

SOVEREIGNTY AND IMF INTERVENTION IN CAMBODIA

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Sovereignty is a concept that many intuitively turn to when contesting the influence of international organisations such as the International Monetary Fund (IMF) in poor countries. However, an investigation of the IMF's role in Cambodia reveals that the IMF relies on notions of state sovereignty even as it undermines popular control. This article examines the ways in which the IMF uses notions of sovereignty to complement its intervention. It reveals that, in important ways, a synthesis between sovereignty and IMF intervention occurs through the IMF's use of a long-standing technique of colonial governance: the promise of a better kind of sovereignty in the future as a basis for intervention in the present.

Introduction

It is commonly thought that the growing global economic interdependence of states threatens classical notions of sovereignty.¹ Despite this view, the concept continues to play a central role in debates concerning the relationship of states to one another and other actors in the international system. With its connection to notions of independence, sovereignty is a concept many intuitively turn to when contesting the influence of international organisations. As Hannum states: 'Sovereignty is the cornerstone of international rhetoric about state independence and freedom of action, and the most common response to initiatives which seek to limit a state's action in any way is that such initiatives constitute an impermissible limitation on that state's sovereignty.'² Much of the criticism of the influence of the International Monetary Fund (IMF) over the domestic policies of poor countries has, at least in part, taken this form.³

* Richard Joyce completed a BA/LLB (Hons) degree at the University of Melbourne in 2001. An earlier version of this paper was submitted in partial fulfilment of the subject 730:446 'Globalisation and the Law' in the LLB program at the University of Melbourne. He wishes to thank Ms Sundhya Pahuja of the University of Melbourne Law School, the editors of this edition and the referees for their very useful comments on drafts of this article.

¹ See Jayasuriya (1999), p 425.

² Hannum (1990), p 14.

³ Tsai (2000), pp 1326–28; Orford (1997), pp 469–71; Grossman and Bradlow (1993), p 19. Some even argue that the IMF constricts US sovereignty, despite the United States having the most influence over IMF policy given its voting power — see Stephen (2000).

However, the IMF relies on notions of state sovereignty to justify intervention in domestic affairs even as it undermines popular control in poor countries. Rather than a tension between sovereignty and IMF intervention, there is a synthesis. This synthesis occurs because the IMF taps into a long-standing technique of colonial governance by using the promise of a better kind of sovereignty in the future as a basis for intervention in the present. In doing this, the IMF relies on a Eurocentric ideal of what sovereignty is and the political form by which it is best expressed — that is, the sovereignty of the nation-state, expressed through representative democracy. The IMF also relies on notions of sovereignty to avoid democratic pressures and deflect calls to make its own processes more democratic.

This article will examine the ways in which the IMF uses notions of sovereignty to complement its intervention. In doing so, it is not suggesting that sovereignty is a wholly ineffective tool in opposing the influence of international institutions, or that it is a one-dimensional concept necessarily tied to the nation-state. Indeed, one of the implications of the arguments put forward here is the need to rethink the concept of sovereignty and draw the concept away from the nation-state. Rather, this article seeks to show that, in significant ways, the classical model of nation-state sovereignty can be utilised to provide support for IMF intervention. In the first section of the paper, I sketch a brief background to the development of the sovereignty of the nation-state. I then draw out how this concept of sovereignty was developed (and affected by) the process of colonisation and, in particular, decolonisation. In focusing on this process, I highlight how the emancipatory potential of this concept of sovereignty is inhibited by its Eurocentric⁴ construction. In the next section, I show how this European concept of sovereignty featured prominently in the construction of the Cambodian political system in the early 1990s. I then explore the ways in which this construction of sovereignty assists the IMF. It will be seen that this concept of sovereignty plays a crucial role in the construction of a state that is amenable to IMF intervention and the rhetorical tools the IMF uses to explain and justify its role in poor countries.

The Eurocentric Nature of Nation-state Sovereignty

European Origins

The concept of sovereignty that has developed in international law can be traced to Greek and Roman law.⁵ However, the beginning of the modern form of sovereignty linked to the nation-state derives from the passage of sovereignty from God to monarch to 'the people'. At the intersection of all

⁴ In using the terms 'Eurocentric' and 'European', I am referring to the states that would have been termed 'Western' states during the Cold War. While there were many similarities between the conceptions of sovereignty on both sides of the Cold War (see Otto 1996, p 340), as this article seeks to demonstrate, the construction of the kind of sovereignty on which the IMF relies incorporates 'Western' notions of representative liberal democracy.

⁵ See Hinsley (1986), pp 27–44; Elshstain (1991), p 1358; Araujo (2001), p 1487.

these transformations lies the influential work of Jean Bodin.⁶ In his treatise on sovereignty, Bodin articulated an absolutist, unitary view of sovereignty. To Bodin: 'Sovereignty is the absolute and perpetual power of a commonwealth ... that is, the highest power of command.'⁷ Just as God, 'the great sovereign',⁸ cannot create an equal to Himself, so sovereignty cannot be shared, and any restriction on a sovereign which is not self-imposed by contract⁹ indicates a lack of sovereignty.¹⁰ Like Austin after him, Bodin viewed the sovereign not only as the site of power, but as the source of law.¹¹ However, in establishing a theory for recognising the sovereign, Bodin explicitly eschewed any consideration of the merits of why a particular person or form is vested with sovereignty.¹² This supposedly neutral conception of sovereignty persists in classical international law notions of recognition of states.¹³

By conceptualising sovereignty without reference to the merits of the sovereign, Bodin left open the question of how the role of sovereign was to be filled.¹⁴ As theories of popular sovereignty developed through the work of Locke, Rousseau and others¹⁵ (drawing, of course, on classical notions of representative government), the key question became the legitimacy of the exercise of sovereign power. This question was answered by placing 'the people' at the heart of the conception of sovereignty. The concurrent development of constitutional representative democracy meant that matters of government would not constantly be subject to direct democratic intervention. In the limits of the constitutional framework on the exercise of popular sovereignty (even — or especially — where these limits were undemocratic) lay the strength of its political form.¹⁶ Further, in the concept of 'the people' lay a fiction that resolved (at least theoretically) the fact that the multitude¹⁷

⁶ Franklin (1992).

