



CAMBODIA RECONCILIATION

A Reflection on Justice and Reconciliation
Issues and Challenges for the past 25 Years
Post War - Peace and Reconciliation

Soth Plai Ngarm

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By

Soth Plai Ngarm

Centre for Peace and Conflict Studies

Siem Reap, Cambodia

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Soth Plai Ngarm

Ngarm is a Cambodian peace activist & researcher with a Masters degree in Peace Studies from the University of Bradford, UK. Having worked throughout South East Asia on post-conflict issues, nationalism, & ethnic identity, Ngarm has accrued vast experience in the field as a peace builder, facilitator, & researcher. He is the co-author of *Introduction to Peace Studies & Research Methods* (ACT, 1996), a member of the Applied Conflict Transformation Studies (ACTS) MA programme, & is the Cambodian National Coordinator of the South East Asian Conflict Studies Network (SEACSN). He is a founding member & former director of the Cambodian-based NGO Alliance for Conflict Transformation (ACT). He is also the found and member of the Board of Directors for the Centre for Peace and Conflict Studies (CPCS).

Cover photo: The Tsubasa Bridge connects Kandal and Prey Veng provinces at Neak Luong. Now the base for Cambodia's longest bridge, Neak Luong was the site of bloody battles between the Khmer Rouge and FANK forces under the Lon Nol regime in 1972 during the Cambodian Civil War. In 1973, Neak Luong gained international attention after a United States B-52 Stratofortress mistakenly dropped 20 tonnes of bombs on the town, killing at least 137 Cambodians and wounding another 268 people.

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ABSTRACT

Twenty-five years into Cambodia's peace process, it remains clear that the country lacks a straightforward peacemaking, peacekeeping, and peacebuilding process. Many complex dynamics and circumstances have brought about the present-day situation in Cambodia, these circumstances and dynamics need to be thoroughly considered in order to assess how the country has come to be where it is today. Contextually, Cambodia has experienced a unique socio-political evolution. However, questions need to be asked about the challenges and issues Cambodians face now in order to make an assessment of the amount of energy, effort, and resources it will take to achieve all the necessary elements, such as justice, reconciliation, and development, for this post war/ violent conflict society to move forward. Remember, while the incompletely reconciled society continues to function, it is unable to move forward in full strength because the effects of the unresolved issues continue to bear down on the society, creating a risky relapse situation.

The first part of this paper is set to explore justice and reconciliation issues in the realm of the peace process, including both personal roles of the political leaders during conflicts and their political decisions that brought about peace, social integration, and new public policies during violent conflicts and wars. In this political leaders, sometimes interchangeable with their military roles, had to make decisions in order to win, consequently causing harm and suffering to human life and wellbeing. Whether these sacrifices for peace deserve justice for the different roles they played during the armed struggles and for the sake of national reconciliation, is not a simple "Yes/No" answer. The best learning cannot be from shallow assumptions, instead we can learn from wrestling with perspectives and examining facts, drawing from various arguments and contrasting theoretical perspectives. This may provide some

conclusive ideas for academic purposes, as well as contribute to deeper understanding for those working toward reconciliation in Cambodia.

The second part of the paper will look at macro/formal and social/informal reconciliation processes from theoretical viewpoints, examine whether these existed, and if so why and how did they happen. The Justice argument is impossible to disregard while talking about reconciliation and dealing with the past. Sometimes the many questions around justice issues cannot be answered, such as the definition of justice, justice for whom and who decides, etc. In this case, the standard process is sometimes bent into a mere formality, so that there is no need to answer some of these difficult questions. This article will also explore the process of the International Standard Trial of the former Khmer Rouge (KR) to see whether it has contributed to social reconciliation and, if so how.

Healing is somewhat about the future, and there are comparative experiences from many contexts around the world. For example, the Truth Reconciliation Commission (TRC) in South Africa is on the complete opposite end of the spectrum, with the emphasis on leaders' political will and their priority policies. There are levels of sympathy, empathy, transfer, and transformation reflecting downward from political to social reconciliation in relation to social healing for future generations and individual psychology. There maybe some lessons learned from the mid-range of reconciliation programs versus process and the citizen's roles in such an important social endeavour. The third part of the paper will draw an analysis of contextual peace, justice, and reconciliation in Cambodia into a broader perspective on contemporary social justice, institutional reform, and democracy development. It will also highlight patterns and trends of where the process is it at now, and the direction society may be moving toward in the future.

INTRODUCTION

Cambodia is situated in South East Asia, between Vietnam to the east, Thailand to the west and a narrow land connection with Laos to the north. The Kingdom of Cambodia is the smallest nation in size compared to other nations in the region, beside Singapore and Brunei, and is the poorest nation in resources. There is a saying “Flying High, Falling Hard”. Cambodia prior to the tenth century did well to gain its name in history as the Khmer Empire. The last ten centuries have been a different experience; it is like a person went to sleep for a very long time, woke up to realize he has been tied up with the surroundings, and no longer can move freely. Some would believe the past has so much to do with the future, some others may not think so. However, the fact of the matter is that evolution will never stop. Learning from the past helps future growth, but only where the past problems are resolved as much as present needs and interests. The sleeping man is similar to the living man who is unable to learn from his own past experience.

It is an unorthodox question to be asked in the field of Peace Studies whether reconciliation is also appropriate for a *pre-war situation*? Fascinatingly, it is crowded in studies of *post-war reconciliation*, but why is such an obvious contrasting question not well considered as a relevant typology? It is possible that reconciliation can be achieved prior to war and to avoid war, therefore no need for post-war peacebuilding.

The word reconciliation evolved from the Latin word “Concilium”, which means finding or seeking ways that could turn enmity into friendship. The concept of reconciliation is informed from practical experiences which involve more principles and quality aspects, such as a process to bring a close to painful memories by healing the past, restoring justice, envisioning, and building a harmonious

future. Reconciliation involves romanticized notions of repentance, forgiveness, and restitution. In fact, there may be enmity within friendship, if there is no proper process to uncover such conflicts and confront them, they will remain hidden, waiting for the right time to emerge.

