Army soldiers cross the remains of a dam in 1999, a few months after the Cambodian government initiated country-wide weapons collection programmes.
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Stabilizing Cambodia

SMALL ARMS CONTROL AND SECURITY SECTOR REFORM

5

INTRODUCTION

The international community has supported Cambodia's stabilization since the late 1980s, and much progress has been made. Over the last five years Cambodia has been the beneficiary of support for small arms control programmes through the European Union's Assistance in Curbing Small Arms and Light Weapons (EU ASAC) and the Japan Assistance Team for Small Arms Management in Cambodia (JSAC). Joint efforts in weapons collection and destruction by the government, the EU ASAC, the JSAC, and the Cambodian NGO Working Group for Weapons Reduction (WGWR) have substantially reduced the number of weapons circulating in Cambodia outside of government control. Following the end of the cold war, Cambodia was one of the first conflict-affected countries with a small arms legacy that the international community engaged in a concerted effort. Experiences from Cambodia provide important lessons for other post-conflict countries on what has worked well, and where greater effort is needed.

Since the start of stabilization efforts in Cambodia, the international community has engaged in many more post-conflict operations. Concepts and approaches have developed in the light of experience. Of particular importance is the security sector reform (SSR) model, which emphasizes a broad set of issues in the security services, including professionalism, institutional capacity building, resource allocation, the rule of law, and democratic governance. Until now there has been little sharing of ideas between the small arms and light weapons control community and the SSR community, with opportunities for linking the two agendas on the ground largely unexploited. Using the example of Cambodia, this chapter underlines the utility of incorporating SSR concepts into small arms control planning.

This chapter presents the following findings.

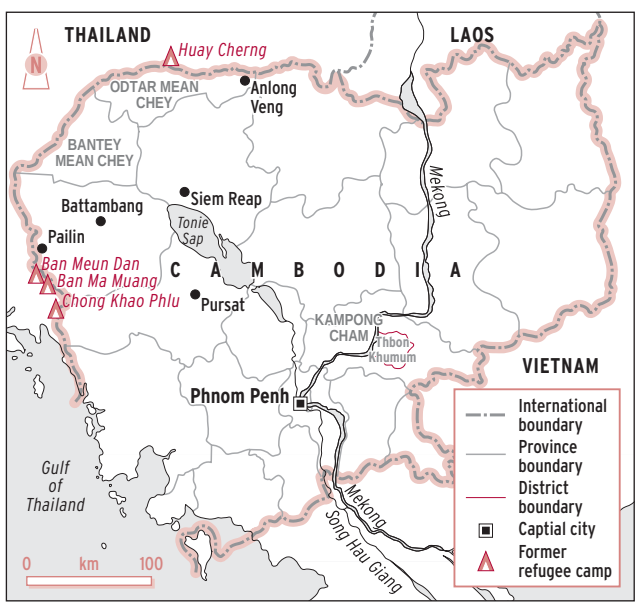
- Small arms and light weapons interventions in Cambodia have been successful in removing large quantities of such arms from circulation outside of government control.
- Reduction of small arms and light weapons has had a positive impact on human security in Cambodia, where guns are less commonly used in violent incidents and homicides.
- Large-scale destruction of surplus military stockpiles and safe storage programmes for government stockpiles have reduced the danger of future leakages and uncontrolled exports.
- Members of the security forces and certain government officials are the only legal small arms users in Cambodia today.
- Problems relating to the competence, professionalism, and integrity of the security forces; rules of engagement for the police in particular; and democratic governance of the security sector have not been sufficiently addressed.
- Cambodia is a good example of the significant human security gains that small arms control programmes can yield, yet it also demonstrates the limits of such efforts if broader security sector issues are not addressed.

The chapter begins by providing essential background information on Cambodian politics and the process of post-conflict stabilization. It then considers the impact of small arms and light weapons control programmes on the availability of small arms and overall crime, violence, and gun use. The next section focuses on Cambodia's security services, highlighting continuing reports of official gun misuse. The following section introduces the concept of SSR and notes the limited progress that has been made in Cambodia to date in this area. The chapter's final section discusses how SSR objectives may be taken forward in Cambodia. The conclusion discusses the broader relationships between small arms control and SSR, and the lessons that can be applied to other post-conflict countries.

THE LEGACY OF CONFLICT

The conclusion of the Paris Agreements in October 1991 marked the beginning of the end of more than 20 years of armed conflict in Cambodia. All four protagonists and their international sponsors were parties to the Paris Agreements: the Phnom Penh government (controlled by the Cambodian People's Party—CPP), the Front uni national pour un Cambodge indépendant, neutre, pacifique et coopératif (FUNCINPEC), the Khmer People's National Liberation Front (KPNLF), and the Party of Democratic Kampuchea (PDK). Under the leadership of Hun Sen, the CPP controlled more than 80 per cent of the country, including Phnom Penh, through its army, the Cambodian People's Armed Forces (CPAF). Vietnam had left its CPP allies in power after ending its decade-long occupation of Cambodia in 1989. The three other factions were CPP opponents. Prince Norodom Ranariddh presided over FUNCINPEC and the National Army of Independent Kampuchea (ANKI, formerly the Armée Nationale Sihanoukiste). Ranariddh's father, King Sihanouk, had been deposed in a coup in 1970 by his own prime minister and senior military officials. The KPNLF and its military wing, the Khmer People's National Liberation Armed Forces (KPNLAF), had their roots in the regime that overthrew King Sihanouk, and were, in turn, toppled by the PDK. This last faction, better known as the 'Khmer Rouge', terrorized Cambodia from 1975 until 1978, when it was overthrown by the Vietnamese. The PDK military wing was officially known as the National Army of Democratic Kampuchea.

Map 5.1 **Cambodia**



A UN military observer mission, deployed shortly after the signature of the Paris Agreements, was replaced in March 1992 by the United Nations Transitional Authority in Cambodia (UNTAC), a major peacekeeping operation that administered the country and oversaw the implementation of the peace accords. UNTAC withdrew shortly after it oversaw the May 1993 national elections, which the international community deemed to be substantially free and fair. However,

armed conflict continued in parts of the country for several years. While the anti-communist ANKI and KPNLAF complied with the accords and the election results and began integrating their forces within the newly formed Royal Cambodian Armed Forces (RCAF), the Khmer Rouge continued its guerrilla war against the government. The armed conflict was only brought to an end in 1998, when the last Khmer Rouge faction defected to the government.

Three aspects of Cambodia's stabilization process in particular have affected subsequent small arms control and security sector management efforts: Cambodian power politics were gradually transformed from armed conflict to the ballot box through elections, the CPP consolidated its power in the country, and the patronage system underlying government–military relations became entrenched.

The introduction of elections as an alternative, less lethal means of achieving political power proved essential to the stabilization of the country, but this move was also used by Hun Sen to consolidate power. Cambodia's 1993 elections resulted in a coalition government headed by FUNCINPEC and the CPP. Although FUNCINPEC won the election (i.e. received the greatest number of votes), the CPP entered into a power-sharing arrangement with FUNCINPEC. Under this arrangement, all government posts were equally divided between the two parties. The CPP, however, retained control over most of the bureaucracy and the military.

