

**Statement by
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Mr. Chairman, Ranking Member Sherman, thank you for this opportunity to testify before the Subcommittee on developments in Cambodia.

Recent actions by Cambodia's government to dissolve the opposition Cambodia National Rescue Party (CNRP), effectively transformed the country into a one-party state. The arrest of Kem Sokha, the leader of the CNRP on spurious charges, the banning of over 100 opposition leaders from political activities, the arrests of political activists, and the crackdown on independent news media and civil society have isolated the country and put its further democratic development in serious doubt. In addition, the ruling Cambodia People's Party (CPP) is systematically replacing local and national lawmakers affiliated with the opposition with those loyal to the ruling CPP.

These and previous actions by the Cambodian government should be seen as nothing less than a clear violation of the spirit and letter of the 1991 Paris Peace Agreement, which ended the nation's 12 year civil war. That agreement -- signed by 19 governments, including the United States and China -- required Cambodia to respect human rights as enshrined in principal international human rights instruments, and called for Cambodia to follow "a system of liberal democracy on the basis of pluralism." The accords also mandated "periodic and genuine elections...with a requirement that electoral procedures provide a full and fair opportunity to organize and participate in the electoral process." Cambodia's descent into autocracy also threatens to overturn the efforts of the international community, which has spent billions of dollars on Cambodia's democratic development -- as well as the tireless work of countless Cambodian citizens -- over the past 26 years.

When the 1991 Paris Peace Agreement was signed, Cambodia was emerging from decades of war, the genocidal Khmer Rouge regime and Vietnamese occupation. The country was economically devastated and the institutions of governance weak or non-existent. In some areas, much progress has been made, largely due to the commitment of international donors and efforts

of the many thousands of Cambodians who have worked to secure the vision of the peace accords and a better future for their country. The U.S. has played a major role in the country's development, funding projects in the fields of agriculture, education and public health. U.S. support also has helped develop a labor framework and \$100 million travel industry; funded efforts to preserve Cambodia's cultural heritage; and assisted in strengthening the electoral system, rule of law, political parties, the parliament and civil society. Many of these programs, including those carried out by the National Democratic Institute (NDI), have been supported by USAID, the National Endowment for Democracy and the Department of State's Bureau for Democracy, Human Rights and Labor.

NDI has focused its efforts in Cambodia on developing the country's system of governance and building a modern, more democratic political party system. Working in the country since 1992, NDI has worked at the local level to sponsor hundreds of community-level, multi-party dialogues, offering villagers the opportunity to voice their concerns to elected officials; sponsored election campaign debates throughout the country; assisted citizen organizations to build their capacity to monitor elections; and worked at the commune level to strengthen public participation in local governance. NDI has also assisted the efforts of ruling and opposition political parties to enhance their efforts to participate in elections; monitor polling sites on election day; develop greater opportunities for leadership by women and youth; and build more modern and democratic party structures. Other organizations have worked to promote women's economic and political empowerment, develop a more competent judicial system and train a cadre of professional journalists. In all of its work, NDI has engaged the major political parties and the ruling CPP has participated actively in all of the Institute's programs.

While serious development challenges remain, advances have been made, including improved health care, a better education system and the proliferation of an independent and active civil society. Although Cambodia is still a poor country, its economy has recently been growing at about seven percent. Cambodia's elections have never met international standards and have often been characterized by violence and intimidation; however, the 2017 commune council elections were a marked improvement over the past and experienced a turnout of slightly over 90 percent.

The Cambodian people have struggled, sometimes at great personal risk, to help advance the nation's economic and political development. However, the progress that has been made is unlikely to be sustained without the underpinning of a democratic process. The absence of a multi-party political system that helps ensure the accountability of public officials and provides a check on official corruption, as well as the lack of a free media and public participation in the political process, put the country's stability and further development at serious risk.

Cambodian officials have developed a “color revolution” narrative to justify their repressive measures. They claim that the opposition party was colluding with civil society, various individuals and foreign governments, including the U.S., to overthrow the regime. The narrative is based on the civil society-led movements in countries such as Serbia, Georgia, Kyrgyzstan, and Ukraine with claims that these were foreign-inspired attempts to replace legitimate governments with ones more acceptable to western democracies. In fact, these were movements that were organized to protect the integrity of elections, and their actions were triggered by massive electoral fraud engineered by authoritarian regimes. The so-called “people power” movements began in the Philippines in response to the effort by Ferdinand Marcos to steal the 1986 “snap” presidential election.

