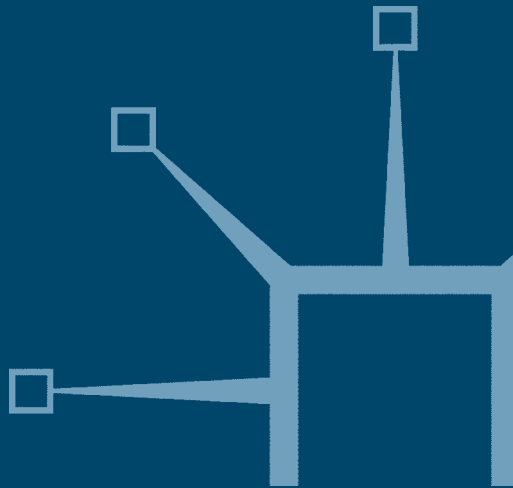


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International Democracy Assistance for Peacebuilding

Cambodia and Beyond

Sorpong Peou



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International Democracy Assistance for Peacebuilding

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Sorpong Peou

Professor of International Security

Sophia University, Japan

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To My Daughters, Sophia and Josephine

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Contents

<i>Preface and Acknowledgements</i>	viii
Introduction	1
Part I The Analytical Framework	7
1 Democratic Regime Consolidation and International Democracy Assistance	9
2 Institutional Structure and Structural Challenges	21
3 Research Methodology: Cambodia as Case Study	33
Part II Power vs. Democratic Consolidation	47
4 Electoral Procedural Rules under Constraint	49
5 Liberal Norms under Stress	61
6 Liberty under Pressure	73
Part III The Limits of Institutionalization	85
7 State Institutions' Underdevelopment	87
8 Political Society's Underdevelopment	100
9 Civil Society's Underdevelopment	112
Part IV Structural Challenges to Institutionalization	125
10 Non-material Constraints	127
11 Economic Impediments	139
12 Political Impediments	151
Part V The Limits of Democracy Assistance	165
13 Limits of Assistance for Institution Building	167
14 Limits of Economic Assistance	180
15 Limits of Political Assistance	193
Conclusion: Toward Complex Realist Institutionalism	207
<i>Notes</i>	216
<i>Selected Bibliography</i>	236
<i>Index</i>	253

Preface and Acknowledgements

I wrote this book because of my deep desire for peace. My experiences in life have shaped me this way: I have survived two wars and severe repressive violence. Born in Cambodia, I left the country soon after the Vietnamese invasion in late 1978 and found myself in different refugee camps on the Thai-Cambodian border and inside Thailand. I left the last camp for Canada, my home base ever since.

I recognize the difficulty of writing on the politics of peace and democracy promotion. In spite of certain shortcomings, my previous studies on intervention have strong empirical support. I published a book in 1997 (*Conflict Neutralization in the Cambodia War: From Battlefield to Ballot-box*) contending that peace will not come unless we deal with security issues head on. Political compromise through negotiation has the best potential to build peace and promote democracy. Another book (*Foreign Intervention and Regime Change in Cambodia: Towards Democracy?*), published in 2000, warns of the dangers of hegemonic power politics in weak states.

This book further reveals the limits of democracy assistance. Cambodia serves as the main case study, and I explain the rationale behind this case selection in Chapter 3. The country has now achieved basic negative peace. The donor community and the Cambodian Government deserve credit for this commendable achievement. Now they must do more to help develop the economy, even though economic growth alone will not help consolidate democracy in post-war societies such as Cambodia.

I still humbly disagree with both certain academic 'prophets' of doom, who insist that international donors have done Cambodia more harm than good or accomplished nothing, and those who advocate violence as a means to build democracy.

I remain somewhat optimistic about the future of democracy in Cambodia, having learned that democracy in some East-Asian countries now experiences some consolidation. Still, I do not accept any contention that democratic regime consolidation has become an easy, linear process that stays irreversible forever.

I have disagreed with the well-known conventional wisdom put so eloquently by US Vice President Dick Cheney: 'We don't negotiate with evil; we defeat it.' US President George W. Bush's famous ultimatum to

the nations of the world – ‘Either you are with us or you are with the terrorists’ – further reveals an utter lack of certain realist wisdom, which often advocates diplomacy and accommodation.

As a political scientist, I seek first and foremost to advance a theory that helps explain political developments and make predictions, rather than implore or ‘prosecute’ anyone. So let me state where I stand on theoretical ground: A pacifist at heart (shaped by my Christian faith), I have developed a perspective based on insights from the literature in Comparative Politics and International Relations (most notably Kantianism, constructivism, and realism). All this sounds somewhat contradictory, but I seek to strike an eclectic balance by taking into account what I see as institutional and structural challenges to democratic regime consolidation. Based on the Cambodia case and other case studies, I propose a distinct theoretical perspective called ‘complex realist institutionalism’, which I believe can help us capture well the great difficulties of democracy building in post-war societies.

One last word of caution regarding the target audience: This book uses Cambodia as the main case study and may thus prove useful to those interested in its recent political development and the role of international democracy assistance to this country. Those who have little interest in Cambodia may also find the book of interest because of its attempt to advance ‘complex realist institutionalism’.

Let me now express a word of gratitude to those who lent me a helping hand over the years – although I left out many names for security reasons. First and foremost, I would like to convey my debt of gratitude to the Netherlands Institute of International Relations Clingendael in The Hague (The Netherlands), which funded an initial research project assessing the impact of international assistance on democratic institution building in Cambodia, upon which I developed this study. Both Luc van de Goor and Jeroen de Zeeuw earned my respect for their steadfast support for this project.

Other scholars made critical but extremely helpful comments, and I would like to thank them. They include the anonymous reviewers, Professor Peter Leuprecht of the Montreal Institute of International Studies (also Special Representative of the Secretary-General of the UN for human rights in Cambodia from 2000 to 2005), Dr Thomas Carothers of the Carnegie Endowment for International Peace, Professor William Case of City University of Hong Kong, Professor William B. Frolic of York University, Simon Springer of the University of British Columbia, and several others who wished to remain unidentified. Both William Wood

and Shawn Finn also offered very useful editorial comments on the final draft of the book manuscript.

I also would like to thank the Cambodian Institute for Cooperation and Peace (CICP) based in Phnom Penh and five of its young researchers for providing me with helpful assistance during the first few months of an early project. My special thanks also go to Sok Hach, Executive Director of the Economic Institute of Cambodia and several members of his research team, particularly Tuy Chakriya, for having offered me office space and moral support during my fieldwork in Cambodia.

Moreover, I wish to thank Sophia University for having granted me a recent sabbatical leave that allowed me to complete the book, and I pay tribute to my colleagues, particularly those in the Faculty of Liberal Arts, for their friendship and encouragement.

Last but not least, I owe my wife Chola and two wonderful daughters – Sophia and Josephine – the biggest debt of gratitude: because of their love for me and the love I have for them, I always find enough strength to carry on my work.

I alone take full responsibility for any sins of omission and commission.

Introduction

The end of the Cold War in the early 1990s gave rise to peacebuilding activities in war-torn societies in various regions of the world. The number of interstate conflicts then continued to decline noticeably, but that of intrastate ones rose and posed a growing threat to international, national, and human security.¹

Academic literature in this field of study became a growth industry in the 1990s, even though the concept of peacebuilding had emerged long before this period. In 1966, the functionalist theorist David Mitrany used the term 'peacebuilding', which seems to imply that peace prevails when 'our common society' conquers 'poverty', 'disease', and 'ignorance'.² Ten years later, the leading pacifist Johan Galtung, known for his concept of positive peace, employed the same term (distinct from peacemaking and peacekeeping) as a strategy to abolish structural violence.³ It took the United Nations 16 more years to popularize the concept, when the then – UN Secretary General Boutros Boutros-Ghali adopted it in 1992.⁴

Peacebuilding seems to hold the greatest potential, largely because other approaches to security can only offer 'band-aid' solutions to deep root-causes of conflict. Throughout the 1990s, humanitarian intervention held great promise when states, particularly the United States and its NATO allies, showed their willingness to save people in strange places. The logic of international solidarity emerged. But the 2000s saw no effective humanitarian interventions; when undertaken, they proved either ineffective⁵ or controversial.⁶ Economic sanctions (including smart ones), which increased in number in the 1990s,⁷ have their limits,⁸ and have often proved counter-productive when put in the context of human security. Civilians suffered more from sanctions than their leaders. Peacekeeping does not always succeed. Even when it works, peacekeeping offers no lasting solutions to the problem of war.

By saying that peacebuilding holds the greatest potential, I do not suggest that this approach has thus far produced only success stories. Critics of peacebuilding have much to say about the limits of neo-liberal/Kantian internationalism, most notably in the area of intervention.⁹ Still, if successful, peacebuilding can best promote human, national, and international security.

The question remains: At what point does peace become consolidated or sustainable and how can we achieve this objective? Some scholars believe peace gets consolidated when warring actors within a given society develop, as Elizabeth Cousens puts it, 'the capacity to manage conflict without violence'.¹⁰ Her view rests on this premise: preventing renewed hostilities or successful conflict management requires 'effective mechanisms [social, political, and legal] by which a polity can resolve its rival claims, grievances, and competition over common resources'.¹¹ The 'elements of positive peace that hold the most promise for peacebuilding – effective public institutions, meaningful political inclusion, norms of fairness and access, legal protection for groups and individuals, and so on – are precisely those that create mechanisms for addressing grievances and resolving conflict.'¹² But for her, mechanisms for conflict management in post-war societies need not always take a liberal democratic form.

The academic literature shows no lack of criticism leveled against liberal democracy and the failure of efforts to promote it in war-torn societies. While some scholars view this type of effort as futile (having no effect on dictatorial systems), others see it as dangerous. Former Prime Minister of Singapore Goh Chok Tong once sternly warned that Western-style democracy 'could bring the country down'.¹³ The external imposition of liberal democracy on war-torn societies, others argue, can exacerbate existing violent conflicts or bring about further social and political disorder.¹⁴

But democracy from the liberal tradition underpins this study, which does not regard it as impeccable. British Prime Minister Winston Churchill's well-known point made in 1947 still rings true today: 'No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time.'

Still far from perfect, liberal democracy proves itself a much better system of government than non-democratic ones; it helps promote human freedom and interests.¹⁵

Empirical studies further show that, while semi-democracy may provide some stability¹⁶ and that the autocratic models of economic

development may bring temporary successes, democracy does not necessarily impede economic development and may provide better conditions for sustainable economic development than dictatorship can.¹⁷ As Amartya Sen has pointed out: 'no substantial famine has ever occurred in any country with a democratic form of government and a relatively free press.'¹⁸ According to a study based on 138 countries over the period 1950–1990, 'democracies showed markedly lower infant mortality rates than dictatorships' and outperformed the latter 'at every level of per-capita GNP'.¹⁹ Democratization helps overcome security problems. Democracy building, for instance, can help combat the threat of transnational terrorism. As Jennifer Windsor puts it, 'Democratic institutions can help address underlying conditions that fuel extremism'.²⁰ Finally and arguably, democracies show less inclination than dictatorships toward waging war against each other.²¹

One of Bruce Russett's basic points deserves consideration here: 'the initial creation of democratic institutions may contribute to the explosion of ethnic conflicts, by providing the means of free expression, including expression of hatred and feelings of oppression.' This point, however, 'does not mean...that the solution lies in less democracy. Rather, it likely lies in devising institutions, and nurturing norms and practices, of democratic government with respect for minority rights'.²²

We thus need to ask the hard question of how to build democratic institutions without exacerbating ongoing violent conflicts. Proponents of democracy still ask how new democracies in former war-torn countries can successfully build institutions that 'foster free and open competition without descending into factionalism' and that make leaders 'more willing to accept meaningful constraints on their authority'. In other words, they still seek to understand 'how to build the specific institutions that reduce the risk of violent instability in countries where democracy is being established'.²³

A more recent study, by a panel of independent scholars who analyzed the fate of democracies and dictatorships around the world between 1955 and 2002, empirically validates the relationship between democratic consolidation and institution building. Their findings show that 'political institutions and the patterns of political behavior that evolve around them determine a country's resistance to instability'. The study confirms that 'countries with the most vulnerable institutions face relative odds of near-term political crises that are higher by roughly eight to two dozen times'.²⁴

But how to build and maintain institutions successfully remains a daunting task. Institutionalists tend to ignore structural factors. In the

mid-1990s, Karen Remmer once reminded us that, 'comparativists have all but abandoned efforts to generalize about macrosocial prerequisites for political democracy in favor of more contingent understandings emphasizing the strategic choices of political actors.'²⁵

Structural challenges to institution building matter significantly. New institutions in post-war societies remain pathetically weak or often collapse. Just because peacebuilders have the best intentions when building institutions does not mean that these institutions automatically become strong over time. We must pay close attention to the question of whether structural factors can constrain or impede institution building efforts or give rise to success or failure.²⁶

This book acknowledges that institutionalists put their hearts in the right place when engaging in designing institutions, but the question remains: How do we make them work as intended?

We may need to paraphrase the point made by both March and Olsen that 'political democracy depends not only on economic and social conditions but also on the design of political institutions.'²⁷ In other words, democracy depends not only on the designing of institutions, but also on various structural conditions.

This book thus seeks to shed more light on structural challenges to democratic institution building, working through the interplay between institutional structure and structural challenges. Cambodia provides a useful laboratory for refining existing theoretical propositions regarding democratization. Writing in 1998, both Mark Gasiorowski and Timothy Power argue that, 'The empirical literature on consolidation that has appeared so far consists of mainly single-country case studies and comparative analyses focusing on Latin America and Southern Europe' and that the literature has 'its limited geographical scope.'²⁸ Valerie Bunce makes a similar argument: 'Our understanding of recent democratization – of such issues as the origins and consolidation of new democracies – has been heavily influenced by the experiences of Latin America and Southern Europe.'²⁹ Countries in Southeast Asia deserve more academic attention, not because it remains the most unique region in the world as some scholars think, but because of its diverse political experiences.

Moreover, few countries in the world have become more aid-dependent than Cambodia. The post-war country provides an excellent example for peacebuilders: between 1992 and 2006, the international donor community spent at least US\$6 billion on the country. International assistance alone accounted for 50 per cent of its annual

national budget. Yet democracy has remained unconsolidated and may even recede towards 'electoral dictatorship'.

The question remains: Why could international assistance not help consolidate democracy in this country?

This book seeks to answer that question in a systematic fashion. It contains five major parts with 15 chapters seeking to explain why international donors may succeed in helping put war-torn societies on the path of democratic transition and peace, but often fail to consolidate the democratic gains they make. Part I of the book develops an analytical framework. Critical of rational-choice institutionalism, this book advances a theoretical perspective called 'complex realist institutionalism' (CRI) to explain the limits of international democracy assistance to post-war societies. Sympathetic to, but not uncritical of, historical and normative institutionalisms, this book reveals the structural constraints and impediments that interfere with the process of democratic regime consolidation. This study uses Cambodia as the main case study for a number of reasons, as we shall see in Chapter 3. Part II only describes how Cambodia's electoral procedural rules, the liberal norms of accountability and non-violence, and the principle of liberty still came under threat. Part III then explains why the new democratic regime in Cambodia remained largely unconsolidated, by demonstrating that the state, political, and civil society institutions did not grow strong enough to establish an effective system of checks and balances. The key institutions remained extremely weak. Part IV further shows how structural challenges (both non-material and material) constrained and impeded the country's institutional development. Part V seeks to make sense of why international democracy assistance proved unable to remove the structural challenges to democratic regime consolidation in the country. The final conclusion draws lessons from the Cambodian and other case studies to advance CRI.

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Part I

The Analytical Framework

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1

Democratic Regime Consolidation and International Democracy Assistance

This chapter defines two key analytical concepts: democratic regime consolidation and international democracy assistance. It distinguishes liberal democracy from the various forms of democracy and dictatorship and points out that democratic consolidation (as part of the process of democratization) remains quite distinct from democratic transition. This study defines democratic consolidation as the process of moving further away from democratic transition and toward a mature democratic regime in which elite members of the major state, political, and civil society institutions effectively or fully comply with the electoral procedural rules, liberal principles and norms of the political game. Democratic transition as a political process does not automatically lead to democratic consolidation and may fall back toward dictatorship. This chapter defines international democracy assistance as a type of assistance provided by bilateral and multi-lateral actors for the promotion of democracy.

Democracy vs. dictatorship

Democracy and dictatorship stand at opposite ends of political development. Dictatorship represents the hardest end. It has its origins in ancient Italian cities (including Rome), where rulers – viewed as autocrats or near-despots – governed as magistrates enjoying absolute power during periods of emergency. By and large, the concept of dictatorship refers to absolute rule unrestrained by law. Dictators have tight control over state institutions, such as the military, the legislature, and the judiciary. They eliminate active opposition and justify their absolute rule with certain ideological rationalizations. No competitive multi-party elections take place. Dictators rule for indefinite periods of

time, possibly for life. Changes of government come about only when dictators die or get thrown out by revolution, *coup d'état*, war, and so on. Civil society does not exist. Dictators control the mass media.

In modern times, dictators include people who led totalitarian regimes, such as Adolf Hitler of Germany, Josef Stalin of the Soviet Union, Benito Mussolini of Italy, and Mao Zedong of China.

Throughout history dictatorship has manifested itself in various degrees and forms: monarchical, military, civilian, socialist, and electoral. There exist several examples of monarchical dictatorship, such the rule of King Louis XIV of France, who regarded himself as one with the state (*'L'état, c'est moi'*). Civilian dictatorships have existed throughout history, especially when effectively backed by armed forces, as in the case of Nazi Germany. Military dictatorships include the one in Japan prior to the end of World War II and the military junta in present-day Burma (Myanmar). A military junta consists of officers of equal political rank and drawn from the various military services. Socialist dictatorships include those based on Marxism-Leninism. Founder of modern communism, Karl Marx developed the concept of 'dictatorship of the proletariat'. The working class would take control of all productive forces with the aim of putting an end to the class struggle against capitalists. The Communist Party allows no alternative parties to compete in elections and controls society.

We can add the concept of 'electoral dictatorship' to the list. This type of dictatorship moves closer to civilian dictatorship, because it allows the existence of an electoral system, albeit one effectively controlled by one hegemonic party. Electoral competition does not exist in any meaningful way, since the hegemonic party dictates what goes on in the political arena. Civil society hardly exists; if and when it does, none of its actors shows any willingness or capacity to constrain the incumbent hegemon. Electoral dictatorship remains distinct from 'electoral democracy' often referred to by some scholars as 'electoral authoritarianism' or 'competitive authoritarianism', characterized by the domination of ruling parties in electoral competition.¹

For its part, democracy has many adjectives. In the mid-1950s, around 200 definitions of democracy existed.² Liberal democracy may continue evolving into something else, such as participatory or even socialist democracy. Socialist democracy as a post-capitalist, pro-communist system of government may sound ideal, but to study it requires only philosophical speculation and normative commitment based on a certain contempt for liberal democracy.³ We need to use an operationalizable concept.

This book defines democracy in liberal terms. It goes beyond Huntington's procedural definition, which asserts that, 'a twentieth-century political system [is considered] democratic to the extent that its most powerful collective decision makers are selected through fair, honest, and periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to vote.'⁴ For others, democracy contains the following elements: 'competition, participation, and civil and political liberties'.⁵ Liberal democracy does not rest upon a political system but rather on a regime encompassing these features. Renske Doorenspleet captures the meaning when stating the following: 'A liberal democracy is a regime in which there is meaningful and extensive competition, sufficiently inclusive suffrage in national elections, and a high level of civil and political liberties.'⁶ Another scholar similarly characterizes liberal democracy as 'a political system marked not only by free and fair elections, but also by the rule of law, a separation of powers, and the protection of basic liberties of speech, assembly, religion, and property.'⁷ This study defines a democratic regime as one whose elites comply with the electoral procedural rules and liberal principles and norms.

Electoral Procedural Rules: Collective decision-making procedures in liberal democracies consist of the political process that allows citizens to pursue their interests by electing representatives. Modern democracies would not function effectively without elected representatives, who do much of the real policy work. This has much to do with the idea that modern democracy also means governability.⁸

Procedures exist to govern the electoral process. Before elections, procedures include voter and party registration systems, issuing voter identification cards, as well as registering and qualifying political parties. During election days, there exist certain procedures concerning the presence of voters at the polling stations, ballot boxes, and the casting, counting, and delivering of ballots. After the election, election administrations can verify the final count, go through other mechanisms (generally known as electoral tribunals) to settle electoral disputes among political parties by way of investigation and adjudication, and certify election outcomes.

One basic procedural rule has it that multi-party elections must take place on a regular basis (repeatability), generally stipulated by democratic constitutions. Government leaders in democratic states do not seek to maintain their power by postponing elections as often as they wish or by canceling them at will. This electoral rule distinguishes liberal democracy from dictatorship, as noted earlier.

Another electoral procedural rule has to do with the idea of transparency. Before, during, and after elections, transparency subjects government officials to openness with the aim of preventing them from acting to serve their personal interests in secrecy. Citizens have access to information about what they do, such as the public policy decisions they make, the national and local budgets they pass, the taxes they collect, and the laws they adopt. Citizens do not elect their representatives in secrecy and their representatives do not make decisions in ways unknown to the electorate at large.

The other three electoral procedural rules include freeness, fairness, and representation. Freeness simply means citizens enjoy voting rights based on political equality, which excludes economic equality as generally recognized in the socialist doctrine. The liberal conception of democracy means that market forces remain seen as beneficial, rather than detrimental, to democratic existence or survival. Efforts promoting economic equality have always received skeptical treatment by liberals, who regard them as impossible to achieve and even detrimental to the principle of liberty. Political equality thus simply means the equal right to get involved in the political process. Norberto Bobbio regards democracy only as 'a regime in which all adult citizens have political rights, one in which there is universal suffrage'.⁹ The rule of fairness rejects discrimination against certain parties, especially opposition ones, and defends the need to establish and maintain a level playing field. Democratic states also adhere to the electoral rule of representation. Citizens engage in the process of selecting their representatives, who can act on their behalf and in their interests. Democratically elected governments represent voters' interests by demonstrating their responsiveness to the needs of their constituencies.

The Principle of Liberty: Liberty remains the most fundamental liberal principle.¹⁰ According to Zakaria, 'Liberty in the modern world is first and foremost the freedom of the individual from arbitrary authority, which has meant, for most of history, from the brute power of the state. It implies certain basic human rights: freedom of expression, of association, and of worship, and rights of due process.'¹¹ Individual citizens enjoy legal protection from the state's arbitrary and legitimate exercise of power. According to Bobbio, 'the doctrine of the juridical limits of the power of the State' remains fundamental in liberalism.¹² Moreover, citizens enjoy economic liberties, governed by the right to private property. Other freedoms allow them to choose the religion they want to practice, the places in which they want to reside, the career they want to pursue, and the persons they wish to marry.

Liberal Norms: The most basic liberal norms in democratic societies include accountability and non-violence. The norm of democratic accountability comes under challenge when elected officials do not hold themselves accountable for their policy decisions and actions or do not hold unelected officials to account. A democratic regime exists, for instance, if the legislature at least has the power to call members of the executive branch to answer critical questions related to policy matters and take appropriate action against them if found acting against the law.

Non-violence remains the second most basic norm in modern democracies. Democracy does not mean that social groups (especially political parties) must not compete for power, but only that they reject violence as the appropriate standard of political and social behavior. While competitive, social groups or parties maintain cooperation. The rule of law underpinning the democratic norm of non-violence prevails when significant social groups under a particular democratic regime behave under constitutional and legal constraints.¹³

The liberal norm persists only when they refrain from putting out statements inciting social violence or engaging in violent activities against the democratically elected government. State and non-state actors may still seek to remove the elected government from office, but must do so peacefully, namely by not resorting to such means as violent coups or armed struggles. Socialist revolutionary forces sometimes use violence as their instrument to capture power undemocratically, with the intent to establish dictatorships. Larry Graham observes that, 'a consolidated democratic regime cannot be achieved without commitment from the military that it will not intervene in politics regardless of electoral outcomes and that it will ignore appeals to the military for assistance on their behalf.'¹⁴

Democratic regime vs. power consolidation

Transitology and consolidology in democracy studies remain distinct in the process of democratization. Transitology has its own intellectual patron, Niccolò Machiavelli, the first to become concerned with the uncertainty of transition from princely to republican regimes. However, consolidology has no such patron. Contemporary scholars interested in the question of democratization used to study democratic transition, but have in recent decades become interested in the question of democratic stability and quality.¹⁵

Democratic transition as part of the process of democratization has several features that do not necessarily or automatically transform

post-war societies into consolidated democracies. Elites in societies transiting toward democracy comply with a limited number of electoral procedural rules, norms, and principles. Viewed this way, democratic transition does not start with only a 'founding election',¹⁶ since the early stage of democratization appears far more complex than this.

First and foremost, democratic transition begins with the departure from dictatorship. It may begin with a liberal democratic agreement based on a set of electoral procedural rules, principles, and norms to establish a democratic regime.

Second, power-contending elites must then hold the first round of relatively transparent, free, fair, and representative elections. Elections need not become truly transparent, free, fair, and representative right away, largely because compliance with these electoral rules remains matters of degree.¹⁷ In other words, a democratic transition should begin with the new political process aimed at replacing a non-democratic or dictatorial government with a democratically elected one.

Third, the electoral process must proceed with a peaceful transfer of power. The ruling party may win the first round of elections, but losing parties must accept the election outcome without engaging in any illegitimate acts, such as violent protests and demonstrations or armed revolts. If an opposition party wins, the ruling party must non-violently concede and transfer its power to the winner. This does not rule out the possibility of power-sharing in parliamentary systems, where coalition politics remains legitimate.

As we shall discuss next, consolidology must go beyond all this. One of the problems with democratic consolidation has to do with the fact that the concept seems to mean different things to different scholars. They tend to define the concept as they see fit. Some regard the concept as 'slippery' and lacking appropriate operational measures, forcing them to develop individual concepts for their work.¹⁸ Others urge their colleagues to free themselves from 'illusions about consolidation'.¹⁹

This study focuses on the process of democratization, emphasizing the process of democratic regime consolidation,²⁰ rather than democracy, as the final outcome of progression. It does not engage in research defending the argument for teleology, generally understood as an automatic or linear progression toward the ultimate endpoint of an ideal type of democracy, namely, 'consolidation is not and should not be conceived as a linear process, moving inexorably towards successful completion. Empirical reality has amply demonstrated in recent years that protractedness, stagnation, temporary reversal, and, quite often, deconsolidation are equally, if not more likely outcomes.'²¹ The process

of transformation or change – both democratic transition and consolidation – remains essentially subject to progresses and setbacks or reversals to electoral dictatorship²² or ‘transitions’ followed by either ‘rapid deaths’ through classical military coups or ‘slow deaths’,²³ or ‘democratic erosion’ over a period of time (as opposed to overthrow).²⁴

Democratic development may break down and may subsequently become reconsolidated. In short, the process of democratization can swing between democratic transition, consolidation, deconsolidation, and reconsolidation. Overall, however, we should treat democratic consolidation as open, transformative, and boundless. As Schedler puts it, ‘no democracy will ever be “fully consolidated”’.²⁵

The literature on democratic consolidation has now become a growth industry and the concept has multiple meanings. Schedler identifies five of them: two negative ones (avoiding democratic breakdown and avoiding democratic erosion), a neutral one (institutionalizing democracy), and two positive ones (completing democracy and deepening democracy). Democracy gets consolidated if it can avoid a breakdown or ‘rapid death’ caused by violence, such as a coup, or if it can avoid a ‘slow death’, meaning backsliding or regression toward autocracy or dictatorship. For scholars who define democratic consolidation in positive terms, the concept either means the process of completing (reaching the goal of completing a pending transition toward democracy) or deepening (progressing toward advanced democracy). Between the two groups of definitions, there stands a neutral one: the institutionalization of democracy. From a sociological perspective, a democracy gets consolidated when actors begin to perceive the democratic game as part of the normal or natural practice. The democratic game becomes habitual or internalized. From the subsystem perspective, democracy gets consolidated when various institutions, such as branches of government (executive, legislative, and judicial bodies), political parties, and party systems, emerge and grow strong.

This study defines democratic regime consolidation as a political process of institutional transformation, in which significant elite members increasingly comply with electoral procedural rules and liberal principles and norms. It does not follow in the footsteps of those scholars who forcefully insist democratic consolidation becomes evident when all individuals or most individual citizens adhere to democratic behavioral norms or accept democracy as the ‘only game in town’.²⁶ It seems too unrealistic to find most individuals behaving in accordance with such norms. More realistically, a democratic regime becomes consolidated when it ‘meets all the procedural criteria of

democracy and also in which *all politically significant groups* accept established political institutions and adhere to democratic rules of the game'.²⁷ Nancy Bermeo contends that ordinary people do not overthrow democracy (they almost always choose democracy over dictatorship), but elites do. Elites include those in civilian and military leadership positions or small coalitions.²⁸

This study focuses on significant elites within the state and political and civil societies. State institutions include both democratic and non-democratic ones. Democratic state institutions include the executive branch of government and the legislature, whose members come to power through elections. Non-democratic state institutions may include the judiciary, the bureaucracy, and the security and military apparatus, whose members do not come to power by electoral means. Political society institutions include the election administration commonly evident in democratic states, political parties registered to compete in elections, and their alliances. Civil society institutions include non-governmental organizations (NGOs), the media sector, and other voluntary associations established by citizens to serve their own personal and social ends. Economic society institutions remain market-based; they include major companies and firms or corporations. The literature in democracy studies shows a trend toward this academic consensus.²⁹

From an ontological perspective, significant elites matter a great deal in regards to the exercise of political power (democratic or otherwise). In capitalist democracies, elected representatives function as members of the political elite, but not all individual representatives play an equally significant role. At the state level, leaders of the three branches of government matter. Within political society, party leaders and election administration officials also matter. Within civil society, significant elites include those actively engaged in institutional activities to monitor elections, human rights issues, and constitutional as well as legal issues.

A democratic regime remains or becomes consolidated when none of the significant elite members (especially those of the executive branch) succeeds in monopolizing power by either institutionalizing personal power or deinstitutionalizing democratic power. Institutionalizing personal power takes place when elite members expand repressive institutions, such as the security and military apparatus, to weaken other state and non-state institutions capable of checking their despotic and infrastructural power (the power to decide and to implement decisions).³⁰ In short, this study prefers to focus on the concept of democratic regime consolidation.

International democracy assistance

This study focuses on the impact of international democracy assistance on post-war societies.³¹ Carothers regards his pioneering book as 'a response to the lack of systematic study of democracy assistance. Ten years after 1989 – the starting point for much recent democracy work – it is a natural time for taking stock. I attempt in this book to draw together the essential elements of and questions about democracy aid to help define this emergent field as a field.'³² This type of assistance means 'aid specifically designed to foster a democratic opening in a non-democratic country or to further a democratic transition in a country that has experienced a democratic opening'.³³

Evidently the 1990s witnessed a rapid growth of democracy assistance. Both Krishna Kumar and Jeroen de Zeeuw further remark that, 'International donors believe – with considerable justification – that democracy offers the best change to promote peace and heal the wounds of war in post-conflict societies.'³⁴

International democracy assistance means assistance by actors – bilateral and multi-lateral – with a policy to promote democracy in other countries. External actors include states, international organizations (such as the United Nations and the European Union), and NGOs. States have now emerged as 'democracy promoters'. The United States provides only one example. The United States has a long history of foreign policy toward democracy promotion rooted in Wilsonian liberalism after World War I. More recently, Washington began a campaign of human rights under the Carter administration, actively sought to promote democracy over communism under the Reagan administration, and spent from \$100 million in 1990 to \$700 million in 2000 on programs that helped establish and strengthen such democratic institutions and processes.³⁵ The end of the Cold War further allowed Washington to seize the opportunity to develop a robust and distinctively American liberal grand strategy to promote free trade, human rights and democracy around the world.³⁶

The United States intensified the global campaign of democracy and human rights under the Clinton administration. During the election campaign in 1992, then-Governor Bill Clinton repeatedly attacked George Bush's policy toward China and Haiti. President Bush and his Secretary of State, James Baker III, started to treat democracy promotion as an indisputably important element of the United States' foreign policy. This policy orientation coincided with the global revolution or resurgence of democracy, especially after the fall of the Berlin Wall.

Allison and Beshel similarly view this time as a point of departure in US foreign policy toward other regions in the world: 'the democratic revolutions of 1989, coupled with the retreat of authoritarian regimes in Latin America and parts of Asia and Africa, have prompted a resurgence of interest throughout the U.S. government and society at large in promoting democracy.'³⁷

The main US state agents of democracy promotion included the United States Agency for International Development (USAID) and other governmental and quasi-governmental organizations such as the US Information Agency, the Departments of State and Defense, the Department of Justice, the National Endowment for Democracy (NED), the Asia Foundation, and the Eurasia Foundation. In the 1990s, Washington spent more than \$500 million per year on democracy promotion around the world.

The United States, however, did not emerge as the only actor in democracy promotion. Others in the Western world have also provided assistance to promote democracy in post-war or developing countries. Thomas Carothers, for instance, observes that, 'Almost every major donor has developed democracy-related programmes, with some becoming very actively involved, such as Sweden, the Netherlands, Germany, ... Denmark, Norway, and Spain.'³⁸ Michel Feher points out that American and Western European leaders 'proudly associated the end of the Cold War with the advent of an increasingly cohesive international community' committed to 'fostering democracy and preventing human rights violations'.³⁹

Among international organizations,⁴⁰ the UN, its international agencies, and programmes have stood at the forefront of global policy efforts to promote democracy worldwide. In 1992, the UN established an Electoral Assistance Unit under its Department of Political Affairs. In 1994, the Unit, renamed the Electoral Assistance Division, got transferred to the UN Department of Peacekeeping Operations. According to Christopher Joyner, 'the UN Secretariat has assumed the impressive role of international agent for democratization'.⁴¹ Other UN bodies engaged in democracy promotion include the General Assembly, the Security Council, the United Nations Development Programmes (UNDP),⁴² the UN Commission on Human Rights (now the UN Council on Human Rights), the World Bank, and the International Monetary Fund (IMF).⁴³ Regional organizations have also become actively involved in democracy promotion. They include the European Union (EU),⁴⁴ the Organization of African States (OAS), the Inter-Parliamentary Union (IPU), and the Commonwealth Secretariat.

National and international NGOs have also acted as another set of democracy promoters. Political foundations in the United State, Canada, Germany,⁴⁵ and others, for instance, have been active in providing democracy assistance. In the United States, NGOs involved in democracy promotion include the National Democratic Institute for International Affairs (NDI), the International Republican Institute (IRI), the International Foundation for Electoral Systems, the AFL-CIO's Solidarity Center, and the Carter Center. Some consulting private firms also have an agenda of democracy promotion; they include US-based Chemonics International, Creative Associates International, and Management Systems International. Other international NGOs include Amnesty International and Human Rights Watch.

There exist various types of assistance for democracy promotion: military intervention (to restore democracy), institution building, education, economic development, and political pressure. Based on the above definition of a democratic regime, democracy assistance should not simply mean assistance for elections. As we shall see in Chapter 2, democratic consolidation depends on the high-level institutionalization of democratic power within the state and political and civil society, and the process of institutionalization further depends upon other structural factors. We may need to define democracy assistance broadly to include any assistance that covers institutional and structural factors conducive to democratic consolidation.

During the course of democracy promotion, donors 'typically direct such aid at one or more institutions or political processes from what has become a relatively set list: elections, political parties, constitutions, judiciaries, police, legislatures, local government, militaries, non-governmental civic advocacy groups, civic education organizations, trade unions, media organizations.'⁴⁶ Electoral assistance includes organization and conduct of elections, election supervision, verification, coordination and support of international observers, support for national election observers, and observation.⁴⁷

Democracy assistance also covers the drafting of liberal constitutions and other legislation, various forms of training, including civic and voter education, and election organization. Civic education promotes awareness of democratic culture through respect for political rights and civil liberties. Another form of assistance includes economic assistance to help develop economies by ensuring economic development and building a private sector integrated into the global market economy.⁴⁸ After all, scholars regard liberal democracy in capitalist terms (based on market forces). Political assistance includes

political pressure placed on elites engaged in the political process of power competition through elections.

Conclusion

This study defines democratic regime consolidation as a post-transition process whereby significant institutional elites within democracies (most notably those of the executive branch of government) behave in a way that increasingly conforms to the electoral procedural rules and liberal principles and norms. We should not simply talk about the prevention of democratic breakdowns and survival as generally understood,⁴⁹ or the presence of institutional stability or durability as such,⁵⁰ but about growing degrees of elite compliance with the established 'liberal democratic game'. This study mainly seeks to assess the impact of international democracy assistance, which remains a controversial subject. Some remain optimistic about the impact of such assistance. Pessimists argue that such assistance has no effect or even harmful effects, because it serves reasons other than democracy. In fact, it seems more appropriate to talk about the limits of international democracy assistance.

2

Institutional Structure and Structural Challenges

A certain international consensus has now emerged on liberal democracy, but the literature reveals deep disagreement on how to promote this form of government.¹ This chapter advances the proposition based on complex realist institutionalism (CRI): international democracy assistance can help consolidate democracy if donors can successfully build an effective system of institutional checks and balances between or among state, political, and civil society institutions; however, non-material and material structures often stand in the way. Structural factors pose a critical challenge to neo-institutionalism, which tends to assume that institutions significantly structure political relationships. We still live in a 'real world' where institutional design does not automatically transform dictatorship. Because of institutional weaknesses – partly constrained by certain cultural, ideological, and historical legacies – elites tend to pursue their own interests. Their socioeconomic and political positions also impede prospects for democratic regime consolidation.

State institution building

Complex realist institutionalism as a proposed theory sees the merit of state institution building. State institutionalists urge donors to build and strengthen state institutions; otherwise, democracy will not become consolidated. None of the theorists of democracy argues that the executive branch of government should become irrelevant, but insist that the chief executive must not exercise power arbitrarily, extend power over greater reaches of society, or maintain power indefinitely. Reform of the executive branch in post-war societies remains necessary.

State institutionalists have sought to design institutional constraints on the executive branch. Some of them focus on the need to promote

constitutional liberalism. They argue that elections alone do not help consolidate democracy, and have even proved destructive to democratic principles and norms. When elected, anti-democratic forces can topple rather than consolidate the system through which they came to power. Adolf Hitler of Germany, for instance, rose to power through free elections. Liberty must come first, and democracy must follow or co-exist with it. Liberal constitutions must thus protect first and foremost the liberal democratic principle of liberty, which can exist without free and fair elections.² Liberty also depends on social order and self-control,³ reinforced by the liberal rule of law.

The rule of law underpins constitutional liberalism and stands at the center of modern democratic politics. It offers guarantees that secure liberty – a bundle of freedoms – for the individual, emphasizing ‘checks on the power of government, equality under the law, impartial courts and tribunals, the separation of church and state’.⁴ Ultimately, the rule of law protects and promotes individual rights, the core of liberal democracy. Some even see the rule of law as a panacea for the political and economic ills that afflict dictatorships and hence as advancing democratic and economic development.⁵ Carothers notes that ‘Western observers say that enhancing the rule of law will allow states to move beyond the first stage of political and economic reform to consolidate both democracy and market economics’.⁶

Crafting democratic systems also includes the necessity of bureaucratic, military, and security reform. If the military remains powerful, democratic consolidation will not succeed.⁷ Military supremacy leads to democracy’s ‘rapid death’: the military reasserts its power and can kill democracy.⁸ Military reform involves professional training, developing a military legal code based on soldiers’ rights, education in basic human rights guarantees, and nurturing military loyalty to a lawful constitution.⁹ The security apparatus must not serve as a political instrument for any social group or political party and must carry the primary task of maintaining law and order.

The legislature remains fundamental. Some state their specific preference for presidentialism,¹⁰ while others favor parliamentarism. Proponents of presidentialism see the merits of this democratic system because of their attraction to the idea of stability and continuity. For proponents of parliamentary systems, presidentialism seems less likely than parliamentarism to lead to democratic consolidation,¹¹ largely because presidentialism remains more rigid, more centralized yet more stalemated, and less adequately representative than parliamentarism. In presidential systems, the winner takes all (allowing little

room for political consensus or inter-party coalition building while encouraging stalemate because of the clear separation of powers), stays in office for a fixed term (preventing political actors from making necessary changes to ensure effectiveness and accommodation) and tends to undermine political rights and institutional checks. In transitions from post-totalitarian, post-communist, or post-authoritarian systems, presidentialism tends to reduce 'the degrees of freedom for an emerging civil and political society to make a midcourse correction, because heads of government have been elected for fixed terms'.¹² When the power of presidents grows strong, the party system tends to become more fragmented. Political parties – because of their reliance on presidents – tend to display a lack of clearly defined programs and exist as mere labels for politicians to compete for public office. Moreover, civil society tends to stay weak.

Proponents of democratic parliamentarism contend that parliamentary systems help consolidate democracy. Some treat parliaments as the 'central site' in enhancing political legitimacy for new democratic regimes and thus as contributing to the process of democratic consolidation. Political elites operating within parliaments may initially try to weaken or eliminate one another, but subsequently tend to develop positions shaped by perceptions of mutual interests and allow their conflicts to become increasingly regulated by known rules and techniques.¹³

Others see parliaments as producing positive effects on other institutions, such as political and civil society institutions.¹⁴ Because formal powers remain highly concentrated and because political stalemate tends to persist in presidential systems, other political parties and social groups do not become strong. Local elites also get prevented from consolidating their control over organizational-administrative resources. On the contrary, parliamentary systems 'tend to increase the degree of freedom that facilitate the momentous tasks of economic and social restructuring facing new democracies as they simultaneously attempt to consolidate their democratic institutions'.¹⁵ Because they can form coalition governments, political parties from different ideological orientations can both integrate themselves into the political arena and engage in the politics of accommodation that can resolve disputes – thus mitigating propensities toward violence or avoiding military coups – and provide stability through continuity. Ulrike Liebert further notes that 'parliament may motivate certain extreme groups to moderate too radical claims'.¹⁶

State institutionalists would agree with Alfred Stepan that democracies need to draft bodies within legislatures to ensure that they can

develop effective checks on executive power. Bodies such as permanent standing committees with professional staffs and specialists in matters such as military strategy, budgeting, or intelligence also help empower 'legislatures to carry their military and intelligence oversight functions in a routine democratic and legislative fashion'.¹⁷ These committees and other special commissions of inquiry can invite cabinet and military officials to appear before them and answer questions regarding controversial policy issues.

Still for other state institutionalists, judicial reform within post-war societies must also receive top priority.¹⁸ An independent judiciary must enjoy the power to do its job without political interference. Courts, judges, and lawyers must become professional enough to carry out their tasks and must grow powerful enough to resist political pressure and executive manipulation. Judicial elites in particular must demonstrate their effective ability to play a central role in establishing and maintaining the rule of law (capable of holding executive elites accountable for their actions and keep them from ignoring, dissolving, or altering other institutions, such as courts).

In short, state institutionalists argue in favor of building an effective system of institutional checks and balances among the executive, legislative, and judicial branches of government capable of building and strengthening democratic regimes. But why have efforts to institutionalize rule-of-law reform in postwar societies proved so difficult?

Thomas Carothers raises a legitimate point: 'Rule-of-law reform will succeed only if it gets at the fundamental problem of leaders who refuse to be ruled by the law'.¹⁹ However, he notes only one such structural problem: 'Respect for the law will not easily take root in systems rife with corruption and cynicism, since entrenched elites cede their traditional impunity and vested interests only under great pressure.'²⁰ He warns that democracy assistance to enable 'government obedience to law is the hardest, slowest kind of assistance' and 'will not bring rapid or decisive results'. Donors must thus intervene to help break 'down entrenched political interests, transforming values, and generating enlightened, consistent leadership'.²¹

Political and civil society institution building

Because of its faith in the effective system of institutional checks and balances, CRI further proposes that such a system may also depend on institutional development within political and civil society capable of checking the state's executive power.

Scholars emphasize the need for building political and civil society institutions. Alfred Stepan distinguishes political from civil society. Political society institutions include political parties, political leadership, and intra-party alliances. He defines political society as an 'arena in which the polity specifically arranges itself for political contestation to gain control over public power and the state apparatus'.²²

For Stepan, democracy consolidates only if political society becomes relatively autonomous. He does not reject the role of the state or its bureaucracy or civil society, but adds that political society must also exist if we hope to consolidate democracy. In his words, 'Democratic consolidation requires that citizens develop an appreciation for the core institutions of a democratic political society.'²³ As part of political society, political parties remain central to democratic consolidation. Some scholars associate a large number of political parties with consolidated parliamentary and semi-presidential democracies. But they see no association between consolidated presidential democracies and 'the type of multi-party coalitional behavior that facilitates democratic rule in contexts of numerous socioeconomic, ideological, and ethnic cleavages and of numerous parties in legislatures'.²⁴ In his view, 'Democratic consolidation requires political parties, one of whose primary tasks is precisely to aggregate and represent differences between democrats.'²⁵

Pro-electoral democracy scholars have further argued that electoral democratic systems matter.²⁶ Electoral laws also remain central, of course.²⁷ J. Samuel Valenzuela, for instance, gives attention to the need for removing formal authoritarian legacies by creating electoral laws that abolish 'tutelary powers', 'reserved domains', and 'major discriminations'.²⁸ In her article 'Why Elections Matter', Elizabeth Spiro Clark similarly notes that, 'A commitment to the electoral process, driven by popular will, was the strongest factor sustaining the transition'²⁹ or deterring backsliding.

Donors thus need to build and strengthen multi-party political systems,³⁰ so that democracy can enjoy a chance to become consolidated. Political parties also have a special place in democratic consolidation. Highly fragmented party systems, especially in presidential democracies, tend to hinder democratic consolidation.³¹ Political parties must prove capable of competing for public office by accepting a new government formed by the winner. They may form political alliances and their members may stay active in the process of negotiation or bargaining, but their political objectives do not undermine the democratic system; they become part of it. They do not engage in such acts as violent protests or armed rebellions.³²

Election administrations have also become important to the process of democratization. They undertake multiple tasks – before, during, and after election days.³³ When independent and impartial, they prove able to organize elections whose results provide legitimacy in the eyes of all parties involved in the electoral process. Election administrations must develop and grow strong institutionally to the extent that they do not only advance the interests of any particular political party, especially the dominant one.

Still others take a more bottom-up approach to democratic regime consolidation, stressing the importance of civil society. Civil society actors or institutions include those ‘self-organizing and relatively autonomous groups, movements, and individuals’ that ‘attempt to articulate values, to create associations and solidarities, and to advance their interests’.³⁴ Alexis de Tocqueville long ago noted the importance of civil society. Civil society institutionalists have carried this tradition, often pitting civil society against the state. Some of them regard civil society as a set of actors not only capable of leading struggles against dictatorships, but also of helping to consolidate democracy. To become a contributor to the process of democratic consolidation, civil society must not only include organizations of a non-political nature,³⁵ but also seek to shape and influence the political regime.

Civil society actors can do a number of things to promote or consolidate democracy. They can help design constitutions that promote or consolidate democracy. If constitutional design rests in the hands of foreign and national elites, some argue, new political institutions would likely serve their own interests rather than the interests of the electorate.³⁶ Civil society actors can also help defend liberty. For instance, the Catholic Church was the first major institution in history that served as a countervailing force willing to challenge state power. In other words, ‘By doing this [the Church] cracked the edifice of state power, and in nooks and crannies individual liberty began to grow.’³⁷ Civil society thus needs special attention.

A growing consensus among scholars on the long-term process of democratic consolidation has become evident.³⁸ Some observers no longer accept the view that traditional values rooted in religions, such as Islam and Confucianism, stand in the way of democratic development.³⁹ Various organizations that represent a variety of social interests have formed social movements that have given rise to political opposition to the state. Other studies on the role of emergent civil societies in ASEAN also seek to determine a positive relationship between civil society and democratization. Johan Saravanamuttu adopted the notion

that civil society constitutes a 'third' sector operating in between the public and the private sector.⁴⁰ Some evidence he provides to prove this point includes what the CSOs in the Philippines have achieved: namely, 'were it not for a strong civil society in the Philippines in the mid-1980s the transition from dictatorship to democracy would not have been possible.'⁴¹ Garry Rodan further contends that 'the greatest potential of civil society to act as a force for liberal political change derives from its potential to institutionalize the rights of organized citizens to influence the decision-making process.' He adds that, 'Independent organizations which have a potential mass membership and links with other elements of society can play a critical role in fostering a liberal civil society.'⁴²

Other scholars regard civil society as helping to consolidate democracy. Stepan, for instance, wrote: 'A robust civil society, with the capacity to generate political alternatives and to monitor government and state, can help start transitions, but help resist reversals, help push transitions to their completion, and help consolidate and deepen democracy.'⁴³ Larry Diamond makes a similar argument – 'Civil society can, and typically must, play a central role in building and consolidating democracy' – and hypothesizes that, 'the more effectively it balances the tensions in its relations with the state...the more likely democracy will be able to emerge and endure.'⁴⁴

Some scholars see the need to combine political and civil society actors in their joint efforts to both undermine dictatorships and consolidate the democratic gains they have made. The two types of actors need each other. Civil society actors can help inform, pressure, and periodically renew political society actors. Together they 'must somehow achieve a workable agreement on the myriad ways in which democratic power will be drafted and exercised',⁴⁵ as well as consolidated.

In sum, CRI contends that the system of institutional checks and balances in modern liberal democracies becomes complex in that it comprises state, political, and civil society institutions existing to constrain the abuse or arbitrary use of executive power. But such institutions do not grow automatically into maturity. While they can affect the levels of compliance with the democratic decision-making procedures, rules, principles, and norms of the political game, we need to pose another question: If institutions can affect behavior,⁴⁶ what makes them strong enough to affect behavior or what weakens and prevents them from affecting behavior? Peters raises a legitimate point: 'institutions are the variable that explains most of political life, and they are also the factors that require explanation.'⁴⁷ Carothers further contends that

'external [rule-of-law] aid cannot substitute for the internal will to reform'.⁴⁸ We can understand such lack of will only in the broader structural context. CRI thus takes into account other structural challenges.

Structural constraints and impediments to democratic institution building

Non-material structures (acknowledged by normative and historical institutionalisms) help explain why rational institutional design does not lead to institutional development in a linear fashion. These 'soft' and unobservable but 'real' structural constraints – cultural, ideological, and historical – shed light on how fast societies can build new institutions. Cultural and historical legacies create 'path dependence' and pose as a real constraint on democracy building. Zbigniew Brzezinski proclaims the 'primacy of history and culture'.⁴⁹

A country with no history or tradition of democratic institutions takes much longer to build them. Colonialism appears to have left varying institutional legacies. The British Empire tended to help build modern institutions in its colonies, whereas the French Empire did not appear to make this effort. The French, in fact, tended to make 'attempts at assimilation' and their former colonies evidently 'have not been noted for their democratic achievements'.⁵⁰

Culturalists emphasize the real structural constraint of culture.⁵¹ Max Weber's work became known for his identification of 'Protestant ethic' as the key variable explaining both capitalism and self-government. More recently, Huntington contends that some traditions such as Islam and Confucianism remain anti-democratic, as the concept of illiberalism suggests.⁵² Cultural perspectives reject Francis Fukuyama's claim about an 'end of history' with the final triumph of liberal democracy over all other cultural and ideological rivals. In other words, they do not view liberal democracy as universally accepted, but treat it as culturally peculiar to the Western world. Some use such terms as 'soft authoritarianism'⁵³ and 'neo-authoritarianism'.⁵⁴ Zakaria's analysis of the next wave points to 'the rise of illiberal democracy'.⁵⁵ Others characterize similarly democracy in East Asia as 'Asian-style' or simply 'illiberal'.⁵⁶ Asian-style democracy remains illiberal because of patron-client communitarianism, personalism, hierarchical authority, dominant political parties, and the strong state.⁵⁷ Civil society institutions do not exist or remain too weak or uncritical.⁵⁸

For culturalists, the Western metaphor 'iron-cage as prison' contradicts the Asian cultural mindset, which sees the 'iron-cage' as security.

Asians do not demand personal or individual freedom or autonomy. Other values and ideals – the pursuit of glory, honor, power for oneself, nationalism, militarism and valor in warfare, filial piety, the harmony of heaven and earth, to name a few – matter more.⁵⁹ Some scholars even refer to ‘dependency culture’ (characterized by legalistic, rationalistic, but apolitical bureaucracy and Confucian deference) in Asia.⁶⁰ Asian political systems rest on the concept of ‘substantive moral consensus that denies or suppresses moral pluralism and social diversity’.⁶¹ In Asia, ‘the European Enlightenment...made no headway other than amongst intellectuals who had absorbed it by reading European texts or studying under political scientists such as the later Professor Laski.’⁶² Other Western scholars, such as Michael Frolic, thus see the need to bring culture back.⁶³

Research on post-communist transitions further focuses on a set of explanatory variables that affect the ability of political leaders to consolidate democracy. Ideology matters, because it can resist electoral procedural rules and liberal principles and norms. Socialist legacies remain significant in that transitory regimes still reject capitalist development in a resolute fashion.⁶⁴ Other scholars agree that ideological legacies (with radical values) make it impossible for former socialist regimes to move toward democracy.⁶⁵ China, for instance, does not wish to experience the collapse of its regime in the same manner that occurred in Eastern Europe. Most Chinese elites have strong totalitarian backgrounds.⁶⁶ Communists destroyed civil society or left it too weak to pose any challenge to them.⁶⁷ Post-communist experience in Eastern Europe suggests that democratic consolidation moves forward only if and when the democratic opposition successfully takes a radical step to sever its political ties with defenders of the old socialist order.⁶⁸

Normative and historical institutionalisms can thus explain institutional persistence over time,⁶⁹ but cannot explain change or transformation. Normative institutionalism can explain why new institutions do not always shape individuals’ preferences or development paths,⁷⁰ and have difficulty explaining why they remain structurally weak. ‘Complex realist institutionalism’, proposed in this study, further subsumes these institutionalisms by treating them as part of real but unobservable structures that constrain and impede the institutional process of democratic consolidation.⁷¹

While non-material structures constrain change, they do not forever impede it. Philippe Schmitter remains ‘deeply convinced that the attainment of a civic culture is much more likely to come as a product of democracy than a prerequisite for it’.⁷² Some scholars also recognize

the weight of socialist legacies, but seek to overcome them over time following the end of socialist rule. New democratic regimes in Central East Europe, formerly socialist states, had become consolidated by the mid-1990s. State elites can also become autonomous and manipulative of cultural and ideological factors⁷³ and work to legitimize their dictatorial rule through economic performance and control⁷⁴ when they become successful in monopolizing power over the socioeconomic, political, security, and military establishments. We, therefore, should not treat culture, ideology, and history as non-material factors that permanently determine the behavior of significant elite members. Their actions may come under non-material constraints, but elites also can change them in their pursuit of self-interest by treating non-material factors in instrumental terms.

CRI, therefore, regards 'rational-choice' institutionalism as capable of explaining why self-interested members of socioeconomic and political elites seek to solve collective action problems and can explain why institutions may persist, become strong, or even collapse. Institutions remain weak, become weaker, or "can be undone" when they no longer provide constraints on individuals' behavior'.⁷⁵

Rational-choice institutionalists also view economic development as beneficial to the process of democratic consolidation. Adam Przeworski and others, for instance, assert that 'transitions to democracy are random with regard to the level of development'.⁷⁶ They thus agree with Martin Lipset on the liberal conviction that modern liberal democracies that enjoy an annual per-capita income of more than US\$6000 'are impregnable and can be expected to live forever'.⁷⁷ But it remains unclear why power contenders cooperate and thus collectively help consolidate democracy.

Fareed Zakaria further asserts that liberal democracy experienced in the West and other regions advances on the back of capitalism. In his view, the capitalist system, not wealth *per se*, helps consolidate democracy. He observes the following: 'If the struggles between church and state, lords and kings, and Catholics and Protestants cracked open the door for individual liberty, capitalism blew the walls down.'⁷⁸ Growing economic resources offer more political resources: the bourgeoisie's and middle class's growing ability to influence public policy, elect leaders, run for public office, and uphold the rule of law.

But does capitalism in post-war societies automatically empower middle classes that make useful contributions to democratic institution building, as modernization theorists assert? Evidently capitalism does not always empower the majority of people in developing countries,

but has often impoverished them. Economic growth tends to benefit certain economic and political elites, whose self-interest impedes democratic regime consolidation. The state, for instance, remains too weak to collect adequate taxes from the rich to boost its national revenue and to strengthen its institutional capacity (especially regarding wealth distribution).

The reality of material impediments to the institutional process of democratic regime consolidation rests on whether significant elite members believe that they can pursue their interests without having to face any structural challenges. Their self-interest helps explain why they pursue the strategy of economic growth by doing little to reduce their socioeconomic advantages. Economic elites tend to seek to change or maintain any institutions that help them retain and extend their economic power,⁷⁹ and this helps explain the lack of democratic regime consolidation.

