



ASIA MAIOR

Vol. XXXII / 2021

Asia in 2021: In the grip of global and local crises

Edited by
Michelguglielmo Torri
Filippo Boni
Diego Maiorano

viella

CENTRO STUDI PER I POPOLI EXTRA-EUROPEI “CESARE BONACOSSA” - UNIVERSITÀ DI PAVIA

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The Journal of the Italian think tank on Asia founded by Giorgio Borsa in 1989

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ISBN 978-88-3313-827-5 (Paper) ISBN 978-88-3313-828-2 (Online)

ISSN 2385-2526 (Paper) ISSN 2612-6680 (Online)

Annual journal - Vol. XXXII, 2021

This journal is published jointly by the think tank Asia Maior (Associazione Asia Maior) & the CSPE - Centro Studi per i Popoli extra-europei «Cesare Bonacossa», University of Pavia

Asia Maior: The Journal of the Italian Think Tank on Asia founded by Giorgio Borsa in 1989 is an open-access journal, whose issues and single articles can be freely downloaded from the think tank webpage: www.asiamaior.org.

The reference year is the one on which the analyses of the volume are focused. Each *Asia Maior* volume is always published in the year following the one indicated on the cover.

Paper version	Italy	€ 50.00	Abroad	€ 65.00
Subscription	abbonamenti@viella.it		www.viella.it	

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Articles meant for publication should be sent to Michelguglielmo Torri (mg.torri@gmail.com), Filippo Boni (filippo.boni@open.ac.uk), Diego Maiorano (dmaiorano@unior.it); book reviews should be sent to Michelguglielmo Torri (mg.torri@gmail.com).



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CAMBODIA 2018-2021: FROM DEMOCRACY TO AUTOCRACY

Caroline Bennett

Te Herenga Waka Victoria University of Wellington
caroline.bennett@vuw.ac.nz

The years between 2018 and 2021 continued a pattern for Cambodia of a rolling back of democracy, human rights, and civil liberties, and saw the completion of the transition from a multi-party illiberal democracy to a one-party, authoritarian state. As attacks against political opposition increased, and political space was progressively closed, most commentators agreed that Cambodia had transitioned from competitive to authoritarian hegemony. The global COVID-19 pandemic saw a marked contraction of the economy, and its ability to recover remains to be seen. Foreign relations with the US and EU, already seriously deteriorated by 2018, continued to decline, and dependence on China increased, bringing unease to nations in the region and further afield. Recognising growing dissatisfaction among the population, the ruling party took measures to secure future control through varying means, including some efforts to address corruption, widening patronage networks, and co-opting youth groups to the party. A cabinet reshuffle brought younger blood into key political positions, and health diplomacy due to the pandemic offered means for Cambodia to smooth over tense international relations. However, at the end of 2021, the Cambodian Prime Minister remained defiant of international opinion and pressure, and looks set to continue his authoritarian, politically violent, rule.

KEYWORDS – Cambodia; COVID-19; authoritarianism; democracy; human rights; ASEAN; China; US; trade; health diplomacy; ECCC

1. Introduction

Like all nations globally, the last few years have been tumultuous for Cambodia. The years from 2018 to 2021 saw a marked decline in human rights, justice and the rule of law, and democracy within Cambodia, with the introduction of some of the most repressive control measures seen since before the UN-backed elections of 1993. Labour relations continued to be fraught, and corruption remained high. In a survey conducted in 2018, 33% of Cambodians considered government corruption to be a big problem, with 37% of public service users having paid a bribe in the previous year.¹ The nation's

1. Ádám Földes, Maíra Martini & Matthew Jenkins, 'Cambodia', *Right to Information in Asia Pacific: How 11 Countries Perform on SDG 16.10, Transparency International*, 2018, pp. 20-23.

international reputation remained poor, and, in 2021, Cambodia was ranked 157 out of 180 countries for transparency,² and second to last in the Rule of Law Index by the World Justice Project.³ All of this resulted in tense foreign relations, with widespread condemnation of the Cambodian government's overt suppression of opposition and attacks on human rights. Partly in response, Cambodia has shifted from reliance on the EU and US, to a closer relationship and dependency on China, causing unease both in the region and wider afield. While managed relatively well, COVID-19 caused a major contraction of the economy, particularly in the most vital industries: tourism, construction, and the garment industry. The pandemic also provided another means of increasing control and suppressing political opposition and dissent, continuing and amplifying a trend which had started before the 2013 elections. Meanwhile, climate-related disasters, particularly in the form of flash floods, saw thousands of people displaced, with massive damage to homes and agriculture, increasing food insecurity and poverty for many people.

Not everything was negative. Until the pandemic, the economy continued to grow at an annual rate of around 7%, making it one of the fastest growing economies in the world, and while inequalities persisted, there was a steady improvement in living standards.⁴ Health and education both saw marked improvements: child mortality fell, and enrolment in primary education was 97% in 2020 (up from 82% in 1997).⁵ There were important convictions in the UN-backed Khmer Rouge trials, the Extraordinary Chambers in the Courts of Cambodia, with Nuon Chea and Khieu Samphan being the first people to be convicted of genocide by the courts in 2019. Recognising the need to appeal to younger generations, and in attempts to manage dissent and growing dissatisfaction among the general population, in the period under review, the government made some moves towards addressing corruption and winding back some of the freedom-destroying measures hitherto in force. In 2018, some of the more overt attempts to block political opposition to the ruling party were rolled back, and in 2019 several senior government officials were arrested and charged with illegal logging and land grabbing. In 2021, a new draft law was created towards the establishment of a National Human Rights Institution. However, these changes were minimal, and undermined by other legislation as well as by ongoing harassment and violence against environmental and political activists. In addition, international monitors have expressed concern about the potential establishment of a Human Rights Institute with no independent oversight.⁶

2. 'Cambodia', *Transparency International*, 2022.

3. 'WJP Rule of Law Index 2021', *World Justice Program*.

4. The World Bank, *The World Bank in Cambodia* (<https://www.worldbank.org/en/country/cambodia>).

5. *Ibid.*

6. 'Universal Periodic Review: Cambodia - Third Cycle: Cambodia', *United Nations Human Rights Council*, 2022.

At the end of the period under review, Cambodia had reopened its borders, and its economy looked set to rebound slightly. All in all, however, Cambodia had a deteriorating human rights record and an authoritarian government which appeared intent on holding on to power for the foreseeable future.

2. Domestic affairs: rolling back democracy and human rights

The years between 2018 and 2021 were in many ways exactly as expected. Hun Sen continued to consolidate his rule and the rule of the Cambodian People's Party (CPP) through a mixture of opposition suppression, electoral manipulation, and the introduction of a swathe of new laws limiting gatherings and dissent. The COVID-19 pandemic provided additional opportunities for widening control, and as a result, human rights continued to deteriorate, with crack downs on human rights workers, political opposition, the media, and any other voice deemed critical. Democracy in the Kingdom is all but destroyed, and commentators largely agree that Cambodia has now transitioned from competitive to hegemonic authoritarianism.⁷

Democracy has always been fragile in Cambodia. The first elections established after the deposal of the Khmer Rouge, overseen by the United Nations Transitional Authority in Cambodia (UNTAC) in 1993, were neither free nor fair. Despite having committed genocide, the Khmer Rouge were part of one of the parties running for election; and although the election was won by the FUNCINPEC,⁸ this party, to form a government, had to enter a coalition with the CPP. This move paved the way to the CPP taking complete control, which happened following a coup in 1997. Ever since, elections have been surrounded by accusations of fraud, intimidation, and violence. 2018 was the culmination of this trend. With no longer even a pretence of democracy, the CPP obliterated any opposition, winning all 58 «elected» seats in the Senate in February, and all 125 in the National Assembly in July.⁹

This move to a one-party state was a result of the success of the main opposition party, the Cambodian National Rescue Party (CNRP), in the 2013 elections. Prior to that, the CPP had allowed weak parties to exist,

7. Neil Loughlin & Astrid Norén-Nilsson, 'Introduction to Special Issue: The Cambodian People's Party's Turn to Hegemonic Authoritarianism: Strategies and Envisaged Futures', *Contemporary Southeast Asia*, Vol. 43, No. 2, August 2021, pp. 225-240.

8. The Front Uni National Pour un Cambodge Indépendant, Neutre, Pacifique et Coopératif (the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia).

9. Sorpong Peou, 'Cambodia in 2018: A Year of Setbacks and Successes', *Southeast Asian Affairs 2019*, pp. 105-120.

confident that they would never get enough votes to take power.¹⁰ However, in 2013, the CNRP, created through the amalgamation of the two main opposition parties – the Sam Rainsy Party, and the Human Rights Party – won 55 of the seats in the National Assembly. This result, showing that there actually was some democratic space in Cambodia, shook the confidence of the ruling party, and for the first time since the UNTAC-managed elections of 1993, provided a glimpse at a possible end to Prime Minister Hun Sen's rule.

Since then, Hun Sen and the CPP have taken successive measures to ensure this never happens. In the run up to the 2018 elections, the CPP shut down independent media, arrested the deputy leader of the CNRP - Kem Sokha - for treason (for conspiracy trying to organise a «colour revolution» by allegedly conspiring with the US to overthrow the CPP), and dissolved the party. The CPP also began putting in measures to control and prevent dissent, while also ensuring loyalty and support from key government figures. When the CNRP was dissolved, Sokha and 118 other opposition lawmakers were banned from politics for five years, taking them out of the competition for the 2018 elections, and leaving them little time to organise in the run up to the 2023 elections.¹¹ The years since 2018 have seen even further repressive measures against democracy, including open targeting of political opposition, a swathe of laws increasing powers of control and suppression, increased surveillance of the entire population, co-option of key figures and organisations into the CPP, and the creation of a dynasty to ensure the survival, not only of the CPP, but also its ruling families.

