian understandings of political and social events; and secondly, with the search for solutions to the particular human rights problems which face Cambodians.

Chapter Nine analyses the strategies of Cambodian human rights activists in one sphere of activity - gaining redress for complaints of abuse - to illustrate the constraints on NGO modes of operation which arise from the Cambodian power environment. Particular emphasis is laid on NGO perceptions of threats to their security.

Politicisation. The trend towards politicisation of institutions of state discussed in previous chapters raises the question of politicisation within the Cambodian human rights NGO movement itself. Arguably, politicisation in this sector is not significant; little evidence of differences in responses between interviewees with different political backgrounds was found and the close scrutiny of human rights NGO activities by international trainers and funders precludes open manifestations of political loyalty in a sector which, as discussed, views itself as financially and physically dependent on international backing. No evidence was found that political party patronage played a significant part in mainstream NGO activities.

Among human rights and defenders NGOs, rival groupings can be discerned, although these are linked by human rights workers to personality clashes rather than political interests. Two groupings of human rights NGOs have emerged, each with its own umbrella coalition. The Action Committee is led by Licadho, Adhoc and Vigilance, while the Cambodian Institute of Human Rights and Outreach are active in the Cambodian Human Rights Co-operation Committee. These groupings have also given rise to two electoral monitoring committees, COFFEL and COMFREL. Few political differences can be discerned between these two groupings and two interviewees, both involved in more specialised NGOs which deal with both groups, described the

difference as a difference of 'personalities' and 'personal styles'.⁸⁰

Human rights leaders interviewed tended to excuse themselves from these failings by pointing to the lack of maturity of the movement; for example,

We established the Action Committee... We are trying to develop it but NGOs are new, they are busy trying to develop their own organisation - that's why we need time to have group collaboration in the future.⁸¹

One high-ranking official pointed out, the friction within the NGO movement decreases the effectiveness with which NGOs are able to address government:

The fact that there are two NGO committees, not one, means their strength is divided in half. The government is only one, but it is dealing with two. So their strength is divided by 50 per cent. We told them, your strength depends on yourself. If you want 100 per cent strength you have to agree. And government will react accordingly.⁸²

A more serious and more overtly political issue arose with the elections of an NGO representative to the National Electoral Commission, a body set up to organise national elections in 1998. NGO members participating in the ballot were allegedly offered \$100 each to vote for a pro-CPP NGO director.⁸³ Chea Chamroeun, president of the Khmer Youth Development Organisation, won the seat with 84 of 156 ballots cast, defeating Lao Mong Hay of the Khmer Institute of Democracy, who received 45 votes.

The *Phnom Penh Post* quoted an unnamed United Nations human rights worker who claimed that it was well-known in the foreign donor community that Chea Chamroeun was funded by the CPP, and that he "does not have any confidence from the donor community" as a result.⁸⁴ Yet the fact that he was successful in gaining the NGO seat on the National Electoral Commission raises concerns that NGO voters, too, were

⁸⁰ W1, personal interview (Khm.), 5 July 1996, Phnom Penh. The letter 'W' is used to signify a writer; H16.

⁸¹ H5.

⁸² E3.

⁸³ "Buying Your Way into Democracy - NEC Bribes Alleged," *PPP* 2-15 Jan 1998, 1/2.

⁸⁴ "Buying Your Way..." 1.

susceptible to offers of money on this occasion.

This ballot was, arguably, unusual in that it involved an area of NGO activity which was not subject to the demands of international donors. The NGO director alleged to have offered bribes, and many of the NGOs which voted, were development, rather than human rights, NGOs; the political orientations of development NGOs are not studied here. Generally, foreign donor scrutiny of NGO activities, particularly in the human rights field, where the UN Centre for Human Rights and the Human Rights Task Force work closely with NGOs, seeks to ensure that NGO activities conform to donor expectations. Many interviewees emphasised the ‘neutrality’ of their organisation, as discussed in detail in Chapter Eight.

To the extent that this concept of ‘neutrality’ has become central to discussions of human rights in Cambodia it is an important element of the Cambodian human rights discourse, and consequently of the political landscape, despite the fact that occasional deviations from a policy of neutrality may occur in particular, highly politicised events such as the election described. During the period of fieldwork, deviations from a ‘neutral’ policy took the form of inactivity due to fear within the human rights movement; no examples of political patronage directly affecting human rights work were found. Inactivity due to fear is discussed further in Chapter Nine.

The Human Rights Movement and Cambodian ‘Civil Society’

The characterisation offered above posits a significant distance between the level of operation of human rights NGOs and the Cambodian ‘grassroots’. As organisations largely staffed by members of the educated class, it is necessary to consider the extent to which human rights NGOs reflect the emergence of a wider, ‘middle class’ civil society

within Cambodia.⁸⁵

J.L.S. Girling, analysing democratisation trends among the middle class in Thailand, states,

The middle class is generally perceived to be a heterogeneous grouping comprising: civil servants and academics; salaried employees of the majority of modern business; small businesspersons and shopkeepers; and independent professionals.⁸⁶

He views this class as “the major constituent of civil society”⁸⁷.

Arguably, in Cambodia, the division between the human rights NGO movement and many ‘middle-class’ professionals in the public sector is wide. Civil service employees, particularly, are heavily constrained in their political activities by the politicisation of the state apparatus, described in previous chapters, which demands that their loyalty be invested in hierarchical patron-client relationships with superiors, rather than encouraging the development of autonomous or semi-autonomous professional associations.

In part, the attachment of low-level public employees to superiors within the state apparatus is the result of the search for security in a climate of fear. Yet in part, also, patrimonial relationships within the state apparatus reflect the ‘insider’ status of civil service employees, who, perhaps, view attachment to superiors as rewarding politically,

⁸⁵ Formation of a self-conscious, professional middle class pursuing its own interests has been linked in the literature to the promotion of human rights in other countries in the region. See, for example, Daniel S. Lev, “Human Rights NGOs in Indonesia and Malaysia” *Asian Perspectives on Human Rights*, eds. Claude E. Welch and Virginia A. Leary, 142-161; John Girling, “Development and Democracy in Southeast Asia,” *The Pacific Review* 1 (1987): 332-340 and “Thailand in Gramscian Perspective” *Pacific Affairs*, 57 (1984):385-403. It is important to note that in much of this literature, the formation of a self-conscious professional class is associated explicitly with the level of economic development within the countries examined. In Cambodia, the level of economic development lags far behind that of many other Southeast Asian countries, so it may be expected that the emergence of a politically vocal professional class would be delayed. Arguably, in the context of an international intervention designed to foster the growth of a pro-democratic ‘civil society’ in conditions of material scarcity, political factors impeding this process in the context of underdevelopment must be examined.

⁸⁶ J.L.S. Girling, *Interpreting Development: Capitalism, Democracy and the Middle Class in Thailand*, (Ithaca: Cornell University South East Asia Programme, 1996), 44.

⁸⁷ Girling *Interpreting* 54.

socially and economically. The use of official positions for rent-seeking in performance of state duties is one perquisite available to civil service insiders. State salaries, around \$20 a month for teachers⁸⁸ and judges,⁸⁹ rising to \$1,300 to \$1,500 for members of parliament,⁹⁰ are minimal and there are few white-collar employers in Cambodia aside from the state, who could bid up salaries or provide alternative employment opportunities. Supplementing official salaries through abuse of power and/or rent-seeking activities is attractive in these circumstances.

Rent-seeking activities encompass a range of different forms of behaviour; judges and civil servants may demand bribes, teachers and medical staff may demand unofficial fees for their services; soldiers may set up illegal checkpoints on the highway to demand unofficial taxes from travellers; police may impose arbitrary fines. Establishing whether such rent-seeking activities are judged as unethical or immoral within Cambodian political culture is beyond the scope of this study. A distinction must be drawn, in the light of the human rights concerns described in the previous chapter, between the imposition of fees for services by teachers and health workers, and the use of force to extract rent, by soldiers and armed local officials.

The former category of rent-seeking may not impose a heavy burden on the public. Yet, arguably, pervasive low-level rent-seeking in many public services, including health and education as well as the police, military and bureaucracy, inhibits the ability of non-governmental critics, within human rights NGOs and elsewhere, to attract the support of low-ranking civil servants in a movement to isolate, politically, human rights abusers within the state apparatus. Rent-seeking activities provide a cushion which prevents economic necessity from forcing the disaffection of low-level state employees. By ensuring that even such basic services as education and health care are only available to those who pay, rent-seeking activities encourage further pursuit of rent, as poorly paid teachers must find the means to pay fees to poorly paid doctors and vice versa.

⁸⁸ "Please Mr Tol Lah, Tell Hun Sen!" letter from a former teacher, *MK* 3-4 July 1996, 1/3.

⁸⁹ Kirby 12.

⁹⁰ Munthit, "MPs Busy Passing 106 Words a Fortnight," *PPP* 12-25 July 1996, 2.

Engagement in rent-seeking activities encourages the formation of protective relationships with superiors rather than professional relationships with colleagues.

A position within the patron-client networks that pervade the state apparatus can also offer social and political advantages, in return for political loyalty. Many state employees use state positions mainly to make insider contacts, supplementing their income through secondary employment. Opportunities for career advancement and for securing, for example, university places for one's children, or preferential treatment by other civil service officials, may be highly valued by civil servants.

Consequently, state employees are atomised, concentrating on forming relationships with superiors and the public which will facilitate the political protection and income generation essential for survival, rather than on forming professional relationships with one another. The formation of a self-conscious professional class with distinct political interests is inhibited. There is no realistic alternative for the majority of insiders but to continue to participate in the system.

One NGO worker described the position of teachers caught in this power relationship:

Sometimes, I am very angry with the teachers. They want to protest to get more salary. I say, why don't you try to write a letter? [They answer,] "No, no, no, I can't." Because they're scared, you know? They think the government will try to kick them out, do something bad. They're scared because of politics - they hate politics.⁹¹

Fear of losing one's position is associated, not primarily with loss of the minimal salary, but with loss of insider status. This status generates the ability to gain economic rent from power relationships and the exploitation of insider-outsider differentials, and protection from superiors and insider contacts. The organisation of the state apparatus thus reinforces insider-outsider differentials in society, increase the tendency of insiders to remain attached to the dominant hierarchy and cause, sometimes, the enforced complicity of junior state employees in the abuses of their superiors.

⁹¹R1, personal interview, 31 Jan. 1996, Phnom Penh.

The emergence of a 'professional' or 'middle class' voice within the public service professions, supportive of human rights promotion and independent of the politicised state apparatus, is inhibited in these conditions. Lack of private sector white-collar employment opportunities, and the dearth of politically active businessmen or commercial employees, resulting from the limited size and lack of development of the Cambodian private sector, compared to that of Thailand, further constrains the emergence of a 'middle-class' movement for change.

Yet in attempting to foster civil society, UNTAC selected a number of professional groups for training, listed in Appendix 1, Table B, which are identifiable as 'middle class' groups, as described by Girling. Journalists, monks, teachers and students were among those groups whom UNTAC anticipated could contribute to the human rights movement in Cambodia, because of their position as important shapers of public opinion, national discourse and political culture.

The relationship of these groups to one another, to the state apparatus, and to the international community is described here to inform an analysis of the similarities and differences of Cambodian human rights NGOs with these other, important, targets of international human rights promotion. Three important organisations staffed by 'middle-class' professionals are considered here, namely, the Buddhist *Sangha*, the Royal University of Phnom Penh, and the Cambodian press.

These three institutions are significant in that they represent important channels by which national political and cultural discourse circulate. Recently and historically, these institutions have been subject to intense efforts by political parties to obtain their ideological allegiance. The *Sangha* and the university, particularly, have a history in Cambodia of producing important political constituencies, in the shape of monks and students. Monks occupy a revered position in political and cultural life at the grassroots village level, and are viewed as important in shaping rural public attitudes and providing legitimacy for political regimes.

Students graduate from university to comprise the ranks of rural teachers, professionals and low-ranking officials who may in time form the forefront of Cambodia's efforts to

modernise. Through its ideological impact on these important groups, the university, as an organisation, is now, as in pre-war times, in a key position to shape the particular characteristics of Cambodian political debate.

It is significant in this respect that monks and intellectuals were two groups which formed the core of Democratic Party support in the 1940s and were highly critical of Sihanouk from the 1950s.⁹² They were also particular targets of repression during the DK regime of 1975 to 1979. Under the PRK/SoC regime of the 1980s, the *Sangha* and the university were re-established, but heavily politicised and expected to serve the ideological objectives of the government. In the 1990s, the efforts of certain international NGOs have focused on realigning these two groups to conform to liberal democratic conceptions of 'neutrality', yet because many senior appointments to these institutions were made during the PRK/SoC regime, international efforts conflict with continuing attempts by the Cambodian parties to use these institutions to bolster political power vis-à-vis rivals.

A free press has rarely been a feature of Cambodian political life in the past. Journalists who criticised the government were suppressed in both the Sihanouk era and the Republic. From 1975 to 1991, the only publications produced in Cambodia were organs of the state, while Khmer Rouge radio broadcasts from the border areas were used as political propaganda to undermine the Phnom Penh regime. Since 1993, divisions in the press have closely resembled divisions in political society.

Relationship with Political Parties. The press, the university and the *Sangha* differ from human right NGOs in that they are not primarily dependent on international interest for their emergence and continued functioning. These political-cultural institutions did not emerge as 'children of the UN', although some of their activities are foreign-funded. Consequently they have a different relationship with the international community and are more closely tied, through their origins, recent history and, sometimes, present day funding arrangements, to Cambodian political society.

⁹² Chandler *Tragedy* 31-32; 88.

Since 1993, the Buddhist *Sangha* has been formally restored to the position it held in the Sihanouk era as state religion and one of the three pillars of cultural legitimacy - nation, religion, King.⁹³ Within the Buddhist *Sangha*, or community of monks, evidence of political alignments within wats is the legacy of attempts by the PRK and SoC regimes to capture the *Sangha* politically as a source of legitimacy. During the PRK/SoC era, appointments to the highest ranks of the *Sangha* were political. Supreme Patriarch of Monks *Sangharaj Tep Vong* was appointed to the Kampuchean National United Front for National Salvation (KNUFNS) and elected as member of the National Assembly in 1981.⁹⁴

Political divisions exist within the monkhood as monks who worked in border refugee camps aligned with the resistance parties in the 1980s are integrated into Cambodian wats. One example of the problems arising from such reintegration were exhibited at Wat Than, Phnom Penh, in July 1996, when pro-CPP monks demonstrated against the ousting, by a Funcinpec appointee, of the CPP abbot, and the redistribution of accommodation to Funcinpec monks. According to the pro-CPP newspaper *Koh Santepheap*, representatives of Ranariddh spoke disrespectfully to demonstrating monks, challenging them to fight and threatening them with jail.⁹⁵ This story also reflects the uncertainty of power relations between the monkhood and the government authorities, discussed in more detail in Chapter Nine.

The University of Phnom Penh is also located within a political patronage system, specifically that of the CPP. Teachers are expected to be CPP members and most gained their positions under the SoC regime; many received education and training in Vietnam, the former Soviet Union and other Eastern bloc countries. Their politicised status as public employees resembles that of lower ranking levels of the civil service.

⁹³ Constitution Art. 43 states, "Buddhism shall be the state religion"; Art. 4 states, "The motto of the Kingdom of Cambodia is: 'Nation, Religion, King'."

⁹⁴V1, personal interview (Khm.), 13 June 1996, Phnom Penh. Monks will be identified by the letter 'V' and a number to preserve confidentiality.

⁹⁵"One Mountain has Two Red Tigers - Demonstration at Wat Than to Oust the New Man," *Koh Santepheap (KS)*, 24 July 1996, 4; "It is Not Right to Use Violence Towards Monks! Threats to Put All Red Monks In Jail," *KS* 25 July 1996, 4.

As a profession, university teachers remain captured in the political and economic imperatives of government service. Low salaries inhibit professionalism, but the requirement of political loyalty prevents teachers from campaigning for higher salaries. A professional association for teachers, re-formed since the 1960s, fails in this respect:

The organisation does not talk about politics, or about economics... The teacher's salary is low - about \$20 to \$40 - it cannot support life. Why doesn't the teachers' organisation say anything about this? ... They know about democracy and liberty, but they don't know how to apply liberty and human rights on this issue.⁹⁶

Low salaries inhibit attempts to strengthen the profession:

Teachers ... cannot live on their salary. The teacher has to sell cakes to students, or has to drive a moto, or give a private course at lunchtime. You cannot expect the pedagogy to improve... it affects the relationship between the teacher and the student. The student is not respectful to the teacher.⁹⁷

Teachers and staff in Cambodia have descended into corruption... as a result of low salaries. They come to work late and leave early... I have never seen teachers' spirits as low as they are this year.⁹⁸

Government interest in and patronage of students is exemplified by the recent construction at the university of the Hun Sen Library, donated by Hun Sen. Students regularly write to Hun Sen personally, to ask for funds for particular study projects. According to a National Union of Khmer Students (NUKS) representative, "The government provides very strong support on the problems of students, especially *Samdech Hun Sen*"⁹⁹. In return, student groups have supported pro-government demonstrations.¹⁰⁰

⁹⁶U1, personal interview (Eng.), 20 May 1996, Phnom Penh. University staff will be identified by the letter 'U' and a number, to preserve confidentiality.

⁹⁷U3, personal interview (Eng.), 10 June 1996, Phnom Penh.

⁹⁸ University professor Chhay Yiheang, qtd by Soly Vannpok and Chhun Phaveng, "Pressure of Poverty; Pressure for Success," *PPP* 12-25 July 1995, 16.

⁹⁹S2, personal interview (Kh.), 28 June 1996, Phnom Penh. Students will be identified with the letter 'S' and a number to preserve confidentiality.

¹⁰⁰Messages allegedly from university students supporting Hun Sen were broadcast on the radio following Sirivudh's arrest. Students also demonstrated against the pro-KNP newspaper *Moneaksekar Khmer* in July 1995.

The emergence of more than 40 newspapers competing for internal readership following the arrival of UNTAC in 1991 represents a new phenomenon in Cambodian politics, but newspaper circulation is confined to urban centres.¹⁰¹ Many press organs have retained close ties with political sponsors. Opposition newspapers, including *Samleng Yuvachon Khmer* and *Moneaksekar Khmer*, which published an edition every three to four days, initially adopted a pro-Funcinpec stance¹⁰² but have been closely associated, since 1995, with expelled Funcinpec member and former Minister for Finance and Economics Sam Rainsy, and his Khmer Nation Party. Others, including Cambodia's two daily newspapers *Koh Santepheap* and *Reasmei Kampuchea*, adopted a pro-CPP editorial stance.

Frequently, the opposition and pro-government newspapers denounced one another in editorials. An important example of this, exemplifying the impact of political polarisation in the press on the status of the profession and upon press freedoms generally, followed the sacking of the *Sereipheap Thmei* office by angry Hun Sen supporters, outraged by the newspaper's criticism of the Hun Sen Development Zone in Kraingyov Commune. Following this incident, the newspaper *Koh Santepheap* published an editorial advising protesters in future to attack printing presses rather than newspaper offices themselves, as this would be more effective.¹⁰³ The editorial prompted privately-owned printing houses to refuse to publish further issues of the opposition newspapers, resulting in the suspension of these newspapers throughout November 1995.

A weak centrist group of 'independent' newspapers, most of which published less frequently, also existed. Division in the press reflected political division in society, and between 1993 and 1997, journalists were the major target for violent repression by government.

¹⁰¹ All the journalists interviewed said that distribution costs and lack of demand in rural Cambodia prohibited wider circulation of newspapers.

¹⁰² N5, personal interview (Khm.), 22 Apr. 1996, Phnom Penh.

¹⁰³ Heng Sok Cheng, "Dissident Papers Close, Future Cloudy," *PPP* 1-14 Dec. 1995, 14; N5.

Journalists drew explicit connections between politicisation of the press and the economic structure within which the industry operates. Low circulation, relatively high production costs, little advertising revenue, and poor infrastructure for distribution mean that newspaper sales do not generate profits. Individual newspapers are not eligible for foreign aid and in an economy containing little popular spending power, money is made from providing political services to the elite, rather than economic services to the masses.

Consequently journalists operate within the Cambodian system of political patronage:

The Cambodian media cannot earn money by their profession... because of the economy and ... the human resource problem... They live because of their writing, not because of their selling of their newspapers. There are no advertisements, so the source of finance comes from politicians, from extortion - corrupt practices.¹⁰⁴

Political patronage within these institutions, particularly the university and the press, is matched by international interventions which attempt to promote an ideological reorientation, emphasising the values of neutrality and professionalism which are central to liberal democratic social and cultural organisation.

International Intervention. The university has seen intense Western input, since 1993, into curricula, research and intellectual development. French experts designed the curriculum in the Faculty of Law; the Italian New Humanities NGO designs and implements the curriculum in the social sciences, bringing in foreign experts to lecture directly to students.

To an extent, a new ideology has been imposed by this means on the university, much as communist ideology was imposed in the 1980s. One lecturer commented that in the early 1980s, "Marxist-Leninism was a major subject in all faculties" but this has changed since 1993:

Now we have to teach from the Ancient Greeks up to Foucault. Only a small part of it's about Marxism. Before we just taught that Marx and

¹⁰⁴N3, personal interview (Eng.), 27 Mar. 1996, Phnom Penh.

Engels and Lenin were very good leaders. But now we have to analyse about the bad side and the good side. We have to say it's not all good and not all bad. For example, Marx is a great philosopher about alienation and dialectic but not on political organisation...¹⁰⁵

Ideological reorientation has been accompanied by the need for teachers to acquire new language skills and academic habits as academic exchanges with the Soviet bloc are replaced by new Western contacts. This reorientation will take many years to complete and, arguably, weakens the university meanwhile. Skills acquired during the 1980s via mass Soviet bloc exchange programmes have become obsolete because they are not valued by Western financial patrons:

Before some teachers studied in the Soviet Union, some in Vietnam and other socialist countries. But they don't know English or French very well. Since 1993 we've returned to French and English - it's caused a lot of difficulty.¹⁰⁶

It's difficult for our department... Some teachers have been to study abroad but the other teachers don't know foreign languages... The first problem is language.¹⁰⁷

The speed with which Soviet bloc influence was replaced by Western intervention between 1990 and 1992 caused the abandonment of skills built up in the 1980s. English and French language skills are at a premium in the NGO labour market. French language, particularly, has been promoted within higher education through provision by the French government of aid earmarked for French teaching. English is considered by teachers and students vital for dealings with regional neighbours, as well as with significant donors such as the United States and Australia.¹⁰⁸ These external considerations have ruled out a more controlled transfer of language skills which might have ameliorated disruption within higher education.

Western NGOs operating within the university have also encouraged a revival of

¹⁰⁵U1.

¹⁰⁶U1.

¹⁰⁷U2, personal interview (Eng.), 20 May 1996, Phnom Penh.

¹⁰⁸U3.

research activity, following a moratorium of many years. Political questions will arise as researchers are encouraged to cultivate a Western-style critical role. According to one faculty member:

Research themes can influence the students. For example, one piece on liberty in Cambodia was published in a university magazine... a lot of our intelligentsia discussed this research document.¹⁰⁹

The lack of professional confidence which inhibits attempts to lobby government on issues of salary may also prevent assertion of rights to academic freedom in the future. In teaching, also, the division of society into insiders and outsiders, and the centrality of rent-seeking in this process, conflict with meritocratic ideals promoted in Western ideology. This is exemplified by the widespread sale of public examination answer sheets, by teachers and, sometimes, Ministry of Education officials.¹¹⁰

Student politics is similarly located. There are clear political divisions between student organisations; for example, the Khmer Students Association (KSA) cultivates contact with the NGO movement, specifically through membership of the NGO coalition *Ponleu Khmer*, while the National Union of Khmer Students (NUKS) cultivates contact with the government.

The KSA has adopted the concerns of the human rights NGO movement and view their role as facilitating accountability and encouraging intellectual freedom among students, through a monthly newsletter and through the organisation of forums addressed by National Assembly deputies. Such activities are a new feature of student life in Cambodia. Students report increased freedom of expression within the university since the 1993 elections, although one student commented, "we are concerned because when we exercise our freedom of speech we are accused of being anti-government".¹¹¹ The

¹⁰⁹U1.

¹¹⁰ "No Bribes at Ministry; Cheats Resort to Throwing Rocks," *PPP* 12-25 July 1996, 16. In this report, Minister of Education Tol Lah claimed that measures had been taken to prevent bribe-taking at the Ministry of Education for the first time in 1996. The report described instances of bribe-taking by teachers, in return for providing answer sheets, or allowing students to take examination papers outside the examination room, in order to seek help from relatives.

¹¹¹S1, personal interview (Khm.), 19 Mar. 1996, Phnom Penh.

NUKS focuses on providing financial support for students:

This association will try to support what the government wants it to support. For example, if the government doesn't have enough money, then the association can try to help students.¹¹²

International intervention in redesigning curricula for students, including developing human rights curricula for use in schools represents an ideological challenge to the use of the education sector as a channel for distribution of patronage. According to *Moneaksekar Khmer*:

...The many schools that Hun Sen has made recent efforts to rebuild, using corrupt money from concealed sources, excite middle and high school children; but those children haven't yet reached the legal age of enfranchisement and [they] will change their minds as they learn the truth from their studies... Between now [and then], the children will learn the meaning of purity, or progressive vision, and of right choice.¹¹³

Offering opportunities to individuals to pursue education may initially operate to bind loyalties, but increasing educational standards, especially in the context of a Western-influenced liberal curriculum, may create demands that cannot be met through a patronage-based economy of power.

The 1994 abandonment by the Ministry of Education of the system of assigning jobs to university graduates heightens the impact of international intervention upon university students, as students compete for relatively high-paying jobs in foreign firms or the international NGO sector. According to one faculty member:

[University staff are] very worried about professions for students. There are no real plans in the Ministry of Education. For example, in [this] department, it will be very difficult [for the graduating students] in the future to find a job. We suggest to the students that they should study English, French or computers.¹¹⁴

Lack of private employment opportunities and poor state salaries increase the

¹¹²S2.

¹¹³ "Hun Sen will be Defeated by National History," *MK* 25-26 June 1996, 1.

¹¹⁴U1.

attractiveness of service jobs with foreign NGOs or companies for graduating students:

Khmer children are not afraid of conscription any more so don't get state jobs (especially in teaching)... Having passed their Bac. Dip. they hire themselves out to companies, for example driving vehicles... , and earn \$70 at the very least... If the salary is still as low as it is now, in the future Cambodia will have a shortage of teachers...¹¹⁵

Entry of graduates into the foreign NGO sector at low levels, for example, as chauffeurs, represents a drain of talent which is problematic in an economy which, for historical reasons, lacks professional and intellectual resources. Students must choose between the conformity and patron-clientism of the state sector, and well-paid jobs working under foreign control. Demonstrations organised by students at the Institute of Technology in 1994, to demand provision of English language classes at the Institute, indicate the extent to which students orient their career ambitions towards the foreign sector of the economy.

Within the press, international assistance has not been made available to individual newspapers, although international trainers provide workshops for journalists in attempt to improve professional standards within the Khmer-language press. Financial aid has been made available to NGOs set up to promote the professional interests of journalists. The press came to be represented by four journalists' associations, as the press split into opposing groups in the search for patronage. The largest, the League of Cambodian Journalists (LCJ), contained mainly pro-government newspapers. The Association of Independent Journalists comprised six pro-KNP newspapers; of four journalists killed between 1993 and 1997, three were from this group. The Khmer Journalists Association (KJA), the first press association formed during the UNTAC era, claimed to be independent of any political party.

The defection of pro-government newspapers to the LCJ in 1995 was described by one KJA member as

not a very big surprise. Because the government doesn't understand what

¹¹⁵"Please Mr Tol Lah, Tell Hun Sen!" letter from a former teacher, MK 3-4 July 1996, 1.

we want to do.... When this association defended the freedom of speech of an independent paper that spoke very strongly against the government - they said, 'the KJA is the opposition - we don't want opposition against the government'... And the newspapers who were with the government split from us. And since that time the government has attacked us every day [through this] group of newspapers ...; that we work for foreigners, that we are puppets of the Americans... We are like the Khmer Rouge who do bad things to the government.... Relations are not good.¹¹⁶

Attempts to divide independent organisations, co-opting certain sections and intimidating others, has been characteristic of CPP strategies towards political society since 1993. The media closely mirrors political society due to the direct financial patronage of newspapers by politicians. Newspapers associated with the political opposition were subject to intense pressure from threats of physical violence and prosecution.