The coalition government came to an end in July 1997, following armed clashes between forces loyal to Prince Ranariddh (FUNCINPEC) and Hun Sen (CPP) (Ledgerwood, n.d.a, p. 3). The confrontation left Hun Sen and the CPP largely in control of the country, and Ranariddh went into exile. The conflict between the coalition partners had built up over several years and illustrates the way in which Hun Sen's CPP had been very successful in weakening its opponents (even FUNCINPEC, which was its coalition partner and ostensible ally). Roberts sees the CPP's refusal to grant positions of authority to Ranariddh's followers at the grass-roots level as one of the root causes of the disagreements (Roberts, 2002, p. 527). The royalist FUNCINPEC was progressively weakened as key members were brought into the CPP through the offer of lucrative positions. As a result, Ranariddh lost power and authority within his own party, while the CPP extended its control over crucial ministries. In an attempt to bolster his position, Ranariddh tried to negotiate an alliance with the outlawed Khmer Rouge against the CPP. He was outmanoeuvred by Hun Sen, who succeeded in breaking up the Khmer Rouge, while integrating those willing to cooperate with him into the RCAF (Roberts, 2002, p. 530).

Beginning in 1996 the CPP encouraged Khmer Rouge leaders to defect by granting them amnesty and providing material incentives. Defectors were given government posts and control over land exempted from central taxation (Faulder, 1999). Of particular importance were the unofficial logging rights granted to defecting Khmer Rouge leaders, for which they did not have to pay taxes and which they could use for their own financial benefit (GW, 1998, p. 44). Ultimately, both the anti-communist opposition and the Khmer Rouge were defeated by bringing those willing to cooperate with Hun Sen and the CPP into the system and offering them attractive rewards in the form of an officially sanctioned share of economic and natural resource rents.

Another key element of the stabilization process was the bringing together of the four armed factions into the RCAF. In order to build loyalty among these disparate forces, Hun Sen pursued a policy of high military spending and granted army commanders control over logging profits and other economic activities (Hendrickson, 2001, p. 72). During the conflict, all factions engaged in natural resource extraction, in particular the timber trade, as a means of financing their military campaigns (TED, 1996). As the fighting declined, many military commanders continued these activities for private gain (GW, 1996, p. 2). The government has allowed them to continue in order to ensure military support and because high-level politicians benefit directly from the timber trade (GW, 1997a; 1997b). Such financial arrangements are not transparent, but informed sources, including the International Monetary Fund (IMF), have highlighted

the existence of a parallel budget to the official government budget, with the former being largely financed by the proceeds of logging (GW, 1997b, p. 14). The latest report by Global Witness (GW), entitled *Taking a Cut,* details the complex timber network in operation that links political and commercial interests (GW, 2004). As a result, the security forces remain an important power base for the ruling CPP (ICG, 2000, p. 20). It has been difficult for the prime minister and international donors to introduce policies that run counter to military interests.

The stabilization process entrenched a system based on patronage and clientelism. The result has been a gradual reduction in direct political violence, although violent incidents continued to occur during the 1990s, particularly around the time of elections. While actual voting occurred mostly without incident during the first elections in 1993, international observers recorded widespread political violence against faction supporters and the broader electorate before and after polling day (UNDPKO, 2003; Ledgerwood, n.d.c).

Political rallies in the mid-1990s were often violently disrupted. In the most notorious incident, on 30 March 1997, at least 15 people died and more than 100 were injured when grenades were thrown at a crowd rallying in support of opposition politician Sam Rainsy (Ledgerwood, n.d.a, p. 3). Clashes in July 1997 left several people dead and buildings ruined (Ledgerwood, n.d.b).

Following these events, the CPP consolidated its power. The 1998 elections were largely peaceful, although opposition candidates were subjected to intimidation and targeted violence. Heder asserts that, 'having expelled FUNCINPEC from the state,' Hun Sen 'was able to use its coercive and financial assets to skew those election results in his favour' (Heder, 2003, p. 73). Other commentators have described the process as the creation of 'an ever more monolithic system' (Ledgerwood, n.d.a, p. 1) through which Hun Sen had effectively consolidated almost complete control over the state and electoral machinery (Ashley, 1998).

Khmer Rouge defectors stand behind their weapons during an integration ceremony near the Thai–Cambodian border in June 1998. More than a thousand former rebels returned to the Royal Cambodian Armed Forces that day. © Ou Neakiry/AP Photo

This led to a significant reduction in politically motivated violence, especially that directed against the electorate as a whole. Human rights organizations have observed a general shift towards non-violent methods of influencing the electorate, specifically through vote buying (HRW, 2002, p. 5; 2003a, pp. 8, 10). However, politics remains a risky business for those standing for election. The killing of opposition candidates, while declining in total numbers, continued during the elections of 2002 and 2003. During 2001 and 2002, 15 FUNCINPEC and Sam Rainsy Party members were killed (HRW, 2002, p. 16). In the run-up to the 2003 national election, several high-profile killings occurred and six other political murders were recorded (HRW, 2003b, p. 5). It is difficult to ascertain the scale of the problem countrywide. Nevertheless, there are well-documented cases of killings in particular districts, such as Tbong Khmum in Kompong Cham province. These were often carried out at the victim's home or following an arrest by elements of the police or possibly police impersonators. Victims were usually shot in the head from close range with a handgun. The perpetrators were occasionally also armed with an AK-47 assault rifle (HRW, 2002). The persistence of political violence in Cambodia and the impunity of its perpetrators point to broader governance problems in the country.

Hun Sen's ability to outmanoeuvre rivals by bringing them into his system also continues. Following the communal elections in 2003, two opposition parties, FUNCINPEC and Sam Rainsy, formed the Alliance of Democrats to counter CPP power, but in June 2004 Hun Sen announced that FUNCINPEC had again agreed to enter into a power-sharing arrangement with the CPP. Sam Rainsy fled the country and was sentenced in absentia in December 2005 to 18 months in prison for defaming Hun Sen. However, Sam Rainsy returned in February 2006, announcing that his personal disputes with Hun Sen had been set aside, and was provided with 12 bodyguards from the Ministry of Interior for his protection (*Economist,* 2006).

Politics remains a risky business for those standing for election.

Having outlined the historical and political background, the following sections of this chapter analyse how small arms proliferation has been tackled in Cambodia, and what issues remain relating to the use and misuse of small arms.

TACKLING SMALL ARMS PROLIFERATION IN CAMBODIA

Small arms reduction and control measures

The Cambodian government made control of weapons proliferation one of its first priorities after the elections in 1998. Following the elections, a sub-decree restricted weapons ownership and use. The Ministry of Interior also launched countrywide weapons collection initiatives. In 1999, Prime Minister Hun Sen initiated a programme of public weapons destruction. In the same year, the Cambodian government approached the European Union (EU) for support for small arms control measures, and in April 2000 the EU launched its ASAC programme (Wille, 2005).

The EU ASAC programme was set up as an agency with a single mandate to support small arms and light weapons control processes in Cambodia. One of the first joint actions established under the European Common and Foreign Security Policy, EU ASAC provided a framework for coordinated support by interested EU member states, as well as the European Commission (Wille, 2005). Initially, Canada and Japan also opted to channel their funding through the EU ASAC programme. In 2003, however, Japan established a parallel programme called JSAC, which included activities similar to EU ASAC, but operated in different provinces and focused on the police rather than the RCAF (JSAC, 2006).

The approach of the EU ASAC programme has been to support closely the efforts of the Cambodian government in bringing civil war weapons under government control. It was agreed that the government and EU ASAC would take on separate but complementary roles. While the Cambodian authorities retained legal responsibility for collecting

A policeman stands before a pile of nearly 7,000 guns and other small arms in Kampong Cham province north of Phnom Penh in July 2001. Cambodian authorities lit a massive bonfire to destroy the weapons as part of an ongoing effort to rid Cambodia of illegal arms. © Chor Sokunthea/Reuters

weapons, the EU ASAC programme supported public awareness and funded development schemes. One of the main activities of the programme has been to finance local projects (in particular the digging of wells) in communities where sufficient numbers of weapons had been collected. The EU ASAC programme has also provided financial and technical support for the destruction of surplus military weapons, as well as collected and confiscated weapons. In 2003 an arms cache component was added to the EU ASAC programme. The programme also contained security sector management-related elements, which are discussed later (EU ASAC, 2006).

