COMMONWEALTH OF AUSTRALIA

JOINT STANDING COMMITTEE

ON

FOREIGN AFFAIRS, DEFENCE AND TRADE

(Foreign Affairs Subcommittee)

Reference: Australian-Cambodian relations

CANBERRA

Monday, 24 August 1998

OFFICIAL HANSARD REPORT

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JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE

(Foreign Affairs Subcommittee)

SEMINAR

Australian-Cambodian relations

CANBERRA

Monday, 24 August 1998

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Senator MacGibbon

Mr Hicks

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[10.04 a.m.]

CHAIRMAN—Welcome to this seminar being conducted by a subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade. Before we commence I will ask the chairman of the committee to say a few words.

Senator MacGIBBON—Thank you, Mr Chairman. It is a great pleasure to open this seminar on Cambodian affairs this morning. Parliament, and I think Australia as a whole, has had a continuing interest now for a number of decades in the activities in Cambodia. If we go back to the time of the ending of the Vietnam War, if anyone in public life would have suggested then that Australia would have maintained an acute interest in the activities of Cambodia, they would have got probably as much support as the welfare industry today is giving to the government's tax reform policy.

Fortunately, that is not the case. There is a genuine concern in Australia particularly in relation to both the democratic process and human rights as they are manifested in Cambodia. Australia took a major part in the peace settlement which led to the elections with UNTAC at which a number of us were present. We maintained that interest through the intervening years up to the elections held quite recently. It is in relation to those that this seminar is being held today. I have much pleasure in welcoming you here now and handing over the meeting to Mr Bill Taylor, who is Chairman of the Foreign Affairs Subcommittee of the main committee.

CHAIRMAN—Thank you very much, David. Excellencies, parliamentary colleagues, ladies and gentlemen, as David has indicated, this is an important seminar. It may be the last seminar in this parliament. We have had a series of seminars within the Foreign Affairs, Defence and Trade Committee in this parliament which have been very useful indeed.

There are a number of issues that we want to explore today, but our focus remains on the strategies for enhancing our strong bilateral relationship with Cambodia. Our approach will be to consider the nature of the relationship from the 1970s through to the present. We will have some views from other nations and regional groupings and then some comments on Australia's other national interests. We will finish off the day with a dialogue involving three or four people.

We have here today a range of Australians who have played a key role in shaping our relationship with Cambodia over recent years. I expect some of the speakers will be quite controversial; I would be disappointed if they are not. It is a unique opportunity to discuss and to weigh up the myriad of issues that come together to form our future relationship with Cambodia.

It gives me great pleasure to introduce and to welcome on your behalf the Parliamentary Secretary to the Minister for Foreign Affairs, the Hon. Kathy Sullivan.

Kathy, as many of you will know, has a particular responsibility in the area of aid and, of course, the overseas development assistance to Cambodia is quite extensive. I now invite Kathy to make an introduction to what we believe will be a very important seminar.

Mrs SULLIVAN—I appreciate the difficulties of chairmanship and particularly of seminars with the number of speakers that you have today. I note from the program that I was given that I have five minutes. If I get halfway through I am sure you can give people a copy of my speech, Mr Chairman. I am very pleased to be involved in this seminar today. Quite apart from my appointment, I have had a very keen interest in Cambodia for quite a long time.

Cambodia has been a source of major instability in our region for much of the past half-century. Despite the granting of independence in the mid-1950s, the post World War II period was marked by instability as Indochina became the theatre for great power rivalry during the Cold War. Cambodia was a casualty of this rivalry during the Vietnam War until the Khmer Rouge, led by Pol Pot, seized power in 1975.

I first visited Cambodia in November 1979, seven months after the Vietnamese invasion that ousted Pol Pot and at the height of what was being called then the 'Kampuchean crisis'. The sight that met the eyes in Phnom Penh was incredible: Phnom Penh had been physically destroyed, with virtually only the shells of once grand buildings still standing and with no infrastructure—water, sewerage, roads, electricity—intact. I heard how the countryside—roads, rice paddies, irrigation—had been destroyed and that there were no resources in the country to meet the basic needs of the survivors. I saw extreme deprivation, disease and starvation.

The Khmer Rouge years, from 1975 until 1979, are undoubtedly very much alive in the memories of most of us here today and, I would say, of all the Cambodians who lived through them. Their destruction of social, political and economic institutions left a terrible legacy and entrenched a culture of violence that still permeates life in Cambodia. The Vietnamese installed administration, of which Hun Sen was initially foreign minister, governed Cambodia for the next few years, but it was not until the internationally brokered Paris peace accords were signed in October 1991 that prospects for lasting internal stability appeared possible.

Australia played a role of which it is justifiably proud in bringing about the peace accord and the UNTAC administration which oversaw elections in Cambodia in 1993. The 1993 elections were generally regarded a success, with more than 90 per cent of the 4½ million electors turning out to vote. FUNCINPEC gained more than 45 per cent of the seats, insufficient to govern in its own right, and the CPP 38 per cent. As votes were being counted, King Sihanouk announced that he had formed a new interim coalition government in which he would hold the posts of president, prime minister and military commander. He named Prince Ranariddh and Hun Sen as his vice-premiers, but abandoned his plan as opposition grew. A week later, claiming large-scale election fraud,

members of the CPP announced the secession of six of Cambodia's eastern provinces. The secession lasted four days but ensured the CPP's part in the provisional government that was then formed and led jointly by Ranariddh and Hun Sen. This arrangement proved endemically unstable, and rivalry between the two culminated firstly in the paralysis of the government and then a direct military conflict in July last year.

After the July violence, Australia initiated with others the Friends of Cambodia Group, a grouping designed in concert with the ASEAN Troika to resolve the political impasse, which threatened to undermine the UNTAC legacy, by working to put in place conditions in which credible elections could be held. The ASEAN friends process stands as an example of how a demonstrated interest by key countries which make up Cambodia's key foreign relationships can have a practical, positive effect. The friends process was successful in achieving the Cambodian government's commitment to the holding of national elections in 1998, as well as agreement to a number of political compromises necessary before political exiles, including Ranariddh and Sam Rainsy, could return to Cambodia to campaign actively in the election.

A very high number of registered voters turned up at polling stations to cast their ballot on 26 July, signalling, as they had done in 1993, a determination to embrace the forms of democracy and to decide their own political future. While there is continuing dispute about irregularities in the election, the election process is now coming to an end. Final election results will be announced on 29 August, which is next Saturday. There is some concern that parties disputing the election results might refuse to form a workable new coalition government and thus precipitate a constitutional crisis, but there is also a reasonable prospect of the formation of a new coalition government in early to mid-September.

The post-election political situation is likely to remain fluid for some time and any combination of the three winning parties is likely to be inherently unstable. It is not clear whether any coalition would be able to deliver long-term stability and institutionally the country will remain, at best, a fragile democracy. Nevertheless, the 1998 elections mark the natural end of a period of concerted international activity to return Cambodia to the Cambodian people and to bring about Cambodia's integration into the wider regional and international community.

Australia, in partnership with other international donors, provided significant assistance for the organisation of the elections. Our aid package totalled $1.85 million. Australia allocated $200,000 for the UN's monitoring of the safe return of political exiles in the lead-up to the election, a $750,000 package for the national election computer centre, and a $600,000 budget to fund an Australian observer team to monitor the elections. We also provided two long-term and 20 short-term observers to the UN coordinated international observer contingent deployed to observe the elections at the invitation of the Cambodian government.

The UN team was bolstered by thousands from Cambodian and international NGOs. As well as observing the polling processes, observers were present during the transportation of ballot boxes to counting centres, the opening of ballot boxes and the vote counting.

Preliminary results for the 26 July elections indicate that the largest number of seats will go to the CPP—approximately 60—followed by FUNCINPEC, with 45 seats, and the SRP with up to 17. None of the smaller parties appear set to win a single seat in the 122-member National Assembly. This result dictates that the CPP will continue to lead a new government and that Hun Sen will be at its head.

There have been problems with the process. If nothing else, the extreme compression of the election timetable led to errors and omissions as well as grave concerns regarding electoral intimidation and politically motivated violence. These shortcomings should be kept in perspective. The 1993 UNTAC organised elections were also marred by allegations of fraud and were certainly more violent than the 1998 elections. To date, reports received from the UN team do not support claims of widespread or systematic irregularities in the voting or vote counting.

Cambodia's electoral law contains an appeal mechanism and an investigatory process for claims of electoral fraud and abuse. Because of these provisions, the National Election Commission has been very slow to hand down a final election result. Once it is to hand, and after considering the final report of the JIOG, the Australian government will be in a position to make a considered assessment about the entire election process, taking into account the campaign period, the conduct of the poll on the day, and the vote counting.

The 1998 elections were Cambodian run elections—a major achievement, considering the time which has elapsed since the last multiparty Cambodian run elections were held in the 1960s, and the destruction of government administration during the Pol Pot years. The holding of a reasonably credible multiparty election, with the active participation of political leaders opposed to the dominant party in the country, was a significant achievement. Provided that a coalition government can be formed, Cambodia will find itself in a stronger and more stable position than it has been in for many years.

Almost all parts of the country are now under government control. The internal insurgencies that continue do not present a significant security threat to the government. The Khmer Rouge is now virtually a spent force militarily and politically, and remnant Khmer Rouge forces, such as Ieng Sary's Democratic National Union movement, remain unlikely to be capable of mounting an insurgency in their own right. Ranariddh retains a small military resistance near the Thai border, but efforts are being made to reintegrate his soldiers into the Cambodian armed forces.

Cambodia is rebuilding the stability, reconciliation and compromises necessary for

the international community to be able to step back and allow the Cambodians to take responsibility for their own destiny. The international community's future role should be one of providing support where it can and, clearly, substantial support will be needed for some time. However, the time is right for the Cambodian people to assume responsibility for their own affairs, to make the hard decisions necessary to put their economy back on track and achieve their full potential.

The Australian government has been a strong critic of the human rights situation in Cambodia and the need for the Cambodian authorities to end the culture of impunity that permeates Cambodian society and fosters the abuse of human rights. We were concerned by the climate of intimidation and fear evident in the lead-up to the July 1998 election and publicly condemned the executions and detentions of FUNCINPEC supporters which followed the fighting of July 1997.

Australia has been, and will remain, very supportive of the work of the UN Secretary-General's special representative on human rights in Cambodia. The valuable contribution of the previous special representative, Mr Justice Kirby, has been widely acknowledged both within Cambodia and by the wider international community. His successor, Ambassador Thomas Hammarberg, has continued to promote the cause of human rights in that country. Australia has welcomed the Cambodian government's establishment of a Cambodian human rights committee to investigate human rights abuses including those identified in the reports of the UN special representative. However, we also believe it to be important that the UN High Commissioner for Human Rights continues to maintain a presence in Cambodia.

Aid will continue to be a significant element of Australia's relationship with Cambodia. Our aid program is the principal means through which we can help Cambodia to re-establish itself as a viable regional entity. Cambodia is one of the poorest countries in the region. It is closer, in several ways, to the low income economies of sub-Saharan Africa than it is to most of its neighbours. Three decades of conflict have decimated its infrastructure and human resources. In 1968, Cambodia had a per capita income equal to that of Thailand. Today, it is barely more than one-tenth of its neighbour's per capita income and only 1.5 per cent of that in Australia.

Reconstruction of Cambodia will take considerable time and effort. It has the natural resources and the strategic location to be a prosperous and forward looking community. What is lacking is stable government, administrative capability, modern infrastructure and the skilled work force necessary to attract private investment if it is to achieve its demanding development goals. Cambodia will need help from the international community to rectify its development constraints. This will be forthcoming only if it is prepared to put in place the policies that will support sustained and equitable economic growth.

Total Australian aid to Cambodia in 1998-99 is expected to be $32.9 million,

principally through the provision of Australian technical expertise and equipment to improve health care, increase agricultural productivity, destroy landmines and provide basic skills training. Australia is also working to help create an enabling environment for private sector investment. Our education and training programs aim to improve the quality and efficiency of public administration. Other programs provide assistance to improve human rights and standards of governance.

Following the fighting which broke out in Cambodia in July 1997, the Howard government unambiguously condemned using force to effect political change, but decided to continue the aid program for humanitarian reasons and then only on condition that Hun Sen's regime move expeditiously to holding a credible democratic election. Since more than 90 per cent of the program is humanitarian in nature, withdrawing our aid would only have punished Cambodia's poor.

Cambodia is now at a crossroads, not only in charting its future through improved fiscal governance, but also in maintaining strong international support for its efforts. Australia will continue to work closely and constructively with the Cambodian government, donors, the UN and the international financial institutions to help create the conditions for sustained economic growth in Cambodia. As well as our aid program, development activities financed by the World Bank and Asian Development Bank have provided some opportunities for Australian firms to gain a foothold in the country through participating in infrastructure projects. However, trade opportunities are limited by the size of the market and widespread poverty.

Whilst investment opportunities are also limited, Telstra operates Cambodia's international telecommunications gateway and the Snowy Mountains Engineering Corporation is engaged in a number of infrastructure projects under Asian Development Bank auspices. An Australian Business Association of Cambodia has been established in Phnom Penh.

In conclusion let me say that we hope Cambodia is now about to enter the community of regional states, and that it emerges into the international community with a more stable political system and security situation than it has endured for many decades. Australia has made a real contribution to the fulfilment of this objective through involvement in the Paris peace accords, the UNTAC operations and, most recently, through our participation in the Friends of Cambodia group as well as our contribution to the international team observing the July elections. Australia will continue to play a constructive and practical role in Cambodia. Nevertheless, it is now time for the international community, including Australia, to step back and allow the Cambodian people responsibility for their own future.

CHAIRMAN—Thank you very much, Kathy. I hope you will be able to stay for at least the first session.

Mrs SULLIVAN—Very briefly.

SESSION 1—HISTORICAL PERSPECTIVE

CHAIRMAN—Our first session is broken into four segments. First, we will look at the relationship up until the Paris peace agreement of 1991, then we will move into Australia's involvement during the UNTAC period. The third session will be between the UNTAC election 1993 and the 26 July election of this year. Finally, we will look at some personal perspectives from the Australian observers in the election of July this year. I take the opportunity to particularly welcome the Hon. Ralph Willis and Steven Dargavel who worked closely with me in the killing fields of Cambodia in the three weeks leading up to the election. Neither are members of this committee. I have been asked particularly to pass on the apologies of the Hon. Bob Halverson who was the fourth parliamentary representative in the international observer group but is unable to be here this morning.

I want to welcome my colleagues from the observer group, in particular Farib Sos from New Zealand who has come over especially. We welcome you very much to what we hope will be a very productive day. We look forward during the day's proceedings to all of you making some comment or asking questions as you think appropriate.

Our first segment will fall to Dr Frank Frost, the special director of research within the foreign affairs, defence and trade group of the Parliamentary Library. His key responsibilities lie in the areas of South-East Asia, internal, international, political and economic development. He has written very extensively on Cambodia. Frank, I ask you to open.

Dr FROST—Thanks very much, Mr Chairman. To help introduce today's discussion I would like to address three questions: how and why did Australia become interested in Cambodia; what were Australia's major aims in its Cambodia policies up to the 1991 Paris agreements; and how did Australia pursue these aims through its foreign policy towards Cambodia?

Australia's official relations with Cambodia began in 1950 at the end of the colonial era and just as Cambodia was struggling to obtain independence from France. For 15 years after the Geneva agreements in 1954, Cambodia continued to struggle to remain apart from the developing conflicts in Vietnam. In this period Australia and Cambodia began to develop some valuable contacts. For example, one of our first ambassadors, Mr Noel Deschamps, established an excellent and longstanding relationship with His Majesty Prince—now King—Sihanouk.

After Prince Sihanouk was overthrown by a coup in March 1970, Cambodia was drawn deeply into the wider conflicts in Indochina. Australia gave some assistance to the new Khmer Republic in its struggle against communist Khmer Rouge forces. After 1972 the Whitlam government tried to explore some avenues for dialogue over Cambodia, but

with no clear result. When Khmer Rouge forces seized full control in Phnom Penh on 17 April 1975, Australia recognised the change of government. Australia, however, never established any relationship with the isolationist, secretive and extreme Khmer Rouge regime. Gradually after 1975 concerns arose in Australia as reports appeared about the nature of the Khmer Rouge's policies.

When Vietnamese forces ejected the Khmer Rouge regime in December 1978, international publicity was given to the plight of people both within Cambodia and on the border with Thailand. Australian interest in Cambodia now rose sharply. Both the Australian government and the public contributed to relief efforts. The public gave over $10 million and Australian non-governmental organisations became actively involved in aid to Cambodia.

There was strong public support for aid to Cambodia, but Australian policies became enmeshed in the international dispute over Vietnam's invasion and presence in Cambodia. The Australian government, while abhorring the record of the Pol Pot regime, did not support Vietnam's continuing presence. Australia backed efforts led by the Association of South East Asian Nations to call on Vietnam to withdraw.

The Australian public's heightened interest about Cambodia had an important impact on government policy. Initially, Australia followed the approach of ASEAN and its supporters after 1979 by maintaining diplomatic recognition of the ousted government led by the Khmer Rouge, Democratic Kampuchea, as one way of exerting pressure on Vietnam to compromise. However, Australian public opposition to any recognition of the Khmer Rouge was strong. Foreign Affairs Minister Andrew Peacock took a close interest in these issues and, in the face of public attitudes, the Australian government withdrew this recognition in February 1981. Australia now recognised no regime as legitimately in power in Cambodia, a position that was helpful in Australia's later diplomatic efforts for peace.

Cambodia after 1979 was locked into a complex new conflict. Within the country the Vietnamese backed regime in Phnom Penh faced opposition from the Khmer Rouge and two non-communist resistance movements. Each side had external backers, with Vietnam and the Soviet Union supporting the Phnom Penh regime, and the guerrilla resistance supported primarily by China with some help from Thailand. The United States gave some non-lethal support, specifically to the non-communist parties. Cambodia was caught up in the Cold War conflict between the Soviet Union and China. The Cambodian people were left isolated and denied adequate aid.

The Labor government elected in Australia in March 1983 set out to explore additional ways in which Australia might contribute to dialogue. Minister for Foreign Affairs Bill Hayden had a series of discussions with the major parties and offered Australia's help. For example, he offered in 1984 to host talks in Australia. With the parties still locked in a Cold War conflict over Cambodia, these efforts brought no

immediate results. However, Australia did establish itself further as a country with a strong interest in Indochina, and Australia's NGOs continued their valuable work. In 1986, the aid agencies set up in Phnom Penh the Joint Australian Non-governmental Organisations Office, JANGOO, which coordinated aid efforts and advanced Australia's contacts with Cambodia at a time when no official representation was possible.

From 1986, the logjam over Cambodia began to loosen, stimulated partly by President Gorbachev's revisions of Soviet policy. By 1989 the climate had at last become favourable for a settlement for Cambodia. The Soviet Union now wanted to disengage from expensive foreign commitments. Vietnam faced a pressing need for economic reform and wider relations now that the USSR was withdrawing aid. Vietnam announced a full withdrawal of its forces from Cambodia by September 1989. China began to assume a more flexible position. ASEAN members very actively wanted a settlement.

In this new environment of change and flexibility it now became possible for Australia to play the constructive role the Australian government had hoped for. As international negotiations increased, a central obstacle to any settlement became clear: the parties to the conflict could not agree on a form of transitional authority which could control Cambodia while a peace settlement was being implemented. It was over this issue principally that an international conference held in Paris in August-September 1989 to resolve the Cambodian conflict failed. This was the issue that Australia took up.

Building on suggestions by US Congressman Stephen Solarz, Minister for Foreign Affairs Gareth Evans and the Australian government, from late 1989, developed the idea of a United Nations organised, neutral interim authority to help implement a peace settlement. During the transitional phase the country's sovereignty would be vested in a Supreme National Council which would include the four Cambodian parties but would not have normal executive authority. A particular Australian aim in these proposals was to limit the role the Khmer Rouge would be able to play in a transitional period before a full settlement was implemented.

To develop these ideas, a team of Australian officials turned the concept of a UN role into a detailed set of proposals for a comprehensive settlement. Australia used its wide diplomatic contacts to try out the concept of a UN role with all the major parties to the conflict. This included Deputy Secretary Michael Costello's numerous shuttle diplomacy visits.

After over 18 months of negotiations, in which Australia played a very active role operating in close cooperation with the interested parties, including particularly close cooperation with Indonesia as co-chairman of the Paris conference, peace accords were drawn up. These sought simultaneously to accommodate the interests of the major external parties to the conflict, especially China, Vietnam and the ASEAN members, and also to provide for Cambodia a transitional peace process, including the return of refugees, disarming of most of the contending armed forces and free elections. The Paris agreements

were signed by all the parties to the conflict on 23 October 1991, ushering in the United Nations period of involvement.

The motivations for Australia's Cambodia policies in this period included, firstly, humanitarian concerns, given the widespread awareness in Australia of the damage Cambodia has suffered over the previous two decades. Secondly, it can be argued that Australia's policies reflected an outcome of Australia's involvement in the Vietnam conflict in the 1960s and early 1970s. This produced an interest among the public and key policy makers that Australia should play a constructive role in peace and economic recovery in Indochina. Thirdly, Australia was continuing its long-term interest in the stability and security of South-East Asia. The Cambodia conflict was a focus for competition and interference by the major powers which posed threats to the whole region. It was in Australia's interests to help remove this threat.

Australia's policies benefited from the efforts of both the government and non-governmental organisations that made a major contribution to developing Australia's knowledge of Cambodia in the 1980s at a time when no official representation in the country was possible. Australia's Cambodia policies demonstrated Australia's potential to utilise constructively its capacities as an Asia-Pacific middle power. Australia made good use of its policy making capacities, very wide diplomatic contacts and the image which governments had developed for Australia as a country with a credible and independent view of the nature of domestic and international conflict in Indochina, and Cambodia specifically. Importantly, Australia was able to increase its influence by working in coalition with its neighbours, particularly in ASEAN. This is an important legacy for Australian foreign policy overall. These, I suggest, were the main motivations for and the key elements of Australia's efforts to contribute to peace and redevelopment in Cambodia from the 1970s. Other speakers will now discuss the outcome of these efforts.

CHAIRMAN—Thank you very much, Frank. To continue our historical consideration, it now gives me great pleasure to introduce General John Sanderson. General Sanderson's paper will be handed out shortly as he speaks. John retired a couple of months ago, after about 40 years service as the commander of Australia's army. Over a long period of time, he has seen operational service in Malaysia and South Vietnam. In 1992 he was appointed as the force commander of UNTAC. For that particular role he was appointed a Companion of the Order of Australia for his very important contribution in that force. It is on that basis that John will speak to us today. I invite him to comment.

Lt Gen. SANDERSON—Thank you, Mr Chairman, for that introduction. I welcome this opportunity to participate in this seminar on the future of the Australia-Cambodia relationship. Michael Maley, who was the deputy director of the electoral component and its director of operations, and I have been asked to address the subject of the UNTAC experience from 1991 to 1993 as a prelude to later discussions on the experience since then. Mr Maley will speak on the electoral issues. We have chosen to expand our brief to include observations on the recent electoral act in Cambodia in the

context of the UNTAC legacy. The reason for doing this is our assessment that there is a direct link between the expectations generated by the Paris agreements of October 1991 and the subsequent behaviour of the Cambodian people and their political leaders.

We have prepared a paper on this subject. Thank you, Mr Chairman, for allowing it to be distributed. In it, we have concluded that the CPP induced environment in Cambodia is at odds with the principles of liberal democracy, that this is a primary cause of the fragility of the options for coalition government to emerge from the previous election and this election, and that this is also a reason why the recent electoral process cannot be considered as free and fair. We do not in any way deny that the process was a staggering logistic success, given the odds that were faced in this election.

Being force commander of the 16,000-strong force, made up of contributions from some 34 member nations of the United Nations, was both a richly rewarding and an educational experience. Two memories remain firmly fixed in my mind. The first is the almost lawless availability of power which accrues to the single party state in which all the instruments of executive power are directed by the party hierarchy rather than the legislature and the law.

The second is the remarkable courage of the Cambodian people. We could have expected them to have been thoroughly cowed by the terror of the preceding two decades. Instead, they set an example to a jaded international community on the true value of the individual's freedom to participate in the choice of the form and substance of government. I put it to this seminar that the United Nations had much at stake in their making this commitment.

This audience has been made familiar with the background history to the UNTAC mandate and the essence of the Paris agreements. Coming from different strategic perspectives, the involved governments were seeking one thing in common: a single Cambodian government with which everyone could deal and which could represent the Cambodian people in the international community. Given the stalemate that had developed in the military field in the 1980s, the only way to achieve this outcome was to have an election which could be endorsed by all as free and fair, and which would produce both a basis in law for government—that is, a constitution—and a legislature to set laws for the ongoing governance of the country.

None of the four parties to the conflict could be entrusted with the creation of the conditions which could be conducive to this outcome, least of all the State of Cambodia Party which had been installed by the Vietnamese and which, thereby, lacked a mandate from the Cambodian people. Although this party had built up considerable international credibility in the period following the Vietnamese withdrawal in 1989, through its control of access to most of the countryside, it suffered much odium with many Cambodians through its association with a nation viewed as the eternal enemy.