In 1996, a fourth association was formed by a breakaway group from the LCJ. This group claimed interference by the League in editorial policy, on behalf of the authorities. It is equally likely that formation of new media groups had begun to be perceived as an opportunity to attract international aid, following extension of Asia Foundation aid to the LCJ in early 1996. The LCJ president, Chum Kanal, described the means by which the LCJ had set out to attract international aid:

[At first] the international community were looking at the LCJ and thought we were pro-government, so no international organisation helped us... until we had an election on 4th July 1995.... We chose the president and sub-presidents according to democratic principles. I was selected to be president. And then I asked ambassadors and international journalists and various NGOs.... The ambassadors were surprised that the democracy was so open.... For the next six months, the international organisations were still suspicious of me. They still thought the LCJ supported the government. But later on they knew.¹¹⁷

According to Chum Kanal, the presidential election was organised according to American-style voting procedures, while sub-presidential elections were organised

¹¹⁶N3.

¹¹⁷ Personal interview.

according to French-style voting procedures, in order to attract a maximum of international support.

Most Khmer-language newspapers were personal outfits, run by owner-editors, some of whom were journalists under the SoC regime and others of whom entered the profession as recent graduates, returnees from refugee camps, or from other fields of employment. They were usually sponsored by individuals or parties.¹¹⁸ Similarly, media organisations, increasingly, took on this aspect as the press corps fragmented in pursuit of government or international finance. The concept of professional organisations forming a broad framework for pursuing common interest, regardless of political difference, did not take hold. Fracturing along lines of political disagreement made it difficult for such organisations to do more than use links with government and the international community to offer members material advantages over, or protection against, competitors.

Government willingness to allow foreign funding and training of clients in the press, university and elsewhere indicates the confidence of the government in its ability to maintain control. Government encouragement of direct international funding obviated the need for political patrons to compete with sources of international funds.

International ideology could be counteracted by increasing the threat of violence against outsiders. This was noted particularly in the press. Constant pressure was applied to critical journalists through intimidation and threats, acted upon frequently enough to be credible.

This strategy, combined with material incentives awarded to loyalists along with, not instead of, international funding, allowed the CPP to maximise power vis-à-vis the international community. Control of violence ensured that the CPP could silence the opposition press whenever it wished. This ability was demonstrated, as described, during November 1995, following the attack on *Sereipheap Thmei*, preventing pro-KNP newspapers from covering the Sirivudh case.

¹¹⁸This characterisation is made in "Individual Freedoms in Khmer Newspapers," *Damnung Pachubonnophiep*, 12-13 June 1996, 1.

International interventions in the university and the press offered education in human rights as part of a wider training strategy aimed to strengthen the professionalism and neutrality of these groups in line with professional ethics common in Western liberal democracies. Arguably, continued attempts by government to politicise these institutions contributed to the continued weakness and vulnerability of the teaching and journalism professions, as evidenced by the lack of political influence of their associations. Both these professions are constrained by material scarcity and the political loyalty demanded from those reliant on political patronage or state salaries. The *Sangha*, arguably, is in a different position as it gains strength from its relationship with the Cambodian public, rather than with either political parties, or the international community.

Monks rely on the donations of lay Buddhists for their living, and consequently it is their status in the local community that determines the expansion and prestige of the monkhood. Increasing numbers of monks and popular patronage of temples in the 1990s, and plans to reopen the Buddhist University, closed since the 1970s, are likely to strengthen the autonomy of the religious establishment. The extent to which monks themselves are re-establishing their traditional role in the villages as community educators, advisors and arbitrators is a question for further research.

It is unlikely that the position occupied by monks in the early twentieth century as key mediators in dispute resolution and overseers of the system of pagoda schools will ever be reattained, given the expansion of a secular legal system and of state education, which began in Sihanouk's era and was re-established as a governmental concern under the PRK/SoC. Yet, activism by monks on social issues has been encouraged by international and local human rights NGOs who see monks as a useful agent of dissemination of human rights teachings.

Initiatives such as the *Dhammayietra* peace march, the Battambang-based Buddhism for Development organisation, and a project sponsored by the Khmer Buddhist Society to train monks to disseminate human rights teachings among the rural population, represent a new intrusion of monks into political life as non-party aligned agents of

national reconciliation and reconstruction. It is significant that the monks who founded the *Dhammayietra* and the Buddhism for Development organisation have returned from abroad since the start of the peace process, while the Khmer Buddhist Society is a Cambodian-American organisation.

Direct Engagement in Human Rights Work. While the development of the professions has not yet reached a stage where a civil society of professional interest groups can be seen to have emerged, there is overlap between the *Sangha*, the University, the press and the human rights NGO movement, as participation of, particularly, monks, students and intellectuals in human rights activities is encouraged by human rights NGOs.

Some students and university teachers are active members of human rights NGOs, or form their own associations to promote freedom of debate and human rights education. The Khmer Students Association, for example, is an active member of the *Ponleu Khmer* umbrella grouping, while individual university professors are members of the Khmer Writers Association. The Khmer Journalists Association allies with human rights NGOs to lobby the government on issues of press freedom. Human rights NGOs encourage the participation of monks, particularly, to lend authority and legitimacy to their activities; four of the NGOs studied offered training courses in human rights to monks.

Discussing their motivations for becoming involved directly in human rights work, individual interviewees from these groups expressed similar concerns to those expressed by human rights NGO workers. A number of these professionals viewed the status and expertise implicit in their professional role as attributes which they could draw upon in order to improve the condition of the nation and the people. For example, some students and intellectuals interviewed perceived human rights and education as related issues:

We decided to start a human rights programme to help develop the country. Because if we want to improve the country we need to give people a high level of education.¹¹⁹

¹¹⁹W1.

During the war the old well-educated people died or went to another country, so only the young people are left who have education. So we think that we should explain the cause of human rights to our families, our neighbours and everyone... Because we are well-educated so we understand what a violation is and how the government should treat the citizens.¹²⁰

Senior monks who supported human rights education programmes emphasised links between human rights and morality, seen as the professional preserve of monks:

The important part of human rights is the moral part... We cannot erase the past 20 years but we can improve Cambodian morality a lot. We can reduce violence and abuse a little bit.¹²¹

The monk is the teacher of the nation. The nation is the student. The teacher has to advise the student... Monks support the right of the people; the right person is the person who will make peace for the country.¹²²

If [monks] can set an example, that is the most help they can give to people... The first role of monks is to set an example and to be a spiritual advisor. This is their true role. But in modern society, sometimes, if society does not function normally, they need to be involved in many areas, in development, in socio-economic issues and so on.¹²³

Journalists, also, viewed their role as educating the people to understand human rights, democracy and government activity. Two opposition journalists, and one 'neutral' journalist described this as follows:

In every edition, we write about human rights and democracy... We can't make the government change their policy, but my special aim is to try to explain to the common people. If people know about the principles of democracy then they will know about government leaders and which to choose in the election.¹²⁴

I wanted to become a journalist because of the political situation, because I want democracy and I want people to know about human rights - that everybody has their own rights to have a good living, to do something - because I have suffered violence in the Khmer Rouge regime, and from the

¹²⁰ S1.

¹²¹ V1.

¹²² V2, personal interview (Eng.), 19 June 1996, Phnom Penh.

¹²³ V3, personal interview (Eng.), 22 June 1996, Phnom Penh.

¹²⁴ N7, personal interview (Khm.), 15 May 1996, Phnom Penh.

Vietnamese-backed Communist regime.¹²⁵

The important point is that this newspaper is neutral. It is working on a neutral basis - to criticise and point out bad points and good points of government. We criticise everyone, whoever they are and try to serve Cambodians.¹²⁶

The links between education, religion, information and human rights promotion, posited in these accounts, are discussed in greater detail in the next chapter. Among interviewees from the university and the press, goals of human rights promotion not explicitly framed in terms of the formation of a relationship with the 'grassroots', in line with the fact that newspapers and the university serve an educated, urban minority. Yet a concern to develop a human rights discourse which can be circulated through professional activities in order to facilitate social development can be perceived in these remarks.

The motivations of Cambodian human rights workers, particularly, and to an extent, of other professional, "middle-class" Cambodians who engage in human rights activities can be compared to the account of 'noble patronage' offered by Girling in examining middle-class political activities in Thailand:

The 'noble form' [of patronage] ... is a way of making merit, which can be earned by such actions as sponsorship of the deserving poor... NGOs, in particular, and civil society in general express the noble form.¹²⁷

Both the human rights NGO workers and individual members of the other groupings studied viewed their positions, as educated professionals, as key for the dissemination of human rights teachings and for other forms of social activism. These individuals, arguably, are isolated from the active support of wider sections of the urban educated stratum, because of the politicisation of state structures and the press, the underdeveloped nature of the private sector, and the weakness of professional associations. Economic and political imperatives thus constrain the emergence of a

¹²⁵N9.

¹²⁶N1, personal interview (Khm.), 3 July 1996, Phnom Penh.

¹²⁷Girling *Interpretations* 56.

broad “middle-class” movement for change.

Yet, arguably, a network of educated, urban individuals, who participate in human rights work, and share similar views of the professional, technocratic nature of human rights promotion, has developed, with international support. The nature of the human rights discourse used by this network, and of the strategies used to ameliorate human rights abuse, are analysed in the next two chapters.

Chapter 8: A Cambodian Human Rights Discourse

Foucault argues, “relations of power cannot themselves be established, consolidated nor implemented without the production, accumulation, circulation and functioning of a discourse.”¹ Within the evolving economy of power in Cambodia, discussed in previous chapters, human rights were promoted as a discourse within which criticism of and resistance to abusive practices could be framed.

The term ‘discourse’ is understood here to mean a common conceptual framework, comprised of political concepts which transcend individual experience and thus have the power to unify political activity by constituting a framework of shared meaning. The power of a discourse is located in concepts which provoke a common response and can thus unite individuals in pursuit of a common cause.

The activities of human rights NGOs, post-UNTAC, comprise education, training, monitoring and investigation, as described. These tasks can be viewed as attempts to achieve two objectives. The first objective, associated with education and training initiatives, is to embed a human rights discourse into Cambodian political culture. The second is to strengthen this discourse, through facilitating its circulation and associating it with other pre-existing power resources, to the point where it can effectively challenge the power resources of violence and impunity employed by human rights abusers.

The Cambodian human rights discourse has been produced through the intensive internal activities of human rights NGOs, in holding joint discussions, workshops and seminars within the movement, and in their outreach efforts, which include training, education, distributing leaflets, producing human rights curricula, issuing press releases, and holding celebrations on Human Rights Day (10 December). NGOs have invested much effort in producing Khmer translations of international human rights law and booklets which use cartoons and stories to discuss human rights issues, which are made available to the general public. They have also developed curricula to be used by

¹Michel Foucault, “Two Lectures,” Dirks, Eley and Ortner 211.

teachers in schools, and have trained monks to deliver lectures related to human rights issues at traditional Khmer ceremonies.

A large part of NGO activity involves sending education teams to the countryside to organise human rights classes for ordinary Cambodian villagers, aimed at familiarising ordinary Cambodians with the idea of human rights. By these means, NGOs have introduced the concept of human rights more widely into Cambodian understandings of the position of the individual within the national polity. This process is still at an early stage; while the term 'human rights' has become familiar in the Cambodian press and in the speeches of politicians, it is unclear how understandings of the term vary among different sections of the Cambodian population, particularly in remoter areas. This is a question for further research.

In this chapter, the understanding of the term possessed by a specific group of Cambodians is analysed, namely, those Cambodians who form part of the human rights NGO movement itself, or of other sections of the community who have been exposed to human rights education since UNTAC. Conceptions discussed here are those which resurfaced time and again in discussions with interviewees,² and which consequently, appeared to be widely shared within the movement.

This analytical strategy is limited in that it focuses on similarities of conception rather than on the breadth of views within this group. This strategy is nevertheless valuable in that it points to the strongest, because most widely shared, elements of the nascent human rights discourse. The concepts analysed in the remainder of this chapter are concepts which were striking in that they were at the heart of the views of human rights held by a wide variety of interviewees. Consequently, it is considered that these concepts are at the core of the unifying power of the Cambodian human rights

²For this analysis, data are drawn from interviews with 24 Cambodian human rights NGO workers (denoted by the code letter 'H'), 4 public defenders ('L'), 9 journalists ('N'), 4 minorities rights NGO workers ('M'), 2 students ('S'), 3 university faculty members ('U'), 3 religious NGO workers ('R'), 5 monks ('V') and 1 writer ('W'). The comments of 4 National Assembly deputies ('D'), relevant to this analysis, are also discussed. It should be noted that alternative human rights discourses may be circulating in Cambodia at different levels of society. Here, the term 'human rights discourse' refers to the discourse circulating within the group studied.

discourse.³

It must be emphasised that the discourse of human rights taking shape within the Cambodian human rights movement is only one of many political discourses circulating in Cambodia at present. The discourse of violence and 'effectiveness', arguably, continues to circulate more widely than the discourse of rights. Human rights discourse remains subordinate to the discourse of protection and economic distribution through patronage which is promoted by the CPP-aligned state structures. Consequently, the production of a Cambodian human rights discourse cannot be viewed as precipitating, of itself and in the immediate political environment, a reduction in human rights abuse.

Yet the efforts of international and Cambodian human rights workers have created a situation where, among some sections of the Cambodian polity at least, discussions about human rights and about the nature of human rights work can take place within a shared conceptual framework.

As described in Chapter Seven, the activities of both international and Cambodian human rights promoters in Cambodia have focused heavily on inculcation of international norms into Cambodian politics. Yet it is argued in this chapter that the discourse which has emerged within the human rights movement in Cambodia frames these norms and values within a culturally specific set of attitudes. Marshall Sahlins comments that,

The World System is not a physics of proportionate relationships between economic 'impacts' and cultural 'reactions'. The specific effects of the global-material forces depend on the various ways they are mediated in local cultural schemes.⁴

³ Because of the paucity of base-line data on Cambodian attitudes to many of the issues raised, the assessment which follows must also be viewed as a preliminary attempt to delineate some of the main strands of political thinking among the group studied. In outlining these strands, an attempt is made to provide details of the individual authors of the statements employed so as broadly to locate them within the structure of the NGO movement described in Chapter Seven; but the constraints imposed by guarantees of confidentiality made to interviewees necessitate some loss of nuance in this respect.

⁴ Marshall Sahlins, "Cosmologies of Capitalism: The Trans-Pacific Sector of 'The World System'," Dirks, Eley and Ortner 414.

Since UNTAC, human rights concepts have been negotiated by pro-grassroots⁵ Cambodian organisations who mediate between international donors and advisors, government, and their grassroots constituents, to formulate and disseminate a concept of human rights. The discourse produced and circulated by these organisations reflects, both self-consciously and unconsciously, values claimed by interviewees to be inherent to Khmer culture, as well as the particular social and political status of human rights activists within that culture.

Two key strands are noted in the discourse circulating amongst Cambodian interviewees. The first emerges, arguably, from the position of the Cambodian human rights movement in society. As described, many Cambodian interviewees viewed themselves as ‘professionals’ and ‘technocrats’, aiming to implement activities on behalf of a disempowered grassroots. Emphasis within the discourse employed by these interviewees on the ‘neutrality’ of their own organisations and of human rights conceptions dovetails with their perception of themselves as a movement. The neutrality of technocratic solutions to human rights abuse is contrasted with the politicisation and exclusionary tactics of state and political party structures. Twenty-two of fifty-five non-governmental interviewees used the term ‘neutrality’ or ‘neutral’ to define their ideology or activities.⁶

A further element of this strand of thought is the view that professional, educated individuals are required to mediate between the state apparatus and society. The importance of professional mediation is reflected in the activities of human rights NGOs in educating both state employees and the public, and in constructing themselves as receivers and bearers of complaints to the authorities. This strand of thinking can be also be viewed as dovetailing with hierarchical and top-down conceptions of power.

⁵The term “pro-grassroots” rather than “grassroots” is used advisedly, given the backgrounds and ‘professional’ emphasis of interviewees described in the previous chapter.

⁶ The breakdown by occupation is as follows: H=8, L=3, M=4, N=3, R=3, V=1. While this constitutes a minority of interviewees, arguably, the incidence with which this term appeared in interviewee accounts is significant in that the word ‘neutral’ was selected by interviewees themselves, when talking about their work in a variety of contexts, and was not prompted by any particular question, in line with the interview strategy described in Chapter One.

These conceptions are demonstrated both through the hierarchical structure of the NGO movement itself, and in the use of this hierarchy in seeking remedy for cases of abuse, as described in the next chapter.

A second strand of thought emerges from the perception that human rights abuse in Cambodia is a result of contingent historical factors. Arguably, institutions of state are not seen as inherently abusive, as they are in liberal democratic thought. A state-society relationship based on mutual concern and co-operation is, arguably, considered possible by many interviewees. The damage to social order suffered by Cambodian society during the war is frequently viewed as causing the abusiveness of the state apparatus; abuse is not seen as an automatic consequence of state intrusion into previously autarkic and poorly organised villages. Consequently, emphasis is placed on altering individual attitudes within government, and restoring moral and religious values lost during the years of warfare, on the assumption that state officials who are possessed of the appropriate moral values will not abuse human rights.

Again the concept of education is important to this strand of thinking, to promote harmony, morality and individual empowerment. Thirty-four out of fifty-five non-governmental interviewees, and two out of four National Assembly Deputies, mentioned at some stage during the interview the importance of education generally for human rights,⁷ while of the 28 human rights and minorities rights organisations studied, 21 pursued educational activities as a major concern.

The concept of morality and/or reciprocity in social relationships, often framed within the context of Buddhist teachings is also important in this respect. The importance of morality in social and political relationships was mentioned by 11 of 55 interviewees;⁸ links between human rights and Buddhism were drawn by 24 of 55 interviewees,⁹ and

⁷ By occupation: D=2, H=13, L=3, M=3, N=6, R=1, S=2, U=2, V=3, W=1. A relatively stronger emphasis on the importance of education is displayed by journalists, students and intellectuals, but this view was also held by more than half the human rights NGO workers interviewed.

⁸ By occupation: H=3, N=1, R=2, U=1, V=3, W=1.

⁹ By occupation: H=8, L=3, M=1, R=3, U=2, V=5. In the case of monks (V) and religious NGOs (R), the question "Is there any connection between human rights and Buddhism?" The interviewees counted here

reciprocity in relationships as a means of promoting change was mentioned by 16 of 55 interviewees.¹⁰

Both these strands of thinking are important in their implications for popular empowerment. Location of professional organisations at the heart of the political process, as technocratic mediators between state and society, and perceptions of themselves as intellectuals charged with the task of educating both state officials and citizens in appropriate political responses and moral values, lead to didactic NGO strategies of human rights promotion. Attempts to create new grass-roots forums of political debate and participation is not a major NGO concern, as described in the previous chapter. Arguably, the focus of human rights work in Cambodia is on empowerment of government through amelioration of human rights abuse, rather than on empowerment of the individual or grassroots community.

Professionalism and Neutrality

The importance and meaning of 'neutrality'¹¹ was explained by a provincial director of the office of one of the largest human rights NGOs, from one of Cambodia's most war-torn provinces:

I first became interested in human rights work because human rights are neutral. The work is neutral because [we are the] people in the middle. We have two functions - to investigate the problems people have, and solve them. And sometimes to educate in the human rights field - police and government officials, and the people in the villages.¹²

A significant aspect of NGO work attempts to create a 'neutral' arena within the Cambodian polity. In part, arguably, the widespread use of the term 'neutrality'

answered that there was a positive connection; their replies are analysed more fully later in the chapter. Other interviewees volunteered a connection between Buddhism and human rights when asked if there were any conflicts between human rights and Khmer custom and tradition.

¹⁰By occupation:H=5, L=4, N=1, S=1, R=3, U=1, V=1.

¹¹ In Khmer: វិសេស ក្នុងការងារ . This is defined in the *Dictionnaire Cambodgien* as "that which is in the middle; that which represents the centrists; that which is not a member of any group or party," *Dictionnaire Cambodgien* (Phnom Penh: Institut Buddhique, 1967) 1688.

¹²H21.

amongst interviewees can be seen as a response to concerns of international donors that funds aimed at the non-governmental sector should target non-political organisations. In part, it also reflects memories of the Sihanoukist foreign policy of 'neutrality' which was designed to mediate between the various foreign ideologies viewed as impinging upon Cambodian national political life during the 1960s, thus creating a political space within which Buddhist Socialism could be practised.

Arguably, the particular conception of the term in the 1990s also reflects the political perceptions and needs of NGOs operating in a highly-politicised environment. The use of the term 'neutrality' to define a sphere for NGO activity within the Cambodian polity is a particular response to the international ideological requirements and the nature of domestic political control which represent features of the present Cambodian political landscape. Use of this term, arguably, also reflects perceptions among interviewees of the human rights movement as 'professional' and 'technocratic', and the emphasis on the educative role in introducing international norms, rather than on a role of facilitating emergence of indigenous norms through participatory discussion and action.

The stability of the liberal democratic state arises in large part from its ability to portray itself, and the covert power exercise on which it depends, as neutral. This is the reason for the importance of independence of judiciary and media and the neutrality of bureaucracy and armed forces in a liberal democratic polity. In liberal democracies, politics is constrained by neutrality, in that the realm of political governance is restricted within 'neutrally' determined constraints, such as judicial oversight. Concomitantly, democracy offers a certain element of participatory political control over the 'neutral', preventing a serious and destabilising mismatch between norms of governance and popular aspiration.

In the Cambodian context of civil war and politicisation of all spheres of public life, neutrality is seen as a region located in between the macro and micro-levels of Cambodian politics: the intrusive, exclusive, and loyalty-based arena of party politics; and the 'grassroots' level of the villages, where private life occurs in conditions of tenuous subsistence and ubiquitous, arbitrary violence. As professional 'people in the

middle', human rights workers can mediate between the demands of political leaders and the plight of the poor. They attempt to promote consensus among authorities and people, increasing the sphere of 'what goes without saying' (to borrow Bourdieu's phrase) and does not need to be continually reaffirmed: relations of domination in society.¹³

As described in earlier chapters, neutralism has played little role in governance in Cambodia since 1970. Cambodians are required constantly to display active political loyalty in order to receive the benefits of governance. Consequently, neutralism represents a re-emergent force in Cambodian state-society political relations in the 1990s, and a rallying cry for the NGO movement. It represents an organised and self-conscious attempt to delimit the sphere of 'politics' from the sphere of basic needs. It is associated with a particular anti-political stand, where politics is equated with self-serving behaviour and greed:

The kind of people who do politics are the ones who like to become leaders with money, with power.¹⁴

Most of the Cambodian officials, they just use their power for their own interests.¹⁵

Self-consciously 'neutral' NGOs, journalists and monks can both define a neutral political arena and inhabit it. They can mediate between government and citizen physically and immediately by, for example, existing as an avenue for complaint which does not require the citizen to approach directly a member of the authorities. They can also define the content and limits of 'neutrality' by acting as a referee of state-society

¹³ "Because the subjective necessity and self-evidence of the commonsense world are validated by the objective consensus on the sense of the world, what is essential *goes without saying because it comes without saying*: the tradition is silent, not least about itself as a tradition..." Bourdieu 163. It is not suggested that this level of consensus can be attained in the near future by Cambodian NGOs; but through their mediation, they are attempting to create a framework for regulating the intersection between the political sphere and the sphere of grassroots social, cultural and economic activity. Such regulation would obviate the need for the endless reaffirmations of loyalty (on the part of the people) and power (on the part of the government) which have led to the constant and arbitrary abuse of human rights in the provinces.

¹⁴ H14.

¹⁵ L1.

relations, establishing a regulatory framework and training both sides to respond within it, in line with the 'professional' and 'technocratic' orientation of Cambodian human rights NGOs. Grassroots participation in defining the 'neutral' is not emphasised by interviewees, arguably because Cambodian human rights NGOs view the process of consensus-building as a technocratic, rather than a political, task.

Evidence that human rights and other NGOs are taking on this role can be extrapolated from the contrast, posited by six interviewees, between their neutrality and the 'political' nature of other groups in society. Human rights abuses are perceived by these interviewees as political, because they arise to a great extent out of political competition and the associated politicisation of state-society relations, as described in Chapter Six. In these accounts, human rights work is 'not political' in the sense that it is anti-political - working to ameliorate the destructive effects of politics on individuals. It reflects a perception that Cambodian governance requires an injection of moderation, consensus and non-confrontation, to replace politics, in order to regain an appropriate harmony in state-society relationships.

An important element of the 'anti-political' discourse under discussion is the rejection of the exclusionary and personal nature of Cambodian patrimonial politics. These characteristics of political activity are replaced in this discourse by secular goals of development and modernisation to benefit the grassroots as a whole. Those who employ this discourse seek to define a political order for the nation, as politicians do, but they view this order as situated in the context of a secular nation. This is differentiated from the exclusivity and competition of political society. A former teacher, and head of education for one of the largest human rights NGOs, commented:

The authorities accuse us of being political. But we tell them, no we're not political at all. We help the grassroots only to know about rights... Everything we do has to do with developing the country, cutting down violations.¹⁶

A similar view was expressed by a human rights NGO provincial director in the

¹⁶H10.

relatively peaceful province of Kompong Som:

Our work is not really political work. NGOs just work in order to improve the standard of living of the people and protect human rights.¹⁷

Similarly, a young returnee lawyer heading a public defenders' NGO commented:

We don't get involved in any political situation, but only rights for the people. We work for democracy in Cambodia, we work for human rights and work for legal protection of the people.¹⁸

'Political work' is viewed here as divorced from development, standards of living, and protection of rights - primary state functions in most modernising societies. Rather, politics is seen as an elite preserve. The distance between politicians and the 'grassroots' or the 'poor' who are seen as the major victims of human rights abuse, allows human rights promotion work to constitute itself as an arena within which protection and support is available to the many refugees exiled from, but continually oppressed by, the political sphere of party competition. This was described by a provincial human rights NGO director from Kampot province, which has seen significant Khmer Rouge and RCAF activity:

I think human rights work is work which is against political activities. It serves people. It is neutral. We don't support any political party... We only educate people, especially the police and the citizens, to understand rights.¹⁹

Promotion of neutrality militates against the exclusionary tendencies of existing power networks. Those who participate in the discourse of neutrality, arguably, attempt to reclaim the nation as a secular construction providing the benefits of protection and economic development to all citizens.

Yet it is significant that 'human rights education', rather than development of grassroots democratic participation, is viewed as the means to achieve this. Rather than challenging the elitism and exclusivity of party politics, and seeking to reintegrate issues

¹⁷H8, personal interview (Khm.), 1 July 1996, Kompong Som.

¹⁸L3.

¹⁹H6.

of human rights, development and rule of law into national politics through empowering the grassroots to participate, human rights promotion seeks to insulate the grassroots from destabilising political competition.

Several interviewees explained the neutrality of their organisations as arising from the fact that they did not seek power. Within the definition of power used in this dissertation, the formation of a hegemonic consensus to circumscribe political activity does constitute power-seeking. Yet a distinction can be made in terms of the contrast between 'power over' and 'power to'. The activities of politicians described in earlier chapters constitute attempts to exercise 'power over' citizens, through a combination of patronage, protection and abuse. Among Cambodian NGOs, the type of power sought was more frequently the 'power to' develop the country and raise standards of living through consensual, co-operative efforts in pursuit of national goals, defined not by processes of political participation but, frequently, by the NGO movement, or their international sponsors.

These kinds of power correspond to the levels of structure and superstructure - of overt power and covert power. In liberal societies, the 'power to' possessed by the state is a function of its alleged neutrality and the ideological legitimacy of political control via democratic participation. Hegemonic control reconciles the people to the state's control and direction of them; power is exercised by the state at the superstructural level leading to co-operative efforts towards national goals established through processes incorporating ritualised forms of democratic participation.

In Cambodia, the state is politicised and cannot command general support as a result. It is left only with 'power over' - overt power, or power by means of force or patronage. This type of power is not so productive in the economic sphere. The legitimacy of politicians extends only to 'insiders' - 'outsiders' have no reason, aside from fear, to grant them authority.

Attempts to promote the power to mobilise society's 'outsiders' in the drive for national development - work which was specifically described as 'not political' and 'neutral' - emerges from a concern to constrain politicisation. Outsiders are frequently viewed as

anti-political - "they hate politics"²⁰ - due to their suffering at the expense of the politicisation of Cambodian life. Because of their exclusion from politics, these outsiders also experience difficulties in exercising civil, economic, social and cultural rights, as these rights are politicised - rendered contingent on party political loyalties - in the Cambodian environment. Their alienation is complete, and those human rights activities which circumscribe the arbitrary and invasive interventions of the state apparatus into the lives of farmers and other 'outsiders', constitute a stabilising role for the non-governmental sector.

