

GAO

Briefing Report to the Chairman and
Ranking Minority Member, Committee
on International Relations, House of
Representatives

February 1996

CAMBODIA

Limited Progress on Free Elections, Human Rights, and Mine Clearing





United States
General Accounting Office
Washington, D.C. 20548

National Security and
International Affairs Division

B-270716

February 29, 1996

The Honorable Benjamin Gilman
Chairman
The Honorable Lee H. Hamilton
Ranking Minority Member
Committee on International Relations
House of Representatives

The signing of the Paris Peace Accords in October 1991 ended years of devastating civil war and started Cambodia on the road to building a democratic civil society. The United Nations Transitional Authority in Cambodia (UNTAC), established to implement the accords, supervised the withdrawal of Vietnamese forces from Cambodia, repatriated over 360,000 refugees, improved human rights conditions, and conducted free and fair national elections in 1993. UNTAC concluded its mandate in late 1993 with the formation of a duly elected government in Cambodia. This report, which builds on our prior work on UNTAC and Cambodia (see a list of related GAO products at the end of this report), provides information about Cambodia's progress since 1993. Specifically, we report on (1) Cambodia's prospects for holding free and fair national elections by 1998; (2) its progress in meeting international human and political rights standards; and (3) its progress in clearing millions of land mines¹ left over from decades of war, which is crucial for economic development and public safety. We briefed members of your staff about these issues on November 7 and December 19, 1995. This report summarizes and updates the information we provided at those briefings.

Background

By signing the Paris Peace Accords in 1991 and various international conventions in 1992, Cambodia's leaders agreed to support a democratic resolution to the country's long-standing civil war, to protect and advance human and political rights and fundamental freedoms for all Cambodians, and to begin rebuilding the country's shattered economy and civil institutions. Cambodia's constitution, adopted in September 1993, established a multiparty democracy guaranteeing human rights and the rule of law and seeking economic development and prosperity. It commits the government to (1) holding new national elections by 1998; (2) recognizing and respecting human rights as defined in the United Nations Charter, the Universal Declaration on Human Rights, and all

¹Land mines include antipersonnel and antitank mines, unexpended and unexploded ordnance, and booby traps. We reported on mine clearing and related issues in Unexploded Ordnance: A Coordinated Approach to Detection and Clearance Is Needed (GAO/NSIAD-95-197, Sept. 20, 1995).

treaties and conventions concerning human rights, women's rights, and children's rights; and (3) promoting economic development. Achieving sustained progress in the areas of democratic governance, the protection of human rights, and economic development (1) is a primary objective of U.S. foreign policy in Southeast Asia and (2) was a major factor underlying international support for the Paris Peace Accords and UNTAC, which cost an estimated \$2.8 billion. Since the mid-1980s, U.S. assistance to Cambodia, including peacekeeping, has totaled nearly \$1 billion.

The U.S. Agency for International Development (USAID) had planned to provide Cambodia about \$111 million over 3 years: \$29 million in fiscal year 1994; \$42 million in fiscal year 1995; and \$40 million in fiscal year 1996. The USAID Mission in Phnom Penh planned to spend about \$8 million to help the Cambodian government plan and prepare for holding national elections. USAID also funds efforts to improve the functioning of the National Assembly, the legal system, and the press and to protect human rights. USAID now says that its planned level of assistance for fiscal year 1996 will be lower than the \$40 million in the executive branch's initial budget request, and that assistance levels for Cambodia will be related to congressionally approved levels of assistance globally.

Results in Brief

Since UNTAC ended its mandate in late 1993, Cambodia has made limited progress (1) toward establishing a framework for holding constitutionally required national elections by 1998, creating uncertainty about the prospects for a peaceful, democratic transition of power; (2) meeting international human and political rights standards; and (3) clearing mines for economic development and public safety. Progress toward those three objectives is key to sustaining momentum toward democratic governance, the protection of human rights, and economic development, according to a variety of U.S., other foreign government, and Cambodian officials, and nongovernmental organizations. Sustaining momentum in these areas also is key to maintaining domestic and international support for the Cambodian government.

Cambodia faces several obstacles to holding constitutionally required national elections by 1998. The country currently lacks an electoral framework and the necessary human and financial resources to support the election process. U.S. and other foreign officials estimate that creating such a framework will take considerable time and involve many difficult political decisions, but the Cambodian government has done little to prepare for national elections at this time and is falling behind schedule

for holding elections by mid-1998. Some U.S. and other foreign officials doubt whether the Cambodian government can ensure that elections will be held in a neutral environment where parties can campaign without violent intimidation and voters will feel secure against retaliation. Recognizing concerns that the police and armed forces would interfere with the elections, Cambodia's First Prime Minister has proposed putting them under the control of an independent, neutral commission during the elections. Other obstacles to free and fair elections include opposition parties' lack of fair access to the media and disparity in the relative strengths of the political parties.

Although conditions have improved since the end of its civil war, Cambodia has made limited progress in meeting basic international human rights standards. According to human rights groups, military and police forces remain ineffective and corrupt and continue to violate human rights frequently. These groups and some U.S. and other foreign officials said that few Cambodians had received due process or fair trials in the past 2 years, in part because prosecutors and judges lacked basic training to properly investigate, prepare, present, and decide cases. These same sources reported that official corruption was widespread and growing, undermining the rule of law. Several U.S. officials noted that low-level corruption partly reflected the low pay for Cambodia's bureaucracy, including military, police, and other officials.

In the area of political rights, recent government actions suggest increasing intolerance for dissenting opinion, both inside and outside the government. One outspoken member was expelled from the National Assembly for publicly attacking government corruption, and others said they were threatened if they continued to criticize the government. During the past year, the government prosecuted several members of the press for criticizing government corruption, enacted press restrictions, and tolerated violent attacks on some press members.

The presence of millions of land mines imposes a heavy economic and social burden on Cambodia, already one of the poorest nations in the world. According to several studies, mine-clearing experts, and U.S. and foreign officials, these mines (1) deny access to vast tracts of farmland, forests, and other natural resources, which represents a huge economic loss, and (2) interfere with the resettlement and reintegration of refugees. Nevertheless, the Cambodian government has cleared little land of mines and devoted few resources to the task since 1993. The U.S. government has provided some funds, training, equipment, and supplies for mine

clearing to the Cambodian Mine Action Center and the Cambodian armed forces. Nonetheless, according to available reports, mine-clearing experts, and U.S. and other foreign officials, the Cambodian government's lack of leadership, planning, and funding for mine clearing are among the most important factors explaining the lack of progress in this area.

Further information about elections, human and political rights, and land mines is provided in briefing sections I, II, and III, respectively.

Agency Comments and Our Evaluation

The Departments of Defense and State and USAID generally agreed with the information presented in a draft of this report, but preferred to focus on the progress Cambodia had made since the signing of the Paris Peace Accords in 1991 rather than the more limited progress that has occurred since UNTAC completed its mandate in late 1993. In addition, they said that Cambodian society had been shattered by decades of civil war, but that the country had the potential, with international assistance and support, to make progress on many of the problems our report discusses, and noted that Cambodian leaders had publicly promised to hold elections, respect the rule of law, and protect human rights. For example, with regard to human rights, the Department of State and USAID emphasized the improvements that have occurred as compared with circumstances that prevailed prior to 1991, and the Department of Defense said that it is important to note the persistence of critics who are not intimidated by the government's return to autocratic methods. The Department of Defense said that erecting a framework for conducting a fair election by 1998 is not entirely outside the realm of possibility, and the Department of State said that the important issue is to have free and fair elections, not that they be held as scheduled in May 1998.