The idea of the United Nations as the transitional authority in Cambodia had, at its core, the enfranchisement of the Cambodian people and the conduct of an election in a neutral political environment. This most ambitious and intrusive of UN missions ostensibly had other objectives. These included: the repatriation and resettlement of refugees; the development of a proper human rights regime; and the rehabilitation of the countryside. But these activities were more to do with inducing the Cambodians to commit to the electoral process and its aftermath than with being the central issues of the mandate.

Taken overall, there were three distinct phases envisioned in the activities mandated by the UN Security Council's resolution based on the Paris agreements. Firstly, there was the establishment of a secure environment in the countryside, followed, secondly, by the development of a neutral political environment in which the conduct of a free and fair election became feasible. The third phase involved the conduct of the election itself, and then assistance to the Cambodian constituent assembly in the development of a constitution and the formation of a government.

These phases were intended to be sequential and, in theory, everything depended on the commitment of the Cambodian parties to the sustainment of a cease-fire and disarmament process as the foundation act in allowing all the other steps to occur. Disarmament involved a very complex set of activities to be conducted by the military component including: the monitoring of the cease-fire; control of the borders and ensuring the absence of foreign military forces and the cessation of external arms supply; the supervision of the cantonment and disarming of all the military forces of all the parties—some 200,000 regular troops and 200,000 militia—assistance in the demobilisation of 70 per cent of the armed forces and helping them to form a proper relationship with the emerging government.

The flaw in this process came about for two reasons. Firstly, there could be no confidence in the disarming process unless there was an absolute conviction that the UN was going to deliver on the control of the civil administration, particularly the internal security apparatus and the justice apparatus, which, as I have suggested before, was the dedicated instrument of a one party state. In fact, the state of the Cambodian police force was more like an army than the form of police force around which the assumptions behind the Paris agreements were built. Even if the SOC army had been cantoned and disarmed, there would remain a pervasive armed force in the countryside free to do the will of the party, unless it was fully controlled by the UN. In fact, the requirement was for the military presence and the civil administration to enter the country together and to operate in parallel, providing mutual support to the objectives of the other. This did not occur for a long time.

Secondly, the process was flawed due to the reasoning that the Supreme National Council, which embodied Cambodian sovereignty under the chairmanship of Prince Sihanouk, would act responsibly in the generation of enabling legislation to facilitate the proper conduct of civil administration and the enfranchisement of Cambodians. In fact, it

could not and it never did. Although UNTAC had the authority to overcome this intransigence, it immediately placed the mission at odds with the fundamental issue of sovereign authority.

This is a difficult issue for the United Nations which is founded on the basis of the sanctity of the sovereign state. It came to a head with the establishment of Radio UNTAC with the suggestion on the part of the UNTAC administration that we establish a radio station which would bypass the leadership of the country and go straight to the people. There was great difficulty in the United Nations accepting that as a principle. Fortunately, it eventuated and was a major factor in the outcome of the UNTAC mandate and the electoral process.

One of the questions that needs to be asked is: why did the parties sign up for the Paris agreements? We all know, of course, that they were induced to do this by their sponsoring states, all of which wanted to see an outcome acceptable to all, along with the establishment of a single Cambodian government. Each of the factions came at this from a different perspective. Of course, it was a huge risk for the State of Cambodia faction to risk the loss of power in the countryside, and signing up for this process must have been based on the fact that they had an absolute conviction that they would win the outcome of the UN process.

The second aspect of this was that the Khmer Rouge obviously were induced to do this by the thought that the State of Cambodia was on the verge of collapse, that they had lost the economic power to hold together and were fractured from within. The royalist elements were committed to it in the confidence that Prince Sihanouk would provide the leadership which was desired by the Cambodian people and which would allow them to come back and fulfil their role in Cambodia.

In the event, all of those aspirations became frustrated by the outcomes. For example, in April 1992, when the rehabilitation program was established by UNTAC, we saw the first signs of a realisation by the Khmer Rouge that the State of Cambodia was not going to collapse and, indeed, the rehabilitation program was going to provide economic resources which would enable it to continue in its place and in its power. As a consequence, that rehabilitation program was never fully endorsed by the Supreme National Council constituted by the Paris agreements.

The main issue then was that of the cantonment and the disarmament of forces. On 9 May 1992 I declared the process for the establishment of cantonment and disarmament in June as required by the agreement. By the end of May 1992, I was informed by the Khmer Rouge that they were not going to participate in this process. The primary reason they stated, amongst many, was that the United Nations had not taken sufficient control of the countryside and, indeed, was playing into the hands of the State of Cambodia.

Throughout the rest of 1992 everything was done to attempt to implement the Paris

agreements and to bring the Khmer Rouge into the process. But in the end it was concluded that we had to consider going to the electoral process in an insecure environment. In other words, the first phase of the UNTAC mandate was unlikely to have been completed.

The only alternative from then on was to throw the entire military component behind the electoral, education and information components to get the message to the Cambodian people that the United Nations was going to deliver the essence of the United Nations mandate. The reward for this activity came with the establishment, first of all, of the electoral rolls in Cambodia when it was assessed that 97 per cent of Cambodians registered for the election. At the time this was almost a euphoric outcome for the United Nations because a new force was introduced into the country, which was the people of Cambodia.

The next question was whether the Cambodian people could be induced to vote in an election—in other words, whether they would have confidence in the process. We would not know the answer to this until the day of the election in May 1993. As everybody knows, despite all sorts of dire threats, 90 per cent of the Cambodians came forward and voted in that election, and similar numbers have come forward and voted in the 1998 election. We believe that the liberal democratic process that was offered to them by the United Nations was seen by them to provide hope for the future and an opportunity to emerge out of the darkness which had been inflicted on them.

The immediate post-electoral environment, from a military perspective, was taken up with putting the Cambodian armed forces together into a body which was committed to whatever government would emerge from the 1993 elections. We had some success in this respect. There was a statement put out by the Cambodian armed forces, endorsed by the head of the interim government, Prince Sihanouk, that the Royal Cambodian Armed Forces would be formed and commit themselves to this democratic process.

In that armed force was included the forces of the royalist party, the ANKI, and the KPNLAF, as well as the CPAF. The door was kept open also for the Khmer Rouge to come into that arrangement. Some Khmer Rouge immediately took advantage of that and, over the months which followed, a number of others took advantage as well. The commitment of the armed forces to whatever government emerged from the process was a key issue.

As everybody will know, the result of the election was something of a shock to the CPP. There was the formation of an autonomous zone east of the Mekong in which a number of CPP elements were implicated. As a consequence of that act, compromises were made in the development of the constitution and, indeed, in the interim government, extending into the government which emerged from the constitution, which ended up with a dual administration—two prime ministers and two ministers of most of the major executive elements of government.

The period since then has been taken up with a series of events which eventually ended up with the CPP to all intents and purposes running the government of Cambodia. Of interest to us is that during this period of time, and in the preceding months before the UNTAC election, strenuous efforts were made, in the interest of establishing a neutral political environment, to bring acts of political crimes to justice. As most of these took place in the State of Cambodia controlled areas, we were dependent upon the justice system in the State of Cambodia to do this. Eventually, UNTAC had laws passed by the Supreme National Council which gave UNTAC the executive powers to issue warrants and arrest people, but we were unable to find a judiciary which was capable of making proper judgments in this process.

In that environment it should not be surprising that, to our knowledge, none of those who have committed crimes against political opponents have been brought to justice. I am referring here to the CPP or SOC side of this issue. The only people who have had cases brought against them have been opposition elements. Indeed, in some instances, leaders of the opposition elements have been banished from the National Assembly and in some cases banished from the government.

The UNTAC experience has been summed up as a partial success, and indeed it was, primarily because UNTAC was unable to disarm the countryside. The great success of UNTAC was the election itself. The main factor in the determination of that success was the courage of the Cambodian people and their expectation that a liberal democracy would flow from that. I would now like to pass to Mr Maley.

CHAIRMAN—Thank you, John. As John has indicated, Michael Maley will complete the UNTAC picture. Michael is the director of research and international services within the Australian Electoral Commission. He has extensive experience in UN election activities in Namibia, South Africa, the Western Sahara and the Balkans. I ask Michael just to make a few comments. We are starting to run a little behind time.

Mr MALEY—Thank you, Mr Chairman. I should say at the outset that, although I hold a position with the Australian Electoral Commission, I am appearing here today as a private citizen. The comments I make, and the comments that Lieutenant General Sanderson and I make in the paper which has been circulated, do not necessarily reflect the views of the AEC.

I would like to focus on a couple of points of connection and contrast between the elections in 1993 and 1998 which have been crucial in our conclusion that the elections just conducted were not free and fair. As is well known, and I think this has been documented by many of the observers, the environment since last year's coup d'etat has been one of pervasive violence and fear generated by the activities of the incumbent regime in Cambodia.

There was also quite a lot of violence preceding the 1993 elections. Some have

used this fact to suggest that there was not really a significant difference therefore between what happened in 1993 and what happened in 1998. There is, however, one critical difference which I wish to emphasise and that is that UNTAC, in conducting the election, was perceived by the Cambodian people to be an independent and neutral functioning body capable of providing exactly the sorts of services of a professional nature which were required to bring off the election process. In other words, the process was in contrast to that in 1998, because in 1998 people had quite correctly a perception that the same organisation which had spawned the killers, and those who had undertaken coercion, also spawned the election administration in Cambodia.

The national election committee, which ran the election just conducted, was stacked solidly with functionaries of the incumbent regime from top to bottom. There were a number of token independent appointments, some of whom seemed to have gone to the best distances they could to do what they could to keep the process tenable. But they were dudded when it counted and they were outnumbered on all the critical issues. That is a major difference between 1993 and 1998.

The second difference relates to the way in which irregularities were handled. I note that this is an ongoing problem in Cambodia. There are still irregularities being raised and put on the table, and there still have not been satisfactory answers to a lot of those which have been raised.

In 1993, the CPP put forward detailed claims. All of those detailed claims were investigated exhaustively by UNTAC. I can speak with personal experience of that because I was coordinating those investigations. There was a report produced by a body known as the Special Representative's Electoral Advisory Committee. Copies of that report were ultimately provided to the CPP and were accepted by the CPP.

In contrast, we have a situation at the moment where there is no sort of transparent handling of complaints. In that context, I think it would be interesting for the seminar if I noted a statement which was made only the day before yesterday by the National Democratic Institute for International Affairs. This is a body which attracted a certain amount of attention immediately after polling day with its generally positive statement, particularly a sound-bite comment by its delegation leader, Stephen Solarz, that he had witnessed 'a miracle on the Mekong'.

The latest statement suggests that the miracle is looking somewhat tarnished. It says that in the 28 July preliminary statement, NDI and IRI—that is the International Republican Institute:

...cautioned that a final analysis of the entire election process was premature pending the final tabulation of results, the processing of complaints and the formation of the next government based on the results of the elections. Regrettably, post-election developments point once again to systemic problems with the election process. It was these problems that led NDI and IRI in a statement on July 14, 12 days before polling day, to describe the process leading up to the elections as

fundamentally flawed. Since the vote, NDI's pre-election concerns about the credibility of the bodies responsible for administering the elections and adjudicating disputes have proved well founded. As NDI pointed out in public reports in January and March, the way the members of the National Election Commission, NEC, were selected raised serious questions about its independence and credibility.

The statement went on to say:

...under the new election law, to ensure broad participation, the 11-member NEC was to include representatives from each of the parties represented in the National Assembly and from the NGO sector. But party seats were given to ruling party backed factions of opposition parties and the selection of the NGO representative was seriously flawed.

The make-up of the Constitutional Council was also controversial. Accordingly, the NEC and the Constitutional Council lacked credibility in their responses to election related complaints and post-election controversies. Unless election related complaints were addressed expeditiously, thoroughly and impartially, there could be little public confidence in the integrity of the overall process.

They discussed three specific issues. Firstly, concerning the arbitrary rejection of complaints, they said:

In the weeks following the election political parties submitted in excess of 800 complaints to the NEC. Rather than investigating these complaints, the NEC dismissed them outright on the grounds that the complaints were not substantiated. In addition to its failure to undertake even cursory investigations, the NEC also refused to provide official rejection notices to the complainants. This, in turn, jeopardised the party's ability to take complaints to the Constitutional Council.

On the lack of appeals process, the statement said:

The Constitutional Council, which is the final arbiter of electoral disputes, has yet to hear any cases. The council has refused to accept complaints about intimidation of opposition party agents, alleged electoral fraud, and the formula by which seats are allocated, on the grounds that these complaints had either not been formally rejected by the NEC or had not been filed before the deadline. This refusal to even accept, let alone hear, such complaints by the Constitutional Council, coupled with the NEC's failure to follow due process in providing the required rejection notices, eliminated any meaningful opportunity for appeal.

On seat allocation formulae, the statement said:

The means by which the NEC selected, then changed, then adopted, different formulas for allocating seats in the National Assembly has raised further questions about the NEC's decision making processes. The lack of transparency, and failure to provide a satisfactory explanation, has exacerbated the seriousness of these questions. What is certain is that the formula currently in effect advantages the Cambodian People's Party. In fact the change in formula provides the CPP with a majority of National Assembly seats.

I think it is fair to say, certainly on the strength of the evidence of the above statement, that the jury is very much still out on the handling of the process for complaints. In the absence of a proper due process for dealing with these things, all of the concerns that we raise in our paper about a lack of transparency in administration, which flows through to a lack of confidence on the part of the people themselves that they are taking part in a due process, are sustained. I will leave it at that.

CHAIRMAN—Thank you, Michael. Later in the day we will pick up some of those issues that you very rightly raised. We move on to Tony Kevin now. Tony has retired after a 30-year career in diplomacy, including a period as the ambassador in Phnom Penh. He was also in Cambodia in the most recent election period, leading a 28-member group from Australia, New Zealand, Canada and the United States, as I recall—a non-government organisation group well versed in what happened then as well. He is a visiting fellow at the moment in the Department of Pacific and Asian History at ANU, and he is writing a book on Cambodia's history in the five years between the two elections.

Mr KEVIN—Thank you, Mr Chairman. Cambodia is a country that moves many Australians to compassion and to anger. We feel compassion for Cambodian people who are so brave and patient in adversity; we feel anger that their suffering continues to be so endlessly prolonged. We look for reasons, for people we should help and for people to blame. But, if we are not careful in how we assign the roles of hero and villain in Cambodia, our intervention can make things worse. It is important to try to be objective about Cambodia and, also, to know when we should leave matters to Cambodians themselves to resolve.

Many of us have absorbed a stereotype mind-set on Cambodia. We associate Hun Sen and the Cambodian People's Party with phrases like 'strong man', 'coup', 'climate of violence and intimidation', 'communists', 'impunity', and so on. We associate the Rainsy-Ranariddh opposition with words like 'human rights' and 'democracy'. The reality is much more complex. What follows, although it may sound strange and radical to some of you, actually draws on a common body of informed judgment in the diplomatic community in Phnom Penh of which I was a part from 1994 to September 1997.

Firstly, opposition leaders need, for reasons that are psychological as much as political, to deny legitimacy to the CPP and its leader in order to convince the world that their own cause is just. But until they accept that CPP is, like their own parties, a legitimate stakeholder in Cambodian society, the tragedy of Cambodia will persist. Secondly, as long as the world media maintains anti-CPP stereotypes, this only makes Cambodia's problems worse because it encourages opposition leaders in the illusion that, because the world seems to be on their side, they can somehow make Hun Sen and the CPP disappear.

I am accused of having a personal interest in Hun Sen's legitimation. This is not true. I believe in democratic pluralism for Cambodia. I have no favourite parties or

leaders. I have stood up to intimidation from all sides of Cambodian politics. I do believe, though, that the time has come for the opposition parties and the CPP to honestly recognise the other's legitimate right to exist in Cambodian public life and civil society. This recognition was not achieved after the 1993 election. Then, both sides accommodated the other only in a tactical and money making sense. Now, the CPP and Hun Sen are ready for a real accommodation with the opposition parties under the 1993 constitution and laws. So is the King. But the opposition leaders are not. For them, the holy war continues, I am sad to say.

It is tragic for Cambodia that opposition leaders are trying, without good cause, to discredit the 26 July election. Their complaints are unconvincing. They will not ultimately be able to stop Cambodia resuming its seat in the United Nations and joining ASEAN. But meanwhile they are poisoning the well for resumed aid and foreign investment in Cambodia and thereby blocking Cambodia's recovery and normalisation. If I am a pragmatist, my pragmatism is rooted in a love for the Cambodian people and a desire that their future not be blighted by punitive policies flowing from the self-seeking agendas of opposition politicians.

In retrospect, it is clear that the 1993 UNTAC elections brought not peace but only an armistice in the long and bitter war between the CPP and its opponents. When the royalists began to return to Phnom Penh from 1991 onwards under UNTAC protection, they felt they were coming home to reclaim the rightful inheritance taken from them in the previous 21 years. To them, the Vietnamese backed CPP power structure had no legitimacy; it was just another usurper. The CPP felt no less strongly that the returning FUNCINPEC emigres had no legitimacy in Cambodia. These emigres, from 1980 on, had made war against the Cambodian state with the Khmer Rouge as their main fighting force, and they had done everything possible for the next 11 years to discredit Cambodia and to deprive its people of Western aid or recognition. The CPP felt that Cambodia owed these people nothing. They were lucky to be allowed back.

So, while FUNCINPEC and CPP cohabited after UNTAC, neither accepted in their hearts that the other was a legitimate stakeholder in Cambodian society. This is a crucial political fact underlying everything we are discussing today.

That UNTAC succeeded at all was a miracle. However, we all overstated the success of UNTAC. The Cambodian leaders obliged us because we had spent a huge amount of money and our aid was continuing. Contrary to what you have heard from previous speakers, the 1993 Ranariddh-Hun Sen coalition was not a forced marriage but a necessary and practical accommodation. It was required by the constitution. The donors wanted it; so did the King. It positioned Ranariddh and his entourage comfortably within the CPP power structure. Everyone made money, so everyone was happy. The economy grew and the government passed some useful laws. A civil society began to develop.

From 1993 to 1996, FUNCINPEC and CPP kept up the facade of unity for the

outside world's benefit and to keep the foreign aid and investment money rolling in. Ranariddh and Hun Sen maintained until 1996 an agreed policy towards the Khmer Rouge, namely, prohibition of the organisation but amnesty to individual defectors. For a time, the Khmer Rouge security threat drew Ranariddh and Hun Sen together. In 1994, the Khmer Rouge controlled more Cambodian territory than at any time since 1979.

We forget now just how serious a threat the Khmer Rouge posed in 1994. For Australians, this power was tragically displayed in the Wilkinson and Wilson hostage tragedies. The David Wilson case brought the weaknesses of the coalition government under searching international scrutiny. The government did not emerge with credit. A deeply humiliated Ranariddh came across as feckless and not in control of his country. Hun Sen came across as a mysterious and rather sinister figure in the background. The deaths of the hostages fatally damaged international perceptions of Cambodia. The crisis destroyed any illusion that the Cambodian government was settling down into a compatible and efficient working team, and this disillusion fed into subsequent events.

Under the surface politeness, the old resentments festered; neither leader showed the breadth of vision needed to heal them. Ranariddh oscillated between enjoying his wealth and bemoaning his lack of power. The King mocked him behind his back, telling everyone that Hun Sen was the real leader. Meanwhile, Hun Sen quietly consolidated his power and tested the strength of his opponents.

The tenuous peace was destabilised by two events: the dismissal of Rainsy in late 1994, after he made corruption allegations, and the forced exile of Prince Sirivudh in late 1995. In both events, Ranariddh was deeply implicated. Both cases further damaged Cambodia's international reputation. Under pressure from human rights lobbies, donor governments in 1995 and 1996 became more critical of the Cambodian government's human rights and economic performance, and Australia took the lead in this criticism.

The Ranariddh-Hun Sen partnership began to fall apart in early 1996. Ranariddh came under increasing pressure from hotheads in his party to challenge CPP's hegemony. FUNCINPEC ministers and provincial governors had little real power, and power sharing had made no progress below this level. Instead of quietly trying to negotiate a better deal with Hun Sen, Ranariddh publicly challenged him, saying, 'Give us more power or we will break the coalition.' An angry Hun Sen responded, 'Break the coalition if you like, because I can govern without you. I know I can buy enough of your MPs to my side to restore a two-thirds majority and I have the military balance of power if you try to fight me.' That was when things started to fall apart. Over the next 16 months, government and civil society unravelled.

Ranariddh isolated himself from moderates in his party, FUNCINPEC, and fell under the influence of military dreamers like Nhek Bun Chhay, the senior FUNCINPEC general. Ranariddh adopted a reckless, four-part strategy of confrontation against Hun Sen. The first element was to discredit Hun Sen and CPP internationally; the second, to reunite

with Sam Rainsy, whose persuasive rhetoric and gloomy vision of Cambodia made him an invaluable ally. Their message was to all of us: 'This is not our state. Hun Sen and CPP are the source of all that is going wrong in Cambodia. You must help us to unseat this communist dictator.' That was the message we were getting from Ranariddh and Rainsy from early 1996 onwards.

The third element was to smuggle weapons into Cambodia and secretly rebuild a FUNCINPEC army within the RCAF and fourthly, most importantly, secretly to revive the former Khmer Rouge military alliance with FUNCINPEC that had functioned from 1980 to 1991.

The King warned Ranariddh against this provocative strategy; he knew Hun Sen would fight back, and he did. I do not have time to go into the detail of how both leaders negotiated with the Khmer Rouge: Hun Sen, on behalf of the Cambodian state, but Ranariddh on behalf of his anti-Cambodian state movement—and that difference is crucial. It is all in my *Asia-Pacific Magazine* article of March 1998.

Tensions between Hun Sen and Ranariddh mounted in early 1997. Both leaders amassed powerful bodyguard armies. The state became virtually defunct. Aid programs and private investment bogged down as corruption grew. The IMF closed down its Cambodia office in May. In this hair-trigger atmosphere, the 30 March grenade attack on a Rainsy demonstration occurred. It was both a human rights atrocity and a political disaster for Hun Sen. It confirmed the already very negative world view of him. It strengthened the Ranariddh-Rainsy alliance and their sense of siege; it firmed their resolve to pursue military and Khmer Rouge alliance strategies. Phnom Penh was now dominated by two rival mafias, and the tension was huge—we expected war on any day. There were armed clashes in provincial towns and even in Phnom Penh. Hun Sen stepped up aggressive weapon searches and in May he caught Ranariddh red-handed trying to smuggle $2 million worth of anti-tank weapons into Cambodia.

Embassies were struggling to help keep Cambodia at peace. We maintained strict even-handedness, both publicly and privately. Australia was a major diplomatic player in this bizarre period of 'not quite war'. What triggered off the actual fighting on 5 July is still disputed, but there is quite a deal of evidence that FUNCINPEC, who were feeling vitally threatened by the arms discovery in May and by Hun Sen's weapon searches, decided to strike while they still had some military assets. Ranariddh left the country without warning on 4 July. A surprised Hun Sen, who thought he had FUNCINPEC intimidated, hastily flew back from holiday with his family in Vietnam when he heard that serious fighting had broken out on 5 July.

The two-day war was touch and go. FUNCINPEC even made a video film showing their successful military campaign. But their nerve broke on Sunday morning when Nhek Bun Chhay fled to the north-west. Three days of looting and fear followed. Large numbers of FUNCINPEC politicians who had had nothing to do with the war fled into exile. Over

the next few weeks about 60 senior FUNCINPEC military planners were killed by CPP special forces who were determined to break FUNCINPEC's military and intelligence potential through targeted killings of key personnel. These murders appalled human rights groups around the world. They had a military logic, but they were another disaster for Hun Sen's image. The war was immediately labelled by the defeated FUNCINPEC side as a Hun Sen coup, and that false label has stuck to it ever since.

Since the July war, the issue has been how to restore an internationally accepted government in Phnom Penh. It seemed initially that we might see a replay of the civil war of the 1980s. The CPP-led regime in Phnom Penh controlled all of Cambodia's territory except for a small pimple at O'Smach, but was a pariah state in the world. A FUNCINPEC-Khmer Rouge resistance alliance threatened to take shape in the north-west.

Fortunately, this did not happen. Hun Sen emphasised moderation. He tried to establish a credible coalition with a new FUNCINPEC co-Prime Minister, Ung Huot, but international condemnation continued. It was clear that only the safe return of Ranariddh would satisfy Cambodia's friends, especially in the United States. A peace plan, initially proposed by Hun Sen in late 1997 and later repackaged by the Japanese, broke the deadlock. It allowed Ranariddh to be convicted of treason, then amnestied in order to return to participate in the election. The pre-election phase began in April when Ranariddh returned.

