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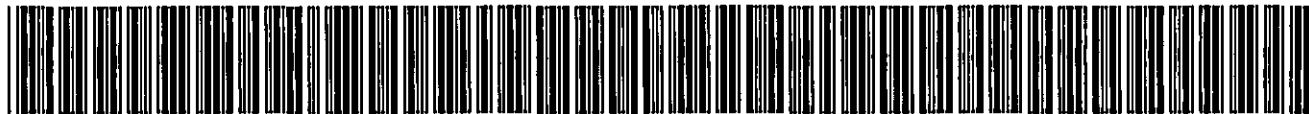
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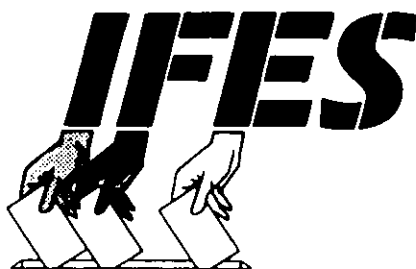


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**Pre-Election  
Technical Assessment**

**KINGDOM OF CAMBODIA**

**August 1995**

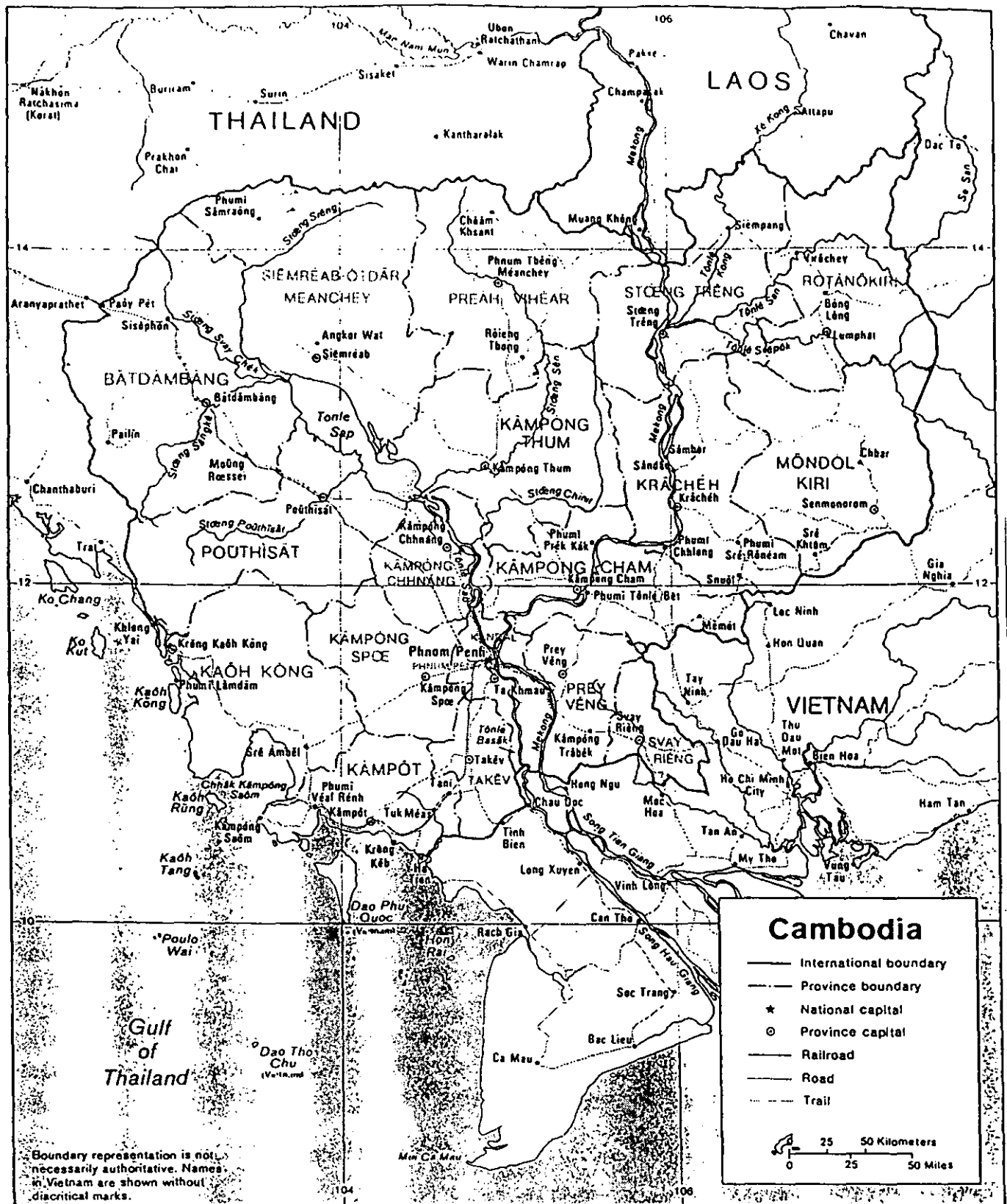


**INTERNATIONAL FOUNDATION FOR ELECTORAL SYSTEMS**

**Report to the  
International Foundation for Electoral Systems:**

*An early assessment of progress toward  
local and national elections  
in the Kingdom of Cambodia*

**Paul S. DeGregorio**



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## EXECUTIVE SUMMARY

The Kingdom of Cambodia is a country in southeast Asia that has gone through a decades of strife and political turmoil since becoming an independent nation in 1953. It is also an area which experienced a brutal annihilation of one million of its people during the mid-1970s. However, beginning with the peace accords secured between 1990-1992, Cambodia has embarked on a new course which is moving the country towards self-determination and stability. In what has been described as one of the United Nation's finest accomplishments, the people of Cambodia were given the opportunity to begin the process of deciding their own destiny through the ballot box in an election which was held in May of 1993; an election in which 90% of the eligible voters cast ballots to elect their national leaders. The results of that balloting has led to a coalition government which has brought a modicum of stability to the country.

The 1993 election was a mere beginning to restore the democratization process to Cambodia. It was also a costly one: an estimated \$1.7 billion dollars was spent by the world community to administer the election; much of it on security measures.

Now in 1995, Cambodia has begun the long but important process of continuing the transition to democracy by forming a committee to develop new laws on local and national elections. The need for local elections is abundantly clear. The current situation allows for a 120 member Constituent Assembly which meets only sporadically and has helped to continue the rather distant relationship between the people and their government. Local elections would provide for an important constituent link with the governmental leadership.

The code and procedures used for the 1993 Constituent Assembly election were developed under the auspices of the United Nations. At the present time, Cambodia does not have a law for national or local elections. Indeed, officials at the local and provincial levels of government are administrators appointed by the central government. In June of this year, a seven-person committee was appointed by the co-Ministers of the Interior to draft new laws for local and national elections. This committee, with members tied to the two major political parties--the United National Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia (FUNCINPEC), and the Cambodian People's Party (CPP)--have been working slowly and cautiously to formulate a new election law. Their present timetable calls for the draft law on local elections to be completed by August, 1995. The draft law will then be submitted to the Interior Ministry who may or may not involve the public, political parties, NGO's, the press and other groups in the review process. After Interior examines the draft law on local elections, it will then move to the co-Prime Ministers who will subsequently submit it to the Constituent Assembly for approval. A similar procedure is expected to be followed for the development and approval of the draft law for the national elections which is expected to be completed by the committee this November. However, because of the complexities involved in completing such an important task, there may be changes in the process. Conceivably, the Interior ministry might wait until both laws have been drafted before they permit public scrutiny and debate or attempt to

move them forward simultaneously in the administrative and legislative process.

The committee drafting the local election law appeared to have considerable details to finalize as they formulate a workable and financially feasible registration and balloting system. Indeed, they welcomed the technical advice that was given for several elements of the draft. At the same time, members of the committee made it clear that any request for assistance would have to come from the Interior Ministry or other high-ranking officials.

There are several important issues that need to be monitored and addressed during the next stage of development of the new laws for local and national elections. This would include opening the process to public scrutiny and debate; beginning long-term preparations for implementation of the new law; and insuring that the fiscal implications of any proposed new law are fully understood before they are enacted. In addition, while there were several verbal indications of the need for technical and other aid, a formal request for election assistance should be made by the government to appropriate organizations such as IFES or donor nations.

The process of formulating, enacting and implementing a new election law and system will be a major undertaking for a country that is one of the world's poorest nations. However, it is an goal that must be accomplished if Cambodia is to continue on the road to democracy. Short and long-term assistance to Cambodia from the International Foundation for Electoral Systems could prove to be the most important element that facilitates this important transition. The establishment of an IFES field office in Cambodia is strongly recommended.

In the short term, it is clear that the various entities charged with the responsibility of drafting, and passing a new election law could use considerable technical advice. At the present time, it appears that they are not considering enough options. Perhaps most importantly, during their deliberations, these leaders need to be made aware of the cost factors regarding various elements of their proposals in light of the realization that international financial assistance will be (at best) a fraction of what was donated in 1993.

Long-term assistance to implement a new election law will be crucial to insure fairness and a timely development of the procedures and policies that will be required to hold elections. Some of those efforts would include statute and procedural drafting; logistical planning; legal interpretation; training of election commissions, poll workers, political parties, candidates, NGOs and observers; civic and voter education; commodities assistance; communications assistance; data-processing assistance; and donor coordination and solicitation.

Most of the details found in this document are based on information obtained from a series of discussions I had with various government and political leaders, non-governmental organizations (NGOs) and citizens from the Kingdom of Cambodia during the week of 24-29 July, 1995. I would like to acknowledge the assistance of Mr. Sos Kem of Cornell University for arranging these meetings, for his excellent translation and for imparting to me some of his vast knowledge of Cambodia.



## I. COUNTRY BACKGROUND

The Kingdom of Cambodia is a nation of an estimated 9.7 million people in southeast Asia which is bordered by Thailand on the west and northwest, Laos on the north and Vietnam on the east and southeast. Cambodia became independent from France in 1953 after nearly a century of domination. It is a nation with an economy based on agriculture, which employs an estimated 80% of the labor force. Social cohesion and continuity has traditionally been derived from a common language (Khmer).

The people of Cambodia have experienced tremendous strife and political upheavals during their short period of nationhood. After relative peace during the monarchy and governing of King Norodom Sihanouk in the 1950's to mid-1960's, the political situation in the country deteriorated as a communist insurgency developed throughout southeast Asia and the Vietnam War ravaged next door. During the reign of terror of the Khmer Rouge from 1975-1979, an estimated one million Cambodians were exterminated. The Khmer Rouge were ousted by a Vietnamese-led communist regime who subsequently did not permit a market-based economy to develop.

All of this turmoil resulted in one of the lowest standards of living of any nation in the world. Life expectancy in Cambodia is a mere 49 years for women and 46.3 years for men. Nationwide, health care is poor and practically non-existent in many rural areas. An astounding 88 percent of the rural population does not have access to safe water. Because of the dismantling of the schools, massive emigration, lack of food, and genocide during the reign of the Khmer Rouge, most of the population aged 19-37 lack basic skills and education. Also, the country's infrastructure is in a sad state of disrepair due to the many decades of war and neglect. It is estimated that millions of land mines still dot the countryside which result in the killing or injury of about 200-300 people every month.

Through the persistence of the United Nations, peace accords were signed in 1992 which facilitated an election in May of 1993 for a unicameral Constituent (national) Assembly. In that election, which was boycotted by the Khmer Rouge, 120 representatives were elected by the people to serve a five year term. 58 of the assembly members were representatives of the Sihanouk-led FUNCINPEC party while 51 came from the former-communist CPP. 10 members represented the national liberation BLDP and one member was elected under a minor party banner. The close election resulted in the formation of a coalition government between all parties winning seats in the assembly. While this shared power arrangement has resulted in relative stability for the people of Cambodia, it also has had the effect of minimizing the debate and public discussion regarding major issues. At the same time, the Royal Cambodian Government (RCG), which took over in September 1993, has allowed for improved development opportunities for the country.

The assembly approved a new constitution on 21 September, 1993 which again allowed for the monarch to be the head of state. The King still enjoys some latitude in regard to the formal branches of government including the dissolution of the Assembly during times of emergency.

## II. ELECTION HISTORY

### a. National

The right of the Cambodian people to determine their own destiny through the ballot box has been severely limited since independence from France was achieved in 1953. The first election for the Constituent Assembly was held in September, 1955 with subsequent assembly elections conducted in 1966, 1972, and 1975. In many of these elections, competition was limited and all members of the assembly came from the same political party. The May, 1993 national election was achieved through an agreement brokered by the United Nations. In addition, the U.N. developed the law and procedures that were to be used in that election. Nearly \$1.7 billion dollars was spent on that election, most of it on security measures to insure peaceful balloting. It is estimated that there were 1,500 civilians, 16,000 military staff and 3,600 police from the U.N. involved in addition to the thousands of Cambodians who assisted in the process. Each voter had to be registered in order to cast a ballot in that election. When the registration process was completed after a six month period, over 96% of those eligible or 4,764,430 Cambodians were on the voter rolls.

With over 90% voter participation in the 1993 national election in which 20 political parties sought power, the United Nations proudly achieved its goal of allowing in the Cambodian people the opportunity to select their leaders through the ballot box. The new constitution adopted in September, 1993 provides for the right of suffrage in Article 34, and states "Regulations limiting the right to vote and the right to run for election shall be defined in the electoral law."

### b. Local

In 1955-56, a new election law was established which allowed for the election of local officials. It appears that from 1956-1970 and then for a short period in the late 1980's elections were held to elect local leaders at the Khum or "commune" level and in the provinces. A Khum is usually described as an area consisting of four to six small villages. However, a Khum could also be a larger city such as Phnom Penh or Kampong Cham. At times, voters were also given the opportunity to elect "Governors" of the 20 or so provinces in the country.

It should be noted, however, that the local and national elections that were held from 1955-1988 were not generally inclusive or overly competitive and were conducted at a time when basic civil and human rights were almost non-existent.

Articles 126 & 127 of the Cambodian Constitution describe the Administration of Cambodia as:

*"The territory of the Kingdom of Cambodia shall be divided into provinces and municipalities. Provinces shall be divided into districts and districts into khum. Municipalities shall be divided into khan and khan into sangkat. Provinces, municipalities, district, khan, khum, and sangkat shall be administered in accordance*

*with conditions set in an organizational law."*

### III. AN ESTIMATED TIMETABLE FOR DRAFTING, REVIEWING, ENACTING AND IMPLEMENTING NEW CAMBODIAN LAWS ON LOCAL AND NATIONAL ELECTIONS

Event	By Whom	When
<i>Drafting of law on local elections</i>	Seven member committee appointed by Co -Ministers of Interior	June-August, 1995
<i>Drafting of law on national elections</i>	Same seven member committee appointed by Interior Ministry	September-November, 1995
<i>Review of draft laws by Interior Ministry</i>	Co-Ministers of Interior and their staff	local-Fall, 1995 national-Winter, 1995
<i>Draft law reviewed by Co-Prime Ministers</i>	Co-Prime Ministers and staff	local-Fall/Winter, 1995 national-early 1996
<i>Constituent Assembly reconvenes</i>	Constituent Assembly	October 18, 1995
<i>Legislation submitted to Constituent Assembly for enactment</i>	Constituent Assembly Committees on the Interior and/or Special Committee established to review election law	local-early 1996 national-Spring, 1996
<i>Constituent Assembly enactment of election laws</i>	Constituent Assembly	local-Spring, 1996 national-Summer, 1996
<i>Implementation of new election laws</i>	Election Commissions	local-late Spring-Winter, 1996 national-1997
<i>Local Elections</i>	Election Commissions	late 1996, early 1997
<i>Constituent Assembly Elections</i>	Election Commissions	May, 1998

#### IV. THE COMMITTEE DRAFTING THE LAW ON LOCAL AND NATIONAL ELECTIONS

##### a. Background

In the Spring of 1995, the co-Ministers of the Interior appointed a seven member committee to formulate a draft of a new laws regarding local and national elections. During my assessment mission, we had a series of discussions with five of the members (the other two were out of the country). Three members of the committee are associated with the political party known as CPP, while three others were aligned with FUNCINPEC. The Chairman of the committee, Mr. Chhay Kim, indicated that he was "neutral" even though he works for the CPP Interior minister. It was determined that four of the seven members lived overseas during the period of 1975-1993. Most members had experience in law or administration and all worked for the Ministry of the Interior in some capacity.

Members of the Committee with whom I met included:

<i>Mr. Chhay Kim</i>	Counselor to the Vice-Prime Minister
<i>Mr. Klok Buddhi</i>	Director of the Cabinet
<i>Mr. Cheav Theng Huot</i>	Advisor to the Minister
<i>Mr. Ang Vong Vathana</i>	Advisor to the Minister Sar Kheng
<i>Mr. Yen Savannary</i>	Counselor to the Vice Minister regarding Political matters

##### b. Discussions

During the week of July 24-29, I had several opportunities to meet with members of the committee to discuss their progress in developing the draft law on local elections. In addition, I was able to provide the committee with technical advice regarding various aspects of the law and answer many questions they had in that regard.

In our discussions, we touched upon many subjects which included:

1. the status of the draft law;
2. civic education of the voters;
3. voter registration options;
3. procedures needed at the polling place;
4. ballot and ballot box security;
5. the counting process;

6. how candidates file and are listed on the ballot;
7. accounting of ballots/materials;
8. fiscal considerations during the development of the election laws;
9. NGO participation in the review of the draft;
10. the need for technical and commodity assistance; and
11. the implementation process.

I attempted to convey to the committee the importance of the fiscal elements involved in the election and that the strong financial donor support that was available in 1993 would simply not be there in 1996, 1997 or 1998. Therefore, whatever system they came up with had to be not only workable but realistic in approach. I told them that trade-offs would probably be necessary.

The Committee stressed the following points several times during our discussions:

1. *It is their intent to meet international standards in the development of the draft election laws; and*
2. *They would like for their election law to meet donor standards to encourage financial assistance in the conduct of the election.*

The Chairman of the committee, Mr. Chhay Kim, said that he had met with the co-Minister of the Interior, Mr. Sar Kheng (CPP) after our meeting with the minister the day before. Mr. Chhay expressed to him the committee's desire for assistance in drafting the election law. The Chairman thought that a request will be made by the Interior ministry for short and long-term technical and other forms of assistance.

**c. Request for technical assistance**

The committee asked how they can obtain immediate technical assistance to help in the drafting of the election laws. We suggested that they ask the ministry to send a formal request to the U.S. Embassy or IFES. The committee felt that the government needed immediate assistance to plan for the election. They emphasized that it required significant planning and preparation to facilitate the transfer of information to outlying areas of the country.

Examples of technical/equipment needs the committee cited included:

1. helping to develop procedures and training materials to establish and organize the polling stations throughout the country;

2. assist in the collection of data such as the potential for voter registration and the establishment of mechanisms for the registration of voters;
3. provide radios, telephones, and faxes which could be used to provide a constant link with the provinces and Khums and with the supervisors of the polling stations; and
4. the need for computers, copy machines and other processing equipment which would help in the administration of the election.

**d. Timetable for completing drafts**

The committee started their work on the local election law in June and expect to have a completed draft to give to the Interior Ministry by the end of August.

This same group will begin to draft the law for the 1998 national elections in September. They plan to have that draft completed by the end of November of this year.

The committee does not work every day on the election law project. Since members have other administrative duties and responsibilities, they seem to be devoting 5 to 16 hours per week on this project. As of 25 July the committee had completed most of the work on the first 7 (of 9) chapters and was in the process of developing chapter 8.

