

Summary of Observations of the
US Long Term International Observation Group
During the 2003 Cambodian National Assembly Election

September 2003

TABLE OF CONTENTS

INTRODUCTION.....	3
1 THE PRE-ELECTION ENVIRONMENT.....	4
1.1 PRE-CAMPAIGN PERIOD CAMPAIGNING.....	4
1.2 PATRONAGE, GIFT GIVING AND VOTE BUYING.....	5
1.3 PLEDGING.....	6
1.4 CONFUSION BETWEEN PARTY AND GOVERNMENT.....	6
1.5 ASSESSMENTS OF THE ELECTION ENVIRONMENT.....	6
1.6 VIETNAMESE ISSUE.....	8
1.7 CAMPAIGNING.....	8
2 THE ELECTION.....	9
2.1 THE NIGHT OF THE BARKING DOGS.....	10
2.2 ELECTION DAY ENVIRONMENT.....	10
2.3 VOTER REGISTRATION ISSUES.....	10
2.4 POLLING AND COUNTING.....	11
2.5 COMPARISONS TO PREVIOUS ELECTIONS.....	13
2.6 PARTY AGENTS AND DOMESTIC OBSERVERS.....	13
2.7 INTERNATIONAL OBSERVERS.....	14
3 THE POLITICAL PARTIES.....	14
3.1 PARTY ORGANIZATION.....	14
3.2 MINOR PARTIES.....	14
3.3 PARTY PLATFORMS.....	15
4 ELECTION ADMINISTRATION.....	16
4.1 RECRUITMENT AND COMPOSITION OF THE PEC AND CEC.....	16
4.2 ELECTION COMPLAINTS PROCESS.....	17
5 SUMMARY OF RECOMMENDATIONS.....	17

INTRODUCTION

The US Long Term International Observation Group (LTOG) was made up of fifteen international observers who were deployed in the provinces from May 20-Aug. 15, 2003. The observation mission was administered by The Asia Foundation, and was part of the US Government's contribution to the 2003 Cambodian National Assembly Election held on July 27, 2003. The observers monitored all provinces (except for Phnom Penh) during the pre-campaign period, the campaign period, polling and counting, and the post-election environment.

Although both the Asian Network for Free Elections (ANFREL) and the European Union also deployed international long-term observers¹, the LTOG was unique in several respects. It began earlier and was deployed longer than other missions, and had a different focus than other missions. Rather than issuing periodic general assessments of the relative fairness of the overall process as most missions do, the LTOG issued weekly reports on the electoral environment in the provinces. The timely information provided through these reports was widely appreciated in the international assistance and diplomatic communities because it enabled them to identify and react quickly to emerging concerns about the political and electoral processes. The reports also provided raw material which augmented and enhanced their own assessments and reports on the election process.

Fifteen locally based expatriates with extensive experience in the culture and language of Cambodia were recruited to staff the observation mission. Though US-funded, the mission was multi-national. The fifteen Long-Term Observers (LTO's) came from eight different countries (Australia, Britain, France, Indonesia, Sri Lanka, Thailand, Holland, and the US). Each observer was paired with a well-qualified Cambodian interpreter/assistant. Although eight of the fifteen LTOs already had election observation experience, all were provided with extensive training in the electoral law and regulations and in observation methodology prior to their deployment. Each observer was responsible for reporting from one province, but in order to provide more complete coverage of the country, some observers also covered a secondary province.

The observation mission aimed to provide donors, election officials, government officials and ordinary citizens with a comprehensive picture of the unfolding political and electoral process in the provinces. In the pre-election period the primary objective was to identify and highlight areas of concern in voter education, campaigning, and election administration, so that these issues could be addressed, and Cambodians could enjoy the fairest possible election. After the election the observations of the mission, along with those of other partisan and non-partisan observers, could be used by embassies and delegations to assess the relative fairness of the overall process, and to evaluate the democratic legitimacy of the elected government.

¹ There were a number of international and domestic election observation efforts for the 2003 National Assembly elections. The European Union had 36 long-term international observers deployed in teams of two to eighteen provinces. They were deployed about two months (one month less than the LTOG). The EU also deployed 94 STOs in two person teams. ANFREL deployed 11 LTOs (they were trained by the Asia Foundation at the same time as the LTOG). ANFREL also deployed 65 STOs on election day. COMFREL had domestic LTOs in every province. COMFREL deployed about 15,000 STOs on election day. NICFEC recruited and deployed 150 locally based expatriates as international STOs (they were trained by the Asia Foundation, which supported the project). NICFEC also deployed about 6000 domestic STOs. Finally, Cambodian based embassies and multilateral organizations also deployed several hundred STOs, most of whom were trained by the Asia Foundation, which also developed their monitoring materials.

Throughout their mission the LTOs cooperated closely with domestic observation organizations and human rights groups based at the provincial, district and commune levels. They also worked closely with the LTOs from ANFREL, and the medium-term observers from the EU. To facilitate the deployment of short term international observers (STOs), the LTOs prepared detailed briefing packages for each province that included local contacts, maps, hotels and other services, and communication coverage. LTOs also provided deployment recommendations and coordination assistance for STOs.

