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Impacts of Mainstream Hydropower Dams

H.E. Amb. Pou Sothirak

Cambodian-Thai Border Dispute

H.E. Amb. Pou Sothirak

China's Belt and Road Cooperation with ASEAN and Cambodia

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My Reflection on the Paris Peace Agreements

H.E. Amb. Pou Sothirak

Maritime Cooperation

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The Continual Unraveling of Human Security in Cambodia

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Doing Research in Cambodia: Making Models that Build Capacity

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Achievements and Challenges of SSR-SSG and the Effectiveness of Multi-Stakeholder Approaches in Cambodia through Cooperation between CICP and DCAF

Prof. Pou Sovachana

ACKNOWLEDGMENT

We are proud to share this research publication with you and hope that you can share it with other colleagues and friends to further our goal of informing the public at large about the latest social, political and economic developments in both Cambodia as well as the Southeast and East Asia region. This past year has been both exciting and industrious at CICP as we have brought in speakers from around the world to present informative public lectures on important events every month. We are proud to continue our mission of educating the public about both regional and international issues that impact Cambodia and the region coupled with conducting original research, the creation of a network on Friends of R2P -Cambodia, publishing the proceedings of regional conferences, publishing original research and opinion pieces in a yearly "Selected CICP Publications".

This publication is a collection of selected original papers and articles that CICP would like to disseminate to a broad audience of academics, policy makers, students, the diplomatic community, NGO's and think tanks, and citizens within Cambodia's society. Our goal is to raise awareness and also stimulate both critical thinking and debate on challenging issues and emerging trends in Cambodia and Southeast Asia. Our work is imperative to disseminate relevant and interesting research materials, essays, and opinion pieces that contribute to the maintenance of political and social stability as well as to the promotion of a vibrant research community in Cambodia.

We would like to take this opportunity to first thank our contributors for giving CICP the authorization to publish their articles for the benefit of sharing their views on regional and international issues. Our sincere appreciation also goes to Mr. Rene Gradwohl, Country Representative, Konrad-Adenauer-Stiftung (KAS) for his generous financial support for making this publication possible and available to the general public.

CICP is prepared to be proactive about and involved with regional issues that are critical to the national and regional interest in the year ahead. We realize that the future of our success hinges on our ability to bring significant issues affecting Cambodia and the wider region to generate critical and constructive discussion among the scholarly community and professionals.

Ambassador Pou Sothirak

Executive Director

The Cambodian Institute for Cooperation and Peace

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IMPACTS OF MAINSTREAM HYDROPOWER DAMS ALONG THE MEKONG RIVER ON HUMAN SECURITY

By Ambassador Pou Sothirak
Executive Director of

The Cambodian Institute for Cooperation and Peace
During

ASEAN Talking: Water Resource Security in the Mekong Region

Organized by the Cambodian Institute for Cooperation and Peace and
The Habibie Center, Indonesia

At Raffles Hotel Le Royal, Phnom Penh, Cambodia, on 11th March, 2016



Source: Richard Cronin and Timothy Hamlin "Mekong Tipping Point"

I am delighted to be among the eminent speakers to deliver my remarks concerning the impact on human security of mainstream hydropower dams along the Mekong River. I would like to thank the Habibie Center for supporting this Talking ASEAN public dialogue on “Water Resource Security in the Mekong Region”.

I find the topic of this public dialogue most appropriate for those of us who are concerned with the future of the Mekong River as the effects of hydroelectric dams have begun to take their toll on the environment and humans. There are real concerns whether the great Mekong River continues to be the source that provides food and livelihoods or is a River infested with hydroelectric dams, compromising the nature-given-wealth of this magnificent river which has historically given mankind an abundance of fish, provided sanctuary for animals and birds, gave a home for rich biodiversity, and renewed fertile soil for agriculture production over thousands of years.

My remarks will focus mainly on the negative impact of the development of hydropower on the Mekong River. I shall reflect briefly on the importance of the Mekong River to the population whose livelihoods depend on it. I will then discuss how hydroelectricity development affects the downstream countries. I will address a couple of questions: “How do dams affect future fishing and the Tone Sap Lake? How do economic improvements by developing hydropower stations damage the environment surrounding the Mekong River and its people?” In conclusion, I intend to make some comments on what can be done about these issues.

The importance of the Mekong River

The Mekong River passes through more countries than any other river in Asia. A Chinese scientist in 2002 found that at the Jifu Mountains in Yushu Tibet Autonomous Prefecture of northwest China’s Qinghai Province at some 5,200 meters above sea level the Mekong River is spanning 4,909 km.¹

The Mekong River is one of the great river systems of the world. The river and its numerous tributaries, backwaters, lakes, and swamps supports many unique ecosystems and a wide array of globally-threatened species such as the Irrawaddy Dolphin, Siamese Crocodile, Giant Catfish and different bird species. Its rich biodiversity is surpassed only by that of the Amazon and the Congo, with over 1,300 species of fish inhabiting the main channels, tributaries, and associated wetlands.²

This mighty river has long been regarded as the foundation of economic growth and prosperity in mainland Southeast Asia and it is known to be home to the most productive freshwater fish system in the world, ³providing a constant supply of fish and other resources for the river system. The Mekong River provides food, drinking water, irrigation, transport, and energy to more than 60 million people in China, Myanmar, Laos, Thailand, Cambodia, and Vietnam who live on its basin.

But the river’ benefits are now at risk due to inappropriate water resource development projects, such as hydropower plans, which have the potential to cause destructive damage. Some of these impacts include: the reduction of sediments as they are trapped by dams, making the Mekong Basin more vulnerable to rising sea levels; the

¹ See People Daily, 27 October 2002 <<http://www.chinapage.com/river/mekong/mekong01.html>> (accessed 8 March, 2016)

² See “the Mekong” published by Mekong Wetlands Biodiversity Conservation and Sustainable Use Program

<<http://www.mekongwetlands.org/Programme/mekong.htm>> (accessed 8 March 2016)

³ WWF for a Living Planet, 10 World’s Top Ten River at Risk: the Mekong River

<<http://www.docstoc.com/docs/32070530/Worlds-Top-10-Rivers-at-risk>> (accessed 8 March 2016)

decrease in fish diversity as damming the mainstream impedes the migration of fish and other aquatic animals; and the harmful effect on livelihoods as over 75% of rural households in the Lower Mekong Basin are involved in fisheries. Furthermore, any impact on the ecological balance of the river also threatens the sustainability of the aquatic resources they depend on.⁴

Hydropower Stations Effect Downstream Countries

For several millenniums, the hydrological condition of the Mekong River has maintained its natural function in tune with the natural habitat of the river basin. However in the past two decades, the development of man-made hydropower dams on the mainstream and the tributaries has begun to alter the balanced rhythm of the river, causing the transformation of the river's natural flow system which can lead to dreadful consequences for the inhabitants living along the basin.

Countries along the Mekong basin are keen to exploit this natural water resource to produce electricity for their development needs. However, the development of the Mekong River Basin is highly controversial, and is one of the most prominent components in the discussion about the river and its management. This debate occurs in both the academic literature, as well as the media, and is a focus for many activist groups.

Currently there are numerous dams already constructed in the Mekong River Basin and many more are under construction.⁵

China has built seven hydropower dams on the upper Mekong River (known as the Lancang in China), and plans to build 21 more. The Lower Mekong countries have expressed many concerns as their lives and livelihoods have been affected. According to International River, these Lancang dams bear negative impacts on downstream hydrology, fisheries and the sedimentation of lower Mekong countries.

These dams have the ability to increase water in the dry season which will reduce the exposed riverbank areas that are needed for seasonal agriculture. Millions of villagers who live along the Mekong River depend on the riverbank to grow vegetables, and if the waterfronts along the Mekong are flooded, their livelihoods will be significantly impacted as they lose the harvest from their gardens. In the wet season, the marshlands are reduced, cutting down nutrients deposited on floodplains and blocking fish migration channels, which are critical for reproduction.⁶

Another report by the Economist cited that the cascade dams build on the Lancang River by China not only trap nearly all of the sediment coming from China, cutting the water's sediment load in half, affecting the movement of fish but also force more than 20 million Chinese people to seek new settlements on sheer hillside plains ill-suited for farming.⁷

The same report mentioned that the 11 proposed dams in Laos and Cambodia will also make things yet harder for the nutrient-deprived fish as dams have the ability to block the migration of around 70% of the Mekong's commercial fish catch. This will impede food

⁴ WWF, Mekong River Basin Damming the Mekong <http://wwf.panda.org/what_we_do/footprint/water/dams_initiative/examples/mekong/> (accessed 8 March 2016)

⁵ Hydropower in the Mekong River Basin from Wikipedia, <https://en.wikipedia.org/wiki/Hydropower_in_the_Mekong_River_Basin> (accessed 8 March 2016)

⁶ See World Rivers Review: Understanding the Impacts of China's Upper Mekong Dams, Internal River, <<https://www.internationalrivers.org/resources/8477>> (accessed 9 March 2016)

⁷ See Requiem for a river: Can one of the world's great waterways survive its development? Published by the Economist <<http://www.economist.com/news/essays/21689225-can-one-world-s-great-waterways-survive-its-development>> (accessed 8 March 2016)

security of the populations across the lower Mekong basin, where the average person eats some 60kg of freshwater fish per year, more than 18 times what is on the menu in Europe or America. Considering how poor many of the people here are, replacing fish as a primary protein source is virtually impossible.⁸

Damming the Mekong River causes unprecedented environmental and social problems and imposes severe ecological deterioration of this mighty River. Downstream countries, with the exception of Myanmar, have to bear a huge burden, and they must mobilize a large amount of their development funds and other resources to mitigate adverse effects, and to wrestle largely unsuccessful efforts to protect themselves against China and try to restore the damage to their agriculture, fisheries, forests, and way of life.⁹

For more details on the adverse effects of Chinese damming the mainstream Mekong River, here are four recommended readings:

- (1) Final Report "Strategic Environmental Assessment" by the International Centre for Environmental Management for the Mekong River Commission in October 2010.
<<http://www.mrcmekong.org/ish/SAE/SAE-Main-Final-Report.pdf>>
- (2) Paper by Evelyn Goh titled "China in the Mekong river Basin: The Regional Security Implication of Resource Development on the Lancang Jiang"
<http://www.rsis.edu.sg/publications/WorkingPapers/WP69.PDF>
- (3) Article by Milton Osborne published in the Asia Pacific Journal: Japan Focus dated 11 January 2010 "the Mekong River under Threat" <<http://www.japanfocus.org/-Milton-Osborne/3286>>
- (4) Paper by Tyson R. Roberts "Downstream ecological implications of China's Lancang Hydropower and Mekong Navigation project"
<<http://www.internationalrivers.org/files/tyson%20roberts%20paper%20on%20yunnan.pdf>>

Dams Affect Future Fishing and Tonle Sap

The Tonle Sap, known as the Great Lake, is considered to be the largest fresh water lake in Southeast Asia. During the monsoon season when the Mekong floods, a large amount of water enters the lake, increasing its size extensively. The lake is rich with biodiversity which makes the Tonle Sap floodplain one of the most productive inland fisheries in the world, supporting over 3 million people and providing at least 60% of Cambodians' protein intake.¹⁰

Cambodia has a unique relationship with the Mekong River. During the dry season, the Tonle Sap River flows southeastward to the Mekong River. But when the rainy season starts from May to November, the Mekong River swells, forcing the Tonle Sap River to reverse its direction in the northeastward into the Tonle Sap Lake.

According to a report,¹¹ the Tonle Sap is in crisis as the weakening flows due to the Chinese dams upstream have triggered declining fish yields. The fishermen can tell the same story as their catches have never been so poor, and they all blame the low river-flows these days.

⁸ Ibid

⁹ Tyson R. Roberts "Downstream ecological implications of China's Lancang Hydropower and Mekong Navigation project"
<<http://www.internationalrivers.org/files/tyson%20roberts%20paper%20on%20yunnan.pdf>>
(accessed 9 March 2016)

¹⁰ Nargiza Salidjanova, Chinese Damming of Mekong and Negative Repercussion for Tonle Sap, ICE Case Studies Numer 210, May 2007. <<http://www1.american.edu/ted/ice/mekong-china.htm>>
(accessed 9 March 2016)

¹¹ Where have all the fish gone? <http://www.mongabay.com/external/dying_mekong_river.htm>
(accessed 9 March 2016)

What is worse now is that the price of fish has increased considerably as the fish population in the Tonle Sap has declined significantly.¹² This has a dreadful effect on poor Cambodian people. As for the Great Lake, a nightmare scenario would be for the flood to subside so much that the Tonle Sap stops reversing its flow during the monsoon. That would dry up the river's major nursery for fish.

Being the main source for fish catch in Cambodia, the Tonle Sap Lake accounts for about 230,000 tons annually ¹³of the Mekong fisheries with an estimated catch of 2.6 million tons (\$2 billion worth) of wild fish and other aquatic resources a year, according to the Mekong River Commission report. These life-line benefits are now being traded off with hydropower projects that are supposed to provide cheaper electricity to fuel economic development.¹⁴

Whatever the outcome will be, a rational national policy on how best to secure power supply with Mekong mainstream dams must be weighed very carefully against the co-existence and reliance on fish for food in Cambodia, so as to avoid harming the over one million people who live around the Tonle Sap Basin.¹⁵

Economic Improvement at the Expense of the Mekong River's Environment

For years some experts and dam builders have suggested that poverty can be eradicated by the exploitation of hydroelectricity. Recently hydropower promise further charms governments seeking to reduce the high cost of energy in order to fuel economic growth in their respective countries.

However, this rush for hydro power must not be based on ill-thought and poorly coordinated projects, if at all, across the Mekong basin stretching from China through Yunnan province to Myanmar, Laos, Thailand, Cambodia, and Vietnam. Accurate assessment on the impact of these dams, despite the difficulty, must be carried out deliberately.

The battle for the Mekong is gathering pace. Engineers and developers see the Mekong as one of the world's last great unexploited sources of hydroelectricity and a potential powerhouse for the industrialization of Southeast Asia. Although there are reports on several potential benefits of Mekong flow regulated by China's Lancang cascade of hydropower and the willingness of the Chinese government to cooperate, yet the severity of the impact on environment cannot be overlooked.¹⁶

There are plenty of reports that can verify hydropower as a valuable resource so long as the cost-benefit tradeoffs are fully examined and understood. Most dams in China and

¹² See article "Dams, Climate Change Lead to Fish Decline in Cambodia's Tonle Sap: Fishermen" by Radio Free Asia, published on 4 September, 2015

<<http://www.rfa.org/english/news/cambodia/fish-09042015154247.html>> (accessed 9 March 2016)

¹³See "Tonle Sap: Experience and Lesson Learned Brief", 1 June 2007

<www.ilec.or.jp/en/wp/wp.../25_Lake_Tonle_Sap_27February2006.pdf> (accessed 10 March 2016)

¹⁴ Michelle L. Change, "Cambodia Fish and Mekong Dams: Can They Coexist?"

<<http://asiafoundation.org/in-asia/2011/02/09/cambodia%E2%80%99s-fish-and-mekong-dams-can-they-co-exist/>> (accessed 9 March 2016)

¹⁵ Olivier Serrat, The Asian Development Bank "Future Solution Now-the Tonle Sap Initiative", published in November 2005 <https://www.researchgate.net/publication/268516605_Future_Solutions_Now_-_The_Tonle_Sap_Initiative> (accessed 9 March 2013)

¹⁶Zao Noam and Piaporn Deetes, "Chinese Hydropower Industry Investment in the Mekong Region - Impacts and Opportunities for Cooperation: Perspectives from Civil Society"

<www.ibiblio.org/obl/docs2/ChinaHydroPowerInMekon.pdf> (accessed 9 March 2016)

Southeast Asia are assessed on the basis of a very narrow commercial cost-benefit analyses and revenue calculation.¹⁷

Furthermore, there is plentiful evidence that points to large dam projects around the world having resulted in environmental degradation and creating disastrous social consequences. As a result of the growing public criticism of large dam projects, a World Commission on Dams, led by the World Bank and the International Union for Conservation of Nature (IUCN) was established to look into a comprehensive analysis of the challenges posed by these enormous dams. This initiative should serve as an authoritative discussion of the costs and benefits related to hydropower projects based on sustainable and equitable project planning and implementation. However the findings have thus far had a restricted impact on the proponents, developers, and governments alike. Many of the dam projects proposed for the Mekong mainstream do not appear to meet environmental or socioeconomic criteria laid out by the Commission, nor follow the guidelines of the WB or the ADB and were proven to be damaging to the environment and fisheries.¹⁸

People in the Mekong region and especially in the lowermost downstream countries such as Cambodia and Vietnam are especially vulnerable to floods. Drought is even more threatening as it can occur over a long period of time which ultimately produces more upsetting results including the long term inability of a country to feed itself. It is known that because of the huge size of China's dams, there is reduced water flow downstream into the Mekong River during the flooding season and more water is discharged during the dry season to run the turbines of the hydroelectric power plans.

The Mekong ecosystem will also be negatively affected by the seizure of upstream sediments and nutrients trapped in reservoirs and by the regulated outflow of water controlled by the hydropower dams. The cumulative impact on the environment by the massive loss of biodiversity is eminent which will adversely affect people whose lives depend on the Mekong River.

As much as the Chinese engineers forecast that the dams will reduce the number of annual floods and increase the dry season flow, scientists are concerned that fertile sediments are trapped behind by large-scale dams preventing the revitalization of the fertility, carried mostly in the monsoon floods, which is vital to the Mekong's fisheries and to natural fertilization of the floodplains for agricultural crops. It is this lessening of the flood pulse and the sustained lifeline of the river's ecosystem that will have a lasting effect on the environment causing the loss of an essential source of food for millions of people and eliminating an important source of income.

Governments are easily seduced by the prospect of abundant energy sources but if this is acquired at the expense of the Mekong River's environment, the next generation will have to bear the consequences.

What Can Be Done?

Construction of dams for the purpose of hydropower stations can help one country to achieve its economic prosperity but it can also cause the region to feel insecure as friction between and among states along the Mekong River could develop as a result of competition for water resources. The uncontested exploitation of the free flow of the Mekong River by any single country can threaten food security for millions of people and inflict severe environmental damage.

¹⁷ Richard Cronin and Timothy Hamlin "Mekong Tipping Point", page 5
<http://www.stimson.org/images/uploads/research-pdfs/Mekong_Tipping_Point-Complete.pdf>
(accessed 10 March 2016)

¹⁸ Ibid, page 7

There have been major science-policy gaps between the decision makers and the scientific community where environmental and socioeconomic costs can far exceed the expected benefits. This is usually the case, when the decision to go ahead with projects ignores extensive scientific research highlighting the highly negative environmental and socioeconomic consequences of the proposed projects. Lack of human capacity and weak governance are considered a cause of inadequately informed decision-making at the national and sub-national level. There is also a growing worry that among the development partners, public and private stakeholders are not being properly consulted and that the cumulative impacts of dams on fisheries and food security are not being given adequate attention.¹⁹

The lower riparian countries Cambodia, Laos, Thailand and Vietnam formed the Mekong River Commission in 1995, signing an agreement that stated dam construction on the mainstream must be subjected to prior notification between countries in order to foster environmentally sustainable development and any development involving the diversion of water out of the Mekong in the dry season must proceed on the basis of agreement by all members. However, China and Burma, the other two countries sharing the river, are mere observers in this agreement.

Under these circumstances, mutual and transparent collaboration of development efforts of MRC, Greater Mekong Sub-region, ASEAN and other initiatives in the development of the Mekong River Basin, and in particular the cooperation with China and Myanmar is deemed essential for the search for effective measures to mitigate the impacts hydropower dams on human security and bring about greater prosperity to our region. This would enable all of us to advance in the right direction of sustainable development of the Mekong River Basin.

It is generally acknowledged that the issues surrounding dams and hydropower are sensitive, but that is even more reason why they should be deliberated in an open and objective forum. One practical way to go about minimizing the risks is to call upon the regional approach to take responsibility on the rights and risks and to properly assess each hydropower project. This should involve the development of a clear understanding on how to build a dam to ensure that the benefit of one country will not dramatically affect other nations and people who share the river. The question here is how to strike a balance between who benefits and who pays the cost associated with the impact of each dam project.

Another way is by strengthening the role and responsibility as well as enforcing the decision making of the MRC with whom a model for regional cooperation has been entrusted, based on sound appropriation for the Mekong region as a whole. Whenever a major decision on hydropower is made, a basin-wide integrated approach taking into account fisheries, environmental management, irrigation, navigation of the river, flood control, tourism development must be considered to mitigate the impact of the dam on the wellbeing of the rural people and the environment.

It is most sensible that when governments of the Mekong countries make a decision to go ahead with the construction of a hydroelectricity dam, they should conduct a full cost-benefit analysis by impartial experts and thoroughly weigh in the development-environment tradeoffs in terms of electric power and food security and livelihoods. As such, they should consider the recommendations made by the Strategic Environmental Assessment of Hydropower on the Mekong Mainstream²⁰ commissioned by the MRC on

¹⁹ Ibid, page 9

²⁰ For more details recommendations, see Final Report on Strategic Environment Assessment of Hydropower on the Mekong Mainstream, October 2010

how to address the broader strategic issues within the mainstream hydroelectricity proposal. This would enable these governments to adopt the right approach to pursue in relation to regional distribution of costs and benefits with respect to economic development, social equity and environmental protection among all affected stakeholders.

Therefore, the regional perspective on the Mekong can ensure that decisions leading to any development of hydropower are reflective of everyone's interests and the vision for an economically prosperous, socially just and environmentally sound Mekong Basin will indeed promote human security and regional stability and prosperity.

The governments sharing the Mekong River must be willing to fully balance economic development with a well-coordinated and careful study based on environmental concerns where construction ensures sustainable regeneration, peace, stability and prosperity. Without this type of environmentally-sensitive approach any development will not open up new threats to human security and regional security by exploiting the Mekong River and putting severe stress on regional relations as well as water resource security in the Mekong Region.

Thank you very much for your kind attention.

THE CAMBODIAN-THAI BORDER DISPUTE

By Ambassador Pou Sothirak
Executive Director of the Cambodian Institute for Cooperation and Peace

Remarks Delivered during 28th Annual Conference
International Military Operations and Law Conference

Organized by U.S. Pacific Command
17-21st May, 2015, Auckland, New Zealand



I am delighted to speak about the Border Conflict between Cambodia and Thailand at the International Military Operations and Law Conference, organized by the U.S. Pacific Command. I would like to express my sincere appreciation to the Commander of the U.S. Pacific Command and the Office of the Staff Judge Advocate for their kind invitation and the warm hospitality extended to me since my arrival to the beautiful city of Auckland, New Zealand.

My presentation covers the land border dispute between Cambodia and Thailand. I will examine the factors that drive this border conflict and determine what is at stake. I will offer my views with regard to the possible solution and conclude with some thoughts as to where the dispute might lead to from the recent ICJ Ruling on the Cambodian request for re-interpretation.

I hope that my presentation can contribute to better understanding of this complex issue and can ease the tension between the two countries and bring a lasting resolution that would allow Cambodia and Thailand to truly enjoy the warm and cordial relations that have existed before. I also hope that my talk can help prevent unnecessary misunderstanding between the two neighbouring countries, paving the way for Cambodian and Thai people to enjoy their lasting fraternal friendship.

Background and Scope of the Disputes

The border disputes between Cambodia and Thailand have been entrenched by a historical legacy of the past and the sentiment of nationalism of the present. The dispute has led to a border conflict and is seen as the direct result of the domestic politics of both countries.

On the Thai side, the dispute ignited from charges of treason by the royalist People Alliance of Democrat (PAD), also known as the “Yellow Shirts”, and the Democrat Party of Thailand against the successive governments of pro-Thaksin by accusing the latter of losing Thai territory to Cambodia.

On the Cambodian side, the Thai military build up at the border was seen as a direct national security threat. As the result, Cambodia has mobilized national support to defend its sovereignty from what it considered as deliberate acts of Thai aggression.

The border dispute stirred up widespread nationalistic sentiment from both sides, provoking bitter hostility between the two sides. A Military standoff flared up, going to the brink of war, damaging not only the bilateral relations between the two countries, but also threatening ASEAN’s unity and affecting its credibility to form a community by 2015.

I will give some background information on the root cause and how the dispute has evolved since the early 1990s until the present day and discuss the scope of the dispute. I will describe the different approaches each country has undertaken to manage the dispute and has undertaken identify some possible solutions. I will conclude on factors that shape and influence the different positions taken by both Cambodia and Thailand and highlight some consequences that the dispute might harbour.

The root of the border dispute between Cambodia and Thailand stemmed from not only a historical legacy of the past but also the complications arising from the emergence of patriotism in political game played by local politicians in recent times.

The dispute should be understood in two phases: the period between the early 1900’s and the ICJ’s Ruling in 1962, and between the 2006 coup in Thailand until today.

In the earlier period, the border tension between Cambodia and Thailand was rooted in the arbitration by the ICJ in The Hague, which ruled in 1962 that “the Temple of Preah Vihear is situated in territory under the sovereignty of Cambodia”.

The ICJ’s decision was based on its review of the 1904 and the 1907 boundary treaties between France (then ruler of Cambodia) and Siam (Thailand), and the works of the Franco-Siamese Mixed Commissions of Delimitation, as well as the maps prepared by the commissions. Major evidence had been the Annex I Map which revealed that the whole of the Preah Vihear complex as being on the Cambodian side. At the time of the ICJ Ruling, the Siamese authorities did not raise any objection about the Annex I Map between themselves and France or Cambodia when it had many chance to do so.

In the period following the military coup which brought down Thaksin from power in 2006, a border dispute occurred after the World Heritage Committee’s decision to list the Temple of Preah Vihear as a UNESCO World Heritage Site. The dispute which erupted in July 2008 was intrinsically linked to Thai domestic politics and the stirring up of nationalism from both sides toward the use of military forces to protect national sovereignty. Border clashes were the result of this national fervors.

At the height of heavy military fighting in February and April 2011 the United Nations Security Council (UNSC) and the ICJ had called on both Thailand and Cambodia to withdraw troops, refrain from military actions and resolved the dispute peacefully through dialogue with the help from ASEAN’s observers.

The boundary dispute between Cambodia and Thailand concerns the shared land border which separates both countries and stretches approximately 499 miles.

Although the border dispute centres on the unfinished demarcation process of the border line by the Joint Border Commission (JBC) the most contentious area, however, is a piece of land of about 4.6 square kilometres surrounding the Temple of Preah Vihear.

Cambodia only recognizes the ANNEX 1 Map, drawn up by France under the 1904 and 1907 Franco-Siam Treaties, which suggests a clear boundary line between the two countries.

Thailand relies on a unilaterally produced map, unveiled during the World Heritage Session in Christchurch, New Zealand in 2007, which shows the area of land claimed by Thailand.

Bilateral Approach to the Border Conflict

The border tensions had been easing substantially since the pro-Thaksin Pheu Thai Party won a landslide victory in the general election on 3 July 2011 and the coming into office by a new prime minister – Yingluck Shinawatra, Thaksin's sister – in August of that year.

Despite positive signs, both sides still could not agree on the different approaches to settle the border conflict.

At this point, I would like to highlight the different approaches taken by both countries, identify factors that have impinged on these approaches and discuss some of the possible outcomes.

There is a bilateral mechanism sanctioned by a Memorandum of Understanding (MOU), signed by both countries in June 2000.

The MOU establishes a JBC to carry out a joint survey and demarcation of land boundary all along the Thai-Cambodian border and calls for a joint effort to demarcate the frontier line in accordance with important documents agreed upon between France and Siam in the 1900s.

The JBC held its meeting several times to try to complete the survey and demarcation works. However, it has encountered difficulties related to difficult terrains and complex survey operations and other serious factors related to the mistrust between the two sides.

Multilateral Approach to the Border Conflict

Having lost confidence in the bilateral mechanisms and fearing that the dispute may escalate further, Cambodia looked to other multilateral approaches to settle the border dispute with Thailand.

Cambodia has called for a meeting of the UNSC, mediation from ASEAN and a reinterpretation from the ICJ.

On 14 February 2011, the UNSC issued a statement expressing grave concerns and called on both sides to display maximum restraint. The UN Council members urged both sides to establish a permanent ceasefire and to resolve the situation peacefully through dialogue and asked for ASEAN's active role in this matter.

On 22 February 2011 Indonesia, as the chair of ASEAN in 2011, hosted an informal meeting to try to ease the dispute. Indonesia was prepared to send observers to support Cambodia and Thailand in forwarding their commitment to avoid further armed clashes and to resume their bilateral negotiations as soon as possible.

On 28 April 2011, Cambodia filed an application requesting interpretation of the Judgment rendered on 15 June 1962 by the ICJ in the case concerning the Temple of Preah Vihear, together with an urgent request for the indication of provisional measures.

On 18 July 2011, the Court gave its decision on the indication of a provisional measure asking both sides to withdraw their troops from a temporary demilitarized zone,

refrain from any armed activity directed at that zone, and allow Indonesian observers to have access to that zone.

From 15-19 April, 2013, the Court began its hearing on oral arguments in the dispute between Cambodia and Thailand over ownership of the land surrounding the Temple of Preah Vihear, from Monday 15 to Friday 19 April 2013. (<http://www.icj-cij.org/docket/files/151/17280.pdf>). The hearing was broadcast online.

I have observed the following:

- The Thai government has made striking efforts to publicize this event. The Thai public is encourage to follow the hearing in French with English and Thai translations at www.pravihearn.org.
- I was able to view some of the hearings on air in the afternoon of 18 April 2013 on the Thai TV station myself. I tried to switch to the all Khmer TV stations, but there was nothing being reported. Later I learnt that there was no public coverage of the ICJ hearing on the Cambodian side.
- On 17 April, the Nation newspaper reported that there were about 1000 members of the Khon Thai Rak Chart (Thai Patriot) group gathered at Lam Takhong reservoir in Nakhon Rachasima's Sikhiu district to express their objection to the on-going ICJ hearing. Similarly, the Nation reported that former PM Abhisit urged the Thai team to point out clearly that the 1:200,000-scale map which Cambodia uses was not the work of the Joint Boundary Commission.
- On 16 April, the Nation reported that there are Thai Senators attending the court hearing. They were urging the Thai government not to accept the ICJ's decision, as the court tends to rule in favor of Cambodia.
- On 17 April, in the Editorial, the Bangkok Post reported that during the period of the military dictatorship of Gen. Thanom Kittikachorn in 1962 wanted to "fight to keep what is Thai". The Bangkok Post went on to report that 50 years on, government dissidents and noisy patriots are still with the Thai people. Gen. Paryuth Chan-ocha said two months ago that Thailand might not necessarily accept the ICJ's ruling. The force of Nationalism will protest and threaten (Cambodians) if the court decides in Cambodian's favor. The Bangkok Post Editorial concluded that "the well-prepared Thai legal team will fight for the country tonight at the proper venue - the ICJ."

Possible Solutions

Up until now there have been three approaches which have been pursued by Cambodia and Thailand: the bilateral negotiation between the two countries the regional mechanism centres on ASEAN to help mediate a settlement, and an international approach is based on an ICJ re-interpretation of its 1962 Judgment in the case concerning the Temple of Preah Vihear and the urgent indication of provisional measures.

But the effectiveness of each mechanism to solve the border dispute remains unclear. For the bilateral approach to succeed Thailand must appeal to Cambodia on the merit of this approach. Conducive atmosphere must prevail and the JBC must be able to resume its task under the framework of the 2000 MOU allowing genuine diplomatic efforts to take effect instead of using military means.

