The Role of Civil Society in Cambodia's Peace-building Process: Have Foreign Donors Made a Difference?
Author(s): Jörn Dosch
Source: *Asian Survey*, Vol. 52, No. 6 (November/December 2012), pp. 1067-1088
Published by: University of California Press
Stable URL: http://www.jstor.org/stable/10.1525/as.2012.52.6.1067
Accessed: 15/05/2013 00:51

JÖRN DOSCH

The Role of Civil Society in Cambodia's Peace-building Process

Have Foreign Donors Made a Difference?

ABSTRACT

The aid dependence of Cambodian NGOs has resulted in a predominantly donor-driven peace-building process. Notwithstanding some crucial reconciliation initiatives that predate donor involvement and are rooted in local—often Buddhist—traditions, recent key initiatives in the area of transitional justice would not have happened without significant international funding and support.

KEYWORDS: Cambodia, civil society, peace-building, reconciliation, Khmer Rouge Tribunal

Time and again two quasi-universal truths have been conveyed about Cambodia. First, the country is aid-dependent. Second, the civil society sector is young and weak. Ample empirical evidence supports both presumptions. Between 2003 and 2008, Cambodia received on average official development assistance (ODA) of around US$600 million a year from 39 bilateral and multilateral donors.[1] Since then, this figure has increased significantly, owing mainly to the growing engagement of the two non-traditional donors, China and South Korea. Total disbursements in 2010 reached $1.075 billion and an estimated $1.235 billion in 2011. Four donors contributed more than $100 million each, in this order: China, the EU (the European Commission and EU member states), the Asian Development Bank (ADB), and Japan, together providing 55% of total ODA. Currently,

Jörn Dosch is Professor of International Relations at Monash University, Sunway Campus, Malaysia, and holds the Chair in Asia-Pacific Studies at the University of Leeds, U.K. He wishes to thank Daniel C. S. Jones, Markus Karbaum, Astrid Norén-Nilsson, Mike Parnwell, Martin Seeger, and an anonymous reviewer for their very fruitful comments and feedback on earlier drafts of this article. Email: <joern.dosch@monash.edu>.

1. Ek Chanboreth and Sok Hach, *Aid Effectiveness in Cambodia*, Wolfersohn Center for Development Working Paper 7 (Washington, D.C.: Brookings, December 2008), pp. 1–3.

Asian Survey, Vol. 52, Number 6, pp. 1067–1088. ISSN 0004-4687, electronic ISSN 1533-838X. DOI: AS.2012.52.6.1067.

ODA is equivalent to 9.4% of gross domestic product (GDP) and $78 per capita.[2] The aid per capita ratio has almost doubled between 2000 and 2010, reflecting the fact that the ODA provision has increased by more than 100% during this period, while population growth has remained relatively stable. According to the most recent comparable data, in 2009 Cambodia was the second most aid-dependent country in Southeast Asia, with per capita aid of $51.7, behind Laos ($68.7) and roughly on a par with the developing countries of sub-Saharan Africa ($53.5).[3]

While only about one-tenth of total ODA is disbursed by non-state actors, Cambodian non-governmental organizations (NGOs) as the emerging pillar of civil society are often the preferred partners of foreign donors, many of which are reluctant to provide substantial direct assistance or budget support to the RGC because of the high level of corruption. For example, the U.S. Agency for International Development (USAID) engaged with state agencies only to a very limited extent on issues such as HIV/AIDS and basic education until 2007, when the U.S. Congress lifted restrictions barring most direct U.S. assistance to the RGC. Yet, the USAID program is still largely implemented through partnerships with a variety of NGOs.[4]

The strong donor focus on civil society organizations has, however, created a dilemma. How can NGOs act as the backbone of national development if the sector is still in its infancy? The first local Cambodian NGO was only founded in 1991, and most of today's civil society organizations were established early in the same decade, mainly by international agencies, in response to pressing needs in the rebuilding of the Cambodian state and society after many years of war. While confirmed official figures are not available, most government officials, donor organizations, and NGOs interviewed as part of the research for this article estimated that there are currently about 3,000

2. Royal Government of Cambodia (RCG), *The Cambodian Development Effectiveness Report 2011* (Phnom Penh, November 2011). There is some discrepancy between the ODA statistics provided by the RCG and the Organization of Economic Cooperation and Development (OECD) Development Assistance Committee (OECD-DAC, <http://www.oecd.org/dataoecd/1/15/1879774.gif>, accessed February 17, 2012). This is mainly due to the fact that the latter only includes ODA provided by DAC members (which excludes China), while the former lists all donors, including China.

3. Data are extracted from the World Bank Indicators database; Indicator: Net ODA received per capita (current US$), <http://data.worldbank.org/indicator/DT.ODA.ODAT.PC.ZS/countries/1W?display=graph>, accessed October 19, 2012. The world average ODA per capita ratio was US$18.5 in 2009.

4. USAID, *History of USAID in Cambodia*, <http://cambodia.usaid.gov/node/145> (last updated February 14, 2012), accessed February 17, 2012.

NGOs registered with the Ministry of Interior, of which only 350–400 are operational. Almost all rely heavily on foreign funding, both in terms of staff salaries and project activities, including all associated running costs, resulting in a high degree of upward accountability toward donor organizations.

What are the consequences of this dependence? In other words, who owns Cambodian civil society? Do donors set the development agenda according to their own interests and ideologies, which are then duly followed and implemented by local NGOs? Or do NGOs have the upper hand in designing program and project activities in line with their specific concepts and needs? This article does not elaborate on the general involvement of donors in Cambodia and their attempts to strengthen democracy and good governance, which has been extensively documented and analyzed elsewhere,[5] but looks at the specific area of donor-NGO relations in Cambodia's current peace-building process. Since the end of the Khmer Rouge's 1975–79 rule, during which 1.7 million to 2.2 million people were killed through executions, starvation, and forced labor, few state-driven efforts have been initiated to come to terms with the genocide and to ignite a meaningful societal reconciliation process. Following a tradition introduced during the Vietnamese occupation (1979–89), attempts at educating citizens about Cambodia's recent violent past have mainly been limited to the official annual "National Day of Hatred" (renamed the Day of Remembrance in 2001), when black-clad students reenact the Khmer Rouge atrocities. The Khmer Rouge Tribunal (KRT), officially known as the Extraordinary Chambers in the Courts of Cambodia (ECCC), was supposedly established to put the main perpetrators on trial (i.e., retributive justice). More broadly, though, it was intended to become the central entry point for reconciliation and peace-building initiatives (restorative justice).

