The unfortunate omission of entangled resistance in the ‘local turn’ in peace-building: the case of ‘forced marriage’ in the Extraordinary Chambers in the Courts of Cambodia (ECCC)

Mona Lilja\textsuperscript{a} and Mikael Baaz\textsuperscript{b}

\textsuperscript{a}School of Global Studies, University of Gothenburg, Gothenburg, Sweden; \textsuperscript{b}Department of Law, University of Gothenburg, Gothenburg, Sweden

ABSTRACT

The concept of resistance within the peace-building literature has received considerable attention as well as becoming central to the critique of liberal interventions. Scholars approach to resistance within the ‘local turn’ literature has resulted in more elaborate studies; even so, local agency is typically narrowed down and conceptualised as a response to what is considered as problematic aspects of peace-building interventions. By analysing the resistance to/against the inclusion of ‘forced marriage’ as a crime against humanity in the Extraordinary Chambers in the Courts of Cambodia (ECCC), this paper suggests that the study of resistance within the local turn must be broadened. The case study reveals how different forms of resistance are performative of and intertwined with other forms of resistance as well as how resistance evokes local power reactions. In addition to this, the paper also demonstrates that external international interveners sometimes mobilise local resistance, which results in the formation of strong but uneasy alliances against local political elites. All in all, the resistance is far more complex than most local turn literature suggests.

KEYWORDS

Entangled resistance; local turn literature; peace-building; Cambodia; Extraordinary Chambers in the Courts of Cambodia (ECCC)

Introduction

Based on a case study of how Khmer Rouge (KR) forced marriages in Cambodia have been valued outside and inside the Extraordinary Chambers in the Courts of Cambodia (ECCC) – commonly known as the Khmer Rouge (KR) Tribunal – this paper seeks to add to previous theorising of resistance within the ‘local turn’ field.

Since the early 2000s and the rise of the ‘local turn’ within academia, different attempts have flourished in order to rethink peace-building from the bottom-up and place local agents at the centre of the debate. The new approach to peace-building, in some senses, suggests the end of top-down governance and ‘affirming the fragmented, complex and plural nature of the social milieu’.\textsuperscript{1} By drawing foremost on the theories of de Michle de Certeau and James C. Scott, resistance has been primarily depicted as a reaction against, in this case, the top-down and forcibly imposed interventions.\textsuperscript{2} Or, as expressed by Iñiguez de Heredia: ‘By attaching a particular normative project to forms of “local agency” only
certain practices from selected actors are part of this emancipatory project, actors who are then constructed as authentic and legitimate.\(^3\)

The 'local' within this research strand has been embraced 'as the fluid and often resistant “infrapolitics of peacebuilding”, which operate across different scales and sites: it represents fragmented, often disguised, and localised agencies and capacities, in a polity beyond the liberally projected artifice of elites and civil society'.\(^4\) Hanna Leonardsson and Gustav Rudd point out that the 'local' in this interpretation denotes everyday acts of a diversity of individuals and communities rather than accounting for a specific geographical space.\(^5\)

It is to this research strand that this paper turns, by raising the question of which dynamics are side-lined in the above conceptualising of the ‘local’. Although the focus on everyday forms of resistance in the liberal peace debates has provided a valuable critique of peace-building, as indicated above, the elaborations of the concept of resistance still remain rather limited within this literature. The problem is that the understanding of resistance, principally as a response to what is considered as the problematic aspects of peace-building intervention, remains far too narrow. Such an approach disregards resistance that encourages resistance, create unexpected alliances or, as elaborated below, evokes power.

This paper not only displays and elaborates the complexity of resistance by considering how local agency modifies peace-building interventions, but also shows how this process involves ‘entangled’ resistance that encourages other forms of resistance and power. Among other things, the analysis below illuminates the complexity of peace-building interventions, by displaying how the enrolment of the victims of forced marriage by international agencies can be seen as a form of ‘proxy resistance’ that encourages local resistance against the peace-building intervention.

The international agencies mobilising of the local to include gender-based violence issues on the Court agenda could be seen as an engine for subversion and change in the political and social landscape of Cambodia. Still, their mobilisation of, and collaboration with, grassroots actors, and the (re)forging of various local memories, can also be understood as an uneasy alliance, which take place in an unequal and hierarchical setting. In a postcolonial situation, the ‘proxy resistance’ of international agencies, could, simultaneously, be viewed as an act of power, where both the power and resistance build on as well as trouble social and political injustices. The intricate web of international and local, organised and individual resistance, and the struggle over memory involved, by extension, provokes a sequence of power reactions. This indicates that resistance, as well as the local in peace-building, should be studied ‘otherwise’, and not only as ‘a site from which a new peace begins to be imagined in contextual and everyday terms’.\(^6\) This claim will be further elaborated below.

The remainder of the paper is structured into seven sections. After a section on method(s), we discuss resistance within the local turn literature. The third section displays some important dynamics between power and resistance. Next, we re-engage with different crossroads between different forms of resistance and their importance for the peace-building processes. The fifth section introduces the ECCC, while the sixth section illuminates interesting resistance dynamics by drawing on the example of how forced marriage crimes during the KR period have been handled in the ECCC. The seventh and final section provides some general conclusions concerning the complexity of how power and resistance are formulated.
A brief note on method(s) and methodology

Before we move on, we would like to briefly discuss our methodological point of departure and our method(s). This paper builds upon participant observations and, in-depth interviews that were carried out in Cambodia in 2010, 2013, 2014, 2017 and 2019. We have meet with activists, NGO workers, media professionals, and politicians in order to understand the developments of civil society based ‘resistance’ and its impact on the social and political processes in Cambodia. In addition, some 30 ‘loosely-structured’ in-depth interviews were conducted with relevant ‘groups’ of stakeholders in the ECCC; we interviewed both professionally involved actors in the Court’s proceedings (investigating judges, judges, prosecutors, lawyers, investigators, other court officials, etc.) as well as witnesses, victims and civil parties (including NGOs).

