

Cambodia 2003

National Assembly Elections



2003 Election Report
INTERNATIONAL REPUBLICAN INSTITUTE

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I. Executive Summary

Background

The International Republican Institute (IRI) received funding from the U.S. Agency for International Development (USAID) to conduct an extensive program of pre-election assessment and observation of Cambodia's 2003 National Assembly Election.

In the months preceding the election, IRI conducted three pre-election assessment missions on January 19-24, April 23-28, and June 25-30. IRI delegates and staff traveled to 18 of Cambodia's 24 provinces and met with government officials, political party leaders and activists, independent election experts and ordinary citizens. The assessments of the political environment and the administrative framework of the pre-election period were contained in summary reports issued upon completion of each mission.

IRI's election work culminated in the deployment of a 61-member team of credentialed observers for the National Assembly elections that took place on July 27. Former New Jersey Governor and former U.S. Environmental Protection Agency Administrator Christine Todd Whitman headed the delegation. Among the IRI election observers were elected officials, election experts, political professionals and foreign policy specialists from the United States, Australia, Canada, China, Indonesia, Mongolia and the United Kingdom. The delegation underwent two days of intensive briefing in Phnom Penh on July 24 and 25 before deploying to the field. In the field, observers assessed the final day of the political campaign, Election Day voting, and the vote counting process in 16 provinces containing 94 percent of the Cambodian population. Observers visited approximately 150 polling stations on voting day, and more than 20 ballot counting centers on the following day.

IRI has had extensive experience in observing elections around the world. IRI's assessment of elections encompasses all phases of the electoral process from the registration of voters, through the pre-election period, to the vote count, tabulation, the announcement of results, and inauguration of a new government. This report presents IRI's cumulative assessment of the entire election process.

Findings

The 2003 National Assembly elections were an improvement over past elections in Cambodia but failed to meet recognized international standards for democratic elections. The balloting process was for the most part competently administered. The overall integrity of the electoral process, however, was critically compromised by factors that unfairly handicapped the political opposition in its election campaign and impeded a substantial number of Cambodian citizens from exercising their franchise without fear of reprisal.

Voting and Vote Counting

The balloting that took place on July 27 and the ballot tabulation process that followed were generally sound, and demonstrated Cambodians' potential capacity to effectively

administer an election. IRI observers did not conclude that procedural irregularities were of such scope or severity as to affect the overall outcome of the voting. In general, polling stations opened on time, were supplied with the necessary voting and ballot security materials, and staffed by workers who were adequately trained and prepared to carry out their tasks. Though crowding was a problem at many voting stations, especially in the early part of the day, the voting process was in general orderly and properly conducted. Few registered voters appear to have been denied the opportunity to vote because of problems with voter registries or personal identification documents. Anticipated problems related to the proper marking of ballots by voters failed to materialize, and only a very small percentage of the ballots cast were later invalidated. The serious irregularities that did occur involved the ballot counting and recording processes, which were characterized in a number of locations by lengthy delays and insufficient attention to ballot security and recordation procedures. Though IRI observers did not find direct evidence that these problems altered or were intended to alter the results of the election, they clearly did open the door to that possibility in specific locations.

Pre-Election Environment

IRI observers found that while administration of the actual voting and vote counting process was generally acceptable, they concluded that the overall integrity of the election process was critically compromised by events and conditions that preceded Election Day. Though the political environment did not preclude an active and energetic campaign, several factors prevented the opposition from competing on an equal footing and denied many citizens their right to make informed political choices and freely vote their conscience. Included among these factors were violence directed primarily against opposition political activists, direct and widespread intimidation and coercion of rural voters on behalf of the ruling Cambodian People's Party (CPP), lack of enforcement of key provisions in the election law, exploitation of state resources by the governing party, and the opposition's limited access to broadcast media.

The political environment in which the election took place was marred by violence. The number of political killings and non-lethal assaults was less than in previous elections but was still substantial. Human rights organizations documented hundreds of cases of politically motivated crimes and election law violations, including 11 murders of political activists. Carried out in an environment of impunity, the violence served to perpetuate the climate of fear, especially among opposition political party activists and voters sympathetic to the opposition, which has characterized Cambodian politics and diminished the quality of its democracy over the last decade.

A large segment of Cambodia's rural population was subject to a less visible but pervasive campaign of politically motivated intimidation. In meetings with representatives of major Cambodian and international human rights monitoring organizations and in encounters with Cambodian citizens, IRI observers were presented with substantial and credible evidence of coercion, often in the form of threats combined with inducements, carried out by police and Village and Commune Chiefs in many parts of the country on behalf of the CPP. The undermining of voters' confidence in the

secrecy of their ballot appears to have been a central element in efforts to coerce support for the CPP. Domestic and international observers presented substantial evidence of these problems but the National Election Committee (NEC) and the government failed to intervene in an effective way.

The pre-election period and in some locations the balloting process itself was further marred by political incitement of extreme nationalist sentiment among Cambodian citizens. The leadership of both the opposition Sam Rainsy Party (SRP) and the royalist Funcinpec party targeted Vietnamese immigrants with irresponsible rhetoric, which may have contributed to incidents in which ethnic Vietnamese voters were intimidated or physically confronted when trying to enter voting stations on Election Day.

Conditions for a truly open political campaign and competitive election were undermined further by a blurring of the line between the Cambodian state and the CPP. Province-level government officials in many parts of the country openly lent their services to the CPP campaign, and agencies of the national government, including the Ministry of Justice and the Ministry of Information, appear to have routinely taken decisions – or failed to do so – to the benefit of CPP. The National Election Committee played a largely passive role in response to a routine pattern of violations of the election law and its own directives. The exercise of the CPP government's influence over broadcast media was especially consequential. The May 2003 decision of all private television stations not to accept paid political advertisements, their extensive "news" coverage of the Prime Minister during the official campaign period, and the Ministry of Information's repeated denial of applications from the Sam Rainsy Party and its affiliates for a radio broadcast license significantly limited the opposition's ability to qualitatively reach voters.

The available evidence indicates that the election process overall provided for neither a truly competitive political campaign nor a genuinely free expression of the will of Cambodia's voters. This was particularly unfortunate given the deep commitment to the democratic process that Cambodia's citizens demonstrated by their extraordinary efforts to participate in the balloting.

II. Pre-Election Environment

In the six months preceding Cambodia's July 27 National Assembly Elections, IRI conducted what was among the most intensive programs of pre-election assessment in the Institute's history. This work was followed up by IRI delegates and staff who arrived in Phnom Penh several days before the election and observed the voting and ballot counting in 16 of Cambodia's most populated provinces.

Political Environment

Political violence and a widespread, multifaceted pattern of intimidation carried on throughout the election cycle curtailed the ability of many Cambodian citizens to obtain political information, express their political views, and participate in the voting process freely and unencumbered by fear of physical, social and economic retribution. In addition to murders, attempted murders, and assaults on opposition activists, there was widespread intimidation of ordinary voters. The intimidation took a variety of forms, such as destruction of party signboards on private property, confiscation of citizens' voter cards, forced pledges of support for the governing Cambodian People's Party (CPP) at culturally powerful swearing ceremonies, and verbal threats against individuals. Agents sympathetic to CPP bear overwhelming responsibility for creating this environment of fear.

In this regard, a broader and more general threat of violence was also implicit in the campaign message of CPP. The often repeated association of continued "peace and security" with a CPP electoral victory was a central element in the party's campaign. Voter did not view these as idle threats given Cambodia's long history of civil conflict and the CPP's own documented history of refusing to peacefully accept electoral defeat.

Cambodian and international human rights organizations identified likely political motivations behind the murders of 11 political activists. (In 16 other cases of murdered political activists, political motivation was ruled out.) Included in the 11 were very public murders of such high profile political figures as Om Radsady, a senior advisor to Funcinpec party leader Prince Norodom Ranariddh, and Sam Bunthoeun, a monk well known for his advocacy of monks' voting rights. Many more instances of physical violence against political party activists – the overwhelming majority of whom were opposition party members – were also well documented. IRI observers personally followed up and confirmed these reports in Phnom Penh and Pursat provinces.

In no case that IRI observers were made aware of was anyone arrested and convicted for these violent crimes, which the government adamantly refused to concede might have been politically motivated. In a June 4 report covering the period January 1 through April 30, 2003, the Ministry of Interior categorically ruled out political motivations in all cases relating to murder, attempted murder or lesser crimes committed against political party members. The petty criminal motives often attributed to the perpetrators by the police were in most cases simply not believable.

In the view of IRI observers one of the most significant practices undermining the overall integrity of the electoral process was the direct and indirect intimidation of Cambodian voters in rural communities across the country by local officials, police, and CPP "group leaders" assigned to monitor several families in each village. IRI observers confirmed reports from political parties, as well as from organizations such as Human Rights Watch (HRW) and the Cambodia Office of the United Nations High Commissioner for Human Rights (COHCHR), that voters in rural areas were frequently "visited" in their homes by local officials and group leaders who attempted to coerce them into supporting CPP in the election. Villagers were pressured to become CPP party members, to take oaths of loyalty to the party, and/or to not allow opposition party signs to be erected outside their homes.

Village Chiefs were the principal and much commented upon instrument of this pervasive campaign of intimidation. They wield significant power within their communities over matters such as the legal status of property, the provision of services, and access to resources provided by the state or international donor organizations.

Cambodia's 2001 Law on Commune Administration requires that the Ministry of Interior issue guidelines so that each commune council can nominate a village chief for each village in the commune. Yet 17 months after the commune council elections, Cambodia's Ministry of Interior has failed to take the necessary steps to implement the law. As a result, the vast majority of Village Chiefs, some of whom have been in office continuously since 1979, are government appointees who effectively function as local agents of the government and, by extension, of the CPP. In some instances at least, the relationship between the Chiefs and the CPP was discovered to be of a very explicit political nature. In Oddar Meanchey province, for example, a Village Chief reported to members of IRI's third pre-election assessment team that all the Chiefs from his commune had been called together for a meeting with a provincial party leader and told that they would be "campaign chiefs" for the CPP.

Throughout the period of the political campaign and through Election Day a flood of credible reports told of non-CPP supporters being threatened by Village Chiefs with violence; denial of access to community support systems and resources such as irrigation systems, Cambodian Red Cross food, and medical donations; or expulsion from their villages. IRI pre-election observers were told of instances in which villagers had received threats from Village Chiefs such as retaining their jobs or land was contingent upon the villagers' supporting the CPP. Hundreds of well documented complaints of these kinds of intimidation were received and reported in the period leading up to the election by international and Cambodian monitoring organizations including HRW, the Committee for Free and Fair Elections in Cambodia (COMFREL), the Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC), the Cambodian League for the Promotion and Defense of Human Rights (Licadho) and the Cambodian Center for Human Rights (CCHR).

Village Chiefs, along with police, also appear to have been instrumental in more subtle efforts to intimidate voters by undermining confidence in the secrecy of their ballot. Village Chiefs and police were alleged to have been conspicuously present at non-CPP political gatherings and rallies, recording the names of participants. These same groups were frequently involved in the collection and holding of voter identification cards in the weeks prior to the election. Actions such as these easily and intentionally played into the existing fears of village residents that their individual ballots could somehow be traced. While the basis for these fears was sometimes implausible, the fear itself was real, commonly felt and widely exploited.

The NEC and Pre-Election Administration

Responsibility for administering Cambodia's 2003 elections lay principally with the National Election Committee (NEC) and the 24 Province Election Committees (PECs) and 1,621 Commune Election Committees (CECs) constituted under the NEC's authority.

The NEC and its network of province and commune level election committees demonstrated a substantial capacity to organize and administer an election in which more than 4.5 million ballots were cast at approximately 13,000 voting stations. The relatively smooth and procedurally correct voting process that took place on July 27 and the vote counting on July 28 (see below under III. Voting and Vote Counting) reflected positively on the NEC's efforts in registering voters and candidates; in designing and providing voting materials; and in disseminating relevant information.

The NEC also deserves credit for the generally positive and forthcoming relationship that it maintained with international and domestic observer groups, and for issuing campaign guidelines and directives in the months preceding Election Day that established commendable standards of legality and fair play. The NEC is also to be complimented for its contribution to certifying and preparing election observers from all of the registered political parties as well as those from foreign countries. The presence of party agents in voting stations on July 27 contributed to the orderliness of the balloting process and acted, for the most part, as a deterrent to purposeful violations of the law.

Evaluated in a broader sense, however, the NEC's accomplishments appear to have been largely technical in nature. Many NEC actions - and just as frequently its inaction - reinforced concerns regarding the NEC's political neutrality and contributed significantly to the climate of impunity that allowed for widespread political violence, election law violations, and intimidation of voters. The NEC was passive and ineffective with respect to enforcement of the electoral guidelines that it established and the directives that it issued. Agencies of the government with the power and authority to back up the NEC showed little inclination to do so.

The five NEC members were nominated by the CPP and Funcinpec co-Ministers of Interior without substantial consultation or input from opposition political parties, including the Sam Rainsy Party, or from representatives of relevant Cambodian civil

society organizations. A lopsided representation of CPP and to a lesser extent Funcinpec affiliated members on PECs and CECs appears to have further undermined the capacity of the election administration to be either independent or politically impartial.

Voter Registration

In terms of the absolute number of citizens registered, and the percentage of eligible voters registered, the process significantly enlarged Cambodia's voter registry over what it had been for previous nationwide elections in 2002. More than a million new names were added to the roles and the percentage of registered voters increased by over 10 percent, from 83 percent to 94 percent. Despite these improvements, impediments to and a skewing of the registration process had a clear pro-CPP political bias.

Inconsistently applied registration procedures, the selective distribution of registration information, and in some cases direct interference by province and commune level officials and Village Chiefs left an estimated 395,000 of Cambodia's 1.56 million eligible new voters unregistered. Monks, of which there are an estimated 50,000 in Cambodia, were actively discouraged from registering and in some areas were denied their constitutionally guaranteed right to register. Monks are disproportionately young, educated, and respected in society, and are considered to be a strong constituency for Cambodia's opposition.

In addition, NCFEC informed IRI of 38 communes in which officials were refusing to authenticate the identification of people not considered to be political supporters of CPP. In other instances, supporters of SRP had equipment illegally confiscated for playing taped messages – some of which were issued by the NEC itself - encouraging supporters to register. In response to officially submitted complaints regarding these and other matters the NEC failed to act. In some cases such failures allowed violations of the election law and of election regulations to stand.

Particularly disappointing and consequential were the NEC's failure to act in a timely and decisive manner to deter Village Chiefs and local officials from intimidating voters, the NEC's role in undermining the effectiveness of the official complaints process, and the NEC's failure to reinforce public confidence in the secrecy of the ballot.

Failure to Restrain Partisan Activities of Village Chiefs

It was not until three days before the election that the NEC finally requested that the Ministry of Interior suspend three Village Chiefs for violating NEC and Ministry of Interior directives issued months before. Those directives ordered them to refrain from all activities, such as collecting voter identification cards or monitoring the presence of voters at political events, that might have the effect of intimidating or threatening voters. Had suspensions or other sanctions been imposed months earlier, the pattern of abuse and intimidation of voters by Village Chiefs and other local officials might not have developed as it did.

Dysfunctional Complaints Process

The NEC, PECs and CECs failed more generally and routinely to seriously investigate, prosecute, and enforce with timely penalties alleged violations of election and election related law and procedures pursuant to complaints filed by political parties and their supporters prior to and during the campaign. Though a well articulated process and a detailed reporting form for the filing of complaints existed, a mere handful of the more than 1,000 complaints filed in the months preceding the election were accepted by election commissions for adjudication. Complaints that were considered were normally dealt with through mediation rather than active investigation of complaints and imposition of sanctions. This had the effect of impeding the enforcement of the election law and regulations. Chapter 11 of the regulations implementing the Election Law limits mediation to minor offenses not covered in the Election Law. In more serious cases, the formal complaints process should be used.

Mediation most frequently resulted in complainants being encouraged or pressured to withdraw their complaints, and proved to be an ineffective deterrent to election offenses. For example, in Kampong Cham prior to the start of the official campaign period, the PEC stated that although they managed to mediate offences such as threats to property and destruction of signboards, they did not see a reduction in the level of these activities. Furthermore, they acknowledged that most of the offences were committed by people affiliated with the CPP, and yet no sanctions against the CPP were imposed.

