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Cambodia's 2003 Election: **"Hun Sen is Always the Prime Minister"**

By Matthew Z. Wheeler

AUGUST 19, 2003

PHNOM PENH, Cambodia—On July 27, 2003, Cambodian voters went to the polls. It was the third national election since the United Nations sponsored voting for a constituent assembly in 1993 as part of an agreement to end years of civil war. Preliminary results show the ruling Cambodian People's Party (CPP) won 47 percent of the vote, enough for 73 seats in the 123-seat National Assembly. However, the margin of this CPP victory is too narrow to secure the two-thirds of National Assembly seats needed to form a new government. Prime Minister Hun Sen, Cambodia's self-described "strongman," will once again need a coalition partner.

For the time being, neither of the two other major parties is willing to be the junior partner in a coalition dominated by the CPP. The royalist National United Front for an Independent, Peaceful and Cooperative Cambodia (known by its French acronym, FUNCINPEC), which won 26 seats, and the opposition Sam Rainsy Party (SRP), which won 24 seats, have rejected the preliminary election results, citing violations of election laws ranging from irregular voter registration to intimidation and violence. FUNCINPEC and SRP have formed an "Alliance of Democrats" and vowed not to join any government in which Hun Sen is Prime Minister. They have proposed formation of a three-party coalition, so long as Hun Sen is not the premier. According to opposition leader Sam Rainsy, "This is the last chance for Cambodia to move toward democracy and get rid of the dictator."¹



A man outside the Olympic Market in Phnom Penh sports a shirt with the logo of the ruling Cambodian People's Party. The logo features an angel spreading flower blossoms.

FUNCINPEC has played the role of junior coalition partner in one form or another since 1993 and has seen its influence and popularity decline. Founded by Cambodia's once and present king, Norodom Sihanouk, the party is led by the King's son, Prince Norodom Ranariddh. Although the party's royal association still draws supporters, Ranariddh is widely seen as the least astute of Cambodia's party leaders. "He's the dumbest, really," one long-time Cambodia watcher told me. FUNCINPEC never fully recovered following Ranariddh's violent 1997 ouster from the government by Hun Sen. Ranariddh's credibility suffered with his decision to bring FUNCINPEC once again into coalition with the CPP following the

¹ Bill Bainbridge and Vong Sokheng, "FUNCINPEC Defies PM's Demands," *Phnom Penh Post*, August 1-14, 2003.

last national election in 1998.

The opposition Sam Rainsy Party is an unlikely coalition partner for the CPP. The party's rabble-rousing founder and leader, returned French émigré Sam Rainsy, is dedicated to ousting Hun Sen. Sacked as Finance Minister in 1994 after alienating Hun Sen and his own FUNCINPEC colleagues with his zealous anti-corruption crusade, Rainsy was soon thereafter expelled from FUNCINPEC and ejected from his National Assembly seat. Rainsy then founded the Khmer Nation Party (renamed SRP after a splinter faction took the original name). Rainsy presents himself as the democratic alternative to the "communist" CPP and campaigns as a reformer concerned about corruption and the menace of Vietnamese influence in Cambodia. Known as a firebrand, Rainsy maintains a high profile through energetic and sometimes confrontational labor-union activity, though his recourse to anti-Vietnamese rhetoric tarnishes his image as a democrat. To his supporters, Sam Rainsy is a tireless worker for human rights and Cambodia's hope for a democratic future. To his critics, he's a self-aggrandizing bigot more interested in provocation than reform.

For his part, Hun Sen is adamant that he will retain his post. On July 30, speaking to residents of Sak Sampou commune in Phnom Penh, Hun Sen declared, "Hun Sen is always the prime minister." It may sound like a boast, but the facts are with him. Hun Sen has been Prime Minister since 1985, when he became the world's youngest premier at age 33. A chain-smoking former guerrilla fighter who lost an eye in combat, Hun Sen has ruthlessly out-maneuvered his opponents and emerged from a series of political contests with complete control. Now he wonders out loud how the election losers are able to make demands about who will be the prime minister. Hun Sen's position is plain: "They can't oust Hun Sen."²

Now is the liminal period between the election and the formation of a new government. For the CPP, there is nothing to discuss; the people chose the CPP and one of the other parties must get on board. For FUNCINPEC and SRP, the process was neither free nor fair and they insist on being included in the government on their terms. They are working together for the time being, but many wonder how long the "Alliance of Democrats" will last. Now is the time for posturing, threatening, cajoling, issuing brave pronouncements and, no doubt, for some



backroom bargaining. A crisis looms.

For now, Phnom Penh is quiet, though some fear a repeat of the demonstrations and violence that followed the 1998 elections. The riot police assembled on the street corners near the Royal Palace and the National Assembly building snooze in the shade of their trucks between games of chess. It's time to wait.

* * *

This post-election calm is also a time for me to recover. I came to Cambodia a week before the July 27 polls in order to witness the final week of the month-long campaign period and immediately came down with the flu. My impressions of the campaign (or what I saw of it) are refracted by a fever. The flu absorbed the sensory input of a strange city—the rain and mud, political party flags,

² Yun Samean and Luke Reynolds, "Hun Sen Vows to Stay on as Prime Minister," *The Cambodia Daily*, July 31, 2003.

peeling handbills, the smell of wood smoke, the smell of garbage, the sound of distorted Khmer blasting from loudspeakers and the quiet voices of importunate *moto* drivers (“Sir, where you go?”)—and brought it all to a simmer in my consciousness. Above all, I associate the 2003 election campaign in Cambodia with chills and the green curtains that rinsed my sickroom at the Cathay Hotel in gloomy, nauseating shades of pea soup.