We recognize that decades of civil war and the Khmer Rouge's genocidal rule had a devastating effect on Cambodian society, and that the Cambodian government faces serious problems of institution-building, exacerbated by widespread corruption, a poorly staffed and trained judicial system, and an ongoing Khmer Rouge insurgency. However, using this past as a benchmark for measuring the current government's progress can be misleading because UNTAC was principally responsible for improvements between 1991 and 1993. We believe that the standards of behavior set out in the provisions of the Paris Accords implemented by UNTAC, other international conventions that Cambodia has signed, and Cambodia's constitution are the appropriate standards for assessing the current government's progress toward democratic governance and

protecting human rights—not the conditions of genocide and civil war that existed prior to 1991. In signing these documents, Cambodia’s leaders promised to abide by their provisions in rebuilding Cambodia. However, the evidence shows that since 1993 the Cambodian government has yet to make much progress toward these goals, and some recent actions, such as restricting press freedoms and declaring a new opposition party illegal, are inconsistent with the government’s public commitment to free elections, the rule of law, and the protection of human and political rights. Underscoring our concerns are reports that government forces raided the headquarters of a new opposition party in late January 1996 and held party members at gun point.

Comments from the Departments of Defense and State and USAID are reprinted in their entirety in appendixes I, II, and III, respectively, along with our evaluation of them.

Scope and Methodology

To obtain information for this report, we conducted fieldwork in Cambodia and Thailand and at the Departments of Defense and State, the U.S. Pacific Command, USAID, and the United Nations. At these locations, we met with key U.S., Cambodian, other foreign government, and U.N. officials and with representatives of a variety of nongovernmental organizations. In Thailand, these included the U.S. Ambassador, political officer, and military attache; Thai military officials; and representatives from the United Nations and refugee assistance groups. In Cambodia, these included the U.S. Ambassador, the Deputy Chief of Mission, the Acting USAID Mission Director, the USAID democracy programs officer, the U.S. Pacific Command Representative, and the Humanitarian Assistance Demining Coordinator; Cambodia’s Secretary of State and President of the Council of Ministers, foreign advisors, and Members of the Cambodian National Assembly, including the chairmen of the foreign affairs and human rights commissions; diplomats at the Australian, British, French, and Indonesian embassies; representatives of the United Nations Development Program, the United Nations Center for Human Rights, the Asia Foundation, several human rights groups, and two policy research institutions; and foreign civilian and military advisors at the Cambodian Mine Action Center. We also reviewed and analyzed many reports, studies, and other documents about Cambodia, plus the Paris Peace Accords and other international treaties to which the Cambodian government is a party.

We conducted our review from May to December 1995 in accordance with generally accepted government auditing standards.

We are sending copies of this report to other interested congressional committees, the Secretaries of Defense and State, the USAID Administrator, and other interested parties. Copies will be made available to others on request.

Please contact me at (202) 512-4128 if you or your staff have any questions about this report. Major contributors to this report were Tetsuo Miyabara, Michael Rohrback, and Michael Zola.

A handwritten signature in black ink, reading "Harold J. Johnson". The signature is written in a cursive style with a large, stylized initial "H".

Harold J. Johnson
Associate Director
International Relations and Trade Issues

Contents

Letter		1
Briefing Section I Holding Free and Fair National Elections by 1998	Cambodia Faces Obstacles to Holding National Elections by 1998 Cambodia Faces Obstacles to Holding Free and Fair Elections	10 10 12
Briefing Section II Meeting Human and Political Rights Standards	Limited Progress in Meeting Basic Human Rights Standards Recent Actions Indicate Increasing Official Intolerance for Political Dissent	16 16 18
Briefing Section III Clearing Land Mines	Land Mines Impose a Heavy Economic and Social Burden Limited Progress Made in Clearing Land Mines	20 20 22
Appendix I Comments From the Department of Defense		26
Appendix II Comments From the Department of State		30
Appendix III Comments From the U.S. Agency for International Development		40
Related GAO Products		44

Table

Table I.1: National Election Timetable for Cambodia

11

Abbreviations

BLDP	Buddhist Liberal Democratic Party
CMAC	Cambodian Mine Action Center
CPP	Cambodian People’s Party
FUNCINPEC	National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia
NGO	nongovernmental organization
RCAF	Royal Cambodian Armed Forces
UNCHR	United Nations Center for Human Rights
UNTAC	United Nations Transitional Authority in Cambodia
USAID	U.S. Agency for International Development

Holding Free and Fair National Elections by 1998

GAO Cambodia Faces Obstacles to Holding National Elections by 1998

No election law or framework

Limited human and financial resources

International assistance uncertain

Proposed local elections in 1997 may divert funding, people, and attention

Cambodia's constitution requires that the government hold national elections by 1998. However, the country currently lacks the electoral framework (laws, regulations, an independent commission) and resources (both human and financial) needed to hold elections. Although U.S. and other foreign officials estimate that creating such a framework will take considerable time and involve many difficult political decisions, little has been accomplished so far. In late 1995, the Cambodian government began drafting an electoral law. Discussion at a late October 1995 seminar,

sponsored partly by the U.S. Agency for International Development (USAID), explored the relative advantages of different types of electoral systems. By December 1995, the government still had not completed a draft electoral law and was falling behind a proposed timetable for holding elections in mid-1998 (see table I.1).

Table I.1: National Election Timetable for Cambodia

Event	Timing
Draft national election law	November 1995 (not met)
Interior Ministry reviews draft law	December 1995 (not met)
Co-Prime Ministers review draft law	January-February 1996
Draft law submitted to the National Assembly	Spring 1996
National Assembly enacts law	Summer 1996
Implement new law (create an election committee, issue regulations, train workers, educate voters)	1997
Hold national elections	May 1998

Source: Pre-election technical assessment for Cambodia prepared by the International Foundation for Electoral Systems, August 1995.

According to U.S. and other foreign officials, Cambodia lacks the human and financial resources needed to hold an election on the scale of the one held by the United Nations in 1993. The U.N. electoral assistance unit could help plan and organize the elections, but this would require a significant financial commitment from the international community. Although some international assistance may be provided, such as election monitors, some U.S. and other foreign officials doubt that the international community will support a costly, large-scale operation to help conduct the elections.

The Cambodian government currently appoints local officials but has proposed holding local elections in 1996 or 1997. Some U.S., other foreign government, and Cambodian officials support holding local elections because they would introduce democratic practices at the local level. Other such officials oppose holding local elections because they would divert limited financial and human resources from the task of holding national elections and/or because antidemocratic government officials could use local elections as evidence of democratic progress and then cancel national elections.