The EU ASAC programme provided essential support to a government initiative (ensuring local ownership), while allowing for civil society participation (notably the WGWR) and ensuring overall donor coordination. An especially important contribution of the project was its support for awareness raising on the official policies and changes in the law, which disseminated information on government policies to rural Cambodia (de Beer, 2005a).

Estimates of reductions in small arms proliferation

In order to gauge the impact of small arms control programmes in Cambodia, it is important to estimate the number of guns circulating outside of government control before and after the programmes took place. This is difficult to quantify, because estimates of the numbers of weapons circulating outside of government control have been extremely unreliable, e.g. in 1998 the accepted figure was more than 500,000 guns, while others suggested it may have been as high as 900,000 (Fawthrop, 2001). These estimates are now viewed with scepticism, however (Tieng, Long, and Hicks, 2004, pp. 11–12).[1]

In order to assess the impact of the recent weapons collection and destruction programmes, the Small Arms Survey has reviewed available evidence on the number of guns controlled by government and circulating outside of government control as of mid-2005. These estimates are compared with numbers derived from historical analysis of the numbers of soldiers deployed and guns held by each of the four factions and evidence on what happened to these

weapons following the conclusion of the Paris Agreements. The main assumptions made and information used in deriving these estimates—discussed in detail in Wille (2006a)—can be summarized here as follows:

- It is assumed that the overwhelming majority of the guns presently held in Cambodia originated from the arsenals of the four factions. There is little evidence that there have been large-scale imports or exports of weapons since 1991. It is also assumed that civilian hunting and sporting firearm ownership at the time of the end of Khmer Rouge rule was negligible.
- For the small anti-communist factions of the KPNLAF and ANKI, a ratio of two guns per soldier is assumed. As there is evidence that the Khmer Rouge were better armed, a ratio of 2.5 guns per soldier is assumed for this group. For the government army we also assume a ratio of 2.5 per soldier. For the government's provincial units and militia forces, two guns per soldier is assumed. The total weapons stockpile of the factions is estimated to have been between 319,500 and 462,500 firearms, which is similar to the figure of 350,000 provided by the factions to the UN in 1991 (UNDPKO, 2003, p. 4).
- Following the conclusion of the Paris Agreements, the CPAF, KPNLAF, and ANKI joined forces to become the RCAF. It is assumed that 70 per cent of their weapons passed into government stockpiles held by the RCAF and police, and that 30 per cent of their weapons leaked into private hands or were stored in arms caches.
- Between 1993 and 1996 around a quarter of the Khmer Rouge defected to the government. Again it is assumed that 70 per cent of their weapons passed into government control. Following the end of the Khmer Rouge insurgency, the remaining fighters and weapons were never properly integrated into the government's security forces. Many of their weapons passed into private hands or were stored in arms caches, and the remainder were held by security forces within the Khmer Rouge enclaves (e.g. Pailin and Anlong Veng).
- Government reports indicate that since 1998 around 120,000 weapons have been collected from private ownership and weapons caches (Ratha, Long, and Vijghen, 2003, p. viii). JSAC reports having collected 11,662 weapons (JSAC, 2006). These weapons were added to government stockpiles. The government, with the support of EU ASAC, has destroyed a total of 180,000 surplus weapons in its stockpiles (collected and military stocks) (EU ASAC, 2005b).

A substantial proportion of uncontrolled small arms have been collected and destroyed.

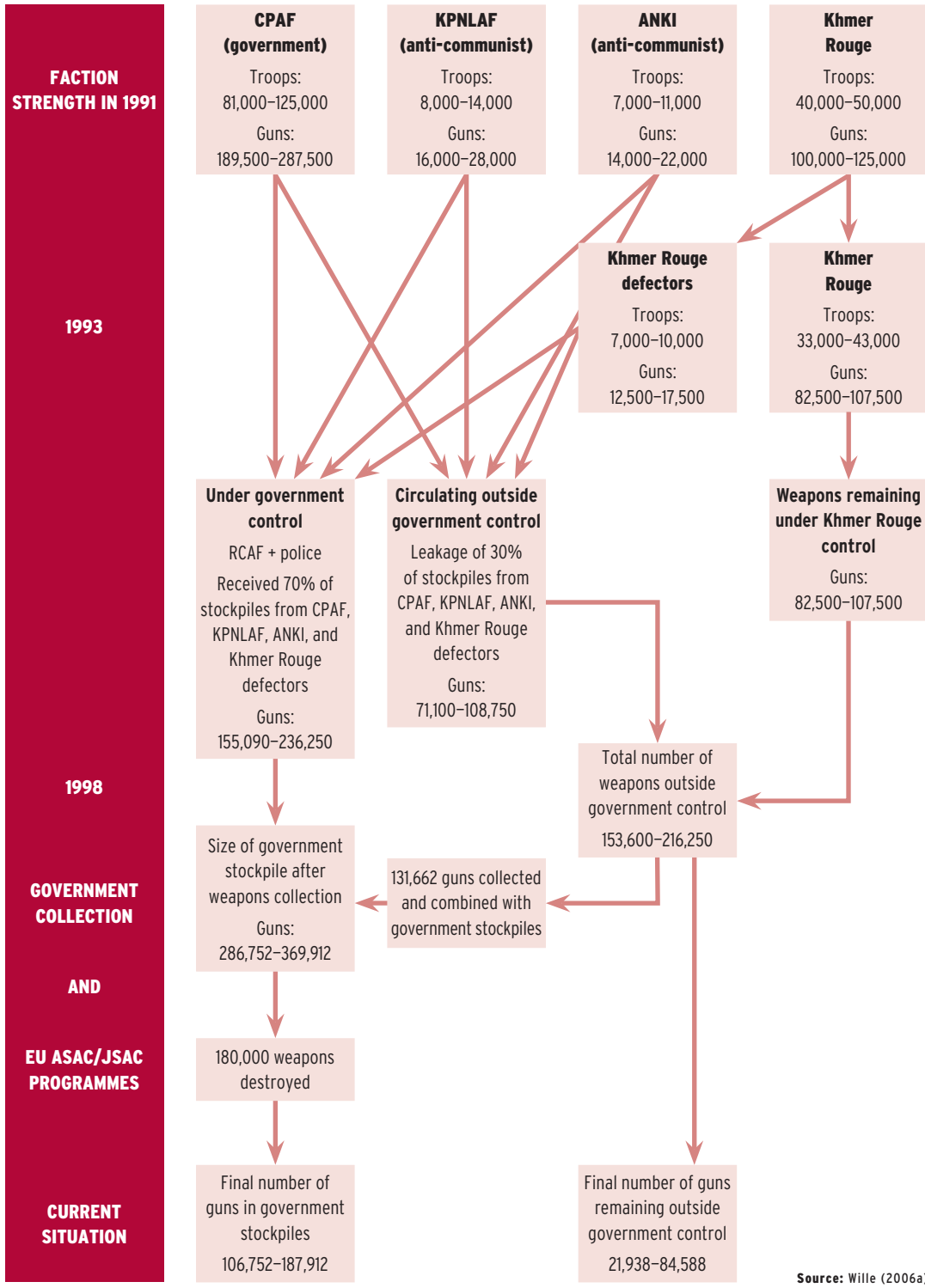
Figure 5.1 shows the relevant numbers and flows of weapons; these are discussed more fully in Wille (2006a). The estimates are presented as ranges because of the uncertainties involved. It is estimated that at present there are 107,000 to 188,000 weapons in government stockpiles, and 22,000 to 85,000 weapons remaining outside of government control.

