

CHAPTER 1

Understanding Cambodia's Security Outlook in 2015

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Introduction

It has been more than two years since the ruling Cambodian People's Party (CPP) was facing the most serious challenge in decades in the aftermath of the 2013 election, in which the opposition Cambodia National Rescue Party (CNRP) surprisingly obtained 55 parliamentary seats. Despite such gains, the CNRP's leaders immediately denounced the election result and called on tens of thousands of their supporters to protest against the CPP.

Capitalizing on the momentum of the opposition and the hesitation by the government to use force, more groups – ranging from garment workers, teachers, private media outlets and some public servants, among others – were also joining, demanding the ruling elites to swiftly act on their concerns and interests. It took the CPP and the CNRP nearly a year to reach a deal and end the political deadlock.

While negotiating with the opposition, the CPP was also introducing various critical reforms to address growing public discontent towards the government. As a result, the cabinet was reshuffled and several young and qualified ministers were also appointed. In addition, social safety nets have also been introduced in order to ease the burden on the poor and vulnerable, most notably the garment workers.

As reforms started to produce some positive results and the government became more responsive to public complaints, the overall political situation has greatly improved. The number of protests is declining and they are not as violent as they were shortly after the 2013 election and in the first half of 2014. Similarly, protests that are politically motivated are also very few. Moreover, both parties seem to find dialogue a better way to resolve their differences.

Therefore, Cambodia in 2015 was relatively stable and peaceful. The security situation is still largely determined by the dynamic and nature of the relations between the CPP and the CNRP and other domestic factors. External threats are not significant and

urgent, albeit there have been some incidents along the border with Thailand and Vietnam. Security threats from non-state actors are becoming a major concern. Yet, the rise of nationalism is perhaps the most challenging task in the years to come.

This paper seeks to provide an update on the latest political development in Cambodia and to understand how deteriorating relations between the major parties will have any implications on the country's security outlook. It also looks at the government's efforts to fight terrorism and transnational crimes. Border issues are also discussed, especially the rise of nationalism. This study also offers Cambodia's perspective on the role of ASEAN in maintaining regional peace.

The CPP and the CNRP: Troubling Relations

A few months after reaching a deal to end the political stalemate, the ruling elites and the opposition leaders have agreed to use the so-called "culture of dialogue" as a way to build trust and confidence in one another, and more importantly to avoid serious conflicts that might result in the loss of lives or damages. In addition, the dialogue also provides both parties a platform to debate and exchange views on a wide range of policies and laws in which they share common interest.

In an attempt to show the importance of the dialogue, Prime Minister Hun Sen, the opposition leader Sam Rainsy and their families had a private dinner together for the first time after decades of bitter rivalry. The encounter was widely broadcasted, leading many people to believe that the two leaders could finally find the common ground to work together. Yet, some people are less enthusiastic for they perceive it as a CPP strategy to divide the opposition.

Similarly, the CPP's leaders are not completely happy with the CNRP either. They accuse the opposition leaders of preaching for a peaceful dialogue while going around discrediting and attacking the government. The issue became serious when a small group of people protested during the official visit of Prime Minister Hun Sen to Paris in October 2015. The CPP immediately issued a statement, suggesting that the opposition was behind these protests.

In Phnom Penh, thousands of people were also holding demonstrations, demanding the removal of the opposition deputy leader Kem Sokha from the position of first vice

president of the National Assembly. Unfortunately, the demonstration turned violent when two CNRP lawmakers were attacked. The ruling elites and the opposition leaders were quick to condemn the violence and the perpetrators were later apprehended.

On 30 October 2015, the parliament voted to strip Kem Sokha of his position as its first vice president. As expected, the removal drew strong reaction from the opposition supporters and the international community. However, the CPP stood firm in its decision, arguing that the removal was done in accordance with the constitution and other relevant laws. It also called on the CNRP to nominate another candidate to replace Kem Sokha.