There is a more persuasive explanation for the government’s repression. In hindsight, Cambodia’s recent history provides strong evidence that the top leadership of the nation’s ruling party has never been committed to a genuine democratic political process nor willing to accept defeat, or even the risk of defeat, at the polls. Since the transitional period began in 1991, the CPP has dominated the political landscape, maintaining control of the police, military, civil bureaucracy and virtually all of local government. However, the peace accords spawned a large number of civil society groups and they, as well as non-governmental organizations (NGOs) that have emerged since then, were able to operate most of the time with a surprising amount of freedom, given the dominance of the ruling party. Groups working on prison conditions, human rights, and even those monitoring the political process, as well as those engaged in areas like land rights and the environment, could criticize the government, especially in the English language press. Political parties, too, have had some space in which to operate, although the government used a variety of tactics, including the use of civil defamation suits, the party registration law and the filing of criminal charges, to keep them off balance.

According to a report by the Phnom Penh Post, Prime Minister Hun Sen has also allegedly resorted to purchasing social media followers, using so-called “click farms”, in an attempt to show an increase in his popularity. The report showed that during a one month period last year, only 20 percent of the prime minister’s new Facebook friends were from Cambodia -- most were from India, the Philippines and Brazil.

The political space open to critics of the government seemed to rely on the government’s concern for its international standing, its reliance on foreign assistance and confidence that it could always resort to more coercive measures if its power was threatened. And, at key moments, those measures have been employed. In fact, since the Paris Peace Accords, Cambodia’s political history might be considered as a period marked by three distinct “coups”.

The first coup occurred when the results of the 1993 elections, conducted by the United Nations Transitional Authority in Cambodia (UNTAC), were overturned; UNTAC spent nearly \$2 billion in organizing those polls. The CPP's leader, Hun Sen, alleged that the elections were rigged by the United Nations (UN). Rumors of a coup, and the threat of secession in several provinces along the border with Vietnam, led King Sihanouk to intervene. He proposed a power-sharing agreement that laid outside the nation's constitutional framework. Under the new arrangement, FUNCINPEC's leader, Prince Norodom Ranariddh, and the CPP's Hun Sen would hold the positions of First and Second Prime Minister, respectively. The government ministries also would be shared by each party. Post-UNTAC Cambodia began, then, with a government that did not reflect the outcome of the elections.

The second coup occurred in 1997, when Hun Sen brutally overthrew his coalition partner. Prince Ranariddh was charged with smuggling weapons into the country and conspiring with the outlawed Khmer Rouge. Dozens of FUNCINPEC supporters were killed during the coup; the offices of opposition political parties were sacked and burned; and an estimated 60,000 Cambodians fled to refugee camps in Thailand. The exiled opposition soon regrouped and formed the Union of Cambodian Democrats (UCD). Based in Thailand, the UCD in exile received support from the international community. NDI and the International Republican Institute (IRI) provided assistance designed to help the UCD remain unified and develop a negotiating strategy for their return to Cambodia.

The third coup, of course, occurred this year when the government disbanded the CNRP, the only opposition party that could effectively challenge them. The opposition's strength was clearly growing. In the 2013 national elections, the CNRP made a strong showing, increasing their seats in parliament from 29 to 55, while the CPP saw their representation decline from 90 to 68 seats. However, the newly elected opposition members refused to take their seats, alleging that over one million eligible voters had been omitted from the electoral rolls. Their claim was based, in part, on a civil society organization's audit of the voters' list, which had been conducted with NDI technical assistance. The ensuing crisis saw tens of thousands of CNRP supporters take to the streets. The 2013 elections demonstrated that the opposition CNRP was not only gaining in electoral strength, but that it also had the ability to mobilize large numbers of supporters.

