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i. the theory and practice of international relations at the political and diplomatic level;
ii. comparative economic studies, including of particular trade blocs;
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Cambodia's ASEAN Membership Revisited:
Challenges and Opportunities

Kimkong Heng
School of Graduate Studies, The University of Cambodia, Northbridge Road,
Phnom Penh, Cambodia

Abstract
This is a critical review which aims at investigating the challenges and opportunities for Cambodia as a member of the Association of Southeast Asian Nations (ASEAN) as well as the ASEAN Economic Community (AEC). This study relies on secondary data which are derived from the literature through an extensive literature review of various conventional and online publications, including books, journals, government publications, magazines, periodicals, reports, etc. The author uses content or document analysis as the basis for the research design for this study. The results reveal that Cambodia, after almost two decades as a member of ASEAN, faces a lot of challenges which include human resource development challenges, mismatch between education and employment, higher education and legal structure challenges, infrastructure development challenges, limited awareness and engagement in ASEAN and AEC processes, and foreign policy improvement challenges. At the same time Cambodia is also able to seize plenty of opportunities as an ASEAN member state. Those opportunities are Cambodia's entry into the ASEAN Free Trade Area, improved relations with ASEAN Dialogue Partners, restoration and improvement of its foreign policy, and the integration into the ASEAN Economic Community. In this study, specific suggestions are put forward for Cambodia to improve its role and status in ASEAN and recommendations for further research are then considered.

I. Introduction
The Association of Southeast Asian Nations (ASEAN), according to the ASEAN official website (www.asean.org), was established on 8 August 1967 in Bangkok by the five original member countries, namely, Indonesia, Malaysia, the Philippines, Singapore, and Thailand. Brunei joined on 8 January 1984, Vietnam on 28 July 1995, Laos and Myanmar on 23 July 1997, and Cambodia on 30 April 1999. The aims and purposes of the ASEAN are (1) to accelerate economic growth, social progress, and cultural development in the region, and (2) to promote regional peace and stability through abiding respect for justice and the rule of law.
in the region. The ASEAN Vision 2020, moreover, agreed on a shared vision of ASEAN as a concert of Southeast Asian nations, outward looking, and living in peace, stability and prosperity. The ASEAN Community has also established three main pillars, namely, ASEAN Security Community, ASEAN Economic Community, and ASEAN Socio-Cultural Community.

The ASEAN, under the creed of “One Vision, One Identity, One Community,” has established the ASEAN Economic Community (AEC) under four main pillars: (1) a single market and production base; (2) a highly competitive economic region; (3) a region of equitable economic development; and (4) a region fully integrated into the global economy (Holloway et al., 2015). In addition, the ASEAN member countries agreed to abide by a number of fundamental principles such as (a) mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations; (b) the right of every State to lead it national existence free from external interference, supervision or coercion; (c) non-interference in the internal affairs of one another; (d) settlement of differences or disputes by peaceful manner; (e) renunciation of the threat or use of force; and (f) effective cooperation among themselves (Sinha, 2007).

Since 1999 when Cambodia became the newest member of ASEAN, this country has both suffered and enjoyed its membership in the ASEAN region (Rana and Ardichvili, 2015). However, it has not been very clear what the challenges and prospects for Cambodia are, and there is not much substantial research on these issues, particularly after almost two decades since Cambodia joined this regional organization. Thus, the purpose of this paper is to investigate the potential challenges and benefits Cambodia is likely to experience as a member of ASEAN generally and as a member of the AEC in particular.

The present study intends to explore and revisit the challenges and opportunities for Cambodia after it joined ASEAN in 1999. Although there are some studies conducted on this same topic, a re-examination of the challenges and opportunities for Cambodia is desirable in order to better understand Cambodia's role in ASEAN and to dispel fears, doubts and commonly-held beliefs about the rather less positive effects of Cambodia's ASEAN membership, particularly after the establishment of the ASEAN Economic Community at the end of 2015.

The present paper is based on an extensive literature review to identify the challenges and opportunities for Cambodia as an ASEAN member state in the country’s drive to promote
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economic development and to enhance its foreign policy; and the implications for Cambodia in order to maintain and strengthen its position in ASEAN

II. Cambodia and the Benefits of ASEAN Membership

Cambodia's integration into ASEAN brings about a number of great benefits which include, among others, its entry into the ASEAN Free Trade Area, improved relations with ASEAN Dialogue Partners, restoration and improvement to its foreign policy, and the integration into the ASEAN Economic Community.

1. Cambodia's Entry into the ASEAN Free Trade Area (AFTA)

Cambodia's entry into the ASEAN Free Trade Area (AFTA) in 1999 provides Cambodia with opportunities for integration into regional and international economies. Since international trade plays a very important role in both developed economies and developing economies, it is more likely that Cambodia's AFTA membership would improve both micro and macro economy in the country through the increased access to global markets and expanding trade flows. As a result, Cambodia's trade volume has experienced a steady growth since its accession to AFTA (Huot and Kakinaka, 2007). Moreover, Cambodia also became a member of the World Trade Organization (WTO) in 2003, which further helps enhance its integration into the Southeast Asian and global economics. Such economic development would be very difficult or even impossible if Cambodia were not a member of ASEAN.

Kao (2002) states that Cambodia's entry into AFTA allows this country to integrate economically into the region and the world, and AFTA membership is a stepping stone for Cambodia to secure its place in the APEC and WTO. Moreover, by joining ASEAN and AFTA, Cambodia could develop its human resources, conduct its economic reform, and engage in good governance. Cambodia can also benefit from the economies of scale by opening and widening its market for manufactured goods and attracting foreign direct investment (FDI). There are also benefits related to tariff reduction and exchanges of goods and services within the ASEAN region.

2. Improved Relations with ASEAN Dialogue Partners

Cambodia's ASEAN membership, according to Kao (2002), improves Cambodian relations with the ten ASEAN Dialogue Partners, particularly with Australia, China, Japan, Russia, Republic of Korea, and the European Union. With those countries, the benefits include, but not limited to, the strengthening of Cambodia's political and security interests, greater access
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to those great power countries, improved foreign assistance and official development aid, and improvement in investment, trade, tourism, transport, communications, energy, and technology. More noticeably, Cambodia-Russia bilateral relations have recently been restored and strengthened, with exchanges of high-level visits and greater mutual support and cooperation between the two countries (Chanborey, 2016). Similarly, Cambodia-China bilateral relations have reached a new historic high, with Xi Jinping’s first presidential visit to Cambodia in 2016, following Cambodia’s second time refusal to issue an ASEAN joint communiqué which is believed to be critical of China’s claims and policies in the disputed territory in the South China Sea (Board, 2016).

3. Development and Improvement in Cambodia's Foreign Policy

After becoming an ASEAN member, Cambodia's foreign policy has been developed and improved. Regarding the improvement in Cambodia's foreign policy, Kao (2002) attributes Cambodia's foreign policy development to four factors: the end of the civil war and conflict, the end of Cambodia's isolation, the end of the Cold War, and the force of globalization. These four main factors help contribute to the development and improvement in the country's security environment, economic and political outlooks, national reconciliation, and regional and international engagement. Furthermore, these factors help make it possible for Cambodia to restore and improve its bilateral relationship with many countries, particularly China, the United States, and the ASEAN member states.

Until more recently, Cambodia’s foreign policy has significantly been strengthened, with the implementation of what Heng (2014) called Cambodia’s foreign policy grand strategy. In that strategy, Cambodia has put in a great deal of effort to upgrade its diplomatic relations with its nearest neighbors, ASEAN, and regional and global powers, in particular, China, Japan, and the US. Moreover, the Cambodian government has prioritized its efforts to improve Cambodian image and promote engagement within the region and the international communities. More importantly, Cambodia has been pursuing a policy of neutrality, non-alignment, non-interference, and peaceful coexistence with other countries, which results in considerable improvement in its foreign relations with the rest of the world.

4. Integration into the ASEAN Economic Community

As discussed above, a lot of benefits and improvement can be experienced by Cambodia when it integrates itself into the AEC. Without its ASEAN membership, the AEC membership and other AEC-related benefits would be just a dream for Cambodia. Thus,
through its engagement with the AEC, Cambodia can see considerable improvement in various sectors including national welfare, technical assistance, improve FDI, greater productivity, better leverage in the region, larger market access, smoother flow of goods, improved working regulations, and improved bilateral communication (Pich, 2014). In addition, by joining the AEC, there will be improvement in labor force through the free mobility of labor in the region, which in turn improves employment opportunity and earned income. Similarly, according to Rana and Ardichvili (2015), as the AEC member, Cambodia can benefit from the free movement of skilled labor force, better interstate cooperation, more technical and financial assistance, improved literacy rate, fewer illegal activities such as drug dealing and child abuse, and new development in infrastructure, ICT, human capitals, and other forms of capacity building. Chia (2013) also noted that, given the improvement in trade facilitation, infrastructure and logistics, Cambodia’s GDP has positively and significantly been impacted by the AEC integration.

III. Cambodia and the Challenges Ahead

While there are a number of opportunities and benefits that Cambodia can relish as a member of ASEAN and AEC, this country, without a doubt, has face and will continue to experience many challenges. The critical review of literature on the topic reveals six major types of challenges which Cambodia has to deal with as a member of ASEAN. Those challenges which include human resource development (HRD) challenges, mismatch between education and employment, higher education and legal structure challenges, infrastructure development challenges, limited awareness and engagement in ASEAN and AEC processes, and foreign policy improvement challenges are discussed below.

1. Human Resource Development Challenges

Cambodia’s demography has been highly influenced by its long history of civil war, conflict, violent revolution, and foreign intervention for over four decades (Rana and Ardichvili, 2015). The Khmer Rouge government which ruled Cambodia from 1975 to 1979 destroyed everything, so Cambodia has to start from scratch after the collapse of the Pol Pot regime. Therefore, human resource development is a great challenge for Cambodia as an ASEAN member. According to Lall and Sakellariou (2010), moreover, Cambodia's illiteracy rate is still high compared to its neighboring ASEAN countries; as a result, Cambodia has to deal with this low education attainment issue effectively and successfully in order to stand a
chance to be successful in this regional organization. Hing (2014) also attributed lack of human resources as one of the major challenges Cambodia faces as it is part of the AEC.

2. Mismatch between Education and Employment

As one of the main aims of the AEC is to establish a free flow of skilled labor, Cambodia will be lacking behind this economic integration since this country's education system is still poor. According to a report by HR Inc. (2010, cited in Rana and Ardichvili, 2015), there are potential mismatches between the demand of the labor force and the supply of university graduates. More specifically, there are more graduates than the available job market, making the country greatly suffer from unemployment. Moreover, the report also reveals an imbalance between students' fields of study, that is, there are more graduates majoring in business, management, IT, and foreign languages than those whose majors are in health science, engineering, and agriculture. This phenomenon leads the Ministry of Education, Youth and Sport (MoEYS) of Cambodia to encourage both the public and private sector to run more science rather than social science courses (MoEYS, 2014).

3. Higher Education and Legal Structure Challenges

Despite considerable progress in terms of educational infrastructure, especially the number of higher education institutions (HEIs), the quality of education in the country is questionable. As MoEYS (2014) pointed out, Cambodia faces a number of educational challenges such as limited quality of instructors' capacity, lack of research engagement and facilities, imbalance between teacher-student ratio in the class, and poor enrollment in some science-related majors. Moreover, the distribution of HEIs in the country is completely imbalanced, meaning that more than 50% of higher education providers are found in the capital city, Phnom Penh, leaving students in the provinces with poor access to higher education and quality instructions (Rana and Ardichvili, 2015). Chet (2009) also attributes the challenges Cambodia faces to the lack of effective communication between public and private institutions and between companies and HEIs.

There are also legal structure-based challenges. According to Kao (2002), one of the major challenges facing Cambodia is a need to reform legal framework to be compatible with the ASEAN's laws. Since Cambodian laws are heavily based on the French law, there is a high need for this country to reform it, but such a reform meets with many challenges related to human capital, time and financial constraints. Cambodia, furthermore, needs to work on its taxation and investment laws in order to attract more FDI and encourage foreign investors to
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Cambodia. Also, government bureaucracy, ranked third by World Economic Forum as one of the most serious challenges for conducting business in Cambodia (Schwab, 2014), has created an unfavorable business environment which hinders the development and growth of small and medium-sized enterprises in Cambodia (Roth, 2014).

4. Infrastructure Development Challenges

Since Cambodia is one of the less developed countries in ASEAN, infrastructure development challenges have certainly limited this country to fully participate in the economic integration as well as other major ASEAN initiatives. As reported in The Global Competitiveness Report 2014-2015 (Schwab, 2014), Cambodia scored 3.1 out of 7 for its overall infrastructure and the inadequate supply of infrastructure was ranked fourth among the most problematic factors for doing business in the kingdom. In addition, the road transport, the railway system and the power supply are a few examples of infrastructure challenges Cambodia has to tackle to ensure it can stay competitive in the region (Hing, 2014).

5. Limited Awareness of and Engagement in ASEAN and AEC Processes

It is very obvious that successful integration into ASEAN requires active involvement from all sectors such as government officials, public and private sectors’ employees and employers, citizens, and other key stakeholders in the ASEAN and AEC matters (Rana and Ardichvili, 2015). However, the results of Chan and Strange's (2012) research shows that the awareness and engagement in ASEAN and AEC processes from the private sector is very weak and uneven. In other words, the private sector in Cambodia is not well-informed about the AEC matters and therefore a clear sense of lack of preparation for ASEAN and AEC is prevalent in the country, not to mention a near non-existence of the awareness and engagement from both the private and public sector in provincial and rural areas.

6. Foreign Policy Improvement Challenges

Taking Cambodia's foreign policy into account, this country faces and will continue to face a number of great challenges related to its foreign policy (Kao, 2002). The challenges include a strong need to strengthen the country's human resources in foreign affairs, a need to develop a unilateral approach foreign policy toward ASEAN and other ASEAN-related matters, a need to consolidate peace and improve political stability, and a dire need to pursue an administrative and judicial reform. Moreover, Kao (2002) also highlights other challenges
which are mainly related to bilateral issues with its neighboring countries. In this case, the Cambodian government needs to pursue and maintain good relations with Thailand and Vietnam regarding border demarcation, border trade, and immigrations. Last but not least, an empowered foreign policy is needed to engage and accommodate regional and international affairs. Thus, in order to develop a strong foreign policy, Cambodia needs to invest, with regard to its foreign affairs, in human capitals and the standardization of its operating procedures, all of which require serious political will, commitment and action from the Cambodian government.

IV. The Way Forward for Cambodia

With the challenges Cambodia faces as an ASEAN member, there are suggestions for this country to tackle those shortcomings. The suggestions concentrate on an educational and legal reform, an economic reform, an improvement in human resource development, and the strengthening of its foreign policy. For the educational and legal reform, it is clear that Cambodia must engage in various projects and plans to improve its education system and investment and taxation law; otherwise the country, for the time being, will continue to lag behind other ASEAN member states in terms of human and economic development. Thus, a nationwide educational reform is highly welcomed so that the country would be able to compete with its neighboring countries in the long run. More specifically, the educational system which emphasizes and inspires innovation, creativity, and entrepreneurship should be established and implemented (Chheang, 2012).

On an economic level, to sustain growth and to leverage the AEC and other ASEAN cooperative projects, Hing (2014, pp. 5-6) suggests Cambodia undertake a number of policy interventions as follows:

- **Maintain sound macroeconomic management:** Maintaining low inflation and exchange rate stability, building trade sector resilience, improving revenue collection and strengthening financial sector services.
- **Improve investment climate:** improving infrastructure, streamlining customs procedures, enhancing logistics efficiency, investing in human capital, deepening special economic zones through superior infrastructure, overcoming bureaucratic and administrative hurdles, creating more flexible employment relationships and ensuring ready access to low and highly skilled labor.
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- **Improve logistics and simplify customs procedures:** improving trade-related infrastructure and border management and reforming and modernizing customs and wider information sharing, greater competition in trucking, port and airfreight services, and ready access to information about international transit agreements.

- **Invest in human capital:** Improving the education system at all levels, including technical and vocational education and training, promoting science, technology, engineering, and mathematics (STEM) subjects, and developing the skills of domestic labor so that Cambodia can reduce its dependence on foreign skilled labor.

- **Improve export market information services:** Providing support needed by exporting firms, building domestic trade networks and overseas networks, improving information systems, and raising firms’ awareness about the AEC and its opportunities for investment, trade, and private sector development.

- **Synchronize regional cooperation frameworks:** Improving institutional arrangements, upgrading coordination and communication among government agencies, promoting sustained growth, and bridging the development gap through institutional capacity development.

- **Enhance SME development support:** Encouraging the informal sector to grow and operate formally, strengthening intra-governmental coordination on SME policy formulation and implementation, continuing to reduce red-tape and improve the business climate, improving access to finance, systematically continuing to build the capacity of SME owners, and encouraging SMEs to go international.

As for its HRD, Cambodia needs to address many challenges, including mismatches between education and employment, poor involvement from the private sector in ASEAN and AEC processes, and technology infrastructure challenges (Rana and Ardichvili, 2015). Thus, efforts should be made to improve school enrollment rate, education quality, and communication between private and public education institutions and between the government and the private entities. An awareness-raising projects or campaigns have to be initiated and implemented in order to engage both the public and private sectors in the ASEAN and AEC processes so that Cambodia would be in a unique position to be able to compete with other ASEAN member states and non-ASEAN member countries.

With reference to its foreign policy, as Kao (2002) suggests, Cambodia needs to develop a flexible and effective foreign policy toward ASEAN and other major countries such as China and the United States. To achieve this objective, a lot need to be done. First, the country has
to invest in its human resource development, involve itself in serious national reform, and improve its infrastructure. Second, Cambodia has to work hard to improve its bilateral relations with Thailand and Vietnam in key areas such as border issues, cross-border trade and immigrations. Third, the Cambodian government needs to continue to maintain its national stability and improve its national election committee to ensure a free and transparent election so that the country would be able to enjoy and be proud of its democracy and good governance. Finally, Cambodia has to strengthen its economy through an open-door policy of free flow of goods, services, investment, capital, and skilled labor, as prescribed in the AEC Blueprints, and it has to actively engage itself in the regional and international relations so that it will have more opportunities to advance its national interests. Additionally, Cambodia has to maintain a balanced foreign policy between China and ASEAN, particularly Vietnam, if it wishes not to be seen as abandoning ASEAN for China, and vice versa (Leng, 2014).

V. Conclusions

In this final section, two main subheadings are in order. First, key findings are summarized. Then implications for further research are considered so that future researchers can benefit from this review. Hopefully, this critical review will not only fill a gap in scarce literature on the challenges and opportunities for Cambodia as one of the ten ASEAN member states, but it will also pave the way for other researchers who are interested in exploring Cambodia's role in ASEAN and the ASEAN itself.

1. Summary of Key Findings  The examination of relevant literature on the challenges and opportunities for Cambodia as an ASEAN member and, by extension, an AEC member has clearly shown that, despite exciting opportunities, Cambodia also sees great challenges lying ahead on its educational, legal, political and economic fronts. The opportunities, as discussed above, include, among others, the increase in trade volume and opportunities; the improvement to micro and macro economy; greater access to regional and global markets; increased regional economic integration; perfect rationales for educational, economic and political reform; improved relations with neighboring countries, ASEAN, and regional and global powers; the restoration and improvement to its foreign policy; and other wonderful opportunities Cambodia can harness as a member of ASEAN and AEC. With such opportunities, however, come major challenges Cambodia has to address to make certain that it stays relevant and competitive in the ever-changing regional and international markets. Some of the challenges are related to, but not restricted to, the human resource and
infrastructure development, the educational, legal, political and economic reform, the poor public awareness and engagement in the ASEAN and AEC processes, and the improvement in Cambodia’s foreign policy maneuvers.

2. Implications for Further Research Since this is not an empirical research-based study, it is absolutely imperative that further research-based studies be needed to dispel doubts and uncertainties regarding the consequences of Cambodia's ASEAN membership and AEC integration. Future research should employ both quantitative and qualitative methods to collect data from various sources to better understand the complex issues regarding ASEAN and the challenges and prospects for Cambodia. Future researchers also have to explore and study how other ASEAN member states engage themselves in ASEAN and other regional and international organizations. Such investigation would greatly benefit Cambodia and help provide this country with directions and procedures on how to play its role in this regional association more effectively and successfully. Moreover, studies into how Cambodia as a small state can effectively hedge between ASEAN, China, the United States, and other state and non-state regional and global powers are definitely needed.

References


Kimkong Heng


The Real Malay Dilemma

Zairil Khir Johari
Penang Institute, 10 Brown Road, 10350 Penang, Malaysia

“Since the Chinese have Chinatown, and the Indians have Little India, we should also have a Kampung Melayu – where our culture, heritage and food can be showcased and preserved. After all, this is our land – the land of the Malays.”

Sitting in the front row of the hall, I immediately turned around to locate the source of that suggestion. Somewhere towards the back, a middle-aged man stood among the sitting audience, microphone in hand. We were in the middle of a question-and-answer session following a forum discussing, ironically, the Malay enlightenment movement spearheaded by Syed Sheikh al-Hadi in the early twentieth century. I cannot now recall the response of the forum panellists to that man’s question, but I remember vividly the thoughts that coagulated in my mind at that very moment.

Chinatown and Little India are references to ethnic enclaves that usually exist where the Chinese or Indians constitute a cultural minority. By that logic, it follows that such enclaves would not exist in countries where they were culturally dominant. For instance, one would neither find a Chinatown in Hong Kong or Taiwan nor a Little India in Sri Lanka. The notion of a Malay cultural enclave in Malay-majority Malaysia is a strange one, being that the entire country is, effectively, one large Kampung Melayu where Malay culture, heritage and food can be found, not merely preserved but alive and thriving in every nook and corner.

As I pondered this, a realisation began to set in. It suddenly occurred to me that a perverse inferiority complex has somehow thoroughly ingrained itself into the Malay psyche. Perverse because it not only contradicted the imperious sense of entitlement encapsulated in the widely espoused nationalist slogan of ketuanan Melayu, or ‘Malay supremacy’, but also because it was logically irreconcilable with the fact that the Malays command an ever-expanding

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1 This paper is reprinted from Johari (2017) with permission of the author.
demographic presence,² are endowed with constitutionally defined privileges including a practically unchallengeable Malay royalty,³ and have, over the years, assumed a position of dominance in both the public and, increasingly, private spheres.⁴ Yet, unfathomably, despite all of the above, the Malays continue to think and act like a minority under siege.

This, I told myself, was a real dilemma.

The Malay Reality

Now, as before, the Malays seem to be teetering between the desire to assert their rights and arrogate to themselves what they consider to be theirs, and the overwhelming desire to be polite, courteous and thoughtful of the rights and demands of others. Deep within them there is a conviction that no matter what they decide to do things will continue to slip from their control; that slowly but surely they are becoming dispossessed in their own land. This is the Malay dilemma.⁵

Perhaps one of the most influential works on Malay, and indeed Malaysian, thought was published more than 40 years ago in 1970. Written by a down-on-his-luck physician-turned-politician, who had then just been relieved not only from his parliamentary seat but also his party membership,⁶ it was a critique of the Malay polity from a social, evolutionary and behavioural perspective.

In the introduction to his magnum opus, Mahathir Mohamad asserts that his treatise was penned with “sincerity”, and meant to “spotlight certain intrinsic factors which retard the

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² Malays make up over 50 per cent of the population. More significantly, Malay fertility rates are 40 per cent higher than Indian Malaysians and 56 per cent higher than Chinese Malaysians, according to the most recent statistics published by the Department of Statistics; ‘Vital Statistics, Malaysia, 2014’, Department of Statistics Malaysia, 31 December 2015, at: https://www.statistics.gov.my.

³ Article 153 of the Federal Constitution provides protections for the ‘special position of the Malays’. Article 152 defines the Malay language as the national language. Article 3 establishes Islam as the religion of the federation. Article 38 provides for a Council of (Malay) Rulers, from whom the federation’s head of state is elected every five years. Any amendment to Articles 152, 153 or any other laws pertaining to the constitutional position of the Malays requires the explicit consent of the council.

⁴ Malays make up more than 90 per cent of the country’s powerful institutions, including the civil service, police and military. Economically, the practice of state monopoly capitalism has resulted in the pervasive influence of government-linked companies (GLCs) in the private sector.


⁶ Mahathir Mohamad was sacked from UMNO after writing an open letter criticising the party president and prime minister Tunku Abdul Rahman, and blaming the latter’s accommodative politics as the cause of the unprecedented losses suffered by the Alliance government in the third general election and the subsequent racial riots on 13 May 1969.
development of the Malays, particularly those which can be corrected.” With this primordial and deterministic tone, he goes on to sketch a fatalistic account of the history and sociocultural background of the country and its peoples.

The Malay that is constructed by Mahathir is one consumed by a defeatist worldview, insouciant with little propensity for work or adventure, devoid of desire for material wealth, temperate as a product of his climate and geography, self-effacing to a fault, ever willing to compromise, famously non-committal and plagued by an inherent inability to value time and money. All of which, as a resultant, forms the basis for state protection and direct intervention through affirmative action as the only means of salvation from their genetically predetermined complacency.

