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Political Evolution of the Cambodian Government (1993-Present)

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ABSTRACT

This research is mainly based on the Constitution, the law on the organization and functioning of the Cabinet and other laws and online resources. The article reflects the process of state administration activities of the Government of Cambodia. The Paris Agreement of October 23, 1991 required Cambodia to adhere to a liberal, multi-party democracy. The government had two prime ministers and co-ministers in key ministries. In 1998, there was another coalition government. In 2003, there was another coalition government. In the 2007 election, the CPP won a landslide victory of 90 seats to form a single government. In the 2013, the CPP won only 68 seats, according to the 50% plus one formula, leading to the formation of a single government. The 2018 election is an election in the absence of the CNRP. Therefore, the CPP won in all National Assembly 125/125. The new government was formed in the form of a reform of the Royal Government, with only 45 members accountable to the Prime Minister and Parliament. The evolution of the Cambodian government from multi-party to one-party (2018) led to national and international concerns about the collapse of multi-party liberal democracy in Cambodia. The article also found that there have been six mandates of multi-lateral government except the latest one, which political deadlocks always occurs after the national elections, and how they are solved. Therefore, all political parties, including the opposition, should be allowed to participate in free, fair and transparent elections.

Keywords: Government, Multi-Lateral, Political Evolution

INTRODUCTION

In 1863, King Norodom signed an agreement with the French, placing Cambodia under French protection. This move saved Cambodia from the ambitious plans of its two neighbors to bring the country under their control (Mehmet, 2017).

After gaining independence from France in 1953, Cambodia underwent several governmental transitions: the Constitutional Monarchy (1953–1970), the Khmer Republic (1970–1975), Democratic Kampuchea (1975–1979), and the return of the Constitutional Monarchy (1993–present) (Ear, 2012). Between the First and Second Constitutional Monarchy periods, Cambodia experienced prolonged civil wars due to the influence of foreign ideologies (Stepan, Alfred, & Juan J. Linz, 2014). The Paris Peace Agreements on 23 October 1991 were signed by the four warring factions, agreeing to a ceasefire under the witness of 19 countries, ultimately bringing an end to these conflicts.

The UN Transitional Authority in Cambodia (UNTAC) organized the first democratic election in 1993, following its mandates as outlined in the Paris Accords (Roberts, 2016). UNTAC's responsibilities included preparing Cambodia for free and fair elections based on democratic principles, monitoring political progress through its special representatives, and appointing a special rapporteur to report on the human rights situation in Cambodia.

This article aims to examine how the Cambodian government was established through the UN initiative, how it has progressed over time, and how it has contributed to national security, peace, and prosperity.

LITERATURE REVIEW

An independent body is the governing body of the state and holds a high level of responsibility for the functions of each individual. According to Montesquieu (18th century), state power is divided into three major branches: the executive, the legislature, and the judiciary. These three branches must be balanced and independent. The recognition by philosophers serves to ensure that a state upholds democracy and the rule of law.

The rule of law means that society must have the right laws, understand them, and apply them properly. The executive branch, on the other hand, is responsible for implementing laws passed by parliament. It also addresses various issues, including the economy, planning, culture, education, health, social affairs, finance, and meeting the daily needs of the people.

The government is formed based on the Constitution, with power vested in the King, the President, or the Prime Minister. Different countries around the world adopt various political regimes, such as authoritarianism, totalitarianism, and democratic systems. Dictatorships and authoritarian regimes oppress the

people by restricting or even abolishing their rights and freedoms (Wenar, 2017). Among these, authoritarianism is the regime that most opposes absolute freedom.

Democracy, derived from the Greek word meaning "power of the people," refers to a system where the people are the masters of governance. According to Abraham Lincoln, the 16th President of the United States, democracy is "a government of the people, by the people, and for the people." In practice, democracy recognizes the equality of all individuals regardless of religion, race, gender, or social status. Its key characteristics include individual rights and freedoms, freedom of the press, multi-party politics, free and fair elections, pluralism and tolerance, peaceful transfer of power, political neutrality, separation of powers, good relations between leaders and the people, and adherence to the law.

A legitimate government must uphold the principles of the rule of law, democracy, liberalism, pluralism, and respect for human rights through elections. The Cambodian Constitution, adopted in 1993, stipulates that the King must abide by the Constitution and maintain a liberal, multi-party democracy. Powers are divided among the legislature, the executive, and the judiciary (Barr, 2020). The government or cabinet can only be considered legitimate with the approval of the National Assembly (Rozenberg, 2012).

