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# ASIA MAIOR

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

Vol. XXVIII / 2017

## Asia in the Waning Shadow of American Hegemony

Edited by

Michelguglielmo Torri, Elisabetta Basile, Nicola Mocci

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# CAMBODIA 2016-2017: THE WORSENING OF SOCIAL AND POLITICAL CONFLICTS\*

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*In continuity with the previous years, in 2016-2017 the hegemonic crisis of the CPP, the ruling Cambodian party of the authoritarian leader Hun Sen, continued and was epitomised by two main developments: the declining popular consensus, revealed by the June 2017 communal elections, and the government-imposed dissolution of the CNRP, the main opposition party. As a result, the CPP got rid of any significant opposition in parliament. The feeble reaction of the western countries coupled with the strengthening of Cambodia's relationship with China and Japan contributed to stabilise the internal situation, allowing a continuing economic growth propelled by neoliberal economic policies. However, such growth was coupled with the increase in social disparities, which brought in its wake social conflict and police repression.*

## *1. Introduction*

In 2016-2017, Cambodia was once again in the international news for serious violence targeted at opposition parties. In particular after the autumn 2017 Cambodian events (on which more below), the expressions used by the international media to describe the situation in Cambodia were not kind. The titles varied from «Death of democracy» (*The Phnom Penh Post* and *The Guardian*), to «Killing off democracy» (*The Telegraph*), to «Cambodia's Crumbling Democracy» (*Foreign Affairs*), «Hun Sen flirts with dictatorship» (*The Japan Times*).<sup>1</sup>

The acts of repression, in the period under review, were many and varied from arbitrary detentions, to suspicious deaths, to the dissolution of the main opposition party.

In July 2017 five human rights defenders, members of the Cambodian Human Rights and Development Association (ADHOC) were released from

\*. I would like to thank all Cambodian friends for fruitful discussion on the Cambodia crisis. I am also grateful to Simona Raffo for reading and commenting on this article, and for her continuous support.

1. «Death of democracy»: CNRP dissolved by Supreme Court ruling', *The Phnom Penh Post*, 17 November 2017. «Death of democracy» in Cambodia as court dissolves opposition', *The Guardian*, 16 November 2017; 'Cambodia accused of «killing off democracy» after opposition party dissolved by Supreme Court', *The Telegraph*, 16 November 2017; Sebastian Strangio, 'Cambodia's Crumbling Democracy', *Foreign Affairs*, 14 September 2017. 'Hun Sen flirts with dictatorship', *The Japan Times*, 12 September 2017.

prison, after spending one year and two months in pre-trial detention. They were charged with bribery in connection with a case against Kem Sokha, the leader of the main opposition party, the Cambodian National Rescue Party (CNRP). At the closing of the present article, they were all still awaiting trial.<sup>2</sup>

In July 2016 there was the assassination in Phnom Penh of activist, physician, and political commentator Kem Ley, one of the most prominent critics of the Hun Sen government and founder, in June 2015, of the Grassroots Democracy Party.<sup>3</sup> Later, in autumn 2017, the leader of the CNRP, Kem Sokha, was imprisoned on charges of treason and part of the leadership, fearing arrest, fled the country.

In addition to the above, at the closing of this article, another eight CNRP members of parliament had criminal charges pending against them and 11 among the opposition party members and supporters were serving prison terms ranging from seven to 20 years. They had been found guilty on weak charges of leading or being involved in an insurrection because of their participation in a demonstration in July 2014.

Finally, on 16 November 2017, the Supreme Court ruled to dissolve the CNRP and banned more than 100 members from politics for five years.

As argued in this article, these facts were part of a political process characterised by two principal elements. The first was the loss of popular support on the part of the majority party, Hun Sen's *Kanakpak Pracheachon Kampuchea* (Cambodian People Party – CPP). The second was the unconditional support that, in spite of its declining popular following, the CPP continued to receive from the international donor community.

Concerning this second point, it is worth stressing that, since 1991, Cambodia has been dependent not only on traditional donors, such as Japan, but also on new ones, such as China, Korea, Thailand, and Vietnam. It has been thanks to donors' support that Hun Sen and his party have governed Cambodia for 32 consecutive years, basing their legitimation on a single pillar: economic growth. In turn, economic growth has been the result of the implementation of a neoliberal development model, which has been facilitated by the continuous flow of Official Development Assistance (ODA) and Foreign Direct Investment (FDI). This has allowed the creation of a flourishing export-oriented economy, based on the production of textiles, garments and footwear. The ensuing growth has convinced a conspicuous part of the Cambodian public opinion of the salvific role of neoliberalism, consequently strengthening the hegemony of the CPP. However, this huge economic progress has brought about an increasingly unequal distribution of wealth, which has generated social struggles, often violently repressed by the government.

2. 'Five human rights defenders released on bail after 14 months pre-trial detention', *Front Line Defenders*, 29 June 2017.

3. 'Cambodian Opposition Figure's Killing Recalls Darker Times', *The New York Times*, 10 July 2016.



In the long run, inexperience on the part of the ruling class and lack of strategy, coupled with corruption, cronyism and lobbying by foreign investors, have led to a progressive decline of consensus for the majority party. This decline became evident both in the national elections of 2013 and in the municipal elections of June 2017, which also saw the gradual increase of electoral support for the CNRP.

It is evident that the CPP, over the last 10 years, has failed to develop a strategy to overcome its increasingly visible hegemony crisis, apart from disinformation and repression. The answer of Hun Sen's party has simply been the demonization of the opposition, the repression of any form of dissent and the threat of disaster, should the CPP lose the majority and control of the government.

The political events characterising the domestic scene in Cambodia in 2016 and 2017 led to a further cooling of the already tense relations with the US. A new low was reached when Hun Sen accused Washington «of secret plans of conspiracy between Kem Sokha, others and foreigners to harm the Kingdom of Cambodia».<sup>4</sup>

If one excludes the few feeble protests coming from the European Union, Great Britain, and Germany, the rest of the community of donors and investors in Cambodia countenanced the deteriorating democratic situation and quietly continued with their aid programmes.

