

CAMBODIA BETWEEN THE END OF HISTORY AND THE END TIMES OF HUMAN RIGHTS

SEBASTIAN STRANGIO¹

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I. 2013 — A CAMBODIAN SPRING?

On July 28, 2013, Cambodians went to the polls for the fifth time in 20 years and loudly voiced their desire for change. The Cambodian People’s Party (CPP), which has ruled the country in various guises since 1979, reeled as its share of the 123-seat National Assembly was slashed from 90 seats to just 68—its worst electoral performance since 1998. The remaining 55 seats were won by the newly formed Cambodia National Rescue Party (CNRP),² which had deftly capitalized on the simmering discontent with the 29-year rule of Prime Minister Hun Sen.

The surprise outcome was the result of profound social, economic, and demographic changes that have transformed Cambodia in recent years. The 2013 electorate was the youngest in Cambodia’s history: about 3.5 million of the 9.5 million registered voters were between the ages of 18 and 30 years, and 1.5 million

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2 The CNRP was created in 2012 through the merger of two major opposition parties, the Sam Rainsy Party (SRP) and the Human Rights Party (HRP).

of them—more than 15 percent—were voting for the first time.³ These first-time voters have grown up in a very different country than the one their parents and grandparents knew. Between 1998 and 2007, Cambodia’s gross domestic product grew by nearly 10 percent per year—the sixth fastest growth rate in the world.⁴ In two decades Cambodia’s per capita income has almost quadrupled, rocketing from \$240 in 1993 to a projected \$1,000 by the close of 2013, and spawning a small middle class with the disposable income to spend on cars, motorbikes, and consumer electronics such as smartphones. Cambodia is now on the verge of admission into the World Bank’s club of “lower middle-income” countries.⁵

But while the Cambodian economy has exploded, transforming the capital Phnom Penh into a boomtown scored with high-rise towers and apartment blocks, economic development has been highly inequitable. The country’s political, business, and military elites continue to rule through a system of patron-client relations in which political loyalty and preferential access to the country’s resources exist in a tight symbiosis. In the capital, a grab for valuable inner-city land has resulted in the mass eviction of poor urban residents. An estimated 150,000 people have been displaced from Phnom Penh since 1999—around 11 percent of the city’s current population.⁶ A similar form of hurricane capitalism has descended on the rural hinterlands, where land-grabs, deforestation, and the widespread granting of long-term agricultural leases—known as economic land concessions, or ELCs—have consumed huge swathes of arable land and uprooted tens of thousands.⁷

For the past 35 years, the CPP has based its legitimacy on its success in ending the Khmer Rouge threat and bringing peace, stability, and basic economic development to a war-torn land. However, the very social and economic transformations that have resulted directly from CPP rule have also served to weaken the party’s time-proven systems of control. A large majority of Cambodians now have no memory of the Khmer Rouge and, unlike the older generation, are no longer willing to accept Pol Pot’s nightmare as a benchmark. Cambodians also have greater access to information. Urban migration and the

3 Kevin Ponniah, *Political Eyes on Youth Vote*, PHNOM PENH POST, July 9, 2013.

4 Stephane Guimbert, *Cambodia 1998-2008: An Episode of Rapid Growth*, World Bank Policy Research Working Paper No. 5271 (Apr. 1, 2010) at 7, available at <http://documents.worldbank.org/curated/en/2010/04/12093794/cambodia-1998-2008-episode-rapid-growth>.

5 According to the World Bank for 2015, “lower middle-income countries” are those with per capita annual income between \$1,046 and \$4,125. See http://data.worldbank.org/about/country-and-lending-groups#Lower_middle_income.

6 Sahmakum Teang Tnaut, *A Tale of Two Cities: Review of the Development Paradigm in Phnom Penh* (Aug. 2012), 15-16, available at http://teangtnaut.org/wp-content/uploads/2013/01/TaleofTwoCities_STT_August2012_WEB.pdf.

7 See, e.g., Paul Vrieze & Kuch Naren, *Carving Up Cambodia*, CAMBODIA DAILY, Mar. 10-11, 2012.

proliferation of internet access and social media networks such as Facebook have fostered awareness that local concerns (land grabs, deforestation, radiating levels of corruption) are part of a larger system—one that has created massive amounts of wealth, yet largely ignored the needs of ordinary people.

As rural migrants have flooded the cities, joining a growing urban working class of garment and construction workers, they have escaped the smothering influence of CPP village chiefs and commune authorities—the bedrock of the party’s power since the 1980s. As time goes by, fewer people carry portraits of Prime Minister Hun Sen during demonstrations calling for his kingly intercession in local disputes. More people are now criticizing the system. The 2013 election functioned as a flashpoint for the discontent that has been rising slowly over the past decade.