Donors typically claim that transitional justice, meaning mechanisms used to address past abuses and ensure accountability as part of an effort to serve justice and achieve reconciliation,[6] would not occur without their involvement. The government lacks interest in the effort as well as the capability

5. See, in particular, Caroline Hughes, *Dependent Communities: Aid and Politics in Cambodia and East Timor* (Ithaca, N. Y.: Cornell University Press, 2009); and Sorpong Peou, *International Democracy Assistance for Peacebuilding: Cambodia and Beyond* (Basingstoke, U. K.: Palgrave Macmillan, 2007).

6. For a detailed discussion of transitional justice in Cambodia, see Virorth Doung and Sophal Ear, "Transitional Justice Dilemma: The Case of Cambodia," *Peace & Conflict Review* 4:1 (Fall 2009), pp. 1–30.

to spearhead such a process.[7] Donors also maintain that local Cambodian stakeholders do not yet have sufficient qualifications and experience in effectively applying peace-building techniques.[8] Many local NGO activists agree: according to one NGO leader, "external peace workers bring methods and the funding to strengthen the reconciliation process. Equally important, they are neutral, as they were not involved in the conflict. Local institutions and their personnel often still tend to be biased by their experience during the Khmer Rouge regime."[9]

This article delves into the following three interrelated questions: First, to what extent is the peace-building process owned by local actors and to what degree is it steered by donors? Second and more specific, how have donor-funded projects' activities helped survivors and their descendants come to terms with the atrocities committed during the Khmer Rouge regime, thus contributing to reconciliation and sustainable peace-building? And third, what are the long-term prospects for peace-building in Cambodia? Are project activities sustainable when the donor-funding ceases?

I argue that the far-reaching aid dependence of NGOs has resulted in a predominantly donor-driven peace-building process that limits the degree of local influence on the direction of individual interventions. Generally, NGOs follow the interests and agenda of donors. Notwithstanding some crucial reconciliation and peace-building initiatives that predate donor involvement and are rooted in local, often Buddhist, traditions such as the annual Dhammayietra (Pilgrimage of Truth) peace walk, recent key initiatives and projects in the area of transitional justice would not have happened without significant international funding and support.

This study draws on information gathered in 68 interviews and group discussions with domestic and foreign NGO workers, staff of donor organizations, diplomats, academics, journalists, and government officials that I conducted in Cambodia in 2010 and 2011. In the following, direct quotes from interviews are used to illustrate key points. Interviewees were assured of anonymity. The article will first provide a brief overview of the main issues and challenges in relations between civil society organizations and donors,

7. For insights into Hun Sen's personal approach to reconciliation, see Astrid Norén-Nilsson, "Performance as (Re)Incarnation: The Stec Kan Narrative," forthcoming in the *Journal of Southeast Asian Studies.*

8. Author interviews with representatives of 12 donor organizations, Phnom Penh, January-February 2010 and October 2011.

9. Author interview with an NGO leader, Phnom Penh, February 2010.

before focusing on existing approaches to peace-building in the shadow of the KRT. This will lead to an analysis of the different roles that NGOs play in ECCC-related interventions, based on a framework developed by the Center on Conflict, Development, and Peace-building (CCDP) in Geneva. This framework distinguishes seven civil society functions in peace-building processes: protection, monitoring, advocacy, socialization, inter-group social cohesion, facilitation, and service delivery.[10] In the final part, the article looks at the origins of reconciliation in Cambodia and discusses the question of ownership and steering capacities.

The objective of the article is twofold: first, it aims at making a contribution toward broadening the academic discourse on the KRT away from analysis of the formal aspects of the hybrid court's proceedings and their outcomes. Rather, it seeks to focus on critical reflection on the Tribunal's broader peace-building dividend. Second, the article contributes a case study to the growing body of literature on the role of civil society in post-conflict societies, adding a further perspective to this discourse, namely, the involvement of foreign donors in the process of enabling societal forces to perform this role.

CIVIL SOCIETY AND DONORS IN CAMBODIA

Historically, Cambodia has not been characterized by a strong tradition of civic engagement; the social fabric is based on informal organizations such as pagoda (*wat*) committees, and social interaction is deeply embedded in kinship and patronage networks.[11] Cambodia's political legacy revolves around both the traditional idea of the mandala, with the *devaraja* (god-king) at its center, and the concept of the quasi-"rational-legal" Marxist-Leninist state. The mandala model stipulates that authority is greatest at the center, and political power is, in the terms of Max Weber, personalized. Patron-client relations are the visible expression of such a system, which dominated pre-colonial Cambodia. The Angkorian Empire is a classic example of a political mandala that continues to shape attitudes toward the Cambodian royalty and other power-holders such as the prime minister. The Marxist-Leninist

10. See Thania Paffenholz, *Civil Society and Peacebuilding: A Critical Assessment* (Boulder, Colo.: Lynne Rienner, 2010).

11. Markus Karbaum, *Kambodscha unter Hun Sen: Informelle Institutionen, Politische Kultur, und Herrschaftslegitimität* [Cambodia under Hun Sen: Informal institutions, political culture, and legitimacy of power] (Münster, Germany: Lit, 2008).

state is equally highly centralized, and its political influences have carried over from the Vietnamese occupation during the 1980s into Cambodia's post-1993 period. In both models, the political system and the state are conflated, and, by definition, any space to accommodate dissent is extremely limited.[12] While it would be too convenient to play the culturalist card and suggest that the dual heritage of hegemonic power relations between the state and its citizens prevents the building of a meaningful civil society, the fact that the vast majority of Cambodians are not used to engaging in active participatory interaction with the state is hard to ignore.