Another critical development is the order issued by the court on 13 November 2015 for Sam Rainsy to serve a two-year prison term for alleging that Foreign Minister Hor Nam Hong was responsible for deaths at a Khmer Rouge prison camp. In addition, he has also been summoned for questioning over two additional charges – defaming National Assembly president Heng Samrin and falsifying public documents.

Sam Rainsy's original response to the arrest warrant was to promise to return to the country as scheduled even if he has to face imprisonment. There was widespread support among the youth and opposition supporters for his return as well. However, after his immunity from arrest was lifted, he opted for self-imposed exile in France, as in 2005 and 2009. His decision dealt a major blow to his credibility and the CNRP.

In an attempt to put pressure on the government, he has toured European capitals, asking their leaders to demand the ruling elites to allow him to return to the country and lift all the charges against him. In recent months, the war of words has been heating up with both sides showing no sign of backing down. The Prime Minister also indicated that he will not ask King Norodom Sihamoni to pardon Sam Rainsy again this time, and he would cut off his own hand if the King does so.

Despite the growing tension, the CPP and the CNRP vow to maintain the culture of dialogue and uphold the principle of peace as a means to resolve their differences. For example, Deputy Prime Minister Sar Kheng has met with opposition deputy leader Kem Sokha multiple times to discuss about a wide range of issues including some of the controversial laws. Moreover, the CNRP deputies also attend parliamentary meetings as well.

Unlike in the past, there were no violent protests as a result of the removal of Kem Sokha or the arrest warrant issued against Sam Rainsy. Therefore, it is reasonable to suggest that Cambodia's politics is becoming more mature. The CPP and the CNRP seem to have arrived at a conclusion that escalating the tension that might put stability and peace at risk does no good to anyone. Further, the public is already fed up with nasty political bickering and fighting.

However, people should not assume from the current situation in Cambodia that the underlying issues that were responsible for the violence over the past years have been completely resolved. The widening inequality gap remains the most challenging task for the ruling party. Admittedly, the government has taken some steps to address this issue such as social safety programs, utility subsidies, pension schemes, and labor productivity, among others.

Although these policies help improve the livelihood of the poor and vulnerable, the long term solution should be creating more high quality jobs in a diversified economy. Given Cambodia's geographic position and its membership in several regional organizations, most notably ASEAN, the country has become one of the promising investment destinations. To fully realize these potentials, the government must be serious about reforms.

Another widely cited problem is social injustice. Cambodian people can bear the hardship and live in poverty, but they will not accept the fact that a small group of elites receive what they do not deserve. Public servants, the youth and intellectuals are vocal and critical about this issue, and they also appeal to both political parties to take tough measures against corruption, nepotism and other arbitrary use of power.

In response, the government has made some efforts to reform the judicial system such as passing new legislations and sacking several judges that do not perform or are not qualified for the job. The Anti-corruption Unit (ACU) has also worked hard to clean up the public payroll, warning ministries and other government agencies of serious consequences if they fail to comply with the laws. As a result, thousands of inactive public servants were dismissed.

Moreover, the salary of public servants is now transferred directly to individual bank accounts, making it impossible for the immediate supervisor to keep some of the

money for themselves. If they spot any irregularities, they can inform the ACU and relevant agencies such as the ministry of economics and finance, so that they can charge those individuals with corruption or other malpractices.

During the party congress on 9-10 January, Prime Minister Hun Sen warns party members at all levels that they must stop their family members from meddling in ministry works or appointing them to senior positions despite a lack of knowledge and qualifications. It is a positive step in the right direction. Further, it is also a response to a growing discontent among public servants, who feel marginalized by nepotism and corruption.

It is no easy task to address the issue of inequality and social injustice in a short period of time. However, if the government continues with the reforms that it has laid out over the past years – such as reforms in the judiciary, election committee, anti-corruption unit and the delivery of public goods and services – there is a high possibility that the CPP will win back public support in the commune election in 2017 and the national election in 2018.

