

INTERNATIONAL FELLOWSHIP OF RECONCILIATION (IFOR)

Submission to the 113th Session of the Human Rights Committee

CAMBODIA

(Military service, conscientious objection and related issues)

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Basic information

POPULATION (November 2014, estimated¹) 15,458,000

MILITARY RECRUITMENT: A Law on Compulsory Military Service (No. 851-NS), establishing 18 months service for all able-bodied males aged 21 to 35 was promulgated on 24th February 1954, shortly after independence. Despite a series of subsequent laws (see text) conscription has been enforced only intermittently, and probably not at all since 1993. All citizens, male and female, aged between 18 and 30 are obliged to register under the current Law on Compulsory Military Service (No. NS/RKM/1206/030, promulgated on 22nd December 2006), but as far as is known the 18 months' service authorised in that law has never been required.

MINIMUM AGE²: 18

CONSCIENTIOUS OBJECTION: no provision.

MALES reaching “militarily significant age” in 2010 3: 151,143

ARMED FORCES: active strength, November 2013 :4 124,300
as a percentage of the number of men reaching “military age” 82.2%

MILITARY EXPENDITURE US \$ equivalent, 2013 5 \$243m

Per capita \$16
As % of GDP 1.6%

¹ Source: The Military Balance 2015 (International Institute of Strategic Studies, London), which bases its estimate on “demographic statistics taken from the US Census Bureau”.

² Source: Child Soldiers International (formerly Coalition to Stop the Use of Child Soldiers), Louder than words: an agenda for action to end state use of child soldiers. London, September 2012.

³ Source: CIA World Factbook. <https://www.cia.gov/library/publications/the-world-factbook/index.html>. The CIA defines “militarily significant age” as 16, which is the lowest age of legal recruitment found anywhere in the world. Their latest estimate, dating from 2010, thus covers the cohort of young men born in 1994, ie aged 20 in 2014.

⁴ The Military Balance 2014 (International Institute of Strategic Studies, London).

⁵ Stockholm International Peace Research Institute (SIPRI), April 2014

A Law on Compulsory Military Service (No. 851-NS), establishing 18 months service for all able-bodied males aged 21 to 35 was promulgated on 24th February 1954, shortly after independence. The law however was “not fully applied”.⁶

From 1970 until almost the end of the Twentieth Century, Cambodia was plunged into a series of wars in which it suffered one of the highest death tolls in the world – more than a million from a population which in 1970 had been probably around seven million. During this period, arbitrary forced recruitment became widespread, and age limits were ignored. Cambodia became notorious for the use of “child soldiers” and was selected as one of the case studies for the “Machel Report” on the involvement of children in armed conflict.⁷ The research report estimated that in the mid 1990s perhaps 4% of the government armed forces and as much as a quarter of the fighting strength of the Khmer Rouge opposition were aged under 18, this implying several thousand individuals on each side. Extremes of eight-year-olds in the Government forces and 5-year-olds in the Khmer Rouge were quoted,⁸ - as always one can however assume that teenagers were much more numerous.

In 1989 the then “People's Republic of Kampuchea” brought in a Law on Military Service, which required males aged between 17 and 30 to serve for 36 months. This was intended as much to pre-empt recruitment by opposition armed groups as to fill the ranks of the government forces.⁹ In 1993, however, a peace accord between all the warring factions except the Khmers Rouges led to the amalgamation of their armies into an unwieldy force some 145,000 strong. Faced with the urgent need to slim this force the government ceased applying the Law.

Nevertheless, forced recruitment continued right up until the end of the war in 1998. In practice, however, recruitment had been devolved to the local level. It was common for men to drift in and out of the armed forces, joining when they needed money, but leaving when they were tired, or had not been paid (the pay was low and erratic). When a unit was depleted through casualties or desertion, it would usually resort to informal recruitment in the area where it was located.¹⁰

Typically, quotas were imposed on local communities. All young men who qualified by height (as measured against a rifle) “had to draw a piece of paper, some of which were blank and some said 'join the army'.” (There was however evidence that such lotteries were often rigged.) Meanwhile the Khmers Rouges were also imposing recruitment quotas on communities within the area they controlled.¹¹

In 1997 a new “Law on General Statutes for the Military Personnel of the Royal Cambodian Armed Forces” came into force. It stipulated “that all Cambodian citizens of the male sex, aged between 18 and 30 years, without distinction as to religious belief, national origin or social status must serve in the armed forces in accordance with the law. Children aged below 18 years are not accepted for military service.”¹² The duration of service was not indicated.