This analysis indicates that government and donor-supported weapons collection and destruction efforts have had a major impact. Prior to collection there were an estimated 154,000 to 216,000 guns circulating outside of government control. Weapons collection programmes have removed 131,000 of these from circulation. The estimates are associated with large uncertainties, but it is reasonable to assert that weapons collection removed a substantial proportion, and perhaps the vast majority, of weapons circulating outside of government control.

Indicators on small arms use in Cambodia today

The available evidence points to a considerable reduction in firearms availability in Cambodia. How has this development affected levels of gun use, violence, and crime? The public health and criminology literature suggests that the proportion of violent acts involving guns is likely to decrease if controls over firearms are strengthened or large

Figure 5.1 **Estimated numbers of guns under and outside of Cambodian government control**



Source: Wille (2006a)

numbers of firearms are withdrawn from society.[2] Overall crime and violence may well remain steady or even increase due to other factors, but typically will not involve small arms to the same extent as before such interventions. This section examines the impact of weapons reduction efforts in Cambodia on the proportion of homicides, violent injuries, and robberies that involve small arms, and discusses how these effects relate to overall levels of violence.

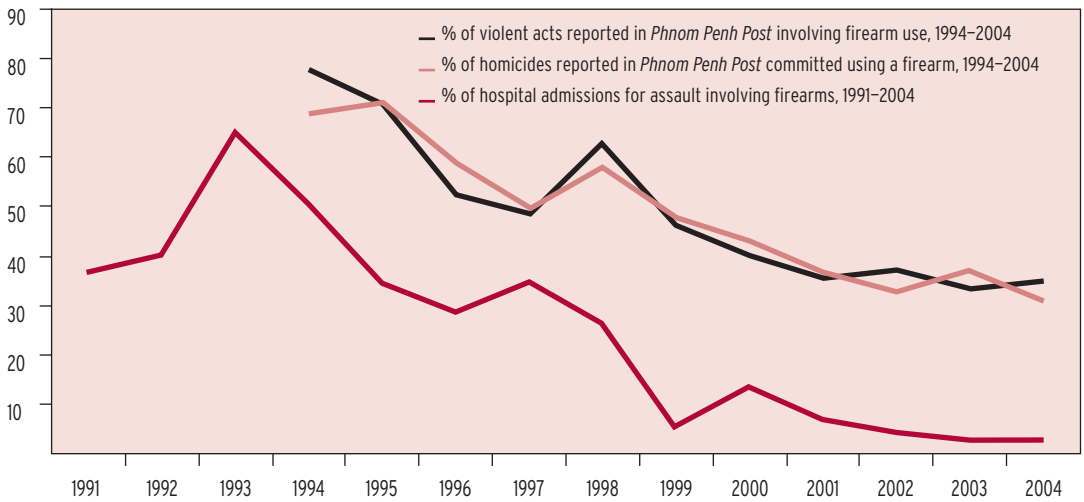
It is difficult to derive gun violence indicators for Cambodia because of the paucity of government statistics. While official crime statistics do record homicides, there is likely to be significant under-reporting (Broadhurst, 2002) and they do not indicate the murder weapon. It was therefore necessary to combine press information on the proportion of firearm use reported in assaults and homicides, data on causes for hospital admissions, and official homicide statistics. The Small Arms Survey conducted extensive research to obtain this data. A total of 3,699 incidents reported in the *Phnom Penh Post* between 1994 and 2004 were classified according to whether the homicide or violent incident was committed using a firearm or some other instrument (Flärd, 2005). A Small Arms Survey researcher collected hospital admission data from nine provincial hospitals for the period 1991–2004 that includes categories of bullet injuries and other cases of assault (Son, 2005).

Both these sources point to a considerable reduction in the use of firearms. Among all violent incidents reported by the *Phnom Penh Post,* the use of firearms declined from 80 per cent in 1994 to 30 per cent in 2004. The findings are similar when the analysis is restricted to homicides rather than all reported violent incidents. In 1994, 69 per cent of reported homicides were committed using a gun. By 2004 this figure had dropped to 30 per cent. The hospital admissions data indicates a similar trend. In 1993, 65 per cent of victims of assault admitted to hospital had suffered from bullet wounds. By 2004 this figure had fallen to just 2.6 per cent (Wille, 2006b).[3]

Official crime statistics confirm the conclusions reached in this analysis (Cambodia, 2003). Homicide data indicates a downward trend since 1998. Wille (2006b) discusses interpretation and biases in this data in more detail.

Official crime statistics also report incidents of armed robbery and other types of theft not involving the use of firearms. Again, there is evidence of a shift from the former to the latter. The reduction in gun use appears to be less dramatic

Figure 5.2 **Rate of firearms use in homicides, acts of violence, and causes of hospital admissions (%), 1991–2004**

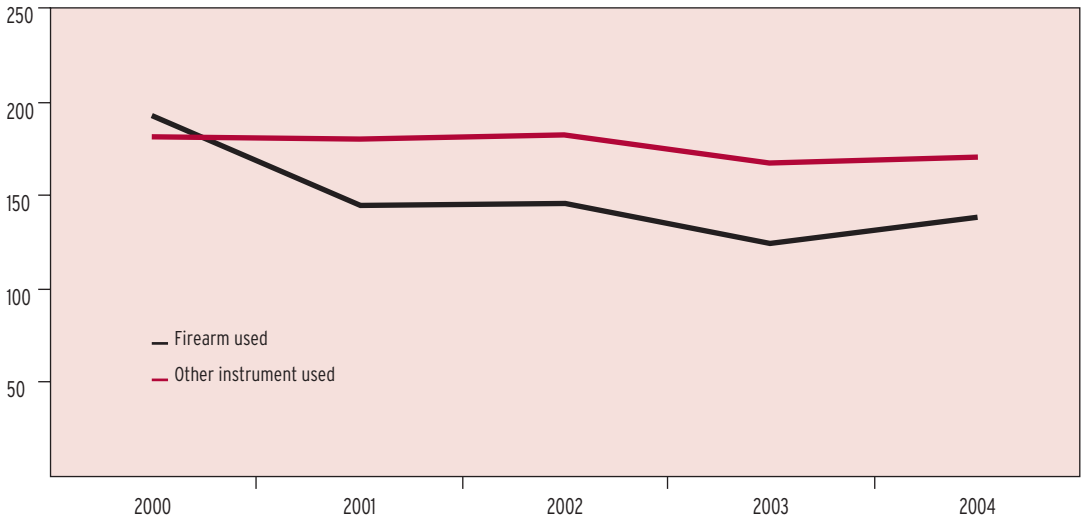


Source: Wille (2006b)

for theft than for acts of violence (as indicated by the press reports and hospital admissions data discussed above). As a proportion of all reported offences, armed robbery only fell by 8 per cent between 1996 and 2004. There is also evidence of an increase in armed robbery between 2003 and 2004, but it remains to be seen whether this amounts to a trend.