As with every Cambodian election since the United Nations-organized 1993 poll, the July 2013 election gave way to a protracted deadlock. CNRP president Sam Rainsy and his deputy Kem Sokha immediately claimed that they were robbed of victory and demanded a UN-backed investigation into alleged voter fraud. To drive their demands home, they boycotted the newly elected National Assembly and launched a campaign of colorful public demonstrations at Freedom Park, a government-sanctioned “protest zone” in the center of Phnom Penh. Predictably, Hun Sen refused the opposition’s demands, and the CPP-dominated National Election Committee (NEC) rubber-stamped the party’s 68–55 margin of victory.

As the deadlock dragged on, and political negotiations limped along behind closed doors, election complaints coalesced into a broader movement for social change. Garment workers took to the streets, demanding a large hike in the minimum wage. Teachers threatened to strike, and garbage collectors walked off the job. Buddhist monks defied their superiors and attended protests. The wave of opposition crested in late 2013, when more than 100,000 people marched through Phnom Penh, openly calling for Hun Sen’s resignation—the largest sign of opposition to his rule in 15 years. In early January 2014, garment worker protests on the outskirts of the city degenerated into violence as police fired live rounds at demonstrators, killing five. The government responded by banning public gatherings. Freedom Park, now living up to its name as a symbol of free expression and dissenting opinions, was blocked off with barriers and patrolled by thuggish helmeted security guards in the pay of the district authorities.

Nearly a year passed before the deadlock ended. On July 15, 2014, during an opposition protest to “free Freedom Park,” CNRP supporters set upon a squad of district security officials, beating several bloody. In the aftermath, seven CNRP politicians were arrested, slapped with trumped-up charges, and locked up at Prey

Sar prison in Phnom Penh. In typical Cambodian style, the wheel turned quickly; within days, the incident had led to a resumption of talks, and an eventual agreement. On August 5, the CNRP's 55 elected lawmakers were finally sworn into the National Assembly, bringing the post-election deadlock to an end. As opposition lawmakers entered parliament, normality returned to Phnom Penh. The barricades came down and Freedom Park was restored to the public. The tense standoff between Cambodia's two largest parties—one on the rise, the other battling the accretions of age and decades-long incumbency—came to an end, at least for the time being.

What is in store for Cambodian politics between now and the 2018 national election? In purely institutional terms, the political settlement looks promising for the opposition. In exchange for ending its National Assembly boycott, the seven CNRP detainees were released from prison, and the party received the chairmanships of five of the parliament's ten special commissions (including a new Anti-Corruption Commission) and the post of National Assembly vice-president. The agreement also reconfigured the National Election Committee (NEC), previously a CPP fief. The nine members on the newly constituted NEC will now be split between four delegates from each party, with the balance held by one "neutral" delegate. The two parties initially agreed that this position be held by Pung Chhiv Kek, the respected founder and president of the human rights group LICADHO.

At the first joint session of the National Assembly, CNRP president Rainsy hailed a new dawn in Cambodian politics: "To guarantee the implementation of this agreement, both parties must carry it out with optimism, honesty and belief in each other, even though we will be met with obstacles and difficulties." Hun Sen described the occasion in slightly less sunny terms, as "the start of a long process together."⁸ But this new dawn didn't last long. By October, negotiations over the shape of the new-look NEC had run aground on disagreements over the qualifications that members of the body should hold.⁹ The CPP also sought to bar dual citizens from sitting on the committee, a hurdle that would disqualify Pung Chhiv Kek from being appointed the body's ninth member.¹⁰ In mid-November, as the negotiations dragged on, police arrested Meach Sovannara, a CNRP official, in a move that many saw as an attempt to once again strong-arm the opposition into accepting a political arrangement on the CPP's terms.¹¹

8 Khy Sovuthy, *Assembly Rules Amended in First Bipartisan Sitting*, CAMBODIA DAILY, Aug. 9, 2014.

9 Meas Sokchea, *Parties Yet to Agree On Part of NEC Draft Law*, PHNOM PENH POST, Oct. 21, 2014.

10 Kuch Naren, *CPP Says NEC Dual Nationals Ban Not Aimed at Pun Chhiv Kek*, CAMBODIA DAILY, Nov. 18, 2014.

11 Kuch Naren, *Yet Another CNRP Official Arrested Over July Violence*, CAMBODIA DAILY, Nov. 12, 2014.

And so a new political cycle begins, which will set the stage for the crucial 2017 commune election and the national election the year after. Where to now for the country? Were the 2013 election and the deadlock that followed a watershed for Cambodia, or were they business as usual? Did the election represent continuity, or change? John Marston has written that the key to understanding contemporary Cambodia is “the way transnational forces interface with local agendas. Its poverty and history of war, the ineffectiveness of state bureaucratic mechanisms, and the way that Vietnam and the United States played major roles in recent history in the creation of the current state apparatus, all bear on the fact that Cambodia stands particularly exposed to a variety of international pressures.”¹² To get a grasp on where Cambodia may be heading, it is therefore necessary to examine the local and international dynamics that have driven Cambodian politics over the past 20 years, from the country’s democratic rebirth at the end of the Cold War to its emergence into an uncertain and increasingly multipolar world.