⁷ Franklin (1992). This view has modern proponents — see Hinsley (1986), p 217.

⁸ Franklin (1992), p 50.

⁹ Franklin (1992), p 35. The view that undertaking obligations is an exercise, rather than a restriction, of state sovereignty has a long pedigree in international law: see *SS Wimbledon Case* (1923) PCIJ Reports, Series A, No 1, p 25. This approach has been applied to the undertaking of obligations under IMF conditionality: Galano (1994), pp 345–47. Most commentators, however, regard the genuineness of consent by states subject to conditionality to be vitiated by their impoverished condition — see, for example, Tsai (2000), p 1328.

¹⁰ Franklin (1992), pp 49–50.

¹¹ Franklin (1992), p 11; Campbell and Thomas (1998), p 147.

¹² Franklin (1992), p 89.

¹³ Crawford (1979).

¹⁴ An important part of this process was also undertaken by Samuel Pufendorf in his work, influenced by the Thirty Years' War, separating law from (religious) morality — see Saunders (2002).

¹⁵ Hinsley (1986), pp 153–54; Riley (1982), pp 61–124.

¹⁶ This theme runs throughout Holmes (1995).

¹⁷ To borrow the term from Hardt and Negri (2000), p 103.

could not, all at once, form a stable political structure formed on the basis of each person's direct consent.¹⁸

The fiction of 'the people' legitimated the possibility that sovereignty could reside in the community generally, without causing a division between the sovereignty of the state and the sovereignty of the individual. Indeed, the French and American revolutions cemented the idea of popular sovereignty into the construction of the nation-state.¹⁹ Through this concept of the nation, 'the people' had a form by which to express its political unity and the territorial limits of its sovereignty. Sovereignty was seen to vest both in the people as a whole and in the personified state itself.²⁰ Nationalism and liberal democracy became the factors that made unitary these dual sites of sovereignty. Under this theory, those who act as the state must represent the people, who as a body constitute a unified nation. Thus nationalism and representative government in the form of liberal democracy became the standard by which a state would be regarded as exercising sovereignty legitimately. Drawing on Bodin's theory of the sovereign as the source of law, the people and the state which represents them are the only legitimate source of law. Thus, while the status of sovereignty has been conferred upon states with various forms of government, the conception of the ideal form of sovereignty is not politically neutral. This fact is borne out by the role that sovereignty played in the colonial project and decolonisation.

Sovereignty and Colonisation

The mere fact that sovereignty as an international legal concept emerged in Europe does not go far enough in explaining the persistence of a Eurocentric view of sovereignty in international law. The crucial factor in shaping the Eurocentric notion of sovereignty was the colonial project. The exclusion of any other ideas of sovereignty was initially based on the explicit exclusion of non-European peoples from the society of sovereign nations.²¹ This exclusion owed much to the growing force of positivist legal thought over notions of natural law in the early nineteenth century. Rather than viewing sovereignty as a inherent feature of human existence, it came to be treated as a concept created by Europeans, and one which non-Europeans could not comprehend or enjoy.²² Philosophically: 'One could be a liberal domestically and an

¹⁸ In this, the concept of 'the people' has obvious limitations (although how to resolve them within a functioning political system is not so obvious). On a conceptual level, the complexity of the multitude makes problematic the simple concept of 'the people' used in the construction of the modern nation-state, a position made more apparent by the belated recognition of Aboriginal law — see generally Tully (1995).

¹⁹ See Hinsley (1986), p 154.

²⁰ Brierly (1936), pp 38–39.

²¹ Anghie (1999), p 65. Sovereignty has always played a crucial role in discourses and practices of exclusion and inclusion in international society: Biersteker and Weber (1996), pp 1–21.

²² Strang (1996), p 32.

imperialist in Africa and Asia.²³ Practically, annexation of territory in Asia or Africa could only legally be contested by a rival European power, not by the people of the annexed territory.²⁴

The Eurocentric view of nation-state sovereignty was crystallised when it became an integral part of the civilising mission of late nineteenth century colonialism. The civilising mission was to be achieved through trade, its motto being the enhancement of the 'moral and material well-being' of the uncivilised.²⁵ Sovereignty was a key part of this civilising mission. It was 'aligned with existing European ideas of social order, political organisation, progress and development'.²⁶ It thus became one of the many concepts tied to a racialised discourse in which gradual development under Western guidance would allow the uncivilised peoples to be assimilated into the society of civilised nations. Like other characteristics, sovereignty could be placed on a chrono-linear scale 'in which the non-European world is the past and the European world the future'.²⁷ In this way, Europe could understand itself, and its sovereignty, by contrast to the sovereignty of the non-European.²⁸ As the discourse and the practice of the civilising mission unfolded, the exclusivity of the European concept of sovereignty no longer required the exclusion of non-Europeans from the society of nations. Rather, the exclusion of other conceptions of sovereignty could be achieved by making nation-state sovereignty the only form by which the colonies could assert independence from their European masters.

Sovereignty and Decolonisation

Sovereignty played an integral part in the discursive strategies that placed the colonised world on a linear scale from backwardness to modernity. This is not only because of the way that nation-state sovereignty developed as a European construct, but because this concept of sovereignty contained the ingredients by which European dominance might be challenged.²⁹ If the goal of resistance to colonisation is independence and the exercise of full participatory rights in international law, then the construction of the prerequisites for recognition at international law (that is, nation-state sovereignty) defines the paradigm of resistance. Where these prerequisites are constructed by European concepts and judged against a European standard, the opportunity for the resister to escape the linear scale is limited.³⁰ In this way, the emancipatory potential of

²³ Strang (1996), p 35.

²⁴ Strang (1996), p 32.

²⁵ Anghie (1999), p 64; Hippler (1995), p 6; Fidler (2001), p 143.

²⁶ Anghie (1999), p 69.

²⁷ Anghie (1999), p 69.

²⁸ See Said (1993), p 134.

²⁹ See Otto (1996), p 343.

³⁰ In a similar way, the form of opposition which nationalist European cultural hegemony generates can narrow the paradigm of resistance so as 'to deny originality and effectivity to its reverse-discourses' — see Parry (1994), pp 177–78.

the principle of self-determination, on which the decolonisation program was based, was fundamentally restricted by the form that self-determination had to take.

