

## Reforming Cambodian Local Administration: Is Institutional History Unreceptive for Decentralization?

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### Abstract

Recent studies have shown that decentralization in Cambodia is limited by both cultural (Blunt and Turner 2005) and legal constraints (Prum 2005). However, little is known of the overall development of its local administration from the proto-State till 2001, the date of the adoption of the law on decentralization. Also, the birth of *Khum* administration (communal level), which is the only level covered by the current decentralization policy, has been taken for granted. By providing a close examination on how primitive local administration had evolved with an emphasis on the periods prior to and during the French colonization, this article argues that decentralization is not an unacceptable reform when viewed with the institutional history.

### I- Methodology

#### 1- Introduction

Although the French colonization (1863 especially from 1884 to early 1950s) could arguably be labeled as an opening to modernization or a 'shock to modernity' (Ranariddh 1998, 109-119), decentralization was not its aim. The last three decades (1970-2000) were a period of time where political regime changes had led to several painful transformations: from Kingdom to Republic in 1970, from Republic to Communist Regime in 1975, from communist to socialist State guided by Vietnam in early 1980s, from socialism to semi-liberalism in 1989, and finally to a liberal democracy in 1993 (Constitutional Monarchy) through the United Nations-backed international efforts. None of these changes had any notorious attempt to embark on decentralization.

For one researcher (Öjendal 1996) the United Nations made a mistake to Cambodia by suddenly introducing the western liberal democracy to this traditionally 'illiberal State'.<sup>1</sup> The United Nations appears to have believed that a political change can start with a sudden regime change from above (at the central government level) and therefore paid little attention to the rural society from its historical viewpoint. Ironically, the existing government as of 1993 was very strong enough to resist to any attempt to change (Lizée 1993). Instead of suddenly imposing the western liberal traditions to the national level (as one can read from the 1993 Constitution), appropriate attention should have been given to the strengthening of rural people's belief in a system of governance which is close enough to their daily life, close enough that they can choose to govern so that they can see that their

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rights can actually articulate their preferences and eventually make them satisfied. With the application of the UN-implanted western liberal democracy to the central government level being proved mistaken (Öjendal 1996), an alternative to it can only be, obviously, a gradual building of the popular awareness and zeal for democracy from below, that is, the establishment of an efficient decentralization. Before going to the matter of whether the adoption of decentralization can be supported in some particular ways, one should have some knowledge of the recent governance context in which decentralization occurs.

### 2- Recent Governance Context

The recent history of Cambodia from 1970 to mid-1990s is filled with civil wars. The coup led by Lon Nol in 1970 ended Sihanouk's monarchy and brought in a US-backed Republic. Not before long, the China-backed Khmer Rouge took over the state machinery in 1975. Education, market, taxation system, press, all ceased to exist. Later, the Vietnamese invasion in 1979 overthrew the Khmer Rouge and installed a socialist government which had to start from zero. Cambodian government of 1979 had neither institutions nor staffs. The state itself needed to be re-created (Vickery 1984, Martin 1994). It was not until 1989 (with a massive constitutional revision) that private ownership and a market system were recognized following the economic liberalization in late 1980s. It should be noted that 'governance' comprises all activities of government, the private sector and civil society, all of which tend to improve the representation of popular interests as well as the management of national and local affairs (UNDP, 1995, 1997). The re-opening of the country following the UN-backed Peace Accord Agreement in 1991 has resulted in the emergence of civil society — mostly consisting of non-governmental organizations— which, "together with the UN, provided virtually a parallel system of governance" (Devas 1996: 32).

#### *Current Local Administration at a glance*

Although many regime changes have ravaged the last three decades, the local administration has remained basically a three-tier system: provincial/cities, district (srok/khan), and communal (Khum/Sangkat) levels (see Fig. 1) from 1980s (See the Constitutions of 1981, 1989). The provincial/city administration (currently twenty provinces) is the highest level of local administration. Provinces, cities, districts (srok/khan) are subordinated to the Ministry of Interior and represent the central government in all administrative and socio-economic matters within their boundaries. Districts (Srok/Khan) are immediately subordinate to province/city. All provincial/city governors (currently four cities —Phnom Penh, Preah Sihanouk, Kep, and Pailin— headed by governors, not mayors) and district heads (also called 'governor') are appointed and paid by the central government. However, governors are not the direct superior of the field officers of line ministries. Those field officers are technically accountable to their respective minister, although in

practice they are also subject to instructions from the governor. Khum/Sangkat administration was immediately subordinated to srok/khan most notoriously during the socialist period 1980-1993 when the administration was mostly based on a traditional-political-personal relationship rather than a legal one. As Kea (2005: 151) put it,

[C]ommunal leaders are loyal to the ruling party. They believe that they will benefit more [...] through maintaining good relationships with their political leader. If they do not follow their party's policy, their villages may be cut off from national level development assistance [...]. Sometimes, local leaders have to step down because of the lack of political performance [...].

This extra-legal relationship suggests that the central-local relation was not fully bureaucratized in technical terms. As Turner (2002: 355) rightly points out, "the territorial hierarchy established by the government followed tradition". In other words, localities have continuously retained their traditional authority. This holds very true as far as *Mekhum* (mayors of commune) are concerned for during the whole socialist period (1980-1993), mayor's post was virtually held by the same person (Kea 2005: 151). Devas (1996: 34) shows two reasons why a high level of autonomy existed, for instance, at the provincial level. According to him, firstly, security reason would not allow the central government to exercise "any uniform control". Secondly, provinces retained some large part of collected taxes and exercised "a degree of control over resources". Eventually, the new law in 2001 embarking on the decentralization policy has made Khum/Sangkat a directly elected administration holding some level of legal power at least in theory, though very limited (See Prum 2005).

### 3- Ideas for Reform: Why Decentralize?

After the UN-led elections in 1993, decentralization was not a priority (Devas 1996). Even until 2000 there was "no local civil administration directly representing the people" (Kato *et al.*, 2000:43). With nearly all countries being experimenting with decentralization process (Manor 1999: vii), Cambodian government, apparently under external pressure from aid agencies, had to follow this international trend. The Constitution (art. 145) provides for three administrative levels for both cities (currently 4 cities) and provinces (currently 20 provinces): cities are divided into *khans* (districts) which, in turn, are sub-divided into *sangkats* (communes) while provinces are sub-divided into *sroks* (districts) and sroks into *khums* (communes). The current decentralization policy covers only the lowest and least powerful units<sup>2</sup>: Khum and Sangkat (See Fig. 1). Although "it is difficult to determine from where the motivation came for the Cambodian government to pursue its policy of decentralization" (Ayres 2001:51), several overall arguments are possible. First, it is theoretically believed that by decentralizing power to small sub-national units the administration would get closer to the people (To cite just one, Hill 1974), such an argument appeared on the 'statement of reason' attached to the draft law on decentralization submitted to the National Assembly. Indeed, the Cambodian government may have found decentralization a desirable policy following a

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remarkable success of the donor-funded Seila program which started in mid-1990s dealing with poverty alleviation (Seila 2000). Second, by solely applying the party-member candidacy system for local elections, the ruling political parties can better control and manage to win support from the bottom of society in the national legislative elections (Prum 2005: 125-6; Blunt and Turner 2005: 77). Third, decentralizing power to small units would not “threaten a major shift” of “state power” from the center to the peripheries for this country’s “stability in economy and polity is recent” (Turner 2002: 362). The term ‘decentralization’ has become a legal term when the Law on Khum/Sangkat Administration (LKSA)—promulgated in March 2001—uses it in its first article: “The present law regulates the administration of all Khum/Sangkat in the kingdom of Cambodia in accordance with the politics of decentralization”.