In an attempt to close, or at least narrow, the gap in power relations between the state and its citizens, external agencies have created, developed, and expanded civil society since the days of the U.N. Transitional Authority in Cambodia (UNTAC) in 1992–93. Over the past two decades, externally funded NGOs have played a crucial role in providing and supporting basic social services, often in remote areas and communities. However, Cambodian civil society does not comply with the mainstream notion of civil society as a largely independent third sector, distinct from government and business. Rather, it is best understood as a state-tolerated, and, in some limited cases, state-coopted, loosely organized, collective actor that comes into play wherever and whenever the government does not, or cannot, get involved. In 2000, Ambassador Nicholas Platt, then president of the Asia Society, referred to civil society organizations in Cambodia as a "sort of shadow government that provides services ranging from the protection of women, to the digging of wells, to the provision of legal aid."[13] This situation has not changed much since then.

There can be little doubt that NGOs play a crucial role in providing a social infrastructure; strengthening human and civil rights; and creating awareness of gender sensitivity, environmental sustainability, and a broad range of other sociopolitical and socioeconomic concerns. However, although Cambodia's 1993 Constitution recognizes NGOs, they operate in a legally ill-defined sphere. In December 2011, the RGC presented a fourth draft of the controversial "Law on NGOs and Associations" that, in several incarnations, has

12. Sue Downie and Damien Kingsbury, "Political Development and the Re-emergence of Civil Society in Cambodia," *Contemporary Southeast Asia* 23:1 (April 2001), pp. 43–64: 46.

13. Statement made at the Asia Society panel discussion, "Cambodian Civil Society: Challenges and Prospects," June 24, 2000, transcript, <http://asiasociety.org/countries/conflicts/cambodian-civil-society-challenges-and-prospects>, accessed February 10, 2012.

been in the making since 1994. Prime Minister Hun Sen announced that negotiations between the government and civil society organizations would be allowed to continue until 2014 to reach a consensus. The draft law has been widely criticized for severely restricting civil society's right to freedom of association and expression. Several donors—mostly transnational NGOs such as Human Rights Watch and Freedom House—and the U.N. special rapporteur to Cambodia, Surya Subedi, joined the domestic chorus of criticism. According to Simon Taylor, director of U.K.-based NGO Global Witness, "The billions of dollars of development aid which has been spent building the capacity of Cambodia's civil society could be rendered null and void by this law."[14] This statement also points to the other side of the coin, namely the fact that almost the entire civil society sector is dependent on donor funding to carry out its essential initiatives.

Cambodian NGOs are not opposed to the role of foreign donors and their advisors, and acknowledge the necessity of their presence. According to one informant (regarding a project on conflict management), "Without the expertise of foreign experts our project would not have been conducted. Although information about mediation and conflict management can be obtained from books and the internet, an expert was needed to help achieve a high level of knowledge and know-how."[15] In the interviews and group discussions, many NGO workers expressed this or a very similar view. They believe that although the expertise and capacity of national Cambodian NGO workers has markedly increased over the past years, for the foreseeable future foreign experts are needed for capacity building and skills transfer, and cannot yet be replaced by local experts or other instruments on a large scale.[16]

However, as one interviewee cautioned, "[C]hange should come from inside our society and not be imposed from outside, as this was often the case in the recent Cambodian history. Therefore, we need an advisor who takes a modest and, at the same time, very strong position: Somebody who asks the right questions at the right time, somebody who encourages us to reflect on what we are doing and what we are and what we want to become."[17] Another local NGO activist added,

14. Cited in "Human Rights Groups Give Short Shrift to Latest Draft of Cambodia's NGO Law," *Guardian* (London, U. K.), December 19, 2012.

15. Author interview with an NGO activist, Phnom Penh, January 2010.

16. Cambodian representatives of 18 NGOs involved in peace-building activities were interviewed and took part in group discussions conducted by the author in 2010 and 2011. None of the informants presented diverging views on the role of foreign experts.

17. Author interview, Phnom Penh, February 2010.

"In Cambodian NGOs there is a tendency not to see the foreign aid worker as a colleague, but a representative of the donor. So we put the foreign aid worker in charge of everything, because we want to know what the donor expects from us. At the same time, these foreign experts are looked up to, because there is still no widespread confidence of local stakeholders in their own knowledge and skills."[18]

In the majority of cases, it is not the individual NGO that approaches a donor with a project concept but the donor organization that commissions an NGO to implement a project in line with the donor's interests and strategies. Donor finance is directed almost exclusively at specific projects and the associated personnel costs, and only contributes to the respective NGO's general operating costs to a limited extent. In situations of crisis, this can lead to a temporary standstill of all NGO work if funding gaps are not immediately filled by new sponsors. Their dependence on external funding tempts NGOs into rapidly accepting new ideas and project proposals of donors. The project staff is usually employed on a short fixed-term basis and is often laid off once a project is terminated after one or two years, without giving any consideration to the principles of sustainability.

Since the beginning of the 2000s, donor involvement in Cambodia has been increasingly based on the assumption that an effective approach to coping with the Khmer Rouge past is the precondition for sustained national and societal peace and stability. These, in turn, are seen as essential steps on the way to achieving good governance and, ultimately, poverty reduction. First, this approach is driven by the sea change in development cooperation that rests on the three pillars of the U.N.'s Millennium Development Goals (MDGs) of 2000, the Paris Declaration on Aid Effectiveness (2005), and the Accra Agenda for Action (2008); the change has shifted the focus from infrastructure development to the improvement of key social factors and governance as the most crucial contribution to poverty alleviation. Second, the KRT opened a unique window of opportunity for a systemic approach to peace-building.

