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United Nations
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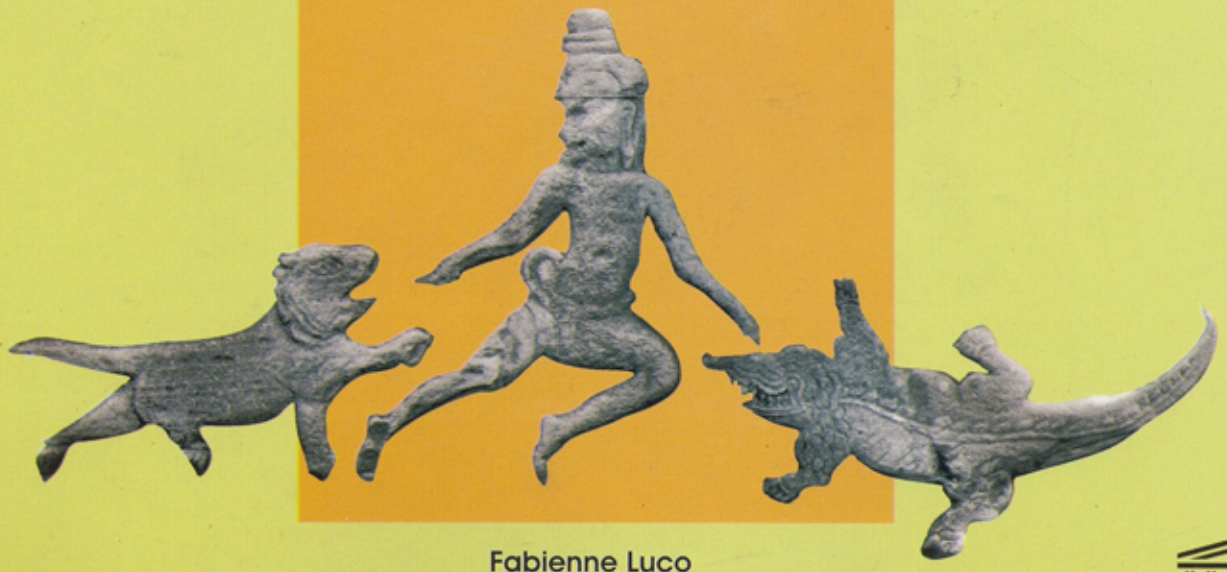
Between a tiger and a crocodile

When you go into the river, the crocodile is waiting for you.
When you climb up the bank, the tiger awaits you.
(cambodian proverb)

Management of local conflicts in Cambodia
An anthropological approach to traditional and new practices.



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United Nations Educational, Scientific and Cultural Organization (UNESCO)

Culture of Peace

Programme

Management of Local Conflicts in Cambodia
An Anthropological Approach to Traditional and New Practices

in collaboration with SHS/FPH/PHS Section and
UNESCO Office in Phnom Penh

Phnom Penh, Cambodia
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Introduction

INTRODUCTION

1. OBJECTIVES

The present study aims to identify the types of conflicts that arise among Cambodia's rural and urban populations, and to understand past and present conflict prevention and management methods (from the grand-parents' generation to the present time).

1.1. Wording

The word "conflict" as used in this report must be understood as "the interests of one or several people or group(s) which seem to be in opposition with the interests of one or several other people or group(s)"[1]

In Cambodia, people who come into conflict with another person or group of people say, "there are troubles" *mien ruen*, "there is a problem" *mien panea*, "there is a disagreement" *mien tumnoah*.

The present study has focused on everyday problems and disagreements that arise between people, and that lead to a concerted meeting between the opposing parties and the mediators with a view to solving the issue.

The scope of the study did not extend to include criminal cases that call for a court trial.

Traditional conflict management methods. To Cambodians, "traditional" refers to pre-1970 customs; the way things were done before the war. However, due to the absence of written material and the lack of memories, the information we have collected rarely dates back later than the 1950's.

In Cambodia, informal conflict management follows the customary practice of *somroh somruel* (*sruel* - easy; *sroh* – to go together). The word *dahsray* –to resolve- is also used (*damnah* – find, to bring out; *dah* – bare, undress; *sray* – resolve, settle).
Somroh somruel has been translated as conciliation[2], or reconciliation. The idea of conciliation is to reach an agreement that is acceptable to all parties involved. Everybody gains something while making compromises. The objective is to resolve the situation in a manner satisfactory to both parties. There is no winner and no loser. In theory, each party is free to accept or reject the outcome of the conciliation.

A third party whose authority is accepted by the opposing parties, is summoned to listen, offer advice and make suggestions during a conciliation meeting, *tve somrohsomruel*, held to solve, *dasray*, a problem, *panea*, troubles, *rueng*.

Innovative approaches: 1970 marked a break from tradition, a rapid descent into the chaos of war and the steady introduction of coercive practices in the Khmer rouge-controlled areas. The Khmer Rouge will institute totalitarian measures that effectively negate tradition, contribute to drastically prevent conflicts and implement dramatic conflict management methods. In 1979, the traditional conciliation methods come back into favour in the areas

[1] Alternative Dispute Resolution – Janet King, Matthew Rendall, Community Legal Education Centre, University of San-Francisco School of Law: Cambodian Law and Democracy Project, 2000. Cambodian legal textbook series, p.1.

[2] "Conciliation is a dispute resolution process that can be used either as an alternative instead of commencing litigation or as a mean to deflect litigation back into a less adversarial process even after litigation has been commenced.
Community-based conciliation is typically used at the local level and is conducted by a village chief or an elder, or a monk, or other respected local persons. Community-based conciliation is usually separate and distinct from any judicial system. Conciliation as a community-based process offers a way to resolve disputes quicker and more informally than litigation. Traditionally, problems between neighbours and fellow villagers and family matters such as divorce, child support, or domestic violence are settled through conciliation. Conciliation is based on reconciling the interests of the parties and maintaining good relationships between them and the community. These traditional methods of dispute resolution can still provide an important cultural community framework for ADR in Cambodia today" (Alternative Dispute Resolution – Janet King, Matthew Rendall, p.44)

liberated from Khmer Rouge rule, but the overall context has become more political. The situation will further evolve after 1992, with the arrival of international assistance on a large scale and mentalities opening up to the foreign concept of Human Rights.

1.2. Scope of research

We will focus on Cambodia's attempts to reconcile tradition and a painful communist experience with the current era, at a time when Human rights principles are being circulated by international organisations.

After years of turmoil, what are the means available to Cambodian society to prevent and manage everyday conflicts? How were conflicts managed before the war; what is left of such methods? What foreign-inspired methods were later enforced by totalitarian regimes?
We will look at today's society's attempts to reconcile tradition, dramatic personal experiences lived in a closed world and the current opening to the outside world.

2. METHODOLOGY

2.1. Background to the study

A. Bibliographic research:

The written material available in Cambodia is limited. Very little information about the past has survived to the present day. There is scarce trace of written tradition on daily life. Pre-Angkorian and Angkorian lapidary statements all celebrate the past glory of gods and kings. They provide only very limited information on people's lives. Texts written on such delicate support as palm-tree leaves and animal skins have not survived the climate and the insects. The texts engraved on palm-tree leaves that have survived to this day date back no later than the 20th century. Copied out by Buddhist monks, they mostly deal with religious matters.
And one must not forget the Khmer Rouge's systematic destruction of all cultural items, including printed materials and Buddhist manuscripts.
Consequently, the data available on the subject is extremely limited[3].

Two types of documents are available, in French or English, relating to two distinct periods in Cambodia's history:

- What we may call "old" documents refer to the pre-1970 era before Cambodia entered the war, and were essentially written by foreigners. History, epigraphy, architecture… are rather well documented (in particular thanks to the work of E.F.E.O.[4] researchers), but information on traditional social customs is scarce. We have been able to compile very little data on conflicts and conflict management methods.
- The second category refers to a more recent period in Cambodian history. After long silent years, from the early 70's to the 80's (Khmer Rouge era), followed by the rather closed governments of the P.R.K.[5] and the SoC.[6], the publications on Cambodia mainly concentrate on the consequences of war and the Khmer Rouge regime. It will be 1992-1993 before the first few field surveys are conducted (UNTAC[7] mission and the mass arrival of humanitarian organisations). In such a context of deep social destructuring at the end of armed conflict, some NGOs[8] are working to promote Human Rights and a

[3] The study mainly referred to material available from the Libraries and Information centres in Phnom Penh, the National Library, the National Museum library, the French Cultural Centre, the Ecole Française d'Extrême-Orient fund, the Cambodian Development Resource Institute information centre as well as personal sources in French and English.

[4] Ecole Française d'Extrême Orient

[5] People's Republic of Kampuchea (1979-1989)

[6] State of Cambodia (1989-1993)

[7] United Nations Transitory Authority in Cambodia (1992-1993)

[8] Non-Government Organisation

Culture of Peace. Numerous training sessions on Human Rights principles are held in the field or broadcasted over local radio channels.

Once again, there is a lack of in-depth research on the subject, but some material is available on domestic violence, conflict management and the role of the legal and administrative authorities, the practice of protector/protégé in the development of the communities, and a certain amount of written material on land-related disputes and the legal resolution of such disputes.

Local newspapers provide a rather sizeable source of information on conflicts and the way they are dealt with by society and the government at local and national level[9].

B. Interviews with people involved in the promotion of a culture of peace

Qualitative interviews were conducted with representatives from Human Rights NGOs; research institutes, organisations for the promotion of a Culture of Peace and development agencies.[10]

2.2. Field study

The present study delves into a difficult and lengthy subject and cannot purport to be an exhaustive study of daily life in Cambodia. It is merely a collection of testimonies that indeed, offer an insight into the country but cannot be considered to be representative –in terms of statistics- of any nationwide trend.

Our work, which we may call an "anthropologic approach" should be pursued and extended to related topics that we have merely touched upon or even left out due to a lack of knowledge about the overall situation, and to other cases directly related to specific locations or specific times in the history of Cambodia.

The study (preparation, interviews, analyse and writing) was conducted from January to October 2001.

A. Interview guidelines

Following consultation with people working for the promotion of justice and Human Rights in Cambodia and additional reading on the subject, we established interview guidelines that vary slightly depending on the categories of people being interviewed (see appendix).

We conducted informal interviews, in people's home or at their workplace, either individually or holding ad hoc discussion group sessions.

126 people were interviewed in five provinces over a two-month and a half period between March and May 2001. The duration of the interviews varied between 1 and 3 hours depending on the speaker. A Khmer-speaking foreign anthropologist conducted the interviews, with the help of a Khmer interpreter. The interview method favoured a quality approach, giving each speaker all the time he or she needed to share his/her experiences.

The interviews follow pre-established guidelines and were directly transcribed into French, based on the Khmer interpreter's oral translation and under the supervision of the anthropologist.

B. Selecting interviewees

People interviewed were selected based on the study's objectives. Two main categories were established: the players involved in the conciliation process and the people involved in a conflict. Interview guidelines were set up for both categories.

[9] Foreign-language reference newspapers include "The Phnom Penh Post", "Cambodia Daily" and "Cambodge Soir". Cambodian newspapers were not researched due to time constraints and insufficient knowledge of the written language.

[10] Standard interview procedure:

- Presentation of the research project
- Open debate: disputes in Cambodia; methods of resolution in the past and today
- Records. Permanence and changes. Reasons mentioned.
- Proposals: current programmes and recommendations for the future

The players involved in the conciliation process

- Local government representatives who are involved in the conflict management process at various hierarchical levels: group leaders (*mekrom*), village chiefs (*mephum*), assistant village chiefs in charge of security (*santisok*), rural commune chiefs (*mekhum*) or urban neighbourhood chiefs (*mesangkhat*), district police, vice-governors in charge of land-related disputes, clerks of the court, provincial judges and former Khmer Rouge cadres.
- Influential and respected figures: masters of religious ceremonies (*acar*), elders (*chas tum*), Monk Superiors, shopkeepers, members of the armed forces and representatives of political parties.

The interviews were conducted according to the interview guidelines. After statistical and sociological preliminary questions relating to the location of the village, we delved into the issue of conflict management over various periods of the recent past based on the speaker's personal experience. We then focused on the speaker's own conflict management methods, using case studies.
This enabled us to identify the persons involved in a conflict and meet them individually at a later time to record their side of the story and their opinion on the conciliation methods used to solve the issue. At that point, it became possible to establish a comparison with the views of the authority figure conducting the conciliation, to better understand the mechanisms of the process and to evaluate its effectiveness.

People involved in a dispute or witness to a dispute

- Townspeople and rural people who have been identified as involved in a dispute
- Townspeople and rural people selected at random

In this instance, the interview guidelines are set up so as to make the speaker explain the conflict and the mediation process (procedures, evaluation of results).

Whenever possible, we have conducted "mirror" interviews, that is we have tried to get different people to relate the same event to record both sides of the same story.
I.e.: Local government representatives vs. poor peasants/members of the opposition parties;
Rural and townspeople who suffered from the Khmer Rouge regime ("new" people) vs. those who sided with the Khmer Rouge ("full-rights" people) and the Khmer Rouge cadres and soldiers;
The plaintiff vs. the respondent.

C. Selecting survey areas

The survey began in the urban area of Phnom Penh. The first few interviews allowed us to adapt the interview guidelines to the realities of fieldwork. The survey was then extended to the rural villages of Kampong Speu, Kandal, Kampot, Siem Reap and Svay Rieng provinces as well as the constituency of kep.

We were able to carry out more in-depth research in the constituency of Kep (krong Kep), where we came across a wealth of sociological, historical and economic data. Our task was made all the more easier that UNESCO has been working in this area since 1998, within the framework of the "Education for Peace and Human Development" literacy for women project supervised by Mrs. Tey Sambo.
We selected two different set-ups: four more ancient villages in the valley: Kar som, Ampeng, Prey Ta Koy and Phnom Liu; and Camkar Bei, a large new village (made up of three villages) located at the foot of the nearby mountains. The first three village are part of Angkal commune while Phnom Liu and Camkar Bei are located in Pong Teuk commune. To preserve the anonymity of the village chiefs, the names of the villages are not indicated, but a special reference is made to the very particular new village of Camkar Bei.

When the war breaks out in 1970, part of the population heads for the forest in the mountains to join the armed resistance movement known as the Khmer Rouge. For over two decades,

the mountain people will confront, work with or collaborate with the people from the valley, according to the hazards of history.
In 1994, the forest fighters surrender. Some return home to their villages in the valley while the majority settle on new land granted by the government. A new village is established at the foot of the mountains, Chamkar Bei. Over the years, the government's land allocation policy will draw villagers from the nearby older villages and other provinces and will whet the appetite of high-ranking civil servants and military from Kampot and Phnom Penh. Land-related disputes are particularly serious in the area. Resolution is difficult and the process ranges from mediation at village level to the involvement of the highest political authorities and Human Rights organisations.
We also conducted interviews in the new villages of Tropeang Pleang and Takaen communes, Chhuk district. These villages were established in 1996 to settle surrendered Khmer Rouge populations. They were later joined by other landless farmers.
Consequently, the area is a compendium of the key elements of Cambodia's recent past and its current problems. Both groups of people who inhabit the area share the same cultural and social traditions but have lived through recent history in two very different ways (Khmer Rouge/traditional farmers).

Research in Svay Rieng and Siem Reap in particular, was made all the more easy by the consultant's previous knowledge of the area.

3. SCOPE OF SURVEY

Little in-depth historical data
The lack of written documents combined with the poor historical quality of oral tradition make it difficult to draw a comparison with the past. In addition, one must not forget that numerous accounts are heavily influenced by the propaganda in force at the time of the events.
Pre-1970 accounts are vague and covered with the inevitable veneer of happiness applicable to the pre-war era. It is also difficult to meet elderly people who recall that time. The war and poor sanitary conditions have had a direct impact on the over-45 age group.

Limited bibliographical research
The limited amount of time allotted to bibliographical research merely allowed us to touch on a topic that would require further examination. We were not able to consult such documents as former and current bills and laws, police and court investigation reports and the Overseas Archives of Aix-en-Provence (France), even though these documents would have been helpful in understanding this little-known subject.

Complex fieldwork
Fieldwork allowed us to bring out the broad outline of our research: the origin and the nature of conflicts (land-related issues, domestic and neighbourhood quarrels, unpaid debts, etc.) and traditional conciliation practices. A general framework emerges but the features specific to each location show the complexity of the current situation in Cambodia and force one to refrain from aggregating the data collected. Thus, land-related issues in a rural neighbourhood (adjoining buildings) will differ from land-related issues faced in a more ancient village (land of the ancestors/customary law), a new village (1979 land distribution/official land law), an older village where land was redistributed (mixture of customary law and official land law), an old village that has been partly settled by newcomers, a village still recently under the control of the armed resistance and a village at peace since 1979.
In addition, in a country that has been badly shaken by years of war, it appears that conflict mediation and resolution procedures are noticeably different from one place to the next (distance from the county town, personality and education of the village chief, etc.). We note more or less successful grafts of eroded traditional values with bits and pieces of recent laws and often misunderstood Human Rights principles.
And one must not forget to take into account the complex nature of informal networks. There exists a series of unofficial power networks (family, economic, political, etc.) that operate in parallel with the official administrative structure and have a strong influence on the mediation process. Such networks are difficult to comprehend and the relevant codes hard to decipher when one is only spending a short amount of time with the villagers.

Only in-depth case study and winning the villagers' trust helped us begin to piece the jigsaw together.

4. APPROACH AND LAYOUT

We have approached the subject from a socio-cultural and historical angle. The first part of the study focuses on the socio-cultural background and attempts to emphasise the key role that culture has played in shaping current attitudes. The following parts focus on conflicts and the various management methods used during the dark years of Cambodia's recent past.
It seemed to us essential to set the research topic back in its cultural and recent historical context to better understand the current situation.

We have chosen to give priority to the words of those we met as it seems to us the best way to convey the reality of everyday life in Cambodia. The study is therefore largely devoted to oral accounts. Large interview sequences have been retranscribed as they were. Former Khmer Rouge were also given the opportunity to speak up, shedding an insider's light on these troubled times. The mention *"former Khmer Rouge"* usually refers to former Khmer Rouge cadres.

For confidentiality reasons, the names of the people interviewed have been changed and the names of villages are not revealed.

Note: all quotations have been freely translated from the original texts in French. This translation cannot, in any way, be considered official.

Chapter I

THE LEGACY OF THE PAST

I. CULTURAL BACKGROUND
The permanence of tradition

1. MANAGING SPACE: A traditional rural society

Behind the façade of a somewhat modern capital, Cambodian society remains fundamentally rural and traditional. Eroded as they might be, the old traditional values still hold fast. Jacques Népote[11] describes a very ancient people: "The Khmers are the only people from the first historical strata of Indochina to have survived as such".

85% of the population lives in the countryside, in some instances in very remote areas. Settlements are self-sufficient to a certain extent, impervious to change and fundamentally suspicious of outside influences, which are viewed as possible threats.

There is little sense of belonging to a common nation. The Khmer language makes use of the first person plural pronoun "us" when referring to oneself as Cambodian, *Khmer yeung*, but this simply emphasises the notion of exclusion (those who are not like us) rather than the concept of inclusion (us together). At national level however, we observe people rallying to an authority, such as the King, a political figure or an organisation.

1.1. Division and feeling of insecurity

Cambodia's past and recent history -a long succession of battles, internal conflicts, rebellions, insurrections, territorial partitions and supervision by foreign countries - provides a partial explanation for the partitioning of the population and the prevailing feeling of insecurity.
Still today, Cambodia is barely recovering from 30 years of war and intense violence.

In this shattered society, people long for personal safety and greatly fear disturbing the established order. People like to stay at home and to rely solely on themselves. Long journeys are feared. Aside from their native land, people's main interest is the market in town. Any contacts with the authorities are kept to a strict minimum.
We can ascertain definite differences between the rural populations *neak srae* (people from the paddy fields) and the urban populations (capital city and provincial administrative centres) *neak psar* (market people). The urban population is of essentially Chinese descent, and is mostly involved in trading and the administration. A difference that was specifically highlighted by the Khmer Rouge.

Whether scattered over a large area or settled as small hamlets, families are grouped under administrative land divisions that do not always encompass sociological realities. The villages, *phum*, make up communes, *khum*, that in turn make up the district, *srok*, under the direct authority of the province, *khaet*.
The ancient concepts of *srok* "soil/land" and *phum* "village" have been taken up by the administrative terminology, but actually simply refer to places that were inhabited at one time. The settlements have no clear boundaries and may change name, shape and even location[12]. They however give some significance to the notion of "us"; but again the concept is understood more as "us" against the outside than as "us" in the sense of a united and interdependent community[13]. Within the same village, families live side by side but remain largely independent of each other.

According to the old definition, the *srok* was once a feudal principality controlled by a mandarin or given to the exclusive use of members of the royal family. Still today, the word in its traditional sense refers to a loose geographical and sociological entity that is ill defined in

[11] NEPOTE Jacques – Parenté et organisation sociale dans le Cambodge moderne contemporain – Etudes Orientales, published by Olizane, 1992, p. 191.

[12] There have been instances of populations resettling and naming the new village after the old one.

[13] In the 60s, the anthropologist May Hebihara spent several months in a Cambodian village. She describes the loose social structure but notices nonetheless some sense of community.

time, and could be translated by “soil/land”. A *srok* has no accurate geographical boundaries; it refers to a territory on the scale of a village, a group of villages or a commune.
A Cambodian *srok* is rather impenetrable and outsiders are not readily admitted. “If we don’t know where he comes from, we cannot know his heart”. An outsider married to a local woman and who behaves according to the rules of the community may be accepted in time, but things are different for an outsider with no local ties. His past will always seem suspicious and he will have a difficult time integrating into the village[14].
To fit in, one must abide by an implicit code of conduct that demands people do not draw attention to themselves, know their place and avoid causing trouble.

Individuals who stand out because of peculiar behaviour are pushed aside. The only options available are either to fit into the social mould and be tolerated or face being ostracised by the locals[15], or to leave (move to a different area, join the army, enter the monkhood). In some extreme cases, populations have been known to physically eliminate the culprit, under accusations of witchcraft. Indeed, someone who is “different” will often be suspected of communicating with supernatural forces.
A. Forest[16] emphasises the cellular order of Cambodian society and the compartmentalisation of social relations, which prevents all form of individual expression. “I believe in many cases the establishment of new *srok*s is motivated by an economic necessity as much as by the practical issues that arise between the people clearing the land and the inhabitants of the old *srok*s. Similarly, the outbursts of insane violence that sometimes accompany individual or mass reactions -comparable to the Malaysian amok- seem to me an expression of the helplessness felt by individuals to whom this cellular order based exclusively on interpersonal relationships offers only two options: absolute obedience or social rejection”.

Living in such close proximity comes at a price. In her essay on the construction of houses, Madeleine Giteau specifically recommends that houses be built away from each other as close proximity leads to quarrelling[17].

1.2. Federation around a central power

Such a constellation of disorganised hamlets revolving around a far-away power (the King or a dominant political figure) cannot but remind us of the country’s ancient structuring. In this respect, Tambiah[18] likens Cambodian society to a “Galaxy Society”.

The ancient structure places the King at the centre of a constellation of mandarin and princely estates. They are linked by a contract based on family relations: father, children and grand children[19]. The King offers his protection (fights enemies, administers justice and ensures the prosperity of the country) and demands allegiance in return (offerings, tributes, duties and supply of troops in the event of war). These temporary alliances remain flexible and change according to the circumstances.

A Cambodian metaphor has the King at the centre, on top of a mountain, from where he watches over islands of dwellings surrounded by flooded rice fields and forest. Popular wisdom sees the King as the earthly embodiment of a divinity. He commands the forces of

[14] People repatriated from the refugee camps in 1993 and settled in old villages were confronted to such issues.

[15] The local population imposes a silent blockade to an individual, who becomes socially dead.

[16] FOREST Alain – Le culte des génies protecteurs "neakta” au Cambodge – L’Harmattan, 1992, p.91.

[17] GITEAU Madeleine – « Un court traité d’architecture cambodgienne moderne » Arts Asiatiques, n°24
« Au sujet de la construction des édifices » Arts Asiatiques, n°24, 1971.

[18] TAMBIAH S.J. – “World conqueror and world renouncer: a study of Buddhism and Policy in Thailand against a historical background, Cambridge, Cambridge University Press, 1976.

[19] The King is known by *samdech owe*, His Highness father. In his speeches, he addresses the people as *kon caw*, grand children.

nature[20]; he is the master of earth and water. According to Customary Law, the peasants have the usufruct of the land, which remains the property of the King.

Today still, underlying the formal organisation of the government is the same structure. Settlements, large and small, try to retain their independence from the local authorities while accepting a higher national authority figure. Consequently, when disputes cannot be resolved locally, villagers may go to the capital to plead their case before the King, or more commonly nowadays before the National assembly.
According to Jean Delvert, the arbitrary nature of administrative divisions has done nothing to help structure a "peasantry that is disorganised, inorganic even (…)". The sociological coherence is found on a smaller scale, "the fundamental element being the house"[21].

2. <u>SOCIAL STRUCTURE</u>: The family model

The social unit of reference is the nucleus family: the father, the mother and the children, all living under the same roof. Relationships with other nucleus, whether blood related or not, are rather loose. When a child marries, the new couple will look for a house. "Two hearthes don't mix". If the parents' plot of land is big enough, the couple will settle near the parents' home. Traditional villages were created using this meiosis process. Each new family unit reproduces the parental pattern. Once children leave the family home the ties become looser, particularly in the case of boys who move to their wife's village[22]. Disputes between parents and children are a common occurrence nowadays. If the land cannot provide for all or if arguments become too common, a family will move, clear a new plot and build a new unit.
Recent demographic growth and the ensuing promiscuity bring a new set of problems. The situation being particularly difficult in Phnom Penh. Real estate prices are high and young couples cannot afford to buy or rent their own place. As a consequence, several family units must share a cramped common space that is often open to the outside. Managing common space is a particularly difficult task for this cellular society.

Old people also express their desire for independence. Often, they will choose to leave the large family home[24] and retire to a hut close by or to the pagoda to better prepare for their next incarnation.
People usually have no recollection of the family tree beyond their grand parents. There is a kind of family assistance network, but it remains rather loose. As a rule, geographical proximity prevails over family ties.

Families of Chinese descent tend to cultivate wider family ties and solidarity networks, but this is essentially true in urban areas.

Consequently, each family will try as much as possible to rely only on itself. Mutual assistance networks are limited. As summed up by Ovesen, Trankell and Ojendal: "each household is an Island"[25].
This limiting and compartmentalised system upholds a hierarchical and restricting order that determines the place, duties and rights of all individuals by age, sex, status and wealth. Under cover of tradition, one accepts his/her place and condition without ever questioning the system. "*Tam pi propeyni*".

[20] In this country that uses flooded farming to grow rice, it is traditionally believed that the King commands the waters. During the water festival in Phnom Penh, he symbolically releases the waters from the Tonle Sap River and allows them to flow back into the Mekong River. He also officiates at the Ploughing Ceremony, where he ploughs the first furrow of the year in the sacred rice field, officially starting the ploughing season. (It must be noted however, that nowadays farmers no longer follow this date and start ploughing whenever they want).

[21] DELVERT Jean – Le paysan cambodgien, L'Harmattan, republished 1994, 202-204.

[22] Neolocality (the couple settles in a house separate from the parents') with a tendency towards rural matrilocality (the couple settles in the wife's village but not in the wife's family home – definition by May Ebihara, p.109.

[24] The child who lives in the house, usually the youngest daughter, will however continue to provide food for the older parents.

[25] OVESEN J., TRANKELL Ing Britt, OJENDAL Joakim – "When every household is an island". Social organisation and power structures in rural Cambodia – Uppasala Research reports in Cultural Anthropology, n°15, 1996.

This order, based on the family model and the ensuing rules of obedience and diffidence towards one's elders, is replicated at all levels of Cambodian society.
One must not challenge the establish order. People are expected to remain in their place, or face punishment[26].

Although traditionally frowned upon, divorce is possible. It will penalise women in as much as the woman will be held responsible for the separation and called a "bad wife".

Where do civil society and the concepts of solidarity and mutual assistance stand in a system that accepts compartmentalisation and compliance with the family model as the norm?

There are almost no examples of associations, social institutions or instances of people getting together to protect a common interest, to be found in recent Cambodian tradition. Some attempts where made in the past, but it must be noted they were more the result of coercion than the result of personal choice[27]. Today, numerous humanitarian organisations are trying to set up "community development" structures and associations.
There is evidence of the existence of some associations prior to 1970, but these were mainly concerned with helping member families in handling funeral ceremonies. Such associations were known as associations for the dead *samakhum khmoch*. We also find "plate" associations, *samakhum chan*, which provided their members with all the necessary equipment for parties (plates, cutlery, glasses…). It is interesting to note that most of these associations were set up by families of Chinese descent.
According to Jacques Nepote[28], acts of solidarity are "temporary, voluntary and contractual", taking place when all is going well and promoting a type of association that will be beneficial to all. In times of crises, the person facing difficulties will be carefully avoided. A crisis is interpreted as a karmic punishment or the materialisation of the spirits' anger. Getting too closely involved with people outside the family circle who are facing difficulties can bring great misfortune.
However, we witness displays of solidarity at times of great mass suffering. In 1979, when people returned to their hometowns after the fall of the Khmer Rouge regime, everything had to be rebuilt. The people we interviewed in various areas mention that solidarity was strong during the first year. Afterwards, each family started focusing on its own survival, just as it does today. Families are only interested in their own destiny[29].

3. THE POWER STRUCTURE: official and unofficial networks

3.1. Official power: The scion of the administration

The administrative hierarchy set up under the French Protectorate, later appropriated by a newly independent Cambodia and, then, by the communist regimes, has created a succession of divisions and sub-divisions between the villagers and the King: groups, villages, communes, districts and provinces. As a whole, farmers remain sceptical about this system imposed upon them by outsiders[30] and which doesn't fit in with the traditional framework.

The situation seems less confused before 1970. Back then, the government and the legal system had more or less earned the respect of the population. But since the war, profound distrust of the authorities and attitudes geared towards individual survival, have undermined

[26] POU Saveros – Guirlande de cpap – Cpap Hai Mahajan verse 38 and 39: "Great people have social standing, honour and influence and the little people must not scorn them nor think themselves their equals". "One must address them with care, avoid contradicting them and answering back for fear of disgrace and punishment.'

[27] The extremist community-based regime of the Khmer Rouge Democratic Kampuchea and the Solidarity Groups of the People's Republic of Cambodia.

[28] NEPOTE – 1992, p.18-20.

[29] Such an attitude is considered an offence in the moral treatise: POU Saveros – Guirlande de cpap – Cpap Baky Cas, verse 2: "People stick together when they are in the forest surrounded by wild animals, but once they have collected the honey, they all retire to their own home to enjoy it."

[30] In ancient times, the *Oknya* mandarins appointed by the King were essentially the only link between the King and his subjects.

these fragile foundations. Government decisions are often perceived as a threat to the stability of the family unit.

Each administrative division has its own government representative. At local level, the first contact is the group leader or *mekrom* (supervises around ten families[31]), next is the village chief or *mephum* (100 to 200 families), then the commune chief or *mekhum*[32] (controls four to seven villages), the district representative or *mesrok* (three to four communes) and the governor of the province or *aphibalkaet*. Even though the district is the highest administrative echelon at local level, villagers rarely contact anybody higher up than the commune chief, who holds executive powers (district police).
All provincial administrative centres have a courthouse and a prison.

The smallest effective administrative division[33] is the *phum*, or village, and was until 1975 rather independent from the provincial authority. In ancient times, the *mephum* (village chief) supervised village activities: the organisation of festivals and recruitment of personnel for community work (roads, dikes…). In 1979, the newly set up structure seems similar to the previous one on the outside, but in fact the role of the village chief becomes more political and the provincial authorities are more closely involved in village matters. Indeed, villagers elect the village chief informally for an indefinite period of time, following recommendations from the commune authorities. Many village chiefs have held their jobs since 1979. Some of them do not dare quit, as this would mean going against the will of their superiors. Being village chief is no longer a calling. The job entails supervising work, circulating orders from above (meetings, census, information…) and generally making sure all is going well to stay in good standing with the authorities. The other radical change is the politicisation of the job. The village chief is now the local representative of the main political party, a situation that creates suspicion and divides villagers. People affiliated to another party will be more reluctant to follow the chief's advice. Those with similar political sympathies are more likely to benefit from his favours. As a rule, people who do not belong to the village chief's circle will have little trust in him.
Local-born village chiefs who command the respect of the population have usually earned this respect thanks to their personality rather than their position. Personalities with no charisma and chiefs who have been brought in from the outside, are viewed as civil servants who command little respect.
The commune chief is the highest-ranking local government representative. He is often feared. People will seek him out only when confronted with serious issues. As for the district chief, he is seen as a distant authority figure often brought in from the outside by appointment of the provincial authorities. He does not belong to the local people's networks of relatives and friends.

3.2. Unofficial power networks

Beneath the surface of the official administrative framework, other more shifting power networks emerge.
Independence-loving they may be, but Cambodian families nevertheless need outside protection when economic, legal and medical issues or conflicts threaten their stability. Families will then often try to build their own power networks of people operating in various social, economic and political spheres (*mien knong*: to "have back", to have connections).
This network of connections is built along the principles of the traditional nucleus family. When two people meet, they will establish who is the eldest, *bang*, and who is the youngest, *bo'on*. This allows people to position themselves in a hierarchical system that gives the eldest precedence over the youngest. The form of address used will reflect the hierarchical difference between two people. One will use such words as uncle (*pou, om*), aunt (*ming, om*), grandfather (*ta*) … In effect, the entire Cambodian society is organised around a family and hierarchical pattern, where blood ties are not a particularly determining factor. Elders who command respect have earned this respect because of their age but also because of their experience, wealth and social and hierarchical standing. This attitude extends to relations

[31] The average family consists of 7 members: the mother, the father and 5 children.

[32] In the towns, known as *mesangkat* or *chausangkat*, neighbourhood chief.

[33] The groups established in 1979 to rebuild the country are not really operational any longer (*krom samaki*, solidarity groups). Their role is mostly limited to circulating information (calling meetings, political networking).

between husbands and wives, brothers and sisters, peasants and government representatives, army commanders and soldiers, monks and novices, hierarchical superiors and subordinates…
It is all about the junior person choosing an elder and earning his acceptance. Conversely, the elder may establish his authority by force and require the younger one to subordinate to his power (for instance in a political or military context).
Once the relationship has been established, the elder will ensure the physical safety and material security of his junior subordinate. The role of the youngest is to pledge political allegiance, maintain the status quo and offer assistance when required. Respect for the elder is often directly linked to the amount of fear felt (*korup klach* – to respect/to fear). Treatises on moral standards compare the relationship between "big" and "small" people to the symbiotic relationship that unite the tree and the liana[34].
The alliance between protector and protégé works on an as-and-when-needed basis and remains flexible. Shall the protector loose his influence, his protégé will simply seek out a new protector. Based on this logic, one can easily switch political allegiance[35]. The economic survival of the nucleus family takes precedence over any sentimental and political considerations.

4. EDUCATION & MORALS: the weight of tradition

4.1. Education

As a rule, young children are educated by their mother, with the help of the father, older siblings and the grandparents if they live in the same house.
It is totally unacceptable for another family to give advice on how to raise one's children, or to scold someone else's child. Such interfering will lead to a situation of conflict between the two families (see Chapter II).
According to Chantal Rodier[11], in a society that does not promote mutual assistance or any real bonds of solidarity "children are (…) the only real help parents can rely on". In rural areas, children actively contribute to the family's finances from a young age. Parents often mention the difficulties in raising children and teach their children to be grateful to them. Indeed, parents expect their children to care for them in their old age.
However, in urban areas and to a lesser extent in rural area, people have come to rely less on their children to offer them a happy old age:

> "My son only thinks about having fun. He lives one day at a time. I doubt he'll be much help to me when I grow old."
> Mr. Chuuon, 47, Phnom Penh city.

When faced with extreme behaviour that may jeopardizes their reputation, the parents may severe the filial bond and publish notice to that effect in the papers (see Chapter II).

Parents do not communicate much with their children. Early in life, children learn a basic rule about social behaviour: *now sniem*, to keep quiet. Parents do not encourage their children to develop a curious and analytical mind. Children are taught to listen and replicate the behaviour of their elders without questioning it.

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[34] POU Saveros – guirlande de cpap – cpap Hai Mahajan, verses 65, 66, 68, 69, 70: "The elders are our refuge, the hierarchical superiors are a support to us (…)" "Once we have gained their support, we must not forget our obligations (…)" "Take a large tree covered with creepers. The creepers have asked the tree for its hospitality, to grow alongside it. They reach high towards the sky, thanks to the generosity of the tree; they wrap around the tree, hold on to it and produce flowers and fruits in abundance." "The tree is the powerful man, the creepers that rely on him are of course the little people; one must never forget the kindness of the former." "Those who acknowledge such kindness will reap the fruits of their attitude, but those who forget the kindness of others shall suffer the most severe punishments."

[35] When Khmer Rouge troops surrendered, it was not uncommon to see former Khmer Rouge soldiers join the ranks of government troops and go straight back to battle, fighting against their former comrades.

[11] RODIER Chantal – les pratiques, croyances, valeurs en regard de l'éducation du jeune enfant au Cambodge – Enfants et développement, Janvier 2000

Jacques Nepote finds there are no definite rules governing family behaviour. “People’s behaviour is the result of individual will and the tactical motivations of the parental networks, the latter having randomly formed during the social and economic history of the group”[36].

Old people often refer to tradition to justify their actions and behaviour: “This is the traditional way of doing things”, but there rarely is any proper reasoning to support this replicated behaviour.

However, certain patterns regulating proper social behaviour and some implicit rules governing life in society can be found in oral and written references such as legends, treatises on morality –*cpap*-, proverbs[37]… These references were still passed from generation to generation until the war in 1970, but the younger generation is now much less familiar with them. Nonetheless, they still shape the behavioural patterns regulating relations between parents and child, husband and wife, people of high social standing and the lower classes.

4.2. Treatises on morality

The moral treatises *cpap*, are a collection of advice a parent might give his child, or a renowned person give a disciple or a future civil servant. They combine popular custom with Buddhist principles[38], offer practical advice against inappropriate behaviour and dubious company and define proper attitudes.

People are warned to be virtuous and giving and avoid improper behaviour if they wish to eradicate suffering, attain peace and achieve personal social recognition.
Favoured social attitudes and virtues include humility[39], keeping to one’s social position, showing respect to one’s parents and husband (in the case of the wife), being modest and discreet, not drawing attention to one self[40], thinking before acting[41], not listening to nor spreading any rumours[42], building on one’s knowledge and taking responsibility for one’s actions.
Far from any philosophical ideal, donations are seen first and foremost as a way of getting something in return. They are the key to earning the favours of powerful and ordinary people alike[43] to join an existing power network or set up a new one, and to prepare the next incarnation.

Attitudes that threaten social harmony and show disrespect for people’s status are held in low regard.

[36] NEPOTE: 1992, p.133.

[37] People frequently quote proverbs in everyday life. The limited time dedicated to the study meant it has not been possible to research proverbs dealing with conflicts and dispute resolution. This remains to be done.

[38] Many texts were written by Buddhist monks.

[39] POU Saveros – Guirlande de cpap – cpap Pantampita, verse 3: “O my poor children, learn humility and fortitude, learn all aspects of things, learn to bend gracefully so that impurities may not reach you my darlings, and that your father may not be slandered.”

[40] POU Saveros – Guirlande de cpap – cpap Subhasit, verse 16: “Do not speak too quickly: do not hurry to upset the equilibrium of things (…)”

[41] POU Saveros – Guirlande de cpap – cpap Pantampita, verse 30: “(…) Better to bend down than stand up; better to keep quiet than speak. But better to strike than hold one’s arm out and better to deliver a sharp blow than scrape with a knife.”

[42] POU Saveros – Guirlande de cpap – Satra suosti verse 30: “(…) If you hear unpleasant rumours, words quoted by others that seem inappropriate, do not hasten to repeat them, do not hasten to make even worse statements.”

POU Saveros – Guirlande de cpap – “In case of disagreement, do not speak badly of others. This could lead to serious conflict.”

[43] POU Saveros – Guirlande de cpap – cpap Dharmapal, verse 119: “be generous towards the afflicted, be generous towards the unfortunate, be generous towards those who have been abandoned, be generous towards the isolated, the weak who have no friends and will turn to you as all creatures turn to their mother.”

The wise men quoted in the texts emphasise the damages caused by words. Individuals are encouraged to ignore hurtful remarks that sow the seeds of discord and cannot be taken back[44].
They castigate the man who takes another man's wife, the one who drinks, gambles and makes insane remarks, the quick-tempered, the fool and the ignorant. Individuals are advised to stay clear of bad people who are beyond redemption[45] and to gain the esteem and the support of the powerful.

People who ignore these rules will lose their earthly possessions and social status and are threatened with karmic punishment.

The texts were written in the old days, at a time when society was divided into clearly defined social strata. At the top of the hierarchical ladder came the King and his princely court. Next came the dignitaries, followed by the ordinary people. People could move up the social ladder between the latter two classes and the treatises explain the procedure to be followed for those "who aspire to a higher rank". The "powerful" and the "ordinary people" belonged to separate groups linked by reciprocal duties and obligations that formed the basis for the Kingdom's social and moral foundations.

As stated earlier, the framework of this ancient system still survives today in an informal manner.

The texts dealing with the relations between men and women are also worth considering. They are collected in the "treatise on women" *Cpap srei*, often referred to during the interviews.
The treatise is actually about a mother's advice to her daughter on her duties to her husband. The wife must look after three homes: the couple's home, her parents' home (in particular her mother's) and her husband's parents'. Women are told of the misfortunes that may befall them should they behave improperly towards their husband. Behaviour that is considered arrogant is not tolerated; patient, submissive and resigned attitudes are particularly praised[46]. A wife must show herself to be her husband's inferior[47]. Accordingly, the wife will address her husband as "elder one" even if she is older than him and he will call her "younger one". When they row, it is recommended the wife bends to her husband's will, even when the latter is being difficult[48]. The treatise promises a good rebirth to women who follow these principles.

Again, it is recommended not to share one's domestic problems with outsiders, be they one's parents[49] or neighbours[50], as this will only be a source of conflicts. People are advised to rely

[44] POU Saveros – Guirlande de cpap – cpap Pantampita, verse 24: "If the boat goes past the pier, it can be slowed down with the oar and rowed back to the dock; but if one oversteps the mark with his words, how unseemly it will be! One will then try, unsuccessfully, to get back on the right footing."

[45] POU Saveros – Guirlande de cpap – cpap Vidhurapandit, verses 34, 35, 36: "Consider the unfortunate behaviour of the demented; do not inflict any punishment on him as neither blows nor punches will stop him nor cure him." "Take a bent dog tail; it may be uncoiled but it will never be straightened. You may rub it deep with oil, stretch it, put it over a flame: it will never straighten." "Consider the behaviour of a mean-hearted, brazen, dissolute fool: you may advise him to behave morally but he will shut his ears and his heart."

[46] POU Saveros – Guirlande de cpap – cpap srei, verse 76: "(…) show your conciliatory nature by keeping silent (…)"

[47] POU Saveros – Guirlande de cpap – cpap srei, verse 52: "(…) the master of the bedroom, your husband (…) you must (…) support and fear him because you are a woman, and in your speech avoid posing as his equal."

[48] POU Saveros – Guirlande de cpap – cpap srei, verse 79, 80, 83, 84, 85: "If your husband offends you, then, my daughter, retire to your room to think" "when you come out of your room, you shall speak kind words to dissipate the affront." "If you do not fear nor listen to your husband's advice, you will bring discord to your household," "the peace will be broken, your name shall be reviled and there will only be quarrelling." "Should this happen, you shall not be considered a lady. You shall be seen as unruly, a shrew, a shameless woman."

[49] Cpap srei, verse 54, 55, 56, 57, 58, 59, 60: "If your husband shall make improper remarks, do not repeat them to your mother." "And resentment would grow if you whispered your mother's words into your husband's ear;" "There would be dissension, angry words and never ending questions." "No more peace; tongues would become increasingly active and fuel quarrels with impertinent remarks" "exchanges of words would grow angrier, lengthier and destroy the peace," "the discussions might almost tear the village apart: there would be no more chance of lasting happiness."

on themselves and keep their problems inside the home. The secret of one's heart, just as the inside of one's home, must be hidden from outsiders who are always perceived as a threat[51].

These texts may not be widely known but they still strongly influence relations between men and women today. For instance, as we will see later, battered wives are advised not to complain and to resign themselves out of consideration for traditional customs.

With regards to justice and mediation, we must mention a character from a well-known tale called Judge Hare[52]. Judge Hare displays great common sense and a resourceful attitude tinged with craftiness. He solves complex problems that are brought to justice or to attention of the King's court. In the forest, the Hare enjoys mocking his enemies and helping his friends. His enemies are animals he has played tricks on and who seek revenge. The Hare escapes all punishment because he is craftier than the others. According to the preface writer of the document published by the Buddhist Institute, "the tales of the Hare are for entertainment only and have no social or moral implication". They nonetheless promote behaviour that teaches people to rely on themselves and use common sense and craftiness to survive.

5. THE INFLUENCE OF RELIGION

Religion plays a key role in structuring people's behaviour. It provides a framework for thought as well as rules governing acceptable behaviour (i.e. behaviour that does not upset the established order).

Religion in Cambodia is the fusion of popular worships, Hinduism and Buddhism.
Spirits have been worshiped since times immemorial. In the first centuries of Christianity, various religious trends originating from India (Brahmanism, Hinduism, Buddhism) shaped Cambodian religious thinking and started cohabiting alongside popular forms of worship. In the 13th century, the school of Theravada Buddhism[53] was introduced to Cambodia.

The worship of the spirit of the land -the *neakta*[54]- Buddhism and practices based on a good/harmful dualism (divination, omen…) influence all activities[55] and all decisions in life.
Nothing is ever up to chance. All actions will bear consequences, in this life or the next one.
Buddhism focuses essentially on the future and preparing for reincarnation. People find the answers to their basic needs for protection and prosperity in traditional forms of worship.

As a rule, difficulties[56] are seen as a punishment or as supernatural retribution for one's deeds[57].

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[50] Cap srei, verse 39, 40, 41: "Do not bring the outside fire into your home; leave it to smoulder (…)" "If you are not careful, you will use the fire inside to fan the flame of the fire outside." "(In this way) we stir up the anger in all, including in the children, and this is bad and loathsome."
[51] Cpap srei, verse 104, 105, 106: "Third source of evil: when people go back and forth through the door and forget to shut it," "through negligence or by mistake they forget to close the door (so that) one can see everything (inside):" "this is the same as holding a torch to light the thieves while they steal all your belongings."

[52] MONOD G.H. – Khmer tales, Cedorek, 1985.
The stories of Judge Hare – Collection of Khmer tales: part 4, Buddhist Institute publications, 1970.

[53] This school of Buddhism is shared with Laos, Thailand, Burma and Sri Lanka. Vietnam and China follow the school of Mahayana Buddhism.

[54] The *neakta* is often the ancestor who cleared the land and is worshipped in death. The ancestor carries on protecting his "little children" against harmful outside influences and punishes those who upset the established order. The territory under his control can vary in size. A statue, a tree, even a stone can symbolise the representation of the spirit. In case of problems in the village or in the family (illness, bankruptcy, recurrent misfortunes, cattle disease…) people will seek advice from a medium *rup* (also called *memot* in the Kampong Kleang area) channelling words from the spirit. Discussions with the spirit will identify the origin of the misfortunes, and offerings will appease the spirit's ire.

[55] We stress the importance of omens. A project may be halted because of a bad omen, because the location is wrong or because it is an unlucky day. However, the situation can always be remedied if specific ceremonies are performed.

[56] Illness, recurrent misfortunes, robberies…
[57] POU Saveros – cpap suhasit verse 2: "(…) you shall never escape retribution for your actions: you shall never been able to hide from the divinities (…)".

When the cause of a problem is linked to one's karma[58], there is no option but to accept one's fate as a consequence of past deeds. The only way to prepare for the future is to make merit in this life[59].
If the root of the problem is linked to the supernatural (spirit, genie of the land, sorcerer), there is always a possibility to endeavour to atone (ritualistic offerings, preparing magical shields, eliminating alleged sorcerers).
In everyday life, this is reflected in people's fear of upsetting the established order and thus unleashing supernatural powers and malevolent people. Often, the fear of acting out of turn – which would worsen the existing problem-, leads people to do nothing. For instance, in case of disturbances in the neighbourhood, people's first reaction will often be to do nothing rather than face even greater nuisance.
Peculiar behaviour might also encourage others to suspect magic and cast the suspect out, even physically eliminate him.

A. Forest notes that "the suppression of personalities and initiatives[60]" is the price to pay for tranquillity.
In his travels around rural Cambodia, Emile Senart notices that everywhere "one senses a manifest preoccupation to disturb people's habits as little as possible, and to submerge deep differences inside surface similarities."

Individuals are immersed in Buddhist notions: the impermanence of all things and beings, the acceptance of suffering as humanity's fate and death as the unavoidable end and the notion that good deeds –*bon*- and bad ones –*bap*- shall be accounted for in the next life (a concept largely exploited in the treatises on morality mentioned earlier).

According to François Ponchaud, such concepts have shaped individualism and a certain disregard for worldly affairs[61]. "In teaching people that "individuals are their own sanctuary" and that "nobody can help another shed his/her bad merits" Buddhism has probably promoted the peasant individualism of the Khmers. The benefits of a fairer world are second to the achievement of personal merits, which will open the doors to a better future in the next life… Indeed, the world is of little interest since it is only temporary (…) Good and bad deeds will follow their author, so one forgets the wrong caused by others without ever forgiving, as a Khmer is not in a position to forgive."
To break a cycle of unhappy incarnations, people are advised to practise virtues[62], follow specific rules and exercise charity[63].

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[58] Three concepts shape the religious Buddhist attitude of Cambodians: merits -*bon*, the idea that what goes around comes around -*karma*, and the concept of rebirth.
A merit is a good deed accomplished in this life. People will reap the rewards of the sum of their merits in the next life. Charity is one of the main ways of making merit. Rituals are organised so that everyone has a chance to save merits: holy days, praying ceremonies, gifts to the pagoda.
In the same way, bad deeds –*pap*- are recorded, and one will suffer the consequences in the next life.
The second concept stems from the first one. The concept of rebirth –*samsara*- links the previous two. Death is not the end but rather the passage through to another life.
Karma –what goes around comes around. Asian populations strongly believe in the notion that all deeds, good and bad, are recorded and that people reap what they sow. People accept their current fate as a consequence of past actions. This is not a case of being resigned but rather of accepting one's state. People have a good or a bad *karma*. As such, each individual is responsible for his/her future.

[59] ROS Chantrabot – La République Khmère: 1970 à 1975 – L'harmattan, 1993, p. 151. "In Cambodian circles, one finds that the various interpretations of Buddhist principles revolve around two central themes: Past lives and future incarnations. The present is irrelevant, or rather it is accepted passively. It is merely a direct consequence of past lives and a time to prepare for one's next incarnations. One must accept one's karma. Indeed, it is even being said that Cambodia as a whole is paying for the mistakes of the Angkorian era… Confronted with such a degree of Buddhist resignation and fatalism, we must look for new interpretations of the Buddhist principles if we are to assist the Khmers in the urgent and necessary task of taking ownership of their destiny".

[60] FOREST, 1992, page 91.

[61] PONCHAUD François – Dossier pour un débat - n°4, 143-151; p.148

[62] POU Saveros – Guirlande de cpap – cpap dunman khluon, verse 22, 23: "Thus you must focus on morality and charity to acquire merits that will write off your bad deeds. If you practise the religious principles regularly you will attain the sublime, O my children"; "Your possessions will not follow you; only your charity and your virtues will accompany you in the next world."

Villagers are not very familiar with the Buddhist texts but they nonetheless know the five basic precepts: you shall not kill, you shall not lie, you shall not drink alcoholic beverages, you shall not commit adultery and you shall not steal.

In their sermons, the monks read the *jakata*, the stories of the previous lives of the Buddha. One story in particular is very famous: the story of Vessantara, which deals with the concept of charity. The wise Vessantara exercise charity by giving his wife and children to an elderly man who was asking him for them.

In actual practice, the notion of charity is essentially translated into financial gifts to the pagoda. A gift to the pagoda is all the more efficient than the monks are the intermediaries between the faithful and Buddha. Gifts are publicly posted and contribute to the social recognition of the donor while individuals will reap the rewards for their gifts in the next life.

Those who break the rules will have a bad reincarnation, after time spent in Buddhist hell[65]. Paintings and descriptions on the walls of the pagodas depict the torments of Buddhist hell to warn people what may befall them[66]. Specific punishments apply to specific offences. There is an example of a painting showing a man having his tongue removed with pliers for having spoken ill words… On the other hand, those who follow the law are granted a blessed rebirth[67].

The spirits of the land, *neakta*, and the spirits of the ancestors also play an important role in preventing bad deeds. The spirits punish those who upset the established order with their improper behaviour, such as talking too much and making fun of people and things, insulting people, walking and urinating where the spirits live[68].

According to Forest[69], the spirits are more accessible and more flexible than Buddha and people will turn to them to solve everyday issues:
"Where Buddhism imposes a heavy karma that faultlessly records merits and faults handing out rewards and punishments accordingly, spirit worship offers another recourse to the faithful, who might be otherwise understandably frightened, even paralysed into absolute fatalism, by such an extreme (…). Where karma is an austere concept, an ancestor familiar with human nature might be more merciful. The *neakta* is strict… But he is forgiving and he immediately, forgets the offences committed towards him, as soon as the culprit makes amend, confesses his/her faults and presents offerings (…). Indeed, when they are struck by illness or worries, when war threatens for instance, do the peasants not secretly hope that such events are actually punishments meted out by an angry *neakta*? This would explain their readiness to consult him; this would explain how powerfully they cling to the idea of a strict *neakta*. If it is indeed he who is punishing them, then the wildest hopes are possible since people know that he can forgive offences, cure illnesses and allay all fears."

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[63] Essentially dedicated to the Buddhist pagoda.

[65] POU Saveros – Guirlande de cpap – cpap Dunman, verse 18, 19, 20: "If you are high-ranking and possess wealth and slaves (…) show rectitude of character as you will be granted more in the next lives." "If you enjoy ill-gotten gains, things acquired through violence, greed and malevolence, you will without doubt have the law against you." "You may seem respectable on this earth, but in the afterlife you shall suffer unremittingly and face the consequences of your actions, as is right."

[66] POU Saveros – Guirlande de cpap – cpap Dunman verse 32, 33, 34: "Your bodies will be torn limb from limb and cut amidst burning pain; the metal thorns will rip through your body." "Then you will be freed of the thorns (…) and fall in a jar of salted pus that will cause unending burning pain."

[67] POU Saveros – Guirlande de cpap – cpap Dunman, verse 51, 52: "They will be born into wealth, possess slaves, oxen, gold and silver –they will want for nothing- as well as boat with oars." "(…) inheritance, rice fields and rice, sugar cane, palm trees. They will have large, even excessive, amounts of everything."

[68] The inherent fear that people have of walking through unknown or unmarked areas could be explained by the fear of unwittingly disturbing a local divinity and being punished for it.

[69] FOREST, 1992, p.83.

A. Forest[70] also notes that words spoken out of turn are the main cause of dispute among villagers. Such behaviour is severely castigated by the *neakta*:
- "The *neakta* punishes the boastful, the one who speaks out of turn, laughs too much and uses insulting or obscene language. Talking too mush is referred to as "having a bad mouth"
- "There is good reason for the *neakta*'s strict attitude towards the one who speaks out of turn, as such talk is the main cause of conflict among villagers and also because such talk is often the sign of deviant behaviour such as wanting to dominate others. In ancient times talking out loud was seen as "boasting", breaking the rules of unanimity and "egalitarianism" prevailing in society, in short, breaking the *srok*'s ideal of peace and tranquillity."

The rules governing social behaviour advocate avoiding conflict and accepting one's fate. The fear of upsetting the supernatural powers helps to prevent disputes but also leads to unexpressed resentment. Often, the physical or verbal violence unleashed in response to a minor disagreement matches the intensity of resentments kept in for too long.

[70] FOREST, 1992, p.49-50.

Chapter I – Synthesis
THE LEGACY OF THE PAST
CULTURAL BACKGROUND

Cambodian society is essentially rural and fundamentally conservative. It remains protective of its traditional foundations, which have been greatly eroded by centuries of war with neighbouring countries.
Scattered family units live in dread of upsetting the supernatural forces that protect the established order and in constant worry of being bothered by the local government representatives.

The need for protection however, forces people to look for allies outside the immediate family circle. Informal alliances of varying importance (one man or a political network) are established along the traditional family patterns of elder/younger and protector/obligé. Such alliances are loose. They come and go with the hazards of history and change when circumstances require. Should a leader lose his power or influence, his protégés will seek protection elsewhere[71]*.*
At the same time, the rigid administrative framework imposed by the French Protectorate and reinforced by the various regimes of Communist allegiance, is still rejected by the population.

One notices there are few clearly established rules governing social behaviour. In rural areas, the overriding rule is to maintain the balance of things. A sparse collection of proverbs, folktales and moral codes combined with Buddhist principles dispense a few rules governing social behaviour. They are designed to maintain what Vighen refers to as the "strategy of the consensus". Not drawing attention to oneself, not forgetting one's social standing –or lack of- and keeping one's feelings to oneself are the proper attitudes. In situations of personal conflict, people are expected to suppress their personal feelings to avoid disorder. Internal tensions are buried in the cultural unconsciousness.

As a rule, religious Buddhist principles and folk wisdom take an active part in preventing disputes and situations of conflict, but they rely on a concept of individual reward/punishment rather than on a concept of collective responsibility.
The religious Buddhist codes that have made their way across from Sri Lanka are carefully recorded in writing. The rules governing life in the monastic community describe proper attitudes and punishable behaviour. But such rules apply to the monks living within the walls of the monastery and have no bearing on the behaviour of laymen and women.

So, the worn out foundations of tradition still exert strong influence over current social behavioural patterns.
In ancient times, such moral and religious codes of conduct fulfilled the needs of a small and isolated population. But, the old society is now suddenly opening up to the reality of the outside world. The population is growing; the economic and social requirements are evolving, stimulated by modern communication tools.
It appears that traditional Khmer culture offers little assistance to individuals in dealing with new situations in a changing society that witnesses increasing promiscuity and tends to promote greater equality among people[72]*.*

[71] Consequently, we note how easy it is to navigate from one end of the political spectrum to the other. The only important thing being the protection of the family unit.

[72] Mainly under the influence of International Organisations and NGOs.

II. HISTORICAL BACKGROUND:
Conflict management at local level: the legacy of the recent past

Thirty years of war and a succession of coercive governments have greatly undermined the traditional foundations of Cambodian society.
At the end of the 1960s, the Kingdom was living in peace and peasants organised themselves according to custom. In 1970, Prince Sirik Matak and General Lon Nol overthrow Prince Sihanouk and the small country plunges into the turmoil of the second Indochina war. Cambodia begins its downward spiral into darkness and destruction.
Increasing American bombardments on Cambodian soil –first near the Vietnam border[73] and later, inside the country- drive famished rural populations towards the cities. Against a decaying and corrupt regime, those who will become known as the "Khmer Rouge" begin to win rural populations over to their cause and gradually start implementing their communal policies. On April 17, 1975, they take command of the country and empty the cities of their inhabitants. The war is over, but destruction and terror have yet to reach their climax. From 1975 to 1979, populations are displaced on a large scale, religion is outlawed and all pre-1970 values are discarded. Groups of people and family members, previously united, are now told by the new rulers to think of each other as enemies (those on the Khmer Rouge side versus those who supported Lon Nol, urban populations vs. rural ones, intellectuals vs. uneducated people, children against parents…). Famine, exhaustion and executions will claim many lives[74].
In 1979 the country is liberated by the Vietnamese troops, who will occupy Cambodia for the next ten years. The Vietnamese establish a communist administration based on strict control of the population. Khmer Rouge resistance gets organised in the forest. With the help of foreign powers, they arm themselves and keep up the fight. Until the end of the 90s, the Khmer Rouge will control large areas in the North and the West of the country. Then, dropped by their foreign protectors, some Khmer Rouge leaders are arrested and others surrender. Today, in accordance with the wishes of the current leaders and in the name of national reconciliation, yesterday's enemies live together as brothers again, *bang boon*.
At the same time, the arrival of the UNTAC[75] forces and the organisation of free elections in 1993 signal the beginning of a movement of openness to the world and a first step towards development. New concepts such as Human Rights are being circulated by International Organisations and try to take root in the worn out fabric of Cambodia's traditional society.

Through interviews, we will investigate the issue of dispute management and resolution at various times in Cambodia's recent past. Dealing with the legacy of thirty years of war is a difficult task. Between bits and pieces stolen from tradition, intense communist experiences and a staggeringly quick opening to the world, Cambodian society is attempting today, with great difficulties, to rebuild itself and to adapt to the requirements of a new millennium.
We asked the people we met to sift through their past and tell us about what they call a conflict and how these conflicts had been handled, perceived, prevented and solved at various times in Cambodia's recent past.

[73] The "Ho Chi Minh trail", used to send supplies from the North to Viet-congs in South Vietnam, crossed through Cambodia.

[74] According to research studies, it is evaluated between 1.3 and 1.8 million Cambodians died during the Khmer Rouge regime. The birthrate also dropped sharply during the period.

[75] UNTAC: United Nations Transitory Assistance in Cambodia.