Based on the interviews, the paper conveys the resistance of (primarily self- and society-defined) women, who were the victims of ‘forced marriage’. As prevails from the interviews, this resistance was evoked by international actors who also involved local non-governmental organisations (NGOs) in their struggle to put ‘forced marriage’ on to the Court’s agenda. The complicated patterns of different struggles that are revealed within the material show that resistance must be analysed from the perspective of being interwoven with other forms of resistance as well as how it evokes power. Acknowledging that resistance encourages resistance gives us the proper analytical tools to reveal unexpected alliances and complexities.

When querying sensitive questions around political local agency, we attempt to avoid the ethnographical black hole that is pointed out by Sherry B. Ortner; that is, many studies on resistance are ‘ethnographically thin’, which hides the respondents ‘intentions, desires, fears (and) projects-of (political) dramas’. We hope to fill this black hole by displaying a rich empirical description of the critical reflections and meaning-making practices that we acquired from civil society members in Cambodia while they communicated to us how they make sense of the political situation in Cambodia in general and in the ECCC in particular. Furthermore, and in line with Meera Sabaratnam, we aim to address ‘the peoples targeted by interventions as political subjects’.

The concept of resistance in local peace-building

As indicated above, the ‘local turn’ in peace-building has studied the crossroad between the complexity of the ‘local’ and different international peace-building interventions. Or as expressed by Wayne Coetze and Fredrik Söderbaum: the local turn literature ‘illustrates how local contexts modify global visions’. Leonardsson and Rudd, after an extensive literature review, have identified two major trajectories in the scholarly literature on the local turn. The first refers to ‘the local’ as a means of effective peace-building; subnational governments, within this trajectory, are seen as ‘pillars in peace-building and state-building design’, which also stresses the importance of local ownership and local capacity building. The local turn in peace-building, when departing from the above premise, incorporates studies that discuss how local dynamics may strengthen the effectiveness of peace-building.

The second trajectory emphasises the local as a force of resistance and as a means of emancipation. Local agency, it is argued, must be properly included into any theory of
peace-building in order to display that peace-building is not a one-way project that is imposed from the top,¹⁴ but rather an action that transforms through encounters with local agencies.¹⁵ As Elisa Randazzo describes it:

The desire to rethink peace-building from the bottom up is [...] premised on acknowledging the unsuitability of top-down governance, condemned as inherently hegemonic and out-of-touch with local realities. Consequently, the shift away from top-down implies accepting the importance of local agency, and of the contingencies of the post-conflict milieu. The central question then raised by critics of the liberal paradigm revolves around how best to ‘access’ all other narratives so far silenced by the predominance of imposed liberal blueprints of peace-building, development and emancipation.¹⁶

The scholars of this latter strand embrace the local in order to illuminate ‘the use of countless everyday practices that transmit critical local agency through a diversity of spheres from the very personal to the transnational level’.¹⁷ The inhabitants of these spaces, to empower their lives and manipulate asymmetrical power relations, deploy every tactic at their disposal.¹⁸ The local, from this perspective is ‘a site from which a new peace begins to be imagined in contextual and everyday terms, perhaps reconstituting a social contract and a state . . . ’.¹⁹

We suggest that the attention that has been paid to everyday forms of resistance in the liberal peace debate has provided us with a sophisticated critique of peace-building as well as displaying and elaborating on how peace processes are both complex and messy. Still, as resistance within this research strand has mainly been depicted as a reaction against illegitimate interventions, the take on resistance remains somewhat limited. This approach disregards ‘entangled resistance’, which encourages other forms of resistance, power and how unexpected alliances in the crossroad between international actors and locally positioned agencies are created. This will be elaborated further below.

**Power–resistance dynamics**

Indeed, the approach to resistance within the local turn literature has resulted in more elaborate studies of peace-building. Nevertheless, several scholars have argued that the local turn literature could be further enhanced by adding some analytical aspects.²⁰ According to Marta Iñiguez de Heredia, unexplored issues are, for example, ‘the relationship between structure and agency, the meaning and presence of intent, the role of power, the nature of markets and the relationship between resistance and emancipation’²¹

Others have proposed that when local dynamics are being explored, the local turn literature must include decolonial or post-colonial perspectives,²² class structures,²³ and recognise the importance of gender analysis.²⁴ Acknowledging the importance of these dimensions, we would instead, in this paper, like to focus on and further explore the complex web between different forms of resistance and power.

Prior to analysing how different forms of resistance practices are intertwined in a Cambodian context, we will discuss the concepts of power and resistance in somewhat greater detail. Our starting point is that power and resistance should not be viewed as disconnected or detached from each other.²⁵ Various forms of resistance are shaped by existing power relations; if power is expressed (or understood) in a particular way, then certain forms of resistance will prevail. To illustrate this point, if we, for example, apply
Robert Dahl’s concept of ‘decision-making power’ and focus on power-brokers, who have the capability to affect certain outcomes, we find that this kind of power generates particular resistance strategies, including concrete vetoes or demonstrations. On the other hand, resistance to ‘disciplinary forms of power’ materialises as practices that work to bargain different disciplinary means by negotiating norms, hierarchies and ranks. Given that disciplinary power concerns training, examination and in-depth surveillance, resistance to discipline may also be about refusing participation in self-disciplinary practices.

Distinct articulations of resistance are not just shaped by various forms of power; paradoxically enough, resistance also undermines, profits from, reinforces or creates new power relations. For instance, contemporary feminist resistance challenges, yet also generates, different power relations; varied forms of feminism stir up various xenophobic, usually right-wing and transnational, political movements. The latter is a pattern that regularly emerges because power holders mobilise their forces to suppress resistance, which creates an ‘irrationality’ within resistance. Overall, power and resistance exist in a mutually constitutive relationship. Moreover, individuals can be simultaneously powerful and powerless within parallel systems. Therefore, the dichotomising of resisters and dominators ignores the existence of different systems of hierarchy that interact.

In this paper we perceive resistance as an act – or patterns of actions – that is a response to various relations of power (or resistance), which might undermine or negotiate different power relations, but sometimes ends up reproducing and strengthening relations of dominance. Additionally, resistance might, as indicated above, be undertaken on behalf of others as ‘proxy resistance’.