PEACE-BUILDING IN THE SHADOW OF THE KHMER ROUGE TRIBUNAL

In 2001, the Cambodian National Assembly agreed on the legislative framework to create a court to try serious crimes committed during the Khmer Rouge regime. The government insisted on holding the trials in Cambodia using Cambodian staff but—in recognition of weaknesses in the legal system

18. Author interview, Phonm Penh, February 2010.

and the international nature of the crimes—invited international participation. This led to the creation of a "hybrid" court, sometimes also referred to as a "second generation" U.N. tribunal, encompassing both national and international elements in its structure, composition, and jurisdiction.[19] An agreement with the U.N. was reached in June 2003 detailing how the international community would assist and participate in the Tribunal. The ECCC was finally established in 2006, and its first proceeding, against the former director of S-21 Prison at Tuol Sleng (which means the Hill of Poisonous Trees),[20] Kaing Guek Eav (alias Duch), began on March 30, 2009. The verdict on July 26, 2010, found Duch guilty of crimes against humanity, torture, and murder.[21]

Locating the ECCC inside Cambodia was publicly recognized as essential, from both the Cambodian and the international perspective, to facilitate closer proximity to the evidence and witnesses and better accessibility for victims. Equally important, for the first time in the history of international criminal justice, the Internal Rules of the ECCC, adopted in June 2007 after some controversy, allow victims to participate as civil parties in the trials. A dedicated Victims Unit, subsequently named the Victims Support Section (VSS), was created for this purpose. Khmer Rouge survivors have the opportunity to demand "collective and moral" reparations, in the sense of a public acknowledgement of responsibility for the atrocities that had been committed, but no financial compensation.

European donor organizations, in particular, were instrumental in lobbying for the recognition and participation of Khmer Rouge victims as civil parties in the court's proceedings. External support for the VSS is based on the principle that only with the active participation of surviving victims and perpetrators will it be possible to spread the message of justice and reconciliation within Cambodian society. The 2003 draft agreement between the U.N. and the RCG recognizes the "legitimate concern of the Government and the people of Cambodia in the pursuit of justice and national reconciliation, stability, peace and security," yet, no such reference to the idea of restorative

19. Hanna Bertelman, "International Standards and National Ownership? Judicial Independence in Hybrid Courts: The Extraordinary Chambers in the Courts of Cambodia," *Nordic Journal of International Law* 79:3 (2010), pp. 341–82.

20. In May 1976, the Khmer Rouge established "Security Office 21" (S-21) in a former high school with the purpose of interrogating, torturing, and executing "enemies of the regime." The ECCC established that at least 12,273 prisoners passed through S-21, while other sources estimate their number as between 14,000 and 20,000 people. There were only seven known survivors.

21. On February 3, 2012, the Supreme Court Chamber issued a judgment on Duch's appeal and sentenced him to life in prison.

justice is made in the final 2004 law.[22] Whether or not the ECCC can pave the way for building and maintaining a "just peace" in Cambodia has been hotly debated. For example, as Duncan McCargo puts it, "Could former Khmer Rouge cadres look their victims in the eye, acknowledge their wrongdoing and offer to dedicate themselves to healing the wounds of Cambodian society? . . . This was a laudable goal, but a criminal trial was not necessarily the best place to pursue such objectives."[23]

Probably the most valuable outcome to date has not been the formal proceedings of the trials in a narrow sense but the birth and development of the Tribunal as such, along with related activities. In other words, up to now the peace-building dividend of the KRT has been more noteworthy than the court's achievements toward retributive justice. The trials have triggered in Cambodia a process of reflection and coming to terms with the Khmer Rouge past. They have also spawned initiatives to deal with traumas that had been impossible until recently because the government was reluctant to engage with them. The idea that a profound understanding of the past is necessary to prevent conflict in the future is gradually taking hold.

Two-thirds of today's population has not, or has not consciously, experienced the Khmer Rouge regime. The fact that the majority of Cambodians are aware of the Tribunal and, more importantly, support it, is a significant contribution to a better understanding of the darkest chapter in the country's history—one that did not even feature in the national school curriculum until recently. However, an important advance was the approval by the Ministry of Education of Khamboly Dy's 2007 textbook, *A History of Democratic Kampuchea (1975–1979)*, for use in Cambodian schools. This was the first book of its kind written by a Cambodian; it was prepared by the Documentation Center of Cambodia (DC-Cam) and published in more than half a million copies with the support of foreign donors.[24] According

22. For a comparison of the two texts, see *Draft Agreement between the United Nations and the Royal Government of Cambodia Concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea* [Cambodia], March 17, 2003, <http://www.khmerinstitute.org/docs/secgenKRreportx.htm>, accessed February 17, 2012, and *Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea,* <http://www.eccc.gov.kh/sites/default/files/legal-documents/KR_Law_as_amended_27_Oct_2004_Eng.pdf>, accessed February 17, 2012.

23. Duncan McCargo, "Politics by Other Means? The Virtual Trials of the Khmer Rouge Tribunal," *International Affairs* 87:3 (2011), pp. 613–27: 615.

24. The Soros Foundation's Open Society Institute (OSI) and the National Endowment for Democracy (NED).

to a USAID-funded survey in July-August 2009 by the International Republican Institute (IRI), among the Cambodian population the awareness of the ECCC had grown to 82%, up from 71%, as per the previous survey of January-February 2008.[25]

Several large NGOs, including DC-CAM, the Cambodian Association for Human Rights and Development (ADHOC), the Khmer Institute of Democracy (KID), the Transcultural Psychosocial Organization (TPO), the Cambodian Defenders Project (CDP), Legal Aid of Cambodia (LAC), and the Center for Social Development (CSD), have played a central role in disseminating information on the Tribunal's mandate and the prosecution process to a wider audience. The contribution of these NGOs to facilitating civil party participation has been particularly significant. A survey of all 75 people who participated as civil parties in case 001, the Duch trial, and who were at the time resident in Cambodia (there were 90 civil parties overall), confirms that most civil parties

> learned about their opportunity to participate from, and were assisted in submitting applications by, NGOs. Nearly three quarters (71 percent) stated that NGOs were the first to inform them of their right to submit a civil claim. [. . .] When asked which organization or individual helped them with the application process, all except two people named Cambodian NGOs or lawyers associated with NGOs. Furthermore, all used generally positive terms to describe their application experience: 63 percent felt "extremely" supported by the NGOs, and 68 percent received information from NGOs at least once a month.[26]

In the ECCC's second case,[27] the number of civil party applications increased dramatically, and the Pre-Trial Chamber decided to allow 3,850 victims to participate. About 84% of all application forms were submitted through intermediary NGOs.[28]

25. IRI, *Survey of Cambodian Public Opinion*, July 31-August 26, 2009, PowerPoint presentation.

26. Phuong N. Pham, Patrick Vinck, Mychelle Balthazard, Judith Strassner, and Chariya Om, "Victim Participation and the Trial of Duch at the Extraordinary Chambers in the Courts of Cambodia," *Journal of Human Rights Practice* 3:3 (2011), pp. 264–87: 273.