**V. THE DRAFT LAW FOR LOCAL ELECTIONS**

**a. Chapters**

The committee indicated that there were nine chapters in the draft of the local election law. Those chapters include:

- 1 GENERAL DISPOSITION (the administration of the election)
- 2 VOTER QUALIFICATIONS (who is eligible to cast a ballot)
- 3 THE ELECTORAL PROCESS
- 4 THE REGISTRATION OF CANDIDATES
- 5 THE VOTER REGISTRATION PROCESS
- 6 CAMPAIGNING PROCEDURES AND RULES
- 7 ELECTION DAY-VOTING PROCEDURES

8 THE COUNTING PROCESS

9 PENALTIES FOR VIOLATIONS

**b. Foundation for the draft law**

While the committee would/could not give us a copy of the draft law, we inquired about some of the details contained in the draft which, by the way, has been written in the Khmer language.

The foundation of the draft election law is based on the law that was used to conduct local elections in Cambodia from 1955-1970. Committee members said while the old election law actually described the duties of the village chief, their election law will not since local administrative law will be covered under other legislation. However, portions of the law that was used to conduct the 1993 national elections have been incorporated into the draft. The committee indicated that two French advisors assisted in formulating parts of the law and, therefore, some of the draft law is based on the French system of local elections. While the committee welcomed NGO participation in any public discussion of the draft law, they said that it was up to the Interior Ministry to permit such review. It appeared that some members of the committee may have had minor discussions with some of the NGO's about portions of the draft.

**c. Timetable for the elections**

According to the committee, the earliest date local elections can be held is in late 1996. They indicated that it will take some time for the legislation to pass the National Assembly. In addition, members said that the implementation process will be long and difficult. The chairman mentioned that the United Nations Transitional Authority in Cambodia (UNTAC) had 129 full-time technical advisors and administrative support staff on site for 10 months in 1993 for the national elections. According to the current timetable, the next Constituent Assembly elections are currently scheduled for May of 1998.

**VI. TECHNICAL ELEMENTS OF THE DRAFT LAW**

The following is a description of various technical aspects of the draft law on local elections which was obtained from our discussions with the committee.

**a. The Election Commission**

The committee was rather vague in describing the commission that would oversee local elections. On one hand it appeared that the Interior Ministry would be administering the election; at the same time it was suggested that King Norodom Sihanouk should be appointed as the head of the commission and therefore have complete control over the process. It was

apparent that the committee had not finalized this aspect of the proposal. Upon request, I gave the committee members the following advice regarding the establishment of a commission: The commission should be a permanent body which was independent yet inclusive enough to allow all candidates/political parties and NGO's adequate representation. In addition, members should be well-versed in the law, administration, and in resolving conflict. I suggested that all meetings and records of the commission should be open to public inspection.

**b. The Voter Registration Process**

We asked the committee what voter registration method they were contemplating. They responded that the chief of each commune (Khum) will probably be the person in charge of registration since it is he/she "who has records of all of the people in the Khum". They said each family has a family "card" and are supposed to register with the Khum. If a person or family does not have a card then they are not a legal resident. The chief will ask the people in his area to register. A person not on a registration list can complain to the commune chief or a higher authority.

**c. Candidate Filing and Election Process**

It is envisioned that each Khum will elect a chief and four to six people who will run the village government. The current draft allows that any group may assemble a "slate" of people to run together for election. To secure a place on the ballot, the slate must obtain signatures equal to at least 5% of the registered voters in the Khum. The slate will not be identified by political party. However, members of the political parties may run for office on the slates. A slate will have to file its signatures no later than 35 days before the election. Voting will take place by slate--that is each voter can cast one vote for one slate--not individual candidates. When voting takes place, the slate that receives the most votes will be elected. The person listed at the top of the winning slate will become the Mayor or Khum chief. The others on the slate will divide their power and duties amongst themselves. No minimum turnout requirement to validate the election is being contemplated at this time. It is clear the committee has not worked out all the details on this aspect of the law. They said they are "still debating" the system of representation.

**d. The Ballot**

Voters will to cast only one ballot. They will either be given one ballot which contains all the slates and then mark their choice or they will be given separate ballots for each slate and then choose one to drop in the ballot box. The committee has not finalized this element of the election process nor determined whether symbols or other slate identifiers would be allowed on the ballot.

**e. Period/Process of Voting**

The committee is leaning towards having all voting completed on one day. Police and



candidates will not be allowed inside the polling station. No electioneering will be permitted on election day.

## **VII. GOVERNMENTAL, LEGISLATIVE, AND CITIZEN DISCUSSIONS REGARDING THE ELECTION PROCESS**

### **a. Discussion with His Excellency Prince Norodom Ranariddh**

I had the opportunity to meet with First Prime Minister and Prince Norodom Ranariddh and listen to some of his comments regarding the electoral process and other matters. Also at the meeting was Ron Gould of Elections Canada and John Bosley, former Speaker of the Canadian Parliament. The meeting was initially set up for Messrs. Gould and Bosley, I was added at the last minute through contacts Sos Kem had made with Sina Than, Secretary-General of the Constituent Assembly.

The Prime Minister's initial remarks included a statement that he believed Cambodia has made significant progress in the past two years and that the world community will have to be a little more patient when it comes to democracy building. He cited increased freedoms of press, religion, and assembly as examples of Cambodia's progress and compared his country as moving much faster than neighboring Thailand and Vietnam. The Prince then discussed the electoral process and made the following observations:

- ▶ He believes that progress has been made in the electoral process. As evidence of that he pointed to the fact that the two political parties are working well closely together on many fronts.
- ▶ There should be a neutral election commission which would supervise the election process.
- ▶ The King should be the head of such a commission since he is the most neutral person in the country and also the person most respected by the people.
- ▶ During the election period, the police and army should be under the direction of the King so that the army and police can be "neutral and neutralized" during the process.
- ▶ Cambodia should ask the United Nations and other donor countries to provide funds to conduct the elections.
- ▶ Electoral laws should have strong provisions against vote buying.
- ▶ Foreign observers should be allowed to be present for the elections to help keep them free and fair.

- ▶ His country welcomes all initiatives and ideas to help establish good electoral laws and procedures.

My only comments to the Prince was to state that the United States and foundations such as IFES were interested in providing technical and other election assistance to Cambodia during the development and implementation of their new election laws.

**b. Political party discussions regarding electoral laws**

In a meeting with Sina Than, Secretary-General of the Constituent Assembly, we learned that the two main political parties (CPP & FUNCINPEC) have had discussions regarding the 1998 Constituent elections. Among other issues, they have talked about how the districts/subdistricts should be divided. At this time there is general agreement not to support the concept of proportional representation in the new election law. The coalition parties prefer a direct vote (winner take all) in each district. There is some thought that the two main parties may divide the territory (country) and only file candidates in areas where they are strong (presumably to keep smaller parties from being successful) and which may have the effect of keeping the coalition government intact. Some members have talked of forming a new political party which would be a combination of CPP and FUNCINPEC.

Mr. Than indicated that the permanent standing committee of the Constituent Assembly will review the draft law after it is received from the interior ministry and then forward it on for debate. He was not sure the draft election law will be distributed to various groups for public comment and debate (he cited the Press law as precedent). Mr. Than said he would welcome and support any type of assistance for the election. He told us that The Asia Foundation has provided consultants and advisors to the assembly committees of defense, investigations and interior and may be able to provide advisors regarding electoral law.

The General Secretary Than pointed out that Mr. Bou Thang is Chairman of the legislative committee that will deal with elections. He said a special committee will be created to hear the electoral law. Than added that the full assembly will meet again on October 19 and may start debating the electoral law at that time.

**c. Assembly committee unaware of progress**

On 27 July we met with 3 (of the 9) members of the Assembly Committee on the Interior and Defense. There was one member from each political party at the meeting.

When asked what timetable had they established to pass the new local election law, the committee seemed to be completely unaware of what progress the Interior committee was making on the draft laws and was not sure when it would get to them.

We had a general discussion regarding the role of the province governors and Khum leaders. They said that "after 1996" they will have a new law to deal with the duties of those who will be elected in the local elections.

Committee members said they needed and welcomed assistance and advice when they begin the process of reviewing the draft election law that will be presented to them by the ministry of the interior. They hope to survey NGO's and other groups to get their input. Some of their goals included: 1. insuring that the new election law is compatible with the constitution; and 2. developing an election law that meets international standards so as to attract donations which would assist in the implementation of the law.

The committee also expressed a strong desire to visit the United States in 1996 to observe the U.S. Presidential and Congressional elections.

**d. NGO Concerns regarding the process of developing a new law**

While completing this assessment, I had the opportunity to meet with individuals who represented seven different non-government organizations (NGOs) which were active in Cambodia. This group had a diversity of interests yet were all united in the belief that the democratization process must move forward.

There was a general consensus among the group that NGO's need to be very involved in the process of developing the new local and national election laws. Representatives were fearful that their organizations (and the general public) will be kept out of the debate. In the past, most agreed that "everything was kept secret until the last minute". They believe that at least one month of open public debate on the draft laws is needed to assure minimal public participation in the development stage.

Some of the NGO recommendations/concerns regarding the local and national election law included:

- The system needs to be different from the one used in the 1993 national elections and should allow for non-partisan (independent) candidates.
- NGO's should be specifically mentioned in the law; they need to play a clearly defined rôle.
- The constitution should provide for an independent commission to conduct the election.
- How independent and how powerful will the election commission be?
- Cambodian nationals working overseas should be allowed to vote.

- Results should be credible; there is a need for strong ballot security measures.
- Voter registration efforts should be extensive: every Cambodian should be able to vote and have the opportunity to be a candidate in the election.
- The government (i.e. interior ministry) should not run the election; an independent commission should be charged with that responsibility.
- The new election law should not be back door return to dictatorship (as new Press Law was step back to censorship).
- Will they use the old system or develop a totally new one?
- There should be a continuity in the local and national election laws; different procedures would be confusing to the voting public.
- The local elections should be completely non-partisan; no party identification should be on the ballot.
- If the election law is not implemented adequately, there should be a mechanism to invalidate the results.
- Cambodia needs better security in rural areas; Khum leaders place political party signs on their offices which can intimidate people and keep them from registering and voting.
- The new election laws need to have strong laws against vote buying (to prevent what happened in Thailand).

**e. Discussion with Constituent Assembly Leaders regarding election law development**

In a meeting with the 1st and 3rd Chairmen of Constituent Assembly, one of whom was Mr. Son Soubert (FUNCINPEC & BLDP), the leaders asked what kind of assistance can the Assembly receive when they start the debating the new electoral laws. They liked the idea of the King being the chairman of the election commission and agreed that NGO's should be formally included in the electoral process.

The 1st and 3rd Chairmen are worried about the administrative structure of the election process since there are so many Khums; they indicated that the communication and administration process in implementing the election could be very difficult. They also believe that the Ministry of the Interior should divide the country into various constituencies and force the CPP to divide the power at the local level equally.

The leaders indicated that there needs to be a new province in the north due to the population growth in that region. Mr. Soubert of BLDP suggested that perhaps the local elections could be delayed and combined with the national elections in 1998 to save costs. I explained to him the logistical problems with such an approach and also emphasized that combined elections could be very confusing to the voters.

**f. Local Party Concerns in Kampong Cham Province**

On 29 July I met with Pot Boun, Secretary-General of FUNCINPEC in Kampong Cham province. Mr. Boun told me that his party is planning for local elections. He added that they are training leaders at the local level to strengthen the party. They receive information from Phnom Penh from the party and NGO's and then disseminate to rural areas through letters and meetings. He believes there is support for his party at local level. Under the Sihanouk regime the Secretary served as Province director. He showed us a diagram of party hierarchy and structure in the province.

The Secretary-General indicated that while his party supports local elections, they do not have a connection to the Khum level since it is controlled by the CPP. He emphasized that the current system is not fair and unless his party has representation at district level, any elections held will not be honest. In the 1993 Constituent Assembly elections, his party had representatives at polling stations who served as observers.

Also on the 29th I met with the 2nd Vice Governor of Kampong Cham Province (CPP). This gentleman was appointed to his position by the current national government. He had been elected to the position in 1988 and then was appointed to the same position by the new government in 1993. Prior to his government service, he was a professor of philosophy at a high school in Phnom Penh. This gentleman said that his duties included overseeing the general economy, the local peace, catastrophes, and prisons. He indicated that there were 131 prisoners incarcerated in the province for crimes such as thefts and fighting.

The Vice-Governor said the standard of living was better in the province this year because there had been no severe flooding. He said he works with the leaders at the Khum level; as an example he mentioned that they worked together recently to put out a fire; he frequently travels with local Khum leaders to visit farms.

He strongly believes there should be elections at the local level to "elect people who the people know". He stated "People need to do this!" .

**g. International Republican Institute Seminar**

On Saturday, 29 July, during my stop in the city of Kampong Cham, I had the opportunity to participate for a few minutes in a seminar being conducted for local members of the CPP by the International Republican Institute (IRI). Paul Grove, Mission Chief for Cambodia for IRI was

the moderator for the discussion which was organized to impart various campaign techniques used by political parties and candidates in the United States to those present. In regard to my comments and discussions with them regarding the local elections, CPP members seemed very interested in any information regarding plans for the elections. It was readily apparent that they knew nothing about the committee that was formed to develop a draft law and wanted to know as much information as they could learn regarding what system was going to be used in the election.

#### **h. Discussions with rural Cambodians**

During our trip to and from Kampong Cham we made random visits to rural Cambodians who lived in huts along the road. When we stopped, it was not hard to attract a crowd as neighbors came out of their huts to see us.

We learned:

- Some villagers supported the CPP while their next door neighbors said they voted for (and still supported) the FUNCINPEC party.
- Those that supported FUNCINPEC said that the party represented change and that change is what was needed for Cambodia. Those that supported CPP said they knew the party officials (at the local level) better.
- Most indicated that local elections to elect a village chief would be good.
- They said that life had improved in the past two years but that more rain was needed to ensure a good rice crop.
- We asked a boy of about ten years old where he went to school and whether he could read or write. He indicated to us that he dropped out of school this year to help with the rice crop and that he could not read nor write well; his father added that they could not afford the cost of the school supplies.

While the standard of living of rural Cambodians was a lot different than what I experienced in most of the world, those we met generally seemed to be content and happy with the lives they lead. Even though they lived what some might describe as a primitive lifestyle, most huts were well-constructed and kept very orderly. In the "suburbs" just outside Phnom Penh, newer "huts", some made out wood and painted, were being constructed. In a few of the huts we observed televisions which were being run by small Honda electric generators. In several of the huts we heard (and saw) small battery-operated radios.

## VIII. RECOMMENDATIONS

### Election-related issues that need monitoring and resolution

a. *Improve the transparency of the process to encourage public participation.*

If elections are to take place on a timely basis or at all, it is clear that those in positions of power will have to be encouraged to open up the process of passing a electoral law to public scrutiny and debate. NGO's, political parties and the general public should have the opportunity to review and debate the various aspects of the draft election law.

Without such openness, it is likely that many segments of society will be suspect and critical of whatever the Assembly finally enacts into law.

b. *Begin election preparations.*

Because the governmental structure of the country has not had hands-on experience in conducting a free and fair election, planning and preparations for the election should begin as soon as possible. The registration process alone could take a minimum of six months to complete. Voter registration documents from the 1993 election are obsolete.

c. *Conduct a financial assessment.*

While the Constituent Assembly and others involved in developing the new election laws will need to understand the importance of conducting the elections, they will also have to be realistic regarding the cost factor. It is not apparent that the drafting committee fully understands or is realistic about the financial implications of implementing a new election law.

d. *Need official request for assistance.*

While numerous members of the government, the drafting committee, the Constituent Assembly and others stated that they welcomed technical advice in the drafting of the law and other assistance for the election itself, no formal request has been made. It appears that permission to receive such assistance would have to come from the Ministry of the Interior or others at higher levels of the government.

e. *Need for new administrative or organizational law.*

Even though the government has a committee drafting a new law to conduct the local elections, there are no current statutes which define the specific authority of those who would be elected. The Royal Cambodian Government should be encouraged to form a committee which could begin to address this issue.

## **IX. PROPOSED PROJECT ASSISTANCE**

IFES is ideally prepared to offer short and long term assistance election assistance to the government of Cambodia. This aid from IFES may include but not be limited to the following:

### **a. Short term**

#### **1. *Technical Advice and Assistance***

IFES could provide the Cambodian government with experts in election law and administration who could work with the committee drafting the laws and/or the Constituent assembly on a short-term but continuing basis. Thus far, any advice given by other countries (France, Canada) to officials involved in the process has been sporadic. It is very important that the Constituent Assembly enact a workable law which can then be implemented in a timely manner to achieve a free and fair election process. It does not appear the drafting committee fully understands the fiscal implications and trade-offs that may be necessary to achieve a realistic law. Therefore, it is strongly recommended that the Cambodian government be offered the expertise of election administration advisors who could analyze the draft election law at various phases of development. These experts could provide officials with a sound fiscal analysis of the draft law and present various options to the committee so that they can develop an election law that meets basic standards and yet is fiscally responsible. In addition, the election committees could utilize the resources available at the F. Clifton White Resource Center--located at IFES-Washington--by requesting a comparative analysis of the draft law.

#### **2. *Pre-election Assessment***

Once the laws on local and national elections are passed by the Constituent Assembly, it is recommended that a thorough pre-election assessment be undertaken to clearly identify the proper administrative and management procedures needed to implement such laws. Such an assessment could also determine important civic education elements of the election process. In addition, the team could ascertain what commodity and technical needs exist.

### **b. Long-term**

#### **1. *IFES Field Office***

Administering the election itself will be a major undertaking by the Cambodian government. It is strongly recommended that an IFES field office be established in Cambodia. With such an office, IFES will be in a position to serve as an on-site resource center from which the body responsible for implementing the election law can obtain information, advice, and technical election support regarding election preparation,



administration, and management; voter and civic education initiatives; and election commodities and equipment. The provision of resources and services on a full-time basis during the entire campaign and election period will further support and reinforce specific implementation programs.

IFES assistance programs would be designed to promote the honest, impartial, and efficient administration of new elections in Cambodia as well as public understanding of and participation in the new electoral system. IFES can work with the administrative body responsible for the conduct of the election and could provide specific technical assistance which may include, but not be limited to the following examples:

- a. Coordinate international donations for equipment/services. This could include computers, radio/telephones, printing of ballots, ballot boxes, etc.;
- b. Assist in the process of registering the voters. This could include the development of forms, procedures, etc. as well as voter education.
- c. Develop a training program and written guidelines and procedures for administrative personnel, poll workers, NGO groups and domestic and international observers of the election;
- d. Facilitate the printing, distribution and security of ballots;
- e. Coordinate civic education activities of NGO's and other groups to ensure that voters are aware of their electoral rights and obligations and that they are motivated to participate in the electoral process.
- f. Provide continuous technical advice to the governmental body which is charged with conducting the election (such as a Central Election Commission) and provide various opinions and options regarding issues such as elections complaints by candidates and the public, conflicts in the laws and procedures, election fraud and other similar problems that develop in the course of an election cycle.

An on-site project manager would be necessary to coordinate IFES assistance activities in the areas of technical election assistance and voter education. An Election Administration Specialist could complement the Project Manager's expertise by traveling to Cambodia for consultations with the body charged with conducting the election.

## **X. CONCLUSION**

There is considerable work to accomplish if the people of Cambodia are going to have the opportunity to decide who will represent them at the local level within the next 18 months. In addition, if an election for the Constituent Assembly is to be held at all in 1998, a comprehensive law for that election must be addressed immediately and preparations for that election will also have to begin simultaneously since the local elections will, in actuality, be a precursor to the Assembly elections.

