



Southeast Asian Modernities

Aurel Croissant, Beate Martin, Sascha Kneip (Eds.)

The Politics of Death

Political Violence in Southeast Asia

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The Politics of Death. Political Violence in Southeast Asia

Foreword

The idea of discussing forms of political violence and their impact on democratisation processes in Southeast Asia arose in early 2003. At that time, I had started to work in the FES Philippine Office and several countries in Southeast Asia were preparing for their forthcoming national elections. In a seminar in Cambodia in June 2003, it became obvious how political violence—in the form of intimidation and physical attacks, among others—is disturbing the outcome of elections, thus affecting negatively the contribution of citizens to shaping their own governments. In the context of the FES Regional Gender Project Southeast Asia, we also realised that the political participation of women is severely limited not only by the respective socio-political conditions in their countries but also by the fact that active involvement in politics often means threats on their very lives. In a conference with the then Cambodian Minister for Women and Veteran Affairs, the problem of safety during electoral campaigning was discussed.

Forms of political violence can be found in several countries in Southeast Asia with different implications for the democratic system. Political violence is also not only related to elections, as Aurel Croissant and Sascha Kneip point out in the introduction. Therefore, we tried to invite authors from Southeast Asia and Europe to analyse these violent incidences.

As part of this endeavour, we also organised two regional seminars—in Yogyakarta (September 2004) and Bangkok (March 2005)—with the authors and other participants working in this field. These seminars helped to create a more cohesive and consistent outcome of this publication.

This volume attempts to explore political violence, democratization and security issues at the national level and complements the security policy discussions at the international level. It seems that today domestic and foreign affairs are increasingly interwoven and the overlaps of both are rapidly intensifying. Political violence, for example, caused by ethnic and religious conflicts can easily perforate national frontiers as can be seen with internally linked networks of terrorists.

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Roderic Broadhurst

Lethal Violence, Crime and Political Change in Cambodia

Introduction

A decade after Cambodia's first free elections in 1993, sanctioned by the 1991 Paris Accords, the departure of the United Nations Transitional Authority in Cambodia (UNTAC), and the establishment of the Royal Government of Cambodia (RGC), how violent is Cambodia? How does lethal violence in Cambodia compare with other Southeast Asian nations, developed and developing countries? Is Cambodia's violent image justified? What socio-economic, political, structural, institutional or situational factors may account for the levels of lethal violence observed?

The argument ventured is that the combination of an armed society, the stress of post-war reconstruction and the impact of revolutionary genocide, poverty, fragmented institutions and a weak 'rule of law' state has produced more acts of mayhem, extra-judicial homicide and murder-robbery than elsewhere in the region. These forms of homicide exceeded homicide between intimates. The overall level of violence in Cambodia may not exceed that of other countries, but ready access to firearms certainly contributes to more lethal results. The nature of lethal violence is a mixture of the ordinary and the bizarre, as Khmer newspaper accounts illustrate.²

This chapter estimates the prevalence of and describes the nature of homicide in the Kingdom of Cambodia. An introductory attempt is made to theorize the nature of violence in the context of democratic transition, the formation of crucial state capacities and institutions, and the simultaneous modernization of social and economic relations.

1 This chapter is a revised and updated version of the author's article: 'Lethal Violence, Crime and State Formation in Cambodia', *Australasian and New Zealand Journal of Criminology* 35 (2002): 1-26. The rates cited herein are lower because the population denominators for Cambodia are standardized using population estimates cited by the Asian Development Bank and these are higher than those available in 2000.

2 See for example the Phnom Penh Post 'Police Blotter' extracted from Khmer newspapers *Koh Samteheap* and *Rasmei Kampuchea*.

Post-war Cambodia

As a 're-organization episode' in the context of a fragile democratization, Cambodia offers an opportunity to observe the nature of crime following a state-induced 'collective disaster', market reforms³ and the transformation of socio-economic relations.⁴ The political settlement that led to the re-creation of a constitutional monarchy in 1993 also required the formation of a new state whose law and order institutions did not enjoy public support and legitimacy.⁵ The absence of an established legal culture restricted the ability of the new state to competently assert a consistent and credible legal threat to crime, illegality and disorder. Nevertheless, Cambodia is neither lawless nor are its policing institutions totally without any general deterrent effect. The Cambodian experience may also help to assess the general relevance of policing institutions in suppressing crime and producing order. Of theoretical interest is the nature of crime engendered by weak state institutions in the context of strong communal and non-state forces. Cambodia parenthetically reveals conditions of pre-modernity in the context of post-industrialization, which perhaps the advanced state may resemble when stripped of the apparatus and symbolism of the 'rule of law'. When state regulation is weak, and private and customary regulation strong, what sorts of crime prosper?

Cambodia is still in the crucial stages of state formation and democratization following decades of war, genocide, insurrection and widespread civil dislocation, and it therefore experiences crime and homicides in a different way to established states. Is crime, especially homicide, a sensitive barometer of social change and good governance? Does the level of violence reflect the stresses of a shattered economy and weakened human capital or reflect a culture of impunity based on an enduring 'Realpolitik' of violence created by decades of conflict? Cambodia offers an opportunity to observe how, in

3 The former State of Cambodia (SOC) instigated market reform and liberalization with some success in 1989.

4 Peter B. Evans, Dietrich Rueschemeyer and Theda Skocpol, eds., *Bringing the State Back In* (Cambridge University Press: New York, 1985), p. 364.

5 This was a process mirrored in the mid-nineteenth century restoration of the monarchy after decades of Vietnamese occupation and hegemony. Chandler argues that the 1975-1979 Khmer Rouge-induced Armageddon had parallels in the 1840s, replete with foreign rivalries, albeit less intensive than the cold war conflicts that propelled modern Cambodia to its present state. In the new constitution '...the King shall reign but not rule'. See David Chandler, *A History of Cambodia* (Sydney: Allen and Unwin, 1992).

the process of simultaneous democratization and state formation, the establishment of a criminal justice system impacts on the nature and volume of crime. However, to address these questions we must first take into account the legacy of war and revolution.

In a seminal review of the effects of war on homicide rates, Archer and Gartner demonstrated that substantial increases were observed (irrespective of the outcome of the conflict), and that high combat losses predicted higher levels of post-war homicide.⁶ They tested several explanatory models and concluded that a 'Legitimation of Violence Model', which predicted an increase in homicide '... as a result of the pervasive war-time presence of officially sanctioned killing', was persuasive. Other explanations, such as the 'Social Solidarity' and 'Catharsis' or war fatigue models, which predicted decreases or returns to normal levels of homicide, were rejected. Alternative explanations for higher post-war homicide rates arising from distressed post-war economies, return of violent veterans or demographic changes also failed to account for the increases observed. Our ability to test these explanations for Cambodia is necessarily limited because of the destruction of almost all government records during the revolutionary period. Consequently, no reliable pre-war crime data exists (before 1970), and what is available is poorly defined and ambiguous. French colonial records are also incomplete but suggest that crime, especially homicide, was extremely rare during the protectorate period (1902-1954). This appeared to remain so until the mid-1960s, when civil disorder and mounting pressure from the Vietnam War engulfed 'peaceful' Cambodia.⁷

Despite the scant picture of pre-war crime, Cambodia has been exposed to an extended 'legitimation of violence'. We may argue Archer and Gartner's thesis that war (and revolutionary) violence legitimated by the state translates into a higher peacetime homicide rate. Indeed, the very high rate of suspect/offender death may better reflect this process of violence legitimiza-

6 Dane Archer and Rosemary Gartner, 'Violent Acts and Violent Times: A Comparative Approach to Post-War Homicide Rates', *American Sociological Review*, 41 (1976): 937-963 (p. 960).

7 The few records available do not permit trend analysis but suggest homicide rates were seldom more than two per 100,000. Throughout the colonial protectorate period, only one French civil servant was murdered while collecting taxes, but in circumstances of extreme provocation. Caution needs to be applied when accepting the colonial picture of low crime. French policing practices were typically indirect, and in the early post-colonial period, policing became increasingly de-centralized and fragmented.

tion and is in accord with many Khmer idioms on violent death.⁸ Police and citizens alike commonly remark: 'in Pol Pot time life was very cheap'; 'criminals are merciless and must be killed'; 'we must save ourselves because they (the state) are corrupt'; or 'people are the law and must have justice.' Therefore, Khmer attribute lawlessness and vigilante action to the brutalization experienced during the civil war (1970-1975), the revolutionary period (1975-1979), and the Vietnamese occupation (1979-1989). However, the processes of state formation and modernization also play an important role in shaping the nature of crime and the form of homicide.⁹

Theories of crime, modernization and development

We have some theoretical guidance about the nature of crime as it might develop in a post-war and post-revolutionary developing nation such as Cambodia. Theories of modernization, depending on the specific phase and locality, suggest that development will reduce violent crime but also increase property and other crimes (notably those against the state) as the rationalization of modern governance is achieved. Modernization requires a shift in economic modes of production from feudal/mercantilist to industrial, or from 'Asiatic' or command to market economies. This shift in productive forces produces greater individualism in the classic form,¹⁰ a significant middle

class, weakens communal regulation, changes the nature of relationships from hierarchical to exchange, and shifts social control from informal to formal modes. Also, because of the civilizing (or socializing) effects of modernization,¹¹ violence becomes more problematic and is subject to an intensified criminalization process combined with an increasing reliance on bureaucratic surveillance and special policing institutions. Thus, in this functionalist version, modernization in its early phases generates acquisitive crime by weakening social control and unleashing expectations.¹² In late modernization, violence increases as conflict re-emerges due to rapidly changing modes of production and the fragmentation of post-modern identities.