Figure 5.3 **Total number of acts of violence reported in the Phnom Penh Post by instrument used, 2000–04**

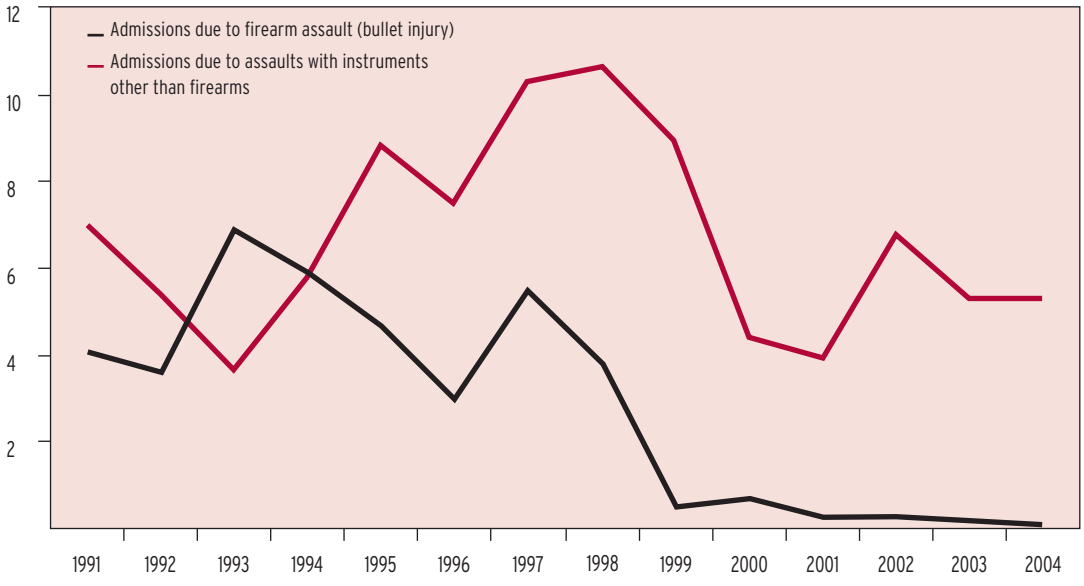
NUMBER OF INCIDENTS PER YEAR



Source: Wille (2006b)

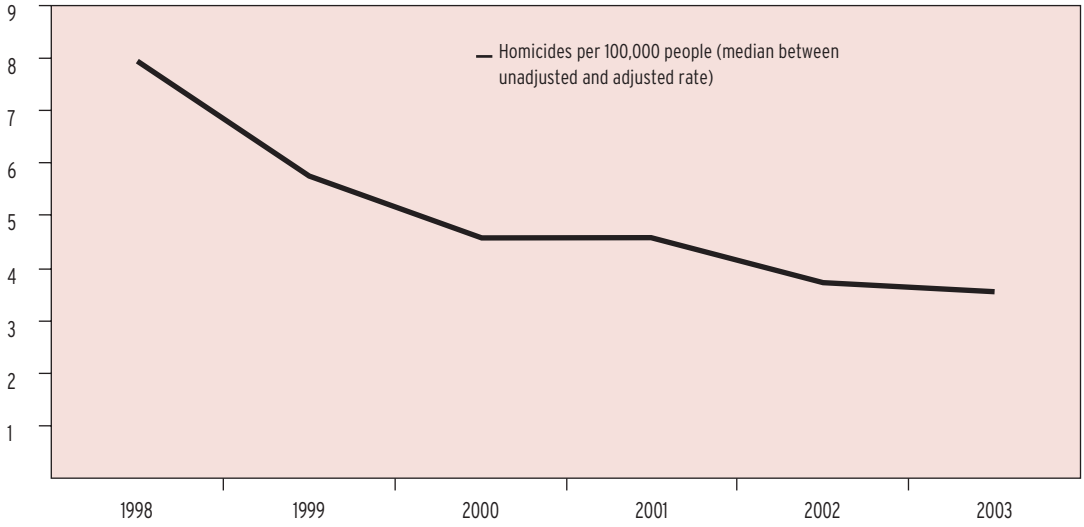
Figure 5.4 **Hospital admissions due to assaults with firearms and with other instruments, 1991–2004**

PER CENT OF TOTAL ADMISSIONS PER YEAR



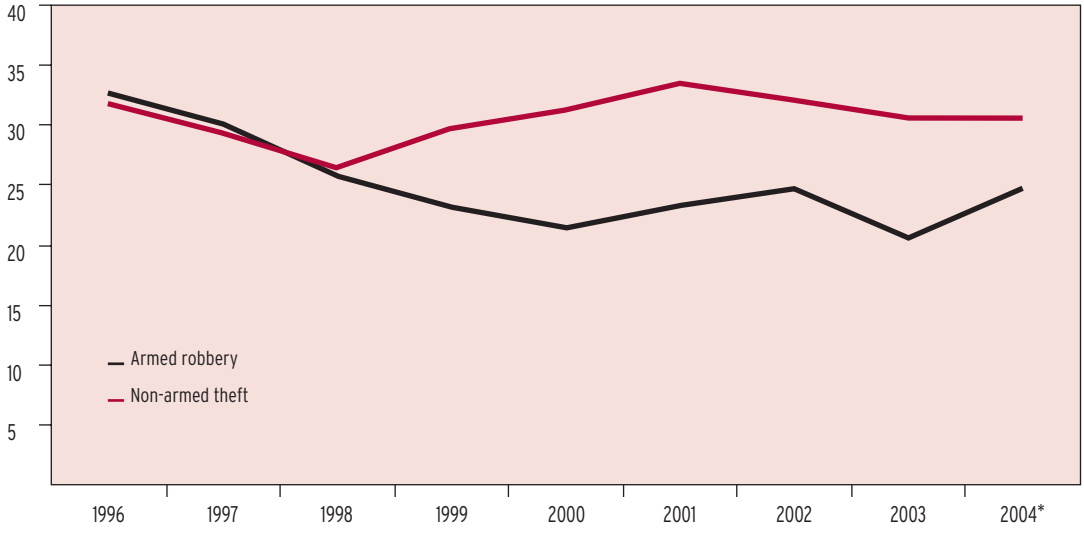
Source: Wille (2006b)

Figure 5.5 **Decline in homicides per 100,000 people, 1998–2003**



Source: Wille (2006b)

Figure 5.6 **Robbery with and without firearms as percentage of all officially reported offences, 1996–2004**



* First nine months.

Source: Wille (2006b)

Recent surveys also indicate that armed robbery is still common. Data gathered in a survey by the WGWR carried out in 2004 found that armed robbery was the most commonly described gun incident. Three-quarters of all interviewed households could describe in detail a gun incident that had occurred during the previous three years (Tieng, Long, and Hicks, 2004, p. 28). Guns remain a popular tool to facilitate theft, although they are most commonly used to intimidate, threaten, and coerce rather than to injure or kill. The survey found that the overwhelming majority of victims of armed robbery did not sustain any physical injuries (Tieng, Long, and Hicks, 2004, p. 27).[4]

Taken together, these sources of data clearly indicate a decline in gun use among the general population. Guns are far less commonly implicated in injury and death than they were ten years ago. Criminals, on the other hand, still commonly use guns in robbery. This data tends to support the estimates presented above of a sizeable drop in the proportion of small arms circulating outside government control. It correlates, more specifically, with the demise of the Khmer Rouge as a bandit force, as well as the comprehensive effort by the Cambodian government, EU ASAC, JSAC, and WGWR to address uncontrolled firearm proliferation post-1998.