If Cambodians are to achieve these goals in a timely fashion, and are to enact election laws which meet international standards and yet are fiscally responsible, it is clear they will need outside donor assistance and advice.

Cambodia is at the crossroads. Slowly but steadily, the people are beginning to emerge from of the oppression and turmoil that they have faced for decades. Beginning in 1993, the country embarked on a new course for its people; a course which is based on self-determination and fundamental human rights. Since Cambodia still has a long way to go to achieve these objectives, it must have the strong support and encouragement of the world community to stay on the right course.

## **APPENDIX A**

### **Sources for information provided in this report**

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United States Ambassador to Cambodia

Mr. Joseph Goodwin  
USAID Chief-Cambodia

Mr. Ron Briggs  
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Mr. Sos Kem  
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His Excellency Prince Norodom Ranariddh  
First Prime Minister of the Kingdom of Cambodia

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Paul Grove  
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2nd Chairman of Constituent Assembly (FUNCINPEC)

Mr. Son Soubert

Member of the Constituent Assembly (BLDP)

Mr. Pot Boun

General Secretary of FUNCINPEC-Kampong Cham Province

Members of the Constituent Assembly Committee on the Interior

Cambodian Citizens in Phnom Penh and Kampong Cham Province

The Political Handbook of the World

U.S. State Department of State *Background Notes*

The Constitution of the Kingdom of Cambodia (*adopted 21 September, 1993*)



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## **APPENDIX B**

### **The Cambodian Constitution (*Adopted 21 September, 1993*)**



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country following the decision to recognize the PLO and implement autonomy. The subsequent openness in the world has created great political and economic opportunities for Israel. Arafat visited Indonesia a month ago and presented the Palestinian side, and I thought it would only be fitting to present the Israeli position to the man who heads the 108-state Nonaligned Movement and to explain to him how we perceive the process and what our considerations are, Rabin said. I spoke of Israel's sensitivity on the security issue. I did not seek his response but asked him to voice his and the Nonaligned Movement's support for the agreements and for issues such as our POW's and MIA's. The Indonesian president promised to look into the matter, Rabin said.

He would not elaborate on their discussion about Iran. He just said he had raised the question of the opposition to the agreement on the part of Hamas [Islamic Resistance Movement] and Islamic Jihad. Of course, I did not hesitate to mention the name of the Muslim country backing them, the prime minister asserted.

We asked Rabin about the possible establishment of diplomatic relations between the two countries in light of today's meeting, and he said: I do not think diplomatic relations are to be expected soon. This was not the issue I spent much time on.

As noted, the prime minister and his entourage landed in Singapore a short time ago, where he will confer with the country's leaders. On its way back to Israel, the plane will make a stopover in Kenya, where the prime minister may hold a series of meetings.

### Meets With Lee Kuan Yew

*BK1610115293 Singapore Singapore Broadcasting Corporation in English 1100 GMT 16 Oct 93*

[Text] Prime Minister Yitzhak Rabin of Israel and Senior Minister Lee Kuan Yew discussed the Middle East peace process during their hour-long meeting today. Mr. Rabin spoke on the details and the implications of the peace agreement Israel signed with the PLO last month. He also briefed Mr. Lee about his talks with Chinese leaders and President Suharto of Indonesia. The senior minister said the signing of the agreement opened a new chapter and opportunities in the Middle East. He hoped the agreement would help Israel develop relations with the Arab and Muslim world.

On the Indonesian visit, a spokesman for the Israeli delegation said the meeting with President Suharto was significant. He believed the meeting would facilitate (many more) exchanges in the future, starting with trade and economic matters. Mr. Rabin will call on Prime Minister Goh Chok Tong tonight.

### Rabin Speaks at Embassy Party

*TA1610125893 Jerusalem Qol Yisra'el in Hebrew 1200 GMT 16 Oct 93*

[Text] Prime Minister Yitzhak Rabin has said that he had reached the conclusion that Israel should move

forward with the Palestinians and that Syria should be kept waiting. This was reported by our correspondent Karmela Menashe who is accompanying the prime minister on his Far Eastern tour. Speaking at a dinner party with the staff of the Israeli Embassy in Singapore, Mr. Rabin added that he knows the price of peace with Syria, but he does not know what the Syrians mean when they speak of peace.

Singapore welcomed the prime minister's visit, held after he met Indonesian President Suharto in Jakarta. Today, Rabin toured Singapore and met with Lee Kuan Yew, the founder of the city-state who is considered the spiritual leader of Singapore.

At the conclusion of Rabin's visit in the PRC, the IDF [Israel Defense Forces] attache there said that the visit will contribute to improved ties between Israel and the PRC and perhaps also between the two armies. The attache, Major General Moshe Marom, defined Rabin's meetings in the PRC as good, and said that sources at the Beijing Ministry of National Defense told him they were very pleased with the visit, saying this is the beginning of a process of institutionalizing the ties between the two states and armies.

## Cambodia

### 'Text' of Cambodian National Constitution

*BK1310052193*

[Editorial Report] The following text of the Cambodian Constitution has been translated from the Cambodian language official document of the Cambodian Government titled: Constitution of the Kingdom of Cambodia.

In addition, Phnom Penh National Voice of Cambodia Radio Network in Cambodian on 30 September and subsequent days through 5 October carried in its 2300 GMT newscast a reading of the text of the Constitution. Differences between the two versions are given in editorial notations.

### PREAMBLE

We, the Cambodian people,  
Having been an outstanding civilization with a prosperous, large, flourishing, and glorious country with high prestige radiating like diamonds;  
Having declined grievously during the past two decades, having endured suffering and destruction, and having been weakened terribly;  
Having awakened and resolutely rallied and determined to unite for the consolidation of national unity, the preservation and defense of Cambodia's territory and precious sovereignty and the fine Angkor civilization, and the restoration of Cambodia into an "Island of Peace" based on a multiparty liberal democratic regime guaranteeing human rights, abiding by law, and having high responsibility for the nation's future destiny of moving toward perpetual progress, development, prosperity, and glory;

With this resolute will  
We inscribe the following as the constitution of the  
Kingdom of Cambodia:

## CONSTITUTION OF THE KINGDOM OF CAMBODIA

### CHAPTER 1—SOVEREIGNTY

Article 1. Cambodia is a kingdom in which the king abides by the Constitution and multiparty liberal democracy. The Kingdom of Cambodia is an independent, sovereign, peaceful, permanently neutral, and nonaligned state.

Article 2. The Kingdom of Cambodia's territorial integrity is absolutely inviolable within its borders as defined in the 1/100,000 map drawn up between 1933 and 1953 and recognized internationally between 1963 and 1969.

Article 3. The Kingdom of Cambodia is an indivisible state.

Article 4. The motto of the Kingdom of Cambodia is Country, Religion, and King.

Article 5. The official language and script are the Cambodian language and script.

Article 6. Phnom Penh is the capital city of the Kingdom of Cambodia.

The national flag, anthem, and emblem are defined in Annexes 1, 2, and 3.

### CHAPTER 2—THE KING

Article 7. Cambodia's king reigns but does not wield power.

The king is head of state for life.

The king's person is inviolable.

Article 8. The king shall be the symbol of national unity and national perpetuity.

The king shall be the guarantor of national independence, sovereignty, and territorial integrity of the Kingdom of Cambodia; he shall guarantee respect for the rights and freedom of citizens and respect for international treaties.

Article 9. The king shall assume the august role of arbitrator to ensure the faithful execution of public powers.

Article 10. Cambodia's monarchist regime is based on a system of selection.

The king shall not have power to appoint an heir to the throne.

Article 11. In the case where the king cannot fulfill his normal duty as head of state due to serious illness, confirmed by a group of experienced doctors selected by the Chairman of the Parliament and the Prime Minister, the Chairman of the Parliament shall fulfill the duty of head of state on the king's behalf in his capacity as "regent."

Article 12. When the king dies, the Chairman of the Parliament shall assume the duty of acting head of state in his capacity as regent of the Kingdom of Cambodia.

Article 13. Within a period of no longer than seven days, the new king of the Kingdom of Cambodia shall be selected by the Throne Council.

The Throne Council shall comprise:

- The chairman of the Parliament,
- The prime minister,
- The supreme patriarchs of the Mohanikay and Thoammayutikanikay sects, and
- The Parliament's first and second vice chairmen.

The organization and operation of the Throne Council shall be defined by a law.

Article 14. To be selected king of the Kingdom of Cambodia are members of the Cambodian royal family who are at least 30 years of age and who are the descendants of King Ang Duong, King Norodom, or King Sisowath.

Before his enthronement, the king shall take an oath as defined in Annex 4.

Article 15. The king's consort shall have the status of queen of the Kingdom of Cambodia.

Article 16. The queen of the Kingdom of Cambodia shall have no right to participate in politics, act as a state leader or leader of the Royal Government, or assume any administrative or political role.

The queen of the Kingdom of Cambodia shall reserve her physical efforts for fulfilling royal duties in the interests of society, humanity, and religion and for assisting the king in his ceremonial and diplomatic obligations.

Article 17. The stipulation that the king reigns but does not wield power stated in Paragraph One, Article 7, of this Constitution absolutely may not be amended.

Article 18. The king shall maintain contacts with the Parliament through royal messages. The Parliament may not debate these royal messages.

Article 19. The king shall appoint the prime minister and the cabinet in accordance with procedures defined in Article 100.

Article 20. The king shall grant official audiences twice a month to the prime minister and his cabinet who shall inform him of the situation of the country.

Article 21. At the recommendation of the cabinet, the king shall sign royal decrees appointing, changing, or terminating the duties of high-ranking civilian and military officials and ambassadors and envoys extraordinary and plenipotentiary.

At the recommendation of the Supreme Council of the Magistracy, the king shall sign royal decrees appointing, changing, or removing jurisdictional judges.

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Article 22. When the nation faces danger, the king shall publicly make an announcement placing the state of emergency in the country after securing the consent of the prime minister and the chairman of the Parliament.

Article 23. The king is the supreme commander of the Khmer Royal Armed Forces. The commander in chief of the Khmer Royal Armed Forces shall be appointed to command them.

Article 24. The king shall be the august chairman of the National Defense Supreme Council, which shall be created by a law.  
The king shall declare war with the consent of the Parliament.

Article 25. The king shall receive credentials appointing foreign ambassadors or envoys extraordinary and plenipotentiary to the Kingdom of Cambodia.

Article 26. The king shall sign international treaties and conventions and ratify these treaties and conventions with the approval and assent of the Parliament.

Article 27. It shall be the king's right to commute sentences and grant pardons.

Article 28. The king shall sign royal acts to promulgate the Constitution and laws already passed by the Parliament and shall sign royal decrees at the request of the Cabinet.

Article 29. The king shall create and confer national decorations at the request of the Cabinet.  
It is the king's prerogative to confer military and civilian ranks and titles as stipulated by law.

Article 30. In the absence of the king, the chairman of the Parliament shall assume the duty of acting head of state.

### CHAPTER 3—RIGHTS AND DUTIES OF CAMBODIAN CITIZENS

Article 31. The Kingdom of Cambodia shall recognize and respect human rights as defined in the United Nations Charter, the Universal Declaration on Human Rights, and all treaties and conventions concerning human rights, women's rights, and children's rights.  
Cambodian citizens shall be equal before the law and shall enjoy the same rights, freedom, and duties regardless of their race, color, sex, language, beliefs, religion, political tendencies, birth origin, social status, resources, or any other position. The exercise of an individual's personal rights and freedom shall not affect the rights and freedom of other persons. The exercise of these rights and freedom shall proceed according to conditions set by the law.

Article 32. Every citizen shall have the right to live and enjoy freedom and personal security.  
Capital punishment shall not be instituted.

Article 33. Cambodian citizens shall not be deprived of their nationality, exiled, or extradited to any foreign countries, except those with mutual agreements.

Cambodian citizens living abroad shall be under the protection of the state.

The acquisition of Cambodian citizenship shall be defined by law.

*voting*

Article 34. Cambodian citizens of either sex shall have the right to vote and to run for election.

Cambodian citizens of either sex of at least 18 years of age shall have the right to vote.

Cambodian citizens of either sex of at least 25 years of age may run for election.

Regulations limiting the right to vote and the right to run for election shall be defined in the electoral law.

Article 35. Cambodian citizens of either sex shall have the right to actively participate in the political, economic, social, and cultural activities of the country.  
All proposals of the citizens shall be thoroughly examined and answered to by state organizations.

Article 36. Cambodian citizens of either sex shall have the right to choose professions in conformity with their capacity and the demands of society.

Cambodian citizens of either sex shall have the right to receive equal pay for equal work.

Household work shall have the same worth as remuneration from work performed outside the house.

Cambodian citizens of either sex shall be entitled to social welfare and other social benefits provided by law.

Cambodian citizens of either sex shall have the right to set up a trade union and to be members thereof.

The organization and operation of the trade union shall be defined by law.

Article 37. The right to strike and demonstrate peacefully shall be exercised within the legal frameworks.

Article 38. The law shall guarantee against bodily assaults on any person.

The law shall protect the life, honor, and dignity of the citizens.

Accusations against, arrest, detention, or imprisonment of a person may be made only when they are carried out correctly by virtue of the provisions of law.

Coercion, physical torture, or any actions that aggravate the punishment meted out against a detainee or prisoner shall be prohibited. The perpetrators, accomplices, and conspirators shall be punished by law.

Confessions obtained through either physical or mental coercion may not be used as proof of guilt.

The accused shall be given the benefit of the doubt.

Any accused shall be presumed innocent so long as the court has not yet handed down a final judgment.

Every person shall have the right to defend himself in court.

Article 39. Cambodian citizens shall have the right to sue, appeal, and demand reparations for damage caused by the illegal acts of state and social organizations and personnel thereof. Settlement of appeals and reparations of damage shall be under the jurisdiction of the court.

Article 40. The citizens' freedom to travel, near or far, and to take lawful habitation shall be respected. Cambodian citizens may take up residence in foreign countries or return therefrom.

The preservation of the right to the inviolability of premises and to the secrecy of correspondences in the forms of letters, telegrams, facsimile, telex, and telephones shall be guaranteed.

The search of premises, materials, objects, and persons shall be carried out in accordance with the provisions of law.

Article 41. Cambodian citizens are entitled to the freedom of expression, freedom of press, freedom of publication, and freedom of assembly. No person may abuse these rights to the detriment of another person's honor, the good customs of society, public order, and national security.

The media shall be organized by law.

Article 42. Cambodian citizens shall have the right to form associations and political parties. This right shall be defined by law.

All Cambodian citizens may participate in mass organizations to help one another protect national achievements and social order.

Article 43. Cambodian citizens of either sex shall have full right to believe.

The freedom of belief and religious practices shall be guaranteed by the state under the condition that they do not affect other beliefs or religions and public law and order.

Buddhism is the state religion.

Article 44. A person, be it an individual or a group, shall have the right to ownership. Only an individual, or a legal entity, of Cambodian nationality has the right to own land.

Lawful private properties shall be under the protection of the law.

Expropriation of the properties of a person may be effected only by virtue of the provisions of law for the purpose of public utility, and only after fair and proper indemnities have been paid.

Article 45. All kinds of discrimination against women shall be eliminated.

The exploitation of women's work shall be prohibited. Man and woman shall enjoy equal rights in all aspects, especially in marriage and family.

Marriage shall be held according to conditions set by law and to the principles of consent and monogamy.

Article 46. Slavery, white slavery, and obscene acts affecting the dignity of women shall be prohibited.

The dismissal of women from work because of pregnancy shall be prohibited. Women are entitled to maternity leave with pay and with the guarantee that their length of service and other social benefits are maintained.

The state and society shall pay attention to creating conditions for women without any means of support,

especially those in the rural areas, to receive assistance so that they gain employment and are in a position to receive medical treatment, to send their children to school, and to enjoy a decent livelihood.

Article 47. Parents shall have the obligation to raise, take care of, and educate their children into good citizens.

Children shall have the duty to feed and take care of their aged parents in accordance with Cambodian customs.

Article 48. The state shall guarantee and safeguard children's rights as stipulated in the Convention on Children, especially the right to live, the right to receive education, the right to be protected in a war situation, and the protection against economic or sexual exploitation.

The state shall prohibit any undertakings detrimental to the education or learning of the children or injurious to their health or well-being.

Article 49. Every Cambodian citizen shall respect the Constitution and abide by the law.

Every Cambodian citizen shall have the obligation to contribute to national construction and national defense. The national defense obligation shall be carried out by virtue of the provisions of law.

Article 50. Cambodian citizens of either sex shall respect the principles of national sovereignty and multiparty liberal democracy.

Cambodian citizens of either sex shall respect public properties and lawful private properties.

#### CHAPTER 4—THE POLITICAL REGIME

Article 51. The Kingdom of Cambodia shall advocate multiparty liberal democracy.

The Cambodian citizens shall be the master of their country's destiny. All powers shall belong to the citizens. The citizens shall exercise their powers through Parliament, the Royal Government, and the tribunal.

The powers shall be separated into the legislative power, the executive power, and the judicial power.

Article 52. The Royal Government of Cambodia shall be committed to preserving and protecting the independence, sovereignty, and territorial integrity of the Kingdom of Cambodia; advocating a national reconciliation policy in defense of national unity; and preserving and protecting the good customs and traditions of the nation. The Royal Government of Cambodia shall defend legality and ensure public order and security. The state shall pay priority attention to the livelihood and well-being of the citizens.

Article 53. The Kingdom of Cambodia shall always uphold the policy of permanent neutrality and nonalignment. The Kingdom of Cambodia shall peacefully coexist with all neighboring countries and other countries in the world.

The Kingdom of Cambodia absolutely shall not commit aggression against any countries; shall not interfere in

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the internal affairs of other countries directly or indirectly and under whatever form; shall settle all problems peacefully; and shall respect mutual interests.

The Kingdom of Cambodia shall not establish any military alliance or enter into any military agreement that does not conform with its neutrality.

The Kingdom of Cambodia shall not permit any foreign military bases in its territory and also shall not permit its own military bases in foreign countries, except within the framework of a United Nations request.

The Kingdom of Cambodia shall preserve the right to accept foreign aid in terms of military materiel, arms, ammunition, training of the armed forces, and other aid for its own defense and for the maintenance of public order and security within the country.

Article 54. The production, use, and storing of nuclear, chemical, or bacteriological arms shall be absolutely prohibited.

Article 55. All treaties or agreements not conforming with the independence, sovereignty, territorial integrity, neutrality, and national unity of the Kingdom of Cambodia shall be abrogated.

### CHAPTER 5—THE ECONOMY

Article 56. The Kingdom of Cambodia shall implement a system of market economy.

The organization and operation of this economic system shall be defined by law.

Article 57. Taxes may be levied only when authorized by law. The national budget shall be determined for implementation by law.

The management of foreign currency and financial system shall be defined by law.

Article 58. State properties consist of, among other things, land, ground, underground, mountains, sea, seabed, continental shelves, coast, airspace, islands, rivers, canals, streams, lakes, forests, natural resources, economic and cultural centers, national defense bases, and other installations defined as belonging to the state. The control, utilization, and management of state properties shall be defined by law.

Article 59. The state shall safeguard the environment and the balance of natural resources and shall map out a definite plan for controlling, among other things, the land, ground, water, airspace, air, geology, ecology, mines, energy, petroleum and gas, stone and sand, gemstones, forests and forest subproducts, wild animals, fish, and aquatic products.