Neopolitan, combining the theories of Durkheim and Elias, argues that violence declines because modernization results in '...increased social equality and organic solidarity and a resultant civilizing of the human personality'.¹³ Modernization or development is usually measured by economic development and, following the European experience, the degree of urbanization or differences between urban and rural life. Cambodia, at US\$270 GNP per capita in 1996,¹⁴ is one of the least economically developed and urbanized countries in the region (see Table 5). Cultural integration or homogeneity, often associated with Durkheim's idea of 'organic solidarity'¹⁵ and measured by fidelity to religious, linguistic and customary beliefs, has also been seen as influencing the amount of violent crime. Studies of the relationship between

increasing investment by the state in formal means of surveillance and social control. See Emile Durkheim, *Suicide: A Study in Sociology* (Padstow: Routledge and Kegan Paul, 1952).

11 In Europe, violence declined with the advent of mass education, health and literacy, but declines in communalism and the rise of individualism tended to transform violence to more intimate relationships or suicide. See A.R. Gillis, 'Literacy and the Civilization of Violence in 19th-Century France', *Sociological Forum*, 9 (1994), pp. 371-401.

12 The gross re-structuring of economic relations in the transformation of the pre-modern state also generates significant conflicts because of the restructuring of labour and modes of production. Displaced workers may be brutalized and prey on the vulnerable, while the landless and land-poor face competition from commercial agro-capital and their enclosure like practices.

13 J.L. Neopolitan, 'Homicides in Developing Nations: Results of Research Using a Large and Representative Sample', *International Journal of Offender Therapy and Comparative Criminology*, 41 (1997), pp. 358-374.

14 By 2000, per capita income had increased to US\$296 and life expectancy had increased from 53 to 56.4 years, while the literacy rate was estimated at 67.8 per cent of the population and the number of telephones (predominately mobile systems) had dramatically increase from one per 1,200 persons to one per 31 persons.

15 Emile Durkheim, *The Rules of Sociological Method* (Glencoe, Illinois: Free Press, 1950).

8 David Chandler, *Brother Number One* (Chiang Mai: Silksworm Books, 1993); Ben Keirnan, *The Pol Pot Regime* (Chang Mai: Silksworm Books, 1996).

9 Shifts between homicide and suicide patterns and changes in the relationship between familial and non-familial homicides are sometimes observed in post-war societies. For example, in Hong Kong the immediate post-war period saw declines in homicide but a rapid increase in suicide that stabilized at a significantly high rate as the economy developed (Che-Yu Chan, Philip Beh and Roderic G. Broadhurst, 'Homicide-suicide in Hong Kong, 1989-1998', *Forensic Science International*, 137 (2003), 165-171). The decline in homicide also coincided with increases in the risks of intra-familial homicide, suggesting that the process of development and modernization weakened traditional bonds of filial piety based on the importance of family and clan in Taoism and Confucianism. Modernization's tendency to strengthen individuality and heighten sensibilities towards violence, combined with a weakening of communalism and informal social controls, increases the relative incidence of suicide compared to homicide. The prevalence of suicide is unknown for Cambodia but based on anecdotal, newspaper and hospital reports it appears far less common than homicide.

10 Durkheim argues that the shift from mechanical (traditional) to organic (modern) forms of society produced more individual differences and deviance because of increasing specialization and atomization (anomie). This process weakened traditional social control and required

culture and homicide, using measures of religious and ethnic homogeneity, have not found evidence of a consistent pattern. Nor has a relationship between economic development and homicide been found.¹⁶

Other explanatory theories of cross-national differences in violence include opportunity/stress theories that highlight changes in the pool of potential offenders and opportunities for violence that vary according to economic and social hardships. Thus the relative size of high risk groups (young unemployed males), population density, household size, income inequality, unemployment and infant mortality have all been employed with varying degrees of success as determinants of violence. Cambodia, with its exceptionally youthful population, acute levels of income inequality and relatively high under-employment, could also be vulnerable to the play of these hardships and their presumed deleterious effects on the risks of violence. Competition over scarce resources in a context of desperation can also produce greater recklessness, which may be reflected in the high levels of robbery-murder observed in Cambodia.¹⁷

A concordant 'civilizing process' generated by modernization reduces the incidence of violence as sensibilities about suffering increase and demand for 'blood' sacrifices decrease. Thus, in modernizing societies, violent crime will decrease and homicide rates will decline. The role of the 'rational' state through its security (monopolization of violence), management and welfare functions is crucial in this civilizing process. The state, by improving health services, food/livelihood security and literacy, and suppressing crime, legitimates its governance.¹⁸ The RGC's national development plan gives priority

16 Neopolitan found that Islamic countries had lower homicide rates, and the proportion of Christians (in non-Christian nations) is indicative of higher homicide rates. He did not interpret these as differences arising from the religions *per se*, but rather that the former reflected cultural integration and traditional values while the latter was associated with the role of colonization and the resultant cultural conflict. Anna Alvarzi del Frate, *Preventing Crime: Citizens' Experience across the World*, Issues and Reports, IX (Rome: UNICRI, 1998); Graeme Newman, *Global Report on Crime and Justice* (New York: Oxford University Press, 1999); Gary LaFree, 'A Summary and Review of Cross-National Comparative Studies of Homicide', in *Homicide: A Sourcebook of Social Research*, ed. by M. Dwayne Smith and Margaret A. Zahn (London: Sage, 1999).

17 Martin Daly and Margo Wilson, 'An Evolutionary Psychology Perspective on Homicide', in *Homicide: A Sourcebook of Social Research*, ed. by M. Dwayne Smith and Margaret A. Zahn (London: Sage, 1999).

18 Following Norbert Elias, *The Civilizing Process* (Oxford: Blackwell, 1994). See also Eric Arthur Johnson and Eric H. Monkkonen, eds., *The Civilization of Crime: Violence in Town and Country since the Middle Ages* (Chicago: University of Illinois Press, 1996).

to the establishment of the institutional means to create a modern 'rule of law' state by strengthening regulatory agencies, especially the police and courts. This priority is supported by donor nations and the International Monetary Fund's (IMF) rehabilitation programme for Cambodia.

Theoretically, it may be useful to consider the extent to which the processes of modernization influence the nature and extent of crime emerging from extreme intra-state conflicts. Can crime in Cambodia be characterized as pre-modern and does economic development suppress or exacerbate conflicts? Certainly, higher levels of violence in the countryside than in the city, but more property crime and murder-robbery in the city than in the countryside were observed. In accordance with the modernization theory, differences in urban and rural crime suggest a relationship between the strength of the state and opportunities for crime concomitant with development. Sporadic episodes of banditry, robbery and abduction are also reported more frequently in rural districts, and these incidents reflect the relative weakness of the state and the limited radius of its policing institutions. This pre-modern picture is reinforced by a low enforcement capability and adherence to due process. The rehabilitation of legal processes after the almost complete destruction of the judicial corps has been in progress but is hindered by the absence of a tradition of rule by law and the low pay of state agents. As Chandler has shown, these weaknesses were common in pre-revolutionary Cambodia, and current political friction and abuses have precedent in the 1954 post-colonial kingdom.¹⁹

Post-war economic stresses would also generate increases in both property and personal crime, especially in the city where wage labour is vulnerable to shifts in trade and investment. Although Cambodia does not have a critical food security problem, the bulk of the population is rice dependent. Up to half of village income was used for rice consumption, which provided 80 per cent of calorie intake. Rural poverty is a serious problem with as many as 35-40 per cent or more living below the poverty line, and there are endemic levels of malnutrition. In 2000, it was estimated that just over a quarter (26 per cent) of the population had access to safe water and over half (52 per cent) of children under the age of five were malnourished.²⁰ Credit problems and indebtedness

19 David Chandler, *A History of Cambodia* (Sydney: Allen and Unwin, 1992).

20 Asian Development Bank, *Cambodia: Country Strategy and Program Update 2004-06* (Asian Development Bank, July 2003), A1, p. 3.

are widespread.²¹ Despite an abundance of land, a landless or land-poor class has emerged and has become a source of accelerated migration to the cities or towns. At the same time, as the gap between rich and poor increases, access to traditional sources of succour, such as rivers and forests (common lands), have become more restricted by large commercial interests. Thus, the revival of plantation economies and indentured work has contributed to further pressures on the landless. Cambodia is thus an economy dependent on subsistence rice agriculture, the exploitation of forests and international aid, but with the burden of massive post-war reconstruction. GDP growth was slashed to below 3.7 per cent in 1997-1998 from 6.5 per cent in 1996 due to the twin influences of the Asian financial crisis and the July 1997 coup, which cut off investment and all but essential aid.²² Already one of the poorest countries in the ASEAN group, the impact of these economic difficulties combined with the 1998 national elections adversely affected efforts to contain disorder and crime in 1998. Annual inflation reached 15 per cent in the first half of 1998, placing considerable pressure on the poor and labouring classes as basic food and housing prices sharply increased while income declined. While inflation subsequently declined to less than 3 per cent, GDP growth recovered rapidly in 1999, stabilizing at 5-6 per cent from 2000-2003. However, overseas private investment remained limited and recovery was further hampered by severe floods in 2000 and anti-Thai riots in early 2003.²³ The World Bank considers it essential that government accelerates private sector investment, export-oriented manufacturing and agro-business, or face continuing economic struggles.²⁴ Such crushing poverty has contributed to intermittent banditry and has placed already vulnerable groups under additional pressure. Crime victimization is often catastrophic and may lead to impoverishment.

The establishment of rational, rule-of-law government is considered a basic pre-condition for the stable and predictable development of capital, markets

21 K.A.S. Murshid, *Food Security in an Asian Transitional Economy—the Cambodian Experience*, Working Paper, VI (Cambodian Development Resource Centre: Phnom Penh, 1998).

