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Explain the EU's Sanctions Towards Cambodia, 2017-2021: Human Rights and the EU's Strategies

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ABSTRACT

The essay explores the reasons for the EU's sanctions towards Cambodia and the role of human rights in sanctions. Briefly, it gives some suggestions regarding using sanction tools by analysing the essence of the EU's sanctions towards Cambodia. This phenomenon has been observed in recent years and usually emerged between higher and lower democratic index states that the EU sanctioned Cambodia. The essay uses the case study method to discuss the EU's sanctions towards Cambodia from 2017 to 2021. Through the case study of sanctions, the essay hopes to have broader lessons of knowing that human rights should not be the only reason for sanctions. The result of the essay reveals that not all sanctions are derived from human rights, but sanctions that take human rights as a starting point could instead violate human rights. In conclusion, the essay deepens our understanding of the EU's sanctions towards Cambodia, the EU's sanctions towards other states, and the sanctions. To some extent, it will reveal that sanctions are tools under the situation of abnormal diplomacy. Moreover, the essay can be useful to understand how to correctly use sanction tools in the future and illustrate that sanctions could not become the only effective way under the framework of international relations. Admittedly, the essay is limited because not all sanctions start from a human rights perspective, and there will also be oil sanctions like the US imposed on Germany in WWII. Further studies can investigate the EU's strategies towards those Southeastern Asian states and explore the role of Cambodia.

Keywords: EU, Cambodia, Sanctions, Human Rights.

1. INTRODUCTION

The essay's research question is why the EU would like to sanction Cambodia and whether the EU's sanctions aim to maintain human rights. This question needs to be interpreted by highlighting the reality of Cambodian human rights situations and the EU's consideration of democratic backsliding in Cambodia from 2017 to 2021 and evaluating if these two aspects are feasible to explain the question. This research question is puzzling because there are big changes in the reasons for the EU's sanctions between this time range. The justification of the EU's sanctions does not ensure that Cambodia could realize its issues and find a solution. These changes have not been researched in detail these years. This question is complex and unique because it is rare in international societies, and it is likely to trigger a conflict between the EU and Cambodia.

To give background information, it is essential to define the term "sanctions". The European Council states that sanctions are restrictive measures to deal with political challenges against the EU's values, such as terrorism and human rights violations. Sanctions target specific areas such as diplomatic sanctions and economic sanctions [1]. In this essay, the EU's sanctions towards Cambodia belong to economic sanctions because of human rights abuses. Cambodia experienced democratic backsliding and human rights crackdown in terms of political circumstances since it was under Hun Sen's single-party dictatorship. In 2017, the EU responded to human rights violations in Cambodia and announced that sanctions would be enforced to limit the Cambodian economy and trade benefits under the Everything But Arms (EBA). However, Hun Sen did not care about economic development because power was significant for him to rule this country [2]. Therefore, it is a justified way for the EU to finally issue sanctions towards Cambodia due to the following domestic situations in 2020 when the devastation of political, human, land, and labour rights became more and more severe [3].

This essay will focus on the EU's economic sanctions towards Cambodia and the status-quo of human rights situations in Cambodia. It is a unique case because it is necessary to understand and analyse the EU's aim of economic sanctions based on Cambodia's reality of human rights. This case compares with the EU's sanctions towards other countries because of human rights violations and considers the significance of economic sanctions on solving human rights issues.

This topic matters because it provides a big picture of the EU's sanctions and reflects if sanctions are effective tools to solve human rights problems. It can help understand if sanctions are the only ways to deal with international affairs. Also, this research can be used as a reference to help the EU handle similar circumstances.

The essay is divided into several sections. After the introduction, the essay will examine and discuss the EU's sanctions towards other countries in recent years. Next, the essay will look at the EU's sanctions towards Cambodia. The essay will then analyze the EU's sanctions based on human rights violations in Cambodia. The essay will subsequently review the EU's strategies towards Southeastern Asian states. The conclusion will summarise all sections, emphasize the significance of this research and discuss potential limitations.