As with most constructed personas, a protagonist is never complete without an antagonist. Thus the Malay antithesis is crafted in the form of the Chinese. Aggressive where the Malay is docile, hedonistic where the Malay is stoic, and diligent where the Malay is lackadaisical, the Chinese, we are informed, are a race moulded from the ashes of disaster. Having evolved over thousands of years through the ravages of flood, famine and war, the Chinese life was one of ‘continuous struggle for survival’. In the process, the weak and unfit were weeded out, while the survivors were necessarily “hardened and resourceful”. Unlike the Malays, there is never contentment but always “a desire for a better life”.

The mass immigration of the Chinese to Malaya thus sparked a ‘conflict between two contrasting racial groups which resulted from two entirely different sets of hereditary and environmental influences.’ It was only natural, then, that the Malays would not be able to compete against the evolutionarily superior Chinese. Therefore, preferential treatment for the Malays is not only justified but also desirable, with the caveat that it is not meant ‘to put the Malays in a superior position, but to bring them up to the level of the non-Malays.’

Much and more can and has been said about Mahathir’s thesis. Critical reviews have pointed out the author’s selective historiography, colonial apologetics, essentialist worldview and an obsessive flirtation with the discredited science of eugenics. Yet, for all its self-flagellating

7 Mahathir, Malay Dilemma, pp. 154–73.
8 Ibid., pp. 24–25.
9 Ibid.
10 Ibid.
11 Ibid., p. 75.
12 See, for example, M. Bakri Musa, The Malay Dilemma Revisited: Race Dynamics in Modern Malaysia, New York: toExcel, 1999; Syed Hussein Alatas, The Myth of the Lazy Native: A Study of the Image of the Malays, Filipinos and Javanese from the 16th to the 20th Century and Its
Consider, for example, the 2013 general election. With a record turnout of 84.84 per cent, the results saw the opposition Pakatan Rakyat coalition gaining 50.87 per cent of the popular vote, against the incumbent Barisan Nasional’s 47.8 per cent. Nevertheless, decades of gerrymandering and malapportionment ensured that the ruling coalition was able to maintain power with a comfortable 133 seats or 60 per cent of the total 222 seats.\textsuperscript{13}

On the whole, while the ruling coalition saw its popular vote decline and its total seats reduced by (only) seven, UMNO,\textsuperscript{14} the Barisan Nasional’s Malay component party, was able to swim against the tide, increasing its share from 79 to 88 seats. This means that, notwithstanding the systemic irregularities and allegations of electoral fraud and bribery, the Barisan Nasional (or rather, UMNO) was successful in increasing its Malay support.\textsuperscript{15}

As noted by the political scientist Bridget Welsh, UMNO’s victory was achieved through a campaign of “race-based reactionary nationalism” focusing on Malay insecurities. In particular, the fear of the Chinese was “explicitly and implicitly delivered to the Malay community”, so much so that the election was “made out to be a crucial vote to protect the status quo from those who were touted to threaten their welfare.”\textsuperscript{16} Naturally, UMNO was then juxtaposed to the Chinese threat as the only legitimate protector of Malay security, both politically and economically. In the end, the strategy of stoking Malay fears of displacement and marginalisation, as well as their need for continued protection under the UMNO regime had, for all intents and purposes, proved successful.

One can therefore derive two possible conclusions from this. First, one can say that Mahathir was right. The Malays are inferior and ill-equipped to compete, and thus have no choice but to retreat into the familiar shell of protectionism. That is, after all, the purported Malay dilemma. Or, on the other hand, one can surmise that the Malays are inferior and ill-equipped to compete, precisely because of \textit{The Malay Dilemma}, which has, nearly half a century since

\textsuperscript{13} See ‘505: the day BN won the election but lost the contest’ in this volume.
\textsuperscript{14} The United Malays National Organisation (UMNO) is the largest political party in Malaysia, and has been the dominant partner in the ruling coalition since independence.
\textsuperscript{15} See Merdeka Centre, ‘13th general election results: parliamentary-level analysis along regional, ethnic and age cohort voting patterns’, Presentation, Kuala Lumpur, 12 August 2013.
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its conception, become a self-fulfilling prophecy. After all, its author did go on to shape the ideological image of the nation for over two decades as prime minister.

As Karl Marx and Friedrich Engels once observed: “The ideas of the ruling class are in every epoch the ruling ideas.” That is to say, “the class which has the means of material production at its disposal, has control at the same time over the means of mental production, so that thereby, generally speaking, the ideas of those who lack the means of mental production are subject to it.”\(^\text{17}\) Drawing on this, Syed Hussein Alatas contends that, being in a position of political, economic and ideological dominance, Western colonial ideology had implanted and propagated the negative image of Asians as “lazy natives” in order to justify and rationalise “European conquest and domination.”\(^\text{18}\)

In the same vein, *The Malay Dilemma* can be seen as Mahathir’s attempt to construct a sociopolitical reality that justifies the need for, and continued relevance of, conservative Malay nationalism. And because Mahathir went on to wield considerable, if not absolute, influence over three decades as a minister, deputy prime minister and, for 22 years, prime minister,\(^\text{19}\) the ideological basis of *The Malay Dilemma* has been internalised and reinforced not only in Malaysian public policy but also in the national narrative, resulting in a false consciousness that has today translated into the ‘Malay reality’\(^\text{20}\).

Essentially, the real Malay dilemma is not that the Malays are becoming dispossessed in their own land. Nor is it that they are unable to fend for themselves and thus fated to a life indentured to the government. It is that, despite being in dominant control over every aspect of the country, they still think they are. In short, the Malay reality is that they remain shackled to the bondages of what is simply restated colonial ideology.

Even more ironically, the Malay reality is also a paradox. On the one hand, it entails a sense of superiority and entitlement through the concept of *ketuanan Melayu*. At the same time, it also invokes severe inferiority and helplessness, especially when juxtaposed against the


\(^{19}\) Mahathir was returned to the UMNO Supreme Council in 1973, whereupon his career rose meteorically. He joined the cabinet in 1974 and became deputy prime minister in 1976. Mahathir was prime minister from 1981 to 2003.

\(^{20}\) *The Malay Dilemma* was published in 1970. In 1971 UMNO, through Utusan Publications, produced *Revolusi Mental*. Ideas from both books perpetuate the perception of an inherently weak and constantly oppressed Malay race. These ideas provided the basis for subsequent national policies of state protection and affirmative action in favour of the Malays.
Chinese. One may call this *ketakutan Melayu*, or ‘the Malay fear’. Though contradictory and illogical, this dualism has defined the Malay consciousness for close to five decades.

**Ketuanan Melayu**

Let us make no mistake – the political system in Malaysia is founded on Malay dominance. That is the premise from which we should start.  

A key point of contention in Malaysian sociopolitical literature today is the issue of what has now come to be known as *ketuanan Melayu*. This phrase is roughly translatable to ‘Malay dominance’ or, more commonly, ‘Malay supremacy’. Though widely accepted as if it were a primordially predetermined truism, it is actually a modern political concept that is meant to symbolise the primacy of the Malays, and hence the claim to ownership or pre-eminence over the country. Today it is an oft-repeated political phrase used to justify not only the Malays’ special constitutional position but also as a call to arms whenever a right-wing Malay nationalist politician feels the need to rile his constituents.

While the former politician-journalist Abdullah Ahmad is widely credited as the progenitor of the term *ketuanan Melayu*, the notion of Malaya as a Malay country has been the subject of social debate dating back to the early nineteenth century. Malay national consciousness was only then beginning to coalesce, mainly as a response to the rising numbers of immigrant Chinese and Indians.

It was the introduction of the short-lived Malayan Union in 1946 that triggered the sentiment gaining mainstream currency. Faced with the need to focus Malay loyalty towards an identity that could unite a hitherto regionally disjointed people, Malay nationalism was thus articulated through the slogans ‘*hidup Melayu*’ (long live the Malays) and ‘*kedaulatan rakyat*’ (sovereignty of the people).

Two decades later, as the euphoria of independence waned and socio-economic pressures became more pronounced, the clamour for Malay nationalist mobilisation arose again.

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23 Ibid.
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However, since the previous movement had at its core the objective of sovereignty and freedom from colonial occupation, further refinement of the concept was required for contemporary purposes. *The Malay Dilemma* was therefore conjured up in an attempt to provide an authoritative narrative for the cause.

According to Mahathir, the Malays are what he terms the ‘definitive people’ of the land, though he acknowledges that they were certainly not the first settlers, having displaced the original inhabitants, the aborigines (or Orang Asli). As the definitive people, the Malays have an undisputable claim to primacy, a premise he bases on the experience of a few other countries, most notably Australia and the United States. For example, the British settlers in Australia had appropriated the land from the Aborigines. Yet Mahathir stresses,

> today no one seriously suggests that the white Australians have less right to govern Australia than the aborigines. The [white] Australians are accepted by international consent as the people of Australia. The fact that the whole world negotiates and deals with the [white] Australians and not the Australian aborigines establishes the fact that Australia belongs to the immigrant Australians.\(^{25}\)

He then goes on to describe how this primacy eventually results in the shaping of a definitive Australian identity along the image of the British settlers who were

> English speaking, practised basically English customs, and followed the Christian faith…. The establishment of this identity meant that the settlers who came later from other European and even Asian countries had to conform to this identity. It is the definitive Australians who decide when the newcomer can call himself an Australian…. Indeed, the whole immigration, administration, and educational policy [sic] is designed to permanently retain the identity of the [white] Australian.\(^{26}\)

Mahathir also draws parallels from the American story, where the Native Americans were ‘never regarded internationally as the owners of the United States of America’, but that

> by sheer weight of numbers and by wars and negotiation, the English speaking Anglo-Saxon stock dominated America [against not only the natives but also the early Spanish, Dutch and French settlers] and created the definitive image of the


\(^{26}\) Ibid., pp. 122–23.
Americans. Successive waves of European immigrants, though they eventually outnumbered those of pure British stock, were so regulated that the English language and culture remained the basis of the American identity.27

In sum, Mahathir postulates that ‘the definitive people are those who set up the first governments and these governments were the ones with which other countries did official business and had diplomatic relations.’28 In the Malaysian context, the Malays claim primacy and ‘rightful ownership’29 by virtue of being the first to ‘civilise’ the land, so to speak.

This hypothesis is flawed, not least because it is akin to a squatter claiming rightful ownership of a land simply because he was the first to establish residence, cultivation and commercial operations on it – after having chased the original owners out. Not only is Mahathir’s rationale similar to the logic used by imperialist powers to justify colonial expansion,30 it is also problematic when transposed into other countries. For example, who would be regarded as the definitive people of Singapore? The island state traces a civilisation dating back hundreds of years, having first been an outpost of the Sumatran Śrīvijaya empire and later the Johor sultanate before absorption into the British Straits Settlements. In short, an internationally recognised Malay polity had existed for three quarters of a millennium before the current, predominantly Chinese government.

Despite its extensive Malay history, one would be hard-pressed to find anyone who would consider the Malays to be the definitive people of modern Singapore. Having said that, could the Chinese Singaporeans then qualify to assume the mantle of the definitive people? After all, it would be difficult to argue otherwise, considering how the state and its population outwardly reflect a Sino-Confucian identity.31 Yet Mahathir’s definition would suggest otherwise, owing to the fact that the Chinese were definitely not the pioneers of civilisation in the country.

In actuality, the very concept of a ‘definitive people’ is a problematic one. Returning to the Malaysian context, the definitive people of the land is considered to be the Malay, but only insofar as the Melaka sultanate is used as the starting point of the Malay-Muslim civilisation.

27 Ibid., p. 124.
28 Ibid.
29 Ibid., p. 126.
31 See, for example, Ong Yong Peng and Zhang Yenming, ‘Singapore’s five national values and the Confucian heritage’, Chinese American Forum, vol. 8, no. 3, 1993, p. 12.
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How does this premise reconcile with the pre-Islamic civilisations that existed on the peninsula such as the great Javanese empire of Majapahit or the Buddhist-Hindu kingdoms of Langkasuka, Kedah Tua and others? Such a contention would invariably invoke the polemics of what exactly constitutes a Malay – an unresolved dispute that is beyond the scope of this essay. Furthermore, the attempt to articulate the concept of a ‘definitive people’ in racial terms is even more challenging, and ignorant of the fact that race is sometimes neither relevant nor the sole determining identity with which societies relate to. There are, for example, many countries where sociocultural divisions are shaped along religious or class lines instead of race. In which case, would there be such a thing as a definitive religion, or a definitive class?

Take Indonesia, for example. Who would be considered the definitive people, considering that the archipelago of 17,508 islands encompasses 34 provinces and 260 million people from 300 distinct native ethnic groups? One may contend that the Javanese would be the natural choice, bearing in mind they make up 42 per cent of the population. Yet an argument could be made for the fact that the first grand civilisation that ruled the archipelago was the Śrīvijaya empire, a notably Malay polity. This was succeeded of course by the even more dominant Javanese Majapahit empire. So when does history start? At the same time, modern Indonesia is often less identified as a Javanese country than it is as a Muslim one. With 87.2 per cent of the population professing the Islamic faith, could one instead ascribe the Muslims to be the definitive people?

Such arguments are never-ending and unproductive. In fact, people mobilise according to various identities, all of which may be relevant or irrelevant depending on its context and epoch in history. Therefore any attempt to homogenise people in a single monolithic identity is disingenuously essentialist and ignorant of sociological evolution.

Seen in this context, ketuanan Melayu is less a historical fact that it is a political one – that history and reality are invariably defined in the image of the winners. As such, the perpetuation of ketuanan Melayu should correctly be seen as nothing more than a narrative to justify the need for cultural hegemony by the current Malay ruling elite.

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32 The Malay ethnicity is differentiated from the Malay race, which is also differentiated from the legalistic definition of a Malay as stipulated by Article 160 of the Malaysian Federal Constitution.
Ketakutan Melayu

For suddenly, it has dawned upon the Malay that he cannot even call Malaya his land. There is no more Tanah Melayu – the land of the Malays. He is now a different person, a Malaysian, but a Malay Malaysian whose authority in Malaya – his land – is now not only shared with others, but shared unequally. And as if this is not enough, he is being asked to give up more and more of his share of influence.\(^{33}\)

While *ketuanan Melayu*, or the notion of the Malays as the definitive people of Malaysia, seeks to infuse a sense of superiority and entitlement over what is considered to be a rightfully Malay country, the other aspect of the Malay reality as derived from *The Malay Dilemma* is what one may call *ketakutan Melayu*, or ‘the Malay fear’. This aspect, which is mirrored by the UMNO-produced *Revolusi Mental* (Mental Revolution),\(^{34}\) entails a feeling of inferiority, hopelessness and defeatism arising from what is portrayed to be the intrinsic weaknesses of the Malay race – lack of initiative, lack of curiosity, lack of rational thought, lack of imagination, lack of originality, lack of discipline, lack of determination and a whole host of other traits said to be the source of Malay backwardness.\(^{35}\)

Mahathir bases such a hypothesis on the influence of heredity and the environment as the principal determinant of Malay racial character. In other words, the Malays are uncompetitive because they have been so moulded by environmental factors such as their geography, climate, traditional occupations, customs and even marriage patterns. For example, Malaya being a “peninsula with numerous rivers’ and ‘plains extending from the foothills to the shores of the sea” was blessed with fertile land and easy accessibility.\(^{36}\) Food was therefore a commodity that could be found or grown in abundance. Due to these geographical advantages, the Malays enjoyed an easy life because “no great exertion or ingenuity was required to obtain food.”\(^{37}\)

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\(^{33}\) Mahathir, *Malay Dilemma*, p. 121.

\(^{34}\) As noted, in 1971 UMNO published a book called *Revolusi Mental*, Kuala Lumpur: Utusan Publications, 2002. Compiled by the secretary-general Senu Abdul Rahman, the book featured essays by 14 writers. Like *The Malay Dilemma*, it was a reductionist critique of the Malay national character, highlighting more than 20 negative characteristics of the Malay race to explain an apparent inability of the race to progress.

\(^{35}\) Alatas, *Siapa yang Salah*, p. 39.


Such surroundings, it is suggested, bred complacency. “Under these conditions everyone survived. Even the weakest and the least diligent were able to live in comparative comfort.” Moreover, “rice cultivation, in which the majority of the Malays were occupied, is a seasonal occupation. Actual work takes up only two months, but the yield is sufficient for the whole year.” Eventually, the Malays could not but morph into a languid and unambitious people, particularly when “the hot, humid climate of the land was not conducive to either vigorous work or even to mental activity.”

Finally, the rural Malays, being detached from social contact with the outside world, also adopted the habit of early marriages and inbreeding, especially among first cousins. Compounding this, the Malays’ “abhor[rence for] the state of celibacy” meant that almost every Malay, whether fit or unfit, would eventually marry and procreate. As a result, “these people survive, reproduce and propagate” their inferior genetics and poor characteristics. Because of this, Mahathir laments with an air of fatalism, the Malays “were left behind in all fields. The rest of the world went by … without the rural Malays being even spectators.”

Based on the above contention, there is no doubt that the Malays, left to their own devices, would have been able to eke out a comfortable if not meaningless living. After all, there was plenty for everyone. Nevertheless, we all know that hardly a race or nation in this world can exist in isolation, even less in the age of empire. Following colonisation by the Portuguese, Dutch and finally the British, the Malays found themselves subjugated to life as colonial serfs.

However, according to Mahathir, the colonial experience did not cause significant impact to the Malay environment. After all, colonial development was mostly confined to urban centres and areas of commercial import, while the extent of direct British interference fell short of touching upon Malay tradition and religion. These issues were consciously allowed to remain within the purview of the Malay rulers.

Instead, Mahathir believes that the single most important change to the Malay environment, aside from the onset of Islam, “was the massive influx of Chinese immigrants”. Following the

38 Ibid.
39 Ibid.
40 Ibid., p. 29.
41 Ibid., p. 28.
42 In both the Federated and Unfederated Malay States, political and economic power was effectively controlled by the British, who in turn agreed not to interfere in matters relating to Malay traditions and Islamic affairs.
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discovery of large deposits of tin, an economic boom erupted. This resulted in the proliferation of new tin mines peppered across the central west coast of the peninsula. This in turn led to the need for labour to work both the mines as well as the mushrooming rubber plantations. The British thus began to encourage the mass immigration of Chinese labour into Malaya, an effort that resulted in substantial changes to the local demography.43

This created a problem because “until the coming of the Chinese, the Malays … were not only the peasants, but also the petty traders, craftsmen, skilled workers, and … the administrators in Malaya.”44 With the arrival of the Chinese, the Malays were soon displaced by “the industrious and determined immigrants … in petty trading and all branches of skilled work.” This was, by Mahathir’s logic, a natural consequence bearing in mind that the Malays’ “hereditary and environmental influence had been so debilitating” that they “could do nothing but retreat before the onslaught of the Chinese immigrants. Whatever the Malays could do, the Chinese could do better and more cheaply.”45

Before long, the Chinese were firmly entrenched in the towns and came to “establish complete control of the economy”. As a result, “the small Malay shops gave way to rows of Chinese shops. As the Chinese increased in number and their business activities expanded, land prices in the town rocketed. Tempted by the high prices offered for their land, the Malays sold their holdings and began moving further and further into the outskirts of the towns.”46 In other words, a vicious cycle had begun, and which is, if the contemporary mainstream Malay media are to be believed, still in existence until today.

The Malays, of course, are not to be blamed. After all, it is certainly not their fault that they were destined to pull the short genetic straw, or that they were cursed with the misfortune of an environment that provided too much comfort. As Mahathir suggests, “it is not the choice of the Malays that they should be rural and poor.” Instead, “it is the result of the clash of racial traits. They [the Malays] are easy-going and tolerant. The Chinese especially are hard-working and astute in business. When the two came in contact the result was inevitable.”47

43 In 1835 the Chinese numbered around 8 per cent of the population of British Malaya. By 1921 they had grown to about 30 per cent. At the point of independence in 1957, ethnic Chinese made up 45 per cent of the Malayan population.
44 Mahathir, Malay Dilemma, p. 24.
46 Ibid.
47 Ibid., p. 85.
As is now apparent, Mahathir paints a bleak and fatalistic history of the Malays. Obtuse and unambitious, Mahathir’s Malay is doomed to a life of mediocrity vis-à-vis his Chinese nemesis. Yet one must wonder whether such a deterministic view is as authoritative as Mahathir makes it out to be. Many have argued otherwise, most adroitly Syed Hussein Alatas in both his acclaimed postcolonial thesis, *The Myth of the Lazy Native*, as well as his preceding booklet, *Siapa yang Salah: Sekitar Revolusi Mental dan Peribadi Melayu* (Who is at Fault: On the Mental Revolution and the Malay Character).

In his attempt at deconstructing both *The Malay Dilemma* and *Revolusi Mental*, Alatas points out that the image of the lazy or indolent (in this case Malay) native was, essentially, a biased product of colonial ideology. Such an image, he posits, was necessary for the advancement of colonial capitalism, and consequently the continued dominance of the European colonialists. Hence, any type of behaviour “which did not conform to the (colonial) capitalist conception of labour … was rejected as a deviation.”48 In other words, the Malays, being separated from urban life, remained detached from elements of colonial capitalism such as mining, plantations and construction, preferring instead to continue their way of independent cultivation and smallholdings. Their unwillingness to participate as menial labour in the production system of colonial capitalism was deemed to be indolence.49 In truth, Alatas points out that the Malays “were not idlers. Their activities in farming, industry, trade, commerce, war, and government are recorded in history.”50 In daily life, they toiled day and night – in their fields, their orchards and their boats. That these efforts went ignored was simply due to the colonial categorisation of labour, which only recognised ‘real’ work as the exploitative kind found in colonial mines and plantations. However, Alatas does concede that the Malays did not display ‘aggressive capitalist spirit’. But that is because, being mostly paddy planters and fishermen, there was simply no need to.51 The lack of a viable Malay merchant class therefore led to the Malays being conceived as lacking enterprise.52

The Chinese, on the other hand, were generally regarded as ‘industrious’. After meticulously studying numerous colonial accounts and depictions of the Chinese in British Malaya, Alatas

52 This, too, was no coincidence. Alatas goes on to show that a vibrant local Malay trading class had existed, but was destroyed by European conquest beginning from the sixteenth century. By the time the British arrived in the eighteenth century, the Malay trading class had all but disappeared. See *ibid.*, pp. 184–203.
surmises that this image arose not because they were, as a whole, an industrious people (though certainly a few of them were), but because of their willingness (and mostly not out of choice, owing to their status as indentured immigrants) to serve as the ‘lowest form of labour’. In this case, being ‘industrious’ was actually a euphemism for being an effective coolie, or what one colonial commentator deemed as “the mule among the nations – capable of the hardest task under the most trying conditions.”⁵³ Seen in this light, the Malay refusal to succumb to the exploitative system of production fostered by colonial capitalism was, by Alatas’s reckoning, a ‘sound response’.⁵⁴

More importantly, Alatas goes on to challenge another key contention of Mahathir, which is the claim that the Malays are inherently inferior to the Chinese as a result of naturally occurring traits that have evolved from their heredity and environment. Such a claim, according to Alatas, is logically fallacious. If indeed the Chinese, having been shaped and filtered by 4,000 years of social Darwinism, are so superior, why is that they were backwards for hundreds of years leading up to the twentieth century? In the same vein, if heredity and environmental factors predetermine the development of a race, how did it come to be that the superior Europeans suffered nearly an entire millennium wallowing in the dark ages, while the Arabs roosted at the pinnacle of human civilisation?⁵⁵

At the same time, geographical factors were also suggested by Mahathir to be a key determinant in the shaping of racial character. In the case of the Malays, an unchallenging environment with abundance of food meant that the Malays were not groomed to compete. As a result, they suffer from a lack of determination or desire for success. But if that were the case, Alatas does not see how Greece, Rome, ancient Egypt, Lebanon and Syria could have possibly founded and expanded their great civilisations, seeing as they too have been cursed with a relatively tranquil Mediterranean environment. Conversely, Alatas also points out that India and Pakistan, both having suffered from flood, disease, drought and famine throughout their histories, have not been able to advance as quickly as similarly disaster-prone countries such as Japan, Russia or even China in the twentieth century.⁵⁶

Closer to home, such reasoning is also ignorant of the precolonial history of the Malays. Once upon a time, proud Malay civilisations not only ruled the archipelago but also traded

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and established diplomatic relations with foreign civilisations. Did the precolonial Malays possess different genes or experience a different climate?

It is obvious, therefore, that Mahathir’s hypothesis concerning the influence of heredity and the environment, and thus the basis for Malay inferiority and fear (ketakutan Melayu) vis-à-vis the Chinese, is not as sound as it appears to be. Worst of all, he is guilty once again of subsuming colonial ideology into his version of the Malay national narrative.