### 4- Conceptual Confusion: Deconcentration and Decentralization As Piecemeal Concepts

Deconcentration in Cambodia remains piecemeal and can only be found in individual practice by individual ministries. There is not a harmonized policy for it. The traditional understanding holds that it involves a delegation of authority in decision-making or in the implementation of responsibilities assigned from the central ministries to field offices located in provinces, districts, or even communes. Except the Ministry of Interior, not all other ministries have staffs in all the three levels (province, district, and commune levels). Among them, it seems that only the Ministry of Education and the Ministry of Health which actually have deconcentrated their responsibilities to their field offices through various projects partly funded by donors (Turner 2002: 358-60). This case-by-case basis suggests that deconcentration does not have a comprehensive policy and that in most cases field officers are mainly assigned to implement policies already decided by their ministries, and not delegated to hold the decision-making power. Furthermore, they are under direct technical control of their minister, and not the provincial/district governor. In other words, the governor does not hold authority over the decisions of line ministry officers operating in their territory. This seems to qualify Cambodian provincial administration as unintegrated prefectorial model (Smith 1967:45-7; Fried 1973: 236-9) despite a major SEILA’s achievement in creating “an integrated structure for sub-national planning, involving both provincial and communes levels” by making the provincial governor the chairperson of the Provincial Rural Development Committee and its Executive Committee (Turner 2002: 358). This unintegrated prefectorial model is “very difficult to manage and generate[s] major administrative inefficiencies” (Cohen and Peterson 1999: 25).

Ideas for reform are only ideal. Despite the adoption of the LKSA in 2001, ‘decentralization’ to communes has not yet reached a clear conceptual vision. Turner (2002: 360), while acknowledging that both devolution and deconcentration exist, wonders “how the pieces actually fit together”. Under the terms of the LKSA, Khum/Sangkat councils act both as ‘the local representative organ’ assuming a wide range of devolved powers (own functions or devolution) and as ‘the agent

representing the State' performing roles specifically assigned through delegation (agency functions). This dual role shows that Cambodia envisages both devolution (which Cambodian officials usually call decentralization) and deconcentration although the term 'deconcentration' is found nowhere in the 2001 law. In practice, however, it is the deconcentration that rules and yet the agency functions performed under this role are very limited (CCDP 2003: 5-6). The Cabinet order dated March 25<sup>th</sup> 2002 "on the decentralization of power, roles, and functions to Khum/Sangkat", in its art. 42, has put more weight on communal councils as deconcentration agents when it states that "all formal communications between the communal councils and governmental ministries and agencies as well as domestic and international organizations shall be proceeded through the ministry of interior".

In brief, ground practice and theory do not match very much. For instance, during a field visit in January 2005, a Sangkat mayor revealed to the author that the power of the commune (devolution) would cover everything unless prohibited by central rules. However, the real intention of the central government was completely the opposite picture. The "memorandum outline of the scope and content of decentralization in Cambodia" prepared by the Ministry of Interior (MoI) had made it very clear that "specific or general functions and powers for commune/sangkat must still be identified by sub-decree" (MoI, 2000: 7) and that it is necessary to develop guidelines that will specify what functions to be decentralized (devolved) and what functions to be deconcentrated (MoI, at 8). Until today, however, such specific or general guidelines have not yet been established, leaving the decentralization nothing but a lip-service (Prum 2005).

## 5- Rationale and Scope of the study

Such conceptual confusion apart, one must wonder just what the real Cambodian decentralization system looks like when viewed under legal, cultural, and historical constraints. Prum (2005)'s legal analysis finds that the present decentralization at communal level is quite a lip-service while Blunt and Turner (2005) correctly argue that Cambodian cultures are not receptive for a bottom-up administration or decentralization. In this discouraging picture, this study continues to observe whether decentralizing power to communes is unacceptable even viewed against institutional evolution terms.

As the local administrative system has not significantly changed since 1970 as already discussed above, the study will mainly look at the evolution of local administration in three periods: proto-State, colonial State, and the early post-independence period. Also, it is not our intention to challenge historical accounts eventually disagreed among historians.

## 6- Approach of the study

In order to explain the historical evolution of the Cambodian local administration, the study takes the view from 'New Law and Development Studies' (NLDS), specifically the new methodology

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expounded by Yasuda (2003a) although reservations will be made where appropriate. His “three legal principles” namely community principle, market principle, and command principle, have been effective in examining the development or evolution of the South east Asian legal systems from early ‘proto-state’ to ‘colonial state’ to ‘developmental state’ (Yasuda, 2003a, 2003b). In order for a law to interact with society, we do need, he asserts, to see a State from its local or communal society’s point of view or people’s attitude towards the law or “law as culture” (Yasuda 2003b: 6-8), an attitude which often originates in the cultural/historical background of the law. Yasuda’s appeal to include the cultural/historical aspects into the study of Asian legal reform is thought-provoking because in Asian societies the “community principle” still increasingly claims its place.

Table I Three Types of Legal Principles (partly shown here)

Principles	<b>Community Prin.</b>	<b>Market Prin.</b>	<b>Command Prin.</b>
<b>Basic relation</b>	Unifying and solidifying	Horizontal, and equivalent	Vertical order and obedience
<b>Basic value</b>	Fraternity	Liberty	Equality
<b>Model social action</b>	One for all, all for one	Voluntary exchange of goods	Compulsion by the superior
<b>Dimension</b>	Community	Economy	State
<b>State model</b>	Proto-states	Modern capitalist state, Colonial state	(Former) Socialist state, developmental states

*Source: Yasuda (2003a: 30)*

In Yasuda (2003a: 36)’s arguments, Cambodia may be pieced into 4 stages: Proto-state 1 (Hinduism/Buddhism); Proto-state 2 (Buddhism); Colonial state (France), Developmental state (Constitutional monarchy). It also appears that in a typical developmental state, the present regime may be characterized as a post or quasi-post developmental state.