There are several approaches in practice to reconcile communities and nations: Blame a Third Party (and then move on to solve that conflict), Apology and Forgiveness, Compensation and Reparation, Church Approach, Karma Approach (Leave it to fate), Tribunal Approach (lack of attention to the victim and the victim-perpetrator relationship), Ubuntu (We are not separate individuals; we are all victims and perpetrators; share mistakes), Truth and Reconciliation Commission Approach (South African model), Theatre Approach (Re-enact and introduce what should have been done), Joint Sorrow (e.g. Day of sorrow/letting go - instead of day of anger), Joint Resolution (Going back to conflict underlying violence), Creative Approach (Incorporating a variety of methods like a peace museum, etc.). The impacts obviously are more or less on one level than the other, among political, social, and emotional levels. Pre-conflict/war reconciliation perspectives are at the opposite side of the spectrum from the reconciliation during post-war peace building. So, it is worth examining the connection between the two paradigms. However, the main question is still about who would decide what approach of reconciliation is needed for a particular society.

ROLE AND RESPONSIBILITY OF WAR-PEACE HEROES AND RECONCILIATION

One simple approach to understanding reconciliation experiences in Cambodia is to explore through the so-called war-peace hero figures such as King Sihanouk and Prime Minister Hun Sen in relation to their roles and responsibility in both times of war and peace. In fact, Cambodia needed reconciliation for pre and post war situations. The Cambodian experience in particular, shows a link between the lack of success of the prior situation, which reflects the lack of success thereafter. The outstanding problem that can be identified from Cambodia's conflict experience is the need to redefine the identities of different groups involved in conflict, despite whether they have been allies during the struggle for change. Reconciliation for pre/post war situations can have different effects. However, the common pattern of decision making of these two important figures on priorities following violence, conflicts/war provides clear indication that the legacy of earlier war/conflict feed directly into the later wars/conflicts. There is a great deal to learn from trying to understand their political psychologies and strategies to move the country forward, and surely it also provides learning from real life experimentation contributing to the field of studies.

King Norodom Sihanouk

In the Southeast Asia region, territorial conflicts were prominent issues between close neighbours everywhere, for example between the Philippine, Malaysia, Indonesia, and Singapore in one part and between Myanmar, Thailand, Cambodia, Vietnam, and Laos in other parts. Since the last century the emergence of colonization, instigated from industrial revolution, forced countries in the region to reduce their tensions or diverted their attention from the traditional conflicts with neighbours to focus on fighting against external powers.

In Cambodia, resistance groups emerged to fight against the French colonization. In the mid-1940s, a nationalist armed group called Khmer Issarak (Free Khmer fighter) was formed and led by Son Ngoc Thanh, a Cambodian born in a province given to Vietnam by the French. Son Ngoc Thanh himself joined a civil movement against the French called The Nagara Vattathat was launched in 1936 by Pach Chhoeun and Sim Var. Thanh's group (rightist group within the Khmer Issarak) was backed by Thailand, their preferred political ideology was liberal society and looked up to western models of society. This group was significant because of their popularity, especially with the nationalist idea to regain Cambodian territory back from the Vietnamese. Communist elements (leftist nationalist) already existed within the Khmer Issarak and different political groups, and their popularity began mostly from a remote and rural area of the countryside. Different groups allied themselves with stronger neighbours' forces, such as Thailand and Vietnam, for support of their aspirations to liberate the country from French colonization. Even though all groups had the same goal to liberate the country, they had different visions for the future social and political structure. King Sihanouk's struggle was to liberate the country while maintaining the existence of monarchy, while other groups were dreaming for a freer, more equal and prosperous society.

From the beginning of the 1950s, the French colonization of Indochina was on the brink of collapse due to the burden of World War II, as well as the increasing resistance from the indigenous forces. In 1953 and 1954, deals were made to grant independence to Cambodia, Vietnam, and Laos. However, for Cambodia, the victory of independence was publicly recognized as resulting from diplomatic efforts of King Sihanouk alone. His entourage quickly expanded this perception by titling him as "the Father of the National Independence", giving him great popularity and the power to rule the country once and for all. Most armed group leaders resented that they lost any credit they felt they deserved from blood and sweat sacrifices during the struggle.

Other leaders were denied high positions in the government and any role in politics.¹

To be certain, King Sihanouk was “an astute politician who knew how to gage situations and take advantage of them, a master at using the media to build public support, and a statesman who intended to rule his country”.²

While the world was reorienting to the Cold War, there were international and regional dynamics connected to the struggle for independence. So, post-colonial national reconciliation for Cambodia could hardly come into the picture.



King Sihanouk attends the Water Festival in 1947.

Image from AFP

¹ Chandler, D. P. (1993) *A History of Cambodia*. pp. 177-190.

² Vachon, M. "How King Sihanouk brought French rule to a peaceful end". *Cambodia Daily*, November 11, 2013.

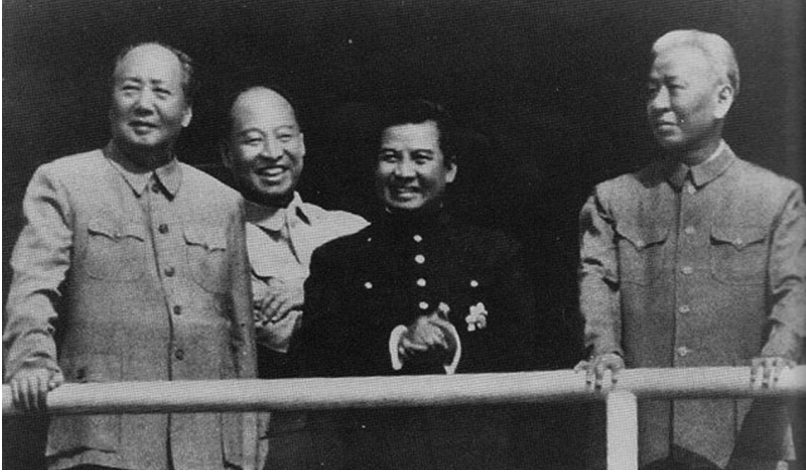
Partly, King Sihanouk saw himself as the sole leader of the nation and failed to see the importance of the different visions that were brought about by different groups who struggled alongside him to gain national independence. This was one of the crucial mistakes he committed that would cause the country a great deal of destruction later on. While at one level it can be true that reconciliation was neglected, at another level it was much more complicated. However, this simple conclusion is not the main focus of this point. Instead, let us try to explore further the attitudes, behaviours, conditions, and circumstances to understand why reconciliation did not happen during post colonization and what might have been the alternative outcome.