With reference to the above developments, this article is organised in three parts. The first analyses the CPP's hegemonic crisis, starting with the 2013 National Elections and culminating in the 2017 Communal Elections. The second part is focused on the facts leading to the CNRP's dissolution. Finally, the third part examines how the lack of international reaction and the continuation of FDI and ODA, in particular by China and Japan, strengthened the idea that international investors supported Cambodian authoritarianism.

The following analysis is based on documents by the government and international development institutes and on local and foreign press agencies. Moreover, a series of interviews with Cambodian intellectuals, activists, workers, and foreign diplomats who played and still play an active role in Cambodia are taken into account. These interviews were collected during a fieldwork carried out in Cambodia in two phases, the first in 2013 and the second in 2014.

## *2. The long hegemony crisis of the CPP*

The CPP consolidated its power in 2008, when, under Hun Sen's leadership, it won the national elections with an overwhelming majority.

4. Kem Sokha was the leader of the main opposition party. 'CNRP Leader Kem Sokha Arrested for «Treason»', *The Cambodia Daily*, 3 September 2017.

At that time, the new Hun Sen government was immediately put to the test by the global economic crisis that, in Cambodia, provoked a decrease in the export of textiles, garments and footwear and the consequent dismissal of thousands of workers. After two years, the Asian economy recovered, allowing the Cambodian factories to relaunch their production. However, Hun Sen's government maintained the costs of production low, to keep investors in Cambodia, and refused to meet the workers' requests of better salaries and work conditions. Between 2010 and 2014, workers' protests faced military violence and they only obtained minor increases in their minimum wages.<sup>5</sup> The workers' requests, as well as the farmers' appeals to stop land grabbing, were not heeded by CPP but by opposition movements and parties.<sup>6</sup> It is worth noting that CPP not only eluded workers' requests, but tried to hamper the worker's efforts to stay united.<sup>7</sup>

For these reasons, the elections of the National Assembly of 2013 brought into the open the crisis of consensus of the CPP. For the first time in 20 years, the CPP recorded a substantial drop in votes, losing almost 10% of them in comparison to the 2008 elections. For its part, the CNRP, the main opposition party, increased its share of the popular vote by more than 15% in comparison to the previous election.<sup>8</sup> While maintaining the majority of its seats (68 out of 123), the CPP lost 22 seats. The CNRP obtained 55 seats, 26 more than in the previous elections.

In spite of its gains, on the basis of irregularities recorded by independent observers, the CNRP contested these results, which – it claimed – although positive were fewer than expected because of the electoral fraud carried out by the government.<sup>9</sup> In accordance with this accusation, the CNRP boycotted the National Assembly. This stalemated the legislature, triggering a constitutional crisis. However the CPP-supported government continued in power. Tensions grew exponentially during the «Black Autumn» of 2013, which saw a wave of protests organised by the opposition parties against the CPP and the Hun Sen government. During a workers' demonstration in Phnom Penh on 4 January 2014, the army opened fire causing four deaths and injuring an unknown number of people. A group of 23 workers, trade unionists, activists and monks were arrested. For the first time after the coup of 1997, the capital was plunged into a situation of repression and terror.

5. Dennis Arnold, 'Civil society, political society and politics of disorder in Cambodia', *Political Geography*, vol. 60, September 2017, pp. 23-33.

6. Dennis Arnold & Martin Hess, 'Governmentalizing Gramsci: Topologies of power and passive revolution in Cambodia's garment production network', *Environment and Planning*, 49, 10, 2017, pp. 2183-2202.

7. Dennis Arnold, *Workers' agency and re-working power relations in Cambodia's garment industry*, Working Paper 24 of Capturing the Gains, March 2013.

8. Caroline Hughes, 'Understanding the Elections in Cambodia 2013', *AGLOS, Journal of Area-based Global Studies*, 2013-2014, special issue.

9. Transparency International Cambodia, *Final Election Observation Report on Cambodia's 2013 National Election*, Phnom Penh 2013.

A few weeks later, the three-day Congress of the CPP (30 January-1 February 2015) was presented by the press as a moment of internal debate and self-criticism, especially in view of the loss of votes. According to an internal self-evaluation report distributed to CPP members during the congress, among the main reasons for losing the trust of many voters there were:

- Failure to implement policies;
- Misconduct in the CPP's own ranks, including corruption, nepotism and power abuse;
- Lack of communication between different levels of authorities;
- Rising income disparities between the rich and the poor;
- Unaddressed border, immigration, land and deforestation issues.<sup>10</sup>

The spread of blood and violence, as well as labour problems were not officially discussed. Actually, some CPP members signalled their concern for the increasingly tight link between politics and the military, a condition that had been a matter of serious debate even before the congress.<sup>11</sup> In spite of these concerns, during the congress, almost 100 of the 306 new members added to the CPP central committee were military.<sup>12</sup>

According to data collected by the International Institute for Security Studies, in 2014 Cambodia had a civil-military ratio of 8.2 active military personnel per 1,000 people, higher than Thailand (5.3) and Vietnam (5.2).<sup>13</sup> In addition to regular military units, the Royal Cambodian Armed Forces (RCAF) also comprised the Royal Gendarmerie (military police) and the Prime Minister's Bodyguard Unit (PMBU). The latter corps is a force loyal to Hun Sen, with formidable military capabilities and a reported membership of 10,000 units.<sup>14</sup> For these reasons, Paul W. Chamber has argued that, in Cambodia, «military forces appear as a partisan, corporate arm of the CPP» and has termed Hun Sen's tendencies as «neo-sultanistic».<sup>15</sup>

The CPP congress of 2015 became an opportunity to reassess the weight of the main factions inside the party. In particular, Hun Sen aimed at gaining the presidency of the party, pushing aside his two main competitors.

10. 'Self-Criticism at Center of CPP Congress', *The Cambodia Daily*, 1 January 2015.

11. *Ibid.*

12. Some sources reported almost 100, other 80 members. 'Ruling party defends ties to military, police', *The Phnom Penh Post*, 9 February 2015; Officials Reject Claim That Army Belongs to CPP, *The Cambodia Daily*, 31 July 2015.

13. IISS, *The military balance 2014: International Institute for Strategic Studies*, London: Oxford University Press. See also Aurel Croissant & Philip Lorenz, *Comparative Politics of Southeast Asia: An Introduction to Governments and Political Regimes*, London: Springer 2018, ch. 3.8.