The Deconstruction of a Myth

It’s easier to fool people than to convince them that they’ve been fooled.\(^57\)

In the preceding sections, we have shown how a false consciousness has emerged from the image of *The Malay Dilemma*. We have referred to this social construct as the ‘Malay reality’, a paradox of two apparently dichotomous aspects – ketuanan Melayu (superiority) and ketakutan Melayu (inferiority). We have also established that ketuanan Melayu, which represents the concept of Malay dominance based on a historical claim to primacy, is at best a perversion of history to benefit the ruling class, and at worst an apologetic attempt to justify ethnonationalist hegemony. Meanwhile, ketakutan Melayu is designed to ensure that the Malay masses are kept at bay and living under the constant threat of the Chinese ‘other’. Thus, the Sino–Malay relationship is one of constant apprehension and conflict. However, because the Malays are not designed to win in a fair contest, systemic handicaps are needed.\(^58\)

Bound together, these two aspects encapsulate a Malay reality that is both ironic in character and tragic in outcome. This is apparent for the following reasons. First, *The Malay Dilemma* is not only a reductionist account of history, it is also empirically specious with core arguments derived from conjecture and selective case studies, as we have shown earlier. Nevertheless, this narrative remains prevalent, despite the fact that the socio-economic situation in Malaysia has transformed significantly from what it was in the 1960s. Today the scenario of the Malays losing control and facing dispossession in Malaysia is no longer plausible. Demographically, the Chinese have not only dwindled to less than a quarter of the population; they also exhibit the lowest fertility rate among the major races.\(^59\) Chinese participation in the public sector has also dropped drastically. When *The Malay Dilemma* was

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\(^{57}\) A quotation often attributed to Mark Twain.
\(^{59}\) Yow Hong Chieh, ‘Census: population hits 27.5m mark’, *The Malaysian Insider*, 22 December 2011.
written, the Chinese made up two-fifths of the civil service. By 2009 only 5.8 per cent of civil servants were of ethnic Chinese background.60

*Ketuanan Melayu* is no longer merely a catchphrase but a matter of fact in almost every sector imaginable – law enforcement, national defence, the judiciary, politics (on both sides) and even the economy through the active role of the Malay-dominated government-linked companies (GLCs). While direct Bumiputera61 equity stands at roughly 23.5 per cent (a ten-fold increase from 2.4 per cent in 1970),62 it must be noted that 54 per cent of market capitalisation in the benchmark Kuala Lumpur Stock Exchange composite index and 36 per cent in the Bursa Malaysia are owned by GLCs. In addition, GLCs also control key strategic services and utilities such as electricity, telecommunications, public transport, water and sewerage, as well as financial services.63 In other words, although the conditions precipitating *The Malay Dilemma* are no longer present, Mahathir’s unsubstantiated doomsday scenario continues to pervade the Malay national consciousness.64

Second, after more than 40 years of Mahathir’s direct influence in the public realm, *The Malay Dilemma* has not only permeated into every level of society but has also been subverted beyond its constitutional provisions. For example, Article 153 of the Federal Constitution provides for Malay quotas in education, federal business permits and licences, land ownership and entry-level appointments to the civil service. Somehow, via the advocacy of *ketuanan Melayu*, these provisions have evolved beyond their original remit into blanket discounts for property purchases, eligibility for state-managed unit trusts, preferential initial public offering (IPO) share placements, equity requirements for publicly listed firms and even quotas for private sector employment.

This has occurred through the internalisation of *The Malay Dilemma* into public policy, beginning with the introduction of the New Economic Policy (NEP) in the early 1970s. The


61 Bumiputera, literally translated as ‘sons of the soil’, is the collective label used to describe the Malays and indigenous people.


64 See Clara Chooi, “‘Malay supremacy’ still relevant to help Malays, says Umno veep”, *The Malaysian Insider*, 20 July 2012.
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NEP, devised with the stated objectives of eradicating poverty and eliminating the identification of race with economic function, was implemented over two decades through aggressive rural development and poverty eradication programmes, as well as a host of affirmative action policies in favour of the Malays and Bumiputeras. Although the NEP officially ended in 1990, its successor policies retain most of its key features of positive discrimination.

Four decades on, many of its goals have been realised. The rate of poverty has shrunk drastically from 49.3 per cent to 1.7 per cent. Local ownership of corporate equity has increased, and along with it the Malay and Bumiputera share. Interethnic income inequality, which was a major rationale for the NEP, has also reduced, although intraethnic income inequality has now emerged as a significant problem. While the NEP has been successful in lifting millions of Malays out of poverty and creating a sizeable urban Malay middle class, many critics have pointed out how, under the pretence of assisting the Malays, the implementation of these policies has been hijacked to serve as a tool of patronage and rent-seeking, resulting in the creation of a small elite class of state capitalists.65 Today the collusion between the Malay ruling class (UMNO) and the elite Malay capitalists (UMNO-linked cronies) has become so entrenched66 that it is in the personal interests of those in power to perpetuate ketuanan Melayu in its current policy manifestations.

Third, although The Malay Dilemma is supposedly an attempt to conceive an empowering Malay nationalist narrative, the outcome is, ironically, a perspective shaped by colonial ideology. This captive mindset is true not only in the disparaging image of the Malays as articulated by The Malay Dilemma and Revolusi Mental but also in its insistence in sustaining the racialist worldview of the Malaysian polity. While Mahathir himself pins blame for the fractious relationship between the Malays and the non-Malays (the Chinese in particular) on the British policy of divide and rule, it is clear that the narrative he proposes is no different. In fact, the two core aspects of The Malay Dilemma, that is, ketuanan Melayu and ketakutan Melayu, are predicated on the very same divisive paradigm. As Mahathir states: ‘the Malays are the rightful owners of Malaya, and … if citizenship is conferred on races other than the Malays, it is because the Malays consent to this. That consent is conditional.’67 Alatas suggests that the racialist colonial narrative continues to endure because there has never been

66 Ibid.
67 Mahathir, Malay Dilemma, p. 126.
a ‘sharp break in the ideological consciousness of the Malay elites’, due to the ‘absence of a long and profound political struggle for independence in Malaysia and the continuity of the ruling class.’ This, he continues, explains the striking ‘resemblance between Revolusi Mental [as well as The Malay Dilemma] and the colonial ideology.’

In short, despite nearly six decades of sovereign nationhood, we have not managed to free ourselves from the psychologically suppressive colonial ideology. And so long as we continue to believe that membership of the Malaysian polity remains ‘conditional’ we will never be able to.

There have of course been attempts at paying lip service to the wider Malaysian electorate, usually following electoral setbacks for the ruling party. For example, Mahathir proffered ‘bangsa Malaysia’ in 1990, while Najib came up with ‘1Malaysia’ after 2008. Both were presented as ostensibly inclusive national identities for all Malaysian peoples. However, both have also proven to be superficial slogans that are unable to mask the true underlying ideology of the government.

A case in point would be Najib Razak’s pronouncement in 2013, in which he assured that the government “is always in realisation and cognisance of the Bumiputera agenda as the national agenda. This is because, if the majority Bumiputeras are not defended and feel themselves threatened or marginalised, then the country will never achieve peace, stability and … become a developed country that is prosperous and secure.”

In the same speech, Najib went on to promise a barrage of goodies, including special allocations in affordable housing schemes, more Bumiputera-exclusive unit trusts, a special coordination unit in every ministry to improve Bumiputera participation in procurement, and many such others before emphatically declaring that “we call this the Bumiputera Economic Empowerment. All this is to safeguard Malays and Bumiputera, from then, now, and forevermore.” And that was how 1Malaysia celebrated its third birthday.

Finally, the greatest tragedy culminating from the narrative of The Malay Dilemma is that the quintessential Malay today, as a result of the bipolar nature of his reality – self-entitled and superior on the one hand, fearful and insecure on the other – has evolved into a contradictory, confused and dependent creature. This is evident simply by examining contemporary Malay

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68 Ibid., p. 166.
69 Najib, ‘Majlis Pemerkasaan Ekonomi Bumiputera’.
discourse, in which the Malays constantly behave like an oppressed minority despite being the dominant majority. They are constantly under siege and perennially in fear of something – the Chinese, the Christians, the Shia. They are also unable to wean themselves off the ‘opiates’ of race-based affirmative action, and have become apologists for corruption and rent-seeking behaviour in the name of ketuanan Melayu.

Worst of all, this Malay reality is a self-perpetuating phenomenon. The deeper the Malays are mired in the paradox, the harder it will be to escape.

A New Malaysian Narrative

You can replace lies with truth; but myth is only displaced with a narrative.

Soon after the 2013 general election, I was invited to be a panellist in a forum hosted by national Malay-language daily Sinar Harian. Sharing the stage with me was a recently defeated UMNO deputy minister and supreme council member, as well as a famous architect-turned-MP from the rural Malay heartland of Kuala Terengganu. The title of the forum was ‘Pasca PRU13: ke manakah halatuju politik Melayu?’ (Post GE13: Where is Malay politics headed?). When it came to my turn to give concluding remarks, I opined that, after 56 years and 13 general elections, the fact that Malay national discourse has not moved beyond this question is a clear indicator of a most tragic dilemma. I went on to elucidate the obvious – that the Malays would never, ever, lose power by virtue of three safeguards: Malay demography, the Federal Constitution and the Council of Rulers. The Malay fear (ketakutan Melayu) is self-evidently an irrational one. My riposte was received with rapturous cheers by the capacity crowd. However, I knew that despite my assurances, the paradoxical superiority–inferiority complex of The Malay Dilemma remains deeply entrenched in their psyche. A narrative constructed over four decades would not be erased in one moment of sanity.

As it stands, the UMNO-led government is doing everything in its power – producing films, rewriting history textbooks, brainwashing teenagers through national service and civil servants through the National Civics Bureau – to perpetuate this narrative. After all, it is their bread and butter. As long as racial divisions remain and the Malays are kept under constant

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71 See ‘Of sectarianism, secularism and power politics’ in this volume.
fear and in need of what the former prime minister Abdullah Ahmad Badawi calls ‘crutches’, the ruling elite will maintain their stranglehold on social, economic and political power.

Of course, it goes without saying that the prevalence of UMNO’s nationalist narrative will bring no positive returns in the long run. Not only is it counter-intuitive to national unity, the Malays themselves will not be able to progress and compete until and unless they manage to break through the glass ceiling that was constructed by Mahathir and fortified by UMNO. As long as the Malays are perceived to be weak and government dependent, they will forever be victims of discrimination, particularly in the private sector. As long as affirmative action continues to be implemented in its current racialist guise, any Malay success will never be truly legitimate.

Therefore, it is critical for Malaysians, and even more so for the Malays, to unravel themselves from this captive ideology. In attempting to do so, perhaps lessons from the past can be useful consideration. Take, for example, the notable effort to formulate an alternative narrative during the heady days following the introduction of the Malayan Union. While UMNO sought to mobilise along the lines of Malay nationalism, there was a parallel attempt to engage the British government by a multiracial coalition of political and civic organisations comprising the Pusat Tenaga Ra’ayat (PUTERA) and the All-Malaya Council for Joint Action (AMCJA). On 10 August 1947, the Putera-AMCJA coalition conceptualised a document called the People’s Constitutional Proposals. Besides suggestions such as a popularly elected government and equal citizenship rights to all who would be loyal to Malaya, the constitutional proposals included the adoption of a national identity called ‘Melayu’ for all citizens, as well as a Council of Races to block any discriminatory legislation based on ethnicity or religion. This attempt to craft an inclusive and non-discriminatory national identity was so groundbreaking that the Straits Times described it as ‘the first political attempt to put Malayan party politics on a plane higher than that of rival racial interests, and also as the first attempt to build a political bridge between the domiciled non-Malay communities and the Malay race.’ However, as was the fate of most left-wing

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76 Fahmi Reza, ‘First all-race political action and the People’s Constitution’, The Malaysian Bar, 1 August 2007,
movements in Malaya, its proposals failed to achieve mainstream traction. In 1948 the British inaugurated the Federation of Malaya and the Putera-AMCJA coalition was eventually crushed.\(^7\)

Half a century on, such an inclusive narrative remains elusive. There is now an urgent need to construct a new national consciousness that is able to integrate and dignify every Malaysian race, community and culture. This narrative must necessarily embrace every Malaysian as equal and legitimate before the law, and cannot allow one Malaysian to be more Malaysian than another based on narrow, unsubstantiated arguments. This new narrative must be a positive one, which neither aggrandises nor denigrates, and certainly not one that does both. It needs to replace fear with hope, superiority with solidarity and inferiority with equality. This narrative must also be one that cares not where a Malaysian comes from but is instead only concerned about where all Malaysians are headed to collectively as a nation. In other words, it needs to replace the constructed ‘other’ with a constructed ‘us’.

This new narrative does not need to dismantle affirmative action, but merely reorientate it away from being race-based to needs-based. This will ensure that positive discrimination will be targeted towards those who truly require support and assistance, and not implemented blindly in favour of a certain race, a provision which has been easily abused.

Most critical of all – if we are to move on as a nation – this new narrative must be one that is unshackled from colonial ideology. Moving forward, there is little choice but to actualise this new Malaysian narrative. Failure to do so will condemn us to be forever haunted by one man’s dilemma.

Reference


\(^7\) See ibid.
Land Ownership in Cambodia: Background, Division, and Acquisition

Sras Hem

College of Law, The University of Cambodia, Northbridge Road,
Phnom Penh, Cambodia

Abstract

An overview is provided of the background, division, and entitlement of ownership acquisition under the Cambodian property laws. The legal situation is complex, due to the collapse, reestablishment, and frequent subsequent cancellations and amendments of relevant laws and regulations governing property issues. These have outstripped understanding and capacity of a number of institutions and legal practitioners concerned, leading to competing claim disputes over ownership. As a result, when dealing with competing claim land disputes, compromise or reconciliation is often resorted to rather than interpreting and implementing clauses under the existing laws. Instead, the ideal would be legal precedents should be set to facilitate a comprehensive understanding of the interpretation and implementation of legal clauses over division and entitlement of ownership acquisition in order to resolve competing claims and ensure justice to actual land possessors, and prevent future land disputes.

I. Introduction

Law creation is for serving people in society. Once created, a law is rarely abolished completely except for a change in political regime, and/or it does not reflect the current situation of social needs. In general, the created law is amended to update any clauses or articles which do not reflect the current situation of the country.

Frequent changes to created laws result in social consequences if the dissemination and understanding of these legal concepts are not comprehensively made. They will cause complexity, inconsistency, and confusion, which sometimes outstrips the capacity and understanding of responsible institutions and legal practitioners. One example which showcases this is the swift change to Cambodian property (land) laws in post-war land reform.

1 dean_col@uc.edu.kh
In an effort to reconstruct law in the post-war period, Cambodia reestablished its legal system from scratch (Donovan, 1993, pp. 445–54; Kirby, 2009, p. 7). This has resulted from the government’s own effort and technical assistance from donors who helped develop in this field (Kaneko, 2010, p. 1). For instance of the area of land governance, Cambodia established consecutive laws such as the Land Law of 1992 (hereinafter the ‘1992 Land Law’), the Land Law of 2001 (hereinafter the ‘2001 Land Law’) and the Civil Code of 2007 (hereinafter the ‘2007 Civil Code’). These reflected the joint efforts of the government and donors to reconstruct laws and regulations governing properties in post-war Cambodia.

Over the period 1992 to 2007, Cambodia changed to its property laws frequently. One law, not so long established, was substantively replaced or amended by another one. For instance, the 1992 Land Law was created and implemented only to be replaced by the 2001 Land Law (East-West Management Institute, 2003, p. 26). Likewise, the 2001 Land Law was substantially amended in compliance with the 2007 Civil Code under the authority of the Law on Enforcement of Civil Code in 2011 (hereinafter is called the ‘2011 Civil Code Enforcement Law’).

Such frequent and swift changes unavoidably result in complexity, inconsistency, and confusion. These, more or less, have outstripped the comprehensive understanding of authorities, legal practitioners, and stakeholders concerned. Not only local residents, but also many relevant practitioners have limited knowledge of the rapidly changed laws. Many social consequences, such as protests and interventions, are also attributed to resolving competing claim disputes with limited knowledge of laws. As a consequence, the traditional concept of social reconciliation or compromise is often resorted to, rather than interpreting and implementing legal clauses over division and entitlement of ownership acquisition provided under the existing laws (Hem, 2015).

In order to prevent land disputes and resolve competing claim disputes justly and effectively, a comprehensive understanding of the interpretation and implementation of existing laws, especially legal clauses on division and entitlement of ownership acquisition, are the correct way in providing justice to actual land possessors or owners in Cambodia. This paper paves the way for a comprehensive understanding of the background, division, and entitlement of ownership acquisition under the existing Cambodian laws. It aims to serve as a guiding source for relevant stakeholders for taking into consideration when faced with the need to resolve competing claim disputes over land in Cambodia.

A competing claim dispute is a type of land disputes where two or more people claim their rights or entitlement over a disputed land.
II. Background of Legislations Governing Land Tenure and Ownership in Cambodia

This section will review the background to the development of Cambodian property laws, land tenure, and ownership from the past until now.

1. Background of Legislations Governing Land Tenure

In the ancient period, all land belonged to the King (Acker, 1999, p. 33; Markussen, 2008, p. 2280). People did not own land, but they occupied and cultivated on land customarily (Russell, 1997, p. 102). However, such a practice was revoked when France colonized Cambodia and declared the Convention to invalidate the exclusive royal land and recognize private ownership in Cambodia in 1884 (hereinafter the ‘1884 Convention’) (Russell, 1997, p. 103; Acker, 1999, p. 33; Ayres, 2000, p. 20; Lim, 2006, p. 1). The 1884 Convention is regarded as the first land law of Cambodia.

The effort to introduce new concept of a modern property system was crystallized when Cambodia promulgated the first Civil Code in 1920 (hereinafter is called the ‘1920 Civil Code’). The 1920 Civil Code governed land ownership for the first time, and it was extensively applied in Cambodia until 1975 when Cambodia fell under the Khmer Rouge regime (Russell, 1997, pp. 104–5). The latter nationalized all properties under the control of the state and did not allow private ownership (Markussen, 2008, p. 2280; Simbolon, 2009, p. 71). After the collapse of the Khmer Rouge regime in 1979, Cambodia continued to implement collective ownership until 1989, when the government started to reform and re-privatize land (Acker, 1999, pp. 34-35; Frings, 1994, pp. 49-50; Markussen, 2008, p. 2280; Mensher, 2006, p. 807; Russell, 1997, p. 105; Simbolon, 2009, p. 72; Un and So, 2011, p. 292; Williams, 2000, p. 145). This was the start of the second period of ownership privatization in the Cambodian history.³

In order to support the initial land reform and privatization, the then-government issued two main decisions concerning land privatization policy, namely, the Policy on Farmers and the Policy on Land Management and Use, in 1989 (hereinafter the ‘1989 Policy Decisions’). To further strengthen the initiative and effort of land privatization, the Sub-decree on Providing Ownership on Residential Land to Khmer Citizens was issued on April 22, 1989 (hereinafter the ‘1989 Residential Ownership Sub-decree’). In order to implement the 1989 Policy Decisions and Sub-decree, the Instruction on Policy Implementation of Land Management

³ The first period of land privatization was in the French colony when France declared the Convention in 1884 to invalidate the exclusive royal right to land in Cambodia. The second period of land privatization started in 1989.
and Use was also issued to detail the process on June 3, 1989 (hereinafter the ‘1989 Instruction’).

These decisions on initial post-war land reform and privatization were only governed by the regulations and policies of the government, not by legislation. The 1989 Constitution of the State of Cambodia authorized a ‘right to occupy and use land’ to be administered through subsidiary legislation. The government then drafted the first land law during the transitional period (1989-1993), and it was promulgated in 1992 (Landau, 2008, p. 247). The 1992 Land Law became the first fundamental law for governing all land issues in post-war land reform in Cambodia.

One year later, Cambodia held a general election and established a new constitution (hereinafter is called the ‘1993 Constitution’). The 1993 Constitution bound Cambodia to constitutionally monarchical democracy. Thus, the political and economic regime shifted from socialism and a planned economy to democracy and a free market economy.

The political and economic changes together with the Constitution had a vast influence over the property system, most notably as a result of the conflict of property rights between the 1992 Land Law and the terms of 1993 Constitution. The concept and principle of the 1992 Land Law followed the spirit of the 1989 Constitution and several regulations adopted in 1989 – socialism and a planned economy, and incomplete recognition of ownership rights over residential land and rights of occupation and use over agricultural land. The 1993 Constitution adopted democracy, free market economy, and full recognition of ownership rights over land. Thus, the 1992 Land Law could not satisfy the modern concept of social change and international economic integration prescribed under the 1993 Constitution (Acker, 1999, p. 32).

In order to follow the new concept and principle of the 1993 Constitution, the government initiated a new land law to replace the 1992 Land Law (East-West Management Institute, 2003, pp. 26 and 33). The drafting of the new land law started in 1995 with technical support

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5 Cambodia was underway to the Paris Peace Agreement. On October 21, 1991, the Paris Peace Accord was concluded, and the ceasefire existed in Cambodia. Cambodia reached the national reunion and prepared for the general election under the auspices of the United Nations in 1993.
6 *Constitution of Kingdom of Cambodia*, 1993, Art. 1
7 *Ibid.*, Art. 56
8 For instance, Article 1 of the 1992 Land Law provides that all land in Cambodia belongs to the state, and Article 19 further states that people can have private ownership over residential land. These are contradictory to the concepts and principles of private ownership in the free market economy.
9 *Constitution of Kingdom of Cambodia*, 1993, Arts. 1, 44, and 56.
by the Asian Development Bank (ADB) (Lasimbang and Luithui, 2007, p. 128). Finally, the effort to establish a new land law was achieved when Cambodia formally promulgated the new land law on August 30, 2001; henceforward, the 2001 Land Law superseded the 1992 Land Law.

The 2001 Land Law is a separate law governing all land issues in Cambodia. It is also considered a special law referring to comprehensive land ownership regime in post-war land reform. However, the implementation of the 2001 Land Law was again short-lived, as a result of its conflicting with the new 2007 Civil Code prepared under the assistance of Japanese drafting.\(^\text{10}\) The 2007 Civil Code of Cambodia almost completely followed the Japanese Civil Code (Matsuura, 2005, p. 237). As a consequence, a number of provisions between the 2001 Land Law and the 2007 Civil Code were contradictory.

In order to reconcile this contradiction, the enforcement of the 2007 Civil Code was suspended several years. This gave a chance for the Civil Code drafters to make reconciliations between the 2001 Land Law and the 2007 Civil Code.\(^\text{11}\) As a result of this effort, the government promulgated the Law on Enforcement of Civil Code in 2011. The 2011 Civil Code Enforcement Law cancelled and amended many provisions of the 2001 Land Law that were deemed contradictory to the clauses of the 2007 Civil Code.\(^\text{12}\)

This provides the historical background of legislations governing land tenure and ownership in Cambodia. Today, only the 2001 Land Law, 2007 Civil Code, 2011 Civil Code Enforcement Law, and a number of subsidiary regulations,\(^\text{13}\) are the enforcing laws and regulations in Cambodia.

2. Remarkable Changes of Land Tenure and Ownership in Cambodia

This section will describe the types of land tenure and ownership recognized under the various legislations.

In the ancient period, as described above, all land in Cambodia belonged to the King (Acker, 1999, p. 33; Markussen, 2008, p. 2280). There was no private ownership; however, people

\(^{10}\) See: Law on Enforcement of Civil Code, 2011.

\(^{11}\) Besides the 2001 Land Law, there are a number of legal clauses and provisions that are contradictory to other laws; for instance, the Law on Secure Transaction of 2007 that the team tried to make consistency with the 2007 Civil Code as well. The further details of this contradiction; see the Law on Enforcement of Civil Code, 2011.


\(^{13}\) The number of enforcing subsidiary regulations governing land issues will be illustrated in the next sections in this paper.
had right to occupy and use land (Acker, 1999, p. 33; Markussen, 2008, p. 2280). Although people were not formal owners in theory, people were assumed owners of land through occupying and tilting the land in practice (Acker, 1999, pp. 32-33; Markussen, 2008, p. 2280; Rabé, 2009, p. 34; Russell, 1997, p. 102; Sik, 2000, p. 3). This tradition was deeply entrenched in Cambodian society and a customary practice before the French colonial period (Russell, 1997, p. 102).

The 1884 Convention was a turning point in Cambodian history, since it invalidated the exclusive royal right to land ownership and introduced private ownership (Acker, 1999, p. 33; Ayres, 2000, p. 20; Lim, 2006, p. 1; Russell, 1997, p. 103). This concept was crystallized when Cambodia promulgated the 1920 Civil Code, and this Code started to divide the type of land in Cambodia. According to the 1920 Civil Code, Cambodian land was divided into two categories: (1) private property and (2) collective property. Private property was referred to as any land that had been privately occupied by each individual. Collective property divided into two categories: (i) public collective property and (ii) private collective property.\(^\text{14}\)

The 1920 Civil Code did not abandon the entrenched custom of land tenure practice before the adoption of modern property rights in law. It allowed local residents, who had occupied land customarily, to continue to do so.\(^\text{15}\) When they had satisfied the legal requirements of possession for a five-year period, they could become the owners of the occupied land by requesting to register and receive the final title from the authority.\(^\text{16}\) In this sense, the 1920 Civil Code transformed the customary tenure right to be under the legal requirements and limitations for acquiring ownership over customarily-occupied land, introducing the concept of private ownership.

The implementation of the 1920 Civil Code was extensively applied until 1975 when Cambodia fell to the Khmer Rouge regime (Russell, 1997, pp. 104-105). By then, Cambodia had achieved a proper legal system for managing property throughout the country, having established a register where 100% of land was under the status of possession and 10% under ownership (Lim, 2006, p. 4; Un and So, 2011, p. 291). However, the Khmer Rouge regime nationalized all properties under the control of the state (Markussen, 2008, p. 2280; Simbolon, 2009, p. 71). Private ownership was abolished (Biddulph, 2011, p. 226; Blunt and

\(^{14}\) Civil Code of Cambodia, 1920, Art. 635.