The following is an excerpt from the Royal Government of the Kingdom of Cambodia, analyzing and evaluating governance from 1993 to the present, reflecting the above theories (Anderson & Emily, 2018).

RESEARCH METHODOLOGY

The qualitative research is explored through the following questions:

1. How were the governments of the Kingdom of Cambodia created between 1993 and the present?
2. To what extent has the Kingdom of Cambodia made progress?
3. To what extent has the Kingdom of Cambodia progressed in terms of security, peace, and prosperity?

The scope of this study covers the development of governments from 1993 to the present. It does not aim to examine the detailed processes of governing the country or analyze the strengths and weaknesses of the government's functioning. This study will also contribute to expanding knowledge and developing human resources. Additionally, it will provide other researchers with information to support their studies and serve as a valuable source of knowledge.

The research methods rely on numerous secondary data sources, including legal documents such as Cambodia's Constitution, the Law on the Organization and Functioning of the Council of Ministers, and other legal texts. The study also includes analytical reviews of academic research materials, online data sources,

and various websites. After gathering relevant data, the researcher classifies and analyzes them accordingly.

RESULT AND DISCUSSION

Research Result

The literature helps develop three chapters. Chapter 1: Procedural Process of Creating Government covers the eligibility criteria and formation process. Section 1.1 discusses the Eligibility for the Prime Minister and Other Government Members, including 1.1.1. Eligibility for the Prime Minister and 1.1.2. Government Members. Section 1.2 focuses on the Formation of Government, detailing 1.2.1. Formation of Government by Article 119 - New and 1.2.2. Creation of Government by Additional Constitution Law.

Chapter 2: Roles and Functions of the RGC explores the responsibilities of the Council of Ministers. Section 2.1 addresses the Roles of the Council of Ministers, followed by 2.2. Functions of the Council of Ministers, and 2.3. Competence of the Council of Ministers.

Chapter 3: Historical Development of Cambodian Governments presents an overview of past governments. It includes 3.1. The First Government (1993-1998), 3.2. The Second Government (1998-2003), 3.3. The Third Government (2003-2008), 3.4. The Fourth Government (2008-2013), 3.5. The Fifth Government (2013-2018), and 3.6. The Sixth Government (2018-2023). The document concludes with Conclusions and Recommendations and a References section.

Research Discussion

Procedural Process of Creating Government

Each government in the Kingdom of Cambodia is created by means of the general election. From 1993 to present, governments are created by two methods. The creation of government is through Article 82 of the 1993 Constitution, and new Article 119. The second way of creating government is by following the Additional Constitution of the Kingdom of Cambodia.

Eligibility for the Prime Minister and Other Government Members

Eligibility for the Prime Minister

The eligibilities for being the Prime Minister (PM) are: the candidacy for the PM must be selected from one of parliamentarians, representing an electorate and from the winning party in the parliament. So, a candidate for the PM must be a parliamentarian, and is a member of and nominated by the winning party in the parliament. All parliamentarians are appointed by the Royal Kram (Royal degree) after a vote of confidence by the National Assembly.

Government Members

The government is the executive body of the Kingdom of Cambodia and is tasked with planning and implementing policies and in accordance with laws and the 1993 constitution. It is responsible for implementing laws and directing general affairs of the state except those of the Legislature and the Judiciary.

The Royal Government of Cambodia (RGC) is in charge of military, police, and other armed forces, and is responsible for implementing administrative processes (Morgenbesser, 2018a), overall policies and plans approved by the National Assembly.

The Council of Ministers shall be led by one PM assisted by Deputy Prime Ministers, and by State Ministers, Ministers, and State Secretaries as members, appointed by a Royal decree after the National Assembly has given its vote of confidence.

Formation of Government**Formation of Government by Article 119-New**

At the recommendation of the Chairman and with the agreement of both the Vice-Chairmen of the National Assembly, the King shall designate a dignitary from among the representatives of the winning party to form the Royal Government. This designated representative along with other members chosen from the political parties or represented in the National Assembly, then present themselves to the National Assembly to ask for a vote of confidence. Then, vote of confidence is done, while the King shall issue a Royal Decree appointing the entire Council of Ministers. The National Assembly shall pass a vote of confidence in the Royal Government by a two-third majority of all members of the entire National Assembly membership.