As elaborated further below, female witnesses of the ECCC, who share the same experiences of ‘forced marriage’, can be understood as performing resistance when promoting alternative, yet similar, stories of the Cambodian ‘genocide’. This kind of individual, but reappearing and ‘constructive’ resistance is not as easily recognised as, for example, rebellions, oppositional campaigns or demonstrations. Still, it sometimes emerge as a powerful form of dissent.

Embracing the above conceptualisation of resistance, this paper discusses ‘entangled’ resistance in the light of the Khmer Rouge (KR) forced marriages within the ECCC process, which has been established as a peace-building effort in order to pursue justice and reconciliation in the aftermath of the KR genocide. As explored in the subsequent sections, traumatic memories provide specific openings for resistance against governing technologies. The constructed trauma of ‘forced marriages’ in Cambodia has incentivised the questioning of long-held beliefs and dominant discourses regarding gender, state narratives and socio-political orders. Overall, in the context of local and international narratives, complex processes of provoked and entangled resistance emerged, which have shaped the preconditions for reconciliation and informed the development processes. Consequently, we must transcend, ‘the power/resistance binary, as applied in the non-linear peace-building discourse’.
How resistance encourages resistance

Considering how resistance is constructed within the local turn and the criticism this has attracted, we suggest that the time is ripe to advance the theorising on different crossroads between various forms of resistance and power. There are some composite stories about enmeshing forms of entangled resistance. Scott, among a few scholars, has contributed to the debate by suggesting an upscaling of resistance. Many have derived inspiration from Scott’s studies, through which he demonstrates how non-organised resistance has the ability to spur social change. Quiet, dispersed, disguised or otherwise seemingly invisible tactics are adopted by those who experience strong repression, both as a means of surviving and undermining repressive domination. This kind of resistance flourishes in contexts where open resistance is deemed excessively dangerous. Additionally, Scott suggests that the practice of ‘everyday resistance’ might precede, or potentially develop into, more visible and organised forms of resistance, such as, riots, social movements and political parties.

Scott’s theoretical work has earned him well-deserved respect within the local turn literature/field, although he is not free from criticism. Among others, Asef Bayat claims that ‘Scott’s “Brechtian mode of class struggle and resistance” is inadequate to account for the vibrant interactions and on-going activities of many precarious workers in the “Third World”’. Rather than their dissent being simply understood as hidden, quiet and individualistic, the struggles of the urban poor are also proactive. Bayat illuminates struggles that are difficult to identity as ‘movements’, while they lack the clear leadership, ideology or structured organisation, which could place them as a detectable counterpoint against the state. Departing from Scott’s theorising, Bayat’s understanding of resistance moves beyond most existing theories on social movements. The type of ‘social movement’, embraced by Bayat, is marked by quiet, atomised and prolonged mobilisations that are accompanied with everyday practices of dissent. This assemblage of individual and collective, hypervisible and hidden, dissent emerge from both the social position of the resisters and, to use Sidney Tarrow’s term, the ‘structure of opportunities’ available to them.

Scott and Bayat, thus, display how different forms of organised and individual dissent co-exists and encourage each other. There is, on the one hand, what we label as the linear development dynamics, which display how individual resistance might transform into large-scale, collective and organised resistance (Scott). As pointed out by Carol Daniel Kasbari and Stellan Vinthagen (2020), due the evasive nature of everyday resistance, the political impact of this kind of subtle resistance has rarely been studied: it is still unclear how the cumulative effect of aggregated individual behaviour works and what conditions or factors actually facilitate or obstruct such a sudden triggered mobilisation of ‘scale shifts’. On the other hand, there is what we would like to call the oscillation dynamics, in which scattered and individual forms of resistance (‘quiet encroachment’) and sudden large uprisings – in which ‘passive networks’ (organised resistance) are temporarily activated – appear depending on the type of repression applied against the resistance (Bayat). In our own research, we have previously added to the work of Bayat and Scott by concluding that organised forms of resistance also encourage individual acts of dissent.

In this paper, we seek to take the above-mentioned research one step further by displaying and elaborating on the messiness of different battles. By analysing the struggle to advance ‘forced marriage’ on to the ECCC’s agenda, we display how different tactics of
international agencies, local organisations and individuals follow each other, create unexpected alliances and how these evoke reactions of power. Among other things, the analysis reveal how local resistance is encouraged by international actors, which results in a situation where local actors work towards the same issues as international actors: together, they are forming a joint agenda against local power-holders. However, as suggested above, the proxy resistance of the international agencies is contaminated with power. According to Lily Ling, the discourse on transnational relations sets up a “white world order”, where the Western/Westphalian Self always lords over Others. From this perspective, the attempts of international agencies to mobilise around the legal concept of ‘forced marriage’ and thereby (re)construct local memories in the postcolonial nation of Cambodia, could be seen as them not only producing a just world politics but also, in the same movement, carve out ‘proper’ subjectivities. As ‘West’ keep producing local subjectivities globally, Ling, asks for both an ‘epistemic disobedience’ and an ‘epistemic awakening’ to counter this kind of ‘epistemic violence’. Departing from the above, we would suggest that power and resistance co-exists in the acts of promoting ‘forced marriage’ as a crime against humanity on the court agenda, something that adds to the complexity of the paper.

The Extraordinary Chambers in the Courts of Cambodia

As a peace-building project, the ECCC is just one among numerous interventions that have attracted considerable criticism. The ECCC has aimed at prosecuting the ‘senior leaders of Democratic Kampuchea [DK] and those who were most responsible for the crimes and serious violations’ of Cambodian and international law during the time of the regime. The Tribunal was established under pressure from the international, primarily Western, community, who at that time accounted for a substantial proportion of Cambodia’s foreign aid. During its existence, the ECCC has been accused of delays in the Court’s processes, as well as opening up the possibility of political interference from national actors.

Unlike the International Criminal Court (ICC) or the tribunals for the former Yugoslavia and Rwanda (ICTY and ICTR, respectively), the ECCC is an ‘internationalized’ tribunal, established under Cambodian law and operating with international assistance, in accordance with an agreement between the Cambodian government and the United Nations (UN), rather than an international tribunal. This agreement stipulates the ECCC’s operation with a mixture of Cambodian and international staff and law. The rationale underpinning this hybrid construction is the creation of balance between the international and the national levels.