As for the achievement of the regional approach, both sides must be willing to accept ASEAN intervention for a durable solution. Without goodwill and concessions by both Cambodia and Thailand, ASEAN is not equipped with any enforcement measures and can do little to settle the conflict.

For the multilateral approach to work, both sides must be prepared to accept the ICJ ruling. Cambodia appears willing but Thailand may not be so due to internal pressure. However, neglecting the Court decision may damage Thailand's international standing.

Conclusion

Although the border situation has improved but a lasting solution still hinges on positive improvement in the internal politics of either or both countries.

The three approaches remain elusive and can take many more years, if there is no genuine compromise from both countries.

To achieve a desirable goal, the military threat must be removed and sincere dialogue must prevail.

Without a lasting solution to the border conflict between Cambodia and Thailand, the two countries cannot have good bilateral relations and conflicts may flair up again creating security concerns at the border and can disturb peace in the region as well as damaging the reputation of ASEAN.

With regard to the Court ruling on 11 November, 2013, the ICJ finds that it has jurisdiction to entertain the Cambodian request and declares that Cambodia has sovereignty over the whole territory of the promontory of Preah Vihear, and in consequence, Thailand has the obligation to withdraw from that territory the Thai military or police forces, or other guards, or keepers that were stationed within the vicinity of the Temple.

However, the ICJ did not offer a "straight forward decision" on the contested land adjacent to the Temple of Preah Vihear because it did not prescribe how big or how small this area is under the Cambodia sovereignty. In effect, the ICJ did not delimit the frontiers between Cambodia and Thailand.

Perhaps, this is a deliberate act from the ICJ, hoping that Cambodia and Thailand will proceed to delineate the so-called 4.6 sq. km through peaceful negotiation.

Both sides will have difficulty in reconciling this point and may need third party mediation and should count on genuine diplomacy (bilateral and multilateral) as the way to solve this difficult issue.

Thank you very much for your kind attention!

CHINA'S BELT AND ROAD COOPERATION WITH ASEAN AND CAMBODIA

**Remarks by Ambassador Pou Sothirak
Executive Director of the Cambodian Institute for Cooperation and Peace**

**During the 21st Century Maritime Silk Road Conference
Organized by China Foreign Affairs University & Peace Boat
1- 6 August, 2016**

I am pleased to offer some of my thoughts on China's Belt and Road Cooperation with ASEAN and Cambodia. My presentation covers three aspects. First I would like to highlight briefly China's grand strategy with respect to the "One Belt One Road" initiative. And then, I would like to discuss China's Belt and Road initiative in relation with ASEAN in general and Cambodia in particular, by giving my assessment on what conditions would have to be met to forge good cooperation for a win-win situation for all sides.

China's Grand Strategic Strategy

At the dawn of the 21st century, mankind is confronted with formidable challenges, such as the current sluggish global economy, complex and sometimes dangerous situations at the international and regional levels, and a chronic lack of coordination in development efforts, all of which give strong impetus for the current Chinese leader in rejuvenating the spirit of the Silk Road.

The Belt and Road initiative or the "Silk Road Economic Belt", and the "21st Century Maritime Silk Road" in full, was first put forth by Chinese President Xi Jinping during his visits to Central Asia and Southeast Asia in September and October 2013. This initiative aims to boost intra-regional and inter-regional economic integration.

In March 2015, a document entitled Vision and Actions on Jointly Building Silk Road Economic Belt and 21st - Century Maritime Silk Road, prepared by China's National Development and Reform Commission, Foreign Ministry and Ministry of Commerce, was published to elaborate this initiative.¹

The "Belt and Road" initiative is the core foreign policy of China under Xi Jinping as China embarks on its global power projection. The initiative also helps build Chinese identity and their global image, realizing the "China Dream" and the "Rejuvenation of China".

OBOR features four principles:

- 1- The need to make sure that all countries respect one another and treat each other as equals;
- 2- The need to seek win-win cooperation and common development;
- 3- The need to pursue common, comprehensive, cooperative and sustainable security;
- 4- The need to ensure inclusiveness and mutual learning among civilizations.

¹See "Vision and Actions on Jointly Building Silk Road Economic Belt and 21st-Century Maritime Silk Road", Issued by the National Development and Reform Commission, Ministry of Foreign Affairs, and Ministry of Commerce of the People's Republic of China, available at http://en.ndrc.gov.cn/newsrelease/201503/t20150330_669367.html, accessed on 29 July, 2016

The “One Belt, One Road” is considered a landmark initiative proposed by China to cover large infrastructure projects through the Silk Road Economic Belt, linking Beijing to Central Asia, Russia and Europe. Furthermore it seeks to spur trade ties through the 21st Century Maritime Silk Road, expanding from Quanzhou to Belgium and Australia. Supporting the OBOR as an investment arm is the China-initiated Asian Infrastructure Investment Bank (AIIB) which was signed by 51 Prospective Founding Members in September 2015 and is expected to be operational by early next year with authorized capital of US\$50 billion, eventually to be raised to \$100 billion. The projected investment for OBOR will be US\$1.4 trillion and the economic benefits of the AIIB and OBOR will significantly facilitate the movement of goods, services, and people across national borders.²

China wishes to see the free and orderly flow of goods, more efficient allocation of resources, greater market integration, better policy coordination and better regional cooperation, which can be achieved by creating a more inclusive, more balanced and cooperative framework. The initiative represents a new opportunity for countries along these ancient trade routes in Asia, Europe and Africa to be more connected, making it easier to pool their material and intellectual resources and meet their new challenges more effectively.

I. Belt and Road and ASEAN

This new Chinese initiative is expected to firmly support ASEAN countries in promoting sustainable economic growth.

At the China-ASEAN Expo in 2013, Premier Li Keqiang called for an ASEAN-oriented maritime silk road to serve as a strategic propeller for hinterland development and economic prosperity of countries along the Belt and Road and regional economic cooperation in general.³

TPP is a single framework that connects different economies around common rules, provides common regulatory approaches, and ensures common market access. OBOR, in contrast, is a multi-component framework that connects diverse parts, piece by piece, via their common interests in national development. OBOR pursues connectivity not through common economic rules and market liberalization, but instead through new infrastructure, trade and investment facilitation zones, and targeted development projects.

China faces challenges of implementation at both the Chinese and the recipient ends of the equation. Achieving a good result for OBOR depends on the kinds of resources China is willing to commit and actually deliver as well as on the Chinese ability to coordinate and discipline its own domestic agents, and perhaps, most of important of all, how the Chinese government is able to balance external support without sacrificing too much or limiting local development. Southeast Asia nations on the other hand, may reap greater benefit from China's Maritime Silk Road, if ASEAN states can expand their efforts to direct Beijing's engagement so that the Belt and Road can serve and strengthen ASEAN's own particular regional integration agendas, as well as security and economic interests.

Foreign Minister Wang Yi of China said in August last year during the China-ASEAN Foreign Ministers Meeting in Kuala Lumpur that China is willing to align its “One Belt, One Road” initiative with ASEAN countries' respective development strategies and the

²See article “China's AIIB and 'One Belt One Road': ambitions and challenges” by Zhu Zhiqun published on 9 October, 2015, available at <https://www.chinadialogue.net/article/show/single/en/8231-China-s-AIIB-and-One-Belt-One-Road-ambitions-and-challenges>, accessed on 29 July, 2016

³See article “Foster Synergy among MDBs, Advance the Belt and Road Initiative” by Yang Shaolin, available at <http://en.drc.gov.cn/YangShaolin.pdf>, accessed on 29 July, 2016

construction blueprint of the ASEAN Community in order to provide new impetus and create new prospects for China-ASEAN cooperation and growth. This is a welcome sign for ASEAN to capitalize on this new Chinese initiative.

II. The Significance of OBOR for Cambodia

Turning attention to Cambodia, the country should capitalize on China's great emphasis with neighborhood diplomacy, and prepare to extend investments, AIIB, and ODA to finance infrastructure projects as a way of winning the support and goodwill of neighboring developing countries. By utilizing constructive engagement with Beijing, Cambodia will certainly benefit from the OBOR initiative to meet the demand of much needed infrastructure projects to enhance national economic growth.

On 3rd June, 2016, President Xi Jinping met with His Majesty King Norodom Sihamoni of Cambodia at the Great Hall of People. During the meeting, China and Cambodia pledged closer friendship. President Xi Jinping pointed out the special friendship between China and Cambodia and called for "all-dimensional, multi-field and deep-level development" of China-Cambodia relations. In particular, Xi said both sides should accelerate negotiation on documents related to inter-governmental cooperation on the "One Belt One Road" initiatives, as well as expand people-to-people ties and cultural exchanges. His Majesty King Norodom Sihamoni expressed appreciation of China's long-term assistance and readiness to deepen practical cooperation in all areas with China.⁴

China has become one of Cambodia's main development and strategic partners. According to a report by the Council for the Development of Cambodia, from 1994 to 2015, the total amount of Chinese direct flow of investment to Cambodia was \$10.3 billion mainly in garment production, agriculture, mining and infrastructure. In terms of development assistance and loans to Cambodia, China has provided about \$3.4 billion from 1992 to 2015 according to a report from the Ministry of Economy and Finance. The bilateral trade between the two countries accounted for more than \$3 billion in 2013. Recently at the 11th Asia and Europe Meeting (ASEM) Summit held on July 15-16 in Ulaanbaatar, Mongolia, China pledged a three year grant and aid assistance of 3.6 billion Yuan (about \$600 million) to Cambodia in the area of electoral process, health, education, and access to clean water. "(Sources: Khmer Times, 20 July 2016, PM Calls for More Connectivity, May Kunmakara)

In return, Cambodia has also been a vocal supporter of the "One Belt, One Road" initiative from the start. In June 2015, Cambodia also signed a Memorandum of Understanding regarding the Asian Infrastructure Investment Bank as a founding member. Due to this economic growth opportunity, the ever increasing cooperation with China along with the China-backed Asian Infrastructure Investment Bank (AIIB) one can expect the continuing strengthening and expansion of ties between the two countries. Prime Minister Hun Sen has referred to China as Cambodia's "most trustworthy friend" because of its "no strings attached" development assistance.

Although the OBOR initiative bears great significance to Cambodia, appropriate consideration must be paid to the following important aspects:

⁴See statement by Ministry of Foreign Affairs of China "Xi Jinping Holds Talks with King Norodom Sihamoni of Cambodia Both Sides Agree to Jointly Push for Constant Development of China-Cambodia Comprehensive Strategic Cooperative Partnership", dated 3rd June, 2016, available at http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1370153.shtml, accessed on 30 July, 2016

Economic Considerations

Financing infrastructure development remains the main development challenge for Cambodia. In Cambodia's Industrial Development Policy 2015–2025, promoting the country's physical infrastructure and transport systems to link to other countries constitutes a critical part. Given the situation, OBOR presents a great opportunity for Cambodia to get access to financial resources and technical expertise in developing and connecting its roads, rails, and ports with the region. Detailed infrastructure development projects under OBOR are being studied and developed. So far China has developed special economic zones, an airport, a seaport, hydropower plants, and highways in the Kingdom.

While the significance of OBOR in Cambodia's goal of attracting foreign direct investment and expanding export capacity is recognized, a critical analysis of this assistance questions the sincerity of Chinese investment. For example, some postulate that China has incorporated Cambodia into its grand security strategy and intends the Sihanouk ville seaport to serve as one location in a "string of pearls" strategic locations from which to secure vulnerable sea-lanes of communication and protect seaborne energy supplies as well as help solidify a delivery point for oil imports from the Middle East.

Cambodia should envision developing a long term plan for its infrastructure development needs when engaging with the OBOR and AIIB. This undertaking will have an economic logic and help prepare Cambodia to avoid any possible financial risk that might be of concern. As a developing country, Cambodia should pay attention to large scale infrastructure projects that are politically volatile and economically vulnerable. Cambodia needs to properly assess the risk-benefit aspects of any large scale infrastructure project to ensure that capital, acquired from the AIIB, can indeed provide the stability or security necessary to see the project through, with guarantees from their Chinese counterparts ensuring their end of the bargain. This is simply because large scale infrastructure projects tend to galvanize public opinion toward corrupt practice and lack of proper monitoring and accountability. Thus careful monitoring is needed to insure good quality and durability of the project instead of being a source of local disgruntlement and resentment.

Political Considerations

There are those who think that Chinese unconditional aid assistance comes at a price. Critics suggest that Cambodia has become a Chinese client state because China exerts political influence over the Cambodian government. For example, the Cambodian government failed to issue a joint communiqué after the ASEAN's foreign ministers meeting in Phnom-Penh in 2012 for the first time in its 45-year history regarding the disputes in the South China Sea. Critics to Cambodia have often speculated that Cambodia has favored China over the common interests of ASEAN with regards to bloc unity and centrality. More recently, the Cambodian position with regard to the arbitral tribunal's decision on 12 July, 2016 in the case instituted by the Philippines against China on the South China Sea has come under strong criticism from other countries, without realizing that Cambodia has a genuine desire to have ASEAN maintain good relations with China and see the PCA's findings as a matter only related to the Philippines and China.

Moreover, it is still unclear whether Cambodia will join the US-led TPP. Many predict that Cambodia's non-participation in TPP will potentially reduce foreign investment in Cambodia. According to some, the TPP is expected to reduce investment in Cambodia's \$6 billion garment sector as manufacturers find more incentives to open factories in neighboring Vietnam, which as a signatory of the agreement will enjoy preferential trade status with the US and other bloc members. In May 2016, the US ambassador to Cambodia urged Cambodia to join TPP, saying "it would be a shame for Cambodia to miss out and be

left behind". How the country should respond to the opportunities and challenges brought by TPP (when it is ratified by the US Congress) while it voices full support for OBOR will be a tricky and important decision confronting the Cambodian government.

Military Considerations

China also stands as the biggest military aid donor in Cambodia. China has played a key role in improving Cambodia's dilapidated military inventory since 2010, when Beijing donated 250 jeeps and trucks to Cambodia's army after the U.S. scrapped a similar plan. In May 2015, China handed over a batch of military equipment to the Ministry of Defense including spare parts and trucks mounted with rocket launchers. China further pledged new military aid to Cambodia during the recent visit of the Cambodian Minister of Defense in November 2015. An independent research group's study from 2006-2010 revealed that Cambodia received \$5.3 million worth of small arms and light weapons from China. However, this aid assistance has had spillover effects, which have a negative impact for average Cambodian citizens. China has given weapons, which are effective at suppressing peaceful protests. China also has been perceived as one of the main beneficiaries to take advantage of land dispossessions enabling foreign investors to gain valuable land concessions.

Environmental Considerations

Chinese dam projects and deforestation assistance have accelerated adverse environmental impacts in Cambodia. Many critics highlight that Chinese companies carry out extensive mineral exploration and logging and embark on hydropower projects in the impoverished country. Investment in hydropower projects, such as the Stung Areng and Ta Tai dams under construction by Chinese companies in Koh Kong province, is believed to be causing the destruction of thousands of acres of forests amid logging activities.

While Chinese companies have obtained a virtual monopoly on Cambodia's hydropower sector, environment impact assessments (EIAs) for Chinese investment projects remain worryingly inadequate. One common conception of Chinese-funded development projects is that they "violate human rights and are raping natural resources." In combination with a Chinese reluctance to share national data on the impacts of dams, Cambodia can easily be interpreted as an actor in a larger scheme of Chinese power asymmetry and external governance focusing on ensuring and securing energy to meet its own ever-growing need.

Further downgrading the public image of Chinese investment is the "low quality" of construction projects Chinese companies granted through loans. In 2012, for instance, the quality of the construction of National Road 7 came under widespread criticism for shoddy construction. Some Chinese-funded projects also have resulted in inadequately constructed infrastructure (i.e. the national highway to Ratanakiri).

Cultural Considerations

As noted earlier, in the June 2016 meeting between President Xi and King Sihamoni, China put expanding people-to-people ties, or enhancing the cultural aspects of OBOR as one of the top priorities. On the one hand, China views education as an effective diplomatic tool for engaging neighbors. Vice-Premier Liu Yandong said during his visit in Brussels in September 2015, "We will open our door wider and wider, offering access for foreign youth to learn and understand China". On the other hand, education and human resource development in Cambodia remain poor and there are insufficient efforts to date from the China side to help enhance this sector.

In past years, educational exchanges between China and Cambodia have been progressing. For example, the first Confucius Institute, which aimed to promote Chinese language and culture, support local Chinese teaching, and facilitate cultural exchanges, was unveiled in December 2009 by then Chinese Vice President Xi Jinping. Moreover, China pays close attention to the development of human resources in Cambodia by offering scholarships to 62 Cambodian students in August 2015. As Cambodia needs more scholarships, more technical training and technology transfers from China to develop its human capital, the cultural initiatives of OBOR will help generate understanding and closeness between the two countries.

III. Conclusion

The "One Belt One Road" initiative, if implemented in good faith, will contribute positively toward the enhancement of trade, investment, tourism and people to people exchange thereby forging China-ASEAN relations even closer to one another.

To ensure that this long-lasting relationship can be mutually beneficial between Cambodia and China, the two nations must work together to improve transparency, promote participatory and sustainable development by involving all relevant stakeholders, and minimize environmental degradation.

Cambodia must strengthen its institutions and implement good governance policies to encourage responsible investment that link financial aid to poverty reduction and inclusive development.

China needs to rebuild its image as a good neighbor and take appropriate responsibility as an international citizen – one that can be seen as promoter of peace, stability and prosperity and merit the trust and confidence from all as it continues to rise and become a major power.

There is nothing wrong with Cambodia counting on China to assist it to develop as a modern and progressive nation, so long as Cambodia can keep the country open to other investor nations who are all sincere partners and could help the country grow in a positive way while keeping domestic cohesiveness and prosperity for the benefit of all Cambodians.

Through the OBOR initiative, Cambodia and China can work together closer and in a sincere manner to ensure that their mutual benefits will not just be a welcome sign between the two sides but can contribute toward the greater good of all mankind and promote the common interest of the region and entire globe as well.

As a close friend to China, Cambodia can look forward to receiving favorable consideration from Beijing. The proper long term planning related to infrastructure development can be an impetus to drive national economic growth, Cambodia could excel in Southeast Asia by way of taking advantage of the multiple benefits that the OBOR and the AIIB have to offer. However, it must remain vigilant to overcome unseen circumstances, such as financial risks related to large scale infrastructure projects that might put Cambodia in a disadvantageous condition and hamper the country's relationship with China.

Thank you very much for your kind attention!

MY REFLECTIONS ON THE PARIS PEACE AGREEMENTS

**Remarks by
Ambassador Pou Sothirak
Executive Director of the Cambodian Institute for Cooperation and Peace**

**During the Commemorative Event of
The 25th Anniversary of the Paris Peace Agreements**

**Organized by
The Ministry of Foreign Affairs and International Organization and
The French Embassy in Phnom Penh**

**With the Collaboration from
The Cambodian Institute for Cooperation and Peace
At the Ministry of Foreign Affairs and International Cooperation,
Phnom Penh, 20th October 2016**

I would like to take this opportunity to extend my deep appreciation to H.E. Prak Sokhonn, Senior Minister and Minister of Foreign Affairs and International Cooperation for his kind invitation extended to me to speak in front of such a distinguished audience of eminent national and international personalities.

Furthermore, please allow me to offer my sincere congratulations to the Ministry of Foreign Affairs and International Cooperation and the French Embassy in Cambodia for taking the wonderful initiative to commemorate the 25th Anniversary of the Paris Peace Agreements, to reflect upon a process that led to the successful conclusion of the historic political agreements as well as numerous other positive changes which continue to bear relevance in present day Cambodia.

My Institute, the Cambodian Institute for Cooperation and Peace, is honored to join the celebration of this landmark Agreements for the advancement of a sustainable peace in Cambodia.

Today, I am indeed pleased to share my reflections on the Paris Peace Agreements, also known as a comprehensive political framework document that marked the end of the protracted conflicts and internal strife which had devastated Cambodia for more than two decades.

Excellencies, Distinguished Participant, Ladies and Gentlemen

Although 25 years have now passed, it is important for Cambodia as a nation as well as the world community to seize this opportunity to recollect how an internationally guaranteed comprehensive political settlement was achieved to end the tragic conflict and bloodshed in Cambodia.

Perhaps a good starting point should be for all of us here today to recall the unforgettable destruction Cambodian had faced since 1970 by massive US bombing, by civil war, by a genocidal reign of terror of the Khmer Rouge, by military intervention and by civil

war again. These unconceivable tragedies resulted in the obliteration of Cambodia's livelihood and national assets beyond comprehension.

The so called Cambodian problems were very complex and seen as intractable conflicts. What happened during that time was the result of the interplay of three disruptive forces with regard to internal conflict, peace, and the sovereignty of Cambodia.

The first level of disturbance occurred domestically, resulting from the power struggle inside the country and among four Cambodian warring factions.

The second level of discontentment followed from regional determination on the part of the Association of Southeast Asian Nations (ASEAN), to maintain an unyielding opposition to foreign intervention in a sovereign state, ultimately favoring the Coalition of the Government of Democratic Kampuchea (CGDK).

And the third layer of acrimony came about due to the antagonistic attitude of great powers' engagement in the Cambodia conflict with China, Soviet Union, and the United States supporting their own protégé separately.

Attempting to force a breakthrough, France, with significant influence in the region, apprehended that the time was ripe in mid- 1989 for a full international conference on Cambodia. The first Paris Conference on Cambodia (PICC) was accordingly convened in Paris from 30 July- 30 August 1989, with joint Indonesian-French chairmanship. This brought together all four Cambodian factions, the six ASEAN countries, the Permanent Five Members of the UN Security Council, Vietnam, Laos, Australia, Canada and India as well as Zimbabwe (representing the Non-Aligned Movement) and a representative of the UN Secretary-General.

Although there was visible progress in identifying a variety of elements necessary for reaching a comprehensive settlement of the conflict in Cambodia, the first IPCC had to be postponed over one crucial point of disagreement - on whether to include the Khmer Rouge in the transitional administration. The conference was suspended but all parties concerned were urged to intensify their efforts to achieve a compromise, and the co-Presidents were asked to continue lending their good offices to facilitate these efforts.

It was the Australian peace proposal announced by the Honorable Gareth Evans in November 1989 aiming to mend the discord which had occurred during the first PICC, by proposing that the United Nations be directly involved in the civil administration of Cambodia during the transitional period. The proposal called for the UN to monitor the cease-fire and cessation of external military assistance and to organize a free and fair election. By establishing the actual governance of Cambodia during the transitional period by the UN, this allowed the major powers to compromise with the withdrawal of their support for the Cambodian factions.

What was entailed were grueling but steady diplomatic efforts, undertaken by all parties involved, to refine and develop the Australian proposal so as to advocate effectively for the UN role in the peace settlement. There were noticeable endorsements from all key players, including the Permanent Five and Paris Conference Co-Chairmen, in close consultation with the UN Secretariat who had begun to play a central role. The Permanent Five held six major consultative meetings between January and August 1990, reaching an agreement in New York on 27-28 August. The 'framework' document set out the key components of a comprehensive political settlement, based on an enhanced UN role, and a sensible balance of the various interests involved.

At a meeting in Jakarta on 9-10 September 1990, hosted by Indonesia and France as the Paris Conference Co-Chairmen, the four Cambodian parties accepted this Permanent Five framework in its entirety as a basis for settling the Cambodian conflict. They agreed to establish

a Supreme National Council (SNC), which was part of the original Australian proposal, and called for in the framework, that would occupy the Cambodian seat in the United Nations.

The final step was for the UN to endorse the basic elements of the peace plan. The UN General Assembly adopted the UN Security Council Resolution 668 of 20 September 1990,¹ and the UN General Assembly Resolution 45/3 of 15 October 1990² into a framework document for a comprehensive political settlement of the Cambodian conflict. These Resolutions also welcomed the agreement of the Cambodian parties to form the SNC as the unique legitimate body and source of authority in which, throughout the transitional period, the independence, national unity and sovereignty of Cambodia is embodied'.

As a result, twenty-five years ago, the Agreements on a Comprehensive Political Settlement of the Cambodia Conflict were signed on 23 October 1991³ by the four Cambodian parties and the international participants at the second Paris Conference on Cambodia. The settlement gave the United Nations Transitional Authority in Cambodia (UNTAC) full authority to govern Cambodia from March 1992 to September 1993. It committed the Cambodian parties and those supporting them to a permanent ceasefire, repatriated the displaced Khmer along the border with Thailand, disarmed and demobilized the factional armies, prepared Cambodia for free and fair elections, and adopted a new democratic constitution.

Excellencies, Distinguished Participant, Ladies and Gentlemen

Please allow me to give my assessment of the Paris Agreements as follows:

The Paris Agreements were the product of landmark collaboration between Cambodia and the international community, working together to restore the independence and sovereignty of Cambodia and to rebuild the country into a peaceful, democratic and prosperous nation.

To assess the PPA properly, one should come to terms with the view that the Agreements provided the bases for typical and traditional peacekeeping functions.

These included the verification of the withdrawal of foreign forces and the supervision of the ceasefire - plus other functions being assumed by the UN, such as repatriation of refugees and involvement in elections.

However, in Cambodia, the concept of peacekeeping was significantly expanded, to include comprehensive efforts towards institution building and social reconstruction as integral parts of the package designed to secure a lasting end to armed conflict and a genuine transition to democracy.

On the basis of this understanding, the question arises, 'To what extent have the Agreements been beneficial for Cambodia?'

On a positive note, one can say without exaggeration that the UN Blueprint for Cambodia succeeded where previous attempts - a confrontational approach and the use of military forces - had failed primarily because the international community included regional blocs such as ASEAN and domestic Cambodian parties fully supported a negotiated peace

¹UN Security Council Resolution 668 "The Situation in Cambodia" available at <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/575/18/IMG/NR057518.pdf?OpenElement>

²the UN General Assembly Resolution 45/3 "The situation in Cambodia" available at <http://www.un.org/documents/ga/res/45/a45r003.htm>

³ Framework for a Comprehensive Political Settlement of the Cambodia Conflict, available at <http://peacemaker.un.org/cambodiaparisagreement91>

settlement. Hence, the Paris Agreements gave rise to a political solution instead of a military one, which enabled the prospect of national reconciliation and a Cambodia that is truly independent, free from external domination.

Other constructive benefits should be attributed to the United Nations Transitional Authority in Cambodia (UNTAC) during its 18-month mandate in Cambodia. It was the most elaborate and intensive commitment from the international community, exceeding any UN peacekeeping operation that preceded it, with the total cost of over \$1.6 billion.

We must acknowledge the enormous tasks assumed by UNTAC. The overall plan for UNTAC which was approved by the UN Security Council on 28 February 1992, called for 15,900 military personnel, 3600 civilian police and 1020 administrative personnel. Thirty-four nations contributed to the military operation and 45 to the peacekeeping exercise overall. Then UN Secretary-General Boutros Boutros-Ghali held, "Nothing the UN has ever done can match this operation."⁴ Still today, UNTAC is universally regarded as one of the most successful peacekeeping missions in the history of the UN.

On 15 March 1992, the first UNTAC units arrived in Cambodia accompanied by the Secretary-General's Special Representative, H.E. Mr. Yasushi Akashi, and the commander of the military component, Australian Lieutenant General John Sanderson. It was incredible that UNTAC had succeeded in establishing an effective administrative structure, for both civilian and military components, in dealing with Cambodia which had just exited a prolonged internal conflict and was weak in human rights protection, without effective democratic governance, and lacking rule of law or democracy.

With the proper administration in place UNTAC began a step by step process of constructive engagement with the different Cambodian factions through the process of grass-roots education as well top level consultations with the Khmer leaders, as well as appealing to NGOs to deliver good public service to meet the needs of the Cambodian society.

It is fair to say that UNTAC was able to achieve many of its main goals. One of the most important achievements was to organize a national election. It was a remarkable undertaking by UNTAC to organize nation-wide voter registration and general elections from the ground up, in which 90 per cent of the electorate participated in general elections where the nation had a neutral political environment. The national election in May 1993 which is known to have been a free and fair election was a considerable success. A new constitution based on the Constituent Assembly in 1993 was adopted to create a new government and return Cambodia to the path of peace and democracy.

In this sense, UNTAC played an indispensable role in bringing to life a new Cambodian polity, based on unity it had carefully cultivated among the major factions with the exception of the Khmer Rouge.

On a negative note, one cannot dispute the failure of UNTAC to ensure the disarmament and demobilization of the 40,000 strong armed forces of Democratic of Kampuchea (NADK). This letdown and the inability of the UN blue helmets to break open Cambodian territory under the Khmer Rouge control has led some scholars to challenge the global evaluation of the Agreements. Critics contend that UNTAC had not been able to implement its intended mandate properly, and because UNTAC did not end the Khmer Rouge threat, the agreements failed to bring peace to Cambodia.

⁴Boutros Boutros-Ghali "The 'Second Generation': Cambodia Elections 'Free and Fair', but Challenges Remain" in United Nations Chronicle, 30:5 (1993): 26.

At the end of the UN operation in September 1993, the territory under the control of the Khmer Rouge remained intact. The Cambodian government then had to deal with the security problem left by UNTAC.

During the government's first term from 1993-1998 Khmer Rouge threats remained real, limiting the transition to peace and stability. The agreement recognized the interdependence between 'stabilizing the security situation' and 'confidence building among the parties to the conflict' (Art. 11). However, in the UNTAC period the process of confidence building was not completed and as a result, although the security situation was significantly improved, full stabilization was not achieved.⁵

The Win-Win Policy of Prime Minister Samdech Hun Sen succeeded in removing these threats as the last groups of the Khmer Rouge guerrillas were integrated into the Royal Cambodian Armed Forces in late 1998. This marked the historical end and total dissolution of the Khmer Rouge's political and military organs and the return of all secession areas to government control.

In more recent times, the usefulness and continued relevance of the Paris Peace Agreements has been called into question.

Looking ahead and considering how to render more credibility to international agreements such as the Paris Peace Agreements in Cambodia, it would be a tragic missed opportunity that all the instruments adopted under the framework Agreements on a Comprehensive Political Settlement of the Cambodia Conflict have not been able to consistently perpetuate the cooperation and goodwill from all parties to the Agreements.

Despite all the positive policy of the PPA and practical contributions of UNTAC, the international community disengaged after 1993 and was too eager to both "pat itself on the back" for its achievements and "wash its hands" of a complex and controversial situation. There has been minimal international pressure to ensure that signatories complied with their commitments, and democratic peace in Cambodia was reinterpreted in terms of the international opinion of the 'intractability' of factional conflicts. Peace in Cambodia was superseded by impressions formed from the more recent experiences of failed internationalism, such as the Rwandan genocide, the failed Somalia intervention, and the arduous process of peacemaking in the former Yugoslavia. Regionally, the primary concern of states became weathering the storm of the Asian financial crisis.

The record of the international community remains then, at best, mixed. On the one hand, it has consistently donated large amounts of ODA as well as guaranteeing the long-term activities of multiple UN related international organizations. On the other hand, the international community has been negligent in demanding that national actors and stakeholders abide by the commitments they made in the PPA. This mix is reflected in the assessment of UN Human Rights expert and former Special Rapporteur for Cambodia, Professor Subedi, who has noted that in the long-term peace and stability have brought "enormous dividends" to the country, and at the same time, "the Agreements will remain relevant until their vision is a reality for all Cambodians."⁶

For the 1991 PPA to continue to be a relevant testament with great promise into the 21st century, remaining challenges must be overcome, for both Cambodia and other signatory states. Together we must honor our pledge in accordance with the spirit and essence of the Agreements for the achievement of lasting positive peace, the protection of sovereignty and

⁵Karns and Mingst, p. 315.