Extension of protection and representation to the previously vulnerable and alienated 'grassroots' prompts 'neutral' NGOs, lawyers and journalists frequently to present themselves as representing the people, and hence the nation. A young US-trained lawyer, and a woman provincial director of a large human rights NGO, based in Kampot, commented:

The [1998] election is going to be monitored through the participation of NGOs, as representatives of the Cambodian people.... NGOs are neutral and they represent the Cambodian people. That is what we require, and we have lobbied the government. But we haven't received any reply yet.²¹

Parties sometimes help the people. But the people don't really need that. The human rights organisations give what people really need. Because with the parties there is nepotism to help people who get along well. But with many NGOs, people are braver - because we observe and consult.²²

The focus of the Cambodian government on rule by exclusionary forms of patronage and protection, rather than by law, and the consequent spiralling violence and alienation from government, allows the interviewees quoted here to claim popular mandate as a power resource of their own.

By claiming to represent 'the people', these interviewees deny legitimacy to politicians and distance political personalities from ideas of national advancement, in a manner

²⁰R1.

²¹L3.

²²H1.

reminiscent of Sihanouk's use of his rural power base to exclude urban intellectuals from meaningful political participation in the 1960s. These interviewees take control of the superstructural level. Equating their 'representation' of the people with neutrality, some interviewees attempted to define themselves as the arbiters of the political system, denying this role to the political parties which also attempt to equate themselves with a national system. Yet 'representation' of the people does not entail use of grassroots participation as a legitimising resource of power.

A member of the Khmer Kampuchea Krom community, who headed an NGO focusing on the rights of minority groups, commented:

If there is a 1998 election, ... there will be a neutral mass movement which ... belongs to the people, not the parties. So the signatories [to the Paris Agreements] must support this neutral mass movement, practically and financially. And the leader of the neutral mass movement is Sihanouk.... Because he's the top man, he's the powerful man, so he can cope with all the problems.... This movement is responsible for two sectors, to provide training and educate the people on the election and to monitor and observe if the election process is free and fair.²³

This interviewee combines royal sanction and international aid, as decisive resources of power, with a popular movement, yet, again, ideological participation by the grassroots is not considered. Rather, it is suggested that the people will be 'trained' and 'educated' by the mass movement, much as electoral mobilisation was viewed as a means of 'educating' the people in Sihanouk's day.²⁴ In the perceptions of these interviewees, use of such political, but not party political, sources of legitimacy offers the opportunity to undertake both an educational and a refereeing role to uphold ideological values implicit in the description "free and fair" - concepts promoted by the international community in Cambodia since UNTAC. By this means the violations associated with political party competition may be overcome.

The central place of neutrality in this discourse also reflects the reformist orientation of

²³M1.

²⁴ See Armstrong 20.

the Cambodian human rights movement. While this discourse denies government the right to politicise private life and to reinvent politics and the nation in their own interest, strengthening of governmental ability and willingness to pursue appropriate national goals such as development and stability is also required to serve NGO-defined 'grassroots' interests. Over the long term, it is considered, the protective role of NGOs should be taken over by a strong but 'neutral' state apparatus, within which politicisation has been replaced by appropriate benevolence towards the people. Promoting this constitutes the second prong of the human rights promotion effort.

This view was noted particularly in attitudes towards the legal system, consonant with the importance of an effective court system for protection of human rights. In this context, interviewees raised the issue of problems in attempting to implement a reorientation of government power while avoiding a destabilising challenge to it. A US-trained lawyer who also headed an NGO urgent-action coalition, commented:

We don't want to change any judges. But we need to give training. This persuades them to be neutral... I think training is better than moving the judge from here to there. Because if ... the law or the king takes them from their post, that will anger the party and we don't want to have any political conflict like that. So we start by negotiating, by solving the case peacefully, rather than do something violent. We keep all the judges and provide them with training.²⁵

A public defender commented:

I don't want to blame the government. Because I think we had very weak organisation before and in any country, organisation should develop more, day by day. I believe that our government will be stronger in future... We try to help in any way we can.²⁶

Similarly, the president of a national human rights NGO argued for the need to:

Train more judges, train more defenders, train more lawyers - everybody, every Cambodian should be aware of their responsibility as a good citizen.²⁷

²⁵L4.

²⁶L2.

²⁷H14.

The concept of 'rule of law' was used by interviewees in this context. The same NGO director stated:

A country which develops - it's because this country respects the law. Our leaders used to compare everything with Singapore, saying, 'look at Singapore, it's tough with journalists' and so on. But don't forget that Singapore respects the law. They may be tough - they don't give much freedom to the press, but besides that it's a country that respects the law.²⁸

Emphasis on neutrality and law, even at the expense of certain human rights in this last comment, is central to the view of international human rights ideology perceived through the conceptual lenses of the Cambodian human rights movement. This aspect of international liberal democratic norms has, arguably, attained power within the discourse of human rights used and promoted by the group of Cambodian human rights activists studied because it dovetails with the motivation to provide assistance to members of the grassroots who are marginalised and abused by the politicisation of Cambodian political life, and to constrain the politicisation of the state apparatus. It reflects a technocratic rather than a 'political' stance, and, arguably, concern to promote a stable framework within which subsistence and modernisation activities can be carried out within Cambodia.

Emphasis on neutrality further reflects the climate of fear which constrains Cambodian human rights activists. A 'neutral' stance can free the NGO movement, to an extent, from the constraint of government suspicion and hostility. A Khmer-American interviewee, engaged in a nation-wide programme to train monks as disseminators of human rights ideals, commented:

Sometimes you create a problem for yourself if you advertise too much. Because people are scared of you if you become too popular... You need to understand, if you have power you will have trouble...²⁹

Framed within the context of 'training' and 'education' activities carried out by Cambodian human rights NGOs, the 'neutral' framework for political activity being

²⁸ H14.

²⁹ R1.

promoted is not a framework within which democratic participation at grassroots level plays an important role. While the concept of 'free and fair elections' is adopted as a concern, emphasis is placed on ensuring that the voting ritual is free of violence and intimidation. Little attempt is made by NGOs to consolidate deeper forms of democracy, by promoting forums within the villages, through capacity building and encouragement of debate, which can challenge politicised state structures.³⁰

The focus of NGO activity is on reconciling both politicians and grassroots to accepting as legitimate, and thus neutralising, existing hierarchical and centralised state institutions, bounded by authoritative rules of behaviour, largely set by the international community, rather than on encouraging empowerment through promotion of deeper forms of participation at the local level. While the neutrality of state institutions is a key liberal concern, arguably this focus also fits well with ideals regarding the appropriacy of developing harmonious hierarchies in political relationships.

In viewing their organisations as representatives of the grassroots, these interviewees create a new NGO role of bringing people and government together in a redefined, NGO-mediated state-society relationship. By combining this mediation role with education and training for both sides, together with mild use of sanctions in cases of abuse where government is unco-operative, it is possible to educate both citizen and government in civic responsibility. An interviewee who worked with the urban squatter community described this relationship:

Our organisation's responsibility is to bring relevant information from the squatter community to the government, and ask the government to give more understanding to the community... We don't try to force the government, we just try to make them understand more... sometimes the government has a plan for a new home for these people. But ... some [squatter] communities just want to do as they please... We have to persuade [them] to follow the government's plan. Because we cannot leave

³⁰ An exception to this is the series of debates organised by the NGO coalition *Ponleu Khmer* to allow villagers the opportunity to debate the draft constitution in 1993. In 1995/6, none of the organisations studied appeared to be continuing with such activities, except the minorities organisations cited in Chapter Seven.

everything up to the ideas of these people.³¹

The president of one of the largest human rights NGOs concurred:

Sometimes [in land disputes] we would like to conciliate. We would like to play the mediator because the local authority has strong reasons also to move out the people in the public interest.³²

Similarly, a lawyer and head of an NGO urgent-action coalition commented:

All human rights NGOs have to keep their eye on the people and the government. Sometimes the government invades the right of the people. Sometimes the people don't obey the orders of the government. Human rights and the rule of law have to be respected by the government and the people. We are a central point.³³

By their position 'in the middle' these interviewees attempt to shield the people from the state, but also to educate the people about their responsibilities towards the state. These comments indicate that the people do not set the agenda for the NGO, but the NGO sets the agenda for the people. By interposing themselves as arbiters of legitimacy in between the state of the people, institutions of state can be both strengthened and limited and the people protected and disciplined, as the two sides are drawn together in a legitimising process in which the role of the professional human rights movement is vital.

Neutrality allows NGOs to gain the trust of government; for example, the leader of an NGO coalition, invited to comment on draft legislation, maintained:

They invited us... because they wanted to find justice. And because NGOs are neutral organisations. We are neutral that's why the government trusts us.³⁴

From the point of view of members of the government, co-operation with NGOs is seen

³¹M2. Significantly, the interviewee worked for one of the few NGOs which does attempt to encourage grassroots participation in discussing government proposals for housing and eviction issues.

³²H5.

³³L4.

³⁴H15, personal interview (Eng.), 23 Mar. 1996, Phnom Penh.

as conditional on NGOs behaving appropriately. A senior official at the Ministry of Justice commented:

I am glad to see local NGOs. I don't like them disturbing the Ministry of Justice, but we need their advice. But we need constructive critics - they should work with the government.³⁵

Similarly, a chief of cabinet at the Ministry of Interior stated:

I said to the NGOs [regarding NGO representation in the elections] don't take this for granted. There is a long fight ahead, not in the streets or in the jungle, but intellectual. Don't spoil things by making unreasonable demands.³⁶

'Neutrality' defines an area in which NGOs can pursue non-confrontational activities aimed at promoting harmony and mutual respect between state and society.

Education is seen as essential for regulating state-society relationships. Student representatives interviewed, for example, perceived themselves as particularly qualified to disseminate human rights teaching because "they're well educated so they understand what a violation is and how the government should treat the citizens".³⁷ Without an educated class, society loses its sense of right and wrong, according to this view. Thus the ability to understand human rights is closely tied to more general education and participatory notions of human rights exercise must be delayed.

The head of one of the first human rights NGOs to operate in Cambodia commented:

The first step was to educate in the city, educate all police, soldier, social worker, teacher, *et cetera*... I think that [at this] level, almost all of them studied in high school... they understand about social activity. But the grassroots level do not understand about social activity and do not understand about human rights.... They ask the trainer, what are human rights? What is democracy? They don't know because they stay in the grassroots, far away from economic growth.³⁸

³⁵E2.

³⁶E3.

³⁷S1.

³⁸H17.

Consonant with the use of human rights discourse to promote consensus, a number of interviewees argued that human rights were destructive if used for selfish purposes. Knowledge of human rights had to be combined with proper understanding of diverse relationships in society. This attitude contributes to lack of interest in promoting grassroots participation and emphasis on education in civic responsibilities. The president of a national human rights NGO commented:

We tell the people that when we have rights we have also duties, obligations. For example, we have the right to life. We must also have the obligation to respect the life of another... It's the curriculum that we give them. Duty to the family, duty to yourself, duty to the community and duty to the nation, to society.³⁹

A leading member of a pro-government student organisation, and a lawyer heading a public defenders' NGO who had been active in the administration of justice in border refugee camps in the 1980s, made similar points:

I don't demand the same level of respect for human rights as in Western countries ... If we try to have all... in Cambodia this is not good at all because Cambodian people mostly are illiterate so if we say we have all freedoms it is not good. It is dangerous for Cambodia [because] Cambodian people are not ready to get those rights, they don't well understand the Universal Declaration yet.⁴⁰

Democracy also can create big problems. For example, I vote for you ... because I think that you will do something for me; but after I've elected you, you don't do anything for me. I'm angry! I will vote for one of those other people without thinking that the other person might be even worse. That's why I think democracy may not be so good... So if we want democracy, we should raise education.⁴¹

This was also reflected in the attitudes shared by interviewees from human rights NGOs and journalists who defined themselves as 'neutral' or 'independent', towards the more politicised sector of the Cambodian press. The more politicised journalists were viewed as exercising rights irresponsibly, printing insulting, divisive reports about political

³⁹H5.

⁴⁰S2.

⁴¹L2.

opponents and concentrating on “pornography and violent crime”.⁴² Two journalists, one a member of an independent organisation and the other associated with the CPP felt that the lack of professional training and structure in the Cambodian press was problematic:

We have no school of journalists. There is a workshop... but it is not very professional like a school. We feel the lack of training in our country... The style of writing - most of them write what people want to read. For example, one guy says, “I’m going to run stories about sex”; and it makes the paper very famous. So all the papers follow... And they can make very good sales... They need to understand about professional codes.⁴³

In previous regimes - when you reach the age of forty you can be an editor - if you’ve got a bachelor’s degree and also have professional experience, and also a degree from a government administration course. But now - at the age of 25 you can become an editor - even if you don’t have a high school diploma... So the freedom is very free... Journalists curse at people. By not respecting moral codes they create their own laws.... That’s why I think we should have a code of ethics.⁴⁴

In these accounts, lack of education is seen as a barrier to appropriate exercise of rights. Professionalism, and education generally, were further associated with a specifically political phenomenon - knowledge of the ‘way to criticise’. This point was made by two intellectuals, one a professor in the University of Phnom Penh Faculty of Social Science, and the other working in an NGO organised to train journalists and encourage writers:

In Cambodia there are a lot of different classes. The class of farmers is very ignorant. They can’t criticise - they are angry, but they don’t know the way to criticise. Some, not a lot, but some of the intelligentsia, know about this. But they are afraid, because even in the *ancien régime* - they didn’t speak truly, like in Europe. Their way of speaking was very subtle.⁴⁵

Some journalists attack the government very strongly. Then the government makes a complaint. Those papers are not professional enough - so they get

⁴²N8, personal interview (Khm.), 16 May 1996, Phnom Penh.

⁴³N3.

⁴⁴N10, personal interview (Khm.), 28 July 1996, Phnom Penh.

⁴⁵U1.

trouble. But if they were very clever, very highly-educated people, they would not get trouble from the government.⁴⁶

These remarks indicate a certain element of mistrust of the uneducated and the grassroots in the thinking of human rights, and other, professionals. In positing a responsibility to exercise rights in a manner which will not bring 'trouble from the government', they also put education and facility in handling power relationships at the centre of an individual's ability to have his rights respected. This attitude creates a place for human rights NGOs, intellectuals and, to an extent, journalists, situated between the grassroots and government, as professional complaint-carriers. Such a role resembles Gramsci's definition of intellectuals as the 'functionaries' of the superstructures:

the functions in question are precisely organisational and connective. The intellectuals are the dominant group's 'deputies' exercising the subaltern functions of social hegemony and political government.⁴⁷

Education to increase the number of people who 'know the way to criticise' was seen by many interviewees as essential, both to regulate contact between the state and the grassroots and to reduce the tensions in political society, particularly those generated by the confrontational style of the press. In this sense the human rights effort is clearly hegemonic in terms of imposing constraints on the ability to challenge the government through training in adherence to professional standards, rather than being the destructive force of social division feared by some Asian leaders.

By defining, and thus limiting, the appropriate forms of government criticism, it is possible for human rights groups to stabilise government control, provided government is prepared to respond appropriately when criticised through these means. Education was thus viewed by many interviewees as essential to the ability of the citizen to participate in political processes in a meaningful way.

Lack of education in Cambodia was also seen as central to understanding of human

⁴⁶W1.

⁴⁷Gramsci, "The Intellectuals" 12.

rights abuse, which is viewed as stemming from widespread illiteracy and ignorance, including lack of knowledge of religion, morality and law. In part, problems of illiteracy and lack of access to information are constructed as geographical issues, associated with remote areas of the country, where abusive authorities and armed insurgents hold sway. Such remote areas are described as realms of lawlessness, ruled by the gun, creating a spatial as well as an ideological challenge in the task of constituting a hegemonic, inclusive sense of nation.

Interviewees based in Phnom Penh contrasted the provinces unfavourably with the city, while provincial interviewees also spoke of remote areas where military gunmen, Khmer Rouge and bandits abused the people. Provincial directors of national human rights NGO from Kompong Cham and Kampot provinces commented:

There are places that have a lot of human rights abuse on the other side of the Mekong River... But this organisation and other organisations cannot reach there. When we go there, they just point guns and ask for money... They are armed people but we don't know who they are. They just come from the jungle.⁴⁸

[There are] some remote areas where we have never provided training... We just cannot trust the local authorities - they may kidnap and extort money.⁴⁹

In these areas, particularly, reconstruction of "society" is considered necessary in order to remake social and political relationships. Human rights training needs to be associated with a wider educational drive, that will enable these villagers to deal more effectively with abusive intruders, as well as respond more appropriately to authoritative governance, these interviewees believed. The same point was echoed by a senior CPP-appointed monk and by two intellectuals:

In isolated villages, monks sometimes cannot reach there to provide education. So there is violence and robbery. And some people in the forest - we can't contact the villages in the Khmer Rouge areas at all. Also in remote areas the villagers are not well informed about the law. We need to

⁴⁸H7, personal interview (Khm.), 30 July 1996, Kompong Cham.

⁴⁹H6.

educate isolated villages and illiterate villagers about the law.⁵⁰

Rural people suffer most. For example, recently we heard from Kampot, some villagers have had members of the local authorities telling them not to have certain political beliefs. The local authorities forced the people to drink some water, and they said there was a magic potion in the water, so that after drinking, the people would die if they didn't vote for the CPP.⁵¹

The problem is lack of knowledge, especially for women. Because they don't have knowledge, gangs can buy girls in rural areas for prostitution. Education can solve this. It's because of illiteracy... People who sell their daughters for prostitution, it's because they don't know anything... When they can read, they can see if this is good or not. They can read the news and talk about the problem.⁵²

Without education, villagers cannot protect themselves and cannot perform their civic responsibilities. Thus they cannot contribute to a stable and benevolent state-society relationship.

It is considered that more information, especially about available channels for complaint, allows increased awareness on the part of ordinary people of appropriate relationships with state officials, bringing greater balance into state-society relations.

The director of a human rights NGO in Kampot province commented:

An uneducated family [had to go to court]; so they asked some one who had been to court before... [That person] told them, if you don't have money don't go to court. So they felt afraid. They didn't have money so they didn't want to go to court. So we explained all about the court room process, how you should behave in a court room - even if you don't have money at all you can still go to court.⁵³

In this case, the professional advice of human rights activists informs the conduct of the citizen. Equally, some interviewees claimed the intervention of professional human rights experts could inform the conduct of representatives of the state. As described in a previous chapter, human rights activists and lawyers perceived court cases involving

⁵⁰V1.

⁵¹W1.

⁵²U2.

⁵³H6.

political questions or significant amounts of money as relatively immune to injections of human rights discourse by defenders and NGOs. In other cases, interviewees claimed some success. A Phnom Penh-based public defender, who had worked on high-profile political cases, as well performing advocacy work in provincial courts, commented:

we know the theory and we know the law so it's easy for us... as defenders we can say anything and we have enough knowledge, we understand everything in the law, and so the police dare not do anything wrong when we are there... Most of the people are poor and illiterate. Because they have no knowledge, they don't understand their rights... And so the government official or the police can do anything they want against them.⁵⁴

Similarly, a human rights provincial director from Kampot commented:

Now we have respect from the police because... our organisation just [argues] that the government set forth the law, so it's not an obstacle to police work. We just help them, provide assistance, give them some knowledge, guidance of how to go about the case.⁵⁵

Training for local police and officials is also seen as effective. Another Kampot provincial director commented:

There is abuse of human rights because people who hold power don't understand, don't know the law and don't really understand human rights. Until we have human rights organisations go down there and train them and then they realise what human rights are and will change a little bit.⁵⁶

Despite the inconsistency between respect for human rights and the economy of power described in previous chapters, professional mediation and training for both authorities and citizens in these norms is viewed as providing a discourse which prescribes norms for behaviour.

Without human rights principles, outsiders can only be placed in a relation of exclusion from or opposition to the state. Human rights activism can enlist individuals, whose rights have been abused. This is stabilising in itself, channelling the excluded,

⁵⁴L1.

⁵⁵H6.

⁵⁶H3.

dispossessed and abused into reformist, rather than insurgent or criminal activities. Human rights training provides a basis for resolution of disputes, thus constituting a discourse of truth which is a basis upon which power can be exerted. The comments of a Kompong Cham human rights worker and the director of an association working with the Khmer Kampuchea Krom minority illustrate this:

Now they understand, and dare to make a complaint. Previously they were unable to do that.⁵⁷

If they have something that belongs to them and ...another person [also claims it] then there is a case to be settled. They can make a complaint.⁵⁸

By recasting conflicts as 'cases to be settled' and acts of violence as 'human rights abuse' and establishing access to professional machinery, however imperfect, aimed at resolving disputes, human rights training can defuse situations of conflict. Unjust solutions offered by local authorities can be used to rally support for reform; the existence of a reformist movement in itself creates a new conceptual framework within which popular perception of conflict, abuse and resistance can be located, altering society's response to the state.

An important element, arguably, in both government and NGO attitudes, is the view that relationships between these two sectors should appropriately be characterised not by inherent tension constrained by rights, as in liberal theory, but by trust, co-operation and mutual respect. Attention is paid to inculcating these attitudes, rather than attempting to strengthen the capacities of local communities for self-defence, through political participation in their own grassroots interest organisations, against abusive authorities.

Arguably, this conception is informed by the belief that the entrenched division between elite and grassroots cannot be easily removed. Interviewees drawn from human rights NGOs characterised the class of people they represent as "poor", "illiterate", "lacking in knowledge", "simple" and "weak". Efforts to empower the grassroots are secondary in

⁵⁷H4.

⁵⁸H19, personal interview (Khm.), 10 May 1996, Phnom Penh.

NGO activities to the need to protect them from the immediate abuses of the powerful. A leading NGO director commented that rights guaranteed by Cambodia's 1947 Constitution

... were granted by the king, but who cares? I wouldn't care who granted those rights, whether they were acquired by struggle, as long as they were enshrined in our basic constitution.⁵⁹

Arguably, the extremely weak position of the grassroots combines with an NGO inclination towards benevolent hierarchical power arrangements to prompt this attitude. Emphasis is placed on gradual change which will prompt no sudden government repression. Immediate concern is for protection of potential and actual victims of abuse, of the professional and neutral status of the NGOs themselves, and for the promotion of a hierarchical but mutually supportive political relationship between political elite, NGO movement and grassroots which can accommodate rights.

Rebuilding cultural values

Orientation towards reform of government attitudes also reflects the widespread belief that loss of values such as tolerance, respect and co-operation, viewed as traditionally Khmer, is the underlying cause of human rights violations. The largest Cambodian human rights NGOs devote much time to education and training activities for government officials, police, and military, as well as local people. Curricula place great emphasis on concepts of tolerance, mutual respect, law and order, and citizenship, values which many interviewees believed were fundamental to Khmer culture but had been lost during the years of war and upheaval. This view was expressed by, among others, the provincial director of the Siem Reap section of a nation-wide human rights NGO; a leading CPP-appointed monk; and the Phnom Penh-based president of a national human rights NGO:

Human rights so far have not existed in Cambodia - that's why I wanted to work in this organisation... but its difficult to do it well because Cambodia

⁵⁹H16.

lost everything during the war.⁶⁰

During the three years, eight months [of the Pol Pot regime] it seemed that Cambodians lost their minds, lost all their values. Up to now, we have not been able to correct all. We just try to improve a little bit....⁶¹

I think that our people have a particular character. They are a little bit extremist. When they would like liberalisation..., they go beyond the limit sometimes. And when they would like to be communists, they want to be the best communists in the world - like Pol Pot. A little bit extreme, some people. I think it is perhaps because we suffered oppression for so long.⁶²

This attitude was also reflected in an article printed in *Reasmei Kampuchea* newspaper which commented:

The number of Cambodian children who lost their lives under the genocidal regime of Pol Pot in the period of three years, eight months and twenty days, [was about one million]. Children who are still left after the genocidal regime ... don't have a soul, have lost all their spirit of dignity in society. Some children have become murderers, some children cease to recognise their father and mother as their honoured parents.⁶³

The legacy of war, oppressive rule and foreign occupation are viewed as having disrupted or destroyed Khmer systems for cultural reproduction. Education is viewed as particularly significant for restoring order in this respect. Most interviewees did not talk about education specifically as a right, but educational activities are crucial to their strategies. As well as providing a means by which international norms can be inculcated, within the human rights movement, as within the political opposition, education is seen as vital for restoring order to society through a rebuilding of Khmer culture and a recreation of the lost values of the Khmer nation.

⁶⁰H20.

⁶¹V1.

⁶²H5.

⁶³"Render Powerless Politicians who are Greedy for War," *RK* 2 June 1996, 5. This editorial comment was made in a report of a speech made by Hun Sen on International Human Rights Day while distributing gifts to poor children. In the speech, Hun Sen emphasised his determination to end the Khmer Rouge activities which had proved so harmful. While there is clear propaganda value in viewing the DK regime as responsible for Cambodia's continued social problems, nevertheless the idea that Cambodia suffered a loss of moral cohesion during the DK era, from which it has never recovered, appears to be widely held.

Both the education system and the Buddhist religion, which were closely linked together in traditional Cambodian society until the 1920s through the system of pagoda schools, were destroyed during the 1970s. They were rebuilt as separate, highly politicised, systems during the 1980s under the tight but ideologically crude control of a foreign-advised and -backed regime. Some interviewees posited this as a direct cause of the current pervasive violence and corruption in Cambodian society; for example, an intellectual educated before the war and now involved in training journalists commented:

After twenty years of civil war, many of the most highly educated people are dead, especially the groups of people with the highest morality. Now we try to educate new ones. Because after Liberation Day [7 January 1979] education was restored but there were some problems - those people didn't have enough morality. So over the next twenty or thirty years, public servants will gradually become less corrupt.⁶⁴

Similarly, a senior monk who spent much time in the West and in refugee camps on the border, and is now active in the *Dhammayietra* movement, commented:

Part of the problem is a problem with education in the past. During the long years of conflict, there was a lack of education, so the people imitated the evil ones - they believe in violence. Violence becomes something normal or ordinary. They have bad habits. We have to change the bad habits in the mind.⁶⁵

A senior CPP-appointed monk placed greater emphasis on the importance of education within a Buddhist framework of morality:

[Before 1975] the Buddhist monks kept the people in place. So did the temple. By recreating Buddhism again and having many monks we can cut violence and anarchy... I want to educate Cambodia in what was lost - respect for the Buddhist religion and human rights... We need to strengthen the Buddhist monkhood. And the Buddhist monks need to strengthen the people, as a whole. Then we will have human rights and democracy.⁶⁶

⁶⁴W1.

⁶⁵V3.

⁶⁶V1.

Of particular concern was the replacement in the 1980s of the lost systems with Vietnamese control. Vietnamese cultural systems have been viewed historically as a threat to Khmer culture through the constant pressure of the Vietnamese population and their tendency to overflow onto Khmer lands, whether through annexation, occupation or immigration. Some interviewees viewed Cambodia's problems as stemming from centuries-long contact with foreign powers, others from recent ideological intervention. The president of a national NGO stated:

After the Angkor period, our nation declined - under the pressure of both neighbours, Vietnam and Thailand - sometimes under the control of Vietnam, sometimes under the control of the Thai. And after that under the control of the French colonialists for more than 90 years. This is the reason our people are a little bit extremist.⁶⁷

This view was echoed by the Ven. Mahaghosananda, spiritual leader of the *Dhammayietra* movement:

Many other ideas have come to invade the Cambodian people. Many ideas have come from Communist countries or from other countries. The main idea of the people are either nihilistic or internalistic ideas. Buddhism is between these two ideas. Buddhism takes the Middle Path. It's neither internalistic nor nihilistic...Ideas from Russia, other communistic countries - other countries have to avoid them. They are violent ideas. We practice non-violence.⁶⁸

It is notable in these accounts, that the particular conditions in which state intrusion into rural life took place in Cambodia are blamed for the abuse inherent in state-society relationships. The search for contingent historical factors to explain the abusiveness of the state allows avoidance of the central thesis of liberal ideology which holds that the power to abuse is inherent in state institutions, and must be constrained by protection for individual autonomy. War and foreign dominance are blamed for the failure of Khmer society to restrain the abuses of the growing state apparatus. Consequently, human rights promotion is frequently associated with solutions which seek to rebuild cultural values viewed as central to Khmer politics and society in an idealised past, and lost

⁶⁷H5.

⁶⁸The Ven. Mahaghosananda, personal interview (Eng.), 19 June 1996, Phnom Penh.

during the colonial era, the DK regime and the war.⁶⁹

Perceptions of human rights promotion are closely tied to this perception of the condition of modern-day Cambodian society. Human rights are viewed by the interviewees quoted as part of an ideological armoury to be used to recreate a stable foundation in cultural values for legitimate and authoritative governance.