2. EXISTING EXPLANATIONS FOR ECONOMIC SANCTIONS

2.1. Economic Explanations

At first, this essay will interpret economic sanctions from economic perspectives through the examples of US-China sanctions and South Korea-North Korea sanctions. Kim illustrates that the US's sanctions caused negative impacts, while China would not compromise on its foreign exchange rate policy, and the US would not be harmful under this circumstance. Also, the use of sanctions was less credible due to the gap of production, especially the US production corporations would be affected when most Chinese goods entered the US market. It might potentially increase 10 percent taxes on these Chinese inputs and led to unemployment in the US. Similarly, in the case of the sanctions against North Korea, it was the same situation as the US and China, that South Korean government might suffer from the loss of its benefits if it issued sanctions on North Korea. There were approximately 100 South Korean firms investing in the Kaesong Industrial Complex (KIC). For instance, textile mills employed North Koreans. The goods they made would export back to South Korea and other states, and the profit was about 1 billion dollars with approximately 6,000 related companies. Additionally, South Korean investments aimed to weaken the North Korean economy through economic exchanges. Therefore, when the UN-imposed sanctions on Korea because of nuclear testing, the South Korean government exempted economic cooperation with the KIC under the consideration of self-interest [4].

By discussing the US-China sanction and South Korea-North Korea sanctions above, Kim reveals that the globalization of production impacted the use of economic sanctions. It depended on firms' behaviours and interactions with others, then affected the extent of economic ties based on a wide range of factors [4]. The use of economic sanctions might be more complex statecraft in the future. To a larger extent, Kim's explanations of economic sanctions seem reasonable through these examples. US-China sanctions might trigger adverse effects on the relationship between the US and China, so it was not wise for the US to enforce economic sanctions on China. South Korea-North Korea sanction highlights that countries considered benefits first in their economic exchanges and the impacts of economic sanctions on investments because sanctions would blemish their interests. However, Kim had some uncertain expressions regarding South Korea-North Korea sanctions. Since he wrote this article in 2013, the KIC still existed at that time. Later, the KIC was closed due to the deterioration of the South Korea-North Korea relationship. Under the current context, his article would not be used to discuss the core arguments of South Korea-North Korea sanction without the KIC.

2.2. Political Explanations

In terms of political explanations, economic coercion played a vital role in explaining economic sanctions. It is difficult to describe the meaning of economic coercion, even though Carter defines economic coercion as using economic measures within or without threat to change some policies, practices, or the government's structure. The states that used this economic measure were regarded as senders, then the states used by economic measure were targets [5]. In this case, economic sanctions could be seen as the expression of economic coercion.

Drezner argues that as an empirical measure of conflict expectation, alignment explained economic coercion. For example, while the government experienced political conflicts, it would focus on distributional and reputational influences of political assets, while its opponents began to expect more conflicts at the same time. Moreover, the opportunity costs of conflict expectations contributed to Drezner's theory of economic coercion. Economic sanctions were not useful within the rise of opportunity costs in target countries. It indicated that when both sender and target states expected more conflicts, the sender would be more likely to use economic sanctions. On the other hand, if the sender also expected more disputes, it would not possibly concede [6].

Walt's balance-of-threat theory also interpreted conflict expectation in economic coercion. He believes that a defensive alliance would protect the state that faced a potential threat, but the pre-requisite was that the leading state was aggressive, or it would be an unstable alliance. On the contrary, if one country allied with a powerful state and later realised that that state was hostile, then this alliance would fail in the end. His balance-ofthreat theory emphasised the significance of balancing against threats and proved that alignment was a useful and consistent measure of conflict expectations. Nevertheless, Drezner had a different perspective from Walt's balance-of-threat theory towards alignment or alliances. He attempted to use a balance-of-power critique to argue that alliances were not helpful measures of conflict expectations. Although economic coercion might cause realignment between the sender and target states, there was little relevant empirical evidence about states realignment in reality, except for Soviet Union sanctions against Yugoslavia in 1955 and the US sanctions against Cuba in 1960. However, these sanctions did not exist in balancing situations. When allying with other states, power was an essential component of threat to decide the stability of alliances and the possibility of potential conflicts. In terms of concessions and reputations, alliances would face conflicts and threats in their interactions. Then the sender started to impose economic sanctions on the target [6]. Overall, to a certain degree, Drezner's explanation of economic coercion's theory and conflict explanations is limited by the sender and the target within similar economic gross, such as the US and China. In the case of the EU-Cambodia sanctions, Drezner's theory could not interpret the EU and Cambodia due to the tremendous gap between them.

