

# **Small Arms Control in Cambodia**

## **A Field Report**

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# Small Arms Control in Cambodia: A Field Report

Emerging from decades of brutal violent conflict, Cambodia is now facing the challenge of transforming itself into a stable and secure state, ruled by law and governed by democratic and neutral state institutions. A particular challenge in this context is the excessive accumulation and easy availability of small arms such as assault rifles, grenades and pistols. These weapons have proliferated throughout Cambodia and its society during the war. They fuel armed banditry, crime and social violence, and they represent a risk of future destabilisation. In addition, a lack of accountability and a culture of impunity among the security forces and other state institutions imply the persistent misuse of small arms in political violence and human rights violations. This hinders the consolidation of the rule of law, and of a neutral state apparatus that serves the interests of its citizens. The excessive accumulation and misuse of small arms is therefore undoubtedly a significant obstacle to the post-conflict transformation of Cambodia, and hence to its sustainable development.

This report looks at current small arms control efforts in Cambodia with a view to discuss some of the conditions required for effectively countering small arms proliferation. The first part of the report elaborates on the current small arms situation in Cambodia. The second part presents an overview of governmental, civil society and international donor small arms control efforts. The third part investigates strengths of and limitations to these efforts. I argue that current efforts make important contributions to the consolidation of security and to reducing the availability and misuse of small arms. Nevertheless, the ultimate success of control efforts depends on developments in reforms of the broader security sector and other sectors as well as fundamental changes in Cambodia's political culture. In short, while control efforts can make important contributions in the short term, they need to be supplemented by more far reaching reforms in the medium and long term.<sup>1</sup>

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<sup>1</sup> This report largely relies on information collected by the author during a research trip to Cambodia in August/September 2002. Sources of information have been in particular documents provided by NGOs and international donor programmes on small arms control in Cambodia. Such information has been supplemented with various qualitative interviews with members of staff of these NGOs and institutions as well as military attachés in the French, US and the Australian Embassies. The author could also benefit from two trips into provinces in which voluntary weapons collection programmes were implemented and where interviews were conducted with local authorities and police. The author would like to thank all those who have facilitated his stay in Cambodia.

## **Small Arms Situation**

The origins of small arms proliferation in Cambodia date back at least to the Indochina wars, and hundreds of thousands of more weapons such as Chinese AK-47 and American M-16 rifles have been imported by the warring parties during Cambodia's civil war. While there are no exact figures on weapons presently in Cambodia, an often cited informed guess puts their number at half a million. At least half of these are assumed to be in the possession of the Royal Cambodian Armed Forces (RCAF), the Gendarmerie, the Police, and of militias remaining in the last areas still considered insecure. A great number of weapons are therefore under the legal authority of the Royal Government of Cambodia. However, actual governmental control is limited. Thus, there seems to be no central oversight of the number of weapons held in the dispersed stockpiles of the national and provincial army units and other security forces. Moreover, the security of these stockpiles tends to be highly insufficient. For example, army and police weapons are often stored in simple wooden buildings that, as only security measure, are closed with padlocks. As weapons are further often neither registered nor regularly inspected in such storage facilities and piled on the floor and against walls, even provincial authorities are not necessarily aware of the number or whereabouts of weapons under their formal authority. This absence of oversight and storage security means that such stockpiles are prone to leaking weapons into unauthorised hands through theft, corruption and neglect.

Another problem is posed by the limited governmental control over the conduct of members of the security forces and their use of small arms and light weapons. A considerable problem is poor discipline, training and pay among current and former soldiers some of whom, as a consequence, use their position and weapons for unlawful personal gain. Such behaviour occurs in particular among "demobilised soldiers who have been effectively isolated from society" and/or who are employed by high ranking military officials "to protect their economic interests such as illegal logging or rubber plantations. Thus 'protected', these ex-soldiers then cause considerable problems in surrounding communities."<sup>2</sup> In addition, a fundamental problem is that Cambodia's society is based on 'boss-servant' relations, in which "everybody has to pay for the goodwill of people on whom they are dependent".<sup>3</sup> This clearly poses an obstacle to public trust and confidence in the security forces. Confidence is further undermined by

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<sup>2</sup> Personal communication, e-mail, source withheld, March 2003.