Expanding literacy and access to information can integrate the nation, setting common standards of behaviour throughout the territory, and homogenising relationships within the home, village, and arenas of governance, as described. This rebuilding of power as cultural hegemony can render use of overt power obsolete. In building this framework, human rights activists interviewed emphasised the importance of using familiar values, viewed as culturally appropriate for the re-establishment of national identity and authority. Citizenship, viewed as civic responsibility, must be based on shared values, so promotion of human rights tends to reach into popular morality and religious principle.

The result is an approach to human rights promotion which undermines the Asian values arguments of the Singapore School by conflating rights with the shared values that the School advocates. In Cambodia, human rights are viewed as a possible vehicle through which shared values can be reconstructed. The director of human rights education for one of the largest human rights NGOs commented:

Before, our young men used to go and live in the monastery and were taught by the monks how to live a good life. Now human rights organisations have to do this.⁷⁰

Restoration of Buddhist values was viewed widely among the group of interviewees as one means by which appropriate relationships in society can be re-forged. One of the most explicit statements of this ideal is put forward by the Ven. Mahaghosananda, a patriarch of the Cambodian *Sangha* who received a doctorate from Nalanda Buddhist

⁶⁹ This is a familiar theme in Cambodian political discourse. The idealised view of a natural Khmer state-society hierarchy echoes the central themes of Sihanouk's Buddhist Socialism in the 1950s.

⁷⁰H10.

University in India in the 1960s and has participated in international religious movements for peace. His philosophy is practised in Cambodia through the annual *Dhammayietra* peace march, led by Mahaghosananda. Its philosophy attempts to combine Buddhist and human rights values with a particular agenda for change. A leaflet distributed by walkers on the Fifth *Dhammayietra* in 1996 describes a simple five point plan for ending the violence in Cambodia and the world:

1. First we must meditate in order to have peace in our hearts;
2. Make peace in our families;
3. Make peace in our villages;
4. Make peace in our country;
5. Make peace in the whole world.⁷¹

As one *Dhammayietra* organiser described it, “The aim of the peace march is to make everyone become calm”.⁷² According to the Ven. Mahaghosananda:

The movement for peace has to come from the Cambodian people, and every Cambodian can do this... We have to protect ourselves first, but we have to protect other people so that we can protect ourselves. Because we are interdependent people - we have to have mutual conduct.⁷³

The mutual relations between people mean that peace is located in the interpersonal relationships of society; in this way, “we must make peace in six directions - with our parents; our teachers; our husband or wife; our friends; with the King, the people and Buddhism; and between the government and ourselves”.⁷⁴ The location of peace-making at the level of the individual, and his relationships with society, arises from an analysis of the causes of war centred on individual moral attitudes. In the words of the Ven. Mahaghosananda:

Everything has its cause and its condition... The cause of fighting and war is

⁷¹Leaflet collected from *Dhammayietra* Peace Marchers, 1 June 1996, Phnom Penh.

⁷²R2, personal interview (Khm.), 16 Mar. 1996, Phnom Penh.

⁷³The Ven. Mahaghosananda, personal interview.

⁷⁴The Ven. Mahaghosananda, personal interview.

greed, anger, hatred and ignorance. The cause of peace is morality, concentration, and wisdom. Also truthfulness and gratitude. When we have truth there is no more greed. When there is compassion there is no more anger. When there is wisdom there is no more ignorance. So there is no more fighting. We must keep morality.⁷⁵

In this analysis, the intentions of individuals towards one another is couched not in terms of freedoms and rights, but in terms of what Inada calls "soft relationships".⁷⁶

Such an analysis implies that the movement for peace must begin by recasting relationships which are at present based on "greed, anger, hatred and ignorance" with relationships based on "morality, concentration, ...wisdom..., truthfulness and gratitude".⁷⁷ The same analysis is applied to human rights:

Buddhism is like human rights. Let us begin first with life. Buddhism says not only should we not kill - but we should save life. Second we must abstain from stealing, from taking property from other people. Third we should respect other people. We should abstain from adultery- love our own wife and our husband and do not cheat. We have to be truthful. Fourthly we should not cheat people through telling lies. Not insult them. Not be talkative. We should talk very truthfully, lovingly, usefully. We have to speak kindly, with loving-kindness, compassion in speech, balance and equanimity in speech. We must speak in the right place at the right moment with the right person.⁷⁸

This analysis places less emphasis on proscribed interference into individual autonomy

⁷⁵The Ven. Mahaghosananda, personal interview.

⁷⁶According to Inada, soft relationships are manifested, in human relationships, "in terms of the intangible human traits that we live by, such as patience, humility, tolerance, deference, non-action, humaneness, concern, pity, sympathy, altruism, sincerity, honesty, faith, responsibility, trust, respectfulness, reverence, love and compassion. Though potentially and pervasively present in any human relationship, they remain for the most part as silent but vibrant components in all experiences. Without them, human intercourse would be sapped of the human element and reduced to perfunctory activities." Kenneth K. Inada, "A Buddhist Response to the Nature of Human Rights," *Asian Perspectives on Human Rights*, eds. Claude E. Welch and Virginia A. Leary (Boulder, Co: Westview Press, 1990) 98. These soft relationships include but go beyond the hard relationships used in Western formulations of human rights, which constitute "a mechanistic treatment of human beings where the emphasis is on beings as such regardless of their inner nature and function in the fullest sense," Inada 95. For Inada, the inclusion of elements of soft relationships into human rights analysis is necessary in order for a complete analysis which takes into account "the unique coexistent nature of rights and feelings [which] constitutes the saving truth of humanistic existence" Inada 102.

⁷⁷The Ven. Mahaghosananda, personal interview.

⁷⁸The Ven. Mahaghosananda, personal interview.

than on prescribed interpersonal attitudes.

Framed within Buddhist values, a concept of human rights emerges which is distinct from the liberal concept. Whereas Western human rights prescriptions for interaction are largely negative and minimalist, demarcating a sphere of non-interference, a number of Cambodian interviewees viewed human relationships as much more maximal and productive. A senior monk associated with the *Dhammayietra* movement described the meaning of freedom in Buddhist philosophy:

The only difference [between Buddhism and human rights] is that Buddhism goes further and higher than the concepts of democracy and human rights and freedom... Real freedom includes the freedom of everyone. Buddhism talks about loving-kindness, compassion, and wisdom - principles of Buddhist teaching and global concern. It talks about respect and love for everyone without limit or boundary. What we call freedom in Buddhism is freedom from greed, hatred and delusion. When people are freed from these they can only make a good thing for everyone.⁷⁹

These interviewees were concerned to use human rights to recast relationships within society according to positive, and allegedly traditional, values of tolerance, mutual respect and concern. Where liberal human rights values emphasise autonomy, or freedom from coercion, to facilitate individual effort, these Cambodian interviewees saw human rights as creating an opportunity to build productive, co-operative relationships between society and the state apparatus.

Comments made by other interviewees regarding the nature of political relationships between the public and the state apparatus emphasised co-operation and mutual responsiveness. Although interviewees believed that the government should be responsive to the ideas of the people this was often not associated with popular empowerment, but with changes in the culture of government itself. The director of human rights education of one of the largest NGOs commented:

People want to have rights. Because they are afraid of the authorities. But after training he can go to talk to the higher authorities. Before we give training maybe they are afraid. But now if we have a problem we can speak.

⁷⁹v3.

It is the custom in Cambodia that we cannot speak to the authorities, just respect, respect, respect. We cannot talk to the high-ranking elite - like French, Khmer Rouge... Before the government had absolute power. But now we have a new government - all the people should give their ideas.⁸⁰

Ideas of grassroots self-development and empowerment are viewed as less important than promoting an atmosphere of trust and co-operation between the powerful centralised state apparatus and the people. According to the president of one of the leading human rights NGOs, this relationship pertained during the Angkorean era:

If we can refer back to our glorious era, the twelfth to thirteenth centuries, ... there was a sense of values similar to freedom, human rights and democracy... the sense of moral values that high-ranking officials in those days had to adopt before becoming leaders of the people. Of course there were no elections. But they were not employed to take everything from the people, but to respond to the wishes of the people.⁸¹

Idealised views of the Angkorean state-society consensus also informed the Sihanoukist ideology of Buddhist Socialism in the 1950s and 1960s. The compassion allegedly displayed by great Angkorean kings such as Jayavarman VII towards his people was prominent in Sihanoukist political discourse and remains as an ideal in Cambodian political ideology in the 1990s. Continued beliefs that this harmonious political relationship can be recaptured underlies, arguably, the strong emphasis on Buddhist and other moral values in human rights education initiatives.

In this way, the Ven. Mahaghosananda comments:

Government is by the people, of the people, for the people. Buddhism had this idea long ago - 2,540 years ago... [Elections] are important to know the ideas of the people - what they want, what they love and what they desire...⁸²

Democratic expression of popular will is seen in *Dhammayietra* philosophy as taking place within the political framework of “the Cambodian trinity - nation, Buddhism, and the King,” which “support peace in Cambodia and the people love these national

⁸⁰H10.

⁸¹H16.

⁸²The Ven. Mahaghosananda, personal interview.

pillars”.⁸³ The equation of nation, religion and King with legitimacy, harmony and peace indicates the importance of unification around cultural symbols.

Attitudes among interviewees regarding the importance of training government employees and working with government to promote a change in attitude on the part of individual state employees suggested that altering the uses of power in government, and constraining politicisation, rather than devolving power away from government to community organisations, was a central concern. This concern contrasts sharply with trends in the academic literature on democratisation and development, which has increasingly viewed the institutions of state as flawed in their ability to promote human rights and increased standards of living.⁸⁴

Activists from different Cambodian non-government sectors shared the view that human rights combine with Buddhism to provide a basis for more positive and constructive social relationships. A CPP-appointed monk concurred with the view shaped by monks associated with the *Dhammayietra*:

The important part of human rights is the moral part. Human rights are the same as Buddhist principles. For example, Buddhism says don't kill. And also human rights say we have the right to live. Also possession - the right to possess property. Buddhism says don't steal. And also respect for women's rights, like for example rape. Buddhism says don't commit adultery. And if you are in government then you shouldn't lie to the people. So Buddhism says you cannot use verbal abuse to give dishonour to people. And the fifth principle is don't drink. Because if you drink you may violate human rights because you lose your temper. So those five principles relate very closely to human rights ... In fact, maybe Buddhism is better than human rights because it says we should respect not only humans but the lives of animals too.⁸⁵

A CPP national assembly deputy and a lawyer working in a US-sponsored public defenders' NGO saw the relationship similarly:

Cambodians are Buddhists, so concerning Khmer traditional custom, human

⁸³The Ven. Mahaghosananda, personal interview.

⁸⁴See Nandy 271/272 for a discussion of this trend.

⁸⁵V1.

rights are enshrined already. For example, killing and torture, - in Buddhist wisdom all these elements should be avoided.... There are five commandments; for example, avoid sex, don't play cards, don't torture. All these are prohibited.⁸⁶

Human rights are very similar to Buddhism... like the Buddhist is not allowed to kill, not allowed to say bad things, lie, drink alcohol - that's a good way for the Buddhist people. And also human rights prohibit harming other people.⁸⁷

It is significant that these interviewees, and others who spoke similarly about human rights, did not talk about a similarity of underlying aims between human rights and Buddhism, but spoke as if the 'five commandments' of Buddhism were identical to human rights provisions in law. For these interviewees, arguably, the details of international human rights norms are of secondary importance to the objective of creating a new basis for order in society. The connection between religious principles and human rights was considered to apply to other religions too. One interviewee who worked with the Cham community saw a similar positive influence stemming from Islam:

The Muslim religion and human rights are the same. They are all the same - Buddhism, Islam, human rights - they just make people non-violent. One Cham living in the Cham community - he was very aggressive, used obscene language to his neighbours... He is Cham but he didn't understand what it means to be Cham. So the president of this organisation took him to the mosque to pray and after one month everything changed and he ... became a good person in the community... Human rights and religion go on the same boat in the same direction. People have to live peacefully and not be aggressive to each other.⁸⁸

Arguably, human rights and Buddhism become fused since, in the eyes of most respondents, the anarchy responsible for human rights abuse in Cambodia can be overcome by the propagation of an authoritative moral code. Human rights, as promoted by the international community, offer one such code. Within Cambodia, the principles of Buddhism, already widespread among the population despite the disruption

⁸⁶D2, personal interview (Khm.), 9 May 1996, Phnom Penh.

⁸⁷L1.

⁸⁸M5.

of the 1970s and 1980s, offers another. Conflating the two creates a discourse which connects the grassroots to the international community, facilitating exercise of international power and protection at the grassroots level.

The practical imperative of disseminating human rights principles and investing them with moral authority also contributes, prompting the use of monks as human rights trainers. The director of the largest programme of human rights education for monks commented:

The Buddhist monk is very important in Cambodia and has respect from the people... When monks provide lectures the people listen - all people, educated people, anyone - because we are Buddhists.⁸⁹

A Banteay Meanchey provincial human rights director also saw the relationship as useful for promoting human rights issues:

We teach people that human rights are similar to Buddhism. When I teach people, I put up a poster which talks about Buddhism, tells the people about sin. And when people in Cambodia hear about sin, it scares them.⁹⁰

In addition to their authority as spiritual advisors, monks also traditionally play a central role in the community. The human rights education director of a national NGO pointed out that monks could provide physical facilities for human rights activities:

If we don't have a classroom, monks can give a room. Sometimes they give tea.⁹¹

A recent graduate from the University of Phnom Penh working with an NGO coalition commented:

Monks have to be concerned about human rights because the monks look after the people.⁹²

A central principle of Buddhism, related to human rights in a number of accounts, was

⁸⁹R1.

⁹⁰H21.

⁹¹H10.

⁹²S3, personal interview (Eng.), 26 July 1996, Phnom Penh.

that of reciprocity of tolerance and mutual respect. This was put forward by a number of interviewees as enshrined in the principle:

If you do a bad thing, you will get a bad result. If you do a good thing, you will get a good result.⁹³

This principle was viewed as having literal application to human rights work and was central to a view of change which focused on changes in individual attitudes. Protection from human rights abuse was perceived as inherent in adherence to human rights principles in one's own treatment of others. This point was made by two lawyers and a provincial human rights director, among others:

In the Buddhist words - if you want others to respect you, you have to respect them first. It's like human rights too. If you do not violate them, they will not violate you.⁹⁴

We have the concept of tolerance. For example, if we know ourselves that we should not do this or that to other people, then other people will also know that they should not do this and do that. Because if you infringe other people's rights, they have the right to infringe back to us.... so I have to protect my rights and I have to protect other people's rights. That is the peaceful way.⁹⁵

The similarity between human rights and Buddhism is that when you commit a crime it might be that someone comes and takes revenge; Buddhists say when you commit sin, one day you might get the bad result back from your sin. For example, when you commit murder, one day you might be killed by someone else.⁹⁶

These interviewees saw training as enabling protection of the grassroots, not only through increasing awareness of channels for complaint, but also by providing a moral blueprint that could spread from individual to individual, infecting, eventually, the abusive structures of local government themselves. This was described by a lay assistant to the *Dhammayietra* movement: "We are very optimistic about peace in the

⁹³L1.

⁹⁴ L1

⁹⁵L3.

⁹⁶H6.

future because peace can spread from one person to another".⁹⁷

Belief in the power of individual example to affect one's own treatment at the hands of others was central to the perception of change held by many interviewees. Through the principle of reciprocity, many interviewees believed, a change in the attitude of a single individual could bring about a change in values which could spread throughout society, altering not only the rights-abusive state-society relationship but also tackling violence within the home, within the village, and, particularly, on the battlefield. A public defender who had worked in the justice system in the border refugee camps commented:

If there's rights here, the government official understands what the people's rights are, and if the police or soldier they know what their obligation, their duty is, and they do not disturb people - it will make peace in Cambodia. Because when you know what your rights are, I know what my rights are, I don't want to violate your rights, and you don't want to violate my rights. So there will be peace.⁹⁸

Similarly, a US-trained lawyer working for an NGO urgent-action coalition stated:

Where there is human rights there is understanding. If we understand each other there will be peace. Even ... the people living with the Khmer Rouge - ... We would like to bring them to join the community and explain to them about human rights. Rather than carry a gun and fight. We don't want to fight.⁹⁹

Representatives from a Buddhist NGO and the Kompong Som office of a human rights NGO echoed this view:

If we respect, we will have peace.¹⁰⁰

When we have human rights, people respect each other and this can help end the war.¹⁰¹

⁹⁷R2.

⁹⁸L1.

⁹⁹L4.

¹⁰⁰R1.

¹⁰¹H9, personal interview (Khmer.), 1 July 1996, Kompong Som.

Religion, human rights, and education are seen as closely linked in an effort to strengthen core values in Khmer society, which have been threatened by war, social disruption and foreign domination. These values - notably, mutual respect, tolerance, co-operation, subtlety in criticism, and understanding - are seen as essential to the rebuilding of the Cambodian nation.

Consequently, the ideology of human rights that is being propagated differs from liberal notions in several important ways. Values emphasised are positive prescriptions for appropriate behaviour in relationships, representing blueprints for action rather than safeguards of autonomy. Consequently they tend to be identified with moral prescriptions - for example, Buddhist precepts against intoxication and adultery are grouped with human rights, whereas liberal ideology locates these activities firmly in the sphere of individual choice.

Within the context of the anarchy of Cambodian society, these prescriptions make sense in terms of the underlying aims of human rights - the preservation of human dignity. The comment that “the fifth principle is don’t drink. Because if you drink you may violate human rights because you lose your temper” is more understandable in the context of the case of 18 September 1996 in Krang Kontroul Village in Kompong Chhnang, where, in the words of Amnesty International:

six children were killed when a drunken soldier fired a B-40 rocket at the ice-cream stall where they were gathered. The six children - one boy and five girls - were between two and eight years old. Six months after the killing, the villagers of Krang Kontroul are still waiting for justice for their lost children.¹⁰²

Arguably liberal human rights formulations are viewed as inadequate for protecting against arbitrary violence in a society where cultural maxims for behaviour are perceived to have broken down. Freedoms in the absence of disciplined behaviour, in accordance with culturally embedded moral codes, are perceived as dangerous by many Cambodians in the human rights movement. Human rights are used instead to build the

¹⁰²Amnesty International, *Kingdom of Cambodia. The Children of Krang Kontroul: Waiting for Justice* (London: Amnesty International, Mar. 1997) 1.

consensus within which freedom can be exercised, since without this consensus freedom is meaningless.

The employment of moral codes, as well as legal codes, reflects, arguably, the weakness of political institutions and the lack of education of the 'grassroots'. Laws, especially when unenforceable, cannot command allegiance as easily as prescriptions for behaviour which are already deeply culturally-embedded. As a high-ranking Ministry of Interior official commented:

It is now a fact of life in Cambodia - we can talk about rights, democracy, equality, freedom of expression - but to people it is an intellectual approach; like all intellectual approaches you need knowledge, understanding, experience, long term and stable structure of education. People are more concerned to find ways of survival for themselves and their children - that's a matter of life and death. They have time to go to school only if their survival needs are already met. In poor countries you can't ask villagers to think about human rights when they have nothing to eat or didn't ever go to school. Human rights and democracy have to be second to economic conditions. Otherwise those people will not support them.¹⁰³

Many interviewees accept this premise while rejecting the conclusion. The human rights discourse emerging from the movement associates human rights promotion with a restoration of national values, of tolerance and respect, to provide the appeal to turn this 'intellectual approach' into a human approach that meets survival needs by limiting random violence. Religion is particularly important in this respect. According to Yum Din, Director of Religious Affairs at the Ministry of Cults and Religions:

In Cambodia since 300 BC, Buddhism has been in the bodies and hearts of the Cambodian people. Buddhism is the philosophy of the Cambodian people and the national opinion - not only the national opinion, but the national identity... If you go to the countryside, wherever you see a village you see a pagoda. That pagoda is the priority of the Cambodian people.¹⁰⁴

The importance of Buddhism as an ideological system lies in its accessibility. As such it provides the basis for a national progression away from violence which is meaningful

¹⁰³E3.

¹⁰⁴Yum Din, Director of Religious Affairs, Ministry of Cults and Religions, personal interview (Eng.), 23 July 1996, Phnom Penh.

and authoritative for all Cambodians. Education, too, provides a hegemonic tool which socialises individuals into their appropriate roles as citizens.

Missing from this discourse is a creative approach to the question of empowerment and participation. In propagating concepts drawn from international law, as well as from Buddhism and from notions of morality, the approach of the human rights NGO movement is didactic, rather than participatory.

Discipline, professionalism, and adherence to imposed norms of behaviour are emphasised, at the expense of deeper forms of democracy or individual freedom facilitate through empowered community forums of discussion and action. A harmonious relationship between a centralised and hierarchical government apparatus, and Cambodian citizens, sharing mutual respect and rightful conduct, is viewed as the appropriate goal. Frequently, this goal is framed in terms of visions of an idealised past.

In their attempts to use these tools, and in the nature of their goals, the discourse of the human rights movement, arguably, reflects the negotiation of a professional strata of educators and complaint carriers between the limiting constraints of foreign ideological demands, the condition of the grassroots, and the limits to government tolerance. This discourse also reflects a concern to strengthen the Cambodian state, viewed as subverted by foreign influence and war, rather than to create alternative sites of power within the Cambodian polity. The ways in which this discourse of human rights is reflected in attempts to seek remedy for particular cases of human rights abuse are discussed in the next chapter.

Chapter 9: Oversight of State Power: Sovereignty and Intervention.

The introduction of a human rights discourse into Cambodian politics does not, of itself, entail that the incidence of human rights abuse will fall. As described in previous chapters, the discourse of human rights has been promoted within an economy of power in which violence and economic patronage still remain the dominant power resources. Hun Sen's attempts to subordinate 'right' to 'effectiveness' have been described. Human rights discourse challenges the validity of the employment of violence, particularly, to bolster power, yet at present human rights discourse is insufficiently powerful to marginalise the use of violence as a power resource.

The challenge represented by human rights discourse has in some forums increased the tendency of power-holders to resort to violence, in an attempt to overcome this challenge. A Cambodian newspaper editor, who described his own newspaper's editorial stance as 'neutral', perceived this situation as follows:

The situation now cannot be compared to the old [KPRP/SoC] regime. Now the press can express their opinion - but security for journalists is very bad. Before, in the old regime, there was no freedom but security was very good.¹

Repression of the press is explicitly connected here to the exercise, by journalists, of their freedom to criticise. In other political forums, as described in the attempts of the KNP to open local party offices, the challenge represented by human rights discourse to an economy of power based on patronage and protection has prompted a violent response from governmental figures seeking to shore up old networks of support by eliminating critics who employ human rights discourse, and by intensifying their exploitation of familiar power resources of violence and patronage.

The fear of violent response to the categorisation of a particular activity as a 'human rights abuse' arguably illustrates the potency of such discourse as a challenge to power, but also reflects and increases the vulnerability of the challenger, as an individual, to a repressive response. Attempts to promote a reorientation of the state-society

¹N1.

relationship, and to disseminate the notion of the rights-bearing citizen, may be perceived as threatening by the leaders of patron-clientist power networks. Consequently promotion of human rights discourse has the potential to prompt violent repression in some situations, as well as to deter it in others.

This creates a dilemma for human rights groups attempting to achieve redress from government for specific cases of abuse. Response to their activities in this regard has been varied, with the government on occasion responding to their demands and on other occasions ignoring them, or responding ineffectively. While outright repression of human rights activists was not common, interviewees from human rights NGOs believed that their survival is the result of their own caution in challenging government and of the protection offered to them by the international community. This reflects a perception that human rights discourse requires the support of technological power resources, such as the capacity to deny aid, in order to ameliorate their personal vulnerability as challengers to governmental discretion in the use and abuse of power.

Interviewees drawn from human rights NGOs regarded international support as central to their ability to demand accountability. On occasion they left this task entirely to the international community, reflecting the perception that the international community possessed the requisite power resources to perform this task successfully, while human rights NGOs did not. Arguably, from 1993, the influence of the CPP economy of power increased and tolerance of pluralism in political society diminished, culminating in the July 1997 coup, suggesting that governmental power resources were strengthening at the expense of those of the international community and local human rights sector.

Increasingly, the discourse of 'effectiveness' reasserted its dominance over the discourse of human rights.

Analysis of the relationships between the non-governmental sector, the governmental sector and the international community to provide oversight and redress for abuse suggests that the international community is perceived by Cambodian interviewees as an important actor in Cambodian politics, playing a role which extends beyond traditional constraints of sovereignty. Human rights workers look to the international community for assistance because of a perceived lack of power resources available to them within

their own polity. They fail to work actively to build power resources and connect human rights discourse with practical achievement at the grass roots level, instead depending on international power which, arguably, has proved ill-equipped to demand accountability from the Cambodian state.

Human Rights NGO Strategies for Demanding Remedy and Governmental Responses²

Demanding remedy for abuses, especially those perpetrated by abusers who occupied a position of importance within the political party and state hierarchies, causes conflicts between NGO and governmental interests within the Cambodian political economy of power. Cambodian leaders manufacture support largely by ensuring the ability of insider-abusers to prevail over outsider-victims. Protection of insiders is an organising principle of the Cambodian economy of power, while demanding that they be held accountable for their actions is an essential element of human rights work.

Human rights NGOs, it is argued in this chapter, frequently rely on international power to deal with this potential conflict, reflecting risk-minimising strategies which emerge from two related concerns: fear of retaliation from abusers, and perception that domestic power resources available to NGOs, including the nascent human rights discourse, were weak.

The impact of these factors is exemplified in NGO attitudes to publicity. The use of publicity to put pressure on abusive governments represents use of the power of human

² The account of NGO strategies presented here is extrapolated from interviews with human rights workers employed either directly by the two urgent-action committees, the Action Committee, and the Cambodian Human Rights Co-ordination Committee, or by the human rights NGOs which form the membership of these committees. Interviewee accounts of NGO strategies were verified by checking against press reports, internal NGO reports and newsletters, and the committees' records of press releases issued by them in 1995/6. They were also checked with international workers liaising with these committees. The channelling of action on most serious cases of human rights abuse through these two committees encourages uniformity within the movement in strategies for pursuing remedy for cases of human rights abuse. Significant international input in serious cases is sought by the committees themselves, further standardising approaches. Consequently in discussing these strategies, the human rights NGO movement is treated as a single actor; where differences in approach between NGOs were found these are specified. Human rights NGO strategies contrast with strategies pursued by the political opposition as described in this chapter.

rights discourse. It is a common strategy employed by human rights NGOs in many countries.³ Where human rights discourse is well-entrenched and widely-circulated within the polity, the more publicity generated, the greater the pressure on government to respond.

Within the Cambodian economy of power, an important element of power is its overt nature. To be seen to prevail is vital to any leader attempting to attract followers. In these circumstances, public submission by government to the power of human rights discourse, represented by public NGO demands for remedy, imposes greater costs on government power than accommodation reached in private. Public governmental compliance with human rights discourse strengthens the power of the discourse as a resource to be used in future confrontations, and limits governmental discretion of action and denies the discourse of 'effectiveness' concomitantly.

Consequently, a number of interviewees from human rights organisations believed that the Cambodian government was more likely to resist, and retaliate against, a public demand for redress than a private one. Public demand for remedy is considered risky by Cambodian human rights NGOs; their vulnerability as organisations and individuals constrains their activities in this area.

Publicity can take different forms, with different degrees of risk attached. Publicity addressed to an immediate public, for example, within the village where the abuse occurred, was viewed as highly risky by interviewees. Victims were viewed as weak and likely to lose any direct confrontation; the determination of inherently more powerful abusers to prevail over the challenge mounted by human rights discourse within their own immediate domain was perceived as high. Consequently, human rights NGOs habitually publicised abuses to an audience which was distanced from the site of the abuse itself, for example by releasing a statement concerning abuse in the villages to the Khmer-language press which reaches a largely urban audience. Serious complaints

³ For an analysis of its use and the concomitant government response, in Argentina in the 1980s see Alison Brysk, "From Above and Below: Social Movements, the International System and Human Rights in Argentina," *Comparative Political Studies* 26 (1993): 259-283.

requiring a significant exertion of pressure onto government were sent even further afield, to relevant organs of the international community.