In the elections' aftermath, the CPP-led government became increasingly repressive. In July of 2015, the National Assembly adopted the Law on Associations and Non-Governmental Organizations (LANGO). The law, which is widely viewed as designed to curtail civil society advocacy and political dissent, was passed despite the strong objections raised by Cambodian NGOs and the international community. Other actions by the government seemed designed to keep the opposition in disarray as local commune council elections, scheduled for 2017,

approached. For example, shortly after LANGO was adopted, Kem Sokha was removed from the office of First Vice-President of the National Assembly; Kem Ley, a political activist and critic of the government was assassinated; the political party law was amended to permit the government to dissolve political parties when their leaders allegedly committed a crime; opposition leader Sam Rainsy was forced into exile; and Kem Sokha was convicted on politically-inspired charges. Sokha was later pardoned by King Sihamoni.

The CPP's motivation seems obvious. Its own internal polling, leaked to the press and reported in the local media, showed the ruling party facing tight races in upcoming local and national elections. Foreshadowing the CPP's electoral strategy, the party's poll, conducted by the Israel-based Shaviv Strategy and Campaigns, asked respondents "if Sam Rainsy is kept out of the country during the elections, would that make you more or less likely to vote for him?" and "if both Sam Rainsy and Kem Sokha left the country, who would you vote for?" and finally "if the CPP limits the CNRP from campaigning during the next elections, would that make it more or less likely to vote for the CNRP?" The poll also showed Hun Sen's favorability rating at 63 percent, compared to 84 percent for Sam Rainsy. Perhaps the most disturbing trend for the ruling CPP, according to the Phnom Penh Post, the poll found that a plurality of respondents would vote for the opposition in the upcoming commune council and national elections.

Commune council elections were held in June 2017, resulting in a strong showing for the opposition CNRP. The ruling CPP, which had long dominated the local governments, retained control of 1,156 of the 1,646 councils, but the CNRP increased their gains to 489 council chiefs from a previous 40. The CNRP had won 43.8 percent of the total votes cast, placing them in a strong position to contest in the 2018 national elections where they would be more competitive.

There was hope that the commune elections might usher in a period of greater political pluralism. For the first time, the opposition had a substantial presence in local government in the nation's heartland; the political parties had contested vigorously and relatively freely; the voter rolls had been improved and election authorities performed their responsibilities fairly and competently. That hope, however, was short lived.

In August 2017, the CPP's attention turned to international organizations which had been operating in Cambodia since the UNTAC era. Between August 16 and 23, Fresh News, a government online news outlet, reported on claims made on a Facebook page, Kon Khmer, that NDI was colluding with the opposition to overthrow the government and that the Institute was operating in the country illegally -- in violation of the NGO registration law. NDI received a notice from the government on August 23 ordering it to close its office and withdraw its international staff from the country within seven days. In the following days, the Voice of America (VOA) and Radio Free Asia (RFA) were also shuttered, as were dozens of local

broadcast stations which carried VOA and RFA programming. The Cambodia Daily, the independent English language newspaper that had been operating since 1963, was forced to close when it received a \$6.3 million tax bill from the government. These media outlets were the only source of traditional independent media that reached the interior of the country, where the opposition had recently performed well in the commune council elections.

Cambodian civil society and political leaders were also a target. Several civil society organizations were charged with bias under the vague provisions of LANGO and closed; staff of domestic monitoring groups and human rights organizations were intimidated and prevented from conducting their work; staff of NGOs working on sensitive issues such as the environment, land evictions and land grabbing have always been at risk and are especially vulnerable in the current political environment. On September 4, 2017, the political situation escalated when Kem Sokha was arrested in a midnight raid at his house and charged with treason. Since his arrest, almost one-half of the opposition's members of parliament have fled into exile. Since the dissolving of the CNRP, intimidation has continued. In early December, Prime Minister Hun Sen threatened to charge Sam Rainsy, exiled in Paris, with crimes after he urged the armed forces not to "shoot and kill innocent people" even if ordered to do so. Because of these repressive measures, an atmosphere of fear permeates the country.