Australian diplomacy showed a fine touch in all this period since the war. Mr Downer adopted a pragmatic policy of accepting the reality of the power shift that had taken place in July. He maintained Australian aid. He also supported the Friends of Cambodia organisation, which was originally floated by the United States as a way to better coordinate pressure on the CPP regime, in such a way that in the end the Friends of Cambodia became a useful forum for Australia and like-minded countries to urge the United States to soften its policies towards Cambodia.

The election campaign was marked by deja vu. As in 1993, the CPP had all the power. Returnees had few assets, except world sympathy for their allegations of intimidation and, for Ranariddh, the power of his royal name. But there were differences. To everyone's surprise, from May to July there was very little violence or obvious intimidation—much less than in 1993. A real election campaign developed. Both Ranariddh and Rainsy began to speak optimistically of the possibility of winning. Each refused to go into a pre-election partnership with the other—and that is very important to recall now; each wanted to win on his own. No observers were predicting the outcome. In the event, CPP won by a comfortable margin over FUNCINPEC, with Rainsy a poor third: 41.4 per cent, 31.7 per cent, 14 per cent.

The election was judged a legitimate expression of the people's choice by all of the observer groups: the JIOG including Australia, a Republican-Democrat team from the United States, the COFFEL and COMFREL—4,000 impartial Cambodian non-

governmental observers—and my own little group, VOCE.

A statement by the Republican and Democrat co-chairmen, Congressman Stephen Solarz and Ambassador James Lilley, was issued at an hour-long press conference. The reference to a 'miracle in the Mekong' was hardly a sound bite; it was actually the theme of that hour-long press conference. It was remarkably positive.

No reputable observer has suggested that election irregularities, of which there were no doubt a few, could have been on such a scale as to affect a result with such a wide margin of voting. Mr Chairman, I am on my last half page. Will you allow me to finish?

CHAIRMAN—Sure.

Mr KEVIN—The Rainsy-Ranariddh propaganda machine immediately set out to discredit the election and to convey an impression of Cambodia as a country in crisis, and they are having some media success, as the last few days news will demonstrate. But the tide may be turning at last. The election opened many people's eyes, and reputable journals like *Asiaweek* are beginning to write about the reality of Cambodia.

I believe the time has come for opposition leaders to stop making irresponsible allegations to the world of election fraud. They are only insulting and demoralising the Cambodian people and squandering the international goodwill that was earned for Cambodia by a credible election.

It is time now for the two opposition parties finally to accept the CPP as a legitimate stakeholder in Cambodian society, based on its convincing vote, and to engage with it politically. It is time for the Cambodian parliament to reconvene with a workable coalition and, if Rainsy so decides, a responsible opposition. Australian policy should be to encourage Rainsy and Ranariddh to accept reality and to resume normal political activity. In resorting to street politics to challenge last month's election they are simply demonstrating their contempt for their country and for its institutions. If anyone supports them let me ask them, 'What is your alternative?'

We also need to urge the United States to see the reality of Cambodia. Powerful anti-CPP lobbies exist in the United States, but to return to a punitive American government policy towards Cambodia that is based on anti-CPP stereotypes would only perpetuate the 28-year tragedy of Cambodia.

In the end, Mr Chairman and members of the committee, however much we may condemn Hun Sen's human rights violations—and I do not deny that there have been violations—he has since 1996 consistently tried to defend the Cambodian state and constitution bequeathed by the Paris accords and UNTAC, and he is continuing to work within that constitution. On the other hand, since 1996, Rainsy and Ranariddh have tried

in every possible way to discredit and to undermine the State of Cambodia. They continue to do so. Not only Hun Sen, but Rainsy and Ranariddh also will ultimately and finally be accountable to the people of Cambodia for what they are doing to their country. Thank you, Mr Chairman.

CHAIRMAN—Thank you, Tony. Ladies and gentlemen down the back, we have got your message about Hun Sen. You will have an opportunity later in the day to make your point in whatever form you want to. Thank you very much.

The final segment in this session is from Greg Hunt who was, until recently, on Alexander Downer's staff, and from Major Peter Bartu, who served in UNTAC with General Sanderson, as his military assistant. For that service, Major Bartu was awarded the Conspicuous Service Cross. Peter is a fluent Khmer speaker. Both he and Greg were very forceful and effective in their roles as the long-term observers in the most recent election period.

I will take the opportunity to thank them, not only on behalf of the Australian observer group, but more importantly on behalf of the Cambodian people, for what they did. A lot of their work made the observer function a lot more effective than perhaps it would have been without their efforts. Thank you very much, gentlemen. Unfortunately, you have not got too much time as I am going to keep you to the schedule. Could we please have some very brief comments on the 26 July election campaign?

Major BARTU—It is a great pleasure to be here. Greg and I are cognisant of the fact that, in less time than it took 10 Cambodians to cast their votes, we have to pass our assessment of what we witnessed in Cambodia over the last three months. Greg was the chief observer of the Australian observer mission, and I was his assistant.

I will deal with two issues. Firstly, there is the international observer mission, including Australia's contribution. Secondly, I want to talk about the extraordinary logistic achievement of the Cambodian election structures in delivering the elections to the Cambodian people as scheduled on 27 July. I will close with some comments on the complaints and appeals process.

Australia was invited by the Royal Government of Cambodia to contribute observers to the Joint International Observer Group, the JIOG, in Cambodia. The JIOG was established to coordinate the activities of international observers from over 30 countries, including European Union members, all ASEAN members and many other nations with an interest in Cambodia. In all, there were over 500 members of international delegations, in addition to a significant number of international observers from non-profit and non-government organisations, such as the National Democratic Institute and the International Republican Institute.

Australia contributed two long-term observers who were present in Cambodia from

the last week of May. We observed all phases of the process. A further 18 Australian observers were present in Cambodia from 14 June to 1 August and they observed the latter stages of the campaign, polling day and counting day in Phnom Penh, Kandal, Kampong Speu, Takeo, Prey Veng and Svay Rieng provinces.

CHAIRMAN—I am sorry to interrupt. Was that 14 July?

Major BARTU—Yes, 14 July—my apologies. Australia retained a long-term observer there until last week, 19 August. In addition to four Australian and New Zealand observation teams, Australian observers formed eight international observation teams with Japan. Australia had representation at all the JIOG meetings, made regular significant contributions in relation to human rights issues during the election process, and spearheaded a JIOG demarche to the NEC which ensured equitable and priority access to polling stations for credible national observer groups, such as COMFREL, COFFEL and NICFEC.

Additionally, Australia played a key role in ensuring coordination between EU observer groups and those coordinated by the UN electoral assistance secretariat to ensure maximum coverage by international observers of as many polling and counting stations as possible. Key findings of the Australian observers and JIOG, as a group, will be addressed by my colleague.

I would now like to address logistic aspects of the election. When the Australian observers arrived in Phnom Penh in late May, there was no guarantee, and certainly little confidence, in the ability of the NEC to deliver elections as scheduled on 26 July. There seemed little prospect of holding a national election through 11,500 polling stations across 23 constituencies in Cambodia. When the registration process was completed on 15 June, six weeks before the scheduled election day, the NEC had three outstanding tasks which it had yet to start.

Firstly, it had to recruit and train 60,000 polling station officials nationwide. Secondly, it had to contract for, assemble and distribute 12,000 polling site kits and 2,000 counting kits. And, thirdly, it had to produce and distribute computer generated electoral lists to 11,500 exact locations across the country. These three critical paths had to be administered simultaneously in the context of an election campaign. That it was ultimately successful at the eleventh hour is a tribute to and a major achievement for the NEC structure. On polling day 95 per cent of the total number of registered voters cast their votes in circumstances which were, in the main, peaceful and technically correct.

While we can applaud this extraordinary logistic and administrative achievement, whereby some 70,000 Cambodians in a national election structure delivered elections to their fellow countrymen in a technically proficient manner, there were serious deficiencies. Perhaps the key administrative and judicial deficiencies lie in the complaints and appeals process for both registration and the post-election period. These areas have been poorly

managed and are still not resolved. In particular, the current deadlock in the appeals mechanism, whereby the formula used in translating the election results into the allocation of parliamentary seats to the three winning parties and under which the CPP clearly benefits the most, is still under dispute. To date, the NEC has been unable to provide evidence that it expressed a major policy decision in a clear legal form. This still remains unresolved as we speak. I will now hand over to Greg to discuss the key findings from the observation.

Mr HUNT—Thank you, Mr Chairman. Using Peter's scale I believe I still have about enough time left for four Cambodian voters to cast their votes. I would like to make two preliminary comments before talking about the findings. The first observation was that there was a tremendous legacy left for Australia and for the Australian and New Zealand observers by the work of General Sanderson, Michael Maley and all of those other people who were involved in the UNTAC process. That legacy meant that there was a particular reserve of goodwill for Australians and New Zealanders and it meant two things. Firstly, we were able to do our job easily with the people because, for Australia and UNTAC, there was an immediate recognition. Secondly, it gave us excellent access to the administration—better than we might have initially expected. Credit for that must also go to diplomats such as Ambassador Kevin and others who came beforehand. There was a very good base from which to work.

The second preliminary observation is that the Australian observer team—many of whom are here today, and who came to 11 all up—is an extraordinary group of people. I can say this because we had nothing to do with choosing them. They were a first-class group of people and the contribution, in particular, of the parliamentary observers, three of whom are here today—Steve Dargavel, the chairman Bill Taylor, and Ralph Willis, who has just stepped out, were working hard on human rights issues and pushing the case, not just at the grassroots level, but also at the highest levels within the government.

What were the key findings we made? Technically, we have not given our report to the Australian government. If we could just keep it between the chairman and the 150 of us, we have made some very tough findings. We are somewhere between the two positions that have been presented today. Firstly, there was a clear practice of intimidation and violence during the course of the election campaign. It came on top of the legacy of the previous year. Some of that intimidation and violence was grotesque; all of it was unacceptable. We make the finding—and we made the finding as part of the international community—that it has not been properly investigated and it must be fully investigated. Those are critical findings and things that we consider absolutely important. That was a significant element in the election which we faced.

Secondly, what does that violence and intimidation, the vast majority of which was directed against opposition forces, do to the conduct of the election itself? The test must be twofold. Firstly, did it actually prevent serious campaigning throughout the country? Secondly, did it undermine belief in the secrecy of the ballot? The first key finding is: was

there a campaign which went ahead? Undoubtedly, that operated at two levels. At the national level there was a serious campaign, and I will talk about that in more detail very shortly. At the grassroots level there was undoubtedly some restriction. There were officials from opposition parties who were afraid to take all the steps necessary. That must be remembered, but at the same time there was a clear campaign. Additionally, was there a general belief in the secrecy of the ballot?

There were certainly many attempts to undermine it, but our best assessment—and not just based on our assessment but, most importantly, upon the more than 10,000 national observers from reputable observation groups throughout Cambodia—was that there was a general belief based upon the work of UNTAC, and upon the work of these groups in training Cambodians through use of pantomimes, plays and practical demonstrations, that the basic ballot would be conducted in secrecy. This was critical to the notion of whether intimidation would lead to payback if you exercised your vote freely.

The third key finding is whether or not there was significant fraud. Our best assessment, again using all of those groups—international but more importantly national domestic groups—is that, while there was no evidence of significant fraud in a way that would have distorted the ballot, we do believe that the post-election complaints and appeals process was badly managed, poorly organised and—to use the words of Michael Maley—did tarnish the result. I say that not because it actually contributed to fraud but because it had an impact on the confidence in the process. We do not believe that it undermined the actual vote or the actual result, as those stand, but because the way in which it was badly organised did have an impact on confidence.

If you look at the particular stages, the most important part is the campaign itself. The campaign had three major negative features. Firstly, there was the intimidation and violence. Within the campaign there were officials from many parties who were directly confronted with threats. There were over 20 alleged killings, as documented by the UN Centre for Human Rights in Cambodia. Some of those killings were extraordinarily grotesque, and they did occur within a climate of impunity. That must always be remembered.

Secondly, there was unequal access to the electronic media. That was a real and continuing problem. Thirdly, as we have said, there were attempts to undermine the secrecy of the ballot. That was done by trying to convince segments of the population that, in some way, how they voted in the ballot booth was going to be known. That issue was in many ways as big a battleground as the fight for particular votes. The question, ‘Whose vote are we fighting over here?’, was just as important.

On the balancing side of the ledger, firstly, there was a plural print media, if not an independent one. Many different views were represented, although you tended to have one particular paper which was very pro-CPP, one particular paper which was very pro the

royalist position, and a pro-Sam Rainsy paper as well. There were many different viewpoints, even if not independently put.

Secondly, there was a critical role for the non-government organisations. It was much more important than the role of the international community because these non-government organisations, about which Peter has already spoken, were at almost every polling station throughout the country. They provided the measure of confidence which Michael Maley talked about and which he believed was missing. I respect very much what he said, but I believe that that role played by those organisations, both prior to the election and on election day and counting day, was quite critical in establishing a core widespread and generally held belief in the secrecy of the vote.

Thirdly, there was an active campaign. Make no mistake that throughout the country in the vast majority of places there were rallies, convoys and signs. But that was, we say, at the grassroots level. Some of it was significantly inhibited and we would be wrong to deny that.

That is the background to the election. As for the election itself, on polling and counting day, the whole international community basically accepted it, along with the domestic groups that were at every polling station. They all say it was well organised. There was a high voter turnout of 93.74 per cent and it was calm.

Most importantly, the parallel count was conducted by COMFREL, one of those groups which the international community fought right to the wire. The international community told the NEC, 'If these important domestic groups are not given a guaranteed place in every polling station, that will put at the most severe risk our judgment on the election.' In other words, the international community said, 'Unless you guarantee these groups a place at every polling and counting table, we will pull the plug on you.'

So the threat was real, it was operative and, most importantly, it had an impact. COMFREL in its work concluded that the votes that its observers witnessed throughout the country were almost identical to those which were ultimately reported, so that is very important. The final element of the election was the complaints and appeals process. This was poorly managed. It was insufficiently transparent and, because of that, it weakened the enterprise, but we do not believe that it hid a process of fraud.

What it did was weaken confidence in the election. That is an important part of a transitional process because this is a country that is in democratic transition. It is not a finalised democracy; it has a long way to go. As we said, an election does not guarantee democracy, but you simply cannot have democracy without an election. It is a step along the way. It could be significantly better and we will be making a lot of recommendations on those fronts in the report.

This post-election process has also weakened it. The core elements are whether

there was a campaign, whether there was secrecy and, most importantly, whether there was belief in the secrecy. We believe they were there. But, ultimately, none of this excuses the violence which led to over 20 deaths. Our final conclusion is that, whilst there was a real election against a deeply flawed background, those aspects of violence and intimidation must not be allowed to stand. They must be investigated and they must be prosecuted. Thank you.

CHAIRMAN—Just before we open for comments and/or questions, I will remind people of a couple of points from this session. The point to make about the involvement of the UN in the 1998 election, as distinct from the election in 1993, is that the 1998 election was UN coordinated and the 1993 election was UN driven. That is a very important point and we would be interested in comments on that.

The second point—and I do not want to pre-empt what the ANZ observer group might finally recommend—is that there are two words that I do not think will be included in that report. They are 'free' and 'fair'. I do not want to be unduly provocative in saying that, but everything has to be couched in such qualitative and quantitative terms that it is impossible to make a judgment based on the Australian environment. You have to put it in the Cambodian situation. Therefore, it would not be appropriate, perhaps, to use those two words; but others might have other ideas. Do any members of the committee have a question or comment?

Dr SOUTHCOTT—I have two questions for Michael Maley. In terms of the way in which the polling booths are set up, is it possible for anyone to be inside the polling booth? In our brief we read that some village chiefs were inside the polling booths. Secondly, in your original comments you mentioned that there is no satisfactory mechanism for dealing with complaints, but do you believe that there was fraud on such a scale that it affected the result?

Mr MALEY—That raises a couple of issues and I will take them one by one. The first question about whether it is possible for people to be inside the polling booth can be broken into two issues: firstly, whether it is physically possible for them to be there, and the answer to that is yes; and, secondly, whether there are mechanisms in place that prevent them from being present. The efficacy of such mechanisms is likely to vary from place to place.

In areas where there are international observers paying attention to what is going on, it is most unlikely that you will see overt breaches of prescribed procedures taking place. In circumstances where there are genuinely independent national observers present, it is unlikely that you will see breaches of procedures taking place. But, given that national observers are inherently less protected from intimidation and the like than are international observers, which was an issue which we had to face with UNTAC in 1993, there is greater scope for people to be able to breach procedures and then rely on casting a dark glance at domestic observers to make sure that they do not make any noise about it.

The possibilities vary a lot.

I think you need to realise that you had several hundred international observers there. They were capable of observing approximately one per cent of the total of polling events right across the country. The other 99 per cent does not necessarily get seen. Also, for practical reasons, there are areas of the country, particularly the outlying provinces which have been pretty well locked solidly for CPP for years, where it is just very difficult to get large numbers of observers—in places like Ratanakiri, Mondolkiri, Koh Kong, Stung Treng and so on—so that is an issue.

On the question of whether there was fraud and whether it affected the result of the election, I would like to take up a point which Mr Kevin made, because he seemed to suggest this was a landslide election result and therefore in doing any sort of assessment you could really ignore lots of things because it could not have affected the result. In fact, the maths behind that thinking is wrong. This was an exceedingly close election, even if you accept the formula which has been adopted by the NEC for seat allocation that favoured the CPP.

The simple fact is that, if FUNCINPEC had won 390 more votes in Kompong Thom and 1,980 more votes in Kep, and if the Sam Rainsy party had won 2,634 more votes in Kampot and 1,399 more in Prey Veng, the CPP would have lost its majority. We are talking about a margin in those four provinces totalling 6,403 votes, which is only 0.13 per cent of the total valid vote. This is a much closer election than the great bulk of elections that we have had in Australia in the last 20 or 30 years—a real cliffhanger. You need to bear that in mind when you make any sort of assessment of the possibility that deficiencies in the process may have affected the result. In our paper we argue quite explicitly that this is a critical consideration. When you look at the significance of deficiencies, the question you always ask, in our elections here and elsewhere, is: could the result have been affected, or can you be certain that the result was not affected?

The second point I want to make picks up something Mr Hunt said, where he talked about there being—and I wrote the words down—a ‘core, widespread, generally held belief’ in the secrecy of the ballot. Elections are about universality; they are about creating an environment in which every single voter is able to exercise his or her franchise in a way that is open to an expression of his or her beliefs and which is not affected by intimidation, fear, coercion, fraud and so on. It very well may be the case at the recent elections that a very large number of people believed in the secrecy of the ballot, a very large number of people were brave, feisty souls who were not intimidated.

The critical thing you have to focus on is not the number of people who were intimidated, as against the number of people who were not intimidated; you have to focus on the number of people who plausibly may have been intimidated, as against the margin of victory in the election. That is where it becomes less relevant to say that polling proceeded smoothly and lots of people believed in the secrecy of the ballot or did not feel

intimidated, because it is equally consistent with the hypothesis that a very significant number of people did feel intimidated or did not believe in the secrecy of the ballot, and they were quite possibly among the 400,000 people who did not vote, who did not come to the polling booths, and therefore were not encountered by the observers.

CHAIRMAN—Okay. Can we have a couple of questions or comments from the floor please?

Mr KAY—I would like to put in doubt the validity of the counting of the votes in the election. Members of the Sam Rainsy Party who visited Cambodia for the election and who were able to see the counting, or some stages of counting in some of the booths, have told that the votes were sometimes split up into boxes which could not possibly have been seen by all of the scrutineers, and many, many votes were not counted and some were given to the CPP which were for Sam Rainsy and others. I wonder if anybody has any comments on that?

CHAIRMAN—I can comment on that and maybe Ralph Willis might want to make a comment as well. I do not think that is true, bearing in mind that we only observed about 12 per cent of the polling stations and that, if the parliamentarians meeting with Prince Ranariddh was any indication, the problems were in the polling stations which were not covered by the observer group. In his view that was where the problem lay, hence the appeals to the NEC and all the rest of it. But I can assure you that, certainly as far as Ralph and I were concerned, and we worked together as a team, there could not have been more probity in the way they were counted. Yes, there was a difference in some areas—and it may be that one or two of our observation team might like to make a further comment on this—but I think that is not a valid comment. Sam Rainsy needs to have a little more evidence of that. But that was not our observation.

Mr KAY—I would just like to qualify my remark. I am not suggesting that where observers were present there were any discrepancies; it was in the areas where there were no observers. And, apparently, observers who represent the Sam Rainsy Party did see a lot of problems in that regard.

CHAIRMAN—COMFREL and COFFEL, COMFREL in particular, were in all polling stations—there were thousands of them around—and, as Greg Hunt has indicated, that was not the feedback from that independent observing group. Anyway, it is a comment, and I thank you for that.

Mr KAY—Thank you.

CHAIRMAN—Would another member of the Australian observer group like to make a comment on that?

Mr DARGAVEL—Yes. In my observation, the problems with the elections were

not so much on the counting day or the voting day. One observation that someone made somewhere along the line was that only a rank amateur would try and rig the actual ballot on the day, or the counting. The problems with the elections, in my observation, were what happened leading up to the ballot: locking out opposition parties from the electronic media, which is quite important if you have a high illiteracy rate; it is all very well to have a plural print media, but if people do not actually read the paper that is a real issue; massive vote buying; and the pre-election violence and intimidation. I think these were more significant issues than perhaps what happened on the counting day or voting day.

It is unfortunate that so much focus has been given to what happened on voting day and counting day, as opposed to what led up to those days. And what is perhaps more significant than all of those issues is the change of the formula which defined seats: the change of that formula gave CPP a governing margin which I do not think could be seen in any pluralistic society as being fair and free.

CHAIRMAN—Are there any further questions or comments from the floor?

Ms DOWNIE—Mr Chairman, with all due respect, I am sure that there was none of that splitting of the ballot boxes in the centres where you and other observers were. I think the question is: what took place in counting centres where there were no international observers? I stayed on for another 10 days after the counting finished and there were numerous reports, from FUNCINPEC, from Sam Rainsy's party and from many of the other smaller parties. As far as I am aware, the NEC has not denied that, in some centres, boxes were split such that counting took place in more than one venue, still within, for example, the school or the pagoda but, for example, in two or three different classrooms. NEC election officials would not allow more than one party agent to be present—and, obviously, one party agent could not be in two or three classrooms simultaneously. I think this is a genuine concern, but one of many irregularities reported.

CHAIRMAN—Thank you, Sue. The other comment—Greg did not mention this—is that one failing of our observer group was not to be involved beyond the commune level. What we will be saying in the report to government is that in future, if there is an opportunity, the observer group should be taken forward into the provincial areas so that we can follow up and pick up some of these things, even at that stage, where there are inconsistencies.

I am not in any way criticising the point. I am just making an observation as far as we saw it at the commune level. At the provincial level, we could have done a lot more and therefore could have avoided some of this criticism even from Sam Rainsy and others. Thank you.

Dr MALEY—I am from the political science department of the Australian Defence Force Academy. Mr Chairman, I was struck by your comment about the absence from Mr Hunt's remarks of the words 'free and fair'. That prompted me to reflect on the

famous—some would say notorious—press conference given by the Joint International Observer Group before the election which canvassed the use of the expression 'broadly representative' as a possible criterion by which the outcome of the election might be assessed. As a political scientist, it strikes me that it is a useful expression in one situation only, and that is where, in the face of violence and intimidation, the opposition nonetheless wins. So, whilst the kinds of formal points which one might examine for purposes of assessment of the procedural regularity cannot be met, nonetheless the outcome is one which does not reward those who are practising violence.

I was therefore very disturbed to see this criterion being put into circulation before the election outcome, for the very reason that it could suggest to voters who are already in a climate of considerable intimidation that the international observers were not going to be in a position to evaluate the outcome to the rigorous standards which the 1993 election aspired to achieve. Could I ask Mr Hunt, Mr Maley and Mr Dargavel if they could offer some comments on this point?

Mr HUNT—That is a very good question and an absolutely fair and valid issue and one which was not completely unexpected. I might just refer to something which was provided incidentally by Michael Maley to the observation group as a basis for discussing what you said. It is from Thomas Carothers in the *Journal of Democracy* on observing the observers. It is a hard-hitting look at how election observation processes go. It said that the idea that there exists an unambiguous standard of free and fair that permits definitive judgments about profoundly complex transitional elections is an unhelpful illusion. The phrase 'free and fair' cannot denote compliance with a fixed universal standard of electoral competition. No such standard exists, and the complexity of the electoral process makes a notion of any simple formula unrealistic. That is one view.

He went on to say that the more seasoned election observation organisations have come to understand this by dint of experience. They may refer to obviously problem-free elections as free and fair, or to blatantly fraudulent elections as not free and fair. For many transitional elections, however, they avoid those magic words, instead describing the positive and negative aspects of the process and leaving it to others to draw conclusions, or they stick with more basic and obviously subjective judgments such as whether an election reflected the overall will of the people.

By coincidence, I received that only afterwards. What is interesting is that what you have set up is an understandable but, with the greatest of respect, not entirely accurate portrayal. What people said before the election was, 'The standards of free and fair should be pursued and, make no mistake, we must pursue the standards of free and fair.' But that is an A grade.