22 See the chapter by Sorpong Peou in this volume.

23 The Asian Development Bank anticipates steady GDP growth in 2004-2006 but notes that a decrease may occur with the World Trade Organization entry and the end of the special arrangements for the garment industry under the Multi-fibre Arrangement with the United States in 2005. *Cambodia Development Review* (1998); *Far Eastern Economic Review*, 14 December 2000, p. 87; Asian Development Bank (2003).

24 *Phnom Penh Post*, Vol. 12, December 2004.

and wealth.²⁵ In developing economies, the transformation of the economy from feudal/subsistence forms to a post-revolutionary market economy requires a professional and predictable government. The reliability of legal and policing institutions are seen as essential factors in the development of a market economy based on trade and commerce. Therefore, the effectiveness of legal institutions in creating stability and order is an essential test of the establishment of legitimate governance in the kingdom.²⁶ Thus, the extent that police serve a general order and provide civil protection to the populace rather than serving a specific regime, such as the degree of lethal violence, may provide a measure of state strength. High levels of lethal violence, especially extra-judicial violence, are indicative of the state's debility. 'Many human rights critiques ... fail to recognize police shortcomings as an expression of state weakness rather than of its strength'.²⁷ Given the violence threatened by powerful non-state actors, policing institutions are vulnerable to adopting partial and repressive measures that ultimately undermine their legitimacy.²⁸ In the context of conflict, the formation of autonomous state policing institutions is also uncertain because of underlying competition between various factions to provide security. Different policing agencies and factions within them thus compete to monopolize the '...universal sinews of state power',²⁹ revenues and coercive force, and consequently reinforce political fragility.

Policing, law and the reformation of the Cambodian state

Fragmentation of the original civil society by war and genocide has required a conscious effort to re-invent and reproduce the social and moral order of an ideal pre-war Khmer nation. The 1991 Paris Accords reconstituted, under

25 World Bank, *World Development Report* (New York: Oxford University Press, 1997).

26 In the constitutional framework adopted by the Paris Accords, RGC governance and succession is regulated by free and fair elections.

27 Andrew Goldsmith, 'Police, States and Fear', 15th Annual Conference of the ANZ Society of Criminology, Melbourne, 21-23 February 2001, p. 18.

28 The November 2000 raid on Phnom Penh by the exile-backed self-styled Cambodian Freedom Fighters is an example of the persistence of these threats. The poorly conceived attack was designed to undermine confidence in the protective role of the state and calculated to compel repressive counter-measures.

29 Theda Skocpol, 'Bringing the State Back In: Strategies of Analysis in Current Research', in *Bringing the State Back In*, ed. by Peter B. Evans, Dietrich Rueschmeyer and Theda Skocpol (New York: Cambridge University Press, 1986), p. 16.

UNTAC supervision, the RGC as a pluralistic state made up of the former SOC, Khmer Rouge and royalists under the rubric of 'Nation, Religion, King'. This is a context in which the crucial struggle for the rule of law demands that the new state's nascent legal institutions monopolize violence and install nationwide means to resolve disputes and deal with criminals.³⁰ However, an aid dependent RGC negotiates the means to effect state legitimation while under the scrutiny of numerous non-government organizations (NGOs), notably the Cambodian Office of the United Nations High Commissioner for Human Rights (UNCOHCHR).

The rationalization of governance is an ongoing process: structures are in place but variable means exist to assert control of state institutions and their agents independently of regime politics and traditional patron/client relations. Until recently, the state had depended on military and quasi-military forms of governance, albeit fractured, along political/patronage and provincial lines. In the crucial areas of policing and dispute resolution, few resources are available and Cambodia remains vulnerable to organized crime activity.³¹ Ample anecdotal information suggests that Cambodia has become a haven for eco-exploitation, drug and sex trafficking,³² money laundering, small arms smuggling and other cross-border illegal activities. Cambodia has resembled the ideal de-regulated state and therefore provided an unfettered market for crime as well as 'market solutions to insecurity'.³³

The transformation of the governance of state security from a military to civil form is an important goal of the national development plan, along with

30 Siphana Sok and Denora Sarin, *Legal System of Cambodia* (Phnom Penh: The Cambodian Legal Resources Development Centre, 1998); Basil Fernando, *Problems Facing the Cambodian Legal System* (Hong Kong: Asian Human Rights Commission, 1998).

31 Based on national and judicial police arrest statistics, clearance rates are particularly low for murder, assault and rape but higher for robbery and theft. A 1998 Ministry of the Interior (Judicial Police Centre) report stressed increasing encounters with well-organized criminal syndicates often enjoying immunity from law enforcement and interdiction. The *Phnom Penh Post* has frequently alleged that RGC military and police have been implicated in organized crime and racketeering. The pay of many officials is insufficient to meet everyday needs and many, if not most, are forced to seek employment or funds by exploiting their official status.

32 The Cambodian Women's Crisis Centre (CWCC) has estimated that between 50-55,000 prostitutes are active with 14,000 thought to be under-age. Conditions in illegal brothels are often akin to slavery but the extreme poverty of many families suggests that irresistible 'push-pull' factors compel the sacrifice of daughters regardless of conditions (personal communication with Ms Michele Brandt, CWCC).

33 Goldsmith, 2001, p. 12.

improving food and personal security, human rights, health education and economic development. The shift required from a military command economy to a market economy was burdened by the 62 per cent of revenue absorbed by the security forces (Ministries of Interior and Defence) in 1995. This subsequently decreased to 47 per cent in 1998, and 40 per cent in 2000. As little as 10 per cent of the meagre revenue went to education, 6 per cent to health and 3 per cent to agricultural development in 1998, although by 2003, the budget expenditure on education had increased substantially to 18 per cent, and health to 11 per cent, while spending on security amounted to 23 per cent.³⁴ Under the 1993 UNTAC de-mobilization plan, large numbers of former soldiers were placed in policing roles on below subsistence wages. Consequently, the management and discipline of such a large body of armed and ill trained 'police' has been a major problem and source of impunity. Progressive reductions in under-employed, untrained police and military planned for the year 2001 required numbers of police and military personnel to fall from 137,000 to 67,000,³⁵ but this did not occur. There is now doubt about the effectiveness of the demobilization plan, and misuse of funds has been identified by donors such as the World Bank. Reductions in the size of security forces and weapon availability have been hampered by factional differences in the key Ministry of the Interior (MOI), and the overall civilizing process will continue to be lengthy and involved. Nevertheless, extensive training of the police and military in constitutional responsibilities and scrutiny from a large number of human rights NGOs support a 'rule of law' culture. These efforts contributed to the satisfactory performance of the security forces in the 1998 and 2003 national and 2002 commune elections while under the command of the National Election Commission.³⁶

The RGC operates in the context of a politically divided government of former antagonists—royalists, revolutionaries and socialists. Consequently,

34 Konrad Adenauer Foundation cited in *Phnom Penh Post*, Vol. 7 (1998); Asian Development Bank (2003).

35 The size of the RCAF has been estimated at well below the 110,000 cited by the RGC and is more likely to be around 20-40,000 active members, albeit amply staffed by 400 generals. The actual size of the security forces (police, RCAF and other services) is masked by the widespread practice of 'ghosting', that is, the inflation of pay musters by commanders.

36 UNCOHCHR and the Cambodian Institute of Human Rights (CIHR) undertook training programmes on the constitution for senior officers of the Royal Army of Cambodia, National Police, Gendarmerie (Military Police) and Ministry of the Interior in human rights, democracy and neutrality.

state institutions are complex and open to factional conflicts, and an effective law-making consensual process has not been achieved. Historically, the Kingdom had a weak indigenous bureaucracy based on a French and Vietnamese colonial legacy in which recourse to state and legal institutions was grossly underdeveloped. Traditionally, the Cambodian state was hierarchical, with the revered king, the élite government officials,³⁷ the villager of *kompong* and *preih* (forest) and the *sanga* or Buddhist monks all having their place in a complex web of patronage and power. In crucial ways, these traditional, often unmediated, hierarchical relations found expression in the utopian self-sufficiency programme of the revolutionary Democratic Republic of Kampuchea (1975-1979), and continue to shape Cambodian personal and social relationships.³⁸

The ceaseless cycles of rice growing that define Khmer village life impose a customary order insulated even from the special, if relatively brief, traumas of the Khmer Rouge revolutionary utopia and the first Vietnamese invasion and occupation in modern times. In the context of the New Kingdom, these village continuities provide a natural social order replete with communal surveillance and control that reduce the need for intervention by the state in interpersonal disputes. Accordingly, the role of the state in creating order is limited to the extent that it may impose uniformity on these politically fragmented, pre-existing social identities and relationships in rural Cambodia, a task perhaps never previously achieved by any Khmer state with the possible exception of the Angorian period.

The priestly cast or *sanga*, along with intellectuals, were the targets of special oppression by the Khmer Rouge because, as carriers of traditional morality, they were a source of resistance to the new order.³⁹ Buddhism was also denigrated as inimical to communist values during the Vietnamese occupation but, along with the king, it is promoted as a foundation of the new nation. The moral vacuum created by the dissolution of the post-colonial state and the failure of revolutionary idealism enabled the rapid return of this traditionally important institution. The *sanga* have revived their tenure and everywhere in this devout Buddhist society pagodas have been re-built. The *sanga*

37 Chandler (1992, p. 105) refers to nineteenth century client-patron relationships amongst officials as one of 'consuming' and 'eating' their clients, slaves and people. Cambodian folklore portrayed the élite or the patrons as '... tigers, crocodiles, and venomous snakes' in much the same way Khmer may talk of government officials today.

38 Chandler, 1992, pp. 53-54.

39 Keirnan, 1996.

and the karmic laws have a protective, if poorly understood, role in shaping violence and crime. The re-establishment of Buddhism has been significant in the regeneration of an indigenous moral order, but modernity, materialism and new forms of crime challenge its revival.