The capitalist process of economic liberalization in post-war societies thus tends to create and exacerbate socioeconomic inequalities.⁸⁰ If economic growth enriches only elites and their supporters, it deprives the rest of material benefits. According to Vanhanen, 'democracy takes place under conditions in which power resources have become so widely distributed that no group is any longer able to suppress its competitors or to maintain its hegemony.'⁸¹ Mancur Olson further notes that democratic emergence takes place when a 'dispersion of resources...make[s] it impossible for anyone leader or group to overpower others.'⁸² Socioeconomic factors thus should help draw our analytical attention closer to 'Marxist realism'.⁸³

Poverty and socioeconomic inequality further tend to harm institution building within political and civil society institutions. Dominant political parties with the most resources generally seek to achieve hegemonic status by depriving other parties of available resources. Without adequate material resources, other political parties cannot successfully strengthen their power bases by enlarging their constituencies. Poor citizens may not become active opposition party members and even put material burden on those seeking their votes. When under severe financial constraints, even supposedly neutral election administrations may bow to pressure from ruling party elites. Civil society also cannot grow strong, either, if the majority of citizens remain too poor to become politically active and to provide adequate material support for daily organizational and political activities. Poverty may even encourage the executive use of repressive violence to prevent or stop violent demonstrations, armed rebellions and conflict.⁸⁴

Scholars also infer causal relationships between democratization and political power.⁸⁵ Huntington warns against hard-liners' domination over moderates within the opposition.⁸⁶ Przeworski pays attention to the relative strength of reformers within authoritarian regimes.⁸⁷ Swaminathan contends that 'power parity among an authoritarian government and a dissatisfied opposition sets the stage for transition to democracy...an opposition that is gaining strength relative to the government will be prepared to challenge the existing status quo at the stage of power parity.'⁸⁸ Democracy can easily come under threat if state elites dominate civil society.⁸⁹

Conclusion

This study argues in favor of CRI: democratic regime consolidation proceeds with an effective system of institutional checks and balances among significant members of elites within the state, political and civil society; however, when trapped in institutionally weak states, state elites tend to pursue 'relative' gains selfishly without self-restraint. The rational-choice optimism that competing elites can cooperate effectively on their own for either mutual gain overlooks the structural fact that they tend to struggle for relative economic gain and political supremacy and thus actively seek to tighten control over the economic, political and security arenas by way of co-opting those willing to jump on their bandwagon and eliminating those resistant to their domination. They operate more or less like states under international anarchy and adopt the preemptive strategy of alliance building and power consolidation at the expense of all challengers.⁹⁰

3

Research Methodology: Cambodia as Case Study

This chapter addresses the question of analytical methods essential to this type of research. It makes the argument that case studies can provide useful in-depth analysis, which helps us answer some of the complex problems related to democratization. This chapter formulates a proposition and a set of hypotheses for empirical testing and discusses sources of data used for the book's single country-case study, Cambodia. This study, however, does not follow strictly the requirement of quantitative data and statistic techniques, as scientific positivists do. As of 2006, post-communist and post-war Cambodia (with a history of monarchical and socialist rule) had not yet become industrialized and still lacked reliable numerical data. Analysis of democratic politics in post-war societies must rely on both quantitative and qualitative data from all available sources.

Cambodia as the main single-country case study

Single-country case studies on democratic consolidation have received criticism for their methodological shortcomings and for their failures to explain structural factors. Critics of this method see the need to engage in broader, interregional or cross-national analyses based on structural factors, such as socioeconomic conditions.¹

While they have weaknesses, single-country cases have their own analytical strengths. This study primarily focuses on democracy building from institutionalist and structuralist perspectives. This book also seeks to test a specific proposition based on insights generated from the literature, as discussed in Chapter 2. In other words, it engages in theoretical debates, forms its own propositions, and seeks to test their hypotheses. Country cases help us assess the structural perspectives,

particularly cultural, ideological, and historical ones, as these variables tend to defy quantification.

A Southeast Asian country, Cambodia remains an excellent case for the study of democratic consolidation in post-war societies within the developing world. In 1970, a bloodless but successful coup against Prince Norodom Sihanouk erupted, ushering in a bloody civil war exacerbated by military intervention from North and South Vietnam and the United States. The war ended with the unsurprising victory of a revolutionary force, which turned the country at war and under extensive US bombings into unprecedented 'killing fields' claiming somewhere between one and one and a half millions during the period that ended in early 1979. The Vietnamese military invasion in late 1978 led to the violent overthrow of the ruthless Khmer Rouge regime, but kept the country at war throughout the 1980s and until 1998.

Early in the 1990s, the country entered the global fold of post-Cold War states making a triple transition (comparatively late in the 'third wave' of democracy):² from war to peace, from dictatorship to democracy, and from command economy to free market.

On 23 October 1991, 18 foreign governments and four major armed factions in Cambodia – the State of Cambodia (SOC), the Khmer Rouge (officially known as Democratic Kampuchea or DK), the Khmer People's National Liberation Front (KPNLF), and the royalists known as FUNCINPEC – formally signed the Paris Peace Agreements, a democratic agreement that sought to turn the battlefield into a ballot-box.³

The process of democratic transition thus began in October 1991, when the Cambodian and 18 other external state actors signed the democratic agreement to end the decade-long war and to lay to the foundation for liberal democracy. In May 1993, Cambodia held its first multi-party election since the early 1970s, followed later in that year by the establishment of a constituent assembly, a coalition government, and the adoption of a liberal constitution, all of which marked the period of democratic transition.

Meanwhile, Cambodia received large amounts of international assistance, and the time has now come for more study of its impact on democratic politics in this country. The UN, at the invitation of the Cambodian signatories of the agreement signed in Paris, intervened in the country to prepare and organize a free and fair national election, which took place in May 1993. Cambodia subsequently emerged as one of the most aid-dependent countries in the world.⁴ Donors also showed varying degrees of interest in promoting democracy in this country.⁵ Moreover, the total volume of international assistance over

the past decade remained substantial. By 2006, the total disbursement of all assistance may have amounted to \$6 billion. One word of caution, though: no one knew exactly how much donors disbursed the annual assistance they pledged. Peter Leuprecht, for instance, warned that, 'When I acted as SP [UN Special Representative to Cambodia], I discovered that disbursement is a very serious issue. The budget is one thing, the reality is often quite different'.⁶

This study thus raises the question of 'measurement': how long should one expect a political regime to take in becoming consolidated? The historical picture of Western democracy, as noted by Schmitter, proves more complex than some proponents of democratization have realized. For instance, democracy in Britain took centuries (not decades) to achieve consolidation, going through various stages, such as nation building, the establishment of civil control over the military establishment, the decline of arbitrary power, the increased protection of private property, the creation of an entrepreneurial bourgeoisie, and the introduction of civic culture.⁷

This study chose a more limited timeframe. For some scholars, political regimes can become sufficiently consolidated within a relatively short period of time (between three and seven years).⁸ Some contend the regimes in East-Central Europe consolidated their democracy in five years. This marks an ambitious timeframe, especially for post-war societies under long-time authoritarian rule. For societies racked by war and destruction, a period between 12 and 15 years may seem more reasonable: it allows us more time to see if the process of consolidation proceeds. Other scholars thus think that democracy becomes consolidated when it has endured for 12 years.⁹ This study focuses on a 13-year period (from 1993 to the end of 2006). A period longer than this may help, but if a democratic regime emerges and lasts for 13 years, we can assess whether it becomes more consolidated, or less.

A proposition and hypotheses

Although this study relies exclusively on a single country case (Cambodia), it seeks to formulate and test a proposition and a set of hypotheses. It does not strictly follow in the footsteps of scientific positivism/behavioralism associated with techniques of statistical analysis based on quantitative data.¹⁰ CRI, however, takes the advice given by Gerardo Munck, who notes that confusion and obscurity exist in academic attempts to explain the relationships between key concepts and variables.¹¹ Moreover, he correctly contends that 'the procedures for

measuring concepts have not been explicitly addressed or consistently applied. If theory building is to proceed in an orderly manner, it is imperative that scholars address a number of problems regarding the conceptualization and measurement of their dependent variables.¹²

This book shows two important relationships between variables: between democratic regime consolidation and institutionalization (or between democratic deconsolidation and deinstitutionalization), as well as between institutionalization (and deinstitutionalization) and structural factors (as discussed in Chapter 2).

Democratic consolidation and deconsolidation as processes serve as the key dependent variables, because their value depends on the value of other variables, mainly independent and intervening. Confusion prevails in democracy studies regarding dependent variables. Some carelessly treat the attitude and behavior of elites and masses as the dependent variables, but others treat them as the independent variables. This book contends that attitude and behavior constrain democratic consolidation. We measure democratic consolidation by assessing degrees of compliance with the democratic regime's electoral procedural rules and liberal principles and norms. Democracy consolidates when elites increasingly comply with these elements. Democracy deconsolidates when elites become less compliant with or increasingly violate them. We can thus make the following hypothesis: the greater the degree of compliance with democratic elements (described earlier and below), the more consolidated a democratic regime becomes; the lower the degree of compliance, the less consolidated democracy becomes or the more dictatorial rule consolidates.

The basic electoral procedural rules include the holding of elections on a regular and transparent basis and the other three electoral rules of freeness, fairness, and representation. Freeness means all citizens – regardless of sex, race, language, income, land holdings, education, or religious beliefs – enjoy the rights to have a chance to influence public policy, to vote and to run for public office, without facing any harassments, such as political intimidation and violence before or after election days, that prevent citizens from freely exercising their political rights. Ultimately, no party can maintain the absolute certainty that it will always and definitely win. *Ex ante* uncertainty means that the incumbent party can lose in free and fair elections.

Elections become fair only when no systematic discrimination prevails upon the electoral process. All parties have enough time to prepare for electoral competition. Short durations of election campaigns and cumbersome election-related complaint processes only

serve the political interests of the ruling party. Other factors working against the rule of fairness include the uneven distribution of favors, such as vote-buying, restricted access to the mass media (especially when the state denies opposition parties the right to possess newspapers, radio and or even television stations), and other corrupt practices working in favor of the ruling party (such as the use of state resources and manpower, especially security and bureaucratic personnel). The electoral rule of fairness further means that losing parties must not reject, or seek to reverse, election outcomes as they like. *Ex post* irreversibility means that whoever wins elections gets to form the next government. The winning party must not use its power to make it impossible for challengers to compete in future elections or to have another chance to win. Electoral outcomes thus do not last indefinitely. Losers in one election do not forever forfeit their right to compete in future elections.¹³

Indicators of representation include the following. This rule comes under challenge if and when elected officials pursue their personal interests, especially in the form of corruption. Corruption, for instance, violates the idea of representation because it enriches '[a] narrow class of government officials and their business cronies...at the expense of the bulk of the population'.¹⁴ Philippe Schmitter and Terry Lynn Karl note that, 'Democracy is in jeopardy if military officers, entrenched civil servants, or state managers retain the capacity to act independently of elected civilians or even veto decisions made by the people's representatives.'¹⁵ Elected representatives must not subject themselves to the veto of non-elected officials.

Compliance with the liberal principle of liberty further reflects a growing respect for freedom of speech, freedom of association or assembly, freedom of religious belief, and other freedoms of choice. Citizens enjoy greater freedom to choose the places in which they want to live, the career they want to pursue, and the persons they wish to marry. Economic liberties, governed by the right to private property, include those that give people the right to private property and to open businesses without any undue state interference. We can hypothesize that the greater the number of civil and economic liberties, the greater the level of democratic regime consolidation.

A democratic regime also becomes highly consolidated when and if all identifiable significant elites become more and more compliant with the norms of accountability and non-violence. They must show a growing degree of willingness and ability to uphold the rule of law by setting up mechanisms to hold themselves accountable for their

policies and actions, whether in the form of corruption or human rights violation. The norm of non-violence experiences a higher degree of compliance when politically motivated killings and injuries, especially during election times, decline, when the number of military coups also decreases, and when the number and intensity of armed or violent struggles for power drop. The norm of non-violence takes deep root when elites do not threaten to use violence against real or potential opponents.

Institutionalization (and deinstitutionalization) serves as both the independent and dependent variables. As the independent variable, institutionalization influences the value of our dependent variable (democratic consolidation). As the dependent variable, institutionalization also depends on structural factors (see Chapter 2).

Complex realist institutionalism defines the concept of institutions as organizations in traditional terms. If the concept means anything (including habits or cultural norms) it 'risks becoming too diluted' and 'if it means everything, then it means nothing'.¹⁶ Institutionalization means the process of institutional development. Some scholars view this process as one becoming stable or sustainable.¹⁷ Both Mainwaring and Scully define institutionalization as 'a process by which a practice or organization becomes well established and widely known, if not universally accepted'. They quoted the work of Samuel Huntington, who defines institutionalization as 'the process by which organizations and procedures acquire value and stability'.¹⁸ Fundamentally, the two scholars tend to emphasize organizational 'longevity' as a measure of institutionalization. However, this measure has a serious problem: just because organizations last a long time, it does not mean that they become highly institutionalized.

This study defines institutionalization as the process in which organizations within the state, political and civil society become stronger over time and reaching toward certain institutional equilibrium where they maintain a stable system of checks and balances among themselves. Complex realist institutionalism rests on the institutional and structural logic discussed earlier. Such organizations aim to develop formal rules to keep their decision-making procedures independent from external interference and make their decision-making effective, operationally sustainable, and influential.

Organizational independence or *autonomy* remains central to institutional development. For instance, the judiciary becomes politically independent when its institutional elite members can exercise power independently from the executive branch. When we believe that NGOs

face no political interference, we refer to them as politically independent or not subject to political control and manipulation.

All organizations also seek to enhance *operational effectiveness*. They aim to enhance their operations effectively on the basis of legitimacy. Their decision-making procedures matter to the extent that they do not conform to the personal interests of ambitious and corrupt leaders. Political parties, for instance, become highly institutionalized if their 'structures are firmly established, if they are territorially comprehensive' and if 'there is a tendency toward routinization of intra-party procedures'.¹⁹

Organizational sustainability further remains a goal of all organizations. Few organizations, if any, want to disintegrate or become unstable. To prevent institutional instability or non-sustainability, they need not only run their institutional affairs independently and effectively, but also ensure institutional viability. For instance, political parties become more stable if they gain more 'resources of their own'.²⁰

Organizational influence ultimately serves the interest of organizations, which often seek to make an impact on the environment. The *raison d'être* of legislatures and judiciaries in democratic states rests on the fundamental assumption that they can help keep the executive power in check. Even civil society institutional actors seek to influence state institutions by shaping their policy preferences and directions.

The institutionalization of democratic power thus means the development of institutional checks and balances rooted in the growing ability of state, political, and civil society organizations to restrain the executive branch of government's exercise of power.

Deinstitutionalization, however, reverses the process of such institutionalization and manifests itself through the regressive process in which organizations become increasingly less independent, less effective, less sustainable, and less influential. Deinstitutionalization begins when significant members of the institutional elites (such as the executive leadership) start to monopolize despotic and infrastructural power (the power to decide and the power to implement) by weakening other institutions or organizations or making them less politically independent, effective, influential, or sustainable. We can associate deinstitutionalization with monopolization of personal power or personalization of power and/or institutionalization of despotic and infrastructural power. In other words, we can define deinstitutionalization of democratic power as the process in which certain elites succeed in monopolizing power for personal ends through institutionalizing certain repressive instruments.

The process of institutionalization, while influencing democratization, also depends on structural variables, which include non-material constraints (cultural, ideological, and historical), and material impediments (socioeconomic and political factors). Non-material constraints include monarchical, military, socialist, and civilian legacies, colonial rule, and destruction of democratic institutions, which help explain why the process of institutionalization of democratic power often does not proceed as designed. Economic indicators include not only low economic growth rates, but also high poverty rates and inequality. Indicators of power politics include attempts by elite members to weaken other organizations. If members of the executive elite can penetrate other organizations, render their decision-making procedures ineffective, diminish their resources by cutting off input (for example, international assistance) or by failing to provide resources to ensure their sustainability, and curb their political influence through the threat or use of violence, deinstitutionalization occurs.

In short, this study formulates a proposition that democratic consolidation depends on the institutionalization of democratic power, the development of a system of institutional checks and balances at three levels: the state, the political arena, and civil society. The more institutionalized organizations become, the more consolidated democracy gets. But democracy becomes deconsolidated if institutions weaken. Institutional growth (or its lack) further depends on both non-material (cultural, ideological, and historical) and material (economic and political) factors. As the intervening variable, democracy assistance becomes effective in helping consolidate democratic regimes only if donors prove capable of strengthening institutions, ensuring equitable economic development, and helping to dehegemonize personal power.

Types and sources of data

This study's method of analysis relies on both quantitative and qualitative data. Political scientists tend to favor quantitative data, especially when doing cross-national or cross-regional analysis. But the case of Cambodia and the kind of a 'thick-theoretical' proposition formulated for this study does not allow us to rely exclusively on quantitative or statistical data.²¹ This study seeks to 'measure' the level of democratic consolidation and institutionalization and thus requires some quantitative data to describe these trends. But we cannot measure structural constraints and impediments on the basis of quantitative data alone. We cannot 'directly observe' causal relationships between democratic

consolidation and institutionalization, as well as between institutionalization and structural factors, by looking at numbers.²² Even positivists who tend to idolize quantitative analysis often use qualitative methods.²³

More specifically, quantitative data prove useful to the extent that they provide precise measures that can help determine causal relationships between variables, especially democratic consolidation, institutionalization, and structural factors. Quantitative data can help us measure structural inequalities. Moreover, quantitative methods, based on the logic of scientific experimentation, deal with control groups, pretests, or elements associated with experimental and quasi-experimental designs that allow researchers to 'hold constant' some factors in order to make causal inferences.²⁴

Unfortunately, quantitative analysis of post-war or developing societies still faces numerous constraints. Even if statistical data can provide analysts with powerful empirical ammunition, they do not exist in abundance in developing countries. Moreover, quantitative analysts often show no hesitation in manipulating data to achieve their own ends or to use them in defense of their interests or perspectives. Mark Twain's remark still holds true today: 'There are three kinds of lies: lies, damned lies, and statistics.' In developing countries, statistics can even become a policy weapon. Donor organizations in Cambodia, such as the Asian Development Bank (ADB), the World Bank, the United Nations Development Programme (UNDP), and the IMF, relied on statistics provided by the Cambodian Government (which established in 1980 the Department of Statistics within the Ministry of Planning and in 1994 renamed it the National Institute of Statistics) – statistics generated by government offices interested in promoting or defending their policy positions. The IMF assessment of Cambodia's GDP once led to the conclusion that the country enjoyed a spectacular economic growth in 2005, reaching 13.5 per cent. In fact, evidence shows that the economy could not have grown this fast in real or actual terms: 'a significant portion of [for instance]...exports are fake because corrupt officials at the Ministry of Commerce fraudulently sell 'Certificates of Origin' to foreign companies based outside Cambodia,' which exported their products under the label 'Made in Cambodia'.²⁵ One cannot say with certainty that 'official' statistics in developed countries always prove reliable, either.²⁶

According to one scholar, 'most empirical research in this [scientific] tradition is based on doubtful statistics enriched with anecdotal evidence rather than by empirical fieldwork'.²⁷ Moreover, 'Quantitative methods can be blunt instruments and may [even] produce misleading data'²⁸

and explanations. Quantitative methods help us generalize social phenomena, but they 'cannot inform us about causes at all'.²⁹

Complex realist institutionalism further seeks to 'measure' the extent of institutionalization, structural constraints, and impediments, but cannot do so quantitatively on the basis of 'direct observation' of causal relationships between democratization, institutionalization, and structural factors (cultural, ideological, historical, economic, and political variables combined). We cannot describe institutional and structural factors 'from within the armchair' by relying on 'statistical databases'³⁰ or by directly observing their 'appearances'. We need to assess realities based on deep but casual relationships between variables by relying also on qualitative data that can help shed light on elite members' perceived interests, motives, and strategies.

Qualitative data help us conduct scientific research on 'real-world' phenomena rather than on normative judgments, even though findings tend to come from words or non-quantifiable narratives (stories or accounts of series of events) describing and sometimes interpreting what researchers cannot directly observe. Researchers can thus collect such data through personal interactions with individual interviewees. Realist interpretation of political elites' beliefs and actions based on 'thick narratives' can tell us how they acquire power, build their political bases, consolidate and maintain them.³¹

Scholars, therefore, should not treat political analysis on the basis of qualitative data as inferior to that based on quantitative data. Both quantitative and qualitative methods similarly seek to defend 'scientific truth' against misguided ideas. Both depend on the need to ensure factual accuracy. The 'reality' indirectly 'observed' must demonstrate as much accuracy as possible. Both also depend on appropriate research questions. Moreover, both rely on abstract concepts (non-observable) and certain research design.³²

Qualitative research has its numerous limitations, of course; its methods tend to focus more on words and stories than on numbers and depend much on researchers' own perceptions and personal interpretation. Findings based on qualitative data may also prove less generalizable: cases may prove unrepresentative of large populations, often non-falsifiable, and may thus lack analytical rigor. Overall, social scientists tend to regard qualitative research as 'soft' or 'impressionistic'.

Still, there exists room for a complementary relationship between the two types of method.³³ Both can provide similar insights in different case studies and help single-country case studies. The results of each method can provide a form of validation for findings generated

from the other or can generate questions for further exploration. More importantly, although qualitative methods provide us with a better guide on theory building (in our case a theory of democracy assistance) and quantitative methods tend to focus on theory testing, we can still test a theory based on both quantitative and qualitative data. Numbers and stories or events can prove useful in simultaneously describing and explaining political trends in the process of theory testing. For instance, we can assess whether democracy becomes more consolidated by counting the number of events such as coups or revolts and describing stories behind them.

Empirical analysis depends on both quantitative and qualitative data. Researchers can collect quantitative data from surveys, based on sets of predetermined questions. Data become standardized, based on answers to the same questions and the same options. Qualitative data come from elite interviews and direct observation. Elite interviewing can provide rich sources of data (more in-depth than interviewing in survey research, which relies on a large number of respondents who may prove unwilling to spend large amounts of time answering questions). Interviewing provides a greater opportunity for researchers to learn from interviewees and to acquire unreported information that helps us better understand the events under study.

This study thus relied on both quantitative and qualitative data collected from at least four sources: 1) books, book chapters, and journal articles; 2) published and unpublished reports and public documentation; 3) elite interviews; and 4) direct observation.

Books, book chapters, and journal articles on Cambodia have grown in numbers. Those published before the UN intervention help provide much insight into historical, cultural, ideological, political, and economic constraints on the process of democratization from 1993 to 2006. There exists a small body of literature that covers Cambodia's political history and discusses its political culture. Other publications cover ideological and political constraints on democratization. Still others help shed light on various economic and political constraints. Those published after 1993 continued to provide rich interpretive insights on the country's more recent developments.

Reports also provided a rich source of data. Cambodian newspapers, both in Khmer and foreign languages, often proved particularly useful in helping us trace important events, such as the elections, government policies and actions, human rights, and so on. Major foreign language newspapers, such as *The Cambodia Daily* and *The Phnom Penh Post*, and other Khmer language dailies, if and when relevant, also

can help researchers identify political events and developments. *Khmer Intelligence*, which began to report on Cambodia in 2002, provided almost daily reports on 'official' and 'confidential' news unavailable elsewhere. Although this source of data provides us with some insights into current political and socioeconomic developments and data classified as official, very reliable, reliable, and rumor, we must treat their credibility with great care. I used its data quite cautiously.

In the case of Cambodia, members of the donor community held an annual pledging conference where they pledged to provide financial support for Cambodia and offered reasons for such support. The extent of their commitment to institution building can be assessed by examining the specific institutions to which they paid attention. The study of donors' commitment to institution building can be divided into two areas: the state, the election administration, and political parties, and civil society organizations. Donors and their organizations have also put out numerous reports that are useful to this study. The UN organizations and related agencies, such as the Cambodian human rights center, the UNDP, the World Bank, and the IMF, reported on political and economic developments in Cambodia. Other regional institutions, most notably the Asian Development Bank (ADB), produced reports on socioeconomic conditions. On electoral politics and human rights issues, there exist numerous reports by regional organizations, such as the EU, and other foreign ones, including the International Republican Institute (IRI), the National Democratic Institute (NDI), and The Asia Foundation (TSF). The Office of the United Nation High Commission for Human Rights in Cambodia (OHCHR/Cambodia) put out valuable reports, especially those by the Special Representatives of the UN Secretary-General for human rights. The study treats most UN reports as UN documents and cited them as UN Doc.

Third, elite interviews, when possible, provided insightful qualitative data. Throughout the period 1992 and 2007, I conducted numerous interviews with government officials, local and foreign activists, journalists, academics, and donor representatives.

Fourth, direct or personal observation plays a central part of this study. Direct observation has gained recognition as a scientific data-collecting method, as it allows researchers to see and hear events under investigation, especially when they occur for the first time, in order to gain a full understanding of their meanings. Since my first visit to Cambodia in 1992 (when UNTAC began its mission), I have paid visits to the country at least once a year. During my sabbatical from April 2004 to March 2006, I spent seven months conducting fieldwork there.

I finally returned to the country early in February 2007 and stayed there until early April. All this provided me with additional opportunities to witness the development of Cambodian democracy.

Fifth, I also invited a number of scholars from both inside and outside Cambodia to verify factual accuracy and assess analytical soundness for the purpose of falsifying CRI: namely, the less contentious the theory gets, the more valid it becomes. But I did not expect approval from everyone, especially those advocating normative theory. Several scholars, for instance, did not react to this manuscript. They must have disagreed with me.

Conclusion

This chapter relies on Cambodia as the single-country case study to help 'measure' the process of democratic consolidation and institutionalization. This study treats democratic consolidation as the dependent variable, institutionalization as both an independent and dependent variable, structural factors as the main independent variables, and international democracy assistance as the intervening variable. The study adopted a certain realist ontology, epistemology, and methodology by relying on both quantitative and qualitative data based on the conviction that the larger the number of data that corroborates the theoretical proposition, the greater the validity of the theory. In societies where governments control and manipulate data, we must ultimately learn, as one scholar puts it, how 'to read between the lines and squeeze the most out of a limited and often skewed array of numbers, documents, and personal testimonies'.³⁴

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Part II

Power vs. Democratic Consolidation

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4

Electoral Procedural Rules under Constraint

This chapter describes part of the political development in Cambodia between 1993 and 2006, assessing whether its democracy had become increasingly consolidated. Robert Albritton, for instance, considers the country 'on the road to democratic consolidation'.¹ He regards the 2003 national election (the third since the UN-organized election in 1993) as representative of 'a significant step toward a multi-party democracy,' but then qualifies this statement by saying that 'provisions of the Constitution designed to reconcile warring parties now pose problems for developing, democratically elected governments'.² This study takes issue with this optimistic assessment by making the case that democracy in Cambodia remained largely unconsolidated after the relatively successful democratic transition in 1993.

Electoral procedural rules on paper

When the four Cambodian signatories approved the Paris Peace Agreements in October 1991, they entered into a democratic agreement based on a comprehensive political settlement of their conflict.³

At the heart of the agreement lay the requirement that 'Cambodia will follow a system of liberal democracy on the basis of pluralism' (Annex 5, Paragraph 4). Annex 3 on Elections, Paragraph 2 stated that the election 'will be held throughout Cambodia on provincial basis in accordance with a system of proportional representation on the basis of lists of candidates put forward by political parties'. Cambodia must permit the establishment of a multi-party political system that would allow electoral competition for public office and reject policies of the past that failed to prevent Cambodian social forces or elites from coming to power by non-electoral or violent means.

After the 1993 election, Cambodia moved to adopt a number of electoral procedural rules. The 1993 Constitution (Article 76), for instance, stipulated that, 'Preparation for the election, procedure and electoral process shall be determined by an Election Law.' Adopted on 19 December 1997, the Law on the Election of the National Assembly further established electoral procedures, organs, and the code of conduct for its members. The Law contained 13 separate chapters: 'Electoral System and Determination of Seats' (Chapter II), 'Administration of the Elections' (Chapter III), 'Registration of Political Parties and Lists of Candidates' (Chapter IV), 'Polling Stations' (Chapter V), 'Voter registration and Lists of Voters' (Chapter VI), 'Electoral Campaign' (Chapter VII), 'Polling, Counting of Votes and Determination of the Election Results' (Chapter VIII), 'Replacement of Members of the National Assembly' (Chapter IX), 'Budget' (Chapter X), 'Penalties' (Chapter XI), 'Transitional Provisions' (Chapter XII), and 'Final Provisions' (Chapter XIII).

The Law on Parties, also adopted to regulate elections, contained 11 Chapters (45 Articles). The Chapters included 'General Provisions' (Chapter I), 'Establishment of Political Parties' (Chapter II), 'Membership' (Chapter III), 'Political Party Bodies' (Chapter IV), 'Registration of Political Parties' (Chapter V), 'Political Party Finances' (Chapter VI), 'Records and Audits' (Chapter VII), 'Dissolution, Affiliation and Alliance of Political Parties' (Chapter VIII), 'Penalties' (Chapter IX), 'Transitional Provisions' (Chapter X), and 'Final Provisions' (Chapter XI).

The Paris Agreements and the Election Laws contained the rule of repeatability. Annex 5, Paragraph 4 of the Agreements stipulated that Cambodia 'will provide for periodic...elections'. The Election Laws further reinforced this rule. Article 3 stipulated that, 'The election of members of the National Assembly shall be held every five years, on Sunday of the eighth week before the termination of the legislative term of the National Assembly'...except for certain circumstances.

The Election Laws also contained provisions to enforce other procedural rules, including the rule of transparency. Paragraphs 18, 19, and 20 of the Laws, for instance, required that the National Election Committee (NEC) provide 'information on the progress of the electoral process to all political parties and candidates and receiving suggestions regarding electoral processes,' produce and disseminate 'publications on election matters', and promote 'public understanding of electoral matters by means of voters education, public information and others'.

The Peace Agreements and the 1993 Constitution also established other electoral rules: freeness, fairness, and representation. Article 14 of the Agreements made it clear that, 'All [Cambodian] Signatories

commit themselves to respect the results of these elections once certified as free and fair by the United Nations.’ Article 12 also stated the rules of electoral freeness and fairness: ‘The Cambodian people shall have the right to determine their own political future through the free and fair election of a constituent assembly.’ Annex 5, Paragraph also required that ‘electoral procedures provide a full and fair opportunity to organize and participate in the electoral process’. Annex 3, Paragraph 9 further made it clear that, ‘All registered parties will enjoy fair access to the media, including the press, television and radio.’ (See also Annex 1, Section D, Paragraph f, referring to the UNTAC role in ‘ensuring fair access’ to media).

Universal suffrage gained formal recognition. The Agreements’ Annex 3 stated that, ‘Every person who has reached the age of eighteen at the time of application to register, or who turns eighteen during the registration period, and who either was born in Cambodia or is the child of a person born in Cambodia, will be eligible to vote in the election.’ The Constitution’s Article 34 stated that, ‘Citizens of either sex shall enjoy the right to vote and to stand as candidates for the election. Citizens of either sex of at least eighteen years old, have the right to vote. Citizens of either sex of at least 25 years old, have the right to stand as candidates for the election.’

The Constitution and the Election Laws reinforced electoral procedural rules found in the Peace Agreements. The NEC had the duty, according to Article 16 of the Election Laws, to ensure the electoral rule of freeness. Article 71 prohibited political parties and their candidates from ‘using threats, intimidation or violence against other parties or candidates’. Parties also ‘shall not incite their supporters or voters to use threats, intimidation or violence against other parties and candidates’. On polling day, Article 100 of the Election Laws further prohibited anyone from ‘entering a polling station with a weapon or any type of explosive and except by special permission of the Chairman of the Polling Station, entering in military uniform’. All these provisions ensured that voters would feel free enough to cast ballots.

The NEC also had the authority to ensure fairness in the electoral process. This included the authority to ‘ensure equal access to the public media’ (Paragraph 17 of the Election Laws). Article 74 stated that, ‘All media, including state-run press, television and radio, shall make their services available to the National Election Committee at no cost for the purpose of publicizing electoral work and conducting voter education.’ Article 75 further stressed the rule of fairness; the NEC ‘shall take steps to publicize political messages at the request of a

political party which has been registered for participation in the election, based on equal and orderly access to media’.

On the electoral rule of fairness, Chapter VI, Article 28 of the Law on Political Parties specifically stated that, ‘The State may provide each registered political party equally with funds from the national budget, solely for use in the electoral campaign.’ The Laws allowed losing parties to file election-related complaints. The Election Administration (EA) had the power to examine complaints and to determine whether to validate the results or to organize a new election (Article 111 of the Law on the Election of the National Assembly). If the EA rejected their complaints, they could appeal to the Constitutional Council, which would make final decisions.

The Constitution also contained the electoral rule of representation. According to Article 77, ‘The deputies in the National Assembly shall represent the entire Khmer people, not only Khmers from their constituencies.’ The Assembly shall also operate on the basis of parliamentary immunity, thus implying that elected officials should not function to serve their parties’ political interests or their leaders’ personal interests. Article 80, for instance, made it clear that deputies ‘shall not be prosecuted, detained or arrested because of opinions expressed during the exercise of [their] duties’. Constitutionally, however, elected officials did not stand above the law. The National Assembly, upon the request of at least one-tenth of members, ‘shall invite a high-ranking official to clarify important special issues’ (Article 89). The Assembly could file charges with a competent court against any members of the government found guilty of ‘serious offenses’ or crimes or misdemeanors in the course of their duty (Article 107).

The Election Laws further contained the electoral rule of representation. The Laws, for instance, prohibited civil servants, court officials, members of the armed forces and police, members of the Supreme Council of the Magistracy, members of the Constitutional Council, and religious priests from representing the electorate. Article 35 stated that they could run for public office, but only if they would resign from their functions or renounce their positions at least seven days before the election campaign. They could not use their positions to influence the electoral process.

In short, then, the three main official documents – the Paris Peace Agreements, the Constitution, and the Laws on the Election of the National Assembly and Political Parties – together laid for Cambodia a new legal foundation for the implementation of electoral rules designed to regulate the electoral process.

Limits of compliance with electoral procedural rules

Cambodia maintained respect for the electoral rule of repeatability. The country conducted national assembly elections every five years (See Table 4.1). Between 1993 and 2003, the country held three national assembly elections (1993, 1998, and 2003), a commune council election (2002), and the first senate election (2006).

Moreover, Cambodian elites increasingly complied with the procedural rule of transparency. The Election Administration improved its image as a transparent body. It presented a master plan and agreed to fulfill the agreed-upon activities. According to one EU official, 'the new NEC was quite responsive and more proactive than the previous one.'⁴ The *Phnom Penh Post* reported that the NEC 'was widely hailed as being more...transparent'.⁵ The UN Special Representative for Human Rights Peter Leuprecht also noted that 'the 2003 election marked progress in the technical aspects of election administration and the professionalism of the National Election Committee' and welcomed 'the increased level of consultation that the NEC employed in its work',⁶ such as incorporating some comments (regarding the drafting of the Regulations and Procedures for the Conduct of the Election of Members of the National Assembly) from political parties and civil society organizations. Even the IRI recognized real improvements, including the NEC's efforts to improve its relationship with international and local election observers and to certify as well as help prepare them for monitoring activities in the 2003 election.⁷

Table 4.1 National Assembly Election Outcomes

Political Party	1993 Election	1998 Election	2003 Election
Cambodian People's Party (CPP)	51/122 (38.23% of Vote)	64/122 (41% of Vote)	73/123 (47.35% of Vote)
FUNCINPEC (Royalist Party)	58/122 (45.47% of Vote)	43/122 (31% of Vote)	26/123 (20.75% of Vote)
Sam Rainsy Party (SRP)	N/A	15/122 (14% of Vote)	24/123 (21.87% of Vote)
Buddhist Liberal Democratic Party (BLDP)	10/122 (3.81% of Vote)	0/122	Dysfunctional
Others	1/122 (12.49% of Vote)	0/122	0/123

The UN Special Representative for Human Rights not only praised the Administration's 'professionalism', but also concurred with reports by COMFREL, the International Volunteer Observer Team, the US Long-Term International Observation Group, the UNDP, the National Democratic Institute, the IRI, and others, which expressed satisfaction with the security and transparency of the voting process. The NEC held regular meetings with political parties, NGOs, and media representatives, which also received the texts of all draft regulations, soliciting their comments. Observers regarded the Committee as becoming 'responsive to the preoccupations of Cambodian society as a whole.'⁸

However, Cambodian elites only complied with some aspects of the electoral rule of freeness. Positive signs included the persistence of a multi-party system: 39 parties registered to compete in the 26 July 1998 election. The major parties fielded candidates in all 122 constituencies. More than 4.9 million people (around 93 per cent of registered voters) cast their ballots at over 11000 polling stations. Positive signs regarding the 2002 commune election included the persistence of a multi-party system and a lower level of political violence against the opposition, when compared to 1993. Eight parties competed in the election. Voters remained enthusiastic: 5190307 (83 per cent of the eligible voters) registered to vote. In 2003, three of the 23 political parties – CPP, SRP and FUNCINPEC – officially registered to compete for public office received votes. More than 6 million Cambodian voters (6341834 or 93.95 per cent of the total number of eligible voters) again went to the poll stations.

The electoral rule of freeness faced real restrictions, however. By and large, the opposition parties did not enjoy the fully exercise of their political rights. During the 1993 election, political intimidation and violence continued.⁹ The CPP proved 'incapable of regarding opposition political parties as legitimate rivals' and even sought to describe opposition parties, especially FUNCINPEC, as 'criminals' and 'Khmer Rouge'.¹⁰ CPP officials 'attempted to intimidate more than to persuade' and proved unready 'to consider [their] political rival as anything but the enemy.'¹¹ Members of the Party indiscriminately carried out acts of political violence against ordinary citizens.¹² In 1998, the Special Representative of the UN Secretary-General documented cases of political intimidation and violence against opposition members and pro-opposition voters. Between 20 May and 25 July (right up to polling day), the OHCHR/Cambodia received 400 allegations of intimidation and violence related to the electoral process. Of the 174 allegations under investigation, the Office confirmed 82 as 'credible,' involving 21 killings.¹³ The CPP dragooned millions of voters into the Party and engaged in the

politics of intimidation and threat. In the 13 months leading up to the commune election in 2002, 17 people died in incidents of political violence. Pre-election intimidation of party candidates and voters by military and local officials reportedly 'was not conducive to the right political climate'.¹⁴ Before the 2002 election, CPP officials even forced villagers to drink 'oath water', to swear allegiance to the CPP, as well as to 'thumbprint' CPP membership documents.¹⁵

During the 2003 election, the CPP committed violence against opposition members. According to the IRI, 'In some well-documented instances CPP activists had villagers sign loyalty oaths in the presence of Buddhist monks, or threatened to reclaim gifts, if CPP fared poorly in the election.'¹⁶ The UN office also reported on voter intimidation and coercion: 'Intimidation of voters and political party activists was observed throughout the country in the months preceding the election...and continued unabated during the election campaign.' According to the report, 'Intimidation took many forms, including the collection or confiscation of voter registration cards or other identity documents by local officials, interference with and removal of party signboards, destruction of property, economic threats of renewed conflict, shots fired in the air, threats of physical violence and death threats.'¹⁷

In terms of electoral fairness, the CPP enjoyed the upper hand. Opposition parties did not always have sufficient amounts of time to prepare themselves for the upcoming elections. Many of the surviving opposition leaders, for instance, returned to Cambodia from exile just months before the election took place in 1998. Systematic discrimination against opposition parties remained evident in other areas of the electoral process. The Electoral Laws made it difficult for parties to lodge complaints. Election officials often could not even respond effectively to complaints by opposition parties. Political parties had to fill out numerous forms, had to submit them within a short period of time (four or five days), and had to provide sufficient evidence or large numbers of witnesses. But their complaints got either ignored or dismissed. For instance, after the 2003 election's polling day the SRP submitted almost 1500 complaints to the PECs, but only two got resolved. The requirements also deterred people and parties from lodging complaints.¹⁸

The CPP elite took advantage of state institutions, such as the Ministry of Interior. A highly orchestrated propaganda campaign in the SOC media attempted to justify, explain, and cover up the violence against opposition parties during the 1993 election.¹⁹ Moreover, the political environment in the 1998 and 2003 elections did not allow voters to exercise their right to vote freely. Security in and around polling stations became generally positive and voters did not get turned away at closing

times; however, voters may not have felt as free as they would have liked. The EU Election Observation Mission acknowledged ‘an imbalance in favor of the ruling party [CPP], ‘the influence of village chiefs on political activities’, and ‘the lack of neutrality of the administration and the widespread practice of incentives distribution’.²⁰ Although they did not enter polling stations, village chiefs kept ‘records of voters coming in and out’, directed and advised voters, and ‘made it difficult for observers (local observers and other Party Agents in Polling Stations) to keep an eye on them’.²¹ Moreover, the CPP maintained the advantage of controlling state institutions, which often did not behave in an impartial manner. The various Special Representatives of the UN Secretary-General often raised ‘concerns about the lack of neutrality of state institutions, including the police and military’.²²

The CPP also dominated the media sector. In 1993, pluralism in the media sector began to emerge. Opposition parties freely published their own newsletters and bulletins to advance their political interests. But the CPP ‘clearly enjoyed unfair advantages, with its ownership of the Cambodian media and mobilization of public officials for CPP campaigning’.²³ The 1998 election continued this situation. During and after the coup in 1997, the CPP destroyed or took over the opposition parties’ media systems. Overall the commune election remained unfair. Non-CPP parties enjoyed less media access than they had previously. ‘Media access during the 2002 election polls became less fair than in 1998. Problems relating to the ownership structure of media companies and imbalance in news coverage remained.’ Moreover, ‘News coverage both by state-owned and private television and radio focused overwhelmingly on the activities of the government and the [CPP].’²⁴

During the 2003 national assembly election, opposition parties definitely gained more – but still limited – access to the media. The NDI alone provided 20 hours of TV coverage for all parties with its televised debates program.²⁵ State-run TVK broadcast the ‘Equal Access Programmes’. The state media (TVK and RNK) broadcast two hours a day of political advertising spots and extracts of roundtable debates (five minutes for each party). The state electronic media ran, for the first time, a ‘Special Elections News Bulletin,’ on the principle of equity based on a party’s existing number of elected members of parliament and its strength in previous elections. The CPP received 44 per cent, FUNCINPEC 27 per cent, and the SRP 19 per cent of the distribution; the others received 10 per cent. But the state-run media outlets remained under the tight control of the CPP elite. Moreover, the private media remained biased against opposition parties.²⁶ According to an EU report, ‘none of the six private TV sta-

tions accepted any party's spot, but all devoted a large political coverage to Prime Minister Hun Sen and the Government.¹²⁷

Meanwhile, the post-election transfer of political power remained highly problematic. When the 1993 national election resulted in the CPP's political defeat, the party refused to transfer power to the winner, FUNCINPEC. Some CPP officials (led by Prince Norodom Chakropong, one of Sihanouk's sons who joined the CPP) threatened to divide up the country, arguing that the election did not conform to the electoral rules of freeness and fairness. Although they eventually agreed to compromise by accepting the second place in a coalition government (with Hun Sen becoming Second Prime Minister and Prince Norodom Ranariddh First Prime Minister), the CPP continued to dominate the national political arena, thus making the transfer of power incomplete. In early July 1997, the new coalition government broke down. Hun Sen staged a 'violent coup' against his coalition partner Prince Ranariddh and succeeded in driving the latter out of power and replacing him with Foreign Minister Ung Huot (FUNCINPEC) as First Prime Minister, a person seen as incapable of challenging Hun Sen.²⁸ This marked a breakdown of democracy.

After the 1998 election, the transfer of power again encountered obstacles. Immediately after the election, both FUNCINPEC and SRP refused to form a coalition government with the CPP and threatened to boycott the parliament, having alleged electoral fraud. But violence broke out, as '[o]pposition party supporters joined mass demonstrations in Phnom Penh to protest against alleged electoral fraud, and bloodshed resulted...two demonstrators were killed, another 50 reported disappeared, and 16 bodies, believed by some to be the victims of extra-judicial killings, were found.' Also, 'Refusal by the opposition parties to accept the election results as authoritative led to a political crisis lasting about three months because agreement could not be reached over the form of a new government.'²⁹

The 2003 National Assembly election experienced more challenges. Politicking worsened. FUNCINPEC and the SRP alleged that 1.5 million Cambodians did not get the chance to exercise their right to vote, formed the Alliance of Democrats on 4 August, and demanded that Hun Sen step down as Prime Minister. Until late June 2004, 11 months after the election, the transfer of power had not occurred. Not until 26 June did the CPP and FUNCINPEC sign a deal to form another coalition government. The SRP then emerged as the sole opposition party in parliament.

More notably, the election outcomes became less and less uncertain. An element of uncertainty before polling day in the 1993 election still

existed. The CPP then did not feel confident that it would garner all the votes it needed to form a government on its own and did not feel invincible.³⁰ After the 1997 coup, however, it became clear that the CPP would not let the opportunity to win slip by. Its future looked increasingly bright, whereas the other parties' did not. Before the election in 1998, Hun Sen showed his growing confidence on the CPP's ability to win. During an interview in June of that year, he offered a mathematical formula: 'Now we have 51 seats in the national assembly. Divide it by one. What is the result? Another party [FUNCINPEC] has 58 seats. Divide it by nine [the royalist party had split into as many as nine factions after the coup]. What is the result?' According to the interviewers, 'This equation made Hun Sen confident of winning most of the seats in the July 26 election.'³¹

The overall electoral trend suggests that the political elites did not genuinely respect the rule of electoral freeness and fairness. In 2003, the CPP gained more seats (73 seats with 2.45 million voters) than it had in the 1993 and 1998 elections. The number of FUNCINPEC seats declined to only 26 (with 1.13 million votes), while the SRP gained some ground (from 15 seats in 1998 to 24, with 1.07 million votes). However, the CPP took control of nearly 99 per cent of all communes (having 1598 out of 1621 commune chiefs elected), leaving the SRP and FUNCINPEC with only 13 and 10, respectively. The Senate Election showed no electoral fairness, either. When it took place in January 2006, only the 123 MPs and some 13000 commune councilors (most of whom remained CPP loyalists) could cast their ballots for the 57 senators allocated for the next six-year term. The CPP captured 45 of the 57 elected seats; the National Assembly and the King appointed the other four seats.

Limits of compliance with Rule of Representation

Cambodian democracy did not become increasingly representative of all citizens' interests. Women and minorities became better represented, but still stood among the least-represented social groups in the country. By the end of the 1990s, the country had only two female ministers (Ministers for Women's Affairs and Culture and Fine Arts) among the 25 ministries, compared to none in the period 1993–97. As of 2006, Cambodia had more women in the executive branch: 8 out of 127 secretaries of state (15.8 per cent), 16 out of 135 under-secretaries of state, and five deputy governors. Women made up of 16 per cent of the MPs, 13 per cent of the Senators, 8 per cent of the commune council members, and 0.6 per cent of the commune chiefs. Female judges made up 12 per cent (14 out of 119).

Minorities' political representation also improved, but evidently remained quite limited. The 2003 election saw five minorities – two Cham, two tribal, and one Thai – elected to the 123 seats at the National Assembly. Minority groups also received at least five senior government positions. Prior to the 2006 election, the Senate had five representatives from the Cham, tribal, and Thai communities. Overall, the estimated 17 main indigenous groups, many of whom lived in the north-eastern provinces of Cambodia, stood among the most excluded groups.

The elected governments between 1993 and 2006 took no serious responsibility as representatives of the people, either. The level of interaction between elected officials and their constituencies remained quite low. A study by COMFREL between October 2003 and September 2004, for instance, revealed that approximately 78 per cent of the members of parliament 'made contact with their constituents and intervened to address some issues,' but 'few have responded in-depth to people's needs and issues'. The three parties made a total number of 701 visits (404 by CPP MPs, 210 visits by 19 SRP MPs, and 87 visits by 21 FUNCINPEC MPs). The report adds that, 'Among all visits' purpose, the SRP's MPs assisted people or did something about their problems 28 times, the MPs from CPP did so 12 times and FUNCINPEC MPs only 3 times. The most important reason for MPs visiting their constituencies from all three parties was ceremonial and gift-giving.³²

'Gift-giving' may take a form of corruption, especially vote-buying. Even in the 2003 national election, political parties continued to engage 'in gift giving in the form of food, other goods or small sums of money, as a means of encouraging voters to participate in their political rallies and secure their promises of support'. Comparatively, 'CPP's efforts in this regard were by far the most extensive and coercive'; its members even 'threatened to reclaim gifts'.³³ According to some findings, 'politicians (Members of Parliament) are the most despised category'.³⁴

Corruption remained rampant among public officials, including elected ones. The government reportedly 'developed a full array of outside institutions – captive firms, controlled media, party-affiliated NGOs and unions – as well as the police, military, ministries, judiciary and parliament to support a corrupt system'.³⁵

Indeed, surveys showed that Cambodians had a low level of trust in government institutions. According to one study, 'Government, at all levels, is not perceived as very trustworthy' and the 'commune administration is least liked by (remote) rural Cambodians'. The courts stood out among the most dishonest institutions, 'followed by the revenue generating institutions customs, tax and the law enforcing police'. The 'police score particularly [badly] with rural citizens'.³⁶

Public corruption posed another constant, if not growing,³⁷ challenge to the democratic principle of representation. This problem appears to remain pervasive at all levels of society. Few Cambodians remained unaware of the problem. A corruption assessment funded by USAID describes the state apparatus as ‘corruption-ridden’. Rather than working to meet people’s needs, the state did little to eradicate the fact that, ‘Ordinary Cambodians are subject to a daunting variety of small and medium exactions, some paid virtually on a daily basis’.³⁸ They usually received services from public officials after making bribe payments and paid an average of 1.4 per cent of their total expenditures or as high as 5 per cent of their reported income.³⁹

The public in general did not favor corruption.⁴⁰ By and large, Cambodians saw corruption as detrimental to their interests, in terms of public service quality.⁴¹ The 1998 survey shows that 58 per cent of the respondents believed that corruption did not make things run smoothly; 90 per cent of them considered corruption a hindrance to national development, whereas a massive 98 per cent saw the need to end corruption. In other words, while they viewed corruption as a social impediment to the advancement of their interests, Cambodians did not accept it as a way of life that must earn their support. Overall, corruption created a negative image of the elected governments, thus keeping the level of their political legitimacy quite low. Around 89 per cent of respondents, especially among those more urban and more educated, did not regard government efforts to combat corruption as sincere.⁴² Cambodia’s rank in the Transparency International Corruption Perception Index 2006 even dropped – from 2005 by 21 places to 151st among 163 countries.⁴³

Conclusion

By 2006, Cambodia remained largely an electoral democracy, if not an electoral dictatorship, but definitely not a consolidated democracy. Elections took place on a regular basis. Electoral procedures became more and more transparent over time. Various indicators, however, point to the ongoing problem of compliance with other electoral procedural rules, such as those of freeness, fairness, and representation. Election results became more and more certain: the CPP would most likely win. Opposition parties continued to resist the electoral rule of fairness that required them to accept their losses and allow the winning party to form a new government. Government officials performed their functions poorly in meeting people’s needs. Many deeply engaged in corrupt practices that diminished their political legitimacy.

5

Liberal Norms under Stress

This chapter further demonstrates that the liberal norms of accountability and nonviolence adopted by elites within both the Cambodian state and political society showed no clear signs of steady or durable internalization. In fact, the cultural norm of impunity remained widespread and continued to resist any efforts to hold members of the political elite accountable for their actions. Perpetrators of political violence and crimes continued to escape justice. Members of the ruling political elite, especially Prime Minister Hun Sen, remained willing and capable of resorting to repressive violence, despite the fact that the overall trend of political violence diminished.

Two new liberal norms: accountability and non-violence

The norms of accountability and non-violence emerged alongside the democratic transition early in the 1990s. We can only appreciate this normative development by assessing things in a historical context. Between 1970 and 1992, Cambodia witnessed large-scale war and repressive violence. The Khmer Republic (1970–75) slaughtered thousands of ethnic Vietnamese after the coup against Sihanouk in 1970. In that year alone, it expelled 200 000 of them. The Government accused 7000 ethnic Vietnamese of treason and executed 800.¹ Within the next four years, some 120 000 Vietnamese left Cambodia for Vietnam.² In some instances, some survivors served as a bargaining chip by government troops trying to get Vietnamese insurgents in the country to surrender. Tens of thousands of Cambodian civilians also succumbed to indiscriminate attacks by government armed forces. During the 1970–75 period, close to a million Cambodians may have perished.³ According to official statistics, roughly one million on the government

side of the war perished. Some believed that an additional 600000 may have died in Khmer Rouge zones.⁴

The Khmer Rouge leaders ruled Cambodia far more ruthlessly. Initially, the main groups targeted for elimination included former government officials. One writer points out that, 'The Khmer Rouge period began as one of brutal repression against those who had supported the Khmer Republic. Their Government...killed many thousands of politicians and army officers from the day they took control of Phnom Penh.'⁵ David Chandler estimated that 'more than million Cambodians, or one in seven, probably died from malnutrition, overwork, and misdiagnosed or mistreated illness' and that '[a]t least 100,000, and probably more, were executed for crimes against the state.'⁶ Others believed that around one and a half million Cambodians perished, of whom between 300000 and 400 000 died by execution.⁷ The exact death toll may never become known, but the number of Cambodians who died between 1975 and 1978 ranged somewhere between 1000000 and 1500000.

Throughout the 1980s, the PRK/SOC also ruled virtually unchecked. The police had 'virtually unrestrained control'.⁸ In 1979, the Vietnamese forces established a military intelligence unit known as 'T-6' used for interrogation and torture. After the Vietnamese departure in late 1989, the unit was renamed 'S-91', employing over 50 soldiers as guards, interrogators, executioners, and investigators. According to the Lawyers Committee for Human Rights, 'the government of the State of Cambodia [SOC] has imprisoned thousands of persons for taking part in violent or non-violent activities on behalf of the Khmer Rouge or the non-communist opposition.'⁹ The Cambodian authorities imprisoned individuals at will, without giving them a chance to defend themselves. As one report put it, 'Beatings – with truncheons, rifle stocks, metal pipes or bamboo sticks – appear to be the most common form of physical abuse in the PRK. They often were supplemented by more sophisticated torture methods, which included applying electric shocks, tightening a metal contraption around the detainees head, blowing lye powder in the prisoner's face and – commonly – placing a plastic bag over a detainee's head until he or she faints.'¹⁰ Evidently, 'torture [was] practiced widely on behalf of the state'.¹¹

A certain legal norm of accountability emerged during this period, at least on paper. The PRK/SOC, for instance, built a legal and judicial system to uphold the rule of law: establishing in 1979 the Tribunal of Phnom Penh to try Khmer Rouge leaders accused of genocide, the Military Tribunal and local conciliation bodies in 1982, and the Supreme Court and the Office of the Prosecutor General in 1985.

The 1991 Peace Agreements faintly recognized the liberal norm of accountability. The system of democracy based on the concept of pluralism implies that elected officials represent their constituencies' interests and must operate on the basis of accountability. But not a single provision in the Agreements indicated that Cambodia or the international community would hold any members of the Cambodian Signatories accountable for their past actions. Both the Khmer Rouge and the PRK/SOC had the right to compete for public office and to form a new government, if elected.

One could, of course, debate whether the future government of Cambodia should force surviving Khmer Rouge leaders to account for the atrocities they had committed from 1975 to 1978, but the Paris Peace Agreements showed no immediate concern about the 'impunity' of their past crimes. Part III on 'Human Rights', for instance, focused only on prevention and promotion of human rights rather than retribution. It only required that Cambodia, among other things, undertake 'to ensure respect for and observance of human rights and fundamental freedoms in Cambodia', 'to support the right of all Cambodian citizens to undertake activities which would promote and protect human rights and fundamental freedoms', and 'to take effective measures to ensure that the policies and practices of the past shall never be allowed to return'.

After the 1993 election, the new Government started to embrace the liberal norm of accountability more forcefully. Article 96 of the Constitution stated that, 'The deputies have the right to put a motion against the Royal Government.' Article 97 stipulated that, 'The National Assembly commissions may invite any minister to clarify certain issues under his/her field of responsibility.' Article 98 even granted the National Assembly the power to 'dismiss a member or members of the Royal Government or the whole Cabinet by the adoption of a motion of censure by two-third majority of the entire National Assembly'. Article 107 further stated that, 'Each member of the Royal Government shall be punished for any crimes or misdemeanors that he/she has committed in the course of his/her duty. In such cases and when he/she has committed serious offences in the course of his/her duty, the National Assembly shall decide to file charges against him/her with the competent court.'

The recent pursuit of criminal justice against surviving Khmer Rouge leaders ultimately sought to transform the cultural norm of impunity into one based on accountability. On 21 June 1997, the Government in Phnom Penh wrote to the UN Secretary-General, requesting the UN

provide Cambodia with assistance in bringing Khmer Rouge leaders to justice, with the aim of 'establishing the truth' and 'trying those responsible' for their past crimes. In June 2003, both sides finally signed a 32-article agreement leading to the creation of Extraordinary Chambers tasked with the jurisdiction to 'prosecute those most responsible for crimes and serious violations of Cambodian and international law between 17 April and 6 January 1979'.

Meanwhile, Cambodia embraced the liberal norm of non-violence. The Peace Agreements, the Constitution and other Cambodian laws prohibited the use of violence as the means to settle political disputes. The Peace Agreements' Article 25 under Part IX 'Final Provisions' stated clearly that, 'The Signatories shall, in good faith and in a spirit of cooperation, resolve through peaceful means any disputes with respect to the implementation of this Agreement'. The Cambodian signatories shall respect their cease-fire. Article 9 stated that, 'All forces shall immediately disengage and refrain from all hostilities and from any deployment, movement or action which would extend the territory or which might lead to renewed fighting', and they shall not receive any outside military assistance. According to Article 28, the Supreme National Council (made up of representatives from the Signatories) shall 'commit all Cambodian parties and armed forces to the provisions of this Agreement'.