2.1. *Political targeting*

In the period under review, targeting of political opposition increased and, on occasion, extended beyond Cambodia's borders. In November 2019, Sam Rainsy – acting president of the CNRP, in self-imposed political exile in France since 2013 – announced his intention to return to Cambodia.¹² In response, the government increased surveillance of CNRP members and activists, and declared zero tolerance for activity in support of CNRP.¹³ As Sam Rainsy announced that he intended to travel to Thailand to attempt to enter Cambodia, troops were mobilised at the Thai border, the presence and activity of Hun Sen's personal bodyguard was increased in Phnom Penh, and over 70 CNRP activists were arrested on charges of trying to overthrow the government.¹⁴ Citing the ASEAN principle of non-

10. *Ibid.*

11. 'Cambodia: Supreme Court Dissolves Democracy', *Human Rights Watch*, 17 November 2017.

12. 'Sam Rainsy plans to return to Cambodia', *Bangkok Post*, 16 August 2019.

13. Kheang Un & Jing Jing Luo, 'Cambodia in 2019', *Southeast Asian Affairs* 2020, pp. 119-134.

14. *Ibid.*

interference, Rainsy was prevented from boarding his plane to Thailand, and was therefore unable to return.¹⁵ Of the 129 former CNRP members arrested, all but four were released in December of that year; however, for all but 10 people, whose charges were dropped at the beginning of 2020, the charges still remained.¹⁶

More opponents were arrested in 2020. In July, political activist Rong Chhun was arrested for allegedly commenting on the contested Cambodia-Vietnam border. His trial, observed by external monitors, began in January 2021, and he was released in November 2021.¹⁷ When he was arrested, protests erupted, and several other people were arrested for «incitement». Other dissenters were arrested in the following weeks, including environmentalists, and musicians commenting on subjects such as relations between Vietnam and Cambodia and inequalities within Cambodia.¹⁸ In September 2020, seven activists were charged with treason for posting online supporting Sam Rainsy.¹⁹ In November, mass trials against 129 opposition figures, charged with conspiracy to commit treason and incitement to commit felony, began.²⁰ These trials continued throughout 2021, and some are still ongoing.²¹ Although 12 people were released late in the year, several people were charged, and in March 2022, 19 people were sentenced to between five and ten years imprisonment. Seven of these were part of the CNRP leadership, including leader-in-exile Sam Rainsy, and deputy leader Mu Sochua.

In January 2021, several CNRP leaders in exile overseas, attempting to return to Cambodia, discovered that their passports had been cancelled. As political scientist Lee Morgenbesser commented, «the extraterritoriality of repression was omnipresent».²² In March of the same year, nine former CNRP leaders were convicted of trying to overthrow the government and sentenced to over 20 years imprisonment. Among them, Sam Rainsy received a 25-year sentence, while Vice-presidents Mu Sochua and Eng Chhai Eang were sentenced to 22 years.²³ Meanwhile, the trial of Kem Sokha con-

15. Grant Peck & Precyapa T. Khunsong, «Thailand set to hinder Cambodian opposition's return plans», *ABC News*, 6 November 2019.

16. «Cambodian court drops charges against CNRP activists», *UCA News*, 18 January 2022.

17. John D. Giorciari, «Cambodia in 2020: Preventing a Colour Revolution», *Asian Survey*, Vol. 61, No. 1, 2021, pp. 123-129.

18. *Ibid.*

19. «Cambodia jails 7 opposition politicians for treason», *The Malaysian Reserve*, 25 September 2020.

20. Luke Hunt, «Cambodia Begins Mass Trial of Dissidents», *The Diplomat*, 26 November 2020.

21. Anna Baliga, «Cambodia begins mass treason trial of opposition activists», *Al-Jazeera News*, 14 January 2021.

22. Lee Morgenbesser, «Cambodia in 2021: With Fear and Favor», *Asian Survey*, Vol. 62, No. 1, 2022, p. 119.

23. *Ibid.*

tinued. Originally arrested and imprisoned in 2017, Kem was released on bail in September 2018, and put under house arrest, where he remained until November 2019. His trial, which began in 2020, was put on hold due to COVID-19, and only re-started in January 2022.²⁴

These mass trials have been widely condemned by the international community, and have wider potential impacts than just the convictions themselves.²⁵ Legislation passed in 2018 bans voting for any convicted felon, meaning anyone found guilty in these trials will not be able to vote in future elections.²⁶ In addition, Hun Sen has recently announced that he is considering a law that would prevent anyone with a criminal conviction from being able to be prime minister in the future.²⁷ In addition, in a recent statement endorsing his son to replace him, Hun Sen announced that he is considering a law preventing anyone over the age of 70 or 72 from being prime minister.²⁸ Should this law be passed, it will ensure that opposition leaders Sam Rainsy and Kem Sokha will be legally prevented from ever leading the country.

2.2. *Legislative measures and increasing surveillance*

In addition to the overt targeting outlined above, several pieces of legislation were passed into law aimed at suppressing political dissent. In February 2018, Cambodia passed a *Lèse-majesté* law creating a constitutional obligation to «defend the motherland», with penalties of between one- and five-years' imprisonment for insulting the king.²⁹ The law has largely been condemned by human rights observers and international organisations as politically motivated, being part of a continuing attack on civil liberties in Cambodia. Although only four people have been convicted on the basis of this law, two of them were former CNRP members, and it is one of the many pieces of legislation that has been used to convict former opposition leader Sam Rainsy, in absentia.³⁰

24. 'Cambodia resumes treason trial of opposition leader Kem Sokha', *The Guardian*, 19 January 2022.

25. Anna Baliga, 'Cambodia begins mass treason trial'; 'Motion for Resolution (on the Mass Trials Against Opposition and Civil Society in Cambodia)' *European Parliament*, 9 March 2021; 'Cambodia: Opposition Politicians Convicted in Mass Trial: Politically Motivated Prosecutions an Attack on Democracy', *Human Rights Watch*, 17 March 2022.

26. Sorpong Peou, 'Cambodia in 2018'.

27. 'PM Hun Sen declares his support for his son Hun Manet to succeed him as Prime Minister', *Khmer Times*, 2 December 2021.

28. *Ibid.*

29. Abby Sieff, 'Cambodia: first charges under controversial royal insult law', *International Bar Association*, 2019.

30. 'The Lèse-Majesté Criminal Offense', *Cambodia Center for Human Rights*, April 2019.

Subsequent laws have furthered the government's control and suppression powers. These include increased digital monitoring and surveillance, and a swathe of laws under the auspices of public health measures due to COVID-19. In May 2018, the government adopted the «Inter-Ministerial Proclamation on Website and Social Media Control» requiring all service providers to install surveillance software monitoring content and its circulation. The law also gave the Ministry of Post and Telecommunication the right to block or close web pages with «illegal content»: specifically, anything deemed to be «incitement, breaking solidarity, discrimination, creat[ing] turmoil by will, leading to undermin[ing] national security, and public interests and social order».³¹

These surveillance mechanisms were expanded by the introduction of the «National Internet Gateway» in 2021, which requires the routing of *all* internet traffic through a regulatory body by February 2022.³² The regulatory body has the right of «blocking and disconnecting all network connections that affect safety, national revenue, social order, dignity, culture, tradition and customs».³³ There is no independent oversight of this body, and penalties are «any actions deemed necessary». In addition, under this mandate some gateway operators are required to store and share personal data.³⁴

International observers have noted that as well as failing to meet international human rights standards on the right to privacy, this mandate has the potential to be used arbitrarily against any voice deemed «disruptive» in whatever way the government wants to define that.³⁵ There are further plans to restrict digital rights, including a draft Cybercrime bill, which has been in circulation on and off for years.³⁶

As well as digital surveillance, limiting dissent has been managed through a number of other laws, several brought in under the auspices of protecting public health due to the global COVID-19 pandemic. On 29 April 2020, the «Law on National Administration in the State of Emergency», hastily drafted in March of the same year, was signed into law.³⁷ This law allows the government to restrict movement, including by imposing compulsory quarantines, preventing people leaving their homes, restricting or banning gatherings, and closing public and private space. These measures are similar to ones taken in most other nations of the world at one time or another during the pandemic. However, Cambodia has taken it further, in-

31. 'Freedom on the Net 2019: Cambodia', *Freedom House*.

32. *Telecommunication Regulator of Cambodia* (<https://trc.gov.kh/>).

33. 'Cambodia: Internet Censorship, Control Expanded', *Human Rights Watch*, 18 February 2021.

34. *Ibid.*

35. Lee Morgenbesser, 'Cambodia in 2021'.

36. 'Cambodia: Scrap Draft Cybercrime Law', *Human Rights Watch*, 13 November 2020.