The Principle of Self-determination

Where and when the principle of self-determination first arose is not settled. Some say it began with Moses in Egypt,³¹ while others say it began with French revolutionaries and the American founding fathers.³² In international law, the principle was revived, and linked strongly to notions of sovereignty, by President Wilson at the end of World War I.³³ In this setting, the principle gave Europe a basis upon which to redraw the map in a way that reaffirmed late nineteenth century nationalism.³⁴ At the same time, little regard was given to possible self-determination of the former colonial possessions of the defeated powers.³⁵ Under the authority of the newly created League of Nations, a mandate system was created in which states would be entrusted with the 'well-being and development' of 'peoples not yet able to stand by themselves under the strenuous conditions of the modern world'.³⁶ The general goal of the system was to allow for the gradual civilisation of territories so as to be capable of exercising sovereign statehood.³⁷ In requiring supervising powers to report back to the League's Permanent Mandates Commission, the practices and discourses of colonial administration now had a centralising agency which developed a universal 'science of colonial administration'.³⁸

The principle of self-determination became relevant to colonial states following World War II. From the UN Charter onwards, the principle of self-determination became a feature of many instruments of international law³⁹ and, some argue, acquired a *jus cogens* character.⁴⁰ While the UN Charter mentions the right of peoples to self-determination and made provision for the treatment of non-self-governing territories,⁴¹ the content of the right in connection to decolonisation was most strongly made by the *1960 Declaration*. The

³¹ Exodus 3:7–10; see Franck (1992), p 53.

³² Castellino (2000), p 8.

³³ Castellino (2000), pp 13–15; Franck (1992), pp 53–54, Pomerance (1982), pp 1–2.

³⁴ Franck (1992), p 53.

³⁵ Franck (1992), p 54.

³⁶ League of Nations Covenant, art 22(1).

³⁷ Harris (1998), p 131; Anghie (2000), p 277.

³⁸ Anghie (2000), p 282.

³⁹ UN Charter arts 1(2), 55, 73(b), 76(b); *Declaration on the Granting of Independence to Colonial Territories and Peoples*, GA Res 1514, UN 15 GAOR Supp (No 16), 14 December 1960 ('1960 Declaration'), *Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations* 1970, GA Res 2625, UN 25 GAOR Supp (No 28), 24 October 1970 ('1970 Declaration'); *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171, art 1, (entered into force 23 March 1976) ('ICCPR').

⁴⁰ See Harris (1998), p 118.

⁴¹ UN Charter, arts 1, 55, 73.

Declaration forcefully stated that: 'All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.'⁴² Further, the Declaration stated that: 'Inadequacy of political, economic, social or education preparedness should never serve as a pretext for delaying independence.'⁴³ The Declaration also called for the transfer of powers of governments to peoples in accordance with their 'freely expressed will',⁴⁴ but was silent on the method by which this will would be expressed. However, the practice of the UN in monitoring elections created a custom of general elections immediately preceding the moment of independence.⁴⁵

Self-determination also developed an existence outside the decolonisation process. The *1970 Declaration* and the *ICCPR* both state the right of 'all peoples' to self-determination, not merely inhabitants of colonies.⁴⁶ As will be described below, decolonisation allowed for self-determination which did not alter the territorial borders of the former colony. Thus, as the process of decolonisation nears completion, self-determination arguably has 'stopped being a principle of exclusion (secession) and became one of inclusion: the right to participate'.⁴⁷ It is in this context that self-determination was used in the construction in the early 1990s of the political system in Cambodia, a state that had formally enjoyed independence since 1953.

The Application of the Principle of Self-determination

However universal the right of self-determination appears from instruments of international law, the boundaries of the right have been limited by the standard by which the goal of self-determination — independence — would be measured. Non-European societies were presented 'with the fundamental contradiction of having to comply with authoritative European standards in order to win recognition and assert themselves'.⁴⁸ There is still no settled basis upon which state recognition at international law operates,⁴⁹ and it is uncertain whether an entity achieves sovereign statehood by fulfilling legal criteria or by the act of recognition by other states.⁵⁰ However, the departure point for any analysis of sovereign statehood and recognition is the criteria set out in the *Montevideo Convention*.⁵¹ Under this convention, a state must have: a) a permanent population; b) a defined territory; c) government; and d) capacity to

⁴² *1960 Declaration*, art 2.

⁴³ *1960 Declaration*, art 3.

⁴⁴ *1960 Declaration*, art 5.

⁴⁵ Franck (1992), p 54.

⁴⁶ Franck (1992), p 58.

⁴⁷ Franck (1992), p 59.

⁴⁸ Anghie (1999), p 73.

⁴⁹ Otto (1996), p 341.

⁵⁰ Harris (1998), pp 144–47.

⁵¹ *Montevideo Convention on Rights and Duties of States 1933* (1934) 165 LNTS 19 ('*Montevideo Convention*').

enter into relations with other states (independence).⁵² The application of this criteria makes evident the degree to which European notions of statehood restricted the emancipatory potential of self-determination and sovereignty in the period of decolonisation.

As Otto argues, the first two criteria — population and territory — were determined according to the existing colonial frontiers by the principle of *uti possidetis* which was enshrined in the 1960 Declaration.⁵³ Thus the collective noun 'peoples', referred to in the Declaration, in practice became the 'people' living within borders defined not by their own histories or culture, but imposed by the colonisers.⁵⁴ This process of decolonisation draws both on the unitary notion of sovereignty of Bodin, and its subsequent connection to the nation-state as the embodiment of the sovereignty of the people. The remaining criteria — government and independence — were also judged according to European standards of centralised government,⁵⁵ under which the people could be both governed internally and represented in the international community. Thus the sovereignty at which self-determination was aimed at achieving was essentially European: the sovereignty of the nation-state. This paradigm of decolonisation meant that a fundamental change to the global political structure could occur without the possibility of alien forms of sovereignty emerging which could not be contained within the existing international order.⁵⁶ The practical power of this feature of decolonisation can be seen in the failure of the new states to use the concept of self-determination and their numerical advantage in the UN General Assembly to effect any lasting substantive change to the international economic order in the 1970s.⁵⁷

In some cases, the assignment of sovereignty included the replication of representative democracy. For example, before transferring sovereignty to the indigenous populations of its colonies, Britain sought to 'engineer the institutional framework of a modern constitutional democracy, complete with legislative, electoral, and judicial institutions'.⁵⁸ In this way, the sovereignty of the new states could be represented 'in a liberal, democratic, and pluralistic legal order' while 'simultaneously enabling ... practices that defined the outer limits of pluralism, democracy and liberalism'.⁵⁹

As the decolonisation process unfolded, it became clear that many of the new sovereign states did not meet the European conception of the nation-state. The characteristics of authoritarianism, civil war and economic destitution which were common to many postcolonial states left a clear gap between what sovereignty meant for the established powers and what it meant for the new

⁵² *Montevideo Convention*, art 1.