GAO Cambodia Faces Obstacles to Holding
Free and Fair Elections

CPP-controlled Interior Ministry is
drafting election law

- drafting process is not open to public
comment and participation
- CPP used Ministry to intimidate
opponents before 1993 elections

Fear of violence and intimidation by CPP
is a key concern for other parties

Even if the Cambodian government holds national elections by 1998, some U.S. and other foreign officials and experts doubt they would be free and fair. The Interior Ministry is drafting the election law and may be responsible for organizing the elections. Ministry deliberations and work are not open to public oversight and participation, and the Ministry played a role in the violence and intimidation before the 1993 elections.

According to some U.S. and other foreign government officials, nongovernmental organizations (NGO), and others, the Cambodian government cannot ensure that parties could campaign without violent intimidation and that voters would feel free from retaliation. The United Nations Transitional Authority in Cambodia (UNTAC) was unable to control key government ministries before the 1993 elections, and the Cambodian People's Party (CPP) used some of them to sponsor violence against its political opponents. Some foreign officials and reports point out that CPP still controls the Interior Ministry and its internal security forces, plus the armed forces. Several NGOs report that fear of politically motivated violence is a key issue for members of the National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia (FUNCINPEC) and the Buddhist Liberal Democratic Party (BLDP) but not for CPP members.

In commenting on a draft of this report, the Department of State noted that Prime Minister Ranariddh has proposed establishing an independent, neutral commission under the King to control the police and armed forces during the elections to prevent them from intervening in the elections. However, we question the effectiveness of such a commission in controlling the police and armed forces when UNTAC, with over 20,000 personnel, was unable to control them before the 1993 elections.

GAO Cambodia Faces Obstacles to Holding
Free and Fair Elections (cont'd)

Voters lack widely-available sources of accurate information about the elections, particularly radio

Political parties other than CPP are weak and lack the leadership, organization, and resources to campaign effectively

UNTAC officials knew that providing Cambodian voters with accurate information was essential for free and fair elections. Consequently, guaranteeing fair access to the media—especially radio, because most Cambodians are illiterate and television stations have limited broadcast areas—for all political parties was an essential element of UNTAC's pre-election strategy. Several studies conclude that the 1993 elections probably could not have taken place or succeeded without the flow of information provided largely by "Radio UNTAC." Unfortunately, Cambodia

currently lacks widely-available media sources of accurate information. Although more than 30 newspapers operate in Cambodia, they have limited nationwide distribution and the quality of their news reporting is unreliable. Also, the government tightly controls broadcast media licenses, limiting opposition parties' access to radio and television. For example, a BLDP official told us that the government had turned down the party's application for a radio station license. Moreover, as discussed later, the government has grown increasingly intolerant of dissenting opinions. USAID's strategy for promoting democracy in Cambodia recognizes the media's weaknesses; one of its objectives is to increase media access and professionalism. In commenting on a draft of this report, the Department of Defense said that, despite restricted access to the media, outspoken government critics still may be able to generate popular support and influence the elections.

With the possible exception of CPP, Cambodian political parties lack the leadership, organization, and financial resources to conduct effective national campaigns, according to U.S. and other foreign officials and reports and other documents we reviewed. Over a decade of single-party rule has given CPP the opportunity to build a solid party structure (largely indistinguishable from the government bureaucracy) at the provincial, district, communal, and village levels. Meanwhile, U.S. officials and NGOs indicate that FUNCINPEC and BLDP have weak party structures at these levels and are further weakened by political infighting. Given their weak party structure and disunity, several NGOs and others conclude that the parties will be unable to compete effectively in future elections.

USAID plans to provide training to strengthen the capabilities of all political parties to participate in the election. However, several observers suggested that CPP, with its generally better organization and structure, might benefit disproportionately from such training. Several U.S., other foreign government, and NGO officials questioned the wisdom of providing training to strengthen any of the existing parties because they are undemocratic and authoritarian. USAID officials said that they plan to fund training for grassroots civic organizations instead of established political parties. The National Democratic Institute suspended political party training in Cambodia in 1995 but plans to work with other NGOs to train election monitors and educate voters.

Meeting Human and Political Rights Standards

GAO Limited Progress in Meeting Basic Human Rights Standards

Military and police forces continue to violate human rights frequently

Few Cambodians receive due process or fair trials

Prisons remain overcrowded, and prisoners are mistreated

Cambodia has ratified and agreed to abide by all major international agreements guaranteeing human and political rights, for example, the International Covenant on Civil and Political Rights. Yet the current government has made limited progress since late 1993 in meeting the basic international human rights standards contained in these agreements. Indeed, some U.S., other foreign government, and Cambodian officials and NGOs conclude that Cambodia's human rights situation worsened during 1995.

According to human rights NGOs, the United Nations Center for Human Rights (UNCHR) office in Phnom Penh, and USAID documents, Cambodian military and police forces continued to violate human rights frequently during the past 2 years. These sources reported numerous cases of extortion, beatings, robberies, and other violations by soldiers and police. USAID and Cambodian officials and others noted that this problem touches on the larger issue of desperately needed reforms of the Cambodian bureaucracy, including the provision of adequate pay for police, military, and other government officials to reduce or eliminate low-level corruption, which currently is endemic.

According to human rights NGOs, UNCHR, some U.S. and Cambodian officials, and USAID documents (1) few Cambodians had received due process or fair trials in the past 2 years; (2) prosecutors and judges lacked basic training and skills for properly investigating, preparing, presenting, and deciding cases; and (3) trained public defenders remained scarce. They also said that official corruption was widespread and growing, undermining the rule of law, and that the government had resisted some legislators' attempts to introduce anti-corruption legislation in the National Assembly.

Human rights NGOs and UNCHR told us that Cambodia's prisons remain overcrowded and still fall short of meeting basic international and humanitarian standards for the treatment of prisoners. In late 1994, NGOs reported that they found a secret government prison where prisoners were tortured and denied basic human needs. According to the Department of State, this prison was closed in 1994.

GAO Recent Actions Indicate Increasing
Official Intolerance for Political Dissent

Outspoken member was expelled from the National Assembly, and others have been intimidated

The government has prosecuted several editors, condoned violence against the press, and enacted press restrictions

Cambodia's co-Prime Ministers attempted to close the U.N. human rights office in Phnom Penh

In the area of political rights, recent government actions indicate increasing official intolerance for dissenting opinion, both inside and outside the government. This intolerance has had a chilling effect on efforts to improve the Cambodian government's effectiveness and reduce corruption, according to USAID, several foreign government officials, NGOs, and members of Cambodia's National Assembly. Reported examples of increasing intolerance include the following:

- One outspoken member was expelled from the National Assembly for publicly attacking government corruption and other problems, and other members have been threatened with expulsion if they speak out.
- The government closed some newspapers and prosecuted several members of the press, enacted restrictions on press freedoms, and tightly controlled broadcast licenses. Several members of the press were beaten or killed and their attackers set free. The government attempted to silence the free press by criticizing an existing journalists' association and pressuring journalists to join a competing association formed and controlled by the government. Government officials justified press restrictions by pointing to irresponsible reporting on the part of some newspapers.
- Cambodia's co-Prime Ministers attempted to close the UNCHR office in Phnom Penh in response to its criticism of human rights abuses, but backed down under international (including U.S. government) pressure.