The Constitution prohibited war and violence, except within the legal boundaries of self-defense (Article 53) (to protect Cambodia's independence, sovereignty, and territorial integrity, according to Article 52) and the framework of requests by the United Nations. Its Preamble stated that the People of Cambodia 'restore Cambodia into an "Island of Peace" based on a multi-party liberal democratic regime guaranteeing human rights and the respect of law'. Article 53 stated that Cambodia 'adopts a policy of permanent neutrality and non-alignment', 'follows a policy of peaceful co-existence with its neighbors and with all other countries throughout the world', and 'shall not invade any country, nor interfere in any other country's internal affairs, directly or indirectly, and shall solve any problems peacefully with due respect for mutual interests'. The Article even prohibited the country from joining 'any military alliance or military pact that is incompatible with its policy of neutrality' and stated clearly that it 'shall not permit any foreign military base on its territory' and 'shall not have its own military base abroad'. Although it permitted Cambodia to receive foreign assistance in military equipment, armaments, ammunitions, and training of its military personnel, the Constitution clearly prohibited,

among other things, the physical abuse of individuals (Article 38). Due to past tragedies (especially political killings), the 1993 Constitution even prohibited capital punishment.

Norm of accountability: limited by norm of impunity

In practice, the Cambodian elites repeatedly violated the norm of accountability. Although corruption remained widespread (see Chapter 4) and Hun Sen made promises to donors that his Government would combat corruption, he did little to hold high-ranking officials accountable for their corrupt actions. Government officials deserve some credit for making Cambodia the first country in Asia to have written to the World Bank on 8 July 1999, requesting assistance for capacity building in fighting corruption. Cambodia created an Anti-Corruption Council, a Council for Judicial and Legal Reform, a Council for Social Development, and others (as noted throughout this book). In June 2002, Hun Sen promised to fight corruption. In September 2004, he declared a 'war on corruption'. But his Government refused to sign the UN Anti-Corruption Convention. By 2006, Cambodia had not adopted any robust anti-corruption legislation. In October of that year, Japan's Ambassador to Cambodia, Takahashi Fumiaki, correctly accused the Cambodian elite of lacking 'a sense of urgency' in its effort to make good on its promises. He made the following observation: 'we have not heard of any single incident in which high-ranking central government officials are accused or indicted for accepting bribes'.¹²

The Cambodia Office for the High Commissioner of Human Rights and the UN Special Representatives documented series of violations of the Election Laws, but repeatedly pointed out the persisting problem of impunity. Law enforcement authorities, particularly commune police, refused to investigate complaints involving village and commune officials. They often failed to either investigate or resolve election-related complaints. Even as recently as the 2003 National Assembly election, election officials continued to show reluctance to enforce the Electoral Law. Commune Election Commission officials handled almost two-thirds of the complaints, but in most cases they attempted conciliation in settings and under circumstances unfavorable to the victims. NEC officials hesitated to impose any sanctions. While they took action against breaches of the Election Law on a few occasions, the NEC remained largely ineffective.

The cultural norm of impunity, however, went beyond election issues and remained pervasive throughout Cambodian society. Few

individuals in Cambodia, if any, involved in serious types of violence or crime ever faced justice. Reports by the Cambodia Office for the Commissioner of Human Rights (COCHR) and the various Special Representative of the UN Secretary-General identified the problem of impunity as serious. In November 1997, Special Representative Thomas Hammaberg submitted a statement to the Third Committee of the 52nd Session of the General Assembly, in which he expressed 'serious concern about...the continued problem of impunity' and pointed out that 'until today no one has been arrested or prosecuted'.¹³ Subsequent years have seen no real improvement. At the end of 2002, the new Special Representative, Peter Leuprecht, further reported that, 'Individuals who exercise State authority, most notably law enforcement officials and members of the armed forces, are rarely held accountable for crimes they commit.'¹⁴ In August 2003, another report further confirmed that, 'Impunity for those responsible for human rights violations, especially police and military and those in positions of political and economic influence, remains a serious problem.'¹⁵

Throughout his terms as Special Representative of the UN Secretary-General, Leuprecht continued to work on the persistent problem of impunity and often tried to explain its root-causes and negative consequences. The Cambodian courts, he argued forcefully, failed 'to provide elementary justice, especially in cases where powerful interests are involved, and in mob violence and murders'. He warned that 'Allowing impunity to prevail is immoral and dangerous' and urged the government to investigate allegations of police complicity or inaction in relation to mob violence.¹⁶

But subsequent UN reports showed no evidence that Cambodia's new democratic regime showed its willingness to comply with the norm of accountability. Impunity remained a pervasive cultural norm. In a 2004 report, for instance, Leuprecht wrote that he 'regard[ed] impunity as one of Cambodia's most serious problems'. He adds that, 'The Government over the past decade has been repeatedly urged to take effective and urgent measures to address this problem...However little or no progress has been seen'.¹⁷ Between 1994 and 2004, the various Special Representatives raised 178 cases of serious violations of human rights, but the government still allowed individuals 'to breach the law and violate human rights without being held to account'. However, 'those with economic and political power have been able to obtain personal enrichment and maintain vested interests'.¹⁸

By the end of 2006, UN officials reported no or little genuine progress on the transformation of impunity into accountability. The

new Special Representative, Yash Ghai (a professor of law in Hong Kong), appointed to replace Leuprecht in November 2005, reported little good news on the normative issue of accountability. In a 2006 report, Ghai observed that 'the failure of these institutions to uphold the law can also be attributed to an accepted practice of impunity and collusion by police, military and security agencies.'¹⁹

Other reports on the problem of impunity further validated UN findings. Local human rights NGOs (ADHOC and LICADHO) and international human rights NGOs (Human Rights Watch) conducted joint investigations into crimes committed by members of the state apparatus and made conclusions similar to those reached by UN officials. They pointed to the lack of political will and determination by the top echelons of government to address the problem of impunity. In a report issued in 1999, they contended that, among other things, 'Failure by authorities to prevent and punish serious violations of fundamental human rights encourages others to commit offences, knowing that they too can probably get away with it.'²⁰

Throughout the period under investigation, human rights observers and activists characterized the lack of accountability as the 'culture of impunity' in that it became a normal or even an appropriate logic of behavior among members of the political and economic elites in Cambodia. Those with political ties to the ruling party could expect to commit crimes without thinking they would ever get punished. Their actions encouraged others to think that they stood above the law. They learned that 'there is nothing to fear from committing a crime because prosecutions and trials rarely take place – especially of those with connections with high places'.²¹ They applied pressure to prevent police and court personnel from taking legal actions. Those in the military and security apparatus could shield themselves.

Perpetrators of crimes in Cambodia obviously learned that money and power could easily buy justice. Bribes to police officers, prosecutors, and investigating judges could get them to drop the charges. According to the report, 'When suspects are arrested who have ties with high-ranking officials, relatives of the suspect or others acting on his behalf may intervene to secure the suspect's release'.²²

One could further make the case that the slow process of bringing Khmer Rouge leaders to justice serves to illustrate the point that the norm of accountability failed to take even shallow root in Cambodian society. But the extent to which the Extraordinary Chambers could transform the norm of impunity into the norm of accountability remains a subject of debate. First and foremost, the goal of holding the

'most responsible' Khmer Rouge leaders accountable had serious flaws. Human Rights Watch, for instance, forcefully contended that 'the present draft contains such fundamental structural, technical and political flaws that it is unlikely to provide a measure of justice to the millions of victims of the Khmer Rouge'.²³

By the end of 2006, only few of those most responsible for the heinous crimes survived to stand trial. Pol Pot had died unceremoniously under suspicious circumstances on 15 April 1998. On 21 July 2006, To Mok (known as the 'Butcher') died in Phnom Penh. Only a handful – Ieng Sary and his wife Ieng Tirth, Khieu Samphan, Nuon Chea, and the former chief executioner known as Duch – may live to face their trials.²⁴ But among them, only one (Duch) remained in state custody. The other Khmer Rouge leaders remained at large and enjoyed the freedom to own property.

Moreover, the whole criminal process faced numerous challenges, including the questionable competence of the Cambodian judges and prosecutors, a limited budget for the three-year work of the Extraordinary Chambers, and the disagreement and difficult negotiations between the UN and the Cambodian government over 'internal rules'.

Limits of compliance with norm of non-violence

Cambodia did not lack individuals and groups – both religious and secular – professing to uphold the norm of non-violence. At conferences and workshops, religious elites continued to preach the politics of non-violence largely based on Buddhist perspectives. Om Kem, Director of the Institute for Buddhist Education, for instance, wrote these words: 'Dispute resolution by means of violence or war will continue until the end of the world, but people must try to substitute non-violence for violence. They must not give up on non-violent means of solving problems because these means can save more lives.'²⁵ Samdech Preah Moha Ghosanada, nominated for the Nobel Peace Prize and awarded the Niwano Peace Prize in May 1998, led peace marches in Cambodia and emerged as the chief advocate of nonviolence in the country. Many other civil society institutions also advocated various strategies for peace through non-violence.

Toward the end of the 1990s, armed struggles by a handful of elite members from political society had almost died out. Between 1993 and 1998, the Khmer Rouge movement continued to wage war against the democratically elected government. Until 1998, both sides sought to build their armed forces by recruiting even young

children to help fight for them. In November 2003, Hun Sen gave a speech in which he referred to 'sacrifices made by countrymen' who permitted their 'children, spouses and relatives' to serve in the armed forces.²⁶ His past government recruited children as young as eight years of age, and the Khmer Rouge did that to children as young as five. Cambodia stood among those countries in Asia and the Pacific that recruited at least 75 000 children as soldiers, thus placing the region second only to Africa in the use of children as soldiers. Findings regarded Myanmar as one of the largest users of child soldiers in the world, but labeled Cambodia, Afghanistan, and Sri Lanka as among the other worst-affected countries.²⁷

During the early 1990s, Human Rights Watch/Asia Human Rights Watch also reported violations of human rights and the laws of war, such as extrajudicial executions, attacks on civilians, pillage and destruction of civilian property, violations of international human rights law, forced conscription, military detention of civilians, and secret prisons. It wrote: 'The RCAF shows little concern for insulating civilian populations from its conduct of hostilities; indeed, it is civilians who typically suffer the most in the imprecise area bombardments that have constituted the main action of the army against the guerrilla forces.'²⁸ Attempts to escape from forced conscription often resulted in deadly consequences. Inhumane treatment of prisoners of war persisted. Government armed forces decapitated captured enemy soldiers.

The period 1999–2006, however, saw a drastic reduction in the overall level of armed resistance and violence. During the late 1990s, the Cambodian Freedom Fighters (CCF, known as *Cholana Kangtoap Serei Cheat Kampuchea* in Khmer) caused the Government some trouble. The CFF emerged in November 1998, after the coup in July 1997. Its American-Cambodian leader, Yasith Chhun (a small town accountant based in California) led the new armed movement, which publicly vowed to overthrow the Hun Sen government by force. He stated his personal objective as follows: 'I felt that non-violence cannot do anything to the dictatorship in Cambodia. The U.S. overthrew Saddam Hussein government. If I am a terrorist, then George Bush is a terrorist too. Yeah, we tried to remove this [Hun Sen] government from power. We have a non-violent demonstration many times, but never change this government. That's why we have to use force to remove this government'.²⁹ The armed movement developed plans for 'Operation Volcano' with the aim of toppling the Hun Sen government by launching military attacks on its institutions.

During the first half of the 2000s, the CFF managed to give the Hun Sen government (which had investigated the movement but underestimated its violent ability to challenge the government) considerable cause for alarm. In April 1999, CFF members allegedly plotted to blow up a fuel depot outside Phnom Penh with anti-tank weapons, but got arrested. On 24 November 2000, about 80 CFF armed men launched an attack on the buildings housing the Ministry of Defense and the Council of Ministers, as well as the military police headquarters facility in Phnom Penh, resulting in the killing of at least eight people and wounding more than a dozen, including several police officers. The armed attack did not succeed, as government forces quickly defeated the CFF fighters. The authorities arrested, prosecuted, and jailed many of the CFF fighters. In February and March 2002, the courts prosecuted 38 suspects and convicted 19 of them.

By the mid-2000s, the CFF had disintegrated. With a rag-tag army of no more than 100 made up of former soldiers from the Khmer Rouge, the Royal Cambodian Armed Forces and various political factions and funded mainly by the Cambodian-American community in the United States, the CFF made no successful attacks in the following years. The US Government, which characterized the CFF as a terrorist group, finally ordered on 1 June 2005 the arrest of its leader, Yasith Chhun. US authorities charged him and his wife with three indictments.³⁰

Within the state, however, reliance on violent means to settle political disputes continued, somewhat diminished in terms of intensity and frequency over the years. Violent attacks on the CPP's coalition government partners continued throughout the period under examination. Buddhist Liberal Democratic Party (BLDP) gatherings in 1995 came under hand-grenade attacks, injuring a number of party members. In 1995, Hun Sen accused former FUNCINPEC Foreign Minister Norodom Sirivudh of plotting an assassination on his life and then stripped the latter of his parliamentary immunity, forced him to go into exile in France, and had the court sentence him *in absentia* to 10 years in prison. Subsequently, the government continued a series of crackdowns on any political opposition elements willing to challenge or threaten its political power.

The worst violent incident among political elites took place on 2–7 July 1997, when Hun Sen's troops violently clashed with those loyal to Prince Ranariddh on the main streets in Phnom Penh and drove the First Prime Minister out of power. UN officials accused Hun Sen of staging a coup against the democratically elected First Prime Minister. The Special Representative of the UN Secretary-General,

Thomas Hammarberg, sent the Hun Sen government a memorandum characterizing the violent incident as a 'military coup' and presenting evidence of up to 60 extra-judicial executions, disappearance, detention, and torture of members of FUNCINPEC.³¹ The armed confrontation between the two factions continued until Hun Sen agreed to allow Prince Ranariddh and his supporters to return to Phnom Penh before the 1998 election and to compete for power in an environment dominated by the CPP.

After the CPP and FUNCINPEC formed a new coalition government in 1998, both Hun Sen and Prince Ranariddh again joined hands to suppress the Sam Rainsy Party (SRP). Early in 2005, for instance, three SRP MPs had their parliamentary immunity lifted. A court ordered the arrest of one of them and sentenced him to seven years in prison, while the other two (Sam Rainsy and Chea Poch) fled the country. Prime Minister Hun Sen had threatened to arrest Sam Rainsy and later warned that he would order his troops to shoot down the plane carrying the opposition leader if he returned home.

The Hun Sen-dominated elite's threat of violence continued against even prominent members of his own party. As Vice-President of the CPP, the Prime Minister evidently sought to take violent action against party members belonging to a rival faction led by CPP President Chea Sim. According to the *Khmer Intelligence*,³² for instance, Hun Sen presided over the an extraordinary meeting of the party's standing committee on 2 July 2004 in the absence of Chea Sim and his brother-in-law, CPP Minister of Interior Sar Keng. On 13 July, after Chea Sim (also President of the Senate) had refused to approve the government's proposed amendment to the Constitution and the Internal Rules of the National Assembly, Hun Sen allegedly sought to arrest and threatened to kill him. Police forces under the command of General Hok Lundy (loyal to Hun Sen) and armed forces commanded by Chief-of-Staff General Ke Kim Yan (loyal to Chea Sim) apparently almost clashed each other. Following the order of Hok Lundy to surround Chea Sim's house early on 13 July, Ke 'ordered troops under his command to clear the area...so as to free the CPP president', but 'had to cancel his order after Hun Sen threatened to kill Chea Sim if the army was effectively sent out to crack down on the police'.³³ Hun Sen managed only to force Chea Sim to leave the country for Thailand and stay in exile for nine days.

Prime Minister Hun Sen continued to threaten violence against anyone suspected to have planned a coup against him. For instance, he made a public threat to General Ke in a speech he made on 17 October

2005. The Prime Minister made it clear as to who commanded the armed forces and who would most likely prevail:

If I did not abide by law, the armed forces are in my hands, no one can object. If [armed force Commander in Chief] Ke Kim Yan did not do it, I will use [RCAF Deputy Commander in Chief] Kun Kim...However, Ke Kim Yan has to do it, if not he will be removed. Do not think because you are a four-star general, even if you have the moon [not the star on your shoulder], you will be removed ... I am not Samdech Preah Norodom Sihanouk. Samdech Preah Norodom Sihanouk let others stage a coup. Hun Sen will not. Do not gamble on trying this. You do it, you die.³⁴

Hun Sen obviously knew the history of how Prince Norodom Sihanouk's Minister of Defense, General Lon Nol, had succeeded in overthrowing the Prince in 1970, thus implying that he would use violence to prevent that from happening to himself.

Conclusion

From a security perspective, Cambodia enjoyed negative peace throughout the first half of the 2000s for the first time in decades. As noted in Chapter 4, members of the political elites continued to violate electoral procedural rules and the liberal principle of liberty. This chapter shows the poor extent to which the liberal norms of accountability and non-violence permeated Cambodian society. Unfortunately, these new norms had yet to take deep root. One cannot equate peace and stability in recent years with democratic consolidation. Negative peace became increasingly evident, but positive peace through justice remained unconsolidated. All these indicators – electoral procedural rules under constraint, as well as the liberal norms of accountability and non-violence under stress – show that the period 1993–2006 does not validate the argument that Cambodian democracy became consolidated.

6

Liberty under Pressure

This chapter turns to the principle of liberty – the fundamental principle of liberal democracy. Between 1993 and 2006, the overall level of respect for liberty reached a higher level than that under the PRK/SOC regime. Enshrined in the 1981 Constitution, Cambodian citizens under the socialist dictatorship enjoyed very little liberty. The socialist Government even refused to allow human-rights investigators access to the country. After that, liberty – a bundle of freedoms in democracy – grew but remained under pressure: the new ruling elite either failed to protect these freedoms effectively or sought to restrict them, using the pretext of social order and national security. From 2003 to the end of 2006, they tightened the screws on liberty, especially the freedoms of assembly, strike, demonstration, and expression.

Freedoms: religious belief, ownership, movement, association, and assembly

During the period under study (1993–2006), the levels of freedom of religious belief, private property, movement, and association expanded far beyond those of the previous decade. But the government often failed to protect them. The Paris Peace Agreements contained official recognition of the following freedoms: speech, assembly, and movement (Annex 3, 9). The 1993 Constitution recognized the freedoms of expression, press, publication, assembly (Article 41), association (Article 42), religious belief (Article 43), and the right to private ownership (Article 44).

Religious freedom stood among the least restricted. Government authorities still neglected minorities' religious rights, offering land concessions to private companies interested in making profits by burning and clearing areas which the minorities often treated as spirit forests

and ancestral burial grounds. The Phnong, for instance, numbered 24532 (making up 54 per cent of Mondulkiri province's population) and regarded spirits as part of nature, such as the sky, earth, fire, water, waterfalls, rocks, hilltops, and elephants.¹ Government land concessions thus indirectly resulted in the violation of their religious beliefs. The Constitution also contained one major weakness, however: its recognition of Buddhism as the state religion (practiced by 95 per cent of the population). Buddhism remained the dominant religion. At the end of the 1990s, Cambodia had approximately 3685 pagodas (of which 3588 belonged to the Mahanikay and 97 to the Dharmayuttikanikay). Government officials provided support to Buddhist activities.

In spite of the state's bias toward Buddhism, other religious faiths enjoyed their freedoms. Christian churches could exercise their faith without interference. By the end of the 1990s, 376 churches (with 49 026 followers) existed; 85 Christian schools emerged. A few churches encountered angry villagers, but this type of threat took place on an *ad hoc* basis and died down. Muslims also enjoyed this freedom. By the end of the 1990s, they built at least 202 mosques and 150 Muslim schools. By 2003, about 500 000 Cham Muslims lived in Cambodia, although concern over terrorism was in the air. Other religions – permitted to operate freely – included Bahai, chhoeng hai, Kao Dai, Khong Moeng, Kong Si Im, Mahayana, and Miloeuk.

Overall, religious freedom faced no severe or growing restriction. According to a 2004 report by the Bureau of Democracy, Human Rights, and Labor, 'Religious groups did not encounter significant difficulties in obtaining approvals for construction of places of worship'. The report indicated 'no significant constraints on religious assembly...reported' and 'no major religious conflicts during the year [2004]'.² The 2005 Report by the Bureau further confirmed that, 'the Government generally respected this right in practice,' although the Ministry of Cults and Religions [in January 2003 had] issued an order prohibiting public proselytizing'.³

Economic freedom also expanded dramatically, but encountered some challenges. In the late 1980s, the PRK/SOC regime sought to promote economic freedom, when it allowed some micro-economic activity after 1986. The state promulgated private ownership in 1989 and disbanded almost 90 per cent of the country's solidarity groups (organized in the early 1980s for collective farming). It partially privatized transportation, health care, education, and most state markets.

Privatization stayed on track. In December 2002, for instance, the government announced that it would privatize all three agricultural

public enterprises: the first export company (KAMFIMEX), the Agricultural Input Company (AIC, a fertilizer company), and the seven state-owned rubber plantations. This move, designed to ensure that Cambodia would qualify for a \$35 million agricultural sector loan from the Asian Development Bank (ADB), progressed. In May 2003, the government also established an inter-ministerial committee to privatize them. It also advocated a pro-globalization policy.

However, private property remained largely unprotected, especially in rural areas. 'Land grabbing' in particular emerged as an alarming trend toward the mid-2000s, despite the fact the Government passed in 2001 a land law designed to protect land ownership and farmers' deeds. According to a UN report in 2001, 'Land disputes are pervasive in Cambodian society. In particular, land-grabbing and illegal evictions have become major problems. For the most part, they can be attributed to the absence of a proper system for registration of land titles, the lack of proper title documents...'⁴ Privatization exacerbated the problem of land-grabbing, which created social tensions.

Police and military as well as local officials, sometimes working alongside private companies, often threatened people living in urban areas and in remote provinces (such as Battambang, Banteay Meanchey, Ratanakiri, and Kratie), forcefully evicted them, coercively confiscated their unregistered land, and destroyed their property. The Cambodian Center for Human Rights documented a total of 26 of such illegal incidents in 2004 alone.⁵ Local authorities did not hesitate to threaten, arrest, attack or even kill villagers, volunteers, and activists protesting illegal actions. In November 2004, for instance, a grenade attack on a peaceful protest against forest clearing wounded six people. Poor citizens risked eviction from their property. Indigenous groups became 'more vulnerable to land confiscation and the legal alienation of their land, including the granting of economic land concessions'.⁶

Business owners also continued to face extortion and various forms of violence. According to the World Bank, domestic enterprises chose street crime as the most important obstacle to the operation and growth of their business. Foreign enterprises regarded corruption as the leading constraint (42 per cent), followed by street and organized crime, at 21 and 11 per cent, respectively.⁷

Freedom of movement faced some restrictions. In the pre-1991 period, this type of freedom became restricted, as movement required state approval and monitoring. In the post-1991 period, citizens could live wherever they wished and travel within the country and abroad. The government lifted restrictions on foreign travel or emigration and

did not bar citizens who left the country from returning home. Some difficulties remained, however. Evidence shows that government authorities sometimes coercively relocated people to landmine-infested areas.⁸ By 2005, freedom of movement had also come under some restriction, especially when seen as politically motivated and destabilizing. On 24 June, the government adopted a policy requiring that the provincial and city governors issue written permissions to ensure that NGOs and associations would have better cooperation in all their activities. For instance, the authorities did not permit Phnong villagers in Monduliri province to travel to Phnom Penh for an official event (commemorating International Day for the World's Indigenous Peoples on 9 August) until they obtained authorization from the police. According to an OHCHR field office, 'Missions and invitations to provincial, city, district, and commune council officials for a study tour, participation in a workshop, and other training activities both in and outside Cambodia, need to have permission from the city/ provincial governors.'⁹

By the mid-2000s, freedom of association continued to exist, but remained relatively restricted. Between 1991 and 2002, 1204 associations and NGOs had come into existence, 736 of which had registered with the Ministry of Interior. Between 25 and 30 per cent of the 200 000 workers working in the garment and footwear industries joined unions. In 2003, nine tourism and service industry unions joined to form the Cambodian Tourism and Service Workers Federation representing over 3500 hotel, casino, and airport workers. The Cambodia Independent Teachers Association registered as an association, the only public-sector union operating in the country.

Still, the government continued to impose tough restrictions on independent associations' activities, especially those of trade unions. The state did so in various ways. For instance, it created its associations, such as unions (i.e., the Cambodian Union Federation), to challenge and weaken independent ones. As Amnesty International put it in 2004, 'Competition between government-backed unions and independent trade unions has occasionally resulted in rivalry, sometimes violent.'¹⁰ The Students' Movement for Democracy Organization, in another instance, emerged in 1998 and applied for official status several times, but without any success.

Limits of freedoms: assembly, strike, demonstration, and expression

Freedom of peaceful assembly and demonstration received guarantee by the Peace Agreements and the Constitution, but limits on this

freedom became more and more severe. In 1991, 40 students got arrested after demonstrations against corruption and human-rights violations. The police shot dead at least eight people.¹¹ After that, political rallies and marches, demonstrations and strikes, meetings and seminars faced numerous constraints. In March 1997, a grenade attack on an opposition party demonstration resulted in at least 16 deaths. After the 1998 election, as noted earlier, hundreds of opposition party supporters staged protests against the results.¹² When the protests took a violent turn after a grenade attack on Hun Sen's unoccupied residence in Phnom Penh on 7 September, the CPP leader called for the arrest of opposition leaders. Hundreds of riot police moved in to smash the tents and dispersed the crowds, using clubs and rifle butts against those found resisting. The government banned protests and forbade Buddhist monks from taking part.

Freedom of assembly and demonstration faced growing restrictions in recent years. In 2001, the government permitted some types of freedom of assembly, such as meetings, seminars, dialogue and appointments, but caused trouble to those who planned to conduct marches, strikes, or demonstrations. Police and military forces, as well as the Wat Boy Student Movement (known as the Pagoda Boys) engaged in repressive violence, such as beating, kicking, and suppressing peaceful strikers and demonstrators.¹³ Freedom of assembly after the 2003 election 'greatly eroded'.¹⁴ The police made it clear they would not hesitate to crack down on demonstrators. In February 2003, for instance, the National Police Chief affirmed his forces would 'take down' any demonstrators refusing to accept the forthcoming election's results.¹⁵

The Government also refused to authorize a number of public gatherings on public order or national security grounds and provided no details concerning its decisions.¹⁶ Following January 2003, according to Human Rights Watch, 'the government...denied virtually all requests for permission to demonstrate on the ground that such gatherings would jeopardize national security and public order ... rejected requests for rallies.' The rights organization further reported that, 'During 2004, authorities banned, dispersed, or intervened during at least sixteen public demonstrations in Phnom Penh, sometimes using excessive or disproportionate force'.¹⁷ 'The authorities continued to use excessive force in 2004 to disperse demonstrations. In several cases, police beat demonstrators with rubber or electric batons, resulting in injuries to participants and sometimes to police.' The report added: 'It is striking that in a majority of the cases, violence only occurred after the police interfered in the demonstration, and that the demonstrators

were not engaging in any acts of violence or criminality.¹⁸ The year 2005 witnessed more restriction on the freedom of assembly and demonstration. 'From January to November 2005, the authorities made attempts to [deny permission to hold,] prevent or disperse at least 40 public gatherings [by trade unions, political parties, land owners, and others], including rallies and demonstrations, street marches, public discussion forums, labor strikes and protests over land disputes.'¹⁹ Government authorities did not even permit Buddhist pagodas to hold public forums organized by NGOs, especially the Cambodian Center for Human Rights. On 3 February 2005, even Supreme Patriarch Tep Vong forbade such activities, ordering the chief monks across the country to prevent using pagodas for public forums.

In short, restrictions on the freedoms of peaceful assembly and demonstration after 2003 clearly demonstrated the state's hypocritical treatment of demonstrations: those critical of governmental policies could not freely stage demonstrations (even a procession for peace by 10 monks could not get authorized because it posed a threat to national security and public order), but demonstrations by pro-government groups, such as the Pagoda Boys, linked to members of the ruling party and to previous acts of violence, received authorization.

Freedom of expression under the PRK/SOC regime came under severe restriction. The regime prohibited open discussion expressed through political organization. During the UNTAC period, the media developed in several directions. Although freedom of expression improved (the country had around 120 newspapers officially registered with the Ministry of Information), the media remained subject to political intimidation. Journalists still regarded the 1995 Press law as a major constraint on what they could say. Although in some ways a good law, because it reduced the threat of criminal prosecution, the language of the law remained ambiguous. It included clauses that left the door open for judges to send journalists to jail. Cambodian and foreign journalists and NGO leaders repeatedly voiced concern over some articles of the press law, such as Article 12, which concerns published information deemed to affect national security and political stability.

In 1996, the government drafted a Press Law sub-decree, but independent observers regarded this attempt as yet another form of threat to press freedom and having the potential to regulate newspaper licensing by requiring, among other things, educational and 'mental' standards. In practice, government leaders often found all sorts of excuses to suppress the media by suspending newspapers in favor of, or associated with, opposition parties and by threatening many of them

with closure. In addition, the law gave the Information and Interior Ministries the right to confiscate any newspaper and allowed the Information Ministry to suspend its publication for 30 days, as well as to transfer the case to court. The law further gave the government a 'free ticket' to suspend newspapers and to put its opponents in jail. These articles contained no reference to an obligation on the part of the authorities to identify the specific words allegedly in violation of the law or to provide specific evidence to prove that the materials published actually violated the law.

Violence against members of the private media sector continued between 1994 and 2001, albeit with a decline in intensity. Between 1994 and 1997, six journalists died. During 1997 alone, at least three journalists got killed. Numerous others encountered physical assaults and received death threats as well as unfair jail sentences for having criticized government leaders and their policies. Government leaders treated defamation as a criminal rather than a civil matter. News offices that did not belong to the CPP-controlled government also came under violent attack. During the first three months following the 1997 violent incident, opposition newspapers decided to suspend their editions, primarily due to political intimidation. Even after that, journalists remained nervous, fearing retribution. They remained under threat of violence and occasionally received threatening phone calls; however, no cases of violence against a journalist occurred in recent years. Still, newspaper reporters continued to use pen names; many opted not to have regular addresses.

Legal action against journalists continued, although the number of cases declined. In 1998, only five cases of closure, suspension, and visa revocation against journalists were reported. In much of 1999, the government suspended the issuance of new press licenses and sent at least four warnings to newspapers alleged to have criticized the King, Hun Sen, and Ranariddh, and summoned only one newspaper to court. The year 2000 saw three arrests, two cases of short-term press closure, and one threat of suspension. The year saw the suspension of several newspapers for defaming national leaders and the King, as well as for endangering national security. In September, Hun Sen accused journalists of extortion, claiming that government officials and businessmen had become their 'hostages'.²⁰ But 2001 saw only one case of defamation, against three journalists belonging to *The Cambodia Daily*.

In 2002, the government sought to restrict freedom of expression. It drafted a Penal Code, Article 305 of which stipulated that a journalist, if found guilty of defamation, could receive a sentence of a jail term

between six days and three months. A sub-decree, drafted to clarify the press law's language, remained with the Council of Ministers. Aspects of the sub-decree raised concern among journalists. Critics objected to the requirement for educational certification (among other things) for the heads of newspapers, which did not appear in the press law. The year 2002 witnessed several cases of threats, suspensions, detentions, and lawsuits. In April, a court convicted the pro-SRP newspaper *The Voice of Khmer Youth* of defamation and false information (because it reported that a wealthy businessman close to Hun Sen and two generals had engaged in illegal logging, based on a report from Global Witness) and ordered them to pay a fine of \$7000 to the businessman and \$5000 to the generals, as well as \$250 for the state coffer. In July, the Ministry of Interior detained a reporter from the opposition newspaper *Khmer Conscience*; in August, the Ministry of Information suspended the newspaper for 30 days, citing one of its articles based on a leaked document as affecting 'national security'. *The Cambodia Daily* also faced a threat of suspension for calling 7 January 'Vietnamese Liberation Day'. In September, the authorities arrested two journalists because of a report on customs officials' confiscation of a car belonging to the chief of national police. In October, they ordered Beehive Radio – the country's most independent news outlet – to stop broadcasting live news from Radio Free Asia and Voice of America.²¹

Due to their critical voices, local HR NGOs also faced intimidation and threats from members of the military and security forces. According to LICADHO's report released on 10 December 2002, for instance, the past few years revealed 'a clear pattern of intimidation and threats against human rights defenders...which raises serious concerns about the long-term stability of human rights work'.²²

Following a violent incident in early 2003 that destroyed the Thai embassy and other Thai interests, state authorities intimidated, harassed, and disrupted public forums, especially those held by opposition parties and human rights NGOs. In 2003, the deputy editor of the royalist radio station Ta Prohm, Chou Chetharith, died of gunshots outside his Phnom Penh office. The government continued to silence critical voices within the labor movement by various methods, one of which was assassination. On January 2004, Chea Vichea, an internationally respected trade union leader and president of the Free Trade Union of Workers, got assassinated. On 7 May, another trade union leader, a steering committee member of the same union and president of the Trinunngal Komara garment factory, also died of gunshots.

State authorities continued to subject human rights and political activists to harassment, defamation lawsuits, arrest, and detention. The government attempted to include draconian provisions in the Penal Code on criminal defamation. Between October and December 2005 alone, at least four high-profile activists got charged with criminal defamation, arrested, and detained. On 11 October 2005, the police arrested Mom Sonando, the owner-manager of radio FM 105 MHz (the only radio station broadcasting critical voices in Cambodia) at his house on criminal defamation charges relating to a recent interview given by a Paris-based group critical of the Hun Sen government's position on the Cambodian-Vietnamese border issues.

A few days later, several other political activists (such as Rong Chhun, President of the Cambodian Independent Teachers' Association) critical of the border issues became targets. Other critics of Hun Sen – Chea Mony (President of Free Trade Union of Workers), Ea Channa (Deputy Secretary-General of Students' Movement for Democracy), and Men Nath (President of Cambodian Independent Civil Servants) – fled the country. Prince Sisowath Thomico (Secretary to former King Sihanouk) and former MP Say Bory (advisor to former King Sihanouk and former President of the Cambodian Bar Association) also became targets for attack.²³

The arrest and detention of high-profile human rights activists, most notably Kem Sokha, Director of the Cambodian Center for Human Rights, became the most provocative incidents. On 31 December 2005, heavily armed police went to his office, arrested him, brought him to the Phnom Penh Municipal Court for questioning (with only two defense lawyers and Kem's wife present), and finally took him to a cell at Prey Sor prison. Hun Sen accused him of staging a rally on the 57th UN Human Rights Day on 10 December that carried a banner describing the prime minister as a traitor (selling Cambodian land to Vietnam). On the same day of Kem Sokha's arrest, the police arrested the Director of Community Legal Education Center and Chairman of the Steering Committee of the UN Human Rights Day celebration, Yeng Virak, and brought him to Prey Sor prison. On 4 January 2006, the authorities arrested CCHR's Acting Director, Pa Nguong Teang, in Stung Treng province, and charged him with criminal defamation. The authorities later released all of them, however.²⁴

Extra-judicial executions, arbitrary arrests, detention, and prison conditions

The PRK/SOC regime regularly violated civil liberties, through such illegal activities as long-term detention of political prisoners (including

prisoners of conscience) without charge or trial, summary use of the death penalty, systematic torture and ill-treatment, and death in custody of political detainees.²⁵ Between 1979 and 1986, for instance, authorities arrested at least 343 political prisoners and held them without charge or trial. Prison authorities engaged in the torturing of several people after their arrest in 1987. The following year witnessed the arrest of some 430 people for political reasons. Authorities 'tortured [prisoners] during interrogation and held [them] incommunicado in shackles in dark and dirty cells'.²⁶ Before the 1993 election, the hundreds of those killed belonged to the opposition; extra-judicial executions took place. Human-rights violations included the senseless slaughter of ethnic Vietnamese, abuse of prisoners, and incidents of politically motivated murder.

After 1993, the human rights situation improved, but remained highly problematic. Although the number of extra-judicial executions had decreased drastically, to only two in 1995,²⁷ the human-rights situation in 1996 worsened,²⁸ and then deteriorated rapidly in 1997, when four people died as a result of torture and authorities extra-judicially executed at least 27 people, including six children.²⁹ During and after the violent coup in July 1997, CPP members extra-judicially executed scores of FUSICINPEC members and detained without charge or trial hundreds of others.³⁰

Authorities made arrests without warrants. In 2000, Hun Sen took swift action to arrest more than 200 people on charges that they had committed terrorist acts (several hundred also fled to the jungles). The arrests came after gun battles in Phnom Penh between the so-called Cambodian Freedom Fighters (CFF) and government troops on 24 November. On 5 December, he issued an executive order warning that human rights workers should not shelter 'CFF terrorists'. Observers further regarded this round of crackdowns as heavy-handed and as attempts to suppress the opposition, whose leaders, such as Sam Rainsy, pointed fingers at Hun Sen for creating a political atmosphere of fear and justifying the repression of his political adversaries. Whatever the causes of the coup attempt, critics also noted that most of the arrests proceeded without the warrants required by the law.³¹

Pre-trial detention continued to challenge the principle of liberty. According to Cambodian law, pre-trial detention should not exceed four months but could be extended to six months if justified by the need for investigation. At the end of 2000, 221 adult prisoners remained in pre-trial detention for more than six months, with at least six kept in pre-trial detention longer than one year.³² By July

2002, 205 prisoners remained in pre-trial detention exceeding six months.³³ Throughout the year 2003, the number of pre-trial detainees fell to between 48 and 118, but some of the 219 prisoners awaiting appeal hearings did so since the mid-1990s.³⁴ Early in 2006, investigating judges issued detention orders against human rights and political activists without providing any details of the legal grounds of their decisions.

The UN Secretary-General continued to record 'serious irregularities' during court hearings in 2005, especially the cases related to trade union members, community leaders, villagers protesting against loss of land and resources, and opposition members. Executive interference in judicial activities continued somewhat unabated.³⁵

Human rights NGOs documented evidence of widespread torture among pre-trial detainees in state custody.³⁶ In 1999 figures showed that about 80 per cent of the Legal Aid of Cambodia's (LAC) clients reported that the police had beaten them while in their custody. LICADHO also documented torture by members of the police, military, prison, and other state agents, as well as the various methods of torture (ranging from beating with solid objects and guns to limb crushing, whipping, electric shock, and near suffocation). LICADHO, however, admitted that it had no access to reliable statistics to shed light on the extent of torture or its trends.

Moreover, state authorities reportedly continued to keep prisoners in over-crowded cells and provided them with inadequate food. According to the UN Special Representative Peter Leuprecht, 'over-crowding is terrible – people are like sardines, and there are prisons where they can't lie at the same time, so they do it in turns. While some sleep, others have to stand up, it's terrible.' He added that 'when you see it in a movie you will say it's grossly exaggerated, but it's not, it's a very harsh reality.'³⁷ These prison problems evidently continued to persist. In 2004, for instance, a local NGO monitored the prison conditions in 18 of the country's 24 prisons and observed that 'the population of those prisons had increased and that all 18 were overcrowded'. It further reported that, 'During the first 6 months of the year [2004]...58 prisoners died for lack of food or medication or disease caused or aggravated while incarcerated.'³⁸

Conclusion

Cambodian citizens increasingly enjoyed certain types of freedom, but saw other freedoms increasingly restricted, especially after 2003.

Freedoms of religion, private property, and movement flourished, although not without some difficulties. After January 2003, however, the state tightened the screws quite drastically on the freedoms of assembly, demonstration, and expression. By 2006, these latter types of freedom almost ceased to exist in any meaningful way. Those who staged protests against members of the ruling party or expressed critical views did so at the risk of their security. Those who declared themselves loyal to the CPP even hesitated to associate with those who declared themselves loyal to other political parties.

Part III

The Limits of Institutionalization

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7

State Institutions' Underdevelopment

Why did Cambodia's democratic regime remain largely unconsolidated? This chapter further examines institutional development at the state level and assesses whether the country's unconsolidated democracy had much to do with the low level of institutionalization. Both the Paris Peace Agreements and the Constitution contained provisions to ensure a system of institutional checks and balances, but this system could work only if the three branches of government – the executive, legislature and judiciary – became institutionally strong; the latter two institutions needed to prove that they could become capable of maintaining independence, demonstrating operational effectiveness, demonstrating influence and sustainability. Findings show that institutional development remained extremely limited: the executive branch, itself highly under-institutionalized, often overpowered the legislature and judiciary, which remained extremely under-institutionalized.

The executive branch's institutional weaknesses

The executive branch consisted of the Council of Ministers, the Royal Government of Cambodia, led by one prime minister (after the 1998 election) and deputy prime ministers, senior ministers, ministers, and secretaries of state. Civil administration and the military and security forces remained part of the executive structure.

The Council of Ministers, Cambodia's highest administrative unit led by a senior minister, guided and controlled the public policy agenda. The Council's responsibilities included reviewing draft laws, decrees, and sub-decrees submitted to it by government ministries. Under the Council, a Council of Jurists reviewed draft laws submitted by ministries. In 2005, the number of ministries increased from

24 to 27. Administratively supported by civil servants, they executed both public policies and programs.

Available evidence shows that the elected representatives within the cabinet acted more or less independently because the Prime Minister and his Senior Minister, Sok An, heading the Council of Ministers, controlled the decision-making process. In my interviews, different sources uniformly complained that Sok An 'controlled everything' and emerged as the dominant force over all government ministries.

But the executive branch failed to implement major policy decisions in a decisive and effective fashion. Prime Minister Hun Sen, for instance, pledged to pass an anti-corruption law within a year at the June 2002 donors' meeting, as noted, but by the end of 2006, the legislation remained in draft form. Opposition party leaders often accused the CPP of delay tactics.¹ The Ministries of Interior, Justice, and Economy and Finance stood out as among the country's most corrupt government ministries.²

According to a 2004 report, 'Inefficient, opaque procedures create confusion and impatience and encourage firms and individuals to pay 'speed money' and bribes...procedural mistakes are common in the Customs Department, creating clear invitations to bribe. Despite a 2001 law requiring environmental and social impact studies before forest and agricultural concessions are approved, 'inefficiency' in the Ministry of Agriculture has essentially waived this requirement.' The report further reveals that, 'Inefficiency...helps to limit information resources, maintain Government control and justify shoddy administrative procedures.' It adds that, 'Inefficiency of the Ministry of Finance in carrying out its duty in reviewing major government contracts means sloppy procedures and overpriced contracts go unquestioned. Inefficiency so extreme that veterans' pensions aren't paid for three years enables unscrupulous ministry employees to 'buy' pension rights from their rightful owners.'³

Between 1993 and 1997, the government made highly publicized statements about the need for administrative reform, but its efforts came to a halt with the coup in 1997. After that, the new government presented a revised five-year plan (1999–2003) for public administrative reform. Concerning its objective to reform civil administration, it sought to 'establish a State administration that is neutral, responsive, transparent, closer to its citizens, and responsive to the needs of the people'.⁴ The Supreme Council of State Reform then came into existence. The cabinet also made efforts to enhance its policy-making machinery, including those to increase the number of civil servants

from around 144 000 in 1995 to around 152 000 in 1998, to around 163 000 in 1999. In 1999, the government adopted the National Program of Administrative Reform and the Council for Administrative Reform. In November 2000, the government further planned to develop job descriptions and career paths for civil servants, as well as a new remuneration system.

Unfortunately, the government's commitments to enhancing the level of professionalism within the public administration produced few results. Most civil servants did not perform effectively and scarcely went to work on a daily basis. Research shows civil servants performed more poorly than those in the 1960s.⁵

The security and military apparatus did not become more highly institutionalized. Throughout the 1990s, the government did not even give enough thought to the question of military size in terms of staffing and budget or the question of professionalism. Until 1998, the military had concentrated its efforts on defeating the armed Khmer Rouge movement and remained divided along politically factional lines, as each major party maintained its own armed forces. After that, the government made some effort to demobilize some of its military forces, but challenges persisted.

New institutions created to push for military reform proved ineffective. They included most notably the Council of Reform of the Royal Armed Forces (chaired by the Co-Ministers of Defence and senior military officers) and the Council of Armed Forces Demobilization (chaired by the Senior Minister Sok An in charge of the Office of the Council of Ministers and made up of senior officials from eight ministries as well as the armed forces). Efforts at demobilization also proved unsuccessful. The demobilization program started in May 2000. The first phase of registration proceeded, but the second phase of demobilization remained incomplete. The military managed to demobilize 1500 soldiers in 2000 and another 15 000 soldiers in 2001; however, the policy attempt to complete the demobilization of another 15 000 soldiers had failed by the end of 2002. In 2003, the military finally suspended the program.

Institutional incapacity to reform the military establishment partly resulted from 'an obvious lack of vision of the military reform among the key reform councils'. From early on, according to an ADB report, 'some military officials describe demobilization as the first stage and development of the plan for restructuring the armed forces as the second stage. Others expressed complete ignorance about what the military's future role might be.' The military did not even know how to

sequence basic policy planning. In addition, 'there [were] no identifiable mechanisms to ensure transparency of the activities of the Council of Reform of the Royal Armed Forces and various sub-bodies such as the Demobilization Commission.'⁶ Apparently, the military leadership had no obligations to engage in the policy planning process in the field of demobilization. The reporting process remained highly personalized: the Council of Reform of the Royal Armed Forces reported only to the Co-Ministers of Defense.

These Co-Ministers of Defense hardly engaged in the process of reform policy planning. At the meeting in October 1999 between the Council of Armed Forces Demobilization and the Donors' Demobilization Working Group, for instance, only one member of the council, the Minister of Women's and Veterans Affairs, attended. It became obvious that the military establishment remained subject to its high-ranking officers' personal whims or their informal rules. Overall, the military establishment remained highly under-institutionalized and showed no real signs of institutional development.

Prior to the Peace Agreements, the police operated more or less like the military (employed to fight in the war throughout the 1980s). The police forces mainly served the political interests of the socialist regime, rather than those of the citizens. Police officers often failed to act as criminal investigators and to maintain public security as peacekeepers, instead tending to pursue their own ends. According to Alex Marcillino, a trained Filipino programme officer who came to Cambodia in 1992, 'The police were party to all frauds that the ruling party was doing to embezzle as much State wealth as it could. The police were also being pampered as both the ruling party and the opposition wanted a base in the national police.'⁷

Efforts to reform the national police after the UN intervention enjoyed little institutional progress. At the end of the 1990s, the Ministry of Interior was still recruiting high-ranking police officials from outside the police and providing them with little, if any, professional training. The police often failed to prevent mob violence, which became a security issue throughout the early 2000s. Police failure to enforce the law resulted in large numbers of deaths. According to a UN Special Representative report dated 20 December 2004, 'Over the past five years, well over 100 persons have lost their lives due to such violence, and many others have been seriously injured. In a number of cases, law enforcements...instigated crowds to attack individuals suspected of theft and robbery'.⁸ In 2004 alone, the UN documented 26 mob killings. The Director-General of the National Police said that

his forces documented 30 mob killings. But 'no one has been prosecuted in connection with these killings'.⁹ Police often allowed individual citizens to take matters into their own hands, rather than taking action to stop or investigate this type of crime.

The national police remained a state institution of repression. High-ranking police officers allegedly engaged in illegal activities, such as drug and human trafficking. They even condoned the torture of prisoners in police custody. In June 2004, for instance, the Deputy Director-General of the National Police, Sau Phan, made a public comment that torture during interrogation sometimes became necessary as it helped force suspected criminals to provide information. Members of the police engaging in the use of torture in prisons as a form of punishment never faced any judicial actions.

The Commune Councils – part of local government – became slightly more institutionalized after the national government had adopted the Administration and Management of the Commune and the Election of Commune Councils and after the 2002 election, but they also remained institutionally weak. Even after the adoption of a strategic Framework for Decentralization and Deconcentration Reforms in 2005, the councils had little political autonomy and definitely still had no clearly defined roles and responsibilities.

The legislative branch's institutional weaknesses

The national legislature had remained unicameral until it became bicameral in 1999, when the Senate came into existence. According to Article 90 of the Constitution, this branch of government exclusively held legislative power, 'which shall not be transferable to any other organ or any individual'. Article 77 made it clear that the legislature represented the entire Khmer people, and this meant that they should not work to serve the political interests of their parties. After 13 years, however, the legislature hardly became the kind of state institution the constitutional drafters had envisioned.

First and foremost, evidence shows that the law-making body hardly enjoyed its constitutionally guaranteed role. Article 91 of the Constitution, for instance, granted it 'the right to initiate legislation'; however, MPs sought to promote only few bills that subsequently became laws (for example, the law on monogamy). According to a report, 'From the first legislature up to now, the legislative body...initiated less than 10 laws,' but none of them '[was] debated, let alone adopted, by the National Assembly.' The report adds that, 'In most instances...the

proposed bills were never accepted to be placed on the Agenda of plenary sessions, and in some instances the Government [Cabinet] proposed an alternative law which it had drafted.' As a result, '[a] number of MPs and Senators were discouraged by these experiences, felt powerless, and concluded that it was useless to try to initiate legislation.'¹⁰

Moreover, the legislature almost always succumbed to executive control and interference. According to a 2002 report, some MPs and senators complained about their inability to express independent opinions.¹¹ The legislature had the responsibility to set the agenda and order of priority for plenary sessions, but 'the executive branch largely determines the agenda' and 'does not give much advance communication of its agenda to the Parliament before the start of the session.'¹²

The legislature remained highly politicized and biased against the opposition. In December 2001, for instance, the CPP expelled several CPP senators (Chhang Song, Phay Siphon, Peuv Savath and Keo Sann) from the Senate. Fear of further expulsions spread among lawmakers. MPs, especially those belonging to the opposition, lived in fear. Further efforts to weaken opposition MPs continued more vigorously toward the mid-2000s. Beginning early in 2003, Prince Ranariddh himself reportedly threatened to lift Sam Rainsy's parliamentary immunity. After that, both the CPP and FUNCINPEC joined hands to concrete actions to minimize SRP MPs' parliamentary influence. In August 2004, for instance, the National Assembly Standing Committee chaired by acting President Heng Samrin (CPP) met and decided to exclude the SRP from all of the nine parliamentary commissions, each of which made of seven MPs. The CPP and FUNCINPEC held the chairmanship of five and four commissions, respectively.

The threat to remove SRP MPs materialized on 3 February 2005, when Ranariddh convened a meeting to lift parliamentary immunity for three of them (Sam Rainsy, Chea Poch, and Cheam Channy) through a vote by a show of hands behind closed doors. While the action could be seen as a norm in parliamentarian politics, it constituted a violation of the rule of secret ballot. Ranariddh may not have gained the required two-thirds majority if an open debate and a secret ballot took place, apparently because several royalist MPs – most notably Princess Norodom Vacheara (Chairperson of the Committee on Foreign Affairs) and Mon Sophan (Chairperson of the Committee on Legislation) – would not have gone along with the Prince.

Both houses of the legislature never took action against any members of the executive, no matter how unlawful or corrupt their behavior may have seemed. The executive leadership continued to issue sub-

decrees and administrative regulations, remaining unresponsive to requests for legal texts by the National Assembly or the Senate. A report put out in 2005 shows that lawmakers complained about not having power to do their work, 'many MPs/Senators [had] given up their oversight responsibilities', and said 'there has been no significant progress at all.'¹³ They did not want to hold public policy forums, for fear they would offend party leaders who did not like to see them take public stands on sensitive issues, nor did they like to face civil society actors seen as inclined to embarrass them on sensitive issues. Senators and MPs apparently found it difficult even to talk to the public.¹⁴

By the mid-2000s, the legislature had grown weaker than before, rather than stronger. A 2005 report further confirmed that 'the NA may be weaker than before in dealing with the government [executive] because of the political events that occurred during the deadlock period'.¹⁵ The legislature had no control over its agendas: It still acted 'in response to the legislative agenda imposed by the executive branch'.¹⁶ This helps explain why politically sensitive draft legislation, such as the anti-corruption law, did not get passed, because of the resistance by powerful government members.

In terms of operational effectiveness, the legislature generally proved unable to undertake quality work. Over 1000 false employees and advisors remained on the assembly's payroll.¹⁷ Lack of transparency negatively affected the legislature's legitimacy. Secrecy involving budget and payroll and recruitment procedures concerned staffs at the Secretariats of the National Assembly and the Senate. The lack of transparency posed a political challenge to their legitimacy. For instance, opposition MPs accused Ranariddh, President of the Assembly, of getting involved in corruption scandals.

The legislature reviewed and amended draft legislation submitted to it by the executive, but proved incompetent. Lawmakers did not appear to have developed an effective understanding of how their institution worked. Support staff lacked expertise. Numbers of legal experts remained insufficient. The amendments they made 'more often concerned the form or language rather than the content', partly 'because they lack legal expertise to challenge the content'.¹⁸

The capacity of secretariats to manage, administer, and support their activities remained weak, due to lack of experience, weak practical and analytical skills, and politicization of the staffs.¹⁹ The National Assembly's staff remained political appointees, largely 'based on political quotas and affiliation and in line with the general policy of reconciliation'.²⁰ Staffs of the Senate, for instance, also had the impression

that 'some Senators do not appear to have any real understanding of their roles and responsibilities' and their commissions had 'no real power to change anything'.²¹

More importantly, opposition MPs often boycotted parliamentary sessions, using this as one of their tactics to apply pressure on the ruling parties. The lack of quorum became a chronic problem in the National Assembly. At least 87 out of the 123 MPs must be present in any one session; after the 2003 election, the SRP held 24 seats, which made it all the more difficult if the opposition decided to boycott and if other CPP and FUNCINPEC MPs were unable to attend any session. In 2003, the assembly had difficulty holding sessions before it got into recess on 25 February. On 18 February, Ranariddh called the continuous lack of quorum a 'disease' that dishonored not only the assembly but also the nation.²² Even at the inauguration of the assembly's third legislature held on 27 September 2003, only 73 newly elected MPs showed up. The ceremony lasted about 15 minutes. In 2004, due to a political stalemate and a chronic lack of quorum, no more than 10 meetings took place.

The lack of quorum often forced political leaders to use coercive tactics to compel MPs to attend parliamentary sessions. On 7 July 2004, for instance, Ranariddh even threatened to expel any MPs who refused to support his controversial 'package vote'. On 14 July, they received an invitation to attend a special session scheduled for the next day, with the knowledge that the police would escort them to the assembly. This coercive action came after King Sihanouk and the acting Head of State Chea Sim had refused to endorse the government's 'package vote' designed to ensure the election of the legislative and the executive leadership by a public show of hands, an act that violated the parliamentary rule of secret ballot. Between 1998 and 2002, the rate of absenteeism in Parliament stood somewhere between 25 and 30 per cent.²³ According to a report, 'the political deadlock and inactive legislature resulted in 42 draft laws being returned from the National Assembly to their respective ministries, including the draft law on anti-corruption.'²⁴

As a result of absenteeism caused by factional or personal politics, draft laws often did not even get debated in Parliament. 'The absence of participation of the opposition MPs in the National Assembly...through its Commissions is a clear threat to the practice of democratic values in this high institution. If not resolved, combined with the immunity stripping of the three opposition MPs, this could even dysfunction the daily operation of the ... Assembly.'²⁵

The judicial branch's institutional weaknesses

Prior to the UN intervention, the Cambodian socialist regime did not ensure independence of the judicial system, as formalized in the 1981 Constitution; the courts still served as 'the instrument of the state whose function was to uphold the policies of the government'. No appellate body existed. The executive branch enjoyed the 'power to review verdicts and sentences pronounced by the courts'.²⁶

On paper, government officials conceded to efforts at transforming the judiciary into an independent institution. Annex 5, Article 5 of the Paris Agreements made this clear: 'An independent judiciary shall be established, empowered to enforce the rights provided under the constitution.' The 1993 Constitution also contained several articles ensuring the independence of the judiciary. Article 109 stipulated that this branch of government 'shall be an independent power', which 'shall not be granted to the legislative or executive branches' (Article 111). The Supreme Court and the lower courts of all sectors and levels enjoyed this exclusive power (Article 109). To ensure the independence of the judiciary, the Constitution stipulated that, 'The King shall be the guarantor of the independence of the Judiciary' with the assistance of the Supreme Council of the Magistracy (Article 113). In reality, however, the judiciary hardly became sufficiently institutionalized. Judicial decisions succumbed to political influence. The court system remained an instrument of the rich and powerful. The CPP appointed most of the judges. Even during UNTAC intervention, Cambodian judges 'were unwilling to take action against CPP suspects'.²⁷ After UNTAC departure, judicial reform did not improve.

The judicial system achieved little independence from the executive. For its part, the Council for Legal and Judicial Reform failed to affect substantive change, evidenced by the fact that its co-chairs, a cabinet minister and president of the Supreme Court, enjoyed insufficient independence. Executive influence over the Royal School of Judges (established in November 2003) did not make it operate independently: CPP Senior Minister Sok An served as chairman of the School's Board of Directors, CPP Minister of Justice Neav Sithong served as its vice-chairman, and Sam Sokphal (vice-president of the Council of Jurists) also served on its board.