⁵³ *Montevideo Convention*, art 6; Otto (1996), p 341.

⁵⁴ For a discussion of the continuing tensions caused by this mode of decolonisation, see Lloyd (1994), pp 221–38.

⁵⁵ Otto (1996), p 341.

⁵⁶ See Pahuja (2000), pp 794–803.

⁵⁷ See Otto (1996), pp 351–54; Anghie (1999), p 71; cf Chatterjee (1991), p 683.

⁵⁸ Jackson (1990), p 96.

⁵⁹ Doty (1996), p 98.

states. Jackson argues that the ex-colonial states were merely 'quasi-states' and possessed only negative sovereignty — that is, a formal sovereignty conferred by the international community which goes only to non-interference.⁶⁰ This is opposed to the substantive nature of positive sovereignty earned by the domestic authority of the established states, which allows them to take advantage of their independence through political engagement with other states.⁶¹ However, in arguing that the deficiencies of political organisation and economic management meant that ex-colonial states lacked the 'institutional features of sovereign states', Jackson states that they were 'far from complete'.⁶² Thus all states could be proclaimed equal by the UN Charter and still be regarded as being on a linear scale from political and economic backwardness to development. Again, Europe would be the future, the Third World the past.

Placing the different states on this linear scale allows the fiction that, despite variations in political form or economic organisation, there is only one kind of sovereignty capable of existence in international law. Rather than being of a different nature, states are essentially the same, merely at different levels of development.⁶³ Just because children are, to borrow the language of the mandate system, 'not yet able to stand' does not mean they are of a different species to the adult population. In this way, difference could be accommodated within the prevailing structure by invoking ideas of a linear progression. This allowed European states to manage fears that the entry of non-European states into the international community would upset their concept of the international order.⁶⁴

But the placing of vastly different states within the same structure was not only important to the European sense of order in the international community. Just as in the colonial period, the definition of the Other was crucial to how European states understood themselves. As Doty notes, ideas like Jackson's of a clear boundary between us and them, North and South, real states and quasi-states 'disallow the possibility that rather than being independent and autonomous entities, these oppositions are mutually constitutive of each other'.⁶⁵ As the idea of 'development' supplanted 'civilisation' as the object of the linear progression, so the 'underdevelopment' of the ex-colonial states, both politically and economically, helped define the European conception of 'development' and the nature of the 'normal', 'complete' or 'ideal' form of sovereignty: representative liberal democracy. Thus, rather than contest the

⁶⁰ Jackson (1990), pp 21, 26–27.

⁶¹ Jackson (1990), p 29. Distinguishing different layers of sovereignty is a common method of reconciling the doctrine of sovereign equality with different levels of power, and increasing influence of supranational forces on national governments: see Keohane (1993), who distinguishes 'formal' from 'operational' sovereignty. See also Lee (1997); Slaughter (2001), p 685.

⁶² Jackson (1990), p 21.

⁶³ See Tarullo (1985), p 545.

⁶⁴ Pahuja (2000), pp 785–94.

⁶⁵ Doty (1996), p 162.

Eurocentric notion of sovereignty that originated in European politico-legal philosophy and was crystallised during the colonial project, the process of decolonisation merely contributed to its universalisation in international law. This process has continued. No matter how imperfect the democratic processes in Western countries, and how far removed the 'sovereign' people are from the decision-making process,⁶⁶ by contrast to the imperfections of democracy in developing countries, Western countries represent themselves as the embodiment of the ideal form of sovereignty and political expression to which developing countries should aspire. As will be shown later, it is this idealised notion of sovereignty, far removed from the realities of democracy in a country like Cambodia (and indeed most — if not all — Western democracies) that the IMF relies on to legitimate its intervention.

A New Sovereignty?

According to many commentators, the sovereignty of the nation-state as described above is increasingly becoming obsolete in the face of globalisation. This view is taken at various levels of practical and theoretical examination. Of the latter, Hardt and Negri's *Empire* has attracted much consideration and debate.⁶⁷ Hardt and Negri argue that sovereignty of the nation-state has been replaced by a supranational juridical order they call 'Empire'. Unlike the nation-state bounded to a territory, the reach of 'Empire' is unbounded — or at least it moves across and creates boundaries at will as it works towards incorporating all within its realm, celebrating differences as cultural and contingent (rather than biological and essential), and then managing these differences by a method of hierarchy and control which thrives on the flexibility and contingency of these differences.⁶⁸ While the authors have subsequently explained that the nation-state continues to play an important role in this juridical order, they argue that 'nation-states have indeed been displaced from the position of sovereign authority'.⁶⁹ Though *Empire* does not specifically mention the IMF, it is clear from the text that supranational organisations like the IMF are part of this governing entity. This is affirmed by subsequent elaborations by the authors.⁷⁰ Hardt and Negri argue that institutions like the IMF undermine sovereignty in subordinate nation-states (which they say never enjoyed sovereignty) but also dominate nation-states.⁷¹

I agree that globalisation requires the concept of sovereignty to be rethought. As part of this, the role of the IMF and other supranational institutions in shaping new forms of political authority not centred on the nation-state needs to be addressed. However, at the risk of becoming one of those 'theorists ... so intent on combating the remnants of a past form of

⁶⁶ See Connors (1997), pp 128–29.

⁶⁷ For an example of the many reviews, see Balakrisnan (2000).

⁶⁸ Hardt and Negri (2000), pp 198–203.

⁶⁹ Hardt and Negri (2003), p 109.

