

Peace, Democracy, Human Rights and Rights based Sustainable Development Park, Kyung-seo Ph.D

Standing here before you in Cambodia, I recall old memories during my former post as the Head of Asia Division of the World Council of Churches (WCC) in Geneva from 1982-1999, where I have coordinated several million dollars yearly on humanitarian assistance such as agricultural development, preventive health care and demining projects for those suffering under the USA initiated Economic Moratorium. During that time, poverty was rampant, in this forbidden & forgotten country. With my field office located in Phnom Penh, I visited the country more than two or three times a year. It has been 17 years since my last visit and although a short stay I am extremely happy to be back in Phnom Penh.

I am honored to be here on a very important occasion in the history of peace building and democracy for the Asian region. The moment the Paris Peace Accords was signed in 1991, it was not only an indication of the end of the conflict in Cambodia but a commitment of self determination through free and fair elections and the respect of human rights which are the basic elements required for a stable democracy as enshrined in the Paris Peace Accords.

Once the agreement was signed, it was not only a commitment by the Cambodian people but a commitment by the international community to support the people in the rebuilding of the country so that the country is on a path to ensuring long lasting peace, democratic values, human rights and a proper rebuilding and rehabilitation of Cambodia.

Korea relates to Cambodia as we too went through the experience of civil war and had to rebuild the country. Through the assistance of the international community and the will of the people, Korea has developed to a certain degree into a high technology fast paced metropolis.

Korea sees great potential of growth and prosperity in Cambodia. Although Korea is not one of the signatories of the Paris Peace Accords but as part of the international community, Korea sees the importance of supporting the peace processes in Cambodia and the obligation of the international community to support the rebuilding of the country. Since 1997, Korea has provided development assistance that amounts to approximately 500¹ million US dollars mainly focusing on four priority sectors, agriculture and rural development, health and the medical sector, transportation and green energy, and human resource development².

Cambodia is a priority country for Korean development assistance as we see potential in cultivating a strong democratic and economic partner in the region. However, we need to remember that development of a country should not be at the expense of democracy and human rights. From our own experience in Korea, we know very well that democracy and human rights are the two fundamental corner stone's for a stable and peaceful society, which in turn is crucial for business and economic development.

¹ Since 2007 until 2013 the ROK has provided development assistance of approximately 400 million dollars and continues to do so.

Therefore, until 2016 it is approximated that the ROK has provided 500 million USD.

http://odakorea.go.kr/ODAPage_2012/T02/asia/Cambodia.jsp

² "ROK Provides US \$479 Million in Development Assistance to Cambodia up to 2015" AKP Phnom Penh, <http://www.akp.gov.kh/?p=83124>

Hence from both the Cambodian and South Korean side in addition to the international community, there is a need to review policy of overseas development assistance so that it does not stop at strengthening economy and infrastructure but also cultivates peace, human rights and democracy. As there is a lot of Korean investment in Cambodia, approximately 4 billion USD as of 2012³, the Korean government needs to ensure that the Korean companies operating in Cambodia also abide by international human rights standards and social responsibilities.

A few years back, I wrote a Memo based on Government Officers of Cambodia, for a meeting convened by the National Human Rights Commission of Korea & KOICA. It is necessary to revisit the memo to see how far those ratifications have been implemented to affect people's daily life. Through this, we can discuss what kind of roles the international community can play to be in solidarity with the people of Cambodia.

It is timely on this 25th anniversary of the Paris Peace Accords, not only for the Cambodian government, but also the international community, especially the 18 signatories to look back to what was committed to when signing the Paris Peace Accords. Mainly, we can highlight self determination through free fair elections, respect for human rights, and building a democracy. We need to ask ourselves what has been done so far to account for these promises. Indeed, for this very reason we all have gathered at this meeting.

My country during the democratic transition also had its difficulty with accounting for human rights and maintaining democratic principles. This is why I was appointed the first Republic of Korea's Human Rights Ambassador at Large (2001-2007) for seven years. I was appointed to advocate for human rights within Korea and beyond so we can grow into a strong democracy.

Cambodia needs to show a strong commitment for human rights and democracy. To uphold the spirit of the accords signed back in 1991, there is a need for more open civil society space and respect for fundamental freedoms such as freedom of expression, assembly, and association. Based on our own experience in Korea, I believe Cambodia will be able to develop into a peaceful developed nation if it could ensure free and fair elections, democratic governance and the respect for human rights. We need to continue that spirit and allow for free participation in politics and elections by all parties.

For a better and prosperous Cambodia where all people live in peace and harmony, the Cambodian government and the international community needs to continue to uphold its commitments, spirit, and principles of to the Paris Peace Accords agreed 25 years ago. Korea will continue to stand with Cambodia to assist in going the path of peace building, democracy and human rights. Thank you for your attention.

