



សាកលវិទ្យាល័យភូមិន្ទភ្នំពេញ

ROYAL UNIVERSITY OF PHNOM PENH

The Cambodian *khum* from 1897 to 1919  
and its Contemporary Relevance

A Thesis

Presented to the Committee of the Ministry of Education, Youth and Sport

In Partial Fulfillment of the Requirement for the Degree of  
Master of Arts

by

Chheat Sreang

August 2004

**The Cambodian *khum* from 1897 to 1919  
and its Contemporary Relevance**

**Thesis submitted by  
Chheat Sreang**

**for the degree of  
Master of Arts in Cultural Studies**

**Thesis Assessment Committee:**

**Dr. Henri Locard (Supervisor)**

**Dr. Iv Chan (Internal examiner, Chair)**

**Prof. Manara Sambo (Internal examiner)**

**Prof. Im Sokrithy (Internal examiner)**

**Dr. Helen Jarvis (Internal examiner)**

**Dr. Penny Edwards (External examiner)**

**Faculty of Social Sciences & Humanities**

**The Royal University of Phnom Penh**

**August 2004**

## ABSTRACT

While the claim that the 2002 local elections were the first local elections in Cambodia was widely circulated, there have been few attempts to study this subject historically. Also, the argument about female participation in previous local elections was doubted by the author. Research was needed on the origin of the local administration (*khum*) itself and the democratic elections during the French period. Whether the local organization was a failure or success was also worth study.

By critically analyzing the documents we could find at the Phnom Penh National Archives, we made some surprising findings. Local elections took place as far back as 1897 at least in some form and in some parts of the country. However, they were never held in every part of the kingdom. And only men who had paid the *impôt personnel* were allowed to vote. Nevertheless, the selection of local administrators was a kind of *consensus* between the villagers and the provincial governor. Besides, the study shows that the structure of the *khum* administration, which had been evolving since 1888-92, continued to develop over time. Another remarkable finding is the creation of a well-organized local administration. This proposition came from the French within the framework of reforming Cambodian society in 1884. After that, local administration was reorganized by a series of ordinances.

The purpose of creating the *khum* was two-edged. One was for the well being of the inhabitants, including ensuring security and all *khum* property such as roads, schools, forests, etc. The other was to create agents for the colonial administration, to collect taxes, and keep their superiors informed about what was going on in the *khum*. That is, they were expected to act as the higher echelons of the administration representatives rather than the representatives of the people.

Subsequent reorganizations of the *khum* reflected administrative failure in several ways. The commune chief and councilors were very often corrupt. The corruption was considered a result of their unsalaried position. Local democracy through elections was like a show. Illiteracy was another critical reason leading to the unworkability of the ordinances. A great deal of responsibility fell on the unsalaried local administrators who had to work without a local budget. All these challenges are still continuing to confront the development of local administration today.

## **CERTIFICATE OF AUTHORSHIP/ORIGINALITY**

I certify that the work in this thesis has not previously been submitted for a degree nor has it been submitted as part of requirements for a degree except as fully acknowledged within the text.

I also certify that the thesis has been written by me. Any help that I have received in my research work and the preparation of the thesis itself has been acknowledged. In addition, I certify that all information sources and literature used are indicated in the thesis.

Signature of Candidate

---

Date

---

## **CANDIDATE’S STATEMENT**

I, Chheat Sreang, the undersigned, the author of this dissertation, understand that the Royal University of Phnom Penh will make this thesis available for use within the University and allow access to users in other approved Universities and libraries.

All users consulting this thesis will have to sign the following statement:

“In consulting this dissertation, I agree not to copy or closely paraphrase it in whole or in part with the written consent of the author; and to make proper written acknowledgement for any assistance which I have obtained from it.”

Beyond this, I do not wish to place any restriction on access to this thesis.

Signature of Candidate

---

Date

---

## ACKNOWLEDGEMENTS

The author would like to extend his great appreciation to the many individuals and institutions that make the training program come into existence. First of all, I would like to thank the Royal University of Phnom Penh (RUPP), the Center for Advanced Study (CAS), the Heinrich Boell Foundation (HBF), Open Society Institute (OSI), and the Buddhist Institute (BI) that have cooperated to run this priceless research training program.

Secondly, I owe my gratitude to Dr. Henri Locard who has been working as supervisor of this thesis. Without his helps and assistance, such a well formatted thesis could not exist. He not only assisted in shaping the format of the work but also guiding me to any useful resources he has come across.

Thirdly, I would also like to thank Dr. Hean Sokhom and Dr. Peter Gyallay-Pap, the two main figures who provided us not only technical supports in the study by also seeking for financial assistance for all the students in facilitating the individual research projects. I am grateful to Peter Gyallay-Pap for his ongoing valuable advice and extensive guidance in the paper, and encouragement. Fourth, my debt and appreciation also go to Dr. Penny Edwards, who technically has helped me along the way of writing this research reports, and worked very closely with me to revise this dissertation.

Fifth, I would like to convey my profound thanks to Ms. Sandra Jones for her competent skill in editing and giving comments on this English version of the research.

Sixth, my dues and high respects go to the other individuals who played role in making the study exist. I would like to thank all archivists at the Phnom Penh National Archives who have given me accessibility to valuable documents, some of which have yet been studied. My special thanks also go to Mr. Kim Sedara that gave me a draft of his research on the commune today, Dr. Margaret Slocomb giving me her article on commune elections in the 1980s and comments, and Dr. Shyam K. Bhurtel and his colleagues from the Department of Local Administration, Ministry of Interior, who gave me their annual reports on decentralization and a copy of royal decree on local administration. Without their assistance, the chapter on *contemporary relevance* could not have existed.

Last, but not least, I would like to thank Mr. Heng Kimvan, teaching assistant, in the program, who is most of the time close to us. Also, my credit goes to all scholars and researchers who spent their precious time in sharing their enlightened experiences in the

field of social and cultural studies. My final warm thanks go to all the students in this program, who have usually shared their understanding.

## TABLE OF CONTENTS

	<b>Page</b>
Abstract	i
Certificate of Authorship/Originality	ii
Candidate's Statement	iii
Acknowledgements	iv
Table of Contents	vi
List of Tables	viii
List of Figures	ix
List of Abbreviations	x
CHAPTER 1 INTRODUCTION	1
1.1 Background to the Study	1
1.2 Problem Statement	1
1.3 Aim and Objectives of the Study	2
1.4 Rationale of the Study	2
1.5 Limitations of the Study	3
1.6 Methodology	5
CHAPTER 2 LITERATURE REVIEW	6
CHAPTER 3 THE COMMUNE AS AN EXTERNAL MODEL: REGIONAL AND INTERNATIONAL CONTEXT	9
3.1 Regional Context: Vietnamese Model	9
3.1.1 Its Evolution before the French rule	9
3.1.2 Vietnamese commune under French rule	10
3.2 International Context: French Model	14
CHAPTER 4 THE AMBIGUITY OF ADMINISTRATIVE TERMS: <i>SROK, KHUM, PHUM, MÉSROK, MEKHUM</i>	16
4.1 General Administrative Division	16

4.2 <i>Khum</i> in <i>La Ville de Phnom Penh</i>	22
CHAPTER 5 1897-1919 LOCAL ADMINISTRATION	26
5.1 Prior to 1902	26
5.2 From the 1902 Local Administration Evolution	30
5.3 The 1908 Royal Ordinance	33
5.3.1 The <i>khum</i> Election	39
5.3.2 Who Were the Voters?	42
5.3.3 The Mandate of the <i>Khum</i> Councilors	
<i>Contradiction of the Ordinance and the way of implementation</i>	44
5.3.4 Rewards and Punishment	51
5.3.5 Laws and Social Orders	54
CHAPTER 6 THE REORGANIZATION OF THE COMMUNE	59
6.1 Eleven Years of <i>khum</i> 's Work	59
6.2 The 1919 Royal Ordinance	63
6.2.1 Budget Management	66
CHAPTER 7 THE CONTEMPORARY RELEVANCE	69
7.1 The Post-Colonial Local Administration	69
7.2 The Local Administration These days	74
7.2.1 The <i>khum/sangkat</i> Structure	74
7.2.2 The Election of <i>khum/sangkat</i> Council today	77
7.2.3 The Roles and Responsibilities	78
7.2.4 Advisory Committees	80
7.2.5 The <i>khum/Sangkat</i> Fund and Budget	81
7.2.6 The Achievements	83
7.2.7 The Challenges to Local Administration Development	84
CHAPTER 8 CONCLUSION	89
BIBLIOGRAPHY	96

## LIST OF TABLES

Table 4.1-1: Level of Administrative Division	22
Table 4.2-1: Administrative Division in la ville de Phnom Penh	25
Table 5.2-1: <i>Srok</i> Council of 1902	31
Table 5.3-1: The Structure of the <i>khum</i> Council of 1908	36
Table 5.3-2: Circle of tax before 1891	37
Table 5.3.3-1: Number of <i>khum</i> in Cambodia, 1913	45
Table 6.2-1: <i>khum</i> Council of the 1919 ordinance	64
Table 7.2.1-1: The <i>khum</i> Council Structure today	76

## **LIST OF FIGURES**

Figure 5.1-1: A part of the Map of the Province of Bati, residence of Takeo, 1899	28
Figure 5.1-2: Map of the Province of Prey Krebas, residence of Takeo, 1899	29

## LIST OF ABBREVIATIONS

AGI	Annuaire general de l'Indochine
ANC	Archive National du Cambodge, Phnom Penh
B.	Box number used at the ANC
BAC	Bulletin Administratif du Cambodge
C/SF	Commune/ <i>Sangkat</i> Fund
CCC	Cooperation Committee of Cambodia
CM	Conseil des ministres
DFT	District Facilitator Team
Dola	Department of Local Administration
F.	File number used at the ANC
GG	Gouverneur general
LAMC	Law on Administration and Management of the Commune/ <i>Sangkat</i>
n.	Number
n.d.	No date of publication
n.p.	No place of publication
NGOs	Non government Organizations
O.R.	Ordonnance royale
PC	Procurement Committee
PRK	People Republic of Kampuchea
RP	Résident provincial
RSC	Résident supérieur du Cambodge
TSS	Technical Support System
VDC	Village Development Committee

# CHAPTER 1

## INTRODUCTION

### 1.1 Background to the Study

In the 19<sup>th</sup> century, Cambodia was believed to be in need of political independence. A country which had been devastated by civil wars for centuries turned to a European power, the French, in the hope of being liberated from the patronage of two rival neighboring countries, Siam and Vietnam. For its part, France stood to gain from Cambodia's strategic position as a buffer against British influence in Siam, and as an imagined gateway to China. Since the establishment of the French Protectorate of Cambodia (1863-1953), Cambodia's fate was closely tied to the French, whose power significantly increased after the signing of the June 17, 1884 Convention which stripped the King of his traditional fiscal powers. The Cambodian *khum* was officially created by the ordinance of June 5, 1908 following the recession of the western fertile province of Battambang from Siam.

In fact, the creation of *la commune* in France dated back to the 18<sup>th</sup> century, during the revolution. However, the idea of modernizing Cambodian local administration rather referred to the experience of Vietnam. The point is that the highest of the colonialism of the French in Indochina was Vietnam, i.e. the French Indochina was equal Vietnam (personal communication with Dr. Locard, June, 2004). The colonial days are believed to be the first stage of modern Cambodian history, when every sector started to be modernized. Local administration was one among those reforms. Its history, therefore, goes back to around a century ago. Recently the Royal Government of Cambodia has put a priority on local administration by organizing local elections to choose local administrators. The point here is that it is also time for the study on history of administration at the village level in terms of its evolution.

### 1.2 Problem Statement

Prior to the 2002 elections, a number of scholars claimed that this was the first local election ever held in Cambodian history. At the same time, a few scholars wrote articles on the issue of local elections to uncover the truth. Locard (2002) claimed that local election had been conducted in the wake of 1908 royal ordinance during the French colonial period. That was the year that the *khum* was created. What is more interesting is that widows' names were in the electorate list. Does that mean that some women voted?

Women would have been among the voters, an event that surprised scholars in that it was very early for Cambodia to have upgraded the status of women in this way. However, 'in fact, it is only partly true to claim that election [2 March 2002] as Cambodia's first attempt to give Cambodian citizens the right to choose their own local leaders in a formal poll' (Slocomb, 2004: 1).

It is also claimed that the 1981 local elections were the foundation of the 2002 *khum/Sangkat* elections. Even during the communist regime, 1979-1989, local elections were still held to reinforce the one party state rather than for the support of local democracy (Ibid.)

### **1.3 Aim and Objectives of the Study**

At the end of the study, the author hopes to unravel how the *khum* came about and its evolution during the period of the study. Apart from that, it will be put into a context compared with the *khum* today in terms of the challenges to its development. In this regard, the historical findings will guide us to see how today's problems that the *khum* is facing compare with the past.

Several objectives were set up to study the topic. First, we hoped to investigate the origin of the *khum*, and where the idea of establishing this form of local government had come from. Secondly, we researched how the local elections took place, and who the electors of the *khum* councils were, and how councils were organized at the time. Third, the study aimed to answer the question of whether the creation of the *khum* by the French was a success or failure; and if so, what were main reasons behind the results. Lastly, a brief study of the *khum* today is made in order to compare the previous and present *khum* in terms of obstacles to local administrative development and democracy.

### **1.4 Rationale of the Study**

Investigations started from 1897 when some important historical events occurred. Paul Doumer, a French administrator, who was the main figure defining Indochinese administration from the time of his appointment as Governor General of Indochina in 1897, played a critical role in reforming the Cambodian administration. Soon after his appointment he visited Cambodia. During that occasion, he approved the suggestion of the *Résident supérieur* of Cambodia that the King, whose health had deteriorated, should not be allowed to decide any further official matters unless there was approval from the French *Résident supérieur*. In other words, the two parties had to co-sign official

documents and the *Résident supérieur* rather than the King began to preside over the Council of Ministers consisting of five Cambodian ministers (Osborne, 1969: 235; Chandler, 1996b: 142-148). For this reason, the new political changes in 1897 would have also some impacts on local administration reform.

Another reason for the choice of start date for the thesis is based on the accessibility of documents. The oldest archival materials on the organization of Cambodian villages date back to 1897 when a proposal on reorganization of the villages in one province was adopted by the Council of Ministers (NAC, *circulaire ministerielle*, 1897). It is consequently feasible to start the study from that year to see the historical development of local administration and subsequent changes.

The thesis finishes in 1919 for a key reason. For the French, this year was the first reorganization of the *khum*, following the promulgation of the famous ordinance of 5 June 1908. Although there were previous ordinances such as that of 1889, 1892, 1897 and 1902, the 1908 ordinance constituted a solid structure for local administration and related juridical regulations. Up till then, local administration had developed following the direction of superior authorities, who were regarded as more mature and skillful in administration. During this period, as is noted, the demands of the central civil service were increasing, so the local administration experienced both good and bad outcomes in executing national laws. For this reason, the royal ordinance was modified in order to correspond to the evolution of local government.

During the period from 1897-1919, we will hopefully cover most of the important events relating to administration at village level. Between the significant events occurring at the two extreme years of the thesis, the organization of village life should be more clearly addressed than is apparent in current literature. Starting from 1897 the research unveils the origin of the basic organization, while 1919 manifests some major textual changes. Between these two extremes the evolution and development of local administration emerges from the study, and these evolving events actually serve as reasons or triggers for the promulgation of the 1919 ordinance. In other words, the selection of the starting and finishing points of the thesis is appropriate for the topic.

### **1.5 Limitations of the Study**

The study covers the period from 1897 to 1919. It begins with a brief consideration of external concepts, administrative structures and terminology that might have influenced the evolution of the *khum* in Cambodia; notably those in the 18<sup>th</sup> and 19<sup>th</sup>

century France and Vietnam (chapter 3). Chapter 4 and 5 then examine, in greater detail, the development of the *khum* in Cambodia, paying particular attention to indigenous concepts, terms, and administrative structures. However, not every aspect of the *khum* is investigated. There are also ambiguous Khmer terms which need explanation. One of these, *srok*, is discussed for instance, in order to understand more easily the discussion on administration in the next chapters because the term itself captures a variety of meanings, ranging from a local administration unit to a portion of land as big as country.

Then we will talk about local administration from 1897 to 1919. Within this period, sub-headings are given to make it easy to highlight turning points in the flow of events. For instance, after discussing the ambiguity of the term *srok*, we talk about the local administration from 1897-1902. The pause in 1902 has a key purpose. 1902 was a turning point after which local administration was reorganized into a formal structure. After that, the study of local administration from 1902-1908 follows, with that last year being a transition to the promulgation of the 5 June 1908 royal ordinance concerning the creation of the *khum*. Within this period, we can see how the local administration evolved in terms of local elections, and its contribution to the whole administrative structure.

Another period of study is from 1908 to 1919. During these last eleven years, some notable events are investigated. One of these is the election of local authorities after the circulation of the 1908 ordinance. As a result, French policy towards local democracy is clearly demonstrated. The study finishes with the promulgation of another royal ordinance of 24 Sept 1919 concerning the reorganization of the *khum*. At the end a short comparison between the 1908 and 1919 texts is made in terms of the improvement of local administration.

This is followed by a discussion about the *khum* today. In this part, we make comparisons between historical evolution and *khum* today to see common challenges to its developments in the colonial and present day contexts.

It should be noted here that the study does not cover every element of local developments, which were going on during this time. However, the paper aims at contributing to the understanding of the administration at village level, especially how the *khum* came about and how it evolved over time. Finally, we aim to link its relevance to the challenges Cambodia is facing today in its day-to-day local work.

## **1.6 Methodology**

National Archives of Cambodia is the main source of the research. After doing literature review in several libraries, we turned to investigate at the National Archives, where most of the documents we worked with locate. As historians, we looked and studied all these materials with critical thought. We are concerned about authenticity of the archival materials, not using contemporary perspective.

## CHAPTER 2

### LITERATURE REVIEW

Several works have been done on the history of local administration. Im Monychenda, who graduated from the Faculty of History, 18th cohort of the Royal University of Phnom Penh, was interested in studying the history of the Cambodian commune. Her dissertation for the degree of Bachelor of Arts in history, “*Evolution of the khum administration from the ancient time to the French colonial period*”, (2001) includes the history of the system, functions, duties, actual activities of local officers, and the incentives and punishments they were given in their efforts when fulfilling duties. She used archival materials and interviewed Dr. Sorn Samnang (a Cambodian historian) and officials from the Ministry of Interior. However, the study focused on theoretical issues rather than what was happening in practice.

Luckily, an explanatory paper that details each point described in the ordinance accompanies it. Moreover, Henri Locard (2002: 9-12) highlighted the start of local elections in 1908 when the *khum* was officially created. What is interesting here is that women, he argued, perhaps participated in the election of local councilors. He wrote also about growth of local administration from its birth to 1941 when local elections were abolished. The local administration had probably failed for several reasons such as corruption and illiteracy.

Another reason of the inapplicability of the 5 June 1908 royal ordinance was the complexity of the text itself (Silvestre, 1920: 203). For this reason, the *khum* was reorganized by another ordinance of 24 Sept 1919. The creation, change, or abolishment of a *khum* was under the decision of the Council of Ministers (Ibid, p. 204). People who were over 21 years of age could vote for *khum* councils, and elections were held every four years. Those who wanted to travel outside their *khum* had to inform the *mékhum* of the destination *khum*; if not they could face trial (Ibid, pp. 205-207). Additionally, Silvestre described the structure and duties of the *khum* for the benefit of the central administration (Ibid, p. 213).

Several secondary works are relevant to this research. In 1919, Baudoin wrote a book, ‘*Organisation de la commune Cambodgienne*’, which gives us greater understanding about the local administration at that time as well as the sustainable use of the *khum* budget. The same issue attracted the attention of Simon (pp. 32-33). Apart from budget management, Simon examined the role of the *mekhum* who had to be Cambodian,

popular, and elected by people. His choice had to be approved by the Khmer provincial governor and French *Resident* (Ibid, 81-86). Interestingly, Sarraut, et al. (1929: XLVI) were concerned about the definition of the *khum* and compared the different communal organizations of foreigners with Cambodian *khum*. Moreover, Bouault (1930: 43), basing his research on secondary sources, teaches us about the similarity of the *khum* to the French commune in terms of its organization such as the universal election and the structure.

We can also cite the as yet unpublished ‘*memoir*’, *Chronique Khmer* by an ex-government official during and after the colonial era, Samdech Nhiek Tioulong. In his work he covered the history of colonial Cambodia, starting from the reign of King Norodom I<sup>er</sup> (1859-1904) and ending with the reign of King Sihanouk (1941-1970). However, among those important events, he left some room for discussion of the local administration, including the definition of the *khum*, the failure of local budget management, and its structure.

Furthermore, historians have also dealt with this topic. Imbert (1961: 159-161) tells us about the successful creation of the basic unit in terms of territorial division through the promulgation of the ordinances of 5 July 1908 and 24 Sep 1919, in particular. Additionally, he lists the duties of all local officers. Interestingly, he added that another reform, during the French period, was proclaimed by an ordinance of 1941, in which two types of *khum* came into existence according to the number of people. In principle, the less important *khum* continued to hold elections while the important ones did not. However, the provincial governor appointed most of the *khum* authorities, in reality (Ibid., pp. 149-150). Likewise, Forest (1980: 118-119), as far as the establishment is concerned, provides us with invaluable information about the existence of the *khum* system before 1908; i.e., it was apparent during the general-governorship of Paul Doumer (1897-1902), when the leader or *mékhum* was elected by householders with the consent of the provincial governor and *Resident* as shown in archival sources, especially reports from the provincial offices to the *Résident supérieur*. He also wrote about its resurrection in 1908 after six years of absence of the system. Besides, Gourdon (n.d. 126) pays attention to the territorial and administrative division of the whole country at that time, and another work called “*Geographical Handbook Series*” (1943: 200) focuses on the role played by local officers versus the power of influential families in the village and the superior as well as the *Sangha*. In contrast, Steinberg, et al. (1971: 40-41) explained the role of Buddhist temple before the arrival of colonialism. For instance, in traditional

Buddhist countries in the region, according to them, the abbot of the temple was sometimes more respected and influential than the village headman because of his active participation in village affairs.

Some historians and anthropologists criticize the administrative reforms. Tarling (1994: 165-166) studied the aims of colonists in establishing a proper local organization. He confirmed that in order to supervise their subject more closely, the colonial authorities in the region institutionalized outlying villages, previously a loose agglomeration of householders. In the case of Cambodia, they responded by inventing an ‘artificial proto-village’ called ‘*khum*’. Edwards (1999: 52-53) adds to the point made by Tarling, saying that “this was a way of extending the horizons of rural identity beyond myriad, self-contained villages; however, people rarely went across the border of their *khum*, except for the Chinese who traditionally did business by traveling around.” Keyes (1995: 151-153) pointed out the effect of colonial ideas on the spiritual social structure. In the case of Cambodia, he discusses briefly how the *khum* came into existence, a striking issue that attracted also the attention of Delvert (1961: 199-200) who studied Cambodian people in the 1950s. Paul Collard (2001, 249) claimed that “*la commune cambodgienne est créée; les cadres de l’administration indigène sont rajeunis.*”

Tully (1996: 143-189) elaborated on the anger of the hill tribe people in the north in the 1900s and 1910s when the French imposed administrative posts within their traditional boundaries. For example, in response to the alien taxation and corvée service, they killed French officials and then *mekhum* of Srekthum and Chheng. In addition, some of the reasons leading to the 1916 farmer protests in which thousands of people petitioned the King were illegal taxation, corruption, and abuse of power by village notables and functionaries. V. M. Reddi’s *A history of the Cambodian Independence Movement: 1863-1955*, [n.d.] captures especially movements, throughout this period, leading to independence. However, he includes also a short overview of administrative divisions. He describes that the lowest unit of the administrative division was the *khum*, a collection of villages, presided over by a *mékhum*. He was not an official appointed, but elected by the *khum*, and responsible for personal taxes, fishery, maintaining law and order by executing regulations and instructions, and keeping the superior informed on matters related to the *khum* (p. 52).

## CHAPTER 3

### THE COMMUNE AS AN EXTERNAL MODEL: REGIONAL AND INTERNATIONAL CONTEXT

In this chapter, I explore the historical context of French and Vietnamese administrative models. I do not intend to show that a Vietnamese or French model was directly imposed on Cambodia, but to highlight the models which colonial administrators had in mind, and which then might shape the initiative of Cambodian *khum*.

#### 3.1 Regional Context: the Vietnamese Model

##### 3.1.1 Its Evolution before the French Rule

In Vietnam, local administration associated with such words as *lang*, *xa*, *xom*, and *ngo*. The inhabitants of a *lang* were not necessarily *parents*, but only co-villagers living within a common periphery of cultivable land. A traditional *lang* was divided into *xom* (village) that sometimes contained in turn several *ngo* (allées). Within the communal affairs of *lang* or *xa*, *xom* and *ngo*, it was *truan-xom* (village police) and *diem-cauh* (guardian) and commune officials who were responsible for order. *Xom*'s responsibilities in some parts of the country were taxation and mobilization of manpower, while elsewhere levied *corvée* and recruited soldiers (Phanhuy Lê, et al., 1993: 70-74). The *lang* and *xa* are the two words that correspond to an administrative unit at village level in traditional Vietnamese society.

Demographic factors dictated the shape of the Vietnamese commune. The similarity between the State and commune echelon could be considered as a form of human regrouping, even though it did not embrace the entire male population of the *lang* or *xa*. Furthermore, the administrative agents of the village were instruments of the central government to assemble the villagers (Ibid: 94). Limitation of village boundary was not dependent on geography but on the size of the population.

The fifteenth century was a critical period for the evolution of the Vietnamese commune. Before this time the imperial court appointed *xa-quan* (commune mandarins) who were to represent the authority and interests of the central government rather than those of the village communities. However, from the 15<sup>th</sup> century the *xa-quan* appointed by the Court was replaced by indigenous people chosen by the local authorities. At the head of *xa-quan* was a *xa truong* (chief of the commune). The term *xa-truong* appears to have been replaced by *ly-truong* at the days of Nguyen from early 19<sup>th</sup> century to 1945.

According to the law promulgated during the reign of Hong Duc (late 15<sup>th</sup> century), the term could designate colleagues taking part in the administration of the commune including *xa-chinh* (principle responsible), *xa-su* (secretary) and *xa-tu* (deputy of *xa-chinh*). The role of *xa-truong* was ambiguous. He represented the interests of the village or of the commune vis-à-vis the central government, but also vice versa. From the 15<sup>th</sup> century onwards, the *xa-truong* had been elected by villagers or probably by certain traditional organizations under the name of the villages. However, this is speculative (Ibid: 95-97). Within the reform framework of the 15<sup>th</sup> century, the communes were headed by officials whose number varied according to the density of the population. The creation of new communes and elections of councils of notables were regulated. In 1467 Thang Tong first standardized Vietnamese communes throughout the country. The whole territory was divided into *dao* (regions), provinces, districts, communes (Nguyen Khac Vien, 1987: 89). The 15<sup>th</sup> century thus was a turning point during which the Vietnamese commune began to undergo changes or reforms.