On 4 February 2008, the ECCC held its first hearing. Subsequently, a process was initiated by international agencies to include ‘forced marriage’, committed by the KR, on to the Court’s agenda as a part of national reconciliation. This process was also supported by the UN. In 2012, Margot Wallström, the UN Special Representative of the Secretary-General on Sexual Violence in Conflict, suggested that gender-based violence (GBV) crimes must be given ‘the full benefit of the court’s resources and attention, as afforded other crimes against humanity before the ECCC.’ In a letter to the Cambodian Prime Minister Hun Sen, Wallström also argued for the ‘establishment of mechanisms for appropriate recognition and reparations for victims of sexual violence under the Khmer Rouge regime’. Still, in the initial stages, which we analyse here, the attempts of the international community and local NGOs to bring in ‘forced marriage’ as
a ‘crime against humanity’ were met with scepticism and ambivalence. However, by time, the attempts to highlight GBV issues and put ‘forced marriage’ on to the ECCC’s agenda succeeded. Below, we further display the struggle to include ‘forced marriage’ as a crime against humanity – the strategies, entanglements and counter-reactions.

**Interwoven resistance in the local and its effect on peace-building processes of change: the Cambodian case**

We acknowledge that the current academic discussion on peace-building interventions, especially the critique vis-à-vis liberal peace interventions, is complex and detailed in both an empirical and theoretical sense. However, a degree of intellectual imprisonment remains apparent when it comes to the way resistance is studied; most studies analyse ‘local’ or ‘hidden’ resistance practices that challenge different peace-building interventions. Below, we seek to move beyond this narrow focus by elaborating on how the practices of different actors who are involved in the ECCC’s peace-building efforts are interwoven, which leads to resistance that encourages and inspires new practices of resistance and power. In particular, we consider how the legal concept of ‘forced marriage’ has been advanced and resisted by various organisations and individuals, with regard to the ECCC, which has, among other things, created unexpected alliances.

**‘Forced marriage’ and how resistance encourages resistance**

Above, a brief foray into previous work on resistance reveals a wealth of robust theorisation. Still, given the complexity of societal processes, we argue that further attention must be given to the play of different forms of entangled resistance in relation of power. Below, in the accounts of the ECCC, we highlight some crucial insights of the messiness of this kind of resistance.

During the KR period, some 500,000 women and men were forced into marriage, with the Cambodian authorities’ surveillance ensuring that the marriages were consummated. The difficulties of the ‘forced marriage’ was illuminated by some of the victims we interviewed. One of the respondents, for example, said:

My sisters did not want to get married by force. They went to our mother to ask for her advice. She told them to pretend to be ill. She put some mud behind their ears. That is a disease here. But the mud fell off after a while. Then they had to get married. But my sisters refused to get married that day. The others who refused to accept a forced marriage ran into the forest. However, my sisters ran to our parents. Then the KR came and killed them with machetes in front of my parents.52

Another respondent expressed the same feeling, however from a different perspective and from a different experience; the respondent said as follows:

I am a third sex. I am neither a woman nor a man. I want to have sex with men, not women. I was forced to marry a woman. I did not want to. I had to have sex with her to survive. The KR forced us to have sex. I only had sex with her twice. Otherwise I would have been killed. […] The difference between forced marriages and arranged marriages is big. If my parents had arranged a marriage for me I would be able to say ‘No’. But if you refused to get married during the KR they killed you.53
While many of these stories are painful, in part due to a ‘mix-up’ between ‘arranged marriage’ and ‘forced marriage’, it should be noted that ‘forced marriage’ was not, at first, considered to be a crime or a trauma. It was rather interpreted as arranged marriage in line with local understandings. In addition, some Cambodians still remain within the marriages that were assigned to them between 1975 and 1979. During some of our interviews, we, for example, discovered that some court officials were continuing to live in ‘forced marriages’ that were contracted during the KR era.\(^{54}\)

Thus, the ‘forced marriages’ during the KR period were not initially thought of as crimes or even a form of offence. However, in line with the UN Security Council Resolution 1325 (UN/SC/RES/1325), in the mid-2000s the international community, including the transnational civil society, began supporting local organisations in Cambodia to include ‘forced marriage’ on to the Court’s agenda.\(^{55}\) One civil party lawyer financed by the German Development Service (DED), was ‘instrumental in […] bringing these issues forward’,\(^{56}\) and inspired other actors to take part; both local organisations and civil parties were mobilised to advocate ‘forced marriage’ issues on the Court’s agenda.\(^{57}\) Local organisations that were involved in advancing ‘forced marriage’ as an international crime in Cambodia were, among others, the Cambodian Human Rights and Development Association (ADHOC) and Cambodian Defendant Project (CDP).\(^{58}\)

When the international community, various transnational civil society actors and local NGOs raised the issue of ‘forced marriage’, many Cambodians came to reconstruct their memories to reflect the new discourses of these marriages. One international lawyer explained:

> People rarely mentioned forced marriages in their complaints and civil party applications. […] They did not consider it a crime. […] But they [eventually] realized that forced marriage was a crime when I talked to them. Approximately 90% had either been married by force themselves or had a relative who had been forced to marry […]. It means a lot to the victims of GBV to get to know that it is a crime. It raises their awareness. They were right all along!\(^{59}\)

In the aftermath of violence – and through discourses presented and maintained by international organisations, their lawyers and local organisations – the victims began re-evaluating and recrafting their memories of their experiences during the KR period, now concluding that they had been exposed to a crime rather than local ‘traditions’. By ascribing new meaning to the experiences of the KR marriages, these were (re)interpreted through Western notions of ‘slavery’ and ‘rape’. Many of the victims who revalued their marriages filed complaints, became civil parties and decided to bear witness to ‘forced marriage’, thereby becoming agents of change and resistance themselves, by challenging previous discourses around the Court and what counted as an international crime. As we show below, many officials, however, opposed including ‘forced marriage’ on to the ECCC’s agenda, which created a conflictual situation.