After declaring full Independence from France on November 9, 1953, King Sihanouk took measures to ensure sustainability of his control over the country. At first, he focused on the west through France. He became more and more hostile toward members of the Democratic Party in Cambodia. This attitude was influenced from his close alliance with the French who perceived the Democratic Party as dominated by leftists and pro-Communists. The French agitation over the democrats' influence in Cambodian politics started following the party's landslide victory over the general election in 1945. The first democratic election in Cambodian history was introduced and supervised by the French themselves. The French constantly refused to negotiate with the democrats despite them being the legitimate government and instead gave the floor to King Sihanouk. They eventually struck the deal for independence with him instead. At the same time, the Democratic Party with its power in the National Assembly, began its moves to reduce the traditional power of the King, to a form of a King who reigns but does not rule. This became the direct threat to the traditional monarchy where by King Sihanouk took it personally as his mission to protect the role of the monarchy. Despite this power struggle during post colonization, the intra-national conflict was not perceived as part of the overall

conflict, instead it was seen only being between Cambodians and the colonizers. So, reconciliation for this power struggle was not considered necessary.

The hierarchical culture was a real barrier to social participation. It prevented citizens from taking creative roles in national healing and challenging the leaders to set the course of the country's direction for a safer path during the Cold War. Cambodian people did nothing other than follow their leader. This allowed the unreconciled resentment to influence the opposite behaviour against the leader. The international interference exacerbated the polarized Cambodian groups further toward the edge of a very dangerous cliff, which eventually Cambodia fell into destructive violent conflicts and wars for many years.

The perception was playing an important role in the application of power. This can be a sensible conflict theory, to be cautious about or to deal earlier with "the Attraction of Power and the Perceived Threat". A limitation of the human condition is the inability to see the future consequences of our actions. A transformation of political culture from traditional monarchy to democratic society cannot happen without struggle and confusion. Even the uninterrupted democracy development process in Thailand, considered older and more mature, still faces a lot of challenges until today. Culturally the concept of political dialogue did not exist in the monarchy system, only one-way communication from leader to follower or from king to his subjects, while a democratic system depends very much on two-way communication through consultation and dialogue. So, reconciliation between a King and his subjects does not exist in a traditional monarchy system, nor is there a perceived need for such reconciliation.



King Sihanouk (in the dark tunic) went to Peking in 1956 to strengthen Cambodia's relationship with China by meeting with Chairman Mao Tse-tung (left).

Image by Joel D Meyerson via Center of Military History

With this confusion of the emerging political concept of democracy and his strong determination to protect the monarchy, from 1955 to the late 1960s, domestically King Sihanouk was transitioning from King to prime minister, to president and back to King again. Understandably, this desperate behaviour reflected insecurity, lack of confidence, and inability to withstand the political turbulence and environment. Despite his ability to maintain an excellent relationship with France, which helped to secure his power against domestic threats, he was not certain about his political survival in the wave of the geopolitics of the Cold War. Adding to his desperation, the United States' international policy at the time did not help King Sihanouk to make a better choice. For him it was too much and too fast to process, despite having begun his political life at a very young age. Internationally, his foreign policy was noticeably shifting from betting with the West, then to join the Non-alliance movement, and then swaying toward leftist. However, he made the quite



Prime Minister Lon Nol at a press conference in Saigon,
January 1971.

Image from Stars and Stripes

accurate anticipation that the West was not going to win against the communist forces militarily, despite possessing powerful weaponry. The geopolitics itself was the recipe for further national division, and polarization. At this point the chance to reconcile the past was totally over, particularly when King Sihanouk was ousted from power by General Lon Nol in 1970 and the Cold War came into Cambodia in full swing.

The United States' fear of communist expansion contributed to their decision to support the French to remain present in the region, given that they were allies fighting against the communists. Unfortunately, the decline of colonization was crashing down on the French's attempt to retain their presence in Indochina. From 1954

the French began to lose its grip to control the region and by 1966 America had to join in to do the job instead. Without having sufficient understanding of the region, the United States' involvement in the Vietnam War played into the hands of the communist movement rather than preventing their expansion. By 1975, the Khmer Rouge (KR) took over Cambodia. Everything was turning upside down, no monarchy, no democracy, no money, no religion, and no culture. Millions of people were killed or died from starvation. There were massive amounts of victims and perpetrators of the KR aftermath. To address the question of justice and reconciliation following the KR regime was not as simple as taking a handful of KR's top leaders to court. This paper however, is not only to highlight some parts of the complexity of the issues, but also to make observations, to learn how the society has moved on, and to explore the risk factors encountered along the way. Will reconciliation as a concept itself be understood contextually and will it be seen to have meaning in a broad sense?

Prime Minister Hun Sen

After the Peace Accord was signed, all Cambodian rival factions were to settle their differences through the general election of 1993, organized and managed by the United Nations Transitional Authority in Cambodia (UNTAC). The Cambodian People's Party (CPP) disputed the result of the election, and threatened to break away eastern provinces from the rest of the country. King Sihanouk setup mediation between parties, then ended up striking a deal that there would be no winner or loser. Mr. Hun Sen, the prime minister candidate of CPP, and Prince Norodom Ranariddh, head of a much fading FUNCINPEC party, would become the co-prime ministers.

There has been similarity between the two important figures King Sihanouk and Prime Minister Hun Sen. Both dominate national politics, given first priority to securing power through eliminated and

suppressed popular oppositions and critiques. It is doubtful that this kind of situation does not exist in other political contexts. However, according to the most recent Cambodian history, the society going downhill or uphill, is more likely to depend on how much its leaders are willing to give space for true reconciliation.

It is important to know a bit more about Mr. Hun Sen in order to understand where he has come from, in relation to his political psychology and reconciliation of Cambodia during post-war peacebuilding. Hun Sen was born in 1952, in Kampong Cham province, attended Buddhist monastic school in 1965 and left to join KR after the coupe d'état of King Sihanouk in 1970 while he was 18 years old. Learning can be from everywhere as a part of life experience, not necessarily only inside school. Mr. Hun Sen was from a completely opposite background than King Sihanouk. One born as a prince and the other born as a son of peasants. Hun Sen adopted a similar style of politics as Sihanouk because of his personal admiration of him, not because he coveted a kingly lifestyle.

