

A Review of Political and Economic Regimes before 1993

Cambodia has experienced frequent, and unusually drastic, changes in its political and economic regimes since its independence in 1953. Different types of governance models were established under different regimes (Table 1). This chapter provides a brief history of these regimes in Cambodia as a background for the chapters that follow.

1953-1970: The Kingdom of Cambodia

Before 1953, Cambodia was a colony under the French protectorate for almost a century.² Cambodia's first Constitution was promulgated in 1947 under the tutelage of the country's French rulers. Under the 1947 Constitution, Cambodia was governed by a monarchy with two parliaments—the National Assembly and the Popular Assembly.³ The members of these parliaments were elected by general elections. National Assembly members served four-year terms, and the Popular Assembly members two-year terms. The 1947 Constitution stipulated that all powers

emanate from the King. The Executive, the Legislature, and the Judiciary acted in the name of the King.⁴

The 1947 Constitution was amended and became the second Constitution of Cambodia in 1957. The 1957 Constitution guaranteed Cambodian citizens a number of basic rights such as freedom of belief, the freedoms of speech, writing, printing, broadcasting, meeting and assembly, and freedom in elections, including the right to stand for election to the parliaments.⁵

During the period of “Sangkum Reastr Niyum” under the leadership of Prince Norodom Sihanouk as Head of State, Cambodia enjoyed economic prosperity and security comparable to its neighbors. Cambodia produced rice surpluses. Basic infrastructure was constructed including sea and river ports, international and local airports, roads, schools, sports facilities, railways, and electricity plants.⁶ Some of this infrastructure still exists, although much of it is dilapidated or obsolete.

In the late 1960s, the leadership of Prince Sihanouk faltered and social and economic progress lagged. The social cohesion of the Cambodian people

2 Chandler, David P. (1993), *A HISTORY OF CAMBODIA*, 2nd Edition, ed. (Boulder, Colorado: Westview Press).

3 Jennar, Raoul M. (1995), *THE CAMBODIAN CONSTITUTIONS: 1953-1993* (Bangkok: White Lotus).

4 Jennar (1995), *ibid.*

5 Jennar (1995), *ibid.*

6 Lay Prohas (1996), *Transition from centrally planned economy to a market economy in Cambodia*, in Chunakara, Mathews G. (ed.), *INDOCHINA: FROM SOCIALISM TO MARKET ECONOMY* (Hong Kong, China: Indochina Concerns Conference).

Table 1: Transition of Political, Legal, and Economic Systems in Cambodia

Era System	Legal System	Political System	Political Power	Economic
Pre-1953	French based Civil Code and judiciary	Under the French Protectorate	Held by the French	Colonial type
1953-1970 (The Kingdom of Cambodia)	French based Civil Code and Judiciary	Constitutional Monarchy	Held by Prince Norodom Sihanouk as Prime Minister	Market and then nationalization
1970-1975 (The Khmer Republic)	French based Civil Code and judiciary	Republic	Held by Lon Nol	Market, war economy
1975-1979 (Democratic Kampuchea)	Legal system destroyed	All previous systems abolished, extreme Maoist agro-communism	Khmer Rouge	Agrarian, centrally planned
1979-1989 (The People's Republic of Kampuchea)	Vietnamese-oriented model	Communist party, central committee, and local committees	Cambodian People's Party	Soviet-style central planning
1989-1993 (The State of Cambodia)	Greater economic rights	Communist party, central committee, and local committees	Cambodian People's Party	Liberalized central planning
1993-present (The Kingdom of Cambodia)	French based Civil Code combined with common law in certain sectors	Constitutional Monarchy	Shared between FUNCINPEC and CPP	Transition to a market economy

Source: Compiled from Chandler (1991) and Cambodia Investment Guide (May 1999).

began to erode.⁷ In an effort to bolster his influence, he implemented a nationalization policy aimed at expanding the role of the State in the market economy. This forced a large number of foreign companies out of Cambodia, and seriously disrupted the development of Cambodia's market economy.⁸

1970-1975: The Khmer Republic

On 18 March 1970, Prince Sihanouk was ousted from power. A coup d'état was staged by Sirik Matak and General Lon Nol; a new regime called the Khmer Republic was instated in October 1970. General Lon Nol assumed the position of President.⁹

⁷ Chandler, David P. (1991), *THE TRAGEDY OF CAMBODIAN HISTORY* (New Haven: Yale University Press).

⁸ A macro-economic database in Cambodia since 1960 is compiled by Sok, Hach (2000) *CAMBODIAN MACROECONOMIC DATABASE 1960-2020* (Phnom Penh: Cambodia Development Resource Institute), forthcoming.