⁶<http://www.ohchr.org/EN/NewsEvents/Pages/Cambodia-20yearsonfromtheParisPeace.aspx>

independence of Cambodia, and the fulfillment of all commitments as stipulated in the Declaration on the rehabilitation and reconstruction of Cambodia.

Conclusion

The Paris Peace Agreements constituted a breakthrough moment for Cambodia and the international community by successfully crafting a comprehensive political resolution to end the Cambodia dramatic past and bring forward the much anticipated peace and development. It was truly a watershed event for the country, aiming for the respect of its political independence and territorial integrity, as supportive of rebuilding the country into a progressive democratic and developed state.

As we commemorate the 25th Anniversary of the Paris Agreements today, we should express gratitude to the two Co-Chairman of the Paris Peace Conference on Cambodia, namely France and Indonesia and the unwavering supports from the United Nations and other signatory states to the Agreements, namely Australia, Brunei Darussalam, Canada, China, France, India, Indonesia, Japan, Laos, Malaysia, Philippines, Singapore, Thailand, Union of Soviet Socialist Republics, United Kingdom, United States of America, Vietnam, and Yugoslavia.

We should also recognize and pay homage to the indispensable spirit of national reconciliation under the auspicious leadership of the late King Father, His majesty King Norodom Sihanouk and the Cambodian leaders for their bravery and sacrifice allowing us to unite as one Khmer family.

Thank you very much for your kind attention!

MARITIME COOPERATION

**Remarks by Ambassador Pou Sothirak
Executive Director of the Cambodian Institute for Cooperation and Peace**

**During the 10th CSCAP General Conference
On Confidence Building in the Asia Pacific – the Security Architecture of
the 21st Century
Ulaanbaatar, Mongolia, 21-23 October, 2015**

I am privileged to be able to share some thoughts on maritime cooperation. I hope to contribute some ideas to enhance the ongoing regional efforts related to finding suitable measures to keep the sea in the region ‘open, safe, and stable’.

In the Asia-Pacific region, maritime security, if not properly handled, could spawn deep sense of distrust among nations and create a gamut of rivalry beyond anyone’s expectation as fierce competition persists over the unresolved maritime-based territorial disputes along with the growing maritime crimes.

The main challenge to maritime security is how countries in Asia Pacific region could come together to address the ongoing competition to secure access to sea resources such as energy and fisheries, the rising tension in the South China Sea and East China Sea as claimants states exhibit inflexible behavior toward their maritime claims and the proliferation of interconnected networks of transnational crime of terrorism, drug deals, piracy, trafficking in person, and smuggling which the International Maritime Bureau reported to be on the rise, especially in ASEAN countries since 2009. These manifestations remain as major barrier to enhancing and ensuring ‘freedom of navigation’, preventing the much needed cooperation in the use of the seas to promote peace and prosperity.

For the purpose of promoting confidence building in the Asia Pacific region and enhancing maritime cooperation, allow me to touch upon two issues that, in my view, deserve attention. First, I would like to focus on the essence of trust to help nurture confidence and mutual understanding in the region and to reduce tensions on issues related to maritime security so as to avoid possible miscalculation and manage the emerging security threats at sea properly in order to prevent this region from plunging into chaos and conflict. Second, I would like to share my views on how maritime cooperation under various ASEAN frameworks could be enhance to maintain safety of navigation and to forge concrete and cooperative actions to lower the tensions at sea as well as effectively control maritime crimes such as sea piracy, hijacking and smuggling from happening.

I. Improving Mutual Trust

In recent years in the Asia Pacific region, there have been escalating tensions as countries in the region have shown an inflexible posture to compete rather than compromise and cooperate on the issues of mutual disagreements at seas.

There are circumstances which feed into the deepening of mistrust among countries in the Asia Pacific region. First, there is a lingering suspicion about the U.S. Pivot to Asia strategy when Washington transferred extensive military resources to the Asia Pacific and China’s national revitalization concept based on consolidating control of its core interests and pressing demands to reform the international order through a policy to harness good relations with its neighbors with military buildup and presence in countries across Asia. Second there is deep resentment among the countries in East Asia over historical animosities and their strategic differences. And third. the persistence of disputes and flashpoints in the

East and South China Seas have prompted countries to take a harder stand and start exerting their influence to secure greater national security of their own individually instead of seeking a common aspiration to settle their differences.

Giving the complex security landscape in the Asia Pacific region, emphasis on trust among nations should not be taking lightly. I am mindful that it is much harder to define and qualify trust, but without it, a nation suffers the lack of motivation to think in a sensitive way toward other countries. It is this sensitivity that enables the act of diplomacy in a reciprocal way among states. However, trust should not be taken for an excuse to refuse exploring alternative options such as peaceful means beside confrontation and serve to endorse putting the blame on others for the ongoing state of affairs. We are better off to acknowledge that trust can fortify cooperation to steer the state of the maritime affairs of this region toward accommodating actions rather than entrench in never ending rivalry.

It is very important for all countries in the Asia Pacific region to focus their utmost attention on the building of mutual confidence and develop their friendly and cooperative behavior amidst ongoing crises and challenges which continue to feed into the increased pessimism among states. To promote mutual trust in Asia Pacific region, here are some of my views:

- 1- Encourage open dialogue and frank discussion among all countries in the Asia Pacific to address common maritime security challenges in order to build stronger partnership based on trust to achieve common peace through upgraded cooperation in politics and security, mutual growth through strengthened economic cooperation and shared development through boosted social and cultural ties.
- 2- Promote better understanding and avoid any act of miscalculation among parties concerned for peace, security and stability, especially in the East and South China Seas.
- 3- Improve all communication channels and provide better clarification on issues related to an individual country's historical interpretation so as to minimize domestic patriotic sentiment and allow diplomacy to prevail over the narrow nationalistic interest.
- 4- Avoid provocative gestures or aggressive actions through the creation of multi-dialogue mechanism at all official levels and engage in peaceful discussion for the purpose of reconciling any differences amicably on issues related to maritime territorial claims and other maritime crimes.
- 5- Keep an open channel of communication among the coast guard and maritime safety agencies of the East and South China Sea littorals. Hotlines for networking and sharing of information for a coordinated response should be established. This can promote better understanding and improve trust among all sides in dealing with any emergency occurring at sea.
- 6- Enhance soft cooperation such as disaster relief, sea environment protection, and search and rescue for people and ships in distress at sea. Through soft cooperation the culture of dialogue and cooperation can be enhanced to achieve trust building and preventive diplomacy.

If all countries vigorously pursue these ideas and can effectively maintain the habit of negotiation and compromise, they will definitely enhance mutual trust and promote cooperation among themselves which in turn able to reduce tensions and keep the Asia Pacific region as prospering as possible and free from conflicts.

II. Enhancing ASEAN Framework on Maritime Cooperation

The Asia Pacific, without a doubt, is a region of huge economic, political and security significance. Amidst this significance, the future of the seas in the Northeast Asia and Southeast Asia is at stake due to uncontested competition among the major powers as they exert their influence relentlessly in the pursuit of their national strategic interest. Maritime threats such as crimes and tradition security concerns are still eminent as illicit maritime acts coupled with tensions and rivalry remain a real possibility, threatening peace and stability in the region.

Regional flashpoints could erupt into open conflicts and maritime crimes, if left unattended could destabilize hard earn peace and jeopardize the prosperity the seas have to offer. No countries in the region can dismiss the enormous task and challenges of maintaining good order at sea and the vital need for the adoption of peaceful means to manage and resolve maritime disputes based on international law. These countries must cooperate to find viable mechanisms to settle inter-state maritime disputes, coordinate responses to transnational security threats at sea and balance the competing powers to safeguard peace, stability and prosperity in this region.

Over the years, ASEAN has been instrumental in ensuring maritime connectivity to allow 'freedom of navigation' and keep the sea lanes open and safe from unintended crimes. ASEAN frameworks such as the ASEAN Plus Three (APT), and the East Asia Summit (EAS) as well as the establishment of the ASEAN Economic Community which is expected to be launched at the end of 2015 have been dedicated to facilitate the free flow of people, goods and services, allowing intra-regional economic integration to thrive.

ASEAN member countries and their dialogues partners in the EAS have been keen to realize various cooperation agreements through collaborative actions to keep the seas in the region unhindered for trade and commerce, protected from piracy and terrorism, and free from tension and conflicts based on a firm observance of the international law, including the United Nations Convention on the Law of the Sea.

Some of the joint actions and measures to enhance maritime cooperation to secure safety of navigation and to strengthen closer cooperation in combating against sea piracy, hijacking and smuggling were a part of the APT Cooperation Work Plan 2013 - 2017 which was adopted at the 15th ASEAN Plus Three Summit in 2013. In addition, based on a proposal by the Japanese government during the 6th EAS Summit in 2011, a forum to discuss maritime cooperation in the region has been established - known as the Expanded ASEAN Maritime Forum (EAMF) which includes the EAS participating countries coupled with the existing ASEAN Maritime Forum (AMF). I understand that as of now, three meetings of EAMF have been convened to discuss the enhancement of regional cooperation on maritime issues and the idea of freedom of navigation.

Notwithstanding these efforts, there remain issues which require greater attention such as the growing tension in East and South China Seas and other maritime crimes such as illegal businesses including smuggling of arms, illicitly logged lumber, drugs, transportation of illegal immigrants and human trafficking which are conducted on extorted fishing boats using a forged registry. These incidents and crimes, which are still prevalent at seas in the present, are occurring against the existing loopholes of the international institutions and the lack of effective countermeasures.

While ASEAN has been keen to pursue a desirable maritime security regime which must remain open, inclusive, transparent and outward-looking, the 10-member states must work harder to gain more unwavering commitment from other EAS countries, especially the U.S. China, Japan, South Korea, Australia, Russia and India to address the persistent challenges caused by transnational and non-traditional security along with traditional security concerns.

I have some suggestions for ASEAN and other countries in the EAS to consider as follows:

- 1- First of all ASEAN member states need to strengthen its liberal agenda, deepen further their economic interdependence and construct viable institutions through which they conduct their affairs multilaterally. They need to overcome their differences quietly so as to foster stronger intra-ASEAN unity and centrality which could provide opportunities for external partners to gain leverage and strike a common purpose in keeping the region peaceful and prosperous. More importantly, ASEAN needs to formulate a common voice and act in unison when dealing with issues related to political-security, economic and social issues.
- 2- ASEAN-led frameworks on maritime cooperation need to exhibit a clear and collective leadership to overcome challenges posed upon the “ASEAN Way” and be able to tackle sensitive and hard security issues such as territorial conflicts, arm control, nuclear proliferation, as well as other transnational and non-traditional security concerns all of which continue to threaten regional peace and stability.
- 3- Other EAS partners should work together with ASEAN in a concerted manner to maintain peace, stability and progress in the region by engaging in frank and open discussions with each other and to explore new initiatives and creative approaches to jointly manage the tensions and contain conflicts which flare up from time to time rather than simply defending their respective national interests.
- 4- On a practical approach, all EAS member countries should create an effective crisis management scheme at the operational level between navies and coast guard units of all regional states. All sides should agree on prior notification of military exercises in the Northeast and Southeast seas, and facilitate the rescue at sea of people and vessels in distress. Crisis management capabilities should be based on rules and procedures aimed at defusing tensions, preventing conflict from happening, and promote transparency and reciprocal respect.
- 5- The EAMF participating countries should be reinforced and aspire to become a forum in which strategic and comprehensive discussions can be made on maritime issues as well as on maritime cooperation.
- 6- All major powers should avoid pushing and pulling each other over their strategic interests in the maritime domain. Instead, all sides should join together in stepping up their coordination with ASEAN partners on issues related to the maintenance of ‘freedom of navigation’ in accordance to international norms and ensure that emergencies at seas are well managed.
- 7- Given the complexity of maritime crimes which are far-ranging in categories, actors and locations and the segmentation of different frameworks which sometimes overlap each other, the first order of business to enhance cooperation in maritime affairs should be to streamline the confluence of numerous frameworks, ensure uniformity of information, and undertake clear assessment as well as identification of concrete measures to implement regional maritime cooperation.
- 8- Prior to the formulation of policies at the governmental level, ASEAN and the EAS Countries should promote the engagement at a track 2 level among research institutes in the region to rigorously debate the maritime issues so as to attain sharing of common awareness, nurture common understanding of relevant maritime issues, and to engage in a frank and open exchange of views on measures to be taken as possible resolutions which is difficult to propose at the governmental level due to domestic restrictions. After that, the results could be presented to the relevant governments. In this way, the realization of the intellectual exchange among various institutes in the region can contribute viably for governments’ consideration on the appropriate negotiation policies based on cooperative aspects of the maritime issues.

III. Conclusion

Maritime cooperation will definitely define the future of the Asia Pacific region and freedom of navigation centering on keeping the sea lanes open and free from maritime crimes will continue to provide lasting benefits for all of the regional states.

For cooperation to prevail, all countries in Asia Pacific region must find their common position to address maritime security earnestly, amidst the complex shifting of major power relations. They need to be more vigilant and recognize that potential tension and miscalculation which can serve as fault lines and create difficulties and conflicts as nations often strive to maximize their interests. They must surrender the conviction that national survival is all about one's ability to accumulate as much resources for oneself without consideration for others and give up uncooperative behavior to build stronger trust and confidence based on common interest and mutual respect, so as to help the region withstand and resolve serious tensions as they arise.

To ensure freedom of navigation and get rid of maritime crimes at seas, regional states must harness the necessary means available at their dispositions to adhere to the principle that guide maritime activities and maintain maritime order based on international law, especially on UNCLOS. They need to hasten their collaboration and manage their relations through the habit of dialogue and diplomacy without the reliance on military might to resolve maritime conflicts at sea.

For the ASEAN-led maritime frameworks to be enhanced usefully in making current peace and prosperity at seas more durable, ASEAN and other EAS member countries must do more and be willing to tackle sensitive and common regional interest more convincingly and project their collective resolve on issues of regional and international concern instead of clinging to their individual state interests

Thank you very much for your kind attention!

ASPECTS AND AIMS OF SECURITY SECTOR REFORM

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Working Paper
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“Security sector reform will achieve little without a broader process of transformation of the society. But the reverse is also true. The political reform process will get stalled without a thorough transformation of the security sector. It is a process that goes beyond the civil control of the armed forces; it needs to be a process of democratic control.”¹

This essay is intended as an introduction to Security Sector Reform. It is aimed at providing a foundation and reference guide to CICP work in this area. It does not seek to be an exhaustive analysis to the topic, but rather a supportive literature review which can serve as a useful taxonomical tool for civil society and/or parliamentarians. Section I of the essay examines SSR in detail to elucidate the different understandings, its definition and dimensions, and indicate any potential overlap between them. Section II of the essay looks at SSR in relation to peacekeeping with a focus on DDR and transitional justice, local ownership, and the role of parliaments.

I. Security Sector Reform: Concepts and Considerations

A. Historical Development of SSR

Security Sector Reform (SSR) as a concept and practice has followed from the redefinition of security threats and increased cooperation of the international community in the aftermath of the Cold War, from the recognition that failure to address the security sector is a key impediment to development, and from the proliferation of the ideal of human security in terms of people-centered national interests.² On the one hand, there is now general agreement that security and peace are public goods, and in terms of collective goods there are issues of relative degrees of scarcity. On the other hand, the amount and efficiency of resources needed for public order link to questions concerning the transparency and accountability of military budgets, along with democratic civilian management. Effective security sector reform is thus oriented toward both effective civil oversight and forming security institutions that effectively and efficiently provide form for the public in each state.

SSR is the offspring of a conjunction of a multiple historical roots. First, it is based in the paradigm of civil-military relations (1970s) which centered on making the armed forces accountable to and supervised by civilian authorities. Second, it is rooted in the principle of

¹ Herbert Wulf, *Security Sector Reform in Developing and Transitional Countries*. Bergh of Research Center for Constructive Conflict Management, July 2004, p. 16.

² David Chuter, “Understanding Security Sector Reform” in *Journal of Security Sector Management*, vol.4, no.2, April 2006, pp. 3-5.

democratic control (1980s) which focused on achieving accountability and transparency of the security sector. Third, it reflects the OSCE initiative of the 'Code of Conduct' whereby the democratic principle was extended to non-military components of security such as police, intelligence agencies, and paramilitary organizations. Fourth, the impact of the shift to focus on non-traditional security threats and human security linking the risks of social and economic factors to personal and communal well-being.³

SSR discussion has evolved out of the ideologically laden security policies of the Cold War and the failure of development policies which can be partly attributed to a lack of inclusion of the security sector as a key ingredient to economic progress. The role of the security sector and its links to development programs was consistently considered contentious and outside the mandate of development agencies. In this context, relations with the military of developing states were left to the military institutions of developed states. SSR due to the experience of persistent authoritarianism, including in some cases military coups and sustained military rule, discussions of the security sector turned to address the resources consumption and waste of resources, the importance of the military in the process of nation-building, and importance of the military in modernization.⁴

Another approach to the history of SSR sees the military and development issues as imbricated from the outset. As such, SSR can be traced to the question of the proper role of the military in developing countries, bridging CMR and development concerns. Three interrelated questions arose: whether resources consumed by the military should be put to other purposes for better use; how the military could contribute to overall nation-building qua territorial and institutional integrity; and, how the armed forces affected modernization. Initially, the perspective on the armed forces was positive, but this shifted in the 1970s in the wake of widespread intervention of the military into politics, in Asia and even more so in Africa and Latin America. Attention turned to the causes of coups and the ultimate effects of military rule. In the context of the Cold War military studies and development studies disassociated, not surprisingly given the priority on alliance of specific states irrespective of the form of the government regime.⁵

The transformation that follows the Cold War where in military and development issues are again linked is rooted to several factors. First, development donors became increasingly concerned about the effect of military expenditures in draining potential resources for development. Second, the second wave of democratization correlate to the end of military rule in Latin America and spread of democracy in Africa allowed for increased examination of the importance of professionalization of the military and increasing the governance capacity of civilian institutions. Third, the concept of good governance was expanded to include measures of efficiency of resource expenditure. Fourth, both development and conflict resolution efforts agreed on the need for effective demobilization in post-conflict scenarios. Fifth, reconstruction following conflicts became increasingly aware of the importance of rule of law and effective legal institutions including police. Sixth, threats to personal physical security were recognized as obstacles to economic growth. Finally, the notion of security was expanded from traditional

³ Niagale Bagayoko-Penone "Promoting peace and democracy through security sector reform", *Insights: Research Findings for Development and Policymakers*. Institute of Development Studies, University of Sussex. No.70, November, 2009, p. 1.

⁴ Herbert Wulf, *Security Sector Reform in Developing Countries*. Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ). Eschborn, 2000.

⁵ Michael Brzoska, "The Concept of Security Sector Reform", in Herbert Wulf ed. *Security Sector Reform*. Bonn International Center for Conversion. Brief 15. Bonn, 2000, p.

issues to include human and people-centered issues. As such, the conception of security has transformed beyond physical conditions to a broader understanding of individual and communal well-being. Ultimately, development practices could evolve in a new security environment. Whereas initially they avoided security issues, the end of the Cold War made it possible to see security challenges as more complex and requiring longer-term solutions in line with developmental approaches. Over time, an awareness of indirect or structural violence made it possible for donor security aims to recognize the need to prioritize the well-being of vulnerable groups, and a refocusing on the human security of populations and fomenting institutional and normative structures for positive peace in order to prevent destabilization in the long-term.⁶

Alternatively, SSR can be viewed as the outcome of a historical process of collaboration of the original civil-military relations paradigm with the development sector, that occurs in such a way that it results in broad generalizations of the concept of SSR, making it difficult to apply to particular cases and limiting the ability to cooperatively engage the security sector in the process of reform.⁷ Civil-military relations risks placing civilian authority and the military in a zero-sum game relation where only one can succeed and its success is its dominance over the other.⁸ Moreover, it allows for the simplification wherein civilian rule is, in contrast to the invariable authoritarianism of military rule, assumed to be democratic. The potential for biasing the understanding of SSR is evident in two forms: that military interference or dominance over politics need not be explained, but those cases in which the military does not interfere do warrant an explanation⁹; and, in the often underlying idealism that opines eliminating militaries would result in the cessation of war, rather than seeing the military as something that develops in response to war.¹⁰

The detrimental bias of development studies finds its practical manifestation in policies which see all military expenditure as a form of waste, following from the wholesale disassociation of the security sector from any potential positive contribution to development. What began as efforts to channel military resources into development projects, ended as an adversarial relationship between development aims and the function of the military.¹¹ The conjunction of these two historical trajectories may result in an SSR paradigm which overlooks the critical issue of what the security sector is actually supposed to do. Successful reform must take as its guideline the purpose of the security sector, rather than its subjugation and elimination. The CMR approach risks reducing the security sector to the status of a threat in need of minimization, and the development approach risks understanding SSR as merely a loss of resources.¹² An adequate management of these risks must begin with the admission that the security sector has a function, for society and social order, but as well for democratic governance and development. It is now recognized by the UN that without sustained stability provided by security, economic and social development is impossible.¹³

⁶ Global Facilitation Network for Security Sector Reform. *A Beginner's Guide to Security Sector Reform*, International Development Department, University of Birmingham, 2007.

⁷ David Chuter "Understanding Security Sector Reform", *Journal of Security Sector Management*, Vol.4, No.2, April 2006, pp. 3-5.

⁸ Chuter, p. 4.

⁹ Chuter, p. 4.

¹⁰ Chuter, p. 17.

¹¹ Chuter, p. 5.

¹² Chuter, p. 6.

¹³ Brzoska, p. 7.

B. Definitions of SSR

SSR as an aim of development has become increasingly popularized following its articulation by the UK Minister for International Development in 1998. Her formulation of SSR entailed several components: reduction of military expenses for developing states accompanied by redirection of those resources towards development; development programs with a security dimension; donor commitment to conflict prevention and resolution; and, more efficient governance over security providing institutions.¹⁴ The UK Government Global Conflict Prevention Pool (GCPP) defines SSR as: “a broad concept that covers a wide spectrum of disciplines, actors and activities. In its simplest form, SSR addresses security related policy, legislation, structural and oversight issues, all set within recognized democratic norms and principles.”¹⁵

The DFID defines SSR as resulting in security provision consistent with democratic governance, such that security forces are accountable, reduce the risk of conflict, and create a condition enabling sustainable development.¹⁶ This functional definition of SSR centers on the output in terms of an improvement for states in “accountability and transparency of their security sectors.”¹⁷ The OECD definition is grounded on the development of democratic norms in conjunction with good governance resulting in the ‘well-functioning’ of the security sector.¹⁸ The OECD DAC stipulates SSR is: “seeking to increase partner countries’ ability to meet the range of security needs within their societies in a manner consistent with democratic norms and sound principles of governance, transparency and the rule of law. SSR includes, but extends well beyond, the narrower focus of more traditional security assistance on defence, intelligence and policing.”¹⁹ The U.S. State Department, Department of Defense and Agency for International Development have an agreed upon definition of SSR: “the set of policies, plans, programs and activities that a government undertakes to improve the way it provides safety, security, and justice. The overall objective is to provide these services in a way that promotes effective and legitimate public service that is transparent, accountable to civilian authority, and responsive to the needs of the public.”²⁰

The Stability Pact for Southern Europe defines SSR as a “right-sizing, reorientation, and reform, and capacity-building of national defense forces.”²¹ The Bonn International Centre for

¹⁴ See Michael Brzoska. 2003. *Security sector reform in development donor perspective: origins, theory and practice*. Geneva Center for the Democratic Control of the Armed Forces (DCAF). Occasional Paper 4. Geneva.

¹⁵ Department of International Development, Ministry of Defence and Foreign and Commonwealth Office, 2004.

¹⁶ Department for International Development. 2003. *The Global Conflict Prevention Pool. A joint UK Government approach to reducing conflict*. London.

¹⁷ DFID Terms of Reference for the Provision of Consultancy Services on Conflict, Security and Development Issues, ref 01/2892, undated, para. 8.

¹⁸ OECD. 2004. *Security System Reform and Governance: Policy and Good Practice*, A DAC Reference Document. Paris: OECD, p. 16. Note that The OECD Guidelines for Conflict, Peace and Development Cooperation, of the Development Assistance Committee includes child soldiers as an area of SSR focus.

¹⁹ OECD, 2004.

²⁰ “Security Sector Reform” U.S. Agency for International Development, Department of Defense and Department of State, February 2009, p. 3.

²¹ Special Coordinator of the Stability Pact for South Eastern Europe, Working Table III, Security and Defense Issues, “Security Sector Reform”, paper for the Regional Conference, Bucharest, 25-26 October 2001.

Conversion (BICC) understands SSR as the process “to create armed, uniformed forces which are functionally differentiated, professional forces under objective and subjective political control, at the lowest functional level of resource use.”²² Some definitions link SSR to disarmament. The Peace Research Institute of Oslo conceives of SSR in terms of the successful reduction of small arms.²³

Both security sector governance and rule of law are understood as indispensable components to security reform. SSG involves oversight and management of the security sector that is transparent, accountable and legitimate. Rule of law is the practice of the “principle under which all persons, institutions, and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced, and independently adjudicated, and which are consistent with international human rights law.”²⁴

C. Dimensions of SSR

There are four related elements of SSR: political, economic, social, and institutional. First, the political element entails the creation of civilian authority over the military, police and intelligence sectors. Second, the economic element involves balancing over-consumption of resources with underfunding of the security apparatus. Third, the social element focuses on practicing the ideal of human security or a people-centered order. Fourth, the institutional element is supported by a division of labor between the different security actors, and excluding the military from a role in domestic politics.²⁵

The United Nations Security Council understands SSR to involve various areas of governance such as strategic planning, institutional structures, resource management, operational capacity, civilian oversight, and good governance standards.²⁶ Although no absolute agreement on what SSR entails, a fairly comprehensive list of components includes: building capacity of security sector institutions so that they can effectively carry out legitimate functions; augmenting civilian oversight and control; building adherence to the norms of human rights and rule of law for security sector actors; augmenting oversight by civil society organizations; maintaining transparency for security budgeting and spending; increasing regional confidence-building and collaboration; assisting or enacting disarmament, demobilization and reintegration; reducing the availability of small arms; including security sector reform as part of the political discourse of elected and non-elected officials.²⁷

These components can be divided into two generations.²⁸ First-generation reform is rooted in the insights and reasoning of civil-military relations. It centers on the depoliticizing of the security sector actors and fomenting democratic civilian control. It entails the transparent

²² Michael Brzoska, “The Concept of Security Sector Reform” in *Security Sector Reform*, BICC Briefing Paper No. 15, Bonn, 2000, p. 9.

²³ See www.prio.no/research/project.asp. See also: Dominick Donald and Funmi Oloisakin, “Security Sector Reform and the Demand for Small Arms and Light Weapons,” Ploughshares Briefing 01.7.

²⁴ “Security Sector Reform” U.S. Agency for International Development, Department of Defense and Department of State, February 2009, p. 4.

²⁵ Wulf, 2004, p. 5.

²⁶ UNSC Resolution, 20 February 2007.

²⁷ Chuter, p. 6.

²⁸ Timothy Edmunds “Security Sector Reform: Concepts and Implementation”, Geneva Centre for the Democratic Control of the Armed Forces, Working Paper no. 86, October 2002, pp. 7-11.

division of labor between security sector actors and procedures and norms for democratic control based on a transparent and accepted chain of command. Moreover, there must be a clear and consistent demarcation of the various levels and parts of government institutions contributing to the provision of security. This should be based on legislation such as constitutional standards which also include clear limitations on the powers of the different security sector institutions.

A key aspect of first generation SSR is the establishment of oversight and transparency. This occurs by granting the parliament or legislative branch the constitutionally declared capacity for decision-making power over the security budget along with committees to investigate and monitor the practices of security sector actors. This is correlated to the overall rearticulation of the civilian-military relationship and the depoliticization of the security sector which requires removing elements from that sector that are vehemently partisan or with strong ties to any prior authoritarian regime or ideological commitment to the identity cleavages contributing to conflict. First generation SSR should begin the process of professionalizing the security sector following from a detailed assessment of actual security needs and the tasks of the component elements of the security sector.²⁹

Second generation SSR refers to the combination of emphases on strengthening democratic accountability and parliamentary oversight, making transparency of security funding transparent, improving efficiency of policy implementation and effectiveness of provision of security for all, and increasing the contribution of an interaction with civil society. It is important to generate civilian management with the knowledge and capacity related to security sectors needs, aims, and processes. Without this there is little possibility of effective management and it becomes unlikely that security sector actors will submit to civilian authorities. The bureaucratic levels and institutions of the security sector should have the capacity to implement policy, and to contribute to the oversight of other sectors so as to foster transparency. Weaknesses of the capacity include: absence of information about the resources delegated to and used by the security sector, weak analysis of policy options, poor strategies linking goals and resources, and bureaucracies that are unable or unwilling to implement policies.³⁰

The security community is composed of the actors relevant to SSR. It has four parts³¹: core institutions of military, police and intelligence services; managing bodies such as legislatures, executives and ministries; non-core institutions including the judiciary and correctional services; and, non-statutory institutions such as insurgent organizations, militias, political party armed wings, and private security companies.³² Oversight bodies include both the executive and legislative, security sector actors may be considered to include both law enforcement and the judiciary, and non-state actors must be addressed in their capacity as effective security providers.³³ The U.S. conception articulates a different set of four related groups: state security providers, government management and oversight bodies, civil society,

²⁹ Edmunds, p. 8.

³⁰ Edmunds, pp. 9-10.

³¹ OECD. 2004. *Security System Reform and Governance: Policy and Good Practice*, A DAC Reference Document. Paris: OECD, pp. 16-17.

³² Nicole Ball and Michael Brzoska, "Voice and Accountability in the Security Sector", Bonn International Center for Conversion. Paper 21. Bonn, 2002, p. 8.

³³ Global Facilitation Network for Security Sector Reform. *A Beginner's Guide to Security Sector Reform*, International Development Department, University of Birmingham, 2007.

and non-state providers of justice and security.³⁴ Note that this categorization has the added value of recognizing the importance of civil society in overall democratization and ensuring that SSR goes beyond simple CMR in contributing to achieving development and human security. Another approach defines the security sector as including traditional security actors including both armed forces and police, oversight bodies including both the executive and legislative branches of state, civil society organizations, judiciary and law enforcement institutions including prisons, and non-state security providers.³⁵

Empirical studies on SSR have generated a significantly increased understanding of the aspects of reform: reasons for reform, types of reform, and potential for reform in conflict situations based on the specifics of the case. The following reasons are now generally recognized as motives for reform: budget demands which apply to all cases, post-conflict peace-building, ongoing conflict requiring stronger security services, transitioning away from military rule, transitioning away from authoritarianism, transitioning away from single-party rule, enabling participation in international peacekeeping efforts, and, membership in military alliances or regional organizations.³⁶ One or more of these reasons account for domestic commitment to reform, but also indicate why domestic intentions and ownership may be limited. Successful SSR fundamentally depends on the existence of democratic institutions and the internalization of democratic norms. Empirically observed cases of success often involve a committed executive supported by external donors.³⁷ Nevertheless, strengthening the executive also runs the risk of personifying power and enabling a monopolization of authority that runs counter to democratic standards.