<sup>3</sup> Buwalda, J. (2002) *Report of an evaluation mission in Cambodia* (EU ASAC, Phnom Penh, October 2002), p.18.

continuing human rights violations such as extra-judicial killings and the murder of candidates of political parties and human rights activists.<sup>4</sup>

If at least half of Cambodia's small arms are assumed under formal governmental authority, others lie in caches in mountainous regions and forests or are held by armed bandits and criminals. For example, in certain still insecure regions of Cambodia, gangs of up to 30 armed people have attacked travellers on national roads and police posts, killing civilians as well as members of the security forces. Such gangs often include former combatants, in particular those who previously fought with the Khmer Rouge. In the eastern Kratie Province, one notorious leader of such gangs, a former Khmer Rouge commander, is said to have personal stockpiles of small arms hidden in forests that were created under his command during the war.<sup>5</sup> In addition are those weapons held by civilians for self-protection, a perception of weapons possession as a source of power and pride, as well as purposes such as hunting to supplement meagre diets. In effect, small arms are also frequently used in disputes between neighbours over, for example, farmland and in domestic violence. Possession of and accessibility to small arms among civilians is varied and while in "some regions and cities most families probably do not have a gun"<sup>6</sup>, in many rural areas family members would seem to at least know of the whereabouts of one or more weapons that are hidden in surrounding farmland and forests. Differences in regional accessibility to weapons are closely related to the history of these regions during Cambodia's violent conflict and it is particular in former Khmer Rouge strongholds that accessibility to weapons is highest.

Addressing the small arms situation in Cambodia is clearly a complex task. The Royal Government lacks human and financial resources, capacities and adequate mechanisms necessary for effective stockpile management and security as well as for the appropriate control of the conduct of members of the security forces. Moreover, while weapons collection programmes through house searches and the checking of cars can contribute to a reduction of small arms availability, civilians ultimately have to be convinced that handing over weapons they possess or know of is in their own interest. This is complicated by the fact that due to the "combination of poverty, crime and unemployment, coupled with a degree of political

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<sup>4</sup> See, for example, ADHOC (2002) *Human Rights Report 2001* (ADHOC, Phnom Penh, February 2002).

<sup>5</sup> Personal interviews in Kratie with provincial authorities and local police, August 2002. See also Vanhemelryck, M. (2002) *Feasibility Study Weapons for Development Project in Kratie District, Kratie Province in 2003* (EU ASAC, Phnom Penh, September 2002).

<sup>6</sup> Greene, O. (1999) *Report of Mission on Small Arms in Cambodia* Report submitted to the EU

instability and the State's limited ability to provide adequate safety and security to the population, ... many citizens ... hold on to their weapons."<sup>7</sup> Given this complexity of small arms proliferation in Cambodia, what then are the efforts to end the excessive accumulation and misuse of weapons in Cambodia?

### **Small Arms Control Efforts**

Current efforts for controlling small arms proliferation in Cambodia can be dated back to 1997 and the issuing of sub-decree No. 38 by the Royal Government. It bans the civilian possession of small arms and stipulates regulations for the ownership of weapons for government officials, personnel in the security forces and other state employees. This includes the restriction to only senior government and police officials of the right to bear arms when off-duty. The sub-decree has been supplemented in 1999 by decisions No. 27 and 28 of the Royal Government. These decisions have invalidated all licenses of civilians to carry guns and have created the National Commission on Weapons Management and Reform. This Commission, bringing together various government departments, is charged with establishing control over small arms possession and with the confiscation and collection of illegally held weapons.<sup>8</sup> Currently, there is also a new weapons law being passed, which strengthens previous legislation and upholds the approach to ban civilian possession of arms while restricting the right to privately bear arms to senior ranks of the security forces and government. A weapons collection and destruction programme has paralleled such legislative developments. In 1998, the municipality of Cambodia's capital Phnom Penh enacted a collection programme that aimed through public information and awareness raising at encouraging citizens to voluntarily hand in their weapons. This was complemented by 'coercive' measures such as house searches and searches at roadblocks. The National Commission on Weapons Management has since expanded this collection programme across the country and particularly weapons from disbanded village level militias have thus been removed from the civilian population. By June 2000 these efforts had led to the collection of some 66,000 weapons. More than half of these have been destroyed in public ceremonies.<sup>9</sup> In addition, the Ministry of National Defence has developed a nationwide

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Council of Ministers (University of Bradford, Bradford, August 1999), p.2.