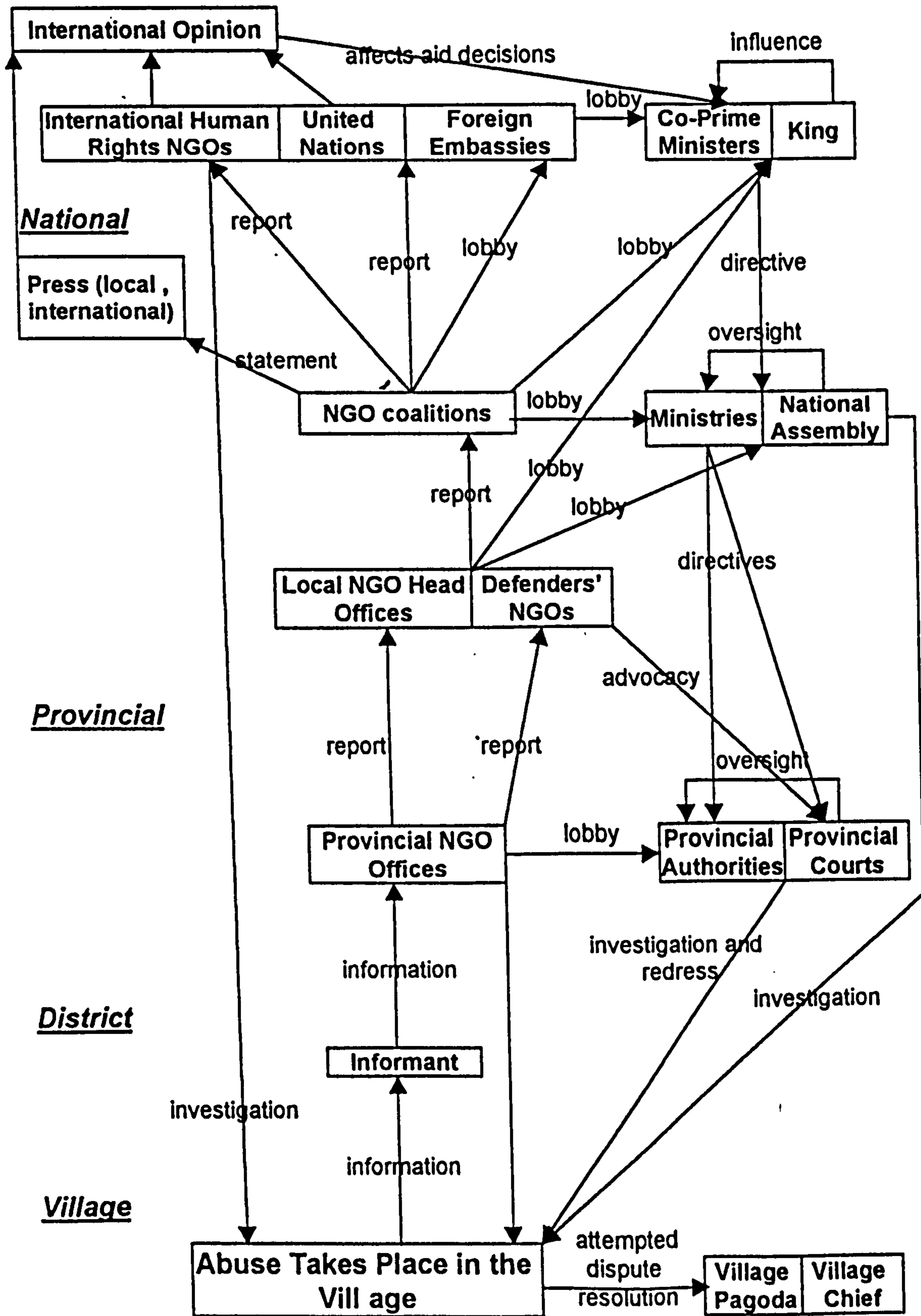
Commonly, cases were not publicised at all, but raised privately in closed government-NGO meetings, sometimes at provincial level but often in Phnom Penh, far from the victim and the abuser, reducing risk substantially. In pursuing remedy, human rights NGOs routinely shifted the level of confrontation upwards, away from the site of abuse, to national or international forums. This strategy is illustrated in Fig. 9.1, and shows the hierarchical organisation of the NGO movement, as described by interviewees. The more serious the abuse is perceived to be, the higher the level at which remedy for abuse is pursued, reflecting, arguably, belief that effective power emerges from the international community, and becomes more diffuse with distance from the sources of international power - foreign embassies, international NGOs and the United Nations.

Addressing a complaint to a forum removed from the site of abuse reduces the symbolic meaning attached to both abuse and demand for remedy, as exemplary exercises of the power of human rights discourse. It does little to promote human rights discourse in the villages. Threat of retaliatory violence from government is also less, as officials approached are removed from the gaze of local onlookers and less sensitive to conclusions that may be drawn locally from their decision, concerning the 'effectiveness' of the official vis-à-vis the NGO.

Pursuing remedy at higher levels also means that less personally vulnerable members of the NGO sector make the necessary contact with government. An NGO head office is more secure than a provincial office. NGO coalitions are more secure again, while international NGOs are perceived as immune from retaliation, reflecting a top-down, hierarchical view of power distribution. Perceptions of NGO weakness at local level also reflect the economic context in the countryside, characterised by poverty, illiteracy, poor infrastructure for travel and long-distance communication, and limited media networks - all factors which limit the circulation of human rights discourse. Strong links between isolation and fear imply that this context adds significantly to physical insecurity. This insecurity arguably reflects difficulties experienced in connecting into a mutually supportive relationship with their own 'grass-roots' constituency, which is

Fig. 9.1 Channels for Human Rights Complaints

International



viewed as 'weak', subject to close surveillance, and engrossed in day-to-day subsistence activities. It also reflects the greater ease with which human rights discourse circulates at national and international levels, and the orientation of NGOs away from an aggressive strategy of encouraging empowered grass-roots participation in politics. Instead, human rights workers seek to avoid attracting the attention of local officials, thus increasing the need to maintain close contacts with more secure colleagues in Phnom Penh and the international community.

There are serious weaknesses in this strategy. Higher government officials may support abusers, in line with an economy of power where impunity, demonstrations of 'effectiveness' and domination of outsiders by insiders underpin the maintenance of the CPP power base. Even where remedy is provided, lack of publicity renders the NGO victory less symbolically valuable. New precedents are not set, and human rights discourse is not promoted by means of a public demonstration of its utility as a power resource. There is little impact on the general climate of fear experienced by outsiders, or the climate of impunity enjoyed by insiders, so that opportunities for empowerment of outsiders vis-à-vis insiders are lost.

In pursuing these strategies, human rights NGOs lose the opportunity to demonstrate the practical applications of the discourse they have developed amongst themselves, and which they seek to disseminate through education. They also lose the opportunity to tap into local discontent and develop the assertiveness and political participation of the grass roots which could, over time, replace dependence on international intervention. Within this strategy also, efficacy remains contingent on government willingness to engage in dialogue. The strategy is low-risk in terms of likelihood of retaliatory violence, but success is dependent on political factors, and less likely to have a generalisable deterrent effect.

Attempts are made to search for domestic power resources to strengthen their position vis-à-vis government. Monks are viewed as valuable domestic allies due to their authoritative cultural status which, it is considered, renders them immune to violent retaliation. Involvement of monks in human rights issues is also considered to add significant costs to abusive practices, rendering their surveillance of officials a valuable

power resource. Consequently, one human rights NGO proposed a scheme to form juries of prominent citizens, including monks, to observe trials:

Cambodians are Buddhists.... So if we select high-ranking monks to be members of the jury, this factor is very crucial. Because for Buddhists, when any person does something wrong, then the monks can point out what is right and what is wrong.⁴

Similarly, other human rights NGOs advocated deploying monks at polling stations to act as 'witnesses' during the general elections, to constrain attempts to intimidate voters or employ unfair practices. One religious NGO focused on forging links between human rights activists and monks, regarding the inviolability of monks and the power of religion as important resources for human rights promotion:

The political groups, the powerful - they try to grab the monks.... Because monks are very powerful.... they try to eliminate monks from politics... Because the monk is dangerous...⁵

This attitude, arguably, reflects the concern of human rights activists to embed human rights discourse into more powerful and better-circulated local discourses, such as that of the Buddhist religion. Monks themselves were less sanguine about their power; a high-ranking CPP-appointed monk and a senior monk returned from work in refugee camps both saw the power balance differently:

Buddhist monks ... feel inferior because of the three years, eight months. They are scared of the government and military. I keep trying to address the monks' morale by training monks and government employees to understand one another.⁶

Monks are interested to work in society, to help people to understand the situation. But monks too - many young, new monks - they find it difficult to understand, themselves... They have no power to protect. Monks also need protection sometimes. They too fear the possibility of violent action.⁷

⁴H19, personal interview (Khm.), 10 May 1996, Phnom Penh.

⁵R1.

⁶V1.

⁷V3.

The dominance of violence over religious discourse, as well as over human rights discourse, exemplifies the central problem of power in war-torn societies such as Cambodia's. The climate of fear inhibits the emergence of domestic power resources able to promote a new discourse, which incorporates the rights of the weak. These rights remain contingent on the whims of political interests allied to the military.

A possible exception to this rule is the *Dhammayietra* peace march, one movement which directly, publicly and symbolically challenges violence. It passes through war zones and minefields and is greeted by soldiers who temporarily lay down their weapons to receive its blessings. The *Dhammayietra* is currently an isolated example. Significantly, its leaders have spent many years abroad, and the movement engages international as well as local adherents, although employing indigenous cultural symbols and religious discourses.

Despite *Dhammayietra's* popularity with villagers along the route, the rigours of marching suggest that participation in it will remain restricted to a dedicated core, mainly of monks and nuns, who are seen by lay Cambodians as enjoying special protection against violence because of their status. The accessibility of the movement to ordinary Cambodians, aside from the days when marchers pass their homes, is limited. Unlike human rights organisations, the movement does not seek to maintain permanent surveillance of local authorities in the provinces.

In most circumstances, the extent and scale of the violence that has occurred in Cambodia has, of itself, almost guaranteed the immunity of violence to popular condemnation through use of a discourse. Cambodia's violent past is notable for its lack of individual martyrs - the sheer number of victims has caused the dead to remain by and large nameless. Movements bearing the names of fallen heroes have not been a feature of recent national history. Such movements would allow a particular political vision, which is opposed to that of the controllers of violence, to transcend violence through the fact that the vision outlives the death-by-violence of the visionary. Keeping alive the names of those who have died is an important part of human rights work, as exemplified by the Mothers and Grandmothers of the Plaza De La Mayo in Argentina, who displayed the pictures of the 'disappeared' in order that their vitality, as young

political activists, should transcend their fate. Such activities deny government the ability to effectively crush dissent. They engage the wider public in the remembrance of the abused, eliciting public solidarity, and thus broadening the abuse from an attack by government on an individual to an attack by government on society as a whole⁸.

In Cambodia, the display of photographs of Tuol Sleng victims resembles this movement, but even in this monument, the number of photographs and the nature of their display as a sea of faces, in identical dress and often unnamed, emphasises the anonymity of those who died. In addition, the museum has been politicised by CPP monopolisation of the memorial. It has become linked with controversy over Vietnam's "liberation" of Cambodia.⁹ Its impact as a challenge to violence is diluted by the fact that current violence is frequently carried out in the name of protection of Cambodians from the Khmer Rouge. Propaganda emphasising the need for protection disempowers ordinary people, increases the climate of fear, and is used to justify further human right abuse. It prevents the establishment of alternative public loci of power, and prompts continued reliance by human rights activists on international power and protection.

Government responses to NGO demands frequently comprise neither outright compliance nor outright opposition. In many cases, government cultivates a sympathetic appearance, while relying on systemic safeguards for abusers to render these efforts ineffective. This is particularly so in cases attracting international attention, where failure due to lack of expertise or finance is frequently claimed.

Responses to complaints of human rights abuse made by Cambodian human rights NGOs, with or without international support, may be met by a variety of governmental strategies, representing a varying degree of success for local NGOs. Three such strategies can be defined as follows:

a) *Compliance with NGO demands.* Most interviewees in human rights NGOs claimed

⁸ For a discussion of the strategies of this movement, see Brysk.

⁹ For a discussion of the utility of the Tuol Sleng museum as a tool for human rights promotion see Terence Duffy, "Towards a Culture of Human Rights in Cambodia," *Human Rights Quarterly* 16 (1994): 82-104.

that the government responded to NGO demands with effective action in some areas of activity. For example, the president of one of the largest human rights NGOs, which organises regular monitoring of the conditions of prisoners, claimed that decisive action was taken regularly by the Ministry of Justice to exert control over the judicial system, at the prompting of NGOs:

In the past two or three years we have helped a lot of victims and the number of detainees held over six months in jail is reduced almost to nothing now. Before - two years, more than one year, or five years in jail - but now if we know that *one* prison has *one* or *two* detainees held over six months in jail, we send a letter to the Justice Ministry immediately to ask them to send those people to a tribunal. They respond immediately to that.¹⁰

This is significant in that, according to the interviewee, a predictable pattern of behaviour has been established nation-wide. Prison visits by foreign and local NGOs were an established feature of the human rights situation prior to the collapse of the coalition government in 1997. Significantly, even after mass arrests of pro-Funcinpec political activists following the coup, visits by human rights NGOs to these detainees were permitted.

The 1996 arrangement with the Ministry of Justice reflected an opportunist strategy, on the part of the NGO concerned, rather than a demand for compliance with democratic principle. According to the constitution, the judiciary is independent of the Ministry of Justice, monitoring the legality of executive decisions rather than *vice versa*.

Conspiring with the Ministry to intervene in judicial oversight of prisons resulted in releases of detainees, but was contingent on politics rather than law and strengthened the position of the executive vis-à-vis the courts, rather than the position of the courts vis-à-vis the executive. The political trials described in Chapter Five, and others which took place after the July 1997 coup, illustrated the continuing subservience of law to the politics of 'effectiveness', despite human rights NGO activities to assist detainees.

Opportunistic responses to human rights abuse do not advance more stable frameworks of governance based on a state-society relationship in which citizens are empowered.

¹⁰ H5.

NGO ability to shape the political context is limited, since operation within it requires acceptance of its reality. NGOs, via the two NGO urgent action committees, attempted to use existing and potentially abusive intra-governmental power relationships to correct abuse, rather than creating new power resources to empower victims. The alternative, liberal democratic vision of appropriate political relationships expressed in international human rights promotion was employed only marginally when confronting government over cases of abuse, in line with the widespread view, discussed in Chapter Eight, that cultivating the sympathy of individuals in government can promote a harmonious and non-confrontational state-society relationship.

Attempts to demand government compliance with liberal democratic ideals were made sporadically in the law courts by defenders presenting an alternative vision of judicial duty based on the Constitution and the concept of rule of law. Some success was achieved in cases unimportant to the economy of power in which judges were located. Activists interviewed in 1996 believed it was too soon for this to be attempted more assertively, but deterioration in respect for human rights since 1994/5 suggests a strengthening of government at the expense of human rights NGOs, rather than *vice versa*. Power relations have become more, rather than less, unequal.

b) Sympathetic action taken at ministerial level, frustrated by local factors promoting impunity. In other cases, an appearance of sympathy by higher levels of government is nullified by systemic features of the economy of power which promote impunity at the provincial government level. Two such cases illustrate this phenomenon. The first was a case in which a commune official shot and killed a member of the public in a village in Kampot province. A provincial human rights NGO officer in Kampot said that the provincial government had issued a warrant for the arrest of the abuser, who had been captured by police and taken to Kampot provincial court for trial. When the case came to court, the abuser was acquitted, and the provincial human rights NGO officer alleged that judges had taken bribes from the accused.¹¹ It is unclear whether this outcome was foreseen by the provincial authorities, but in general terms, judicial corruption is crucial

¹¹ H3.

for sustaining the impunity of insiders, and has not been addressed by government.

A second case, more widely publicised, shows action by both executive and judiciary frustrated by military impunity. Military action, including the laying of landmines, creates no-go areas for civilian authority which foster this impunity. In Kompong Cham, human rights NGO workers described “rubber areas” controlled by “armed men who come from the jungle”¹² which they feared to enter. In 1996, Kompong Cham Provincial Court issued a warrant for the arrest of an RCAF General, Sat Soeun, accused of the arbitrary killing of a 16-year-old waiter in Kompong Cham provincial town, but Soeun was able to escape to military zones. According to two Kompong Cham human rights workers, Soeun was protected because of his status as a military strongman:

Previously Sat Soeun had several successes - wherever he went he always succeeded in protecting the province or forcing the Khmer Rouge out. And also he can earn enough money for his chief.¹³

In my opinion, they cannot catch him because he has a lot of soldiers... Cambodian people are afraid of him.¹⁴

Although the chief prosecutor of Kompong Cham court claimed: “There is no way that he can escape”,¹⁵ police eyewitnesses to the shooting had failed to arrest Soeun on the scene, and the RCAF subsequently claimed they were unable to find him, although NGO workers had received reports of sightings of Soeun, serving with the military and in remote rubber plantations in Kompong Cham and Stung Treng provinces.

Such cases illustrate that impunity is decentralised in Cambodia, rendering implementation of rule of law problematic. Central government faces possible resistance from local concentrations of power which become increasingly independent with distance from Phnom Penh. In this respect, power in Cambodia is both limited in quantity and concentrated, as described by Benedict Anderson,¹⁶ and its effectiveness as

¹²H7.

¹³H11.

¹⁴H2.

¹⁵Claudia Rizzi, “Two More Murders Pinned on Soeun,” *PPP* 8-21 Mar. 1996, 3.

¹⁶Anderson, “The Idea of Power in Javanese Culture”.

it is projected from the centre dwindles towards the periphery. Local power-maximising opportunities provided by military activity, cross-border trade, control of natural resources and other variables complicate this picture, creating a patchwork of overlapping jurisdictions, conceived both spatially and hierarchically, which are staffed by personnel whose relationship to other jurisdictions is determined by considerations of patronage, loyalty and protection.

Party, state and military are connected, but not monolithic. The importance of personal relationships, variety of personal interests and difficulty of effective oversight causes slippage so that while orders from above impinge on the decisions of inferiors, they form one more or less important variable among many. The certainty with which particular outcomes can be predicted is low, due to low homogeneity among power holders and power conditions in different parts of the country. The success of the CPP arises from the ability of leaders to utilise decentralisation to their own advantage, while avoiding imposing burdensome demands, such as respect for the law or acceptance of central intervention to prevent abusive practices, on significant local players.

Intervention of human rights NGOs in this landscape of chaotic power relations and interests is uncertain, utilising a flexibility over individual cases that does not sit well with attempts to institutionalise a unified discourse. Conflicts continually arise between using pre-existing power interests and alliances to secure remedy in individual cases, and attempting to alter the political framework in favour of human rights principles.

c) Strategies to Promote NGO Self-Restraint. Promotion of self-restraint on the part of human rights NGOs, through the manufacture of a climate of fear to surround, particularly, political cases, can also be viewed as a strategy pursued by government to prevent the effective demand for remedy. The means by which this climate of fear is promoted has already been described in Chapter Six. Further examination of two cases illustrates the impact of this on the activities of human rights NGOs.

The assassination of Thun Bunly, publisher of *Udam Kate Khmer*, on 18 May 1996, exemplifies, not only the weakness of the press, but the inability of the human rights NGO movement to capitalise on the deaths of those who publicly and peacefully defy

the power of violence. It also illustrates the marked difference in ideology between human rights NGOs and the political opposition.

A fellow opposition journalist explained Thun Bunly's death as prompted by a visit to France organised by a Khmer diaspora organisation, the Committee for the Support of Patriots and Democrats in Cambodia, during which Bunly and *Sereipheap Thmei* editor Hen Vipheak publicly

attacked the two prime ministers very seriously, over corruption and human rights violations and letting the Vietnamese invade Cambodian territory. And so this made the two prime ministers very, very angry.¹⁷

This interviewee also reported that the journalists were advised they would be in danger when they returned but:

of course when they came back.... those two didn't reduce their criticism [of the two prime ministers]. Actually, they increased it. And so this made the Second Prime Minister very angry. This caused the assassination.¹⁸

Although the murderers were unidentified, the assassination took place in a Phnom Penh street in broad daylight.

The case was difficult for Cambodian human rights NGOs. Its political overtones made it too sensitive for contact with officialdom to be effective in gaining remedy. Concerns to preserve their neutrality constrained NGO intervention. Thun Bunly had a controversial reputation for abrasive and insulting journalism. His ideological style was directly opposed to that of local human rights NGOs. Action taken by NGOs comprised investigation of the crime, including interviewing witnesses, and the issuing of press releases calling on the government to investigate, as well as consultation with the international community.

On the morning of Thun Bunly's death, his newspaper printed a public notice of his assassination in a front page story entitled "Someone is Looking for the Editor of *Udam*

¹⁷N9.

¹⁸N9.

Kate Khmer' which reported that a military colonel was looking for Bunly's house and had:

let slip when he was drunk that when he found the home of Thun Bunly then he would play a trick that would surprise the whole of Phnom Penh...¹⁹

The story published several details regarding the identity of the alleged assassin, probably in an attempt to harness the power of publicity to protect the potential victim, but this strategy failed and Thun Bunly was shot dead on the morning that the story reached the news stands.

Given the political connotations of the case, and the fact that the threat had been publicly announced on the day of the murder, government response shows a remarkable lack of regard for even the appearance of remedying an abuse. Under the guise of keeping an open mind while investigating, the Ministry of Interior impugned Thun Bunly's character, claiming he had abducted and raped a young girl, owed money in relation to his logging enterprises, and drawing attention to rivalries between his two wives. Meanwhile, police intimidation of Bunly's family and of witnesses, and failure to investigate seriously, were alleged by Bunly's KNP colleagues.²⁰

The fact that no arrests were ever made suggests the government felt there were few costs to be endured if the killers were not found. A concern to demonstrate government non-involvement would have led to a show of investigation, and perhaps the arrest of a scapegoat. Failure to investigate properly added an unequivocal charge of negligence to the suspicions of government involvement with the murder, contributing further to the climate of impunity which fosters abuse in Cambodia. In line with their non-political, technocratic orientations, senior employees of the two urgent-action committees focused on this aspect of the case:

The government says that its investigation is not yet finished, but we don't think the government takes this investigation very seriously. We always

¹⁹"Someone is looking for the Editor of *Udam Kate Khmer*," *UKK* 18 May 1996, 1.

²⁰O1, personal interview (Khm.), 17 June 1996, Phnom Penh. The letter 'O' denotes an official in the opposition Khmer Nation Party.

follow up cases like this, but the government always answers, 'Wait for a moment, the investigation is not yet finished'.²¹

We just got a letter from the Ministry of the Interior which said Thun Bunly died because of his personal problems. If we had a government that worked for the people, the killer would be found. Many people saw the killers - not their faces but their clothes. The police could really find the killers. It's human rights abuse.²²

Non-governmental reactions, even with royal and international support, failed to secure remedy. Initially, the case was extensively covered by all sections of the local press, with greater or lesser weight given to the Ministry of Interior accusations, or those of *Udam Kate Khmer*, depending on the political orientations of the newspapers.

Credence to the pro-KNP stance was given by two powerful actors: the King, who condemned the assassination as symbolising the extent of Cambodia's retreat from the principles of the 1993 Constitution;²³ and the United Nations Centre for Human Rights which also released a statement, noting that "the killing coincided with the opening of the first KNP offices outside the capital, in Sihanoukville" and that Thun Bunly had received death threats following his recent criticisms of the government.²⁴

²¹H12, personal interview (Eng.), 8 July 1996, Phnom Penh.

²²H13.

²³The King stated:

Since the adoption of the Constitution ... in 1993, ... we have been very sad about the many abuses of the letter and spirit of this Constitution, which have happened continuously because there is no respect for it at all. Some of the laws which have been passed by the National Assembly ... also have details which do not strictly follow the spirit of the constitution as stated above.

Since ... UNTAC, the Cambodian people themselves have been personal witnesses to violent and shameful deeds and many assassinations of newspaper reporters and other elites: which is a political crime that cannot be denied.

....

I ask the government and National Assembly in the not too distant future to make the second Kingdom of Cambodia a state of law where in the end the political actions, words and attitudes, etc., of all the national authorities are determinedly honest to the oath which they have made in front of the royal throne in the temple in the Royal Palace ["Announcement of the King," unofficial trans. into Khmer, repr. in *UKK*, 23 May 1996, 1].

²⁴UN Centre for Human Rights, "The Special Representative of the United Nations Secretary General for Human Rights in Cambodia Expresses Grave Concern at the Murder of Mr Thun Bunly," press release, 20

Despite the involvement of these powerful actors, the failure to arrest a suspect meant the furore died down after three to four weeks in the opposition newspapers, and less in the pro-government press. Significantly, no sustained public campaign was launched by local NGOs to keep the issue alive. A public relations assistant at one of the largest human rights NGOs explained that human rights NGOs never close files on unresolved cases, but do not spend time publicising them:

We always follow up everything we start. Some cases drag on for a long time, but we don't drop them... If journalists come to the office and ask for information, we provide it. But we can't spend too much time on that - we have our own work to do.²⁵

A minority human rights NGO activist, who was active in one of the urgent-action committees, expressed distrust of the politicised press:

We don't pay much attention to newspaper sensationalism - they report false information and cause trouble to people, exaggerate information... they blow things out of proportion.²⁶

These attitudes, along with practical difficulties regarding mass communication in Cambodia which limits the reach of newspaper circulation, constrains public campaigning over human rights issues, and the circulation of the human rights discourse. Materials produced by human rights NGOs themselves aim to educate the public about the content of rights, rather than about cases of abuse in their own country. This, arguably, reflects a perception that the human rights discourse must be strengthened as a national discourse *before* it can be employed to challenge vested power interests over particular cases. It reflects a perception that, in political cases, human rights NGOs risk loss of their neutral status in the eyes of the government if they intervene, significantly increasing their vulnerability. Furthermore, it reflects NGO avoidance of strategies which mobilise ordinary Cambodians in human rights campaigning in a participatory, and confrontational, manner.

May 1996, Phnom Penh.

²⁵H24, personal interview (Eng.), 22 May 1996, Phnom Penh.

²⁶H19.

Bunly's party, the KNP, organised a more visible condemnation of the abuse, on the occasion of Thun Bunly's funeral. The cortege attempted to pass the National Assembly building, and a stand-off with police ensued, which became a symbolic public confrontation of the government with its alleged crime.

Such demonstrations represent more highly charged confrontations than denunciatory press releases, because they visibly lay responsibility for abuse at the door of the government, involve a wider public in an active process of condemnation, and empower the group of victims who thus vocally assert their rights. It is remarkable that the Cambodian human rights movement almost uniformly avoids this style of campaigning. Exceptions to this rule include demonstrations held by the squatters' organisations to protest forced evictions. The annual Peace March also involves a symbolic confrontation of war with peace but is less unequivocal in laying responsibility for problems and remedies at the door of individuals. The impact of specifically political demonstrations can be inferred from governmental reactions to them: student demonstrations in 1991 ended with troops firing on crowds, while grenades were thrown at a KNP rally outside the National Assembly in March 1997, killing 19 people.

Almost all the human rights NGOs studied avoided this arena for pursuing remedy for abuse, because such strategies conflict with less risky strategies of developing private NGO-government contacts which can tap into governmental power resources.

Arguably, faced with a choice between developing contacts with government or publicly condemning government, human rights NGOs have leaned heavily towards the latter. Direct confrontation of governmental power resources, particularly in political cases, is perceived by interviewees as ineffective and dangerous. A lawyer who headed one of the urgent-action committees commented:

The main priority is to negotiate with the government because the government has power. I'll give you an example - Prince Sirivudh has been arrested. Not only the common people, even the international community [were watching] the situation, but he was arrested by the government.²⁷

²⁷LA.

His view was echoed by the head of a public defenders' NGO:

For now we have to compromise ... a lot, so that we can do what we can do, slowly. There is a Cambodian proverb which says when the water flows strongly, if you put a piece of rock to stop the water, it will be washed away. You have to go slowly to reach your goal. Democracy is a very long way away.²⁸

Instead human rights NGOs attempt to co-opt governmental power resources, which requires a non-confrontational stance. Terms used to describe NGO-governmental contact included: 'discuss'; 'exchange views with'; 'collaborate'; 'give *constructive* criticism'; 'persuade'; 'just say peacefully'; 'work out a solution with'; 'conciliate'; 'appeal to'. Words specifically rejected include 'confront'; 'denounce'; 'condemn'; 'force'; 'criticise'. For example, three senior members of the two urgent-action committees commented:

We don't like to confront the government. This is our policy... If we don't collaborate with the government now, I think we cannot solve the problem of human rights violation properly... If we act like that, the government will be angry with us ... and they will make obstacles for our activity and they may cut off training with government officials.²⁹

Sometimes they are high-ranking but their knowledge is low. So we have to understand ... what kind of strategies we can use to discuss with them. How can we get feedback from them? We have to understand how to get a profit from them... if we force them to have respect for human rights it's useless.³⁰

The Action Committee and the UN Centre for Human Rights are working very closely with the government to promote human rights in Cambodia.³¹

This attitude differs markedly from the stance of the opposition press which has chosen the path of condemnation to deny legitimacy. Newspaper attacks on individuals coalesce around a number of themes. Lack of education is a frequent criticism, which accords with the view discussed in Chapter Eight, that lack of education is partly

²⁸L3.