Once a day I dressed and hobbled out into the streets to find some food. It rained often that week, and my path to the riverside was obstructed by giant puddles. Even in the capital, just blocks from the showcase riverfront promenade along Sisowath Quay, some streets are not paved. Here and there people had deposited rocks and shards of brick in the puddles so that pedestrians could walk across. Once, while searching for a place to step, I was nearly run down by a large, white SUV with the flag of the European Union emblazoned on its door.

One evening I staggered into a restaurant near the Tonle Sap River and sat shivering as a young waitress fed bananas and baguettes to an enormous elephant. She told me that the elephant was named Dumbo and that it lived by Wat Phnom. The mahouts brought Dumbo down the street most evenings, soliciting food from the restaur-

rants. Feeding Dumbo was a good deed. The elephant was old, something like 40 years old, she said. Dumbo had lived through a lot.

I asked the waitress about the election. She shrugged. “I’m 17, not old enough to vote this time. But I think the parties are not much different from each other.” Several pickup trucks carrying CPP supporters and festooned with yellow bunting, party flags and loudspeakers went past. “And I don’t like those campaign trucks,” she added. “It looks like a funeral procession.”

This association between politics and death is worth examining. It was only four years ago that after 30 years of war Cambodia enjoyed its first full year of peace. The most popular destinations for visitors to Cambodia (after the magnificent Angkor Wat ruins) are a genocide museum located in a former torture center and a mass grave, relics of the Maoist Khmer Rouge rule of Democratic Kampuchea. Between 1975 and 1979, 1.7 million Cambodians died from overwork, hunger, disease and execution as the Khmer Rouge imposed their vision of a classless, collectivized agrarian utopia. Phnom Penh was emptied within hours of “liberation” and vast numbers of people shifted from their homes to disparate parts of the country. In less than four years, the Khmer Rouge nearly destroyed the institutions of government, the market, religion and the family. The trauma of Khmer Rouge rule is still an impediment to development and democracy in Cambodia, and is manifest in the reluctance of many Cambodians to plan, to make decisions and to trust.³

Cambodia’s political travails did not begin or end with Khmer Rouge atrocities. One looks in vain for an instance of a peaceful transfer of power in Cambodia’s post-independence history. One might argue that it was ultimately the force of Japanese and, later, Viet Minh arms that induced France to grant Cambodia’s independence in 1953. The 1970 *coup d’etat* that toppled the government of Norodom Sihanouk was bloodless and bureaucratic, but not without the threat of force. Five years of civil war followed, culminating in the Khmer Rouge victory on April 17, 1975. Nearly four years later, after a series of provocative Khmer Rouge attacks on southern Vietnam, the Vietnamese army invaded Cambodia, driving the Khmer Rouge to the west and sending hundreds of thousands of refugees across the border into Thailand.

The Vietnamese invasion and occupation of Cambodia, which lasted until 1989, set the stage for a civil war that continues to animate the political attitudes of many of Cambodia’s political elites. On one side of the conflict was the Vietnamese-installed People’s Republic of Kampuchea (PRK, renamed the State of Cambodia, or SOC, in 1989), of which Hun Sen was foreign minister and later prime minister. Opposing the PRK/SOC was the Coalition Government of Democratic Kampuchea



A FUNCINPEC campaign truck

³ Sue Downie and Damien Kingsbury, “Political Development and Re-emergence of Civil Society in Cambodia,” *Contemporary Southeast Asia*, Vol. 23, no. 1, April 2001, p. 50.



A guide at the Toul Sleng Genocide Museum points to photographs taken by Khmer Rouge of their victims. Between 1975 and 1979, an estimated 12,500 people were imprisoned at Toul Sleng, where they were tortured and forced to confess to working against the revolution. Most victims were killed at Cheung Ek, about 15 kilometers from Phnom Penh.

power granted by the people through “periodic and genuine elections.” Although the Paris Agreement signaled the disengagement of the external powers from the conflict, it did not resolve the issue of who would rule Cambodia. Thus, the peace accord sought to shift the Cambodian conflict from the battlefield to a democratic political process.

This process has not been smooth. Politics in Cambodia has been punctuated by violence. Cambodia’s democratic development has been thwarted not only by the legacy of the country’s tragic, war-torn past, but also by Cambodia’s traditional political culture. As elsewhere in mainland Southeast Asia, Cambodian society is organized by patron-client relationships.

(CGDK), an umbrella group linking FUNCINPEC and a smaller non-communist group with the military muscle of the Khmer Rouge. Supported by the U.S. and China, the Khmer Rouge retained Cambodia’s United Nations seat. With help from Thailand, weapons and supplies from China and the U.S. sustained the CGDK’s inconclusive guerrilla war against the PRK/SOC throughout the 1980s. The CGDK portrayed their struggle as a fight against Vietnamese aggression and occupation, while the PRK/SOC fought to prevent a return to power by the “genocidal Pol Pot clique.”

Powerful people offer protection and resources to followers in exchange for loyalty. Power, exemplified as the ability to attract and provide for followers, is its own justification. Moreover, the pursuit of power in Cambodia has always been a zero-sum game. Power is finite; the winner takes all and the loser is annihilated. As a corollary, there is no concept of a loyal opposition. Cambodian leaders have shown little willingness to work cooperatively with other factions. According to Lao Mong Hay, former director of the Khmer Institute of Democracy, “for the ruling elite the notion of ‘national reconciliation’ means submission to their rule rather than compromise.”⁵

As the Cold War waned, the great powers and regional patrons of the contending Cambodian factions lost interest in prolonging the conflict. In 1991, the Cambodian factions and their benefactors signed the Comprehensive Political Settlement of the Cambodian Conflict, known as the Paris Agreement, providing for a United Nations transitional administration of Cambodia and preparations for an election to select a constituent assembly.⁴ The Cambodian factions agreed to the pacific settlement of disputes, respect for human rights and the establishment of a “system of liberal democracy” with

Cambodian politics since 1993 has been described as a continuation of the 1980s Cambodian conflict.⁶ Political elites in Cambodia often speak as if nothing had changed in the last 15 years, stoking old grievances to affirm their legitimacy or stir up support. The CPP, for example, emphasizes its role as the party that ousted the Khmer Rouge and prevented their return to power. During the 2003 campaign, state-run television stations showed *The Killing Fields*, a 1984 drama about a Cambo-

⁴ The UN’s 18-month stewardship of Cambodia cost \$2 billion. At the time the price tag for what was then the UN’s most expensive operation raised eyebrows; these days it seems like a bargain. For all of the UN Transitional Authority’s shortcomings and Cambodia’s ongoing problems, the UN brought a degree of stability to a war-ravaged country still recovering from despotic, genocidal rule, and established the institutions and mechanisms of representative democracy.