There are eight types of SSR. These are: collaboration between security services and civilian institutions to foster democratization; democratization and growth of civil society with only minimal SSR; top-down reform without public involvement; reform rhetoric without significant change; donor driven reform without local initiative or acceptance; restructuring of the security sector in accordance externally derived standards; inclusion of parties in generating a post-conflict environment; and, constructing wholly new security institutions at the behest of external pressure and utilizing external assistance.³⁸

Successful SSR must occur in the context of broader efforts to address and remedy modes of structural violence. These operate as underlying obstacles to reform which ensure achievements will be limited, reversible, and perhaps even counterproductive. Structural violence exists as persistent authoritarianism, weak and ineffective governance, poverty and exclusion, and discrimination of minorities (ethnic and religious prejudices).³⁹ Efforts which only seek to remedy violence will falter without a broader commitment to prevention of conflict through addressing its structural causes. This is correlate to recognizing the importance of local ownership and case specific needs of the host nation population, which is in part based on developing SSR programs as component of longer-term objectives.⁴⁰

³⁴ "Security Sector Reform" U.S. Agency for International Development, Department of Defense and Department of State, February 2009, pp. 3-4.

³⁵ Global Facilitation Network for Security Sector Reform. *A Beginner's Guide to Security Sector Reform*. International Development Department, University of Birmingham, 2007, p. 1.

³⁶ Wulf 2004, p. 8.

³⁷ Wulf, p. 9.

³⁸ Wulf, p. 8.

³⁹ Lauri Nathan, 2001, p.

⁴⁰ "Security Sector Reform" U.S. Agency for International Development, Department of Defense and Department of State, February 2009, p. 5.

It is also important the reform of the security sector be supported a long-term commitment and in collaboration with the right domestic partners. Strategies for security reform must acknowledge the fact that external involvement will most likely blur the line between aid and intervention⁴¹ due to the targeting of aid and recommendations. Moreover, without internal intentions of domestic actors it may be more useful to restrict modes of cooperation and offers of assistance as resources can be co-opted for practices that are detrimental to the 'human' security of the populace. In overcoming entrenched authoritarianism and protracted civil conflict, security reform can only progress with the support of national and local leadership. Cultivating this support, moreover, will only occur by way of confidence-building practices that generate legitimacy and trust between the core security actors and civilian leadership and population.⁴² One must also keep in mind that, threats to human security may come from the military as it despotically seeks to dominate over political decision-making, but military control may also be a response to despotism and corruption of civilian political rulers.⁴³

Donor policy related to SSR suffers from three primary weaknesses: Lack of coordination among policies of donor states, lack of coordination among agencies and ministries of individual donor states, and most detrimentally, the separation of defense relations which are often characterized by arms trade from efforts for development and SSR.⁴⁴ Development ministries push for reduction of arms expenditures while economics and trade ministries seek out arms sales. Policy coordination to achieve debt relief is cancelled out by arms imports which add to national debt. These problems are compounded by an overall selectivity of interventions and aid by the international community.⁴⁵

Resource allocation for the security sector should aim to minimize the amount of resources that are deviated from development purposes, recognize that order and stability are themselves prerequisites for development, and admit that this recognition alone is not sufficient to develop a targeted policy blueprint for prioritizing the distribution of limited resources.⁴⁶

SSR literature demonstrates a universal consensus that one primary aim of reform is civilian rule. Thus, the first and most obvious challenge is limiting the political role of the military. This is, however, predicated on discipline and professionalization of the armed forces. A professional military is subject to civilian control but is also itself protected from politicians who seek to turn it into a tool for personal ends or party loyalty. Civilian decision-makers must be inculcated with a certain minimum of human resources so as to be capable of managing the military even without themselves being of military background.⁴⁷ To do so they must be made aware of the needs, interests, limitations and priorities of security sector institutions.

Civilian leadership must have the technical and resource capacities to control the security services, as well as the foresight to decline opportunities to co-opt them for the purposes of concentrating power and reinvigorating authoritarian rule. This means that support and training aid must include a focus on building the capacities of the legislative and executive branches and civil society, as well as aiming for legislative control over the executive and the strengthening of the sector of civil society organizations. Reform is potentially more rapid in

⁴¹ Some analysts take the position that any donor supported or directed efforts for SSR are a mode of intervention. See Wulf, p. 13.

⁴² Ball and Brzoska, 2002.

⁴³ Wulf, p. 15.

⁴⁴ Wulf, pp. 13-14.

⁴⁵ Wulf, p. 16.

⁴⁶ Wulf, p. 14.

⁴⁷ Wulf, p. 15.

post-conflict conditions, as situations of political stability involve governments that are slow to make transformations. It follows that successful reform efforts are not wholly contingent upon a specific type of regime and that democratization does not by itself guarantee security reforms.⁴⁸

Significant domestic obstacles often exist which pressure maintaining the status quo. As a result, reform efforts often focus on improving the capacity of the armed forces and cutting costs rather than increasing security of the population. Moreover, the transparency necessary for SSR directly challenges the capacities of the intelligence institutions in their function as 'secret' services. This makes it necessary that intelligence services are subjected to rigorous civilian oversight.⁴⁹ Four primary challenges in implementing SSR are: achieving genuine local ownership in conditions where security forces are part of the problem; the financial and human resource cost for the reforming states; the diversity of activities entailed in successful reform which leads to inconsistencies in programming and reform efforts; and the long-term commitment from donors seeking maximum outcome gains in the short-term.⁵⁰

Several key principles must be adhered to ensure best practices in reform programming. As agreed to by the OECD, the most important of these are: building understanding and political will at the local level by ensuring the progressive development of effective governance and accountability; increasing cooperation between security bodies and non-security institutions; recognizing that reform is long-term through the necessary commitment; and integrating different types of government authority instead rather than carrying out disjointed efforts.⁵¹

II. SSR and Peace building

A. General Considerations

"The underlying structural causes of inter- and especially intra-state crises cannot be resolved through quick fixes. Security sector reform does not end with the cessation of the most obvious gross violence and warfare. It is a medium-range reform programme, which has to be embedded in a long-term process of peace-building."⁵²

In conflict situations lacking developed political and administrative bodies, the conflict can be exacerbated by conditioned aid which, albeit with the best intentions, is poorly designed for the practical situation on the ground. When the ideals and commitment of civilian rulers and military officials is in questions, donors would do better to focus on strengthening civil society.⁵³ The dilemma for SSR efforts in a post-conflict situation centers on finding the right balance to the size, resources and influence of the security sector. On the one hand, post-conflict situations are characterized by an excess in the size of the armed forces such that they are larger than what is "politically desirable and economically sustainable." On the other hand, the

⁴⁸ Wulf, p. 17.

⁴⁹ Wulf, pp. 7-8.

⁵⁰ Global Facilitation Network for Security Sector Reform. *A Beginner's Guide to Security Sector Reform*, International Development Department, University of Birmingham, 2007.

⁵¹ OECD DAC Handbook, pp. 10-12.

⁵² Wulf, p. 18.

⁵³ Wulf, p. 16.

prevalence of internal security problems in post-conflict conditions demand a build-up and strengthening of relevant security institutions.⁵⁴

The potential for SSR in cases of conflict is dependent upon the conditions of the specific state. These conditions vary from ongoing war to post-conflict communities. Between these two poles there are cases capable of varying degrees of reform, each evidencing their own types of obstacles. In cases of war and ongoing civil conflict, disarmament and demobilization are extremely difficult. SSR efforts in such cases should focus on building civil society and increasing its capacity to normalize peace and the practice of accountability for security forces. In countries characterized as areas of conflict SSR efforts should seek to counter the tendency towards armament by building practices in civil society to increase human security. In failed states where there is a loss of monopoly over the use of force, such a monopoly may have to be rebuilt in order to initiate a process of security reform. More potential exists in states involved in a process of conflict mediation, but to harness this potential trust and confidence-building is necessary. The limits to reform in post-authoritarian states can be surpassed by eroding persistent authoritarianism and nepotism as well as criminal activities carried out by the police. In states that are transitioning from conflict to peace, there is a need to overcome the resistance of the security sector to change due to the threat of a loss of power and privilege by security institutions. In situations of post-conflict, SSR can build on the optimism and enthusiasm for progress change that follow peace agreements.⁵⁵

The evolution of emphasis on SSR correlates with the progressive acceptance of the concept of human security in development and the transformation of peacekeeping into peace building at the United Nations. The concept of peace building was first set out by SG Boutros-Ghali as he defined post-conflict reconstruction as the task of building structures to avoid relapse into conflict.⁵⁶ It was furthered by SG Kofi Annan who emphasized the need to address the underlying structural factors which induce conflict and create conditions for both reconciliation and reconstruction.⁵⁷

Post-conflict recovery demands coordination among the top levels of different relevant actors including concordance on normative, administrative and strategic aims. Sustainability of reforms is predicated on involving local partners and ultimately transitioning to full local ownership. Post-conflict peace-building includes revitalizing political, economic, and security institutions which can only be done in secure conditions, and such conditions require external military forces. External military forces must be an integral part of the overall transformation process. Conflict resolution based on positive and sustainable peace includes SSR which must meet the demands places on a 'post-modern' military. These demands include: a general historical tendency of decreasing influence of traditional values of honor and nationalism and increasing influence of universal values of rights and democracy; a rise in non-traditional security threats and correlate increase in military tasks other than war; increased acceptance and pressure for international intervention into conflict situations; internationalization of military forces through into regional security forces; changes in the practice of war following

⁵⁴ Brzoska, p. 7.

⁵⁵ Wulf, pp. 6-7.

⁵⁶ Boutros Boutros-Ghali. 1992. *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping*, A/47/277-S/24111. New York: United Nations, para. 21.

⁵⁷ United Nations. 1998. *The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa*, Report of the UN Secretary-General, A/52/871-S/1998/318. New York: United Nations, para. 63.

increase in counterinsurgency and changes in technology; and, privatization of conflict through involvement of non-state actors and privately funded forces.⁵⁸

B. The importance of DDR and Transitional Justice

Following the increased international concern with post-conflict peace building there has been a significant development in terms of institutional arrangements and efforts as well as research and funding aimed at conflict prevention, resolution, and reconciliation to prevent relapse. DDR is an important first step for all of these processes. The UNSC has recognized the link between SSR and other processes needed for both stabilization and reconstruction, including disarmament, demobilization, and reintegration. Its conception of DDR extends to include repatriation, rehabilitation, and small arms control.⁵⁹

In the context of generalized contemporary conditions, SSR must focus on delimiting the role of the military so as to restrict it from politics and establish civilian rule. Problematically, at the same time, national militaries must evolve beyond the traditional tasks of external defense and responding to aggression. Specific post-conflict societies can be characterized as sharing several traits: dependency on aid, confronting organized violence and persistent insecurity, weak state structures, little strategic value for advanced economies and/or consolidated democratic states.⁶⁰

Post-conflict situations entail military forces and armed groups that must be reintegrated into the society. Moreover, political institutions must be restored and endowed with capacities. Civilian control over the military is needed, and this depends on an overall increase in trust and confidence building between civil society and state and between civilian leaders and military elites. Military involvement of foreign forces must be augmented while simultaneously demobilizing national level military actors and restricting the parameters of their activities.⁶¹

Schnabel and Ehrhart denote several requirements to establishing SSR as a component to peace-building. The delimitation of the military's involvement in domestic politics must be followed with a clear and consistent mechanism of accountability for military spending and actions. The separation of the police and military must correlate making the police serve the populace including self-censoring its capacities to violate human rights. Corruption of the judicial system must be minimized and appointments of judges should be based on experience and capacity rather than political affiliation or personal loyalty to power-holders. Strengthening of civilian management depends on effective oversight by parliamentary institutions to bring together bipartisanship, financial transparency, and democratic accountability. Budget transparency demands regular periodic statements making public information and allowing for accounting and auditing of military resource consumption.⁶²

Increasing respect for human rights by security forces and adherence to the rule of law will generate trust in the security sector actors and enable legitimation of their monopoly over the use of force. Public trust as well as institutional transparency require an active civil society

⁵⁸ Schnabel and Ehrhart, p. 4.

⁵⁹ United Nations Security Council Resolution, 20 February 2007.

⁶⁰ Dylan Hendrickson, "A Review of Security Sector Reform" The Conflict, Security and Development Group, Working Paper no. 1, London, 1999, p. 7.

⁶¹ Schnabel and Ehrhart, p. 5.

⁶² Schnabel and Ehrhart, pp. 7-8.

which can promulgate democratic norms and continue monitoring military and police forces after the withdrawal of foreign armies or aid. Civil society should be included in regional forums and dialogues in conjunction with an overall emphasis on regional integration and cooperation. Specifically focusing on core security actors, the most immediate and urgent aim of conflict resolution involves SSR in the form of demobilization and reintegration of military personnel and limiting the proliferation of weapons, especially small arms.⁶³

DDR can only be successful if it is approached as one element of a larger agenda supporting SSR, transitional justice, good governance and rule of law, and development.⁶⁴ Transitional justice has been a major element to societal reconciliation and redress of grave violations of human rights, at least since the 1980s. Both DDR and transitional justice seek sustainable conflict resolution involving positive peace based on trust and reconciliation that precludes the renewal of violence.⁶⁵

There are four key elements to transitional justice that are compatible with DDR: prosecution, illumination of truth, reparations for victims of human rights violations, and reform of institutions. First, prosecutions aim to erase the persistent impunity for combatants that occurs in conflict conditions. This is a first step to grounding the rule of law in post-conflict cases and separates combatants who seek to undermine reconciliation from those who support it by isolating those who resist DDR. Second, if combatants are not included from processes of establishing accountability and finding the truth they may resist those processes and it makes it increasingly likely that they will not be successfully reintegrated in the society. Third, reparations for rights violations and other injustices support reintegration by reducing the feelings of animosity and desire for vengeance experienced by individuals and communities in post-conflict situations. Fourth, institutional reform supports the development of a security sector following conflict which does not include former combatants who were involved in or ideologically supportive of atrocities.

Disarmament, demobilization and reintegration set out a foundation for security sector reform in post-conflict conditions. Both aim for improvements in the security situation, and for alterations of the actors involved in providing security. Both DDR and SSR programs now accept the concept of human security or security that is focused on the well-being of the people rather than on the military capacity of the state. Without coordinating DDR in the overall SSR framework, violators of human rights can be included in the reformed security sector.⁶⁶

Transitional justice initiatives and efforts at SSR aim for reform violent elements in the security sector and creating security sector actors that respect human rights and value an end to impunity. Prosecutions of rights violators foment rule of law and deters repetitions of violations. By removing violators from the security services obstacles to reform can be overcome. Moreover, transitional justice practices establish trust and confidence in the community and among warring factions that support the legitimacy of the security sector institutions, as well as increasing accountability which is a primary aim of SSR efforts. Transitional justice initiates the oversight and vetting practices which are integral to reform of the security sector. Transitional justice practices also improve the empowerment of the citizenry which supports civilian control and democratic accountability of the security sector.⁶⁷

⁶³ Schnabel and Ehrhart, p. 9.

⁶⁴ Ana Cutter Patel "Transitional Justice, DDR and Security Sector Reform", International Center for Transitional Justice Research Brief, February 2010, p. 1.

⁶⁵ Cutter Patel, pp. 1-2.

⁶⁶ Cutter Patel, p. 3.

⁶⁷ Cutter Patel, pp. 3-4.

C. Local Ownership and Elites

Although the ultimate end of SSR is democratic control and good governance, the process often begins with external donors and their commitment to mainstream reform into political dialogue and modes of cooperation. Donor aid should be made dependent on the achievements of practical and significant security reforms, and until that is achieved external assistance should be restricted to non-security sectors along with strong accounting and auditing practices in place. External actors must initiate the reform process through concerted commitment in post-conflict scenarios, and ensure that local actors are sufficiently endowed with the capacities to carry on the process. The greatest challenge to SSR is two-fold: it is inhibited by domestic elites who do not value accountability or transparency, and it is limited by external actors who are reluctant to commit the time and resources necessary for successful reform.⁶⁸ Multiple studies have come to highlight the importance of domestic level actors, especially the national elites.⁶⁹ In post-conflict situations, although the recipients of assistance, these national level actors are suspicious of conditions put on aid and view the efforts of external actors as forcing policy preferences on that state.⁷⁰

Accordingly, SSR projects should focus more on cultivating cooperation between donor and local stakeholders. The component of SSR derived from the contribution or cooperation of internal actors requires strong national level leadership capable of fomenting consensus and executing concrete steps to adjust legislation and budget policy, as well as manage 'spoiler' interest groups that seek to block reforms or even reinstate hostilities.⁷¹ Moreover, once the limitations of donor driven reform are recognized in the absence of broad based societal support and consensus among key internal actors, strong leadership can function as the catalyst for generating the conditions for reform at the domestic level. Lessons learned from empirical studies on SSR demonstrate that, without such supportive leadership, reform efforts must turn to civil society and seek to generate inertia for reform among the public and other officials.⁷²

Post-conflict SSR must first address significant social chasms, which primarily form along the lines of ethnic identity but can also be just as divisive when formed in terms of political parties. Reconciliation between the different camps requires generating a minimum of trust between groups by focusing on shared interests and common aims.⁷³ National reconciliation manifest as national identity is a precondition for even negotiating the relationship between civilian political authorities and the military hierarchy.⁷⁴ However, moving beyond the groundwork of the reconciliation that characterizes negative peace in a post conflict situation, requires recognizing that national elites, while having the potential to greatly further SSR, tend to be the primary obstacles to significant reform.

⁶⁸ Schnabel and Ehrhart, p. 11.

⁶⁹ This awareness correlates with the recognition of the limits of externally driven reform. See Hendrickson, p. 7.

⁷⁰ Dylan Hendrickson and Andrzej Karkoszka "Security sector reform and donor policies" in Schnabel and Ehrhart, p. 19 ff.

⁷¹ Stefan Wolff "The politics of fear versus the politics of intimidation: Security sector reform in Northern Ireland" in Schnabel and Ehrhart, p. 183 ff.

⁷² David Darchiashvili "Civil-military relations and security sector reform in a newly independent transitional state: The Georgian case" in Schnabel and Ehrhart, pp. 156-160.

⁷³ Biljana Vankovska "Ethnic-military relations in Macedonia" in Schnabel and Ehrhart, pp. 93-96.

⁷⁴ Nivaldo H. Galleguillos "Civil-military relations and national reconciliation in Chile in the aftermath of the Pinochet affair" in Schnabel and Ehrhart, pp. 243-245.

Scholars recognize that national level political elites have prevented the consolidation of democratic governance in some cases⁷⁵ that the support of such elites is needed for reforms, and that such support can be cultivated by generating an “intersectoral consensus” on the general aims and strategies for developing democratic accountability. Moreover, elites can be economic elites, political elites, or military elites. The situation of elites is transforming as they become increasingly linked to elites in other states through ties of economic globalization.⁷⁶

Elites often maintain colonial strategies of rule in post-colonial conditions, and following conflicts often utilize the military and police to create authoritarian systems by repressing opposition groups or parties.⁷⁷ Empirical studies of SSR have shown that elites can weaken bureaucracies in order to consolidate power and use centralized authority to wield security forces against opposition.⁷⁸ Deterioration of the security forces may also come from intentionally fragmenting them, resulting in poorly coordinated components, as an intentional strategy to hold on to power when the allegiance of those forces to the leadership is undermined.⁷⁹ On the other hand, in post-conflict situations, the lack of a functioning bureaucracy, economic instability, and absence of legitimacy due to low public trust and social capital may pressure even reluctant elites into greater and greater reliance on security forces to maintain order and implement policy.⁸⁰ Two specific difficulties arise related to military elites arise when it comes to technical and financial assistance for SSR provided to the core actors. The first is that it is challenging to assess the sincerity of their rhetoric for reform. The second is that the resources received will be utilized to redraw the relationship between military elites and civilian authorities, empowering the former over the latter.⁸¹

D. Role of Parliaments

Given that democratic control of the security sector is one of the most primary aims of SSR, the most apparent role of parliaments is to provide effective and legitimate oversight for security institutions and monitor both their financing and activities. Parliaments can work to ensure that military officials are held accountable, socialized with norms of good governance, and emphasize political neutrality among the corps. Importantly, “A democratic system of civilian oversight can vary in its design but serves the critical function of ensuring that the security sector is held accountable to the needs and priorities of the public.”⁸²

Democratic government is predicated in part on control of the security sector by democratically elected authorities. Parliamentary oversight of the security sector in new democracies is linked to three aims. First, states in post-conflict conditions involved in

⁷⁵ Galleguillos, p. 239 ff.

⁷⁶ Hendrickson, p. 11.

⁷⁷ Hendrickson, p. 21.

⁷⁸ William Reno “War, Markets and the Reconfiguration West Africa’s Weak States,” *Comparative Politics*, Vol. 29 (4), 1997.

⁷⁹ Alex de Waal “Contemporary Warfare in Africa: Changing Context, Changing Strategies”, *Institute for Development Studies Bulletin*, Vol. 27(3) , (Brighton: University of Sussex, Institute for Development Studies, 1996).

⁸⁰ Hendrickson, p. 23.

⁸¹ Chris Smith “Preparing Security Forces for Their Role in Civil Society”, *Brassey’s Defence Yearbook*, (London: Brassey’s, 1999).

⁸² Craig Kowalik “Parliaments and Security Sector Oversight: An Emerging Area for Capacity Development”, *Parliamentary Centre*, Ottawa, 2006.

generating political stability face an immediate demand for increased capacity of security institutions. Second, without democratic accountability the security sector can evolve into the ruling institutions of the state. In such conditions the security sector maintains influence and control of the political process, disregards the rule of law and exercises authority with impunity by engaging in potentially systematic abuses of human rights, and becomes the tool of authorities for the personal or partisan monopolization of power and pursuit of self-interest. Third rule of law requires equal treatment under the law, disallowing exemptions for military figures or privileged treatment for actors involved in law enforcement.⁸³ Security sector actors as well as the executive branch must be held accountable and the legislature can significantly contribute to doing so.

The problems stemming from the security sector in transitional political systems are rooted in the political and economic influence of the security sector which enables it to pressure or even dominate politics. In such conditions, the security sector institutions can be manipulated by politicization to serve partisan or personal interests. Where civilian politicians abuse their authority over the security sector it becomes increasingly likely that the security institutions will themselves become abusive. The security sector in transitional states is supported by an inflated budget which is itself not subject to transparent oversight and so lends itself to mismanagement. There is generally poor management and budgeting and high levels of corruption and waste, as well as, low human resource development among security officials and the civilians tasked with oversight functions.⁸⁴ The 'Security Deficit' refers to a security sector that either does not effectively provide for security or is itself a source of insecurity by contributing to violence and conflict. However, authoritarian states often have effective security systems for the protection and preservation of the regime, but without civilian control and democratic accountability the security sector suffers from a 'Governance Deficit'.⁸⁵ If efforts are made including training and financing of the security sector in order to remedy the Security Deficit without also addressing the Governance Deficit, then the risk increases that the security sector will assert control over politics or be used by politicians for partisan or personal aims.⁸⁶

In post-conflict conditions the role of the parliament is to prevent internal factionalism and build public trust in the institutions of state. In a general sense the relation of authority between the military and parliament must be redefined.⁸⁷ Moreover, the parliament must work toward the proliferation of the norms of good governance and democratic accountability. The parliament must debate and negotiate the proper balance between transparency and secrecy of national security. Parliament must strive to achieve an integrated and coordinated policy producing system among the different ministries, departments and organizations of the state. All elements of SSR for core security actors should be mirrored with corresponding training and capacity-building of parliamentarians.⁸⁸

There are many other ways that parliaments can support SSR. Parliaments should exercise their authority to debate and enact legislation supporting security reforms. Related to such debate they should seek to publicize and popularize relevant norms. In some cases,

⁸³*Parliamentary Oversight of the Security Sector*. European Union, Office for Promotion of Parliamentary Democracy. Brussels, 2013, p. 44.

⁸⁴ EU, p. 48.

⁸⁵ EU, pp. 49-50.

⁸⁶ EU, p. 50.

⁸⁷ Hendrickson, p. 30.

⁸⁸ Kowalik, op cit.

parliaments have the power to choose the head of military forces. In all cases, parliaments should work closely with the executive to ensure that human security is a guiding principle of military activities. In relation to the executive, the parliament must act as an effective balance to ensure that monopolization of power does not occur and enable abuse. One aspect of doing this is to practice parliamentary supervision over the budget for the security forces. Another way to do this is to hold the executive accountable for policy problems with the security sector.

The parliaments of donors providing resources for SSR and development should work to provide capacity-building support of the parliament in the recipient state.⁸⁹ Donors should stress technical assistance in the area of ability to effectively conduct parliamentary oversight. Both recipient and donor parliaments should cultivate a sense of duty among officials for the support of SSR aims. Donor and recipient parliaments should cooperate to build a learning network of parliamentarians for sharing information and knowledge, and fostering intergovernmental ties which will strengthen the sense of security of the post-conflict state.⁹⁰

⁸⁹ Hendrickson, p. 10.

⁹⁰ Kowalik, op cit.

THE PARIS PEACE AGREEMENTS REMAIN RELEVANT TODAY

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Brief Background

This event was a landmark moment for both Cambodia and the international system, evidencing an unprecedented development of an international society of states who joined together to work to ensure interstate security, as well as to delimit intrastate insecurity and prevent the most serious and egregious human rights violations.

18 states joined together with the UN and Cambodia to demonstrate the possibilities for post-Cold War collaboration, as is clearly evident from the state parties that were signatory to the agreement which included major powers with previously conflicting fundamental security interests such as the US, UK, France, USSR, China, and Vietnam. It involved the collaboration of major regional powers such as Australia, India and Japan. As well, the PPA sedimented already existing cooperation between regional states such as Thailand, Malaysia, Indonesia, Singapore and Vietnam fostering future collaboration and strengthening of the ASEAN system.

The agreement was a watershed event in terms of security for small states in that it concretized their political independence and territorial integrity, and supported their neutrality vis-à-vis (in relation to) large power politics. More generally, the PPA was an event which contributed to the foundations of what has today evolved into universalizing conceptions and practices such as responsibility to protect, a duty to intervene in cases of mass atrocity, conflict prevention and early warning systems, and human security.

The Agreement involved three component emphases from which both negative and positive peace in Cambodia can be derived. These were an agreement on a Comprehensive Political Settlement to the conflict in Cambodia, an agreement on the Sovereignty and Independence of Cambodia, and an agreement on a commitment to the Rehabilitation and Rebuilding of Cambodia. It is with regards to both its achievements and its failures that the PPA remains relevant today for both Cambodia and the international community as a whole.

Achievements and Beneficial Impacts

Achievements can be elaborated upon in the language of both negative and positive peace. In terms of negative peace, the PPA extended and secured a process to end the conflict. It established a cease-fire, the withdrawal of foreign forces while calling for limits on their military assistance for warring parties inside the country, and initiated the essential process of disarmament. In fact, Art. 10 of Annex 2 (in support of Art. 10, Section V of the Agreements) fortified the cease-fire and disarmament process by providing for monitoring and investigation to prevent supplies of arms by external actors. This practice can and should be emulated in current and future attempts at peace building.

The international guarantee of Independence articulated the commitment to end a lengthy period of intervention in Cambodian affairs by external powers, which can be interpreted as recognition that such intervention was significantly responsible for the political conditions which enabled and perpetuated the genocidal regime. By establishing areas of common concern or shared values and producing strategies and policies for future cooperation between factions (as well as states in the international system), the PPA set the foundation for national reconciliation.

Moreover, with the support of HRH Sihanouk the PPA initiated the process of building a democratic electoral system and groundwork towards free and fair elections. This set the tone for positive peace in Cambodia. The convening parties proclaimed that Cambodia will develop and practice a liberal democracy based on pluralism. Political science and Peace Studies now recognize that democracy and human rights are integral components to sustainable political reconciliation. The PPA and the UNTAC greatly contributed to Cambodia in these areas. Then UN Secretary-General Boutros Boutros-Ghali held, "Nothing the UN has ever done can match this operation."¹ Still today, UNTAC is universally regarded as one of the most successful peacekeeping missions in the history of the UN.² The PPA established policy and practices for positive peace in multiple forms: recognition of the importance of a parliamentary system and the procedures for a process of democratic elections, emphasis on the promotion and protection of human rights and fundamental freedoms, the principles for a constitution and rule of law, a focus on territorial integrity, and support for economic and financial resources for reconstruction.

Persistent Problems or Challenges

Nevertheless, it is possible to look on the 1991 PPA as a Declaration of great promise that remains to be fulfilled. This allows us to mark the failures of the accords, but also to recognize their persistent potential, as well as for generating recommendations for future peace agreements in other contexts.

- 1) To begin with, considering the international system as a whole, it is a tragic missed opportunity that the P5 has not been able to consistently perpetuate the cooperation and goodwill achieved in the 1991 PPA.³ Regarding Cambodian domestic affairs, questions remain whether all state parties have adhered to Art. 28 which stipulates that "The Signatories shall comply in good faith with all obligations undertaken in this Agreement".⁴
- 2) The agreement recognized the interdependence between 'stabilizing the security situation' and 'confidence building among the parties to the conflict' (Art. 11). However, in the UNTAC period the process of confidence building was not completed and as a result, although the security situation was significantly improved, full stabilization was not achieved.⁵

1 Boutros Boutros-Ghali "The 'Second Generation': Cambodia Elections 'Free and Fair', but Challenges Remain" in *United Nations Chronicle*, 30:5 (1993): 26.

2 Karns, Margaret P. and Karen A. Mingst. *International Organizations: The politics and processes of global governance*. Lynne Rienner Publishers, 2004, pp. 315-16.

3 Dedring, Juergen "The Security Council" in Paul Taylor and A.J.R. Groom eds. *The United Nations at the Millenium: The prinicipal organs*. Continuum, 2000, pp. 84-87.

4 <http://www.cambodia.org/facts/?page=1991+Paris+Peace+Agreements>

5 Karns and Mingst, p. 315.

- 3) While most of the stipulations set forth in Annex 3 to the 1991 PPA on Elections have been fulfilled, in the eyes of civil society and the international community there has not been a realization of point 9 regarding freedom of speech and assembly. General John Sanderson, the Australian commander of UNTAC from 1992 to 1993 has stated, "UNTAC was a peacekeeping mission which achieved its objectives but failed to leave the country in a progressive democratic state intended by those who set up the peace process."⁶ He argued that this failure followed from insufficient dedication to constructing rule of law and an effective judicial system, as well as lack of involvement in the constitutional process. After the successful democratic elections of 1993, factionalism returned and the military took control of the political system in 1997.⁷ Electoral problems, factionalism, and an absence of sustainable reconciliation are still evident today as demonstrated by the problems that followed the national elections of 2013.
- 4) The PPA sets out a commitment by the signatory parties to the territorial integrity of Cambodia, but this remains an issue. There is, first, the intergovernmental border dispute between Cambodia and Thailand, and second, numerous voices in Cambodia that contest the border demarcations with Vietnam.

Conclusion

Despite all the positive policy of the PPA and practical contributions of UNTAC, the international community disengaged after 1993 and was too eager to both 'pat itself on the back' for its achievements and 'wash its hands' of a complex and controversial situation. There has been minimal international pressure to ensure that signatories comply with their commitments, and democratic peace in Cambodia was reinterpreted in terms of the international opinion of the 'intractability' of factional conflicts. Peace in Cambodia was superseded by impressions formed from the more recent experiences of failed internationalism, such as the Rwandan genocide, the failed Somalia intervention, and the arduous process of peacemaking in the former Yugoslavia. Regionally, the primary concern of states became weathering the storm of the Asian financial crisis.