This report is a summary of the findings of the mission over the entire observation period. In several instances where specific problems or constraints in election administration or the democratization process were identified through the observation mission, recommendations for addressing these concerns have been included in the report. It should be noted that the recommendations are solely the opinion of the author², and do not necessarily reflect the opinion of the US Government, the US Agency for International Development, or The Asia Foundation.

1 THE PRE-ELECTION ENVIRONMENT

1.1 Pre-Campaign Period Campaigning

Although the official campaign period did not begin until June 27, parties were observed conducting campaign-like activities from the commencement of the observation mission on May 20. This pre-campaign period campaigning was observed in all provinces and was conducted by all of the major parties with all three of the major party leaders directly and extensively involved. Typical pre-campaign activities were rallies or meetings for “party activists”, that usually also included the distribution of small gifts. The CPP often, and FUNCINPEC occasionally, conducted their pre-campaigning during dedication ceremonies for pagodas, bridges and schools, giving the impression that they had been built by the party when in many instances they had actually been built with government funds or foreign assistance. Although the legal prohibitions on pre-campaign political activity and gift-giving were generally ignored, on some occasions local election officials selectively enforced the prohibitions against opposition parties, while allowing the ruling party to conduct similar activities.

Although all of the major parties engaged in pre-campaign campaigning that would be viewed as illegal under the current regulations, it seems unlikely that pre-campaign period campaigning significantly affected the overall integrity of the election process. While gift giving and misrepresentation are always wrong, the speeches and campaign literature distributed during these events did increase the overall amount of political information available to the voters. In an environment where voters have very limited access to information about the policies and plans of the political parties, such unofficial campaigning could be viewed as beneficial to the democratic process.

² The author of this report, Tim Meisburger, was the director of the Long Term Observation Group, and is also The Asia Foundation's Regional Director for Elections and Democratization Programs. His international election experience spans more than a decade, and includes significant involvement in the transitional elections of Cambodia, South Africa, Bosnia, Indonesia and East Timor, and post-transition elections across Asia, including Cambodia's 1998 National Assembly election and 2002 Commune Council election. Mr. Meisburger is currently based in Jakarta, Indonesia.

Recommendations: In order to encourage political speech and debate, rather than limit it, and to prevent officials from selectively enforcing the regulations for political gain, it is recommended that the current campaign period restrictions be eliminated or reformed.

It is also recommended that in future elections the election monitoring organizations (EMO), the press, and the National Election Committee (NEC) more carefully scrutinize the parties' use of state resources or international assistance (projects and commodities) for partisan political campaigning.

1.2 Patronage, Gift Giving and Vote Buying

Politically motivated gift giving was common during both the pre-campaign period, and during the campaign period, and was openly practiced by all major parties. Some of the more significant gift giving, particularly in the pre-campaign period, was aimed at party activists and was viewed as compensation for their work. In some areas there were allegations that relief distributions by the government or Cambodian Red Cross were used as a form of political patronage, or were withheld for political reasons from opposition party supporters.

A common response from voters, when asked about receiving gifts and if they thought that obligated them to vote for that party, was that of course they would take the gift but they would still vote for whichever party they wanted. In one province, a few women who were asked this question implied, with much laughter, that taking a gift from one party and voting for another was a good joke on the party trying to influence them. This attitude, coupled with the fact that the value of most gifts to voters was quite small, would suggest that the influence of gifts on voter behavior was minimal. However, it may be that there are cultural dimensions to gift giving, particularly in rural areas that imbue the activity with more significance than it may appear to have on the surface.

Cambodia is still in the middle of its transition to democracy and in many respects, particularly in remote and rural areas, it remains closer to its feudal roots than to a modern democratic culture. It is evident that Cambodia's urban population, which is more sophisticated, better educated and has the greatest access to information, has already moved beyond feudalism. Many rural Cambodians, however, still feel that it is morally correct to follow the advice of their traditional patron, political leader or representative. Rather than viewing gift giving in Cambodia as pure vote buying (something the vast majority of Cambodians say they would not be swayed by), it is probably more accurate to see it as a ritual, a symbolic reaffirmation of the traditional feudal ties that bind patron to client.

At the village level, refusal of a gift often meant more than the loss of a few thousand riels. Villagers who would not accept the gift, and the commitment implied by acceptance, were often threatened with social exclusion or ostracism from the community, meaning they would no longer be eligible for aid distributions, other services, and the security provided to members of the group. It seems likely that in many instances fear of social exclusion for not taking a gift was a much more powerful motivator than the gift itself.

While on the surface the potential benefit from gift giving would hardly be worth the cost and effort involved, all parties did engage in it. Therefore it seems likely that because of its symbolic and ritualistic overtones, gift giving in rural areas may have been a more effective motivator for voting than the size of gifts would suggest.

Recommendation: It is evident from the different campaign tactics employed by all parties in urban areas that much of Cambodia's urban population, those with the greatest access to information, has already moved beyond feudalism, but in rural and remote areas there remains a significant need for civic education aimed at eroding feudal power structures and developing a culture of democracy based on political equality and democratic accountability.

1.3 Pledging

Pledging or swearing to support the CPP was relatively common in about a quarter of the provinces, primarily in the central region, but rare elsewhere. In Siem Reap an official admitted they engaged in the practice, but claimed that “nobody is forced, it is their right to drink the water³ if they want to do so”. When asked specifically about the water-drinking pledging ceremony, one woman who drank the water said, “I drank to get the gift but that doesn't mean I will vote for them; I'll vote for whichever party I like because my vote is secret and my own.”