<sup>7</sup> United Nations Department for Disarmament Affairs (2001) *Report on the Fact-Finding Mission to the Kingdom of Cambodia* (United Nations, New York, January 2001), p.1.

<sup>8</sup> See, for example, *ibid*, p.5f.

<sup>9</sup> See, for example, *ibid*, p.6.

programme for record-keeping and storage security of army stockpiles. Pilot projects in this programme have resulted in computerised registration of arms, the construction of safe storage facilities, appropriate training of staff at stockpile sites, and the destruction of surplus military weapons.

If the Royal Government has become increasingly active in addressing Cambodia's small arms situation, so has Cambodia's civil society. For example, in 1998, Cambodian and international NGOs formed the Working Group for Weapons Reduction (WGWR), which promotes a peaceful society in which people do not resort to violence to resolve conflicts.<sup>10</sup> While its influence would seem limited, the WGWR and the Royal Government have established a certain degree of cooperation. Thus, the WGWR has been regularly invited to monitor weapons collection and destruction programmes, and it was given the opportunity to comment on the draft weapons law. Other areas of cooperation include public awareness raising for which the WGWR, together with the Ministry of Interior, has designed information leaflets and posters.<sup>11</sup> Other NGOs such as the Cambodian Human Rights and Development Association (ADHOC) have also integrated small arms control aspects in their work and include relevant information in, for example, their human rights training for personnel of the security forces, other state employees and civilians.

Importantly, international donors such as the European Union and individual governments support Cambodian efforts for small arms control. To elaborate on EU support, following a request by the Royal Government, the EU Council approved in 1999 the EU 'Assistance for Curbing Small Arms and Light Weapons in Cambodia' programme (EU ASAC). This programme, aiming to assist the Royal Governments to control, collect and destroy small arms, has provided technical and financial support for the drafting of the new weapons law, for the improvement of stockpile security, for weapons destruction and voluntary collection programmes, as well as for public awareness raising. Of particular interest here is the EU ASAC support for voluntary weapons collection through a 'Weapons (exchanged) for Development' (WfD) scheme. This scheme offers small community development projects such as the building or repair of schools, roads and wells as incentives to villagers in target communities to hand their weapons over to the police. The EU ASAC works from the assumption that this requires a change of attitude among citizens. Thus, not only must they be convinced that weapons do not guarantee their security, but, critically, also of the ability and

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<sup>10</sup> See [www.wgwr.org](http://www.wgwr.org).

willingness of the police and other security forces to adequately protect them and their property. The WfD therefore includes a police assistance component, which, next to providing relevant training, also provides needed basic equipment to local police posts such as motorbikes and bicycles as well as radio communication equipment.<sup>12</sup> Such efforts aim not only at enhancing the mobility, visibility and effectiveness of the police in target communities, but also at familiarising them with the concept of a police that works in the service and for the protection of the public. Change in police practices is, in turn, a condition for changed perception of the police among the public and therewith to the success of voluntary weapons collection.<sup>13</sup> Other donor support through countries such as Japan, the Netherlands and Germany have financed elements of the EU ASAC programme and Japan is also implementing a WfD scheme in several provinces. Further, the UN Department of Disarmament Affairs (UNDDA) has, together with the WGWR, developed a pilot project for a 'Disarmament and Education Programme'. This programme aims particularly at teachers and students in primary and high schools so as to enhance the sustainability of current awareness raising efforts.<sup>14</sup>

As demonstrated above then, over the last years there have emerged a variety of initiatives to reduce the availability and misuse of small arms in Cambodia. It is encouraging to note that weapons control, collection and destruction efforts are not only continuing but are also currently expanded. This is shown by the extension of pilot projects on stockpile management and security from military arsenals to those of police forces in several provinces in 2003.<sup>15</sup> Likewise, WfD projects have expanded from originally 2 to now 9 provinces and there is an increasing number of local NGOs which become active in public awareness raising on small arms control.<sup>16</sup> Against this background, what then are the strengths and limitations of such control efforts? That is, how effective can they be in reducing arms availability and misuse in Cambodia?