14. 'Premier's elite Bodyguard Unit marks founding', *The Phnom Penh Post*, 5 September 2016.

15. Paul W. Chambers, '«Neo-Sultanistic Tendencies». The Trajectory of Civil-Military Relations in Cambodia', *Asian Security*, Vol. 11, Issue 3, 2015, pp. 179-205.

The first was the aged CPP President Chea Sim, who continued to be very influential and kept his position in spite of precarious health conditions. The second was Sar Keng, home minister and deputy prime minister since 1992.

In July 2015, Chea Sim's expected death paved the way to Hun Sen's presidency. Hun, having obtained control of the army since 2009, was finally able to fulfil his dreams of gaining full control of the CPP.

Once in power, however, Hun Sen, confronted by the ongoing CPP crisis, was unable to find a solution. In an attempt to break the political deadlock, he even tried to start a dialogue with the main opposition party, granting a series of reforms that had been requested by the CNRP.<sup>16</sup> The new phase of dialogue, however, lasted a remarkably short time, and the fight between Hun Sen and the main opposition party started once again, according to a script already written. As before, Hun Sen's and the CPP's strategy aimed at staunching the haemorrhaging of consensus did not go beyond the demonization of the CNRP, a violent crackdown on every form of dissent and threatening warnings that any external attempt to subvert the democratically elected government would be dealt with. From the viewpoint of social policies and redistribution of wealth, the Hun Sen government obviously disappointed the voters' expectations. The result was a further decrease in CPP's votes in June 2017.

### *2.1. The CPP communal election debacle in 2017*

The communal elections held on 6 June 2017 were «fair and peaceful», according to both the National Election Committee (NEC) and international observers.<sup>17</sup> The results were decisively disappointing for CPP.

The number of commune chiefs obtained by the CPP fell from 1,592 (obtained in 2012) to 1,156; those of councillors went down from 8,292 to 6,505. Nonetheless, the CPP retained control of the majority of local governments – 1,156, namely 70% of the total. However the CPP share of votes dropped by more than 10%. Conversely, the CNRP took over almost all the rest. The number of local governments obtained by the main opposition party increased by 13%. It won 489 commune chief positions (compared to 40 in previous elections), and 5,007 commune councillors (compared to 2,052 obtained in 2012).<sup>18</sup>

16. In 2014, dialogue between CPP and CNRP concerned electoral reform, regulation of the trade unions and regulation of the activities of the non-governmental organisations.

17. COMFREL, *Statement Election Day Assessment of Commune Council Election for the 4th Mandate*, Phnom Penh, 4 June 2017.

18. According to the National Election Committee (NEC), the CPP lost 10.91% of votes compared to the 2012 previous elections, and the CNRP gained 13.25%. Figures are published online in NEC website (<https://www.neccelect.org.kh/english>). See also 'Commune elections 2017: CPP wins 70%. Opposition makes strong gains, but falls short of aspirations', *The Phnom Penh Post*, 5 June 2017.

The result of the municipal elections, from the point of view of the CPP, was probably the most negative that could have been expected. It showed that the CNRP had been able to widen its electoral base to the rural areas, expanding beyond its traditional strongholds, the big cities. The election results also signalled that the CPP had lost its hegemony at local level. There were two main reasons for this debacle: the first was the structural changes affecting rural society and the CPP's inability to bridge the gap between a flourishing urban sector and a declining rural one; the second was the disaffection of the CPP's electorate, mainly as a reaction to the land grabbing condoned by the government.

## 2.2. *The reasons for the CPP electoral debacle in rural areas*

### 2.2.1. *The structural changes affecting rural society*

The first factor that adversely affected consensus for the CPP was the party's inability to understand the rapid structural changes of rural society. These changes had occurred over the last 10 years, as a result of the long-term policies of CPP. They had negatively affected the major part of the country, as, even in 2016, Cambodia remained a prevalently rural and agricultural society, with 79% of the population living in the countryside,<sup>19</sup> and 67% of the total labour force working in agriculture.<sup>20</sup>

According to recent ADB data, slightly more than 10.5 million Cambodians (90% from rural areas) are poor.<sup>21</sup> The agricultural share of gross domestic product has decreased to 26.3 %, down from about one-third a decade ago.<sup>22</sup> Seasonal work, usually over a three-month period, has become more widespread than annual work.<sup>23</sup>

Agricultural share is now below industry's share.<sup>24</sup> This is the effect of declining land productivity, resulting from low capital intensity, limited use of farm technology<sup>25</sup> and overall international agricultural commodity

19. United Nations, Economic and Social Commission for Asia and the Pacific (UNESCAP), *Statistical Database*, 2016.

20. The data refers to 2012. See Food and Agriculture Organization (FAO), *Country Fact Sheet on Food and Agriculture Policy Trends: Cambodia. Food and agriculture Policy Decision Analysis*, April 2014 (<http://www.fao.org/3/a-i3761e.pdf>).

21. ADB, *Cambodia: Country Poverty analysis*, 2014. According to the World Bank, agriculture share shrank to a quarter of GDP in 2016, decreased by 48%, compared to two decades ago. This sector provides 44% of total employment or 53% of rural employment. World Bank, *Cambodia, Economic Update Cambodia Climbing Up The Manufacturing Value Chains*, October 2017, p. 16.

22. *Ibid.*, p. 20.