1. TRADITION: The pre-1970 era

1.1. Written references

Both the written data and the information passed on in oral tradition make little reference to dispute management in the past. The limited information that is available on daily life in Cambodia was collected essentially by foreign observers, who came to Cambodia on diplomatic and research missions or as explorers. The small collection of work we have been able to consult includes very few concrete descriptions. The oldest one, given by the Chinese diplomat Tcheou Ta Kouan[76], dates back to the Angkor era. After the fall of Angkor, the forest took over and the great stone temples faded into oblivion. Very little information has subsisted to this day. A more in-depth study of the few Khmer documents and accounts available from the foreign missions would provide a useful insight into current practices. Such a course of action falls outside the scope of this work but should be explored.
Documents from explorers and researchers in the late 19th and early 20th century are more accessible. We will note A. Leclere's[77] work on Cambodian law and the works of Etienne Aymonier[78] and Evelyne Porée Maspero[79].

French ethnologist Gabrielle Martel gives an anthropological description of a village in the Angkor area in the early 1960s. She describes a peaceful lifestyle, easy social interaction and a place where violence is a rare occurrence[80]. American anthropologist May Ebihara[81] records that there are no rigidly applied rules governing social interaction.

[76] PELLIOT P. – Mémoires sur les coutumes du Cambodge de Tcheou Ta Kouan, Paris, Adrien Maisonneuve, 1951.
Tcheou Ta Kouan, an active Chinese diplomat, arrives in Angkor and records his observations. In his accounts, he includes a chapter on justice and punishments. He emphasises the role of the King and the deities in passing sentences: "People's objections, even the most insignificant ones, are always brought before the King. Public flogging is unknown; only financial penalties are applied".
In the event of contention, the matter is submitted to the deities' judgment. Both protagonists plunge their hand in burning oil; only the guilty one will get his/her hand burnt. In another instance, both men are locked up in a tower; the guilty one will catch diseases.

- Punishments catch the traveller's attention. Serious offences are punishable by death "The offender is placed in a grave dug outside the Western gate. The grave is filled with compacted earth and all is over". Amputation (fingers, toes, nose) is a common punishment for minor offences.
- Tcheou Ta Kouan does not say much about the nature of the disputes and offences. The only example mentioned is in the case of adultery. The wronged husband grips the lover's feet in a vice and the lover must relinquish all his possessions to the husband.

[77] LECLERE Adhemard – Les Codes Cambodgiens, Paris, Leroux, 1898.

[78] AYMONIER Etienne – Le Cambodge, Paris, Leroux, 3 volumes, 1900-1904.

[79] POREE-MASPERO Evelyne – Etude sur les rites agraires des Cambodgiens – 3 volumes, Mouton & Co., The Hague, Paris. Volume 1: 1952; vol.2: 1964; vol.3: 1969.

[80] "Life in the village is peaceful, disputes are rare. It seems the tranquillity of everyday life, its "urbanity", are part of this concept of "happy medium". Altercations and displays of violence seem to offend the villagers' sensibility. Thus, attitudes are never aggressive but rather negative instead; if two people don't get along or harbour bad feelings towards one another, they simply ignore each other". Martel, p.200.
In the course of one year spent in the village, she witnessed only three incidents: "As a rule, family life is very tranquil and people go about their business serenely. Arguments, even raised voices, are rare and all the more shocking when they sometimes break out. In the course of a year, there were only three spectacularly public scenes. A violent argument broke out between two adult brothers living together, over their share of work in the rice field. One of them went so far as to tip a basket of husked rice over a heap of garbage. Numerous neighbours intervened to restore calm, if not harmony. They seemed offended by such lack of "etiquette"; in their opinion, such displays were unseemly. –The other two occurrences were of a different nature: they were powerful public displays of established authority, so no one intervened. However, both seemed incongruous in the usually tranquil village. An older sister, aged 20, gave her 15-year-old brother a good thrashing; the latter, lying on the ground, bore the blows without a word of protest. A father severely beat his 8-year-old daughter; on her knees, she bowed her head and then got up asking for forgiveness. She must have committed a serious misdeed because corporal punishments for children are rare. Once again these examples are exceptional, which make them all the more noticeable". (Martel, p.202)

[81] EBIHARA May – Svay, a Khmer village in Cambodia – Ph.D., doctoral thesis, Columbia University, 1968.

1.2. Real-life events: the 1950s and 1960s

Going back in time in search of people's memories of past events proves to be a difficult task. People have little awareness of their family tree beyond their grandparents. Memories become diluted over time. People remember the dates of major events, but other memories sometimes make light of time: the terms used to refer to administrative divisions belong to other eras[82]; the names of people vary. There are few older interlocutors to be found. The war and harsh living conditions have decimated entire age groups. Consequently, a man of 50 is considered an "old man".
The "old days" refer to the pre-1970 era; 1970 being the turning point, the year the country plunged into war. "Ancient customs" refer to practices in use in the 50s and 60s –the end of the French Protectorate and Prince Norodom Sihanouk *Sangkhum Reastr Niyum* regime.

References to a peaceful life
As a rule, references to a peaceful and harmonious life, to a time when institutions were worthy of respect and solidarity showed, relate to the 50s and 60s. Truth or idealised fiction? There is little data available on the period; and as a consequence it is difficult to draw a pertinent comparison with the current epoch. It must be noted however, that society at the time was very traditional and little prepared to deal with the outside world. The main concern of the peasant population revolved around cultivating one's paddy fields peacefully and providing for one's family without disturbing society's rather rigid order.

> "We led a good life. People helped each other. There were few arguments."
> Mr. Hieng, 67, Nokor Thom commune, Siem Reap district, Siem Reap province.

> "There were no major issues. People liked one another. We helped each other out."
> Mr. Sat, 71, city of Phnom Penh.

People only remember the peaceful times; when there were no conflicts. This overall state of tranquillity can be explained in part by scattered settlements, weak demographic trends and a fearful respect for the government and all things supernatural; all of which contributed to preventing conflicts.

Back then, villages were in fact often sprawling hamlets with a population scattered over a sizeable area. Groups of houses gathered along the dike-roads also constituted villages. The latter were a consequence of the government's policy implemented in the 40s, to protect people as well as to keep an eye on them at times of uncertainty[83]. But even when grouped together, families were keen to retain their independence and built their houses far apart[84]. In a society ordered around the nucleus family, scattered living had a direct impact on the reduction of disputes. In addition, great expanses of available land offered many farming opportunities to a small population, as long as people were willing to resettle and brave the forest.

> "When I was a child, there were 50 houses here. Now there are 200. There were few people and no real problems; only a few arguments now and then."
> Mr. Ngnol, 69, Svay Chrum commune, Svay Chrum district, Svay Rieng province.

Living conditions were more or less identical for all villagers. Mutual assistance and the exchange of labour were more common than financial transactions.

> "There was more solidarity between villagers. People were poor and relied on their neighbours more. Relationships are more sincere when standards of living are low and everybody is on the same level. It destroys the relationship when you start talking

[82] It is not uncommon to hear about group leaders –*mekrom*- in reference to the Sangkhum period, when in actual fact this administrative division was only created in 1979.

[83] *Issarak* rebel troops were fighting to free the country from the French Protectorate.

[84] Still today, we notice there are no public places in the village where the population likes to gather. No village square. People stay at home.

about money. There were few problems because people lived far away from each other. There was less quarrelling."
Mr. Veth, 57, Nokor Thom commune, Siem Reap district, Siem Reap province.

"People lived well here before 1970. There was plenty of free space between the houses. There were few land issues because the land was cheap. If you didn't own any land, you simply asked the village chief for a plot to clear."
Mr. Prom, 59, chief of commune, Nokor Thom commune, Siem Reap district, Siem Reap province.

A. <u>Conflicts</u>

The few incidents people recall are neighbourhood disputes (land boundaries, animals eating the crops, hurtful remarks, children fighting and parents getting involved), family quarrels (domestic rows, inheritance, divorce), youths fighting and land issues (land boundaries, rain water drainage, ownership).

"During the period of the *Sangkhum*, the conflcits in the village had to do with small dikes[85], trees growing on the edges of plots and that damaged the rice when they fell, animals eating the crops and family quarrels."
Mr. Khao, 46, village chief, Chek commune, Svay Chrum district, Svay Rieng province.

"We had three kinds of problems: family rows, altercations between villagers and land-related quarrels. The first problem was when the husband would go out too often. When he got home, his jealous wife would shout at him and the row often ended in violence. The husband would beat his wife. The second issue was people quarrelling over oxen and pigs wandering and eating the crops. People made hurtful remarks and then they were upset because of what had been said. The last problem was land boundaries. People would encroach on the neighbour's land to widen their rice field or extend their house."
Mrs. Seng, 47 (former Khmer Rouge), Pong Teuk commune, Damnak Chang'aeur neighbourhood, Krong Kep.

"There were some land-related issues but we always found a solution. Back then, the village was surrounded by forest and people owned trees. Sometimes, someone would collect sap or cut a tree that didn't belong to him. When the thief was found out, people would talk to him so he would not do it again. When there were problems with the rice fields, we talked things out. People weren't nasty like they are now. I don't understand why. Before, people were poor but they stood together. They didn't make so much fuss. Money causes a lot of problems nowadays. Before, my father owned the only bicycle in the village."
Mr. Pet, 71, Nokor Thom commune, Siem Reap district, Siem Reap province.

"People didn't argue as much during the period of the *Sangkhum* as they do now. Most arguments involved young bachelors. They would drink and get into fights. Some had lucky charms (tattoos and talismans). They would fight over girls, to prove their strength and to prove they had the most powerful charms. They would fight with sticks and knives. They usually only injured each other, they didn't fight to the death. When this happened, the village chief would call the "*poste*[86]"."
Mr. Veth, 57, Nokor Thom commune, Siem Reap district, Siem Reap province.

When a dispute pitted a local against an outsider, suspicion generally fell on the latter. The troublemakers are the outsiders, those who come from another village:

"There were also land issues; among family members and between neighbours. At the time of the transfer of the inheritance, a father might favour some of his children over the others. The wronged children would be angry with their parents. There were also arguments over small dikes damaged by neighbours, but these were rare. With regards to divorce, it mostly had to do with outsiders marrying local people. We had

[85] Small dikes separating the rice fields.

[86] French word left over from the time of the Protectorate: police station (from the French *poste de police*)

more respect for the locals. We trusted them more. Outsiders react differently and sometimes we don't understand them."
Mr. Chup, Nokor Thom commune, Siem Reap district, Siem Reap province.

Religious men are not immune from conflicts. Pagodas, like villages, are confronted with issues such as the right-of-way:

"I remember a dispute pitting Angkor Vat Northern pagoda against the Southern pagoda. The monks were arguing over who had the right to go across Angkor Vat. The pagodas are located on each side of the temple and the monks from both pagodas wanted to have sole right of way. The Superior Monks of the two pagodas settled the matter."
Mr. Veth, 57, Nokor Thom commune, Siem Reap district, Siem Reap province.

B. Conflict Management

Hushing up the problem

When a conflict broke out, people's main concern was to calm the situation down. Protecting the peace and tranquillity of the village was first and foremost, even if it meant tolerating an unpleasant situation. Gentle people, *slot*, people who do not cause problems, were held in high esteem.

"If it's a small issue or if the situation might grow more acrimonious, it is better to keep quiet."
Mr. Chhun, 50, Damnak Chang'aeur, Krong Kep.

"You can always find a solution with somebody you know. But if it's somebody you don't know well, you don't know how he is going to react. This can be an additional source of problems. So, if the matter is not so important, it is better to simply drop it."
Mr. Vong, 45, Sambuor commune, Svay Teab district, Svay Rieng province.

Turning to a third party

As a rule, people would rather keep their problems to themselves. But when the situation became unacceptable to one of the parties, he/she might turn to someone with close family ties (relatives) or in close geographical proximity (neighbours) to discuss the issue. When this weren't enough to calm things down, an independent third party might be called to attempt conciliation -*somroh somruel*- between the opposing parties. People would then call on an elder (*chas tum*) or a local government representative such as the village chief (*mephum*) or the commune chief (*mekhum*).

- The family

Families would intervene essentially when marital dissensions opposed their children. Marriages were traditionally arranged by the parents, and young couples didn't always get along. The parents would then intervene to put pressure on their children to stay together. When the issue was serious, both families would side with their children and criticise the in-laws but the problem would not be made public as long as communication was still possible between the families.

- The elders, *chas tum*

Not all old people were referred to as "elder", *chas tum*[87]. The term only applied to people with good moral standards, educated people and people familiar with the Buddhist teachings. Former civil servants were particularly well regarded. They could give advice on the urban administrative network and had connections in the city.

"The elders are known for their good moral standards. When they talk, we listen to them. They command respect because they have strong personalities. They might be former civil servants who have connections and who can give advice."
Mr. Ouen, 50, in charge of the office of a Human Right organisation, city of Kampong Speu, Kampong Speu province.

[87] *Chas tum*: old ripe

> " At the time of Sihanouk, people had more respect for the elders. People would ask them for guidance or ask them to lecture those who were making trouble. The elders did not judge; their role was to give advice and calm people down. If the elder's counsel was not enough, people would go see the village chief."
> Mr. Vay, 46, village chief, Popeak commune, Svay Teab district, Svay Rieng province.

The elders played an important role in attempting to reconcile arguing husbands and wives. They would placate both parties and admonish them to stay together.

In instances of land-related issues, the elders might decide to invite both parties together to reconcile them or talk to them separately. They would rely on personal experience and knowledge and their understanding of tradition to give advice and lecture people.

However, the real mediator was the village chief. The elders might sometimes be called upon as mediators, but first and foremost they were appreciated for their recollection of past events (land transactions, inheritance…) and their knowledge of popular tradition and Buddhism. They were thought of as the living memory of the village. Their role was essentially to report facts and add their admonitions to the village chief's statement. They sometimes got directly involved, but only to help solve marital problems. When confronted with more sensitive matters such as land-related disputes, they would report facts but would be careful not to come to a decision.

> "There were elders but they did not have any mediating powers. They were there as witnesses."
> Mr. Chang, 56, village chief, Angkal neighbourhood, Krong Kep.

> "Before, people turned to the elders first. People thought of them as independent witnesses, particularly with regards to land matters and issues over the boundaries of paddies. It didn't matter whether they were related to the family or not. When a spouse wanted to divorce and the other refused, the one who did not want to divorce would go ask the *chas tum* to speak to the other. The elders would prevent divorces. That was the way."
> Mrs. Hem, 77, Angkal neighbourhood, Krong Kep.

> "If people contested the boundaries of land they had inherited from their parents, the village chief would ask the elders what they knew of the distribution of the land at the time of the parents."
> Mr. Samol, 64, *acar*[88], Angkal neighbourhood, Krong Kep.

> "When one wanted a divorce, the first step was to go talk to family members or to the neighbours, particularly if an elder lived next door. The elders' words were wise. They would not judge but instead try to reconcile the two parties. The master would teach us the ancient codes of moral conduct."
> Mr. San, 57, Pong Teuk neighbourhood, Krong Kep (new village).

> "Before, during a conciliation meeting with the village chief and the commune chief, we would ask the elders to come along as witnesses."
> Mrs. Champei, 70, city of Banteay Srei, Siem Reap province.

Going to the authorities

<u>The village chief</u>
When the matter was serious, the elder's authority was not recognised by one of the parties or one of the parties would not give up, people would turn to the village chief if they lived near him and knew him well.

During the interviews we conducted, the village chief is often mentioned first as "the" reference, the person to contact for mediation. As a local representative of the government, conciliation is part of his job. The outcome of the discussion is considered somewhat "official".

[88] *Acar*: master of religious ceremonies – layman intermediary between the villagers and the Buddhist monks.

All the more so if it leads to a written report relating the facts and stating the parties' commitment to settle their dispute. Signed documents are feared and respected.

The village chief would often ask the elders to attend the conciliation meeting to act as witnesses in the matter –*saksei*- and as advisors to the chief:

> "Before, when an argument broke out, we would discuss the issue between ourselves to try and find a solution. If we couldn't reach an agreement, we turned to the village chief. He might ask the elders to come along but their role in the mediation process was limited to that of witnesses. The village chief and the people knew the moral codes and would behave accordingly. There were fewer problems than today. Young people listened to their elders and the elders relied on the traditional codes of conduct. From time to time, the village chief would ask them for information on the subject."
> Mr. Tith, 54 (former Khmer Rouge), Pong Teuk neighbourhood, Krong Kep (new village).

People listened to the elders, and to some extent feared them. They embodied knowledge and customary authority. With a few words, they could heap opprobrium on someone and make him/her a social outcast.
The authority of the village chief rested mainly on his status as a civil servant. He may not have always been liked, but his word was seldom questioned. Indeed, he had rather considerable means of putting pressure on people: he could pass on the matter higher up and cause more problems, use the *cangue*[89]…
In some villages there might be three, four and up to ten *chas tum*, but always only one village chief. It was therefore easier to go see the *chas tum*. There were instances of older village chiefs who had connections and were *chas tum* themselves. In other villages, the chief's knowledge would be limited and people would rather consult the elders:

> "The village chief didn't know anything. The elder was more important and more revered than the village chief. He had great talent for words. He knew the Buddhist scriptures."
> Mr. Puen, 68, Svay Kravan commune, Chbar Mon district, Kampong Speu province.

> "Before, we went to the elders to settle our disputes. We didn't trust the local government. Even if the chief was from the village, there was always the possibility he would discuss it with outsiders or put pressure on us. We felt more comfortable among ourselves."
> Mr. Soth, 64, *akar*, Angkol neighbourhood, Krong Kep.

It was an unspoken rule that people try and solve their problems among themselves before turning to the local government representative. But in actual fact, even though some people always preferred settling matters amongst themselves or with the help of family members and community elders, others would go straight to the village chief. In such instances, it was more to do with their geographical proximity to the chief's house or their relationship with him. In villages scattered over a large area, one chose to settle matters within his/her circle of relations. If the village chief lived far away, people would only turn to him as a last resort. If the chief's house was close by, the reverse would happen and people would often go to him first.

> "When we had a problem we would turn to our family first, especially if it was a family matter. We only went to the village chief for serious matters such as land issues. The village chief could settle things fairly."
> Mr. Soth, 64, *akar*, Angkol neighbourhood, Krong Kep.

> "The village chief lived far away. We hardly knew him. We had to cycle to his place. It was difficult. He didn't know us well. The commune chief lived nearby and we knew him well, so we preferred to discuss things with him instead."
> Mr. Kramien, 63, Nokor Thom commune, Siem Reap district, Siem Reap province.

[89] *Cangue* (French word): a plank of wood in which the hands and head were inserted.

> "The chief of the commune was a strong man. When we had a problem we could go see him or get in touch with one of his three assistants. People would rather turn to their neighbours or people they knew. At the time, we only had bicycles and travelling was difficult. The assistant lived closer by than the commune chief so we built stronger ties with the former. Things changed at the beginning of the 1960s. The assistant died. The commune chief was the most powerful man."
> Mr. Veth, 57, Nokor Thom commune, Siem Reap district, Siem Reap province.

Some village chiefs earned greater respect than others, based on their personalities. Some simply carried out their government duties without getting too closely involved in the village's internal affairs. Others with a stronger personality, more charisma and greater authority were feared and respected.

> "At the time of the Sangkhum, the village chief didn't really get involved with people. He was nobody special; an ordinary man like us, with no particular authority. He wasn't paid a salary. He would handle the conciliation. When he couldn't solve a problem, he referred it to the commune chief. Usually when people were injured during a fight. We respected the village chief. We went to him mainly to get marriage and death certificates."
> Mr. Soth, master of ceremonies, Angkol neighbourhood, Krong Kep.

Small settlements were populated by families that were related to one another, and the role of the village chief was often identical to that of head of the family. It made the relations between people easier. In more scattered settlements, villagers often lived far away from the village chief and had little to do with him. They would then rather turn to people who knew them more intimately, such as a neighbour or an elder living nearby.

> "We only had minor problems in the village, such as marital rows. The husband and wife would break up and then get back together. The village chief would settle the disputes. At the time, all the villagers were related; it made things easier. There were rules: no card games, no stealing, no drinking and no causing arguments. On the occasion of the village festival the chief would speak to all the villagers and give advice. He stressed the importance of solidarity and of protecting the village against thieves. He said if people gambled there would be theft. People listened to the village chief because they were afraid of him."
> Mr. Huon, 53 (former Khmer Rouge), assistant to the commune chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

Even though most of the people we interviewed recall this period fondly, some of those who had rallied the Khmer Rouge resistance in the early 1970s have more guarded memories:

> "Before, problems were settled via the hierarchical channels. You had to go through all the echelons to solve a complex issue. It started with the village chief, then went through the commune chief and the district chief (*chauvay srok*) all the way up to the chief of the province (*chauvay khaet*). The commune and village chiefs would take sides; they were biased. They only helped the wealthy. There was a lot of pressure. Wealthy people would go to court and be certain of their victory. Poor people like us didn't care, we didn't even think about going to court to settle matters. We went to the elders. They had knowledge and didn't favour the rich over the poor." Mr. Krem, 54 (former Khmer Rouge), assistant to the village chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

> "During the Sangkhum era, I lived in the forest (Kampong Trach). It was far away from the town. When there was a problem we would go see the village chief. There were few problems; things were going well. I only remember one argument at the pagoda between old people and some youths, but I don't remember the reason for it. The village chief acted as a mediator.
> There were no land-related issues because the land belonged to the Chinese, who grew pepper trees.
> When we had a problem with someone, we would talk it out. If we couldn't settle the issue we would go to the village chief. The village chief was a powerful man. He wanted everybody to obey him. When people argued, he wanted both parties to

> accept his solution without a word of protest. We were afraid of civil servants. We were afraid of paying taxes (rice fields, pepper plantations, ID card). We didn't want to stand out, so we tried to avoid dealing with the village chief. Poor people avoided civil servants. They preferred to keep quiet rather than bring trouble upon themselves. When they had a problem, they'd rather go to people of similar social standing. In my village there was a distinction between the pepper plantation workers, *kamaka mrech*, the peasants, *neak srae*, and the capitalists, *neton* (pepper plantation owners)."
> Mr. Sarum, 62, master of ceremonies, Pong Teuk neighbourhood, Krong Kep.

Going up the hierarchy

When conciliation cannot be reached at the village level, the matter goes up the administrative ladder (village – commune – district).

Even though they get mixed up in the wording, old people make mention of the local administrative structure made up of the commune chief, his three assistants (*chantop*) and his secretary (*smien*).

The main tasks of the commune chief included collecting taxes (land) and duties (oxen, bicycles…), land registration, issuing ID papers, recruiting labour for community work, maintaining law and order and organising the *somroh somruel*. He was assisted by three *chantop*. The village chief acted locally. He was kept informed of public events (ceremonies) and organised the *somroh somruel*. The Registry is less often mentioned as villagers had little use for it.

The First *chantop* dealt with security issues. He was called when there was a problem in the village.

> "There was the chief of the commune (*mekhum*) and three *chantop*: the first *chantop*, the second *chantop* and the third *chantop*. Only larger villages had a village chief. What we called a village could be a number of houses scattered over a very large area. When there was a problem, people's first reaction was to turn to an elder near them. Then, if the problem went up to the village chief, the latter would ask the elders to relate what they knew of the incident so he would know how to address the people who were arguing."
> Mr. Vay, 46, Popeak commune, Svay Teab, Svay Rieng province.

> The *mekhum* would collect land taxes. When he came, he was always accompanied by the village chief (*mephum*). The *mephum* was also in charge of classes for the illiterate. The *mephum* would select the teachers. He would also recruit people for community work. Sometimes, the work went on for a long time. We worked in Kampong Trach for two weeks to build the railway. The University[90] was also built using peasant labour. The *mephum* was also in charge of recruiting militia to guard the Vietnamese border. The men from the village would take turns going. We were happy to do so; it was our duty. We had weapons; we were safe."
> Mr. Soth, master of ceremonies, 64, Angkal commune, Krong Kep.

Jean Delvert finds that communes spread over a large area and were difficult to administer: "Most *khum* include over 3000 inhabitants, which leads to incredible administrative drawbacks. It is difficult to manage 3000 people; the *mekhum*, illiterate for the most part, are incapable of it. One should therefore not be surprised to find a complete lack of proper population census, registry records and statistics."[91]

Land taxes might not have been popular among the population, but land registration was nonetheless useful, particularly to settle land-related disputes:

> "We handled minor land issues such as arguments over small dikes, trees to be cut and drainage among ourselves. If a neighbour was stubborn or if the matter was more serious (someone "eating" a neighbour's plot of land) we would go to the village chief who would in turn get in touch with the commune chief. The commune chief had all the land registration documents so he knew the size of the plots. All we had to do was

[90] University of Takeo Kampot.

[91] DELVERT, 1994, p.200.

measure the plot to find out who was "eating" the other's land." Mr. Seng, 57, Pong Teuk commune, Krong Kep (new village).

"There were few houses here when I was a little boy. There were few people and few problems. Land issues were easily settled because we had land registration documents issued for tax purposes. When there was a disagreement we would go see the elders and the village chief."
Mr. Hang, 56, Pong Teuk neighbourhood, Krong Kep.

However, one may wonder what happened when the land had not been declared to the tax collector.

There were cases, such as divorce, when the village chief did not have the authority to make a decision. His role was limited to conciliating. He could settle a divorce only if both parties were in agreement. Divorce by consent was relatively easy but traditionally frowned upon. The husband and wife would simply part. Unmarried couples (living together after a first marriage) and re-married couples were more frequent than moral standards would admit to.
When one of the spouses did not want a divorce, or when the couple argued over property, the village chief and the elders had a duty to pressure the husband and wife into staying together. If problems carried on, the matter was taken higher up.
Land-related cases were particularly sensitive. When neither party was prepared to make concessions, the matter would go all the way up the administrative ladder.
Villagers knew the village authorities and the local council representatives, but had few contacts with the distant district (*srok*) and province (*khaet*) authorities, whom they distrusted and avoided as much as possible. Indeed, there is no mention of instances of conciliation at district level; the matter would apparently be passed on directly to the provincial court (*sala dambong*).

The conciliation process
From what we have learnt through the interviews, it seems that the methods for conciliation relied more on the personal experience of one man than on properly regulated procedures. The more educated village chiefs would combine tradition and Buddhist principles to offer a solution. The uneducated ones would rely on their good, or bad, sense. In small villages, everybody knew everybody; the main purpose of conciliation was therefore to reach a consensus rather than seek justice with a winner and a looser. The looser might loose face and be cast out. People usually tried to avoid this slow social death. Both parties would take a little and give a little in order to reach an agreement that was honourable to all concerned.
Conciliation methods might vary from one village chief to the next, but the basic framework remained more or less identical:
When one or both parties would demand conciliation, the village chief would arrange a meeting. The parties were summoned to the chief's house or to the site of the dispute. Some village chiefs would agree to the presence of elders and family members. The chief would ask the parties to give their side of the story. He might even ask other people to clarify the situation. He would then try to calm things down and he would either ask both parties to find a mutually satisfying solution or impose his decision on them.
If the village chief was a good listener with a sense of equity, he would try to balance people's grievances so no one would lose face or feel wronged. For instance, if animals had eaten the crops but the loss was negligible, the village chief would ask people to forget about it and not make trouble. When the loss was significant, he would listen to the crop owner's request for compensation and then assess how the owner of the animal could pay for the damage. He would offer an intermediate solution that required both parties to show "solidarity" (*samaki knie*).
If the village chief had a more boorish personality, he would lecture people and simply admonish them to forget about the whole thing and stop causing trouble, or face punishment.
Between these two extremes lay a whole range of attitudes, from fair-minded to coercive, according to the village chief's personality.
There were no regulated dispute management procedures to speak of. Each chief had his own method for conciliation based on personal experience and knowledge.

"During the Sangkhum period, my brother Ta Om was the chief of our village for two or three years. He helped people solve their problems at village level because he

didn't want them to spend their money going to court. He dealt with marital issues and disputes over land boundaries. Ta Om would listen to both parties before making a decision. He didn't get involved in people's business; he waited for them to come to him, except in instances of assault and grievous bodily harm. Ta Om used to say one should be tolerant and not make trouble. Everybody listened to him. He knew the teachings of the Buddha. He had been a monk; he then married and later became a master of ceremonies. He was renowned for his knowledge. In the ordinary run of things, he would blend Buddhist principles with everyday moral rules of conduct (*cpap anyacha*). Like everybody else, Ta Om had learned the moral codes at school; he learned the Buddhist teachings at the pagoda."
Mr. Puen, 68, Svay Kravan commune, Chbar Monn district, Kampong Speu province.

Looking for a consensus:
Conflicts and other issues were managed in accordance with the community's idea of fairness, even though in practice one couldn't talk about "justice" as such. Fitting in with the group and reaching a consensus were more important than the concept of individuality. This implied bowing to the authority of the elders, the local government representatives and anybody higher up the social ladder.

"Before, filial duties and respect for the ruling class were more important than individual interests."
Mr. Ouen, 70, Nokor Thom commune, Siem Reap district, Siem Reap province.

Vighen states, "Consensus shown in public is more important than showing an opponent view."[92]

"Peasants like us were poor; we had no education. The only place to learn anything was the pagoda. Old people didn't know much either. They said what they pleased and they weren't always fair. But we accepted their decision because first and foremost, we wanted to reach a consensus. Now, we still try to reach a consensus but the main authority is the local government representative. He enforces the Law and does not take individual opinions into account. Before, the knowledgeable ones used to be the shopkeepers. They were Chinese capitalists. They were rich."
Mrs. Hieng, 77, Angkal neighbourhood, Krong Kep.

The judgement
When the parties are said to remain "stubborn", the role of the local authorities becomes ineffective. Their duty is to conciliate. Sentencing is a concept that implies a winner and a loser, and only the courts can deliver such a verdict.

"They couldn't say one person was right and the other was wrong. Their role was to reconcile people, not to judge them."
Mrs. Samol, 49, Svay Kravan commune, Chbar Mon district, Kampong Speu province.

As a rule, local authorities preferred to handle problems internally and they did not encourage people to take their case to court. It was better to keep problems within a small circle of people who knew each other, rather than make them public and damage the reputation of the village. It was important to show outward signs of tranquillity; the village had to appear free of problems and bandits and well under the control of the local authority.

People who live near the provincial administrative centres make frequent references to the county courts –*sala dambong*. Things are different in remote areas; people often had only themselves to rely on, the only other option being a distant administrative authority.
The court process might not have been perfect and indeed, it was often criticised, but it was nonetheless considered acceptable, fair and trustworthy. The judges were properly paid and were less corruptible than nowadays.

"People were afraid of court summons, but they accepted the court's ruling. The ruling was the Law so people accepted it. The courts are good but they costs money. The

[92] VIGHEN – Customs of patronage and community development in a Cambodian village – Cambodian Researchers for development, Phnom Penh, 1996, p.12.

> Khmer say, “going to court is like being inside a husking mill that crushes from the top and from the bottom at the same time. When two people disagree, the first one pays 1000 riels and the second one also pays 1000 riels. The mill crushes them both.” ”
> Mr. Vannath, 52, Phum Thum commune, Kin Svay district, Kandal province.

> “People were afraid of the laws and the courts. People trusted the law. There was less corruption than today because people were paid a decent salary.”
> Mr. San, 70, former primary school headmaster, city of Svay Rieng, Svay Rieng province.

Sometimes, villagers did not defend their case themselves during court hearings. They relied on somebody educated to represent them in court. This system was widely accepted. In some communes, the commune chief took on the job, in other communes the assistant or the secretary would do it. The terminology used varies according to people and places.

> “Before, we couldn’t get a divorce in the village. You had to go to court to get a divorce. During the Sangkhum period, there was a court *–sala dambong*. We had easy access to it. At the time, we liked the court. It was easily accessible. During the hearing, we wouldn’t be the ones presenting our case. There was a man working in four communes, the *me mongdol*; he would represent us. He “ate money”, yes, but we were the ones giving it to him; he didn’t ask for it. It was so he would take good care of our case. People liked this way of doing things.”
> Mr. Seng, 57, Pong Teuk neighbourhood, Krong Kep.

> “People would take penal cases to court but they also took civil action in some cases such as land dispute or divorce. People started going to court more readily in the early 60s. To help the villagers, there were two or three administrative advisers who do the interface between the court and us. They would present the case for us because they spoke eloquently and knew the procedures. They would investigate the matter and give the judge their side of the story. In 1970 the war broke out; the courts closed down and since then the *krom preuksah* were never restored. And yet it was a good system.”
> Mr. Veth, 57, Nokor Thom commune, Siem Reap district, Siem Reap province.

> “The commune chief had three assistants and one secretary. During a trial, the *sma kdei-* would help the poor present their case. We didn’t take minor family matters and neighbourhood disputes to the village chief; we turned to the elders or to other family members instead. Ta Korn was famous in the village. He was knowledgeable, he had a good reputation and he understood the administrative machine because he had been a civil servant.”
> Mr. San, 70, former primary school headmaster, city of Svay Rieng, Svay Rieng province.

> “The courts were good. There was justice. People respected the court’s decisions. Nasty people were properly educated.”
> Mr. Khao, 46, village chief, Chek commune, Svay Chrum district, Svay Rieng province.

Other recourses
Penal cases always called for the intervention of the police.

> “We called the village chief when there was a problem, but when there was aggravated assault we always fetched the police and they would take people to the station.”
> Mr Channa, 62, Pong Teuk neighbourhood, Krong Kep.

The more serious cases were always property-related. Conflicts about land could go all the way to court, forcing both parties into great expenditure.
Physical assault was considered a lesser offence. Aggravated assault and rape were usually settled out of court in return for financial compensation. They were attributed to excessive agitation, anger and the influence of alcohol. The perpetrator was not considered fully responsible for his/her actions.
Domestic violence was not considered a crime but rather a slightly offhanded way of keeping the peace in the marriage. Such matters did not cause waves as long as no blood was shed and the head wasn’t struck:

> "When a man got angry and hit his wife, the village chief would go speak to him only if his wife bled from the head and if she asked the chief to intervene. Otherwise, it was a strictly private matter. As a rule, the wife would feel ashamed and keep it to herself. We didn't like to interfere in other people's business."
> Mr. Chhup, 70, Nokor Thom commune, Siem Reap district, Siem Reap province.

The Buddhist monks

According to the people we interviewed, the monks do not play any specific role in the conciliation process or in the management of disputes among secular people. On the other hand, they have very specific rules (*Vinaya*) to deal with all sorts of issues inside the pagoda or to deal with conflicts created by one of their own. The *Vinaya* is extremely well documented compared to the lack of secular references on dealing with ordinary problems. The *Vinaya* derives from a form of Buddhism originating from Sri Lanka, and which later spread to numerous South East Asian countries. It details very specific offences and appropriate punishments.
Secular people are offered religious assistance only, in the form of ceremonies that wash away bad influences and attract luck and happiness.

> "The religious world is distinct from the secular one. Disputes among secular people are their business. The monks deal with their own issues inside the monastery. There is a clear division between the two worlds."
> Mr San, 70, city of Svay Rieng, Svay Rieng province.

> "The monks did not have the right to intervene in village matters. They had renounced this world."
> Mr. Chhup, 70, Nokor Thom commune, Siem Reap district, Siem Reap province.

But we do notice the influence of Buddhism on education. After all, the Buddhist texts had been the elders' main source of knowledge. Indeed, tradition required all men to take the cloth for an indeterminate period of time. At the pagoda, they were taught the Buddhist principles and afterwards, they would try to apply what they had learned to secular life. The children would learn basic reading and writing skills at the pagoda, then go on to further their education at the state school inside the pagoda ("renovated pagoda schools").

People who confided in monks were usually related to them or united by strong bonds of friendship.
According to some accounts, some monks may sometimes have led a more active role in the life of the village but this would have had more to do with their personality than with any appointed duties.

However, the pagoda played an important role at the time. Villages could not be thought of as communities, but people could meet at the pagoda.
Jean Delvert says, "the youngest children will receive a basic education at the pagoda (…) and will further their education at the state school built within the pagoda. For the peasants, the pagoda is a retreat, a place to meditate, a true community centre."[93]

The King
As a last resort, when all other attempts to solve a dispute had failed, there was always the possibility of going to Phnom Penh and asking for an audience with the King:

> "During the period of the *Sangkhum*, once or twice a year and on the occasion of the National Congress, people would come from all over the country to see the King administer justice. The King would listen to the people's grievance and pass sentence. Disputes involving people from all walks of life were openly debated and broadcasted live on the radio. The Constitution still makes provisions for this, but not the Law."
> Mrs. Solina, magistrate, Phnom Penh.

[93] Delvert Jean – p.220

We have been told that people involved in litigation were know to take an oath before a statue of King Norodom riding a horse, a gift from Napoleon III located within the Royal Palace. The statue was said to house a powerful spirit.

C. Prevention

People were fearful of the authorities, but they also feared personal revenge and punishments meted out by supernatural powers. These fears helped prevent disputes and contributed to preserving the appearances of tranquillity.

Fear of the local authorities

As a rule, people were inclined to stay clear of the village and commune chief, who levied taxes and recruited men for community work. The poor especially, who could not pay taxes nor spare the money to get ID papers, tried to make themselves as inconspicuous as possible. They'd often rather hush up problems than deal with the authorities. Fear of punishment and respect for the authority kept the population in a submissive state.

> "The village chief recruited people for community work. Road N°1 was built during the Protectorate. Everybody had to contribute 10 days of work. We didn't get paid for the work. We had to go; we didn't think about it. Those who did not go would be singled out and the village chief would lecture them."
> Mr. San, 70, city of Svay Rieng, Svay Rieng province.

> "When I was a child, my father was a *chantop*. He was in charge of collecting taxes and organising meetings for community work, to build roads and canals. He was not paid a salary but instead deducted a percentage from the taxes collected on rice fields, oxen, carts, bicycles and ID papers. People were meant to renew their ID card every five years and carry it with them at all times. It was expensive. Those who did not have any ID would get into trouble. They would rather hide. People feared the *chantop* and the Law. He was mean and we respected him. When people did bad things, they would get the *canque*. Nowadays, there is no respect for the authorities or the hierarchy. It is not good.
> There were strict rules. If we were asked to do community work, we had to do it or face punishment and be given another chore anyway. It was forbidden to fish in certain places. When it rained, people would place hoop nets in the canals. That was forbidden. We had to work on the canal that flows from Pradak and irrigates our rice fields. Nowadays, the commune chiefs are weak; they don't know how to rule their "little children"[94]. People no longer fear them. The canal does not provide water any more because nobody is strong enough to tell the people to look after it. The commune chief is not close to the people like his predecessor was. Before, the *chantop* rang a bell to call for a meeting. People had to go. If someone didn't turn up, we asked him where he had been. When an ox was stolen, a meeting would quickly be called for. Those who didn't turn up were suspected of theft.
> At the time, there were few problems because people feared the law and the punishments. It was shameful to get the *cangue*. The *cangue* was under the *chantop*'s house. I remember a case when I was little. A boy and a girl wanted to get married. Their parents didn't agree. They ran away and slept together. The parents found them and asked the *chantop* to give them the *cangue*. They had no food and the parents would hit them. The parents also asked the *chantop* to hit them, but he didn't always want to. Even though they were severely frowned upon, cases of adultery were rarely punished. People kept it a secret. The *Cheung khmao* militiamen used to give thieves the *cangue*."
> Mr. Pet, 71, Nokor Thom commune, Siem Reap district, Siem Reap province.

Expeditious methods were sometimes used to maintain law and order:

> "When people did wrong, it was the *chantop*'s responsibility to educate them. For instance he would say it was not good to divorce, that one had to think of the children, that people should resign themselves and promise not to argue any more. Once, my

[94] *Caun Chav*: family term to designate citizens. The village chief is seen as a grand-father figure.

father dealt with a man who used to beat his wife. He hit him over the head until he bled so he would not do it again. When people argued, my father would lecture both parties and attempt conciliation. He would tell them that if they carried on making trouble, they would get the *cangue*. People usually kept quiet after that. People rarely got the *cangue*; it was mainly used as a threat. But for those who did get the *cangue*, it was very humiliating. Afterwards, they would be kept out of the life of the village. It was a great disgrace. Wrongdoers are a different kind of people. Nobody would go near them. We didn't like such people."
Mr. Pet, 71, Nokor Thom commune, Siem Reap district, Siem Reap province.

"In the 50s, the most respected person here was the *chantop*. He was first assistant to the commune chief. His name was Ta Dom and he looked after the villages of North Srah Srang, South Srah Srang, Rohal and Kravan. The commune chief, Ta Sem, was based in Ampel.
The villagers elected the *chantop*. The commune chief organised the elections. He would choose two people and ask them to stand facing the wall. The villagers would put beans in the glass that belonged to their candidate. The one who got the most beans would be elected *chantop* number one.
We preferred to take our problems to the *chantop*. When it was serious offence, the villagers would arrest the perpetrator and give him the *cangue* for a few hours; it was humiliating to be attached like this in front of everybody. Someone who had beaten another villager could get the *cangue* for a few hours.
(…) At the time we did not give money to the authorities because we had no money. We gave rice or a chicken.
We only got in touch with the district authorities in case of serious crimes such as murder. We had to inform the district police (…). We seldom asked the elders for guidance. People respected the *chantop* and that was enough. Ta Dom was a strong man and he didn't ask for the other elders' advice. He could decide everything by himself. We didn't make use of the elders' knowledge. It was easy to prevent disputes. We told people: "If you commit an offence, you will get the *cangue*. Everybody will see you and you will be ashamed". People were afraid of getting the *cangue*. In actual fact, it was very rarely used, but people were afraid. Ta Dom stressed the importance of educating children. He said a good education would stop children from doing wrong. A good education means teaching children what is bad."
Mr. Veth, 57, Nokor Thom commune, Siem Reap district, Siem Reap province.

The fear of retaliation

The authorities often used intimidation to control the population. It was the same among the people. When in conflict with a wealthier person or someone of higher social status, people would fear a strong reaction and often would rather give up the issue.
Consequently, displaying one's position or wealth was an easy way to put pressure on people. Coercion seems to have been admitted in principle. One would put his connections forward, whether they may be among the administration's hierarchy, the wealthy or the powerful. The idea being to intimidate the other party into dropping the matter, regardless of guilt or innocence.

"When people needed someone strong, they would turn to Sakorn. He knew how to handle knives. When people had gambled and lost or had lost in an argument, they would go to him to scare the other party and sometimes get the money or the land back. People listened to him. They were scared of him."
Mr. Roeng, 45, primary school teacher, Chek commune, Svay Chrum district, Svay Rieng province.

"People had respect for authority. There were fines for small problems and irons for bad people. Young people liked to fight with knives but there were rules. It wasn't like nowadays, when people have no respect for anything. Back then, when we had a problem with someone we would go get a friend who knew the art of knives *kambet kai*. He would scare the other person. People who could handle knives had a lot of influence. It was useful to know someone like that. The family units and other groups of connections always tried to earn the favours of a knife expert. It was always useful to scare off criminals from the outside. Gangs in the village sometimes fought. Instead of the gang members all fighting together, the gang leaders would each send a

representative and the two of them would fight it out. If there were internal problems inside a group people would mediate between the parties; but when the dispute involved an outsider, there would be threats and people who show off their strength. Nowadays there are no knife experts. When we have a problem, we go to the police."
Mr. Khao, 46, village chief, Chek commune, Svay Chrum district, Svay Rieng province.

This elder misses the time when he could combine force with speech to command respect and maintain law and order:

"Before, young people were afraid of the elders. We drank too back then, but we couldn't let the elders see us or they would bawl us out: "If you get drunk I will hit you". When the elders hit us, we would run and hide. When we got together, we would always be afraid of the elders. They always suspected us of being up to no good. They would go see our parents and lecture them about our education. Our parents would be displeased. They would be ashamed. Nowadays young people don't listen anymore; they snigger. It's against the Law to hit a youth. The parents would complain to the commune authorities. I don't say anything anymore. Young people do not draw aside to let me through. I blame the war and the current evolution of the mentalities. Back then people would say, "you are drunk, go to bed"; nowadays we talk about Human Rights; that bodes well!…They say equality for all means young people are their elders' equals!"
Mr. Puen, 68, Svay Kravan commune, Chbar Mon district, Kampong Speu province.

The fear of supernatural powers

People greatly feared supernatural punishments. Evildoers may escape the attention of the local authority, but they will not escape the attention of popular divinities such as the spirits of the land *–neakta-*, the spirits of the ancestors *–meba-* and the ghosts *–khmoch*.

The karmic theory conveyed by Buddhism also played an important role in preventing disputes. People who make trouble or have a bad attitude will face great misfortune in the next life. So people accepted their lot and did their best to avoid problems.

The monks may not have played an active role in the conciliation process but, the pagoda being the local centre for education, they were in a key position to educate people on dispute prevention. When large numbers of people gathered at the pagoda for important ceremonies, the monks would read religious texts and remind laymen of the basic Buddhist principles and of the theory of karmic retribution for one's actions.

"On holy days, the monks would read texts to teach their congregation about Buddhist principles. They would say: "Think about the consequences of your actions, *Kamphal*," and they would list the interdicts of Buddhism. For instance, they would teach the men that there are punishments, *tause*, for men who keep mistresses and men who go with prostitutes."
Mr. San, 70, city of Svay Rieng, Svay Rieng province.

Punishments meted out by popular divinities were also greatly feared (illnesses, hardships). Each village, each pagoda and each lawcourt had its own spirits. In case of open conflict, people would often leave the matter to them. Before entering the courtroom, the parties would swear an oath to tell the truth before the spirits while the Clerk of the Court witnessed the scene.

"At the Ministry of Justice, you can still see the statues of two spirits. One is good the other is evil. In the 60s, this was the Court of Cassation. Before entering the courtroom, the parties had to swear an oath to tell the truth before the spirits. It was part of the legal procedure. The oath was read by the Clerk and both parties would repeat it."
Mrs. Solina, 40, magistrate, Phnom Penh.

"We were afraid of the spirits. When two people were arguing, they would swear an oath before the *neakta srey*. The one who had lied would be punished. He would fall ill. At the *sala dambong* also there was a spirit, called *Krohom Kar*. It was a very powerful spirit. Nowadays, people don't believe in the spirit so much so it is not so powerful anymore." Mr. San, 70, city of Svay Rieng, Svay Rieng province.

The powers that the *meba*, the spirits of the ancestors held over their descendants and the powers of the *khmoch*, the roaming spirits were also greatly feared.

> "The *meba* are the ancestors; they punish the wrongdoers. They send illnesses and hardships to the wrongdoers. Sometimes someone else will fall ill, a child for instance, but we know who had done the bad deeds. A father who did wrong may be punished through his child's illness. Before, people used to go see the *Hora*. He had powers of divination; he would read an egg to find the cause of the illness. When it had been identified, a ceremony was carried out and offerings were presented to the ancestors. Here, we live in a plain; there is no witchcraft. There are witches in the forest and in the mountains, like in Siem Reap and Battambang."
> Mr. Saron, 67, Nokor Thom commune, Siem Reap district, Siem Reap province.

According to the belated reflection of a former Khmer Rouge cadre, the traditional society was cemented around the King (in this instance, Prince Sihanouk) and Buddhism. When both were discarded in the 70s, the foundations of society collapsed:

> "In the past, society was clean and cultured. There were a variety of expressions to say, "to eat". At the time people lived well, they showed respect to their elders. We didn't dare despise the old because we were afraid of acquiring negative merits that later would give us bad karma. If an elderly were seated we would bend when walking past him. King Sihanouk ruled the country well. People respected religion. They did good deeds to reap the rewards in the next life. There was little thievery. When people wanted to organise a ceremony or build a house, their neighbours would lend a hand. We were together as brothers. King Sihanouk was our ruler. He fitted well with Buddhism. People had respect for King Sihanouk and for religion. In the event of a quarrel, we would seek justice. It wasn't like during the 3 years, 8 months and 20 days period[95], when people got killed.
> At the time, when there was a problem, the two parties would go see the village chief and each would come with a witness or two. The village chief was neutral. He would question the eyewitnesses and demand to hear the truth. Who was right and who was wrong?
> The quarrels were essentially to do with animals eating the crops, children fighting with the neighbours', families arguing internally over land issues and cows damaging the small dikes. When animals ate the crops and there was little loss, the village chief would say not to make trouble, that it was an accident, the cow had freed itself from its restraints. When the loss was significant, the village chief would listen to the landowner's request and would suggest the owner of the animal give compensation in kind for the damage. When two people argued over land boundaries, the chief would draw a rope tight between both plots and establish a straight border.
> Customary law was like that. It wasn't good for one of the parties to feel wronged. Both parties had to be pleased with the outcome. If one doesn't want the dispute to continue, things must be split in two. When A wins and B loses, the problem persists, but when the authority divides things in two, people accept the decision.
> Back then, there were few land-related issues because there was a lot of land available.
> At the time, everybody was a practising Buddhist and understood about solidarity. The Buddhist religion states that when people argue it is the end of solidarity, and people die. Everybody has to give a little so nobody wins and nobody loses.
> When the problem went all the way to the court, people would swear an oath before the spirits of the land *neakta*. They would tell their story and swear, "If I lie, the spirit shall kill me. If I tell the truth, I shall stay alive".
> Danton pagoda housed a famous spirit named "Preah Ang Danton". During the Khmer Rouge era, people tried to bulldoze the spirit, but it survived. It is the only spirit that was not destroyed. It is a very powerful spirit.
> Before, people showed respect for the spirit; they were afraid. At the time of the People's Republic of Kampuchea, a soldier took his mistress to the pagoda. The monk told him not to sleep at the pagoda with the girl. The soldier didn't listen to him and slept with the girl. The next morning the soldier had turned mute. He made it

[95] The interlocutor, a former Khmer Rouge, refers to the Pol Pot regime (April 1975 - January 1979).

known to the monk that he wanted his help in asking the spirit for forgiveness. The monk refused to help him but told him, “To recover speech, you must ask your parents to organise a ceremony with traditional music. You must also prepare eight tables with offerings of lotus flowers, a pig’s head, a chicken, duck served with fish sauce, four bowls of rice and four bowls of soup. When all this is done, you will speak again.” Later, the soldier recovered the power of speech. (…)
When both the King and religion disappeared (*the speaker refers to the Khmer Rouge regime*), Cambodians turned into animals. Now, it has come back but it is not as strong as before. Things have changed.”
Mr. Puon, 60 (former Khmer Rouge), village chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

Chapter I – Synthesis

THE LEGACY OF THE PAST
DISPUTE MANAGEMENT: The pre-1970 era

"Ancient times" refer to the pre-1970 era, before the country was plunged into the chaos of war. The collective rural memory, which often does not remember events beyond the 1950s, recalls a time when life was peaceful.

After centuries of rather scattered and independent living, families had learned the mechanism of a nucleus unit: the parents and the children. In creating an artificial framework of communes and districts, the French administration had attempted to structure a loose social fabric, a "disorganised peasantry" as Jean Delvert[96] calls it.

Families were generally careful not to disturb the unspoken order of things and to maintain a reassuring state of things. The few exceptions people remember have to do with family and neighbourhood quarrels as well as land issues.

In the event of problems within the family or with the neighbours, the main concern was to hush up one's feelings for fear of aggravating the issue: fear of retribution, fear of zealous or greedy civil servants and fear of disturbing a social and supernatural order that condemns deviant behaviour.
When necessary, family members and neighbours were called upon to settle a conflict. They would offer advice and calm things down.

People known for their authority and knowledge would attempt to reconcile the opposing parties. They would either try to find a solution acceptable to all concerned or impose their decision.
The word of the elders had power. People frequently appealed to their knowledge of moral codes and religion, and used their recollections of village matters (registry, inheritance settlements…).

When the matter was more serious, or simply because he lived nearby, people would call on the village chief. As the local representative of the government, his word was feared and respected.

The fear of retribution meted out by the administration, powerful people and supernatural powers prevented people from making trouble and upsetting the immutable order of things.

It seems there were no definite traditional procedures for the prevention and management of conflicts. The conciliators used their own personal experience and what little knowledge they had. Looking for a consensus was more important than any ideal of justice with a "winner" and a "loser".

[96] DELVERT Jean – Le paysan cambodgien, L'Harmattan, reprint. 1994.

2. HEADING INTO DARKNESS: 1970-1975

On March 18, 1970, Prince Sihanouk is overthrown following a coup fomented by Prince Sirik Matak and General Lon Nol, who establish the Khmer Republic. On this date, the peaceful Kingdom of Cambodia tumbles into chaos. The Vietnam War spreads into Cambodia. American bombing intensifies, sending entire villages on the road[97]. The communist Viet Cong penetrate deep into the country and engage the pro-American Lon Nol troops. The communist troops side with the resistance fighters hidden in the forest. The latter call themselves *Khmer Rumdos*[98], and claim to be fighting under Sihanouk's banner for the liberation of the country. When the Viet Cong withdraw in 1972, the *Khmer Rumdos* and the Khmer Rouge have become one and the same.
The peasants, shopkeepers, fishermen and civil servants of the small Kingdom are thrown into an armed conflict beyond them and become simple puppets destined to kill each other on a regional Cold War battlefield.
Both on the pro-American Republican side and on the communist side, young people are enlisted into the army. Urban students drop out of universities and schools to join Lon Nol's army. In rural areas, young people are armed and sent to fight the republican troops.

On March 24, 1970, Prince Sihanouk calls the population to join the armed resistance in a radio broadcast from his exile in Beijing. Quickly, the rural population sides with the resistance. Some farmers act in accordance with their political convictions while others act out of anger at the authors of the bombings[99] or maybe simply because they live in an area under the control of the men from the forest. By the end of 1972, the Resistance already controls three quarters of the country[100].
From 1970 to 1975, the men from the forest gradually instate a new structure in the areas under their control. Whether attracted by the new ideas derived from the Chinese Cultural revolution or simply submissive to their new rulers, the peasants slowly see their daily life develop into an increasingly communal and coercive regime. Testimonies differ according to areas and personal beliefs. It seems that, at least in the beginning, the revolutionary ideas were rather well received by the population. However, some people start feeling nervous about the new attitude while others, won over to the Khmer Rouge cause, are enthused.
For a while the urban centres manage to carry on as well as they can, with the war and the refugees as a backdrop. In 1975 they will witness radical changes. The cities will be emptied and the populations deported to the country, where their fate will be all the more severe for their urban status.

To understand how people lived together as a community and to understand the methods implemented at the time for the prevention and management of conflicts, it is necessary to take a look at this unique historical context. The Khmer Rouge's ambition was to destroy the most traditional foundations of Khmer society: family, religion, independence, the love of the land… to establish the basis for a new, allegedly more egalitarian society that promoted collective values over individual ones without consideration for property nor individuality. Today still, Cambodian society remains deeply scarred by this complete upheaval of its values and references. Many of the traditional safeguards that used to prevent conflicts and violence have disappeared while no new structure has yet been put in place.

2.1. Areas under the control of the Lon Nol forces

Urban populations were increasing under the influx of refugees fleeing the combat zones and the bombings[101], but life remained fundamentally unchanged in the surrounding villages. Farm work and the administrative structures remained identical. Only the names had changed and a new administrative division had been created (mainly applicable to urban areas). To better

[97] Between 1961 and 1975, the Americans dropped 537 000 tons of bombs on Cambodia, more than during WWII in Europe.

[98] "Khmer Liberation": Khmer fighting to rid the country of the Lon Nol government.

[99] The American forces based in South Vietnam and the American-backed Lon Nol army.

[100] See map in Appendix.
[101] Between 1970 and 1975, the population of Phnom Penh swelled from 500 000 to 2 million people.

exercise its control over the villages, the government established a village sub-division made of 10 families under the supervision of the chief of the 10 roofs, *me dop knong*. The village chief becomes the chief of the 50 roofs, *me haseup knong*. As usual, disputes and other village issues were solved with the help of the elders and the local authorities or went to court if necessary (penal case, no agreement reached).

> "In 1970, the structure changed. There was a chief in charge of 50 houses, the chief of the 50 roofs *me haseup knong*, and other chiefs who were in charge of 10 roofs, the 10-roof chiefs *me dop knong*."
> Mrs. Song, 62, city of Svay Rieng, Svay Rieng province.

> "Our first port of call was the 10-roof chief *me dop knong*. When he couldn't solve the problem or if the issue was serious, we turned to the 50-roof chief *me haseup knong*. Small problems had to do with insults. Serious arguments involved assault. Insults were mainly a woman's thing. Women gossip and spread rumours. Others hear them and it creates problems. The women insult each other; the husbands get involved and start fighting. In such instances, people would go fetch the 50-roof chief, who would ask the two (belligerents) to come to his house to settle the matter. The chief would question them separately. The one who was told he was right respected the village chief (50-roof chief). The one who was told he was wrong wasn't always happy with the village chief. If he didn't accept the outcome and wanted to win, he would take the matter to the *chantop*[102]. The 50-roof chief would summon both parties. If people didn't show up after three summons, the matter was passed on higher up. People liked dealing with the *chantop* better than with the 50-roof chief. If people didn't respond to a summons, the *chantop* could write a letter to the neighbourhood chief[103], *chauv sangkhat*. Then the neighbourhood chief would write to the police station to demand the recalcitrant person be arrested. There were many written summons: the 10-roof chief, the 50-roof chief, the *chantop*, and the commune chief. In some extreme cases, all the summons were compiled in a file and passed on to the tribunal."
> Mr. Vannath, 52, Phum Thom commune, Kien Svay district, Kandal province.

2.2. Resistance-controlled areas

The Resistance's quick advance

Soon, large parts of the country fall under the control of the men from the forest.

> "In 1968, clandestine communication networks linked the Khmer Rouge hidden in the forest with the villagers. My uncle was in the forest. I joined him. I had nothing else to do; I thought politics were good. There were talks of equality and happiness. After the coup in 1970 I joined the Khmer *Rumdos* for a month and a half. Then I went down to the valley to carry out propaganda activities in a recently liberated village [104]."
> Mr. Tith, 54, (former Khmer Rouge), assistant to the village chief, Pong Teuk neighbourhood, Krong Kep (new village).

> "In 1970, the village was sympathetic to the Viet Cong. The King sided with the Khmer Rouge and we were on the side of the King. We wanted to be on Sihanouk's side, not Lon Nol's." Mr. Yu, 56 (former Khmer Rouge), assistant to the commune chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

> "In 1970, the Viet Cong came. Some of us stayed here while the others went to Siem Reap to join Lon Nol's troops. Ta Kuen chose to go to Siem Reap because he said the Viet Cong ate poorly. Myself, I stayed here because things were all right and I didn't have anywhere else to go. Lon Nol's planes were raiding the village. We hid in

[102] Here, the *chantop* refers to the commune chief.

[103] Commune of Phnom Penh. Urban administrative divisions are used. The urban neighbourhood is equivalent to the rural commune.

[104] The Khmer Rouge referred to villages taken from the enemy as "liberated villages".

Bantey Kdei and Ta Prohm temples. The people did not all work in the rice fields. Many made rice-money working as coolies for Groslier[105]. We had rice."
Mr. Pet, 71, Nokor Thom commune, Siem Reap district, Siem Reap province.

Certain strategic zones endured extensive fighting before falling to the Khmer Rouge.

"In 1970, our village was on the front line. Lon Nol and the *teuki*[106] to the South and the *Khmer Rumdos* and the Viet Cong to the North. The Vietnamese border was 400 meters away. The villagers liked the Khmer better because they said they were on Sihanouk's side; Sihanouk was the head of the *Khmer Rumdos* movement. The *Khmer Rumdos* were good to the people. The *teuki* looted the villages, shot people and raped the girls. Young girls would rub their faces with charcoal to look ugly, or they would cradle a child to pretend they were married and had lost their virginity. And then the Vietnamese pulled back. There were only Cambodians left fighting other Cambodians. The *Khmer Rumdos* controlled this area here. At the bridge, 4 kilometres away, the area was under the control of Lon Nol's troops. People were afraid of the fighting and the bombings. We ran in all directions. We hid. We were afraid. In 1974 the Khmer Rouge won and the fighting stopped."
Mr. Vay, 46, village chief, Popeak commune, Svay Chrum district, Svay Rieng province (near the Vietnamese border).

"From 1970 to 1975, we were mainly concerned with our safety. We didn't think of anything else. Sometimes the Khmer Rouge were 3 or 4 kilometres away and planes would fly overhead to bomb them. We were afraid the Khmer Rouge would come to the village at night."
Mr. san, 70, city of Svay Rieng, Svay Rieng province.

Being on one side rather than the other wasn't always a concerted decision. Villages would rally to the resistance fighters as they advanced through the countryside. The men from the forest had solid arguments in their favour: They declared themselves close to the people, talked about introducing a happy egalitarian society, about reinstating the King and at the same time used intimidation to assert their leadership. Some people were attracted by new ideas while others followed the King first and foremost. For many however, it was above all a case of looking after one's interests and protecting one's family, whatever the guise of the leader.

"From 1968 to 1972 I supported the *Khmer Rumdos*. I liked their ideals. Afterwards I joined Lon Nol's side because we had more rights."
Mr. Khao, 46, village chief, Chek commune, Svay Chrum district, Svay Rieng province.

"In 1970, the Viet Cong made us listen to the radio and we heard Sihanouk call people to join the resistance. I listened to him. We welcomed the Viet Cong. They were on the King's side."
Mrs. Rata, 52 (former Khmer Rouge), Dangkol commune, Krong Kep.

"We liked new ideas. I was young and I longed for a class-free society. I went to work on the Tonle Sap Lake with other young people. Only the best workers were chosen to go to the lake. We were happy even though we worked long hours."
Mrs. Sarun, 45 (former Khmer Rouge) Nokor Thom commune, Siem Reap district, Siem Reap province.

"At the beginning, in 1970, I sided with the *Khmer rumdos* because they were in my village. They had good ideas and they were nice. But then, they started restricting people's movements. Me, I wanted to move about as I pleased, without asking for authorisation. So I decided to join my sister in the city of Siem Reap (Lon Nol side)."
Mr. Khal, 61, Nokor Thum commune, Siem Reap district, Siem Reap province.

"I followed the Khmer Rouge because they asked me to come along to carry ammunition. Afterwards I stayed with them. I could think only of my family. We could

[105] Bernard Philippe Groslier – Curator, Angkor.

[106] American-trained South-Vietnamese soldiers.

get into trouble if I refused to follow them. That was the way; we followed those who gave the orders."
Mr. Vuorn, 48 (former Khmer Rouge), Bantey Srei commune, Bantey Srey district, Siem Reap province.