The alternative of not free and fair makes it sound like an F grade or a failure. Therefore, on the basis of what was seen throughout the campaign, we were not willing to give it an A grade; nor were we willing to fail it. The last day of the campaign was an

extraordinary event in Phnom Penh. There were tens of thousands of people from all different political parties campaigning. There was the most moving sight of thousands of monks and nuns circling Wat Phnom, holding hands and praying for a peaceful election. This was happening on the one hand. At the same time we knew that there had been this terrible violence. So you had this paradox.

Given that, we were not willing to say, 'Thus far, this election has reached the standards of free and fair,' and it did not deserve an A grade; I was not willing to give it an A grade. You might have preferred that we gave it either an A grade or an F grade, but I think that is an understandable but unrealistic basis for assessment. We were not willing to pull the plug on the aspirations of all of those tens of thousands of people.

As for the election day, that was the judgment of the international community; that was not the judgment about the election as a whole. We will not be describing the election as a whole in those terms. We will not give it an A grade; nor are we going to fail it. It will be a C minus, if you like. It is a pass, but with deep concerns. I hope that in some way addresses the very real point you are making. If we are asked to say that it is either an A or an F—either it is a glowing pass, which is what those terms denote—

CHAIRMAN—Tony, do you want to make a supplementary comment?

Mr KEVIN—Yes, I do, thank you. I have two points. Firstly, on this very crucial question of whether the pre-election intimidation makes it a not free and fair election, take a look at the posters on the board over there. The one on the top left-hand corner—which was displayed in every polling station in Cambodia—speaks graphically to Cambodian voters who were confronted by various potential kinds of intimidation or bribery. The boy is saying to his mother, 'Don't worry, mother. Whatever any of them have said to us or whatever promises we may have made in the past, our vote is completely free and we should vote according to our conscience.' That was in every polling station. There was also a similar message from the King which said precisely the same thing. In the end, people vote in the privacy of the polling booth according to their conscience, whatever has happened beforehand. To my mind, to use Greg's useful nomenclature, that does not take it down below a B or a C or a D. It certainly does not take it down to an F.

My second point, very briefly, is on this question of the voting formula. It does seem, indeed, as Peter Bartu has commented, that there was a certain administrative messiness in the way in which the formula was arrived at for distributing the votes of people who voted for small parties that did not win seats. There seem to have been some irregularities or confusion in the way in which that was handled, which I will not go into any detail about. The salient point—and the *Cambodia Daily* ran a feature article on it during June pointing this out—was that the effect of this formula would be to take votes away from smaller parties and give them to the main vote-winning parties.

They asked various politicians what they thought of this. FUNCINPEC had not

really thought about it; they had no comment at all. Sam Rainsy said that he did not consider the changes all that important. He is on record with those quoted words in the *Cambodia Daily.* Of course he did not because he expected to be a major beneficiary of them. What we had over this voting formula situation were people basically trying to move the goalposts in the final quarter of the game. I do not think that is reasonable in anybody's election procedures. Thank you.

CHAIRMAN—I would just like to make a final comment. I think it is a valid comment to make, and it is a personal comment. I was the only parliamentary observer who attended the first press conference which the Swedish ambassador gave. I think it was unfortunate and it is unfortunate, too, that some of the journalists, in particular Ginny Stein from ABC Radio in Bangkok, took this issue up. If JIOG had the time over again, it would be my personal view that some of the comments that were made, both at that first press conference and, indeed, the subsequent one, were a little premature.

Mr DARGAVEL—I have been asked to briefly provide a view. On the question of whether the election should be assessed on this concept of free and fair, I have made a couple of observations. Firstly, I was under the impression that that is what we were sent to do. In fact, that is what the written brief suggested we were there for.

Secondly, the JIOG found it within its means to use those terms to describe polling day. My observation is that quite a number of people are in that framework, so the movement away from that framework to a broadly representative framework, or that language, is cause for some interest. I agree with Greg's overall analysis, if I understand it correctly, which was that you could not say the elections were free and fair, but they were a positive step in the right direction. That is the bottom line.

If we are in the business of encouraging multiparty democracy in Cambodia, I think we have to give credit for some of the positive developments. I would not go as far as Mr Kevin has gone in his assessment, but I think that the language, the framework, concerning whether the elections were free and fair was the reason we were sent there. People used that language when they were assessing polling day. They did not use it for pre-polling day, and I think that is quite an interesting story in itself. My view is that the elections were not free and fair but they were a step in the right direction and we should keep up with our involvement in developing this process.

CHAIRMAN—Ladies and gentlemen, I am going to have to stop it there in terms of this question time, but we will come back to it. We can pick up some of your comments and your questions in the later discussion periods.

SESSION 2—VIEWS OF OTHER NATIONS

CHAIRMAN—We are going to move on to national views and through the ASEAN, European Union, United States and Japanese views on the Cambodian situation.

Let me invite Her Excellency the Ambassador of the Royal Thai Embassy to open the batting in this section.

Mrs LAOHAPHAN—The topic that I have been asked to present today is the ASEAN-Cambodian relationship over the last 10 years and my thoughts on the furthering of our relationship in the future. However, the events that took place in Cambodia during the early part of this decade have been well documented elsewhere and has been touched upon by many speakers at the earlier session. Therefore, with the time constraint of 10 minutes, I would like to focus on the period from 1993 onwards and give my thoughts on the prospect for the future.

To better explain the nature of the relationship between us and our neighbours during the past 10 years and even 30 years, I think it is unavoidable that reference will have to be made to the ASEAN Bangkok Declaration of 8 August 1967. When the organisation was established, the declaration clearly stated that:

. . . the Association is open for participation to all States in the South-East Asia region.

Thus the door has always been open for other countries in South-East Asia to become members. The declaration's vision and goals, as stated in the documents, were:

. . . to accelerate the economic growth, social progress and cultural development in order to strengthen the foundation for a prosperous and peaceful community of South-East Asian Nations.

The reference made to the Bangkok Declaration might sound like a cliche but, when taking into consideration the political and security circumstances in the region at the time, one has to admit that the regional goals of the Founding Fathers were quite bold, foresighted and probably unimaginable during the period.

ASEAN's relationship with our neighbours in South-East Asia since 1967 has therefore been shaped by the spirit and visions of the Bangkok Declaration of 1967, that is, to have all 10 South-East Asian countries in ASEAN. The founding fathers envisaged that all states and people in South-East Asia would one day enjoy peace, stability and prosperity through friendly relations and cooperation under one ASEAN family.

The progress of ASEAN in expanding its membership has been gradual because of the different circumstances surrounding the prospective members over the course of integration. ASEAN has gradually increased its membership from five members since its inception to six members in 1984 when Brunei became a member. But the significant milestones to our realisation of the goal of having all South-East Asian nations in ASEAN was the admission of Vietnam into ASEAN in 1995 which eventually led to the admission of Myanmar and Laos in 1997.

However, the aspirations that ASEAN envisions will not be complete without the

inclusion of Cambodia. ASEAN has been concerned with the situation in Cambodia since the late 1970s due to its implications for the peace, stability and security of the region. One of the obvious consequences was the flow of millions of refugees into neighbouring countries which imposed heavy economic and social burdens on many ASEAN member countries, not to mention the threat to the security of the region.

The Cambodian problem has become a regular item on the ASEAN meetings' agenda. ASEAN played a very active role in searching for a durable and lasting peaceful resolution to the Cambodian problem for almost 15 years. Through the continued help and tireless efforts of the international community, and the UN in particular, a solution was found under the Paris Peace Accords of 1991, which consequently led to the UN sponsored election in Cambodia in 1993. After the election, the ASEAN foreign ministers issued a declaration recognising the provisional national government of Cambodia under the joint premiership of Prince Ranariddh and Hun Sen, and agreed to invite Cambodia to participate in the ASEAN Ministerial Meeting in Bangkok the following year, as a guest of ASEAN. That meeting between ASEAN and Cambodia was the first of its kind.

Relations between ASEAN and Cambodia have developed further since the country was accorded observer status in July 1995 after Cambodia's accession to the Treaty of Amity and Cooperation in South-East Asia, which set a framework for peaceful resolutions and friendly cooperation amongst states in South-East Asia. It was also allowed to participate in the second ASEAN Regional Forum for the first time, where political and security matters in the region were discussed amongst ASEAN member countries and their partners, including Australia.

In addition, during that Fifth ASEAN Summit, which was held in Bangkok later that year, the two co-premiers of Cambodia, together with the heads of government of Laos and Myanmar, were invited to meet with the seven heads of government of ASEAN, and they exchanged views on issues of mutual concern, including the current situation in South-East Asia and the future of the region. That meeting was a historic event, as it was the first ever gathering of all the leaders of the 10 countries of South-East Asia. It marked a further development of ASEAN, as well as offering a new prospect for friendly and cooperative relations among all countries in the region for the sake of a future with peace and development. Especially, the approval and conclusion by all 10 countries in the region of the treaty on South-East Asia as a nuclear weapon free zone constituted a new factor contributing to the consolidation of peace and security, which are essential factors for prosperous development. It was at the Fifth ASEAN Summit that the ASEAN heads of government declared that:

ASEAN shall work towards the speedy realization of an ASEAN comprising all Southeast countries as it enters the 21st century.

Finally in 1996 Cambodia, along with Laos and Myanmar, submitted its application to join ASEAN. In response to their formal application, ASEAN set up working groups to assist

Cambodia in its preparation to join ASEAN, along with Laos and Myanmar.

The decision to allow Cambodia to participate in ASEAN activities was also made at the second Informal ASEAN Summit in Jakarta meeting in 1996. Consequentially, the decision on the date of Cambodia's admission into ASEAN was taken in May 1997 at the special meeting of ASEAN foreign ministers in Kuala Lumpur, after undertaking a study on Cambodia's technical preparedness to join ASEAN. The meeting decided to admit Cambodia along with Laos and Myanmar; but, due to 'unfortunate events' in Cambodia on 5 and 6 July 1997, ASEAN had to decide to postpone the membership of Cambodia to a later date, while the admission of Laos and Myanmar was proceeded with as scheduled. However, I would like to point out that, during the second Informal ASEAN Summit in Kuala Lumpur in 1997, ASEAN leaders expressed their preference to see the admission of Cambodia before the forthcoming sixth ASEAN Summit in Hanoi in December this year.

After the unfortunate events in July 1997, the Cambodian government, through its Foreign Minister Ung Huot, requested assistance from ASEAN in July 1997 during the 30th AMM to play a role in restoring peace and promoting national reconciliation in Cambodia. In view of the concerns of the conflict in Cambodia affecting the security and stability of the region in breach of ASEAN's noble goals and objectives, the ASEAN foreign ministers decided to send the ASEAN Troika, compromising Thailand, the Philippines and Indonesia, to consult with all the parties concerned in Cambodia, and urged Cambodia to uphold the following four principles in solving its problems: firstly, the cessation of conflict and fighting; secondly, the granting of permission to all politicians in opposition to return to Cambodia safely and with no punishment; thirdly, the maintenance of principal institutes of the country; and fourthly, the holding of a free and fair general election, as scheduled, in May 1998.

The above four principles have been mostly welcomed and strongly supported by the United Nations and the international community, particularly the Friends of Cambodia, which was set up with similar purposes to those of ASEAN. Through the steadfast position, continuous efforts and active role of ASEAN, together with firm and strong support of the Friends of Cambodia, the Cambodian government agreed to most of the aforementioned principles. However, at the end of 1997, the situation in Cambodia further deteriorated. Fighting escalated, leading to another influx of displaced persons fleeing to the neighbouring country in the west, Thailand.

Thailand, bordering Cambodia, has been directly affected by the conflict and fighting in Cambodia and it took the initiative to invite the then Prime Minister, Prince Ranariddh, and the current Prime Minister, Hun Sen, to Bangkok separately, with a view to helping break the deadlock and to reaffirming its aspiration to see peace and stability in Cambodia restored as soon as possible, to enable a general election to be held as scheduled. With the support and endorsement of the ASEAN Troika and the Friends of Cambodia, under the initiative of Japan, a four-point proposal was submitted to the Cambodian government with a view to encouraging a free, fair and credible election to be

held as scheduled.

Moreover, the ASEAN Troika has played a significant role in seeking approval from the Cambodian government, particularly from King Sihanouk himself, to allow overseas representatives of the NGOs and foreign governments to observe the general elections in Cambodia. At the invitation of the government of Cambodia, each ASEAN member has sent eight observers to Cambodia. The presence of foreign observers has made the election in Cambodia, and the outcome, credible. The frequent meetings between the ASEAN Troika and the Friends of Cambodia are considered to be a significant and informal mechanism to promote peace, stability and national reconciliation in Cambodia, as well as to help bring the problems of Cambodia to the attention of the international community. Through the efforts of the ASEAN Troika, the UN, the international community and the Friends of Cambodia, in which Australia has been a very keen participant, the election in Cambodia was finally held on 29 July, as we are all aware.

ASEAN's continuing engagement in Cambodia can be best summarised by the closing statement at the 31st AMM in July this year by Foreign Secretary Siazon, as chairman of the ASEAN Standing Committee, as follows:

> ASEAN's long engagement in Cambodia and its dedicated efforts to contribute to the process of national reconciliation and restoration of peace and stability in that country will be under the spotlight tomorrow. Our hopes are high that the holding of free, fair and credible elections in Cambodia will enable that country to move forward on the road of peace and prosperity.

As to the issue of Cambodia's membership in ASEAN, the 31st joint communique also stated that:

> The Foreign Ministers recalled that the ASEAN Heads of State/Government at the Second ASEAN Informal Summit called for the intensification of consultations with Cambodia to facilitate its admission into ASEAN.

The recent update on the admission of Cambodia into ASEAN is that ASEAN foreign ministers have assigned the troika to draft a statement on Cambodia. The foreign ministers will discuss the draft statement in New York on 23 September. It is expected that the statement will include information about the new timing for admission of Cambodia into ASEAN.

The obstacles to Cambodia's admission into ASEAN at this stage rest with factors within Cambodia itself rather than with any external factors. In my view, the admission of Cambodia into ASEAN depends on two issues. Firstly, will Cambodia be able to form a new government? Any delay in forming a new government will only create uncertainty and could affect the consideration of its admission. ASEAN is therefore very eager to see the formation of a new government as soon as possible. Secondly, after the formation of the new government in Cambodia, will the new government still be interested in joining ASEAN? ASEAN will therefore have to wait for the new government to officially apply

for membership.

Assuming that Cambodia will join ASEAN by the end of this year, the question would probably be: is Cambodia ready for membership in ASEAN? Furthermore, by joining ASEAN, is Cambodia required to accede to relevant ASEAN political and economic treaties and agreements, and does Cambodia foresee any difficulty in doing so? The following observations should give some clues to those questions. Since July 1977, ASEAN has continued to assist and intensify cooperation with Cambodia to better prepare the country for its impending admission.

Collaborative efforts have been undertaken by ASEAN countries individually and collectively. Assistance to Cambodia at the bilateral level took the same format as that extended to Laos. Hence English language training in Brunei and Singapore, training on diplomacy and international relations in Malaysia, and English language training and ASEAN affairs training in the Philippines were held to facilitate Cambodia's entry.

At a collective level, besides briefing and training Cambodian officials both in Phnom Penh and at the ASEAN secretariat, two fact-finding missions were sent to Phnom Penh to hold consultations with several cabinet members of the Cambodian government on issues relating to membership in ASEAN and to gather information on the economic structure and the situation in Cambodia with a view to assisting Cambodia to participate smoothly in the AFTA processes and other economic arrangements. From these two fact-finding missions, it is quite evident that Cambodia has shown its determination and seriousness to become a member of ASEAN.

Our assessment is that we do not see any major difficulties for Cambodia to join ASEAN. The government of Cambodia, on its own part, has also been active in preparing itself for membership. Some of the preparations that have been taken are, for example: the development of internal agencies as mechanisms for coordination and planning to ensure effectiveness and efficiency, and especially the establishment of an ASEAN department to act as its national ASEAN secretariat; the reform of the legal framework consistent with ASEAN standards; and human resource development, particularly the training of its officials.

As far as acceding to political treaties and agreements, Cambodia acceded in 1995 to the 1976 Treaty of Amity and Cooperation in South-East Asia and signed the treaty on the South-East Asia nuclear weapon free zone in the same year. Other documents have already been endorsed by the Council of Ministers and only require approval of the National Assembly. However, it is expected that Cambodia will have no difficulty acceding to other remaining documents.

With regard to the economic agreements, it is expected that Cambodia will have to make significant adjustments to meet the various obligations in ASEAN economic agreements. Our assessment is that Cambodia has a free and open market economy and

should find no difficulty in joining most of the economic cooperation arrangements. Cambodia's average tariff is quite low and therefore joining AFTA should also be no problem.

Cambodia was initially concerned about revenue earnings because more than 70 per cent of the government income comes from customs revenue. However, Cambodia has found the way to cope with the problem: by broadening the tax base with the introduction of a VAT and also to exclude a select number of products generating high customs such as beer, cigarettes and other luxury items from tariff reduction.

Like all other members, Cambodia will have 10 years to complete its implementation of the common effective preferential tariff scheme for AFTA. This means that, if Cambodia is admitted this year, Cambodia will start the implementation on 1 January 1999 and complete it by December 2008. Interestingly, joining the ASEAN investment area, or AIA, could pose different problems for Cambodia because the AIA is slower than Cambodia in extending investment incentives to foreign investors.

Cambodia's investment promotion incentives are far more generous and liberal than what would be offered in the ASEAN investment area. Furthermore, after becoming a member, Cambodia is required to extend MFN treatment to ASEAN member states on a reciprocal basis and national treatment to products from ASEAN member states vis-a-vis its domestic products, and to ensure transparency in its trade regime on goods and services.

Another issue to consider is the financial burden on Cambodia after joining ASEAN. If Cambodia is admitted, it will have to contribute to the ASEAN Secretariat operating budget, plus Cambodia will have to make a one-time contribution of $US1 million to the ASEAN Fund and another $US50,000 to the ASEAN Science Fund. Furthermore, Cambodia will have to shoulder the cost of sending its representatives to various ASEAN meetings and activities which will cost roughly another $US1 million a year. However, Cambodia has assured ASEAN of its determination and readiness to meet all financial obligations.

Critics of ASEAN often point to the numerous ASEAN meetings each year as excessive. As an official who was actively involved in those meetings, I have to reject that criticism. In my experience, those meetings were quite useful and necessary as they gave opportunities for officials to get to know each other at the personal level and create a network of contacts which also serve as a confidence building measure.

ASEAN has always been committed to assisting our neighbours in achieving peace, political stability and prosperity. Despite a financial crisis in the region, ASEAN still continues to be actively involved in that process, especially during the recent election in the country, through the troika and the sending of observer teams to the election. While ASEAN is awaiting the formation of a new government in Cambodia, it will continue to

provide technical assistance to Cambodia and prepare it for eventual membership of ASEAN. However, there is a limit to ASEAN's resources under the current financial climate, and this is where assistance from the international community, especially from ASEAN dialogue partners such as Australia, is essential. In this connection, ASEAN appreciates the financial and technical assistance that several international organisations have extended to the ASEAN secretariat and Cambodia in preparation for Cambodia's membership in ASEAN.

In September 1997, the Cambodian Institute for Cooperation and Peace organised an informal round table on Cambodia in ASEAN. The round table reviewed Cambodia's preparation for ASEAN membership and discussed, among other issues, Cambodia's need for integration into ASEAN. Not surprisingly, some of the needs that the round table identified were the need for qualified Cambodian diplomats for postings and thus the need to train its officials to improve their English proficiency, negotiation strategies, lobbying skills and report writing skills. It also identified the need to formulate a matrix of assistance for its integration into ASEAN, as well as a plan of action showing the priority areas for its participation in ASEAN for the first five years to ensure the effective usage of limited resources. Therefore, ASEAN and its dialogue partners should examine ways and means to help Cambodia meet the above needs. The assistance will help Cambodia to be able to participate effectively in the ASEAN process.

Finally, I would like to say that, despite the delay in Cambodia's admission into ASEAN, Cambodia has continued to participate as an observer in ASEAN meetings and other activities, such as the ASEAN Standing Committee, the AMM, the SEOM, which is the Senior Economic Officials Meeting, and the AEM, which is the ASEAN Economic Ministers Meeting, along with participation in some joint activities of ASEAN and dialogue partners. One blessing in disguise from the delay is that Cambodia now has more time to better prepare itself for membership of ASEAN. We hope that Cambodia's membership will only be a matter of time and that the vision of ASEAN 10, as foreseen by our founding fathers, will become reality.

CHAIRMAN—Thank you very much indeed. We will hear now from the European Union—and I might add that European Union observers were very dominant in Phnom Penh in the lead-up to the election.

Mr de KOK—Thank you, Mr Chairman. I would like to start by saying that I will speak on behalf of the European Commission. We have been asked to give an overview of our cooperation with Cambodia over the last 10 years. That will take me a little through history and I will end up with the electoral process and what we hope will happen now.

Cooperation between the European Commission and Cambodia dates back to the early 1980s when, for about a decade, the European Commission supported the United Nations border relief operations to the tune of almost $US13½ million. During those years the European Commission, together with its member states and other partners, was

engaged in intensive diplomatic negotiations that led to the Paris peace accords of October 1991.

The prolonged war had left Cambodia in ruins: most infrastructure was destroyed, communications were almost non-existent and agricultural production had dwindled. Millions of landmines littered the countryside and a large number of displaced persons needed caring for. As early as December 1991 the European Commission embarked on a program to support the rehabilitation process in the two provinces of Battambang and Pursat in the north-west of the country. The program was implemented through non-governmental organisations. Simultaneously, a demining operation was carried out and initiatives to improve the human rights situation were undertaken. Over a period of three years, some 45 million European currency units—approximately $80 million—were expended.

Following the elections of 1993 and subsequent encouraging developments, a new initiative was launched—the European program for the rehabilitation of Cambodia. This initiative comprised a number of activities, including: firstly, a program of rehabilitation of and support for the agricultural sector, including, inter alia, improvement to water supplies, increasing productivity through irrigation and improved access to credit; secondly, a program of support for primary education involving some 5,000 primary schools and the training of some 47,000 teachers, ultimately benefiting some 1.7 million children; and, thirdly, other smaller initiatives such as institutional support, further demining operations, human rights projects, et cetera. As part of a regional program in South-East Asia, activities in the health sector related to malaria, HIV-AIDS and STDs were undertaken as well.

The European Commission Humanitarian Office, commonly known as ECHO, has implemented a number of emergency programs since 1993 worth almost 21 million ECU or approximately $38 million. Since the signing of the Paris peace accords and until about 12 months ago, the European Commission has invested almost 200 million ECU in the rehabilitation and development of Cambodia. The contribution of NGOs in the larger and more structured cooperation programs has been relatively small. However, NGOs have played and still are playing a vital role in the delivery of humanitarian and emergency assistance.

Some three years ago, the European Commission established a technical cooperation office in order to facilitate the technical implementation of its program of cooperation. When you look at the development cooperation report of 1997-98, which was published under the auspices of UNDP, the commission was the largest multilateral donor during the period 1992-97, with total disbursements amounting to just under $US184 million. In addition, 12 of the EU member states disbursed during that period just over $US510 million. Together, this represents almost 30 per cent of all aid flows. At present, and in the short term, our strategy can be no more than the consolidating of ongoing humanitarian assistance in the field of primary education and demining, and basic

assistance to the poorest.

Over the last 12 months, the European Commission has actively been involved in the process of trying to restore democracy and has given financial support amounting to 11 million ECU, approximately $20 million, to create a political environment conducive to democratic elections. This assistance was conditional on the government's acceptance of and adherence to a number of criteria, notably the establishment of a legal framework for the elections, respecting international standards for free and fair elections, such as refraining from intimidation of voters, access by the media, security, et cetera, and the creation of the necessary environment to allow for the observation of the total electoral process.

As you mentioned, Mr Chairman, some 187 observers from the European Union, financed jointly by the commission and its member states, were in Cambodia during the electoral process. Indeed, the Vice-President of the European Commission, Manuel Marin, visited Cambodia on the eve of the elections to further emphasise the importance the European Union attaches to the electoral process.

The elections took place last month and the provisional results have been announced by the NEC. Declarations and statements have been issued on behalf of the Joint International Observer Group and of the European Union indicating that what could be observed on polling day and counting day was a process which was free and fair to the extent that enables it to reflect in a credible way the will of the Cambodian people. This, of course, is a statement which has been mentioned by the previous speaker.

As an international community, we now need to urge the Cambodian partners that a government needs to be formed that reflects the will of the people, and that a stable political climate with respect for democratic principles and fundamental rights must be created. Once this is achieved, we can expect the ratification process of an agreement of cooperation that was signed between the European Community and Cambodia to be relaunched.

This cooperation agreement was agreed last year, but it has not been ratified because of the events that took place in July. If this process can be relaunched, that in turn would allow the European Commission to restart its long-term program of cooperation which has as priority sectors agriculture, education and training, demining and public health—the overall objective being, of course, poverty alleviation.