Clearing Land Mines

GAO Land Mines Impose a Heavy Economic and Social Burden

Mines deny access to farmland, forests, and other natural resources

Mines hinder infrastructure reconstruction and development

Mines kill and disable able-bodied workers and overburden Cambodia's weak medical and social infrastructure

The presence of millions of land mines denies Cambodians access to vast tracts of farmland, forests, and other natural resources. Prior to 1970, Cambodia was a net exporter of food; it is now a net importer. Battambang and Svey Rieng provinces were once the most productive areas, respectively considered Cambodia's "breadbasket" and "rice bowl." Mines now make substantial areas in these two provinces unusable. The lack of mine-free farmland was one of several factors that forced UNTAC to cancel plans to provide land to refugees returning to Cambodia from Thai border camps and is a key factor in their present poverty and food insecurity. Only about 20 square kilometers of land have been cleared of mines since 1992, enough to support only a few thousand refugees (thousands more await resettlement).

Land mines also hinder infrastructure reconstruction and development, which in turn hinders agricultural, industrial, and tourism development. For example, before roads or bridges can be repaired, the surrounding area must be cleared of mines.

According to some studies, the majority of land mine casualties are some of Cambodia's most able-bodied workers, young males aged 16 to 35. Land mine casualties overburden Cambodia's weak medical and social infrastructure. Studies show that land mine injuries consume a disproportionate share of Cambodia's hospital resources. Cambodia has the greatest proportion of amputees in the world, according to several studies and reports.

GAO Limited Progress Made in Clearing
Land Mines

Cambodia's land mine problem is
extensive

Operational factors complicate land mine
clearance

U.S.-trained RCAF units lack funding,
leadership, and a clear mission

Several factors explain Cambodia's lack of progress in clearing mines. A major factor is the sheer extent of the problem. An estimated 4 million to 10 million land mines are widely distributed throughout the country. One minefield in southeast Cambodia is 54 kilometers long and contains an estimated 360,000 mines. Another on Cambodia's border with Thailand is over 600 kilometers long and contains an estimated 2 million to 3 million mines. The following operational factors compound the problem and make clearing Cambodian minefields particularly difficult:

- Limited information exists about the exact location of the minefields.
- Cambodian minefields are extremely dense by western military standards and display little order or pattern.
- Humanitarian mine-clearing operations are costly and time-consuming. One estimate places the cost of clearing a single mine at \$300 to \$1,000.
- The manual mine-clearing techniques used are slow, and attempts to clear mines mechanically have so far been unsuccessful.
- The ongoing Khmer Rouge insurgency limits access to some areas, and Khmer Rouge forces continue to lay mines.

Since 1994, U.S. military forces have trained and equipped several Royal Cambodian Armed Forces (RCAF) mine-clearing units as part of the U.S. government's nonlethal military assistance program to Cambodia. U.S. military officials and others report that mine-clearing efforts by these units have been hindered by limited operational funding from the Cambodian government, poor senior leadership, and lack of a clear mission. U.S. military officials in Cambodia estimated that these units had cleared less than 1 square kilometer of land.

Some U.S. and other foreign officials have urged the Cambodian government to reorganize, retrain, and reorient the RCAF for a dual security and reconstruction role, including mine clearing. Senior Cambodian government and military officials have proposed some helpful changes, but their commitment to these proposals is uncertain. USAID officials questioned the effectiveness of using the Cambodian military in a dual role, based on their experience with dual role militaries elsewhere.

GAO Limited Progress Made in Clearing
Land Mines (cont'd)

CMAC mine-clearing efforts hindered by
inadequate funding

Cambodian government has promised
CMAC \$10 million through 2000, but
additional international support needed

Cambodia lacks a strategic plan that
integrates mine clearing with economic
development

The Cambodian Mine Action Center's (CMAC) mine-clearing efforts have been hindered from its start by limited funding. CMAC was established in June 1992 to create a Cambodian institution to continue mine-clearing and related activities after the completion of UNTAC's mandate. CMAC focuses on mine clearing for humanitarian, rather than development, purposes. CMAC reports progress in clearing mines and reducing mine-related casualties, but experts estimate it will take decades to eliminate mines from Cambodia, given current techniques and efforts.

CMAC was unable to secure sufficient funding from international donors to complete its initial 30-month, \$20 million operating program, scheduled to end April 30, 1996. In June 1995, the U.N.-sponsored trust fund established to finance the program contained only about \$1.5 million, an amount sufficient for about 3 more months of operations. At that time, there were no plans or mechanisms in place for obtaining additional donor funding after the trust fund expired at the end of April 1996, and the Cambodian government had not budgeted funds to support CMAC once donor funding ended. Foreign technical advisers and others said that CMAC could not operate without the trust fund, additional donor support, and continued foreign technical assistance. CMAC officials and its 1994 annual report suggested that providing mine-clearing services on a reimbursable basis might allow CMAC to generate sufficient revenues to become self-financing, and noted that the contractor for a U.S.-funded road building project employs CMAC-trained mine-clearing teams.

In commenting on a draft of this report, the Department of State said that the United Nations Development Program had agreed to extend the trust fund for a few years and that the Cambodian government had pledged to provide \$1 million to CMAC in 1996 and a total of \$10 million through 2000. The Department also noted that, given the size of Cambodia's land mine problem, continued international assistance will be necessary for some time.

Cambodia's national development strategy does not directly address specific mine-clearing objectives, priorities, or requirements associated with various development objectives. Also, it has yet to integrate RCAF, CMAC, or NGO mine clearing, or assign them roles or tasks. CMAC has been tasked to develop a national mine-clearing strategy, but it is not scheduled to complete this task until July 1996.

Comments From the Department of Defense

Note: GAO comments supplementing those in the report text appear at the end of this appendix.



INTERNATIONAL SECURITY AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

2400 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-2400



5 JAN 1996

Mr. Harold J. Johnson
Associate Director
International Relations and Trade Issues
National Security and International
Affairs Division
U.S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Johnson:

A key point of the GAO study entitled "Cambodia: Limited Progress on Elections, Human Rights, and Mine Clearing," (GAO/NSIAD-96, OSD Case Number 1066) is that Cambodia confronts a range of significant obstacles to conducting a fair election in 1998, including the lack of an electoral framework. In our view, however, erecting that framework in an effective way is not entirely outside of the realm of the possible, especially with continued international support and reminders from countries including the U.S. of the importance of undertaking this task with deliberate speed. While there are bureaucratic and political impediments to such an undertaking, the Cambodian population demonstrated once before how willing it was to take part in the expression of individual political preference.

See comment 1.

The GAO report also makes the case that there has been limited human rights progress, and an increasing government intolerance of criticism and dissent. However, it is important to take note of the persistence of critics who have demonstrated that they will not be cowed by a return to autocratic methods on the part of the government. The report indicates that the possibility of establishing a "neutral environment" for the electoral competitors seems remote, and access to the media is restricted in a manner that almost certainly spells disaster for parties that seek to compete with incumbent organizations. Yet somehow the message from vocal critics such as Sam Rainsy and Khem Sokha seems to get through and to gain some currency in the countryside. It is not a foregone conclusion that these challengers will simply be unable to develop a following against all odds; they seem to have a slim but salient chance of exerting influence over politics in Cambodia's near-term future.

