

ISSUE BRIEF

No. 4771 | OCTOBER 12, 2017

The U.S. Should Take Swift Action to Help Preserve Democracy in Cambodia

Olivia Enos

Cambodian democracy is in peril. On September 2, Cambodian security forces conducted a surprise raid that culminated in the arrest and detention of Kem Sokha, the leader of the opposition Cambodia National Rescue Party (CNRP), on unfounded charges of treason.¹ A month later, opposition parliamentarians are fleeing the country. Cambodia's prime minister, Hun Sen, issued a threat to opposition leaders suggesting that he would round them up and arrest them. This statement led Mu Sochua, deputy president of the opposition, to flee Cambodia this week.² In an unprecedented move, the ruling Cambodian People's Party (CPP) filed a lawsuit on October 6 with the Supreme Court to dissolve the opposition CNRP.³

In addition to targeting the opposition, Prime Minister Hun Sen is going after civil society. In August, Sen forced the shut-down of a faith-based anti-trafficking organization.⁴ He also expelled staff from the National Democratic Institute (NDI) and targeted other election monitoring organizations.⁵ The media is likewise under attack. After Kem Sokha's arrest, *The Cambodia Daily* was forced to shut down.⁶ Radio Free Asia was also forced to close down its Phnom Penh bureau under pressure from the Hun Sen government.⁷

The uptick in repression is largely attributable to looming elections in 2018. After the arrest of Kem Sokha ahead of next year's elections, the U.S. and the international community should watch Cambodia closely. Sen's actions over the past several months demonstrate his willingness to thwart the continued development of democracy and undermine democratic institutions in Cambodia. These substantial threats demand action. The U.S. should continue to call for the release of Kem Sokha, consider cutting aid to Cambodia, place a visa ban on Cambodian individuals undermining democracy, and press for the presence of election monitors. The U.S. should also consider re-assembling key signatories of the 1991 Paris Peace Agreement to form a Cambodia contact group to serve as advisors in the midst of political turbulence.

Background on Democracy in Cambodia

Elections in 2013 were a watershed moment for Cambodia.⁸ It was the first time in years that the opposition posed a legitimate electoral threat to Hun Sen's 32-year grip on power. Elections were followed by months-long protests that drew out tens of thousands of supporters of the opposition who claimed election fraud, called for fresh elections, and sought political compromise. Violence ensued in the aftermath of elections, with police using tear gas and employing other brutal tactics against protestors to quash opposition to the elections.⁹

The lead-up to 2013 elections was not unlike the current crisis in Cambodia. In 2010, the former leader of the opposition, Sam Rainsy, was slapped with a number of trumped up charges that resulted in a

This paper, in its entirety, can be found at <http://report.heritage.org/ib4771>

The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(202) 546-4400 | heritage.org

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

12-year prison sentence.¹⁰ Rainsy chose self-exile in France and was unexpectedly pardoned ahead of 2013 elections (but still prohibited from running for office or even voting).¹¹ In addition to attacking opposition leadership, the government censored or shut down local radio stations and television stations. Journalists were silenced as the government invoked an unjust law that prohibits them from reporting on “issues of national security.”¹²

Hun Sen may be taking a page from the 2013 playbook, but he is also taking it to a new level. In calling for the dissolution of the opposition party, Hun Sen’s actions may have the consequence of eliminating what little is left of a democratic Cambodia. Without a swift response from the U.S. government, any hope of a free and prosperous Cambodia may be gone.¹³

The U.S. Response

The U.S. government response to challenges in Cambodia has been modest at best. The State Department issued a limited statement condemning the arrest of Kem Sokha and highlighting backsliding trends in democracy in Cambodia on September 3.¹⁴ The U.S. Embassy in Phnom Penh made a more forward-leaning statement similarly condemning Kem Sokha’s arrest on September 12.¹⁵ The embassy’s statement focused principally on countering the accusation by the Cambodian government that Kem Sokha colluded with the U.S. government to undermine the government of Cambodia. No subsequent U.S. government-led action resulted from the statements.

Congress, nonetheless, is taking steps to address threats to democracy in Cambodia. Senators John