37. Kimkong Heng, 'Cambodia's State of Emergency Law and its Social and Political Implications', *Asia Pacific Bulletin*, No. 520, 6 August 2020.

cluding provisions for increased surveillance, and the tracking and limiting of information dissemination. The law has been widely criticised as a further measure towards suppression of political opposition, which legalises gross human rights violations.³⁸ Kimkong Heng of the University of Queensland suggests that this law may not only be about suppressing opposition in the present, but might also be pre-emptive:

In the future, should there be chaos and disorder caused by objection to the dynastic transfer of power – a worst-case scenario – the state of emergency law may come in handy. It may also help to legitimize Hun Sen’s government’s ongoing crackdown on dissent and further entrench his regime.³⁹

As if this law was not restrictive enough, in March 2021 the «Law on Preventative Measures Against the Spread of COVID-19 and Other Severe and Dangerous Contagious Diseases» was passed, giving further power to ban movement and prevent gatherings, and imposing prison sentences and massive fines for anyone convicted.⁴⁰ Like many of the other laws passed in the last few years in Cambodia, this has been condemned by international bodies, including the UN, for disproportionate and unwarranted measures.⁴¹ Again, as with many laws passed recently, this law has been used against political opposition: in April 2021, Sam Rainsy was charged for incitement to disobey COVID lockdown orders for Phnom Penh.⁴²

Fake news has also become one of the many means of suppression of freedom of expression and political opposition in Cambodia, tied in with COVID-19. In 2020, 17 people, who had voiced concern about the virus and its impacts online, were arrested for spreading «fake news». By the end of the period under review, 30 people in total had been arrested on this charge – 12 of them belonging to the CNRP.⁴³ In 2021, the Fake News Monitoring Committee in the Ministry of Information found 1,938 cases of fake news. It will surprise no-one that all of these alleged fake news items were critical of the government: according to the Committee’s report, 1,023 were intended to incite criticism of the government via disinformation, 809 cases

38. See Kimkong Heng, ‘Cambodia’s State of Emergency Law’; Sun Narin, ‘Cambodia: Govt defends draft law on State of Emergency amid Covid-19; while rights group concerned that the law undercuts human rights protection’, *Business and Human Rights Centre*, 3 April 2020; Rebecca Ratcliffe, ‘Fears as Cambodia grants PM vast powers under COVID-19 pretext’, *The Guardian*, 10 April 2020.

39. *Ibid.*

40. Sarah Johnson, ‘Cambodia accused of using Covid to edge towards «totalitarian dictatorship»’, *The Guardian*, 19 April 2021.

41. *Ibid.*

42. Sebastian Strangio, ‘Cambodia Opposition Leader Charged Over COVID-19 Lockdown Comments’, *The Diplomat*, 29 April 2021.

43. ‘List of arrests and persons in detention for COVID-19 related offenses’, *Human Rights Watch*, 2020.

insulted the King and the nation's leaders, and 106 items were «fake news with the potential to cause social chaos».⁴⁴ Also in 2021 Chinese journalist Shen Kaidong was deported, under allegations of spreading fake news about the pandemic.⁴⁵

2.3. *Public dissatisfaction, political co-option, and building a dynasty*

Partly as a result of these increasing curbs on civil liberties, but also in response to other conditions in the Kingdom,⁴⁶ dissatisfaction at the level of public opinion against Hun Sen and the ruling party has been growing. The desire for change was evident not only in the 2013 election results, but also in opposition to the prime minister from within his own party.⁴⁷ Therefore, alongside legislative measures taken to limit opposition and enhance control, the CPP has also undertaken measures to strengthen patronage networks within the party, ensuring loyalty by maintaining networks of allegiance. In 2019, in a move paralleling the win-win policy which brought peace with the Khmer Rouge in the 1990s, Hun Sen gave key people in military, security, and government, places in the Central Committee. Professor of Politics and International Security Sorpong Peou noted that following the 2013 elections «[Hun Sen] was more driven by the need to maximize security than enhance his political legitimacy».⁴⁸ Nonetheless, this mechanism – which was highly successful for brokering peace in the 1990s – made perfect sense for Hun Sen in the period under review, especially as it was deployed alongside other means, aimed at creating ties with the population.

At the same time, recognising the youthfulness of Cambodia's population, as well as the fact that this was where much resistance came from in 2013, the CPP also began co-opting youth organisations across the country. Astrid Norén-Nilsson of Lund University argues that youth mobilisation in Cambodia is at the heart of managing dissent, stating that: «youth participation through mass organizations in Cambodia today is best understood as a project designed by the governing elite to future-proof their hold on

44. Phak Seangly, 'Info ministry found nearly 2000 cases of fake news since January', *Phnom Penh Post*, 19 December 2021.

45. 'Cambodia deports Chinese journalist Shen Kaidong for «fake news» on COVID-19 vaccine sales', *Committee to Protect Journalists*, 4 March 2021.

46. For example: violence against women remained high, corruption was endemic, discrimination against ethnic minorities was widespread, labour conditions remained poor, and access to basic education and healthcare was difficult for some. Meanwhile liberalised economic practices gave huge access to countries such as China to invest, making conditions difficult for Cambodians in areas such as Sihanoukville (see section 3.2). All of this, and more, made an increasing numbers of people unhappy with the CPP's rule.

47. Jonathan Sutton, 'Hun Sen's Consolidation of Personal Rule and the Closure of Political Space in Cambodia', *Contemporary Southeast Asia*, Vol. 40, No.2, August 2018, pp. 173-195.

48. Sorpong Peou, 'Cambodia in 2018', p. 107.

power». ⁴⁹ Thus, in recent years, the CPP has begun «engineer[ing] avenues for youth participation which serve to recalibrate power relations between the young generation, powerful elite networks, the party and the state». As a result, youth participation is utilised «to extend the ruling elite's control over the young generation» and to provide avenues for elite regeneration within civil society. ⁵⁰ At the same time, the Prime Minister and his son and heir apparent, Hun Manet, have begun using social media and digital platforms to promote themselves as new, emotive, personas, while crafting a discourse justifying their unchallenged rule. ⁵¹ These measures were bringing previously disconnected or disenfranchised segments of the population within the sphere of CPP, cementing their [Hun Sen and his son's] influence across the generations.

Attempts to appease those denouncing political corruption were also made. In November 2018, the Interior Ministry rescinded Notice No. 175 requiring non-governmental organisations to provide at least three-days' notice before conducting any activities. This was a notice which, according to Human Rights Watch, had been used repeatedly to block activities of human rights organisations and others. ⁵² In December, an amendment to Article 45 of the Law on Political Parties was passed, stating that: «An individual whose political activities have been suspended [...] will be able to officially have their full political rights returned after the ruling of the Supreme Court has expired or in the case that the individual's rights are reinstated by the King after a request from the prime minister as proposed by the interior minister». ⁵³ Previously, the Act – which had been used against 118 opposition members in 2017 – prevented anyone who had had their political activities suspended by a court from ever forming a party or running in opposition.

Moves to counter political corruption did not end there. In response to public dissatisfaction, the CPP pledged to reform the party and politics, with the slogan: «taking a bath, looking in the mirror, cleaning the

49. Astrid Norén-Nilsson, 'Youth Mobilization, Power Reproduction and Cambodia's Authoritarian Turn', *Contemporary Southeast Asia*, Vol. 43, No. 2, August 2021, p. 270.

50. *Ibid.*, pp. 266-67.

51. Kevin Doyle, 'Co-opted Social Media and the Practice of Active Silence in Cambodia', *Contemporary Southeast Asia*, Vol. 43, No. 2, Special Issue: The Cambodian People's Party's Turn to Hegemonic Authoritarianism: Strategies and Envisaged Futures, August 2021, pp. 293-320.

52. 'Cambodia: Repeal of Abusive Association Rights Law', *Human Rights Watch*, 7 December 2018.

53. 'Assembly passes amendment to Political Party Law Article 45', *Phnom Penh Post*, 14 December 2018.

body, applying treatment, and conducting surgery».⁵⁴ In a cabinet reshuffle in March 2020, under the auspices of necessary changes needed to reform the public and judicial systems, Hun Sen replaced a number of older ministers with newer cabinet members, including at the head of the Ministries of Justice, Post and Telecommunications, and Civil Service.⁵⁵ These changes were largely viewed positively. They were, however, temporary. In December 2021, Hun Sen announced that the CPP had already drawn up a list of reserve ministers to replace those over the age of 60 after the 2023 elections. According to CPP spokesman Sok Eysan, the list comprises «qualified elites» – the children of CPP leaders and officials.⁵⁶ This leads us to another means by which the CPP is ensuring their ongoing hold on Cambodia's government: through the creation of a ruling dynasty.

At the beginning of 2022, Hun Sen announced: «I will become father of the prime minister after 2023 and the grandfather of the prime minister in 2030s».⁵⁷ While in 2020 he announced that he would lead for another 10 years, Hun Sen and his closest political allies are ageing. They have therefore begun creating a dynasty which will inherit the supreme power. Hun Sen's fourth child, Hun Manith, was appointed Director of Intelligence in the Ministry of National Defence in 2017.⁵⁸ In 2018, the Prime Minister's eldest son, Hun Manet, was promoted first to Deputy Commander in Chief and Joint Chief of Staff of the Royal Cambodian Army, and then to Commander.⁵⁹ He was also voted on to the permanent committee of the CPP. In 2020, Hun Manet was made head of the CPP's youth wing, and in December 2021, Hun Sen publicly endorsed his eldest son's position as his political successor.⁶⁰ Meanwhile, Hun Sen's son-in-law, Dy Vichea, Head of the Ministry of Interior's Central Security Department, was promoted to Deputy Chief of Police in January 2018.⁶¹ Dy Vichea's wife, Hun Mana, the Prime Minister's eldest daughter, owns and runs Bayon Television and at least 13 other media outlets, and is an assistant to the prime minister's office.⁶² Finally, Hun Sen's youngest son, Hun Many, is a member of the National Assembly.

54. Chheang Vannarith, 'Cambodia in 2020', *Southeast Asian Affairs 2021*, pp. 73-91.

55. Ben Sokhean, 'Sign of Shake-up: PM Hun Sen to reshuffle his Cabinet with young blood', *Khmer Times*, 10 December 2021.