"From 1970 to 1975, people were only concerned with being safe from the fighting. Nobody thought about politics. People lived in the trenches. The wife and children followed the husband. If he were a Lon Nol soldier, they would join that side. If he were Khmer Rouge, they would join this side. When the Khmer Rouge took over in 1975, they killed all those who had been on Lon Nol's side, sometimes their entire family too."
Mr. Khao, 46, village chief, Chek commune, Svay Chrum district, Svay Rieng province.

"There was a war going on. We were afraid. We didn't want to leave the village. To go where? To be safe, we didn't ask any question and we didn't draw attention to ourselves. It was ok. The first Khmer Rouge were good. They didn't loot and they were soft-spoken."
Mr. Saret, 48, Nokor Thom commune, Siem Reap district, Siem Reap province.

Gradually, a new system is put in place. The peasants are taught that the revolution is all-important and that to ensure its success they must focus on working the land and eliminating the enemy.

A new system is put in place

Working the land

Farm work and rice production were the key priorities. Fighters at the front had to be fed. In the areas where we conducted the interviews, the land remained private property until 1974-75. But young men had to be freed from farm work so they could join the ranks of the soldiers and this called for new farming methods. Farming tools were pooled: draught animals, carts, bicycles and manpower. These measures also contributed to gradually pave the way for the subsequent collectivisation of the land.

"From 1970 to 1975, I was a Khmer Rouge soldier. Agriculture was the top priority. We had to produce rice to feed the soldiers at the front and ensure internal security. (…) The land was privately owned but the work was pooled. Special groups were set up for manual labour, *krom polakam*. We talked only about work. The most important thing was to produce rice. People from the combat zones came and settled here. We were the old settlers. We had been supporting the Resistance long before them. The commune and village chief tried to convince them to settle here so we would have a greater work force than Lon Nol."
Mr. Krem, 54 (former Khmer Rouge), assistant to the village chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

"We toiled the land as usual but there was a new system for oxen. Those who didn't own oxen could borrow the animals from their owner work for him in return. Sharecropping was abolished (…). People owned their land but we traded labour *pravas dei*, especially when planting rice. Nobody had the right to employ someone else or keep him in slavery[107]. (…) During the dry season we were told to find other jobs as artisans. Until 1974 we used money. Afterwards, we bartered cigarettes and rice. Collectivisation happened gradually. Bicycles, cows, chickens and oxen were confiscated so others could use them. The problem was that nobody wanted to repair the bicycles. The cycles became useless because we didn't buy any spare parts. In 1975, things radically changed."
Mr. Seng, 57, Pong Teuk neighbourhood, Krong Kep (new village).

Eliminating the enemy *Khmang, satrov*

The first measure taken by the men of the forest is to replace the government representatives with their own men. The existing positions are kept, but with a slightly modified job description. The commune and village chief start holding political propaganda and population

[107] Refers to the practice of placing oneself at another's disposal to repay one's debt. The debtor who could not repay the money would reimburse his debts by working for his creditor for a certain period of time.

control meetings, with the assistance of the group leaders. Tax collection is abolished. The conciliation process is still enforced but the approach changes. The individual gives way to the group, subjected to the authority of the "Organisation", the *Angkar*. Any action that might upset the established order is seen as a transgression against the *Angkar*.
Only those fully devoted to the *Angkar* are deemed worthy of managerial positions. In the areas "liberated from the enemy", the enemy are, first and foremost, all persons in contact with the Lon Nol government. Local government representatives are targeted.

Their fate gives an indication of things to come:

> "In 1973, the Khmer Rouge came to my village (Soyvong commune, Kampong Thom province). They told us to move two kilometres away. The village chief and the commune chief were killed and replaced with the Khmer Rouge's own men."
> Mr. Ham, 57, Pong Teuk neighbourhood, Krong Kep (new village).

> "The Khmer Rouge took our village in 1970. There were no great changes until 1976. Then the land was collectivised. The old village chief kept his job, but then we elected a new one because he was corrupt. That was a good thing."
> Mrs. Seng, 47 (former Khmer Rouge), Pong Teuk neighbourhood, Krong Kep (new village).

> "In 1973, the Khmer Rouge came. They forced us to leave the village and move near the railway, close to another village. They said our village was too close to the frontline. They appointed new chiefs for the commune and the village. They were mean and authoritarian. Travelling was forbidden."
> Mr. Sombat, 61, Angkal neighbourhood, Krong Kep.

> "People were rounded up in villages. The former village chief disappeared because he was sympathetic to the Lon Nol administration. The Khmer Rouge appointed a new chief. Before, we had only ever had one chief. Starting in 1974, we had 5 people: the chief, his assistant and three members. Later, they became part of the cooperative management group."
> Mr. Vay, 46, Popeak commune, Svay Teab district, Svay Rieng province.

> "People were afraid of the Viet Cong and the war. Those who caused trouble or wanted to join the Lon Nol troops in Siem Reap were caught, blindfolded, their hands tied behind their backs and taken to the Viet Cong leader. The chiefs said that people who travelled a lot were spies, *kegn*. If the offence was serious, people were killed."
> Mr. Prom, 59, commune chief, Nokor Thom commune, Siem Reap district, Siem Reap province.

> "We controlled people's lives. If we discovered that someone was a Lon Nol spy, we would send him to the higher authorities and I don't know what happened to him then. We had to stand together and defeat Lon Nol. Defeating Lon Nol was the top priority at the time."
> Mr. Prel, 52 (former Khmer Rouge), Pong Teuk neighbourhood, Krong Kep.

Behind Lon Nol and his supporters, another category of enemy is the rich, *neak mien*, who exploit the masses. Poverty is held in high regards. The new leaders are chosen among the poor and the uneducated. These new measures will open the doors to all sorts of abuses.

> "The rich were the ones causing problems so everybody wanted to be poor in the village. We thought the rich belong to the exploiting class. All our efforts were concentrated on fighting the war against Lon Nol. People were poor but well regarded. We wanted the poor to rise to power. The Khmer Rouge said we must elevate the poor so they would seize power throughout the country. We liked the regime because it favoured the poor. Before, we were used to being always afraid but now it was different. At the beginning we were against the wealthy because we were poor but later, when there were less rich people, we would watch each other and be afraid of being considered wealthy. The rich put pressure on the poor. After the revolution we said there were no longer any poor people vs. wealthy ones. There were no more classes. There were only poor people."
> Mr. Krem, 54 (former Khmer Rouge), assistant to the village chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

> "From 1970 to 1972, the village and commune chiefs appointed by the Lon Nol government were replaced. The new chiefs were uneducated. They were chosen among the poor. They had no knowledge. They couldn't rule properly. They didn't understand the regulations and abused them. If the wife of the commune chief said, "I don't like this man"; the man was killed. We had to do exactly as the chief asked or face death. For instance, someone is riding a bicycle and wants to go straight. If he is told to turn left, he must go left without asking why. That's how things were. The village and commune chiefs received political training. Most of the commune chiefs could read and write. The village chiefs were uneducated. Only a few could write small reports. People feared the village chiefs. They had no way of knowing what might happen. They just tried to work as hard as they could to survive."
> Mr. Yu, 56 (former Khmer Rouge cadre), assistant to the commune chief, Tropeang Pleang commune, Chhuk district, Kampot province.

Over the years, a third category of enemy will emerge. They are called the "lazy", *neak tve put*, *chumnieu satekaram*. They undermine the Revolution because they do not achieve the objectives set by the *Angkar*, the Khmer Rouge ghostly organisation.

The new system does not make allowances for people's problems and the disputes that may oppose them. Only troublemakers have problems and they are seen as "enemies of the Revolution". They are judged by uneducated chiefs, found guilty without trial and punished accordingly. The pre-1970 Law and court system are no longer enforced.

Prevention and management of everyday issues and conflicts:
Gradually, the practice of conciliation in its traditional form is replaced with community meetings that promote self-criticism and denunciations. Everybody must confess his/her offences or fear being denounced. Punishments range from political propaganda lectures added to severe reprimand and manual labour, to the death penalty. According to former Khmer Rouge, the procedure was clearly defined. Offenders would be educated to not do it again. At the third offence punishable by education, the matter would be referred to a higher authority. Villagers under the thumb of the Khmer Rouge developed another meaning to the word "education", *kasaing*. For them it meant "duty" or "death". Traditional informal authority figures, such as the elders and the monks, are cast aside. Without its traditional safeguards, Cambodian society gradually loses its points of reference.

There was however, no strict pattern. The situation varied according to the geographical location of settlements –some easier to control than others- and the personality of the new village chiefs. Some areas still remained rather peaceful while in other places people lived in an atmosphere of constant fear and suspicion. People stifled their feelings and kept their problems to themselves for fear of being criticised and punished.
A coat of darkness descends on the populations. For some, it will not lift until the 90s.

In the villages were the chief was a hard man, fear became omnipresent. There was but one rule: working without making trouble. The concepts of conflict or dispute were translated as *khos*, offences against the revolution. People's slightest actions could be interpreted as bad and punished. While the old system aimed at reconciling people to maintain the consensus, the new system only focused on finding offenders to be punished or killed, to achieve a purged and happy society. The village chief became all-powerful.

> "From 1970 on, things were handled differently in the village. The chief would act as a conciliator when there was a problem but the elders were no longer asked to join in. The new way of doing things was to follow the decision of one man –the chief. We had to respect hierarchy. When the village chief said something, we had to follow suit. If the commune chief said different, we had to follow the decision of the highest authority. Ordinary people obeyed without any argument. For instance, to settle an argument the chief would simply decide who was guilty and who was innocent. If the chief higher up said otherwise, we had to listen to him. There was no justice (…). At the beginning, in 1973, people could talk freely. Then it became more and more difficult. People became increasingly afraid and would not discuss their problems any longer." Mr. Tith, 54 (former Khmer Rouge cadre), assistant to the village chief, Pong Teuk neighbourhood, Krong Kep (new village).

“In 1971, the *Khmer Rumdos* came to our village. That’s when things started to change. The village itself didn’t change but representatives from an association higher up (in the hierarchy) came to give us news from the front and to spread political propaganda. During the meetings we were told not to make mistakes because it meant we were working against the revolution. People began to feel scared and stopped talking about their problems. They were afraid of making mistakes and being punished. It was a totalitarian society, *sangkhum pdach kas*. During the meetings we pretended to pay attention and to take what other people said into account, but in truth, we weren’t listening. It was only to avoid trouble. We often had educational sessions that lasted one day, two days, even two weeks. If people offended again and again, they were taken away. They were told, “go learn so you will not create any more problems”, *towe rien sot ban snat*. These people never came back; they were killed. It was an unbreakable rule. If we did wrong, we were told we were enemies, *kmang*, conspiring with the Lon Nol government against the revolution. People who let their oxen eat the crops and the lazy were called enemies. Education was their punishment. People went away to be educated. Some came back; others never returned. The Khmer Rouge recorded all the faults. They said they were all added to our file.”
Mr. Sarum, 62, master of ceremonies, Phnom Liu monastery, Pong Teuk neighbourhood, Krong Kep.

“It was an offence to break the rules. Other offences included being lazy, not following the work schedule set out in the objectives and being sick to avoid work and not saying anything. People were afraid. They did as they were told.”
Mr. Tith, 54 (former Khmer Rouge cadre), assistant to the village chief, Pong Teuk neighbourhood, Krong Kep (new village).

“There was no more talk of conciliation. People in favour with the Khmer Rouge would inform against other people to the village chief, who would kill them. They didn’t have time to think about such things. They only thought about fighting; those who made trouble were the enemy. People who were exposed were accused of betraying the revolution. In the new village I didn’t have any land to farm. People who had acquaintances in the village could work on their land but otherwise there was nothing to do. Lon Nol’s army bombed the villages in the forest because the Khmer Rouge controlled them. There was famine. We moved around during the bombings. In 1974, Lon Nol’s army was driven back and we were able to reclaim our village and farm our land. A year later they collectivised the land. From 1974 to 1975, the village chiefs came from the top (of the mountain). We couldn’t address them. If someone had a problem and the chiefs learned of it, that person would disappear. We kept quiet to avoid being killed. This radical tendency appeared gradually from 1973 onwards.”
Mr. Sombat, 61, Angkal neighbourhood, Krong Kep.

“When villagers argued, the Khmer Rouge took the guilty parties away. They said it was to educate them, but in fact they killed them. We were told there were numerous Khmer Rouge positions and prisons in the district but we never saw them. All sorts of matters were punishable. For instance, it was forbidden to travel alone. We travelled as a group and the leaders of the organisation, *Angkar Leu*, would give us a direction. You couldn’t stray or you would be punished. When the village or commune chief was made aware of a family quarrel or a dispute in the village, he would act as conciliator. If the conflict persisted, the people were taken to a secret place and educated for a week. When people returned they were afraid because they had been threatened. The village hadn’t changed much but we were scared. When the new Khmer Rouge village chief held a conciliation, he threatened people a lot. For instance, if people argued, he said they had betrayed the organisation, the *Angkar*, that it was against the organisation’s principles and that they mustn’t do it again. We didn’t know what *Angkar* meant. We knew *Angkar* didn’t mean people, and we knew it meant death if we caused trouble. There were two options: death or prison (in the pagodas and schools). The monks were defrocked in 1974.”
Mr. Lom, 53, Pong Teuk neighbourhood, Krong Kep.

The position of the Khmer Rouge

Former Khmer Rouge cadres rationalise the new methods based on coercion and fear as necessary measures to further the revolution and develop the country. The traditional society was careful to cultivate independence and autonomy while the new ideas promote such notions as community and solidarity. Individual's worries, problems and disagreements are hushed up, forbidden even, and punished in the name of the interest of the community.

> "The *Angkar* was very strict and it was a good thing. If people argued, they were given three warnings and then they were punished. People were afraid. Punishment did people no harm. It was in the interest of the community. It was fitting. At the time, it was easy to gather the necessary workforce. When we needed to build roads or dikes, we called the people and they worked together. The work was hard but it helped people to progress.
> People stood together and didn't quarrel much. People feared trouble and interdictions. Breaking the rules was a serious offence. For instance, if someone was told to carry 10 baskets of dirt but only carried 8, it was an offence. Every time people offended, they were educated. After three offences followed by education sessions, people were punished. Punishments were intended to frighten people but we did not take human lives. Serious offences such as rape were severely punished and there were no recidivists. The fear of punishment was too great. Young lovers were simply wed. I was in charge of a group of young women. Girls over 15 were gathered together. In 1973, I became head of the women's organisation for four communes. I taught them solidarity and manual work and I gave them classes on political awareness to teach them not to be exploited by others. I also taught them about previous regimes and explained what was good, and what was bad. I explained that before, there used to be only violence and war and that now there was peace and solidarity. I taught women that listening was the proper attitude. There were one-day, three-day and three-week sessions. The principles of solidarity were good. It prepared people for collectivisation. When villagers argued, we talked about it in a community meeting and we gave advice. We only addressed the faulty person[108]. Sometimes we carried out an investigation. People listened. During the Lon Nol regime, people didn't want to listen nor understand. Then people started listening during the education sessions. I don't know if people were interested by what we had to say or if they were scared of us and possible punishment. But, it can be said that before 1973 nothing happened and that afterwards, the country did develop. (…) During the 1973-75 period, when people were reported to the authorities, it was always because they had made mistakes. We were united in deciding who was guilty and who was innocent (we didn't lie). After 1979, the guilty party could be cleared and the innocent declared guilty. There was less justice and things were murkier. In 1973 everybody was equal. When we spoke, we told the truth. There was no preferential treatment. We were all equal in the eyes of the law. If a member of our family made a mistake, we had the courage to report him or her. If we didn't do it, someone else would and we would be punished too."
> Mr. Angk, 48 (former Khmer Rouge), Pong Teuk neighbourhood, Krong Kep (new village).

Another former Khmer Rouge cadre praises the system, which he finds fairer than the previous one:

> "Before 1970, I was a monk in Chhuk. I quit in June 1970 because I'd had enough. I went back to my village. The Viet Cong were fighting Lon Nol's troops. Mid-1970, the Viet Cong took our village. The village, commune and district chiefs were replaced. They were local people. Things began to change in 1972-73. The Khmer Rouge succeeded the Viet Cong. That's when we started holding meetings. The meetings replaced the old dispute resolution procedure, *dashray*. People liked the new system. Before, people used to be scared. They were afraid to talk. They were pressured and intimidated by the authorities. With the new system of community meetings, problems were aired publicly. For instance, we would all discuss land issues; everybody would give their opinion and then we would solve the matter. We told the truth. Nobody lied. We were all equal. The one who made mistake was told, "This is not right". When we witnessed something bad we said, "this is bad". When things were good we said,

[108] It must be noted victims are never mentioned.

> "This is good". That was solidarity. That was the National United Front of Kampuchea, *Ranakse robraum chiet*. It was a good time. After, in 1975, things became more difficult."
> Mr. Krem, 54 (former Khmer Rouge), village chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

A better society, yes, but on condition that people worked and did not quarrel:

> "We no longer went through the conciliation process -*somroh somruel*- to solve disputes, we held community meetings instead. Where I was, the people were all educated and we thought of each other as equals. The leaders said we all had the same nationality, *titsa doyknie*. We shared the land with the newcomers. We educated the newcomers at the meetings; we told them to speak only positive words. We advised people to think only of work. We told them not to support Lon Nol. The important thing was to put one's efforts into farm work and building dikes and irrigation networks. There were no disputes during that time. If we wanted to survive, we couldn't think about quarrelling."
> Mr. Yu, 56 (former Khmer Rouge), assistant to the village chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

A new class system is established, based on people's personal history

In this allegedly egalitarian new society, people were treated according to their social status. Hierarchical class[109] differences were established and varied according to the chief and the location of the village. In some places, the distinction was made between the wealthy and the poor while in others the distinction would be made between long-time Khmer Rouge supporters and newcomers who were refugees from the combat zones. Elsewhere, social categories ranged from landless labourers to wealthy landowners. In yet another location, the differences may not have been made very obvious. People were dealt with according to their class. A poor peasant committing a minor offence might escape with only an admonition and a political lecture. The wealthy could face capital punishment.

> "People had been divided into four social classes. The poor farmers, the middle farmers, the superior farmers and the wealthy. When there was an argument between people, the new method favoured the first three categories. People said the wealthy were guilty more often than not. We were suspicious of them. We said they were rich because they exploited people. Often, they received harsher punishments than the others. The classifications varied according to the location of the village, the chief's personality and the dates. Here, I was considered poor, but in Kandal province I could have belonged to the middle category. In some places there were no classes. Until 1973, there was no definite pattern. In 1973, the land was collectivised and money was abolished. In 1974, we all ate together in the community hall. Until 1975, soldiers were allowed to travel to visit their family. In early 1973, the rules weren't very strict but they became harsher in 1975. Both the innocent and the guilty had to accept the verdict without complaining."
> Mr. Tith, 54 (former Khmer Rouge cadre), assistant to the village chief, Pong Teuk neighbourhood, Krong Kep (new village).

> "There was fighting in 1970. We took our cart and some rice and fled towards Kep. We didn't have any work to earn money for rice so we went to the countryside. Whenever we stopped, we would build a hut under a tree. My father found work on a pepper plantation in Roneung. He carried baskets of dirt. We were scared. We were newcomers and my father thought the villagers were going to kill him. We all worked together in the fields. It was the Khmer Rouge. They called us refugees, *Chun peak kluen*. We didn't dare move for fear of drawing the village chief's attention to ourselves. He could have us executed. Especially at night. You get called and it's all over. There were the original villagers, *muletan*, and the refugees, *Chun peak kluen*. We all attended the meetings and we were given rice. The *muletan* got more rice than we did; they got one box per person. We were 10 refugee families, all related. We

[109] *Vanak*: class, caste. There were higher classes, *vanak leu*, and lower classes, *vanak krom*.

were afraid. The *muletan* didn't fear the village chief." Mrs. Somaly, 48 Kep, neighbourhood, Kep area, Krong Kep.

Living conditions are not identical everywhere

There were other areas where living conditions were considered not so bad, essentially isolated areas where the new authorities were rather absent, and villages where the chief was well liked by the local population. Taxes disappeared along with the old administration. The peasants continued farming their land independently. If need be, they could call on others for assistance. The oxen were pooled and used for farm work and transportation. When the chief was accommodating, people adapted as well as can be expected. As long as they kept a low profile and attended the propaganda meetings, the peasants survived. Numerous people interviewed clearly differentiate between the early Khmer Rouge and those who arrived in 1975.

"The chiefs were not the same everywhere. There were easy places where people ate rice, and harsher villages where people ate rice soup."
Mr. Pet, 71, Nokor Thom commune, Siem Reap district, Siem Reap province.

"At the beginning, things were all right. The chiefs were good. They said we were all equal. We liked their ideals and we were willing to work. It was good. Then, the good chiefs were killed and things became difficult. At the beginning, until 1975 and even 1977[110], things were ok. The situation was bearable. After that they started killing everybody. All the good men were killed. Only the bad ones were left."
Mr. Krach, 46, Bantey Srei commune, Bantey Srei district, Siem Reap province.

"Until 1975, life was easy. Not many people had died. Only Lon Nol supporters had been killed. The communal dining-hall didn't exist yet. We ate well. Our only worry was the Lon Nol planes."
Mr. Prom, 59, commune chief, Nokor Thom commune, Siem Reap district, Siem Reap province.

Fear and coercion as the means to control people

Needless to say, in this context of early collectivisation, self-criticism and punishment, coercion combined with fear greatly helped to prevent disputes.

"There were few problems and quarrels at the time. People really believed in the Pol Pot regime. They had great hopes and were determined. They weren't thinking about causing trouble. At the beginning, the land was still privately owned. During the period of the *Sangkhum*, there were many disputes, most of them land related. People had deeds for their land and they were always arguing. They paid a lot of taxes. In 1970, land deeds and taxes were abolished. The *Angkar* borrowed money from the wealthy at very low interest rates. With the money, the *Angkar* bought fabric, fuel… The villagers could buy things. With the money from the sale, the *Angkar* would repay the lender. People liked this system. The community meetings started in 1970. The meetings settled all the issues: quarrels, domestic problems and problems between the wealthy and the poor. We would gather the rich and the poor and promote mutual assistance. People who didn't understand were educated. We discussed arguments at the meetings. The angry party would complain to the village chief. But people were ashamed and didn't always want to speak up. We would investigate to find out who had acted wrongly. The first warning was education. After three warnings, the matter was sent higher up and people followed. People would rather not talk about their problems. The neighbours didn't dare do anything either."
Mr. Krem, 54 (former Khmer Rouge) assistant to the commune chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

"It was hard earning a living during the Sihanouk regime, but we got by. In 1970, the United National Front, *ranakse robraum pracheachiet*, was established. The commune and village chiefs were replaced. Many were illiterate. People from Hanoi educated them. Things started to change. We set up work groups, mutual assistance, solidarity and the United National Front. We educated people so they would help

[110] 1977 marks the beginning of massive political purges. Especially targeted are Khmer Rouge suspected of alliance with the Viet Cong and Khmer Rouge opposed to the radical methods of the Pol Pot regime.

each other. It was forbidden to argue with people. We told villagers that the ones who caused trouble would be sent to Phnom Melou. We had to work, to toil the land. Lazy people made excuses, such as headaches, to skip work, stay home and eat rice. The lazy ones were sent to Phnom Melou to be educated. They would come back a month or two later. After three warnings, the lazy and the undisciplined were sent up there; up there, there was no education, only work. People were told, "You will be given a fountain pen" but in fact they were given a hoe. When the hoe was worn down, we would give them a new one because the first one "had run out of ink". People were afraid to complain. We didn't think about justice, we only thought about making people work. After Phnom Melou, the recidivists were sent to Kampong Speu, Srae Klan and Roleak Khan Cheung near Phnom Aural Mountain. People who went there died from Malaria. Those who worked well in the solidarity groups had nothing to fear. They had to remain vigilant and educate themselves. The Khmer Rouge liked people who furthered their education by themselves. At the meetings, we asked people to talk about themselves. Everybody exposed his or her own faults and listen to the others' advice. We called it self-criticism, *svaytitien*. For instance, we would say, "I made mistakes and I ask the others to report them". The others would reply, "No, you must report your own mistakes yourself". The person would then say, "Nobody saw me steal anything, or insult someone. Nobody knows I made mistakes. But I confess to them myself. Do not imitate my behaviour, and from now on I will not do it again". In the previous meeting, we might have said three topics would be discussed: road building, the self-criticism session and the crops. There could be one item on the agenda or even five. We set the objectives for the day. For instance, build the road up to a certain point or carry so many baskets of dirt. If we couldn't complete the work during the day, we carried on at night. Offenders were the lazy people who couldn't achieve the objectives.
It was both easier and harder than at the time of the Sangkhum. It was difficult because we weren't free to travel. If we went to the market (in town), we could be suspected of being a Lon Nol spy. We could no longer sell eggs and lemongrass at the market. We would be accused of being an enemy and passing information on to Lon Nol troops. The good side was the solidarity. There were fewer disputes than before. Before, people only thought about themselves, but then we all thought only about the rice. When there was no food for the poor, we all worked together. There were no social classes. We only talked about work and equality. The wealthy had kept their cows and their rice. The poor families could borrow rice from them. King Sihanouk was in Beijing. On the radio he said that to survive, people had to help each other; that we had to set up solidarity groups. Everybody followed the King. He was the key player in the political propaganda. The people believed the King, trusted him and did as he said."
Mr. Puon, 60, village chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

"There were many meetings. People were afraid of the village chief. He would put those who didn't partake in community work in irons. (…) There were no more disputes or arguments because people were afraid. We held political meetings to educate people and tell them not to join the enemy."
Mr. Prom, 59, commune chief, Nokor Thom commune, Siem Reap district, Siem Reap province.

"In 1972, we were sent to Tasiu. The chief there supervised the people working in the rice field. The objective was to plant paddy fields. At the time, quarrels and arguments were hushed up because people were afraid. (…) You couldn't love in secret because it was severely frowned upon; you could be executed for it. There were pre-arranged communal weddings involving 10 couples or more. Pre-arranged marriages were a good thing. The girls had been educated. They weren't bad. They were obedient."
Mr. Pet, 71, Nokor Thom commune, Siem Reap district, Siem Reap province.

"The land remained in private ownership until 1974. People could already tell that a co-operative would be set up by the following year. Khmer Rouge soldiers were already spreading rumours that people would eat together but live as independent families. The chiefs were authoritarian and people were afraid of them. People didn't talk about their problems. They kept everything secret and didn't mention it in front of others. The village chief held meetings once a week, or once every two weeks. He

called all the villagers to attend. He said this was the time for people to talk. But people learned to keep quiet to avoid trouble. Those who had made mistakes were exposed. We said they were CIA from America. Those who complained over land issues were lectured. They were called capitalists. You had to keep your mouth shut to survive. People were always told to keep quiet except to perform self-criticism. There were no specific regulations; there were only faults. It was the law of the mouth. If we said, “Branches cannot be cut off in this spot”, it was a fault to do it. In actual facts, the law was to follow orders. We heard a lot about Khmer Rouge law but we never saw it. Education was used to correct people. We had to eat little and work hard. That was education. In 1974, when the fighting was over in this area, people started being killed for their biography. Those who had been on Lon Nol’s side were killed. Then, people were killed without distinction.

Mr. Vay, 46, village chief, Popeak commune, Svay Teab district, Svay Rieng province.

Chapter I – Synthesis
THE LEGACY OF THE PAST
DISPUTE MANAGEMENT: Heading into darkness 1970-1975

After the March 18, 1970 coup that overthrows Prince Sihanouk and brings General Lon Nol to power, the country topples into war. The communist rebels hidden in the forest and the Viet Cong troops march through the countryside with the support of Sihanouk, exiled in Beijing. By the end of 1970, a large part of the country has fallen under the control of the forest-based rebels who will become known as the Khmer Rouge. Only the cities and surrounding areas remain under the control of the Lon Nol forces (see map).

In rural areas, some people respond to Sihanouk's call to join the fighters hidden in the forest, but many simply do not choose sides. Only their geographical position at the time will determine their alliance to the Khmer Rouge or to the Lon Nol forces.

In the areas controlled by the resistance, a new system is gradually implemented. The village chiefs are replaced with the men of "the Angkar", the new invisible power.

The new, allegedly egalitarian society establishes a strong hierarchical system. The chiefs are all-powerful and the population is divided into categories that do not enjoy equal rights.
Farming tools are pooled in a first step towards collectivisation.
Political propaganda meetings and self-criticism sessions are introduced. Peasants are told to forget individual interests; the key objective is to embrace the Revolution. People must produce rice and avoid committing "offences". People must publicly confess to their faults and accept their comrades' advice as well as the chief's verdict. Offences, such as not achieving the work objectives set by the Angkar, are said to jeopardise the progress of the Revolution.

With regards to the prevention and management of everyday conflicts, the situation changes dramatically. While the old system attempted to reconcile people in order to reach a consensus, the new system sees all disputes, quarrels and problems as offences that hinder the progress of the Revolution. People involved in such situations can only be enemies. The Angkar does not seek to reconcile people, but rather to punish and eliminate enemies to achieve a new purged, happier society.
Terror is gaining ground and people chose to hush up their problems for fear of drawing attention to themselves. People learn to keep quiet.

Testimonies differ from one place to the next. In some villages, the new methods are introduced gradually and are well received by the population while the village chiefs are particularly hard in other places.

A profile is starting to emerge, which will later be replicated on a large scale. The traditional autocratic and paternalistic monarchy, gives way to an agrarian totalitarian utopia.

3. YEARS OF TERROR: 1975-1979

By the end of the 1970-75 war, the death toll reached 700 000[111]. American assistance was struggling to maintain Republican enclaves that were being slowly swallowed by the revolutionary troops. Refugees were fleeing the combat zones, the bombings and the famine and swelled the numbers in Phnom Penh. The population tripled in the capital. Eaten away by corruption, Field Marshal Lon Nol's Khmer Republic was collapsing. The war was over but a new nightmare was beginning.

On 17 April 1975, the Khmer Rouge seized Phnom Penh and immediately evacuated two million people to the countryside. Many of them died on the outskirts of the City. The agrarian ideology of the Khmer Rouge demanded the Khmer people return to agricultural work. From 1975 to 1979, almost the entire Khmer population is engaged in performing community work for farming co-operatives. The Khmer Rouge's utopian project forecasted the development of the agricultural sector before moving on to an industrialised economy within fifteen to twenty years. To achieve the objective, collectivisation started targeting all aspects of daily life: work, meals and meetings…
Townspeople, referred to as "the new people" had to endure particularly harsh conditions. Many of them were executed, under the accusation of siding with the oppressors and the enemies of the Revolution. Others, unfamiliar with farm work and often sent to malaria-infected areas, died in their thousands.
"The ancient people", who had sided with the revolutionary forces before the fall of Phnom Penh, were better prepared for farm work and collectivisation. They however, did not escape the harshness of an extreme regime. The irreducible remained. Trained by a small group of early revolutionaries, they implemented the Khmer Rouge methods to the letter until the end.

The four-year plan forecasted an increase in rice production from 1 to 3 ton/hectare. The country is soon involved in agricultural development on a large scale. The land is collectivised and the plots are reshaped. The small rice fields give way to large 1-hectare plots. Hydraulic works are built any old how because there are no qualified personnel to supervise construction work (many educated people have been executed). The result is not too good. It seems the farming production does not exceed production rates achieved in the 1960s. The local Khmer Rouge leaders are afraid to report such figures. They inflate the numbers and send almost their entire production to headquarters. Famine ensues, spreading throughout the country -only the Khmer Rouge cadres remain unaffected. In 1977, the Central government unleashes its paranoid enemy-elimination policy. Almost all of the previous regime's leaders have been tracked down and eliminated (the wealthy and former Lon Nol supporters). New opponents are needed. From 1977 on, the purges will affect the entire population, Khmer Rouge cadres included.

The Khmer Rouge regime lasted three years, eight months and twenty days. During that time, about one million seven hundred thousand died from hunger, exhaustion and illness or were executed.

3.1. A new order

The Khmer Rouge Revolution, described in turn as a "murderous utopia", "utopian madness", "genocide" and even "crime against humanity", intends to establish a new order that rejects the alienating traditional values. The monks are defrocked and the pagodas destroyed, books are burnt, courthouses and banks are turned into warehouses, the cities are emptied of their inhabitants and the intellectuals are executed…

> "There was no moral education during the Khmer Rouge period, only political education. Political education doesn't teach people about *karma*. The one who kills is not taught that he will suffer the consequences of his actions in the next life. At the time, children could report their parents. The parents could be exposed as enemy. There were no rules teaching respect for one's parents. Everything was upside down." Mr. Hong, 62, retired from Svay Rieng provincial education department, city of Svay Rieng, Svay Rieng province.

[111] At the end of the 1960s, Cambodia's population reached seven million.

> "To get someone to work, you must rub him the right way. In 1975, people were beaten into working."
> Mr. Puon, 60, village chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

The Khmer Rouge take all possible steps to build a pure society in which "happiness, equality, justice and true democracy rule; there are no wealthy and no underprivileged people, no exploiting classes and no exploited people; people live in harmony and national unity to produce rice and build and protect the country together.[112]" To achieve this, the Khmer Rouge decide to tackle the roots of evil, but they will have the greatest difficulties in defining evil. The utopian society soon turns into a nightmare; disputes and problems are said not to exists, are forbidden even. There must be no arguments between people since the key concepts are "solidarity" and "unification/united front". Fighting for one's interests and property is an egotistical, capitalist and counter-revolutionary concept, just as are "offences" against the impersonal "Organisation" (*Angkar*). The State claims all essential properties as production tools. People can only own ordinary everyday items[113]. Land-related disputes de facto cease to be. Self-criticism and denunciation sessions expose those who remain attached to material possessions. Stealing food to escape starvation is considered counter-revolutionary. It is an "offence" and must be punished accordingly. Deviant social behaviour such as anger and adultery are no longer addressed using the traditional conciliation process. Such actions are deemed to be moral "offences" that call for education and punishment. The new society aspires to perfection and demands unreserved devotion to the *Angkar*. Great agrarian works are launched and the entire population is mobilised. The Khmer Rouge are determined to show that their revolution can do better, faster than their Chinese allies and Vietnamese neighbours. No mistake is tolerated. In their paranoia, the *Angkar's* henchmen track down all the "offences" that might hinder the Revolution's progress and set up stringent population control procedures.

Families are displaced. Away from their native villages, people lose their connection with the local pagoda and the spirits of the land. The family unit disintegrates. The *Angkar* arranges marriages and does not tolerate extra-marital relationships. Spouses might be assigned distant worksites and see little of each other. Young children are taken away from their parents and educated collectively. The young and adults in their prime are enrolled in the *krom chalat*, mobile units that move from one site to the next. The community replaces the spirit of independence that Cambodians have always cherished. Community-halls are built throughout the country. There, people eat together and attend meetings. The distinction between the former village chief and the new chief of the co-operative is blurred. Authority figures are no longer chosen for their reputation and their knowledge. Power is placed in the hands of the most malleable: the uneducated, the young and the most fervent supporters of the revolution, people who will turn out to be the most dangerous once out of control. Nobody seeks the elders' advice. They keep quiet, like the rest of the population. Fear gives way to terror; terror of the all-seeing *Angkar* and its "pineapple eyes". People start feeling suspicious of neighbours, family members, finks and their own children, who can expose them to capital punishment… To survive one must see nothing, hear nothing and say nothing; one must be "mute as a kapok tree, *daem kor*"[114].

In 1975, while changes might be noticeable in rural areas, they are already dramatically affecting urban populations:

> "In 1975, things changed. Before, life was difficult but we were ok. (…) At the end of 1975, we pooled all the communal rice in a loft. We gathered all the plates and cutlery so we could eat together at the co-operative. We worked together all day and in the evenings a meal was cooked for us. The old land and village boundaries were modified. (…) Populations were displaced. People from Phnom Penh came here.

[112] Democratic Kampuchea Constitution, 5 January 1976 – Preamble.

[113] Democratic Kampuchea Constitution, 5 January 1976 – Article 2: All essential production tools are the collective property of the People's State and the common property of the people. Everyday items remain the private property of individuals.

[114] Proverb – *Kor* means mute.
"Comrades, always keep these rules in mind: know nothing, hear nothing, see nothing and say nothing."

There were more of us. We worked all day. We had to build dikes and dams. It was very hard work. There was always a lot of work to do and little food to eat."
Mr. Seng, 57, Ponk Teuk neighbourhood, Krong Kep.

"In 1975, I lived in Phnom Penh with my family. We were told to march towards Battambang. I lost my daughter during the evacuation. I never saw her again. We arrived exhausted in Battambang. Luckily we had brought rice along with us. Many people died on the way. They were exhausted. The Khmer Rouge executed many former Lon Nol cadres on the outskirts of the city. We went to a village and settled in a house with two more families. We avoided creating problems. We learned to keep our mouth shut, to act deaf and mute. We were told to work in the rice fields. Life was very hard in the village where I stayed during the Khmer Rouge regime. Many people died of hunger and disease. There was nothing to eat and no medicine. We were 80 families at the beginning; only 17 survived."
Mr. Chhuon, 56, Nokor Thom commune, Siem Reap district, Siem Reap province.

3.2. A coercive system

The entire society is divided into groups of varying size that must achieve the work objectives set out by the *Angkar* and are responsible to ensure nothing and no-one hinders the smooth running of the system. People must be fully devoted to the *Angkar*, work hard and report their own "offences" as well as that of others.
Former Khmer Rouge mention the local *Angkar* structure and the tasks to be carried out. Some fully supported the system while others felt trapped within a system they feared but to which they collaborated in order to survive.

"In 1975, the country was liberated for the second time. The first time, in 1972, the villages had been liberated. In 1975, the cities were liberated. In 1975, the system was almost identical to the one set up in 1972, but it became stricter and we ate communally. Three roofs (families) made up a small group, *puk*. A work group –*krom*- was made of 12 families. The next echelon was the commune, *khum*. Each family controlled another family (…). The *puk* were arranged based on geographical location of houses. The group leaders would decide which houses would make a *puk*. If members of a *puk* did not get along, it was possible to transfer to a new group. Members of a *puk* would meet daily to set up work schedules and expose one another's faults. Manual work/shore was the key objective. Next in line were self-criticism and denunciations."
Mr. Samon, 42 (former Khmer Rouge), village chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

"I was a soldier in Pol Pot's army until 1978. In 1975, the structure of society changed dramatically. With the co-operatives, communal life became even more important. A period of absolute power began. When the chief said, " go to left", we were going to left without asking questions. People were afraid, very afraid, even the officers – *kamaphipal*, everybody was afraid. There were work rules. We had to work, build dams, carry fertiliser made with human waste and cultivate vegetable patches. The chief of the co-operative would plan it all and we had to do exactly as he said. People only thought about survival and about food. We are survivors. Today, it feels like we have reached the celestial level (paradise)."
Mr. Krem, 54 (former Khmer Rouge), assistant to the commune chief, Tropeang Pleang commune, Chhuk district, Kampot province.

Hunting down "offences"
Society demanded people be deaf and mute. Consequently, any deviant behaviour was forbidden. It was forbidden to quarrel and the culprits would bring punishment upon themselves. The population control system in place in the rural areas since 1970 was by then well established. Five years later, the system gets out of control and a paranoid trend hunts down the slightest "offences". In keeping with the government's policy of ultimate control, self-criticism and denunciations become a formalised process. Discussing contentious issues and addressing reproaches in private is an "offence".

> "When there was a problem, we discussed it within the *puk*. If it couldn't be solved, we took it to the *krom*. At the beginning, the problems were the same as they had always been, mostly quarrels among villagers. Then we said that problems were "offences" against the *Angkar*. We said it was people who couldn't show solidarity, *tve samaki*. The ones who didn't show solidarity were against the principles of the *Angkar*."
> Mr. Samon, 42 (former Khmer Rouge), village chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

> "There were meetings dedicated to solidarity and national unity. For instance if we were told to plough a rice field two or three times and we ploughed it only once, we were accused of showing disrespect for national unity. Individuals did not exist. Only the *Angkar* existed. Any mistake was seen as an offence against the *Angkar* and against work ethics. We acted like turtles. We showed neither our heads nor our legs. We only trusted two or three solid friends. If one of us were ill, we would secretly help each other find medicine."
> Mr. Chhuon, 56, Nokor Thom commune, Siem Reap district, Siem Reap province.

This former Khmer Rouge cadre makes a distinction between "economic offences" and "social offences":

> "The Khmer Rouge ideals were good, but the people implementing them were bad. Society was good. Everything worked well. People did not cause trouble. When there was a problem, we discussed it among ourselves. People were organised in small groups, *puk*. Everybody kept an eye on other people's behaviour and watched their own. Some people would not do their share of manual work/chores so others would get jealous and report them. If you didn't achieve the objectives set, you had to make your own criticism. Things are the same at the pagoda: there are rules and when people break them they must confess and the Senior Monk educates them. When people were angry with another person, they might report the person at the *puk* meeting and even go all the way to the work-group meeting. If the accusation was unfounded, the other members could put things right and defend the accused. The group leader would solve the matter and say it was an example for everybody. When the accused did not confess to his/her guilt, the matter would be taken to the chief of the co-operative and the commune chief. If the guilty party was a soldier[115], he had to abandon the uniform the same way a monk is defrocked. In the army of the forest, one must respect the leaders. You serve your leaders. It was the same for the population. We would tell them, "If you argue you will be poor. You are wasting your time. If you devote your time to work, you will earn a living". Serious offences were punished. When a husband and wife argued, we would separate them and make them work away from each other. When they were united again, they were happy and would no longer make trouble. Manual labour/chores were also used for punishment. People were sent to work in the fields or carry dirt on construction sites. The soldiers would keep a close eye on them and make them work hard."
> Mr. Chhum, 54 (former Khmer Rouge), village chief, Pong Teuk neighbourhood, Krong Kep (new village).

> "The two key things were solidarity, *samaki*, and unity, *aekepheap*. This meant we shouldn't entertain individualistic, selfish capitalist thoughts but instead that we must work together for the benefit of the Organisation. We held educational sessions, talked about people's mistakes and advised them not to do it again. People would not do it again because they were ashamed. If we held educational sessions daily, people understood the message and were ashamed of making mistakes. We used specific examples so people would understand. I trained with the commune chief. I repeated his teachings using different examples. For instance I would explain that solidarity was about us all working together: "When work finishes at 11am, then everybody must work until 11am. We must all start at the same time and stop at the same time, even if it is very hot; working hours are the same for everybody. This is solidarity." The rules punished people after the third fault. A form of punishment could be building a small dike. But it was a rare occurrence. When there was a lot of work, we held a

[115] Khmer Rouge soldiers were considered to be an elite corps.

puk meeting everyday and only every three days when work was slow. The work group meetings were held weekly. Then, we would report on the results achieved by the four *puk*. The group leader would evaluate each *puk*'s results. Weaknesses were punished and strengths were held as an example for the other *puk* to follow. Then the group leader would inform us of the work schedule set out by the village chief. The group leader met with the village chief every two weeks to report on the group's results. During the meetings, we also held self-criticism and denunciation sessions. It was important. People with failings had to be educated. It was a good time. It was easy to educate people. It is more difficult nowadays; people don't listen anymore.
There were different types of offences against the *Angkar*. Economic offences included being late for work and stopping early, not planting the rice quickly enough, stop working when it was too hot and saying one had a headache to avoid work. These were all offences. Stealing a chicken or rice was stealing Angkar property; that was a serious offence.
There were also social offences. A mother insulting her children or her neighbours committed an offence. Two people fighting were a serious offence.
We would try and settle the matter and hand out warnings. People would get 10 days of education and manual work as a punishment."
Mr. Samon, 42 (former Khmer Rouge), village chief, Tropeang Pleang commune Chhuk district, Kampot province (new village).

To survive, victims learn to become torturers. In a climate of such terror, denunciations and lies are used as a form of protection:

"People didn't quarrel. It was forbidden. The only thing we knew was work. The Khmer Rouge soldiers didn't work; their responsibility was National Defence. Us, the people, could only work. We discussed the day's achievements in the evening, during the self-criticism session. We checked that we had reached the objectives. Offences were exposed: who had been too slow planting, who had worked quickly and poorly and who had got angry with someone else. We reported them ourselves or others exposed us. We had to confess. Denunciators would say something like, "Comrade Chin, you have spoken nasty words to another comrade. You haven't worked much today. We advise you not to pursue in this line of conduct." All this was said in the presence of the group leader or the village chief. They could also be exposed and they too would then have to confess. The group meeting included twelve participants. We spoke in turn; we had to confess our offences, report on others and then listen to the group leader's counsel. When someone reported on you, you had to confess immediately. We didn't have a choice. If it was a lie, you couldn't say anything; you couldn't refute denunciations. We weren't forced to report on others nor find offences we might have committed, but to gain the authorities' favours and to be left alone, we had to invent imaginary offences. We came up with small details to fulfil our mission like the others. On the other hand, we were afraid of reporting people and then, them being angry with us. The children's groups also reported on people. Sometimes we would stay on after the meeting because we were forced to show solidarity. The truth is there was no solidarity; we only pretended during communal work and meals. Once we got back home, we only thought about ourselves. We didn't trust the Khmer Rouge authorities but we trusted a few other ordinary people like us. We helped each other out, particularly with medicines. We would swap them."
Mrs. Channa, 48, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

"Before, people in the village were nice. They didn't steal and they didn't lie. During the Khmer Rouge we had to learn to lie and to steal in order to survive. The ones who didn't lie didn't survive. Myself, I lied, I stole food and I survived."
Mrs. Kien, 47 (former Khmer Rouge), Nokor Thom commune, Siem Reap district, Siem Reap province.

Denunciations, self-criticism and punishment replace the conciliation process.
In some places, and with certain people, the village chief sometimes continued to use the traditional conciliation methods, *somromruel*. Essentially to solve minor quarrels. Problems relating to the *Angkar* were too serious to be debated behind close doors; they were discussed during the meetings. The village chief had more power than ever. He was entitled to pass judgment, put people in jail and sentence people to death. Consequently, few people

dared mention their problems to the village chief, unless they were close to him. People would rather keep quiet than draw attention to themselves. As to denunciations, the system worked very well indeed:

> "Land-related disputes stopped with collectivisation. There were few domestic quarrels also, since often the husband and the wife were separated. Both had a heavy workload and could be gone far away for a long time. The main issues were theft and problems between people who didn't like each other. When we had a problem with someone, we would go to the village chief. He would attempt conciliation as usual; he would get both parties together, listen to them and give advice. We didn't turn to him as much as we had used to during the period of the *Sangkhum* because we never knew how things would turn out. The chief would call the two people. He would ask them to relate the fact and then he would advise them. I remember once, a man got home and his belongings had disappeared. He got angry with his neighbour and the neighbour shouted back. The man went to see the village chief, who told him there was no way out because he didn't know who had robbed him. The village chief said to forget about it and not cause trouble. If you knew the robber, then the chief could put him in jail. Small issues were solved with education. But if it was serious, for instance if someone had acted wrongly towards the *Angkar*, he/she would be exposed for betraying the *Angkar* and this meant death or a prison sentence. When you were accused of betraying the organisation, there was nothing you could do to defend yourself; you couldn't protest and you had to confess. Sometimes, the matter would be investigated and the chief would question other people. But in most cases, people were sent to prison without any investigation and they would be subjected to very harsh cross-examination. They had to confess by themselves. Few people ever came back from prison. I saw a few who came back after 3 months or a year. They were very thin and they never made any trouble."
> Mr. Seng, 57 (former Khmer Rouge), Pong Teuk neighbourhood, Krong Kep (new village).

The organisation was tightening its grip on people and tracking down the slightest offence. The self-criticism sessions, the denunciations and the informers all contributed to strengthen the organisation's control over people's lives.

> "The informers, *chlop*, spied on people and reported them. They worked with us and were always watching us. When they found someone guilty, the chief of the informers would take him or her to the group leader to be educated and then the accused would go home. Serious offences carried a prison or death sentence. People were accused of betraying the *Angkar*. Offences against the organisation included stealing a chicken, killing an ox or stealing vegetables. The group leader would decide whether to send the culprit to prison."
> Mr. Seng, 57 (former Khmer Rouge), Pong Teuk neighbourhood, Krong Kep (new village).

The population is organised into a hierarchy and people are treated according to their status.

As previously stated, from 1970 to 1975 people were classified according to their personal history and their wealth. Such classifications[116] will be extended to the entire population in 1975. Once again, classification may be more or less strict depending on the chief's personality and might include sub-categories. The same terms may have different meanings in different places, but overall, we can identify two main categories: the "base people", *neak moultanh*, who were supporting the revolution before the fall of Phnom Penh and the "new people", *neak thmei*, also called "17 April" people, *dop pram peul mesa*.

Punishment varies according to the offender's social category. It was considered that the "base people", "full-rights" people and "poor workers" categories were purer than the others and that, as such, it was always possible to put the offender back on the right track. But other categories were suspected of having difficulties in shedding their bad habits and the Khmer

[116] We are a long way from the text of the Constitution of the Democratic Kampuchea, which states, "(…) Taking into consideration the wishes of the people of Kampuchea and the wishes of the army of Kampuchea, who all aspire to an independent Kampuchea (…) where happiness, equality, justice and true democracy rule, with no rich nor poor, no exploiting classes; a society where harmony and national unity prevail and focusing on work and building and protecting our country together (…)"

Rouge were particularly strict with them. The slightest mistake would often be interpreted as proof that they could not be re-educated and should be eliminated.

> "In 1976, we created divisional committees, *kanak kang*. There were many committees in the villages and the communes. We were all eating together in communal rooms. People were divided into categories based on when they had joined the Khmer Rouge regime. They were called "old village people" and "new village people". The latter were outsiders. They were also called "old farmers" and "new farmers" or even "base people" and "new people.
> Two or three "base people" would be selected to watch over the "new people". (…) During the meetings, it was said that the "new" people and the "base" people enjoyed the same rights. It was suggested the "base people" watch the "new people" and help them out. In actual fact, they didn't help them. It was harder for the newcomers than for the "base people". They weren't used to working the land. They got tired quicker and they were hungry. They would fall ill. Many died of exhaustion and hunger. Food was scarce. The "new people" could not handle it."
> Mr. Tith, 54 (former Khmer Rouge), assistant to the Neighbourhood Chief, Pong Teuk neighbourhood, Krong Kep (new village).

> "In 1975, I was based in Kandal. I was a member of the commune committee. We held educational meetings once a week. We would say, "Tomorrow, we must plant bananas in such place". The rules were explained using concrete examples. The rules were the tasks to be done and the objectives. The village chief would explain the duration of the task, the number of people who would be involved, the number of plants or the number of baskets of dirt to carry. People who did not follow the orders were said to commit "offences". Punishment varied according to people's categories. The "poor peasants" and the "middle category" were educated. The "upper peasants" and the "newcomers" did not get many warnings. They weren't told the same thing twice. They were executed. The "poor peasants" and the "middle category" were educated. They weren't killed unless they committed a serious offence. A serious offence was anything to do with morality, men who had a mistress and those who did not take their meals with others. For instance, someone who killed a chicken to eat at home, alone. People were starving so they looked for food and they got killed for it. Where I was, there were serious offences related to women. At the time, some women from Phnom Penh arrived in the village. They were pretty and well-groomed. The soldiers would rape them in secret. When the matter was known, both the man and the woman would be killed. I had power where I was and people respected me. When two people committed adultery I would separate them and marry them if they were single. If they were already married, they were educated and had to do hard labour. This was only applicable to the "poor peasants" and the "middle category". The "upper farmers" could only be killed. Sometimes, we would send them away to difficult regions in the forest. When people offended, we would tell them, "It's against the Law; it's against the rules". There were no specific written regulations but we knew there were offences against the *Angkar*. There were (in fact) more offences than regulations. What we remembered was that the first and second offence meant a warning and education. The third offence meant punishment and the punishment was often death. We had to be careful not to stray from the path of the *Angkar*.
> Mr. Tith, 54 (former Khmer Rouge), assistant to the Neighbourhood Chief, Pong Teuk neighbourhood, Krong Kep (new village).

> "In 1975, I returned to my hometown in Kbal Romeas. People were divided into three categories: the "full-rights" people, *neak penh sith*; the "candidates", *neak triem*; and the "new" people, *neak thmei*. I was one of the "new" people. There was no justice at the time; we were ruled by force. There were no courts. The village chief had the power to judge and to kill. He had the power to kill one person, ten people, even an entire family. Of all three categories, it was in the category of the "new" people that the most people were killed. We were accused of offending. Small offences were things like secretly planting potatoes to eat them at night. We were told it was against the *Angkar*, against solidarity. During the meeting, everybody would discuss the issue and decide for the death penalty or another form of punishment. Serious offences included sleeping with a woman other than your wife or not working hard enough.

People would be called lazy even if they didn't have enough strength to work very hard. Speaking against the *Angkar* was a very serious offence. In such instances, the entire family would be killed to weed out all the bad seeds. The "full-rights" people weren't treated as harshly; their offences were tolerated a bit more. They would be punished for serious offences but rarely killed. At the beginning, people's biographies were also checked. I said I had been a Lon Nol soldier but then I moved villages and my file got lost. Sometimes, former Lon Nol soldiers would escape the death sentence because they had relatives among the "full-rights" people who would protect them. I was hardworking so the "full-rights" people liked me and helped me. In the meetings, all we talked about was work."
Mr. Lai, 57, Pong Teuk neighbourhood, Krong Kep.

"Before 1975, when someone caused trouble we talked about education, *kor sang*, but then, in 1975 we started talking about throwing away, killing people, *leng tuk*[117]. There were many death in some places but very few in others. People got divided into three classes: the workers, the farmers and the upper class. It was just like at the pagoda with the novices, *nen*; the monks, *lok puk*; and the chief, *sangkriech*[118].
The workers, *kamaka*, were the poorest. They were divided into two groups: "the workers whose only possession is the palm of their hand", *kamaka bat day toteung*, and the landless "carrier workers", *kamaka liseng*. The former were the favourites of the new regime. Then came the "number one farmers", *kasika lek muoy*, who owned paddy fields but not enough to feed themselves year round. Then, the "number two farmers" who owned paddy fields and oxen and would do welding work during the year. The "upper class", *vanak leu*, was divided into two categories: "class one" included people who owned bicycles, oxen, ox carts and pigs. People in "class two" owned all these things and had servants and elephants in addition. I know all this because I was a chief. I learned all this in a training session.
Based on this classification, we selected the chiefs among illiterate workers. Everything was upside down. What was true became false and what was false became the truth. When we were told to say, "white", we would say "white". Everything was turned upside down; we put the feet where the head had been. The workers had more rights than anybody else. They weren't punished as harshly as the others, except for rape, which was punishable by death. They would eat three times a day. The "upper class" only ate twice a day. They committed more offences. They were hungrier so they broke more rules. They were the wealthy; they despised the people. We would think about all this and we wouldn't want them to own very much. The people weren't smart; they were lazy. But it was all to blame on the wealthy who had kept the people in ignorance and poverty."
Mr. Puon, 60 (former Khmer Rouge), village chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

"The chief of the co-operative had the power to kill people but ourselves, we didn't have any rights. The chiefs of the co-operatives were uneducated. They were selected among the most ignorant people and those who had done their fair share of manual labour before 1970. They were part of the "ancient people". Ourselves, the "people of April 17", we were more educated but we couldn't be appointed chief of the co-operative. It wasn't a good thing to be educated."
Mr. Prom, 59, commune chief, Nokor Thom commune, Siem Reap district, Siem Reap province.

"There were three categories of people under the Khmer Rouge: the "full-rights" people; the "reservists" and the "people of April 17"."
Mr. Nealk, 39, Angkal neighbourhood, Krong Kep.

The walls had ears, even at night:

"In 1975, we lived in a new house 15km from our native village. There were informers who spied on us all the time. One night, someone dreamt aloud that new people now

[117] *Leng tuk chivit – leng*: throw away, release; *tuk*: preserve, keep; *chivit*: life.

[118] During the interviews, some former Khmer Rouge cadres drew a parallel between the Khmer Rouge communist system and the structuring of the religious community. In spite of a desire to destroy society, the influence of the old traditional values was still strong. One religion replaced another.

inhabited his former house. The informers grassed on him, saying he was showing a capitalistic attitude by remaining attached to his former house.
The slightest moves were under close watch. For instance, a “new” man smiling at a “full-rights” woman would be accused of trying to seduce her and could be punished for it.
Former Lon Nol soldiers and people of Vietnamese descent were specifically targeted. But punishments were particularly harsh for former Lon Nol soldiers.
The “full-rights” people used to watch us. They didn’t trust us and thought of us as enemies. Many people died here, two or three out of five. Many families were decimated. The hardest thing was the lack of food. We couldn’t simply pick up fruits and vegetables for fear of going to prison. In 1977, they held many propaganda meetings. There was little difference in the way the “full-rights” and the “new” people were treated, only a slight priority given to the “full-rights” people.
We were always scared back then. We didn’t want to speak. We kept everything inside. People who protested were killed. We were accused of capitalistic tendencies, of wanting individual rights and private property. The Khmer Rouge regulations said we must live as a community, not individuals; it was absolute power. The slightest mistake would earn you a reputation as an enemy. People who protested were killed. People didn’t argue among themselves. When a dispute between two people was known, one or both of them would disappear the next day.”
Mr. Roueng, 45, Check commune, Svay Chrum district, Svay Rieng province.

Living conditions vary from one area to the next

The basic regulations are succinct and expeditious and often misunderstood. The local authorities seem to enforce the rules in a very personal fashion. People’s testimonies mention certain particularly harsh regions and some more flexible areas:

“1975 was a turning point. I was a Khmer Rouge soldier appointed to protect the town. The town was empty. There was nobody in the town of Kampot. Then I was appointed head of the invalid section. I had to feed over 300 people. I used to travel a lot. I noticed there were differences from one place to the next. I couldn’t say anything but I would observe things around me. In some villages people ate rice, in others they ate rice soup and in others yet, they ate water lily soup. It all depended on the personality of the local chiefs.”
Mr. Prom, 59, commune chief, Nokor Thom commune, Siem Reap district, Siem Reap province.

“I was posted to the Vietnamese border in 1977. I moved around a lot. Things were different from one village to the next. It all depended on the local chiefs and the food. Some places were easy; everybody had food to eat and there wasn’t much segregation. In other places life was hard; people were hungry and many were executed. (…) People were divided into categories but they varied from one area to the next. In one place the townspeople were called the “people of April 17”, in another one they were called the “new” people and in yet a third place there would be no difference made between people. It was all based on the personality of the local chief. Some of them said solidarity meant no discrimination.
Husbands and wives lived together but didn’t see much of each other. They worked in different areas and could be sent away for one or two month to build a dike or a canal. The children were taken away from their parents. The parents were said to be prime labour force and that they must work for the *Angkar*. It was a difficult life because I couldn’t take care of my children and I couldn’t see my wife very often. The rules were stricter than before. Eating all together was difficult.”
Mr. Samon, 42 (former Khmer Rouge), village chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

1977 – The system hardens

In 1977, things get out of control. The Revolution has not achieved its objectives – and for good reason: there are no experts to supervise the great hydraulic works and many structures are collapsing for lack of preliminary studies. The rice production is exported to buy weapons or stocked in anticipation of the war against Vietnam while the population is starving. The leaders cannot admit to a faulty system, this would mean admitting to the errors of the Revolution; the failure can only be human. From then on, enemies are tracked down within

the ranks of the Khmer Rouge themselves. Cadres are suspected of collaborating with the Vietminh or opposing Pol Pot's radical methods. Some will flee and reach Vietnam where they will remain until 1979, returning to take up leadership positions under the new regime. For now, massive purges are launched throughout the country.

> "From 1977 onwards, many people were denounced and executed. The people who had collaborated with Lon Nol had already been killed; their biography already collected. The wealthy had also been killed for the most part. All sorts of people were being denounced: the stubborn, people who didn't want their house to be taken down to give the wood to the *Angkar*; the traitors to the revolution, people who had dealings with the bandits in the forest who pretended to be Khmer Rouge resistance; and people who tried to communicate with the enemy. We were told about CIA enemies. People who were denounced were punished and killed."
> Mr. Mong, master of ceremony, Phnom Liu monastery, Pong Teuk neighbourhood, Krong Kep.

> "In 1977 many people were killed and there were plans to execute even more. My father knew he might be killed because he didn't belong to the "people". He was a worker and fixed water pumps. One day, he was ordered to dig his own grave. He was accused of not properly fixing a water pump. It wasn't his fault; there were no spare parts. The pumps would often break down. But during the night, his group leader took pity on him and sent him away to escape death. Myself, I belonged to the mobile work brigades. I worked so hard I thought I would die. In 1979, the Vietnamese came. My father was executed for refusing to follow the Khmer Rouge. Me, I was in a mobile unit. I pretended to go fetch some salt to escape. I looked for my mother. I found her in my native village and we moved once again to find a place where there was food. Then, the Khmer Rouge would come to the village at night to kill people."
> Mrs. Somaly, 48, Kep neighbourhood, Krong Kep.

> "Some people would secretly voice their disagreement. Sometimes they would be reported. Two or three teachers from Svay Rieng high school were executed; they were accused of being *Khmer serei*, like the CIA. The Khmer Rouge would hold meetings and pass judgement. In 1976 people had to attend public execution. The charges would be read and the guilty parties executed publicly to scare the population. It was the law of the forest, *cpap prey*. Death sentences were frequent. I didn't understand all of the Khmer Rouge slogans. They would say, "If we keep someone, it doesn't mean anything. If we kill that person, it doesn't mean anything either". Maybe we were meant to understand our lives weren't worth much. For us practising Buddhists, the Khmer Rouge were atheists who didn't even show respect for their parents."
> Mr. San, 70, Chek commune, Svay Chrum district, Svay Rieng province.