1. Olivia Enos, “Kem Sokha’s Arrest Yet Another Sign of Serious Backslides in Cambodian Democracy,” *Forbes*, September 14, 2017, <https://www.forbes.com/sites/oliviaenos/2017/09/14/kem-sokhas-arrest-yet-another-sign-of-serious-backslides-in-cambodian-democracy/#357a82f9323c> (accessed October 10, 2017).
2. Sopheng Cheang, “Cambodian Opposition Lawmaker Flees After Arrest Warning,” *The Washington Post*, October 4, 2017, https://www.washingtonpost.com/world/asia_pacific/cambodia-opposition-lawmaker-flees-after-arrest-warning/2017/10/04/da72506c-a8c3-11e7-9a98-07140d2eed02_story.html?utm_term=.5d642d06f604 (accessed October 10, 2017).
3. Sopheng Cheang, “Cambodia Takes First Legal Step to Dissolve Opposition Party,” ABC News, October 6, 2017, <http://abcnews.go.com/International/wireStory/cambodia-takes-legal-step-dissolve-opposition-party-50319419> (accessed October 10, 2017).
4. Olivia Enos, “Recent Removal of Anti-Trafficking Organization Bad Sign for Civil Society in Cambodia,” *Providence*, August 4, 2017, <https://providencemag.com/2017/08/recent-removal-anti-trafficking-organization-bad-sign-civil-society-cambodia-agape-international-missions/> (accessed October 10, 2017).
5. Ben Sokhean and George Wright, “NDI Banned, Foreign Staff Face Forcible Expulsion,” *The Cambodia Daily*, August 24, 2017, <https://www.cambodiadaily.com/news/ndi-banned-foreign-staff-face-forcible-expulsion-2-133964/> (accessed October 10, 2017).
6. Sok Khemara, “U.S. Lawmakers ‘Concerned’ by Cambodia Decision to Close NDI, Target Media,” *Voice of America*, August 25, 2017, <https://www.voacambodia.com/a/us-lawmakers-disappointed-by-cambodia-decision-to-close-ndi-target-media/4000731.html> (accessed October 10, 2017).
7. Broadcasting Board of Governors, “Statement from Radio Free Asia’s President on Cambodia,” September 12, 2017, <https://www.bbg.gov/2017/09/12/statement-radio-free-asias-president-cambodia/> (accessed October 10, 2017).
8. Walter Lohman and Olivia Enos, “Promoting True Democratic Transition in Cambodia,” Heritage Foundation *Backgrounder* No. 2898, March 31, 2014, <http://www.heritage.org/asia/report/promoting-true-democratic-transition-cambodia>.
9. Human Rights Watch, “Cambodia: Investigate Killing and Injuries of Election Protesters,” September 17, 2013, <https://www.hrw.org/news/2013/09/17/cambodia-investigate-killing-and-injuries-election-protesters> (accessed October 10, 2017).
10. Eang Mengleng and Mark Worley, “Rainsy Receives a 10-Year Prison Sentence,” *The Cambodia Daily*, <https://www.cambodiadaily.com/archives/rainsy-receives-a-10-year-prison-sentence-98700/> (accessed October 10, 2017).
11. Lohman and Enos, “Promoting True Democratic Transition in Cambodia,” p. 5.
12. Lohman and Enos, “Promoting True Democratic Transition in Cambodia.”
13. Human Rights Watch, “Cambodia: Opposition Party Threatened with Dissolution,” <https://www.hrw.org/news/2017/10/10/cambodia-opposition-party-threatened-dissolution> (accessed October 10, 2017).
14. News release, “Arrest of Cambodian Opposition Leader,” U.S. Department of State, September 3, 2017, <https://www.state.gov/r/pa/prs/ps/2017/09/273808.htm> (accessed October 10, 2017).
15. U.S. Embassy in Cambodia, “Opening Statement by Ambassador William A. Heidt at a Press Availability,” September 12, 2017, <https://kh.usembassy.gov/opening-statement-ambassador-william-heidt-press-availability/> (accessed October 10, 2017).

McCain (R-AZ) and Dick Durbin (D-IL) issued a statement urging the release of Kem Sokha and reaffirming U.S. commitment to democracy, human rights, and rule of law in Cambodia.¹⁶

Congress is also currently reviewing the State, Foreign Operations and Related Programs bill that sets appropriations for 2018 U.S. foreign assistance, including to Cambodia. At present, the House and Senate are reconciling their respective versions of the bill. The House version conditions 25 percent of international security assistance to Cambodia on the country's willingness to "cease efforts to intimidate civil society and the political opposition in Cambodia" and its support for the "conduct of free and fair elections," among other conditions.¹⁷ The Senate version of the bill conditions all assistance to the central government in the bill on Cambodia's commitment to democracy. It also goes farther by including the "release of jailed opposition leaders and civil society activists" among the conditions and by imposing a visa ban on Cambodian officials known to undermine democracy in Cambodia.¹⁸ When the bill passes—a near certainty—the law will send a clear signal to Hun Sen and his CPP party cadres that the U.S. is serious about its commitment to holding the Cambodian government to account for undermining democracy.

U.S. commitment to democracy in Cambodia is predicated on past promises. In fact, the U.S. has additional obligations under the Paris Peace Agree-

ment to hold the Cambodian government accountable. After the Khmer Rouge terror and Vietnamese invasion, the international community oversaw a democratic transition in Cambodia.¹⁹ To end the conflict and promote a free Cambodia, on October 23, 1991, the U.S. and 18 other international signatories to the Paris Peace Agreement assented to "promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia."²⁰ The agreement also ensured the "the right to self-determination of the Cambodian people through free and fair elections."²¹ In this regard, signatories have a continuing moral obligation to assist Cambodia when the political process falters, as it so visibly is today.