⁷⁰ Hardt and Negri (2003), p 112.

⁷¹ Hardt and Negri (2003), p 112.

domination that they fail to recognise the new form that is looming over them at present,⁷² I seek to show in this article how the IMF actively engages in the rhetoric of classical, nation-state sovereignty in justifying its role in poor countries (however disingenuously it does so). This highlights how the IMF has adopted techniques of colonial governance to justify its actions. This process seems to suggest that the IMF, and possibly other supranational governing institutions, are not (only) ushering in a new form of sovereignty, but reaffirming and manipulating an existing form. Cambodia provides an example of this process.

The Application of Sovereignty to Cambodia

The Background to the Current Political System

Since gaining independence in 1953, Cambodia has been the site of tragic conflict, with local and international influences. In 1970, the government of Prince Norodom Sihanouk was overthrown by forces loyal to his prime minister, the authoritarian right-wing General Lon Nol.⁷³ The presence of a right-wing government in Cambodia threatened the strategic position of the North Vietnamese forces, who began supporting the Kampuchean Communist Party, known as the Khmer Rouge. In 1975, the Khmer Rouge, under Pol Pot, gained control of Cambodia. The Khmer Rouge regime then embarked on one of the most brutal social engineering programs of the twentieth century, its aim being the establishment of a communal agrarian society. By execution, starvation and disease, the regime was responsible for the deaths of an estimated one million Cambodians, around one-seventh of the population.⁷⁴ Included in this figure were the majority of those with education.⁷⁵ In 1979, Vietnamese forces invaded Cambodia and removed the Khmer Rouge regime, installing in its place a government led by Hun Sen.

Throughout the 1980s, Vietnam's presence in Cambodia was supported only by the Soviet Union and its satellite states. The 1981 International Conference on Kampuchea (boycotted by the Soviet bloc and Vietnam) and subsequent resolutions of the UN General Assembly argued for withdrawal of foreign forces from Cambodia.⁷⁶ Factions opposed to the Vietnamese-supported regime formed a tenuous alliance with an eclectic backing. The Khmer Rouge were supported by China and Thailand.⁷⁷ A royalist movement, known by its French acronym FUNICPEC,⁷⁸ headed by Sihanouk, was supported by China, the United States and ASEAN.⁷⁹ The third faction, the

⁷² Hardt and Negri (2000), p 138.

⁷³ Vu (1995), p 1181.

⁷⁴ Ratner (1993), p 3; Hall (2000), p 120.

⁷⁵ Hall (2000), p 120.

⁷⁶ Ratner (1993), p 4.

⁷⁷ Vu (1995), p 1183; McDougall (1997), p 182.

⁷⁸ Translated, the acronym stands for the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia.

⁷⁹ Vu (1995), p 1183; McDougall (1997), p 174.

right-wing Kampuchean People's National Liberation Front, was supported by the United States.⁸⁰ The collapse of the Soviet Union in the late 1980s and the concurrent abandonment of support for Vietnam precipitated the withdrawal of Vietnamese forces in 1989. At the same time, informal meetings between Hun Sen and Prince Sihanouk took place.⁸¹ Following rounds of negotiation, in 1991 the four factions in the Cambodian conflict, the ASEAN states, the five permanent members of the UN Security Council and other states with a strong interest in the Cambodian conflict, including Vietnam, Laos, Japan, India and Australia, signed the Paris Agreements.⁸² The core aspects of the Agreements were the creation of an independent, neutral state, and the conducting of a general election under the supervision of a UN transitional authority.

The Use of Sovereignty in the Construction of Cambodia's Political System

As a political and military settlement of the complex conflict described above, the Agreements drew strongly on the language of sovereignty. This is particularly so in the Second Agreement. Under this Agreement, Cambodia undertook to 'maintain, preserve and defend its sovereignty, independence, territorial integrity and inviolability, neutrality and national unity'. Of these terms, only neutrality is a variation on the standard conception of the nation-state. This Agreement affirmed the 'inalienable right of States freely to determine their own political, economic, cultural and social systems in accordance with the will of their peoples, without outside interference, subversion, coercion or threat in any way'.⁸³ Thus sovereignty was linked to self-determination. However, in emphasising the national unity and territorial integrity of Cambodia, the Agreement ensured that the principle of self-determination would have the same operation as in the decolonisation period and would not impact upon the idea of Cambodia as a unified nation-state in the international community.⁸⁴

The non-Cambodian signatories undertook to recognise and respect Cambodia's sovereignty and to 'refrain from any interference in any form whatsoever, whether direct or indirect, in the internal affairs of Cambodia'.⁸⁵ Though expressed in broad language, at the forefront of these undertakings was the recent memory of armed invasion and occupation of Cambodia and a conflict supported on many sides by foreign powers. Consequently, the

⁸⁰ McDougall (1997), p 174.

⁸¹ Ratner (1993), pp 4–5.

⁸² *Final Act of the Paris Conference on Cambodia* (1992) 31 ILM 180 ('The Paris Agreements'). The Paris Agreements contain two agreements, the 'Agreement on a Comprehensive Political Settlement of the Cambodia Conflict' ('First Agreement') and the 'Agreement Concerning the Sovereignty, Independence, Territorial Integrity ('Second Agreement') and a non-binding declaration, the 'Declaration on the Rehabilitation and Reconstruction of Cambodia'.

⁸³ Second Agreement, art 1.

⁸⁴ Cambodian Constitution, art 2.