The allegations against NDI were ironic because the Institute, which had been working in the country since 1992, engaged all the major parties, including the ruling CPP, in its programs. In fact, the morning that NDI received the letter ordering the closure of its office and expelling its international staff from the country, the Institute had met with a representative of the ruling party to plan its next training session with the CPP. Furthermore, the Ministry of Foreign Affairs had accepted NDI's registration documents a year earlier and has yet to act on the submission, whereas Article 14 of the Cambodia's Law on Non-Government Organizations requires the Ministry to make a decision on a registration application within 45 working days. NDI was in 3 frequent contact with the Ministry and other government offices concerning its registration status and at no time did the Cambodian government or any political party communicate to NDI any concerns about its programs or presence in the country. Moreover, NDI has a Memorandum of Understanding with the National Election Committee (NEC). It has worked closely with the NEC, as well as with the Interior Ministry in implementing the Institute's village-based political participation programs.

The Cambodian government's repressive actions are clearly designed to maintain the ruling party in power; Prime Minister Hun Sen has repeatedly said that he wants to continue in office beyond his 32-year reign. He has also warned of civil war if the ruling CPP was voted out of office. However, the government's actions may also represent a strategic realignment, placing Cambodia more firmly in China's orbit. While the Cambodian government was widely

condemned by the international community for its recent repressive measures, China was quick to offer support, ignoring the provisions of the Paris Peace Agreement to which it is a signatory. Following the dissolution of the CNRP, China's Foreign Minister, Wang Yi stated that "China supports the Cambodian side's efforts to protect political stability and achieve economic development, and believes that the Cambodian government can lead people to deal with domestic and foreign challenges and smoothly hold elections next year." The Chinese and Cambodian governments have also reportedly agreed to cooperate in a joint think tank to study so-called the color revolutions.

During the past decade, China has been steadily increasing its influence in Cambodia through foreign investments in infrastructure projects such as dams and highways, as well as in mines and textiles. Chinese firms are involved in building apartment buildings, luxury condos and hospitals. While the U.S. remains Cambodia's largest export market, China has become the country's largest provider of bilateral aid. A spokesman for Cambodia's Council of Ministers was recently quoted as saying, "without Chinese aid, we go nowhere." In addition, Cambodia's security cooperation with China is expanding, while it is contracting with the U.S. In 2016, China and Cambodia conducted their first bilateral military exercise. The following year, Cambodia cancelled Ankor Sentinel, an annual military exercise with the U.S., and also terminated a long-standing Navy Seabees humanitarian program. China provided 60 percent of Cambodia's arms purchases in 2013 and also provides equipment and training to Cambodia's military. In return, Cambodia has acted as an ally within the Association of Southeast Asian Nations (ASEAN), effectively preventing the body from achieving consensus on issues related to territorial claims in the South China Sea.

Whether a strategic realignment would be popular with the Cambodian people is unclear. One poll conducted in March, 2017 found that 80.7 percent of Cambodians had either a favorable or very favorable view of the U.S., compared to 66.2 percent for China.

Mr. Chairman, it is not too late for the Cambodian government to reverse its course. Fresh elections should be held and the Cambodian people allowed to choose their leaders in a credible electoral process. No Cambodian government elected under the current circumstances would have any claim to legitimacy.

In order to establish the conditions in which credible elections could be held, measures the Cambodian government must implement include: reinstating the CNRP as a legal entity; immediately releasing Kem Sokha and permitting Sam Rainsy and other CNRP leaders to return from exile; freeing all political prisoners, including civil society leaders and political activists; allowing journalists and media outlets to operate free of violence and intimidation, including VOA, RFA and The Cambodia Daily; permitting domestic and international election observer

groups free access to monitor all aspects of the electoral process; and forming a new election commission that includes members of the opposition.

Much work would need to be done to build a level of trust between the ruling and opposition parties, beginning with the government making a firm commitment to cease all forms of violence and intimidation and permitting domestic and international organizations to monitor political conditions in the country in order to help ensure that the pledge is kept. In addition, there must be sufficient time before elections are held to permit the opposition to reassemble in Cambodia, organize and compete.

There has been widespread condemnation of the Cambodian government's recent actions from governments and organizations throughout the world, ranging from the European Union (EU), Sweden and Australia to the Inter-Parliamentary Union, the French Senate, Human Rights Watch, and the editorial pages of the Washington Post, New York Times and newspapers around the globe. Their statements help to bolster the resolve of those affected by this crisis and hopefully will continue as long as the current situation persists.