⁵ Lao Mong Hay, “Building Democracy in Cambodia: Problems and Prospects,” in Frederick Z. Brown and David G. Timberman, *Cambodia and the International Community: The Quest for Peace, Development and Democracy* (New York: The Asia Society, 1998); available at <http://www.asiasociety.org/publications/cambodia/building.html>

⁶ See David W. Roberts, *Political Transition in Cambodia, 1991-1999: Power, Elitism and Democracy* (Richmond, Surrey: Curzon Press 2001).

dian journalist's escape from the Khmer Rouge, and documentary films about the Democratic Kampuchea regime. FUNCINPEC and SRP, meanwhile, describe the CPP as "communist" and play on Cambodian's traditional antipathy toward Vietnam by reminding voters of the CPP's historic links to Hanoi.

In much the same way as the political elites refer to past divisions, many voters seem to be motivated by fear of a return to political violence and instability. The owner of a restaurant in Phnom Penh told me that she supports the CPP because Hun Sen brought peace and stability. She is grateful to the CPP for getting rid of the Khmer Rouge. "I lived under Pol Pot for three years, eight months and twenty days," she said. Now all she asks is that the government preserve order and allow her to seek a living. To ask for more, like "that troublemaker" Sam Rainsy, she feels is unrealistic.

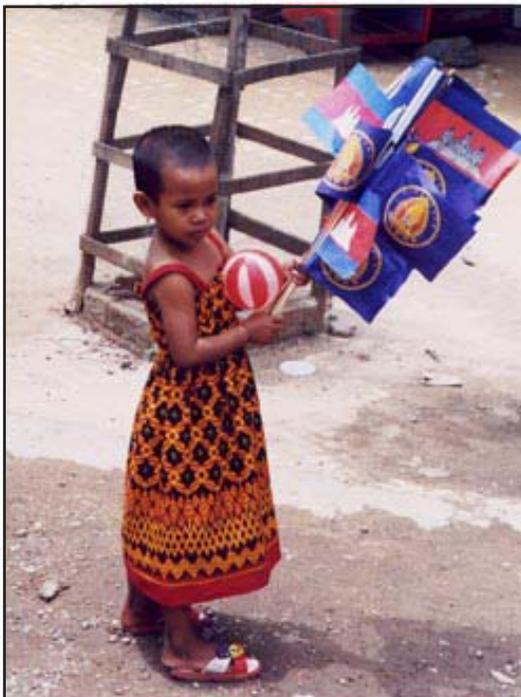
Like many CPP supporters I met, this restaurateur praised Hun Sen as the man who "paved the roads," as if no other leader possessed such vision. What the statement seems to mean is that Hun Sen brought the stability necessary so that roads could be paved, schools built, fields de-mined, etc. (Indeed, Hun Sen has associated himself with infrastructure development. Opposition activists note with contempt and a touch of envy that Hun

Sen has put his name on over a thousand schools, and always shows up at the opening of a new dispensary or road, built with funds donated by Japan.)

* * *

In the final week of the campaign, the major parties staged marches and rallies in the capital. I couldn't rouse myself for the CPP march, which reached me only as distorted caterwauling broadcast from passing campaign trucks. I managed to pull myself together when the FUNCINPEC rally went by. The FUNCINPEC supporters, packed into the back of pickups and flatbeds trucks or trooping in their hundreds down toward the river, were dressed alike in white shirts with the party logo. They were strangely somber and quiet, as if they knew that election day was nothing less than the imminent confirmation of their party's decline. I was reminded of the waitress who had likened these mobile rallies to funeral processions. The FUNCINPEC faithful appeared dejected. Some clutched party flags like joss sticks.

In 1993, FUNCINPEC was the most popular political party in Cambodia. In spite of pre-election violence that claimed the lives of some 100 party activists and Khmer Rouge threats to attack polling stations, 90 percent of registered voters turned out. Forty-five percent of them voted for FUNCINPEC. The CPP, in essence the



(Right) A FUNCINPEC rally, Phnom Penh, July 25, 2003. (Above) A young girl with Cambodian and FUNCINPEC flags scavenged after the rally.

incumbent party, received 38 percent of the popular vote. Unwilling to acknowledge defeat at the polls, the CPP threatened to take the country back to war if their demand to be included in a coalition government was not met. A government of national reconciliation was formed with Sihanouk's blessing. Ranariddh and Hun Sen, former battlefield rivals, became the world's only co-prime ministers. This power-sharing formula was reproduced at the Ministries of Defense and Interior, and the parties alternated ministers and deputies throughout other ministries.

The sharing of power was more apparent than real, as the CPP dominated the ministries and the security forces and continued to control the administrative apparatus down to the village level, as it had since 1979. In 1996, when Ranariddh began to express his dissatisfaction with the distribution of power, the unlikely coalition of adversaries began to unravel. Both co-prime ministers attempted to strengthen their hands for a potential showdown by winning over the remaining Khmer Rouge rebels.