\(^{15}\) Ibid., Arts. 688, 723, and 724.

\(^{16}\) Ibid., Arts. 723 and 724.
Land Ownership in Cambodia


Due to the decreased productivity of the solidarity groups, the government decided to dissolve them and started to re-privatize land in 1989 (Acker, 1999, p. 19; Frings, 1994, pp. 49–50; Khemro and Payne, 2004; Russell, 1997, p. 105; Williams, 2000, p. 145). At the outset of the initial land reform, Cambodia did not have enough qualified human resources to manage the process. The then-government left local authorities, who were controllers of previous solidarity groups, to redistribute land to local residents based on the number of families and the availability of land without appropriate documentation (Acker, 1999, p. 28 and 35; Biddulph, 2011, p. 227; Frings, 1994, p. 54; Loehr, 2010, p. 1039; UNDP Cambodia, 2007, p. 13). In this context, only local authorities and neighboring people knew the history of land occupation (Bugalski and Pred, 2010, p. 3; Grimsditch and Henderson, 2009, p. 39; Inspection Panel, 2010, pp. 13–14; Leuprecht, 2004, p. 27; So et al., 2001, p. 15).

The post-war land reform and privatization had a number of remarkable features, especially the types of land tenure and ownership. According to the 1989 Decisions, land was divided into four categories in Cambodia: (1) residential land (domicile), (2) productive land (paddy and farm), (3) land reserved for forest and fisheries, and (4) reserved land of the state.17 Furthermore, the 1989 Decisions allowed land tenure in three forms: (1) ownership, (2) possession, and (3) concession.18

However, the concept of ownership was incomplete or ambiguous because through these

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18 Ibid.
decisions, “ownership right was permitted on residential land, and possession right on agricultural land.”

This concept was formalized under the 1989 Residential Ownership Sub-decree, but it did not determine the size of each type of land tenure and ownership as that of the 1989 Decisions. Nonetheless, the size of land tenure was determined in the 1989 Instruction. According to the 1989 Instruction, ownership over residential land was limited to 2,000 square meters; possession of agricultural land was limited to five hectares, and with land concessions applying for in excess of five hectares.

The establishment of the 1992 Land Law followed most of concepts of the 1920 Civil Code. The 1992 Land Law divided Cambodian land into two categories: (1) private property and (2) collective property. Private property referred to any land that had been privately occupied by each individual. Collective property divided into two categories: (i) public collective property and (ii) private collective property. The 1992 Land Law allowed temporary possession, which could lead to ownership acquisition. However, the principle of the 1992 Land Law was not different from that of the policies made in 1989; namely, allowed only private ownership over residential land.

Under the 2001 Land Law, a number of changes were made. The first change was in the technical term use in property law. The 2001 Land Law changed the ‘public collective property’ into ‘state public property’. ‘Private collective property’ was changed to ‘state private property’. Also, the previous ‘collective property of state’ was changed to ‘state land’ or ‘state property’.

The second change was to have full recognition of ownership over land tenure. The 1992 Land Law followed the spirit of the 1989 Constitution adopted in the communist period, and only
recognized ownership over residential land but a right for the occupation and use of agricultural land (East-West Management Institute, 2003, p. 24 and 33). However, the 2001 Land Law offered full recognition of the ownership of either residential or agricultural land in compliance with the spirit of the 1993 Constitution. The new law denied any relevance for ownership prior to 1979, but recognized the acquisition of ownership through original possession for the period between 1989 and 2001. The 2001 Land Law did not allow any new possession after it took effect on August 30, 2001.

The third change was the establishment of a modern land cadastral commission and systematic land registration. The 1992 Land Law introduced only an *ad hoc* method of land registration; namely, sporadic land registration. The 2001 Land Law supplemented sporadic land registration with systematic land registration.

The fourth change was the introduction of new methods of fragmenting ownership, through economic land concessions and land leases. Economic land concessions can be authorized by granting up to 10,000 hectares to developers or investors for 99 years. Long-term land leases can be made for 15 years or more. However, long-term leases of state public property can be authorized for only 15 years. Concessions or long-term leases over large areas of land were to be made to boost economic activity on the land.

However, when Cambodia adopted the 2007 Civil Code, a conflict with property laws happened again. Although it was resolved by the amendments and clarification under the 2011 Civil Code Enforcement Law, some concepts or points remain in doubt; in particular, among those are prescription of ownership acquisition under the 2001 Land Law and 2007

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31 Land Law, 2001, Art. 29; Constitution of Kingdom of Cambodia, 1993, Art. 44.
32 Land Law, 2001, Arts. 7 and 29.
33 Ibid., Arts. 29 and 268.
37 Land Law, 2001, Arts. 59 and 61; See also Sub-decree on Economic Land Concession, 2005.
Civil Code. As noted above, the prescription period of the 2001 Land Law is five years, after which the occupier can acquire ownership over such land.\(^{41}\)

In contrast, the 2007 Civil Code requires the ownership of immovable property to be authorized after ten or twenty years based on the integrity of land possessors.\(^{42}\) A possessor who has intention to own an immovable property in good faith; in principle, he or she can acquire it within twenty years.\(^{43}\) However, when he or she comes to occupy it in an honest and innocent manner, he or she can acquire it within ten years.\(^{44}\)

In order to address this issue, the Commentary of Civil Code aimed to reconcile the differences in the prescription period between the two laws. The prescription under the authorization of the 2001 Land Law applies to the land where is not registered or needs to register for the first time (Ministry of Justice, 2010, pp. 130-131); while the 2007 Civil Code applies to the second or subsequent registrations (Ministry of Justice, 2010, pp. 130-131). In this sense, the 2007 Civil Code applies to registered immovable property. This is contradictory to the 2001 Land Law, which does not authorize ownership acquisition over registered land.\(^{45}\)

Nonetheless, such clarification is only made in the Commentary of Civil Code while the 2007 Civil Code, which is the substantive law, does not make this distinction. Article 162 of the 2007 Civil Code does not clearly make any such division. Thus, the current Cambodian property law system adopts another principle of ownership acquisition; namely, the ‘adverse possession’, into its legal property system. This is a remarkable new feature added to the Cambodian property law system in post-war land reform. Figure 1 provides an overview of the sequence of changes in the ownership of land in Cambodia.

**Figure 1 The Timeline of Land Ownership Regime in Cambodia**

![Timeline of Land Ownership Regime in Cambodia](source)

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\(^{41}\) Land Law, 2001, Arts. 30 and 35.

\(^{42}\) Civil Code of Cambodia, 2007, Art.162.

\(^{43}\) *Ibid.*

\(^{44}\) *Ibid.*

\(^{45}\) Land Law, 2001, Arts. 35, 40, 41, 238 and 239.
In short, the Cambodian property laws were faced with swift changes, and types of land tenure and ownership were made accordingly. These are a source of complexity and inconsistency leading to confusion and disputes. Not only local residents, but also the authorities, legal practitioners, and stakeholders concerned have ambiguous concepts of ownership, division, and entitlement under such swiftly changed property laws. The contents of these laws may outstrip understanding and capacity of relevant authorities and legal practitioners. The next section will further demonstrate the complex division and entitlement of land ownership acquisition under the existing legislations.

III. Features of Land Division and Entitlement of Ownership Acquisition

The features of land division and entitlement of ownership acquisition under the existing legislations are a complicate issue that is worth studying and noting when resolving competing claim disputes. Cambodian property laws, especially the 2001 Land Law, divide land ownership into three categories: (1) public ownership, (2) collective ownership, and (3) private ownership. However, collective ownership, which refers to land belonging to indigenous people or pagodas, has the same features as private ownership when claims compete with the state. Therefore, a comparison of the entitlement rights between the public ownership and private ownership is enough for a full understanding of the entitlement right between the public ownership and collective ownership as well.

The following section will give a comparison of public ownership and private ownership under the Cambodian property laws. Especially, it will focus on the detailed study of concepts, notions, types, divisions, and the entitlement right of ownership acquisition during a competing claim between the state and private individual.

1. Public Ownership

Public ownership is a broad concept, which is not specified in the Cambodian context yet. Therefore, a comprehensive understanding of public ownership is requisite for settling disputes caused by competing claims over land tenure and entitlement of ownership acquisition between the state and local residents. The following will give an overview of the conception and notion of public ownership under existing Cambodian laws.

i. The General Concept and Notion of Public Ownership

Public land, public property, state land, and state property have the same meaning insofar as they refer to land or property
belonging to the state, under ‘public ownership’. \textsuperscript{46} Here, the terms ‘state land’ and ‘state property’ are used interchangeably.

Remarkably, the scope of state land is ambiguous in Cambodia. State land is assumed to cover 80 percent of the whole Cambodian territory, while the remaining 20 percent is assumed to be owned by private persons (Inspection Panel, 2010, p. xx; Loehr, 2010, p. 1039; Neef, Touch, and Chiengthong, 2013, p. 1086; Thiel, 2010, p. 227). Today, the majority of land remains unregistered. According to the report of the Ministry of Land Management, Urban Planning, and Construction (hereinafter is called the ‘Ministry of Land’), land registration achieved around 4.4 million out of 7 million estimated parcels for registration as of the end of 2016.\textsuperscript{47} Therefore, a large quantity of land area remains unregistered and under competing claims between the state and private land possessors.

The present paper explores the concept and scope of state land under current laws and regulations as a means for resolving competing claim disputes between the state and private land possessors, where their entitlement rights are in claim for private ownership acquisition from the state. Several sources lay the foundation for the concept and scope of state land. The first source is the 1993 Constitution, Article 58 of which determines the identity of state land:

\begin{quote}
State property is primarily comprised of land, underground, mountain, sea, seabed, continental shelf, coastline, airspace, island, river, canal, stream, lake, forest, natural resources, economic and cultural center, national defense base, and other facilities determined as belonging to the state. Management, use, and control of state property shall be determined in law.
\end{quote}

Based on this Article, the various types of state land are enumerated. However, this provision is vague because the 1993 Constitution leaves subsidiary law to determine other kinds of state land. In response to the constitutional authorization, the government adopted the new land law in 2001. The 2001 Land Law reiterates the concept of state land under the principle of the 1993 Constitution, as in Article 12 provided:

\begin{quote}
The state is the owner of properties in the territory of the Kingdom of Cambodia enumerated in the Article 58 of the 1993 Constitution and of all escheated
\end{quote}

\textsuperscript{46} Civil Code of Cambodia, 1920, Art. 365; Land Law, 1992, Art. 10; Land Law, 2001, Arts. 12–19; Sub-decree on State Land Management, 2005, Art. 3

properties, or properties that owners voluntarily give to the state, or properties that are not subject to private ownership acquisition by law, or are not properties privately possessed by the provisions of the Chapter IV of this law.

In addition to the reiteration of Article 58 of the 1993 Constitution, this provision adds several kinds of properties which can be considered state land. However, such a definition is still vague in scope and coverage. Therefore, in order to address this issue, the government developed a Sub-decree on State Land Management in 2005 for controlling state land (hereinafter is called the ‘2005 State Land Sub-decree’). The 2005 State Land Sub-decree further clarifies the ownership of state land, as stated in Article 2:

State land means all lands belong to the state, through which are under the management of national ministries or institutions and land which is granted to the public legal entities or establishments that are recognized by law as the legal persons for management.

As of this provision, the concept of state land is slightly more clear, which is referred to all properties under the state and state organs. Under this provision, if comparing to that of the 1993 Constitution, the identities of state land are far broadened. Apart from knowing the identities of state land, the division of state land is further complicated and worth understanding under the existing laws because it is a source of claim and cut-off of entitlement right over private ownership acquisition between the state and local residents. The following section will illustrate this.

**ii. Division of State Land** State land is sub-categorized into two kinds: (1) state public land and (2) state private land. Such a concept of division dated back to the 1920 Civil Code and 1992 Land Law. The concepts of state land in both legislations were the same because the 1992 Land Law copied majority of concepts of the 1920 Civil Code for application in post-war land reform. Noticeably, both legislations mentioned the sub-categories of state land, but failed to identify them with specificity. When Cambodia adopted the 2001 Land Law, sub-categorization of state land gave some identities of state land, and further extended in subsidiary regulations. This section will try

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to show the identities of state public land and state private land under the existing laws and regulations.

**a. State Public Land** State public land is mentioned in the 2001 Land Law. However, the 2001 Land Law does not give a clear definition of its purpose and use. Despite this, the purpose and use of state public land can be inferred from the context of the term ‘public’.\(^{51}\) State public land is dedicated exclusively to the public purposes (Khemro and Payne, 2004, p. 83; Thiel, 2010, p. 230).

In this sense, the public are assumed owners of state public land, while the state is only the representative owner to manage such land for public use. Having seen the significance of state public land, the 2001 Land Law enumerates state public land in a public sense, as stated in Article 15:

1. Any property that has a natural origin such as forest, natural lake, and navigable waterway, riverbank, and seashore;
2. Any property that is subject to particular arrangement for general use such as quay of harbor, railway, railway station, and airport;
3. Any property that is put for public use by either in its natural state or after arrangement such as road, lane, oxcart way, pathway, garden, and public park, and reserved land for those;
4. Any property that is put into operation for public service such as public school or educational building, administrative building, and public hospital;
5. Any property that is made as nature reserve protected by law;
6. Archeological, cultural, and historical patrimony;
7. Immovable property that is royal property, which is not private property belonging to the royal family.

Such a list is reiterated in the subsequent regulations, especially the 2005 State Land Sub-decree.\(^{52}\) In addition to this list, the 2005 State Land Sub-decree (Article 4) further adds ‘other types’ of land that have characteristics to serve ‘public use’ can be included in state public land. This phrase further broadens the scope of state public land, but is still subject to the requirement of ‘public use’.

\(^{52}\) Sub-decree on State Land Management, 2005, Art. 4; Decision on Inclusion of Identified Document in Classifying State Land as Annex to the *Prakas* on Identification, Mapping, and Classification of State Land, 2006, Art. 2.
b. State Private Land The 2001 Land Law lists the types of state public land, but fails to define state private land. The 2001 Land Law only mentions the use and transaction of state private land.\textsuperscript{53} The failure to define state private land looms large on the existence and overlapping between state private land and individual private land. Subsequently, the 2005 State Land Sub-decree defines state private land in Article 5:

State private land is comprised of all land that excludes state public land and land occupied by private or collective possessors or owners in compliance with the 2001 Land Law. State private land includes all escheated properties, or properties that owners voluntarily give to the state, or properties in which legal possessors or owners are unidentified.

Such a definition is reiterated in the decision that was made by the Ministry of Land in 2006 to include identified documents for classifying as state land.\textsuperscript{54} Such a definition is not perfectly clear on the distinction between the state private land and individual private land. The next section will illustrate the features of private ownership or private land, which are overlapped with state private land, which can give rise to ownership acquisition under current legislations.

2. Private Ownership

While the identification of what constitutes state public land is rather clear,\textsuperscript{55} the distinction between state private land and individual private land is blurred because the majority of land is not registered and under customary land tenure by local residents (Ministry of Land, 2017, p. 6). As such, it is under competing claims between the state and private or collective land possessors or owners (Inspection Panel, 2010, p. vii-viii; Cambodian Human Rights Portal, 2011).

Overall, private ownership of land has certain special features or concepts in Cambodian property laws if compared to other jurisdictions. Sometimes, this feature causes confusion to foreign legal scholars, who may view Cambodian law through the lens of their own legal systems. This section will demonstrate the special features of private ownership under the Cambodia property laws.

\textsuperscript{53} Land Law, 2001, Art. 7.
\textsuperscript{54} Decision on Inclusion of Identified Document in Classifying State Land as Annex to Prakas on Identification, Mapping, and Classification of State Land, 2006, Art. 2.
\textsuperscript{55} Land Law, 2001, Art. 15; Sub-decree on State Land Management, 2005, Art. 4.
i. Features of Private Ownership

In most modern property systems, the ownership of most parcels has been established. Adverse possession is most often applied in a case involving a claim against a private owner, cutting off the interest of the non-occupier. However, in Cambodia, when the 5-year limitation period is invoked against 'state private' land, a land possessor, in effect, has right to acquire ownership over such occupied land.

Thus, the 2001 Land Law authorizes and recognizes ownership over land possession between 1989 and 2001. In this sense, one who has occupied land for at least five years since 1989 without protest has ownership right (sith-kama-sith) and could request a definitive ownership title (ban-kama-sith) from the state by registration. Any denial of land registration by the state authority will be considered a taking of legitimate unregistered ownership right under Cambodian property laws, except for land occupation on state public land.

This is one special feature of private ownership under the Cambodian property laws. In order to implement this special feature of private ownership acquisition, the principle of certificate or title issuance to any land possessor depends on registration under the guidelines of two circulars issued by the Ministry of Land. The first is the Circular on Procedural Implementation of Establishing Cadastral Index Map and Registration for Systematic Land Titles in 2002 (hereinafter is called the ‘2002 Circular’). The second is the Circular on Procedural Implementation of Sporadic Land Registration for Sporadic Land Titles in 2004 (hereinafter is called the ‘2004 Circular’).

Both circulars provide the same principle for issuing a certificate or title to a land possessor or owner, whose land is under systematic land registration from the state, or who applies for land registration under sporadic land registration. The following quote is extracted from both circulars on the principle of certificate or title issuance.

(1) Issuance of Ownership Title: will issue ownership title for any land that has been possessed peacefully without protest over five years until the promulgation of the new land law.

(2) Issuance of Possession Certificate: will issue possession certificate for any land that has been possessed peacefully without protest and less than five years prior to the land law takes effect. This certificate can be exchanged for ownership title when possession of such a land has completed five years or over (2002 Circular, p. 9; 2004 Circular, pp. 12-13).

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56 Land Law, 2001, Arts. 7 and 29.
57 Ibid., Art. 30.
Based on these circulars,\textsuperscript{58} whether a possession certificate or an ownership title is issued depends on the 5-year statute of limitation. If less than five years, a possession certificate is issued, and over five years, ownership title.\textsuperscript{59} This can testify that ‘ownership’ over an occupied land, whether registered or not, is recognized based on the 5-year limitation period.\textsuperscript{60}

The five-year statute of limitation is a change of status of land tenure from possession (\textit{phou-gak}) to potential ownership (\textit{kama-sith}).\textsuperscript{61} Any occupant on possessed land less than five years is called a possessor (\textit{phou-ki}), with only a possessory right (sith-\textit{phou-gak}).\textsuperscript{62} When occupancy reaches or exceeds five years, the status of possessor (\textit{phou-ki}) will be changed to the status of owner (\textit{kama-sithi-kor}) with an ownership right (sith-\textit{kama-sith}), even though the land is not registered yet.\textsuperscript{63}

The status of possessor (\textit{phou-ki}) and owner (\textit{kama-sithi-kor}) is made clear when such a possessed land is registered.\textsuperscript{64} The issuance of a possession certificate or an ownership title depends on whether the five-year statute of limitation requirement has been completed.\textsuperscript{65} For instance, where land has been occupied for less than five years, a possession certificate (\textit{ban-phou-gak}) will be issued.\textsuperscript{66} If occupied land for five years or more, an ownership title (\textit{ban-kama-sith}) will be issued.\textsuperscript{67} Even if one neglects to register occupied land, one will still have an ownership right (sith-\textit{kama-sith}), which is still protected by law.\textsuperscript{68} Registering later means the issuing of an ownership title, not a possession certificate.\textsuperscript{69}

The status of less than five years of possession is least protected against a third party’s claim.\textsuperscript{70} The status of more than five years of possession without registration provides stronger protection because the five-year statute of limitation has been exceeded and the occupier is entitled to ownership rights.\textsuperscript{71} Registration of such possessed land provides the most protection,

\textsuperscript{59} Ibid.
\textsuperscript{60} Ibid.
\textsuperscript{61} Land Law, 2001, Arts. 30, 31, and 40.
\textsuperscript{62} Ibid.
\textsuperscript{63} Ibid.
\textsuperscript{64} Ibid., Arts. 31 and 40.
\textsuperscript{65} Ibid., Arts. 30, 31, and 40.
\textsuperscript{66} Ibid.
\textsuperscript{67} Ibid.
\textsuperscript{68} Ibid., Art. 42.
\textsuperscript{69} Ibid., Arts. 30, 31, and 40.
\textsuperscript{70} Ibid.
\textsuperscript{71} Ibid.
being uncontestable because one receives definitive ownership title registered in the Land Register.\textsuperscript{72} Although possession (\textit{phou-gak}) and ownership (\textit{kama-sith}) differ in the extent of their legal protection, they have the same right in the use and transaction freely.\textsuperscript{73}

In short, a so-called possessor (\textit{phou-ki}) is someone who holds possessed land less than five years with or without possession certificate (\textit{ban-phou-gak}), while a so-called owner (\textit{kama-sithi-kor}) is someone who holds possessed land for five years or more with or without ownership title (\textit{ban-kama-sith}) under the Cambodian property laws.

\textbf{ii. Private Ownership Acquisition} An awareness and implementation of the concept of private ownership is fundamental for any land possessor, as well as for the enforcing authorities and other legal practitioners. Cambodian property laws provide a number of private ownership acquisitions such as (i) possession, (ii) social land concession, (iii) legal transaction, and (iv) adverse possession. This section will conceptualize private ownership acquisition under the current property laws.

\textit{a. Possession} Possession is a fundamental principle of private ownership acquisition in Cambodian post-war land reform. In common, the principle of possession is applied to unregistered properties (Fraley, 2011, pp. 51-53; Mossoff, 2003, p. 375; Posner, 2000, pp. 552–53). Having seen the majority of land is not registered yet in Cambodia, the 2001 Land Law did not define private land at the time of its adoption. Instead, the 2001 Land Law has one chapter\textsuperscript{74} which elaborates about the principle of possession of individual private land or private ownership in post-war land reform in Cambodia (Articles 29-47). The term ‘extraordinary acquisition’ in its title has a special meaning in Cambodian property laws and history. Such extraordinary acquisition can be applied in three situations.

The first ‘extraordinary acquisition’ is the collapse of Cambodian property system as a result of the political upheavals in the last half of the twentieth century (Chandler, 1979; Leifer, 2013, p. 11; Springer, 2009, p. 143). These situations ruined Cambodian human resources, law, and property system (Blunt and Turner, 2005, pp. 75-76; Brinkerhoff, 2005, p. 11; Nielsen, 2010, p. 301). As a result, there were profound effects on Cambodian human resources including those related to law and the property system. Thus only about 50 out of 1,000 cadastral officials remained alive at the end of Khmer Rouge period (Lim, 2006, p. 3).

\textsuperscript{73} Land Law, 2001, Art. 39.
\textsuperscript{74} Chapter IV, ‘Reestabishment of Immovable Property Ownership by Extraordinary Acquisition of Possession’.
Due to a lack of human resources, Cambodia could not return to recognize pre-existing property system; therefore, the 2001 Land Law abolished pre-1979 ownership.\textsuperscript{75}

The second ‘extraordinary acquisition’ is that people had occupied land before the 2001 Land Law existed. After the collapse of the Khmer Rouge regime in 1979, people moved and occupied vacant land and buildings on a ‘first-come, first-served’ basis without appropriate documentation of ownership recognition (Blunt and Turner, 2005, p. 76; Khemro and Payne, 2004, p. 182). The property system, such as it was, fell in confusion and controversy, given the occupation of land and buildings in a customary manner (Feinberg, 2009, p. 283; Mensher, 2006, pp. 804, 807).

Recognizing the existing situation, Chapter IV prescribed this ‘extraordinary acquisition’ so as to transform local residents’ occupied land from the status of possession into ownership. However, there were a number of requirements in order to allow the transition to ownership. The 2001 Land Law provides that only ‘legal possession’ can be recognized.\textsuperscript{76} Such possession must have satisfied five legal requirements: it must be (1) unambiguous, (2) non-violent and peaceful, (3) uncontested and notorious to public, (4) continuous, and (5) in good faith.\textsuperscript{77} If one occupies land in compliance with these requirements, one will become a legal possessor over such an occupied land.\textsuperscript{78}

Even if one satisfied these legal requirements, one did not become a full or definitive owner over occupied land immediately unless the five-year statute of limitation had been completed.\textsuperscript{79} Thereafter, a definitive ownership title could be requested by registering occupied land at the cadastral office.\textsuperscript{80}

In short, extraordinary acquisition of possession of private ownership was an essential component of post-war land reform in Cambodia. Occupation of land during the five-year statute of limitation without protest meant that the possessor has a right to ownership even though the land has not been registered yet.

