

# Cambodian Elections

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Cambodian National Assembly elections, scheduled for July 29, 2018, are expected to be a setback for the country's prospects for democratization. The ruling political party, the Cambodian People's Party (CPP), banned the largest opposition party in 2017 and will run virtually unopposed. Steps taken by the Trump Administration and Congress to respond to the Cambodian government's "anti-democratic" actions have been met with defiance by the Cambodian leader, Hun Sen.

## Political History

Between 1975 and 1991, Cambodia endured the four-year reign of the Communist Party of Kampuchea, also known as the Khmer Rouge, during which an estimated two million Cambodians died, as well as Vietnamese invasion and occupation, and civil war. The Paris Peace Agreement, signed by Cambodia and 18 other nations pledging to support the country's sovereignty and reconstruction on October 23, 1991, ended the conflict. It also established a "liberal democracy" with "periodic and genuine elections."

Since the United Nations administered the first post-war national elections in 1993, the Kingdom of Cambodia has made fitful progress in its political and social development, including the conduct of elections and growth of civil society. Official Development Assistance (ODA), which totaled more than \$10 billion between 1995 and 2016 (according to OECD data), helped restore and develop Cambodian political, social, and economic institutions, most of which were destroyed under the Khmer Rouge (1975-1979). In recent years, assistance from China has roughly matched total annual ODA flows from OECD member countries, and it appears that Prime Minister Hun Sen has embraced Chinese assistance as an alternative to Western aid, which often comes with conditions for democratic governance.

## Recent Political Developments

The Cambodian National Rescue Party (CNRP), a union of two opposition parties led by Sam Rainsy and

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Kem Sokha, made significant gains in the 2013 parliamentary elections and 2017 local elections. The CNRP's strength reflected a younger and more globalized electorate that is less focused on Cambodia's past turbulence, more concerned about corruption and inequality, and more demanding about government accountability and performance.

Cambodia also has been under pressure to improve the quality of its elections, with many Western governments, including the United States, providing assistance to increase participation, improve transparency, and ensure polls are free and fair. The threat of a CNRP victory in 2018 appears to have compelled Hun Sen, who often has employed undemocratic means to stay in power, to crack down on the opposition. In November 2017, the Supreme Court of Cambodia made a ruling that dissolved the CNRP for "conspiring with the United States to overthrow the government." U.S. Ambassador to Cambodia William Heidt said Hun Sen's accusations that the U.S. government is attempting to overthrow his government are "inaccurate, misleading, and baseless."

Since 2008, former CNRP president Sam Rainsy has faced several defamation charges regarded by many observers as politically motivated, and has spent most of his time in exile. In December 2017, Sam was charged with treason for posting a video on social media urging security personnel not to "obey orders from any dictators if they order you to shoot and kill innocent people." He has called upon Cambodians to boycott the 2018 elections. Former CNRP vice-president Kem Sokha has been detained since September 2017 awaiting trial for treason, or conspiracy with a foreign power, allegedly for collaborating with the United States to foment a popular overthrow of the CPP.

The Cambodian government has placed increasing restrictions on political and social activism, civil society, free speech, and foreign-funded democracy programs. Since late 2015, more than 25 opposition Members and government critics have been arrested. In 2017, the government ordered the *Cambodia Daily*, known as an opposition newspaper, to shut down, ostensibly for failing to pay taxes. In 2017, the Cambodian Foreign Ministry expelled the National Democratic Institute (NDI), which receives U.S. funding and was engaged in democracy programs in Cambodia, on the grounds that the U.S.-based organization was not registered with the government.

In 2017, the government closed more than one dozen Cambodian radio stations that sold air time to Voice of America (VOA) and Radio Free Asia (RFA). RFA, facing political and economic pressure from the government, closed its Phnom Penh office. In May 2018, the government made its first arrest under a lèse-majesté law, passed by the National Assembly in February 2018, which makes insulting the monarch a crime.

## U.S. Policy Responses

U.S. relations with Cambodia have become strained in recent years in light of Hun Sen's suppression of political opponents and growing embrace of China. The Trump Administration announced in December 2017 that the U.S. government would "restrict entry into the United States of those individuals involved in undermining democracy in Cambodia." Pursuant to Executive Order 13818, which implemented the Global Magnitsky Human Rights Accountability Act (Section 1261 of P.L. 114-328), in June 2018 the U.S. Department of the Treasury sanctioned Cambodian General Hing Bun Hieng, commander of Hun Sen's bodyguard unit, "for being the leader of an entity involved in serious human rights abuses." Sanctioned individuals are denied entry into the United States, and any assets that they hold in the United States are blocked.

The Consolidated Appropriations Act, 2018 (P.L. 115-141) imposes democracy-related and other conditions upon U.S. assistance to the government of Cambodia, as would S. 2412, the Cambodia Accountability and Return on Investment Act of 2018, which is pending in the Senate. H.R. 5754, the Cambodia Democracy Act of 2018, which is pending in the House, would impose visa restrictions and

block assets of senior government officials who have undermined democracy or committed serious human rights violations. S.Res. 279, passed by the Senate on November 16, 2017, urges the Department of the Treasury to consider placing all senior Cambodian government officials implicated in the suppression of democracy and human rights abuses on the Specially Designated Nationals (SDN) list; calls on the Cambodian government to release opposition leader Kem Sokha; and supports free and fair elections in 2018 monitored by international observers. A similar resolution, H.Res. 661, is pending in the House.

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