It is generally believed that Chinese tradition molded Vietnamese administration from top to bottom. Modeling the Vietnamese State after China, the Ly dynasty installed territorial mandarins to administer provinces, districts, and villages. These last, *xa-quan* employed a few decades earlier gave way to local born *xa-truong* reorganized after the 16<sup>th</sup> century as the sole authority within the commune (Duncanson, 1968: 44). By the end of the Ly dynasty, development of self-determination of *xa* had gone so far that it had become the only legal entity that had dealings with the government. It included not just the houses but fields and forest up to the territory of the next commune (Ibid: 57). During the Emperor Gia Long (1802-1820), Vietnam was composed of 26 provinces, each of which was subdivided into districts, subdistricts, and villages (SarDesai, 1992: 30).

### **3.1.2 Vietnamese commune under French rule**

There is still controversy over whether the traditional Vietnamese local administration was interrupted by reform principles of colonialism. The Vietnamese commune was left untouched under the policy of *Association* of the French colonialism as noted by Duncanson (1968: 138-139):

In the country, at the other end of social scale, the weaknesses of government which characterized the Vietnamese State under Gia Long and Minh Mang persisted under French rule. At its conclusion the autonomous commune, answerable for its own internal order, was still the unique institution, if anything further enfeebled by opportunities to split and break away that arose from French agricultural enterprises and from expansion of the *Chrétientés*, as well as by the activities of sects and secret societies. French failure to strengthen village

government in such a way as to provide intimidated individuals with an authority to turn to for protection—the basic duty of government as much in the political philosophy of France as in that of Confucian State—preserved untouched the traditional grazing grounds for the forces of revolution and anarchy.

Village traditional organization was intact, and the *xa* continued to be responsible for its internal law and order. Neglect of the interests of the individual was part of the policy of self-determination for the village commune, and was regarded as an aspect of indirect rule implicit in the French *Association* policy (Ibid: 99-100). People participated in meetings at the *dinh* (commune meeting house). Before the colonial reforms, the number and mandate of the commune council had been indefinite, which indicated that elections had never existed in practice except when a member resigned (Phanhuy Lê, 1993: 106-107). In the reign of Nguyen and up to the end of the 19<sup>th</sup> century, the *ly-dinh* consisted of was 4 members (Ibid., p. 111).

However, Osborne (1997: 18) believes that Vietnamese local administration was threatened by the reform framework of the French. He argues that the smallest units within administrative framework of the central bureaucracy were the *phu* (province with a *tri-phu* as head) and *huyen* (district with a *tri-huyen* as chief). Although a *huyen* was subordinate to a *phu*, each was essentially independent from one another. They enjoyed considerable individual responsibilities in general administration and less important judicial issues. Within a *huyen* there were a number of *tongs* or cantons administered by a chief known as *cai-tong* or simply *tong*, who was an extension of the commune administration, the fundamental unit of official Vietnamese society. The commune *xa* was normally made up of several hamlets, and had a *dinh* as spiritual center, a communal meeting place still built on stilts, an architectural style predating the adoption of Chinese style halls built directly on the ground.

It has been argued that the 20<sup>th</sup> century traditional administrative system of the Vietnamese commune probably changed as a result of colonial influence that urged Vietnamese to move onwards (Ibid: 262-265). The main features of traditional government by notables and of internal allocation of liability for property tax, of liability for corvée and for military service continued much as before (Duncanson, 1968: 91). These two controversial arguments require more detailed attention.

To argue that colonial involvement eroded local structures of Vietnamese beauracracy we need to demonstrate French intention to change Vietnamese local administration. Through inadvertence, misunderstanding and an obsessive search for similarities between Vietnamese *xa* and the administration of French municipal towns,

French decisions in Cochinchina led to disruption and decay of the commune. “The power of the council of notables was sapped; the promotion of land concessions policy led to the growth of a class of large-scale landowners, and jeopardized the less prosperous” (Osborne, 1997: 268). *Xa* members were divided into two broad categories: those registered on the tax rolls and those who were not. The former had the right to participate in governing the *xa*, and the mere prosperous members of the village community. *Xa* tendered tax to the central government, and the amount of tax was a matter for discussion between the local mandarins and the commune’s representative. It had a council of notables who made all essential decisions in the commune. Despite some superficial similarities, the council was not comparable with western municipal bodies such as the French municipal commune. Even though the commune council had an official with executive duties approximating those of a French mayor; his standing and power were in no way the same. The Vietnamese commune council of notables was divided into two: the great notables and the lesser notables. The mayor *thon-truong* or *xa-truong* was in the second group. The former were the decision-making members while the latter carried out the decisions. The membership on the council, especially great notables implied high standing in the village or those who had prospered through landholding. Their role as representative of the commune in relations with higher authority provided them personal success and prestige. The chiefs of cantons were drawn from members of the village councils (Ibid: 19).

Before the reforms, the Vietnamese local administration was composed of several institutions. During the reign of Nguyen and the first 20 years of the 20<sup>th</sup> century, administrative machine at commune echelon was comprised of three principle institutions: 1). *dan-hang-xa* (commune population body) including all male inhabitants aged at least 18 years old, i.e. those who paid tax and had right to vote at the commune level and to take part in the communal affairs; 2). *hoi-dong-ky-dich* or *hoi-dong-ky-muc* (council of notables) in principle elected by the *dan-hang-xa* but in reality by rich persons of honorable titles; and 3). *ly-dich* including the administrative agents at the commune level with *ly-truong* as head (‘maire’ of the village corresponding to *xa-truong* during the regime of Lê). Elected by the inhabitants of the commune, *ly-truong* with his colleagues put in practice the decisions of the council, responsible for the affairs of the village and the nation before the mandarins of intermediary echelon representing the central administration (Phanhuy Lê, et al., 1993:100). A scholar called the *dan-hang-xa* ‘*corps*

*électorale* compared to western countries (Ibid: 101). This customary system was eroded immediately after the wake of the First World War.

Vietnamese villages came to a turning point in the 1920s due to the French reform policy. The traditional villages had not been reorganized until 1921 when the French were ashamed of their failure. Once again in 1927 they did reforms by counting on the traditional structures, and the third change took place in 1941 (in effect in 1945) in which people's participation was widened in an attempt perhaps to seduce the people when Japanese troops had already presented (Ibid: 99). Elections were introduced for village councils from 1921 onwards, and from 1927 in Cochinchina, 1941 in Tonkin, and 1942 in Annam. The main effect of this measure was to invest a limited number of notables in each *xa* with responsibility for actual performance, in substitution for the informal gatherings of the past when all the notables had had a voice but no responsibility. The councils collected direct taxes, deriving their revenue and meeting expenditure. Taxation was an arrangement unsatisfactory because it smacked of tax-farming, originated hundreds of years before. The French experiment appears to have been a failure: bickering, corruption, and local factionalism, traditional to Vietnamese village life, were increasing rather than diminishing (Duncanson, 1968: 93). French attempt to change Vietnamese local structure was by no means successful.

The three principalities of Vietnam at that time experienced reform in terms of local administration at different times. In Tonkin *arrêtés* of *Résident supérieur* in 1921 and 1922 reorganized the council of notables. It then became *conseil administratif communal*, comprised of 4 to 20 notables always chosen from among affluent households by people. The council was presided over by *chanh-huong-hoi* and *pho-huong-hoi* assisted by a *thu-khy* (secretary and people registrar) and a *thu-quy* (treasurer). The *chanh-huong-hoi* was in charge of organizing the budget of the village with *thu-quy* as accountant, and the execution of the budget was under the control of provincial French and indigenous authorities (Bouault, vol I, 1930: 32). Reorganization of the local administration took place separately among the three main areas under Vietnamese suzerainty.

In Cochinchina the communes were organized by a council of notables. Numbering eleven or under, the notables were chosen according to local customs, from among the rich. The great notables were first the *huong-ca* as president and the *huong-chu* as vice president of the council. These were followed by 4 notables whose typical backgrounds might include councilors and controller, police chief, archivist, and then

three executive notables in charge of maintaining order, tax collection, and preserving roads. Furthermore, lesser notables also existed. The council voted on the commune budget (Bouault, vol III, 1930: 33). In Annam the communes were administered by a council of notables with *tien-chi* as head while the others performed executive duties. Among all these notables, *ly-truong*, who was in charge of relationship with the third group, was improperly called 'maire' in the French colonial system (Bouault, vol II, 1930: 44).

### **3.2 International Context: French Model**

The commune in France traces back to the first revolution in the 18<sup>th</sup> century, when administrative unity was established at night of August 4, 1789 by abolishing all the privileged throughout the country. The most important change in the local life was the promulgation of the law that eliminated and replaced it with that of 'commune'; 44000 local councils were constituted, and it was identical everywhere and independent from the central power. The commune was organized by an executive body, a council that had a chief '*le maire*.' They were elected by *citoyens actifs*; so were the notables of the commune. The council and notables made up general council of the commune. According to the law of 14 Dec 1789 the local council performed double functions for both the interests of the locality and central government including taxation and public works (Lequin, 1984: 77). Eruption of revolution marked the starting point of organization of local government.

Local government then became the pivotal source of power for the centralized policy. Eight years after the revolution, centralization was restored; thus election was replaced by the nomination, and *le maire* became the agent of power. In the capitals of 5000 inhabitants, *le maire* was appointed by Napoleon Bonaparte while in less populated areas he was appointed by the provincial governor. Even though it was hard at that time to find competent and loyal people, the position of *le maire* is unsalaried (Ibid: 78-79). The local administrative structure was used as an instrument of power by the central government.

The elections were then restored. With the issuance of the 1831 law, local councilors were subject to the election again. If the chief and deputies were always appointed, they had to be from among the members of the council. However, the suffrage was simply for the rich. The system was considered as oligarchic. During the Second Republic (1848-1852) local councilors are elected at direct suffrage by all citizens in the

commune. In the commune with less than 6000 inhabitants *le maire* was elected while in less populated communes appointment was preferred. In the Second Empire (1852-1872) all the commune chiefs were appointed from outside the local council (Ibid: 80). Elections were restored and abolished, or sometimes mixed with appointment.

In April 1871, a protest group which became known as the Paris commune formed to oppose the nomination of le Maire, and took their quarrel to the streets with violent results. The law of April 16 1871 brought about a compromise—the *maires* of chef-lieux and capitals with more than 20 000 inhabitants were appointed whereas those of small villages were elected. However, with Mac-Mahon as the head of State, the provincial governors had right to name the *maires*. The law of Mars 4, 1882 gave right again to the councils to elect the *maires*. After that the law of April 5, 1884 on local organization confirmed the elections of the *maires* and publicized debates of local councils (Ibid: 81-82).

In the next chapter, we consider the relevance of indigenous Khmer territorial and administrative models, terms, and concepts.

## CHAPTER 4

### THE AMBIGUITY OF ADMINISTRATIVE TERMS: *SROK*<sup>1</sup>, *KHUM*, *PHUM*, *MÉSROK*, *MÉKHUM*

In this chapter we hope to identify the clear meaning of the Khmer administrative terms such as *srok*, *phum*, *mésrok*, *méphum*, *chauvai-srok*. Therefore, we could understand more precisely the administrative division at the village level, very often indicated by such ambiguous terms. All these confusing problems would be solved through the study of administrative division by top to the bottom of the society in this part of the thesis. Today *srok* is a level of administrative and territorial division below the *khêt* and above the *khum*. However, in this chapter I argue that the term *srok* is generally used with many meanings, but the word *mésrok* was used to refer to the chief of local administration while the equivalent terms *chauvaisrok* and *chauvaikhêt* referred to the provincial governor at that time.

#### 4.1 General Administrative Division

The traditional administrative division in the absolutist monarchical Cambodia survived for at least two decades at the beginning of the French protectorate. Apart from the Supreme Court at the top, Cambodian territory was divided into *dei* (French scholars usually call this *apanage*), the biggest administrative and territorial unit. The *dei*, under the supervision of a high-ranking official from the court, namely *Achnha Loung*<sup>2</sup> who was directly subject to the jurisdiction of the Council of Ministers, was comprised of several *khêt* (province). Each of the provinces was administratively governed by a *chauvai-srok* or governor, assisted by an executive agency composed of a *balat* (secondary to the governor), *snâng*, and *kralapeas* (badly defined positions), who in turn worked as an intermediary between the provincial institution and the local administrators (ANC, Baudoin, 1919: 5; rapport du RSC à GG, 1913, F. 12477).

---

<sup>1</sup> For the discussion about the *srok* as a space, order and *prey* (forest) or cruelty, please see David Chandler (1996a) *Facing the Cambodian Past: selected essays 1971-1994*, Chaing Mai: Silkworm books, pp. 76-99; Penny Edwards (1999) *Cambodge: the Cultivation of a Nation 1860-1945*, Ph.D. thesis, Monash University.

<sup>2</sup> There were five *dei* in nineteenth century Cambodia, each of which was administered by a royal delegate or *Sdech Tranh* which might be equivalent to *Achnha Loung*. Those five *dei* were Ba Phnom, Kampong Svai, Pursat, Treang, and Tboung Khmum (Chandler, 1996a: 120). Most scholars usually call this royal official *Oknha Luong*. However, in fact if we transliterate from the Khmer term, it must be *Achnha Luong*. *Oknha* was usually used at that time as an honorable title for the ministers, the provincial governors or *balat* such as *Oknha Akha mahasena* (prime minister), *Oknha Yomreach* (minister of Justice), *Oknha vessess sangram* (*balat* of Peareang), or *Oknha Sneha metrei* (governor of Chikreng).

There was not an administrative unit between the province and the locality. At the lowest level, the territorial and administrative entity was not precisely defined. At the base of society the people were agglomerated into *srok*, a purely Cambodian word which is ambiguous. The *srok* was monitored by a chief, called *mésrok* who was appointed by the provincial governor, and as part of his duties helped to collect taxes and execute all regulations or orders from above (ANC, Baudoin, 1919: 5). After the promulgation of the 5 June 1908 royal ordinance, concerning the organization of *khum*, the word *srok*, to avoid confusion of meaning, was renamed *khêt* (province) and *khum* (commune), and simultaneously the provincial governor, previously *chaivai-srok*, was renamed *chauvai-khêt*, and *mésrok* became *mékhum*. However, the gap between the province and commune, in term of administrative links, was still huge.

Faced with gradually increasing French power in Cambodia, the traditional administration was short-lived. Having seen that the country was not heavily populated, and the *Achnha Luong* very often functioned arbitrarily, the French government asked the King to promulgate a royal ordinance of 15 Jan 1877 to decrease the position of the *Achnha Luong*. Besides, the provincial governor usually communicated directly with the Council of Ministers (ANC, lettre du CM à RSC, 28 juin 1907, F. 17334). At this level, the provincial administrators, according to the 11 July 1897 royal ordinance, included a *chauvai-srok*, *balat*, *sophea* (judge), and *yokbat* (provincial secretary) (Ibid.). The dismantling of the traditional pattern of administration was afterward reestablished with a minor change.

With an attempt to eliminate Cambodian *apanages* that were governed by a high-ranking official from the court, the French installed quite a similar administrative domain at the same level. It was known as “residence” (in the French speaking world it is called *la circonscription résidentielle*). In 1899 there were eleven residences in Cambodia: Residence of Kompong Speu, Kompong Cham, Soai-Rieng, Kompong Thom, Kompong Chnang, Kratié, Kampot, Takeo, Phnom Penh, Prey Veng, and Pursat. Each of the residences was administered by a French *Résident* as head (ANC, AGI, 1899: 390-394, B.404). However, by 1922 a few of the biggest administrative units were called “residences” while the others were called “provinces”. *Residence* and *province* were the two terms used by the French. For instance, Kandal and Pursat were named residences, whereas the others provinces. Additionally, even though there was still a French man at the top of each unit, their portfolio was different. Some were nominated as chef de la province while the others *Résident* de la province or residence. There were fourteen units

including *la ville de Phnom Penh* (ANC, BAC, année 1922 : 313-335). And the residence was no longer administered by *Achnha Luong*, but by a French administrator called a *Résident*. Like the previously named *apanages*, each residence contained a certain number of provinces, 51 in number throughout the country by 1917 (ANC, BAC, 1917: 639; Silvestre, 1920: 191). Each of the provinces was still governed by a Cambodian official with the title of *Oknha* (Sarraut, et al., 1929: XLVI). Therefore, one can argue that the *apanage* and residence, even with different words and different patrons at the top, were like two alternative administrative terms.

At the very base of the society, mostly poor farmers, the administration developed steadily. On the 21 June 1901 the King issued a royal ordinance that required the *mésrok* to collect personal tax, and a *srok* council, comprising of a *mésrok*, *chumtup*, and two notables (*kromkar*) (officially constituted) in each *srok*. Then another royal ordinance on 27 Dec 1902 was circulated to define the hierarchy of the *mésrok* and *chumtup*. Apart from that, after the 5 June 1908 royal ordinance was formally put into effect, the term *mésrok* was replaced by *mékhum*. After that the *khum* organization was subject to several reforms—1919, 1925, 1931, 1935, and 1941 (Sorn, 1995: 49-52), but it conserved all core points of the French *commune*: the councilors elected by the tax payers; *mékhum* elected by the councilors; quarterly councilor meetings; functions of the *chumtup* and so on (Ibid.; Bouault, 1930: 42-43). It is interesting to note that each reform simplified previous changes in order to improve the applicability of the regulations.

As years passed, with the challenges to the colonial administration from the top to the local level, changes to the territorial and administrative departments attracted many concerns. The size of the provinces in the country varied from one to another, and in the big provinces people had difficulties communicating with the provincial authorities due to the long distances needed to travel. Therefore, in order to overcome all these difficulties, an administrative unit between the province and the *khum*, namely *khand*,<sup>3</sup> was created (ANC, Simon, 1919: 30). The *khand* headed by a *balat khand* with an assistant, was under provincial jurisdiction and control. He was in charge of administration, tax collection, and security. In the field of justice, he could only conciliate with the people

---

<sup>3</sup> The *khand* is now used to refer to the district level in the municipalities. But it was used differently in the past. The *khand* was officially established by the royal ordinance of 11 Dec 1921. By this ordinance the administrative echelons of the country was theoretically divided up into, in decreasing order, *khêt*, *srok*, *khand*, and *khum* (Sorn, 1995: 37-48). However, in reality the territory was not generally seen by this pattern. In parts of the country, this four level administration was obvious, whereas in other parts only three levels appeared. In the latter case, the *srok* and *khand* overlapped each other.

involved in the dispute. This administrative model was introduced in some provinces previously, and would spread to the rest (ANC, Silvestre, 1920: 199-200).

However, the territory of Battambang<sup>4</sup>, which had been ruled for more than a century by Siam, experienced a slightly different administrative model from the rest of the country. The *khand* unit already existed, but it was known under the name of *srok*, administered by a *chauvai-srok*. According to the royal ordinance of 6 Dec 1907, the newly ceded territory divided into three provinces: Battambang, Siem Reap, and Serey Sophon (sometimes it was called Sisophon). The province of Battambang included 7 *sroks*: Battambang, Mong Kolborey, Mong Russey, Peam Sema, Thnot, Tuk Cho, and Ba Thbaung while the province of Siem Reap was composed of five *sroks*: Siem Reap, Soth Nikhom, Kralanh, Puok, and Chong Kal. The last province comprised three *sroks*: Sisophon, Phnom Srok, and Svay Chek (ANC, project de O.R., 1907, F. 17334). What is more, each *srok* had under its authority a certain number of *khum*. The *srok* administration in Battambang territory was a link between the province and the *khum*, and this pattern would be widely introduced into the remaining provinces, by nominating a *balat khand* who could listen to the major complaints about the wrongdoings of local officials (ANC, Silvestre, 1920: 200). The *srok* administration in Battambang was equivalent to the *khand* unit in other provinces, to whom the people could complain about the officials in the locality.

At the village level, even though the administrative terminology was clearly defined in the text, the confusion was still problematic in reality, especially in the North West provinces. The habit of using the term *mésrok*, in both the administrators' and peoples' language to indicate the village chief, could not be abruptly eliminated by the promulgation of the 5 June 1908 royal ordinance in which the term *mékhum* was preferred. The royal text, in the same way, replaced *mésrok* with *mékhum* (ANC, rapport du RSC à GG, 1913, F. 12477), the two words that had been alternatively used since then. Although the terms seem unconcerned by the administrators in the country, it was quite heavily debated in the North West territory.

The term *mésrok* was very new in Battambang. It was definitely nonsense there, for this term had never been used administratively. As briefly marked earlier, the *srok* in Battambang was immediately above the *srok* traditionally referring to the *khum*, local administration in the rest of the kingdom. Meanwhile, the Siamese *Amphou* (*srok*) in

---

<sup>4</sup> The territory of Battambang had been controlled by Siam since 1795, and it was ceded to the French union in early 1907.

Battambang jurisdiction was thereafter governed by a *chauvai-srok*, but not *mésrok* (even if the two terms have the same meaning in Khmer). Conversely, the word *mékhum* (komans) and *chumtup* (Phu Yai) introduced to Battambang by 1912 were easily understood by all (ANC, lettre du RP à Battambang à RSC, le 21 janvier 1919, F. 12477). Indeed, *mésrok* was not familiar to the people in Battambang since it could be confused with the term *chauvai-srok* that administered the *srok* institution, immediately below the province in this special territory.

The 5 June 1908 royal ordinance marked the starting point of the popularity of the term *khum* in the administrative sector. The text pushed the entire population to use the word *khum*, instead of *srok*, to refer to the basic Cambodian administrative unit. Besides, the chief of the *khum*, as officially written on the paper, was *mékhum*, not *mésrok*. Therefore, the preferable term began to gain popularity in all corner of the country as time went on.

However, looking at the origin of the word *khum* is indispensable in order to study more or less the reason why it was then preferred by the central political government to define the frontier of the people and administration at the grassroots. According to what we have found so far, the term *khum* originated from *Pali* (ANC, Baudoin, 1919: 6) came into existence long ago, at least in some parts of the country. The 1897 documents from the *Résident* of Pursat, the oldest document we found, reveal that the word *khum* had certainly been used before the date of the letter. In the text, the *Résident* of Pursat insisted on the reorganization of the villages by nominating a *mésrok* and a number of *chumtup* proportional to the number of the people in each village. Apart from that the term *srok* was suggested to replace *khum*, referring to the basic administration (ANC, CM., session du 28 Oct 1897, F. 24187). Finally, the suggestions were adopted by the *Résident supérieur* and the Council of Ministers, who could legitimate the reports on all issues.

The term *khum* that had disappeared from sight at least up to the turn of century was in terms of popularity inferior to the official *srok* that brought about such ambiguity and difficulties for the study of administrative and territorial division during the French colonization in particular. In general, *srok* covers a wide range of meaning, and captured a range of different sizes of land, from the smallest territorial division (*phum*) to the whole country. For instance, in the furthest regions, especially in the North East provinces, *srok* referred to a relatively small village containing just a few households. However, some used this word to indicate an administrative unit, governed by a *chauvai-srok*, immediately below the province. When asked, “where are you going?” some people

would reply, “I am going to *srok* Stoung<sup>5</sup> or *srok* Cheung Prey”.<sup>6</sup> Furthermore, it could even cover the entire country. Sometimes when we asked the students who graduated from high school about where they would be pursuing their study, the answer was that they were going to further their study in *srok barang* (France) (ANC, Nou, 1947, n. 16). The meaning of *srok* was ambiguous, and it thus caused trouble for researchers who attempted to study Cambodian administrative divisions in the colonial context.

In contemporary Cambodia, below the *khum* is *phum* (village) which is the smallest territorial division of the country. A certain number of *phum* forms a *khum*. Each *phum* is controlled by a chief, *méphum* who helps to facilitate the occupation of his/her village and reports to the *mekhum*. The *phum* has a precise border, but does not have an administrative structure.

However, the word *phum* during the earlier years of the protectorate was defined differently. It was a kind of administrative and territorial unit with a *mésrok* as head. In the province of Prey Krabas, for instance, the territory was divided up into *phum*, each of which was chaired by a *mésrok*. Therefore, the term *phum* referred to a subdivision of the *khêt*. (See Figure 4.1-1 and Figure 4.1-2)

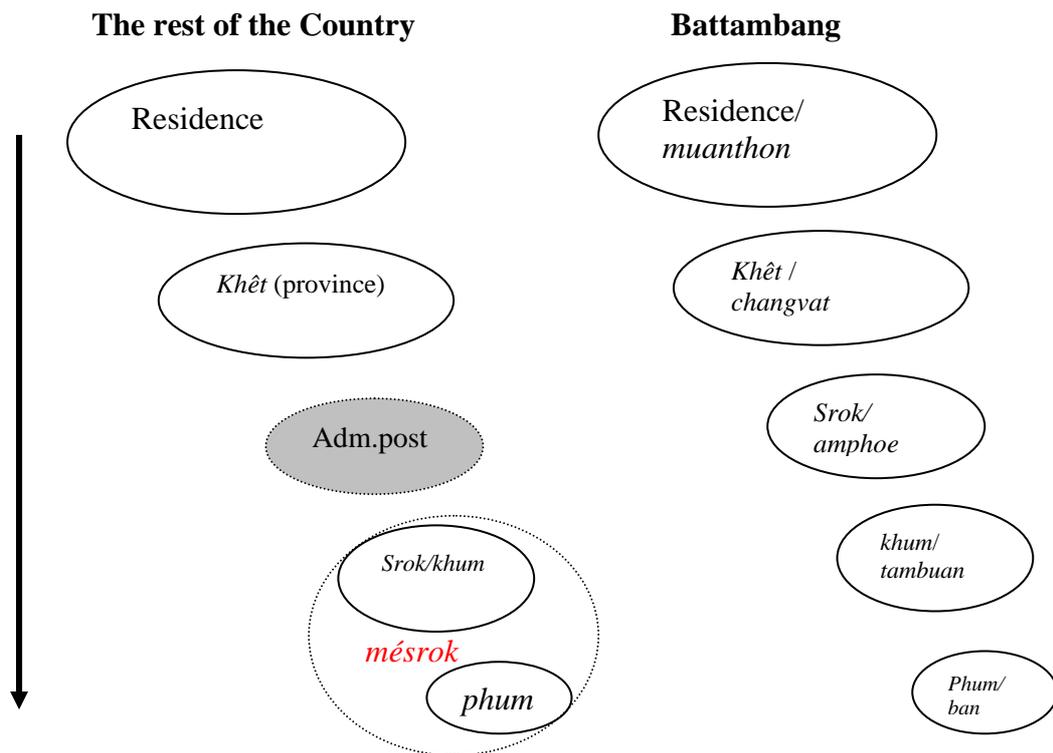
It is very likely that the term *srok* was very often larger than *phum*. However, whether how big it was is still debatable. The word *srok* was more popular than the other administrative terms. Regarding the combination of *srok* with another prefix, especially “*mé*”, the discussion will flow. The term *mésrok* is derived from the combination of “*mé*” (chief) and “*srok*” (which is still discussed). So the meaning of *mésrok* does rely on how the *srok* is defined. If *srok* refers to the *khum*, *mésrok* means the chief of a *khum*; or if it means a lower one, *phum*, *mésrok* is the chief of the *phum*. However, the term *mésrok* could not mean the chief of the province, but the term *chauvaisrok* or *chauvaikhêt* was usually appropriate. *Chauvai* literally means also a chief, and the *srok* as mentioned earlier could also refer to *khêt*. Therefore, *chauvaisrok* or *chauvaikhêt* referred to the chief of the province, indeed.