This woman, a former Khmer Rouge cadre, still finds today reasons to justify the policy of the absurd:

> "The Khmer Rouge ideals are good. But during the Pol Pot regime, from 1975 to 1979, most of the local authorities acted irresponsibly. They didn't act in the interests of the peasants. They killed the peasants and the people. These people are traitors. The Khmer Rouge built dams, roads and dikes in the interest of the people. Because of these traitors people only remember the bad deeds of the Khmer Rouge, not the good things they did. It wasn't just the people who were killed under Pol Pot. The Khmer Rouge were killed too because they would denounce their own faults.
> Life was easy and peaceful at the time. The food would be ready when I got home in the evenings. We made no efforts. When we needed anything, there was someone to take care of it for us: food, clothing… (…) We had a good system to solve problems. We held meetings, solved problems among ourselves and educated the offenders. The meetings were an opportunity for self-criticism and we also talked about other people's offences. We could also criticise each other. We would meet in small groups. When I denounced somebody I would say, "You have offended against the principles of the Organisation; I want you to work on yourself". The accused would reply, "I confess to my mistakes and I promise not to re-offend". People weren't punished but

offenders were told to obey the rules. We might also criticise our relatives and they would criticise us, to help each other out. For instance, a brother might tell his sister she hadn't cooked the rice properly, she hadn't collected the kindling or she hadn't fetch water to fill the jar. The accused would confess to their mistakes. They were grateful to those who had shown them their errors. We were happy to be criticised. We would say, "I was lazy today, I was tired. Tomorrow I'll do better". Everybody had to report his or her mistakes during the meeting so he or she could be educated. We liked it when someone else pointed out our mistakes. We learned something to improve ourselves.

Everything that was said in the meetings was written down. There was a file on everybody. People who had joined the resistance a long time ago and didn't behave properly remained at the bottom of the ladder. Those who followed the rules could be promoted (…). I was hardworking so I was appointed commune chief.

There might have been less individual freedom under Pol Pot but there was more justice and peace. People watched each other and prevented problems. We didn't quarrel and there were no disputes."

Mrs. Kak, 47 (former Khmer Rouge), Pong Teuk neighbourhood, Krong Kep.

After engaging the Khmer Rouge troops on the border, the Vietnamese free the country from Khmer Rouge rule in 1979. They will remain in Cambodia for 10 years. They bring with them two Cambodian political factions. The first group is made of communist veterans who went into exile after the country's independence in 1954. The second group is made of moderate Khmer Rouge cadres who fled the 1977-78 purges. The later will become the new rulers of the People's Republic of Kampuchea.

Chapter I – Synthesis
THE LEGACY OF THE PAST
CONFLICT MANAGEMENT: The years of terrors: 1975-1979

These years of turmoil have badly damaged the fabric of Cambodian society and greatly eroded its traditional foundations. Everything was turned upside down: "we put the feet where the head had been". The old system was eradicated in the majority of places. The population was displaced, forced to work hard and given very little food. Religion was forbidden; money was abolished; the former administrative structure was dismantled; pagodas, schools and courthouses were tuned into warehouses; the former Lon Nol cadres and the intellectuals were tracked down and executed.

The new system targeted something essential: the family unit. During the dark years of the Khmer Rouge, family members were separated and taught to denounce each other. The hierarchical relationship between the young and their elders was inverted. Parents and elders were seen as survivors from the old reactionary regime while young people were promoted representatives of the new revolutionary order. The young and the uneducated replaced the elders and the literate. The individual gives way to the group.

Religion was abolished. The proverbs and advices inherited from popular tradition were replaced with political mottos.
In the supposedly egalitarian new regime, people are divided into categories organised according to people's personal experiences. The poorest and the less educated are given leadership positions and are granted privileges over the intellectuals and the former regime authority figures who are executed at the slightest mistake.

The traditional conciliation methods are abandoned in favour of self-criticism sessions and denunciation meetings. Any conflict or problem is a direct attack on the good progression of the revolution. It calls for re-education and must consequently be punished as a counter-revolutionary action.

The Khmer Rouge used terror and omnipresent control to stifle any impulse to resist and any desire to express personal opinions. They often use the arguments of a society free of prisons, criminals and disputes to praise the achievements of the revolution but make no mention of the totalitarian methods necessary to reach this objective. There are no land-related disputes when the land is collectivised. Family quarrels are reduced to a minimum when family members are kept apart and people's actions are under constant scrutiny. Those who depart from the fundamental principles of work and silence are punished or executed.

In situations of conflict this "upside-down" system[119] searches for a culprit to punish, abandoning the traditional practice of looking for a consensus. The entire society is mobilised in the search for "offenders". Rather than quelling disputes, even if it means hushing up problems, the new regime instead demands all "offences" be tracked down and publicly exposed. Fear and mistrust are settling in among the population.

During the following years, a badly shaken Cambodian society will attempt to reconcile the remnants of greatly eroded tradition with new principles that increasingly, will filter in from the outside world.

[119] It must be noted that the *Angkar*, while looking to destroy the traditional foundations of society has remained unable to free itself from the cultural fabric of Cambodian society: respect for the hierarchy; respect for the authority; commitment to communism in the image of a monk entering a monastic life regulated by strict principles.

4. REBUILDING THE COUNTRY: 1979-1993

With the assistance of the Vietnamese regime, a new government of Communist allegiance is established in 1979, giving birth to the People's Republic of Kampuchea. The new government launches a vast reconstruction programme: all the infrastructures have been destroyed and starving families are scattered throughout the country.
At first, survivors will try whenever possible to return to their native villages in search of relatives. The situation is chaotic; families survive from day to day and try to grab whatever is within their reach. The warehouses and works of the Democratic Kampuchea are looted. Khmer Rouge are summarily executed. The situation surrounding land ownership is anarchic. In many places, the Khmer Rouge's new division of the paddy fields has erased the old boundaries. The former owners are dead, gone somewhere else or have not yet returned. People settle wherever they can. In Phnom Penh, many property owners and numerous documents relating to real-estate property have disappeared in the turmoil of the past few years. The city turns into a gigantic slum populated mostly by rural people pouring into the city[120]. The real-estate situation is explosive.
250 000 people will elect to head for the refugee camps on the Thai border.

Life slowly reorganises itself, bringing along its share of difficulties. The government institutes an administrative system and declares all former state properties and properties abandoned by the Khmer Rouge are now State property.
To increase production and control the population, the government sets up community rural work groups called solidarity groups, *krom samake*. But after the Khmer Rouge years, the rural population rejects the very notion of collectivism, however moderate. Soon they will go back to working the land individually.
To contain the anarchy surrounding land ownership and to prevent insoluble disputes, the government declares the land to be property of the State, who will be responsible for equitably redistributing it to families occupying it. People have to adapt as best they can to the new situation.

Gradually, society regains the appearances of normality, as it was before the dark years. The markets and the schools reopen, travelling is difficult but possible, the currency is re-established… But the situation remains difficult under the communist regime. The liberators are soon seen as invaders. The international community does not recognise the new government and imposes an embargo on the already exsanguine country.
The armed conflict has resumed. In 1979, the Khmer Rouge had been unable to put up a resistance to the powerful Vietnamese army. They had been driven back to the farthest reaches of the country, near the Thai border. This time, they form a coalition with Prince Sihanouk FUNCINPEC resistance movement led by his son Prince Ranariddh and Mr. Son Sann's KPNLF nationalist movement. With time and the help of foreign powers[121], the Khmer Rouge regroup and make their presence felt throughout large areas in the North and the West of the country. Half the national budget is dedicated to the war effort. On a much lesser scale than in recent years, the authorities are still using fear and coercion to exert control over the population. Villagers and city dwellers are enlisted by force in the army and in the workforce sent to the Thai border to build a fortification line against the Khmer Rouge that will become known as the "K5 Plan" in 1985. Many will lose their life in these mine- and malaria-infested regions.
Hunted down former Khmer Rouge and other wanting to escape conscription will join the ranks of the armed resistance.

Under international pressure, and with the end of Soviet financial assistance[122], the Vietnamese troops withdraw from the country in 1989. A new government, the "State of

[120] Specifically targeted by the Khmer Rouge, many former Phnom Penh residents have died. Numerous survivors will opt for exile in the Thai refugee camps. Some of them will eventually make their way to a host country: the USA, France, Canada…

[121] This time, the Soviets will support the Vietnamese while the Chinese remain at the side of their Khmer Rouge comrades. The western powers will also provide substantial assistance to the resistance movement.

[122] A direct consequence of Michael Gorbatchev's policy of *perestroika*.

Cambodia" is set up. Its members are essentially allies of the previous regimes who had fled to Vietnam to escape the purges.
A new land law grants land ownership to people occupying and working the land on the date the law is passed. This puts a legal end to the numerous disputes opposing people over ownership of parcels and buildings that are being reclaimed by the pre-1975 owners. This chapter will however not be closed that easily. Still today, the country is struggling to solve land-related issues inherited from these troubled times.

In 1991, The Paris Peace Agreement offer hopes for reconciliation and an end to the war. The four warring factions sign an agreement that will lead to free elections in Cambodia held under the monitoring of the United Nations.

The complex nature of specific issues such as land disputes and the resulting difficulties in finding a solution today, need to be considered in their context. To this aim, we will present the climate of anarchy that followed the end of the Khmer Rouge regime and the solutions implemented by the new government in power to restructure the country, control the population and solve disputes at the local level.

4.1. Picking up the pieces

Returning home
In areas liberated by the Vietnamese, stunned and starving Cambodians are returning to their native villages. Often, everything needs to be rebuilt. The situation is anarchic but, at least in the beginning, solidarity seems strong. This is not a time to argue but a time to build houses and search for food. Slowly things settle and the issue of land ownership arises.

> "In 1979 and just after, people were too busy thinking about their own life to argue. Solidarity showed. People needed each other. There were few oxen to plough the land and few tools to build houses. We helped each other. People who owned oxen and tools would lend them to others. (…) We thought about life, nothing else. We liked each other well. There were no problems among us. There was no money. Everybody was equal. We all faced the same issues and we helped each other out. Then the disputes started with the land. Everybody wanted a good parcel. Families had internal problems. The main problem was when the parents had died before dividing the land among their children. The children would start arguing among themselves, each demanding the better parcels. It was no longer like it used to be. Under the Khmer Rouge people learned to survive. They learned to lie, to steal, they learned about deceit and hypocrisy. Afterwards they didn't want to give to others. Some people would return to the old traditional values but others kept the new habits they had learned. It was "them first"; they were always right and refused dialogue. It was a difficult time."
> Mr. Chhuon, 57, Nokor Thom commune, Siem Reap district, Siem Reap province.

The elders notice the changes in society. People turn inwards in a concern for survival. The traditional values are in shambles. Fear and mistrust run high.

> "Before, we didn't have many problems in the village (during the period of the Sangkhum). There were no thieves. People became different after Pol Pot. Things became more difficult. People didn't trust each other and stopped helping each other out. People only thought about themselves. People had learned to trust no one and to rely on themselves to survive."
> Mr. Seng, 57 Pong Teuk commune, Krong Kep, Kep province.

> "What we noticed most was fear. People carried on being scared even after Pol Pot. They only thought about staying alive and they didn't cause any trouble. When people wanted to farm a piece of land, they would simply take the land and not cause problems about land boundaries. They had no concept of ownership. They just wanted to survive and feed their family. When things got better, people shed their fears and started thinking about money. That's when people started arguing. Before, people only thought about staying alive. Afterwards, they only thought about making money." Mrs. Somaly, 48, Kep neighbourhood, Krong Kep.

> "People had changed. The youth no longer showed any respect for their elders. Society had been turned upside down under the Khmer Rouge. Young people gave orders to their elders. (…) Many people were drinking; they wanted to have fun. Life had been so hard under Pol Pot; people had had so many worry that now they only wanted to have fun. Alcohol consumption was excessive but it was a way to let off steam."
> Mr. San, 70, master of ceremony, Chek commune, Svay Chrum district, Svay Rieng province.

In the villages that had sided with Lon Nol, the loss of human life is high. Reconstruction will take place against a backdrop of anarchic real-estate situation and reduced population.

> "When the Vietnamese came, the Khmer Rouge told us to go west. We went all the way to Battambang. We were scared. We didn't know which way to go. There was fighting going on. Then the Vietnamese told us we could return to our village. We went back home. Everything had changed in the village. Many people had died. Almost half the men were dead because we had been on the Lon Nol side. People had changed; the village had changed. Our houses were no more. There was nothing left. (…) The old land boundaries had been erased. There were big square parcels instead."
> Mr. Khao, 46, village chief, Chek commune, Svay Chrum district, Svay Rieng province.

Rebuilding the administrative framework

The task is enormous. The country is devastated and everything must be rebuilt: the infrastructures, the educational system, and the health system… At the local level, the government puts in place an administrative structure based on the pre-1970 pattern: village chief, *mephum*; commune chief, *mekhum*; and district chief, *mesrok*. A sub-division is set up, the solidarity work group, *krom samaki*, whose main task is the organisation of collective farm work in the rice fields. This sub-division remains in existence to this day even though the group leaders have lost their initial role.

The local authorities have a more political and more important role than in the past and are not always accepted by the population. They are the local representatives of a government of Communist allegiance under the control of the Vietnamese, who are indeed today's liberators but nonetheless remain hereditary enemies. Aside from the usual Registry Office and law enforcement duties (police checks and handling internal disputes), the local authorities are also asked to hold propaganda meetings and self-criticism sessions[123], enlist soldiers to fight the rebel forces and recruit workers for the particularly strenuous work required to complete the K5 plan. These new responsibilities fill the population with fear. People do not dare discuss their problems with the authorities for fear of being noticed and sent to work on the K5 plan. Power networks are webbed around powerful figures. The weaker and poorer elements are excluded. Despite the end of the years of terror, an oppressive framework continues to keep people in fear and in its own way contributes to the prevention of local conflicts.

The villagers elect the village chief on recommendation of the higher authorities. The candidates are selected based on their political sympathies, their personality and their level of education. Educated people were one of the Khmer Rouge's prime target and for many years, political education has been the only form of education available to people. Consequently, the level of education of the new chiefs is generally poor. It seems that until 1989, the new government tried to educate the civil servants, but once again education was mainly political.

> "In 1979, the Vietnamese told us to appoint a village chief. During the course of a meeting they asked us which families had the highest death toll and who had been most strongly opposed to the Khmer Rouge. The Khmer Rouge killed most of my family and I expressed my anti-Khmer Rouge views. The Vietnamese recommended me as village chief and asked the villagers if they agreed. They raised their hands in agreement. At the time I was very happy; we had been liberated. We lived in a liberal society. As village chief, my duties included governing the village, solving internal disputes, taking measures to fight the Khmer Rouge, recruit soldiers and workers for the K5 plan and deliver marriage licences and cremation permits. (…) The

[123] A softer version of the sessions held under the previous regime.

> Vietnamese authorities explained to me we had to stop the Khmer Rouge from coming back. That's why we had to send people to work on the K5 plan."
> Mr. Sombat, 61, village chief, Angkal neighbourhood, Krong Kep.

> "In this area, the people selected their leaders. In other places, the people who knew how to talk to the Vietnamese got the leadership positions. Myself, I am not native to this village. I married a local woman. Local people are treated with greater respect than outsiders like me. When I first came here, I had to build connections so I invited people for drinks and held parties. You needed allies to survive."
> Mr. Khao, village chief, Chek commune, Svay Chrum district, Svay Rieng province.

> "We gradually rebuilt the administrative framework. The village chief would get his instructions from higher up and put them into practice at the village level. Propaganda meetings were held to explain to the people they had to tell the Khmer Rouge to surrender. (…) The villagers were afraid of Khmer Rouge attacks. Some left for the refugee camps on the Thai border. (…) We had more freedom than under Pol Pot but it was still very limited. The government was afraid we would join the Khmer Rouge. Travel permits were required to move around the country. People were afraid of the Law and the village chief."
> Mr. Sarun, 62, master of ceremony, Phnom Liu monastery, Pong Teuk neighbourhood, Krong Kep.

The role of the village chief has become more political:

> "People started talking to each other again. They were afraid but not as much as they had been. They remained wary of the communist regime. They were afraid of being enlisted in the army or sent to work on the K5 plan. (…) They didn't show the same respect for the authorities as they had during the period of the *Sangkhum*. The chiefs were closer to the government. It was political. We never knew what the government would request next. The village chief had to enforce government policy. We couldn't say anything."
> Mr. Chhuon, 57, Nokor Thom commune, Siem Reap district, Siem Reap province.

The "solidarity work groups" and the issue of land ownership

To ensure agricultural production to feed the population and to avoid major land disputes, the government launches two major programmes. The first is the creation of the "solidarity work groups" to increase agricultural production and the second is the systematic distribution of land.

<u>The "solidarity work groups", *krom samaki*</u>

A new sub-division, the groups or *krom*, is set up. Each *krom* is made of ten families.
Viviane Frings notes that in addition to contributing to the development of the agricultural production, the "solidarity work groups" are the perfect tool to keep control of the population[124].
This sub-division still exists today in rural areas. It has lost its original purpose but remains the first echelon of population control that can be activated by the government if need be.

The agricultural production work groups are not very successful. The Cambodians have experienced the ultra-collectivism of Democratic Kampuchea to the point of nausea and are not amenable to this new form of collective work.

> "Soon the government told us we must set up solidarity agricultural work groups. Then they distributed the land. We'd had enough of collective work. We pretended to be working together but in actual fact we all farmed the land for our own benefit."
> Mr. Sarun, 62, master of ceremony, Phnom Liu monastery, Pong Teuk neighbourhood, Krong Kep.

[124] "The role of the "solidarity work groups" was not limited to increasing production output, they were also intended to mobilise people to serve the political objectives of the party and fight the enemy. Structuring society in small groups promoted political and military control over the population since the group members could not leave their villages if they wanted to receive their share of the harvest. It also made it easier for the government to seize the rice it needed to feed the cadres and the soldiers." Viviane Frings – Socialism and the Cambodian peasant, 1997, p.37.

"The solidarity groups lasted for a year. The work was divided among the members. People didn't like the system. People who worked hard got the same amount of rice as the lazy ones. We were angry with those who didn't work well. People didn't trust each other much and wanted to go back to the old system, when each individual farmed his or her field for his or her own benefit. We decided to reclaim the land of our ancestors and farm it individually while still pretending to be members of the solidarity groups."
Mr. Prom, 59, commune chief, Nokor Thom commune, Siem Reap district, Siem Reap province.

Land distribution

The issue of land ownership is a particularly sensitive one. To prevent illegal land grabbing that could lead to disputes with former owners and their families, and which would remain insoluble for lack of written evidence and witnesses, the government declared all land to be the property of the State. The latter will be responsible for redistributing it to the farmers.

The local authorities are thus endowed with additional powers and are appointed to redistribute the land. Parcels are distributed to families on a pro rata basis, based on the number of members in each family. Equity of treatment varies from one place to the next. Some people receive preferential treatment. Indeed, former owners do not always recover all of their ancestors' land and some local authority figures set aside large parcels for themselves. But, on the whole, each family is granted a parcel to farm and a piece of land to build a house. The local authorities hush up possible frictions but resentment will fester.

Today, people mostly agree to say that they have adapted well to the way the land has been distributed. Things were different at the time:

"The land was distributed. During the period of the *Sangkhum*, people showed respect for each other. Solidarity was important. Right after 1979, people were still respectful. But things changed after the land was distributed; people started thinking only about themselves. The distribution process wasn't equitable. The group leaders who were in charge of distributing the land kept large parcels for themselves.
It started with the solidarity work groups. Each group was made of ten families who had 10 hectares to farm. A large family would have three hectares while a smaller family would only have one, but everybody cultivated the land together. Then the State declared that the former owners could not reclaim their land because all the communal papers are disappeared during the Pol Pot regime. It was decided it would be fairer to share the land equitably rather than people just grabbing land or claiming parcels without proof of ownership. So the land was distributed to the people, but the more powerful got the biggest and best parcels. Already people were no longer all equals. Some were more powerful because they had managed to stash gold because they knew people in the government. The first influential groups of allies, faithful to the powerful men, started appearing. These allies were in a position to request good parcels. No attention was paid to the ancestors' land and new parcels were simply redistributed instead. The new local authorities and people who had come from other areas got the best parcels. The new chiefs weren't aware of the former boundaries and the newcomers made presents to the local chiefs to get good land. People who had been wealthy before now owned less than the people who had been poor before the war."
Mr. Khao, 46, village chief, Chek commune, Svay Chum district, Svay Rieng province.

"The Khmer Rouge evacuated the villagers to Neak Luong. Then, following the Vietnamese's advice, most people returned to their native village. The land was redistributed in 1980. Each family was granted a parcel that varied in size based on the village demography and the land available. Some people wanted a large plot but were given a small one instead. At first, people weren't always happy but things eventually settled. It was a government decision. In more remote areas, people did as they pleased and they reclaimed their ancestors' land."
Mr. Roeung, 45, Chek commune, Svay Chum district, Svay Rieng province.

"Most problems occurred before the government redistributed the land. Some people had returned home quickly, claimed some land and started farming it. Later, the

former owners returned and demanded their ancestors' property. It was a complex situation. Once the land was redistributed, people could no longer return to claim their parents' land. If the new owner was accommodating, they were able to buy their land back or swap it for another parcel."
Mr. Vannath, 52, village chief, Phum Thom commune, Kien Svay district, Kandal province.

Where the death toll remained low and land boundaries were not tampered with, families were able to reclaim the land of their ancestors without going through the distribution process. But some intra-family disputes were recorded, as well as disputes with neighbours and newcomers. More problems will emerge when long presumed dead people will return, claiming their former property:

"When we returned, there was nothing left of the village. We looked for the site of our old house and built a hut. Some people took good parcels that belonged to those who hadn't returned and to people who had died. (…) The first to come back reclaimed their property or took other people's land. Sometimes it was easy and other times it was more difficult. Some people returned the land to the previous owners in exchange for compensation (rice, gold, etc.) if they had cleared the land, others swapped parcels. But there were people who refused to give the land back and it created problems. Still now, some villagers harbour resentment against families that refused to discuss returning or swapping the land back then."
Mr. Khao, 46, village chief, Chek commune, Svay Chum district, Svay Rieng province.

"We didn't need to redistribute the land in the village because people hadn't moved away and they knew the boundaries of their parcels. We didn't have any major problems. There was a lot of free land available. The first ones to move here took the best land up on the hill. When later, the previous owners returned, they negotiated with the village chief and the family that had started to cultivate their land. When both the previous owner and the new farmer agreed, the village chief would help with the negotiation. If the land had been cleared, the previous owner had to give something to the new occupier in return, such as another parcel, a cow or gold when there was any left. When the new owner refused to return the land, the village chief was responsible for finding a new plot for the previous owner. There were some problems at the time but now we'd rather forget about them to avoid stirring up trouble. There was one instance of a new owner pretending to return the land to the previous owner. He took the gold in compensation but never gave the land back. The previous owner wanted to kill him. The village chief handled the issue. (…) Today still, they won't talk to each other and avoid passing the other's house. But they don't cause trouble. (…) On the whole things went smoothly because we are an old village, the families are related and we all know each other. We tried to settle things amicably from the start. Years later, when the previous owners returned, claiming their property, they were told it was too late, that other people had been farming their land for too long. They accepted the situation and the village chief gave them new parcels. It was in the new villages, where people didn't know each other well, that the village chiefs had to redistribute the land. People were less willing to co-operate. They only thought about themselves."
Mrs. Toy, 48, Nokor Thom commune, Siem Reap district, Siem Reap province.

"The main issues opposing the villagers had to do with land ownership. Our village wasn't really touched by Pol Pot's great agricultural works scheme. We were very close to the Vietnamese border. People reclaimed the land of their ancestors. But that's when problems started. People didn't agree on the boundaries, and some people wanted to claim the land of those who had died while the relatives of the dead wanted the land for themselves and were arguing about it."
Mr. Neak, 38, Kampong Trach district, Kampot province.

"Not many people from the village died under the Khmer Rouge so we were able to re-establish the former boundaries. There weren't many problems. We settled things amongst ourselves."
Mr. Prom, 59, commune chief, Nokor Thom commune, Siem Reap district, Siem Reap province.

The State then trained civil servants to handle the complex issue of land ownership. Customary law is still enforced, essentially to handle problems related to the location of dikes and water drainage during the rainy season, but it is limited and cannot be relied on to solve the new problems that are arising. More and more, people start referring to the Law:

> "In 1987, myself and 48 other people including village chiefs, commune chiefs and assistant village chiefs attended a training course delivered by the district chief. We were taught how to solve problems between people and we learned about the Law. There were several sessions. The course mostly dealt with land-related issues: how to solve small problems and the issue of land and buildings that were property of the State. We were also taught the Law. It was an oral training session because there weren't any written laws yet."
> Mr. Vannath, 52, village chief, Phum Thom commune, Kien Svay district, Kandal province.

4.2. Prevention and management of everyday conflicts in government-controlled areas

Return to traditional customs in a new political context

In the troubled times of the early period of reconstruction, the main source of problems and conflicts is the land. It is easy to understand that at the time, the land that allowed to feed one's family was all-important. But other sources of problems are mentioned. They are rather similar to the conflicts that opposed people in the 60s: animals eating crops, domestic quarrels, children fighting and the parents getting involved… But what really changed, and is difficult to evaluate, are the relationships between people. People return to their individualistic ways, now exacerbated by the lack of trust in others. In the fight for survival, people had to betray one another. Former Khmer Rouge are now living side by side with the people they were only recently trying to crush. People seek to protect themselves from others. The country is swarming with weapons of all kinds and violence is quick to flare up. A drunkards' quarrel will trigger festering resentment and weapons will often put an abrupt end to barely expressed conflicts.

People return to traditional methods of dealing with local disputes. The village chief takes up his conciliatory role once more. People turn to the elders again, but the latter will never regain the social status they once held, before the war and the Khmer Rouge.

The early days are not the time for dispute but the time for survival:

> "Under the People's Republic of Kampuchea, it was a socialist regime. I was village chief. We still held self-criticism sessions but they weren't as strict as they had been. We would all meet together. Then, we gradually reintroduced the traditional conciliation methods. Thieves would be sent to Chhuk prison. In the beginning, people could only think about rice and never wanted to eat rice soup again. We only thought about feeding ourselves and not causing trouble."
> Mr. Krem, 54 (former Khmer Rouge), assistant to the village chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

The conciliation meetings remain traditional in their content but the form has become more institutionalised:

> "We went back to the old methods to solve disputes among the villagers. I think the government of the time wanted dispute management to be handled by a group. The group included the village chief, his assistant in charge of security and three or four elders. The methods were less intimidating that during the period of the *Sangkhum*. People's opinions were taken into account more."
> Mr. Sarum, 62, master of ceremony, Phnom Liu monastery, Pong Teuk neighbourhood, Krong Kep.

In 1979 the judicial machinery is rebuilt with the few magistrates that survived the Khmer Rouge regime and new magistrates rushed through their training. The magistrates receive a cold welcome from the population; they are accused of corruption and incompetence. In addition, the local authorities are not willing to let others intervene in local disputes:

> "Our group was made of the village chief, an assistant village chief in charge of security, a second assistant and three members. I was appointed first member, in

> charge of armed issues. There were many more disputes among people in the 80s than there had been during the *Sangkhum*. I often intervened as mediator. I used a combination of Law and Buddhist principles. I tried to remain neutral and give fair advice so there would be no loser. I didn't want people to go to court, even in case of violence. (…) It was better to solve things between us. Violence could be settled with money or other forms of compensation. Small issues should not be turned into big problems. (…) The elders would also give advice based on religious principles. When people came to me with a small problem, I would educate them. Then they would go back home. If the problem persisted, I would hold a conciliation meeting combined with an educational session. If the problem wasn't solved by the third attempt, I would refer the case to the commune."
> Mr. Vay, 46, village chief, Popeak commune, Svay Teab district, Svay Rieng province.

The elders, who are no longer part of the administrative framework, are simply cast aside:

> "I solved problems in the village with the help of the assistant in charge of security and a villager who was in charge of civil cases, as required by the regulations. We used the village tradition to solve problems. (…) I didn't call on the elders for advice because the regulation did not mention it."
> Mr. Sambat, 61, village chief, Pong Teuk neighbourhood, Krong Kep.

The local authorities' ability and sense of justice might be questioned, but never openly. People do not dare speak up:

> "When there were disputes, we referred to the administrative hierarchy: the group leader, the village chief and the commune chief. Sometimes it was fair and others it wasn't. It depended on the personality of the conciliator. The conciliator was seldom neutral. He would assess the situation based on his personal feelings and his relationships with people. The family of the village chief received preferential treatment. The chiefs were ignorant. Young people had had no education during the years of war and the Pol Pot years. They didn't know anything. The leaders during that time had been political representatives. Before, during the period of the *Sangkhum*, we had liked the village chiefs. They were closer to the people. There was no politics and no propaganda. We managed to stay outside (political matters). In the 80s, politics became an important issue. We didn't want to hear about communist propaganda any longer. We pretended to respect the government but we talked about things among us. There were good and bad chiefs. We could say or do nothing because we were afraid."
> Mr. Lai, 57, Pong Teuk neighbourhood, Krong Kep.

The duties of the village chief included military draft and recruiting workers for the K5 plan, which gave him great control over the population. Men in the prime of life lived in fear of meeting such a tragic destiny.
Once again, it was better not to draw attention to oneself and problems were often hushed up. The traditional power groups structured around protector and protégé were being recreated. But the pattern was the opposite of what it had been during the previous regime. Only those with assets[125] could hope to join a power group and use such connections to their advantage. The weaker elements, the poorest people and those accused of causing trouble who did not have any powerful connections, left first. Intimidation and coercion were once again simple but useful methods to prevent disputes in rural communities.

> "People weren't comfortable discussing their problems with the village chief for fear of being sent to work on the K5. The village chief had said that when there were three men in the same family, one had to go work on the K5 and when he returned another one would have to go. The head of the families chose the recruits. He wouldn't include those who belonged to families close to him."
> Mr. Pet, 71, Nokor Thom commune, Siem Reap district, Siem Reap province.

[125] Civil servants in the family or material wealth (the two often go hand in hand).

> "Things were good after 1979. Then the K5 business started. All the men were afraid of being drafted. At the time, when the village chief wanted to get rid of troublemakers he would recruit them for the K5 plan. We were under a lot of pressure from the authorities. There were some bad people who used politics to serve their personal interests. For instance, if I have connections among the local government and I fancy a nice piece of land, I simply have to report the owner. I report him for supplying rice to the Khmer Rouge hidden in the forest. The man is arrested and sent to jail. If I insist, he may be executed. And I can grab his land. Nonetheless there were few land-related problems at the time. The local authorities oversaw the distribution process and they simply did as they pleased. They had power so nobody dared speak up against them. It was easy to cause trouble for someone you didn't like. You simply had to report people."
> Mr. Lai, 57, Pong Teuk neighbourhood, Krong Kep.

> "During the war, the village chief was recruiting people for the K5 plan. It was mostly the children of the poor who were sent there. If you gave a chicken to the village chief and organised parties, the village chief would postpone the departure date and would warn you of the arrival of the military who came to fetch people who had been selected to go. People who had relatives in high places would hide in their houses. All the poor families in the village lost some family members or have others who returned handicapped so now they are even poorer.
> I was asked to be the village fink. I was told, "There are other jobs than soldier or K5 worker. You can be a fink if you want". I agreed (to escape the K5 plan). Then, in 1990 the commune chief appointed me village chief because I was known as a good worker."
> Mr. Khao, 46, village chief, Chek commune, Svay Chrum district, Svay Rieng province.

But the local government representatives also experience fear. When the pressure became too great, the villagers would voice their opinions and violence was not unknown:

> "I used to be a civil servant for the Ministry of Trade in Phnom Penh. The new government offered me a position as village chief. I didn't like the job at the beginning. I had to recruit workers for the K5 plan. People were poor at the time and we would ask them to stop working and go to the K5 instead. I was told to go but because I had many children they agreed on my not going. The government people said the chief had to lead through example and lead his comrades to the K5. I took pity on people and I was also afraid they would kill me. The previous village chief had almost been killed by people he had included in the list of K5 recruits. I was afraid of being killed so I would forewarn people. When the militia would come and fetch them in the evening, they had already hidden in a safe place."
> Mr. Vannath, 52, village chief, Phum Thom commune, Kien Svay district, Kandal province.

Return to religious customs

Returning to their native villages, people renew with social and religious customs. Religious fervour may not seem like a priority at first, but gradually people rediscover the rituals of ancient ceremonies. Altars dedicated to Buddha and the spirits are restored as best they can. Most of the monasteries have been severely damaged, even destroyed, and it will be a long time before restoration works start. Buddhism will not be recognised as the official religion until 1989.

Some notice that beliefs are not as strong as they used to be:

> "In the beginning, religion didn't have the same influence as in the past. People had suffered too much and even religion hadn't helped them. But, little by little, people started holding ceremonies to bring luck and prosperity on themselves. (…) They restored the altars dedicated to the spirits of the land. But people didn't believe in the spirits so much anymore so the spirits became less powerful.

There was only one monk in the district and he came from *Kampuchea Krom*[126]. We would ask him to come and pray for us." Mr. Puon, 60 (former Khmer Rouge), village chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

The traditional preventive role assigned to spirits is being questioned:

"At first, we didn't think about religion. We believe in nothing but our bowl of rice. We only thought about working to support our families. Later, when people started having a little rice and a little money, they lit incense sticks in front of the statues and we renewed with traditional customs. I remember the first house built in Kirimenoan village. We celebrated *Krong Pali*[127]. We were happy to observe ancient rituals. (…) But things had changed; people no longer feared the spirits and the ghosts as they had in the past. They had seen so many dead people that they no longer feared ghosts. They had seen people act wrongly and not be punished for it. How was this possible? People believed less in the power of the spirits so the spirits became less powerful."
Mr. Krach, 51, Nokor Thom commune, Siem Reap district, Siem Reap province.

Others cannot fail to notice the powers of the spirits:

"There was a police chief called Dee. One day, he was playing cards with friends. He was cheating but though he could get away with it because he was the chief. He thought that even when he was losing, he could simply say he had won and the others wouldn't dare say anything. But the others said he was cheating. He was furious and shouted, "If you speak this way, you will blow on a mine or you will be killed when the spirit of Preah Ang hits you on the neck with a stick". His subordinates replied, "You're the one who will step on a mine". Chief Dee left very angry and stepped on a mine. He was hit by shrapnel in the face, neck and throat. He lost an eye. Now, he removes his hat when he walks past the pagoda."
Mr. Puon, 60 (former Khmer Rouge), village chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

4.3. Prevention and management of everyday conflicts in areas controlled by the Khmer Rouge resistance fighters

Joining the Khmer Rouge

The armed conflict opposing the government troops to the Khmer Rouge is spreading. New recruits are joining the resistance fighters. The forest, home of the Khmer Rouge, becomes a refuges for all social outcasts and people fleeing problems: former Khmer Rouge soldiers tracked down by the new government, young people escaping the K5 draft and people fleeing problems and disputes in their villages.

"There was no justice in the valley (government side). Money ruled everything. I went to the forest (Khmer Rouge) because the people from the plain rejected me. They said I was a Khmer Rouge. The government was very authoritarian at the time and didn't trust the villagers. When people left the village carrying food with them, they were accused of having Khmer Rouge connections. I would have rather stayed in the village because life was rather peaceful and we had a house. But I was reported and I had to join the resistance in the forest. I didn't want to go to the forest but I was afraid I would be jailed or killed if I stayed in the village. I had more chance of survival in the forest. So I joined the people in the forest. It wasn't all former Khmer Rouge in the forest, there were also people running away from the K5 draft."
Mr. Tith, 54 (former Khmer Rouge), assistant commune chief, Pong Teuk neighbourhood, Krong Kep (new village).

[126] Southern Vietnam region formerly part of the large Khmer empire. Populations of Khmer descent still inhabit the area.

[127] Master of the water and the earth who lives in the lower world. A hole is dug in the ground to place offerings to the spirit.

There are numerous reasons to join the Khmer Rouge "comrades". People join up with the resistance in reject of the pro-Vietnamese propaganda and to escape fear on a daily basis: fear of the leaders, fear of the K5 plan and the fear of others.

> "In 1984, I joined the Khmer Rouge in the forest. At the time, the village chiefs were recruiting young people to serve as soldiers or work at the K5 plan. Every year, 10 villagers would be sent to work on the K5 plan. There was a saying that people left for the K5 plan in a truck and returned in a hearse. The village chief had all powers to send people to jail or to work at the K5 plan. I chose to leave the village. (…)
> People were very cruel at the time. My parents told me that during the Sihanouk regime (before 1970) people liked each other and violence was rare. Wickedness and violence appeared during the Lon Nol years. During the Pol Pot regime, people obeyed strict codes of conduct and didn't make trouble for each other. Afterwards, people turned nasty, like the animals in the forest. There was fighting between the Vietnamese and the Khmer Rouge hidden in the forest. Everybody had weapons. People were wicked. I can't explain it in words but I can give an image. At the beginning, there was only a small tumour of wickedness but with the war, the small tumour became bigger and bigger. Small family issues became big problems. People no longer wanted to be nice. They fought for what they had. For instance, when somebody took another person's land, the two of them would fight; neither one would back down. Both would seek revenge and threaten to kill the other. This wicked trend would go hand in hand with the cruelty displayed by the local authorities. The chief would hold conciliation meetings. But if people didn't listen to him or started arguing again, he would punish them. He would threaten to jail people or send them to work on the K5 plan. It was a communist regime and the village chief could jail people simply by reporting them. We didn't often dare speak to the village chief. He had absolute power over us. Those who couldn't handle it joined the pro-Sihanouk resistance, Son Sann or the Democratic Kampuchea side (Khmer Rouge). Also, we wanted to be among Cambodians. We didn't want the Vietnamese here. So in 1984 I joined up with the resistance. They talked straight."
> Mr. Neak, 38 (former Khmer Rouge), manager, video arcade, Pong Teuk neighbourhood, Krong Kep (new village).

Others joined up with the resistance troops to run away from a dispute or to escape a slow social death in the village:

> "In 1992, I had a business fixing bicycles. Someone said I hadn't properly repaired their bike, that I had swapped poor quality parts for the original good ones to sell them. I said it was untrue. The man complained to the village chief. The village chief told me to repair the bicycle properly and return the original spare parts. I told him I hadn't taken any parts from the bicycle. Nobody believed me. People wouldn't say anything to my face but I had no more bicycles to repair. So I said if that's how it was going to be, I would go and join the Khmer Rouge. Nobody said anything but I could tell everybody was avoiding me. I left and joined up with the Khmer Rouge."
> Mr. Tey, 37 (former Khmer Rouge), Nokor Thom commune, Siem Reap district, Siem Reap province.

The methods implemented during the Pol Pot regime are still enforced

In the forest, on the Khmer Rouge resistance side in Kampot, the former Khmer Rouge system is still alive and well in its military form. The regulations remain strict even though they have relaxed. The new objectives and the discipline follow a military pattern. The people are divided in two categories: the "base people" who farm and oversee logistics and the soldiers who are the Khmer Rouge elite. The resistance needs manpower so the executions seem to have slowed down. People are still not encouraged to voice their personal opinions, but the punishments are less severe. Punishments include being stripped off one's military rank and the exclusion (which means death) of those deemed not deserving enough to be part of the resistance. Good behaviour is rewarded with military promotion and gifts. But some of the longest-serving comrades long for a return to the old system that controlled and punished everything and everyone to the point of absurdity.

This former Khmer Rouge soldier refers to the army discipline and emphasises the spirit of community that bound people together. Khmer Rouge regulations are particularly strict with regards to theft and extra-marital sexual relationships:

> "We often held meetings in the Resistance. There were meetings for small groups of three people –*puk*- every three days. The group leaders meetings were held weekly and included four *puk*, i.e. twelve people. There were meetings with the *anuksenatoy* every two weeks, with the brigade major every six weeks and with the *voreaksenathom* (rank equivalent to colonel) every three months. The purpose of the meetings was to educate us so we wouldn't make mistakes. There were also meetings attended only by the highest leaders, *kanpol* (rank equivalent to general) to define policies to implement the orders from Pailin.
> A puk was made of three people: the leader and two assistants. Each would watch the other two and report their offences during the meeting held every three days. We tried to evaluate the strong points and the weaker traits of each individual.
> They were two things we had to respect above all: *samakephiep*, solidarity and *aekephiep*, unity, to maintain internal security.
> Solidarity could include the way people ate, travelled and fought. We had to stick together to face obstacles. During the fighting, those at the front would help the rear. For instance, we would take our dead with us. If we had left bodies behind, the soldiers at the rear would have refused to carry on. They would have lost their courage. So this was our way to help them. Solidarity meant to love each other as brothers. It touched on all four basic attitudes: sleeping, walking, standing up and sitting down[128]. We could not eat selfishly. We had to think of others. When one person had rice, everybody had to have rice. When on the move, if one person had cigarettes, he shared it with his comrades. You could pick fruits but you had to pick enough to share with everybody.
> Unity meant to act as one. When we received our marching orders, we all went together. We all farmed the land together or we joined the assault group to help carry the munitions of the fighters. The only way to achieve things was to be united. Lone actions were doomed to failure.
> We held meetings to strengthen solidarity and unity. We discussed each other's good and bad points. We had self-criticism sessions. If a person lied, the others would reprimand him. It was an offence to conceal an offence. Offences were generally dealt with internally (*puk*), but if the offender wouldn't confess the matter was referred to the group, *krom*. All twelve participants would take their turn speaking at the *krom* meetings. The group leader had a pen and a notebook. When unity was on the agenda, the group leader would ask each participant to speak and confess his/her offences and then he would invite the others to criticise the person. We used to say, "What we are saying is for your own good, to help you improve and change your attitude. You must listen. If what we are saying is untrue, you must listen". The group leader would record the criticisms in his notebook and the person would have to write them down in his/her own notebook. Back at home, people could re-read them and pay attention. People who could read and write would help the illiterate. (…)
> We would also establish military objectives for each infantry division during the meetings and discuss the attitude to adopt towards the population. For instance, if a platoon was given the order to attack a village in the valley the soldiers were told not to steal anything from the villagers during the fighting. If the villagers complained, the platoon commander would question his men. The thief would be made to return the stolen property. When a thief refused to confess, the others exposed him. He was then expelled from the Resistance and forced to go back to the valley. We were fighting against the government troops, not against the rural populations. We were peasants just like them. We served their interest. When we helped the people, the people helped us in return. It was a difficult strategy for the government troops to fight against. Rural people helped us a lot because we behaved decently towards them. (…)
> Serious offences weren't punished. The offender was simply told to pack up and go. His faith no longer mattered to the rest of us. If he returned to the valley, he risked being killed or jailed by the government troops. We were afraid to venture out of the

[128] We note here a reference to traditional education.

forest into the valley. The government soldiers knew our faces. The villagers kept us secretly informed of the situation. (…)
Young single male fighters all lived together. Single girls lived in huts around the women's group leader's house. When a young man fancied a girl, he would speak to his group leader who spoke to the girls' group leader who in turn approached the girl. If the girl agreed, the parents were informed and the youths were wed. An orchestra used to play in Kampong Trach. If two young people got together without following the rules and going through their leaders first, they had to leave the Resistance[129]. (…)
We could discuss anything at the meetings. We shared a lot of information and people could express their views. It was like politics in socialist and democratic countries. We were aware of everything that was going on. I think it was good. There were no thieves or adulterers. We had jails for enemies from the outside, but among us offenders were simply told to go. They were no longer allowed to fight with the Resistance."

Mr. Nuon, 42 (former Khmer Rouge), assistant to the commune chief, in charge of security, Pong Teuk neighbourhood, Krong Kep (new village).

In the logic of the Resistance's military discipline, "improper" social behaviour is punished with education and sanctions not very different from those meted out by the previous regime. "Proper" social behaviour is rewarded with military promotions and gifts.

"I moved about a lot when I was in the Resistance. We led numerous attacks against government troops. At times, they would relax and not attack us for a while. Then we could stay in one place for a whole season and grow vegetables. Otherwise, we kept moving. We slept in huts. Sometimes we had to leave in a hurry and we'd lose everything. Our chief was different from the chiefs ruling the lower villages (in the valley); he was a military leader. He was in charge of politics, economics and military matters. Politics meant propaganda. We had to consolidate our internal strength, i.e. the soldiers and the villagers, and educate the outside world so villagers would rally round to help us. We had a very influential network of collaborators infiltrated in the villages. Each person sympathetic to our cause would educate another person and so on.
Economics had to do with being self-sufficient. When we were able to stay in one place long enough, we planted vegetables and rice, or we would get some money from Pailin to buy rice from the villagers.
Handling military matters meant fighting our enemies. There were three kinds of villages: the liberated villages controlled by our troops, the villages temporarily occupied by the enemy and the villages permanently under enemy control. It was easy to recruit supporters in the first two instances but it was a lot more difficult in the third kind of village. We went there under the cover of the night and delivered our political message from house to house. When there was no opportunity for us to get to a village in the third category, we would send spies from the type 1 and 2 villages. If the spies couldn't convince the villagers, it meant it was a stubborn village and we carried out a military raid. We would arrest the people who had ties to the government such as the commune and the village chief, the bandits, the thieves and the soldiers. We gathered them up to educate them. The first step was education; if people were stubborn, we would give them a warning. The third warning was punishable by death. We killed people because there was no prison in the forest.
In the forest, there were numerous meetings, classes and controls. Education taught people how to behave properly. The military code of conduct was based on twelve principles. Only those who obeyed the twelve commandments were promoted. The others stayed simple privates. The first rule was solidarity. Article 2 stated it was forbidden to steal the property of the people, not a single pepper, grain of rice or silkworm cocoon. Article 3 said we must have the courage to sacrifice our own interests, even our lives, for the higher common good. I forgot the other ones but they talked about integrity, honesty, mutual assistance and being a responsible person. I believe a soldier who follows the twelve commandments becomes very powerful and always wins in battle. Priority was given to the soldiers who carried the destiny of the nation on their shoulders. People who broke the rules were educated and turned

[129] "Leave", "quit", in this instance can also mean, "kill" in Khmer.

down for promotion. (…) We had to show solidarity and keep our problems to ourselves. As an example, a battered wife would not talk about it because she might jeopardise her husband's career. The chief would only get involved in serious domestic quarrels or fights, when blood was shed. He would educate people during the community meetings. Second-offenders were sent away to another battlefield or even demoted. An officer might be sent to a different location with a lower rank. At the third offence, the man was banned from the ranks and became a simple farmer. If he carried on, he was appointed to the transport of ammunitions near the border. Under extreme circumstances, the man might be sentenced to death but this wasn't as frequent as it had been during the Pol Pot years.

Democratic Kampuchea promoted good behaviour. We received gifts according to our rank. A watch for the group leaders, a radio for the platoon leaders, a tape recorder and an I-com for the division commanders, a Honda Dream 100cc motorcycle and a TV for the *voreach sena thom* and a car for the big chiefs, *kanpol*.

The system worked. Each soldier wrote the rules down in a notebook and memorised them. It worked fine. The discipline was good. When we surrendered in 1994, the system was abandoned right away but it stayed engraved in our minds. Solidarity is one example. When my wife and I have a problem, I follow the non-violence principles and I try to reason with her. If my neighbour's cows eat my crop, I go and discuss the problem with him. When the children fight, I don't let it get to me and I don't get angry at other children's parents; I simply try to break up the fight."

Mr. Neak, 38 (former Khmer Rouge), manager of a video arcade, Pong Teuk neighbourhood, Krong Kep (new village).

Some leaders use particularly harsh methods:

"When we used to live in the forest, the military commander, *metoap*, simply killed people to solve domestic quarrels. It was easy. There were huge boxes full of ammunition. People accused of treason were also executed. Treason meant not carrying out orders and stealing from the villages in the valley. Killing is easy. You ask the person to stand 30 meters away and look you in the eyes so you have a better aim. 30 meters is an easy shot. Then, you bury the corpse, even if the person is not completely dead yet."

Mr. You, 62 (former Khmer Rouge), Tropeang Pleang commune, Chhuk district, Kampot province (new village).

The discipline remains strict but on the whole, living conditions are improving:

"Before 1979, we used to work all the time. We never stopped. Things were different after 1979. The great hydraulic projects were abandoned. We no longer cultivated dry-season rice fields. We planted corn, rice, tuberous plants, banana and papaya trees; we weeded the vegetable patches and protected the crop from insects and farm animals. Armed men protected our camp. They were divided in two groups; one group would go fight in the villages while the other one stayed at the camp to do manual work. Then we'd swap duties. From time to time, the higher-ranking military leaders would come and hold a meeting. They would inform us of the military situation. They would discuss strategy and tell us how to resist outside pressure. There was one leader in charge of cultural affairs, one in charge of social action and a third one in charge of defence. The leaders would meet, discuss the objectives among them and pass them on to the members, or they would discuss them directly with the members. Then, the leaders would ask for our input. If people said the objectives were unrealistic, the leaders listen and adapted the objectives. We were always trying to find ways of producing more rice. We would compare results from one year to the next. We fought against the soldiers on the other side. If we stole from the villagers during combat, the other side would have attacked us in revenge. The Khmer Rouge rules were good. We were aware of our responsibilities. We could talk about ourselves during the meetings and confess what we had done wrong. (…)

In 1986, I joined my husband in the forest. We stayed six months and then moved to Battambang. The new chief was a military leader, *metoap*. We were always hungry. Food was scarce and we worked hard. Group meetings were held whenever there was a problem. As a rule, we preferred to solve our problems among ourselves but

> sometimes the finks reported it to the higher authority and the group leader was informed. A novelty was that people who were unhappy did voice their opinions. For instance, when someone was accused of poor work performance during a *puk* meeting, he would get angry and say that there was too little food, that he didn't have the strength for such hard work. We would reprimand him for his angry outburst and the group leader would ask the other two *puk* members to keep an eye on him. (…)
> At the meetings, the group leader would ask, "You must confess what you have done". There was no punishment if the person confessed, but the other two would watch him/her closely. But when a person refused to confess, he/she had to leave right away. Those who refused to leave were educated (killed). Criticism was only permitted during the meetings, it was forbidden at any other time. When we criticised people, we have to find many reasons for criticism. (…)
> When a serious crime, such as stealing a cow from a village, was committed and nobody would admit to it, the teal leader would watch everyone. When he found the thief, he would return the cow to the villagers and the thief would run away for fear of being killed by the group leader. I remember a doctor in the Resistance who robbed villagers on several occasions; he was killed."
> Mrs. Sary, 47 (former Khmer Rouge), Pong Teuk neighbourhood, Krong Kep (new village).

> "In 1979, I returned to Danton, my hometown (government side). The new system was not as strict. Justice and solidarity weren't so important. After 1979, villagers didn't think about the *Angkar* so much. They concentrated on their family. My husband had joined the Resistance in the forest. People criticised me because of my husband. I was accused of being part of a Khmer Rouge spy network in the village. I was afraid. The local authorities wanted to jail me so I joined my husband in the forest. There had been a few changes. The great construction projects had been abandoned. (…) The discipline was less severe. During the meetings, people didn't always accept criticism from the others, and they would say so. Before, we hadn't dared say anything; we accepted everything. Things were better in 1975. When we were criticised, we accepted responsibility for our actions and we tried to improve. We discussed false accusations but we never rebelled. After 1983, the comrades lost their sense of responsibility. They refused criticism and wouldn't admit it when they were in the wrong. Our leaders were soldiers. The old soldiers obeyed the rules but the young were slack."
> Mrs. Sen, 48 (former Khmer Rouge), Pong Teuk neighbourhood, Krong Kep (new village).

> "The rules in the forest were more relaxed than in 75-79. There were no real punishments. Rather, people were demoted. Those who did well could hope for a promotion. Those who did poorly on the battlefield never got promoted. Being a leader meant helping people. The chief would distribute the food; give oxen, carts and money. There was no class system, only army ranks that could be achieved by all through hard work. There were few disputes. We were united in our fight."
> Mr. Tith, 54 (former Khmer Rouge), assistant to the commune chief, Pong Teuk neighbourhood, Krong Kep (new village).

This former Khmer Rouge military leader, who has known only military discipline, confesses to the difficulties he faces today in administering his village:

> "At the time, I was looking over soldiers, now I administer a village. It's very different. When you set an objective for the soldiers, they can achieve it. They obey orders. When you set an objective for the villagers, you get few results. It's hard."
> Mr. Samon, 42 (former Khmer Rouge), Tropeang Pleang commune, Chhuk district, Kampot province (new village).

The issue of cohabitation (with former Khmer Rouge) in rural areas: quelling violence and preventing acts of revenge.

In 1979, most of those who had sided with the Khmer Rouge (the higher-ranking leaders excepted) return to their hometown in the hope of picking up the pieces of a once tranquil life. The new government uses its role as a liberator to establish its legitimacy. In 1979, the people's tribunal condemns the highest-ranking former Khmer Rouge leaders to death in their

absence and sends troops against them. In rural areas, former Khmer Rouge are tracked down and jailed to eliminate all possible source of political propaganda.
In 1979, people's first reaction is to execute former Khmer Rouge returning home when the latter are known to have committed particularly cruel actions. Gradually, the villagers will listen to the government's call to remain calm and let justice handle such matters. The authorities hunt down the former Khmer Rouge cadres who have returned to their pre-war lives, forcing them to join the armed Resistance. Other Khmer Rouge try to make themselves scarce.

> "The former Khmer Rouge came back to the village. They were afraid of us then. People like us are religious. We weren't seeking revenge. In some places, the former co-operative leaders were executed, but in our village we didn't kill them. We follow the government policy that said not to avenge oneself."
> Mr. Sambath, 45, city of Svay Rieng, Svay Rieng province.

> "In the early 80s, people from Siem Reap town came to our village. They were looking for my son. They took him to the forest and killed him. (…) They said he had been a Khmer Rouge and hurt many people. I don't believe it. (…) My son was a prison doctor; he didn't do anything wrong. (…) Nobody protested in the village. Many of them had been with the Khmer Rouge but nothing happened to them. Nobody bothered them. They only came for my son."
> Mrs. Sen, 72, Nokor Thom commune, Siem Reap district, Siem Reap province.

In the 90s, the Khmer Rouge resistance gradually loses ground to the government troops. One after the other, the commanding officers and their men surrender and return home, to live side by side with yesterday's enemy. It is a time of national reconciliation and the Khmer brothers, *bang boon Khmer*, are united once again.

> "We didn't say anything when the Khmer Rouge settled in the village with their families. The village chief held a meeting and told us, "If we seek revenge, all the Khmer will die. We are all Khmer, we all belong to the same culture, and we will get along".
> The Khmer Rouge killed my father but I am not seeking revenge because if I avenge my father's death, his killer's son will kill me in turn. And even if I kill my father's murderer, it won't bring my father back. If killing the murderer brought my father back to life, then I would kill, but otherwise, there is no point."
> Mr. Sambath, 48, Kep neighbourhood, Krong Kep.

> "Today, people are calming down thanks to religious education. We must follow the teachings of Buddha. I lost my family during the Pol Pot years. I saw my parents' executioners. And today, I see them everyday. I go to study at the pagoda and it helps me forget what these people have done. They will face karmic retribution. The people who did bad things will have back luck in their next lives. Yama, the judge of Hell, will judge them. The Buddhist theory recognises two worlds, the world we live in presided over by man's tribunal and the next life run by the judge of Hell. (…) Today, the former Khmer Rouge come to the pagoda to earn merits."
> Mr. Soth, 64, master of ceremony, Prey Ta Koy monastery, Angkal neighbourhood, Krong Kep.

> "There are a few former Khmer Rouge families who settled in the village when they surrendered. They are well accepted in the community. Some of them already had relatives here and others married local girls. They are nice people now and, like us, they say they hate the genocide. Those who had relatives here found out their parents had been killed. They were sad. They are sorry for what happened. Some say they feel remorse and that they obeyed bad orders. Others say it was good but they don't cause trouble. This whole business is over now." Mr. Sarin, 59, Angkal neighbourhood, Krong Kep.

However, behind this façade of reconciliation and newly found harmony, an underlying feeling of mistrust prevails. Everyday interactions seem to have normalised, but at the slightest hurdle, mistrust comes running back:

> “He is a bad man. He used to be a Khmer Rouge. We didn’t say anything for years. There were no problems. Now, we say he killed Pal. He did it; he is a bad man.”
> Mr. Bo, 52, Nokor Thom commune, Siem Reap district, Siem Reap province.

4.4. The State of Cambodia (1989-1993)

The Vietnamese have withdrawn from the country, but the administrative apparatus remains in place. The government troops are less powerful against the Khmer Rouge who are gaining ground. In rural areas, life remains unchanged. The K5 plan is over.

> “There wasn’t much justice during the period of the State of Cambodia. The village chiefs had huge powers and they could put pressure on the poor. They only helped those who could help them in return and paid no attention to poor people. We didn’t feel protected. We took care not to upset anybody.”
> Mr. Pou, Angkal neighbourhood, Krong Kep.

Things will change with the arrival of the Un forces:

> “In 1993, things changed because the UN were here. People started to speak up, to say what they wanted to do. People were happy, the *Sangkhum* was coming back and peace was back. The international forces were here to help us.”
> Mr. Khao, 46, village chief, Chek commune, Svay Chrum district, Svay Rieng province.

Chapter I – Synthesis
THE LEGACY OF THE PAST
CONFLICT MANAGEMENT: A difficult reconstruction 1979-1993

In the aftermath of the Khmer Rouge years, confusion reigns in Cambodia. Returning home or settling new areas brings its share of difficulties. Society and the physical landscape have changed. The issue of land is particularly complex and anarchic. Former land and property owners do not all return home and land-titles and other documents have been lost.

To contain this potentially explosive situation, the government reinstates the administrative apparatus and takes drastic measures. It makes a clean sweep of all previous land distribution and properties and gives the local government representatives all necessary authority to redistribute the land. To increase agricultural production, but most certainly to assert its control over the population, the government initiates collective work in rural areas.

The new government is modelled on the pre-Khmer Rouge regime but with greater political control over the population.

In spite of this, Cambodians are gradually renewing with their traditional references. After undergoing years of socialist propaganda, the people are opposing collectivism and returning to their individual ways instead. In a way, it can be said that fundamentally, the people haven't changed. Indeed, the interaction between people has become looser, the cultural framework has eroded, but it seems that behind the idealised accounts of society in the 60s, individualism already prevailed back then.

The role of the local authorities seems not to have fundamentally changed either. The traditional hierarchy has survived the various regimes, including many different and extreme approaches.
The authorities have used and abused their powers as soon as they were granted them, just as in the time of the mandarins. The weaker echelons have never been able to count on the solidarity of others and have learned to rely solely on themselves. Those without connections endure intimidation and coercion and often prefer to hush up their problems. Well-connected people rely on their allies to sort out their problems for the best.

It must be noted that the main sources of conflict are the protection of the family's subsistence (land, crops) and injured honour (quarrels, insults) that can lead to social exclusion. Anything outside the family and its territory matters little to peasants and townspeople alike. Everybody is protecting his own backyard.

With the end of the Khmer Rouge years, the local authorities are reinstated, and with them, so is the role of the conciliator. But the approach has little evolved. It is more institutionalised and is no longer reliant on the elders' knowledge.

During this period, the dispute prevention and management methods are also directly linked to the personality and the level of education of the village and commune chiefs. We notice the introduction of rudimentary notions of Law and political propaganda.

Chapter II

CONFLICT MANAGEMENT AT LOCAL LEVEL

The current situation

1993-2001
THE PEACE PROCESS
OPENING TO THE WORLD

1993 marks a new turning point. Following the October 1991 Paris Peace Agreement signed by the four warring factions[1], it is decided a transitory body will be set up in Cambodia under the aegis of the United Nations. The key objectives of UNTAC[2] are to set up and supervise free elections including the creation of political parties, disarm the warring factions, repatriate 250 000 refugees from the Thai camps and disseminate Human Rights principles.
Shortly before the elections, the Khmer Rouge withdraw from the peace process, resume the fighting and take control of large areas North and West of the country. Nonetheless, elections are held in the rest of the country, offering the promise of peace and economic development to come.

UNTAC throws the door wide open to foreign aid: International Organisations (IO) and Non-government Organisations (NGO) will tackle various fields such as rural development, health, education, Human Rights, mine clearance and many more.
Through the 90s, the peace process gradually gains ground and the Khmer Rouge-controlled areas shrink in size following each new Khmer Rouge surrender. In 1999, with the death of Pol Pot and the arrest of Ta Mok, the last Khmer Rouge leader, the Cambodian government finally regains control over its entire territory. In the name of national reconciliation, yesterdays' enemies are today's brothers.

The opening to outside values such as the Human Rights principles conveyed by the NGOs, the increase in the number of political parties, the emergence of peace and the beginning of economic development will have a direct impact on dispute prevention and management.

In urban and surroundings areas, the local authorities lose some of their power and the pressure on the populations diminishes. Using the opposition parties and to some extent the International Organisations and NGOs, parallel power networks start emerging. Human Rights principles are broadcasted over the radio and taken up by the population, albeit with little understanding. But under the outward appearance of change, the old cultural foundations remain solid (individualism, paternalism, hierarchy and clannishness).

[1] The Khmer Rouge, Prince Ranariddh royalist FUNCINPEC forces and Son Sann nationalist FLNPK are united against Prime Minister Hun Sen's State of Cambodia government forces.

[2] United Nations Transitory Authority in Cambodia.

I. CONFLICTS

As a rule, the main sources of conflict identified during the interviews seem to be the same throughout the areas where the interviews were conducted: land issues, domestic quarrels and arguments with the neighbours. But certain problems may be specific to one particular area: in the North, military forces are being demobilised in great numbers and are appropriating the peasants' land, disputes over fishing areas in the Tonle Sap Lake between small fishermen and fishing-lot owners, etc. These interesting topical cases could not be studied in depth due to a lack of time.

1. LAND ISSUES

The most important issues are land-related. As stated earlier, the land situation was particularly complex in the days following the collapse of the Khmer Rouge regime. In 1979, the process of land distribution provided some kind of administrative framework to an otherwise anarchic situation. However, land boundaries and title deeds remained ambiguous. Disputes are frequent and there is no real resolution process. Customary Law is not solid enough and the new Land Law[3] is not sufficiently widely known yet and is not being implemented at local level. In addition, demographic growth means the peasant ideal of living on a family plot away from one's neighbours is often no longer an option. Disputes over land boundaries and neighbourhood quarrels are increasingly frequent.

