



Country Briefing Note:

Security Sector Reform and the Peace Building Process in Cambodia

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Security Sector Reform and Peace Processes in Southeast Asia: What Role for Parliaments?

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The objective of the paper is to explore the relation between Security Sector Reform (SSR) and peace processes in the context of the Cambodian Peace Process. The paper is structured in three separate sections: First, it presents a general outline of the concepts and considerations involved with SSR in the context of Cambodia; Second, it discusses the role of SSR in peace-building, along with an examination of the Paris Peace Agreements (PPA) of 1991 and how it did and did not include adequate SSR; Third, it concludes with regard to the role of parliaments in SSR and what can be done today by the Cambodian legislature to further SSR in support of democratization and good governance.

Security Sector Reform: Concepts and Considerations in the Cambodian Context

Over the years, Cambodia has continued to face a critical challenge in moving away from post-conflict conditions marred with armed clashes and civil war towards a better situation of peace, while the country is struggling to put in place democratic institutions whereby legitimate civilian authorities can be created properly in accordance with the principle of checks and balance, clear rules of law and respect for human security.

Although Cambodia has made good progress with the development of sound economic policy to drive sustained growth and poverty reduction, the country still struggles to implement effective SSR due to various difficulties, such as weak state institutions, a fragile judicial system, an inability to manage tensions and violent conflict among various groups, oversized and influential armed actors, and poor governance.

Since 1993, Cambodia has strived to reconstruct a security sector that can guarantee peace and internal stability by dealing with such issues as disarmament, demobilization, reintegration (DDR) of armed forces, controlling small arms and light weapons (SALW), clearance of anti-personal landmines, and establishing the rule of law. In the early stages, priority was given to preventing the possible resurgence of conflict among the different armed factions by incorporating former combatants into a national army with an adherence to the principle of neutrality. However, in reality, the security institutions such as the army did not fully transcend the political party line, which precluded the proper establishment of a new and truly integrated armed force that has any chance of being truly independent of old loyalties and could not adequately serve all Cambodians as guardians of the state and of their individual freedom.

Although the government of Cambodia has shown political will to pursue reforms of the security sector, SSR efforts have remained modest. This is because, in the absence of an overarching SSR policy, reform measures in this sector have concentrated for the most part on the military and police as the two main institutions charged with the provision of security. Other security oversight institutions, such as the judiciary and the National Assembly, have attracted less attention.

Thus, for Cambodia, one possible conceptual consideration is to formulate a SSR policy that focuses on the strengthening of democratic accountability, on putting in place civilian management with the knowledge and capacity of directing the security sector's needs, aims

and process, and on reinforcing parliamentary and judiciary oversight in order to investigate, monitor, and regulate the practices of security sector actors by ensuring the transparency of the security sector's budget and by improving the efficiency of policy implementation.

SSR and Peacebuilding in Cambodia

This section aims to form a broad understanding of how Cambodia has achieved and has tried to maintain peace.

Cambodia is a country well-known to have been entirely caught up in the dreadful effects of the Cold War and the Cambodian-Vietnam War. The effects of massive US bombing, civil war, the genocidal Pol Pot regime, and the invasion by foreign forces have resulted in the deaths of over 2 million Cambodians and the obliteration of livelihood and national assets beyond comprehension.

The so-called Cambodian problems were very complex and intractable due to: ongoing fighting among the Cambodian warring factions; the Association of Southeast Asian Nations' (ASEAN) opposition to the spread of communism in favor of the Coalition of Government of Democratic Kampuchea (CGDK), which categorically resisted the Vietnamese intrusion of Cambodia's independence; and great power engagements in the Cambodian conflict, with China strongly supporting the Khmer Rouge faction in resisting the Vietnamese occupation, the Soviet Union supporting Vietnam's *fait accompli*, and the United States backing the alternative choice for a free and democratic Cambodia with the two non-communist resistance groups of the FUNCINPEC (*Front Uni National pour un Cambodge Indépendant, Neutre, Pacifique, et Coopératif* = National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia) and KPNLF (Khmer People's National Liberation Front) movements.