27. There are four defendants in Case 002: Nuon Chea, former deputy secretary of the Communist Party of Kampuchea; Ieng Sary, former deputy prime minister for foreign affairs; Khieu Samphan, former head of state; and Ieng Thirith, former minister of social affairs.

28. Christoph Sperfeldt, "Cambodian Civil Society and the Khmer Rouge Tribunal," *International Journal of Transitional Justice* 6:1 (March 2012), pp. 1–12: 3.

Not only was the idea of civil party participation heavily, and ultimately successfully, promoted by donors, but the VSS has also relied entirely on external funding to fulfill its mandate. The ECCC did not initially offer a legal aid scheme for the civil parties, and, at the beginning, the Victims Unit's funding and capacity were very limited. Only in 2009, after receiving funding of € 1.5 million (US$1.9 million) from the German Federal Foreign Office, was the Unit able to operate fully. Prior to this, the ECCC relied largely on the support of NGOs to fill the gaps. Then and now, all NGOs associated with the work of the VSS have been dependent on donor funding to carry out their activities.[29]

From 2006 to 2011, the ECCC received total funds of $143.2 million from 30 countries and private donors, including the U.N. Trust Fund, which comprises 30 member states. By far the largest donor was Japan (47%), followed by Australia (10%) and Germany (6%, excluding the special contribution to the VSS). The Cambodian government contributed just 4% of the total funds, although this does not reflect in-kind contributions of $8.2 million.[30] These funds were exclusively spent on the ECCC's personnel and operational costs and did not include support for the work of NGOs on related peace-building activities. Funding for such initiatives has been provided mainly by Germany and the EU (predominantly through the European Commission) without any participation by the Cambodian government.

At the core of the donor-funded peace-building, in the shadow of the Tribunal, stands the Civil Peace Service (CPS), which was founded in 1999 as an instrument of the German Federal Ministry for Economic Cooperation and Development for advancing civil society-based peace-building and conflict prevention in post-conflict nations. The CPS is a partnership of the German government and a small number of German NGOs and semi-state agencies as implementers of the program. As of the end of 2009, the CPS had sent 583 mostly German peace experts, according to the official term, to 50 countries. A large share of about 30 has been deployed to Cambodia, where the CPS started its activities in 2001. Since 2007, the CPS has concentrated its efforts in Cambodia on

29. Ibid., p. 8.

30. Data are extracted from Extraordinary Chambers in the Courts of Cambodia, *Summary of Contributions to Date by Donors, as at 31 August 2011*, <http://www.eccc.gov.kh/sites/default/files/5-ECCC%20Combined%20Contributions%20Table_Updated%20as%20of%20August%202011.pdf>, accessed February 15, 2012.

justice and reconciliation and linked all interventions to the ECCC. With the exception of DC-CAM, all of the above mentioned NGOs that have been building the essential bridge between the VSS and the Khmer Rouge victims are local partners of the CPS, which provided the funding and expertise for the described activities. CPS peace experts, who are based as advisers directly within the respective NGOs, have played a central role in leading and coordinating the work.[31]

It is no coincidence that German organizations have been particularly active in this field. Germany's normative foreign policy, with its strong emphasis on supporting peace-building processes in international and national contexts and, not least, given its own history, goes some way in explaining the prominent role of German donors in Cambodia. While acknowledging the difficulties in comparing the Holocaust with the genocide in Cambodia, the vast majority of Cambodian stakeholders interviewed noted how important it was for Cambodians to learn how Germany had dealt with its past. Post 1945-reconciliation in the German case is not necessarily seen as a model for Cambodia but as a useful example that may help Cambodians come to terms with their Khmer Rouge past. The Holocaust Memorial in Berlin was frequently mentioned as an exemplary approach to remembrance. Some 80 Cambodian genocide memorials already exist and dozens are being planned, but so far they are very little known. Besides, they are a hotly debated issue among Cambodian civil society organizations.[32]

German support, albeit in an entirely different context, of initiatives in response to the challenge of dealing with the Khmer Rouge legacy dates back more than three decades. In 1979, the invading Vietnamese army began almost immediately to preserve the documents and artifacts at Tuol Sleng. The Vietnamese regime in Cambodia, or the People's Republic of Kampuchea (PRK) according to its official name, opened the Tuol Sleng archives to foreign scholars in the 1980s and converted the torture prison into a "Museum of

31. At the same time, none of these NGOs is entirely financially dependent on the CPS for their existence; they also receive funds (although for different projects) from a broad range of other donors, including but not limited to European transnational NGOs such as Oxfam Novib, Diakonia, Interchurch Organization for Development Cooperation (ICCO) Netherlands, and the ODA providers of Sweden (Sida), Australia (AusAid), and the EU (Europeaid). For a more detailed analysis, see Jörn Dosch, Doung Virorth, and Kim Sedara, *The German Civil Peace Service: Case Study of Cambodia* (Bonn, Germany: Federal Ministry for Economic Cooperation and Development, Germany [BMZ], September 2010).

32. Author interviews with Cambodian NGOs, Phnom Penh and Thlork, February 2010.

Genocide" with the help of East German funding.[33] The PRK rulers used Tuol Sleng as a key instrument in legitimizing the existence of the Vietnamese occupation, while the German Democratic Republic (GDR) saw its assistance as a means of fostering its relations with the Socialist Republic of Vietnam, of which Cambodia was perceived as a part.[34]

Long gone are the days when aid was driven by the perceived necessities of alliance building along the great liberalist-communist divide to serve the strategic needs of competing blocs during the Cold War. Today's development cooperation follows a different ideological design. As far as the OECD world is concerned, the new design is embedded in the post-2005 consensus on aid effectiveness. This stipulates that aid that improves citizen-state relations, and ultimately transparent and accountable governance, makes a crucial contribution to poverty reduction and the strengthening of fundamental human and civil rights, equity, and justice. This is where the all-embracing foreign support for Cambodian NGOs is anchored.