23. *Ibid.*

24. World Bank, *Cambodia Sustaining strong growth for the benefit of all. A Systematic Country Diagnostic*, 2017.

25. ADB, *Cambodia Diversifying Beyond Garments And Tourism Country Diagnostic Study*, November 2014, p. 19.

prices, which are both low and affected by volatility (particularly in the case of rice, cassava and rubber).<sup>26</sup> This is why, in 2016, farmers complained and protested throughout the country, asking authorities to intervene to boost prices.<sup>27</sup> In 2016, in an attempt to protect farmers, Prime Minister Hun Sen approved a US\$ 27 million grant – US\$ 20 million from the state and the rest from the Rural Development Bank – to subsidise farmers and keep rice prices stable.<sup>28</sup> This attempt proved to be unsuccessful, and protests continued during 2017.<sup>29</sup>

All this considered, the main effects of the policies of the CPP government across rural Cambodia were outmigration, both internal<sup>30</sup> and international,<sup>31</sup> and the turning away from agriculture.<sup>32</sup>

This situation contrasts with Cambodia's positive macro-economic results, which, however, obviously relate to only a minor part of the urbanised population. In this regard, Cambodia's growth has remained strong in the last few years, pushing up the GDP rate of growth to 7% in 2016 and to an estimated 6.8% in 2017.<sup>33</sup>

In 2016, the World Bank classified Cambodia as a lower-middle income economy because Cambodia's per capita Gross National Income for 2015 was US\$ 1,070, (above the threshold of US\$ 1,025, below which they are classified as low-income countries).<sup>34</sup> Since 2013, the monthly basic salary has increased from US\$ 80 to US\$ 170, along with a number

26. 'Cassava prices hit a new low', *The Phnom Penh Post*, 27 June 2017.

27. 'Falling Vegetable Prices Leave Cambodian Farmers in a Bind', *RFA*, 13 July 2013;.

28. It is worth noting that the rice price had substantially remained unchanged over the past 20 years. See 'Farmers Block Road Amid Rice Price Crisis', *The Cambodia Daily*, 19 September 2016; 'Government Intervenes Over Low Rice Prices', *The Cambodia Daily*, 14 September 2016.

29. 'Corn Farmers Block Road Over Low Prices', *The Cambodia Daily*, 14 July 2017.

30. According to World Bank indicators, Cambodia urbanization index moved from 2.1 in 2008 to 2.63% in 2015. Young people leaving rural areas substantially aimed at finding a job in urban industries of the garment sector. This phenomenon of urbanization is one of the fastest in the world. The population of the capital Phnom Penh has tripled in the past 20 years with a 2.73% annual rate of urbanization. World Bank, *Urban Development in Phnom Penh*, 20 December 2017.

31. According to the data Department of Employment and Manpower, Ministry of Labour and Vocational Training of Cambodia data, each year 300,000 young Cambodians enter the labour market and large part of them go abroad, seeking employment opportunities and higher wages. The workers migrating through official channels were: Thailand (2006-2016): 116,000; Malaysia (1998-2016): 46,452; Republic of Korea (2007-2015); Japan (2007-2016): 2,383; Singapore (2013-2015): 400.

32. Chivoïn Peou, 'Negotiating rural-urban transformation and life course fluidity: Rural young people and urban sojourn in contemporary Cambodia', *Journal of Rural Studies*, Vol. 44, April 2016, pp. 177-186.

33. World Bank, *GDP data Cambodia*, 2016-2017.

34. World Bank, *Cambodia is now a lower-middle income economy*, 1 August 2016.

of other social protection policies, including free-of-charge health checks and treatment in state hospitals for workers.<sup>35</sup> However, it must be stressed that, since 2013, the government has increased the public servants' official salaries by more than 20%, which means that the economic gap between social classes is not closing.<sup>36</sup>

In conclusion, the results of the communal election of 2017 showed that the CPP had failed to renew itself and remained anchored to a top-down management of power that determined a wide gap between the top levels of the party and the base. In particular, this was due to the fact that the CPP ruling group, committed to consolidate its economic interests, appeared to be distant from the population's real problems.

### 2.1.2. Land grabbing problems

The land problem in Cambodia has historical roots. During the 1980s, after the Pol Pot tragedy, the pro-Vietnamese new Cambodian government tried to implement a collectivisation reform of the land, softer than the Khmer Rouge's.<sup>37</sup> For different reasons, these reforms were insufficient to make collectivisation a success. According to Sorpong Peou, they failed because of the inability of the leadership to impose a low-enough level of collectivisation, and the shortage of the means of production, a male labourforce.<sup>38</sup> Evan Gottesman and Alvin Cheng-Hin Lim have maintained that this policy was subverted from the inside by corruption. Local officials, indeed, distributed land of low quality to the Solidarity Groups (*krom samaki*) under their control, and kept the prime land for their families for the profitable purpose of renting or selling it.<sup>39</sup> Viviane Frings has added that it was «a strong evidence of the capacity of Cambodia culture to resist change imposed from above».<sup>40</sup> In 1989, private property was reintroduced

35. Wages of 700.000 garment workers have increased over 150 % over the past five years, from US\$ 61 per month in 2012 to US\$ 153 in 2017. 'In Charm Offensive, Hun Sen Promises Workers Raises, Pension', *The Cambodia Daily*, 21 August 2017. 'Cambodia hikes minimum wage for textiles workers by 11 pct from 2018', *Reuters*, 21 August 2017.

36. 'Government Salaries to Rise', *Khmer Times*, 24 October 2016.

37. Marie Alexandrine Martin, *Le mal cambodgien: histoire d'une société traditionnelle face à ses leaders politiques, 1946-1987*, Paris: Hachette 1989, p. 220.

38. Sorpong Peou, *Intervention and Change in Cambodia: Towards Democracy?*, Chang Mai: Silkworm Books 2000, pp. 97-98.

39. In 1986, more than 97% of the population belonged to 100,000 solidarity groups, composed of 20 or 30 families, and later reduced to 7-15 families. In theory, each Solidarity Group received between 10 and 15 ha of land. Evan Gottesman, *Cambodia After the Khmer Rouge: Inside the Politics of Nation Building*, New Haven: Yale University Press, 2003, pp. 272-73; Alvin Cheng-Hin Lim, *Cambodia and the Politics of Aesthetics*, New York: Routledge 2013, p. 30.