Overall, various local and international organisations, their lawyers as well as the civil parties came together to support each other in creating experiences of a trauma, by which husbands and wives has been involved in rapes and forced slavery. The strong will of the international organisations and their lawyers to bring forward and establish gender-based violence (GBV) as a crime may, as suggested above, be considered as a form of proxy resistance, given that it was resistance that was undertaken in solidarity with those
who had been exposed to ‘forced marriages’ and forced sex. This kind of proxy resistance can turn quite strong, since it creates unforeseen alliances across social categories, or, between different spaces. Still, as indicated above, this kind of resistance can easily turn into paternalistic, self-serving, or exploitative practices, in which the actor might gain status, credibility, or positions within new organisations, movements or parties.\(^{60}\) In addition, in a post-colonial world order, this kind of politics suggest an intervention, which contend other ways of knowing and being. Thus, advocating the legal concept of ‘forced marriage’, can be seen as resistance and power overlapping. Additionally, it could be considered a form of ‘constructive resistance’,\(^{61}\) which aimed to establish an alternative meaning around the practices of marriage; that is, an alternative to the interpretation of the marriages as ‘arranged’. The reiterations of the narratives around the KR marriages can be understood with assistance from Judith Butler,\(^{62}\) who discusses how (re)articulations or repetitions of dominant discourses with a slightly different meaning can be understood as subversive politics. Repeating concepts or norms differently is a means of resisting discursive orders and ideological frameworks. The fact that meaning can never be fixed becomes a powerful instrument for contesting hegemonic understandings, even if the effects of such resistance are conditioned on historical and discursive circumstances.\(^{63}\) Carrying out repetitions of a (re)framed story regarding (forced) marriages can be seen as an expression of local agency that is conjured up by international actors, which comes to form a non-institutionalised alliance.

The (transnational) civil society, thus, worked hard to mobilise the issue of ‘forced marriage’ on to the Court’s agenda, and, among other things, supported civil parties in their role as witnesses; for example, by a continued advocacy campaign to prosecute GBV crimes.\(^{64}\) In addition, different organisations, among them Transcultural Psychosocial Organization (TPO), supported witnesses or civil parties in the Court’s proceedings with psychological support.\(^{65}\) Some of our respondents stated that they received this kind of support. One woman who witnessed GBV stated: ‘I became mentally ill and therefore I have gained a lot of support from different organizations.’\(^{66}\) Civil society groups that support civil parties and witnesses can be seen as a form of organised resistance, which facilitates individual expressions of resistance. It is a kind of entangled resistance, which mingles collective and individual expressions.

The victims of ‘forced marriage’ repeated their stories in the interviews of the investigations, as well as when they bore witness in the ECCC. Bearing witness is commonly complicated, because testimonies are constructed and appraised in light of a power-loaded context: ‘[B]earing witness is an aggressive act. It is born out of a refusal to bow to outside pressure to revise or to repress experiences, a decision to embrace conflict rather than conformity […]. Its goal is change.’\(^{67}\) We suggest that their witnessing should be seen as individual resistance that is evoked by a transnational, international and national civil society, and directed against, as we will see below, not only the Court’s agenda and local officials, but also against governing instances on the national level.

Resistance – which is largely hidden in everyday situations – has, within the local turn literature, been identified as signs of the failure to forge grassroots ownership of the peace-building process. However, David Chandler underlines that ‘the non-linear discourses of local “hidden” agency neither create the basis of any genuine understanding of the limits to liberal peace nor provide any emancipatory alternative.’\(^{68}\) In the case of the ECCC, the practice of bearing witness was an extraordinary individual activity,
a resistance that was embedded in collective actions and emboldened by the international community and the more organised resistance of NGO-networks. Thus, the resistance was far more complex than most of the local turn literature indicates. In the struggle over the ECCC and what the important memories and crimes are in the aftermath of violence, the impression is that complicated linkages exist between the international organisations, local civil society organisations and civil parties who, through their stories, came to resist the ECCC’s dominant narratives. As Inígués de Heredia argues, giving attention to resistance in liberal peace debates provides us with a sophisticated analysis of peace-building. For such complexity to be displayed, however, the concept of resistance must be further problematised.69

**Resistance against the resistance**

Above we have argued for a complex web of international and local resistance; that is, entangled resistance. Next, we take a detour to re-examine the power–resistance nexus. We suggest that not only does resistance challenge power, but paradoxically, resistance also supports and/or generates new power relations. For example, our interviews display how the mobilisations around ‘forced marriage’ were battled by governing agencies and ECCC officials.

As stated previously, ‘forced marriage’ was not initially included on the Court’s agenda. However, some actors within the international community rallied around the concept in order to display experiences and memories that had not previously been carved out. The international society, combined with local actors, mobilised people to remember and promote memories that did not, initially, fit with the extant narratives. Such meaning-making attempts can be comprehended as offering the ECCC stakeholder new discursive resources to draw on.70 Still, as revealed below, the counter-memories created strong reactions and obstructions; the resistance provoked new reactions of power. A number of lawyers and officials, at the beginning of the ECCC process, refused to include or use the international crime of ‘forced marriage’. For example, one court official, when we were discussing the preparation of the prosecutions, stated that: ‘the legal concept of “forced marriage” is not the sharpest tool in my toolbox’.71 The problems of advancing ‘forced marriage’ on to the Court’s agenda was described to us by an international lawyer; she said:

ECCC has ignored my attempts to bring up GBV-issues in case 001 [...] in other cases people at ECCC have reacted very strongly and many seem to oppose my attempts to discuss GBV-issues. For example, one day in July 2009 when I was sitting on the bus [operated by the ECCC to transport the Court staff between the ECCC and the Phnom Penh city center], one of the highest legal officer under the co-investigating judges sat six rows behind me, talking very loudly, making sure that I could hear him, to a colleague, complaining that he now has to investigate forced marriage. He ended by saying: ‘isn’t it ridiculous that marriages where they are still married would now be considered a forced marriage’.72

Some respondents argued that the concept of ‘forced marriage’ was resisted by the ECCC because it deviated from the storyline of the Court’s proceedings, in addition to the interests and agenda of the national authorities. It was pointed out that the Cambodian People’s Party (CPP) uses the ECCC to construct ‘correct’ memories, thereby gaining renewed legitimacy from a court that deals primarily with the massive violence that
occurred during the KR period. The CPP’s constant intervention in the Court’s process also affected the witnesses of ‘forced marriage’. Several respondents proposed that national authorities had interests that affected not only the ECCC’s agenda but also the witnesses. For example, one respondent stated the following:

People do not want to take part in the ECCC because they are afraid of the government. For example, one woman who is really outspoken, she used to take action and speak publicly during the Angry Day [celebrated in May every year in order to remember the victims of the terror of the KR], she was asked to take part in the ECCC. But she refused. She said she is afraid.