56. *Ibid.*

57. Luke Hunt, 'Cambodia's Hun Sen Moves Ahead on Shoring Up Son's Leadership Prospects', *The Diplomat*, 4 January 2022.

58. Mech Dara, 'Hun Manith new head of military intelligence', *Open Development Cambodia*, 2017.

59. Khouth Sophak Chakrya, 'Hun Manet promoted after royal decree', *Phnom Penh Post*, 7 September 2020.

60. 'PM Hun Sen declares his support for his son Hun Manet'.

61. 'Dy Vichea promoted to Deputy Police Chief', *Phnom Penh Post*, 19 January 2018.

62. 'Hun Mana', *Media Ownership Monitor Cambodia*, 2022.

While establishing his own dynasty, Hun Sen has also taken steps to manage the succession of the elite who support him, ensuring the rise to leadership positions for their heirs.⁶³

All these moves have cemented both the CPP's transformation into an authoritarian regime with almost complete control over Cambodia in the foreseeable future. While the party has been criticised internationally, aid and funding still flow, and while dissatisfaction and opposition to Hun Sen and the CPP still exist in some segments of the Cambodian population, the combined results of suppression and control, building allegiances, and making use of co-optation mean there is little place for it to be expressed. This was clear to see when the CNRP was dissolved. Despite the huge numbers that turned out to celebrate the return of Sam Rainsy in 2013, when the party was dissolved in 2017, and when Sam Rainsy was prevented from returning to Cambodia in 2019, virtually no public protests were held. Whether this is the result of party loyalty, or fear of reprisal is uncertain, although it can be assumed it is as much the latter as the former. All this allows the CPP «to pursue its policy of developmental authoritarianism, which prioritises economic development over civil and political liberty».⁶⁴ The global COVID-19 pandemic, further entrenched this process.

2.4. COVID-19 and climate emergency

While the pandemic offered opportunities for tightening surveillance and furthering suppression, not everything about Cambodia's response was negative. Although the healthcare system in Cambodia is poor, a comprehensive vaccination scheme was rolled out early on, mostly using Sinovac, and, by December 2021, over 85% of the population were fully vaccinated.⁶⁵ That, alongside school closures, movement restrictions (including a curfew for some areas), and the cancelling of major festivals such as Khmer New Year, kept the numbers of infection relatively low: by March 2022, the reported number of deaths was 3,052, from a total of 135,085 cases.⁶⁶

At the same time, the pandemic provided a means to embark on health diplomacy as a result – according to Chheang Vannarith of the Cambodian Institute for Strategic Studies – of the close co-ordination between the Cambodian Ministry of Health, the World Health Organization (WHO),

63. Neil Loughlin, 'Beyond Personalism: Elite Politics and Political Families in Cambodia', *Contemporary Southeast Asia*, Vol. 43, No. 2, August 2021, pp. 241-264.

64. Kheang Un & Jing Jing Luo, 'Cambodia in 2019', p. 121

65. Jay Menon, 'Cambodia tests living with COVID-19', *East Asia Forum*, 2 December 2021.

66. World Health Organization, *Cambodia. Coronavirus Disease 2019 (COVID-19) Situation Report #83 (Report as of 21 March 2022)* (https://www.who.int/docs/default-source/wpro---documents/countries/cambodia/covid-19/covid-19-joint-who-moh-sitrep-83.pdf?sfvrsn=fb18ea49_5&download=true).

the US Center for Disease Control and Prevention, and other international partners.⁶⁷ This co-operation played out in some interesting ways. In February 2020, after being rejected from five other countries, Cambodia allowed the *MS Westerdam*, a cruise ship from Holland, to dock at Sihanoukville. Cambodia provided free testing and treatment to those onboard, which was heralded by the WHO as proof that «a country with fewer resources can contribute to global health security». According to the WHO, by doing this, «Cambodia exemplified the international solidarity that the World Health Organization (WHO) has consistently been calling for».⁶⁸ In addition, Cambodia donated masks, medical equipment, and supplies to Lao PDR, Myanmar, and Timor-Leste, in line with their newly declared foreign policy motto, «Small country, Big Heart».⁶⁹

All in all, it could be argued that Cambodia dealt well with the pandemic, especially in comparison to many wealthier nations. However, some commentators noted that some of the control measures were disproportionate and put people at risk. For example, during an outbreak in 2021, people in certain red zones were banned from leaving their homes, even for food.⁷⁰ The pandemic also highlighted the endemic corruption that weakens Cambodian governance, when new outbreaks occurred in 2021, allegedly due to a group of people breaching quarantine by bribing guards.⁷¹ The docking of the *MS Westerdam*, on its part, could also be more about performance than genuine altruism. After docking, and before testing and quarantine were put in place, hundreds of people were able to disembark the ship, with some boarding planes only to test positive on arrival in their destination countries. BBC analyst Jonathan Head argued that welcoming the ship was potentially a diversionary tactic as, in the same week, the withdrawal of EU trade privileges for Cambodia came into force as a result of the CPP's suppression of political opposition.⁷²

Another negative consequence of Cambodia's apparently positive management of the pandemic concerns education. While primary school enrolments have been increasing in recent years, COVID-induced school closures and the loss of household earnings is likely to adversely impact on children completing secondary education, especially in poor households.

In the final analysis, Cambodia's tackling of the pandemic was far from being fully successful. Significantly, the UN predicted a rise in do-

67. Chheang Vannarith, 'Cambodia in 2020'.

68. «A Small Country with a Big Heart» – Welcoming the *Westerdam*, *World Health Organization*, 25 June 2020.

69. *Ibid.*

70. Lee Morgenbesser, 'Cambodia in 2021', p. 122.

71. Shaun Turton & Kong Meta, 'Corruption threatens Cambodia's COVID success as cluster spreads', *Nikkei Asia*, 23 February 2021.

72. Jonathan Head, 'Coronavirus: How did Cambodia's cruise ship welcome go wrong?', *BBC News*, 20 February 2022.

mestic violence, a diminishing access to clean drinking water, and food poverty.⁷³

While the pandemic was almost certainly the biggest external influence on Cambodian domestic management, climate change also continued to affect the nation. Flooding is a regular part of Cambodia's wet season, but has been made more devastating by government actions, such as the filling of lakes such as Boeung Kak Lake, centrally located in Phnom Penh, which had previously worked as natural flood catchments. In July 2018, over 1,700 houses and 1,100 hectares of land were damaged by floods,⁷⁴ and when a dam burst in neighbouring Laos, thousands of people were displaced.⁷⁵ In 2019, over 94,000 households were affected by floods and at least 16 people died.⁷⁶ 2020 was particularly bad. In October and November, 13 tropical storms hit Vietnam and Cambodia, affecting more than 792,000 people who needed humanitarian assistance, 388,000 of whom were recognised as being poor or vulnerable. As a result of these storms, more than 47,000 people had to be evacuated from their homes, and at least 44 people died.⁷⁷ In 2021, more flooding occurred, with over 28,000 households and 33,169 hectares of agricultural land affected by flash floods.⁷⁸

The Prime Minister used the disasters to further his political aims. On visiting flood affected areas in October 2020, he reeled out a new slogan: «We Cambodians Can Do It!». He used the visits as a means to bolster popular support, by «reminding» people of the CPP's ability to lead during tough times.⁷⁹ Nonetheless, Cambodia has done little to actually address the underlying issues, and the consequences of these disasters are only likely to worsen as the government continues to allow land-grabbing, deforestation, and uncontrolled development across the Kingdom.

2.5. *Domestic justice and the Extraordinary Chambers in the Courts of Cambodia*

On the domestic front, the Extraordinary Chambers in the Courts of Cambodia (ECCC) warrants some discussion. In 2021, after 15 years, the ECCC began preparing to close. It had only ever been established to punish those

73. United Nations Sustainable Development Group, *UN Cambodia Framework for the Immediate Socio-Economic Response to COVID-19*, September 2020.

74. Richard Davies, 'Cambodia – 1,700 Homes damaged by floods', *Flood List*, 22 July 2018.

75. Hannah Ellis-Peterson, 'Laos Dam collapse sends floods into Cambodia, forcing thousands to flee', *The Guardian*, 26 July 2018.

76. 'Situation Report No. 3 – Floods in Cambodia (As of 2 October 2019)', *Reliefweb*, 2019.

77. 'Cambodia: Floods – Oct 2020', *Reliefweb*, 2020.

78. 'Floods in Cambodia: Situation Report No. 2 – Humanitarian Response Forum (As of 22 October 2021)', *Reliefweb*, 2021.

79. Chheang Vannarith, 'Cambodia in 2020', p. 80.

«most responsible» for the crimes committed under the Khmer Rouge rule in the 1970s, and the Prime Minister has repeatedly stated that it would close after case 002, the final appeal of which was held in August 2021.

Set up with support from the UN in 2007, the hybrid court has been viewed as a key mechanism of transitional justice in Cambodia. It was also initially seen as a potential means of transforming the Cambodian judiciary in general. However, the ECCC has been plagued by political interference and accusations of mismanagement since its inception. The argument can be made that, rather than reforming the judiciary and the political system, the court has contributed to entrenching their corruption. The Court has reinforced the CPP's narratives of events, which lays the blame for the Cambodian genocide at the feet of five top leaders and restricts the timeline of events to the years between 1975 and 1979. By doing this, the ECCC has removed discussion of the wider geopolitical circumstances leading to the rise and maintenance of the Khmer Rouge rule, rendering invisible the responsibility of any other actors. This has reinforced the CPP narrative in an internationally recognised and supported arena, and, in so doing, has helped to veil the responsibilities of the current holders of power in the eyes of international public opinion and to legitimise their political actions. The result has been to help the spread of corruption and political impunity that plagues Cambodia today, and which has paved the way for the coming into being of an illiberal democracy.⁸⁰ In addition, the potential mismatch between international ideas of justice and healing, and the ones being realised in Cambodia, have been questioned by several academics.⁸¹

However, despite these points, there is no gainsaying that the years 2018 to 2021 saw some significant results on the side of meting out justice to at least some of the perpetrators of Cambodia's genocide. On 16 November 2018, Khieu Samphan and Nuon Chea were the first people to be convicted of genocide by the Court, for their roles in the attempted genocide of Vietnamese people during the Democratic Kampuchea era.⁸² This makes them two of only a handful of people to ever be convicted of genocide across the world. In the same ruling, both men were also convicted of crimes against humanity and grave breaches of the Geneva Conventions. Nuon Chea was

80. Rebecca Gidley, *Illiberal Transitional Justice and the Extraordinary Chambers in the Courts of Cambodia*, New York: Springer Press, 2019.