In 1977, after his early defection to Vietnam, Hun Sen wasn't at the attention of the Vietnamese to be a top leader. He was only among those young commanders, the next leadership line to those leaders such as Pen Sovann, Chea Sim and Heng Samrin. There are a few things that may have helped him to earn the trust from the Vietnamese and the internal support from the party, that eventually made him become the top leader who has reigned the country for decades. His working record was exceptional, especially for his military intelligence during the ejection of the KR from the country. Another attribute was his active role in toppling down and imprisoning Prime Minister Pen Sovann whose inflexible policy displeased his Vietnamese backers. His early diplomatic role as an active, young foreign minister displayed his ability to fiercely defend and justify the Vietnamese armed forces present in Cambodia. All these virtues may not have come from his own conscious plan, but

rather his instinctually power oriented behaviour. However, that seemed to work perfectly for him as the Vietnamese would never trust older Cambodian leaders who already have many experiences in life.

As a young inexperienced country leader who was not well educated, Hun Sen was looking for a political manual for running the country. What else could he look to, other than Sihanouk's political styles and manoeuvrings, of which he was interested in and had observed for years since a very young age. This was seemingly the root of his political career. In some occasional public speeches, he mentioned that the reason he joined the resistance in 1970, was because of his love for his heroic figure, King Sihanouk. Hun Sen followed Sihanouk's call for those who love him to flee into the jungle and that is when he became an eastern KR fighter.

National reconciliation was not the government's priority but rather securing control of power was. This was made even clearer when CPP managed to consolidate all the power after the 1997 bloody armed clash with FUNCINPEC. They intensified their effort to inject their own narrative into the national history in an attempt to depict a saviour image of their own group for the country. CPP could not see the clash as part of the critical need for true national reconciliation, which is quite sad for Cambodian society. Their reaction to the July armed clashes can be understood as their need to win over the dynamic influence with relentless pursuit, despite Cambodia now experiencing a period of joy and happiness after long decades of wars. What they saw was that the victory would benefit CPP's leaders' right to rule and eventually totally dominate Cambodia for many years to come.

Mr. Hun Sen deserves credit for providing stability to the nation for many years after the long war. However, it is not uncommon for the mind focused on survival to be focused on the short term, rather than look at the long term social impact that would be better



Prime Minister Hun Sen speaking at the inauguration of the Cambodian-China Friendship Bridge in Phnom Penh, 2015.

Image by Siv Channa in the Cambodia Daily

secured by an improved and wiser transition, which does not only happen for the victor. From a peace building perspective, this was a lost opportunity for Cambodians to properly reconcile the past in order to ensure sustainable peace in the future.

Though a multi-party Democracy is Cambodia's political system today, the old culture where power is centralized with a single individual is still strong and very much dominates the social psyche. It maybe that Hinduism and the social hierarchy has influenced the Cambodian population for too long. That's why, despite having survived at least 21 centuries, they are willing to submit to this typical structure. The top leaders behave just like in Hindu methodology, in which the destructive and the constructive is the same god. The crime of man incurred during war and violence, can be repaid by giving peace. Reconciliation efforts in Cambodia have to focus on the roles and

responsibilities of such leaders, but also to consider other people within the society.

It is the beginning of a new age in Cambodia, separated from the early national history and the monarchy system, to a time where now common men govern the country. It is how much the nation has shifted in physical structure and how little the society has changed its psychology. There is only limited background presented here, however, it is enough to draw some conclusions in aspects of parties/actors, dynamics, and influences in order to see what kind of reconciliation is needed for Cambodia. Then discussion will revolve around what was actually done, and from the theoretical perspective of what are the short comings and move into what can be learned from the Cambodian experience.

PARTIES/ACTORS, DYNAMICS AND INFLUENCE

Since 1940, ending the period of colonization, until the 1991 Paris Peace Accords the parties/actors for Cambodian reconciliation can be best described in an indigenous setting. It can begin from three broad dimensions: first, the conservative monarchy; second, those in favour of leftist communist ideology; and third, those in favour of right wing western influence. With these three dimensions, each has pyramid essence of dilution with power at hand mixing with notions of nationalism. The recognizable identities remain embedded within society, which divide people.

Conservative Monarchy

This group did not see the clear line between socialist and liberalism, rather this group literally took King Sihanouk as a symbol of their central point of future vision. Sihanouk sees himself as trying to implement socialist monarchy. Anyone associated with such a background was seen as FUNCINPEC, the Royalist group.

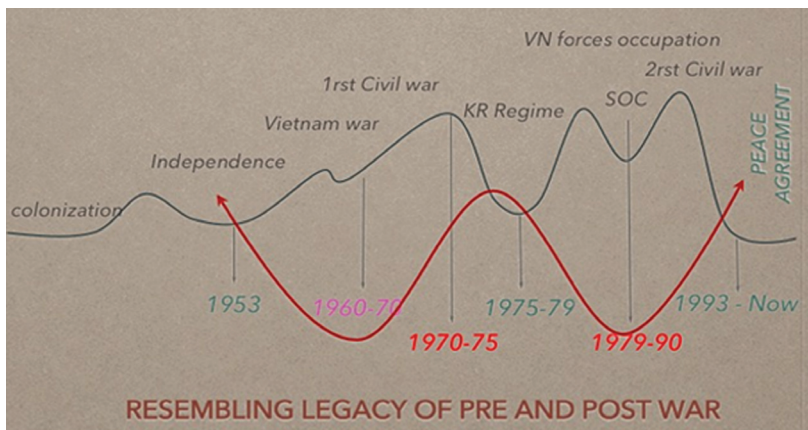
Leftist in favor of Communist Ideology

There are two groups who have a distinct approach to socialism or communism. The Democratic Kampuchea/KR were extreme communists and were pro Chinese, while the State of Cambodia (SOC) now known as CPP, many of the key leaders were former communist KR thus were pro Vietnam and Russia. The two groups were once united, especially during the time they had the French colonizer as their common enemy and divided as soon as that condition was gone. Anybody associated with such background is seen as communist, yet distinguishable between the KR and CPP. Though many people either got older or died, the legacy of pre and post-independence has had much to do present political identities.