See comment 2.

See comment 3.



Appendix I
Comments From the Department of Defense

It is also incorrect to assert, as does the GAO report (on the basis of "officials and other sources"), that the Cambodian People's Party (CPP) controls the police and the military. While it is correct to say that the CPP "controls" the Ministry of Interior, in that the portfolio is in the hands of a party stalwart, it appears that the police are loyal to Sar Kheng and his associates, representing a faction of the CPP. That loyalty has more to do with personal alliances and support for the views espoused by the likes of Sin Song, who plotted the last abortive coup, than it has to do with commitments to the party itself.

See comment 4.

On the matter of CPP control of the military, however, the report is wrong to assume that the CPP, or any of the other parties from which the national army was fashioned in 1993, still exert command over the lion's share of resources or factional loyalties. In spite of being disorganized, topheavy, beset with a major budgetary problem, diminished morale and weak leadership, the military has come to function as a national force. The careful balance of CPP and FUNCINPEC military leadership at the highest levels, a unifying mission represented by the lingering Khmer Rouge threat, and strong Western guidance toward military professionalism have contributed to the emergence of a troubled but unified military. Indeed, the military remained neutral during two failed coup attempts, orchestrated by the conservative wing of the CPP in concert with Ranarith's brother, Prince Chakrapong, who had thrown in with the CPP in 1993. That certainly helped the government to weather those actions. Moreover, Hun Sen has come to rely on a palace guard as his protection force, largely because he was not inclined to count on the loyalty of a military that has stood by the side of the government without choosing sides.

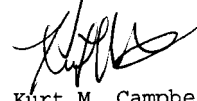
See comment 4.

In short, the GAO report seems to lack a sense that this is a dynamic system with an emerging momentum. The political trends will not necessarily be conducive to the forces that oppose efforts to level the playing field, put in place appropriate legislation governing media access and freedom of expression, and work to enable individuals to organize and criticize the incumbents. The relationship between some political critics and the Overseas Cambodian community, the connections of various political challengers to western countries, the fact that the CPP itself is developing cleavages, the tendency of some pockets of CPP influence to look to establish relationships with interests external to normal coalition partners all combine to suggest a potential for political change that should be factored into the grim, realistic but one-dimensional picture of the Cambodian situation depicted in the report.

Appendix I
Comments From the Department of Defense

Finally, while page 25 of the GAO Report states that only 20 square kilometers have been cleared of mines, the Royal Cambodian Armed Forces estimates that as of October 1995 military units had cleared over five million square meters and approximately 400 kilometers of road.

Sincerely,



Kurt M. Campbell
Deputy Assistant Secretary of Defense
(Asian and Pacific Affairs)

Now on p. 21.
See comment 5.

The following are GAO's comments on the Department of Defense's letter dated January 5, 1996.

GAO Comments

1. The obstacles to holding free and fair elections in Cambodia are not insurmountable; however, the Cambodian government does not appear to be drafting an election law in a manner that will allow reasonable time or opportunity for public comment and participation and/or election preparations. The Cambodian people were willing to express their political will at the polls in 1993; however, lack of progress in overcoming these obstacles may deny them an opportunity to express their will freely in 1998.
2. While some critics persist in speaking out against official corruption and human rights violations, they express their opinions in an increasingly hostile environment, which includes the threat of imprisonment or death. That they continue to speak out may be more a tribute to their individual courage than to the state of freedom of expression in Cambodia.
3. We have revised our report to reflect this information.
4. Whether the police are more loyal to a faction of the CPP than the party itself does not alter concerns that they will be used to sponsor violence against political opponents, as they were in 1993. In addition, although the armed forces apparently remained neutral during two failed coup attempts, nevertheless, some foreign officials remain concerned that CPP will use the armed forces, or some of its elements, to sponsor violence against political opponents. As the Department of State noted in its comments, First Prime Minister Ranariddh has proposed establishing an independent, neutral commission under the King to control the police and the armed forces to avoid their "improper intervention" in the electoral process.
5. We included an estimate of the amount of land cleared of mines by the RCAF for humanitarian purposes in calculating the total area cleared. For clarity, we note that 5 million square meters equals 5 square kilometers.

Comments From the Department of State

Note: GAO comments supplementing those in the report text appear at the end of this appendix.



United States Department of State

Chief Financial Officer

Washington, D.C. 20520-7427

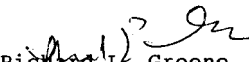
December 19, 1995

Dear Mr. Hinton:

We appreciate the opportunity to provide Department of State comments on your draft report, "CAMBODIA: Limited Progress on Elections, Human Rights, and Mine Clearing," GAO Job Code 711138.

If you have any questions concerning this response, please call Ms. Eunice Reddick, EAP/VLC, at (202) 647-3133.

Sincerely,


Richard L. Greene

Enclosure:
As stated.

CC:
GAO - Mr. Miyabara
State/EAP/VLC - Ms. Reddick

Mr. Henry L. Hinton, Jr.,
Assistant Comptroller General,
National Security and International Affairs,
U.S. General Accounting Office.

Appendix II
Comments From the Department of State

GAO Draft Report: "CAMBODIA: Limited Progress
on Elections, Human Rights, and Mine Clearing."
GAO Job Code 711138

SUMMARY

Our major issue with the GAO description of Cambodia is that it looks at all three areas--elections, human rights and demining--out of context. Although the facts in the report are generally correct, the content has been highly selective. The problem is not so much what is in the report as what is left out. It is impossible to evaluate current conditions and prospects for Cambodia objectively without taking the country's history into account. While there is no question much remains to be done, the Cambodian people, with the assistance of the United States and other interested countries, are making considerable efforts to address these challenges. If the report is to make a constructive contribution to our understanding of Cambodia, these efforts must be given their due.

See comment 1.

Background

While helping the Cambodians hold elections, improving human rights, and clearing mines were all important elements of UNTAC's responsibilities, the report does not adequately describe UNTAC's mandate. UNTAC was charged with helping Cambodia conduct free and fair elections in 1993, supervising the withdrawal of Vietnamese officials and advisors from Cambodia, enabling Cambodian refugees to return, demobilizing the military forces of the various factions, and improving human rights conditions in order to prevent the return of the Khmer Rouge. With the exception of demobilizing all the military factions, which was impossible in Khmer Rouge areas due to active opposition, UNTAC succeeded on all these fronts. UNTAC's mandate ended in 1993 with the formation of the duly elected Royal Government of Cambodia (RGC).

See comment 2.

See comment 3.

The degree of success of UNTAC and of the RGC is evident when we examine where Cambodia was before the Paris Peace Accords of October, 1991, four years ago. Cambodia had been engaged for a decade in a bloody civil war between various factions, which was ended by the Paris Accords and the formation of UNTAC. The Khmer Rouge, whose genocidal policies had led to the deaths of over a million Cambodians through executions, mistreatment and disease during the 1970s, posed a serious military threat to the Cambodian government. That government, the State of Cambodia, had been established as the result of a Vietnamese invasion of the country in 1979; it was a Marxist-Leninist regime that did not tolerate political opposition or allow freedom of expression. The Khmer Rouge had tried to wipe out Cambodia's professional or skilled population; the lucky ones fled abroad, creating over 370,000 refugees. Cambodia's economy, infrastructure, and education and health systems were devastated as a result of decades of conflict.