The suggestion that only those who plan to vote for the party are asked to pledge is suspect, because if they were actual supporters there would be no need to pledge, and asking them to pledge would be questioning their beliefs and might be viewed as insulting. While many people questioned said they had taken the pledge just to be eligible for a gift, and would still vote their conscience, the religious overtones of the ceremony and the fact that communities participate as a group suggests this is a form of intimidation, and requiring a pledge to vote for a particular party as a precondition for receiving a gift is clearly prosecutable vote buying.

Recommendation: The election law should be revised to make political pledging ceremonies explicitly illegal.

1.4 Confusion Between Party and Government

The misappropriation of state resources for political purposes is not surprising in Cambodia, where both ordinary citizens and government officials seem to have difficulty differentiating between government property and CPP party property (a legacy of the one party state). In many areas CPP party offices are in the same compound as the commune government office, and official commune and local government meetings are often held in the CPP office. When questioned, many villagers were unable to differentiate between party activities or leaders and government. In addition, government officials (from several parties) often used official government events for partisan campaigning.

Recommendations: Civic education efforts should be made to educate the population on the difference between party and government and on their respective roles in a democratic society, and the relevant laws and regulations concerning use of state buildings and other resources for political activities should be reviewed, reformed and enforced.

1.5 Assessments of the Election Environment

The electoral environment in most provinces in 2003 was perceived as better than that in 1998 and 2002. Reasons most commonly given for the improvement are the multi-party makeup of the new commune councils, which has created opportunities to build relationships and increase dialogue across parties, leading to increased tolerance and understanding; the parties have a better understanding of the election laws and regulations; and ordinary people

³ One common form of pledging involved swearing to support the party, then drinking a glass of sacred water to seal the pledge. Reportedly, in some instances bullets were placed in the bottom of the glass of water, to represent the seriousness of the commitment.

have more access to information via TV, radio and civic education efforts by NGOs and hence know more about the process and their rights.

Observers across the country reported a significant increase in the number of opposition party signboards seen compared to previous elections, and suggested that this is an indication of a freer and more relaxed political environment. Political party signboards in previous elections were usually erected in front of party offices, but now signboards are commonly seen away from buildings or in empty fields, serving more like advertisements than identifiers for party offices.

One of the most positive changes seen since the 1998 election has been the almost complete absence of involvement of either government or party based military forces in the political process. Significant involvement of the military was only reported from a few isolated areas in western provinces, and even there was reported as much reduced in comparison to 1998. In previous elections, observers were primarily occupied with monitoring political violence. In this election the sharp reduction in violence, and the reduced involvement of military and police intimidation across the country, has made more visible the involvement of village chiefs and other officials in the election process.

Although most people felt that political tension was lower than prior to the 1998 and 2002 elections, politically motivated threats and intimidation continued to occur in almost all provinces. Most of the reported incidents of intimidation originated with local officials (commune officials, village chiefs, group leaders), but in former resistance or Khmer Rouge controlled provinces (those that were highly militarized most recently), the military, and to a lesser extent the police, still played a significant role in politically motivated intimidation.

Almost all reported incidents of intimidation involved government officials or employees (including police) affiliated with the CPP, and were directed at SRP supporters or supporters of minor parties. Many victims of threats or intimidation felt they had nowhere to complain because of the CPP domination of the election committees and village and commune governments.

As already mentioned in the section on gift giving, one method of intimidation practiced by village officials was threatening social exclusion or ostracism. If an individual supported an opposition party or put up an opposition sign, they might be threatened with “exclusion” from village life. This means they will not be eligible to receive presents from the ruling party, but at a deeper and more ominous level it means they are no longer part of the “group”, and will not be included in village activities or receive the services, support and protection provided by group membership.

There continue to be threats related to the erection or maintenance of party signboards, although the general impression is that there is much less of a problem than in previous elections. Other common forms of harassment or intimidation include well-known local officials or police standing near the entrance to opposition party meetings (sometimes recording the names of participants); and the playing of loud music or operation of noisy machinery to disrupt party meetings.

Recommendation: The most effective way to reduce the negative influence of village chiefs on the election process, and accelerate the transition from feudalism to a democratic culture in rural areas, would be for village chiefs to be subject to popular election. The commune

council law already contains provision for the selection of village chiefs through “*a process with democratic aspects*”, and it is technically feasible to define a local election process that would be inexpensive, transparent and credible. In addition, the establishment of a relatively short mandate of two or three years for village chiefs would enhance their accountability to voters.

1.6 Vietnamese Issue

Allegations that Vietnamese have been illegally registered to vote were reported from Sihanoukville, Kratie, Kampong Chhnang, Prey Veng, and Kandal provinces, primarily from SRP representatives, but occasionally from the FUNCINPEC as well. Numbers mentioned are typically small, from the tens to the low hundreds, except in Kandal where the SRP made 24 official complaints against the registration of over 100,000 people. The NEC’s response to these complaints was that as long as an individual meets the legal requirements for Cambodian citizenship, they have the right in law to be registered.

