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Press freedom concerns in Cambodia: the enhanced detachment from ASEAN

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1 The fundamental concerns to press freedom in Cambodia

Press freedom holds an essential role in ensuring that democracy is maintained within a state. As mentioned in the Universal Declaration of Human Rights 1948 (UDHR) and the International Covenant on Civil and Political Rights 1976 (ICCPR), states have an obligation to safeguard their people's rights of seeking, receiving, and imparting information as part of the right to freedom of expression (ICCPR, 1966; UDHR, 1948). Nevertheless, we continue to see the deterioration of this right in many parts of the world faced by the press, especially in Southeast Asia. In a 2017 UN General Assembly, the forum noted that "impunity for attacks against journalists remains one of the greatest challenges to the safety of journalists and that ensuring accountability for crimes committed against journalists is a key element in preventing future attacks" (UNGA, 2018).

Press freedom has always been limited for a semi-authoritarian nation such as Cambodia. This is puzzling, as the Cambodian government has established the regulatory foundations to ensure that the press can operate within the country without impunity. Press freedom is part of Cambodia's protected freedom of opinion and expression as outlined in its constitution (KOC, 1993), in which Cambodian leaders have emphasized the importance of protecting in the 1995 Cambodian Press Law (KOC, 1995).

Nevertheless, recently, there has been a rise in prosecutions targeted toward Cambodian press or foreign press companies in Cambodia. Coinciding with the Cambodian Press Law is the enactment of the 2009 Criminal Code that provided criminal sanctions for cases of defamation, insults to the King, incitement to discriminate, and insult of public officials (KOC, 2011). The problem was exacerbated by introducing the "Prakas 170" in 2018, which placed heavy government control over websites and social media in Cambodia (KOC, 2018). Through the prakas, the Cambodian government's Ministry of Information is granted the right to undertake intensive surveillance of online activities and block information, which the Cambodian government defines as creating social disorder.

Consequently, since 2017, there have been rising incidents of the Cambodian government impeding press freedom in Cambodia, violating freedom from interference, and not establishing pluralism in the media. These measures against individual journalists are perceived as the CPP's exertion of power and control over the information circulating within Cambodia. On freedom from interference, the September 2021 arrest of Youn Chhiv after reporting a land dispute in the Botum Sakor National Park, which involved high-ranking officials, led to the sentencing of 1 year in prison (Liblib, 2021; Licadho, 2021; Reuters, 2021). In a similar case, Kouy Piseh, in July 2021, posted social media messages that were critical of the Cambodian government's responses toward the COVID-19. The

Cambodian court perceived this as an attempt to commit a felony and sentenced him to 2 years in prison (CPJ, 2021; Nai, 2022).

Pluralism of voices in Cambodia's media landscape has also been affected in recent years. The United Nations Human Rights Office of the High Commissioner (UNHR) reported that in 2022, a total of 2,117 media units were operating in Cambodia (across different media platforms) (OCHCR, 2022). However, the problem has been the forced closure of several media companies within Cambodia that have been critical in the past over Cambodia's democratic concerns through means of taxation to exert pressure on alternative media. This case is first observed in the Cambodia Daily. Having founded in 1993 and known for its independent reporting, the Cambodian officials announced that the company had to pay USD 6.3 Million in outstanding taxes within a month, which ultimately led to its closure in September 2017 (BBC, 2017; Beller, 2017; Krisher-Steele, 2017). Similarly, Radio Free Asia's Phnom Penh branch closed after 20 years of operation due to its incompliance with Cambodia's tax mechanisms (CPJ, 2017; Sophon, 2017; Sum and Sovannarith, 2023).

This opinion article will connect the press freedom concerns in Cambodia with violating the Association of Southeast Asian Nations (ASEAN) norms and declarations. Observing the violations between 2018 and 2022, this study will argue that Cambodia continues the long list of press freedom oppressions in Southeast Asia and how Cambodia's intentional persecutions contain national and regional justifications that help make sense of this development.

2 Cambodia in Southeast Asia's press freedom landscape

The prosecutions in Cambodia somewhat continue the legacy of press freedom concerns in Southeast Asia. Several of the problems include government censorship, state-controlled media companies, harassment of the press, and government regulations that impede the freedom to seek, receive, and impart information (Sinpeng, 2019; Guterres, 2020; Strangjo, 2020, 2024; Lim, 2023; Kong, 2024; Putra, 2024b,a,c). Perhaps one of the main contributions to this phenomenon is the diversity of government systems within the region, which leads to subjective interpretations of what freedom of expression entails, which may conflict with the definitions of the UDHR and ICCPR.