Executive interference in judicial affairs continued. On 3 December 1999, for instance, Hun Sen issued an order (Instruction 167) to re-arrest 24 prisoners who had been suspected of armed robbery, kidnapping, and drug trafficking, but released by courts. His intervention led

to the suspension of a judge and a prosecutor from the Phnom Penh Municipal Court and a call for the establishment of a working group at the Ministry of Justice to investigate the courts' alleged irregularities. In 2002, in another instance, he even 'ordered a government official with key responsibilities in ongoing judicial reform efforts to drop criminal charges against his former foreign business partner in a civil dispute involving allegations of breach of contract'.²⁸

UN reports by the Special Representatives show little improvement on judicial reform. According to a 2001 report, 'Despite numerous, and in some cases voluminous, plans, reports and strategies, as well as institutions, dealing with judicial reform in Cambodia, there is little to report in terms of implementation or progress in this area'.²⁹ The new Special Representative Yash Ghai wrote a report in 2006 stating that he still 'received many complaints of executive interference in the work of the judiciary'.³⁰

Judges tended to exonerate pro-government officials, but almost always found opposition members guilty of the charges against them. In February 2004, for instance, Sam Rainsy sued Hun Sen for having masterminded the 30 March 1997 grenade attack. On 12 January 2005, the Phnom Penh Municipal Court rejected the lawsuit, clearing the Prime Minister of all the charges. The decision ignored reports from the police and evidence presented by the FBI, which pointed the finger at Hun Sen's bodyguard unit. According to the *Washington Post*, 'the FBI tentatively has pinned responsibility for the blasts, and the subsequent interference, on personal bodyguard forces employed by Hun Sen'.³¹ Another corruption-related lawsuit filed by Sam Rainsy against Ranariddh (allegedly involved in awarding a construction contract worth \$27 million that should have cost only \$13 million) also failed to materialize, when the pro-CPP Phnom Penh Municipal Court shelved the lawsuit on 28 June 2005.

Cambodian judges seemed quite decisive when seeking to punish members of opposition parties, poor criminal suspects, and other powerless individuals, but did little to prosecute members of the ruling elite. In April 2002, for instance, a judge found a journalist belonging to an opposition newspaper guilty, fined him \$18000, and threatened to put him in jail if he failed to pay. The decision resulted from the journalist's report on the involvement in illegal logging of two former Khmer Rouge generals and a wealthy pro-CPP businessman.³² Major lawsuits filed against critics of top government officials almost always succeeded. When Hun Sen and Ranariddh filed lawsuits against Sam Rainsy and his party members, the former prevailed. In August 2004,

the Military Court even became involved in a civilian case when it found Cheam Channy of the SRP guilty of allegedly forming an illegal armed force. On 9 August 2005, the court then sentenced him to seven years imprisonment.

Criminal cases remained highly political. As late as December 2005, Hun Sen's legal actions against other members of the SRP continued with considerable success. On 22 December, the Phnom Penh Municipal Court pronounced a sentence of 18 months imprisonment *in absentia* against Sam Rainsy and ordered him to pay some \$14 000 in fines and compensation for having defamed Prime Minister Hun Sen and Prince Ranariddh. The court treated Sam Rainsy's alleged defamation and disinformation as criminal. Hun Sen claimed he could not interfere with the court's decisions, since he did not work as 'a court'. But when Sam Rainsy agreed to 'mend his ways' in early 2006, the court suddenly stopped pursuing the case against the opposition leader, who then returned to Cambodia with Hun Sen's blessings.

Judges generally feared powerful political figures. Cases against political critics rarely went beyond the CPP-subservient Phnom Penh Municipal Court, so the Supreme Court rarely considered politically sensitive cases. In August 2001, a provincial court's refusal to comply with the governor's instruction led to a public demonstration that intimidated the court and forced it to comply with his wishes.³³ In March 2004, Nhim Sophea, a nephew of Hun Sen, appeared in court, having been charged with killing two people and wounding four. Having been paid sums on the order of \$8000, relatives of the victims did not testify before the court. He received a sentence of 18 months in prison, after the court reduced the charges to involuntary manslaughter. On 26 August 2004, during another *in camera* hearing in the Court of Appeal, all charges against him got dismissed. The prosecutor made no appeal, despite the clear breaches of international and Cambodian law. On that same day, however, a court sentenced a man charged with stealing only \$0.65 to four years in prison, when his mother could not afford to pay a fine of \$1000 for his release.

The Supreme Council of the Magistracy (SCM), the institution primarily responsible for making judicial appointments and taking disciplinary action against judges and prosecutors, hardly functioned. The SCM remained an extremely weak institution, incapable of addressing the issue of judicial corruption, the reality of executive interference with the judiciary, and the inadequate institutional checks on executive power. As mentioned earlier, the executive under the political order of Prime Minister Hun Sen, not the Council, suspended both the

judge and the prosecutor suspected of bribery with regards to the release of the 24 criminal suspects.

The council barely disciplined judges charged with misconduct. In 2002, the Council temporarily suspended some judges for alleged improper behavior but, after a perfunctory investigation, sent them back to their jobs and even promoted some of them. In 2003, the council did not discipline a single judicial official for misconduct.³⁴ In a report in August 2003, the UN Special Representative wrote: 'The Supreme Council of the Magistracy is largely ineffectual, effectively leaving Cambodia without an institution to discipline its judges.'³⁵ A 2004 report by the Cambodian Human Rights and Development Association confirmed that, 'the SCM remains largely ineffective, rarely convening for meetings.'³⁶ For instance, it met only twice in early 2003, with not a single meeting after April. Its actions did not become transparent to the public. Judges and prosecutors recommended for disciplinary action did not even get identified, nor did the details of the verdicts get released to the public.

Toward the mid-2000s, the SCM made some improvement, but did not enhance its overall image. In 2004, it disciplined a judge of the Phnom Penh Municipal Court who ordered the release of two men arrested for the murder of Chea Vichea for lack of evidence. The judge, on grounds unrelated to the case, subsequently got transferred to a remote province, Stung Treng. On 11 July 2005, discussions on the need to discipline judges and prosecutors took place. The council took more aggressive action in dealing with judges. But executive interference continued. On 5 May 2005, for instance, Hun Sen issued a sub-decree ordering the transfer of the SCM's functions to the Ministry of Justice, justifying his move by saying that the council's secretariat had performed inefficiently. This move no doubt further weakened the council's already weak ability to perform its duties.

The Constitutional Council also lacked the kind of political independence required by the Constitution in Article 136, which stated that 'the Constitutional Council shall have the duty to safeguard respect for the Constitution, to interpret the Constitution, and the laws adopted by the National Assembly and reviewed completely by the Senate.' The nine members of the council also shall not have any political ties with any of the three branches of government or political parties or trade unions (Article 120).

In reality, the Constitutional Council remained deeply politicized. It appointed members to the CC in a politically motivated way, aiming to keep the institution subservient to party interests. In 1998, for

instance, the National Assembly under the leadership of Chea Sim (CPP), who represented King Sihanouk at the Supreme Council of the Magistracy, appointed three candidates without verifiable university degrees or diplomas. Experts also considered the three appointments 'illegal'. In a letter dated 8 June 1998, President of the Cambodian Bar Association Say Bory challenged Chea Sim. Say Bory wrote: 'This is a serious matter that we cannot ignore. To protect the prestige and honor of the Constitutional Council in national and international eyes, it must be seen as reliable and functional.' The letter stated: 'All decisions taken by the Supreme Council of Magistracy during the two sessions led by Samdech Chea Sim were illegal, including the nomination of the three Constitutional Council members.'³⁷ According to the UN Special Representative,³⁸ six of the nine CC members (three appointed by the King, three by the Supreme Council of Magistracy, and three by the National Assembly) belonged to the CPP.

By the end of 2006, judicial and legal reform efforts had made little progress, if any. The government had yet to adopt the key legal texts fundamental to the judicial system (such as the draft penal code), still left as preliminary or unfinished drafts.

Conclusion

This chapter shows how under-institutionalized the Cambodian state had become by the end of 2006. Asked to characterize how much institutionalization the state had achieved over the past decade, a former cabinet minister responded candidly: 'Very little, if not zero.'³⁹ Evidence used in this study further validates the point made by Steve Heder that 'the old Vietnamese-built state is now a vastly elaborated, more western-looking but still substantively empty shell.'⁴⁰ World Economic Forum's *Global Competitiveness Report* (2005–06) ranked Cambodia's public institutions 114th among 117 countries, keeping them at the bottom of the Public Institution Index.⁴¹ The three branches of government remained highly under-institutionalized but unevenly institutionalized, with the executive becoming far stronger than both the legislature and judiciary.

8

Political Society's Underdevelopment

If the legislature and judiciary branches definitely lacked the political (if not constitutional) muscle to keep executive power in check, the question then remains: Did political society itself become institutionally strong enough to help play a role? This chapter examines two sets of political society institutions: Cambodia's Election Administration (EA) and its political parties. The EA came into existence prior to the National Assembly in 1998, whereas the political parties emerged during and after the UN intervention in the early 1990s. Over time, the EA definitely developed technical competence and strengthened its administrative capacity to plan, organize and manage elections, but still could not significantly improve its image as a national body capable of maintaining political independence and influence. The political parties became unevenly institutionalized, with the CPP dominating the others or becoming the hegemonic party.

Election administration

Under the PRK/SOC regime, election administration remained quite rudimentary. At the time, the Council of State had the responsibility to organize elections to the National Assembly. Article 13 of the Electoral Law provided for the creation of various electoral bodies responsible for the supervision, direction, and control of the preparation of electoral rolls. The National Electoral Council served as the highest electoral authority, comprising representatives of the Central Committee of the Party, the United Front for the Construction and Defense of the Kampuchean Motherland (formerly the National Union Front for the Salvation of Kampuchea), and other major mass organizations. The socialist regime created electoral committees at the provincial,

district, and commune levels; the provincial authorities, in close consultation with the Party, the United Front, and the mass organizations, designated their members.

In recent years, the new EA improved its image as an institution increasingly capable of planning, organizing, and managing elections, and has no doubt performed increasingly effectively over time. During the 2003 election, the Committee had only five members, compared to 11 in the previous elections. Observers noted that the NEC became more efficient and could take action more quickly. The Election Administration's technical capacity improved noticeably. The 1998 electoral process faced technical problems, but then proceeded with no serious technical errors. The 2003 election saw further positive reports of NEC, PEC, and PSC activities. The EU Election Observation Mission (EUEOM) reported that 'the technical and organizational aspects of the elections were managed professionally'.¹ Even critics of the CPP publicly recognized improvements in these areas. The IRI reported no significant problems related to the absence of necessary materials (e.g., ballots, ballot boxes, security seals, official stamps, reporting forms, etc.), indicated smooth operations in most areas as well as the absence of widespread irregularities.² The PECs and CECs also became operationally more transparent over time. During May and June 2003, they received better training on the Electoral Law, election campaign rules, and complaints procedures. Moreover, they held regular meetings (with party officials), which 'contributed to the openness of the process and may have enhanced confidence in the process and increased dialogue between the stakeholders'.³

By 2006, the EA also had become somewhat institutionally sustainable. Its operating costs declined in recent years. The NEC operated on a small annual budget of somewhere between \$600 000 and \$700 000. The committee even generated a savings of over \$164 000 per election year and \$77 000 in non-election years; total savings over a five-year period amounted to more than \$600 000.⁴ In 2005, it employed 200 permanent people at the headquarters in Phnom Penh, including 100 specialists in election matters, as well as about 60 provincial election workers, including 24 drivers.

Unfortunately, the EA did not always exercise sufficient formal influence over the electoral process. Its officials often failed to make serious efforts to monitor party and candidate campaign expenses or to expose violations of financial limits. They further failed to ensure that all parties had equal access to the media, especially the broadcast news network controlled by the CPP. The NEC did not effectively enforce

rules regarding election campaigns, either; political parties, especially the CPP, continued their election campaign right up to polling day.⁵

Election officials also conceded they had no power over commune councils and the police, which operated under the Ministry of Interior (still controlled by the CPP), and could not prevent election workers from demonstrating partisanship.⁶ Moreover, PECs and CECs often failed to investigate violations of election rules, allowing attempts at conciliation in minor offenses ‘not mentioned in the Electoral Law and on which compromise [could] be reached’. They attempted conciliation in regards to some complaints concerning breaches of the criminal law, such as violence and intimidation. The CECs handled almost two-thirds of the complaints filed during the election campaign through conciliation. The EUEOM also regarded the PEC’s overall performance regarding complaints and appeals as ‘more disappointing, as generally they were not being able to offer proper response to more serious violations of the Law... They managed to settle some complaints by conciliation, but still seem to keep a low profile when cases involve serious offenses or officials.’⁷

The Constitutional Council scarcely functioned. It had an important role in settling electoral complaints unresolved by the National Election Committee (NEC). In dealing with the election-related complaints rejected by the NEC, the CC did relatively little. In 1998, the CC even ‘ignored or refused to deal with a large number of appeals, something that in turn strengthened the impression of many Cambodians that the highest election bodies were “stonewalling” opposition complaints.’⁸

Maintaining political independence and neutrality throughout the electoral process also remained a constant challenge for the EA. Article 12 of the Electoral Law clearly stated that the NEC ‘shall be an independent and neutral body in the carrying out of its duties’. Its members and those of other lower-level commissions also ‘shall be neutral and impartial in the implementation of their electoral duties’.

There existed two camps providing this kind of assessment. The EUEOM and others tended to provide positive assessments. The EUEOM did not share the view that the NEC lacked political independence, regarding it as working ‘in transparent manner, seeking contact with political parties and civil society’.⁹ Others, however, saw the NEC in a more negative light. On the 2003 election, the IRI reported that, ‘Many NEC actions – and just as frequently its inaction – reinforced concerns regarding the NEC’s political neutrality and contributed significantly to the climate of impunity that allowed for widespread

political violence, election law violations, and intimidation of voters.¹⁰ The NEC also failed to deter Village Chiefs and local officials from intimidating voters, undermined the effectiveness of the complaints process, and failed to reinforce public confidence in the secrecy of the ballot. NEC members – nominated by the CPP and FUNCINPEC co-Ministers without substantial consultation or input from opposition parties or civil society actors – remained biased.¹¹

Election observers perceived members of the PECs and CECs as partisan. The NEC allegedly accredited thousands of untrained and possibly partisan national observers from new and largely unknown organizations.¹² According to the EUEOM, 'the impartiality of some CECs was in question.'¹³ Many PEC and CEC officials recruited for the 2003 election worked in the previous elections.¹⁴ According to the US Long Term International Observation Group in Cambodia for the 2003 election, the recruitment process for PECs and CECs in almost all provinces 'was reported as politically biased'. Moreover, 'in more than half of the provinces the process was seen as tainted by corruption, favoritism, and nepotism'.¹⁵ Both COMFREL and NICFIC also estimated that around 70 per cent of the PEC and CEC members had party affiliations with the CPP and 28 per cent had political links with FUNCINPEC. Some election monitors observed that some PEC workers even specifically directed people to vote for the CPP.

Most NEC members used to have close ties to the CPP. Of the 11 NEC members before the 1998 election, seven had political affiliations with the CPP. The NEC chairman, Chheng Phon, had served as the SOC's Minister of Culture. The Ministry of Interior, politically dominated by the CPP and FUNCINPEC co-Ministers, directly appointed the five new NEC members for the 2003 election 'without substantial consultation or input from opposition parties and representatives of relevant...civil society organizations'.¹⁶ Three of the five new NEC members (Im Suosdey, Mean Satik, and Koy Veth) had belonged to the CPP. FUNCINPEC leaders (You Hockry and Kol Pheng, allegedly close to Hun Sen) chose the other two (Ngor Chhay Lieng and Sun Chum Bo). Im Suosdey in particular had worked for the CPP before, as Deputy Chairman of the Central Committee of the Cambodian Youth Association (1980–95) and Director of the Central Bureau of Election within the CPP-dominated Ministry of Interior (1995–97). Unsurprisingly, some NEC officials often defended CPP policies and also received political awards after elections.

NEC members no doubt came under considerable political pressure from their former parties. Any attempts by an NEC member to play a

non-partisan role in the electoral process might place them at risk for dismissal or other forms of punishment. For example, FUNCINPEC co-Minister of Interior You Hockry, just months before the registration process for the 2002 commune election, threatened to dismiss Kassie Neou from his position as Vice-Chairman of the NEC. Neou's 'neutral' stance gave the minister the impression that he had failed to serve the royalist party's interests. After they had lost in the 2003 election, FUNCINPEC officials accused NEC member Sun Chum Bo of not having done her best to help the party and sought to remove her from NEC. They went to the Constitutional Council in an effort to have her dismissed, but failed, because she enjoyed immunity status, as all MPs did.¹⁷

Cambodian People's Party (CPP)

The CPP emerged as Cambodia's least penetrable party. Following the UN intervention, it developed its party structure at the provincial, district, commune, and village levels. Defection from the party to other political parties rarely took place. Until the mid-2000s, only a few CPP officials had defected to other parties, including CPP Economic Police Department Deputy Director Nhim Kim Nhol (CPP police colonel), who joined the SRP (Sam Rainsy Party) in October 2002. Because of its tight control over its members, the CPP developed the capacity to prevent the defections experienced by other political parties, most notably FUNCINPEC and the SRP.

In material terms, the CPP also developed the ability to sustain itself better than other parties. It had the money to maintain its members' loyalties. The party and its Central and Provincial Offices owned businesses, such as renting transportation, and real estate.¹⁸

Still, one of the CPP's institutional weaknesses lies in the fact that the party leadership did not promote young party members to senior party or government positions. The party structure remained dominated by aging individuals with revolutionary credentials, such as Chea Sim and Heng Samrin, who excluded young party members from the party's decision-making process.

The CPP became relatively more effective in mobilizing people, especially voters. In the early 1990s, the party hardly convened local meetings. According to a 1994 NDI report, 'CPP's local structure represents a distinct organizational advantage for the party over that of its partners in the coalition government. Yet, local party structure...provides only a framework for activities. Without activities, party members become passive and unmotivated.'¹⁹ Moreover, CPP members at the local level

did not seem to have an effective communication system with their national party leaders. According to the NDI report, 'CPP members expressed frustration that national leaders in the government and the parliament spend little time in the provinces...Local leaders are uncertain about how to work on behalf of the party when national leaders remain invisible and unaccountable to party members and voters in the provinces.'²⁰ Still, the CPP 'has the best political organization'.²¹ NEC member Chum Bo Sin (formerly affiliated with FUNCINPEC) also conceded that, 'the CPP proved far more effective than the other parties of its solid organizational structure.'²² This certainly reflected its impressive victory during the 2002 commune election and continued domination over villages. When compared with the other political parties in the country, the CPP probably had the best system of disciplining its members and had the strongest party network in the country, even though it remained under-institutionalized.

During the first half of the 2000s, party building appears to have remained a low priority for the CPP. Like other parties, the CPP did not reach out to party members who supported their MPs at the provincial level. CPP MPs' provincial offices hardly functioned; their staff members remained too few in numbers, could not provide information asked for, and had no or little contact with their MPs, 90 per cent of whom lived in Phnom Penh on a permanent basis.²³ Moreover, the local party structure appeared to remain rudimentary. There existed no financial transparency. Sources of funds and expenditures got disclosed only to the finance committee and the Central Committee. Party members did not receive financial information.

It should come as no surprise that even the CPP did not fully develop a solid national party structure. Party disunity frictions remained a constant problem. Few top CPP leaders lent unconditional support to Hun Sen's 'coup' in July 1997. According to former Canadian Ambassador Gordon Longmuir, 'The most perilous period for Hun Sen came immediately after the 1997 coup de force, which had been opposed by Sar Kheng, the Co-Minister of the Interior, General Ke Kim Yan, the Armed Forces Commander and, most importantly, Chea Sim, the President of the Party'. Longmuir adds: 'Hun Sen's loyal military and police forces stood behind him and this persuaded 'moderate' CPP forces to stifle their reservations. Hun Sen also came under criticism in 1998 for having failed to win majorities in areas previously considered CPP strongholds'.²⁴

Before the 2003 election, the question of party leadership had surfaced and the internal struggle for power continued unabated, as two

dominant CPP factions sought to overcome each other. Chea Sim and his supporters, for instance, reportedly encouraged the pro-CPP newspaper *Rasmei Kampuchea* to report about the \$800 corruption money deposited into bank accounts in Singapore. Apparently the corruption money belonged mostly to Hun Sen's key loyalists (including Sok An, Hok Lundy, Cham Prasith, and Moeung Samphan), who controlled virtually many of the key government posts. Initially, the two factions had agreed that Say Chhum (the CPP's Secretary-General) would replace Chea Sim and that Hun Sen would run as party candidate for Prime Minister. However, the Chea Sim camp continued to work against the Hun Sen camp's interests. The idea of Hun Sen's candidacy for premiership remained undecided for some time. Before the election, for instance, only six of the 21 CPP Standing Committee members supported Hun Sen, while 10 rejected his candidacy and five remained undecided. Whenever Chea Sim and his supporters fell out of line with Hun Sen, the latter made efforts to stop them. Before the formation of the post-2003 election government, the Alliance of Democrats – made up of FUNCINPEC and the SRP – considered forming a coalition government with Chea Sim, and without Hun Sen. But 'Hun Sen...ordered his security forces to prevent Chea Sim and other CPP leaders from contacting the Alliance.'²⁵ The balance of power between the two camps shifted in favor of Hun Sen after the 2003 election, however. For example, at an extraordinary meeting of the CPP Standing Committee on 2 July 2004, Hun Sen took over the chairmanship in the absence of Chea Sim and Sar Kheng and declared in front of the 16 members present that he had become 'the boss who decide[d] on the composition of the to-be-formed government'.²⁶

Late in 2002, Phnom Penh Governor Chea Sophara also prematurely declared that he emerged as the best candidate for the next prime minister and apparently received unofficial approval from members of the pro-Chea Sim camp as the party candidate for premiership after the 2003 election. However, Hun Sen managed to fire his popular and ambitious rival after the riots against the Thai embassy and other Thai interests on 29 January 2003. The governor subsequently received a political demotion to the position of ambassador to Burma, but rejected it. Upon his return to Cambodia from a short trip to France, he found his passport confiscated. These events took place when the Chea Sim camp apparently made efforts to prepare Chea Sophara as a future CPP candidate for premiership by first getting him elected as a member of the Permanent Committee at the Central Committee's meeting scheduled for March 2003.

FUNCINPEC and opposition parties

FUNCINPEC remained extremely institutionally weak and began to fall apart in the mid-2000s. Part of the problem lies with the fact that the party began as an armed resistance faction rather than a political party. Over the years, it became less and less institutionally effective. Its platform included a commitment to strengthening the democratic regime and implementing good governance and transparency, but its leaders failed to push for reform on several fronts during its term in office, when Ranariddh remained First Prime Minister.

FUNCINPEC became far more fragmented than the CPP. The royalists experienced growing intra-party frictions and grew apart as time went on. The initial split between Ranariddh and Sam Rainsy ushered in a series of tensions and divisions. FUNCINPEC became more divided when Sam Rainsy formed his party called the Khmer Nation Party or KNP (later renamed the Sam Rainsy Party). After that, FUNCINPEC grew divided between those sympathetic toward Sam Rainsy and those inclined to work with Hun Sen. Tension between two key royalist leaders – Minister of Interior You Hockry (accused of corruption and nepotism) and General Khan Savoeurn of the Armed Forces – worsened to the point that they almost tore the party apart. Subsequently, several royalist ministers (including You Hockry) even conducted secret negotiations with Hun Sen in an attempt to defect to the CPP. General Nhek Bun Chhay (FUNCINPEC's Deputy Secretary-General and top military man) chose to mobilize support for the idea that the royalists should work with the CPP under Hun Sen without the SRP. Because of his increasingly pro-CPP stance, the general received a new appointment as Deputy Prime Minister and Co-Minister of Defense, but lost popularity within the party and fell out of King Sihanouk's favor.

Those royalists sympathetic toward the SRP also began to make moves against their own party. In 2002, Under-Secretary of State of the Ministry of Public Works Koy Kem Phan became the first high-ranking royalist official to defect to the SRP, followed by Mok Sophy, a FUNCINPEC Under-Secretary of State for the Ministry of Rural Development. In February 2003, Interior Ministry Secretary of State Kieng Vang became the highest-ranking royalist to have made a public announcement that he would seek a parliamentary seat within the SRP. By this time, Ranariddh made moves to fire royalist dissidents, such as Kieng Vang, Senator Kem Sokha, and MP Keo Remy, because of secret meetings with Sam Rainsy. The situation worsened when rumors had it that some 20 generals from FUNCINPEC could no

longer stay loyal to Ranariddh and would leave their party for the SRP by March 2003.²⁷ The intra-party political situation became so dire that FUNCINPEC did not hold its congress that year.

Several months after the formation of a new coalition government in 2004, the political situation within FUNCINPEC became so desperate that Ranariddh on 23 December 2004 called for a political merger between his party and the CPP. Instead of uniting the party, his proposal angered even grassroots supporters, who accused him of selling out to the CPP. According to one report, 'Defections to the Sam Rainsy Party, which had been noticeable since Ranariddh broke the Alliance of Democrats and joined a two-party government with the CPP last July [2003], have dramatically accelerated over the last few days. In some provinces, such as Kampong Cham, Battambang and Prey Veng, opposition local officials have been instructed to carefully handle unprecedented mass defections.'²⁸ It should thus come as no surprise when Ranariddh, with the apparent political support of Hun Sen, sought to weaken the SRP by lifting the parliamentary immunity of three SRP members and by seeing to it that the Phnom Penh Municipality Court would deliver Sam Rainsy a stiff prison sentence. Ranariddh simply sought to ensure his party's political survival by making sure that the SRP would stop attracting FUNCINPEC dissidents.

Even members of the royal family failed to maintain their unity. Ranariddh's half-brother, Chakropong, joined the CPP before the 1993 election, then threatened to split the country along the Mekong River, and later launched a new royalist party 'to attract FUNCINPEC defectors'.²⁹ The royal family continued to experience internal frictions. Just days before the 2003 election, Ranariddh came under criticism from a leading member of the royal family and an influential official of FUNCINPEC, Princess Norodom Vicheara, who accused him of appointing 'corrupt ministers'. Ranariddh even grew estranged from his father, King Sihanouk, who maintained a growing distance from FUNCINPEC (the party he founded). In a message issued on 14 September 2002, for instance, he made it clear he no longer wished to remain associated with the party. After his abdication in September 2004, Sihanouk criticized Ranariddh and even accused him of disobedience. By late 2006, the royal family itself had disintegrated into at least four factions: FUNCINPEC, the Norodom Ranariddh Party, the *Ronakse Sangkum Cheat Niyum* Party, and non-aligned or undecided Royalists.

In spite of its highly centralized and obviously personalized decision-making process, FUNCINPEC lacked a basic institutional ability to ensure effective party discipline among its members. It put in place an

inspection committee tasked with the power to evaluate its leaders and a Permanent Committee to take disciplinary measures against its members, but party leaders tended to think that disciplinary actions would only weaken the party. In their views, no disciplinary action could have helped the party, as FUNCINPEC weakened and its members came under growing pressure from the CPP to defect.³⁰

Over the years, FUNCINPEC's weak local structure failed to develop sufficiently to evolve into a modern party. Ranariddh relied on his traditional popularity (as a son of King Sihanouk), rather than on an administrative structure. The party won the 1993 election, but continued its activities without a party structure at the provincial, district, communal, or village levels. Although it had the largest number of MPs in the National Assembly then, the leadership faced numerous administrative challenges. According to a top royalist who worked with him for more than a decade, 'Ranariddh ran his party the way he ran his family and surrounded himself with a handful of "yes" men who had not the faintest idea of how to run the party, either. Worse, he often did not even remember what he said or the decisions he made.' The official added that, 'The Prince rejected any proposal to form a committee to select party members to high positions. There was confusion.'³¹

After the 1993 election, party leaders at the local level never convened meetings. No working communication system had been established. The national party leadership showed more preoccupation with dealing with coalition partners, especially the CPP. As a result, the party remained loosely structured; local party leaders felt abandoned, unappreciated, and apparently disillusioned. Royalist MPs made little efforts to maintain communication with local party leaders. According to a report based on a workshop held for the royalists, 'FUNCINPEC members expressed frustration with national leaders and are disappointed that FUNCINPEC MPs and ministers spend little time in the provinces...Local leaders are uncertain about how to work on behalf of the party when national leaders remain invisible and unaccountable to party members and voters in the provinces.'³²

Over the recent years, FUNCINPEC made little improvement in this regard. Its MPs concentrated their activities on distributing gifts and taking part in project inaugurations, as noted earlier. Even less so than CPP and SRP MPs, FUNCINPEC MPs did not communicate sufficiently with their provincial party workers, who complained about not getting enough information from their MPs. FUNCINPEC's provincial offices remained understaffed, hardly functional, and cut off from the MPs based in Phnom Penh. In July 2005, for instance, Ranariddh reprimanded his

MPs, who did not do their work and made no efforts to strengthen relations with their constituencies, and yet he himself 'did not want to hear any bad news from party members'.³³

But Ranariddh himself remained aloof from his party members to the end. He often belatedly took advice from his uncle Prince Sirivudh (the half-brother of Norodom Sihanouk and FUNCINPEC's Secretary-General). For instance, he listened to Sirivudh's advice on the need to develop a grass-roots organization outside Phnom Penh. But even before his ousting as president of FUNCINPEC in late 2006, the Prince chose to stay in France, teaching at a university, and refused to take heed of Sirivudh's warnings about a possible action to remove him from the party.³⁴

Moreover, FUNCINPEC repeatedly failed to encourage young members to play an active role within the party. The royalist party strictly operated on the basis of personal loyalty rather than professional merit or competence. Loyalists had to show their willingness and ability to make financial contributions in exchange for government positions. Competent party members with professional experience often failed to get recognition or promotion. The party's institutional foundation grew shaky; it rested upon the personal decisions and dictates of its few top leaders.

By 2006, the Sam Rainsy Party (SRP) had emerged as the most successful opposition political party in Cambodia, but it had already weakened considerably. The extent to which the party became more organizationally democratic and effective proves difficult to assess; its platform included the promise to promote rule of law and to eliminate corruption. But it tended to rely on its party leader, Sam Rainsy, and his defense of abstract concepts, such as democracy, which rural voters did not understand. In February 2005, when Sam Rainsy left Cambodia, the party learned to become less dependent on him; party members began to take more initiative.³⁵ Reliance on the personal leadership of Sam Rainsy somewhat diminished and internal democratic governance developed, but the party remained inexperienced, driven mainly by an anti-CPP agenda and run by relatively unknown individuals.

The party also suffered from other weaknesses. After the coup in 1997, it split, as a small breakaway group (evidently induced by the CPP) claimed control of the KNP. Subsequently, Sam Rainsy decided to name his party after himself. Although it claimed that its party membership had expanded from only 178707 in 1996 to more than 400000 in 2001, its supporters remained largely confined to voters in urban areas, particularly students, teachers, and labor union members in Phnom Penh, who remembered his accomplishments as a minister of finance (most people in rural areas did not). It should come as no

surprise, then, that the SRP (like FUNCINPEC) often hesitated to take disciplinary action against its wayward members. The party had a five-member disciplinary committee; however, like FUNCINPEC, its leaders feared that taking any punitive actions against its members would lead to divisions within the party.

Like the CPP and FUNCINPEC, the top priority of the SRP, especially during election times, rested on the need to buy votes by distributing gifts to its constituencies. Comparatively, SRP MPs made more visits to their constituencies for the purpose of party building (38 out of the 219 visits from October 2003 to September 2004, or 17 per cent), but still spent 53 per cent of their visits during that period on gift giving and project inaugurations (116 out of the 219 visits).

The other parties remained even less institutionalized; their administrative structures failed to become either organizationally effective or sustainable. One glaring sign of their under-institutionalization lay in their persistent inability to compete effectively in elections. During the 1998 election, 38 parties competed with the CPP, but the number shrank to seven in the 2002 election. In 2003, 23 parties registered to compete in the election, many of them newly established, underfunded, and highly dependent upon party leaders' skills and wealth. They had no significant party presence in the provinces, even during election times. Many of these parties survived as 'satellite' parties funded by the CPP to distract its major opponents.³⁶

Conclusion

The EA and the political parties grew more institutionalized over the years, but remained institutionally weak. In spite of its technical efficiency and competence, the EA failed to emerge as a major institution capable of projecting itself as politically neutral and influential. A multi-party system also emerged, with many parties registering to compete in the past four elections; however, this system also remained under-institutionalized. In comparative terms, the CPP emerged as Cambodia's most institutionalized, but it remained a personalized party. The royalists had little internal democratic governance and operated under the command of its top leader. The SRP became known as the strongest opposition party and had the greatest potential to become democratic, but fell victim to internal and external problems; it seems likely that even if the SRP had the chance to form a government, it could not uphold its democratic ideals and become effective in the policy arena.

9

Civil Society's Underdevelopment

The question that concerns this chapter still lies at the heart of this study's effort to assess whether civil society organizations in Cambodia, which began to emerge in the early 1990s and multiplied over the subsequent years, became sufficiently institutionalized and capable of helping to keep executive power in check. Based on the assumption that civil society must play a critical (rather than passive) role, this chapter focuses on those organizations that function in a critical fashion. Observers often made the claim that civil society in this country became vibrant in recent years. They continued to function, perform legitimate duties, and enjoy social support. According to one study, 'The most trusted institutions are all private: NGOs...[and] the pagoda.'¹ But if 'measured' in terms of political independence, operational effectiveness, sustainability, and political influence, civil society remained far from sufficiently institutionalized. Its organizations – in the election, human rights, and legal fields – became more effective in operational terms, but remained unsustainable and lacked political influence – and many may even fail to operate one day.²

Election monitoring organizations

The Committee for Free and Fair Election (COMFREL), NICFEC (Neutral Independent Committee for Free and Fair Elections) and COFFEL (Coalition for Free and Fair Election, which ceased to exist after the 2002 election) no doubt played a positive role in monitoring the last several national and local elections. Their successes resulted from quality leadership, strong emphasis on non-partisanship and political independence, experienced boards of directors, professional staffs, and reasonably sound management.

These EMOs enjoyed a high degree of political independence. COFFEL, COMFREL, and NICFEC played the role of 'watchdogs' and did what they could to expose any abuses by the government and the NEC. NICFEC, for instance, proved itself 'the most critical of the conduct of the 1998 elections, suggesting that there is no influence from the government'.³ Its efforts to promote free and fair elections through the arts allowed its workers to enjoy more freedom of action than other election observation organizations. They worked independently from any branch of government.

EMO officials even expressed concern about possible infiltration by political party elements, especially those belonging to the CPP, but said that they did their best to keep their organizations 'pure'. For instance, NICFEC recruited its volunteers through the Fine Arts School as one effective way to combat party infiltration.

Organizationally, the EMOs performed effectively, but some gained more experience and developed institutional capacity better than others. COFFEL performed the most poorly: 'Since the period of the 1998 elections, COFFEL's management structure and processes of decision-making have had little chance to develop and become institutionalized...[its] structures and processes remain underdeveloped, imposing a heavy burden of work upon individuals within the organization, and hampering the ability of other individuals to operate effectively.'⁴ Several factors help explain its demise, including its executive director's alleged personal scandals, financial mismanagement that resulted in the disappearance of about \$20 000, and a partisan board of directors, which created internal frictions.

Both COMFREL and NICFEC managed to avoid the problems experienced by COFFEL. Over the years, they succeeded in raising their levels of methodological sophistication and were generally effective in mobilizing support from local volunteers; their ability to present findings that drew public and donor attention also improved.⁵

COMFREL put its efforts into capacity building among those in leadership positions and those operating at central and provincial levels. Established in 1995 by 12 NGOs, it had an active board of directors and an executive director said to provide strong leadership. NGOs confirmed that 'the management system within the Central Office is widely perceived to work as intended...and that the systems are clearly understood by staff members.'⁶ The EMO developed a network to promote its activities at provincial and commune levels, as it sought to decentralize its operations and democratize its decision-making process. The programs and activities became more and more transparent and its staff

workers also seemed quite aware of the decisions made within the organization. Observers regarded the EMO as 'effective', having 'achieved a high profile' and a 'go-getting reputation', due 'in large part to the personal and qualities of key individuals within the organization'.⁷

Although it came into existence just one month before the 1998 election, NICFEC quickly developed its administrative capacity. It had 132 trained network coordinators and approximately 6000 volunteers. In spite of its small staff, the EMO proved itself as 'capable of a one-third share of advocacy activities'. Its director also proved 'every effective' and his staff workers 'showed a clear understanding of the goals and activities of the organization and of their roles and responsibilities'.⁸ According to Caroline Hughes, 'NICFEC has displayed an impressive ability to manage programs across the country on a low budget and with a small staff'.⁹

The EMOs' ability to influence the political, especially electoral, process remained quite limited, however. They did make enormous efforts to challenge government and NEC officials. During the commune election, 72 per cent of the 83 per cent of those who voted said they saw independent observers from NGOs. About 62 per cent of them said their presence 'made them much more confident that the election would be free and fair'; approximately 25 per cent more reported that their 'presence made them somewhat more confident'.¹⁰ COFFEL accused the NEC of failing to ensure that opposition political parties and citizens would have enough opportunity to express their views and to hear debates from different parties before the election. In a press release, it stated that the NEC 'did not make a clear decision whether to give permission to state-owned and private Radio and TV stations to broadcast a political party debate organized and sponsored by NGOs'.¹¹ Before the 2003 election, COMFREL and NICFIC (alongside ANFREL) made a joint statement on 16 July that successfully forced the NEC to adopt, on 22 July, a 'Directive Prohibiting Villages' Chiefs and Subordinates from Acting as Political Parties' Agents'.¹²

Although both COMFREL and NICFIC continued to improve over the past several years, they remained unsustainable. With virtually no experience and little training in election monitoring, local observers (about 3000 of them in 1998, 6000 in 2002 and 7000 in 2003) became more involved in voter education, but often failed to do their job efficiently, due in large part to growing fears of political violence.

Moreover, the EMOs recruited observers on a volunteer basis to promote free and fair elections, with no financial incentives. Staff salaries hardly met basic needs. The executive director of NICFEC

earned about \$500 per month and had to earn a living outside his election-monitoring duties. Core staff members earned about \$100 per month. Provincial coordinators stood among the 7000 volunteers and complained bitterly about having to turn their houses into offices on a volunteer basis. NICFEC did not even cover their transportation costs. Provincial coordinators continued to demand that they receive payment so that they could concentrate on their activities. Leaders found it hard to motivate and discipline insubordinate volunteer observers.¹³ Fear also discouraged observers from playing an effective role, partly because these volunteers worked alone at polling stations, especially in remote areas.

In addition, the EMOs themselves operated on insufficient funds.¹⁴ They depended 100 per cent on donor assistance; the government refused to fund the EMOs' activities. According to one report, NIFEC staff 'commented that they found it difficult to...implement their tasks because of the very small amount of money available to pay for expenses such as travel and communications. The executive director commented that lack of funding was a problem, and said that he often had to supplement NICFEC's finances from his own pocket'.¹⁵ The Executive Director of COMFREL also acknowledged his organization experienced financial constraints.¹⁶

Chronic financial shortages remained worrisome. After the 2003 election, for instance, NICFEC had only about \$2000 left on its account, thus facing 'serious shortages'. Moreover, these EMOs worried that they would become unable to rely on volunteer observers for future election-monitoring work. External funding proved quite unpredictable. Although NICFEC had an annual budget of no more than \$50 000, some donors did not stay committed. The Asia Foundation could no longer provide funds. NDI planned to cut its financial support. Forum Syd would not fund NICFEC after 2007, with the next National Assembly election scheduled for 2008.¹⁷

By and large, the EMOs also did not enjoy untarnished legitimacy, either. Government and election officials, for instance, remained highly skeptical about their agendas and commitments to free and fair elections. The EMOs, as some NEC officials saw it, did not perform their duties in an unbiased fashion. They had their interests and served those of opposition parties. Government officials, as EMO officials admitted, saw them as agents of international donors, which tended to take an anti-CPP stance. As the government began its crackdowns on critics in late 2005 and early 2006, some EMO officials even carried their passports with them wherever they went, in case they needed to run for their lives to a foreign country.

In spite of their good efforts, these EMOs lacked influence over the electoral process. When asked during various interviews if they could give the best examples of positive impact their organizations had on government policy decisions, EMO officials often took a great deal of pain to recall, but offered little concrete evidence of the impact they made. They had a positive impact on the technical aspects of electoral politics, but their impact on the electoral process proved limited.¹⁸

For instance, they could not overturn the government's attempt to create a new mechanism, known as the Coordination Committee of Associations and Non-Governmental Organizations for Observing the Elections (known as the NGO Coordinating Committee or NGOCC), which aimed to discredit the EMOs. When the National Assembly adopted the Commune Law that included a provision (Articles 150–8) to establish NGOCC, the EMOs protested. They reasoned that such a coordinating committee would lack the 'independence vital to neutral monitoring'.¹⁹ They also argued that the EMOs had maintained adequate cooperation with the NEC, and, as such, the country did not need an additional NGO coordinating committee. Their protest eventually failed: the NGOCC then came into existence and even played a role in judging the EMOs' institutional performance. The EMOs also came under the scrutiny of the NGOCC, which attempted to prove that they remained technically incapable of monitoring elections. The NOGCC further made critical suggestions on how election-monitoring groups should operate, such as getting more technical training in the election laws, cooperating with NOGCC in deploying observers, and providing clear locations of the places to which they would send their observers.

Human rights NGOs

Our investigation points to a limited trend in the process of institution building in the field of human rights. The number of independent HR NGOs decreased. Initially, there existed four strong and independent HR NGOs, namely the Khmer Institute of Democracy (KID), Cambodian Institute for Human Rights (CIHR), Cambodian League for the Promotion and Defense of Human Rights (LICADHO), and Cambodian Human Rights and Development Association (ADHOC). By the end of 2003 only three, LICADHO and ADHOC seemed strong enough to defend their activities and perform their regular duties, but they still stood at a crossroads. Their heavy reliance on international assistance remained the main challenge, while other problems still limited institutionalization. The 'HR NGO community was now losing heart'.²⁰

The Cambodian Institute for Human Rights (CIHR) no longer functioned.²¹ The CIHR provides a good example of how major HR NGOs proved unable to transform themselves into effective, self-sustaining, influential defenders and promoters of human rights. One of the best-known national HR NGOs in the country, the CIHR emerged from 1995 to 1997 as the leading NGO of the Cambodian Human Rights Coordinating Committee (dissolved in 1997), but came under investigation in March 2002 for fraud and misuse of funds. Its Executive Director (also the former Vice-Chair of the NEC) finally left the institute, and served as spokesperson for FUNCINPEC, and then became Secretary of State for the Ministry of Justice.

Many observed why the CIHR fell apart. The crisis came into the open when a financial scandal involving the disappearance of about \$250 000 got exposed. Lack of financial management posed a problem. Other factors contributed to the crisis, as well. Apparently it all began after the executive director took on the responsibility of Vice-Chair of the NEC without relinquishing his normal duties at CIHR. Perhaps due to his demanding tasks at the NEC and his oversight at CIHR, there existed no proper financial control over the Institute. Allegedly, he often made decisions without much consultation with his staff. In his own view, 'the Institute's staff is not ready for a transparent management system.'²² He preferred to cooperate with the government. Top managers ended up pointing fingers at each other soon after the financial scandal spread and then announced that the Institute would close.

Apparently the CIHR lacked accountability and transparency. Before its demise, a study revealed that the Institute proved successful in maintaining good relations with the government, but it failed 'internally' to become 'a democratic body'.²³ The Executive Director, after the Institute got into trouble, responded to criticism by telling donors that it needed order more than rights. There existed some 'limits to human rights' when dealing with staff. In his words, 'I prefer the control style of management... If I were to exercise 100 percent of the rights [contained in the Universal Declaration], would that result in better management?' He further defended his management style by asserting that, 'If it is necessary to give up some rights in order to maintain order, is that a violation of the rights of the staff?'²⁴

Few other leading HR NGOs that still existed faced few of these problems. They enjoyed sufficient political independence and performed more effectively in terms of organizational development. LICADHO, for instance, expanded its staff (from 90 in 1992 to 130 in 2003) and programs. The League had a relatively sound financial management,

especially after it hired a Canadian financial advisor. Four Cambodians also went to Canada for training in financial management and eventually returned to the League. It also became known for its meticulous documentation of human rights records.

Several weaknesses kept LICADHO from becoming highly institutionalized, however, including weak administrative and reporting systems (which made it difficult for the League to meet requirements from donors). The president and her executive director came from the same family (Galabru as the mother of the director) and experienced constant criticism from some of their staff. In spite of their competence and personal dedication to the organization, they faced allegations of nepotism and came under pressure from donors to find someone to replace the director. The board of directors did not function properly or effectively. The NGO leadership itself recognized that the organization remained institutionally weak. Not until recent years, however, did LICADHO hire someone to provide training on staff and organizational development, but this step alone did not prove sufficient.²⁵

ADHOC emerged as one of the two largest and best-known HR NGOs in Cambodia. Founded in 1992, the Association distinguished itself as the only NGO in the field of human rights capable of implementing a four-year plan.²⁶ The Executive Director, Thun Saray, appeared to have a long-term strategy for his organization's future and remained active in networking with other HR NGOs. The Association employed 82 full-time workers, who did volunteer work in their first year. Among those based in Phnom Penh, between 80 to 90 per cent earned a bachelor degree. Only between 30 and 40 per cent of the total staff had bachelor degrees. The Association planned to hire only individuals with a university degree. Overall, ADHOC became known for its good administrative capacity and apparently proved most capable of fulfilling 'requirements from donors without complaints'.²⁷

These NGOs did not work out a clear 'division of labor' among themselves, however. ADHOC and LICADHO, for instance, took on several overlapping tasks. Both provided education programs in human rights, investigated human rights violations, and dealt with women's rights issues. They had similar target groups: ADHOC's included government officials, military and police, ethnic minorities, women, monks, and nuns; LICADHO's also included civil servants, local authorities, police and military police, community leaders, minorities, women, and monks.

In terms of influence, the HR NGOs faced severe institutional limitations. From 1993–2002, progress became quite evident in some parts of the country. In Phnom Penh, education from human rights insti-

tutions made an impact on government officials. LICADHO, for instance, reported that its human rights training and education on human rights projects helped raise the level of rights awareness among civil servants. Such awareness resulted in the improvement of legal procedures and decreased torture in prison. Other organizations, such as the Human Rights Task Force, also helped train government staff in such areas as political rights and civil liberties, due process, and procedure, as well as substantive and procedural law.

Overall, HR NGOs appeared to have had little direct and significant impact on the three branches of government, if measured by the extent to which the former could mount effective action to prevent the executive body from taking action as it did toward the mid-2000s. Government officials obviously did not feel much pressure from NGOs. Mutual mistrust between government and NGO officials ran deep. According to Marston, 'talking to Cambodian officials tends to underline an awareness that the tangible impact of the advocacy of local NGOs has still been relatively small.'²⁸

In more recent years, HR NGOs did not prove much more successful in terms of political influence. For example, 14 HR NGOs (making up the Cambodian Human Rights Action Committee) refused to take part in the 2006 senate election, having considered the election 'nonsense' and 'a waste of money'. The Committee had lobbied hard to get senators directly elected by the people. Instead of complying with the wishes of these civil society organizations, the executive branch went ahead with its own plan to have senators elected by commune council members and parliamentarians most of whom belonged to the ruling parties, especially the CPP. The NGOs could only express their regrets: 'the recommendations of civil society and the other concerned parties [the opposition] were not included in the [Senate election] law.' FUNC-INPEC MP Khieu Sorn simply scorned the NGOs' decision not to get involved in the election by asserting that he did not even care if they refused to observe the election.²⁹

Legal organizations

Several major legal organizations sprang up during the 1990s, but appear to have grown institutionally weak by the mid-2000s. They included the Cambodian Bar Association (CBA), Legal Aid of Cambodia (LAC), and the Cambodian Defenders Project (CDP). By 2005, the CBA remained institutionally weak and increasingly vulnerable to political influence. The country still had a small number of lawyers and legal experts.

Part of the problem resulted from the fact that most lawyers died under the Khmer Rouge regime. Although a new generation of lawyers emerged in the 1990s, their number remained too small to serve fully the interests of justice. By 2000, Cambodia had fewer than 200 lawyers in practice, and only around 20 practiced in the provinces. By 2006, the CBA claimed to have 560 members. At the end of 2005, approximately 200 applications for membership submitted to the CBA had been suspended,³⁰ for various reasons discussed below. The entire country had about 200 judges.

The CBA allegedly made it quite difficult for law graduates to become members. Its leadership made a strict interpretation of the 1995 Law on the Bar. Article 31, for instance, stated that those considered admission to the Bar must have a Bachelor of Law degree, or an equivalent, as well as 'a certificate of Lawyer's Professional Skill issued by a center for training of the legal profession. The organization and functioning of the center shall be determined by sub-decree.' But Article 32 further stated that 'those who have received a Bachelor of Law degree and who have been working in the legal or judiciary field for more than two years' did not require the certificate. In the meantime, the Council of Ministers dragged its feet, taking its time to pass a sub-decree to establish a lawyer training center.

Worse, the CBA appeared to have practiced double standards. Under the presidency of Ang Eng Thong, it admitted few lawyers and even rejected applications from lawyers who had work experience in other legal organizations, such as LAC and CDP.³¹ In the meantime, the Association admitted some individuals with none of the required qualifications or experience. For instance, Ang Eng Thong became president of the Association in October 1998; then the CBA admitted his son on 2 February 1999, even though the latter's work experience with UNDP did not meet the CBA's requirements. The new president, Ky Tech, continued to play politics, even accepting high-ranking officials from the CPP just weeks before the 2003 election. In February, several CPP officials – Prime Minister Hun Sen, Minister of Interior Sar Kheng, Senior Minister Sok An and Secretary of State Prum Sokha (none of whom had any professional legal degrees) – applied to join the Bar and received admission as official but non-practicing members of the Bar in September 2004. President Ky Tech considered the Bar's decision to admit these politicians as its 'internal affairs'. In fact, the decision came after the government had offered the Bar a new building and two vans. As a consequence, this 'admission...fueled claims that the Association is partisan, not independent, and arbitrary in its admission practices'.³²

In all fairness, the Bar also admitted politicians from other political parties, such as Sam Rainsy of the Sam Rainsy Party, You Hockry and Nady Tan of FUNCINPEC. But this highlights the fact the Bar could hardly take a critical stance against politicians and maintained a low profile in the political environment.

The CBA weakened further when a dispute over the presidency in 2004–06 (following an election held in October 2004) escalated. After the second-round runoff, Ky Tech received only 108 votes, whereas his challenger, Suon Visal (an independent lawyer who used to work for a legal NGO), received 127 votes. Tech refused to recognize the results, judging the election as non-free and unfair, even though Suon had the support of 12 of the Bar Council's 19 members. Instead of ruling in favor of Suon, the Appeal Court allowed Tech to retain his presidency for three months until a re-election took place. On procedural grounds, however, the Supreme Court abrogated the Appeal Court's ruling and remanded the case for retrial. In the meantime, Tech and his supporters filed a complaint charging Suon of forgery of the Bar seal and unauthorized use of the Association's letterhead. The dispute – an internal affair – subsequently became a criminal case against Suon.

By the end of 2005, the CBA remained ineffective and proved less sustainable. Due to the consistent lack of quorum related to the leadership dispute, the CBA Council could not meet to decide on 200 applications for membership. The Association became inactive, as Ky Tech, who apparently relied on political support, refused to give up his presidency and finally prevailed. In spite of private donations to the CBA from individual governmental officials, the government did not fund it.

Legal Aid of Cambodia (LAC), a legal NGO with its headquarters in Phnom Penh, opened eight provincial offices and continued to pursue its mandate as an organization representing poor individuals who needed legal assistance but could not afford it. During the first 10 years, the organization provided lawyers to poor individuals in 6639 criminal cases and 1956 civil cases. In fact, the number of its lawyers could not cover the large number of civil and criminal cases the LAC sought to handle. Although land disputes kept growing, the Land Unit employed only one lawyer assisted by one person and an investigator in 2003. Although the number of lawyers increased to seven in 2004, they could not handle the land-related cases effectively. In 2002, the Juvenile Litigation Unit employed four lawyers and two legal assistants, who handled a total of 275 cases and represented 324 children.

While the LAC staff had expanded in the early years of its foundation in 1995, the organization began to decrease in recent years. Part of

the problem had to do with the fact that LAC may have tried to bite off more than it could chew. As James Francis, one of its founders, put it, 'We launched specialized legal units focusing on juvenile justice, land law, and labor law to match the growing interest and need for children in conflict with the law, burgeoning land-related issues, and the growing labor movements brought upon by the booming garment manufacturing industry.'³³

While the LAC lawyers settled most of the cases they handled, they seemed too weak to defend the 'poor clients' interests successfully. According to its executive director, Ouk Vandeth, for instance, 'We are able to win only 5 percent of the cases when they relate to the rich and the powerful.'³⁴ LAC cited various obstacles to its activities, including corruption among judges and lack of legal professionalism.

LAC also faced a lack of staff continuity. Its staff often left to join other organizations. In 2004, a large number of its personnel (a former head of the JLP Unit, two lawyers, two former legal assistants, a former legal assistant within the JU, three former lawyers within the Phnom Penh General Practice Unit, three former heads of Koh Kong, Kratie and Svay Rieng provinces, a former head of the Labor Unit, and a former lawyer from the Land Unit) left the organization.

LAC also did not stand on solid financial ground, relying on foreign assistance and limited contributions from its members; it received no funding from either local groups or the government. As a consequence, 'LAC had to operate on a tight budget including not paying its staff salaries for a number of months and was forced to cut a number of operational activities such as investigations and reduced case load.'³⁵

We can also make a similar argument about the institutional weaknesses of the Cambodian Defenders Project (CDP). Established in 1994 as a project of the International Human Rights Law Group, the CDP continued its operation with a degree of success. It began with only 25 defenders.³⁶ Management remained quite weak; no one handled administrative affairs due to a lack of personnel. Lawyers did not like to review their cases, evaluate their performances, or undertake analysis of legal cases. Although the CDP secured sufficient funds for several years, its director expressed his reluctance to expand his organization because of the uncertainty associated with long-term funds and weak administrative capacity. The CDP faced a growing challenge in retaining its own lawyers because of low salaries (between \$300 and \$700 per month). In 2005, five CDP lawyers left for more lucrative jobs.

Most importantly, the CDP lacked political influence. The CDP continued to defend the poor and vulnerable, as well as to promote the

rule of law through legal advocacy and public education. But high-ranking government officials rarely attended workshops or training sessions held by the CDP. Lower-ranking officers claimed that the training proved useful in theory, but tended to accept the fact that in practice they had to obey their superiors. The CDP also avoided engaging in political activities and preferred to deal with technical issues, such as training of police officers and government officials. Its attempts to help reform the judiciary did not bear any fruit, either. For instance, its leadership actively sought to get the government to pass legislation to make judges politically independent. By the end of 2006, however, the proposed bill remained buried at the Council of Ministers.

Conclusion

By the end of 2006, civil society organizations – especially those in the democratic, human rights, and legal fields – remained institutionally underdeveloped. Their technical capacity evidently improved over time, and in some cases their organizations expanded and proved able to work together to promote democracy. My interviews over the years with NGO leaders, however, revealed that they had negligible policy impact on the executive branch of government. Civil society organizations remained only as sustainable as their foreign funders' support allowed: 'Their origin, their structure and their objectives are strongly connected with support provided by international donor agencies. Their future depends largely on the policies of these international donors.'³⁷ The EMOs and HR NGOs proved able to engage in the process of public education and election monitoring, but when it came to effectively challenging the ruling party members' interests, they enjoyed limited institutional influence.

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Part IV

Structural Challenges to Institutionalization

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10

Non-material Constraints

This study has so far shown the relationship between the lack of democratic consolidation and the limits of institutionalization in Cambodia, but this chapter goes a step further to explain why the state, political, and civil societies in this country remained institutionally underdeveloped. Rational-choice institutionalism does not explain well the limits of institutional change, but normative and historical institutionalisms help somewhat to make sense of the non-material challenges to the process of institutional development. Cambodia's monarchical and socialist legacies as well as the short history of institution building placed real structural constraints on the speed of institutionalization viewed as conducive to democratic consolidation.

Cultural constraints

Several Western scholars who have adopted cultural perspectives remain critical of international efforts to impose liberal democracy on Cambodia and argue why such a neo-liberal institutional strategy would never work.¹ The strategy contradicted the country's traditional norms centered on 'absolutism' and 'violence'. David Roberts, for instance, explains why Western norms provided 'core causes of much of Cambodia's political instability and violence since 1991,'² as if to say that prior to that period the country had enjoyed peace and stability or that Western states never committed any violence.³ He predicts that Cambodian elites would never share power peacefully, since power-sharing remained 'alien to the Khmer elite political culture of the legitimacy of absolutism'.⁴ In his view, they also had 'the inclination to resort to violence to resolve political conflict' and their tradition had no 'mechanisms, processes and institutions that exist to mediate and settle arguments'.⁵

No doubt, political absolutism emerged as a normative element of Cambodia's political culture and of Asian and Western traditions. Before the arrival of the French in the mid-19th century, Cambodia had developed only unsophisticated state institutions. The Preah Khan inscription of 1191, for instance, gives us some insight into the way the Khmer king demonstrated his generosity and executed justice: 'To the multitude of his warriors, he gave the capitals of enemy kings, with their shining palaces; to the beasts roaming his forests, he gave the forests of the enemy; to prisoners of war, he gave his own forests, thus manifesting generosity and justice.'⁶ From this ancient inscription, the monarch sought to exercise his power and execute justice as he personally saw fit. A Cambodian-American writer's observation about the monarch's personal rule remains close to the truth: the Khmer warrior-king's 'immense powers...in all secular aspects of his world gave him unlimited and largely unchecked opportunities to fulfill his own personal visions. No other segment of the society could offer a significant counterbalance or call for a semblance of accountability.'⁷

Evidently, each monarch's rule rested on his five closest advisors, made up of the most active and visible *chaovay srok* (district chiefs), who 'formed a kind of cabinet'.⁸ These men acted as ministers of justice, the army, the navy, foreign trade, and the palace. *Chaovay srok* 'rarely acted collectively, but as individuals, responding to local interests and dyadic arrangements'.⁹ The Khmer kingdom did not develop a nationwide bureaucracy that could allow the monarch to take full charge over the *chaovay srok*. Other *chaovay srok*, while enjoying considerable power over tax collection within their respective districts and maintaining small private armies, did not develop institutional mechanisms based on democratic norms.