Right Wing in favor of Western Liberal Influence

This group described themselves as nationalist, anti-communist and containing antagonistic attitude toward people from neighbouring countries, especially Vietnam. General Lon Nol and his close entourage in the regime leading the country between 1970-1975 were central to this new legacy. Anybody associated with such background is seen as Khmer People National Liberation Front (KPNLF), Republican right wing, or the remnants of United States-backed Gen. Lon Nol regime because the army wing of the KPNLF were led by former prominent republican generals, such as Gen. Dien Del and Gen. Sak Sutsakhan.

The sections above, particularly on the leaders, are not much about the policy critiques or the adopted political psychology. Rather, it is much more about highlighting how Cambodia has missed the opportunity to have a comprehensive national and social reconciliation and to point out that citizens should take up roles to do whatever possible to heal and reconcile the society for the younger generations. It is to encourage Cambodians and their leaders to have a good look at this matter and encourage possible supports for initiatives that bring a positive future for the society and for the nation.



Dynamic and influence: Dilemma of True Reconciliation in Cambodia

It is crucial that discussion of reconciliation is not only focusing on perpetrator and victim relation at a behavioural level or who did what to whom, but it helps to understand the concept better by looking at what blocks them. It helps the understanding of why true and deep reconciliation does or does not happen.

One of the important points to be demonstrated here is “Common Goal and Different Vision”. Theoretically, one may argue that it is due to subconscious reasons that insecurities influence the decision not to see the importance of reconciliation. Another argument can be that there is a conscious reason influencing the strategic choice of priorities made by the victor. Before independence, there was the common goal for every group to achieve together, which was to free Cambodia from the French colonization. After having gained independence, all factions obviously knew that they wanted different things for the future of Cambodia. However, why did their different visions not become one of the priorities for post-conflict nation building? Therefore, there are not only victims and perpetrators that need reconciliation. The Cambodian experience from those days reflects the important point that reconciliation has to do with the future as much as with the past. Using similar approaches looking at contemporary Cambodia, since the signing of the 1991 Paris Peace Accords, a true national reconciliation has never happened. Starting from a very low benchmark, Cambodians could achieve national reconciliation only in the political area, significantly using democratic process to settle their differences instead of armed violence. Worse than that, the term for reconciliation in Khmer language itself does not provide the full picture of what needs to be done and does not even suggest what type of dialogue is needed to find a common vision.

There would be many explanations from different perspectives to the question of “why was reconciliation in Cambodia not the priority for post conflict nation building after violent conflict and war?” Having gone through accessible literature, it seems impossible not to notice the speed of change that has occurred so rapidly during the last half century. Education and international exposure by common Cambodian men and women, an opportunity they have never had before, might have been a key in catalysing the socio-political dynamics contributing to change through conflicts, war, and peace. There were indeed paramount consequences, though this was also an opportunity. The consequences are the undesired destructive outcome both physically and psychologically. It in some way reflects incompetency both within the society and amongst the leaders and the mistakes Cambodians must learn from. Cambodia seemed to experiment with all the known political systems in the world. From independence in 1953 until today, political systems have constantly changed. From constitutional monarchy led by King Sihanouk, then to liberal democracy-republican style led by Gen. Lon Nol, and then extreme communism led by Pol Pot, followed by a less extreme communist led by the Vietnamese-backed government, and today returning back to a constitutional monarchy, except this time led by Samdach Hun Sen (a King risen from a common man). Therefore, it is clear that in leaders’ minds “my way is the only way”, especially for the victor.

There is a dilemma in applying reconciliation concepts to Cambodian’s current context, particularly in the area of justice because when trying to identify victims and perpetrators, it becomes more complicated. Different groups committed atrocities at different times and became victims of violence at other times. The real victims were the majority population. It was a situation of social polarization where at the same time different parts of society more or less supported one group or the other to come to power. It was an ever-shifting pattern of victor and victim situations, not only a black and white, such as victim and perpetrator relation.

REFLECTION ON RECONCILIATION PROCESSES

Some benchmark elements for reconciliation

- Reconciliation is not only about the past but also about the future
- Reconciliation does not necessarily involve forgetting or complete forgiveness
- Reconciliation interrupts established patterns of events
- Reconciliation is a process
- Reconciliation is about talking
- Reconciliation is about mutual education
- Reconciliation requires time and space for mourning, peaceful ways for expressing anger and sorrow, as well as for healing
- Reconciliation entails understanding
- Reconciliation involves an acknowledgment of truth
- Reconciliation is about memory and history
- Reconciliation is about pursuing justice
- Reconciliation is about reparation
- Reconciliation is about survival

A substantive reconciliation is at least to achieve three basic dimensions:

- **Political:** It is about functionality and stability of political systems that have benefits for all rather than just a particular group.
- **Social:** It is about social fabric, relationships, and peaceful interaction.
- **Emotion:** It is about healing the wound, relief from the impacts of trauma and moving on.

The Cambodian indigenous language is Khmer, consisting for centuries not only in speaking but also in writing script. It is part of the deep culture, which characterizes not only a way for expression, but also affects social ways of thinking. The direct translation in Khmer language of Reconciliation is "*Psah Psa*", which means to fix the broken, in a way it means smoothing things up. So, with a dichotomous concept, it is a real challenge and does not help much for the complicated sense of the reconciliation issue. It does not alone embrace the entirety of facts of what the nation has gone through.

Cambodia has seen to some extent reconciliation at the political level, through the signing of the peace agreements and the establishment of democratic institutions and elections. However, the social and emotional reconciliation dimensions still remained untouched. It is very important that real social and emotional reconciliation be seriously considered. Any measures for this must not be confrontational or controversial, or they will risk becoming a device for political manipulation.

One may ask why a comprehensive form of reconciliation has not happened after the civil war, since it failed once after gaining independence. The justification was that the Cambodian factions were not in conflict and the conflict was seen as only between the French colonizers with indigenous Cambodians. Also, there is the cultural factor where dialogue does not exist between the King and his subjects. Therefore, there was no need for a reconciliation process within Cambodia. This was not the case following the Paris Peace Accords, which involved conflict between different actors within Cambodia as well as conflicts with international communities. Still, the process focused on political reconciliation at the topmost levels without considerations of the social and emotional reconciliation that was needed at all levels.