It is recognised by all concerned that benefits from such programs can only be reaped in the medium to long term. At present the only economic sector that could possibly generate revenue quickly would be tourism. In order to make a positive contribution to sustainable development, this area would need some very careful planning. If, however, the necessary political stability cannot be achieved, the prospects for medium- to long-term sustainable development are negligible and we may be in for prolonged

humanitarian assistance and emergency operations. Let us hope that for the sake of the people of Cambodia this latter scenario will not continue to be the reality.

Mr Chairman, let me make a remark. As it is true that we may have preferred to give a very clear indication whether Cambodia failed or succeeded in this electoral process with an A grade or an F grade, it was pointed out that maybe your own observers group would at the moment put a C minus grade to that. Let me remind you that many people that graduated with C minus in the past have become very valuable contributors to society and have gone through a very good university career. So let us hope that indeed this is a first step, or maybe a second step, for Cambodia. I think it is to a large extent up to us in the international community to ensure that, even with this C minus pass, Cambodia will indeed become a valuable member of the international society.

CHAIRMAN—Thank you very much. We will now hear from the United States.

Mr ENGELKEN—Thank you, Mr Chairman. Diplomatic colleagues, interested officials and members of the public, fostering peace and respect for human rights and democracy has long been a US goal in Cambodia. We have worked closely with our friends in ASEAN and with members of the Friends of Cambodia group to this end. Cambodia has been a frequent subject in our bilateral discussions with Australia.

In the interest of time I would like to turn to the immediate question of the election. I do not think, to continue the analogy, we have given a grade yet one way or the other. Our approach is quite cautious. It is important to recall that the final results will be decided by the Constitutional Council in keeping with the Cambodian constitution. It appears that preliminary results are holding firm. Hun Sen's CPP won 41.2 per cent while Ranariddh's FUNCINPEC won about 31 per cent and Sam Rainsy about 14 per cent.

I want to stress, however, that it will be—and this is the point my colleague from the European Union was making a moment ago—the responsibility of the leaders of Cambodia's political parties to peacefully re-establish a new government in accord with election results. In other words, what happens after the election is as important as what happened during the election. We have been consistent since the day of the vote not to state our view as to the nature of the conduct of the election and, indeed, the authenticity of the result. As Secretary Albright said recently, we should not rush to judgment. The real test of Cambodia's democracy is later.

In the immediate aftermath of the election, Cambodia's National Election Commission conducted a recount of ballots in several districts in response to complaints from opposition party leaders of polling and counting irregularities. International observers, including representatives of the US National Democratic Institute, were present for all the recounts. The investigation of reported electoral abuses and the recounts are now completed and have not altered the allocation of seats in the National Assembly, as announced earlier.

These preliminary results indicate that no single party will hold two-thirds of the National Assembly seats required to form a government. Opposition parties have now taken their remaining concerns about electoral irregularities to the Constitutional Council. The council is the legal body charged with ruling on disputes over election results, including the continuing controversy over the formula used to allocate seats in the National Assembly.

More generally, the council is responsible for interpreting the constitution and passing on the constitutionality of all laws passed by the National Assembly. Decisions of the council are based on a two-thirds majority vote, and they are final. We look to the council to impartially and thoroughly address the complaints of irregularities brought by the opposition.

Recent press reporting has indicated King Sihanouk is ready to play a mediating role. The US government recognises the King's important role and contributions to reconciliation in the country. Peaceful dialogue between all parties is critical to Cambodia's political process. At this point, with the definitive and final result up in the air, the US government believes it is still premature to discuss things like releasing the aid we suspended last July or the issue of Cambodia's UN seat.

With respect to the conduct of the election, the majority of foreign observers have endorsed its conduct. However, we have reports from various sources that opposition activists were victims of threats and intimidation. We spoke out before the election about our concerns about the climate of intimidation and the inherent propaganda advantages in television the government held. We are also disturbed by reports of post-election acts of intimidation and urge the authorities to take the necessary measures to end such acts. The head of the UN Centre for Human Rights in Cambodia called for the political leadership to take a strong stance against attempts to settle scores. We strongly endorse this call. It is the responsibility of Cambodia's leaders to clearly oppose the use of violence and intimidation.

The Cambodian people will be best served by a calm, deliberate, non-violent process in which a new, democratically elected government is put in place. The United States funded over 200 international observers. In Australian dollars, we provided $3.7 million for election observation, training of poll workers and other activities. International observers were encouraged, as were we, by the turnout and by the obvious desire of the Cambodian people to exercise their right to vote. Election observers have generally been satisfied with the competence of polling officials and the way they accomplished their responsibility.

At the end of the day, we are looking for results that are credible in the constitution of a government that reflects the will of the people and a desire to move forward on behalf of the needs of the Cambodian people. All of us in the international community have invested a great deal in Cambodia, but the purpose of the election was

not to make it easier for us to declare a success and walk away. It was to give the Cambodian people a chance to start a new democratic process and resume that one which was arrested when the coalition government disintegrated amidst violence last year. That process must continue until the day comes when Cambodians can participate in the political life of their country without fear, until they are confident that the rule of law endures and until they have a government that uses power to uplift their country.

Until that day we in the international community must remain engaged. The Friends of Cambodia and the ASEAN Troika must be willing to carry out their work as needed. We must also all continue to pursue accountability for the crimes of the Khmer Rouge. While we cannot impose democracy in Cambodia, we should continue to encourage it by making our assistance to any government conditional on respect for international norms. Thank you.

CHAIRMAN—Thank you very much.

Mr SHIOZAKI—According to the letter we received from the secretary, I am supposed to talk about Japan-Cambodian relations over the last 10 years or so. I am not going to talk about what happens at this moment in Phnom Penh, but simply look back over the past decade and talk about what we in Japan did to the peace process in Cambodia.

Before I start, I would like to make it clear that the views I am going to express are strictly my own views and do not reflect in any way the views of the Japanese government. I have not been involved in any peace process negotiations taking place with the coalition government of Phnom Penh. What I am going to talk about is solely based on what has been publicly reported in open documents, papers, books and the like. I would like to focus on Japan's diplomatic efforts in the Cambodian peace process, rather than focusing on what is happening now in Phnom Penh. I will touch on Japan's diplomatic perspectives on the Cambodian peace process.

Firstly, in April 1975, Japan was forced to close its embassy in Phnom Penh after the Khmer Rouge took over the capital. Since then it has been very quiet with almost no diplomatic activities carried out by Japan until towards the end of the late 1980s. During the late 1980s, Japan re-energised its diplomatic activities and started to establish informal communication channels with the key factions of the coalition government headed by Prince Sihanouk.

The Cambodian people had been suffering from civil wars and foreign invasion long before the Vietnamese forces intruded in December 1978. Cambodia had enjoyed only a brief period of peace for 10 years in the 1950s. That was the only peaceful period they had after World War II. The rest of the Cambodian postwar history was a history of turmoil and foreign interventions. Throughout its modern history, Cambodia had been susceptible to outside powers such as Vietnam, Thailand, China and France. After World

War II was over and France lost the war with Ho Chi Minh, the US took over from France and fought against the spread of communism, which ended in disaster at a later stage.

During the Cold War period, Japanese growth had been very much limited to economic fields—that is, promoting trade liberalisation and government assistance to the Third World. It was construed as unconstitutional to send Japan's defence force overseas. However, as the Cold War drew to an end, the government was facing criticism from Japanese taxpayers who were saying, 'This is a new syndrome. You cannot give away our money to the United Nations or to the world community just because they want it. Monetary contributions or financial contributions do not themselves count for much. We have to do some other things in order to discharge our responsibility.' This was the sentiment expressed by the Japanese people. Then the Japanese government began to seek out what political role it could play within the constitutional limit in settling international conflict.

Against this background, in May 1998, Prime Minister Takeshita announced Japan's new initiative for international cooperation which comprised three major pillars: namely, development cooperation or development assistance, which we had been doing even before that; cultural cooperation, a new concept, but without too much detail; and cooperation for peace. This cooperation for peace meant that Japan was willing to participate actively or even aggressively in the international efforts to settle international political conflicts, not only through financial contributions but also through its diplomatic and political effort. This included wide ranging activities such as hosting conferences for parties involved in the conflicts; presenting possible alternatives or options when meetings started; and sending Japanese personnel to monitor implementation of the agreement reached in such conferences, et cetera. In other words, Japan realised money did not count so much, no matter how big it was. Therefore we were determined to break our back to play the role acceptable to the world community and anticipated by Japanese taxpayers.

In this sense the Cambodian issue provided us with a convenient answer. The timing was that there had been civil turmoil for over 10 years. Cambodia is a South-East Asian country we have been familiar with, and it shares a border with Thailand with which Japan has traditionally had a good relationship.

Although we did not have any official contact with the Phnom Penh government, we maintained a certain level of contact with the coalition government throughout the 1980s, especially with Prince Sihanouk. It was quite natural for us to get involved in this issue. The Cambodian issue was simply waiting for us to be involved in—at least, in the eyes of the Japanese diplomats.

Japan's involvement in the Cambodian issue was quite unique and unprecedented in terms of the magnitude of its impact on Japanese society. With the duration and range of activities and the size of money involved, it took nearly 10 years for us to get involved

at first. In other words, in our terms the Cambodian conflict started when the Vietnamese invaded Cambodia in 1978. It took more than 13 or 14 years for them to restore peace in that land.

Also, this cost us two valuable Japanese lives. They were killed in the line of duty. This created enormous domestic and political pressures for the Japanese cabinet then with its new policy of breaking its back for peace. This may sound very emotional, but the deaths of two Japanese people brought tremendous pressure to the cabinet at the time. There was a strong voice for the withdrawal of our people and defence forces from Cambodia. It may sound a bit silly to outsiders, but Japanese society itself has been very sensitive to this issue.

Japan's approach to the Cambodian peace process is trifaceted; it has three facets. It first comprises political and diplomatic negotiations for reaching agreement. That is what we call a peacemaking operation—PMO. Secondly, there is the peacekeeping operation by the UN. This is traditional UN operations—the UN PKO. Thirdly, there is humanitarian assistance, refugee assistance and development assistance in the economic field. The three facets are interlinked. They have to be taken into account and tackled at all stages of the peace process. Any lasting settlement cannot be achieved without taking this trifaceted approach. This approach has probably never been taken before by the international community. What I call the Cambodian approach could be a model for other peace processes to follow.

In the first facet of the peacemaking operation—PMO—we did the following things. The Japanese diplomat who served in Thailand in the beginning had a series of informal talks with members of the coalition government, especially with Prince Sihanouk, to sound out what would be the acceptable number of members to represent each faction in the prospective Supreme National Council, the SNC. At the time that was the most urgent and important issue to be settled. A compromise was made at the Tokyo conference held in June 1990.

The second issue was the proposal on how to proceed in disarming coalition government forces. We undertook informal negotiations during March 1991, but they were not successful. They did not produce a fruitful outcome. Thirdly, in June 1992 we hosted a ministerial conference in Tokyo on the rehabilitation and reconstruction of Cambodia. This conference was co-chaired by Japan and the UNDP, and was the first of this kind of international conference. As many as 33 countries in 12 international regions joined, and $880 million was pledged, including Japan's $200 million pledge. There was agreement to establish an international conference on the rehabilitation of Cambodia called ICORC.

In carrying out those activities, we had to seek support from other countries, and not all of them were helpful. In fact, some countries were dubious about Japan's intention and gave a negative response to our initiative, in some cases for fear that Japan might hijack the peace process. In such cases we quoted the famous slogan chanted by the

Americans more than 200 years ago: no representation, no tax. This old slogan has not worn out yet, and it did work well.

We have to point out clearly how much we appreciated the Thai government for its valuable advice and help. As a matter of fact, it was the Chatichai administration that encouraged Japan to join the effort to settle the issue and stabilise Cambodia. The Thai government has been a close partner of ours throughout the entire peace process of Cambodia. Prime Minister Chatichai brought a slogan from the battlefield to the business field. My translation is from the Japanese. I do not know how you say it in the Thai language but it is something like: we should focus more on economic activities than on sticking with the traditional anti-Vietnam policy. The meaning is that there should be relaxation of traditional anti-Vietnam policy in order to achieve stabilisation of Cambodia. This policy would bring great benefit to Thailand politically as well as economically.

One of the most interesting responses—a strange response—was received from Vietnam. Nguyen Co Thach, the then foreign minister, commented on Japan's initiative, saying that Japan is just another China. His comment, however, changed 180 degrees after the Tokyo conference in June 1990 when the Khmer Rouge was virtually withdrawn from the whole peace process. The Khmer Rouge have been a model for the Vietnamese.

The second facet of the peacemaking operations was the PKO. Japan's presence in this phase was very limited. In terms of numbers of personnel actually joining the UN PKO, around 22,000 personnel from over 100 countries had joined when it was launched in March 1992 and it ended in September 1993. The total cost of the PKO amounted to $1.6 billion. For our part, Japan sent about 1,300 personnel. This was not a large number, but we did our best. From our point of view, this was far more successful than we expected. The government had not sent many Japanese overseas since World War II was over. Of course, nowadays, there are about 14 million Japanese travelling around the world, but they are tourists—not sent by the government.

Japan sent our civilian forces and volunteers that were outside our defence forces overseas for the first time in postwar history. These engaged in a variety of activities—cease-fire monitoring, civilian police activities and other things. But the Japanese participation in UN PKO—especially for dispatching defence forces to join the PKO, even though those defence forces were a construction battalion—caused great concern in China and Korea. However, the Korean response changed dramatically—from its initial concern to full praise at a later stage—but China remained sceptical and watched the Japanese construction battalion with great caution until the last stage. This is very interesting.

As I have said earlier, it has been politically an extremely sensitive issue in Japanese society to send our defence forces overseas. There was an unprecedentedly heated argument among the Japanese when what we called the PKO bill was introduced into the Japanese parliament. The bill enabled the government to send its forces overseas, which had been considered unconstitutional by many constitutional lawyers and professors.

Therefore, all opposition parties—mostly socialist and communist—had rallied against the government. Many middle-aged and older women joined that rally in fear of having to send their husbands or sons to the battlefields again. This is, again, very sentimental—but it was an emotional time.

However, an opinion poll conducted before the dispatch of troops in June 1992 and after the PKO operation was almost over—in July 1993, a year later—showed a dramatic fall in anti-dispatch sentiment from 56 per cent before to 40 per cent after. Support for the PKO operation rose sharply from 34 per cent to 56 per cent. This is what we achieved, although paying the valuable cost of two Japanese people killed in the field.

The third thing I will simply cut off because there are so many things I have to point out. As for humanitarian assistance, refugee assistance and development assistance, we have been doing this for quite a long time. I just point out that around one-third of the total development assistance Cambodia is receiving now is coming from Japan. Thank you.

CHAIRMAN—Thank you very much. We are running about 20 minutes over time. Does anybody have a question for the panel?

Mr UNG—I am representing the interests of the Sam Rainsy Party in Australia and New Zealand. I am afraid I do not have any questions for the gentleman from Japan, but I would just like to make a few points regarding some comments we have heard this morning.

That poster we can all see there was put up in Cambodia a few months before the election, but it did not eliminate and did not cover the impact of fear and intimidation on the Cambodian people who have been through regimes that rely on oppression, with the guns and bullets in their administration for the past 20 years. It is not possible for a poster to do that.

Mr Kevin also suggests that the King even appealed to his own people to vote freely without fear of being intimidated. To be honest with you, I have lost count of the number of times the King has been intimidated by Hun Sen. Let us look at the interview that Hun Sen gave to *Asiaweek* in the 12 June edition. When he was asked about intimidation of people, Hun Sen said that being intimidated was the people's problem and that it was not the government's problem. He said it was the problem of those being intimidated. With that kind of attitude, you can imagine the type of rule—with guns and bullets—that Hun Sen is prepared to have.

The other point is that not many of us in this room here would be able to say that we understand the impact of fear in the Cambodian mind—not many of us at all. Please let us not pretend any longer that we understand the suffering and the agony of the Cambodian people who have been living with fear and intimidation.

In the report that the committee is going to submit to the government, I humbly request that, whatever else you say in there, you include the fact that the work of the observation group of the 800 international people covers only one per cent of the total time and polling places available. Please include that statistic in your report.

Mr Kevin also talked about the self-interest that motivates Mr Sam Rainsy, our president, and what is behind what he has been trying to do for Cambodia for the last few years. I can guarantee and assure you that it is not financial interest. Mr Sam Rainsy was a millionaire before he embarked on a political career; now he is no longer one. There is no need for him to come and spend all the money and make no money at all from the Cambodian politics. How about position and power? Let me tell you something about position and power. Please put this on the record for the Australian parliament. Mr Sam Rainsy said that, if either Hun Sen or Ranariddh could run the country and manage the natural resources efficiently and effectively, he would be prepared to be the cleaner sweeping the ministry of those two gentlemen.

Talking about the membership of ASEAN, I can mount an argument that it is too early for Cambodia to be a member of ASEAN. ASEAN has done a tremendous job but I can argue that it is not the right time for Cambodia to go in there. I will not go through all the detail but that is another point I would like to make. I have plenty more points that my compatriots behind me would like me to say to the committee but I will reserve them for this afternoon's session. Thank you.

Ms ERREY—I was part of the observer group. I had some concerns on the second day of counting when I read in the *Cambodia Daily* the first JIOG statement to come out. I was not so concerned about Australia's input because we had been using satellite phone to constantly ring through to our embassy. Above and beyond the daily sheets that we had filled out, we contributed with some qualitative information for our embassy. So I was reasonably happy that our views were coming across in the statement, early as it was. But I was teamed up with a Japanese partner and he did not put in at all to that report. All he did was to contribute with me to the joint reporting form at the end of polling day and the end of counting day. I would just like to flag my concerns with regard to the JIOG statement as to how much of the information had come from those observers like me at the coalface and how many of them had been consulted.

Dr MALEY—I would like to endorse what our Cambodian guest said about the poster there. It seems to me breathtakingly innocent to think that one poster is going to dissipate the effects of the months of high-level fear and intimidation.

I am also a little worried about the comment that our European guest made about people who get C minus grades going on to become rewarding and fruitful citizens. I think it is a false analogy. Firstly, in my university, a C minus is a failed grade anyway. Secondly, it suggests a model of Hun Sen as a wayward undergraduate who is desperately straining to achieve high levels of democratic accountability with which we all should

sympathise. With one or two exceptions, I do not think there are many people who would regard that as an accurate kind of model. I think the real danger is that, if in the final wash-out the international community is seen as having accepted C minus as the acceptable outcome of this election, that will be the benchmark next time around, not A plus.

CHAIRMAN—Thank you. I can see that Greg Hunt's analogy has generated some discussion.

Mr HUNT—Just a reference to my own academic career, Mr Chairman!

Proceedings suspended from 1.16 p.m. to 1.44 p.m.

SESSION 3—AUSTRALIA'S INTEREST

CHAIRMAN—We are now 30 minutes behind schedule, so I am going to take the big scythe and ask the presenters in session 3 to cut back dramatically. I think it is more important that we have questions and comments from the floor than long statements or speeches from up front. Perhaps this afternoon's speakers could cut back to half of what they are entitled to say.

To open this afternoon, we have Nick Warner, the First Assistant Secretary, South and South-East Asia Division from the Department of Foreign Affairs and Trade and also Laurie Engel and they will be followed by Alan Behm, the head of International Policy Division from the Department of Defence.

Mr WARNER—Thank you, Mr Chairman. I will speak quickly in that case. I have listened to the presentations this morning with great interest. The presentations show at least one thing and that is the extent of Australian involvement and commitment to Cambodia over the past decade. Leaving aside the diplomats—and we are used to being left aside—of course, General Sanderson's role in Cambodia is well known as is that of Michael Maley and that of Peter Bartu perhaps less so, but he played not only a great role during the 1993 process but also in the last few weeks during the 1998 elections. Sue Downie is here with great experience on Cambodia. Milton Osborne was a diplomat serving in Cambodia in 1961—that does not age him too much—and there is also Carl Thayer. What all this shows is simply that Australia has played an extraordinary role in Cambodia over the past decade and has built up an extraordinary level of expertise.

In the beginning, I think it would be instructive to look at Cambodia now and Cambodia as it was a decade or so ago when Australia began to become seriously involved in the problems of that country. In the late 1980s and early 1990s, Cambodia was isolated; it was a pariah state. There were 100,000 or more refugees on the Thai-Cambodian border. The intellectuals and the educated classes of Cambodia had been scattered around the world by the Pol Pot years. The country was at war; it was divided.

There was an unholy alliance between the Khmer Rouge, the royalists and the democrats. It was a communist one-party state. There were limited aid flows. It was a country in terrible poverty and a country where great power involvement was rampant. We have heard already about the United States, China, Vietnam and the Soviet Union.

What about Cambodia now? For all its faults, Cambodia is a much changed country. There is a multiparty democracy in place. The Khmer Rouge, for all intents and purposes, have been killed off and buried. Most of the refugees are back. There is a free market economy in place. Cambodia is increasingly part of the international community and has just had a vibrant election campaign organised by the Cambodians themselves. With these elections out of the way, Cambodia seems to me to be back on the path to relative stability. The institutions of democracy are still evolving. They are still new, they are still raw, but they are growing stronger and the prospects for stability are likely to be enhanced with Cambodia's entry into ASEAN in the near future, as the Thai ambassador just before lunch outlined to us.

I think all Australians, both in the bureaucracy and in the wider community, can be truly proud of the role that Australia has played in Cambodia in the past decade. If we look at the activist element or part of Australian diplomacy in respect of Cambodia over that decade, I think it falls into two parts: the late 1980s and early 1990s with the lead-up to UNTAC and culminating in the elections in 1993; and, secondly, during the past year with the Friends of Cambodia grouping.

The Friends of Cambodia grouping was set up, by chance to some degree, in a meeting between Mr Downer and Secretary of State Albright in the corridors of the ASEAN post-ministerial conference in Kuala Lumpur last year, after the violence of July 1997. Australia and the US proposed the formation of the friends group, a multilateral grouping designed, in concert with the ASEAN Troika, to resolve the political impasse which threatened to undermine the UNTAC legacy.

The friends grouping has been a cornerstone of Australia's diplomatic engagement with Cambodia over the past year. The FOC, as it is called, has met about half a dozen times in the past year in ASEAN countries and in the United States. It has been a major diplomatic effort by Australia working closely, as I said, with the ASEAN Troika but also with Japan and their pillars concept. Involvement in the group has maintained for Australia a high profile as a country prepared to work hard to improve the situation in Cambodia. The friends group was successful in pressuring the Cambodian authorities to put in place conditions for the holding of credible national elections and so has achieved now, I think, the objectives which it set itself.

I will talk very briefly about Australia's national interests in Cambodia, because they are, in fact, not particularly profound. Australia's overall national interests in Cambodia are modest, with our prime national interest being geostrategic. Cambodia is a weak, undeveloped state in a region of primary strategic significance for Australia.

Cambodia has been a source of major instability in the region for much of the last half century and a theatre in which big power rivalries and tensions have been played out. This hardly explains the extent of Australia's involvement in Cambodia over the past decade but nor does trade and investment. Trade and investment interests in Cambodia are minuscule and they are unlikely to grow noticeably in the near future. Cambodia is ranked as Australia's 101st trading partner. Our investment in Cambodia is estimated at only $32 million. Telstra, BHP, Woodside and SMEC have all been engaged over the last half a dozen or so years in some important infrastructure and telecommunications projects but that really is about the extent of Australia's trade and investment interest.

In the main, Australian involvement in Cambodia for the past decade has been driven by a desire to help a poor and war-ravaged country. In the main, we have been driven by altruism and humanitarian concern. Those humanitarian concerns continue and my friend and colleague Laurie Engel will speak about those in a few moments.

I would just like to say a few things if I could, as everyone else has, on the elections. The Australian government is pleased to have been associated with the UN coordinated Joint International Observer Group, JIOG. JIOG's 500-odd international observers, we believe, put in an exemplary effort. Peter Bartu and Greg Hunt led a very able team of 20 other observers including, of course, four parliamentarians.

The reports received from observers, whether Cambodian, Australian or others, do not support claims of widespread or systematic irregularities in the voting or counting. I think I do need to respond, in part, to some of the comments by General Sanderson and Michael Maley, both of whom I have worked with over the years—with Michael in Namibia for their elections and in Cambodia, and with General Sanderson, of course, also in Cambodia. Often I have agreed with their assessments. On this occasion, I do not. I do not believe that the facts that have come to us, or the reports of the 500-odd JIOG observers on the ground, support their view that these elections were not free and fair.

Let us face it. Cambodia is a Third World country. Its infrastructure is rudimentary at best. The institutions of democracy are still in their infancy. From all the information available to the department at this stage, these recent elections provided the Cambodian people with the opportunity to freely express their political opinion, to vote for the party of their choice with the confidence that their vote was secret. They did so in overwhelming numbers. Having been involved in three elections of this sort in the past—Cambodia, Namibia and way back in the beginning of time Rhodesia when it became Zimbabwe—I can say to you honestly that to none of those elections would I have given an A rating and I expect that is also the case with Michael.