\textbf{b. Social Land Concessions} The second means for private ownership acquisition of state land under Cambodian property laws is by social land concessions.\textsuperscript{81} As noted above, the

\begin{itemize}
\item \textsuperscript{75} Land Law, 2001, Art. 7.
\item \textsuperscript{76} Land Law, 2001, Art. 6.
\item \textsuperscript{77} \textit{Ibid.}, Art. 38.
\item \textsuperscript{78} \textit{Ibid.}, Arts. 7 and 38.
\item \textsuperscript{79} \textit{Ibid.}, Art. 30.
\item \textsuperscript{80} \textit{Ibid.}
\item \textsuperscript{81} \textit{Ibid.}, Arts. 49, 51, 52, and 60.
\end{itemize}
2001 Land Law imposes an ultimatum over the new start of possession after it takes effect.\(^{82}\) In this sense, there will not be new possession on state land after the 2001 Land Law comes into force on August 30, 2001.\(^{83}\)

Although the 2001 Land Law cuts off new start of possession, it does not mean that the new way of possession is exhausted under this law. The 2001 Land Law authorizes another new way for private ownership acquisition by ‘social land concession’ in post cut-off date.\(^{84}\) A social land concession is granted to landless or near-landless citizens for residential or household farming purposes.\(^{85}\)

A social land concession is characterized differently from extraordinary possession authorized under the Chapter IV of the 2001 Land Law (Articles 29-47). Extraordinary acquisition provides an incentive for people to move and clear vacant land for occupation, while social land concession is subject to the requirement for prior scrutiny and approval by the state authority.\(^{86}\) Thus, landless people in need of land for residence or farming could submit applications to the authority for consideration.\(^{87}\)

The conditions for social land concession were similar to, but stricter than, those for extraordinary possession under the 2001 Land Law. While the social land concession recipient must have occupied and farmed land within five years and is thereafter eligible for ownership acquisition if they satisfy the five-year statute of limitation,\(^{88}\) however, they cannot sell, exchange, rent, or give gifts during the first five years, in contrast to the extraordinary possession.\(^{89}\)

Article 3 of Sub-decree on Social Land Concession of 2003 identified a number of target groups who should be considered eligible for social land concession from the state as follows:

1. Provide land to poor and landless families for residence;
2. Provide land to poor families for household farming;
3. Provide land to families who are affected by development project for new resettlement;
4. Provide land to families who are affected by natural disasters;
5. Provide land to repatriated families;
6. Provide land to demilitarized and disabled families;

\(^{82}\) Ibid., Arts. 29 and 268.
\(^{83}\) Ibid.
\(^{84}\) Ibid., Arts. 48 and 49.
\(^{85}\) Land Law, 2001, Arts. 49 and 51; Sub-decree on Social Land Concession, 2003, Arts. 1 and 2.
\(^{86}\) Land Law, 2001, Arts. 53, 54, and 60.
\(^{87}\) Land Law, 2001, Arts. 49 and 51; see also Sub-decree on Social Land Concession, 2003.
\(^{88}\) Sub-decree on Social Land Concession, 2003, Art. 18.
\(^{89}\) Ibid.
(7) Facilitate economic development;  
(8) Facilitate economic land concessions by providing land to workers for residential or farming purposes;  
(9) Develop poorly developed areas.

This emphasizes that social land concessions are important for equal development in Cambodia. The nine conditions above are for ending landlessness and ensuring that every person may have access to land after the 1989-2001 limitations imposed by the 2001 Land Law taking effect.

In short, social land concessions provided a novel mechanism for acquiring possession over state land after the introduction of the 2001 Land Law.

c. Ownership Acquisition by Legal Transaction  The third means of private ownership acquisition is through a legal transaction, reflecting ownership privatization, Cambodia’s opening up to the outside world. The 2001 Land Law clearly stated that all land, regardless of status of possession or ownership, can be sold freely in compliance with legal provisions.  

It thus provided for the legal transaction of immovable properties between private persons. These could be made by purchase, exchange, gift, succession, and including the decision of the court.

A legal transaction or any informal change of possession or ownership must be registered or recorded in the cadastral land register. Although the law provides such a requirement; in practice, citizens rarely register their properties when they transact (So et al., 2001, p. 2; Trzcinski and Upham, 2014, p. 64). Citizens frequently make a private sale contract between seller and buyer, which is witnessed by lower local authorities such as village or commune chiefs, or at most, district governor (So et al., 2001, p. 2; Trzcinski and Upham, 2014, p. 64).

However, such a practice is not considered to be effective for the transfer of property ownership if land ownership is registered. In principle, the change must be made at the national level; namely, the General Department of Cadastre and Geography of the Ministry of Land for registering properties.

In sum, for strong protection under law, any land transaction must be registered at the cadastral register.

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91 Ibid., Arts. 6, 63, and 71.  
95 Ibid., Art. 238.
**d. Adverse Possession**

As mentioned above, adverse possession is a new principle of land tenure introduced to Cambodian property laws after Cambodia adopted the new Civil Code, which follows the Japanese model, in 2007 (Matsuura, 2005, p. 237; Kaneko, 2010, pp. 12-14). Adverse possession is a principle of land occupation applied to registered land with a fixed period determined by law (Clarke, 2005, p. 563; Hogg, 1915, p. 84; Williams, 2009, p. 597). The new possessor, if he or she fulfills the legal requirements, can acquire ownership over registered land (Cherek, 2012, p. 227; Davis, 2010–2011, p. 74; Williams, 2009, p. 597). As mentioned in Article 162 of the 2007 Civil Code on the principle of adverse possession:

1. Any person who has occupied an immovable property peacefully and notoriously to the public and has willingness to own such an occupied immovable property within 20 years shall acquire ownership over such occupied property.
2. Any person who have occupied an immovable property peacefully and notoriously to the public and has willingness to own such an occupied immovable property within 10 years shall acquire ownership over such occupied property if that person was honest and innocent when he/she started to possess that immovable property.
3. Provisions of paragraphs (1) and (2) shall not apply to immovable property that belongs to state property of any category.

The introduction of the principle of adverse possession will be a good sign for protecting a number of land possessors, especially, to whom deem to be informal or slum dwellers, who have occupied land claimed to belong to the state or a third party. However, this principle of adverse possession seems narrow and weak to protect land possessors when the 2007 Civil Code inserts a strict condition for applying this principle in paragraph (3). The paragraph (3) puts a narrow application of the principle of adverse possession that cannot be not applied to state land at any category. Thus, the principle of adverse possession does not give much advantage to land possessors in the future.

In short, land in Cambodia is divided into public, collective, and private ownership. Public ownership refers to land belonging to the state (as recognized by relevant laws and regulations), while collective ownership refers to land belonging to indigenous people and pagodas and private ownership refers to land owned by a particular individual or entity. The division of private ownership remains unclear because the majority of land remain unregistered.

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state is the assumed owner of all land in the first instance. However, the acquisition of individual and collective private ownership can be made through extraordinary possession, social land concessions, legal transactions, and adverse possession, as the principles described above.

IV. Relation and Entitlement among State Public, State Private, and Individual Private Land

In addition to the complicate division, relation and entitlement of ownership acquisition among state public, state private, and individual private land are unique under the Cambodian property laws.

Under the 2001 Land Law, state land is divided into two: (1) state public land and (2) state private land. Such division is made in law. Noticeably, local residents had occupied land before law existed. As a consequence, the occupied land is overlapping with the state public and state private land, resulting in competing claims between the state and individual occupants (Inspection Panel, 2010, pp. vii-viii, Cambodian Human Rights Portal, 2011). However, under the current laws, the final determination of ownership over land is the definitive registration of such land in the cadastral land register.98

Although local residents occupied land before law existed and overlapped state land (state public and state private land), their entitlement to ownership acquisition over such occupied land is restricted under laws. It does not mean that all their occupied land could be led to ownership acquisition. Therefore, understanding of entitlement right under laws is prerequisite for claiming ownership over occupied land. The following section will illustrate the relation, entitlement of ownership acquisition, and legal effect among state public, state private, and individual private land under the existing laws.

1. Relations, Entitlement, and Legal Effect

Relations, entitlement, and legal effect of state public, state private, and individual private land are unique under the Cambodian property laws. They have a remarkable close relation, but different legal entitlement and effect. This section will demonstrate the legal relation, entitlement, and effect of state public, state private, and individual private land under the existing laws.

State public land is subject to strict legal requirements under law. The 2001 Land Law

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determines state public land to be inalienable and with no statute of limitation. In this context, state public land cannot be sold or transferred, or subject to ownership acquisition by extraordinary possession under the Chapter IV of the 2001 Land Law. Even though possessors had occupied land before law existed regardless of the length of possession, such an occupation is still illegal and repealed. Furthermore, the state can assert and confiscate such a possessed land by forcing these possessors from land without compensation and may face criminal charge, as stated in Article 43 of the 2001 Land Law:

The public property of the state shall not be subject to ownership acquisition at any case.

1. The status of the occupant of the state public property remains precarious and illegal if that status is not authorized by formalities prescribed in law.
2. An individual who has illegally occupied shall be forced to urgently vacate and shall be punished as determined in article 259 of this law.
3. An individual who has illegally occupied is not entitled to any compensation over his/her works and improvements made on that immovable property.

In sum, no private ownership acquisition can be made on state public property at any time under law. Despite this provision, state public land can be subject to temporary occupation and use. Such occupation needs pay tax and is not authorized for private ownership acquisition. Such occupation and use are precarious and revocable if an occupant does not pay tax.

Although the state public land cannot be alienated, it can be subject to a long-term term lease. The long-term lease of state public land has a restricted period under law. In principle, long-term lease can have period of 15 years or more, but this is only applied to

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100 Land Law, 2001, Art. 16; see also Sub-decree Rule and Procedure of State Public Reclassification of State and Public Legal Entity, 2006, Art. 4.
102 Article 259 of the 2001 Land Law provides that ‘[a]n infringement against public property shall be fined from five million (5,000,000) Riel to fifty million (50,000,000) Riel and/or shall be imprisoned from one (1) to five years. The perpetrator must leave the public property immediately. The perpetrator is not entitled to any indemnity for works or improvements made on that property’.
103 Land Law, 2001, Art. 16.
104 Ibid.
105 Ibid.
state private and individual private land;\textsuperscript{107} while the long-term lease of state public land is restricted by 15 years.\textsuperscript{108}

Whereas state private land has a different legal regime from state public land, it is subject to the same legal regime as individual private land. In this context, state private land can be subject to sale, exchange, distribution, transfer of rights, and land concession.\textsuperscript{109} The detail of transaction process and requirement of state private land is determined in the sub-decree on land reclassification, which was adopted in 2006.\textsuperscript{110}

As mentioned above, the 2001 Land Law prohibits private ownership acquisition of state public land even if such a possession is made at any time.\textsuperscript{111} However, this law authorizes private ownership acquisition on state private land by principle of possession.\textsuperscript{112} Chapter IV of the 2001 Land Law provides the details of the principle of possession, which can lead to ownership acquisition by individual possessor.\textsuperscript{113}

Nevertheless, although the 2001 Land Law authorizes the possession of state private land to able to lead to ownership acquisition by private individual possessors, such authorized possession has restricted period under law. The 2001 Land Law authorizes for possession to be legitimate only if it is made before its cut-off date. In this sense, the legitimate possession, which can lead to private ownership acquisition over such occupied land, must be made prior to August 30, 2001.\textsuperscript{114}

Conversion to private land through individual possession is limited to state private land as of August 30, 2001. This shows that individual possessed land and state private land are overlapping and under competing claims between the state and private individual possessors due to the fact that the majority of land remains unregistered (Ministry of Land, 2017, p. 6). However, possessors, who had occupied land in compliance with the legal requirements as under Chapter IV of the 2001 Land Law, will have right to ownership acquisition over such

\begin{itemize}
  \item \textsuperscript{107} Land Law, 2001, Art. 106; Civil Code of Cambodia, 2007, Art. 244; Sub-decree on Mortgage and Transfer of Long-Term Lease and Concession Rights, 2007, Art. 2.
  \item \textsuperscript{108} Sub-decree Rule and Procedure of State Public Reclassification of State and Public Legal Entity, 2006, Arts. 18.
  \item \textsuperscript{109} Land Law, 2001, Arts. 4 and 17; Prakas on Identification, Mapping, and Classification of State Land, 2006, Art. 27.
  \item \textsuperscript{110} Sub-decree on Rule and Procedure of State Public Reclassification of State and Public Legal Entity, 2006.
  \item \textsuperscript{111} Land Law, 2001, Art. 18.
  \item \textsuperscript{112} Ibid., Art. 29.
  \item \textsuperscript{113} Ibid., Arts. 29 – 47.
  \item \textsuperscript{114} Ibid., Art. 29.
\end{itemize}
occupied land; and they can request to register their land and receive the definitive title from authority.\textsuperscript{115}

2. Land Reclassification

Although the Cambodian property laws divide state land into state public and state private land, both have a close relation in practice. The close relation rests on the principle of land reclassification authorized under the 2001 Land Law.\textsuperscript{116} In this sense, state public land can be reclassified as state private land when it loses public use, as stated in Article 16 of the 2001 Land Law:

State public properties, when losing public use, can be reclassified as state private properties by reclassification law.

Reclassification from state public land into state private land must be complied with the requirements and procedure under law. Currently, land reclassification is subject to the two main decrees. First is the Royal Decree and Sub-decree on Temporary Rule and Provision of State Public Land Reclassification of State and Public Legal Entity, which was adopted in 2006 (hereinafter is called the ‘2006 Land Reclassification Royal Decree’). Second is the Sub-decree on Rule and Procedure of State Public Land Reclassification of State and Public Legal Entity, which was also issued in 2006 (hereinafter is called the ‘2006 Land Reclassification Sub-decree’).

The 2006 Land Reclassification Royal Decree provides the legal requirements for reclassifying state public land to state private land. Article 3 of the 2006 Land Reclassification Royal Decree provides for three main reasons for reclassifying the state public land into state private land:

The reclassification from state public land to state private land can be made only if it satisfies the following conditions:

(1) That property no longer serves the public use, or
(2) That property loses its full qualification in serving the public use, or
(3) That property is no longer directly used by the public.

These requirements are for the purposes of reclassifying state public land into state private land. Such purposes are satisfied prior to land reclassification. In addition to this, state public

\textsuperscript{115} Ibid., Arts. 31 and 40.
\textsuperscript{116} Ibid., Art. 16.
land can be reclassified as state private land only if it is already registered as the ‘state public land’.\textsuperscript{117}

Furthermore, the detailed process of state land reclassification is provided in the 2006 State Land Reclassification Sub-decree.\textsuperscript{118} In principle, in order to reclassify state public land into state private land, it must have a separate sub-decree for this process.\textsuperscript{119} The sub-decree specifies land area and location of the would-be reclassified land in detail.\textsuperscript{120} Figure 2 shows the overlapping land tenure in Cambodia.

\textit{Figure 2} The overlapping land tenure under Cambodian property laws

\begin{center}
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\end{center}

Source: The Author

In short, the legal relation, entitlement, and effect among state public land, state private land, and individual private land are unique under the Cambodian property laws. State public land is not allowed for private ownership acquisition regardless of the length of the possession, but state private land is. Individual private person who occupied state private land before the cut-off date of the 2001 Land Law has right to ownership acquisition. However, when state public land loses its public use, it can be reclassified as state private land.

\textsuperscript{117} Royal Decree on Temporary Principle and Provision of State Public Land Reclassification of State and Public Legal Entity, 2006, Art. 4.

\textsuperscript{118} Sub-decree on Rule and Procedure of State Public Reclassification of State and Public Legal Entity, 2006

\textsuperscript{119} Royal Decree on Temporary Principle and Provision of State Public Land Reclassification of State and Public Legal Entity, 2006, Art. 5; Sub-decree on Rule and Procedure of State Public Reclassification of State and Public Legal Entity, 2006, Art. 41

\textsuperscript{120} There are many sub-decrees on land reclassification from state public land to state private land. In each sub-decree details the land area and location. You can find a number of available sub-decrees relating to land reclassification from the following webpage: sithi.org, “Sub-Decrees Relating to Economic Land Concessions, Reclassification of Land, and Social Land Concessions (2008-2013),” n.d., \url{http://www.sithi.org/temp.php?url=law_infrastructur.phpandtab_id=55andlg=} (accessed March 28, 2017).
Sras Hem

V. Conclusion

This Article portrays historical aspects and unique features of land tenure and ownership acquisition in Cambodia. Cambodian property laws came through establishment, abolition, reestablishment, and frequent, subsequent cancellations and amendments, which result in complexity and inconsistency leading to confusion, which may outstrip understanding and capacity of a number of institutions and legal practitioners concerned. Division and entitlement of ownership acquisition are complicate under the Cambodian property laws that demand interpretation from legal experts when resolving competing claim disputes over land. Otherwise, the content of law remains intact while compromise continues to dominate the resolution process, which is not an effective way to prevent future land disputes. To achieve this end, only comprehensive understanding of the Cambodian property laws is prerequisite for reaching efficient and effective interpretation and implementation of law. This paper serves this purpose in this field.

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An Evaluation of Maternal and Child Healthcare, with an Emphasis on Malnutrition and Anemia, in Cambodia

Kro Meng
The University of Cambodia, Northbridge Road, Phnom Penh, Cambodia

Abstract
Maternal and infant healthcare in Cambodia has faced many problems for the past several years. Cambodia has one of the highest maternal mortality rates in the region, and malnutrition is costing millions of dollars of year in addition to diminished quality of life. While the vast majority of pregnant women receive iron tablets, only a fraction of them take the supplements regularly, which contributes to anemia and increases the chance of malnutrition. This in turn increases the likelihood of women dying during delivery, as well as giving birth to anemic infants who experience slower rates of growth and higher risks of mortality. Rates of anemia and malnutrition have changed little in children under 5 years old over the past decades, though the infant mortality rate has decreased from the first half of the decade. The author gives recommendations on improving maternal and child health care, including expanding health education to pregnant women, testing anemia at health centers, increasing funding for skilled midwives to implement outreach services, and increasing cooperation between the government and NGO sector to improve overall sanitation, hygiene, and development.

I. Introduction
The Ministry of Health of the Royal Government of Cambodia developed the health sector strategic plan for 2008-2015 to improve the health status of Cambodian people. This plan focused on extending access to and coverage of health services, especially comprehensive reproductive, maternal, newborn, and child health services. This included both the demand and supply side through mechanisms such as operating agencies, exemptions for the poor, health equity fund, and health insurance. Cambodia has been progressing in the development of the health sector over the last 20 years. Cambodia aims to achieve the Millennium Development Goal 4 (MDG 4) to reduce child mortality and MDG 5a to reduce maternal mortality.
mortality. Many international and local NGOs, the Ministry of Health, and other involved Ministries have strongly focused on infant and maternal health development in Cambodia to reduce infant and maternal mortality during and after pregnancy. The United States of America was the largest supporter of the budget for the Cambodian health sector between 2003 and 2010, providing about US$79.5 million throughout that time period to reinforce the health sector. Japan is the second-largest contributor with US$65.8 million (MOFA, 2012).

Approximately 70,000 adolescent women worldwide have died every year from pregnancy and childbirth complications. Cambodia has one of the highest maternal mortality rates in the region, which was 17 deaths per 1000 mothers in 2014. Most maternal deaths are preventable, especially when women receive antenatal care (ANC), are educated about pregnancy related complications, and are able to access delivery services with skilled birth attendants (UNFAP, 2014). Malnutrition is a problem in Cambodia with economic losses estimated at USD 266 million including annual spending for solving the problem of malnutrition. Consequent stunting was estimated to reduce economic output by more than US$120 million and iodine deficiency by about US$57 million (Moench-Pfanner et al., 2015).

More than 50% of Cambodian children under 5 years of age who die prematurely are malnourished. Improving child nutrition and food security will therefore directly reduce child mortality. Food insecurity and malnutrition are associated with most major risk factors for maternal mortality. Cambodian women and mothers suffer from high rates of malnutrition, resulting in illnesses that negatively affect maternal and young children’s health. The Cambodia Demography Health Survey (CDHS) 2014 showed that more than 90% of pregnant women get iron tablets when they visit the health center for their ANC check-up. The International Relief and Development organization found that only 57% of pregnant women took iron tablets or syrup for 90 days as recommended (IRD, 2014).

The prevalence of malnutrition and anemia in children under 5 years of age and pregnant women has not much improved after 4 years of developing infant and maternal health programs in Cambodia. Many children are still stunted, wasting, and underweight especially in rural areas. The nutrition for children in Cambodia did not meet the 2015 Cambodia Millennium Development Goal (CMDG) target. Stunted and underweight children were 32.4% and 23.9% respectively – in comparison to the set target of 24.5% and 19.2% by 2015 (CDHS, 2014).
This article aims to study the status of the health care of pregnant woman in Cambodia, investigate malnutrition in both pregnant women and children, and propose recommendations for the improvement of Cambodia’s health care for pregnant women in an effort to improve infant and maternal health.

II. Antenatal Health Care

The health care that Cambodian mothers receive during pregnancy and at the time of delivery is important for the survival and well-being of both the mother and the child. Antenatal care (ANC)\(^1\) from a trained midwife is vital in monitoring the pregnancy and reducing morbidity risk for the mother and child during pregnancy and delivery. Well-implemented ANC programs provide proper treatment of complications during pregnancy such as anemia and infections, and iron tablets and nutritional education are directly provided by midwives or health center staff during ANC visits (USAID, 2014). Official ANC visits also provide an opportunity to disseminate health messages to women and their families. Approximately 95% of pregnant women received ANC visits from midwives at least once (CDHS, 2014). However, only 33% of pregnant women who received ANC visits did so four times as recommended by the World Health Organization (WHO) (Fiedler et al., 2014).

1. Iron Tablets

The national guidelines for the use of iron/folic acid (IFA) supplementation to prevent and treat anemia for women during pregnancy and postpartum was developed in 2007. The recommended dose of iron in pregnancy and during the postpartum period is 60 mg per day. Iron and folic acid supplementation should be started as soon as possible during pregnancy and continued through the postpartum period (MoH, 2012). Women need to take iron tablets during pregnancy, especially in the first three months, in order to help fetal growth and improve maternal health. Iron is important because it enhances hemoglobin, which helps red blood cells store and carry oxygen around the body. Without enough iron in the blood, the organs and tissues in the body will not get sufficient oxygen for the pregnant woman and her developing fetus(es).

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\(^1\) Antenatal Care (ANC) is a type of preventive health with regular check-up that allow doctors or midwives to treat and prevent health problem during pregnancy. ANC also provides pregnant women with the appropriate information from midwives related to healthy pregnancy, safe children and postnatal recovery including care of newborn, exclusive breastfeeding and assistance with deciding on future pregnancy in order to improve pregnancy outcome.
Approximately 96% of pregnant women have received iron tablets from midwives when they receive ANC check-ups at health centers (CDHS, 2014). However, only 57% of pregnant women took iron tablets for 90 days or more as recommended, and 3% did not take any tablets during pregnancy due to not understanding the significance of IFA to the health of their babies and themselves. Moreover, it may be caused from an inadequate provider counseling and follow up, women’s beliefs about actual or possible side effects, and/or socio-cultural factors. Anemic pregnant women need to take 180 IFA tablets over the course of their pregnancy, but in reality, 98% of women did not consume all of them. This could be because an inadequate supply of IFA tablets at the health clinic, women may not receive enough tablets because they do not conduct ANC visits regularly, they start ANC late in their pregnancy, they do not follow the advice of skilled midwives, they may forget to take the tablets daily, or they may fear side effects such as having a big fetus, which could make delivery more difficult (Fiedler et al., 2014).

2. Nutritional Education

Cambodia does not have any research studies which research the extent to which midwives provide nutritional education to pregnant women during ANC visits at health centers. Cambodia needs more research findings on this topic to improve infant and maternal health. Thailand has conducted a research study by asking about the knowledge pregnant women gained from ANC visits. The results showed that 68.28% of pregnant women obtained good knowledge related to pregnancy (Lino et al., 2011), comparable with 65.5% of pregnant women in Indonesia after getting good advice from midwives during ANC visits (Agus and Horiuchi, 2012). Research studies have been conducted in the United Kingdom that explores the education, knowledge and attitude towards nutrition during pregnancy. The results showed that 86% of midwives had no formal nutrition education relating to pregnant women and about 75% of midwives were not qualified to provide nutrition advice for pregnant women, especially to vegetarian women and ethnic women. Additional research in the United Kingdom stated that midwives have poor knowledge in areas such as recommended weight gain, recommended increase in energy requirement (required calorie intake), and for women at risk of iron-deficiency (anemia) and folic acid requirements during pregnancy. Moreover, a research study in New Zealand stated that the majority of midwives said that nutrition was important during pregnancy. About 94.9% of midwives have provided education on nutrition to pregnant women. However, their nutrition education was not informed by professional training, and the role of midwives is unclear in terms of what guidance they should be
providing to pregnant women (Arrish et al., 2014). Nutritional education from midwives is important for pregnant women, and Cambodia needs to improve the educational knowledge available to pregnant women. However, this is not uncommon, because even in developed countries such as the United Kingdom and New Zealand this service is often erratic and inconsistent.

III. Malnutrition in Pregnant Women

Maternal malnutrition can cause serious long-term effects for the health of the Cambodian people and for its economic development. Poor nutritional status at the time of conception and inadequate nutritional food consumption during pregnancy may increase the likelihood of women dying during delivery, and also has a negative impact on birth weight and early childhood development. Women who are anemic during their pregnancy give birth to infants who, in turn are anemic, which slows their growth and increases their risk of mortality. Low birth weight provides a heavy financial burden on the health system and causes higher mortality rates and increases the likelihood of disabilities. The financial burden on the health system is not just for treating low birth weight babies; it also includes dealing with the negative impact of low birth weight on health outcomes in adult life (Maternal Nutrition Fact Sheet-Cambodia, 2013). Most of the economic burden for adults is caused by stunting and micronutrient deficiency. More than 3.3 million adults suffer from anemia and chronic weakness, impacting the labor output by US$138 million annually in Cambodia (WFP, 2013).