Lack of Confidence in Ballot Secrecy

The undermining of voters' confidence in the secrecy of their ballot was a critical objective of efforts to coerce support for the CPP in many rural communities across Cambodia. Neither the NEC nor relevant government agencies took steps to counter these efforts and bolster public confidence in ballot secrecy. In fact, the Ministry and the NEC contributed substantially to the problem in the last weeks of the election campaign. They did this by failing to make clear until only days before the election that Village Chiefs would not be permitted to function as political party election monitors on Election Day - a role that would have allowed them to be physically present in polling stations. The prospect of finally casting a ballot under the direct gaze of their Village Chief was demoralizing, particularly for opposition voters from villagers where coercive pressures were strongest.

Perhaps more troubling was a decision taken by NEC and the Ministry of Interior during the last weeks of the election campaign to employ uniquely identifiable stamps to validate ballots, which made it possible to trace ballots back to individual voting stations within communes. This decision directly undermined one of the key ballot counting procedures – the mixing of ballots from different polling stations during the counting process – intended to strengthen faith in the confidentiality of the vote. The benign explanations offered for the decision by the NEC were unconvincing given the high level of concern about the potential for ballot tracking and retribution against voters.

Political Campaigns and Access to Media

Political Campaigns

There were relatively few reports of serious or widespread impediments to the registration of political parties and the certification of candidates for the election. Nor were there a significant number of reports of interference in the public campaign activities of any of the 23 officially registered political parties. Political caravans, usually consisting of between a few and in some cases more than one hundred cars and trucks carrying political party activists and supporters, were the principal and most highly visible means by which parties attempted to reach voters. IRI observers encountered these caravans and rallies in all parts of the country. Competing parties also appeared to be generally free to put up political banners and posters in all parts of the country. In rural areas IRI observers saw signs for at least all of the major parties – CPP, Funcinpec and SRP – in most villages, as was also the case in urban areas.

Though dynamic in a physical sense, the campaign afforded voters little opportunity to evaluate the competing parties on the basis of their substantive platforms. Several candidate debates organized by the National Democratic Institute (NDI) and the Cambodian Center for Human Rights were the rare exception in a campaign where little was said of any relevance to solving the dire problems that stand in the way of Cambodia's economic and social development. Much of what was said, such as SRP's program to quickly double or triple state employees' salaries, was clearly impossible to achieve and opportunistic. In contravention of Codes of Conduct entered into between the parties and the NEC, much of the campaign was given over to personal attacks and criticisms.

Rumor mongering, as well as rhetoric appealing to the most basic fears and prejudices of the population was also too prevalent. CPP's emphasis on "peace and security" was easily interpreted as more of a threat than a promise. Equally deplorable was the xenophobic rhetoric targeted explicitly at Cambodia's ethnic Vietnamese minority by the SRP campaign and to a lesser extent the campaign of Funcinpec. Cambodians are easily incited by such rhetoric, which contributed to mass murder of ethnic Vietnamese after elections in 1998. Sam Rainsy Party and Funcinpec leaders must bear responsibility for the intimidation that effectively disenfranchised a significant percentage of eligible ethnic Vietnamese voters.

All three of the major parties also engaged in gift giving in the form of food, other goods or small sums of money, as a means of encouraging voters to participate in their political rallies and secure their promises of support. Information reported to IRI observers and extensively documented by Human Rights Watch in its July 18, 2003 Briefing Paper credibly suggests that CPP's efforts in this regard were by far the most extensive and coercive. In some well-documented instances CPP activists had villagers sign loyalty oaths in the presence of Buddhist monks, or threatened to reclaim gifts, if CPP fared poorly in the election. Neither the election law, which includes only unclear references to the illegality of vote buying, nor the NEC, which failed to provide any clarity by defining

what kinds of gift giving crossed the line into illegal vote buying, provided a significant deterrent.

The campaign was also characterized by the widespread participation of civil servants. In many parts of the country, civil servants routinely requested and received permission to take temporary leave of absence from their official position in order to participate in campaign activities – almost always on behalf of the CPP. This was a clear violation of the spirit of election laws and directives issued by the NEC and the Ministry of Interior that prohibited the involvement of civil servants in the campaign of any political party, as well as a clear indication of the extent to which the line between the CPP and the institutions of the Cambodian state was blurred. Such practices as those of the civil servants and the Village Chiefs produced in the minds of many voters a unification of the Cambodian state and the CPP.

Access to Media

In a nation where an estimated one-third of the population is illiterate, access to broadcast media is especially critical to the efforts of political parties to reach voters. Modest, but nonetheless concrete and commendable steps were taken during the election campaign to give all political parties an opportunity to reach voters through television and radio, and to promote fairness in television news coverage of their campaign activities. Radio, in particular, was generally much improved over past elections, and provided the opposition with coverage in key parts of the country. The Ministry of Information's refusal to approve SRP's request for a radio broadcast license, nonetheless, placed the largest opposition party at a significant disadvantage relative to both CPP and Funcinpec.

Each of the 23 competing parties was given five minutes per day on state television (TVK) and radio (RNK) to present their party programs. In addition, the Ministry of Information, in cooperation with the United Nations Development Program (UNDP), initiated a 15-minute election news segment as part of the news program broadcast daily TVK and RNK. Neither station broadcast coverage of campaign activities outside of this "equitable access" segment. Coverage of competing political parties campaign activities – rallies, speeches, etc. – was divided on the basis of their representation in parliament and the distribution of votes in the 1998 and 2002 elections. According to the formula arrived at, CPP was allocated 44 percent of the overall coverage provided during this daily 15-minute news segment. Funcinpec and SRP were allocated 27 percent and 19 percent, respectively, with the remaining 10 percent being divided among the 20 smaller opposition parties.

While both steps modestly improved the opposition's overall access to state media relative to previous election cycles, they must be viewed in context. All Cambodian television stations slant their coverage in favor of CPP. A senior official in the Ministry of Information admitted to IRI in June that CPP "dictates" the media, and that decisions relating to broadcasts come "from the top". CPP demonstrated its absolute control of television stations on June 3, when six out of seven of Cambodia's stations simultaneously broadcast a CPP video on the July 1997 coup d'etat in response to criticisms from Funcinpec.

Given the context, the modest though positive steps taken were hardly sufficient to balance the playing field, particularly with respect to television. European Union media monitors reported that outside of the guaranteed and equitable access programs, state television allocated 37 percent of its coverage to the government and CPP, and less than 10 percent to all of the 22 opposition parties combined. Of far greater consequence was the pro-CPP bias shown by the six private and semi-state owned members of the Cambodian Television Association (CTA). Included among these six are the two most watched channels nationally – TV5 and TV3, owned by or in partnership with the Ministry of Defense and Phnom Penh municipality, respectively. The CTA members choked off much of the opposition’s access to Cambodian citizens by turning down the NEC’s request to provide paid access to all political parties. The six nonetheless reported extensively during the campaign period on activities of the government and the CPP, and only one of the stations broadcast excerpts from the NDI-sponsored political debates, one of only a very few opportunities for substantive political viewing.

III. Voting and Vote Counting

IRI delegates observed National Assembly election voting and vote counting in sixteen of Cambodia’s 24 provinces on July 27 and 28, 2003. Observers were for the most part impressed by the professionalism of election workers, and by the orderliness of the balloting process. IRI delegates observed procedural irregularities and violations of election law, most of which were in localities where the opposition was strongest, but they did not conclude that they were of such scope or nature as to substantially affect the overall election result.

Election Day

In the view of most IRI observers, particularly those who had participated in IRI’s pre-election assessment program, Election Day proved to be the relative highlight of the election process. The high degree of professionalism and administrative competence that were exhibited during the balloting phase of the election provided evidence of Cambodia’s institutional potential to conduct an election that meets international standards.

Opening of Polling Stations

IRI observers reported that voting stations opened on time, that the required five-member teams of polling station officers were present in nearly all stations, and that there were no significant problems related to the absence of necessary materials, e.g. ballots, ballot boxes, security seals, official stamps, reporting forms, etc. There were no reports of prohibited political materials in or around voting stations. In some isolated instances observers reported that polling stations did not receive a sufficient number of ballots based on the size of their voter registry, and that complaints forms were not available in voting stations.

Balloting Process

The balloting process proceeded smoothly in most areas where IRI observers were present. Polling station officials appeared for the most part to be adequately trained and knowledgeable regarding proper procedure for processing individual voters. Procedural irregularities noted by individual observers appear not to have been widespread or systematic. Voters, for their part, did not appear to have any significant difficulties in understanding the ballot or how they were supposed to mark it. Voters were in general treated courteously by polling station workers and afforded what assistance they needed in an appropriate manner.

1.) Registration and Voter Identification

An estimated 395,000 eligible first time voters were denied the opportunity to cast ballots because they were not properly registered prior to the election. With respect to the registered population, there were relatively few reports of citizens turning out to vote and being denied the opportunity to do so. In some instances, IRI observers reported that

voters waited an excessively long time – up to three hours – to enter polling stations because of problems finding their names on the registry located inside the polling station. The source of these problems varied. In some cases the problem was simply that the voter had not properly checked the registration lists posted outside the polling station to confirm that it was in fact the station where he or she was supposed to vote. This was most frequently a problem at locations where there were several adjacent polling stations. In cases such as these where IRI observers were present, voters by themselves or with the assistance of election officials sorted out the problem and finally voted. In other cases, the problems were more serious and resulted in voters not being allowed to cast ballots. IRI observers in Kampong Chan and Kandal provinces reported that discrepancies between the names recorded on voter identification documents and those on the voter list kept people from voting in some instances.

2.) Security and Order In and Around Voting Stations

With respect to security and order, the general assessment of the IRI delegates was positive. The overwhelming majority of Cambodian voters seem to have been afforded the opportunity to vote in a physically secure and orderly environment on Election Day. Though there was an excessively heavy police presence outside of some voting stations, police presence near most stations was in accordance with what the law provided. IRI received no reports of police improperly entering polling stations or interfering with voters outside the stations. In only one instance, in Kandal Province, did IRI observers see a violation of the prohibition against police carrying a weapon inside the perimeter of a polling station. The worst breakdown of order and security that observers witnessed was one in which a mob of angry and apparently intoxicated ethnic-Khmer voters mounted noisy and aggressive demonstrations targeting ethnic Vietnamese voters in Kandal province. Many ethnic-Vietnamese citizens were prevented from casting ballots. This was the most extreme episode of this nature brought to the attention of IRI observers, and seems to have been an exception to the general pattern of orderliness that prevailed.

3.) Voter Privacy

As emphasized previously, the secrecy of the vote was a key concern for many voters. Voter privacy was therefore an especially important issue on Election Day. IRI observers reported no incidents in which the privacy of voters or the secrecy of their ballots was directly violated. With a single reported exception in Oddar Meanchey, ballots were being properly pre-folded and stamped before being given to voters, and voting booths within polling stations accorded adequate privacy for voters marking their ballots. Nonetheless, IRI observers reported from several provinces that Village Chiefs were present around voting stations and, in at least one instance, inside a polling station. One polling station in Oddar Meanchey was actually inside the house of a Village Chief. In Siem Reap and Kandal provinces, IRI observers saw a Village Chief recording the names of voters from his village as they arrived to vote, directly violating instructions issued by the NEC. Given the extensive role that Village Chiefs played in efforts to coerce voters in the months preceding the election, their presence almost certainly undermined many voters' sense of privacy as they went to vote. IRI observers also reported two instances in which CPP party agents were seen writing down the names of individual voters at

polling stations. In Banteay Meanchey, an agent was seen writing down the names of voters as they arrived to vote. In the second case, a CPP agent in Kampot province was permitted by the polling station secretary to record the names of voters that had not turned out to vote. When asked why she was doing this, she responded through an IRI translator that she "was trying to find the name of a friend who was out of town." Both cases raise concern regarding the potential for retribution against individual voters – and non-voters - after the election.

4.) Domestic Election Monitors and Political Party Agents

IRI observers reported the presence of properly credentialed domestic election monitors associated with Cambodian NGOs and political party agents at almost all voting stations on Election Day. Their presence served as an important deterrent to election fraud. It also provided an impressive demonstration of the development of Cambodian civil society and the depth of its commitment to the country's democracy.

In general, however, domestic observers – the political party agents in particular – could have been more effective and taken better advantage of the rights that Cambodia's election law provided to them. Many observers limited themselves to passively recording the number of voters who cast ballots. In numerous instances IRI observers reported that party agents seemed unaware of problems and irregularities when they did occur, or were too easily discouraged from filing written complaints. Agents filed a surprisingly small number of official complaints on Election Day. In some reported instances party agents also seemed unaware of their right to receive a summary of the information contained on the Form 1101, which provided a final accounting of all the ballots that had been received by the polling station. Form 1101 was designed to provide a critical check against vote tampering at later stages of the process. The right of party agents and domestic monitors to receive this and other recordation documents represented an important opportunity to enhance the transparency of the balloting and tabulation processes.

5.) Polling Station Closing and Ballot Security

Though some irregularities and delays were reported during the polling station closing process - almost all of which related to confusion over how to properly fill out and/or tally the numerous forms that were required – polling stations across the country closed on time and the process was generally smooth and uneventful. There were no reported instances in which voters were turned away from polling stations at the prescribed 3:00 p.m. closing time. There were also no indications of serious or widespread irregularities related to the process of sealing and securing voting materials for delivery to counting centers.

IRI observers saw a variety of different methods employed to transport balloting materials from polling stations to commune level counting centers. Balloting materials were transported in cars, on motorbikes and even in wheelbarrows. In almost all cases the transported materials were accompanied by at least several domestic observers and party agents, in addition to polling station workers. Police provided appropriate security, and there were no reported instances in which the transport of materials was improperly interrupted or delayed. There were also no indications of widespread or serious problems

related to overnight ballot security. Domestic monitors and party agents appear to have maintained an overnight presence at most counting centers.

Vote Counting

In the early part of the vote counting day, July 28, IRI observers reported neither widespread nor serious irregularities. Generally, observers were impressed with the orderliness of the process and the competency of the counting center workers. Required procedures were generally followed with respect to each of the following: confirming that the security of ballot boxes had not been breached overnight; validating that the number of ballots in each ballot box was consistent with the numbers reported the previous day on the Form 1101; allocating ballot boxes for counting among counting center teams (up to three ballot boxes per team); mixing the ballots assigned to each counting team; determining the validity of individual ballots; and the actual vote counting process. With specific respect to ballot security, IRI observers found no evidence to suggest that ballot boxes or reporting forms had been tampered with during the previous night.

Domestic election observers, as well as political party agents were present at all counting centers during the day, and in many instances activists associated with a variety of political parties were following the count from the counting centers' outer perimeters. Most domestic monitors and party agents were keeping a record of the vote as the chief of the individual counting team counted each ballot.

Problems became apparent, however, as individual counting teams began the process of recording their results and submitting their results for tabulation within the counting center's overall results. There were numerous reported delays in the completion of work by individual counting teams and in the compilation of reporting forms, as the process required. Delays resulted from a combination of arithmetic problems and the overall complexity of the recording requirements.

The problem of delay was compounded, and became more serious with respect to its potential to allow for manipulation of election results, as the counting centers finalized the vote tallies and prepared the commune election result tally, Form 1105. In a number of reported instances, two of which were directly confirmed by IRI observers, the work of individual counting centers continued, and remained incomplete, late into the night. At one counting center in Phnom Penh, the CEC delayed issuing a Form 1105 to the SRP party agent until after midnight. At another counting center, in Kandal province, IRI observers arrived at 2:00 a.m. on July 29 to find two members of the counting center still attempting to complete the compilation and recording of vote totals from 13 polling stations. Three other counting center workers were asleep. Domestic election monitors and political party agents had apparently left the counting center hours earlier. Party agents, in some cases reportedly at the urging of counting station officials, improperly pre-signed recording forms that had not yet been completed, a clear dereliction of their responsibility.

In this environment there was a clear threat, at least, to the security of several thousand ballots. Though a detailed examination of the counting center officials' work in progress produced no evidence to suggest that they were intending to alter the voting results -- which heavily favored the main opposition parties -- the potential for manipulation was substantial.

IV. Recommendations

The following recommendations address what IRI believes are the key legal and institutional weaknesses that undermined the overall quality of Cambodia's 2003 National Assembly political campaign and elections. Some of the recommendations echo those made by IRI in its pre-election assessment reports released in January, April and June of 2003. Most are presented for the first time and reflect the final assessment conducted by IRI's observers during the period July 24-29.