To begin with, some studies have contributed to the history of *Khum* but none could provide an overall panorama of the evolution of the local administration as a whole (see e.g., Roome 1998, Ayres 2001). Given that the Cambodian State was formed, like most other States, by the amalgamation of primitive independent communities in the early A. D, empowering localities through decentralization appears to have a historical foundation. This study seeks to clarify this point by providing a panorama covering the whole historical evolution of Cambodian local administrative system from the beginning till 2001, the date when the present decentralization started. It is a significant work insofar as it is the first article in English of its kind and will shed some light on the history of local administrative system for those who wonder whether or not the decentralization at Khum/Sangkat level has any historical basis.

## II- Evolution of Cambodian Local Administration

### 1- General Background

France, always under the label of a Protector, did colonize this apparently so profitable country<sup>3</sup> for nearly a hundred years (1863-1953) under two well known treaties, a friendly signed one in 1863 (Treaty of Friendship and Commerce between Cambodia and France) and, twenty years later, a physically imposed one in 1884 (Convention of 17 June 1884, signed in the Royal Palace between the King Norodom and the Admiral Thomson) by which the real colonial power took place, gaining the right and power to govern the Kingdom. It was from this date that the colonizers could put necessary reforms into operation. Indeed, the presence of the French, for instance that of the *Résidents* — French officials placed above Cambodian governors in every province of this then politically unstable kingdom (Ranariddh, 1998: 103-7) due to her unfriendly neighbors Siam and Vietnam—<sup>4</sup> did put a step forward in terms of the modernization of the administrative system.

Although the main focus rests on the communal administration, local administration in the Proto-state must be studied in a broader scale since the communes themselves did not exist until their creation in 1908. It is now important to show Cambodian state formation and its institutional development until the beginning of the colonization.

### 2- Local Administration in Proto-State

#### 2-1- Proto-State 1

We divide the proto-state 1 into pre-Angkor era and Angkor era. As presented in Vickery (1998: 34), the pre-Angkor period would lie from the 1<sup>st</sup> to the 8<sup>th</sup> century embracing both Funan (1<sup>st</sup>-6<sup>th</sup> centuries) and Chenla (7<sup>th</sup>-8<sup>th</sup> centuries), while the Angkorean age represents the period covering from the 9<sup>th</sup> to the 13<sup>th</sup> century.<sup>5</sup>

#### *Pre-Angkor (Local) Administration*

Cambodia from the time before the 1<sup>st</sup> century would have been applying a system of “direct democracy” (Nout 2001:1279) at the grassroots level in which each independent chiefdom chose for itself a leader to lead over the daily management of local affairs, security, labor force in the fields, conciliation, punishment and so forth. In the 3<sup>rd</sup> century, Nout (*id*) asserts, borrowing the Indian Hinduism, the first system of ‘State’ (historians have no agreed definition of the term) emerged (see for more, G. Coedes 1968). Nout also believes that chiefdoms or tribes were subordinate to the “State” but still held their own autonomy within their boundaries. Interestingly, Chandler (2000: 19) noted that Cambodia of pre-Angkor had a decentralized pattern of government:

[T]he evidence suggests that we can describe pre-Angkorean society in Cambodia as an aggregation of leaders and followers [...]. With such a multiplicity of centers, Cambodia was

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decentralized [...].

To be sure, whether Funan was a unified State is uncertain. Even Angkor could at best be described as “a constellation of communities sustained by stretches of water” (Mabbett and Chandler 1996: 93), while *The Cambridge History of Southeast Asia* (1992: 158-9) acknowledges that the pre-Angkorean Cambodia had neither a fixed center nor a King being successful to lay down a hegemonic power.

Apparently, there was not a clearly fixed three-tier system as it is today. To avoid conflicting interpretations among historians, the following text draws on Vickery's pioneering work (1998: 18-29, 327). According to him, Funan appears to have been the “first supravillage socio-political organization”, a coastal or maritime trading polity comprising a group of allied ports. Thus, there were many chiefdoms or kingdoms in Funan governed by (local) chiefs (or kings) who actually fixed the goods' prices. Chiefs of Funan were named *poñ* (presumably landed elite family), ruling over a large territory (perhaps the size of a present district, given the relatively small size of Funan). *Poñ*-ship was inherited matrilineally through sisters' sons. In the Chenla period, by mid-7<sup>th</sup> century the foreign *mratāñ*-ship (probably Austronesian) with a patrilineal inheritance type had already dominated over the *poñ*-ship. The suffix Indic title *-varman* was then added to become *mratāñ-varman*. The political-administrative units were *pura* (city), *sruk* (district), and *grāma* (perhaps today's commune or hamlet) “probably in order of importance”. (Local) administration was not standardized. For instance, among around identifiable 30 *pura*, some *pura* were the capitals of chiefdoms or kingdoms while others were just under officials entitled *mratāñ kloñ*. At least in one instance, a *mratāñ kloñ* was the head of a unit which was not a *pura*. *Sruk* were headed by *kloñ* who were sometimes *poñ*. Nothing was clear about *grāma* either. At least in one occasion, a *grāma* happened to be the residence of a king (*svāmi*) named *sālāgrāmasvāmi*, meaning the king of *sālāgrāma*. Thus, it seems that *grāma* was sometimes equivalent to *pura*. In brief, the pre-Angkor (local) administration had no standardized government pattern, and the areas of those units may have been very much overlapped.

### *Angkor Local Administration*

The above pattern would continue until late 8<sup>th</sup> century when Chenla was lost to the hands of *Java* (presumably a kingdom of Sumatra). After King Jayavarman II declared independence in 802 from Java, gathering people's belief in the power of the King or a rather centralized power was indispensable. The Hindu cult's 'Deva-Raja' or 'God-King' (or King of gods) ideology was thus adopted and the power of the God-King (theocratic power) would spread from the center (having the sacred *Linga* worshiped at the summit of a mount, natural or artificial) to chiefdoms of the territory. “The adoption of the cult by Jayavarman was a gesture of independence from Java” and made him a *Chakravartin*, a universal monarch (Hall 1981: 113). This system of God-King was common among