The arch-criticism of Buddhism has been that it produces fatalism, conservatism and carelessness towards death (after all, it is an opportunity for re-birth and enlightenment) as by-products. These artefacts of Buddhism are often assumed to lead to a diminution of the sanctity of life in Buddhist societies, in much the same way as Catholicism is supposed to liberate the passions through forgiveness and the confessional. However, this neglects the emphasis on compassion and enlightenment in Buddhism that heightens the importance of the reciprocal nature of patron-client relationships so characteristic of Cambodian political and social life.⁴⁰ The Buddhist ethical system, through stress on the four noble truths (which emphasize enlightenment and compassion, and prohibit killing, stealing, lying and adultery), the middle way and the eight-fold path, socializes a co-operative and docile human nature. The emphasis on avoidance of suffering and the accumulation of merit provides a potent traditional source of natural or internalized forms of social control against violence. Thus, a recognizable basis for the establishment of clearly defined laws is embedded in the culture. However, law making has been restrained by political instability and administrative fragmentation that reflects the continued importance of the *strok* or district in national affairs. The ensuing hiatus allowed for ample regional and political differences in the creation and application of national law.

Although work on a new penal code began in 1994, it is not expected to pass the National Assembly until 2005, and current laws are based on the 1992 UNTAC criminal code augmented in January 2002 by amendments that strengthened the role of the Ministry of the Interior. This interim code has failed to provide a comprehensive ethical system or secure due process consistent with Khmer values, further eroding the legitimacy of law. United Nations-sponsored efforts to rapidly develop a modern court and dispute settlement process included a 'Judicial Mentor Programme' that relied on

40 Little is published about the nature of crime in Theravada Buddhist societies and only limited temporal data is available to compare with other ASEAN countries. Thailand, however, does offer a comparative perspective, which suggests that the initial processes of modernization provoke an increase in crime, including violent crime. The murder rate has fallen dramatically from the 1970s when intentional homicides were estimated to be 24-34 per 100,000. It stabilized toward the late 1980s, and in 2000 was reported to be 8.3 per 100,000.

guidance by overseas judges. This attempt to provide training for court officials (mostly former SOC judges) faltered because the poorly paid judges were prone to corruption or intimidation and access to court was prohibitively expensive to all but the élite. It is known that a substantial number of offences and disputes are resolved without the involvement of provincial or national courts. Therefore, some serious crime and much petty crime and disorder, as everywhere, is under-reported and a recent crime victim survey also suggests that significant levels of crime, although reported, are not recorded.⁴¹

In the following section, reported crime, especially lethal violence, is described from available sources. The main source of data is a report for the period 1992-1996, prepared by the Judicial Police Centre (Ministry of the Interior) in July 1998, and subsequent summary annual reports of varying completeness. The sources provide limited trend data covering the arrival of UNTAC and the establishment of the RGC to the end of 2003. In addition, reports from NGOs and Khmer newspapers, as well as interviews, case notes and field studies, supplement official sources.⁴² The focus shifts to the integrity of investigations into homicide and other serious crime, and their relevance to the legitimization process in the new state.

Recorded crime

Law enforcement in Cambodia involves a number of different policing agencies, including military police, and it is unlikely crime records compiled by the Judicial Police Centre are complete. Because of uncertain counting and variable reporting behaviour, the most reliable approach to the interpre-

41 The UN International Crime Victim Survey (ICVS) of 3,155 households was undertaken in Phnom Penh and four provinces in late 2001 and early 2002. The one year 'crime rates' for this sample were as follows: motorcycle theft 4.3 per cent (6.5 per cent of owners); livestock theft 13.7 per cent (25.5 per cent of owners); burglary 12.5 per cent; attempted burglary 6.5 per cent; consumer fraud 34 per cent; corruption; 21.5 per cent; bicycle theft 5.8 per cent (9 per cent of owners); personal theft 8.6 per cent; assault 5.7 per cent; robbery 1.2 per cent; and sexual assault 1.1 per cent. The results of the survey also showed that under-reporting of crime was substantial: 63.4 per cent of motorcycle theft and 15 per cent of burglaries were reported while only 10.3 per cent of personal theft, 5.2 per cent of sexual assaults, 4.7 per cent of consumer fraud and 1.8 per cent of corruption were reported (the author's data analysis of the ICVS funded by AusAid/CCJAP).

42 Ministry of the Interior judicial police and medical officers who participated in a medico-legal investigation course in May 1999 also provided valuable information on the scope and nature of homicide in Cambodia.

tation of trends for most crimes in Table 1 is that they reflect the activities of police rather than 'real' fluctuations in crime. Nevertheless, for homicide we have several sources and may be more confident of the recording of these events.

Overall, the reported crime rate for all offences is very low in Cambodia, with a mere 5,638 offences recorded in 1996 or a rate of 51.2 per 100,000, and the overall rate peaked at 58.9 per 100,000 in 1998, thereafter declining to 42.8 in 2003. This can be compared to the 1,253 offences per 100,000 recorded in Hong Kong, and the 110 per 100,000 recorded for the Philippines (see Table 6). The Ministry of the Interior report also attempts to take into account the effectiveness of policing by recording the number of offences 'suppressed' (cleared or 'solved') and the number of offenders held in custody. Data for 1992-1996 showed that 28-36 per cent of crimes reported by the Ministry of the Interior were suppressed, but the most recent report for 2003 suggests about 26 per cent of crime is suppressed. Of the 509 murders recorded in 2003, some 130 (25.5 per cent) were 'cleared', while 163 (49.2 per cent) of the 331 rapes and 334 (17.5 per cent) of the 1,901 theft/fraud offences were 'solved'. The number of new offenders imprisoned also fluctuated between 1,045 and 2,170 in the period 1992-1996. However, prison census data for 1995-1997 show the numbers held in prison increased from 2,490 to 2,909 at an estimated imprisonment rate of 26-29 per 100,000, but by 2002, numbers had nearly doubled to 5,806 (49 per 100,000) and thus exceeded the 31.9 per 100,000 reported for the Philippines but were considerably lower than the 181.2 prisoners per 100,000 in Hong Kong.⁴³

Although the conventional definition of homicide as murder and non-negligent manslaughter is adopted, the sources necessitate ambiguity in defining homicide because of the unclear status of justifiable homicides and other forms of non-negligent manslaughter recorded by the National Judicial Police. The actual number of murder victims was not reported and must be estimated from previous years, deaths recorded under 'losses' by the Ministry of the Interior, field studies and newspaper reports. A detailed estimate of the homicide rate is provided below and only a rate for murder events can be utilized to compare risks of lethal violence between the city and countryside.

43 Prison census data is provided by the Asian Pacific Correctional Association Conference at the APCAC website: <http://www.apca.org/> (accessed on 25 January 2005).

Sources: 1998, 1999-2003 annual returns Ministry of the Interior Judicial Police Centre; 1997 data incomplete

Notes: n/a = not available; a = poisoning and kidnapping are presumed non-fatal; b = comprises theft of cultural heritage; c = records only injurious assaults; d = offences combined in original source; e = total includes 201 injuries associated with grenade attacks; f = attempt killing is included; 2000 = 51, 2001 = 153, 2002 = 102, 2003 = 87; g = also counts robbery- and rape-murder; 407, 425 and 411 other murders are recorded in 2001, 2002 and 2003, respectively; * later records show 580 murders and 1,972 thefts; h = pick-pocketing counted in theft from 2001; i = population estimates are derived from Asian Development Bank 'Country Strategy and Program Update' and are approximate.

	1992	1993	1994	1995	1996	1997	1998	1999	2000*	2001	2002	2003
Murder	429	599	303	397	542	317	793	581	571	560	527	509
Armed robbery	1,414	1,613	905	832	1,345	887	1,822	1,396	1,252	1,296 ^h	1,419 ^h	1,175
Grenade attack	40	157	79	27	54	46	68	42	39	21	10	23
Rape	106	43	39	84	122	46	130	165	209	218 ^h	279	331
Kidnap ^a	9	93	133	24	44	23	130	91	63	51	38	25
Poisoning ^a	14	47	42	23	24	21	0	20	31	n/a	n/a	6
Patrimony ^b	8	6	20	12	6	n/a	n/a	n/a	4	n/a	n/a	n/a
Theft	1,420	792	835	896	1,471	868	1,871	1,789	1,827	1,854	1,846	1,741
Assault/ ^c disputes ^c	515	267	353	423	1,050	445	1,114	1,058	1,130	1,131	1,141	1,301
Fraud/pick-pocketing ^d	23	117	163	214	233	97	244	248	331	116 ^h	202	160
Illegal weapons	136	514	235	310	79	n/a	n/a	n/a	96	67	76	64
Other offences	n/a	n/a	20	n/a	668	208	950	641	400 ^f	361 ^f	309 ^f	358 ^f
All crime	4,114	4,248	3,031	3,260	5,638 ^e	2,958	7,122	6,031	5,848	5,542	5,746	5,691
Rate	45.7	44.7	30.3	31.5	51.2	25.5	58.9	48.6	46.4	43.3	44.2	42.8
Population (millions) ⁱ	9.0	9.5	10.0	10.5	11.0	11.6	12.1	12.4	12.6	12.8	13.0	13.3

Table 1: Crime trends recorded by judicial police 1992-2003

During 1996, 542 murder events were recorded at a rate of 5.7 per 100,000, but the rate varied substantially by province. For the city of Phnom Penh it was 4.7 events per 100,000, 6.4 for the densely populated central province of Kompong Cham and 13.8 per 100,000 in Seim Reap province, site of the famous Angkor temples.⁴⁵

Urban and rural crime

Phnom Penh is the only large city in Cambodia and a major entry port attracting a substantial proportion of the country's markets, economic growth and investment. The city has grown rapidly as investors (mostly North Asian and ASEAN based) were attracted by low costs in the wake of the 1989 market reforms that ended the Soviet-style command economy. The industrial sector has provided, until recently, the most growth in the economy and much of this occurred in and around the city. The city is a natural draw for the landless poor who provide labour for large garment, service and light manufacturers. Throughout 1997-1998, there was a sharp decline in investment and growth, and a return to high inflation. These conditions severely affected the livelihood of the wage classes and probably increased conflicts and risk-taking. Coupled with uncertainty surrounding the second national elections, these factors may partly account for the peak rate of crime recorded in 1998.