Another respondent argued that: ‘The ECCC is about Vietnamese supported KR punishing Chinese supported KR’. Following this, it was said that one set of reactions against the advancement of ‘forced marriage’ appeared as a result of national memory politics.

Another set of obstructions opposing the establishment of the concept of ‘forced marriages’ seemed intimately connected to different subject positions. Although some people considered the practice of forced marriage to be traumatic, others did not. Those who continued to remain in ‘forced marriages’, and had children within these marriages, were specifically unwilling to discuss these marriages in terms of ‘rape’, ‘forced’ and/or ‘slavery’. Thus, whereas the notion of ‘forced marriage’ as a ‘crime against humanity’ was seemingly revelatory for certain individuals, it proved threatening to others’ identities, love relationships and whole realities. For example, male Cambodian court staff members, some of whom still lived in ‘forced marriages’, obstructed or refused to acknowledge the existence of trauma, thus in the same movement were weakening the survivors’ credibility. During an interview with one of the Court staff members who, according to himself, stayed happily married in a ‘forced marriage’, he considered such a concept to be nothing but another form of ‘arranged marriage’. Another official of the Court, when portraying his marriage that was arranged by the KR, stated: ‘If it is a happy marriage how can it be forced?’

The scepticism against the label of ‘forced marriage’ informed how the victims were met within the court. One international lawyer experienced difficulty with encouraging the interrogators to bring up questions about GBV while interviewing victims. In addition, when discussing ‘forced marriages’, the ECCC adopted an inappropriate classification of the crime: ‘They only used rape and forced marriage as an other inhuman act, but it should also be “forced enslavement” as another inhumane act’. This resistance was also mirrored, during the investigations with women victims. During these investigations the interrogators often used an ironic undertone in their conversations with the female victims. For instance, the investigators referred to the KR supervised intercourse, performed under death threat, within ‘forced marriages’ as ‘making love’.

This suggests that as ‘forced marriage’ was brought to the agenda, many witnesses to these crimes were met with encouragement but also a form of denial. The Court’s indecisive reactions made some witnesses question the ECCC’s constitution in general, in addition to their personal participation in particular. A respondent believed that, ‘the ECCC does not care about GBV. People do not care about, for example, forced marriage . . . [Consequently] if I know how to do it, I would back out from the ECCC.

The above reveals how the struggle over the ECCC’s agenda has involved not only entangled resistance from different venues, but also evoked a backlash. Overall, the
attempts to advance ‘forced marriages’, which subsequently succeeded, provoked obstructions and new power reactions that impacted upon the complex dynamic of peace-building in Cambodia.

**Concluding discussion**

Contemporarily, interesting dynamics of peace-building processes remain obscured, while much research on the ‘local’ concentrates on ‘one-dimensional’ resistance. Accordingly, this paper has elaborated on the concept of resistance in peace-building by displaying how resistance encourages resistance and evokes new relations of power, which is something that creates interesting uneasy and unexpected alliances of different forms of individual, organised, meaning-making, contaminated and obstructive resistance.

In the case of the ECCC, dedicated international lawyers and their organisations supported and initiated the work of local organisations to advocate the international crime of ‘forced marriage’. We suggest that the devoted action of these lawyers should not be regarded as repressive power nor as dissent, but rather as proxy resistance – resistance carried out in solidarity with the victims of ‘forced marriage’. As stated above, this kind of resistance can easily turn into exploitative practices as well as it is contaminated by power in the form of hierarchical, postcolonial relations.83

While local NGOs and international actors worked hard to mobilise victims and witnesses, a notable dynamic emerged where more-or-less organised negotiations intersected in order to bring up ‘forced marriage’ on to the ECCC’s agenda. The case study of ‘forced marriage’ in Cambodia provides us with a complex and intricate view of peace-building processes, wherein alliances between different resistance actors encourage other forms of resistance as well as reactional power. To understand this complexity, we must transcend the perspectives of the local turn and illuminate processes of entangled resistance.84

In the case-study, the international community both contributed to establish the ECCC, but also, later, took part in struggle over its content and what memories to embrace as important within the court. At the same time, local actors participated in both the establishing of the court as well as the resistance against it. Thus, analysing power and resistance, the differences within both international and local geographies must be acknowledged to understand peace-building processes.

**Notes**

1. Leonardsson and Rudd, ‘The “Local Turn”’; Randazzo, ‘The Paradoxes of the “Everyday”’, 1351.
2. Iñiguez de Heredia, ‘The Conspicuous Absence’.
3. Op.cit., 5.
4. Richmond, ‘Peace Formation and Local Infrastructures for Peace’, 271.
5. See Leonardsson and Rudd, ‘The “Local Turn”’.
6. Richmond, *Peacebuilding: Critical Developments*, 22.
7. Respondents within the legal and/or political field are fluent English speakers. However, not all victims, witnesses and civil parties master the English language. Therefore, in some cases, interpreters have been used, which might reduce some of the nuances of the quotes. Moreover, the interviews have been lightly edited for clarity. This includes removing repetition, correcting grammar and omitting some fragmented passages that were difficult
to make sense of. Finally, some of the quotations have been slightly adjusted in order to not reveal the identity of any individuals who are quoted. The substantial content of the quotes, however, remains unchanged.