Cambodia also has a history of cultural resistance. For instance, when the Vietnamese sought to impose a workable pattern of administration on the country during their colonial rule from 1835 to 1840, their efforts failed. High-ranking Cambodian officials 'showed no eagerness to become Confucian civil servants'.¹⁰

Even after the UN intervention that ended late in 1993, the cultural norm of relying heavily on individual leaders, rather than formal institutions, continued to persist. A majority of Cambodians still held a paternalistic view of government, which limited accountability and transparency. In a survey conducted in 2000, for instance, 56 per cent of the respondents characterized government as a father and people as children. Only 27 per cent viewed them as equals, while 11 per cent saw government as the boss.¹¹

Personal rule also persisted within political society. Party leaders tended to play the role of charismatic leaders and resisted any attempts, or made no efforts, to democratize party governance. Many supporters of the SRP, for instance, believed it remained necessary to have a strong leader like Sam Rainsy, who could make effective decisions and deter as well as detect infiltration from CPP elements. Those who defected from the SRP because of disagreement with him joined FUNCINPEC, whose leader served as president of the party for life. Ranariddh did not have to get elected by his party members and could stay as party president as long as he liked.

Cambodians also displayed a low level of confidence in formal institutions. A study in 1996 reveals that they 'were uniformly skeptical about the government's and parties' desires to represent the interests of the people'.¹² However, the respondents 'did not show any overwhelming desire to rise up and actively work for change'.¹³

Personal rule thus had its deep cultural roots. As one French anthropologist notes Cambodian cultural values, 'Some of the new values promoting individual freedom are well received in villages but they cannot challenge the old instinctive cultural responses.' She adds that, 'The power held by the local chiefs and the political parties is nothing other than the current expression of the traditional authority held by the village chiefs, and as in the past, it relies on informal networks based on a family-unit pattern.'¹⁴

Cambodia also had never developed a critical civil society. The word society or 'sangkom' did not appear in the country until the 1930s. According to Chandler, '[Cambodians] preferred to think of themselves in terms of a king and his subjects; in terms of a spectrum of relative merit; or as people, scattered over time and space, sharing recognizable ideals that sprang, in turn, from being farmers, being lowly, being Buddhists, and speaking Khmer.'¹⁵ Certainly, Buddhist organizations, such as the Wat, long provided a normative base for civil society building, if defined in terms of religious efforts to promote community life at the village level. Cambodian civil society, as William A. Collins argues, dates back to the Angkorean period and after. As he puts it, 'In the post-Angkorean era, probably the most significant process in the development of Cambodian civil society [was] the conversion of the mass of the Khmers to Theravada Buddhism.'¹⁶ But civil society had no strong tradition of resistance to the state. If the Wat served as the center of community life at the village level, its organizational structure remained uncritical. Since the reign of King Jayavarman VII, under whose rule Cambodians converted to Buddhism, the Sangha

never represented Cambodians as an institution capable of constraining state power. Traditionally, the Sangha tended to lend support to the political *status quo*.¹⁷

More often than not, Buddhist monks remained subject to political manipulation and control. Throughout the period from 1993 to 2006, for instance, the Buddhist clergy remained a political instrument incapable of constraining state power. The Sangha indeed became deeply politicized but remained politically ineffective, divided into at least two major denominations: one led by Venerable Tep Vong of the *Mohanikay* sect, which supported the CPP; the other was led by Venerable Bou Kry of the tiny *Thommayut* sect, who identified himself with the royalists. Neither of these two top religious leaders represented progressive ideas, as each sought to either maintain or restore a favorable political status quo. Tep Vong previously got elected as a deputy during the 1981 National Assembly election, then became the Vice President of the National Assembly in 1981 and a monk superior in 1988, and may have played a role in putting a ban on the *Thommayut* sect until 1993. Unsurprisingly he regarded the CPP as the 'party that brought back and protected Buddhism' and accused other parties 'of destroying the national identity'.¹⁸ Because of his strong pro-CPP stance, playing a role trying to defend the ruling party and suppress the opposition, he became elevated to the rare status of Great Supreme Patriarch, who could even have command over the *Thommayut* sect.¹⁹

Culturalists, however, overlook the fact that the culture of conciliation also took root in Cambodia, and this also placed a structural constraint on democratic institution building. Cambodians often show willingness to promote conciliation, which persisted at the state level and tended to disregard formal institutions. In most cases, authorities 'will use their common sense combined with a basic knowledge of the Law, tradition, Buddhist precepts and recently acquired Human Rights principles'.²⁰ This approach to dispute settlement, not based on formal legal rules, became evident throughout Cambodian history. Villagers settled their quarrels 'by conciliation rather than by laws'.²¹

Even after UNTAC departure, conciliation as a method of conflict resolution or dispute settlement remained an option. Hun Sen's reluctance regarding the Khmer Rouge trials echoed this traditional approach to peace. In a speech broadcast on national radio late in December 2006, he made the following remark: 'So many people died in the war...We achieved national reconciliation. Please don't let national reconciliation break down.'²² During election times, the Cambodian 'complaints and appeals system did not seem to be able to offer legal remedy...impeded

by the reluctance of victims to lodge complaints and by the difficulties to substantiate cases.' The NEC also preferred reconciliation and consensus building to law enforcement through formal litigation.²³ The UNDP further reported an observation that 'formal litigation is not widespread in Cambodia, where the culture favours a conciliatory approach rather than legal proceedings'.²⁴

Cambodians pursued conciliation, rather than litigation. The leadership of local NGO Buddhism for Development (BFD), for instance, still viewed dispute settlement through the court system as expensive, time-consuming, and divisive. It regarded conciliation in positive terms, however. At the end of 2004, some 55 out of 1621 commune councils became involved in this process of conciliation; they had committees whose members included commune council members, laymen, monks, village chiefs, and respected elderly individuals from within the communities. According to a BFD official, 'Our aim is to bring elders who are supported and trusted by the people in their commune to play a role for conciliation at the commune level, and to reduce violent behavior that could occur from the simple quarrel'.²⁵

In sum, if democratic institution building requires compliance with formal procedures, rules, principles, and norms, Cambodia did not strictly meet this requirement. Personal rule and informal conciliation remained normative constraints on efforts at democratic institution building. Cambodian resistance to the imposition of foreign institutions remained evident throughout the history of Cambodia. However, cultural determinism inadequately assumes that traditional cultures alone make it impossible for non-Western states to adopt Western-style democracy.

Ideological constraints

Ideological legacies also remain a powerful normative constraint on democratic institution building, but socialist absolutism rooted in the Marxist and Leninist concepts of 'proletarian dictatorship' and 'democratic centralism' does not constitute a normative part of Cambodian culture. Some leftist scholars falsely treat Khmer Rouge racialism as the main source of violence, without taking into account the fact that the Khmer Rouge and PRK/SOC regimes adopted socialism.²⁶ If socialism proves peaceful and bears no responsibility for violence, why did crimes committed under the socialist regimes around the world result in 100 million deaths (including 20 million in the former Soviet Union, 65 million under the regime ruled by Mao Zedong, 1 million under socialist Vietnam, and 1 million in Eastern Europe)?²⁷

Leftist scholars' desire to exonerate Khmer Rouge leaders from socialist crimes and their tendency to popularize blame on Cambodian cultural norms and racialism (as if to say that the Khmer Rouge killed only ethnic minorities but not Khmers) led them to ignore how the Pol Pot leadership smashed any institutions that stood in the way of its communist vision. Karl Jackson wrote that 'the Cambodian revolutionaries were communists. They were communists of a particular sort, however, a post-Leninist amalgam of nostrums of the left, a union derived from sources previously thought to be incompatible, namely Mao and Stalin, Frantz Fanon and Samir Amin, as well as indigenous Cambodian sources.'²⁸ The Khmer Rouge sought to bring down the old institutions by exterminating 'the entire class'.²⁹

When the PRK/SOC regime came into existence in 1979, the new top socialist leadership consisted of former Khmer Rouge officers. On the surface, the regime seemed to have embraced a Western-style democratic system of government, which consisted of three government branches: the National Assembly, the executive body (represented by two organs: the Council of State and the Council of Ministers), and the judiciary. If we delve below the surface, however, the PRK/SOC regime remained a soft 'socialist' dictatorship. The 1989 Constitution revealed that the Communist Party – the People's Revolutionary Party of Kampuchea (PRPK) – dominated the entire Cambodian system of government until 1991. The Party also had a 13-member Politburo and a Central Committee made up of 31 full members and 14 candidate members. According to Article 4 of the Constitution, the PRPK 'is the guiding force of the society and State of Cambodia and the primary force of the great national solidarity and unity of all political forces.' According to the Fourth National Congress of the United Front for the Construction and Defense of the Kampuchean Motherland, the PRPK officially adopted 'a line and policy based on the creative application of genuine Marxism-Leninism to the specific conditions of Kampuchea'.³⁰

The PRPK provided ideas and goals, but the socialist state implemented them.³¹ The Party Central Committee (made up of 64 members and the Politburo members) 'adopt[ed] policy and ideological directives, and sets out the political line'.³² As the only political party allowed in the country, it practiced dictatorship: its ultimate role aimed to build socialism. The Constitution contained a section on rights and duties of citizens, but it did not mention the right to form opposition parties. Article 38 only states that 'Citizens have the right to set up associations' and 'may participate in mass organizations', without defining them. The 1981 Electoral Law allowed all citizens to

vote from the age of 18 and the right to stand for election to the National Assembly from the age of 21, but remained totally silent on the right to form new political parties. The Electoral Law made it clear that a list of candidates to stand for the Assembly became available only after consultations among representatives of the PRPK, the mass organizations, and other provincial or municipal authorities. No one could stand independently for election.

The PRPK had total control over both the Kampuchean People's Revolutionary Armed Forces (KPRAF) and the police forces. The KPRAF's supreme commander of the armed forces served as Chairman of the Council of State and Chairman of the Defense Council. Below the Council of State, the KPRAF remained answerable to the Ministry of National Defense and the General Staff. The minister of defense served as a member of the Council of Ministers and his constitutional duty sought 'to consolidate and develop the national defense forces; to carry out the mobilization of the armed forces; to order curfews and take other necessary measures for national defense'. The General Staff had jurisdiction over the three branches of the KPRAF: the army, the air force, and the navy. Senior officers of the armed forces, key ministry of national defense or General Staff officers, served on the KPRAF's Central Committee. The KPRAF helped build support for the 'socialist revolution'. The PRPK developed provincial, municipal, and district party organizations. In 1984, the party further aimed to create a committee in each regiment of the provincial forces, a party cell in each military battalion and in each company at the district level.

Throughout the 1980s, the police forces served as an instrument of the PRPK. Their role did not primarily aim at protecting individual rights but at spying on people for the party. According to Alex Marcillino of Human Rights Task Force based in Cambodia, 'The association of police was more of spying. Police action during that period [under the PRK/SOC] was mostly against political opponents.'³³ They had never received training to deal with people engaged in political opposition or demonstrations against the state.

Although the PRPK received the new name 'the Cambodian People's Party' (CPP) before the 1993 election, its structure remained relatively unchanged. The Politburo or Permanent Committee and the Central Committee continued more or less as they had. The party congress remained the supreme organ and met every five years to vote on party guidelines and to elect members to the central committee. The Central Committee, which expanded its membership from 153 to 268 in 2005, played the role of electing the party's chair, vice-chair, honorary chair,

and members of the Permanent Committee (21 members) or the cabinet of the party traditionally known as the Politburo, whose members also served as cabinet ministers. The Central Committee also elected six special commissions at the national level.

In 2006, the same CPP leaders who had ruled throughout the 1980s still ran the country. Hun Sen became prime minister in 1985 and maintained this position twenty years later. Chea Sim, Heng Samrin, and other CPP leaders maintained dominant government positions. In 2006, Chea Sim still served as the President of the CPP and the Senate, and Heng Samrin still served as Vice-President of the National Assembly. These leaders continued to dominate Cambodian politics.³⁴

Even after the UN intervention in the early 1990s, the security apparatus continued its service more or less as a political instrument of the CPP and thus somewhat remained an agent of political oppression. Marcillino, for instance, noted the communist legacy of police repression: 'You [police] are part of a well-defined Communist system for more than 15 years, and suddenly you are being told that you are not a Communist – how can you deal with this? And, when you are put in a difficult situation, you start doing the same old things. This is one of the prime reasons...why the police have emerged as an abusive and repressive force.'³⁵ Provincial police forces remained under CPP control. Even after UNTAC departure, the government continued to send its police officers to socialist Vietnam for training.

The PRK/SOC regime left civil society extremely weak. The new socialist elite did rebuild the civil society destroyed by the Khmer Rouge regime. For instance, they revived Buddhism.³⁶ But none of the new civil society actors, including religious institutions, became institutionally strong or capable of critical voices. As noted, leading Buddhist leaders remained deeply politicized. Cambodian culture alone does not explain this, because the socialist elite subordinated religious institutions to their political interests. The state also controlled the media sector. Only two types of newspapers existed: loyal to the government, or to the Communist Party. The regime monopolized access to information, having set up media outlets as 'tools for disseminating information and party propaganda.'³⁷ According to Khieu Kola (Club of Cambodian Journalists), the 'information sector was subject to supervision by Vietnamese "experts" who basically decided what ought to be printed and not to be printed.'³⁸ The state had even banned foreign journalists from entering the country until 1986, but only a few foreign news agencies after that had accredited correspondents in Phnom Penh, and most came from socialist states.³⁹

The institutional weakness of civil society in post-socialist Cambodia may not prove as distinct as some suggest,⁴⁰ but shows that socialism left a deep legacy that discouraged Cambodians from engaging in political activities. According to a study in 1996, Cambodians had 'a lack of confidence in the integrity of key national institutions' and also had 'little confidence in the political elite, the political parties, the armed forces, the judicial system, the police, and the media'. The socialist legacy of power monopolization and control over civil society made it difficult for Cambodians to see the government, the police, and the media as distinguishable from the political parties. According to the study, participants viewed the government as 'run by the political parties', 'members of the National Assembly' as 'beholden "only to their political parties"', and the media as working 'for the political parties' and having no 'independent voices'.⁴¹ Cambodians felt a deep sense of political inadequacy: 'They did not feel their participation, beyond having voted in the 1993 elections, were either genuinely encouraged or influential.'⁴² This sense of political inadequacy may also weaken vote turnouts in future elections, as more and more Cambodians began to question whether they could make a difference.

Historical constraints

Extreme institutional weaknesses need a historical explanation. Prior to the process of democratic institution building, which began early in the 1990s, Cambodia had no well-developed institutions.

First, no pre-World War II efforts to build new institutions in the country had succeeded. Vietnamese colonial rule in Cambodia and the Vietnamization of the country from 1835 to 1840, for instance, did aim to 'civilize' the Cambodian 'barbarians' by introducing the Vietnamese way of doing things, but Vietnam failed 'to impose a workable pattern of administration in Cambodia'.⁴³

French colonialism could not reform Cambodia's traditional institutions, either. French colonial rule weakened them, as I have previously demonstrated.⁴⁴ According to David Chandler, the French kept Cambodian elites in a subordinate position. Until Cambodia's independence in 1953, 'except for a few months in the summer of 1945, Cambodian officials of high rank played a subordinate role, and those at lower levels of the administration were underpaid servants of a colonial power. At no point in the chain of command was initiative rewarded.'⁴⁵ The French had not encouraged administrative participation by Cambodians until the 1930s. As Cambodian nationalism grew, the

colonial masters discouraged Cambodians from or opposed any attempts to establish associations along professional lines.⁴⁶ According to Marie Alexandrine Martin, 'The French hardly favored the Khmers' access to administrative positions, even after the opening of certain offices to those they called 'Indochinese,' that is, people from the four protectorates and one colony; for help in administering Cambodia they continued to prefer Vietnamese to Khmers.'⁴⁷

Second, when established, state and other types of institution had little or no experience and did not enjoy enough time to mature or develop steadily. The first-ever Consultative Assembly emerged after the election in 1946. Between 1946 and 1981, a period of 37 years, the country had held ten national elections. Between 1975 and 1992, however, no multi-party elections took place. This suggests that multi-party elections prior to 1993 had a short and discontinuous history of 19 years. And only the first three elections, held in 1946, 1947, and 1951, looked reasonably free and fair, because more than one party got elected and represented in the legislature.

Political parties in Cambodia never had the opportunity to become highly institutionalized either. Historically, after the Electoral Act came into effect in the summer of 1946, three parties emerged for the first time in Cambodian history: the Democratic Party (led by Prince Sisowath Youthevong), the Liberal Party (led by Prince Norodom Norindeth), and the Progressive Democrats (led by Prince Norodom Montana). The three parties had princes as leaders. In the early years of party building, the French sought to weaken the Democratic Party by suppressing its activities and supporting the Liberal Party. But the Liberal Party apparently never developed its administrative capacity: its party leader 'had little support in the administration'.⁴⁸ Among the three parties, the Democratic Party emerged as the best organized and most popular, but never became institutionalized before its premature demise in the mid-1950s.

Other state, political, and civil society institutions ceased developing after the coup in 1970 and weakened as the war continued until its end in 1975. When the Khmer Rouge came to power, its wicked leaders destroyed the country's state, political, and civil society institutions. They used violence and terror to eliminate former government officials by executing political leaders, military officers, and civil servants who had previously served under the Khmer Republican regime. Khmer Rouge leaders spared no government leaders, as long as they could identify and arrest them. The new regime also saw no need for any bureaucratic structures: it 'immediately [after 1975] applied massive

doses of terror to atomize or eliminate all political competitors and institute a nonbureaucratic, decentralized, radically Maoist state controlled by a small army and party for the benefit of...the poor peasants.⁴⁹ Members of civil society also became targets for elimination. The regime destroyed all features of the 'old' society, created a 'new' society, and kept purifying it.⁵⁰

The PRK/SOC rebuilt state, political, and civil society institutions from scratch, but had little time to institutionalize them. The war after the Vietnamese invasion in 1979 and the occupation that lasted until 1989 did not end when the Cambodian factions signed their Peace Agreements. Neither did the Khmer Rouge's armed rebellion give the new government much of a chance to give priority to institution building. The bulk of annual budgets went into security and defense.

Third, post-1991 Cambodia had to build from scratch many new modern institutions simultaneously within a short period of time. By 2006, the country enjoyed a short time of peace: it had only eight years to build numerous key institutions at all levels. No one, therefore, should expect to build and strengthen institutions that help consolidate democracy within a handful of years. The first National Assembly emerged in 1993, but the Senate had a much shorter history (established in 1998). The new court system consisted of the lower courts, the Appeal Court, and the Supreme Court, but the Appeal Court (as an intermediate level of review between the provincial tribunals and the Supreme Court) came into existence in May 1994. Only in 1994 did the government pass legislation to create the Supreme Council of the Magistracy. The Council for Legal and Judicial Reform (aimed at accelerating and monitoring the implementation of the legal and judicial reform process) emerged only in 2003.

Within political society, new institutions – from the Election Administration (EA) to political parties – emerged in the 1990s and had to learn about newly established electoral procedures, democratic rules, and liberal principles and norms by trial and error. The National Election Committee came into existence just before the 1998 election. By 2006, the NEC had only eight years to develop as an institution. Between 1998 and 2006, it had to plan and organize four consecutive elections (1998, 2002, 2003, and 2006).

The political parties other than the CPP had an incredibly short lifespan. FUNCINPEC began as an armed faction, not a political party. Founded by Prince Sihanouk and later led by his son Prince Ranariddh, FUNCINPEC carried an armed struggle against the CPP until it became a signatory of the Paris Agreements in 1991. The FUNCINPEC Party's

president also served as its Commander-in-Chief, who had no experience in organizing political parties. The BLDP also began as an armed faction fighting the PRK/SOC. The SRP emerged as a party called the Khmer Nation Party (KNP) only in November 1995 after the National Assembly had expelled Sam Rainsy in July 1995 (after FUNCINPEC had expelled him from the party in May 1995 and from his post as Minister of Finance and Economy in October 1994).

Civil society organizations, especially those in the fields of human rights, development, and legal assistance, began to take shape only in the 1990s. The two election-monitoring organizations, COMFREL and NICFEC, had a short history. COMFREL emerged in 1995 from the Task Force of Cambodia, created to monitor the 1993 election. NICFEC – younger – came into existence only in 1998, ‘in response to a dispute between some founding members of COMFREL’.⁵¹ Human rights NGOs emerged in the 1990s: ADHOC (founded by political prisoners in 1992), LICADHO (founded by a group of French-expatriate Cambodians in 1992), KID (1992), CIHR (1993), and CCHR (late 2002). In a very short of time, more than 40 human rights NGOs came into existence, led by individuals with hardly any experience.

Conclusion

We will never fully appreciate the institutional weaknesses of the state, political, and civil society in Cambodia if we willfully ignore its tragic and challenging cultural, ideological and historical legacies. Traditional and socialist elites continued to hold on to power, and the former PRK/SOC leadership remained largely intact. Cambodians began to experience democracy only in the early 1990s, a short history of only 13 years (by 2006). The war did not come to a full end until 1998 (following the disintegration of the Khmer Rouge leadership and its integration into society). If one talks about postwar institution building, Cambodia really had only eight years to build numerous major institutions at state, political, and civil society levels.

11

Economic Impediments

Non-material constraints alone do not explain the limits of democratic institutionalization. Complex realist institutionalism (CRI) further shows that economic impediments also matter. The growth of commercialism among the bourgeoisie and land-owning class may have given rise to democracy in Western societies. Economic development may also help modernization theorists pin their hopes on the rise of a progressive middle class. But these factors rarely materialize in post-war societies. The debate on whether democracy impedes economic development and whether economic development helps consolidate democracy also ignores one variable: any economic growth that leaves the majority of people in post-war societies poor and does not narrow the gap between the minority rich and majority poor tends to impede democracy-conducive institution building. This chapter describes how poverty and growing socioeconomic inequality helps create and maintain structural impediments to democratic institutionalization within the state, political and civil societies.

Poverty and inequality amidst economic growth

Cambodia witnessed better economic growth during the period under examination than during the 1980s. Some estimated that between 1994 and 2006, average GDP growth stood at more than 7 per cent. Government and donor officials tend to agree that the economy performed best in 2005 (13.4 per cent, making it the highest growth rate in the world) and did well in 2005 (10.4 per cent) (See Table 11.1)

The economy benefited from several bright spots. Due to Cambodia's highly dollarized economy, the currency (Riel) remained generally stable. Inflation rates also stayed low. The National Bank deserves

Table 11.1 Cambodia's Development of Macroeconomic Fundamentals (2002–2006)

	2002	2003	2004	2005	2006
Growth of GDP in % (IMF)	5.7	7.5	10.0	13.4	10.4
Inflation in % (CPI) (IMF)	3.7	0.5	5.6	6.7	2.8
Unemployment in %	N/A	N/A	N/A	N/A	N/A
Investment in % of GDP (IMF)	19.8	24.6	17.4	19.5	20.1
Export growth in % (CDRI)	11	17	16	23	N/A
Import growth in % (CDRI)	23	0	18	29	N/A
Current account balance (% of GDP) (IMF)	-9.8	-11.2	-8.3	-9.5	-7.7
External debt (% of GDP)	60.0	59.8	56.6	50.6	33.9
Tax Revenue in % of GDP (IMF)	7.4	6.7	7.7	7.6	8.0
Overall Budget balance (% of GDP)	-6.5	-6.2	-4.6	-3.2	-1.5
Public sector debt (% of GDP)	N/A	64.3	56.1	50.9	46.0
Government consumption (% of GDP) (CDRI)	17.7	16.0	14.0	13.5	N/A

Sources: CDRI (Cambodian Development Resource Institute); IMF (Cambodia).

credit for consistently maintaining a prudent monetary policy, fiscal discipline, and a relatively stable exchange rate.

According to the World Bank, the engines of economic growth included mainly garment exports, tourism, and construction, with the industrial sector evidently the most important. The industrial sector's share of the GDP increased from 13 per cent in 1992 to 26 per cent in 2002. The manufacturing sector, most notably the garment industry, emerged as the largest contributor to trade. In 2005, garments contributed 80.4 per cent to the country's total exports. In 2002, only 220 garment factories operated in Cambodia and exported \$1.35 billion worth of garments. In 2006, the number of garment factories increased to 398, employing 333144 people.

Construction, the second most important sub-industrial sector, expanded on an average of about 11.9 per cent over the period 1994–2004 and contributed to about 6.4 per cent to overall economic growth. The driving forces behind the growth of this industrial sub-sector included the government's infrastructure projects, the expansion of the garment industry, tourist activities,¹ and international assistance.

The number of tourists coming to Cambodia rose dramatically in recent years, to 1.7 million in 2006. Between 1994 and 2004, the tourism sector expanded an average of 23.3 per cent per annum,

accounting for 4.7 per cent of GDP in 2004 and contributing to GDP from 5.0 to 12.5 per cent over the same period.²

The services sector, which also benefited from tourism, remained generally strong. It employed about 22 per cent of the labor force and made up between 34 and 38 per cent of the economy. The largest contributions came from hotels and restaurants (6.6 per cent), transport and communications (6.5 per cent), trade (4.9 per cent), and other services such as health and education (7.6 per cent). Overall, the sector expanded by 9.2 per cent in 2004 and 11.4 per cent in 2006.

The job market could not meet the rising demands of a fast-growing labor force, however. According to the World Bank and IMF, 'Employment opportunities in manufacturing and services are not keeping pace with these additions to the labor force.'³ The garment sector became the country's largest sector (as noted earlier), but could not absorb most of the estimated 250 000 new entrants every year.

Although the World Bank claimed in 2006 that poverty reduction experienced a 'relatively rapid' rate (between 10 and 15 per cent or an average of one percentage point per year over the period 1994–2004) poverty remained a real and constant challenge to Cambodia. Not everyone agreed with the Bank's assessment. In a letter to ADB President Tadao Chino dated 9 February 2004, Sam Rainsy wrote, 'the ADB is not achieving its poverty reduction targets in Cambodia despite having invested USD775 million here since 1992.' The letter also urged the World Bank 'to revise its development approach for Cambodia' and added that, 'Over the past ten years, it has produced impressive expert reports and statements of good intention.'⁴ According to a Cambodian expert, the World Bank needed to report something more positive as a way to motivate government leaders to improve their performance.⁵

But even if the figures provided by the World Bank proved accurate, it could still pose another problem: between 1997 and 2006, the reduction of poverty reached less than a percentage point. The overall poverty reduction rate remained too limited. Cambodians who lived above the poverty line barely survived. Even according to the World Bank, 'a significant proportion of the population is clustered around – either just below or just above – the poverty line.' Moreover, 'a great many individuals in 2004 recorded per-capita consumption that put them only a short distance above the poverty line. While they are classified as currently non-poor, it would take only a small decline in the living standards of this group to move them back down below the poverty line.'⁶ The percentage of people living below the poverty line

declined modestly, particularly from 1997 to 2004: from somewhere between 40 and 50 per cent in 1994 to 36.1 per cent in 1997,⁷ and only to 35 per cent in 2004.⁸ The poverty reduction rate after 1997 appears largely unchanged.

Moreover, the poverty threshold may have dropped from \$1 a day to between \$0.50 and \$0.75 a day. If Cambodians lived below the poverty threshold of \$1 a day, their average annual income would amount to \$365. Growth of per-capita gross national income between 1998 and 2005 appeared to have risen unacceptably slowly (\$247 in 1998, \$264 in 1999, \$261 in 2000, \$259 in 2001, \$290 in 2002, \$300 in 2003, \$320 in 2004, and \$320 in 2005). Per capita gross national income might increase from US\$320 in 2005 to US\$340 in 2008. These figures, if accurate, suggest that the increase from 1998 to 2005 (from \$247 to \$320) proved positive, but extremely limited. If the per-capita GNI in 2005 stood at \$320, Cambodians earned an average income of \$0.87 a day and just little over \$26 per month.

The levels of poverty varied across the country and among social groups: the lowest in Phnom Penh (11.1 per cent), followed by urban areas outside Phnom Penh (29.9 per cent) and rural areas (40.1 per cent).⁹ Besides farmers, those who bore most of the brunt from dire economic conditions include low-ranking state employees, and vulnerable workers (e.g., cyclo drivers, porters, small traders, and scavengers). Demobilized soldiers found themselves left high and dry, increasingly unable to make ends meet.¹⁰ Although 80 per cent of the population earned their living from agricultural production, farmers stood among the most disadvantaged group. Poverty rates reached their highest levels within extremely remote and isolated areas, especially those located around mountain and plateau zones in provinces in the north (such as Ratanakiri, Stung Treng, and Preah Vihear) as well as in Siem Reap Province and Tonle Sap zone. Driven by garment exports, construction, tourism, and aid inflows, economic growth proved to benefit a limited segment of the population,¹¹ not those in rural areas. Due to growing 'distress sales', health problems, and illegal land grabbing, more and more of the poor people lost more of their land.

Ethnic minorities remained one of the country's poorest and most excluded groups. Inequality increased, mostly in rural areas and among regions in Cambodia. The country also witnessed a sharp rise in inequality between the rich and poor. The Gini coefficients increased from 0.35 in 1994 to 0.42 in 2004, which remained high when compared to neighboring countries, most notably Indonesia (0.34).

A complex path to economic development

Democracy did not impede economic development. Detractors of democracy and advocates of dictatorship grew impatient with such isolated incidents as the 1997 coup, the 2003 anti-Thai riots, and the year-long political deadlock after the 2003 election, and may have blamed democracy for such problems. But challenges to economic development had more to do with factors unrelated to democracy.

Uneven economic growth thus became a growing problem. For instance, Siem Reap remained the largest tourist attraction (because of its ancient temples, especially Angkor Wat), but remained one of Cambodia's two poorest provinces.

Agriculture performed more poorly than other key sectors. This key sector – inclusive of crops, livestock, forestry, and fishery – employed over 70 per cent of the labor force, but grew at an average of 3.4 per cent over the period 1994-2004. Between 1999 and 2004, the agricultural sector even suffered from a series of man-made and natural crises, including domestic political instability, the regional financial crisis in the late 1990s, severe floods in 2000, and drought in 2004.¹² The extent to which Cambodia could have strengthened its agricultural sector remained uncertain. According to the World Bank, 'By all indications and by any measure, agri-business has underperformed over the last decades or so, growing by an average of only 2.7 percent per year, and its share in GDP has declined from 5.2 percent in 1994 to 3.3 percent in 2004.'¹³ In 2005, the sector grew by 16 per cent (due to good weather conditions) but then dropped to only 4.4 per cent in 2006. In 2005, only 7 per cent of arable land became irrigated, a level well below the 20 to 30 per cent range in most neighboring countries. Between 1974 and 2005, the government (which spent only \$13 million on agriculture out of the \$800 million budget in 2005) undertook no real large-scale irrigation, allowing Cambodia to fall far behind other countries.

Overall, the economy remained globally uncompetitive. The World Economic Forum's Growth Competitiveness Index (GCI) for 2005 placed Cambodia 111th among 117 countries; in 2006-07 its GCI raised its rank to 102nd among 125 countries.¹⁴ When measured in terms of trade volumes, Cambodia's deficits kept growing. Cambodian exports grew from \$1.4 billion in 2000 to \$2.9 billion in 2005, but imports grew even faster: from \$1.9 billion in 2000 to \$3.9 billion in 2005. Over the years, exports to ASEAN countries never exceeded \$100 million per year, but imports from them grew large: from \$550 million in 2000 to \$800 million in 2005.¹⁵

Companies did not grow or modernize enough. Most of 7800 firms remained small and had few entrepreneurial skills and accounting standards; only 1000 of them had some modern management and equipment. More than 80 per cent of some 7000 private enterprises registered with the Ministry of Commerce had fewer than 100 employees, and they focused on garments and tourism.¹⁶ Meanwhile, these small enterprises could not expand fast enough, partly because they had limited access to credit. Domestic exporters also experienced tax burdens and significant delays of imports caused by red tape, thus losing out to illegal smugglers.

The economy faced another challenge. Direct foreign investment (FDI) did not grow large enough to help expand the economy and even declined after 1999. According to the World Bank, 'since the late 1990s, FDI has been on the declining trend.'¹⁷ The ADB made a similar observation: 'since the late 1990s, FDI has been in decline.'¹⁸ In 1999, the total amount of FDI amounted to over \$200 million, dropped to \$150 million in 2000 and 2001, and to \$50 million in 2002. In the agriculture sector, FDI contributed poorly: it 'peaked at 21 percent in 2002, but dropped back to 1 and 7 percent, respectively, in 2003 and 2004'.¹⁹ More recent FDI has increased, but remained relatively small: \$381 million in 2005 and \$314 million in 2006. These figures proved inadequate for development needs.

Several factors helped explain the limits of FDI. First, operational costs in some areas remained high and risky. Transport infrastructure and unofficial tolls remained poor. Electricity proved highly costly due to a lack of generating capacity. In the agriculture sector, foreign investors found long-term returns quite uncertain.

Second, poor skills posed another constraint on FDI. Education remained low in quantitative and qualitative terms.²⁰ Access to education remained highly limited. According to UNDP, 'half of the children...still do not complete primary education.' Pupils, especially those in poor communities, did not have enough teachers: 'Lack of trained teachers and educational materials, as well as poverty itself means that many over-aged children are stuck at the primary level.'²¹ Also according to the World Bank, 'There are not enough teachers for the needs of a young population.' The poorest communes had a pupil/teacher ratio of 79 to 1. Cambodia needed 'to improve not merely the quantity of teachers but also their qualifications and skills'.²² Entry into prestigious departments and faculties, such as commerce, law, and medicine, remained biased in favor of those who could afford to make an 'under-the-table' payment equivalent to \$4000.²³

Third, rampant corruption constituted a major factor that discouraged foreign investors. More than 80 per cent of companies in the country said they had suffered because of corruption.

Fourth, the Cambodian government did not have a competent Ministry of International Trade and Industry (MITI) as in Japan or an Economic Planning Agency (EPA) as in South Korea or a Central Bank and Council for Economic Development and Planning as in Taiwan. The World Bank reports that 'the Government's capacity to manage economic growth...remains underdeveloped.'²⁴ Cambodia established the Ministries of Finance and Commerce, as well as the Council for the Development of Cambodia (CDC), but only few of its bureaucrats proved competent and many of them remained corrupt. Prime Minister Hun Sen recently established the Supreme National Economic Council, but with only a very small staff. Only a few credible institutions in the private sector existed.

Moreover, economic growth remained largely unsustainable and unpredictable, largely because the sectors that enjoyed the most growth did not gain enough strength. The various sectors remained extremely small. Although the number of foreign tourists increased in recent years, Cambodia has not expanded the number of attractions that would ensure a steady increase of tourists. Siem Reap, for instance, served as the main tourist attraction, but it remained unclear if their number would keep rising steadily. Foreigners in Phnom Penh (not a great tourist city) constituted only a minority of those who worked for different aid and international agencies and NGOs. Tourism also remained subject to unpredictable external crises or shocks, including regional health crises such as SARS and the potential threat of the Bird Flu. Even if the tourist sector could keep growing, it would not become a 'growth engine' strong enough to propel and sustain rapid economic development; in 2004, the sector contributed only about 4.7 per cent of GDP.

Construction, one of the three major engines of economic growth discussed earlier, might even become stagnant in the future. Between 1999 and 2003, construction activities (partly fuelled by tourism and aid inflows) averaged 12 per cent of GDP.²⁵ According to the World Bank, however, 'The share of total construction coming from the tourism industry has declined in recent years, signaling possible saturation of the tourist market around Angkor Wat. Current construction activity remained focused mainly in Phnom Penh and Siem Reap.'²⁶ If the tourist sector collapsed and if foreign assistance ran dry, the construction industry would probably suffer badly.

Although the garment industry accounted for 80.4 per cent of Cambodia's total exports in 2005, it still remained subject to unpredictable external forces. The industry will definitely face growing competition from economically fast-growing countries such as China, which recently became a member of the WTO. Three-quarters of the owners in the garment industry came from China, South Korea, Malaysia, and Singapore. Cambodian owners made up only 14 per cent, and many partnered with nationals from China.²⁷ Cambodians themselves had little capital, expertise, or experience in the industry, as well as poor transportation and power infrastructures. The garment industry faced growing external uncertainties after the phasing out of the Multi Fibre Arrangement (MFA) at the end of 2004, although it continued to expand in 2006.

The environment definitely became less and less sustainable. Between 1994 and 1997, the forestry sub-sector contracted by an average of 7 per cent every year. In spite of its forward-looking environment legislation and policies, the government paid little attention to sustainable development. For instance, it allocated a tiny budget for the Ministry of the Environment (as little as \$1.25 million in 2001). At the end of 2006, it continued to grant controversial economic land concessions, disclosed little information about them, and often did not even enforce relevant laws.

Poverty's negative impact on institution building

Democracy did not impede economic development, but poverty impeded democratic consolidation, including state-level institution building. First and foremost, because of poor financial resources, government institutions did not grow evenly. The military and security apparatus tended to consume far more resources than the others. The executive leadership kept the legislature and the justice sector underfunded. The National Assembly's annual budget remained small (just over \$10 million in 2004), although it increased to \$5 million in 2000 and around \$8 million each year between 2001 and 2003. The Senate's annual budget increased to nearly \$2 million in 2004, from only \$1 million in 2000. The Ministry of Justice's 2003 budget stood at \$2.4 million (0.3 to 0.5 per cent of the \$707.4 million national budget), but did not receive even this: 'This already inadequate amount is often not even fully paid to the Ministry of Justice and the courts. When other ministries overspend their allocated budgets, funds were diverted from the Ministry of Justice to compensate.'²⁸

Due to low salaries, public servants performed their duties badly and actively engaged in extra activities to help them earn additional income. An ordinary person needed at least \$70 per month to survive in Phnom Penh and \$60 per month in a province. But the average salary for public servants stayed at about \$30 per month. A public teacher made no more than \$30 per month. Each commune council official received a monthly salary of about \$18. Each soldier earned even less: as little as \$15 per month. In fact, 'the average salary of civil servants in 2005 represented only 4.9 percent of the average salary of civil servants in [the] 1960s.'²⁹

Due to limited resources, the legislature also operated ineffectively. Its two secretariats' limited budget 'contribute[d] to poor services for parliamentary committees and individual members and lack of coordination between the House [National Assembly] and Senate'.³⁰ They could hardly sustain their operations. This posed 'a serious problem to the work of most law-makers.' Lack of resources prevented them from visiting their constituencies and meeting their needs and expectations. They had no budgets 'to print or copy the laws for broader distribution to their constituencies'.³¹ The Senate Secretariat's 'needs are growing all the time and one senior official described the process of trying to find the funds to meet all expressed needs as "painful."³² The assembly did 'not have appropriate equipment to support their respective work' and 'experienced difficulties with disbursement from the National Treasury'.³³ Its Department of Legal Research/Research Department did not even 'have a single telephone line with Internet connection'. 'The situation generated by the lack of equipment seems unrealistic. In this context, it is difficult for staff to fulfill their responsibilities properly despite their best will to use their knowledge and technical skill acquired from the different trainings to support the work of MPs. The lack of equipment and material is a real handicap.'³⁴

Limited resources often forced courts to borrow money from local authorities. Courts sometimes had to rely on their provincial governor's office in order to pay for such basic necessities as electricity. According to a UN report, these conditions left 'Cambodia's courts in disgraceful condition.' The report adds that 'in many cases the court buildings are dilapidated and close to collapse. There is also a lack of courtrooms for the hearing of cases, and often there are judges and prosecutors available to hear cases, but there are no courtrooms to accommodate them.'³⁵ Financial shortages also hampered the ability of prosecutors and investigating judges to carry out investigations and could further compromise their independence.

Second, poverty often led government leaders to justify the need to develop the economy prior to democracy promotion and to securitize economic problems. While still First Prime Minister, Prince Ranariddh defended his government's top economic priority, but downplayed the need to promote democracy. Hun Sen maintained this 'economy-first' policy. As noted, military reform efforts failed.

The government even made efforts to militarize economic security issues. For instance, it relied on the armed forces to help reduce and eliminate smuggling activities and money laundering regarded as having 'seriously impacted the national economy'.³⁶ Moreover, the national defense document known as *The White Paper* 2006 stated that, 'Economic development can be progressed based on largely on security and social safety as well as political stability'.³⁷ In addition, the government sought to institutionalize selective compulsive military service. The fear of rising unemployment among young Cambodians may have led the government to pursue this policy.

Third, widespread poverty left institutions vulnerable to repressive violence. Early in 1999, for instance, university students launched picket lines and set fire to tires in their demands for better employment prospects. Hun Sen simply responded by saying 'We have no money.' He wished he could pay the teachers \$3000 per month, but conceded that 'it cannot be done' and that, 'Even if they strangled me or pulled out my fingernails, I would not know what to do'.³⁸ However, he or his supporters did know what to do when faced with growing challenges. Attacks on free trade unionists and human rights activists since the early 2000s undoubtedly resulted from the government's growing inability to cope with rising economic demands and its desire to ensure political stability and security. Discontent among factory workers kept growing. An increasing number of hungry farmers also began to beg for food in cities and thousands of them wrote to Hun Sen, asking for his intervention. The severe flood in 2000 and the drought in 2004 made life for farmers unpredictable and difficult. Government leaders evidently worried about a worsening food crisis.

At the level of political society, poverty had a negative impact on institutional development. With meager resources, political parties could hardly afford to strengthen their administrative capacity. FUNINPEC and the SRP, for instance, remained much poorer than the CPP and had to rely on financial contributions from a small group of their members. The SRP had few material means to help it distribute information effectively throughout the country, perhaps mainly due to the lack of access to media and money. Party leaders required their

candidates for parliamentary seats to make monetary contributions. The amounts of contribution depended on how easily candidates could get elected. For those running in the most promising constituencies, the amount of contribution stood at \$80 000. The seventh or least promising constituencies required only \$2000 per candidate.³⁹ The pro-CPP Khmer language newspaper *Koh Santepheap* reported on 23 September 2004 that Ranariddh had even ordered government officials belonging to the royalist party to make financial contributions three times the amounts of their salaries.⁴⁰

Small parties had few resources, and this forced some of them to rely on financial support from the CPP.⁴¹ Those that stayed clear of the CPP could hardly keep their activities going.⁴² From the beginning, party members, especially those at the local level, complained about financial shortages that prevented them from carrying out party activities in the provinces. They also complained about the availability of resources at the national level and the money used to support national leaders in Phnom Penh.

Moreover, 'free-riding' attitudes (defined in terms of reliance on individual party leaders to provide for their parties' members rather than for the latter to make contributions to their parties) remained pervasive in party politics. If they wanted to recruit members, party leaders would have to prove both willing and able to provide for their members' personal needs but could not expect their contributions.

Poverty also had negative effects on institution building within civil society. LICADHO, for instance, relied 100 per cent on international assistance. Only under rare circumstances did the League receive financial support from Cambodians. After the violent incident in 1997, its president received financial gifts from her friends and family members. She also had reason to be concerned about the demise of other HR NGOs. She herself began to feel a sense of 'growing powerlessness', evidently because the number of HR NGOs that could function effectively began to dwindle. ADHOC seemed more self-sustainable than any other local HR NGOs, but remained financially vulnerable to unpredictable events. The Association did seek to diversify sources of international assistance. In recent years, the number of donors increased to about ten. ADHOC emerged as one of the few HR NGOs that enjoyed some budget surpluses and never experienced lack of logistical supply. Still, it faced an uncertain future, largely because of its 100-per cent reliance on large international financial assistance, which amounted to \$700 000 in 2003.⁴³ Its total dependence on multiple sources of international assistance

remained a major source of weakness. The Association could not raise financial support from the local business community, either. At one point, the leadership gave some thought to the possibility of opening a business in order to generate its own income, but then realized that as a non-profit NGO this would create a conflict of interest. It had a bi-weekly magazine, but could not make any profit. Meanwhile, it had no local supporters. Initially it had about 1000 members who paid an annual fee of about 600 riel (4000 riel = US\$1), but it had to end this soon after in order to prevent infiltration from political parties, as ADHOC wished to maintain its non-partisanship. NGO employees with good qualifications often left their organizations to pursue better career opportunities.

Conclusion

Economic impediments to institution building remained severe. Widespread poverty made it difficult for the state to increase revenue through tax collection. With meager resources available, the state may have devoted most of them to key ministries, most notably the military and security establishments, even though they allowed more resources for other ministries, such as education, in recent years. The legislature and judiciary remained victims of poverty, as the executive sought to ensure stability and security in the midst of potential instability induced by poverty and potential social discontent. Political society actors, mainly the political parties, failed to become sufficiently institutionalized. The CPP possessed the most resources, while the other parties struggled to stay alive or relevant. Civil society organizations faced similar challenges. This helps explain why most of them failed to become increasingly institutionalized.

12

Political Impediments

Both nonmaterial and material (economic) factors stood in the way of institutionalization, but they alone did not determine this process. Complex realist institutionalism further shows how political factors can offer further explanation because they help us grasp more fully both the continuation of dictatorships that enjoy high levels of economic development (e.g., Singapore) and the successful transformation of socialist dictatorships into democracies (e.g., those in Eastern Europe). Political factors help determine how ruling elites can succeed in gaining power over the socioeconomic, political, and security arenas – or fail to gain it. In the case of Cambodia, the CPP under the Hun Sen leadership did well in terms of consolidating its control over all these three arenas, thus making it difficult for other organizations within the state, political, and civil societies to institutionalize.

Pro-CPP elite's domination over the economic arena

Pro-CPP elite members dominated the economy, which remained under the control of no more than a small number of families with close ties to the CPP. These economic elite pursued their interests with the support of top CPP leaders, who apparently developed a strategy to develop the national economy from the top down.

Hun Sen's family members and supporters owned many shares in big businesses. His son-in-law, Moeung Kompheak, owned Kampuchea Tela Limited, which also served as the army's and civil administration's exclusive supplier of petroleum products. His daughter Hun Mana remained a shareholder of Kampuchea Tela, Director of the CPP-affiliated Bayon radio and television network, and a member of the Board of the National Polytechnic Institute of Cambodia because of her

connection to companies in South Korea. Hun Chhouch (Hun Sen's cousin) and his wife worked as sub-contractors buying logs from Mieng Ly Heng controlled by Chea Sim's son, Chea Thea. Together with his associates, Hun Chhouch reportedly had planned to extract logs from Kratie Province outside Mieng Ly Heng's concession area. Hun Chhouch also worked with Kun Kim (then Governor of Kandal Province and a close confidante of Hun Sen) in their efforts to stockpile logs in Kampong Thom Province. Neth Savoeun, the Deputy Director of the National Police and Hun Sen's nephew-in-law, also emerged as a successful businessman. After Cambodia's national carrier 'Royal Air Cambodge' collapsed, he also started a joint venture (50 per cent interest) with an Australian group to form 'Mekong Airlines'.

Theng Bunma, former President of the Cambodian Bank of Commerce who also emerged as one of Cambodia's top tycoons, gave financial support to the CPP-led governments in the 1990s. In 1997, he allegedly even financed the coup staged by Hun Sen against Ranariddh. He gave Hun Sen a helicopter, but got placed on a US-visa blacklist because of his alleged involvement in drug trafficking.

Owners of the Pheapimex Group, one of Cambodia's largest logging companies, had close relations with Hun Sen. The company owner was Choeng Sopheap (nicknamed Yeay [Grandmother] Pho, known as Cambodia's richest lady and the prime minister's godmother), whose husband, tycoon-senator Lav Meng Khin, made financial contributions to the CPP (and FUNCINPEC).¹ According to Global Witness, 'Pheapimex is probably the best connected of all the concessionaires wielding considerable influence in political circles and remains one of the worst perpetrators of illegal and unsustainable logging.'² Numerous concessions to the company made by the government took place throughout the 1990s. In 2000, for instance, the government awarded the company a 70-year right to develop 300 000 hectares of 'spare forest' land in Kampong Chhnang and Pursat Provinces. By 2005, it had reportedly controlled 1 023 753 hectares of forest and land. Global Witness described this company as one that could operate with impunity, because of 'the extremely close relations' between Yeay Pho and Hun Sen. 'Pheapimex...consistently violated Cambodian legislation and its representatives have threatened the lives of forestry officials who have attempted to enforce forestry legislation.'³

Other CPP officials also engaged in illegal logging. Mai Voot Tee, the owner of Voot Tee Peanich, for instance, served as an advisor to the CPP's Honorary President Heng Samrin and received permission to cut trees without any interruption.⁴

Cambodia's Sokimex Group of Companies emerged as a dominant pro-CPP conglomerate. For example, the CPP-dominated government extended Sokimex a ticket deal at Angkor in Siem Reap Province without going through any bidding process. Sokimex allegedly monopolized the gasoline industry and made sure that other gasoline companies followed unconditionally the prices it imposed. Sok Kong (President of Cambodia's largest petroleum company, a former President of the Phnom Penh Chamber of Commerce from 2002 to 2005 and its honorary president) enjoyed the support of Hun Sen.

Prime Minister Hun Sen in particular developed close ties with other leading members of the local business community and succeeded in getting a number of them elected to the Senate in 2006. One of the tycoon-turned senators (also CEO and Chairman of KT Pacific Group Ltd and a member of the ASEAN Business Advisory Board) built the Mondial Center on a massive eight-hectare site in Phnom Penh, a center that could accommodate as many as 5000 people at 500 tables at any given time. He had considerable influence over security and political elites, especially those belonging to the CPP. On 4 February 2005, for instance, he had police and military forces tear down 131 families' shelters located on 12.047 hectares of attractive coastal land on the hill between Sihanoukville's five-star Sokha Hotel and Ochheuteal beaches in Poytamoung village, Khan Methpheap. He had offered each of the evicted families a compensation package of \$75, instead of \$2500 as demanded. He refused to give in. When the villagers returned to the area, between 50 and 60 families got arrested. On 28 October, the Sihanoukville deputy court director, Keo Sakhan, issued an injunction allowing people to find shelter and do temporary business on the land. When the 131 families returned to the land on 18 December 2005, they found themselves 'shocked with electric poles and arrested by the police and military police the next day'. No officials intervened to help the victims. When the villagers 'went to the [provincial] governor's house...[they] were forced to go away by the guard...at the gate'.⁵

Another newly elected senator emerged as a tycoon who owned Mittapleap-Men Sarun and served as Chairman of Men Sarun Import Export Group Ltd. In 1995, his company joined two others (Globaltech Sdn. Bhd. Malaysia) and Rama Khmer International and reportedly won a 20 000 hectare concession to plant an oil palm plantation in Yadao district, Rattanakiri Province. The joint-venture company would displace 4500 people from their land, but would generate a maximum of only 400 jobs.⁶

Another tycoon-turned senator served as director of Pheapimex. According to *The Bangkok Post*, 'Pheapimex-Fuchan is an example of all that is wrong with forestry in Cambodia. They enjoy the protection of Hun Sen, they cut what they liked and it seems that no one has the power to do anything about it.'⁷ In January 2000, for instance, the company gained a concession of 300 000 hectares of land to plant eucalyptus and acacia trees, a concession far larger than what the 2001 land law allowed; Article 59 of the law stated that 'Land concessions shall not be more than 10 000 hectares. Existing concessions which exceed such limit shall be reduced.'

Still another tycoon-turned senator allegedly became a representative of the Cambodian-Thai Mafia. Widely or allegedly known as the 'King of Koh Kong' Province, he engaged in questionable activities, such as casinos and money laundering. In 2004, he came under investigation by Australian authorities, because of his suspected money laundering (associated with gambling, smuggling, and probably drug trafficking). According to *Khmer Intelligence*, he 'was caught and interrogated when trying to transfer US\$30 million from Australia to Cambodia'. '[P]owerful intervention' cleared his case, from CPP 'Finance Minister Keat Chhon and National Police Director Hok Lundy, which led the Australian authorities to release the funds. Actually the US\$30 million is only a small portion of the money from illicit activities conducted under the protection and in association with, the CPP'.⁸

Another tycoon-turned CPP senator, Mong Rithy, known for his extremely close and enduring ties with Hun Sen, emerged as one of Cambodia's richest businessmen and remained the owner of the country's largest rubber-trading company. He invested in the establishment of an oil palm plantation on 3800 hectares of land along National Route 4 between Sihanoukville and Phnom Penh. His company allegedly became powerful and able to remove people from their land. In spite of promises that the company would find jobs for the people who lost their land, nothing had happened by 2002.⁹ Although he served as a financial advisor to Hun Sen, Mong Rethy allegedly had a history of engagement in drug trafficking.¹⁰

Another top tycoon who became personally close to Hun Sen became wealthy, allegedly because of his cigarette smuggling activities along the Cambodian-Vietnamese border. He subsequently served as Chairman of Royal Group of Companies, President of Phnom Penh Chamber of Commerce and Chairman of AN2 Royal Bank, and owned Mobitel (a telephone company) that covered the entire country and competed fiercely with others. He emerged as one of the most powerful

men with 'close connections to the government and interests including telecoms and television'.¹¹

The CPP under Hun Sen's leadership had an interest in defending the economic elites who lent support to his political party. Over the years, the Prime Minister pledged to crackdown on illegal logging,¹² and even vowed to quit if illegal logging would continue.¹³ However, he ended up threatening those who reported on illegal activities that might have implicated his supporters. As early as February 1997, for instance, he threatened to cut more trees,¹⁴ if the IMF chose to reduce or cut its assistance to Cambodia.¹⁵ In more recent years, he threatened to expel Global Witness's independent forestry monitoring staff, branded the organization 'irresponsible',¹⁶ and even threatened to file lawsuits against it. In 2003, after having threatened to terminate visas for Global Witness and sue it,¹⁷ the Prime Minister finally expelled the British forestry watchdog from Cambodia.¹⁸

CPP domination over the political arena

The growth of asymmetrical power relations in the political arena can further explain why the CPP under the premiership of Hun Sen successfully took aggressive actions against liberal democracy. Several indications help make the case that the CPP's growing political power base effectively stifled the process of democratization.

Top ministers close to Hun Sen included Senior Minister Sok An of the Council of Ministers, who later became an in-law of Hun Sen through the marriage of their children. Sok An grew politically quite powerful, as he gained more administrative responsibilities that dominated the cabinet. According to one foreign expert, 'Sok An has his hands on everything.'¹⁹ A Western ambassador also observed that 'the Senior Minister seems to be too powerful. Even other cabinet ministers can do little without his approval.'²⁰ Indeed, Sok An emerged as one of the most powerful political figures in the country and remained one of Hun Sen's most loyal political allies. After the 2003 election, the Senior Minister remained the Senior Minister in the Council of Ministers and became one of the seven deputy prime ministers. He also maintained effective control over many other national administrative bodies, including the following: Chairman of the Cambodian National Commission for UNESCO, Chairman of the Cambodian National Tourism Authority, Vice-President of the Cambodian Mine Action and Victim Assistance Authority, Chairman of the National Commission for Reform of Weapon Management, Chairman of the Council for the

Demobilization of Armed Forces, Chairman of the Council for Administrative Reform, President of the School of Judges and Prosecutors' Administration Council, Chairman of the Task Force for Cooperation with Foreign Legal Experts and Preparation of the Proceedings for the Trial of Senior Khmer Rouge Leaders, and Chairman of the National Petroleum Authority.

The Co-Minister of Defense, Tea Banh, also remained one of Hun Sen's closest political allies, becoming a deputy prime minister in July 2004. With FUNCINPEC leader Nhek Bun Chhay (when still co-minister of defense and a deputy prime minister), who drew himself close to Hun Sen and Tea Banh, the Ministry of Defense effectively leaned toward the CPP. Of the five secretaries of state within the ministry, three belonged to the CPP (Generals Chhay Sang Yun, Moeung Samphan, and Neang Phat). As noted earlier, Moeung Samphan became an in-law of Hun Sen through their children's marriage. Four of the seven under-secretaries of state had the military rank of three-star general (Phan Ngoun, Keang Savuth, Chum Sambath and Lay E Prasith), and they also belonged to the CPP. The other three one-star royalist generals (Long Rithiya, Pich Sodetha, and Meas Ratha) belonged to FUNCINPEC. The balance of power within the ministry of defense definitely favored the CPP.

As of 2006, the CPP proved less and less willing to share power with other political parties, most notably FUNCINPEC, as the latter grew weaker. For example, Hun Sen dismissed the royalist co-ministers of defense and interior. He also dismissed another FUNCINPEC Deputy Prime Minister, Prince Sirivudh. By the end of 2006, the royalist party only held a few cabinet posts with minimal power.