40. Viviane Frings, 'Cambodia after decollectivisation 1989-92', *Journal of Contemporary Asia*, Vol. 24, No. 1, 1994, p. 63.

and land was distributed to former *krom samaki* members.<sup>41</sup> However the new laws were widely circumvented by local officials, looking for their own private gain. This practice has persisted in the corruption of the post-socialist neoliberal era.<sup>42</sup>

In 2001, the adoption of the new Land Law,<sup>43</sup> caused further problems to the rural population. In fact, the new law allowed the government to grant pieces of land of up to 10,000 hectares to international and domestic investors, supposedly to encourage them to develop large-scale agro industry production.<sup>44</sup>

Foreign investors, mainly from China, Vietnam, South Korea, Thailand and Malaysia, were attracted by these new opportunities and, in 2011, roughly 2.3 million hectares were granted across Cambodia to 225 companies, on 70 to 99-year leases.<sup>45</sup> In addition, mining concessions of at least another 2 million hectares were granted and at least nine major hydropower dams were launched. These pieces of land were all located inside National park systems, like the Forest Estate, thus leading to a range of legal and pseudo-legal logging activities.<sup>46</sup>

Naturalistic and environmental problems apart, other relevant social problems stemmed from forced or illegal land evictions. It is estimated that some 770,000 people (6% of Cambodia's total population), have been forcefully evicted since the year 2000. No less than 4 million ha of land (22% of total land area of Cambodia) has been confiscated.<sup>47</sup>

41. About 0.16 ha of land per adult was distributed and households were also permitted to clear forest land for agricultural purposes. Cambodia Development Resource Institute, 'Community Well-Being and Household Mobility in Postconflict Cambodia', in Deepa Narayan, Patti Petesch (eds.), *Moving Out of Poverty: Rising from the Ashes of Conflict*, London: Palgrave MacMillan, 2010, p. 354.

42. Alvin Cheng-Hin Lim, *Cambodia and the Politics of Aesthetics*, New York: Routledge 2013, p. 30.

43. 2001 Land Law, and Sub-Decree no.146 on Economic Land Concessions 2005, Downloadable from Open Development Cambodia's Law Compendium ([http://www.opendevdevelopmentcambodia.net/laws\\_and\\_regulations/environment-land-and-nrm-laws/?post\\_type=law](http://www.opendevdevelopmentcambodia.net/laws_and_regulations/environment-land-and-nrm-laws/?post_type=law)).

44. A large-scale land concession is a lease agreement of up to 99 years' duration against a yearly fee of US\$ 2–10 per hectare, depending on the quality of the land. See Michelle McLinden Nuijen, Men Prachvuthy & Guus van Westen, '«Land grabbing» in Cambodia: land rights in a post-conflict setting', Mayke Kaag & Annelies Zoomers (eds.), *The global land grab: beyond the hype*, London: Zed Books, pp. 152-169.

45. Sarah Milne, 'Cambodia's Unofficial Regime of Extraction: Illicit Logging in the Shadow of Transnational Governance and Investment', *Critical Asian Studies*, Vol. 47, No. 2, 2015, pp. 200–228, here 201.

46. *Ibid.*

47. Alison Elizabeth Schneider, *What shall we do without our land? Land Grabs and Resistance in Rural Cambodia*, Paper presented at the International Conference on Global Land Grabbing 6-8 April 2011, University of Sussex.



These evictions were made easier for different reasons, mainly connected to:

- 1) Problems in defining property, considering that property rights on the land are not certain, since they were abolished during the Pol Pot period and subsequently during the period when the pro-Vietnamese government implemented its own collectivisation system.<sup>48</sup>
- 2) Problems deriving from the New Land legislation of 2001, which emboldened politicians and military personnel to claim vast swathes of arable land.<sup>49</sup>
- 3) Systemic and hierarchically-controlled form of corruption.<sup>50</sup>

Evictions were followed by complaints and conflicts between villagers or citizen stakeholders and the police. These complaints stemmed from several causes. The first was that the statutory fair and just compensation, provided for by the Land law, was rarely granted.<sup>51</sup>

The second was the feeling of indignation at companies, empowered by the law, were able to seize land that had been worked for years.

The groups of citizens and Human Rights' defenders or single heroes trying to stand up or report abuses were promptly repressed by the police. One of the most infamous cases was that concerning Tep Vanny: a land rights activist and human rights' defender, on 19 September 2017, Tep was sentenced to six months in prison for her prominent role in a protest in November 2011.<sup>52</sup>

From the point of view of our political analysis, it is especially relevant that land eviction caused farmers to mobilise themselves and that, in turn, promoted the rise of political movements. In fact, farmers' groups joined hands with other grass-root groups. Their common goal was not only to protest against the government, but to find new opportunities for social and political debate. In some cases, these heterogeneous movements spawned the birth of new micro-political formations backed even by the CNRP.

48. Simon Springer, *Violent Neoliberalism. Development, Discourse, and Dispossession in Cambodia*, New York: Palgrave MacMillan, 2015, p. 109.

49. Andreas Neef, Touch Siphath & Jamaree Chhengthong, 'The Politics and Ethics of Land Concessions in Rural Cambodia', *Journal of Agricultural and Environmental Ethics*, Vol. 26, No. 6, 2013, pp. 1085-1103; Simon Springer, *Violent Neoliberalism. Development, Discourse, and Dispossession in Cambodia*, p. 109.

50. Kheang Un & Sokbunthoeun So, 'Land Rights in Cambodia: How Neopatrimonial Politics Restricts Land Policy Reform', *Pacific Affairs*, Vol. 84, No 2, pp. 289-308.

51. Springer, *Violent Neoliberalism*, p. 145.

52. An additional 30-month prison sentence was inflicted on Tep Vanny on charges that arose out of her participation in a peaceful protest in 2013. 'A year of «hell» in Prey Sar for Tep Vanny', *The Phnom Penh Post*, 15 August 2017.

### 2.3. *CNRP's stability without Sam Rainsy*

No doubt, the failings and faults of the CPP favoured the increase of popular consensus for the CNRP. However, this rise of consensus was also influenced by the CNRP's own policies, which is now necessary to more closely analyse.

Here the main point to make is that the CNRP increased its consensus, despite a political programme that, paradoxically, was based on the strengthening of that same neoliberalism and nationalism, already widely implemented by Hun Sen's government. According to the historical leader of the CNRP, Sam Rainsy, the Cambodian neoliberal development model did not work simply because of CPP's corruption. However simplistic, the neoliberalism-cum-honesty CNRP proposal was enough to progressively win over a substantial part of the electorate.

In the last 10 years the CNRP has primarily managed to intercept the votes of large industrial cities and of the educated classes, playing the role of leader and protector of workers and of the lowest classes. Consequently, since 2010 the CNRP has supported the workers' protests demanding better working conditions and improved representativeness. When a government progressively restricts or represses any form of dissent or labour representation, it is clear that workers, to support their struggles, are induced to rely on those political parties that are seen as antagonistic to the government, regardless of the political projects of those same parties.