The post-electoral situation in Cambodia will remain fluid. That, sadly, is the way of Cambodia. Institutionally, Cambodia remains a fragile democracy. There needs to be great improvement in the human rights situation and an end to the culture of impunity that permeates Cambodian society. But, overall, the elections were a significant achievement

and reflect creditably on the Cambodian people and on their determination to have a voice in the political shape of their country.

I have a few comments on the future of Australian policy. As others have said already today, the elections were the first multiparty elections to be held and run in Cambodia by the Cambodians, in three decades. They represent a watershed for Cambodia. The elections and Cambodia's move into ASEAN should bring about a decline in the overwhelming and intrusive level of international involvement in Cambodia. That in itself would be a sign of the success of Australian policy over the past 10 years.

The international community's future role should be one of providing support where it is most needed, and that is in the areas of human rights and humanitarian assistance or development assistance. Australia maintained its civil aid program after the violence in July 1997 and, in recognition of the humanitarian needs in that country, we plan to continue with that program. Australia will also continue to maintain a close interest in the human rights situation in Cambodia and to work through our aid program and our international diplomacy to make a contribution to an improvement in this situation.

Australia will also maintain a close interest in seeing political stability take root in Cambodia, building on the work of the past 10 years. We will continue to urge all Cambodian political parties to make the compromises necessary to see a stable form of government established. We will continue to urge all Cambodian parties to turn away from the resort to force and military resistance and we will continue to urge the Cambodian authorities to turn away from resort to intimidation and fear in achieving their political goals.

Australia's involvement in Cambodia during the past 10 years has generated great expertise but also great emotion. To varying extents, both of those have been on display today. For the sake of Cambodia, it is important at this crucial juncture that we do not allow emotional attachments to cloud a clear assessment of the elections and the way forward. Cambodia deserves a better fate than that. Thank you, Mr Chairman.

CHAIRMAN—Thank you, Nick, very much. Laurie Engel from AusAID is next.

Mr ENGEL—I will try to be brief. Australia has been a long-term development cooperation partner of Cambodia, starting in the 1950s and early 1960s, and that has continued through to the present day, virtually unbroken. The only period in which we did not maintain some type of development cooperation with Cambodia was during the Pol Pot years. Even during the 1980s, when we did not have diplomatic relations with Cambodia, we did maintain a development cooperation program through the UN and non-government organisations. In fact, since 1979, Australia has provided some $111 million in aid, through NGOs and multilateral organisations, to Cambodia.

There are two broad reasons that Australia has maintained that aid program to

Cambodia. The first one is clearly out of humanitarian concern for the poor people in Cambodia. Make no mistake, Cambodia is a very poor country. Twenty years of conflict and the genocide of the Pol Pot era in the mid-1970s have left Cambodia perhaps the poorest state in East Asia. In 1968, as Kathy Sullivan said this morning, Cambodia had the same per capita income as Thailand had. Today, per capita income is barely more than one-tenth that of Thailand. If you look through any of the social indicators for Cambodia, you will see a very poor situation. GNP per capita at around $US300 in Cambodia is about $200 less than the average for the least developed countries in the world. It is something in the order of one-third of the per capita income of regional countries.

There are a whole raft of statistics that you can look at. For example, infant mortality rates in Cambodia are almost three times the regional average. For example, some 170 children per thousand live births die before the age of five, which is also about three times the regional average. It is a very poor country. It has even, in more recent times, suffered and will suffer greatly in the future from diseases like HIV-AIDS. Recent statistics on HIV-AIDS in the country show an appalling situation. Just to give you an idea, about 2.6 per cent of pregnant women have HIV-AIDS, one in every 10 university students is infected, and nearly one in four soldiers carries HIV-AIDS. There are projections from those sorts of figures which make you have great concern for people in Cambodia.

All signatories to the Paris peace accords in 1991 committed themselves to providing continuing support for Cambodia. In Australia's case, in April 1992, we announced details of a resumption of a bilateral aid program which was a concerted attempt to move Cambodia along from a situation of disaster to one of more sustainable development. Since we introduced that program in 1992, we have provided about $212 million in total aid flows to Cambodia, and our current program to Cambodia is about $33 million a year. As Nick Warner said, we did not stop the program to Cambodia with the troubles in 1997, basically because the minister's view at the time was that we would have punished those poor people unnecessarily for what might have been termed political reasons. We did not stop the program then and it continues unbroken.

Where we go in the future depends very much on what sort of government is put in place in Cambodia and what its overall policies towards development are. Following the Paris peace accords there were some good macro-economic policies put in place, and Cambodia did grow reasonably rapidly. In the period 1994-96 they had growth rates of around six per cent so it was beginning to make headway. However, since the problems in Cambodia I think its growth rates have dropped right off again, as you might expect. For 1997 it had a growth rate of only 2.1 per cent. If you want to put that in perspective, Cambodia would need annual growth rates of about six to seven per cent for the next 20 years to bring it up to a GDP per capita of $1,000, which is roughly about half of what Thailand has today. So there is a very long road ahead for Cambodia in terms of trying to catch up with its regional neighbours.

We in AusAID wait to see what the new government will put in place in terms of future economic policies. The World Bank is tentatively looking at a consultative group of the major donors to Cambodia for December this year, and we would expect to hear from the new Cambodian government on what its policies are likely to be. I would have to say that one of the criteria AusAID would need to apply to a continuing aid program to Cambodia would be whether it is possible to have sustainable aid projects in the country. That would mean that it would have to find sufficient resources from areas like logging, gem mining, et cetera, to put into the budget in areas like education and health to make our aid program function properly. It has to be done with the cooperation of the Cambodian government; it cannot be done by outside aid donors alone.

In conclusion, I would simply say that our program continues. It is basically targeted at the poor in Cambodia. We hope it can continue, but that depends on policies that are put in place by the new Cambodian government.

CHAIRMAN—Thank you, Laurie. Allan Behm from Defence is next.

Mr BEHM—Defence's interests, of course, are managed in the context of the whole of government approach outlined by Nick Warner. If you think that their interests are modest, you may put ours in upper case and 26 pitch. Certainly, what we have been doing since the end of the UNTAC period has been to provide a relationship which is consonant with Australia's broad strategic interests in Asia: essentially, the avoidance of friction and of strategic competition.

With regard to the suspension of the defence assistance program last year, on that point I will simply say that the government is yet to decide on how, or if, it will resume defence assistance to Cambodia—and that is a matter on which I am unable to comment, of course. But, prior to the suspension last year, Defence provided support focused on ensuring the professionalism and national integration of the Cambodian Armed Forces. To that end, we had very modest defence assistance programs, principally in the area of English language training, demining—which, quite obviously, is part of the broader humanitarian effort—and a modest maritime technical assistance program.

Perhaps the committee and people observing this meeting would be interested to know that two RCAF officers will be attending a policy planning seminar that Australia is conducting under the auspices of the ASEAN Regional Forum in a few weeks time. Apart from those sorts of things, the ADF does derive some benefits from its involvement in Cambodia, and I thought that the committee might be interested in hearing Brigadier Bryan Stevens, from Strategic Command Division of the Australian Defence Headquarters, tying off what we have to offer by way of some supplementary benefits to us.

Brig. STEVENS—Although I was not here this morning, I am sure that UNTAC has already been covered, and so I will not go into that. Subsequent involvement has covered a number of modest but nevertheless important areas. Communications has

already been mentioned: that is, instruction, teaching and also modest infrastructure development. There has been the repair and refurbishment of the maritime maintenance facility at Ream, and also training management coordination. Finally, there has been the Cambodian Mine Action Centre—CMAC, as it is known—where we still have two people in Cambodia on, firstly, the planning and operations side of it and, secondly, the advisory side.

Overall, the ADF presence provides three benefits for Australia in the broad and the ADF in the narrow. Firstly, there is a demonstrable precedent for the support of the Australian whole of government approach, and that is from the humanitarian concern and also the regional engagement. Secondly, there is the engagement and cooperation that we in the ADF have with one of the regional forces, which we see as very important for us. Thirdly, there is experience in management and a particular expertise. For example, we have the demining expertise that we are gaining up there at the moment.

CHAIRMAN—Thank you. Moving now to the NGO area, we will hear from Jan Hunt.

Ms HUNT—The current relationship between Australian NGOs and Cambodia is a strong one. Seventeen of ACFOA's members are currently assisting Cambodia, with a combined total assistance of over $14 million in the past year. Four of those—Care, Red Cross, Save the Children, and World Vision—each provided over $1 million. It is a considerable contribution. To give you an example of the sort of work that they are doing, Care's program in Cambodia, which is typical, includes mother-child health, basic education, HIV-AIDS, water and sanitation, micro-credit, emergency response, and agricultural assistance.

I do not want to dwell on the figures; I want to talk a little about the unique and rather significant role that Australian NGOs have played in Cambodia and how their roles have shifted according to the changing circumstances in the country. Their role also in relation to the Australian government has been significant, and in the future we believe that we must build on the experience NGOs have gained, the cooperation we have with the government and obviously the continuously changing situation in Cambodia.

To understand the current relationship, we need to look briefly at the phases of the past. In 1979 the Australian public responded better than any other public around the world. A staggering $10 million was raised more or less spontaneously. ACFOA coordinated a joint appeal and NGOs went in at a time when the country was on the brink of starvation. There were really no Western government mechanisms available to get supplies in and NGOs went in and dealt with the relief situation and also tried very quickly to restore agriculture and basic health and education services.

In the next period, the period of the international embargo, the NGOs played a very important and rather unusual role. The embargo forced NGOs to tackle larger projects

than they would normally do. For example, Australian Catholic Relief, now Caritas, found itself supporting a phosphate factory and a chalk factory. My predecessor visited Kampuchea, as it was then called, in 1985 and saw an aluminium foundry of World Vision. Lutheran World Service supported a draught animal breeding farm and a pharmaceutical factory was also supported by Australian Catholic Relief. So the NGO projects at that time were supported by AusAID and by the mid-1980s there was a joint Australian NGO office opened.

At that time relations between Australia and Cambodia were really brokered through NGOs, and NGOs found themselves attending diplomatic functions alongside Eastern bloc attaches. It left a legacy of high regard for Australia and for Australian NGOs from which Australia has subsequently benefited. In particular, I understand that the selection of OTC, now Telstra, to manage Cambodia's telecommunications rested at least in part on that good relationship that was established. The NGOs also at that time tried to address the political situation and acted as best they could as an international voice for the Cambodian people. They started to develop international exchanges and very high-level visits between Cambodian ministers, including Kong Som Ol, who was then Deputy Prime Minister, in 1989 to Australia, and also study tours both ways between Australian experts in different sectors and their Cambodian counterparts. ACFOA participated in the international campaign to end the isolation of Kampuchea. I should say that in that earlier period NGOs were also assisting on the border with refugees.

After that period, and following the agreements for a peace settlement, there was a period of greater liberalisation within the country. NGOs were now able to place staff in the provinces and engage themselves much more directly with their Cambodian partners in program planning. For example, Save the Children Fund placed a number of advisers at the central ministry of health who had major input to the development of health policy. They also had a large health program in Kompong Cham training a mother-child health team, providing clinical advice to a paediatric hospital and so on. Australian Catholic Relief set a precedent for the future by establishing a link between Australian and Cambodian institutions working together, in this case the Department of Agriculture of New South Wales and the Ministry of Agriculture and Fisheries of Cambodia. They did joint research in programs for rice improvement, irrigation and other agricultural extension.

In the period from 1992 onwards the NGOs played a significant role in the repatriation process and in contributing to the election observing force. This period heralded the normalisation of aid relations and the establishment of the International Committee for the Reconstruction of Cambodia, ICORC, in which NGOs initially participated. By 1994 some 200 international NGOs were operating in Cambodia and 82 per cent of all NGO expenditure was outside Phnom Penh, with priority to things like health, vulnerable groups such as women and children, community development, education and training, agriculture, water and sanitation. The pattern of NGO work from Australia also reflected this, and included HIV-AIDS work in a country which Dr Peter Piot,

director of UNAIDS, has called the flashpoint of the world.

At this time, Australian NGO programs began to shift focus to more community based work and to helping to foster and strengthen local NGOs emerging in Cambodia. They also started to localise the management of their own organisations to Cambodian staff. In 1994, the International Women's Development Agency, a Melbourne based organisation, was the first international NGO to localise its management.

While shifting focus towards direct community development work, they did so by building on very strong relationships that they had established over this period of time with Cambodian state authorities. They worked to not only build the local NGO capacity but also to build the capacity of the state authorities at the same time.

By 1995, a number of NGO projects were being taken over as bilateral aid projects. For example, Australian Catholic Relief's agricultural extension work was taken over by a commercial contractor to become a five-year bilateral project which commenced in that year. Quaker Service Australia's English language training project, which developed an English language teacher's Bachelor of Education course, was also taken over in 1993 by IDP and the University of Canberra, the year in which its first students graduated.

The Save the Children Fund remained in Kompong Cham, although a part of their program was incorporated into a bilateral health project. They focused more on village level health training of volunteers and traditional birth attendants, and building on the strong relationships they had developed with the central and provincial health departments.

The other very significant area in which NGOs played a role was, of course, in the landmines area. They did that largely by advocacy in relation to that issue, by promotion of the role of Australians in mine clearance, by assistance to landmine victims, and by raising issues about the clearing of land for repatriation and restoration of agricultural land. And we worked with our Cambodian NGO counterparts to campaign together for a global ban on antipersonnel landmines.

Looking to the future, there is no doubt that NGOs have a key role to play in future Australian-Cambodian relationships in the building of a stable democratic society and in the development of Cambodia. It is a country in which Australian government aid objectives, and those of Australian NGOs, are in close accord and the roles are clearly complementary. NGO programs have influenced the direction of the bilateral program to give some priority to rural development and vulnerable groups, and this should continue.

The community development work that we are engaged in is slow and difficult but we have to start to rebuild trust in Cambodia, and that is a much more difficult task than restoring infrastructure. It can only be done by NGOs and community organisations; it is not really a task for governments. We would hope that support for that kind of work will continue.

As has already been mentioned, the second area is the strengthening of the human rights situation in Cambodia. We believe that the strengthening of human rights NGOs is crucial in future assistance to Cambodia. Also, to help strengthen democracy there needs to be a strong emphasis on educational processes at all levels and the building of relationships between educational institutions in Australia and those in Cambodia.

NGOs in Cambodia are very concerned at the inter-related problem of corruption and natural resource depletion. Unsustainable logging is just one area where corruption and environmental destruction go hand in hand, and this is robbing the country of resources. We believe that NGOs such as Transparency International may have a role to play in that regard.

The other area is the role that Australian companies can play and, although we have heard that it is a minimal role, we believe that the Australian government might like to consider encouraging Australian companies to assist Cambodia to add value to their many raw materials but to do so also in a way in which they would take a bit of an ethical lead in terms of employment practices, environmental and social responsibilities of companies. That is something which perhaps we could work towards together.

In conclusion, it is really important that the relationship between Australia and Cambodia be a broad based one and the history of NGO relationships is a very strong basis on which to build in that regard. Thank you.

CHAIRMAN—Thank you, Janet.

Mr WALKER—I would like to endorse Janet's comments. Janet and I exchanged notes in the preparation of our thoughts so I will not go over the material that she has prepared but I just say that I endorse them. Many of the comments I will make I would like to make in a personal capacity, rather than as World Vision, if that is okay.

World Vision has been involved in Cambodia since 1970. We participate with ACFOA and also through the Cambodian groups in Phnom Penh. At the present time there is a significantly growing local NGO movement in Cambodia which many speakers have referred to. With development assistance at the present time, the NGO community in Cambodia are disbursing approximately $120 million. There are about as many local NGOs involved in this as there are international NGOs. World Vision Australia works as part of World Vision International in Phnom Penh. Our annual budget is approximately $7 million a year. We anticipate that will continue for the foreseeable future.

We have concerns about the level of international assistance in recent years and major international donors have raised legitimate concerns which do need to be addressed about whether or not the election is regarded as free and fair and acceptable. These concerns surfaced before the events of 1997, the July fighting, and do need to be addressed by the Australian government—and, we believe, other donors—in its

relationships with Cambodia. These include such things as fiscal management, economic reform, a broader taxation base, reduction of the military and civil service, the operating budget for the national government, et cetera. The election has received a lot of understandable focus but these are other issues in addition to the election which we believe the international community needs to give adequate attention to.

We have seen significant economic improvement in the country in the last 10 years or so but, at the same as we have seen this, we have witnessed the growth of some concerning trends, particularly with respect to HIV and AIDS. We as World Vision are focusing on child related issues and are working with children who are vulnerable, particularly children in the street children's program, and trying to assist them with their various rights.

We do understand and support the Australian government in wanting to support the development of civil society in Cambodia and in that regard we believe the creation of appropriate legislation in Cambodia is vital. Policies and protocols for any associations and NGOs are a fundamentally important area which does need to be looked at in the future.

As Janet and others have said, we believe that continued support for local NGOs is essential and the current focus that we are adopting is on capacity building. World Vision hopes that by the year 2002 we will have a totally local Cambodian operation and that the number of expatriates will be reduced, possibly to zero. We have reduced our expatriate numbers from 43 in 1992 to 13 this year and an overall staff of 260.

I also note that I participated with VOCE, the group that Tony Kevin brought about, and actually went into the Takeo province. It is complex to affirm whether or not the elections were free, fair and credible. I came away with the distinct impression that, whatever the truth may be regarding the various allegations that have been made, principally by the current opposition groups—the Prince Sihanouk and the Sam Rainsy groups—I felt that there was a realistic atmosphere of freedom, that people did vote in secret and they had that belief, and that it was a much better situation than has existed in the country over the past 20 years. These elections do, in my view, represent a significant step on the road to democracy. I think it is also useful to consider other countries neighbouring Cambodia and their particular experience, or lack of it, with respect to democracy.

What are the alternatives if Australia does not regard the elections as sufficiently acceptable and sufficiently credible, to enable some sort of positive relationship to continue and re-emerge? It would seem disastrous for the Cambodian people were Australia to make the decision that the elections were not sufficiently credible to enable a full and complete resumption of relationships. We do appreciate that the Australian government did not suspend its humanitarian aid, but would urge that this continue and increase to the extent that is compatible with the Cambodian government's capacity to

effectively use what aid is given.

We recognise that we have domestic considerations about the level of aid that Australia gives, and also the international trend for international development assistance is not encouraging. We note also that the Asian financial crisis is not over, and we mention this in relation to Cambodia and its particular challenges. Janet has mentioned the investment. One can recognise that investment makes a very significant contribution to the life of any country. We would encourage the Australian government to do what it can to promote ethical investment, and that also builds on the value-added processes so that various raw materials are not extracted from the country without the benefits being available to the people through a mature government process.

In conclusion, World Vision continues to look forward to working with the authorities that are in place. We do work with authorities in many countries, and we continue to look forward to working with them and also with the Cambodian people because, while international assistance is important, the Cambodian people themselves have achieved a remarkable degree of improvement in their lifestyle. We give credit to that. Thank you very much.

CHAIRMAN—Thank you very much, Roger. I thank all six speakers. We now have good flexibility back in there for the important part, which is the dialogue and questioning.

Mr WALKER—I would like to present a paper called 'Donors in disarray: Prospects for external assistance to Cambodia' by the Cooperation Committee for Cambodia.

CHAIRMAN—Are there some questions from the floor?

Mr KEVIN—I have a question for Nick Warner and will be brief. This morning we heard from the American representative, who is no longer here, a position which I would summarise in terms of two propositions: firstly, that the United States is waiting for all of Cambodia's political leaders to come to terms on the basis of the election result; and, secondly, that until that happens there is no reason for the United States to review its present policies which include keeping Cambodia out of the United Nations seat and maintaining the suspension of aid. We have heard this afternoon some of the consequences of that for the desperately poor Cambodian people.

We have also heard that, effectively, the opponents of this election result deny legitimacy to the institutions of the state which conducted it: they deny legitimacy to the National Election Commission; they deny legitimacy to the Constitutional Council. So effectively they would seem to have an effective right of veto over any change in the present situation of extreme abnormality in Cambodia. What is Australia going to do, through the Friends of Cambodia and in our direct diplomatic contacts with the United

States, to try and make sure that this apparent even-handedness on the part of the United States, which is effectively giving the opposition an effective veto, does not continue to impede the restoration of normal life for the Cambodian people?

Mr WARNER—Tony, thank you very much. If that was your brief question, I do not look forward to your complex one that will follow, but I will be brief. The Australian government has not yet issued a final assessment on the elections—we have heard that already from Greg Hunt and others—and we will wait for the final report from the JIOG and the final report from our own observers before the government does so.

In respect of the Friends of Cambodia meeting, no further plans have firmed up for a meeting of the grouping. It may be that there will be one final meeting of the group in the margins of UNGA in mid- to late September, so really there is not very much, I am afraid, that I can say to you about that.

In respect of the US policy, I will give you the same sort of answer you would have given me if our roles had been reversed. Obviously, that is for the US government to determine. We will talk to them, continue to have dialogue with them on this issue, as we always do, but their policy is up to them to determine.

CHAIRMAN—Thank you.

Mr WILLIS—Firstly, I would like to make an announcement on behalf of someone who is too modest to make it. For those of you who did not hear it, yesterday morning's *Background Briefing* on Radio National was by Sue Downie on Cambodia. For anyone who is interested, it is repeated again tomorrow night at 10 past 7. I found it very interesting myself.

In relation to the issue about the election, and particularly Nick Warner's comments, I would like to take them up and put myself pretty fairly in the Sanderson-Maley camp. There are two key questions that need to be asked in making this assessment about how we see the election. One is: do the events prior to the election invalidate the election as a legitimate exercise of the will of the Cambodian people? The second is: with the international observers being in 17 per cent of the polling booths—there have been all sorts of figures around, but I think the real figure is 17 per cent—does the fact that the NGO observers COMFREL, COFFEL and NICFAC were in the other 83 per cent mean that we can rely on them to say that our experience as international observers was pretty much replicated in the rest of the country?

In relation to the first point, what happened in the pre-election period, as I see it, was certainly not acceptable. You cannot—I cannot, anyway—condone a situation where there was a continuing process of political killing, not entirely but mostly of the opposition: with the coup, 49 deaths; in the following period, up to the end of April, 42 deaths; and from there on I think another 37, of which about 10 can be attributed to the

Khmer Rouge atrocities, but leaving them out that is another 27. So there was a continuing process of political killings, mainly of the opposition, some of those killings being absolutely horrendous. For instance, one FUNCINPEC worker who was murdered had his eyes gouged out, an ear cut off, his fingers cut off and all the flesh stripped from his bones from the middle of his thighs right down to his toes. The local district police inspector said it was suicide. That demonstrates the sort of lack of concern by a lot of authorities about pursuing any serious investigation of what were clearly political killings. The UN human rights office has kept a pretty close monitoring of that. The figures are all around. They have been pursuing all of those, investigating them, and we do not need to go too far to get the facts.

In relation to other forms of intimidation, there have been hundreds of reports of beatings, death threats, shootings over people's houses, tearing down of signs and various other forms of intimidation. There were widespread reports of people being forced to take oaths to vote for the CPP and drink a glass of water with a bullet in it. There were mock elections held in villages and factories where, if people said they were going to vote for other than the CPP, they were told they were voting wrongly and they were faced with dismissal in the factories. There was a process of attempting to destroy the secrecy of the ballot, or of people thinking it was secret, by taking their thumbprints or confiscating their registration cards. These all happened on a pretty wide scale, it would seem, and clearly must have had some effect. All of those things must have had some intimidating effect.

If I were a FUNCINPEC worker in the area where that FUNCINPEC worker was massacred, I would be pretty loath to go out to campaign the next day, or even the day after. Quite obviously, these are incredibly intimidating events. It seems to me quite horrendous for us to say, 'Look, there were some things which happened that were not too good—in fact, they were pretty unpleasant—but, overall, we can say that the election was not too bad because it went well on election day and counting day.'

I do not think that I can dismiss those events—and dismiss them because this is an underdeveloped country or a developing country. I just do not think that is acceptable. Either there are standards of human rights or there are not. If we have standards of human rights and what is acceptable in a democratic process, people have to live up to them or be told that their process is not democratic. In my view, this was clearly not a democratic election.

In terms of fairness, there was also the question of access by the opposition parties to the media. The figures taken by the UN are quite compelling on this. In June, the state and quasi-state television and radio gave 1,100 appearances to government parties and 58 to the two main opposition parties. In July, every party had five minutes each on state television and state radio, but in a most boring sequence. It was statement after statement of talking heads. It would have had virtually no impact on the election at all. I think very few people would have watched it or listened to it. And then, in the first two weeks of July, on private television and radio—one of which operates out of Hun Sen's compound,

by the way—the two main government parties had 454 appearances and the two main opposition parties had 15. This was not anything remotely resembling fairness in terms of access to the terribly important electronic media. How can this be a fair election?