To deal with all of this, the international community began to explore various options for a peaceful settlement with a prospect of major United Nations (UN) involvement in a transitional administration of Cambodia at the end of 1980s.

The Honorable Gareth Evans, Minister of Foreign Affairs of Australia between 1988 and 1996, initiated a peace proposal in November 1989, calling on the UN to become directly involved in the civil administration of Cambodia during the transitional period, to monitor the cease-fire and cessation of external military assistance and to organize a free and fair election. This entailed grueling but steady diplomatic efforts by all parties involved to refine and develop the Australian proposal so as to effectively advocate the UN role in the peace settlement in Cambodia. This culminated in a 'framework' document by the UN Security Council in October 1990, based on an enhanced UN role, in a skillful and judicious balance of the various interests involved.

Finally, the Agreements on a Comprehensive Political Settlement of the Cambodia Conflict (also known as the Paris Peace Agreements, PPA) were signed by the four Cambodian parties and the international participants at the second Paris Conference on Cambodia on 23

October 1991. The Agreements gave the UN Transitional Authority in Cambodia (UNTAC) full authority to govern Cambodia from March 1992 to September 1993 and committed the Cambodian parties and those supporting them to a permanent ceasefire, to repatriate the displaced Khmer along the border with Thailand, to disarm and demobilize the factional armies, to prepare Cambodia for free and fair elections, and to adopt a new democratic constitution.

Although the UN Blueprint for Cambodia succeeded where previous attempts – confrontational approaches and the use of military force – had failed, the UNTAC mission in Cambodia can only claim partial success.

It is true that UNTAC played an indispensable role in establishing a new Cambodian polity, based on the unity that it had carefully cultivated among the major factions, with the exception of the Khmer Rouge. UNTAC can rightfully claim the credit for organizing a free and fair election in May 1993, enabling the Constituent Assembly to draft a new constitution from which a new government was born and restoring Cambodia towards the path of peace and democracy.

However, no one can dispute the failure of UNTAC to deal with the refusal to disarm and demobilize the 40,000 strong armed forces of the Democratic Kampuchea (NADK). This letdown and the inability of the UN blue helmets to free Cambodian territory under Khmer Rouge control has raised the debate by some scholars to challenge the global evaluation of the agreements that UNTAC was unable to implement its intended mandate properly, and, as such, that the peace accords failed to bring ultimate peace to Cambodia, as UNTAC failed to end the Khmer Rouge threat.

Turning the attention now to the relationship between SSR and the peace-building process, one has to question the relevance of PPA in the present Cambodian context.

The PPA should be understood as more than just the typical and traditional peacekeeping functions of the past, which include the verification of the withdrawal of foreign forces and the supervision of the ceasefire - plus other functions being assumed by the UN, such as the repatriation of refugees and involvement in elections. However, the Cambodian concept of peacebuilding was expanded much more to include comprehensive efforts towards institution-building and social reconstruction as integral parts of the package designed to secure a lasting end to armed conflict, a genuine transition to democracy, and a rehabilitation and reconstruction of Cambodia.

As peace gradually returns to Cambodia, SSR does not end with the cessation of the most obvious gross violence and warfare. SSR has to be embedded in a long-term process of peacebuilding. Consequently, even if Cambodia has been able to secure peace since the Win-Win Policy of Prime Minister Hun Sen succeeded to integrate the last groups of the Khmer Rouge guerrillas into the Royal Cambodian Armed Forces in late 1998, to dissolve the Khmer Rouge's political and military organs and to return all secession areas to government control, there remain some critical challenges to overcome in reforming the security sector.

As part of the peacebuilding process, Cambodia should address SSR in a comprehensive context so that the country can provide security in an effective, efficient and accountable way in order to make political, economic and social development sustainable and inclusive for all citizens.