81. For discussion of the discord between Cambodian and international mechanisms of justice, see Caroline Bennett, 'Karma after Democratic Kampuchea: Justice outside the Khmer Rouge Tribunal', *Genocide Studies and Prevention: An International Journal*, Vol. 12, No.3, 2018, pp. 66-82; Alexander Laban Hinton, *The Justice Facade: Trials of Transition in Cambodia*, Oxford: Oxford University Press, 2018; and Alexandra Kent, 'Friction and Security at the Khmer Rouge Tribunal', *SOJOURN: Journal of Social Issues in Southeast Asia*, Vol. 28, No. 2, 2013, pp. 299-328.

82. Suhong Yang, 'Trial Chamber Case 002/02 Against Nuon Chea and Khieu Samphan (Extraordinary Chambers in the Courts of Cambodia)', *International Legal Materials*, Vol. 59, Issue 1, February 2020, pp. 159-179.

also convicted of genocide of the Cham ethnic and religious group. Both men were given life sentences: both appealed the conviction. Nuon Chea died, aged 93, in 2019, before his appeal could be heard. Khieu Samphan, aged 90, is now the last surviving member of the Khmer Rouge leadership. His appeal was heard in August 2021, although the findings were yet to be announced when these lines are written.⁸³ In 2020, Kaing Guek Eav (*nom de guerre* Duch), former commandant of Tuol Sleng prison, died in hospital, 10 years into his life sentence for murder, torture, and crimes against humanity. He was the first person convicted by the Court, in 2010.⁸⁴

The closure of the ECCC by the end of 2022 will mark a transition. In the decades since the Khmer Rouge were deposed, seeking justice for the crimes committed was viewed, at least internationally, as a key aspect of successful rule. This has allowed Hun Sen to build his own political myth around his role in bringing peace and ensuring justice for the Cambodian people. In December 2018, Hun Sen oversaw the inauguration of the Win-win memorial just outside Phnom Penh. Costing over US\$ 12 million, the gigantic structure commemorates the political strategy Hun Sen oversaw in the late 1990s, bringing peace between his government and the Khmer Rouge. In this deal, amnesty and an equivalent post were given to Khmer Rouge combatants willing to lay down their arms and defect to the Cambodian Government. This policy enabled the last Khmer Rouge leaders to defect without losing face, thus helping peace to be built. Ever since, Hun Sen and the Cambodian People's Party have maintained stability, with no further civil wars in Cambodia. However, this has come at a price - violence, intimidation, widespread corruption, coercion, co-option, impunity, and the involution of the political system into an authoritarian regime, with the powerful families of the CPP at the helm. With the Court closed, and the so called «most responsible» guilty parties duly sentenced, it will be interesting to see how future governments deal with the genocide and its ongoing impact.

These domestic factors have substantially affected both Cambodia's economy, and its place in the geopolitical landscape. The years 2018-2021 saw a shift further away from the US and EU, and an increasing dependence upon China. Meanwhile, the economy, which had been relatively robust, and growing for decades, started to struggle.

83. 'Conclusion of Khieu Samphan's Appeal Hearings is a Milestone for the ECCC in Searching for the Truth and Justice', *ECCC Public Affairs Section*, 2019. The appeal is accessible at ECCC, *KHIEU Samphan's Appeal*, posted 5 November 2020, updated 10 December 2020 (<https://www.eccc.gov.kh/en/document/court/khieu-samphan-appeal>).

84. 'Khmer Rouge prison commander Duch dies at the age of 77', *Aljazeera*, 2 September 2020.

3. *Economic impacts and foreign relations*

Between 1998 and 2019, Cambodia had one of the fastest growing economies in the world, with an average growth rate of 7.7% per annum.⁸⁵ This growth was a result of market liberalisation, foreign aid, direct foreign investments, tourism, and exports. At the base of this growth lay a combination of explicit economic policy decisions, geopolitical attention to South-east Asia, and changing global economic structures.

The United Nations Transitional Authority in Cambodia (UNTAC) period (1992-1993) saw huge amounts of international aid flow into Cambodia as part of the global post-Cold War development boom. The Cambodian government welcomed this, and after peace was brokered in the late 1990s, continued to seek official development assistance (ODA) from abroad. At some points, ODA constituted 10% of Cambodia's GDP.⁸⁶ At the same time, the government began creating networks and relationships for trade and direct investment within the region and further afield, joining ASEAN in 1999, and the World Trade Organization in 2004. In the late 2000s and early 2010s, there was an explicit change in policy direction from the search of political stability to the promotion of (neoliberal) development. In fact, the 2014 Cambodian National Strategy stated:

In the first decade until the 2000s, the highest priority of the RGC [Royal Government of Cambodia] was rebuilding the society, the economy and the infrastructure. In the second decade, the country began pursuing planned development in a market framework.⁸⁷

Thus, they opened to free trade, tourism was targeted as a major source of economic development, and the government started to develop bilateral agreements with various states. In appealing to free markets, the Cambodian government put attractive incentive policies in place, favouring Foreign Direct Investment, for example by allowing 100% foreign ownership of companies, and creating Special Economic Zones with preferential tax and other incentives.⁸⁸ The dollarisation of the urban economy, which had begun in the UNTAC period, expanded during this time.⁸⁹ Meanwhile, nations around the globe began to recognise Southeast Asia as a potential site of growth and investment, partly in response to geopolitical shifts and the rising influence of China, but also in relation to shifting global markets of

85. World Bank, *Cambodia Economic Update*, December 2020.

86. Hal Hill & Jayant Menon, 'Cambodia: Rapid Growth with Institutional Constraints', *Asian Development Bank Economics Working Paper Series*, January 2013, p. 2.

87. Royal Government of Cambodia, *National Strategic Development Plan 2014-2018*, 2014.

88. U.S. Department of State, *2021 Investment Climate Statements: Cambodia*.

89. Nombulelo Duma, 'Dollarization in Cambodia: Causes and Policy Implications', *International Monetary Fund Working Paper*, March 2011.

production. During this period, China also began investing more heavily in Southeast Asian countries as part of its expansion in the region, something the Cambodian government has taken advantage of, as discussed below.

Thus, a combination of geopolitical factors such as the post-Cold War development boom, global neoliberalism, and an explicit neoliberal policy from a government eager to seize opportunities, have largely worked in Cambodia's favour. As a result, Cambodia gained lower-middle income status in 2015, and was on its way to becoming an upper-middle income country in 2030.⁹⁰

This sustained growth has been part of what gave the ruling party power. The CPP's ability to consistently deliver a growing, and robust, economy, which saw average living standards rising, provided the party with a «performance-based legitimacy».⁹¹ Between 2007 and 2014 the poverty rate dropped from 47.88% to 13.5%, and between 2018 and 2021 the minimum income increased from US\$ 170 to US\$ 192 per calendar month,⁹² while per capita GDP increased to US\$ 1,674 in 2019, compared to US\$ 1,376,49 in 2017.⁹³ However, inequalities remain, labour rights and working conditions continue to be poor, and the COVID-19 pandemic has brought these problems back to the surface. That, in addition to shifting global politics, brings changes, and potential insecurity, to Cambodia's economy.

In 2018 Cambodia's GDP was US\$ 20 billion, US\$ 8 billion of which came from the garment industry, which constituted 74% of Cambodia's exports in 2019.⁹⁴ The EU and the US were major aid donors and strategic partners to Cambodia, their support being vital to both trade and aid. Since 1992, following the Paris Peace accords, the US has donated approximately US\$ 1 billion in bilateral aid to Cambodia.⁹⁵ In 2018, it provided US\$ 152 million in aid.⁹⁶ Controversy around the 2018 elections, ongoing concerns about human rights and democratic process, and the global COVID-19 pandemic have affected this.

90. *Ibid.*

91. Kheang Un & Jing Jing Luo, 'Cambodia in 2019', p. 121.

92. The minimum wage in Cambodia only applies to workers in the garment, textile, and footwear industries, thus there is a difference between minimum wage per calendar month, and per capita GDP, which also reflects other industries, workers, and the unemployed. For data on minimum wages in 2018 (in English), see 'Prakas on Determination of Minimum Wage for Workers in the Textile, Garment and Footwear Industries for 2018 (MoLVT No. 414 KB/Br.K)', available at International Labour Organization, *Cambodia (160)>Wages(17)*. For 2021, see 'Cambodia's 2021 Minimum Wage: Increased for Textile and Garment Sectors', *ASEAN Briefing*, 29 January 2021.

93. U.S. Department of State, *2021 Investment Climate Statements: Cambodia*.

94. 'Garments and Textiles' *Open Development Cambodia*, last updated, 20 November 2019.

95. 'US Aid to Cambodia', *Open Development Cambodia*, 1 June 2020.