The pattern of recorded crime shown in Table 1 and Table 2 differs strikingly from that found in most advanced jurisdictions. Property crime and theft account for approximately a third of recorded crime, while offences against

44 The population of Cambodia was estimated to be 10,824,244 as of mid-1998 (Central Bureau of Elections) and at the end of 1996 was estimated to be 10,300,000 and 9,500,000 in 1993 (National Statistics Office). However, the population estimates for 1996 onwards were subsequently revised to 12.1 million for 1998. The demography shows a very young population and a substantial imbalance in the sex ratio: women outnumber men in the older age groups: Jerrold W. Huguet, *The Population of Cambodia 1980-1996, and Projected to 2020* (Phnom Penh: National Institute of Statistics, Ministry of Planning, 1997). Age and sex rates are important in identifying trends and changes in offender and victim profiles, but are unobtainable. The rates for 1996 are adjusted for missing returns from remote provinces.

45 The municipality of Pailin, under Khmer Rouge control in 1996, was excluded because it was not within the jurisdiction of the RGC. The high rate for Seim Reap province arises from remnant KR banditry in the south-east and fishing disputes along the north-eastern shores of the Tonle Sap. The provincial centre and tourist town of Seim Reap enjoys relative tranquility and has a rate lower than that of the province as a whole.

the person make up the remainder.⁴⁶ The usual ratio of violent to property crime is 1 in 10 or less. In Australia and Hong Kong, violence against the person accounts for less than 10 per cent of all recorded crime. Thus, non-lethal crime, especially property crime, is under-reported and relatively rare (with the exception of livestock) in the villages and communes of the kingdom. Because of the situational determinates of theft risk in villages it is likely that property crime is low in rural areas but this will also be magnified by poor communications with national police. Property crime was more frequent in the city, and violent crime, except armed robbery, occurred more frequently in rural areas as would be predicted by a pre-modern version of the developing state.

Table 2: Crimes in Phnom Penh as a proportion of all recorded crime in Cambodia, 1998 & 2003

	2003	1998
	in per cent	
Murder	11.3 ^a	6.6
Robbery	36.6	23.7
Kidnap	12.0	23.8
Grenade attacks	8.7	26.4
Rape	0.1	1.5
Theft	8.0	14.3
Assault	9.5	2.7
Fraud	6.8	n/a
All crime	14.3	14.4

Source: Cambodian Criminal Justice Assistance Project (CCJAP) translated from Judicial Police summary crime statistics 1998 and 2003

Note: a: in 2003 30.9 per cent of murders in Phnom Penh were robbery-murders but data for 1998 does not allow this comparison.

In 1996, Phnom Penh recorded nearly a quarter (23.7 per cent) of all recorded crime in Cambodia, three times the rate of the whole country at 156.1

⁴⁶ The trend is for a small proportional reduction in violence, with murder accounting for 8.9 per cent and armed robbery 20.6 per cent of recorded crime in 2003 compared to 9.6 per cent and 23.8 per cent, respectively. However, theft increased from 30.2 per cent in 1996 to 33.4 per cent in 2003 and assault from 18.9 per cent to 22.9 per cent. As noted also in Table 3, rape increased from 2.2 per cent of crimes in 1996 to 5.8 per cent in 2003: an increase attributed to changes in the reporting behaviour of victims.

per 100,000. Nearly a third (31.6 per cent) of the recorded property theft, 36.6 per cent of the armed robberies and 22 per cent of pick-pocket and fraud offences occurred in a city that comprises only 7.6 per cent of the total population. However, only 7.2 per cent of the recorded homicides and 3.5 per cent of assaults occurred in the city, suggesting that violence is better regulated but relative wealth and anonymity creates opportunities for theft. Table 2 shows that Phnom Penh remains a high-risk location for armed robbery and the murders associated with this offence. The relative risk of assault increased by 2003 but the risk of theft declined when compared to 1998. Overall the city has grown significantly and now holds about 10 per cent of the population but accounts for about one in six (14 per cent) of all recorded crime.

Although independent sources are limited, the data suggests that crime declined in the immediate post-war period. However, the withdrawal of UNTAC civil police and investigative support reduced the capability of the RGC police and this presumably impacted on reporting practices.⁴⁷ Even if crime fell in the two years after the 1993 United Nations-supervised election and the creation of the RGC, this decline was quickly reversed. The uneven impact of reconstruction, demobilization and economic development delivered scant relief to the most vulnerable and displaced. Added to these difficulties was increasing tension within the political coalition, culminating in the *coup d'état* of July 1997. For a few days, Phnom Penh was turned into a battlefield and the second prime minister, Hun Sen of the Cambodian People's Party, ousted the first prime minister, Prince Ranariddh, leader of the royalist Funcinpec Party.⁴⁸ Equally, adverse economic conditions, especially the financial crisis engendered by the July 1997 coup, were severely aggravated by the collapse of the Thai economy and the October 1997 Asian financial crisis. This was followed by intense and frequently violent pre- and post-1998 election tension. Such multiple pressures would predict an increase in crime in 1998. It is possible that both decreased police efficiency and post-war fatigue temporarily drove down recorded crime, while extreme

⁴⁷ Investigative capability remains compromised and police are lacking in forensic scientific services.

⁴⁸ Although not widely reported, it was believed that the weaker Funcinpec forces precipitated the coup by attacking the residence of Hun Sen in a 'first blow' attempt to neutralize CPP superior military strength. The defeated Funcinpec forces withdrew to the north-east where they continued to resist RGC forces until a political settlement was reached late in 1998.

economic adversity from mid-1997 increased conflicts and stress and drove crime up. We have little means to formally test such explanations, and only tentative conclusions can be drawn. Police data for 1998 show a relatively sharp increase in all recorded crime, including murder and armed robbery, from 1996, although this abates significantly from 1999. The very low 1997 figures are discounted because of the acute disruption to policing and recording in the wake of the coup.

The prevalence of lethal violence

The official crime statistics are likely to significantly underestimate the rate of homicide and other crime. The figures supplied by the MOI are not audited and nor are counting protocols clearly defined. Problematic assumptions are made about the completeness of police data and the uniformity of recording practices throughout Cambodia. It is also assumed that the definition of murder and homicide is comparable to elsewhere, and distinctions between murder and other forms of (potentially) criminal death in the Ministry of the Interior sources are retained. Because precise situational and personal details are required to determine if a killing constitutes murder, it is assumed recording practices reflect these important distinctions in a culturally meaningful way. Thus, given these caveats and adjustments for known sources of error, an estimate of the prevalence of homicide may be made.

The first source of error is that reported murders record the number of events and not the number of victims. Thus, multiple victim events are recorded as a single incident. To estimate the number of homicide victims we must refer to Khmer newspapers and official references to 'losses' in order to estimate the number of victims. Secondly, it is unlikely that all homicides are recorded and the sources do not report accidental death or suicide, and do not separately describe the usual homicide categories of attempted murder, infanticide and manslaughter.⁴⁹ Apart from the 542 murders for 1996, other

⁴⁹ As previously noted, Khmer are at least as reluctant to report crimes to police as other nationalities. However, it would appear in rural areas that this reluctance extends to serious crime, including homicides. A study of customary dispute settlements undertaken in 1997 showed that although suspicious deaths are reported to commune officials, they are often dealt with without recourse to the judicial police or the courts. See Chou Meng Tan, *Report on Evaluation of Traditional Dispute Resolutions in Cambodia* (CCJAP MO/AUSAID unpublished report, February 1998). It is probable that some of these cases are not reported to the National Judicial Police.

forms of homicide are recorded. Noted are 19 'intentional killings', 54 grenade attacks that led to 201 injuries or deaths, 108 offenders shot dead and 36 injured. In addition, a further 53 presumably non-fatal poisonings and 44 kidnaps were recorded.⁵⁰ In theory, these deaths may be classified as homicides, although based on the cases a proportion of the grenade events are accidental and deaths arising from police action may be justified. Similarly, the remote provinces of Kratie, Kompong Speu and Monduliri, with a combined population of approximately 836,000, returned no reports of criminal offences to the National Judicial Police for 1996 and the rates were adjusted accordingly.

Finally, it is unclear but likely that the deaths of suspects due to police/military or mob/militia actions are excluded from the murder count. Deaths allegedly motivated by political conflict reported by the UNCOHCHR are usually included. Other acts of intimidation, harassment and non-lethal violence of a political nature may not overlap with official sources and thus may be added to the crime rate.⁵¹ Judicial police records for 1997 are incomplete and exclude the estimated 40-plus battlefield deaths arising from the July coup conflicts. Many of the approximately 100 post-coup and national election 'political' deaths reported by UNCOHCHR are recorded in 1998 by the Ministry of the Interior. A considerable degree of harassment and intimidation related to post-coup conflict and the 1998 election was noted, but relatively few of the confirmed 'killings' reported by the UNCOHCHR arose from exclusively political conflicts.⁵² The 2003 national election campaign also produced similar claims but such events appeared sporadic and localized. Politics may also serve to mask motives that are more mundane, and often political and personal rivalries are intertwined. However, the circumstances produce special modes of violence including extreme but diminishing political violence. The raiding activities of the remnants of the Khmer Rouge and other soldier-bandits, for example, cannot be characterized as political or battlefield actions because coherent ideological and command structures no longer motivate these acts of violence.