See comment 3.

Appendix II
Comments From the Department of State

GAO Draft Report: "CAMBODIA: Limited Progress
on Elections, Human Rights, and Mine Clearing."
GAO Job Code 711138

-2-

See comment 4.

See comment 5.
See comment 6.

See comment 7.

Cambodians are eager to shape their own political future, as evidenced by the willingness of over 90 percent of the electorate to brave intimidation from the Khmer Rouge and cross heavily mined countryside to vote in 1993. Cambodia now has a multiparty government officially committed to democracy and human rights. There are over 100 viable nongovernmental organizations working on human rights and development. In addition there are over 50 electronic and print media in the country, including persistent critics of the government. Cambodia is rebuilding its civil society and its people are enjoying peace for the first time in 30 years. While the Khmer Rouge are still fighting government troops, planting mines, killing villagers and burning homes and crops, their strength is steadily declining.

See comment 8.

Of course, the process of democratization and development is not an easy one. The government faces serious problems of institution-building, exacerbated by widespread corruption, a poorly staffed and trained judicial system, and the weakening but ongoing Khmer Rouge insurgency. But it is unfair and unrealistic to expect Cambodia's government, after decades of turmoil and centuries of authoritarian rule, to become a model democracy in the two years since it was formed. Our support for democratization is aimed at educating Cambodians about the rights and responsibilities they should enjoy under a democracy. We should recognize that Cambodia is a country in transition which can, with assistance, successfully conduct the next round of elections, improve human rights protections, and continue demining efforts. Cambodians in and out of government have committed themselves to achieving these goals, and with targeted technical assistance by the U.S. and other donors and sustained diplomatic efforts, we expect these goals can be achieved.

See comment 9.

Appendix II
Comments From the Department of State

GAO Draft Report: "CAMBODIA: Limited Progress
on Elections, Human Rights, and Mine Clearing."
GAO Job Code 711138

-3-

SPECIFIC COMMENTS

Results in Brief

At several points, the report states that "U.S. officials" believe certain things. This is misleading. While the report may be accurately conveying the views expressed by some individuals, their remarks cannot and should not be taken as an expression of official policy. We have no objection if the report refers to these individuals as "foreign officials" or "Western officials," but there should be no implication that their views are those of the U.S. government.

See comment 10.

Para. two of this section states that the RGC has "enacted press restrictions." This is an inadequate description of the new press law enacted in July, which contains both praiseworthy and potentially problematic provisions. See discussion on human rights below.

Para. three states Cambodia's government has cleared little land of mines and devoted few resources to the task. This sentence is misleading. See discussion on mining below.

Agency Comments:

Cambodia's 1996 budget may not have identified funding for preliminary election activities, but this is probably because the electoral law that will establish the framework for elections is still being drafted. We would anticipate that once the law is promulgated, funding decisions will follow.

See comment 11.

Appendix 1. Prospects for Free and Fair National Elections in 1998:

The table for scheduling elections in mid-1998 is not set in stone. The important thing is to have free and fair elections, not that they be held in May, 1998. Although drafting the election law may not be in strict accord with the suggested timetable, it is more important that the draft be done thoughtfully after a thorough exchange of views. The October 1995 seminar referred to was an important opportunity for different groups to engage in an open exchange of views and to take advantage of the experience of other countries in the region.

See comment 12.

On page 12, it is not clear who the "others" are who oppose local elections; in any case their opinions are highly speculative.

See comment 13.

Now on p. 11.
See comment 14.

The discussion of the drafting of the election law does point out some valid concerns about the transparency of the process. It fails to consider that the Interior Ministry is only responsible for the first draft, however. As the draft is vetted within the government and then the National Assembly, it can change considerably. That is what happened with the labor law, which went through several versions before it met basic

Appendix II
Comments From the Department of State

GAO Draft Report: "CAMBODIA: Limited Progress
on Elections, Human Rights, and Mine Clearing."
GAO Job Code 711138

-4-

See comment 15.

international standards. First Prime Minister Ranariddh has proposed that an independent neutral commission be established under the King with control of all armed forces and police to avoid improper intervention in the electoral process.

See comment 11.

Appendix II. Progress Toward Meeting Human and Political Rights Standards:

Now on p. 17.
See comment 11.

On page 20, the report states that the government has resisted attempts to introduce anti-corruption legislation. In fact, the Council of Ministers and National Assembly are working together on draft anti-corruption legislation.

See comment 11.

It is true that NGOs reported finding a secret prison where prisoners were being abused. The report fails to mention that the prison was closed in 1994.

Now on p. 19.

On page 22, the report accused the RGC of enacting restrictions on press freedom. In July, the National Assembly passed legislation that protected confidentiality of sources and prohibited pre-publication censorship. The law does not contain criminal penalties. It does contain provisions prohibiting publication of "information which affects national security and political stability." Cambodian officials have promised that "national security" will be defined in separate legislation.

See comment 16.

Journalists in Cambodia are not being forced to join associations controlled by the government. There are now at least three different journalist associations in Cambodia with different editorial perspectives.

See comment 17.

Appendix III. Progress Clearing Land Mines:

See comment 18.

The Cambodia Mine Action Center has demined 15.4 square kilometers of land in the last two years, allowing 13,000 displaced families to be resettled. The amount of land cleared from January to September, 1995 was up 35% over 1994. CMAC's specific goal is to clear 10 square kilometers of land per year; the amount is limited because painstaking manual techniques are necessary. CMAC also has an extensive mine awareness program to educate the public throughout Cambodia about the dangers of mines, and has trained 3,000 deminers.

See comment 11.

The UNDP has agreed to administer CMAC's trust fund for the next few years. The Cambodian government has pledged to contribute \$1 million to CMAC in 1996. RGC contributions through the year 2000 will total \$10 million, which compares favorably with total contributions to the CMAC trust fund of \$15.6 million. CMAC is developing a national demining plan for Cambodia. Given the size of the landmine problem in Cambodia, international assistance will continue to be necessary for some time to come.

The U.S. has also provided humanitarian assistance through the Department of Defense, including giving mine clearance,

Appendix II
Comments From the Department of State

GAO Draft Report: "CAMBODIA: Limited Progress
on Elections, Human Rights, and Mine Clearing."
GAO Job Code 711138

-5-

medical, and mine awareness training to the Royal Cambodian Armed Forces. The State Department Bureau of Population, Refugees and Migration contributed over \$1 million from 1992 to 1993 for demining as well as funds for repatriation of refugees. FMF funds have also been used to purchase demining equipment for Cambodia, including detectors, explosives and blasting caps for disposal. USCINCPAC personnel made a thorough assessment of this assistance in late 1995 and concluded results had been positive.

See comment 19.

The following are GAO's comments on the Department of State's letter dated December 19, 1995.