Asian states of the time when State was built upon a hierarchical order with the King at the top and slaves at the bottom (Mabbett 1985: 3-5). Consequently, communities or chiefdoms gradually became subordinate to the central power. Nout (2001: 1279-80) notes that local leaders or chiefs started to hold officially named functions from the center, for example, *kloñ sophea* (*kloñ* means inspector, *sophea* means judge/justice) was the title given to “officers” (usually local elite families) to take care of the justice matters and the construction of edifices and temples. This shift from local chiefdom to centrally assigned roles gradually weakened the local sentiment and strength and eventually Champa could sack Angkor in 1177. The liberation battles were led by Jayavarman VII (perhaps a prince, Chandler 2000: 55-58) against Champa. After 1181 (the year of his coronation at Angkor), Jayavarman VII converted the royal cult from Hinduism to Buddhism though still keeping Hindu priests at the palace. However, “what role Jayavarman VII played in this conversion is impossible to judge” (Chandler, at 68). Different to Hindu Kings who spoke of their godliness, a Buddhist King directly addresses to “an audience consisting of his people” (Chandler, at 58). Cambodian Kings have not been the head of the Buddhist order but are subject to the “ten values” among which are humanity, charity, and tolerance (Leclère 1899: 509). The King’s power was partly redistributed back to local communities in order to restore and develop social infrastructure. Roads, bridges, schools, and hospitals were built everywhere (the famous stele *sayfon* described Jayavarman VII’s feelings this way: It is the grief of the public that makes the grief of Kings, and not their own grief). Hundreds of thousands of people provided labor, rice, and other services because such suffering, in the Buddhist teaching, could assure “the workers of less suffering and greater happiness in another life” (Chandler, at 60-1). This new trend, of course, required that the power be partly delegated to field officers in charges of those constructions. Nout (*id*) believes that many temples were built to serve as “deconcentration centers”—that is, local centers which held authority in the King’s name. Note that Nout’s calling (“deconcentration centers”) can be misleading since those temples were after all of religious importance rather than administrative house with a clear set of administrative functions. As will be shown below, due to the absence of a clear three-tier system like today (province-district-commune), the relationship between the central King and local chiefdoms was no more than a mutual patronage.

As for the administration, the King did not administer except for his role as the guardian of law and order, the protector of religion, and the defender of the land (Hall 1981: 119). Administrative functions at Angkor “were in the hands of a narrow oligarchy, with the chief offices held by members of the royal family and the great sacerdotal families” (*id*). The King was also the highest judge, however an absolute kingship was not there. The power of the King relied much on a mutual consensus and patronage with local chiefs/kings at the edges of the Kingdom. People far from Angkor hardly knew the king’s name (Chandler 2000: 48). *The Cambridge* (1992: 160) further stresses that

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[R]oyal authority was expressed through a relatively well-developed hierarchy that included priests and religious sanctions. The degree of centralized control enjoyed by the kings over temples, ricefields, and available labour can only be conjectured [...]. [I]t appears that, whatever the mechanism of hierarchical control available to the kings, orderly conditions and glorious deeds were more the result of their personal abilities than of an institutionalized command system.

What is striking during the Angkor era is that the State formation has reached another level. More and more local chiefs became to hold roles and titles assigned from Angkor. "Regional leaders held official titles; [...] 'new' authority as district officers in the state administration. In such a way the landholders, the regional economic, social, and political leadership, were integrated into an emerging state system" (*id.* at 231-2). Thus it appears that Angkor kings were capable to gather local chiefdoms under their rule but the local autonomy of chiefdoms was actually not eliminated. "In the Angkor era, although local autonomy was assaulted, [...] the landed aristocracy retained power. The Khmer state system was not highly centralized or 'bureaucratic' nor was it a 'feudal' order [...]" (*id.* at 235). "Khmer monarchs [...] never developed a centralized bureaucratic order, depending instead upon [...] the loyalty of semi-autonomous regionally based landed elites" (*id.* at 239). Such is the picture of the Angkor administration, an administration which, as the great civilization had just started, mostly turned around the construction and maintenance of temples.

After the death of Jayavarman VII in early 13<sup>th</sup> century Angkor started to decline, and the following centuries witnessed but terrible internal conflicts (mostly over the throne) and invasions from neighbors (most notably Siam and Vietnam). The administration was in chaos until the arrival of the French colonizers who soon took over the State machinery in 1884.

### 2-2- Late Proto-State 2 Immediately Prior to the French Reforms

The territorial and administrative settings prior to the French reforms had had, in theory, the type of a monarchy centralized government that went top-down from the King residing in the capital surrounded by five ministers.<sup>6</sup> The whole territory was, Nout (2001: 1281) asserts, divided into 5 levels: Capital city, *Dey*, *Khet*, *Srok* and *Phum*. In 1874, the whole territory was divided into 1 capital city, 5 *Dey*, each under a minister (a *Dey* or 'territory' consisted of a number of *Khet* or 'province'), and 57 *Khet* including both those inside and outside the *Dey* (Le Cambodge, 1962: 87-8). All these territorial divisions were directly and personally controlled by the monarch, the *Obbareach* (heir or vice-king), the Queen-Mother (Mother of the King) and the five ministers who individually took care of a certain number of *Khet*.<sup>7</sup> Inside a *Dey*, there were several *Khet*. Inside a *Khet* (member or non-member of a *Dey*) there were several *Srok* as the lowest formal divisions.<sup>8</sup> In fact, each *Srok* was still divided into many small units called *Phum* (hamlet). The present *Khum/Sangkat* (communes) did not exist yet.

Each *Dey* was under the supervision of a minister, also called *Sdach-tranh*, who was himself the governor of the *Khet* where he resided. Governors of *Khet* (*chauvaykhet*) outside a *Dey* came to be nominated by the King through various ways (e.g., through a King's wife). *Khet* inside a *Dey* was administered by a head or governor (*chauvaykhet*) nominated and controlled by the *Sdach-tranh* chief of that *Dey* (Forest 1979:18). This gives an idea of a complicated government without any harmonized standards to rule provinces. Governors would have to apply what came from immediately above— that is, the *Sdach-tranh* chief of *Dey*. Consequently, localities of the time seemed to be enjoying a certain autonomy vis-à-vis the central King's power in the disposal of their local matters although the King remained theoretically the sole source of all powers. The same could be said of *Srok* (district). This lowest administrative division was not geographically well defined. It could be an area of land quite wide in which inhabitants, usually linked one with another by their familial bounds, sharing a common place for their religious worship (a Buddhist temple, for example) and recognizing the same authority (of a chief of *Srok*), gathered. Local inhabitants gathered under three social bonds— family, religion (territory of religious activities of a temple), and recognition of an authority— which were definitely the basic elements to refer to when it happened to determining the land area of a *Srok* (Forest, 1979: 28-9).