A notable and more recent example is the consequences of the 2022 Myanmar junta coup. To control the damages and demands for democratization, the junta has adopted state censorship that impeded the Myanmar people's access to information (HRW, 2022; Oponio Juris, 2022; Zaccaro, 2024). This was the background to movements made online, such as the "Milk Tea Alliance" in which Myanmar youths stormed the internet using VPNs to disseminate information on the current situations in Myanmar (McDevitt, 2020; Chia and Singer, 2021; Duangdee, 2021; Lee, 2021; Chan, 2024).

With Cambodia, the government's violations of the freedom of expression have undermined several of the critical documents of ASEAN that Cambodia is supposed to uphold. First is the ASEAN Charter, which Cambodia ratified in 2008. Within the document, Cambodia violated the terms of maintaining "the principles of democracy, [...] respect for and protection of human rights and

fundamental freedoms" (ASEAN, 2007). Furthermore, Cambodia also violated the ASEAN Human Rights Declaration 2012, which demanded ASEAN member states to display its commitment to the UDHR and other international human rights instruments (ASEAN, 2012).

In the past, through the vast intra and extra-regional summits of ASEAN and the ASEAN Intergovernmental Commission on Human Rights (AICHR), press freedom has been outlined as a significant concern for the regional organization (Olivia, 2014; Ryu and Ortuoste, 2014; Hara, 2017; Bangun, 2018; Sinpeng, 2019; Strangjo, 2024). ASEAN has attempted to display its decisiveness in leading its member states to ensure that all members maintain adherence to the protection of press freedom. Nevertheless, Cambodia has shown that it does not place a substantial value on the need to safeguard press freedom. Besides the cases mentioned in the previous section, between 2017 and 2022, a total of 23 journalists have been faced with criminal charges (OCHCR, 2022). Ownership concerns are also a significant issue, as seven of Cambodia's most prominent television channels are linked and affiliated with members of the Cambodia People's Party (CPP) (MOM, 2024). Ahead of the 2018 general elections in Laos, reports of China's increasing interventions in the Cambodian news landscape have also been prevalent (AFP, 2018; TT, 2018). It was mentioned that China had an increasing role in attempting to shape a positive Chinese perception among the Cambodian people by producing content for media outlets and investing in and developing Cambodia's information and communications technology (Holz and Loomis, 2020). The following section will justify this development under a national and regional context, arguing the relevance of the CPP's struggle to grip power and China's alternative funding opportunities.

3 Deciphering press freedom concerns in Cambodia: national and regional reflections

This section argues that two different reflections can decipher Cambodia's press freedom violations. First, it will be argued that maintaining control over the press allows the CPP's regime legitimation to continue without significant contestation. Second, Cambodia's distancing from the ASEAN norms is due to more "interesting" options (notably China), disincentivizing Cambodia to align with the regional human rights instruments.

Under the national context, the CPP's limiting of press freedom in Cambodia is a conscious decision to maintain power. Cambodia is an authoritarian state, a constitutional monarch where power is centralized under the control of the CPP. For most of the time, Cambodia was led by Hun Sen since the ousting of his co-prime Minister, Prince Norodom Sihanouk, in 1997 (Chanda, 2002; Storey, 2006). This was followed by a close to three-decade rule under Hun Sen, making him among the longest serving Prime Ministers in the world. To maintain the CPP's power, Hun Sen "passed down" his position to his son, Hun Manet, in 2023. Hun Sen refused to step down from his position of influence and became the President of the CPP and the Cambodian Senate (Ratcliffe, 2023; Mit, 2024; Watanabe and Sovannroeun, 2024). Hun Sen's role

is still pivotal, as Cambodia's bicameral legislature system grants the Senate the power to review draft laws.

Nevertheless, there has been a growing number of voices of opposition in the past couple of years. This was most notably shown by members of the Cambodia National Rescue Party (CNRP), which challenged Hun Sen's CPP in 2013. Despite the censorship in place and the criminal code that allowed the CPP to control the disseminated information, the opposition movements garnered considerable support for the cause of a democratic Cambodia (Burgos and Ear, 2010; Morgenbesser, 2019; Chheang, 2022). The opposition movements capitalized on several concerns of the community, including the heavy presence of Chinese investments within the country and nationalistic grievances vis-à-vis Vietnam in regards to land concessions to Vietnamese companies (Leng, 2017; Železný, 2022; Sok, 2024).