The strengthening of election laws and procedures, upon which the recommendations focus, is a necessary but far from sufficient step that the Royal Government of Cambodia must take if it is to organize and implement future elections that fully satisfy international standards. Critical problems that emerged during the 2003 election campaign and undermined the integrity of the overall election process were not principally the result of bad laws and procedures. The bigger problem lay in the failure of the government and the law enforcement community to implement and enforce many of the laws and regulations that were already on the books. While adoption of the recommendations offered by IRI could strengthen the legal and institutional foundations for a successful election process, Cambodia can only achieve international standards for democratic elections by making enforcement of election laws and regulations the norm, rather than the exception.

A.) National, Province, and Commune Election Committees

Addressing the widespread problem of real and/or perceived political bias in the agencies directly responsible for administering Cambodia's elections should be a top priority. IRI sees it as critical to improving the overall environment in which future elections will take place.

1.) New rules should be developed and implemented for determining the make-up of the National Election Committee. In addition to a core group of independent election professionals, all political parties represented in parliament should be guaranteed of having at least one of its nominees on the Committee. No party should be permitted to have more than two of its nominees represented on the Committee during any election cycle.

2.) Province and Commune Election Committees also should be broadly representative. All political parties represented in elected commune councils should be guaranteed at least one seat, but no more than two seats, in the respective Province and Commune Election Committees.

B.) Media Access

A number of positive steps were taken that created a more fair environment than had existed in previous Cambodian elections. Media coverage and media access, however, were still highly favorable to the ruling party.

1.) Prior to future elections, the "equity-programming" concept should be substantially expanded and made truly equitable. The overall coverage of election campaigns by state-owned television and radio should be increased; and the calculations of equitable coverage should apply to entire news broadcasts, not just to a select portion of the evening news.

2.) Cambodia's media and election laws should be amended to guarantee all competing political parties paid access, on an equitable basis, to private television and radio stations during the 30 days preceding an election.

3.) All political parties represented in parliament should have the right to purchase at least one radio broadcast license on equal terms.

C.) Voting and Vote Counting Procedures

The voting process and, to a lesser extent, the vote counting process were generally well organized and carried out, but numerous problems still need to be addressed.

1.) The NEC should substantially streamline and simplify the recordation procedures for the voting and vote counting processes. The number of required reporting forms must be reduced and they must be simplified.

2.) Relevant laws and regulations should be amended to specifically require that forms 1101 and 1105, or their equivalents, be visibly posted outside of voting stations and commune counting centers, respectively, for a period of at least 7 days following an election.

3.) The NEC should eliminate the procedure of employing uniquely identifiable stamps to validate ballots, because such stamps make it possible to trace ballots back to individual voting stations within communes and thereby reduce confidence in the secrecy of the vote.

4.) Procedures for voting and vote counting should be rigorously enforced. Penalties for breaking procedures should be applied in accordance with the law.

D.) Complaints Process

The complaints process was generally deemed ineffective during the 2003 National Assembly election process.

1.) An effective complaints process requires timely investigation of complaints and punishment of parties and individuals found to have violated the law.

2.) The complaints process must be simplified and streamlined. Election committees must be instructed and trained to investigate complaints and to apply the election law and regulations as they are written. Mediation should be limited only to minor complaints.

E.) Political Parties

1.) The election law should be amended to include a clear and unambiguous prohibition against gift giving in any form by political parties or their agents. Penalties for violations of the prohibition should be specified in the law, and apply both to parties and to responsible individuals.

2.) Relevant laws and regulations should be amended to mandate financial audits of all registered political party campaign accounts prior to and after elections in order to safeguard against the use of state funds for party purposes.

F.) Government Officials and Civil Servants

1.) Relevant regulations should be amended to make clear that leave of absence for civil servants within the 30-day campaign period will only be granted for documented personal or family emergencies. The law must also be made to specify that civil servants are prohibited from engaging in any campaign activities or political advocacy within the 30-day period, whether they are on a leave of absence or not, and specify penalties for violations of the prohibition.

2.) The Ministry of Interior should immediately issue the required instructions to Commune Councils subsequent to which the Councils can proceed with implementation of the Law on Commune Administration and the selection of new Village Chiefs across the country.

G.) Election of Senators and Governors

1.) The opportunity to introduce direct elections to the Senate will arise next year. Direct elections will be essential if the Senate is to become a representative institutions and an effective balance to the National Assembly.

2.) The election law should be amended to provide for the direct election of provincial governors.

V. Appendices

A.) IRI Pre-Election Assessment Reports

1.) January 24, 2003

Pre-Election Assessment Mission

Kingdom of Cambodia

January 24, 2003

IMPROVEMENTS NEEDED TO ENSURE CAMBODIANS ARE REGISTERED TO VOTE

The International Republican Institute (IRI) conducted the first in its series of three pre-election assessment missions on January 19 to 24. The assessment mission was led by former US Ambassador John Malott, IRI Board Member and Corporation for Public Broadcasting Board Member Cheryl Halpern, and former US Senate Foreign Relations Committee Senior Staff Member David Merkel (107th Congress).

Based on IRI's experience with elections around the world, we believe that the quality of an election depends upon all phases of the election, beginning with voter registration and extending through the tabulation and announcement of results. IRI hopes that these assessments will help Cambodian officials to eliminate many of the problems faced in past elections and to meet both international standards and the standards that it has set for itself in its own laws and in the statements of its leaders.

The IRI delegation met with His Majesty the King; the Prime Minister; the Minister of the Interior; the leader of Cambodia's parliamentary opposition; the Chairman of the National Election Committee (NEC); Secretaries General of the Cambodian People's Party (CPP) and of Funcinpec; and leaders of major election and human rights NGOs. IRI deployed a total of 14 credentialed election observers in five teams to Banteay Meanchey, Battambang, Kampong Cham, Prey Veng, Phnom Penh and Siem Reap to observe voter registration, and to meet officials from political parties, commune councils, Provincial Election Secretariats, election monitoring and human rights NGOs, and with voters, including Buddhist monks.

In meetings with national leaders, IRI raised the problems that occurred in Cambodia's elections of 1998 and 2002 and sought information about this year's elections and the steps being taken to ensure that these past problems do not reoccur. Among these problems were voter intimidation; violence against political activists; a lack of media access for independent and opposition groups; irregularities in election administration; suppression of voter registration and turnout; poor ballot security; and irregularities in the vote counting process.

The assessment team was grateful to receive the full support of Cambodia's three political parties represented in parliament for this assessment mission and for the wide

range of work carried out by IRI in support of Cambodia's elections and democratic development.

Political Environment

IRI's delegation found that Cambodia's political environment still is not truly free and that in many areas it is marked by a climate of fear and intimidation. In the year that has passed following commune elections in early 2002, more than ten Cambodian political activists have been murdered across the country in acts that appear to be politically motivated, according to Human Rights Watch and the UN Center for Human Rights. These murders have had a chilling effect on the ability of political activists to organize before elections and continue to discourage the participation of citizens in the political process.

IRI applauds recent statements and personal assurances by government officials, including those of the Prime Minister, that the security situation in Cambodia is being pro-actively addressed. However, assurances are insufficient in themselves, and it is only through concrete actions to stop political violence that Cambodians will feel free to voice their true will at the ballot box. It is incumbent upon Cambodian officials to follow through on their assurances with credible investigations and prosecutions of acts of political violence.

IRI is deeply concerned about restricted access to the broadcast media. State media continues to be a promotional vehicle for the ruling party, while coverage of independent and opposition activities is almost nonexistent. Television and radio frequencies continue to be restricted to pro-government broadcasters while independent and opposition voices are kept from the airwaves. The delegation believes that fair and equal access to the media will be a key factor in determining whether this year's elections are free and fair.

Voter Registration

Our focus during this visit has been the registration process, which began on January 17. The integrity of the registration process is an important measure of the fairness of an election. This year, an additional one to two million voters are reported to be eligible for registration, and IRI will monitor carefully how many of these new voters will be registered. IRI welcomes the decision of the National Assembly to use the voter rolls from the 2002 election as a basis for voter registration. However, direct observation corroborates press reports that a number of new voters have faced delays and impediments as they attempted to register.

IRI is troubled that the electoral bureaucracy is not genuinely independent, but is under the control of one political party from the national level down to the communes. In nearly all polling stations visited, the Commune Council Members, Commune Clerk, Assistant Clerk and others present were disproportionately members of the CPP. This problem is further exacerbated by the location of some registration offices adjoining CPP offices and the reliance on CPP village and commune chiefs to communicate registration information to voters.

We are also disturbed by numerous reports of officials interfering with efforts by the opposition party to encourage voter registration. In some cases, opposition members have had their equipment confiscated for playing official tapes issued by the NEC. Just yesterday in Kampong Thom, opposition party officials were briefly detained for playing a taped message by their party leader that encouraged people to become registered.

IRI observed that local officials fail to adhere to consistent standards from one commune to another. This problem was most acute in determining standards of identification required for voters to become registered. IRI found that in some communes, a family book is required to become registered, while NEC posters show more than a dozen different forms of acceptable identification. New voters who have recently turned 18, or have just moved into the area are the least likely to have this form of identification. Obtaining such identification is made all the more difficult by reported demands of bribes for granting the identification.

Another area where commune officials do not act using uniform standards is in determining when and where registration officials will move from the commune office to mobile voter registration sites. While IRI applauds efforts to reach voters wherever they may be, the dates and locations for mobile registration must be more effectively standardized and publicized. Other commune offices have abruptly closed their doors or have failed to inform local citizens of their schedules.

Efforts by well-meaning local officials to inform voters about the registration process and to carry out their electoral duties have been further hampered by the limited allocation of resources to communes to carry out these activities. Commune budgets typically ranged from \$15 to \$25 for the entire registration process and have not been sufficient for local officials to carry out their duties. In Battambang, promised disbursements have not yet been delivered.

One area of special interest to IRI is the registration and participation of Cambodia's 50,000 Buddhist monks in the electoral process. We are concerned by the recent statement by the Buddhist Patriarch the Venerable Tep Vong that monks should not vote. The right of all Cambodian citizens, including monks, to vote is guaranteed by the Cambodian constitution and this fundamental political right cannot and should not be denied by anyone. Nevertheless, in Phnom Penh, registration officials have prevented monks from registering as recently as yesterday. This is in direct contradiction of the assurance given to us personally by the chairman of the NEC. Cambodian monks should not be prevented from exercising their constitutional right to become registered and to vote.

The national parliamentary elections to be held in July 2003 present a clear opportunity for the Government of Cambodia to demonstrate to the Cambodian people and the international community that the problems and irregularities that occurred in past elections have been corrected and that the election process that begins with voter registration this month will be carried out in a free and fair manner. There is still time to correct the deficiencies identified by IRI in this first pre-election assessment.

His Majesty the King, Prime Minister Hun Sen, and the leaders of Cambodia's three major political parties all expressed their appreciation for the role that IRI has played in supporting democracy in Cambodia. IRI will continue to support Cambodia's electoral process through continued pre-election monitoring and reporting, training for Cambodian political parties, support for voter education and mobilization, and election monitoring.

We would like to end our statement with the words of His Majesty King Norodom Sihanouk to our delegation during our visit to the Royal Palace, "The People are the real master of the destiny of the nation. Everything depends on the people." It is our sincere hope that the people of Cambodia respond to the King's words and exercise their right to register to vote.

IRI has worked in Cambodia for more than a decade with political parties, civic groups, local governments and nongovernmental organizations on strengthening the institutions of democracy. IRI has observed more than 100 elections worldwide and has sponsored observation missions to Cambodia's 1993, 1998 and 2002 elections. IRI will conduct an election observation in Cambodia for the July 27, 2003 parliamentary elections.

2.) April 28, 2003

Pre-Election Assessment Mission Kingdom of Cambodia April 28, 2003

TIME RUNNING OUT TO ADDRESS SERIOUS FLAWS IN ELECTION PROCESS

The International Republican Institute (IRI) conducted the second in its series of pre-election assessment missions from April 23 to 28. The assessment mission was led by Democratic Action Party of Malaysia MP Theresa Kok, former State Department official Mike Mitchell, and IRI Asia Regional Program Director Daniel Calingaert. The 13 credentialed observers from the IRI delegation met with government officials, political party leaders and activists, independent elections experts, and voters in eight provinces to assess the pre-electoral environment and preparations for the July 27 National Assembly elections. IRI greatly appreciates the willingness of all the people it met with to share their views and insights into the election process.

Based on extensive experience in observing elections around the world, IRI's assessment of elections encompasses all phases of the electoral process, from the registration of voters to the vote count and tabulation and the announcement of results. IRI's current assessment is designed to examine a pre-electoral environment and to provide recommendations for addressing shortcomings well before Election Day.

Summary of Findings

Given pervasive restrictions on political expression in Cambodia, IRI is seriously concerned about the credibility of this electoral process. Murders of political activists, widespread intimidation, and selective application of justice create a climate of impunity which curtails the ability of citizens to express their political views freely. This is further exacerbated by obstacles placed on political party and non-governmental organization (NGO) activities, by the continued dominance of the ruling parties over broadcast media, and by concerns about the electoral administration's partiality.

Based on IRI's assessment, village chiefs are a key source of the intimidation of voters at the local level. The February 2002 commune council elections and the Commune Administration Law gave authority to commune councils to select village chiefs. The Ministry of Interior's failure thus far to write the relevant guidelines, as the law explicitly requires, has prevented the selection of village chiefs from taking place. Since village chiefs exert substantial influence over the political environment at the most local level, procedures must be implemented to allow the commune councils to appoint village chiefs who will be accountable to the elected commune councils for their actions.

Much time and effort has been put into the drafting of election laws and procedures by the election authorities, political parties and NGOs. IRI encourages all political actors to work within the framework of the laws and procedures that are already in place. However, IRI notes that the true commitment of the government and the electoral administration to a more legitimate process will be measured by their implementation and even-handed enforcement of the laws and procedures.

While concerns about the political environment and election administration run deep, there is sufficient time to correct the flaws in the electoral process in the two months left before the election campaign. At the conclusion of this report, IRI offers a set of specific and realistic recommendations designed to strengthen the electoral process.

Political Environment

A climate of intimidation and fear pervades the pre-electoral environment. The recent high-profile assassinations in Phnom Penh, the murders, attempted murders and serious assaults in the provinces, the threats designed to intimidate political opposition, and the general absence of credible investigations and convictions have had a chilling effect on political participation at all levels. In addition, arbitrary arrests, such as the arrests of student leader Ken Sara and Beehive Radio owner Mam Sonando, point to the deliberate manipulation of Cambodia's justice system for political ends.

While compared to past elections there are fewer reports of serious politically motivated crimes, forms of intimidation have become more subtle and sophisticated. There are widespread and well-founded fears among voters that support for parties other than the Cambodian People's Party (CPP) carries risks to their life and livelihood. IRI's assessment confirms numerous incidences of the intimidation and attempted vote buying that have been reported by political parties and human rights groups. Voters have received threats from village chiefs and local authorities that retaining their jobs or their

land is linked to their support for CPP. Though complaints have been filed, these cases have yet to be credibly investigated by the authorities. During the course of this assessment, all reports that IRI received of intimidation by parties were attributed to CPP.

The climate of impunity extends to the electoral administration itself. Numerous complaints were filed regarding the administration of voter registration. These complaints include alleged violations of the electoral law, such as registration of underage voters and non-citizens, and inconsistent application of registration requirements by the commune clerks. A significant portion of these complaints was rejected outright by the NEC, citing lack of supporting evidence. Many other complaints were dismissed or resolved through "reconciliation." There have been no punishments imposed, as provided for in the Law on the Election of the National Assembly (Articles 124 and 131).

Political parties also operate under continuing threats and face bureaucratic impediments to carrying out their lawful activities, despite constitutional guarantees to free expression and assembly (Constitution of the Kingdom of Cambodia, Article 41). Under various pretexts, local authorities have disrupted regular activities of opposition political parties and prevented public meetings by select advocacy groups. For example, last week the Ministry of Interior denied the Cambodian Center for Human Rights (CCHR) the right to use a theater group to perform voter education messages, and the voter education activities of several youth organizations have been prohibited for similar reasons.

Access to Media

In Cambodia, almost one-third of the population is illiterate, and most people get their news from television and radio. Therefore, balanced access by political parties to broadcast media is critical to the integrity of the elections.