---

<sup>5</sup> A district in the province of Kompong Thom

<sup>6</sup> A district in the province of Kompong Cham.

**Table 4.1-1: Level of Administrative Division (in order of descending size)**



It is interesting to note here that between 1897 to 1919 there was no real administrative and territorial unit between the *khêt* and the *khum* except for the province of Battambang where the system replicated that of Siam, and a few other large provinces where it was rather difficult to execute regulations and control people. In this case, an administrative post was created between the two mentioned levels in order to facilitate executive work. Furthermore, the *srok* and *phum* in the kingdom, except for Battambang, sometimes overlapped each other and sometimes were two different levels of administration.

#### **4.2 *khum* in *La Ville de Phnom Penh***

After 1867, Phnom Penh became the residence of the King, and the construction of the infrastructure gradually developed over time. In the meantime, the French central government machine was also housed in this capital. From that time onwards, it became the economic and political capital of Cambodia. It is evident that the capital of Phnom Penh was already better defined, in terms of administration and territory, than the rest of the country by the turn of the century. For instance, according to an 1901 *arrêté*, the border of Phnom Penh was defined as follow:

The commune of Phnom Penh is limited by Prek Rosey Keo to the north ; Prek Takeo to the south ; to the west 1—by a straight line at the right bank of Tonlé Sap and at 500 meters of this bank ; 2—the outer canal ; 3—the canal running till its connection with the extension of the line mentioned of Cambodians ; 4—the sign of Cambodians till the border limited n.1-5 by a line straight starting from the boundary n.1 leading to the boundary n.2 located on the left bank of Prek Takeo ; and to the east by the right bank of Tonlé Sap and the right bank of Bassac (ANC, arrêté du GG., 4 dec 1901, F. 5316).

In late 1901, a royal ordonnance concerning the administration of Phnom Penh capital stated that “*la ville de Phnom Penh sera érigée en commune à partir de 1 Jan 1902.*” It was administered by an official from the civil services, with the title of *Résident-maire*, appointed by the governor general on the proposition of *Résident supérieur* and with the approval of the director of civil affairs. The *Résident-maire* of Phnom Penh presided over his executive board, namely *commission municipale consultive* (ANC, Bouault, 1930: 43), whose members included 5 French men and one Cambodian, one Annamite and one Chinese. These members were appointed every three years by *Résident supérieur* on the proposition of *Résident-maire*, and they were all unsalaried. In the case that there was a vacancy during the adopted term, reappointment was conducted. The commission functioned to oversee all kinds of civil services in the municipality. A budget was constituted privately for the capital, and was nurtured by the taxation in place. This budget could be spent on the awards for the officials and civil services (ANC, arrêté du GG, 4 dec 1901, F. 5316). The municipal administration was modified from day to day as in the outlying regions.

Mid-1904 marked reorganization of the capital border by promulgation of an *arrêté* signed on 14 June 1904 and immediately afterwards the separation of the capital from the residence took place. The provision of this *arrêté* states that

The commune of Phnom Penh is limited : to the north by a line straight started from the mouth of Prek Luk Sankréach Barang and leading to the boundary n.1, located on the right bank of Beng Pumpéai ; to the west : 1. by the east bank (Basses eaux) of Beng Pumpéai till the boundary n.2 ; 2. by a straight line started from the boundary n. 2 and leading to the bridge of Youmréach ; 3. by a straight line started from the bridge of Youmréach and leading to the point of meeting of the street of Batis and Stung Mean Chey on the west bank of this Steung ; 4. by the west bank of Stung Mean Chey till the boundary n. 3, located on the east bank of Beng Tompôn ; to the south by a straight line starting from the boundary n. 4 and leading to the right bank of Prek Tanou, .... Of this stream and Bassac ; to the east by the right bank of Bassac and the right bank of Tonlésap ;... (ANC, BAC, 1904 : 268).

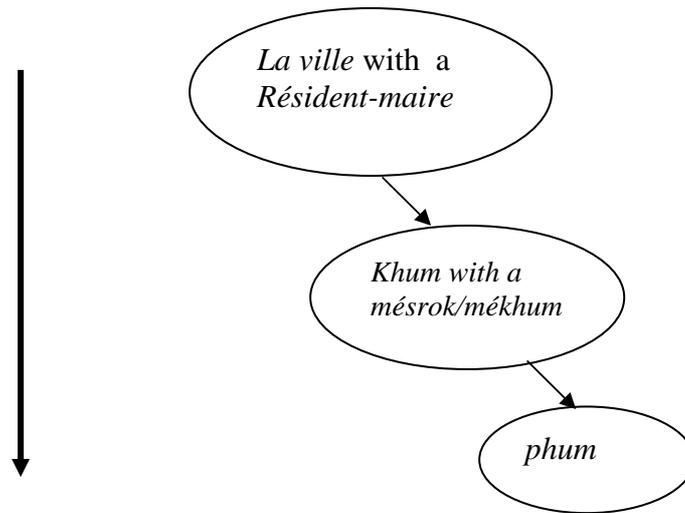
The joint administration of residence de Phnom Penh was then separated, however. The organization of the capital was clearly cut by 1904 to form another residence of Kandal. The 25 June 1904 royal ordinance affirmed the separation of the administration and

precise definition of land border between the two. Since then the residence of Phnom Penh was officially renamed residence of Kandal including the territory of Chruoi-Chang Wa, Cambodian province of Bonhéa-Lu, Muk Kompul, Khsach Kandal, Kien Suai, Saang and Phnom Penh. However, the *Résident-maire* continued performing the roles already regulated (ANC, BAC, 1903: 368-372). By this royal ordinance Phnom Penh was a more precisely defined territorial and administrative unit.

The organization would not operate smoothly, if the people at the grassroots were not practically mobilized and controlled. In order to get involved in the affairs of the people, the local administration was improved and simplified in term of scope of work. Between 1901 and 1907 the capital of Phnom Penh was divided into 4 *khum* (Forest, 1980: 90)—*khum* n. 1, *khum* n.2, *khum* n. 3, and *khum* n.4.—each of which included a certain number of *phum*. For instance, the *khum* n. 3 was composed of four *phum*—*phum* Kampong Phé, *phum* Chrau-Roloas, *phum* Bang Decho, and *phum* Krao Veang. In the meantime, each *khum* was administered by a *mékhum*, whose task was to call the people to get their cards and conciliate disputes in terms of justice (ANC, CM, 2 May 1908, F. 12808). The local administration, however, was not yet well managed, sufficiently to forebear a huge amount of events occurring in the locality.

At the turn of the century, the development of the capital was simplified due to the evolution of the people and the system itself. In 1903 *arrêté* n. 266 redefined the functioning of the *Résident-maire* in his jurisdiction. Under the supervision of *Résident supérieur*, the *Résident-maire* had to oversee all sorts of civil affairs in order to bring about social order and development (ANC, BAC, 1903: 368-372). Moreover, the municipal budget could be used to pay for any services in the capital such as preservation of roads, electricity, police, sanitation and so forth. According to the expansion of territory and increase in works in the capital, the number of *khum* grew to 7 from 14 Feb 1911, but 6 from 29 July 1920 (Forest, 1980: 91), each of which was headed by a *mékhum*, at the top, who functioned as the other *mekhum* in the rest of the country (ANC, Simon, 1919: 29). In 1913 those 7 *mékhum* appointed two councilors as representatives of the capital of Phnom Penh to take part in the *Indegenous council* meeting (ANC, O.R. et *arrêté*, 1913: 11, b. 266). The limited investigation in the research brings an end to the evolution of the capital's administration at this point.

**Table 4.2-1: Administrative Division in La ville de Phnom Penh**



## CHAPTER 5

### 1897-1919 LOCAL ADMINISTRATION

This chapter attempts an analytical exploration of pre-1919 local government. Indeed, the traces of the history of local administration only goes back to 1897, a starting point for this chapter. And we are going to end it with the modification of the *khum* in 1919.

#### 5.1 Prior to 1902

It seems very likely that Cambodian local administration was not well organized. In order to strengthen their power, the French demanded major reforms in several fields after coercing King Norodom to sign the Convention on 17 June 1884 in which the King had to agree to all administrative, juridical, financial, and commercial reforms, which, in the future, the French judged necessary (Baumont, n.d.: 570-71; Goudon, n.d.: 120; Steinberg, 1971: 183-184). In the meantime, the French governor general of CochinChina, Thomson insisted on the appointment of French officials at the provincial level in addition to the French representative in Phnom Penh. The number of provinces was drastically diminished, and the Cambodian provincial administrators were assimilated into the jurisdiction of the French. Moreover, due to the fact that Cambodia did not have an institution like the Vietnamese commune, Thomson suggested that a similar institution should be created, with a ‘mayor’ and ‘a council of notables’ in order to facilitate the tasks of the French (Osborne, 1969: 211). The French started strengthening their power by reorganizing the administration from the top to the local level.

It is very likely that there had been a structure of local administration, even before the reforming agenda of the French. Leclère argued that a *conseil de notables* electing the chief of the village and his deputies associating, actively participating with the government and patrolling the village had appeared in Cambodia. However, it did not exist during the 1880-1890 (Forest, 1980: 28). In late 1880s and more precisely in 1892, a certain number of deputies of *mésrok* (*chumtup*) were nominated depending on the importance of the *srok*. For a *srok* of 100 to 150 people, *mésrok* was supported by 2 deputies; 151 to 200 people, three deputies; 201 or more four deputies and more. They were all assigned a variety of duties such as reception of the royal delegates in charge of people’s register and taxation, publication of royal ordinances, levying people for warfare, ensuring rural security, etc. In return, they were given incentives such as tax

exemption on a certain number of their rice products and a portion of fines from suspects (Ibid, 29-30). This system began to circulate to the other parts of the country from time to time.

An attempt to re-organize the local administration had apparently been made since late 19<sup>th</sup> century, at least for some parts of the country. In 1897 there was a letter from the *Résident* of Pursat addressed to the *Résident supérieur* on the issue of reorganization of the villages in his territorial jurisdiction. He suggested a union of the villages with a *mésrok* and several *chumtup* corresponding to the number of villagers because of the difficulties of local organization at that time. These included the long distances between villages, which caused much delay of information flow from one village to another, and difficulties in control. According to the existing law, each *srok* required a *mésrok* and several *chumtup* according to the number of people as following: 1). a *srok* with less than 50 people needed one *chumtup*; 2). a *srok* with between 51 and 149 people two *chumtups*; 3). between 150 and 199 three *chumtups*; 4). and more than 200 people four *chumtups* (ANC, CM, session du 28 oct 1897, F. 24187). This was the system proposed for the local organization within the frontier of each village in the province of Pursat.

However, the border between the villages was not clearly demarcated. Natural border such as ponds, trees, streams etc perhaps demarcated the border. Sometimes, households themselves marked the starting and end of each village. For instance, the starting point of a village began from the house of Mr. A to the west and ended with the house of Mr. B to the east, that of Mr. C to the north, and Mr. D to the south. For this reason the cartography did not really mark a clear border of the villages, and instead they just drew a circle as an artificial border.

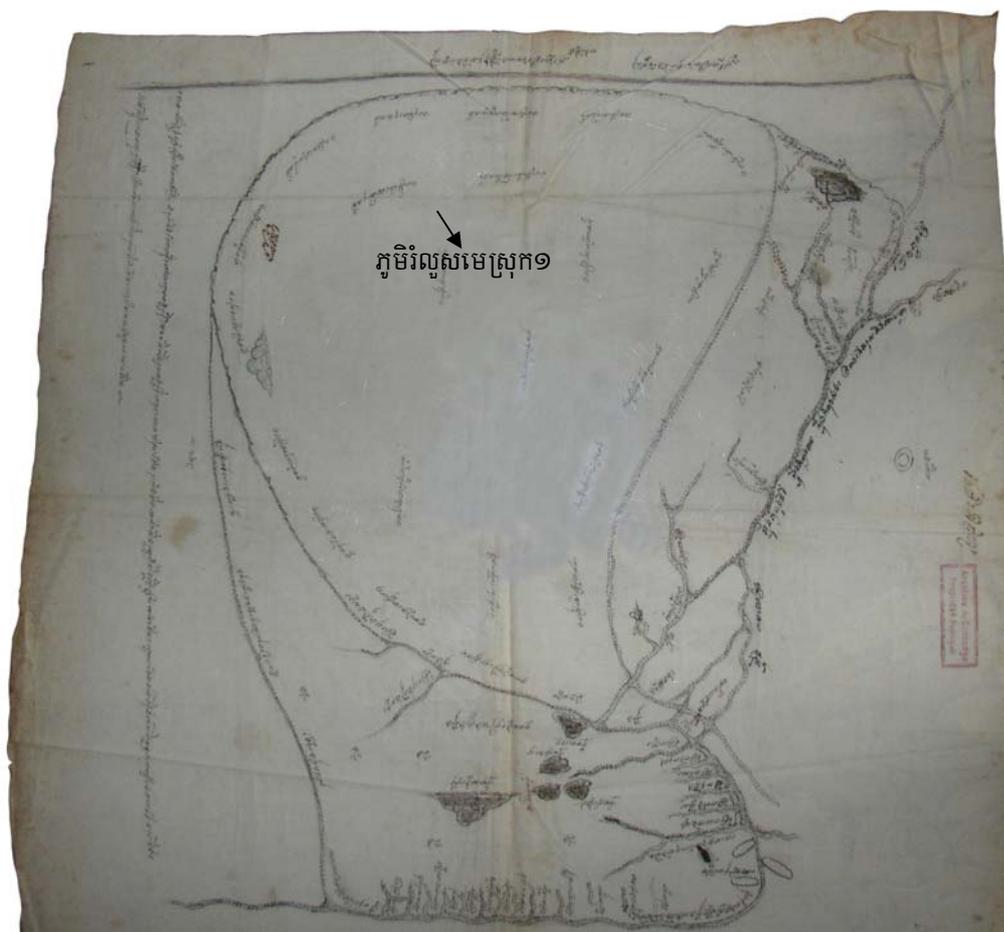
**Figure 5.1-1:** a part of the map of the province of Bati, residence of Takeo, 1899



**Source:** Archives National du Cambodge, Phnom Penh, 2689/5—PC2/2

Each circle in the map indicates the name of a village with a *mésrok* as head, as exemplified by the illustration above—it reads “the village of Ply with a *mésrok*.”

**Figure 5.1-2:** map of the province of Prey Krebas, residence of Takeo, 1899



**Source:** Archives National du Cambodge, Phnom Penh, 2689/2—PC2/2

Here each village is not surrounded by a circle, but the map illustrates that every village had a *mésrok* as chief.

As far as local elections are concerned, we have not found any proof about people's participation in selecting the leader in the Cambodian *srok*, whereas the Chinese hold elections. In 1898 a reelection was organized since the previously elected leader of the Chinese (Teachiv) in Phnom Penh could not gain the consent of his fellows. Between the two candidates, Sun Sen had got 175 voices, and Yev Nam 66 voices. According to the regulation issued on 31 Dec 1891 about Asians who came in and went out of Cambodia, the leader and deputy had to be under the presidency of the Council of Ministers and French *Résident supérieur*. Besides, the nomination needed additional approval from the King. Finally, Mr. Sun Seng, gaining the majority of the votes, was officially appointed as leader of Chinese people in Phnom Penh by the *Résident supérieur* (ANC, CM, session du 31 jan 1898, F. 24191). Another similar case happened once again in the province of Saang, where an election was arranged after the previous leader was

revoked. Among the five candidates, Mr. Lim Kalang was finally named leader of the Chinese people in the province of Saang with unanimous agreement in the ministerial session (ANC, CM, session du 6 avril 1898, F. 24193).

Regarding Khmer villages, it seems the opposite of that of the Chinese where election was conducted in order to choose the leader. In a letter dated 21 Jan 1898, the *chauvai-srok* of Kompong Som province proposed the appointment of a *mésrok*, two *chumtup* and one *smien* (clerk) to control four villages lying on the fringe of the province and containing 100 inhabitants including Khmers and Siamese. The proposition was at last passed due to the fact that these border villages were well equipped with appropriate settlers for the outlawed Siamese and the smugglers (Ibid.).

## 5.2 From the 1902 Local Administration Evolution

As time went on, the function of the local administrators became more and more complicated. Traditionally, *impôt personnel*<sup>7</sup> (personal tax) had been collected by *Achnha Luong* and *Reach Bamre* (royal servants) sent from the provincial towns. These two collectors fulfilled their roles with the help of local authorities working closely with the people. Indeed, the responsibility for this tax from 1 Jan 1902 was passed to the local officials. The Council of Ministers proposed this idea at the 4<sup>th</sup> session on 13 August 1901 to the King for his ratification (ANC, lettre du CM, aout 1901). From then on, it demanded more effort from the local agents to perform this new task.

Interestingly, in the aforementioned session the idea of establishing a *srok* council was also raised. This was the first time, historically, that the *khum* council was initiated via general suffrage, which then demanded consent from the *chauvai-srok*. The initiative was hopefully profitable for the *srok* who were also responsible for the tax register. The council in each village was composed of a *mésrok*, *chumtup* and two *kromakar* (Ibid.). The same system and structure of local administration at that time encompassed the whole country, regardless of diversity of geography or demography.

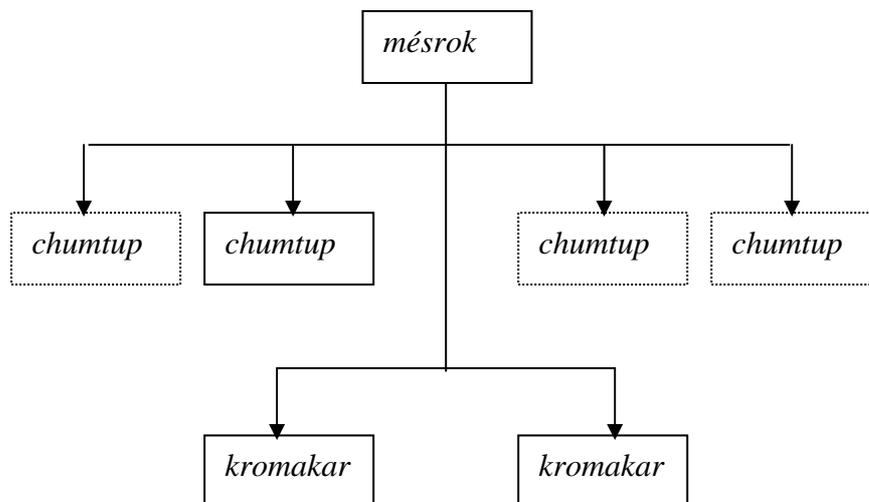
---

<sup>7</sup> L'*impôt personnel des cambodgiens* was created in 1870 by King Norodom and fixed at 3 *piastres* by *home valide* et to 1 *piastre* for the disabled and old men of over 60 years of age. In 1892, it was reduced to 2.5 *piastres* for *home valide* of 21 to 50 years of age, to 0, 8 for the individuals aged 50 to 60 years; to 1.2 *piastres* for the slaves of 21 to 50 years of age and to 0.5 *piastre* for the slaves aged from 50 to 60. In 1904 the additional 10% (*centièmes additionnels*) was instituted, equivalent to 0.10 *piastre* supplement from 1913. Finally, by O.R. of 29 Oct 1907 the age of *home valide* increased to 60 years of age instead of 50 before, and in the same year the *mésrok* received 0.10 *piastre* from each payer, what, with *les centièmes*, totaled 2. 70 *piastres* (Forest, 1980: 208).

It is evident the people's participation in deciding who would be their future leader was of concern to the central government. People were free to choose their representative who was able to help them if needed. Was there any purpose behind this idea? Did the French want to decentralize the administrative or political power of the central government as the royal Cambodian government is trying to develop today? or did it have other meanings? The answers to all these questions are expected to emerge from the remaining part of this work.

With the ministerial meeting on 21 August 1901, a royal ordinance was issued on 1 Jan 1902, concerning among other things the procedure of annual personal tax collection for 1902, the nomination of a *khum* council in each village, incentives and punishments for the communal agents. It agreed with the suggestion of creating a *srok* council composed of a *mésrok*, a number of *chumtup* proportional to the number of people, and two notables to register the people. They were under the supervision of the *chauvai-srok*, and collected personal tax from the people on the list.

**Table 5.2-1: *Srok* Council of 1902**



It is clear, according to this ordinance, that local administration actually replicated the 1897 regulation to reorganize the villages in Pursat province in terms of defining the number of *chumtup* comparable with the number of people in the village. Chapter 11 states that a village that has 50 people or less requires one *chumtup*; a village with between 51-149 people two *chumtups*; 150-199 three *chumtups*; and a village with more than 200 people four *chumtups*. Therefore, one could argue that the system evolved gradually through the combination of traditional understandings and law reform.

In order to allow the local officials who were working hard to collect personal tax for the colonists to survive and the country to develop, the ordinance provided them with an amount of financial support. Article 16 gives us an understanding of this issue. It states that 10 percent of the amount of money given to the royal treasury is to be offered to the members of the *srok* council. This amount of money as an incentive was to be divided amongst all council members: 7 percent for the *mésrok*, and the remnant for the *chumtup* and *kromakar*, and the extra 0, 10 *piastre* collected by the *mésrok* directly from the people was to be divided in the same way.

Besides these financial incentives, they all had to face punishment regulated in the law if they persisted to defy any point in this ordinance. For instance, if any complaints about their disobedience were found to be true, they were not allowed any money from taxes. This prohibition is written in the last chapter of the ordinance (ANC, O. R. du 1 jan 1902). In the province of Kompong Thom one *mékhum* was dismissed from his post for disobedience, illiteracy, and incapability in functioning in his role (ANC, CM, session du le 8 et 9 avril 1903, F. 24269). Again, tradition of defying the law was and is happening all over, though the scope might be varying from one to another.

As mentioned earlier, this ordinance resulted from the 47<sup>th</sup> ministerial session, but not all points were ratified by the ordinance. The remarkable one is about the election of the *srok* council which is missing. It does not elaborate at all on this issue, which played a vital role in getting the subjects' concerns or consent in terms of democratizing the system. Instead, only the number of deputies, depending on the population density, was clearly stated in the ordinance. The *srok* council was designed to operate the local affairs.

In fact, the *mésrok* who sat at the top of the *srok* was usually elected by the people, even though we cannot trace back the date this started and how it was organized. Sometimes he was nominated by superior authorities. For example, the Council of Ministers approved the decision of the *Résident* of Kompot appointing a *mésrok* Oung, for Kep village as from 21 July 1904 in the place of *mésrok* Tép who was dismissed (ANC, CM, session du 29 juillet 1904, F. 32305). It is true that not only nomination and dismissal but also the result of the election of the *mésrok* were under the authority of the Council of Ministers. If a *mésrok* wanted to resign, he had to send this resignation letter upwards through the hierarchy up to the Council to decide because all power was centralized in their hands. The *mésrok* had to get their approval first before he left his post. For instance, the *mésrok* Tieng of the village of Tréal, Barai province, did fortunately obtain the acceptance of his resignation due to his health condition from the

Council (ANC, CM, session du 18 avril 1904, F. 32305). Additionally, the Council could also decide on dismissal. The *mésrok* Vong of Kum Kol, for example, was fired because he cheated the people (ANC, CM, session du 11 et 12 nov 1904, F. 32305).

As far as the election of the *mésrok* is concerned, it is necessary to note here some examples. The voice of the people could not validate the legitimacy of the *mésrok* status by itself—i.e. it required the decision from the Council of Ministers over which the French *Résident supérieur* presided. For instance, Mr. Thong obtaining the majority of the votes was officially declared the elected *mésrok* of Chhuk-Khsach village, Barai province, by the Council (ANC, CM, session du 8 juillet 1905, F. 32305). The Council approved the proposition of the *Résident* of Kampot on the issue of election of *mésroks*. Mr. Chan Kép and Ros who gained the majority of the ballot were named as *mésrok* of Phnom Prängel and Sar, respectively (ANC, CM, session du 23 sept 1905, pp. 278-279, F. 32305). In sum, the power of the Council of Ministers was influential beyond the frontier of the capital and the provincial towns.

### **5.3 The 1908 Royal Ordinance**

The issuance of the 1908 ordinance concerning the organization of *khum* could not be brought about if the King was reluctant to do so. The attitudes of King Norodom and Sisowath towards French rule differed. King Norodom was not happy to succumb to French demands for reform. Consequently, the French from the beginning of its involvement in Cambodian affairs always sought to replace him with another prince more pliable to the colonial reform agenda (Osborne, 1997: 176). King Sisowath was France's first choice as successor to Norodom. He had gained favor for his role in dispersing the 1885-86 nationwide agitations (Chandler, 1996b: 145). His coronation, as Chandler argued, marked the starting point of systematic colonialism in Cambodian history (Ibid, p. 137). Tully (1996: 305) concluded that "Sisowath was the puppet King by the grace of Republican France"; otherwise, not many changes happened during his reign, and the security stayed very stable, and the revolts that had marked Norodom's reign were largely absent from Sisowath's period in power. Moreover, The *khum* was formally created during the considerably stable situation of his reign.

Even though the local system had been developed over a long period, it appears that its organization was still relatively poor by 1907. The patrolling in the villages was not sufficiently done in order to ensure security for the people at this level. Moreover, it was noted that even a regular office for public meeting, in terms of the patron-client

relation between local authorities and the people, was not always fixed. For this reason, a proposition was submitted to the King for his agreement about the creation of a *salakhum* (commune house), replicating that of the French *mairie*, where a communal committee or the people could meet when needed (ANC, la proposition du la premier minister cambodgien, le 5 août 1907, F. 12808). The lack of local organization increased the desire to revise the existing system.

It is interesting to note here that the concerns about religious affairs were also drawn up in the proposition. In the proposed structure of the *khum*, apart from the *mésrok* and *chumtup*, were *kromakar* (councilors). Among the members of the latter was *Prah Dhammakar* who was responsible for the control of religious affairs. He was expected to take control over the *wats* (Buddhist pagodas) and examine the monks coming in and going out. Additionally, because the Cambodian Buddhist religion is mixed up with both Brahmanistic beliefs and traditional animistic practices, this particular *kromakar* was also in charge of conducting ceremonies, and arranging ceremonial materials to praise the village *Aneak Ta* (genies) when people found profitable to themselves (Ibid.). However, this part of the proposition was missing in the formal resulting royal ordinance on the *khum* organization.