The actual extent to which ineligible people were registered has not yet been determined, but what is clear is that those on one side of this issue feel that anyone, regardless of birthplace, who is *ethnically* Vietnamese, should not be allowed to vote, while the law states that anyone who meets the requirements of citizenship, *regardless of ethnicity*, has the right to vote. In one graphic example of this attitude, a senior opposition party official in a central province became quite agitated when asked by our observer if any Vietnamese are legal citizens of Cambodia. She said that only people who have Khmer names, are Buddhist, speak Khmer and look Khmer should be allowed to vote.

Although some ethnic Vietnamese are clearly entitled to Cambodian citizenship, others have admitted to being relatively recent immigrants who had sought Cambodian ID cards or voter registration cards prior to the 1998 election because they thought the cards would help establish citizenship and legitimize their stay in Cambodia.

Unfortunately, ugly anti-Vietnamese rhetoric and appeals to xenophobic nationalism were integral aspects of both the SRP’s and FUNCINPEC’s campaign strategies. The only credible reports the LTOG received of people being forcibly prevented from voting on election day concerned ethnic Vietnamese voters whose cards were confiscated by opposition party agents, and Vietnamese voters who were blocked from polling stations by opposition party mobs. In the days following the election there was at least one report of these mobs burning a Vietnamese neighborhood in Kandal province.

Recommendations: To address discrimination and violence against ethnic Vietnamese in Cambodia there should be increased emphasis by the government, civil society, and the international community on developing ethnic tolerance.

Nationality law and border issues should be clarified through an open and transparent process, to remove much of the current pretext for ethnic discrimination and racist hatred.

1.7 Campaigning

The campaign period officially began Thursday June 26. In more populous provinces the start of the campaign season was marked by large rallies by the big three parties, more limited activity from two or three of the more viable smaller parties, with all the rest more or less invisible. In less populous provinces, particularly those with only one seat, campaigning was more subdued than in the larger provinces. In some instances, parties that had seemed

relatively inactive in the pre-campaign period demonstrated unexpected strength in the first few days of campaigning.

Gift-giving activity subsided briefly during the first week of campaigning, due to concern that the prohibitions on vote buying would be more strictly enforced during the campaign period, but soon rose again to, at least, pre-campaign levels.

Interestingly, according to a survey conducted by our observers, most people got most of their information about parties from loudspeakers. Some were fixed on party offices, while others were mounted on trucks for rallies, and accompanied by motorbikes and activists distributing leaflets and handbills. The SRP, perhaps to overcome their limited access to broadcast media, mounted loudspeakers on motorcycles and sent lone activists out to tour the provinces, delivering pre-recorded speeches to the most remote areas. After loudspeakers, radio, and television were the most commonly cited sources for information about the parties.

Both the CPP and FUNCINPEC made extensive use of well known actors and actresses, comedians, and pop stars to add some excitement to their rallies and campaigns in the provinces, an indication, perhaps, that Cambodian campaigns are becoming more like those in established democracies. In another nod to modernity, the CPP adopted a re-written version of the Khmer pop song “*Miun ao mooay*” (*The Shirt*) as its campaign anthem. The new version of the song praises a “beautiful CPP Theravada shirt”. One of our observers heard CPP agents singing this song at a campaign meeting in Pursat, and he reported it was very popular with the public.

In many areas observers reported the campaign environment was quite festive, with countless party signs, posters, and leaflets tacked, taped, nailed, and hung up around the province. In Kampong Cham town FUNCINPEC contributed to the carnival atmosphere with a large tethered balloon in FUNCINPEC colors that carried the party’s name and ballot number. Although the distribution and volume of the materials varied by area, overall the CPP seemed to have by far the largest proportion.

One of the most positive aspects of the campaign period, compared to previous elections, was the relatively large number of multi-party debates and forums conducted by organizations such as National Democratic Institute, American Council for International Labor Solidarity, Women for Prosperity, and Center for Social Development. Even though organizers still encountered some significant obstruction in booking venues and getting permission to broadcast, it does seem that there has been a significant expansion of space for political discussion and debate in Cambodian society. Observers reported that these events, whether witnessed in person or followed on radio or television, were very popular with voters.

Recommendation: To help ensure that the gains in space for political discussion are not lost between elections, and to further encourage the development of a political culture that accepts and values free speech and open debate, donors and local organizations are encouraged to continue to sponsor multi-party political debates, public forums and talk shows on topical issues.

2 THE ELECTION

2.1 The Night of the Barking Dogs

Prior to the election there was considerable concern that officials affiliated with the ruling party would travel around neighborhoods on the night before the election, passing out money in exchange for votes (and, presumably, irritating snoring dogs). In some places, to prevent this practice, FUNCINPEC and the SRP sent activists out to patrol the villages. There were a few allegations that election eve vote buying took place in some areas, but in comparison to the levels of campaign and pre-campaign gift giving previously observed, the incidents seem relatively minor.

2.2 Election Day Environment

Overall, election day appears to have been conducted in a light, almost holiday-like atmosphere, free of serious incidents, and politically far less tense than 1998. Many observers reported that villagers were hanging around the stations chatting with friends, and that enterprising food and drink vendors had taken the opportunity to set up stands (often inside the polling perimeter).

Although we received only a few reports of village officials acting as party agents inside the polling stations, it is clear from observer reports that village chiefs were present outside many (perhaps most) polling stations. It is less clear what effect their presence may have had on the process. In some cases there seems to have been an attempt to influence the vote, but in most cases the village chiefs seem to have been primarily involved in encouraging turnout.