⁶ Prasad, D. & Smythe, T. (1968), Conscription - a world survey: compulsory military service and resistance to it, War Resisters International, London, p21.

⁷ Machel, Graca, The UN Study on the Impact of Armed Conflict on Children (A/51/306, 26th August 1996 and Add.1, 9th September 1996. (“the Machel Report”)

⁸ Brett, R. & McCallin, M. Children: the Invisible Soldiers (2nd edition), Radda Barnen, Stockholm 1998, table on pp 212, 213.

⁹ Unpublished Case Study on Cambodia for the Machel Report, quoted by Horeman, B. & Stolwijk, M., in Refusing to Bear Arms, War Resisters International, London, 1998.

¹⁰ Ibid

¹¹ Brett, R. & McCallin, op cit, pp. 46 – 48.

¹² Initial Report of Cambodia to the Committee on the Rights of the Child (CRC/C/11/Add16), 24th June, 1998, para 218

The 1997 Law contained separate provisions for regular military personnel and for those on fixed-term, renewable, contracts. Article 42, concerning the latter, stipulated a minimum age of eighteen.¹³ While these provisions continue to apply, a new “Law on Compulsory Military Service was promulgated by Royal Decree No NS/RKM/1206/030 dated 22 December 2006. This law aims at building the armed forces for the national defence and the development of physical fitness as required by the nation. Every Khmer citizen of both sexes from ages 18 to 30 shall fulfil the military service as determined by Article 2 of this law. It is through nationalist education only that youth are motivated to serve the army. Generally there have been not many women serving the armed forces. A small number of women serving the army take part in the test to enter into the cadet framework.”¹⁴ This somewhat rambling account perhaps reflects the fact that by all accounts no conscription provisions have in practice been enforced since 1993.¹⁵ On 1st August 2010, General Chhum Socheat, a spokesman for the Ministry of Defence, indicated that there were intentions to recall former soldiers for three to four months' reserve service, but that the exact numbers would depend on the budget allocated. Meanwhile there were no imminent plans to “fully implement” the 2006 Act (which stipulates an eighteen-month term of service) because of inadequate resources. All initial recruitment would remain for the time being on a voluntary basis.¹⁶

The one part of the 2006 law which has apparently been implemented is the registration requirement, which is obligatory for all, and may be done either personally or by a parent or guardian.¹⁷ Cambodia's combined first and second report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (which will come before the Committee on the Rights of the Child in 2015, even though Cambodia ratified the Optional Protocol on 16th July 2004) gives details of the documentary proof of age which is required for registration, and also gives details of the major campaign which took place between 2002 and 2010 to retrospectively supply the bulk of the population with such documentation.¹⁸ The state has now adopted a very firm policy that 18 is the minimum age for any type of military involvement (even the six Military Professional Training Establishments listed: the University of National Defence, the Institute of Army, the Military Medical School, the School for active Military Officials, the Multi-technical Decho Hun Sen Institute, and the Military Police School, and the seven Police Professional Training Establishments: the Cambodia Police Academy, the National Police School and five regional Police Training Schools, all have 18 as the minimum age of admission.¹⁹ The registration effort means that no longer will age be assessed by crude measures such as height; the risks of juvenile recruitment should be minimised.

None of the conscription provisions which have at various times existed in Cambodia have contained any reference to the possibility of conscientious objection. It is not known whether the stipulation “without distinction as to religious belief...”, included in the 1997 Law and retained in that of 2006, was specifically intended to indicate that conscientious objections would not be accommodated. However, given the sporadic fashion in which formalised conscription has been implemented, it is not surprising that no actual cases have been reported.

¹³ Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2008

¹⁴ CRC/C/OPAC/KHM/1, (undated, but covering the period to 2010), para 18.1.

¹⁵ The Military Balance 2014, p.229

¹⁶ “Cambodia: again discussion on conscription”, War Resisters' International, CO Update No.58, August 2010.

¹⁷ CRC/C/OPAC/KHM/1, para 18.2

¹⁸ Ibid, para 18.4

¹⁹ Ibid, para 19.