1.1 Land disputes in rural areas

The land situation is particularly unstable in the new villages[4] and in the old villages populated by people who recently moved there. People have no strong bond with the land and the transactions are significant: sale, lease and temporary loans. The situation is made all the more complicated that forms and land title deeds are inadequate. In certain areas, the authorities who distributed the land reserve the right to re-define boundaries and re-distribute the land. Other issues arise when people who arrived after the official distribution of land and negotiated with the landowner to settle temporarily, later claim ownership of the land based on Customary Law, which grants ownership of the land to the person farming it.

The situation is rather different in traditional villages where the population remained fairly stable. In some cases, villagers simply ignored the distribution process and reclaimed their ancestors' land. In these villages, disputes mainly focus on neighbours encroaching over one's land, the circulation of water during the rainy season and inheritance issues.

Confusion reigns over post-1979 land occupation and land transactions and the village chiefs are often powerless to solve land-related disputes. They combine customary law with state law. The former recognises the right to one's family land or some kind of ownership (usufruct) to the person occupying or farming the land, while the latter only grants ownership of the land to people who have been farming the land post-1979 and to people to whom the authorities distributed the land.

It must be noted that the written texts of Law are little known at local level and rarely enforced. It is more common to look for an amicable solution or simply accept the local chief's decision.

In this ancient village, a man refers to demographic growth and the pressure surrounding land issues:

> "The biggest problems are land-related. People argue over boundaries. (…) A man will plough his rice field and slightly move the small dike over his neighbour's rice field. When it is done gradually, the neighbour will not always dare say anything, but when it is too obvious and the dike is noticeably curved, the neighbour gets angry.

[3] 1989 Law, 1994 Law and the Land Law recently passed in 2001.

[4] Villages recently created to house populations in a precarious situation, people repatriated from the refugee camps in 1993, populations displaced by armed conflicts, former Khmer Rouge soldiers who have surrendered, the landless poor and people running away from problems in their native village.

> Another problem is the case of a man farming land that belongs to someone else but has been left to lie for a long time. The man will ask the owner permission to farm the land and will pay him a percentage of the harvest in return. (…) After several years of farming the land, the man thinks the plot is his and is no longer prepared to return it. There have even been cases of the new farmer selling the land. At that point, the old owner and the new farmer come into conflict. Anyway, there will always be problems. If the owner refuses to lend his land when asked, it will cause resentment. (…) It is difficult nowadays because there are many people and little quality land. And it is now forbidden to clear land around the village. It is forbidden to cut wood and clear land. Families own small plots, which they will have to divide between their children."
> Mr. Chhuon, 57 Nokor Thom commune, Siem Reap district, Siem Reap province.

Over in a new village, the chief has distributed the land.

> "We were given a 30x500 metre plot. We cleared part of it. Now the local chiefs want to give some of our land to newcomers. They want to sell them part of the land they themselves have given us. We don't agree but we are afraid of them."
> Mrs. Sovann, 32, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

1.2. Conflicts related to urban construction

In Phnom Penh, construction-related issues are the main cause of complaints lodged with the local office. Many of the original inhabitants who left town in 1975 when the Khmer Rouge took over, died or settled abroad.
In 1979, people of mostly rural origin invest the houses left vacant for four years. The Law nonsuits requests for the recognition of pre-1975 ownership and instead grants property rights to post-1979 occupiers. The city's infrastructures have suffered considerable damage and will not be repaired for a long time. Confronted with the lack of urban facilities, the new Phnom Penh residents adopt a rural behaviour, characterised by a desire for independence. This leads to quite a few problems. In former apartment buildings, each new occupier builds his or her own water-supply system and sometimes even his or her own staircase.
Demographic growth combined with rising land and property prices in Phnom Penh mean people often choose to enlarge their current homes even if it means encroaching on public space or their neighbour's.

> "In Phnom Penh, disputes are mostly construction-related. For instance a new roof that hangs over another property. During the rainy season, the water runs off into the neighbour's property. There are also houses where each floor-owner builds an individual staircase and forbids the others to use it. In some apartment buildings, the tenants on the upper floors will sweep garbage onto the communal staircase and the people below receive it on their heads. They get angry. There are also sewerage problems. When a pipe is blocked or broken below, people from the upper floors don't want to pay because they are not directly affected. They carry on using the mains and the neighbours are flooded. The same way, when people living above water the plants on their terrace, people below complain. They go see the chief of the neighbourhood, who summons the troublemaker. The chief asks him for his side of the story and makes him sign a promise not to do it again. If the dispute carries on, the neighbourhood chief can ask the neighbourhood police to intervene. For instance, they might go up to the terrace and confiscate the plants. If the owner of the plants disagrees, he can complain to the District. It costs from 15,000 to 20,000 riels to lodge a written complain. Poor people cannot lodge a complaint. If they do not complain in accordance with the procedure and if they cannot pay, their problem will not be taken into consideration."
> Mr. Leng, 38, policeman, Phnom Penh.

> "New constructions are the most common source of problems. We see one or two cases per month. In 1979, people simply invested the houses they found. Until 1993, several families shared a building or an apartment. Then the economy developed. People started wanting individual properties and began building everywhere: on plots of land, in the stairways, on terraces and on the roofs. Now, there are many neighbourhood disputes. For instance, a newly built structure will block ventilation and

light in another apartment and people come here to complain. Some people build upper stories and do not build mains to the street. People below get angry. There are also problems with children in the upper apartment throwing rubbish down below."
Mr. Lem, 50, Chief of Boeng Reang neighbourhood, Doun Penh district, Phnom Penh.

2. DOMESTIC QUARRELS

The local authorities mention domestic quarrels as the second source of conflict. Quarrels often lead to domestic violence. Several reasons are put forward: poverty, unemployment, drinking, gambling, jealousy, resentment at being left out of the consumer society, parental interference and arranged marriages. Traditionally frowned upon, divorce is relatively easy when both parties are in agreement. Things become rather more complicated when the request for divorce comes from one of the partners only.

2.1. The arguments put forwards

"There are different types of domestic quarrels. The husband goes out too much, he drinks and comes home; his wife tells him off; things escalate and the husband hits his wife. The husband has a mistress and wants to leave his wife to marry her; he becomes very nasty to his wife so she will leave him. There is also jealously, both from the husband and the wife. (…) They will accuse each other of having a lover. There are also quarrels when a large family will share a small apartment; such close proximity makes the situation explosive."
Mrs. Sambo, 51, Chief of Phsar Thmey Muoy neighbourhood, Doun Penh district, Phnom Penh.

Drinking and gambling

"Domestic violence is strongly related to the consumption of alcohol and to people losing money at cards, but it is also directly linked to jealousy and to men having mistresses and not wanting to see their wife anymore."
Mr. Sitho, 33, investigator for a Human Rights organisation, city of Kampong Speu, Kampong Speu province.

Lack of money and dreams of social prestige

In this devastated country, people have learned to rely solely on their own strength so having money -and displaying it- is a basic survival tool. Money allows people to fend off fate's blows: illness, poor harvests, legal problems, etc, and to some extend, prevent disputes with others. Hierarchical relationships and individualism are important, so positioning oneself as an elder or a younger person will be crucial in case of disagreement. It should be noted that when a traffic accident occurs, both parties will assess each other to establish who will lead the talks and who will submit to the other's authority. Displaying one's wealth is similar to wearing a shield against blows from people deemed to be of lesser status. It is therefore important to have money and to show it off. This attitude is particularly noticeable in the cities.

Poverty

"Unemployed men with no financial resources stay at home. They don't do anything. Friends come by and suggest going for a drink. They drink and they are happy. When they get home, the wife is angry and the husband raises his voice or hits her. The wife is unhappy because there is nothing to eat at home and the husband squanders money on drinks."
Mr. Kak, 52, Pong Teuk neighbourhood, Krong Kep.

"In the majority of cases, the wife will be the first one to lodge a complaint. She says her husband goes out too much, that he ignores her, doesn't work and doesn't bring any money home or that he drinks. Women often complain about the lack of money. They want their husbands to bring money home. Sometimes, the in-laws lodge a complain on behalf of their children."
Mr. Chhom, 50, assistant to the Oulampic neighbourhood chief, Chamkar Mon district, Phnom Penh.

"There is often a link between domestic quarrelling and poor economic conditions. The man is unemployed and drinks to pass the time. He spends his money. When he gets home, his wife is angry and lectures him. She says she cannot raise children

without money. To end the argument, the husband hits his wife. It happens all the time. Women's rights are the rights of the weak. Men lodge complaints as often as women do. They say they want a divorce because their wife "is bad", "spends all the money" and that she "doesn't think properly and wastes money". But in actual fact, the men spend more money than their wives. The Law says men and women have equal rights, but in reality the women are not as well considered as the men. That's why when women come to complain they often exaggerate things. They want to be taken seriously. Men are more often to blame than women in domestic quarrels. Many women simply resign themselves; they don't say anything, just endure things and hope the man's anger will die down. Women are weak so their only option to defuse the anger is to resign themselves."
Mr. Poe, 57, village chief, Svay Kravan, Chbar Mon district, Kampong Speu province.

When financial resources do not match the spouse's dreams:

"There are many problems related to money. People want money to buy what they see at the markets and in the new shops. They never have enough money. A man who wants money will snatch gold in the street or steal it from people's homes. A woman will prostitute herself and her husband will turn a blind eye. It's mostly women who want money. (…) They want to show others that they have money. They get angry when the husband doesn't bring any money home."
Mr. Sara, 52, assistant to Phsar Kandal I neighbourhood Chief, Doun Penh district, Phnom Penh.

"The young only dream of a better lifestyle and of having fun. Boys and girls think only about going out. Those with more affluent friends dream of nice clothes, a new motorbike or a fancy mobile phone. They are jealous of others and dream of a wealthier husband or wife. The less affluent start spending whatever little money they have to buy nice things. The less extravagant of the two spouses gets angry and this is when problems start. The biggest spender of the two begins despising his or her broke partner."
Mr. Chhom, 50, assistant to the Oulampic neighbourhood chief, Chamkar Mon district, Phnom Penh.

Arranged marriages

"There are problems when parents marry their children too soon. The girl will dream of a car, but her new husband owns a simple motorbike. Good-looking girls without money look for wealthy men. If they marry a man as poor as them, they are unhappy and fight with him. (…) They go looking for a richer husband. There is a saying that, "the active cow loses the hairs on its neck and the pretty girl is worn out by too many lovers".
Divorce is often more linked to problems with the parents than problems between the husband and wife. For instance, if a wealthy girl manages to marry a poor man, her parents will try and ask for divorce. In such cases, I think the newlyweds must keep away from the girl's parents."
Mr. Sambat, 55, chief of Chey Chumneah neighbourhood, Doun Penh district, Phnom Penh.

Request for divorce

The husband or the wife may call on a third party to act as a conciliator over ordinary quarrels. He or she will ask the conciliator first and foremost to lecture the spouse and put him or her back on the right track. But when disagreements run too deep, one of the spouses may ask for a separation. Divorce by mutual consent is mostly an informal procedure[5]. Both partners will just separate of their own volition. They will only ask for administrative assistance when they wish to remarry, because they will then need a written statement from their former spouse authorising them to wed their new partner. Unilateral requests often lead to nothing but having to resign oneself to a failed marriage. Tradition does not readily accept separation.

"Women come to complain more often than men. They say their husband is unemployed, than he hangs out, plays volleyball and that they argue when she lectures him. Most of the time, the wife wants me to go lecture her husband so he will

[5] In the eyes of the Law, only the courts can grant a divorce, but in practice things are different. Moreover, marriage papers are often missing.

change his behaviour. Husbands complain their wives don't listen to them and wander. Requests for divorce are less frequent. As a rule, people prefer settling domestic issues with the help of their own families or the elders, but those who have lost their parents and live far away from their elders come to see me. The village is spread over a large area. There are over 500 people and only 10 elders.
In case of divorce, the spouses usually separate without informing the authorities. But if one of them doesn't agree, there are problems. In 20 years, I have seen 6 divorce cases dealt with by the commune authority.
Arranged marriages can be problematic. The newlyweds aren't in love and shortly after the wedding they want to separate."
Mr. Saveth, 50, village chief, Svay Kravan commune, Chbar Mon district, Kampong Speu province.

It seems that nowadays women are more likely to be the ones asking for a divorce. This was not the case previously. Times are changing and so are the reasons for divorce.

"Shortly after 1979, it was mostly men who requested divorce. Many men had died and there were many widows. Men were in short supply and they often decided to divorce their old wife to marry a younger one. The new generation brought equality and men are not so valuable anymore. Both men and women are asking for divorce now. They often plead economic reasons. One of the partners will accuse the other of not earning money, of wandering and spending all the money. There are also problems with the in-laws. There are often problems when the husband lives with his wife's family. He doesn't always get along with his in-laws. The same way, when the couple lives with the husband's parents' and they are not happy with the way their daughter-in-law serves them, they will ask their son to leave her. This happens even when the son is in love with his wife. The parents want to break the marriage. (…) If the son is young, he will listen to his parents. (…) There are cases of young couples running away."
Mr. Sovanarom, public prosecutor, city of Kampot, Kampot province.

3. NEIGHBOURHOOD DISPUTES

We have already mentioned the problems related to the lack of privacy caused by unregulated building in the city. In rural areas, being too close to one's neighbours also brings its share of problems: animals eating the crops, land boundaries, children arguing, denied access, excessive noise level, jealousy, unpaid debts, drunkards' fighting, etc.

When parents take up their children's fights

"Huen's child hit Khol's child. Huen insulted Khol. He called him "a pauper pretending to be rich". Khol and Huen had a fight, each accusing the other's child. I intervened because one of the wives came to get me. She was afraid they would hurt each other. I told them it was natural for children to argue and that once their anger passes they are usually quiet. This type of problem occurs once or twice a year."
Mr. Saveth, 50, village chief, Svay Kravan commune, Chbar Mon district, Kampong Speu province.

Right-of-way

"Motorbikes ride too close to my house. I planted rows of flowers to divert the road one meter and Chhuon got angry saying I was doing it on purpose to let him know I didn't want him riding past my house. I didn't say anything. For a month he took another route. Now he rides past my house but doesn't look at me."
Mr. Hourn, 55, Nokor Thom commune, Siem Reap district, Siem Reap province.

Jealousy and insults

"Ki is angry at Sovan. Sovan is Ki's husband's mistress. Ki wants to hit Sovan. She calls her a slut whenever she sees her."
Mrs. Sophea, 28, Nokor Thom commune, Siem Reap district, Siem Reap province.

It is difficult to estimate the number of disputes in any given village. Problems are more or less hushed up and dealt with behind closed doors. Only serious problems are taken to the village chief. During the interviews, the chiefs confessed they dealt with few cases. Some chiefs mention three or four cases a year while others speak of two or three cases per month. Only the most important cases are remembered.

4. ARGUMENTS WITH OUTSIDERS

Such occurrences are less frequent and are mainly related to land issues. However, the disputes are often serious and are taken all the way up the hierarchy. Outsiders will grab land. This mainly happens in wealthy areas (rural development areas served by a good road network and receiving assistance from international organisations) and in areas located near military bases (since the end of the war and the beginning of the demobilisation process, former military personnel are looking for land to settle).

II. CONFLICT MANAGEMENT

The dispute management process varies locally depending on the village geographical location and the personality and education of the people involved (protagonists and outside influence).
Through the interviews, we identified several approach and management methods. The following list of examples is not exhaustive. The limited population sample selected as well as the specificity of the areas selected (former Khmer Rouge zones) forbids us drawing any statistical conclusion on the scale of the country.
Thus, the amount of information collected varies from one rubric to the next. Wider and more in-depth research would allow us to better tackle the issue and provide better understanding of its underlying mechanisms. In this report we will only present the main trends that emerged during the interviews conducted for our study as well as a few observations recorded during previous field surveys.

As such, we have recorded various types of behaviour in response to problems, which can lead-or not- to a conflict situation. We noted that problems may be crushed, hushed up or even avoided before they lead to a conflict situation, that in turn may be crushed, hushed up, avoided, rejected, settled amicably, negotiated in favour of an ally, forgotten or passed on to a higher authority.

Problems and conflict situations are dealt with very differently in remote, isolated areas and in areas close to cities and major roads. The old system –local authority has strong control over the population- prevails in remote areas. Poor road condition does not facilitate travels and limits city influence. As a rule, people are poorly educated. Radio and TV are not as common as in the cities and surrounding areas. Opposition parties are particularly discreet.
Close to the cities, people are wealthier, better educated, more open to the outside world and have access to information[6]. We have also noted the pressure from the local authority is not as strong.

1. DEALING WITH THE PROBLEM ON ONE'S OWN

The first reaction when confronted with a problem will be reserve. This gives an opportunity to evaluate the problem and assess the balance of power betweens the parties in conflict as well as whether one will be able to count on potential or existing allies.
It requires great determination to take on a more powerful opponent. The powerful, the "big people" *neak thom* are the wealthy, the military and people with connections in the circles of power.
The weak, the "small people" *neak toi* are the poor, who cannot afford powerful allies, are outsiders to the village and are not readily accepted by the locals. Members of the opposition parties must also be included in this category.

Acts of violence do occur but remain isolated. Such incidents are especially due to an intoxicated state or old resentment being brought back to the surface and unleashing itself.

1.1. Avoiding the problem

When the imbalance of power is too great, the fear of escalating the problem, drawing attention, provoking acts of revenge or loosing even more will generally prompt people to say and do nothing. At the most, the injured party will adopt a distant behaviour towards the person who created the problem.

> "In this area, people are very poor. There are few disputes. If my neighbour cultivates my land, it is easier to abandon it to him. Plots are small. My neighbour will not grow rich on the land. I am lazy when it comes to intervening. I am a member of an association that promotes non-violence. We say nothing; we let it happen. I don't want things to get worse. I don't want other people to feel ashamed. People will be unhappy if I raise an issue; they will be ashamed. It is better to leave the land to the

[6] Newspapers are exclusively circulated in urban areas.

> one who grabbed it to preserve honour and solidarity. The land is cheap. I don't want a small problem to affect solidarity in the village. (…) If the person continues taking land, I can talk to him about it calmly and openly. I'll explain that he is not acting in a correct manner. But if the problem is serious, I will ask the village chief to deliver justice. (…) If there can be no local justice, we take the matter higher up. Above local justice, there are the courts and the Human Rights."
> Mr. Sarin, 59, Pong Teuk neighbourhood, Krong Kep.

Accepting one's social status and society's hierarchy to avoid problems.

> "Justice is when both parties are agreed. I am poor. If a problem arises with a wealthy person I prefer to drop the issue so the matter will no go too high, because I know I will loose. I try to avoid problems with the rich; they have power. Each man for himself, that's the best way. Everybody keeps to oneself and tries to earn money according to one's abilities. People in power stick together and we stick together. We do not mix with people from the other side of the village. They are wealthy."
> Mrs. Nuen, 50, Chek commune, Svay Chum district, Svay Rieng province.

The fear of speaking up is great. An elder doesn't believe in change.

> "We are told that now we have a lot of rights but we don't know where they end. People only talk about their rights, but what about other people's rights. The rights of the chiefs will always be stronger than ours. They have the rights of the loudmouth. The people have the right to speak up but they are afraid of doing so. Still, it's better than it used to be. Myself, I am not afraid of anything, but us Cambodians are taught that small people mustn't speak up. We are taught that "the mild-mannered ones die, the bad people are lucky and enjoy a long life". We are also told society cannot be changed; bad people will always be bad and criminals will always be criminals. "You can never straighten a curling dog tail". I prefer to keep quiet when I have a problem. You cannot change things."
> Mr. Soth, 64, master of ceremonies, Angkal neighbourhood, Krong Kep.

People avoid interfering in other people's business for fear of being drawn into a dispute.

> "When the neighbours are faced with a problem but they don't ask for our assistance, we listen from a distance but we don't get involved. (…) If we interfere, we'll have problems later on."
> Mrs. Kong, 39, Angkal neighbourhood, Krong Kep.

Mon is a young man who has recently moved to a remote new village. He is poor, uneducated and has no allies. He knows that to survive he will have to avoid problems, work hard and keep quiet.

> "I am afraid to talk. I am alone. I am poor. There is nobody here to help me. I know I must work and avoid problems. There are no problems but I am afraid there might be. In case of problem, I'd rather keep quiet and keep on working. (…) I have heard about Human Rights on the radio but I didn't understand very much. (…) I have learned to read and write but I don't know very much. It is important to know how to read and write. My school was near the combat zone and burned down during the war."
> Mr. Mon, 29, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

1.2. Getting rid of the problem

When agreement is not, or no longer, possible the persons identified as disturbing the social order will be cast out and in extreme instances physically eliminated.

Social exclusion
The community will reject people and families who allegedly cause disturbances, avoid all contacts with them and try to convince them to move away. Such behaviour is a de facto social death.

Expulsion and departure

People will be pressured into leaving the village. They will be orally or physically intimidated. If this person has no backing inside the village, the only solution for him or her –and sometimes the entire family- will be to move somewhere else and clear a new plot of land. It seems to have been common practice before the war, but is not so easily done nowadays. There is available land still, but access to it is more difficult because of strong demographic growth and more complicated administrative procedures (authorisation to move, request for land).

Parents may repudiate a "bad child".

> "When a child is bad, the parents may decide to break off their parental ties and reject all responsibility and duty towards their child. They will print a deed in the newspaper stating the child is no longer their son and that they deny any responsibility for and will not cover his bad actions. (…) It happens when the son is a bandit. He robs people and then the police turns up at the parent's house."
> Mrs. Phin, 21, Phnom Penh.

Physical elimination

Death can be a way of getting rid of a problem. It can be a matter between two people or the entire village united against one person.

Unresolved conflicts, disputes that had not been fully hushed up and arguments that had led to never-forgotten public insult, festered and could lead to outbursts of violence. Numerous instances of sudden violence –sometimes leading to murder- were a direct consequence of never-solved, deeply rooted, ancient resentment.

There are numerous examples of violence as a mental-block response in the face of conflict. Violence may come across right at the onset of the dispute, without any attempts at conciliation. Physical violence may even go all the way to murder if one of the protagonists is armed (still a frequent occurrence in the post-war era). The corollary being the fear that led people to hushing up problems in the first place. The bitter taste left by unresolved issues does not fade over time; resentment festers and comes out at a later date, sparked by another argument, trivial as it may be.
As a result, increased deferred violence becomes a response to the fear of immediate violence.
Many rural families who have not managed to settle a dispute in the past keep the matter hushed up. The fear of accidentally sparking up a new argument prompts people to keep their distance, while maintaining a polite attitude on the surface.

We note a paradoxical attitude towards violence. Violence is unanimously rejected when it occurs without warning and threatens the stability of a family or a group. But on the other hand, violence may be used as a last resort to restore harmony (lynching of thieves and witches).

In this instance, a land dispute is settled with the killing of one of the protagonists while the victim's wife wants to hush up the murder for fear of reprisals.

> "For a long time my husband had been having a problem over some land with the people East of here. They had taken a piece of my husband's land and that's when the dispute started. One day, my husband went to work with our two children. Near dusk, I heard a shot fired in the distance and the children came home without my husband. I was very afraid; I stayed home all night. The next morning I went to the rice field and I found my husband dead (shot). The village chief investigated but did not find anything. The police came and asked me if my husband had been in a disagreement with anybody. I said yes, with the Eastern neighbours. The police questioned the neighbours. But I wanted to hush up the matter. I was afraid the murderer would take it out on me. I was summoned to Kep police station. They investigated but never found the killer. (…) They had suspicions but no evidence. I'd rather not talk about this anymore. I am afraid of reprisals. If the killer is gaoled, his children and cousins will avenge him. I prefer to keep quiet. One death is enough."
> Mrs. Soly, 40, Angkal neighbourhood, Krong Kep.

People whose behaviour threatens the community's stability provoke strong feelings of rejection. Such rejection can go as far as physical elimination of the alleged troublemakers. Once the village has returned to tranquillity, local people will unite in keeping the murderer's name a secret. We had identified some instances during previous filed surveys carried out in Cambodia.

Eliminating thieves

> "Two ox thieves were killed. It is a good thing. There will be no more robberies in the village. We are safe. (…) Ok, according to the Law one must report the thieves to the police, who arrests them and takes them to court. But people are scared to denounce thieves. Thieves have money. (…) Their money will buy the police and the court and then they will come back to the village. They will know who informed on them and seek revenge. They will kill those who complained. Now they are dead. We are safe. We are happy. (…) We don't know who killed the thieves."
> Mr. Huoy, 70, master of ceremonies, Stung Treng district, Stung Treng province (August 98).

Non-conformist behaviour will bring accusations of witchcraft and the elimination of the alleged sorcerer

> "He was a bad man. You mustn't go to the cremation ceremony. If many people attend the cremation, people will say he was innocent. If few people attend, people will say he was guilty. (…) He was a bad man; he was a sorcerer. (…) He drew illness and problems on his neighbours and his family. People were angry with him but they were scared. (…) When Srey Khmao fell ill, the medium said he had sent the illness (…). He had a strange personality. He didn't speak like other people. His behaviour often changed. (…) Sorcerers must be killed; they bring a lot of unhappiness."
> Ms. Yieng, 42, Nokor Thom commune, Siem Reap district, Siem Reap province (January 95).

> "This man came to me to ask for protection. He said people wanted to kill him. I cannot help him. He is a sorcerer. Sorcerers are bad. They cause problems. (…) They make people fall ill. (…) This man is already responsible for two deaths in the village. Sorcerers must be killed."
> Mr. Samal, village chief, Nokor Thom commune, Siem Reap district, Siem Reap province (January 95).

1.3. Communicating

Dialogue is possible, particularly when it is the first time a problem arises and people feel they can reach an understanding. When it is not the first occurrence and when one is not comfortable with the other person (higher social status or outsider), people will ask a family member or a friend to go meet the other person to mention the subject and take soundings. This procedure prevents the person from loosing face when conciliation is turned down.

A peasant who has settled in a new village favours direct dialogue over any action involving the local authorities. The latter could bring the matter out in the open, possibly causing people to harbour grudges.

> "I came here to get a plot of land. The villagers and the authority are educated. We accept each other. When there are problems and disputes, some people are ashamed to talk about their problems so they keep quiet; those who want to win go see the group leader. One must follow the hierarchy: first the group leader, then the village chief. Myself, I prefer to settle things personally. You feel uncomfortable around your neighbours when you complain to the village chief. People might hold grudges. When something has been registered in writing, it cannot be erased. (…) It can make people angry. When someone is angry, the others are scared. There is no way of knowing what is inside him (what he thinks) and what he may do later. (…) If the anger is too great, people worry about getting killed. I try to be nice to my neighbours and avoid problems. When there is an issue, I think about a solution. If the other person is lower than me (less educated), I must explain the problem and offer a solution to solve it. When I speak kindly people listen. If the other person is

higher than me, then I have the courage to speak up and say, "What you are doing is not legal.""
Mr. Samath, 45, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

However, dialogue can struggle to get through the weight of tradition.

"There are sometimes small problems with the neighbours. At first, I remain calm; I say nothing. But if it is really bothering me, I try discussing it with my neighbour. As a rule, people prefer to keep their problems to themselves. Day after day, people keep the suffering inside so when it comes out, it's serious. We are taught as children to stay put. We are told to avoid problems. We try not to insult others. When you are small, it is better to give way to the big people. We say the wealthy have salted saliva. It means they can say whatever they want. We also say rich people can make the ghosts dance. It means they can do anything."
Mr. Soy, 48, Phnom Penh.

1.4. Open dispute

A problem may turn into a dispute. Insults are common and sometimes turn into fistfights. But injuries are rare. It must be noted that insults are taken more seriously than minor physical injuries[7]. In such cases, dialogue is no longer possible. The situation can remain deadlocked or evolve following the request of one of the protagonists. A third-party will be called upon to help untangle the situation.

2. TURNING TO A THIRD PARTY FOR ASSISTANCE: Conciliation *somrosomuel*

Small issues are dealt with inside the family. People prefer dealing with their problems on their own. When the problem is serious, the assistance of a third-party is required. This person, whose authority is accepted by all, will act as a conciliator. People expect the conciliator to advise them and offer solutions if need be. Battered wives will ask the conciliator to lecture the husband to change his attitude or will ask for a divorce when the situation becomes too untenable. There are people looking for justice but also people who use their good standing with the conciliator to put pressure on the other party.
During the interviews we noted that the village chief was often asked to play the role of conciliator. When it comes to solving local disputes, people have confidence in the local authority. The task is part of the local government representative's official duties. People may consult with the elders, essentially to deal with family matters. They are witnesses. Some elders, renown for their knowledge might be solicited for opinion, conciliation (if both parties agree), to put pressure on the other party and as witnesses.
We have not come across any instances of the monks getting directly involved in solving laymen's disputes.

2.1. Procedure

We note the conciliation process follows a similar pattern from one village to the next but varies greatly according to the personality of the conciliator.
Following the common procedure, the plaintiff will take his problem to the conciliator chosen by the two parties. If the conciliator feels the matter warrants his intervention, he will summon both parties to a conciliation meeting. During the meeting he will ask both parties to relate their side of the story and speak to each one. His goal is to reconcile the two parties. His speech will therefore be intended to that effect. At the end of the meeting, when either an agreement has been reached or the anger has subsided and it is decided to leave it at that, the parties will show their agreement or mutual understanding with a few words of approval, a nod of the head, a request for forgiveness or a few polite words. The meeting will conclude with quiet laughter and good-natured banter to seal the newly found harmony.

When the local authorities conduct the conciliation meeting and an agreement is reached, the terms of the meeting may be recorded in a document called "letter of promise" *liket sanya*.

[7] We have recorded many instances when people are less affected by physical harm than by mental harm (insults), which causes loss of face and social exclusion.

The document is proof of the management of the dispute and evidence of the parties' commitment to fulfil their promise. The parties and their witness thumb print the document to show their approval.

When no agreement has been reached and the plaintiff does not want to drop the issue, additional conciliation meetings may be held. After three (or four) unsuccessful attempts, the complaint will be passed on to the higher authority.

During the interviews, people strongly emphasised that conciliation is not a judgment. The conciliation process does not attempt to establish who is the victim and who is the guilty party –translated here as "winner" and "looser". Conciliation is a process that will bring both parties to reach a common understanding and will require them to make an effort to meet the other halfway.

> "Conciliation rests on facts. We listen to both parties and offer solutions. There is no winner and looser."
> Mr. Sambat, 55, Chey Chumneah neighbourhood chief, Doun Penh district, Phnom Penh.

As a rule the conciliation meeting will be held in the home of the conciliator, or at the location of the dispute in case of land-related disputes. The village chief decides whether the parties' families and witnesses may attend.

2.2. The conciliators

Unofficial conciliators
When the matter is not too serious and dialogue is still an option, one or both parties will look for a local conciliator. The conciliation meeting will be held only if both parties accept the conciliator's authority. The conciliator may be the patriarch of an extended family, a former civil servant or an educated man, the local representative of an association or political party or, in a few instances, the representative of an outside organisation.

Family patriarchs
The head of family plays an important role in large families whose members recognise the authority of a common patriarch. This applies mostly to essentially urban Sino-Khmer families. In rural areas, grand parents have lost some of their authority over the years.

> "We prefer to take care of problems within the family circle. We are scared of the village chief, even when we have not caused any trouble. If we go directly to the courts, the local chiefs will not be pleased. They'll say it's illegal and they'll no longer take care of us. (…)"
> Mrs. Sen, 35, Tropeang Pleang commune, Kampot province (new village).

> "The family helps to solve minor domestic problems. It's good that things stay within the family. But if the husband and wife have a row, particularly when they're a young couple, the wife's family will side with the girl while the husband's family will take his side. A small quarrel then becomes a serious conflict between the two families. Each family will accuse the other of having a bad child."
> Mrs. Chann, 42, city of Svay Rieng, Svay Rieng province.

> "Ta Houen the carpenter is very famous. He has a large family and handles all issues relating to his family. He has more authority than the village chief who is soft. Ta Houen is older. He was a monk at the pagoda and knows a lot about carpentry and religion."
> Mr. Veth, 57, Nokor Thom commune, Siem Reap district, Siem Reap province.

> "There are many Sino-Khmer families in our neighbourhood. Family is very important to the Chinese who know how to deal with problems on their own. The families of Chinese descent solve ten problematic situations out of ten, while the families of Khmer descent solve only eight out of ten."
> Mr. Chom, 50, assistant to the Olympic neighbourhood chief, Chamkar Mon district, Phnom Penh.

The head of a national micro-credit association acts as a conciliator in his village but only for the members of the association.

> "I conciliate among the members of the association. I educate the husband and wife and during our meetings I talk about non-violence and solidarity. I rely on both the traditional rules and the rules of the association. (…) The village chief agrees to the association carrying out its activities because we have the approval of the Ministry of Interior."
> Mr. Sarin, 59, head of a micro-credit and rural development association, Pong Teuk neighbourhood, Krong Kep.

People may call on an influential person external to the family, but if no solution is reached, this person runs the risk of being rejected without any thanks. So people learn to mind their own business for fear of being accused of bias when things go wrong. There is a tendency to reject the person when one looses face in front of an outsider.

> "A local girl married a foreigner. As I live in France, the girl's family asked for my help because their daughter was being stubborn. The girl didn't want to sleep with the foreigner and the foreigner said if she didn't sleep with him she wouldn't get any presents. I told the girl she was being silly and that if she slept with him and did not make a fuss she could have anything she wanted because the foreigner is old and wealthy. (…) The mother agreed. She chastised her daughter. The girl, who is silly, persisted in her attitude. The foreigner got bored with her and asked for a divorce. She agreed but afterwards she was angry because the foreigner hadn't bought her a house or a motorbike. She wanted the money but she didn't want to be nice to him. Later, the foreigner changed his mind again and told me to ask the girl if she would go back to him. She was very angry with him and refused. The foreigner came back and fell in love with the girl who was working at my house. He married her and now she is pregnant. He is very happy. But the first girl is very angry with me and called me a whore, a slut and other names in front of everybody when I always tried to help her. What a silly girl! Her family also is against me because they have lost the foreigner's money. I complained to the commune chief who said the girl must ask for my forgiveness and pay 100 000 riels in compensation for insulting me. I have decided not to take the money and only ask for her apologies."
> Mrs. Chon, 52, Nokor Thom commune, Siem Reap district, Siem Reap province (August 2000).

The elders *Chas Tum*

The elders do not play as important a role as they used to in the past. This is due in part to the fact that the dominant political party grants more authority to the appointed village chief and partly to the years of war that have contributed to the erosion of the social fabric, in particular the collapse of the inter-generation social bonds.

> "During the Sangkhum period it was possible to ask the elders for assistance, but not anymore. Before, we asked the elders to be the witnesses. We trusted their words. Now we do not ask them any longer (…) because there are fewer elders capable of helping and because the procedure is more bureaucratic now."
> Mr. Sarin, 59, head of a micro-credit and rural development association, Pong Teuk neighbourhood, Krong Kep.

> "We can ask the elders for assistance, but only the older generation listens to the elders; the young people don't listen to them anymore. Young people watch a lot of videos. They don't go to the pagoda. The young monks know nothing and they don't stay at the pagoda very long."
> Mr. Saveth, 50, village chief, Svay Kravan commune, Chbar Mon district, Kampong Speu province.

The war has decimated the older generation. New villages have essentially attracted a younger population and few elders are to be found.

> "There are no knowledgeable elders in our village. We may ask the elders for help but they can only act as witnesses."
> Mrs. Savy, 28, Angkal neighbourhood, Krong Kep.

The Khmer Rouge regime upset the social order and consequently directly affected the hierarchy in the villages. Young adults born during the Khmer Rouge regime were never taught to show respect for their elders.

> "Nowadays, we are told the young and the old are equal. We are told everybody has equal rights. That's incredible! That's why the new generation no longer listens to the elders. Children use to defer to their parent's will. During the Pol Pot years, children were taken away from their parents and taught bad things. Now, they've grown into adults and have no respect for us. Young people used to go to the pagoda, but nowadays only old people go.
> Before, when we needed advice or we wanted to organise a conciliation meeting, we would go ask the elders and the village chief. They used to be close to the people. Now, the village chief handles everything. He is a wealthy loudmouth, a civil servant. I take care of the conciliation when people ask me to. I ask them, "How much do you pay when you go to the commune, the district or to court?" It's better to handle things at village level; it doesn't cost anything. The village chief has asked me two or three times to help him during a conciliation meeting, but it doesn't happen very often."
> Mr. Chrouy, 72, Svay Kravan commune, Chbar Mon district, Kampong Speu province.

This village chief notes that ever since the Khmer Rouge years, the elders are afraid to intervene in disputes outside the family circle for fear of reprisals:

> "The elders used to be well-respected and they feared no one. They could speak up. But nowadays whenever I ask an elder to assist me in a conciliation meeting, he simply doesn't show up. (…) The elders, and most people in the village, are afraid to get involved in other people's business. Society as a whole has become harder. People no longer respect the elders as they used to. If an elder says anything that runs counter to another person's personal interest, the elder may get into trouble. The young generation is not afraid of the elders; young people have no respect and think only of themselves. The elders are afraid they'll get into trouble if they speak up about anything. (…) Pol Pot did all that. We do not dare say anything against anybody anymore. Older people are afraid of reprisals. They keep to themselves; they listen but are afraid to get involved."
> Mrs. Sareth, 65, Nokor Thom commune, Siem Reap district, Siem Reap province.

<u>The role of the Buddhist monks</u>

The Monk Superiors we have met draw a clear distinction between secular matters and issues specific to the religious community. They told us they feel neither concerned with nor sought out by secular people. However, inside the monastery, discipline is very strict and is regulated by specific rules recorded in written documents known as *vinaya*. The Monk Superior handles all issues within the community. The rules, which govern improper behaviour and appropriate punishment, combine with Buddhist teachings to prevent problems within the monastery.

> "I am authorised to handle issues within the pagoda only. We often recite the Buddhist regulations, so all the monks know the rules: you shall not take human nor animal life, you shall not steal, you shall not engage in sexual behaviour, you shall not drink, and many more. There are two types of offences. The first one is to break the rules and the second is to argue with another monk. At the monastery, most of the problems I deal with are disputes between two monks. When the dispute is serious, I summon both monks and tell them to behave in accordance with the principles of peace. Two other monks assist me and I listen to their opinion before I render my judgement. When necessary, I may punish the guilty party. Punishments include weeding a plot of land or carrying water.
> Everyday, we hold a meeting after evening prayers. I advise the monks so they do not commit offences. We also have a control system; the monks go in pairs. On holy days, the monks meet up as pairs or groups of three or four and take it in turns to confess to their faults and report the others' faults. This helps maintain the peace and prevent problems."
> Monk Superior, Prey Ta Koy monastery, 30, Angkal neighbourhood, Krong Kep.

"I handle internal conflicts at the monastery but I do not deal with laypeople's problems. The monks follow strict rules of conduct. Everything is in writing, both the offences and the relevant punishments. There is a mutual surveillance system in place to prevent monks from committing offences. We make pairs; the eldest watches over the younger one. We hold meetings on holy days and we teach the monks to love each other as brothers and to develop close bonds. We encourage reading and learning the Buddhist prayers and we teach them to feel as united as the fish and the sea. I ask the monks what happened during the week. If a monk got angry with another, I ask both of them what happened. When one of them confesses, I advise him and educate him about solidarity. (…)
There are punishments. For instance, a monk who has committed an offence may have to fill a jar, weed the garden or dig a pond. When a monk commits a serious offence and refuses to confess to it, I may call the *acar*, the village chief and the commune chief and he may be defrocked. However, such instances are rare. I have heard of such a thing happen once, a long time ago. We prefer to deal with serious offences internally to avoid tarnishing the monastery's reputation."

"On holy days, only old people come to the pagoda. We discuss religious and cultural matters. At the pagoda, we only handle issues related to the pagoda; we do not meddle in external problems. There are mainly small problems caused by the novices, *nen*. For instance, if a novice has left the grounds of the pagoda without authorisation I summon him to explain that his behaviour is not proper. We handle conciliation according to the Buddhist rules. When there is a serious problem, all the monks are summoned and we discuss the problem so everybody understands. I ask guilty monks to confess their mistake publicly. When a monk confesses, I advise him and all the others hear me. On holy days, we talk about the offences that have been committed and we remind people of the Buddhist principles."
Monk Superior, Phnom Liu monastery, Pong Teuk neighbourhood, Krong Kep.

However, the doors of the monastery remain open to people in a difficult situation, who may turn to religion for answers and some appeasement.

"I cannot conciliate in laypeople's disputes but I can help alleviate their sorrows and illnesses. People come here when they have health problems but they do not confide their domestic problems to me. They come here because of physical and sometimes psychological illnesses. To combat illnesses, we carry out lustral water throwing ceremonies and exorcism sessions; we make magical protective belts and medicines. We pray. Monks focus on the religious abstract world; they are not interested in man's material world. (…) Sorcerers and ghosts send diseases. We carry out religious ceremonies to keep bad influences away. We prepare medicinal substances to cure small illnesses. (…) Some people tell their whole story when they ask for a religious ceremony; others just ask for the ceremony to be held without explaining why. (…) Sometimes, we may help reconcile people. When we get to the village during a dispute we may say something. Otherwise we do not get involved. (…) We use the Buddhist teachings to ease the tension. I say, "I beg you not to argue; you must be tolerant. You are neighbours; the animals will always eat the crop. Be tolerant and live in peace."
Monk Superior, 30, Prey Ta Koy monastery, Angkal neighbourhood, Krong Kep.

"People ask for the monks' advice only if they are related. The monks will give general advice but will not get involved in laypeople's business. They say, "If you are angry, you must calm down", "If you are poor you must work", "If you commit good deeds you will earn merits", "If you are poor in this life it is because of your conduct in your previous life. Now your actions must be good to prepare for the next life."
Mr. Saveth, 50, Svay Kravan commune, Chbar Mon district, Kampong Speu province.

Following is the opinion of a staff member of a Human Rights organisation.

"Monks may play a pacifying role with families. They do not help solve problems but speak of peace and tolerance. Practising Buddhists follow the teachings of Buddha and are not belligerent.

> But the monks are loosing some of their influence because the respect for discipline is getting lost. Traditionally, monks cannot receive money directly from people. But nowadays, people give money directly to the monks when they ask the monks to pray for them. In case of problems, people can pay the monks to pray and bring good influence to reduce the problems."
> Mr. Sam, 32, investigator, Human Rights organisation, city of Kampong Speu, Kampong Speu province.

Official conciliators: the administrative authorities

The *mekrom*, or group leader, is the lowest administrative authority. Initially appointed to set up work groups in rural areas, their role has greatly diminished, even disappeared, in the cities. In remote areas where settlements are scattered, they remain however the first close proximity administrative authority that people will contact in case of problems. At times of unrest (rising criminality, terrorism) or in election periods (political platform) their role may be reactivated both in rural and urban areas.

The *mephum*, or village chief, is the administrative interlocutor of choice for rural populations, but his position is less regarded, feared and respected than in the past. Also a local man, the commune chief –*mekhum*- supervises several village chiefs. He has an office and holds feared legal powers. Administrative authority figures above the commune chief, such as the district chief –*chauvaysrok*- and the chief of the province –*chauvaykhaet*- are more remote both geographically and in terms of relationships. People think twice before calling on them. Their role is essentially to pass matters on to the police or the courts. They hold few conciliation meetings. They are accused of letting cases drag on or of simply forgetting about them.

In town, people refer matters to the neighbourhood chief –*chausangkat* or *mesangkhat*- who holds a position equal to that of the rural commune chief. A brief survey among the urban population has shown that people rarely know the names of the local authorities, in particular the group leaders and village chiefs whose residential addresses are also unknown. The neighbourhood and district offices are usually important enough that people know where they are located. However, Phnom Penh residents, usually more educated, will not hesitate to take their case directly to the police or to the court if the problem is serious enough.

2.3. The practise of conciliation

Local authorities often have only limited means at their disposal to handle and solve problems in their area in an equitable fashion. In most instances they will use their common sense combined with a basic knowledge of the Law, tradition, Buddhist precepts and recently acquired Human Rights principles. The old traditional foundations are greatly eroded and not structured enough to serve as a framework for a current dispute management process. Many local chiefs have confessed their lack of knowledge in dispute management. There seem to have been some training sessions held in the 80s, with a strong emphasis on propaganda, but that such training is sorely lacking in current Cambodia and is compounded by the overall lack of education of an entire generation who lived through years of war instead of attending school.

> "The plaintiff brings a written complaint. We listen to his story and we summon the defendant to appear on a different day. We ask the accused his version of the story and take a deposition that is thumb printed by the accused. Then we summon the two parties and we read both statements; we listen to them both. Here, at our level, there is no question of Law or decrees. Nobody wins, nobody looses. We must reach a mutual agreement. We want to find a solution that is acceptable to both parties. During the period of the State of Cambodia we had information on a wide range of subjects but such information is no longer available so we find ways."
> Mr. Lem, 50, Boeng Reang neighbourhood chief, Doun Penh district, Phnom Penh.

> "When a person comes to the administrative office to complain, they may have already written a statement or had it written by someone they know but often we take the deposition. The plaintiff will give two to three thousand riels of his own volition to cover the administrative costs. The statement is submitted to the neighbourhood chief who decides whether to pursue the matter or not. If he decides to pursue it, his assistant will log the complaint in the book. The plaintiff will be summoned to tell his

story. Later, the accused is summoned to give his version. Then if the matter has not been settled, both parties are summoned together for a conciliation meeting."
Mr. Chhom, 50, assistant to the neighbourhood chief, Oulampic neighbourhood, Chamkar Mon district, Phnom Penh.

"I learned about conciliation by watching the commune chief. I also draw on personal experience. I rely on Buddhist principles to some extent because my father was an *acar*[8]. When there is domestic violence, I tell the husband, "When you hit others, I ask you, do you suffer? If you have ever been hit, you know that it hurts. If you know that it hurts, you should not hurt others. If you hurt when you are hit, you can understand that others hurt too."
Mr. Vannath, 52, village chief, Phum Thom commune, Kin Svay district, Kandal province.

"When I am asked to solve a dispute, I investigate. I listen to what the neighbours say. If I can find the truth, then the outcome will be based on facts. (…) This means I listen to people who are impartial. I do not listen to the parties' families. I often try to find solutions that take people's feelings into account rather than rely on the Law. But if this doesn't work, then it's the commune chief's responsibility to solve the issue."
Mr. Leak, 38, assistant to the village chief, in charge of security, Angkol neighbourhood, Krong Kep.

"People here do not know about the ancient rules. They cannot read. We do not follow any specific regulations during the conciliation meetings; it's all based on personal experience. Sometimes, the results are positive, other times, not so."
Mrs. Sen, 47 (former Khmer Rouge), head of the women's association, Pong Teuk neighbourhood, Krong Kep (new village).

The village chief sometimes gives way to another government representative that may be closer geographically or more competent: assistant village chief, police officer, militia man, group leader.

The group leader:

"There is nothing to do when you are young. My husband and I argue when we're not working. When we have a serious row, I sleep in a different bed for 10, or even 14, days. I won't yield. (…) If we cannot patch things up, I ask the group leader to reconcile us. (…) I ask him to lecture my husband. The group leader goes find my husband at the volleyball court and tells him to try and find work and stop quarrelling. (…) I prefer to go see the group leader because he lives nearby and knows us. The village chief lives far away and I don't want to bother him with mundane problems."
Mrs. Han, 24, Pong Teuk neighbourhood, Krong Kep (new village).

The assistant to the village chief, in charge of security:

"People prefer to come to me rather than discuss things with the village chief because I am a better speaker."
Mr. Leak, 38, assistant to the village chief, in charge of security, Angkol neighbourhood, Krong Kep.

2.4. Conciliation methods

We have noted local authorities have different approaches in dealing with disputes in their area. Such differences are essentially linked to the personalities, the level of education, the personal history and the place of residence of the people we interviewed rather than to any strict procedures.

1. Authoritarianism and paternalism

This attitude is encountered essentially in remote, isolated areas. Because of the areas we selected to conduct this survey, we often came across this type of approach. Indeed, we have carried out extensive research in specific areas, where the percentage of recently surrendered Khmer Rouge[9] is high. We wish to exercise caution in the interpretation of this data and in drawing possible statistics. This attitude can also be noted in remote areas

[8] Master of religious ceremonies.

[9] 1994: Chamkar Bei (Phnom Voar).
1996: Tropeang Sdav, Tropeang Pleang.

liberated since 1979. On the whole, the reference to a traditional paternalistic authoritarian figure is rather identical in all remote areas, whatever the local chief's political allegiance may be.

Authoritarianism

> "The Law exists, but I use my own judgement. First of all, I investigate both parties. If a wife complains of being beaten, I check the cause. If it is because her husband drinks and gambles, it is bad. For instance, Lok, next door, hits his wife and turns her out of the house. I solved the case based on the State Law and constitutional Law (!). I am the judge and I am mean to scare people. If I am not mean, people will not be afraid. I set the rules: everybody speaks in turn. I recorded in my book that Lok spoke first. I asked him, "What happened?" and he replied, "My wife is bad. She left the house three or four times to sell rice. She has a lover." He had already turned his wife out of the house several times. I didn't judge just yet and I asked the wife what had happened. "Did you sell rice?" "No I didn't sell any rice; I went to borrow some because we ran out. When he (the husband) gets home, he hits me and sends me packing." At that point I passed judgement and I spoke so as to make them afraid. I explained the first offence to the wife: "If there is no rice at home, you mustn't go out and provoke the ire of your husband. From now on you will not leave the house. If you go out, you will be accused of having an affair." Then I explained offence number two to the husband: "From now on your wife will stay home. If there is no rice you must go find some. If you carry on hitting your wife you shall be made to dig a 15 cubic meter hole at the monastery, to help religion." I told the wife to come see me if her husband continued beating her; that I would scare him. Since then, the husband doesn't dare hit his wife anymore. When he drinks, he goes home and sleeps. All the neighbours know how I dealt with the case. They all say it's good. Other villagers do not dare create problems. Nobody but me can advise the couple. Local people listen to me."
> Mr. Chan, 60 (former Khmer Rouge), village chief, Tropeang Pleang commune, Chuuk district, Kampot province (new village).

> "If the husband requests a divorce, I make a lot of difficulties. I never agree to it. The husband simply wants to find another wife and I know it is very hard for a divorced woman to find a new husband."
> Mr. Cheat, 46, village chief, Popeak commune, Svay Teab district, Svay Rieng province.

The following example shows that the authoritarian framework remains solidly rooted and that Human Rights principles can be used as a new type of discourse to impress the local population, without any real understanding of their significance.

> "Women are the most likely to complain of domestic violence. The husband drinks. He comes home looking for trouble and hits his wife. In one instance, the husband beat his wife with a flat stick. The wife complained to the group leader who held a conciliation meeting. But the couple didn't understand and the group leader does not have enough authority so the husband starting hitting his wife again. He wouldn't hit her head because the stick might break. If he'd hit her in the head there would have been blood and this is bad. The wife then complained to the village chief. Villagers do not understand about Human Rights. They do not try to understand each other. They stand their ground and resentment grows. People don't want to reach a mutual agreement; everybody wants to win. The husband and wife both yell and say they are right. The proper way is to solve problems and reconcile people. The matter came to me (…). The entire neighbourhood attended the conciliation meeting. They were allowed to intervene. I asked the victim, "Why did he hit you?" and she replied it was because her husband was drunk. I asked the husband why he hit his wife. He said the rice was not cooked when he got home, that his wife has lost some chickens, that she left the cow unattended and the cow ate the banana trees and that he thought his wife had a lover because she was going out a lot. The wife countered that it was the husband who was going out all the time and that he would get home in a quarrelling mood. At that point, I understood their problem and I knew who was speaking the truth and who was lying. I attempted to reconcile them using the Human Rights principles and I educated them: "All men are equal. There is no one inferior. You

> cannot abuse or torture others. It is not right. It is not good to use another as a slave. People are human beings, not animals. So when there is a problem you must discuss it rather than use violence right away because human beings are endowed with the power of speech. You can speak. You are free to speak. Now you must be reconciled and avoid arguing in the future." I spoke loudly so they would understand and stop their quarrelling. I said they must stop arguing. I spoke loudly. I wasn't talking only to them; I wanted the others to hear too. I wanted everybody to hear (…) I asked all the neighbours to attend the meeting and afterwards they didn't feel like quarrelling any longer. They understood. (…) Those who argue are afraid people will discuss it publicly. They would feel ashamed so they keep quiet."
> Mr. Long, 53, assistant to the commune chief, Tropeang Pleang commune, Chuuk district, Kampot province.

In this village, the former Khmer Rouge military hierarchy[10] has survived under cover of the government's administrative structure. Stepping outside the local structure to ask for outside help is considered treason against the former regime. People who dare do so regardless face great pressure:

> "We were given a plot of land 30 x 500 metres and the military from the next commune took part of the land we hadn't yet cleared. This land belongs to us. The local authorities gave it to us in 1994. (…) 46 families face the same problem. We filed a complaint in Kep three years ago and then with the courts. I was told the city of Kep couldn't do anything against the military. Representatives from Licadho[11] came twice. When the military took our land we were still armed and we wanted to kill them. We know how to fight. Then our weapons were confiscated, but not that of the military. So we pulled up their crops and they pulled ours. I told the authorities that if they didn't help us we would go to the courts. One night, armed men came to my house and told me if I filed a complaint with the court and I lost the case they would burn my house down and chase me out of town. (…) They are friends of the local chiefs. They warned me not to break the egg against the stone, "You are weak, you should not cause problems for the powerful". I got scared and went to see the Human Rights. The Human Rights people spoke to the vice-governor of the province about the land issue. (…) Now I think the men who threatened me won't dare kill me because they know an important man is aware of the situation. The vice-governor said he would take care of this matter but nothing much has happened until now. I met with Ta Rin[12] and told him he used to be our leader in the forest and we trusted him but that today he was abandoning his little children. Ta Rin did not want to get involved. He told me not to ask for outside help but to settle the matter among us. He said it was a difficult problem for him, that it was a problem between his former comrades from the forest on the one hand and the old companions from the plain who helped us when we were in the resistance on the other. If it had been an issue with outsiders, Ta Rin would have helped us. He is a good and fair man, better than the village chief who forgets what people tell him and gets angry if people don't listen to him. In this case, he said not to bother him and to sort out our problems ourselves."
> Mrs. Seng, 43 (former Khmer Rouge), Pong Teuk neighbourhood, Krong Kep (new village).

In another remote village, essentially settled by former Khmer Rouge soldiers who surrendered in 1996, old habits die hard:

> "I was sent to gaol from 1979 to 1992. People said I was a Khmer Rouge. Even though I personally didn't kill anybody, all the Khmer Rouge were lumped together. People said, "When a fish is rotten in the basket, then everything is rotten". Then I came here, in 1996, to get new land because my plot in Chhuk was too small to feed

[10] The village chief is a former Khmer Rouge colonel and his former subordinates are his assistants. The former head of a military zone has joined the government troops but he nonetheless continues to lead his former comrade-in-arms as well as poor populations who have settled the land recently granted by the government.

[11] Human Rights organisation.

[12] Highest former Khmer Rouge military authority, he lives at the entrance of the village. He has been given an important rank in the government army but still takes care of his former soldiers' problems.

my family. The commune chief knew my family (Khmer Rouge soldiers). He recommended me to the villagers as village chief and they elected me.
Being village chief involves setting up *puk*, small groups of three to five people, distributing plots of land and dealing with internal issues.
The system of the *puk*, small groups, is good to keep an eye on people and pass on information. The commune chief holds meetings for the village chiefs. He sets the objectives and passes on information about the district: the crops to be grown, the deforestation laws and the proper behaviour to adopt. People are told not to let animals roam free during the dry season because they eat the crops. If animals eat crops, the owner must pay for what the animals destroyed. We also talk about land distribution, what must be cultivated and when. We also tell people to avoid domestic quarrels and jealousy. I pass on the information I get from the commune chief to the group leaders who in turn, go to each house to pass on the information. There are no problems when there is strict discipline. People watch themselves and correct their mistakes. We watch them and we rectify improper behaviour. There are no bandits here."
Mr. Mon, 54 (former Khmer Rouge), village chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

In this area formerly under Khmer Rouge control, information sessions structured around the old system of population control are still organised:

"We hold meetings where one representative from each family is invited to attend. (…) There are meetings to inform people to patrol the area to keep robbers at bay, to let us know of any outsiders and to tie the oxen during the rainy season so they do not eat the crops. Sometimes we only hold meetings for the group leaders and they pass on the information to each family. We tell the group leaders to inform people. (…) When there are problems between villagers I educate them so they watch each other. I don't want to settle every single case of an animal eating someone's crop. We made it very clear. The owner of an animal that has eaten someone else's crop must pay for what has been eaten. It is up to the people to settle this amongst them. Chan Li[13] made things very clear. Everybody must show discipline and watch himself or herself. When we joined the government troops and we were given land to settle, Chan Li said any person who would let his animals roam free to eat someone else's crops would have to pay 50 000 riels to the crop owner, and that if there were problems, if somebody didn't want to pay he would go collect the money himself. When there is such an issue in the village I say, "Do you remember what Chan Li said? You heard the rules and you must follow them or he will come to see you." People respect him so they are afraid and they don't cause trouble."
Mr. Long, 53 (former Khmer Rouge), assistant to the commune chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

For those who have known only the forest and military discipline, the information meetings provide a framework to their new life. Fertile land and the promise of a peaceful future are already a source of satisfaction:

"I think the meetings are good. We are being educated and we listen. (…) We are told to guard against robbers from the outside and not to rob ourselves or we will be punished. There are no thefts here. There are no thieves anyway because we are too poor; there is nothing to steal. In the meetings we are told to work, cultivate and plant crops to improve our lives. We will make a living through hard work. We are also told about solidarity and mutual assistance. The chiefs tell us that if we don't help each other we will each just barely make a living; if we help each other we will earn more."
A group of three women aged 25 to 40, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

"People respect the Law here and we live well. We live in a time of peace and if we work hard we can harvest our crops. We attend educational meetings to teach us good farming methods and how to diversify our production. (…) We are told to ensure

[13] Former local Khmer Rouge commander now integrated into the government's army but who still retains control over his former companions.

> the animals do not eat the crops. It's good; people pay attention. If we are not told anything, we won't be as careful and the animals will eat the neighbour's crops. (…) I only want to work. The only problem is the lack of tools to work and to clear the land. (…) This is the only place I have known in my entire life and I just want to work here in peace and not make trouble."
> Mr. Saron, 35, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

Those who come from the plain to settle in new villages alongside the former Khmer Rouge stand back a bit more from the local chiefs' authoritarian attitude but confess they are powerless to unite to make themselves heard:

> "Part of the land we had been given was taken away from us to build a road. We had already paid 30 000 riels to get the first land title. After the road was built we were asked to pay a further 20 000 riels to get a new paper. We cannot complain. We don't have any powers. The village chief can take a piece of our land as he pleases. He is all-powerful. He is like the King. We have been told about development projects in the area but we haven't seen anything happen yet. We do not dare meet to discuss these issues. The chiefs told us that if we created problems we would be kicked out of the village. (…)
> People who do not create problems are appreciated. If we discuss our problems with the village chief, he gets angry and we are afraid of what may happen. When the village chief is standing next to us we don't dare say anything. We came from another district where we didn't own any land. Over there the village chief was easy to talk to, but here we are far from everything and the chiefs hold great power over us. We are like the caged tiger; we cannot say or do anything. Here, we don't know each other well. We all come from different villages. It is more difficult; there isn't much unity among people. When you have time to get to know people and you see they are mild-mannered, you accept them. (…)
> We want the right to talk about our problems. We talk among us but we don't speak up publicly. We have no leader to help and guide us. We are small and poor."
> Group of villagers, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

In a village far from the provincial capital, near the Vietnamese border, the village chief appointed in 1979 does not seem to have changed his approach since then:

> "There are no problems in the village. I manage everything. I tell people to keep quiet and not cause trouble. Nowadays we do not have any weapons to scare people into obedience but I threaten them with prison if they create problems. I also tell them that people who cause trouble might get killed by the people they are creating problems for. But there are no problems here. People are quiet."
> Mr. Liu, 55, village chief, Popeak commune, Svay Teab district, Svay Rieng province.

Authority can also be a way of compensating for ignorance, the chief's incompetence and the lack of precise rules:

> "Conciliation falls within our competences. We are not allowed to carry out divorces. As we cannot handle divorces we tell people they mustn't get divorced because it is not our job to handle divorces."
> Mr. Davuth, 56, commune chief, Angkol commune, Krong Kep.

> "I don't want the parties to bring lots of witnesses to the conciliation meeting. It becomes too noisy and confusing. I have a technique to avoid witnesses. I say that if the witnesses want to speak they must give me 10 000 riels and a packet of cigarettes. Nobody wants to pay so nobody comes and things stay calm. The village chief thought it was a good idea. If there are too many witnesses, the problem gets bigger and bigger and sometimes people even fight."
> Mr. Leak, 38, assistant to the village chief, in charge of security Angkhol neighbourhood, Krong Kep.