2. 1991 — CAMBODIA AT THE END OF HISTORY

Cambodia’s current political system is the product of tensions and collisions between local and international imperatives. Formally, it came into being on October 23, 1991 with the signing of the Paris Peace Agreements, which sought to bring the country’s long civil war to an end. The signatories of the Agreements included 18 nations and representatives of the four Cambodian armed factions that had been fighting one another since the overthrow of the Khmer Rouge in 1979: the Cambodian People’s Party (formerly the Kampuchean People’s Revolutionary Party), which had ruled the country since being installed by Vietnam on the ashes of the Pol Pot regime; the Khmer People’s National Liberation Front, a loose collection of pre-war republicans and nationalists; Funcinpec, a royalist political organization founded by the pre-war leader Prince Norodom Sihanouk in 1981; and the so-called “Party of Democratic Kampuchea,” the rebranded Khmer Rouge, which, thanks to Cold War expediency, continued to occupy Cambodia’s UN seat.

The Paris Agreements created the UN Transitional Authority in Cambodia (UNTAC), which was tasked with taking temporary control of the Cambodian state and guiding its transition towards peace and democratic elections. UNTAC had a daunting mission. It was expected to coordinate a ceasefire and the withdrawal of all foreign (i.e. Vietnamese) forces from Cambodia, followed by the disarmament and demobilization of the four Cambodian armed factions. Refugee

12 John Marston, *Cambodia: Transnational Pressures and Local Agendas*, SE. ASIAN AFF. 95 (2002).

camps along the Thai border were emptied and the UN resettled hundreds of thousands of refugees who had fled there in 1979. In order to create a “neutral political environment” for an election, UNTAC staff were given sweeping vice-regal powers over key ministries. During the transitional period, sovereignty was temporarily vested in a 13-member Supreme National Council consisting of delegates from each of the four factions, with Prince Sihanouk serving as the body’s “neutral” president. The scope and ambition of the UNTAC mission was unprecedented. Retiring UN Secretary-General, Javier Perez de Cuellar, described it as “probably the most important and most complex in the history of the United Nations.”¹³

All this took place at a crucial historical juncture: the fall of the Soviet Union and the wave of liberal optimism that followed in its wake. These were the heady years of US President George H. W. Bush’s “new world order,” and succeeding UN Secretary-General Boutros Boutros-Ghali’s “An Agenda for Peace.” In 1989, Francis Fukuyama had famously proclaimed the “end of history,” arguing that communism’s collapse heralded “the end point of mankind’s ideological evolution and the universalization of Western liberal democracy as the final form of human government.”¹⁴ Post-Cold War optimism was present in Cambodia in an especially concentrated form. With the signing of the Paris Agreements, the country became a symbol and subject of the new world order. A newly united “international community,” working with empowered local NGOs, were expected to usher a victim of Cold War realpolitik along the road towards post-history—an elysian state of human rights, democratic government and free markets. Cambodia was seen in the light of past tragedies and future utopias. Atavistic horror and the hope of human progress came together in a symmetrical moral adventure, with well-intentioned outsiders in starring roles. As one aid worker had memorably told William Shawcross nearly ten years earlier, Cambodia “had everything. Temples, starving brown babies and an Asian Hitler figure—it was like sex on a tiger skin.”¹⁵

After the UN arrived, Phnom Penh, an impoverished socialist capital, became a tropical outpost of what Alex de Waal has termed the “humanitarian international”¹⁶—a postmodern treaty-port city, forced open not by colonial gunboat diplomacy, but by “overseas development assistance.” Foreign money flooded in, along with a legion of NGOs, aid workers, and development consultants. But

13 Alan Riding, *4 Parties in Cambodian War Sign U.N.-Backed Peace Pact*, N.Y TIMES, Oct. 24, 1991.

14 Francis Fukuyama, *The End of History?*, THE NATIONAL INTEREST, Summer 1989.

15 WILLIAM SHAWCROSS, THE QUALITY OF MERCY: CAMBODIA, HOLOCAUST AND THE MODERN CONSCIENCE 423 (1984).

16 See Alex de Waal, *An Emancipatory Imperium? Power and Principle in the Humanitarian International*, in CONTEMPORARY STATES OF EMERGENCY: THE POLITICS OF MILITARY AND HUMANITARIAN INTERVENTIONS (Didier Fassin & Mariella Pandolfi, eds. 2010).

while the West had experienced what Michael Ignatieff has called a “revolution of moral concern,”¹⁷ no parallel shift had occurred inside of Cambodia. Throughout the 1980s, Cambodia had languished in war and poverty. The regime in Phnom Penh was isolated and embargoed by the West—a punishment for its close association with communist Vietnam—while the men and women who had presided over the horrors of the Khmer Rouge continued to enjoy Chinese and Western support.