Furthermore, the CNRP, thanks to a group of young people not involved within the CPP's patron-client network, has been able to propose a platform for dialogue with young people. This objective has been pursued using simple language through social media. More generally, the CNRP proposals, aimed at protecting families' incomes and at increasing the wages of workers and public sector employees, were credible just because the CNRP had never ruled.

In this way, the leaders of the CNRP took a hold on people's minds, undermining the CPP's rhetoric based on Hun Sen's heroism and his role as architect of social peace.<sup>53</sup>

In addition to socially-oriented proposals, the CNRP programme was based on nationalism and racism, especially against the Vietnamese, accused of having removed part of the Cambodian territory. According to Sam Rainsy, Cambodia had yielded parts of its territory to Vietnam, with the complicity of the Hun Sen government. In order to foster the indignation of the Khmer Krom, the Cambodian ethnic group living along the Cambodia-Vietnam border, in 2015 Senator Hong Sok Hour, member of the CNRP,

53. 'Cambodia's society is changing fast, and its parties slowly', *New Mandala*, 9 June 2017.

published in Facebook a fake treaty and maps.<sup>54</sup> For this reason, Phnom Penh's municipal court convicted both Hong Sok Hour and the leader of CNRP, Sam Rainsy. Sam fled Cambodia in November 2015 and was convicted in absentia.

On 12 February 2017, Sam Rainsy announced his resignation from the presidency of the CNRP, handing over the party to his deputy Kem Sokha.<sup>55</sup> The reason for the resignation, as explained by Sam, was Hun Sen's proposal to dissolve any party led by someone convicted of a crime.<sup>56</sup>

But, as shown below, Sam Rainsy's decision did not save his party.

### 3. *The black Cambodian autumn and the violent repression of CNRP*

After the municipal elections of 2017, on 7 July, for the second time in six months, the CPP proposed a new set of changes to the National Assembly, allowing courts to dissolve parties ruled by convicted criminals. Two additional points aimed at barring parties from «using voice, images, documents in writing or activities of the convicted of felony or misdemeanour» or from «openly or tacitly agreeing or conspiring with convicts to carry out any activities for political gains/interests of its party.»<sup>57</sup> A third point forbade parties from conspiring with convicts to disrupt state security.<sup>58</sup> On the basis of these amendments, courts could suspend for up to five years or entirely dissolve parties that violated these provisions.<sup>59</sup>

It was clear from the outset that the purpose of the law was making difficult or outright impossible the propaganda activities of the opposition parties, in particular of those that made wide use of social media, such as the CNRP. According to the Cambodian Centre of Human Rights' legal analysis, the law received widespread criticism for its vague and ambiguous language, and for violating the principle of legal certainty.<sup>60</sup>

Just one month later, the government started a policy aimed at muzzling opposition media outlets. Its first step was requesting The Cambodia Daily to pay US\$ 6.3 million, supposedly as arrear taxes, going back a decade. The newspaper, well-known for its independence and

54. 'Cambodian dissident Sam Rainsy convicted over Facebook posts', *The Australian*, 28 December 2016.

55. 'Top Opposition Leader in Cambodia Resigns as Election Nears', *The New York Times*, 12 February 2017.

56. 'Hun Sen mulls rules to dissolve parties for individual's wrongdoing', *The Cambodia Daily*, 3 February 2017.

57. 'Political Party Law Would Sever Rainsy From CNRP', *The Cambodia Daily*, 7 July 2017. UN OHCHR in Cambodia, *A Human Rights Analysis of the Amended Law on Political Parties (2017)*, 28 March 2017.

58. *Ibid.*

59. *Ibid.*

60. CCHR, *Legal Analysis of the July 2017 proposed amendment to the LLP*, 2017.

credited for its reports critical of the government, unable to pay, had to shut down (however, at least up to the closing of the present article, the daily has continued to publish its online edition).<sup>61</sup> This was followed by the closing of 15 radio stations in August, on the flimsy pretext that they had sold their airtime to either the independent US-funded Radio Free Asia (RFA) or the Voice of America (VOA), without giving notice in advance to the Ministry of Information.<sup>62</sup> Consequently, Radio Free Asia closed down its nearly 20-year old bureau in Phnom Penh.<sup>63</sup>

Similarly, on 23 August, the government closed the National Democratic Institute and expelled foreign staff accused of illegally operating in the country.<sup>64</sup> As reported by the NDI web site: «The letter from the Ministry of Justice and International Cooperation expelling NDI made no mention of political bias, and focused solely on NDI's registration status». The registration status was requested by the law that regulated associations and non-governmental organizations in Cambodia. As explained by CNRP members, the order came after the NDI was accused of providing the CNRP with a plan to organise in Cambodia a «Color Revolution» and topple the Hun Sen government.<sup>65</sup>

After two weeks, in an already deteriorated climate, CNRP President Kem Sokha was arrested on 3 September for «treason». The arrest was carried out under the «flagrante delicto» clause, which annulled parliamentary immunity.<sup>66</sup> Kem was charged on the basis of a video, broadcast by CBN (Cambodian Broadcasting Network) in 2013, where he said: «[...] US has helped me to implement the models of Yugoslavia and Serbia that succeeded in toppling dictator Milosevic. Milosevic had many tanks but they succeeded using such strategies and they conveyed those experiences to me to be conducted in Cambodia.»<sup>67</sup>

Kem Sokha was arrested without a warrant, and could not avail himself of a lawyer. The government-aligned Fresh News outlet posted an article alleging that the CNRP had received US\$ 390,000 from the Serbia-based Centre of Applied Non-violent Action and Strategies, which was also accused of conducting training courses for CNRP youth on strategies to

61. 'The Cambodia Daily to Close (After Chasing One Last Big Story)', *The New York Times*, 3 September 2017.

62. 'More stations told to stop VOA, RFA shows, National, Phnom Penh Post', *The Phnom Penh Post*, 4 September 2017.

63. 'RFA Closes Phnom Penh Bureau Amid Crackdown by Hun Sen', *RFA*, 12 September 2017.