1. Prevalence of Anemia in Pregnant Women

Anemia is a critical public health problem in Cambodia that affects more than 55-56% of citizens (CDHS, 2014; WVC, 2014). Common causes of anemia, characterized by a low level of hemoglobin in the blood, include inadequate intake of iron, folate, vitamin B12, and other nutrients. Anemia can also result from thalassemia, sickle cell disease, malaria, and intestinal worm infestation. Anemia may be an underlying cause of maternal mortality, miscarriage, premature birth, and low birth weight. Iron and folic acid supplementation and antimalarial prophylaxis for pregnant women, promotion of the use of insecticide-treated bed nets by pregnant women and children under age 5, and deworming for children are some important measures that should be used to reduce anemia prevalence among vulnerable groups.
The prevalence of anemia in Cambodian women between ages 15-49 has remained stable for the past 4 years during the development of the government’s infant and maternal health program. Approximately 45% of pregnant women in Cambodia are anemic including 38% with mild anemia, 7% with moderate anemia and less than 1% with severe anemia (CDHS, 2014). According to figure 1, the prevalence of mild anemia in pregnant women has increased from 37% to 38% in 2010 and 2014, respectively. About 20.5% of women have a folic acid deficiency, which is strongly associated with premature births and neural tube defects. Zinc deficiency in Cambodian women is about 30.4% while iron and vitamin A deficiency are 8.1% and 4.7%, respectively (Wieringa et al., 2016). Mild and moderate anemia causes a weak immune system, reduced cognitive ability and overall decreased quality of life. Severe anemia reduces a women’s ability to survive bleeding during and after delivery and is a major cause of maternal mortality. Moreover, anemia during pregnancy is a main cause of the high rate of premature deliveries and low birth weight in Cambodia (Charles et al., 2012).

2. Maternal Mortality Rates

Mothers are dying during delivery because of a lack of health services, midwives, and medicine even though maternal health care services are improving. The number of women in Cambodia who die during childbirth remains high because of a lack of outreach on the part of
public health officials as well as rural villager’s preference for traditional midwives (Kunthear, 2009). The maternal mortality rate in Cambodia was about 200 deaths per 100,000 live births in 2013. Cambodia’s Ministry of Health Annual Report reported that there were 116 cases of maternal mortality in 2013. Denise Shepherd-Johnson, UNICEF Cambodia’s chief of communications, mentioned that the number of maternal deaths at home or in private health facilities might have gone unrecorded by the government (San, 2014). Two years later, in 2015, maternal mortality had decreased but still remained high, at 170 per 100,000 live births. (CDHS, 2014; UNICEF, 2016), with 509 recorded maternal deaths (WHO et al., 2015).

Figure 2 Trends in nutritional status of children under age 5 (from CDHS, 2014).

IV. Malnutrition for Children under 5 years of age

Children under 5 years of age still face malnutrition problems such as being underweight (28%), stunting (40%) and wasting (11%). These conditions are caused by improper feeding and inadequate clean water and sanitation, which increase diarrhea prevalence in children (UNICEF, 2013). Figure 2 states that stunted children less than 5 years of age suffer that condition because their mothers were underweight or malnourished during pregnancy. The percentage of stunted children has slightly changed between 2010 and 2014, 40% and 32%, respectively. This prevalence is caused from mother’s having low education related to ANC and maternal health during pregnancy. The number of stunted children in rural areas is higher than in urban areas. Moreover, the statistics for the prevalence of wasting children under 5 years of age has remained unchanged. Mothers in rural areas generally have the lowest wealth quintiles and poor education on pre and postnatal care (CDHS, 2014).
1. Prevalence of Anemia in Children

Anemia remains a problem in children, as well as pregnant women as discussed above. Figure 3 shows that the prevalence of anemic children under 5 has remained relatively the same over the past 10 years. The percentage of anemia has increased despite over 4 years of new policy implementation for preventing anemia, from 55% and 56% in 2010 and 2014, respectively. The children in rural areas are more likely to be anemic than children in urban areas. Children in the poorest households and mothers who have low education are the most vulnerable to anemia (CDHS, 2014). One more thing is that anemia in children can be caused from anemic mothers getting during pregnancy, which can lead to premature deliveries and low birth weight of babies. One of the best ways to improve nutrition for children is through appropriate breastfeeding practices. Exclusive breastfeeding is important for children’s nutrition during the first six months of life. Moreover, raising awareness on pregnancy education and dietary diversification programs are needed for long-term development progress (WVC, 2014).

![Figure 3](image)

**Figure 3** Trends in anemia status among children under age 5 (CDHS, 2014).

2. Infant Mortality Rates

Infant mortality declined from 45 deaths to 28 deaths per 1,000 live births between the 2010 and the 2014 CDHS studies. Cambodia’s national infant mortality rate remains stubbornly high at about 27 deaths per 1000 live births (Wilson, 2016). Proper nutrition and health care during the first 1000 days of a child’s life are crucial for survival. The majority of infections and conditions caused by malnutrition happen during this period. Mothers must learn how to
feed and take care of the baby to prevent infections, especially lung infections (Wilson 2016). Prematurity is the highest cause of neonatal deaths due to the prevalence of malnutrition and anemia in women during pregnancy in Cambodia.

V. Conclusions

Infant and maternal health development in Cambodia still faces many challenges. Infant and maternal mortality rates have decreased compared with the 2014 CHDS development report, but the prevalence of children under 5 years of age who are stunted, wasted, and underweight has not improved, and the amount of children who get mild, moderate, and severe anemia remain stubbornly unimproved. The prevalence of women who get anemia has not improved because of continued micronutrient deficiencies during pregnancy in such as iron, vitamin A, folic acid and zinc. Pregnant women and anemic women during pregnancy do not follow the guidelines of anemia treatment by taking 180 mg iron tablets (2 tablets a day for 3 months) for improving their anemia status. Many do not take all the recommended iron tablets due to a lack of supply because of irregular ANC visits, starting ANC late in pregnancy, not following the skilled advice from their midwife, forgetting to take their tablets, or fear of potential side effects such as a fear of having a big fetus, which makes delivery more difficult. Moreover, Cambodia’s lack of outreach services to support pregnant women in rural areas is a huge contributor to the stagnation of maternal and infant mortality, anemia and malnutrition rates.

According to the health sector development on infant and maternal health in Cambodia, the malnutrition status for pregnant women and children under 5 still face many problems. The prevalence of children, who are stunted, wasted and underweight are identically high as the number of anemic women during pregnancy. The following are a few recommendations for the Royal Government of Cambodia in order to improve the infant and maternal health sector:

1. Health centers have to develop policies or regulations for midwives to give nutritional education to all pregnant women during their ANC visits at health centers, especially for women who are having a baby for the first time and are coming for their first ANC visit. Nutritional education is important in order to improve fetal growth and maternal health care during pregnancy and delivery, and encourage mothers to continue ANC visits by explaining the importance of nutrition and supplementation. Midwives must follow all educational guidelines issued by the Ministry of Health to
coach the pregnant women on their nutrition. Health center chiefs should monitor midwives during appointments to ensure pregnant women are well educated on nutrition.

2. The Cambodia Demographic Health Survey (CDHS) has been using the HemoCue photometer as an instrument to test the blood of women seeking to find out their anemia status during survey research conducted in the field. Pregnant women should be tested for their anemia status during ANC visits at health centers, and this instrument provides easy and accurate readings. Midwives should test mothers at every visit in order to investigate the anemia status of women (mild, moderate or severe), and then provide them with the proper treatment and education. All health centers should be equipped with a HemoCue photometer. Therefore, the Ministry of Health should provide a HemoCue photometer and a set of instruments for testing to health centers across the nation, especially in rural areas where the prevalence of anemia is high. The Ministry of Health should also provide training to all midwives on how to use this equipment before implementing new blood testing regulations.

3. Outreach services in rural areas are very important for adolescent girls and pregnant women. Outreach services should be performed by skilled, trained midwives who have enough experience to properly educate the women. Pregnant women should be encouraged to ask any questions when they meet problems. The Ministry of Health should provide more funds for skilled midwives to implement outreach services to rural pregnant women. All midwives’ activities must be facilitated by health center chiefs, and these outreach programs should be properly overseen and implemented. This incentive is important to encourage them to perform their outreach responsibilities and to ensure the sustainability of household coaching services.

4. Poverty, underdevelopment, and low socioeconomic status are major root causes of malnutrition in Cambodia. Malnutrition is aggravated by poor feeding and care practices for infants and young children, as well as poor sanitation and hygiene. Moreover, a lack of access to education, quality health care and safe drinking water can have negative effects on nutrition. Therefore, the Royal Government of Cambodia should cooperate with the non-governmental sector, stakeholders and international donors to develop health projects such as providing nutritious food for consumption, education, and safe drinking water, and a homestead food program to improve the health and nutritional status of rural people.
References


An Analysis of Non-Renewable Energy Resources and New Potential Renewable Sources for Environmental Sustainability in Cambodia

Kro Meng
Centre for Research and Creativity, The University of Cambodia, Northbridge Road, Phnom Penh, Cambodia

Abstract
In Cambodia, the supply of fuel, oil and gas are rapidly declining while the energy demands continue to increase more than 20% annually. Currently, approximately 6.9 million people in Cambodia cannot access reliable electricity resources, and the domestic energy sources are inadequate in Cambodia. This study analyzes non-renewable resources in Cambodia and identifies new potential renewable energy sources available to ensure environmental sustainability. Coal and oil comprise the largest non-renewable resources in Cambodia currently, while solar energy, hydropower, biomass, and biofuel all represent potential energy sources for the future.

Keywords: Renewable energy, environmental sustainable development, hydropower, solar, and biomass

I. Introduction
Energy as a source of power is critical for people worldwide. All activities including household activities, industrial operations, transportation, agriculture, education, and communication depend upon energy. The majority of energy generated from fossil fuels such as coal, oil, and natural gas cause serious problems on the environment and human health. Carbon dioxide (CO₂) emissions pollute the atmosphere, and deforestation worsens global warming. These energy sources are non-renewable and will eventually run out in the future (Ismail et al., 2015; Ausgrid, 2017).

Worldwide, the supply of fuel oil and gas is rapidly declining while the energy demands in Cambodia continue to increase. Approximately 6.9 million people in Cambodia cannot access reliable electricity. All villages are expected to access to electricity by 2020 but an estimated 820,000 households or at least 4 million people are still not expected to access power until 2030. Energy demand in Cambodia is increasing more than 20% annually. Domestic energy
sources are inadequate in Cambodia. The total electricity power used was around 5201 GWh in 2015, but Cambodia only produced 3,660 GWh for power consumption (WWF, 2016).

Cambodia depends on a mix of both renewable and non-renewable resources in order to meet its increasing energy demands. The aim of the following study is to evaluate the non-renewable resources currently in Cambodia; and identify potential renewable energy sources available for the use and development in Cambodia to ensure environmental sustainability

II. Power Generation by Sources

Cambodia generates power by many different sources.\(^1\) Table 1 highlights hydropower, coal, diesel, and biomass in particular, and shows that the amount of diesel/heavy fuel oil for power generation has decreased since 2012 while hydropower and coal production have started to increase since the same year.

Table 1: Power generation by source (2015 Annual Report on the Power Sector of the Kingdom of Cambodia).

<table>
<thead>
<tr>
<th>Year</th>
<th>Hydro Power</th>
<th>Coal</th>
<th>Diesel/HFO</th>
<th>Biomass</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>40.51</td>
<td>-</td>
<td>595.38</td>
<td>-</td>
</tr>
<tr>
<td>2004</td>
<td>28.42</td>
<td>-</td>
<td>714.81</td>
<td>-</td>
</tr>
<tr>
<td>2005</td>
<td>43.54</td>
<td>-</td>
<td>835.71</td>
<td>0.12</td>
</tr>
<tr>
<td>2006</td>
<td>50.61</td>
<td>-</td>
<td>1034.82</td>
<td>1.68</td>
</tr>
<tr>
<td>2007</td>
<td>49.71</td>
<td>-</td>
<td>1294.36</td>
<td>5.25</td>
</tr>
<tr>
<td>2008</td>
<td>46.28</td>
<td>23.36</td>
<td>1409.94</td>
<td>4.53</td>
</tr>
<tr>
<td>2009</td>
<td>47.43</td>
<td>28.03</td>
<td>1152.65</td>
<td>6.49</td>
</tr>
<tr>
<td>2010</td>
<td>31.73</td>
<td>32.08</td>
<td>989.73</td>
<td>5.82</td>
</tr>
<tr>
<td>2011</td>
<td>51.52</td>
<td>46.50</td>
<td>908.61</td>
<td>11.91</td>
</tr>
<tr>
<td>2012</td>
<td>517.37</td>
<td>37.42</td>
<td>856.56</td>
<td>11.75</td>
</tr>
<tr>
<td>2013</td>
<td>1015.54</td>
<td>168.75</td>
<td>578.99</td>
<td>6.68</td>
</tr>
<tr>
<td>2014</td>
<td>1851.60</td>
<td>863.02</td>
<td>326.97</td>
<td>16.79</td>
</tr>
<tr>
<td>2015</td>
<td>2159.64</td>
<td>2127.82</td>
<td>163.66</td>
<td>38.15</td>
</tr>
</tbody>
</table>

In 2015, the majority of energy was generated from hydropower dams and coal power-plants in Cambodia. About 47% of hydropower was supplied to Cambodian people while 19% was based on coal imports (Fig. 1). Coal resource usage for power generation is increasing every year in Cambodia, and renewable resources are growing in popularity.

**Figure 1** Power Generation (MME, 2016).

### III. Imported Non-Renewable Resources

Whilst there is the possibility of gaining access to off- and on-shore reserves of fossil fuels, this potential has yet to be realised.

#### 1. Coal

Coal consumption for power generation increased largely in 2014 and 2015 (see Fig. 2) due to two major issues: the operation of new coal power plants (Sihanoukville 100 MW coal power plant and the first 270 MW coal power plants of the CIIDG Erdos Hongjun Electric Power Co.Ltd.), as well as the operation of a new cement plant in 2015. In fact, most coal consumption is allocated to the cement sector (ERIA, 2016).

The amount of coal consumption in the industrial sector more than doubled between 2010 and 2015 (Fig. 3). Coal combustion emits carbon dioxide into the atmosphere, which impacts climate change and human health. A World Bank report showed that CO₂ emission in

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Two types of coal data exist in Cambodia related to coal consumption for power generation and for the industry sector. The data are managed by Electricité du Cambodge (EDC), which collects coal consumption data from the coal power plants (managed by independent power producers or IPPs) and the General Department of Energy (GDE), Ministry of Mines and Energy (MME), which maintains the data.
Cambodia was 5574 kilotons in 2013 (ICMARKETS, 2013). According to the US Energy Information Administration (EIA), one ton of coal generates 2.86 tons of carbon dioxide (CO$_2$) into the atmosphere. The total of coal generation from both power generation and industry consumption was 1,029.49 kilotons in 2015. Thus, the amount of CO$_2$ emitted from coal consumption was 2,944.34 kilotons in 2015. Increasing the amount of CO$_2$ seriously impacts the effects of climate change due to greenhouse gases forbidding the infrared energy from the earth to the atmosphere.

The increase in power generation due to coal is due to the full operation of the 100 MW coal fired power plant operated by Cambodian Energy Limited in 2008, and a 270 MW coal fired power plant implemented by CIIDG Erdos Hongjun Electric Power Co. Ltd in 2014 (EAC, 2015). Moreover, a coal fire power plant that generates 150 MW is planned to be implemented at Preah Sihanouk province, which is headed by the Malaysian firm Cambodia
Non-Renewable and Potential Renewable Sources in Cambodia

Energy Co. Ltd. The plant will be constructed by Toshiba, the first Japanese company to build a coal power plant in Cambodia (Kunmakara, 2017). The plant is expected to generate the electricity by 2019 (Vannak, 2017).

2. Oil

The amount of imported oil products in Cambodia has fallen since 2010, from 170 kilotons then to 43.03 kilotons in 2015. Diesel consumption also dropped from 6.05 kilotons to 1.46 kilotons. A report from the Customs Office shows that the petroleum products imported to Cambodia are Jet A-1: kerosene type jet fuel, motor gasoline, gas/diesel oil, fuel oil, lubricant, and liquid petroleum gas, all of which have been consumed for power generation. Energy sources have shifted from these oil-based products to coal power plants and hydropower (ERIA, 2016).

IV. Potential of Renewable Energy Development in Cambodia

The energy policy for the Cambodian government aims (i) to supply adequate energy at affordable rates, (ii) to ensure the reliability and security of electricity supply to facilitate investments and advance national economic development, (iii) to encourage the socially acceptable development of energy resources and (iv) to promote the efficient use of energy and minimize environmental effects resulting from energy supply and consumption. The renewable energy potential in Cambodia from solar, biomass and biogas, hydropower and wind generation combined together will be an estimated 87% of power generation in 2050 (WWF, 2016).

1. Solar energy

Solar energy resource development depends largely on the degree of solar irradiation and land area surface that is suitable for photovoltaic (PV) development and the efficiency of the solar energy systems. Cambodia has high degree of solar irradiation and large solar resource potential. Cambodia has a land area about 134,500 square kilometers that is suitable for photovoltaic development. Solar energy resource projects conducted by the Potential for Clean Development Mechanism Projects showed that solar energy in terms of electricity generation. The potential is about 7,470 GWh per year and an ADB pilot project in 2012 estimated that there is 10,000 GWh per year for solar energy resource potential in Cambodia (ADB, 2015). The solar photovoltaic power potential is estimated to be approximately 21 GWh per day (Sarraf, M. 2013).
2. Hydropower

Cambodia has many waterways for hydropower development. The technical potential of hydropower resource is estimated to be 8,000 MW by the Greater Mekong Sub-Region, 8,600 MW by Asian Development Bank, 10,000 MW by Ministry of Mine and Energy and 15,000 MW reported by JICA (Sarraf, 2013). Less than 10% of hydropower has been developed and around 50% of hydropower resources are located in the Mekong River, 40% on the Mekong River tributaries and 10% in the coastal area in Cambodia (WWF, 2016). More than 60% of energy in Cambodia currently depends on hydropower, but NGOs have been making an effort to conserve the environment due to the impact large-scale hydropower dams have in destroying biodiversity, natural resources and human health on people who live along the Mekong River. Hydropower plants generated 1,015.54 million kWh in 2013, and that increased to 1,851.60 million kWh the following year. About 42 potential hydropower projects have been developed with a total capacity of 1,825 MW which is generating roughly 9,000 GWh/year of electricity (WWF, 2016).

A hydropower dam, the Lower Seson 2 with the capability of 400MW, is being developed by China Huaneng Group at a total cost US$977 million. The construction is expected to be completed in 2017. In early 2016 the Ministry of Mines and Energy tried to mitigate hydropower problems by offering compensation and resettlement for one thousand families. Many of these families were displaced by the hydropower dam and rejected the proposed compensation property from the government, which was 80 m² and 5 hectares of plantation land, regardless of their existing property wealth. In the southeast part of Cambodia, the Stung Areng Valley has been studied for hydropower feasibility. However, the proposal of hydropower in Areng Valley has been strongly opposed by environmentalists and local communities in the area. The proposal has been postponed after it was protested by many groups of people. Prime Minister Hun Sen reported that the Areng Valley hydropower development would not be constructed due to data deficiency from the study. The Areng Valley will be conserved as an eco-tourism area which will preserve the land. A new coal fired power plant will be constructed in Preah Sihanouk province instead (Carlisle, 2017).

However, the scale of hydropower is projected to drop from 60% in 2014, to 47% in 2015, and to 40% in 2030. Large-scale hydropower plants impact local communities and ecology systems particularly in Koh Kong and Stung Treng provinces, as well as the downstream part of the Mekong River, which affects biodiversity resources. Some proposals of hydropower
were rejected and transferred to generate coal power plants due to these potential negative impacts on biodiversity, natural resources, and human environment.

3. Biomass

A few companies such as Angkor Bio Cogen Co. Ltd., Phnom Penh Sugar Co., Ltd, IED Invest (Cambodia) and Cam Chilbo Electric Power Co. Ltd used wood and agricultural products or waste to produce electricity in Cambodia. The electricity generated by biomass increased from 6.68 million kWh in 2013 to 16.79 million kWh in 2014, respectively. An ADB study in 2015 estimated that Cambodian biomass energy generation has the potential to produce 15,025 GWh/year, and biogas potential from livestock manure is 13,590,766 kWh/day (WWF, 2016). Biomass productions such as firewood, charcoal and biogas based on animal manure are consumed in Cambodia, particularly in rural areas. A small amount of firewood is still use in some industries in Cambodia for tasks such as heating boilers (ERIA, 2016). Power generation produced by biomass production has increased as can be seen in Table 2 and Figure 4).

**Table 2** Final Consumption of Biomass (General Department of Energy)

<table>
<thead>
<tr>
<th>Year</th>
<th>Firewood</th>
<th>Charcoal</th>
<th>Biogas</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Residential</td>
<td>Industrial</td>
<td>Residential</td>
</tr>
<tr>
<td>2007</td>
<td>1,380,816</td>
<td>605,077</td>
<td>260,648</td>
</tr>
<tr>
<td>2008</td>
<td>1,441,482</td>
<td>631,661</td>
<td>272,100</td>
</tr>
<tr>
<td>2009</td>
<td>1,480,823</td>
<td>648,900</td>
<td>279,526</td>
</tr>
<tr>
<td>2010</td>
<td>1,501,030</td>
<td>657,755</td>
<td>283,341</td>
</tr>
<tr>
<td>2011</td>
<td>1,566,978</td>
<td>686,653</td>
<td>295,789</td>
</tr>
<tr>
<td>2012</td>
<td>1,631,058</td>
<td>714,733</td>
<td>307,885</td>
</tr>
<tr>
<td>2013</td>
<td>1,700,601</td>
<td>745,207</td>
<td>321,012</td>
</tr>
<tr>
<td>2014</td>
<td>1,780,000</td>
<td>780,000</td>
<td>336,000</td>
</tr>
<tr>
<td>2015</td>
<td>1,806,735</td>
<td>842,347</td>
<td>341,047</td>
</tr>
</tbody>
</table>

4. Biofuel

Biofuel production in Cambodia was produced by rice husks. About 25% of this waste was used as fuel biomass. Cambodia generates approximately 1.6 million tons of rice husks a year. It was estimated that 1 million tons of rice husks could produce 60 MW of power. In
Kro Meng

2014, the Malaysian company PMTI Energy (Cambodia) Co. Ltd. supplied 48,000 MW of energy to EDC produced from rice husks at a price of $0.09 per kW (Muyhong, 2014). Biofuel production has significant potential because 1,000 ha of jatropha, 4,000-10,000 ha of palm oil and 20,000 ha of sugarcane are available in Cambodia.

![Figure 4 Power Generation by Biomass.](image)

V. Conclusions

Cambodia currently used hydropower resources to produce electricity in the country. The large scale of hydropower dams has negatively affected the environment, ecological systems, biodiversity and natural resources. Moreover, it has affected human health, especially people living along the Mekong River. Cambodia is making an effort to reduce large-scale hydropower dams and instead operate small and medium-scale dams while implementing environmental impact assessments (EIA). Cambodia has reduced the use of fuel oil for power generation and substituted with coal production, which is imported from Malaysia. However, a large amount of coal production used to generate power also negatively affects the environment. Therefore, the Cambodian government and private sector must develop and implement potential renewable energy sources to increase access to power across the nation without serious consequences to the environment.

References


How to Write a Proper Paragraph in Academic Writing

Sras Hem

College of Law, The University of Cambodia, Northbridge Road, Phnom Penh, Cambodia

Abstract

Long paragraphs are often seen in many writings in any language. They are difficult for the reader to capture the meaning quickly. Sometimes, the reader does not want to read the paper when he or she sees the long paragraphs in it. Thus, long paragraphs are an obstacle for attracting the reader’s first attention, and the writer cannot achieve what he or she wants to convey to the reader. In response to this problem, this paper proposes a new rule for writing proper paragraphs in an academic setting in order to achieve clear and concise language and attract the reader’s attention right away. In light of proposing this rule, this paper observes the causes of writing long paragraphs in Cambodia. The paper finds that Cambodians write such long paragraphs for two reasons: the first is students’ general (mis)perception over the organization of an essay. The second is the tendency for Cambodian students or writers to write rhetorically or poetically when authoring an essay or paper. Both factors have contributed to Cambodians writing long paragraphs with several main ideas, which makes it difficult to distinguish the main, supporting, and concluding ideas. In order to improve this, the paper sets a new rule by restricting the number of lines in a sentence and the number of sentences in a paragraph. This suggested rule is not limited to Cambodia, but also other countries that find it useful in writing a proper paragraph in an esthetic and balanced way.

I. Introduction

When a native English speaker reads an essay or paper written in English by Cambodian students, he or she often expresses a feeling of confusion and frustration and does not want to read it. Why is that so? Apart from grammatical mistakes,

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1 dean_law@uc.edu.kh
2 One common source of grammatical errors in English writing by Cambodians is the mis-use of indefinite and definite articles (a, an, and the): this concept does not exist in the Khmer language. Thus, Cambodians may not use these appropriately when directly translating from the Khmer language into English.
3 Other common mistakes are found in the use the context of single or plural nouns, and the need for a verb agreement. In the Khmer language, there is no change for the plural form of a noun and thus no
readers is that the paragraphs written by Cambodian students are frequently very long and contain several ideas. This is contradictory to an English paragraph that has clear components to follow.