⁵⁰ Judicial Police Centre, July 1998.

⁵¹ Police record serious offences and therefore UNCOHCHR suspicious death reports overlap with police murder records and are apparently not in addition to official murder counts (personal communication with the Ministry of the Interior).

⁵² For example, the UN body reported 13 'killings', four alleged killings and three attempted killings linked to political intimidation in the four months prior to the 1998 elections. The COHCHR also confirmed 76 out of 189 serious allegations involved political motives.

Until a credible system of death registration and investigation based on international standards⁵³ is established, the data on murder and homicide will remain uncertain and a subject of continued controversy. The problem is aggravated by low investigative and forensic scientific capability. The main criminal investigative department has few trained police, no laboratory/mortuary or forensic specialists, and insufficient resources to staff all provinces. Thus available data is not comprehensive and estimates are conservative.

Details on the type or motive of murders, and age and sex of victims and offenders are not available from Ministry of the Interior sources. However, analysis of newspapers suggests robbery-murder, revenge, quarrels and disputes are the most common reasons for murder. Khmer press coverage is extremely pictorial and has a significant influence on the perception of the risks of homicide. Approximately 61 per cent of victims died because of gunfire, a further 14.6 per cent from knives and other sharp instruments, and 12.5 per cent from unknown causes of death. Most homicide victims reported by the press were males, usually shot by offenders armed with military weapons. Women make up 11.6 per cent of victims and those between 21-29 years of age were the most frequently cited age group. Suicides, accidental deaths and traffic accidents are also frequently noted suggesting that substantial levels of these forms of mortality are also experienced. Although newspaper reports are an unreliable means of measuring crime, they provide an additional means for calculating a ratio of deaths to homicide events.

Table 3 describes the victims and fatalities identified in Khmer newspapers for 1998 and 2004. This shows that 32.3 per cent of the 297 reported homicides in 1998 involved the death of a suspect or offender at the hands of the police, local 'mobs' or militia, compared to 14.9 per cent of the 268 homicides reported in 2003. In both years, about 37 per cent of all newspaper crime reports were *prima facie* murder or manslaughter victims, sometimes killed in multiple-victim episodes and often involving multiple offenders. Overall, murder events averaged approximately 1.26 deaths per event. About 18.8 per cent of the 404 deaths reported in 1998 (20.2 per cent of the 368 deaths reported in 2004) were accidental, of which the majority is traffic related, and 7.7 per cent (6.8 per cent in 2004) were successful suicides. Most of the victims of the category 'attempted murder' were survivors of an armed robbery.

53 For example, the International Classification of Disease and World Health Organization E codes; see also United States Department of Justice, *National Guidelines for Death Investigation: Every Scene Every Time* (Washington DC: National Institute of Justice, 1997).

Table 3: Crime and fatalities: Khmer press reports, 1998 and 2004

Event	1998		2004	
	n	%	n	%
Police action	62	11.5	17*	2.6
Vigilante action	35 ^a	6.5	28 ^d	4.5
Murder/manslaughter	201	37.2	228	37.6
Attempted murder/assault*	103	19.0	77	12.5
Suicide	34 ^b	6.3	27 ^c	4.4
Kidnap/robbery*	27	5.0	97	15.7
Rape*	4	0.7	61	9.9
Road fatality	34	6.3	41	6.6
Misadventures	42	7.7	34	5.5
Fraud/deception	n/a	0.0	6	1.0
All victims	540	100.0	616	100.0

Source: *Phnom Penh Post*, 7(1-28); 8(1); 13(1-27); 14(1); translated reports of crimes recorded in Khmer newspapers *Kosmei Kampuchea* and *Koh Santashep*, 1 January to 31 December 1998 and 2004.

Note: * indicates non-fatal event; a = 1 non-fatal; b = 3 non-fatal; c = 2 non-fatal; d = 4 non-fatal; e = 3 non-fatal.

The 1998 Ministry of the Interior report also refers to the number of deaths, injuries and property losses recorded for 1992-1995. From this source, the total number of deaths recorded by national police was 1,222 or 12.86 per 100,000 in 1993. These deaths arose from 599 murders and 157 grenade attacks that resulted in 1,008 deaths at an average of 1.34 fatalities per event, and 214 'offenders' reported shot dead during police action. Using this ratio of 1:1.34 deaths to events and the ratio derived from the Khmer press (1:1.26) we can estimate the approximate number of victims for 1996 by applying the average ratio (1:1.3). This weighting produced 775 homicide deaths from the 596 recorded events plus the 108 offenders killed by police or militia, and yields a total of 883 deaths at a rate of 8.03 or 9.32 per 100,000 after correcting for missing provincial data. Thereafter, only the Ministry of the Interior report for 2001 records,⁵⁴ without additional details, the total number of deaths (851) and thus the total number of deaths is estimated by applying the ratio of deaths to events and newspaper reports of offender deaths for other years. Table 4 shows the 1992-2003 homicide rates

54 The Ministry of the Interior report in 2001 also noted 1,826 injuries, 24 motor vehicles and 1,495 motorcycles stolen and the loss of 1,017 cattle.

Table 4. Estimates of the prevalence of homicide, 1992-2003

	1992	1993	1994	1995	1996	1996 ^a	1998	1999	2000	2001	2002	2003
Murder events	429	599	303	397	542	542	793	581	580 ^c	560	527	509
Rate	4.76	6.30	3.03	3.78	4.93	5.70	4.68	4.60	4.60	4.37	4.05	3.83
Grenade events	40	157	79	27	54	54	68	42	39	21	10	23
Rate	0.44	1.65	0.79	0.25	0.49	0.57	0.56	0.34	0.31	0.16	0.08	0.17
Estimated victims	487	1008	427	551*	775*	775*	1119*	810*	805*	851	698*	691*
Rate A	5.35	10.61	4.27	5.25	7.05	8.18	9.25	6.53	6.39	6.65	5.37	5.19
'Offender' deaths	n/a	214	42	34	108	108	96 ^b	51 ^b	40 ^b	25 ^b	21 ^b	20 ^b
Rate	-	2.25	0.42	0.32	0.98	1.14	0.79	0.41	0.32	0.19	0.16	0.15
All deaths	487	1222	469	585	883	883	1215	861 ^d	845	876	719	711 ^d
Rate B	5.41	12.86	4.69	5.57	8.03	9.32	10.04	6.94	6.71	6.84	5.53	5.35

Source: RGC MOI Reports of Judicial Police Centre 1998, 1999-2003.
 Notes: a = rates adjusted for missing provincial data; b = number of offender fatalities from newspaper sources (non-fatal cases are recorded as follows: 1998 = 1, 1999 = 13, 2000 = 19, 2001 = 17, 2002 = 12, 2003 = 5); c = 2001 Ministry of the Interior year-on-year murder figures reported; d = 14 deaths in 1999 and 24 deaths in 2003 are ambiguously noted in the Ministry of the Interior reports under cases 'suppressed' but are not added here to the estimated number of offender deaths; n/a = data not available; * = multiplier of 1.3 fatalities per event; estimates for 1997 not attempted and; the number of offender fatalities available from official sources for 1992, 1993, 1994 and 2001 only.

including (rate B) or excluding (rate A) suspect deaths and conservatively represents the estimated range for the prevalence of homicide.

About one in four of all newspaper crime reports in 1998 and one in ten in 2004 refer to police, militia or mob killings of suspects. These forms of extra-judicial homicide made up nearly a quarter of all the deaths and a third of all homicides reported by the press in 1998 but are clearly less often reported in 2004: significantly, newspapers also now report the 'rescue' and hospitalisation of suspects of mob or vigilante action. Table 4 shows that the proportion of extra-judicial deaths amongst all homicides has varied but has generally declined from 17.5 per cent in 1993, 9.0 per cent in 1994, 5.8 per cent in 1995, 12.2 per cent in 1996, 7.9 per cent in 1998, 5.9 per cent in 1999, 4.7 per cent in 2000, and around 2.8 per cent for 2001-2003. The proportion of 'offender' deaths in Table 4 for 1998 is much lower than estimated from news reports. This appears to be a function of news selection and the possible failure of police to diligently record deaths arising from vigilante action. Consequently, such a measure (estimating homicide) serves only as a crude and conservative indicator of fidelity to the rule by law. The high number of extra-judicial homicides in the 1990s was attributed to the armed nature of most offenders, a weak rule of law culture, poor discipline and training of police. Suspect deaths in relation to police action appear to have diminished in recent years, perhaps as a result of improvements in police training and conduct. The risk of spontaneous acts of violence and mayhem remains relatively high given the number of grenade incidents and accidents reported in the press and official sources. However, this behaviour does not appear to equate with notions of 'running amok', although often ill-directed and non-utilitarian.⁵⁵

The comparative prevalence of homicide

Returning to the opening question about the relative level of lethal violence in Cambodia compared with other countries, an attempt, through comparative analysis, is made in Table 5 to address the question of the severity of violence in Cambodia. Through a comparative approach an attempt is made to identify cultural, economic, political, situational and social factors that explain macro-differences in homicide. The aim is to understand the vari-

⁵⁵ Robert Winzeler, 'Amok: Historical, Psychological, and Cultural Perspectives', in *Emotions of Culture: A Malay Perspective*, ed. by Wazir Jahan Karim (Oxford: Oxford University Press, 1990).

ables that appear to weaken or strengthen the risks of crime at the broadest level. Comparative studies enable key aspects of culture, especially the definition and social reaction to crime, to be observed and also help identify factors that shape the prevalence and nature of crime.⁵⁶