⁸⁵ Second Agreement, art 2(b).

obligations are focused on preventing military interference. Ratner argues that, despite the growing identification of sovereignty with the right to government by consent of the governed, the parties to the Paris Agreements 'viewed it from the traditional perspective, as associated with that aspect of statehood by which a state retains competence for its internal governance and foreign policy, free from commands of an outside power'.⁸⁶

However, the Paris Agreements provided the opportunity not only to recast the regional security arrangements concerning Cambodia, but also its domestic political structure. In this way, the formal affirmation of Cambodia's sovereignty and status as an independent nation-state was combined with a substantive change to the political form through which that sovereignty would be expressed. Under the Paris Agreements, responsibility for drafting a new constitution was to lie with the successful candidates at the election.⁸⁷ This provision was linked to the notion that the Cambodian people would exercise their right to self-determination and control their political future through the election process.⁸⁸ However, the Agreements contained prescriptive provisions which set out what the new constitution was to contain. Many of these related to the protection of human rights.⁸⁹ Others, however, related to political structure. First, the constitution was to affirm the sovereignty and national unity of the Cambodian people.⁹⁰ Second, it was to 'state that Cambodia will follow a system of liberal democracy, on the basis of pluralism' and provide for periodic and genuine elections.⁹¹ Third, it was to establish an independent judiciary, empowered to enforce the rights under the constitution.⁹² As is readily apparent, the Paris Agreements performed the role Jackson identified that Britain performed for its former colonies, of engineering 'the institutional framework of a modern constitutional democracy, complete with legislative, electoral, and judicial institutions'.⁹³ Thus sovereignty under the Paris Agreements went to more than just independence from foreign invasion. It placed Cambodia further along the linear scale to the European norm of sovereignty based upon constitutional, representative liberal democracy. The Cambodian Constitution unequivocally states that the country is to be governed by a pluralist liberal democracy where the sovereignty of the people is exercised through representative government.⁹⁴

⁸⁶ Ratner (1993), p 23.

⁸⁷ First Agreement, art 12.

⁸⁸ First Agreement, preamble, art 12.

⁸⁹ First Agreement, annex 5(2).

⁹⁰ First Agreement, annex 5(3); see Cambodian Constitution, arts 1, 3.

⁹¹ *First Agreement*, annex 5(4); see Cambodian Constitution, preamble, arts 1, 50, 51.

⁹² First Agreement, annex 5(5); see Cambodian Constitution, arts 51, 109

⁹³ Jackson (1990), p 96.

⁹⁴ Cambodian Constitution, art 51.

Sovereignty and IMF Intervention in Cambodia

The concept of nation-state sovereignty is crucial to the IMF in a number of ways. It is a body whose membership is constituted by nation-states. It is with nation-states that the IMF deals and upon whom the burden of implementing structural reform lies. Thus centralised government and national unity, key characteristics of the sovereignty of the nation-state, supply the basis upon which the IMF and its operations are structured.⁹⁵ However, it is not merely the basic features of nation-state sovereignty, unity and order that the IMF relies upon. The IMF also relies in important ways on the European ideal of sovereignty, where the sovereignty of the people is represented by a liberal democratic government. First, the liberal democratic structure provides a skeleton upon which the IMF's new focus of conditionality, 'good governance', can be applied. Second, the presence of a liberal democratic state apparatus (or one seen to be progressing towards that goal) enables the IMF to deflect growing democratic pressures.

Good Governance and Institution Building

The IMF defines good governance in terms of 'improving the management of public resources and supporting the development and maintenance of a transparent and stable regulatory environment conducive to efficient private sector activities'.⁹⁶ To this end, the IMF relies on the existence of the structure and appearance of a liberal democracy. Developed states recognise representative liberal democracy as the most advanced political system for ensuring accountability of government activity. Thus, in the case of Cambodia, there exists an institutional framework on which the IMF can be seen to develop a good governance program with propriety.

Viewing 'weak governance' as a potential threat to the successful implementation of IMF reforms, the IMF has incorporated governance into its conditionality for its loans, particularly under the facility for lending to poor countries, the Poverty Reduction and Growth Facility (PRGF).⁹⁷ It is under this facility that Cambodia currently receives assistance. In its policy document, on which the IMF bases its decision to grant assistance, the Cambodian government has stated that 'good governance is the backbone of success for

⁹⁵ Unified nations with centralised governments are also key requirements for the efficient operation of the international neo-liberal capitalist order the IMF seeks to promote: Sanbrook (1991), p 97.

⁹⁶ IMF (2001a).

⁹⁷ Whether conditionality is an effective tool for encouraging the implementation of 'good governance' reforms has been questioned: Nelson (1992), p 316. As background to the IMF's role in providing loans generally, the IMF states that: 'A main function of the IMF is to provide loans to countries experiencing balance-of-payments problems so that they can restore conditions for sustainable economic growth. The financial assistance provided by the IMF enables countries to rebuild their international reserves, stabilize their currencies, and continue paying for imports without having to impose trade restrictions or capital controls.' See www.imf.org/external/np/exr/facts/howlend.htm

the reform programs, the success of the poverty reduction and the success of Cambodia's development'.⁹⁸ Significantly, the 'good governance' agenda is not aimed solely at the ability of governments to ensure that resources targeting the poor are not misapplied. It also goes to the administrative capacity to implement other IMF-led reforms which are essentially focused on external economic relations, such as liberalisation of trade and reduction in tariffs, liberalisation of capital flows and reform of investment and tax laws and the financial sector.⁹⁹

IMF policy guidelines state that the IMF's involvement in governance issues is to be limited to 'economic aspects of governance';¹⁰⁰ however, they define the types of issues which fall within this supposedly limited scope to institutional reforms of the treasury, including budget preparation, and law reform in the areas of tax, banking and commerce.¹⁰¹ In the case of Cambodia, governance issues have gone even beyond these categories to include reforms to the 'judicial, legal and administrative' systems.¹⁰² These reforms are set out in the 'Governance Action Plan' (GAP).¹⁰³ It is likely that the GAP was drafted by the IMF, given that the IMF refers to the Cambodian government 'adopting' the plan.¹⁰⁴ The IMF also takes a key role in advising on its implementation. Like many of the other reforms which constitute the policy framework under Cambodia's Poverty Reduction Strategy, the IMF remains of the view that it is only with extensive¹⁰⁵ 'technical assistance' that the government can institute the necessary governance reforms.¹⁰⁶ The use of the term 'technical' deliberately obscures the overt role the IMF takes in developing policy and guiding its implementation.¹⁰⁷ However, according to the IMF, the ultimate aim of this intervention is the building of 'local capacity' to implement (the same) reforms independently.¹⁰⁸

In this way, the role of the IMF in building legal and administrative institutions resembles the role played by the supervising powers under the mandate system.¹⁰⁹ Just as these powers were obliged to develop the institutions of those states 'not yet able to stand', the IMF states that its policy 'strengthens the hands of those in the government seeking to improve governance'¹¹⁰ and should focus on 'developing local capacity for the reforms

⁹⁸ Royal Government of Cambodia (2000), p 3.