8. Ortner, 'Resistance and the Problem of Ethnographic Refusal'.
9. Cf. Sabaratnam, ‘Avatars of Eurocentrism’, 266.
10. Leonardsson and Rudd, ‘The “Local Turn”'; Randazzo, ‘The Paradoxes of the “Everyday”’, 1351.
11. Coetzee and Söderbaum, ‘Nordic Development Studies’, 126–137.
12. Leonardsson and Rudd, ‘The “Local Turn”’, 826; Brancati, ‘Decentralization: Fueling the fire’; Brinkerhoff and Johnson, ‘Decentralized Local Governance’; Brinkerhoff and Mayfield, ‘Democratic Governance in Iraq’; Kim et al., ‘A Gendered Analysis’; Siegle and O’Mahony, ‘Decentralization and Internal Conflict’. See these authors regarding the importance of the local for peace-building from this perspective.
13. Leonardsson and Rudd, ‘The “Local Turn”’; Regarding the importance of local agency, see e.g. Belloni et al. ‘Bosnia-Herzegovina’; Kappler, ‘Everyday Legitimacy in Post-Conflict Spaces’; Kroeker, The Peacebuilding Spaces of Local Actors; Mac Ginty, International Peacebuilding and Local Resistance; Pugh, ‘Local Agency and Political Economics’; Richmond, ‘Resistance and the Post-liberal Peace’, 226–244; Roberts, ‘Post-conflict Peacebuilding’.
14. Leonardsson and Rudd, ‘The “Local Turn”’.
15. Mac Ginty, International Peacebuilding and Local Resistance.
16. Randazzo, ‘The Paradoxes of the “Everyday”’, 1353.
17. Leonardsson and Rudd, ‘The “Local Turn”’, 833.
18. Roberts, ‘Post-conflict Peacebuilding’, 413.
19. Richmond, Peacebuilding. Critical Developments, 22.
20. See Young, ‘Conceptualizing Resistance in Post-Conflict Environments’.
21. Iñiguez de Heredia, ‘The Conspicuous Absence’, 2.
22. Cf. Sabaratnam, ‘Avatars of Eurocentrism’; Sabaratnam, Decolonising Intervention.
23. Iñiguez de Heredia, ‘The Conspicuous Absence’.
24. Richter-Devroe, ‘Palestinian Women’s Everyday Resistance’; Wilmer, ‘Gender, Violence, and Dehumanization’.
25. Sharp et al., Entanglements of Power, 17.
26. Dahl referred in Kabeer, Reversed Realities; Lukes, Power: A Radical View, 13.
27. See Lilja and Vinthagen ‘Sovereign Power, Disciplinary Power and Biopower: Resisting What Power with What Resistance?’; Foucault, Discipline and Punish.
28. See Lilja and Johansson ‘Feminism as Power and Resistance: An Inquiry into Different Forms of Swedish Feminist Resistance and Anti-Genderist Reactions’.
29. See Lilja, Baaz and Vinthagen ‘Exploring “Irrational resistance”’.
30. See Hollander and Einwohner, ‘Conceptualizing Resistance’.
31. See further Baaz, Lilja, Schulz and Vinthagen ‘Defining and Analyzing “Resistance”’: Possible Entrances to the Study of Subversive Practices’; Baaz, Lilja and Vinthagen Resistance and Social Change: A Critical Approach to Theory and Practice.
32. See constructive resistance: Lilja, Constructive Resistance: repetitions, emotions and time; Lilja and Vinthagen ‘Dispersed resistance: Unpacking the spectrum and properties of glaring and everyday resistance’.
33. See e.g. Edkins, Trauma and the Memory of Politics.
34. Chandler, ‘Peacebuilding and the Politics of Non-Linearity’, 32.
35. See Scott, Domination and the Arts of Resistance.
36. See further Baaz, Lilja, Schulz and Vinthagen ‘Defining and Analyzing “Resistance”’: Possible Entrances to the Study of Subversive Practices’; Baaz, Lilja and Vinthagen Resistance and Social Change: A Critical Approach to Theory and Practice.
37. See e.g. Bleiker, Popular Dissent.
38. Bayat, ‘Un-civil Society’, 56; Lilja, Baaz, Schulz and Vinthagen, ‘How Resistance Encourages Resistance: Theorising the nexus between Power, Everyday Resistance and Organized Resistance’.
39. Bayat, ‘From “Dangerous Classes”; Bayat, Life as Politics; Lilja, Baaz, Schulz and Vinthagen ‘How Resistance Encourages Resistance: Theorising the nexus between Power, Everyday Resistance and Organized Resistance’.
40. Tarrow, Power in Movement.
41. Lilja, Baaz, Schulz and Vinthagen, ‘How Resistance Encourages Resistance: Theorising the nexus between Power, Everyday Resistance and Organized Resistance’, 44; See also Baaz Lilja and Vinthagen Resistance and Social Change: A Critical Approach to Theory and Practice.
42. See e.g. Lilja, Baaz, Schulz and Vinthagen, ‘How Resistance Encourages Resistance: Theorising the nexus between Power, Everyday Resistance and Organized Resistance’.
43. Ling, 'Koanizing IR: Flipping the Logic of Epistemic Violence', 1.
44. Ibid.
45. ECCC, Article 1; Palmer and Williams, ‘A “Shift in Attitude”?’; 22.
46. Ciorciari, 'History and Politics'.
47. Baaz, 'International Criminal Tribunal for Cambodia'; Baaz, 'Extraordinary Chambers in the Courts of Cambodia'; Palmer and Williams, ‘A “Shift in Attitude”?’; Williams, Hybrid and Internationalised Criminal Tribunals, 1.
48. Baaz, ‘Extraordinary Chambers in the Courts of Cambodia’.
49. See further, Lilja, Resisting Gendered Norms: Civil Society, the Juridical and Political Space in Cambodia
50. Margot Wallström in Palmer and Williams, ‘A “Shift in Attitude”?’; 30.
51. Wallström, ‘The Forgotten KR Victims’, Phnom Penh Post, 29 May 2012.
52. Interview with victim, quoted in Lilja, Resisting Gendered Norms: Civil Society, the Juridical and Political Space in Cambodia, 61.
53. Interview with victim, quoted in Lilja, Resisting Gendered Norms: Civil Society, the Juridical and Political Space in Cambodia, 61.
54. Lilja, Resisting Gendered Norms: Civil Society, the Juridical and Political Space in Cambodia, 65.
55. Lilja, Resisting Gendered Norms: Civil Society, the Juridical and Political Space in Cambodia.
56. Palmer and Williams, ‘A “Shift in Attitude”?’; 29.
57. Lilja, Resisting Gendered Norms: Civil Society, the Juridical and Political Space in Cambodia.