²⁹H5.

³⁰L4.

³¹H19.

responsible for chaos in social relationships:

Mr Sar Kheng has a very short measure of culture, has never received a high level of qualification. Even if a law was good in some way, Mr Sar Kheng wouldn't be capable of implementing in accordance with it.³²

Other accusations include alleged adherence to 'communist' ideology, and a desire to 'trick' and exploit the Cambodian people for their own gain, to the detriment of the nation. The government is characterised as "a Communist-style regime painted over with democratic colours in order to mislead the Khmer people",³³ operating for the enrichment of leaders who "steal and destroy forests and national resources ignorantly, against the national interest, thereby abusing the heritage of the people and opening the door to allow the *Yuon* to enter illegally and infiltrate the whole country..."³⁴ The newspapers view change as coming through mass mobilisation:

The Khmer Nation Party joins with all the liberal democratic forces in society, is unafraid of the obstacles of the group of political leaders...³⁵

Khmers must wake up and help the Khmer nation before it is too late.³⁶

KNP emphasis on the danger represented by the government to the nation contrasts with human rights NGO efforts to mediate between government and people. Human rights workers viewed the rhetoric of opposition journalists as alarmist and rabble-rousing, provoking government hostility and consequently as negative in its impact on political life. They spoke of the importance of adopting the right tone in contacts with the government. The president of one of the leading human rights NGOs commented:

I know a little bit about Cambodian mentality. It's... not so much a question of what you say as how you say it... If we deal with issues not personalities - we don't just say, "This fool Hun Sen is no good, he's uneducated". It's

³² "Is Sar Kheng Violating the Law or Doesn't He Know the Law?" *Samleng Yuvachon Khmer (SYK)*, 16-17 June 1996, 1.

³³ "Whose Cambodia?" editorial, *MK* 7-8 June 1996, 1.

³⁴ "Ranariddh is a Doctor of Law," *UKK* 9 June 1996, 1.

³⁵ "Whose Cambodia?" editorial, *MK* 7-8 June 1996, 1.

³⁶ "The Suffering of the Khmer Nation from Demagogic Communist Politics," *MK* 14-15 June 1996, 1.

cheap, that sort of writing. That's why a lot of journalists have had trouble.³⁷

The head of a public defenders' NGO commented:

We have to criticise - but we have to criticise for improvement. Ranariddh used to be angry with the press. They spoke very badly about him, cursed him ... Some newspapers have no morality... And they look down on him - he didn't feel happy about that. They should criticise in an improving way - give him some suggestions so he can know how.³⁸

Such NGO strategies are thus incompatible with the strategies employed by the political opposition. The increased political tension prompted by opposition activities militates against governmental sympathy for NGO petitions concerning 'grass-roots' issues. Concern over the radical nature of political opposition led to an explicit distancing of the Cambodian human rights NGO movement from the KNP. The president of one of the largest human rights NGOs commented:

We have to show the government that we are neutral... not party political. Regarding the Rainsy issue, we were very careful. When Rainsy... sent someone to complain to us that he had one of his staff killed, we didn't take that immediately, we sent our staff to make an investigation first... They would have attacked us so we didn't make a public release... but when we saw an ambassador or member of the international community we said we are sorry that a political party cannot set up now.... That is our duty - it's clear, our mandate... Non-ambiguous.³⁹

This comment reflects the distance between neutral, professional NGOs, and political society. Arguably this distance arises from the view among NGOs that party politics are divisive and weakening to the integration of the nation within the framework of a national state-society consensus. Although this human rights worker claims the mandate is 'very clear', in fact the NGO did not take the usual step taken in cases of extrajudicial killing, namely the issue of a statement to the press.

Arguably, the differing strategies of human rights NGOs and opposition political activists suggest different attitudes to power. Through their activities in investigating

³⁷H16.

³⁸L3.

³⁹H14.

abuses and seeking remedy for them, human rights NGOs have created a place for themselves in relation to the prevailing system, as professional petitioners with inside contacts which they use for the benefit of outsiders. They ameliorate the worst excesses of the system by providing some channels for outsider grievance, and avoid repression by not significantly jeopardising governmental means of reproducing power. Their technocratic, anti-political approach contrasts with the highly political, confrontational and participatory approach of the political opposition. As discussed in earlier chapters, there can be no construction of a 'loyal' but critical and overtly political opposition in the Cambodian economy of power.

Because of these differing orientations, human rights NGO workers interviewed perceived a conflict between their work with the 'grass roots' and the interventions within political society expected of them by liberal international donors. Many interviewees, arguably, believed that interventions in particular cases of abuse should be separated from education work aimed at strengthening human rights discourse. The level of understanding of human rights discourse achieved in Cambodia up to the present was insufficient to allow this discourse to prevail in confrontation with government power resources. While educational activities were aimed at strengthening this discourse for use in the future, premature attempts at such confrontations would result in government repression of the human rights movement.

This point was made explicitly with regard to the Sirivudh case, by the president of a national human rights NGO, the president of an NGO coalition and the head of a public defenders' NGO:

We cannot allow our organisation to be destroyed by a confrontation like that. We need our organisation to survive to protect other people... And also Sirivudh can be protected by the international community better than us... if we use the bad things and we become the enemy of the government, we cannot help the poor people, the weak people.⁴⁰

Some cases we cannot take because it's very dangerous. Like the case of Prince Sirivudh - we have to be silent... Because now the government

⁴⁰H5.

shows that they are willing to co-operate a little bit, with training for officials and police. Why confront them if they are willing to co-operate like that?⁴¹

In my opinion, we should help all. Except for some cases that are big political cases. Because... we have one case but destroy another thousand cases.... For example, the Sirivudh case.⁴²

Because of this, both the human rights NGOs studied and the political opposition themselves look to the international community to intervene over the most sensitive abuses in political society. Frequently, this is presented as a logical response to the greater range of power resources available to the international community.

A view of the international community as able and willing to intervene in such cases was remarkably widespread among interviewees. Comments made by the president of a minorities NGO and by an opposition journalist are typical:

International organisations are able to tackle [these] problems.... We never go directly to government. We deal with the district and provincial level; but when something serious happens we appeal to international organisations, especially Geneva.⁴³

Some groups can protect [political activists], for example international human rights NGOs and international journalists... one man was arrested for releasing [anti-government] leaflets into the air [attached to balloons] during [US Secretary of State] Warren Christopher's visit. But the international community came to visit him [in jail] frequently so he wasn't seriously punished. He was tortured less.⁴⁴

In the Sirivudh case, local NGO coalitions took no public action beyond sending 'recommendations' to the Ministry of the Interior and lobbying privately at the international level.⁴⁵ The local opposition Khmer-language press was not publishing throughout November 1995, because Phnom Penh printing houses refused their custom

⁴¹H15.

⁴²L2.

⁴³M5.

⁴⁴N9.

⁴⁵One NGO director took a public stand, see Lao Mong Hay (director, Khmer Institute of Democracy), "The Year of Darkness; the Year of Light," *PPP* 29 Dec. 1995-11 Jan. 1996, 20.

following the attack on *Sereipheap Thmei*. The treatment of Sirivudh was condemned only at international level.

This behaviour supports the suggestion made in Chapter Seven, that, to an extent, the relationship between the international community and Cambodian human rights NGOs has come to resemble traditional Cambodian patron-client relationships. International organisations were seen by interviewees as protectors, who can intervene on behalf of Cambodian NGOs in situations where these face a powerful antagonist in the shape of the Cambodian government. This characterisation of the local-international relationship has important implications for the peace-building and state-building processes discussed in Chapter Two. While human rights NGOs continue to rely on international organisations for protection, they fail to develop and test internal power resources which could act as democratic safeguards. Reliance on international organisations to oversee the state disempowers local citizens, and encourages the transposition of the uncertainties of international relations into Cambodian politics.

Use of international power resources to strengthen a domestic position is not new or unique to Cambodia. The Cambodian case is remarkable, arguably, because of the extent to which international power is viewed as a central factor in Cambodian politics. Cambodian interviewees imputed extensive responsibilities in the human rights field to the international community, suggesting that their conception of sovereignty differs significantly from those usually employed by liberal international relations theorists. An absence of perceived boundaries demarcating Cambodian from international political concerns has far-reaching implications for the creation of a Cambodian political community or nation, and, consequently, for the prospects of state-building activities aimed at constituting a secular, rights-bearing Cambodian citizen. As Edwards comments, the effect is uncertainty regarding the extent to which Cambodian problems can or should be solved by Cambodians.⁴⁶

To preserve their access to governmental power resources, and in view of a perceived

⁴⁶Edwards 62.

lack of non-governmental power resources and weakness of human rights discourse within the domestic arena, human rights activists were observed to use international forums as outposts of domestic politics. Foreign embassies, the UN, particularly the UN Centre for Human Rights, and international NGOs are viewed as powerful backers and risk-free sites for confrontation.

The Paris Agreements provided legal basis for this. Non-CPP politicians interviewed regarded certain provisions of the accords as removing rights from Cambodian jurisdiction, and creating a legal obligation of international rights-based intervention.⁴⁷ Generally, they expressed little anxiety regarding the possibility of rejection of international intervention by the government. For example, a Funcinpec National Assembly deputy with a reputation for promoting human rights issues within the assembly commented:

The international community has done a good job in the past. I hope they continue with their responsibilities. Their responsibility now is to help us raise concerns if they see government violations of law and human rights...⁴⁸

Similarly, a senior official in the Khmer Nation Party and a prominent opposition journalist commented:

The international community has already made a lot of sacrifices, spent a lot of money, raised a lot of hopes and expectations. They can't let us down now... We have the Paris Peace Agreements - eighteen countries committed themselves to ensure respect for democracy. Through this unique agreement the international community is committed.⁴⁹

The Paris Peace Accords said very precisely that the international

⁴⁷For example, "The other Signatories to this Agreement undertake to promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia as embodied in the relevant international instruments and the relevant resolutions of the United Nations General Assembly, in order, in particular, to prevent the recurrence of human rights abuses [Comprehensive Art. 15(b)];" and "In the event of serious violations of human rights in Cambodia [the parties to this agreement] will call upon the competent organs of the United Nations to take such other steps as are appropriate for the prevention and suppression of such violations in accordance with the relevant international instruments [Agreement Concerning Sovereignty Art. 5.4]."

⁴⁸D3, personal interview (Eng.), 4 July 1996, Phnom Penh. This deputy fled Phnom Penh following the coup of July 1997, to return in January 1998 under UN protection.

⁴⁹O2, personal interview (Eng.), 8 August 1996, Phnom Penh.

community must make Cambodia democratic and have respect for human rights.⁵⁰

Human rights workers interviewed believed the continuation of indigenous rights initiatives was dependent on international engagement. Human rights NGO employees in Kompong Cham, Phnom Penh and Kampot viewed this issue as follows:

Previously the Royal Government wanted to close the UN Centre in Phnom Penh - if that happened other human rights organisations would lose their will and their independence because of the security situation and because working in the provinces is not secure.⁵¹

International organisations are very important for us. Without the UN office in Cambodia the government would violate everywhere.⁵²

We are lucky to have the UN Centre. Otherwise NGOs might not be able to work.⁵³

The perceived contingency of individual physical security in the Cambodian power environment is such that the presence of the human rights NGOs' main patron, the UN Centre for Human Rights, is considered vital to the power balance permitting NGO activity.

The irreplaceability of the international community's power was considered by most interviewees to arise from two resources of power which cannot be manufactured locally: the perceived immunity of foreigners from government-sponsored violence; and control of the international aid on which the Cambodian government depends. These resources counterbalance the Cambodian government's key resources - the ability to protect or violate physical and economic security.

A number of interviewees argued that without aid, "The Cambodian government cannot

⁵⁰N9. As argued in Chapter Three, these interpretations of the Paris Agreements are at variance with the pragmatism displayed by UNTAC on operational matters. They are also at odds with the continuing pragmatism of foreign donor governments, described below.

⁵¹H4.

⁵²H15.

⁵³H1.

survive... more than six months".⁵⁴ Control of aid, and immunity from violence, gave the international community, in the eyes of many interviewees, almost unlimited power which should and could be exploited in the interest of human rights. The leader of a religious NGO which operates human rights programmes and a lawyer who heads one of the urgent-action committees commented:

The international community should try to help Cambodia reduce the number of political parties. Only two or three, not twenty parties.... They can do it by giving money and putting conditions on - saying, if you join together I'll give you this. Then they will do that. And when they have a power balance, that is democracy working.⁵⁵

The international NGO has more power than the local NGO; for example, it is easy for them to have access to the prime minister, King or ministries... Because ... Cambodia is alive now because of the international community. Peace came here from the international community and development also ... If the government does something that is not in accordance with the ideas of the international community ... the international community will be unhappy... The government has to be respectable in the eyes of the international community.⁵⁶

Aid is also important to give the government the means with which to respond to particular human rights demands. For example, one squatters' organisation explained that they themselves could have little impact on government decision-making unless they joined forces with international agencies who could fund the solutions advocated locally.⁵⁷

While aid is perceived as allowing the international community to reward government respect for human rights, immunity from violence allows international organisations to investigate and publicise abuses that Cambodian human rights NGOs avoid, some interviewees believed. A senior employee of one urgent-action committee commented:

Local NGOs cannot investigate some cases. For example, in Koh Kong, if we are going to investigate and the local authorities know, they will threaten

⁵⁴R1.

⁵⁵R1.

⁵⁶L4.

⁵⁷M2.

to kill us. So local NGOs can't do anything... And in Kampot - Amnesty International was able to go there and get information. They can do something. But local NGOs can't - they're too scared.⁵⁸

Such immunity from violence was considered particularly important to monitor elections. Regarding the 1998 elections, a senior official from the opposition Khmer Nation Party commented:

[Local monitoring committees] are not enough. We need more than this. Because the communists have guns so if we only have a local committee it's not very strong, because they have guns. Cambodians need help from the UN and from powerful countries to support the election.⁵⁹

Lack of ability to prevail against guns is the vital element preventing democratic consolidation and the emergence of the human rights discourse as a dominant discourse in Cambodian politics. The immunity of the international community is only transferred to their local counterparts with difficulty. Although some interviewees said that over the long term Cambodians should be able to help themselves, many activists emphasised the importance of moving 'step by step' and of not fixing time limits for their goals. Maintaining international engagement was a major concern.

Intertwined with the issue of physical security is the question of status, particularly the question of how to address high-ranking figures. The comments made by some human rights workers suggested a belief that adherence to conventions of respect for rank can advance their cause, yet the circumstances of human rights work require that such conventions be broken, as the prerogatives of the powerful are challenged. Here, international input is valuable. Local human rights NGOs, as subjects in a hierarchical society, are subordinate to government, but the international community is seen as enjoying a status commensurate with their power, allowing them to address the Cambodian government more easily. Interviewees discussing the propriety of proposing training for the 'top leaders' raised this. The president of one of the largest national human rights NGOs described the reaction of the government to what was perceived as

⁵⁸H13.

⁵⁹O1.

attempts by NGOs to train them:

We are trying to organise a seminar ... [and] invite ... officials from the Interior Ministry, the Justice Ministry, Military Police, Defence Ministry, and human rights organisations to discuss, to get to know each other ... I got a phone call from the Under-Secretary of State for Justice, she said, "Why do you want to train us?" I said, "No, we wouldn't like to *train* you, we would like to *invite* you to *participate*..."⁶⁰

A Khmer-American organising training programmes for monks commented:

I teach the monks, the monks go to the villages and teach the people, but nobody is teaching the top people. Who can teach them? I cannot teach them because they are very powerful. They will kill me. I told the UN many times... there is only one way - the international community can teach them.⁶¹

This context has left these interviewees with few qualms regarding issues of state sovereignty. They view the international community as a powerful patron to be wooed into alliance with the Cambodian people against abusers within their own government to consolidate democracy.⁶² This view is also reflected in the opposition newspapers who give wide coverage to international events which lend political support and ideological legitimacy to the Cambodian political opposition.⁶³

⁶⁰H5.

⁶¹R1.

⁶²Only one Cambodian interviewee expressed doubts regarding the ability of the international community to prevail in Cambodia; these were doubts regarding the political will of the community to act:

Now I'm worried about assassination attacks [against Members of Parliament]... Attacks by the powerful.... Because now they have big, big power. Before, the powerful people only tested the situation between the international and the local. [Now] they think they can... Before I believed [the international community had power]. But now I don't believe it. Big countries or international community think about their own interests. They think about democracy also, but not for Cambodian people, for the region... [D1].

⁶³Such references include:

- reports of political protests and statements by Khmers abroad. For example "What are the Demonstrations Doing in Paris?" *MK* 18-19 June 1996, 1, reporting demonstrations over the death of Thun Bunly; "The Cosapadec Committee supports the Patriot and Democrat in Cambodia, Chan Ratana, in Jail," *SYK* 30 June - 01 July 1996, 1, reporting a statement on Chan Ratana's trial released by a Khmer NGO in France.
- reports associating the KNP with international human rights and democracy movements; for example, "Amnesty International wants the Release of Journalist and Prisoner of Conscience Chan Ratana in the

In keeping with these views, one Funcinpec National Assembly deputy, with a reputation for supporting human rights promotion, placed the Cambodian government into a patron-client relationship with the international community:

Human rights have to be respected because we are different [from other countries]... we are like UNTAC's baby and we have to behave well... The West wanted to stop the fighting and invested \$2 billion. Of course they expect a good job. So this is one of the fundamental things we must do - protect human rights compared with Western standards.⁶⁴

This approach subordinates issues of sovereignty and cultural diversity to a relationship in which ideological loyalty reciprocates for financial assistance. Arguably, it is supportive of the cosmopolitanism of *An Agenda for Peace*, and other policy agendas, in its suggestion that aid imposes an obligation to standardise political procedures. This view also reflects a form of cultural homogenisation which operates without reference to democratic participation and represents the antithesis of popular sovereign control of

Kingdom of Cambodia," SYK 30 June - 01 July 1996, 1; "Announcement of the Joining of an International Asian Democratic Movement," MK 11-12 June 1996, 1. This article reported the KNP's membership of a coalition of Asian pro-democracy parties, along with delegations from Burma, Sri Lanka, Indonesia and Nepal.

- coverage of international criticism of human rights in Cambodia; for example, "European Parliament Announces E.U. Connects Aid to Cambodia with Respect for Human Rights and Democracy" MK 3-4 July 1996, 1; "US Senate says Cambodia has Strayed Away from the Journey Towards Human Rights; Drug Trafficking Increases and Destruction of National Forests..." UKK 19 June 1996, 1; and 22 June 1996, 1.

The pro-KNP newspapers also follow the KNP policy of calling for international sanctions on Cambodia, in connection with human rights abuse; for example, *Udam Kate Khmer* printed a statement from the Khmer Nation Party with regard to human rights conditions placed by the European Parliament on EU aid:

The impositions of conditions on international aid will not make the Cambodian people suffer as the current prime ministers claim, but will prevent various irregularities and abuses of the leaders (like the uncontrolled destruction of forests and the illegal use of state money and fraudulent embezzling of public assets and so on) which are the real cause of the suffering of the Cambodian people. ["KNP Supports Decision of Council of Europe Announcing Conditions on Aid to Cambodia" UKK 2 June 1996, 1].

Similarly, Moneaksekar Khmer editorialised:

If the international community postpone aid to Cambodia it's because they recognise that some Khmer leaders take advantage of aid intended for the country and the Khmer people... International aid for the Khmer nation and all the Khmer people is not for the shoring up of power of any one group of individuals. ["Editorial: If International [Community] Postpones or Cuts Off Aid, That is a Mistake by the Leaders!" MK 5-6 June 1996, 1.]

⁶⁴D3.

cultural and political norms.

At the root of these ideas lies, arguably, the frustration faced by activists working outside the prevailing Cambodian economy of power. Marginalised, domestically, by dominant discourses of violence and 'effectiveness', and subject, as individuals, to coercive forces they are unable to combat, human rights activists and opposition politicians turn to the international community for support and legitimacy and consequently offer various rationale for continued international intervention.

International Intervention and Government Response

The record of the international community in Cambodia suggested that faith in international action to constrain government abuse is misplaced. Attempts by UNTAC to bring abusers to justice almost uniformly failed, and a gradual deterioration in civil liberties from 1993 to 1997 suggests that, increasingly, the international community failed to deter human rights abuses and provide the balance against government oppression for which Cambodian human rights workers interviewed hoped.

One UN worker interviewed in Cambodia believed NGO strategies that depended upon a UN presence in Cambodia were misconceived:

The reality is that the UN is not able to handle these cases - we are not a Special Rapporteur's office, we are not UNTAC. We have no investigation mandate... An approach which seems to push responsibility onto the UN is not sustainable. There is not much political support for this office beyond 1998... The international community feels the transitional period is over.⁶⁵

From 1993 to the 1997 coup which ousted Ranariddh, the Cambodian government, especially the CPP, repeatedly probed to test international resolve on human rights. The results arguably convinced CPP leaders that the international community could not, or would not, impose significant constraints on a strategy of violence. This was particularly so, in the case of the 1997 coup, where CPP violence was allegedly prompted by moves by Ranariddh's party, the KNP and other smaller opposition

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parties to ally with the international pariahs of the Khmer Rouge.

This failure is significant because it raises questions regarding the ability of the international community to preserve a principled stance over a sustained period, to allow an opportunity for 'peace-building' in the manner envisaged by Boutros-Ghali.⁶⁶ It also casts doubt on the ability of a local human rights movement to make progress in state-building in the presence of the international community.

The inability of the international community to respond to CPP probes resulted from two deficiencies: lack of political will and lack of political instruments. Difficulties experienced by UNTAC in controlling the administrative structures between 1991 and 1993 were described in Chapter Three. Since the departure of UNTAC, international supervision of human rights focused on regular monitoring reports produced by a UN Special Representative for Human Rights in Cambodia, and by international NGOs. Potential for constraining the Cambodian government depended on the impact of these reports on the Royal Government's international image, and, crucially, on willingness of donors to give international aid.

The first Special Representative, Michael Kirby, paid seven visits to Cambodia between 1993 and 1996. His reception by the Cambodian government worsened until he was reportedly 'ignored' by second Prime Minister Hun Sen throughout the last year of his tenure in the post, and by both prime ministers on his final visit. Shortly after his resignation, Hun Sen, in a speech to Interior Ministry officials, called him "a crazy lawyer whom I have hated for as long as I have known him", adding:

I am really disgusted by Kirby and never want to meet him again, and ask the UN to drive him away because I cannot work with him any more.⁶⁷

The UN High Commissioner for Human Rights, Jose Ayala Lasso, was also refused meetings with Hun Sen and Ranariddh when he visited Cambodia in February/March

⁶⁶ In this respect, divisions within the Security Council over the appropriacy of intervention to promote human rights are particularly important.

⁶⁷ To Serey and Pip Wood, "Hun Sen Calls Justice Kirby a 'Crazy Lawyer'," *CD* 7 Mar. 1996, 6.

1996.⁶⁸

Kirby reported in September 1995 that, of 19 human rights recommendations he had made in 1994/5, the government had failed to respond to 10. Another, concerning the expulsion of Sam Rainsy from the National Assembly, had been called “unwarranted interference in the workings of Cambodia’s sovereign National Assembly”⁶⁹ by Ranariddh. Kirby regarded action taken on most of the other recommendations as insufficient. A written government response to this report stated Kirby had ‘jumped to conclusions’ adding:

we appreciate very much the concerns made by the Special Representative on Human rights ... [but] we still believe that this draft report should be written in a balanced manner in order to reflect the many efforts made by the Royal Government of Cambodia at a time when the latter is still facing with human, material, and financial constraints (*sic.*).

The government complained that the Special Representative acted like an “authoritative law enforcement officer”, criticising but not “providing enough technical assistance to help implement, protect and improve the human rights situation which has been so far much better”.⁷⁰

Lack of action by the Royal Government and use of complaints of inadequate material means to justify inaction suggest that the government viewed the Special Representative’s recommendations as having little impact on its own interests, particularly on international aid donations, and saw pursuit of internal power-maximising strategies as more important. This is an indication that non-governmental interviewees overestimated international influence over government decision-making.

Cambodian human rights activists also, arguably, misread the issue of aid conditionality. The Cambodian government exploited conflicting interests in the international community on the aid question. While the Paris Agreements contained human rights

⁶⁸Chheang Sopheng, “Gov’t, UN Sign Rights Pact,” *CD* 1-3 Mar. 1996, 8.

⁶⁹Kirby “Technical Co-operation” 35-38.

⁷⁰Nady Tan, letter to Mr Daniel Premont, Phnom Penh, 14 Oct. 1995, 4.

provisions, the driving force behind the peace process was the global and regional desire to integrate Cambodia into the Asean and Pacific Rim economic markets.⁷¹ As the 1990s progressed, early post-Cold War emphasis on human rights and democracy receded, and free market economics stood out more sharply as the major factor in international relations. The US retreat from support for economic sanctions against human rights abusers, particularly with regard to renewal of Most Favoured Nation trading status for China,⁷² would have been noted by the Cambodian government. During the Sirivudh affair, Hun Sen publicly defied the US to remove Cambodian MFN status:

For Americans, if they talk too much about Cambodian affairs, we'll stage another demonstration demanding them to pay us compensation [for the war]... We're not going to die if they give MFN or not... During the State of Cambodia era, we lived in a time when they attacked us, they surrounded us, they imposed sanctions against us. We survived [then] and why can't we survive now?⁷³

Subsequently, Hun Sen tempered these remarks, but reiterated his intention "to protect independence and sovereignty of the country, stopping you from interfering in the internal affairs and from considering my country as a small one of yours".⁷⁴ Shortly

⁷¹See James A. Baker III, "America in Asia: Emerging Architecture for a Pacific Community," *Foreign Affairs* 70.5 (1991): 1-18; Surin Maisirikrod, "Thailand's Policy Dilemmas Towards Indochina," *Contemporary South East Asia* 14 (1992): 282-300.

⁷²President Clinton campaigned in 1992 on a platform of conditional MFN renewal for China, but in 1994 adopted the opposite policy, explaining:

To those who argue that in view of China's human rights abuses we should revoke MFN status, let me ask you the same question that I have asked myself: will we do more to advance the cause of human rights if China is isolated or if our nations are engaged in a growing web of political and economic co-operation and contacts? [Qtd in Susumo Awanohara, "Full Circle," *FEER* 9 June 1997, 14].

⁷³Extracts from a speech made by Hun Sen, Kandal Province, 5 Dec. 1995, qtd in Barber and Munthit, "Hun Sen talks tough to the West," *PPP* 15-28 Dec. 1995, 3. Referring to this speech, one human rights NGO director commented:

He said that before the election we worked without the international community. But it's not true! Cambodia was aided completely by the former Soviet Union. Why has he forgotten that? But now... the Communist countries have fallen and now we need international aid... Can we live with only businessmen from Malaysia, Indonesia and Taiwan? I doubt it. Because these businessmen, when they give \$100, they plan to take out \$300[H14].

⁷⁴Extract from a speech made by Hun Sen, Kandal Province, 9 Dec. 1995, qtd in "Hun Sen Talks

afterwards, US Assistant Secretary of State for East Asia and Pacific Affairs Winston Lord said during a visit to Cambodia that the US Administration was in favour of unconditional renewal of MFN.⁷⁵ Hun Sen claimed in February 1996 that

officials from the United States had a meeting with me - we spent three hours talking and eating together - they told me they will grant aid to Cambodia despite their current [budget] problems.⁷⁶

Japan and Asean had long-standing policies of treating human rights as a domestic issue, stances praised by Hun Sen:

Don't protest against Japan, it does not interfere, it is very good. Japanese assistance is the only one which does not have conditions.⁷⁷

The muted international outcry surrounding cases such as the Sirivudh case and the grenade attack on the KNP demonstration suggested a lack of international will to tie human rights to aid. One UN official commented on the Sirivudh case:

What could be done? It wasn't Tiananmen Square.⁷⁸

Human rights abuse in Cambodia, arguably, was not dramatic enough to attract world public concern, so it was ignored by outside powers with economic agendas to pursue. International intervention post-UNTAC fell far short of the principled protection of human rights and promotion of human rights discourse anticipated by Cambodian interviewees. At times it followed an openly self-interested agenda. For example, an anti-drugs law drafted on the advice of the UN and US included many provisions abusive of human rights, including awarding police powers to detain for 96 hours, search premises, persons and vehicles, tap phones, open mail, confiscate property and

Tough..”