³ <http://www.cambodiainvestment.gov.kh/investment-enviroment/investment-trend.html>

Fact Sheet:

- Cambodia's Independence from France in 1953 after more than 70 years colony.
- Peaceful country from 1953 to 1969
- Lon Nol ousted Prince Sihanouk, the country becomes Republic in 1969/1970
- Civil war between Lon Nol regime backed by the US with the Khmer Rouge fighters.
- Khmer Rouge took over in April 1975. 1.7 million people were killed, tortured & starved to death by the Khmer Rouge Regime from 1975 to 1979. **The UN recognized the Khmer Rouge Regime.**
- January 1979, the country was liberated from the Khmer Rouge Genocidal Regime.
- Paris Peace Agreement among all Cambodian factional fighting groups in 1991, the United Nations came in to organize the general and democratic election. The Khmer Rouge faction was still strong at that time. They broke away from the general election.
- Cambodia gained full peace in 1998.
- Population at present: 14 millions
- Main Growing Sectors: Agriculture, Construction, Garment, and Tourism
- Cambodia is a constitutional monarchy that adopts the principles of democracy and pluralism in its political system. Human Rights are enshrined in 1993 Constitution, which provides, inter alia, guarantees for equality before the law, prohibits all kinds of discrimination, and provides for protection of the freedom of speech and expression, free movement, rights to form associations, to religions and beliefs, to property and security. In the international context, Cambodia's engagement with the United Nations human rights framework, including with the Special Representatives of the Secretary-General on the situation of human rights in Cambodia and the Office of the High Commissioner for Human Rights (OHCHR) in Cambodia.
- The Government has also made efforts, in agreement with the United Nations, to establish the Extraordinary Chambers in the courts of Cambodia for the prosecution of crimes committed during the period of Democratic Kampuchea.
- Cambodia is party to human rights and humanitarian law instruments, and has been involved in human rights as a member of the Association of South East Asian Nations (ASEAN). As a new party to the Optional Protocol on the Convention Against Torture and other Cruel, Inhuman, and Degrading Treatment (OP-CAT), the Government took a practical step in the establishment of a National Preventive Mechanism by a Sub-Decree signed by Prime Minister.

Human Rights instruments that Cambodia has signed and ratified are: (for your information)

- Universal Declaration of Human Rights
- International Covenant on Economic, Social and Cultural Rights
- International Covenant on Civil and Political Rights
- (a) Optional Protocol to the International Covenant on Civil and Political rights regarding the acceptance of the individual complaints procedure
- (b) Optional Protocol to the International Covenant on Civil and Political Rights regarding to abolition of the death penalty
- International Convention on the Elimination of All forms of Racial Discrimination
- Convention on the Elimination of All forms of Discrimination against Women

- (a) Optional Protocol to the Convention on the Elimination of All forms of Discrimination against Women
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- (a) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child
 - Optional Protocol to the Convention on the Rights of the Child on the sale of Children, child prostitution and child pornography
 - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
- Convention on the Rights of Persons with Disabilities
 - Optional Protocol to the Convention on the Rights of Persons with Disabilities
- Convention relating to the Status of Refugees
 - Protocol relating to the Status of Refugees
- Convention on the Prevention and Punishment of the Crime of Genocide
- The Constitutional Council decided in its decision No. 092/003/2007 of 10 July 2007 regarding the applicability of the International human rights treaties by the courts of Cambodia.

Cambodian Human Rights Committee (CHRC)

- The Cambodian Human Rights Committee is the body of the Government that is in charge of promoting the field of Human Rights and rule of law in Cambodia. The Committee was formed by Royal Decree dated January 18, 2000 on the establishment of the Cambodian Human Rights Committee, which has the roles to investigate and remedy all sorts of complaints, gather information related with the implementation of Human Rights, Training, and Dissemination of Human Rights and prepare Human Rights reports for the United Nations.
- (The Government has incorporated relevant concepts of the Convention on the Rights of Child (CRC) into a number of laws, and the Department of Anti-Human Trafficking and Juvenile Protection of the Ministry of Interior has cooperated with UNICEF, World Vision, Save the Children Norway and the OHCHR on a programme on implementation of the law against sex abuse, sex trade, women and child trafficking. Cambodia recognized the importance of education as a major tool for national development of human resources. Cambodian Human Trafficking Law covers external territories as well.)

Office of the UN High Commissioner for Human Rights in Cambodia (COHCHR)

- Since November 2003, the Royal Government of Cambodia has granted the Office of the UN High Commissioner on Human Rights in Cambodia to contribute to the following up and examine the respect for Human Rights, at present the Secretary General of the United Nations has appointed a special rapporteur for Human Rights in Cambodia. COHCHR is active in many programmes with the Ministry of Justice, General Department of Prisons of the Ministry of Interior, Cambodian Human Rights Committee and other relevant institutions in the promotion and protection of Human Rights.

Local and International NGOs

- NGOs are properly organized and have clear appointments and structures, which are granted by the government and perform extensively. At present Cambodia has more than 2,000 local and international NGOs which perform in all fields and sectors and among them around 60 NGOs are performing in Human Rights fields. 23 NGOs have been gathered to create a Committee namely ***Cambodian Human Rights Action Committee (CHRAC)*** whose role is to promote Human Rights such as education, dissemination, training for armed forces and protect Human Rights of Cambodians.

Toward the establishment of National Human Rights Institution (NHRI)

- On 26-27 of September 2006 the Royal Government of Cambodia represented by the Cambodian Human Rights Committee, cooperated with the Working Group for Human Rights Mechanism of ASEAN, had arranged a Conference on the establishment of the National Human Rights Institution in Siem Reap province and had agreed in principle that this institution is to be created based on the Paris Principles. The Joint Working Group between the Government and CSOs are drafting the law. Even though, the NHRI will be established, the existing Human Rights mechanisms will stay the same for promoting and protecting human rights in Cambodia.