CIVIL SOCIETY FUNCTIONS IN PEACE-BUILDING

A comparative research project across 13 countries conducted at the Geneva-based CCDP identifies seven functions of civil society during different phases of peace-building processes:[35]

1. *Protection* of citizens against violence from all parties;
2. *Monitoring* of human rights violations, implementation of peace agreements, etc.;
3. *Advocacy* for peace and human rights;
4. *Socialization* to values of peace and democracy as well as to develop the in-group identity of marginalized groups;

33. Michelle Caswell, "Khmer Rouge Archives: Accountability, Truth, and Memory in Cambodia," *Archival Science* 10:1 (March 2010), pp. 25–44: 27–28. Some selected foreign academics were given limited access to the archives as early as the 1980s, but they were not more systematically examined by scholars before 1989.

34. Markus Karbaum, "Cambodia's Desired Cooperation with East Germany's Stasi in the 1980s: The History of Failed Requests," *Cambodia News,* <http://cambodianewsdotnet.files.wordpress.com/2011/05/karbaum_cambodia_s-desired-cooperation-with-east-germany_s-stasi.pdf>, accessed February 17, 2012.

35. Thania Paffenholz, *Summary of Results for a Comparative Research Project: Civil Society and Peacebuilding* (Geneva: Center on Conflict, Development, and Peacebuilding, Working Paper, no. 4, 2009).

5. *Inter-group social cohesion* by bringing people together from adversarial groups;
6. *Facilitation* of dialogue on the local and national level between all sorts of actors;
7. *Service delivery* to create entry points for peace-building, i.e., for the six above functions.

The project also recommends policy action and, inter alia, concludes, "After large-scale violence comes to an end, the need for protection generally declines. . . . [M]onitoring, social cohesion and socialization are needed. Facilitation continues to be relevant. Creating entry points for social cohesion through aid programmes is of particularly high relevance."[36] Large-scale violence in Cambodia—which was not covered by the study—ended years ago, but most of the identified functions have only been addressed in parallel with the ECCC proceedings, and the actual donor-funded activities of NGOs are not far off from CCDP's policy recommendations.

With regard to advocacy, for example, the project on Gender Based Violence (GBV) under the Khmer Rouge regime—implemented by the CDP—aims at outreach and awareness-raising on GBV. It collects complaints and civil party applications from victims and witnesses and advocates for the inclusion of GBV into the investigations of the ECCC. By February 2010, the CDP had received 76 civil-parties applications related to GBV. This project is the only one of its kind in the country; there would be no consideration of GBV at the ECCC without it. Surveys and feedback from NGOs and stakeholder interviews show that the Cambodian people are better informed on gender-based crimes under the Khmer Rouge regime and the proceedings before the ECCC as a result of the project.

Of particular importance has been socialization. As part of ECCC outreach activities, the NGO ADHOC, which focuses on human and civil rights, organized more than 1,000 training sessions with an average of 120 persons per session. As a result, more than 110,000 people were reached, making an important contribution to better disseminating information about the ECCC and what the Tribunal can realistically achieve. Focus group interviews also showed that participants in the training have more trust in their judicial system and also have the courage to join criminal proceedings at the domestic level as civil parties.

36. Ibid., pp. 10–11.

Another crucial contribution to socialization has been made by the NGO Youth for Peace (YFP), which has organized village dialogues in seven provinces that bring together surviving victims, perpetrators, young people, and, in many cases, monks to exchange views on the Khmer Rouge past. These dialogues have contributed to opening the debate on this past within Cambodia's society. Very often these forums are held in pagodas, which increases the legitimacy of the project because of the sacred nature of the place and the strong religiosity of Cambodians. This is often the first opportunity for younger Cambodians to enter into a dialogue on this topic, and for older people to share the experiences they have lived through with the young. According to a 2008 nationwide survey of 1,000 Cambodians, 81% of the respondents who did not live under the Khmer Rouge regime described their knowledge of that period as poor or very poor. 69% among the same group of respondents said they rarely or never spoke about the regime.[37] Neither families nor—at least until very recently—schools have educated the young about the darkest period in Cambodia's history According to YFP's own assessment:

> [The village] dialogues will not be presented as older community members teaching youth historical facts, but rather an opportunity for youth to be exposed to the diversity of historical narratives and perceptions among rural Cambodians. They also discuss about expectations and perceptions of the . . . Khmer Rouge tribunal, and receive basic knowledge on the purpose, history, means and mandate of the tribunal.[38]

The participatory observation of such a village dialogue in Thlork, Svay Rieng Province, found that it is indeed often the first time that Cambodian adolescents are able to get reliable information on the atrocities committed by the Khmer Rouge and, equally important, how to deal with this information. This was confirmed by a group discussion with about 30 high school students and several survivors and other participants, conducted at the village dialogue in Thlork. As one participant put it, "I learned here how the Khmer Rouge came to power, what their ideology was and why they killed. This helps me to talk about the Khmer Rouge past in my own family and with friends." Another high school student said, "It is very good that victims and perpetrators come together at the village dialogues. We need to hear both sides to

37. Phuong Pham, Patrick Vinck, Mychelle Balthazard, Sokhom Hean, Eric Stover, *So We Will Never Forget,* Human Rights Center, University of California, Berkeley (BHRC), January 2009.

38. YFP, <http://www.yfpcambodia.org/index.php?page=project-3>, accessed January 15, 2012.

understand our past."[39] Overall, the YFP village forums are an important stepping stone on the way to national reconciliation. The provision of information on the atrocities and the possibility for meaningful and constructive dialogue between the younger and older generations, as well as victims and perpetrators, is a central contribution toward—and indeed the precondition for—achieving reconciliation. In this way, YFP also helps facilitate and foster inter-group social cohesion.