⁹ Chandler (1991), *ibid.*

The Lon Nol regime introduced a new Constitution that stipulated a multiparty political system and democratic principles. The president held all executive power and commanded the national armed forces. The president also promulgated the laws passed by the National Assembly. The parliament included a National Assembly and a Senate with members elected by general elections. The courts were independent and monitored by a supreme court. The Supreme Council of Courts guaranteed the independence of the Judiciary, and held the power to discipline magistrates.¹⁰

After being forced from power, Prince Sihanouk fled to Beijing and mobilized forces to fight against the American-supported Lon Nol government in Phnom Penh. Communist forces in Cambodia, which had emerged in 1968, joined Prince Sihanouk to form the National United Front of Kampuchea with support of North Viet Nam; this ignited Cambodia's civil war. The Cambodian economy deteriorated. Farming areas were lost due to insecurity and conflict. The US bombing campaign of Cambodia destroyed significant portions of the countryside, contributing to the country's descent into instability. The Lon Nol regime was destabilized and its hold on power was tenuous.

1975-1979: The Democratic Kampuchea

On 17 April 1975, the Khmer Rouge captured Phnom Penh, despite US support for the Lon Nol regime. A new political entity emerged, Democratic Kampuchea, under the leadership of Pol Pot, formerly known as Saloth Sar. This regime implemented a Maoist communist system promoting ultracollectivism. The three branches of government—the Executive, the Legislature, and the Judiciary—were unified under a single institution called the Central Committee, led by Pol Pot.¹¹

During the period of the Democratic Kampuchea, the market economy and business activities were completely abolished. No private own-

ership was allowed, even of kitchenware. There was neither money nor trade. The economy was isolated from the rest of the world with the exception of the People's Republic of China (PRC), the main supporter of the Khmer Rouge. The entire urban population was forcibly relocated to rural areas for agricultural work, mainly rice production.

The Pol Pot regime was a destructive force. It not only abolished Cambodia's market and democratic mechanisms, but killed many of its citizens. Large numbers of educated civil servants, professionals, military officers, and policemen in previous regimes were executed. People wearing glasses, seen as a symbol of higher education, were subject to the death penalty. It is estimated that more than one million people were killed or starved to death under the Pol Pot regime.¹² The regime destroyed many facets of Cambodian society, leaving the country in a political, economic, and social vacuum. The regime brought Cambodia back to "year zero."

1979-1989: The People's Republic of Kampuchea

On 7 January 1979, the Pol Pot regime ended when Vietnamese troops and Cambodian resistance forces supported by Viet Nam crossed into Cambodia and drove the Khmer Rouge from power. Khmer Rouge forces withdrew from Phnom Penh, but still occupied areas along the Thai-Cambodian border and continued the civil war. They also continued to hold Cambodia's seat at the UN. A new government was established in Phnom Penh, named the "People's Republic of Kampuchea (PRK)." The PRK was backed by Vietnamese troops and civil administration, and major assistance from the Union of Soviet Socialist Republics (USSR). The PRK regime was allied with the socialist bloc; the West, key ASEAN countries, and the PRC supported the Khmer Rouge and other noncommunist resistance forces fighting against the PRK. The international embargo and enforced isolation of the PRK stunted the country's

¹⁰ Jennar (1995), *ibid.*

¹¹ Chandler (1991), *ibid.*

¹² Chandler (1991), *ibid.*

development and ability to recover from the mass destruction wrought by the Khmer Rouge regime.

The PRK was led by Mr. Heng Samrin as head of state and president of the parliament. The Council of Ministers was the government of the PRK and promulgated laws. Apart from making laws, the National Assembly had the formal power to elect and expel the president, vice-president, and members of the State Council and Council of Ministers. The Council of Ministers governed society and had the power to direct and manage the economy.¹³ The Heng Samrin regime was effectively controlled by the communist party, called the People's Revolutionary Party of Cambodia (PRP). After the PRP came the Cambodian People's Party (CPP). The Central Committee of the PRP developed local institutions, called the Cambodian People's Revolutionary Committees, at the provincial, district, and communal levels. These committees were the local governing bodies responsible for implementing the decisions and directives of the Central Committee. The Central Committee also set up provincial and municipal courts, an appeal court, and a supreme court. Many court staff currently in service, including most judges and prosecutors, were appointed under the PRK regime.¹⁴

Development efforts during the Heng Samrin regime started from scratch after the massive destruction of physical and human resources during the Khmer Rouge period. The Vietnamese socialist system was the model for the PRK. Following a socialist economic model, policies of solidarity and collectivism were adopted. However, their implementation was soon relaxed because they were not successful. For example, collective farming was attempted only between 1979 and 1985.

Under the PRK regime, people had no legal title to land. The PRK did not recognize the ownership of land in previous regimes. However, in Phnom Penh and other locations, occupancy rights were recognized, sometimes at the expense of prior owners who returned to reclaim property.¹⁵ The State per-

formed all foreign trade. Domestic trade was strictly forbidden, except small household trade. The State owned and operated all enterprises.¹⁶ With civil war continuing during the whole PRK regime, the majority of people lived near or below poverty. The Government's budget was heavily dependent on assistance from the socialist bloc.