For Hun Sen, who came of political age during this decade of Cold War double standards, all this imparted a pointed lesson: when superpowers invoke high-minded principles like democracy or justice or universal rights, they are often a cover for political interests. Powerful states such as China, the US, and the Soviet Union had stoked the Cambodian conflict for decades in pursuit of wider strategic objectives; at Paris, they suddenly decided that peace should prevail. Hun Sen and his government had different ideas. They saw no reason to give up power just because the “international community” demanded it. This was the same “international community,” after all, that had helped keep Pol Pot’s men in the UN since 1979. As a result, the CPP saw the Paris Agreements and the coming of democratic elections not as an end to the civil war and a chance for democratic government, but as a new and more sophisticated way of unseating it from power. The NGOs, newspapers and civil society groups that sprung up under UNTAC’s protective umbrella were not the advance guard of a new global order; they were the fifth column of a hostile West. The end of the Cold War and the political transition it heralded was not a revolutionary change; it was an obstacle to be overcome.

Hun Sen’s particular political genius was to see that by aping the language of the new world order, and by permitting a limited degree of pluralism, his party could navigate the period of pluralism and successfully maintain its grip on power. In the late 1980s, as the prospects for peace improved, he emerged as a key proponent of cosmetic reform—of exchanging of a “red” shirt for a “blue” one.¹⁸ Between 1989 and 1991, his party jettisoned communism, released political prisoners, abolished the death penalty, reinstated private property rights, committed itself to “pluralism,” and redefined itself as a party of Buddhist-inflected populists: the “Cambodian People’s Party.” The old posters of Lenin and Marx came down. The party’s socialist insignia was thrown out in favor of a devada, a Buddhist angel, sprinkling divine blessings. Party leaders soon began patronizing temples and taking part in traditional religious ceremonies, as the old monarchs had once

17 Cited in David Rieff, *A BED FOR THE NIGHT: HUMANITARIANISM IN CRISIS* 10 (2002). See also generally MICHAEL IGNATIEFF, *THE RIGHTS REVOLUTION* (2000).

18 See MARGARET SLOCUMB, *THE PEOPLE’S REPUBLIC OF KAMPUCHEA, 1979-1989: THE REVOLUTION AFTER POL POT* 268 (2003).

done.¹⁹ Despite excoriating Prince Sihanouk for years as a “feudal reactionary,” the party positioned itself as the heir and “younger brother” of his royalist regime of the 1950s and 1960s.²⁰ In due course, the party—and Hun Sen himself—had undergone a thorough rebranding.

Of course, Cambodian history didn’t end with the Paris Agreements; it moved into a new phase of political struggle. The keynotes of the immediate post-UNTAC years were not peace and stability, but contingency, fragility, and continuity with earlier forms of governance. To put it another way, the old war simply played out in a new arena. After coming second in the UN-organized 1993 election, the CPP blustered and threatened its way into an equal share of power with Funcinpec, which had won a majority of seats due to the magnetic appeal of the soon-to-be-re-crowned King Sihanouk. When the new government was formed, Funcinpec’s leader (and Sihanouk’s son) Prince Norodom Ranariddh became “First” Prime Minister while Hun Sen became “Second”—a farcical division of titles which can best be appreciated in the French, which anointed Ranariddh “Première Premier Ministre” to Hun Sen’s “Deuxième Premier Ministre.”²¹

The coalition comprised two parties that had been at war for more than a decade. Mounting violence and political dysfunction marked the four years of its existence as two patronage networks struggled for supremacy. The arms race culminated in July 1997, when forces loyal to Hun Sen defeated Ranariddh’s men in bloody street battles—a result that quashed Funcinpec as a source of serious political opposition, eliminated its military wing, and cemented Hun Sen’s supremacy within the CPP.²² Soon afterward, the Khmer Rouge were finally defeated and the Cambodian civil war came to an end—not by treaties and resolutions, but by military force and political deals.