GAO Comments

1. We recognize the devastating effects decades of civil war and the Khmer Rouge's genocidal rule had on Cambodian society. However, using this past as a benchmark to measure the current Cambodian government's progress since UNTAC ended its mandate in 1993 can be misleading because UNTAC was principally responsible for much of the improvement in Cambodia between 1991 and 1993. We believe that the standards of behavior set out in the Paris Peace Accords, the various international conventions that Cambodia has signed, and the Cambodian constitution are appropriate standards against which to measure the current government's progress—not the conditions of genocide and civil war that existed prior to 1991.

2. Achieving sustained progress toward democratic governance, the protection of human rights, and economic development in Cambodia were key factors underlying international support for UNTAC (and the formulation of the specific components of its mandate) and continue to be key objectives of U.S. foreign policy. Continued progress on the three specific issues our report addresses—holding free and fair elections by 1998, meeting international human and political rights standards, and clearing land mines—is key to sustaining momentum in those three broader areas, according to many officials and experts we interviewed. Failure to successfully address the three specific issues discussed in this report could undermine international support for Cambodia, according to these same officials and experts.

3. Our report recognizes UNTAC's contributions to improving conditions in Cambodia.

4. While the Cambodian people are eager to express their political will in national elections, the obstacles we cite regarding free and fair elections, if unresolved, could deny the Cambodian people an opportunity to express their will freely.

5. While the Cambodian government is officially committed to democracy and human rights, some recent actions, such as declaring a newly formed opposition political party illegal, appear inconsistent with the government's official policy. USAID's 1995 strategy for promoting

democracy in Cambodia notes that some observers sensed a return to “traditional authoritarian ways” in 1995.

6. Although domestic and international human rights groups work on improving human rights in Cambodia, these organizations have reported facing increasing intimidation from government authorities, as the Department recognizes in its February 1995 human rights report. Human rights groups also are concerned that no law authorizes them to operate in Cambodia and that the government might use this lack of legal status to curtail their future operations. As noted in our report, the co-Prime Ministers attempted to close the UNCHR office in Phnom Penh because of its criticism of human rights abuses. Recognizing such concerns, USAID’s strategy for promoting democracy in Cambodia targets resources toward the adoption of a legal framework for the existence and operation of NGOs in Cambodia.

7. Although over 50 print and electronic media operate in Cambodia, the quality of their news reporting is unreliable and they operate in an environment increasingly hostile to press freedoms. USAID’s 1995 strategy for promoting democracy in Cambodia says that the country lacks an aggressive media to hold the government accountable, and that the press, although active, lacks the training to be articulate advocates for the development of democratic institutions and is vulnerable to government intimidation. Human Rights Watch reports that the Cambodian government has engaged in a series of actions to curtail freedom of the press and stifle the right to hold and express opinions. For example, the group reported that after a September 1995 grenade attack on an opposition party congress, government officials ordered broadcast stations to limit their coverage to a government-provided script.

8. We recognize that Cambodia faces serious problems in building a democratic society, and that it would be unrealistic to expect the government to become a model democracy in the 2 years since UNTAC departed. However, it is realistic—given UNTAC’s costly intervention and Cambodian leaders’ pledges to support democracy, human rights, and the rule of law—to expect the government to make sustained progress toward the specific goals this report discusses. However, evidence suggests that the Cambodian government has made limited progress toward these goals over the past 2 years, and instead may be returning to traditional authoritarian methods. For example, government forces reportedly raided the headquarters of a new opposition party in late January 1996 and held party members at gun point. Also, USAID’s 1995 strategy for promoting

democracy in Cambodia notes that some observers sensed a return to “traditional authoritarian ways” in 1995.

9. We did not say that the Cambodian government could not hold free and fair elections by 1998 or protect human and political rights. However, evidence indicates that to date the government has not made much progress toward these goals. Regarding mine-clearing efforts, our point is that funding for such efforts remains an issue and the Cambodian government currently lacks an integrated strategic plan.

10. Where appropriate, we have modified our report to say “some U.S. officials” or to specify their titles.

11. We have revised our report to reflect this information.

12. Although the most important consideration is that Cambodia hold free and fair national elections, several factors highlight the significance of holding them by May 1998. First, the maximum term of the current National Assembly expires in early September 1998, and elections must be held within 60 days, or no later than early November 1998. U.S., other foreign government, and Cambodian officials emphasized the importance of holding elections within these constitutional time frames. Second, holding elections after May 1998 would be difficult because of logistical problems associated with Cambodia’s monsoon season. UNTAC’s decision to hold elections by May 1993 in part reflected such logistical concerns.

13. We agree that it is more important that the election law is drafted thoughtfully, after a thorough, public exchange of views. General adherence to the proposed timetable is important precisely because it allows time for a thorough, public exchange of views before the need to enact a law and begin election preparations becomes pressing. Also, much remains to be done before elections can be held, including completing a draft law, allowing for public comment and debate on the draft law, debating and enacting the law in the National Assembly, creating an election committee, issuing election regulations, developing an election budget, training election workers, educating and registering voters, registering political parties, and mobilizing international support. Because additional delays are likely, we are concerned that the Cambodian government is falling behind schedule at the very start of the process.

14. We have revised our report to clarify the sources of our information. While the Department may consider comments regarding resource

constraints speculative, USAID's 1995 strategy for promoting democracy in Cambodia notes that the agency has neither the staff or resources necessary to support both national and local elections.

15. Although there have been a few exceptions, new laws and policies generally are finalized in secret by the Council of Ministers, and there is limited opportunity for National Assembly debate and public participation once draft legislation emerges from this closed forum, according to USAID's 1995 strategy for promoting democracy in Cambodia.

16. The new press law allows for continued criminal prosecution of the media when material "affects national security and political stability" and allows the government to confiscate or temporarily suspend publications without court approval. Human Rights Watch and other groups are concerned that these provisions undermine the law's positive features. Regarding the government's promise to define national security and public stability in the future, we cannot assess the potential impact of such uncertain legislation. However, some U.S. and foreign officials, Cambodians, members of the press, and others say that the absence of a definition creates uncertainty that has a chilling effect on press freedoms.

17. We have revised our report to say that the Cambodian government has "pressured" journalists to join a government-controlled association. We base this statement on information provided by officials at the U.S. embassy in Phnom Penh, the Asia Foundation, the UNCHR office in Phnom Penh, and an NGO newsletter.

18. We included the 15.4 square kilometers of land CMAC has cleared of mines in the total estimate we report. Using the requirement established by the United Nations High Commissioner for Refugees of 2 hectares of farmland to support a typical refugee family, 15.4 square kilometers of land would support less than 800 refugee families—not the 13,000 the Department cites.

19. Our report notes that the U.S. government has supported mine-clearing efforts in Cambodia by providing funds, training, equipment, and supplies.

Comments From the U.S. Agency for International Development

Note: GAO comments supplementing those in the report text appear at the end of this appendix.



U.S. AGENCY FOR
INTERNATIONAL
DEVELOPMENT

FEB 1 1996

Mr. Henry L. Hinton, Jr.
Assistant Comptroller General
National Security and International
Affairs Division
U.S. General Accounting Office
441 G Street, N.W. - Room 4039
Washington, DC 20548

Dear Mr. Hinton:

I am pleased to provide the U.S. Agency for International Development's (USAID's) formal response to the draft GAO report entitled "Cambodia: Limited Progress on Elections, Human Rights, and Mine Clearing" (December 1995).