1989-1993: The State of Cambodia and the UNTAC

In 1987, the reconciliation process began between Samdech Norodom Sihanouk and Prime Minister Hun Sen. Two years later, after a period of phased withdrawals, the final contingent of some 50,000 Vietnamese troops withdrew from Cambodia. In the process of reconciliation, the Constitution was amended in 1989 to reunite Cambodia.¹⁷ The PRK was renamed the State of Cambodia. On 23 October 1991, the four main Cambodian political factions signed the Peace Accords in Paris in the presence of the five permanent members of the UN Security Council. This laid the groundwork for the UN-organized, general elections held in 1993 and the development of a liberal, multiparty system and a market economy during the pre- and postelection periods.

In 1989, the State of Cambodia embarked on a transition to a market economy. The State reintroduced limited private ownership of property after it had been abolished in 1975 by the Khmer Rouge.¹⁸ The establishment and operation of private enterprises was allowed. The private sector developed slowly; people were not yet prepared for a full market economy. The country opened up to international trade. The privatization of state-owned enterprises began.¹⁹ Sales of state assets, such as offices, stores, buildings, land, and factories took place on a large and unregulated scale. External assistance was sought from western countries after the collapse of the USSR.

13 Fernando, Basil (1998), "Problems Facing the Cambodian Legal System," an Asian Human Rights Commission Publication.

14 Fernando (1998), *ibid.*

15 Mysliwiec, Eva (1988), *PUNISHING THE POOR: THE INTERNATIONAL ISOLATION OF KAMPUCHEA* (Oxford: OXFAM).

16 Lay Prohas (1996), *ibid.*

17 Donovan, Dolores A., Sidney Jones, Dinah PoKempner and Robert J. Muscat (1993), *REBUILDING CAMBODIA: HUMAN RESOURCES, HUMAN RIGHTS, AND LAW: THREE ESSAYS* (Baltimore: Johns Hopkins University).

18 Lay Prohas (1996), *ibid.*

19 Lay Prohas (1996), *ibid.*

March 1992 marked a watershed event in Cambodia's history: the United Nations Transitional Authority in Cambodia (UNTAC) officially arrived. UNTAC's mission was to assist in the governing of the country until general elections could be held and a new, legitimate government sworn in. The UNTAC operation was undertaken under extremely difficult and complex conditions. The UN first had to complete the repatriation of approximately 360,000 refugees that had begun earlier that year. They also faced difficulties in directing the administration of the State of Cambodia still controlled by the CPP. Furthermore, the Khmer Rouge faction pulled out of the election process and resumed their battle in the jungle, prolonging the civil war until 1998.

General elections were held under UNTAC in May 1993. According to the final vote count of the elections: FUNCINPEC received 45.2 percent; the CPP 38.6 percent; the BLDP 3.7 percent; the LDP 1.3 percent; and Molinaka 1.3 percent.²⁰ After postelection turmoil and intense negotiations, a new coalition government was formed among the three major political parties—FUNCINPEC, CPP, and BLDP.²¹ The political compromise on the new government resulted in the uneasy arrangement of two co-prime ministers as well as co-ministers of Interior and Defense.

1993-Present: The Kingdom of Cambodia

In 1993, a new Constitution was promulgated. It envisioned the establishment of a liberal democratic state and a market economy as the foundations of Cambodia's political and economic future. King Sihanouk reigns as a symbol of unity of Cambodia, but does not govern the nation. Political powers were

shared by two major political parties—CPP and FUNCINPEC. Cambodia's transition to a market economy has accelerated since 1993. The economy grew at approximately 6 percent annually between 1993 and 1997, led primarily by the development in the service and industry sectors. The inflow of foreign direct investment and development assistance also expanded rapidly during the same period. The fighting between the Khmer Rouge and Royal Cambodian Armed Forces (RCAF) continued sporadically in certain border areas.

In 1997, serious political tension emerged within the coalition government of CPP and FUNCINPEC. This led to fighting among different factions of the armed forces in Phnom Penh. The first Prime Minister fled the country prior to the fighting. External aid agencies suspended or terminated a number of assistance programs. A number of foreign investors lost confidence in the country and left. The July 1997 events had a major adverse impact on Cambodia's economy, which recorded near zero growth rates of only 2.6 percent in 1997 and 1.3 percent in 1998.

In late 1997, political negotiations between conflicting parties resumed. An agreement was reached to hold Cambodia's second national election with the participation of all major parties. Thirty-nine political parties ran in the national election in July 1998. Three parties—CPP, FUNCINPEC, and SRP—gained seats in the National Assembly. Mass defections of Khmer Rouge soldiers and the death of its top leader, Pol Pot, in early 1998 ended the three decades of Cambodian civil war. A new coalition government between CPP and FUNCINPEC was formed in November 1998.

The next chapter will discuss the present governance structure as set out in the 1993 Constitution.

20 Heder, Steve and Judy Ledgerwood (eds.) (1996), *PROPAGANDA, POLITICS, AND VIOLENCE IN CAMBODIA: DEMOCRATIC TRANSITION UNDER UNITED NATIONS PEACE-KEEPING* (New York: M.E. Sharpe, Inc.).

21 Political parties play a crucial, though often highly untransparent, role in the governance of Cambodia. However, it is beyond the purview of the report to closely study the structure, activities, and degree of influence—particularly in the case of the CPP—they regularly exercise on governance processes and decision making.