The record of the international community remains then, at best, mixed. On the one hand, it has consistently donated large amounts of ODA as well as guaranteeing the long-term activities of multiple UN related international organizations. On the other hand, the international community has been negligent in demanding that national actors and stakeholders abide by the commitments they made in the PPA. This mix is reflected in the assessment of UN Human Rights expert and former Special Rapporteur for Cambodia, Professor Subedi, who has noted that in the long-term peace and stability have brought "enormous dividends" to the country, and at the same time, "the Agreements will remain relevant until their vision is a reality for all Cambodians."⁸

6 Karns and Mingst, p. 316.

7 Karns and Mingst, p. 316.

8 <http://www.ohchr.org/EN/NewsEvents/Pages/Cambodia-20yearsonfromtheParisPeace.aspx>

THE ROLES OF CHINA'S AID TO CAMBODIA'S SOCIO-ECONOMIC DEVELOPMENT

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**ASEAN-China: Deepening the Strategic Partnership
in Commemoration of the 25th Anniversary of the ASEAN-China
Economic cooperation - One Belt One Road Initiative
Beijing, 24th June 2016**

Abstract

Being Cambodian young scholars, we would like to take the opportunity of 25th Anniversary of ASEAN-China dialogue partnership to discuss achievements, opportunities and challenges with regards to regional economic integration at the end of 2015 and beyond. The paper takes a case of Cambodia, which is a member State of ASEAN as well as one of China's closest friends in the region. The phenomena related to Cambodia-Sino relations can basically be explained by politico-economic interest exchange along with Chinese foreign aid policy. In this case study, the main objective of the paper is to understand what roles China plays in helping Cambodian socio-economic development.

Introducing the overview of Cambodia-Sino relations, the paper describes the nature and the development of China aid to Cambodia since over the past 25 years. On one hand, the paper assesses the results from the implementation of Chinese aid to Cambodia. Nevertheless, the paper also raises existing controversies among local stakeholders regarding the domination of China in Cambodia. On the other hand, this paper discusses the implication of the One Belt One Road initiative for Cambodia. Finally, the paper concludes with a discussion about how the Cambodia-Sino relationship will develop in the future.

I. Introduction

Cambodia and China are known as close and old friends. The Sino-Cambodia relations can be traced back to the early history of Cambodia, when a Chinese diplomat paid a visit to Cambodia in the 13th Century. Their relations have always been described as harmonious. China's foreign assistance to Cambodia in the 1970s and 1980s was more political in nature, with assistance being directed to Cambodian factions such as Ex-King Sihanouk and the Khmer Rouge, who enjoyed the political, military, and financial support respectively from China. With China rising as one of the world's powerhouses, China's aid capacity has undoubtedly grown. In modern times, particularly when economic issues gain a more prominent role in determining foreign policy, China has focused more on increasing its influence in the region and the world through development aid and investment. China's rise it is argued seeks to be peaceful, avoiding domestic interference, while promoting prosperity. There are two questions that we will address: What is the nature of Chinese aid to Cambodia? How has this aid changed over time and political exigencies?

1. Nature of Chinese Aid

It has been observed that China's foreign assistance does not involve political implications or conditionality – the approach is the opposite if compared to those of Western donors. China seemingly does not employ a carrot and stick norm in its foreign policy, particularly foreign aid given to developing countries. China tends to respect state sovereignty and refrains from interfering in internal affairs of other countries that receive their foreign assistance. China's foreign aid is described as "no strings attached." Western donors, on the other hand, attach their foreign assistance to human rights, good governance, political freedom, transparency and more. Such conditions inevitably interfere with recipient countries' sovereignty and domestic affairs to a certain extent. Chai Zhizhou describes China's aid policy as "non-conditional".¹

Besides, the financial aid to Cambodia lacking conditionality, loans given to Cambodia by China are concessional and interest-free.² China's aid to Cambodia tends to provide mutual benefit. When China pledged to provide combined loans and grants of up to USD 220 million in 1999, the Post quoted Chai Zhizhou, an Economic and Commercial Counselor at the Embassy of the People's Republic of China, as saying that the package was "a way to bring together Chinese and Cambodia expertise to help develop Cambodia." ³ It can be argued that China takes a soft approach toward aid-dependent countries, showing an understanding of the constraints that those countries have to endure. China's foreign assistance prioritizes economic development and fosters a positive relationship.

2. Development of Chinese Aid

Presently, Cambodia-China friendship is stronger than ever, as they have upgraded their comprehensive strategic partnership in 2010.⁴ This comprehensive strategic partnership is believed to facilitate investment and trade between the two countries. China is one of the key contributors to socio-economic development, particularly in recent times. China is now the biggest investor with a total investment worth USD 9.6 billion and trade increased to USD 3.7 billion in 2013.⁵ China is also a Cambodia's major donor, providing up to USD 2.85 billion in soft loans between 1992 and 2014,⁶ putting the EU and Japan behind. The investment, trade, and aid that China has been providing serves as a solid foundation as Cambodia has shown an average growth of about 7 percent per year. The commitment of the leadership of the two countries ensures further cooperation, more comprehensive cooperation as well as further sustainable development.

II. Impacts of Chinese Aid

1. Contribution to Economic Growth

Cambodia is one of the least developed countries in the world, with a GDP per capita of USD 1,094.6 in 2014⁷ – the lowest GDP per capita in ASEAN, except Timor-Leste whose GDP per capita is USD 1169 in the same year. Cambodia is one of the aid-dependent countries whose economic development relies heavily on foreign investment and financial and technical assistance from outside countries. Therefore, the fact that China has become a major trading partner, investor, and donor provides a promising foundation for Cambodian economic development.

With a population of 1,360.7 billion⁸, China is one of the biggest markets for Cambodia. Therefore, increased trade ties with China are obviously a tremendous boost to the Cambodian economy. During a State visit of 200 Government officials and private business representatives lead by Jia Qinglin, Chairman of the National Committee for the Chinese People's Political Consultative Conference, the leadership of the two countries announced their firm commitment to "greater economic and trade relations"⁹. Trade between the two countries continues to increase at a noticeable pace. In 2007, "the trade flow reached USD 933 million, up from USD 482,426,000 in 2004"¹⁰. In 2013, Cambodian exports to China reached USD 483 million, an increase of 33 per cent.¹¹ Local businesses in Cambodia look to boost bilateral trade relations with China to USD 5 billion in 2017.¹² Development experts agree that as long as China's economy continues to grow, it is very likely that trade between Cambodia and China will increase more quickly compared to that of Cambodia with Western countries.¹³

In 2008 alone, more than 3,000 Chinese companies registered and operated in Cambodia; there was a significant increase (43.5 per cent of FDI from China) in Chinese investment in Cambodia in the same year.¹⁴ China has been the biggest foreign investor in Cambodia since 1994.¹⁵ The Prime Minister of Cambodia has acknowledged that China's foreign direct investment, financial, and technical assistance are contributions to Cambodia's steady economic growth.

Figure 1: Investments Approved by CDC by Major Countries (1994- September 2012)

Million USD

Country	1994-2006 Total		2007	2008	2009	2010	2011	2012 1-9	1994-2012.9 Total	
		Rank								Rank
Cambodia	4,341	-	1,323	3,932	3,753	391	1,930	261	15,931	-
China	1,581	2	180	4,371	893	694	1,193	230	9,142	1
Korea	1,361	3	148	1,238	121	1,027	146	150	4,191	2
Malaysia	1,960	1	241	3	7	167	235	0	2,614	3
UK	107	11	26	6	0	0	2,238	25	2,429	4
USA	428	5	3	671	1	36	144	5	1,290	5
Vietnam	81	12	139	21	210	115	631	84	1,281	6
Taiwan	576	4	40	21	27	92	82	78	916	7
Thailand	384	6	108	74	178	2	0	120	866	8
Singapore	271	8	2	52	272	37	14	83	732	9
HKG	248	9	26	0	7	30	331	56	697	10
Russia	279	7	0	102	235	0	0	0	617	11
Israel	0	14	2	300	0	2	0	0	304	12
France	208	10	35	6	50	0	0	3	303	13
Japan	22	13	113	8	5	0	6	2	157	14
Others	269	-	305	84	127	222	393	26	876	-
Total	12,116	-	2,656	10,889	5,859	2,691	7,012	1,123	42,346	-

(Source: Council for the Development of Cambodia, p. II.4)

With China's successive lead in foreign direct investment in Cambodia, China's contribution to Cambodia's economic growth is irrefutable. Cambodia's economic growth rate of about 7 per cent per year between 2010 and 2015 (projected to grow by 7.5 per cent in 2016)¹⁶ has been driven mainly by foreign direct investment, particularly in the mining, textile, and industrial sectors which are dominated by Chinese investors. Therefore, China has played a key role in accelerating Cambodia's significant economic growth.

2. Employment Generation

Civil wars that plagued Cambodia for three decades destroyed the fundamental structures of Cambodia's economy that secures employment for the Cambodian people. In the past, agriculture was the main sector providing employment for people. However, in contemporary Cambodia, the manufacturing industry and service sector have gradually created more jobs. China is a foreign investor that contributes largely to job creation in Cambodia. China registers as one of the top investors in a wide range of sectors that are the pillars of the Cambodian economy. Among many other sectors, China is a major investor in the mining, manufacturing, and textile industries. These sectors, particularly textile and footwear, generate a large number of jobs for less educated, unskilled laborers, especially women. The garment sector has the biggest share of the manufacturing industry, accounting for 66 per cent between 1998 and 2008 (constituting an average of 10.5 per cent of the Cambodian GDP)¹⁶ and the export of textile and footwear reached USD 6 billion in 2014, an increase of 10.7 per cent from last year¹⁷, making textiles the largest segment in the manufacturing industry. Among many countries investing in textile, China owns 16 per cent of the total investment in the industry.¹⁸ Cambodia's footwear and garment industry currently employs 600,000 workers.¹⁹ Given this sheer number of jobs, China is obviously a key contributor to job creation in the Kingdom which helps reduce poverty in rural areas through remittances. Although mining is a relatively smaller sector compared to textile and footwear, China ranks at the top in mining investment. Despite the fact that the mining industry is in its infancy, this is a sector that the Government of Cambodia can tap into in the future. Because China is among the leading investors in this industry, this has the potential for job creation of Cambodians who remain under employed in agriculture. The investment trend in Cambodia shows that China is the largest investor, accounting for 90 percent of total foreign investments.²⁰ The continued prominent role of China in terms of foreign direct investment in Cambodia promises an increasing number of jobs for Cambodians – an important contribution to the decreased unemployment in the Kingdom.

3. Infrastructure Development

Civil Wars have left Cambodia with ruined roads and bridges. Infrastructure is an indispensable foundation for socio-economic development. Good infrastructure reduces the cost of production and eases the transportation of finished goods to markets. It also facilitates trade domestically, regionally, and globally. Compared to its ASEAN neighbors, Cambodia's infrastructure remains underdeveloped, thus hindering its trade competitiveness. With increased regionalization, infrastructure in Cambodia desperately needs development if Cambodia wishes to increase its competitiveness in the regional market.

It is recognized that Cambodia's infrastructure is developing, with more roads and bridges being built, many of which are funded by the Chinese Government. The GMS cooperation program initiated by Asian Development Bank which was implemented with other ASEAN members (Cambodia, Vietnam, Laos, Thailand, Myanmar, and the Yunnan Province of China) has devoted resources to physical infrastructure development that connects countries within this region. It also signifies China's firm commitment to help develop important infrastructure in Cambodia and its neighbors so that cross-border trade and investment is less burdensome.²¹

China funded the rehabilitation of National Road No.7, which is 509 km long running from Skuon in Kampong Cham Province, through the Kratie and Stung Treng Provinces to

Laos's border. The project began in 2014 and is going to be finished in 2017. The project is funded with concessional loans of USD 60.98 million and grants of USD 2.43 million by the Chinese Government.²²The Road connects Cambodia and Laos and is an important linkage for ASEAN countries and is part of ASEAN Highway No. 11.²³China has also funded the construction of the Prek Tamak Bridge in Kandal Province. This funding is in the form of concessional loans of USD 43.5 million.²⁴ The Bridge serves to link the east and west regions of the country. The Road and the Bridge mentioned here are just a few examples of infrastructure projects funded by the Chinese Government. China actually has been funding many other similar projects throughout Cambodia. Between 2000 and 2011, China provided Cambodia USD 1.16 billion in concessional loans to develop the country's infrastructure.²⁵

"Generally, China has helped Cambodia a lot, in terms of infrastructure, particularly roads and bridges ... and electricity," said Mey Kalyan, a senior adviser to the government's Supreme National Economic Council. "...Without having that help from China, Cambodia would have faced so many problems...".²⁶

4. Education and Human Resource Development

Besides foreign direct investment, infrastructure development, trade relations, and ODA, China also provides funding to support education and human resource development in Cambodia. As a country emerging from decades of civil conflicts, Cambodia lacks human capital, which is a crucial requirement undergirding all forms of development. The lack of well-trained teachers, limited schools, low teacher salaries, and other necessary facilities constrain the quality of Cambodian education. Given this, educational support is needed to ensure the development of human resources. Many countries and international organizations have provided financial and technical support for Cambodia to provide better quality education to her people, particularly the younger generation which will be an important force behind Cambodia's future prosperity and development.

Distinctively, "China's education aid includes higher education, vocational training, Chinese language instruction in developing countries, school construction, and collaboration with multilateral organizations."²⁷ In contrast to other sectors, such as infrastructure, agriculture, community and social welfare, and energy, power, and electricity, China funded only one project for the Ministry of Education in Cambodia, providing USD 80,000 for the setting up an electronic library for the Royal Academy of Cambodia.²⁸ According to Reilly, one reason for China not providing a lot of funding to education in Cambodia is that education is not a top priority labeled by the Royal Government of Cambodia. Therefore, with its soft approach, China aligns its aid with the priorities of the Government of Cambodia. However, China has contributed significantly to human resource development in Cambodia through scholarships, training programs, and volunteer programs. Yet, China does not report this assistance to the CDR as development aid. If it did, the education aid to Cambodia from China would be comparable to that of Japan and South Korea who provided USD100.6 million and USD 89 million respectively in education aid.²⁹ As such, the official aid data underestimates China's educational aid to Cambodia.

Between 1993 and 2005, 260 Cambodian officials attended trainings in China, and China sent 35 experts to provide trainings in Cambodia (30). The number of funded trainings have grown steadily. In 2010, 95 experts from Cambodia attended 27 trainings conducted in China; in 2011, 204 Cambodian experts received 59 trainings in China; and in 2012, 195 officials attended

51 programs.³¹ At least 50 scholarships are provided annually for Cambodian students to study in various universities in China.³²

With regard to Chinese language training, China sent 38 volunteer teachers in 2010, and the number grew to 58 teachers in 2012.³³ These volunteer teachers worked within universities and high schools across Cambodia. The Confucius Institute was established in 2009 in partnership with the Royal Academy of Cambodia. A Chinese language certificate course was introduced at the Institute of Foreign Languages, Royal University of Phnom Penh by the DHY Center in 2007, and in 2010 a Department of Chinese was officially launched to provide a Bachelor's Degree Program for Cambodian students. A research center attached to the Royal University of Phnom Penh funded by the Chinese Embassy in Cambodia has been established to conduct various research projects related to the Maritime Silk Road.

III. Controversies over Chinese Aid to Cambodia

Chinese aid and investment in Cambodia have sparked considerable controversies. The issue can be explained by the fact that China has just emerged as an international donor in the 1990s after its economic growth blossomed. China needs to compete with other existing international donors. Often there is some controversy among local stakeholders with regards to all foreign aid. The Cambodian Government has warmly welcomed China's aid, explaining that it comes with no strings attached. There is still the question concerning the role of Chinese aid as well as any hidden agendas by the Chinese government.

Supporters argue that Chinese aid and investment brought economic prosperity. For example, Chinese investment in the garment sector boosted Cambodia's exports and generated employment. Cambodia also benefited from taxes and royalties from Chinese companies operating in Cambodia. Chinese aid and investment in infrastructure provided the foundation for economic development, and as result, it indirectly helped to reduce poverty. Reilly provides five reasons for China's approach to foreign aid.³⁴ First, as a developing country itself, China focuses on "equality and mutual benefits." Second, China sets economic development as a top priority, emphasizing practical economic outcomes which is a core objective of China's aid. Third, China avoids prescription, recognizing that the recipient countries know how to develop their economies and societies. Fourth, China's aid is request driven, with the aid correctly responding to the local needs and priorities. Finally, China respects State sovereignty, adhering to the principle of non-interference.

However, skeptics criticize China for its soft, unquestioned approach to the way its aid and investment funds are used. The critics associate such an approach with the exacerbation of already widespread corruption, erosion of good governance, and human rights abuses. Chinese investment comes with the price of depletion to Cambodia's environment and natural resources caused by the lack of transparency. Human rights activists often report the abuse of workers' rights, such as unpaid overtime work, salary deductions, and limited permission for sick allowance.³⁵ China investment in the Agriculture and Forestry sectors has also triggered controversy. For example, a concession of 200,000 hectares of land jointly handled by Pheapimex and China's Wuzhishan led to the displacement of indigenous people whose very livelihood depends largely on the forest and land.³⁶ Hydropower projects run by Chinese companies ruined the environment and its biodiversity as well as a wildlife sanctuary.³⁷

IV. The Belt and Road Initiative: Its Implications for Cambodian Economy

1. Overview of The Belt and Road Initiative

The development of ASEAN-China dialogue partnership is basically bound by economic cooperation including trade, investment and transportation as well as people-to-people connectivity in the region. China has become a primary regional development partner and assistance provider, especially in reducing the development gap among members states of ASEAN. Therefore, Cambodia, Laos, Myanmar and Vietnam have gotten a lot of benefits from the implementation of China's economic integration policy as well as the China-ASEAN Free Trade Agreement (CAFTA).¹ In 2013, the One Belt One Road initiative was included as part of China's Foreign Policy, by President Xi Jinping to enhance political, economic, trade, and socio-cultural relations among China, Europe and Asia, especially for people living along the ancient Silk Roads.² Within a geo-political perspective, the two components of OBOR will allow China to connect with the rest of Asia, Africa and Europe via land and sea. In economic terms, China's OBOR aims to connect major Eurasian economies through infrastructure, trade and investment.³ Legally, the One Belt One Road initiative is not considered an international treaty but rather a cultural initiative; the Silk Road is viewed as a symbol of communication and cooperation between different nations and cultures.⁴ From a political perspective, the initiative is seen as an attempt to strengthen the power of China (soft power) if compared to other super powers in the region and the world, allowing China to boost its growth by utilizing its capital, technology and capacity.

2. Cambodia's Involvement in the Initiative

Cambodia along with other ASEAN Members States also jointly created the ASEAN-Free Trade Area as well as contributed to the development of the Belt and Road initiative including the land-based "Silk Road Economic Belt" and the ocean-based "21st Century Maritime Silk Road. On 24th October 2014, the Cambodian government signed a Memorandum of Understanding for the Asian Infrastructure Investment Bank, founded by China. On 13th January 2016, the National Assembly of Cambodia approved the Agreement on the Asian Infrastructure Investment Bank in order to permit participants to build a branch of the Asian Infrastructure Investment Bank. Aun Pon Moniroth, Minister of Economy and Finance, said that AIIB is very important for development of Cambodia. On 7th March 2016, Hun Sen, Prime Minister of Cambodia, reminded people that the Cambodian Government strongly supports AIIB. This is because Cambodia needs the combination of capital from countries as development partners for use in building infrastructure, promoting economic development, and production and meeting the needs for societal and the economic development.

3. One Belt and One Road Initiative: Implications for Cambodia's economy

The 21st Century Maritime Silk Road offers Cambodia and the region the opportunity to promote and boost sustainable development. For Cambodia, the initiative is complementary and compatible to Cambodia's current foreign policies dedicated to foster domestic development and development in the region. It deepens Sino-ASEAN trade, particularly the Free Trade Agreement that benefits the countries in the agreement, including Cambodia. It also secures Cambodia's average economic growth of 7 per cent per year through increased

agricultural and garment exports. The Maritime Silk Roads also brings in more tourists, which injects foreign exchange into the Cambodian economy.

"The Belt and Road Initiative has provided a new opportunity for China and Cambodia to open a new chapter of cooperation and to strengthen it."³⁸ The Belt and Road Initiative will strengthen economic and social development of the respective countries in ASEAN and beyond.³⁹ This will add a new chapter of Sino-Cambodia cooperation, which provides more opportunities for Cambodia to be better connected domestically, regionally, and beyond. It also increases people-to-people connectivity, which further strengthens cooperation and increases understanding, and contributes to peace and harmony in the region. "The Silk Road has benefited a large number of participant countries, and as such, it has become a symbol of peace, cooperation, [...] and mutual learning and understanding for shared prosperity." (40) With the Initiative, Cambodia as an ASEAN member can play a more active role than ever. Part of the Initiative is infrastructure development. This has a direct benefit for Cambodia. With it, Cambodia is more connected to the world, and as a result, Cambodia is more integrated regionally and internationally, providing an unprecedented opportunity for Cambodia to trade with more countries. This should help to ensure economic prosperity and multilateral cooperation with China, ASEAN, and globally.

In short, The Belt and Road Initiative can be beneficial to Cambodia in three ways. First, Cambodia's physical infrastructure will be better developed. With this Initiative, Cambodia needs to prioritize building infrastructure domestically to align with the Initiative, which is good for local development. With increased infrastructure, Cambodia will be more connected to other ASEAN member States, China, and beyond, and therefore, Cambodia will be able to increase trade with those countries - a major drive behind economic growth in Cambodia. Second, the Initiative fosters cooperation with China, ASEAN, and countries beyond this region. The cooperation is necessary for ensuring peace, stability, and prosperity through mutual understanding. Finally, the Initiative allows people-to-people connectivity, which promotes cultural understanding - an indispensable factor in maintaining and fostering comprehensive cooperation.

V. Conclusion

Over the two past decades, Cambodia-Sino relations have been solidified through bilateral partnership as well as ASEAN-China dialogue. In the political domain, Cambodia is viewed as diplomatically aligned to China at the regional and international level. Also, China politically strongly supports the current ruling party in Cambodia. Economically, China is Cambodia's top foreign investor, a major donor and an important trading partner. This is needed as Cambodia still relies on its natural resources and agricultural products. China is undisputedly playing an important political and economic role in Cambodia.

Chinese aid and assistance are considered important material and financial tools for State reform in Cambodia as well as preparing Cambodia to integrate into the ASEAN Economic Community at the end of 2015. Moreover, Cambodia and China are strongly bound by the One Belt One Road initiative, especially the AIIB in which Cambodia is one of the founding members. This is an excellent opportunity for Cambodia to profit from the bank. The presence of China in Cambodian society causes controversies among stakeholders and scholars in Cambodia as there is the challenge between Chinese aid with that of traditional donors. Many Chinese scholars are also concerned about the future of relations between Cambodia and China after their is experience with Myanmar.

To keep Cambodia-Sino relations strong and durable, Beijing should not focus only on the national level (key persons) but also at the local level with ordinary people. Chinese aid should provide both quantitative and qualitative benefits because there is an electoral competition every 5 years in Cambodia which is different than the political process in China. In this regard, the question on the effectiveness of Chinese involvement will be a sensitive topic of debate among political parties as well as Cambodian scholars. Who is the real beneficiary from China investment and aid? What are impacts of Chinese aid on society, economics, environment and politics in Cambodia? China should improve people-to-people connectivity and understanding. China should provide confidence among stakeholders in order to clarify the objective of Chinese aid through impact assessments.

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MASS ATROCITIES UNDER THE KHMER ROUGE REIGN OF TERROR: SOME LESSONS FOR R2P

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**Speech Delivered at International Conference on
“The Responsibility to Protect at 10:
Progress, Challenges, and Opportunity in the Asia-Pacific**

**Organized by the Cambodian Institute for Cooperation and Peace
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My discussion is focused less on normative issues related to R2P and more on empirical evidence. Before I proceed to advance my argument, let me say a word about myself and my thinking: I was a survivor the Khmer Rouge killing fields, but I consider my view -- first and foremost -- strictly academic. Cambodia offers some of the most important lessons for Responsibility to Protect (R2P) in that the country has experienced a series of armed conflicts and waves of repressive violence, but it is also a case of relative success in the context of R2P.

We all know about Cambodia’s tragedy and there is no need for me to repeat it. But it is worth noting that the tragedy began in the late 1960s and lasted until the late 1990s encompassing an armed rebellion in the late 1960s, a civil war that broke out early in 1970 and ended when the Khmer Rouge revolutionary army took power in April 1975, followed by the ‘killing fields’ that lasted until the Vietnamese invasion of Cambodia late in December 1978. The invasion did not end the war. It was not until 1998 that Cambodia began to experience peace (defined in negative terms), when the Khmer Rouge armed movement finally collapsed.

Whether the Khmer Rouge committed genocide is subject to debate, but it is beyond doubt that the Khmer Rouge regime committed mass atrocities. It has been estimated that between 1 and 2 million people perished.

The prevailing wisdom is that racialism was the cause, but this is a flawed argument (whose explanatory logic is extremely weak). My perspective is based not only on my experience as a survivor of the atrocities and the experiences of other survivors but also on my research over the past few decades. I have often heard Cambodian people raise this question: “Why did Khmer kill Khmer?” The truth of the matter is that members of other ethnic groups were also killed. The question is not whether they were killed but why they were killed.

In my view, the Khmer Rouge regime’s ideological extremism (shaped and driven by Maoism) is the preliminary cause of the mass atrocities. The regime was hostile to those who were not considered part of the revolutionary movement and sought to build a classless society. What this means is that the largest majority of the Cambodian population was regarded more or less as an ‘enemy of the state’. But ideology alone was not responsible for the atrocities. The mass atrocities would not have been as extensive or severe as they were had the regime not adopted the policy of autarchy or self-isolation allowing members of the regime to exercise power and killed unrestrained. Maoism was hostile not only to local capitalism but also to foreign influence and appears to have shaped the policy of autarchy. The biggest mistake that the regime leadership made, also driven by the extremist ideology, was the complete

destruction of all existing institutions; this mistake left the new regime totally dependent on the excessive use of violence as the dominant policy instrument to build a utopian society. My educated guess is that the new regime was so weak in institutional terms that the leadership decided to leave enemies or potential reactionaries untouched or alive, and the dream of a utopian society quickly turned out to be killing fields.

This argument can be further validated by the fact that the return to peace and stability in Cambodia rests on three major factors that did not exist during the Khmer Rouge reign of terror. First, the Khmer Rouge's extreme ideology was rejected and replaced by liberal pluralism. Second, Cambodia has been reintegrated into the international community since the intervention of the United Nations Transitional Authority in Cambodia in the early 1990s. Isolationism has since given way to regionalism and globalism, as Cambodia has begun to join regional and global organizations. Third, international efforts at institution building at both state and civil society levels have put a constraint on state power, although the level of institutional effectiveness is far from ideal. Ongoing violent repression has resulted from weak democratic and civil society institutions.

So what are the lessons for the global norm of R2P? There are several lessons. First and foremost, the Cambodian experience shows that R2P can make a big difference. Second, what the international community has done in Cambodia shows that a number of policy instruments have worked to help protect people. Replacing ideological extremism (such as Maoism, Stalinism and Islamism) with liberal pluralism has helped prevent mass atrocity crime. Ending the policy of autarchy has been essential to peace building. Building democratic institutions is the best strategy for peace building, because they place a constraint on power holders. However, democratic institution building is unlikely to be successful unless the effort is also accompanied by economic development. A poor democracy is unlikely to become institutionally strong, since institutional development is a very time-consuming and expensive process.

Third, other policy instruments must be avoided, if possible. The case of Cambodia shows that the Vietnamese military intervention helped put an end to the Khmer Rouge reign of terror but it did not end the war. The war did not end with the Vietnamese occupation of Cambodia. The war became internationalized and did not end until after the Soviet Union collapse, the end of the Cold War, and the end of Chinese support for the Khmer Rouge. In short, unilateral military intervention helped end the Khmer Rouge atrocities but prolonged the military conflict. Economic sanctions did not end the war either and, in fact, punished the poor and vulnerable in Cambodia, especially when this policy instrument isolated the country from the international community. Whether the pursuit of retributive justice by trying Khmer Rouge leaders has been effective is a matter of debate, but empirical evidence does not strongly support the optimistic assumption that this policy instrument has worked as intended. The threat of judicial punishment in extremely weak institutions tends to exacerbate the insecurity dilemma that former combatants still face. When threatened by the prospects of punishment, those who are in positions of power or well-armed may not be willing to give up power or promote democracy which is seen as undermining their security.

In sum, R2P is more effective when international intervention is preventive through long-term and steady democratic and judicial institution building, rather than through military intervention -- or punitive measures such as economic sanctions and judicial enforcement. To make R2P more effective, it is important to move from the power- to the security-based approach, from the use of punitive instruments to ones based on trust- or confidence-building measures.

CAMBODIA'S POLITICAL OUTLOOK

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Public Lecture
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Cambodia is entering a new phase of political uncertainty after the eruption of political tension between the two main political parties – the ruling Cambodian People's Party (CPP) and the opposition Cambodia National Rescue Party (CNRP) late last year. Two lawmakers from the opposition CNRP were violently beaten near the gate of the National Assembly by a group of protesters allegedly orchestrated by the ruling CPP. Kem Sokha, Vice President of CNRP, was then removed from his position as first Vice President of the National Assembly in October 2015 after a legally dubious vote, which was boycotted by CNRP. A series of arrest warrants were issued against Sam Rainsy, the President of CNRP, in late 2015. The move, some local and international observers argued, was aimed to weaken the opposition CNRP.

Regardless of these democratic backward steps and apparent regression, democracy in Cambodia will eventually prevail. No one no matter how powerful they are can stop the democratization process in Cambodia due to the fact that the Cambodian society has embraced the values of democracy. Young Cambodians are the main driving force in promoting democratic values and fundamental freedom. Power competition and transition will be surely done through democratic processes. Nevertheless, the key challenge for Cambodia is how to have a peaceful and smooth power transition taking into account that the past experiences of power transition were violent and bloody. How can Cambodia move from the “political culture of revenge and violence” to a “political culture of peace and dialogue”?

As local and national elections are approaching, competition for power between the CPP and CNRP is intensifying. The 2018 election will be the most competitive race between the two political forces to date. It is still too early to predict who will win, as the election results will be very much defined by the votes cast by young voters. In 2014, 30 percent of the population was aged between 15 and 29 years old and this will increase to 40 percent in 2020.

The party likely to win the next election needs to have a convincing and realistic strategy to win the hearts of young voters. Political leaders must change their behavior and approach to the youth. Both political parties have doubled their efforts in developing a policy platform and strategy to empower and generate opportunities for youth.

Cambodian politics is also very much shaped by historical memories, cultural values, economic conditions, social transformations, external factors and foreign intervention. After the collapse of the Khmer Empire in the early 14th century, when the Khmer King abandoned Angkor and moved to Phnom Penh, Cambodia experienced more than five centuries of foreign intervention, colonialism and occupation. The lack of national unity was the root cause of national weaknesses and humiliation.