There was an important lesson learned for reconciliation in both theory and practice. It is a dialogue process, not an envisioned

picture. Supposedly, actors involved in the peace process, consciously did not include reconciliation in the peace plan because it should be a process. In fact, it is the role and responsibility of the Cambodians themselves to decide what a national reconciliation should look like. The thinking certainly is in line with the principle that reconciliation is a process and not a picture envisioned by the leadership. It is very necessary to have a dialogue process, to figure out a suitable reconciliation that takes all necessary elements into consideration.

What should be done differently based on Cambodia's peace process experience? There shouldn't be a detailed plan of national reconciliation drawn without participation of Cambodians. However, from low points compared to the overall outcome of the peace agreement, what would have happened if the peace agreement had set a task for the Cambodian rival factions to continue a dialogue to develop a comprehensive and suitable national reconciliation.

International Standard Trial of former Khmer Rouge Leaders

Although, there are universal concepts of genocide or crime against humanity, the Cambodian situation is distinguished from the situations in South Africa, Rwanda, or Kosovo. The complex cycles inter-link between perpetrators and victims, and the implication of internal and external actors have made the available peace and justice concepts inapplicable for Cambodia. Moreover, the political negotiations to set up the court process fell short to meet the international standard from the practical sense, in particular an independent investigation without political interference or security threats.

However, this paper is not intended to examine the KR tribunal in the legal field, but to explore whether the trial would contribute to reconciliation through the area of justice, though it may or may not be complimenting the overall national reconciliation. So, the focus of this section is: If such justice does compliment, then how? If it does not compliment, then why?



Khmer Rouge killing fields.

Image from The Documentation Center of Cambodia

On 17 April 1998, The United Nations High Commissioner for Human Rights (UNHCHR) reported on the situation of human rights in Cambodia. In point 19, the UNHCHR reiterated the endorsed comments of the Special Representative that the KR committed the most serious human rights violations in Cambodia in recent history, and that their crimes, including the taking and killing of hostages, had continued through the 1990s. They noted with concern that no KR leader had been brought to account for his crimes.³ In the same month the co-prime ministers of Cambodia made formal request to the United Nations (UN) General Secretary Kofi Annan for assistance in setting a court to try the KR. After a lengthy series of negotiation between the UN and the Cambodian government, in 2005 a so-called

³ UNHCHR. *Situation of human rights in Cambodia*. April 17, 1998. Available at <http://www.refworld.org/docid/3b00f2295c.html>



Former Khmer Rouge head of state Khieu Samphan (Left) and Brother Number 2 Nuon Chea (Right) stood trial at the UN-backed Khmer Rouge Tribunal ECCC.

Image from The Phnom Penh Post

international standard tribunal court, which combined international and local judges, was realized and the process began. The UN officially assigned Ms. Michael Lee of China to coordinate assistance for the trials. To date the funds contributed to the tribunal total about 203 million US dollars, not including the significant in-kind contribution from the Cambodia government. Eight cases have been through trial and the appeal process.

From an academic point of view, the key issue in the relationship between Justice and Reconciliation, in the case of Cambodia, is whether there is enough evidence to support the claim that the KR tribunal has had an observable effect on reconciliation. Except when we link this experience to certain history, traditions, or draw from a biased political justification, it does not provide much logical sense to a claim they have. In another aspect, it can be justified to depend on precedential circumstances in the world history that may show achieving justice would lead to overcoming the past, providing a

positive effect on healing. However, the KR tribunal begins with this premise, one that has been unable to justify a positive correlation. In fact, it is helpful to reflect on some basic questions, such as: what crimes have been committed at different periods from the 1960s to 1980s? Who were the victims and who were the perpetrators? Were the same people or groups victims and perpetrators at different times? Suppose, based on the facts that in Cambodia's recent history there have been changing roles between the perpetrator and the victims, depending on who became more powerful. Then, for whom would justice in the realm of reconciliation be most beneficial, for the dead, the living, the unborn, or the future?

The tribunal somehow is a prescriptive framework set by the international community. The priority was to uphold the values and application of the international law, regardless of contextual priorities or to balance resources and energy for maxim results.



The defence team at the Khmer Rouge Tribunal- The Extraordinary Chambers in the Courts of Cambodia- January 2015.

Image by Peter Ford for the ECCC

Reconciliation is learning, transformation and change

If the KR tribunal does not add value to reconciliation, what good has it done? In the view of this paper, the KR tribunal has provided space for capacity building in legal practice and exposed Cambodian legal practices to a proper court process, yet it is doubtful whether the KR trial is worthy in a cost-effective sense. Nonetheless, true reconciliation that can come from learning requires more than just looking at cost-effectiveness or political justification. It is very important to reflect on critical questions in a number of areas of human intellect.

One of the mind bothering questions is whether there is correlation between empathy and principles. Reflecting on Cambodia's post war peace building experience, there are leaders who demonstrate more empathy or sympathy, or a lack of. Alack of good principles impeding on the social fragility for many years has prevented the society from reaching a common vision for the future. Mr. Hun Sen who himself had gone through painful experiences could empathize with the pain people endure under his reign, but often reacts to situations which instead subconsciously lean toward his own group taking political advantage over others, maintaining the cracks within the society, rather than trying to fix them once and for all. So, academically there have been challenges for in-depth enquiries into a theory, that only when the leaders possess combined qualities of both 'empathy' and 'principle' that a society can begin to experience true reconciliation that leads to healing and a new future.

Recent political tension well proves this point. Ou Virak and Richard Finch summarized the increasing use of violence in the political sphere in their opinion piece from the Phnom Penh Post on October 31, 2015:⁴

⁴ Ou, V. and Finch, R. Opinion: MP bashing may be only the beginning. *Phnom Penh Post*. October 31, 2015.

Monday, October 26, marked a new low in Cambodian politics, as two opposition lawmakers, Nhay Chamroeun and Kong Saphea, were hauled from their cars and savagely beaten by thugs. This shocking and deplorable act of violence occurred directly after mass protests outside the National Assembly building, as over a thousand people called for the ousting of Kem Sokha – vice president of the opposition Cambodia National Rescue Party (CNRP) – as vice president of the National Assembly.