2.3 Voter Registration Issues

In the opinion of the observation mission the weakest aspect of the election administration, and the aspect of the process most susceptible to abuse, was voter registration and voter verification at the polling stations. Structural flaws in the procedures led to the needless disenfranchisement of many voters, and left the process vulnerable to charges that at least some of those voters were purposely denied the right to vote for partisan political reasons. In addition, overall turnout for this election was significantly less than turnout in 1998, and it is clear that registration problems were a factor in the lower rate of participation. Commonly reported reasons for inability to vote are summarized on the list below:

- Voter registered in '98, but not in 2002, and assumed the '98 registration would allow them to vote (suggests insufficient voter education on this issue).
- The voter's name is not on the list, because they went to the wrong station (poor voter education or administration).
- The voter's name is not on the list, even though they have a registration receipt for the station (suggests registration error).
- The voter's name on the list did not exactly match the spelling on their identification document.
- The voter's registration card was collected by a party or government officials and they were unaware they could use other ID to vote.
- The voter's registration was never processed or they never received their photograph.

Unfortunately, it was not possible to quantify the factors listed above, so it is difficult to accurately assess their potential effect on the election.

While there were numerous reports of party, commune council, or village officials collecting voter cards during the pre-election period, there is no evidence of widespread disenfranchisement due to voter card confiscation during the polling. What occurred in most

cases is that the cards were collected and checked against the voter's list, then returned to the voter with a slip of paper listing the voter's registration number. These slips were then handed over at the polling station with the voter's ID, to make it easier to find the voter's name on the list. In some cases voters who had a slip were given priority in the queue.

Although new to Cambodia, this service is common in countries that do not use the Roman alphabet, like Bangladesh or India, where finding a name on a voter list is difficult because they cannot be listed in alphabetical order, and is normally provided by all parties to their supporters. In Cambodia, only the CPP seems to have realized the potential value in checking if their supporters were registered and providing them their number and the location of their polling station, and consequently they gained a (presumably one time) electoral advantage. Even when the service was provided by commune clerks or other local officials (most of whom are affiliated with the CPP), instead of party activists, it seems that CPP supporters were more likely to benefit, suggesting misuse of state resources.

Recommendations: Voter lists should be maintained at the local level, and should be open for inspection and revision between elections.

Voters should not be required to have a special form of identification for voting. Any type of identification that is acceptable for registration should be acceptable for voting.

2.4 Polling and Counting

Overall, the polling process was seen as relatively smooth, particularly compared to previous elections. Still there were numerous reports of disorganization and chaos both outside and inside some polling stations, and lack of knowledge of proper procedures on the part of some polling station staff. There were also several reports of ballot books that had one too many or few ballot papers, and of ballots being spoiled because they were stuck together.

The process of closing the polling station, reconciling the number of voters with the number of used ballots, filling in forms, and then sealing the forms, materials and ballot box, was very complex, and viewed by some observers as beyond the capacity of the polling station staff. An overly long and confusing polling station manual further exacerbated the difficulty of the process. Although at least one station in Kampong Cham was able to close in 45 minutes, the average closing time was well over two hours, and some stations took more than three hours.

Each of our observers saw the reconciliation and counting processes as transparent and smooth, and described the processes as methodical, but very slow. In most cases the reconciliation before counting commenced took two to three hours. Most complaints about the process were from parties alleging that they had not been provided with the official aggregated commune results form 1105, although there have been no complaints that the agents were not allowed to copy the counting team results from form 1104, which could easily be combined to yield the commune total.

Based on observations of the invalid ballots and provincial results, it seems likely that the butterfly ballot design (parties listed in two columns) caused significant confusion among some voters. Rather than marking the box to the right of the CPP, FUNCINPEC, or SRP party name, it seems that some voters intending to vote for those parties mistakenly marked the box to the left of the name, which actually belonged to a different party (see the simplified illustration of the ballot design below).

#5 Rice Party	<input type="checkbox"/>	#17 CPP	<input type="checkbox"/>
#8 Cambodia Development Party	<input type="checkbox"/>	#20 SRP	<input type="checkbox"/>
#11 Khmer Democratic Party	<input type="checkbox"/>	#23 FUNCINPEC	<input type="checkbox"/>

Minor parties opposite the major parties on the “butterfly ballot”

In provinces where all three of the minor parties in the left hand column were competing, they each took a proportionate number of votes from their major party partner, so in those provinces the confusion is unlikely to have significantly affected the allocation of seats. In provinces where one of the three minor parties did not compete, the situation was somewhat different. To facilitate voter education, it was important that a party’s number and location on the ballot was the same in every province. Consequently, in provinces where a party did not compete, the space for its name was left blank (see example below).

#5 Rice Party	<input type="checkbox"/>	#17 CPP	<input type="checkbox"/>
(this space left blank)		#20 SRP	<input type="checkbox"/>
#11 Khmer Democratic Party	<input type="checkbox"/>	#23 FUNCINPEC.	<input type="checkbox"/>

The Prey Veng ballot, without the Cambodia Development Party.

In Prey Veng, where the Cambodia Development Party was not running and there was a blank opposite the SRP, confused SRP supporters had only one option, as there was no box to the left of the SRP. Because they had fewer choices, they were less likely to mis-mark their ballot than either CPP or FUNCINPEC supporters. Consequently, because their vote total was not proportionally reduced by confusion (as were both the CPP’s and FUNCINPEC’s), it seems likely that the SRP won one more seat than their *actual* support warranted.