2.3. Ethics-Based Explanations

To evaluate if economic sanctions are ethical, Rarick and Duchatelet have responded to this and revealed the nature of unethical economic sanctions by demonstrating the drawbacks of economic sanction based on some theories such as consequentialism, deontology, and contractualism.

From the US-Cuba sanctions, Rarick and Duchatelet used the theory of consequentialism to analyse economic sanctions through ethics. For example, Cuba suffered from lowering the healthcare system, such as the lack of medicine, medical supplies, and equipment because of the US's sanctions, even though this circumstance blamed the US and Fidel Castro's failure of economic planning responsible for this. It is worth mentioning that Castro was good at using moral aspects and grabbing other states' sympathy through criticising the US economic sanctions [7]. This example illustrated that short-term and long-term consequences co-existed in economic sanctions and were often negative to express citizens' pain and low pleasure due to the low efficiency of economic sanctions on accomplishing their aims.

Rarick and Duchatelet used the theory of deontology to reveal how economic sanctions impacted human beings through the example of the UN's sanctions on Iraq. Iraq indeed experienced a disaster under the sanctions of Food-for-Oil, such as lacking nutrition, decreasing healthcare, devaluating their currency, and rising children's mortality rate due to high price of fundamental food and products and few sources of food, medicine, and safe drinking [7]. As an organisation, the UN's sanctions were inhumane and unreasonable, especially for those innocent people who suffered from their sanctioned country, which was not ethical behaviour.

Haitian sanctions could be interpreted by the theory of contractualism, which emphasised justice for those free and equal citizens under a social contract theory. Rarick and Duchatelet have presented that economic sanctions on Haiti deprived people's liberties and equality as free and equal individuals. The decline of incomes, the growth of unemployment, the lack of nutrition, the ignorance of children's welfare, and the collapse of public health triggered the devastation in Haiti. Most children under the age of five died from severe diseases due to lacking medicine and supplies, as Iraq also had the same experience under economic sanctions [7]. Sanctioned countries' people were not treated equally and violated by those policy-makers who did not follow social contract theory.

Based on Rarick and Duchatelet's explanations of the three examples above, they could not apply in the EU-Cambodia sanctions. The UN-Iraq sanctions and sanctions on Haiti clarified that economic sanctions led to poor nutrition and unstable currency. By contrast, the EU-Cambodia sanctions only intensified the conflicts between the EU and Cambodia, and Cambodia and its labours without serious situations like Iraq and Haiti. Then, the US-Cuba sanctions were different from the EU-Cambodia sanctions, that globalisation was a driving factor for Cambodia to trade with the EU. Cuba had limited impacts of globalisation under the framework of socialism. Thus, the EU-Cambodia sanctions could not be explained by ethics-based perspectives.

3. EU'S SANCTIONS ON CAMBODIA

3.1. EU's Policies GSP, EBA, and EU-ASEAN

To better perceive the EU's sanctions on Cambodia, policies could provide a broader blueprint for the EU's initial consideration of sanctioning Cambodia as starting points. GSP, EBA, and ASEAN will be introduced to understand how the EU and Cambodia have established economic links.

As a least developed country [8], Cambodia benefits from the EU's Generalising Scheme of Preferences (GSP), allowing poor states to pay lower or no duties on export to the EU market for their economic growth. The Everything But Arms (EBA) is a trading program under the GSP, which provided duty-free and quota-free for those poor countries access to the EU market without limitations of products except for weapons. EBA is a vital preferential treatment program for Cambodia to export their textiles, shoes, bicycles, prepared foodstuffs, and vegetable products like rice (95%) to the EU without duties. Then economic circumstances would improve and stimulate employment [9].