It is not a matter of not being concerned about Cambodia. I feel quite compassionate about Cambodia. I also think that the people of Cambodia showed a tremendous desire for democracy by going out there and voting—with great enthusiasm in the main. But you do not need all that many people to be intimidated—workers to be intimidated, voters to be concerned and put off—to change the course of the election. The point that Michael Maley made earlier was just so important. Relatively marginal impacts can be very important. I think that it was probably more than marginal. I agree that, at the end of the day, these are relatively subjective assessments, but I think the scale of what was happening was clearly such that there was widespread intimidation and it must have affected the election results to a considerable degree.

In respect, then, of the other point—about our own experience as international observers and our reliance on the NGOs to cover the rest—my experience of the NGO observers was that, well-meaning as they were, and good people as they were, they were pretty passive. I think that was also the experience of fellow members of my delegation. We went into places where there were things happening on a minor scale. They were not important things, but they were technical breaches—like not having the seal on a ballot box; it was locked but not sealed. The COMFREL people were there, but they had not drawn attention to it, nor to the fact that people were not checking whether voters had black on their fingers—so it could be seen if they were voting twice or not. That was happening. They were not being checked, and COMFREL people were not stopping that. I think all the other observers had similar experiences. They were basically very passive. I think Michael Maley's point is absolutely right: these people could be relatively easily intimidated because they have to live with it. If a report were to go out that something rotten happened in this particular village or commune, they would be the ones who obviously made the report, and they would have to live with the consequences. It is a very intimidating thing.

In one counting day event in which I took part, opposition party observers were stuck against the wall and could not look at the count. The COFFEL guy who was there said to me that this was happening. He would not raise it with the CEC chief himself. He raised it with me, so I raised it with the CEC chief and then it was cleaned up.

These are very important aspects in considering whether this election was acceptable or not. I believe strongly that our position in the international community ought to be that, although this was not an insignificant event—there was obviously great enthusiasm for democracy on the part of the Cambodian people, in the main—they were not given the opportunity to have a free and fair election, and that the Hun Sen government should be told that in no uncertain terms. Where that leaves Cambodia is more difficult. I certainly would not want to deny them their rights to aid and things like

that, but I certainly do not think that we should give them, in any way at all, any kind of a bill of clearance on an election which was utterly unacceptable, by any democratic standard.

CHAIRMAN—Thank you. Farib, could you make a comment as an observer? I think people need to understand that here is a New Zealand citizen who in fact lost his entire family in the Pol Pot regime. He is now, of course, a New Zealand citizen. We would be very interested in your comments following on from what Ralph has had to say.

Mr SOS—I tend to endorse and support what Ralph has said. There was certainly some intimidation there that may have influenced the decision of the voters which we may not be able to concretely certify or identify. I think I would not use the term 'free and fair' in this election. There is no level playing field there. You have to ask yourself if the public servants are neutral. Are the army neutral? Did everyone have equal access to the media? Again, I summarise these examples by saying I would not use the term 'fairness'.

In terms of freedom, it is difficult for me to assess the freedom of association and the freedom of speech, especially when there are some allegations from the opposition party through the lack of investigations from the ruling party. Yes, I strongly agree with Ralph Willis's comments.

CHAIRMAN—Thank you very much.

Mr WARNER—Mr Chairman, I would like to comment on a couple of those points. If what we are expecting in Cambodia, or in a country like Cambodia, is an election as we have in Australia or New Zealand, we are never going to get it. What you described sounded to me just like 1992 and 1993. Before the UNTAC elections there was widespread intimidation; there was murder; there was, at various times, lack of access to the media; there was no understanding—or growing appreciation—of elections or the secrecy of the ballot; there were no party structures for any of the parties but the CPP in the provinces until quite late into the process, and there was enormous fear permeating the society. It took 20,000 UN troops and $2 billion to hold those UN elections, and they were pretty damned good elections, but they were not perfect elections and they were not free and fair in the definition of the term that has been bandied around today.

What happened from July 1997 until these recent elections was in some respects awful. That there were killings, this sort of torture that you have referred to and a climate of intimidation is awful. It should not have happened and it should, as Greg Hunt said, be investigated. The election, given all of that, was not too bad.

Mr UNG—Mr Chairman, I would like to make a few points in regard to Mr Warner's comments. We, as Cambodians, find it very difficult to accept the argument that, as Pol Pot killed two million people, it will be okay for someone else to kill one million; it is still better than two million. We are not expecting the Cambodian election to be free

and fair, 100 per cent, like in Australia or New Zealand—we would be too naive to expect that. However, I think the Cambodian people deserve better than the election that was held with guns and bullets and intimidation and repression.

Remember, it was the Western society that introduced us to the concept of freedom, democracy and so on. A few of us have been brave enough to take up the option and stand up, and are getting shot at. Now we are told for us it is normal to get shot at. Please consider the fact that we are buying the argument from the West that it is good to have democracy, it is good to have freedom. Please spare a thought for a cruel kind of argument.

Mr Warner also suggested that we not get emotional when talking about aid. I have to apologise as when I talk about the Cambodian issue I can get very emotional. Allow me to remove emotion and talk about foreign aid. There are a number of cases that we look at. For instance, there are more than 200 NGO organisations in Cambodia competing for limited resources. The United Nations report issued before the consultative meeting in Tokyo in 1996 talked about those 220 organisations and the lack of coordination among them when trying to compete for resources. The fact that there is a lack of coordination among those NGOs means that the limited resources that the international community provides have not been effectively or efficiently used for the benefit of Cambodia.

It has reminded me of a documentary film made by an Australian, James Ricketson, called *Sleeping with Cambodia* that was broadcast on the ABC last year. He briefly looked at the use or abuse of the NGO organisations. It is just incredible. I am not trying to take any credit from the Australian NGO organisations. I am talking about a large number of NGO humanitarian organisations that have not been using the limited resources for the benefit of the Cambodian people. For instance, the workers who are employed by the NGO command a salary of about $40,000 or $50,000, and they are driving four-wheel drives. According to the Australian filmmaker, many of them do not have to go to the countryside; there is no need for a four-wheel drive. Why do they have four wheel drives?

Mr Ricketson suggested one of the reasons for the Cambodian poverty was that farmers had no land for farming. A block for a farm, according to Mr James Ricketson, costs about $400. So, if we sold these four-wheel drives for $40,000 each, probably we could get 100 blocks of land that we could distribute to the poor for farming. It is as simple as that. I would suggest the Australian government should take up the initiative to do a valuation to see how effectively all that aid money has been used—not only by Australia, but also the international community. Let us have a look.

If you talk about the Cambodian standard of living, for the past 10 or 20 years the aid going to Cambodia has been the highest per capita amount in the world. The question is: why are Cambodians still living in impoverished conditions? Why? Why are they still poor? In the top class hotels in Phnom Penh, you can spend $200 per night for a standard

room, just like in the Hyatt or a five-star hotel in Australia. Yet the income per capita of the Cambodian is about $200. Where does all the money go? What happened? What happened with the poverty in Cambodia? How are we going to address this?

I would argue very strongly that what we are trying to do in terms of foreign aid is just a bandaid solution. We have not addressed the real cause, the real reason for the Cambodian tragedy. We have not done that. We are just using bandaid solutions to cover up a few things—to some extent, for our benefit, for Australian benefit, for the NGO workers' benefit. It is just tragic for the Cambodian people. Here we are talking about being good donors and so on and so forth. It is ridiculous. I would suggest and argue very strongly for the Australian government to do an evaluation study on this money before there are any more extra dollars. Thank you.

CHAIRMAN—I have just a couple of points. James Ricketson is making another movie. It will be interesting to see what he comes up with in this one. It will take a little while to cut it. I guess it will be three or four months before it is finally cut. I think we all look forward to seeing what he has to say.

Laurie, I wonder whether you might make a comment in terms of ODA? I have to say that it did concern and disappoint a number of us in the Australian observer group when Sam Rainsy personally, on Australian television, criticised Australia for the way its aid was being misdirected. There was also his comment that, in being part of the observer delegation, we were giving creditability to Hun Sen. I understand the emotion that was being generated, particularly for Sam Rainsy, but nevertheless I think a number of us felt that was a little unfair.

Mr ENGEL—Thank you, Mr Chairman. The first thing I would have to say, quite frankly, is that I doubt very much whether Mr Sam Rainsy would know in any detail what Australian government aid is spent on or what Australian NGO aid is spent on in Cambodia. I would have to say also, quite frankly, that, regarding any comment from any of the political parties in Cambodia, you would have to ask yourself the fundamental question of what their interest is in it. Quite clearly, the parties that are in opposition would have some vested interest in presenting a situation where, if they could stop international recognition of the country and international donors supporting the country, that would obviously bring about some change in the governance of the country. So you have to ask yourself what are their interests in making those comments.

In commenting on the specifics about whether aid is wasted or not, I would have to say that Cambodia is a very difficult country for aid programs to operate in. They lack everything. They lack trained human resources; they lack infrastructure; they lack a proper government budget; they simply do not have enough money to run the country. To operate an aid program in that sort of circumstance is extremely difficult. I think most of the donors would readily acknowledge that the way aid is delivered in Cambodia is not perfect, and not every project is successful. It is very difficult in those circumstances to

run good aid projects.

But I think it is a gross oversimplification of it to say that a few people running around in white Toyota four-wheel drives implies that the aid funds are wasted. I am sure Janet would agree that the NGOs in Cambodia, for example, are not stationed just in Phnom Penh; they live in very difficult circumstances. Quite frankly, if you want to put people in there that can actually help the country develop, you cannot expect them to go in and live on a tenth of what they would normally live on in Australia. You have to pay them what they would normally expect to get in this country, or somewhere near that.

I would agree, though, that when you have a large number of donors in the country and you have a very weak government there is a problem with coordination. Donors do try to get together to make that coordination better, but you need considerable cooperation from the recipient government for that to work effectively. As I said in my comments earlier on, we need certain assurances from the government of Cambodia as to the future—about what they are going to put in place in terms of appropriate policies.

CHAIRMAN—Roger, would you like to make some comment?

Mr WALKER—Yes, Mr Chairman. I do agree with the gentleman who spoke about the need for cooperation among NGOs. That is occurring. There is certainly room for improvement, as I would admit, but it has occurred from 1979. In fact, great efforts are taken to assist in the coordination and cooperation so that assistance given through NGOs is used as best as possible for the Cambodian people.

I would also like to comment on the gentleman's reference to the film *Sleeping with Cambodia*. World Vision was mentioned in that film, and we took the issue up with the ABC, disputing certain of the assertions that Mr Ricketson had made in the film. Subsequently the ABC made a correction on the television about that. I would just like to note that for the record.

Ms HUNT—I would like to agree with what both Laurie and Roger have said about the difficulty of aid work in Cambodia and the efforts that are being made for coordination. With NGOs, there are two coordinating bodies: the Coordination Committee of Cambodia and the NGO Forum on Cambodia. They have slightly different roles, but I would like it recorded that coordination does occur.

Given the figures I gave you about the extent of NGO work outside of Phnom Penh—by far the bulk of it is in the provinces right outside Phnom Penh, much of it out in the north-west—I think it is very clear that NGOs could not possibly operate in Cambodia without having a four-wheel drive vehicle and various other security precautions in place in order to properly look after their staff.

I think that some of the allegations made have not been properly substantiated. Mr

Ricketson actually contacted me, and I invited him to bring any of his allegations to the ACFOA Code of Conduct Committee, which we have set up for any public complaints about non-government organisations. He has failed to do so. I have invited him twice to bring complaints to that committee and he has failed to do so. So I am afraid that I do not have a lot of time for Mr Ricketson and his public allegations if he is unable to actually substantiate those before our NGO Code of Conduct Committee.

The other thing that I would say is that I think there is a major capacity problem in Cambodia at the government level. The NGOs are also struggling with building the capacity of the Cambodian people, and there are inevitably coordination difficulties and difficulties in providing assistance effectively. To my knowledge, the Australian NGO assistance in Cambodia is evaluated and evaluation is normally part and parcel of any project that AusAID funds.

There have been reviews of NGOs. There was a major review of NGO programs globally two or three years ago, and it found that NGO programs, overall, were extremely successful. I would imagine that the Cambodian projects would stand up as well as any others in that regard. It is a very difficult country to work in. It is difficult to find high-quality staff who will take their families there and risk the security situation that arises from time to time. You do have to pay them adequately. But I think that, on balance, the NGO work has been pretty successful.

SESSION 4—AND THE FUTURE . . .

CHAIRMAN—Thank you. We will now move on to the next segment. The members of the next group to participate in the seminar are Lieutenant General Sanderson, who spoke earlier in the day and I do not need to introduce him any further. Milton Osborne has been inadequately introduced. After very extensive experience and a career in diplomacy, he is a prolific writer on the politics and history of South-East Asia, and we look forward to hearing what he has to say, bearing in mind that he has been here for all of today's activities.

Sue Downie has been mentioned. Sue has spent a lot of time in Asia—six years, I am told, in Cambodia, both as a correspondent and as a media adviser to the government. We look forward to hearing what Sue has to say. I believe the replay of her program is on tomorrow night, and I look forward to hearing what you have finally put together.

Finally, we have Professor Carl Thayer. Carl is an often-appearing academic in these corridors and really needs little introduction as the professor of politics at ADFA and a writer on Cambodia, and peacekeeping and elections in Cambodia in particular. We might have five minutes from each of you and then another open dialogue. Carl, would you like to start?

Prof. THAYER—I would like to thank you for the invitation to speak today. I do

have an overhead.

Overhead transparencies were then shown—

The overhead shows the issues that I thought I would address before I heard today's discussion. The first thing I would like to say is that any of the recommendations that I am making are dependent upon forming an effective coalition government in Cambodia. So my first recommendation for the future is that the Australian government must back a formation of a coalition, probably based on CPP and FUNCINPEC. We must get away from personalities. We must not offer a lifeboat. We must not pander to a defect and weakness in the Cambodian political culture, which is to play dependent and to demand that the outside world solve their problems.

Secondly, I would recommend—in light of the comments made by the representative of the US government—that Australian diplomacy should be used to bring America more on board and more in line with what I understood the European Commission and ASEAN were saying for the future.

In terms of my recommendations and comments, I have sour grapes. I went to Cambodia in June. I spoke to the deputy head of the National Electoral Commission and I spoke to lots of friends. I have been visiting Cambodia since 1981. I was a UN observer there in 1993. The deputy head of the National Electoral Commission asked me to make some recommendations to the foreign minister. I wrote to him on this and did not receive a reply. I came back and learnt that the ad had gone out calling for public servants to volunteer for the observer group. Being part of the University of New South Wales, I do not qualify, but nonetheless I did volunteer and was rejected.

There are two recommendations for the future. The ending of Radio Australia's Khmer language broadcast effectively disarmed a mechanism for Australia to influence what was going on there by broadcasting straight-up educational material about the election law, the process and what was occurring. Cambodians there wanted these broadcasts. They could not hear whatever Radio Australia was doing. We have lost that.

Secondly, I think the Department of Foreign Affairs and Trade or the minister—unfortunately, poor Mr Warner had to write the letters; so this is nothing personal—lacked imagination and flexibility. I learned today from Peter Bartu that Japan chose its observers by putting out a public advertisement. They got students from Colombia, World Cup soccer commentators and other Japanese citizens at large—not public servants. It does raise the question as to whether some elements of the government wanted public servants because you could get a more unified view on the elections and their results than you might with a variety of academic ratbags. Nonetheless, that is the sour grapes.

CHAIRMAN—Them's fighting words!

Prof. THAYER—I understand that Tony Kevin asked for funding for his NGO group, VOCE, and that was denied by the government. In light of the long role of NGOs in Cambodia, my recommendation for the future would be that the government should be less inflexible and should give consideration to funding.

Next I come to the point where I am confused—and we have heard a very interesting intervention by Mr Willis. I am torn between consistency, principle and pragmatism when I see Alexander Downer and Madeleine Albright waxing eloquent about democracy in Myanmar. We have now made Cambodia a special case because it is weak, it is dependent and it was a UN colony and we can now tell it what to do because of that. But we do not tell Brunei—which imprisoned its people in December 1962—to hold elections. We do not worry about the mass graves of Aceh. We were quite happy for Golkar to win the last elections because we expected Suharto—our friend—to be there for another five years. We do not complain about the judicial intimidation that keeps effective opposition candidates from registering and running in the Singapore elections. And on I could go with our regional neighbours. So let us put Cambodia in context and stop making it a special case.

That gets me to what our national interests are, and I second the comments made by our Defence representatives here today. Cambodia is not the most important issue any more. It must move down the pecking order. But I must dissent strongly from the Maley-Sanderson paper that characterises Cambodian political culture as binary, between liberal democracy and authoritarian. It is a Praetorian system that lacks political institutions. The culture of elections since 1943 right through to the present has to be looked at in order to understand that. If in 1993 and this election the Cambodian people voted for a liberal democracy, then they have not effectively built the foremost institution of political democracy, and that is effective political parties.

To finish off recommendations on the political front, we should use our diplomatic representation to push for human rights and democratisation as part of a long-term process, and effective institution building, both bilaterally, which would be limited—we are not a major player—to affect the whole outcome of Cambodia, and multilaterally.

Finally, on aid policy, I am quite pleased with the presentation by the parliamentary secretary and the AusAID representative—I think they have their priorities right. They said that we should stress the humanitarian aspects, poverty alleviation, governance and particularly the organs of justice in Cambodia and that, because of the longstanding and pervasive influence in a positive sense of NGOs in Cambodia, their role should continue to be funded. I think when defence cooperation is reconsidered—and since I am just a private citizen I can make a recommendation—it should focus on demining as its major priority and be highly selective in its training of Cambodian army personnel.

Ms DOWNIE—Firstly, I must say that it is very daunting sitting on a panel with a general and two professors and being one of only four women at this seminar. Secondly, I

want to congratulate Mr Ung on his statement. I think that summed up what a lot of overseas Cambodians think. I think it is very unfortunate that there are no Cambodians on this panel.

I think we have come to near consensus that logistically the election was conducted in a reasonable manner and that the NEC did a commendable job in logistical terms, but not that it was free and fair, because we have to look at the whole picture. But what is the point of these famous words 'free and fair'? Why are we getting hung up on these three words? Surely the purpose of declaring the election free and fair or not declaring it free and fair is to allow the international community to continue or resume dialogue and aid.

Putting aside the words, let us talk about the aid. Does Australia want to continue assistance to a regime that may have been put in place by a tarnished electoral procedure, or does Australia want to cut and run? I believe strongly that the international community cannot just throw up its hands and walk away because it is too hard, because it is a tarnished process. The international community through UNTAC built up too much hope and expectation among ordinary Cambodians.

I agree that the international community should not hold Cambodia's hand forever. There will come a time when the Cambodians have to do it themselves. They agree with that, as do many in the international community. But I believe that the international community has a moral obligation not to abandon Cambodians at this point. I am talking about the ordinary Cambodians as much as the leadership.

In deciding whether or not to continue aid and in what areas, we must first look at what the problems are. As I see it, there are three main problems. They relate to the legal, and the administrative and parliamentary systems, and then you look at the economic aspects.

I maintain that the priority is acceptance and implementation of the rule of law. This goes back to the fact that that should have been put in place on the day UNTAC left and it was not. We especially have to look at trying to remove impunity and corruption. When I say 'we', I do not necessarily mean Australia, but the international community and the Cambodian community.

Now that *Background Briefing* has been raised, I will quote something that I said there yesterday that I think is pertinent here. I asked what the point is of installing traffic lights if they are disregarded, of building schools if they are to be vandalised, of cracking down on prostitution when the main culprits are political or military figures who enjoy immunity. What is the point of encouraging foreign investors to come to Cambodia if they are going to be kidnapped at gunpoint? I think rule of law is the priority.

Second is administrative reform. The starting point for that is to separate the administration from politics. Then comes capacity building. The next area of priority is the

parliamentary system, and that involves working with the National Assembly. Parties have to separate their parliamentary work and their party work, and this was one of the problems that FUNCINPEC had. They admit that they had not done it in the past five years.

Thirdly, there is the development of an effective and recognised opposition. That includes establishing a framework for an opposition, if necessary through legislation.

Fourthly, once the legal, administrative and parliamentary mechanisms are in place, then one can focus on the economic development. That includes encouraging local and foreign investors.

Assistance is required in all four of these areas. The question is: in which of these areas could, or should, Australia be involved, and how? Having worked in the government for a year, I can see there are advantages in attempting to make change from inside by, for example, advisers working within the government. It would be counterproductive to have advisers in one party and not the other, or in the incumbent and not in the opposition, or vice versa. This has to be done very carefully with the right people and at the request of the government or the parties involved.

There are compelling arguments for not providing aid to the military and not providing aid for infrastructure. One of the sad things after the coup was to see physical infrastructure dismantled. That highlighted the issue that, while there is still instability in Cambodia, there are questions over the effectiveness of providing aid for infrastructure that can be dismantled. If the money is put into capacity building, that cannot be dismantled. Once people have knowledge or technical knowledge or increased awareness, that is not something that can be taken away from them easily, not as easily as blowing up a bridge or a defence establishment.

The second main area for assistance, I believe, is to local NGOs. Three stand out—and I am going to be a little biased here in actually naming them—and they are: the Khmer Institute of Democracy; CICP, the Cambodian Institute for Cooperation and Peace; and the third, collectively, the human rights NGOs. Of those, two really stand out—LICHADO and ADHOC. The important thing about all this is that they are helping the Cambodians help themselves—and it does not require four-wheel drive vehicles.

As far as aid to non-government organisations goes, whether it is to a local or an international NGO, two things should be considered. I take on board what Roger and Janet have said and I know that the Australians have made efforts in this area, but there is still need for better coordination and cooperation to avoid duplication and holes.

The second point is that there should be much more emphasis on long-term development, not a quick fix and not for the sake of getting runs on the board. It is more than saying that we have run x number of training courses—tick, tick, tick, tick. It has got

to be for long-term sustainability.

While activities like demining and rehabilitation of health clinics are commendable and there is a great need for them, these highlight two fundamental deficiencies. I raise this as a principle, not a criticism of demining work in Cambodia. But is it really efficient to go around the countryside digging up mines when the armed forces are planting new ones?

While Ieng Mouly, head of CMAC, was pledging Cambodia to sign an anti-mines declaration, his colleagues sitting next to him at the council of ministers were responsible for their army laying new mines. This is clearly a lack of political will and that should be sorted out before some of the more developmental issues.

My second point about NGO assistance is the emphasis on capacity building. To illustrate this, I think one of the best capacity organisations in Cambodia is CDRI—the Cambodian Development Resource Institute—which was set up by Eva Mysliwiec in the late 1980s or early 1990s. Eva recognised that what was needed in Cambodia was capacity building—human resource development. So while other NGOs—and this is not a criticism of NGOs as there was definitely a need for it—were building health clinics and digging wells, Eva was allowing the Cambodians to work out what they needed. She was teaching them how to assess what they needed, how to write proposals for assistance, how to implement those plans and how to evaluate them, instead of doing it for them.

My final comment on hope for change is that assistance will not be just in dollar terms. One of my hopes is that it is going to be through the children of the leadership. Many leaders have children studying in Australia, the US and France. To illustrate this with an anecdote, Hun Sen's daughter rang him from the United States—where she was studying at the time—after Prince Sirivudh was exiled. She said to him, 'Daddy, you can't do that.' Whether that actually changed his thinking or whether he would not have exiled Sirivudh if she had rung a week before, nobody knows. Personally, I think there is hope through the children of the leaders, if they can somehow be reached.

The second area for changing the leadership is to work within the leadership. This can be through close relationships with family and friends of, for example, Hun Sen and the other leaders. It is only by being close to those who are close to the leaders that we can effect change. A friend was telling me that he went to donate blood at the main blood bank in Phnom Penh. The French doctor working there said to him that they tell the Cambodians who come in from the countryside and want to donate blood, 'This is going to help your daughter if she is injured,' and he will donate blood. If you tell him, 'This is in case your brother is injured,' maybe he will donate. If you tell him it is for his cousin, it is unlikely he will donate. If you tell him it might help someone in the next province, you have Buckley's chance of him donating blood. So making things in terms of family when working with leaders is one way of effecting change. I have some more, but I think I had better leave it there. That is five minutes-plus.

CHAIRMAN—Thank you. We can come back to that.

Dr OSBORNE—I thank the committee for inviting me to appear today, although I am afraid that I do not bring much hope to present to you. Nick Warner mentioned my long association with Cambodia, and it is even longer than he said. It goes back to 1959, when I first went to serve in Phnom Penh as a very junior Australian diplomat. In 1959 I saw the first referendum that took place after King Sihanouk—who then became Prince Sihanouk—had assumed power in 1955. I was present in 1966 when the elections took place in Phnom Penh. I was not present on this last occasion, but I was in Cambodia at the end of May and the beginning of June.

I would like to make a brief reference to that time because, in talking with friends and acquaintances in Phnom Penh, I was given a picture that led me to expect that the results would be just as they have been announced. I think the reason is that people were well aware of the enormous importance of incumbency in Cambodia in the elections that took place. You have to try to think of an analogy where in Australian terms the military, the police force and civil administration down to the commune level are not totally controlled, but dominated by the incumbent party. When that is present it gives you some sense of the particular leverage that incumbency has on the results of the election.