⁷⁵Robin McDowell, “Lord to Push for ‘Unconditional’ MFN,” *CD* 17 Jan. 1996, 1.

⁷⁶Extract from a speech made by Hun Sen, Kong Pisey District, Kompong Speu Province. 12 Feb. 1996, qtd. in Chheang Sopheng, “Hun Sen Blasts Opposition Efforts Abroad,” *CD* 13 Feb. 1996, 6.

⁷⁷Extract from a speech made by Hun Sen, Kandal Province, 5 Dec. 1996, qtd. in “Hun Sen Talks Tough..”

⁷⁸I4, personal interview, 2 Apr. 1996, Phnom Penh.

tap into computer records, all without reference to a court.⁷⁹

Ironically, given that the law was reportedly drafted on American advice, the opposition newspaper *Moneaksekar Khmer* protested:

All countries that respect democracy *never give limitless power like this to the police...* Various countries which have begun to have a big problem with addictive drugs, they still always respect the human rights and democratic principles of the citizen.⁸⁰

In the Cambodian context, where human rights efforts focused on combating arbitrary behaviour by police, the law represented a major setback. A Colombian lawyer, Juan Pablo Ordonez, living in Phnom Penh, commented:

The US government is definitely [pressuring Cambodia] because it is part of [the US] agenda to impose this kind of law.... [An election topic] will be about the war on drugs. [The Clinton Administration] will get called about certifying Cambodia, but they will be able to say 'yes, but now Cambodia has this wonderful new law.' It serves [the US] purpose if this is made law before [the] November [elections].⁸¹

Such issues reveal the limits to principled action in international political will, and the structure of power and interest underlying nascent cosmopolitanism. Following the coup in July 1997, few countries have imposed sanctions on aid: the US and Germany have cut aid and withdrawn aid workers, and Australia has stopped military aid. It appears likely that elections which fulfil certain minimum conditions will see at least some of this aid restored.

Concern to maintain international engagement to promote human rights in Cambodia impedes the development of grass-roots participatory processes which would aid the constitution of the secular, rights-bearing, juridically equal citizen. Power resources internal to the country are considered by opposition politicians and by human rights

⁷⁹Provisions of the draft law on the supervision of addictive drugs as reported in a statement to the national assembly from the Cambodian Human Rights Co-operation Committee reported in "Draft Drugs Law is a First Step by the Government towards Destroying the Solidarity of Opposition Politicians," *MK* 25-26 June 1996, 1.

⁸⁰"Draft Drugs Law is a First Step...". Original emphasis.

⁸¹Qtd in Grainger, "Critics slam tough drug law pushed by US," *PPP* 14-27 June 1996, 3.

NGO activists, as inadequate, as exemplified by lack of strategies among human rights NGOs to mobilise popular activity and debate, and by emphasis on strategies aimed at engaging international support.

The horrors occurring during the internal conflicts of the Cold War years, and a continuing reliance, nationally, on international aid, encourage the view that the Cambodian population is at once too 'extremist'⁸² and too weak to generate their own domestic power resources for constraining the state apparatus and protecting human rights activists as individuals. As a result interviewees from the human rights movement viewed themselves as wards of the international community and looked to international power to fight the abuses of the CPP.

This strategy is the obverse of state building which requires that a nation-state nexus be constituted as the framework within which the economy, polity and society are organised. The modern state avoids overt politicisation itself in favour of an imposed 'neutrality' or consensus, which encompasses and shapes political competition, demarcating the domestic from the foreign:

In nationalist ideology, the state is the political embodiment of the nation, and has the responsibility for protecting and developing it. This means creating a national market, defining and protecting national rights of citizenship and providing the public goods and services essential to one nation. Since nation building requires intense loyalties, the state is accorded a monopoly on the symbols of patriotism, which it invokes against internal and external challenges. This monopoly of patriotic symbolism is the ideological counterpart of the monopolies of political authority and legitimate violence implicit in the principles of state sovereignty.⁸³

Since UNTAC, Cambodian human rights NGOs, arguably, have attempted to use international intervention to challenge the monopoly of power by the politicised state apparatus, even while attempting to forge a state-society relationship based on mutual trust and harmonious relationships. Arguably, international material and expertise cannot substitute for empowerment of internal constituencies. Patronage of 'civil

⁸² H5

⁸³ Magnusson 49.

society' by the international community has arguably encouraged an internationalist orientation, resulting in the development of a movement which perceives itself as unable to survive without international backing. Yet international backing has proved inconsistent and inadequate to constrain abuse of power by officials of state.

International intervention constrains as well as providing opportunities, and, arguably, disempowers local activists by encouraging them to wait for outside aid. Concern to maintain international engagement leads to didactic strategies of education in international human rights norms, rather than participatory strategies to strengthen and empower the grassroots. The Cambodian case suggests that the necessary panopticism of modernity cannot be supplied by international surveillance; the state apparatus is too complex an entity and international interests are too fickle and too diverse.

As long as states exist, the societies that exist around them must formulate the basis of a hegemony which excludes abuse; international intervention may aid this process, by breaking an abusive hegemony and opening up political opportunities, but it may equally distract from it by encouraging long-term dependence on international power. If human rights are to be guaranteed, the state apparatus must be subject to rules and limitations rendered authoritative by the power resources arising from, and the discourses circulating within, the society over which it presides, even while society and its discourses are shaped by the power of the state apparatus.

Conclusions

This dissertation has analysed human rights promotion and human rights abuse as political phenomena, avoiding both universalist and cultural relativist assumptions about the relationship between rights and human nature. This analysis allows human rights discourse to be located as a power resource within the context of a national economy of power, permitting examination of how the concept of human rights alters when transposed into different power environments, and how particular views of human rights may be promoted vis-à-vis rival conceptions. Human rights emerges as a concept negotiated between different power clusters, each of whom attempt to mould its content to suit their own methods of exercising power.

Application of this methodology to the case study of Cambodia in the early 1990s illuminates the political nature of human rights abuse, and the power resources employed in human rights promotion. It has been argued that abuse is endemic in the Cambodian political economy of power, as perpetuated by CPP control of the state bureaucracy and military, due to differentiation in all political relationships between insiders and outsiders. This differentiation is exacerbated by the existence of political competition, and frequently conflated, by all parties, with threats to national security represented either by insurgents or hostile neighbours.

Characteristic of Cambodian politics is the extension of politics into secular spheres, as leaders seek to monopolise resources which can be distributed to ensure the loyalty of followers. State services, including those connected to human rights, are rendered contingent on political allegiance. The widespread nature of violence in Cambodia arises from a snowballing process. A combination of pervasive politicisation and perception of extreme threat causes violence; this violence perpetuates polarisation and a climate of fear, giving rise to more violence. The flames are fanned by the rhetoric of national leaders who use perception of threat to boost their own positions as protectors of a particular imagining of the nation. The drive to monopolisation inherent in the relationship between leaders and followers in political parties ensures that arrival at a mutual accommodation, which could form the basis of political pluralism, is politically impossible.

The image of political leaders as providers of protection leads to a conception of power in which the ability to be seen to be effective is highly valued. Power is exercised overtly by use of exemplary force. This style of power is incompatible with the style of power central to the liberal democratic project: a style in which power is exercised silently through the creation of a hegemonic discourse, perpetuated by stable systems of power reproduction.

Interviewees drawn from the Cambodian human rights NGO movement, it has been argued, attempted to ameliorate the potential for abuse in society by promoting a different form of state-society relationship. These interviewees looked both to precedents from Cambodia's past and to liberal democratic rule of law to provide blueprints for reform of Cambodia's state-society relationship. Such perceptions reflect the position of interviewees, as representatives of a weak and divided urban intellectual stratum in society, on the cusp between three different constituencies with three different ideological systems. These three constituencies comprise the international donor community, the Cambodian government, and the Cambodian 'grassroots'. Interviewees used the preconceptions of these groups as power resources supporting their efforts to promote a national consensus based upon stable, hierarchical relationships which are inclusive of outsiders.

The consensus envisaged draws heavily on idealised perceptions of Cambodian state-society relationships in the past. Such relationships rely on the deference of the grassroots and the benevolence of the elite, rather than on political participation within a pluralist democratic framework. Interviewees frequently conflated human rights with morality, educational accomplishment and Buddhist values, rather than with assertion of liberty, equality and popular sovereignty. There is a distinction between the emphasis on individual autonomy and choice emphasised in Western concepts of human rights and the emphasis on correct behaviour towards others emphasised by the Cambodian human rights movement.

This distinction arguably reflects the absence of hegemonic consensus in Cambodian society. In Western liberal democracies, human rights exist in a context of stable patterns of domination, legitimating a high concentration of power in the hands of the state and the economic elite. In Cambodia, consensus is absent, and the polity is

characterised by instability, deep political division and perception of immediate and severe threat. In these circumstances, human rights discourse is employed by Cambodian human rights NGO workers to promote the stable framework of relations necessary to allow individuals to engage in minimum necessary pursuits of subsistence agriculture and enterprise. In a harsh economic climate, stability is highly valued, and NGO activities reflect this. The political opposition is viewed with relative distrust by interviewees drawn from Cambodian human rights NGOs as a result, and it is instructive that, following the coup of 1997, human rights NGOs were permitted to remain working in Cambodia, while opposition politicians were forced to flee abroad.

Interviewees drawn from the human rights movement viewed Cambodian politicians as self-serving and exploitative, cut off from the reality of the villages, but they also perceived a steep power differential between government and citizen. The 'grassroots' were perceived as poor, weak and ignorant, at the mercy of government power. This perception entailed that Cambodian human rights NGO workers did not attempt to mobilise popular power to pursue objectives which conflict with government interest. They devoted attention to strengthening contacts with relatively responsive elements within government, in an attempt to tap into governmental power resources to provide remedy for abuse. Strengthening contacts within government requires a non-confrontational stance, a stance which emerges naturally from an ideology which sees reform of the attitudes of government and state as the key to reducing politicisation and rebuilding hierarchical and benevolent state-society relationships.

Having ruled out use of the 'grass roots' as a power resource, the NGOs studied pursued activities which were aimed at seeking power resources elsewhere, particularly in law, religion, and the international arena. The use made of international power resources is significant in the context of the emphasis placed on international cosmopolitanism by certain western governments and elements of the UN and UNTAC in the early 1990s. The evidence presented shows that interviewee expectations of cosmopolitan intervention on behalf of human rights far outstripped the political will and capabilities of the international community. Members of the NGOs and opposition parties studied have consistently called for decisive international action against the government which has not been forthcoming.

A long history of external intervention in Cambodian affairs has created a perception of Cambodia, among these interviewees, as an international ward. Interviewees perceived international power, interests and responsibilities as central features in the Cambodian political landscape; it was widely assumed by interviewees within the Cambodian rights movement that international power is uniformly pro-democratic. Failure by the international community to respond decisively to human rights abuse by the Cambodian government were viewed by these interviewees with surprise. Evidence presented here suggests further that the international community is ill-equipped to provide the support required by these members of the Cambodian human rights movement. Norms of sovereignty are too strong to allow the far-reaching intervention interviewees expected, and pragmatism and self-interest on the part of outside powers prevents a consistent application of human rights principles. This has been evident from the days of UNTAC.

Use of international power resources is also problematic in that it militates against the creation of new power resources within the country. The failure of the NGOs studied to protest over big political cases, on the grounds that the international community is better placed to intervene, prevents the development of internal human rights safeguards. The reason for NGO failure in this regard is the high level of risk involved in testing new internal power resources. Unless this risk is taken, internal constituencies will remain disempowered.

The use of international power resources in this way prevents assertion of popular sovereignty. Viewed as the successful creation of an authoritative unity out of the diversity of people occupying a territory, sovereignty is essential for the development of a consensus to underlie the institutionalisation of politics. Without such a consensus, the polarisation and politicisation observable in Cambodia cannot be constrained.

The lack of a coherent view of a sovereign Cambodian political community can be seen to underlie the overpoliticisation which constrains pluralism and, frequently, prompts human rights abuse within Cambodia. The lack of internal power resources available to human rights NGOs attempting to combat human rights abuse is also a symptom of this state of affairs. Intervention, even if ostensibly to restore sovereignty, strengthens predispositions to resort to international, rather than domestic, power resources, further obscuring the nature of the Cambodian political community. International operations

such as UNTAC represent major power resources in terms of material and status; these are treated like other power resources within the Cambodian polity, in that political parties attempt to monopolise them to strengthen their own legitimacy and deny legitimacy to the opposition. Used in this way, international power resources can increase politicisation and strengthen the position of those who benefit from it.

The current international climate of hesitant transition from state sovereignty to cosmopolitanism is not conducive to ordered transition towards democracy in nations like Cambodia. International intervention and human rights machinery is sufficiently well-developed that local victims may be encouraged to wait for international action on their behalf. This disempowers local communities and promotes an imposed vision of human rights rather than a vision negotiated democratically through facilitation of popular participation at all levels of society.

International intervention and human rights machinery is not sufficiently well-developed to ensure respect for human rights on the part of governments and state personnel. The combination of these two characteristics of the current international human rights regime may cause inaction on human rights abuse at both international and local level, or an uncertainty of division of responsibility which can be exploited by local abusers. This, it has been argued, has occurred in Cambodia in the 1990s.

These findings are significant for international policy makers in suggesting that transitions in international regimes may be as traumatic for individuals within states as national transitions. Frequently, international relations theory ignores the expectations of individuals vis-à-vis the international community. The theoretical response to the emergence of transnational and supernational actors has been cautious. The Cambodian case study shows that these actors were perceived by Cambodian human rights workers as significant players in the internal economy of power in Cambodia, and the reactions of the international community were important variables in calculations of risk and support made by the individuals and organisations studied.

It is significant that international power is overestimated, reflecting disparities of material wealth which do not necessarily translate into operational ability, as the UNTAC experience showed. Any sustainable international-local relationship for

promotion of human rights must be based on more realistic local expectations of international abilities. Public relations exercises designed to present international interventions in a positive light may cause long term damage in raising unrealistic expectations. In particular, provisions in the Paris Agreements for further interventions on human rights grounds represent ideological flights of rhetoric rather than a sustainable basis for international-local relations, yet they are taken seriously by the Cambodians interviewed for the present study.

The effect of international intervention into local wars is familiar from the Cold War years when superpower patronage inflamed civil conflicts. These findings suggest that peacetime intervention can have similar effects upon human rights practices, at least in the short term, encouraging opposition activists to make demands while failing to act decisively to prevent government repression. In some countries, this may provide a catalyst for change and democratisation. In Cambodia, arguably, government repression has been effective in the short term.

The fieldwork on which this research was based took place only three years after UNTAC's departure. Since the end of the fieldwork period, the July 1997 coup forced many individuals who formed the Cambodian political opposition to leave the country. The 1997 coup was in keeping with the trends noted in 1995/6, of repeated probing by government to test the political will of the international community to reintervene, and repeated failure of the international community to make an effective response in support of human, particularly political, rights.

A question for further research, given that human rights NGOs are still operating in Cambodia, and that elections are planned for 1998, is the extent to which the period of unsteady political pluralism in Phnom Penh from 1993 to 1997 has left behind a cultural legacy. Crucial to a long term assessment of international intervention is the question of whether the violent purge of July 1997 was sufficient to erase any impact this pluralism may have had on political attitudes. The effect of the coup on the climate of fear constraining NGO and electoral activities will provide an early indication of this.

Finally, it is a significant limitation of this study that 'grassroots' attitudes informing the views of Cambodian human rights workers were not studied. Further research is

required to ascertain views held in the villages regarding conflict resolution, sovereignty and intervention, and appropriate political relationships. This is necessary to establish the extent to which grassroots strategies of resistance are formulated in the villages in parallel with NGO strategies of resort to government or international power resources to gain remedy for abuse. Efforts by the grassroots themselves within the villages to formulate and execute strategies of resistance to politicised abuse may in time cause a reorientation of the thinking of urban intellectuals, such as those interviewed for this study, and provide the impetus for the emergence of a human rights movement which asserts its independence from international power resources and is strengthened instead by the participation of the rural poor.

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Appendix 1: A. Organisations Studied¹.

Human Rights, Minorities Rights and Public Defenders NGOs.

Association Khmer Kampuchea Krom

Founded: 1960s. 1975-80 continued in refugee camps, Ho Chi Minh City, Vietnam. 1980 re-established in Cambodia.

President: Dr Liv An.

Scope: 7 provinces.

International Assistance: none.

Activities: Monitoring abuse; monitoring legislation².

Cambodian Bar Association

Founded: Oct. 1995.

President: Say Bory.

Scope: 47 members.

Material and Professional Assistance: American Bar Association, USAID.

Activities: Establish professional regulations, code of ethics; represent interests of the legal profession³.

Cambodian Defenders' Association (CADEAS)

Founded: 1992, by UNTAC-trained defenders.

Director: Luy Chanphal.

Scope: Offices in Phnom Penh, Battambang, Pursat, Koh Kong, Takeo, Kracheh, Svay Rieng.

Material and Professional Assistance: USAID.

Activities: Represent accused persons; conduct human rights training seminars⁴.

Cambodian Defenders Project.

Founded: 1994, by International Human Rights Law Group.

Directors: Linda Kremer, Sok Som Oeun

Material and Professional Assistance: International Human Rights Law Group, USAID.

Scope: Offices in Phnom Penh, Battambang, Kompong Cham. Cases defended in all provinces.

Activities: Training defenders; defending accused persons⁵.

¹This list contains details of the organisations from which interviewees were selected. Interviewees were not necessarily the directors listed; their names are withheld to preserve confidentiality. Where information given is taken from interviews, the interview code and date are not given to avoid cross-referencing organisations with particular quotations in the text. Organisations surveyed were selected from a list of NGOs, dated 24 Oct. 1995, provided by Christophe Peschoux of the UN Centre for Human Rights.

²Personal interview, Phnom Penh.

³Personal interview, Phnom Penh.

⁴Personal interview, Phnom Penh.

⁵Personal interview, Phnom Penh.

Cambodian Disabled People's Organisation.

Founded: Sept. 1994, at seminar of 119 disabled people.

Chairperson: Chea Samnang.

Scope: 98 founding members from 13 provinces.

Material and Professional Assistance: Overseas Service Bureau, Disabled People's International.

Activities (proposed): Create support networks of disabled people to promote rights, achievements and interests to facilitate fuller participation and equality in society; advocacy, training and research.⁶

Cambodian Human Rights and Development Association (ADHOC)

Founded: 1992, by former political prisoners.

President: Thun Saray.

Scope: Nationwide.

Material and Professional Assistance: International donors; UN Centre for Human Rights, Human Rights Task Force for Cambodia.

Activities: Human rights training and education for civilians and government; monitoring and investigation, including prisons; some development activities; advocacy and monitoring legislation⁷.

Cambodian Human Rights Trainers Organization (CHARTO)

Founded: 1993.

Director: Chuon Mom Thol.

Scope: Phnom Penh and surrounding provinces.

Material and Professional Assistance: Mar. 1996 faced closure through lack of international support.

Activities: Defending accused persons; human rights education in schools in Kandal Province; chicken-raising development project⁸.

Cham Khmer Islam Minority Human Rights and Development Association

Founded: 12 June 1993, by demand of ethnic minority communities.

President: Sa Mohamatsen.

Material Assistance: Indonesian embassy, Licadho (see below), Khemera (Cambodian women's development organisation).

Scope: All provinces except Mondolkiri, Ratanakiri, Preah Vihear, Stung Treng, Koh Kong.

Activities: Human rights and democracy education to ethnic minorities; monitoring and reporting; receiving and investigating complaints⁹.

⁶"The Cambodian Disabled People's Organisation (CDPO) Funding Proposal for the Years 1997/8," unpublished proposal, Phnom Penh, n.d.

⁷Personal interview, Phnom Penh.

⁸Cambodian Human Rights Trainer Organization, "The Narrative Report for February 1996", unpublished report, Phnom Penh, Apr. 1996.

⁹Cham Khmer Islam Minority Human Rights and Development Association, "Report on the Three Months from 1 Jan. to 1 Apr. 1996," unpublished report, Phnom Penh, 18 Apr. 1996.

Human Rights and Community Outreach Projects (Outreach)

Founded: Sept. 1992.

President: Srey Chan Phallara.

Scope: Phnom Penh, Kandal, Kompong Speu, Takeo, Svay Rieng, Kompong Cham, Kompong Chhnang, Pursat, Battambang.

Material Assistance: Cambodian Documentation Commission, United Nations Centre for Human Rights, CIDSE, GRET.

Activities: Human rights education for villagers; human rights training for teachers; monitoring and reporting abuse; skills training and development projects for women¹⁰.

Human Rights Vigilance of Cambodia (Vigilance)

Founded: 1991, by group of professionals, intellectuals and students.

President: Phuong Sith.

Scope: Phnom Penh and 11 provincial offices.

Material and Professional Assistance: Asia Foundation, Private Agencies Collaborating Together (PACT), Terre des Hommes-Germany, UNICEF-Cambodia, Human Rights Task Force on Cambodia, UN Centre for Human Rights Field Office in Cambodia.

Activities: Human rights education and training for civilians and government personnel; receiving and investigating complaints; monitoring and reporting abuse, especially human trafficking, prostitution, and environmental degradation; advocacy; monitoring legislation¹¹.

Indradevi Women's Association

Founded: 1992, by group of professors, teachers, doctors, medical staff and housewives.

President: Dy Ratha.

Material and Professional Assistance: International Voluntary Service, Save the Children Fund (UK), the Cambodian Women Development Association, the Federation of *Ponleu Khmer*, Khmer Institute for Democracy, American Friends Service Committee, British Embassy to the Kingdom of Cambodia, State Secretariat of Women's Affairs, Asia Foundation, Adhoc (see below).

Activities: Professional and vocational training to empower women; advocacy on children and environmental policies; promotion of women's political participation; HIV/AIDS education; credit loans to poor widows¹².

Khmer Institute of Democracy

Founded: 1992 by group of Cambodian-Americans.

Director: Dr. Lao Mong Hay.

Scope: Phnom Penh, Kompong Cham, Battambang.

Material and Professional Assistance: USAID.

Activities: Human rights training; advocacy; promotion of related values such as tolerance; promotion of civil society¹³.

¹⁰*Human Rights and Development*, pub. Human Rights and Community Outreach Projects of Cambodia, 2 (1994).

¹¹Human Rights Vigilance of Cambodia, "Organisational Background," unpublished report, Phnom Penh, n.d.

¹²*Indradevi Women's Association*, pamphlet (Phnom Penh: Indradevi Women's Association, n.d.).

¹³Personal interview, Phnom Penh.

Khmer Kampuchea Krom Human Rights Association

Founded: 1993.

President: Thun Saren.

Scope: Phnom Penh and five provinces.

Material and Professional Assistance: Looking for funding.

Activities: Human rights education, monitoring of abuse in minority communities¹⁴.

Legal Aid of Cambodia

Founded: Dec. 1995, Khmer initiative which broke away from Cambodian Defenders' Project.

Director:

Scope: Seven provincial offices. Mobile team sent to remote provinces.

Material and Professional Assistance: International lawyers working in advisory capacity.

Activities: Defending accused persons¹⁵.

Ligue Cambodgienne Pour la Promotion et la Defense des Droits de l'Homme (LICADHO)

Founded: July 1992.

President: Dr Pung Chiv Kek Galabru.

Scope: Phnom Penh and 12 provinces.

Material and Professional Assistance: The Asia Foundation, the European Union, Norad Agency, A.C.C.T., UNHCR, The Konrad Adenauer Foundation/KID, Catholic Relief Service, the UN Centre for Human Rights, the Human Rights Task Force on Cambodia, the Australian Embassy.

Activities: Human rights training; advocacy; monitoring and reporting abuse; monitoring prisons; receiving and investigating complaints; defending accused persons¹⁶.

Urban Sector Group

Founded: 1993.

President: Lim Phai.

Scope: Squatter communities in Phnom Penh.

Material Assistance: United Nations Development Programme, USAID.

Activities: Community training and education; advocacy on issues of eviction and relocation; children's rights training; credit and savings scheme¹⁷.

Vietnamese Association

Founded: 1982; officially recognised 1988.

President: Nguyen Ngoc Sanh.

Scope: Vietnamese communities in Phnom Penh.

¹⁴Personal interview, Phnom Penh.

¹⁵Personal interview, Phnom Penh.

¹⁶G. de Mareuil (Licadho), "Prison Issues," unpublished report, ed. de Mareuil and T. Seaman, Jan. 1995, Phnom Penh, 1.

¹⁷Personal interview, Phnom Penh.

Activities: Inform Vietnamese about Khmer law and custom; monitoring and reporting abuse against Vietnamese; economic and cultural community support¹⁸.

Victims and Contribution Assistance Organisation

Founded: 1994.

President: Chea Pyden.

Scope: Phnom Penh, Kompong Speu, Kompong Chhnang, Takeo, Kandal.

Material and Professional Assistance: Teaching supplies donated by UNICEF, Khmer Institute for Democracy, Redd Barna, Save the Children Fund.

Activities: Education for children on children's rights, combined with free English lessons; monitoring child trafficking; relief contributions¹⁹.

Coalitions of NGOs

Action Committee

Founded: 1994

President: Revolving presidency among member organisations.

Membership: ADHOC, LICADHO, Vigilance, AKKK, KID, Indradevi, KKKHRA, Generous Association for Support Democracy.

Activities: Co-ordinates investigation and advocacy in cases of serious human rights abuse²⁰.

Cambodian Human Rights Co-ordination Committee

Founded: 1994.

President: Luy Chanphal.

Membership: CADEAS, Charto, Outreach, Vigilance, KKKHRA, Cambodian Institute for Human Rights, Ligue Cambodienne Pour la Defense des Droits de l'Homme et du Citoyen, Cambodian Volunteers for Community Development.

Activities: Co-ordinates investigation and advocacy in cases of serious human rights abuse; facilitates information exchange and networking with international donors²¹.

Federation of Ponleu Khmer.

Founded: 1993. Grew out of *Dhammayietra* May 1993.

Secretary-General: Phuong Sith.

Material assistance: USAID.

Activities: Organised public debates on the Constitution in 9 provinces, May-Sept. 1993; training for NGO members; supports activities to promote democratic processes and dialogue between NGOs and government²².

¹⁸Personal interview, Phnom Penh.

¹⁹Personal interview, Phnom Penh.

²⁰Personal interview, Phnom Penh.

²¹Personal interview, Phnom Penh.

²²Personal interview, Phnom Penh.

Religious NGOs

Khmer Buddhist Society in Cambodia.

Founded: 1992. Formed by Khmer Buddhist Society in USA, organisation of Cambodian refugees in Seattle, Wa.

Executive Director: Ou Bun Long.

Scope: Nationwide/.

Material Assistance: KBS/USA, Interchurch Organization for Development Cooperation, USAID.

Activities: Project Rights: human rights training for Buddhist monks, achars, nuns and provincial civil government employees including mediation and human rights dissemination skills²³.

Coalition for Peace and Reconciliation.

Founded: 1989 in refugee camps on the Thai border.

Leader: Most Ven. Samdech Maha Ghosananda.

Activities: Organises annual *Dhammayietra* "Walk for Peace"; training sessions on *Dhammayietra* philosophy of non-violence²⁴.

Journalists and Writers Associations²⁵

Association of Independent Journalists.

Founded: Sept. 1995. Informal grouping semi-independent of the KJA.

Membership: Pro-Khmer Nation Party newspapers: *Samleng Yuvachon Khmer*, *Wat Phnom*, *Udam Kate Khmer*, *Moneaksekar Khmer*, *Sereipheap Thmei*.

Material and Professional Assistance: The Asia Foundation.

Aims: Participates in KJA activities; provide solidarity to members who have been the particular targets of harassment²⁶.

Khmer Journalists Association.

Founded: 31 Dec. 1992.

Co-presidents Pin Samkhon and Tat Ly Hok.

Membership: 20 media organisations belong including *Kampuchea*, *Khmer Aikeriec*, *Angkor Thmei*, AKP press agency, TVK, National Radio, Chinese and Vietnamese newspapers.

Material and Professional Assistance: Asia Foundation.

²³"Project Rights III," unpublished funding proposal, Khmer Buddhist Society in Cambodia, June 1996, Phnom Penh.

²⁴Personal interview, Phnom Penh.