I want to recognize the U.S. Congress, the White House, State Department, and the U.S. Embassy and U.S. Agency for International Development (USAID) mission in Phnom Penh for their strong and timely statements in support of democracy in Cambodia, and for the appropriate actions taken by the U.S. government in terminating assistance to Cambodia's election commission and imposing visa restrictions on those Cambodian officials responsible for undermining democracy. These words and actions are important because they demonstrate that concrete measures will be taken unless certain conditions for the return to a democratic process are met.

There are other actions that the international community should consider until political conditions in Cambodia show marked improvement. These include:

1. Consider the withdrawal or suspension of all but humanitarian aid to the Cambodian government until the conditions for the return to democracy are met. At a minimum those conditions should be the release from custody of Kem Sokha and allowing Sam Rainsy to return from exile, as well as dropping the politically motivated charges against the CNRP leaders. Further conditions should include insisting that the Cambodian government cease all intimidation of its political opponents and permit all exiled opposition party leaders to return to their seats in the National Assembly and local councils. The government also must permit the news media to operate freely, including VOA, RFA and The Cambodia Daily. Civil society workers must be freed from custody and allowed to perform their work without intimidation.

2. Continue to support the work of non-governmental organizations (NGOs) within Cambodia. NGOs working within the country are especially vulnerable to government reprisals and need the continued support of the international community to carry on their work. These include not only organizations that focus on the political process but also groups that work on sensitive issues such as deforestation, land grabbing and human trafficking. Government repression coupled with a loss of international funding would be especially tragic for organizations that conduct critical work.

3. Review the possibility of altering the terms of trade with Cambodia. As previously stated, the U.S. is the largest export market for Cambodian goods, receiving 25 percent of Cambodia's exports; the EU is the next largest. This is the area in which the international community perhaps has the most leverage for inducing positive change.

4. Continue international engagement -- such as the international response to Cambodia's 1997 coup. Following that coup, an informal diplomatic network, known as the Friends of Cambodia Group, helped Hun Sen and the political opposition come to an agreement on the conditions under which the exiles would return to Cambodia to participate in national elections the following year. The UN accreditation committee decided that Cambodia's seat in the General Assembly should remain vacant, thereby withholding UN recognition of the government at that time. Similar moves might help pave the way for new negotiations.

5. Support exiled political leaders' efforts to negotiate their return. Despite their current condition, the CNRP opposition remains a legitimate and important political force within Cambodia, having recently received over three million votes in the commune council elections. However, over 100 opposition activists and elected officials are in exile, largely scattered throughout three countries: the U.S., Australia and Thailand. They currently lack the ability to remain a cohesive force. As in 1997, continued support should be provided to the CNRP leadership to help them convene, and communicate with their supporters and the international community.

6. Assist efforts to engage international financial institutions, as well as global and regional bodies on the Cambodia issue. The U.S. and other like-minded governments should use their influence, and support the efforts of others, in engaging all of these bodies to help ensure that they understand the political situation in Cambodia from the broadest viewpoints, including Cambodia's political opposition, and are not only hearing the Cambodian government's narrative. The international community also should consider what actions these institutions might take in helping to resolve the crisis.

Institutions, such as the UN, can speak with a moral force and have the experience and ability to provide a forum where contending political forces can at least begin to discuss the future. The UN should also engage because it is the legacy of UNTAC that is threatened. Regional bodies such as ASEAN can play a role in mediation, and there is precedent for its engagement. ASEAN issued a strong statement following the 1997 coup, and postponed Cambodia's membership application which was pending when that coup occurred. Financial institutions, such as the World Bank and International Monetary Fund also have precedents for taking actions when political instability could lead to an unfavorable investment climate.

Mr. Chairman, I want to thank the Committee for your interest and concern. The international community and the Cambodian people have invested a great deal in efforts to build a stable, democratic and prosperous Cambodia since 1991. Very few countries suffered more violence in the 20th century than Cambodia, and its people deserve the democratic future envisioned in the 1991 accords.