By law, a government is formed in the following procedures. First, an election must be held to determine all members of the National Assembly. A competing party must be determined as “the winning party”. Then, the King designates a dignitary or the president of the winning party to form a government. Normally, the party’s president is elected by the party members to run for the candidacy of PM (Getty, 2013). Next, the head of the party presents designated members of the Council of Ministers to the National Assembly (Peou, 2019). When the National Assembly has given a vote of confidence to the request by a two-third of all members of the National Assembly, the King will issue a Royal decree appointing the whole cabinet.

However, in 1993 election, FUNCINPEC was the winning party, and entered into a coalition government with CPP. Then, the King designated “two dignitaries” to form the government as a result of the political compromise to ensure that a new government could come into existence (Yilmaz, 2018). Then, the two dignitaries were appointed by a Royal decree dated 24 September 1993 as

the first PM and the second PM in 2017. The same coalition run by CCP and FUNCINPEC was created again after the 1998 election.

The formation of the RGC under Article 119 is in line with the democratic theory that stipulates that after the validation of the members of the National Assembly and the internal elections to elect the Chairman, the Vice-Chairman of the Commission and the Vice-Chairman of the Committees of the National Assembly.

Creation of Government by Additional Constitution Law

Where the procedures stipulated Article 82 and Article 119-New of the Constitution cannot be applied, the National Assembly will resort to the application of procedural provisions stipulated in the Additional Constitution Law at the request of the party winning the most seats in the National Assembly. Under these procedures, the National Assembly will proceed with a package vote to elect a President and Vice-Presidents of the National Assembly, as well as Chairpersons and Vice-Chairpersons of the Commissions of the National Assembly and simultaneously hold a vote of confidence in the Royal Government (Novotný, 2020).

A list of the President and Vice-Presidents of the National Assembly, Chairpersons and Vice-Chairpersons of the Commissions of the National Assembly will be prepared and presented to the oldest member of the National Assembly (Treib, Oliver, 2019). The request shall be agreed upon by winning political parties to enter into a coalition government.

The package voting shall be conducted without debate or discussion and no explanation is required after the result of the package voting is released. Members of the National Assembly may only vote, in favour of or against the package list submitted by the oldest Member of the National Assembly. The package voting shall be conducted by a show of hands. The package vote requires adoption by an absolute majority vote (50 +1) of all Members of the National Assembly. In the event that the first round of voting is not successful, the same procedure shall be applied to the next round.

This system of elections seems to run counter to the theory of democracy: forming a National Assembly and forming a government at the same time.

Roles and Functions of the Royal Government of Cambodia

Roles of the Council of Ministers

The RGC or the Council of Ministers shall be responsible for formulating and implementing the state's policies following the Constitution. It means that the RGC is responsible for overall policies and its own conduct. Each member of the Royal Government shall be individually responsible to the PM and the National Assembly for his/her own conduct.

Functions of the Council of Ministers

The main function of the government is to direct general affairs of the state, responsible for affairs of the national defence. It governs, commands, and uses the military, police and armed forces. The government maintains public orders, infrastructures, and supplies of electricity and water (Schwenkel, 2015). The government sets out national policies and plans for ministries regarding environment, agriculture, economy, and so on, unless otherwise recommended by the National Assembly. The Council of Ministers issue rules, regulations, and directives, approved by the National Assembly (Majone, 2019). The Executive branch is tasked to implement laws and policies approved by the National Assembly. Administrative legal instruments include sub-decrees, circulars, declarations, and other directives.

In most democratic countries in the world, the executive branch exercises its power under the administrative law. The administrative law is the law created by government agencies within the jurisdiction of the executive branch. The aim of administrative law is to abide by laws in accordance with the constitution and approved by the national assembly. The executive branch does not the power to create or amend laws approved by the national assembly.

Competence of the Council of Ministers

At the end of the Parliament's mandate or during a change in the royal government, the outgoing administration shall only carry out day-to-day duties until a new royal government is appointed.

In some cases, the incumbent government steps down and is replaced as soon as the National Assembly votes to establish a new government. During this transition period, the incumbent government must ensure the country continues to function normally. Consequently, the new government, formed through a free and fair election, should be given the opportunity to address challenges.

Meanwhile, the Prime Minister has the right to propose to the King the appointment, replacement, or dismissal of Ministers, Deputy Prime Ministers, Advisors, and Assistants holding the rank of Director General or higher.