Hun Sen's latest Minister of Justice, Neav Sithong, a former governor of Kampong Speu Province, defended his bodyguards after they had killed a 17-year old boy entering his compound in February 1998. According to the Minister, 'I think that we should provide them with a reward because they did a good job...If my guards had been careless then I might not be here now.'²¹ His political appointment took place despite human rights activists' criticism of the former governor, their suspicion of executive interference, and the Appeal Court's willingness to keep the case open, but the investigating judge did not pursue the case, viewing it as 'too complicated'.²²

Why Hun Sen sacked the previous Minister of Justice, Ouk Vithun, remains unclear. But the minister received some praise from human rights activists. When LICADHO workers got arrested and detained because of their alleged role in the Sihanoukville waste dump scandal

in 1999, the minister set up a committee to investigate the case independently. The committee found the arrests illegal and played a key role in their release. According to the President of LICADHO, 'It is a very good sign that the Minister of Justice would like to reform the system.'²³

By 2005, Hun Sen had strengthened his control over the city of Phnom Penh, especially after he sacked Governor Chea Sophara. While still governor of Phnom Penh, Chea became increasingly popular and posed a growing threat to Hun Sen, because he belonged to the Chea Sim faction. The new governor appointed in 2003 by Hun Sen, Kep Chuktema, remained a staunch ally of the prime minister.

Most importantly, the CPP dominated the communes in Cambodia, as noted earlier, and increasingly dominated the National Assembly. Even though the CPP lost the national election in 1993, it never lost its political base. The subsequent elections saw the steady growth of its power within the National Assembly. As Hun Sen succeeded in consolidating his political power base within the three branches of government, FUNCINPEC and SRP officials seemed to become more submissive to the CPP. Apparently in exchange for his return to Cambodia in February 2006 after a year in exile, Sam Rainsy had to appease Hun Sen. In his letter to the Prime Minister dated 3 February 2006, for instance, Sam Rainsy wrote the following words:

I regret having acted improperly towards Samdech, like the accusation saying Samdech Prime Minister was behind the grenade throwing on the group of protesters on 30 March 1997 in front of the National Assembly, like the accusation that Samdech Prime Minister intended to kill five well known people, and a number of accusations against Samdech Prime Minister, etc...From now on, I will change my attitude to end all these issues, and avoid having these issues happen again. Overall, I have decided not to let personal issues be the most important matter; instead, I should focus on national issues, which must be resolved peacefully and respectfully. The resolution of all national issues will not require that there is a winner and a loser because we are all Khmer who must live with each other. Only Cambodia and Cambodians win over this kind of national unification, particularly winning over poverty and regress.²⁴

This remarkable 'change of heart' on the part of Sam Rainsy made it possible for Hun Sen and Ranariddh to allow him to return to Cambodia, but does highlight the fact that the SRP leader found it impossible to continue challenging the prime minister.

Moreover, Hun Sen heavily relied on personal or private forces and informal networks to intimidate his critics. Once a pagoda boy himself,²⁵ he must have given his blessings to the Pagoda Boys. Made up of some 4000 members, they 'fashioned themselves as a youth movement defending the Hun Sen government [against] critical elements in Cambodian society. They regularly descend on the protests and demonstrations by workers unions and student movements.'²⁶ They organized counter-opposition demonstrations that sparked violence on several occasions,²⁷ and verbally attacked King Sihanouk.²⁸

CPP control over the armed forces

During the 1980s, the Kampuchean People's Revolutionary Armed Forces (KPRAF) defended the PRK/SOC regime. Although the KPRAF numbered between 50 000 and 75 000, the PRK/SOC could not hope to defeat their opponents without the military support of Vietnam. Vietnam had hoped that the KPRAF would grow into an effective force of somewhere between 30 000 and 50 000 by the end of the 1980s.

The KPRAF's opponents proved themselves more than a headache to the PRK/SOC regime in the late 1980s,²⁹ but their military challenges disappeared after 1998. The Khmer People's National Liberation Front (KPNLF), formed by former Prime Minister and Governor of the National Bank Son Sann, whose party signed the Paris Peace Agreements, disintegrated. During the 1980s, the KPNLF had a fighting force of no more than 10 000, and it became dysfunctional in the late 1990s.

In 1998, the war between the CPP's armed forces and the Khmer Rouge came to an end when the latter disintegrated as the result of infighting among its top leaders. A breakaway faction led by former Khmer Rouge Foreign Minister Ieng Sary spelled the beginning of an end to the armed rebellion. The government granted an amnesty to Ieng Sary. Khmer Rouge leaders subsequently turned against one another. In the end, their chief-of-staff Ta Mok turned against his Minister of Defense, Son Sen, and finally against their top leader, Pol Pot himself. By the late 1990s, the Khmer Rouge remnants defected to the government and subsequently became reintegrated into the RCAF dominated by the CPP-controlled military establishment.

The Armée Nationale Sihanoukiste (ANS), with between 7000 and 11 000 combatants created by Prince Norodom Sihanouk, posed a military challenge to the KPRAF. After 1997, however, the royalist army also disintegrated, as the CPP's armed forces drove royalist combatants out of power. The coup in July 1997 led to a brief civil war that

ended with the destruction of FUNCINPEC's military capability. Those who survived returned to Cambodia, but got effectively marginalized or co-opted. Top FUNCINPEC military commanders who fought the CPP forces but later joined the Hun Sen Government included Generals Khan Savoeurn (Secretary of State for the Ministry of Interior) and Lay Vireak (Under-Secretary of State for the Ministry of Interior). Colonel Nin Pin joined the SRP. General Kheng Savorn, FUNCINPEC's Deputy Commander of the Navy, also joined the CPP before defecting to the SRP. General Nhek Bun Chhay, FUNCINPEC's top military commander, who led the royalist combatants in the fight against Hun Sen during and after July 1997, became a member of the powerless Senate and later became co-opted by the CPP.

Hun Sen also succeeded in building an alliance with other senior military leaders. For instance, he built a closer alliance with RCAF Lieutenant General Moeung Samphan, Head of the Army Procurement Department, through a marriage of their children. In March 1999, Hun Sen's eldest daughter, Hun Mana, married Moeung Kompheak (who later divorced). Below the command of his suspected top military adversary, General Ke Kim Yan (an ally of Chea Sim), the prime minister built two powerful military allies: Generals Pol Saroeun and Kun Kim, two of the four RCAF Deputies Commander-in-Chief (including General Meas Sophea of the CPP Chief of the Army, seen more or less as politically neutral, and Hun Pheung of FUNCINPEC, chief of the toothless air force). Pol Saroeun, former Governor of Takeo Province and SOC's Deputy Minister of National Defense, did not make his name as a public man but emerged as one of the 'most venomous' military officers. Because of his military support during the coup in July 1997 (he commanded Hun Sen's bodyguard unit during the fight) working alongside General Hok Lundy (discussed below), General Kun Kim got promoted from his position as first Deputy Governor of Kandal Province to a deputy commander-in-chief within the RCAF. Three of the four deputy commanders-in-chief belonged to the CPP and two of them remained Hun Sen's loyalists.

Within the national police forces, Hun Sen also effectively pursued the strategy of politico-military domination through various methods. In the 1980s, the military establishment proved far more powerful than the police because of the war; however, the 1990s saw the weakening of military power but the growth of police power. Hun Sen then began to consolidate power over the police. His sister, Sengny, married Meas Sovannady (a deputy director in the border police department). Another of his sisters, Sinath, married Nim Chandara (a vice-director in

the Ministry of Interior, in charge of the department of bodyguards; Hun Sen himself had up to 4000 well armed, well-trained bodyguards under his own complete command and not subject to control by anyone else). The second husband of his youngest sister, Thoeun, served as a bureau chief in the economic police department.³⁰

Hun Sen continued to build support within the police by getting some of his children and relatives married to those of high-ranking police officers. The second daughter (Hun Kimleng) of Hun Neng (Hun Sen's older brother and former Governor of Kampong Cham Province, appointed by Hun Sen when he became prime minister in 1985, and later Svay Rieng Province) married Neth Savoeun, one of the six deputy directors of national police. One of Hun Neng's two sons (Hun Seang Heng) married Sok Sopheak (daughter of Sok Phal, a deputy director general of national police).

The Prime Minister further tightened his armed control over the national police forces by building his own family alliance with General Hok Lundy (National Police Chief). In 1997, Hun Sen's niece, Hun Chantha (one of Hun Neng's two daughters), married Dy Vichey, the only son of Hok Lundy, but the young couple later got divorced. In January 2002, one of Hun Sen's sons, Hun Manith, also married the daughter of the police chief (Hok Chendavy), although the couple ended up in divorce later on.

General Hok Lundy remained constant in defending the Prime Minister's interests and policies. Hok Lundy allegedly got involved in the extra-judicial killings of FUNCINPEC officials during the July 1997 coup, and yet he continued to enjoy his status as one of the rising stars in the country. Before the 2003 election, he displayed his loyalty to Hun Sen by stating that he would deploy more than 8000 police officers to ensure the voter registration period and to ensure security for the forthcoming election. He also made it clear that the security force would increase to 18 000 during the campaign period and would further mobilize an additional 38 000 policemen to ensure security during the election and post-election periods. On 13 October 2005, the general further made it clear that Hun Sen had his full support for the border treaty the prime minister signed with Vietnam. In his words, 'On behalf of the national police across the country, we are determined to sacrifice for national independence and sovereignty and are determined to carry out the Cambodia-Vietnam joint statement signed on October 10 and put it into effect.'³¹

For his part, Hun Sen also had a strong interest in defending Hok Lundy. According Hun Sen, 'while I remain Prime Minister Excellency

Hok Lundy will remain the general of police.' Hun Sen relied on the police to keep the opposition at bay:

I know very well the strategy of the opposition that to bring hard times to Hun Sen they have to cut the hands of Hun Sen...The strategy of the opposition is in order to bring hard times to me they have to kill those who are loyal to me. In this world, there is no politician who does not appoint those who are loyal...I appoint persons to be chief and deputy commander in chief of the armed forces, and Hok Lundy will remain in his position. No one will dare stage any coup d' état against me again...So when I am in power, leave me with the ability to choose the people I need.³²

The alliance within the police forces among the Hun Sen, Hok Lundy, and Neth Savoeun families grew stronger after Phnom Penh Governor Chea Sophara got fired in February 2002. Prior to this, the governor had posed a potent threat capable of acting alone without the support or even approval of Hok Lundy. For instance, during the CFF attacks on 24 November 2000, Chea spearheaded a counter-attack on the CFF rebels and quickly defeated them. This success showed that the governor had enormous coercive power that made him bold enough to assert himself as the only viable candidate for prime minister – an assertion that turned him into a major rival of Hun Sen. Chea had not only become popular among ordinary people in general, but also expanded his power base to an extent that could seriously threaten Hun Sen's political future. At least in Phnom Penh, he enjoyed effective control over municipal police and municipal military police. He had money and an administrative network covering Phnom Penh's districts and communes and media (municipality radio and television) – under his control.

Effective control over the police force also meant that Hun Sen could keep the judiciary weak and subservient to CPP interests. Police could now arrest and detain suspects without warrants. According to former UN Special Representative for Human Rights Thomas Hammarberg, commenting on the re-arrests of criminal suspects in 1999 under the executive order of Hun Sen, 'The arrest and detention of suspected offenders is solely under the jurisdiction of the judicial power, vested in the Courts of Cambodia. No other branch may order the arrest and detention of persons. Neither may decisions of the courts be overruled by a non-judicial body.'³³

Reports indicated a lack of cooperation or mutual respect between the courts and police. In fact, court officials became increasingly scared of police actions. After the re-arrests of criminal suspects, Phnom Penh Municipal Court officials asserted that they would from now on stop issuing arrest warrants on their initiative. One prosecutor, for instance, asserted that, 'We are not going to issue arrest warrants anymore because we are afraid that the police will not respect our order. We will process the court cases if new suspects are arrested by the police.'³⁴

An effective strategy of the CPP under Hun Sen's growing personal rule to consolidate its power within the military and police apparatus involved allowing their members to engage in illegal logging or turning a blind eye to it. As noted, Global Witness (the Britain-based forestry watchdog involved in monitoring illegal logging in Cambodia from 1995 to 2002) reported on military involvement in illegal logging. According to Charmian Gooch of Global Witness, 'What we have is the army running an illegal parallel budget. We want to know what happened to the money, what happened to the logs and how many like this exist?'³⁵ Global Witness further described the military role in logging as being 'at the core of the problem' and complained that 'no one is tackling them'.³⁶ Logging enterprises, franchised out by the army, received protection from 'fully independent heavily armed men'.³⁷ UN Special Representative Hammarberg claimed to have also recognized military involvement.³⁸ In 2002, others reported that the government 'mobilized armed military police, police and elite force Flying Tigers to crackdown on about 100 provincial community representatives who had peacefully gathered in front of the Forestry and Wildlife Department to press for a workshop on forestry management plans and environmental and social impact assessment'.³⁹

The recent report by Global Witness further reveals how the economic and political Cambodian elite continued to strip the country's forests, how Hun Sen's relatives and other senior officials of his government led the most powerful logging syndicate, how they became complicit in illegal logging activities, and how illegal logging and smuggling helped finance the Prime Minister's private army (especially his Bodyguard Unit). According to the report, 'The Royal Cambodian Armed Forces (RCAF) have little strategic purpose and questionable operational capacity.' However, 'RCAF's senior officers are major players

in illegal business activities such as logging and trafficking drugs. They also generate large sums of money through extortion'.⁴⁰

Conclusion

The CPP under the leadership of Hun Sen managed to monopolize and personalize power over the economic, political, and security arenas, especially after the coup against Prince Ranariddh in 1997. The Prime Minister did what he could to recruit loyalists to top positions within these fields and made sure that the process of power consolidation would not weaken. Security appeared to have driven his pursuit of power. As he once admitted that, 'I am a cat who has been scalded by hot water, so I feel scared seeing cold water.'⁴¹ He rewarded those who served to maintain his grip on power, even if they had bad records in terms of human rights violations, and did not hesitate to defend or protect those who showed him loyalty. Cambodian elite members showed a lot of interest in commercial activities that advanced their personal gains, but little inclination toward democracy. Complex realist institutionalism thus shows how they dominated the country, making it more and more difficult for democracy to consolidate.

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Part V

The Limits of Democracy Assistance

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13

Limits of Assistance for Institution Building

If non-material constraints on and material impediments to institution building proved critical, as this study has shown, how can we make sense of the role of international donors in this regard? ‘Culturalists’, from left to right, tend to blame the external imposition of democratic institutions on Cambodia and may conclude that donors did the country more harm than good. However, this chapter contends that the international donor community did help to build new institutions and strengthen them, but their policy priorities remained limited. A close look at donors’ involvement in the process of institution building shows clearly that they tended to emphasize short-term projects, but did not do enough to strengthen state, political, and civil society institutions fundamental to democratic regime consolidation.

Limits of assistance for state institution building

Regarding the executive body, donors provided assistance in the areas of human rights, administrative reform, decentralization, aid coordination and partnership, public financial management, government administration information system, and so on. The most active donors included Germany, Canada, UNDP, the IMF, the World Bank, South Korea, and Sweden. Germany provided several projects, including support for gender equity and promotion of women’s rights (EUR2 300 000 from June 2002 to May 2005; EUR1 000 000 from August 2005 to January 2006) carried out by the Ministry of Women’s Affairs and administrative reform and decentralization (EUR2 030 000, from January 2002 to December 2004). Canada funded a Cambodia governance technical assistance project to increase the capacity of the Council of Administrative Reform (CDN\$780 000 from October 2001 to April 2006).

Multilateral organizations also helped build government capacity at the national and local levels. The IMF stayed involved in assisting the government by strengthening its overall capacity to formulate and implement economic policies in the fiscal and monetary areas, to manage public finances more effectively, and to monitor and implement its poverty reduction strategy. Between 2001 and 2004, the IMF provided US\$3 717 596 to strengthen capacities of six key government agencies: the Tax, Customs and Excise, Budget, and Treasury Departments in the Ministry of Economics and Finance, the National Bank of Cambodia, and the National Institute of Statistics.

The World Bank further provided technical assistance to train government officials and improve their capacity to carry out essential development tasks more effectively. These government officials would improve their ability to perform their jobs efficiently and to improve public services in general. Between February 2003 and June 2006, for instance, the World Bank allocated a budget of US\$5 760 000.

Several donors also provided assistance to Commune Council building. The IRI claimed to have provided one of the most innovative and ambitious training programs in this area; for instance, it developed a comprehensive system of training modules intended to develop capacity in local government. Designed and implemented in 2004, the program chose four commune councils to take part in three modules that provided training in principles of transparency, decentralization, participatory government, and accountability. The councils also learned about conflict resolution, public hearings, proposal writing, and budgetary planning. The IRI's technical assistance aimed to ensure that the councils could learn how to undertake a manageable, affordable community improvement project, and to weaken the power base of the CPP, which dominated most of the communes. Other multilateral donors also became involved in this area. UNDP provided support to the project of decentralization. Its support-for-decentralization project (US\$9 208 126, to which other donors also contributed) aimed to strengthen commune councils. The ADB also had its funds allocated for the strengthening of the institutional capacity of commune councils, to enhance the role and authority of the councils.

Several other international donors also became involved in the building and strengthening of the legislature. The few major funders included the Canadian International Development Agency (CIDA), which began funding small-scale assistance for democratic development in 1994. Early in the 2000s, CIDA determined that Cambodia's National Assembly and its Senate would need a priority for Canadian program-

ming. As a result, the Cambodian-Canadian Legislative Support Project (CCLSP) came into existence (with a total budget of CDN\$4.5 million): it began in 2001 and planned to end in February 2006. The fund aimed to achieve the following: 1) build capacity within the secretariats of the National Assembly and the Senate by helping to improve research and strategic planning in support of legislation; 2) assist members of the National Assembly and Senate by improving legislative drafting and scrutiny of legislation.

UNDP also became involved in legislative institution building. Armed with US\$1 523 350, the UNDP project (starting in January 2002 and ending in December 2006) emerged as part of its technical assistance to promote governance and management reform; the project aimed at strengthening the capacity of the parliamentary institutions, promoting their reform, developing the capacities of members of parliament, and enabling Parliament to effectively oversee and contribute to the policy making process related to the overall state reform agenda.

Donors also provided funds to the justice and judicial sector. Between September 2003 and April 2007, for instance, the Japan International Cooperation Agency (JICA) provided a fund of 50 468 000 Yen to promote the legislative procedure of the Civil Code and the Civil Procedure Code and the capacity of personnel involved in the various stages of legislation and supporting them in drafting transitional measures, as well as some laws related to the Codes. It also aimed to assist the Ministry of Justice in the implementation of the Civil Code and the Civil Procedure Code, as well as the Royal School of Judges and Prosecutors (RSJP). France played a role in making an important contribution to the RSJP. The Cambodia Office of the High Commissioner for Human Rights also provided assistance to strengthen the rule of law and the justice sector, for instance, by maintaining a small office in the Municipal Court of Phnom Penh, its links with the Appeal and Supreme Courts, the Battambang Provincial Court, and other provincial courts.

Did donors really focus on state institution building? As a matter of policy, they no doubt did want to see Cambodia stand on its own feet. All of the above efforts help illustrate this policy objective. Over the years, the country received considerable amounts of international assistance, but they remained biased toward technical cooperation.

The extent to which this aid contributed to the long-term process of institution building remains unclear, however. Most of the ongoing projects had short-term objectives, with implementation durations of less than three years. As of 2005, most projects remained short-term:

216 had a duration of one year or less; 197 lasted more than one year but less or equal to three years; 154 lasted more than three years but less or equal five years; 46 had a duration of more than five but less ten years; and only 3 projects had a duration of more than ten years.¹

Moreover, not every project aimed at institution building did that. The UNDP's project to strengthen the capacity of the legislature, for instance, did not really focus on institutional development. The coordinator of the project knew little about Cambodian politics and ended up helping pay for MP's official visits to places they wanted to see. According to sources,² the UNDP paid for MPs' 'tourist' activities, as it tended to wait for the latter's requests for financial assistance.

In recent years, the ADB also acknowledged the limits of aid effectiveness because of its 'failure explicitly to address the need for improved governance through public sector reforms as a priority'. Its 2005 report further recognized its 'narrow approach to institutional strengthening, which has led to many capacity-building and advisory TAs focusing on providing training for individuals rather than institutional development...'³

Foreign experts no doubt contributed to the process of capacity building, but their long-term presence may have worked against institution building. Dependence on foreign experts may have prevented Cambodians from developing their capacity. Aid dependency may have prevented Cambodia from strengthening its own administrative capacity to make policy decisions and implement them. The World Bank raised this concern when stating that, 'Dependence on expatriate advisors is excessive: some 800 advisors who collectively cost donors more than the government's wage bill. Reliance on such advisors for reform processes or project management undermines national ownership and institutional capacity building.'⁴ According to Nisha Agarwal, director of the World Bank office in Cambodia, the bias toward technical assistance may have proved detrimental to the country: 'We believe donors, instead of trying to teach them [Cambodians], have been doing it for them. They have been substituting their own people. There are an estimated 800 foreign advisors here, and that is large, by any standards, including African countries.'⁵

Whether donors actually created and perpetuated technical dependency or truly enhanced institutional capacity for Cambodia remains a subject of debate, but some of them began in recent years to regard their technical assistance (TA) as limiting in terms of its impact on long-term institution building. A report by the World Bank and IMF, for instance, revealed its limited impact: 'donors need to work with

Government to develop a set of basic principles guiding common approaches to capacity-building and the use of TA...the primary purpose of TA is long-term skills transfer (rather than skills gap-filling).’ It adds that, ‘The emphasis needs to be upon the development of institutional, rather than merely individual, capacities.’⁶

It remains far from clear as to how donors could make a credible effort to develop indigenous capacity, as the World Bank and IMF suggested, by taking ‘more account of Cambodian perceptions and preferences rather than de-contextualized international “best practice”’; to develop a strategy to urgently address the current excessive level of reliance on expatriate advisors...and replace them with qualified Cambodians’.⁷ Cambodians also had negative views of the role of foreign experts. Even Prime Minister Hun Sen became aware of this when he stated that, ‘I...appeal that they [donors] do their best to transfer technology to Cambodians and to employ more Cambodians on projects because this costs less than foreign experts.’⁸

While helpful to Cambodia, international experts may already have created a long-term burden on the country. They no doubt consumed much of the TA. The size of spending on TA remained large: ‘\$162 million in 2001 – around 21% of combined domestic and externally-financed expenditures, or more than the Government’s total wage bill.’⁹

Such heavy reliance on international expertise ‘can undermine national ownership and prevent the development of institutional capacity, especially when these advisors are weakly integrated into the mainstream of Ministry processes’.¹⁰

Limits of assistance for civil society building

International assistance for institution building within civil society also continued. Election assistance for the EMOs, for instance, looked quite commendable. Up until the commune election, the Coalition for Free and Fair Elections (COFELL), the Committee for Free and Fair Elections (COMFREL), and the Neutral and Impartial Committee for Free Elections in Cambodia (NICFEC) all received international assistance. Donors fully funded COMFREL and NICFEC’s budgets. For COMFREL, the figures amounted to approximately \$1 million for the 1998 election, \$650 000 for the 2002 election, and \$650 000 for the 2003 election.¹¹ NICFEC had smaller annual budgets: \$10 000 (1998), \$100 000 (1998), and \$200 000 (2003).¹²

In the politically sensitive field of human rights, a large number of donors remained actively involved. Over the years, for instance,

LICADHO boasted of having received support from more than 40 funders who donated \$5000 or more. They included the Netherlands (US\$300 000 from January 2003 to December 2005), New Zealand (\$230 288 from May 2004 to December 2006), Sweden (through such organizations as Diakonia) and the United States (through The Asia Foundation, USF, IHR/LG/CDP, ACILS, NDI, and IRI). ADHOC also received funds from such donors as the Netherlands (\$472 000 from September 2002 to August 2005). Other donors funding human rights organizations included Canada (which provided CND\$1 500 000 to help develop civil society organizations working in the areas of human rights with special emphasis on improving the role of women) and the EU.

International assistance for legal institution building also remained evident throughout the period under study. The Japan International Cooperation Agency (JICA) became involved in strengthening the basis for a legal aid system in Cambodia, training a sufficient number of lawyers, and holding lectures on legal matters. Its budget, beginning in September 2002 and ending in August 2005, amounted to 99 900 000 Yen. New Zealand funded the Community Legal Education Center in the amount of \$126 000 for a period from May 2004 to April 2007. The Cambodian Defenders Project received funds from various donors, including New Zealand (\$204 764 from August 2002 to June 2005).

Other donors provided financial assistance to develop civil society organizations in the fields of human rights, elections, and development. The Cambodia Office of the High Commissioner for Human Rights (OHCHR Cambodia), for instance, did much to help strengthen the work of local HR NGOs. The Office helped provide technical assistance and cooperated with various NGOs working on human rights, legal, and development issues.

Funders may have provided assistance to local NGOs and other civil society organizations, but their commitment to institution building remained quite limited. As of early 2006, for instance, the OHCHR/Cambodia had a small budget (about \$3 million per year), maintained 18 national and 7 international staff members, but they apparently stretched themselves too thin. Their main activities included the following: coordinating assistance to the UN Special Representative, personnel, administrative, financial and logistical support, doing human rights case-work, monitoring, research and analysis, and developing institutional capacity. It remains unclear how much the Office devoted its efforts to local institution building. In more recent years, donors shifted their funds away from civil society to government institutions, further increasing the imbalance of power in favor of the state.¹³

Still, local civil society organizations always appreciated the funds they received and continued to rely on the generosity of foreign donors, but their leaders regarded most donors as doing things their way, driven by their own interests, without paying adequate attention to the long-term needs of recipient organizations. According to the executive director of a well-known NGO, 'Many donors did not pay attention to the institutional needs of local organizations. Because local NGOs tended to depend on foreign assistance, almost 100 per cent, they had to do what their funders wanted them to do.' She added that, 'If donors wanted to fund projects on the rule of law, local NGOs had to do it. If donors wanted them to work on governance, they had to follow otherwise they would not receive any funds.'¹⁴ The executive director of NICFEC, while highly appreciative of his funders, said that:

Donors wanted locals to do what they wanted them to do. They gave locals their agendas and expected them to follow. At the same time, they did not think about the future of their recipient local organizations. They hardly gave thought to institutional sustainability. All we were required to do was to follow their guidelines. But as an organization, we couldn't always do what funders demanded that we do. For instance, we needed to spend some money for activities related to voter registration and had to take money from other projects that donors funded. But we were accused of misspending money. This made it difficult for an organization such as ours to function because we did not function simply to please each and every funding agency. As an organization, we had several functions that did not always fit the donors' policy agendas.¹⁵

This remained a common perception among members and representatives of local organizations. Several organizations made complaints. One HR NGO employee put it this way: 'Donors rarely wanted to get involved in institution building. They never wanted to pay for staff development. Most of what they wanted was to get us implementing their projects and producing quick and tangible results.'¹⁶

In all fairness, not every funding agency failed to pay attention to institutional development, but the number of such funders remained quite small. One NGO employee noted that Forum Syd, which began its work in the area of capacity building in Cambodia in 2001, emerged as the only funding agency he knew that emphasized the need for long-term institutional development.¹⁷ In fact, Forum Syd, a platform for collaboration among 200 Swedish NGOs, had a strong commitment

to institution building. According to its statement, 'Forum Syd capacity building activities shall also be based upon and characterized by openness and transparency as well as a long-term commitment to programme partners capacity building with the aim of supporting independence and sustainability within partner organizations.'¹⁸ Its activities focused on capacity building for 10 Cambodian NGOs (which included COMFREL, NICFEC, ADHOC, and the Cambodian Defenders Project), by focusing on the development of their internal organizational structures, as well as staff training in such areas as financial management, budgeting, and accounting.

In general, NGOs complained that they had set out to build organizations that would become institutionally strong over time, but had to give up those ambitions. Their common reasoning sounds quite simple: donors had specific projects that must get carried out for specific purposes in very limited periods of time. If local organizations, which lacked financial resources, did not want such specific projects, their financial struggles would continue. In order to survive, they had to take any projects that came their way so that they would be able to pay their staffs and keep their organizations running. Rather than strengthening long-term organizational capacity, local NGO leaders even became competitive in the funding market and often had to compete with each other for the few project funds available.

Moreover, although international donors tended to look for efficient local NGOs, most of them preferred to fund short-term projects and even refused to provide core funds to help develop recipient organizations. Short-term funds rendered it difficult for local NGOs to think long term regarding institutional development. A donor report also asserts that, 'It is ironic that the donors demand strategic planning from their partners, while at the same time they will only commit yearly project report.'¹⁹ Apparently 'only a few donors...provide core support to the [local] NGOs, which makes long term strategic planning difficult since predictability of funds does not exist.'²⁰

When funders did show interest in building NGOs' long-term institutional capacity, their material contributions remained extremely limited. COMFREL, for instance, depended almost 100 per cent on international assistance, but could only allocate 10 per cent of its annual budget to capacity building and long-term institutional development. With such small amounts of budget allocation, only a few staff members could receive basic computer and language courses.²¹

Meanwhile, many donors ended up pulling NGOs in different directions, driven by policy changes.²² State-run funders, such as USAID,

proved the least predictable. In 2002–03, USAID made drastic cuts and thus reduced The Asia Foundation's ability to fund civil society projects, negatively affecting its core funds in particular. Whenever their governments' policies changed, state-run funders' priorities also shifted. And this made it all the more difficult for local NGOs to know where such funders would stand. According to one NGO leader, 'some funders cared more about fulfilling their temporary policy agendas than about our institutional development.'²³

Limits of assistance for political society building

Almost all of the international assistance geared for election-related activities helped organize elections from 1993 to 2003. The main beneficiary institutions included the Election Administration. The UN intervention cost about \$2 billion, including election preparations, but the subsequent elections in 1998, 2002, and 2003 required less assistance. In 1998, the National Election Committee (NEC), responsible for organizing the election, received approximately \$26 million. In the 2002 election, donors provided \$15 million. In 2003, the budget declined to \$12.5 million, of which the government contributed \$5 million and the donor community provided roughly \$7 million (\$2.26 million from Japan, \$4.7 million from 12 bilateral donors mobilized by the UNDP, and \$580 000 from the UNDP's core resources).

Donors provided technical and logistical assistance to help build and strengthen an electoral institutional framework. In the early 1990s, UNTAC provided this type of assistance, through such actions as drafting the 1993 Electoral Law, which provided a positive foundation for subsequent electoral laws. Post-UNTAC donors also provided technical assistance for the last three elections. Canada provided technical assistance in drafting election laws, regulations, and procedures. CIDA sponsored a program to train provincial election committees in areas of conflict resolution. In addition, Canada provided technical advice on how to make the NEC function effectively. The UNDP, through multi-lateral funding, provided technical support for the 1998 Electoral Law and continued its technical and financial assistance in the drafting of a 'communal election law', as well as in the reform of the legal framework governing the 2003 election. Others provided technical and logistical assistance to build and strengthen the Election Administration. Australia in particular provided its experts to help operate the computerized voter-registration system. Bilateral donors also provided logistics, such as secure ballot boxes, photo identification cards for

registering voters, and tamper-resistant documents. A media-monitoring unit received funds to ensure fair media coverage, whereas the media center at the NEC worked to promote accurate information and to transmit it clearly and rapidly.

Foreign civil society organizations also sponsored public discussions of key election issues. Several election seminars, run or financed by foreign organizations with the assistance of local NGOs, occasionally with the involvement of foreign experts, raised important election issues in the year preceding the 1998 polls. These public seminars helped NGOs, political parties, and the government to establish an independent national election committee to run the 1998 election. The UNDP Office provided advice on the process of establishing an independent electoral structure, capacity building within the NEC, and technical management of election activities.²⁴ Logistically, international civil society organizations, such as the Konrad Adenauer Foundation, produced educational booklets on various aspects of elections.

Donors also provided assistance that sought not only to promote free and fair elections, but also to strengthen local Election-Monitoring Organizations (EMOs). During the UN intervention in the 1993 election in particular, approximately 15 900 troops, 3000 civilian police monitors, and 1000 international staff were sent to Cambodia. In addition, 1400 international election monitors worked with polling teams that joined UNTAC at election time. The Electoral Component of UNTAC was central to the electoral process, receiving international assistance from 645 UN Volunteers (UNVs) and some 900 International Polling Station Officers (IPSOs).²⁵

Post-UNTAC period donors continued to send in their observers. During the 1998 election, some 500 international observers came from countries around the world. The EU Election Observer Mission (EUEOM) had the largest presence, with more than 30 long-term observers (LTOs) and 120 short-term observers (STOs). The US government provided aid to local and international observers and to UN election security monitors, particularly the representatives from the National Democratic Institute (NDI), the International Republican Institute (IRI), and The Asia Foundation. During the 2002 election, the NEC accredited 624 international observers from the EU Election Observer Mission (EUEOM), 19 NGOs, UN agencies, and embassies.

During the 2003 election, Washington provided \$8.6 million to NGOs' election activities. The Asian Network for Free Elections (ANFREL) also monitored nine politically volatile provinces. During the pre-election period, it fielded 65 international observers in all 24 provinces;

they covered more than 400 polling stations on polling day. In 2003, the EUEOM was once again the largest and best equipped, with 36 LTOs and 94 STOs. Administered by The Asia Foundation, the US Long-Term International Observation Group was made up of 15 international observers. ANFREL deployed 11 LTOs and 65 STOs. 'The NEC accredited a total of 1,156 international observers affiliated with foreign governments and international NGOs.' The Committee 'accredited 323 international journalists' in addition to local ones.²⁶

Unfortunately, international assistance for party building remained severely limited, largely because donors did not want to interfere in Cambodia's domestic affairs. Some donors, such as Canada, did make efforts to reach out to all parties in their programs, but paid little attention to party building, especially with regard to the opposition. According to former Canadian ambassador Gordon Longmuir, 'We never considered such a project [party building], and I don't think CIDA would ever have considered it, as it would have been much more controversial than the project we did mount, which includes training for all MPs, regardless of party.'²⁷ When a delegation of American officials visited Cambodia, met with opposition leaders in January 2004, and announced that it would give US\$7 million to the Alliance of Democrats, Cambodian government officials accused it of meddling in their country's internal affairs. So did some election observers, who rejected the US idea of supporting the opposition and accused Republicans of interference. Even the UN Special Representative for human rights to Cambodia, Peter Leuprecht, regarded the US strategy to strengthen the opposition forces as 'unhelpful and harmful'.²⁸

Only two international funders – USAID and Konrad Adenauer Foundation – provided assistance for party building.²⁹ According to its interim strategic plan (2002–05), USAID stated that it 'will help political parties to develop effective and internally democratic procedures and to improve their organizational capabilities, leadership development and message development'.³⁰ The strategy aimed to empower political parties by funding the activities of both the IRI and NDI based in Cambodia. In the early 1990s, the NDI also began to play a role in the process of party building; the US NGO provided assistance on how to listen to people and their concerns, to develop a message to address those concerns, to develop policies and ideas, to find activities in order to send a message, and to stick to one's own message.

The IRI began to conduct party training in 1992. It provided training to all registered parties interested in building party organization and campaign management in anticipation of the election in May 1993.

The IRI provided opposition activists and candidates with training in campaign management, communication, message development, and election monitoring with the purpose of fostering democratic principles. According to the IRI, 'Most of IRI's Cambodian program staff has been in place since 1994 and comprises a group of highly skilled and professional trainers with sophisticated knowledge of Cambodian politics. Cambodian staff members are thoroughly engaged in the development of training programs and materials and are responsible for the implementation of most training activities.'³¹

On the positive side, USAID could claim that its assistance helped support multi-party candidate debates during election times and contributed to a culture of peaceful dialogue among parties. In 2003, 12 debates, with party candidates from four provinces and enthusiastic live audiences of about 25 000, got broadcast on television and radio. During the campaign period, 20 debates took place and 14 out of the 23 parties took part. This assistance also helped promote mutual understanding among parties and enhance their candidates' debating and campaign skills. The SRP, for instance, proved most receptive to technical assistance and, as a result, it took positive steps in recent years to promote internal democracy. According to a USAID official, 'significant reform within the SRP is under way.'³² It emerged as the party with the best potential to operate in a democratic way.

How helpful the technical assistance proved in the long run to the strengthening of parties' institutional capacity remains unclear. Only a small fraction of donated funds went to party building. NDI employed only two professional workers to help build political parties; by September 2005, only one of them remained active. Funders justified such limited assistance on the grounds that most parties could not absorb more technical assistance than what USAID could provide. According to a USAID official, 'I don't know how much more we could have done. All you can do is to offer assistance. The responsibility lies with recipient organizations. Part of the problem is that these political parties have limited absorptive capacity.'³³

In spite of its efforts at party building, USAID did not seem to maintain it as a top priority. It provided technical assistance only to the most viable political parties. Small parties received no technical assistance, simply because they did not get elected to the National Assembly and showed no potential. According to a USAID official, 'You can't provide assistance to parties that don't have a chance to win in elections or those that don't function properly.'³⁴ Since 2004, USAID even moved from its funding focus on promoting competitive political

system in Cambodia to one based on a broader, long-term approach to democracy building. 'Good governance' as a broad concept recently received greater attention. At the December 2004 Consultative Group meeting, the agency laid out its new strategic priorities: corruption, courts, competitiveness, and civil society.

Conclusion

While providing helpful assistance, most international donors did not make institution building at the state, political and civil society levels a long-term policy priority. Their aid policy commitments focused on short-term projects. As a result, recipient organizations could not afford to think long term, especially in the area of institutional development. Recipient civil society organizations also struggled to maintain their operations by competing for funds and often sought to please their funders to the neglect of institutional development. Political party building received the least attention from donors. Donors thus laid a shaky foundation for democracy building and bore some responsibility for the limits of institutionalization in Cambodia.

14

Limits of Economic Assistance

The international donor community made a noble policy commitment to the reconstruction and development of the Cambodian economy and did help ensure decent economic growth throughout the 1993–2006 period. As noted, however, the growth the country enjoyed offered most Cambodians limited benefits. Complex realist institutionalism further helps make sense of this problem. This chapter focuses on donors' economic development shortcomings, despite their good intentions and generous assistance. It first examines donors' policy commitment and then reveals the limited impact of economic neoliberalism. Furthermore, this chapter demonstrates that the lack of aid coordination among donors, as well as between donors and Cambodia, posed a chronic challenge to economic development.

Donors' assistance for economic development

The Paris Peace Agreements emerged as the first official document that committed international donors to the reconstruction of the Cambodian economy. Article 24 stated that, 'The Signatories urge the international community to provide economic and financial support for the rehabilitation and reconstruction of Cambodia'.

The Agreements also made it clear that donors would not impose their development agendas on Cambodia. The Declaration on the Rehabilitation and Reconstruction of Cambodia, Paragraph 2, contained the following provision:

The main responsibility for deciding Cambodia's reconstruction needs and plans should rest with the Cambodian people and the government formed after free and fair elections. No attempt should

be made to impose a development strategy on Cambodia from any outside source or deter potential donors from contributing to the reconstruction of Cambodia.

However, the Declaration made it clear that Cambodia would develop a market economy. Paragraph 12, for instance, specifically stated that, 'This reconstruction phase should promote Cambodian entrepreneurship and make use of the private sector, among other sectors, to help advance self-sustaining economic growth'.

No doubt, the Agreements indirectly aimed to integrate Cambodia into the global economy. The United Nations, international financial institutions (presumably including the IMF) and agencies would send missions to the country. Moreover, the Agreements urged bilateral, regional, and international donors and the future Cambodian government to develop, according to Paragraph 5, 'a significant degree of cooperation' and, according to Paragraph 3, to coordinate as much as possible. The Declaration further urged, in Paragraph 12, that the international community should work 'to harmonize and monitor the contributions...to the reconstruction of Cambodia after the formation of a government following the elections'. The international community would also establish a consultative body called the International Committee on the Reconstruction of Cambodia (ICORC).

Bilateral donors showed a lot of good intentions and action in the process of developing the economy. Between 1993 and 2006, Japan provided large amounts of assistance, approximately US\$100 million per year. Its assistance included both loans (which resumed in 1999 after ceasing in 1998) and grants. Japanese grants concentrated on building transportation infrastructure (such as roads and bridges), social infrastructure (such as water supplies and electricity), and agriculture. Technical assistance also covered rural development. At the Consultative Group (C-G) meeting in March 2006, the Japanese delegation issued a statement to reassure Cambodia of its continuing assistance: 'Japan [since 1992] has continuously supported Cambodia throughout its transition from peace settlement, reconstruction, to development...recognizing the importance of the development of Cambodia for...Asian regional stability and for rectifying the regional economic gap among ASEAN countries.'¹ In January 2001, Prime Minister Keizo Obuchi's visit to Cambodia made it the first by a Japanese head of government in over 40 years. He pledged to assist Cambodia by turning the next 10 years into a decade of development and prosperity. He further expressed his readiness to send Japanese

experts to help Cambodia in the areas of taxation and debt management and considered providing the Cambodian government with non-project grants worth 2 billion yen.

The major multilateral donors that provided assistance to develop the economy included the World Bank, the IMF, the UNDP, and the ADB. The World Bank served as co-chair (with Japan) of the C-G pledging conference. Its assistance focused on improving management of macroeconomics, public sector reform, and demobilization. In 1994, the IMF began to provide assistance to Cambodia in several areas, such as reform of the economic structure and state-owned enterprises through the policy of Enhanced Structural Adjustment Facility (ESAF), Poverty Reduction, and Growth Facility. The ADB's overarching objective in Cambodia included restoration projects for national main roads, education, and sustainable poverty reduction. Between 1993 and 2005, UNDP, the World Bank, the IMF, and the ADB provided Cambodia with large amounts of financial assistance. UNDP's Country Cooperation Framework (2001–05) committed itself to governance, poverty reduction, human capital development, and management of national resources.

Other major multilateral donors that funded development projects in Cambodia included the EU. Although it adopted the European Consensus on Development in 2005, in which it made poverty reduction its primary aim, the Union had provided assistance to help develop the Cambodian economy from the early 1990s onward. In March 2006, the Union pledged to give Cambodia almost \$164 million, in part for education, health, and rural and economic development.

Between 1992 and 2006, the donor community pledged a total of at least \$6 billion at the three ICORC meetings and at the subsequent C-G meetings. Even though donors did not make any pledges in 1998, they disbursed \$433.28 million worth of development assistance to Cambodia in that year. At the end of 2001, the donor community claimed to have disbursed a total of \$4.1 billion. The term 'official development assistance' remains too broad for researchers to determine how much exactly donors allocated to help develop the economy. Resources may include all of the following: economic management, development administration, natural resources, education, agriculture, forestry, fisheries, area and rural development, energy, domestic and international trade, transport, communications, industry, social development, and health. According to the Council for the Development of Cambodia (CDC), disbursements increased from a total of \$472 million in 2001 to \$610 million in 2005. The CDC had previously indicated that the Cambodian government '[was] gratified by the support of its

external development partners and hopes that they will continue to provide their support to enable Cambodia to achieve its goal of reducing poverty among its people.¹²

Without all this assistance, Cambodia would not have experienced the level of economic development that it did. Yet after more than a decade of economic assistance, Cambodia remained one of the world's poorest countries. In spite of noticeable economic growth rates, prosperity remained confined to only a minority of Cambodians. Some donors may find it easy to lay the blame on Cambodia and its government officials for not making reforms effective enough. But as we shall see, some donors themselves began to acknowledge their share of the problem.

Limits of donors' role in development

Donors bore some responsibility for the limited success in reducing poverty in Cambodia and ensuring economic development that would be beneficial to all Cambodians. The garment industry became the biggest engine of economic growth in Cambodia, but donors did not always do their best to strengthen or expand this sector. They did not import more Cambodian garment products. According to one study by the Economic Institute of Cambodia, Australia, Belarus, Canada, Japan, New Zealand, Norway, Russia, Switzerland, and Turkey granted Cambodia GSP status; however, 'the benefit from GSP of those countries is very little.'¹³

The EU also showed its willingness to import goods from Cambodia under its 'Everything But Arms' initiative, giving the country duty- and quota-free access to its market. But the 'Rule of Origin' clause that the Union imposed on Cambodian products limited this access. Cambodian garment factories must 'wholly obtain' their raw materials from Cambodia and other ASEAN countries through the 'regional cumulation method' and must have their products sufficiently processed inside the country. Unfortunately, an industry based on Cambodian raw materials virtually did not exist. According to one study by members of the Economic Institute of Cambodia, 'The country has limited production of fabrics and accessories and it is fully dependent on imported inputs for garment exports. Moreover, buyers dictate the specifications and sourcing fabrics.'¹⁴ The fabric supply required for garment production came mainly from China, Hong Kong, and Taiwan, which together accounted for about 90 per cent of supply.

International assistance for the development of the agricultural sector remained extremely limited. According to the World Bank's

2006 report, donors did provide assistance to help develop the sector. The disbursement of their pledges for this sector 'peaked in 1996, but subsequently sputtered at around 2–4 percent of GDP during 2000–04.' However, 'foreign aid has been highly skewed away from agriculture, and despite the size of the agriculture sector, the share of foreign aid going to the agriculture sector since 1999 has only been in the 8–10 percent range.' The report adds: 'Most of this funding has been for technical assistance, [but] the impact of technical assistance has been largely disappointing.'⁵ Donors spent almost half of their aid on technical assistance, mostly on personnel expenses for foreign experts, but investment in the area of poverty reduction remained small. For example, agriculture received little attention from donors: \$37 million (2002) and \$25 million (2006).

Even Japan could not do much for the poor in rural areas. A report by the Japan International Cooperation Agency (JICA), for instance, confirmed the difficulties it faced in rural development areas: 'Although Japan has stressed development of rural areas where 90% of the poor reside, its assistance has been limited to Phnom Penh and its surrounding areas due to security problems.'⁶

The limits of agricultural development in Cambodia also had its root in the way donor countries' national policies limited their importation of its agricultural products. Developed countries, such as Japan and those in the EU, tended to impose non-tariff barriers, such as standard barriers, and thus imported very few Cambodian agricultural products. In recent years, some donor countries, even China, have added restrictions to the agricultural products Cambodia could export to them. In December 2004, for instance, Beijing issued new regulations requiring Cambodia 'to provide the required documents to the General Administration of Quality Supervision, Inspection and Quarantine'. In addition, 'China has...required the right to request further documents and to dispatch a group of experts to conduct field inspections in Cambodia.'⁷

Moreover, donors did not put enough pressure on the Cambodian government to remove factors that impeded economic development. For example, they repeated their argument that corruption remained a serious obstacle to development,⁸ but did not demonstrate any serious interest in going beyond issuing critical statements.

Donors often praised the Cambodian government's socioeconomic achievements after the early 1990s. The IMF and the World Bank stood among those who tended to regard progress as significant or remarkable. The Resident Representative of the IMF, John Nelmes, for

instance, wrote that the IMF Executive Board had approved debt relief for Cambodia, which amounted to \$82 million. But he offered the rationale behind this debt relief, stating that 'Cambodia... qualified for IMF debt relief because of its overall satisfactory recent macroeconomic performance, progress in poverty reduction, and improvements in public expenditure management.' He further emphasized that, 'Since 1999, Cambodia has enjoyed robust economic expansion, with annual growth rates averaging over 7 percent.'⁹ As noted earlier, the World Bank judged poverty reduction in Cambodia as 'relatively rapid'. Japan went so far as to say that the Cambodian government 'is certainly moving toward achieving Cambodia Millennium Development Goals' and 'we are thrilled to work together with the Royal Government and other development partners to further improve and elaborate [on] the content of the NSDP [National Strategic Development Plan] as it meets the changing needs of this country.'¹⁰

The government does deserve some credit, but undue praise may have given it the wrong impression that its success allowed it to ignore donors' pressure. Keat Chhon, Cambodia's Minister of Economy and Finance, for instance, welcomed the IMF's decision regarding debt relief, reconfirming that 'Cambodia is qualified for IMF debt relief because of her recent overall satisfactory macroeconomic performance, progress in poverty reduction, and improvements in public expenditure management'.¹¹ In his speech at the C-G meeting in March 2006, in another instance, Hun Sen wrote the following: 'The broad picture, I have tried to place before you [donors] today, shows the vast distances Cambodia has traversed in mere ten years, accelerating significantly in the last four years, to transform itself from a strife-torn, problem-ridden, poor country to one firmly on the path to progress and realization of its true potential.'¹² He acknowledged 'new challenges ahead', but his optimism may have helped 'disarm' donors critical of his government's economic policies.

From early on, donors did show unhappiness with the level of corruption in Cambodia and did make efforts to help it tackle this problem, but they did not confront the government's lack of will vigorously. Not until the failure of military demobilization did the World Bank take a more aggressive stance, but it could do no more than requiring the government to pay back US\$2.8 million. The World Bank made no demand for punishment of individuals involved in the corruption scandals, either.

Ultimately, donors' 'pro-poor' growth strategy did not work well, because it rested on the neo-liberal economic agenda that tends to

work in favor of the elites in the private and public sector, as already noted in Chapter 12. It especially enriched those in positions of power and kept the poor marginalized.¹³ The logic of economic neo-liberalism still defies the vision for more socioeconomic equity, by placing complete confidence on elites, regarding their investment as the engine of growth and expecting economic benefits to 'trickle down'. In Cambodia, as Oliver Richmond and Jason Franks note, the banking system dealt mainly with members of the elite and 'had no lending beyond them, and the tax system favours the rich'.¹⁴

As a result of globalization driven by this neo-liberal ideology, economic inequality has increased around the world. UN reports further confirmed that such inequality increased in Asia.¹⁵ Donors in general and the World Bank in particular emphasized the need for poverty reduction, but said little about the distribution of wealth that could help address a growing concern about social injustice. By empowering the economic and political elites through the neo-liberal economic agenda (still committed to a free-market philosophy) the 'pro-poor' growth strategy worked against the poor. The World Trade Organization admitted Cambodia as a member, but human rights organizations remained critical of the terms and conditions granted to the country and possibly negative consequences.¹⁶

Unsurprisingly, donors found themselves powerless, as Cambodian elites did their best to tell them what they wanted to hear without having to implement the necessary reforms. Over the years, Cambodian elites learned to make their pledges to meet donors' demands, but then made all kinds of excuses when they could not fulfill them. According to a corruption report, 'In an apparent effort to convince donors that activity is more important than commitment, the RGC [Government] has participated in preparing innumerable plans and has established numerous councils' and 'prefers to deal with donors one at a time, or in isolated sectoral working groups'.¹⁷ Donor officials found their attempts to pressure the government increasingly ineffective. Rather than improving their coordination to ensure the effectiveness of aid projects, donors worked very much on an individual basis.

Lack of donors' aid coordination

Part of the problem with the international donor community resulted from its members' limited willingness or inability to promote effective aid coordination among themselves on economic matters and with their Cambodian partners.

Initially, donors had no clear agenda for Cambodia's development path: 'The ICORC meetings, including preparatory meetings in Phnom Penh, were far less successful in initiating any real discussion on the direction of Cambodia's development path, much less bringing to the fore particular donor concerns, such as transparency, good governance, and progress toward the rule of law.'¹⁸

Donors did try to coordinate their activities on development projects. After all, their contributions to Cambodia since the early 1990s derived from a shared understanding that the country needed outside assistance, especially in the area of economic development. Beyond that, donors hardly worked together. Until 2002, approximately ten years after the international community got involved in Cambodia, donors did little to coordinate their economic assistance. They held their annual pledging conferences on a regular basis, with the exception of 1998 and 2003, under the co-sponsorship of the Japanese Government and the World Bank. But these conferences basically only gave donors the opportunity to assess progress and present their own views, often somewhat critical of the Cambodian government.

For its part, the Cambodian government tended to defend itself by showing evidence of effort and progress, as well as by laying blame on donors. Hun Sen, for instance, complained about the lack of efficiency regarding aid delivery. In 1999, he made the following remarks:

Lately, we have also taken note that the donor community and financial institutions have their own projects separately which has caused difficulties to us. There is no proper package – no common scenarios. In some places in Cambodia, you see too much assistance and in other places not any...In some provinces the assistance has been too much. In the whole country, there remain six provinces which have received no assistance at all. Therefore we would like to have a mechanism for co-ordination between the donor community and the government and within the donor community....Lately we asked the ADB to play the leading role in roads and water. The idea is not to have overlapping projects and not to give assistance to just one place.¹⁹

Leading international organizations and agencies, including those of donors, also acknowledged this problem. More and more donors also began to recognize the lack of coordination. The Japan International Cooperation Agency (JICA) acknowledged this problem in a 2002 report, which stated the following: 'Although there is trend towards

effective and efficient cooperation by strengthening international partnerships to increase Cambodian ownership, the experience of partnership formation has been limited so far due to differences in approaches, aid schemes, and procedures among the donors.²⁰

Donor officials themselves apparently began to realize this problem in recent years. The World Bank's country manager, Nisha Agarwal, for instance, conceded that donors should bear some responsibility for the lack of aid coordination. In her words:

We believe part of the problem is the ineffective way we donors are providing assistance. Because of our complicated procedures, the lack of coordination, gaps in important areas and duplications in others, and high volumes of aid coming in the form of technical assistance, it's not being well used. We need to harmonize what we do collectively and align our missions with the country's priorities.

She emphasized this point by raising a question: 'At the next [CG] meeting, what is less important is the amount of aid and what is more important is the quality of that aid. How do we deliver at less cost to government and where does it go?'²¹

A report by the World Bank and the IMF acknowledges that, 'Over the past decade, poor aid management has not only resulted in technical inefficiency, but also contributed in part to the governance problems facing the Cambodian state.'²² The report further acknowledges that 'There is much that donors can and should do to make their assistance to Cambodia more effective. There are numerous examples of how donors have behaved, individually and collectively, which result in inefficient and ineffective aid.' Moreover, poor aid management may have done harm. The report adds that donor behavior might 'even make things worse by contributing to (or exacerbating) a culture of corruption and patronage in the use of public resources. Poorly managed aid can inadvertently impede the evolution of a coherent Government vision of long-term development; or undermine the capacity of institutions of the state and de-legitimize civil society organizations'.²³

Both the World Bank and the IMF also appeared to have accepted donors' responsibility for Cambodia's continuing economic problems. Their joint report confirmed that donors:

[were] strongly committed to Cambodian development and are anxious to be part of the solution. But they may also be part of the problem. The failure to speak out for Cambodia's poor with one

voice or to link financial and technical support to performance and outcomes has sent mixed signals to the country's leadership which has shown itself rather adept at doing just enough to win donor support.²⁴

The report further urged international donors 'to reduce the cost to Cambodia from failures in donor coordination' and to align their programs with that of the Cambodian government. Donors should also 'begin the process of reform on' their side. Their 'first important step would be to provide coordinated assistance to the Government's next five year plan from 2006–10 which will seek to develop the policies and investments that will turn the vision of the Rectangular Strategy into a reality for Cambodia.'²⁵

Not until late in 2002 did some donors began to realize that they needed to ensure better coordination among themselves. The ADB, the World Bank, and the Department for International Development of the United Kingdom (DFID) started to prepare country strategies for Cambodia at the same time. Their programming officers started to hold retreats and meetings in Phnom Penh, Bangkok, and Manila, where they shared information and sought to reach a consensus on a vision and expectations. According to the ADB, 'The retreats were important steps toward a heightened level of shared understanding of the operating frameworks, as well as the realities of the partners, and led to a statement of partnership principles.'²⁶

Although this constituted a step in the right direction, it remains difficult to analyze its results, since this effort began only recently. Until 2003, donors had proven incapable of effective coordination among themselves. They apparently did not invest the time and effort to help them understand their different mandates.

At the pre-CG Meeting held on 10 September 2004, the Cambodian government and donors appeared to have agreed on the need to establish technical working groups (TWGs), when Hun Sen announced the establishment of 17 at the sectoral/thematic level. Finally, the ADB, the World Bank, and the IMF 'stated publicly that they are committed to a unified approach.'²⁷ But at the end of 2004, both the World Bank and the IMF could only offer 'important grounds for optimism regarding donor relations'. They saw several positive developments during the year that 'significantly improved the prospects for moving toward a more productive use of aid resources'. Donors apparently improved 'better communication and greater cohesion of strategic vision among' themselves.²⁸ Their joint efforts included analytical work, common

country strategy developed by the ADB, the DFID, the World Bank, and the UN, mainly UNDP. They conducted joint efforts aimed at bringing the Cambodia's public financial management up to international standards. More actions on the ground included a series of government-donor workshops aimed at assessing the current state of harmonization policy and preparation of 'documents defining roles and responsibilities in government-donor partnerships'.²⁹

As recently as November 2004, approximately 200 civil society organizations issued a joint public statement urging international donors to adopt a united stance on Cambodia. They blamed donor leniency and complacency for worsening poverty over the past 10 years. They then urged donors to better coordinate their aid activities and to set clear benchmarks for the Cambodian government.³⁰

The ADB regarded 'weak coordination' as producing a number of problems. They included 'piecemeal results', 'duplication of efforts and overburdening of the Government', 'reduced opportunities' for mobilizing co-financing, 'inconsistencies in the implementation of some policy reforms,' and 'limited collective policy dialogue with the Government on complex and sensitive issues such as corruption'.³¹

Donors managed to reach more consensus on aid coordination in recent years. The USAID acknowledged the donor community's policy shortcomings and potential for progress: even consensus among donors on corruption and governance did not arrive until the C-G meeting in December 2004. In its own words, 'The donor community in Cambodia is almost certainly better organized and coordinated than ever before. During the recent Consultative Group (CG) meetings held in Phnom Penh in December 2004, there was remarkable donor consensus on the main challenges facing Cambodia, with corruption and good governance topping the list.'³² Donors made some progress when they joined the Cambodian government in making a formal commitment in the form of the Paris Declaration of March 2005 aimed at getting development partners to align their assistance to the National Strategic Development Plan (NSDP).