64. 'Explaining the crackdown in Cambodia', *New Mandala*, 1 September 2017.

65. 'Breaking: NDI to be shuttered, foreign staff expelled', *The Phnom Penh Post*, 23 August 2017.

66. 'Sokha arrested for «treason», is accused of colluding with US to topple the government', *The Phnom Penh Post*, 2 September 2017.

67. The Cambodian government re-broadcast this video on TV and social networks. It is accessible on YouTube: Why H.E. Kem Sokha was arrested?.

topple the government in 2018.<sup>68</sup> As explained by Hun Sen, during a public speech: «The treason of colluding with foreigners to betray the nation requires [us] to make an immediate arrest». The prime minister accused Kem Sokha and the US of plotting a coup, with the help of American NGOs in Cambodia, evoking the US-backed Lon Nol regime, which ousted the late King Norodom Sihanouk in 1970.<sup>69</sup>

The result of the government policy of intimidation and repression has been that, since September 2017, more than half of the 55 CNRP members of the National Assembly have fled the country, including its deputy leader, Ms. Mu Sochua. The CNRP MPs still in the country have been boycotting parliamentary sessions.

The government's repressive policies, however, did not completely deter all forms of resistance, triggering, on the contrary, a spat of popular protests. But once more, these protests were repressed by the police. Five members of the Khmer National Liberation Front (KNLF) party were arrested on 30 October, accused of incitement for carrying leaflets calling for public protests and the release of political prisoners.<sup>70</sup>

One month after Kem Sokha's arrest, on 10 October, the court gave him just 20 days to gather evidence to defend the CNRP from the treason charge levelled against it, which, if proved, would cause its dissolution. At that point it was evident that the fate of the CNRP was already sealed.

On 24 October, the government received the endorsement to change the election laws by the Cambodian Constitutional Council. This change, approved by parliament, allowed the dissolution of political parties headed by convicted criminals.<sup>71</sup> Finally, on 16 November, the Supreme Court decided to dissolve the CNRP.<sup>72</sup>

It is worth noting that the President of the Supreme Court, Dith Munt, was a prominent member of the CPP<sup>73</sup> elected in the CPP representative Assembly of Kompong Cham in 1993.<sup>74</sup> He had also been Pol Pot and Ieng Sary's lawyer in the 1979 in absentia trial, in which the Vietnamese-backed Cambodian government sentenced them to death.

Ironically, just after the dissolution of the CNRP, the CPP tried to induce the members at local level of the former party to defect to the ruling party.<sup>75</sup>

68. 'Fresh News leaks more «evidence» against CNRP', *Khmer Times*, 1 September 2017.

69. *Ibid.*

70. 'Five KNLF members arrested', *The Phnom Penh Post*, 30 October 2017.

71. 'Cambodian government expels opposition party from parliament', *World Socialist Web Site*, 30 October 2017.

72. '«Death of democracy»: CNRP dissolved by Supreme Court ruling'.

73. 'Au Cambodge, l'opposition interdite', *Le Monde*, 16 November 2017.

74. 'New Supreme Court Chief Justice Appointed', *The Phnom Penh Post*, 5 June 1998.

75. European Parliament, *Joint Motion for a resolution*, 13 September 2017.

The Cambodian drama closed with a reallocation of CNRP's seats in the National Assembly, which were distributed to the small parties. The FUNCINPEC (Front Uni National pour un Cambodge Indépendant, Neutre, Pacifique et Coopératif) received 41 seats, the League for Democracy Party six, the Khmer Anti-Poverty Party five, the Cambodian Nationality Party two, and the Khmer Economic Development Party one. Similarly, more than 5,000 CNRP's Communal seats were relocated to other parties.<sup>76</sup> The CPP took over a total of 4,548 seats, the FUNCINPEC 239, the Khmer National United Party 201, and a few seats went to the smaller parties. The League for Democracy party, the Anti-Poverty party and the Grassroots Democracy party were rigorous enough to decline the offer of the CNRP seats.<sup>77</sup>

#### 4. *International reactions*

##### 4.1. *Prompt but feeble EU and US reactions*

Since Sokha's arrest, members of the CNRP and the most influential humanitarian organisations immediately started a campaign to raise awareness abroad on the political situation in Cambodia. The news of the dissolution of the CNRP went quickly around the world, but caused adverse reactions – and weak ones at that – on the part of a limited number of countries and international organisations: the EU, the US, the United Kingdom, France, Sweden<sup>78</sup>, Germany, Australia and the United Nations. For his part, Cambodian Foreign Minister Prak Sokhom reacted to this criticism by scolding the western governments for interfering in Cambodian internal affairs.<sup>79</sup>

The EU, on 14 September 2017, promptly released a hard hitting joint motion, condemning Sokha's arrest, deploring the public statements made by Hun Sen and high-ranking Cambodian officials about Kem Sokha's supposed guilt. It also urged the Cambodian authorities to revoke all charges against Sam Rainsy, releasing at the same time other «opposition officials» and human rights defenders who had been unfairly detained.<sup>80</sup>

On December 2017, the EU announced the suspension of funding for the Cambodian election'.<sup>81</sup> This decision was closely followed by a comparable

76. 'NEC reallocates parliament seats' *The Khmer Times*, 24 November 2017.

77. 'CNRP commune seats doled out', *The Khmer Times*, 4 December 2017.

78. 'Sweden threatens to review engagement with Cambodia', *Reuters*, 19 October 2017.

79. 'The Government's Views on Kem Sokha's Case', *The Khmer Times*, 12 September 2017.

80. European Parliament, *Resolution of 14 September 2017 on Cambodia, notably the case of Kem Sokha*, 2017/2829(RSP).

81. European Parliament, *Resolution of 14 December 2017 on Cambodia: notably the dissolution of CNRP Party*, 2017/3002(RSP).

one from the US, suspending the funding for Cambodia's National Election Committee. Moreover, the US State Department announced a policy of visa restrictions on individuals «involved in undermining democracy in Cambodia».<sup>82</sup>

#### 4.2. *Economic diplomacy at work. Silence and support by China and Japan*

As anticipated in the introduction of this article, the Cambodian neoliberal development model, fed by donors' funds, has sustained the legitimacy of the Hun Sen government. However, the consequent rise of the macroeconomic indicators has been coupled by an increasingly unequal distribution of wealth, which has generated social struggles, violently repressed by the government.<sup>83</sup> Despite the visible and increasingly authoritarian drift of the Cambodian government, no foreign government has either suspended the ongoing cooperation programmes or requested any conditionalities in relation to human rights or democracy.