In more recent times, Cambodia went through three decades of civil war, lasting from early 1970s to the late 1990s. Only after 1998, was Cambodia able to unite the whole country

under one legitimate government after the remaining Khmer Rouge forces were completely disintegrated and reintegrated into the Royal Cambodian Armed Forces.

However, the power struggle and competition between different political parties and factions remains acute. Due to lack of trust and weak institutions, Cambodia's political culture is prone to conflict and instability. Zero sum games and the survival of the fittest characterize how the parties behave.

It was expected that political reconciliation under the "culture of dialogue" between the CPP and CNRP would transform their power struggle from a negative-sum game into a positive-sum game in which all political parties could co-exist and benefit.

Yet the political detente was unfortunately short-lived due to the lack of substance and working mechanisms to sustain and nurture political trust. Mutual personal attacks and deep distrust between the leaders of the two parties were the main factor derailing the dialogue.

To revive and sustain political dialogue and trust building, both parties need to focus on institutional reforms, nation building and democratic consolidation. Such processes of political trust building are the foundation of long-term peace and stability for the country. The two main political parties need to take leadership roles and be role models for other smaller political parties.

Some of the issues and challenges faced are political polarization and the widening gap between state and society. The speed of social change far surpasses state reforms. Political leaders need to adjust their way of thinking, behavior, and approach so that they can meet the aspirations and needs of young people.

Although Cambodia has done well in terms of economic development and poverty reduction, economic inequality and bad governance remain the key development issues. Corruption is rampant and difficult to root out. Cambodia was ranked number 150 out of 168 countries surveyed by the Transparency International in 2015.

The controversial law on Associations and NGOs (LANGO) created a certain degree of tensions between state and civil society. The State-society gap has further widened. To narrow the gap, the state should largely perceive civil society as a mirror rather than as smoke. Civil society plays a critical role in shaping public opinion, monitoring public policy, keeping political leaders and public authorities in check and providing social services. State-society interactions are crucial in democratic consolidation.

Social media has become the means in political communication. To quickly outreach to the active 2.5 million social media users in Cambodia, politicians have intensively spent their time and efforts on their social media page with updated news or live talks. Prime Minister Hun Sen has taken into consideration quite seriously the complaints and suggestions posted on his Facebook page. The head of the opposition party, Sam Rainsy, uses social media to stay connected with his supporters and followers in Cambodia, while he is in exile. The political power competition ground has been transformed to include online/virtual space.

Garnering political support for the upcoming commune elections in 2017 and national election in 2018 is the main focus of political parties. The key issues are poverty, corruption, social injustice, land disputes, economic inequality, depletion of natural resources (particularly deforestation) and territorial sovereignty. It is predicted that the upcoming commune elections in 2017 and the national election in 2018 will be relatively peaceful, less violent, and reasonably free. However the question is "fairness". If the opposition leader, Sam Rainsy, is not granted a pardon and allowed to return to the country in time for the election, the question of "fairness" will be questionable.

The opposition party has effectively capitalized on the weaknesses and shortcomings of the ruling party. So far, the ruling CPP has not satisfactorily implemented the reform agenda as set out in its national development strategy. Corruption and social injustices remain serious. Public dissatisfaction is on the rise, particularly with regard to weak public institutions. The poor are starting to ask more questions about the “unjustifiable wealth” of some rich politicians and government officials.

It is a massive challenge for the ruling party to speed up reforms and deliver concrete results for the upcoming elections. The symptoms of bad governance are clear. Now, leaders need to decide whether to undergo simple treatment or surgery. As society is changing so rapidly, adaptive, service-oriented and transformative political leadership is required. Political leaders need to understand both existing and emerging social problems and needs, develop the necessary mechanisms and mobilize energy and resources to solve them.

NATION BUILDING AND NATIONAL IDENTITY - THE CASE OF GERMANY

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Public Lecture Delivered at
The Cambodian Institute for Cooperation and Peace
6th April 2016

I would like to thank H.E. Pou Sothirak for the opportunity to speak at this forum. I have been privileged to attend your conferences often, and there has never been a dull moment. Thank you very much.

Before beginning my presentation, I would like to make two interrelated points:

- Firstly, the views and statements given are not based on scientific research or theory but are my own views and subjective observations, and
- Secondly, they do not reflect in any way the official position of the German government, although they may to a greater or lesser extent coincide.

Excellencies, ladies and gentlemen,

In my presentation I would like to look at four aspects:

- Firstly, I would like to give you a brief account of the recent German history in highlighting those events which in my view have had an impact on German national identity,
- I will then draw some general conclusions on what constitutes national identity,
- Thirdly I will address today's challenges to national identity,
- And finally I would like to touch upon the question of how national identity can be preserved and strengthened.

Germany and National Identity

German national identity, ladies and gentlemen, is inextricably linked to German nation building. Germany really is a relatively young nation. The foundations for modern Germany were laid after the Franco-Prussian War in 1871. Until then, Germany had consisted of numerous sovereign principalities. The only thing which united them was the common German language.

The new nation which came into being in 1871 had no customs borders separating the principalities which together formed the new German Empire; there was a common currency, common governmental institutions and a head of state, the Emperor. Gradually, the nation building process carried on to the tune of a phenomenal demographic and economic growth. Then, in 1914, Germany together with its ally, the Austro-Hungarian Empire, declared war on Russia and France, setting off WWI and consequently bringing 40 years of continuous growth and prosperity to an abrupt halt. Immediately after the end of WWI and German defeat, civil unrest emerged. Large parts of the German population, including the middle class, blamed the disastrous outcome of the war for Germany on the ruling aristocracy and - successfully -

demanded that they give up their legal privileges and – in the case of the princes - the sovereign positions which they held. Germany became a republic and the regions which had been ruled by the German princes became provinces more closely tied to the central powers in Berlin. However, German national pride had been deeply wounded as a consequence of the Treaty of Versailles of 1919 which had laid the entire blame for the disastrous consequences of WWI on Germany. It is mainstream view among today's historians that this wounded national pride has been one of the major causes for the rise of National Socialism in the early 1920s. Adolf Hitler promised Germans to reinstate the country to its former power and glory and to improve the economic situation of six million people unemployed. No sooner had Hitler assumed power in 1933 did he start to systematically dismantle the powers of those national institutions whose role it had been to uphold democracy and the rule of law. The notorious secret police, the Gestapo, ensured that those political opponents who had not already been incarcerated would be "neutralised" or at least discouraged to continue opposing the dictator. And worst of all, Hitler systematically started eliminating Jewish life with the consequences we all know. No doubt, the majority of the German people agreed with Hitler and his approach, and those who didn't were for the most part too scared to say so in public out of fear for their societal, if not physical existence. What had started as a new national identity building process at the time the German Empire was founded in 1871 now had turned into blind nationalism, aimed at excluding the Jewish population whose loyalty to the nation was – unjustly – questioned and also against parts of the rest of the world (notably France and the Soviet Union) who Hitler considered the enemies of Germany and to be racially inferior to Germans at that. We know all too well where all of this ended: in a horrible war, a holocaust and the loss of millions of lives, untold suffering and the loss of huge economic and cultural assets. When Germany capitulated on 8 May 1945, the situation was very different from the one at the end of WWI in 1918: nobody now could possibly claim that Germany was unjustly blamed for having started the war and that it had to take the full responsibility for all the consequences of this war. German national pride had dropped to zero – most people were deeply ashamed and embarrassed of what had happened in the German name even though not all Germans would have been willing to openly admit this.

So how was German National Identity rebuilt?

It may sound terribly cynical when I say that only the unconditional capitulation and with it the total eradication of nationalist views which united most Germans during the Third Reich enabled Germans to take an entirely fresh view on who they were and what their role should be in the world. The path from a pariah state back to being a fully recognized member of the international community has been quite arduous – we are immensely lucky and grateful that the international community for the most part has forgiven us. Unlike in 1918, the allied powers in 1945 refrained from seeking revenge from Germany. Instead, after having divided the country into four sectors under their respective military rule, they made enormous efforts to "re-educate" the Germans: in the Western parts of the country according to the principles of Western democracies, in the East according to the principles of Socialism. A "new German" was to be created, a German who would never again try to impose himself on his neighbours and/or commit the acts against humanity which had become the sad hallmark of Nazi Germany.

The most important order of the day in the years immediately following WWII was to recreate an economic basis on which to survive. With an enormous national effort, but also

with the financial support of the Marshall plan in the Western part of the divided nation, Germans created the “Wirtschaftswunder”, the Economic Miracle; East Germans managed to rebuild their economy, too, under much more adverse conditions. West Germany, by becoming one of the founding nations of the European Economic Community, the forerunner of today’s EU, showed its willingness to subject itself to a supranational regime which would prevent henceforth any new German attempt to strive for hegemony in Europe. Without this confidence-building measure, I am convinced; Germany would not have been able to regain national unity after the Fall of the Berlin Wall in 1989.

In the realm of German foreign affairs, cultural policy played an important role in the first two decades after the war. Germany reminded the world (and also itself) of the great cultural achievements in happier days: the enormous wealth which philosophers, scientists, technicians, authors, painters, composers had created and contributed to the whole world. The great success of this cultural foreign policy, together with the economic achievements, forged the face of a new, much more agreeable Germany, which in turn helped Germans to come to terms with themselves.

However, these accomplishments could not entirely erase the huge stain which the inhuman cruelty of the Holocaust had created on Germany’s image. After two decades during which German society both in the West and the East was too preoccupied with rebuilding the country, the younger generation in West Germany, agitated by the Vietnam war which they considered deeply unjust and inhuman, started getting at the older generation which had for the most part been tight-lipped about the Nazi past. Young West Germans wanted to know what had happened during the “Third Reich”. They wanted to know how their parents and teachers had thought and acted during that period and why they had done nothing to avert the catastrophe. This was the beginning of a painful public discussion which in its course brought to light more and more facts on what Nazism had meant. It was this openness towards past wrongdoing, the willingness to address even the most painful and shameful acts and to assume responsibility for them, both individually and collectively, which eventually helped German society to find its peace with both the victims and with itself. (East German society, however, had taken a different attitude: living in a socialist country, they felt morally superior to the “capitalist”, if not “fascist” West. All that Nazism had done to the world was blamed on the people living in West Germany.)

Apart from the question of dealing with a troubled past, Germans had also to come to terms with another burden on their national sentiments: the loss of a third of German territory in the former Eastern part of the Reich (now belonging to Poland and Russia), home to German families since the Middle Ages, and the division of what was left of the nation through an “Iron Curtain”, as the fortified border between West and East Germany was called. However, what originally had been an open wound to German national sentiment, with countless German families separated by the Iron Curtain, eventually became a great source of newly found national pride. In a peaceful revolutionary act (some would call it today a “colour revolution”) East Germans managed to force the sclerotic government of Erich Honecker to open the hermetically sealed border to West Germany and eventually to step down, thus bringing freedom of movement and opinion to East Germans. Not one shot had been fired, not one person killed during these stormy days of November 1989. This peaceful German reunification has no doubt given German national sentiment a tremendous boost. But no doubt there still is a certain share of the older East German population who do not fully identify themselves with reunited Germany. Also, as in the two decades following the end of national socialism, East Germans had to deal with the atrocities which the notorious East German secret police, the

Stasi, had committed against people who they had considered enemy of the state. Hundreds of thousands of East German citizens had collaborated with the Stasi, denouncing fellow citizens and thus delivering them to torture and long years of imprisonment. Again, Germans were forced to deal with a painful and shameful past.

A new chapter in German national sentiment started when Germany hosted the games for the 2006 Soccer World Cup. It was the first global sports event by which the united Germany presented itself to the world as a cosmopolitan country, open to the world and able to create a mood of joy and lightness. Almost overnight, Germans learned to view themselves with new eyes. Yes, we can do it: be open to the world, enjoy ourselves in the community of our foreign visitors, and to be in the limelight without feeling strange and uneasy about it. In the years to follow, the debt crisis shaking much of Europe provided Germany with plenty of opportunity to prove to Europe and the world its newly gained national self-confidence. Increasingly, our neighbors and allies have come to expect leadership from Germany. Yet, there still is a degree of reluctance in many Germans who would prefer Germany to understate its strength and stay in the background of global politics, at least as far as military engagement is concerned. To Germans associating leadership with overboarding nationalism and the excesses of Nazism, being assertive on the world stage seems to border on the verge of hubris.

General Conclusions

I would like to base my conclusions on what makes national identity on a utilitarian hypothesis, namely that national unity is an important determining factor for what constitutes national identity. In other words, only those factors can be considered key elements of national identity which at the same time help to preserve or foster national unity.

Looking at the constituent elements of German national identity, the first thing that springs to my mind is the common language. And I should think that such a common language is a key element of national identity in most countries of the world, multi-ethnic ones included. What would a country like India be if people would speak nothing but their regional languages? Or the US, if immigrants had refused to learn English and instead insisted on continuing to speak their original languages? A modern society can only hold together if there is communication and mutual understanding at least in a linguistic sense. Only through public debate can important and difficult questions be solved and a national consensus be shaped through dialogue and consensus. I do not ignore that there are multi-lingual nations with a firm national identity – take the example of Switzerland, where four national languages exist. But in Switzerland, every child learns at least one if not two more of the national languages at school, making it bi-, if not trilingual, thus enabling large parts of the Swiss society to communicate freely and easily with each other in more than one language. The power of a common language to create a unique identity may even reach beyond national boundaries – the English speaking Commonwealth or La Francophonie are points in case. On the other hand, I believe that all attempts to create a common identity among the more than half a billion citizens living in the European Union have been severely hampered by the fact that there are 24 languages spoken, with only a relatively small fraction of that population being able to freely communicate with each other in a shared language (mostly English).

A common culture, which comprises customs, traditions, fairy tales and legends, food and drink, etc. shared and cherished by the majority of the nation's population seems at first glance to be an important element of national identity as well. Germany being a country which emerged from the union of a large number of principalities about 150 years ago, has a very

diverse cultural landscape. And yet, this enormous diversity has not in any way affected national unity. Hence it is the phenomenon of cultural diversity, not the substance of the differing cultures, which forms the characteristic of German national identity. Or reversely put: cultural uniformity – unlike a common language – is no fundamental element of national unity (and thus, according to my working hypothesis, national identity).

Unlike cultural identity, religious belief, or, more generally termed, a value system, is an indispensable element of national identity. The area of present day Germany had been Christianized from the early Middle Ages onwards; by the 11th century, the entire German speaking population of Central Europe had turned to Christianity. But then, almost exactly 500 years ago, the teachings of Martin Luther changed things dramatically. What originally was merely meant to be a proposal for renewing the Catholic church and their dogmas ended in a schism of the Christian faith into Catholics and Protestants until our present day. Germany had suffered badly from this schism, if we think of the 30-Year War 400 years ago which laid waste to much of the areas which are now modern Germany. In Switzerland, severe political clashes in the mid-19th century along the lines of Catholic vs. Protestant cantons almost led to the breaking apart of that country. And if we think of the “Troubles” in Northern Ireland, we deal with events less than twenty years ago. And yet, the values on which Protestantism and Catholicism are based – below the surface of dogmatic argument – are uniform and immensely powerful. Christianity, in combination with classical Greek philosophy, has helped to shape a whole body of enlightened and secular Western thinking which today forms the core of a universal code of rules, among others the human rights; it also is the basis of virtually all Western constitutions. German national identity, in fact the national identities of all European nations, cannot be imagined and understood without this powerful value system. So while without doubt disputes over Christian dogmas have threatened national unity in some countries, including Germany, the underlying values have, indeed, held together European nations for over a thousand years. There is no doubt in my mind, therefore, that a common value system is a fundamental element of national identity. At the same time, religion is a good example to demonstrate that such an element of national identity may well be abused by demagogues and populists to divide a nation for their own political purposes.

A national identity, furthermore, is linked to **symbols**. The head of state, the flag, the national anthem, possibly landmark buildings and of course, the national soccer or cricket teams are all in one way or another part of a national identity. The importance of these symbols varies. For many decades, West Germans were rather reluctant to make use of their national symbols in public – you would hardly see any private household exposing the German flag and the national anthem still is rarely played at public events. People have associated them with the excessive use of these symbols during the Third Reich and the false pride linked to these symbols. East Germans, as I pointed out earlier, did not have these reservations – their flag and anthem were used generously to boost the national pride for the new socialist fatherland. To West Germans instead, their solid currency, the German mark, became the symbol of economic success, a token of national pride. Also, the West German Grundgesetz, one of the most modern and liberal constitutions in the world, became the object of a certain national pride of the educated middle class. Some authors called this phenomenon the “Verfassungspatriotismus” (constitutional patriotism). Indeed, after the horrors of an arbitrary and abusive judicial system in the Nazi era, the Grundgesetz stood for a new and just Germany. And I do not have to explain to you the importance which “Bayern München” or soccer heroes like Franz Beckenbauer have for Germans and their feeling of national identity. It is interesting to note in this context that the identification of Germans with their soccer clubs is not in any way affected

by the increasing number of foreigners playing in German soccer teams.

Another important element is a collective sense of history with an emphasis on landmark events, particularly an extended struggle for freedom from a dominant nation (take Cambodia and almost all countries which used to be colonies). The case of Germany may be almost unique: the reunification of two separate parts of one nation. In the case of France as in some other countries (like the former Soviet Union), a revolution, changing the social and/or political fabric of a nation has been a key element determining national identity.

Important achievements of a nation also help to form national identity, especially if they reflect a collective effort. Rebuilding Germany after the massive destruction of WWII, instilled a great degree of satisfaction and pride in the population. There was hardly any German man or woman who had not contributed to this success story through their tireless work. But also individual accomplishments in the fields of the arts and sciences still play a role in the collective German mind at least of the educated middle class. Germany is the country of "thinkers and poets". Often national achievements are represented by symbols, such as a particular brand name (think of BMW, Mercedes, Porsche, Bayern München etc.). Even achievements accomplished ages ago, like Angkor or the Greek temples, still have their impact on national identity, are the object of national pride of those who can more or less legitimately claim that it had been their ancestors who had contributed to that accomplishment.

Lastly, the ability of a society to practice solidarity and mutual trust seems to me a key element of a national identity as well. The German welfare system and the social protection in a capitalist market economy are examples of an approach which reflects the concept of solidarity – they have been firmly engrained in German national identity.

Challenges to National Identity

There are manifold factors which may influence and possibly threaten national identity. Firstly, and perhaps most importantly, there are **endemic factors**: shame and guilt, lack of achievements, the collective feeling of inferiority, lack of trust in fellow countrymen. In the case of (West) Germany, the evil spirits of the National socialist past, the holocaust and the lost war, were haunting the nation for a long time. As was to be expected, in the first decade after the end of WWII, Germans often were greeted with frosty distance, if not outright hostility when travelling abroad. As a consequence, Germans often tried to hide their nationality and pretend they weren't German. Also, as I have pointed out, many Germans were feeling uneasy when in situations where national symbols were presented and celebrated (like national flags, anthems etc.) - the pathos and sentiments of such celebrations seemed to evoke memories of the bombastic demonstrations of national pride during the Hitler era. The order of the day was for many decades: "Keep a low profile and do not raise attention". And still today, many Germans feel uptight when they meet a Jewish person, for fear that that person may have lost relatives in the holocaust, making it difficult then to enter into an uninhibited, easy-going dialogue.

But there also are external factors which may erode national identity. There are people who blame globalisation for a loss of national identity because it takes its toll on cultural life. Blue jeans and T-shirts have driven away traditional clothing; Coca Cola has squeezed traditional local drinks out of the markets etc. In Germany, with the advent of the Beatles in the 1960s, Germans took to English pop music and the German music scene soon evaporated. But as I tried to argue, culture in a specific form is determining national identity only to a limited extent, and its alteration hardly affects national unity. Also I firmly believe that, reacting to outside influences, the creative powers of a people will always produce new indigenous forms

of cultural expression. External cultural influences do not destroy – they stimulate culture.

A very pressing question which we Germans ask ourselves these days is what effect immigration may have on our national identity, or whether immigration will become a new element of our national identity. It is telling that post-war Germany so far has always considered itself a "non-immigrant" country despite a steady flow of foreigners to West Germany since the late 1950s: first the so-called "guest workers" from southern Europe and Turkey who helped to rebuild the German economy, most of whom later settled in Germany for good; then, in the 1970s and 80s, asylum seekers from Asia and Africa; in the 1980s and 1990s ethnic Germans from the Soviet Union and in the 1990s refugees fleeing the war on the Balkans. It is rather surprising that, despite a share of foreigners amounting to 10% of the 80 million people living in Germany, my country until today still does not officially consider itself an immigration country. All refugees who have arrived in my country are staying on the basis of our asylum laws and the Geneva Convention for the protection of refugees (the latter granting only temporary refuge).

The recent influx of refugees, the biggest since the end of WWII when huge numbers of German refugees moved from the Soviet Army to seek refuge in the West, has created considerable uproar in parts of the German population. Some people who are now rallying around the new political party "Aktion für Deutschland" (AfD) or participating in public anti-refugee demonstrations organised by the "PEGIDA" movement (PEGIDA meaning Patriotic Europeans Against the Islamisation of the West) fear that Germany will lose its national identity as a consequence of this influx of foreigners from the Islamic world. Recent elections in three German state assemblies have shown considerable gains of the AfD and severe losses in the ranks of the moderate party spectrum. To me, this massive reaction which has the potential to polarize German society, reflects a deep-seated fear that our national identity will be severely transformed as a consequence of this influx of refugees. The attraction which the teachings of Islam seems to have on younger people in almost all Western countries, including Germany, is seen as the beginning of a process which eventually may undermine or erode our traditional value system. I would not rule out that this fear has some of its roots in European history. Since the early middle ages until the 17th century, first the Arabs from North Africa and later the Turks repeatedly expanded into European territory, ruling much of Spain and the Balkans for centuries. But has Europe and its value system changed as a consequence of this? I do not believe so. I strongly feel that the present fear as articulated in these movements has more to do with our own insecurity and possibly lack of awareness for our value system than with an objective danger.

Perhaps the most dangerous challenges to national identity, however, are nationalism and sectoral egotism. Nationalism builds on a narrative which comprises existing or fictional elements of national identity, usually glorifying these and often suggesting the superiority of the own national identity to others; this narrative then is instrumentalised for political purposes, usually by one or more populist politicians. The characteristic trait of such a narrative is its potential to stir emotions which, more often than not, are directed against groups of persons, be they within the national community or outside, with the aim of excluding them from resources vital for society. It probably is no coincidence that such trends towards nationalism are manifesting themselves in times of economic downturns, i.e. when resources do not multiply any longer and people feel that the status quo is eroding. Germany at the eve of Hitler's ascent is a good example to state my case: apart from the national humiliation which many Germans perceived after the Versailles Treaty, the effects of the world economic crisis at the end of the 1920's and the huge reparations Germany had to pay to the allied powers had

brought the German economy down to its knees. Hitler was quick to blame the Jews and started to systematically excluding them from German society and sending them to the death camps. - As we have seen, today the huge influx of immigrants from the Middle East and North Africa has again stimulated nationalist feelings in parts of the German population. But these feelings are not limited to Germany – we see similar phenomena in France, Britain, Scandinavia and Eastern Europe, not only as a consequence of immigration but also caused by a crisis of the European political and economic system. Nationalism erodes national identity by discrediting it and creating a fictitious image of the nation often far removed from the realities. Where such developments lead to we have seen in the more recent German history. In the end, national unity and the national identity are seriously affected, if not destroyed.

Strengthening National Identity

As we have seen in the case of Germany, national identity is a very complex matter. It has accompanied German nation building, even though some elements of present day German national identity had already existed before 1871. We have seen that national identity may grow with national achievements but also weaken with failure and defeat. In this, the identity of a nation is not dissimilar to an individual's identity. And as in the case of a human being, the success of a nation ultimately depends on its ability to mature and to find inner peace, i.e. to know and to accept its own strengths and weaknesses, to know its own history and to come to terms with it, mostly of course with the things that have gone wrong. This implies rigorous honesty. It also means that fears are identified and a self-confidence be developed which helps to cope with threats, be they real or imagined. National identity forms the glue which keeps people together in a society; it is the common denominator among millions of individuals living within the boundaries of a given country. It is the guarantor of national unity.

We also have seen that national identity may deteriorate into nationalism when people feel challenged or threatened.

From this follows that fostering a national identity and averting nationalism lies in the interest of every nation. Education plays a major role in this context: conveying to students the relevant historic facts, encourage them to get to know their country, and instill in them a sense of communal responsibility and solidarity. In this context I would like to refer again to my own country: Dealing with the dark chapters of our history in public debate and in education has been a vital part in strengthening our national identity.

Furthermore, the creation of institutions is an important factor as well, institutions whose mechanisms are understood by the population and whose advantage is evident, institutions which assure a decent life standard as well as fairness and justice within society so as to uphold social peace (what I called earlier the "inner peace").

Raising awareness for common beliefs, values and principles which the whole nation shares is another crucial matter. It is important to note that this does by no means imply uniformity in public opinion and political beliefs. When we are looking at national identity, we are referring to the foundation of a house – when we are looking at pluralism in society we are looking at the various rooms in this house. Common beliefs and values also are a matter of education from an early age onward. But it is important to keep in mind that they are not static but that their shape is changing over generations. Therefore, fora are needed where there can be a public debate on national beliefs and values as well. Only in this way it can be assured that national consensus – and hence national unity – will be preserved over the generations.

The rise of nationalism is a constant danger in every society. Therefore, it is important to

have institutional safeguards built into the system. These can be laws which sanction actions threatening minorities or glorifying past or future violence, including wars – laws which then will be enforced systematically and uniformly. Education, again, plays an important part as well. Young human beings need to learn early in life to develop a critical political mind so as to be able to distinguish between sound politics and political demagoguery. Also, students need to be helped to become mature, self confident human beings – in that way they will most likely be immune to populism and nationalist rhetoric.

Royal Highness, Excellencies, Ladies and Gentlemen,

I hope I have been able to provide you with some food for thought regarding a subject which is pertinent not just to my own country but to your own home countries as well, including of course, Cambodia. You may not agree with my views in all respects. But one way or the other, please do share your own views with me, be it now or at a later point.

CHINESE INVESTMENTS IN CAMBODIA: VIEW OF CHINESE SOFT POWER FROM THE GROUND UP

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Introduction: The Research Problem

In the big picture of a rising and peaceful China, pockets of negative make dents into it. Compared to the late 1990s when it was described as “responsible” and its rise often perceived as “peaceful”, China today is more often seen as “assertive” or “ambitious”, suggestive even of being hegemonic. China is also seen as an actor that wants to alter the rules of the global economic and political system, what with its initiatives for global engagements and groups to counter the influence of western/developed countries, such as the BRICS, AIIB, and OBOR, although China remains a key member of global institutions such as the WTO, World Bank, IMF, and others.

Arguably, the negative images may be what Western media wish to paint of China, to constrain China’s rise. China denies it has bad intentions, and takes initiatives and make declarations that basically carries the message that it will never seek hegemony and dominance. Among pockets of developing countries and groups, who have been affected by China’s rise directly or indirectly, however there has been reaction against China. Even within the BRICS itself, China takes care to counter a faint suggestion that it will become the dominant country and leader of the group. In truth, China remains the most enthusiastic BRICS proponent and has the best economic potential and governance among BRICS countries, which makes it the natural and deserving leader.

Where local, societal interests in countries receiving Chinese investments are concerned, China could be seen as acting in cahoots with the host government at worst, or at best seen as negligent of local and societal interest. One such country where such opinion exists is Cambodia. How China is perceived and received in Cambodia is the concern of this paper.

China’s image is manifested in Chinese activities in Cambodia, including its economic and development aid activities, and their impact. After giving Cambodia a large chunk of aid and loans that Cambodia should do best not to do without, China’s image should logically be largely positive. While there is acknowledgement of the benefits of investments and trade, as well as aid, China also suffers from negative images, which this paper will point out.

This paper comprises three parts. The first sets out the research question, addressing the issue of how Cambodia features in China’s economic and political strategy. The first part ends with a description of the methodology of research of this paper. The second part presents the main themes about Chinese investments that are seen and recorded from the interviews and written sources that the author has consulted. The third and final part attempts an assessment of Chinese investments’ reception by Cambodians, and suggests how Chinese investments can improve the image of China – and hence Chinese soft power – in Cambodia.

Material for this paper was gathered through interviews with ten Cambodians familiar with the issue, who work as academics/researchers and as NGO activists. There was insufficient time to conduct more interviews or do a lengthy literature review, but an

academic paper is not the intended-goal for my writing. Rather, this is an effort to raise awareness and understanding, through a preliminary paper, that the social dimensions of the matter of Chinese investments can get more serious by the day, even though the fault for the problems may not lie entirely or chiefly with Chinese investors. In fact, affecting people to people relations negatively can impact proportionally the long-term interests of China that money alone cannot buy in the country concerned.

Why Does China Invest in Cambodia?

In a purely economic sense, the business consideration of profits should drive investment decisions by economic entities, more so if the investment is overseas and thus carries a higher risk than investments at home. In this sense, Cambodia has much lower labour costs than China, and should have much lower business costs in general than most first-ranking cities of China. The presence of many Chinese enterprises now in Cambodia show this to be an attraction to invest in Cambodia. This is seen especially in the number of Chinese enterprises manufacturing garments there.¹ The investments may not be coming directly from China, but might have been channelled through China, or has supervisors and managers from China, or seen as a “Chinese” venture because of the collaboration among Taiwan, Hong Kong, Chinese, or even Singaporean parties.

Chinese investments in Cambodia consist as well of economic land concessions (timber, minerals, gems, hydropower dams, irrigation works, agricultural plantations) involving thousands of hectares of land, as well as development loans given for infrastructure construction. There are also urban real estate investments by Chinese companies, as well as oil companies prospecting offshore for oil. Of note are the projects, mostly by China, in the Butom Sakur National Park in Koh Kong Province just next to Thailand, with concessions given out amount to around 1,200 km². These projects aim to develop tourism projects as well as plantations. Areas like Butom Sakur offer a region close to China that has natural resources and cheap labour, and which also has near-sea access for easy transportation.

Other than the strong argument for securing cheap and accessible factors of production, there are political reasons for China to give more aid to Cambodia, and to encourage its enterprises to invest there. In the strategic, geopolitical game of Indochina, where there has been recent history of mistrust, tensions, and conflict among Indochina countries and between them on the one side and China and other major powers on the other side, having a strong ally in Cambodia means China occupying a central position on Indochina. Cambodia is a string that China can pull to give the Vietnamese and Laotians some worries on their southern flank; similarly, Thailand would need to think about the impact of Chinese presence and influence in Cambodia on Thailand’s eastern flank. Allegedly, China has also exercised influence over Cambodia to stop ASEAN from adopting a strong united front against China on the South China Sea issue. A large portion of the history of Indochina also showed it is a competitive arena of great power rivalry, particularly among western powers, and between western powers and Northeast Asia powers namely China and Japan.

¹ According to South China Morning Post, about 65 percent of garment factories are owned by investors from mainland China, Taiwan and Hong Kong. The garment industry accounts for around 80 percent of exports. Chan Cheuk Yin and Holly Robertson, “Chinese Factory Owners Living in a World Apart”, The Cambodian Daily 31 July 2014.

<https://www.cambodiadaily.com/archives/chinese-factory-owners-living-in-a-world-apart-65395/> accessed 3 November 2016.