The 5 June 1908 royal ordinance basically concerned the creation of the Cambodian *khum*. Here the term *khum* (*la commune*) was defined, according to article 1 of the ordinance, as a small territorial and administrative unit, which comprised a certain number of *phum*, under provincial jurisdiction. It was administered by a *mékhum* and a *khum* council (ANC, O.R. du 5 juin 1908; BAC, 1909: 300-306).

However, local elections precisely written in this ordinance was not really a new thing to Cambodia. Originally, the organization of a *srok* was simply formed by a *mesrok*, some *chumtup*, and a *smien*, who were practically chosen by a council of notables composed of former officials, scholars, the rich and the elderly of the *srok* (Imbert, 1961:68). Unfortunately, this kind of traditional local democracy had not been written until the promulgation of the 1908 ordinance. In 1901 elections of the local officials were proposed, for instance, but it was not finally written in the 1902 resultant ordinance. Nevertheless, it is evident that some *mésrok* were elected by people during 1902-1908.

All people in the list of personal taxpayers had the right to vote for their leaders. They were informed 20 days before the election date of their eligibility to vote. The election process was under the supervision of the *chauvai-srok* with two assistants chosen from among the electors, who were literate and old. Finally, after the election the

*chauvai-srok* had to report who had been elected through a reports for the *Résident's* signature. Besides, the ordinance established a number of councilors according to the density of people. Article 9 declared that villages with between 50-100 people required one councilor; 100-150 two councilors; 150-200 three councilors; the number of councilors increased by one for every 50 people. In other words, a councilor was the representative of a certain number of people in a village.

Like the councilors, the number of *chumtup* also fitted the number of inhabitants in a *khum*. The *khum* with less than 600 people had 2 *chumtup*; between 600 and 800 three *chumtup*; 800-1000 four *chumtup*; 1000-1500 five; 1500-2000 six; and one more *chumtup* for each extra 500, subsequently. After the *kromakar* were elected by the people, they had to choose, among themselves or from outside, a *mékhum*. The latter was the leader of the *khum* and chose in turn his *chumtup* according to the number of inhabitants as mentioned earlier. All the *khum* authorities were mandated for four years. The composition of *mékhum*, *chumtup* and *kromakar* formed a *kromchumnum khum* (commune council), who had to meet at least quarterly at the *salakhum* or *mékhum's* house.

Traditionally, all civil servants in Cambodia were provided honorable titles or name after they were installed in a post. This was also true for the *khum* agents that had different dignities as follows:

*mékhum*: *Ponhéa Réacsaphibal*

*chumtup* n.1: *chumtup Reachea*

*chumtup* n. 2: *chumtup Sêna*

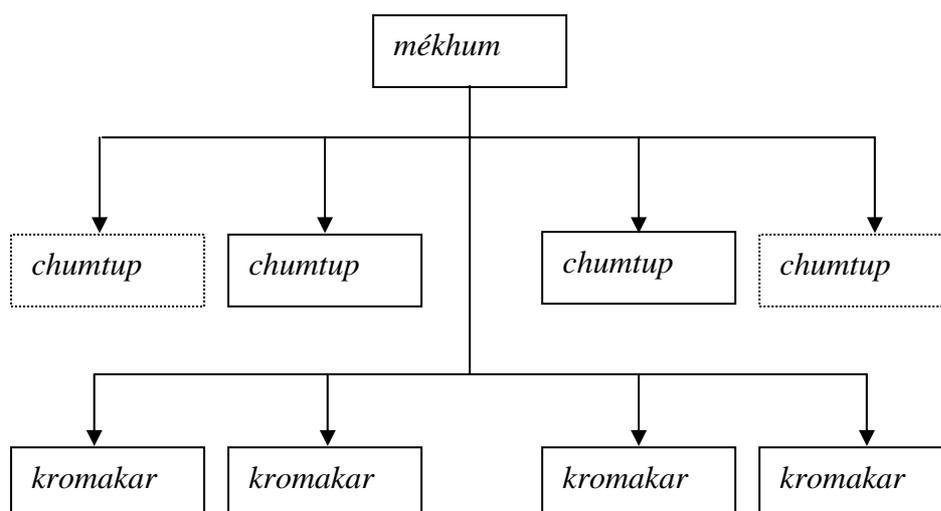
*chumtup* n. 3 and others: *chumtup Phéackdey*

*chumtup*: chief of the village: *chumtup Snêha*

*chumtup*: simple councilor: *Phinit Kech*

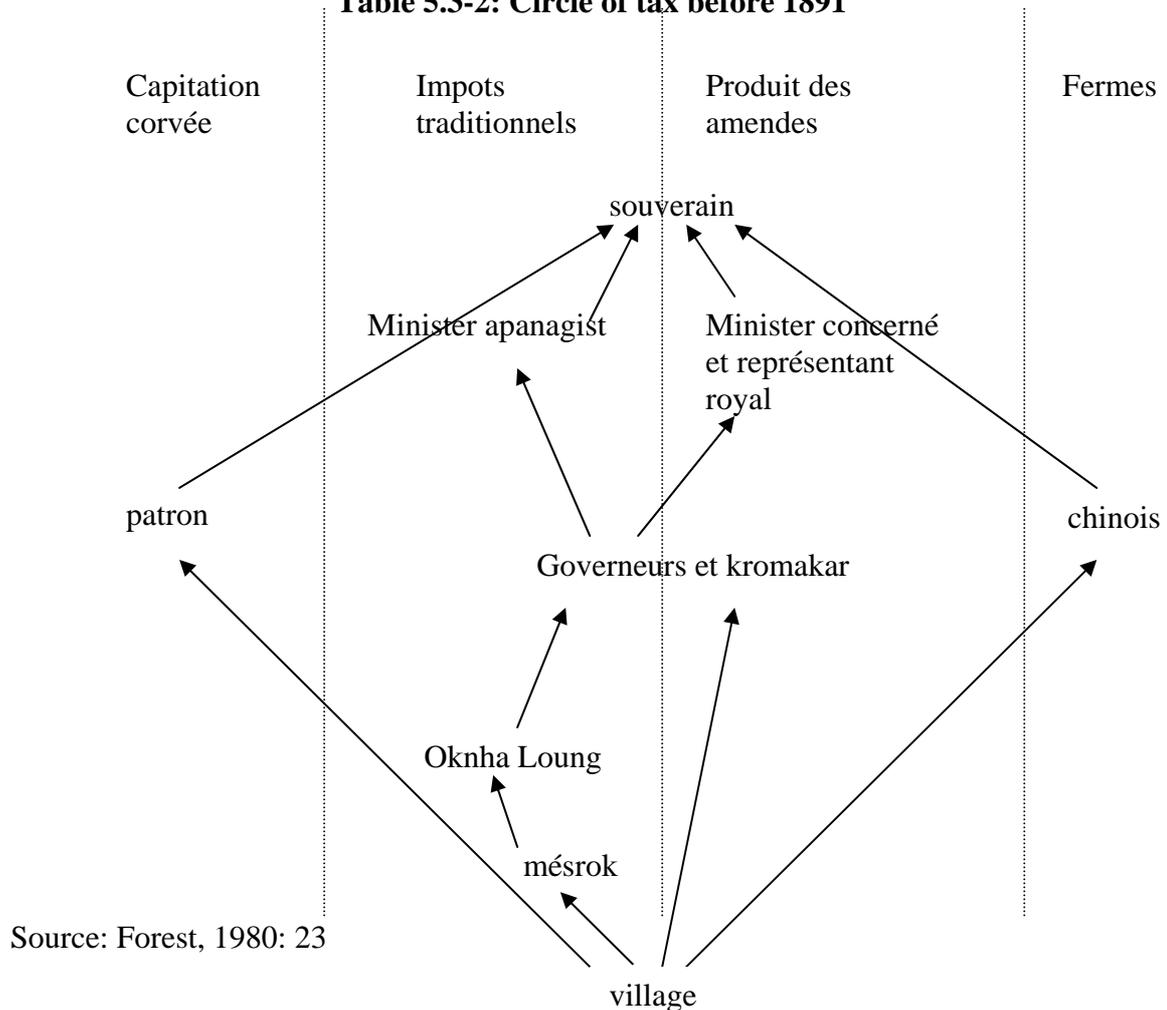
Chief of the group: *Kechapibal*

**Table 5.3-1: the Structure of the *khum* Council of 1908**



The *mékhum*, as the president of the *khum*, was in charge, with help from his councilors and chief of the groups that were under his order, of all services in the *khum*. For instance, he controlled the taxation list, people, and land register, ensured personal tax collection, the patrol for the security of the villagers, arrested the criminals, conciliated disputes within his jurisdiction, encouraged people to send their children to school, controlled and preserved the *khum*'s belongings such as roads, examined expenses and revenue, provided information to the village and sent back reports to the higher authorities. Those local authorities were then categorized into two separate groups. The first one consisted of *Ponhéa Réacsaphibal*, *chumtup Reachea*, *chumtup Sêna*, *chumtup Phéackdey*, those who were given exemption to *impôt personnel* and ten-day work. The other was composed of *chumtup Snêha*, *Phinit Kech*, *Kechapibal*. All these officials of the latter group had only honors, but had to pay *impôt personnel*, and could compensate the ten-day work in cash (ANC, O.R. of 24 mai 1909, Simon, 1919: 81).

**Table 5.3-2: Circle of tax before 1891**



Source: Forest, 1980: 23

In fact, the structure of tax collection reflects the mechanism of taxation in the history of Cambodia. However, as mentioned earlier, the *mésrok* was never completely authorized to collect the tax on his own; that is, he had just worked as an assistant to the royal delegates from the court. It was the latter who were responsible for the taxes. Nevertheless, *mésrok* was from time to time given more and more responsibility for tax collections. And the first full responsibility we have found is the collection of *impôt personnel* that was conducted by *mésrok* from 1902 onwards. As time went on, he was more and more independent in taxation, and at the same time the royal delegates—*Achnha Luong* and *Mekong* (chief of a group)—were therefore less important in terms of responsibility for taxation.

The functions of a *mekhum*, as the administration became more complicated, were gradually widened. In 1909 he was responsible, as well as for his regulatory roles and functions, for rice and *pontéas* (*terres de berge*) tax collection, with the help of his

councilors. The dividend from the taxes was as follows: ½ for the provincial governor and councilors; ¼ for the *mékhum* and his agents; and ¼ for the *caisse d'argent* of a *khum* (ANC, BAC année 1909, 1910: 641-42). Moreover, the leader of the villages was in charge of collecting fines from parents who were not willing to send their children to school, after the promulgation of the royal ordinance of 11 April 1912, but in Phnom Penh the responsibility for collecting this fine fell on the *méphum*, instead (ANC, affaires royales, 1912: 89-90). Later in the same year, the *mékhum* and his colleagues were busy with planting a hundred sugar palm trees, a hundred coconut trees, and a hundred *kor* trees for the celebration of the King's 73<sup>rd</sup> birthday, and from which a *khum* could presumably earn some money (ANC, *Ibid.*, pp. 257-58).

The obligations of local officials, especially the leader, were not limited; i.e, it was added to from time to time. The royal ordinance n. 4 of 24 Jan 1915 required the *mékhum*'s extra responsibility for sugar cane tax, *pontéas*, and fishing tax in his territory. He could employ people to help him collect the tax. Both the *mékhum* and his assistants, before their mission, had to swear their honesty before the commune councilors. All the collected money and accompanying documents were offered by the *mékhum* to the provincial governor, and 5% of this money was commissioned to the *mékhum* and his assistants (ANC, affaires royales, 1912: 14-22). Meanwhile, until 1917 he was partly in charge of rice tax collection. Usually, this kind of taxation was under the authority of *Achnha Loung*, *Mekong*, and *Reach Bamreu*, who were directly supervised by the provincial governor. However, the *mékhum* and *chumtup* were ordered to help collect the tax in the provinces rich with rice, but in the provinces less rich with rice the *mékhum* was the only one responsible for the rice tax register in accordance with the *arrêté* from the *Résident supérieur*. For the commission, 5% was given to the collectors; 3% for *Achnha Loung* and 2% for *Mekong* who shared it with those who helped collect the tax, and another 5% was for the *mékhum* and his assistants (ANC, affaires royales, 1917: 414-421).

The roles of *chumtup* were separate, but were complementary. The first *chumtup* took the *mékhum*'s place when the latter was absent or busy, and the second *chumtup* replaced the first *chumtup* when the first *chumtup* was not present. The second *chumtup* was simply in charge of keeping money, while the other *chumtups*, if any, performed the work requested by the *mékhum*. The commune authorities were unsalaried, but they were offered some gifts. The unsalariedness was very likely open to corruption in order to earn their livings. The awards were drawn from the revenue of the *khum*.

Another democratic point embedded in the ordinance concerned the appreciation of majority voice during the council meeting. Article 14 implied that the *mékhum* could employ a *smien* or other people if the *kromchumnum khum* found it necessary, even though the *mékhum* had the authority to appoint this extra-employee. Apart from that, the *mékhum* had to have the agreement from the *kromchumnum khum* if he wanted to fire any body from their post. This was a part of the democratic process where the majority or consensus was valued or respected.

### 5.3.1 The *khum* Election

Local elections in practice had been carried out to some extent in the history of Cambodia before the promulgation of the 5 June 1908 ordinance. Nevertheless, it was not clearly written in official texts until the 1908 when the *khum*, as it is widely recognized, was created. The election was clearly prescribed by this famous royal ordinance. Those who paid “*impôt personnel*”, irrespective of nationalities, elected the councilors.

Art. 8— Every inhabitant registered in the personal tax list, whatever nationality he belongs to, is elector of the commune and takes part in nominating the members of the commune council. The general elections shall take place at the date fixed by the council of ministers. When a vacancy exists, the *mékhum* informs the provincial governor who shall proceed with the election for the replacement within one month of delay.

It became obvious that the election of the *mékhum* and *kromakar*, following the proclamation of the 5 June 1908 ordinance, could not be held countrywide on the same day. The election could not occur unless the provincial *Résidents* proposed an appropriate date, which coincided with the free time of the voters, specifically after the harvest season. Most Cambodian people were agriculturalists, and the harvest period and fishing varied from one region to another (ANC, BAC année 1908, 1909: 613; CM, session du 3 dec 1908, F. 24321). This reason might not be enough. Poor administration during that time would also play a crucial role that the election could not be held countrywide on the same day. For these reasons, the election date, under the responsibility of the provincial *Résidents*, had to be fixed with the free time of the people.

On voting day, the voters were mobilized at the polling stations on different days in different provinces. In the residence of Kompong Thom, the election date in the province of Kompong Khleung was different from that of the province of Santuk. The voters in the former province of Kampong Khleung were mobilized on 20 July 1909 while the election in the latter province was held on 10 May in the same year. Moreover, there

were only two provinces, as far as we can tell, which held the *khum* elections on the same day. These were the provinces of Stung and Chikreng where the election date was 20 April 1909 (ANC, lettre du gouverneur de la province de Chikreng à RP de Kg Thom, 20 avril 1909, F. 12249). However, the *mékhum* and *kromchumnum* of the four *khum* of Phrumtep province in this residency were chosen by the voters on 24 May 1909 (ANC, Rapports des elections des kromchumnums des *khums* dans la province de Santhuk, RP de Kg Thom le 10 mai 1909. F. 12249). This illustrates various dates of the election in the residence of Kompong Thom.

This case is also true for other provinces in other residences. For instance, in the province of Pearang, the residence of Prey Veng, the election did not occur until 29 Dec 1909 when the people were mobilized to choose their *mékhum* and *kromchumnum*. After the election was over, the *chauvai-srok* reported the name of the *khum*, the date of election, the elected—*kichaphibal*, *kromchumnm*, *mékhum*, and *chumtup*—including their personal information for the approval of the provincial resident (ANC, Rapport du resultat de l'élection d'un mékhum et kromchumnums d'un khum dans la province de Pea Reang, Résidence de Prey Veng, le 29 dec 1909. F. 16431). The governor of Peareang sent a list of all elected 27 *mékhums*, including their personal data, to Monsieur le *Résident* of Prey Veng for his decision (ANC, lettre du gouverneur de Péareang à RP à Prey Veng, 19 jan 1910, F. 16432). This was the final stage in nominating the local authorities after the vote.

In some cases, the result of the elections of the councilors and then selection of *chumtup* was quite a democratic nomination. The election in the *khum* of Chhuk, for instance, exemplifies this assertion. The election outcome was as follows (ANC, Rapports des elections des kromchumnums des *khums* dans la province de Santhuk, Résident de Kg Thom le 10 mai 1909. F. 12249):

- 1). Sor Neang Lai received 8 votes, nominated as *mékhum*
- 2). Ok Neang Sin received 6 votes, nominated as *chumtup* n. 1
- 3). Cheap Neang Im received 5 votes, nominated as *chumtup* n. 2
- 4). Ek Neang Preab received 4 votes, nominated as *chumtup* n. 3

Another similar case was the election in the *khum* of Prasat, province of Asuntuk, where the resultant nomination of the position from top down corresponded to the number of votes they had received. It was as follows:

- 1). Pech Neang Hem received 10 votes, nominated as *mékhum*
- 2) Yi Neang Brak received 8 votes, nominated as *chumtup* n. 1
- 3) Ros Neang Kam received 6 votes, nominated as *chumtup* n. 2
- 4). Mom Neang It received 4 votes, nominated as *chumtup* n. 3
- 5). Uch Neang Im received 1 vote, nominated as *chumtup* n. 4

However, democracy was not always evident. On 30 Dec 1915, 33 councilors convened at the house of the previous *mékhum* to elect a new *mékhum* at 4:00-4:30 p.m. Three candidates received votes: 1). Le Yang Yory received 19 votes; 2). Phang Yang Tviy, *chumtup* n. 1 received 11; and 3). Hoeung Yav Sarng received 3 votes. Although the majority voted for Le Yang Yory, who was literate, but poor, he was not then nominated as *mékhum*. Instead, Phang Yang Tviy, who had got 11 votes, uneducated but quite rich, was appointed as *mékhum* (ANC, election of *mékhum*, b. 1347, F. 15899). Hence the nomination of the *mékhum* was not only based on the majority vote, but also on the agreement of the superior. Moreover, there are numerous documents of this kind in the National Archives like File (n. 15899) that provides us with information about the 1916 election of the *mékhum* of Vinh Loi and Vinh Hoa Chauch in the province of Baphnom of Prey Veng Residence. This source helps us understand more about the election procedure and see the extent to which the provincial governor used his power to change the results of the election. This file tells us about the biases of the superior who accepted a rich man rather than a poor, even though he was elected by *Conseil de Notables*, to the post of *mékhum*. We therefore have some evidence about the process of commune elections and the way in which ballots were held at that time.

Arbitrary designation of a *mékhum* against the farmers' consent caused public rage among those who were affected by such a decision. On the 9 Feb 1920 some 150 inhabitants in the village of Prek Pra, province of Kien Svai, for instance, protested against the selection of an individual Yim as *mékhum*, who had been imprisoned, cheated people, and was corrupt. According to the election, Yin had got only 23 votes while Chan obtained up to 126 votes, but Yin was appointed *mékhum* because he had links with the *Yokbat* who was in charge of the nomination. Consequently people were outraged and insisted on the reinvestigation of the issue. Finally, Baudoin, *Résident supérieur* of Cambodia, ordered the resident of Kandal to conduct the election again, the only means to calm down the masses (ANC, Plainte des habitants du *khum* de Prek Pra dans Kiensvay

protestant contre la nomination du chef de ce *khum* fait contrairement au règlement en vigueur, date le 9 fév 1920, F. 12477). The solidarity of the people was more powerful than the irrational decision of one influential individual.

### 5.3.2 Who Were the Voters?

The election of the local administrator had been introduced before 1908. Forest claimed that during 1897-1902 under the term of Paul Doumer, governor general of Indochina, *mésrok* were elected by the people, and then legitimized by the governor's acceptance. That is, the governor with the people's consensus appointed local administrators (Forest, 1980: 17-21). This tradition of not necessarily following the wishes of the electors was pursued, even after Doumer left his post for France. As mentioned earlier in this work, the people did participate in the election to choose *mésrok*. However, it was not clear who had the right to vote, referring to the Khmer term "*reast*" who were the voters. Did it include both men and women?

The problem is more clearly addressed in the 1908 royal ordinance. Chapter II about the *reast* in a *khum* helps us understand the term itself. The term *reast* is equivalent with the French word *la population*. Moreover, article 4 of the chapter III states that the population *reast* of a *khum* was composed of all inhabitants (men, women, and children), regardless of nationality, who had resided in the *khum* at least for six months (ANC, O.R. de 5 juin 1908, F. 12808; BAC, année 1908, 1909: 300-306).<sup>8</sup> The next article indicates that each of the *reast* of the *khum* registered on the personal tax payment list, when annually applying for their card, had to inform the *mékhum* or his servants of the name of his wife and children, their ages, his maid, and maid's wife and children, living in the house, so that the *mékhum* would have a correct registration in the village. As it stated that

Art.5— Every inhabitant of a commune registered in the personal tax list, in accordance with the royal ordinances, must every year, when going to look for his tax card, inform the *mékhum* or his delegate the name of his wife and his children as well as their age the name of domestic servants at his house, that of their wives and their children in order that the *mékhum* could make a list and have a firm control over the inhabitants of his village (ANC, O.R. de 5 juin 1908, F. 12808).

---

<sup>8</sup> The Khmer version of the 1908 royal ordinance says 'at least for six months', whereas the French version says 'at least for 10 months. Nevertheless, the French version for this point is not correct due to the fact that this mistake was realized and thus corrected afterwards (*Bulletin Administratif du Cambodge, année 1908*, Phnom Penh: Imprimerie du Protectorat, 1909. p. 354.)

Therefore, we can confidently conclude that the *reast* of the commune register in the personal tax payment list were only men, whom the French perhaps considered as a high status group at the time.

Meanwhile, the aforementioned group of *reast* had the right to vote. Article 8 states that *reast* registered in the personal tax payment list, of all nationalities, were electors of the *khum* and could take part in nominating the members of the *khum* council. However, there was a case where women participated. In a letter issued 4 Nov 1911 from *balat* of the province of Peareang, the writer tells that he had mobilized the people of both sexes—men and women—in all nationalities at the commune hall of Prey Sralit to elect *kichaphibal* (the chief of the group), on the date fixed by the order, according to the 5 June 1908. As a result, the voters elected 13 *kichaphibal* (ANC, l'élection des *mékhum* et *kichaphibal*, F. 16534). Why was it like this? This may be a mistake in topography or the carelessness of the reporter, or the election of *kichaphibal* was different from the election of the commune councilors, and people of both sexes participated. Another possibility is that the women mentioned in text referred to widows. However, there is no evidence to claim this for certain.

If any vacancy appeared in the local administration, reelection and nomination were undertaken soon afterwards. For instance, a councilor, named Teng, aged 41 was designated the *mékhum* of Chrey village in order to keep the people secure, after the election of 24 April where 20 councilors and 108 inhabitants voted (ANC, lettre du Chaufai-srok de la province de Prey-Veng, 1911, F. 16534 ; Election des deux nouveau *mékhum* dans la province de Prey Veng le 26 avril 1911, F. 16534). Similarly, the councilor Som, aged 46 was named *mékhum* of chiklang village, in the place of *mékhum* Neang having resigned, according to the election result of 25 April by *chumtup*, councilors, and inhabitants, a total of 61 persons, because he had good characteristics, was fairly rich, and quite well educated (ANC, Ibid.). A similar instance was in the commune of Prey Sralit of province of Pêa Reang where 15 councilors were mobilized to elect a *mékhum* and *chumtup*. As a result, 29 year old Un was nominated *mékhum*; Ben, 50 years old *chumtup* n. 1; Sao, 31 years *chumtup* n.2; and Tem, 40 years *chumtup* n.3 (ANC, Election des conseil d'un *khum* à la province de Pêa Peang le 8 nov 1911, F. 16534).

In some places, the vacancy lasted for years until a replacement was found. For instance, *chumtup* n.1 Chan took the place of *mékhum* for 3 years until he was elected by the majority of votes from the councilors. The governor of Lover Em finally selected him

as *mékhum* of Prek Russey commune, since he had never done anything wrong (ANC, Procès-verbal d'élection d'un nouveau *mékhum* de *khum* Prek Russey, province de Lovéa-Em le 17 oct 1916, vu et approuvé par le RP de Prey Veng le 25 oct 1916, F. 15934). This lateness of the replacement might lie in the fact that the remaining administrators were sufficiently responsible for all the communal services.

Not only the *mékhum* but also *chumtup* were reelected when the post was vacant. At least one year and a half after a vacancy, reelection was then carried out. On the 1 June 1917, 19 councilors gathered at the *salakhum* of Beng Khek, province of Lovea Em, to elect *chumtup* n.3, who had resigned. Among 3 candidates, *Smein* Nong, who had got the majority of votes up to 11, and had kind characteristics and was fairly literate, was designated *chumtup* n.3, by the governor of the province (ANC, Procès-verbal d'élection du nouveau *chumtup* n. 3 du *khum* de Beng Kaèk, province de Lovéa-Em le 1 juin 1917, et le resultat a été approuvé par le RP de Prey Veng le 11 juin 1917, F. 16525). Similarly, in the residence of Prey Veng, 17 councilors were mobilized on 19 Sept 1919 at the *salakhum* Beng Kram to elect *chumtup* n. 3. Between the two candidates, Mr. Chim who had received 12 votes and was kind, literate, and strong (well-formed), was appointed *chumtup* n. 3 (ANC, lettre du CM à RSC, 11 sept 1907, F. 17334). Furthermore, in the commune of Arey Kshat, Lovea Em province, 23 councilors were assembled, under the presidency of the governor and *balat*, to elect *chumtup* n. 2 who had resigned. Mr. Hoeung, between the two candidates, had obtained an extensively large number of votes, and was a good man, literate, having a regular accommodation, and quite rich, was assigned *chumtup* n. 2 (ANC, Procès-verbal d'élection de *chumtup* n.2 de *khum* Arey Khsat, province de Lovéa-Em, signé par le gouverneur de la Province le 5 nov 1919, F. 16525). The vacant post at the local level was immediately replaced if the reelected person was needed, but the vacancy could be left for years, providing that the local services were guaranteed.

### 5.3.3 The Mandate of the *khum* Councilors

#### *Contradiction of the ordinance and the way of implementation*

Art. 9—... The members of the commune council and the *mékhum* are elected for a term of four years. The *mékhum* and his deputies are reelected a year after the renewal of the councilors. All of the members of the commune council are reeligible....

In the 5 June 1908 royal ordinance, the mandate of the *kromchumnum* of the *khum* and the *mékhum* lasted for four years. To elect the new round of local administrators, elections needed to be held in a democratic way. Therefore, starting from 1908, the expiration of the first round of the *khum* occurred around 1913. In other words, reelection of the *khum* was necessary to choose the successors to replace the previous group of officials.