Here are six suggestions on how SSR can enhance the process of peacebuilding in Cambodia:

First, to achieve sustainable development, democratic consolidation, and improvement in the security sector, the government should commit more effort to reform or reshape the security sector effectively and efficiently within a framework of democratic governance, the rule of law, and respect for human rights.

Second, although gradual reforms have been implemented by the government, particularly in the area of military reform and civil-military relations, the process of SSR remains relatively minimal. More serious efforts are needed to address key issues, such as: the abuse of power by security forces on the ordinary population; the involvement of security forces in illegal activities; the inability of the security forces to fulfill their expected duties; and the culture of impunity.

Third, stronger political will from the government is needed to develop an overarching SSR policy, expanding reform measures outside the military and police to include other oversight security institutions, such as the judiciary and the National Assembly. A comprehensive approach to security sector governance (SSG) must be developed to link military and defense reform with judicial reform, police reform and intelligence reform in order to make all reforms coherent and mutually reinforcing. Cambodia needs to address SSR as an integral part of the national development strategy in a coherent and comprehensive manner.

Fourth, while pushing for SSR, the government should shift away from the perception that it is the sole agent in the provision of security, which makes it more difficult to engage in such comprehensive reforms, and that it fears a loss of power and privilege in security institutions. Instead, the government should promote trust and build confidence with the general public by adhering to the rule of law and the protection of human rights, as well as allowing parliamentary oversight. This in turn will generate trust in security sector actors and will enable legitimation of their monopoly over the use of force to settle dispute or conflict.

Fifth, SSR awareness should be promoted at all levels of the Cambodian society, and multi-stakeholders dialogue should be engaged to encourage an open discussion and to instill public confidence in security actors. Capacity building should be introduced to improve the functioning of the security providers, and appropriate sources of funding and technical support should be mobilized to ensure the proper implementation of the SSR process.

Finally government should engage civil society, which can promulgate democratic norms and continue monitoring military and police forces, allowing it to complement the work in the provision of human security protection, and increasing the capacity to normalize peace and the practice of accountability for the security forces.

Role of Parliaments to Promote SSR in Support of Democratization and Good Governance

Given that democratic control of the security sector is one of the primary aims of SSR, the most apparent role of parliaments is to provide effective and legitimate oversight for security institutions and to monitor both their financing and activities.

Parliaments must ensure that military and other security officials are held accountable, socialized with norms of good governance, and adhere to the principle of political neutrality among those institutions which provide security. In a democratic system, civilian oversight can vary in its design but serves the critical function of ensuring that the security sector is held accountable to the needs and priorities of the public.

To conclude, there are many other ways that parliaments can support SSR. For instance, parliaments should exercise their authority to debate and enact legislation supporting security reforms. Related to such a debate, parliaments should seek to publicize and popularize relevant norms related to good governance, democratic accountability, conflict resolution, and human rights protection to promote social cohesiveness and harmony.

Parliaments should work closely with the executive to ensure that human security is a guiding principle of military activities. In relation to the executive, the parliament must act as an effective balance to ensure that monopolization of power does not occur and to disable abuse. One aspect of doing this is to practice parliamentary supervision of the budget of the security forces. Another way to do this is to hold the executive accountable for policy implementations in the security sector.

In post-conflict conditions, like Cambodia, the role of the parliaments is to prevent national disunity and to build public trust in the institutions created by the state. They must debate and negotiate the proper balance between the transparency and secrecy of national security.

Parliaments must strive to achieve an integrated and coordinated policy among the three independent powers of the legislative, executive and the judicial branches, ensure a clear separation of power, and impose a vigorous system of checks and balances among them.

All elements of SSR for core security actors should be mirrored with corresponding training and capacity-building of parliamentarians. External donors should work to deliver capacity-building and support the Cambodian parliamentarians. More specifically, donors should provide technical assistance in the areas to enhance the ability of members of parliaments to successfully conduct parliamentary oversight in support of SSR objectives.