The clash between Ranariddh and Hun Sen came on July 5, 1997. For two days forces loyal to Ranariddh battled CPP troops in Phnom Penh. The CPP forces prevailed. There is controversy about whether or not the July 1997 violence represented a *coup d'état* by Hun Sen, who argued that he was forced to suppress "anarchic forces." What is not in doubt is that the CPP took the opportunity to eliminate FUNCINPEC opponents and harass the opposition. At least 100 FUNCINPEC military and security officers were killed or "disappeared" during and immediately after the fighting while SRP offices were ransacked. CPP troops looted the airport and other areas where there had been fighting.

The July 1997 violence may have secured Hun Sen's domestic position and settled once and for all the long-standing Cambodian conflict, but it also undermined Hun Sen's international legitimacy. With its fledgling democracy apparently in tatters, Cambodia's scheduled admission to the Association of Southeast Asian Nations was postponed. The U.S., the International Monetary Fund and the World Bank suspended aid to Cambodia.

The 1998 National Assembly election presented itself as the means for Hun Sen to legitimize the power he'd won by force. Ranariddh, convicted *in absentia* of colluding with the Khmer Rouge and weapons smuggling, was pardoned by King Sihanouk at Hun Sen's request and allowed to return to Cambodia. Sam Rainsy also returned from exile to campaign. Political murders, intimidation and vote-buying marked the 1998 election campaign. To no one's surprise, the CPP won, with 64 National Assembly seats. FUNCINPEC won 43 and SRP, 15.

Although the CPP unilaterally and secretly changed the formula by which votes are calculated as seats, it still could not muster the two-thirds necessary to form a new

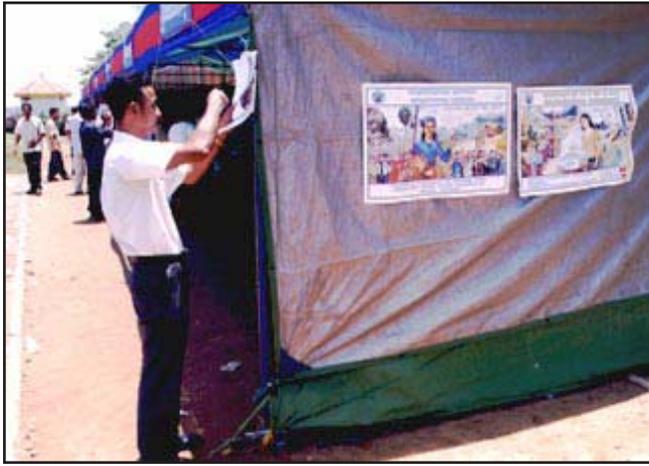
government. After the election FUNCINPEC and the SRP formed a united front and decried the performance of the CPP-dominated National Election Committee and the Constitutional Council, which dismissed their complaints of electoral-law violations. In August 1998, some 10,000 protestors established an encampment dubbed "Democracy Park" across from the National Assembly and demanded investigation of CPP voting fraud. A grenade attack on Hun Sen's Phnom Penh residence in early September prompted an order for government security forces to disperse the protestors. A week of violence ensued, as protestors clashed with police and pro-government mobs. At least 18 bodies were found deposited around Phnom Penh in the days that followed.

In mid-November Ranariddh abandoned his anti-CPP stance, joined the government and became head of the National Assembly. SRP resumed its role as the opposition party.

In 2002 Cambodians went to the polls again, this time in commune (local) elections to select council members and commune chiefs. The CPP maintained its dominance at the grass-roots level, winning control of 1600 of the 1621 commune councils. SRP won 11 and FUNCINPEC the remaining ten. Although the commune election was intended to stimulate administrative decentralization, the Ministry of In-



This monument is dedicated to the 17 people who were killed in a grenade attack on a rally at which Sam Rainsy was speaking on March 30, 1997. The plaque notes that they died "For the Cause of Justice and Democracy."



A man searches for his name on the voter list outside a polling station.

terior has delayed issuing regulations for appointing village chiefs by the newly-elected commune councils. This has become a contentious issue in the 2003 election, as village chiefs play an important role in organizing polls.

With the current post-election deadlock, Cambodia has returned to familiar political territory. Polling day is followed by a deal-making process in which the election results are tempered by political realities, leading to formation of a government. National assembly elections have been inconclusive, necessitating a coalition with at least a pretense of power-sharing. Cambodia's recent electoral experiences demonstrate that the losers are never prepared to accept the results of an election. The CPP in 1993, and FUNCINPEC and SRP in 1998 and 2003, each complained bitterly after losing elections. Hun Sen and Ranariddh each used force or the threat of force to settle issues unresolved by the ballot. Elections have also functioned to legitimize power achieved through force. The quality of Cambodian elections is questionable, but the community of donors usually gives the ruling party the benefit of the doubt.⁷

* * *

The day after the election I walked along Sisowath Quay, beneath the flags of many nations that line the river bank. Reaching the Royal Palace, I took a seat and looked east to where the Tonle Sap River joins the Mekong. Young people courted, mothers and toddlers strolled, vendors sold duck eggs, soft drinks and beer, and enterprising photographers snapped photos of families and couples. I luxuriated in that feeling of well-being one only experiences after a fever has broken.

A young man sitting nearby leaned forward to get a better look at me. He greeted me in uncertain English. I pointed to his index finger, stained with indelible ink at

the polling station the day before. "Did you vote in Phnom Penh?" I asked.

"Yes. I'm from Kandal province, but I've lived here many years."

We exchanged small talk about his work as a security guard and why I'd come to Cambodia. He told his name was Tip.

"How do you feel about the election?" I asked.

He gave a sort of half-grimace, half-smile but said nothing. With a blue ball-point pen he scribbled on his palm "Fun-thip-pech."

"FUNCINPEC!" I said. "You voted for FUNCINPEC?"