Hun Sen has ruled the country ever since, consolidating his political and economic power and slowly whittling back the democratic gains of the UNTAC years. At the same time, the CPP has elevated its dissimulative strategy of the early 1990s into an entire system of governance. Wanting foreign aid minus foreign scrutiny, Cambodian officials make frequent lofty promises to the international sphere, while continuing to govern in the same fashion: through a decentralized and highly-individualized system of patronage, made up of webs of personal relationships that connect the country’s political, business, and military elites. Steve

19 See, e.g., Judy Ledgerwood, *Ritual in the 1990 Cambodian Political Theatre: New Songs at the Edge of the Forest*, in *AT THE EDGE OF THE FOREST: ESSAYS ON CAMBODIA, HISTORY, AND NARRATIVE IN HONOR OF DAVID CHANDLER* (Judy Ledgerwood & Anne Ruth Hansen, eds. 2008).

20 K. Viviane Frings, *The Cambodian People’s Party and Sihanouk*, 25:3 J. CONTEMP. ASIA 356, 359-60 (1995) (citing a May 24, 1992 editorial in PRACHEACHON).

21 HENRY KAMM, *CAMBODIA: REPORT FROM A STRICKEN LAND* 227 (1998).

22 SEBASTIAN STRANGIO, *HUN SEN’S CAMBODIA* 94 (2014).

Heder has described this system as an “involute façade state,” characterized by political theatre and hollow institutions.²³ In my book *Hun Sen’s Cambodia* I refer to this as a “mirage” of liberalism and reform, which the Cambodian government has fostered—consciously and strategically—in order to placate and manipulate its international “partners.”

In this context, the “humanitarian international” lives on. Twenty-three years after the UN pitched its blue tents, Cambodian civic culture is awash in democratic symbols and human rights narratives. Government officials speak the language of universal values and “good governance.” Artificial UN events such as International Human Rights Day are official public holidays. Colorful NGO insignias can be seen everywhere: on posters, banners, t-shirts, bumper-stickers, calendars, coffee mugs, and the sides of the white 4WDs that roar around the capital Phnom Penh, kicking up dust. The hopes of the early 1990s—for accountable government, human rights, and social justice—are literally emblazoned on Cambodia’s civic life. This collision of local and international prerogatives has produced not democracy, but a façade, an almost perfect abstraction.

3. 2013—CAMBODIA AT THE END TIMES OF HUMAN RIGHTS

Cambodian politics of the past two decades has thus been defined in part by how various political players have situated themselves in relation to the institutions and guiding ideologies of the international sphere. As Marston has written:

[G]overnment institutions and public non-governmental bodies, claiming to be local, must nevertheless negotiate their positions with international bodies, always defensive of their legitimacy; at the same time, not far under this surface of public discourse, there remain the insistent realities of political patronage and ‘strongman’ politics.²⁴

Hun Sen has defined himself squarely in opposition to the “humanitarian international,” happy to accept aid but lashing out at donor countries when they appear to meddle in Cambodian politics. “I am fed up with the world expressing alarming fear over Cambodia’s internal affairs,” he said in a barnstorming speech in late 1995, setting the tone for his relationship with the donor countries that were bankrolling Cambodian reconstruction. “Let me say this to the world: whether or

23 Steve Heder, *Political Theatre in the 2003 Cambodian Elections*, in *STAGING POLITICS: POWER AND PERFORMANCE IN ASIA AND AFRICA 161* (Julia C. Strauss & Donal Cruise O’Brien, ed. 2007).

24 Marston, *supra* note 12, at 96.

not you want to give aid to Cambodia is up to you, but do not discuss Cambodian affairs too much.”²⁵

Sam Rainsy has taken the opposite approach. As Cambodia’s main opposition leader since 1995, Rainsy has made frequent attempts to harness the “end of history” optimism of the age and conscript outside forces into his political struggles with Hun Sen.²⁶ His career has been marked by a remarkable ability to shift dialects, aping the language of World Bank bureaucrats, European human rights activists, and US democracy evangelists as the need arises. Appeals to the “international community” have played a central part in Rainsy’s political strategy, as have references to the Paris Agreements. Unsurprisingly, Rainsy has even described himself in implicitly Fukuyamaite terms:

In a typical family, you have the grandfather, who votes for Funcinpec; you have the father, who votes for the CPP; and you have the children, who when they reach voting age will vote for the SRP [Sam Rainsy Party]. It will take less time than one might imagine now, because of the progress of technology, information, communication and education. History is accelerating.²⁷

This interplay between local and international spheres was on show throughout the 2013 election and its aftermath. The opposition surge began with Hun Sen requesting the royal pardon that allowed Rainsy to return from self-exile²⁸ in time for the poll, a move presumably designed to mollify international concerns about the legitimacy of the election. At post-election protests, opposition supporters wore stickers calling for the intervention of the UN; in speeches Rainsy and Kem Sokha made frequent calls for a UN investigation into the conduct of the election, even though they must have been aware that the UN had no power to do so without a formal invitation from the Cambodian government, which claimed the election was legitimate. On October 23, 2013, the anniversary of the signing of the

25 Foreign Broadcast Information Service, *Daily Report, East Asia*, Dec. 4, 1995.

26 See generally Caroline Hughes, *International Intervention and the People’s Will: The Demoralization of Democracy in Cambodia*, 34:4 *CRITICAL ASIAN STUD.* 539 (2002).