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<sup>11</sup> Personal interview, WGWR, Phnom Penh, August 2002.

<sup>12</sup> Personal interviews, EU ASAC, Phnom Penh, August 2002.

<sup>13</sup> See, for example, Buwalda for a closer analysis.

<sup>14</sup> Personal Interview, WGWR, Phnom Penh, August 2002.

<sup>15</sup> Personal interview, EU ASAC, Phnom Penh, August 2002.

<sup>16</sup> Ibid.

## Analysis

There can be little doubt that existing efforts to address small arms proliferation are contributing to the consolidation of governmental authority over the possession and use of small arms. This certainly holds true with respect to improved stockpile management and security in several provinces, and it is estimated that, by the end of 2003, military stockpiles in “three out of the six military regions in Cambodia will have been registered and stored in safe facilities built to international acceptable standards.”<sup>17</sup> Further, significant numbers of illegally held small arms have been either confiscated or voluntarily turned over to authorities since 1998. Moreover, officials are showing a firm commitment to destroying many of the collected weapons as well as those they consider as surplus to requirements of the military and the police. This is noteworthy insofar as, for officials, giving up weapons considered as reserves was a relatively new issue<sup>18</sup> and there was initial resistance by military commanders to see their ‘tools of trade’ being destroyed.<sup>19</sup> It seems that joint efforts by international donors and NGOs have particularly assisted in changing attitudes, and between May 1999 and January 2003, a total of 105,000 small arms have been either crushed or burned in Flames of Peace.<sup>20</sup> Further, police assistance and training in human rights and good governance within the framework of control efforts such as WfD also facilitate the improvement of relations between security forces and the public in target areas. Awareness raising workshops for example often bring together for the first time village and commune authorities, military, police and Gendarmerie officials, and ordinary citizens such as farmers, monks and teachers.<sup>21</sup> In tandem with a general decline of threats such as armed banditry, improved visibility of the police in villages and their training to see their work as a service to the public, WfDs thereby prepare the ground for greater confidence in the capacity of security forces to protect public security. A fruitful recent result of efforts to “improve community relations and trust through grass roots interaction” between villagers, civil authorities, and security forces on a local level is the increasing willingness of villagers to inform the police of weapons caches they know of or discover while, for example, working in forests.<sup>22</sup> Also, the new weapons law and training of security forces on issues such

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<sup>17</sup> Ibid.

<sup>18</sup> Greene, p.7.

<sup>19</sup> Personal interview, EU ASAC, Phnom Penh, August 2002.

<sup>20</sup> EU ASAC Press Release, 17th January 2003 (EU ASAC, Phnom Penh, January 2003).

<sup>21</sup> Personal interviews, Kratie and Pursat Province, August 2002.

<sup>22</sup> Personal interview, EU ASAC, Phnom Penh, August 2002 and personal communication, e-mail, *ibid.*, March 2003 .

as human rights and good conduct are providing a basis for better government control over the use of weapons under its formal authority.