All of the country's television stations and the vast majority of radio stations are controlled or closely affiliated with the ruling parties, mostly with the CPP. There are only two independent radio stations. Both have limited coverage beyond Phnom Penh, and one—Beehive Radio—was temporarily taken off the air. As a result, broadcast news normally serves as a promotional vehicle for the ruling parties, while opportunities for opposition parties to communicate with citizens over the airwaves are severely limited.

The government has consistently blocked efforts to redress the huge imbalance in access to media. The Ministry of Information turned down the Cambodian Center for Human Rights' application for a radio license and continues to deny a radio license to the opposition Sam Rainsy Party (SRP), claiming that there are no FM frequencies available. However, in January 2003, the Ministry of Information provided a license to a new government-affiliated radio station.

Preferential access to broadcast media has also worked against U.S. broadcasters. While the British Broadcasting Corporation (BBC) and Radio France Internationale (RFI) reach Cambodian listeners on FM frequencies, Radio Free Asia (RFA) and Voice of America

(VOA) Khmer language programs are kept off the FM airwaves and can reach only a much smaller audience via shortwave.

For the 30-day campaign period, the National Election Committee (NEC) is responsible for ensuring equal access by political parties to broadcast media. The NEC plans to do so by providing for equal blocks of free airtime on state media to all parties that compete in the elections. What the NEC has yet to decide is how to make broadcast news coverage balanced. According to reports by media monitors of the 2002 commune council elections, about 90 percent of broadcast news coverage was devoted to CPP officials. Funcinpec officials received about 10 percent of broadcast news coverage, while SRP officials were never shown on TV news. A similarly huge imbalance in news coverage is likely to recur in the July 2003 National Assembly elections unless provisions are put in place for broadcast media to provide balanced coverage of political parties during the upcoming election campaign.

Access to private media is also critical to the ability of political parties to communicate with voters. According to the Election Regulations (Article 7.13.5), private media may provide political parties with equal access to paid airtime but have the choice to refuse paid campaign advertisements. Given that choice, private media are unlikely to accept paid campaign advertisements. Virtually all private media are closely aligned with ruling parties, and past requests by SRP to buy airtime on private media were denied.

Electoral Administration

All NEC members were nominated by the CPP and Funcinpec co-Ministers of Interior, without public consultation, and were aligned with the ruling parties. The opposition Sam Rainsy Party and civil society had no input in the selection of NEC members. As a result, the NEC is not genuinely independent and is perceived as biased. Although the NEC has begun to consult regularly with political parties and with NGOs, the NEC's impartiality remains open to question.

By May 1, the NEC will finalize the selection of Provincial Election Committee (PEC) members. Once the PECs are in place, Commune Election Committee (CEC) members will be selected. The Election Regulations (Articles 3.7 and 3.8) require the NEC to ensure "independence and neutrality" by selecting PEC and CEC members who "represent all interest groups of the entire Cambodian society." The selection of PEC and CEC members creates an opportunity for the NEC to provide equitable representation in the election administration to genuinely independent experts and to opposition supporters. Unless this opportunity is seized, the entire election administration will consist of individuals aligned with the ruling parties and will be viewed as biased.

The perceived NEC bias exacerbates concerns about several technical issues raised by independent experts and by opposition parties. These issues include the lack of transparency in the printing and distribution of ballots, the definition of what constitutes a valid versus invalid ballot, provisions to seal and secure ballot boxes when voting ends, vote count procedures, and provisions for CECs to make official copies of the results. Against the background of perceived NEC bias, these issues call into question the

election's transparency and, if left unaddressed, will raise doubts about the integrity of the electoral process.

Implementation of Electoral Results

The Law on Commune Administration (Article 30) gives commune councils, which were elected in the February 2002 commune council elections, the authority to select village chiefs. Before they can exercise that authority, however, commune councils must receive instructions from the Ministry of Interior on the implementation of the Law on Commune Administration. The Ministry of Interior has yet to issue those instructions.

Village chiefs exert strong influence over their communities and have used their influence to pressure villagers to vote for CPP. The Ministry of Interior's delay in issuing instructions on the selection of village chiefs is allowing CPP to retain its grip on village politics.

The Constitutional Council ruled in January 2003 that the Ministry of Interior must issue instructions on the selection of village leaders "within an appropriate period of time." While the Law on Commune Administration gives no deadline for the Interior Ministry to issue these particular instructions, the Constitutional Council noted that the Law on Commune Administration requires the Ministry of Interior to issue instructions on the implementation of other articles of the Law within six months.

Over a year since the commune council elections and over three months since the Constitutional Council's ruling, the Ministry of Interior has failed to implement a key result of the commune council elections. Failure to implement this result before the campaign for the next election will confirm the strong impression of an electoral process manipulated by CPP and may raise questions about the integrity of elections generally in Cambodia.

IRI Recommendations

Despite the serious concerns identified by IRI, the next two months provide sufficient time for the government and the NEC to create a political environment conducive to free expression and to develop an election administration that generates confidence across Cambodian society. In the interests of strengthening the electoral process for the July 2003 National Assembly elections, IRI offers the following recommendations:

A.) Political Environment

- 1.) To end the climate of impunity, the Ministry of Interior must first acknowledge that certain crimes committed in recent months are politically motivated. These crimes contribute to a climate of fear and intimidation and thereby discourage political participation.
- 2.) The Ministry of Interior and provincial authorities should investigate and prosecute the perpetrators of politically-motivated murders, attempted murders, arsons, and other violence. These prosecutions will lack credibility unless they

are conducted transparently, are open to NGO monitoring, and are free of arbitrary arrests and forced confessions.

- 3.) In addition, the Ministry of Interior and the National Election Committee should enforce the Law on the National Assembly Election, particularly investigate and prosecute such violations as the use of threats, coercion, or offers of material incentives to gain votes. Enforcement will lack credibility until such violations are punished in accordance with the Election Law (Article 124).
- 4.) Victims of arbitrary arrest should be released.
- 5.) Selective application of the constitutional rights to free expression and assembly are likely to continue unless the Ministry of Interior takes decisive action to uphold these rights. The Interior Ministry should immediately, publicly, and explicitly instruct provincial and local authorities to allow *all* political party and NGO events and public meetings that are not specifically prohibited by the Election Law.

B.) Access to Media

- 1.) The Ministry of Information should provide radio licenses to the Sam Rainsy Party, to the Cambodian Center for Human Rights, and to any other entity without regard to political affiliation.
- 2.) To provide U.S. broadcasters with the same media access as other foreign broadcasters, the Ministry of Information should allow the broadcast of Radio Free Asia and Voice of America on FM frequencies.
- 3.) The NEC should carry out its plan to provide for equal blocks of free airtime on state media to all parties that compete in the elections.
- 4.) In addition, the NEC will need to issue and enforce specific guidelines, in cooperation with the Information Ministry, to ensure balanced news coverage on broadcast media. Effective enforcement of such balanced coverage will require daily monitoring by the NEC or Information Ministry, and by NGOs, and correction of any imbalance within 24 hours.

C.) Electoral Administration

- 1.) To avoid a situation where the ruling parties gain complete domination of the election administration, the NEC will need to select PEC and CEC members who represent all interests of society. The selection of PEC and CEC members should result in substantial representation of genuinely independent experts and of opposition party supporters.

- 2.) To ensure transparency in the electoral process, the NEC will need to resolve the technical concerns raised by independent experts and by opposition parties. Resolution of these concerns will include—but will not be limited to—the following actions:
- 3.) Party agents should be allowed to observe the printing and distribution of ballots and to verify a full accounting of the ballots printed and distributed.
- 4.) A clear definition of what constitutes a valid versus invalid ballot should be provided in an illustrated poster produced or arranged by the NEC. This poster should be placed in a visible location at every polling station and counting center.
- 5.) The NEC should provide adequate materials and clear procedures to seal ballot boxes completely and securely when voting ends.
- 6.) Party agents should be given clear authority to accompany ballot boxes from the polling stations to the counting centers and to observe the entire vote count.
- 7.) The NEC should adopt regulations to allow no more than three simultaneous vote counts at each counting center, so that party agents can observe all of the vote counts.
- 8.) The NEC should require CECs to provide three official, signed copies of the results to party agents from the parties that receive the three largest shares of the vote in the commune.

D.) Implementation of Electoral Results

- 1.) The Ministry of Interior should issue instructions on the selection of village chiefs by May 15 in order to give commune councils enough time to implement the last election's results before the campaign for the next election gets underway.

During this assessment, IRI team members visited the following provinces: Battambang, Banteay Mencheay, Kampong Cham, Svay Rieng, Kampong Speu, Kampong Chhnang, Pursat and Phnom Penh.

IRI has observed more than 100 elections worldwide and has sponsored observation missions to Cambodia's 1993, 1998 and 2002 elections. IRI will conduct an election observation in Cambodia for the July 27, 2003 parliamentary elections.

For further information, please contact Johanna Kao (012-912-030).

3.) June 30, 2003

Statement by Dr. George A. Folsom and Mr. Chase Untermeyer On the International Republican Institute's Third Election Assessment Mission to The Kingdom of Cambodia June 30, 2003

The International Republican Institute (IRI) www.iri.org conducted the third in its series of election assessment missions from June 25 to 30. Dr. George A. Folsom, President of IRI, and Mr. Chase Untermeyer, former Voice of America Director and senior advisor to President George H.W. Bush, led this assessment mission of 19 credentialed observers. The IRI delegation met with senior government and political party officials in Phnom Penh, and with government officials, political party activists, independent elections experts, and voters in eleven provinces to assess the pre-election environment, the opening days of the official campaign period and preparations for the July 27 National Assembly elections.

Based on extensive experience in observing elections around the world, IRI's assessment of elections encompasses all phases of the electoral process, from the registration of voters to the vote count and tabulation and the announcement of results. IRI's current assessment builds on its own prior assessments, as well as the contributions of other observer groups. IRI greatly appreciates the willingness of all the people it met with to share their views and insights into the election process.

Summary

With less than a month until Election Day, Cambodia's ruling party remains the chief obstacle to fair elections. Access to media is far from equitable, levels of intimidation remain unacceptably high, the complaints process is inadequate, and Village Chiefs continue to commit numerous election law violations. IRI traces these shortcomings to the ruling party's strict control over relevant institutions and processes. While the opening days of the campaign period have passed with relative calm, it is clear that the myriad problems relating to the electoral process that existed prior to the opening of the official campaign period cannot be turned around in 30 days.

We have not overlooked other important problems with the electoral process including widespread gift-giving practices, and exploitation of ethnic tensions by leaders of all three major parties. It is, however, the structural role of the ruling party that is the critical flaw.

While government officials and the National Election Committee (NEC) have made some recent statements about creating a safer, fairer environment, actions will speak louder than words. It is not enough to have adequate laws. Officials of the Royal Government of Cambodia must not issue regulations that throw up obstacles to an improved election process or implement the laws and regulations in a partisan or unjust manner.

Political Environment

The electoral environment is still tainted by intimidation and impunity. Many election monitors and party officials have commented that the current environment is somewhat better than that prior to the 1998 and 2002 elections and that the levels of overt violence are reduced. Since November 2002 however, the Cambodian Center for Human Rights (CCHR) has reported over 200 instances of electoral violations and intimidation, and 10 cases of killings that may have political motivations—a stark reminder that “better” in Cambodia is relative. As noted by IRI in previous reports and by several other election monitoring organizations, the majority of violations were committed by the Cambodian People’s Party (CPP).

Intimidation remains widespread. IRI’s assessment again confirms reports from political parties and human rights groups such as Human Rights Watch, the UN’s Cambodia Office of the High Commission for Human Rights, CCHR and other local groups, that voters are often visited in their homes and threatened by local officials or CPP “group leaders” who are assigned to monitor 5-10 families in each village. IRI team members heard that voters feel that their security, their ability to continue living in their communities, and their livelihoods will be under direct threat if they choose a party other than CPP in the election.

One of the main concerns expressed by political parties was the fear of widespread vote-buying and intimidation on the night before the election—the “night of the barking dogs”—as was done by the CPP in the 1998 and 2002 elections. In many areas in those elections, some party officials went door to door bribing and threatening voters. Party officials and human rights groups also warned about the potential for fraud in the vote counting and tabulation process.

Criminal impunity is a pervasive problem in Cambodia, and this is clearly evidenced in the lead up to the July polls. Not one electoral law violation has resulted in a prosecution, although some complaints have been handled through mediation at the local level. While the local level mediation is an important and culturally acceptable way to handle minor offenses, human rights groups expressed concern that simply asking offenders to refrain from repeating their activity has been ineffective both as a deterrent and as a means of building confidence in the process.

IRI reiterates its concern that until the Royal Government of Cambodia acknowledges the existence of politically motivated crime, very little can or will be done to reduce the current state of impunity. The Ministry of Interior’s May 2003 report on violence against political party members dismissed the idea that any crime could be politically motivated. This blanket dismissal robs the population of confidence in the government’s ability to investigate and resolve violations of the election law and other criminal activity, particularly in light of concerns of local and international human rights groups that there is insufficient credible investigation of these crimes.

Furthermore, IRI is concerned about the effect of a government crackdown against protesters at a Phnom Penh textile factory earlier this month. This excessive use of force,

which resulted in two deaths, and a government policy banning all demonstrations through the election period, has the effect of silencing all Cambodian political voices outside of political party campaigns. This broadside against free speech and assembly, guaranteed by the Constitution of Cambodia, has no place in any democracy.

As IRI noted in its April assessment, Village Chiefs, who have been indirectly appointed by the Ministry of Interior, wield significant power within their communities over the property, legal status and provision of services to nearly all Cambodians. Village Chiefs, many of whom have been in office since 1979, continue to pressure people to choose CPP or to instill fear of repercussions in those who might make a different choice. In April, IRI recommended that the Ministry of Interior quickly issue instructions to the commune councils, elected in February 2002, to enable them to select Village Chiefs *before* the 2003 election. Though the Ministry did not do this, it issued a joint directive in May with the NEC on the role of local authorities in the electoral process. It stated that “the Village Chiefs...must hold on to the neutral and impartial stance in fulfilling their duties without showing any support or opposition against any party or candidate at all.” (*Joint Directives On the Cooperation of Local Authorities at all Levels in the Conduct of the Third Parliamentary Election, May 27, 2003*).

Though the directive was an important gesture, it fails to adequately address IRI’s concern over the fusion of the role of the Village Chief as a part of the Government’s administration and as a CPP party functionary. In some areas of the country, Village Chiefs are asked to help the Provincial Election Committee (PEC) and Commune Election Committee (CEC) with administrative matters relating to the elections—for example, checking to see how many voters have photographs on their voter cards. While this should be a routine administrative task, the partisan role of Village Chiefs means that voters are fearful of the motives for these activities. At the same time, IRI has received several reports that these same Village Chiefs require voters to give a thumbprint in support of CPP to receive gifts and services, and collect voter cards with the effect of damaging voter confidence in the secrecy of the ballot.

IRI observers received reports that Village Chiefs had been given instructions to actively campaign for CPP, in direct contravention of the joint directive. In Oddar Meanchey, one Village Chief reported that all of the Village Chiefs in his commune had been called together for a meeting with a provincial party leader and told that they would be “campaign chiefs” for CPP.

Access to Media/Information

Information and instructions from local officials and from broadcast media continue to be the two most important sources of information for Cambodian voters, most of whom do not read or lack access to print media. The dominance by CPP over commune and village governance magnifies the necessity of diverse and independent broadcast media for providing voters with information about their political rights and choices at the ballot box.

IRI is pleased with minor steps that have been taken to diversify Cambodia's media in recent weeks. Despite being denied a broadcast license, CCHR is able to broadcast Voice of Democracy programming to more than half of Cambodia's population for several hours a day, and the number of electoral roundtables and debates that are broadcast on radio and television has increased. The NEC's equal access media plan has provided minimal space to parties outside the ruling coalition to access broadcast media, while the UNDP is giving technical support to a 15 minute news segment of original and diverse election programming on one national television station each day and a similar amount of time on national radio.

These minor positive developments, however, must be viewed in context. All Cambodian television stations slant their coverage in favor of CPP. A senior official in the Ministry of Information admitted to IRI that CPP "dictates" the media, and that decisions relating to broadcasts come "from the top". CPP demonstrated its absolute control of television stations when on June 3 six out of seven of Cambodia's stations simultaneously broadcast a CPP propaganda video on the July 1997 coup d'etat in response to criticisms from Funcinpec. All private stations jointly agreed to refuse all paid political advertising, effectively blocking opposition parties from buying time. All but two Cambodian radio stations are affiliated with the ruling parties, CPP and Funcinpec, and both CCHR and the Sam Rainsy Party (SRP) were denied radio broadcast frequencies.