Table 5. Homicide rates in Asia and selected countries

Country	Homicide rate	GNP per capita	Religion ^a	Life expectancy	% urban	% literate	PPT	PPTV
Nepal	2.3	225	Buddhism	55	14	28	174	355
Cambodia*	9.3	270	Buddhism	53	21	38	1212	119.5
Bangladesh	2.0	283	Islam	57	18	32	380	143
Mongolia	9.6	335	Buddhism	64	61	95	26.7	17.3
India	4.6	387	Hindu	61	27	52	65.3	16.6
China	1.3	738	Secular	71	30	82	22.4	4.1
Sri Lanka	11.1	760	Buddhism	72	22	89	65.1	15.2
Myanmar	1.4	765	Buddhism	59	26	82	265	22
Indonesia	0.9	998	Islam	63	34	84	47.7	6.8
PNG	2.9	1,005	Christian	57	17	72	4.9	11.2
Philippines ^b	33.5	1,203	Catholic	67	46	94	38.6	7.9
Thailand	9.6	2,450	Buddhism	69	36	94	13.5	4.4
Fiji	5.9	2,500	Christian	72	40	90	8.9	11.1
Malaysia	2.1	4,287	Islam	72	47	89	5.5	4.7
South Korea	1.4	9,511	Buddhism	72	81	97	2.1	3.4
Taiwan*	8.1	13,303	Polytheism	75	58	93	2.1	3.1
New Zealand	1.8	16,970	Christian	77	86	100	1.4	2.0
Macau*	3.6	17,475	Polytheism	73	75	94	2.5	3.6
Canada*	2.7	19,740	Christian	78	78	99	1.3	1.5
Australia	1.9	20,020	Christian	78	86	100	1.5	2.1
UK*	1.4	22,268	Christian	76	90	100	1.9	2.2
FRG*	1.5	25,720	Christian	76	87	100	1.8	1.8
Hong Kong	1.6	26,400	Polytheism	79	95	92	1.5	3.0
USA*	9.1	29,950	Christian	77	76	96	1.3	1.2
Singapore	1.8	31,900	Polytheism	77	100	92	2.0	2.6
Japan*	1.0	33,800	Shinto	80	78	100	1.5	1.6

Sources: The average per capita Interpol homicide rates between 1988-1994 are cited in Neopolitan (1997), unless otherwise indicated.

Notes: * = national rates for a single year (1995/1996) cited from national sources; PPT = persons per telephone and PPTV = persons per television; a = principal or state religion; b = reported by Philippines National Statistic Office as 18.0 incidents in 1994 for murder and other homicide incidents.

56. John A. Arthur and Otwin Marenin, 'Explaining Crime in Developing Countries: The Need for a Case Study Approach', *Crime, Law and Social Change*, 23 (1995), pp. 191-214.

There are many macro-level factors thought to influence crime-differences in crime, including, amongst others, religious and cultural diversity, relative economic strength, and the effectiveness of state government. The concept of modernization conventionally proposes that the causal relationship between crime and development is that modernity reduces violence.⁵⁷ Table 5 locates the homicide rates and socio-economic conditions for Cambodia in comparison with other countries.⁵⁸ Factors indicative of socio-economic development and modernity include: person per telephone (PPT) and person per television (PPTV) as measures of modern culture; average life expectancy in years (life expect.) measures mortality and stress; the per cent of the total population living in urban areas (per cent urban) and the per cent of the total population who can read and write (per cent literate) measures modernity; and gross net product per person (GNP US\$) measures socio-economic strength.⁵⁹ An analysis of the relationship between these factors and homicide using rank correlation methods was inconsistent and no single or derived factor accounted for more than 12 per cent of the variation observed. Thus, few of the socio-economic factors listed in Table 5 appear to relate to the homicide rate, although increased wealth appears to have some protective value. Measures of state strength or capacities and autonomy provide better correlations, with stronger states associated with lower levels of homicide. Differences in criminal justice policy and practice may be more crucial, with high homicide nations such as Cambodia, the Philippines and Thailand enduring relatively unfettered firearms; low enforcement capability and regime influenced policing institutions. Perhaps because of a fortuitous comparison, Cambodia had a rate of homicide similar to the other Buddhist states of Thailand and Mongolia, but less than that of Sri Lanka in 1996. The latter nation was disrupted by chronic civil war and Mongolia is a newly independent state. Amongst the developed nations, only Taiwan and the USA approached the

57 The concept of modernization is often synonymous in the ASEAN region with the problematic notion of 'Westernization', which implies the dual adoption of European technology and politico-cultural values.

58 Caution is necessary in interpreting differences in homicide rates since differences occur across measures (i.e. World Health Organization, Interpol, UN), counting rules and definitions between nations. No data on homicide was available for Brunei, Bhutan and two important neighbours of Cambodia—Vietnam and Laos. For further discussion about various cross-national measures of homicide see: Newman, 1999, p. 257.

59 The socio-economic indicators reported in Table 5 are for 1997 as cited in *Asiaweek*, 19 June 1998.

level of Cambodia.⁶⁰ Regardless of which measure was utilized, the homicide rate for the Philippines is informative and is further examined.

Crime and lethal violence in Cambodia is now compared briefly with Hong Kong and the Philippines. These states have useful contrasting colonial histories, socio-religious values and economic development that may help disentangle the relationship between modernity, extreme conflict and crime. The emerging economy of the Philippines with its Spanish-American colonial legacy and dominant Catholic values can be contrasted with the Taoism and Confucianism values of the former British colony of Hong Kong, now an advanced market and service economy.

Table 6 compares select crimes recorded in Cambodia with reported levels in the Philippines, and their respective capital cities. Rates for the city state of Hong Kong are included to provide the contrast of a highly developed Asian economy with generally well respected, financed and able policing institutions.⁶¹ Because crime statistics in the Philippines are incident or event based, the comparisons are only roughly approximate.⁶² The Philippine homicide rate was perhaps twice that of Cambodia and the overall rates of recorded crime nearly double that of the kingdom. Although heightened by episodic insurgency, especially in the religiously divided southern islands, the homicide rate may be driven more by modernity-induced relative deprivation than is the case in the more isolated and insulated communes of Cambodia. The incidence of murder was similar in Phnom Penh and Manila, and both experienced lower risks than the countryside, but Manila had a higher incidence of homicide. Incidents of assault and rape were more frequent in Manila than Phnom Penh, but armed robbery was lower than in Phnom Penh. Apart from homicide, the cities were generally more at risk of crime than the countryside and attracted higher rates of armed robbery and theft. Since 1994, incidences of homicide have fallen substantially in Manila and

60. The homicide rate in the USA (sometimes described as a 'weak' domestic state) has subsequently fallen to about 5.6 per 100,000 in 2001-2002, while the rate in Cambodia has also fallen to a similar level.

61. Roderic Broadhurst, 'Crime Trends in Hong Kong', in *Social Development Indicators for Hong Kong*, ed. by Richard Estes (Hong Kong: Hong Kong Social Services Council/Oxford University Press, 2005).

62. The Interpol homicide victim-based rate for the Philippines includes attempted homicides and manslaughter as reported in Table 5. This is not comparable with the data available for Cambodia that excludes attempts. Comparisons are thus drawn with national data based on 'volume' that distinguishes between murder (intentional) and homicide (other lethal acts): this source also provides data for Manila.

were estimated to be 6.7 (murder about 3.0) in 2000 compared to 16.7 per 100,000 in 1994. Murder and homicide has remained high in rural areas and the overall national 'volume' was 14.0 per 100,000, but significant declines indicate some success in the struggle to create effective general order police in the republic.⁶³

Table 6: Selected crime rates 1996: Cambodia, Philippines and Hong Kong

	Cambodia	Philippines ^a	Manila ^a	Phnom Penh	Hong Kong ^a
Murder	5.7 ^c	9.0	5.0	4.7 ^c	1.2
Homicide	9.3 ^d	16.2 ^e	12.0 ^e	n/a	1.6
Robbery	12.5	9.0	25.0	59.8	1.3
Theft	17.7	12.0	28.0	62.6	680.0
Assault ^f	12.1	19.0	21.0	14.4	27.3
Rape	1.1	4.0	4.0	0.1	1.4
All Crime	60.0	110.0	180.0	156.0	1,252.0

Sources: RGC Ministry of the Interior Judicial Police Centre 1998; 1999 Philippines Yearbook, and 1996 Annual Report of the Hong Kong Police. Notes: a = all rates cited for the Philippines and Manila are event or incident based; b = all rates for Hong Kong are victim based; c = murder rates for Cambodia and Phnom Penh are event/incident based; d = the homicide rate for Cambodia is victim based; e = murder and other homicide combined; f = assaults causing injuries only; n/a = not available. All rates are per 100,000 population and rates for all crime are rounded to the nearest whole number.

For Hong Kong, rates of violent crime are much lower than in either Cambodia or the Philippines with the exception of injurious assaults. This may reflect situational advantages, especially medical assistance and lack of access to lethal weapons, which are often significant determinants of mortality. The rate for property crime was considerably higher as was overall crime. A wealth of opportunity for theft, extensive personal insurance and a sophisticated modern police force presumably account for this striking difference.⁶⁴

63. The most recent data for Manila estimated the homicide rate for 2003 was 9.63 and the murder rate 5.43 per 100,000, while the rates for 2002 were 12.52 for homicide and 6.8 for murder.

64. Although armed robbery rates in Phnom Penh and Manila appear high, especially in the city, Australian rates of armed robbery (although usually not involving firearms) were 34.2 per 100,000, and 55.2 for unarmed robbery in 1996. Recorded theft rates are also much higher at 1,714 for house break-ins, 671 for vehicle theft and 2,849 per 100,000 for other thefts. Australian Bureau of Statistics, *Recorded Crime Australia 1996*, Catalogue No. 4510.0 (Canberra: Australian Bureau of Statistics, 1997).