At the same time, it has to be asked whether, ultimately, availability and misuse of small arms can be effectively reduced in absence of other reforms in the security sector as well as in, for example, the judicial sector. To elaborate, while stockpile security and good management practices are important, in the medium to long term, there is a need to debate and define the numbers of arms needed by the security forces. Within the mentioned pilot on safe storage surplus weapons are certainly identified and earmarked for their later destruction. In order to define military needs on the national level however, there is the need for a strategic vision of the size of the security forces, their mandates and of what constitute adequate resources and capacities necessary for them to fulfil their mandates. These issues themselves are highly complex in Cambodia's post-conflict environment. For example, current reforms such as the downsizing of the military and the police would seem to be driven by rather arbitrary target figures which are not necessarily the outcome of an in-depth discussion about what force size might be desirable or affordable.<sup>23</sup> Further, continuing corruption and misuse of weapons by members of the security forces, and, in particular, the impunity with which 'uniformed' men engage in unlawful acts, seriously hamper the emergence of the rule of law. This is aggravated by the mentioned protection of bands of ex-soldiers by military officials who operate private economic businesses.<sup>24</sup> Tackling such issues as corruption and the culture of impunity likewise is a considerable challenge, as it requires a profound change in attitudes among government and military officials. While they welcome provided human rights training for the men under their authority, they are considerably less open towards cooperation in investigations into alleged human rights violations of soldiers or policemen. For example, human rights NGOs that bring alleged violations to the attention of provincial authorities are regularly dismissed as being motivated by party politics and are accused of political defamation.<sup>25</sup> In addition, tackling impunity requires an effective and neutral judiciary that can withstand external pressure. However, often "courts are under the influence of not only politicians but also from other powerful individuals and the executive branch who tries to intervene in the rulings of the judges."<sup>26</sup> In such circumstances it is hard to see how people can be convinced that state

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<sup>23</sup> This view was expressed in several interviews in Western Embassies.

<sup>24</sup> Personal communication, e-mail, source withheld, March 2003.

<sup>25</sup> Personal interview, ADHOC, Phnom Penh, August 2002.

<sup>26</sup> ADHOC, p.34.

institutions and organs are working in the public interest. This clearly hampers the development of that degree of public trust and confidence required to rid Cambodia of its small arms scourge.

In short, small arms control should not be seen in isolation from other necessary reforms in the security and other sectors. Small arms control efforts can, by themselves, certainly already address and remedy major concerns related to small arms proliferations in post-conflict situations. Nevertheless, the misuse of weapons, for example, would seem rather a reflection of underlying state-society relations and societal structures than a phenomenon that can be fully controlled by existing control efforts. As held above, necessary reforms in this context themselves pose complex challenges. Crucial in this respect is whether Cambodia will overcome its deeply entrenched factionalism within its state institutions and their lack of accountability. Thus, there remain deep splits between the previously warring parties that now control state institutions and organs such as the administration, the security forces and the judiciary. For example, the primary loyalty of mid and high ranking officials in state institutions would seem to lie with the political group and powerful individuals therein on whose goodwill their position and advancement depends rather than on the ideal of a neutral and independent state machinery. In addition of course comes the fact that state employees, soldiers and policemen earn on average US\$ 15-20 a month, a sum that evidently does not allow for covering more than the most essential needs of employees and their families. It is changes in such fundamental structures and relationships that would seem required for the creation of neutral, independent and professional state institutions and to the consolidation of the rule of law in Cambodia. And, as argued here, this in turn is a necessary condition for effectively ending the availability and misuse of small arms in the long term.

## **Conclusion**

This report on small arms control in Cambodia has argued that current initiatives by the Royal Government, Cambodia's civil society and international donors are certainly contributing to a reduction of small arms availability and misuse. It also argued that the ultimate success of such efforts might depend on progress in reforms in several other sectors of the state and, fundamentally, on changes in governance practices. In other words, while current control efforts can make important contributions to the consolidation of security and stability in the

short term, in the medium and long term small arms control efforts need to be supplemented by broader changes in Cambodia's state institutions and state-society relations.

What then are implications for the future of small arms control in Cambodia, and for the contribution by international donors? Changes in state-society relations and attitudes among high-ranking governmental and military officials certainly have to be driven by domestic interests. In this context, the emergence of a viable and critically engaged civil society will be a key towards such changes. It is beyond the capacity of international programmes to drive such changes as they can, at best, only contribute by supporting domestic actors in the articulation and implementation of their interests. This having been said, international donors should ensure that their support for small arms control is put on a sustainable basis. Thus, at present, it would seem just to say that there exists a funding bubble for local NGOs working on small arms control in Cambodia. A major concern for the future is that donors, turning their attention and resources to other issue-areas and countries, will withdraw their funding for small arms control and therewith end the ability of most Cambodian NGOs to continue their work in awareness raising and training of security personnel. Donors should therefore make conscious efforts to include concern for sustainability of small arms control in their programming. This, in turn, would make a considerable contribution to combating small arms proliferation in Cambodia in the medium and long term.