In theory, most of provincial governors were appointed by their *Dey*-minister— out of the total number of 57, 43 *Khets* were placed under the high direction of the 5 ministers—(Le Cambodge, 1962: 88) and nominated by the King. They carried out two principal roles: judge and collector of taxes. Governors freely chose and controlled chiefs of *Srok* (*mesrok*) and the latter's assistants-*chumtup*. The functions of *mesrok* and *chumtup* were not clearly defined although we could reasonably imagine that they would have been acting as conciliator in dispute resolution, collector of taxes, and police to assure the security. The image of *mesrok* went deep inside villagers' heart. *Mesrok's* legitimacy was more personal than legal: newly migrated villagers would not quickly recognize the authority of the *mesrok* of the place they moved in, but would still uphold the authority of their previous *mesrok* (Forest, at 28-9). The administration of the time went between villagers and their local chief who acted at full discretion. There was not any real and effective hierarchical link between the central government and the people (villagers). In fact, as Forest put it, “there is no more administration” (id at 32). In practice, the linkage between the central King and villagers was advanced by another private corpus or patron, *mekomlang*, who could be either an official or a prince. This *mekomlang* collected taxes for the King from men under his protection and must, in return, help them in eventual judicial process. “It is through him [mekomlang] that the King comes to learn what is going on inside the provinces” (id). The practice of this private corpus, although it helped advance the demands of simple men to the monarch, did produce a complicated administrative system. To make things worse, the administration of provinces did not usually go to governors alone. It was frequently shared by the governor and some officials or men who had paid

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an amount of wealth to the chief of *Dey* (minister) and thereby received a certain power to control some parts of the province (id at 20).<sup>9</sup>

The King Ang Doung (1845-60), in the desire to simplify the governmental organization, centralized the power to appoint and dismiss governors into his hands. Governors ceased to be appointed by the chief of *Dey* but by the King himself. This was a big step in the reforming of the administration to make all the provinces equal. The chiefs of the *Dey* still held a strong say in disfavor of a certain governor, if any.

### *Implications on 'community principle and central-local relations'*

It appears from the above text that chiefdoms in the early proto-state were governing themselves quite independently from the center, partly because a center or central government in the sense we know today did not exist. Collectivism, which is based on the “unifying and solidifying” characters (Yasuda 2003a), must have been the rule of life for community members. As studied above, even in late proto-state 19<sup>th</sup> century community members gathered under three social bonds: family, religion, and recognition of the same authority. Indeed, what is striking is that this community sense of “fraternity” still occupies the rural people’s mindset even in the present time. Kea (2005: 149) observes that,

The village is a place where local people interact on everyday basis. They share their values and interests together [...]. Traditionally, members of a village meet and develop relationships at temple[s], school[s], and [at] a variety of other social events [...]. In such traditional relationships, local people really possess a sense of collectivism and organize self-help or labor-exchange groups (*Krom Provas Dai*), later known as solidarity groups (*Krom Samaki*) [...]. Such associations still proliferate and unite people from different families and groups, who work together for a common purpose and have a visible identity in their village. These activities increase [the] feeling of solidarity [...and] help to form a sense of collectivity consciousness, and allow the [villagers] to share experience and to develop trust among individuals and families.

From this point of view, Yasuda’s “community principle” is a helpful tool to understanding the whole picture of the proto-state period when central-local relations rested on a compromise and patronage between the King and the local based chiefdoms. A well centralized bureaucracy was not the case. Chiefdoms recognized the King’s authority by receiving formal titles but still retained their power as warlords with their own faithful troops since there was not a permanent national army on the one hand [Actually, Devas (1996: 34) still calls provincial governors under the socialist system (1980-1993) as warlords], and when the natives’ collectivism was not yet clearly exposed to the whites’ individualism, on the other. Thus until the arrival of the white French in late 19th century, the local management rested on a traditional way in which, in the absence of the codification of rules, not only the natural villages (hamlets) were the core of the local society, even

the *srok* inhabitants were still largely combined by the three social bounds .

### 3- Local Administration in Colonial State: The Creation of *Khum* (commune)

Although the French colonization in Cambodia was mainly economically oriented, their reforms could be read as an effort to modernize this Cambodian administration by transforming the local natural society into the local administration. It is important to look into those reforms.

In 1887 Cambodia became a part of the future “Indo-Chinese Union” (Cochinchina, Cambodia, Annam-Tokin, Laos, and Kuang-chow-wan) under a government residing in Saigon. It is useful to see the structural arrangements inside the French machinery. According to Ennis’s study (2001: 331-2), the Union government is headed by a Governor General who represents France in the region and rules in her name. Each protectorate territory is under a Chief Resident. Ennis stresses that,

Annam, Tokin, and Cambodia have Chief Residents [Résidents Supérieurs] assisted by councils of the protectorates, consisting of heads of the services and delegates from the Chambers of Commerce and Agriculture. Each of these organizations gives advice on matters pertaining to the local budgets. The local services in the protectorates include the office for the assessment and collection of the direct taxes, the treasury, the agriculture, education, police, native justice, medical aide, and penitentiary services, and land surveys.

In 1897, a “Council of Ministers” of five members (Prime minister or minister of interior, ministers of the royal palace, justice, marine, and war) was established in Cambodia. However, it was the Résident Supérieur who commanded the Council (Forest, at 87, 111). This administrative reform was a fruit of the imposed Convention of 1884.<sup>10</sup> In fact, this document was basically inspired of the previous texts especially the Royal ordinances of 15 January 1877<sup>11</sup> which had already touched on some major administrative reforms (for instance, reducing the number of provinces, cutting down the number of civil servants, designation of chiefs of villages by inhabitants...) which, however, were left aside by the King and became forgotten. Before creating *Khum*, though, the French had tried to modernize the existing system of *mesrok*. As a result of the Royal ordinance of 21 August 1901, *mesrok* became a popularly elected officer out of the list prepared by the Résident.<sup>12</sup> The elected *mesrok* then chose himself his assistant(s) or *chumtup* among the elected. *Mesrok*, *chumtup* and two other elected formed the *Conseil de srok*. This first democratically elected organ in Cambodian history was expected to better collect taxes, but it did not meet such expectation for long. In 1908, it was replaced by a smaller but nearer-to-the-people organ, the *Khum* (commune). *Khum à la française* was not created until 1908 (Royal Ordinance of June 5, 1908), the official date of the disappearance of *Srok*. It should be noticed that *Khum* is not different from *Srok*. In fact, as Say (2001: 430) asserts, the French merely changed the name from *Srok* to *Khum*, *Mesrok* to *Mekhum* because local people seemed to hate *mesrok* who had become a loyal tax collector for the French. The traditional system of *Dey*, too, was abolished by the Royal ordinance of May 5, 1905, after which

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governors of *Khet* became the mere executors of the instructions and orders from their French masters, the *Résidents*. The abolition of the system of *Dey* was a key to re-organizing the efficiency of the State machinery which, so far, had been separately governed by the chiefs of *Dey*. The shock caused by the 1884 Convention had opened door to modernization, weakening till eliminating the old traditional practice of *mekomlang* and, especially, *mesrok* whom the French blamed for misconduct and countless frauds in tax collection and so forth. The French, therefore, wanted an administration more unified, obedient, easy to govern. We are now approaching the idea of creating *Khum*.

The history of *Khum* or administrative re-organization at large was not empty. Indeed, Paul Doumer, a Governor General of Indochina (1897-1902), had a fixed idea to bring about necessary reforms in Indochina:

“In Tokin, in Annam, in Cambodia, [...]. It does not appear that either the number or the quality of civil servants was lacking; what they lack are the organization, the link, and, as a result, the activity and work” (Taboulet 1956: 902).