The contradiction leads to doubts by foreigners whether Cambodian students know how to write a paragraph or know the components of a paragraph when they write an essay or paper. Thus, paragraph writing using clear and concise language is a challenge for Cambodian students today. The purpose of the present paper is to identify the causes of why Cambodian students and other writers use such long paragraphs and to propose a new rule for writing proper paragraphs in academic writing in, but not limited to, Cambodia in the future.

II. Principles of Paragraph Writing

Observationally, a long paragraph can exist in any language, including English too, but this can vary and depends on the type of writing and the generation of the writer. Previously, a number of writers were inclined to write long paragraphs. Reading books or journal papers that were written a long time ago, one would see many long paragraphs in them. A number of writers of different nationalities still use long paragraphs in their papers to this day.

However, the current generation tends to write a short paragraph, which focuses on using clear and concise language. (Zinsser, 2001, pp. 7-8; McKerihan, 2015, Part 1). Many academic writing instructors teach students how to write short paragraphs (Starkey, 2004, p. 15; Cooper, 2013, p. 343). Likewise, many contemporary scholars also write their papers in this way (Hartley, 2008, pp. 3-4). Clear and concise language is that which a writer uses to make it easy for a reader to read, capture, and understand the content of an essay or paper quickly (Zinsser, 2001, p. 9; Sant, 2008, p. 64). To do so, an author usually writes his or her paper avoiding long sentences and paragraphs (Kane, 1988, pp. 262-263; Zinsser, 2001, pp. 7-8; Starkey, 2004, p. 15). That is a standard for writing an academic essay or paper today.

Therefore, understanding the components of a paragraph is essential for writing an essay or paper using clear and concise language. In principle, a paragraph is a group of relevant sentences that describes a main idea. A paragraph contains a central idea that needs to be further developed or illustrated within that paragraph (Oshima and Hogue, 1991, p. 100; Zemach and Rumisek, 2005, p. 11; Robitaille and Connelly, 2007, p. 21; Wingersky et al.,
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2009, pp. 28-29; Connelly, 2012, p. 35). In general, adding several supporting sentences to the body of the paragraph is enough to develop or illustrate the main idea (Howe and Willoughby, 2005, p. 73; Wingersky et al., 2012, p. 37).

In standard practice, a paragraph has three main components: (1) a topic sentence, (2) a supporting sentence(s), and (3) a concluding sentence (Zemach and Rumisek, 2005, p. 12; Robitaille and Connelly, 2007, p. 55). These components are the core of a paragraph when writing an essay or paper. The reader expects to see these parts or expects the writer to follow these components in his or her essay or paper.

First, the fundamental component of a paragraph is a topic sentence, which can lie anywhere within the paragraph – the beginning, middle, or end (Howe and Willoughby, 2005, p. 73; Zemach and Rumisek, 2005, p. 12; Wingersky et al., 2009, p. 29; Connelly, 2012, p. 37; Folse et al., 2014, p. 5). However, in order to grasp the reader’s attention right away, a topic sentence should be placed at the beginning (the first sentence) of a paragraph (Kane, 1988, p. 89; Howe and Willoughby, 2005, p. 73; Zemach and Rumisek, 2005, p. 12). This makes it easy for the reader to follow the writer’s train of thought and capture the main idea of the paragraph in an essay or paper.

After reading a topic sentence, which is the main idea of a paragraph, the reader expects to see various supporting sentences in that paragraph. Supporting sentences can be a sentence or a group of relevant sentences that further describe or develop the topic sentence by providing supporting evidence or illustrating examples (Howe and Willoughby, 2005, 73; Zemach and Rumisek, 2005, p. 12; Robitaille and Connelly, 2007, p. 61; Connelly, 2012, p. 37; Folse et al., 2014, p. 5). These sentences must be related to the main idea of that paragraph; otherwise, they are considered irrelevant and must be taken out.

The last component of a paragraph is a concluding sentence, which usually lies at the end of a paragraph. This sentence can be called a “closing sentence” of a paragraph, meaning that it summarizes the paragraph or gives a final comment or interpretation about the topic of a paragraph (Howe and Willoughby, 2005, p. 73; Zemach and Rumisek, 2005, p. 12; Robitaille and Connelly, 2007, p. 71). However, a concluding sentence is optional in a paragraph. Not every paragraph should have a concluding sentence; it depends on two premises: (1) the complete idea and (2) a logical transit.

A complete idea of a paragraph, in this paper, refers to a separate, single idea that is closed by such a paragraph. In this sense, the main idea of that paragraph does not need more
explanation to describe the idea in the next paragraph. In this case, this paragraph needs to be concluded with a concluding sentence.\(^4\) If the description or development of a complete idea prolongs a paragraph, such a long paragraph should be separated into two or more subparagraphs by a logical transit. A logical transit, in this paper, refers to a logical indentation of a paragraph into another without a concluding sentence of the first one. In this case, a writer instead makes a logical transit of similar ideas from one paragraph to another. A concluding sentence can be made for the last subparagraph when it reaches a complete idea.\(^5\)

In short, a paragraph can have two or three components depending on whether it has a complete idea or logical transit in an essay or paper. When a paragraph has these components, it complies with this paper’s thesis.

### III. Challenges of Paragraph Writing for Cambodian Learners

As described in the Introduction above, Cambodian students or writers face challenges in writing paragraphs. This section will give an overview of the challenges and factors that have contributed to the writing of such long paragraphs. The first part will cover the challenges, and the second part will focus on the factors that contribute to these challenges.

#### 1. Challenges of Contemporary Paragraph Writing

The above-described components of a paragraph are standard for writing paragraphs in any language, in particular, in English. However, paragraph writing can, observationally, be varied in Cambodia depending on the background of a Cambodian student or writer’s education. There are three noteworthy premises that contribute to this variety.

A Cambodian student or writer who has studied abroad and undergone extensive training in academic writing, generally produces appropriate papers and follows the components of a paragraph. If he or she studies in Cambodia and has undergone appropriate academic writing training, his or her paragraph writing is also good, accordingly. However, if he or she has

\(^4\) This type of paragraph can mostly be found in a standalone essay. In the standalone essay, each paragraph often has a separate, complete idea. It follows most patterns by using the subsequent ordinal number such as first, second, third, etc. The idea of each subsequent paragraph is a separate, complete one. You usually complete an idea in the first paragraph and then continue to the second one. In this case, before continuing to the second paragraph, you need to conclude the first one with a concluding sentence.

\(^5\) This type of paragraph is mostly found in writing a long paper like a thesis, research paper, or book. To bear in mind, writing a section of this work is similar to writing a standalone essay, but most paragraphs in this section needs a logical transit rather than a concluding sentence.
never studied abroad, or has never received extensive academic writing training, his or her paragraph writing generally faces structural problems.

The structural issue often seen in Cambodian writing is long paragraphs that contain more than one main idea, which is contradictory to the components of a paragraph. Appendix A gives such an example of a paragraph extracted from a fourth year Bachelor’s student’s essay on the ‘Perception of Judicial Independence’ in one of the author’s classes.

It is a body paragraph of an essay but it is very verbose and contains several main ideas. This long paragraph should be separated into several paragraphs in order to be more effective. This example showcases that this student does not follow the components of a paragraph as mentioned above. However, the problem lies not only with this individual student, but rather with most Cambodian students observed by the author. The question is why do most Cambodian students face such problems when it comes to paragraph writing.

The present paper will try to answer this question based on the author's own experience in teaching academic writing and methods to write a graduation project (a report, research paper, or thesis) in both Khmer and English for several years at the university level in Cambodia. This paper will discuss a number of paragraphs written by Cambodian university students as well as Cambodian writers that face structural issues related to paragraph writing.

2. Factors that Contribute to Writing Long Paragraphs in Cambodia

As mentioned above, the current generation and trend of academic writing focuses on clear and concise language (Zinsser, 2001, pp. 7-8; McKerihan, 2015, Part 1). Therefore, a writer tries to avoid writing long sentences and paragraphs in his or her papers (Kane, 1988, pp. 262-263; Zinsser, 2001, pp. 7-8; Starkey, 2004, p. 15). However, a long sentence and paragraph, especially a long paragraph with several main ideas, still dominates contemporary academic writing in Cambodia today. This is contradictory to writing a paragraph using clear and concise language, which needs to be addressed and improved to secure a better future of academic writing in Cambodia.

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*The author has taught a course on research methodology that focuses on how to write reports, research papers, and thesis papers (graduation project) at the university level since 2015. In this course, the author always tests students’ writing skills and ability before the class begins; therefore, the author sees structural problems of paragraphs and essays in most students’ writings. As a result, the author has decided to write this paper in order to show the flaws and causes of contemporary Cambodian students’ writing and suggests a new method for improving academic writing in Cambodia in the future.*
This paper finds that Cambodians write such long paragraphs for two reasons. The first is students’ general misunderstanding of essay organization, and the second is the tendency of Cambodians to use a rhetorical or poetic way of writing, which is common in the Khmer language.

First, students’ misunderstanding of the organization of an essay is a factor that is attributed to Cambodians writing such long paragraphs. Cambodian students have undergone training on how to write an essay, which is known as “composition” in the course of Khmer Literature mainly in secondary and high schools. In Cambodia, students learn different composition techniques depending their teacher’s knowledge and efforts, and of course the effort of each student. Thus, it is hard to assume students’ general perception on composition because of the variance in how they have learned to write compositions at general education schools in Cambodia.

However, students’ general perception of composition or essay writing can be realized under the author’s academic writing classes when they enter into university. The author has taught how to write reports, research papers, and theses (graduation projects) for several years at universities in Cambodia. In this course, the author uses various methods to teach students how to conduct research, collect data, use citations, and utilize specific writing techniques for reports, theses, and research papers.

The author often recalls that writing a graduation paper well demands a good understanding of the proper methods to write paragraphs and essays, as these methods are the core of academic writing. The author, before starting a new class, always tests the students’ writing abilities. The author often asks students general questions concerning essay writing. When the author asks students about the organization of an essay, most students understand that it has three parts: (1) Introduction, (2) Body, and (3) Conclusion. When the author continues to

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7 Lessons on composition writing are in the textbooks at secondary and high schools, but techniques to execute this composition depend on the real context of teaching and learning in Cambodia. Schoolteachers, in addition to teaching obligatory sessions in full-time classes, can teach part-time classes (charged hourly) to their students. Due to this, many schoolteachers do not pay enough attention to teaching their full-time classes, and instead they keep some parts of lessons or techniques to teach in part-time classes for extra pay from their students. Thus, students’ knowledge also depends on this. If students have money to pay for and attend part-time classes, they may gain better techniques in writing a composition than other students who do not attend these extra sessions. In preparation for passing the national high school examination, students can strive to learn from other experienced teachers besides their teachers at school. This helps them prepare better than other students.
ask students about the composition of essays, especially the number of paragraphs in the body, most students are reluctant to answer or unsure of the answer.

The three-part essay composition, as mentioned above, can be realized in most students’ essays. The author has noticed that most students try to complete their essays in three parts, namely, introduction, body, and conclusion, regardless of the thesis statement or the main idea of an essay. Unfortunately, the three-part essay approach usually results in long paragraphs that contain several ideas, especially in the body. Appendix B is an example extracted from a fourth year Bachelor’s student’s essay on the ‘Right of Ownership under the Cambodian Land Law’ in one of the author’s classes.

This example shows a students’ general perception over an essay organization that they tried to complete their essay in only three parts. Reading through the introduction, the thesis statement clearly indicated three controlling ideas that should have been described in the body. Thus, the body should have been broken up into three basic paragraphs, but instead the student put them all in only one paragraph. Thus, the body paragraph is too long and contains several main ideas.

Second, this style of writing paragraphs can also be attributed to a way of rhetorical or poetic thinking that is common in the Khmer language. In Cambodia, poem writing carries a sense of pride and deserves respect because it is believed that someone who can write a poem has high knowledge. Such a mindset makes many Cambodian scholars write their papers using poetry rather than prose. Looking through old-time writings, many famous Cambodian scholars have left their works in poetry form for the next generation to read.

Notably, poem writing in Khmer does not require paragraphs or follow the components of a paragraph. It demands rhetorical or poetic linking among words, phrases, and sentences to produce a pretty and rhythmical melody. Such thinking and writing becomes a hindrance though when he or she writes an academic essay or research paper that requires following the components of a paragraph using prose. This is illustrated in Appendix C, a one-paragraph introduction extracted from a paper written by a Cambodian scholar in 2016.

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8 Some students’ essays in the author’s classes do not have an indentation at all. Students wrote paragraphs continuously from beginning to end. Despite this, the author checked the meaning of their essays and they also had three parts: Introduction, Body, and Conclusion. It seemed likely they forgot to indent these parts or they got confused while writing.

9 When students write an essay, in their mind, they try to achieve only three parts, which are thought to be enough for an essay. In this context, they have one paragraph is for the introduction, another is for the body, and the last one is for the conclusion. Students tend to try and put everything in the body. As a consequence, the body paragraph is often very long and contains several main ideas.
Reading this paragraph, one can perceive that the writer tried to be rhetorical in his words. Thus, he jumped from one idea to another immediately without taking into consideration the components of a paragraph. Reading this long paragraph will make one out of breath and makes it difficult to capture the meaning of the paper immediately. It would be easy to understand the meaning of this paragraph if it were separated into several subparagraphs.

This method of writing gives rise to a noteworthy consequence; the difficulty to distinguish the main idea of the paragraph. The reader sometimes has difficulty distinguishing which ideas are the main, supporting, or concluding ones because they all look similar. This is illustrated in Appendix D, a paragraph extracted from another Cambodian scholar’s work in 2017.

In this example, the ideas seem relevant; thus, the writer puts them together to produce a long paragraph. However, reading through this paragraph, the main idea is difficult to find. This paragraph has several similar ideas, which makes it difficult to distinguish between the main and supporting ideas. Taking a closer look, it appears that the writer composed these paragraphs using the Khmer free-writing style.10

In short, this way of rhetorical or poetic thinking prompts Cambodian students or writers to write papers using the Khmer free-writing style. Currently, most Cambodian students or writers are using and are accustomed to such a writing style, which needs to be improved.

IV. Suggestions for Improvements

The above-mentioned factors make paragraph writing in Cambodia look inappropriate. In order to improve this, this paper suggests a new rule for paragraph writing for a more appropriate way, but not limited to, in Cambodia in the future. This paper also suggests three important things that are needed to do from now in order to improve the academic writing in contemporary Cambodian education. The following section will describe these suggestions.

1. A New Rule for Paragraph Writing

In order to avoid writing such long sentences and paragraphs, this paper puts forward a new rule to enhance academic writing that will be more effective and clear. This suggested rule

10 The Khmer free-writing style is a way of Khmer writing that Cambodian scholars use that does not pay much attention to paragraph structure or components, but rather focuses on the use of rhetorical or poetic writing as the foundation of their writing. Thus, in an attempt to produce poetic writing, the writer jumps from one idea to another immediately without thinking of following the proper paragraph components. As a consequence, a paragraph is long and contains more than one main idea.
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focuses on two points. First, it restricts the number of lines in a sentence. Second, it restricts the number of sentences in a paragraph (Sras Hem, manuscript in preparation).

Regarding the number of lines in a sentence, this paper suggests that a sentence should not be longer than three lines. In this context, a sentence may last between one to three lines, which is appropriate for reading. If a sentence exceeds three lines, it should be separated into two sentences. In this case, writers must ensure that the separated sentences have a complete and clear meaning. However, this can be extended if there is a need for a transition, or reducing the number of lines in a sentence affects the overall meaning. In that case, the sentence may be kept as is.¹¹

In terms of the number of sentences in a paragraph, this paper suggests that a paragraph should contain between three to five sentences. The reason that a paragraph should start from three sentences is because it can comply with the three main components, namely, a topic sentence, a supporting sentence, and a concluding sentence.¹² In the three-sentence paragraph, one is a topic sentence, another is a supporting sentence, and the other is a concluding sentence. In the five-sentence paragraph, one is a topic sentence, three are supporting sentences, and the last one is a concluding sentence. In case that a paragraph does not have a concluding sentence, the rest will be supporting sentences under this suggested rule.

However, under this rule, the maximum number of sentences in a paragraph is not restricted to only five sentences. The maximum of five sentences is a common standard for achieving a

¹¹ This rule also takes the font size of a language for consideration. The font size of some languages can be smaller or bigger than others. The restriction of three lines under this suggested rule varies in compliance with the font size of that language. For instance, the Khmer font size is bigger than the English one; as a consequence, some compound or complex sentences may extend over three lines. In this case, you can keep your sentence if it has a complete meaning. However, you should try to avoid such long sentences whenever possible. If your sentences and paragraphs are lengthy, you cannot achieve clear and concise language in your essay or paper.

¹² There are some exceptions in writing a paragraph that can have less than three sentences, as suggested in the minimal rule in this paper. Some academic writers assert one sentence can serve as a paragraph when it has unity and a complete meaning. The present author agrees with this assertion, but suggests this case can exist only in some introductory and concluding sentences in your work. When an introductory sentence or concluding sentence has unity and complete meaning, it can act as an independent paragraph. However, bear in mind that a one sentence paragraph cannot exist in an explanatory paragraph, where there needs to be more description of the topic sentence or main idea. In the case that the paragraph should have more than one sentence; the author suggests you should apply the suggested rule in this paper in order to satisfy the components of a paragraph and make your paper look esthetic and balanced. In order to avoid short paragraphs, the author suggests that you can further develop an introductory and concluding paragraph with more than one sentence. It would be best if you can reach the minimum sentences as suggested in this paper, so you achieve an esthetic and balanced paragraph in your work.
good esthetic and balanced paragraph under this suggested rule. Nevertheless, there may be some exceptions to this rule, and good paragraphs can extend to six or seven sentences when the meaning of a paragraph is not complete without the extra information, or some sentences are short (less than three lines). In this case, one or two more sentences are added to this paragraph can still look balanced when compared to others.

In short, the suggested rule in this paper is a standard for writing a sentence and paragraph in clear and concise language. This rule is not only applied to paragraph writing for Cambodia, but also for other languages where it is deemed to be appropriate and useful.

2. Ways to Improve Academic Writing in Contemporary Cambodian Education

For improving academic writing in contemporary Cambodian education, this paper suggests three mechanisms. First is improving the methods taught in secondary and high schools regarding writing sentences, paragraphs, and essays. Second is strengthening research paper and thesis writing at higher education institutions. Third is improving the nexus of writing methods between general and higher education in Cambodia.

In order for students to have better writing skills when they enter higher education, the suggested rule in this paper should be emphasized at general education schools. Students should be trained and learn the basic rules, especially how to write a sentence, paragraph, essay, and understand their development. When students enter into university after having a strong fundamental knowledge of paragraph and essay writing, they will not find difficulty in writing research papers and theses. Thus, strengthening paragraph and essay writing training at general education schools is a prerequisite for paving the way for better writing skills at higher education institutions.

For the current higher education level, reinforcement of academic writing, especially for paragraphs, essays, and thesis writing, is necessary in Cambodia. Academic writing classes must be held at the university level, especially for those who are required to write a research paper or thesis for graduation. Some universities have a course on academic writing or

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13 The author suggests that you should not add more sentences than this; otherwise, your paragraph will become lengthy again. You should try to avoid adding sentences as much as possible, except for some cases where it is necessary to give the paragraph complete meaning.

14 Currently, not all universities in Cambodia require students to write a research paper or thesis (graduation project) at the Bachelor’s level – some universities require it, and some do not. For universities that require it, only outstanding students, based on the top-ten principle, write a graduation project at the Bachelor’s level. At the Master’s level, there are two options for students: they can either write a research paper or thesis. If students choose to write a research paper, they only submit it to the school. They are not required to make an oral defense in front of a school
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research methodology, but do not require students to write a research paper or thesis for graduation. This does not help students much on research and writing skills. Instead, it can make students feel as though it is not compulsory to attend this course.\textsuperscript{15}

Therefore, in order to strengthen a culture of research and writing in Cambodia, universities, especially at the Bachelor’s level, should provide an option for students in every field to write a research paper or thesis for graduation. This should be on a voluntary basis. Students who prefer to write a research paper or thesis should be allowed to do so; other students should be allowed to take an exit examination for graduation. If every field of study complies with this strategy, it will inadvertently cultivate and increase research and writing in Cambodia.

In addition to these suggestions, the nexus of writing methods at general education schools and higher education institutions should be taken into consideration. The disparity of writing methods between them causes difficulties for students to adapt to the university level, and university teachers must spend valuable time correcting students’ writing behaviors and mindset when they could be covering more substantial content. For instance, composition writing at general education schools generally focuses on rhetoric and playing on words. Students are given high scores when their rhetoric and word play are done well, even when their arguments are not true or are exaggerated.

However, higher education writing requires the use of research-based arguments and evidence. Rhetoric without proper evidence or exaggeration using word play is not appropriate for writing research papers or theses at the university level. Thus, students who are accustomed to composition writing at the general education level feel it is difficult to adapt and learn new writing methods at the higher education level. Therefore, in order to avoid this, both levels should have consistency, at least to some extent, in the writing methods taught. Changes to writing methods in general education should be made in order to prepare students for higher education writing.

In summation, these suggestions are a cohesive way to improve current academic writing in Cambodia. Achievement of these suggestions will make Cambodian writing methodology

\textsuperscript{15} Students may find this course unimportant for study because he or she is not obliged to write a paper for graduation after they have completed the course. In order to change such a mindset, students should be required to write a paper for graduation. Therefore, a number of higher education institutions should take this into consideration.
consistent from general to higher education. Thus, Cambodia will stay on the track in cultivating appropriate academic writing.

V. Conclusions

Academic writing, especially a research paper or thesis, is not the same as writing a novel or poem. It requires following proper rules and components of a paragraph, essay, research paper, and thesis. Learning methods to write these is the proper way to be successful in academic life. Academic writing evolves in time. A learner must update himself or herself to such involvement, not only in his or her own country's educational system, but also international norms. Likewise, the writing methodology of one country also needs to update itself to the development of the world; otherwise, it will be left behind and become outdated. The current trend of academic writing focuses on clear and concise language, which avoids long sentences and paragraphs.

However, academic writing, especially paragraph writing, using clear and concise language is a challenge in contemporary education in Cambodia. Cambodian students or writers still write long paragraphs with several main ideas using the Khmer free-writing style, which needs to be improved. The suggested rule and recommendations as indicated in this paper will be a helpful paradigm to address this issue. From now on, a comprehensive framework for orienting academic writing, especially focusing on paragraph, essay, research paper, and thesis writing should be a prerequisite for Cambodia. For general education schools, appropriate methods of writing sentences, paragraphs, essays, and their development should further be strengthened, while higher education institutions should reinforce this with research paper and thesis writing. The nexus of writing methods should be consistent between both levels, only differing with the level of writing and ideas.

Training methods to write an essay or paper in an appropriate academic way is an arduous and time-consuming task for educators. However, it is a right odyssey for nurturing young generations to be proper academic writers and cultivating a culture of researching and writing in Cambodia. Then, Cambodian history and culture will be crystallized under the hand of Cambodian scholars.

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**Appendices**

*Note for Appendix C and D*: to avoid misunderstandings, the author respects the original writer as a fellow Cambodian scholar, and thus does not wish to disclose the source of this text to protect their overall reputation and privacy. As the author is sure that they are aware, there is the need to advance the development of education in Cambodia, in legal as in other spheres; they should thus not take this use personally, but rather view it from a broader perspective. In anticipation of potential requests of the original sources, the author will identify them upon being given an appropriate reason.

**Appendix A**

The following is a paragraph extracted from a fourth year Bachelor’s student’s essay on the ‘Perception of Judicial Independence’ in one of the author’s classes.\(^{16}\)

The judiciary shall have jurisdiction over all issues of a judicial nature and shall have exclusive authority to decide whether an issue submitted for its decision is within its competence as defined by law. Everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals. The principle of the independence of the judiciary requires to ensure that judicial proceedings are conducted fairly, and rights of the parties are respected. In

\(^{16}\) On file with the author.
accordance with the Universal Declaration of Human Rights, members of the judiciary are like other citizens entitled to freedom of expression, belief, association and assembly. However, that in exercising such rights, judges shall always conduct themselves in such a manner as to preserve the dignity of their office and the impartiality and independence of the judiciary. In paper 168 of Cambodia Constitution, “The Judiciary is an independent power. The Judiciary shall be impartial and protect the rights and freedom of citizens. The Judiciary shall consider all legal cases including administrative cases. This power shall be vested in the Supreme Court and in all courts of all sectors and levels.” The principle of an independent of Judiciary has its own origin in the theory of separation power_ Executive, Legislature and Judiciary that are the form three separation branches of government to check and balance the power for the society. The separation power must be able to exercise their professional responsibilities without being influenced by the Executive, the Legislature or any other inappropriate sources. It can be fulfilled efficiently. The public must have full confidence in the ability of the Judiciary to carry out its functions in this independent and impartial manner. The principle of independence of judges was not invented for the personal benefit of the judges themselves, but it was created to protect human beings against abuses of power. The judges cannot act arbitrarily in any way by deciding cases according to their own personal preferences, but their duty is remains to apply the law. A legal system based on respect for the rule of law also needs strong, independent and impartial prosecutors willing resolutely to investigate and prosecute suspected crimes committed against human beings even if these crimes have been committed by persons acting in an official capacity.