27 Author interview with Sam Rainsy, December 2009.

28 Sam Rainsy had been living in self-exile in Paris since late 2009, shortly after he uprooted a number of wooden border demarcation posts along the Vietnamese frontier, claiming that the government had ceded territory to its eastern neighbor. Rainsy was later tried *in absentia* and sentenced to 12 years prison on a number of dubious charges related to the stunt.

Paris Agreements,²⁹ CNRP leaders marched to Western embassies to call for their governments to somehow force on Hun Sen an independent election investigation.

In between protests, Sam Rainsy and Kem Sokha spent a great deal of time outside the country, raising funds among Khmer diaspora communities in the US and France, and appealing to European bureaucrats, human rights activists, and US Republican congressmen for support in their struggle against Hun Sen. The flavor of these tours and events was of a distinct 1990s vintage. In December 2013, Sokha appeared at a fundraising event in Long Beach at which Ed Royce, a Republican congressman for California, declared, “Hun Sen must go. We want fair elections in Cambodia.” During the event, Sokha claimed: “I have personally been financially supported by the American government to extend democracy for more than five years. Today the results of the assistance from American citizens have helped Cambodians to stand up.”³⁰ The whole post-election period was framed by opposition attempts to enlist international forces and allies through protests and political stunts of various kinds. While the CNRP now has a strong basis of support among the Cambodian people, much of its attention is still directed outwards.

There are several problems with the CNRP’s focus on the international sphere. The first is that it clashes with the party’s undiluted Khmer nationalism, and its focus on the country’s historical enemy: Vietnam. Since the 1990s, opposition leaders such as Sam Rainsy and Kem Sokha have consistently condemned Hun Sen as a puppet of Hanoi, illegitimate by definition and beyond any sort of electoral redemption. This theme dominated the 2013 election campaign, when Vietnam became a key element of Rainsy’s stump speeches in rural areas. “We have been eating sour Vietnamese soup for 30 years,” Rainsy told a cheering crowd in Svay Rieng. “It’s time for that to stop.”³¹ In June 2014, Kem Sokha went so far as to blame the *yuon*, as Vietnamese are often derogatorily termed, for the tragic bridge stampede at Diamond Island during the Water Festival in 2010, which killed 353 people and injured many hundreds more. “They created the scene to kill Khmers at Koh Pich,” he said.³² Taken as a whole, the CNRP presented a contradictory *mélange* of liberal bromides and Khmer nationalist mythology, each working to

29 Interestingly, the 2013 election had the effect of reinvigorating October 23 as a symbol of opposition to the CPP’s consensus, which has enshrined its own date—January 7, the day of Cambodia’s liberation from the Khmer Rouge—as the country’s “second birth.” The government even went so far as to remove October 23 from the roster of national holidays in 2004, only reinstating it as a tribute to Sihanouk following his death in October 2012.

30 Alex Willemyns & Phorn Bopha, *US Congressman Says Hun Sen Must Resign*, *CAMBODIA DAILY*, Dec. 2, 2013.

31 Notes on file with author.

32 Mech Dara, *CNRP Verbally Attacks CPP at Kampuchea Krom Ceremony*, *CAMBODIA DAILY*, June 5, 2014; Meas Sokchea & Kevin Ponniah, *A Bridge Too Far for Sokha?*, *PHNOM PENH POST*, June 6, 2014.

undermine the other.

A second and more critical problem for the CNRP is that the international arena is changing in ways that militate against the re-entanglement of foreign powers in Cambodian politics. The most significant sign of this over the past decade has been the emergence of China, which has risen to become Cambodia's chief foreign patron. Today, Chinese state banks act like a giant cash box for the Cambodian government, bankrolling the construction of bridges, hydropower dams, real estate projects, and tourist resorts. Chinese-built highways have opened up remote corners of the country. Beijing has given Cambodia around \$2.7 billion in loans and grants since 1992, most of them in the last decade.³³

Today, the "China model" of authoritarian capitalism looms as a direct challenge to the liberal democratic model that appeared to be in the ascendant at the end of the Cold War. Whenever donor countries put pressure on Hun Sen to improve governance and enact reforms, China steps in to relieve the pressure with loans and investments. Beijing's sales pitch is simple. It claims a doctrine of mutual non-interference. It makes no demands on how Hun Sen runs the country. "China respects the political decisions of Cambodia," Hun Sen said in September 2009, cutting the ribbon on a \$128 million Chinese-funded bridge over the Tonlé Sap. "They build bridges and roads and there are no complicated conditions."³⁴ In response, the Cambodian government has been willing to toe the Chinese line. It has given Chinese firms open access to Cambodian land and resources. Its leaders have voiced frequent support for the "One China" policy. As it has frequently done for its older patron Vietnam, Cambodia has also deported political activists and other "undesirables" wanted by the Chinese government.³⁵