Article 60. Citizens shall have the right to trade their produces freely. The requirement that produces be sold to the state or the appropriation of private produces or properties for use, even just temporarily, shall be prohibited, except for special cases permitted by law.

Article 61. The state shall promote economic development in all aspects, especially in the agricultural, handicraft, and industrial sectors, starting from remote areas,

by focusing on the water policy, electricity, roads and transportation means, modern technologies, and the credit system.

Article 62. The state shall pay attention to helping solve the problem of production means; protecting the prices of produces for farmers and handicraftsmen; and finding markets for produce.

Article 63. The state shall pay attention to managing the markets to ensure a decent living standard for the citizens.

Article 64. The state shall forbid and severely punish any person who imports, produces, or trades in narcotics or fake or expired goods that affect the health and lives of consumers.

### CHAPTER 6—EDUCATION, CULTURE, AND SOCIAL WELFARE

Article 65. The state shall protect and promote the right of the citizens to receive quality education at all levels and shall gradually take all kinds of measures so that this education reaches every citizen.

The state shall pay attention to the physical education and sports sector for the well-being of every Cambodian citizen.

Article 66. The state shall establish, throughout the country, a complete and unified educational system that guarantees the principle of freedom of education and the principle of equality in education so that every citizen enjoys sufficient and equal opportunities in life.

Article 67. The state shall implement a modern educational program and pedagogical principles, including technologies and foreign languages.

The state shall oversee public and private schools and classes at all educational levels.

Article 68. The state shall provide every citizen with free primary and secondary education in public schools. The citizens shall be given at least nine years of education.

The state shall help disseminate and elevate Buddhist monks' schools and Buddhist studies.

Article 69. The state shall have the obligation to preserve and expand national culture.

The state shall have the obligation to protect and develop the Cambodian language as necessary.

The state shall have the obligation to safeguard temples, antiques, and ancient arts and to renovate historical sites.

Article 70. Offenses against or relating to the cultural or artistic heritage shall be severely punished.

Article 71. The perimeters of national heritage sites as well as those that have been classified as world heritage sites shall be regarded as neutral zones free from military activities.

Article 72. The health of the citizens shall be guaranteed. The state shall pay attention to disease prevention and therapy. Poor citizens are entitled to free medical examination at public hospitals, infirmaries, and maternity centers.

The state shall organize the establishment of infirmaries and maternity centers in rural areas.

Article 73. The state shall pay attention to children and mothers. The state organizes the establishment of nurseries and assists women who have numerous children in their charge and who are without support.

Article 74. The state shall assist the disabled and the families of soldiers who died for the country.

Article 75. The state shall provide a social security system for workers and employees.

#### CHAPTER 7—THE PARLIAMENT

Article 76. The Parliament shall have at least 120 members who are representatives of the people.

The representatives shall be elected in a general election, freely, equally, and directly through secret ballots.

The representatives may run for reelection.

Those entitled to be a candidate shall be any eligible Cambodian citizen of either sex who is at least 25 years of age and has Cambodian nationality by birth.

The body organizing the elections and the modalities and procedures of the elections shall be defined in the electoral law.

Article 77. The representatives in the Parliament represent the entire Cambodian nation and not just the citizens in their constituencies.

All coercive mandates shall be considered null.

Article 78. The term of the Parliament is five years and expires when the new Parliament takes office. The Parliament may not be dissolved before the end of its term, except in the case where the Royal Government has been dismissed twice in 12 months.

In this case, the king shall dissolve the Parliament at the recommendation of the prime minister and after securing the assent of the chairman of the Parliament.

The election to choose a new Parliament shall be held no later than 60 days from the date of the dissolution of the Parliament.

Pending the election, the Royal Government's duty shall be limited to providing leadership for day-to-day work only.

In time of war or under other special circumstances when the election cannot be held, the Parliament may declare the extension of its term by one year at a time at the recommendation of the king.

The declaration to extend the term of the Parliament shall be decided by a vote of at least two-thirds of all members of the Parliament.

Article 79. The mandate of a member of the Parliament is incompatible with his active public functions and his

functions as member of any other institutions defined in this Constitution, except his role in the Cabinet of the Royal Government.

In such cases, this member of the Parliament retains his capacity as an ordinary member of the Parliament but shall not have any position in the Standing Committee or other commissions of the Parliament.

Article 80. The representatives shall enjoy parliamentary immunity.

No representatives may be accused, arrested, detained, or imprisoned for having expressed his opinion or given his views while performing his task.

Accusations against, arrest, detention, or imprisonment of any member of Parliament may be made only with the consent of the Parliament or the Standing Committee of the Parliament during the parliamentary recess, except in the case of flagrant criminal offenses. In this latter case, the competent authorities shall immediately submit a report to the Parliament or the Standing Committee of the Parliament for decision.

The decision of the Parliament Standing Committee shall be submitted to the ensuing session of the Parliament for endorsement by a two-thirds majority vote of all members of the Parliament.

In all the above cases, the imprisonment of or accusations against a representative shall be suspended if the Parliament expresses its view that this should be so through a three-fourths majority vote of all members of the Parliament.

Article 81. The Parliament shall have an autonomous budget for its own operation.

The representatives shall be remunerated.

Article 82. The Parliament shall open its first session within 60 days after the election at the convocation of the king.

Before starting its work, the Parliament shall adopt its internal regulations, decide the validity of the mandate of each member, and hold separate elections of the chairman and vice chairmen of the Parliament and all members of various commissions of the Parliament with a two-thirds majority vote of all members of the Parliament.

Before taking office, the representatives shall take an oath, the content of which is provided in Annex 5.

Article 83. The Parliament shall hold two ordinary sessions annually.

Each session shall last for at least three months. At the recommendation of the king or the request of the prime minister or of at least one-third of the members of the Parliament, the Standing Committee of the Parliament shall convoke an extraordinary session of the Parliament.

In this case, a specific agenda of the extraordinary session shall be announced to the public together with the date of the session.

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Article 84. During the recess of the Parliament, the Standing Committee of the Parliament shall take charge of its affairs.

The Standing Committee of the Parliament shall consist of the chairman of the Parliament, the vice chairmen of the Parliament, and the chairmen of all commissions of the Parliament.

Article 85. The sessions of the Parliament shall be held in the capital city of the Kingdom of Cambodia inside the meeting hall of the Parliament, except when it is decided otherwise as necessitated by circumstances and notified in the convocation letters.

Except in the above case, any sessions of the Parliament held at sites and dates other than those notified in the convocation letters shall be considered illegal and null and void.

Article 86. In circumstances under which the nation is in a state of emergency, the Parliament shall meet regularly every day. The Parliament shall have the right to declare an end to the above special circumstances when the situation permits.

If Parliament cannot meet because of reason of necessity, notably when foreign forces are occupying the country, the declaration of the state of emergency shall extend automatically.

When the country is in a state of emergency, the Parliament may not be dissolved.

Article 87. The chairman of the Parliament shall conduct debates of the Parliament, take cognizance of laws and resolutions passed by the Parliament, guarantee the implementation of the Parliament's internal regulations, and manage all international contacts of the Parliament.

In the case where the chairman of the Parliament is engaged, cannot fulfill his duty because of illness, is performing the role of acting head of state or regent, or is on mission abroad, a vice chairman of the Parliament shall discharge functions in his place.

In the case where the chairman or a vice chairman vacates his post or dies, the Parliament shall elect a new chairman or vice chairman.

Article 88. The sessions of the Parliament shall be held in public.

The Parliament may meet in secrecy at the request of the chairman or at least one-tenth of the members, of the king, or of the prime minister.

The sessions of the Parliament may be valid only when there is a quorum of seven-tenths of all members of the Parliament.

Article 89. At the request of at least one-tenth of the members, the Parliament may invite a high personality to enlighten the Parliament of any problem of special importance.

Article 90. The Parliament shall be the only organization that wields legislative power. The Parliament may not relegate this power to any other organization or individual.

The Parliament shall approve the national budget, the state plans, the state loans, the state grants, financial contracts, and the creation, amendment, or removal of taxes.

The Parliament shall approve the accounts of the government.

The Parliament shall approve the law on general amnesty.

The Parliament shall approve or abrogate international treaties or conventions.

The Parliament shall approve the law on the declaration of war.

The above approvals shall be made with the absolute majority vote of all members of Parliament.

Article 91. The representatives and the prime minister shall have the right to initiate laws.

The representatives shall have the right to recommend the amendment of laws but this recommendation may not be accepted if it is aimed at reducing public incomes or increasing burdens on the citizens.

Article 92. All endorsements made by the Parliament contrary to the principle of safeguarding the independence, sovereignty, and territorial integrity of the Kingdom of Cambodia and detrimental to the political unity or administrative management of the country shall be considered null. The Constitutional Council shall be the only organization that has the competence to decide on this nullity.

Article 93. A law already passed by the Parliament and promulgated by the king shall go into effect in the capital city of Phnom Penh within exactly 10 days after its promulgation and throughout the country within exactly 20 days after its promulgation.

However, if this law is proclaimed to be urgent, it shall go into effect throughout the country immediately after its promulgation.

A law promulgated by the king shall be published in the royal gazette and disseminated throughout the country within the times specified above.

Article 94. The Parliament shall create commissions as necessary. The organization and operation of the Parliament shall be defined in the internal regulations of the Parliament.

Article 95. In the case where a member of the Parliament dies, resigns, or loses his membership at least six months before the end of the term, a by-election shall be organized to replace that member of the Parliament in line with the conditions set in the internal regulations of the Parliament and the electoral law.

Article 96. The representatives shall have the right to pose a question to the Royal Government. This question shall be presented in writing and submitted through the chairman of the Parliament.

The answer may be made by one or several ministers depending on whether the problem raised concerns the responsibilities of one minister or of several ministers. If

the problem concerns the overall policies of the government, the prime minister himself shall make the answer. The answer of the minister, ministers, or prime minister may be made verbally or in writing.

The above answer shall be made within seven days after the question was received.

In the case of a verbal answer, the chairman of the Parliament may decide to hold or not to hold an interpellation. If the interpellation is not called, the answer of the minister, ministers, or prime minister shall be final. If the interpellation is called, the initiator of the question, other speakers, and the minister or ministers involved or the prime minister may debate for a period of time not exceeding one sitting.

The Parliament shall set one day per week for answering questions.

Nevertheless, the above session for answering questions may not open up a possibility for voting of any kind.

Article 97. Commissions of the Parliament may invite ministers to clarify any question concerning their areas of responsibility.

Article 98. The Parliament may dismiss cabinet members or remove the Royal Government from office by passing a censure motion through a two-thirds majority vote of members of the entire Parliament.

Only the censure motion against the Royal Government submitted to the Parliament by 30 representatives may be raised for discussion by the Parliament.

#### CHAPTER 8—THE ROYAL GOVERNMENT

Article 99. The cabinet is the Royal Government of the Kingdom of Cambodia.

The cabinet shall be led by a prime minister assisted by deputy prime ministers with state ministers, ministers, and state secretaries as members.

Article 100. At the recommendation of the chairman and with the agreement of the two vice chairmen of the Parliament, the king designates a dignitary from among the representatives of the people from the winning party to set up the royal government. This designated dignitary shall lead his colleagues who are members of the Parliament or members of parties represented in the Parliament who have been appointed in teams to various posts in the Royal Government to ask for a vote of confidence from the Parliament. After the Parliament has given its vote of confidence, the king shall issue a royal decree appointing the entire cabinet.

Before taking office, the cabinet shall take an oath as defined in Annex 6.

Article 101. The function of members of the Royal Government is incompatible with professional activities in trade or industry and with the holding of any position in the public service.

Article 102. Members of the Royal Government shall be collectively responsible to the Parliament for the overall policies of the Royal Government.

Each member of the Royal Government shall be individually responsible to the prime minister and the Parliament for his own conduct.

Article 103. Members of the Royal Government may not use the orders, written or verbal, of anyone as an excuse to exonerate themselves from their responsibility.

Article 104. The Cabinet shall meet every week, either in plenary session or in a study session.

The plenary session shall be conducted by the prime minister. The prime minister may assign a deputy prime minister to conduct a study session.

Minutes of all cabinet sessions shall be forwarded to the king for his information.

Article 105. The prime minister may delegate his powers to deputy prime ministers or any member of the Royal Government.

Article 106. If the post of prime minister is permanently vacated, a new cabinet shall be appointed under the conditions stipulated in this Constitution. If this vacancy is only temporary, an acting prime minister shall be temporarily appointed.

Article 107. Each member of the Royal Government shall be punished for any crimes or misdemeanors that he has committed in the course of his duty.

In such cases or when he has committed serious offenses in the course of his duty, the Parliament may decide to file charges against him with the competent court.

The Parliament shall decide on such matters through a secret vote with an absolute majority of the members of the entire Parliament.

Article 108. The organization and operation of the cabinet shall be defined by law.

#### CHAPTER 9—THE JUDICIAL POWER

Article 109. The judicial power shall be an independent power.

The judicial power shall guarantee and uphold impartiality and protect the rights and freedom of the citizens. The judicial power shall cover all lawsuits, including those of the government.

This power shall be handed over to the Supreme Court and adjudication courts of all sectors and levels.

Article 110. Trials and adjudications shall be conducted in the name of the Cambodian citizens in accordance with the legal procedures and the laws in effect.

Only judges shall have the right to adjudicate. A judge shall fulfill this duty with strict respect for the laws, wholeheartedly, and conscientiously.

Article 111. No organizations of the legislative or executive powers may handle any judicial power.

Article 112. Only the Department of Public Prosecution shall have the right to institute the prosecution of criminal cases.



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Article 113. The king shall guarantee the independence of the judicial power.

The Supreme Council of the Magistracy shall assist the king in this matter.

Article 114. Judges may not be removed from duty. But the Supreme Council of the Magistracy may take disciplinary actions against any offending judges.

Article 115. The Supreme Council of the Magistracy shall be formed by an organizational law which will determine its composition and function.

The Supreme Council of the Magistracy shall be under the royal chairmanship of the king. The king may designate one royal representative to act as chairman of this Supreme Council of the Magistracy.

The Supreme Council of the Magistracy shall make suggestions to the King on the appointment of judges and prosecutors accredited to all courts.

The Supreme Council of the Magistracy, in taking disciplinary actions against judges and prosecutors, shall meet in the presence of the chairman of the Supreme Court or the chief prosecutor attached to the Supreme Court depending on whether the case is related to the judge or the prosecutor.

Article 116. The statutes of the judges and prosecutors and the organization of the judiciary shall be defined in separate laws.

### CHAPTER 10—THE CONSTITUTIONAL COUNCIL

Article 117. The Constitutional Council's competence shall be to safeguard the respect for the Constitution and to interpret the Constitution and laws passed by the Parliament.

The Constitutional Council shall have the right to examine and settle disputes relating to the election of the members of Parliament.

Article 118. The Constitutional Council shall consist of nine members with a nine-year mandate. One-third of the members of the Constitutional Council shall be replaced every three years. Three members shall be appointed by the King; three elected by the Parliament; and three others appointed by the Supreme Council of the Magistracy.

The chairman shall be elected by the members of the Constitutional Council. The chairman's vote shall be preponderant in the case where votes are equally split.

Article 119. Members of the Constitutional Council shall be selected from among the dignitaries with at least a higher-education degree in law, administration, diplomacy, or economics, and who have considerable work experience.

Article 120. The function of a Constitutional Council member shall be incompatible with that of a member of the government, a member of the Parliament, the

chairman or vice chairman of a political party, the chairman or vice chairman of a trade union, and, an active judge.

Article 121. The king, the prime minister, the Parliament chairman, or one-tenth of the members of the Parliament can forward bills to the Constitutional Council for examination before their promulgation.

The Parliament's internal regulations and various organizational laws shall be forwarded to the Constitutional Council for examination before their promulgation.

The Constitutional Council shall decide within no more than 30 days whether the above laws and internal regulations of the Parliament are constitutional or not.

Article 122. After a law is promulgated, the king, the prime minister, the Parliament chairman, one-tenth of the representatives, or the court may ask the Constitutional Council to examine the constitutionality of that law.

The citizens may appeal against the constitutionality of laws through their representatives or the chairman of Parliament as stipulated in the above paragraph.

Article 123. Provisions in any articles ruled by the Constitutional Council as unconstitutional may not be promulgated or implemented.

A decision by the Constitutional Council shall be incontestable.

Article 124. The king shall consult with the Constitutional Council on proposals to amend the Constitution.

Article 125. An organizational law shall define the organization and operation of the Constitutional Council.

### CHAPTER 11—THE ADMINISTRATION

Article 126. The territory of the Kingdom of Cambodia shall be divided into provinces and municipalities.

Provinces shall be divided into districts and districts into khum.

Municipalities shall be divided into khan and khan into sangkat.

Article 127. Provinces, municipalities, districts, khan, khum, and sangkat shall be administered in accordance with conditions set in an organizational law.

### CHAPTER 12—NATIONAL CONGRESS

Article 128. The National Congress shall enable the people to be directly informed on various matters of national interests and to raise issues and requests for the state authority to solve.

Cambodian citizens of either sex shall have the right to participate in the National Congress.

Article 129. The National Congress shall meet once a year in early December at the convocation of the prime minister.

The National Congress shall proceed under the chairmanship of the king.

Article 130. The National Congress shall adopt requests for consideration by the state authorities and the Parliament.

The organization and operation of the National Congress shall be defined by a law.

#### CHAPTER 13—EFFECT, REVISION, AND AMENDMENT OF THE CONSTITUTION

Article 131. This Constitution shall be the supreme law of the Kingdom of Cambodia.

All laws and decisions by various state institutions shall absolutely conform with the Constitution.

Article 132. The initiative to revise or to amend the Constitution shall be the prerogative of the king, the prime minister, and the chairman of the Parliament at the suggestion of one-fourth of all members of Parliament.

The revision or amendments of the Constitution shall be effected by a constitutional law passed by the Parliament with a two-thirds majority of all members of Parliament.

Article 133. The revision or amendments of the Constitution shall be prohibited while the country is in the state of emergency as defined in Article 86.

Article 134. The revision or amendments of the Constitution may not be effected if they affect the multiparty liberal democratic system and the constitutional monarchy. [This article is not contained in the Cambodian version of the Constitution carried by Phnom Penh National Voice of Cambodia Radio Network in Cambodian on at 2300 GMT on 5 October]

#### CHAPTER 14—TRANSITORY PROVISIONS

Article 135. After this Constitution is adopted, it shall be declared in force immediately by the head of state of Cambodia. [In the version carried by Phnom Penh radio on 5 October at 2300 GMT, this article reads: "Article 135. After this Constitution is adopted, it shall be promulgated by the head of state of Cambodia."]

Article 136. Once this Constitution takes effect the Constituent Assembly shall become the Parliament.

The internal regulations of the Parliament shall take effect after being adopted by the Parliament.

In the case where the Parliament is not yet functional, the chairman, first vice chairman, and second vice chairman of the Constitution Assembly shall participate in the discharge of duties in the Throne Council if required by the situation in the country. [The preceding paragraph is not contained in the Phnom Penh radio version broadcast at 2300 GMT on 5 October]

Article 137. After this Constitution takes effect, the king shall be selected in accordance with conditions stipulated in Articles 13 and 14.

Article 138. After this Constitution takes effect and during the first legislature, the king of the Kingdom of Cambodia shall appoint a first prime minister and a second prime minister to form the Royal Government

after securing the consent of the chairman and two vice chairmen of the Parliament.

The co-prime ministers existing before [Phnom Penh radio version omits preceding word "before"] the adoption of this Constitution shall become members of the committee [as published] and the Throne Council stipulated in Articles 11 [as published] and 13 above.