Doumer's idea was then incorporated into a concrete *Programme de Gouvernement* with the first item reading: “organize the Government General and the local administrations” (Taboulet, at 903). Until 1908, no real commitment was made with regard to the creation of *Khum* although this future administrative unit was believed to be “an indispensable basis for a general re-organization” (Forest, at 119). Like the old *mesrok*, the *mekhum* (chief of *Khum*) was an elected officer. Inhabitants of each *phum* or hamlet (there were several *Phum* in a *Khum*) first chose by vote a certain number of *krom chumnum* (councilors), e.g, 3 councilors for a *phum* of 150-200 inhabitants, and then these *krom chumnum* chose among themselves, the head of *Khum* or *mekhum* and *chumtup* [his assistant(s)]. All together- *mekhum*, *chumtup*, and *krom chumnum*, formed the *Conseil du khum*. (id at 120). The Ordinance of November 15, 1925 in its art. 27, determined the number of *krom chumnum* clearly: 9 for *Khum* of less than 300 populations registered<sup>13</sup>, 11 for those of between 300 and 500, 13 for those of between 500-750, 15 for those of 750-1000, 17 for those of 1000-1300, and 19 for *Khum* of more than 1300 registered. The Ordinance of 5 June 1908 enumerated the tasks of *mekhum* as follows: Art. 12. —Attributions of mekhum.— The mekhum is responsible, with assistance of the councilors and chiefs of groups under his order, for the direction and the execution of all the services of the *Khum*.

He holds:

- The tax lists, lists and registers of lands, control of population;
- Control of registered by nationality and by khum;
- Assure the tax collection, of which he is charged by royal ordinances;
- Represent the *Khum* in judicial lawsuits;
- Assure the police
- Proceed or make proceed to the judicial findings, to the first questionings, to the arrest of the

criminals;

-Solve by conciliation any conflicts arising within his jurisdiction;

-Engage people to send their kids to school (note that education was mainly provided by Buddhist temples. See Forest: 1979: 50);

-Execute the construction and maintenance of buildings, roads, footpaths and real estates of *Khum*;

-Assure the distribution of correspondences;

-Sign and appose his seal on all the documents of *Khum* or on the pieces, contracts, acts which are submitted to him by private individuals, in conformity with the royal ordinances.

This 1908 Ordinance could be read as an effort to codify the traditional functions of *srok* into a local administration to be called *Khum* (commune). The French changed *Srok* to *Khum* (commune) because they thought *Srok* were like their communes.

However, things were not better. The ordinance of 17 September 1913 abolished the 4 year-mandate of *mekhum* and empowered *mekhum* to work till the age of fifty-five. On 24 September 1919, another ordinance— which merely repeated that of 1908— gave *mekhum* the power to choose himself his assistants (*chumtup*) and chiefs of *phum* or *mephum*. *Khum* administration was then responsible for some new functions among which are (Art. 24):

-General administration

-Communal order/security

-Primary schools

-Tax collection

-Cadastral survey

-Role as the judicial police officer

-Representing *Khum* before court

Interestingly, the *Conseil du Khum* rarely held meetings as prescribed at all (Forest, at 120). In 1925, another Ordinance (November 15, 1925) created for the first time *Khan* (equal meaning to *Srok*, district) as the immediate upper administrative level supervising over *Khum*. Eventually, in 1943, there was a notorious change concerning the local elections. Thus, the Ordinance of July 1, 1943 distinguished between 'nominated councils' and 'elected councils'. Large communes ceased to be popularly elected and became directly nominated by the central government, while small communes remained elected as before. However, in practice all vacancies for *mekhum* were always filled by nominations and both *mekhum* and *chumtup* were appointed by the provincial governor with the approval of the *Résident* (Roome 1998: 19). To sum up, the fact that there were many reforms suggests that those reforms were not effective because "the real purpose was only to better collect taxes" (Say 2001: 431).

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### *Implications on 'market principle'*

This principle finds reservations when it comes to Cambodian case. Unlike other places of the region (e.g., the Philippines which was colonized by Spain since 16<sup>th</sup> century), the French colonization in Cambodia only took place in late 19<sup>th</sup> century, which means that the western idea of individualism or market characterized by “liberty”, “voluntary exchange of goods” was very new and within a short timeframe (1863-1953). Yasuda’s “market principle” (2003a: 29) is built on “contractual network” and a presupposed “horizontal relations between human beings”. However, this western culture of liberty did not develop much during the French colonial rule in Cambodia. Slavery, for example, was still widely practiced despite its abolition by the 1884 Convention. This abolition was only on the paper. “Although slavery had been abolished, servitude for debts—often lasting a lifetime—remained widespread” (Chandler 2000: 147). Indeed, masters and slaves “clung to the status quo” (id, at 145). It is thus questionable whether the market principle built on the notion of liberty did actually champion in Cambodia under the colonial rule except the emergence of the notion of a codified local administration against a natural management. As for the central-local relations, the French reforms through various texts (1908, 1925, 1943) did not guarantee any real success. Pinto (1946: 38, n. 2) reasonably questions whether those texts were ever truly applied.

### 4- Local Administration in Developmental State (1953- 1969)<sup>14</sup>

Soon after gaining back the independence from France (in 1953), there were some reforms concerning *Khum* administration. It should be noted that the territorial divisions in late 1960s were following the French ones: Administrative Regions, Provinces, Districts (*srok*), Communes (*khum/sangkat*), and Hamlets (*phum*) (see Ith, 1973a, 1973b; Note that the Constitution of 1947 was silent on the territorial divisions). The law of September 1, 1959 on “the collective responsibility and legal entity of communes” clearly gave the corporate status to *Khum* whereby both *Mekhum* and *Krom chumnum* became elected by the general, universal, direct and through secret ballots system (Art. 7).

As an elected officer, *Mekhum* had dual functions: as the representative of the central government (enforcement of laws and regulations) and as the representative of the *Khum* assisted by the *Conseil du Khum*, *Chumtup*, and, sometimes, also by *Smien-Khum* or secretary (Le Cambodge, 1962: 89). This dual functions theory is still used by the present local government system (*Khum/Sangkat* administration). Martel (1975: 259) notes that *Mekhum* had a lot of works, the main were: keep the registries, collect taxes, assure the safety, represent his *Khum* before courts, responsible in allocating lands to farmers who so demand, as well as in schooling and public health matters.