GUN USE AMONG THE CAMBODIAN AUTHORITIES AND SECURITY FORCES

With civilian gun ownership mostly prohibited, and following the collection of most unauthorized guns, the possession of firearms is now largely restricted to official bodies, in particular the armed forces, the police, and high-ranking government officials. This section discusses evidence for the use and misuse of guns by these groups. It should be stated from the outset that instances of official weapons misuse are not systematically documented, and are extremely difficult to investigate. However, there is a growing body of evidence of sufficient weight to raise serious concerns about the misuse of guns by public officials. Civil society organizations have been very active in documenting abuses of power, many of which have involved guns (Adhoc, Licadho, and HRW, 1999). United Nations reports by the Special Representative of the Secretary-General for Human Rights in Cambodia have also drawn attention to serious violations of human rights committed by members of the military, the police, the gendarmerie, and other armed forces (Leuprecht, 2004, p. 2).

General evidence on gun use by public officials is provided by a survey carried out by the WGWR (Ratha, Long and Vijghen, 2003). Police, militia, and soldiers topped the list of those 'most likely to use a gun to get their way'. Government officials are also reported to be frequent users of guns (Ratha, Long, and Vijghen, 2003, p. 29). The survey revealed that these groups used guns in different ways: some legitimate, but others clearly indicating an abuse of power. According to the survey, government officials, police, soldiers, militia, or security guards were involved in

Box 5.1 Cambodia's law on the management of weapons, explosives, and ammunition

In 1999, Sub-decree 38 categorized all weapons as government property. Yet the decree contained loopholes and was not approved by Parliament. In 2000 EU ASAC hired an international legal adviser to work with the Interior and National Defence Ministries to draft new legislation. The resulting draft law, incorporating most aspects of Sub-decree 38, was completed in 2001 and then circulated to civil society groups for discussion in a series of round tables and national workshops.

The new Law on the Management of Weapons, Explosives and Ammunition (Cambodia, 2005), finalized in June 2005, maintains strict restrictions on gun ownership by civilians. Significantly, it imposes stringent penalties for gun-related offences, including the unauthorized possession, carrying, selling, purchase, lending, hire, production, and repair of weapons.

The law also addresses the responsibilities and duties of police, military, and other government officials, prescribing strict punishments for the misuse of registered government weapons.

Under the new law, the Ministries of Interior and National Defence authorize and monitor arms use, storage, and transport. All weapons must be registered with the government. The law also provides for an amnesty of three months during which illegally held arms can be handed in to the authorities without punishment.

As of January 2006, the Cambodian government had yet to introduce an implementation plan for the law. It also needs to be disseminated and explained to the general public, civil society organizations, the police, and the military. A key, longer-term challenge is the law's effective, consistent, and impartial application.

Source: Eileen Kilgour, WGWR

Table 5.1 **Persons 'most likely to use a gun to get their way' in Cambodia, 2002**

	%
Police, militia, and soldiers	29
Robbers and criminals	22
Government officials	14
Security guards	6
Powerful rich men	6
Other (including political party members and civilians)	11
Unspecified	12

Source: Ratha, Long, and Vijghen (2003, p. 29)

16–39 per cent of reported incidents in which a gun was drawn for the purpose of extorting money (Ratha, Long, and Vijghen, 2003, p. 33).

Concerns about the use and misuse of guns by the security forces indicate two sets of problems. Firstly, there are concerns that the security forces do not perform effectively in upholding the rule of law and tackling crime. Secondly, there are concerns about the abuse of power by security forces, and their ability to flout the law with impunity.

This section illustrates these issues using two examples, which together cover some of the most serious governance and security problems in Cambodia: (i) gun misuse/abuse by the police force; and (ii) coercion in the logging industry.

The police force

Various international instruments define practices for firearm use by the police. The two most important are the *UN Code of Conduct for Law Enforcement Officials* (UNGA, 1979) and the *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (UN Basic Principles),* adopted in September 1990 (UN, 1990; see Small Arms Survey, 2004, ch. 7).

Although these instruments are not legally binding, they do establish a set of international norms that are widely accepted. In particular, they subject firearms use by police officers to the principles of *necessity* and *proportionality*. They also address the problem of corruption. A complete assessment of the extent to which these principles have been adhered to in Cambodia has never been attempted, and is beyond the scope of this chapter. However, newspaper reports, civil society organizations such as the WGWR, and reports by the Special Representative of the UN Secretary-General clearly document a number of problems.

A review of reports on crime incidents contained in the *Phnom Penh Post* suggests that police officers struggle to adopt effective tactics to deal with armed robbery without unnecessary firing of arms. Many reports describe officers intervening in a crime scene by shooting the suspected criminal. Such conduct has put the police officers' own safety at serious risk, has killed innocent bystanders, and ultimately pre-empts the judicial system (Flärd, 2005). It also contravene Principles 4 and 5 of the *UN Basic Principles,* which stipulate that firearms must only be used as a last resort, and in proportion to the seriousness of the offence (UN, 1990).

There does appear to have been some improvement in police tactics over the years. Analysis of reported deaths in the *Phnom Penh Post* shows that in 1997, 12.6 per cent of all reports of firearms deaths in the newspaper referred to circumstances where the police had killed a suspect. By 2002 such reports accounted for only 3.7 per cent of firearm deaths. Such events are still far from being rare or unusual, however (Flärd, 2005).

An effective police force will not only handle firearms in accordance with international standards, but will provide effective and humane protection against crime, violence, and civic strife (Marenin, 2005, p. 1). The lack of effective policing has hampered efforts to tackle firearm crime in Cambodia. Surveys of crime victims by the WGWR report very low arrest rates following gun crime incidents: 11 per cent in the 2002 survey and 20 per cent in the 2003 survey (Ratha, Long, and Vijghen, 2003, p. 36; Tieng, Long, and Hicks, 2004, p. 44, respectively).

Recent surveys confirm that powerful people are perceived to act with impunity.

There are several reasons why the police are ineffective in tackling crime, and gun crime in particular. Inadequate training, resource constraints, low pay, lack of equipment, and weakness of forensic and investigative capacity all clearly hamper the ability of the police to combat crime. Furthermore, the core values and norms that govern the behaviour of the police play a major role. In the Cambodian context, informal relationships often override formal rules, providing the dominant set of incentives that govern individual behaviour. Anthropologists and sociologists have pointed to the importance of patron–client relationships in Cambodia. Ledgerwood, for example, states that Khmer people tend to 'organize their daily interactions with others by attaching themselves to someone higher in the social hierarchy' (Ledgerwood, n.d.d, p. 5). These complex webs of social relations and obligations provide powerful individuals with a support base, and offer a means of social advancement for their supporters.

The behaviour of the police in Cambodia is clearly affected by such social relations. Investigations by human rights organizations of homicides linked to the security forces over a 22-month period in 1997 and 1998 find that none of the 209 alleged perpetrators had been brought to justice (Adhoc, Licadho, and HRW, 1999, pp. 37–38). The report concludes that both the courts and the police are vulnerable to intervention, pressure, and directives from high-ranking political leaders or other powerful people protecting their subordinates (Adhoc, Licadho, and HRW, 1999, p. 3).

Recent public surveys also confirm that there is a commonly held perception that powerful people can behave with impunity (Ratha, Long, and Vijghen, 2003, p. 36). The Special Representative of the UN Secretary-General in Cambodia highlights a 'continuing problem of impunity' where 'individuals and groups responsible for committing serious violations of human rights, in particular members of the military, police, the gendarmerie and other armed forces, have not been arrested or prosecuted' (Leuprecht, 2004, p. 2).

Formal rules governing police behaviour are not well respected. Police corruption is common, and police often sell their services, including the threat of the use of official force, on the private market (Hendrickson, 2001, p. 74). The WGWR reports that police officers sometimes demand payment from victims before investigating a case (Tieng, Long, and Hicks, 2004, p. 45). Police work may also overlap with private business, sometimes on a large scale. For example, the Ministry of Interior part owns the private company MPA Security Services. Half of the company's personnel come from the Ministry of Interior, and are mostly serving police officers (Hendrickson, 2001, p. 74).