There is no room for complacency here. If the government cannot produce any concrete results, and the problem of inequality and social injustice continues to deteriorate, violence is deemed to occur. It is important to note that some of the protests are not related to any political parties but are a result of public discontent towards their current situation. For example, garment workers have been protesting over low minimum wage or other work-related issues.

The culture of dialogue will continue to play an important role in building trust and confidence between the CPP and the CNRP at the leadership level. It also provides an opportunity for both parties to resolve their disagreement peacefully in order to prevent the loss of lives and damage. However, both sides need to be realistic of what the dialogue can or cannot achieve. Therefore, it should not be seen as a substitute to formal laws and institutions.

Terrorism, Transnational Crimes and the New NGO Law

The rise of the Islamic State of Iraq and Syria (ISIS) poses significant security threats to the Southeast Asian region. The bombing and shootings in Jakarta on 14 January are a cruel reminder that terrorism is now becoming a global concern and is not limited to the countries in which these terrorist groups are based. Worse yet, self-radicalization through the internet is hard to detect, making it extremely difficult to catch the perpetrators before they commit terrorist acts.

Although Cambodia only has a small Muslim population, and thus far, these Muslims live peacefully with other ethnic groups and are largely integrated into mainstream society, the country is also facing the growing threat of terrorism. What complicates this problem is that Cambodia might not have enough capability and resources to have effective surveillance of the activities and flows of these terrorists in the country.

Another serious problem is money laundering. Several reports including the U.S.' International Narcotic Control Strategy Report, indicate that Cambodia is vulnerable to money laundering due to weak enforcement and other governance issues, although it has been ramping up efforts to tackle these over the years. Since some civil society organizations (CSOs) are operating without adhering to transparency measures, tax evasion complaints and malpractices are not uncommon.

Sufficient and effective legal procedures are only the beginning of a long road to address these security challenges. There has also been a strong call for more cooperation between countries in the region in response to the growing sophistication and complexity of these transnational crimes. Yet, the lack of information about the operation and sources of funding of some of these organizations makes it very hard for the government to identify potential threats.

In 2015, the government introduced the controversial Law on Associations and Non-governmental Organizations (LANGO). The opposition and some foreign countries argue that LANGO will lead to a serious constraint on freedom of speech and association. Moreover, they are also very concerned that the new law will prevent CSOs from helping the poor and developing the country, but such claims seem to be overstated.

Rather, the focus should be on how the new laws introduced in the LANGO will help facilitate CSOs' activities and strengthen freedom of speech and association, and whether the law will be fairly applied to everyone. Prime Minister Hun Sen has told the CSOs to not worry, and that the LANGO will protect and support them. He reassures them that the law will also be in accordance with the Constitution.

Undoubtedly, some provisions of this law would enhance authorities' ability in tracking irregular activities and, if possible, taking action early to stop the crimes. It can also share such intelligence with its foreign partners, since terrorism and money laundering often involve a complex network of criminals from different countries. Yet, it remains to be seen whether LANGO is really doing what the government says it will and it is legitimate for people to be concerned at this stage.

Cambodia's Relations with Its Neighbors and the Rise of Nationalism

There was widespread concern that relations between Cambodia and Thailand might be heading for a tough time when the military came to power in May 2014 in a military coup against the Yingluck government, which was seen as having good relations with Prime Minister Hun Sen. Cambodia takes no position on the coup and has vowed to work with the Junta government. Since then, there have been multiple high level visits between the two countries.

Although the border issues are not yet resolved, the situation there is generally calm and peaceful. There seems to be a common understanding that stability and peace along the border are very important to both countries, especially at a time when each government is facing a growing pressure to deliver strong economic growth. As a result, trade along the border is increasing significantly, leading to the opening up of more border access points.