From the French perspective, it appears that democratic elections were not as important as the enhancement of the local administration itself. The events of the year 1913 were a fundamental indicator. It was theoretically the last time of the first communal authorities' term and the beginning of the preparation for the next mandate of local officials. Nevertheless, any administrator, especially, the *mékhum*s who could offer satisfaction to the French government, possibly remained in his post, whereas the other *mékhum*s who were not performing well were to be replaced by vote from the inhabitants. The reelection of communal councilors was conducted in only some parts of the kingdom.

The decision not to hold the reelection of the commune councilors, regulated in the 1908 royal ordinance, was adopted after concerns about the issue from the provincial French residents were declared. At first, on 13 June 1913, Monsieur le *Résident supérieur* of Cambodia sent an official telegram, concerning the expiration of the commune mandate, to all *Résidents* in the hope of getting back as many points of view from those concerned in terms of advantages and disadvantages of the renewal of the commune staff (ANC, Telegram officiel de RSC., F.12477). In response to this, most of the governors and residents agreed that the reelection apparently brought about more difficulties or disadvantages than contributions or advantages for the local administration or the French government as a whole. Therefore, seeing that reelection would be risky, the government made up its mind not to carry out the reelection if unnecessary.

**Table 5.3.3-1: Number of *khum* in Cambodia, 1913**

N <sup>o</sup>	Name of Residence	Provinces	Number of <i>khum</i>	subtotal
1	Stung Treng	Stung Treng	20	81
		Tonlé Ropou	28	
		Melou Prey	15	
		Moulapamok	18	

2	Kandal	Phnom Penh Ponhea Lu Saang Kien Soai Samrongtong Kongpissey Kandal Stung Phnom Sruoch	25 10 16 15 54 18 28 24	190
3	Kompong Cham	Kompong Siem Srey Santhor Choeung Prey Moukmpoul Khsach Kandal Kratie Thbong Khmum Chhlong et Kanchor Stung Trang	46 38 26 20 14 18 63 15 15	255
4	Takeo	Tréang Bati Prey Krebas Kas Thom Loeuk Dek	47 35 21 9 14	126
5	Prey Veng	Prey Veng Baphnom Péaréang Kandal Lovéa Em Romduol Soai Tep Roméas Hêk	26 51 27 19 20 38 24 13	218
6	Kompong Chhnang	Roléa Péir Long Vêk Kompong Leng	20 30 10	119

		Anlong Réach	6	
		Baribaur	15	
		Pursat	24	
		Krakor	14	
7	Kompong Thom	Kompong Soai	32	85
		Santuk	12	
		Barai	20	
		Chikreng	6	
		Stoung	11	
		Promptép	4	
8	Battambang	Battambang	183	269
		Siem Réap	86	
<b>Grand Total</b>				<b>1343</b>

**Source: National Archives of Cambodia, Phnom Penh, F. 14865.**

The grand total of Cambodian communes during that time, 1343 is quite believable, but the point that is strange here is the number of provinces in a residence. For instance, in the residence of Battambang the provinces should be Battambang, Siem Réap and Sisophon or Resey Sophon. But unfortunately Sisophon was not included in the table. Despite this concerns the table was originally entitled *nombre des khums du Cambodge*.

Regarding the renewal of all the *mékhum* and councilors, the issue is clearly argued by the provincial *Résidents'* reports. For instance, Mr. Charles Bellan, French *Résident* in Prey Veng claimed that article 9 of the 1908 royal ordinance, concerning the organization of the commune, that 'the members of the council of the commune and the *mékhums* were elected for a period of four years'. This point of the ordinance had never been applied at all; it was still untested. He continued saying that the application of the article would bring a certain number of inconveniencies for several reasons. The first reason was that Cambodian people, even schooled long enough already, were not familiar with the election system, which was contradictory to the traditions of this country. Next, the election was conducted under a very poor condition, and was a trouble for the population. Finally, he suggested keeping in place as long as possible all the *mékhums* that fulfilled, with not many difficulties, their numerous duties because the replacement of their posts was risky and needed further administrative education for the newly elected

inexperienced men. Moreover, he said that of course 90% of the *mékhums* in his residence had been working for more than 4 years, so it really took much trouble in most of the *khum* if they had to submit to article 9 of the 1908 royal ordinance. Consequently, the royal ordinance was purposely modified, by which the *mékhums* could remain in the post until their resignation, dismissal, laying-off for intellectual, moral, or physical incapacity, or death. Then in the last cases, the *mékhum* would be chosen by vote again (ANC, lettre de RP à Prey Veng, 24 mai 1913, F. 14865). The disadvantages were viewed as much more important than the advantages in terms of renewing the commune authorities.

Mr. Charles Bellan was really optimistic about keeping the well-experienced *mékhums* in place. On 16 June of that year, he sent another letter dealing with the same issue, stressing the application of the regulations only for the *mékhums* who were sick or exhausted, or negligent. They could be dismissed. Moreover, the disadvantages of reelection should be investigated more, so that the result would be clear if we had to replace all the experienced *mékhums* who were familiar with the administration by the inexperienced ones (ANC, lettre de RP à Prey Veng, à RSC, 16 juin 1913, F. 14865). The Prey Veng *Résident* had always misgivings about holding new elections for commune administrators.

Apart from that, the duration of the mandate in the 1908 ordinance was not even appreciated by the most of the other French administrators. For instance, Mr. Roux-Serret, resident of Kandal, saw eye to eye with Mr. Bellan. In his jurisdiction, Roux implied that a great deal of *mékhum* actually functioned quite well, and did not ask to resign, so it appeared unnecessary to change them. However, the replacement process would sweep away those who were known to be incapable or did not carefully complete their tasks. Above all, the election, though general or partial, had to occur in October or November; i.e, after the collection of various taxes which was being performed by the *mékhums* (ANC, lettre de RP à Kandal à RSC, le 19 juin 1913, F. 14865). This suggestion looks very compatible with the earlier ones and several others. The same suggestion was made from the *résident* of Takeo, who wanted only partial elections in his residence. There were 49 *mékhums* in the residence of Takeo to be replaced—23 from the province of Treang, 13 from Bati, 11 from Prey Krebas, and 2 from Loeuk-Dek. He noted that

Most of the governors consulted on this subject supported the partial renewal; those of Treang, Bati, Prey Krebas tend to keep at the top of the communes the officials who get only the rent till present and within the march of service. However, they presented me a list of *mékhums* who faced replacement because of their old age or incapacity. As for the

province of Loeuk Dek the election of *mékhums* raised only for two years there is a room left for them to function, except for the *mékhum* of Khpop Ateau who is the object of numerous complaints from a portion of habitants of his village and *mékhum* of Prasath sentenced to 5 years in jail by *salakhêt* of Loeuk Dek for his complicity with theft (ANC, lettre de RP à Takeo à RSC, le 12 juillet 1913).

Other provincial residents made the same suggestion. For example, the resident of Kompong Thom asked to prolong the mandate of the commune council as much as possible, so the interested people would understand the commune organization better, and he insisted on considering this position as an honorable function, more privileged among the inhabitants (ANC, lettre de RP de Kg Thom, F. 14865). Another factor that made the reelection difficult was widespread illiteracy throughout the region. In fact in the outlying provinces such as Steung Treng not many people were educated, and many ethnic minorities, especially Phnong and Laotians, were ignorant. Consequently, it seemed impossible to replace the *mékhums*, educated and popular already (ANC, lettres des gouverneurs de Steung Treng et Stung daté 26 et 30 juin 1913, respectivement, à RP de Steung Treng, F. 14865). Another similar case was in the province of Tonle Ropeo, residence of Steung Treng where most of the inhabitants were ethnic groups, and mostly *Kuys*. Indeed, it is well known that these minorities were prone to what they thought of as true or traditional. Their thinking towards the *mékhum* was the same. As the governor of Tole Ropeo claimed, it was hard to change the *mékhum* because those tribesmen really loved their leader. In other words, only their own leader could work with them, even though the former needed to be educated more (ANC, Lettre du gouverneur de la province de Tonlé Ropau à le RP de Steung Treng, 27 juin 1913 et lettre de RP de Steung Treng à RSC, 30 juin 1913, F. 14865). The mandate of the *mékhum* was often prolonged as much as possible due to the illiteracy of the ordinary inhabitants.

Nevertheless, some of the reasons for the necessity of renewing the commune election were perceived in another location, contradictorily. The question of illiteracy and superstition, the traditional characteristics of *mékhum*, was enough for the French *Résident* to decide not to keep them any longer in the post. This fact prompted the *resident* of Kampot, the only French *resident* who saw the reelection of *mékhums* and *kromchumnum* as advantageous for the French administration and local advancement. He used all these problems to argue for the necessity of the reelection of the commune authorities. In the same way, the long maintaining of the post by the same individual was an anomaly. For example, in Beng-Préa commune, where Malays were located exclusively before, the Malays *mékhum* who had not been changed for a long time

disagreed with his subjects, but among them Cambodians or Sino-Cambodians were the majority at that time (ANC, lettre de RP à Kampot à RSC. 21 juin 1913, F. 14865). Apart from that, he added that if the heaviest part of the administrative tasks fell definitely on the *mékhum*, it was important that regular rotation of the administrators in the commune occurred to maintain harmony in the commune structure with the evolution of the population itself. According to him, the election was never carried out in Kampot due to the absence of the archives, so that the people were a bit familiar with the election mechanism. That is, elections through which the inhabitants were more or less civilized by the French culture were important so that the balance between the local executive body and people's demands could be guaranteed.

In short, the 4-year mandate of the commune officers was strongly debated among the French administrators. Most of them perceived it as a disadvantageous process that would not only disturb administrative progress, but also cause trouble for the people. The question of illiteracy, negligence, incapability, democracy building, administrative enhancement, just to mention only a few, were the main factors that led to the reduction of the need for electing new commune officials. However, based on the same questions or issues concerned, the renewing of the commune was significant in term of making quick progress for the local administration and this would ensure the administration and the people who had been evolving under the influence of the colonist. As a result, partial elections were held in the *khums* where the leaders were considered bad or illiterate, were dead, or had resigned while those who could satisfy the French administrative circuit could remain in the post rather longer.

Finally, a royal ordinance was then issued in 17 Sept 1913 to modify the several articles of the 1908 ordinance. Among those changes was the mandate of the communal councilors and *mékhum*. According to this modification, these commune authorities could legally stay in the position as long as possible until the age of 55 (Forest, 1981: 65), except for some cases such as death, intellectual or physical disability, dismissal, and resignation. As the three articles of the ordonnance stated that:

Art. 1—1. the paragraph 2 of the article 8 of the royal ordinance of 5 June 1908, saying, 'The general elections shall take place at the date fixed by the council of ministers. When the vacancy exists, the *mékhum* informs the provincial governor who shall proceed with the election for the replacement within one month of delay.' 2. The paragraphs 18, 19, 20 of article 9, saying, 'the members of the commune council and the *mékhum* shall be elected for a term of four years', and 'all of the members of the commune council are reeligible,' are annulled.

Art.2—These disposals are replaced by the following :

The *mékhums* and the commune councilors continue to invest their mandate till they reach the age of 55. However, this mandate would end before the limit of the age fixed above for one of the following motives : 1.resignation ; 2. dismissal ; 3. revocation.

Art.3—When a vacancy exists among the *mékhums* and the members of the commune councilors, the provincial governor shall proceed with elections necessary within one month of delay (ANC, BAC, année 1913, 1914 : 590-591).

#### 5.3.4 Rewards and Punishment

As far as the rewards for the local administrators are concerned, by 1897 they were provided with some encouragements. Each *mésrok* was given six exempted personal tax cards and was exempted from the tax of 300 *tang*<sup>9</sup> of rice while each *chumtup* was provided three cards and was exempted from the tax of 100 *tang* of rice (ANC, CM, session du 28 oct 1897, F. 24187). Furthermore, a *mésrok*, according to the law, was given only four exempted cards, whereas a *chumtup* was provided 2 cards, but the amount of rice exempted remained the same as stated earlier (ANC, CM, session du 6 avril 1898, F. 24193).

Since 1 Jan 1902 royal ordinance, the local authorities had been given rewards proportional to the money levied as taxes. For instance, the 1902 royal text implied that the local administrators could get 10 percent of the total money, 7 of which was for *mésrok* and the other was for the deputies and councilors. However, these incentives were missing in the 1908 ordinance. Beside from the giving of the honorable titles or names such as *Ponhéa Reacsaphibal* for *mékhum*, *chumtup Reachea* for the first deputy, etc, the ordinance did not define any more commissions as encouragement for the village authorities. From 1909 some of the commune officials had an exemption to the personal tax and the ten-day work. These were *Réacsaphibal*, *chumtup Reachea*, *chumtup Sêna*, *chumtup Phéackdey*. The others had only honor and could compensate the ten-day work in cash, but had to pay the personal tax as the ordinary taxpayers (ANC, O.R. of 24 mai 1909, Simon, 1919: 81).

With the evolution of the system and an attempt to ensure the development of the local administration, rewards increased in principle in size when reorganization of the commune took place. In 1919 the colonists modified the Cambodian commune by the promulgation of the 24 Sept 1919 royal ordinance. As for the incentives, article 34 states that “*Le mékhum et les chumtup sont exempts de l’impôt personnel et des prestations. Le mékhum, les chumtup, méphum et kromchumnum sont exempts de requisitions, veilles, services militaires ou de la garde indigène.*” Furthermore, *mékhum* was given some

---

<sup>9</sup> *Tang* is a weight measurement of Cambodia. A *tang* of rice is equal to about 25 kilograms of rice.

commissions to the total collected taxes: for example, 3% from personal tax of Cambodians and 0, 10 *piastre* per taxpayer; 3% from taxes *prestation* of Cambodians; 3% from taxes on plantations and *pontéa* cultivated by Cambodians, etc (articles 35-37; Im, 2001: 72-73). Apart from the titles, the local authorities got denominations. The *mékhum* had 3 *pâns*, while every deputy had 2 *pâns* except for the fourth one or down who had only 1 *pâns* (article 38; Silvestre, 1920: 215-216).

In addition to all mentioned grants, the local officials who worked for years were offered a certificate of appreciation. With the proposition of the provincial governor and approbation of the *Résident*, the Council of Ministers should issue a certificate to honor those who had worked for 10 years as *Moun*; those who had worked for 20 years as *Khun*; and those for 25 years as *Luong* with a honorable title for the individual (Silvestre, 1920: 216). All these incentives could be considered as a lure to tie up all those unsalaried administrators to the framework of administration development at the village level and ensuring of the law and order of the government.

Even so, defying the law and regulations by the local authorities still took place to some extent at the village level. Punishment was therefore usually meted out to the local authorities who were disobedient to orders from above. In 1901 twenty-two local officials, including *mésrok* and *chumtup*, were required to pay their debts to the provincial treasury; if not, they were to be imprisoned for a period of time. In the case of these officials, the debt ranged from 2 *piastres* up to 64 *piastres*, equivalent to a prison sentence of once month to one year and fourteen days imprisonment, provided that they could not pay the debt in cash. This punishment occurred in the province of Kang Pisey (ANC, CM, 29 juillet 1901, F. 2430). Even though sanctions for wrong doings were carried out, the offences continued to happen, as it is claimed that

Throughout the 1890s, French *résidents* complained officially about torpor, corruption, and timidity among local officials, although one of them, sensing the tune he was now expected to play, reported to his French *superieur* that ‘the population of all the villages in my province is happy, [the people] have not even the slightest complaint about the measures that have been taken.’” (Chandler, 1996b: 147)

Moreover, one cannot deny the fact that the operation of an administration will always encounter obstacles or the defying of regulations or proclamations. This is true everywhere, for this corrupt world is already embedded with such evils from its beginnings. For this reason, laws are passed to attempt to eradicate all these troublesome happenings, which can undermine people’s well-being. This is also true in Cambodian

society. Prior to the invention of French modernized law, Cambodia had traditionally used the so-called customary law to keep the administrative sector working smoothly. The traditional law was followed by the French reforms in accordance with the evolution of the world. One of those reforms was the promulgation of the local administration ordinance, which included constraints on corrupt activities by the authorities.

Penalties for the local authorities were clearly written into the 1908, 5 June royal ordinance. Any councilor who performed his roles or functions carelessly could be given a range of punishments as follows: 1—blame; 2—severely criticized before the commune council; 3—fined from 0, 50 *piastres* to 5,00 *piastres*; and 4—revocation of title. The first three kinds of sanction were pronounced by the governor and approved by the resident, while the last one was reserved for the council of ministers after an investigation and recommendation of the governor sent in by the resident (ANC, O.R. de 5 juin 1908, F. 12808; BAC, année 1908, p. 303). The influence of these sanctions more or less kept the work of the local officials on track.

The authorities, even though subject to constituted penalties, were sometimes found to have defied the ordinance. Therefore, they faced punishment from the provincial administrators. Several *mékhum*, for instance, were sacked from the position for embezzlement and bribery: 1—*mékhum* Pok of Angko Séla commune, province of Romduol, 3—*mékhum* Live of Roka Khnor commune, province of Thbaung Khmum and Ley of Phum Sdey, *srok* of Monkolborey (ANC, Arrêté de Ministre de l'Intérieur, le 4 nov 1914, F. 24022). Sometimes, the reason for termination could be different like the case of *mékhum* Vatsvai, in the province of Battambang. He was dismissed because of his neglect of his work (ANC, Arrêté de Ministre de l'Intérieur, le 10 aout 1915, F. 24022). Moreover, some other *mékhum* faced the same punishment, but for various reasons. For instance, *mékhum* Sok of Thmey commune, province of Malouprey, had his title revoked for embezzlement; *mékhum* Om of Sré Chipô, province of Battambang was convicted by the preliminary court for his falsification of a personal tax card, while *mékhum* Chhouk of Kâncân commune was laid off for bribery (ANC, Arrêté de Ministre de l'Intérieur, le 11 nov 1915, F. 24022).

Also, some *mékhums* who resisted the regulations faced imprisonment. For example, *mékhum* Chum of the Danglang commune, province of Pursat was sentenced to 5 years in jail for embezzlement (ANC, Arrêté le 11 nov 1915, F. 24022). Another case happened in Nam Tou commune, *srok* Phnom Srok, province of Serey Sophon, where the *mékhum* Lât was punished for 6 months in prison for complicity with a taxi-girl (ANC,

Arrêté le 19 avril 1915, F. 24022). There are many documents of this kind in the National Archives.

Naturally, lawbreaking could not be totally abolished; it occurred all over, in different ways. Some local administrators made great efforts to alleviate their unsalaried posts through illegal activities. Still, it was risky for them. For instance, *mékhum* Sok of Kompong Ampil commune, province of Romdual was fined 10 *piastres* for wrongful arrest and detention, whereas *mékhum* Phlok of Tatrao commune, srok Puok, Siem Reap province was sanctioned to five years forced labour for his complicity with criminals (ANC, Arrêté le 11 août 1917, F. 24022). Sometimes the punishment seemed very heavy for a relatively tiny fault. For instance, *mékhum* Ros of Roeul commune, Siem Peap province was sentenced to 6 months in jail for falsification and use of falsified documents, while *mékhum* Teng of Sala Kram commune, Battambang province, was convicted for a year and 6 months imprisonment for the concealment and delivery of a falsified animal sale certificate (ANC, Arrêté du 7 déc 1918, F. 24022). Punishment for the local administrators was implemented throughout the country, but it is not clear if it was fair in all cases or the work of influential figures for their own ends.

### **5.3.5 Laws and Social Order**

At least one of the objectives in the creation of local administration was to maintain law and order in the regions. This probably related to happenings long before the establishment of the *khum*. Rebellions against French involvement broke out immediately after the signing of the 17 June 1884 convention by which all power was handed to the French government representative. This uprising occurred as a first response to the French who attempted to reorganize the local administrative structure, not to mention agitations against the French immediately after the signing of the first Treaty of 1863.

This rebellion was the first danger signal to the French administrators in Cambodia. It is realized that the compulsory convention between the French tiger and Cambodian ox was the cause of this uprising. The Convention gave the French representative all the power that the King had traditionally possessed. Moreover, the signing also reduced the privileges of the provincial elites and royal family (Osborn, 1969: 207-230). It is believed that it was the latter that brought these unhappy messages to the ear of the farmers who had always regarded the King highly. As a result, there was an uprising. In response, the French government used its well-armed soldiers to disperse

the rebels. The French were not successful, and the revolt, starting from 1885, continued until 1886, when it subsided due to the French promise to restore the status of the holy King (Tarling, 1966: 222; Eng, part vii, pp. 58-59).

Besides the appreciation of the King's high status, other reasons lay behind the insurrection. For instance, in the early years of Sisowath's reign, there was a large uprising in the northern provinces of Steung Treng, Kratie, and Kompong Thom. A former monk who pretended to be an uncle of King Sisowath, Ang Sngoun, led the uprising. Some of the participants were impressed by the fact that Ang Sngoun was the real King, and others by social injustice or their own magical powers. The followers attacked the French residence before fleeing into the Dang Rek Mountains (Tully, 1996: 137-138).

The huge demands of the French also played an important role in provoking the people's rage. Baumont (n.d.: 578) implied that it was the strengthening of French power that had led to revolts, and in 1916 some 100,000 people protested against the corvée service to erect the national road n.1. Approximately 3000 out of that number approached the King in Phnom Penh to file their complaint because the King in their view was in charge of these services. The poor farmers very often protested, as they could not bear the harsh burden imposed by the French.

Looking back, a series of agitations followed the popular unrest of 1885-1886. For instance, in 1898 an uprising headed by Ngo Prep in Takeo province fought against the French. Another rebellion in Kompot province was led by an individual Uch in the commune of Kas Toch who attacked the provincial post on 14 April 1909. Besides, in the province of Battambang which was ceded to the French union on 10 April, 1907 there were subsequent insurrections, namely the people's rebellion led by Praphon and Phya Kachan in June 1907 and another famous one led by Vises Neou from July 1908 to March 1909. This was also the case in other areas. In early 1915, insurgents including Khmers, Chinese, and Vietnamese led by Ta Khwet, assaulted the French delegates in Kompong Trach (Forest, 1981: 66). The aim of all these events was a reaction to colonial administration, even though their particular nature might vary from one another.

As with the turmoil in the late 19<sup>th</sup> century, the 1907 revolt in the southwest regions of the kingdom occurred because people obeyed their traditional leaders rather than the whites. On 30 June 1907 the French departed to take control over the western province, Battambang. This political shift stirred the people's unrest in the region. For approximately 111 years Battambang had been a tributary province of Siam, and the

patron-client relationship between the hereditary governor and his subjects was strongly intertwined. It was believed that the former governors Phya Kathathorn exiled in Siam supported all insurrections in this zone. The people fought against the French in order to liberate themselves from the grip of the white man. The insurgents very often disturbed the French administration between 1907-1912 by various means such as cutting telegraph wires, burning administrative posts, and killing cruelly. The uprising was not put down by French military means, but by diplomatic cooperation with a Siamese faction. What is more, the French reinforced the legal penalties through which some insurgents were imprisoned and some were put under house arrest. After that, the French successfully controlled the situation. Finally the revolt subsided completely, even though banditry, a social curse in the area, still remained to some extent (Tully, 1996: 113-131). The cordial relations between the patron and the people stood behind the unrest, which then had to be subject to negotiation between the leaders concerned.

In some cases, the malfunctioning of local authorities was a vital reason for the unrest among the people. During 1908-1912 the French initiated the rationalization of land ownership. Therefore, surveys of the land had to be carried out in order to facilitate the taxation of what was there, such as trees, pond or lakes. In this regard, many local administrators exploited this situation. Additionally, the authorities did not allow the sale of 10-day *corvée* service as regulated by law. The exploitation of the taxation, *corvée*, and patrol, and the problem of justice caused many complaints against the local authorities. In 1912 people were mobilized to construct roads. In that year, in the province of Kompong Cham some 500 people who did the *corvée* left the fields and instead approached the resident to complain about excessive demands for money by the local authorities (Forest, 1981: 67-68).

Most of the rebellions during the first two decades of the 20th century, as argued by John Tully, were provoked by the Sino-Khmer men who were fairly rich, and this affected the livelihood of the Cambodian poor farmers. In 1909 a rebellion against the French occurred in Kompot province, adjacent to the Cochinchina border. It was directed by a Chinese man who was good at English and French. Two months later, the rebels dispersed, some ran away while others were imprisoned. Nevertheless, the French victory did not last long because about a month after that a crowd of people assaulted the residence of Kampot (Tully, 1996: 138-139).

Another reason for the rebellions relates to poor central government. The agricultural areas where the central government was weak usually encountered banditry

and revolts. Cambodia had confronted such events before and during the colonial era. In traditional Khmer society, powerful individuals very often unashamedly exploited the least privileged for their own gain. Bad management, poverty as well as drought and flood motivated such illegal deeds. Moreover, geographical areas such as forests, mountains, and bush were also suitable for bandits. The bad condition of roads caused by flooding gave an opportunity to looters to run to other places, and hindered the police operation as well. Looting was widespread throughout the country, especially in 1912 when the entire country was seemingly covered by unrest. In fact, it was not until mid-1913 that some agitators were arrested. These activities considerably increased in the next season (dry season) when they could move more easily and were free from harvesting duties. Sometimes it was caused by famine, but sometimes it was in the regular nature of the people, especially those on the Cambodian-Siam border and the province of Thbong Khmum. Annual reports of 1912 shows that situation in Thbong Khmum was critical while it was getting better in other regions. Most of the banditry was caused by ambitious or pleasure seeking young men who preferred pillage to ploughing. However, the political problem was often the key to such activities, particularly for those who escaped from trial and then committed evil deeds (Ibid., pp. 133-137).

Some revolts were costly for the French administration in terms of the damage caused by the insurgents. This can be exemplified by the insurrection led by Ouch, the former monk. In 1913 his followers attacked the plantation in Chhlong and shot Father R.P. David in chest. When chased, they disappeared into the forest in Barai and Kompong Svai. As a result, Ouch was sentenced to death in absentia. However, in 1914 his followers sought refuge with a revolutionary minority tribal group near the border of Cochinchina. In that year he had roughly 100 followers. In June 1915 with his armed men he appeared in Kompong Svai. Ouch, fortunately, was not caught, although the French arrested his superior (Ibid., pp. 139-142). This long-lived uprising disturbed the French administrators who were looking for quite the reverse situation

Another remarkable rebellious event that was put down to some extent by the colonists' efforts happened in the northeast of the country. It is regarded as the largest revolt against the French as well as the Cambodian administration. The French always planned to control the freedom of the people in the colony. In that regard, the former sought to make the minority groups accept a completely new civilization called Cambodian. In contrast, minority tribes such as *Phnong*, *Stieng*, *Kha*, wanted to conserve their precious traditions that they had practiced independently and freely. This opposing

point of view led to attacks, and bloodshed, especially during the first two decades of the new century. A military solution could not calm or stabilize the situation. Finally, the French shifted to a diplomatic struggle by which they were more or less successful in pacifying the urge to revolt. However, the central government had never completely won the fight with these forest people, so that the colonists could not integrate them totally into the modernized state (Ibid., pp.143-157). It is regarded as a failure of colonization on the part of the French that they were not able to integrate these indigenous minorities.