Article 139. Laws and standard documents in Cambodia that safeguard state properties, rights and freedom, [the Phnom Penh radio version of this article broadcast at 2300 GMT on 5 October contains the word "life" after "rights, and freedom"] and an individual's lawful properties that are in conformity with national interests shall continue to be effective until altered or abrogated by new texts, except those provisions that are contrary to the spirit of this Constitution.

This Constitution was adopted by the Constitution Assembly in Phnom Penh on 21 September 1993 at its second plenary session.

Phnom Penh, 21 September 1993  
Chairman, Son Sann

Radio Welcomes New Thai Stand on Khmer Rouge

BK1610152593 Phnom Penh National Voice of Cambodia Radio Network in Cambodian 1300 GMT 16 Oct 93

[Unattributed "article": "Thailand Displays a Clearer Stand on the Khmer Rouge Issue"]

[Text] Recently, Air Chief Marshal Woranat Aphichari, supreme commander of the Thai Armed Forces, said Thailand would not recognize the Khmer Rouge, which has been outlawed by Phnom Penh as Cambodia now has a new government, adding that Thailand should recognize the government that has been established legally and would not recognize anyone who does not join that government.

At the same time, Thai Foreign Minister Prasong Sunsiri said that he would meet the Cambodian leaders in New York so as to discuss the repeated misunderstanding reported by Cambodian newspapers regarding Thailand's involvement with the Khmer Rouge.

These developments testify to Thailand's new endeavors to demonstrate its ever clearer position with regard to the Khmer Rouge.

His Excellency Hun Sen has said that any foreign support for the Khmer Rouge constitutes a violation of the Kingdom of Cambodia's sovereignty. Prasong will soon visit Phnom Penh to discuss his so-called resolution of any misunderstanding toward Thailand.

## **APPENDIX C**

### **The Law used for the 1993 Election in Cambodia**

CAMBODIA  
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Preparatory Draft - 17 January 1992

PREAMBLE

WHEREAS the Supreme National Council (SNC) is recognized in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict (hereinafter referred to as "the Agreement") as the unique authority in which, throughout the transitional period, the sovereignty, independence and unity of Cambodia are enshrined, and has delegated in Article 6 of the Agreement to the United Nations all necessary powers to ensure the organization and conduct of free and fair elections for a Constituent Assembly as the basis for forming a new and legitimate government in Cambodia,

AND WHEREAS the United Nations Security Council by resolution 718 (1991) and ... has accepted to undertake and carry out the responsibility so delegated and to ensure a neutral political environment conducive to free and fair elections in accordance with the Agreement and to exercise the powers necessary to establish and implement an electoral system for the election of a Constituent Assembly,

NOW THEREFORE the law set out below is made to come into force with immediate effect.

Secretary-General

Chapter I - Preliminary

Authority to conduct election

1. (1) All laws, regulations, other legal instruments, conventions or practices purporting to establish or regulate an electoral system in Cambodia or any other laws, conventions or practices inconsistent with the provisions of this law or inconsistent with any laws, regulations, directives or orders made or to be made by the Special Representative under this Law, or which would defeat the object and purposes of the Agreement are to such extent suspended or abrogated.

(2) The powers, authority and jurisdiction of any agency, tribunal or other institution purporting under any law, convention or practice to exercise any administrative, executive or judicial control over any matter, dispute or procedure subject to this Law or any laws, directives or orders made by the Special Representative under this Law shall be suspended or abrogated, except to the extent that any such agency, tribunal or other institution is acting pursuant to any directive made by the Special Representative.

(3) The Special Representative shall have the power to amend this Law, and to make regulations and give directives in relation to the implementation of this Law.

Interpretation

2. (1) In this Law, unless the contrary intention appears:

"agent" means an agent appointed under article 7; (*agents of Political Parties*)

"Agreement" means the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict which constitutes the first part of the Final Act of the Paris Conference on Cambodia;

"approved" means approved by the Special Representative by public notification;

"Assembly" means the Constituent Assembly referred to in Article 12 of the Agreement;

"district" means a portion of the territory of a province determined by public notification;

"election" means the election referred to in Article 12 of the Agreement.

"officer" includes the Chief Electoral Officer, a Provincial Electoral Officer, a District Electoral Supervisor, a presiding officer, a substitute presiding officer, a polling official, and

any other person employed by the United Nations to perform functions which include functions related to the election;

"political party" means an organization the object or activity, or one of the objects or activities, of which is the promotion of the election to the Assembly of a candidate or candidates endorsed by it;

"polling station" means a building, structure, vehicle or enclosure, or a part of a building, structure, vehicle or enclosure, provided for the purpose of taking votes during polling;

"province" means a portion of the territory of Cambodia determined by public notification;

"public notification" means a public notification made and published by the Special Representative under this Law;

"registered political party" means a political party that is officially registered under article 9;

"registered voter" means a person registered as a voter under article 20;

"register of voters" means the records kept by the Chief Electoral Officer under article 22, subarticle (1);

"registration point" means a building, structure, vehicle or enclosure, or a part of a building, structure, vehicle or enclosure, provided for the purpose of the registration of voters;

"returnee" means a person who returns to Cambodia in accordance with the Agreement pursuant to arrangements made by the United Nations High Commissioner for Refugees;

"Special Representative" means the Special Representative of the Secretary-General of the United Nations to be appointed pursuant to Article 2 of the Agreement.

"tendered ballot" means a ballot cast in accordance with article 66;

"tendered ballot record" means the record referred to in article 66, subarticle (2), paragraph (a);

"UNTAC" means the United Nations Transitional Authority in Cambodia referred to in Article 2 of the Agreement;

(2) A reference in this Law to the province for which a registered voter is registered shall be read as a reference:

(a) in the case of a returnee issued with a registration card before taking up residence in the province in which the returnee is to be settled, to that province; and

4

(b) in any other case, to the province in which was located the registration point at which the applicant made the application for registration which led to his registration.

(3) A provision of this Law which requires a function to be performed by the Chief Electoral Officer shall be taken to have been complied with if the function is performed by an officer under the supervision and control of the Chief Electoral Officer.

(4) This Law and any regulations made under this Law shall be read together as if they were a single document.

## Chapter II - Administration

### Designation of electoral officials

3. (1) The Special Representative shall designate:

- (a) a Chief Electoral Officer;
- (b) for each Province, a Provincial Electoral Officer;
- (c) for each District, a District Electoral Supervisor;
- (d) for each polling station, a presiding officer; and
- (e) such registration officers, polling officials, counting officers and other staff as are required for the purposes of this Law.

(2) Notwithstanding the provisions of subarticle (1), a presiding officer or a polling official for a polling station in any district may, in a case of urgency, be designated by any Provincial Electoral Officer or District Electoral Supervisor, and a polling official for any polling station may be designated by the presiding officer for such polling station.

(3) Where two or more registration officers operate as a team, the Chief Electoral Officer, the Provincial Electoral Officer of the province concerned, or the District Electoral Supervisor of the district concerned, may designate one of them as the leader of the team who shall, subject to the control of the Provincial Electoral Officer or District Electoral Supervisor be responsible for the organization and control of the work of the team.

### Conditions of appointment

4. (1) The designation of any person under article 3 may be withdrawn, without prior notice to any person and without any person being entitled to a hearing, by any person or authority empowered to make a designation of the nature in question.

(5)

(2) Any designation made under article 3 otherwise than in writing shall be confirmed in writing as soon as circumstances permit.

#### Obligation of impartiality

5. (1) An officer shall perform his functions in a neutral and impartial manner and shall not, in the performance of his duties, seek or receive instructions from any government, party or any other authority apart from UNTAC.

(2) An officer shall refrain from any action which might reflect on his position as a neutral and impartial official responsible only to UNTAC.

(3) All governments, parties and other authorities shall respect the responsibilities of officers to ensure the neutral and impartial conduct of the election and shall not seek to influence them in the discharge of their responsibilities.

#### Declaration of secrecy

6. Every officer shall make in an approved form, and before assuming his duties or performing any function or attending at any polling station or attending at the place where the result of the election is determined, a declaration of secrecy.

*As prescribed  
by the C.E.O.*

### Chapter III - Agents of political parties

#### Appointment of agents

7. (1) A registered party may, by written notice to the District Electoral Supervisor, appoint agents for any district.

(2) An officer may at his discretion consult with any agent appointed under this article who is readily available, about any matter connected with the conduct of the election.

(3) A registered party may at any time, by written notice to the District Electoral Supervisor, revoke the appointment of any agent, and appoint any other person in his place.

(4) A registered party may, subject to the provisions of subarticle (5), appoint agents for any polling station, and shall advise the relevant District Electoral Supervisor in writing of the name of any agent so appointed.

(5) One agent for a particular polling station shall be entitled to attend, at any time, at that polling station, as the representative and observer of the registered party which appointed him as its agent.



(6) A registered party or a provisionally registered party may, subject to the provisions of subarticle (7), appoint agents for any registration point, and shall advise the relevant District Electoral Supervisor in writing of the name of any agent so appointed.

(7) One agent for a particular registration point shall be entitled to attend, at any time, at that registration point, as the representative and observer of the registered party or provisionally registered party which appointed him as its agent.

(8) No agent shall interfere with registration at a registration point or the voting at a polling station, except as provided in this Law, or do any canvassing at a polling station or display anything which indicates that he is a representative of a particular registered party, and such agent shall be obliged to carry on him such identification as determined by the Chief Electoral Officer.

(9) The registration officer or presiding officer, as the case may be, may, notwithstanding any provisions to the contrary contained in this Law, order any agent referred to in subarticle (8) of this article to leave the registration point or polling station concerned until such time as he complies with the provisions of that paragraph, and the provisions of article 59, subarticle (3) shall mutatis mutandis apply in respect of any such agent who fails to leave the polling station when so ordered.

(10) A registered party shall be entitled to be represented at any place where the determination of the result of the poll and any related verification occurs, by not more than four agents.

(11) No person shall be appointed as an agent unless he is a registered voter, or is a person qualified to apply for registration as a voter.

(12) When any officer is in terms of this Law required to seal any thing, any agent who is present, shall be entitled to place the seal of the registered party which appointed him on that thing, and before any thing that has been sealed may be opened, any such agent shall be entitled to inspect such seals.

#### Declaration of secrecy

8. Every agent appointed under article 7, shall make in an approved form, and before assuming his duties, or performing any function or attending at any registration point or polling station, or attending at the place where the result of the election is determined, a declaration of secrecy.

#### Chapter IV - Registration of political parties

Submission of application for registration of political party.

9. (1) A political party may make a written application in an approved form to the Special Representative, within a period to be specified by public notification, that the party be officially registered as a political party for the purposes of this Law.

(2) Every such application shall contain the following particulars:

(a) the name of the political party which is to appear on the ballot paper;

(b) subject to the provisions of subarticle (3), an abbreviation, which is to appear on the ballot paper, of that name if the political party desires an abbreviation of its name to appear on the ballot paper;

(c) subject to the provisions of subarticle (3) the distinctive symbol of the political party which is to appear on the ballot paper;

(d) the address to which any notices in terms of this Law shall be sent to the political party;

(e) particulars of all bank accounts of the political party;

(f) the constitution of the political party or the agreement or other document in terms of which it came into existence;

(g) a statement affirming the political party's commitment to a free and fair election, its respect for the results thereof, and its willingness to adhere to the Code of Conduct set out at Annex I to this Law;

Statement  
of assets +  
liabilities  
- Identify  
of one bank  
account where  
where all contrib-  
- will be deposited  
+ all election  
expenses  
paid.

(h) a list containing the names, signatures, registration numbers and addresses of at least 5,000 members of the party who are registered voters; and

(j) a statement setting out the names of the office bearers of the party, and evidence confirming that they are registered voters.

(k) subject to subarticle (5), in respect of each province, a list containing the names of a number of candidates not less than the number of seats in the Assembly to be filled in the province, and not greater than twice the number of seats in the Assembly to be filled in the province.

Not less  
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- should be  
not less  
than the  
number +  
50 %

(3) The proposed abbreviation or symbol of a political party shall not:

(a) contain a portrayal of any arm, ammunition, uniform or other object which is normally used in military operations, actions or exercises whether in times of peace or war;

(b) contain a portrayal of Angkor Wat;

- (c) be obscene, offensive or blasphemous; or
- (d) resemble the abbreviation or symbol, as the case may be, of any other political party to such an extent that it may possibly deceive or confuse a registered voter.

(4) In determining whether the proposed abbreviation or symbol of a political party contains the resemblance referred to in subarticle (3), paragraph (d), the Special Representative:

- (a) shall take into consideration the fact that the political organization which has been traditionally associated with the abbreviation or symbol for the longer period in time, should be entitled thereto;
- (b) may, for the purposes of paragraph (a), afford the political organization concerned an opportunity to adduce such proof, including the oral evidence of any person, or to make such statement, as in his opinion may assist in a prompt decision of the matter.

(5) A list provided under subarticle (2), paragraph (k) must meet the following requirements:

- (a) the names on the list shall appear in such order as the party may determine with a view to the provisions of article 79, subarticle (1), paragraph (b);
- (b) every candidate must be a registered voter for the province in respect of which the list is provided, who is at least twenty-one years old;
- (c) the registration number of each candidate must be stated on the list after his name; and
- (d) the list of candidates must be accompanied by a declaration by each person whose name appears on the list that he has accepted his nomination as a candidate of the registered party submitting the list and that he is a registered voter, at least twenty-one years old.

(6) Any person whose name appears on more than one list of candidates provided under subarticle (2), paragraph (k) shall be deemed not to be a candidate for any registered party.

(7) The Special Representative shall examine any application submitted to him, to ascertain whether it complies with the provisions of this article and, if he finds that it does not so comply, either return it to the political party concerned, indicating the reasons for his finding, or give the political party concerned a reasonable opportunity to rectify any irregularity.

(8) An application returned to a political party pursuant to subarticle (7) shall be deemed not to have been submitted to the

*Voter  
registered  
number*

*and who  
has  
provided  
a declaration  
under*

*Question of  
time  
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it*

## Special Representative.

(9) An application in which an irregularity has been rectified pursuant to subarticle (7) shall be considered by the Special Representative under subarticle (10).

(10) If the Special Representative is of the opinion that the application of a political party complies with the requirements of this article, he shall register that party for the purpose of this Law, notify the party in writing, and publish a notice of the registration.

## Application for provisional registration of political party

10. (1) From a date to be specified by public notification until the commencement of the period referred to in article 9, subarticle (1), a political party may make written application in an approved form to the Special Representative for provisional registration.

(2) Every such application shall contain the particulars referred to in article 9, subarticle (2), paragraphs (a), (b), (c), (d), (e), (f) and (g), being, in the case of the particulars referred to in article 9, subarticle (2), paragraphs (b) and (c), particulars which comply with article 9, subarticle (3).

(3) A political party that has been provisionally registered in accordance with subarticle (4) may apply for official registration in accordance with article 9, subarticle (1) by providing the additional particulars referred to in article 9, subarticle (2), paragraphs (h), (j) and (k).

(4) The provisions of article 9, subarticles (4), (7), (8), (9) and (10) shall apply mutatis mutandis to an application made by a political party for provisional registration under subarticles (1) and (2), and to an application by a political party for official registration under subarticle (3).

*Must  
otherwise  
well not  
have  
been not  
in regis-  
tration  
process  
from start  
should not  
be rejected  
be re-  
sult?*

## Publication of lists of candidates

11. (1) The Chief Electoral Officer shall as soon as possible after the provisions of article 9 have been complied with, publish a notice:

- (a) stating the names of all the registered parties;
- (b) setting out each list of candidates of each such registered party for the election, and declaring that the persons whose names appear on the list have been nominated as the candidates of the registered party concerned for the election.

## Lodging of documents

*What about a specific Campaign period*

10

12. Where a political party is by any provision of this Law required to make any submission in writing, such writing submitted for the purposes of such provision shall be presumed, unless the contrary is proved, to be submitted by the political party concerned if it is submitted under the signature of an officer bearer of the political party specifically authorized for this purpose.

## Chapter V - Registration of voters

### Registration of voters to take place

13. (1) A registration of persons who, by virtue of such registration and subject to this Law will be entitled to vote at the election, shall take place in Cambodia during a period to be determined by public notification.

(2) The said period may be altered from time to time by similar public notification, in respect of the whole of Cambodia or of any province or district.

### Qualifications for registration

14. Every person who is of or over the age of eighteen years or who will attain that age during the period of registration determined under article 13, and who:

(a) was born in Cambodia; or

(b) is the natural child of a person referred to in paragraph (a),

shall, on complying with the provisions of this Law be entitled to be registered as a voter.

### Power to enter land

15. (1) Subject to subarticle (2), any registration officer may, with the necessary staff, vehicles and equipment, enter upon any land on which there is, or is suspected to be, any person who is qualified for registration, for the purpose of registering any such person who may wish to apply for registration.

(2) A registration officer may not enter upon any land or enter any building or structure on such land without the permission of its owner or occupier, or of the person in control of such land between the hours 19h00 and 7h00.

### Application for registration

16. (1) A person who is or claims to be qualified for registration,

shall, if he so wishes, apply for registration by:

- (a) appearing in person before a registration officer;
- (b) identifying himself by means of an identity document or otherwise, but subject to the provisions of subarticle (3), to the reasonable satisfaction of the registration officer; and
- (c) in the case of any person referred to in article 14, paragraph (b), proving, subject to the provisions of subarticle (4), to the reasonable satisfaction of the registration officer that either one of his natural parents was born Cambodia;

(2) A registration officer may require any applicant to furnish such explanation, information or further particulars as may be necessary to establish the applicant's identity or the place of birth of one of the applicant's natural parents, as the case requires.

(3) When, for the purposes of the subarticle (1), paragraph (b), any applicant has to identify himself to the reasonable satisfaction of the registration officer, and two registered voters declare in sworn statements made before the registration officer concerned, that:

- (a) the applicant is known to them; and
- (b) the applicant is the person who he purports to be,

the registration officer shall accept the information contained in the statements and the applicant concerned shall be deemed to have complied with the provisions of that paragraph unless a finding is made in any appeal or objection under this Law that the particular information contained in the said statement is false.

(4) When, for the purposes of subarticle (1), paragraph (c), any applicant has to prove to the reasonable satisfaction of the registration officer that either one of his parents was born in Cambodia, and two registered voters declare in sworn statements made before the registration officer concerned, that:

- (a) the applicant is known to them; and
- (b) at least one of the natural parents, who is known to them, of that applicant was born in the territory,

the registration officer shall accept the information contained in the statements and the applicant concerned shall be deemed to have complied with the provisions of that paragraph unless a finding is made in any appeal or objection under this Law that the particular information contained in the statement is false.

(5) The provisions of subarticles (3) and (4) shall not be construed so as to prohibit the registration officer from accepting

*[Handwritten signature and notes in the bottom right corner]*

(12)

to his reasonable satisfaction any manner of proof of identity or birth in Cambodia other than in a manner contemplated in those subarticles.

(6) Any applicant for the registration as a voter referred to in this article may apply to register as a voter at any registration point in Cambodia.

#### Refusal to register applicant

17. (1) A registration officer may, after considering an application duly made in terms of article 16, refuse to register the applicant if the registration officer is, subject to the provisions of subarticle (2), not satisfied that the applicant is qualified for registration.

(2) In the application of the provisions of subarticle (1) in relation to the age of any applicant, those provisions shall not be so construed that a registration officer is obliged, in the case of any doubt as to whether that applicant on the ground of his age is qualified to register as a voter, to consider the application for registration to the prejudice of that applicant.