"Yes, yes," he said. He uttered the two words quietly but with an urgency that signaled his gratification that I understood him and was familiar his party of choice. Then Tip discreetly indicated to me a man sitting nearby who wore dark green trousers, a striped sport-shirt and leather shoes. The man had the ruddy complexion of a heavy drinker. He squinted at us.

"Can't talk," whispered Tip. "Maybe agency man."

What I had thought was Tip's satisfied response to my understanding of his political preference was in fact an effort to get me to be quiet. Embarrassed, I glanced out over the river then looked again at our spectator. I was the only other person in sight wearing leather shoes. His were stiff looking, with wide laces and bulky soles. They were cop shoes. The man looked at me without acknowledging me.

Tip was unwilling to discuss his support for the royalist party as long as this potential cop was giving us the evil eye.

"I can't speak." Tip apologized. He gazed out over the boats gliding upstream. "We can speak about ... the weather."

* * *

After each election, observer groups and NGOs answer the question, "Was the election free and fair?" Given the international community's conspicuous effort to foster democracy and stability in Cambodia, the answer becomes a judgment of this effort as well as a verdict on the legitimacy of the government. Perhaps most significantly, the flow of foreign aid, which constitutes half of the state budget, also turns on the answer.

So far, the international community has never seen

⁷Cambodia's major bilateral and multilateral donors meet annually as the Consultative Group for Cambodia. The Group includes Australia, Belgium, Canada, China, Denmark, Finland, France, Germany, Japan, Korea, the Netherlands, New Zealand, Norway, Russia, Sweden, the United Kingdom, the United States, the Asian Development Bank, the European Union, International Finance Corporation, International Monetary Fund, and the United Nations Development Programme, and the World Bank.

an election in Cambodia that it didn't like, even if it grumbles about violence or intimidation. Each election is deemed better than the last, particularly as the level of pre-election violence continues to decrease. The 2003 election was no exception. Even Sam Rainsy described the election process as "not so bad" before he heard the announcement of the preliminary results and rejected them.⁸

However, the question of "freeness and fairness" is often re-cast as, "Was it free and fair enough for Cambodia?" That is, given the historical, cultural and economic impediments to political pluralism in Cambodia, should the international community ignore the evident shortcomings and give the election a passing grade in the interest of stability and an uninterrupted flow of aid? Assessments of Cambodian elections are sometimes qualified as "good enough for Cambodia" because even though the polling may be technically sound and relatively free from untoward incidents, no one pretends that the broader political environment offers a level playing field for the competing parties.

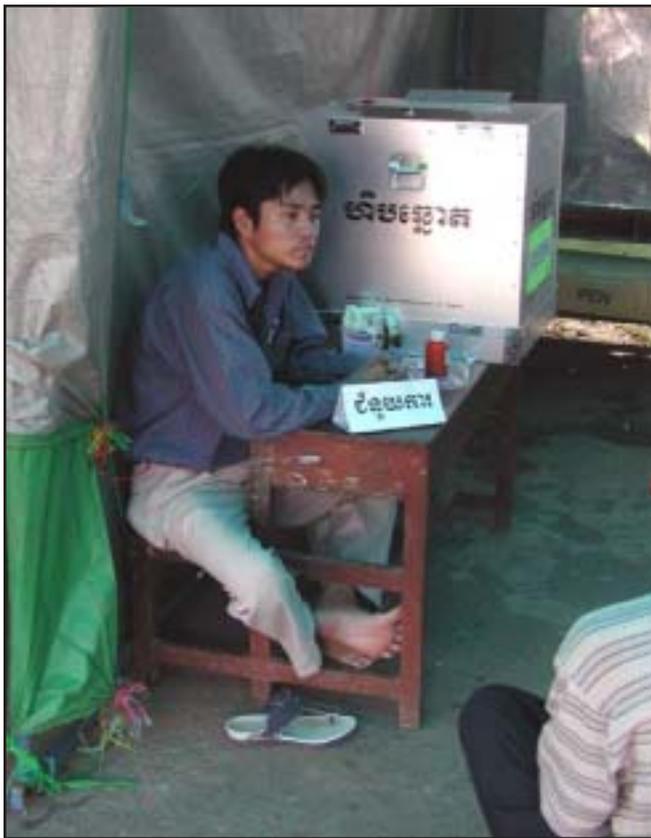
The issue of vote-buying offers a good example of how the CPP's dominance of the state gives it special coercive power. All the major parties engage in some form of "gift giving," usually distributing T-shirts, *krama* (the

traditional Khmer scarf), monosodium glutamate, instant noodles or small amounts of money to supporters. Sam Rainsy is known for handing out packets of vitamins. According to Tim Meisburger, Regional Advisor for Democratization and Electoral Programs at the Asia Foundation, vote-buying must be understood in its social context. "In rural areas, feudal ways still obtain. Laws have little meaning. What counts are relationships. The act of taking the gift is a ritual expression of a social relationship." Meisburger drew my attention to a study of Cambodian voters' attitudes that found that only one in six would feel obligated to change their vote for the standard 2000 riel (50 cent) inducement.⁹ Meisburger continued, "Taking the gift or voting for the guy the village chief tells you to can, in this social context, be the most appropriate and comfortable thing to do. Not to do it can mean social exclusion."

It is this prospect of social exclusion that transforms the seemingly innocent practice of gift-giving into a form of coercion. The village chiefs are invariably CPP appointees. They are the representatives of government authority at the local level and the primary source of information for rural people about elections. To run afoul of the village chief by supporting another party may mean one is denied access to communal resources or fair arbitration in any dispute with other members of the community. For the majority of rural Cambodians who are subsistence farmers the threat of social exclusion can be very persuasive.