During the 2002 commune elections the count was conducted at the polling station immediately after the close of polling⁴. For this election, however, it was decided to seal the ballot boxes after the completion of polling and transport them to the commune center where they were guarded by officials and party agents for counting the following day. Moving the ballot boxes added complexity to the process (sealing, unsealing, moving, etc.) and significantly increased the overall cost of the election. It also decreased the transparency of the process for the voters, and made it more difficult and expensive to monitor.

The rationale for mixing ballots and counting at the commune level was that no one could then know how voters at a particular station had voted. Unfortunately, because the back of each ballot was marked with a unique polling station stamp, an observant party agent could easily have recorded the votes of individual stations as they were called out. In any case, since the ballots from only three polling stations were mixed together it is doubtful that the mixing provided any meaningful protection, as those who might conceivably deny services based on an area’s vote would still know how three villages had voted, rather than only one.

Recommendations: With technical assistance from an election procedures specialist the polling and counting procedures could be streamlined and simplified, which would decrease irregularities and increase the integrity of the process.

⁴ According to research conducted in January 2003 by the National Democratic Institute for International Affairs (NDI), counting at the polling station was the single greatest factor in increasing citizen confidence that the process was fair.

Serious consideration should be given to moving the count back to the polling station, to increase transparency, decrease complexity, and save money.

To reduce voter confusion and decrease the possibility that voters will accidentally mis-mark their ballot, parties on the ballot should be listed in a single column instead of the double column (butterfly) design used in this election.

2.5 Comparisons to Previous Elections

Although there were still significant problems in the pre-election period, and procedural irregularities in the polling and counting, the unanimous view of the LTOG observers, and of almost everyone they spoke with, was that this election was an improvement on previous elections in almost every way. Some typical findings follow.

- In Preah Vihear this election was widely seen as procedurally better than previous elections, primarily due to the transparency of polling and counting procedures. In addition, Cambodians and expatriates described this election as a great improvement over the 1998 elections due to stability and relatively low political tension this time around.
- The police and military seemed much less involved and feared, and parties seemed freer to campaign.
- Oddar Meanchey and Banteay Meanchey both saw less intimidation, better security and fewer technical irregularities compared to previous elections.
- In Battambang the PEC Deputy Chair said that compared to 1998 and 2002, the 2003 election was much better overall. Another person commented that in 1998 there were a lot of reports of violence and intimidation and this time was better. Also in 1998 people went to vote and left quickly while in 2003 there were drink and food stands inside some polling perimeters and people stayed after voting to talk with their friends. People seemed relaxed when voting and they were far from relaxed in 1998.

In Kampong Speu the overall political environment was noted by interviews throughout the province to be much improved over past elections. In Kampong Thom and Preah Vihear provinces, “the freedoms to associate, organize, assemble, speak, and move are widely acknowledge to be unimpeded” with information regarding party platforms (from those actively campaigning) readily available. In Banteay Meanchey a few interviewees stated that the big differences between 1998 election time and now is that parties can freely talk about their political ideas instead of being harassed and threatened by local authorities, and ordinary citizens feel safer.

2.6 Party Agents and Domestic Observers

Party agents from the three main parties and at least one domestic observer were present in nearly every polling station across the country. In many cases there were five or more agents inside the station, and as many alternates outside the station. Party agents and observers accompanied the ballot boxes to the commune and slept over with them in large numbers in every case reported, and large numbers (sometimes too large) of agents and observers were present, inside and outside, during the count. In some cases party agents were seen as well trained and motivated, while in a few they were seen as less well trained and somewhat apathetic. COMFREL observers, the most numerous, were noted for a consistent level of

professionalism. Domestic observers from NICFEC, and a few smaller EMOs (some of which were set up specifically to “balance” the existing EMOs), were also seen in many stations. Overall, it was the most carefully scrutinized election in Cambodian history.

In many locations FUNCINPEC party agents all wore the same t-shirt or patch of cloth to make them easily identifiable. They did not use the party name or symbol, and presumably felt that this was an acceptable way to circumvent the law banning party agents from wearing anything that would identify their party of origin. The LTOG does not think the practice acceptable, and was surprised that no one complained about this, as in many areas the groups of easily identifiable young men hanging around outside polling stations or counting centers could have been viewed as intimidating. FUNCINPEC also deployed some unaccredited “intervention observers” in Battambang whose primary role seems to have been to provide muscle for a potential confrontation.

2.7 International Observers.

On election day international observers were deployed in every province by a number of embassies and international missions, and through NICFEC, and according to our LTOs, were highly effective. Most international observer teams participated in provincial deployment coordination meetings, and reportedly duplication or overlap was rare. The LTOG observers reported that in general both the local international observers (primarily from NGOs and embassies), and the observers on the volunteer international missions, were perceptive, well informed, enthusiastic and dedicated to helping the people of Cambodia.

3 THE POLITICAL PARTIES

3.1 Party Organization

In recent years both the SRP and the FUNCINPEC have made major efforts to develop a grassroots structure and organization comparable to that of the CPP. These efforts were driven by the realization that the CPP’s success in both 1998 and 2002 was largely attributable to its ability to mobilize support at the local level. In some areas the opposition parties succeeded in increasing their organizational capacity, but in other areas party organization was still weak. In an environment where opposition parties have limited access to TV and radio, grassroots networks were the parties’ primary means to get their message out to the people, through rallies and speeches, loudspeakers, leaflets and personal visits.