As we have seen, uprisings against the government were motivated by several reasons, firstly, the violation of law by the local authorities outraged the farmers who shouldered a heavy tax burden and *corvée*, and lived in a subsistence economy. Another one was the fight against the white man who took away power from their beloved patrons. The revolt in 1885-1886 and also that in Battambang exemplified this in 1907. Apart from that, the notion of traditional values was another key to revolt, specifically in the northeast of the country, which was inhabited by several minority groups. Finally, we can conclude that xenophobia to the white and traditional patron-client bonds were, in most cases, the key to the uprising of the farmers who wanted to keep their traditions rather than adjust themselves to a new regime.

## CHAPTER 6

### THE REORGANISATION OF THE COMMUNE

With their experiences for eleven years of an effort in trying to develop the local administration, the French then decided to reorganize the *khum* in order to make it applicable to the real circumstances. In order to see how the local organization developed for a little more than a decade, we are going to highlight how the *khum* worked from its official creation in 1908, in this part. The eleven years of the *khum*'s administration marked a slow progress, in both Cambodian and French administrators' perceptions, of the attempt at decentralization. In retrospect, the year 1908 was regarded as a starting point, by the royal ordinance issued on 5 June when the central government delegated power to the currently elected local authorities. However, the issue is still debatable because of the activities of the commune officials, especially *mékhum*, in implementing the regulations from the center, and the interaction between the former and the latter was not clear. (It would be helpful to understand how the commune worked in order to solve this question).

#### 6.1 Eleven Years of *khum*'s Work

Up to 1919, eleven years after its initiative, the commune administration functioned reasonably well but also suffered major problems, which became apparent during that time. Both factors attracted the concern of the French government in Cambodia, represented by the *Résident supérieur*. It was he who wanted to understand the causes of the negative results, and possible means to solve or overcome the challenging problems, and who then asked the local French administrators to investigate his concerns (ANC, Lettre du gouverneur de la province de Kg Svau à RP à Kg Thom, portant la reorganisation de la commune cambodgienne, date le 22 déc 1917. F. 12477; lettre on 20 1917 portant l'organisation de la commune en 1918, F. 12477; circulaire ministerielle n. 299 le 10 dec 1918 sur l'organisation de la commune cambodginne). Responding to the *Résident supérieur*'s questions, the provincial administrators raised a range of concerns. From all these useful sources, it is evident that the commune administration did not work properly due to weak leadership. The *mékhum* who was installed at the top did not exercise his delegated authority in the public interest. He, even though shouldering a variety of tasks, was functioning in his own interests. Moreover, some of the *mékhum* due to the fact that they could hide their corrupt activities, exploited the people (ANC, Lettre

du gouverneur de la province de Stuong à le RP à Kg Thom, au sujet de l'organisation de la commune cambodgienne, date 23 décembre 1917, F. 12477). The absolute power of the *mékhum*, among the subjects in the villages, obviously challenged the development of the commune system administration.

Additionally, other factors contributed to halting administrative progress at the grassroots. Among the commune authorities, those who were honest and made no profit from their positions had no incentive to work. Since the post was a purely honorary one, they could not earn any money except from awards and commissions from their work collecting taxes. At the same time, since a great deal of their duties kept them busy all day, they did not have any time to earn money outside to support their family. For these reasons, most of the commune officials' wives did not agree with their husbands working for an honorable title only (ANC, lettre du gouverneur de la province de Kompong Svau à le RP à Kompong Thom, portant la reorganization de la commune cambodgienne, date le 22 déc 1917. F. 12477).

Apart from that, this unsalaried position definitely affected the participation from the educated men in steering the local administration. Even though the commune administrators were unsalaried, they had a heavy workload. Having seen all these unfruitful aspects of the work, the intellectuals tended not to work at the local level, and thus only the less educated ones were successfully installed in the post at this level (Ibid.).

Another key point that did not aid the local organization was the illiteracy of the people. In some regions, people were not familiar with the system, for it was never put into practice; this was true in the case of Stoung province where the 1908 royal ordinance was not implemented across the province (ANC, CM, le Lettre du gouverneur de la province de Stuong à RP à Kg Thom, daté 23 déc 1917, F. 12477). However, again in the province of Barai, residence of Kompong Thom, even though the 1908 ordinance was promulgated, the inhabitants were still ignorant of it. This meant that few people participated and thus caused difficulties for development at the local level. That is, the democratic process could not be improved unless the people actively took part in the system itself (ANC, lettre du gouverneur de la province de Barai à RP à Kg Thom, le 24 déc 1917. F. 12477). In sum, people had to be provided with an administrative education first.

In an attempt to promote the local administration, several solutions were proposed. One of them was to ensure the transparency of the work of the commune authorities by establishing a post, *Maha Prachéa Néat*, next to the *mékhum*. This *Maha*

*Prachea neat*, who was not subject to the local authorities' control, had among his duties, to examine the work of the *mékhum* (ANC, exposé succinct du projet de la réorganisation du khum de l'Oknha Bora Réach, Gouverneur de Kompong Savai, daté 4 déc 1917, F. 12477). It made sense to ensure that the commune chief could not arbitrarily wield his authority.

Another role of the *Maha prachea neat* was to represent the people in the commune. This demonstrates how poor the relationship between the inhabitants and local administrators had become. In order to bridge the wide gap between these two groups, the proposed *Maha prachea neat* was obliged to work as the people's representative, who put the public interest above all. Moreover, the people's representative worked hard to solve the problems the people faced (ANC, Ibid.). The system would work well given good cooperation from the administrators.

To achieve this mechanism of checks and balances required a constant cooperation between the local administrators and the inhabitants' representative. The local administrators were the commune chiefs and his *chumtups* while the inhabitants' representative, with the *Maha prachea neat* at the top, comprised the *kromchumnum khum*, in consultation with the *Maha prachea neat* (ANC, Ibid.). The latter surveyed the actions of the administrative representatives who in turn tried to cooperate in solving the local problems in a spirit of public service.

The system proposed was based on what had been adopted in ancient Cambodia, at the provincial level. Then, in order to survey the management of *chauvai-srok* and inhabitants, an *Achnha Luong* had been in charge of assuring the services of the province with the *chauvai-srok* (ANC, Ibid.). In fact, this system corresponded to that of the protectorate in a sense that the French resident was responsible for examining the exercising of the provincial authorities' powers.

For his efforts in working in the people's interests, *Maha prachea neat* was purposely provided with an incentive. Even though he was overseeing the *mékhum*, he was at the same level, and was offered as much as the administrative representative (ANC, Ibid.). This kind of payment was meant to help to keep the people's representatives away from the influence of the administrators in the hope of increasing the development of the villages. Unfortunately, for some mysterious reason the proposal was not adopted by the Council of Ministers.

In terms of commune development, the profit the administrators obtained from their positions was a difficult issue to deal with. It was proposed that more profit or salary

should be given to the local authorities to encourage them to work; if not, as the governor of Barai's simile stated, "it was like the construction of a house without stilts or supports. So, although it looked fine at first, it actually collapsed soon afterwards" (ANC, lettre du gouverneur de la province de Barai à RP à Kg Thom daté 24 déc 1917. F. 12477). It is a logical argument that human beings do not work well unless they are sufficiently recompensed.

In the same way, they needed some personal tax exemption (ANC, lettre du gouverneur de la province de Kg Svau à RP à Kg Thom, daté le 22 déc 1917. F. 12477). The administrators inevitably paid their personal tax, even though they had many heavy duties. It thus discouraged them from work. This was so in the case of Kompong Svai where, as the governor implied, only one out of ten administrators wanted to work on their own (ANC, Ibid.). As a result, freeing the local administrators from paying personal tax would be a lure for them to continue working at their best because Cambodian commune authorities, unlike the Vietnamese who were granted not only honor but also more profits, gained little and sometimes spent more on their mission than their earnings (ANC, Ibid.)

Besides, people's participation was also equally necessary in order to make progress in the commune. This could only happen if the people were educated about the commune administration (ANC, lettre du gouverneur de la province de Barai à RP à Kg Thom le 24 déc 1917. F. 12477) in the sense that they were familiar with and understood the significance of the system, from which they were able to benefit. Public education had to be promoted and improved in an effort to gain the people's comprehension of the administration mechanism. Consequently, people would work cooperatively with the authorities so as to sustain the development of the commune as a whole.

Another critically important issue was the commune budget, which was fundamental for the local administration to progress. The Cambodian territory was large, as it was claimed, and the small numbers of Cambodian people were sparsely spread throughout the country. Indeed, many villages were very small and poor, so it was important that those villages be integrated with each other to facilitate the administration (ANC, Ibid.). Then, the communal budget had to be created, even though the local people were poorer even than the Vietnamese (ANC, lettre du gouverneur de la province de Kg Svau à RP à Kg Thom le 22 déc 1917. F. 12477) who had experienced earlier success with this model. However, the communal budget had to be well and efficiently managed

(ANC, Ibid.). This was crucial so that the local authorities could survive on their own following decentralization.

Additionally, the heavy hand of the governor or the most influential commune official in the election had to be discounted. This influence of the superior authorities, especially the officials from the province or the commune itself, had to be effective in implementing this democratic procedure. For instance, a proposition demanded a disengagement of these powerful men from the local election (ANC, lettre du gouverneur de la province de Barai à RP à Kg Thom le 24 déc 1917. F. 12477). In doing so, it hopefully brought a freely elected commune board from the true consent of the people.

As we have seen, arbitrarily utilizing power of the governor or commune officials in nominating or dismissing local personnel really put the brakes on the development of the administration. It became clear that if commune officials were chosen by an individual or a small group of people, they were in turn not devoted to the public interests, but to that specific individual or group. In this regard, the governor of Barai suggested stopping this arbitrary abuse of power (ANC, lettre du gouverneur de la province de Barai à RP à Kg Thom le 24 déc 1917. F. 12477). Then the people could elect those they were satisfied with as their leader who hopefully contributed to upgrading the living standards of the poor farmers.

## **6.2 The 1919 Royal Ordinance**

On 24 Sept 1919, a new royal ordinance concerning reorganization of the commune was issued. It basically simplified what had been prescribed in the 1908 royal ordinance. Inapplicable or troublesome points of the previous ordinance were recognized and corrected. Democratic elections were restored by the text as stated in article 9:

Every inhabitant aged 21 or plus registered in the personal tax and capitation list, of whatever nationality, is an elector of the commune and takes part in the election of the councilors. The elections shall take place every four years. When a vacancy exists, the *mékhum* informs the governor who shall proceed with election for the replacement within two months of delay.

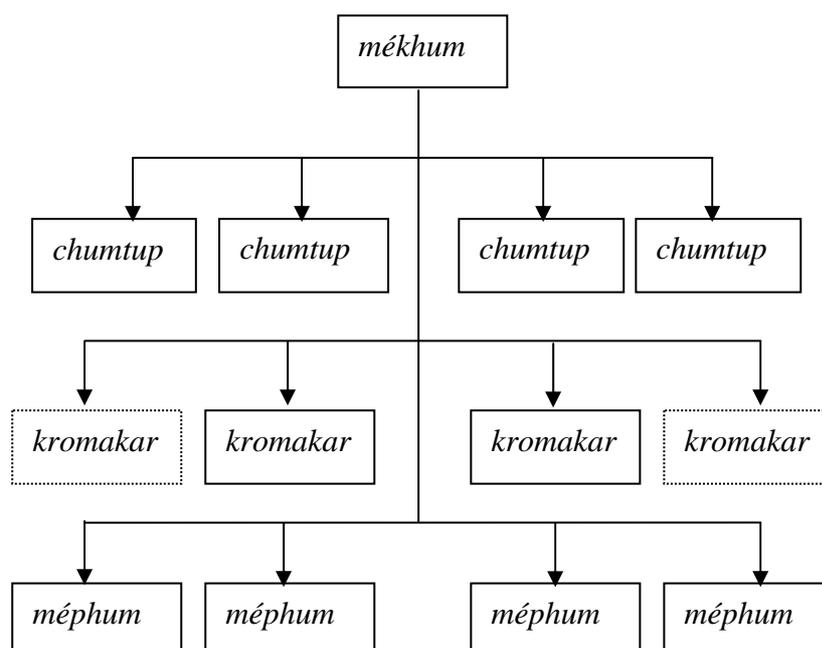
This is reminiscent of the 17 Sept 1913 ordinance by which elections were to be carried out only in communes where the *mékhum* or councilors were not functioning well, or had become incapable while they were postponed in commune where local authorities could satisfy the superior officials. The change poses a question, why was the election proposed for the whole country? It was not really different from the 1908 provisions.

Furthermore, some points of the ordinance were more clearly defined compared to the 1908 text. One of these was the restriction on the eligibility and right to vote. As stated in article 9

The general restriction for the eligibility and right to vote are the followings: 1. all condemnations of criminality cause the loss of eligibility and right to vote; 2. all condemnations and imprisonment without suspension causes absolute loss of eligibility and right to vote for ten years; 3. all condemnation with fines without suspension or imprisonment with suspension causes the loss of eligibility and right to vote for five years; 4. all condemnations with fines with suspension causes the loss of eligibility for three years.

Other points were also simplified. In order to make the text easier for people to understand, every complex term was rewritten. One of these was the title of the commune councilors. In the 1908 ordinance they were called *chumtup Reachea*, *chumtup Sena*, etc, each suffix was academic which generally people could not understand. In contrast, all these titles were replaced by simple Khmer terms in the 1919 ordinance. They translated the French terms into Khmer terms rather than giving titles. The first deputy was called *chumtup leg muoi* (*chumtup*=adjoint; *leg muoi*=premier); the second deputy was *chumtup leg pir* (*leg pir*=seconde), the third deputy was called *chumtup leg bei* (*leg bei*=third), the fourth deputy was called *chumtup leg buon* (*leg buon*=fourth), and so on. The simplification aimed basically to help people become familiar with the terms as well as the administration.

**Table 6.2-1: khum Council of 1919 ordinance**



However, the structure of the commune was not new in the 1919 text. It had at the top a *mékhum*, surrounded by a certain number of deputies. Besides, he had other councilors as assistants to do his administrative work. And at the very bottom, *méphum* worked actively within his village in order to report to the *mékhum* every event that happened there. The chief of the commune and the councilors formed a *conseil du khum* (commune council), but the number of councilors had to be less than before.

The council had to meet at least four times a year—in March, June, September, and December. However, they could also meet in extraordinary session called by the *Résident*, governor, *mékhum*, or the majority of the councilors. During the ordinary meeting they could discuss any problem related to their interests while they could talk only about the special object motivating the meeting during the extraordinary sessions. Only the majority of votes could decide, and the vote of *mékhum* was adopted when the votes were equally divided (articles 19-22).

Another new point in this royal ordinance was the establishment of a *khum* budget. With the difficulties encountered during the previous decade of local administration, the idea of creating the *khum* budget was one of the priorities for the reorganization of the *khum*. For the development of the commune, the local council had to possess its own budget so that progress could be quicker and easier to align with commune work. The ordinance stated that

Art.47. Each village, on the deliberation of commune council, after the idea of governor and approbation of *Résident*, decides the establishment of an annual budget, receipts and expenses, of which the period of execution is composed of from 1 Jan to 31 Dec.

Art.48. the budget of the commune is prepared and voted by the commune council submitted for the idea of the provincial governor and approved by the *résident*. The *mékhum* conserves it with the exclusive administration under the control and surveillance of the governor and *resident* in the conditions determined by the article 67.

Art. 49. The budget is established, in tri-expedition, on the model managed in Khmer. One of the expeditions rests at the archives of the commune council, the second at the *salakhêt*, and the other is deposited to the office of the residence.

In short, in an attempt to help the development of the communes and the administration itself, modification of the royal ordinance was a key requirement. Apart from distinguishing the roles of *mékhum* and his assistants, the simplification of the administrative structure was another necessary requirement. In order to get people involved in all kinds of local development, the complicated terms were simplified so that people could understand them. Another change was the establishment of a *budget communal*. This budget was able to help commune development greatly. For instance, communes could employ extra staff to help with the local work or acquire their own

goods, and not have to borrow from other villages. All sorts of changes aimed at the development of local governance in fact.

### **6.2.1 Budget Management**

The commune budget was created in 1919 by the royal ordinance of 24 Sept, concerning the reorganization of the commune. Simplification and modification of the commune was the focus of the text in order to achieve decentralization with greater participation from the local people. Despite some success in parts of the country, the framework of decentralization of financial management was suddenly stopped in 1930 in most parts of Cambodia. After having experienced for a decade or so the difficulty in operating a local administration, the French attempt to allow the commune to have its own budget in order to make faster progress had been in vain.

Even though the communal budget was clearly written in the 1919 royal ordinance, links can be traced back to the 1908 royal text about the creation of the Cambodian commune. There was already a list of items from which they could draw income and on which to spend that revenue. Article 17 stated that communal income was derived from various communal resources such as rental fees, people's contributions in cash, financial aid, and legally confiscated money. Meanwhile, the income was spent on the payment of commune officials, and on whatever else the council ministers agreed (ANC, O.R. de 5 juin 1908). The income and expenditure accounts were a major concern of the royal text of 1908.

Similarly, it prescribed a proper mechanism for financial management. Article 19 stated that the money was under the management of the second deputy, and under the permanent examination of the first deputy, who was responsible for preparing the accounts. Also, the money could not be used unless there was written permission from the *mékhum* (Ibid.). At first glance, the mechanism seems to guarantee accountability, but it was liable to become corrupt if the *mékhum* did not work in the public interest.

The expenditure was split into more simplified categories in the 1919, 24 Sept ordinance. The two kinds of expenditure in the commune were: 1). ordinary and permanent expenses, and 2). extraordinary and event based expenses. The former included payments to the commune authorities, police, public roads, ceremonies, commune debt, and salary for *smien*, monitors, or teachers while the latter covered the cost of new construction work, commodities, cooperation with other communes, and even expenses (ANC, Silvestre, 1920: 222-226; Baudoin, 1919: 33).

As far as the communal budget is concerned, it is interesting to ask why the budget only started in 1919, and not in 1908. One reason might be that administrative reform in a centralized country, such as a French colony, led only to poor outcomes. The failure of an attempt to decentralize Cambodia was partly caused by lack of resources, in comparison with Cochinchina where the existing strong budgetary institutions brought about an early success (ANC, Lettre du RP de Kratié à RSC., concernant la reorganisation de la commune cambodgienne, date le 22 jan 1919, F. 12477). The realization of the problem through the first bad experience gave birth to the establishment of the commune budget.

The reorganization of the commune in 1919 was done in the hope of providing local government with more autonomy. The initiative of the commune budget was actually helpful for its operation. For instance, the *mékhum* could employ a salaried *smien* or monitor to share some of his tasks (ANC, Rapport de RSC à GG, portant la reorganisation de la commune cambodgienne, 1919, F. 12477). The reorganization aimed at simplifying and checking any inapplicable or unworkable points such as the number of commune councilors having risen in some parts to up to 150. Moreover, the functions of the commune officials were explicitly defined in order that the commune should run smoothly, and the involvement of the provincial governor or resident in the commune affairs was restricted within the terms of decentralization. With the understanding of the need for budgetary autonomy, the commune budget would be gradually constituted, starting from important regions such as *chef-lieu de résidence*, province, and town where resources could sufficiently animate the budget. For the other parts of the country, the project would be carried out as soon as the region was considered strong enough to stand and survive through its own resources (ANC, O.R. du 24 Sept 1919). Thus the French resident would approve the proposition of the provincial governor about the establishment of a commune budget in a specific region. It seems that the development of the country could have been workable if the reorganization of the commune had been consistently applied.

In spite of the successful applicability of the commune budget, at least in part of the country, it did not last. According to the 24 Sept 1919 ordinance, each commune, by decision of the communal councilors, after the examination of the provincial governor and approval of the resident, could establish an annual budget—income and expenditure—lasting from 1 Jan to 31 Dec. The establishment possibly inspired commune development such as the construction of roads, bridges, primary schools, health care

centres, cultural departments, and so on. In the 1920s, the commune budget notably increased from year to year at least in the residence of Kampot where the budget grew from 40.000 *piastres* in 1924 to 260.000 *piastres* in 1929. However, the progressively increasing budget was threatened by the world depression. From 1931, the commune budget was formally abolished, according to the royal ordinance of 27 Nov 1930, except for some chef-lieu such as Battambang, Kampot, Kompong Cham, Kompong Chnang, Kompong Speu, Kompong Thom, Kratié, Prey Veng, Pursat, Siem Reap, Svay Rieng, Stung Treng, and Takeo. What is more, in 1919 each commune had been provided with “*un caisse de reserve*” nurtured by the surplus of the provincial budget (10 Feb, 1939 ordonnance) (Sorn, 1995: 54-55). Again, the autonomy of the commune budget management proposed by the 1919, 24 Sept royal ordinance, after surviving for ten years or so, then returned to the control of the provincial authorities <sup>10</sup> from 1931 onwards.

---

<sup>10</sup> For the responsibility for the communal budget, the heavy hands of the provincial officials and/or resident was caused by the incompetence of the local authorities in managing the budget. Moreover, having experienced difficulties in implementation, the communal budget was soon afterwards abolished except for the chef-lieu of the province (Nhiek Tioulong, p. 88).

## CHAPTER 7 THE CONTEMPORARY RELEVANCE

This section attempts to highlight briefly local administration from the post-colonial era upto the *khum/sangkat* elections in 2002. It includes a short discussion about the attempt to restore local elections in the 1950s and the elections conducted in the 1980s. Moreover, the chapter focuses the attention on the details of the situation of the *khum* today, including elections, budget management, structure, and its achievements and challenges.

### 7.1 The Post-Colonial Local Administration

During the last half century of the colonial era, Cambodian local administration was moving along a rough road. In 1908, a royal ordinance was issued, concerning the Cambodian commune. The border of the commune was clearly defined, and the chief was selected by general suffrage. However, the ordinance was not smoothly implemented. Subsequent reforms were carried out in order to improve the state of local governance. The last modification during the French period ended with the circulation of the 1 July 1943 *kram* by which local election was abolished, and commune council composed notables and *méphum* under the presidency of the commune chief (ANC, BAC, année 1941, pp. 1447-1462). The reorganization of the local elections was suspended until the promulgation of the *Kram*<sup>11</sup> no. 340-NS of 1 Sept 1959 (Imbert, 1961: 148-49), 5 years after the French gave back sovereignty to the Cambodian government.

After the French troops left Cambodia, 1959 was an important year in terms of local administrative reform. The circulation of the 1 Sept 1959 *kram* restored the commune elections. People of both sexes who were at least 20 years of age had right to vote for the commune chief and councilors through general, direct, and secret elections. The election date would be vary from one province to another. The candidate who could receive the most ballots was assigned as *mékhum* while the other candidates were nominated as councilors. Moreover, the number of councilors ranged from 9 to 20 dependent on the quantity of eligible voters in each commune. Under the proposition of commune's chief, the district governor appointed three deputies chief from among the elected councilors. The mandate of *mékhum* and councilors was four years. As during the French colonial period, the local authorities were assigned to several responsibilities such

---

<sup>11</sup> *Kram* was the term used to replace 'royal ordinance'.

as circulating laws and regulations related to the people, ensuring local security, and collecting taxes authorized (ANC, *Royal decrees*, 1 Sept 1959, pp. 60-6060). However, the election in practice would be other way around. Therefore, Bautista et al. (n.d.: 2-3) argued that

While there was an attempt to restore commune elections in 1955, this was not effectively implemented. In 1959 a royal decree was passed providing for the complete overhaul of the law respecting the restoration of the legality of the commune as an institution and mandated the election of both the commune chief and the commune council following the lines of the 1925 decree. However, these provisions were suspended for an indefinite period after the referendum in 1959. As a result, community councils were not elected and the commune chief continued to be appointed by the provincial governor. This situation remained until 1970 when fundamental changes in the country's political system were introduced.

During the communist regime of Democratic Kampuchea (1975-1979), a communist styled basis administration was adopted. Local administration was envisaged at three levels: regional or province, district, and collectives which were divided into commune collectives and village collectives. And the purpose of the division was related to military strategy and leadership (Bautista et al., n.d.: 3). Likewise, Locard (2004: 252) argued "in colonial days, there was a major (*mékhum*) at its head, who was elected by all those who paid the personal tax. The Khmer Rouge adopted the same administrative division which cut across village communities and gradually the '*sahakor phum*' became '*sahakor khum*,' that is, collective village became 'collective commune.'" However, the next government dismantled this ideological administrative division.

Democratic Kampuchea was toppled on 7 Jan, 1979 by Vietnamese troops who were concerned immediately afterwards with the reorganization of local governance. It is logical that the commune was where the people were mobilized, and the support for the Party's power was nurtured and maintained. The Vietnamese-supported government was at that time named People's Republic of Kampuchea (PRK). During this period, administrative management was vital to their concerns. As a communist State, PRK was based on the people's loyalty and support of the Party. The People's Revolutionary Committee formed at all levels from the province to the commune and was the main pillar supporting the administration. In the district and commune, the People's Revolutionary Committees were supposed to consist of at least five people: the chief was responsible for economy and livelihood, and other members were charged with military, security, information/culture/social affairs, and education and health responsibilities. The commune was the key to ensuring local security and mobilizing cadres loyal to the Party,

and improving the harvests. Because the PRK was a one party State, the administration was realized as a centralized mechanism. In 1981, the commune elections were proposed as one of the main tasks the Nation had to launch (Slocomb, 2004: 1-9).

Loyalty was one of the requirements for membership of the Communist party. This element was reiterated in the three criteria for selecting members of the commune People's Revolutionary Committee. S/he was to:

- 1—love the nation, be honest to the revolution, with the motherland and with the people, have a clear attitude towards the enemy, have an awareness of solidarity both national and international, especially solidarity with Vietnam and Laos,
- 2—have loving and honest awareness with the people, care for the livelihood of the people, be close to the people and have their trust. S/he should have a lifestyle of privation, be diligent and persevering, polite and gentle, truthful and pure, neither asking for or taking bribes, not corrupt, not stealing the wealth of the State and the people,
- 3—have awareness of active strategies in his/her work, be a good role model in the application of all the principles and leadership of the State and the Front. S/he should have an average level of education and the capacity to go deep into every corner for guidance from higher levels, be able to explore and accept the opinions of the people, and ensure the success of tasks which the people deliver to them (Slocomb, 2004: 9).

From the above-mentioned criteria, we can see some reasons why local elections were allowed to occur even though the government was communist-oriented. In order to nurture the Party's victory over the enemy, loyalty and support from the masses were needed. With the appropriate criteria in hand, the Party could expect to choose members who were honest to them on the one hand, and through elections, they could seek majority support for the revolutionary spirit on the other. For these reasons, the government was committed to hold local elections, as noted in a study document issued by the Central Propaganda Commission in 1981,

In order to strengthen the great victory [7 Jan 1979] and in order to create prosperity in the building of the Kampuchean Nation, this year our leaders must fulfill great tasks. First, they must hold an election to choose members of the People's Revolutionary Committees of the *khum/Sangkat* (Ibid., p. 8).