96. *Ibid.*

Although COVID-19 cases were relatively low, the impact of the pandemic on Cambodia's main industries – tourism, construction, and the garment industry – were dramatic. As measures were taken to restrict the virus, many jobs were lost as trade declined, tourist numbers dropped, and migrant Cambodian workers were forced to return home. In 2020, 110 factories were permanently closed, with associated job losses for over 55,000 people.⁹⁷ International tourist numbers plunged from a high of 6.6 million in 2019 (with a revenue of US\$ 4.92 billion),⁹⁸ to 196,495 in 2021, with an associated income of US\$ 194 million.⁹⁹ As a result, over 3,000 tourist enterprises closed.¹⁰⁰ By the end of 2021, over 260,000 migrant workers, primarily from Thailand, had reportedly been forced to return to Cambodia because of the pandemic.¹⁰¹ In total, an estimated 300,000 jobs were lost in 2020, and throughout the period, unemployment rose, with around 30% of main earners being unemployed in 2021, and 45% of households experiencing income losses.¹⁰² A study by Nottingham University, found that the pandemic was having an acute impact on women's economic security and personal wellbeing in particular.¹⁰³ These impacts caused civil unrest. Throughout 2020 thousands of workers took to the streets protesting against unpaid wages and benefits, due to COVID closures.¹⁰⁴ In December 2021, protests outside Phnom Penh Casino, NagaWorld, began, and although 27 people were arrested, continued into the new year.¹⁰⁵

3.1. Responses to COVID-19 and attacks on human rights and democracy

The government pledged 5% of GDP to support people affected by the pandemic.¹⁰⁶ The related measures included aid packages for the poor and vul-

97. 'Cambodia: Ministry of Labour confirm that over 110 garment factories have closed, leaving 55,174 workers unemployed due to impacts of COVID-19', *Business and Human Rights Resource Centre*, 23 November 2020.

98. Kingdom of Cambodia, Ministry of Foreign Affairs and International Co-operation, *Tourism September 2021* [this document includes the data relative to 2018-2021].

99. May Kunmakara, 'International tourist arrivals plunge 85%', *Phnom Penh Post*, 2 February 2022.

100. Lee Morgenbesser, 'Cambodia in 2021', p. 122.

101. Lay Samean, 'Over 260K migrants return since Covid-19 outbreak', *Phnom Penh Post*, 21 December 2021.

102. Chheang Vannarith, 'Cambodia in 2020'; The World Bank, *The World Bank in Cambodia*.

103. Sabina Lawreniuk, *A year on: Economic and health crises converge in Cambodia's garment industry*, Institute for Policy and Engagement, University of Nottingham, without date.

104. 'Cambodia: garment workers protest unpaid wages as COVID-19 disrupts supply chains', *Business and Human Rights Resource Centre*, 15 May 2020.

105. 'Arrested union leader the latest to take up fight for labour in Cambodia', *Reuters*, 6 January 2022.

106. The World Bank, *The World Bank in Cambodia*.

nerable, a stimulus package for economic recovery, skills-training and cash for labour schemes for the unemployed, tax relief, and loans for small and medium sized enterprises. In addition, despite recent tensions, Cambodia received support from many countries across the world, as well as from the World Health Organization, the Asian Development Bank, the World Bank, ASEAN, and the UN.¹⁰⁷ As usual, China was the biggest donor. Meanwhile, many companies were able to move online due to the quickening of the digital transformation the pandemic enabled globally, providing diverse opportunities for income generation. Despite this, the poverty rate in Cambodia, which had been declining, was 17.8% in 2021, a marked increase from 2014, when 13.5% of people were below the poverty line.¹⁰⁸ This means around 2.8 million people are living on less than US\$ 2.7 a day. In addition, the long-term effects of moving online, particularly given increased digital surveillance, remain to be seen.

While the international community came together to support Cambodia in dealing with the pandemic, Cambodia's deteriorating human rights and democratic conditions had already had a disincentive effect on international support to the Southeast Asian country well before the start of the pandemic. As a result of the corruption during the 2018 elections, both the EU and the US had begun to withdraw aid. As a result, in the following years Cambodia's foreign policy shifted from strong ties with the EU and US, to increasing dependence on China. According to political scientists Kheang Un and Jing Jing Luo, the period saw Cambodia becoming once again «the site of global geopolitical contest between great powers».¹⁰⁹ In dealing with this, Cambodia has become an «ironclad» friend with China.¹¹⁰ This has left the country isolated on the global stage and vulnerable to China's influence.

Attempts on the part of the US and EU to address the human rights situation in Cambodia took a mixture of aid cuts and economic and political sanctions. In 2018 the US cut US\$ 8.3million in aid to Cambodia, and, in January of that year, the Cambodia Democracy Act (a bill to promote free and fair elections, political freedoms, and human rights in Cambodia) was put forward to the US Senate by congressman Ted Yoho, then chairman of the House Foreign Affairs Subcommittee.¹¹¹ This Act called

107. Asian Development Bank, *Cambodia and ADB*; The World Bank, *Press Release: New \$200 million World Bank Project to Support COVID-19 Relief, Build Resilience Against Future Economic Shocks in Cambodia*, 24 June 2021; USAID, *The U.S. Government's COVID-19 Response in Cambodia*, May 2021.

108. 'Cambodia's poverty line updated: 17.8% Cambodians under the poverty line', *Khmer Times*, 19 November 2021.

109. Kheang Un & Jing Jing Luo, 'Cambodia in 2019', p. 130.

110. Sovinda Po & Christopher B. Primiano, 'An «Ironclad Friend»: Explaining Cambodia's Bandwagoning Policy Towards China', *Journal of Current Southeast Asian Affairs*, Vol. 39, No.3, 2020, pp. 444-464.

111. Congress.gov, *H.R.5754 - Cambodia Democracy Act of 2018*.

for property blocking and visa restriction sanctions against «each senior official of the Cambodian government, military, or security forces who has directly and substantially undermined democracy in Cambodia and committed or directed serious human rights violations». It was passed into law in October. A subsequent bill, providing further sanctions against the CPP and other Cambodian officials was passed in July 2019.¹¹² In September 2021 the latest Cambodia Democracy Act was received in the US Senate, read twice, and referred to the Committee on Foreign Relations.¹¹³ In November 2021, Chau Phirun and Tea Vinh, of the Cambodian Ministry of National Defence, were sanctioned due to their «involvement in significant corruption».¹¹⁴

Sanctions were not restricted to CPP officials. In September 2020, following accusations of illegal land grabbing, using military to intimidate local people, and manipulating projects to further China's power in the region, the Union Development Group Co., Ltd. (UDG) became the first foreign company in Cambodia to be put under sanctions by the US.¹¹⁵ Subsequently, in December 2021, the US ordered an arms embargo on Cambodia, citing Chinese influence, deepening corruption, and human rights abuses as the cause.¹¹⁶ The impact of these sanctions are debatable: the US does not provide arms to Cambodia,¹¹⁷ and while these sanctions have been written into law, no adjustments have been made to limit trading. The US remains Cambodia's largest market for exports.¹¹⁸

While the US moved to sanction the wealthy Cambodian elite, the EU looked to restrict trade. In the run up to the elections, the EU announced plans to restrict the «Everything but Arms» trade tariff, which gave preferential trading agreements to countries on the UN's Least Developed Countries List, offering duty and quota-free tariffs for all imports. Cambodia has long benefitted from these tariffs; the EU was its biggest market after China and the USA, accounting for 40% of all Cambodia's exports in 2018.¹¹⁹ With ongoing restrictions to democracy and human rights, however, the EU's restrictions were confirmed in February 2020,

112. Congress.gov, *H.R.526 - Cambodia Democracy Act of 2019*.

113. Congress.gov, *All Information (Except Tax) for H.R.4686 - Cambodia Democracy Act of 2021*.

114. U.S. Department of The Treasury, *Press Release: Treasury Targets Corrupt Military Officials in Cambodia*, 10 November 2021.

115. US Department of The Treasury, *Press Release: Treasury Sanctions Chinese Entity in Cambodia Under Global Magnitsky Authority*, 15 September 2020.

116. Simon Lewis & Doina Chiacu, 'U.S. imposes arms embargo on Cambodia over Chinese military influence', *Reuters*, 8 December 2021.

117. Siemon T. Wezeman, 'Arms Flows to South East Asia', *Stockholm International Peace Research Institute*, 2019.

118. 'Cambodia Exports', *Trading Economics*.

119. International Monetary Fund, *IMF Country Report No. 19/387: Cambodia*, December 2019.

and came into force on 12 August 2020.¹²⁰ Following the ongoing mass detention and trials of the opposition, on 11 March 2021 a motion was adopted by the European parliament, condemning «the escalating violations of human rights in Cambodia, including violence against peaceful protesters, the adoption of new repressive laws and the arrest of human rights defenders, journalists, opposition party activists, environmentalists, students and ordinary citizens for peacefully expressing their opinions».¹²¹ The impact of these measures is hard to assess at present, but is liable to be significant.