Here, authority is used to show compassion:

> "One man had an old plot of land (during the *Sangkhum* period). He and his first wife separated during the *Sangkhum* and he remarried. (…) His first wife also remarried and had children. (…) The man is now dead but his second wife has been cultivating the land since 1979. She traded some rice for a paper stating she has been occupying the land. The children from the first marriage requested the second wife turns their parents' land over to them. She refused because she is old and very poor; her only property is this plot of land that she cultivates with her adopted son. The second wife came to me for assistance because the children from her husband's first marriage were being mean to her. One of the children first ask to exploit one sugar palm tree, then a second, and now, using his father's inheritance as an excuse he want to get the land off her. (…) The second wife came to see me directly because I live next door. I got in touch with the village chief because it is easier to solve a problem when several people think about it. (…) The village chief, myself, the second wife, both children from the first marriage and five witnesses attended the conciliation meeting. I told them I didn't know the family's history but that I recognised the right to the land to those who occupied it in 1979 and held a title deed. The Law says each landowner can occupy 17 *kongs*. This is called the 1979 Law. In 1989 we issued title deeds in the names f people who were occupying land at the time. People may not have the papers any longer but their names are registered at the commune's office.
> The second wife said, "The land belongs to me ever since I married the father of these children and everybody knows it. I have already given them the palm sugar trees but the land is all I have left and I am old and poor so I want to give the land to my adopted son if he will take care of me" (…) I wrote a letter of intent including her request. I asked all of them to thumb print the statement. They agreed. I didn't want to bow to pressure from the first wife. They have a karaoke room and they are doing fine financially. I took pity on the second wife who is old and very poor."
> Mr. Leak, 38, assistant to the village chief, in charge of security Angkhol neighbourhood, Krong Kep.

<u>Paternalism</u>
Based on traditional behavioural patterns, the chief is likened to a father leading his children. The same way a good father shall raise good children, a good chief shall control people who do not cause trouble.

> "If the chief is good, there are no problems among the people. If the seed is good, the harvest shall be good. The chief makes for good or bad people."
> Mr. Chan, 60 (former Khmer Rouge), village chief, Tropeang Pleang commune, Chuuk district, Kampot province (new village).

> "Meetings are good; they entice us to work. It reminds me of good things. It's like a family reunion. Myself, I always repeat the same things to my children and sooner or later they take it in. The commune chief and the village chief do the same thing and we listen to them. It is not good if there is no leader. You need somebody to lead people. It's like a herd of cattle without a shepherd. You need a shepherd otherwise the cattle scatter about and go nowhere."
> Mr. Sokhol, 57, Tropeang Pleang commune, Chuuk district, Kampot province (new village).

> "Religion and solidarity have made a come back nowadays. It is better than during the *Sangkhum* period because the roads have improved and there are more bicycles. The former moral values are coming back. I tell young people to show respect for their elders. The chiefs must lead through example. They must work hard, not drink and not gamble. "If the teacher is good the students will learn. If the teacher is poor, the students will fail". A good leader does not get angry. But we must show our strength so our little children will respect us."
> Mr. Chan, 60 (former Khmer Rouge), village chief, Tropeang Pleang commune, Chuuk district, Kampot province (new village).

The “little children” bow to power, whatever guise it might take.

> “We are like puppets and we listen to the *Angkar*[15]. We listen to what the Organisation tells us. The Organisation is good. The Organisation tells us what to do. We follow. We do not argue against the Organisation, there are no problems. Thos who argue with the Organisation are ignorant. They have no respect for anything. We must show respect to people with knowledge, to those above us.”
> Mrs. Sarom, 52, Popeak commune, Svay Teab district, Siem Reap province.

2. Exclusion

In Kampot, the former radical methods employed by the Khmer Rouge to deal with problems such as the physical elimination of persons- are no longer in use, but the former Khmer Rouge military leaders have been promoted village and commune chiefs in the name of National reconciliation. They are slowly adapting to the new regime and sometimes choose to expel people from the village as an easy solution to a problem. Below are instances where we have noted local chiefs exerting pressure on people who do not agree with them to force them out of the village:

Using the administrative channels to exclude someone:

> “Nowadays, leadership is modern. People are not afraid any more, particularly outsiders who come from other villages. They don’t want to listen. If they create too many problems I suggest they go live somewhere else but I have no authority to drive them away. The only way is to write to the chief of their native village (where they lived before) and ask him to tell them to come home. These people are outlaws. They have rights but they don’t obey the Law. I don’t want the problem to get bigger so I ask them to leave because I don’t want to hurt them. (…) I cannot hurt them because we are all Cambodians.
> In the meetings, I’d rather speak about everybody’s problems than deal with individual problems one by one. It’s not good and the others simply waste their time. During the Khmer Rouge regime we spent too much time in meetings, talking about individuals’ problems during the self-criticism sessions. We would have been better advised to work. It wasn’t fair. Everybody had to speak and if one person did not like another, he or she would tell lies so the other person would be punished. Now people want peace. People want to work. There is a lot of work here. People clear the land to cultivate it next season. We are far from the decision centres (the towns); we solve disputes and problems based on personal experience. Different people will have a different interpretation for the same event. When problems between people become too great it is better that they go someplace else. Here, we only want people who work and do not make trouble. People must calm down. If they are not happy, they can just go.”
> Mr. Yu, 56 (former Khmer Rouge), assistant to the commune chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

An “outsider” is under pressure from the entire village and must leave:

> “A woman borrowed 60 000 riels from the moneylender to buy rice. The moneylender’s son beat the woman’s pig and she asked for 60 000 riels compensation. The moneylender said she agreed to pay 30 000 and demanded the woman pay back 30 000 riels over the 60 000 she had lent her. The group leader agreed to such a solution and asked the woman give 30 000 riels back to the moneylender. The woman wasn’t pleased and went to the village chief, who said the same thing the group leader had. The next day, the woman and her family were gone. She sold her land for 800 000 riels. (…) The woman was an outsider. Here we are all related. We like know each other and we appreciate each other. The woman came from a different village. She must have been afraid and she fled. (…) I don’t know what she was afraid of. We are all like brothers here and when there was this issue

[15] Even though the area has been freed from Khmer Rouge control since 1979, in this isolated village in Svay Rieng province, as in may other villages throughout Cambodia, people still use the Khmer Rouge terminology, *Angkar* – Organisation- to refer to the government. People do not question the power of the local authorities, whatever the authorities’ political credo might be.

about money she must have thought people were going to kill her. But nobody hurt her." Mrs. Rithy, 22, Pong Teuk neighbourhood, Krong Kep (new village).

People who make trouble, people who dare speak up against the local authorities and thieves are forced to go. They may even face death threats:

> "At the beginning, the local authorities, who are former Khmer Rouge, would intimidate people. They would say, "People who make trouble are killed as fertiliser". In actual fact, I don't think they ever killed anybody but when someone has a problem, he or she must leave the village. The most serious offence for which we talk about death penalty is theft. It happened once with a man who had stolen a sewing machine from a development programme run by an International Organisation. We said he was going to be killed but I don't think he was killed."
> Mr. Ken, local staff, International Organisation, Pong Teuk neighbourhood, Krong Kep (new village).

In this village, a violent man is thrown out:

> There was a man who was squandering the household money; he was going out too much. In turn, his wife started acting the same way. The man got angry. He accused his wife of having an affair. He was jealous. When the husband got jealous he would row with his wife and hit her. The wife came to see me once after a row to help her and hold a conciliation meeting. She wanted her husband to sign a written promise that he would stop wandering. The husband came and in the letter I wrote that if he carried out wandering he would have to leave the house without anything. (…) If the husband doesn't agree with my decision he can go see the assistant to the village chief and the chief himself. As a rule, I settle 90% of issues. The people who do not want to listen are outsiders."
> Mr. Nuon, 42 (former Khmer Rouge), assistant to the village chief, Pong Teuk neighbourhood, Krong Kep (new village).

In another village, we note a method of dealing with a conflict situation is to remove the root of the problem:

> "Here, as a rule, we do not say anything. If a battered wife doesn't complain, nobody will say anything. It's a family matter. Women rarely file a complaint because they want to stay with their husband, even after they have been beaten. But when the situation becomes unbearable, the wife will complain to the village chief. After the third warning, the husband must leave the village without taking anything with him, as is stated in the second letter of warning. There was a case like this last year. The wife wasn't ashamed to complain to the village chief. The husband had signed a letter and committed to stop hitting his wife or he would have to leave the village. (…) The man was made to go when he hit her again."
> Mr. Samat, 45, Takaen commune, Chhuk district, Kampot province (new village).

In this village, the attitude is similar but the procedure more lenient:

> "We encourage conciliation rather than divorce in cases of domestic violence. The husband beats his wife; she wants a divorce; he doesn't agree. We conciliate and write a letter in which the husband promises not to hit his wife again. If the wife doesn't accept the conciliation or if she is beaten really violently, the matter will go to the neighbourhood office and the local police will intervene. They write a new letter of promise. If the man hits his wife and draws blood again, the police will give him punishments such as weeding and carrying dirt for one day. If her husband hits her again, the wife can seek refuge at her parents, but she is usually ashamed in front of the neighbours. As a rule, men who hit their wives always do it again. They say they will stop and then they do it again. If there are no children and the situation becomes too difficult for the wife, I will help with a divorce, but when there are children involved we try to prevent people from getting divorced.
> In some extremes cases, when the man is particularly cruel and when we have made several attempts at conciliation and given punishments, we pressure the husband into leaving the village. I try to protect the wife by sending her to her parents' and I take

the husband on night patrols to watch out for robbers. When he's had enough, he leaves the village."

Mr. Leak, 38, assistant to the village chief, in charge of security, Angkhol neighbourhood, Krong Kep.

Fighting off the pressure from the local authorities

We have noted an increasing number of people who dare fight off pressure and intimidation from the local authorities in remote villages and, more frequently, in peri-urban villages or villages near major roads.

Srey Pov warded off pressure and intimidation from the village chief. She puts it down to her higher-than-average level of education:

"I settled on this land in 1979. Five years ago Sombat, who owned the land at the time of the *Sangkhum*, sold the plot to Rath, who then claimed the land from me. I don't want to leave, this is my land; I have been here since 1979. Rath told me he would destroy my house if I didn't give him the land. The group leader held a conciliation meeting. He put pressure on me. He said Rath was the owner since he had bought the land. He had a proof of purchase signed by the former village chief. The village chief thought it was better to help Rath's family since they are wealthier than us. My neighbours saw the village chief drink with Rath. They are friends. The group leader tried to put pressure on me but he didn't know I studied at the district as head of the women's association. I didn't give up and the matter went up to the village, the neighbourhood and the district office. People in the village sided with me or with Rath. The poor people, i.e. two thirds of the village, were on my side and the wealthy were on Rath's side. They know each other; they drink together. (…) Now, both the village chief and the neighbourhood chief are dead. Rath has less support and nobody mentions this issue any longer. I didn't give up because I am educated; I didn't get scared."

Mrs. Srey Pov, 48, Kep neighbourhood, Krong Kep.

3. Hushing up the issue

The following examples show instances of problems being hushed up to preserve the social consensus, to hide shame when one thinks the issue is not important or simply because people do not know how to solve the problem. The conciliators often mention tradition to justify such practice. This attitude is prevalent is dealing with social issues such as domestic quarrels and life in society. Keeping quiet is the norm.

In this traditional rural and partitioned society, it is particularly important to maintain the harmony of the family unit. Family members and conciliators alike will try to preserve the familial consensus. However, if both the husband and wife agree to divorce, the conciliator will support a separation that is in fact consensual. The local authorities are noticeably reticent to deal with domestic quarrels. They gently dismiss them. People are not comfortable interfering in domestic matters.

"I ask both the husband and the wife to come to my house for the conciliation meeting. Their respective families often come along. They have already discussed the issue and each family sides with its offspring. I do not allow neighbours to attend because otherwise there are too many people and you cannot hear anybody speak. The first one to arrive presents his or her case. If both people start talking loudly and getting angry I ask them to calm down. As a rule, it's best to wait for one day after a big row, time for things to settle and the anger to die down. Once I have heard both parties I give them advice. I talk to them as a father to his children. I tell the wife, "Women must be tolerant of men. Women must be tolerant and learn to convince men. You must be patient and remain calm". I reproach violent men for their behaviour, "You cannot hit your wife. It is bad. If she is injured you will spend money to pay for the hospital. (…) All men are the same. They want to keep face. According to Khmer tradition, you cannot do as you please, it is forbidden to hit or beat somebody up. You are hitting another human being. You have no right to do so".

Then I speak to both of them together, "We have children; we have grandchildren. When the parents separates, the children are orphaned". We talk about shame, "If you separate, if you quarrel, the neighbours will make fun of you. This will ruin your family's reputation. You children will have difficulties finding a spouse. Others will say

they do not want to marry someone from a bad family. (…) We mustn't argue, all of us; we are grown-ups and we have the same age so why argue?' I also guard people against making rash decisions, "You are fighting but tomorrow you will be together again. (…) When you are single and alone you only rely on yourself but when you are married with children it is difficult to divorce. Where to go? It is not easy to go back to one's parents'. There are problems when several people live together and share the same pot. The child wants to eat at 3pm but the mother wants to eat at 5pm; it creates problems. The child is not used to obeying his or her parents any longer. It is easier to stay alone than live together. It is difficult to live with another family!" Once I say all this, they understand better. (…)
I've been the village chief for 20 years and about 8 couples out of 10 make up. The other two, I pass on their case to the commune authorities.
(…) Conciliation is an oral process. I write a paper only if both people want a divorce. I make three copies: one for myself, one for the husband and one for the wife.
When the matter is serious I ask the elders to help me talk to the people. The elders help me. They use tradition to put pressure on people."
Mr. Tareth, 57, village chief, Svay Kravan commune, Chbar Mon district, Kampong Speu province.

"We only have the power to reconcile people, we cannot pass judgement. When people talk about getting divorced, I quickly hold a meeting before they separate. I listen to them and try and find arguments to keep them together. I tell them, "You were together, you have many shared memories, and you cannot break up so quickly. If you are angry at each other you will loose everything."
Mrs. Pan, 46, chief, Psar Kandal II neighbourhood, Doun Penh, Phnom Penh.

"At the conciliation meeting I say, "You used to love each other. You had children together. Stay together to raise your children. Stop quarrelling. When you drink you argue and you do not work, you loose money. If you hit your wife and she must go to the hospital you loose a lot of money because the care is expensive. Quarrels cost money. You must stop fighting. Calm down."
I give advice. When a couple wants a divorce, I say, "There are many plates in one basket. When there are many quarrels, the plates bang together and break". If the issue is not so serious, people must remain calm, show patience and forget about it. One must also be tolerant when there are problems with the neighbours. Neighbourly relationships are very important; when there is a problem the neighbours can help."
Mr. Lem, 50, chief, Boeng Reang neighbourhood, Doun Penh district, Phnom Penh.

"We listen to both parties, we advise them and we try to find a solution. In instances of domestic quarrelling we try to reconcile people and we talk about the consequences of one's actions. We tell them, "Divorce, violence and insults are no solution for a family; the solution lies in tolerance, patience and admitting one's mistakes. Leaving one person to go live with another is not good". We also talk about hard facts, "What will happen once you divorce? How and where will you live? What will happen with the children?" But if there is no hope, we let them go to court."
Mr. Chhom, 50, assistant to the neighbourhood chief, Oulampic neighbourhood, Chamkar Mon district, Phnom Penh.

In this village, concern for social order prevailed over open an investigation at the request of an outsider.

"Dom is a policeman. He is married with two children (…). He grew up here. He hired a young girl from another village to work as a servant in his house. The girl complained to the village chief that Dom had raped her. The man said it was untrue. We held a conciliation meeting with the girl, the man, the village chief and a few elders. An elder analysed the situation and told the girl she had dreamed the whole thing, that it was a woman's dream. The girl was agitated, she was contradicting herself and was crying. She was saying it was true and then saying it was a lie. When we asked her what she wanted she said she wanted twenty or thirty thousand riels. I said to the girl loudly, "So, is it true or not? You must be clear, so concentrate and be precise. It is useless to make things up". I told the man, "You cannot fool around with

someone outside our family. You must behave. We must keep this business quiet to avoid shame".
We didn't investigate. We wrote a conciliation paper stating the complaint was a false statement and that she shouldn't tell lies or complain anymore. (…) The girl went back to her village. (…) She came from another village so she wasn't ashamed. (…) If she had been a local girl we would have discussed the issue with her family to work out a financial compensation agreeable to both families."
Mr. Puen, 68, Svay Kravan commune, Chbar Mon commune, Kampong Speu province.

Any issue the village chief deems irrelevant is difficult to solve. It is simply cast aside:

"I have only encountered two cases of domestic quarrels since 1998. Both times it was the wife who complained. In both cases I didn't want to hold a conciliation meeting. I said there were no proofs. We need proof. If there is no evidence, I don't bother. There are many stories of jealous wives. They say their husband has a mistress and that I must talk to the husband and frighten him. If there is no evidence, I don't go. I tell the wife, "You tell me your husband is seeing another woman; I need evidence". If I have heard nothing and I am not aware of anything, there is nothing I can say. It's better when people educate themselves and deal with such matters themselves. It is shameful to discuss such things publicly, in front of the elders and the monks. We don't really want to know. When the husband drinks and we hear nothing when he gets home it means there are no problems."
Mr. Mon, 54, village chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

"People don't always answer the summons. We go looking for them. We may meet the accused at his house, ask for his version of the story and try to reach an agreement with him. If a complaint has been lodged with the courts, we let the courts handle it. If we cannot find the accused, we ask the plaintiff to withdraw his complaint."
Mr. Chhom, 50, assistant to the neighbourhood chief, Oulampic neighbourhood, Chamkar Mon district, Phnom Penh.

Avoid raising an issue for fear of creating resentment

"A pig ate some manioc plants. The crop owner demanded 5000 riels for each plant destroyed. I told him, "You are talking about your neighbour; chance made you neighbours. If you encounter problems in your life only your neighbours can help you. Do not create problems with them". I tell people to calm down and give them advice so they won't do it again. I say that asking for the manioc plants to be reimbursed is not good. It might cause resentment and the neighbour won't help in the future. If both people want to live in harmony, one of them must resign to the loss of the crop."
Mr. Mon, 54, village chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

The issue will be hushed up to maintain neighbourly relationships in the future:

"I say, "It's a small issue, not worth ruining the friendship. If your house catches fire, only your neighbours can help. The others are too far away. It's the same when you are ill. We need our neighbours. We mustn't quarrel with them."
Mr. Vannath, 52, village chief, Phum Thom commune, Kin Svay district, Kandal province.

Using tradition to advocate backing off and resigning oneself

Ancient cultural and religious foundations mould people's behaviour. However, more than a true code of conduct, it is generally a case of reproducing attitudes know as "traditional". People are often heard to say, "We do it this way because it is the tradition" to explain or justify their actions while being unable to refer to any specific code or regulations.
Many references are made to proverbs and religious Buddhist principles at the conciliation meetings. Our survey noted that the references made to tradition essentially focus on the Karmic doctrine of reaping the harvest of previous actions (people who have difficulties today are facing the consequences of their actions in the previous life and must resign themselves – today's actions will determine the next incarnation) and on showing respect for proper behaviour, characterised by a calm and withdrawn attitude.

One proverb is often mentioned in reference to justice: “We are the grain of rice in the husking mill; crushed from the top and from the bottom”. If a “small” person encounters legal difficulties, he or she will be crushed from all sides.

People often refer to tradition in relation with domestic quarrelling. Great pressure is put on the plaintiff to prevent a split up. Battered wives are often expected to yield to their husband’s will and resign themselves. The local conciliation process rarely offers divorce as an escape from a failed marriage.

Beliefs in the Buddhist principles advocating detachment and non-violence and in the Karmic theory are expressed through inevitable resignation to a difficult fate, accepted as the consequence of past actions, and through the adoption of proper behaviour to prepare one’s next incarnation.

Consequently, a bad marriage is the result of a bad karma. Traditionally, a failed marriage is blamed on the wife:

> “I tell the wife, “Your current life is the outcome of your previous life. If somebody was poorer than you and now he is wealthier, it is the consequence of good and bad deeds. You must resign yourself”. When people divorce, the woman will face difficulties as a single woman. Traditionally, when a woman is alone people always think she was the one to blame. It will be easier for a man to re-marry. The man never gets the blame. Single women are said to have been abandoned by their husbands because they were good for nothing. Men are always advised not to marry a woman who was married before. She has no worth. She couldn’t hold her couple together. Even if the man is to blame because he drinks and hits his wife, people will not say anything against him. He can re-marry if his wife gives her written consent, even without any divorce papers. That’s the way it is.”
> Mr. Vannath, 52, village chief, Phum Thom commune, Kin Svay district, Kandal province.

Another way of avoiding future conflicts is to mention the consequences bad actions will have on people’s next incarnation:

> “When two people quarrel, one of them must calm down, show tolerance and resign him or herself. The fire of rage dies down and things are peaceful again. I also try to mention the concept of Karmic retribution for one’s actions. I say, “Here are the consequences of problems in your previous life. If you are angry now and you seek revenge, you will reap what you sowed in your next life. You must look back and remember the advice of your ancestors. Be a model family that does not cause trouble and others will respect you.”
> Mr. San, 70, master of ceremonies, Chek commune, Svay Chum district, Svay Rieng province.

But tradition and Karmic references seem to have a lesser impact on Phnom Penh’s urban population:

> “Country folks and people over 40 refer to *Karma*. They say that current living conditions are the consequences of previous actions. But young people do not care about *Karma*. They don’t go to the pagoda. In reference to everyday life, they say they have no luck or that they didn’t play the right cards with people high up. (…) For instance, they say they did not buy girls (prostitutes) to win their boss’ favours.
> Even among older people, there are some who do not believe in the teachings of Buddha. They go to the pagoda at *Pchum Ben*, the festival of the dead, but it is more to show off and assert their prestige by giving money to the pagoda than because they are true believers. The neighbours will spread rumours if someone doesn’t go to the pagoda. Where is he from? Is he a Christian? Nowadays, the more the level of education improves, the less people believe.”
> Mr. Soy, 48, Phnom Penh.

We have recorded that tradition does not consider hitting one’s wife a serious offence as long as “the wife does not bleed from the head”. In the following case, the matter has more to do

with showing disrespect to an older person (hitting one's father-in-law) than with severely beating one's wife:

> "Nhiel got drunk. He came home, hit his wife and broke her arm. His father-in-law tried to intervene. Nhiel got hold of a stick and swung it at his father-in-law. The neighbours held him back. Nhiel got even angrier. He wanted to tear the house down and started banging on the walls. His took his father-in-law's oxen and left. The father-in-law asked my help to get the oxen back. I met with Nhiel and told him to give the animals back because it was farming season. I told him not to destroy the house and to go back to his wife because they have seven children. Nhiel didn't want to listen. I told the father that since he couldn't get along with his son-in-law, it would be better for him to leave the house. The in-laws agreed. They gave their house to their daughter and built a smaller one next door for themselves. They took only a couple of oxen and left the other two to their daughter. I told Nhiel to ask for his father-in-law's forgiveness (…) for presuming to hit him (…). The wife agreed to such an outcome. She was very happy that her husband had asked for her father's forgiveness. (…)
> The insult made to his father-in-law was a more serious matter than the fact of hitting his wife. We must be grateful to our parents and in-laws because they took great pain to raise their children. (…) It is not good to hit one's wife, but it is one's wife and it remains a family matter."
> Mr. Sombat, 61, village chief, Angkal commune, Krong Kep.

The wife gives her side of the story:

> "My husband was drunk. He came home and I told him I was upset because he had lent a pair of oxen without my consent. (…) The oxen belong to my parents. I told him I had promised to lend the animals to someone else. Things got worse and we had a fight. My parents intervened to break it up. My brother went to complain to the village chief, who came along with his assistant. The village chief told us to stop quarrelling. Since my husband had been the violent one, I spoke first. I said that women's weakness is to not possess men's physical strength to get their revenge. The only strength a woman has is to insult her man. I am not as strong as a man and I have a baby; I cannot hit my husband. I said my husband wanted a divorce but that I didn't. I have too many children to bring up. Some of them go to school. It is better to write a promise. The promise states that if my husband goes out a lot, I have the right to complain but not to insult him. If a wife doesn't insult her husband he doesn't get violent and they can be reconciled. We also wrote that if my husband hit me during an argument, we would use the promise to send my husband to the neighbourhood police station. My husband promised not to do it again. I try to calm down and resign myself and see if he will respect the promise he made. I don't want things to get worse because I have children to bring up and I need a husband. If he doesn't respect me I will notify the village chief. (…) In Cambodia, women work as hard as men in the fields but in addition they must take care of the children and do the household chores. They should have equal rights, even more rights than men. I heard on the radio that women had more rights than men."
> Mrs. Kong, 39, Angkal commune, Krong Kep.

When husband and wife come into conflict, the woman confronted with a difficult domestic situation does not benefit from tradition:

> "When I hold a conciliation meeting, I take into accounts the criteria that define a good wife, that is to say compassion and tolerance. I tell the wife she must endure her life and resign herself."
> Mr. Sarin, 59, representative of a local association for micro-credit and rural development, Pong Teuk neighbourhood, Krong Kep.

The mother of a girl requesting a divorce approves the approach of the village chief who puts pressure on the couple not to divorce:

> "My daughter is young. She married a lazybones. One day they quarrelled and, she insulted his parents. Her husband was very angry. I told my husband we should wait,

that she would gradually learn to live with her husband, that she was young and too demanding, that she needed to be more tolerant. My daughter would get angry when her husband went to play pool or volleyball after work. Her husband didn't want a divorce, but his parents said my daughter had insulted them and was going around calling her husband lazy. We all went to see the village chief together. I was upset because my daughter had only been married for three months and I had spent one million riels for the reception. (…) The village chief held the conciliation meeting with his assistant, who is head of security, and Ta Chum, an influential man in the village. The assistant asked the boy to tell the story and then he asked my daughter. The parents were not allowed to say anything. The village chief and his assistant advised them not to divorce. Then they gave the couple one week to think it over. At first, my daughter's husband didn't want a divorce, but in the end he agreed. I think justice is very fair here. The authorities have a responsibility no to break up marriages so they put pressure on the husband and wife. But if both want a divorce, the authorities accept the situation."
Mrs. Chhem, 48, Pong Teuk neighbourhood, Krong Kep (new village).

4. Amicable settlement

The conciliation process plays its role fully when it comes to "easing a complex situation" and is well perceived when it allows both parties to settle a dispute amicably. Each party will make concessions in order to reach a consensus, with none the looser. Nobody looses face and the equilibrium is maintained. This may involve reaching an agreement over certain attitudes to be changed (for instance, the husband commits not to hit his wife anymore while she promises to stop wandering) or over a financial settlement (for instance, the person who caused an accident, injured or killed someone will pay the other party an agreed sum in compensation).

Reaching a compromise

"We can hold conciliation meetings but we cannot pass judgement. Only the courts can deliver a verdict. I listen to both parties one after the other and I try to get them to talk to each other. I do not favour one over the other. The idea of conciliation is that both parties must give and take. If an animal has eaten the neighbour's plants, we do not ask the owner to repay the full amount lost, we ask for a little less (…). This is to promote solidarity."
Mr. Cheal, 51, village chief, Nokor Thom commune, Siem Reap district, Siem Reap province.

"In our village, issues over land boundaries are easily solved. In 1994 we distributed plots 30x500 meters. Disputes are solved measuring the plots. If a person has taken some of his neighbour's land and cleared it, we ask the owner to pay a small compensation for the clearing work. If the owner of the plot has no cash, he may take a similar chunk of un-cleared land from his neighbour's plot. Both parties get something."
Mr. chum, 54 (former Khmer Rouge), village chief, Pong Teuk neighbourhood, Krong Kep (new village).

The village chief may makes arrangements for the divorce when both parties are in agreement:

"Lom is a spendthrift. She never saves up. Her husband's parents want him to divorce such a woman. (…) Her husband wants a divorce too. I didn't want them to divorce so I told them, "You are already married; you have children". But then Lom said she too wanted a divorce. We wrote up a letter stating both the husband and wife agreed to divorce and we split the property. What belonged to each one of them before they were married remains their personal property, and what was acquired during their life in common is shared between them. If they bought a pair of oxen, they will each get an ox. The rice is divided in two. If they have children, the eldest stays with the father and the younger one with the mother. Small children stay with their mother. Often we will give the wife preference if she wants to keep the house. If the husband doesn't agree, the house is dismantled and they each get half the wood."
Mr. Savet, 55, village chief, Pong Teuk neighbourhood, Krong Kep.

Tradition goes a long way in helping to solve small land issues such as land boundaries, ownership of fruit trees and water drainage. In case of more serious issues related to land ownership, tradition (land of the ancestors, farming customs, inheritance) is combined with, or gives way to, the Law -at least what people know of it, particularly in places where plots were distributed to villagers.

> "A long time ago, Ta Mao owned all the land. Now the land is divided between all his children and grandchildren. They all live next door to each other. (…) In 1979, people moved back here and took the ancestors' land back. In 1983, grandma Yiey Yin, who didn't own any land in the area prior to 1975 and was the second wife of a local man, asked her niece if she could settle on part of her land. Her niece agreed. Then, Yiey Yin gave her grandson permission to move in on the land. Now, her niece wants to reclaim part of the land to build an extension to her house. Yiey Yin won't let her. She says the land is hers. We held a conciliation meeting attended by the entire family. The family all said she had to give part of the land back. They all shouted at her and she left angry. I listened. The family was right, (…). I told them according to the Law, the land belongs to the person who has occupied it since 1979. It should therefore go to the grandmother. But there are all brothers on this land and they know each other well so it is better to respect one another, show solidarity and act according to the tradition. The grandmother must give part of the land back to her niece. (…) Ours is an old village; we follow tradition; we prefer to obey the law of the ancestors. Everybody understands. If we referred to the Law to solve a case like this one, people wouldn't understand. We can't do it that way. We must stay united."
> Mr. Cheal, 51, village chief, Nokor Thom commune, Siem Reap district, Siem Reap province.

Customary law is used to solve an irrigation-related dispute:

> "Land-related disputes have mainly to do with boundaries and neighbours. When we rebuild the small dikes, some people may move them aside slightly to their advantage or damage them. It is sometimes unintentional. I go on site to inspect things and we tighten a rope to check the alignment. In the rainy season, there are problems linked to water held back by the small dikes. We enforce customary Law. The owner of the rice field uphill owns the small dike downhill and may open it any time he wishes to let the water out of his rice field. He can also let the water out from the sides. When the owners of the rice fields downhill don't agree, quarrels break out. We must follow customary Law that states people must respect water flow."
> Mr. Saveth, 50, village chief, Svay Kravan commune, Chbar Mon district, Kampong Speu province.

Following is the example of a conciliation meeting attended by the village chief, the group leader and a group of villagers to solve a land dispute:

> "A long time ago, the road was straight. The land belonged to the old Yi and Huen. Because the road was muddy they built a curve on the land next to the road, with the owner's consent. Today, the owner's daughter wants to reclaim the land and is asking the road's original layout be restored. Old Yi and Huen are asking for 100 000 riels in compensation for returning to the original road layout that goes right past their house and would now split their field in two. (…) When the problem first arose, I held a meeting attended by all the road users (they are all members of the same extended family). They said they wanted the old road back because it was straight. I asked each of the 14 families to contribute 10 000 riels. People would have rather given 5 000. I told the woman who wanted her land back to make an effort and contribute 20 000 riels. She agreed. The problem came from the third family on the road, Yi and Huen's son, who also requested 100 000 riels for the road to go by his house. I told him his case was different and that we were only giving compensation to his parents because they are old and poor and we must help them. I asked the grandmother to share the money with her son but she refused. For now, the situation has stalled. The village chief held two conciliation meetings of no avail. So we wait."
> Mr. Savoeun, 41, group leader, Pong Teuk neighbourhood, Krong Kep.

At this point in the interview, a woman arrives informing the group leader that the village chief is asking him to assist in a conciliation meeting being held to solve this very issue. We all

make our way to the site of the dispute. About twenty people are seated in a field, around the village chief who is writing minutes for the meeting. The conciliation meeting seems already well under way. The village chief quickly updates the group leader on current progress. The discussion is now revolving around the amount of money each family should pay the grandmother. The atmosphere is friendly and family-like. The mood oscillates between playfulness and mock anger. The women are teasing, making witty remarks that are taken up by the men present. They address the village chief sharply, and tell him he is going to leave them naked if they have to pay. The group leader starts speaking firmly and gives strong arguments for why they should pay. In a histrionic way, he announces he will give 10 000. The village chief writes his name and the amount down in the letter of promise. Others pledge 5 000 and the village chief again writes it all down. One woman is upset and refuses to pay for a road she always used for free. The group leader tells her, "You own large paddy fields, just sell 5 kilos of rice". Everybody has a good laugh. An old woman tells the group leader to write down that only those who have paid will have access to the road. The group leader tells Yi and Huen's son that they are not talking about a financial gift to the old couple but rather than the money collected will be used to buy them a ceremony at the pagoda. As such, he cannot claim compensation as well. In the end, the son grudgingly drops his claim. The group leader says people must show compassion for the elderly couple and that with the money the 14 families will organise a beautiful party. All the families present finally agree. The village chief also noted down the names of the families who did not attend and the sum of 5 000 riels next to their names. An agreement has been reached and the conversation moves on to other topics, such as the price of a certain species of fish. The group leader announces that the next day, as an act of solidarity, they will all go together to the monastery[16] so each person must prepare a meal and some offerings for the monks. In the meantime, the village chief gets the grandmother to sign her own promise: she agrees to drop all claims to the land that will be used for the road. Then, the village chief and the group leader have markers placed to show the future road layout and designate a few men to come build the new road the next morning.

The group leader led the discussions. The village chief simply recorded in the letter of promise the names of the people who are financing the road. He also wrote a letter of promise that states the elderly couple agrees to trade the land for the money and promises to drop all claims to the land.

Following is a conciliation proposal put forward by the village chief who suggested splitting the problem in half. Tith is not pleased with the outcome but nonetheless accepts the chief's decision:

> "There is a pond between two rice fields about a few dozen meters apart. Tith and Yu own the rice fields. They both wanted to extend their plot and each one claimed ownership of the pond. (…) Before that, nobody owned the pond. I suggested we divide the pond in half so they would each own part of it. They both refused. So I declared the pond public property. Their stubbornness lost them both the pond."
> Mr. Khal, 49, village chief, Pong Teuk neighbourhood, Krong Kep.

Tith replies:

> "The matter is not settled yet. I am not pleased with the village chief's proposal. There was available land between my paddy field and Yu's. I cleared the land all the way to the pond. Yu complained to the village chief and then to the commune authorities. I cleared the land in '79; it belongs to me. At first, I agreed to cede some of it to Yu but he is so arrogant I changed my mind. He said I had no rice to cultivate a paddy field on this land. The village chief's solution is to split the land in two. I don't agree. They said the same thing at neighbourhood' headquarters. I refused. Yu agrees for the land to become public. I wanted to plant trees around the pond but Yu forbade it. He sold his land to a policeman and then said the land around the pond was public property. I am not happy with the way the village chief dealt with this matter but I don't want things to get out of hand and cause even more problems. So I have to resign myself. I don't want to fall out with Yu. (…) I think the village chief is a good man. We think of

[16] A travelling theatre company is holding a performance that evening.

him as our father; a father who looks after his little children. (…) I am disappointed with the outcome. I cleared the land, I worked on it and then I was told to share it. But well, I accept the suggestion from the village chief and the neighbourhood chief."
Mr. Tith, 47, Pong Teuk neighbourhood, Krong Kep.

Yu's side of the story:

"Tith wanted to spread his rice field towards mine. He wanted to take all the land. He cleared the land. I put markers to show my plot's boundaries. Tith said I couldn't claim land without clearing it. I replied I was talking as much free land as he was. (…) He wanted the entire pond to plant trees. I said the pond was mine because my grandfather used it. We went to the village chief who suggested splitting the pond in half. I wanted all of my grandfather's pond. In the end, the village chief declared the land public and said everybody could use the pond. I accept his decision."
Mr. Yu, 53, Pong Teuk neighbourhood, Krong Kep.

Financial settlement

Many matters are settled after financial negotiation. As a rule financial negotiations are used to settle traffic accidents, accidental damage to property and problems between people but they can also be used in connection with penal cases.

"Many penal cases are solved with money. The assailant must help the victim or the victim's family. People prefer the guilty party to give money rather than he or she be sent to prison, particularly when the damage is unintentional such as in traffic accidents. For instance, if a person dies in a traffic accident, his or her family will ask the surviving driver for financial compensation even if he or she is not to blame. We do not consider too closely who was in the right and who was wrong. The person who caused death, even accidentally, will pay money to the dead person's family, even if the dead man or woman was at fault.
For instance, a taxi crashed into a truck. The taxi driver died. The truck driver is asking the dead man's family to pay for the damage to his truck. Us, we try to reduce the sum claimed so the bereaved family is not burdened too much. This is conciliation. We get both parties talking to each other and help them reach a solution that is acceptable to all concerned."
Mr. Lem, 50, chief, Boeng Reang neighbourhood, Doun Penh district, Phnom Penh.

In the following example, policemen are acting as mediators in the financial negotiation. In exchange for their services they will get a percentage of the settlement. Such methods have a tendency to create ulterior internal conflicts:

"A moto-trailer driver crashed into a taxi. He died. The moto-trailer driver is at fault. His wife asked the police to intervene and request US$ 5 000 from the taxi driver in compensation for her husband's death. The wife is pregnant and does not have any source of income. My colleagues and I acted as intermediaries in the financial negotiations, going back and forth until an agreement was reached. We presented the taxi-driver with the wife's requests. He said the sum was too high. We spoke to the wife and explained to her she had to lower her claim. After three or four days of discussions on both sides, they agreed on US$ 520. The taxi-driver also gave the chief of the police unit $50 for his help in the case. This is equivalent to a standard 10% of settlement. As a rule, the unit chief then divides the money between the members of his unit and puts 40% of the total amount in our secret funds. We use this money in case of problems within the unit such as illness and funerals. If the money is not spent within the year, it is redistributed as a bonus to the policemen. But some policemen hide the true amount of money they get from fines and keep part of it for themselves. When other officers become aware of the true amount perceived and there is a discrepancy with the amount deposited in the secret funds, there are arguments in the police station. It happens all the time."
Mr. Leng, police officer, Phnom Penh.

Financial compensation for crops destroyed by animals:

> "There are problems with animals eating fruit trees. When a pig or a caw causes damage to property, we try and settle the issue with the owner of the animal. When the damage is minor, we don't say much, we just warn to owner to keep a watch on the animal. When the damage is more serious, we ask for financial compensation. It costs 5 000 riels for a mango plant, one dollar for a coconut palm and 5 000 riels for a Lychee tree. Banana trees don't count; they're everywhere. Problem arise if the two parties don't agree on the amount to be paid or if one of them is lying. In that case we go see the group leader. He tells both parties to keep quiet and asks the witnesses to tell the truth. He then either suggests forgetting about the whole thing or works out a fair compensation. If the owner of the damaged plants is not happy, he goes to the village chief. (…) The group leader is responsible for the good governance of his territory. If he cannot solve problems, the issues are taken higher up. As a rule, a group leader would rather handle things at his level to avoid being told he cannot manage his people."
> Mrs Chek, 22, Pong Teuk neighbourhood, Krong Kep (new village).

A case of rape may be settled financially:

> "When a girl is raped, she usually doesn't say anything out of shame. If she was a virgin, she knows it will be difficult for her to find a husband. But, secret negotiations can be entered into with the rapist. He will pay a financial compensation to the girl's family. (…) If the matter becomes public knowledge, the father may try to marry his daughter to the rapist, if he is not already married. This is to preserve the girl's reputation."
> Mr. Pol, 62, Nokor Thom commune Siem Reap district, Siem Reap province.

A village chief tries to solve a dispute, taking into account paternal duties:

> "There was a man who had a son from a first marriage. After the divorce, the son stayed with his grandmother and the father left with another woman in 1985. When the father left, the local authorities ruled that his land belonged to his son and the son's grandmother. In 1986, the father returned. He lived at the grandmother's and used to hit his son. In 1988, the son went to live with his mother in the next village. Recently, the boy had a moto accident. He hit another moto and was arrested by the police. The police ordered him to pay the damage caused to the other moto within 5 days. He went to ask his father for money but he father turned him down. Two days later, the son filed against his father, claiming his share of the land that amounts to 17 *Kong* (…). The plot is 40 *Kong* in total but the rest belongs to the grandmother as ruled by the authorities. I summoned the father to try and solve this issue. I didn't want to use the Law, but rather take into account the feelings between the father and the son and try to reconcile them. I told the father he was responsible for his son; that he had had this child and should take care of him. The son asked his father for 200 000 riels. (…) We reached an agreement. The father agreed to give him 180 000 riels the next day. In the letter of promise, we recorded that the father would own his son's share of the land once he had paid the money. He would also be able to reclaim the (now deceased) grandmother's share if he paid for a funeral ceremony at the pagoda in memory of the grandmother. It was a good outcome; it was a good deed. The next day, the father said he could only pay 100 000 riels but that he wanted the entire plot without paying anymore in return. The son didn't agree; the father wouldn't back down. We referred the matter to the commune authority. The conciliation came to nothing because the father wanted the entire plot. Some of the father's friends convinced him to let the case drag on to obtain what he wanted. The father said I had coerced him into signing the letter of promise stating he would pay 180 000 riels. The commune chief agreed with me. Ha said everybody had a right to earn a living and that if the father took everything, the son would have nothing to eat. He said the father must give his son some money and in return the son would relinquish his rights to the land. (…) The son has many allies helping him. At the moment, we are awaiting the second summon from the commune chief. He told me he wanted to suggest a fair

split. Both the son will and the father get 20 *Kong* each. The son will be able to sell his plot to repay the damage to the moto."
Mr. Leak, 38, assistant to the village chief, in charge of security, Angkhol neighbourhood, Krong Kep.

This method of settling things amicably with a financial compensation is well appreciated. It offers a tangible solution to a problem:

"Conciliation is good. When the victim does not get back all the money he or she lost, it is out of solidarity and tolerance. Thanks to the talent of the conciliator, both parties get something. Poor conciliation is when one party gets everything and the other has nothing. The victim must help the person who did him or her wrong. For instance, a truck driver hits a moto worth $1 000. The truck driver doesn't have much money; he is only a driver. He may tell the owner of the moto that he can only pay $800. If the victim agrees, they are friends.
Things are more difficult with the courts. The looser will feel ashamed. People will stop respecting him."
Mr. Ton, 53, city of Svay Rieng, Svay Rieng province.

It appears that the local authorities' attempts at conciliation may be less successful in more densely populated areas that are more open to the rest of the country and where the local chiefs have less standing among the population:

"Pu Bo and Pu Huy are sisters. Pu Huy got her land in 1979. Two years later her sister asked her permission to live on part of her land. Pu Huy built a house and opened a stall to sell coffee at the market. Pu Huy's husband was killed by the Khmer Rouge in 1989 and, in 1990 both sisters moved to Phnom Penh where a cousin from New Zealand had bought a house that they could move into. In 1993, Pu Bo moved back here. Now, she wants to build a house on Pu Huy's land but her sister won't let her. This causes a problem. I led the conciliation and offered solutions, "You are sisters; you must be reconciled. This land business will be irrelevant once you are dead. You are sisters and you must share and be reconciled. You'll enjoy life better if you each have your own plot of land. You are women; you are sisters; you are alike. It is a shame to quarrel; the neighbours are talking". I suggested the sisters split the land and that Pu Bo pay some money for Pu Huy's house. Pu Huy already has a house in Phnom Penh; she doesn't need two houses. They wouldn't listen to me. I referred the matter to the District."
Mrs. Khun, 53, assistant to the neighbourhood chief, Pong Teuk neighbourhood, Krong Kep.

But a financial settlement may be rejected when, to some extent, it wrongs the victim to avoid burdening the perpetrator with compensation he or she cannot afford to pay:

"During the period of the sate of Cambodia, I knew how to solve problems quickly. If a person hit another, I would ask the victim, "How much are you asking from your attacker?" If the victim claimed 500 000 riels, I would suggest 2 or 300 000 and on the day of conciliation, the sum would be settled at 200 000 riels. I would get both parties to compromise and it worked. At the time, people used to thank me. Nowadays, victims ask for huge amounts of money and are not always willing to negotiate. (…) They want to get back all the money they lost and don't always take into account their attacker's situation. There is less solidarity among people."
Mr. Vannak, 53, Angkal neighbourhood, Krong Kep.

5. Favouritism

When conducting our interviews, particularly in urban and surrounding areas and along major roads where the population is more educated, more open to the outside word and less gullible than in rural areas, we have often heard references made to the partiality of the local authorities towards their allies (family members, political allies, the wealthy and people in powerful positions) as well as their incompetence to solve conflict situations (mild disposition, ignorance, fear).

Allies are given preferential treatment

> "The village chief here has an extended family. We are all more or less related to the head of the family. There are very few people from the outside in our village. The village chief gives preferential treatment to his close family and his political allies."
> Mrs. Davuth, 51, Angkal neighbourhood, Krong Kep.

> "There is great lack of fairness in the village. There are power groups and their allies. For Instance, when the Red Cross makes donations to the village, only the village chief's family members and allies are on the list. (…) It is the same with the International Organisations. When they ask the village chief to make a list of the poorest people in the village, he writes down the names of family members, his assistants and the group leaders. (…) When the village chief is asked to solve a dispute, he puts more pressure on the people who are not on his side. (…) There are several power groups: the familiars of the village chief, the political parties, the six wealthy families and the civil servants with good positions.
> I am afraid of telling you the truth because if I speak up, people will say the Cambodian government is no good and the foreigners will stop giving money. We are told about Human Rights, but in fact there are the people with rights and the people without any. The people with rights have the right to abuse the people with no rights. The people who have no rights are the people who don't belong to any power group."
> Mr. Song, 60, Angkal neighbourhood, Krong Kep.

One man who has moved to a new village, suffers the absence of a protector:

> "There isn't much solidarity between people. If I have a problem, I only rely on my neighbours and myself. Before moving here, I told myself that I must not have any problems if I want to enjoy a peaceful life. When somebody attacks me I prefer to say nothing and keep calm. The former Khmer Rouge all know each other here. Myself, I don't have any allies so I prefer to keep quiet. If you are not in a position to fight off aggression, it is better to say nothing and keep calm. Otherwise you'll be crushed. I am small and I know there is more unfairness than justice in life. The power is in the hand of the powerful. (…) The village chief likes powerful people and flatterers, whether they are his old comrades-in-arms or not. (…) You must do things for the powerful, visit them and flatter them to earn their favours. I was one of the first newcomers here. I didn't flatter the village chief. When I requested a plot of land, I was turned down. You need money and connections when you are in trouble. You must flatter the important people to make connections. If you don't flatter the powerful, you'd better stay out of trouble."
> Mr. Rethy, 57, Pong Teuk neighbourhood, Krong Kep (new village).

Political allies

The 1993 elections, followed by the 1998 elections, saw the emergence of several political parties. At that point, the administrative authorities affiliated to the dominant party lost the monopoly of power over the populations. Personalities surfaced in the village and established small cells of counter-power. In urban and surrounding areas and in places near major roads, the local chiefs lost part of their authority, essentially based on fear. But they retained their power over local populations in more remote areas.

> "People who have the same political sympathies as the village chief are given preferential treatment. The village chief is not openly against the others, but he simply lets the issues drag on. He doesn't deal with problems; he pretends there are not there. The reason why there are many political parties nowadays is because people are unhappy with the current situation. If they were happy, they wouldn't go looking somewhere else. (…) Before, the courts would deliver justice. But now even if the Law is good, it is not enforced fairly. Nowadays, we must always pay a lot of money, everywhere: the courts, the hospital… Poor people are not treated, even if they are about to die. When poor people face problems, they don't know whom to turn to. Members of the opposition parties keep quiet, otherwise they get in trouble with the local authorities." Mr. Sarin, 59, head of a local association for micro-credit and rural development, Pong Teuk neighbourhood, Krong Kep.

Many of the village chiefs have held their positions since 1979 and do not see kindly to this new division of power:

> "Many people are uneducated here. Problems in the village are on the increase because people have lost respect for one another and they are no longer afraid. 1998 did it. It's happened since the elections and the proliferation of parties. When we hold a meeting to discuss the protection of the village against bandits, people leave half way through the meeting. They believe they have the right to leave. Before, there was only one party and we all went in the same direction. Nowadays there are many parties and everybody has their own ideas and goes their own way. Respect and solidarity are fading. There are many different groups because of the different parties. At the village meetings, some people express their discontent. They also say they are not happy with my methods for conciliation, nor with the village chief's. People who vote for the opposition trust their local representative to solve their problems. They do not come to us anymore. But it is unfair when he holds a conciliation meeting because he protects his supporters. People accuse us of being partial to our supporters and then they do exactly the same thing."
> Mr. Leak, 38, assistant to the village chief, in charge of security, Angkhol neighbourhood, Krong Kep.

> "People were afraid of us at the time of the state of Cambodia. But things have become very complicated since the proliferation of political parties. When we hold information meetings, for instance when the representative from Kep agricultural department comes to teach us new methods, people from the opposition don't attend. And when they attend, they just pretend to listen."
> Mr. Savet, 55, village chief, Pong Teuk neighbourhood, Krong Kep.

The assistant to the village chief confesses he is left powerless by this new situation that has robbed him from his monopoly on dispute management. In the absence of clear traditional regulations, new groups are using the Law to assert their power:

> "The political opposition parties rely on the old Khmer Rouge rural networks of propaganda. I have lost people's trust because I speak straight and not everybody likes it. There was a 17-year-old boy who was arrested for stealing a chicken. He belonged to the opposition. Their leader said the Law couldn't do anything against him because he was under 18. I said he had to pay the owner for the chicken he stole. The boy got away with it. I was angry. So now, young people under 18 say they have rights and that the Law doesn't apply to them. They say they follow other leaders. They don't listen anymore. I am fed up. I wouldn't mind giving up. People have no morals. Everybody sees the Law on his or her side."
> Mr. Leak, 38, assistant to the village chief, in charge of security, Angkhol neighbourhood, Krong Kep.

In this village where war raged for many years, the village chief does not want to get involved in political debates anymore. Political parties may set up offices in his area, but only on condition they refrain from any political activism.

> "I am fed up with the war and people fighting. Opposition parties may come here as long as they do not spread agitation and they refrain from electioneering propaganda. I ask the agitators to leave. All we want is to live in peace; we don't want any headaches."
> Mr. Samon, 42 (former Khmer Rouge), village chief, Tropeang Pleang commune, Chuuk district, Kampot province (new village).

<u>Family and geographical alliances – witnesses</u>
People referred to as witnesses, *saksei*, are usually family members or neighbours who speak in favour of their ally and confirm his or her statement. As such, witnesses are usually biased and the balance of power can shift under their influence.

Two village chiefs admit to removing overbearing witnesses:

> "(…) I tried to put all the chances on the second wife's side prior to the conciliation meeting. I thought the first wife's son was trying to abuse the second wife and was

asking many witnesses to come support him. He was trying to set up a group of his allies. So I said the conciliation could not be held with too many witnesses and I threatened to request 10 000 riels from each witness. I said, "If you pay 10 000 riels, you can speak up. If you don't pay you must remain silent". I put pressure on the son not to ask the witnesses to come so there would be justice. If I hadn't acted that way, the woman would have lost the land. She is weak, whereas the first wife's son has many allies. The woman is alone and can only rely on the authorities to help her."
Mr. Leak, 38, assistant to the village chief, in charge of security, Angkhol neighbourhood, Krong Kep.

"People can get very upset. They shout and sometimes even fight in the office. There may be several of them when the family and the witnesses come along. In these instances, we tell them to shut up and we throw the family and the witnesses out."
Mr. Chhom, 50, assistant to the neighbourhood chief, Oulampic neighbourhood, Chamkar Mon district, Phnom Penh.

Money seen as a refuge from problems, is also increasingly becoming an instrument of power, dividing the peasants who used to be relatively equal. It is used to assert one's prestige and buy allies and impunity:

"Before, we used to all be equals. Nowadays, money divides us. Money has replaced solidarity. Without money, one has no friends. We don't trust each other yet. We don't talk about real peace yet. We wait. We keep thinking it is going to start all over again. We rely only on ourselves and we brace ourselves for the hard times to come. Our equilibrium is precarious."
Mr. Veth, 57, Nokor Thom commune, Siem Reap district, Siem Reap province.

"During the period of the *Sangkhum*, the Law was strict and feared by all. Nowadays, wealthy people can do as they please. They know money will buy them anything. When they want to solve a dispute to their advantage they just keep on referring the matter to a higher authority. Poorer people cannot follow and have to drop the case."
Mr. San, 70, master of ceremonies, Chek commune, Svay Chum district, Svay Rieng province.

"Going to the police costs between 5 and 10 dollars for a policeman to take on our case. (…) He doesn't ask for anything, but we know if we don't pay he will not do anything. If the person who caused the problem is richer, he or she can give even more and the policeman will drop the case."
Mr. Soy, 48, Phnom Penh resident.

"Everything is for sale. As a rule, it is bad people who pay witnesses to side with them. For instance, if two men had a fight, the attacker is worried about punishment so he will pay witnesses to support him. Often, people who actually saw what happened would rather keep quiet and not interfere for fear of being accused of siding with either one of the parties involved."
Mrs Saran, 46, city of Kampong Speu, Kampong Speu province.

"Some people are always causing arguments with others. They want to get money out of people and think they can do anything because they already have money and connections. We call them *Kap chak*[17]. Wealthy people can do anything they please. We say, "The wealthy man can buy ghosts to work his rice husking mill". I have a friend who lives next to a welding shop. All the neighbours complain about the noise, particularly the saw that sometimes go on until midnight. My friend spoke to the chief of the neighbourhood to no avail. He went to the district chief and the head of the city planning office in Phnom Penh city hall. My friend was suggesting the welder work during office hours, i.e. from 7am to 12pm and from 2pm to 5pm. The owner of the welding shop refused and since he is a rich man, he paid off people at all levels in the administration to carry on working. The situation is stalled. There is nothing my friend and all the other neighbours can do. The shop owner told them if they didn't like it, they could just move."
Mr. Leng, 38, police officer, Phnom Penh.

[17] *Kap*: cut. *Chak*: pierce.

6. When the conciliator stands aside

The village chiefs are often poorly educated and have very little training in dispute management. Some are afraid of making enemies among the powerful. Others are no longer motivated to carry out their duties. In such instances, they will often choose to stand aside:

> "The village chief can only solve small issues. If he cannot handle a problem, he hushes it up and says he doesn't want to talk about it. That's because he doesn't know what to do and is afraid of upsetting people. He doesn't want problems to get out of hand. When somebody adds fuel to the flames or when someone saw something important, he tells them to say and do nothing. Often, we just give up. If we try to take our case higher up, we must pay the authorities to attract their attention."
> Mrs. Hieng, 77, Angkal neighbourhood, Krong Kep.

> "I pass half the cases on to the neighbourhood chief. It's hard solving disputes. People are not familiar with the Law. It's difficult to make them understand. If I insist, they get angry with me."
> Mr. Savet, 55, village chief, Pong Teuk neighbourhood, Krong Kep.

In this village, the chief is considered to soft, *slot*. People do not respect him and seldom consult him:

> "The village chief doesn't do anything for us. He doesn't take sides. He doesn't want to cause problems so he says nothing. He is too soft. The chief in the Southern village is more active. People fear him. In our village, the chief is afraid of taking action."
> Mrs. Hueng, 45, Nokor Thom commune, Siem Reap district, Siem Reap province.

Inaction

According to the traditional hierarchical system, local chiefs are helpless against more powerful people. When confronted with an armed soldier, the village chief as not other option but to side-step:

> "I had been given some land in Chamkar Bei. On the advice of the village chief, I cleared the land and planted corn, papaya trees (…). The land increased in value. An army doctor, friend of Ta Rin's, said he wanted my land. He owned the parcel next to it. I had planted 20 trees and he cut 17 down. He wanted my land but I told him I wasn't afraid to die. We held a conciliation meeting with the village chief. The chief admitted the land was mine but he was afraid to do anything. Then I got tired of the pressure and I sold my land for US$300.
> There is no logic to the way the land is being distributed. At first, the land was distributed to the people but then, the local chiefs realised that the land was worth money and they started reclaiming some of the land to sell it to wealthy outsiders, as far as Phnom Penh. There is no real resolution of land disputes. The head of security for the village deals with the problem very easily. He says, "Be tolerant; be tolerant." This means we have to tolerate everything, even being deprived of our land."
> Mrs. Samol, 58, Angkal neighbourhood, Krong Kep.

Another village chief (former Khmer Rouge colonel) is powerless to solve a dispute involving the protégé of a soldier who fought in the opposite camp during the war. The soldier is supported by a network of allies, to which the village chief has no connections:

> "When we came down from the mountains in 1994, the local government gave me a parcel. Later (after the land distribution) a man moved here with his mother-in-law and his wife and children. I took pity on him. And I have felt alone on such a big plot of land ever since my husband died. I gave them permission to settle on part of the land.
> My dog used to wander into their house. One day, the woman stepped on the dog and the dog bit her. She was very angry. I offered to fetch a vaccine against rabies but the woman hit me and ran to join her husband at the army base. It was very serious. I spent two weeks in hospital. The woman was afraid I might die so she wrote to the police of accusing me of hitting her once when she was pregnant. She said she

had a miscarriage. She bribed a doctor into writing a medical certificate saying she was pregnant. (…) When I came home from the hospital, the village chief, some friends and the head of the women's committee advised me to complain to the courts and to the Human Rights organisations.
These people (the assailant's family) are bad. They ran away from their native village because the wife had burned the neighbour's house down.
The village chief and the neighbourhood chief summoned the woman while I was in hospital. She didn't turn up. She is not afraid of them. When the police summoned her, she called them useless loudmouths. We didn't want the matter to go too high to limit the expense. We decide it to settle it at neighbourhood headquarters' office. The woman turned up and demanded 10 million riels to cover the cost of her alleged miscarriage. I asked for 5 million riels to cover hospital costs. Uncle (the village chief) had paid for it. He takes good care of his little children, just like when we were all in the mountains together. The woman refused to pay. There was nothing we could do. She has connections at the higher echelons in the army. She says she is not afraid because she is well connected. She also says she will drop her claim because she takes pity on a widow. (…)
In the end, Uncle went we me to file a complaint with the courts. He paid for travelling and food expenses and the cost of filing the complaint. He accompanied me to the first court hearing. The woman said Uncle was helping me. She wasn't afraid. But when Ta Rin[18] returned from Phnom Penh she got scared and moved to the military camp. Things would have been easier if Ta Rin had been around. He would have given us good advice. Everybody respects him. He is a military commander but he still looks after his little children as before. We listen to him. Now, the matter is in the hands of the courts. Uncle told me it might be better to drop the issue; he is afraid I might get killed. The woman's father told her to beat me to death. Uncle wants the case to be solved according to the Law. He said it was for the courts to deliver a verdict. (…) Uncle is a former Khmer Rouge while the wife's family is on the side of the government soldiers. Newcomers are the main cause of problems. Us, the people from the forest, we are direct and mild-mannered. Newcomers often had to flee their villages because they were causing problems. They move to new villages like this one."
Mrs. Srey Pov, 28, Pong Teuk neighbourhood, Krong Kep (new village).

The wife of the village chief refers to her husband's participation:

"We paid a lot of money to the courts, on several occasions, to get people to handle our case. Between 300 and 400 000 riels. But we are still waiting for a reply to our complaint. The woman who assaulted Srey Pov is at the army camp with her husbands. She has the power of weapons. Ourselves (the village chief, his wife and the victim), we have no weapons to kill her. She knows the army will protect her."
Mrs. Nao, 46, wife of the village chief, Pong Teuk neighbourhood, Krong Kep (new village).

A woman related to the attacker sees things differently:

"Srey Pov is a bad woman. She is a widow and goes with other women's husbands for money. She is a prostitute. She deserves to be beaten up."
Mrs. Nin, 45, Pong Teuk neighbourhood, Krong Kep (new village).

In the following instance, the village chief was appointed in 1979 by the communal authorities. Taken by surprise but fearful of upsetting the higher authorities, he has accepted the demands of his new position. He nonetheless admits to never taking to his job or ever really fulfilling his role as a village chief. In this domestic dispute, he steps aside when faced with the authoritarian personality of the young bride's father.

[18] The area former Khmer Rouge commanding officer, who still looks after his former troops.

The newlyweds have little say in the matter. The young man tells us his story:

> "The elders suggested I marry Rata. I knew and liked her but I hadn't thought of marrying her. Our families knew and liked each other well. When the elders mentioned marrying Rata, I agreed. (…) We were married three years ago. My family spent 500 000 riels on the wedding ceremony. (…) We had a child. We separated 9 months ago. (…) The argument started went she went out and didn't reply when I called out to her. When she came back, I kicked her and hit her once with an ox cosh. She threw a chair and her shoe at me. She insulted me and then went to sleep. Her brother came and took her to her parents'. The next day, she complained about me to the village chief. The chief said to wait five days for the anger to subside."
> Mr. Vorn, 23, nephew of the village chief, Angkal neighbourhood, Krong Kep.

The village chief, who has witnessed the interview, speaks up; the young man steps aside:

> "A week later, the girl's father came to me and said, "My daughter just went out a bit and her husband hit her. I am asking that my son-in-law comes and live with us so I can keep an eye on him". The boy said he couldn't leave his house because he had to look after the oxen and the pigs. The girl's father got angry and took one of the pigs home with him. The boy went to ask his wife what had happened to the pig. The wife replied it had been sold and the money used to buy vaccines for her father's cattle. Later, once she was reconciled with her husband, she told him her father had kept the pig. The boy and the girl were in love and wanted to get back together. The boy went to visit the girl and ask her if he could take their child with him. She told him to take their son and that she would escape from her father's house to join him. The girl left without asking her father's permission to take her child with her. The father didn't say anything. At noon, the girl moved back into her house with her husband. Her brother came to take her back to her father's but she refused to go. Her mother came at dusk, on her father's orders, and warned her if she didn't return to their house that evening, her father would kill her and the pig. The mother was frightened of the father. When the young man got home that evening, he saw his father-in-law and a crowd of people gathered in front of his house. He got scared and came to see me. The girl fled to her grandmother's house because she was afraid her father would kill her. The young couple would like to stay together but they are afraid of the father-in-law.
> Later, at the mother's request I visited the girl discretely and she told me sharply that she didn't want to go back to her husband, she didn't want the house but she wanted her child.
> This is a complex case. At the conciliation meeting, the boy asked his in-laws' forgiveness for hitting their daughter. The girl will not listen to her father or her husband. The father was the one leading the discussion and making proposals. I didn't say anything. (…) There was no need since the father knows how to speak well. The father would ask the boy, "Why did you hit my daughter for playing cards? Why can the husband play cards and not the wife?"
> We have not made any headway in four months. I passed the case on to the commune chief but nothing is happening. I believe the girl's parents want the boy's parents to pay them a visit and ask them if they'll have their son again. It is as if there were asking the daughter's hand for their son all over again. The girl's father is asking the boy's parents to give in a little. But the boy's father is critically ill at the moment and his mother doesn't know what to do. So we wait and see."Mr. Kim, 64, village chief, Angkal neighbourhood, Krong Kep.