Cambodian citizens have been exposed to pro-government media for the entire government mandate, which were dominated by coverage of the Prime Minister and credited the government for foreign-funded emergency relief and infrastructure projects. One recent broadcast of the UNDP-sponsored election coverage was sandwiched inside of more than an hour of footage of high-ranking CPP officials distributing gifts to citizens and presiding over various openings and events. The addition of several minutes per day of information from opposition parties cannot counter the near monopoly of CPP controlled media at this stage.

Election Administration

Compared with the previous National Election Committee, the current body maintains better relations with domestic and foreign observer groups, is more forthcoming with information in many areas of electoral administration, and has made statements and issued directives that on the surface could create a more open electoral environment. In spite of these changes, IRI believes that praise for the NEC is premature and potentially misplaced.

The NEC remains a body that has no representation from opposition or independent groups. The recent appointment of PECs and CECs has yet again yielded bodies dominated by members of the CPP, maintaining an appearance of partisanship that could easily have been avoided. IRI assessment teams heard repeatedly that the PECs have failed to be effective in acknowledging and addressing election violations.

IRI welcomes the implementation of weekly coordination meetings organized by the PECs and believes that these meetings can play an important role in increasing communication between the electoral officials, political parties and other election stakeholders. IRI notes that in some provinces, the PEC has achieved some success in this area.

Based on reports from political parties in several provinces, IRI is concerned that voters will be disenfranchised because of the failure of electoral authorities to process and return voter cards to citizens who registered to vote. In many cases, these cards were confiscated by Village Chiefs. Without these cards, voters are required to obtain a waiver from CECs that will allow them to vote, but again voters will either need to produce a photograph of their own, or rely on the CECs to provide them with one between now and the election.

Following the 1998 election, millions of ballots remained unaccounted for, leading parties to wonder if ballots had been fraudulently added or removed. Political parties and local election monitoring organizations expressed to IRI that safeguards are once again insufficient to ensure that all of the 7.6 million ballots printed for the 2003 election will be properly reconciled. In addition to accounting for all ballots, all political parties should develop their own independent electoral tallies as a safeguard against fraud in the consolidation of vote totals.

IRI learned from the NEC that Village Chiefs will be able to register as political party agents as long as they "temporarily" leave their positions as Village Chiefs. The presence of Village Chiefs inside polling stations poses the risk of intimidating voters, party agents and polling station officials drawn from the same area. This appears to be a direct contradiction of the "neutral and impartial" requirement of the joint MoI-NEC directive to allow Village Chiefs to take on such a partisan role, no matter how temporary it might be. Though the electoral authorities in some provinces state that they will not allow Village Chiefs to register as party agents, this issue needs to be clarified by the NEC without delay.

Complaints Process

As it currently stands, the complaints process offers no real protection to political parties or voters. The mechanism of the complaints process should empower participants in the electoral process to seek redress for violations of the electoral law and of their right to participate in the process. In IRI's judgment, complaints resolution remains very weak. The procedure for filing complaints using the NEC's Form 1202 is overly complicated and poorly understood at all levels. There is inconsistency in the information given by the NEC and its provincial officials to political parties.

The NEC insists that complaints for all phases of the election be filed using NEC Form 1202, and that if the complaints are filed correctly and with sufficient evidence then they can be investigated and prosecuted. The form itself, however, is best suited for reporting of Election Day complaints, and is not written to accommodate problems that might arise during the pre-campaign, campaign, or counting periods. In addition, there is a lack of

clarity about how the form must be filled out. For example, incorrectly defining an incident as a “complaint” or an “objection” can lead to authorities rejecting the form.

The UNDP will provide the NEC with three mobile teams of advisors to help PECs and CECs administer the complaints and appeals process. IRI questions whether the addition of these teams can make up for the already evident shortfall in understanding about the complaints process, let alone help the PECs and CECs handle the complaints and objections that will arise from now through the Election Day and the counting.

The weekly PEC coordination meetings are being used as the primary point for mediating disputes. This use of conciliation and mediation is a misapplication of Cambodian law. Indeed, Chapter 11 of the regulations implementing the Election Law limits mediation to minor offenses not covered in the Election Law. Instead, the formal complaints process should be used.

Not only is the mediation process being misapplied, it is also proving to be an ineffective deterrent to election offenses. For example, Kampong Cham where the PEC stated that although they had managed to mediate offences such as threats to property and destruction of signboards, they have not seen a reduction in the level of these activities. Furthermore, they acknowledged that most of the offences were committed by people affiliated with the CPP, and yet no sanctions against the CPP had been implemented.

To date, none of the penalties for electoral crimes outlined in the Cambodian election law, such as fines beginning at 5 million riel (\$1,300 USD) have been implemented. Thus far, mediation by PECs and CECs has meant only that guilty parties apologize. Failure to assess penalties to these crimes has meant that there is no deterrence for future crimes. The failure of the complaints process to deter electoral violations has led some political parties to ignore the process of coordination meetings because they do not bring justice.

Recommendations

In its pre-election assessment statement of April 28, IRI made several recommendations for improvements to the electoral process in the areas of political environment, media access and electoral administration. Of these recommendations, only a small number have been implemented, each involving the execution of existing plans and each relatively minor in impact, such as the decision to allow parties a minimal amount of air time in equal amounts during the campaign.

Many of IRI’s recommendations from its April 28 statement remain unimplemented. Most important of these is IRI’s insistence that the Ministry of Interior must acknowledge that politically motivated crimes exist. These crimes contribute to a climate of fear and intimidation and thereby discourage political participation. Time is running out for the Ministry of Interior and provincial authorities to investigate and prosecute the perpetrators of politically-motivated murders, attempted murders, arson, and other violence prior to Election Day. The Ministry of Interior’s failure to credibly investigate

and prosecute politically motivated crimes has the effect of aiding and abetting a culture of impunity.

Given the fundamental flaws that have been detailed in this and many other reports, IRI cannot state with confidence at this time that international election standards can be met. In hopes of ensuring that what remains of the election process reflects the will of Cambodian voters, IRI offers the following recommendations. IRI believes there is sufficient time to implement these recommendations if the Royal Government of Cambodia has the political will to do so.

A.) Political Environment

- 1.) The Ministry of Interior and the NEC should immediately and publicly investigate and prosecute violations of electoral regulations, applying the penalties outlined in the Law on the Election of the National Assembly. The authorities should focus on Village Chiefs for possible prosecution, and news of their being charged should be widely disseminated in state and private broadcast media.
- 2.) The NEC should enforce the directive of May 27, 2003, signed by the Ministry of Interior and NEC, which prohibits Village Chiefs from demonstrating support for any political party – thereby prohibiting Village Chiefs from acting as political party agents or entering the voting area for any reason other than casting their own ballot.

B.) Election Administration

- 1.) The NEC should simplify the complaints and appeals process and provide clear definitions on how to complete the official complaint forms, such as Form 1202. In addition, the NEC should publicize to voters how they can file complaints.
- 2.) The NEC should ensure that voters and polling station officials are aware of exactly what form of identification is required from the voter in order to vote.
- 3.) Political party agents must be empowered to observe all aspects of the election. This includes sufficient access to confirm the safe keeping of ballots between polling and counting. The authorities also need to provide party agents Form 1101 which summarizes the activity on voting day, and Form 1105, which documents election results at the end of the counting.
- 4.) The NEC should increase confidence in the counting process through maintaining full transparency in the printing, use and disposal of all ballots, by allowing these processes to be observed and audited by partisan and non-partisan groups.

In conclusion, IRI welcomes the arrival and deployment of several groups of international observers. IRI urges international and domestic observers to also look at the election process as more than a day or even a month, but as a process going as far back as the formation of the NEC, and extending through the formation of a new government.

Correctly assessing these elections is not merely a matter of whether the Cambodian people accept the quantitative outcome. Nor is it a matter whether these elections are an improvement over past polls. IRI strongly believes it is important for observers to assess the quality of the elections.

IRI's recommendations involve fundamental issues such as access to media, intimidation, dispute resolution and ballot custody. These recommendations should be used as qualitative benchmarks to determine whether the ruling party has facilitated or frustrated attempts of the Cambodian people to express their will, and whether the election meets international democratic standards.

During this assessment, IRI team members visited the following provinces: Battambang, Kampong Cham, Kampong Speu, Kampot, Kep, Oddar Meanchey, Pailin, Phnom Penh, Prey Veng, Siem Ream, and Svay Rieng.

IRI has observed more than 100 elections worldwide and has sponsored observation missions to Cambodia's 1993, 1998 and 2002 elections. IRI will conduct an election observation in Cambodia for the July 27, 2003 parliamentary elections.

For further information, please contact Johanna Kao (023 210 254).

B. Preliminary Report of IRI Delegation Findings

**Preliminary Report by the
International Republican Institute on the
National Assembly Elections
Kingdom of Cambodia
July 29, 2003**

ELECTION PROCESS FALLS SHORT OF INTERNATIONAL STANDARDS

The International Republican Institute (IRI) www.iri.org has observed the election process in Cambodia since January 2003, when voter registration began, and has conducted a series of assessment missions that culminated in a major observation mission for the National Assembly elections on July 27 and 28. Christine Todd Whitman, former Administrator of the U.S. Environmental Protection Agency and former Governor of New Jersey, led the election observation mission of 61 credentialed observers, who assessed the final days of campaigning, the voting on election day, and the vote count in 16 provinces containing 94 percent of the country's population. IRI's delegation consisted of elected leaders, elections experts, political professionals, and foreign policy experts from the United States, Australia, Canada, China, Indonesia, Mongolia, and the United Kingdom.

Based on extensive experience in observing elections around the world, IRI's assessment of elections encompasses all phases of the electoral process from the registration of voters, through the pre-election period, to the vote count, tabulation, the announcement of

results and inauguration of a new government. This preliminary statement presents IRI's cumulative assessment of the entire election process up to vote counting on July 28.

Summary

The National Assembly elections were an improvement over past elections in Cambodia but still fell short of recognized international standards for democratic elections. IRI welcomes the improvements made this year to the technical aspects of the election administration. The 30-day campaign allowed for more open and balanced political expression than ever before in Cambodia. The vote on election day was conducted in a generally peaceful and orderly manner.

From what we know at the moment, it is regrettable that improvement in the election process appears to have been called into doubt by allegations of questionable vote counting practices. Final resolution of the vote count will take time. IRI will continue to monitor the vote count process and will reserve final judgment on the elections until the vote count and tabulation is completed and the inauguration of a new government has taken place.

The overall election process was marred by a number of flaws. There were serious deficiencies in the voter registration process which caused confusion among voters. According to the National Election Committee (NEC) figures, one quarter of potential new voters did not register to vote. Severe restrictions on media access and significant obstacles to political activity were evident before the campaign began, and significant media imbalance in the government's favor continued in the campaign period. As reported by various domestic and international human rights groups, throughout the entire election process, the ability of citizens to express their political views freely and engage in political activities was curtailed by political violence, widespread intimidation, and pressure on voters to vote for the ruling Cambodian People's Party (CPP).

Political Environment

Several human rights organizations have investigated widespread reports of intimidation. The non-partisan Cambodian Center for Human Rights (CCHR) has documented 423 cases of politically motivated crimes and election law violations since last November, including the murders of 11 political activists (CCHR ruled out the possibility of political motivation in the murders of 14 other activists).

Political violence and intimidation have worked overwhelmingly to the benefit of CPP. While less overt than in past elections, political violence and intimidation put strong pressure on citizens to vote for CPP in a variety of ways. Documented examples include: village chiefs have gathered citizens to swear oaths to vote for CPP; opposition activists were threatened for putting up party signboards; local officials collected voter cards to cast doubt on the secrecy of the vote; and village chiefs threatened to take away the land of citizens who voted against CPP. Regrettably, another form of intimidation has been the irresponsible use of rhetoric by a number of parties inciting ethnic tensions. Whatever the form, such threats to individual safety and livelihood put powerful pressure on voters to follow directions rather than to make a free choice.

Undue influence on the process was fostered by a climate of impunity. Credible investigations of politically motivated crimes were rare, and almost no investigations resulted in credible prosecutions. The climate of impunity extended to the election law itself. CCHR, Human Rights Watch, the Cambodia Office of the United Nations High Commissioner for Human Rights (COHCHR), and others have documented hundreds of election law violations. Despite the clear penalties set by the election law, no such penalties were imposed until a few days before the elections, when three village chiefs were removed from their positions and a fourth village chief was fined.

Weak enforcement of the election law continued throughout the election campaign. Many major complaints of electoral violations were resolved through mediation at the local level despite electoral law specifying that conciliation should only be used for minor disputes not specified in the law. Though the NEC recently directed the Provincial Election Committees and the Commune Election Committees to be more proactive in the enforcement of the law, this instruction came too late to reduce impunity or to deter violations.

Media Access

It is important to remember that Cambodia is a country where one-third of the population is illiterate and most people get their news from television and radio. Access to broadcast media is critical to the establishment of a level playing field.

The media environment improved for the official 30-day campaign period. The 23 political parties competing in the elections were each given five minutes a day on state television and radio to present their campaign platforms. The NEC also introduced a program to give equitable news coverage of election campaigns on state media. Under this program, news broadcasts on state television and radio covered the election campaigns of political parties in rough proportion to the vote parties had won in past elections.

A deeper examination reveals that this effort to have equitable news coverage was quite limited. It applied only to a specific 15-minute segment of broadcast news dedicated to the election campaign. Overall, according to COMFREL media monitors, news broadcasts during the campaign period still devoted a clear majority of time to coverage of the government. Moreover, the equitable news coverage program applied only to state media, not to private media. The program was carried on the state television station TVK but not on the six private television stations. Opposition parties were in fact denied any access to private television when all six of the private stations jointly decided to refuse all paid political advertising.

In the important pre-campaign period, access by political parties and non-partisan opposition groups to broadcast media remained severely restricted as has been the case for a long time. All of the country's television stations and the vast majority of radio stations are controlled by or closely affiliated with the ruling parties, particularly CPP. The government blocked efforts to expand media access by denying radio licenses to the

opposition Sam Rainsy Party (SRP) and the Cambodian Center for Human Rights, and restrictions on broadcasts of independent radio.

Election Administration

The election administration for the July 2003 National Assembly elections did improve in comparison with previous elections. The National Election Committee has operated with greater transparency than in the past and has organized an election day that was relatively smooth and orderly. Key aspects of the election administration, nevertheless, raise concerns about the entire election process:

- 1.) The NEC is composed only of members appointed by the ruling coalition.
- 2.) The close identification of state structures and officials with CPP gives CPP an unfair structural advantage against other political parties.
- 3.) The voter registration process was administered in an inconsistent, confusing, and at times biased manner. As a result, about one in four potential new voters did not register to vote. Moreover, the voter lists were insufficiently updated and contained numerous deceased individuals as well as other "mistakes."
- 4.) The printing of ballots lacked transparency. Despite the strong concerns about the need to monitor the printing of ballots, political parties and election observers were given only selective access to the factory where ballots were printed.
- 5.) Stamping the back of the ballot with symbols unique to each polling stations has raised questions about the secrecy of the vote. The vote count was organized at the commune level to prevent disclosure of how any particular village voted. This was undermined by the decision to stamp the back of each ballot with a stamp differentiating each polling station within a commune.

Campaign Period

The official 30-day campaign allowed for open expression of political opinions and for lively election campaigns. Political parties had extensive opportunities to present their platforms to voters through campaign events and direct voter contact. Multi-party debates, held for the first time in Cambodia, attracted large audiences and were broadcast on radio and television. New ground for Cambodia was also broken by media coverage that included criticism of the ruling party, the government, and the Prime Minister.

The campaign was marred, however, by widespread gift-giving by all three major parties and by anti-Vietnamese rhetoric by Funcinpec and Sam Rainsy Party leaders. This rhetoric exploited ethnic tensions and contributed to an environment in which certain registered voters were denied the opportunity to vote.