But by early 2006, a statement on behalf of development partners only had this to say: 'it is important that all Development Partners work with...the Royal Government, to strengthen relevant Technical Working Groups and to build opportunities for policy dialogue and discussion between the different stakeholders working on development in Cambodia.'³³ To put things plainly, the need to improve aid effectiveness began in the form of discussion, agreement, and action plan. As the statement further indicated, 'these alone are not enough to

achieve the direct results and attain the most vital element of all – improved development impact.’ The state further urged donors to streamline and make more transparent ‘the environment for delivering effective assistance needs’.³⁴

By the mid-2000s, both sides had at least established 17 TWGs and the Government-Donor Coordination Committee (GDCC), which held quarterly meetings to review activities and progress. Some donor officials made the case that donors now tended to ‘over coordinate’ their project activities.³⁵ Donors may thus have done more to ensure effectiveness in future aid coordination, but past evidence shows a degree of skepticism in that their actions demanded more than good intentions and collective policy commitment.

Moreover, as mentioned earlier, if 2006 marked a new step for the next five-year plan, we have to wait until the end of that vision before anyone can proceed to do further empirical analysis. One major problem donors had to face in Cambodia had much to do with the fact their number remained large, thus making it difficult for them to harmonize their individual programs. The TWGs may help make the coordination of aid activities more effective in the future, but they may also keep donors individually involved in separate issue-areas and divided.

A critique leveled against IMF experts’ papers published under the title *Cambodia: Rebuilding for a Challenging Future* (2006) by former UN Special Representative Peter Leuprecht tells us more about the Fund’s policy rhetoric than reality. The Fund liked to work alone. In his words, ‘The IMF and its experts seem to work in splendid isolation. The volume occasionally refers to the World Bank, but the comprehensive work done by the UN and its specialized agencies for and in Cambodia is completely ignored’.³⁶

Conclusion

International donors made a shared commitment to the reduction of poverty and socioeconomic inequality (which grew rather than declined), but proved unable to take effective collective action to achieve this objective. Many developed countries spoke of the benefits of globalization, but failed to open up their markets to agricultural products from the developing world. Worse, they took little action to make their aid coordination more effective. The neo-liberal economic agenda adopted by many donors resulted from their understanding of political failures in developing countries, but donors themselves proved unable to make such policies work to the long-lasting benefit of

the poor. All this helped maintain both the limits on Cambodia's ability to develop economically and the uneven distribution of economic gains across society. This does not mean that poor Cambodians gained nothing, but that the liberal agenda first and foremost helped enrich and empower members of the elites whose self-interest still left the country's formal institutions weak.

15

Limits of Political Assistance

Members of the international donor community made weak efforts to help build a system of institutional checks and balances in Cambodian democratic politics at state, political and civil society levels. As noted earlier, they proved far from sufficiently effective when it came to institution building and economic development. Complex realist institutionalism further contends that donors remained divided, thus unable to act collectively and effectively as a community capable of constraining the CPP elite under Hun Sen's political leadership. They made ineffective responses to the monopolization of power by the prime minister: they could not take well-organized collective diplomatic action to prevent this deinstitutionalization of democratic power. Major bilateral donors, such as the United States, Japan and China, also pursued security interests.

Donors' weak responses to assaults on Cambodian democracy

The willingness and ability of donors to constrain the Cambodian executive branch received a lot of scholarly attention,¹ but it may prove helpful to divide our attention between the periods before and after 2000. Before the end of the 1990s, two major events come to mind: the March 1997 grenade attacks on the SRP demonstrations and the July 1997 coup that led to the overthrow of Ranariddh.

Regarding the coup, leading members of the donor community, most notably the 'Friends of Cambodia' (notably Canada, France, Japan, and the United States) managed to put enough pressure on Hun Sen to allow Ranariddh and other opposition members to return to Cambodia, where they subsequently competed in the 1998 election.

But as noted, the international intervention produced no more results than this. The winner in the 1993 election could not hope to win again. FUNCINPEC's loss allowed Hun Sen to consolidate his power.

Overall, donors achieved relatively little in terms of helping to keep the process of democratization moving forward. Physical attacks on opposition parties in the 1990s and 2000s did receive international criticism and condemnation, but donors did no more than express regrets and call for legal actions against perpetrators. Even American organizations most critical of the CPP never went beyond issuing critical statements expressing concern over threats made against opposition parties. The FBI investigation into the 20 March 1997 grenade attack, for instance, achieved nothing; in March 2004, with the investigation stalled, the president of the IRI then called on the FBI to complete its undertaking. After a series of political assaults on the SRP, American NGOs that funded some local organizations issued statements calling for action. The chair of NDI, former US Secretary of State Madeleine Albright, and NDI President Kenneth Wollack, for instance, simply issued a public statement on 28 July 2004 calling for urgent action to protect Cambodians.²

Even the European Union (EU) applied insufficient pressure on Cambodia in the area of human rights. When asked why, the UN Special Representative on Human Rights in Cambodia, Peter Leuprecht, simply replied, 'I will not comment on that. Maybe it will improve.'³ The EU went so far as to declare the 1998 election free and fair. Other critics accused European donors of weakening civil society by shutting NGOs out of a new working group on good governance established in May 2000 to examine such issues as judicial and legal reform, rule of law, land reform, corruption, and human rights. As one journalist put it, 'According to sources inside the donor community, France and the European Union (EU) have been particularly opposed to including NGOs in the working group' – due to their fears of causing friction.⁴

France (the EU member with the strongest presence in Cambodia) would not even call the 1997 coup a coup. In addition, its diplomats even accused the Royalists of siding with Khmer Rouge leaders and of provoking the CPP, a recognizable pattern in France's Cambodia policy in favour of the ruling party. As recently as late 2000, a journalist wrote: 'France is reluctant to criticize the present government...In doing so France willingly condones abject practices, serious abuses and gross violations of human rights.'⁵

Lao Mong Hay, former director of the Khmer Institute of Democracy, also directed harsh criticism at France: 'The exclusion of NGOs speaks

volumes about Cambodian rulers and some donors alike. It simply shows their true colors.' He adds that,

French officials, who seem to prevail over the donor community ... repeated what their predecessors had done in colonial times. They are consolidating in Cambodia what is an anachronism itself back in their country, that is, centralized governance, and ignorance and contempt for...civil society, when their predecessors were consolidating royal absolutism which had already become an anachronism in their own country.⁶

In the 1990s, international intervention in Cambodia proved either unwilling or unable to weaken the CPP's power, to equalize factional forces, or even to empower civil society to the point where power symmetries could emerge and strengthen the democratic process.

Members of the donor community did little better throughout the first half of the 2000s. For instance, the case of Chea Vichea (the trade union leader assassinated on 22 January 2004) invited some displeasure from various sectors in the international community. Some passed resolutions condemning the incident, while others demanded that the Cambodian government take action to bring the perpetrators to justice. But international pressure sometimes may have worked the wrong way. As noted earlier, the Phnom Penh Municipal Court found two men guilty, sentenced them to 20 years imprisonment, and ordered them to pay compensation to the Chea family, but the Office of the High Commissioner for Human Rights remained skeptical about whether the two prisoners had truly committed the crime.

International responses to attacks on other members of civil society in late 2005 and early 2006 showed little credible commitment. Officials belonging to donors expressed displeasure or simply reminded Cambodian leaders of their obligations to respect international conventions and treaties. Only a handful of foreign embassies in Phnom Penh bothered to make critical comments. Germany's ambassador stood among the first to state that the actions might hurt the Cambodian economy, because the country depended on international support.⁷ The Canadian ambassador also showed displeasure with the Cambodian government and made some critical comments. But Australia and Japan remained publicly silent. Japanese officials rarely if ever applied public pressure when the government violated human rights. Tokyo, which adopted a long-term view based on the virtues of 'patience' and 'perseverance', may have taken a critical stance behind

closed doors. According to one NGO representative based in Phnom Penh, Japanese diplomats regarded CPP officials as 'good people who did well because they brought the country peace and stability'.⁸

Representatives of some multilateral donors responded even more weakly. On 9 January 2006, the World Bank Country Director for Cambodia, Ian Porter, issued a statement expressing regret about the Cambodian government's actions. He warned that the political leadership risked 'undermining Cambodians' faith in their Government's commitment to good governance and their willingness to engage in free and open discussion of issues that affect their lives'. The statement also urged the Cambodian government 'to consider very carefully the compatibility of such actions with the commitments it has made towards building a more open, democratic and just society'. It also warned Cambodia of economic consequences: the crackdown 'will send a worrying message to potential investors and Cambodia's development partners about Cambodia's commitment openness, transparency and sustainable development'.⁹ On 19 January 2006, the European Parliament also passed a resolution, taking note of Cambodia's deteriorating democracy and its leaders' use of repressive tactics to silence peaceful critics of the government and to eliminate effective political opposition. However, the resolution only expressed deep concern, and urged and reminded the Cambodian government to meet its formal obligations and commitments to democratic principles and fundamental human rights. Comparatively, human rights organizations issued perhaps the strongest statements of condemnation.

In more recent years, the US ambassadors became more and more assertive in applying pressure on Cambodia, but still did not display real effectiveness. After it cut off all government-to-government assistance to Cambodia, especially after the coup in 1997, the United States appeared to have lost much influence on the Hun Sen government. Ambassador Joseph Mussomeli, for instance, could only ask the Hun Sen government why it passed laws of less importance but failed to pass the anti-corruption law and warned Cambodian leaders that Washington faced significant budget constraints.¹⁰

By comparison, the UN Special Representatives for Human Rights and the Cambodia Office of the High Commissioner for Human Rights emerged as the external actors most critical of the ongoing violation of political rights and civil liberties. Together with other less vocal donors, they did help prevent violence in Cambodia from escalating or spreading, but they could not stop the ruling CPP elite from consolidating political power by weakening its political opponents and

critics. Hun Sen often threatened to close the Cambodia Office of the High Commissioner for Human Rights because Cambodia wanted the UN to respect its sovereignty, saying it could deal with the latter through its mission in New York. The Director of the OHCHR said she could only hope to keep the office open until the 2008 election.¹¹

Overall, donors proved increasingly unable to apply pressure to move Cambodia in the direction of democracy. Former Canadian Ambassador to Cambodia Gordon Longmuir noted that, 'Most donors, and certainly UN agencies, seem reluctant to use their economic leverage to persuade the RGC [Royal Government of Cambodia] to accelerate its reform process, even with regard to the electoral process'.¹² donors not only responded reluctantly to attacks on democracy, but continued to 'reward' the CPP's anti-democratic behavior with more financial aid. At the Consultative Group (C-G) meeting in Paris on 24–26 May 2000, they pledged to give Cambodia \$548 million for the following year. In 2002, donors sought to expedite the pace of reform, especially in the legal and judicial sector. But they could only adopt benchmarks without applying any effective political pressure. Again in December 2004, donors and the Cambodian government agreed in principle to let the Council of Ministers adopt and submit to the National Assembly several legal texts, such as a Criminal Code, a Criminal Procedure Code, a Civil Code, a Civil Procedure Code, a Law on the Organization and Functioning of the Courts, a Law on the Amendment of the Law on the Supreme Council of the Magistracy and a Law on the Status of Judges and Prosecutors. By 2006, they made little progress. Following a series of crackdowns on political critics in late 2005, the donor community still pledged to give Cambodia \$601 million, more than the CPP had even asked for. Few donor representatives at the C-G Meeting in March 2006 bothered to raise human rights issues in the country. As noted in Chapter 14, they preferred to praise the Hun Sen government for having achieved political stability, economic growth, and poverty reduction.

The limits of donors' collective diplomacy

Donor representatives in Cambodia did not conduct collective diplomacy on a sustainable basis. Even the UN organizations did not adopt a 'One UN' approach when carrying out their activities. UN agencies (such as UNDP), the World Bank, and the IMF (as part of the UN system) tended to paint a generally positive picture of Cambodia's economic and political future, at least in public, and ignored critical

perspectives on Cambodia. The IMF did not seem to give much thought to human rights and democracy. Its country representative refused to give me an interview on these issues. Former UN Special Representative Peter Leuprecht's critique of the IMF approach reveals the following: "In spite of the official UN discourse on the 'mainstreaming of human rights', there is not the slightest trace of a human rights approach in the volume"¹³ published in 2006 by IMF experts under the title *Cambodia: Rebuilding for a Challenging Future*. The UNDP office played a useful role as coordinator among donors, but its officials tended to value political stability, for good reason. Dominique Ait Ouyahia-McAdams, when still representative of UNDP in Phnom Penh, for instance, stressed that '*successful reform implementation can only prosper under conditions of political stability*'.¹⁴ UNDP officials often defended their non-political approach to human rights by stressing their policy priorities of meeting Cambodia's socioeconomic needs and thus showed little enthusiasm toward the position taken by the UN Office of Human Rights in Cambodia (OHCHR/Cambodia), which tended to paint a grimmer picture of Cambodian politics, especially after 2003 (as political violence and repression continued). The OHCHR even cautioned against Cambodia's premature entry into the World Trade Organization, viewing this policy move as having the potential to give rise to future human rights abuse. One top UN official even put it bluntly: his agency 'could not sing' the OHCHR's 'song'.¹⁵

Leaders of UN organizations involved in Cambodia conducted no meaningful dialogue among themselves, especially on human rights. When they met in workshops, tensions between them became evident. Human rights officials tended to blame other UN agencies, especially those in the economic field, for not taking human rights issues seriously enough. According to the OHCHR, UN agencies with economic agendas did not wish to get involved in human rights problems.¹⁶

Leading bilateral donors did not always have democracy high on their agendas. Past imperialism understandably made it difficult for Japan (Cambodia's largest donor) to become interventionist. Tokyo's human security agenda based on economic developmentalism displays its 'discomfort with the seemingly interventionist thrust of evolving human security' and its 'unhappiness' with Western interventionism.¹⁷ It also should have come as no surprise, given that Japan itself has since the end of World War II maintained a one-dominant-party system. (Except for a onetime loss of office in the 1993 election, the Liberal Democratic Party has remained in power although since 1996 it has ruled the country with other coalition partners).

On human rights issues, donors also remained deeply divided. All donors, except China, remained anti-Khmer Rouge. The UN and Western democracies served as the main driving political force in this process. American politicians, particularly Senator John Kerry, paid visits to Cambodia with the aim of putting diplomatic pressure on Hun Sen to bring surviving Khmer Rouge leaders to justice. In January 2001, a 10-member congressional delegation led by House Minority Leader Dick Gephardt visited Cambodia and expressed its satisfaction with the host government's move to establish a criminal tribunal to try Khmer Rouge leaders. The delegation also offered the possibility that the United States would increase aid to Cambodia.

Even China befriended the CPP. It may help to recall that China (along with ASEAN and some Western powers, such as the United States) had supported the Coalition Government (CGDK, which included the Khmer Rouge faction) in the anti-Vietnamese war against the PRK/SOC regime throughout the 1980s. According to former Singapore Prime Minister Lee Kuan Yew's memoirs, China, the United States, Singapore, Malaysia, and Thailand had spent more than \$1.3 billion in a largely secret program on the CGDK forces throughout the 1980s.¹⁸ After 1993, China expanded its diplomatic and material support to the CPP-dominated governments in Cambodia.

However, China remained opposed to trials for Khmer Rouge leaders. When the letter from the two Prime Ministers of Cambodia sent to the UN in June 1997 got circulated to the UN Security Council, the 'Chinese delegation made it clear that it did not want to put the topic on the Security Council agenda'.¹⁹ Beijing proved unwilling to support any UN Security Council resolution to bring surviving Khmer Rouge leaders to justice. When the UN Secretary-General submitted a letter with the Group of Experts' report to the Security Council and the General Assembly on 15 March 1999, '[t]he Chinese were actively working against any further UN initiative.' The Chinese Ambassador in Phnom Penh even told the UN Special Representative for Human Rights Thomas Hammarberg in a meeting 'that the issue of the Khmer Rouge was an "internal" matter and should not be dealt with by the UN – not even on a Cambodian invitation'.²⁰ Beijing apparently interfered in the process of legislation through personal connections inside Cambodia. The Chinese embassy there played an active role in thwarting any attempts to set up an international criminal tribunal. On 18 February 2002, for instance, Chinese ambassador Ning Fukui met with Senior Minister Sok An and issued a statement that, 'A Khmer Rouge trial is an internal affair of Cambodia, and the Chinese government support such a decision'.²¹

China did not resist the idea of a national criminal tribunal so long as Cambodian judges would dominate its decision-making procedure. Instead of working with the UN to pressure the Cambodian government into accepting an international tribunal that would meet international standards of justice, Beijing actively sought to help the Hun-Sen government strengthen its regime security. After the violent conflict (or alleged 'coup') that drove First Prime Minister Ranariddh out of power in July 1997, for instance, China became the first country to recognize the change of regime. Soon after, Beijing sought to improve military ties with Cambodia.

ASEAN also never exerted any regional influence on Cambodia's human rights situation either; it provided active support to the CGDK and admitted Cambodia into the regional group as a member in 1999, even after its government had violated human rights during the incident in July 1997. Until the early 1990s, ASEAN countries had little to say about human rights and made no real attempts to help promote them, either within their national boundaries or within the region. Malaysia, for instance, did not favor intervention in the affairs of other states, even if they violated human rights. When asked if his country would intervene in another country controlled by someone like Pol Pot, Prime Minister Mahathir Mohamad replied, 'There will be ways of intervening that don't amount to actually interfering with their administration.'²² Singapore seemed less enthusiastic. When asked if his country would intervene in a country controlled by a leader like Pol Pot, Singapore's Prime Minister Goh Chok Tong said: 'The principal idea is not to comment or interfere in someone else's domestic affairs.'²³ Arguably the most democratic state in ASEAN, the Philippines never adopted a policy to promote human rights outside the UN system. Its government made it clear that it would not impose liberal values on another country.²⁴

Because of their political commitment to the traditional doctrine of state sovereignty and the principle of non-interference in the domestic affairs of states, ASEAN state leaders also chose to stay silent on the Hun Sen regime's repressive actions. When the political situation in 2005 deteriorated rapidly, for instance, none of them voiced any criticism. On 6 January 2006, *The Nation's* (one of Thailand's leading English newspapers) editorial noted ASEAN's ongoing silence when the Cambodian government intensified its crackdown on its critics, saying that 'Cambodia is lucky to have escaped condemnation from the international community, and, especially, from Asean.'²⁵

'Realist' donors' security interests

Donors also had their security interests. A close look at Cambodia's largest donor – Japan known for its pacifism – helps illustrate the point. Until 2006, Japan did much to help rebuild Cambodia. As early as in mid-1987, Tokyo made it clear it planned to offer support to the peace process in Cambodia and became actively involved after the early 1990s. In 1992, Japan sent its first-ever peacekeeping force to another country: Cambodia – to serve as part of UNTAC. But Tokyo seemed to behave more or less like a 'big brother'. Japan allegedly developed plans to rebuild Phnom Penh, but in a way that would make it a bit hard for others to fit into its overall scheme.²⁶

To understand Japan's interests in Cambodia, we also need to place them in the regional economic and security context of East Asia (including Northeast and Southeast Asia). Japan had a long history of economic interest in Indochina,²⁷ dating back to the years after 1905 when it 'tried to negotiate more favorable tariffs for its exports to Indochina'.²⁸ Japan showed interest in the reconstruction of the Indochinese states and other states in ASEAN during the 1970s. Japanese efforts to help reconstruct Cambodia and Vietnam in the 1990s may have resulted from its strategy to integrate them into the regional capitalist economy. At the IMF-World Bank meeting in September 1993, Japan joined France to help clear Vietnam's and Cambodia's IMF arrears (\$140 million and \$51 million, respectively) in an effort to allow the World Bank and the ADB to 'inject large amounts of aid' to these two states.²⁹

Japan may have sought to get Cambodia to 'look east' to Japan, as Malaysia did. The Japanese Embassy in Phnom Penh, for instance, sponsored a special public seminar by former Prime Minister Mahathir Mohamad during his visit to Cambodia on 20–21 February 2006. He delivered a speech on 'Nation building – Malaysia's Experience in implementing the *Look East Policy*' at the Cambodia-Japan Cooperation Center located on the main campus of the state-run Royal University of Phnom Penh. The speech heaped praise on Japanese work ethics and methods/strategies for economic development and raised the problem of change in government in front of a receptive audience that included the Japanese ambassador to Cambodia, Hun Sen and several of his deputy prime ministers, senior ministers, and ministers.³⁰

Japan also nervously had its eye on China. Over the last 15 years,³¹ China's economic diplomacy in Southeast Asia proved quite successful. Cambodia might become a key springboard for Chinese diplomacy to

win new allies in the region. Top Chinese officials often visited Phnom Penh. The Vice-President of the Chinese National People's Congress and Chinese President Jiang Zemin paid visits to Cambodia in 2000 and received warm welcomes from the host government. In February 2001, Chinese defense minister Chi Haotien visited Cambodia, bringing with him military packages worth more than \$3.5 million. During his visit to Phnom Penh in April 2006, Chinese Prime Minister Wen Jiabao pledged to give Cambodia \$600 million in loans, \$1 million less than the total amount pledged by the donor community in that year.³² Hun Sen's diplomatic efforts to build closer ties with China were based on his policy need to ensure China's defense of his autocratic regime's interests. The prime minister's China policy rested on his understanding that China had succeeded in expanding its political and diplomatic influence and could still defend the international principles of national sovereignty and territorial integrity. In September 2004, Hun Sen stated in Beijing that, 'China has become an economic powerhouse in East Asia. We have witnessed that China is stronger not only in terms of economic strength, but also her political influence and diplomacy [which] are spreading beyond geographic borders.'³³

China recently emerged as a major player in providing aid to states in Southeast Asia. According to Jane Perlez, 'Flush with nearly a trillion dollars in hard currency reserves, and eager for stable friends in Southeast Asia, China is making big loans for the projects to countries that used to be the preserve of Western donors – the World Bank, the Asian Development Bank and the United States – and Japan.'³⁴ Rivalry between China and the US/Japan security alliance correlates with the rise of Chinese power and the growth of Chinese influence over Southeast Asia. After 1997, Sino-ASEAN relations became increasingly positive. Late in October 2006, ASEAN leaders met in Beijing to mark 15 years of close relations with China and jointly proclaimed that both sides enjoyed 'mutual trust in politics and economic integration'. Malaysia's Prime Minister Abdullah Ahmad Badawi even claimed that, 'Perceiving China as a threat has been wrong.' Philippines President Gloria Macapagal Arroya further regarded ASEAN's closer ties with Beijing as beneficial to the region. Trade relations between China and Southeast Asia jumped to \$130 billion in 2005 from only \$2 billion in 1980. Chinese investment in the region slated to increase from \$35 billion by the end of 2005 to an estimated \$200 billion in 2010.³⁵

China also provided unconditional aid to Asian countries (such as Cambodia, Laos and Myanmar), and this also raised competition with Western donors and Japan. Chinese aid carried no conditions or penal-

ties for bad practices such as corruption. In its dealings with the Hun Sen government, the leadership in Beijing maintained a degree of secrecy and did not usually work alongside other donors involved in Cambodia. Until 2006, China had chosen to stay away from the C-G. According to one report, 'Western aid donors complain that China is secretive about its aid projects, and declines to attend the traditional meetings chaired by the World Bank in poor countries to co-ordinate aid activities'.³⁶ The Japanese ambassador to Cambodia, Takahashi Fumiaki, also expressed concern about China's aid, saying 'Currently we do not know clearly what projects and programs China is generally providing for this country' and 'We would appreciate China's active participation in donors' coordinating meetings'.³⁷

It should come as no surprise that Japan became more of a realist state after the mid-1990s. Michael Green argues that Japan's post-Cold War view of China moved 'from commercial liberalism to reluctant realism'.³⁸ Although there emerged strong consensus among Japanese elites on the need to maintain good Sino-Japanese relations, they began to think that Japan must move beyond trade scenarios. This shift came after China's nuclear weapons tests, Chinese military threats against Taiwan, and expressions of Chinese nationalism, as well as territorial claims. After Chinese President Jiang Zemin's disastrous visit to Tokyo in December 1998, the new Japanese view of China solidified: 'In the space of only a few years, Japan's fundamental thinking on China shifted from a faith in economic interdependence to a reluctant realism'.³⁹ Although Japan did not cut off all aid and investment or adopt policies to retard China's economic growth, as other realists would suggest, Japanese leaders became more suspicious of China's motives, began to doubt their own capabilities to affect change in China, and established 'multilateral and bilateral security networks to balance, and even contain, Chinese influence'.⁴⁰ North Korea's nuclear development further eroded Japan's complacency. The fact that 90 per cent of the new-generation Japanese politicians pushed for constitutional revision further suggests that Japan incrementally moved toward realism in defense of national security, its attempts to promote a national identity, and its efforts to press states in Southeast Asia, Central Asia, and Russia to 'broaden cooperation beyond economic areas to include a more explicit security and political agenda'.⁴¹

Moreover, the growth of Chinese military power appears to have driven Japan's security interest in Southeast Asia. China continued to pose a strategic challenge to the US/Japan security alliance. Recently, Japan further identified China as a 'threat' to its security interests.

Tokyo not only moved Japan toward greater independence from the United States, but also moved deeper into Southeast Asia by seeking 'a broader leadership role' in the region.⁴² China's growing role in Cambodia also had strategic implications for states in the region. In recent years, Cambodian leaders painted a brighter picture of Sino-Cambodian relations. Foreign Minister Hor Namhong viewed Wen's visit as opening 'a new chapter in the Cambodian-Chinese relationship'. Hun Sen also characterized China as his country's 'most trustworthy friend'.⁴³ Moreover, China's role in Cambodia extended its access to Southeast Asia's sea lanes. Sihanoukville remained Cambodia's deep-sea port (previously used by Chinese ships to deliver military hardware to the Khmer Rouge regime before the Vietnamese invasion of Cambodia late in 1978).

Rivalry between Japan and China over Cambodia may have intensified in recent years. Japan had expressed its desire to join the UN Security Council as a permanent member, and Cambodia provided a good opportunity for Japan to enlarge its international security role. Cambodian leaders had expressed its willingness to support Japan as a candidate for the Security Council. Cambodia's vote in the UN General Assembly may count very little, but Japan's image as a responsible power becoming more engaged in international security and its new international status depended on support from as many states as possible.⁴⁴ But as Cambodia developed closer ties with China, its position shifted. In 2005, for instance, Cambodian leaders adopted a wait-and-see attitude, saying that it would wait for other nations' reactions to Japan's bid for that position within the UN system.⁴⁵ In recent years, the Hun Sen government showed growing reluctance to offend China, which had no interest in seeing Japan become a permanent member of the Security Council.

The Asia specialist Frank Frost characterizes Sino-Japanese relations in the following terms:

[L]ong-term suspicions [between them] seem to be impeding their capacity to coexist and cooperate readily. China has not so far been willing and able to accept that Japan may have a legitimate right to assume a higher profile in the region and internationally, when China's leaders and many of its people remain resentful at Japan's 20th century history in relation to China and are suspicious about Japan's future intentions. Japan in turn has been concerned about China's rapid rise in economic and political influence in the region and sees China as intent on blocking Japan's efforts to assume a position commensurate with its economic strength and international standing (for example, in securing a permanent seat on the UN Security Council).⁴⁶

Evidently the United States and Japan together sought to contain China, which succeeded in forming 'the Coalition of Autocracies'.⁴⁷ During the Cold War, Japan leaned toward China and ASEAN, especially after the Vietnamese invasion of Cambodia in late 1978, and subsequently sought to use its aid as a policy instrument to woo Vietnam away from the Soviet bloc.⁴⁸ But after the Cold War, China apparently replaced the Soviet Union as a new source of treat. Tokyo also must have favored ASEAN's effort to pull Vietnam onto their side, hoping to strengthen collective 'bargaining power vis-à-vis China'.⁴⁹ In their attempt to court Hanoi, Indonesia and Malaysia even 'urged the United States to lift its embargo against Vietnam'.⁵⁰ Washington lifted the embargo in 1994 and 'granted its full support for Vietnam's membership of ASEAN'.⁵¹ According to China expert Robert Ross, both the United States and China remain 'strategic competitors [if not deadly adversaries] engaged in a traditional power struggle for security and influence'.⁵² In June 2006, US Secretary of Defense Donald Rumsfeld visited Vietnam, where he met with his Vietnamese counterpart and pledged to improve military ties. Both leaders shared a concern about China's rising power and its secretive military spending.⁵³

The US war on global terrorism may have also helped soften the Bush Administration's policy toward Cambodia. As Hun Sen succeeded in consolidating his power, he also presented himself as a state leader committed to combating terrorism in the region. At an international conference in Beijing, for instance, he asserted that, 'prosperity cannot be pursued in the absence of peace and security... Since the September 11 event, terrorism remains a serious threat to the region as a whole'.⁵⁴ Bilateral relations between the United States and Cambodia improved noticeably in recent years. In February 2007, a US warship paid a visit to Cambodia's seaport for first time in 30 years. The Bush Administration also signed a congressional appropriations resolution for the 2007 fiscal year, which 'contains no restrictions on direct US government funding of the Cambodian government activities'. According to US Ambassador Joseph Mussomeli, the move 'is yet another sign of the deepening and strengthening of the promising relationship between our two countries'.⁵⁵

Conclusion

This chapter further demonstrates the limits of international democracy assistance in the process of democratic regime consolidation through institution building. In addition to their limited role in economic development, donors could not unite to pursue collective aid

diplomacy. Strategic or security considerations by major bilateral donors constrained what the donor community could achieve. 'Realist democratic donors' used their influence through various channels to maintain their presence in Cambodia, but showed growing reluctance to push Cambodia deeper into the China camp.

Conclusion: Toward Complex Realist Institutionalism

This study has 'tested' the proposition that democratic consolidation depends on the institutionalization of democratic power, the development of a system of institutional checks and balances at three levels: the state, the political arena, and civil society. The more institutionalized organizations become, the more consolidated democracy gets. Democratic regimes become deconsolidated if institutions weaken. Institutional growth (or its lack) further depends on both non-material (cultural, ideological, and historical) and material (economic and political) factors. As the intervening variable, democracy assistance becomes effective in helping consolidate democratic regimes only if donors prove capable of strengthening institutions, ensuring equitable economic development, and helping to dehegemonize personal power.

As of 2006, Cambodia's democratic regime remained unconsolidated, with electoral rules, the liberal norms of accountability and non-violence, and the liberal principle of liberty all under threat. This study outlines why through an exploration of the limits of democracy assistance. First, the state, political, and civil society institutions failed to strengthen enough to establish an effective system of checks and balances. Second, structural challenges (non-material and material) constrained and impeded the country's institutional development. Third, democracy assistance did help transform the socialist dictatorship in Cambodia into an electoral democracy, but it could not effectively remove several key structural challenges to democratic regime consolidation; Cambodia thus may recede to an 'electoral dictatorship'.

This book has provided strong empirical validation for three relationships between key variables: between democratic consolidation and institutionalization or between democratic deconsolidation and deinstitutionalization (as discussed from Chapters 4 to 9); between

institutionalization (and deinstitutionalization) and structural challenges (as discussed in Chapters 2, 10, 11 and 12); as well as between structural challenges and international democracy assistance (Chapters 13, 14 and 15). The overall judgment remains that democracy assistance has its own limitations, especially when unable to overcome major structural challenges to the process of institution building fundamental to democratic regime consolidation.

Based on the Cambodian case (after the democratic transition late in 1991), this study now seeks to advance a theory distinct from rational-choice, normative, and historical institutionalisms called 'complex realist institutionalism'. Critics might charge that such an ideographic study (based on a single case) can hardly make a nomothetic claim (advancing a theory capable of producing 'law-like' generalizations). No doubt case studies have serious limitations, but insights derived from further case studies can help advance CRI.

In fact, other case studies lend support to this study's proposition regarding the limits of democracy assistance: namely, donors tend to focus more on short-term projects than on long-term institution building, have difficulty coordinating their activities, and prove unwilling or unable 'to apply strong political pressure, even when such pressure is pivotal in fostering long-term democratic development'.¹

At the level of theoretical abstraction, CRI differs from rational-choice institutionalism, whose explanatory power proves inadequate. If rational individual egoists behave as self-interested utility maximizers, rational-choice institutionalism can somewhat explain why significant members of the ruling elite in Cambodia, most notably Hun Sen, took action to consolidate their personal power as they did. But this calculus assumption does not explain why institutions remained unchanged, when the potential for change existed. On the one hand, Cambodian elites displayed the continuation of autocratic behavior. On the other hand, rational-choice institutionalism asserts that 'Institutions can also be "undone" when they no longer serve actors' interests – they provide only short-term constraints on individuals' behavior.'² Rational-choice institutionalism has trouble explaining 'stability'.³

Complex realist institutionalism thus credits normative and historical institutionalisms with a better analytical ability to explain certain institutional stability and normative continuity. Normative institutionalists pay attention to the impact of values, norms, and identities (which determine 'appropriate behavior').⁴ Illiberal norms, for instance, have the cultural power to resist or constrain liberal ones.

Cultural determinism (still prevalent in Cambodian studies), however, sows the seeds of confusion and offers no better alternatives to rational-choice institutionalism. Good at exposing events that explain normative resistance and continuity, cultural determinists offer little explanation regarding democratization. While they regard the seed of liberal democracy imposed from the Western world as undermining social and political stability, they also insist that Cambodia has a culture of absolutism and violence. Labeling Cambodians as a people capable of violence, but not of conciliation (as discussed earlier in this study), their reductionism spreads more analytical confusion than clarity. Culturalist determinists cannot have it both ways.

Complex realist institutionalism regards both normative and historical institutionalisms as inadequate in terms of explaining actual and potential change. Historical institutionalism does not explain why dictatorships give way to democracy. The theory treats institutions as historical products, which exist *anterior* and *a priori* to any agent who happens to operate within them at a given moment in time, but it also has 'a problem explaining change'.⁵ The theory does 'not have an easy answer as to why institutions in general (or particular political institutions) came into being'.⁶ Some historical institutionalists thus turn to agents' ideas to explain historical change.⁷ Others concede that institutions 'can shape and constrain political strategies in important ways, but they are themselves also the outcome (conscious or unintended) of deliberate political strategies of political conflict and of choice'.⁸

The perennial academic question of structure versus agency remains unresolved;⁹ however, this study demonstrates the crucial role of elites and donors (agency) in the process of democratic consolidation. Elites matter to the extent that they tend to adopt the strategy of 'hegemonization' within specific institutional and structural contexts in pursuit of their interests at the expense of democracy. Unless donors succeed in executing the strategy of 'dehegemonization', their democracy assistance always has limitations. Non-material and material structures do constrain and impede democratization in post-war societies, but do not determine it forever.

The casual institutional and structural realities (unobservable directly) make it extremely difficult for elites in post-war societies to build an effective system of institutional checks and balances; they tend to pursue relative gains (for some, at the expense of others) rather than mutual or absolute gains (for everyone). Complex realist institutionalism further argues that post-war politics remains deeply rooted in the security dilemma. Domestically, elites pursue power for security. Within

war-torn societies, security dominates politics, since no credible institutions exist to defend or protect their interests, and elites do not find it easy to put their fate in the hands of someone else. This structural dynamic tends to drive and perpetuate hegemonic power politics. Internationally, even donors care more about their national interests than about democracy, especially when faced with security challenges. Powerful donors remain conscious of their need for national or regime security. They often maximize security interests by seeking to maintain global hegemony. US foreign policy, for instance, proves this realist point: 'Americans are far more interested in maintaining US global hegemony...solely by further opening foreign markets to [their] goods and culture...than they are in the promotion of democracy *per se*.'¹⁰ Bush's realists said goodbye to democracy promotion.¹¹

As a theory, CRI rests on certain realist ontological and epistemological assumptions. Ontologically, CRI 'is realist because it does not abandon the notion of reality as existing independently of our knowledge and thus the objective of research methods to better understand and explain this reality'.¹² We cannot directly observe 'real' but 'deep' institutional and structural factors and thus have to rely on certain logical inferences. Epistemologically, CRI treats politics in 'complex' terms: an eclectic (multi-theoretic) approach to democratic consolidation. As noted, structural challenges to institution building have complex roots in cultural, ideological, and historical constraints and, more importantly, in economic and political impediments. An explanation that attempts to reduce itself to a single variable thus has little analytical merit. This study concurs with Jonathan Hopkin, who thinks that 'there are formidable problems in properly testing political science generalizations in a stubbornly complex world.'¹³ CRI thus favors eclecticism over reductionism.

Furthermore, CRI predicts that where no system of institutional checks and balances exists, political elites compete for any resources available as a means to ensure first and foremost their survival and security. Their competition can escalate into violence or war and may perpetuate the 'insecurity dilemma' among them.¹⁴ This helps explain why violence often becomes intractable in many war-torn societies, why elites find it difficult to comply with electoral procedural rules and liberal principles and norms. Cultural, ideological, and historical factors make it difficult for them to build mutual trust, but limited resources and the desire of elites to personalize power and secure their existence through tightening control over the economic, political, and security arenas further exacerbate their competition.

CRI does not, however, claim to offer any predictive power based on statistical generalization, as scientific positivists do, but rather settles for contextual generalization. The case-study approach should only claim that we can hope to accumulate knowledge through refining theories to help us better predict the relationship between levels of democratization. Research activities should focus on the complex problems we seek to solve, rather than on the quest for superior quantitative methods.

We need to keep in mind that a combination of quantitative and qualitative data becomes necessary when trying to solve the complex problems we face. This helps explain why '[m]uch of the literature on the so-called "Third World" of democratization since the 1970s has taken this more qualitative approach.'¹⁵ Post-war societies do not shower researchers with reliable quantitative data and require that they use them judiciously, when available. Qualitative data can prove insightful and shed a lot of light on politics, as the Cambodian case study shows. For instance, we cannot 'measure' levels of democratic consolidation, institutionalization, and structural impediments (such as monopolization and personalization of power), if we only look for numerical data. We can quantitatively measure levels of economic development and international assistance, but cannot do so effectively when it comes to making sense of cultural, ideological, and historical legacies or the context-sensitive strategies elites adopt to personalize power and consolidate it.

We can thus test the following theoretical proposition of CRI: the process of democratic institutionalization (preserving an effective system of checks and balances) persists as long as most of the favorable structural factors persist. CRI does not reject epistemological monism or positivism, but only contends that we can make the theory more generalizable by empirically 'testing' the theoretical proposition and by 'falsifying' the theory on the basis of small-scale qualitative-plus-quantitative comparative research based on the comparative method.

Empirically, CRI seems best suited for explaining the global phenomenon of democratization. More and more scholars have questioned Fukuyama's optimism that liberalism won the Cold War, put an end to all ideological rivals, and thus marked the end of history.¹⁶ Huntington's democratic 'waves' illustrate the point of alternation between democracy and dictatorship. Zakaria sees the global rise of illiberal democracy.¹⁷ Liberal utopianism has encountered unfamiliar foes, such as Islamic fundamentalism. Perceived insecurity has also given rise to anti-democratic impulses. The terrorist attacks on 11 September 2001, for instance, gave rise to the Bush Administration's heavy-handed

strategies, often regarded as threatening to democracy both at home and abroad. Democracy can thus get deconsolidated and reconsolidated, but can never become fully or irreversibly consolidated.

Empirical studies show that building effective systems of institutional checks and balances helps consolidate democracy. Civil society's institutional power to keep the executive power in check serves a useful role, but proves less helpful than state and political society institutions. Civil society in Nazi Germany failed to stop Adolf Hitler.¹⁸ Putnam's faith in civil society ignores the fact that the northern region of Italy (which he used as a case study to demonstrate the superior power of social capital in democracy building) generated fascism (1919–21) and experienced corruption-fed economic growth in the 1980s.¹⁹ Societies that have robust civic engagement (such as Brazil and Peru) have evidently struggled to consolidate democracy, whereas states whose citizens remained apathetic toward civil society (such as Spain, Uruguay and Hungary) succeeded in building democracy.²⁰

We still need to heed some classic insights. Huntington once noted that, 'Those societies deficient in stable and effective government are also deficient in mutual trust among their citizens, in national and public loyalties and in organizational skills and capacity.'²¹ Without a stable and effective government, anarchy persists and makes it difficult for elites to build and enhance mutual trust and cooperation.

Moreover, political regimes with responsible but credible opposition forces prove more conducive to the process of democratic consolidation than state institutions alone. Thomas Carothers' point deserves serious consideration: 'In dominant-power systems, democracy promoters should devote significant attention to the challenge of helping to encourage the growth of alternative centers of power.' He adds that, 'merely helping finance the proliferation of nongovernmental organizations is an inadequate approach to this challenge. Again, political party development must be a top agenda item.'²²

Overall, the process of state, political, and civil society institution building begins with the existing level of institutionalization within specific contexts. The lower the level of institutionalization, the longer and more difficult it takes to consolidate democracy.

Institutional design does help promote democracy, but evidence shows that structural constraints and impediments can stand in the way of institution building. Thailand's military coup in September 2006 put its parliamentary democracy to the test. The Philippines' presidential democracy remains unstable.²³ While culture, ideology, and history constrain political development, they do not determine it. Evidently,

scholars now consider liberal democracy – in Confucian-based societies such as Japan, South Korea, and Taiwan – ‘consolidated’.²⁴

Evidence further shows that economic growth or industrialization *per se* does not help consolidate democracy, otherwise highly industrialized Germany would have become more democratic than less industrialized France at the beginning of the 20th century and, more recently, both non-democratic China and Singapore would have become more democratic than other economically less successful democracies in East Asia. Economically developed states, which enjoy performance legitimacy, can either resist or reject democracy and maintain electoral dictatorship (Singapore comes to mind).

While economic growth does not help consolidate democracy, equitable economic development does. The point does not advocate a radical policy to achieve socioeconomic equality, since historical experience shows that socialist utopianism has made the world unsafe for democracy. Evidently, democratic consolidation becomes possible only when economic development leads to less concentration of wealth in the hands of a few ruling elite members.²⁵ The policy prescriptions offered by some scholars who advance arguments in favor of ‘strategic liberalization’ may prove helpful here,²⁶ but evidence calls for the need to go beyond taking strategic action to liberalize economies and points to the need for ‘dehegemonization’ of the economic and political arenas. Ensuring better distribution of economic benefits – by preventing ruling elite members from pursuing personal interests at the expense of society – empirically proves more effective. Japan and Singapore help illustrate this point. Economic development has helped both capitalist states stabilize their political regimes, but the wealth that has spread more equitably in Japan than in Singapore has arguably made the former far more democratic than the latter.²⁷

The call for institutionalization before economic liberalization, viewed as producing destabilizing side-effects – and the promotion of political moderation may prove helpful to the process of peace consolidation,²⁸ but may not necessarily help promote democracy. Institutionalization remains an extremely difficult, if not impossible, task when domestic power structures remain highly asymmetrical or become hegemonic.

The uneven distribution of political power matters. Kiernan tells us the reality regarding the ‘dangers of unbridled lust for power’.²⁹ We must nevertheless add one caution: we must apply the theory consistently by not judging socialists as less dangerous than capitalists or by demanding less constraint on the former than the latter. Both pose a threat to democracy, if allowed to rule unchecked or unchallenged.

Democracy flourishes only if none of the political forces – whether socialists or capitalists – monopolizes power. Hegemons do not submit themselves to weak normative constraints. Singapore and Malaysia further show how the ruling elites consolidated power by using force to destroy opponents. The elite of Singapore crushed their opponents from the start and still suppress anyone who poses a potential threat to them. Malaysia under Mahathir Mohamad deinstitutionalized democratic power by way of personalizing and institutionalizing it.³⁰

Democratic hegemons appear to pose much less of a violent threat to other democratic actors,³¹ but democratic consolidation may succeed better when power parity emerges; it can then make it costly for anyone to use force to consolidate power at the expense of others, foster the growth of reciprocity, and allow the rule of law to flourish.³²

That said, evidence indicates the excessive use of military might or violence to achieve power parity or peace by defeating dictators – without meeting security needs – tends to produce bad results. Attempts at disarming warring factions may fall through (as the cases of Cambodia, Somalia, Croatia, and Bosnia-Herzegovina show) when intervening forces fail to offer any compensation for their security. On Somalia, Adekanye noted that ‘the method for disarming [the Somali war-lords] soon changed to that of weapons confiscation, without any compensating offer or guarantees of security to the warring clan leaders. Not surprisingly, UNOSOM II (the UN mission there) failed, like the UNOSOM I and UNITAF missions before it.’ In the case of Croatia and Bosnia-Herzegovina, the author cited a study showing that ‘a full-scale enforced disarmament is only feasible as long as the *security concerns* of the parties are met.’ Empirical evidence further reveals that ‘disarmament is closely linked to the notion of security’; and, therefore, ‘for disarmament to be possible in the context of a multinational conflict resolution effort, *it is necessary that the security needs of the party to be disarmed must be fully and credibly assumed by the multinational force.*’ They add that, ‘The failure to do so...led the Krajina Serbs...to re-arm after the Croat incursion in January 1993 and explains why the Safe Areas could never be demilitarized and disarmed. The failure to meet security demands was also the main reason for the abandoning of the Vance-Owen plan.’³³

Evidence further shows that military force, when used to ‘de-hegemonize’ power structures, still proves harmful to societies in need of external assistance. The United States (the world’s only superpower), for instance, led NATO forces during the invasion of Afghanistan (a failed state) and toppled the Taliban leadership, but has since found itself caught in a bloody war without military victory in sight. The United

States also succeeded in removing President Saddam Hussein (in a weak Iraqi state) from power by invading and occupying his country, but has made the situation far more insecure, causing more bloodshed, more 'attacks worldwide', and 'fueling the spread of the [jihadist] movement [that] outweigh its vulnerabilities'.³⁴ The execution of Saddam late in 2006 evidently only deepened sectarian violence.

The use of violence to execute justice may also prove counterproductive if the world community seeks to put dictators on trial at the risk of perpetuating war. One particular area that validates my work has much to do with where I stand on criminal justice. I have long adopted a position different from (but respectful of) legalistic approaches to peace.³⁵ Other academic skeptics offer similarly sobering assessments of legalism.³⁶ War crime tribunals have so far had a limited utility 'for stopping wars and making peace'. Moreover, 'the belief in war crimes tribunals as a "magic-bullet" technique for deterring and stopping wars and making peace is unfounded'.³⁷

Other scholars also concur on the limits of violence for justice. Rachel Kerr, for instance, contends that the International Criminal Tribunal for the former Yugoslavia (ICTY) 'did not stop the war, and did not deter further crimes during the last two years of the war, nor was it expected to do so. In fact, one of the worst crimes took place in Srebrenica in July 1995, even after indictments had been issued against the Bosnian Serb political and military leaders...Nor did the existence of the ICTY deter or prevent the commission of crimes in Kosovo in 1988–9'.³⁸

While the legal approach proves necessary to democracy building, other scholars have ridiculed the naïve belief that 'we will deter genocide through such legal arrangements'.³⁹ In spite of the legal works done by the International Criminal Tribunal for Rwanda (ICTR), atrocities in Africa (e.g., the Darfur region of Sudan) continued unabated. Snyder and Vinjamuri contend forcefully that, 'Justice does not lead; it follows.' Their rich insight shows that 'a norm-governed political order must be based on a political bargain among contending groups and on the creation of robust administrative institutions that can predictably enforce the law'.⁴⁰

Ultimately CRI concedes that democracy assistance has its limits, for the various reasons already discussed. This study only advances a theoretical proposition that democratic consolidation depends on the 'trinity' of institution building, equitable economic development, and counter-hegemonic politics. CRI remains concerned about the potential dangers of both unguarded utopianism and unchecked power.

Notes

Introduction

1. Cockell (2000).
2. Mitrany (1966), 96.
3. Galtung (1976), 282–304.
4. Boutros-Ghali (1992).
5. Kuperman (2001).
6. Ayoob (2001).
7. Some scholars considered the 1990s the ‘sanctions decade’. See Cortright and Lopez (2000).
8. Pape (1997)
9. Paris (1997).
10. Cousens (2001), 12.
11. *Ibid.*
12. *Ibid.*, 13.
13. *Economist*, 27 August 1994, 46–7.
14. Hobsbawm (2004), 40–1.
15. It is estimated that the crimes committed by communist regimes cost about 100 million lives. See Courtois *et al.* (1999), 4.
16. Case (1996).
17. Marsh *et al.* (1999); Sen (1999); Kim (1997); Burkhart and Lewis-Beck (1994).
18. Sen (1999), 92; in which he wrote, ‘[T]here is hardly case in which a famine has occurred in a country that is independent and democratic with an uncensored press’, 30.
19. Zweifel and Navia (2000), 10.
20. Windsor (2003), 47.
21. Russett (1993).
22. Russett (1996), 109.
23. Goldstone and Ulfelder (2004–05), 20.
24. *Ibid.*, 9–10. (See also <http://www.cidcm.umd.edu/inscr/stfail>), 14.
25. Remmer (1996), 630.
26. Snyder (1998); Hadenius (1994).
27. March and Olsen (1984), 738.
28. Gasiorowski and Power (1998), 741.
29. Bunce (2003), 167.

1 Democratic Regime Consolidation and International Democracy Assistance

1. Levitsky and Lucan (2002).
2. Salvadori, (1957), 20, cited in Rejai (1967), 202.

3. Huntington (1991).
4. *Ibid.*, 6–7.
5. Sorensen (1993), 23–4.
6. Doorenspleet (2000), 389.
7. Zakaria (1997), 22.
8. Diamond (1993), 100–3.
9. Cited in Yturbe (1997), 381.
10. Gastil (1991), L. Diamond *et al.* (1995).
11. Zakaria (2003), 31–2.
12. Cited in Yturbe (1997), p. 383.
13. Tamanaha (2004).
14. Cited in Manuel (1996), 11.
15. Schmitter (1995).
16. O'Donnell and Schmitter (1986), 61.
17. *Ibid.*, 6.
18. Gasiorowski and Power (1998), 746.
19. O'Donnell (1996a).
20. On Latin America, see Linz and Stepan (1996), 6; Diamond (1999), 65–70; Morlino (1998), 12–18.
21. Gunther, Diamandouros, and Puhle (1995), 392.
22. See Zakaria (1997).
23. O'Donnell, (1992), pp. 17–56.
24. Schedler (1998a).
25. Schedler (2001), 105.
26. Shin and Wells (2005); Linz and Stepan (1996), chap.5.
27. Higley and Gunther (1992), 3 (*Italics added*); Gunther, Diamandouros, and Puhle (1995).
28. Bermeo (2003).
29. Gunther, Diamandouros, and Puhle (1996), 157–9.
30. Slater (2003).
31. See, for instance, Carothers (1999) and Carothers (2000); Diamond (1995); Burnell (2000); Thomas (2001); Wedel, (1998); Henderson (2002).
32. Carothers (1999), 10.
33. *Ibid.*, 6.
34. Kumar and de Zeeuw (2006), 5.
35. Carothers (2000), 4.
36. Ikenberry (2000), 104.
37. Allison and Beshel (1992), 81.
38. Carothers (2000), 185–6.
39. Feher (2000), 32.
40. Diamond (1995), 31–8.
41. Joyner (1999), 333.
42. White (2002), 69.
43. White (2002), 71; World Bank (1998).
44. Gillespie and Youngs (2002).
45. Pinto-Duschinsky (1991) and his Pinto-Duschinsky (1996).
46. Carothers (1999), 6.
47. Joyner (1999), 342–6.
48. Carothers (2000), 182.

49. Remmer (1996); Gasiorowski (1995).
50. Mark J. Gasiorowski and Power (1998), 740–71.

2 Institutional Structure and Structural Challenges

1. McFaul (2004–05).
2. Zakaria (2003), 17, 101–5.
3. *Ibid.*, 25–6, 55–6.
4. *Ibid.*, 20.
5. Carothers (1998a).
6. *Ibid.*, 97.
7. Stepan (1998); F. Aguero (1992).
8. Read O'Donnell (1992).
9. Owens and Eid (2002).
10. Horowitz (1993).
11. Easter (1997); Linz and Stepan (1996); Stepan and Skach (1993); Linz (1994).
12. Stepan and Skach (1993), 21.
13. Schmitter (1988).
14. O'Donnell *et al.* (1986).
15. Stepan and Skach (1993), 4.
16. Liebert (1990), 16.
17. Stepan (2001), 151.
18. Diamond (1996), 73.
19. Carothers (1998a), 96.
20. *Ibid.*
21. *Ibid.*, 105.
22. Stepan (2001), 8, 101.
23. *Ibid.*, 299.
24. *Ibid.*, 262.
25. *Ibid.*, 299–300.
26. Spiro Clark (2000).
27. On political parties, see Grofman and Lijphart (1986); Sartori (1976); Rae (1967); Duverger (1954).
28. Valenzuela (1992), 57–104.
29. *Ibid.*
30. Read Shils (1962); Friedrich (1950).
31. Mainwaring (1993); Stepan and Skach (1993).
32. Gunther, Diamandouros, and Puhle (1995), 13.
33. Pastor, 'The Rose of Electoral Administration in Democratic Transitions: Implications for Policy and Research' (Unpublished paper).
34. Stepan (2001), 298.
35. Robert Putnam embraces the concept of civil society as one of a nonpolitical nature because he emphasizes the role of such organizations as civic associations and recreational clubs. Putnam (1995) and Putnam (1992).
36. Reynolds (2005).
37. Zakaria (2003), 34.
38. Ottaway and Carothers (2000); Quickly (1997); Dahl (1997); Fukuyama (1995).

39. Nakamura, Siddique and Bajunid (2001).
40. Saravanamuttu (2001), 100.
41. *Ibid.*, 101.
42. Rodan (2001), 57.
43. Stepan (2001), 299.
44. Diamond (1999), 259.
45. Alfred Stepan (2001), 300.
46. Neo-institutionalists tend to show interest in 'testing theoretical models of how institutions affect behavior,' see Lowndes (2002), 102; Keohane (1984); R. Keohane, *International Institutions and State Power: Essays in International Relations Theory* (Boulder, CO: Westview Press, 1989); Ostrom (1990).
47. Peters (1999), 150.
48. Carothers (1998a), 96.
49. Brzezinski (2001), 20–6.
50. Pinkney (1994), 47.
51. Diamond (1999).
52. Huntington (1993): 3–25; see Huntington (1984) and (1987).
53. Roy (1994).
54. Woo-Cumings (1994).
55. Zakaria (1997).
56. Bell, Brown, Jayasuriya and Jones (1995); Kausikan (1998).
57. Neher (1994); Neher and Marlay (1995).
58. Bell *et al.* (1995).
59. *Ibid.*, 5.
60. Jones (1998).
61. Bell *et al.* (1995), 8.
62. Harris (1997), 170.
63. Frolic (2001).
64. Kitschelt *et al.* (1999), 19–21, 21–41, 49, 49–92, 69–79, 385–91, 391–401.
65. Hu (2000), Chap.2.
66. See *Ibid.*, Chap.5; Dickson (1997).
67. Howard (2002).
68. Bunce, (2003) 173; some analysts regarded power sharing between democrats and the former communist party as being the obstacle to democratization in Cambodia. See Jeldres (2001), 350.
69. Pierson (2000).
70. Lowndes (1996), 194.
71. Marsh and Furlong (2002), 20, 30, 37, 39.
72. Schmitter (1995), 33.
73. Zakaria (1994); Kausikan (1998); Mahbubani, (1995). Cultural values are always subject to interpretation. Chaibong (2004); de Bary (1998a&b); Fukuyama (1995) and Fukuyama (1998); Shin and Wells (2005).
74. Stubbs (2001).
75. Peters (1999), 148, cited in Lowndes (2002), 105.
76. Przeworski *et al.* (1996).
77. *Ibid.*, p.41; see also Przeworski *et al.* (2000).
78. Zakaria (2003), 45.
79. Rothstein (1992).

80. Harvey (2005); Rapley (2004); Wade (2004).
81. Vanhanen (1997), 24.
82. Olson (1993), 573.
83. Marsh and Furlong, for instance, argue that 'Marxism is the archetypal classical realism' see Marsh and Furlong (2002), 31; Doyle (1997), 315–20.
84. Stewart (2001); Stewart and FitzGerald (2001).
85. Karl (1990); Share (1987).
86. Przeworski (1991).
87. Huntington (1991).
88. Swaminathan (1999), 179.
89. Rueschemeyer, Stephens and Stephens (1992).
90. Kaufmann (1996); Posen (1993).