⁹⁹ Orford and Beard (1998), p 197; Thomas (1999), p 560.

¹⁰⁰ IMF (1997).

¹⁰¹ IMF (1997).

¹⁰² IMF (2000).

¹⁰³ IMF (2000), p 4.

¹⁰⁴ IMF (2001b), p 8.

¹⁰⁵ The words 'considerable' and 'substantial' are also used: IMF (2001b), pp 20, 23.

¹⁰⁶ IMF (2001b), p 20.

¹⁰⁷ Orford (1997), p 470.

¹⁰⁸ IMF (2001b), p 23.

¹⁰⁹ Anghie (2000), p 285.

¹¹⁰ IMF (1997).

to be lasting'.¹¹¹ The vocabulary of 'moral and material' enhancement in the colonial 'civilising mission' has merely been replaced with the vocabulary of 'governance and growth' in the mission of the IMF. The 'weaknesses' in governance identified by the IMF are determinative of Cambodia's place on the linear scale of sovereignty.

As a fledgling democracy, Cambodia is particularly suited to the rhetoric of good governance. Transparency, accountability and administrative capacity are all considered natural features of a properly functioning liberal democracy in the eyes of Northern creditor nations. Thus the question is not how to reform the fundamental political structure (which would, according to the IMF, be outside its mandate),¹¹² but merely to ensure its proper functioning. Invariably, the deficiencies are represented as a problem of maturity, not form. Rather than a different species, Cambodia's political system is thus represented as a younger, less developed version of the norm.¹¹³ Through this logic of linear progression lies the justification for treating sovereign states differently.¹¹⁴ Thus the role of the IMF's 'good governance' agenda is to build the institutions of government to a point where they are able to operate independently in the global economic market. This agenda is obviously based on the assumption that the goal of all 'developing' countries is to resemble the 'developed' countries, both politically and economically.¹¹⁵ In the IMF's view, Cambodia's sovereignty is thus progressed, rather than denied, by continued IMF intervention.

The Deflection of Democratic Pressure

Cambodia's political structure is important to the IMF in another key way. It enables the IMF to operate within a democratic structure without being subject to democratic pressure itself. This has become increasingly important to the IMF as it responds to criticisms concerning the lack of popular involvement and control that accompanies IMF intervention¹¹⁶ and the economic results and social impact of IMF-led policies.¹¹⁷ Where the IMF is seen to impose reforms without consulting those affected and at whom the reforms are targeted, it can be criticised as undermining the right of those people to participate in the decisions which affect their lives. However, where the IMF can be seen to collaborate with governments who represent the will, and thus the sovereignty, of the people, the IMF evades such criticism. It perhaps goes without saying

¹¹¹ IMF (2001b), p 20.

¹¹² IMF (1997); for analysis of how the IMF and World Bank define the economic/political boundary for their own convenience, see Gathii (1999), pp 157–59.

¹¹³ See Tarullo (1985), p 545; Pahuja (2000), pp 793–94.

¹¹⁴ See Tarullo (1985), pp 545–47.

¹¹⁵ Orford and Beard (1998), p 196.

¹¹⁶ This criticism has come from the grassroots and the academy. See Rajagopal (2000); Botchwey et al (1998).

¹¹⁷ See Orford (1997), p 470; Swaminathan (1998); Broad (1998); Korner et al (1986).

that any form of representative government is an imperfect embodiment of the sovereignty of the people. The gap between the sovereignty of the people and the sovereignty of the state is a worthwhile point of analysis in developed Western democracies.¹¹⁸ However, the situation in Cambodia is a particularly stark example of how, despite the large gap between the imagined sovereignty of the people and the sovereignty of the state, the IMF seeks to appropriate even the most tenuous democratic institutions as a shield for its own undemocratic nature and to justify the imposition (or adoption) of conditions over a vast range of economic, social and legal policy areas.

Like the structures on which it is based, Cambodia's system of liberal parliamentary democracy provides an executive branch, which is responsible both for dealing with international bodies and implementing law. Rather than having its programs subjected to parliamentary scrutiny, the IMF deals almost exclusively with the finance ministry of debtor states. As Hippler notes:

The central economic variables in the impoverished and indebted states of the Third World are often being negotiated today directly between their finance ministers and the World Bank/IMF ... Third World Parliaments, and even prime ministers, are often excluded from the decision-making process and quite often don't even have the access to the necessary information.¹¹⁹

In this way, the IMF is placed within a governance structure seen as legitimate to Northern creditors, but outside sites of direct democratic accountability.

The effect of the exclusion of parliaments from the process is made particularly visible by the reality of Cambodian politics. As occurred after the 1998 elections, the most recent elections in July 2003 left no party in a position to form government, leaving the major parties having to negotiate an outcome. At the time of writing, these negotiations have not been concluded. However, since the IMF policies and documents discussed here were developed and applied in the period of the previous government, it is appropriate to consider the limitations of Cambodian politics as demonstrated by the government formed prior to the 2003 elections.

After negotiations following the 1998 elections, a coalition government was formed comprising Hun Sen's CPP and FUNCINPEC, led by Prince Sihanouk's son Prince Ranariddh. Hun Sen was made sole prime minister, with Ranariddh made president of the National Assembly. However, according to a US Department of State report on the government at the time, 'most power lies within the executive branch, and the National Assembly does not offer a significant check on executive power'.¹²⁰ Further, the government ministries linked to revenue were controlled by the CPP.¹²¹ Thus not only were the IMF

¹¹⁸ See, for example, Dahl (2000), pp 103–18.

¹¹⁹ Hippler (1995), p 24.

¹²⁰ Hall (2000), p 122, citing the Bureau of Democracy, Human Rights and Labour, US Department of State (1998), *Cambodia Country Report on Human Rights Practices for 1997*, p 1.