Election Day

The vote on Election Day generally proceeded in a peaceful and orderly manner and was conducted in accordance with election regulations. Many voters appeared determined to cast their vote despite the flaws of the pre-election period and, in some cases, despite difficulties in reaching the polling station due to flooding. In some provinces, primarily in those dominated by CPP, fewer irregularities were observed. Elsewhere, particularly in provinces where Funcinpec or SRP expected strong results, there were significant irregularities:

- 1.) At several polling stations, IRI witnessed village chiefs standing by the polling station's entrance, taking note of who went in or checking off names on a voter list. This clearly contradicted the National Election Committee and had a potentially intimidating effect on voters. One polling station observed by IRI in Oddar Meanchey was even located in the house of a village chief.
- 2.) Significant numbers of eligible voters were unable to vote. The registration process was confusing, and many who had registered earlier this year were denied the opportunity to vote because of minor discrepancies between their voter registration documents and the voter list.
- 3.) At several polling stations, IRI observed polling station chairpersons and commune election committee members actively discouraging party agents from filing official complaints. More often, however, objections and complaints were only raised verbally because party agents did not fill out an official complaint form. Party agents often lacked a commitment to carry out their responsibilities.

Vote Count

Vote counting proceeded smoothly through the afternoon. By the evening, there were reports that party agents in many locations were not given the official results documentation, Form 1105. IRI observers visited polling places last night where unexplained delays extended the process late into the night and in some cases the process was not completed. IRI views the counting process as incomplete until this issue is resolved.

Steps Forward

The post-election period, particularly the resolution of official complaints and the subsequent acceptance of election results, will be critical to the integrity of the July 2003 National Assembly election process. Full and credible adjudication of official election complaints is essential to build confidence in the election results. A short-changed process of adjudicating complaints, as has occurred in the past, will undermine the improvements achieved in the elections this year and may contribute to post-election instability.

In the past, the Cambodian People's Party has responded to an unfavorable election result and to a post-election deadlock with threats of violence or national upheaval. These threats resonate strongly in a country with a long history of civil conflict. While stability

may seem preferable in the face of such threats, they will undermine the integrity of elections generally in Cambodia and will cast doubt on the legitimacy of the next government.

Following the announcement of election results and the inauguration of a new government, further measures will be needed to sustain the improvements achieved in this year's elections and to advance Cambodia's democracy development:

- 1.) Implementation of key results of the February 2002 commune council elections is long past due. The Ministry of Interior has yet to issue instructions for elected commune councils to select new village chiefs and to assume their full responsibilities under the Commune Administration Law. Most of the village chiefs were appointed by CPP, and many have served since 1979. Failure to implement key results of the commune council elections may have contributed to voter cynicism about the 2003 parliamentary elections. The next government should give highest priority to issuing such instructions.
- 2.) The opportunity to introduce direct elections to the Senate will arise next year. Direct elections will be essential if the Senate is to become a representative institution and an effective balance to the National Assembly.
- 3.) To start with, genuinely broad media access should become a permanent feature of Cambodia's political environment. Rather than revert to the severe restrictions on media access that were in place before the campaign, there is now the opportunity to expand media access in the post-election period and beyond. With sufficient political will, state media can easily continue to provide opposition parties with significant coverage on broadcast news. The Ministry of Information also can expand media access by providing radio and television licenses to opposition political parties, to non-governmental organizations such as the Cambodian Center for Human Rights, and to any other entity without regard to political affiliation.
- 4.) Restrictions on political activity should be lifted permanently. Although most partisan political activity takes place during the election campaign, the law contains no prohibitions on political party outreach to voters or dissemination of messages outside of the campaign period. Nevertheless, political party activity is discouraged outside of the campaign period and is often hindered by local officials in the belief that political debate may lead to violence. To overcome this belief, political parties and local officials will need to encourage political activity throughout the years between elections, so that political debate will become routine and political leaders will be able to discuss their differences without resorting to violence.

- 5.) Electoral bodies should be reformed in such a way that their independence is not open to question. Election procedures for registration, balloting and counting should be simplified and the changes should be made known to the public. More specific recommendations will be included in IRI's final report.

IRI will continue to observe the election process, including the formation of a new government. IRI will issue a full report on the July 2003 National Assembly elections in September. The full report will be available on our website at iri.www.org and will contain more detailed recommendations to strengthen the election process for future elections in Cambodia.

From July 23 to 28, IRI delegates observed the elections in the following provinces: Banteay Meanchey, Battambang, Kampong Cham, Kampong Chhnang, Kampong Speu, Kampong Thom, Kampot, Kandal, Kratie, Oddar Meanchey, Phnom Penh, Prey Veng, Pursat, Siem Reap, Svay Rieng, Takeo.

IRI has observed more than 100 elections worldwide and has conducted observation missions to Cambodia's 1993, 1998, and 2002 elections.

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C. Cambodian Center for Human Rights Report on the 2003 National Assembly Election

Cambodia Center for Human Rights
Report on the 2003 National Assembly Elections

The Cambodian Center for Human Rights (CCHR) has been monitoring the election environment since November 2002. This report is an evaluation of the election process over the nine-month period from November 2002 – August 5, 2003.

Report Summary

The 2003 National Assembly election should not be evaluated primarily on the conduct of the election committee staff on polling day and during the vote counting process, nor on party activity and media access during the 30-day campaign period that preceded the election. For an election to be truly credible – for it to genuinely reflect the will of the people – conditions must exist in which all eligible voters have the opportunity to register to vote, receive election information and party information on a fair basis, participate in legitimate party activities free from threats, intimidation and coercion, and cast a ballot confident that their vote is secret, among others. These conditions do not yet exist in Cambodia.

On the surface, elections in Cambodia appear to be laudable: 94 percent voter registration, a smooth candidate and party registration process, a campaign period free of overt conflict between the parties, and an election day on which well-trained polling staff

efficiently exercised their appointed tasks, scrutinized by party agents and independent observers. But beneath this polished surface is an environment in which people in every province are routinely threatened and coerced to support the ruling party, in which opposition parties are denied access to broadcast media, and in which those responsible for threatening voters to support – or not to support – certain parties act with total impunity.

It is inappropriate to evaluate the election with the aim of declaring the results acceptable or not, and the familiar labels of “free” and “fair”, while informative, are not conclusive. With widespread and effective intimidation a well-documented fact, the election cannot be considered free. Cambodians vote in relatively large numbers, but in many cases do so bearing considerable fear that their vote may have dramatic consequences for their livelihoods. Likewise, the election cannot be considered fair given severe restrictions on the opposition parties' access to media, the use of state resources for the ruling party's electoral gain, and the lack of transparency in campaign finance.

Only the contesting political parties can determine whether the election results are acceptable. However, if rights protected in the country's constitution are to be respected, the Cambodian people must have the opportunity to peacefully express concerns about flaws that exist in the election process and to advocate for changes in the conduct of elections that will lead to more credible and acceptable election results.

Election Administration

On the surface, the election was well conducted. The creation of a permanent voters list and the clear definition of the seat allocation formula in the election law represent important improvements in election administration since the 1998 election. Furthermore, the National Election Committee (NEC) has proved that it can efficiently administer the polling and counting processes of the election. CCHR and other monitors reported that election materials were distributed in a timely manner, that election staff adequately performed the polling and counting processes, and that polling stations were safe and largely free of illegal campaign materials. Security forces assigned to polling and counting stations did not interfere in the process. However, the NEC continues to face legitimate criticisms about bias in the administration of this election – particularly in the NEC's hiring process, the registration of voters, and official responses to party complaints.

The Ministry of Interior's hurried nomination of three CPP-affiliated candidates and two Funcinpec-affiliated candidates for the five-member National Election Committee in October 2002 blatantly excluded public debate and opposition representation on this body.

Subsequent hiring of provincial and commune election staff confirmed the explicit preference for former election staff (despite accusations that many former staff were not independent or neutral) rather than a commitment to an open and fair process of hiring.

Voter registration

Registration of voters was marred by reports of fraud and irregularities and relied extensively on the participation of politically-affiliated commune officials and village chiefs. Ninety-nine percent of the 1,621 commune chiefs are affiliated with the ruling party as are nearly all of the approximately 13,000 village chiefs in Cambodia. Commune chiefs played a critical role in determining registration eligibility, while village chiefs were charged with providing public information on the registration – and often did so selectively. The following case report is cited as one example of fraud conducted by local officials during voter registration:

On February 1, 2003, in Banteay Dek commune in Kandal, the commune chief and the commune police falsified the date of birth of at least one young man. CCHR monitors saw that the man's date of birth, as recorded in his family book, was 19.8.85. The birth month on his O18 identity/age/residence certification form had been "whited out" to now read 19.7.85, thus making him eligible to vote. Since there were many young people present at that center attempting to register, CCHR monitors asked to see the family books and receipts of three young women present. These women had all given their family books to the commune clerk and ran away – leaving their family books – after the monitors' request. At that time (11:30), the commune chief and clerk hastily decided to close the center for lunch.

As described in greater detail later in this report, many Cambodians who had registered to vote were denied the right to vote on polling day. Most of those interviewed by CCHR had not received information from the NEC about the need to check their names on voter lists even if they had recently registered. The sizeable population of Cambodians who move frequently and/or work far from home should not be expected to travel great distances once to register, again to check their names on the voters list, and a third time to vote.

The complaints process

The complaints process, although extensively outlined on paper in Chapter XI of the election law, has once again failed to protect the rights of political parties and their members. Not one of the 292 complaints filed before the campaign period resulted in the imposition of penalties defined by law. The NEC has claimed that most of the approximately 1,000 complaints filed across the country during the polling and counting process were rejected for insufficient evidence. At the time of writing this report, of 19 complaints received by the NEC, five have been rejected, and fourteen are still under discussion. During this process, NEC spokesman Leng Sochea was quoted as saying that the NEC believes that most Funcinpec and Sam Rainsy Party complaints are "fabricated"¹ – a comment that cannot be defended as either neutral or impartial.

In its Directive No. 07.1416/03 on July 9, 2003, the NEC implicitly acknowledged that the handling of complaints by provincial and commune election committees had been inconsistent with relevant laws and regulations. In particular, provincial and commune election committees were relying too much on local level conciliation to solve disputes, rather than recording the complaint and taking punitive action. While the official

complaints form ("1202") is unnecessarily complicated and the time period for submission of this form – three days from the date of the incident – unnecessarily short, the real issue appears to be whether election officials can demonstrate a commitment to administering an effective complaints process that will punish those who violate the election law and deter future violations. Such commitment has yet to be demonstrated.

The following case, reported by CCHR in April, highlights how even with evidence, and even when the act committed is not only a violation of the election law but also a misdemeanor punishable through the provincial courts, no action was taken to punish perpetrators:

On April 27, 2003, seven men destroyed 12 Sam Rainsy Party (SRP) signboards in Rokapo V and Thmor Pich communes in Kompong Cham province. They dismantled the signboards, took them to the court and claimed that they will use these signboards to file a suit against SRP. The seven men included two former district leaders of the SRP who left the party following the 1998 National Assembly elections and have, since that time, campaigned against SRP at local events (according to local residents). The local police have written a report but refused to investigate this case, calling it an "internal party conflict". The National Election Commission refused to investigate for the same reason.

CCHR is concerned that by not addressing complaints that relate to the electoral law – the vast majority of which are filed by opposition parties – the NEC is increasingly losing legitimacy as a neutral body. During CCHR's nationwide Communities for Democracy (CFD) training program, conducted in over 90% of the country's districts in the seven months prior to the election, participants in 69 districts (out of 175) volunteered concerns about the neutrality of the NEC. ¹ The Cambodia Daily, August 5, 2003, page 13.

Political environment

In its *Communities for Democracy* report, CCHR has detailed concerns raised by participants at CCHR trainings in 176 of Cambodia's 185 districts relating to the political environment. General threats and intimidation, restrictions on freedom of expression and a culture of impunity were frequently cited as concerns.

Voter intimidation has many guises in Cambodia. At the CFD trainings, the most common answer to problems in the electoral process was threats – unspecified – by people in positions of local authority not to vote for certain parties, or to vote for one party in particular. Participants in 79 districts reported this as a problem. Several distinct characteristics of voter intimidation in Cambodia were repeatedly defined by CFD participants, and the ruling Cambodian People's Party was frequently identified as the source of this intimidation. They included threatening acts of intimidation, such as destroying party signboards on private property and confiscating people's voter cards; forced pledges of support through elaborate vote swearing ceremonies and/or by taking voters' thumbprints; and verbal warnings to instill fear and confusion in order to influence a person's vote, including threats that war will ensue if people vote for one party or against another, and vague references to technology that can monitor a person's vote. Intimidation in Cambodia increases as elections approach.

CCHR's investigations since November 2002 have supported these claims. In the past nine months, CCHR has compiled reports on the following politically-motivated cases: 12 attempted murders; 13 assaults; 11 arbitrary arrest; 56 cases of signboard interference; 37 verbal threats; 20 voter/party card confiscations; 12 cases of vote swearing; 4 cases of arson; and 50 additional cases of intimidation, harassment or threat. In addition, CCHR reported 86 cases of fraud and irregularities during the voter registration period and 109 additional violations during the election campaign period. Examples from the CCHR case files on intimidation include the following:

On January 11, and again on January 16, 2003, in Dong Tong commune, Dong Tong district in Kampot, the district chief, commune and village chiefs asked the people from Sboe Leu village to swear with Buddha as witness that they would remain loyal to CPP and vote for CPP. Following the swearing they were told to seal the pledge by drinking water in which bullets had been placed. Villagers interviewed by CCHR felt pressured to follow this ritual.

On February 8, 2003, a CPP activist (name withheld) came to the house of a Funcinpec activist in Tropaing Reang commune, Chum Kiry District in Kampot, and told him that if he joined CPP, he would be given three sacks of rice, ten sarongs and 100,000 Riel; if not, he would have to exercise caution to avoid death since two Funcinpec people had been killed in that district already.

One woman in Odar Meanchey, who requested that specific details of her case not be revealed, had a party signboard torn down in front of her house by several armed soldiers. At that time, three soldiers entered her house and said they had orders to kill her because of the signboard. The district military commander, the police, the district chief and the village chief have all threatened her relating to this case, warning her that she risks confiscation of her land if she acts against the ruling party again.

Political violence

There is no triumph in the fact that there were fewer overall cases of politically motivated violent crime prior to the 2003 election compared to the 1993, 1998, and 2002 elections. According to Human Rights Watch, between January 3, 2001, and January 5, 2002, prior to the February 2002 commune council elections, 15 Funcinpec and SRP party members were killed, most of whom were prospective or confirmed commune council candidates. Prior to the 1998 National Assembly elections over 100 Funcinpec and opposition supporters had been killed in the wake of the July 1997 coup. By comparison, in the nine months preceding the July 2003 election CCHR has documented 11 murders which may have been politically motivated. The murders in Phnom Penh of Om Radsady and Sam Bunthoeun, merely twelve days apart, are cited here as examples: Om Radsady, senior adviser to Prince Norodom Ranariddh, was shot dead at a busy restaurant in Phnom Penh on February 18, 2003 – a time when senior Funcinpec leaders were accelerating criticism of the government. That same day, the Ministry of Interior inexcusably explained that the motive for the killing was petty theft – a charge not substantiated by witness testimony. Sam Bunthoeun, a monk known for advocating monks' voting rights, was shot dead in a

similar fashion on February 6, during the voter registration period – a time when the issue of a monk's right to register to vote was exposing political divisions. Regardless of motive, these brazen killings, and the insufficient official investigations that followed, contributed to an environment of fear.

Impunity

The lack of legal accountability contributes to the undercurrent of fear. The Ministry of Interior's Office of Central Security released its Report #001 RBK on criminal acts against political party members on June 4, 2003, for the period January 1 – April 30 2003. The report concludes that all cases against all political party members related to murder, attempted murder, personal conflicts, domestic violence, and robbery for this period were not related to politics – despite the fact that in some cases no investigation has been conducted. This, combined with the failure of the election complaints process, has resulted in a total lack of culpability for politically-motivated crimes and other legal violations.

Coercion: the gray line between vote buying and gift giving

The provision of incentives, such as money, food or other gifts in order to secure the promise of support for a political party is widespread and conducted by all major political parties. Despite vague references to the illegality of vote buying in the election law, the NEC has failed to provide a specific definition of vote buying that would help to distinguish between legitimate gift giving and illegal vote buying and thus provide a basis for prosecution in cases of the latter.