3.2 Minor Parties

With 23 parties on the ballot there were too many parties competing in this election and few of them beyond CPP, SRP and FUNCINPEC had any significant provincial presence. For example, in Kampong Cham province, which has eighteen seats and thus provides the best chance for a small party to actually win a seat⁵, and where 20 parties were on the ballot, our observer could only find representatives for ten of the parties actually in the province.

⁵ In a proportional system the magnitude (number of seats) of the electoral district is a critical factor in determining the number of parties in government. If the magnitude is small (1, 2, 3...) then only the strongest parties will win seats. If the magnitude is large (for example, 18) then marginal parties have the possibility of collecting enough votes across the district to pick up a seat or two. Cambodia is a bit of an odd duck, in that it has district magnitudes that range from one (Kep, Pailin, etc.) all the way up to eighteen in Kampong Cham. Thus, for a small party in Kampong Cham, winning one eighteenth of the vote against the big three would be easier than winning the 30% to 50% of the vote that would be required for a seat in a province that has only a few seats.

Of the parties currently without representation in the National Assembly, the most commonly encountered and best organized (by a considerable margin in most areas) was the Norodom Chakrapong Proloeng Khmer Party (NCPKP). Of the other minor parties, the Heng Dara Democratic Movement Party and the Intebot Borey Party seemed most active. However, none of the minor parties won a single seat, and even the best organized of the minor parties were defeated by the three parties opposite the big three (their support came primarily from voters confused by the butterfly ballot, who were actually trying to vote for one of the big parties and mis-marked their ballot).

It should be evident that simply having a large number of parties competing in an election is not an indicator of democracy. Most of the minor parties represented no ideology and the minimal numbers of votes they received indicated that they had few actual supporters. According to the pre-election voter knowledge survey conducted by the LTOG, only 21% of respondents could name four parties that were running in their province, although more than 90% of all respondents could name at least CPP, SRP or FUNCINPEC.

The large number of parties competing resulted in several problems. First, the size and design of the ballot was confusing and frustrated many voters. The layout unintentionally disenfranchised the many voters who mis-marked their ballots (either by checking the wrong party, or by checking two parties). Second, regarding media and the legislated equal access programming, two hours per day on each of the three state media stations was divided among all 23 parties, meaning the more serious contenders had less opportunity to get their message out to the voters.⁶ It was also found that many of the parties did not take full advantage of this free time allocation, so in effect it was often wasted.

Recommendation: To address the problem of too many parties competing that have no significant support, a higher threshold needs to be set for parties to be named on the ballot. In the short term, that could be as simple as requiring parties that want to compete in the national election to at least have won a seat in a commune council for the province in which they are competing, proving that they have a regional base and some supporters. This measure would benefit the voters, and would also benefit the credible small parties, who would have to build a local organization, and then would compete only in places where they had proven electoral support, rather than scattering their limited resources across the country. In the longer term, Cambodia might consider introducing a higher number of signatures requirement or other means to ensure that only parties that actually represent significant numbers of voters are allowed on the ballot.

3.3 Party Platforms

The main national themes dominating the speeches and platforms of the parties remained security, both physical and economic, and anti-Vietnamese nationalism. Concern for foreign relations, after the recent visit of US Secretary of State Colin Powell, was also evident in several speeches. According to the pre-election survey conducted by the LTOG, voter's major reason for choosing a voters reasons for choosing a party were:

- "commitment to development, poverty alleviation, improve standard of living" (32%),
- "policies, plans" (18%),

⁶ *COMFREL Media Monitoring Unit Report*, Aug. 19, 2003. It should also be noted that the NEC introduced an regulation that allowed private radio and television stations to refuse political advertising, which most did, meaning that opposition parties had even less opportunity to get their message out.

- "peace and security" (18%),
- "trust in leadership" (17%) and
- "accomplishments" (16%).

In a very positive sign, debates and public forums for political parties are increasingly common, although sponsors still have difficulty getting them broadcast.

Kandal province, which has high concentrations of women garment workers, seems to have had the most political initiatives addressed to women. The SRP, which has close ties to many of the labor unions in Kandal, has addressed women's concerns in the area for years, but during this election several other parties, including the CPP, began to make serious efforts to attract the female vote in Kandal. The strongest effort to appeal to women through a candidate list was made by the NCPKP, who out of 11 primary candidates for Kandal had three women ranked number 1, 2 and 4 on their list.

4 ELECTION ADMINISTRATION

4.1 Recruitment and Composition of the PEC and CEC

In almost all provinces the recruitment process for Provincial Election Commissions (PEC) and Commune Election Commissions (CEC) was reported as politically biased, and in more than half of the provinces the process was seen as tainted by corruption, favoritism, and nepotism. The NEC has stated that they based their hiring decisions on previous experience rather than political affiliation, and that may be true, but regardless of intent this policy resulted in committees at every level predominantly composed of current and former civil servants or family members affiliated with the CPP. Consequently, the politically homogenous makeup of both PECs and CECs left the NEC open to charges of bias in both the recruitment process, and the administration of the election itself.