(3) If a registration officer refuses under subarticle (1) to register an applicant, he shall:

- (a) make a record of the refusal, the reason for it, and the date of the refusal, and sign the record; and
- (b) inform the applicant that he may, in accordance with the provisions of article 19, appeal against the refusal to the District Electoral Supervisor of the district in which the registration point is located.

#### Records of statements made by agents, applicants etc.

18. (1) If:

- (a) an agent present at a registration point questions the information contained in an applicant's application; or
- (b) the registration officer refuses to register an applicant,

the registration officer shall:

- (c) advise the applicant accordingly, and make a tape recording of any statement which the applicant may wish to make in response to that advice and in support of his application; and
- (d) where paragraph (a) applies, record that fact, and make a tape recording of any statement which the agent may wish to make on the matter.

*Use form  
"Record"  
in case  
machine  
does  
not  
work  
or  
if  
written  
statement  
is  
recorded*

13

(2) Records and tape recordings made under subarticle (1) shall be retained and secured in accordance with the instructions of the Chief Electoral Officer.

#### Appeal against refusal to register

19. (1) Any person whose application for registration has been refused under article 17 and who desires to appeal against such refusal, may, in the manner prescribed by subarticle (5), on the day, and at the time and place determined pursuant to subarticles (2), (3) and (4), of which he shall be notified in writing in an approved form, appeal against such refusal to the District Electoral Supervisor referred to in article 17, subarticle (3), paragraph (b).

(2) The District Electoral Supervisor referred to in subarticle (1), shall determine the day, which day shall not be later than 21 days after the date of the refusal, and the time and place for the hearing of an appeal referred to in that subarticle.

(3) A District Electoral Supervisor may, notwithstanding the provisions of subarticle (2), in his discretion and for good cause shown, allow in any particular case the person concerned to appear after the end of the period referred to in that subarticle but on a date determined by the District Electoral Supervisor.

(4) The provisions of subarticle (2) shall not preclude the District Electoral Supervisor from hearing an appeal at any place or time determined by him and communicated to the person who wishes to appeal, or at any place where both the District Electoral Supervisor and that person are at any time.

(5) On a day, at a time and place determined in accordance with the provisions of this article, the person who wishes to appeal (hereinafter called the appellant), shall:

- (a) appear in person before the District Electoral Supervisor;
- (b) make a fresh application, in the manner specified in article 16, subarticle (1), to the District Electoral Supervisor;
- (c) state the grounds on which he appeals against the refusal of his original application; and
- (d) adduce such proof and make such statements he may wish to be considered in support of his appeal.

(6) Subject to the provisions of subarticles (5) and (7), the hearing of the appeal may be conducted by the District Electoral Supervisor in such manner as in his opinion is best calculated to enable him to arrive at a just decision in the matter.

(7) The District Electoral Supervisor shall in the course of the hearing give consideration to the records and tape recording made at



the time of the appellant's application under article 18.

(8) Without derogating from the generality of the provisions of subarticle (6), the District Electoral Supervisor may:

- (a) call any person who is present to appear before him and require or allow that person to give such oral evidence or produce such other proof as in the opinion of the District Electoral Supervisor may assist him in deciding the matter;
- (b) examine or allow the examination of any person so appearing; and
- (c) postpone the hearing at any stage of the proceedings to a day to be determined by him.

(9) The District Electoral Supervisor shall keep a record of the proceedings.

(10) Subject to subarticle (11), the hearing of an appeal shall be open to the public.

(11) A District Electoral Supervisor may in his discretion exclude from the hearing or any part thereof any person or persons generally whose presence is in the opinion of the District Electoral Supervisor not desirable.

#### Decision of appeal

20. (1) A District Electoral Supervisor may allow an appeal heard by him under article 19, or may dismiss such appeal, and may also dismiss it if the appellant fails to appear before him at the time specified for the hearing.

(2) The District Electoral Supervisor shall make a record of his decision under subarticle (1).

(3) If the District Electoral Supervisor allows the appeal, he shall forthwith refer the appellant to a registration officer.

(4) The decision of a District Electoral Supervisor under this article shall be final.

*In cases of doubt the decision should be made in favour of the appellant. - benefit of doubt to the appellant.*

#### Registration of applicant

21. (1) If a registration officer does not under article 17 refuse to register an applicant, or if the applicant is a person referred to the registration officer by a District Electoral Supervisor under article 20, subarticle (3), the registration officer shall register the applicant by issuing to him a registration card in the approved form, being a card bearing a distinctive serial number:

- 15
- (a) to which a photograph of the applicant, taken by the registration officer, is attached; and
  - (b) on which is placed by the applicant the signature or prescribed mark of the applicant.

(2) The registration officer shall make a record in the approved form of the registration card so issued, on which shall be marked by the applicant the signature or designated mark of the applicant.

(3) If the applicant is a person who has been referred to the registration officer by the District Electoral Supervisor under article 20, subarticle (3), the District Electoral Supervisor shall comply with the provisions of subarticles (1) and (2) of this article even if he is not the registration officer who first refused the applicant's application.

(4) In this article, "prescribed mark", in relation to an applicant, means:

- (a) the applicant's left thumbprint; or
  - (b) if in the opinion of the registration officer it is not possible, due to a physical disability of the applicant, to obtain a left thumbprint of the applicant, or if in the opinion of the registration officer it is for any reason not possible to obtain a clear left thumb print of the applicant, an imprint:
    - (i) of the fingers of his left hand excluding the thumb; or
    - (ii) of his right thumb, if the circumstances of paragraph (a) in relation to his left thumbprint apply also in relation to the imprint of the fingers of his left hand; or
    - (iii) of the fingers of his right hand excluding the thumb, if the said circumstances apply also in relation to his right thumbprint;
- or
- (c) if, because of a physical disability of the applicant none of the imprints referred to in paragraphs (a) and (b) can be obtained, such mark as the applicant may be able to make.

#### Forwarding of documents and register of voters

22. (1) The record made under article 21, subarticle (2) shall as soon as possible be forwarded to the Chief Electoral Officer and shall be kept by him in a safe place.

*and with the  
exception of the  
provisions of 22(2), 31(4)  
shall not be forwarded to  
any other person or organization*

(2) The Chief Electoral Officer shall compile from the records referred to in subarticle (1) lists of registered voters, which shall be published in an approved form at times to be fixed by public notification.

(3) Every registered voter shall appear in at least one list published under subarticle (2).

(4) At least one copy of each list published pursuant to subarticle (2) shall as soon as is conveniently possible after its publication be provided to an office bearer specifically authorized for this purpose of each political party which has been granted official registration or provisional registration, and which has indicated to the Chief Electoral Officer that it wishes to receive such copies.

#### **Objection to retention of name on register of voters**

23. (1) Where a record has been made under article 18, subarticle (1), paragraph (d) of the fact that an agent has questioned information contained in a registered voter's application, a person (hereinafter called the objector) may, on behalf of the party represented by that agent, within 14 days of the receipt by that party of the first list of registered voters provided to that party under article 22, subarticle (4) which contains the registered voter's name, lodge with the Provincial Electoral Officer of the province for which the voter was granted registration, in accordance with the provisions of subarticle (2), a notice in the approved form (hereinafter called the notice of objection), objecting to the retention on the register of voters of the name of the registered voter in question (hereinafter called the respondent).

(2) The notice of objection shall:

- (a) state in full the grounds for the objection, including facts which, if true, would establish that the respondent was not at the time of his registration, and is not at the time of the objection, qualified for registration;
- (b) be supported and accompanied, in respect of every fact referred to in paragraph (a), by:
  - (i) a sworn statement in duplicate as to the truth of that fact, made by the person who alleges it and who would be able to testify about it at the hearing of the objection; or
  - (ii) if that fact is to be proved by the production of any document, two copies of such document certified as true copies by the person who would be able to produce that document at the hearing of the objection.

(3) If in the view of the Provincial Electoral Officer a notice of objection does not meet the requirements of subarticle (2), he shall

forthwith dismiss the objection.

(4) If in the view of the Provincial Electoral Officer a notice of objection meets the requirements of subarticle (2), he shall:

- (a) endorse on it the date and time of its receipt by him;
- (b) fix a day, time and place for the hearing of the objection which day shall be a day not later than ten days after the date referred to in paragraph (a);
- (c) make a suitable endorsement on the notice of objection to indicate that the objection will be heard at the place, on the day and at the time fixed in terms of paragraph (b);
- (d) return one copy of the notice of objection, together with one copy of any sworn statement or other document lodged with that notice, to the objector and at the same time bring the provisions of article 24 to his notice; and
- (e) hand to the objector a notice of the hearing of objection in the approved form.

*What if objection is to a previous request appear before a tribunal*

**Service of notice of objection and notice of the hearing of objection**

24. (1) The objector and the Provincial Electoral Supervisor shall take such steps as they may think best calculated to bring the objection and the time, day and place fixed for its hearing to the notice of the respondent.

(2) The objector shall lodge or cause to be lodged with the Provincial Electoral Officer not later than the time fixed for the hearing of the objection, a notice in an approved form, indicating the steps taken by the objector to comply with the provisions of this article.

**Hearing of objection**

25. (1) The objector and the respondent shall, subject to the provisions of this article and article 26, appear before the Provincial Electoral Officer at the place and the time fixed for the hearing of the objection or as soon thereafter as the Provincial Electoral Officer is able to hear the matter.

(2) Subject to the provisions of subarticles (3) and (4), the Provincial Electoral Officer may conduct the hearing of the objection in such manner as in his opinion is best calculated to enable him to arrive at a just decision in the matter.

(3) The Provincial Electoral Officer shall afford the objector and the respondent, if he is present, an opportunity to adduce such

proof, including the oral evidence of any person who is present, or make such statement as in the opinion of the Provincial Electoral Officer may assist in the decision of the matter.

(4) The Provincial Electoral Officer shall in the course of the hearing give consideration to the records and tape recordings made under article 18 at the time of the respondent's application.

(5) Without derogating from the generality of the provisions of subarticle (2), the Provincial Electoral Officer may:

(a) require the objector to call as a witness any person who made a sworn statement referred to in article 23, subarticle (2), paragraph (b), subparagraph (i), or to cause the original of a document referred to in subparagraph (ii) of the said paragraph (b) to be produced;

(b) call upon any person who is present to appear before him and require or allow such person to give such oral evidence or produce such other proof as in the opinion of the Provincial Electoral Officer may assist in the decision of the matter; and

(c) subject to the provisions of subarticle (6), postpone the hearing at any stage of the proceedings to a date fixed by him to enable the objector or the respondent to produce such proof of any matter as the Provincial Electoral Officer may require.

(6) The Provincial Electoral Officer shall not postpone the hearing for a period longer than ten days.

(7) The Provincial Electoral Officer shall keep a record of the proceedings under this article.

(8) The provisions of article 19, subarticles (10) and (11) shall mutatis mutandis apply in respect of the hearing of an objection in terms of this article.

#### Decision on objection

26. (1) A Provincial Electoral Officer may allow an objection heard by him under article 25, or may dismiss such objection.

(2) The Provincial Electoral Officer may allow an objection in the absence of the respondent if he is satisfied that the objection is well-founded.

(3) The Provincial Electoral Officer may dismiss the objection also:

(a) if the objector fails to appear before him at the time fixed under article 23, subarticle (4), paragraph (b) for the hearing of the objection, and has not notified the Provincial Electoral Officer in writing of the reason for his failure or such reason

is in the opinion of the Provincial Electoral Officer not attributable to circumstances beyond the objector's control; or

- (b) if the objector fails to appear before him at the time fixed under article 25, subarticle (5), paragraph (c) for a further hearing of the objection; or
  - (c) if the objector fails to comply with a requirement of the Provincial Electoral Officer under article 25, subarticle (5), paragraph (a); or
  - (d) if the objector withdraws or abandons the objection.
- (4) The Provincial Electoral Officer shall make a record of his decision under this article.
- (5) The decision of a Provincial Electoral Officer under this article shall be final.

*found in all cases the benefit of the doubt shall be given to the respondent.*

#### Effect of allowing an objection

27. If an objection has been allowed under article 26, the registration of the respondent shall cease to be of force and effect and the registration card issued to him shall cease to be valid.

*not that removed from list.*

#### Cancellation of registration card invalidated successful objection

28. (1) If an objection has been lodged in terms of article 23 against the retention of the name of a person on the register of voters, the person shall, unless the objection has been dismissed under article 26, surrender his registration card to the Provincial Electoral Officer to whom the objection was submitted or to any other Provincial Electoral Officer, or to any District Electoral Supervisor or registration officer:

- (a) if at any time it comes to such person's knowledge that the objection has been so lodged or has been allowed under article 26; or
  - (b) if ordered to do so by the said Provincial Electoral Officer or such other Provincial Electoral officer or such District Electoral Supervisor or registration officer.
- (2) If such person fails to comply with an order made in terms of subarticle (1)(b), the officer who made the order may seize the registration card in question or cause it to be so seized.
- (3) The Provincial Electoral Officer, District Electoral Supervisor or registration officer to whom the registration card is surrendered or who seizes it or causes it to be seized under this article shall, if he is not the Provincial Electoral Officer to whom the objection was submitted, forward the registration card without delay to that

20  
(  
Provincial Electoral Officer.

(4) If the registration card referred to in subarticle (1) is in the possession of the Provincial Electoral Officer to whom the objection was submitted, or comes into his possession at any time, he shall:

- (a) if he dismisses the objection, return that registration card to the registered voter concerned; or
- (b) if he allows the objection and that registration card ceases in terms of article 27 to be valid, cancel that registration card, and forward the cancelled registration card to the Chief Electoral Officer.

(5) The Chief Electoral Officer shall cancel every registration card which in terms of article 27 ceased to be valid if such registration card comes into his possession at any time and has not already been cancelled in terms of subarticle (4), paragraph (b) of this article.

Returns of invalid registration cards not cancelled

29. (1) A Provincial Electoral Officer who allowed an objection under article 26 shall, if he has not under article 28, subarticle (4), paragraph (b) cancelled the registration card which, as a result of the allowance of the objection in terms of article 27 ceased to be valid, advise the Chief Electoral Officer of the particulars of the registration card of the registered voter in respect of whom the objection was allowed.

Cancellation of registration card on death of registered voter

30. (1) Any person who at any time is in possession of a registration card issued to a registered voter who has died after the issue thereof, shall deliver that registration card without delay to any officer.

(2) An officer referred to in subarticle (1) shall, if he is not the Chief Electoral Officer, deliver the registration card without delay to the Chief Electoral Officer, who shall cancel it.

Amendment of register of voters

31. (1) The Chief Electoral Officer shall:

- (a) if a registration card has been cancelled in terms of article 28 or 30, annotate the register of voters accordingly;
- (b) upon receipt of advice rendered to him in terms of article 29 in respect of a registration card, cancel the registration card

*How does  
summing  
feel  
get with  
the  
cyber*

and annotate the register of voters accordingly.

(2) The Chief Electoral Officer shall, from time to time, publish lists, in the approved form, of cancelled registrations.

*Is it possible?*

(3) The Chief Electoral Officer may from time to time publish revised lists.

*- add option for P.E.O to advise P.E.O to strike name from lists (especially last minute deaths etc.)*

## Chapter VI - Allocation of seats to provinces

Determination of the numbers of seats in the Constituent Assembly to be filled in each province

*When does this take place*

32. (1) Subject to subarticle (4), the seats in the Assembly shall be allocated among the provinces in accordance with the formula:

$$X = \frac{A}{B} + C$$

in which

X represents the number of seats allocated to the province;

A represents the number of voters registered for the province;

B represents the number obtained by dividing the total number of voters registered in all the provinces by the number of seats to be allocated among the provinces (disregarding any remainder); and

C represents the value 1 if a seat is allocated to the province concerned in terms of subarticle (2), and the value 0 if no seat is so allocated to the province concerned,

and any remainder obtained in calculating the value of A/B is disregarded except for the purposes of subarticle (2), in which such remainder shall be referred to as unrepresented voters.

(2) If, when the value of A/B has been determined in terms of subarticle (1) for each province, the number of seats represented by the aggregate of all such values is less than the number of seats to be allocated, the number of seats representing the shortfall shall be allocated on the basis of one seat each to an equal number of provinces, being those provinces having the greatest numbers of unrepresented voters.

(3) If, in the application of the provisions of subarticle (2), only one seat remains to be allocated and two or more provinces have an equal number of unrepresented voters, and such provinces have more unrepresented voters than any other province that has not been allocated a seat under that subarticle, the remaining seat shall be

*10,000  
10,000  
120  
10,000 + 1 = 11*



allocated to that province with the equal number of unrepresented voters in which the number of voters registered is lowest.

(4) If the application of subarticle (1) does not result in at least one seat being allocated to each province, the following provisions shall operate:

- (a) Each province which was an unrepresented province as a result of the allocation made under subarticle (1) shall be allocated one seat.
- (b) The remaining seats shall be allocated to the remaining provinces in accordance with subarticles (1), (2) and (3).
- (c) In the application of subarticles (1), (2) and (3) for the purposes of paragraph (b), a province allocated a seat under paragraph (a) shall be taken not to exist.
- (d) If an application of this subarticle does not result in at least one seat being allocated to each province, the following provisions shall operate:

- (i) Each province which was an unrepresented province:
  - (A) as the result of the allocation made under subarticle (1); or
  - (B) as the result of any allocation made under this subarticle,shall be allocated one seat.
- (ii) The remaining seats shall be allocated to the remaining provinces in accordance with subarticles (1), (2) and (3).
- (iii) In the application of subarticles (1), (2) and (3) for the purposes of subparagraph (ii), a province allocated a seat under subparagraph (i) shall be taken not to exist.

(5) The Special Representative shall publish a notice setting out the result of the allocation made under this article.

(6) In this article, "unrepresented province" means a province which, as the result of an allocation made under this article, is not allocated any seat.

When  
No free  
Set out

## Chapter VII - The election campaign

### Objective of campaign

23

33. The objective of the election campaign shall be to enable the parties, candidates, their members and supporters to disseminate their intended policies to the voters for discussion and consideration.

#### Conduct of campaign

34. All parties, and their candidates, members and supporters shall conduct themselves during the election campaign and during polling in accordance with the rules and principles set out in this Law, and with the rules and principles set out in the Code of Conduct at Annex I, and with respect for the principles of human rights and democracy proclaimed in the Agreement.

#### Media

35. To ensure fair access to the media, including press, television and radio for all political parties contesting in the election, all newspapers and broadcasting media controlled by public authorities in Cambodia shall be made available at no cost to the Special Representative for the purpose of publicity and electoral education connected with the election.

#### Newspaper advertising

36. All newspapers controlled by public authorities in Cambodia shall accept on an equal commercial basis the campaign advertising of the registered parties for the election.

#### Broadcasting

37. All broadcasting authorities shall grant broadcasting time on the basis of an allocation determined by the Special Representative to all registered parties and their candidates for the broadcasting of their policies.

#### Mode of behaviour

38. (1) All parties and candidates in exercising their right of access to the media, shall refrain from promoting violence, deception, confusion, nor seek to undermine the secrecy of the ballot, nor use offensive language.

(2) The Special Representative may suspend the right of access to the media of any party or candidate failing to comply with this rule.

Theatres, cultural houses etc.

39. Public theaters, stadiums and other open areas and cultural houses shall be available to all parties and candidates to hold campaign meetings, rallies or demonstrations on the basis of equal charges.