Therefore, in understanding the vast prosecutions made by the CPP against the press in Cambodia, one needs to look at the dynamics within the state. With the rise of opposition movements, it is within the interests of Hun Sen and Hun Manet to control the information circulating within the community to ensure that the CPP can continue to hold on to power. The CPP's domination of power within the law-making processes of Cambodia has allowed it to pass the controversial 2009 Criminal Code and the "Prakas 170" in 2018, severely affecting the press freedom landscape in Cambodia. As seen with the past elections within the decade, the Cambodian people have shown interest in foundational changes for Cambodia by trending the news of oppression, lack of democratic practice, and rigged elections (Cheang and Rising, 2023; USEC, 2023). By prosecuting the press and placing taxation burdens on media companies that are critical to the CPP's rule, Hun Sen and Hun Manet are controlling the circulation of information and countering news that would harm the reputation of the CPP.

Regional reflections are also impactful in understanding Cambodia's stance on press freedom. As mentioned in the previous section, the violations of the ASEAN Charter and the ASEAN Declaration on Human Rights do not bother Cambodia's political elites. The argument is that Cambodia has, in reality, shown a greater distance from ASEAN. Among the most cited in past studies is how ASEAN and Cambodia differ in their perceptions of the South China Sea dispute (VOA, 2015; Minh Vu, 2019; Po and Primiano, 2020; Pich, 2021; Vannarith, 2023). The core of the South China Sea dispute is China's Nine-Dash Line, which overlaps with the Exclusive Economic Zones of several Southeast Asian States such as Malaysia, Brunei Darussalam, Vietnam, and the Philippines. For ASEAN, the escalating tensions that involve ASEAN member states as claimant states to the maritime dispute must be brought up in resolutions as an attempt to (in a limited sense) pressure China (Odgaard, 2003; Shoji, 2012; Parameswaran, 2016; Storey, 2018; Putra, 2020; Hu, 2021). However, Cambodia made its stance clear since its chairmanship in 2012. Hun Sen stated that the South China Sea is a bilateral issue and should not be discussed in a regional platform such as ASEAN (Pheakdey, 2012; VOA, 2015; Po and Primiano, 2020). Cambodia would hold on to this stance in the following years, displaying Cambodia's diverged interests from ASEAN.

Since Cambodia's membership in ASEAN in April 1999, Cambodia has never fully fitted into the regional organization.

Cambodia's semi-authoritarian rule and lack of democratic progress have not been welcomed well by other members (Dunst, 2021; Espstein, 2024; Sochua, 2024). As ASEAN is slowly introducing democratic norms into its member states (Emmerson, 2005; Emmers, 2014; Rattanaseeve, 2014; Roberts and Widyarningsih, 2015; Darwis et al., 2020), Cambodia is showing that it is falling into a contrasting pattern of undemocratic rule. Economically, Cambodia is also categorized into the CMLV (Cambodia, Myanmar, Laos, Vietnam) category, a list of the less-developed economies in ASEAN, making it challenging for ASEAN to negotiate as a single unit.

The rise of press freedom oppression in Cambodia can, thus, be explained by the growing "alternative" option of Cambodia's international relations, which is China. Rather than forcing the country to align with the norms and values of ASEAN, Cambodia is fond of China's opportunities in the economic sector. Since the announcement of China's Belt and Road Initiative (BRI) in 2013, Cambodia has been a recipient of China's investments in different domains: infrastructure, industries, transportation system, and other public facilities (Pheakdey, 2015; Chheang and Pheakdey, 2019; Bong, 2020; Nikkei, 2021; Ngin, 2022). Figures from the American Enterprise Institute mention that the total Chinese investments in Cambodia accumulate to USD 13.43 Billion between 2005 and 2024, making China Cambodia's largest foreign investor. Therefore, the impact of China on Cambodia exceeds the value of what ASEAN brings to the table for Hun Sen and Hun Manet, leading to a stronger willingness of the CPP to align with China compared to ASEAN. Such a reality is problematic for ASEAN, as the regional organization struggles to exert its influence and centrality vis-à-vis great power influences in the region.

Cambodia's alignment with China represents a greater issue in the great power alignment dilemma of Southeast Asian states. China's claims in the South China Sea, increasing economic clout through the BRI, and the construction of financing institutions such as the Asian Infrastructure Investment Bank, have been perceived as intending to replace the Western global international order (Anwar, 2018; Johnston, 2019; Yu, 2024). It is because of this, Western governments and media have perceived China as an "assertive" actor in international relations, with countries like the US forming alliances and constructing norms to counter China's influence in the region (Johnston, 2013; Chen et al., 2014; Ortagus, 2019; Singh and Tsjeung, 2020; Blank, 2021). Nevertheless, Cambodia's support for China has been unmoved. Cambodia's bilateral ties and BRI opportunities are not connected to democratic practice requirements placed by China. Unlike the requirements to tap into investments and aid from the West, Cambodia's relations with China do not force the CPP to change its press freedom landscape. For Cambodia, this allows the CPP to further control the information distribution within the country and simultaneously tap into China's investments.

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