In 1981 an election was carried out, but it did not progress smoothly. In the whole of the PRK, there were 1279 communes and by 1 April 1981, fifty percent of the election results were available. The number of people who went to vote was between 90-100%. Three percent of the vote was invalid and 0.05% was informal. Kandal province completed its voting and various other provinces completed 20-30% of their votes. The proposed budget was 20 billion *riels* for expenses for the election. The poor results of the election had to do with security matters in rural areas. There were reports of intimidation and tricks from outlawed forces who did not want people to vote (Ibid., p. 11-12).

The number and term of the councils was according to the law. At the commune level, there were between 5 and 7 members, and in remote areas with large indigenous populations there could be two extra members. The committee would elect its chief at its first meeting; s/he would be assisted by one to three deputies. The chief, deputies and the permanent members formed the Permanent/Standing Committee within the overall Committee (Ibid., p. 15). And the term of the commune, and also the district committee, was fixed at three years. The superior could dissolve the inferior committee. The district committee, for instance, could dissolve the commune/*Sangkat* committee with approval at provincial level (Ibid., p. 13). The number of councilors could vary, depending on the number of citizens, while the mandate was fixed by law.

On completion of the vote, the elected committee was required to conduct a public ceremony and to take an oath before the people, swearing:

- to be honest with the motherland of Kampuchea, to be determinedly opposed to the enemy, to care for solidarity both internal and international, primarily the solidarity with Vietnam and Laos;
- to serve the people with all one's strength without oppressing or intimidating them;
- to actively fulfill all the duties which are given and to implement them thoroughly according to each political principle of the Party, the Front and the People's Revolutionary Council of Kampuchea. If anyone behaves contrary to these requirements above, that person must accept responsibility before the State Law and the People (quoted in Slocomb: 2004: 12).

The importance of the commune People's Revolutionary Committee can be seen in the roles it played for the sake of the Nation. The commune was the linchpin of the administration. 1984-85 was the worst years ever for the rice harvest due to drought, and the security system became much worse after 1982. Meanwhile victory drove the rebels into Thailand, which prompted the recruitment of thousands of civilians for the construction of a barrage along the national border. It was the duty of the commune to increase economic growth, harvest, and mobilize support for the defense of the Nation and in their local area (Ibid., pp. 15-16). The commune involvement in ensuring the livelihood of the people and gaining support for the Party corresponded with the roles, duties and commitment the commune agreed before and after the election.

According to the 1983 Law, the commune People's Revolutionary Committee was assigned a number of rights and duties. These included:

- 1—under the guidance of the People's Revolutionary Party and the People's Revolutionary Committee of the district, strengthen the village to make it firm, build and implement the economic and cultural plan and the budget of the commune;

- 2—strengthen the *kram samaki* for increasing the agricultural harvest, fishing, timber exploitation and all other occupations, guide the family economy, guide the people in pushing ahead strong agricultural production and fishery, timber exploitation, crafts and all other occupation, and organize the commercial network in the commune;
- 3—manage the small-scale hydrology system, the roads in the countryside, and the work of posts in the commune;
- 4—collect taxes, buy staple food and various agricultural produce for the State, organize the sale of State goods to the farmers, manage the markets and the wharves;
- 5—guide the lending of capital, encourage thrift among the people, according to State policies;
- 6—manage public assets;
- 7—build schools and guide movements for eradicating illiteracy and complementary education;
- 8—manage clinics and birth centers, guide movements of hygiene to prevent disease;
- 9—push ahead strongly the work of propaganda, spreading information, ceaselessly raising the level of political awareness of the people, defeating the psychological warfare of the enemy;
- 10—manage labour and the work of social welfare;
- 11—take care of security and protection of public assets, build and grasp hold of the self-defense forces of the commune and village. Guide the battle, serve the battle, choose troops properly according to policy and implement security and military tasks according to the guidance of the higher level;
- 12—manage the work of essential record-keeping;
- 13—conduct the work of justice in the commune;
- 14—cooperate with the mass organizations, supervise the *bralong branang* (labour competitions), and look for good people who work well in order to build the ranks of cadres in the commune;
- 15—manage other work which the higher level hands over (quoted in Slocomb, 2004: 13-14).

Other local administration reforms took place in late PRK period. Until 1988 the commune was reorganized with slight changes to the 1983 law. In the commune that had party branches, the commune People's Revolutionary Committee stood under the leadership of the commune Party branch, and the District People's Revolutionary Committee. And in the commune that did not yet have Party branches, the committee stood under the leadership of the commune core group and the District People's Revolutionary Committee. Furthermore, the law assigned the commune the task of strengthening one or two villages by making clear plans at village level. Another circular was concerned mainly with security and the specification of development plans and the management and good use of the commune budget (Ibid., p. 16). Another turning point of the local organization was the demarcation of the commune in 1986 during the Vietnamese occupation. It was during this reform that the number of communes increased to the current 1621<sup>12</sup>communes/*Sangkat*.<sup>13</sup> The main reason for the increase was security, enhancement of economic activities, and recruitment of militiamen (Rusten, et al., 2002:

<sup>12</sup> The number of communes was counted differently. It ranged from 1279, 1300, 1337, 1359, 1373 communes throughout the country in early 1980s (Slocomb, 2004: 11).

<sup>13</sup> Today commune (*khum*) is used for the local administrative and territorial division in outer provinces while *Sangkat* refers to the administration and territory of the same level in the municipalities.

68). Likewise, in the wake of the April 3, 1989 Constitution introducing the “State of Cambodia” elections of commune/*Sangkat* chiefs were required, but only one election was held under this law as there were political dispensations given over the appointment and dismissal of commune chiefs (Bautista et al., p. 3). These events were the last reforms of the commune organization during the communist regime.

Post-colonial administrative elections never brought much success. In 1959, even with the release of a *kram* in order to reorganize the commune by restoring the local election, democracy was not really handed over to the citizens. The provincial officials still, to a certain extent, named local authorities. In other words, the proposition was still inapplicable. What happened in subsequent regimes was more remarkable, especially the reorganization of the Party Committee at the commune level, even though it was a means to meet the central government’s requirements. Several reforms appear to reflect how successful the commune’s performance of tasks has been. And the only election of the commune/*Sangkat* chiefs in 1989 marks a failure of a government which was unable to implement the law it had passed.

## **7.2 Local Administration These days**

This section contributes to the overview of the local administration today and the difficulties in the implementation of decentralization plans. At present, reorganizing local government is one of the government’s decentralisation policies. And according to several research reports by both state departments and private research institutions, the local governance movement today is developing at a snail’s pace. This part of study discusses some more of the issues involved.

### **7.2.1 The *khum/Sangkat* Structure**

Like in the colonial era, the structure of the *khum* is formed by a *mekhum* as head, *chumtup* and *krommakar*. The number of councilors in each commune ranges from 5 to 11 (Mansfield et MacLeod: 2004: 5) according to the number of people and size of territory. However, the actual number is determined by sub-decree on the proposition of the Ministry of Interior, and so will change according to demography and geography (article 12). Demographically, there are 5 councilors for a commune with between 3000 and 5000 people, 7 councilors for a commune with between 5001 and 7000; 9 councilors between 7001 and 9000; and 11 councilors for a commune with more than 9000 (Rusten et al, 2002: 69).

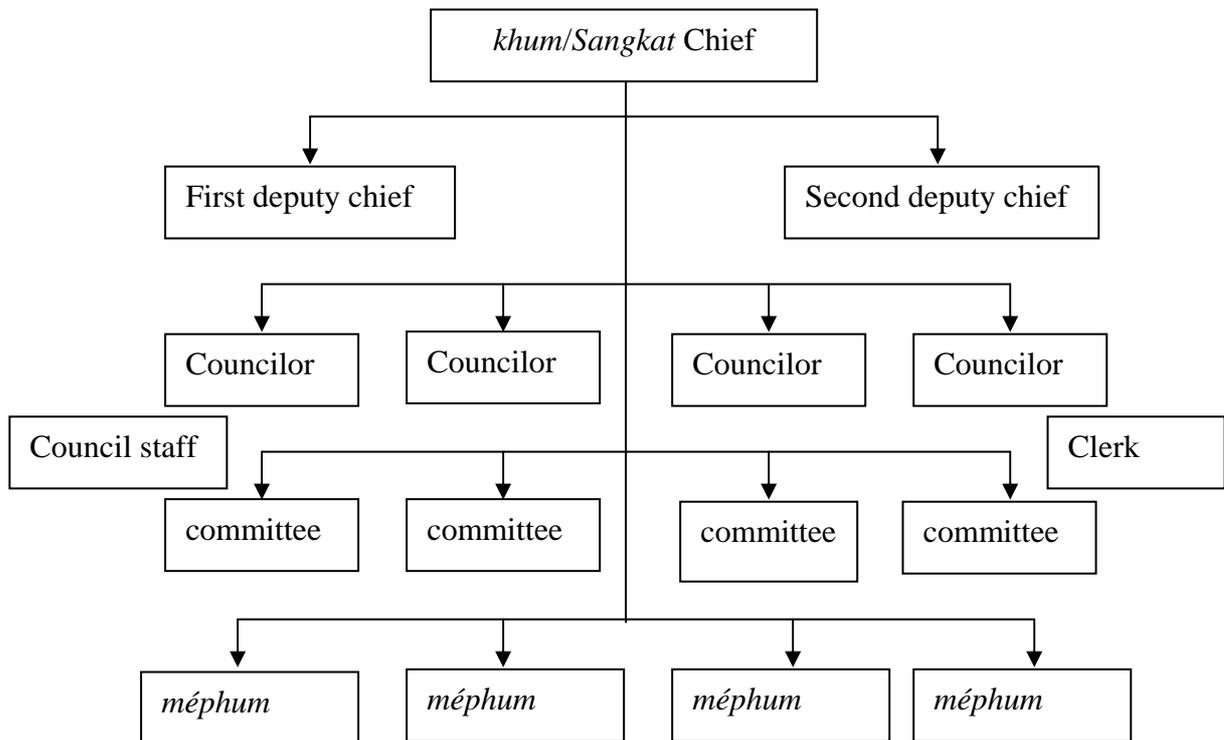
The first meeting of the commune council legitimates the membership of the elected councilors. It must be convened within 14 days after the announcement of the official results of the election. It is presided over by officials from the Ministry of Interior in order to declare the validity of the councilors, presiding commune chief, commune chief, and deputy chiefs (article 19).

In order to guide the development in the locality the council must meet regularly to discuss relevant issues. They must meet at least once a month at its office or any other place if necessary. The meeting must be held in public and democratic manner, but may also be held secretly, without the presence of the public. A meeting shall be valid only if the absolute majority attends it. The absolute majority of votes is adopted for the decisions on *khum/Sangkat* development plans, budget, the imposition of local fiscal taxes, non-local fiscal taxes and other service charges, internal rules and regulations of the *khum/Sangkat*, or any other matters prescribed by the Ministry of Interior (chapters 21-23).

The *khum/Sangkat* council, governing all the *khum/Sangkat* administration, has a presiding councilor, who is the *khum/Sangkat* chief (*mékhum/chau-sangkat*) (article 25). He has two assistants as follows: in the provinces one first deputy chief (first *chumtup*) and one second deputy chief (second *chumtup*) while in the municipalities they are called first *chau-Sangkat rorong* and second *chau-sangkat rorong*, respectively (article 26).

As far as the structure of the commune administration is concerned, article 40 of the law provides a clue to understanding. It indicates that the *khum/Sangkat* deputy chiefs are assistants to the *khum/Sangkat* chief in performing duties assigned to them by the *khum/Sangkat* chief and shall act as chief, in hierarchical order after the *Khum/Sangkat* chief. The deputy chiefs are assigned with duties as follows: the first deputy chief shall assist the chief with financial and economic affairs, and the second deputy chief shall assist the chief with administrative and social affairs, public services and public orders. The chief may also assign other additional duties to the deputies if necessary (article 40).

**Table 7.2.1-1: The *khum* Council Structure today**



Source: Mansfield. C. and Kurt MacLeod (2004)

Each *khum* has a chief who acts as a presiding *khum* councilor. S/he has two assistants—first and second deputies—who come from the elected councilors, and a clerk. The chief may also appoint advisory committees to facilitate specific issues (Mansfield and MacLeod, 2004: 6).

The clerk is an educated man appointed by the Ministry of Interior. He is part of and paid by the ministry and is assigned to assist the affairs of *khum/Sangkat* and to ensure the sustainability of administrative affairs of the *khum*. The clerk can be changed by the request of the *mekhum* following the decision of the council (article 28).

Additionally, to facilitate the tasks of the *khum*, another assistant to the council is the village chief (*mephum*). Article 30 states that in order to uphold the effectiveness of the local administration, the *khum* council shall have a village chief in each village under the *khum/Sangkat*. And in turn the village chief appoints one deputy and one member as assistants. Both the former and the latter have no mandate, and the Ministry of Interior issues guidelines relating to the village chief such as candidacy, appointment procedure, and change. Regarding the duties, article 31’s provision is that the village chief has the following duties: 1-implement duties vested in him/her by the *khum* council or chief to ensure security, public order and social and economic development in the village; 2- raise

recommendations to the council on matters relating to the interests in his/her village; and 3- seek advice from the *khum* council or chief to manage and facilitate affairs in the village.

### **7.2.2 The Election of *khum* Council Today**

Article 15 of the LAMC states that *khum/Sangkat* council shall be elected in accordance with a system of proportional representation. According to the election law of *khum*, the elections must be general, universal, free and fair, and just, equal, direct, and carried out by secret ballot. The people of both sexes who are 18 or over have rights to vote for the local councilors. Some monks also participated during the election. It is conducted using a proportional system where seats are allocated based on the proportion of votes received by contesting political parties. All councilors are selected from political parties' candidate list in a sequence starting at the top of the list. The seats are allocated according to the results of the elections (Mansfield and MacLeod, 2004: 6). And the number of councilors is determined by sub-decree.

The selection of councilors, hierarchically, follows the number of votes each party received and starts from the top of the party candidate list. The presiding councilor of a *khum/Sangkat* who is the *mekhum* is selected from the candidate at the top of the candidate list that received a majority of votes. S/he shall have equal mandate with the council (article 32). The first deputy chief is the candidate at the top of the candidate list that receives second majority of votes. The second deputy chief is the top of the candidate list that receives third majority of votes. It is interesting to see how the process of selection worked in practice in the context of Cambodian local administration, in summary that

In practice, 99% of commune chiefs are from the CPP, one percent from Funcipec and none from the Sam Rainsy Party. A typical commune would have a CPP commune chief, a Funcipec first deputy, and in communes where the Sam Rainsy Party is represented, the second deputy would be from the Sam Rainsy Party (Rusten et al, 2002: 68).

The proportional representation system favors the political party rather than individual candidate. People vote for the party which they prefer. And in this context, each political party, prior to the election, makes a list of candidates within its own authority. Therefore, it is the political parties which look for the individual favorable to them. This mechanism, in some cases, brings about dilemmas for the elected councilors in

terms of whether the interests of the people or the party should have priority because they are selected by the party voted by the people in theory.

### **7.2.3 The Roles and Responsibilities**

Reestablishment of local government within the decentralization framework aimed to promote the decentralization process by vesting some power, roles and responsibilities to local administration. The administrators at this level are supposed to represent both the people in place and the state itself. They are performing their functions not only for the well-being and development of the locality, but also to facilitate the government's implementation of law and order.

The elected councilors are assigned to a range of roles and duties in which they need to function well. Article 39 states that “A *khum/sangkat* chief shall perform the following roles and duties: 1—implement the decisions of the *khum* council; 2—implement rules and principles received from the commune council; 3—prepare reports on work performance to his/her council at least once a month; and 4—make recommendations and assist the *khum/sangkat* council in preparing planning, finance, and the implementation of roles, functions and powers of the council and other affairs assigned to him/her by the council.” Simply speaking, the commune councils have two types of roles: local commune affairs and as an agency of central government. The first function is to serve local affairs for the interests of the commune and citizens, including maintaining security and public order, managing necessary public services, encouraging the well being of the people, promoting socio-economic development, upgrading living standards, protecting the environment and natural resources, building up mutual understanding and tolerance among people and responding to people's needs in conformity with the state's general policy (Mansfield and MacLeod, 2004: 6; articles 42-44). The second role is to represent the state. This means that all the work of local authorities must comply with the law and regulations.

According to field research on commune administration, the function of local councilors corresponds to the roles assigned by law. Their common task is to disseminate information related to development and other advocacy activities from the government to the people. The councils assign a certain number of villages to each councilor so that s/he can directly liaise with those villages for development purposes such as constructing and repairing roads, wells, water-gates and schools, engaging in small-scale irrigation projects, promoting hygiene by building health centres, and conducting advocacy training

on gender, agriculture and health care (Rusten et al., 2002: 74). Such development activities are needed to enhance the people's well-being and living standards.

Each councilor is responsible for part of these activities. The chief is responsible for overall supervision of the commune. The first deputy is responsible for agriculture, economics and collecting data for possible use in development schemes, whereas the second deputy is in charge of public works, social order and security (Ibid.). These councilors work cooperatively for the development of the commune and the state.

A huge number of services are now required by law to be managed locally, due to the government's decentralization and deconcentration policy. It can be summarized that "the communes,..., are responsible for duties that are relevant to the overall management and development of improved livelihood for the people, which includes security and public order, protection of the environment and natural resources, promotion of social and economic developments, general affairs of the commune, and the required public service delivery, including administrative services such as civil registration. These service delivery responsibilities of the communes are very broad and cover most sectors including roads, small infrastructure projects, irrigation, school building, and maintenance of public properties, but exclude the education and health sectors. The commune's roles will increase to include responsibility for planning, and implementation and monitoring of educational services, as new roles and responsibilities are further defined and delegated to each level of government..." (Ibid., pp. 99-100). These responsibilities may lead to local development if they are implemented in the spirit of the people's interests.

The roles and responsibilities regulated in the laws are clearly assigned to one individual and a group to facilitate their implementation. However, the roles are not clear-cut in reality for several reasons. Firstly, the commune officials do not really understand their roles. Secondly, not all councilors are usually at the office, so those who regularly are at work share the tasks, especially the chief and deputies. Finally, absence of expertise in decision-making has led to joint responsibility for the work among councilors (Ibid., p. 75). The low level of education of most councilors is a danger which can lead to misunderstanding of the roles, and can limit activities. This is the core reason for other negative factors, namely absence of regular attendance at the office and lack of good quality decision-making, apart from the unwillingness of the State because decentralization was initiated by the donors, not by the Cambodian political actors themselves.

#### 7.2.4 Advisory Committees

Article 27: A *Khum/Sangkat* chief shall have the right to appoint various committees to provide advice and to assist affairs, as is necessary. Any councilor or any citizen, other than councilors, who is entitled to vote, may become the chairman of the above committees.

Advisory committees can be appointed to facilitate the real issues to be solved. They might come from the commune council, citizens, or NGOs who have the expertise needed. For instance, if a health issue arises, the chief may decide to appoint a committee to solve and give recommendations on the issues. And the doctor or nurse, or even NGOs who are working in the same sector can be assigned as members (Mansfield and MacLeod, 2004: 6). The commune chief as needed to deal with specific problems initiates such a committee.

Another committee that is of importance for the development of the villages and their sustainability is the Village Development Committee (VDC). Villagers elect its members. Typically, the number of members, including women, varies from three to five who are literate and committed to working for the development of the village or community. The role of the VDC is to encourage people to be active in development projects, such as mobilizing people for meetings, disseminating information on development and helping to raise local contributions for development projects, even though VDC members are not authorized to make decisions. That is, they have to consult with the village chiefs. Apart from ensuring sustainable rural development, they work under the direction, administration and management of village development activities. It is the main agent of the commune council at the village level, and a part of the planning and budgeting committee of the commune on which two VDC representative sit. There are approximately 8.000 VDCs among the 13.694 villages in the country (Rusten et al., 2002: 83-84). They work closely with other committees that are established for the same purpose.

In each commune, there are two key sub-committees set up to help facilitate the work of the community. One committee is called the Planning and Budgeting Committee (PBC). Its members include the commune/*Sangkat* chief as head, three representatives from among the commune council members elected on their abilities, two representatives of village authorities from each village chosen by the members of the council, between two and four ordinary citizens of both sexes selected by *mékhum* and based on the total number of villagers, and the commune/*Sangkat* clerk as secretary (Ibid., p. 75). The core responsibility of PBC is to study the demands of the people by mobilizing them to meet

for development planning, disseminating information from above like the commune council, raising local contributions and writing a development plan (Ibid., p. 76). It cooperates with the other sub-committee.

The other sub-committee of the commune is the Procurement Committee (PC). It is headed by the commune chief and consists of all the village chiefs from the villages that have projects, and the VDC members. The committee gets technical support from TSS (Technical Support System). However, the membership is different in some parts of the country. For instance, in Kompong Speu province, the PC is composed of a commune chief as head, commune deputy chief as member, and the clerk as secretary. The key responsibility is to assist the commune council to organize the bidding process and supervise construction projects, and it is automatically dismantled afterwards (Ibid., p. 76). PC is a kind of adhoc organization which is useful for the project's duration only.

All committees are advisory to the commune council for the development of the community. They are supplementary in order to achieve the objectives of development policy under the guidelines and help of the councilors, especially the commune chief, and with the technical and financial assistance from national institutions and other NGOs working towards decentralization.

### **7.2.5 The *khum/Sangkat* Fund and Budget**

Within a decentralization framework, the commune council is provided not only with power to decide community development, but also with a budget/fund. In order to improve the well being and livelihood of people, the central government delegated power to the local government to help prioritize development project corresponding to the people's demands. Along with the delegation of administration authority, the commune can have its own budget/fund. Article 73 of the LAMC states that "A *khum/Sangkat* must have its own financial resources, budgets, and assets."

In principle, there are many sources of commune/*Sangkat* funds. One of those sources is directly from the community itself through taxation. Article 74 of the commune administration law states that

A *khum/Sangkat* shall have the right to collect direct revenue from fiscal taxes, non-fiscal taxes and other service charges. The above shall include land taxes imposed on immovable properties, and rental taxes. In the case that the Ministry of Finance and Economy collects the revenue of commune/*Sangkat*, this collection shall be conducted in the name of *Khum/Sangkat*. A separate law shall establish categories, degrees, and manners in which the above fiscal taxes, non-fiscal taxes, and service charges are collected.

Also, the fund can be accumulated from various sources such as from state revenues, grants and loans from domestic and international sources (article 78).

In reality, the commune fund is always supplemented by other sources of funds. Beside private donations, and NGO funding, some money is derived from political parties (Rusten et al., p. 80). Three main sources of funding for the commune can be summarized as: 1—grants from the national revenue; 2—fees from civil registration and other appropriate fees and payments delegated by involved institutions; and 3—own sources of revenue through the collection of taxes, non-taxes, and service charges (Ibid., pp. 110-111). Many institutions dealing with decentralization policy get involved in providing advocacy, including finance for the local developments.

Among the sources of funding, the government that attempts to make the commune survive financially, on its own, still plays a role in providing funds. In 2003 in principle, the contribution from the national revenues should have been 2% in 2003 and 2.5% in 2004, while donors are supposed to contribute 16% of the total C/S Fund. However, the budget in reality fluctuates according to the national economy (Ibid., p. 69). Furthermore, in the absence of commune banks, the CSF is kept in the provincial treasury (Ibid., p. 114). Because the commune fund comes from the national budget, this means that central government financial influence is still involved in community development.

All funds are allocated for administrative payments and for development projects (Ibid., pp. 114-115). For the development in the locality, the revenue resources are from a higher level, especially the provincial treasury and others which are involved in development such as the Departments of education and health, agriculture and rural development. Besides, funds are also donated from political parties and rich households who tend to gain merit from such charitable activities (Ibid., p. 106-109). In terms of funding, political parties explicitly tend to get involved only with the commune which has close relationships with the central ministries and political parties for political purposes (Ibid., pp. 111-113). The amount of C/S funds spent on development projects is much higher than what is spent on administrative work.

The preliminary objective of the C/S fund is threefold. The first is to create ownership and responsibility of the elected councils for the development of their localities. Another is to reduce developmental differences between jurisdictional areas. Third is to provide incentives for local capacity building of the elected councilors in performing the roles (Ibid., p. 114). These objectives reflect the ambition of

decentralizing local development through elected councilors, most of whom still need capacity building training.

Even though each commune can create its own budget, it does not mean that the funds automatically flow into the hands of the local authorities. To access the funds, the commune has to follow the procedures outlined in the *Prakas* (proclamation). This includes the process of participatory planning, budgeting, and the implementation of projects. Besides, mobilization of local contributions both in cash or in-kind must match the national grants. The identified development needs are actively participated in by at least 70% of households (Ibid., pp. 115-116). The procedure to access funds is likely to train both councilors and citizens to get involved gradually in their own development, and then they can implement their own ideas, without the support from above.

The C/S fund is managed by a yet to be appointed Board. According to the sub-decree on commune/*Sangkat* Financial Management, CSF is to be managed by the CSF board tasked with several roles: advising the government on how much of the national revenue should be allowed for the CSF, mobilizing and monitoring other sources for the CSF, issuing guidelines and regulations necessary for the management of CSF on behalf of the royal Government of Cambodia, deciding on annual plans for allocation of the CSF to each commune/*Sangkat*, and directly following the progress and flow of fund transfers to the C/S. However, the CSF Board has not yet been established, and thus the annual allocation of funds is performed by the Seila Task force (STF, an institution working on a variety of development issues such as local governance, poverty alleviation, development of decentralization and deconcentration) (Ibid., pp. 115, 48).

As we have seen, each commune has its own budget, but the funds cannot be allocated if the commune fails to fulfill the legal requirements to access them. Several sources such as national revenue grants, donors, and local contributions nurture the CSF. Apart from that, the CSF in principle is to be managed by a Board, but unfortunately this has not yet been established.

#### **7.2.6 The Achievements**

After the March 2002 local elections, a number of positive changes have been noted. Prior to the election, the appointed commune chiefs administered the communes as representatives of political parties while for the time being the elected councilors were from more than one party. The regular meetings of the councilors are well thought of, and the decisions are based on consultation with one another rather than the chiefs' own point

of view only. Additionally, the commune's own order, *decca*, is another clue in addressing the commune's problems; i.e, not just implementing the legislation from national decision makers as before. Another point is that the roles and responsibilities of individual councilors are more clearly defined. Capacity building is a major concern, and the relationship and cooperation between the commune councils and people or other stakeholders is firm (CCC, pp. 11, 25-26; workshop on 25/03/04). All these advances are regarded as a result of decentralization. Apart from that, other achievements are worth noting. Fieldwork research indicates that even though the councilors may not be able to respond to people's demands, they listen to all demands and concerns. In other words, they appreciate the voice of the people. Another point is that the influence of democratic processes forces the councilors to distinguish between private and public interests. Likewise, local leaders were motivated by decentralization to work hard for the community even though they have shouldered a heavy responsibility, are often blamed, and not given tangible benefits from the central government or the community (Rusten et al., p. 75).