Furthermore, the Association of Southeast Asian Nations (ASEAN) plays an essential role in the EU's policies. As an integration, the ASEAN is the EU's thirdlargest trading partner within millions of markets, so the EU pays more attention to the cooperation with the ASEAN. The EU had negotiations with the ASEAN in 2007 to discuss the trade and investment agreement to access the ASEAN markets. Eventually, in 2009, they reached a consensus of the EU-ASEAN Cooperation Agreement for a future region-to-region trade and investment agreement. These examples witnessed the significance of the ASEAN for the EU's expansion of markets. It is worth pointing out that Cambodia is one of the ten members and one of the three least developed countries in the ASEAN [9]. These policies express the initial relations between the EU and Cambodia before economic sanctions, which is a strong foundation to reflect and consolidate their economic relationships.

3.2. EU's Economic Relationships with Cambodia

To start with, economic relationships between the EU and Cambodia could be traced back to 1986. From 1986 to 1993, the EU showed its support towards Cambodian development. For instance, the EU agreed with the creation of Cambodian refugee camps on the Thai border. Also, the EU helped Cambodia reconstruct multiparty democracy, national institutions, and a diverse civil society since the 1990s. Later, in 1997, the European Community signed an economic cooperation agreement with the Cambodian government. This agreement symbolised long-term and beneficial trade relations and the beginning of economic and development cooperation under the respect of democratic values and human rights. This era represented that the EU-Cambodia economic relationship was formally established. In 2001, Cambodia benefitted from the EBA trading program, which allowed Cambodia duty-dree and quota-free access to the EU market. Under the framework of the EBA, due to large amounts of exports to the EU, such as shoes and bicycle manufacturing, the EU gradually has been the largest export market for Cambodia [10]. This is the whole timeline of the EU's economic relationships with Cambodia since 1986.

3.3. Tracing the EU's Sanctions on Cambodia from 2017 to 2021

Although the EU-Cambodia economic cooperation agreement required both states to follow democratic principles and fundamental human rights, 20 years' cooperation faced its first crisis in 2017. Hutt depicts that the EU's sanctions on Cambodia derived from Cambodian politics since it could not normally proceed in 2017. The EU started considering economic sanctions on Cambodia because the leader of the Cambodia National Rescue Party (CNRP), Kem Sokha, would be released from jail, and his party would return to power as a legal regime. Although the CNRP dissolute in November 2017, the EU has not taken early actions and strengthened their engagement agreement with Phnom Penh. In July 2018, the EU started to find facts to decide on sanctions. In this process, the Cambodian People's Party (CPP) leader Hun Sen consistently consolidated his political power. Since the CPP won the 2018 election, Hun Sen re-established the army, and his elder son and heir were responsible for this army. He sent many CNRP activists to jail, limited media activities, controlled all local positions, oppressed citizens through legislation, and stopped another opposition party's leader Sam Rainsy to return Cambodia. Hun Sen's political reactions were not feasible to run Cambodia. Against this, the EU formalised sanctions in February 2019 and then announced a formal decision in February 2020. The sanction decision would come into effect in August 2020 without any delay except for making progress in political reform [11]. After the EU's sanctions came into effect, European Parliament responded to human rights defenders' cases and oppressions of civil society through mass trials, even though most trials lacked evidence against opposition and social instability [12]. Besides this, European Parliament remained tough attitudes towards Hun Sen and human rights violation and then passed overdue sanctions on Cambodia on March 11, 2021. According to Strangio, this resolution reflected that the EU's sanctions were unilateral. The Cambodian government would not care about human rights issues and democracy since China supported it. Although the EU pressured Cambodia, it might lead Cambodia to consolidate the communist values and reduce economic reliance on the EU. Under this complex context, the EU's diplomacy and engagement with Cambodia and other Southeastern Asian states were filled with challenges how to spread their own values and enhance links with Southeast Asia and other parts of the world [13]. Overall, this is the process of the EU's decision regarding sanctions on Cambodia from 2017 to 2021.