#### Notification of meetings

40. All parties and candidates shall notify the District Electoral Supervisor of any planned meeting or political rally and shall comply with any direction or order of the District Electoral Supervisor made in that connection.

#### Election observers

41. The Special Representative may issue directives or make regulations governing the registration and activities of election observers or election monitoring organizations, whether national or international.

#### Campaign funds

42. (1) Every party and candidate shall keep a record of all funds received for the campaign and the source of such funds, and shall on demand make that record available to the Special Representative.

(2) The Special Representative may publish a record made available to him under subarticle (1).

#### Chapter VIII - Prevention and control of election irregularities

##### Establishment of committee

43. There is hereby established a group to ensure the prevention and control of election irregularities, to be known as the Special Representative's Electoral Advisory Committee, hereinafter referred to as "the Committee".

##### Constitution of committee

44. The Committee shall consist of three persons appointed by the Special Representative, one of whom shall be legally trained with at least 15 years' experience, who shall be Chairman, and the other two of whom shall be persons of integrity and experience who, in the opinion of the Special Representative, are by background and experience qualified to ensure the effective performance of the Committee's functions.

*and present a bank account in which all contributions are deposited and all payments are made (see para 10.1)*

*?? Wilby*

(25)

## Functions of committee

45. (1) The Committee shall, on the basis of information received by it, or complaints made to it, or on its own initiative, enquire into any matter or situation which in its view may constitute an offence under this Law, or which may involve, by any person whatsoever, an act or omission constituting intimidation, obstruction, coercion, corruption, or the publication of false information, or any other act or omission intended to or actually resulting in the obstruction or frustration of the preparation for, or the conduct of, free and fair elections in accordance with this Law.

(2) The Special Representative may refer to the Committee, for inquiry and report, any dispute, complaint, appeal or matter concerning the election.

## Inquiries by committee

46. In performing its functions under this Law, and subject to the directions of the Special Representative, the Committee may conduct any inquiry as it deems necessary.

## Powers of committee

47. (1) The Committee, in conducting such inquiry, shall have the right to:

- (a) require in writing any person to appear before it and give evidence under oath or affirmation to it; and
- (b) require in writing any person to produce any documents or objects under his control.

(2) Any person who fails to comply with a notice under subarticle (1), or who gives evidence knowing it to be false, or who willfully misleads the Committee or its staff, or who willfully interferes with the proceedings of the Committee, shall be guilty of an offence and be liable to a fine of the riel equivalent of US\$5,000.

## Natural justice to be observed

48. In conducting an inquiry, the Committee shall ensure respect for the rules of natural justice.

## Venue for inquiries

49. The Committee may hold an inquiry at any venue in Cambodia.

### Inquiries to be in public

50. The Committee shall conduct an inquiry in public unless in its opinion it is desirable that the inquiry be conducted in camera.

### Action following inquiry

51. After conducting an inquiry, the Committee shall:

- (a) inform the Special Representative of the outcome of the inquiry and make a recommendation, which may include:
  - (i) proposals for any order, directive or instruction to be made by the Special Representative to any person responsible for any act, to stop such act forthwith, or, in the case of any omission, to perform any act specified, including, if necessary, the appropriate correction of any false information;
  - (ii) proposals for any legislation or amendment to this Law; and
  - (iii) proposals for action to be taken against any person or organization which, in its view, has committed an offence under this Law; and
- (b) in the case of an inquiry arising from a complaint, inform the complainant of the outcome of the inquiry and of any recommendation it may make;

### Action by Special Representative

52. (1) After considering any recommendation of the Committee, including any proposal for the making of an order or law or the imposition of any sanction specified in this Law, the Special Representative shall take whatever action he deems necessary.

(2) The decision of the Special Representative shall be final.

### Chapter IX - The polling

#### Determination of polling days

53. (1) The Special Representative shall by public notification determine the day or days upon which the polling shall take place.

(2) The Special Representative may by further public notification amend any public notification made under subarticle (1), and may by any such amendment alter the period of the polling in respect of the whole of Cambodia, or any part of Cambodia, or any polling station.

*However except for special situations polling will be only one day in a year*

## Polling stations

54. (1) For the purpose of conveniently taking a poll of registered voters in any district there shall be as many polling stations at such places in the district concerned as may be determined by the Chief Electoral Officer.

(2) The Chief Electoral Officer may provide one or more mobile polling stations in any district or other area for the purpose of taking a poll of registered voters.

(3) A mobile polling station shall be under the general control of the relevant District Electoral Supervisor and shall for the purposes of this Law be regarded as a polling station in that district.

(4) The presiding officer in control of, and any polling official and agent for, a mobile polling station may enter upon any land with such mobile polling station and the necessary equipment for the purpose of taking a poll of registered voters on that land, or for the purposes of ascertaining whether there are any registered voters on that land.

(5) Additional polling stations may be established in any district at any time before or after the commencement of the poll.

## Furnishing of electoral material and equipment

55. (1) The Chief Electoral Officer shall furnish ballot boxes, ballot papers, ballot paper envelopes, seals and other requisites and shall do such other acts and make such arrangements to facilitate the taking of the poll as may be deemed advisable for effectively conducting the election.

(2) The Chief Electoral Officer shall cause copies to be made and supplied to each presiding officer of a list setting out the names of all persons whose registrations as voters have been cancelled.

*When?  
- it at the  
2 days prior  
to polling  
day*

## The voting compartment

56. (1) The voting compartment in or at any polling station shall be arranged so as to permit a voter to mark his vote in secrecy and shall be in a position where a person can neither enter nor leave it without being seen by the presiding officer or a polling official designated by him, and the presiding officer or such polling official shall take care that no other person shall, except in accordance with the provisions of this Law, enter the voting compartment while a voter is in it for the purpose of recording his vote.

(2) For the purposes of this Law, the expression "voting

28

compartment" shall include any place or surface in or at a polling station, that is screened off, to the satisfaction of the presiding officer, in such a manner that the voter may record his vote in secret.

#### The ballot box

57. (1) Not more than thirty minutes before the commencement of the poll on the first polling day at any polling station, the presiding officer shall:

- (a) satisfy himself that the ballot box to be used at the polling station is empty;
- (b) permit the inspection of the interior of the empty ballot box by such persons entitled in terms of article 59, subarticle (1) to attend at the polling station, and as are present; and
- (c) immediately thereafter close and seal the ballot box in accordance with the instructions issued by the Chief Electoral Officer.

(2) If for any reason it becomes necessary at any time during the polling period to use any additional ballot box at any polling station, such additional ballot box shall be made available for inspection, closed and sealed mutatis mutandis in accordance with the provisions of subarticle (1), before being made available for the deposit of ballot papers.

(3) A ballot box closed and sealed as aforesaid may not be opened, and the seal shall not be broken, except under the circumstances contemplated in this Law.

(4) At the closing of the poll on each polling day, and at any time when polling at a mobile polling station is suspended prior to its moving to another location, the presiding officer shall:

- (a) close and seal the aperture in any ballot box used at the polling station; and
- (b) break the seal and open the said aperture at the recommencement of the polling,

in accordance with the instructions issued by the Chief Electoral Officer, and in the presence of such persons entitled in terms of article 59, subarticle (1) to attend at the polling station, and as are present.

(5) All sealed ballot boxes used in or at a polling station shall be placed in a position where they can be seen at all times during polling hours at that polling station by the presiding officer or a polling official designated by him.

*Box to all  
be kept  
open by  
officers &  
polling  
agents*

*using  
recording  
a number  
seal*

*- Cont'd  
H. H. H.*

(6) The presiding officer shall be responsible for the safe-keeping of all ballot boxes used at his polling station until they are delivered to the District Electoral Supervisor.

#### Commencement and closing of the poll at polling stations

58. (1) Subject to subarticle (2), the poll shall commence and shall close on each polling day at times to be fixed by public notification.

(2) The presiding officer before closing the poll on any polling day at the time fixed under subarticle (1), shall permit every voter who at that hour is inside the polling station to record his vote.

*or written  
case  
only  
the poll  
station*

(3) Notwithstanding subarticle (1), voters may, after the commencement of the polling on the first day of polling, be permitted by the presiding officer to record their votes at a mobile polling station at any time on any polling day and at any place where such mobile polling station is, or at any place considered convenient by the presiding officer in charge of such mobile polling station.

#### Powers of presiding officers at polling stations

59. (1) The presiding officer and other officers at a polling station shall keep order thereat, shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except officers, agents entitled in terms of article 7 to attend at the polling station, and any other person authorized by or on the authority of the Special Representative or the Chief Electoral Officer.

(2) The presiding officer may order any person, excluding the persons referred to in subarticle (1) and any person recording his vote, to leave the polling station.

*In which  
case  
provide  
a  
written  
report to  
the PEO*

(3) Any person who fails to leave the polling station when so ordered in accordance with subarticle (2), shall be taken to have committed an offence and may, by order of the presiding officer, be removed therefrom.

(4) The presiding officer may take any steps that he deems necessary for the protection of himself and other officials or for stopping or preventing any violence or disturbance in or in the vicinity of the polling station.

(5) The powers conferred by this article shall not be exercised so as to prevent any voter who is entitled to vote, from having an opportunity to record his vote.

(6) In the application of this article in respect of a mobile polling station, the expression "polling station" shall include an



(30)

area indicated or demarcated by the presiding officer at any place where such mobile polling station is stationary for the purpose of taking a poll thereat, or at any place where a voter is permitted in terms of article 58, subarticle (3), to record his vote.

#### Right to vote

60. (1) Every registered voter shall be entitled to vote at the election subject to and upon compliance with this Law.

(2) A voter shall be entitled to record at the election one vote for one registered party only.

#### Place of voting

61. (1) A voter should normally vote in the province for which he is registered.

(2) A voter who wishes to vote in any province other than where he is registered, shall vote in accordance with the provisions of article 66.

#### Voting to be by secret ballot

62. (1) The voting at the election shall be by secret ballot.

(2) The ballot paper shall be in an approved form, and shall contain the names, abbreviations and distinctive symbols of the registered parties taking part in the election.

(3) The order in which the parties appear on the ballot paper shall be determined by the Chief Electoral Officer by lot.

#### Manner of voting

63. (1) The voting at any polling station shall be conducted substantially and as nearly as possible in accordance with the provisions of this article and articles 64, 65 and 66.

(2) Subject to article 66, subarticle (1), paragraph (a), no voter shall be entitled or permitted to vote, unless he produces his registration card to the presiding officer or a polling official.

(3) The presiding officer or a polling official shall ascertain:

(a) by examining, and by putting relevant questions relating to the particulars appearing on, the registration card produced to him by the voter as contemplated in subarticle (2), that:

(i) the voter is the person whose name appears on the

*Further  
the names  
of the  
parties  
shall be  
posted in  
the  
polling  
station  
to the  
first person  
on the list  
who is  
concerned  
to the  
in the*

registration card; and

(ii) the registration card is a registration card officially issued under this Law;

(b) in the manner prescribed in subarticle (4), and subject to subarticle (6), that the voter has not already voted at the election; and

(c) that the number and relevant particulars of the registration card do not appear on the list of cancelled registrations referred to in article 55, subarticle (2).

(4) The presiding officer or a polling official shall require the voter, and the voter when so required is obliged, to cause his fingers to be examined by the presiding officer or such polling official, and if upon examination none of the fingers of the voter displays the identification mark, he shall be presumed not to have already voted at the election.

(5) If upon such examination, any of the fingers of the voter displays the identification mark, the presiding officer shall give to every agent who is present an opportunity to observe such identification mark, and shall not permit the voter to vote.

(6) If any person has in terms of subarticle (5) been prohibited from voting, the presiding officer shall retain the registration card produced by him, and endorse it to the effect that such person was so prohibited.

(7) The provisions of subarticle (3), paragraph (b) and of subarticles (4) and (9) shall not apply in the case of a voter who suffers from a physical defect which, in the opinion of the presiding officer, makes the application of the said provisions impossible.

(8) Having ascertained in terms of subarticle (3) that the number and relevant particulars of a registration card appear on the list of cancelled registration cards, the presiding officer or a polling officer shall not permit the voter to vote, and shall retain the registration card produced to him and endorse it to that effect.

(9) The matters referred to in subarticle (3) having been ascertained, the voter shall, in the presence and in accordance with the instructions of the presiding officer or a polling official place the identification mark on the fingers of his left hand or of his right hand or cause it to be placed thereon by the presiding officer or such polling officer.

(10) If a voter refuses to allow the prescribed identification mark to be applied to his fingers, he shall not be issued with a ballot paper and shall be ordered to leave the polling station.

(11) When the voter has complied with the provisions of subarticle

*As per [unclear] [unclear]*

(9), the presiding officer or a polling officer shall:

- (a) hand a ballot paper to the voter; and
- (b) record in the approved manner the number of the voter's registration card.

(12) When the voter has received the ballot paper, he shall:

- (a) take it to the voting compartment;
- (b) indicate the registered party for which he desires to vote by secretly placing a cross on the ballot paper opposite the entry on it of the name, abbreviation and distinctive symbol of that registered party;
- (c) fold the ballot paper in such manner that the names, abbreviations and distinctive symbols of the registered parties and the cross made by him are not visible;
- (d) display the ballot paper to the presiding officer or a polling official designated by him; and
- (e) drop the ballot paper into the ballot box placed in front of the presiding officer or such polling officer.

Mark as prescribed by the CEO

(13) In this article, "identification mark" means the mark approved by the Chief Electoral Officer for the purpose of the identification of a voter who has voted at the election.

#### Voter who cannot read or is incapacitated

64. (1) Any voter who is not able to read shall, in accordance with the instructions of the Chief Electoral Officer, be instructed by the presiding officer or a polling official in the manner of voting.

(2) If the registration card produced by a voter to the presiding officer or a polling officer does not bear a signature of the person to whom it was issued, the presiding officer or such polling officer may ask the voter whether he desires to be instructed in the manner of voting, and if the voter replies in the affirmative, such voter shall for the purposes of subarticle (1) be deemed to be a voter who is not able to read.

(3) At the request in person of a voter who is incapacitated by blindness or other physical cause from voting, the presiding officer may permit such voter to vote with the assistance of any person of his choice, and upon such permission being granted anything which by article 63, subarticle (13) is required to be done by the voter, may be done with the assistance of such person.

(4) The secrecy of the voting shall as far as possible be preserved in the application of the provisions of this article.

(5) A person other than an officer shall not provide assistance under subarticle (3) to more than one person.

#### Objection by agent

65. Any agent present at a polling station may, in the manner prescribed by, and in accordance with the instructions of the Chief Electoral Officer, object to any voter who wishes to vote, on the ground that:

- (a) the registration card produced by the voter is not a registration card officially issued under this Law; or
- (b) the voter is not the person whose name appears on the registration card.

#### Tendered ballots

66. (1) If:

- (a) a voter cannot produce a registration card;
- (b) a voter wishes to vote in any province other than the province for which he is registered as a voter;
- (c) a voter's name is on the list referred to in article 55, subarticle (2); or
- (d) any presiding officer or polling official is satisfied, taking into account any objection made by an agent, that:
  - (i) the registration card produced by a voter is not a registration card officially issued under this Law; or
  - (ii) a voter is not the person whose name appears on the registration card produced by him,

that voter shall be required to record a tendered ballot.

(2) A voter required to record a tendered ballot shall vote in the same manner and subject to the same requirements as any other voter except that:

- (a) the presiding officer or polling official shall make a record in the approved form of the voter's particulars, on which record the voter shall place his signature or prescribed mark;
- (b) the ballot paper (hereinafter referred to as a tendered ballot paper) shall be sealed in an envelope marked "tendered ballot paper", on which the presiding officer or polling official shall write the name of the province for which the voter is registered; and

*\* sealed  
in an  
envelope  
marked  
"tendered  
ballot  
paper"  
and place  
in a  
second  
envelope  
marked*

(c) that envelope shall be handed to the presiding officer or polling official, who shall place it, together with the record referred to in paragraph (a), in a covering envelope which shall be closed and placed in the ballot box.

(3) In subarticle (2), "prescribed mark" has the same meaning as in article 21.

### Spoiled ballot papers

67. If a voter spoils any ballot paper inadvertently, he may return it to the polling official concerned who, if satisfied of such inadvertence, shall:

- (a) give the voter another ballot paper;
- (b) retain the spoiled ballot paper which he shall immediately cancel and endorse with the word "spoiled"; and
- (c) forthwith record on the counterfoil of the spoiled ballot paper the fact that it has been cancelled pursuant to paragraph (b).

### Sealing of ballot boxes and other election material by presiding officer

68. (1) Immediately after the close of the poll on the last polling day at any polling station, the presiding officer shall, in the presence of such agents as may be in attendance, make up into separate packets, sealed with his own seal:

- (a) each ballot box entrusted to him, unopened;
- (b) the unused or spoiled ballot papers and the counterfoils of used or spoiled ballot papers;
- (d) the registration cards in respect of which no ballot papers were issued and which were retained under article 63, subarticle (6) or (8),

and shall mark each packet and deliver the packets to the District Electoral Supervisor without delay, or cause them to be so delivered, in accordance with the instructions of the Chief Electoral Officer.

(2) The packets shall be accompanied by a separate statement in an approved form in which the presiding officer accounts for the ballot papers entrusted to him.

### Chapter X - Determination of the election result

(34)  
all  
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in para  
Seal the  
second  
envelope  
& place  
it in  
the ballot  
box

add  
In case  
(c) right of  
refusal  
by polling  
official of  
more than  
one registered  
ballot

Numbered  
seal

and  
record  
the number  
of persons  
who vote

Notice of place and time for determining result of the poll

69. The Chief Electoral Officer shall inform each registered party of any place (including the places in all the districts) where the result of the poll or any part thereof will be determined and on the day upon which and the time at which the determination is to be commenced.

Verification of ballot paper account by electoral officer

70. (1) After receiving the packets referred to in article 68, subarticle (1), the District Electoral Supervisor shall examine whether the seals of the packets are in order and give any agents of registered parties who are present an opportunity to do the same, and shall thereafter open all the packets.

(2) The District Electoral Supervisor shall separately verify each presiding officer's ballot paper account referred to in article 68, subarticle (2) by comparing it with the contents of the packets received from each polling station concerned, and shall for that purpose open all the ballot boxes from each polling station and cause the ballot papers contained in them to be counted.

(3) If there appears to be any discrepancy in the verification of the ballot paper account referred to in subarticle (2), the Chief Electoral Officer shall in writing be informed accordingly.

*different actions re different discrepancy  
large & small?*

Despatch of tendered ballots for processing

71. The District Electoral Supervisor shall extract from the ballot boxes forwarded to him all envelopes containing tendered ballot papers, and forward them without delay to the Chief Electoral Officer.

*Verify that  
the number  
of ballots  
in the  
box corresponds  
with  
number of  
persons  
who voted  
to ballot all  
ballots in  
box +  
spoiled  
stubs*

Counting of votes in district

72. (1) After the provisions of articles 70 and 71 have been complied with, the District Electoral Supervisor shall:

(a) sort the ballot papers, with regard to the provisions of subarticles (3) and (4), on the basis of the registered parties in respect of which the votes were recorded; and

(b) count the votes recorded in respect of each registered party.

(2) When all the votes in respect of all the polling stations in the district have so been counted and the number of votes recorded for a registered party has been determined in the district concerned, the District Electoral Supervisor shall as soon as practicable and in accordance with the instructions of the Chief Electoral Officer, inform the Chief Electoral Officer of the number

of votes recorded in that district for each registered party.