Another aspect of police behaviour in Cambodia has been the mixing of law enforcement and judicial functions. Police officers reportedly perform quasi-judicial functions by offering mediation services to both victims and perpetrators (Tieng, Long, and Hicks, 2004, p. 45). Some observers claim that as many as a quarter of criminal cases are mediated by the police directly, and are never referred to a court of law (Ratha, Long, and Vijghen, 2003, p. 36).

All of these examples raise serious concerns about the role of the police, both in the way that they use guns and in their ability to tackle gun crime. In many ways the police have become part of the gun problem in Cambodia

rather than the solution. Transforming their role will require major training efforts and institutional reform, including of the judicial system—issues reviewed in the discussion of SSR below.

Coercion in the logging industry

Concessions for fisheries, plantations, and forest exploitation have been granted since the early 1990s. In 2005 it was reported by the *Phnom Penh Post* that 14 per cent of Cambodia's total landmass was administered under concession (Hamilton, 2005), which suggests a decline from 35 per cent of Cambodia's territory reportedly given out under concession in 1995 (GW, 2002, p. 3). According to GW, the armed forces (i.e. the RCAF) are effectively the largest land concession holder in Cambodia. The army was granted over 700,000 hectares of so-called Military Development Zone land in the early 1990s as part of the peace dividends (GW, 2004, p. 26).[5] Officially all concession logging activities were suspended in December 2002, but there is evidence that illegal logging continues (World Bank, 2004, p. 2; UNCOHCHR, 2004; EIC, 2004, ch. 9.2).

In a series of reports, GW has documented the extent of logging and the processes involved. Private companies carry out most of the logging, while the military is closely involved with providing security services in return for part of the income. Many of the security personnel are detached or 'inactive' soldiers, who remain on the RCAF payroll (UNCOHCHR, 2004, p. 28). There are also reports that armed RCAF soldiers have been dispatched to protect company property (UNCOHCHR, 2004, p. 29).

Firearms are used as a tool to protect logging concessions and to extract unofficial 'taxes' from commercial logging companies and local people. Junior officials within the RCAF, the police, and the forest administration system reportedly collect payments from wood traders at every stage of the timber extraction process. This is facilitated by the fact that most logging operations contravene forestry law (GW, 2004, p. 19).[6] Payments provide protection against law enforcement, and are passed up the chain of command from junior officers to superiors, and ultimately to senior officials in the capital (GW, 2004, p. 19). Business people involved in the logging industry do not perceive extortion by the military or other groups as a threat to their business, because the trade is very profitable, in spite of the heavy 'taxes' levied on it (GW, 2004, p. 20).

Firearms are used to extract 'taxes' from commercial logging companies and local people.

The logging industry—and other concessions connected with agricultural land use and fishing rights—has created conflicts with the resident rural population. In many cases commercial activities directly threaten traditional livelihoods. There are several documented cases of land grabbing and forced displacement of local people. Firearms have commonly been used as a tool of intimidation and coercion in such cases (UNCOHCHR, 2004, pp. 26, 28, 29). In some instances, security guards protecting forestry concessions have taken farmland from local people for their own use (Ratha, Long, and Vijghen, 2003, pp. 43–44). Such practices, underpinned by the coercive power of official weapons, undermine human security in Cambodia and point to the urgency of SSR.

THE SSR AGENDA IN CAMBODIA

SSR is a broad-ranging concept that covers the reform of the entire security system, including the state security forces (military, police), the civilian bodies that manage the security apparatus, and non-statutory security providers. The SSR policy agenda covers three interrelated aspects: the institutional framework for security provision, governance of the security institutions, and accountability of the security forces (OECD, 2005).

The Organization for Security and Co-operation in Europe–Development Assistance Committee (OECD–DAC) guidelines (OECD, 2005) identify the following actors that comprise the security sector: (a) *core security actors* (such as the armed forces, the police, etc.); (b) *security management and oversight bodies* (such as legislative select committees, financial management bodies, and civil society organizations); (c) *justice and law enforcement institutions* (such as the judiciary, prosecution services, and human rights commissions); and (d) *non-statutory security forces* (such as liberation armies, private bodyguard units, private security companies, and political party militias).

SSR has come to be accepted as a core pillar of efforts to reconstruct post-conflict and collapsed states, and to facilitate the democratic transition of post-authoritarian states. However, the concept is less than a decade old, and did not inform the design of post-conflict measures implemented in Cambodia in the early 1990s. The links between small arms control and the broader SSR agenda are now widely recognized (Sedra, 2006). Most obviously, small arms control programmes that remove civil war guns from uncontrolled circulation can be regarded as a crucial precondition for SSR. SSR only makes sense when the state security forces exercise a monopoly over the legitimate use of force. By supporting the Cambodian government's efforts to bring all weapons within the country under its control, small arms collection and destruction programmes have contributed to this important precondition for SSR.

Programmes that remove civil war guns from uncontrolled circulation are a precondition for SSR.

Security sector efforts in Cambodia have to a large extent focused on strengthening the core state security forces. A number of countries, including Australia, France, Indonesia, and the United States, provided military assistance to the RCAF to increase its fighting capabilities against the Khmer Rouge. However, Australia and the United States suspended defence cooperation following the events of July 1997. Hendrickson reports that the Chinese filled the gap at this point (Hendrickson, 2001, pp. 70–71). Australia is presently helping build police capacity to combat transnational crime (Australia, 2002). France maintains attachés for the police, military, and gendarmerie at its embassy. The Chinese and Vietnamese have worked with the military and have provided police training, but little is known about the specifics of this support.

Some of this work was also carried out under the umbrella of small arms projects. Within their remits, the EU ASAC and JSAC programmes have been active in building the institutional capacity of the armed forces (including the navy and air force) and the police. The main activities have been providing the armed forces with safe storage facilities for weapon stocks and introducing a central weapons register (EU ASAC, 2005b). In addition, other equipment, such as bicycles and radios, was also provided to the police (EU ASAC 2003c, p.12). The JSAC programme built safe storage facilities for the police in Otdar Mean Chey, Bantey Mean Chey, and Siem Reap provinces (JSAC, 2006).

These interventions have addressed a serious institutional shortcoming in stockpile management. The accompanying small arms destruction process has also helped to rationalize stockpiles and reduce the risk of future leakage. Important legislative changes have also strengthened governmental control over small arms throughout the country. These programmes have helped to stabilize Cambodia and restore the role of core security forces. But the rest of the SSR agenda in Cambodia remains largely unfinished. Perhaps most importantly, efforts to reform government institutions responsible for overseeing the security forces have not advanced far. Nor has Cambodia's defence sector been revamped. There is a need to restructure and professionalize the army in the light of the modest level of threat posed to Cambodia's external security.

During the 1990s there were several largely unsuccessful attempts by donors to promote army downsizing and demobilization, with economic considerations the major driving force. Donors expressed concern at the size of the military budget, estimated at 3.3–5 per cent of gross domestic product (World Bank, 1999, p. viii), and argued that

A riot police officer fires at anti-government demonstrators during a clash in Phnom Penh in September 1998. © Sakchai Lalit/AP Photo

these resources could be used more productively to invest in health and education. Yet in 1997 the Cambodia Veteran Assistance Programme was suspended following the election-related violence in July. Its successor programme initially achieved some results in reducing the payroll. In 1999, 15,551 irregulars were removed from the payroll, and in the following two years 1,500 soldiers and 15,000 ex-combatants were demobilized (EIC, 2005). However, the second phase of this programme was suspended in 2003 on the discovery of corrupt procurement practices within the Cambodian government.[7] As of the end of 2005 the size of Cambodia's army and military budget remained a cause of concern. The government has expressed its commitment to continued reform in the *White Book for National Defence Reform* (EIC, 2005, pp. 66–67). It remains to be seen whether more progress will be made over the next few years.