4. DEMOCRACY AND HUMAN RIGHTS EXPLANATIONS

4.1. How Effective were the EU's Sanctions Regarding Democracy and Human Rights?

To analyse the EU's sanctions on Cambodia from a human rights perspective, the most significant factor is to evaluate the effectiveness of the EU's sanctions on democracy and human rights. As Hutt discussed, the CPP dissolved the CNRP in 2017, then the EU was unsatisfied with the CPP's behaviour and started to consider economic sanctions [14]. Besides this, the CNRP party committed to strengthening democratic values and human rights in Cambodia. The CPP oppressed the CNRP and ignored human rights violations since Hun Sen, and the CPP came to power as a single-party dictatorship [15]. As a result, human rights continuously deteriorated, and this issue has become the elephant in the room in Cambodia. These factors provided the EU with rhetoric to sanction Cambodia by using democracy and human rights.

Although the EU seemed to use a feasible way to sanction Cambodia, economic sanctions indeed brought potential negative impacts. For instance, Por illustrates that the EU's sanctions would make Cambodia pay exported tax without the preferences of the EBA, lower the incomes of the workers in textile and clothing factories and footwear factories and possibly cause unemployment of Cambodians [16]. In this case, economic decline and unemployment almost ruined people's lives. Furthermore, especially for workers who lost their jobs, their labour rights were violated after the EU's sanctions, and human rights situations would worsen in Cambodia. Based on the EU's sanctions regarding human rights violation and the CPP's undemocratic practices towards the CNRP, Oxford Analytica reveals that the Cambodian government might rely on Chinese aids, focus on foreign investments and reform economic structure to promote economic growth as potential reactions to the EU's sanctions [17].

By discussing the EU's sanctions and their impacts, it was difficult for the EU to achieve its goal through economic sanctions on Cambodia. According to Por, the Cambodian economy would be affected, and most Cambodians lost their jobs, then human rights would not be improved. However, Oxford Analytica gave some possibilities about Cambodia's response to the EU's economic sanctions, such as collaborating with China and adjusting the economic structure. Therefore, the EU's sanctions might not show more efforts to improve human rights circumstances in Cambodia.

4.2. Are Democracy and Human Rights Legitimate for Sanctions?

The EU's sanctions have gradually opposed their aims to solve human rights violations in Cambodia, so it has been suggested that democracy and human rights are legitimate for sanctions. Wall exemplified the US's sanctions and linked human rights and economic sanctions to the new imperialism. He mentions that unilateral sanctions regarding human rights were limited without the consideration of cultural differences. The term "new imperialism" points out the fact that there is a cultural bias between developed and developing nations since smaller states have not accepted economic sanctions to improve human rights [18]. Applying Wall's theory with the case of the EU-Cambodia sanctions, his views could prove that the EU did not know about the sanctioned states' national conditions and thought about if Cambodia was suitable to change the status quo of human rights when the EU decided to enforce economic sanctions without any consideration. Additionally, the EU and Cambodia had cultural differences regarding democracy and human rights because the EU believed that Cambodia experienced this crisis and should take some actions to warn Cambodia not to threaten the values of democracy and human rights. Cambodia did not think that itself violated democracy and human rights and had nothing to do with this. So, the EU's sanctions were ineffective about democracy and human rights while they were not credible sources for sanctions.

Although the EU sanctioned Cambodia by withdrawing the EBA program and criticising human rights violations, it did not mean that the EU had the same treatment with other nations. Hutt argues that Vietnam also had human rights issues, but the EU did not sanction Vietnam and signed EU-Vietnam Free Trade Agreement (EVFTA). This demonstrates that the EU had double standards for Vietnam and Cambodia. Hutt also suggests that the EU showed different attitudes towards both of them because Cambodia was a Chinese ally and Vietnam was a Chinese enemy. The EU began cooperation with Vietnam to maintain its market power in South-East Asia [19]. Still, it was unfair for Cambodia to accept the EU's economic sanctions or Vietnam while violating human rights.

5. EU'S STRATEGY IN THE ASEAN

Before implying the EU's strategy in the ASEAN, the early EU-ASEAN relationship during the colonial era needs to figure out. At that time, most European nations such as Portugal, Spain, and Britain almost colonised Southeast Asia except Thailand to expand global markets, acquire more resources and provide a solid foundation for later political and economic connections. On the other hand, the Cold War was also an important element for learning about the EU-ASEAN relationship. The creation of the ASEAN was to advocate anti-communism in Southeast Asia and then linked with the EU because of Vietnamese occupation in Cambodia. When the Cold War ended in Southeast Asia and Vietnam withdrew from Cambodia, the ASEAN gradually did not need external support and acknowledgment [20].