Although in general most PECs and CECs seemed to administer the election in a relatively neutral and impartial manner, there were a number of reports from observers of what appeared to be biased decisions or administration, most in relation to election complaints. In many instances party representatives told LTOG observers that they felt there was no point in even filing complaints, as the outcome was pre-determined by the political makeup of the election committees.

In some communes local people were concerned that the majority of applicants for the CEC positions came from the province or district town, where the standard of education is higher. There is currently no legal residency requirement for CEC recruitment, although it would make sense to give some priority to commune residents. There were also several credible reports of nepotism in the hiring of PEC and CEC staff.

Recommendation: The predominately CPP make-up of the election committees crippled the complaints system and significantly decreased the overall credibility of the election process. To increase confidence among parties and voters that the selection and activities of election committees are impartial, regulations should be implemented that require that all parties represented in the National Assembly should have representatives in (at least) the NEC and the PECs.

4.2 Election Complaints Process

Although the election complaints process is still not completely functional, there were several reports that the process for this election was an improvement over that of previous elections. For the first time several people who violated the election law were actually sanctioned by the NEC. Early in the election cycle many frivolous or exaggerated complaints were filed, but as the process progressed, party activists realized the practice was counterproductive and changed their reporting practices.

Most of the serious complaints filed were either thrown out for minor technical irregularities, or were resolved through a conciliation process facilitated by the PECs or commune councils. In several provinces senior party PEC officials pointed to the mixed party affiliations of the commune councils as facilitating communication between parties and thus allowing a quick ability to resolve problems or disputes without needing to move to higher levels of government. On the other hand, many party representatives felt that the reconciliations were forced and generally favored the ruling party, and said that they would have preferred a more regularized process that included the possibility of serious sanctions.

In many instances parties complained to NGOs or international observers because they felt it pointless to use the official procedure, as the commune councils and election committees were dominated by the CPP. Also some representatives of the smaller parties said they felt uncomfortable complaining because all of the commune and NEC officials come from major parties.

The complaints process remains the most obvious and serious failing of the NEC administration of this election, although, in a country where the primary judicial system barely functions, it may be unrealistic to expect an ad hoc parallel judicial structure (the complaints resolution process) to function efficiently. The NEC, like the courts, lacks the political power and independence needed to sanction powerful government officials or party leaders at both the national and local levels.

Recommendations: Having two parallel adjudication systems (the NEC and the courts) is both confusing and expensive, and having the body responsible for administering the election monitor itself clearly creates a conflict of interest. Responsibility for election adjudication should be removed from the NEC, allowing the NEC to concentrate on election administration. The adjudication function should be placed either in the hands of an independent, multiparty body or shifted to the formal judicial system.

5 SUMMARY OF RECOMMENDATIONS

- In order to encourage political speech and debate, rather than limit it, and to prevent officials from selectively enforcing the regulations for political gain, the current campaign period restrictions should be eliminated or reformed.
- In future elections the election monitoring organizations (EMOs), the press, and the National Election Committee (NEC) should more carefully scrutinize the parties' use of state resources or international assistance (projects and commodities) for partisan political campaigning.

- In rural and remote areas there remains a significant need for civic education aimed at eroding feudal power structures and developing a culture of democracy based on political equality and democratic accountability.
- The election law should be revised to make political pledging ceremonies explicitly illegal.
- Civic education efforts should be made to educate the population on the difference between party and government and on their respective roles in a democratic society, and the relevant laws and regulations concerning use of state buildings and other resources for political activities should be reviewed, reformed and enforced.
- To reduce the negative influence of village chiefs on the election process, and accelerate the transition from feudalism to a democratic culture in rural areas, village chiefs to be subject to popular election, and should have a relatively short mandate of two or three years to increase their accountability to voters.
- To address discrimination and violence against ethnic Vietnamese in Cambodia there should be increased emphasis by the government, civil society, and the international community on developing ethnic tolerance, and to remove the pretext often used to justify discrimination, the nationality law and border issues should be clarified through an open and transparent process.
- To help ensure that the gains in space for political discussion are not lost between elections, and to further encourage the development of a political culture that accepts and values free speech and open debate, donors and local organizations should continue to sponsor multi-party political debates, public forums and talk shows on topical issues.
- To improve the registration process the voter lists should be maintained at the local level, and should be open for inspection and revision between elections.
- Voters should not be required to have a special form of identification for voting. Any type of identification that is acceptable for registration should be acceptable for voting.
- To decrease irregularities and increase the integrity of the election, technical assistance from an election procedures specialist should be provided to streamline and simplify the polling and counting procedures.
- To reduce voter confusion and decrease the possibility that voters will accidentally mis-mark their ballot, parties on the ballot should be listed in a single column instead of the double column (butterfly) design used in this election.
- To increase transparency, decrease complexity, and save money, the ballot counting should be moved back to the polling station.
- To ensure that the parties competing have significant popular support, a higher threshold needs to be set for parties to be named on the ballot.

- To increase confidence among parties and voters that the selection and activities of election committees are impartial, regulations should be implemented that require that all parties represented in the National Assembly should have representatives in (at least) the NEC and the PECs.
- Responsibility for election adjudication should be removed from the NEC and placed either in the hands of an independent, multiparty body, or shifted to the formal judicial system.

(END)

Prepared by the EOSP