The boy's mother speaks:

> "I think the girl will go back to her husband but she is scared of her father. We haven't asked them to reimburse the cost of the wedding ceremony[19]. We could, but we don't want to make things worse. We must let our children get back together of their own volition."
> Mrs. Vath, 50, Angkal neighbourhood, Krong Kep.

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[19] Traditionally, the groom's family pays for the wedding ceremony.

Lack of motivation

In this traditional society, individuals learn to take care of themselves. The position of the village chief, an authority imposed from outside, is not an enviable one. They used to be feared because of their great power of coerciveness, but their role has lost in prestige over the past few years. Many of them admit to having lost their motivation for accomplishing their demanding tasks (registry office, interface with outside organisations, political meetings, conciliation meetings…) in return for very little remuneration. The fear of being singled out for blame by higher authorities compels them to carry out their basic administrative duties. Duties that are less likely to attract the attention of the commune chief, such as the conciliation meetings, are sometimes neglected. At the next echelon, the commune chiefs, who hold greater power including the authority to refer cases to the police, draw more respect.

> "When two people argue, I don't try to find out who is right and who is wrong. I find arguments to prove they are both right or they are both wrong. I talk about wrong in general and about the need to be reconciled. It is sometimes difficult to find out the truth. Some people file false complaints and make up stories to try and get money. It's tricky sorting out problems when people are lying. (…) I have been the village chief since 1985 and I have had enough. I would like to quit but then the party will say I am abandoning it. I cannot quit. It's hard work being village chief. I must attend meetings, handle all registry-related matters and listen to people's problems. People are always having problems. You think you have solved one problem, but then it resurfaces or a new issue arises involving the same people. We waste a lot of time and are paid very little for it."
> Mr. Cheal, 51, village chief, Nokor Thom commune, Siem Reap district, Siem Reap province.

The importance of the group leaders is fading:

> "I want to stop being a group leader. I work and I am not paid to be group leader. I fish at night and I don't want to wake up during the day to listen to people's problems. At least, I have a lot less to do than the village chief. I shouldn't complain too much because people don't disturb me that often. I am not as knowledgeable as the village chief. (…) I don't have documents; I cannot write. My task is to thumbprint the letter of promise drafted by the village chief when I attend a conciliation meeting as a witness. There is no need for me to learn more because I follow the village chief. If he knows, that's enough."
> Mr. Kueng, group leader, Angkal neighbourhood, Krong Kep.

Fear of upsetting an ally or possible ally

Two village chiefs do not dare take action for fear of reprisal from more powerful people (a soldier and a wealthy man):

> "There was a widow with four children who owned a parcel. The family next door took a chunk 3-meter wide off her land. The village chief didn't know what to do. Neither party wanted to compromise. If the village chief had given the land to the widow, the other family would have been upset; if he had given it to the other family, the widow would have been upset. The family's cousins are civil servants in town and the chief doesn't want to do anything that might make them turn against him. At night, he is afraid for his safety. Ever since the emergence of opposition parties, the chief has been scared. There are other people with a little bit of power and they could use it against him. There are many army families here, and they have weapons. The village chief wants to resign from his position but he is afraid of the authorities higher up."
> Mrs. Rina, 48, Kep neighbourhood, Krong Kep.

> "It's difficult living in a village where some people are wealthy and others are poor. When a wealthy person grabs land from a poor villager, the poor man is scared but still reports it to me. I hold a conciliation meeting. I speak the truth. The rich man understands what I am saying. He understands he is wrong but he is angry with me for not giving him preferential treatment. That's the way it is. Afterwards he may harbour some resentment and make problems for me."
> Mr. Khao, 46, village chief, Chek commune, Svay Chrum district, Svay Rieng province.

Here is the case of a village chief being afraid to intervene for fear of upsetting his friends and loosing his network of connections:

> "A woman called Hien came to inform me her husband and she had agreed to divorce. She's always causing trouble. Her husband, Chiel, went to live with his mother. He said he'd had enough of his wife because she was spending all their money. Hien wants her husband to come back to take care of the children, or to give her money every month to raise them. She is demanding 30 000 riels per child, monthly. They have two children, so this means 60 000 riels monthly. Chiel refuses. In addition, his wife wants to keep the house and the moto, which costs three to four hundred dollars. Traditionally, the person who leaves looses all rights to the house. Chiel wants to sell the wood from the house and share the money in half. Chiel does not want to come back to the village. He doesn't want to discuss things. There is nothing I can do. (…) On the advice of a former civil servant who lives in the village, Hien took the matter to court. The courts summoned the husband and wife. Chiel didn't show up; he is hiding. He is afraid his moto will be taken away from him. I am no longer dealing with this issue since they are not asking me to get involved and they are not listening to me. It's difficult to talk about divorce and dividing property when you know both the husband and the wife. Even if they are in agreement when they sign the letter of promise, they can accuse me of favouritism later."
> Mr. Cheal, 51, village chief, Nokor Thom commune, Siem Reap district, Siem Reap province.

An educated man chose the tranquillity of the monastery over the vulnerable position of village chief:

> "I was asked to become village chief or commune chief because I am educated. I turned the offer down because I was afraid the villagers would start to hate me. When solving problems, you cannot decide who is the winner and who the looser otherwise people are upset and they resent you."
> Monk Superior, Dharmar Kiri Bopha monastery, Pong Teuk neighbourhood, Krong Kep.

The district authorities will favour possible allies over a poor victim without connections:

> "Our neighbour built a house on the land boundary. The upper floors of the building are wider than the lower one and encroach above our land. The owner of the building paid several thousand dollars to the district to get his building permit. During construction, a plank of wood with nails sticking out fell onto our property. I complained to the district office but they didn't listen to me. They told me they had the right to grant or refuse building permission and that this construction was legal. I said the building was wider on the upper floors and that the roof would encroach on my property. They told me I couldn't see straight. I wanted the plank of wood back to complain to the court, but the people from the district office wouldn't give it back to me. The district office is only useful to solve minor issues when they have no interests at stake. In all other instances, they favour people who give them money or payment in kind and neglect the small people."
> Mrs. Bolin, 42, Boeng Keng Kang Bei neighbourhood, Chamkar Mon district, Phnom Penh.

A resident is commenting on the local authorities' withdrawn attitude in pre-election period and their fear of upsetting the voters:

> "In our village, the party F (opposition party) won the last elections. The district chief is not pleased with is party's results (ruling party) and reprimanded the commune chief and the village chiefs. He told them to work harder to win people's sympathies. So now, the village chief and the commune chief try to please people so they will vote for them. They do not take any action in case of conflict for fear of upsetting people. When we take our problems to them, they do not want to seem too forceful so they do nothing. The powerful can do anything they please."
> Mr. Nok, 35, Nokor Thom commune Siem Reap district, Siem Reap province.

Incompetence and ignorance

This village chief, who has lived in the forest for a long time, assesses his knowledge to deal with local disputes. In practice, he says he tries to combine snatches of tradition with what he has learned throughout his eventful life. He admits his ignorance and confesses that, to avoid committing injustice, he would like to learn the "true Law":

> "I have intervened in cases when the husband was severely beating his wife. I said, "Strength is found through unity. If there is no solidarity is society, it is the end. We live with solidarity. We must speak the truth to achieve solidarity. We must speak straight. When members of the same family fight, there are losers but no winner. When we quarrel, we fight, we break plates and we break the pot. We loose money when we hit someone because we must pay compensation". I also talk about the law of the government (the Law): "According to the Human Rights principles and based on the severity of the offence, you must pay compensation. If you beat someone to death, it falls under criminal Law. You will be tried in court and sent to prison. When we talk about the law of the government, it is very serious. There is nothing higher. I learned that from the commune chief who learned it from the district chief. I also listen to the radio and I read the papers. On the radio, they talk about the rights of men and the rights of women. They have stories of people resolving difficult situations. That's how we hear about Human Rights. There are several radio programmes. (…) I don't know very much but I try to educate the villagers. I don't have any specific training and I might make mistakes. I hope in the future there will be access to appropriate training so we can do our job properly. If I remain ignorant, I run the risk of saying or doing the wrong things, things that are illegal, and I could go to prison for it, simply because I don't really know how to proceed. If I don't fully understand the Law, I cannot enforce it properly. It was the same under the Khmer Rouge. At first, the intentions were good and we subscribed to them. We talked about solidarity and equality between the rich and the poor. Later, we stopped thinking about what we were doing and we just followed. Afterwards people said we were bad, that the Khmer Rouge were bad. We had no intentions to be bad but we were uneducated and we didn't pay attention to what we were doing.
> I was sent to prison from 1979 to 1992 for being a Khmer Rouge, because people said I was bad. I am not a bad person. I have always been straightforward and conscientiously followed orders. If there are any bad people, they are the ones who gave the orders. Myself, I just followed. (…)
> I have very little education. Not enough to solve the problems in the village. I am not educated enough to properly solve the disputes in the village. There is no justice when the village chief is uneducated. When I don't know how to solve a dispute, I tell people to calm down and keep quiet. Things are a bit more just than in the past, but it's not 100% justice yet. Another problem is when I am told to enforce the Law. It is difficult to understand if you are illiterate. People from the village don't understand either. They give in because they are afraid of the Law, but they don't understand why things are done in that way. We are used to listening to people above us and of being afraid. During the Khmer Rouge regime, we talked about national and international solidarity; we talked about the National United Front. We didn't fully understand, but we kept quiet. We were scared. Now I would like to be taught what is just and what isn't. I am not sure. If I make mistakes, I will be told off. I want to learn about the true Law and what it means. Then, people will no longer be able to tell me that what I am doing is wrong." Mr. Mon, 54 (former Khmer Rouge), village chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

Others are powerless to solve sensitive issues.

> "Sometimes I don't know what to do. Domestic quarrels are tricky. The husband and the wife argue and then they love each other all over again. I give advice following recommendations from one of the parties and then they stop listening and don't even tell me they are back together. I don't know either how to handle cases of young people in love whose parents won't agree to the marriage or whose parents force them to divorce. Often, the lovers just run away to stay together."
> Mr. Vay, 46, village chief, Popeak commune, Svay Teab district, Svay Rieng province.

We also witness the inaction of the police in this urban district, who chooses to refer the case to other offices and organisations:

> "We summon people to appear in criminal cases such as aggravated assault. If people don't show up, we write a report and refer the case to the district authorities. (…) We can't go fetch them if they don't show up and the matter is not too serious. (…) When people show up, we counsel the perpetrator. We tell him that if he wants things to end here and there he must pay compensation for what he did. The district office is closed at night so we get all the complaints that they would usually handle. There are many alcohol-related disputes. In one instance, a woman sought refuge here a few nights ago. She said her husband wanted to stab her to death. We helped her and told the husband to calm down. We refer battered wives who do not want to return home to the CWCC[20] centre. There is not much we can do. We tell people to go home and file a complaint with the neighbourhood office in the morning."
> Mr. Kun, 45, policeman, Boeng Keng Kang Bei neighbourhood, Chamkar Mon district, Phnom Penh.

7. Referring the issue to a higher echelon

When no agreement has been reached in the village, the matter is referred to the commune, the next hierarchical echelon. This usually involves a written reference from the village chief. When people cannot reach an agreement, the case may go all the way up the hierarchy to the district or provincial office. If the accused does not want to compromise and the plaintiff persists, there is always time to drop the case or take it to court. According to the law, a case may be taken directly to the provincial courts. However, it must be noted that in rural areas most cases are not taken beyond the village and commune authorities. People very seldom go to the provincial tribunal.
Phnom Penh residents have no qualms about bypassing the local authorities and taking their cases to court. But in rural areas, people are fearful of upsetting the local authorities if they do not seek their advice first.

The wish to solve problems locally
As a rule, the local authorities prefer problems do not spread outside their areas. A quiet village will enjoy a good reputation, enhancing its chief's prestige. A biased but authoritarian chief can be preferable to a mild-mannered chief who does not control his citizens:

> "At the group leaders meeting, the village chief said we had to solve a maximum of issues by ourselves. A good group is a group with few problems making their way up to the village chief. Sometimes people bypass me and go directly to the village chief or the commune chief. The latter might ask me for more details when they don't understand the case, but this doesn't happen very often. Conciliation does not always mean 100% justice. Sometimes we put pressure on people. (…) If we don't pressure them, people just carry on making trouble."
> Mr. Vaya, 45, group leader, Angkal neighbourhood, Krong Kep.

> "The village chiefs want to solve problems themselves. They don't want matters to go any higher up, because they would feel shame if people were saying there are problems in their villages. After 1979, the village chiefs were very authoritarian and they kept people under their thumb. Nowadays, people are more educated so they are less afraid. They have easier access to organisations outside."
> Mr. Sitho, 33, investigator for a Human Rights organisation, city of Kampong Speu, Kampong Speu province.

> "The Law says we can take our problems straight to the court. But traditionally, people proceed step by step. They go through all the echelons of the administration hierarchy: the group leader, the village chief, the commune chief, the district chief and the chief of the province. People fear disapproval if they don't follow the usual steps. For instance, people complain to the National Assembly without informing their local authorities. When the reply comes via the administrative channels, the local authorities are upset; they ask, "Why did you complain to the national Assembly? Do

[20] Cambodia Women Crisis Centre.

> you believe we are inefficient? You feel closer to people higher up?" The local authorities are ashamed because they may be accused of not doing their job properly, so they get angry with people.
> Also, people would rather solve their problems at their level, with the help of the local authorities, so matters don't go too far and don't cause more trouble."
> Mr. Sary, 32, city of Kandal, Kandal province.

This village chief doesn't want an outside influence to interfere in his dealings with possible local allies:

> "We don't want people from the district office to get involved in land issues in the village. They don't know how we distribute the land here. The village chief has all the paperwork and people from the distribution committee are all alive; they know whom the land was distributed to. In the village, there are problems between the villagers and the army. In actual fact, it's the people who are encroaching on the army's parcels, not the other way round. We want to settle this issue among ourselves but the villagers called on a Human Rights organisation. The latter accused us of giving the people's land to the military."
> Mr. Tith, 54 (former Khmer Rouge), assistant to the village chief, Pong Teuk neighbourhood, Krong Kep (new village).

Referring the matter to a higher authority

When no agreement can be reached locally and one or both parties wish to pursue the matter, the case is referred to the next echelon in the administrative hierarchy. Often close to the people, the commune chiefs are able to solve many disputes. The district authorities live far from the villages and they don't know the villagers personally; their conciliation success rate is not as high.

The disagreement may persist. When the parties involved are poor and uneducated, the argument will often run out of steam during the conciliation process without ever being settled. The players will often get tired and just give up. Resentment settles in and may, one day, lead to another dispute. When the parties involved are determined, rich and well connected, the case may go to court for trial.

Following is a case of land dispute. The parties involved have exhausted all the administrative options and the case has been taken to court for judgement. The village chief admits that between traditions on the one hand and the Law on the other, the case is difficult to solve at the local level:

> "During the *Sangkhum*, Ta Huen owned the entire parcel. In 1979, Ta Pan jumped the land. (…) Then Ta Huen returned and asked for part of the land. Ta Pan ceded the lower half of the land to him. Ta Huen planted some coconut palms and cleared a rice field. Ta Pan encroached on the boundaries of the land and Ta Huen accused him of trying to steal some of his land. He came to complain. (…) I went to the site and ask whoever had encroached on the other's parcel to return the land. Ta Pan is a stubborn old man; he wouldn't listen to anything. Ta Pan and Ta Huen have been enemies for a long time and they have always been arguing. Now, they are both claiming ownership of the entire plot of land. Ta Huen says the land has been his ever since the *Sangkhum* regime and Ta Pan says the land is his because he occupied it in 1979. (…) It's difficult to solve this kind of issue. (…) According to the tradition, the land is Ta Huen's inheritance, and according to the Law, Ta Pan owns the land since he occupied it in 1979. But he gave Ta Huen permission to occupy part of it. It's very complex. (…) The best way would be for them to settle this business among themselves but they hate each other."
> Village chief, Angkal commune, Krong Kep.

Ta Pan explains his point of view. He believes that facts take precedence over written texts and the Law of the courts:

> "Ta Huen wants to play tough-guy because he has connections in the police. He is a nasty man, a former Khmer Rouge. Ta Huen does not answer summons to appear before the village chief and the commune chief. The village chief told him, "Return the

land to Ta Pan", but he refuses. In my view, the verdict is easy to reach. I occupied the land before him in 1979 and the land belongs to me entirely. The problems started three years ago, I forget the exact date. One morning, I was in the rice field and Ta Huen made fun of me, "Hey, you, what are you doing here? You have no right to be here". A month later, he filed a complaint with the village and the commune authority. I received a summons to appear before the commune. I was afraid. The paper said the reason was argument with insults. (…) I didn't go. Later Ta Huen said, "Don't dig any further and it will be fine". I didn't reply; I got scared and ran away. (…) He is a former Pol Pot soldier. I filed a complaint with Prey Tanin military post. (…) Before, the army used to solve people's problems. Nowadays, it's mainly the political parties who do that. Before, people were afraid of the army. If you were on their side, they could help you and people would listen to them. People were scared. (…) Now everything is reliant on the (political) parties. Politics prevent the commune chiefs from solving problems in a proper way. They are afraid of getting too deeply involved and people getting upset and not voting for them. They'd rather refer controversial cases to the courts. Conciliation is not a fair process. The powerful and the wealthy are given preferential treatment because some day, the commune chief will be able to ask for a favour in return. (…)

Later the commune chief referred our case to the court. The court attempted conciliation but Ta Huen wouldn't listen. He wants to reclaim the entire parcel. I was summoned to court. The judges said my land occupation title was a fake. The title was issued in 1989 but it says 1982. They told me I tried to make a fake, but it's not my fault, it's the person who issued the title who made a mistake. I gave Ta Huen part of the land in 1985. He got a paper at the time and now he is saying his title is older than mine so he is the rightful owner of the land. I didn't know he obtained a title. I am sure it was done recently. He has connections at the commune office. His first wife is first assistant to the commune office. Ta Huen must have paid money to the courts for me to be summoned. (…) I have just received a new summons to appear soon. They have already asked me to pay 5 000 riels for the cost of the stamp, but they agreed to my paying only 2 000 because I am poor. Going to court is an expensive business. I must go all the way to town with my witnesses; I must pay for transport, food and cigarettes. The court won't listen to the witnesses. They only take written documents into account and they say mine is a fake. The court's verdict is unfair. They must look at what is really happening in life, not papers. (…) The fact is that the land belongs to me because I was the first smallholder in 1979. The court said if I admit to my wrongdoings I must compensate Ta Huen for all his court costs. I refuse."

Ta Pan, 69, Angkal commune, Krong Kep.

Before the case was taken to court, the commune chief had offered a solution:

> "Ta Huen knows people at the courthouse and he will simply let the case drag on so he can win. I had suggested re-defining the boundaries of both parcels but neither Ta Pan nor Ta Huen agreed. They are both stubborn."
>
> Mr. Mey, 56, commune chief, Angkal commune, Krong Kep.

The case is famous throughout the area. Ta Lin believes the two men have long been opposed, which would explain their unwillingness to compromise and the currently stalled situation:

> "Neither Ta Pan nor Ta Huen will give an inch. They have both already invested twice the price of the land in court costs but they won't give in. Many people are aware of this case. Neither of them wants to give in and loose face. They have been on bad terms for a long time. This business is simply an excuse to air it all out. They are ready to loose a lot of money to achieve victory over their opponent. At this stage, if there were a Law saying they must live it at that, they would both agree. But now, things are just escalating. They don't know what else to do and the courts are not going anywhere. According to the Law, the land belongs to Ta Pan. But Ta Huen, the former owner reclaimed the land after 1979. Ta Huen had forgotten all about this piece of land. (…) He reclaimed part of it and now he wants the whole parcel because he had a title issued before Ta Pan did. Ta Pan cannot give up the case. He cannot

lose. Ta Pan lives next to the land whereas Ta Huen lives on an island. Neither Ta Pan nor Ta Huen want to lose."
Mr. Lin, 70, Angkal commune, Krong Kep.

Escalating the problem – always going higher when the situation is stalled

We have recorded instances when the fear of loosing face will cause an emotional block in people, with various results: either they will hush up the matter or they will simply refuse to admit their mistake and run the risk of sending their case further up the hierarchy if the other party does not give up.

- Hushing up a problem for fear of disgrace

The feeling of shame associated with discussing one's domestic problems and asking for divorce often leads people to keep their sufferings hidden:

"Here, we say that the husband and wife should not divorce. Me too, I believe it is good if the husband and wife stay together all their life. Divorce is not a good thing. It is important to have respect from the neighbourhood. People must endure their problems."
Mr. Samath, 45, Takaen commune, Chhuk district, Kampot province (new village).

"You must not bring shame upon yourselves. You must hide your shame. Keep your suffering to yourselves. There will be even greater problems if you discuss it with others. They will despise you."
Mr. Kueng, 45, group leader, Angkal neighbourhood, Krong Kep.

- Loosing face / the escalation

Traditionally, younger people will submit to their elders, even when the latter are wrong. In this case, a woman did not hesitate to file a complaint against her mother-in-law. The latter is stalling any attempt at conciliation because she does not want to loose face in front of her daughter-in-law. The case cannot be solved locally and has been taken to court:

"One day, I hit my child. My mother-in-law was angry with me and hit me on the head. I fell unconscious and I had a big bruise. (…) The village chief wrote a paper saying my mother-in-law had hit me. I went to hospital and the treatment cost me 800 000 riels. We filed a complaint with the village chief and demanded my mother-in-law pay for the hospital costs. She refused and said, "I won't pay. Even if I go to jail for it, I don't give a toss". The matter was referred to the neighbourhood chief and the police station but nobody was able to solve the case since my mother-in-law always refused to compromise. The police held a conciliation meeting. They did a good job. They really helped. (…) Five policemen, myself, my husband, my mother-in-law and a friend of hers attended the meeting. They asked me what I wanted. I replied I wanted 800 000 riels to cover hospital costs. They ask the grandmother to speak and she said, "Sell the oxen and the rice field I gave you as your inheritance and you will have money to pay the hospital". The policemen told her you couldn't take an inheritance back. The grandmother said she wouldn't pay anything. The police asked us if we wanted the case referred to the courts and we agreed. It's along process and we spent a lot of money. Two weeks later we were summoned in court. First we paid the clerk 5 000 riels[21] and he promise to push our case forwards. Nothing was happening so I went to the courthouse one a week to pressure the clerk. Each time I paid him 5 000 riels. (…) Nobody asked me to pay but when it's only when you pay that you can make things happen. It's expensive to get to the courthouse. I must take a moto-taxi. The grandmother was summoned three times to appear but she never showed up. In the end we gave up because we had no money left. We paid the hospital, 50 000 to the court, the transport costs and other expenses. (…) We sold 5 *phlon*[22] of paddy field and one ox (620 000 riels). In addition, I borrowed 150 000 using a piece of land worth over 1 million riels as security. In the end, I said I would drop the case if the grandmother agreed to pay 30 or 40 000 riels. She never agreed to pay any money. It's a question of honour. (…)

[21] Administrative costs included in the procedure.

[22] 1 phlon = 48 paddy sheaf

A few months later, the grandmother had a fight with my husband (her son). Our son was holding a knife and she brushed her hand past. She cut herself. She filed a complaint. She said her son had grabbed her hand and drawn it near her grandson for him to cut it. She is saying that to way away the shame from the first incident. Now she is demanding the same amount in compensation as I am asking in the previous incident but I refuse to pay.
I think there is no justice. Money buys justice. I would have rather the issue be solved in the village. We wouldn't have needed to travel, meet other people and waste money on transport and court fees. It doesn't cost anything to solve cases in the village. But the village chief doesn't have much authority. He is an ignoramus. It refers all complex cases to the neighbourhood chief's office. (…) In our village, the neighbourhood authorities handle the conciliation. The village chief is useless. (…)
We don't have much respect for the neighbourhood chief but we fear him because he has been holding this job for a long time."
Mrs. Pok, 28, Pong Teuk neighbourhood, Krong Kep.

When one of the parties involved will not back down, a small quarrel between neighbours can turn into a full-blown conflict and make its way up to the district authorities:

"Last year, my neighbour's cow ate some of my rice shoots. I told her about it and she promised to pay for the damage. I thought about the cost and three weeks later I asked her for 80 000 riels. She agreed. A week later, when I went to collect the money, she said she didn't have it. I told her if she didn't pay any money we would have to go see the village chief. She told me she wouldn't give me any money if I discussed this problem with the village chief. I was angry when I left her house so I took her bicycle to go see the village chief. I told him the whole story. He wrote my deposition down and I left the bicycle at his place. Two weeks later, the village chief summoned both of us. He said the woman should give me money and I should leave her all the remainder of the paddy plants. We were all agreed. One week later, my neighbour harvested all the rice in my field but didn't give me any money. She said she wouldn't pay anything. The village chief referred the matter to the neighbourhood office and the neighbourhood chief told her to pay me the money. The village chief sent her bicycle to the district office. During the conciliation, my neighbour tried to get her bicycle back and she claimed it was damaged. The neighbourhood chief said we weren't talking about her bicycle and that we were there to discuss the issue with the cow. My neighbour said, "I have a strong sense of justice. If I say I won't give something back, then I cannot turn around and give it back. I follow the Buddhist teachings. I cannot lie. I cannot go back on my word". The neighbourhood chief insisted and my neighbour agreed to pay money, show solidarity and stop quarrelling. She signed a letter of promise. She gave me 30 000 riels and she got her bicycle back. I lost more than 30 000 riels but I wanted to put an end to the case so I agreed on the amount. (…) I got justice because I got some money. (…) The village chief asked me if I agreed and I said yes because I wanted some money. If my neighbour had refused to pay me I would have taken her bicycle. (…) It's worth 160 000 riels. But I got money. I am not that happy about getting so little but I didn't want to loose face. But I got money so it's ok. (…) Since the argument, my neighbour and I have fallen out. She is young and ignorant."
Mrs. Pao, 52, Pong Teuk neighbourhood, Krong Kep (new village).

When a person loses a case, he or she also loses face and his or her position in society:

"When people have an argument over land, they would rather lose money than prestige. When you lose prestige, you lose people's trust and respect. People don't want to maintain relations with a person who has no luck and no honour. People might also think that the losers are under the influence of bad spirits so we keep away from them to avoid attracting bad luck."
Mr Soy, 48, Phnom Penh resident.

This village chief is longing for the old system that gave him more control over people. He deplores the fact that today people do not regard conciliation as highly as they used to and that people all want to win so they do not lose face:

"Disputes are harder to solve nowadays. Ever since the Khmer Rouge surrendered, people have been told about Human Rights. People don't listen any more. People like Human Rights because they can complain. Before, people used to listen to us without protest. They didn't dare complain. Nowadays, they dare. They complain and take their case to the higher authorities. We can no longer threaten them and force them to keep quiet. Nowadays, we are afraid of reprisals when we threaten people, in case we say something they don't like. It's difficult because we all live in the same village. The police and the commune chief live farther away so they are less afraid. They can threaten and reprimand people. But here in the village, everybody knows everybody so we can't threaten people. We don't have any power any more. People think they are all equal and that they all have equal rights. Things were different during the period of the State of Cambodia. We had the right to decide and people would listen. When we told people not to take their case to a higher authority and to calm down, people would listen. They don't listen any longer. When people reject my proposals, I agree to write a letter so they can take their case higher up, but every time it comes back to the village because the higher authorities don't do anything more. The methods for conciliation are the same at the district level. They cannot do anything more than that. Things are different with the police because you have to pay to file a complaint. People say I take sides, but I don't. I remain neutral. They don't trust me. (…) People don't want to conciliate any more. They want to win. The most important thing is to save face; it's even more important than making money. They want to preserve their prestige. They don't want to admit their mistakes and ask for forgiveness. Usually, during the conciliation process I would ask the person at fault to admit it and ask forgiveness. But now you have to really insist for the guilty party to say sorry. He or she doesn't want to lose face. People with money would rather go to court and pay than lose face. There was one dispute over a plot of land. Two people were both saying this one area belonged to them. Neither of them backed down. They went to court and spent more money than the piece of land was worth. They didn't want to lose their prestige."
Mr. Sombat, 61, Pong Teuk neighbourhood, Krong Kep.

<u>When people don't follow the hierarchy</u>
The standard procedure requires the administrative authorities to refer a case higher up when conciliation failed at their level and that one or both parties wish to pursue. We note however, a trend to move away from the procedure. People now take it upon themselves to file a complaint with a higher authority or with the courts, at the risk of displeasing subordinate authorities.

Following in an example of conciliation meeting, held in the house of North Srah Srang village chief, Nokor Thom commune, Siem Reap district, Siem Reap province:

Cheung and her husband have come to complain to the village chief. They say Chot's cows have wandered into their field and eaten many cucumbers. Chot, summoned by the village chief, turns up. Cheung is very angry and talks loudly. Her husband remains quiet at her side. Cheung says she recognised Chot's cows. Chot denies it and keeps a smiling face on. The village chief says it is difficult to judge the case without seeing the actual damage. Cheung makes fun of the village chief: "The village chief is incapable of helping people. He is too soft. He doesn't pay us any attention. He should be firmer". The village chief raises his voice a little and, smiling, tells people to calm down, "We are all brothers, we mustn't fight. Let's stay calm. Tomorrow we will go assess the damage to the cucumber patch". Cheung keeps on saying the same thing over and over again. She says she is definite the cows were the neighbour's. Chot calmly denies it. Cheung's husband uses hand gestures to placate her and they leave. After they depart, the village chief tells us there is an ancient quarrel opposing the two families. Cheung had to pay compensation money to Chot. Today she is trying to get her own back and wants to turn a small issue of a few lost cucumbers into a major problem.
Two months ago the two families' children had a fight. Cheung insulted Chot's family who complained and ask for 250 000 riels financial compensation. After conciliation she paid 90 000. Today Cheung is fighting back. She is resentful and very angry because she is much older than Chot but this did not prevent him from filing a complaint against her for insulting him.

The next day, the village chief returns from the cucumber patch, "I have established there has indeed been some damage to the cucumber patch and I have tried to arrange for a financial compensation acceptable to both parties. Cheung is demanding 30 000 riels. Chot agrees to pay 20 000. Neither would budge. I said they could settle for 25 000 riels, but neither agreed." Cheung was dissatisfied with the results so she filed a complaint with the commune chief that very evening without mentioning it to the village chief. The latter is slightly offended at her action but he hasn't said anything.

When the police handle the conciliation

The police will also handle the conciliation when a case is referred to them. The procedure is similar to local procedures. However, the police will rely on the Law more, and place more emphasis on the consequences of a crime.

> "Divorce cases are referred to us when there has been violence. The referral comes from the district office. There is not much I can do when the case is serious. I summon the husband and wife, write a report and refer the case to the court. I rarely hold a conciliation meeting. Only if I know the people or I feel pity for them. In that case, I lecture the attacker. When a husband hits his wife and she is injured, it is a criminal case. When there is no injury, it is a civil matter. We also handle many complaints over inheritance issues. For instance, in the case of a deceased man who has married twice. The first and the second wife will fight for ownership of his land."
> Mr. Meas, 45, head of the administrative office, Kep police station, Krong Kep.

A policeman gives his impression on conciliation at the local level:

> "It makes my job easier when conciliation is handled in the villages and communes. Many cases are settled amicably. The problem is that some village chiefs are not good at conciliation. They cannot read and they are not familiar with the Law. Sometimes they understand everything wrong. Sometimes they put pressure on the victim and say the perpetrator is right. They have no true understanding of the problem; they are stupid and ignorant. In other instances, the problem remains unsolved because the authorities are afraid. The village chiefs fear reprisals if they favour one person over another. Sometimes, the police are afraid too, but we can always argue that it is the Law, whereas the village chief can't hind behind his personal opinion. However, the overall situation is improving. There are less weapons and less killings."
> Mr. Chrum, 42, police officer, Kep police station, Krong Kep.

8. Appealing to the highest authorities: the National Assembly, the Prime Minister, and the King.

When all recourses have been exhausted without solution and the plaintiff maintains his or her case, the old traditional custom of turning to a higher authority is still in force. The King no longer renders justice publicly as he used to during the period of the *Sangkhum*, but villagers still go to the capital to express their grievances. For a few days, even a few weeks, they set up camp between the Royal Palace and the National Assembly. The great majority of cases are peasants despoiled of their land.

This conflict opposing villagers and the army has been taken to the National Assembly and the Ministry of Defence:

> "There is an 8ha parcel divided among nine families. It's right next to an army parcel. The army grabbed the land in 1991. In 1993, UNTAC's[23] Human Rights office demanded the army return the land to the villagers. They complied with the request. In 1998, they took the land back from them. In 1999, the nine families complained to the commune chief. The village chief is one of the despoiled people. The soldiers did not respond to the local authorities' summons. The latter are scared of the army and cannot do much to help. (…) The villagers have land title-deeds but not the soldiers. (…) The soldiers did not want to respond to the commune chief's summons. It's all about hierarchy. The soldiers feel they are above the commune chief. They answered

[23] U.N.T.A.C: United Nations Transitional Authority in Cambodia. The local population has kept the English terminology.

the district chief's summons but nothing came off it. The soldiers don't accept his authority. So the people took their case to Licadho and the Ministry of defence and went all the way to Phnom Penh to present their case in front of the National Assembly. Investigators from the Ministry of Defence came to the village and looked at the documents. They decided the case in favour of the villagers and the soldiers had to return the land."
Mr. Dareth, 34, city of Kampong Speu, Kampong Speu province.

This dispute opposing villagers and their village chief was taken to the National Assembly:

"The villagers and the village chief disagree. It's difficult to find a solution. In the early 80s, parcels 20x100 meters were distributed to the people. Last year, the village chief declared the land belonged to the Sate and he sold the parcels to a private company. He gave half the money to the district chief and the governor. The villagers could not file a complaint since the local authorities arranged the whole business and they all know each other. So the villagers took their case to the National Assembly in Phnom Penh, demanding justice."
Mr. Talah, 52, city of Kampot, Kampot province.

Another dispute, opposing the residents of a new village to the army is taken to the King:

"During the Sihanouk regime, Ta Houy owned a piece of land at the base of the mountain. Then the war broke out. The Khmer Rouge surrendered in 1994 and they were given parcels at the base of the mountain. Ta Houy's grandchildren returned to their ancestor's property and started farming the land. The higher authorities declared the area a priority development area. Since the land increased in value, important people from the outside came and requested some parcels. The army took a large chunk of land, including Ta Houy and other families' parcels. Ta Houy's grandchildren had fenced their plot but the army took the fence down. Ta Houy's family and nine others complained to Kampot city court, the Ministry of Interior and the King. The case didn't go via the district authorities. At our level, we are afraid of the soldiers; they have weapons.
The case was passed on to the King. After that, the governor of the province asked to meet with the 10 families and the soldiers. The soldiers agreed to return 5 hectares out of the 50 they had taken. The families refused to settle for so little. The governor told the families, "If you are not happy, just take an AK (Kalachsnikov) and get your land back". Later, the soldiers agreed to give 25ha back but the families turned them down. The case went all the way up to the Commander-in-chief of the army, who requested a thorough investigation into the matter. They looked at the old papers and the new ones. In the end, they concluded the land belongs to the 10 families."
Mrs. Khun, 53, assistant to the neighbourhood chief, Pong Teuk neighbourhood, Krong Kep, Kapot province.

This land dispute is taken to a higher authority:

"We were given a parcel 30-meter wide and 500-meter deep. The local authorities sold part of our land to an engineer from Phnom Penh to build a road. We are not happy. I complained. I asked representatives from Human Rights to come and I said I would go to Phnom Penh to complain to the National Assembly and to Hun Sen. Things calmed down. At first, people agreed to the road but when they heard they had to give some land for it, they changed their minds. We wrote a letter with all 21 families' names to file a complaint with Kep city authorities. Kep military commander said we had to give the land. Nothing has been done yet."
Mrs. Seng, 43, Pong Teuk neighbourhood, Krong Kep.

Mrs. Bolin overcame the hurdles set up by networks of administrative allies to meet with Phnom Penh's mayor:

"My neighbour, Mr. tan, owns a sawmill. (…) He has expanded his business and installed some very noisy equipment. The roof of the sawmill touches the wall of my house and reflects the light inside my home. The noise is deafening, all day long, and

the wood dust gets everywhere. It's unbearable. All the neighbours were talking about it and complaining. (…) After six months, nothing had changed. I went to see grandma Chom, the sawmill owner's mother. I told her I couldn't sleep and that my mother was dazzled by the reflection of the lights on the corrugated iron. I asked grandma Chom to move the machine back behind the house, where it was before, and to replace the corrugated iron with bricks. She replied that the sawmill was their livelihood and that if I didn't like it I could file a complaint. So my husband went along with Mr Pon, a policeman, and three civil servants of my acquaintance, to talk with Mr. Tan. The policeman is well known in the neighbourhood. (…) He is retired but he still has influence. He used to own the land where the sawmill is. The civil servants are former employees of Mr. Pon's. (…) There are two influential people here: Mr. Pon in the Eastern zone and Mr. Ney in the western zone. Mr. Tan said we belonged to Mr. Pon's group. Mr. Ney, who lives behind, had already petitioned to move the machine to the front of the house because it was too noisy at the back. Mr. Tan said because of this, it was impossible to move the machine back. He also said we could complain all we wanted, he would still win because he has more money than us. He said, even when we had sold our house to cover the cost of the complaint it wouldn't be enough. He said even if we put our last riels into the case and were near death we would loose. His son is an influential man, an *ocknya*, he is well connected and he has money.

We still went ahead and complained to the authorities. It was difficult because Mr. Tan had bought them all off. We complained to our group leader and the district chief. The group leader said he'd help us. He went to see Mr. Tan and when he came out of the house, he face had changed. Mr. Tan had threatened to kill him if he moved against him. I filed a complaint with the neighbourhood office. Three months later, there were still no reply and no summons. I went there three times to no avail. Each time I wanted to meet the neighbourhood chief I was told he was too busy. In actual fact, Mr. Tan must have paid off all the civil servants. I went to the district office and they summoned me to appear quickly. They laughed at me and told me it was better to withdraw my complaint. They advised me to go to the district environmental office. If they hadn't made fun of me, I think I would have given up at that point. The head of the Environment office listened to me; he was very good. He didn't ask for any money and summoned me and Mr. Tan to appear. (…) The neighbourhood office handled the meeting. I went but Mr. Tan didn't turn up. There was nothing we could do. (…)

One day I was ill and I was alone at home with my husband. My husband asked the workers to turn the noise of the machine down and Mr. Tan increased it on purpose. I took my husband's gun (he is a policeman), I climbed on the roof and I banged on the corrugated iron with the gun. Mr. Tan said I was crazy. I said, "You swine, you're an idiot. Why are you getting angry about such small noise?' Mr. Tan went to the neighbourhood office and the police came right away. I laughed at them, "You only serve rich victims". They wanted me to hand them the gun but I said if they came nearer I would shout. I said, "The authorities here think only about money; they only take an interest in rich people's little problems. Myself, I've had a big problem for a year and nobody comes to help me. Your sign says "police" but it's not worth anything. You must take the sign down. It's a lie; you do not help people".

I went back to the Environment office. The head of the office put me in touch with a journalist from *Reaksmay Kampuchea*[24]. The journalist investigated the case and took some photos. (…) He only asked for the moto-taxi fare. A whole series of articles were printed. We even made the front page. On the advice of the head of the Environment office, I decided to file a complaint with the city hall and with Hun Sen[25]. I filed several complaints with city hall but Mr. Tan knew people there and my case was forgotten. My cousin and I decided to wait in front of the city hall for the mayor's car because we had been told we could not get an appointment with him. We waited for many days and then we were able to approach him as he was getting out of his car. We gave him a copy of our complaint. He knew the case through the newspaper and he asked his assistants to find our case file that had been stalled somewhere in the bureaucracy. I withdrew my complaint with Hun Sen's office so he would not

[24] Largest circulation daily newspaper in Cambodia.

[25] Prime Minister of the Kingdom of Cambodia.

blame the mayor. One week later, I received a paper from the mayor's office telling me to go to the Environment office and that the sawmill had to be shut down. I called the newspaper and showed them the letter. Mr. Tan moved his machines to the back. Now, he is having problems with Mr. Ney. When people ask him to turn the machines off, he turns them up even louder. People want to kill him.
(…) We know somebody in court who could have helped us but since we have no money we couldn't afford a lawyer." Mrs. Bolin, 42, Boeng Keng Kang II neighbourhood, Chamkar Mon district, Phnom Penh.

9. Conciliation in court

Few people from rural areas dare take their cases to court. The courts a held in low esteem. Their poor reputation is forever emphasised by the local authorities. The key argument held against the courts is the cost involved: transportation, accommodation in town and the bribes paid to the civil servants to accelerate the procedure or influence the judges in one's favour.

The second deterrent is the fact that the courts will judge and not conciliate. There is "a winner and a loser" as the local authorities like to remind people. For Cambodian people, who like to reach a consensus and want to avoid a loss of face, going to court is a major challenge. Enforcing the Law and settling a difference in favour of one of the parties is used as a final resort:

"I try and convince people not to go to court. I tell them they will waster their time and money. Some people understand and drop their case; others still want to pursue the issue. The latter are malleable people. They listen to their so-called friends who tell them to go to court because they have friends there and they know they will get their commission in the process. They say, "You'll win your case; I know someone in the court". Now, it is difficult in Cambodia. We have the Law. The Law is good but it is not enforced properly. Nobody watches over the people who are supposed to enforce it. They can do whatever they want. (…) The civil servants' wages are too low. We don't make enough money to live on with our salaries. What are we supposed to do?"
Mr. Meas, 45, head of the administrative office, Kep police station, Krong Kep.

"Few people go to court. The people who go to court go to win. They have connections there. It's easier when you have family in high places. People don't know the court procedures. They feel intimidated and would rather solve their problems locally. One can lose a lot of money in court. People who are not well connected would rather their case be solved at a smaller echelon."
Mr. Sambat, 55, neighbourhood chief, Chey Chumneah neighbourhood, Doun Penh, district, Phnom Penh.

"People go to court to win. They persist in their way. They pay money to win."
Mrs. Sambo, 51, Psar Thmey I neighbourhood, Doun Penh district, Phnom Penh.

"Local people don't go to court, even when they face big problems such as eviction from their land. The courts are expensive and local villagers are poor. In the courts, whether you win or you lose, you still lose money."
Mr. Samath, 45, Takaen commune, Chhuk district, Kampot province (new village).

The people we interview as agree that, to their knowledge, the Law is good but the people responsible for enforcing it are biased:

"Every country has its own laws. In our country, we don't trust the Law. The important thing is enforcement. And here, the Law is not enforced fairly."
Mr. Soy, 71, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

According to the Law, when a complaint is filed with the court for a common law case, the parties must go through one or several attempts at conciliation before the case is tried.

Here, a public prosecutor explains how conciliation is handled in court:

"We call it *psapar*. It means trying to mend something broken. We try to mend a couple. *Somrosomruel* means we will make something difficult easy. *Da sray* is the

resolution. Here we do *psapar*. There are currently no Laws in Cambodia regulating conciliation procedures. But there is a circular defining conciliation. It is also stated that in the absence of any laws, the judgement can rely on tradition[26]. The outcome of the conciliation relies on the judge's talent for argumentation and his ability to combine the Law with traditional principles. (…) We are educated. Our parents and grandparents taught us their moral codes. We also take our personal experience into account. Conciliation is a mandatory step before trial."
Mr. Sovanarom, prosecutor, Kampot, Kampot province.

This clerk explains the procedure and the judge's role as a referee. He believes conciliation is preferable to a trial:

"As a rule, people will record their written complaint with the clerk in the administrative office. (…) Before trying a civil case, the judge will gather both parties for conciliation, *psapar*. For example, the judge will try to find a compromise in the case of an unpaid debt. Party A borrowed 10 000 riels from party B who is now asking for 15 000 riels including interests. Party B says he is poor and can only reimburse 10 000 riels, but at a later date. The judge will listen to them both. He takes people's lives into account and will suggest that Party A pays 5 000 riels right away and another 5 000 at a later date that is agreed upon in the meeting. He will also suggest the interests be reduced to 1 000 riels.
This is better than a trial. A trial will simply crush Party A who won't be able to pay. In a divorce case, the judge will listen to the husband and wife and then discuss the consequences of a divorce. The judge may hold numerous conciliation sessions in divorce cases. He will let the matter drag on to give the husband and wife a chance to reconcile. But if there is no way to mend the marriage, for instance the husband has left, the divorce procedure will go very fast. When a case makes its way to the court, it means all other options have come to nothing; there is no possible amicable settlement. So the Law is enforced; we have no other option."
Mr. Sovanarom, prosecutor, Kampot county court, Kampot province.

Conciliation meetings and the courts

"Civil cases are mainly land-related issues, unpaid debts and requests for divorce. A complaint is first filed with the clerk and passed on to the magistrate who will appoint a judge to the case. A pre-trial conciliation meeting is held. (…) Mainly in divorce cases. The husband and wife are asked to meet and we try to convince them to stay together. (…) According to the Law, a husband who beats his wife will go to jail. We try to solve such cases using people's feelings rather than enforce the Law. It's better if the wife stays with her husband. One shouldn't break up the family unit. We scare the husband. (…) But when the husband is too violent, divorce is the only option. (…) Generally when a divorce case is brought to course, people have already made their minds up and it is difficult to convince them to get back together.
We also hold conciliation meetings for minor land-related problems. Major cases involving the army, private companies and powerful people go even higher, to the Supreme Court. We cannot conciliate with them; they are too powerful and wouldn't want to discuss with people at our level.
In the event of unpaid debts, we try to set up payments spread over a period of time. (…) It's better than a trial.
In all three instances we write a report on the meeting's conclusions. If the parties involved break their commitment, the letter will be added to the file when the case goes to trial.
I believe conciliation at the local level is important. The parties involved try to reach an agreement. It's easier. The peasants are not well off and it's expensive going to and from the tribunal. People complain they have to pay in court, but that's the rule. You must pay 7 000 riels for a trial plus 1 500 for the stamps."
Head Clerk, Kampot county court, Kampot province.

[26] "All courts of law, at all levels, must rely on the law in force and the laws and regulations adopted by the National Supreme Council, to pass judgement. In dealing with civil cases, when the law is not explicit or a gap exists in the law, the judgement must rely on custom, tradition, conscience and equity." The Organisation and activities of courthouses in the State of Cambodia – Chapter I, General clauses, article 4.

The plaintiffs

Filing a complaint is easier in urban areas that in rural ones.

> "People do not come to the neighbourhood office as often as they used to in cases of unpaid debts and breach of trust. There are more educated nowadays and they issue IOUs. They come here to have us sign the papers a witnesses. When there is an issue over a large sum, they go to court. There are less and less cases of unpaid debts that go through our office. There used to be a case every two or three months, now there is one every six months.
> When there are domestic problems, the couple will come here for the conciliation but if one or both of them want to divorce, they go to court. Sometimes the courts send cases back to us and ask us to conciliate."
> Mrs. Pan, 46, neighbourhood chief, Psar Kandal II, Doun Penh district, Phnom Penh.

> "Most cases of unpaid debts are tried. But the courts ask for written evidence. When no IOUs were signed, people come to the neighbourhood office. It's difficult to solve such cases, particularly when the other party lives in a different neighbourhood."
> Mrs. Sara, 43, assistant to the neighbourhood chief, Psar Kandal I, Doun Penh district, Phnom Penh.

Dispute management committees are gradually being set up in rural areas to fill in for the courts in land-related cases. They have not yet been in existence long enough for their role to be properly evaluated.

> "People don't want to file a complaint with the courts. They can't afford it. Land-related cases can be taken to the land dispute management committee at the provincial echelon. The courts are overwhelmed by the complaints filed for land-related disputes and cannot handle all the cases properly. The committee offers arbitration between two parties to help them settle their different."
> Mr. Sitho, 33, investigator for a Human Rights organisation, city of Kampong Speu, Kampong Speu province.

Supernatural beliefs and the courts

As described earlier, Cambodian's lives are strongly influenced by traditional customs. Consequently, supernatural entities such as the spirits of the land, *neakta*, do find their place in the legal proceedings.

Each courthouse houses at least one statue of a spirit. During trial, one of the parties may request the other to swear to the spirit. The court clerk will record the action.

Taking an oath to the spirits:

> "When a person is claiming innocence in a trade or financial dispute and people don't believe him, he may swear to his good faith to the spirit across from the Royal Palace, *Preah Ang Dangkor*. The person who takes the oath states that if he did indeed take the money, misfortune shall befall him and his family."
> Mr. Chom, 50, assistant to the neighbourhood chief, Oulampic neighbourhood, Chamkar Mon district, Phnom Penh.

> "Witnesses take an oath to the spirits. They are afraid of reprisals if they lie."
> Mr. Sovanarom, prosecutor, Kampot courts.

> "We may request people to swear to us that they are telling the truth, *ka sambat*. They are afraid of us so often they break down. It's the same with the spirits in the courthouse. People swear to tell the truth or face the calamities that will befall them."
> Mr. Meas, 45, head of the administrative office, Kep police station, Krong Kep.

In a recent incident opposing two important political figures, one of them suggested they settle it in front of *Preah Ang Dangkor* statue.

People put curses on their opponents to avenge a lost case. Even though they are not feared as strongly as in the past, the spirits' punishments still frighten people.

In last resort, some spirits may be called upon to salvage a complex situation or to support an act of revenge.

> "Sarun's husband borrowed two *domlang*[27] of gold from the rice-lender to buy a new generator (production and sale of electricity for the entire village). His project didn't work out because people connected to the network didn't need to buy electricity and he had to make some repairs to the generator. (…) Sarun's husband had no more money to buy fuel so he stopped. He couldn't pay the loan or the interests back. The rice-lender went to court but the judge told him he couldn't try the case because he hadn't signed any acknowledgement of debt with Sarun's husband. (…) It was a verbal agreement. The rice-lender was furious. We noticed Sarun started to lose weight. She got sick and ever since half her body is paralysed. Their son also had a run in with the police. People are saying the rice-lender went to see a spirit specialising in such cases (curses) and that he did *ka sambat*. Misfortune has befell Sarun's family ever since."
> Mrs. Ki, Nokor Thom commune, Siem Reap district, Siem Reap province.

10. Human Rights – introducing new concepts

Human Right principles disseminated by the International Organisations and national and international NGOs are starting to circulate in the cities, in particular thanks to the radio. Training sessions are also held for sensitive communities (soldiers, the police and civil servants). Human Rights principles are sometimes used in everyday life situations, to attempt dispute management. But they are not always fully understood and their implementation remains vague for many people. In a traditional society that is only now coming out of long years of war, the Human Rights principles carry promises of freedom and individual rights. A situation that leads to some confusion.

<u>Understanding the Human Rights principles</u>

> "The Human Rights are a good thing but the texts are far from the practical reality of people. It sounds good but we don't know how to implement it in real life."
> Mr. Vuen, 38 (former Khmer Rouge), Pong Teuk neighbourhood, Krong Kep (new village).

> "Now, we have rights. (…) We have to right to speak up, to not listen to others and do as we please. We have a right to equal treatment. Women also have rights. (…) They have the right to express their opinions and do things. (…) I don't know. We have rights."
> Mr. Tara, 35, Popeak commune, Svay Teab district, Svay Rieng province.

> "We attended a course on Human Rights. I didn't understand everything but I learned that we are all equals, in spite of our physical differences."
> Mr. Sokol, 57, Tropeang Pleang commune, Chuuk district, Kampot province (new village).

> "Some people ask for unreasonable rights. They ask for rights without understanding what they mean."
> Mr. Meas, 45, head of the administrative office, Kep police station, Krong Kep.

> "Now, people only talk about their rights. One cannot say anything anymore. It's good but people believe it means the right to do anything they want. Rights are good but we must have some limits. Without limits, things turn to complete anarchy."
> Mr. Svay, 57, Thnaot commune, Kampong Rou district, Svay Rieng province.

> "When you have rights with no laws then it is anarchy. If you have the Law but people's rights are ignored, it's absolute authority. The population must be properly educated to understand the rights, the Law and the limits of those rights. Modern laws are good. The Human Rights teach us than men and women are equal. They both hold responsibility in domestic quarrels. Customary law is no good because it states that men and women should not be treated equally. The modern Law respects

[27] The *domlang* is a gold measure. One *domlang* is roughly equivalent to US$350.

people." Mr. Long, 53 (former Khmer Rouge) assistant to the commune chief, Tropeang Pleang commune, Chuuk district, Kampot province.

"Old people like the Human Rights programmes on the radio, but young people like the light entertainment programmes better."
A group of women, Popeak commune, Svay Teab district, Svay Rieng province.

In former Khmer Rouge areas, Human Rights training sessions were held in the morrow of the surrenders. The men from the forest have learned new concepts and try to integrate them with their own knowledge.

"In theory Human Rights principles are good but in practice, it all depends on people implementing them. The rules of the forest (Khmer Rouge) don't add up to half as much as the current regulations. Under the Khmer Rouge, we mostly had oral regulations and they weren't as detailed as the current ones. There are some similarities with the previous rules (Khmer Rouge) such as men and women being equals. We were saying the same thing but in a different way. (…) Now it's more detailed. (…) I attended several training courses on the State, the Constitution and Human Rights. I have diplomas and books. It's very interesting. It's very precise. I read the books and learn some sentences by heart."
Mr. Nuon, 42 (former Khmer Rouge), assistant to the village chief, in charge of security, Pong Teuk neighbourhood, Krong Kep.

The rights of women upset traditional values and men's way of life:

"Now, men are afraid of women's rights. Women say they have rights. It's a new concept. They want to do everything, even silly things. We cannot tell them anything because they say they have rights, that they are justified in speaking up because it's the right of women to do so. It is good to talk but not to talk nonsense!"
Mr. Rin, 43, Popeak commune, Svay Teab district, Svay Rieng province.

"Traditionally, if your wife is bad you have no choice but to hit her. Things are starting to change with women's Rights principles. Men are learning it is an offence to hit one's wife."
Mr. Sitho, employed by a Human Rights organisation, Kampong Speu, Kampong Speu province.

Human Rights principles in the conciliation process

Local authorities trained in Human Rights principles are trying to implement them during conciliation.

"I educate the villagers. I tell them women, like men, have rights. Women can file complaints against men when they are in a difficult situation. ADHOC[28] trained me in Human Rights principles. Ever since, I have noticed I have many more arguments to use during the conciliation meetings. We take people's feelings into account more. We ask people to speak up because they have a right to free speech. The Law says that aggravated assault cases must be taken to court. But conciliation with the help of Human Rights principles is better. We take people's personalities and their personal history into consideration. It doesn't solve anything to send people to prison. It's better if people pay compensation; it's more practical. In cases of aggravated assault, we can reach an agreement when the attacker admits to his guilt and agrees to pay a financial compensation if the victim requests it."
Mr. Poth, 30, policeman, Pong Teuk neighbourhood, Krong Kep.

"We must rely on Human Rights principles to eradicate violence, on condition that the husband and wife understand. After they have listened, the husband and wife must rectify their behaviour by themselves. If the wife has been it to the head, she is bleeding and she must go to the hospital for treatment, it becomes a penal matter. There are sanctions. The local chief of police takes care of that. The first time, the man is educated for two or three days. If he does it again, he faces punishment. He may have to help with the cooking, carry buckets of water, mend the fences, dig a hole or get rid of an anthill. We do this to keep the man away from drinking and also

[28] National Human Rights organisation.

because it is good for him to be educated. We obey the Law. We cannot frighten people anymore so we teach them the Law and Human Rights. The Law says offenders will go to jail. We mention the Law in the letter of promise. We right, "I promise in front of the Law not to do t again. If I do it again, I shall be punished according to the laws currently in force".
People think nothing of hitting one's wife. It is traditionally acceptable when the wife is bad. Ever since we were educated about Human Rights principles, people gradually understand that violence is not acceptable.
We used to only have the Law of the forest. Now we have the true Law. Before, we were only taught to fight against the Vietnamese and liberate our country."
Mr. Huon, 53, assistant to Tropeang Pleang commune chief, Chhuk district, Kampot province.

Human Rights organisation work in the field. They advise people who turn to them on Human Rights violations.

"People come to us when they have exhausted all the traditional dispute management channels. The village chief are biased and sometimes do not dare interfere for fear of making enemies for themselves. The conciliation process is good for minor issues. The village chief can appease people's anger and they can find a compromise acceptable to both parties when people are tolerant. But when people refuse to back down, there is nothing the local authorities can do.
People who come to us live nearby. People who live in remote villages do as the village chiefs tell them."
Mr. Vuthy, 32, investigator for a Human Rights organisation, Kampot province.

"If I ever have a serious problem, I will go see the Human Rights people. They held educational sessions in our village. They say we are all equal. Powerful people cannot fight against Human Rights. The rich and the poor are equal before the Law. The village chief can only solve minor problems. He doesn't know what to do when there is a big problem; he refers it higher up."
Mrs. Bophany, 50, Svay village, Chek commune, Svay Chum district, Svay Rieng province.

This village remains firmly attached to traditional values in spite of appearances and of talks laced with Human Rights principles:

"I have been in charge of the women's association since 2000. Our goal is to help women in the village. I tell them about women's rights. I explain that men and women are equals. I help them express their problems and urge them to report them to the village chief and not be ashamed. The most frequent problems are husbands hitting their wives and husbands sleeping with prostitutes or other women. The wives are jealous and the women fight.
In two or three families out of ten, the husband hits his wife. In such cases, I tell the wife, "He is your husband; you shouldn't accuse him too harshly. You must discuss your problems in a civilised manner". I tell the wife to resign herself to her fate, to not insult her husband's family and to not speak badly of her husband in front of others. (…) The husband might get angry and hit his wife even more if he hears other families are aware of their problems. When a wife is beaten so harshly she is bleeding, I ask the village chief to intervene and talk to the husband. That's what women's freedom of speech is about. It's when the village chief is told about things. Sometimes the women are hurt; they hide and won't say anything for fear of the neighbours laughing at their marriage. I urge women to speak up. (…) If the woman was only lightly beaten I tell her to accept it. Staying with one's husband is better than being on one's own. If she is only lightly beaten, it's acceptable. (…) When the husband hits his wife often and hard, we can ask the village chief to make him sign a letter of promise not to do it again. We cannot divorce people. Only the courts can. In actual fact, it's all down to the husband's behaviour. If he is nasty and stupid he won't change and it will be difficult for the wife to accept her situation."
Mrs. Sen, 47 (former Khmer Rouge), head of the women's association, Pong Teuk neighbourhood, Krong Kep (new village).

III. PREVENTION

In the social context of a Cambodian village, "dispute prevention" refers to a series of social injunctions that advocate proper behaviour unlikely to upset the established order and thus prevent people from exposure to problems. We have not heard any mention of a corpus of precisely defined rules and codes of conduct, but rather references to general principles said to be the legacy of "tradition". During our interviews, we mainly noted injunctions to keep quiet, not cause trouble or exaggerate problems, not interfere in other people's business, not draw attention to oneself… Traditionally, the person who disturbs the social order incurs strong punishment, either of a supernatural (spirits) or karmic nature (consequences on the next incarnation) or even punishment meted out by more powerful people. The fear of upsetting the order is all pervading. Only the powerful are somewhat empowered to change the social order. In such cases, smaller people will follow the leader's decision and adopt his conduct[29]. In this culture of the consensus, standing out is a dangerous thing. Marginal people are exposed to being cast out and, in extreme cases, physical elimination.

In more remote villages where the elders' authority is widely accepted, local chiefs maintain the residents in a state of fear tinged with respect, and use such power to prevent local conflicts. Local authorities hold much less power over residents in urban and surrounding areas.

When handling a dispute, there are no rules granting the local authorities power to impose sanctions and punish offenders. But they use informal methods to put pressure on people.

Prevention of subsequent offences – the letter of promise

Aside from their call to calm, the local authorities say they also rely on people's signing a letter of promise that defines in writing the terms of the agreement as well as on the threat of deterrent punishments.

The letter of promise, *liket sanya*, is a written document drafted by the conciliator (local authority) that states the problems and the terms of the agreement reached by the parties involved. For instance, in a case of domestic quarrel, it may be stated that Party A promises to stop drinking and not to hit his or her spouse any more and Party B promises not to go out for hours any more. Threats of punishment in case of subsequent offence may be included in the promise.

Both parties involved, the conciliator and possible witnesses thumb print the document to confirm their acceptance of the terms stated.

The document itself has no legal value but the simple fact of laying down in writing the terms of an agreement reached in front of the administrative authority has a strong deterrent effect.

But when confronted with a second-offender, the village chief does not have many options available to him. One option is to refer the case to the commune chief who has more powerful means at his disposal. Indeed, the commune chief is in direct contact with the police who can place people under arrest (penal cases).

The police headquartered in the district office handle the complaints. They may hold conciliation meetings and write up a letter of promise to prevent subsequent offences.

> "In one case, a man asked his wife for cigarette money[30]. She refused. The man got angry and grabbed a stick to hit her. The woman came to the police station to complain. We arrested the man and kept him for six hours. Once he'd sobered up I asked him why he had hit his wife. He said, "It's because of the alcohol; I cannot control myself". We made him sign a promise not to do it again and we wrote that if he did, he would go to court and be sent to prison."
> Mr. Suor, 30, police officer, Pong Teuk neighbourhood, Krong Kep.