The discussion that has taken place today about whether the elections were free or fair has to be seen in that context. I do think that we have reached very close the sorts of debates that the doctors of the medieval church had on the number of angels on the heads of pins in some of the discussion that has taken place today—C minus, F, D, pass, fail. It really has not been, to my mind, all that helpful because, of course, it was not free and fair by any of our standards.

The intervention by Mr Willis was very useful in drawing attention to some of the very important features of the lead-up to the election which simply cannot be disregarded. One cannot disregard the coup or putsch, or however you choose to describe it, in July of last year as being unimportant for what took place. You cannot disregard the thumbprint on the mock registration or the actual registration of voters which took place. You cannot disregard the oaths taken with bullets in glasses of water which have a deep Cambodian meaning. The oath taking allegiance is very important in Cambodian culture.

Part of that culture, I am sad to say, at least in my judgment over many years, is a Cambodian political culture that sees politics as a zero sum game. You are either a winner or a loser. I do not really believe that in those terms there has suddenly been a remade Hun Sen, any more than I believe that we can disregard the fecklessness of Prince Norodom Ranariddh, or any more than we can disregard the readiness of Sam Rainsy, to my considerable personal disappointment, to invoke racial slurs against Vietnamese in the run-up to the election.

All of this emphasises the extent to which no-one—and I certainly include

myself—approaches Cambodia in a truly disinterested fashion. Diplomats—and I am not just singling out Australian diplomats—look for smooth paths towards success. Some NGOs—and I do not refer to the NGOs represented here in the room today—in the past have very clearly been ready to subordinate concerns about human rights to maintaining a presence in Cambodia. If you want documentation on it, look at the book written by the French doctor—available only in French, I am afraid—with the title, *Behind the Bamboo Wall—Derriere le Mur de Bambou*, which very explicitly documents what took place over some years in Phnom Penh in the 1980s.

ASEAN, of course, is delighted that the elections have taken place because it has been such a hangover of the aims that they had of an ASEAN 10 being brought into existence on the 30th anniversary of ASEAN's foundation—a great embarrassment, just as Burma is continuing to be an embarrassment as a member of ASEAN. The European Union, which has invested money in the Cambodian problem, just wants the situation to be one in which they can recognise success because, overall, there is a widespread sense of compassion fatigue and that is going to affect how people look at Cambodia. For that reason, many people will want to find positive things to say about Cambodia, whereas there are so many things that are not genuinely worthy of a positive assessment.

In a book that has been published in the United States this month written by the Pulitzer prize winning journalist of the *New York Times*, Henry Kamm, he makes a call at the very end for the international community to take over Cambodia. Some could say that this is a patronising point of view; indeed, I think that I would say so myself. In assessing his own call, Henry Kamm in the very last words of his book says that this proposition is unrealistic, but not unrealisable. But that proposition assumes that Cambodia cannot achieve the transformation of the state into something approximating a liberal or pluralistic state on its own.

I do not think the proposition that has been put forward in those words is either realistic or realisable. I do not think we can wash our hands of Cambodia, but I do not think we can in the future, at the governmental level, work on the basis of feeling that we are doing enough if this involves emphasising the positive and playing down the negatives. All this said, in the end, whether or not Cambodia becomes something different will depend on Cambodians themselves. I would like to be an optimist but I simply cannot be so.

CHAIRMAN—Thank you very much.

Lt Gen. SANDERSON—I recall that, when I first went to the Thai-Cambodian border in December 1990, I visited site 2, which some will remember as the largest refugee camp along the Thai-Cambodian border. I had some discussions with the administration of that camp. As I was leaving, a voice called out to me from the back of the crowd, 'Save us from our leaders.' That was a statement which was to reverberate with me on many occasions while I was in Cambodia.

When discussing Cambodia, there is often a tendency to focus on the political parties and the leadership. But I believe it is appropriate to focus on the Cambodian people and to look at requirements for a stable future for them. There is no question of their right to a place in the international community. They have earned the right for opportunity to be placed before their children—which I would suggest is the primary motivating force behind the actions of the Cambodian people in these elections.

To bring this about, everyone has to deal with some responsible authority; hence our eagerness to have a government which is reasonably representative of the people and whose activities are tempered by a commitment to the rights of individuals and those opportunities I have spoken of. This latter point is the key. If the political process is usurped by force of arms, it places our responsible interlocutor in a category not very different from that of the SLORC in Myanmar.

There should be no question that that is what has happened in Cambodia in the period from 1993 to 1998. This is clearly not an impediment to membership of ASEAN; nor should it impede the flow of aid to the Cambodian people, for it is clearly not their fault that the political leadership pursues power untrammelled by considerations of individual human rights. Unfortunately, this pursuit of power has resulted in the deaths of many Cambodians who committed themselves to the principles of liberal democracy held out by the United Nations. I knew many of these. I feel badly about their deaths and the corruption of the process so generously offered and supported by the international community.

It seems to me that in the current climate in Cambodia some of the opposition parties cannot be blamed for keeping their military options open. I am sure that the D'Num, under Ieng Sary, continues to exercise this option in the Pailin-Phum Malai area. The royalists will also be reluctant to demobilise their forces now focused in the area of O Smach. Until all these forces are demobilised, or come under government control, the country will not be a fit place for the responsible international citizen envisaged by ASEAN, the European Commission and Australia.

It is only pluralist democracy and justice which will allow such demobilisation to be envisioned. If you regard all political opposition as unacceptable or traitorous, this is not possible. Extrajudicial killing of political opponents and large-scale extortion in the administrative processes for personal gain and the gain of criminal elements who provide financial backing to your party are not conducive to a stable future. It is one of the reasons why a potentially rich country like Cambodia remains in a state of penury with a slowly corroding environment.

Dare I suggest that the paternalistic and patronising statements such as those made by Nick Warner about the Third World status of Cambodians are all too frequently made as excuses for the gross abuses of human rights which occur in these places. But I put it to you that, if you do not allow an effective opposition in the parliament, you must expect

an opposition in the field.

Having been a principal architect of the unified Royal Cambodian Armed Forces, I must confess to some emotion about the fact of its division and that many of those who supported us in this endeavour have died horrible deaths in the intervening period. Would they still be alive if they had exercised more caution, ignored us and remained in the field?

Let me conclude by congratulating AusAID and the NGOs on their contribution to the wellbeing of the Cambodian people. I have always been a great admirer of the work that they have done in the field, and they must be encouraged to continue. Building trust between the NGOs and the Cambodian community is one thing, but trust with the government is another. The election has been held and the results are in. There is no question that Hun Sen and the CPP will assume the full authority that this election gives them. What we need to do is to ensure that this government pursues policies of reconciliation and builds institutions and a climate of opportunity for all Cambodians. Thank you, Mr Chairman.

CHAIRMAN—Thank you very much, indeed. I want to take up one point that Sue Downie made—and I think it is a very valid one and possibly the major deficiency of today—and that is the fact that we did not have a Cambodian representative on the final panel. That was discussed and we had some difficulty in determining who that might be. Having looked around the room today, it is pretty obvious that the Khmer and Cambodian people resident here in Australia feel strongly about this, so I apologise for that at this late stage. But, before we get into open questions, I would like to redress that by making an offer to somebody other than the gentleman who has spoken two or three times already—perhaps to one or two of the Cambodians—who wants to talk from a Cambodian perspective.

Mr YA—I am president of the Khmer community in New South Wales. I would like to take this opportunity to express my view on the whole situation in Cambodia. Nearly all day I have heard different viewpoints about the situation in Cambodia, mainly about the election. I support the view of Dr Osborne that you have to look back at Cambodia and ask when was there a fair and free election held in Cambodia. You have to consider the environment. I believe the Cambodian people have suffered long enough and the situation needs to move on. I would like to congratulate the position that the Australian government took after the coup in 1997 by still maintaining humanitarian aid to Cambodia, because that was really important to the people of Cambodia.

As Sue Downie just said, the situation in Cambodia could not have a quick fix solution. I believe that it needs to be changed gradually. I give you an example when last year or the year before Samdech Chea Sim was invited to observe the parliamentary sitting here in Australia. He made a very positive comment about democracy here—that we have members of the opposition criticise the government, that we argue in parliament

but that outside we shake hands, which he found surprising. He did not expect that in Cambodia. If the Australian government takes this approach in the future by inviting all the leaders in Cambodia to visit here, and having more people come to learn in Australia, people in Cambodia will learn gradually about democracy. I have to say that we cannot expect much of what happens here in Australia to happen exactly in Cambodia, but I still hope that the international community, and especially the Australian government, continue to help the Cambodian people.

Mr PHO—I am president of the Cambodian Youth Association. I would like to make a comment. I would like to applaud Sue Downie's comment about having a Cambodian person on the panel. I would also like to focus here on youth. Cambodian youth, as you see on television, are all the time sitting on tanks with guns. They are pretty much narrow-minded in many ways. For us to be here together right now, we have gone through youth and we have become open minded. Education is something that we need for youth in Cambodia as well. That is a comment that I would like to make in general. Thank you.

Ms RANDALL-TEUNG—I came with Mr Porheang Ya. I am the secretary of the Khmer community in Sydney. I was impressed with what Sue Downie said because, being involved with the Khmer community here in Australia and having been so for the last 15 years, I think a lot of what we are trying to do in Cambodia also links with the way that we look at the migration program here in Australia. When we try to settle people we actually look at the core of what it is we want to maintain and what other people can have that is fluid and can change. The things Sue suggested are the core of what it is that we are trying to help with. There are other things outside that really do not matter.

I was interested in some of Bun Ung's comments. Bun Ung has an emotion about Cambodia in the same way that I do. I lived in Cambodia during the UNTAC period but, unlike Bun Ung, I am not involved in politics. My main concern in Cambodia is about humanitarian rights and social justice. What I saw, from the first time that I went to Cambodia in 1987, was a situation where there was a more equitable distribution of resources. While UNTAC did a lot of things in Cambodia that were really good, what distressed me was the social distress that it created because people no longer had an equitable distribution of resources at the end of the UNTAC period. I think it needs to be acknowledged that, when we go to work in a country like that, we need to have culturally appropriate ways of working in a culturally appropriate context. Thank you.

CHAIRMAN—John Sanderson, would you like to react to that?

Lt Gen. SANDERSON—I understand exactly what the sentiment is. This was a communist country, and resources were distributed fairly evenly. Power was not. And everybody was poor.

Mr MALEY—I would like to make one point concerning the standards by which

elections should be judged. I have seen a number of remarks in the press, and heard comments made by commentators in the last few weeks, suggesting that one has to modify standards to be applied in judging the recent Cambodian elections because of Cambodia's status as a Third World country. I think it is entirely reasonable to take account of the difficulties which a Third World country faces—logistical difficulties and difficulties in having an adequate skill base, difficulties in training and so on—in making an assessment.

The consensus of the discussion today, subject to the debate there has been about outstanding inquiries still taking place on complaints, is that that is not the character of the defects in the elections that have just taken place. The defects of the elections, as Mr Willis very eloquently put it, were consequences of conscious political decisions made at a relatively high level in the Cambodian ruling clique—decisions that intimidation would be unleashed, that coercion would take place, that the media would be tightened up to prevent comprehensive access across the board and that the electoral administration that was set up would be a partisan operation rather than anything independent or neutral.

If we start looking at these sorts of deficiencies and try to explain them away, in terms of Third World conditions, what we are doing, subtly, is avoiding placing responsibility on the people who made the decisions to do those things, and I do not think we should do that.

Dr MALEY—Mr Chairman, I should perhaps state that Cambodia is one of the few issues on which my twin and I have a high degree of consensus. I was disturbed by one line that figures in Nick Warner's comments. He said, 'There is a multiparty democracy in place.' Of course, in quoting that expression, I am taking his words out of context, but, if I take them out of context, so can other people. They can be words which can be put to a very dangerous use.

There would not be too many theorists of democracy who would endorse the view that holding an election on its own contributes to the development of a democratic system. It is vital that there be an independent judiciary. It is vital that there be protection of individual rights. It is vital that there be freedom of association, and it is vital that there be the rule of law. I endorse thoroughly the points that Sue Downie made in her remarks about that. Unless these are developed—and I see no indication whatsoever that they are at all likely to develop under the kind of regime which Hun Sen is about to put in place—we should not for a moment live with the delusion that what we are witnessing in Cambodia is the birth or the consolidation or the presence of multiparty democracy.

CHAIRMAN—Thank you very much. I think it is a valid point and I thank Sue once again for that, if for no other reason than that I agree with it in terms of the judiciary. Having experienced the lack of road rules in Phnom Penh, I think that is one small example of it.

Mr KEVIN—John Sanderson and I are both retired so we can both talk very

freely—Nick Warner cannot. So, John, if I make you my protagonist, please forgive me; it is all conducive to a better understanding. In your summing-up comments, you did not seem to back up your assertion that Hun Sen is really to blame for what has gone wrong since 1993 and yet, in my rather hurried presentation this morning, I tried to suggest that, from 1996 on, Ranariddh had made war against the state of which he was First Prime Minister.

I think there has to be some accountability for that. I am very sorry that those people got killed, but they were, in a certain sense, casualties of combat; they were part of FUNCINPEC's military intelligence capability, which Ranariddh was going to use, together with the Khmer Rouge, to make war on Hun Sen again, taking us back to the whole sorry story of the 1980s. That is my first point and you might like to comment on it: where is the accountability, and how do we help the people of Cambodia by loading all the blame onto Hun Sen and the CPP?

Secondly, I would just like to comment—this is obviously my last intervention today—that, out of the people who were summing up, we really only heard positive forward-looking comments from Sue Downie, with some very interesting suggestions, and from Carl Thayer. While I respect the integrity of the critics' position—and, in particular, I respect the integrity of the position that one cannot treat Cambodia as a second-class country, and that is the last thing I want to do—my question is: what are your alternatives? Where do you go from here? How do we help the Cambodian people? I do not think that Mr Rainsy or Prince Ranariddh are offering the Cambodian people anything but more suffering, more pain, more instability, more poverty. I think we have to recognise that this is not a position that is helpful.

CHAIRMAN—Milton, I think you might want to respond to that as well, but first, John, do you want to respond?

Lt Gen. SANDERSON—Yes. I am sorry that Tony missed the point of the last two paragraphs in my presentation. It was up-beat. I have a lot of faith in the Cambodian people and I hold out the possibility that the international community can cause the government which will emerge from this process to adopt a process of reconciliation in Cambodia. Indeed, there have been improvements to the Cambodian life in many ways in Cambodia as a consequence of the work of the NGOs and the aid community generally.

I do not want in any sense to be seen to be placing all the blame for the circumstances in Cambodia on Hun Sen and those who are around him. There is no question in my mind that part of the blame accrues to them and that they did usurp power after the 1993 election, which they lost. Let us be frank about it: they lost the 1993 election and they controlled the 1998 election. There was a process that occurred between 1993 and 1998 which put them in that position of power. It was not a democratic process.

But, that aside, as I said before, we have now had an election and the outcomes of

that are not going to change. I do not think we are going to have another one in the near future. Therefore, we have to work on the basis that, both within the CPP and outside the CPP, there are sufficient democratic forces abroad which, when supported by the international community, will hasten a climate of reconciliation in Cambodia and produce a government which we can all deal with.

Dr OSBORNE—I was quite deliberately not trying to provide a list of what has to be done for the future because I think it is important to emphasise how disturbingly serious the issue is and how long it is likely to remain that way. Unfortunately, if we look at the record that Australian governments have had over the past 30 years in dealing with people who are demonstrably unattractive as political figures in other countries, the record shows that, repeatedly, we have been ready to endorse for one period or another—quite often it is for quite long periods—individuals who in the end turn out to be, at the very least, unattractive, antidemocratic, corrupt and ultimately unsuccessful.

We only have to look at the extent to which that applies to the leadership of Indonesia. We only have to look at the period of time that Australian governments were ready to endorse the presidency of President Marcos. We endorsed the ruling period by Prince Sihanouk, who is now king again, without taking note of his many failings in terms of concerns about the institution of something approximating a liberal democracy.

I certainly would regard any suggestion that to just disregard the background of Hun Sen, who quite clearly is now the dominant political figure in Cambodia, would be something quite wrong. I think it would be not only counterproductive for Cambodians but it would be in the long run to our own disadvantage.

How does one bring about change within Cambodia? At the end of my more formal remarks, I made the observation that change in Cambodia will only come with Cambodians themselves. But of course there are ways that we can help. We cannot help by sweeping the past under the rug, and that is where the propositions put forward by so many commentators—in this particular case, by Tony Kevin—are simply not very helpful. The past is not a long time ago.

The past is not just a matter of the casualties of war—I think that was the term Tony used—in relation to the killings that took place in July. The casualties of war seemed to go on for quite a long time after July. We are dealing with a political culture that is very foreign to our own. If we try to pretend otherwise, we are going to mislead ourselves and, in the end, not accomplish very much for the Cambodian people.

CHAIRMAN—Carl, did you want to have another comment?

Prof. THAYER—Yes, just some final observations. I would like to endorse the call that we get back to the theme of national reconciliation in Cambodia. That should be the game for the Friends of Cambodia, for ASEAN and for the international community in

general. There is a role for the international community beyond that and it is to help and assist in the building of these various institutions and the judiciary, and help change the political culture.

Having said that, I want to come back to John Sanderson's comments about who won or lost the election. Raoul Jenner made the point that nobody won the 1993 elections because you could not form a government without two-thirds. What we have is an electoral system that has not, in 1993 and 1998, produced a workable government. If it is the zero sum game in political culture that we have heard, we have come up with a system that gives us a result that forces enemies, and people who have no basis to trust each other, to cooperate. We are stuck. In a sense, we have come full circle. It was a flawed system that could not produce two-thirds in 1993 and it remains so today. There are no winners or losers in that if you are going to take the majoritarian view. It is just too narrow.

I think perhaps the larger question is one of legitimacy. We have constant references to the Cambodian people. They are not unified. Some actually support Hun Sen and some do not. Some want the King; some want monarchy. Some want republicanism. Some of the Cambodian people are in fact Khmer Rouge. What we are looking at is legitimacy. There is a broader question: in our societies the moral authority of the government to govern is done through the ballot box. There are other forms of legitimacy, their performance, how they operate in office where we do not have a complete ballot box. With respect to the government of Vietnam, we say nothing about their elections. We immediately accept them but they are highly intimidatory.

There are two final things I want to say. How long did it take from Runnymede, where the absolute authority of the English king was challenged by the nobles, to constitutional democracy, with its Hyde Park, without a constitution? If we entered the American Republic after the Civil War when the slaves were freed and looked at governments in the south in the United States, would we have known that it would turn into a country which in the mid-1960s could pass a Civil Rights Act and enfranchise blacks and move a long way? We are looking at Cambodia as part of a process. On the absolute attempt to get standards, it is Third World or otherwise. It is an acceptable formula for resolving the conflict in that country.

I will end on this point: we have to stop offering a lifeboat for Cambodians claiming dependency and using us to continue not to solve their political problems. They are asking us to do it for them. Our pressure has to be for reconciliation and building the institutions which allow them to do it for themselves.

Mrs KAY—I work for Centrelink and do voluntary work for the Khmer Interagency, which is a group of public servants who help Cambodian people around Cabramatta and Fairfield. Once upon a time I was invited to tell my story, because it is a real human rights issue. I really endorse what Sue has been saying. The first Cambodian

concern is rule of law, and we do not have rule of law in Cambodia. I also agree with our president, Mr Porheang Ya, who said that we invited Mr Chea Sim to come and see what the Australian government does. But we must make sure that when they go back they have to apply that accordingly. It is not worth while to come and visit and not do it accordingly when you go back.

Secondly, I want to tell you why I was invited to tell the real story. I myself have been a victim. In 1979 I was offered a job as an English language radio announcer. I worked for a while and then the director-general wanted to force me to marry him as his third wife. His first wife spoke fluent Vietnamese, his second wife spoke fluent Cambodian, so he wanted me as his third wife to speak fluent English so that he did not need to do anything at all. I was being forced to marry him. He was just about to rape me. After that, the next day, I was two years and 18 days in gaol. That is why I say the law needs to be addressed in Cambodia and applied.

Mr CHHAY—I hate to say that Cambodia is run by a mafia leader. Last Thursday night there was a grenade attack on the opposition leader, Sam Rainsy, in front of the Interior Ministry building. Instead of trying to arrest the criminal or the grenade thrower, they arrest the victim. So where is law and order? They tried to arrest the victim and also they interrogated him at the same time. They did not even try to catch the criminal. I just feel very sorry for the man, Tony Kevin, behind me who tried to protect that mafia leader.

CHAIRMAN—Thank you. We will take final questions.

Mr SOS—I would like to make a last remark. One would need to look at the Cambodian problems or the result of the elections in the Cambodian context. I think it took the West a long time to reach where they are at the moment. I am not condoning the ruling party or any opposition; I am just speaking from a non-partisan viewpoint. One would need to look at what is practical, realistic and idealistic. You have to remember that Cambodia has been separate for a long time.

There appears to be some indication that the international community is getting a bit tired of trying to help Cambodia. You have to look at the history. We often tend to ask outsiders to help resolve our conflicts and disputes. I think it is about time that the Cambodian people resolve the issues by themselves. That is the only way to sustain peace in that country. The international community can only facilitate the way forward. Ultimately, the Cambodian people, the rulers and the leaders have to put their heads together and think about the people and not themselves—not the power and the authority that they like to have. The people in the countryside at large are suffering from some of the struggles between these potential leaders in the ruling party. I am just asking you to be careful not to impose the Western models of democracy on Cambodia. You need to think about it carefully. It takes time. We are all learning from you and we need your support. You are here to facilitate. Thank you.

CHAIRMAN—Thank you, Farib, and thank you for coming across the Tasman. We will take one final comment, because we must finish in about two minutes.

Mr UNG—Mr Chairman, I thank you for your indulgence. I would just like to make a few points. Firstly, I would like to agree with Sue Downie and her comments on the children of the leadership. It is very important that we do that because, after all, the former Suharto regime did not send in tanks to shoot the protesting students because one of the general's sons was one of them. That helped the fact that they did not send in the troops to kill them.

There is another point I want to make about the children of the leadership. Hun Neng, who is Hun Sen's brother, sends his nine-year-old son to study at one of the schools in Melbourne. He is not like Hun Sen's daughter; he is a spoilt brat. He is only nine years old but every time he opens his mouth he says that he wants to get married with four wives. That duplicates Mrs Kay's story that all they want is three or four wives. I suppose they can economically and financially support them.

The other serious point that I would like to make is in relation to Dr Milton Osborne's point about Sam Rainsy's so-called racial slur. If I misunderstand the meaning of 'racial slur', I will apologise. I would like Dr Osborne to enlighten me with regard to the word 'yuon', the Cambodian word for Vietnamese. As a native speaker of the Cambodian language, since I was very young and even now, when we have referred to Vietnamese, we have called them 'yuon' without any negative connotation whatsoever. If we add another word after 'yuon', then they will show a negative connotation, a derogative way of referring to the Vietnamese people.

I have asked my friend who is a linguistic expert at Monash University to do some research on the origin of the word 'yuon'. According to his finding, there is no such negative connotation. The word 'yuon' is just one word as such. This is from my friend who has studied the origin of the word. Perhaps Dr Osborne can explain to me how come this word 'yuon' has suddenly become negative with a negative connotation. That is one point.

The second point is that Mr Sam Rainsy did use that word during his election campaign, but he was referring to the illegal Vietnamese migrants that came into Cambodia as part of the election process all year round. In Australia, you are entitled to address the illegal migrants in the legal way. That is the end of my comment. I would like Dr Osborne to explain to us the origin of this word 'yuon' and its negative connotation. Thank you very much.

CHAIRMAN—Milton, I really do not think you need to do that. It was covered ad nauseam in the English press in Phnom Penh. There was some misunderstanding. I do not think that will add to or detract from the argument, unless you particularly want to comment on it. Sam Rainsy made exactly the same point that you are making. I do not

think we are going to get anywhere by arguing about it this afternoon.

Ladies and gentlemen, unless any of my parliamentary colleagues have any further comment, it remains for me to thank all of you for being here all day. It has been, in my view, a very productive session with very productive dialogue. I was particularly pleased this afternoon that people participated to the extent that we hoped they would.

I would like to thank Hansard in particular, as we always do. Hansard have an unenviable job. I want to thank Sound and Vision for the coverage of proceedings today. I reiterate that the *Hansard* transcript will be available on the Internet within a couple of weeks in proof form. This means that you will have to surf the Joint Standing Committee on Foreign Affairs, Defence and Trade home page to get to that document. Everybody who was on the list today will get a copy of the transcript. I thank you all for being here today. I thank you for your participation and I hope that, when we eventually table a report on this seminar, which will almost surely be in the next parliament, a number of people will be able to talk to it. I will not be here.

Mr LEO McLEAY—I am the only one who will be here.

CHAIRMAN—That is right. There are three of us out of the four here who will not be back.

Resolved (on motion by **Mr Leo McLeay**):

That this subcommittee authorises publication of today's discussion.

Subcommittee adjourned at 4.04 p.m.