Human-rights groups have documented a variety of other means used by the ruling party to coerce and intimidate voters. In many areas the CPP organized "swearing ceremonies," in which villagers are asked by local officials to swear allegiance to the ruling party, often at temples or in the presence of monks. Sometimes these ceremonies involve drinking sacred water or water sanctified by bullets placed in the vessel. Village chiefs and local officials in some areas have collected voter-registration cards or thumbprints, raising doubts among some voters about the secrecy of their ballots. Some rural people are convinced that the government can identify how they voted by means of computers or satellites. Some villagers reported outright threats from village chiefs, police or other local officials that those not voting for the ruling party would face consequences, including losing their land or being murdered.¹⁰

A subtler ploy has been the threat of war or upheaval if the ruling party is not returned to power. Several Cambodians mentioned to me their concern about renewed fighting if the CPP lost. An international NGO worker said there was evidence of a "whisper campaign" to spread the word that a CPP loss would mean more vio-



A poll worker on election day, July 27, 2003

⁸ Associated Press, July 29, 2003.

⁹ Asia Foundation, Draft Report, "Democracy in Cambodia: A Survey of the Cambodian Electorate," May 16, 2003.

¹⁰ Cambodian Center for Human Rights, "Communities for Democracy," November 2002-May 2003, pp. 3-7. See also Human Rights Watch, "Don't Bite the Hand that Feeds You," Briefing Paper, July 2003.

lence. A university student quoted in the *Phnom Penh Post* sums up the dilemma: "Our social structure depends on the CPP. If we change the government then we have to change the structure of society. But if we change it, Cambodia won't be stable and at some stage we could have a war."¹¹

A major grievance by FUNCINPEC and SRP concerns the performance of the election committees at the commune, provincial and national levels. These committees are responsible for handling complaints about election problems. Although notionally neutral, election committees are, like the government at large, dominated by the CPP. FUNCINPEC and SRP charge that the committees are biased and that they unfairly dismissed thousands of complaints. Likewise, the opposition parties have little confidence in the independence of the Constitutional Council, the final arbiter of election complaints.

The issue for some is not whether elections laws were broken but whether the votes so gained would have changed the outcome of the election. According to Kao Kim Hourn, executive director of the Cambodian Institute for Cooperation and Peace, even if ten percent of the vote were gained through some form of cheating, the CPP would still win the election. Kek Galabru, president of the Cambodian League for the Promotion and Defense of Human Rights (Licadho), disagrees, noting, "In some provinces, 200 or 300 votes can mean a National Assembly seat." Johanna Kao, director of the International Republican Institute, which works to train Cambodian opposition parties, objects to the notion that a little cheating is to be expected in the Cambodian context. "I think there are democratic absolutes," she told me.

Kem Sokha, former secretary general of FUNCINPEC and current director of the Cambodian Center for Human Rights, is also convinced that the CPP achieved its victory through fraud and intimidation. He acknowledged that the election atmosphere improved in 2003, but explained the situation with an analogy: "Let's say a criminal robs a bank and ten people are killed. Later he robs a bank and only five people get killed. Can we say that's better? It's robbing and killing all the same."¹²

According to Chun Sath, secretary general of the Cambodian Human Rights and Development Association (ADHOC), Cambodia's largest human-rights NGO, most of Cambodia's electoral problems can be traced to the absence of the rule of law. Village chiefs and other government officials flout election laws because they know they will not be punished. Chun Sath explained that his organization can identify abuses, but it can't en-



A Sam Rainsy Party sign, Phnom Penh

force the law. He asked me, "Why do you think that vigilantes beat thieves to death in the street? People have no faith in the police or the courts."

Although the courts are controlled by the CPP, Hun Sen sometimes dispenses with the judicial process altogether. In December 1999, for example, Hun Sen ordered the re-arrest of some 60 people released by the courts on bail or for lack of evidence to charge them. Similarly, Hun Sen decreed the closure of all karaoke bars, threatening to destroy illegal venues with tanks. "The Prime Minister's decree is more effective than law," Chun Sath said.

Kem Sokha of the Cambodian Center for Human Rights pointed out that costs of this debasement of the rule of law extend beyond political rights. Recalling the Japanese ambassador's assessment of the election as free and fair, Kem Sokha said, "I wanted to ask him, 'Why, if Cambodia is free, are there no Japanese investors here?' Not one! Why? No rule of law. Businessmen need the rule of law. Only the mafia investors come here."

When speaking to the Cambodian human-rights activists, it became clear to me that debate about the election's "freeness and fairness" encompasses more than the election. The issue is complicated because the state

¹¹ "Students On Election," *Phnom Penh Post*, June 20-July 3, 2003.

¹² Comfrel (Committee for Free and Fair Elections in Cambodia) reported 16 political murders during June and July, including eight CPP members, seven SRP members and one FUNCINPEC member. They also reported 84 cases of intimidation, including grenade attacks, shootings, water poisoning and verbal disputes. Susan Font, "Comfrel: 16 Political Killings 'Improvement,'" *Phnom Penh Post*, August 15-28, 2003.

runs the election and the CPP runs the state. According to Sorpong Peou, a Cambodian scholar who has studied the progress of Cambodia's political development, "... the structure of the state itself remains dominated by one political faction still committed to maintaining power by taking preemptive measures to weaken challengers to its authority and to reward those subservient to its political interests."¹³ The matter of determining whether or not the election was "free and fair" is inevitably political.

The old Cambodian conflict of the 1980s seems to lurk below the surface of many of my discussions. The CPP views the human rights activists as partisan, and many of the human-rights activists label the CPP as "communist" and pro-Vietnamese. I asked a diplomat based in Phnom Penh about these persistent references to the "communists." He explained that many of the human rights activists have been at this work for a long time, often at risk of their lives. (At least one of the activists I interviewed had a bodyguard posted outside the office. Another requested anonymity, miming a gun to his head as the consequence if his views were broadcast.) The political environment has improved a great deal in ten years but for these people, who are engaged daily in documenting the abuses, the incremental improvements are hard to see.