Just one day previously, Prime Minister Hun Sen, stung by opposition protests greeting him on an official visit to Paris and evidently still smarting, made the timely and disingenuous suggestion that a similar but bigger protest could take place in Phnom Penh. Sokha had accepted the role in good faith as part of the post-election political settlement. After a short and sweet “Culture of Dialogue”, the culture of violence had returned with a vengeance.

The military then entered the fray, as deputy commander Kun Kim declared that Kem Sokha must be ousted “for the sake of national security and prosperity”. These words confirm what everyone already knows – that rather than being independent, impartial and under civilian control, as it should be, the military is partisan and does the bidding of the ruling Cambodian People’s Party (CPP).

Only last month, a four-star general brazenly announced to the media that the military belongs to the CPP and is only loyal to them, while Hun Sen himself recently claimed that Military Commander Pol Saroeun and National Police Chief Neth Savoeun would not accept being replaced after a CNRP victory. These words are also part of an escalating and dangerous rhetoric that threatens war at the slightest hint of any political threat. Indeed, Hun Sen has often claimed that a CNRP victory in the 2018 elections will lead to war and a repeat of the atrocities and depravities of the Khmer Rouge era.



Former president of the Cambodia National Rescue Party, Sam Rainsy.

Image from AFP

Should the CNRP win in 2018, a peaceful transition is looking more and more far-fetched – precisely the impression Hun Sen is trying to create. In light of Cambodia’s bloody and traumatic past, he knows that, given a choice between peace and democracy, Cambodians will bite their tongues and opt for peace. He will not be as blasé as he was in 2013. Despite eye-watering election irregularities and an uneven campaign playing field, the CNRP pushed the CPP right to the edge – first at the polling stations and then on the streets of Phnom Penh – as they surfed a tide of growing inequality, gross human rights violations, and a mobilized youth population armed with smart phones and innovative social media apps.

It is worrisome to observe the continuation of the cycle of violence. From early in the 1990s violent political incidents were very high, but this has decreased significantly since 2000, while the rise of

development related conflicts has emerged. Recently, from 2015-16, the politically motivated violent incidences have returned. So, Cambodia is still in the circle of the past, even though a generation is almost over. The division begins to seep into the new generation. However, it does not translate well into a collective social consciousness or actions to address it. Other factors that are increasingly showing signs of trigger points for current risks is the growing gap between rich and poor and the continuation of using racial manipulation for political gain by the opposition party. These are recipes for disaster, a hidden time bomb for Cambodia to potentially re-experience once more a major socio-political conflict.

Reflections from Experiences of Other Contexts

The following reflections from the experiences from Rwanda and Bosnia from my previous writing and are still relevant.⁵

Rwanda

In 1959, three years before independence from Belgium, the majority ethnic group in Rwanda, the Hutus, overthrew the ruling Tutsi king. Over the next several years, thousands of Tutsis were killed, and some 150,000 were driven into exile in neighbouring countries.⁶ The rebel group, the Rwanda Patriotic Front (RPF) was formed by the young Tutsis in exile and attempted to invade Rwanda on several occasions between mid-1960 and 1990.⁷ In 1973, the Hutus pursued a coup d'état to depose President Kayibanda from power, and Hutu General Mr. Habyarimana took over. Subsequently, President Kayibanda,

⁵ Soth Plai Ngarm. (2005). Preventing Future Genocide: A Vision for a Peace Museum for Cambodia. Available at: <http://www.ritsumei.ac.jp/acd/cg/ir/college/bulletin/vol18-3/NGARM.pdf>

⁶ Destexhe, A. (1995). Rwanda and Genocide in the twentieth century. (United Kingdom, Pluto Press, 1995. pp.36-3 7. See also <http://www.rwanda.com/>

⁷ Manikas, P. and Kumar, K. (1997). *Rebuilding Societies After Civil War*. (Boulder. Co: Lynne Rienner). p.80.

and many prominent politicians of the First Republic and Tutsis were killed.⁸ In September and October 1990, between 5,000 and 10,000 exiled Tutsis from the RPF invaded Rwanda in an attempt to regain Tutsi control of the country. In response to the attack by Tutsi rebels, the Rwandan government arrested nearly 10,000 political opponents of the President Habyarimana regime. The conflict, which lasted through 1992, resulted in thousands of deaths. After negotiations, another ceasefire was signed in mid-1992 concluding in a peace accord signed in Arusha, Tanzania in August 1993.⁹ Despite the cease-fire agreement between the warring factions, after January 1994, violent demonstrations, killing of political figures, and politically motivated murders of civilians increased sharply. The systematic mass killing of Tutsis and of Hutu political moderates began almost immediately following the death of President Habyarimana. It was believed that the killing was fuelled by radio broadcasts of hate propaganda.¹⁰ Between April 6 and July 1994, from 800,000 to 1 million people were killed, and up to 2 million persons, predominantly Hutu, fled to neighbouring countries such as Democratic of Congo, Burundi, and Tanzania. Another 1 million persons were displaced inside Rwanda. Millions of Rwandans have been traumatized by violence. Many have suffered severe injuries, lost their homes, and seen family members and friends raped and killed.¹¹ The international community failed to intervene despite evidence of planned genocide, and the UN severely reduced its peacekeeping forces after ten Belgian peacekeepers were killed.¹²

⁸ <http://rwanda.com/>

⁹ "Peace Agreement Between the Government of the Republic of Rwanda and the Rwandan Patriotic Front." Arusha, 4 August 1993. <http://usip.org/>

¹⁰ M. Swain. Rwandan "terror paymaster" under protection of Moi aide. *Sunday Time*, December 22, 2002.

¹¹ J. Macrae, "Editorial" Disasters, the Journal of Disaster Studies and Management (Overseas Development Institute, Blackwell, Volume 20 No.4, December 1996), p.281.

¹² A. Forges, Leave none to tell the story. (USA, Human Rights Watch, 1999), p.632. See also P. Manikas and K. Kumar, "Protecting Human Rights in Rwanda", p.80.