The Cambodian response was defiance. Hun Sen has consistently maintained a stance in favour territorial sovereignty and non-interference, which stretches from the defence of his own rule to how he approaches other countries. When threatened with sanctions, the Prime Minister made a number of statements asserting that he would not bow to foreign powers, commenting that «there is no such thing as international standards when it comes to politics», and stating that there should be no interference from external bodies.¹²² In November 2020, the National Assembly of Cambodia issued a report stating that peace and stability are preconditions and foundations of human rights and democracy. It was a familiar refrain that they have used previously to justify violent suppression of public protests.¹²³ In response to the US-arms embargo in December 2021, Hun Sen directed the armed forces to destroy all weapons and other military equipment made in the US.¹²⁴ In addition, in an all too familiar refrain, Hun Sen used the threat of civil war as a rhetorical device of propaganda – this time in relation to external interference, accusing Western governments of interfering in a way that could «spark civil war».¹²⁵

Hun Sen was able to make such statements due to increasing support from China. The years between 2018 and 2021 saw a tightening of relations between the two nations, with increasing direct investment, aid, and political support from China to Cambodia, and augmented access to Cambodia for China. In a statement in December 2021, Chinese Foreign Minister Wang Yi declared that «in the face of the pandemic and once-in-a-century changes, China and Cambodia, as iron-clad friends, comprehensive strategic partners and a community with a shared future, should unite closely more than ever before to safeguard the legitimate and legal rights

120. European Commission, *Press Release: Cambodia loses duty-free access to the EU market over human rights concerns*, 12 August 2020.

121. Legislative Observatory, European Parliament, *Resolution on the mass trials against the opposition and civil society in Cambodia*, 11 March 2021.

122. Sorpong Peou, 'Cambodia in 2018', p. 115.

123. *Ibid.*

124. 'After US embargo, Cambodia orders forces to dump or destroy American arms', *Anadolu Agency*, 10 December 2021.

125. John D. Ciorciari, 'Cambodia in 2020', p. 127.

and interests of the two countries, and maintain regional peace, stability and development».¹²⁶

3.2. *China: Cambodia's «iron-clad» friend*

At the beginning of 2018, China and Cambodia signed 19 new memorandums of understanding and other agreements that included Chinese investment in Cambodian infrastructure such as electricity supplies, road systems, and airports.¹²⁷ This was a further step in the «Cambodia-China Comprehensive Strategic Partnership of Cooperation» established in 2010. In 2019, the two countries started negotiations on a bilateral free trade agreement, which was signed in October 2020.¹²⁸ The agreement offered preferential avenues for trade between the two countries, liberalised tariffs, promoted investment cooperation, protected investment projects (including a special economic zone in Sihanoukville), and allowed tax holidays for investors.¹²⁹ China has also increased its aid and lending to Cambodia, and between 2019-2021, China pledged US\$ 588 million in aid.¹³⁰ Simultaneously, it became Cambodia's biggest lender. In 2019, 48.4% of Cambodia's total debt of US\$ 6.9 billion was owned by China, equivalent to 28.6% of Cambodia's GDP.¹³¹ Cambodia's debt rose to US\$ 8.8 billion in 2020, representing 35% of GDP. China owned more than half.¹³²

One aspect of this co-operation is reported to be access for China to a naval base in Ream.¹³³ Just off the coast close to Sihanoukville, Ream naval base is home to the Royal Cambodian Navy (RCN). Originally renovated with Japanese funding, Ream became the site of joint US-Cambodian military exercises in 2010, as part of the US's Cooperation Afloat Readiness Training – bilateral training exercises between the US and several ASEAN states.¹³⁴ In 2019, however, the Wall Street Journal made public a secret Cambodian-Chinese agreement, allegedly granting exclusive rights to the

126. Embassy of the People's Republic of China in the United States of America, *Wang Yi Holds Talks with Cambodian Deputy Prime Minister and Foreign Minister Prak Sokhonn*, 4 December 2021.

127. Prak Chan Thul, 'China signs new aid agreements with Cambodia', *Reuters*, 11 January 2018.

128. 'China-Cambodia FTA to take effect on Jan. 1, 2022', *Khmer Times*, 24 November 2020.

129. People's Republic of China, Ministry of Commerce, *China FTA Network, China-Cambodia FTA* (<http://fta.mofcom.gov.cn/topic/encambodia.shtml>).

130. 'Cambodian leader, in Beijing, says China pledges nearly \$600 million in aid', *Reuters*, 22 January 2019.

131. Kheang Un & Jing Jing Luo, 'Cambodia in 2019', p. 127

132. International Monetary Fund, *Cambodia: Staff Report for the 2021 Article IV Consultation—Debt Sustainability Analysis*, 9 December 2021.

133. Lee Morgenbesser, 'Cambodia in 2021'.

134. Prashanth Parameswaran, 'US, Cambodia to Launch Military Exercises: CARAT Cambodia set to begin soon', *The Diplomat*, 29 October 2016.

base to the People's Liberation Army (PLA) of the PRC on a 30-year, renewable, lease. A two-acre section of the site would be off limits to anyone except the PLA. Although Hun Sen and other Cambodian officials denied the existence of the agreement, in 2020 a US-built pier in Ream was destroyed by the Cambodian government, fuelling the suspicion that the agreement did exist. This being the case, there are concerns that the agreement would give China a foothold in the Gulf of Thailand, and access to the Strait of Malacca and the South China Sea. However, John Bradford, from the United States Institute of Peace, argues that the threats must not be over-stated. The base does not have the capacity for deep-water mooring, Asian states have maintained autonomy when hosting US-forces, and even if China did establish military bases in Cambodia, they would not «be strategic game changers given the existing geography of Chinese military bases».¹³⁵

The massive investment by China in Cambodia has seen an influx of Chinese visitors, and a slew of Chinese-funded construction projects across the nation. In 2019, 25% of the 6.9 million foreign visitors to Cambodia were from China.¹³⁶ Chinese investment has led to a building boom, with numerous massive hotel and casino projects completed or underway, centred in the beach town of Kampong Saom, better known as Sihanoukville. Unfortunately, the poor labour laws and building regulations, alongside the unregulated financial investment, has led to tragedy. In 2019, a Chinese-funded building in Sihanoukville collapsed, killing 28 people.¹³⁷ In early 2020, another building collapsed, this time in the seaside resort of Kep, killing 36 workers and their families, several of them children.¹³⁸ Partly in response to the influx of unregulated investment, in 2019 the global watchdog Financial Action Task Force (FATF) put Cambodia under increased monitoring (known as the «grey list»). States on the list are marked as «jurisdictions with strategic deficiencies».¹³⁹ Although Cambodia initially made a commitment to work with the FATF and the Asia/Pacific Group on Money Laundering (APG) towards addressing this, in 2021, the FATF noted «Cambodia's continued progress across its action plan; however, all deadlines have now expired, and significant work remains».¹⁴⁰

While dependent on the increasing investment and support, Cambodia is not China's puppet, and there is strategy on both sides. China's

135. John Bradford, 'China's Security Force Posture in Thailand, Laos, and Cambodia', *United States Institute of Peace, Special Report No. 505*, December 2021, p. 17.

136. Kingdom of Cambodia, Ministry of Tourism, *Tourism Statistics Report December 2019*.

137. 'Cambodia: Sihanoukville building collapse death toll rises', *BBC News*, 22 June 2019.

138. 'Chinese investment drives Cambodia's construction boom but deadly collapses prompt calls for freeze', *South China Morning Post*, 9 January 2020.

139. FATF, *Jurisdictions Under Increased Monitoring - June 2021*.

140. *Ibid.*

support to Cambodia, along with its policy of non-interference, provides confidence and political legitimacy to Hun Sen's growing autocracy. The PRC actively encourage his resistance and refusal of the EU and US demands in relation to human rights and democracy.¹⁴¹ Beijing, however, does not interfere in Hun Sen's leadership or modes of governance of the Cambodian people. On his part, the Cambodian Premier is happy to support China's projects both within his own nation's territory, and abroad. This includes their growing expansion through the region via the Belt and Roads Initiative (BRI). In return, China has aligned some of its policies to better match those of Cambodia; syncing its BRI with Cambodia's Development Strategy (CDS).¹⁴² Much of the investment China provides supports Cambodia's infrastructural development in ways that funding from the EU and US does not. For example, the PRC have funded roads, bridges, seaports, hydropower plants, and agricultural processing. While these projects have improved access for Chinese investments, they have also helped raise living standards, diversify economic opportunities, and improve Cambodia's economic development in general.¹⁴³ As noted by Un and Luo: «China's objective presents great opportunities for both governments to collaborate closely to achieve a mutually sustainable and beneficial outcome for both countries».¹⁴⁴

Although the Cambodian government may appreciate China's economic and political investments, anti-Chinese sentiment has been growing inside the Southeast country. Massive investments tailored towards Chinese people causing property and costs of living to skyrocket, as well as an influx of permanent residents and tourists from China, has been forcing local Cambodians, particularly in Sihanoukville, out of the market. In addition, pre-2020, reports of kidnapping, murders, human trafficking, drug dealing, gun trafficking, and fraud involving Chinese crime networks, were commonplace.¹⁴⁵ As a result, resentment against Chinese people has been growing, and political analysts Kheang Un and Jong Jing Luo have commented that «anecdotal evidence suggests that resentment against Chinese among some segments of the Cambodian population has become as intense as the

141. In a bilateral meeting in February 2020, for example, President Xi Jinping asked Hun Sen not to bow to EU pressure over the Everything-but-arms (EBA) preferential trade status, stating that China would support Cambodia (see Chheang Vannarith, 'Cambodia in 2020', p. 84). The EBA scheme removes tariffs and quotas for all imports of goods (except arms and ammunition), coming into the EU from least developed countries (LDCs).

142. Kheang Un & Jing Jing Luo, 'China's Role in the Cambodian People's Party Quest', p. 403.

143. *Ibid.*, p. 403-406.