The Women's Media Center (WMC) makes equally important contributions to this end through its radio station FM102, which was founded in 1999 and today ranks as the largest independent radio station in Cambodia. The WMC produces a weekly program, called "The Truth," on Khmer Rouge history. Reaching a large audience in most parts of the country, the program has achieved crucial results in the way Cambodians deal with the Khmer Rouge past, especially by encouraging listeners to call in and talk about themselves, something Cambodians still find difficult to do. The show has an average of 35 callers per program, markedly more than any other radio program on Khmer Rouge-related issues. Most significant perhaps, both victims and perpetrators call in. Radio is the most important medium in Cambodia, and the project has virtually revolutionized the journalistic approach to coping with the country's past, remembrance, and reconciliation. A WMC survey shows that listeners to "The Truth" radio program are far better informed about the ECCC than are average Cambodians.

Most NGO activities in the peace-building process fall within the service delivery category precisely because of the aforementioned lack of state involvement. For instance, the handbook *Understanding Trauma in Cambodia: Basic Psychological Concepts,* which was developed by the NGO CSD, is the first of its kind in Cambodia. It was adopted at the Royal University of Phnom Penh, the oldest and largest university in Cambodia, as an authoritative textbook for training psychologists and psychiatrists at the postgraduate level. Significantly, this book has made the highly sensitive issue of post-conflict trauma accessible to civil society organizations and the general public, introducing people to the necessary concepts and vocabulary to cope with trauma.[40] Psychological care to witnesses and civil parties before,

39. Group discussion with 30 high school students (14–16 years old) in Thlork, February 2010.

40. The handbook is downloadable, at <http://zfd.ded.de/static/zfd/KHM_Trauma_Book.pdf>, accessed February 17, 2012.

during, and after the proceedings at the ECCC is a very important aspect of victim support and is mainly provided by the TPO, a unique group in the absence of any state-funded counseling services. According to interviews conducted by the BHRC in November 2009, many civil party applicants said the psychosocial counseling provided by TPO helped them cope with post-traumatic stress and enabled them to participate or even testify in the Case 001 hearings.[41]

Last but not least, the Department of Media and Communication (DMC) of the Royal University of Phnom Penh has contributed to the professionalization of journalism in Cambodia, particularly in the areas of conflict-sensitive reporting and legal reporting on issues related to the ECCC and generally to the Khmer Rouge past. Printed news items, video documentaries, and radio programs written and produced by DMC-trained journalists (both current students and graduates) show that these contributions have raised the bar for quality reporting in Cambodia.

In addition to the journalistic work facilitated by DMC, three major groups of national and international NGOs are monitoring the ECCC activities. The Open Society Justice Institute (OSJI) releases regular reports, in addition to organizing update meetings in Cambodia. The Asia International Justice Initiative (AIJI) produces a trial-monitoring program with weekly reports and summary films aired on Cambodia Television Network (CTN). DC-CAM, together with the Northwestern University School of Law's *Cambodia Tribunal Monitor,* provides videos of the proceedings, news, information, and expert commentaries on its website.[42]

None of the projects mentioned here could have been conducted without donor support, which in many cases covers the entire cost. Simply put, had donors not decided to fund efforts along the lines of what CCDP describes as civil society functions, these activities would not have happened. Still, the question remains as to who steers the reconciliation and peace-building process. Do donors respond to the ideas and concepts articulated by local NGOs, or do NGOs simply implement the donors' approaches to peace-building?

41. Phuong Pham, Patrick Vinck, Mychelle Balthazard, Sokhom Hean, *After the First Trial: A Population-Based Survey on Knowledge and Perceptions of Justice and the Extraordinary Chambers in the Courts of Cambodia*, BHRC, June 2011, <http://www.law.berkeley.edu/files/HRC/Publications_After-the-First-Trial_06-2011.pdf>.

42. Ibid.

WHOSE PEACE-BUILDING?

There is no straightforward answer to this question. A senior expert who for many years played a central role in the CPS, the main donor for the projects discussed above, explained the situation as follows:

> In 2006, when the [implementing agency] German Development Service[43] met CSD, ADHOC, TPO, WMC and YFP, these organizations had a strong will, an intrinsic motivation to implement programs related to the KRT. . . . Many of these CSOs [civil society organizations] have larger numbers of surviving victims of the Khmer Rouge regime in their constituency, so there is a kind of grassroots movement for the support of the KRT. ADHOC and KID got funding for their KRT programs from the EU. One might claim that this shows a donor agenda but there is evidence that the Cambodian civil society lobbied the EU to earmark funds for civil society activities related to the KRT. The fact that the Civil Peace Service has a program on KRT does not mean that we force partners to have such a program as well. There are some organizations that took strategic decisions not to work on the Khmer Rouge past but on present human rights violations. . . . If there are some organizations that were somehow commissioned by the CPS—for example CDP and LAC that provide lawyers for civil parties—this is not the case for all partner organizations.[44]

It is correct to say that donors did not start the peace-building process and that many of today's activities have their roots in local civil society projects that preceded the ECCC by many years. The annual Dhammayietra peace walk—literally, a "pilgrimage of truth"—is one of the most prominent examples. Founded by the Venerable Maha Ghosananda (1929–2007), a highly revered Cambodian Buddhist monk who has been dubbed the "Cambodian Gandhi" and "Buddha of the Battlefield" and was nominated for the Nobel Peace Prize in 1994 and 1996, the first peace walk took place in April 1992. By that time, the Khmer Rouge still operated an armed insurgency from its strongholds in the Cambodian-Thai border region. As Monique Skidmore describes it, a total of "350 monks, nuns, and lay people escorted hundreds of refugees from Aranyaprathet, on the Thai-Cambodia border, to Phnom Penh. The journey took thirty days and traversed 350 kilometers through three

43. The agency with its German name Deutscher Entwicklungsdienst (DED) existed from 1963 to 2010 and is now part of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ, German Society for International Cooperation), which now manages the Civil Peace Service.