The rise of China is not only reconfiguring the geopolitical balance in East Asia; it is also part of a broader shift toward global multi-polarity. Arguably this shift has undercut the strengthening of international human rights architecture resulting from the end of the Cold War, a paralysing rivalry that had prevented global institutions like the UN from fulfilling their founding promise. The British political scientist Stephen Hopgood has provocatively argued that with the relative decline of European and American power the world is now entering the "endtimes of human rights." According to Hopgood, human rights norms flourished during

33 Chun Han Wong, *Cambodia's Hun Sen Slams U.S. Threats Over Aid*, WALL ST. J., Aug. 3, 2013. See also Vong Sokheng, *China Doles Out More Loans*, PHNOM PENH POST, Nov. 10, 2014 (reporting that "Hun Sen had secured annual development loans of between \$500 million and \$700 million from its ally and patron, China").

34 Sebastian Strangio, *Adjusting to Life in China's Shadow*, PHNOM PENH POST, Oct. 6, 2009.

35 The most notorious case in recent memory was the Cambodian government's deportation of 20 Uighur asylum in December 2009, two days before the arrival of a high-level Chinese government delegation.

the years of American unipolarity, and with the recent rise of states like China, India, Russia, Indonesia, and Brazil, the Western power necessary to export human rights norms around the world is waning. The result has been termed “Eastphalia Rising”: the resurgence of traditional Westphalian concepts of global order and sovereignty alongside increased challenges to “Western preferences for universal adoption of transnational principles, such as democracy, free market economics and human rights.”³⁶

There is already evidence of this in East Asia. With China’s rise, the United States has systematically downgraded the importance of human rights in its dealings with Asian states. Myanmar’s President Thein Sein has visited the White House, as has Vietnam’s Prime Minister Nguyen Tan Dung (in 2008) and President Truong Tan Sang (in 2013). If the invitation has yet to be extended to Hun Sen, it is largely because Cambodia’s small size and marginal global status makes it low-hanging fruit for international human rights groups and US Congressmen. Even though US President Barack Obama reportedly rebuked Hun Sen for the country’s human rights record in a closed-door meeting during the November 2012 ASEAN summit in Phnom Penh, the US has done little to sanction the Cambodian government. After the 2013 election, Washington was one of the few Western governments to refrain from officially congratulating Hun Sen on his re-election and it called for an independent investigation into allegations of electoral irregularities. Yet it did little to actually make that happen.

Hopgood writes that, as a result of geopolitical realignments, “[T]he prospect of one world under secular human rights law is receding. What seemed like a dawn is in fact a sunset.”³⁷ Whether we accept Hopgood’s view that this is indeed the “endtimes” —or, as one critic put it, merely the beginning of “hard times”³⁸—it’s undeniable that the global balance of powers is changing, that the global liberal consensus of the post-Cold War period is subject to increasing challenge.

At the same time, local struggles for social justice continue to impose serious demands on leaders around the globe. Hopgood draws a useful distinction between “human rights” (in the lower-case) and “Human Rights” (in the upper). In its former sense, human rights is a local language, which “can be used tactically to help prevent torture, disappearances, or extrajudicial executions or to demand economic and social rights to food, water, and health care. It is a flexible and negotiable language. It does not ‘defend human rights,’ it defends the person. It is a means, not an

36 David P Fidler, Sung Won Kim, & Sumit Ganguly, *Eastphalia Rising?: Asian Influence and the Fate of Human Security*, 26:2 WORLD POL’Y J. 53, 53 (Summer 2009).

37 STEPHEN HOPGOOD, *THE ENDTIMES OF HUMAN RIGHTS I* (2013).

38 Daan Bronkhorst, *Hard Times, Not Endtimes: The Case for Human Rights Defenders*, in *DEBATING THE ENDTIMES OF HUMAN RIGHTS: ACTIVISM AND INSTITUTIONS IN A NEO-WESTPHALIAN WORLD* (Doukje Lettinga & Lars van Troost, ed. 2014).

end in itself.” This is the world of local struggles, drawing from a diverse range of languages of fairness, decency, solidarity and religious faith. Then there is the capitalized version of “Human Rights,” the global regime of conventions, treaties, and legal instruments. Unlike local expressions of human rights, these norms are seen as categorical, indivisible, and absolute — a legalistic menu that must be consumed whole, or not at all. Hopgood argues that “the singularity of the Human Rights message resists local adaptation on any basis other than a transient and tactical one.”³⁹

This distinction is germane in the case of Cambodia. Indeed, “tactical and transient” is as good a description as any of the Cambodian government’s adoption of the universalizing discourse of the post-Cold War years. Although human rights discourse has been hailed as “the lingua franca of international morality,”⁴⁰ it is far from clear that this represents a victory in and of itself. In fact, Cambodia’s recent history may show that the spread of human rights and democratic narratives has taken place in nearly inverse proportion to the habituation of these ideals in practice. After all, it’s much easier to universalize a language than it is to universalize a moral and political cast of mind—especially one that poses such a revolutionary challenge to the global status quo. Cambodia today provides a vivid illustration of the global gap between norms and realities.