The following comments are keyed to specific topics addressed within the report:

Budget Resources: The USAID budget for Cambodia for FY 1996 cited on page 2 was the initial Administration request. It does not reflect current planning levels, which are lower. Likewise, the \$7.5 million figure in support of national elections was proposed by the USAID Mission in Cambodia for planning purposes; it does not reflect a USAID-approved level for election support. Assistance levels for Cambodia will be a function of Congressionally-approved levels of foreign assistance globally.

Election Planning: The Cambodian government has begun work in planning for elections. While more needs to be done, the government has begun the process of drafting an election law and non-governmental organizations (NGOs) are providing comments regarding various aspects of the law. At a national seminar on electoral systems and administration sponsored by the Ministry of Interior and a Cambodian NGO, the Khmer Institute of Democracy, national leaders pledged support for free and fair elections.

The draft report cites the National Election Timetable for Cambodia (page 11) which was prepared, with USAID funding, by the International Foundation for Electoral Systems in August, 1995. The draft also notes that the election law was not in place by November, 1995. From USAID's perspective, broad debate and public

320 TWENTY-FIRST STREET, N.W., WASHINGTON, D.C. 20523

See comment 1.

Appendix III
Comments From the U.S. Agency for
International Development

- 2 -

participation in the development of election law are critical to the process of awareness-raising and the development of consensus. Delays in meeting the precise election timetable would not be unexpected in view of competing legislative priorities, the inexperience of Cambodian officials and the need for consultation with technical experts in the development of the law. It is important to note that Cambodia's leadership has publicly voiced support for elections and that there is continuing forward momentum.

See comment 2.

Human Rights: Violations by the military and police were acknowledged by USAID as part of a larger issue of desperately needed bureaucratic reforms (page 19). While major human rights issues continue to exist in Cambodia, the situation is much improved over that which existed prior to the UN occupation. In a November/December, 1995 visit to Cambodia, Amnesty International noted that civil liberties are much improved in rural areas, with real gains being made outside of Phnom Penh. The concept of rule of law does not yet prevail, but improvements are slowly being realized. For example, with USAID funding, the Cambodian Court Improvement Project of the International Human Rights Law Group is addressing the need for legal training among judges and prosecutors.

Now on p. 17.

Political Rights: GAO accurately reports that there is a climate of increasing intolerance for dissenting opinion, both inside and outside the government (page 4). However, USAID notes that despite this factor, political pluralism is thriving. Its potential intellectual and political force is stymied by a government unaccustomed to, and suspicious of, open debate. A legacy of long-standing authoritarian rule cannot be unlearned overnight where there is a lack of experience in how a democracy can or should work. USAID's strategy is designed to provide training, technical assistance, and exposure to a variety of other experiences which can facilitate the development of a more open and tolerant society that will benefit, rather than suffer, from divergent points of view. Backsliding to repressive, authoritarian governance is not unexpected among officials who had little, if any, exposure to democratic processes prior to the UNTAC period.

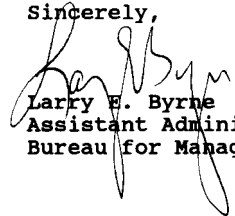
See comment 3.

**Appendix III
Comments From the U.S. Agency for
International Development**

- 3 -

Thank you for the opportunity to respond to the GAO draft report and for the courtesies extended by your staff in the conduct of this review.

Sincerely,



Larry E. Byrne
Assistant Administrator
Bureau for Management

The following are GAO's comments on USAID's letter dated February 1, 1996.

GAO Comments

1. We have revised our report to reflect this information.

2. General adherence to the proposed timetable is important precisely because it allows time for a thorough, public exchange of views before the need to enact a law and begin election preparations becomes pressing. Much remains to be done before elections can be held, including completing a draft law, allowing for public comment and debate on the draft law, debating and enacting the law in the National Assembly, creating an election committee, issuing election regulations, developing an election budget, training election workers, educating and registering voters, registering political parties, and mobilizing international support. Because additional delays are likely—given the inexperience of Cambodian officials, the need for technical assistance, and competing priorities—we are concerned that the Cambodian government is falling behind schedule at the very start of the process.

3. Although human rights conditions have improved over what existed prior to UNTAC, we believe that the standards of behavior set out in the Paris Peace Accords, the various international treaties that Cambodia has pledged to uphold, and the Cambodian constitution are the appropriate standards for assessing the current government's progress in meeting international human rights standards since 1993—not the conditions of genocide and civil war that existed prior to 1991. Moreover, some individuals and groups report that human rights conditions in Cambodia have worsened since UNTAC left. For example, in its 1996 annual report, Human Rights Watch concludes that Cambodia's human rights situation deteriorated markedly during 1995.

Related GAO Products

Peace Operations: Information on U.S. and U.N. Activities
(GAO/NSIAD-95-102BR, Feb. 13, 1995).

U.N. Peacekeeping: Lessons Learned in Managing Recent Missions
(GAO/NSIAD-94-9, Dec. 29, 1993).

U.N. Peacekeeping: Observations on Mandates and Operational Capability
(GAO/T-NSIAD-93-15, June 9, 1993).

Cambodia: AID's Management of Humanitarian Assistance Programs
(GAO/NSIAD-91-260, Aug. 28, 1991).

Cambodia: Multilateral Relief Efforts in Border Camps (GAO/NSIAD-91-99FS,
Jan. 22, 1991).

Cambodia: U.S. Non-lethal Assistance and Status of the Cambodian Seat at
the United Nations (GAO/T-NSIAD-90-63, Sept. 19, 1990).

Problems in Processing Vietnamese Refugees from the Dong Rek Camp in
Cambodia (GAO/NSIAD-85-132, Aug. 16, 1985).

Ordering Information

The first copy of each GAO report and testimony is free. Additional copies are \$2 each. Orders should be sent to the following address, accompanied by a check or money order made out to the Superintendent of Documents, when necessary. VISA and MasterCard credit cards are accepted, also. Orders for 100 or more copies to be mailed to a single address are discounted 25 percent.

Orders by mail:

U.S. General Accounting Office
P.O. Box 6015
Gaithersburg, MD 20884-6015

or visit:

Room 1100
700 4th St. NW (corner of 4th and G Sts. NW)
U.S. General Accounting Office
Washington, DC

Orders may also be placed by calling (202) 512-6000
or by using fax number (301) 258-4066, or TDD (301) 413-0006.

Each day, GAO issues a list of newly available reports and testimony. To receive facsimile copies of the daily list or any list from the past 30 days, please call (202) 512-6000 using a touchtone phone. A recorded menu will provide information on how to obtain these lists.

For information on how to access GAO reports on the INTERNET, send an e-mail message with "info" in the body to:

info@www.gao.gov

**United States
General Accounting Office
Washington, D.C. 20548-0001**

**Bulk Rate
Postage & Fees Paid
GAO
Permit No. G100**

**Official Business
Penalty for Private Use \$300**

Address Correction Requested