This history highlights an important consideration for both SSR and small arms management. Richardson and Sainsbury (2005) argue that the RCAF demobilization programme has been unsuccessful because donors misjudged the root of the problem. They believed that the excess military spending was the result of an excess of soldiers and failed to recognize the role of patronage and corruption in siphoning off resources, which is a key feature of the military–state relationship, as outlined earlier (Richardson and Sainsbury, 2005, p. 291).

Small arms programmes have not been ignorant of SSR issues, and there have been some attempts at addressing them. For example, the EU ASAC programme has also undertaken small-scale activities aimed at improving relations between the security forces and the general public (de Beer, 2005b; EU ASAC, 2003a). While these programmes appear to have resulted in an improved perception of security among the population (EU ASAC, 2002; 2003b), they have not addressed the overall institutional culture and structural weaknesses in the police force.

The fundamental problem with the security sector in Cambodia is the weakness of democratic oversight and the inability of other state and civil society institutions to provide checks and balances. In the absence of greater accountability of the Cambodian security forces to the people of Cambodia, the benefits of other donor-supported elements of SSR will be limited. Hendrickson concludes that unless civilian control over the security forces is strengthened, it is unlikely that the abuse of firearms by official bodies can be effectively tackled (Hendrickson, 2001, p. 79).

CONCLUSION

Great progress has been made in bringing about stabilization in Cambodia since 1993 due to a range of factors, including the introduction of elections. Small arms control programmes have made an important contribution to the stabilization process. The joint efforts of the EU ASAC/JSAC programmes and the Cambodian government have successfully removed a substantial proportion—perhaps the vast majority—of weapons from circulation outside government control. These programmes have also helped improve security sector management, with new laws and practices governing the safe storage of government stockpiles. Large-scale destruction of surplus military stockpiles has also reduced the danger of future leakages and uncontrolled exports.

This chapter has presented new evidence of the impact of these changes on Cambodia. It is clear that guns are far less commonly used in violent incidents and, to some extent, in ordinary crime. Cambodia thus demonstrates the significant human security gains small arms control measures can yield with a relatively modest investment over the space of a few years. The EU ASAC approach of working closely with the government and civil society actors similarly provides a useful model that could be replicated elsewhere.

Small arms control programmes have contributed to important changes in Cambodia, but have not addressed all of the human security problems arising from gun use in Cambodia. With the removal of most guns from civilian hands, the possession of guns is now largely restricted to public officials. Yet many of these officials misuse their weapons. To a large extent, these problems stem from the entrenchment of a system of patronage and clientelism during the period of Cambodia's post-conflict stabilization. Hence they can only be addressed through fundamental change in the political, economic, and social systems in the country. There is a pressing need to address such issues as the role and size of security forces, and their competence, professionalism and integrity, rules of engagement, democratic governance, and oversight.

These issues will be more difficult to address in Cambodia than illegal civilian small arms possession and use. Many are highly sensitive politically, because they are fundamental to the power relations and patron–client networks that keep the regime in power. While broader-ranging reforms to the security sector will be difficult to achieve, it is important that the international community not lose sight of this objective. A useful first step would be for donors to recognize more openly the deep-seated governance problems in Cambodia, and the failings of the security forces in particular. Donor pressure on the Cambodian government has often been insufficient in this respect, though donors have occasionally lost patience with the government.[8]

As experience from other South-East Asian countries indicates, SSR is a long-term process that is highly political in nature (Huxley, 2001). Although external actors have a legitimate role to play in stressing key principles and goals, SSR cannot rest on external pressure alone. The involvement of civil society will be crucial, as will the genuine buy-in of Cambodia's top leadership and the gradual strengthening of the powers of oversight bodies, in particular the judiciary. Democratization processes in Cambodia provide some grounds for optimism, although SSR has not yet been a major topic of social debate. Civil society organizations, while still limited in their capacity and influence, are beginning to address security sector issues, and are gradually emerging as sources of pressure on government. The media are also relatively free and have highlighted numerous cases of abuse by the security services. If SSR is to take root, it will also have to reflect local social norms and concerns (Clegg, Hunt, and Whetton, 2000, p. 88).

Cambodia provides important lessons for other countries with ongoing post-conflict stabilization programmes, such as Afghanistan and Iraq. The experience of Cambodia demonstrates the gains that can be made through small arms control programmes. However, it warns that improvements in security will only be partial unless such interventions

address all small arms users, both governmental and non-governmental. The case of Cambodia also illustrates that the framework and phasing of international support has a strong influence on the process of stabilization, and the political and security arrangements that follow. In hindsight, important opportunities may have been missed to take up security sector issues in the first few years after the Paris Agreements, when international engagement was at its height.

LIST OF ABBREVIATIONS

ANKI	National Army of Independent Kampuchea (formerly Armée Nationale Sihanoukiste)	IMF	International Monetary Fund
CPAF	Cambodian People's Armed Forces	KPNLAF	Khmer People's National Liberation Armed Forces
CPP	Cambodian People's Party	KPNLF	Khmer People's National Liberation Front
EU	European Union	PDK	Party of Democratic Kampuchea
EU ASAC	European Union's Assistance in Curbing Small Arms and Light Weapons	RCAF	Royal Cambodian Armed Forces
FUNCINPEC	Front uni national pour un Cambodge indépendant, neutre, pacifique et coopératif	SSR	Security sector reform
GW	Global Witness	*UN Basic Principles*	*Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*
JSAC	Japan Assistance Team for Small Arms Management in Cambodia	WGWR	Working Group for Weapons Reduction

ENDNOTES

1 This report by the WGWR (Tieng, Long, and Hicks, 2004) cites the often 'quoted but never sourced calculation of gun ownership per three households or one gun per twelve people' as being 'of particular concern' (pp. 11–12).

2 For a review of the literature on the impact of gun availability on violence levels, see Small Arms Survey (2004, pp. 183–90).

3 Anecdotal evidence suggests that there has been a particular decline in the use of military-style weapons (such as AK-47s and M16s) in homicides, assaults, and other crimes. Such a trend would imply that the emphasis on removing civil war weapons has had a significant impact on crime patterns. The claims cannot be verified, however, since available reports do not systematically record the types of guns used.

4 Eighty-five per cent of interviewed victims said that they incurred no physical harm in the incidents, but this figure should be treated with caution. As only 1.7 per cent of interviewed households reported being victims of armed robbery, the total sample on which it is based is very small.

5 Neither the nature of the agreement nor the precise location of the different areas that comprise the 700,000 hectares has ever been made public (GW, 2004, p. 26).

6 Article 100 of the Law on Forestry of 2002 stipulates between one and five years of imprisonment and fines for 'any activities carried out by local authority officials, police officers, Royal Cambodian Armed Forces or other authorities that directly or indirectly allow forest exploitation' (quoted in GW, 2004, p. 19).

7 The World Bank requested that the Cambodian government repay the USD 2.8 million related to the misprocurement of a contract for motorbikes.

8 The IMF, for example, temporarily froze financial support to Cambodia because of concerns about the lack of budgetary transparency in that country, including the failure to disclose the existence of logging revenue and the parallel budget in 1996 (GW, 1997b, p. 14).

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