Being elected, though, *Mekhum* was placed under the control of *Chauvaysrok*—head of *srok*—(Martel, at 257) who in turn was under *Chauvaykhet* (provincial governor). Both *Chauvaysrok* and

*Chauvaykhet* were nominated and sent from the central government; they received salary from the central government. Other field officers of line ministries were nominated by their respective minister; they were not elected ones [This system remains until today where provincial governors are nominated by a royal decree on proposal of the prime minister (usually recommended by the minister of interior and are often changed after legislative elections, a kind of political arrangements among winning parties). District heads (also called governors) are nominated by government order (usually on recommendation of provincial governor). Other officers of line ministries are on the payrolls of their respective ministry]. Thus, it is obvious that *Mekhum* must have had to obey the instructions from these superiors. In other words, central-local relations in 1960s represented some sort of a centralization pattern. Nevertheless, one striking success of the administrative reforms back then was the astonishing popular participation in the *Khum* administration. In early 1960s, it seems that *Khum* inhabitants showed their enthusiasm in participating in the decision-making process through their many and regular attendances to the meetings at the *Salakhum*—office of *Khum* (Martel, at 258). It should be noted that the *Samach Cheat* ('popular congress', a yearly assembly of a great crowd of citizens, an image of 'direct democracy') of 29 December 1965 proposed to the government to change the name from *Khum* to *Sangkat* because the word *Khum* literally means 'detention' in Khmer language and reminds them of the *Mekhum* who, working for the French, often put in detention those who would not pay taxes. Due to the political instability, a Constitutional amendment in 1969 came to suspend the popular vote (Amendment law dated February 11, 1969). *Khum* administration became then nominated by the central government and no longer possessed its own communal budget.

#### 5- Local Administration from 1970 to 2001

The coup d'État in 1970 changed the political system from a monarchy to an American-backed republic. However, the post-independent-French style territorial divisions remained untouched: Administrative Regions, Provinces, Districts, Communes, and Hamlets (Ith, 1973a, 1973b; Note that the Constitution of 1972, art. 114, only mentioned the capital city, provinces, and sangkat or communes). Later, the Khmer Rouge (officially 1976-1979) only changed the name from 'administrative region' to 'region' and 'province' to 'sector' (*damban*) while district, commune, and hamlet levels remained the same (Note that the Khmer Rouge's Constitution of 1976 mentioned nothing about the territorial divisions, except for Phnom Penh as the capital city in art. 15). Each territorial division was led by a Committee with a composition of a chairman, deputy chairman, and some or many members charged with various tasks (Ith, 1973a, 1973b). The highest organ is the Central Committee (also called *Angkar*, meaning Organization) of the Communist Party of Kampuchea. The 'democratic centralism' was the principle by which "party members and committees at all levels must respect and carry out all decisions and directives of the party"

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(Timothy, 1977: 60). The destitution of the Khmer Rouge regime in 1979 has resulted in a three-tier system remaining until today: provincial/cities, district (srok/khan), and communal (Khum/Sangkat) levels (see Fig. 1). The provincial/city administration is the highest level of local administration. Provinces, cities, districts (srok/khan) are subordinated to the Ministry of Interior and represent the central government to administer administrative, socio-economic matters within their boundaries. Srok/Khan are subordinate to province/city. Provincial/city governors as well as district governors are appointed by the central government. However, they are not the direct superior units of field officers of line ministries. Those field officers are technically accountable to their respective minister. Khum/Sangkat administration was directly subordinated to srok/khan most notoriously during the socialist period 1980-1993 during which local administration was more of traditional than legal in the handling of local affairs. Actually, Slocomb (2004: 448) rightly argues that local administration under both the communist (1975-1979) and socialist (1980-1993) regimes were not bureaucratic. The fact is that all communes did not have central staffs (field officers of line ministries mostly gather at the provincial and district levels) to ascertain any central control.

### *Implications on 'command principle' and central-local relations*

This principle can be proved, in theory. As shown above, after the withdrawal of the French, Cambodia started to witness a more mature system of government having, for instance, the territorial administration relatively fixed in a three-tier system which has continued until today. The most recent political system under the socialist rule (1980-1993) followed a top-down command system common in the one party system. It is not surprising that hierarchy has become an organizational principle (O'Leary and Nee 2001). However, we should note that this fact is rather theoretical and traditional although one could argue that this vertical order and obedience started to unfold along with the process of consolidating a State after the withdrawal of the colonizers. Khum/Sangkat administration, until the new decentralization law in 2001, could not provide even basic services (primary education, health care, ...etc). Therefore, it is unreasonable to think of a practical centralized central-communal relationship.

### Conclusion

A quick review of the institutional evolution has revealed that the Cambodian local administration during the proto-State was of the kind where localities enjoyed a certain autonomy vis-à-vis the center. It has also shown that under the colonial rules, despite multiple reforms, the administration remained unwise and had broken the aged solidarity between leaders (*mesrok* and *mekhum*) and villagers. A beloved one in the villagers' heart (*mesrok*) had become a faithful tax collector for the *Monsieur le Résident*. This social rupture was certainly a cause disturbing the colonizers' efforts. Ranarridh (1998: 116) points out that "The law under the protectorate, despite its

good technical quality, was marked by a fundamental weakness: its foreign mark". Obviously, the transplantation of colonial rules lacked the participation from local inhabitants. The French thought, the Khmer officers blindly applied. In other words, if it is true that there were administrators, the administration was hardly found.

To sum up we can draw some implications as follows.

1) During the early proto-state of pre-Angkor, we could hardly talk of a 'local' administration for such an idea would suggest that there was a 'central' administration, which was not the case. Therefore, it strongly appears that independent chiefdoms did enjoy their autonomy within their boundaries. Angkor administration could show some sign of an emerging state system but no evidence points to any mature bureaucratic administration downward while chiefdoms still firmly retained their local based power.

2) The late proto-state presents a further step toward a rather clear picture of a local administration. But again, it was not standardized since, for instance, it was the Dey-minister who actually governed their territories independently from one another. One could hardly speak of a central-local relation for there was not a 'central government' assuming a collective responsibility at all. The central power was divided. This implies that local autonomy was necessarily there. Needless to say, without a codification of rules, the community principle reigned at community level.

3) The colonial state's administration became rather fixed through various colonial reforms with a new creature: *Khum* which, at least on the paper, was holding some real power (i.e. collect taxes). Although the colonial reforms were to advance economic ambitions, this does imply that communes have become the holder of a certain legal power. However, although the French were quite successful in producing a top-down hierarchy to better collect taxes, this fact mainly applied to the French officers themselves since it was them who actually managed the state, not the Cambodian officers. Therefore, the notion of centralization was not necessarily in the *Cambodian* administration.