CCHR has written to the NEC to request that the NEC review the campaign finances of all registered political parties (consistent with measures under Article 82 of the election law) in the hope that greater transparency of campaign finances will reduce incidents of vote buying. While there is, regrettably, no obligation for the NEC to make the results of any inquiry into campaign financing public, CCHR has requested publication of NEC findings on campaign finance in order to promote greater transparency and accountability in the election process.

Restrictions on legitimate party outreach activities

Political parties should challenge the myth that legitimate party outreach activities are "campaigning" and thus should be restricted to the official 30-day campaign period. Despite frequent suggestions, from party and NGO representatives, electoral officials, and local authorities, that it is illegal for any party to publicly distribute information about its platform before the campaign period there was no memorandum of understanding between parties to restrict such activity and no law sufficiently explicit to forbid it – except on the day before Election Day and Election Day itself; nor should there be. Clearly, such important information sharing by parties should not be limited to one month every five years. Meaningful elections require informed voters.

Restrictions on freedom of assembly

Legitimate political activity is restricted by partisan implementation of outdated and inappropriate laws. While Cambodia's constitution defends the freedom of political

participation and expression, vaguely written laws are used to deny these very rights – for example, the important right to demonstrate: the 1991 Demonstration Law states that demonstration organizers need only inform local authorities prior to holding a demonstration, but that local authorities can withhold permission for demonstrations if they are deemed to be “conducive to causing turmoil”. With no clear or consistently applied definition of “turmoil”, and with nearly all commune and village chiefs representing the ruling party, this law is open to partisan application.

The government has conveniently cited the anti-Thai riots of January 29 as the pretext for banning demonstrations in the months surrounding the election. In so doing, the government and security forces have made no distinction between peaceful demonstration and violent or otherwise unlawful protest. Cambodia’s security apparatus has prohibited peaceful demonstration at a time when it should have been actively protecting it, contributing to a climate of fear rather than greater calm. Comments in July 2003 by high-ranking police officials re-stating that the government will crack down on any demonstrations following the election are blatantly anti-democratic and cast a shadow over government assurances of a democratic election process.

Campaign requirements reflect the general pattern of restrictions on peaceful assembly. For example, election law requirements that political parties must notify commune electoral authorities at least three days in advance of any party campaign or meeting at a private residence are inappropriate.

Restrictions on freedom of expression

Party representatives face constraints in verbal and written protest through the inappropriate application of laws drafted for and under different political circumstances. Articles 59-63 of the 1993 UNTAC Code prohibiting incitement, disinformation and defamation have been cited in charges leveled against party activists and others – such as Beehive radio owner/manager Mam Sonando (charged on January 31, 2003) and student activist Ken Sara (charged on February 10, 2003) – who are simply exercising freedom of expression in voicing criticisms and encouraging debate. When opposition parties are not allowed to openly debate government policy, the system clearly favors the incumbent.

Partisan politicking of village chiefs

Article 30 of the 2001 Law on Commune Administration states that “each commune council must nominate a village chief for each village situated in the commune. The Ministry of Interior must issue instructions concerning formalities and procedures for the appointment of village chiefs.” Seventeen months after the commune council elections, the councils have not received the instructions from the Interior Ministry. The Ministry of Interior / National Election Committee Joint Directive 004 S.N.N. (May 27, 2003) reiterated that village chiefs – who receive a monthly government stipend of 22,000 Riels issued through the commune councils – must not show any support or opposition for any party or candidate. However, CCHR has received numerous reports to the contrary, including the following:

On June 27-28, 2003 Srei Prang and Kok Vat village chiefs in Odar Meanchey told CCHR monitors that they had attended a meeting with provincial and district Cambodian People’s Party (CPP) leaders at which they were given instructions on how to campaign for CPP. Village chiefs in Pong Ro, Cha’ab and Tmei villages attended CPP campaign events and distributed party materials.

On July 2, 2003, the village chief of Veal Traeng, Talun commune, Saang district, Kandal, told a CCHR monitor that he had received orders from the commune chief to collect voter cards from the bearers and record the voter card numbers.

On July 2, 2003, the village chief of Kanseng, Khon Rang commune, Baribo district, Kampong Chhnang, forced two people to swear an oath to vote for CPP saying that if they did not, they would die.

While welcome, the temporary suspension on July 25 of three village chiefs in Prey Veng, Kompong Cham and Kratie provinces by the Ministry of Interior, each accused of threatening Funcinpec or Sam Rainsy Party supporters, is a case of far too little too late. A slap on the wrist of three of 13,000 actively partisan village chiefs on the day that campaigning officially ends – and under the fleeting scrutiny of short-term international observers – is no reflection of a commitment to address this problem.

Media access

All parties were granted limited access to state media (TVK and radio stations FM96 and AM 918) throughout the 30-day campaign period, and print media reported extensively on public party debates which prompted unprecedented levels of open discussion and even criticism of the government and government leaders. However, limited media access during the official campaign period, notably through the 15-minute daily “equity broadcasts”, should not mask the severe restrictions on media access faced by opposition political parties outside of this limited time window and outside of the scrutiny of short-term election observers.

The government’s control over broadcast media was highlighted by the decision of all state and private television stations in May not to accept paid political advertisements, thereby excluding opposition parties from the valuable medium of private television, and by the decision of these same stations to broadcast inflammatory and partisan footage of events surrounding the 1997 coup on June 3.

In October 2002, and again in July 2003, the Information Ministry banned the re-broadcast of Radio Free Asia and Voice of America on Beehive radio. Further compromising press freedom were the arrests without warrant of Beehive owner/manager Mam Sonando and Resmei Angkor editor In Chan Sivutha at the end of January 2003. The arrests were allegedly in relation to the anti-Thai riots that month, which prompted both Human Rights Watch and Amnesty International to declare in a joint statement on 11 February, “attempts to silence free speech and opinion do not bode well for free and fair elections later this year”.

The Ministry of Information has repeatedly denied applications for a radio broadcast license to the Sam Rainsy Party and people affiliated with the party, usually on the basis that "no frequencies are available", despite the obvious existence of available space on both FM and AM bands. The Ministry denied CCHR's application for a radio license in January 2003 with the same excuse – but has granted a frequency (FM101) to what has been billed as a government-run human rights station to be managed by one of the Prime Minister's advisers. This new radio station has yet to begin programming.

Summary Assessments of Principal Stages of the Election Process

Voter registration (January 17 – February 20, 2003)

In many locations in Cambodia voter registration proceeded without serious incident, but the lower than expected registration rates were cause for concern. For the most part, important materials were received by the commune councils, and NEC banners and posters were posted – though typically not in more remote locations. However, registration procedures were routinely not followed, registration information was selectively distributed, fraud and intimidation continued openly and with impunity in numerous locations, and the complaints process was neither trusted nor well understood. Procedural irregularities, fraud and intimidation appeared to benefit the ruling political party, raising serious questions about the impartiality of the process. CCHR is also concerned that monks were denied their constitutionally-protected right to register.²

Party and candidate registration (April 28 – May 17, 2003)

The candidate registration process, which accompanied party registration, proceeded relatively smoothly but was not entirely free of partisan interference by local authorities. Six political parties reported 17 complaints to CCHR regarding irregularities in candidate registration. The most common complaint related to the refusal of commune chiefs to provide residency certification for eligible party candidates – as they are required to do by law (Article 38, 2 of the election law). CCHR investigated one case in Kompong Speu in which the commune chief denied certification for candidates from the Hang Dara 2. CCHR received several reports of monks being denied their right to register. For example, on 8 February in Prey Pra commune in Phnom Penh, the commune chief refused to allow the registration of seven monks, all of whom had brought valid identification. On 14 February in O Mal commune in Battambang, 18 monks with valid identification were denied registration by electoral authorities.

Democratic Movement Party asserting that the proposed candidates were already existing members of the CPP and so had no right to be listed as candidates for another party.

Official Campaign Period (June 26 – July 25, 2003)

Campaign activities were conducted in a relatively peaceful manner, although CCHR documented 178 cases of violations committed during the election campaign. There was no possibility of a fair environment for election campaigning given the token measures taken to ensure fair media access and the fact that village chiefs continued active work on behalf of the ruling party in spite of the Ministry of Interior / National Election Committee Joint Directive (May 27, 2003) forbidding them from doing so.

Polling day (July 27, 2003)

For the most part, polling proceeded efficiently and safely, but in many villages the uneventful proceedings were in part due to fear among voters. Village chiefs and commune officials remained present throughout the day at numerous polling stations monitoring those voting – thus flaunting NEC directives and regulations that forbid them from doing so. The 81 percent turnout, although enviable by international standards, reflected the disenfranchisement of many in a country that has typically witnessed turnout of over 90 percent of registered voters at national elections. Numerous people who had registered to vote were left off voting lists, witnessed by CCHR monitors (for example in Chob commune in Kompong Cham) and reported since by political parties.

Vote counting (July 28 -)

The counting process, while smooth in many locations, has been marred by reports of restrictions on the transparency of the count and obstructionism in filing complaints. Party agents in several communes have been denied access to copies of the 1105 form³, the summary of the results of the vote count for each commune counting center. While counting must not stop for any reason (NEC regulations and procedures, Chapter 8.15.7), counting teams in several communes attempted to suspend counting on the night of July 28 and to persuade party agents to leave counting centers. CCHR monitors visited several such centers in Phnom Penh that evening. Numerous complaints filed by party representatives have been rejected. The Phnom Penh Provincial Election Committee refused to accept any complaints from party agents on July 29, stating to party agents and CCHR monitors that they were "too busy".

Conclusion

Within the past few months, numerous organizations⁴ have made useful recommendations regarding the election process, which need not be repeated. Nearly all focus on unreasonable restrictions on freedoms of assembly, information and expression, and the near-total impunity within which intimidation and coercion flourish. These problems have been clearly identified and well documented. There are solutions – often within existing laws – but these rely on the will of Cambodia's political leadership. CCHR will continue to monitor the political environment and advocate for democratic development in Cambodia.

³ CCHR monitors reported 25 cases in Svay Reang alone.

⁴ For example: CCHR, the International Republican Institute, National Democratic Institute, Human Rights Watch, the Cambodia Office of the High Commissioner for Human Rights and Comfrel

D.) Final Reported Election Results

**Cambodia National Election Committee
2003 National Assembly Election Results**

National Standings By Party:	VOTES	%	SEATS
Cambodian People's Party:	2,447,259	47.35	73
Sam Rainsy Party	1,130,423	21.87	24
Funcinpec Party	1,072,313	20.75	26
Khmer Democratic Party	95,927	1.86	
The Rice Party	76,086	.47	
Indra Buddha City Party	62,338	1.21	
Norodom CP Khmer Party	56,010	1.08	
Cambodia Development Party	36,838	0.71	
Khmer Angkor Party	26,385	0.51	
Cambodia Women's Party	23,538	0.46	
Khmer Front Party	20,272	0.39	
Khmer Unity Party	18,309	0.35	
Hang Dara Dem. Movement Party	15,671	0.30	
Khmer Spiritual Aspiration Party	14,342	0.28	
Kon Khmer Party	14,018	0.27	
Union of National Solidarity Party	11,676	0.23	
Khmer Help Khmer Party	9,482	0.18	
Farmers' Party	9,449	0.18	

	VOTES	%	SEATS
Molin-K/Khmer Freedom Fighters' Party	6,808	0.13	
Cambodia Free Independent Democratic Party	6,806	0.13	
Khmer Citizens' Party	6,526	0.13	
Nationalist Khmer Party	4232	0.08	
Liberal Democratic Party	4129	0.08	
<u>BANTEAY MEANCHEY PROVINCE</u>			
Cambodia People's Party	106,655	47.58	4
Sam Rainsy Party	51,831	23.12	1
Funcinpec Party	43,535	19.42	1
Indra Buddha City Party	5,984	2.67	
Norodom CP Khmer Party	5,011	2.24	
Khmer Democratic Party	2,617	1.17	
<u>BATTAMBANG PROVINCE</u>			
Cambodia People's Party	158,912	48.75	5
Sam Rainsy Party	88,324	27.10	2
Funcinpec Party	48,434	14.86	1
Indra Buddha City Party	5054	1.55	
Khmer Democratic Party	4805	1.47	
Cambodia Womens' Party	3948	1.21	
Norodom CP Khmer Party	3910	1.20	

KAMPONG CHAM PROVINCE VOTES % SEATS

Cambodia People's Party	286,577	39.93	8
Funcinpec Party	164,511	22.92	5
Sam Rainsy Party	164,232	22.88	5
The Rice Party	30,903	4.31	
Khmer Democratic Party	16,767	2.34	
Cambodia Development Party	14,412	2.01	
Norodom CP Khmer Party	7,303	1.02	

KAMPONG CHHNANG PROVINCE

Cambodia People's Party	105,757	56.60	3
Funcinpec Party	34,746	18.60	1
Sam Rainsy Party	24,005	12.85	
Khmer Democratic Party	4521	2.42	
Cambodia Development Party	3222	1.72	
Indra Buddha City Party	2535	1.36	
Khmer Front Party	2289	1.23	
Norodom CP Khmer Party	2160	1.16	

KAMPONG SPEU PROVINCE

Cambodia People's Party	149,527	52.96	4
Funcinpec Party	63,587	22.52	1
Sam Rainsy Party	37,601	13.32	1

VOTES % SEATS

Khmer Democratic Party	6,195	2.19	
Indra Buddha Party	5,672	2.01	
Norodom CP Khmer Party	3383	1.20	

KAMPONG THOM PROVINCE

Cambodia People's Party	101,082	43.33	4
Sam Rainsy Party	50,172	21.51	1
Funcinpec Party	48,420	20.76	
Khmer Democratic Party	6261	2.68	
Norodom CP Khmer Party	4371	1.87	
Indra Buddha City Party	122	1.77	
Cambodia Women's Party	3061	1.31	
Khmer Front Party	2924	1.25	
Khmer Help Khmer Party	2647	1.13	
Khmer Angkor Party	2389	1.02	

KAMPOT PROVINCE

Cambodia People's Party	109,402	47.60	3
Funcinpec Party	60,577	26.35	2
Sam Rainsy Party	35,629	15.50	1
Khmer Democratic Party	5099	2.22	
Norodom CP Khmer Party	4329	1.88	
Cambodia Development Party	3475	1.51	

	VOTES	%	SEATS
Indra Buddha City Party	3092	1.35	
<u>KOH KONG PROVINCE</u>			
Cambodia People's Party	24,265	55.03	1
Sam Rainsy Party	9081	20.59	
Funcinpec Party	6658	15.10	
Khmr Democratic Party	990	2.25	
Khmer Angkor Party	726	1.65	
Indra Buddha City Party	616	1.40	
Khmer Spiritual Aspiration Party	523	1.19	
Union of National Solidarity Party	510	1.16	
Farmers' Party	460	1.04	
<u>KEP PROVINCE</u>			
Cambodia Peoples' Party	7834	54.97	1
Funcinpec Party	4351	30.53	
Sam Rainsy Party	991	6.95	
Khmer Democratic Party	332	2.33	
<u>KANDAL PROVINCE</u>			
Cambodia People's Party	221,183	39.90	5
Sam Rainsy Party	142,312	25.67	3
Funcinpec Party	133,750	24.13	3
The Rice Party	15,088	2.72	

	VOTES	%	SEATS
Khmer Democratic Party	9,683	1.75	
Cambodia Development Party	9334	1.68	
<u>PAILIN PROVINCE</u>			
Cambodia People's Party	8,239	53.22	1
Sam Rainsy Party	4,617	29.82	
Funcinpec Party	1,670	10.79	
Norodom CP Khmer Party	210	1.36	
<u>MONDOLKIRI PROVINCE</u>			
Cambodia People's Party	8,875	68.41	1
Funcinpec Party	1,733	13.36	
Sam Rainsy Party	1,151	8.87	
Indra Buddha City Party	284	2.19	
Khmer Angkor Party	275	2.12	
Khmer Democratic Party	271	2.09	
Union of National Solidarity Party	214	1.65	
<u>KRATIE PROVINCE</u>			
Cambodia People's Party	51,344	46.53	2
Funcinpec Party	29,572	26.80	1
Sam Rainsy Party	20,719	18.78	
Khmer Democratic Party	2,502	2.27	

	VOTES	%	SEATS
Indra Buddha City Party	1,354	1.23	
Norodom CL Khmer Party	1,286	1.17	

PREY VENG PROVINCE

Cambodia People's Party	220,940	47.86	6
Funcinpec Party	119,933	25.98	3
Sam Rainsy Party	67,053	14.53	2
The Rice Party	24,689	5.35	
Khmer Democratic Party	11,802	2.56	
Norodom CP Khmer Party	5,924	1.28	
Indra Buddha City Party	5,602	1.21	