Bosnia

In the former Yugoslav Republic of Bosnia-Herzegovina, the Muslim community have been the victim of genocide. The genocide in Bosnia-Herzegovina was such an intrinsic tragedy that was morally very disturbing. Ethnic and religious discrimination played the main role in the anti-Muslim campaign. The assault on the Muslim community happened essentially at the hands of their neighbours, whose intent was to remove the Muslims from the land by whatever means feasible. The history of the conflict is little more than a continuation of endemic communal strife in the area. An analyst commented that the situation consisted “only (of) rekindled generations of hatred and atrocities the Serbs, Croats, and Muslims have inflicted on each other since the beginning of history.”¹³ Perhaps because many influential civilian and military decision makers accepted this historic paradigm, they contributed to shaping their approach as if dealing with the unremitting ethnic strife.

According to a historic memorandum by the national leader, it was the “territorial unity of the Serbian people,” to be achieved by uniting all the establishment of the full national integrity of the Serbian people, regardless of which republic or province it inhabits is its historic and democratic right.¹⁴

The beginning of the slide into genocide was the period preceding Yugoslavia’s disintegration. It was the period that prepared the ideology, the machinery, and the elements to make ethnic cleansing possible.

For genocide, the development of an ideology is especially significant insofar as a guide and justification are needed. As sociologist Leo Kuperstresses, “At least when operating collectively, they

¹³ Thomas Butler, “The Ends of History: Balkan Culture and Catastrophe” Washington Post, August 30, 1992. p.c3.

¹⁴ Boze Covic, ed. Izvorilikosrpskeagresije (The Sources of Great Serbian Aggression). Zagreb: SkolskaKnjiga, 1991), pp.291-297.

*(perpetrators of genocide) need an ideology to legitimate their behaviour, for without it they would have to see themselves and one another as what they really are common thieves and murderers”.*¹⁵

The establishment of military control over the cities followed ethnic cleansing. This strategy was followed by the imposition of Serbian domination in the countryside. In some areas, as in Trebinje, where the Serbs were hard-pressed in the confrontation with Croatians forces, Bosnian Serb authorities at first sought support from local Muslims. When the Muslims' services were no long in need, the Serbian army used brutal violence against them. At the same time the Serbian officials would try to limit access by internal observers, such relief workers, to areas where ethnic cleansing was suspected of taking place. In one incident, the local Serbian military commander even forced the Chief of Operations of the UN High Commissioner for Refugees (UNHCR) to leave at gunpoint, calling him a “secret Muslim”.¹⁶

*Even if a rump Bosnian state were to emerge as a result of partition, the consequences of genocide will not be reversed, and the Muslims will likely remain vulnerable. Indeed, many of the dilemmas, which have faced the world community in dealing with genocide in Bosnia Herzegovina, will continue not only there but also elsewhere in the region.*¹⁷

How Rwanda and Bosnia are pursuing their healing after all their atrocities is not a simple task. However, for Cambodia transformation is the biggest question of all, prior to the healing itself. Reconciliation without transformation has no meaning at all in a practical sense, or it is just like a recorded sound that can be replayed whenever needed and definitely does not contribute to healing. The reason why there

¹⁵ Leo Kuper. *Genocide: Its Political Use in the Twentieth Century* (New Haven: Yale University Press, 1981), p.B4.

¹⁶ John Pomfret, “Serbs Said to Block Return of Muslims,” *Washington Post*, May 12, 1993. p.A2

¹⁷ Cigar, N. *Genocide in Bosnia: The Policy of “Ethnic Cleansing”*, (Texas A&M University Press, USA, 1995) p.3.

is weak post war reconciliation in Cambodia is because of a lack of transformation in most key aspects, ranging from personal, social, institutional, and cultural. Many negative personal characteristics of leadership and traditional social interaction evidently have been transferred from older generations to the new one. The culture of violence and impunity spring back gradually as seen in the story mentioned above and it continues to affect people and the society from day to day. It is very important to emphasize again and again that, ***'If we do not learn from our past mistake, it is more likely that we will repeat it again in the future'***.

Similarly, the lack of transformation is connected to the lack of learning. By observing Cambodia's post war process for the last 25 years, there have been significant observations on what went wrong that brought upon a bitter and destructive experience, however, such observations never seem to be registered into attitudes or translated into behaviours that would shift the cycle of violence. One of the ideas that may contribute to filling the gaps between war to peace and then to reconciliation is that the society needs to build institutions that are tasked to focus on learning from the past mistakes, and can be generated into values and principles that shape attitudes and behaviours in all areas.

FURTHER ANALYSIS AND CONCLUSION

Reconciliation can begin on a political level, however, it is also necessary to go deeper into social and emotional levels to constitute transformation that enables healing, therefore influencing a new positive future. Political reconciliation is not necessary for changing its nature; basically, it is a changing rule of games from armed violence to a non-violent political contest amongst rivals via democratic election where political principles and policies are matter for victory. Social reconciliation on the other hand, has very much to do with personal transformation in both attitude and behavior learning from past experiences, not just recognizing ill-interaction and ill treatment of each other, which created social injustice and humiliations, but adapting the learning into social and practical values. Emotional reconciliation has to do with transformation of collective trauma and to deal with memory, so that all negative energy is not transferred down and onto the new generations.

In Cambodia's reconciliation after 25 years, so little has gone off the ground. There is still much to do, yet there is too little attention being paid to this area. The economic development has swept up contemporary Cambodia in both attitude and behavior of the population and their leaders. Similarly, politicians and intellectuals are well entertained by fixing the results, which more or less sustaining by their contestable nature of different ideologies and partisans. There is seasonal urge to come to common priorities, such as institutional reform, but it has never been for the best of the society but rather for a chance to wage their contestable nature and to gain advantage against one another. For example, following the political tension after the 2013 elections, political parties commonly saw it is a need to reform the National Election Commission. There is evidence out there and yet this paper is not set to explore that, however, it has happened not for uplifting the principles of "Free and

Fair” but to tick off the box. Moreover, the separation of the three pillars of power legislative, executive, and judicial is seen commonly as a problem and talked about often, while practically nothing has happened. Rather the three pillars are sticking together more with the fourth power, the armed forces.

The trend is clear that a gradual social transformation to a positive future is less likely as long as the old patterns are still strong. With the emerging political consciousness of younger generations equipped with modern information technology, and with strong motivation to define their own future, somehow becomes a likelihood or indication of revolution, one way or the other, toward social change rather than social transformation.



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