During the two-day official visit to Bangkok in December 2015, Prime Minister Hun Sen and his Thai counterpart Prayut Chan-o-cha also agreed to triple bilateral trade between the two nations in the next five years. In 2014, their bilateral trade was USD 5.1 billion, compared to USD 4.6 billion in 2013. Moreover, both countries also signed five bilateral trade agreements and have vowed to work together to crack down on human trafficking, drug smuggling and illegal logging.

Such deep economic ties can help prevent border conflicts from spilling over to other aspects of their relations. For example, when the two countries were fighting from 2008 to 2011, there was a strong call from people living on both sides of the border for their respective governments to find a peaceful solution and bring back normalcy as soon as possible, so that they can do business and earn a living.

Cambodia and Thailand must be realistic when it comes to resolving border disputes. They should start from areas where they can find compromise solutions and then move on to the most contentious ones. Further, both countries have to avoid politicizing the border issues and prevent ultranationalist groups from dictating the solutions. More importantly, Thailand must respect the ruling of the international court and express good faith in resolving the disputes.

In 2015, the border issues between Cambodia and Vietnam became the most heated topic in the country's politics. It started with the accusation by the opposition parliamentarians that the maps used by the government for border demarcation with Vietnam were not the ones that the late King Norodom Sihanouk submitted to the United Nations in the 1960s, and that the country could lose some lands as a result of using such maps.

Yet, the CPP was furious and has categorically denied these accusations. In response, Prime Minister Hun Sen requested the United Nations, France, the United States and the United Kingdom to provide maps in order to compare them with the ones that are currently used. Political parties, civil society organizations, foreign embassies and journalists were invited to join the verification process, which was also widely broadcasted for the public.

It confirms that the maps are the same. Although the government has been able to put to rest, at least for now, this issue, it will be a thorn in the side of the ruling elites for a long time. What has complicated the border issues further is the rise of nationalism, especially among opposition supporters. Prior to the verification process, hundreds of people led by the CNRP's parliamentarians went to the border and confronted Vietnamese soldiers, leading to clashes and arrests.

Since these border issues have been deeply politicized, the government cannot afford to take tougher measures against protesters. What they can do is to make sure that

such protests do not lead to violence or damage relations between the two countries. Despite these incidents, the situation remains calm and peaceful. Trade activities and cooperation between provinces along the border are also going smoothly.

Another troubling development is the digging of ponds and road construction by the Vietnamese authorities. In response, the Cambodian government sent diplomatic notes to its counterpart in Hanoi, demanding Vietnam to cease all planned road construction and infrastructure projects along the border until the two countries have completely demarcated the border. It also asked the Vietnamese to provide the locations and maps of where it plans to build those infrastructures.

Solving the border disputes with Vietnam requires transparency. The verification of the maps is a good example. If the public is well informed about how the government is planning to handle these issues, they are likely to listen and accept the results. Of course, the whole process of border negotiation cannot be disclosed, but the government should keep the public in the loop whenever appropriate.

Cambodia's Perspective: ASEAN and Regional Security

What ASEAN member states must do now is to strike the right balance between national interest and the interest of the region as a whole. Further, they should start to have a tough conversation on sovereignty and the need to give ASEAN more power to intervene when regional peace and stability are at high stake. Intrastate disputes are not internal affairs but regional affairs, and the ASEAN way alone is no longer enough to address these emerging challenges.

There is no doubt that ASEAN members will fiercely object to any decision that might compromise their sovereignty and self-determination. However, it is important to note that no member nation is immune if the region is engulfed by conflict and violence. Another worrying development is the rise of nationalism in the region, and past experience has proved that territorial disputes combined with a high dose of nationalism are extremely dangerous and often lead to fatal clashes.

In fact, there have been some serious talks among member states about the possibility of creating ASEAN peacekeeping forces, which has been proposed by Malaysia. If this idea gets approved, it will greatly contribute to regional peace. Moreover,

ASEAN must have enforcement power over the conflicting parties, without which these forces will be useless. This point is clearly illustrated when Thailand denied Indonesian observers from monitoring a ceasefire with Cambodia in 2011.