44. Cited in Dosch, Virorth, and Sedara, *The German Civil Peace Service*, p. 25.

provinces that were at the time experiencing shellfire from Khmer Rouge guns."[45] Since then, each year hundreds of participants have walked over long distances for peace and reconciliation. Skidmore describes the Dhammayietra as

> a religious idiom of resistance and healing . . . a way in which ordinary Cambodians are able to both physically and symbolically walk in the footsteps of the monks. The idea of walking (and of walking between pilgrimage sites) is deeply embedded in the Buddhist religion. . . . Walking . . . becomes an embodied act of "re-membering" and hence of resistance within a Buddhist framework when it serves as a representation of wisdom and compassion walking together.[46]

The Dhammayietra situates itself within the discourse and practice of a socially engaged Buddhism and promotes the value of compassion, viewed from a Buddhist perspective as both the means and the end of personal and social liberation.[47] Karel van Oosten shows that the idea of forgiveness does not necessarily contradict the Buddhist concept of *kamma* (karma) in Theravada Buddhist tradition: "Stories from the Pali [language] canon promote an attitude of forbearance or *khanti* that could sustain the victims to bear the past and, possibly and in the course of some time, to forgive the people who caused them to suffer. . . . Grace in Christianity has striking similarities to *khanti* in Buddhism."[48]

Following a similar approach, the NGO Buddhism for Development (BfD), one of the oldest and most respected Cambodian civil society organizations, led some of the early initiatives toward reconciliation. In 1996, BfD's founding director Heng Monychenda, widely recognized as a leader in the Cambodian socially engaged Buddhism movement, enacted a series of activities under the heading "Put down the gun, take up the Dharma" and subsequently published a book of the same title that is said to have influenced high-ranking Cambodian politicians, including the governor of the former Khmer Rouge stronghold of Pailin Province and Prime Minister Hun Sen.

45. Monique Skidmore, "In the Shade of the Bodhi Tree: Dhammayietra and the Re-awakening of Community in Cambodia," *Crossroads: An Interdisciplinary Journal of Southeast Asian Studies* 10:1 (1996), pp. 1–32: 15.

46. Ibid., pp. 19–20.

47. Kathryn Poethig, "Movable Peace: Engaging the Transnational in Cambodia's Dhammayietra," *Journal for the Scientific Study of Religion* 41:1 (March 2002), p. 19.

48. Karel van Oosten, "Kamma and Forgiveness with Some Thoughts on Cambodia," *Exchange* 37:3 (2008), pp. 237–62: 261.

In the late 1990s, BfD began a project in Pailin directed at the "emotional, economic integration" of the former Khmer Rouge through the building of pagodas, cultivation of rice, and construction of water ponds. As Heng Monychenda explained, "[W]e demonstrated that the former perpetrators and victims can live together in peace and without danger. This was a very important symbol."[49]

Tellingly, however, neither the Dhammayietra nor BfD's initiatives would have been possible to the same extent without strong and committed donor support. The U.N. World Food Program (WFP) was involved in making the Dhammayietra possible; the German Konrad Adenauer Foundation actively supported the "Put down the gun, take up the Dharma" project; and the ADB contributed sizable funds to BfD's Pailin initiatives.

CONCLUSIONS AND OUTLOOK

Have foreign donors made a difference to Cambodia's peace-building process? Yes, they definitely have. However, their role differs when comparing the pre- and post-ECCC approaches. It is clear that, for example, in the cases of the Dhammayietra peace walks or the "Put down the gun, take up the Dharma" initiative, donors did not "commission" local NGOs to implement a given exogenous peace-building agenda but decided to fund initiatives that had originated in Cambodia itself. In these examples of a socially engaged Buddhism that also forms the foundation of many current activities, including the village forums organized by the NGO YFP, ownership of projects has remained with local stakeholders. At the same time, the notion of transitional justice as the main pillar of the current peace-building process is a new concept in Cambodia that is closely associated with the ECCC. It has been mainly initiated by donors. It is with regard to this justice-driven approach to peace, which simultaneously addresses past abuses and tries to achieve reconciliation, that donors not only enjoy respect and legitimacy as advisors but also steer the process. In this dual process of promoting retributive and restorative justice and building related institutional frameworks in the shadow of the KRT, externally funded NGOs are the main actors. Local expertise is not marginalized, and indeed none of the projects referred to in this article could exist without strong input from Cambodian civil society activists. Yet,

49. Author interview, Battambang, Cambodia, October 2011.

the stakeholder interviews have confirmed the centrality of donor funding and foreign experts as the cornerstones of the peace-building process, both in terms of agenda-setting and project implementation.

Occasionally, local NGOs have demonstrated the capability to continue activities on their own without further donor support. However, this applies only to the largest NGOs and only in exceptional cases such as SILAKA,[50] which has continued to offer capacity building for NGO staff and public servants on peace-building, the rule of law, advocacy, and lobby work since donor funding for this program came to an end in 2004. Even NGOs like TPO that offer a "professional product"—in this case, psychological support and counseling for Khmer Rouge victims—and might be in a position to commercialize some services, would find it extremely difficult to continue their work if donor funding dried up. Approximately 70% of TPO's customers are poor and would not be able to pay for TPO's services.[51] The general finding is that projects cannot sustain themselves once donor funding is terminated.

There is no systematic and institutionalized approach to achieving and increasing the sustainability of interventions. The general observation is, as one interviewee put it, "When the funding ceases, the NGOs move on to the next donor-driven project."[52] Most crucially, there is no explicit post-ECCC strategy. What happens to the psychosocial support of Khmer Rouge victims and the reconciliation process once the ECCC's mandate has ended and donor support ceases? The only certain answer is that the Cambodian government is not prepared to provide the funding instead. NGOs themselves do not have a strong post-ECCC vision either. Most interviewees were hoping that donor funding for ECCC-related interventions would continue but had not yet developed alternatives. The Cambodian government resists expanding indictments beyond the current second case, and even if the donor community decided to cover the ECCC's operation costs for a third and fourth case, funding for the Tribunal and most related support for advancing the idea of transitional justice is unlikely to continue after 2013. It is not just the Cambodian government that is to blame; donor fatigue is clearly visible.

50. The name SILAKA combines the Khmer word "*sila*" (moral character, moral principles, and moral conduct) with the term "*kara*" (an act, function, or work).

51. This is according to TPO's own survey results that were shared with the author in a group discussion in Phnom Penh, February 2010.

52. Author interview, Phnom Penh, February 2010.