* * *

Under the Constitution, a new government must be sworn in within 60 days of the national election. Hun Sen has suggested that if he is unable to get to the two-thirds majority necessary to sanction a new government, the current government will continue to function legally. When FUNCINPEC government officials threatened to resign, Hun Sen called their bluff and warned that they'd lose their perks: "[W]here will they go? What will they have to eat? ... If they give up their work, it is their matter. But they must be obliged to sign the transfer and hand the stamp over to people who will take their position. All property is to be taken back and their salary stopped. Let their party give them a salary."¹⁴ Hun Sen is prepared to ride out the deadlock until the 2008 National Assembly election if necessary.

Prospects for the tripartite coalition proposed by the "Alliance of Democrats" are not good. Hun Sen has made it clear that there will be a two-party coalition, and he has no intention of stepping aside as the opposition demands. Most observers wonder how Sam Rainsy would be able to work with Hun Sen given their history of animosity. "Like oil and water," said Kek Galabru of Licadho. Sam Rainsy's election strategist, Ou Bun

Long, said Sam Rainsy could accept only one position in a Hun Sen government, that of official auditor. Another observer said it is possible that Sam Rainsy might agree to work in a Hun Sen government, noting that all things are possible if King Sihanouk intervenes to broker an agreement as he has in the past. With the King's blessing, Sam Rainsy could break his pledge without losing face. Indeed, in an interview in the *Phnom Penh Post* published last spring, Sam Rainsy said of the CPP, "We can work together. We have many things we share."¹⁵ Kek Galabru warned me, "In Cambodia, you must understand, statement, intention and action are different things."

The most likely scenario is a return by FUNCINPEC to coalition with the CPP. On August 10, King Sihanouk posted a letter on his website as a "humble Khmer citizen," stating that Hun Sen should remain the Prime Minister. He called the election FUNCINPEC's "Waterloo" and noted that FUNCINPEC supporters, "don't like being taken for idiots."¹⁶ Days later the King circulated an apology to Ranariddh. The King wrote, "Papa presents you and thus FUNCINPEC his humble excuses, with expression of sincere and passionate regrets, for his writings about you, your party and the inevitable domination of Samdech Hun Sen on the political and diplomatic scene."¹⁷ One Cambodian observer asked me, "Why do think the King apologized like that? Because he needs his son to do as he asks. Eventually, he'll ask Ranariddh to join a coalition again with the CPP."

I asked another Cambodian NGO representative why, filial piety aside, Ranariddh might rejoin the government when his party has so little to show for its time in coalition. She answered, "Because Ranariddh is not intelligent, he's not principled, he cares excessively about money and he has no regard for his followers."

Most people with whom I spoke believe that FUNCINPEC will fold and rejoin the government. Even if the party remains firm, Hun Sen needs the support of only nine rogue FUNCINPEC legislators to gain the necessary majority. It seems likely that the CPP has the resources to persuade that number of FUNCINPEC officials to support Hun Sen. Indeed, Ranariddh confirmed that some of his ministers had met secretly with the prime minister. A CPP spokesman reported that, "There is some contact between FUNCINPEC and the CPP Everything is going smoothly."¹⁸

Kem Sokha hopes that the "Alliance of Democrats" will remain united in opposing Hun Sen. "In '93 and '98 we had compromises. This time, we don't need to com-

¹³ Sorpong Peou, "From Socialism to Liberal Democracy: The Challenge for Cambodia," in Pranee Thiparat, ed., *Democratization and Conflict Management in Southeast Asia in the 21st Century*, Bangkok: ISIS, 2001, p. 183.

¹⁴ Kem Sambath and Kevin Doyle, "Jobs Dangled as Incentive for Coalition," *The Cambodia Daily*, August 1, 2003.

¹⁵ Robert Carmichael and Vong Sokheng, "'The Poor Ordinary People are Fed Up': Interview with SRP Leader Sam Rainsy," *Phnom Penh Post*, March 28-April 10, 2003.

¹⁶ *The Cambodia Daily*, August 11, 2003.

¹⁷ Alex Halperin, "King Writes to Son," *The Cambodia Daily*, August 13, 2003.

¹⁸ Lor Chandara and Wency Leung, *The Cambodia Daily*, "Funcinpec, CPP Officials Meet Secretly," August 7, 2003

promise. We need to stick to the laws and the principles of democracy.”

Ou Bun Long of SRP said the “Alliance of Democrats” is in it for the long haul, either in government or in opposition. If SRP is to join the government, however, conditions must be met. First, according to Ou Bun Long, the election complaints must be addressed fairly and a new election law enacted. Second, the National Assembly must pass an anti-corruption bill. A bill has already been drafted, but the government is stalling. If the conditions are not met, says Ou Bun Long, “we’ll have to try something else.” Does this mean demonstrations? “Demonstrations are unlikely. The risk that the CPP will resort to provocations is very high.”

Kao Kim Hourn worries that the SRP’s uncompromising stance may lead to a crisis. “Sam Rainsy’s strategy is to push the deadlock into a crisis. He will grab the spotlight and blame any violence on the government. In the meantime, the CPP position is, ‘We have the results. Let the process go forward without resorting to provocations.’” Kao Kim Hourn said that demonstrations will come at the expense of national interest: “If politicians hijack the results and stand in the way of forming a new government, they are denying the will of the people. Now, all the parties must show some maturity.”

Hun Sen has warned that he will not tolerate demonstrations, saying, “I have the right to use force to protect the constitution.” Meeting with villagers recently, Hun Sen said, “Don’t use people’s power to protest against me. I am not Estrada or Suharto.”¹⁹ Philippine President Joseph Estrada and Indonesian President Suharto were each forced from power by popular protest movements.