58. Lilja, Resisting Gendered Norms: Civil Society, the Juridical and Political Space in Cambodia, 62.
59. Interview with international lawyer, quoted in Lilja, Resisting Gendered Norms: Civil Society, the Juridical and Political Space in Cambodia, 62–63.
60. Baaz, Lilja, Schulz and Vinthagen, ‘Defining and Analyzing “Resistance”: Possible Entrances to the Study of Subversive Practices’, 142
61. See further e.g. Lilja, Constructive Resistance; Minoo Koefoed, ‘The Art of Enacting the Impossible: A Conceptual, Empirical, and Methodological Exploration of Constructive Resistance by the Kurdish Movement in Turkey’ (Dissertation, School of Global Studies, University of Gothenburg, 2018); Majken Jul Sørensen, ‘Constructive Resistance: Conceptualising and Mapping the Terrain’, Journal of Resistance Studies, 2:1 (2016), pp. 49–78, (p. 57).
62. Butler, Gender Trouble; Butler, ‘Subjection, Resistance, Resignification’.
63. See Mills, ‘Contesting the Political.
64. See Sperfeldt, ‘Cambodian Civil Society and the Khmer Rouge Tribunal’.
65. Palmer and Williams, ‘A “Shift in Attitude”?’; 31. Lilja, Resisting Gendered Norms: Civil Society, the Juridical and Political Space in Cambodia, 77.
66. Interview with witnesses, quoted in Lilja, Resisting Gendered Norms: Civil Society, the Juridical and Political Space in Cambodia, 77.
67. Tal, Worlds of Hurt, 7.
68. Chandler, ‘Peacebuilding and the Politics of Non-Linearity’, 31.
69. Iñiguez de Heredia, ‘The Conspicuous Absence’.
70. Medina, ‘Toward a Foucaultian Epistemology’.
71. Interview with international prosecutor, quoted in Lilja, Resisting Gendered Norms: Civil Society, the Juridical and Political Space in Cambodia, 64.
72. Interview with international lawyer, quoted in Lilja, *Resisting Gendered Norms: Civil Society, the Juridical and Political Space in Cambodia*, 62–63.
73. See further Baaz, ‘International Criminal Tribunal for Cambodia’; Baaz, ‘Extraordinary Chambers in the Courts of Cambodia’; Baaz, ‘The Dark Side of International Criminal Law: The Extraordinary Chambers in the Courts of Cambodia’; Baaz, ‘Bringing the Khmer Rouge to Trial: An Extraordinary Experiment in International Criminal Law’; Baaz and Strandberg Hassellind, ‘Just Another Battleground: Resisting Courtroom Historiography in the Extraordinary Chambers in the Courts of Cambodia’.
74. See further Baaz, ‘International Criminal Tribunal for Cambodia’; Baaz, ‘Extraordinary Chambers in the Courts of Cambodia’; Baaz, ‘The Dark Side of International Criminal Law: The Extraordinary Chambers in the Courts of Cambodia’; Baaz, ‘Bringing the Khmer Rouge to Trial: An Extraordinary Experiment in International Criminal Law’; Baaz and Strandberg Hassellind, ‘Just Another Battleground: Resisting Courtroom Historiography in the Extraordinary Chambers in the Courts of Cambodia’.
75. Interview with victim, quoted in Lilja, *Resisting Gendered Norms: Civil Society, the Juridical and Political Space in Cambodia*, 64.
76. Interview with NGO-worker, quoted in Lilja, *Resisting Gendered Norms: Civil Society, the Juridical and Political Space in Cambodia*, 64.
77. See further Baaz, ‘International Criminal Tribunal for Cambodia’; Baaz, ‘Extraordinary Chambers in the Courts of Cambodia’; Baaz, ‘The Dark Side of International Criminal Law: The Extraordinary Chambers in the Courts of Cambodia’; Baaz, ‘Bringing the Khmer Rouge to Trial: An Extraordinary Experiment in International Criminal Law’; Baaz and Strandberg Hassellind, ‘Just Another Battleground: Resisting Courtroom Historiography in the Extraordinary Chambers in the Courts of Cambodia’.
78. Interview with national judge, quoted in Lilja, *Resisting Gendered Norms: Civil Society, the Juridical and Political Space in Cambodia*, 62–63.
79. Interview with national judge, quoted in Lilja, *Resisting Gendered Norms: Civil Society, the Juridical and Political Space in Cambodia*, 65.
80. Interview with international lawyer, quoted in Lilja, *Resisting Gendered Norms: Civil Society, the Juridical and Political Space in Cambodia*, 65.
81. Tal, *Worlds of Hurt*, 6.
82. Interview with victim, quoted in Lilja, *Resisting Gendered Norms: Civil Society, the Juridical and Political Space in Cambodia*, 66.
83. Baaz, Lilja, Schulz and Vinthagen ‘Defining and Analyzing “Resistance”: Possible Entrances to the Study of Subversive Practices’; Lilja, *Resisting Gendered Norms: Civil Society, the Juridical and Political Space in Cambodia*.
84. Chandler, ‘Peacebuilding and the Politics of Non-Linearity’.

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Notes on contributors

Mona Lilja currently serves as a professor of Peace and Development Research at the School of Global Studies, University of Gothenburg, Sweden. Lilja’s area of interest is the linkages between resistance and social change as well as the particularities—the character and emergence—of various forms of resistance. She is the author of the recently published book Constructive resistance: Repetitions, Emotions, and Time (2021).

Mikael Baaz is a full Professor of International Law as well as an Associate Professor in Political Science and an Associate Professor in Peace and Conflict Studies. He works at the University of Gothenburg, Sweden. Baaz’ core research interest is various aspects of the international society, in particular international law and international criminal law as well as resistance and social change. He has, together with Professors Mona Lilja and Stellan Vinthagen, written the book Researching Resistance and Social Change: A Critical Approach to Theory and Practice (Rowman and Littlefield, 2017).

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