Appendix B

The following is extracted from a fourth year Bachelor’s student’s essay on the ‘Right of Ownership under the Cambodian Land Law’ in one of the author’s classes.\textsuperscript{17}

Cambodia is one of the oldest countries in East Asia, rich in tradition, custom, and culture across the country. Over the centuries, these traditions, customs and cultures have formed the conceptual foundations for Cambodian law. Although

\textsuperscript{17} On file with the author.
the Cambodian legal system has been influenced by the French legal system since the late 19th century, fundamental Khmer legal concepts still survived. In here, right of ownership that have mentioned in Land Law is a topic that going to discuss. In addition to the right, ownership also carried certain obligations, primarily obligations on the part of the owner of land to fence and maintain his property. Ownership is generally defined by law divided into three different types and used in three different forms. In order to define ownership or proprietorship, the 2001 Land Law sets out the elements of rights of a proprietor which include the right of use, the right of enjoyment and the right of disposition.

Proprietorship is the absolute right over land including the right of use, the right of employment and the right of disposition. However, there are no legal standards which determine the content or scope of each right all that is known is that these definitions are gotten from the French legal system. Right of use could be deemed the right to use property in a simple and legitimate way at the choice of the right holder, the right of enjoyment could be deemed the right to use one's property for production and to obtain the benefit of that production; and the of disposition could be deemed the right to dispose of the property, to transfer full ownership to another as well as the right to change or transform the structure of the property.

Under the right of use, the proprietor is free to carry out whatever farming, planting, organizing and building as he or she wishes to do and such activity is not prohibited by the law. Insofar as the right of enjoyment is concerned, the proprietor has title to all produce from the property including natural produce that grown on the land or produce which derives from acts of people such as rent or other income generated from the property. The proprietor also has rights over the increase of produce as a result of natural such as by construction, plantation and farming. The proprietor is free to lease or exchange his and her right to produce enjoyment, to sign usufruct agreements, provide easement over the land in question and to use the right as collateral. In the case of right of management, the proprietor may organize or change the type and natural form of the property in line with his or her wanted use so long as any activity to this effect is in compliance with the law. This right extends to digging on the land, cutting forest, planting crops, filling land, and mining, extracting soils, minerals or rocks, as well as using agricultural land to create industrial zones or building factories upon the
land. The only limitation on the proprietor's freedom to carry out these activities is that the activity in question must be permitted by law. The proprietor can sell, exchange, and transfer the right of disposition. The owner of the land shall be the owner of the underground and of anything that maybe extracted there from except statues, and something remained from ancient or any type that found there. Such works from part of the national heritage. The owner of the land is also the owner of the space situated directly above his or her property. He may take fruit from those branches. However, title over land shall be implemented by the law and in legitimate ways. Proprietors must avoid property use in bad faith and should not use it in such a manner as to disturb third parties, especially neighbors. Each type of ownership carries different rights and responsibilities and is governed according to a specific legal regime. However, this law did not provide a clear definition of and full guarantee for private land ownership since its scope was still narrow and unclear. Therefore, the scope and content of proprietorship rights as provided for in the 1992 Land Law was still limited and unclear. The new state's constitution 1993 recognizes and ensured the right of private ownership of all Khmer citizens to private land ownership in Art 144 in following terms:

“All persons, individually or collectively, shall have the right to ownership. Only Khmer legal entities and citizen of Khmer nationality shall have the right to own land. Legal private ownership shall be protected by law. The right to confiscate properties from any person shall be exercises only in the public interest as provided for under the law and shall require fair and just compensation in advance”.

All in all, from the previous time, there has been broad reform of land rights and institution in Cambodia. During this period, Cambodia has come a great distance in putting content to the rights that were previously only acknowledged in principle by successive governments. Ownership rights recognized by the Constitution and guaranteed by the Land Law can assure full effectiveness to citizens if those rights are supported by strong and clear institutions.
Economic rights have different practical implications for different societies, families and individuals. There is not yet a complete universally-accepted list of economic rights [footnote deleted] and sometimes it is unclear whether some rights should be considered economic or social rights [footnote deleted]. This chapter does not pretend to argue that there is a universally accepted definition for economic rights nor does it try to suggest any hint toward that end. However, it seems necessary to establish a useful referential framework in which economic rights can be discussed in a way reflective of the realities and needs of a particular social and historical context. In a general sense, economic rights may be about property rights including ownership, the right to choose a profession or a business, the right to have access to resources, especially common resources [footnote deleted]. From a liberal economic perspective, economic rights guarantee the free participation of individuals in the wealth making process, with minimum or no state intervention which may distort the process of wealth accumulation and distribution [footnoted deleted]. But from socio-economic perspective, economic rights are not only about the State’s non-interference into private economic activities, but also the State’s obligation to put in place a system of reciprocity between individuals and society in which they belong, such as through the establishment, or facilitation of the establishment, of some sort of social safety net that may help a significant part of the population who failed in the competition for wealth accumulation and redistribution to survive their economic hardships and to have a decent living condition [footnote deleted]. In the case of a developing country such as Cambodia, where a proper market with all the necessary fundamental rules for its operation and settlement of disputes is just being established and the presence of a social safety net is not yet sufficiently felt across the country, a discourse of constitutional economic rights should not be confined to the narrow scope of protection of property rights. Fundamental constitutional economic rights in this context should be for the interest of both the privileged and the underprivileged in an emerging market economy, the haves and
the have-nots alike, the potential winners and losers in the continuously changing waves of competition for wealth accumulation and distribution.\textsuperscript{18}

\textit{Appendix D}

The following example is a paragraph extracted from another Cambodian scholar’s work in 2017.

In the heart and soul of every father and mother, there is one thing in common without any exception. They wish “a bright future for their children.” If there are any signs, even though they are insignificant, showing that, “the future of their children may not be certain”, the father and mother of those children would try to hide the sadness and unhappiness in their hearts during the time, which their children have no clear path. Even they have the same wishes but not all parents have the same will, attention and method to guide and support their children to achieve bright future. According to (Bhikkhu, 2000) “in order to build and support the children to ensure them having good and prosperous future, parent should bear in mind three principles: 1) Wholesome deeds in the previous existence, 2) Wholesome deeds in the present time and 3) Wholesome deeds in the future time”. We are the one who took action: Our deeds now will be Pubbakamma (past deeds) then. Our deeds today will be Pubbakamma tomorrow. Our deeds this month will be Pubbakamma next month. Our deeds this year will be Pubbakamma next year, our deeds this existence will be Pubbakamma next existence. Therefore, besides wishing for their bright future, parents have to guide, orientate and support their children by the right. Many parents have destroyed their children on account of love. That kind of destruction is done without knowing. Such as in the case of the parents, who love and protect their children too much, giving them too much freedom to the point that they don’t know how to look after themselves. Everything seems to depend on the parents. Your words should be used to teach your children. Teach them and teach them again. By nature, the children are active and they always do things. They still don’t know whether their action is right or wrong. A duty of the parents should include paying attention always to the actions of your children. When they see that the children are making any mistake, be sure to tell

\textsuperscript{18} The footnotes have been removed by the present author.
them immediately. You should talk to them nicely and with a cool heart. Do not speak in anger because teaching someone when you are angry will never produce good result [in-text note deleted].\textsuperscript{19}

\textsuperscript{19} The in-text notes have been removed by the present author.
BOOK REVIEW

*The ASEAN Miracle: A Catalyst for Peace*
by Kishore Mahbubani and Jeffery Sng

Kimkong Heng
School of Graduate Studies, The University of Cambodia, Northbridge Road,
Phnom Penh, Cambodia

*The ASEAN Miracle: A Catalyst for Peace*¹ is a thought-provoking and informative book with some bold claims in favor of the Association of Southeast Asian Nations (ASEAN). As its name may suggest, the book attempts to honor ASEAN for its extraordinary achievements in facilitating and fostering regional and global peace, particularly peace and stability in the Asia Pacific region. The book discusses how ASEAN has provided a diplomatic platform, under the auspices of its many annual multilateral meetings, for regional and great powers and ASEAN members themselves to settle their issues and ease tensions through dialogues rather than the armed forces. Having acted as a critical catalyst for peace in Southeast Asia and in the larger Asia Pacific region as well as the world at large, the authors argue, ASEAN is certainly deserving of the Nobel Peace Prize.

*The ASEAN Miracle* begins with a 14-page Introduction which strives to explain why ASEAN is a “living and breathing modern miracle” (p. 1). On the one hand, ASEAN has defied growing widespread pessimism being felt throughout the globe, particularly in America and Europe, by offering a healthy dose of optimism and perfect examples of peaceful coexistence. Amidst global pessimistic views on almost everything from cultural value to economic development and geopolitical issues, ASEAN is providing hope to the rest of the world that a miracle can happen and that people can live peacefully with one another despite enormous diversity in terms of culture, ethnicity, and religion, to name a few. On the other hand, in spite of its many imperfections, ASEAN has arguably attained incredible success, since its inception in the 1960s, in bringing about durable peace and stability to the

region. It is therefore truly remarkable that ASEAN has transformed itself into ‘the world’s second-most successful regional organization’ (p. 6) after the European Union (EU).

Apart from the Introduction, The ASEAN Miracle is divided into six chapters. The first chapter is of historical nature and tries to explain why Southeast Asia today is a culturally and linguistically diverse region. To provide a clear understanding of this phenomenon, Mahbubani and Sng cite four cultural waves, namely the Indian, Chinese, Muslim, and Western waves, which have had profound cultural impact on the Southeast Asian region. The contact between India and Southeast Asia began 3,000 years ago and therefore the influence of the Indian cultural wave can now be seen in different forms from royal rituals in Thailand to the world’s largest religious monument, Angkor Wat, in Cambodia. Equally influential was the Chinese wave whose impact has been greater in ‘the political and economic realms’ (p. 25). The over 2,000-year history of contact between China and Southeast Asia has been mutually beneficial and their generally harmonious relations are likely to improve with the launching of China’s Belt and Road Initiative in 2013. Several centuries after the advent of the Chinese wave came the Muslim wave which began to gain general acceptance in the 12th or 13th century before reaching the peak of its influence in Southeast Asia in the 16th and 17th centuries. Evidence of the impact of the Muslim wave on Southeast Asia can be effortlessly found in modern Brunei and Indonesia. The last cultural wave which hit the region was the Western wave, arriving in Southeast Asia in the 16th century. The Portuguese were the first to bring Western influences to the region. Later were the Dutch, the Spanish, the British, the French and the American. According to the authors, the Western wave was rather violent compared to its predecessors. This wave, however, has left both positive and negative legacies to the region. In addition to its enormous contributions to the modernization of Southeast Asia, the Western influence has also succeeded in its conversion of the Philippines to Christianity.

Having discussed the four waves which contributed to the making of the culturally diverse Southeast Asian societies, the book explains, in Chapter 2, how ASEAN has developed an ecosystem of peace which has benefited many of its neighbours, dialogue partners, the region itself, and the wider Asia Pacific region. Five key factors explain this resilient ASEAN ecosystem of peace: the fear of communism, the role of strong leaders, geopolitical luck, market-oriented economic policies, and ASEAN-based regional networks. ASEAN was formed because of the overwhelming fear of communism which was later gaining ground in Indochina. This organization, however, was blessed with its outstanding leaders and great
diplomats such as Suharto of Indonesia, Lee Kuan Yew of Singapore, Mahathir Mohamad of Malaysia, and Siddhi Savetsila of Thailand, to mention a few. These leaders have great political wisdom which could bring ASEAN together amid many regional challenges. Geopolitical luck was another major factor contributing to the success of ASEAN. ASEAN fortunately sided with the US who later won the Cold War and with the US support this regional organization has established partnership and enjoyed good relations with many of the US’s allies, including Australia, Japan, New Zealand, South Korea, and the EU. The last two factors which are of economic and diplomatic relevance have helped to accelerate ASEAN integration into the regional and global spheres, which in turn further enhances ASEAN’s successful and peaceful development and spreads the ASEAN ecosystem of peace into the neighboring countries and regions. This chapter is one of the most informative and interesting sections of the book – providing a brief background of how ASEAN came into existence and how this organization has developed into a catalyst for peace in the region and the wider world.

The next chapter outlines ASEAN relations with five great powers, including America, China, the EU, India, and Japan. ASEAN relations with Russia are only briefly discussed in this book because their relationship lacks real substance and decisions in Russia tend to have ‘little impact on Southeast Asia’ (p. 80). ASEAN-Australia relations are not discussed in depth either because of Australia’s status as a middle power, not a great power, although Australia is one of ASEAN’s major dialogue partners. This section is without question of great significance to policy makers and readers of international relations because the authors attempt to provide a detailed description of the relations between ASEAN and the five great powers – examining challenges and opportunities arising from the partnerships and suggesting remedies for improving their relationships. This chapter suggests that the great powers develop a deeper knowledge and better understanding of ASEAN and Southeast Asia, help to strengthen ASEAN unity and cohesiveness, and critically reflect on their long-term interests vis-à-vis ASEAN, if they wish to benefit from the existence of ASEAN and their relations with this organization.

Chapter 4, entitled Pen Sketches, offers a brief yet excellent historical account of each ASEAN member state in alphabetical order. With their broad focus on each ASEAN country’s recent history, Mahbubani and Sng provide readers with a fascinating insight into the character of the ten countries – pointing out their main achievements and challenges as a state and a fellow member of ASEAN. Nevertheless, it should be noted that the authors seem
to be fairly critical of Cambodia with regard to its close relations with China. They tactfully suggest that this small state play the geopolitical game more carefully and not to completely bandwagon with China at the expense of its ASEAN membership to remain useful to China. This suggestion has obviously taken the long-standing Cambodia-China relationship for granted. Of great significance in this chapter are the authors’ strategic suggestions for each ASEAN country to improve its standing in ASEAN in particular and on the world stage in general.

A SWOT analysis of ASEAN is provided in Chapter 5. Unity in diversity or a sense of community is one of ASEAN’s strengths. Through numerous meetings, ASEAN members have developed mutual trust and a sense of responsibility among themselves; this helps enhance ASEAN’s centrality. Thus, ASEAN’s main strengths lie in its resilient ecosystem of peace and its ability to offer a platform for the great powers to meet and solve disagreements. As for its weaknesses, ASEAN, unlike the EU, has no custodian whose responsibility is to keep this regional block going. ASEAN’s other weak spots are its lack of strong institutions to monitor and ensure the implementation of its collective decisions and its citizens’ lack of ownership of this regional block. Added to its weaknesses, ASEAN has three main threats. First is the power competition between the US and China in the Asia Pacific region, which could destabilize or destroy ASEAN. Second is the lack of strong leaders who are committed to tackling ASEAN challenges since many of them are heavily engaged in their domestic affairs. The third threat to ASEAN is its own vulnerability to internal and external conflicts. With the threats come opportunities. One of ASEAN’s opportunities lies in the global growth of multilateralism or multilateral institutions which may need ASEAN as a model; this in turn cements ASEAN’s bilateral and multilateral ties. Another opportunity is ASEAN can take advantage of the geopolitical competition in the Asia Pacific region to bolster the economy of its member states and the infrastructure network within the region. ASEAN can also seize the opportunity from what many call the Asian century, a term referring to the rise of several successful Asian countries such as Japan, Singapore, South Korea, Taiwan, and now China and India. This particular section is fascinating and of great significance to all readers, particularly ASEAN policy makers and current and future ASEAN leaders because they can gain a deeper insight into the organization’s strengths and weaknesses as well as its opportunities and threats. Such a thorough understanding of ASEAN is critical to the future success of this regional block.
The concluding chapter has three functions – reminding readers about ASEAN’s three massive achievements, discussing three ongoing processes which benefit the region and its neighbors, and putting forward three bold recommendations for strengthening and sustaining ASEAN. To reiterate, the authors briefly present the three impressive achievements of ASEAN, including the maintenance of peace in Southeast Asia; the improvement of livelihoods of people in the region; and the cultivation of good relations between the regional block and the great powers. For the three beneficial ASEAN processes, they elaborate on a strong sense of camaraderie among ASEAN leaders and officials, close cooperation among non-governmental organizations within the region, and ASEAN’s multilateral meetings which help to foster harmonious relations among the great powers. To conclude, the writers make three firm recommendations for ASEAN’s sustainable development. First, a greater sense of ownership of ASEAN among the people should be cultivated and enhanced. This could be achieved through incorporating basic ASEAN studies into the curricula of primary schools in each ASEAN member. Second, the stunted ASEAN secretariat should be made more dynamic and vibrant. To do so, ASEAN needs to reconsider and revise its policy of equal funding for the organization and introduce the principle of ‘capacity to pay’, as practiced by the UN. Third and finally, ASEAN should be promoted to be a new beacon of hope for humanity. With its extraordinary achievements discussed earlier, together with its ability to bring about unity in great diversity within the region, ASEAN deserves to be a bright beacon of hope for the world.

The ASEAN Miracle, in essence, is a must-read for all who have interest in ASEAN-related affairs and ASEAN development. For policymakers and researchers, the book would provide them with profound insights into how a non-state actor plays its role in shaping and altering the geopolitical landscape in the region and the world. For general readers, this book would also be of particular interest to them in that it provides a fascinating history of the culturally diverse Southeast Asian region, an in-depth analysis of the development of ASEAN’s durable ecosystem of peace, and an excellent introduction to each ASEAN member state. More interestingly, this volume offers an engaging and valuable read on ASEAN’s relations with the great powers, ASEAN’s key strengths and weaknesses as well as its threats and opportunities, and what ASEAN should do to maximize its relevance and guarantee its future existence on the regional and global stage. Overall, The ASEAN Miracle is a highly recommended book on ASEAN.
BOOK REVIEW

_Is the American Century Over?_ by Joseph N. Nye, Jr.

Vannak Ro
College of Social Sciences, The University of Cambodia,
Northbridge Road, Phnom Penh, Cambodia

The author, a distinguished service professor, a former dean of the Kennedy School of Government at Harvard University and a prominent foreign policy analyst of liberal realism, has written many provocative and extensive books related power politics. In his new book, _Is the American Century Over?_ he persuasively analyses the question raised by many commentators and authors about the decline of the United States. With provocative and persuasive arguments, he denies those assumptions.

Starting with the Pew poll which showed that the public in 15 of 22 countries said that China will replace or has already replaced the United States as the world’s leading power, Nye responds with a clear-eyed analysis that the United States century is far from over despite the fact that China has surpassed the United States in terms of economics (purchasing power parity: PPP). He critically argues that the United States is still a leading power country on earth in terms of power in global politics. He defines power as the ability to affect others to get the desired outcomes one wants, and there are three aspects of power: soft power through attraction, persuasion and cooption; hard power by coercion, force, threat and intimidation (sticks) and payments or rewards (carrots); and smart power from a combination of soft and hard power. Therefore, based on these notions, the United States is still a leading power.

He argues that these three dimensions of power are vital strategies and tactics for the United States to remain a superpower in the end of the century, and that is why the economic power alone should not be used to state the United States is in decline. He explains that power as resources is not only the effective tool to guarantee one to prevail in war but the ways in

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which the country converts those resources to behavior outcomes to get the preferred outcomes.

According to Nye, the United States is in a relative decline but not in absolute decline. For him, the former is due to the domestic deterioration or political decay or political gridlock, and the latter is due to the rise of other external powers: Europe, Japan, Russia, India, Brazil and China. In the chapter on Challengers and Relative Decline, Nye assumes that “no one country may surpass the United States, but alliances among other states may put an end to American preeminence and its ability to maintain an international order” (p. 23). Despite the fact that these rising powers can challenge the United States in some important parts, these countries do not have enough capability in overall power to overtake it.

Nye notes that “in terms of human capital, technology, and exports, Europe is very much as an economic competitor for the United States, but in terms of soft power Europe is still far behind the United States, and its degree of unity is still limited due to the fact that “national identities remain stronger that a common European identity.” He argues that Europe and the United States are in an alliance and their power resources could reinforce each other due to the fact that they share “values of democracy and human rights more with each other than with any other regions of the world” (p. 28). Despite the fact that the United States’ foreign policy under Trump’s ‘America First’ system seems different from the EU’s role in world affairs, the EU still depends on the United States in spreading liberal democracy and maintaining the liberal world order to avoid Thucydides and Kindleberger traps.

Some scholars predicted that Japan would become a ‘nuclear superpower’ and would form a Japanese-led Pacific bloc that would not include the United States, but the prediction was based on past Japanese economic growth. Nye argues that Japanese success in “modernization and democracy and its popular culture provide Japan with soft power, but ethnocentric attitudes and policies undercut it” (p.30). Nye worries that, if Japan were to ally with China, the combination of resources of these two giants would reduce American power. However, Nye argues that “in terms of traditional balance of power resources, Japan is more likely to seek American support to preserve its interdependence from China and this enhances the American position” (p. 31). Even Japanese people are not likely to support Prime Minister Abe’s assertive foreign policy to counter China’s rise, and the United States-Japan alliance is crucial for East Asian stability.
Joseph Nye views Russia as a declined revisionist state under Putin’s leadership. In terms of power resources, Nye argues that Russia prefers hard power of coercion but lacks the power of attraction and persuasion. With the former, Russia could use force effectively against its near abroad, as seen in Georgia in 2008 and Ukraine in 2014. The latter is that “few foreigners watch Russian films, and only one Russian University is ranked in the top global 100, [compared to] 52 for the United States [and] 27 for Europe.” Alternatively, Russia has an advantageous geopolitical position to affect America’s interests in the Middle-East and Central Asia, though not on a global scale. Ranging from a corrupt and inefficient institutional and legal structure to the unhealthy of economic growth depending on natural resources and gas revenues, Russia would not challenge and surpass the United States in world power politics.

The author argues that China is decades behind and not qualified enough to replace the United States’ role in the world in terms of military power, economic might, and soft power. Chinese countryside is still underdeveloped and its system of trade is less composed and sophisticated compared to the United States’ advanced innovation and technology. As Nye wrote, “China has important technological achievements, but it also has relied heavily on a strategy of copying foreign technologies more than domestic innovation” (p. 51). China’s military equipment is smaller and older than the United States’, and its global military expenditures account for 11% compared to 39% for the United States. Chinese soft power resources are derived from the government, not from the international institutions, civil society organizations, individuals and private businesses. Nye writes that “China makes the mistake of thinking that government is the main instrument of soft power.” He predicts that the next century will not be a Chinese one, quoting Jonathan Fenby’s judgment that China “will not have the economic, political and human resources to dominate the world, even if it wished to do so” (p. 48). For more than a century, the United States has been the world's biggest economy, accounting for over 24.7% of the world’s gross domestic product (GDP) in 2016. However, the United States is the largest economy on nominal basis where as China is the largest economy on a PPP basis. The U.S. was ahead of China by US$7170 billion in 2016. This margin may come down to US$5469 billion in 2020 and, in 2029, China may overtake United States as world’s largest economy according to both criteria. China will remain the world's largest economy on PPP basis after overtaking the United States’ economy in 2014. Still, China won’t be equal in tangible and intangible power even in coming decades.
More interestingly, Nye impressively argues that we live in a controversial, complex and interconnected world with a globalized information revolution due to the two shifts of power, meaning the “power transition” from Western to Eastern countries and “power diffusion” from state actors to non-state actors (MNCs, IOs, NGOs, International Terrorist Networks…) that play a more increasingly important role in international politics. According to him, power in the global information age resembles a complex three-dimensional chess game in which on the top chessboard military power is largely unipolar and the United States is likely to retain primacy; at the middle economic power among states has been multipolar for more than a decade, with the United States, Europe, Japan and China as the major players; and the bottom chessboard is the realm of non-state actors in which states need close cooperation to deal with.

One of Nye’s loose holes is that he has not had a substantive dialogue with other scholars on American grand strategy. Nye prefers multilateralism led by the United States with other countries – even nondemocratic ones – a strategy which is substantially different from that of Paul D. Miller (American Power & Liberal Oder: A Conservative Internationalist Grand Strategy) and Robert Kagan (The World America Made). Miller argues that America has adopted a policy to balance against the autocratic great-powers, such as Russia and China, and not emerging democratic ones including Brazil and India, and he champions liberalism. Kagan, a neo-conservative, prefers an aggressive U.S. foreign policy, if necessary unilateralism, to spread and to defend liberal international order in the favor of U.S. national vital interests. It would be applaudable and meaningful for the three of them to engage and discuss on the issue of U.S. grand strategy of cooperation or multilateralism featured prominently in American Century.

At its essence, Is the American Century Over? is an interesting, useful and accessible book to read for policy makers, politicians, scholars and especially general readers to adapt in a changing, complex and cooperative world. Nye reminds us that the hard power alone is not good enough for the United States of America to maintain its world order; only the smart power of a combination of hard power and soft power going along with power conversion with a clear strategy and tactics would work. Therefore, Nye prefers a ‘bound to lead’ approach rather than a hegemony in a globalized world because he believes that the United States has never been a true hegemon. With multilateralism, Nye argues that the United States has enough power resources in terms military power, economic power, political power, especially soft power and is equipped to lead the world for many decades ahead.