### **7.2.7 The Challenges to Local Administration Development**

Although there were many successes, some unsatisfactory events also took place along the way. Dependence on instructions from upper levels is still apparent regarding what they should do, and commune chiefs are still influential in collective decision-making. Furthermore, the voice of minority parties is silenced vis-à-vis the majority party. Besides, most commune chiefs find it difficult to overcome the authoritarian style they were used to. Another challenge is the lack of accountability to constituents with whom whom the council rarely consults. Sometimes, they do not have the commensurate authority to enforce their own orders, *decca*. And training is still important for local officials (CCC, p. 11). These are the major obstacles occurring on the rough way to the progress of decentralization.

Many councilors are reluctant to act. Sometimes they are aware of their own responsibilities, but they are however reluctant to implement them because the decentralization mechanism is new to them. They need help from DFT and district officials, PFT. The latter do not control them, but instead the councilors count on the support of the upper levels (Rusten et al., p. 75). One of the upper groups working closely with the local administration is DFT (District Facilitator Team), which helps to facilitate

processing local development projects. Members are from the district level administrators, including

... a deputy district governor, senior staff in the district office, or staff/head of a technical office at district level. Hence, the DFTs are civil servants and on salary supplement from PLG [Partner Local Governance]. The role of DFT is: i). to conduct training courses for commune councilors; ii). help to organize project bidding processes; iii). help to digest comments in order that commune councils can make informed decisions; iv). monitor and participate in development activities carried out by the commune councils and also attend meetings in the villages; v). help the commune councils to collect and analyze data for use in development work; vi). assist the commune clerks in writing reports; vii). act as a facilitator during a District Integration Workshop (DIW), making sure that the commune councils formulate their development plans properly before they are forwarded to the ExCom; viii). give advice to the councils on collecting local contributions; ix). disseminate information from district offices or PLG to the people and x). help commune councilors to do a matrix for economic development projects (Ibid., p. 79).

Another challenge is the political influence which occurs, interrupting the decentralization development. It is argued that the people who belong to the party that holds the majority are the first to receive assistance, and they receive assistance more frequently than non-party members. For instance, the commune councilor belonging to party A does not tend to assist the people in party B (Mansfield and MacLeod, 2004: 24). To some extent, the councilors have not yet detached from the political affiliation to which they are linked. This might be linked somehow to tradition of autocracy in which they had been trained. Mansfield and MacLeod (p. 26) added that

The main challenge of the leadership is that councilors are unprepared for the transition from an autocratic to a consultative management style. Council chiefs often fail to make information public, keeping reports at home and not sharing them with other councilors, particularly those representing opposition practices.

The commune councils have also been facing the issues of corruption. This happens among the councilors and the commune clerks. There are also reports of councilors getting corrupt police officers transferred out of their communes (Ibid., p. 15). What is more, it is realized that more than a year after the Feb 2003 election, power has not yet been transferred to the commune councils, and the clerks appointed by the Ministry of Interior are also sometimes corrupt. They charge citizens more money than what is required for birth certificates and other documents, and take the stamps home. This issue is acknowledged by the Department of Local Administration (Dola) (Kuch Naren, *Cambodia Daily*, 2003, p. 13). Corruption is still rampant even if it was supposed to have been eliminated by the French a century ago.

The low level of education among the commune councilors is challenging the development of decentralization. Lack of technical competence is one of the reasons which make the commune seek advice from DFT and the district governor for larger-scale development projects (Rusten et al., p. 75). Thus, capacity building is vital. The training focuses mostly on roles and responsibilities, planning, budgeting, general management and financial management. Sometimes the same topic is reiterated for clarification (Mansfield and MacLeod, p. 9). Even though the low capacity of most of the councilors is acknowledged, much work still falls to them. Rusten et al. (p. 69) stated that

Since the commune is short of administrative staff, the councilors themselves do executive work. Hence, the Cambodian Commune can be described as a one-legged body, which is a *legislative*, an *executive* and *monitoring* body. In other words, the councilors are entitled to make their own by-laws; they do executive work, and they perform their own quality control of projects. This is an important feature of the Cambodian commune council. Issues of accountability are likely to be difficult to maintain for this reason.

Besides the capacity building for the councilors, people's awareness should also be raised in order to gain their active participation in the process. Sometimes people do not really understand the term *decentralization* (interview with commune officials, Radio FM 102, 30/08/03). They will not attend any development meeting unless they know how important decentralization is to them. Some people say that they do not need to participate and say things at meetings because the councilors know everything already, whereas others would say their presence is not essential due to the fact that the participants can decide by themselves. People's understanding about the commune council is limited. Sometimes they are not even familiar with the term itself. This affects their participation in development meetings (Mansfield and MacLeod, 2004: 28).

The main challenge to decentralization, financial, is critical right now. Along with the C/S fund, the flow of commune funds from the treasury is too slow. (interview with commune officials, Radio FM 102 27, 30/08/03). Only 2 to 2.5 % of national revenue is allocated to the C/S fund. Even though this is a small amount, the transfer does not come at the agreed time or when required. This problem is exacerbated by the small amount of independent commune sources of funding. As one commune councilor indicated, civil registration is the only source of revenue for the commune (Ibid.). In principle, the communes are authorized to collect fiscal and non-fiscal taxes, but this does not happen in practice. The failure of implementation arises for several reasons. The first one is the capacity of the commune administration and lack of well qualified staff which causes

dependence on the higher levels. Another one is the poor capacity and willingness of the national government. Several proposals on the issue still rest at the national level. But the law on local administration does give a framework for taxation. It allows the commune to collect land taxes, taxes on immovable properties, rental taxes and user charges. Further, potential taxes include unused land, taxes on means of transportation, taxes for business licenses, slaughtering taxes, a betterment levy, entertainment taxes, and shared taxes on turnover and VAT (value added taxes), and fees for services (Rusten et al., 2002: 97-98). Local fund generation is necessary for the sustainability of local government development.

In other words, the communes today are still limited in their tax collection, so they have little financial autonomy (Ibid., p. 94). In the same way, some taxes and areas are allocated to central and/or provincial staff, and some by districts, or private companies. Additionally, the mechanism of collection is obscure (Ibid., pp. 124-128). This lack of funding and cooperation from people need to be fundamentally improved (Slocomb, 2004: 20) in order to strengthen local development.

The lack of people's awareness is an obstacle to local development. It is realized that it is difficult for the commune to convince people to participate in civil registration because they do not understand its importance. Another challenge is collecting local contributions and organizing the bidding process for development project contractors. Due to their poverty, most the councilors are not willing to work or stand as candidates because they have to work outside for their living (Rusten et al., p. 94). A study shows that 65-70% of the villagers attend the planning process. However, some of them are still confused about planning while others know nothing about it. Some people still participate in prioritizing the demands of the villagers (CCC, 2004: 28). In fact, this kind of challenge confronted the French colonists a century ago when they tried ambitiously to introduce decentralization through local elections across Cambodia. However, it realized its failure and started to adjust to the real circumstances. One century later, Cambodia is still confronting the same issue of people's lack of awareness and unfamiliarity with basic terms such as when a commune candidate said, "I have never heard about decentralization before. What does it mean?" (Se and Vong, on line).

Decentralization development is certainly moving slowly for several core reasons. The high expectations and demands placed on the commune councilors and their inability to meet all these demands at least in the short-term, is part of the reason for the perception that the decentralization process is moving too slowly. Ambition to achieve

decentralization in a short time is impossible with a lot of work still to do. Under the concept of decentralized government, the commune councils were conceived as a necessary means of initiating and promoting village communities and economic development. The commune councilors are expected to mobilize financial and human resources, build development infrastructure, take up production-oriented projects in agriculture, and improve or provide basic amenities such as drainage, hygiene, and educational facilities (Rusten et al., p.74).

Another argument is that most of the commune chiefs have been in power since the 1980s and had their relatives in power in the 1950s and 1960s. Thus the hierarchical system is embedded in their thinking. Another reason is the capacity for implementing the law or *prakas*. Most councilors have only primary education, so they have difficulties understanding even the decentralization process, which is different from before when they merely exercised orders. For this reason, training in various issues such as the shift to decentralization, budgeting, and planning is inevitably needed. However sometimes the training makes them more confused because of the broadness of the training or inability of the training providers to elaborate on the course subjects. And sometimes it is just not the right training for the officials to develop their commune (Ibid., pp. 77-79). Thus the decentralisation process is moving on a rough track, which is improving gradually as far as circumstances permit.

Challenges do not mean that the process has failed. On the contrary, it is important for the stakeholders to guide their people in an appropriate way. More than that, success would not happen at all if no effort was made on the way. Even though it is not an easy task to accomplish, it does not mean that the possibility of accomplishment is remote.

## CHAPTER 8

### CONCLUSION

Cambodian local administration seemed obscure before the advent of the French protectorate. A traditional chief, *mésrok*, was clearly in place, in a designated proportion of territory, to help the administration above. He worked as an assistant to the delegate from the court to collect taxes, and as one responsible for what was going on in the village. However, the structure of the local administration was not standardized.

The watershed of 1884 sheds some light on how the local administration had been operating. It is very likely that the government at this level was not sufficient for the colonization attempt of reforming the colony within the framework of reforms proposed by general governor Thomson. Beside from the changes in economic and financial fields, Thomson suggested establishing a commune system in Cambodia.

According to the actual circumstances and demands, the roles and structure of local administration were adjusted in series by the O.R. of 1889 and more precisely by that of 1892. By these ordinances a varied number of deputies were nominated around the *mésrok* according to the importance of the *srok*. Moreover, these defined the functions of those officials such as reception of royal delegates, publication of the royal ordinances, mobilizing people for warfare, and maintaining security. Additionally, they stated the incentives for those officials who functioned in accordance with the regulations. As before, they were provided a portion of fines collected and exempted from tax on a quantity of paddy they produced.

The points of the ordinances were gradually applied to the whole country. Up to 1897 in the province of Pursat the system was proposed for their local organization. This means might be true for the assimilation into other areas of the Kingdom. Local administration developed over time. The royal ordinance of 21 June 1901 dealt with the provision of authorities to the *mésrok* to levy personal taxes on Cambodian and creation of a *conseil de srok* in each village comprising a *mésrok*, *chumtups* and two notables. The structure was getting clearer from time to time.

Even though the organization of the basic administration was evolving, up to 1907 it had not yet had a concrete regular office to fulfil. It is clear that the Prime Minister (*Oknha Braseisoreisak*) at that time suggested the King establish a *salakhum* (mairie) to operate local administration in each *khum*. The idea was following what was called *la mairie* or *l'hotel de ville*, in France, where the local councilors or people could meet for

the public purposes or interests. Due to the fact that, as the prime minister said, we were children to the French, we needed to imitate the father or mother. The proposition was humiliating for the prevailing local organization.

So far, however, democratic elections of local chiefs were carried out somehow in some parts of the country. Especially, from 1897, the beginning year of M. Paul Doumer as general governor of Indochina, elections of the *mésroks* served as lessons for democratizing the local people. During 1897-1907 male people were occasionally mobilized to vote for their leaders whose positions were validated by the provincial governors. This was regarded as a kind of *consensus* between the farmers and the governors in nominating local leaders.

For the time being, elections of local administrators were clearly prescribed by the ordinance of 5 June 1908. This date was a watershed for the local administration reforms. With the King's support for modernizing Cambodia, the French tended to standardize the local administration with a clear system and structure. The *khum* was clearly defined as a basic administrative and territorial division of the country below the province. It was governed by a clear structure of organization composed of a *mékhum*, a number of *chumtup* and councilors according to the importance of the commune. The *impôt personnel* payers elected them all.

Besides, how to proceed with the election was also precisely stated. Those who paid the *impôt personnel* voted for the commune councilors. The latter elected among themselves or from outside a chief, *mékhum* who in turn chose his deputies from among the councilors. They were all fixed to a four-year mandate, but could be reelected.

Another point was about the roles of the commune officials. The chief was responsible for overall control of the commune, and assisted by his deputies who took turns to replace him subsequently. What is more, the deputies replied to all the *mékhum*'s orders and advices. The other parts of the ordinance covered the punishment of local officials who persisted in defying the law and destroying property of and resources of the *khum*.

The promulgation of the ordinance was successfully released because there was no opposition to the idea of creating the *khum*. Interestingly, no evidence has been found to prove antagonism against the point of view of the establishment of the commune from both political and public arenas. Around 1908 there was no rising against the French as for the issue of publication of the ordinance. Usually, the religious groups, particularly monks and former monks, who were influential and cared for the Khmer culture stood up

to fight against those who likely tended to destroy the tradition. For example, monks played the most important roles in fighting the Vietnamization mission in the 1840 (Chandler, 1996b: 126-134). Likewise, during the French protectorate former monks who preferred traditional way of governing the country rather than the French led the uprising in 1867 and in the early 20<sup>th</sup> century in the case of Battambang. However, there was no interruption to the promulgation of the ordinance in 1908.

Revolts were in fact prevailing since 1907 up to 1916, but they were not likely motivated by the idea of the creation of the *khum*. Specifically, in 1907 when the French delegate departed to control the western provinces ceded from Siam, the revolts came about to protect the presence of white administrators. In other words, they preferred their traditionally hereditary governor. Up to 1912 the uprising prevailed on the same purpose. In other provinces the case was similar. For instance, in the northeast regions where the minority tribesmen lived, seriously fighting against the French erupted. The reason behind was the French attempt to civilize these indigenous people who desperately loved their tradition.

However, in other areas, uprisings were motivated by the corruption of local administrators or huge demands from the central government. When land ownership was introduced in the early 1910s to tax every item in place, the local officials especially, *mékhum* taxed people more than necessary or against the law. For this reason, people revolted for fairness. Similarly, in 1916 thousands of people approached the King to petition the overwork demanded by the French to construct roads. Therefore, we can conclude that revolts or uprisings were really happening around these striking years, but motivated by other reasons rather than an idea against the establishment of the *khum*.

From the argument above, one question poses itself, why there was no opposition to this idea? The most possible answer is that the local administration instituted by the 5 June 1908 royal ordinance was not completely new to the public or the administrators. As mentioned earlier, the idea of creating a proper local administration for Cambodia by following the Vietnamese system had been underway since 1884. And it evolved over time for more than two decades until the promulgation of the 1908 ordinance. During this evolution period, and perhaps before that, the administration must be assimilated to the public to a great extent.

After the issuance of this ordinance, the local administration continued operating and applying its written points. One of those obligations was to conduct local election in the following years. The attempt to hold elections in all *khum* throughout the country on

the same day failed, in the French perspective, due to the fact that agricultural harvest would be different from one place to another. Therefore, the elections could just take place, separately, according to the leisure of people determined by the provincial *résidents*. However, there should be some other reasons beyond that. One of those was the poor administrative structure responsible for the local election. In fact, the number of communes in each province was much more than the number of provincial authorities who were responsible for the elections. Typically, an election committee in each *khum* comprised a delegate or governor from the province and his assistant, two old people from among the voters. The provincial administrators numbered between 5 and 7 only, so how could this small number could be responsible for the elections in more than ten or even up to hundreds of *khum* or polling stations in their province? For these reasons, the local elections were conducted separately from one place to another.

During the election, there were reports about influence of the ruling *mésrok/mékhum*, provincial officials, or even the *résidents*. These events happened somehow to interrupt the democratic process of election. And sometimes the nominations was contradictory to the result of the election; i.e. those who received less votes were nominated as *mékhum* while those who received the most votes, but had no network were rejected. Such event really happened within the period of the study.

Local elections took place all along one place after another. However, some provinces had never proceeded with such elections, indeed, during the four year mandate of the commune councils and *mékhums*. During this term, local administration experienced both success and disappointment. In terms of functioning, some local officials worked very well while the others did not. Some were corrupt, illiterate, too old. Many cases of corruption by *mékhum* have been found, in a way of cheating people and exploiting the State's revenues. Most *mékhums* were reported still illiterate and incapable or too old to carry out the tasks. However, some still ran the local administration smoothly on the track set up by the superior line.

The overall negative experience was the understanding of the system from both the people and local authorities themselves. Some commune councilors did not really understand how to operate their work for the profit of the public. And most of the people who were illiterate failed to be concerned about the local administration, and that was why their level of participation was low.

Still, in 1913 people's participation in selecting local authorities was somehow deterred by the central government. The expiration of the first mandate was due that year,

and the new term should be elected. However, according to the royal ordinance of 17 Sept 1913, the election was abolished in the villages where the chiefs and councilors were good while the bad or incapable ones were to be replaced by elections. The former could stay on the post till the age of 55, except for dismissal, death, or resignation. This decision accorded to the point of views provided by the local governors and *résidents*. As one *résident* stated

Number of the *mékhum* in the office is of extremely good agents. Why do we need to take risk in replace them with the incapable or bad ones (NAC, Rapport du Renouellement des mékhums et Kromchumnums, 1913, F. 14865).

Overall reasons were the difficulty of finding educated people to replace them, and in the minority tribe regions, replacement of their old chiefs was impossible.

Rampant corruption had much to do with the low payment for the local officials. They were not salaried, and given only a small amount of commission and incentives of their works. Indeed, they could not survive on their earning from the post by which they could not work outside for the family. Therefore, one possible way was to derive benefit from their functions to improve their living standard. In other words, unsalaried positions provided an open door to corruption.

From 1897 to 1919, the structure of the taxation process was gradually changing. Forest argued that before and after 1891, mechanisms of taxation were differentiated. Of course, the lowest administration was responsible by *mésrok/mékhum*, but the power to collect taxes was not given until 1902. Before the latter year, the *mésrok/mékhum* could only play a role as assistant to *Achnha Luong* and *mékong* going into the villages to collect taxes. As time went on, the number of taxing items increased from time to time, and local authorities were gradually involved in direct responsibility for taxation. For instance, from 1902 *mésrok/mékhum* had been authorized to collect *impôt personnel* from Cambodians. Until 1919, the power to collect taxes on rice, lands, trees, ponds, lake, *pontes*, pepper, etc, was given to the *mésrok*, who sometimes still worked with assigned provincial officials. Gradually empowering the *mékhum* to levy taxes corresponded to the increase in taxing items and more understanding of the *mékhum* on the mechanism.

French attempts to reorganize Cambodian local administration like what was existing in Vietnam met with limited success.

“Whatever efforts the French made to impose unity and utilize techniques in Cambodia similar to those used in Vietnam, the personality of the country and its people survived to maintain Cambodia’s distinctive character. Thomson’s hopes of developing institutions

similar to those in Cochinchina were never fully realized, even at a later stage of the protectorate. In Cochinchina the retreat of the mandarins left the French free to impose their administration down to the cantonal level. Even below this the control exerted over administrative affairs was considerable. In Cambodia, by contrast, the traditional administration from the King down survived as a parallel system alongside the French administration with its French officials and Vietnamese clerks” (Osborne, 1997: 274-275).

For this reason, several other modifications were undertaken for the improvement of control over the protectorate.

In 1919, eleven years after the creation in 1908, the local administration came to another turning point. The ordinance was modified. On 24 Sept 1919 another royal ordinance on reorganizing the Cambodian commune was officially issued based on what had been written on the 1908 ordinance. Some confusing points were simplified. For instance, the titles of deputies were changed by using Khmer terms and numbers rather than using the given titles to help people understand easily. Also, the number of councilors was reduced to a certain extent to avoid the ineffectiveness of work. The most important point of this reorganization was the establishment of *khum* budget. With this budget, the *khum* could facilitate the developments, employ extra staff, or buy necessary accessories to help the work if they wished. Interestingly, the elections of the commune councils were restored. In 1913, as mentioned earlier, the elections were partly conducted only. However, it was clearly written by the 1919 ordinance again.

After that, reorganization of the *khum* was made subsequently with slight changes. In 1925, another royal ordinance was proclaimed to reorganize the *khum* followed by several others, namely that of 1931, 1935, 1941, and 1943. Simplification was the core concern at each stage of modification. However, in 1943 with the release of 1 July 1943, the *khum* election was completely abolished. The commune council composed a *mékhum* and notables, not councilors as before, and *méphum* who were appointed by the provincial governor. This was the last reorganization of the commune during the colonial era.

Today the *khum* organization attracts the concerns from the Royal Government as well as international stakeholders under the ideas of decentralization development. The historical structure of the commune is restored by the general suffrage, even with political involvement in selecting candidates. The local main tasks are to develop the villages and law and orders. Some features such as the way of consulting among the local officials, dependence on the authorities up above, and massive participation are improving. Some obstacles are, however, threatening the local development. The main challenges, like what were addressed by the colonial administration such as illiteracy, shortage of budget, corruptions caused by unsalariedness or low payment are still prevailing within the local

administration. However, the stakeholders are seeking to work out a solution to all these challenging issues.

## BIBLIOGRAPHY

### Archives

Archives National du Cambodge (ANC), Phnom Penh  
Fonds du Résident Supérieur du Cambodge  
Bulletin Administratif du Cambodge  
Annuaire Général de l'Indochine  
Published works

Baudouin, F. (1919) *l'organisation de la commune cambodgienne*, Phnom Penh: Imprimerie de Protectorat. Box 438.

Silvestre, A. (1920) *Seavpov bongrean rottabal khmer (Le Cambodge administratif)*, Phnom Penh (in Khmer).

Simon (1919) *Seavpov niyay bi reachka khmer khang tulaka ning rottabal ngeaysroul breu (A book about Cambodian Royal affairs: the judiciary and the administration)*, trans. Oknha vibol reach sena (Mao), Phnom Penh: imprimerie du protectorat.

### Unpublished works

CCC. (2004) 'Experiences of Commune Councils in Promoting Participatory Local Governance: Case Studies from five communes,' *Special Research Reports*, Phnom Penh: CCC, March.

Edwards, Penny (1999) *Cambodge: the Cultivation of a Nation 1860-1945*, Ph.D Thesis, Monash University.

Im, Munichenda (2001) *The Evolution of the Commune Administration from the ancient time to the French colonial Period*, B.A. dissertation, Royal university of Phnom Penh.

Nhiek, T. *Chroniques Khmères: Règnes de Norodom Ier (1859-1904), Sisowath (1904-1927), Sisowath Monivong (1927-1941), Norodom Sihanouk (1941-1969)*, (unpublished memoir).

Rusten, C., et al. (2002) *The Challenges of the Decentralisation Design in Cambodia*, CDRI, monograph in progress.

Sorn, Samnang (1995) *L'évolution de la société cambodgienne entre les deux guères mondiales*, Ph.D thesis, tome I, Paris université.

### Books and Journals

Baumont, M. [n.d.] "Cambodge" *l'histoire du xx<sup>e</sup> siècle* [n.p.]

Bouault, J. (1930) *Géographie de l'Indochine: Tonkin, Annam, Cochinchina, et Cambodge & Laos*, Hanoi: Imprimerie d'extrême orient.

Chandler, David (1996b) *Facing the Cambodian Past: selected essays 1971-1994*, Chaing Mai: Silkworm books.

—————(2<sup>nd</sup>, 1996a) *A History of Cambodia*, Chaingmai: Silkworm Books.

Collard, Paul (2<sup>nd</sup>, 2001) *Cambodge et Cambodgiens: métamorphose du royaume Khmer par une méthode française de protectorat*, Phnom Penh: CEDORECK.

Delvert, Jean (2<sup>nd</sup>, 1994) *Le Paysan Cambodgien*, Paris: L'Harmattan.

Duncanson, Dennis J. (1968) *Government and Revolution in Vietnam*, London: Oxford University press.

Forest, Alain (1980) *Le Cambodge et la colonisation française: histoire d'une colonisation sans Heurts (1897-1920)*, Paris: L'Harmattan.

————— (1981) "Les manifestations de 1916 au Cambodge" *Histoire de l'Asie du Sud-Est: Révoltes, Réformes, Révolutions*, Pierre Brocheux (ed?), Presse universitaires de Lille.

Gourdon, H. [n.d.] "L'Indochine" *Collection coloniale*, Paris: Librairie Larousse.

Im, Munichenda. (2001) "La naissance de l'administration communale Cambodgienne" *Siksacakr*, n. 4 dec, pp. 15-18.

Imbert, Jean. (1961) *Histoire des Institutions Khmères*, vol 2, Phnom Penh: Faculte de droit.

Keyes, C. F. (1995) *The Golden Peninsula: Culture and Adaptation in Mainland Southeast Asia*, Honolulu: University of Hawai.

Lequin, Yves (1984) «Les citoyens et la démocratie» *Histoire des Français XIX<sup>e</sup>-XX<sup>e</sup> Siècles*, Armand Colin.

Locard, Henri (2002) "A brief overview of the History of Commune Election: from 'Mission civilisatrice' to 'Mission démocratisatrice'" *Phnom Penh Post*, Feb 1-14, vol 11, no 3, Phnom Penh, pp. 9-12.

————— (2004) *Pol Pot's Little Red Book: the Saying of Angkar*. Chaing Mai: Silkwork Book.

Mansfield. C. and Kurt MacLeod (2004) *Commune Council & Civil Society: Promoting Decentralization through Partnerships*, Phnom Penh, Jan.

Nguyen Khac Vien (1987) *Vietnam : une longue histoire*, Hanoi : editions en langues étrangères.

Osborne, M. E. (1969) *The French Presence in Cochinchina and Cambodia: Rule and Response (1859-1905)*, Ithaca, N.Y: Cornell University Press.

Phan Huy Lê, Tô Chi, et al. (1993) *Le village traditionnel au Vietnam*, Hanoi : Edition en langues étrangères.

Reddi, V. M. (n.d.) *A History of the Cambodian Independence Movement: 1863-1955*, Tirupati.

SarDesai, D.R. (1992) *Vietnam: The Struggle for National Identity*, Boulder: Westview press.

Sarraut, A., Madrolle, and P. Gourou (1929) “Connaissance de l’Indochine: Vietnam, Cambodge, Laos” *Conseil de Recherches Scientifiques de l’Indochine*, Hanoi.

Slocomb, M. (2004) ‘Commune Election in Cambodia: 1981 Foundation and 2002 Reformulations,’ *Modern Asian Studies*, 38, 2, pp. 1-21, Cambridge University Press.

Steingber, J.D. (ed) (1955) “A Modern History” *In search of Southeast Asia*, New York: Praeger Publishers.

Tarling, N. (1966) *Cambridge History of Southeast Asia*, New York: Cambridge University Press, 2vols.

Tully, J. (1996) *Cambodia under the Tricolour: King Sisowath and the ‘Mission Civilisatrice’ 1904-1927*, Clayton: Monash Asia Institute.

#### **Internet Sources**

Bautista, E., Sak Setha, and Prum Sokha, *Decentralizing the State: Key and Challenges for Cambodia*, (on line). Available from [http://www.decentralization.ws/icdz/papers/key\\_Cambodia.htm](http://www.decentralization.ws/icdz/papers/key_Cambodia.htm) (accessed 4 April, 2004).

Se, S. and Vong Sopheak *Cambodia on a Long Road to Decentralization* (on line). Available from <http://www.ijf-cij.org/folder-file-for-cambodia/z.htm> (accessed 4 April, 2004).