Kem Sokha points out that the right to demonstrate is protected in the Constitution, and that Hun Sen shows his true character by banning demonstrations. He finds Hun Sen’s argument that demonstrations might lead to violence paradoxical, because Hun Sen holds the power to prevent or provoke violence as he see fit. Asked about the possibility of pro-CPP counter-demonstrators, Kem Sokha said that if the government was truly interested in

preventing violence, it could issue permits so that the opposing groups would demonstrate on alternate days. “If the government can crack down on demonstrations, then why can’t they protect demonstrators from provocateurs?”

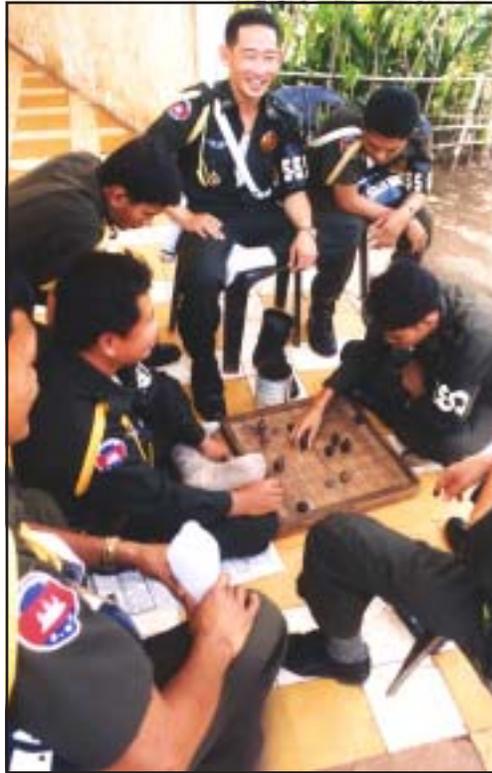
Whatever the shape of the new government, the CPP’s dominance is assured. Prospects for Cambodia’s democratic development rest disproportionately with

Hun Sen and the CPP in consequence of their power. There is hope that now, with its domestic position secure, the CPP may initiate reform to better solve Cambodia’s many problems. Dr. Lao Mong Hay, visiting professor at the University of Ontario, said, “[N]ow [the CPP] has gained enough confidence to move ahead. Now they have five years with an international legitimacy that they haven’t had so far. It’s a true opportunity for the government to change itself. ... It’s a must that the government change its style and its substance.”²⁰

To be sure, many are skeptical about the CPP’s capacity for reform, insisting that it’s contrary to the CPP’s structure and interests. Others, however, are more optimistic. Tim Meisburger of the Asia Foundation believes that the CPP is evolving more rapidly than the other parties, citing the CPP effort to replace unpopular commune leaders in advance of the 2002 commune election and to campaign on local issues. “There is a shift from intimidation to appeal, from violence to patronage,”

Meisburger told me. “They understand that there must be some accountability.” Kao Kim Hourn agreed: “The CPP today is not the CPP of five years ago.”

The challenge of a united opposition may help spur changes within the CPP. Many expect that the next national assembly election in 2008 will see a head-to-head confrontation between the CPP and some version of the “Alliance of Democrats.” The Sam Rainsy Party is encouraged by its performance in the 2003 election. SRP dominated the towns and won six of twelve seats in Phnom Penh. The opposition is convinced that demographic trends are in its favor. The average Cambodian is 19 years old, and the opposition believes that the new breed of younger and better educated voter—with no



These men of the gendarmerie are playing a game called ouk while waiting for unrest to break out. Although there were two principals, the game was played as a team sport, with a second or third hand often executing the move.

¹⁹ Agence France Presse, July 31, 2003.

²⁰ Bill Bainbridge and Vong Sokheng, “CPP Win ‘Means Hun Sen Stronger Than Ever,’” *Phnom Penh Post*, August 1-14, 2003



The staff of a Phnom Penh restaurant, all first-time voters, display their index fingers. Cambodian voters must dip their index fingers in indelible ink after voting as an anti-fraud measure.

experience of the Khmer Rouge nightmare—will be willing to challenge the status quo.

There are other encouraging factors, including the growth of Cambodia's civil society. Cambodia enjoys a relatively free press and a vigorous community of human-rights workers. The electoral process is improving and, in the view of most observers, has allowed the vast majority of voters to vote their conscience. A Cambodian student in the U.S. tells me that the biggest impediment to democratic development facing Cambodia, "is not the question of voters being denied their right to choose the party they trust. It is simply the matter of people not having the right party to choose."

If the optimism of Cambodians is any indication, then there is hope. According to the Asia Foundation survey, 81 percent said they feel the country is heading in the right direction, up nearly ten percent from a 2000 survey. Moreover, 79 percent feel free to express their political opinions, up from 66 percent in 2000.

Obstacles remain. Cambodia's economy is a wreck. Foreign investment has been declining for several years and the garment industry, which accounts for 90 percent of Cambodia's foreign earnings, is likely to suffer when an export-quota agreement with the U.S. expires in 2005. The country faces enormous environmental problems stemming from illegal and indiscriminate logging. Economic problems could lead to a political confrontation, particularly if the 150,000 young people who enter the job market each year are unable to find work.



A future voter.

Sorpong Peou has warned, "As the CPP fails in poverty-reduction efforts and is vulnerable to more challenges, it is most likely to adopt repressive measures aimed at maintaining political stability and its power."²¹ The anti-Thai riot that took place in Phnom Penh in January, in which the Thai Embassy was burned and many Thai-owned businesses attacked, is cause for pessimism (see MZW 3). The incident illustrates that some of Cambodia's worst political traditions, such as inciting violence and blaming neighbors for Cambodia's ills, are still considered viable tools of statecraft by Cambodia's political elite. □

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²¹ Peou, p. 168.