Nevertheless, as evidenced by the 2013 election, Cambodia is also experiencing a wave of local challenges and demands that its leaders can no longer ignore. This is “human rights” in Hopgood’s lower-case sense: a coalescence of concrete struggles for social justice that seek to address a wide range of grievances. After all, few of the protesters who poured into the streets to welcome Sam Rainsy’s return to Cambodia or joined post-election protests did so in the name of an abstraction. Most people that I spoke to during and after the election had simply grown tired of the widening gap between the CPP’s promises and the realities of daily life. A few months after the election, I met a 67-year-old woman named Yiv Yek Khuan, who lived in a small hamlet along the Mekong River in Kampong Cham province. “I still remember and pay gratitude to January 7, to the Hun Sen government, which liberated me from the killing,” she said. But the promises and ritual invocations of “prampi makara” (January 7) could no longer paper over the fact that people in her village still struggled to survive. As she said, “the paying of gratitude never ends.” This wave of discontent also includes local elements—like anti-Vietnamese animosities and an occasional willingness to use violence—that run counter to the menu of international human rights norms. Change is clearly coming to

39 HOPGOOD, *supra* note 37, at x.

40 ROGER NORMAND & SARAH ZAIDI, HUMAN RIGHTS AT THE UN: THE POLITICAL HISTORY OF UNIVERSAL JUSTICE 8 (2008).

Cambodia, but it's by no means certain that it will happen according to a peaceful or democratic script.

So where does this leave Cambodia for the next few years? Given the history of Cambodia's collision with liberal internationalism, we can foresee a few probable developments. One is that with Western power in relative decline in the Asia-Pacific, the balance between the local and international imperatives in Cambodian politics will continue to shift in the direction of the local. For better or worse, Cambodia's time as the embodiment of a global promise is drawing to a close. With little appetite to become re-entangled in Cambodian politics, Western donor governments will remain aloof. This will not only be signaled by a decline in Western leverage over Hun Sen's government, but also by an increasing reluctance to use what leverage remains.

The second likely outcome is that Cambodia will continue to develop according to its own internal political dynamics, which remain largely divided along the fault-lines of the civil war years. At the symbolic level this comes down to a sharp polarization of views toward January 7, which was either a liberation or an invasion, and October 23, which either put Cambodia on the road to liberal democracy or produced an "indecent peace" that failed to end the civil war.⁴¹ Both perspectives offer nationalist myths that contain their own ambiguities and contradictions. Concomitantly, it's also likely that the tradition of charismatic leadership will continue to provide the template for Cambodia's actual and potential leaders. There's little doubt that the country's politics will remain highly personalized, highly egotistic, and therefore highly unpredictable.⁴²

As a consequence, the current surge of discontent in Cambodia is unlikely to produce anything approaching democracy on the European or American model of a society in which power is vested in independent political institutions rather than in powerful individuals and their galaxies of clients. Michael Vickery's prediction in May 1997, two months before Hun Sen cast off the remaining scraps of the Paris Agreements to seize power from his rivals by force, seems as true now as then: "democracy of the western European type will not be seen in Cambodia soon, if ever."⁴³ But if "democracy" is defined expansively to mean a society that is more just and responsive to ordinary people, then the 2013 election may well prove a watershed. There is every indication the Cambodian population is becoming more informed, more engaged, and more demanding of change. The course of this small

41 Tiziano Terzani, *An Indecent Peace*, 155:25 FAR E. ECON. REV. 21, June 25, 1992.

42 For a perceptive discussion of Cambodian political culture, see Trude Jacobsen & Martin Stuart-Fox, *Power and Political Culture in Cambodia*, Working Paper Series No. 200, Asia Research Institute, National University of Singapore (May 2013).

43 Michael Vickery, *Whither Cambodian Democracy?*, PHNOM PENH POST, May 30-June 12, 1997.

country's future will not be determined by a shape-shifting "international community," though foreign governments and international human rights groups can play a useful supporting role. The Cambodian people themselves will determine it. As one political stalemate ends in a burst of optimism, a more intractable one is almost certainly beginning.