Conclusions

This chapter has attempted to estimate the prevalence of homicide in Cambodia, and describe the nature of violence from the limited sources available. Cambodia was found to have a high level of homicide, fluctuating between 4.8-12.9 per 100,000. Much of the volatility in the homicide rate appears to reflect the varying stability of the state and acute episodic disruptions to economic growth. The nature of homicide in Cambodia differs from that of developed countries and features significant levels of extra-judicial homicide, banditry and mayhem that contributed to its lawless reputation. These forms of homicide are indicative of weak formal social control. Khmer, like everybody else, are subject to the same emotions and desires and thus homicide reflects the full range of possibilities, albeit enhanced by ready access to highly lethal means. The majority of homicides are armed robberies, suggesting conflicts over scarce resources (strain) and values permissive of violence (via the mechanism of war legitimating) are compelling factors in the elevated rate of homicide. Nevertheless, we know too little about the epidemiology to be confident about probable links between social structure and cultural norms. Given the appalling trauma of the recent past, enduring political conflicts, the sheer scale of economic adversity, the rapidity of urbanization and social changes induced by market development, the current level of homicide is consistent with expectations. More developed neighbours also appear to experience similar levels of homicide but do not share the degree of social desperation or deficits in human assets. Indeed, a rate somewhat lower than would be predicted by an integrated strain and cultural theory of violence may be indicated. Communal traditions, localism and pro-social values have prevailed as potent forms of collective protection and could be reinforced by effective governance, but these are fragile shields threatened by the tendency of modernity to privilege individuality and materialism.

Supported by international assistance, the RGC has attempted to develop a rule of law state through the reform of policing institutions, but shortages of human and social capital mean the transitional process has been fraught with problems. Consequently, the incessant need for dispute settlement and crime control tends to mobilize under-paid policing institutions according to market forces and not abstract notions of the rule of law. The low salaries and poor training and equipment provided to police and judicial officers induces bribery and corruption, and provides the thread of impunity that enables predatory corruption to thrive and challenge or even capture key elements of the state.

The establishment of effective policing institutions and their role in state legitimization is crucial to the provision of order and predictability in the process of furthering rational economic development and modernization. The current situation, therefore, is not simply a product of lawless behaviour but the absence of a law reflective of indigenous morality and legitimate institutions to enforce them. In practice, the lawlessness reflected in extra-judicial homicide is a product of under-policing and the perceived lack of legitimacy of judicial processes that has left communal or customary dispute resolution intact. Summary killings by mobs and police may often reflect communal solidarity and achieve justice as much as the entrenched after-effects of wartime legitimization of violence. Many of these incidences are clear and deplorable breaches of the human rights of suspects, but in circumstances where crime victimization can be devastating to livelihoods, citizens' actions can also reflect the need to act swiftly and sternly against predators. Police respond either sympathetically or impotently, thus further weakening rule by due process of law. It is, however, naive to imagine that appeals to 'normative' legal values will be effective in compelling weak policing institutions and fearful citizens to act otherwise. While the risks of crime appear to have reduced as political conflicts decline, the perception of insecurity and, in particular, fear of crime remains a significant aspect of daily life. About 36 per cent of households surveyed by the UN ICVS felt unsafe at home after dark compared to an average of 6 per cent of households surveyed in industrialized countries, and this increased for Cambodian households to 39 per cent with respect to feeling unsafe in the local area compared to an average of 18 per cent for industrialized countries such as Australia, USA, Japan, Sweden and others.⁶⁵

The changes in the nature of the violence observed in Cambodia over the past decade may also reflect the continued political instability that occurred in the wake of the first national elections in 1993, and the uneasy political coalition between royalist and socialist factions that emerged. A compromise eventually resulted in the domination by the former communist CPP of most key government posts after the 1998 and 2003 elections. It is now clear that the 1998 national elections signalled the eclipse of Funcinpec as an effective alternative to the CPP, and the 2002 commune elections emphasized the organizational dominance of Hun Sen's CCP in rural areas, where the bulk of

65 John van Kesteren, Pat Mayhew and Peter Nieuwbeerta, *Criminal Victimization in Seventeen Industrialised Countries: Key Findings from the 2000 International Crime Victims Survey* (Netherlands, The Hague: NSCR/WODC, 2000).

the population resides. Consequently, with the eventual co-option of Funcinpec in June 2004 (after the failure of attempts to establish a tripartite government predicated on Hun Sen's resignation as prime minister) as the junior partner in the post 2003 election,⁶⁶ the democratic opposition has coalesced around the charismatic former finance minister Sam Rainsy, whose party has challenged the CPP dominated coalition on a host of issues but most effectively over the widespread problem of corruption.⁶⁷ Corruption is a widespread and tolerated burden and although international donors⁶⁸ and the prime minister⁶⁹ have given priority to improvements in good governance, most observers are sceptical that genuine reforms are plausible. The plural democratic state envisaged by the Paris Accords, replete with 'checks and balances' and respect for law and human rights, has therefore yet to emerge, and elements of the state itself are immune from oversight. Yet Khmer themselves rank corruption more likely amongst elected municipal officials (31 per cent), teachers (42 per cent) and medical staff (44 per cent) than amongst police (24 per cent), and about two thirds (65.4 per cent) of the UN ICVS households surveyed considered police were helpful and 'very' or 'fairly good' at controlling crime.⁷⁰

66 The CCP gained 47 per cent of the 2003 national election vote and 73 of the 134 seats in the national assembly and thus fell short of the two third majority required to govern alone. Funcinpec gained 26 seats (21 per cent of the vote) and eventually went into a coalition with the CPP in late 2004 while the Sam Rainsy Party (SRP) gained 24 seats (26 per cent of the vote). Some observers thought the election 'free and fair'; however, others noted intimidation, vote-buying, registration difficulties, confiscation of voting cards, and poor secrecy or security at polling stations. As in the 1998 elections, a substantial number of murders (17) or attempted murders (13) were attributed to election intimidation—most victims were associated with SRP or CPP, and independent observers (e.g. Comfrel) identified 16 deaths arising from political violence in the two months preceding the 2003 elections: see *Phnom Penh Post*, 12 (2004).

67 Opposition leader Sam Rainsy faced defamation charges in November 2004 brought by Funcinpec leader Prince Norodom Ranariddh over allegations that he had received a US\$30 million bribe to join the coalition government.

68 During the December 2004 annual donors Consultative Group meetings, US\$504 million aid money was offered upon condition that priority was given to the passage of anti-corruption legislation and the prosecution of key corruption cases. In addition, priority was also given to the passage of penal and civil law codes, including domestic violence and anti-trafficking laws, as well as increased expenditure on education.

69 In December 2004, Prime Minister Hun Sen dramatically dismissed the head of the Ministry of Finance's tax department at a seminar on good governance, but this is unlikely to herald an elite-led anti-corruption drive.

70 The author's analysis of the UN ICVS data. However, as in other countries, actual victims of crime are less positive about police helpfulness (59 per cent of victims versus 75 per cent non-victims) and control over crime (61 per cent of victims versus 76 per cent non-victims).

If the assumption that strong states are more effective at suppressing ordinary crime is valid, then the evidence presented here suggests that the assertion of CPP dominance over the security forces has led to a diminution of the more extreme examples of violence and reduced competition between faction 'warlords', as well as provided greater control over the diverse independent elements that make up the policing apparatus.⁷¹ Thus, in seeking legitimacy, the RGC has been able to give priority to security while increasingly diverting resources to other pressing priorities by maintaining absolute (if not relative) levels of funding to the security forces whose loyalty is now associated with a CPP-dominated government. In this sense, policing in Cambodia may be characterized as regime dependent and it remains to be seen if the new legislature and king⁷² can establish the kind of supra-loyalty amongst these forces that may serve to limit their predatory tendencies.

The preceding paragraphs suggest some of the causes that generate high risks of personal violence in Cambodia and the complex role the state and modernization may play in transforming the nature of homicide and crime. A lack of temporal data and detailed epidemiology of violence only allows speculation about the roles development and policing play in the production of homicide and crime. The data indicates an increase in property crime, sustained as the forces of economic transformation change the nature of criminal opportunities and competition for scarce resources. Thus, while political stability may lead to a decrease in group-conflicts and war-legitimated lethal violence, such events account for a declining fraction of homicide in Cambodia. Reduction in such violence alone is unlikely to lead to a rapid decline in the homicide rate because inter-personal conflicts arise from a multiplicity of sources that ultimately draw from the deep reservoirs of emotion and need. The cultural and structural determinants of violence and the capacities and autonomy of states to modify violence are suggested by the extreme case of Cambodia. Comparative research may provide the contrast required in identifying the most salient conditions, weighing the role of the state and policing institutions. Continued close monitoring of homicide and violence based on sound reporting and investigation systems is one

71 At crucial times the French trained *gendarme militaire* appeared to function as a praetorian guard establishing an assertive presence when the regime faced challenges by 'warlords' and political opponents within the security forces.

72 King Norodom Sihamoni was crowned on 29 October 2004 upon the retirement of King Norodom Sihanouk.

process by which a reflective state may seek to restore the sanctity of life and de-legitimate the use of violence. Combined with a determined disarmament programme and a commitment to ensuring legitimate independent law enforcement agencies, such an approach should also contribute to a reduction or stabilization of homicide and other violent crime despite the economic difficulties to be endured. We can conclude with the hope that as policing institutions become professional and rule by law established, a decline in extra-judicial forms of homicide would occur, and indeed the evidence presented here suggests that this may already be occurring. Even so, unless there is an indigenous moral order that is reflected in law and relief from desperation, homicide will remain a potent symbol of Cambodia's continued trauma.

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