Historical Development of Cambodian Governments**The First Government (1993-1998)**

The first government was a coalition government formed by FUNCINPEC, CPP, and BLDP, also known as the two-headed government. This meant that the government was led by two Prime Ministers (co-Prime Ministers): Prince Norodom Ranariddh as the first PM and Samdech Hun Sen as the second PM. Some ministries were also managed by two ministers (co-ministers).

This coalition government was established as a political compromise between the two major parties, FUNCINPEC and CPP. The initiative was attributed to King Norodom Sihanouk, who sought to resolve the political crisis.

The formula for forming the government followed the 45+45+10 principle, where FUNCINPEC and CPP each received 45% of the National Assembly's seats, while BLDP obtained 10% (Weiß, 2020).

In 1997, Cambodia faced a political crisis that escalated into a violent conflict on July 4–5, 1997 (Davis, Tess, 2019). The fighting erupted following accusations that Prince Norodom Ranariddh had secretly imported weapons into Phnom Penh. As a result, on August 6, the National Assembly voted 98 out of 99 to strip the prince of his parliamentary immunity.

The Second Government (1998-2003)

The CPP won the election on July 26, 1998. However, this victory did not secure a two-thirds majority in the National Assembly (82 votes), which was necessary to form the new National Assembly and approve the government independently. Out of 122 seats, the CPP won 64, FUNCINPEC secured 43, and the Sam Rainsy Party obtained 15. As a result, the CPP needed to find a coalition partner to establish a new government (Peou, 2017). However, FUNCINPEC and the Sam Rainsy Party refused to support the National Assembly in continuing its work and forming a new coalition government.

To break the political deadlock, the three parties, encouraged by the King, held seven meetings, yielding minimal progress. During the November 12-13 summit, both the CPP and FUNCINPEC agreed that Samdech Krom Preah would serve as President of the National Assembly, while Samdech Hun Sen would become Prime Minister. This arrangement aimed to balance power between the two parties while leaving the Sam Rainsy Party in opposition (Peang-Meth, 2017).

On November 30, 1998, the National Assembly voted in favor of the composition of the Royal Government for the second mandate, led by Samdech Hun Sen, along with its political program. The second government included Samdech Hun Sen as Prime Minister, with key ministries such as the Ministry of Interior, the Ministry of Defense, and the Co-Ministry. The cabinet was divided, with approximately 60% of positions allocated to the CPP and 40% to FUNCINPEC.

The Third Government (2003-2008)

The National Assembly and the Royal Government for the third term were formed on July 15, 2004, after 11 months of political stalemate. It should be noted that the formation of the third Royal Government followed the package election formula in accordance with the Additional Constitutional Law (Lijphart, 2012). This law requires the simultaneous election of the President and Vice-President of the National Assembly, the Chairman and Vice-Chairman of the National Assembly Committee, and the vote of confidence in the Royal Government.

On June 26, 2004, the CPP and FUNCINPEC reached a full political agreement on the formation of a new government in a surprise secret meeting

between Samdech Norodom Ranariddh and Hun Sen at the Royal Veal Sbov residence in Kandal Province. The two leaders agreed to divide ministerial management, with the CPP controlling 15 ministries and one secretariat, while FUNCINPEC received nine ministries and one secretariat. Additionally, the two key ministries, the Ministry of Defense and the Ministry of Interior, were to be jointly led by ministers from both parties.

The Fourth Government (2008-2013)

On September 25, the Election Commission announced the results of the 2008 general election, with the CPP winning 90 seats, the Sam Rainsy Party 26 seats, the Human Rights Party 3 seats, the Norodom Ranariddh Party 2 seats, and FUNCINPEC 2 seats.

The CPP's landslide victory with 90 seats was no longer an obstacle to forming the National Assembly and the government for the fourth term. This is because, under the 1993 Constitution, the first legislature of the National Assembly required a two-thirds majority to convene. However, in this mandate, the CPP held up to 90 seats—more than necessary.

Meanwhile, a constitutional amendment on March 15, 2006, introduced the 50% +1 formula, which was approved by the National Assembly with 101 out of 123 votes. This means that half of 123 is 61.5, rounded up to 62, plus one, making 63 the required number of seats to form a government without needing votes from other parties, provided that certain constitutional conditions were met (Etim, 2020).

Nearly all members of the 2008 cabinet came from the CPP, with a small number from FUNCINPEC, including Deputy Prime Minister Nhek Bun Chhay and Senior Ministers Kol Pheng, Ly Thuch, and Veng Serey Vuth, who were assigned special missions.