3 Research Methodology: Cambodia as Case Study

1. Gasiorowski and Power (1998).
2. Huntington (1993), 3.
3. Peou (1997).
4. Godfrey *et al.* (2000).
5. Multilateral donors include UN agencies, the Bretton-Woods institutions (the World Bank and the International Monetary Fund or IMF), the Asian Development Bank (ADB), and the European Union (EU). Major bilateral donors include Australia, Belgium, Canada, China, Denmark, France, Finland, Germany, Japan, the Netherlands, New Zealand, Norway, the Republic of Korea, Thailand, Russia, Sweden, the United Kingdom and the United States. Council for the Development of Cambodia (2001), 9.
6. Correspondence through e-mail, 30 March 2007.
7. Schmitter (1995), 31.
8. Gunther, Diamandouros, and Puhle (1996), 153.
9. Gasiorowski and Power (1998), 747–9.
10. Sanders (2002); John (2002).
11. Munck (2001b).
12. *Ibid.*, 124.
13. Przeworski *et al.* (1996), 51.
14. Diamond (1993), 100.
15. Schmitter and Karl (1993), 45.
16. Rothstein (1996), 145.u
17. Lowndes (1996), 193–4.
18. Mainwaring and Scully (1995) 4.
19. *Ibid.*, 5.
20. *Ibid.*
21. Even behaviouralists who take pride in scientific inquiries do not always rely exclusively on statistical methods based on quantitative data. According to David Sanders, 'Quantitative and qualitative forms of empirical analysis are equally acceptable to behavioural researchers,' see Sanders (2002), 48.

22. According to Marsh and Furlong, 'The realists are looking for causal relationships, but think that many important relationships between social phenomena cannot be observed. This means they may use quantitative and qualitative data that are directly observable. In contrast, the unobservable relationships can only be established indirectly' see Marsh and Furlong (2002), 21–2.
23. Hopkin (2002).
24. Manheim *et al.* (2002).
25. *Khmer Intelligence*, 16 May 2006.
26. Hopkin (2002) 259.
27. Korf (2006), 460.
28. Marsh and Furlong (2002), 27.
29. Korf (2006), 468.
30. *Ibid.*, 467.
31. Bevir and Rhodes, for instance, contend that we can still explain social action by relying on narratives. In their words, 'Political studies...rely on a narrative form of explanation...We account for actions, practices and institutions by telling a story about how they came to be as they are and perhaps also about how they are preserved,' Bevir and Rhodes (2002), 134.
32. Manheim *et al.* (2002), 314–18.
33. *Ibid.*, 318.
34. King (2000), 170.

Chapter 4 Electoral Procedural Rules under Constraint

1. Albritton (2004), 102–9.
2. *Ibid.*, p.102.
3. UN (1991).
4. Interview, Sylvine Devaux, EU delegation, Programme Officer, International Support, Governance, Human Rights, 25 August 2003.
5. *Phnom Penh Post* 1–14 August 2003, p.3.
6. Cambodia Office of the High Commissioner for Human Rights (2003), 3.
7. IRI, *Cambodia 2003 National Assembly Elections*, p.7.
8. UNDP (2003), 7.
9. Frieson (1996), 185.
10. *Ibid.*, 184.
11. *Ibid.*, 202.
12. Ashley (1996).
13. Special Representative of the UN Secretary-General for Human Rights in Cambodia, 'Monitoring of Political Intimidation and Violence' (Report dated 18–25 1998), p.2
14. UNDP (2002), 9.
15. On 29 August 2001, for instance, this kind of ceremony was carried out in the presence of top CPP officials, including the Minister of Posts and Telecommunications, the Minister of Agriculture, Forestry, and Fisheries, who also handed out gifts to villagers in Takeo Province. UN Report, E/CN.4/2002/118, p.11
16. IRI, *Cambodia 2003 National Assembly Elections*, 10.

17. Special Representative of the UN Secretary-General for Human Rights in Cambodia, 'The 2003 National Assembly Elections' (December 2003), p.5.
18. Interview, Lee Sothearayuth, NDI's Senior Program Officer, 16 January 2006.
19. Ledgerwood (1996), 122.
20. EU Election Observation Mission (2003), 17.
21. *Ibid.*, 26.
22. See the Cambodian Office of the High Commissioner for Human Rights in Cambodia, 'The 2003 National Assembly Elections' (Phnom Penh: December 2003), p.2.
23. Doyle (1995), 56.
24. UN Special Representative of the Secretary General for Human Rights in Cambodia, *Commune Council Elections 2002*, p.10.
25. Interview, Dominic Cardy of the NDI, 15 December 2003.
26. IRI (2003), 12.
27. EU Election Observation Mission (undated), 43.
28. Peou (2000).
29. Hughes (with Real) (2000), 1.
30. The idea of free and fair elections frightened CPP leaders, as they faced for the first time credible opponents, particularly FUNCINPEC. Indeed, this fear was justified after voters cast their ballots.
31. Metha and Metha (1999), 244.
32. COMFREL, Annual Report on the National Assembly Performance (Phnom Penh: Report No.13), p.v.
33. IRI, *Cambodia 2003 National Assembly Elections*, p.10.
34. Center for Social Development (2005), 47.
35. Calavan *et al.* (2004), 5.
36. Center for Social Development (2005), 46, 47; World Bank (2000), 14.
37. World Bank (2000), 20, but another report noted that 'Cambodian corruption has become more widespread and institutionalized over the past decade,' Calavan, Briquets and O'Brien (2004), 7.
38. Calavan *et al.* (2004), 3.
39. Center for Social Development (2005), 3.
40. Nissen (2005), 52–63.
41. World Bank (2000), 2.
42. Center for Social Development (2005), 43.
43. http://www.icgg.org/corruption.cpi_2006.html.

5 Liberal Norms under Stress

1. Becker (1986), 139–40.
2. Banister and Johnson (1993), 72.
3. *Ibid.*
4. Becker (1986), 183.
5. Corfield (1994), 233.
6. Chandler (1999), 4.
7. Kiernan (1993), 1077.
8. Lawyers Committee for Human Rights (1992), 37.
9. *Ibid.*, p.16; see Amnesty International (1992), 6–18, 21–3.

10. Lawyers Committee for Human Rights (1985), 36.
11. *Ibid.*, 50.
12. *International Herald Tribune*, 4–5 November 2006, p.13.
13. Hammarberg (1997a), 2.
14. UN Doc. E/CN.4/2003/114, 18 December 2002, 10.
15. UN Doc.A/58/317, 22 August 2003, 10.
16. UN Doc.E/CN.4/2004/105, 19 December 2003, 11, 20.
17. UN Doc.E/CN.4/2005/116, 20 December 2004, 7.
18. *Ibid.*, 8.
19. UN Doc.E/CN.4/2006/110, 8 February 2006, 15.
20. ADHOC, LICADHO and Human Rights Watch (1999), 2.
21. ADHOC, LICADHO & Human Rights Watch (1999), 7.
22. *Ibid.*
23. Human Rights Watch (Undated), 1.
24. Former King Norodom Sihanouk at one point questioned the necessity of the Khmer Rouge Tribunal, contending that ‘there will probably be only one or two...living Khmer Rouge leaders’ by the time the Tribunal reached its verdict. *The Associated Press*, 19 July 2006.
25. Kem (1998), 9.
26. UNESCO (Undated).
27. Human Rights Watch (2002); UNICEF (2002), Chapter 2.
28. Human Rights Watch (1995), 44.
29. See <http://read-and-go.hopto.org/Politics-of-Cambodia/Chhun-Yashith.html> (accessed on 12 September 2006).
30. For more on this, check the U.S. State Department’s Website or <http://www.usdoj.gov/usao/cac>.
31. Hammarberg (1997b).
32. *Khmer Intelligence*, 4 July 2004.
33. *Khmer Intelligence*, 23 July 2003.
34. Cited in *The Phnom Penh Post*, 21 October–3 November 2005, 7.

6 Liberty under Pressure

1. Cambodian Office of the High Commissioner for Human Rights (2005).
2. Bureau of Democracy, Human Rights, and Labor (2004), 15.
3. Bureau of Democracy, Human Rights, and Labor (2005), 9–10.
4. UN Doc. A/56/209, 26 July 2001), 7–8.
5. Cambodian Center for Human Rights (2005c), 23–6.
6. UN Doc.E/CN.4/2005/116, 20 December 2004, 14.
7. World Bank (2000), 11–12.
8. UN Doc. E/CN.4/2002/118, December 2001), 23.
9. Cambodia Office of the High Commissioner for Human Rights (undated) *Quarterly Report: Third Quarter of 2005* (Phnom Penh: unpublished), 4.
10. Amnesty International (2004), 4.
11. LICADHO (2002), 79.
12. Special Representative of the UN Secretary-General for Human Rights in Cambodia, ‘Monitoring of Election-Related Intimidation and Violence post-Election Period’ (Report 26 July–28 August 1998).

13. ADHOC (2003).
14. Cambodian Human Rights and Development Association (2004), 7.
15. *Phnom Penh Post*, 28 February–13 March 2003, 7.
16. Cambodia Office of the High Commissioner for Human Rights (2003), 11.
17. Human Rights Watch (2005), 258. See also Cambodian Center for Human Rights (2005c).
18. UN Doc.E/CN.4/2005/116, 20 December 2004, 13.
19. LICADHO (2005), 1.
20. *Phnom Penh Post*, 13–26 October 2000, p.5.
21. *Cambodia Daily*, 25 October, 2002, p.1.
22. LICADHO (2002).
23. UN Doc. E/CN.4 (2006) 110, 6 February 2006, 25.
24. *Ibid.*; see also LICADHO (2006).
25. Amnesty International, *Amnesty International Report 1985*, 218–21; Amnesty International, *Amnesty International Report 1996*, 'Cambodia', 230.
26. Amnesty International, *Amnesty International Report 1987*, 'Cambodia', 239.
27. Human Rights Watch (1995).
28. Human Rights Watch (1996).
29. Amnesty International, *Amnesty International Report 1997*, 'Cambodia', 106.
30. UN Doc.A/52, 26 September 1997.
31. For more details on this latest incident, see *Phnom Penh Post*, 8–21 December 2000.
32. UN Doc.E/CN.4/2001/103, 24 January 2001, 15.
33. UN Doc.E/CN.4/2003/114, 18 December 2002, 11.
34. UN Doc. E/CN.4/2004/105, 19 December 2003, 13.
35. UN Doc. E/CN.4/2006/105, 24 January 2006, 13.
36. LICADHO (2003); Barber, (2000).
37. Cited in *Phnom Penh Post*, 22 Nov.–5 Dec. 2002, 6.
38. Bureau of Democracy, Human Rights, and Labor (2005), 4.

7 State Institutions' Underdevelopment

1. *Phnom Penh Post* 2–15 January 2004, 7.
2. Center for Social Development (2005), 2, 48.
3. Calavan *et al.* (2004), 7.
4. Sok An's statement presented at the Donor Monitoring Meeting on 14 June 1999.
5. Hor (2006), 14.
6. ADB (2000), 68.
7. Jaleel, 'Cambodia: Cambodian Police and the Need for Reform', 3.
8. UN Doc.E/CN.4/2005/116, 20 December 2004, 8.
9. *Ibid.*
10. Cambodia Development Resource Institute (2002), 13.
11. *Ibid.*, 14.
12. *Ibid.*, 15; the report adds that, 'It is not unusual for MPs who are not members of the Commission reviewing a given bill, to not receive a copy of that bill before the plenary starts', 16.
13. Cambodia-Canada Legislative Support Project (2005), 12.

14. *Ibid.*, 16–17.
15. *Ibid.*, 9.
16. *Ibid.*, 9, 29.
17. *Khmer Intelligence*, 7 September 2004, 2 June 2005.
18. Cambodia Development Resource Institute (2002), 13–14.
19. *Ibid.*, 23–5.
20. *Ibid.*, 23.
21. Cambodia Development Resource Institute (2002), 50.
22. *Khmer Intelligence*, 19 February 2003.
23. Cambodia Development Resource Institute (2002), 21.
24. Economic Institute of Cambodia (2005), 75.
25. Cambodia-Canada Legislative Support Project (2005), 46.
26. Neilson, (1996), 2.
27. *Ibid.*, 7.
28. Bureau of Democracy, Human Rights and Labor (2004), 8.
29. UN Doc.E/CN.4/2002/118, 28 December 2001, 10; UN Doc. E/CN.4/2002/118, December 2001, 14.
30. UN Doc. E/CN.4/2006/110, 8 February 2006, 16.
31. *Washington Post*, 29 June 1997.
32. *Phnom Penh Post*, 12–25 April 2002, p.5.
33. Economic and Social Council, 'Situation of human rights in Cambodia' (2001), 16.
34. Bureau of Democracy, Human Rights and Labor (2004), 8.
35. UN Doc.A/58/317, 22 August 2003, 12.
36. Cambodian Human Rights and Development Association (2004), 38.
37. Cited in *Phnom Penh Post*, 19 June–2 July 1998.
38. UN Doc.E/CN.4/2006/110, 8 February 2006, 10.
39. Interview, 11 January 2006.
40. Heder (2005), 114.
41. Cited in Economic Institute of Cambodia (2005), 29.

8 Political Society's Underdevelopment

1. EU Election Observation Mission (2003), 19.
2. IRI (2003), 13.
3. EU Election Observation Mission (2003), 11.
4. UNDP (2003), 4.
5. Interview, Lee Sothearayuth, NDI Senior Program Officer, 16 January 2006.
6. Interview, Bo Chum Sin (NEC Member), 22 February 2006.
7. EU Election Observation Mission (2003), 20.
8. Linder (1998), 27.
9. EU Election Observation Mission (2003), 9.
10. IRI (2003), 7.
11. *Ibid.*, 8–9.
12. Linder (1998), 11.
13. EU Election Observation Mission (2003), 19.
14. ANFREL (2003).
15. US Long Term International Observation Group (2003), 16.

16. IRI (2003), 'Cambodia 2003 National Assembly Elections', 7.
17. Interview, NEC member, 22 February 2006.
18. Interview, Channtha Muth, NDI Senior Program Manager, 24 January 2006.
19. NDI (1994), 5.
20. *Ibid.*, 7.
21. Interview, Dominic Cardy of NDI, 29 August 2003.
22. Interview, Chum Bo Sun.
23. COMFREL (undated), 15.
24. Longmuir (Undated), 6.
25. *Khmer Intelligence*, 27 August 2003.
26. *Khmer Intelligence*, 4 July 2004.
27. *The Phnom Penh Post*, 28 February–13 March, 2003, 1–2.
28. *Khmer Intelligence*, 27 December 2004.
29. Longmuir (Undated), 5.
30. My interviews with royalist officials in recent years indicated this.
31. Interview, 11 January 2006.
32. NDI (1994), 7.
33. Interview, Chum Bo Sun.
34. Personal discussion with Prince Norodom Sirivudh, 24 March 2007.
35. Interview, Channtha Muth.
36. Numerous interviews with leaders of small parties over the years.

9 Civil Society's Underdevelopment

1. Center for Social Development (2005), 46.
2. Sida Advisory Team on Democratic Governance (2003).
3. Hughes (2000c), 8.
4. *Ibid.*, 16–17.
5. Interviews, Khut Inserey, Program Officer/Election-Governance and Public Policy, Asia Foundation; Nancy Hopkins, Resident Representative of Asia Foundation, 27 August 2003.
6. Hughes (2000a), 14.
7. *Ibid.*, 17.
8. *Ibid.*, 7.
9. *Ibid.*, 9.
10. The Asia Foundation (2003) *Democracy in Cambodia – 2003*, 64–5.
11. COFFEL's Press Release (Undated).
12. ANFREL, COMFREL and NICFIC's Joint Statement, 16 July 2003.
13. Interview, Koul Panha, Executive Director of COMFREL, 26 August 2003.
14. Interview Hang Puthea, Executive Director of NICFEC, 27 August 2002.
15. Hughes (2000c), 9.
16. Interview, 3 October 2002.
17. Interview, Hang Puthea.
18. Hughes (2000b), 28.
19. COMFREL, COFFEL and NICFEC's Joint Statement on Deliberation of the Commune Council Election Law by the National Assembly, 15 January 2001.
20. Interview, Kek Galabru, President of LICADHO, 30 August 2003.
21. For more details on this organization, see Khus and Vijghen (2001).

22. *Ibid.*, 12.
23. *Ibid.*, 13.
24. Cited in *Phnom Penh Post*, 15–28 Mar. 2002, 2.
25. Interview, Steve Gourley, LICADHO, 25 January 2006.
26. Vijghen (2000).
27. Diakonia (2003), 10.
28. Marston (2001), 24.
29. *Cambodia Daily* 13, June 2005.
30. Interview, Theary Seng, 13 January 2006.
31. *Phnom Penh Post*, 2–15 February 2001.
32. Leuprecht (2004), 10.
33. Francis (2005), 2.
34. Cited in *Phnom Penh Post*, 15–28 July 2005.
35. LAC (2005), 2.
36. Interview, Sok Sam Oeun, Executive Director of CDP, 19 Jan. 2006.
37. Sida Advisory Team on Democratic Governance (2003), v, 15.

10 Non-material Constraints

1. Lizée (2000, 2001); Roberts (2001).
2. Roberts (2001), 210.
3. Michael Mann, for instance, wrote: ‘the association of liberalism, constitutionalism or democracy with pacifism is a complete and utter fabrication’. He further argues that, ‘the more domestically liberal the regime the nastier the record’. See Mann (1996), 235. European immigrants slaughtered millions of Native Americans. David Stannard, for instance, estimates that the native population in the Americas succumbed to the European-American onslaught and dropped by roughly 95 per cent or by about between 71 and 90 million people. If this was the case, European-Americans may have turned their atrocities into the greatest genocide in world history. Stannard (1992), 268.
4. Roberts (2001), 29.
5. *Ibid.*, 206.
6. Cited in Chandler (1993), 61.
7. Bit (1991), 8–9.
8. Chandler (1993), 110.
9. *Ibid.*, 110–11.
10. Chandler (1993), 129.
11. Center for Advanced Study (2003), 4.
12. NDI (1996), 11.
13. *Ibid.*, 4.
14. Luco (2002), 164–5.
15. Chandler (1993), 91.
16. Collins (1998), 6.
17. Chandler (1993), 106.
18. *Phnom Penh Post*, 15–28 December 2006.
19. ‘Buddhist Head Becomes Great Supreme Patriarch’, see <http://www.khmerfuture.com/index.php?name=News&file=article&sid=918>.

20. Luco (2002).
21. Chandler (1993), 104.
22. 'Cambodian Prime Minister Silent On Khmer Rouge Trials' (http://www.playfuls.com/news_10_6515-Cambodian-Prime-Minister-Silent-On-Khmer-Rouge-Trials.html), *December 27th 2006*.
23. EU Election Observation Mission (2003), 19.
24. UNDP (2003), 21.
25. *Phnom Penh Post*, 28 January–10 February 2005.
26. Kiernan (1996).
27. Courtois *et al.* (1999), 4.
28. Jackson (1989b), 241.
29. *Ibid.*, 7.
30. United Nations (1990), 86.
31. *Ibid.*
32. *Ibid.*, 85.
33. Muzamil Jaleel, 'Cambodia: Cambodian Police and the Need for Reform' (Unpublished paper posted on 27 August 2001 at <http://www.ahrchk.net/hrsolid/mainfile.php/1998vol08no11/1841>), 1.
34. Soviet embassy counselor V. Loukianov 'was aware of the embarrassing similarities between communist Cambodia and the Leninists who ran the Soviet Union, bonded as they were in a socialist alliance that had spread itself rather thickly over Cambodia, and neighboring Vietnam and Laos,' see Metha and Metha (1999), 128.
35. Muzamil Jaleel (Undated), 1.
36. Mysliwiec (1988), 47–8.
37. Edman (2000), 7.
38. Khieu (Unpublished, undated paper).
39. United Nations (1990), 211.
40. Howard (2002), 150.
41. NDI (1996), 11.
42. *Ibid.*, 12.
43. Chandler (1993), 129.
44. Peou (2000).
45. Chandler (1993), 148.
46. *Ibid.*, 163.
47. Martin (1994), 35–6.
48. *Ibid.*, 53.
49. Jackson (1989a), 51.
50. Quinn (1989), 179–208.
51. Vijghen (2001), 10.

11 Economic Impediments

1. World Bank (2006), 69.
2. *Ibid.*
3. World Bank & IMF (2004), 72.
4. His letter to the President of ADB, 9 February 2004.
5. Personal discussion, 16 February 2006.

6. World Bank (2006), 52.
7. Cambodia's Ministry of Planning (1999); Chan *et al.* (1999).
8. World Bank (2006), iv, 18.
9. Cambodia's Ministry of Planning (1999), ii.
10. *Phnom Penh Post*, 10–23 November, 2000, 8–9.
11. Munoz (2006).
12. World Bank (2006), 58.
13. *Ibid.*, 64.
14. World Economic Forum (2006), 182.
15. Dourng (2006), 3.
16. ADB (2005), 8.
17. World Bank (Undated), 8.
18. ADB (2005), 8.
19. World Bank (2006), 63.
20. For more on education, see Denham (1997).
21. 'Joint Statement on Human Development' (C-G Meeting, 2–3 March 2006).
22. World Bank (2006), 100.
23. Godfrey *et al.* (2000), 102.
24. World Bank (2006), 132.
25. ADB (2005), 24.
26. World Bank (2006), 69.
27. World Bank (2006), 68.
28. UN Doc. E/CN.4/2002/118, December 2001, 15.
29. Hor (2006), 14.
30. World Bank & IMF (2004), 4.
31. Cambodia Development Resource Institute (2002), 20.
32. *Ibid.*, 46.
33. Cambodia-Canada Legislative Support Project (2005), 34.
34. *Ibid.*, 31.
35. UN Doc. E/CN.4/2002/118, December 2001, 15–16.
36. Government of Cambodia (2006), 27.
37. *Ibid.*, p.28.
38. *AFP*, 3 February 1999.
39. Interviews, researchers at the Economic Institute of Cambodia, 11 January 2006.
40. *Koh Santepheap*, 23 September 2004.
41. More than 10 political parties formed the Club of Politicians. Each party received more than \$1000 per month from the CPP, which ended this type of financial support in 2004 after the 2003 election. Interview, a leading member of the Club, 2 March 2006; some interviewees claimed that the CPP provided about \$30 000 for each of the pro-CPP parties during each election time.
42. Some party leaders had to open private businesses. The leader of Cambodia Development Party, Mao Bora, claimed to earn \$3000 per month from his fishing business and traveled overseas to raise funds, which amounted to between \$10 000 and \$15 000 per year. But this revenue did not meet the Party's needs. Interview, 2 March 2006. Other parties showed reluctance to raise funds because they did not want to lose members. Hang Dara Party, for instance, did not even have a bank account. Its Secretary General said

that the party could not even require members to make financial contributions because most of them were poor, and most of them could not do more than making personal sacrifices. As a result, the Party 'had to be very discrete about financial matters'. Interview, Seng Sokheng, 1 March 2006. Khmer Unity Party had a budget of between \$3000 and \$4000 per year; its staff had to rely on their own personal money to do work for the party and could not even afford to pay its volunteers \$2 per day during election times. Khmer Front Party had an annual budget of only about \$20 000. Its party members included a majority of poor students who could not provide any financial support. Interviews, 1 March 2006.

43. Interview, Thun Saray.

12 Political Impediments

1. Lang (2002), 19.
2. Global Witness (2002), 10.
3. Global Witness (1999), 8.
4. *Ibid.*, 15.
5. *Phnom Penh Post*, 13–26 January 2006.
6. Lang (2002).
7. Cited in Lang (2002), 20.
8. *Khmer Intelligence*, 6 July 2004.
9. Lang (2002), 17.
10. Source: Global Witness (2007), 83–4.
11. BBC News, Phnom Penh, 15 September 2005.
12. *AP*, 6 January 1999.
13. *Kyodo*, 14 January 2000.
14. *BBC News Online*, 12 November 1998.
15. *AP*, 25 February 1997.
16. *AP*, 4 March 2001.
17. *Cambodge Soir*, 25 December 2002; *Kyodo*, 30 December 2002.
18. *AP*, 30 January 2003.
19. Personal discussion, 3 November 2005.
20. Personal discussion, some time in September 2005.
21. *Phnom Penh Post*, 31 August–13 September 2001.
22. *Ibid.*
23. *Phnom Penh Post*, 22 January–4 February 1999.
24. Sam Rainsy's letter to Hun Sen, dated 3 February 2006.
25. Metha and Metha (1999), 19–24.
26. *Cambodia Daily*, 10 June 2003; Amnesty International (2004), 4.
27. See <http://usembassy-australia.state.gov/hyper/2003/0725/epf505.htm>, & a report to the Congress on the Anti-Thai Riots by the U.S. Department of State's Bureau of East Asian and Pacific Affairs (2003).
28. See their letter to *Phnom Penh Post*, 9–22 May 2003.
29. Hun Sen's biographers describe how Hun Sen became increasingly worried after the withdrawal of the Vietnamese troops from Cambodia in 1989 and the collapse of the Soviet Union. Metha and Metha (1999), 137; They wrote: 'Sadly for isolated Cambodia, the Soviets had by 1990 cut back

severely on their trade credits, and in another bizarre display of camaraderie, Moscow had decided to help the poor country by training Cambodians to set up a circus...', *Ibid.*, 128.

30. *Ibid.*, 210.
31. *Phnom Penh Post*, 21 October–3 November 2005.
32. *Asiaweek* (Online), 26 November 1999 http://www.ngoforum.org.kh/Documents/Hun_Sen_RF/Respect_Our_Sovereignty.hitm. (assessed on 7 March 2006), 13.
33. *Phnom Penh Post*, 10–23 December 1999.
34. *Ibid.*
35. *Agence France Presse*, 22 January 1997.
36. *Agence France Presse*, 22 November 1999.
37. *Ibid.*
38. *Ibid.*
39. *Kyodo News Service*, 30 December 2002.
40. *Source: Global Witness* (2007), 14.
41. *Asiaweek* (Online), 26 November 1999, 13.

13 Limits of Assistance for Institution Building

1. CDC at http://cdc.khmer.biz/Reports/reports_by_duration.asp?status=0 (accessed, 18 January 2006).
2. Sources requested for anonymity, several discussions were held in January and February 2006.
3. ADB (2005), 15.
4. World Bank & IMF (2004), 24.
5. Cited in *Khmer Intelligence*, 28 November 2004.
6. World Bank and IMF (2004), 116.
7. *Ibid.*, 117.
8. *Asiaweek* (Online), 26 November 1999, 5.
9. *Ibid.*, 112.
10. *Ibid.*
11. World Bank & IMF (2004), 24.
12. Interview, Koul Panha, Executive Director of COMFREL 26 August 2003.
13. Interview, Hang Puthea, Executive Director of NICFEC, 27 August 2002.
14. Sida Advisory Team on Democratic Governance (2003), 25–6.
15. Interview, Chea Vannath, Executive Director of the Center for Social Development, 16 January 2006.
16. Interview, Hang Puthea, 13 January 2006.
17. Interview, Steve Gourley, LICADHO, 25 January 2006.
18. Interview, Steve Gourley.
19. Forum Syd (2006).
20. Sida Advisory Team on Democratic Governance (2003), 25.
21. *Ibid.*
22. Interview, Koul Panha, 16 January 2006.
23. Interview, Sok Sam Oeun of Cambodian Defenders Project, 19 January 2006.
24. Interview, Koul Panha.

25. UNDP (2003), 1.
26. Peou (1997), 206.
27. UNDP (2003), 24.
28. Gordon Longmuir, e-mailed exchange of views, 10 February 2006.
29. *Phnom Penh Post*, 16–29 January 2004.
30. Interviews: Sophoan Rath & Paul Randolph of USAID, 1 February 2006.
31. USAID/Cambodia (2002), 19.
32. IRI, 'Current Program,' (<http://www.iri/countries.asp?id=8392062734>, accessed on 1 January 2006).
33. Interview, Paul Randolph.
34. *Ibid.*
35. *Ibid.*

14 Limits of Economic Assistance

1. Statement by the Government of Japan at the C-G Meeting, 2–3 March 2006.
2. Council for the Development of Cambodia (2002), 8.
3. Kakada and Hach (2005).
4. *Ibid.*, 6.
5. World Bank (2006), 63.
6. JICA (2002), 15.
7. Kakada and Hach (2005), 5.
8. World Bank, for instance, produced a report on corruption World Bank (2000) and held a workshop on corruption World Bank (2006), p.35.
9. IMF's Press Release (Washington: No.05/291, 23 December 2005).
10. Statement by the Government of Japan (Phnom Penh: C-G Meeting, 2–3 March 2006).
11. His statement at the Joint Conference on Poverty Reduction, organized by the World Bank, ADB, DFID and UNDP, 16 February 2006, 3.
12. Hun Sen's Opening Speech (at C-G Meeting, 2–3 March 2006, Phnom Penh), 10.
13. Hughes (2003), 32–8.
14. Richmond and Franks (2006), 14.
15. Ludden (2006).
16. Peter Leuprecht remains a skeptic of Cambodia's WTO. Leuprecht (Undated and unpublished), 2.
17. Calavan *et al.* (2004), 10.
18. Curtis (1998), 75.
19. *Asiaweek* (Online), 26 November 1999, 5.
20. JICA (2002), 15.
21. *Khmer Intelligence*, 28 November 2004.
22. World Bank and IMF (2004), 107.
23. *Ibid.*, 108.
24. *Ibid.*, 23.
25. *Ibid.*, 25.
26. ADB (2005), p.ii.
27. World Bank & IMF (2004), 114.

28. *Ibid.*, 113.
29. *Ibid.*, 115.
30. *Khmer Intelligence*, 1 December 2004.
31. ADB (2005), 15.
32. USAID, *From the American People*, 5.
33. Smith, 'Aid Effectiveness' (2–3 March 2006).
34. *Ibid.*
35. Interviews, Douglas Gardner, UNDP Representative, 28 February 2006; Shyam Bajjan, ADB's Country Director, 23 February 2006.
36. Leuprecht (Undated and unpublished), 2.

15 Limits of Political Assistance

1. Peou (1997).
2. NDI (2004).
3. *Phnom Penh Post*, 8–21 December 2000, 7.
4. *Ibid.*
5. *Phnom Penh Post*, 27 October–9 November 2000, 6.
6. *Phnom Penh Post*, 10–23 November 2000, p.13.
7. *Cambodia Daily*, 3 January 2006, 1.
8. Interview, 27 January 2006.
9. Porter (2006).
10. *Cambodia Daily* 13 February 2007.
11. Interviews with Margo Picken, Director of the OHCHR, on several occasions.
12. Longmuir (Undated), 10.
13. Leuprecht (Undated and unpublished), 2.
14. Ouyahia-McAdams (2001), 3. (Italics original).
15. Personal Interview, March 2006.
16. Personal discussions, 2 November 2005, 22 December 2005.
17. MacFarlane and Khong (2006), 159.
18. Cited in *Japan Times*, 29 September 2000, p.4.
19. Hammarberg (1999–2001), 3.
20. *Ibid.*, 1.
21. *Reasmei Kampuchea Daily*, 20 February 2002.
22. 'ASEAN 2002,' *Cambodia Daily*, 4 November 2002, 29.
23. *Ibid.*, 52.
24. *Cambodia Daily*, 4 November 2002, 26.
25. *Nation*, 6 January 2006.
26. Interview, 5 March 2006.
27. St. John (1995).
28. *Ibid.*, 669.
29. *Ibid.*, 678.
30. Bevacqua (1998).
31. Frost (2005), 45–51.
32. *International Herald Tribune*, 18 September 2006, 1.
33. Hun Sen's Keynote Address at the International Conference on Asian Political Parties, Beijing, 3–5 September 2004, 2.

34. Jane Perlez, 'China emerges as major player in Asia Aid', *International Herald Tribune*, 18 September 2006, 1.
35. *International Herald Tribune*, 2 November 2006, 1, 8.
36. *International Herald Tribune*, 18 September 2006, 4.
37. *Ibid.*, 4.
38. Green and Self (1996).
39. Green (2001), 78.
40. *Ibid.*, 79.
41. *Ibid.*, 273.
42. Green (2001), 190.
43. *Financial Times*, 10 April 2006.
44. Gorgão (2002).
45. Interview, 27 January 2006.
46. Frost (2005), 68.
47. Malik (2006).
48. Hoong (1989); Seki (1992).
49. Pao-min (1997), 147.
50. Hoang (1993), 286.
51. *Ibid.*
52. Ross (1999), 96.
53. Acharya points out that 'no East Asian country has done so [aligning militarily with China] with the possible exceptions of Burma and North Korea'. He also wrote, 'Assertions that East Asian states are not balancing China must also be weighed against the emphasis on air and naval weapons in the military buildup by the ASEAN states and Japan', Acharya (2003–04), 151.
54. Hun Sen's Keynote Address at the International Conference on Asian Political Parties.
55. *The Associated Press*, 27 February 2007.

Conclusion: Toward Complex Realist Institutionalism

1. Kumar and de Zeeuw (2006), 17.
2. Lowndes (2002), 104–5.
3. Blyth (2002), 301.
4. Lowndes (2002), 95; March and Olsen (1989), 17.
5. Blyth (2002), 301; Hall and Taylor (1998); S. Steinmo *et al.* (1992).
6. Lowndes (2002), 105.
7. Blyth (2002), 302, 305–7.
8. Thelen and Steinmo (1992), 10.
9. McAnulla (2002).
10. Schweller (2000), 61.
11. Cohen (2001).
12. Korf (2006), 472.
13. Hopkin (2002), 251.
14. Job (1992).
15. Hopkin (2002), 251.
16. Fukuyama (1992).
17. Zakaria (1997).

18. Berman (1997).
19. Tarrow (1996), 393–4.
20. Encarnación (2006), 365.
21. Cited in Encarnación (2006), 373.
22. Carothers (2002), 19.
23. Rüländ (2003).
24. Shin and Wells (2005).
25. Carothers (2002).
26. Roland Paris (1997).
27. Kabashima and MacDougall (1999); Er (1999).
28. Paris (2004).
29. Kiernan (1996), 465.
30. Slater (2003).
31. Peou (2006).
32. Raymond (1994), 29–30.
33. Cited in Adekanye (1997), 360, 362 (*Italics original*).
34. *International Herald Tribune*, 28 September 2006, 1, 8.
35. Peou (1997, 2000).
36. Mak (1995); Fatic (1996); Wedgwood (1999); Bolton, (1999); Charney (1999).
37. Reisman (1998), 46–9.
38. Kerr (2001), 128.
39. Reiff (1995, 2000).
40. Snyder and Vinjamuri (2003/04), 6.

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Index

- absolutism 127, 128
- accountability 62–4
 - limited by norm of impunity 65–8
 - and non-violence 13, 37–8, 61–5
- Agarwal, N. 188
- agriculture/farmers 142, 143, 148, 183–4
- Allison, G. and Beshel, R. 18
- Amnesty International 76
- armed forces *see* military/armed forces
- arrests/detentions 81–3
 - and forced evictions 75, 153
 - of human rights activists 81, 156–7
 - of opposition MPs 71
 - prison conditions 83
 - re-arrest of criminal suspects 161–2
 - torture 62, 81–2, 83, 91
 - without warrants 82, 161–2
- ASEAN 26–7, 200
 - see also specific countries*
- Asian Development Bank (ADB) 168, 170, 182, 189–90, 202
- assassinations *see* executions/killings, extra-judicial
- assembly, freedom of 76–7, 78
- association, freedom of 76

- Bobbio, N. 12
- Brunce, V. 4
- Buddhism 74, 78, 129–30, 134
 - Pagoda Boys 77, 158
- Buddhism for Development (BFD) 131
- Buddhist Liberal Democratic Party (BLDP) 70
- Bureau of Democracy, Human Rights, and Labor 74
- business owners 75
 - family members of Hun Sen 151–2, 159–60, 162

- Cambodian Bar Association (CBA) 119–21
- Cambodian Center for Human Rights (CCHR) 75, 78, 81
- Cambodian Constitution
 - 1981 72, 95
 - 1989 132
 - 1993 50–1, 52, 63, 64–5, 73, 74, 76–7, 87, 91, 95
 - Constitutional Council (CC) 52, 98–9, 102, 104
- Cambodian Defenders Project (CDP) 119, 122–3
- Cambodian Freedom Fighters (CFF) 69–70, 82
- Cambodian Human Rights Action Committee 119
- Cambodian Human Rights Coordinating Committee 117
- Cambodian Human Rights and Development Association (ADHOC) 98, 116, 118, 138, 149–50, 172
- Cambodian Institute for Human Rights (CIHR) 116, 117, 138
- Cambodian League for the Promotion and Defense of Human Rights *see* LICADHO
- Cambodian Office for the Commissioner of Human Rights (COCHR) 65, 66
- Cambodian People's Party (CPP) 104–6, 111, 149
 - and Buddhist Sangha 130
 - coalition governments 57, 71, 92, 94, 106, 108, 199
 - control over armed forces 158–62
 - domination over political arena 155–8
 - and electoral monitoring organizations (EMOs) 113
 - and electoral procedural rules 54–7, 58, 59

- Cambodian People's Party (CPP) –
continued
 and foreign donors 195–7, 199
 and FUNCINPEC 107, 108, 109
 and judiciary 95
 and legislature 92, 94
 and membership of Cambodian Bar Association (CBA) 120
 and National Election Council (NEC) 101–2, 103
 and People's Revolutionary Party of Kampuchea (PRPK) 132–4
 post-election power transfer 57
 violence 71, 82
see also Hun Sen
- Canada 177, 195
- Canadian International Development Agency (CIDA) 168–9
- capitalism 30–1
see also *entries beginning* economic
- Carothers, T. 17, 18, 22, 24, 27–8, 212
- Chandler, D. 62, 129
- charismatic leadership 129
- Chea Sim 71, 94, 98–9, 104, 105, 106, 134, 157
- Chea Sophara 106
- Chea Vichea 80, 98, 195
- Chhun, Yasith 69, 70
- child soldiers 68–9
- China 29, 183, 199–200, 201–5
- Christianity 74
 Catholic Church 26
- Churchill, Winston 2
- Civil Code/Civil Procedure Code 169
- civil society 212
 actors 27
 communist/socialist era 129–30, 134, 136–7
 donor assistance 115, 123, 171–5, 190, 194–5
 election monitoring organizations (EMOs) 112–16, 138, 171, 176–7
 emergence of 138
 institution building 24–5, 26–7, 171–5
 legal organizations 119–23
 national and international organizations 19
see also human rights; *specific* NGOs
- Coalition for Free and Fair Election (COFFEL) 112–13, 114, 171
- coalition governments 34, 57, 71, 92, 94, 106, 108, 199
- Collins, W.A. 129
- colonial rule 128, 135
- Committee for Free and Fair Elections (COMFREL) 59, 103, 112–14, 138, 171, 174
- Commune Councils 168
- Commune Election Commissions (CECs) 100–1, 102, 103
- communism/socialism 29–30, 131–5
see also Khmer Rouge/Khmer Republic; People's Republic of Kampuchea/State of Cambodia (PRK/SOC); Vietnamese
- complaints
 CBA 121
 election-related 52, 55, 57, 65, 102, 103, 130–1
 NGOs 173, 174
- complex realist institutionalism (CRI) 21, 24–32 *passim*, 207–15
- compliance issues 36, 37–8, 53–8, 68–72
- conciliation, culture of 130–1
- Constitutional Council (CC) 52, 98–9, 102, 104
- constitutional liberalism 21–2
- construction industry 140, 145
- Coordination Committee of Associations and Non-Government Organizations for Observing Elections 116
- corruption 37, 59–60, 65, 106
 bribes 67, 88
 Cambodian Institute of Human Rights (CIHR) 117
 and FDI/donor assistance 145, 184, 185, 186
 gifts 59, 111
 judges 96, 122
 police 90

- see also* accountability;
transparency
- Council for the Development of
Cambodia (CDC) 182–3
- Council of Ministers 87–8
- coups
against Prince Ranariddh (1997)
57, 70–1, 105, 158–9, 193–4,
200
against Prince Sihanouk (1970)
34, 61
attempted (2000) 82
- courts
funding/resources 147
and police 161–2
- Cousens, E. 2
- CPP *see* Cambodian People's Party
- cultural constraints 28–9,
127–31
- cultural determinism 209
- debt relief 184–5
- defamation 79, 80, 81, 97
- deinstitutionalization 39, 40
- democratic regime consolidation
13–16
see also material impediments; non-
material constraints
- democratization 13–15
Asian vs. Western perspectives
28–9
timeframe 35
- demonstration, freedom of 76–8
- detentions *see* arrests/detentions
- Diamond, L. 27
- dictatorship
electoral 4–5, 10, 14–15
military 10
monarchical 10
socialist 10
vs. democracy 2–3, 9–13
- diplomacy, limits of donors'
collective action 197–200
- donor assistance 17–20, 24, 25,
208
aid dependency 4–5, 34–5, 170
civil society 115, 123, 171–5, 190,
194–5
organizations 41, 44, 167
- see also* economic development;
political assistance
- Doorenspleet, R. 11
- economic arena, pro-CPP elite's
domination over 151–5, 185–6
- economic development 2–3, 30–1,
213
complex path to 143–6
donor assistance 180–3
aid coordination 186–91
limits of role 183–6
government statistics 41
and inequality 30–1, 139–42, 186
- economic freedom 74–5
- education/training 118–19, 123,
144, 177–8
- election administration 26, 53,
100–4, 175–6
see also National Election
Committee (NEC)
- Election Laws 50–2, 65, 102
- election monitoring organizations
(EMOs) 112–16, 138, 171,
176–7
- elections
of anti-democratic forces 22
Commune (2002) 53, 54, 55, 56,
58, 114
history of 136
National Assembly (1993, 1998,
2003) 53, 55, 56, 59, 65, 109,
111, 114, 176–7
Senate (2006) 53, 58, 59, 119, 153
- Electoral Assistance Division, UN 18
- electoral dictatorships 4–5, 10,
14–15
- Electoral Law (1981) 132–3
- electoral procedural rules 11–12,
36–7, 49–52
limits of compliance with 53–60
- elites 15–16, 24, 31, 32, 208,
209–10, 213–14
- compliance issues 36, 37–8,
53–60, 68–72
- deinstitutionalization 39, 40
- domination over economic arena
151–5, 185–6
- French colonial era 135–6

- elites – *continued*
 interviews 44
 post-socialist states 30
 power-sharing 127
see also corruption
- European Parliament 196
 European Union (EU) 182, 183, 194
 Election Observation Mission (EUEOM) 101, 102, 103
- evictions, forced 75, 153, 154
 executions/killings, extra-judicial
 57, 71, 82, 160–1
 Chea Vichea 80, 98, 195
- executive branch 21–2, 23–4
 institutional weaknesses 87–91
 and judicial branch 95–9
 and legislature 92–3
- expression, freedom of 78–80
 Extraordinary Chambers 64, 67–8
- fairness, electoral rule of 12, 36–7,
 50–2
- farmers/agriculture 142, 143, 148,
 183–4
- Feher, M. 18
- foreign aid *see* donor assistance;
 economic development
- foreign direct investment (FDI) 144,
 145
- foreign enterprises 75
 foreign experts 170, 171, 175–6,
 181–2, 184
- forestry clearance/illegal logging 75,
 152, 154, 155, 162
- Forum Syd 173–4
- France 169, 194–5, 201
- Francis, J. 122
- freedoms *see* liberty; *specific freedoms*
- freeness, electoral rule of 12, 36,
 50–1, 54–5
- French colonial rule 128, 135–6
- Frost, F. 204
- Fumiaki, T. 65, 203
- FUNCINPEC 34, 156, 157, 158–9
 coalition governments 57, 71, 92,
 94, 106, 108, 199
 election administration 103, 104
 and electoral procedural rules 54,
 56, 57, 58
- extra-judicial killings of officials
 82, 160–1
- founding 137–8
- funding 148
 and opposition parties 107–11
see also Norodom, Prince Ranariddh
- funding 146–9, 177–9
see also donor assistance
- garment industry 140, 141, 144,
 145, 183
- Gasiorowski, M. and Power, T. 4
- gasoline industry 153
- Germany 167, 195
- Ghai, Y. 66–7, 96
- Ghosanada, Samdech Preah Moha
 68
- Global Witness 152, 155, 162
- Graham, L. 13
- grenade attacks 70, 75
 on SRP supporters (1997) 77, 96,
 157, 193, 194
- gross domestic product (GDP) 139,
 140
- Hammarberg, T. 66, 70–1, 161, 162,
 199
- historical constraints 28, 135–8
- historical institutionalism 208,
 209
- Hok Lundy 71, 154, 159, 160–1
- Hughes, C. 114
- human rights 17, 63, 194
 NGOs (HR NGOs) 116–19
 donor assistance 171–4
 emergence 138
 impact of poverty on 149–50
 problem of impunity 67
see also specific HR NGOs
- Human Rights Watch 68, 69, 77–8
- Hun Sen 57, 58
 family members' business interests
 151–2, 159–60, 162
 institutional underdevelopment
 95–8, 105, 106, 107, 120
 limits of assistance 171, 185, 187,
 193–4, 197, 202, 204, 205
 structural constraints 130, 134,
 145, 148, 153, 154

- threat to liberalism/liberty 61, 65,
 69–72, 77, 81, 82
see also Cambodian People's Party
 (CPP)
- Huntington, S. 11, 28, 32, 38, 211,
 212
- ideological constraints 131–5
 ideological legacies 29
 IMF *see* International Monetary Fund
 (IMF)
 imprisonment *see* arrests/detentions;
 torture
- impunity, culture of 65–8
 indigenous groups/minorities 59,
 73–4, 75, 76, 142
 institutionalization 38–9, 40
 institutions 3–4, 15–16, 19
 funding 146–9, 177–9
see also civil society; political
 society; state institutions
- international democracy assistance
 17–20
see also donor assistance
- International Criminal Tribunals
 215
 Extraordinary Chambers 64, 67–8
- International Monetary Fund (IMF)
 41, 141
 economic assistance 182, 184–5,
 188–90, 191
 institution building 168, 170–1
 political assistance 197–8, 201
- international organizations 18
- International Republican Institute
 (IRI) 54, 55, 101, 168, 177–8
- Jackson, K. 132
- Japan 172
 economic assistance 181–2, 184,
 185, 187–8
 political assistance 195–6, 198,
 201, 202, 203–5
- job market 141
- judges 95–6, 97–8, 120, 122, 123
 Royal School of Judges and
 Prosecutors 169
- judicial branch
 donor assistance 169
- institutional weaknesses 95–9
 reform 24
- Kampuchean People's Revolutionary
 Armed Forces (KPRAF) 133, 158
- Ke Kim Yan 71–2
- Keat Chhon 185
- Kem Sokha 81
- Khmer Institute of Democracy (KID)
 116, 138
- Khmer People's National Liberation
 Front (KPNLF) 34
- Khmer Republic 61–2, 136
- Khmer Rouge 34, 61–9 *passim*, 131,
 132, 136–7, 158, 199
- Kumar, K. and de Zeeuw, J. 17
- Ky Tech 120, 121
- labor force 141
- land grabbing 75
 forced evictions 75, 153, 154
- Lao Mong Hay 194–5
- lawyers 119–20, 122
- leadership 105–6, 129, 132, 136–7
- legal action against activists 79–80,
 81
- Legal Aid of Cambodia (LAC) 83,
 119, 121–2
- legal institution building 172
- legal organizations 119–23
- legislature 23–4
 donor assistance 168–9, 170, 197
 funding/resources 147
 institutional weaknesses 87–94
- Leuprecht, P. 35, 45, 53, 54, 66, 83,
 177, 191, 194, 198
- liberal democracy 10–11, 28
- liberal norms 13
see also accountability;
 non-violence
- liberalism, constitutional 21–2
- liberty 22
 limits on 72–83
 principle of 12, 37
see also Election Laws
- LICADHO 80, 83, 117–18, 119, 149
 arrests 156–7
 donor assistance 171–2
- Liebert, U. 23

- Lipset, M. 30
 litigation vs. conciliation 130–1
 logging, illegal 152, 154, 155, 162
 Longmuir, G. 105, 177, 197
- Mahathir Mohamad 200, 201
 Mainwaring, S. and Scully, T. 38
 Malaysia 200, 201, 202
 manufacturing (garment industry)
 140, 141, 144, 145, 183
 March, J. and Olsen, J. 4
 Marcellino, A. 90, 133, 134
 Marston, J. 119
 Martin, M.A. 136
 material impediments
 economic 139–50
 political 151–63
 media
 domination by CPP 56–7
 freedom 78–9
 monitoring 176
 newspapers as data source 43–4
 PRK/SOC era 134
 radio stations 80, 81
 military/armed forces 13, 22, 24,
 214–15
 child recruitment 68–9
 court involvement in civilian case
 96–7
 CPP control over 72, 158–62
 impunity 66
 Kampuchean People's
 Revolutionary Armed Forces
 (KPRAF) 133, 158
 reform 89–90, 148
 roles 75, 77, 148, 153, 162
 Royal Cambodian Armed Forces
 (RCAF) 158, 159, 162
 minorities/indigenous groups 59,
 73–4, 75, 76, 142
 mob violence 66, 90–1
 monarchy 128, 129–30, 136
see also Nodorom, Prince
 Ranariddh; Nodorom, Prince
 Sihanouk
 movement, freedom of 75–6
 Munck, G. 35–6
 murders *see* executions/killings,
 extra-judicial
- National Assembly
 absenteeism 94
 elections (1993, 1998, 2003) 53,
 55, 56, 59, 65, 109, 111, 114,
 176–7
 quorum, lack of 94
 Secretariat 93, 147, 169
 National Democratic Institute (NDI)
 105, 177, 178
 National Election Committee (NEC)
 50, 51–2, 53, 175
 and EMOs 114, 115, 116
 and NGOs 117
 preference for reconciliation 131
 and underdevelopment of political
 society 100, 101–4, 105
 nationalism 135–6
 Neav Sithong 156
 Nelmes, J. 184–5
 Neth Savoeun 152, 161
 Neutral Independent Committee for
 Free and Fair Elections (NICFEC)
 103, 112–13, 114–15, 138, 171,
 173
 New Zealand 172
 NGO Coordinating Committee
 (NGOCC) 116
 NGOs *see* civil society; human rights,
 NGOs; *specific organizations*
 non-elected officials 37
 non-material constraints 28–30, 40,
 212–13
 cultural 28–9, 127–31
 historical 28, 135–8
 ideological 131–5
 non-violence
 accountability and 13, 37–8,
 61–5
 limits of compliance with norm of
 68–72
 normative institutionalism 29, 208,
 209
 Norodom, Prince Ranariddh 129,
 148
 coup against 57, 70–1, 105,
 158–9, 193–4, 200
 institutional underdevelopment
 92, 93, 94, 96–7, 107–8, 109–10
see also FUNCINPEC

- Norodom, Prince Sihanouk 72, 94,
98–9, 107, 108, 158
coup against 34, 61
- Olson, M. 31
- operational effectiveness 39
- organizational
independence/autonomy 38–9
- organizational influence 39
- organizational sustainability 39
- Ouk Vandeth 122
- Ouk Vithun 156–7
- Pagoda Boys 77, 158
- Paris Peace Agreements 34, 87,
95
Declaration on the Rehabilitation
and Reconstruction of
Cambodia 180–1
electoral procedural rules 49,
50–1
and liberalism/liberty 63, 64, 73,
76–7
National Strategic Development
Plan 190–1
- parliamentary vs. presidential systems
22–3, 25
- paternalism 128
- peacebuilding 1–2
- People's Republic of Kampuchea/State
of Cambodia (PRK/SOC) 62, 63,
74, 78, 81–2, 100–1, 131–7
passim, 158
- People's Revolutionary Party of
Kampuchea (PRPK) 132–4
- Perlez, J. 202
- personal observation 44–5
- personal rule 129
- Philippines 27, 200, 202
- Pol Pot 68, 158, 200
see also Khmer Rouge
- police 90–1
communist era and legacy 62,
133, 134
complicity in mob violence 66,
90–1
and courts 161–2
and CPP 159–62
roles 75, 77–8, 153
- political assistance
limits of collective diplomacy
197–200
'realist' security interests 201–5
weak responses to assaults on
democracy 193–7
- political institution building 24–8
- political leadership 105–6, 129, 132,
136–7
- political parties 25, 31, 39, 51–2,
136
funding 148–9, 177–9
see also specific parties
- political society 175–9
actors 27
founding of institutions 137
limits of assistance for institution
building 175–9
- political violence 54–5, 61–2, 63–4,
102–3, 127, 148
against journalists 79
assembly and demonstrations
76–8
post-election power transfer 57
see also coups; executions/killings,
extra-judicial; military/armed
forces; non-violence; police;
torture
- politically significant groups *see* elites
- Porter, I. 196
- post-war societies 30–1, 35
- poverty
impact on institution building
146–50
and inequality 30–1, 139–42, 186
reduction rate 141–2
threshold 142
- power consolidation vs. democratic
regime consolidation 13–16
- power-sharing 127
- pre-trial detention 82–3
- presidential vs. parliamentary systems
22–3, 25
- prison conditions 83
- privatization 74–5
- PRK/SOC *see* People's Republic of
Kampuchea/State of Cambodia
(PRK/SOC)
- property ownership 74, 75

- Provincial Election Commissions (PECs) 100–1, 102, 103
 PRPK *see* People's Revolutionary Party of Kampuchea (PRPK)
 Przeworski, A. 30, 32
 Public Institution Index 99
- radio stations 80, 81
 Ranariddh, Prince *see* Norodom, Prince Ranariddh
 rational-choice institutionalism 30, 208
 'realist' donors' security interests 201–5
 reconciliation, culture of 130–1
 regional organizations 18
 religion 26, 28, 68
 freedom of belief 73–4
 see also Buddhism; Christianity
 Remmer, K. 3–4
 repeatability (regular elections) 11, 50, 53
 representation, electoral rule of 12, 37, 52
 limits of compliance with 58–60
 research methodology
 Cambodia as single-country case study 33–5
 proposition and hypotheses 35–40
 qualitative 42–3
 quantitative 40–3
 types and sources of data 40–5
 Roberts, D. 127
 Rodan, G. 27
 Royal Cambodian Armed Forces (RCAF) 158, 159, 162
 Royal School of Judges and Prosecutors 169
 royalists *see* FUNCINPEC
 rule of law 22, 24, 37–8
 rural poverty 142
 Russett, B. 3
- Sam Rainsy 71, 92, 96–7, 107, 110, 121, 129, 141, 157
 Sam Rainsy Party (SRP) 71, 148
 1997 grenade attack on supporters 77, 96, 157, 193, 194
 and Alliance of Democrats 106
 electoral procedural rules 54, 55, 56, 57
 founding 138
 and FUNCINPEC 107–8, 110–11
 and judiciary 96–7
 and legislature 92, 94
 Say Bory 99
 Schedler, A. 15
 Schmitter, P. 29, 35
 and Karl, T.L. 37
 secret ballot rule 92, 94
 security/intelligence 22, 24
 'realist' donors' interests 201–5
 Sen, A. 3
 Senate
 election (2006) 53, 58, 59, 119, 153
 Secretariat 93–4, 147, 169
 tycoon-turned 152, 153–5
 services sector 141
 socialism *see* communism/socialism; Khmer Rouge
 Sok An 88, 95, 120, 155–6, 199
 Spiro Clark, E. 25
 State of Cambodia (SOC) 34
 see also People's Republic of Kampuchea/State of Cambodia (PRK/SOC)
 state institutions
 building 21–4
 limits of assistance for 167–71
 structural constraints and impediments 28–32
 underdevelopment 87–94
 Stepan, A. 23–4, 25, 27
 Supreme Council of the Magistracy (SCM) 97–9
 Supreme National Economic Council 145
 Swaminathan, S. 32
- technical assistance (TA) 170–1, 178, 181
 terrorism 205
 Theng Bunma 152
 torture 62, 81–2, 83, 91
 tourism 140–1, 143, 144, 145, 153
 trade unions 76, 80

- transparency 12, 53, 93
see also corruption
- Transparency International
 Corruption Perception Index 60
- Tribunal of Phnom Penh 62
- trust 59
- unions 76, 80
- United Nations (UN) 18, 34, 44
 Anti-Corruption Convention 65
 institutional underdevelopment
 90, 96, 98, 99
 limits of assistance 186, 191,
 196–8, 199
 power vs. democratic consolidation
 56, 63–4, 65, 66–7, 68, 70–1,
 75, 83
 structural constraints 128, 134,
 147
 UNDP 168, 169, 170, 175, 182,
 189–90, 198
 UNTAC 78, 95, 175, 176, 201
- United States (US) 1, 17–18, 34,
 211–12
 American-Cambodians 69, 70
 democracy promoting agencies 18
 political assistance 194, 196, 199,
 202, 205
 USAID 18, 60, 174–5, 177, 178–9,
 190
- Valenzuela, J.S. 25
- Vanhanen, T. 31
- variables, democratic regime
 consolidation measures 35–6,
 38, 40
- Vietnamese
 colonial rule 128, 135, 136, 137
 invasion (1978–9) 34, 137, 205
- violence against 61, 82
see also People's Republic of
 Kampuchea/State of Cambodia
 (PRK/SOC)
- violence *see* coups;
 executions/killings,
 extra-judicial; military/armed
 forces; mob violence;
 non-violence; police; political
 violence; torture
- voting rights *see* freeness, electoral
 rule of
- Wat Boy Student Movement (Pagoda
 Boys) 77, 158
- Western European countries,
 democracy promotion 18
- Western vs. Asian perspectives 28–9
- Windsor, J. 3
- women 58
- World Bank 65, 75
 economic assistance 182, 183–4,
 185, 186, 187, 188–90,
 191
 economic impediments 140, 141,
 143, 144, 145
 institution building 168, 170–1
 political assistance 196, 197, 201,
 202
- World Economic Forum Growth
 Competitiveness Index (GCI)
 143
- World Trade Organization 186,
 198
- Yasith Chhun 69, 70
- You Hockry 104, 107, 121
- Zakaria, F. 12, 28, 30, 211