On 1 January 2017, China President Xi Jinping met Hun Sen during the «CPC in Dialogue with World Political Parties High-Level Meeting», held in Beijing.<sup>84</sup> Xi referred to Hun Sen as a «good friend, old friend and true friend of the CPC and the Chinese people».<sup>85</sup> A few weeks later, China Prime Minister Li Keqiang termed the China-Cambodia ties a «Model of Country-to-Country Relations»,<sup>86</sup> giving full support to Hun Sen. In fact the ties between the two countries were strengthened by a flourishing bilateral trade, which topped US\$ 4.8 billion in 2016.<sup>87</sup> In the same year, Phnom Penh received US\$ 732 million in aid from China, which also promised to provide equipment for Cambodia's 2018 election.<sup>88</sup>

Similarly, in 2017 Japan continued to strengthen its cooperation with Cambodia, despite the temporary freeze of bilateral relations during 2016. Problems between Tokyo and Phnom Penh stemmed from Hun Sen's statements aimed at sustaining the position of China against the Philippine's international claims. In 2013, the Philippines began an international legal

82. U.S. Department of State, *Visa Restrictions on Individuals Responsible for Undermining Cambodian Democracy*, Press Statement, 6 December 2017.

83. Simon Springer, *Cambodia's Neoliberal Order. Violence, authoritarianism, and the contestation of public space*, London and New York: Routledge, 2010; Simon Springer, *Violent Neoliberalism. Development, Discourse, and Dispossession in Cambodia*, New York: Palgrave MacMillan, 2015.

84. 'Chinese president meets Cambodian PM', *Xinhua*, 2 December 2017.

85. *Ibid.*

86. 'China: Ties With Cambodia Have Become «Model of Country-to-Country Relations»', *The Diplomat*, 5 January 2018.

87. Office of the Council of Ministers, *Remark Samdech Techo Hun Sen at the 2017 Cambodia-China Trade and Tourism Promotion Forum*, 16 May 2017 (<http://pressocm.gov.kh/en/archives/5924>).

88. 'China will provide equipment for 2018 Cambodia election after EU, US withdraw support', *South China Morning Post*, 28 December, 2017.

process denouncing, among others, the illegitimacy of the Chinese claims on the South China Sea.<sup>89</sup> On 12 July 2016 the Tribunal issued its verdict, completely favourable to the Philippines, accepting almost all of Manila's submissions.<sup>90</sup> After the tribunal's verdict, speaking at the 65<sup>th</sup> anniversary of the CPP, Hun Sen stated that the party would not support the court's ruling in this case and would never support any joint declaration by ASEAN states or other countries relating to the South China Sea.<sup>91</sup>

By sending his ambassador to the funeral of Kem Ley,<sup>92</sup> the activist killed on 10 July 2016, Shinzō Abe probably wanted to show his disappointment towards Hun Sen's statement.<sup>93</sup> Moreover, two months earlier, during a tour of the Mekong countries, Japanese Foreign Minister Fumio Kishida included stops in China, Myanmar, Laos and Vietnam, but not in Cambodia.<sup>94</sup>

However, relations between the two countries warmed up again in August 2017 when, during a four-day official visit to Japan, Hun Sen was treated to a surprise party for his birthday. The party had been organised by Abe, who even stood up and sang a birthday song while the birthday cake was presented to the Cambodian premier.<sup>95</sup>

During the Cambodian Black Autumn, in October 2017, Tokyo began a US\$ 33 million renovation project of the Cambodia-Japan Friendship Bridge in Phnom Penh. The bridge had been built by the Japanese in 1963, and reconstructed by them in 1994, after its destruction by the Khmer Rouge.<sup>96</sup> It is curious to note that the bridge renovation was announced at the very moment when the arrest of the leader of the CNRP became known worldwide.

Since 2000, Japanese ODA to Cambodia have never been interrupted and have been directed mainly to the strengthening of infrastructures

89. Permanent Court of Arbitration, *PCA Case No. 2013-19. The South China Sea Arbitration. Award of 12 July 2016*, Section II, Part A, 12 July 2016 (<http://www.pcacases.com/pcadocs/PH-CN-20160712-Award.pdf>).

90. Permanent Court of Arbitration, *The South China Sea Arbitration. Press Release*, 12 July 2016 (<http://www.pcacases.com/web/sendAttach/1801>).

91. 'After the Big South China Sea Verdict, What Will ASEAN Say?', *The Diplomat*, 30 June 2016; Sovinda Po & Veasna Var, 'Cambodia's South China Sea Dilemma Between China and ASEAN', *IPP Review*, 3 May 2017.

92. 'Dr. Kem Ley's Funeral Procession', *Licadho Livestream*, 24 July 2016.

93. 'South China Sea Verdict Final, Japan's Abe Tells Hun Sen', *The Cambodia Daily*, 19 July 2016.

94. 'Japan to support Mekong countries with \$7 billion over three years', *Reuters*, 2 May 2016.

95. 'Cambodian PM Hun Sen gets surprise birthday treat from Abe', *Kyodo News*, 8 August 2017.

96. Funded by a grant from the Japanese government through Japan International Cooperation Agency (JICA), this bridge was expected to be completed by the end of 2019. 'Japan funding renovation of iconic Chroy Changvar Bridge', *Phnom Penh Post*, 19 February 2018



such as roads, bridges and pipelines. During this period, the Japanese government, following the basic philosophy of its «ODA charter», has always highlighted the principle of human security as its strategic flagship.<sup>97</sup> However, alongside its rhetorical commitment to the ODA charter, Japan has always sponsored, in Cambodia as elsewhere, the implementation of a neoliberal economic policy, aimed at favouring Japanese investment.

97. Ministry of Foreign Affairs of Japan, *Basic Approaches of Japan's ODA (philosophy and principles)* (<http://www.mofa.go.jp/policy/oda/summary/1995/1basic.html>).