PREAH VIHEA PROVINCE

Cambodia People's Party	29,530	60.12	1
Sam Rainsy Party	7,104	14.46	
Funcinpec Party	5,890	11.99	
Khmer Angkor Party	1,667	3.39	
Cambodia Women's Party	1,487	3.03	
Khmer Democratic Party	1,391	2.83	
Union of National Solidarity Party	834	1.70	
Kmer Spiritual Aspiration Party	732	1.49	

<u>PHNOM PENH PROVINCE</u>	VOTES	%	SEATS
Sam Rainsy Party	217,663	47.22	6
Cambodia People's Party	150,189	32.58	4
Funcinpec Party	65,249	14.16	2
Cambodia Development Party	6,395	1.39	
The Rice Party	5,406	1.17	

SIEM REAP PROVINCE

Cambodia People's Party	169,581	59.40	4
Sam Rainsy Party	51,897	18.18	1
Funcinpec Party	38,489	3.48	1
Norodom CP Khmer Party	4,718	1.65	
Indra Buddha City Party	4,049	1.42	
Khmer Democratic Party	3,732	1.31	

RATANAKIRI

Cambodia People's Party	2,815	64.42	1
Funcinpec Party	4,522	12.77	
Sam Rainsy Party	3,612	10.20	
Indra Buddha City Party	1,281	3.62	
Khmer Angkor Party	1,071	3.02	
Khmer Democratic Party	782	2.21	
Union of National Solidarity Party	620	1.75	
Khmer Spiritual Aspiration Party	520	1.47	

<u>PURSAT PROVINCE</u>	VOTES	%	SEATS
Cambodia People's Party	88,380	58.12	3
Funcinpec Party	34,243	22.52	1
Sam Rainsy Party	18,875	12.41	
Indra Buddra City Party	3,121	2.05	
Khmer Democratic Party	2,991	1.97	
Norodom CP Khmer Party	1,046	1.38	
<u>SVAY REANG PROVINCE</u>			
Cambodia People's Party	142,404	61.42	4
Fucinpec Party	36,588	15.78	1
Sam Rainsy Party	35,456	15.29	
Khmer Democratic Party	3,010	1.30	
Indra Buddra City Party	2,579	1.11	
Cambodia Women's Party	2,574	1.11	
Norodom CP Khmer Party	2,196	1.05	
<u>STUNG TRENG PROVINCE</u>			
Cambodia People's Party	18,283	54.08	1
Funcinpec Party	6,885	20.37	
Sam Rainsy Party	5,473	16.19	
Khmer Democratic Party	1,015	3.00	
Khmer Angkor Party	604	1.79	
Indra Buddra City Party	543	1.61	

<u>SIHANOUKVILLE</u>	VOTES	%	SEATS
Cambodia People's Party	27,645	44.70	1
Sam Rainsy Party	18,513	29.93	
Funcinpec Party	1,126	17.99	
Khmer Democratic Party	999	1.62	
Cambodia Women's Party	949	1.53	
<u>TAKEO PROVINCE</u>			
Cambodia People's Party	213,955	55.13	5
Funcinpec Party	100,307	24.91	2
Sam Rainsy Party	67,608	16.79	1
Khmer Democratic Party	5,917	1.47	
Norodom CP Khmer Party	4,047	1.01	
<u>ODDAR MEANCHEY PROVINCE</u>			
Cambodia People's Party	23,885	56.39	1
Funcinpec Party	7,537	17.79	
Sam Rainsy Party	6,504	15.36	
Indra Buddra City Party	1,374	3.24	
Khmer Democratic Party	1,023	2.42	
Khmer Angkor Party	667	1.57	
Union of National Solidarity Party	499	1.18	
Khmer Spiritual Aspiration Party	427	1.01	

E. IRI Delegation Biographical Information

Christine Todd Whitman has spent a distinguished career in public service working to improve the lives of all Americans. She recently stepped down from her position as Administrator of the U.S. Environmental Protection Agency.

As head of the EPA, Mrs. Whitman took notable steps to protect human health and safeguard the natural environment. The achievements of the EPA during her tenure include the introduction of President Bush's Clear Skies Initiative to ensure clean air for all Americans to breathe; the establishment of a watershed based approach to protecting our nation's lakes, streams, and rivers; and the passage of landmark brownfields legislation that is already bringing economic and environmental vitality back to neighborhoods marred by abandoned industrial sites.

Under Mrs. Whitman's leadership, the EPA undertook aggressive efforts to fulfill its mission by cleaning up the Hudson River, protecting children from environmental health hazards such as asthma and sun exposure, and requiring cleaner burning diesel engines and lower-sulfur diesel fuel to reduce emissions from America's dirtiest mobile sources.

Prior to leading the EPA, Mrs. Whitman served as the 50th Governor of New Jersey—the first female ever to hold that position.

Then-Governor Whitman sought a 30 percent reduction in state income taxes as a major priority during her administration. Mrs. Whitman outdid herself by reaching her goal in just two years, as opposed to the three she promised. She was also deeply involved in educational and environmental reforms.

Mrs. Whitman's popularity swelled beyond her home state during her years as governor. *People* named Whitman one of their 25 most intriguing people of 1994, calling her "a one-woman political slogan."

Prior to becoming governor, Mrs. Whitman headed the New Jersey Board of Public Utilities and the Somerset County Board of Freeholders. She grew up in Hunterdon County, N.J. and earned a bachelor's degree in government from Wheaton College in Massachusetts in 1968. Mrs. Whitman is married to John R. Whitman and has two children.

Peter Brookes currently serves as Senior Fellow at the Heritage Foundation, as well as Director of Heritage's Asian Studies Center. Immediately preceding his arrival to Heritage, Brookes served as Deputy Assistant Secretary of Defense (DASD) for Asian and Pacific Affairs in the Office of Defense Secretary Donald Rumsfeld, where he was responsible for the development, planning, guidance and oversight of U.S. security and defense policy for 38 countries and five bilateral defense alliances in the Asia-Pacific region.

Mr. Brookes has also worked in the private sector for Scientific Applications International Corporation (SAIC), E-systems and TASC on engineering, defense and intelligence projects. While with SAIC, he was detailed to the Non-Proliferation Center (NPC) at the Central Intelligence Agency (CIA), where he worked on issues related to arms control treaties and the proliferation of weapons of mass destruction.

Mr. Brookes graduated from the U.S. Naval Academy (B.S. Engineering); the Defense Language Institute (Diploma Russian); the Naval War College (Diploma National Security and Strategic Studies); Georgetown University (Certificate in Business Administration) and the Johns Hopkins University (M.A. American Government). He was a Cox Fellow to West Germany and speaks Russian fluently.

Fred Brown founded the Southeast Asia Studies Program at the Paul H. Nitze School of Advanced International Studies in 1991 and has been Associate Director since 1995. He was a State Department Foreign Service Officer from 1958 to 1984 with postings in France, Thailand, the Soviet Union, Vietnam and Cyprus. He was professional staff member for East Asia and the Pacific on the U.S. Senate Committee on Foreign Relations, 1984-1987. He is author of *Second Chance; The United States and Indochina in the 1990s* and other publications.

Mr. Brown received his M.A. in political science from the University of Colorado.

Robert J. Chaves is a Founding Partner of MatlinPatterson Global Opportunities Fund. Mr. Chaves has over 16 years of experience in international distressed securities investing and private equity in addition to operating experience managing industrial companies in the emerging markets. Prior to the Spin-Out, Mr. Chaves was a member of CSFB's Global Opportunities Fund (CSFB Private Equity Group) which he joined in April 2001. Before joining CSFB, Mr. Chaves was Managing Partner of Key Emerging Markets Group (1999-2001, including advising the CSFB distressed group in Asia from 2000-2001). Mr. Chaves was a partner in the Serfimex Group (1993-1999 in Mexico) where he was President and Vice Chairman of Compania Minera Autlan, S.A. de C.V. and President and Managing Director of Grupo Ferrominero, S.A. de C.V. in addition to Vice Chairman of the International Manganese Institute (Paris, France). He was with ING Bank from 1987-1993, where he started the Emerging Markets Corporate Finance group in New York (and started offices in Venezuela and Mexico). He was also at E.F. Hutton as an analyst from 1984 to 1986. Mr. Chaves holds an MBA in Finance and Multinational Management from the Wharton School of the University of Pennsylvania (1988) and a BS in Business Administration and Psychology from the State University of New York at Albany (1984). Mr. Chaves is a life member of the Council on Foreign Relations in addition to being a member of the Term Membership Selection Committee and the Independent Task Forces on Brazil and Southeast Asia. Mr. Chaves is a member of the Hispanic Council on International Relations. Mr. Chaves is fluent in Spanish and Portuguese and has lived in Latin America and Asia.

Allen Keesee has served in a variety of professional positions, most recently as Research Associate in the George Mason University's Department of Computational Science. In addition, Mr. Keesee has worked as legal advisor to LICADHO, a Cambodian human rights organization, as well as to the Royal Government of Cambodia. He has also observed elections with the United Nations and the Organizations of American States in Cambodia, South Africa, Mozambique, and Haiti.

Mr. Keesee has written 9 books, including a 7-volume Arabic-to-English translation of the commercial laws of various Middle Eastern nations as well as the *English-Spoken Khmer*

Dictionary. In addition, he has published 14 articles on international law and economic development topics.

Mr. Keesee received a B.A. from Yale College, a J.D. from Harvard Law School, and a M.B.A. from New York University.

Peter Kezirian served in Governor Pete Wilson's administration as the General Counsel for the California Department of Corporations, where he was one of three executive officers responsible for overseeing the Department's six divisions. In this role, Mr. Kezirian reviewed all legal opinions, rule-making efforts and policy positions with respect to legislation impacting the Department's regulatory responsibilities and jurisdiction. Until divided into separate entities in 2000, the Department had oversight responsibilities for approximately 56 percent of the California economy and was the sole executive branch entity with its own legislative and enforcement divisions.

Before venturing into the public sector, Mr. Kezirian was an associate with the New York law firm of Debevoise & Plimpton. As a member of the corporate law department, Mr. Kezirian concentrated on securities, mergers and acquisitions transactions.

Mr. Kezirian graduated from the Edmund Walsh School of Foreign Service at Georgetown University and earned his law degree from the University of Southern California Law Center in 1989 where he was an Articles Editor of the law review. Mr. Kezirian is a member of the California State and Washington, D.C. Bars. He is also a term member of the Council on Foreign Relations.

Peter King currently serves in Australia as a Member of Parliament representing the Wentworth region of New South Wales. He is member of the Joint Committee on Public Accounts and Audit, the Joint Standing Committee on Treaties, the House of Representatives Standing Committee on Procedures, and on the Government Members Policy Committees for Attorney-General/Justice, Treasury, Finance and Public Administration, and Environment and Heritage.

Mr. King is admitted to the Bar in Australia, England and Wales, Hong Kong, Fiji, Papua New Guinea, and the Solomon Islands. He has recently served as Chair of the Australian Heritage Commission and World Heritage Commission. He also serves as Lt. Commander in the Royal Australian Navy Reserve.

Mr. King won a prestigious Rhodes scholarship in 1975. He is married and has three sons.

Li Fan serves as Director of the World and China Institute, an independent, non-governmental, non-profit research institute dedicated to promoting a mutual understanding between the world and China.

By invitation, Mr. Li Fan attended the National Democratic Convention and the World Leaders Forum in Los Angeles, and also participated in the World Democratic Movement in Sao Paulo, Brazil. He was interviewed and mentioned by prominent media outlets, including CNN, BBC, and the Wall Street Journal, and he continues to publish both Chinese and English language articles about the economy, history, politics, and culture of China.

Mr. Li Fan received his M.A. in Political Science from The Ohio State University in 1989.

Eric Melby serves as a Principal and founding member of The Scowcroft Group, an international business advisory group. Mr. Melby has extensive experience in telecommunications, energy, investment support, and trade policy solutions. He specializes in Asia, the Middle East, and Europe. Dr. Melby is actively engaged in advising corporate clients on transactions in the Middle East and Asia. He advises on foreign investment opportunities in Asia generally.

Dr. Melby was a senior staff member on the National Security Council during the administrations of Presidents Reagan and Bush. He was responsible for bilateral and multilateral trade and economic negotiations, including the North American Free Trade Agreement, the Uruguay Round, bilateral economic issues, international energy policy and export controls. He was an energy specialist with the Agency for International Development and a Peace Corps volunteer in the Philippines.

Dr. Melby received his B.A. from Haverford College and his M.A. and Ph.D. from the Paul Nitze School of Advanced International Studies of the Johns Hopkins University. He is a member of the Council on Foreign Relations and is on the Advisory Council of the European Institute in Washington.

Enkhsaikhan Mendsaikhan is leader of the Democratic Party of Mongolia and from 1996-1998 served as that country's Prime Minister. Prior to 1996 Enkhsaikhan served as Chief of Staff in the President's office, Member of Parliament, and economist in several ministries of the Mongolian government. Between 1990 and 1992 Enkhsaikhan was a member of the State Small Baga Hural and was Chairman of the Standing Committee on the Economy.

Enkhsaikhan received his bachelor's degree from Kiev University in Ukraine in 1978 and earned his Ph.D. from the Academy of Sciences, Russia in 1984.

Kevin G. Nealer currently serves as a Principal and partner in The Scowcroft Group, at which he provides risk analysis and direct investment support to the Group's multinational clients, specializing in financial services and trade policy issues. He has lead responsibility for the firm's support for the investment community, providing analysis to leading currency and equity/debt traders. He also develops regulatory and government affairs solutions for clients that include the largest American investor in China, as well as leading private equity funds.

Before joining The Scowcroft Group, Mr. Nealer advised multinational clients on investment issues, project finance, and trade law/policy as a principal in the consulting affiliate of Washington's largest law firm, as vice president for corporate affairs with a leading government strategies practice. A trade attorney and former State Department officer, Mr. Nealer served as trade policy advisor to the former Senate Democratic Leadership from 1982 to 1987.

Mr. Nealer graduated from the University of Michigan and received his law degree from Case Western Reserve University School of Law.

Imam Prasodjo is Indonesia's leading expert on conflict resolution and refugees. He was involved in the peace process in the troubled Maluku islands region of Indonesia, where he and others drafted the Malino Agreement, which sought to make peace possible in that region. Mr. Imam is Director of the Center for Research on Inter-Group Relations (CERIC), a non-governmental organization administered by Ohio State University. He has hosted a highly-rated television talk show on the election process during the election season, and currently hosts a highly-rated radio talk show called "Morning Reflection." In 2001 Mr. Imam was elected to the National Election Commission.

Mr. Imam received his Ph.D. in Sociology from Brown University.

Michael A. Samuels founded and currently presides over Samuels International Associates, Inc., an international business consulting firm that specializes in international trade and public affairs. In his present position, Mr. Samuels primarily works with governments in matters concerning trade negotiations and other matters with the U.S. and certain international organizations and advises corporate clients about how to affect government policies that may hinder or not sufficiently assist international sales.

Mr. Samuels has served as Deputy United States Trade Representative and U.S. Ambassador to the GATT. He has also served as U.S. Ambassador to Sierra Leone, as well as having held other positions in the U.S. Department of State. His non-governmental experience includes: Executive Director for Third World Studies at the Center for Strategic and International Studies, International Vice President of the U.S. Chamber of Commerce, and Senior Vice President of Hill of Knowlton, Inc. He was directly involved with the efforts that culminated in the creation of the National Endowment for Democracy (NED).

Mr. Samuels received his bachelor's degree from Yale University and received his Ph.D. in African History from Columbia University.

M. Dane Waters is the founder and President of the Initiative & Referendum Institute. The Institute is the first of its kind and has achieved international recognition as an authority on un-biased non-partisan initiative and referendum information. Mr. Waters has lectured world-wide on governmental and electoral issues and has provided strategic advice to various foreign governments, including the Israeli, Danish, Mexican, Greek, New Guinea and Slovak governments. He has provided commentary on initiative and referendum to newspapers, radio talk shows and television stations world-wide including CNN, CBS, ABC, Swiss National Radio, Danish National Television, The Economist, The New York Times, and the Wall Street Journal, among others. Waters also writes a monthly column on the initiative process for *Campaigns & Elections Magazine*.



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