

By Global Integrity

Shortly after the ruling Cambodian People's Party (CPP) won the July elections by a landslide, a 51-year-old farmer named Cheam Ny stood in protest at the opposition Sam Rainsy Party (SRP) Headquarters. His goal: the end of corruption in Cambodia.

Like many Cambodians that day, he complained that the SRP lost seats in the National Assembly because of rampant election fraud. He cited anecdotal evidence consisting of the names of voters that had allegedly been deleted from rolls, and the falsification of documents allowing unregistered CPP supporters to vote.

To Cheam Ny, the election fraud was part and parcel of a much larger and endemic culture of corruption — a culture that seems unlikely to change without a change in the government itself. “The CPP officials have committed corruption so they can't eliminate corruption,” argues Ny, who is calling for a reelection to right the wrongs of the past.

A Promise Broken

Many government critics say they have little hope that an anti-corruption law — now 15 years in the making — will be adopted, citing a long string of broken promises by the CPP. However, the government says that their fourth mandate is the right time for a change. After the CPP won 90 out of the 123 seats on the National Assembly, Prime Minister Hun Sen announced at a cabinet meeting that a long-awaited anti-corruption draft legislation had been completed. He said that The National Assembly would approve it in its first session of the new government, on Sept. 24, 2008.

But two days later, government spokesman and Information Minister Khieu Kanharith told reporters that the passage of the law would be delayed until after a new penal code could be approved. The drafting and debating of the penal code has long been given as an excuse for delays in tackling corruption.

CPP lawmaker and National Assembly Banking and Finance Commission Chairman Cheam Yeap, who audits the government's revenues and expenditures, said he would encourage his party to submit the anti-corruption draft law and he would work with the Assembly to hasten its adoption, calling it a “priority.”

“If we have the anti-corruption law according to international standards we can eliminate corruption,” Yeap said. “We will implement the law immediately after [King Sihamoni] signs it. This is a hot issue for the CPP,” he said. He added that it is important for the ruling party to approve the law to draw support from the people.

Thieves Can't Catch Thieves

But critics question what incentive the government actually has to fulfill its promises. SRP President Sam Rainsy said the CPP would not approve the law.

“They made this empty promise so that they have time to commit corruption; it is a strategy to delay. It has been 10 years already. Thieves can't catch thieves,” Rainsy said. “They cannot approve the corruption law. They will lose their income and their opportunities.”

The NGO Pact's Anti-Corruption Program Director Sek Borisoth also expressed his doubts. He concluded that the announcement of the delay in considering the new anti-corruption law was made just before the formation of the new government, as the opposition party refused to join the Assembly's session. “I am afraid this announcement has to do with politics,” he said.

A Worsening Problem

Whether or not they will pass the law is in question. What is not questionable, however, is the existence of endemic corruption at all levels of society, from school children who pay bribes to teachers, to the wealthy who grab land and steal natural resources with impunity. Rainsy ticked off a few of the more common circumstances in which high-level corruption occurs: illegal logging; government contract bidding without transparency; government assistance to companies that form unfair monopolies; inflated expenses in the national budget. He blames increasing corruption on the long-term control of Hun Sen, who has been in power for 33 years.

A World Bank report on governance released on June 25, 2008, suggests that Cambodia's corruption problem may have worsened since 1996. In Asia, Cambodia ranks better than Myanmar and North Korea but worse than Laos and Vietnam. The report also shows that Cambodia's voice and accountability index — a measure of the extent to which the population can participate in the selection of their political decision makers and the freedom with which their media is able to operate — has improved only slightly from 1996 to 2007. Cambodia now ranks above Vietnam,

Laos, China, North Korea and Myanmar, but below Thailand, Malaysia and Fiji.

The government vigorously disputed the report. Khieu Kanharith dismissed it as “unprofessional and politically biased.” He complained that it does not mention the fact that the government has punished more than 50 government officials found guilty of corruption.

Another recent report highlights how the country’s privileged few are frequently able to benefit unjustly from their positions. A June 2007 Global Witness report titled Cambodia Family Trees states that a kleptocratic elite runs the country and generates much of its wealth via the improper seizure of public assets, particularly natural resources.

Stripping the Forest for the Tree

The forestry sector provides a particularly vivid illustration of this asset-stripping process at work. A particular concern is the damage illegal loggers are causing to Prey Long in Kompong Thom province, the largest lowland evergreen forest in mainland Southeast Asia.

“Cambodia’s most powerful logging syndicate is led by relatives of Prime Minister Hun Sen and other senior officials,” the report says.

Evidence in the report suggests that some of these senior officials also are directly responsible for corruption within the institutions they head. The report also cites evidence that Agriculture Minister Chan Sarun and Forestry Administration (FA) Director Ty Sokhun have illegally sold 500 or more jobs in the Forest Administration. Officials have calculated that selling jobs netted Chan Sarun more than US\$2.5 million in bribes.

The desire to recoup the costs of purchasing these positions appears to account for increasingly corrupt behavior by many FA officials. Corruption and collusion in forestry crimes are covered by existing Cambodian law and punishable by prison sentences and fines. However, no senior official has yet been either charged or disciplined in connection with the sale of jobs or illegal logging in Prey Long.

Sek Borisoth, director of Pact, a Cambodian NGO working to increase transparency in government, agrees with the Global Witness report, adding that over the past decade there have been no major improvements in the

government's anti-corruption efforts in Cambodia. When the government has punished corrupt officials, it has involved only light sentences or secret settlements, he said.

The report itself has been banned from dissemination in Cambodia. Khieu Kanharith said that it fails to mention how Tumring areas now generate income for villagers. He accuses the report of political bias against the government, because the NGO's Cambodian staff is affiliated with the opposition party.

Judiciary Corruption

Corruption is endemic within the justice system as well. The courts often come under criticism for their lack of independence and graft. In one recent scandal, former Appeal Court President Ly Vuoch Leng was dismissed from her position in August 2007 for her alleged involvement in the controversial Chair Hour II hotel human trafficking case. In exchange for large bribes, the Appeal Court released two hotel owners who were accused of trafficking young girls from the provinces to a brothel in the capital city.

Phnom Penh Municipal Court Deputy Director Ke Sakhorn said at the time that the investigation showed how Ly Vuoch Leng accepted \$30,000 to release the men. More than a year later she is still under investigation. She is presumed innocent until proven guilty in a court of law, however, and therefore still sits on the ruling party central committee, Ke Sakhorn explained. Cheam Yeap said that she received her punishment when she was dismissed from her position.

Left unmentioned, however, was any possibility of a criminal prosecution in court.