144. Kheang Un & Jing Jing Luo, 'Cambodia in 2019', p. 125.

145. Kheang Un & Jing Jing Luo, 'China's Role in the Cambodian People's Party Quest for Legitimacy', *Contemporary Southeast Asia*, Vol. 43, No. 2, August 2021, p. 408.

long-held historical antipathy towards the Vietnamese». ¹⁴⁶ Recent changes may affect this. In 2020, a ban on online gambling and the COVID-19 pandemic coincided to create an exodus of Chinese nationals from Cambodia, and over 200,000 left the country, most of them from Sihanoukville. In the subsequent year, crime reportedly reduced dramatically, and housing prices dropped by up to 30% in some areas. ¹⁴⁷ While the closure of 73 casinos was reportedly viewed positively, it, however, caused ripple effects that saw the withdrawal of investors, and businesses dependent on these tourists shutting down, leaving more than 10,000 people unemployed, and scores of others bankrupt. ¹⁴⁸ As can be seen, the relationship between Cambodia and China and its effects within the nation are complex.

From time-to-time Cambodia asserts its independence from China, potentially as a signal to the PRC, but also to other international actors. In 2021, for example, Cambodia suspended the Golden Dragon – an annual military exercise between the Royal Cambodian Navy (RCN) and PLA which, in 2020, had been the largest Chinese exercise with a partner in Southeast Asia, lasting five days, with 3,000 personnel involved. While the government cited the pandemic, budget costs, and flooding as reasons for the suspension, analysts argued that it was a signal to the new US administration that Cambodia was not in China's pocket. ¹⁴⁹ Recent moves towards diversification also illustrate this.

3.3. *Diversifying diplomacy*

Perhaps due to recognising the potential vulnerability of being so dependent on China, as well as growing anti-Chinese sentiment within the country, the Cambodian government, while deepening its relationship with China, has also begun developing diversification strategies. ¹⁵⁰ In 2019, the Prime Minister stressed economic diplomacy as a priority for Cambodian Foreign Policy. Following this, in October 2020, the Ministry of Foreign Affairs and International Cooperation, and the Ministry of Economy and Finance began to draft a Strategy of Economic Diplomacy (2021-23). The document sketched out a strategy aimed to advance and diversify export products and markets, further foreign direct investment in Cambodia, and promote tourism to the country. After signing the first FTA with China in 2020, Cambodia also began negotiating with the Republic of Korea, and with the Eurasian Economic Union (EAEU). The agreement with Korea was ratified in

146. Kheang Un & Jing Jing Luo, 'Cambodia in 2019', p. 123.

147. David Hutt, 'Chinese exodus pinpricks Cambodia property bubble', *Asia Times*, 27 February 2020.

148. Sokummono Khan Aun Chhengpor, 'A pandemic and gambling ban has left Cambodia's «New Shenzhen» unfinished', *VOA Khmer*, 11 June 2020.

149. John Bradford, 'China's Security Force Posture', p. 12.

150. Chheang Vannarith, 'Cambodia in 2020', p.84.

January 2022.¹⁵¹ Progress has been more difficult with the EAEU. Both sides re-stated their commitment throughout 2021, including Cambodia offering Russia access to its oil concessions. Nonetheless, when these lines are written, there was no ratified agreement.¹⁵² Meanwhile, the Kingdom has also started to look at transforming its investment strategy, encouraging direct foreign investment.

Cambodia's growing dependence on China has caused unease with other nations both in the region and wider afield: the result, rather counterintuitively, has been that, in their efforts to counter China's influence, several nations have sought to re-establish or strengthen their links with Cambodia. While the EU and US refused funding for the 2018 elections, Japan continued to finance the National Electoral Commission, and pledged US\$ 428 million in aid and 1.3 million vaccine doses to help deal with the pandemic.¹⁵³ Although Cambodia has retained mostly warm ties with Vietnam, there has been tension due to ongoing issues related to national border demarcations, racist election policies, and ongoing disputes regarding citizenship for Vietnamese people in Cambodia, which have caused investments to slump.¹⁵⁴ However, in February 2019, Vietnam initiated a Vietnam-Cambodia summit, out of which a joint communique stated that both sides would «pursue the principle of not allowing any forces to use one country's territory to conduct acts against the other's security and stability». This is widely thought to be an engagement on Cambodia's part, reassuring Vietnam that no secret Chinese base is under construction at Ream or, if it is, it will not be used against Vietnam.¹⁵⁵ In addition, trade between Cambodia and Vietnam has grown from US\$ 4.7 billion in 2018, to US\$ 8.6 billion in 2021, and Vietnamese direct investment in Cambodia, which had fallen in recent years, reportedly reached US\$ 2.85 billion in 2021.¹⁵⁶

Also concerned about China's influence and the military base, latterly the US has also started attempting to re-strengthen ties. It provided more than US\$ 11 million in aid to help Cambodia deal with COVID-19,¹⁵⁷ and humanitarian assistance after the 2020 floods.¹⁵⁸ In October of the same

151. Asia Regional Integration Center, *Trade and Investment. Cambodian-Eurasian Economic Union FTA*.

152. Michael Firn, 'Cambodia has proposed that Russian energy investors tap nation's oil', *Khmer Times*, 4 August 2021.

153. Voun Dara, 'Japan provides more than \$7 million in aid to NEC', *Phnom Penh Post*, 16 July 2018; 'Japan offers aid and COVID vaccines to Cambodia', *Reuters*, 20 March 2022.

154. Kheang Un & Jing Jing Luo, 'Cambodia in 2019', p. 129.

155. *Ibid.*, p. 129.

156. 'Vietnam biggest ASEAN investor in Cambodia', *VnExpress*, 22 December 2021.

157. USAID, *The U.S. Government's COVID-19 Response in Cambodia*, May 2021.

158. USAID. Bureau for Humanitarian Assistance, *Cambodian Assistance Overview*, August 2021.

year, the FBI announced «a joint FBI-Cambodian National Police task force established to fight crimes against children, money laundering, and financial crime», with intentions to open an office in Phnom Penh in the not too distant future.¹⁵⁹ In the meantime, in a move paralleling the months after the coup in which he took power in 1997, Hun Sen contracted the services of a US-based PR firm in September 2021, signing a US\$ 69,300 a month contract with a Washington-based lobbying firm to provide «strategic communications and media relations services in support of increasing public awareness along with travel and tourism for the Kingdom of Cambodia».¹⁶⁰ Thus, while some moves have been made to curb the Cambodian government's rampant disregard for democracy and human rights, they are likely to have little effect while Hun Sen remains in power.

4. *A glimpse of what's to come: defiance through regional relations*

In January 2022, Cambodia took over the rotating chair of ASEAN. One of Hun Sen's first moves was to visit Myanmar and meet with the new government, which had taken over following a military coup in February 2021. This was a controversial move, coming, as it did, after the ASEAN's banning from its annual summit, in October 2021, of General Min Aung Hlaing, who had assumed power in Myanmar following the February 2021 coup d'état.¹⁶¹ Hun Sen's visit, therefore, defied both international and regional diplomatic propriety. The visit prompted protests in Myanmar and abroad, as well as widespread criticism from international organisations, accusing Hun Sen of legitimising Myanmar's military regime.¹⁶² Hun Sen, however, remained defiant, commenting that the visit was a vital part of ASEAN diplomacy, and warning other ASEAN members not to speak critically of the ASEAN

159. Simon Lewis & Doina Chiacu, 'U.S. imposes arms embargo on Cambodia over Chinese military influence', *Reuters*, 8 December 2021.

160. Sebastian Strangio, quoted in Lee Morgenbesser, 'Cambodia in 2021', p. 124. See also Jack Adamović Davies, 'Cambodia to Pay \$70,000 a Month to Washington Lobby Firm', *Radio Free Asia*, 23 September 2021.

161. Soon after the coup, Min Aung Hlaing had been welcomed to an urgent meeting of the ASEAN leaders, where he had allegedly promised «dialogue and de-escalation». However, the promises of the self-appointed new Myanmar Prime Minister had not been kept and in addition, an ASEAN representative had been prevented from meeting the deposed and imprisoned civilian leader, Aung San Suu Kyi when visiting the nation. This resulted in the unprecedented decision on the part of ASEAN not to invite the new Myanmar leader to the ASEAN annual summit. See: 'Myanmar army general Min Aung Hlaing excluded from leaders' summit', *BBC News*, 16 October 2021.

162. 'Cambodia PM Hun Sen's visit with Myanmar military chief sparks angry backlash', *France 24*, 8 January 2022; 'Cambodian PM Hun Sen's visit with Myanmar military chief sparks protests', *The Guardian*, 8 January 2022; P Prem Kumar, 'Malaysia says Hun Sen's Myanmar Visit did no good', *Nikkei Asia*, 14 January 2022.

chair.¹⁶³ This visit, alongside the other changes outlined in this article, confirmed Hun Sen and the CPP's continuing disregard for international and regional opinion.

Despite Hun Sen's apparent hold on his country, neither he, nor his party, are infallible or invulnerable. The drastic domestic measures towards closing political space, including overt suppression, extending patronage ties, co-opting youth groups, and building a dynasty, are a direct result of threats to Hun Sen's rule from within the ranks of the CPP, and dissatisfaction among the general population. While enabling the entrenchment of Hun Sen's authoritarianism, Cambodian foreign policy, shifting towards China and away from other states, has left the country vulnerable to China's influence and running the risk of international isolation. Recent moves to address some of the domestic concerns about corruption and rebuild some of Cambodia's international relationships indicate that the government is not unaware of these risks. Watching the remainder of Cambodia's ASEAN chairmanship, as well as the run up to the 2023 elections, will be telling in understanding the future for Cambodia and Hun Sen's rule, both domestically, and internationally.

163. 'Hun Sen Says His Myanmar Trip Managed to Plant Trees, Not Cut Them Down', *The Straits Times*, 8 January 2022.