The EU, as a global power, has played a silent role of a superpower for decades; even some speculations point out that the EU may surpass the US one day. However, the EU consistently loses its status with the rise of China and new competition between China and the US. According to Hutt, the nature of the EU is civil without the military since it focuses on the shape of human rights and governance without using violence to influence other states. Southeast Asia contributes to the EU's economic development. In terms of the trade volume, Southeast Asia is the EU's third-largest trading partner. The EU is the largest market for most Southeast Asian countries for economic reliance. On the contrary, economic sanctions represent a policy failure because it is quite ruthless for a least developing country to face economic decline and shows the EU's insufficient influence to solve Cambodia's issues without military diplomacy. Instead, the EU attempts to assert more values to Southeast Asia, especially on enforcing its trade policy, but most of these values are dilemmas. For example, the EU almost removed Myanmar from EBA due to the most severe human rights abuses. With the rise of deforestation, the EU banned the import of palm oil from Malaysia and Indonesia. Vietnam is opposite from these three countries. Through a free trade agreement, the EU demanded better labour conditions from Vietnam's ruling party. Therefore, the EU has different attitudes towards the ASEAN members because the EU wanted to expand its influences over Southeast Asia and pay more attention to selfinterests [21].

By analysing economic, political, ethics-based, and human rights explanations, they all have shown their unique stances to link with the EU-Cambodia sanctions. By contrast, economic explanations were more powerful than the others because the EU's sanctions on Cambodia belonged to economic sanctions. The withdrawal of the EBA program was the main component of the EU's sanctions to affect the Cambodian economy and the relationship between the EU and Cambodia. Since the EU and Cambodia were not on the same level, political explanations could not understand this case. Ethics-based and human rights explanations were quite similar. Still, they were less persuasive to interpret the EU-Cambodia sanctions due to the weak explanations of human rights and the cultural gap between the EU and Cambodia.

To consider the EU's strategy in the ASEAN, it has to mention that why the EU rejected a free trade treaty with the ASEAN many years ago. Jennar responded to this and stated that the EU wanted to expand its influence over each of the Southeastern countries instead of negotiating with the ASEAN as a whole entity [22]. At the same time, Deringer argues that the EU's policy in the ASEAN was unilateralism when the EU-Singapore Trade Agreement was regarded as a great success for the EU-ASEAN trade relations. Moreover, although economic sanctions on Cambodia and Myanmar based on human rights violation warned the EU to think about the impacts of the EU-ASEAN trade negotiations, the EU trade policy only focused on temporary interests rather than using a longterm strategy to reform the ASEAN states and support the EU's geopolitics [23]. Overall, the EU's strategy in the ASEAN was limited and unilateral in the case of the EU-Cambodia sanctions, which was an unequal treatment for Cambodia to tolerate the EU's double standard.

6. CONCLUSION

In summary, the essay firstly has demonstrated some examples of the EU's sanctions towards other states before discussing the EU and Cambodia. Then has focused on the case study of the EU's economic sanctions towards Cambodia. After that, the role of human rights has pointed out in the EU's sanctions towards Cambodia. Following that, the EU's tactics towards Southeastern Asian states have been revealed. By doing so, the essay managed to answer the research question from the perspectives of the EU's aims of sanctions and Cambodia's human rights circumstances.

The essay deepens our understanding of the EU's sanctions and helps us understand its future tendency. First, before enforcing sanctions, it is vital to consider the consequences of making this decision, especially on whether sanctions will be used correctly as a tool to maintain human rights. Then, if a similar situation happens again in the future, the EU will take the case of Cambodia as a reference to decide if sanctions are necessary.

The essay has several limitations. The analysis may be incomplete, and maybe there are other reasons. The single case provides limited explanations and may not fully explain other cases.

Future studies can focus on other cases, such as the EU's sanctions towards other Southeastern Asian countries and the EU's strategies in Southeastern Asia, to compare and contrast different situations. Also, to fully understand the phenomenon, exploring other perspectives and reasons to develop a clearer perception and have a deeper insight towards the following topic.

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