The Fifth Government (2013-2018)

The fourth term of the government began on September 24, 2013. In this term, the party that won the election—so far this year—consisted of only two parties: the CPP, which won 68 seats, and the CNRP, which won 55 seats (Morgenbesser, 2018).

In the fifth term of the Royal Government, an additional ministry was established: the Ministry of Civil Service, with Mr. Pich Bunthen as Minister. Previously, this ministry was limited to the Secretariat of Civil Service, which was subordinate to the Ministry of the Office of the Council of Ministers.

Notably, during this mandate, significant reforms were introduced, including the replacement of 11 ministers with younger ministers who demonstrated strong potential in their work. The government structure comprised 14 councils, 19 commissions, 10 authorities, and 7 units, with the head of each

unit holding the same status as a Minister, Senior Minister, or Deputy Prime Minister.

The Sixth Government (2018-2023)

The first session of the National Assembly was held on September 5, 2018, under the presidency of King Norodom Sihamoni of the Kingdom of Cambodia to be sworn in. Then, on September 6, 2018, the National Assembly convened to vote for a new leadership of the National Assembly and the Royal Government (Weatherbee, 2019). On September 7, 2018, the Council of Ministers officially opened its first meeting.

The new members of the Royal Government include Samdech Hun Sen as Prime Minister, 10 Deputy Prime Ministers, 17 Senior Ministers, and 29 Ministers, while the Secretaries of State are not included in this government. Since the formation of the government, at least 1,118 people have been directly appointed by Samdech. This issue is also a negative consequence of the rule of law.

CONCLUSION

From the first election of the National Assembly and the formation of the government until 2021, the Cambodian government has been in power for almost 30 years. Cambodia was once known for using guns to seize power and change governments. However, the country has now adopted a liberal, multi-party democracy through regular, free, fair, and just elections. Moreover, the people have the full right to elect their representatives and leaders in accordance with the principles of the rule of law and legal principles, as a sovereign state with full independence and territorial integrity.

For almost 30 years, the Royal Government of Cambodia (RGC) has successfully implemented policies that have taken the country to the next level on the path of socio-economic development, achieving an average economic growth rate of about 7% per year. The RGC ensures peace, political stability, security, and public order by promoting the rule of law, upholding the rights and dignity of the people, and firmly implementing a liberal, multi-party democracy. In particular, it has enhanced Cambodia's national prestige on the regional and international stage while ensuring the unwavering protection of national sovereignty, national unity, and territorial integrity.

Despite these achievements, challenges remain in the formation and leadership of the RGC. From one mandate to another, from the first to the sixth, political deadlocks have made it difficult to form a National Assembly and government. These issues may stem from the capacity of the Election Commission, a lack of transparency in voter registration and vote counting, and widespread suspicions of vote rigging. Protests have erupted, demanding recounts, but no solution has been reached after each election.

Each mandate has had a large number of cabinet members, leading to concerns about excessive government spending. National budgets, sourced from taxpayers, have been used inefficiently, lacking transparency and accuracy. The Council of Ministers alone had 300 to 400 members in previous mandates, excluding advisers and assistants in various offices. Despite reforms in the new term, where only 46 members of the Council of Ministers were amended to take charge of parliament, the appointment of Secretaries of State and Advisors to the Secretariat of the Council of Ministers exceeded 1,118. This large number has led to cases where some officials only exist in name, never report to work, or attend irregularly.

In 2017, the main opposition party was dissolved by the Supreme Court, preventing it from participating in the 2018 election. As a result, the Cambodian People's Party (CPP) won all 125 parliamentary seats. The complete dominance of the CPP, without a strong opposition, has raised concerns both nationally and internationally. Many believe that this situation threatens the legacy of the Paris Peace Accords, which were based on principles of free, fair, and democratic elections.

RECOMMENDATION

Cambodia should organize the National Election Commission as an independent institution that ensures fairness for all political parties contesting the election. This will help voters, as well as national and international organizations, have confidence in its ability to manage elections effectively. A well-organized election commission can reduce election-related disputes and encourage losing parties to accept the results.

Additionally, the Royal Government of Cambodia (RGC) should minimize the number of ministries, secretaries of state, undersecretaries of state, councils, advisors, secretaries, committees, and authorities to optimize the national budget. All political parties, including the opposition, should have the opportunity to participate in free, fair, and transparent elections.

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