On Cambodia's part, it also understands the pivotal role China can play to ensure its own survival, as a small country wedged between two bigger countries. The narrative that many, if not all, Cambodians have of their history in the past hundreds of years is that of immense amount of territories lost to Thais and Vietnamese, especially the latter. In fact, this was one reason the Khmer Rouge cited for their attacks on Vietnam after the end of the Vietnam War, which led to the Vietnamese invasion of Cambodia in 1979. China sought to buy time for Cambodians resisting the Vietnamese forces by opening a short, military campaign in northern Vietnam. For Cambodians, China is faraway and there is safety in distance; but more importantly China has played the role of a military ally in the past to counter aggression from neighbouring countries. What more, now China has nuclear weapons, strong conventional military forces, and the world's biggest economy, if not the most generous of donors.

To understand the issue from the perspective of people on the ground, the author decided to conduct a fieldwork of ten days, which admittedly was not a long enough time to adequately cover every angle of the issue. Regrettably, there was no contact with government officials and Chinese businessmen because of the difficulty of getting them to agree to interviews. Ultimately, it was easy logically to approximate what the government officials and Chinese business would say, without having to meet them. This is because their views can be found on official reports and news articles in the media. The author met people who were working and writing on the issues of concern – (over ten) NGO activists, researchers and academics, and friends in his private network, and teased out the unsaid parts of the contestation in Cambodian society over the issue of Chinese investments. For instance, what was left mainly unsaid was that Chinese investment is still welcome but Cambodians wish it was a better kind of investments than what has been seen. One is not able to ascertain this point purely from reading the media.

How Have Chinese Investments Been Received in Cambodia?

Opinion about Chinese investment in Cambodia that can be found among Cambodians can largely be divided into three groups. While the author could not speak to representatives of each and every group, there are many sources for the views other than meeting them for interviews.

The first group consists of the government and the business community. As entities that should promote and benefit from Chinese investment, naturally the government and the business community form the core of a group that actively supports and facilitates Chinese investment. The chief benefits are the creation of jobs, creation of exports (given Cambodia's position under MFN terms with EU and USA), and business opportunities. The government has gained through economic growth and can legitimately use that as a basis to campaign for votes. Cambodia is now going through a period of high growth that has been sustained for the last decade. With greater growth, job opportunities become abundant, and poverty rates in Cambodia are on the decline, and so has urbanisation as well as general standards of living in urban areas.

The NGOs and the research community that work on social issues, the second group, have different opinions. Interviewees emphasized greatly the neglect of the social dimensions of the issue. Chinese investment has impacted on Cambodian lives in both rural and urban areas, through land concessions' various activities, as well as manufacturing activity in urban and peri-urban areas. For instance, there are now 700,000 garment workers

in 1,200 garment companies invested in Cambodia.² This is compared to a total labour force of around 8.6 million in 2014, according to the World Bank.³ The chief complaints by local people were:

- Factory conditions are poor. Workers have fainted due to either malnutrition, lack of proper health care, or due to bad working conditions. Management however would like to think of such a phenomenon as due to collective hysteria or some mysterious, psychological forces.
- Chinese factory enterprises pay low salaries that are merely enough to survive. Yet, given plentiful supply of labour, labourers cannot say no to the job offers. Employment with such factories also do not have maternity leave, medical insurance, and long-term contracting (most workers are on one year contracts). Western and local NGOs have researched the matter and documented the issues in a number of films and documentaries.⁴
- Chinese managers do not understand Khmer culture and consequently mannerisms and an inability to accommodate each other due to this lack of understanding has led to personal conflicts.
- There has been abuse of power, sexual harassment, physical abuse, and Chinese managers who were prosecuted but ran away before court action started.
- The Chinese instigate demanding working schedules, with insufficient time for rest; frequent overtime. Also pregnant workers are fired, and so are trouble-making workers who have joined unfriendly unions.⁵

If the above complaints concern the garment industry or perhaps manufacturing in general, the following complaints concern economic land concessions:

- Land concession owners' exploitation of natural resources, such as timber and mines, is not environmentally friendly. Once the mines and timber are exhausted, the concession owners left in a huff and have not done the necessary terminal work, such as covering up mines, replant trees, or even document their departure with authorities.
- Environmental Impact Assessment reports, as required by law, are not done prior to the granting of concessions and if they were done, were often procedural rather than professional or serious. Indeed, as will be mentioned below, government line ministries are not the ultimate approving authority for foreign investments.
- Compensation for land requisition is usually meagre as compared to the value of the land. This point is controversial, as most interviewees agreed with the interviewer, because of the lapse in time between the moment that compensation was agreed

² According to Human Rights Watch. <https://www.hrw.org/news/2015/03/11/cambodia-labor-laws-fail-protect-garment-workers> accessed on 3 November 2016.

³<http://www.tradingeconomics.com/cambodia/labor-force-total-wb-data.html>; and <https://www.adb.org/sites/default/files/publication/176283/cambodia-addressing-skills-gap.pdf> p. 23.

⁴ For instance: *A wage you can live on - Textile workers in Cambodia*, produced by Clean Clothes Campaign Denmark 2012 and accessed at <https://www.youtube.com/watch?v=yTehggY29Xg> on 3 November 2016; *A Day in the Cambodian Garment Factory* by Germany's Friedrich-Ebert-Stiftung, accessed at https://www.youtube.com/watch?v=F_qg7dx27gM on 3 November 2016.

⁵"Cambodian textile workers hang by a thread under Chinese bosses" South China Morning Post 23 July 2016. <http://www.scmp.com/news/asia/article/1291466/cambodias-textile-workers-hang-thread-under-chinese-bosses>. Accessed 3 November 2016; Cambodia: Garment Workers Fired for Being Pregnant. Youtube video posted by Human Rights Watch, 11 March 2015. <https://www.youtube.com/watch?v=hb1gi5oCfFI> accessed on 3 November 2016.

upon (rates fixed and not dynamic) and the moment that money was paid. Once a land project is announced, market prices tended to rise quickly. In places where there was resistance to eviction, stayers could get a higher amount of payout, and early takers thought was unfair to them. Government prices of land are often lower than market rates, and government prices are the benchmark for deciding on the quantum of compensation.

- Corrupt officials could have taken a big part of the compensation meant for local residents, and they gave out only a small portion of that to the residents. There is a lack of transparency because the land concessions are arranged between the central government and the investors.
- In the case of the Boeung Kak Lake in central Phnom Penh where a big land conflict is still inconclusive, the government's point was that the land was state land and some therefore squatters could not be entitled to compensation. However, a compromise was struck when the investor agreed to compensate half the value of the land, but some land victims are staying put in the hope for more. There is also information that people who cleared out are moving back to ask for more money.
- Land concessions at earlier times of the exercise were given out without clear demarcation of where the boundaries of the land concession are, and the residents in the land concessions usually might not even know about the concession until they were asked to vacate the land.⁶
- Efforts at resettlement by concession owners, such as Union Development Corporation who owned one of the Botum Sakur concessions, did a poor job of resettling people. Small wooden houses without strong foundation and built in the jungle in a disparate way were built as resettlement housing, and in areas that were far from amenities without basic electricity and water needs being met. Many of these houses are now left vacant because they are inhabitable and there is also no livelihood whatsoever to be found near those houses.

The Pivotal Role of Domestic Governance

While the activists in the NGO community did not explicitly acknowledge it but the academics did, the point that emerged from the interviews was basically the lack of governance lied at the heart of problems. In a logical way, given that all interviewees said Cambodia had "all the works" in terms of regulations that can prevent the above complaints, the only problem left was inspection and enforcement, and perhaps even disallowing the investors the license to invest if the EIAs were not found to be favourable to the granting of the licence. In fact, there is nowhere in the bureaucratic process, as described by the interviewees, that could allow an EIA to stop the track of a foreign investment proposal. Two interviewees from civil society agreed totally that foreign investments are needed because they create jobs. One organisation charged with assessing EIAs that were prepared by investors even acknowledged that his organisation was happy that it played a role, but often took the approach that it should not say no to the investor, despite problems with social impact that could be foreseen. Instead, it took pains to recommend to the ministry empowered to *review* the investor's application that if any problems are highlighted and are serious, their resolution should be *a priori* to the granting of the license. But the NGOs have no power to ensure this. Furthermore, licences are not granted by functional ministries but

⁶ Michael B. Dwyer, Emily Polack and Sokbunthoeun So, "'Better-practice Concessions?' Some Lessons from Cambodia's Leopard Skin Landscape" in *International Development Policy* 6.1/2015. <https://poldev.revues.org/2046>.

by the Cambodian Development Council, the statutory organisation of the government. Therefore, whether the NGOs opinion and recommendations are taken up is anybody's guess.

The third group of people are the ordinary people and people affected as well as unaffected by Chinese investment projects. Among them there seemed to be a sense of acceptance; that the government knows best and their inferior self-image could have been buttressed by the fact that they did not have land titles (in the case of them being evicted from land concessions) or that they had no skills and landed a job simply because of availability, enthusiasm, and lack of options. There is, NGOs say, among the people a group who genuinely believed that infrastructure projects were good for the country, until the projects affected their land and caused them to protest. The case of a hydroelectric power dam, where local people had initially supported it until the dam started operations and restricted the flow of water to the locality, which affected local agriculture. This group of people largely felt helpless, some are illiterate and did not know their rights (including the lack of rights in the sense of squatters not having the right to monetary compensation, although morally they have a right to be resettled).

An Assessment

Doing this paper has been a journey of discovery and maturity. It started with the premise, formed by reading Western media as well as earlier conversations with Cambodian NGO activists before a decision on the topic is made. While it started with the premise that something must be terribly wrong with Chinese investments, the finding is now that there are generic problems with investment into low-end manufacturing in Cambodia. These include the exploitation of cheap and abundant labour, lack of state enforcement of its regulations, which are entangled with societal opposition to a regime that is not only incompetent, but also authoritarian/undemocratic, and oppressive. The conclusion inevitably is that the government has to maintain a better regime than it is now doing, through better policing and gate keeping, as well as striking a better balance in its investments policies towards taking better care of unsettled residents and workers.

In this journey, interviewer and interviewees came to agree at the end that while the fault is chiefly not with the Chinese side but instead is with domestic governance, there are some measures that investors in general can take, which Japanese and western investors have done more than the Chinese have. Following are some areas of suggestions.

Engagement with all levels

Chinese investors must seek to engage all stakeholders at all levels, and must consider people who live in the neighbourhood/concession area as legitimate stakeholders. There are local elections and local people who have suffered from land concessions are banding together to pressure the government and companies. The opposition parties are riding on this anti-government mood, and are gaining votes and seats. This political instability is not good for business. Neither is local resistance.

Companies need to go deep, deep down into locality to do its research to understand local culture and local aspirations. In an authoritarian country, the valves of differing opinions are usually closed-up. However, as investors, companies can take initiatives of doing impact assessments and to make its own decision of not going ahead with investments if the impact assessments are not favourable.

In terms of the organisation of production and investments, interviewees suggested that what could be done immediately and urgently was for the physical conditions at the factory as well as at the workers' living quarters to be improved. The documentaries that

were available on Youtube show the living conditions to be overly crowded, lacking in the most basic of amenities and standards of decency – such as women having to take baths in the open. Interviewees suggested that the words EIA – or Environmental Impact Assessment are insufficient. The term should be revised to “ESIA,” meaning Environmental and Social Impact Assessment. This is to reflect more fully the impact on nature as well as on human beings and their society brought about by investments.

Activists who have campaigned for years to raise the minimum salary from \$80 per year to \$128 in 2015 said this amount is still insufficient to live on, going by costs of living in 2016. They also said companies should raise the benefits for in-house welfare, such as maternity leave, regular health checks for occupational hazards, and appropriate compensation for industrial accidents such as inhaling of chemicals and other hazards.

Academics, taking in their breadth the development of China-Cambodia relations in the long term, suggested that China asked its companies to take every investment in Cambodia, especially those from government companies, as a long-term commitment to develop the Cambodian economy rather than to try to move away from Cambodia when costs rise. They should commit to Cambodia through raising the value-added of products of Cambodia. New investments should always try to bring newer (not necessary the latest but should not be too old) technologies. To help Cambodian workers move up the value chain, there must be in-house skills training to upgrade workers, on an extensive scale. Better still, a national level generic technical skills training centre, which Japan and Germany still do in many places and also in Cambodia, could be done by China in Cambodia.⁷

Last but not least, interviewees agree on the need for Corporate Social Responsibility by Chinese companies: Put it into the Chinese business DNA.

- (a) Take a more coordinated and national approach by China towards CSR in less developing countries, particularly in a neighbour as important to China’s regional strategy as Cambodia, instead of emphasizing the benefits of doing business and working only with the government;
- (b) Establish a Foreign Country Philanthropy Foundation for Southeast Asia, funded by government companies invested in Southeast Asia, and adopt a direct approach rather than dumping the money on the foreign government and allowing it to do – or failing to do – the rest;
- (c) Encourage more Chinese companies to adopt a high presence in the CSR field in Cambodia (as well as in the rest of Southeast Asia) by having CSR advisors, and identify worthwhile CSR projects in their own locality as well as within the company for its employees.
- (d) There are already codes for Chinese companies (China Telecom, Green Credit Directive eg.) investing overseas but these codes need to be taken more seriously, and there should be investigations by the Chinese government if Chinese companies infringe on ethical codes either of China or of the foreign government that are related to business activities. Enforcement is the key. CEOs must take the lead.
- (e) Pressures should be put on OEM and subcontractors. Factor in social costs, not always awarding the contract for production, which would be done in Cambodia, to the lowest bidder.

⁷ Jozef De Coster, “Cambodia Goes Through A Difficult Transition Period”, undated article written in late 2016, provided by interviewee.

Conclusion

The problems of factory conditions and low salary (correlated to inflation) in Cambodia may be the doing of investors but then investors are merely responding to market conditions, for which the government plays a significant role of ensuring the market works. If the government has been enforcing its rules strictly, then complaints and societal opposition would not exist. More important, while there are many Chinese investors reportedly involved in such behaviour, other countries' investors are also doing the same. Blame should not be placed solely on Chinese investors. Logically this means that domestic governance is pivotal in preventing abuse.

However, factory conditions and low salary do not have to depend on government regulations. Chinese companies can emulate western and Japanese companies in extending excellent employment conditions that can be sustained by profits, rather than languishing on the end of the laggards of the world. The Chinese renaissance should have high human standards – no?

China now has power, and power comes with responsibility. It has a responsibility to human kind, not just Chinese. In the 1990s Chinese sense of responsibility was not to rock the boat, but today China must also Step Out in the social arena where it must play a role in shaping the social mores of human kind. China must support development and growth that are humane; this was an ideal that gave birth to the socialist movement, which China has adopted as its ideology. China can not in the same breath seek to promote and achieve such ideals at home, while turning a blind eye to opposite and ghastly practices in countries where its companies invest. Non-interference in another country's affairs is good to maintain international peace, but much can be done short of interfering in other countries. For instance, China can actively promote and even enforce a national code of conduct and guidelines for its companies and development aid activities, implementing extra-territorially. In fact, it is already doing so, as it had arrested foreign nationals in foreign lands who committed crimes against citizens of China and brought them home.

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PROMOTING AND ADVANCING THE RESPONSIBILITY TO PROTECT IN CAMBODIA: THE ROLE OF ACADEMIA

Pou Sovachana

Deputy Director of the Cambodian Institute for Cooperation and Peace

**Remarks during “The Responsibility to Protect at 10:
Progress, Challenges and Opportunities in the Asia Pacific”**

**Sofitel, Phnom Penh, Cambodia
26 - 27th February 2015**

- **Mr. Chair,**
- **Excellencies,**
- **Ambassadors, Diplomats,**
- **Distinguished Scholars, Advocates and Participants,**

Today, I am very pleased to participate in this important conference to assess the progress, challenges, and opportunities in implementing R2P in the Asia Pacific and to discuss the future direction with senior leaders, diplomats, academics and advocates. First, I wish to express my sincere appreciation to the organizing committee for the warm hospitality extended to me and all the guests. It is an honor for me to share with you my view on “The Role of Academia to Promoting and Advancing the Responsibility to Protect in Cambodia.”

We are here today because we share common values and a common goal. The Responsibility to Protect is a global issue and together we need a strong commitment as well as innovative strategies and fresh thinking for the promotion and implementation of the norm in order to completely put an end to genocide, war crimes, ethnic cleansing and crimes against humanity. I believe that it is through multi-stakeholder dialogues such as this one that we can foster public building awareness about translating R2P from ‘words to deeds’, as stated in the objective of the conference.

Introduction

“The suffering of Cambodia has been deep,” reflected Preah Moha Ghosananda. Perhaps no other country on earth has suffered as much from as many forms of human insecurity as Cambodia has. The list from the 1970s is staggering: massive bombardments, civil wars, interstate wars, and the ‘killing fields’ with mass atrocities committed by the Khmer Rouge regime from April 1975-January 1979 claiming two million lives and displacing nearly the entire population. Given this reality and many other cases where the state it failed to adequately ensure the security and the safety of its citizens, protection against mass atrocities is an urgent priority and concern for all of international society. The “Responsibility to Protect” is about the issues of sovereignty and humanitarian intervention as well. International communities and actors also have a responsibility to do what states were supposed to do when these same states are either unable or unwilling to do so: to protect human lives from mass atrocities. These

norms of human protection have been included in a Security Council resolution, in treaties and conventions, and in international practice.

As a victim of horrific crimes, but also failing to decisively act in the face of them by the international community, Cambodia has a unique role to play in promoting R2P and mass atrocity prevention. Considering this, attention should be paid to the role of academia to promote and advance R2P in Cambodia.

I. The Role of Academia in Promoting and Advancing R2P

The goal of academia is to assist the state with building institutions, which are weak in Cambodia. Without solid institutions in place, wars may continue to happen because of a concentration of personal power. Strong civil society can serve as contributors to improve resilience, create coping and mitigation mechanisms from multiple threats and support the state to uphold its responsibility. Academics are crucial players in advancing R2P, in terms of research, teaching, building awareness of mass atrocity prevention and lobbying governments. They can cooperate with different actors in civil society as well as engage the state and inter-governmental organizations at the regional and global level. Furthermore, academics can develop curricula and educational materials on R2P, organize workshops and conduct teacher trainings on how to inculcate the principles of R2P.

The R2P toolkit has been translated into Khmer in partnership with CICP. A large number of academics participates in the International Coalition for the Right to Protect (ICRP), which seeks to raise global awareness and endorsement of R2P while aiming to stop or prevent genocide, war crimes, crimes against humanity and ethnic cleansing. Academics form a core of the epistemic community of international civil society within the international community and transnational movements. As such, academics are crucial to the second pillar of R2P in terms of international assistance and capacity building. Through workshops, social media, publication of literature and lectures, academics can connect with both members of civil society and state officials in order to build coalitions to translate R2P from 'words into deeds' with respect to prevention of mass atrocity.

In addition, academia has played an important role in the following: initially conceptualizing and establishing specific norms; drawing up guidelines for early warning and early response to R2P crimes; cultivating a cooperative culture and supporting political culture; providing action-oriented policy recommendations for cooperation; becoming a networking force; and, incorporating the norm into the regional community building process itself.

Now let me give you two examples of research and academic institutions - the Cambodian Institute for Cooperation and Peace (CICP) and Institute of Foreign Languages (IFL) - to mention how they work together to promote and advance R2P in Cambodia with the support of the cooperation of Asia Pacific Centre for the Responsibility to Protect. CICP and IFL are grateful to Dr. Noel Morada, Director of the Centre's Regional Diplomacy and Capacity Building Program, for delivering a public lecture and a workshop on promoting R2P in ASEAN on 6-8 August 2014 to government officials, diplomats, academics, students and CSOs. During the presentation, he stressed that *"R2P should be viewed as a friend - rather than an enemy - of sovereignty because it is first and foremost about helping states to fulfill their responsibilities and strengthen their legitimacy."* (Spotlight on R2P, September 2014, Issue 13)

Cambodian Institute for Cooperation and Peace (CICP)

As one of leading research and academic institutes in Cambodia, CICP has thus far played many crucial roles in promoting and advancing the principles and norms of R2P, particularly in ASEAN countries, of which Cambodia is a member. With its experience of past atrocities and national reconciliation after the cold war, Cambodia and its researchers are especially suited to taking a leading role in promoting R2P.

- **Seminars:** CICP has organized a variety of seminars which are attended by representatives of ASEAN, Australia and European Diplomatic Missions, government officials, think tanks researchers, especially academia and university students. These events help promote public awareness of the principles and norms of R2P, which are a relative new concept for Cambodians. Two of our most recent seminars to build public awareness of the concept of R2P were conducted by CICP in cooperation with Dr. Noel Morada, and they took place at the CICP conference hall and the auditorium of Royal University of Phnom Penh's Institute of Foreign Languages. In addition, CICP will begin a series of biannual workshops on R2P and human security with Pannasastra students and faculty, and is currently in the process of developing a joint promotional and research events involving PUC and ZAMAN university.
- **Intensive Capacity Building:** CICP also nominates five researchers and academia from various research and academic institutions to attend a two-week intensive training through the Australian Awards Fellows on the topic of 'Toward a Culture of Prevention: Advancing Women, Peace and Security in ASEAN' at the University of Queensland. The purpose of this training is to build and develop the capacity of these academics so that they can continue advocacy to promote and advance the concept of R2P in their institutions.
- **International Conference:** Like other seminars, the first international conference on R2P at 10 will be hosted by CICP in partnership with the Asia Pacific Centre for the Responsibility to Protect of the University of Queensland. The ambition is to promote and advance the principles and norms of R2P regionally and globally. This conference will provide an important opportunity for senior leaders, academics and advocates to exchange ideas and experiences and to develop a common agenda for action to end genocide and mass atrocities in the coming decade.
- **Research and Trainings:** CICP has also given students from many universities in Phnom Penh the opportunities to build their capacity by learning to conduct practical scientific research in both Phnom Penh and in the provinces. These intensive experiences of training and research help them greatly to understand not only research methodologies but also how to advance the concept of human security and R2P.

Royal University of Phnom Penh: Institute of Foreign Languages (IFL)

- **Interactive Seminar:** The Institute of Foreign Languages' Department of International Studies hosted its first interactive seminar on 08 August 2014 with students from both IFL and Pannasastra University of Cambodia. The discussion points in the seminar covered (1) the relevance of R2P in the Cambodian context; (2) the contribution of Cambodia promoting R2P in ASEAN; (3) the prospect of any of the four R2P crimes

- **Research Partnership/Cooperation:** As an academic institution, the Institute of Foreign Languages has partnered with several international and regional universities and research institutes. This institutional cooperation helps create opportunities to conduct joint research projects that may advance the principles and norms of R2P at national, regional and international levels.
- **Staff Development:** the Institute of Foreign Languages' Department of International Studies also encourages its staff to write at least two research papers annually. The topics covered are often relevant to the promotion and advancement of R2P norms.
- **Academic Curriculum:** The norm and principles of R2P are also incorporated into the academic curricula (e.g. in Public International Law and other International Relations subjects) so as to enrich students' understanding of R2P. There is a pressing need for universities throughout Cambodia to incorporate these ideas and teach students about mass atrocity and its prevention.

Future Direction: To increase public awareness and support for the norm, include the norm into the discourse of CSOs, acculturate government officials to the idea, and increase awareness of the compatibility of the norm with existing national law and policies, a broad based grassroots public information campaign would be extremely impactful. Combining the activities of curriculum development, training, and seminars, workshops or public lectures in rural areas is needed to move the norm out of the limited scope of certain epistemic and professional circles and into the mindset of the broader public. CICP, working with university and CSO partners, hopes to develop and implement this plan for bringing together a variety of stakeholders through linking shared issues or policy concerns which accord with R2P aims such as human rights, human security and sustainable development, and rule of law and good governance.

II. The Challenges

There are of course multiple challenges facing this work. Besides the issues of time and money, there is the perennial problem of suspicion. Academics are often suspected by state officials of potentially subversive behavior. Therefore gaining the trust of state officials so they can cooperate fruitfully with civil society (including academics) remains a major challenge. Facilitating cooperation between academics and other civil society actors as well as academics and representatives of international organizations also poses similar challenges.

Academics can reduce such suspicion by building bridges between state officials and civil society. This can be done by inviting both groups to workshops that focuses on the prevention of mass atrocities. Similarly, academics can spearhead the writing of reports by joint groups of civil society and state officials about the prevention of mass atrocities in national security strategies, defense white-papers, and so on. Academics can also work together as lead actors with civil society and also state officials to campaign for the adoption of domestic

legislation and for agreements in the Association of Southeast Asian Nations (ASEAN) and the United Nations regarding R2P crimes as well as issues such as the rights for minorities, women, refugees and other vulnerable groups.

Recalling Cambodia suffering through decades of civil war, interstate war and the truly suffering events under the Khmer Rouge, academia can do more research to assess the ability of civil society to aid future prevention of mass atrocities as well as to investigate the function of the international organizations in breaking the cycle of violence. Academics have often been at the forefront of efforts to lobby the government to encourage greater understanding of Cambodia's Khmer Rouge era of mass atrocities. Additionally, Cambodian academics have also been deeply involved in human rights, human security and support for the consolidation of democracy in Cambodia.

III. Conclusion

In sum, when it comes to moving forward the agenda of R2P, academics matter. Although those working in R2P often prioritize bureaucrats and politicians within states as well as diplomats within international bodies, I want to emphasize the essential role that academics can play. Not only are they responsible for educating the people of the world about the need to prevent mass atrocities but they are also key actors in building trust and cooperation between civil society and the state.

It is essential for Cambodian academics to join together in active networks and proactive projects to research and promote R2P, to increase dialogue on key obstacles and challenges to furthering the norm, and to catalyze harnessing the potential of the lessons learned in the Cambodian case. The key to advancing R2P in Cambodia is to educate the youth, develop local champions and build awareness among scholars, government officials and communities. If it can take the difficult steps as describe above, Cambodia could lead the region toward greater recognition of R2P.

Thank you!

THE CONTINUAL UNRAVELING OF HUMAN SECURITY IN CAMBODIA

Pou Sovachana
Working Paper
March 2015

Introduction

“The suffering of Cambodia has been deep¹,” reflected Preah Moha Ghosananda, the Ghandhi of Cambodia. Perhaps no country on earth has suffered so much from as many forms of conflicts and grave human threats as Cambodia. Direct physical violence and indirect non-physical violence have plagued Cambodia since the 1970s, 1980s, through most of the 1990s, and has not yet stopped completely. The threat of direct physical violence (peace challenge or freedom from fear) has taken various forms such as armed conflicts, mass exodus of people from their homelands, land mine victims and crimes against humanity, which affect the safety of individuals and communities. Indirect forms of violence (developmental challenge or freedom from want) include non-physical sources of threat to human rights and human development such as poverty, hunger, disease, and homelessness, as well curtailed freedom to exercise political rights and enjoy civil liberties². Massive bombardments, civil wars, interstate wars, human rights violations, starvation, the repatriation of 360,000 Cambodian refugees from the Thai border camps³, small arms conflicts, one of the world’s highest rates of deforestation⁴, grinding poverty, and land grabs have ravaged this once proud and influential country of Southeast Asia since the early 1960s. Cambodians have lived with wars, internal conflicts and various types of violence. Freedom, peace and safety have remained elusive for most Cambodians for almost three decades since the 1960s due to a complex interplay of domestic, regional and international factors⁵.

Human Security in Cambodia Prior to 1998

For nearly four years (17 April 1975 – 7 January 1979), the Khmer Rouge completely isolated Cambodia from the world, emptied the cities, eliminated currencies, abolished education, destroyed key social-cultural institutions and economic activities and held a reign of terror and violence in Cambodia - a return to “year zero⁶.” This regime deprived Cambodians of human security through a systematic mass exodus, forced labor, torture, mass execution, starvation, ignorance and disease. This was the most tragic and darkest moment of Cambodian history;

¹http://www.ghosananda.org/how_we_work.html retrieved on June 6, 2014

² Peou Sorpong (2013). *Chapter 7: Human Security in Post Cold War Cambodia*

³ The United Nations High Commission for Refugees (UNHCR)

⁴<http://news.mongabay.com/2005/1115-forests.html> retrieved on June 6, 2014.

⁵ Quinn, Peter (2007). *Human Security and Development in Cambodia*. Paper prepared for the conference “Mainstreaming Human Security: the Asian Contribution”

⁶ Ponchaud, François (1978). *Cambodia: Year Zero* (N. Amphous, Translation). London: Allen Lane.

three years, eight months, and twenty days⁷ during which 1.7 million people lost their lives⁸ (21 percent of the population) and many endured immeasurable suffering. Human lives counted little for the Khmer Rouge's fanatical communist leaders. This repressive regime used excessive violence and terror to rule with the aim of creating a utopian communist country based on agricultural values. People lived in extreme fear and insecurity. This atrocious tragedy continues to live in the hearts and minds of many Cambodians and had dire consequences in terms of human security.

In December 1978 over the course of just two short weeks, the Vietnamese invaded Cambodia, ousted the brutal regime and liberated the capital on 7 January 1979 installing a new government in Phnom Penh. The Khmer Rouge fled into the jungles of the western and northern parts of Cambodia, near and beyond the Thai border. The new socialist regime offered Cambodian people more freedom and security but could not destroy the externally funded Khmer Rouge. Throughout the 1980s, the government forces engaged in frequent and fierce battles with the Khmer Rouge units which continued to terrorize the Cambodian countryside, using civilians as a human shield. Both factions (the Khmer Rouge, the Heng Sarim and Hun Sen regimes) planted million of land mines across the country⁹. The Cambodian Mine Action Centre (CMAC) estimates that there may be as many as four to six million mines and other pieces of unexploded ordnance in Cambodia¹⁰.

Human insecurity persisted in terms of war, land mines and repressive violence with varying degrees of intensity. During the socialist regime, hundreds of thousands of Cambodians were forced to cross the densely forested mountains and take refuge in camps across the border in Thailand¹¹. They were classified as illegal immigrants and denied UNHCR protection (the United Nations High Commission for Refugees). People inside the country were also subject to attack by opposition forces and to hardships caused by recruitment into the government's armed forces. They were forced to clear the forest, build roads, and provide defenses along the border (known as K5 Plan¹² engineered by a Vietnamese General Le Duc Anh in Cambodia focusing on five key points for the defense of Cambodia against Khmer Rouge re-infiltration). Working in the forest like this, citizens regularly endured malaria, diseases, exhaustion, malnutrition and the never-ending danger of military ambushes¹³. Political instability and human insecurity did not end with the Vietnamese ouster of the Khmer Rouge, but persisted throughout socialist rule, denying the Cambodian people freedom from fear and freedom from want.

With the help of the United Nations and after years of tense factions between the People's Republic of Kampuchea (PRK) and the three resistance factions the United Front for an Independent, Neutral, Peaceful and Co-operative (FUNCINPEC) founded and led by Norodom

⁷ The length of time that the Khmer Rouge occupied Phnom Penh.

⁸ The Cambodian Genocide Project at Yale University.

⁹ Pelton, Robert and Dulles Wink (1994). *Southeast Asia*, Fielding Worldwide Inc, Redondo Beach, California, USA.

¹⁰ http://en.wikipedia.org/wiki/Land_mines_in_Cambodia retrieved on June 6, 2013

¹¹ Personal fieldwork at the Thai/Cambodian refugee camp Site B in 1987.

¹² http://en.wikipedia.org/wiki/K5_Plan retrieved on June 6, 2014

¹³ Gottesman, E. (2003). *Cambodia after the Khmer Rouge: Inside the politics of Nation Building*. New Haven: Yale University Press.