¹²¹ Hall (2000), p 122.

programs free from scrutiny of opposition parties in the National Assembly, but also a faction of the governing coalition. Indeed, while the IMF reinforces the idea that markets and democracy are complementary, it has been observed that 'it is precisely those states that can insulate themselves from democratic politics that are able to implement the policies of macroeconomic and structural austerity that the [international financial institutions] and international capital markets require'.¹²² Given the continued reports of government corruption,¹²³ intimidation at elections,¹²⁴ repression of protestors and the media and other human rights abuses,¹²⁵ Cambodia seems to fit this description. Nevertheless, the IMF does not wish to be seen as conspiring with governments to overcome the will of the people. For this reason, the rhetoric of state accountability to its people and widespread participation in the development of reform policies have become increasingly important to the IMF.

The vehicle through which the IMF promotes its rhetoric of democratic accountability is the PRGF. It has detailed numerous ways in which its new facility differs from its predecessors. The most important for our present purposes is that, under the PRGF, the IMF states that the government of the borrowing state should take the lead in policy formation by preparing a Poverty Reduction Strategy Paper (PRSP).¹²⁶ In the preparation process, the government is to conduct extensive consultations with stakeholders, including civil society, NGOs and donors, with decreased emphasis on direct ministry-IMF collaboration.¹²⁷ Despite there being little evidence that there exists an open society in Cambodia capable of the rigorous debate necessary for true public participation and national 'ownership' of the reform process, the creation of a perception of public participation has been a key feature of IMF reports on the implementation of poverty reduction strategies in Cambodia. An IMF review emphasises the progress towards participation evidenced by a recent workshop on the PRSP attended by government officers, NGOs, members of civil society and donors.¹²⁸ It also notes that broad dissemination of the GAP to government ministries, local governments and civil society is underway and that public awareness of the reform process is growing.¹²⁹ The IMF also agreed to extend the deadline for the PRSP in order for further public

¹²² Thomas (1999), p 557. The tension between popular control and IMF policies is exemplified by the situation in Haiti. In Haiti, US-led UN intervention to reinstate a popularly elected government was made conditional on the government abandoning its popular platform of property and wealth redistribution and adopting an IMF restructuring program: Gathii (2000), p 2052.

¹²³ Hung (1996), pp 86-87.

¹²⁴ Vu (1995), pp 1198-1205; Metzel (1996), pp 294-95; Hassall (1999), pp 65-66.

¹²⁵ Metzel (1996), p 296; Hall (2000), p 121. Hung (1996), pp 87-90.

¹²⁶ IMF (2001c).

¹²⁷ IMF (2001c).

¹²⁸ IMF (2001b), pp 4, 8, 10.

¹²⁹ IMF (2001b), p 10.

participation to occur.¹³⁰ Thus, despite the practical situation, the IMF seeks to portray itself as a contributor to the development of a democratic, participatory political culture, thus assisting Cambodia to move further along the linear scale of sovereignty.

According to the IMF, this shift has occurred because experience has shown that countries with a greater sense of 'national ownership' of reforms are more likely to succeed with implementation.¹³¹ Arguably, the shift also operates to deflect pressure on the IMF to develop policies in a more democratic fashion or reform its own structure so as to become more democratic. The increasing influence of institutions such as the IMF and the World Bank has brought with it demands for these bodies to be more democratic and accountable.¹³² Increasingly, the IMF has been criticised for promoting policies that favour foreign creditors and cause significant economic and social devastation to the most disadvantaged members of the poorest states.¹³³ Further, it is noted that the IMF, though commending the benefits of democracy, accountability and good governance, is 'fundamentally undemocratic'¹³⁴ and not accountable to those who suffer as a result of its policies. Locating sites of power is crucial in making accountable those responsible for injustice.¹³⁵ So long as the IMF is able to represent the nation-state as the site of power in the reform process, it can deflect pressure to be made accountable for the economic failures and social costs of that process. Further, so long as the nation-state can be said to represent the sovereignty of the people affected by the reform process, the IMF is shielded from demands to make more democratic its own processes. To this end, a liberal democratic model of sovereignty, where the government is seen as the representation of the sovereignty of the people, is crucial.

Conclusion

The appropriate role for the IMF in poor countries is a question of considerable controversy. In a large measure, this controversy is conducted around debates over the extent to which the governments of poor countries, and the people affected by IMF intervention, are able to control the policies that affect their communities. The concept of sovereignty is an important element in these debates. However, despite its common usage and seemingly self-evident connotations of independence, it is important to unpack the way in which constructions of sovereignty affect its discursive function. Sovereignty is not always a concept that contains emancipatory potential for poor countries (or their people) to reject the control of the IMF over domestic policies. Indeed, in many ways sovereignty operates as a rhetorical tool, which justifies and

¹³⁰ IMF (2001b), p 8.

¹³¹ IMF (2001c); Botchwey et al (1998), pp 20–22.

¹³² Grossman and Bradlow (1993), pp 19–20; Keohane (1993), p 103.

¹³³ Korner et al (1986), p 128; Anghie (2000), pp 268–69.

¹³⁴ Anghie (2000), p 270.

¹³⁵ Silbey (1997), pp 207, 227–28.

legitimizes IMF intervention. European notions of sovereignty are so closely linked to the nation-state that the state is seen as the instrument through which the sovereignty of the people is expressed. If the state with which the IMF deals can be said to represent the sovereignty of the people, then the IMF can use sovereignty as a shield for its own undemocratic processes. Thus the closer a government structure comes to resembling the European ideal of representative liberal democracy, the more the discourse of sovereignty assists the IMF.

Further, the use of sovereignty by the IMF reveals one aspect of the way international economic organisations such as the IMF and the World Bank continue the discursive and practical techniques of colonial governance. In its focus on 'good governance' and its growing emphasis on encouraging a participatory process in policy design, the IMF attempts to move poor countries like Cambodia further along the Eurocentric linear scale of economic and political development. Thus, so the logic goes, intervention — which builds the economic and political structure of poor countries — enhances, rather than inhibits, the eventual achievement of the ideal form of sovereignty. Cambodia provides a particularly lucid example of these processes in action due to the fact that both its political and economic structure, through the Paris Agreements and the IMF (and other international actors), have largely been externally constructed according to the post-Cold War ideal of representative liberal democracy and an open market economy. The language of sovereignty has been used extensively in these constructions, which on closer inspection neglect the undermining of genuine popular control. So long as the link between sovereignty and the nation-state endures, its emancipatory potential will continue to be restricted.

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