²⁵The Khmer language newspapers surveyed were chosen from a list of 31 newspapers publishing in Feb. 1995, also provided by Mr Peschoux. All five journalists and writers associations operating in Cambodia in 1995 were studied. Mr Mike Fowler of the Asia Foundation and Mr John C. Brown of the Cambodian Communications Institute provided names of editors and addresses of newspaper offices.

²⁶Personal interview, Phnom Penh.

Aims and activities: Promotion of professionalism in journalism and improvement of the safety and security of Cambodian journalists; promulgation of professional ethics code²⁷.

Khmer Writers Association

Founded: 1993.

President: Yu Bo

Material and Professional Assistance: Adhoc; Cambodians in Canada, US and Australia; in the future, NORWEB.

Activities: Literacy programmes; training for journalists and newspaper publishers; running poetry and story-writing competitions. Planned: Women's and children's rights training project for villagers²⁸.

League of Cambodian Journalists.

Founded: 24 July 1995, breakaway group from Khmer Journalists Association.

President: Chum Kanal.

Membership: 32 newspapers, 6 magazines, 4 radio stations, 2 television stations, 7 other media organisations.

Material and Professional Assistance: Asia Foundation.

Aims and activities: Provision of information and cheap facilities (computer equipment/paper); advocacy to protect journalists' rights; receiving and mediating complaints against newspapers; issuing press cards; insurance scheme to benefit families of journalists wounded or killed²⁹.

Neutral Khmer Journalists Association.

Founded: June 1996, breakaway group from League of Cambodian Journalists.

President: Khieu Seng Kim.

Membership: Six founding members.

Aims: Promotion of neutral journalism and independent criticism, to serve Cambodians³⁰.

Newspapers

Kampuchea

Founded: Jan. 1979.

Editor: Thach Pen.

Orientation: Founded as organ of KNUFNS. 1980s: organ of KPRP, controlled by Ministry of the Interior. 1993- , voice of Royal Government of Cambodia. KJA member³¹.

²⁷Personal interview, Phnom Penh.

²⁸Personal interview, Phnom Penh.

²⁹Personal interview, Phnom Penh.

³⁰Personal interview, Phnom Penh.

³¹Personal interview, Phnom Penh.

Khmer Aikeriec

Founded: 1993

Editor: Pin Samkhon.

Orientation: independent. KJA member³².

Koh Santepheap

Founded: 1992. First private newspaper in Cambodia since 1975.

Editor: Thong Uy Pang.

Orientation: pro-CPP. LCJ member.

Human rights issues: *Koh Santepheap* reporter Chan Dara killed in Kompong Cham, 8 Dec. 1994, after writing a story which reportedly connected CPAF Gen. Sat Soeun to illegal timber exports to Vietnam. Soeun arrested and tried for murder but acquitted³³.

Moneaksekar Khmer

Founded: Aug. 1994.

Editor: Soth Khemerak.

Orientation: pro-KNP. AIJ member.

Human rights issues: Office attacked on 2 June 1995 by students; manager Dam Sithik beaten³⁴.

Neak Normsar Thmei

Founded: 1993.

Publishing Manager: Chea Satra. NKJA founder member.

Orientation: independent.

Damnung Pachobonnophiep

Founded: 1995.

Editor-in-Chief: Khem Sambo.

Orientation: independent. KJA member.

Phnom Penh Post

Founded: 1992.

Publisher and Editor-in-Chief: Michael Hayes.

Orientation: independent.

Human rights issues: Hayes threatened with prosecution and possible jail sentence on disinformation charges over articles about troop movements; case not pursued after support for Hayes expressed by international press, Amnesty International and King Sihanouk³⁵.

³²Personal interview, Phnom Penh.

³³Chan Ratana, "Cambodia: Assassinations, Terrorism, Warnings, Judiciary Pursuits... Against Freedoms of Press", address, Cambodian Press Forum, Phnom Penh, 31 July 1996.

³⁴Personal interview, Phnom Penh.

³⁵Personal interview, Phnom Penh.

Reasmei Kampuchea

Founded: 1992.

Editor: Pen Peng, aka Pen Samitthy.

Orientation: pro-CPP. Owned by Cambodian tycoon Teng Boonma. LCJ member.

Samleng Yuvachon Khmer

Founded: April 1994

Editor: Ou Sovann.

Orientation: pro-KNP. AIJ member.

Human rights issues: First editor resigned after receiving anonymous death threats. Second editor, Nuon Chan, shot dead, Phnom Penh, 7 Sept. 1994. Third editor, Chan Ratana, aka Yim Sokha, jailed June 1996 on defamation charges; amnestied by King after seven days in T3 prison³⁶.

Udam Kate Khmer

Founded: 1993.

Orientation: pro-Khmer Nation Party. AIJ member.

Human rights issues: Publisher Thun Bunly convicted of disinformation Jan. 1995; shot dead while awaiting Supreme Court hearing, Phnom Penh, 18 May 1996³⁷.

Wat Phnom

Founded: July 1994.

Publisher: Ung Sopheap, aka Meas Dararith.

Orientation: pro-Khmer Nation Party. AIJ member.

Royal University of Phnom Penh³⁸

Department of Philosophy

Dean: Choy Yi Heang.

Material and Professional Assistance: New Humanities NGO.

Department of Sociology

Dean: Doun Sayroeun.

Material and Professional Assistance: New Humanities NGO.

Faculty of Law

Acting Dean: Yuok Ngoy.

Material and Professional Assistance: French Embassy.

³⁶Chan Ratana, "Cambodia: Assassinations, Terrorism, Warnings, Judiciary Pursuits... Against Freedoms of Press", address, Cambodian Press Forum, Phnom Penh, 31 July 1996.

³⁷Chan Ratana, "Cambodia: Assassinations, Terrorism, Warnings, Judiciary Pursuits... Against Freedoms of Press", address, Cambodian Press Forum, Phnom Penh, 31 July 1996.

³⁸University faculties were chosen on the basis of the relationship between human rights and the subject matter taught. Names of deans and location of faculties and departments was given by Sister Luise Arens, at the University of Phnom Penh. Students' organisations were selected on the basis of conversations with students.

Reasmei Kampuchea

Founded: 1992.

Editor: Pen Peng, aka Pen Samitthy.

Orientation: pro-CPP. Owned by Cambodian tycoon Teng Boonma. LCJ member.

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Editor: Ou Sovann.

Orientation: pro-KNP. AIJ member.

Human rights issues: First editor resigned after receiving anonymous death threats. Second editor, Nuon Chan, shot dead, Phnom Penh, 7 Sept. 1994. Third editor, Chan Ratana, aka Yim Sokha, jailed June 1996 on defamation charges; amnestied by King after seven days in T3 prison³⁶.

Udam Kate Khmer

Founded: 1993.

Orientation: pro-Khmer Nation Party. AIJ member.

Human rights issues: Publisher Thun Bunly convicted of disinformation Jan. 1995; shot dead while awaiting Supreme Court hearing, Phnom Penh, 18 May 1996³⁷.

Wat Phnom

Founded: July 1994.

Publisher: Ung Sopheap, aka Meas Dararith.

Orientation: pro-Khmer Nation Party. AIJ member.

Royal University of Phnom Penh³⁸

Department of Philosophy

Dean: Choy Yi Heang.

Material and Professional Assistance: New Humanities NGO.

Department of Sociology

Dean: Doun Sayroeun.

Material and Professional Assistance: New Humanities NGO.

Faculty of Law

Acting Dean: Yuok Ngoy.

Material and Professional Assistance: French Embassy.

³⁶Chan Ratana, "Cambodia: Assassinations, Terrorism, Warnings, Judiciary Pursuits... Against Freedoms of Press", address, Cambodian Press Forum, Phnom Penh, 31 July 1996.

³⁷Chan Ratana, "Cambodia: Assassinations, Terrorism, Warnings, Judiciary Pursuits... Against Freedoms of Press", address, Cambodian Press Forum, Phnom Penh, 31 July 1996.

³⁸University faculties were chosen on the basis of the relationship between human rights and the subject matter taught. Names of deans and location of faculties and departments was given by Sister Luise Arens, at the University of Phnom Penh. Students' organisations were selected on the basis of conversations with students.

Khmer Students' Association

Founded: 1993.

President: Iv Bory.

Membership: Students of the University of Phnom Penh.

Activities: Human rights education; promotion of discussion groups, newslette, within university; cultivates international contacts; participated in 1993 electoral training and monitoring via *Ponleu Khmer*³⁹.

National Union of Khmer Students

President: Meas Saroeun.

Membership: Students of the University of Phnom Penh and Faculty of Economics and Law.

Activities: Provides financial assistance and means of livelihood for poor students⁴⁰.

Religious Leaders⁴¹

Samdech Preah Sangkarech Tep Vong, Supreme Patriarch of Monks. Honorary President of Khmer Buddhist Society in Cambodia.

Samdech Preah Maha Ghosananda, Supreme Patriarch of Monks. Leader of annual *Dhammayietra* and Coalition for Peace and Reconciliation.

Ven. Yos Huot. Coalition for Peace and Reconciliation.

Father Peter Trinh. Maryknoll Fathers. Roman Catholic priest serving ethnic Vietnamese communities in Cambodia.

Wat Swaay Popet, Phnom Penh.

Wat Takhmau, Kandal Province.

Khmer Nation Party⁴²

Founded: 11 November 1995.

President: Sam Rainsy, former Minister of Finance and Economics, former National Assembly representative (Funcanpec).

³⁹Chan Ratana, "Cambodia: Assassinations, Terrorism, Warnings, Judiciary Pursuits... Against Freedoms of Press", address, Cambodian Press Forum, Phnom Penh, 31 July 1996.

⁴⁰Personal interview, Phnom Penh.

⁴¹Religious leaders were chosen as representing the two major political orientations within the monkhood. The Ven. Tep Vong is an appointee of the former KPRP regime, former member of KNUFNS and elected to National Assembly 1981. Maha Ghosananda and Yos Huot both studied abroad; active in border refugee camps, late 1980s. Now associated with Coalition for Peace and Reconciliation and *Dhammayietra* Peace March. Father Peter Trinh is a Maryknoll priest serving Vietnamese Catholic communities.

⁴²The KNP was studied as the only opposition party supporting a significant section of the press and conducting activities openly in Phnom Penh and the provinces.

Aims: Protection and promotion of human rights and democracy; neutrality of the civil service; social justice and rule of law; protection of territorial integrity; protection and preservation of natural resources; assistance to the people in the form of land and housing; solution to the problem of illegal immigrants; review and amendment of improper contracts; elimination of corruption; ending of the fratricidal war between Khmer and Khmer; promotion of a free market economy⁴³.

Human Rights Issues: Declared illegal following launch; threats and intimidation against provincial offices reported; two KNP activists reported murdered 1996; demonstration subject to grenade attack killing 19 people, 30 Mar. 1997; most activists fled following July 1997 coup.

National Assembly⁴⁴

National Assembly Commission for Human Rights and Receiving Complaints

Founded: 1993.

President: H.E. Kem Sokha (BLDP).

Professional support: UN Centre for Human Rights, Asia Foundation.

Activities: Receives complaints, directly from the public, through National Assembly members, or from NGOs; investigates complaints; questions ministry officials over complaints; monitoring of legislation and advocacy⁴⁵.

Judiciary⁴⁶

Supreme Court

Phnom Penh Municipal Court

Kampot Provincial Court

Royal Government of Cambodia⁴⁷

Ministry of Interior: responsible for police, prisons and electoral legislation.

Ministry of Justice: responsible for court system.

Ministry of Cults and Religions: responsible for monks, ethnic minorities.

United Nations

⁴³Statutes of the Khmer Nation Party, official transl., 6 Nov. 1995, Phnom Penh, Art. 7.

⁴⁴Mr David Ashley of the UN Centre for Human Rights provided names of members of the National Assembly Commission for Human Rights and the Reception of Complaints. Other Assembly members interviewed were selected from news coverage of the Assembly's activities.

⁴⁵Personal interview, Phnom Penh.

⁴⁶Ms Christie Warren and the Court Training Project assisted in providing information about judges and gaining access to the Cambodian courts.

⁴⁷These ministries were selected for study because of their jurisdiction over human rights questions. The Ministry of Interior has jurisdiction over internal security, police and electoral arrangements. The Ministry of Justice has jurisdiction over the courts. The Ministry of Cults and Religions has responsibility for monks and for formulating policies regarding Cambodia's ethnic minority peoples.

United Nations Transitional Authority in Cambodia.

Existed: 1992-1993

Director, Human Rights Component: Dennis McNamara

Human Rights Activities: human rights education; general human rights oversight during the transitional period; investigation of abuse and corrective action⁴⁸.

United Nations Centre for Human Rights Field Office in Cambodia⁴⁹

Founded: 1993

Director: Daniel Premont

Activities: Training for public officials, police; court monitoring programme with training for judges; assistance in drafting legislation; assistance to the National Assembly Commission for Human Rights and Reception of Complaints; strengthening of human rights NGOs; activities to develop awareness of other important components of civil society; liaison with NGOs and monitoring of abuse in provinces⁵⁰.

In-Country Donor/Trainer NGOs⁵¹

US Democracy Project

Court Training Project

Funders: USAID, International Human Rights Law Group.

Director: Christie Warren.

Activities: Provision of technical assistance to Cambodian judges⁵².

Human Rights Task Force

Funders: USAID, International Human Rights Law Group

Co-ordinator: Alex Marcellino.

Activities: Training in human rights and organisational development for Cambodian NGOs⁵³.

Asia Foundation

Funders: USAID.

Director: John Summers.

⁴⁸*Agreement on a Comprehensive Political Settlement to the Cambodia Conflict*, annex 1, section E.

⁴⁹The UN Centre for Human Rights Field Office in Cambodia was created to continue human rights promotion in Cambodia after UNTAC's departure.

⁵⁰Michael Kirby, "A Continued United Nations Human Rights Presence in Cambodia," UN Document E/CN.4/1991/73, 24 February 1994.

⁵¹The US Democracy Project was selected for study as representative of a style of international human rights promotion which seeks to forge contacts between international and local practitioners. In this regard, the US Democracy Project took on the mantle of UNTAC in providing technical, material and political support.

⁵²Personal interview, Phnom Penh.

⁵³Personal interview, Phnom Penh.

Activities: Provision of training, material and technical assistance to: journalists organisations, the National Assembly, human rights NGOs, ministries⁵⁴.

International Donor/Trainer NGOs

International Human Rights Law Group

Based: Washington DC.

Cambodia Project Co-ordinator: Laura McGrew.

Activities in Cambodia: Supports Human Rights Task Force, Cambodian Defenders' Project, Court Training Project⁵⁵.

International Human Rights Watchdogs

Asian Human Rights Commission

Based: Hongkong.

Publications about Cambodia: Asian Human Rights Commission. *Report of the Fact-Finding Mission to Cambodia*. Hongkong: Asian Human Rights Commission, 1994.

Human Rights Watch/Asia.

Based: Washington DC.

Publications about Cambodia:

Human Rights Watch/ Asia. *Political Control, Human Rights and the UN Mission in Cambodia*. Washington DC: Human Rights Watch/ Asia, 1992.

--- "Cambodia: Human Rights Before and After the Elections." *Human Rights Watch/ Asia Bulletin*. 5:10 (May 1993).

--- "An Exchange on Human Rights and Peace-Keeping in Cambodia". *Human Rights Watch/ Asia Bulletin*. 5:14 (September 1993).

Human Rights Watch/Asia and Human Rights Watch Arms Project. *Cambodia At War*. New York: Human Rights Watch/ Asia and Human Rights Watch Arms Project, 1995.

⁵⁴The Asia Foundation, *1994 Annual Report* (San Francisco: Asiawatch, 1994), 9.

⁵⁵International Human Rights Law Group, "The Cambodian Provincial Court Training Project," unpublished report, 9 May 1995, Washington DC.

B. Target Groups Selected by UNTAC for Human Rights Education⁵⁶

A. UNTAC

UNTAC Civil Police
UNTAC Electoral Staff

B. Existing Administrative Structures (EAS)

Police of EAS
Teachers employed by EAS
Students in universities
Ministerial officials of EAS
Other civil servants of EAS
Political party representatives
Judges and prosecutors of EAS

C. Civil Society

Defenders (including from EAS)
Human rights associations
Women's associations
Journalists
Monks
Health professionals

⁵⁶Table reproduced from UNTAC Human Rights Component, Final Report, unpublished report, Phnom Penh, Sept. 1993, 54. Groups selected for study in this research are printed in bold.

Appendix 2

Tables A and B: Disbursements from the UNCHR Trust Fund for a Human Rights Education Programme in Cambodia (as of 31 July 1995)¹

A. Assistance to the Cambodian Government

Activity	Amount Spent	Amount Committed
Advisory services on prison reform and seminar on prisons	US\$ 16,049	US\$ 98,102
Training and information activities		
Assistance in reporting obligations	US\$ 17,400	
Study trip for health officials to Thailand on AIDS prevention strategies	US\$ 3,388	
Provincial network	US\$ 18,973	US\$ 61,726
Judicial Mentor Programme	US\$ 23,426	US\$151,374
Total	US\$ 79,596	US\$159,828
Grand Total	US\$239,424	

B. Assistance to Cambodian Non-Governmental Organisations

Organisation	Amount Approved	Description
Cambodian Institute of Human Rights	\$ 5,198	Translation into Khmer of the UN Manual on Reporting
Cambodian Institute of Human Rights	\$ 46,100	Curriculum project on human rights education
Cambodian Institute of Human Rights	\$ 3,901	Translation into Khmer of the Compilation of International Human Rights Instruments
Cambodian Human Rights Task Force	\$ 65,000	Assistance to Cambodian NGOs
International Catholic Migration Mission	\$ 49,074	Human rights education for women and communities (Battambang)
Enfants du Cambodge	\$ 800	Trauma relief; compensation to two widows whose husbands were killed in a DK attack
CHARTO	\$ 20,000	Human Rights Defender Programme and provincial training activities
KKKHRA	\$ 10,000	Training and assistance programme for minorities
Parliamentary Organisation for Social Development	\$ 13,427	To support the National Assembly and to broaden popular participation in the legislative process
Ponleu Khmer	\$ 6,000	Production of leaflets and newsletters on human rights
ASCEND	\$ 20,000	Production of videos in Khmer on criminal justice issues, prisons, child abuse and the handicapped

¹ Table reproduced from Michael Kirby, "Human Rights Questions: Technical Co-operation in the Field of Human Rights," UN Document A/50/68, Sept. 1995, 31-33.

Appendix 2: UNCHR Trust Fund

CADEAS	\$ 5,000	Human Rights Defenders Programme
Vietnamese Association	\$ 5,500	Assistance to displaced Vietnamese
Urban Sector Group	\$ 29,328	To work with urban poor, particularly squatters on forced evictions and housing rights issues
Cambodian Women Development Ass.	\$ 15,000	To work with marginalised women, particularly sex workers
Cambodian Human Rights Information Organisation	\$ 17,272	To act as a liaison between the Commission on Human Rights of the National Assembly and the local and international NGOs on human rights monitoring
Vigilance	\$ 10,000	to improve the ability of this large human rights organisation's provincial offices to provide investigation and monitoring services
Human Rights Task Force	\$ 8,000	To strengthen the monitoring, networking and advocacy work of provincial human rights groups
Cambodian Institute of Human Rights	\$ 30,000	To print the schools human rights curriculum previously prepared and distribute to 80,000 Cambodian teachers
Cambodian Human Rights Co-ordination Committee	\$ 5,000	To help in the establishment of a co-ordinating group of nine human rights groups and to defray the costs of a newsletter
Children's Rights Project	\$ 22,000	To improve the capacity of a Khmer NGO to advocate and monitor the rights of Cambodian children
Action Committee	\$ 5,000	To help establish a committee of six NGOs to respond quickly to human rights violations
Vietnamese Association	\$ 10,000	To provide skilled technical support in the areas of investigation and monitoring of human rights abuse against the Vietnamese minority
Outreach	\$ 10,000	To provide technical assistance to improve research and report writing skills
Licadho	\$ 15,000	Medical assistance in prisons
Licadho	\$ 3,000	Publication of hygiene booklets
Charto	\$ 9,625	Human rights video and production on women and children's rights to be disseminated to human rights NGOs
LCDHC	\$ 300	Celebration of Human Rights Day
ADHOC	\$ 300	Celebration of Human Rights Day
Licadho	\$ 300	Celebration of Human Rights Day
Action Committee	\$ 500	Celebration of Human Rights Day
Cambodian Institute	\$ 1,600	Celebration of Human Rights Day
Total	\$442,225	

Appendix 3: Interview Schedules

A. Questions Addressed to All Cambodian Interviewees

1. What problems need to be addressed as a priority in promoting human rights in Cambodia?
2. What kinds of people are violating human rights in Cambodia?
3. What kinds of people are suffering most from human rights violations?
4. The leaders of some South East Asian countries have said that economic development is the most important priority for poor countries and that human rights and democracy should wait until later. Do you agree with that?
5. Do you think human rights are a new idea in Cambodia?
6. Are there any Cambodian customs that need to be changed because they conflict with human rights?
7. Do you think there are any human rights that are not suitable for promotion in Cambodia?
8. How can the international community help to promote human rights in Cambodia?

B. Additional Questions for Human Rights NGOs

1. What motivates you to work in human rights?
2. What are the main aims of this organisation?
3. Do you think you could serve your aims effectively by working for a political party, rather than an NGO?
4. How does your organisation attempt to influence the government on human rights issues?
5. How does the government react?
6. Do you feel your organisation or your workers need protection because you promote human rights?

7. Are there any human rights you do not promote because you think it would cause trouble between your NGO and the government?

C. Additional Questions for Religious NGOs/Monks

1. What motivated you to work in this NGO/ What interested you in human rights?
2. What are the main aims of this organisation/ your human rights work?
3. What kind of problems does the Buddhist religion face in Cambodia at the moment?
4. What kinds of methods does this organisation/ do you use to promote human rights in Cambodia?
5. What do you think are the similarities and differences between human rights and Buddhism?
6. Do you think that by promoting human rights you are bringing Buddhist principles into politics?
7. How does your organisation/monks attempt to influence human rights abusers?
8. How do they react to these strategies?
9. Do you feel your organisation or its members/ you need protection because you promote human rights?
10. Do you think monks can help to protect others because of their special status?
11. Are there any human rights you do not promote because it would cause trouble between your NGO/ the monkhood and the government?

D. Additional Questions for Minority NGOs

1. What motivates you personally to work in the field of human rights?
2. What do you see as the main aims of this organisation?
3. What sort of particular problems do your members face in Cambodia?
4. Do your members face discrimination?

5. Do you think you could serve your aims effectively by working for a political party, rather than an NGO?
6. How does your organisation attempt to influence the government on human rights issues?
7. How does the government react to these strategies?
8. Do you feel your organisation or your workers need protection because you promote human rights?
9. Are there any cases where you do not get involved because you think it would cause trouble between your NGO and the government?

E. Additional Questions for Journalists

1. What motivated you to become a journalist?
2. Who reads your newspaper?
3. How large is the circulation of this newspaper?
4. Who funds your newspaper?
5. What role do you think journalists play in Cambodia?
6. What are the major problems facing newspapers in Cambodia?
7. What kind of stories are most popular with the public?
8. How can journalists' associations help journalists in Cambodia?
9. Do you ever receive complaints or pressure from the government over the stories you print?
10. Several journalists have been attacked since 1993, and some have been killed. How can you protect yourself from that?
11. Can local human rights NGOs help to protect journalists?
12. Do you think the press in Cambodia has freedom of speech?

F. Additional Questions for Lawyers and Defenders

1. What motivated you to become a lawyer/defender?
2. What role do lawyers/defenders have in Cambodia?
3. What are the problems facing lawyers and defenders working in the Cambodian courts?
4. What difference can a lawyer/defender make to the treatment of prisoners?
5. Are there any kinds of prisoners you would not like to defend, or any kinds of cases you would not like to take?
6. Do you see your work in the courts as connected with the promotion of human rights in Cambodia?
7. What strategies do you use to promote human rights in the Cambodian courts?
8. How do the police and judges react?
9. Are there any cases you would not want to take because it would cause trouble between you/ your NGO and the government?

G. Additional Questions for University Faculty and Students

1. How long have you been at this university?
2. How has the university changed since the Royal Government was formed?
3. What role does the university/ student groups play in the development of Cambodian society?
4. What are the major problems faced by the university/ students?
5. What can you do to try to solve these problems?
6. What is the relationship between the university/ student groups and the government?
7. How can the international community help the university/ students?
8. Do intellectuals have freedom of expression in Cambodia?

H. Additional Questions for Khmer Nation Party Officials

1. What motivated you to set up/ join this party?
2. In what ways does this party differ from other political parties in Cambodia?
3. What do you think is the most popular part of the party's platform?
4. Your party has been subject to a number of violent attacks; why do you think your party has been targeted?
5. How can you protect yourselves and your supporters from violence?
6. Are there any kinds of party activities that you have decided not to do because you might be attacked?
7. Can local human rights NGOs help to protect you?
8. If your party is elected and takes power, what will be the most urgent priorities for promoting respect for human rights?
9. Do you think there is anything you can do as an opposition party to promote human rights in Cambodia?

I. Additional Questions for National Assembly Members

1. What motivated you to stand for election to the National Assembly?
2. What is the role of the National Assembly in Cambodia today?
3. What problems does the National Assembly face in Cambodia at present?
4. What is your opinion of the human rights situation in Cambodia at present?
5. What are your party's policies on human rights?
6. Do you think these policies are popular with voters?
7. Do you think the National Assembly has a role to play in promoting human rights in Cambodia?
8. How can local human rights NGOs help to promote human rights?
9. Do you think the 1998 election will be important for human rights in Cambodia?

10. What do you see as the role of opposition parties in Cambodia?

J. Additional Questions for the Judiciary

1. How did you become a judge?
2. What is the role of judges in Cambodia today?
3. What kinds of problems do judges face in performing their duties?
4. Where can you find help or support in solving these problems?
5. Do you think human rights NGOs and public defenders have a role to play in the Cambodian court system?
6. Do you think judges have a role to play in promoting human rights in Cambodia?
7. Do you think criminals should have the same rights as other people?
8. How can the international community help judges in Cambodia?

K. Additional Questions for Royal Government of Cambodia

1. What are the problems the government faces in trying to promote human rights in Cambodia?
2. Is promotion of human rights a priority for the government at present?
3. Can human rights NGOs help you to address these problems?
4. Do you think there is a role for an opposition party to play in promoting human rights in Cambodia?
5. Do you think multi-party elections are important in Cambodia?

L. Questions Addressed to Former UNTAC Human Rights Component Employees

1. What motivated you to work for UNTAC?
2. What was UNTAC's role in promoting human rights in Cambodia?
3. What problems did it face in carrying out that role?

4. What successes did UNTAC have in terms of human rights?
5. To what extent did it fail?
6. Were human rights a priority issue for UNTAC?
7. What kinds of human rights problems were the most important for UNTAC?
8. What was the relationship between UNTAC and local human rights NGOs?
9. What kinds of people got involved in human rights NGOs in Cambodia?
10. Were human rights a new idea to Cambodians?
11. Did you find any cultural differences in people's attitudes to human rights in Cambodia?
12. Did ordinary Cambodians find any of the human rights you promoted difficult to understand or accept?
13. What kinds of people were violating human rights in Cambodia in UNTAC's time?
14. What kinds of people were suffering?
15. How important was the election for human rights in Cambodia?
16. How do you think the international community can continue to help promote human rights in Cambodia?

***M. Questions Addressed to Employees of UN Centre for Human Rights/
International NGOs.***

1. What motivated you to work for this organisation?
2. How would you describe the role of the organisation?
3. What are the major problems faced by the organisation?
4. What successes has the organisation had?
5. How would you describe the relationship between the organisation and local NGOs?
6. How would you describe your organisation's relationship with government?

7. What sort of problems do you think need to be addressed as a priority for promoting human rights in Cambodia?
8. Do you think the international community has a responsibility to promote human rights in Cambodia?
9. To what extent do your organisation's activities constitute an interference in Cambodia's internal affairs?
10. Do you think the international community can protect local activists from attack?
11. What are the most effective methods the international community can use to influence the Cambodian government?
12. Do you think human rights are a new idea in Cambodia?
13. Do you find any cultural differences in the way Cambodians view human rights?
14. Do you think there are any human rights which are not suitable for promotion in Cambodia?
15. Do you think the Cambodians you deal with find any of the human rights you are promoting difficult to understand or accept?
16. Do you think the 1998 elections are important for human rights in Cambodia?
17. Do you think international organisations should play a role in that election?