4) After gaining back the independence (1953-1975), local administration had come to have a fixed system which had not basically changed until the Khmer Rouge took over the state power. The communist Khmer Rouge regime (1975-79) created a tough hierarchy of its own style for a short period. Later, the whole administrative system had to be re-invented, and the socialist regime back then (1980-1993)—who still had to fight continuous civil wars with the remaining Khmer Rough military—was not practically successful in re-inventing a tough centripetal central-local relationship like the one the Khmer Rouge had, except a traditional practice of top-down command pattern known in the one-party system. In reality, Devas (1996: 34) asserts, local authorities held a "high degree of local autonomy". Also, the fact that *Mekhum* positions were virtually held by the same faces during the whole socialist period (Kea 2005: 151) inevitably strengthens local based power. The command principle mostly exists in theory. Consequently, it implies that a bureaucratically

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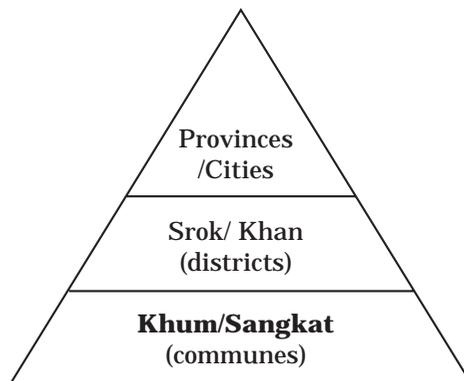
genuine centralization, even under the most recent socialist regime (1980-1993), was at best theoretical for Khum/Sangkat administration did not practically provide even basic services to be regulated by central rules.

5) From the above implications, we now come to our synthesis. Central-communal relations were not truly centralized despite some development which, under the colonial state, mostly applied to the French officers. Even a strong picture of centralization appeared during the communist Khmer Rouge, this was not successfully consolidated by the socialist government which had to re-invent everything from zero, leaving local authorities enjoy a high degree of autonomy. Thus, the Cambodian institutional history as a whole was not a history of a practical centralization and, therefore, is not unreceptive when it comes to legally recognizing a local power through decentralization to communities, for instance, to Khum/Sangkat, as introduced by the LKSA.

The return to local community through decentralization is supported by Yasuda's thinking which holds that the community principle, though having been disturbed by modernization and globalization, still firmly retains its place in the study of the Asian legal development (Yasuda 2003a).

This work has found decentralization an acceptable policy from the institutional history's standpoint but did not focus on the legal problems. How much the present decentralization system should have reflected this institutional history, and how the present conceptual confusion could be addressed are yet two other separate focuses.

Fig. 1 Territorial Divisions Chart



Note: There are 20 provinces, 4 cities (Phnom Penh, Preah Sihanouk ville, Kep city, and Pailin city), 1510 Khums, and 111 Sangkats. Each province has its center also called 'city or municipality' which comprises a number of Sangkats. Each commune comprises a number of hamlets (*Phum*) which have persisted through out history as traditional units (not formally constitutionally recognized).

Source: Ministry of interior's order, No. 493, dated April 30, 2001.

## Notes

- 1 Öjendal appears to take this term as directly opposite to “liberal State” known in the western world.
- 2 Least powerful compared to their upper territorial divisions— district and provincial levels— both in economic and authority terms. Economically speaking, most communes are situated in remote areas and underdeveloped. In terms of authority, it is well known that at least during all the socialist years 1980-1993 guided by Vietnam, the vertical central-local or top-down administration applied along the communist party (the now Cambodian People’s Party, CPP)’s chains of command.
- 3 Doudart de Lagrée, in his letter (dated 15 Oct. 1865) to La Grandière, described Cambodia in these terms (Originally in French): “From a general view, I would reply to you that everything makes a beautiful future expectable if we know how to use the immense resources of this country. With a river like the one we have, the land refuses to nothing; cotton, tobacco, silk, indigo, tea, all comes well. At a little distance away, mountains provide timber, resins, etc., uncountable. No need to draw any communication line at all: it’s the river itself which brings them to all the directions.”, *cited in Georges TABOULET*, p. 643.
- 4 Unstable in that the very existence of Cambodia had been threatened by her aggressive neighbors, Siam (Thailand) and Annam (Vietnam) which, in 1845, had agreed on their co-suzerainty over Cambodia.
- 5 Note that the terms ‘Funan’ and ‘Chenla’ are Chinese sound and no exact equivalent terms have been found in Sanskrit or old Khmer. See e.g., Hall’s *A History of South-East Asia*, pp 24-31. Note also that although the abandon of Angkor only took place in 1431 (still disputed date), the glory of Angkor declined after the death of Jayavarman VII in early 13<sup>th</sup> century (specific date unknown).
- 6 In Phnom Penh, the King was assisted by a small group of five ministers namely, *Akamohasena* (Prime minister), *Veang* (Minister of the Palace), *Youmreach* (Minister of Justice), *Kralahom* (Minister of Marine), and *Chakrey* (Minister of War). This group of five high-ranking officials was not a real Cabinet in the modern definition of government because each of them exclusively held his authority and was individually responsible before the King. There was no any formal form of collective responsibility of the cabinet in the sense we know today.
- 7 For example, 9 Khets for Akamohasena (Prime minsiter), 9 Khets for Veang, 7 Khets for Kralohom...etc. See Forest, p. 19.
- 8 Although the *Phum* (hamlet) existed, this was not an official territorial division; and it still remains so until the present time.
- 9 For example, the government of the province of Tbaung Khhmum went this way:
  - Tbaung Khhmum khang sdam (right-side Tbaung Khhmum) is administered by a man of the minister of war.
  - Tbaung Khhmum khang chhveng (left-side Tbaung Khhmum) is the only region which really depends on the governor of Tbaung Khhmum
  - Tbaung Khhmum prey loeu (Up-forest Tbaung Khhmum) is administered by two persons...

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-Tbaung Khhmum prey krom (Down-forest Tbaung Khhumum) is shared among small officials. (Forest, 1979: 20)

10 In the night of June 17, the King Norodom was already asleep when the Governor of Cochinchina, Admiral Charles Thomson, came with the document in hands and required that the King be woken up. Woken up and frightened by the French gunboats stationing in front of the royal palace, the King had to sign the convention by which the administration of the old kingdom went, at last, to the French hands.

11 It can be reasonably believed that those ordinances were not originally wished by the King. The latter promulgated them only to please the French who required that reforms be carried out, otherwise they would not protect the throne against the insurrections led by the King's own brother prince Siwotha.

12 The idea of the popular election was not to enhance the democracy as we know today. One could reasonably think that the French took this new idea to please Cambodians who had turned more and more uncooperative especially in terms of paying taxes.

13 Articles 8, 9, and 10 of the ordinance did not mention any particular qualifications to get registered. It sufficed to have a dwelling in the Khum. Art. 10 only required that newly migrated people who have lived there more than 6 months must be registered.

14 This does not mean that developmental state ended in 1969. It is because from 1970 Cambodia entered a new era: civil wars. Actually, since the present Cambodia is still trying to develop, the current state could still be called a developmental state or at best, an early or quasi-post-developmental state.

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