[29] This was particularly noticeable when the Khmer Rouge leaders surrendered, taking their men with them and adopting at once the uniform of the government troops.

[30] As in other Asian countries, women traditionally hold the purse strings.

Threats and penalties for second-offenders

The local authorities do not hesitate to carry out their threats with second-offenders. In some places, we have noticed people may be made to sit on a chair for very long periods of time, inside the police station so as to be seen by all. Chores are another sanction.

> "We can put pressure on people when we reprimand them, telling them they will go to jail if they don't obey the Law. We can also sit them on a chair in the office in front of everybody for a long time; they feel ashamed."
> Mr. Chhom, 50, assistant to the neighbourhood chief, Oulampic neighbourhood, Chamkar Mon district, Phnom Penh.

> "When a man hits his wife too often we send him to the district office and the police keep him in a room for 48 hours. It's the same as being in jail."
> Mr. Vannath, 52, village chief, Phum Thom commune, Kin Svay district, Kandal province.

> "When there is a problem in the area, people come to get me. (…) The village chief lives too far away. People will file a complaint directly with me while I patrol their area. (…) We patrol the area against robbers because there are many of them around here. The complaints are mostly related to domestic violence. The men drink and hit their wives when they get home. The women only go to the police when the violence is very serious, such as knives and machetes. In those cases, we arrest the man and keep him at the station for 12 hours and then we hold a conciliation meeting. We ask both the husband and wife what happened. We ask the man to say he is sorry and he signs a letter to promise he won't do it again. If it is the first time the husband hits his wife like this, we can convince her to resign herself. But when he has done it before, we cannot convince her. We may offer the wife to refer her case to the courts, but it's rare."
> Mr. Suor, 30, police officer, Pong Teuk neighbourhood, Krong Kep.

> "Li hit his wife Mey; he was drunk. He hit her because she wasn't home when he got back. As the local authority figure I told Li, "Next time your wife gets angry because you're drunk you must listen to her. You hit your wife and made her head bleed. It's no use. It doesn't help your family. You wife is injured and it's a loss of work. One mustn't lose work time". I told his wife, "As a woman, you shouldn't be going out so much. If you are not home when your husband gets back, he gets angry so next time you must be careful". (…) Li and Mey signed a letter of promise. (…) It's the third time. (…) Both Li and Mey's parents were present during the conciliation, as well as the group leader. (…) When the husband and the wife refuse to sign a letter of promise, I call the elders. The give advice to the husband. (…) I don't write a letter of promise every time; only when the case is serious. (…) If after the fourth letter of promise Li hits his wife again, he will be punished. He will have to weed around the police station for a day or two. When you respect the engagements in the letter of promise you obey the Law. People understand its significance. (…) We use punishment to shame the husband and prompt other villagers not to follow his example."
> Mr. Ham, 62, village chief, Angkal neighbourhood, Krong Kep.

But the population doesn't always accept this system based on punishments:

> "I cannot make people pull out weeds or carry dirt; they say it's like during Pol Pot's time."
> Mr. Vay, 46, village chief, Popeak commune, Svay Teab district, Svay Rieng province.

In ancient times, the spirits held great powers over the population, but this powers are gradually fading and consequently so is the fear of supernatural retribution:

> "Every year we hold a ceremony in honour of the spirits of the village and ask for prosperity. They used to be very powerful and mean. They would punish us when we did bad things. Nowadays, some people don't believe in them any longer. They give them dog's dirt as offerings and plant flowers the spirits don't like. Their power diminishes when you stop believing in them."
> Group of women, Popeak commune, Svay Teab district, Svay Rieng province.

IV. REMARKS ON THE CURRENT SITUATION: facing changes

Numerous changes have occurred in Cambodia over the past 30 years. The local authorities are attempting today to adapt to new situations but do not have many new tools at their disposal. The power[31] they held over the populations, strongly relying on coercive methods, is collapsing without any other properly structured system taking its place. The implementation of peace, the beginnings of economic development in urban areas, the opening to the outside world and the new concept of Human Rights principles and Democracy, as well as the emergence of opposition parties have breached the traditional system. A greater freedom of speech and movement is noticeable. Fear is receding. The old cultural values are still firmly anchored in the collective sub-consciousness but the overall framework remain loose and shifting. Consequently we note a lack of tangible references for people to rely on in their everyday lives.

The local authorities are losing some of their control over the population
In urban areas and their surroundings, the village chiefs and neighbourhood chiefs confess to their inability to fully carry out their task. Freedom is gaining ground and, according to them, so is the slackening of respect for the local administration.

> "People are no longer afraid of the authorities. Often, people don't turn up when we summon them to appear. They don't show us respect, in particular the young and people under 40."
> Mr. Lem, 50, neighbourhood chief, Boeng Reang neighbourhood, Doun Penh district, Phnom Penh.

> "Everything is upside down nowadays. People are no longer afraid of the chiefs or the police. They don't give a toss. They can pay off the police if they have money. Now, it's the old people who are afraid of the youth."
> Mr. Sambat, 55, neighbourhood chief, Chey Chumneah neighbourhood, Doun Penh district, Phnom Penh.

> "People used to be afraid, but now the village chief is soft; there aren't any problems. We don't fear the village chief because in doesn't speak in the name of the Law[32]."
> Mrs. Savorn, 44, shopkeeper, Chek commune, Svay Chum district, Svay Rieng province.

> "Well off people and people who have a civil servant among their relatives are more likely to take their cases to court. Often, they don't want to solve the problem at the local level. They feel more important that the village chief. Things have changed since UNTAC. People are less afraid and have less respect for the authorities. They have heard of Human Rights and say they want to be free. People talk about Democracy; they demand their individual rights. Even the newspapers can criticise the Prime Minister. It's good that people are no longer afraid but they must be educated. Things become difficult when people want all their liberties but don't know the limits."
> Mr. Sovanarom, prosecutor, Kampot court.

The power and respect associated with fear that used to be granted to the village chief are gradually fading. Indeed, the village chief has less ways of putting pressure on the population:

> "We have more freedoms since 1993. The importance of the village chief is diminishing. He no longer recruits soldiers for the war or workers for the K5 plan. People no longer fear him. He cannot pressure them any more. People don't even respect the terms of the letter of promise nowadays. The people who act like this are more powerful than the village chief. They want to show they can resist him. The village chief's powers are diminishing. The commune chief is more powerful; he can contact the police so people are still a little scared and have more respect for him."
> Mr. Daravuth, 52, Kampong Svay commune, Kien Svay district, Kandal province.

[31] The current chiefs have less opportunities to pressure people than in the past. They no longer recruit soldiers or enrol manual workers for the K5 plan. The dominant party has lost some of its influence to the proliferation of political parties.

[32] In this instance, the Law implies sentencing and punishments.

> "We have limited powers. When we summon people several times following a complaint against them and they still don't show up, there isn't much we can do. The police are more powerful than us and people still fear them. Sometimes we work jointly with the police when the district office asks them to get involved. But when we request their collaboration they don't always listen to us because they'd rather obey the orders of a higher authority, i.e. the district authority.
> Conciliation is a lengthy process. People are uneducated and don't always understand what we tell them. They only understand about authority and money. Before we used authoritarian methods. They don't work so well any more. Money has supplanted authority. People with money simply crush the others. We have limited powers against them. Wealthy people go above us."
> Mr. Chhom, 50, assistant to the neighbourhood chief, Oulampic neighbourhood, Chamkar Mon district, Phnom Penh.

Hierarchy is all-important in Cambodian society. Consequently, the lower status of the group leaders and village chiefs do not earn them great respect among Phnom Penh residents who prefer taking their problems to a higher authority such as the neighbourhood or the district authority.

> "Phnom Penh residents feel the village chiefs are not important and not educated enough. They go directly to the neighbourhood office."
> Mr. Sara, assistant to Psar Kandal I neighbourhood chief, Doun Penh district, Phnom Penh.

People are losing their references: surrendered Khmer Rouge and adaptation to a new life.

The transition from a coercive communal regime when all was supervised by one's superiors, to a more liberal system that promotes individualism, is not without causing some wavering among the former Khmer Rouge who surrendered during the 90s. The former Khmer Rouge leaders turned village and commune chiefs have difficulties understanding the changes and their diminishing influence among the population. As for the local populations, they are trying their best to find new marks.

> "It's been difficult since we came down to the valley. It's a capitalist society. People no longer listen to us. It's anarchy. Even the people from the forest no longer listen to us. They talk about freedom and only think about playing pool and cards. The people who listen to us work hard and now they are prosperous. You only have to look at the houses. We distributed the same land to all and some houses are built of wood with fruit trees in front, while others are just miserable huts. Disputes are increasingly frequent. The disputes are also linked to population growth and people coming and going. Some people moved here and then left. It's hard to keep check. It's good that people have freedom. But when you give too much freedom, people stop listen to us and the problems start. Take video as an example. People, even children, watch videos all night at the video parlour. I said there had to be a time when the place closed for the night, say 10pm, but nobody listens to me. People are tired in the morning and don't go to work. The children fall asleep in class. There are to many issues to deal with now. I can't handle all the problems so people complain I don't take care of them. Even the police say people no longer listen. If people won't listen to me I don't want to be the village chief anymore."
> Mr. Chhum, 54 (former Khmer Rouge), village chief, Pong Teuk neighbourhood, Krong Kep (new village).

The former Khmer Rouge population tries its best to patch together the fragments of a chaotic life:

> "Now we have democracy; we can speak up. Before I was afraid to speak my mind. (…) Before means 1996. It was the Law of the forest. We didn't dare speak up. Then the district chiefs educated the local chiefs and things have improved. Before 1996 we were afraid to talk. We were told, "If there are any problems, we kill you". People were not educated. Now they obey the law. The killings are over. We are all brothers now. Many former Khmer Rouge feel remorseful. They say what they did before has no sense. They say, "We are all Khmer and we fought and killed each other. We were fooled by the leaders". Many died. I am the sole surviving soldier in my age group. I

> decided to quit the army. Most of the former Khmer Rouge realise they went down the wrong track. But the former leaders won't admit it. They say it was an easy life before, they say the food was plentiful and there was little work. When they wanted to kill someone they simply asked for the person to be killed. They say life was always easy. For us little children (the soldiers) things were difficult; there was no freedom. Here in Tropeang Kdei the people are educated. In other villages people are ignorant and don't understand anything; they'll follow anybody. The chiefs overstep the regulations and nobody pays any attention. For instance the village chief will say, "Everybody must take part in building the road. People who don't turn up will be chased out of the village". (…) People don't dare protest. They talk among themselves and say the village chief is putting pressure on them. They are afraid to say anything because it is difficult to discuss things with an ignorant village chief. Three or four years ago, Chey Ta Svay village chief expelled a dozen families from the village. He enforced the Law of the forest. He could have killed these people. But the people were not happy and they talked. Since then the village chief is afraid to live in his house because he fears reprisals. Things are different now. The chiefs can no longer do as they please."
> Mr. Samath, 45, Takaen commune, Chhuk district, Kampot province (new village).

The transition from propaganda speeches delivered mechanically to an administrative framework based on written documents:

> "When we came down from the forest in 94, the organisation changed. Now, when we hold a conciliation meeting, we hold the meeting under the authority of the civil servants. Before that, we handled problems based on what we had seen and heard. (…) We discussed it among us and sometimes it was fair and sometimes it wasn't. It depended on who handled the problems. Now, the disputes are resolved based on written documents, regulations, the Constitution, the Law and Human Rights principles. We had a few documents before but the chiefs simply memorised them and repeated them to us."
> Mr. Sok, 55 (former Khmer Rouge), Pong Teuk neighbourhood, Krong Kep (new village).

The following statement highlights the difficulties in adapting to an administrative system that goes beyond the old paternalistic ways:

> "Before, when we lived in the forest, Ta Rin was our General. We could easily discuss our problems with him. We went to see him directly. He would solve things without difficulties. Things are more complicated now. We must go through the village authority, then the neighbourhood and then the city."
> Mr. Nuon, 42 (former Khmer Rouge), assistant to the village chief, in charge of security, Pong Teuk neighbourhood, Krong Kep (new village).

Some former Khmer Rouge confess their difficulties to grasp the concept of freedom, unknown to them until then:

> "At the time of the Khmer Rouge, we placed our fate in the hands of the *Angkar*. We didn't have any worries. The *Angkar* took care of everything. Now it is every man for himself and things are difficult. Freedom is good but when it becomes extreme it is difficult to handle. It's hard living in a free society. Everybody wants to do as they please and nobody tells us what to do anymore. It's very hard having to think about earning a living."
> Mr. Neak, 38 (former Khmer Rouge) manager of a video parlour, Pong Teuk neighbourhood, Krong Kep (new village).

> "There was more discipline and more justice under the Khmer Rouge. We were straightforward and honest. We talked straight. We didn't lie. Now we live in freedom but we have no respect; there are no strict regulations. It's freedom at its extreme. Things were good under Pol Pot; we were honest. But we ate communally and we had to fight. That was hard."
> Mrs. Seng, 43 (former Khmer Rouge), Pong Teuk neighbourhood, Krong Kep (new village).

Former Khmer Rouge women feel this newfound freedom doesn't bring only good things to men and can be a source of conflict if not properly supervised:

> "There are many domestic problems now. Men have mistresses and hit their first wife. During the Pol Pot regime, people who slept around were killed. Now men say they are free and want several wives. They say it's their prerogative to do as they please. Us, we don't agree. We want to chase the prostitutes away. Freedom is good but it also causes problems. Men do anything. They don't listen to the chiefs as much. It's anarchy. When the chief is knowledgeable we listen to him. It's no good people doing whatever they please in the name of freedom. The respect is lost. We can become animals again."
> Mrs. Set, 45 (former Khmer Rouge), Pong Teuk neighbourhood, Krong Kep (new village).

The meeting of the former Khmer Rouge with the populations from the valley, who are more used to expressing their opinions, causes some misunderstandings. This former Khmer Rouge believes the desire for dialogue and the new demands are a source of problem:

> "Before, things were more extreme. We all ate together at the co-operative. It worked well but people who didn't obey the rules were killed. We no longer have the right to kill them. Communal life is good but it also creates some conflicts. People who worked hard resented the lazy ones because in the end they were given the same amount of food. (…) But now too, there are people here who are not happy. They criticise those who work hard and follow the chief's instructions. They are lazybones. Their wives are prostitutes who sleep with men for 2 500 riels or in exchange for rice. These people are jealous of those who do well through hard work. They are always complaining. They will say the chiefs make them pay 20 or 30 000 riels for a land title, but the money is not for the chiefs; it's the price set up by the department of environment in Kampot. Here we try to mix the people from the forest with people from the valley. We educate them and tell them if they steal they will be killed. They listen to us. (…) We don't have the right to kill them but we just scare them. Us people from the forest, *neak mok pi prey*, we don't know how to argue among ourselves like the people from the valley, *neak mok pi srok*. The people from the plain came here because their parcels were too small or they had no land at all. We gave them large parcels and they we asked for a little bit back to build a road. That's when they started causing trouble. Us, the people from the forest, we know about solidarity and we can give a small portion of land. Them (the people from the plain), they talk all the time and create problems. Things are very difficult now. We must always argue everything."
> Mr. Sre, 45 (former Khmer Rouge), Tropeang Pleang commune, Chuuk district, Kampot province.

Women's liberation: Women's liberation is making headway, but with much gnashing of teeth involved.

Mrs. Sand is a former Khmer Rouge cadre. She learned to read and write through a UNESCO literacy programme. Her abilities earned her an administrative position in the project and she has been asked to train other women. She started working long hours, getting home late at night. Her husband doesn't accept her repeated absences. He suspects her of having a lover and hits her. She stands up to him using arguments based on Human Rights principles combined with all customs from the Khmer Rouge era:

> "My husband is always going out and he wants me to stay home. I tried to tell my husband about women's rights but he won't listen. I asked the village chief to educate my husband but he said he didn't have the time. I think the village chief may be a good revolutionary but in this instance he acted wrongly. He saw the problem according to the Law of the forest. There was a woman who wanted a divorce because her husband was beating her. The village chief said he wouldn't authorise a divorce if one of the two didn't agree. He said the man had hit his wife because she had insulted him. Myself, I am asking for a divorce because of domestic violence and I have the right to do so even if my husband doesn't agree. That's women's rights. The leaders here are former Pol Pot Khmer Rouge. They are uneducated. Us, we were the post-1979 Khmer Rouge; we were fighters. We used to move about and

solve problems quickly. Now, we must go see the village chief several times in the hope he might listen a little, once. His assistant in charge of security is even worse. He is very authoritarian. I demand women's rights. When I go home, I want things to be as they were during the Khmer Rouge period, when men and women were equals. At that time, after a day's work there was a meal waiting for me, and somebody had taken care of the children. My husband stays at home. He says he waits for me. He can very well cook our meal and take care of the children! He does nothing and says it's a woman's duty. I refuse. I want a divorce.

The village chief said he doesn't have the authority to divorce us, and that I must go to court. I went to court and they made three conciliation attempts. The civil servants tried to educate my husband and they told me about the problems faced by fatherless children. But I cannot resign myself to this. My husband is mean; he doesn't want me to feed my children from my first marriage. He says children are too expensive. He says he refuses to work to feed another man's children. I told him I was the one working hard and putting food on the table. I can handle hard work, but not hard feelings; it's too difficult.

For the past two years I have been working for UNESCO and I work over 8 hours per day. My husband won't let me go out. He is jealous. He hits me and tells the neighbours I have a lover. He loves me but he doesn't like my children. For a long time I accepted the situation, but now he hits me too much. He told everybody I was sleeping around with all the men in Kampot. Now, justice is for women too. When the wife makes a mistake, she admits to it and the witnesses can tell her about her faults. My husband has looked for witnesses who might have seen me with other men but he found none. He simply has to accept that I work."

Mrs. Sang, 47 (former Khmer Rouge), Pong Teuk neighbourhood, Krong Kep.

The village chief is a former Khmer Rouge army officer and doesn't agree with Sang's modern ideas. He feels she is differentiating herself from her comrades and the values of unity and solidarity promoted by the former fighters of the forest:

"What she did isn't right. She has no respect for hierarchy. She doesn't want to rely on us in the village any longer. She doesn't trust us anymore. We are her brothers. We were in the forest together. But she no longer has any respect for us. She went straight to court. We don't like her attitude. She talks loudly and everybody can hear her shout at her husband. Her husband wants to stay with her but he is too ashamed of her behaviour. He left. Things shouldn't happen this way."

Mr. Chhum, 54 (former Khmer Rouge), Pong Teuk neighbourhood, Krong Kep.

In this traditional village, the chief talks about a domestic quarrel and expresses his views on the behaviour of a "bad woman" and women's liberation:

"This man went out as it was raining. He went to drain the water from his watermelon patch and then he went to play volleyball. Some cows wandered through the watermelon patch and ate a few. The wife noticed and chased them; then she went looking for her husband. She was very angry went she got to the volleyball ground and started insulting her husband; she called him "a dog without hairs on his arse"[33]. The shamed husband beat his wife up on the volleyball ground and dragged her to her mother's. He told his wife's parents that he wanted a divorce. He said his wife had insulted him. (…) The man was tired after the row, and he came to my house to ask for a divorce. I didn't want to deal with this issue while the man was still irate. I told him I was very busy and the village chief should handle such cases. The man told me he'd made up his mind. Over a period of one month he would only get on with his wife maybe 5 or 6 days. That evening, the village chief came to my house and told me we would hold the conciliation meeting the next evening. I said I disagreed, that the problem had to happen three or four times before we intervened. The man came back that evening to say it was urgent. I agreed to have the meeting the next day. The man came back once more. He wanted me to go with him right away. I told him I would

[33] A common expression, *chikae hot mien rom momi*, that means when the husband married, he came naked, and did not bring any material property.

come but in fact I only wanted to go the next day. But the man wouldn't give up and he came back again. Ok, at that point I agreed to go with him. I told the chief to come along with the parents and the in-laws. The husband's mother is very old and couldn't come. On the wife's side, we summoned the father, the mother and the four siblings. The brothers and sisters didn't want to attend the meeting because they don't like their sister who is always insulting everybody. While we waited for the village chief to turn up, I carried my investigation at the volleyball ground. I asked people, "Who is the attacker? Who is the victim?" I asked if the man had come to play volleyball for fun or for money. They said it was for fun and that the woman had assaulted him. I also questioned the wife's parents. The father didn't want to come; he wanted to remain neutral; he left. Only the mother stayed. I told her to help the children stay together, to stop the divorce. The mother didn't want to come to the meeting; she said, "If a divorce is requested, just call me and I'll thumb print the document". I asked the husband to go fetch his wife. He refused. So did the wife's mother. I told the village chief, "If the woman is not coming it means she doesn't want a divorce. Her husband wants a divorce and this is why she is not showing up". When I turned up at her house, the wife pretended to know nothing. She was doing the laundry. She was ashamed of what she'd done. I talked to her and realised she didn't want a divorce. I went back to the husband the, because I had to put pressure on him to be reconciled with his wife. I told him it was natural for husband and wife to quarrel, that they must give up quarrelling and that arguments led them nowhere. I told the wife next time she felt like insulting her husband to do it at home but not in public. The husband didn't want to be reconciled. He said it had being going on for too long. He wanted a divorce and was asking for 5 bags of rice and their bicycle. He was leaving the house, oxen and other property to his wife. I explained to him the consequences this would have on the children. I told the wife to ask for her husband's forgiveness. She agreed. She said she had been wrong to insult him. She asked his forgiveness and promised never to insult her husband publicly again. The husband wouldn't budge. I told him I was taking the matter into my own hands and that if his wife ever insulted him in public again, I would agree to a divorce. (…) I had established that the husband wasn't a drinker or a gambler so I advised the wife to tolerate his going out to play volleyball and during the festivals. I told her if her husband had been an alcoholic and abusive towards his children I would have helped with the divorce, but that her husband was a good man. The husband finally agreed and I wrote a letter of promise stating the wife promised not to insult her husband again. (…) We made a copy for the village chief and one for myself. I confirmed that in case of problem, either one of them could use the letter to get a divorce. (…) This case taught me one thing. We are told men and women have equal rights. We very well know men and women are equals. But in this case, when the woman hears she has equal rights, she abuses them. Women know their rights but not where they end. Ever since we've had training classes on Human Rights that's all people talk about; they mention their rights but make no references to the laws."

Mr. Leak, 38, assistant to the village chief, in charge of security, Angkhol neighbourhood, Krong Kep.

The legacy of years of war.

Years of war have left a deep mark on Cambodian society. The social order was turned upside down, religion was forbidden and education all but disappeared.

Lack of education and feelings of distrust

Among the educated, many disappeared in the turmoil of the Khmer Rouge years or fled abroad. People who stayed, and survived, did not learn the basics of a solid education. The legacy of what people learned and lived through under the Khmer Rouge still strongly influence relations with others.

"Ever since the war, people are cruel. People have become really bloody stupid, too bloody stupid. Everybody wants to win; everybody wants everything for him or herself. We are too bloody stupid. We are uneducated; we are ignoramuses. The war is to blame. During the war, we stopped thinking; we followed one party without thinking if it was right or wrong. Those who believed in the Khmer Rouge headed straight towards ignorance and sheer stupidity. People who stayed in the Lon Nol controlled areas were able to attend school longer. (…) Afterwards they were told to forget

everything they had learned. They were told it was all capitalist thinking. If people discovered you had been a part of the Lon Nol regime, you were eliminated. That's how many educated people died. Afterwards, only the ignoramuses were left.
In the early days I followed the Khmer Rumdos. Then, in 1973 I joined Lon Nol's side because we had more rights. Life was not as hard. Then the Khmer Rouge won. I didn't say I had crossed over to Lon Nol. I was able to survive. Now, I am ignorant. I was taught some things but it was all false and bad. I only learned wrong things. (…) I believe we have to wait until the next generation for society to change. Ourselves (our age group), we still carry all those treasons in our hearts. There is too much resentment and we cannot talk about it. Since Pol Pot we are afraid to talk about the feelings in our hearts. The mind won't allow the heart to speak up. People are afraid to speak their mind even when we now have freedom of speech. We are worried of saying the wrong thing and the situation getting out of hand and turning against us. We learned to be afraid and not speak our minds. We learned that our neighbours, even our relatives could be our enemies."
Mr. Khao, 46, Chek commune, Svay Chrum district, Svay Rieng province.

Behind this façade of openness and freedom of expression, fear and distrust still inhabit the hearts of the people who live through the dark years and did not receive any education:

"Things are changing. Poor people who didn't study much are still scared, but the educated ones are no longer afraid. They know they have rights. It's hard to intimidate educated people. For a long time, we got used to living in fear. Children weren't educated under the Pol Pot regime. What they saw and learned was bad. They've become adults now and they know nothing.
Those who had already reached adulthood under Pol Pot have often remained locked up in the fear they felt back then. They remained locked up in their fear until they went crazy."
Mr. Lai, 57, Pong Teuk neighbourhood, Krong Kep.

"Self-censorship is a direct consequence of the Khmer Rouge era. It's like a ghost following people. They are still afraid to talk."
Mr. Pruk, 53, city of Svay Rieng, Svay Rieng province.

The social order was turned upside down and some children have no respect for their elders:

"The Khmer Rouge taught children to betray their parents. The parents were the enemy. There was no education and people weren't taught to respect their parents. You can still see the marks left in the minds of people who were children at the time. They have no respect for their elders."
Mr. Ton, 53, city of Svay Rieng, Svay Rieng province.

The young generation

In spite of the efforts made to build schools throughout the country, the level of education among young people remains very low, particularly in rural areas. The future of the young generation (about 50% of the population is under 16) is a preoccupation for parents living in urban and surrounding areas. After so many years of turmoil, young people are often left without the foundations of familial and traditional education.

Education:

"The education of youth is a problem. They are poorly educated; school standards are low. (…) They have no books. Videos are now a bad influence in the village. Children watch pornographic movies including rape scenes. It's a bad influence. I think people are ignorant and that's a dangerous thing. (…) We have access to radio, but few people who listen to the radio truly understand what they hear. You need a good education to fully understand."
Mr. Chanda, 68, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

Juvenile delinquency:

"There used to be more emphasis on tradition. People respected each other and their elders. The elders would teach the children. Nowadays, the children follow the *bang*

thom[34] and hang out in video parlours and billiard halls. Young people used to respect their elders; now they simply listen to other youths. They have no respect and no fear for anything. The police had to get involved last year and send a few to jail. There is a rich neighbourhood and a poor one in the village. People from the rich neighbourhood work in town, they are shopkeepers or civil servants. Their children have joined the *bang thom*. Only the sons of the poor were arrested. The sons of the rich are learning about impunity. They will do it again because they feel untouchable."
Mr. Khao, 46, Chek commune, Svay Chrum district, Svay Rieng province.

Loss of respect for the older generation:

"We've been having problems with the youths since 1993. They have become nasty. They no longer listen. They think they have Human Rights on their side. They don't think others do too. To them, rights mean power. Young people say they have rights and use them as a form of power. They say, "I have rights; I have rights over other people". Once we saw a Human Rights organisation protect a thief and not do anything for the victim. Young people see this and think they will be protected if they commit an offence."
Mr. Vannath, 52, Phum Thom commune, Kin Svay district, Kandal province.

"In 1979, after Pol Pot, people didn't argue much. There was little to eat, we didn't quarrel; we thought of nothing. People are wealthier nowadays and they think more. There weren't many ideas before. Now there are schools, videos, motos and husking machines for the rice. There are people who understand all the new ideas and others who don't understand a thing. People who don't understand have no respect for anything anymore. Some have too much freedom. But the Law is the Law. We can travel freely. Nobody can arrest us. We have rights but we must also respect society's rights. We have problems with the youths here. They watch videos all night long. There are harmful videos showing sex and violence and stories in rich places. Young people discover all this and refuse to listen to us."
Mr. Mey, 56, commune chief, Angkol neighbourhood, Krong Kep.

In this family, the younger members have lost respect for their elders. The grandchildren are taking their grandmother to court:

"Grandma Prom gave her daughter a piece of land to live on. One of her granddaughters decided to build a shop next to the road. The other granddaughter said the land was hers. The grandmother said it was untrue. There were so many arguments that the grandmother asked all her children to leave the land. The granddaughters filed a complaint with the courts against their grandmother. (…) Children used to listen to their parents and wouldn't go against them. Young people have no respect."
Mr. Cheal, 51, village chief, Nokor Thom commune, Siem Reap district, Siem Reap province.

The weight of tradition.

This elder is criticising the Cambodian educational system, based on repetition and preventing the development of a critical mind:

"Children are taught from a very early age to keep quiet. They must remain silent when adults are talking. Their parents don't explain anything to them. Children learn by themselves. They don't dare talk or make too much fuss for fear of reprimand. They get used to obey without thinking because nothing is ever explained to them. They don't learn about having a critical mind. If they have a problem when they become adults and they are told to keep silent during the conciliation meeting, well, they simply keep silent. It's tradition. Children are taught to repeat things without thinking about them."
Mr. Ton, 53, city of Svay Rieng, Svay Rieng province.

[34] *Bang thom*: the older brothers; delinquent gang leaders.

Ambitions and wishes for the future.

Many of the village chiefs we have met while conducting our interviews have expressed their satisfaction at the current dispute management process, but there are others (mainly in urban and surrounding areas and large market towns) who have confessed to their lack of procedures and knowledge adapted to the population's new requirements:

> "I would like a written copy of the Law to learn how to solve problems. I want to enforce the Law. At the moment, I use my personal experience but when I don't know if something is fair or not I can only tell people to calm down and stop arguing. I don't want to create an even bigger issue. In addition, if I offer solutions to some people and not others I will be criticised. With the Law, we can say it's the Law and that's the end of it. People won't be able to say it's a personal solution and that we give preferential treatment to certain people. We say, "It's the Law, not us". And it gives us new ideas on how to solve problems. There are many cases explained in details. You can look up one that is similar to your problem and offer a solution based on the principles of the Law."
>
> Mr. Samon, 42 (former Khmer Rouge), village chief, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

> "We must be educated. We need educated leaders. We spent a long time in the forest. We want to come out of the darkness and walk towards the light. Our leaders must be fair and not show favouritism for their allies. Poor people are ignorant and alone."
>
> Mrs. Stung, 47 (former Khmer Rouge), Pong Teuk neighbourhood, Krong Kep.

> "We don't have many problems in our village. People are pleased with the way I handle things when there are problems. I don't need anything. We only deal with small issues not provided for by the Law. There only small issues than can be solved through discussion."
>
> Mr. Moan, 55, village chief, Popeak commune, Svay Taeb district, Svay Rieng province.

This village chief understands that to be respected, power no longer rests on intimidation but rather on knowledge:

> "I do what I can and I know it's not perfect. There are problems I cannot solve. I would need training. Before I used conventional words but I realise it is no longer enough. (…) People complain more than they used to. (…) I would need more detailed and more specific procedures such as regulations and laws that can be enforced locally. I am ignorant. I don't know much but I have a great desire to learn. It's good to handle conciliation at the village level but we don't always know how to proceed. You must earn people's respect to maintain your power. We ca no longer frighten people to keep our power. If I am knowledgeable and fair, people will respect me."
>
> Mr. Vannath, 52, village chief, Phum Thom commune, Kin Svay district, Kandal province.

After many years of living in a camp in the forest, this former Khmer Rouge discovers a new world: a peaceful world that offers hopes of a better life and an opening to the outside:

> "I think everything is good here. I have never seen so many people at once. I am happy to talk to a foreigner like you. It's the first time. Before, in the mountains, things were all dark. Now, when we talk, you can really enter into the other person's conversation, things are clear. We are coming out of the darkness and we want to look at everything, without fear. Before, when I was a soldier and I would come down to the valley, I had two eyes in front and two eyes at the back of my head. I was afraid of being killed. Now I want to look at everything in broad daylight."
>
> Mr. Krem, 54, Tropeang Pleang commune, Chhuk district, Kampot province (new village).

Synthesis Chap. II
Management of conflicts at local level the current situation

Since the first free elections held in 1993, Cambodia is gradually moving towards peace and slowly opening to the outside world. Throughout the 90s, the last Khmer Rouge strongholds surrendered one after the other, bringing the promise of a more serene future.

In rural areas, the nature of disputes has not changed since the previous era: land-related disputes, domestic quarrels and arguments between neighbours. The procedure followed by the conciliator may change little from one place to the next (complaint filed by one of the parties, conciliation meeting, problem exposed by the parties, conciliator's advices and letter of promise) but we have however noted great differences in the conciliators' attitude between rural areas and urban and surrounding areas. These attitudes range from authoritarianism to inaction, including avoiding the problem, exclusion, hushing up matters, amicable settlement, favouritism, referring the case to a higher authority and going to court.

The country is opening up to the outside world and Human Rights principles are making their way to the populations, thanks to radio programmes and training sessions. These new concepts are not always fully understood but they are slowly influencing villagers' thoughts as well as those of the conciliators.

Today, Cambodian society is attempting the difficult task of building a cohesive whole out of the heterogeneous scraps of its chaotic recent past, combining the remnants of a fast-disappearing way of life with extreme communist practices and the new concepts conveyed by the west.

CONCLUSION

When one wanders through rural Cambodia today, it seems very little has changed since ancient time[35]: houses are built on stilts, as they always have been; the farmers cultivate the paddy fields using their ancestors' farming techniques and the fishermen use the same hoop nets their forefathers did.
But nevertheless, over the past forty years Cambodia has experienced war, famine and extreme political leadership whose stated aim was to build a new society on the ashes of Cambodia's traditional values.
In 1970, this largely isolated and ancient country was suddenly thrown into the stakes of History in the name of concepts it scarcely understood: the consequences of the Cold War and the communal Marxist experience.

After years of turmoil, Cambodia is turning to its old traditional values to rebuild itself, torn between the legacy of its painful recent past and its desire to embrace the world. A desire all the more powerful that the images conveyed by numerous International Organisations and the press offer promises of a better world in the 21st century.

An age-old world
During the so-called "traditional" period (pre-1970), we find no references to clearly defined procedures for conflict management, but rather more flexible attitudes adaptable to each set of circumstances. Consequently it appears to us that tradition, instead of offering guidelines for life in society, promotes instead individualism through the sidestepping of problems and the search for a consensus. Fear of the authorities and the supernatural powers, contributes to the prevention of disputes and so does the compartmentalisation of family units scattered over a wide area.

The fall
From 1970 onwards, and particularly from 1975 to 1979, Marxist ideologies advocate collectivism as the only possible alternative to "bring Cambodia out of feudalism". The Khmer Rouge, an extremist Cambodian faction, will force such ideologies upon the population. The authoritarian Marxist movement imposes a coercive system based on communal living. Blind obedience to the leader and the implementation –to absurd levels- of a misunderstood philosophy lay down the foundations for the regime of the anonymous and mythical organ of the Party, the *Angkar*. Once again fear, soon turning to terror, prevents possible disputes and discourages all attempts likely to oppose the new ideology. Revolution is under way. It is upsetting traditional values and undermining the foundations of Cambodian society.

The reconstruction process
Following the fall of the Khmer Rouge in 1979, the survivors have only one wish: to make a clean sweep of the past and return to the traditional pattern, even if on the surface the new communal system enforced by the new government seems to be running smoothly.
People go back to the former practice of conciliation but deep changes to the social behaviour are noticeable. The old traditional values are still holding firmly but their slow erosion and people's loss of references contribute to the exacerbation of vague, undefined feelings to the detriment of social cohesion.
For instance, the desire for independence that families have always cultivated is nowadays tinged with an extreme mistrust of others.

Opening to the world
In 1992, the United Nations and other International Organisations arrive in Cambodia with their firmly established western concepts. These new tangibles references combined with the promise of a better world will both seduce and destabilise the Cambodian people, but will not succeed to challenge the socio-cultural practices deeply engrained in the collective unconsciousness.
Today, Peace has returned and the imperious need to join the club of Nations, demographic growth, economic development and the introduction of new concepts such as Human Rights principles are once again shaking the foundations of Cambodian society. Some of the new values promoting individual freedom are well received in villages but they cannot challenge

[35] This impression is reinforced when one compares the fishing and farming techniques used in current Cambodia with the scenes depicted on the bas-reliefs carved in the Angkor temples.

the old instinctive cultural responses. The powers held by the local chiefs and the political parties is nothing other than the current expression of the traditional authority held by the village chiefs, and as in the past, it relies on informal networks based on a family-unit pattern.
Consequently, when the time comes to solve disputes or prevent conflicts, those who are appointed as conciliator attempt to combine snatches of a very vague tradition with the new demands and desire of the population that is opening up to outside principles (the law, Human Rights principles, etc). Usually poorly educated, the conciliators are little equipped to carry out their task and often remain powerless when confronted to new situations, particularly in the case of land-related disputes. In the urban and surrounding areas their influence is diminishing and the people are questioning their legitimacy. The next communal reform should grant them greater autonomy and power.

Cambodia is a country of water and consequently it has always reached consensual solutions in times of need: flowing with the current, following the march of History while trying out new ideas circulated by the outside world but without ever forgetting its initial liquid state, quick to dissolve and dilute differences and oppositions. This country is all the more difficult to grasp that its impermanence, its immanence, prompts a qualified approach to any attempt at rational analysis.
The old traditional values are still in place, and even if according to foreign criteria these values may slow the country's development, it must not be forgotten that to a large extent these values were the very forces that enable Cambodia to rise from its ashes in 1979. People were able to rebuild their houses, their ploughs and their fishing nets to survive, on their own. During the dark years, the Cambodians listened to their leaders' orders without trying to understand their meaning. And as soon as they could, they returned to their ancient customs that we are in no position to judge.
In doing so, the Cambodian people have show extraordinary resilience, the ability to adapt to unwanted changes and great flexibility in the face of adversity.

RECOMMENDATIONS

Today, Cambodian society is confronted with new situations: the dissemination of international concepts, strong demographic growth and the economic development of the country. The old traditional values are still holding firmly and are strongly contributing to shaping current social attitudes, but some transformations must be anticipated in the long-term. We can only hope such an evolution will be a gradual process, taking into account the codes and values of Cambodian society.
Consequently, the following recommendations must be replaced in the cultural and historical framework of Cambodia. Indeed, advocating great changes while implementing methods alien to the traditional system would be the equivalent of applying a coat of varnish that will only sustain the illusion for a limited time.

Our recommendations also take into account the demands of numerous official and informal conciliators who confided in us their feelings of helplessness when faced with the evolution of society and have stated their desire to earn the respect and trust of people around them. Even if today the respect for an authority figure is often directly linked to fear, it seems advisable that in the future this respect be based on the authorities' abilities and knowledge.

We are thus suggesting promoting information and educational programmes geared towards both the people involved in the management and the prevention of disputes and simple citizens, to empower them and give them the necessary tools to solve and prevent conflicts.

1. TRAINING

Training programmes on conciliation, mediation and arbitration techniques must be set up in collaboration with the key partners involved: the Ministry of Interior, the Ministry of Education, the Ministry of Justice, the Ministry of Cults as well as NGOs and International Organisations.

Content:
Training programmes must be fully assimilated by the people they target. It is therefore essential to design programmes based on the reality of everyday life in Cambodia and that take into account both the religious framework and the traditional social conventions.
With this idea in mind, it would be interesting to work from real cases, present how they were dealt with and, in collaboration with the participants, study alternative solutions such as discussion, different methods (ex. ADR, Alternative Dispute Resolution) and solutions based on tradition.
It is recommended the training programmes include basic training in Law and administrative procedures regulating penal and land-related cases.
Special attention must be given to domestic dispute management and, more specifically to domestic violence.

Target population:
The local authorities: Traditionally, people have always accepted the village chief and commune chief's authority in dealing with local disputes. In our opinion, it is essential they be included in the new process or we run the risk of setting up a parallel system that would not be recognised by the local populations.
With the new Law on Decentralisation, the commune chiefs will be granted wider powers and a greater autonomy. It is there fore essential the latter receive appropriate training. They would in turn train the village chiefs and give them access to written documents that could be made available to the communal authorities.
One must not forget the police and the persons in charge of conciliation at the courthouse.
To that effect, we feel it would be appropriate to set up a mediator or referee position within the court system, that would also offer training (legal procedures, law) to the uneducated populations.
The *acar* or masters of ceremonies hold a crucial position in Cambodian society. They are intermediaries between the population and the Buddhist monks and are responsible for the organisation of religious ceremonies at the monastery and in the village to celebrate specific events (house building, weddings, illness, death, etc.). They are well-respected for their religious knowledge but remain close to the people and their everyday concerns. Consequently, the *acar* could play an important role in the management of social disputes such as domestic quarrels and neighbourhood issues.

2. INFORMATION

Locally:
All legal texts detailing the laws must be made available to the public and should be available for consultation at the courthouse and in the county towns communal office.

Administrative position for a knowledgeable person (*lok kru*):
This position could be created to help poorly educated populations read and understand the Law. The person appointed to this position would have to be knowledgeable and his/her authority recognised by the local population. It could be an elder, a master of ceremony, a retired civil servant, and the representative of a local association…
The position requires training and must be remunerated.

Nation-wide:
The radio broadcasting networks, and to some extent the television networks, cover most of the country and populations widely tune in to the programmes. The radio comic shows and the Thai and Chinese TV series are particularly well liked.

TV: It would be worth producing a TV series tackling disputes and everyday life issues in Cambodia and the methods used to solve them. A heroic character in the tradition of Judge Hare would act as a conciliator, a wise man, while travelling through Cambodia's provinces and villages. When confronted to a complex situation, he would become a role model and the reference on proper dispute management and prevention of conflicts.

Radio: Short sketches that describe a conflict situation and the intervention of a conciliator/mediator.

Theatre: Small plays could be staged in collaboration with existing travelling theatre companies. The plays would depict local conflict situations and describe how they were solved by the villagers themselves or thanks to an outside mediator.

Shadow puppet theatre: A few NGOs have already used this art form to disseminate information on HIV/AIDS prevention. It would be an interesting approach for us.

3. RESEARCH

To achieve training programmes relevant to traditional Khmer culture, it is essential to carry out in-depth research on specific topics that have yet been little explored.

Collect all written documents relating to disputes and dispute management in Cambodia and in the neighbouring countries:
The National Archives in Phnom Penh, the Public Record Office in Hanoi, the library of the Ecole Française d' Extrême-Orient in Paris, the Archives d' Outre-Mer in Aix-en-Provence.

Define the scope of field research:

- Statistical evaluation of the current situation: record the number and the nature of cases handled in the villages, communes, districts and courthouses. (A representative sample must be selected). Examples :
- Land management from the past to the present: customary law and the evolution of land laws since the French Protectorate.
- The evolution of the traditional role of men and women in Cambodian society.
- Study of specific conflict situations:
  - Fishing on the Tonle Sap Lake since the opening of fishing lots (disputes between small fishermen and large fish-lot owners; relationship with the local authorities)
  - Demobilisation and access to land.
- The national reconciliation process: where do former-Khmer Rouge fit in Cambodian society?

- The Chinese, Vietnamese and Cham communities and the hill-tribes in Khmer society: cohabitation and opposition.
- Land-related disputes in urban areas: Phnom Penh case study.

4. CONSOLIDATING traditional references and restoring confidence

Using Cambodia's cultural background
The Buddhist texts should be researched to identify enlightening stories illustrating examples of dispute management (ref. the *Jakatas*, the tales of Buddha's previous incarnations).
The stories of Judge Hare could be adapted to current situations.

Re-evaluating the role of the *acar*
The masters of ceremonies meet once a week at the monastery on the holy days of the Buddhist calendar.

- In collaboration with the Ministry of Cults, define an educational programme on dispute management that combines Human Rights principles with Buddhist values. A few *acar* could be trained in each monastery as well as the *don chi*, the elder women who retire to the monastery.
- Help create a council of elders and, in collaboration with the religious authorities, set up a place of meeting, discussion and dispute mediation inside the monastery. Such a place would be supervised by the *acar* and the *don chi* and open to people in conflict with the village or their family: battered wives, unwed mothers, HIV/AIDS patients, and poor people without a network of connections… These people could then be referred to the appropriate state agency or private organisations.
- Pilot schemes could be launched in monasteries that are already involved in rural development and open to the principles of a culture of peace before being introduced more widely.

5. SUPPORT local associations

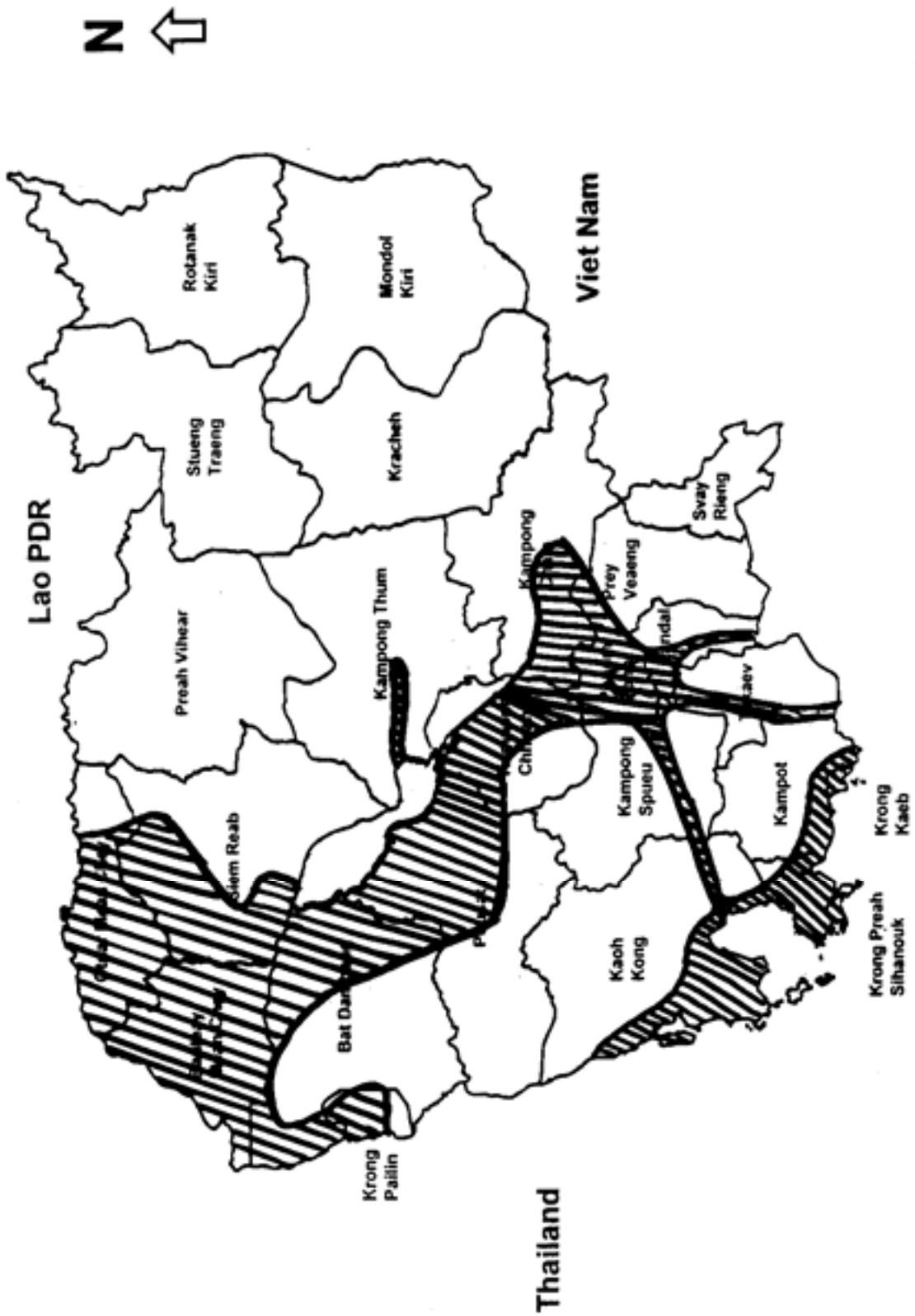
- Identify local associations already involved in dispute management. Support their action through training programmes and teaching materials.
- Promote the development of local associations and encourage them to adapt their programmes and resources to the weaker members of the community who have no connections, women victims of domestic violence, the poor and people who have moved from another village…
- Organise seminars and co-ordination committees to facilitate collaboration between the various associations.

6. FORMAT ADMINISTRATIVE DOCUMENTS

A proposal should be put forward to all government agencies to establish formatted administrative documents for ownership, occupancy, sale, buying or rental of land property and publish guidelines to assist the conciliators in writing out a letter of promise. The forms should be available at village level and easy to fill out.

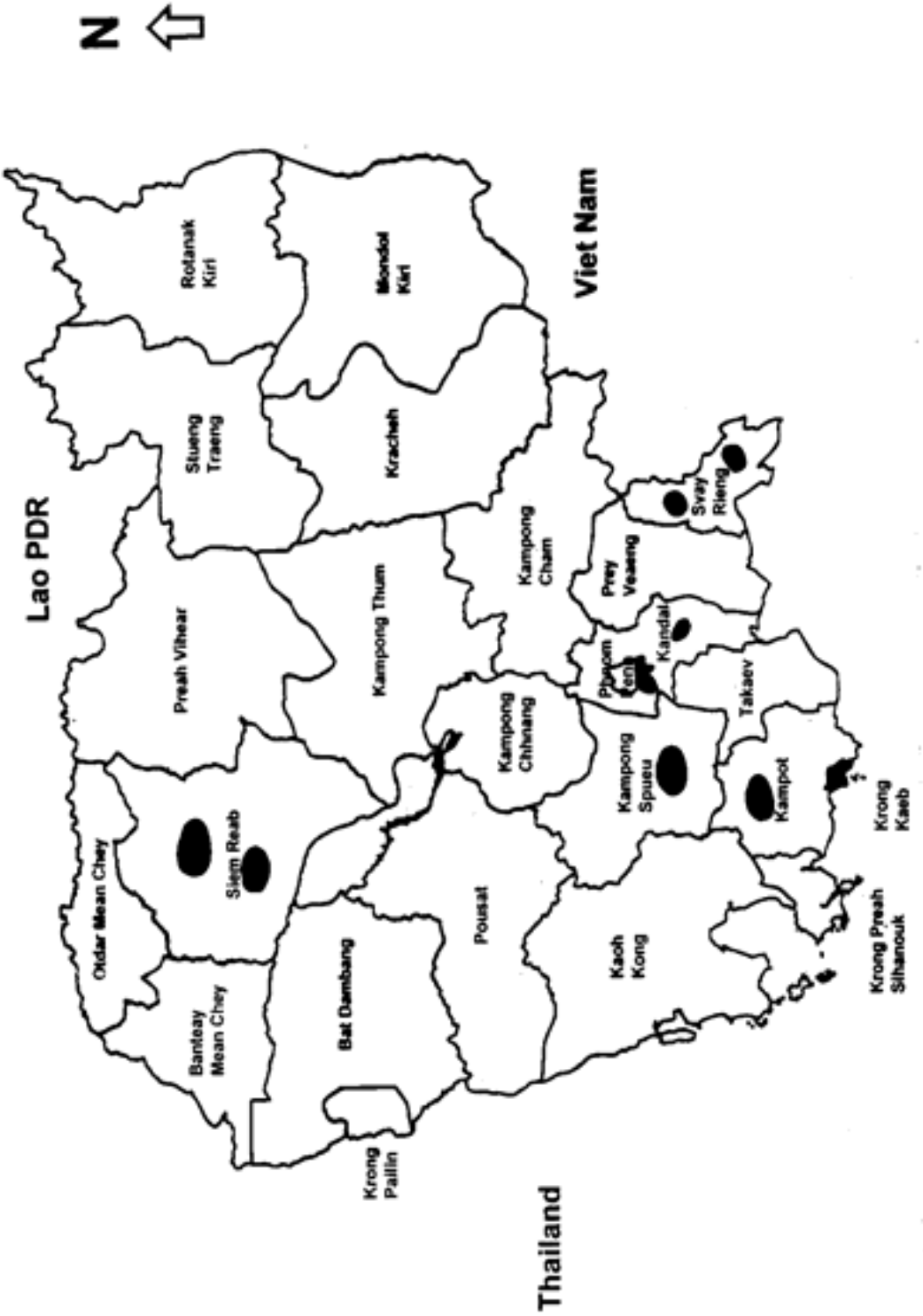
APPENDIX

Areas under government control between 1972 and 1975
(The white areas show zones under Khmer Rouge control)



Cambodian provinces and research areas

Kampot: **Chhuok district, Krong Kep**
Kandal: **Kien Svay district**
Kompong Speu: **Cbar Mon**
Phnom Penh
Siem Reap: **Banteay Srey and Nokor Thom district**
Svay Rieng: **Svay Teab and Svay Chrum district**



INTERVIEW GUIDELINES

1. Official Conciliators – Administrative Authorities

Mekrom, mephum, mekhum, mesangkhat, mesrok.

Sample: old village chief, new village chief, border villages, villages on the river, villages that have problems with outsiders, city neighbourhoods, communes, districts…

1. Name, age and position of the interviewee

2. Demographic data

How many groups and villages? How many families? Number of residents.

3. Administrative division – historical background

1954-1970 Period of the Sangkhum Reast Niyum
1970-1975 Lon Nol republic. Part of the country is controlled by the Khmer Rouge
1975-1979 Democratic Kampuchea regime: travels and living conditions
1979-1989 People's Republic of Kampuchea: the issue of land distribution
1989-1993 State of Cambodia
1993-2001 UNTAC, Royal Government of Cambodia.

Villages and urban neighbourhoods

Residents and their occupations from the beginning of the century until 1970 (shopkeepers, civil servants, ethnic communities)
1970 The war
1975 The population is displaced – Where to?
1979 Current residents (are they mostly former Phnom Penh residents or have they come from the provinces?)

4. The residents

Occupations
Socio-economic level
Problems encountered (water, roads, schools, land, insecurity, etc.)
Are there any NGOs operating in the area? What is their field of activity?

5. The disputes

What types of problems oppose the residents in everyday life?

- Internal problems: land, constructions, family quarrels (Man Woman, WW, MM), debts, breach of trust, farming animals, etc.
- External problems with another village, the administration, the army, etc.

The most frequently encountered problems – Why? (Examples)
The less frequently encountered problems – Why? (Examples)
Rate of occurrence
Evaluation of the number and types of disputes in the past and today. Evolution, changes and causes.

Domestic quarrels

Causes
Aggravated assault – Causes – Is it serious?
The ideal of the respectable/disreputable woman
The ideal of the respectable man

Land-related disputes

6. The conciliation process

The first steps

- How are the authorities made aware of the problem? Both parties/one of them/the police/others?
- Written of verbal complaint? (Official form? Tariffs?) How many times do the authorities meet with the plaintiff?

- Do the authorities intervene directly? Under which circumstances? Do they go check the problem?
- Summons – Whom do the authorities summon to their office? Both parties/one of them? Do they hear the other party individually before holding a meeting with both parties? Who hands out the summons? What happens when the other party ignores the summons? Will the authorities ask the police or others to intervene? Will they refer the matter to a higher authority?
- Which cases are not handled by the *mephum* but directly passed on to a higher authority? Criminal cases? What is considered a crime? (Rape, breach of trust, debts?)
- Do the higher authorities ask for the local authorities' assistance? When?

<u>The mediation</u>

- How long after the first complaint has been lodged?
- Where does the conciliation meeting take place? Is it an open space or inside? Are other people allowed to attend?
- What are the *mephum*'s methods? Does he listen, ask questions, give advice, refer to moral codes of conduct and/or quote the law?
- What does the conciliator say?
- The letter of promise. What is written down? Is one written every time?
- Value and purpose of the letter? Does it have a preventive role? Are people afraid of reprisals from the administration? If so, what kind of reprisals?
- Punishments? Intimidation?
- Does the conciliator contact other people to ask for their advice and request additional information regarding the problem? If so, whom does he contact?
- Duration of the conciliation process
- The feelings of the two parties involved: anger, reserve…
- What types of feelings does the conciliator promote and what types does he try to put down?

<u>The aftermath</u>

- What are the victim's and the attacker's reactions?
- Is the conciliator made aware of the aftermath of the conciliation? Do the parties inform him or does he keep himself informed?
- Does he know if the issues have been solved or not?
- If so, what are the results achieved? (Over 10 disputes, how many people have no further problems?). Are the conciliator's advices implemented? Is his decision accepted? Are there many recidivists? Are the cases solved?
- Out of 10 cases, how many went to court? How many go straight to court?
- On average, how long does it take people from the moment the dispute starts to the time they take their case to the conciliator?

7. The conciliator's background

Age, CV, how was he recruited? How long has he hold his position for? Who held it before him? Would he/she like to carry on or to quit? Level of education?

<u>The role of the conciliator:</u>

What are his abilities and the scope of his powers? Since when? What kind of relationship does he have with his superiors (does he often call on a higher authorities or would he, as much as possible handle problems internally?)?

<u>How did he learn about conciliation?</u>

Are there traditional procedures on dispute management? Did he receive training? Did he learn from watching his superiors?

<u>What does he rely on?</u>

Customary law, moral codes of conduct (*cbap*), the law? Which laws? Does he have written texts? Does he use personal experience (how did he gain it?)? Does he refer to religion, Buddhism, the spirits?

8. Relationship with the higher authorities

What circumstances bring you into contact with your hierarchical superiors?
How often? Who goes to see whom?

9. The conciliation process during the previous political regimes

How were the disputes solved? What kinds of disputes? What are the differences?

10. Other conciliators

- Do you ask for other people's help in carrying out your conciliator's duties? Do you delegate to others (influential people, militias, *chas srok, chas thum, acar, lok sang*, associations)?
- What is the role of your assistant? The militia? The group leaders?
- Their role in the past and nowadays. Changes? Reasons?
- The role of religion in avoiding conflict.
- Other influential people in the village?

11. What kind of problems do you encounter when carrying out your conciliation duties?

The highlights and the bad points.

12. Suggestions to improve the conciliation and the dispute management processes

13. Practical examples (cases presented during the interviews)

2. Traditional Mediators

Masters of ceremony, elders: Acar, chas thum

Name
Age
Village of origin
Where do you currently live?

Disputes you have witnessed or experienced during your lifetime
(The French Protectorate, Prince Sihanouk "Sangkhum Reastr Niyum" regime, Lon Nol's republic, the Khmer Rouge regime, the People's Republic of Kampuchea, the State of Cambodia, UNTAC and the Kingdom of Cambodia)

- During the period mentioned, do you remember any problems, quarrels or conflicts between relatives, neighbours, groups of people or villages?
- If so, can you tell us about them?
- How was the issue managedd?
- Was this type of problem a frequent occurrence? Why?
- What was done to prevent this type of problem from happening?
- During this period, which political events did you witness? (Issaraks resistance movement, the overthrow of Sihanouk, the first Viet Cong incursions, the rise of the Khmer Rouge, the Khmer Rouge regime, the pro-Vietnamese regime, UNTAC, the present) What did you see or do?

Dispute management today

- What happens when a dispute arises? Why?
- Have you ever taken part in a conciliation meeting? Why were you chosen?
- Who asks you to get involved?
- What is your role?
- Can you give us a few specific examples?
- Tell us about the conciliation process. Who speaks first? The conciliator or the parties involved? Are we talking about informal discussions, or formal meetings attended by both parties? Are traditional rules enforced, or do you follow the government's regulations? Which moral rules or treatise do you refer to?
- How did you learn? Written documents, oral tradition, and personal experience?
- What is the role of the other mediators?
- Are there any specific methods to prevent disputes and violence? If not, what kind of prevention exists? (Social, religious, administrative or legal framework)
- How efficient are these methods?
- Do you note any differences between pre-war Cambodian society and society today?
- How has the elders' role evolved? What about the administration's role?
- Can you explain why things are different today?
- Which problems is Cambodian society faced with today?
- Do you have any suggestions on the prevention and better management of conflicts and violence?

3. People involved in a dispute or witness to a dispute

Name
Age
Village of origin
Where do you currently live?
Personal history

The disputes:

- In your village, what kind of everyday life disputes occurs between people, groups of people and people from outside the community?
- When other people have problems, what do you do? (Say nothing, wait, talk about it, seek advice?)
- When you or one of your relatives is faced with a problem, what do you do? Do you talk about it? If so, whom do you talk to (in order of preference)?
- Who do you chose as your confident? Why? (Father, mother, siblings, neighbours, friends, influential people, elders, monks, the village chief?)
- How does one talk about one's problems?
- Under which circumstances would you consider requesting conciliation? What does it mean to you?
- When there is violence, do other people intervene?
- Have you, your neighbour or one of your acquaintances ever had a dispute with another person or group of people?
- Can you tell us about it? (The story and the conciliation process).
- Are you pleased with the outcome? What do you think about this way of dealing with problems?
- What happens when no agreement can be reached?
- What do you think about the way the mediator handles things?
- Is the mediator fair or does he give preferential treatment to certain people? In the case of the latter, which people does he favour? Why?
- What do you thing about justice in the provincial court? Would you consider going to court? If so, what would motivate such a decision? If not, why?
- Would you rather see your problems dealt with at village level using the conciliation method or would you prefer another method? If so, which one would you prefer?
- Have you heard of Human Rights principles? How did you hear about them? What does it mean to you?
- What does it mean to you being a good wife/husband? Can a man or a woman live on his or her own?
- When a man hits his wife, do you feel this a family matter or should it be punishable by law?

<u>Relations with the authorities</u>

- According to you, what is the role of the village chief?
- When do you go see him? (disputes, authorisations, ceremonies…)
- What kind of reputation does he have? Can you compare with the village chief in other villages?
- What is the name of the commune chief?
- Have you ever been to the commune office? What for (wedding certificate?)?
- What is the role of the commune chief? The district chief?
- What is the difference between the village chiefs and the commune chief?
- Would you go see the commune chief directly, without going to the village chief first?
- Which authority figures come from outside the village? Why?
- Who are the influential people in the village? Why are they influential (relatives of the village chief, wealthy families, civil servants, army personnel, representatives of political parties, head of the pagoda…)?
- What role do the elders and the monks play in the life of the village?
- Can you compare the current situation with what happened during the previous periods? What has changed and why?
- Do you have any suggestions on improving current methods?

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