Next Steps to Ensure Accountability for the Cambodian Government

President Donald Trump will travel to Asia, including Vietnam and the Philippines, in early November to participate in the Asia-Pacific Economic Cooperation summit and the Association of Southeast Asian Nations summits.²² Ahead of those travels, the Administration should take a clear stance on challenges threatening democracy in Cambodia. The U.S. government should:

- **Sanction and institute a visa ban against all individuals involved in undermining democracy in Cambodia under relevant Treasury**

16. News release, "McCain and Durbin Promote Democracy, Human Rights & Rule of Law in Cambodia," Office of Senator John McCain, October 3, 2017, <https://www.mccain.senate.gov/public/index.cfm/2017/10/mccain-durbin-promote-democracy-human-rights-rule-of-law-in-cambodia> (accessed October 10, 2017).

17. Harold Rogers, "Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2018, and for other purposes," H.R. Report No. 115, p. 180, https://appropriations.house.gov/uploadedfiles/fy18-sfops-sub_xml.pdf (accessed October 10, 2017).

18. Lindsey Graham, "Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2018, and for other purposes," S. 1780 Report No. 115-152, p. 224, <https://www.congress.gov/115/bills/s1780/BILLS-115s1780pcs.pdf> (accessed October 10, 2017).

19. Asian Human Rights Commission, "Press Law," http://test.ahrchk.net/countries/cambodia/cambodian-laws/press_law/press (accessed March 7, 2014).

20. University of Notre Dame Kroc Institute for International Peace Studies, "Human Rights: Framework for a Comprehensive Political Settlement of the Cambodia Conflict," <https://peaceaccords.nd.edu/provision/human-rights-framework-comprehensive-political-settlement-cambodia-conflict> (accessed October 10, 2017).

21. United Nations Transitional Authority in Cambodia, "Agreements on a Comprehensive Political Settlement of the Cambodia Conflict," 1991, http://www.usip.org/sites/default/files/file/resources/collections/peace_agreements/agree_comppol_10231991.pdf (accessed March 20, 2014).

22. News release, "Announcement of President Donald J. Trump's Upcoming Travel to Asia," The White House, September 29, 2017, <https://www.whitehouse.gov/the-press-office/2017/09/29/announcement-president-donald-j-trumps-upcoming-travel-asia> (accessed October 10, 2017).

Department authorities. Hun Sen and CPP members need to know that the U.S. will take action in response to backsliding democracy and that the U.S. will hold individuals responsible for their role in undermining the political reform process.

- **Form a Cambodia Contact Group comprised of key signatories to the Paris Peace Agreement.** Signatories already have an obligation to hold Cambodia to account in order to ensure that human rights are respected and that free and fair elections are held. Key signatories could include the United States, Japan, Indonesia, Australia, the U.K., and France. Given the severe deterioration in democracy in Cambodia, the group should re-assemble to provide accountability and develop plans to get Cambodia back on the path of political reform.
- **Continue to publicly and privately press for the release of Kem Sokha.** Hun Sen and the CPP have a history of targeting opposition leadership as a ploy to undermine free and fair elections. The U.S., along with other partners, such as the European Union, should draw attention to threats to democracy in Cambodia. Calling for Kem Sokha's release is the easiest way to do that. In particular, statements from high-ranking officials, such as the Secretary of State or Deputy Secretary of State, may impact Hun Sen's decision-making calculus and would signal that the U.S. is watching the degenerating conditions in Cambodia closely.
- **The Trump Administration could publicly endorse the language of the State, Foreign Operations, and Related Programs bill—particularly the tougher Senate language—conditioning assistance to Cambodia.** It should especially support the inclusion of a visa ban as well as placing broader-sweeping conditions on U.S. aid to Cambodia.
- **Press the Hun Sen government to grant access to outside election monitors ahead of 2018 elections.** Mere elections do not constitute a democracy, just as the day of the vote is not the only important part of an election. Election monitors, such as the National Democratic Institute, the International Republic Institute, or the National Endowment for Democracy, can provide assistance ahead of elections to ensure a freer and fairer electoral process. U.S.-led and internationally led election monitors should have access to Cambodia prior to, during, and after the 2018 election cycle.
- **Press for the release of political prisoners in Cambodia.** As of June 2017, there were at least 20 individuals detained as political prisoners in Cambodia.²³ That number does not include Kem Sokha, who was detained last month, or other CNRP parliamentarians detained since the most recent crackdown. Deputy president of the CNRP, Mu Sochua, says that she felt her freedom was unprecedentedly compromised, which led her to flee the country.²⁴ Hun Sen continues to issue threats to opposition parliamentarians. In the coming months, the U.S. should watch closely to see if more individuals are taken as political prisoners.

It is in the U.S. interest for Cambodia to be free and prosperous. Silence in the face of deteriorating conditions in Cambodia may mean the end of political reform in Cambodia. The U.S. should take swift action to guide Cambodia back to a path of freedom and democracy.

—*Olivia Enos is a Policy Analyst in the Asian Studies Center, of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation.*

23. Cambodia's Political Prisoners, "Political Prisoner Count: 20 (as of June 2017)," https://www.licadho-cambodia.org/political_prisoners/ (accessed October 10, 2017).

24. Holly Robertson, "Cambodia, a Nominal Democracy, Lurches Toward Full-Blown Dictatorship," *Los Angeles Times*, October 10, 2017, <http://www.latimes.com/world/asia/la-fg-cambodia-dictatorship-2017-story.html> (accessed October 10, 2017).