Sihanouk, the Khmer People's National Liberation Front (KPNLF) led by former Prime Minister Son Sann, and the Democratic Kampuchea (DK) led by Pol Pot, an agreement was reached to end the civil war in Paris in October 1991. This treaty enabled the United Transitional Authority in Cambodia (UNTAC) to undertake a massive peace keeping operation and to call and supervise the first free and fair election held in May 1993. From a human security perspective, the Paris Peace Agreement promised to usher in a brighter chapter in Cambodian political history and bring a new dawn for the people in terms of ending conflicts and in offering an assurance of economic development and human rights. This Agreement was intended as a blueprint to ensure security, peace, safety and fundamental freedoms to all Cambodians.

In the aftermath of the 1993 election, a coalition government between FUNCINPEC and the Cambodian People's Party (CPP) was formed and headed by a system of two incompatible Prime Ministers. This political arrangement was not a recipe for lasting peace and the road to national reconciliation was paved with bad intentions. After wide-ranging tensions and contentious disagreements between the two governing parties eventually led to deadly fighting between the CPP and FUNCINPEC armed forces. On 5-6 July 1997, in the middle of the capital city Phnom Penh, Second Prime Minister Hun Sen used his loyal military force to oust the First Prime Minister Prince Norodom Ranariddh resulting in a number of human casualties and mass lootings. Since that time, he has become the undisputed heavyweight political leader in Cambodia. This turmoil led to the postponement of Cambodia's membership to ASEAN in July 1997 along with Laos and Myanmar. Cambodia was not admitted as an ASEAN Member State until April 1999, and the threat of violent conflict continued to haunt the people of Cambodia.

On the other front, the security threats from the Khmer Rouge remained high. The regime boycotted the 1993 election, defied the international community, rejected peace talks and continued its armed rebellion against the coalition government in the western and northern regions. These battles waged until final disintegration of the Khmer Rouge and complete integration of its forces from Malai and Pailin into the Royal Government armed forces, in 1998. Total peace was only established throughout the country in early 1999¹⁴ after UNTAC failed to prevent and stop civil war in Cambodia. The mission of UNTAC was not wholly successful¹⁵ however in terms of preventing human suffering, the savings would be substantial. The termination of internal conflict by Prime Minister Hun Sen brought a real end to decades-long armed politics, gave value to national security, cemented peace and provided Cambodia its best opportunities for development and growth in all sectors. The Cambodian people deserved better after so much suffering. This long desired peace has come at the price of a zero sum game politics (one winner takes all), rapid environment degradation, limited access liberties, and profoundly unequal distribution of wealth. While the world defines peace as the absence of hostility, lasting peace in Cambodia must include the capacity to obtain education and health, human rights and democracy, and to prevent environmental depletion, while promoting good governance and the economic and social wellbeing of the individuals and communities¹⁶.

¹⁴ Nem Sowath (2012). *Civil War Termination and the Source of Total Peace in Cambodia*. Reaho, Phnom Penh, Cambodia.

¹⁵ Sundaranaman, Shankari. *Cambodia Since UNTAC: Deep into the Quagmire*. <http://www.idsa-india.org/an-sep-8.html> retrieved June 6, 2014.

¹⁶ Kraft, Herman Joseph, (2012). *The Millennium Development Goals: A Pathway Towards Mainstreaming Human Security in ASEAN*, Volume II, Institute for Strategic and Development Studies, INC. Quezon City, The Phillippines.

The Continual Unraveling of Human Security in Cambodia

After the political integration of the remnants of the Khmer Rouge and the national election in 1998, Cambodia witnessed a real transition from war to peace¹⁷. The overall security situation in Cambodia has been improved in terms of freedom from fear and want. Cambodians started enjoying more personal security when armed politics ended. Under the dominant party (CPP), the government has worked hard to improve the living conditions and dignity of its people. The Triangular Strategy in the second mandate was adopted with the aim of reforming all sectors, restoring peace and stability, promoting sustainable development, as well as maintaining security for the country and its people¹⁸. The strategy was, in general, successfully implemented. In the second mandate, the “Rectangular Strategy” was launched on 16 July 2004. This strategy defined the action of the government and focused on good governance (see figure 1). It was reviewed, refined and updated and is currently under implementation.

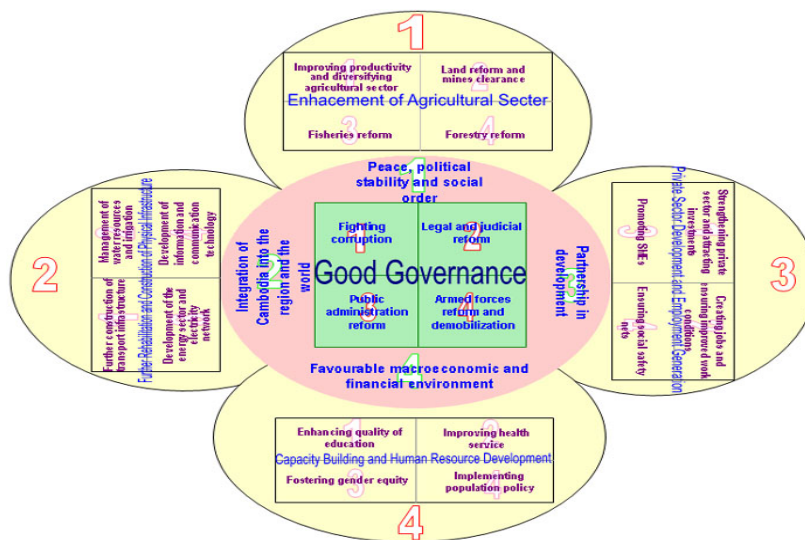


Figure 1. Rectangular Strategy of Cambodian government.

Cambodia has seen notable progress in the normalization of life, which has resulted in a steady improvement in economic growth and social development with steady poverty reduction. The country economy is one of the success stories in terms of high and consistent growth averaging economic, 7.9 percent during 2000-2012 and 11.1 percent between 2004 and

¹⁷ Peou Sorpong (2007). *International Democracy Assistance for Peace building: Cambodia and Beyond*. Basingstoke and New York: Palgrave Macmillan.

¹⁸ Naron Hang Chuon (2012). *The Cambodian Economy: Charting the Course of a Brighter Future*, Cambodia Progress and Challenges since 1991 Edited by Pou Sothirak, Geoff Wade And Mark Hong, ISEAS, Singapore.

2007¹⁹ before the economic crisis in 2008-2009. Growth registered 7.2 percent in 2013. The outlook for 2014 is forecast at 7 percent because of the political tensions and risk of the labor unrest since the national election in July 2013. The GDP per capita has increased from \$760 in 2008 to nearly \$1000 in 2012²⁰. The progress in human development can be measured also by the Human Development Index (HDI), which measures life expectancy, education and income. Between 1995 and 2012, the country HDI's score has improved from .411 to .543, an increase of 32 percent or an average of annual increase of about 1.7 percent²¹. Cambodia was 138 out of 187 countries, ahead of Myanmar on the HDI measure. The poverty rate dropped drastically from 47.8 percent in 2007 to about 19 percent in 2012²².

By reducing the poverty rate by more than half, Cambodia has achieved the Millennium Development Goal poverty target (CMDG1) and is one of the best performers in poverty reduction worldwide according to a World Bank Poverty Assessment Report released in February 2014. It is a huge accomplishment for Cambodia²³. Today, approximately two out of 10 Cambodians are poor, compared with five out of 10 in 2004, however Neak Samsen, Poverty Analyst of the World Bank in Cambodia and the co-author of the Poverty Assessment Report, cautioned, "Despite impressive reduction in poverty, these hard won gains are fragile. Many people who have escaped poverty are still at high risk of falling back into poverty. For example, the loss of just 1,200 riel (about \$0.30) per day in income would throw an estimated three million Cambodians back into poverty, doubling the poverty rate to 40%." The end of armed conflict facilitate a return to normal life for Cambodian citizens. Life expectancy has risen from only 30.7 in 1980 to 65.1 in 2011²⁴. Now, ordinary people have better access to key goods and services and more and more children are now going to school²⁵.

Human security in Cambodia is considered by the Royal Government to be the highest priority²⁶. Right after the government was formed in September 2013, Prime Minister Hun Sen reaffirmed the government's commitment to sustainable development for Cambodia and responded to the people's will by promising reduction of poverty. In his speech that focused on reforms, he proclaimed that "Reforms are the top priority for Cambodia, and the country will continue deepening reforms in all fields in order to increase competition, to sustain economic growth and to reduce poverty...Deep reforms will be focused on legal and judicial reforms, anti-corruption, good governance and land and forest management²⁷." According to the Guidelines for Formulating National Strategic Development Plan²⁸ (NSDP 2014-2018), the

¹⁹ Annual Development Review 2013-2014: Development Inclusiveness, Sustainability and Governance in Cambodia. A CRDI (Cambodia's leading independent development policy research institute) Publication, February 2014.

²⁰ Rectangular Strategy, Phase III.

²¹ Human Development Report 2013.

²² Ministry of Planning

²³ Ministry of Planning

²⁴ World Health Ranking

²⁵ Pou Sovachana (2012). *Progress and Challenges of Education in Cambodia Today*, Cambodia Progress and Challenges since 1991 Edited by Pou Sothirak, Geoff Wade And Mark Hong, ISEAS, Singapore.

²⁶ Nem Sowath (2012). *Civil War Termination and the Source of Total Peace in Cambodia*. Reaho, Phnom Penh, Cambodia.

²⁷ *Marathon PM speech focuses on reforms*, The Phnom Penh Post, 26 September 2014.

²⁸ Ministry of Planning retrieved 6 June 2014

government of Cambodia is committed to ensuring a better quality of life for its people, and to building a democratic, rule-based society, with equitable rights and opportunities for the population in terms of economic, political, cultural and other spheres. It aims at maintaining an open market economy, and will formulate policies that provide an enabling and conducive environment for a better quality of life. Despite strong economic growth indicators and sensitive government policies, the overall development of human security in Cambodia remains far from ideal and thus requires an explanation²⁹.

In light of this commendable high level of economic growth and socio-economic development, not everyone is experiencing the same benefits, as poverty persists mainly in the rural areas and the country is still considered a third world country by the World Bank and the UN and a fourth world country by some. According to Christine Lagarde, International Monetary Fund Managing Director, too many people are still living in extreme poverty, earning less than \$1.25 per day, despite the incidence of poverty falling from over 50 percent in 2004 to 20 percent in 2011³⁰. Hence, human security issues remain and are becoming harder to disguise under the veil of economic advancement. These issues of human security as defined by The UNDP in 1994 include "...safety from such chronic threats as hunger, disease and repression, and protection from sudden and hurtful disruptions in the patterns of daily lives, whether in homes, jobs or communities³¹."

Despite governmental claims of continuous growth and development, Cambodians remain insecure in terms of freedom from want. For many people, dire poverty caused by factors accompanying economic growth, continues undiminished due to the weakness of formal institutional capacity for human protection and empowerment. The ultimate objective of any meaningful development is to raise the standard of living of the people and end poverty and inequality. For ordinary Cambodians, this high growth has brought hope and a sense of optimism but for the most part not any real change in their personal security and safety. While the government promises inclusive growth, the benefits have not been evenly distributed and the widening inequalities of wealth distribution are profound. There are sizeable disparities between the rich and the poor, and between the urban and the rural areas. According to a report from the UN Capital Fund in 2010 on local development, 3.7 million people were estimated to live below the poverty threshold. This includes 92 percent of the poor who are residing in the countryside, of which only 10 percent own a title to their land. It is clear that the level of poverty remains a source of threat to personal security. The benefits of direct government support should go to the people as a whole rather than to the few elites. Inclusive growth must reach the poor just as much as the middle class and the wealthy. Any sustainable economic development needs to embrace inclusive growth as a basic government strategy – through right, transparent and effective social policies which put people's interest first. The Royal Government needs to implement much needed reforms targeting corruption and inclusiveness and to provide a more just and equal society.

²⁹ Peou Sorpong (2013). *Chapter 7: Human Security in Post Cold War Cambodia*

³⁰ Lagarde, Christine. *Cambodia at the New Frontier: an Address to the Royal School of Administration*. Phnom-Penh, December 3, 2013.

³¹ http://en.wikipedia.org/wiki/Human_security

Human security calls for people-centered or people oriented and prevention-oriented responses. Based on the constitution of Cambodia and the principles of democracy, the government must pay full attention to the needs and welfare of its citizens. The current emphasis on economic development shouldn't override democratization and human rights. Social injustice continues to be a common occurrence in the daily life of the people, due to the lack of proper individual protection and ineffective governance. Corrupt governance is also a major problem in Cambodia. For years, Transparency International has placed the country as one of the most corrupt nations in the world. In 2013, Cambodia was ranked 160 out of 170 of the most corrupt countries³². Furthermore, Cambodia's judicial system is generally recognized both for its lack of legal know-how and political independence. According to the report issued in September 2010 by UN human rights envoy Surya Subedy, the judiciary of Cambodia is corrupted and incompetent. The report stated, "Corruption seems to be widespread at all levels of the judiciary."

In recent years, there has been a surge in forced displacement of rural and indigenous communities resulting from large-scale land concessions granted by the government for agribusinesses in an effort to increase GDP. Since 2000, Amnesty International estimates some 420,000 people have been affected by forced evictions to make way for development projects that are said to be in the "national interest" but are invariably also very much in the business interests of senior members of the regime³³. According to data from rights group Licadho, local and foreign firms now control 3.9 million hectares of concession land, or more than 22 percent of Cambodia's total surface. The land grabbing issue is the latest example of the state struggling to meet the needs of its citizens and the growth expectations of the international community. Needs as basic as providing clean water, decent housing, health care, social justice and education are undercut by the need to increase GDP and to de-regulate social services. In his September 2012 report, the Special Rapporteur on the situation of human rights in Cambodia, Surya Subedi, concluded that there are "well documented serious and widespread human rights violations associated with land concessions³⁴." To uphold the spirit of the 1991's Paris Peace Agreement, Cambodians need a more responsive style of government that provides political, economic, and socio-cultural benefits for all citizens

Political insecurity is also evident currently. After the last national election in July 2013, Cambodia remains trapped in a political row due to the opposition's refusal to accept the election outcome, which some claim was marred by fraud and election irregularities³⁵. Peaceful mass demonstrations were commonplace during the months after the election. The government showed restrictive restraint and the protesters used Freedom Park to stage their resistance marches. However, the post-election violence has already led to the death of seven persons and to dozens being injured. A bystander was shot in the head by police during a clash between protesters and police on the Monivong Bridge on September 15, 2013 and a food vendor was killed by a police bullet after officers opened fire during a violent protest in Phnom Penh's

³² Transparency International

³³ Gregory, Peter. *Cambodian Government Must Reform Land Rights Laws*, The Cambodia, June 6, 2013.

³⁴ Surya Subedy. *Report of the Special Rapporteur on the situation of human rights in Cambodia*. United Nations General Assembly. October 11, 2012.

³⁵ The Joint Report on the Conduct of the 2013 Cambodian Elections compiled by a coalition of human rights NGOs ERA (Election Reform Alliance).

Meanchey district on November 12, 2013. A few months later, on January 3, 2014, a strike by garment workers demanding a monthly living wage of \$160 turned fatal as the military police used AK-47 rifles to fire bullets directly into a crowd of protesters, some of whom were throwing rocks and Molotov cocktails. At least five were killed and many more wounded.³⁶ The next day, a large group of military police accompanied by a group of men wielding sticks, batons, metal pipes and axes, drove the protestors out of Phnom-Penh's Freedom Park. The impact of this deadly clash has grave consequences in terms of human security. The government needs to embrace a constructive and cooperative resolution by discarding the excessive use of violence and intimidation to address workers' demands and to deal with political dissent peacefully. Military intervention might stop the uprisings, but peace established by using bullets won't last. Ensuring social order through peaceful means is in the best interest of all people.

On the latest headlines regarding migrant workers, the Thai junta (after the military coup in May 2014) has launched a massive crackdown of all foreign illegal workers in which more than 250,000 Cambodian migrant workers, mostly undocumented, were inhumanely expelled and deported home in early June 2014. This mass exodus has created severe disruption and insecurity particularly to the most vulnerable including women, children, and migrants. It challenges the role of the government on the protection aspect of human security. "This is the largest-ever repatriation we have met. It is like a flood that strongly hits Cambodia³⁷," said Cambodian Prime Minister Hun Sen. While the government struggles to deal with the displaced workers, one of the best solutions is to provide better economic opportunities and decent paying jobs in the country to stop the flow before it begins.

The impact of this deadly clash has grave consequences in terms of human security. In a democratic society, the authorities cannot ignore the demands of the citizens. The government needs to embrace a constructive and cooperative resolution by discarding the excessive use of violence to address workers' demands and to deal with political dissent. Ensuring social order and the continued peace is in the best interest of all people. Given the current levels of tension, the ruling party must abandon confrontational rhetoric and exercise restraint towards protestors to build stability and prosperity. Political reconciliation norms through dialogue, compromise, and a legislature that is enjoyed by all are keys to solve this deadlock. The alternative is untenable. Good governance cannot come from force. The search for lasting peace and security has not been easy and it is yet not completed. In terms of downside risk of human security in practice in Cambodia, UN rights envoy Surya Subedy offered a solution at the end of his 10-visit to Cambodia in June 2014,

"Having studied Cambodian society and history carefully, and interacting with people from all forms of life, it is my duty to state that if real reforms are not effected soon, the country runs the risk of a return of violence³⁸."

³⁶ The Cambodia Daily, Unions Tell Garment Workers to Suspend Strike, January 8, 2014.

³⁷ Xinhua, *Over 250,00 Cambodian migrants workers flee Thailand in fear of junta's crackdown*, June 26, 2014

³⁸ The Phnom Penh Post, June 25 2014, Violence threatens still, Says Subedi.

Conclusion

In summary, the outlook for the entire country is in a very positive place in terms of human security according to the official government. But the reality on the streets is different for many people. The answer you receive depends on whom you ask. One can conclude that more Cambodians enjoy better security in the last two decades in terms of freedom from fear and from want³⁹. The fear of direct physical violence associated with armed conflict and violent crimes has disappeared with the disintegration of the Khmer Rouge Regime in 1998. But armed conflict is only one threat to human security, rapid and unchecked economic growth with no pro-poor policy continues to threaten the lives and livelihoods of Cambodian people in ways that do not correspond with the positive reports of rising GDP and per-capita income levels. In a public forum on land issues one indigenous representative summarized the gravity of another type of human suffering in Cambodia by saying: "All this development is destroying our lives⁴⁰."

³⁹ Peou Sorpong (2013). *Chapter 7: Human Security in Post Cold War Cambodia*

⁴⁰ 19 June 2014, Meeting of the Prey Lang Network at Foreign Correspondence Club, Phnom Penh.

DOING RESEARCH IN CAMBODIA: MAKING MODELS THAT BUILD CAPACITY¹

Pou Sovachana

Deputy Director at the Institute for Cooperation and Peace

**Summary of Findings at The Launching of The Final Report
“Doing Research in Cambodia: Making Models that Build Capacity”
Hotel Cambodiana, 1st April 2016**

Synopsis

Cambodia has a missing older generation, many of whom were executed during the Khmer regime. This has meant missing academics and a limited understanding of the role of research, marked by a large gap between policy makers who undervalue research and social science researchers, who do understand the value that research brings to society. Expectedly, clearing bureaucratic roadblocks is one of the impediments to doing research in the country, as are opportunities for funding, multi-stakeholders collaboration and capacity building. In addition, there is an overabundance of donor-driven agendas. However, the research environment in Cambodia is in transition, given the vibrancy of youth and other groups willing to engage in it, as well as the emergence of action-oriented research, especially by civil society. Gender gaps in research need to be closed (nearly all research is conducted by men), and more attention needs to be paid to the quality of research being conducted. Researchers in Cambodia also recommend finding ways to incentivize research, improve access to literature and research data, and create national standards for research.

Doing Research in Cambodia

Cambodia’s bitter and tragic past has had a detrimental impact on the number of educated professionals available to conduct endogenous research. It is therefore unsurprising that previous studies have found that social science research is frequently conducted by foreign consultants, while donors and external stakeholders often dictate the research agenda.² To address this lack of endogenous research, there was still a need to profile the ongoing evolution of the Cambodian research landscape and provide actionable recommendations to build future capacity on both sides of the policy-research community.

With support from the Global Development Network and the ‘Doing Research’ peer review workshop, a research team from CICP undertook a one year action research study to capture – and to help transform – the current state of Cambodian research. In early 2015, a roundtable of experts created a list of 25 institutions to interview, including both rural and urban universities (president, senior academic staff, faculty members, researchers, and students), NGOs, think tanks, donor representatives, and government ministries. Our bottom-

¹ “Doing Research in Cambodia: Make Models that Build Capacity” final report, 2016

² “Doing Research in Cambodia: Make Models that Build Capacity” final report, page 15

up approach focused on giving voice to participants and achieving practical problem-solving outputs. It aimed to reduce dependence on donors in the long term by strengthening the endogenous capacity of the research community and improving collaborations between researchers.

Barriers

Our findings show that the primary impediment to research is insufficient funds for research, training, and dissemination. The government cannot adequately fund projects necessary to guide policy decisions, as even the national census is donor financed. Furthermore, instructors and students are generally responsible for funding their own projects. Since universities are tuition-driven, instructors are given little time or money to conduct research. This implicitly communicates that research is a non-critical afterthought.

Respondents admitted that many staff lack the ability to conduct research, while dissemination activities are limited. Researchers commonly present findings at academic workshops. Therefore findings, embedded in reports, often overly technical and written in English, remain largely inaccessible to a wider audience.

English proficiency proved another obstacle, preventing many Cambodian researchers from conducting literature reviews and increasing their workload when translating results for publication. With few academic publications, no accessible research database, and insufficient provincial libraries, research outreach is severely limited. And, since reports are written using technical English, it is unclear whom the research is targeting.³

Due to funding and human resource limitations, most research is dictated by donors, led by outside consultants, and financed on a short-term basis – as in this study.⁴ Consequently local capacity is stunted and short-term studies do not capture complex societal issues adequately. Donor institutions are often reticent to tackle controversial issues or report results without government consent.

Cambodian research production is at a transitional stage. While we found general ambivalence toward research among older interviewees, younger Cambodians demonstrated a growing enthusiasm and receptivity. Few women participated in our study due to a gender imbalance in senior positions. Equal opportunity policies and equal access to education are needed to reverse this trend. However, Cambodia is improving; as evidenced by the increasing number of female students in tertiary education.⁵

The Policy-Research Environment

Policy-research connections are restricted by entrenched structural challenges. For instance, policy makers often lack the education required to understand reports. Perhaps consequently, scientific research is often not perceived as valuable within this sector. As one government official admitted, *“Government policy is not produced through research”*.⁶ Instead government officials make policy decisions based predominantly on personal connections, entrenched

³ “Doing Research in Cambodia: Make Models that Build Capacity” final report, page 88

⁴ “Doing Research in Cambodia: Make Models that Build Capacity” final report, page 81

⁵ “Doing Research in Cambodia: Make Models that Build Capacity” final report, page 47

⁶ “Doing Research in Cambodia: Make Models that Build Capacity” final report, page 117

beliefs, and potential profit. Some policy uptake indifference may be due to many researchers gearing their research toward academia.

Some NGOs can exert pressure on the government by publishing polished research that is read by foreign officials. Donor institutions with close governmental relationships can influence policy by avoiding flash point human rights issues and playing an important and constructive role on non-sensitive issues like job creation. However the most troubling human rights issues often remain either ignored or watered down.

The elephant in the room is that taboo, politically sensitive research topics remain too dangerous and difficult for most researchers to attempt. Results that are openly critical of the government are usually self-censored or diluted in order to avoid anticipated political pressure.

Going Forward

Our respondents made many constructive recommendations: increase institutional cooperation; mentor Cambodian staff/students; create collaborative research; plan research dissemination prior to collecting data; incentivise research; fund an accessible national research database; and promote capacity building.

There is cause for optimism. Respondents noted that the government increasingly uses local research on issues like migration flow and job creation. Human rights NGOs continue to have success using their research and international advocacy networks to pressure government on key issues. More universities are creating funds for research through international collaborations and even creating in-house publications.

This research project has provided an essential empirically-based understanding of the state of research in Cambodia and potential avenues for improvement. It also serves as a pioneer model for reciprocal, action research designed to build capacity within the research community. Specifically we went beyond data collection in 3 ways:

1. Provided a research methods training course for students.
2. Presented results at several institutions to increase dissemination and discussion.
3. Created an on-going website (www.researchkh.org) to inform people about available funding and serve as a networking conduit.

It is our intention that this project, and the conversations that emerge from it, will play a part in transforming Cambodia's research environment. There is still much to uncover about research in Cambodia but hopefully this study will provide an impetus for further research.

ACHIEVEMENTS AND CHALLENGES OF SSR/SSG AND THE EFFECTIVENESS OF MULTI-STAKEHOLDER APPROACHES IN CAMBODIA THROUGH COOPERATION BETWEEN CICP AND DCAF

Pou Sovachana
Deputy Director at the Cambodian Institute for Cooperation and Peace

Remarks Delivered at The Inter-Parliamentary Forum on Security Sector Governance in Southeast Asia (IPF-SSG) 10th Anniversary Workshop

Good Governance of the Security Sector in Southeast Asia: What Role for Parliaments?
Apsara Hotel, Siem Reap, 15-16 September 2016

First of all, I would like to thank the Geneva Centre for the Democratic Control of Armed Forces (DCAF), the Friedrich Ebert Stiftung (FES), and the Swiss Agency for Development and Cooperation (SDC) for their support in co-organizing this very relevant and important 10th Anniversary Workshop on Good Governance of the Security Sector in Southeast Asia. It gives me great pleasure to be here today and be given the opportunity to share my views on this important session regarding “*Security Sector Governance Initiatives in Southeast Asia: Country Updates*”. Since I represent the Kingdom of Cambodia, I will frame much of what I say on the achievements and challenges of SSR/SSG and the effectiveness of Multi-Stakeholder Approaches in Cambodia. I will highlight my talk on the numerous activities which have taken place in the context of SSR and SSG in my country through the cooperation between CICP and DCAF. I will also address the challenges and offer lessons learned.

I want to begin by quoting a Chinese proverb that we all know “Give a man fish and he will eat for a day. Teach him how to fish and he will eat for a lifetime”. The issues of SSR and SSG in some Southeast Asian Countries are more fundamental and complex. The fish are there. The people, at this globalization age and social media explosion, know how to fish. Yet, there are barbed wire fencing, hindrances and obstacles around the pond, literally and factually, forbidding them to live free from fear, free from want, and free to live in dignity (human security issues). The voices of the general population must be taken into account in measuring the effectiveness of the implementation of SSG and SSR.

With this mind, the aim of the Inter-Parliamentary Forum on Security Sector Governance in Southeast Asia (IPF-SSG) is to promote ongoing dialogue between Southeast Asian parliamentarians, with the intention of increasing civilian oversight, public accountability and national parliamentary involvement in security sector governance. After all, SSG is about promoting and implementing good governance, rule of law, and social justice and welfare for all. History has reminded us that peace cannot last with social justice. “Injustice anywhere is a threat to justice everywhere,” said Martin Luther King Jr., Letter from the Birmingham Jail.

To achieve this end, the Cambodian Institute for Cooperation and Peace has been involved in the IPF-SSG in cooperation with DCAF and FES since the forum’s inception a decade ago here in Siem Reap and since has hosted the IPF-SSG workshops three times: in 2008, 2011 and this year. A wide range of Cambodian stakeholders have participated in the IPF-SSG’s workshops throughout the last ten years. This has been provided an important avenue to introduce Cambodian stakeholders involved in the security sector to the concepts

of security sector governance and reform and especially to open dialogue among the Cambodian stakeholders, as well as for exchanging experiences and lessons learned with other Southeast Asian states.

Furthermore, CICP's involvement in the IPF-SSG contributed to the launch of a multi-stakeholder dialogue process on security sector governance and reform in Cambodia in 2012 in cooperation with DCAF. The principal objective of this process was to generate informed dialogue and inclusive discussion among a large variety of Cambodian stakeholders in view of fostering potential approaches and challenges to good security sector governance in Cambodia. This platform was especially important in the current political climate in this country because it focused on consensus-building through open dialogue and inclusiveness. It allowed actors who would not normally meet in an informal setting to exchange their perspectives. This process took place in the form of a background study, two expert workshops, a national conference and a final report.

The multi-stakeholder dialogue process concluded that there are multiple reasons for the increasing importance of security sector governance and reform in Cambodia. **First**, in Cambodia, the exact separation of powers and the lack of check and balance between the executive, the legislature, and the judicial branches of government are quite limited even though the constitution enshrines the basic governing principles of: separation of powers; organization and functions of state institutions; election; and appointment and status of military officers. **Second**, there has been an insufficient willingness of security forces to seek peaceful dialogue when confronted with demonstrating citizens and workers. Peaceful protests are a way to voice injustices and complaints and responding with violence does not reflect well on the advancement of Cambodia nor its valuing of Buddhist principles of non-violence. I believe that good never comes from force. **Third**, the political tensions have remained high. The country is dealing with structural power politics. **Fourth**, the government is under pressure from a growing middle class to enhance the effectiveness and accountability of the security sector. **Fifth**, the government's deepening integration into ASEAN has increased pressure to enhance democratic governance, which includes governance over the security sector. **Sixth**, the government is committed to diversifying its external relations, which will benefit from achieving an international standard of security sector governance. **Seventh**, it is necessary to increase security sector reform efforts in Cambodia as a means of reining in corruption in the security services. **Eighth**, as part of SSR, Cambodia's security forces need to more fully involve themselves in human rights trainings. **Ninth**, Cambodia's security forces need to become more involved in combating natural disasters and other problems associated with climate change. **Tenth** and finally, Cambodia's security sector needs to realize that it is responsible to the Cambodian monarch and people rather than to any partisan interests.

On the basis of these conclusions, CICP in cooperation with DCAF formed an inclusive around 30-odd member **Cambodian study group to examine security sector governance and security sector reform**. The study group held its inaugural workshop in **early 2014**. It was recognized that the enhancement of security sector governance through security sector reform is crucial because the country needs to provide security in an effective, efficient and accountable way to ensure political, economic and social development, which is sustainable over the long-term. In 2015, the study group concluded that it was time to organize a series of specific group discussions (e.g. among members of parliament, civil society organizations, etc.) to consult and increase capacities within each group before meeting again in the plenary format.

Finally, as part of the broader efforts by CICP in cooperation with DCAF to engage Cambodian stakeholders in the democratic governance of the security sector, CICP has focused its activities in 2016 on the role of parliaments. In this vein, CICP has translated the

Inter-Parliamentary Union and DCAF Handbook on Parliamentary Oversight of the Security Sector into Khmer, which will soon be published. The objective of this is to enhance the capacity of Cambodian security sector actors and in particular of members of and staffs of parliament. Also, the hosting of the IPF-SSG in Siem Reap has to be seen in the context of parliamentary capacity-building, as it allows Cambodian members of parliament and parliamentary staffers to share experience and good practices with their colleagues from other ASEAN countries.

It is my hope that my brief presentation here offers lessons for participants to foster a more useful understanding on the important role of parliaments regarding SSG and SSR as well as to inspire national security sector governance activities in Cambodia and the region as mentioned above.

Thank you!

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