(3) The District Electoral Officer shall reject and not count any ballot paper:

- (a) which records votes to more than one registered party; or
- (b) in respect of which he has reasonable grounds to believe that it has not been officially issued to a voter in terms of article 63, subarticle (11); or
- (c) which is unmarked or on which it is impossible to determine with certainty for which registered party the ballot is cast.

(d) which contains a mark or writing which would tend to identify voter.

(4) The District Electoral Supervisor shall not reject but shall count any ballot paper on which there is a mark or writing, by means of which a voter has clearly indicated his choice otherwise than by a cross on the ballot paper concerned.

(5) The rejection or acceptance of any ballot paper by the District Electoral Supervisor under the provisions of this article shall be final.

(6) The District Electoral Supervisor shall endorse the word "rejected" on any ballot paper finally rejected in terms of this Law.

(7) When the District Electoral Supervisor has complied with the provisions of this article, he shall as soon as practicable enclose in separate packets:

- (a) all counted ballot papers;
- (b) all rejected ballot papers; and
- (c) the unused or spoiled ballot papers and the counterfoils of used or spoiled ballot papers,

and shall seal such packets and cause them to be delivered to the Chief Electoral Officer.

#### Verification of tendered ballot paper account

73. (1) On receiving the packets referred to in article 71 from any district, the Chief Electoral Officer shall take charge of them, examine whether the seals are in order and give any agents of registered parties who are present, an opportunity to do the same and shall thereafter open all the packets.

(2) The Chief Electoral Officer shall verify each presiding officer's tendered ballot paper account by comparing it with the contents of the packets.

(3) When the preceding provisions of this article have been complied with, the Chief Electoral Officer shall cause the covering envelopes containing the tendered ballot paper envelopes and accompanying tendered ballot records to be replaced into the packet from which they were taken and shall close and seal that packet.

Examination of tendered ballot records accompanying tendered ballot papers

74. (1) As soon as practicable after the provisions of article 73 have been complied with, the Chief Electoral Officer shall open the packets and remove the tendered ballot record from each covering envelope containing the ballot paper envelope unopened, and shall cause the covering envelope to be destroyed and the tendered ballot record to be examined and to be compared with the register of voters or any extract of that register prepared for that purpose.

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re present

(2) If, upon such examination and comparison:

(a) it is found that:

- (i) the voter's registration has been cancelled; or
- (ii) no record of the voter's registration can be traced; or

(b) the Chief Electoral Officer is satisfied that:

- (i) the registration card produced by the voter at the polling station was not a registration card officially issued under this Law; or
- (ii) the person named in the tendered ballot record is not the person to whom the tendered ballot was issued,

the ballot paper contained in the tendered ballot paper envelope accompanying the record shall be rejected and not be counted.

and  
ballot  
eventually destroyed

(3) In deciding any question that arises in the application of the provisions of subarticle (2)(b), the Chief Electoral Officer shall exercise the discretion vested in him in such a manner that, as far as possible, no vote shall be rejected merely because a person who holds or at any time held any appointment or designation under this Law failed to perform or properly to perform any duty or function which he was required to perform in terms of any provision of this Law, and for that purpose the Chief Electoral Officer may take into consideration, and make enquiries as to, any information or any circumstances, occurrence or fact which in his opinion is relevant to the decision of that question.

(4) Each tendered ballot paper envelope containing a ballot paper which is not rejected in terms of this article shall be placed in a ballot box.



(5) All tendered ballot records accompanying those envelopes referred to in subarticle (4) shall be removed.

(6) The ballot box containing tendered ballot paper envelopes shall be sealed and be kept in a safe place until it shall be opened in terms of this Law.

**Counting of votes in respect of tendered ballot papers and determination of result of the poll in the election**

75. (1) When the provisions of the preceding articles have been complied with in respect of all the tendered ballots recorded by voters registered for a particular province, the Chief Electoral Officer shall:

- (a) remove from the ballot boxes all tendered ballot paper envelopes containing ballot papers not rejected in terms of the preceding provisions of this Law which were recorded by voters registered for the province;
- (b) open each such envelope and take out the ballot paper contained in it;
- (c) remove and destroy all the envelopes so opened;
- (d) sort the ballot papers, with regard to the provisions of subarticle (3), on the basis of the registered parties in respect of which the votes were recorded;
- (e) count the votes recorded in respect of each registered party; and
- (f) determine, on the basis of that count and the advices received pursuant to article 72, subarticle (2), the number of votes recorded in respect of each registered party in the province.

(2) The Chief Electoral Officer shall reject and not count any tendered ballot paper:

- (a) which records votes to more than one registered party; or
- (b) in respect of which he has reasonable grounds to believe that it has not been officially issued to a voter in terms of article 63, subarticle (11); or
- (c) which is unmarked or on which it is impossible to determine with certainty for which registered party the ballot is cast.

(3) The Chief Electoral Officer shall not reject but shall count any ballot paper on which there is a mark or writing, by means of which a voter has clearly indicated his choice otherwise than by a cross on the ballot paper concerned.

*Handwritten notes:*  
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*Handwritten note:*  
which  
identifies  
the voter

(4) The rejection or acceptance of any ballot paper by the Chief Electoral Officer under the provisions of subarticle (2) or (3) shall be final.

Recounts

76. At any time prior to the announcement of the result of the election in a province under article 79, the Chief Electoral Officer may direct a recount of any ballot papers cast by registered voters for the province.

*on his own initiative or on a request for a recount by a registered political party*

Constitution of Assembly

77. (1) The Assembly shall consist of 120 members who shall be persons nominated by the registered parties elected for that purpose at the election held in accordance with the provisions of this Law, and declared as duly elected pursuant to article 79, subarticle (1), paragraph (b).

*shall only be*

(2) If any member duly elected pursuant to article 79, subarticle (1), paragraph (b) dies or resigns or otherwise becomes unable to serve as a member during the term of the Assembly, the candidate whose name appears on the list of candidates on which the name of the member appeared next after the last of the party's candidate duly elected from that list shall be declared duly elected.

(3) If for any reason subarticle (2) cannot be applied, a person whose name did not appear on a party's list of candidates shall not be substituted for a member who has died, resigned or otherwise become unable to serve as a member, and in such a case the seat vacated shall remain vacant until the end of the term of the Assembly.

Determination of number of candidates of registered party to be declared duly elected

78. (1) When all the votes for a province have been counted and the number of votes recorded for a registered party in the province at the election has been determined, the Chief Electoral Officer shall determine in the manner hereinafter provided, the number of candidates of that registered party, if any, to be declared in terms of article 79, subarticle (1), paragraph (b) to be duly elected as members of the Assembly in the province.

(2) For the purpose of calculating the said number of candidates, a quota of votes for one candidate shall be determined by dividing the total number of <sup>\*</sup>votes recorded for all the registered parties at the election in the province, by the number of seats to be filled in the province, while any remainder obtained in calculating the value of the quota in question shall be disregarded.

*\* Valid Votes*

40

(3) The said number of candidates shall be calculated in accordance with the formula:

$$X = (A/B) + C$$

in which:

X represents the said number;

A represents the number of votes recorded for the registered party concerned;

B represents the appropriate quota determined in terms of subarticle (2);

C represents the value 1 if a candidate is allocated to the registered party concerned in terms of subarticle (4), and the value 0 if no candidate is so allocated to the registered party concerned,

and any remainder obtained in calculating the value of (A/B) is disregarded except for the purposes of subarticle (4), in which such remainder shall be referred to as unallocated votes.

(4) If, when the value of (A/B) has been determined in terms of subarticle (3) for each registered party, the number of candidates represented by the aggregate of all such values is less than the number of seats required to be filled as aforesaid, the number representing the shortfall shall be allocated on the basis of one candidate each to an equal number of registered parties, being those registered parties having the greatest numbers of unallocated votes.

(5) If, in the application of the provisions of subarticle (4), only one seat remains to be allocated and two or more registered parties have an equal number of unallocated votes, and such registered parties have more unallocated votes than any other registered party that has not been allocated a seat under that subarticle, the remaining seat shall be allocated to that registered party with the equal number of unallocated votes that has received the lowest total number of votes in the election in the province.

#### Announcement of result of election

79. (1) As soon as possible after the provisions of article 78 have been complied with in relation to a province in respect of all the registered parties, the Chief Electoral Officer shall thereupon announce the result of the election in the province by:

- (a) making known the total number of votes counted and the appropriate quota determined in terms of that article and, in respect of each registered party, the number of votes recorded for it and the number of candidates, if any, determined in its case in terms of that article; and

(b) declaring the candidates on the list of candidates of each registered party in whose case a number of candidates has been determined as aforesaid, in the order (starting with the name at the top of the list) in which their names appear on the list and up to the number determined in the case concerned; to be duly elected as members of the Assembly.

(2) If there appears on any list of candidates the name of a person who died or was found not to be a qualified person in relation to the Assembly on or before the date of the declaration contemplated in subarticle (1)(b), that name shall for the purposes of that paragraph be deemed not to appear on the list in question.

#### Publication of result of election

80. The Chief Electoral Officer shall cause a notice of each announcement made by him in terms of article 79 and the particulars contained in the announcement, to be published.

#### Chapter XI - Offences and penalties

##### Offences relating to voter registration

81. (1) A person shall not:

*Physical party?*

(a) whether himself or through an intermediary and whether directly or indirectly, with intent to dissuade, discourage or prevent any other person from causing himself to be registered as a voter, irrespective of whether such other person is qualified for such registration or is not so qualified, or with intent to obtain unlawfully the possession of a registration card issued to any other person:

(i) use or threaten to use violence against the person or his next of kin or property of any person or his next of kin; or

(ii) do or omit to do, or threaten to do or omit to do anything, whether lawful or unlawful, to the loss, detriment, disadvantage or prejudice of any person or his next of kin; or

(b) whether himself or through an intermediary and whether directly or indirectly advise, encourage, instigate or incite any other person, or the persons present at any assembly of persons, not to cause him or themselves to be registered as a voter or as voters, irrespective of whether such other person or any person so present is qualified for such registration or is not so qualified; or

(c) during the hours whereupon voters may be registered, do any

(142)  
no prov. for Restrictive Campaign period

canvassing of persons to register or erect any poster or structure or use any form of loudspeaker, other than for purposes related to the administration of the election, or organise any procession of or demonstration by persons or participate therein, nearer than 100 metres from any room, office or place where the registration of voters occurs; or

- (d) with intent to defraud duplicate, copy, forge, falsify or fabricate registration card or any document purporting to be a registration card, or utter or be in possession of any document so duplicated, copied, forged, falsified or fabricated; or
- (e) not being an officer acting within the course of his duties under or for the purposes of this Law, purport to issue a registration card or destroy, mutilate or deface any registration card or, except in accordance with the provisions of this Law, place any writing or mark on any registration card; or
- (f) be found in possession of a registration card not issued to him, without being able to give a satisfactory explanation for his possession of it, or be found in possession of more than one registration card issued to him; or
- (g) being a registered voter, apply for registration as a voter in terms of this Law or, after having ceased in terms of article 26 to be a registered voter, apply as aforesaid without being qualified for registration or induce or procure any other person to apply for registration or to register in fact as a voter knowing such other person or himself not to be authorized by this Law to be so applying or to be so registered; or
- (h) obstruct, hinder or interfere with any officer in the performance of his duties or functions or the exercise of his powers under this Law; or
- (j) without being authorized thereto remove any document from any place where it is kept in terms of any provision of this Law or destroy, mutilate, deface, place any writing or mark upon or otherwise interfere with any document so kept in such place or any document, form, paper, instrument or other thing used for or required in connection with the carrying out of any such provision; or
- (k) in or for the purpose of any application made to a registration officer or any proceedings before a Provincial Electoral Officer or District Electoral Supervisor make a false statement knowing it to be false or not believing it to be true; or
- (l) when required by a District Electoral Supervisor under article 19, subarticle (8), paragraph (a) or a Provincial Electoral Officer under article 25, subarticle (5), paragraph (b), to appear before him, fail to do so, or, having so appeared, fail to answer fully and truthfully any question put to him or to

produce any thing that he has with him; or

- (m) fail to comply with the provisions of article 30, subarticle (1).

#### **Infringement of secrecy**

82. (1) Every officer or agent present at a polling station shall maintain, and aid in maintaining, the secrecy of the voting at that polling station, and shall not communicate to any person any information likely to defeat the secrecy of the voting.

(2) Except as determined by this Law, no person shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at a polling station information as to the registered party for which any voter at that polling station is about to vote or has voted, or communicate at any time to any person any information obtained at a polling station as to the registered party for which any voter at such polling station is about to vote or has voted.

(3) No person shall, directly or indirectly, induce any voter to display his ballot paper, after he has marked it, in such a manner as to make known to any person the name of the registered party for which the voter has marked his vote.

(4) Every person present at the determination of the result of the poll shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to ascertain at such determination, or communicate, any information obtained at such determination as to the manner in which any particular person marked his ballot paper.

(5) No person present at the counting of votes shall communicate to any other person any information obtained at such counting about the registered party in respect of which a vote has been recorded in any spoiled ballot paper.

(6) Except under the provisions of article 64, no person shall attempt to ascertain, or directly or indirectly assist in ascertaining, for which registered party any voter has recorded his vote.

(7) Any person who, in the carrying out of his duties under this Law, has obtained any knowledge as to the registered party for which any person has recorded his vote, shall not disclose such knowledge.

(8) No person shall, except with due authority, break the seal of a sealed packet or open such a packet.

#### **Neglect of duty**

83. An officer, after having accepted an appointment as such, shall

44

not wilfully fail to perform any of the duties which he is required to perform in terms of the provisions of this Law or instructions issued by the Chief Electoral Officer.

#### Disturbance of proceedings and obstruction of officers

Party?

84. A person shall not:

- (a) wilfully obstruct or disturb any proceedings under this Law at a polling station or obstruct or interfere with an officer in the exercise of his powers or the performance of his duties and functions under this Law; or
- (b) on any polling day do any canvassing for votes or erect any poster or structure, other than for official purposes, nearer than 100 metres from the polling station; or
- (c) on any polling day use any form of loudspeaker, other than for official purposes, or organize any procession of or demonstration by persons or participate therein.

#### Undue influence

85. A person shall not, directly or indirectly, by himself or by any other person:

- (a) make use or threaten to make use of any violence, force or restraint, or inflict or threaten to inflict any bodily or psychological injury, damage, hazard or loss, upon or against, or do or threaten to do anything to the disadvantage of, any person or his next of kin in order to induce or compel any person to vote or to refrain from voting at the election, or on account of any person having voted or refrained from voting at the election; or
- (b) by any such means as aforesaid or any fraudulent device or contrivance induce, compel or prevail upon any voter to vote or refrain from voting at the election or to vote in favour of a particular registered party, or impede, hinder or prevent the free exercise of the franchise by any voter at the election.

#### Bribery

86. (1) A person shall not ask for, receive or obtain, or offer or agree to ask for, or receive or obtain, any property or benefit of any kind, whether for the same or any other person, on an understanding that:

- (a) any vote of the first-mentioned person;
- (b) any candidature of the first-mentioned person;

- (c) any support of, or opposition to, a candidate or a political party by the first-mentioned person; or
- (d) the doing of any act or thing by the first-mentioned person the purpose of which is, or the effect of which is likely to be, to influence the vote of a registered voter,

will, in any manner, be influenced or affected.

(2) A person shall not, in order to influence or affect:

- (a) any vote of another person;
- (b) any candidature of another person; or
- (c) any support of, or opposition to, a candidate or a political party by another person; or
- (d) the doing of any act or thing by another person the purpose of which is, or the effect of which is likely to be, to influence the vote of a registered voter,

give or confer, or promise or offer to give or confer, any property or benefit of any kind to that other person or to a third person.

(3) This article does not apply in relation to a declaration of public policy or a promise of public action.

#### Impersonation

87. A person shall not:

- (a) apply for a ballot paper in the name of some other person living or dead or of a fictitious person and record a vote in the name of any such person; or
- (b) having voted once in the election, apply again for a ballot paper; or
- (c) submit any statement under this Law containing any information or allegation which he knows to be false.

#### Corrupt procurement or withdrawal of candidature

88. A person shall not:

- (a) corruptly induce or procure any other person to become a candidate or to withdraw as a candidate in the election in consideration of any payment or promise of any nature; or
- (b) become a candidate or withdraw as a candidate in the election as a result of inducement or procurement provided in paragraph



(46)

*knowing*

- (a); or
- (c) for the purpose of promoting or securing the election of another candidate or registered party, before or during the election, ~~to~~ publish a false statement of the withdrawal of a registered party or the death or withdrawal of a candidate from such election, knowing such statement to be false.

**Offences relating to voting procedures and polling stations and equipment**

89. (1) A person shall not:

- (a) for the purpose of having a ballot paper issued to him, knowingly produce to any officer a registration card issued to or in the name of some other person, living or dead, or a fictitious person, or a registration card which has been altered with intent to deceive, or any document purporting to be but not being a registration card; or
- (b) having previously voted at the election, vote again or produce to any officer for the purpose to have a ballot paper issued to him, a registration card, whether issued to him or in the name of some other person, living or dead, or a fictitious person, or any document purporting to be but not being a registration card; or
- (c) forge or counterfeit or fraudulently destroy any ballot paper or the official mark on any ballot paper; or
- (d) without due authority supply any ballot paper to any person; or
- (e) fraudulently place into any ballot box any paper other than a ballot paper issued to him in terms of this Law or into any tendered ballot paper envelope any paper other than a ballot paper so issued to him; or
- (f) fraudulently take out of any polling station any ballot paper or ballot paper envelope; or
- (g) without due authority destroy, take, open, use or otherwise interfere with any ballot box, voting compartment, instrument, form, document or other equipment used or intended for use at any polling station; or
- (h) cause a disturbance at any polling station, or disobey any lawful order given by an officer at any polling station; or
- (j) without lawful authority destroy, mutilate, deface or remove any notice exhibited under this Law.

**Penalties**

90. (1) Any person other than a staff member of the United Nations who, or party or other authority which, fails to comply with any provision of this Law shall be liable, on proof of such failure, to:

- (a) a fine not exceeding the riel equivalent of US\$5,000; or
- (b) imprisonment for a period not exceeding 12 months.

(2) Where an offender is a registered voter or a person qualified to apply for registration, the Special Representative may in addition order the cancellation of the offender's registration, or declare definitively that the person may not apply for registration, as the case may be.

(3) Where an offender is a political party, the Special Representative may in addition:

- (a) where the political party is officially registered or provisionally registered, deregister the party; or
- (b) in any other case, declare definitively that the party may not apply for registration.

(4) Where an offender has been included in a party's list of candidates, the Special Representative may in addition declare definitively that the offender shall no longer be a candidate.

*temporarily suspended the rights of the party*  
*also declare here with violation of the Code of Conduct*

### Chapter XII - Miscellaneous

#### Voter not required in proceedings to disclose his vote

91. No person who voted at the election shall be required in any proceedings of any kind to declare for which registered party he voted.

#### Unforeseen circumstances etc.

92. Where in the opinion of the Special Representative, by reason of any mistake, miscalculation, emergency or unusual or unforeseen circumstance, a situation exists for which no provision is made under this Law, he may make such appointments or give such directions as he deems proper and appropriate, and anything done in compliance with any such direction shall be final.

Annex I - Code of Conduct

1. All persons, officially and provisionally registered parties, their candidates, members and supporters shall abide by this Code of Conduct for the election campaign, which elaborates and supplements the election norms set out in the election law.

2. The essence of free and fair elections is the freedom to campaign. All parties are entitled to put their political ideas and principles before the voters without fear. Equally, all parties have the responsibility to respect the freedom to campaign of others.

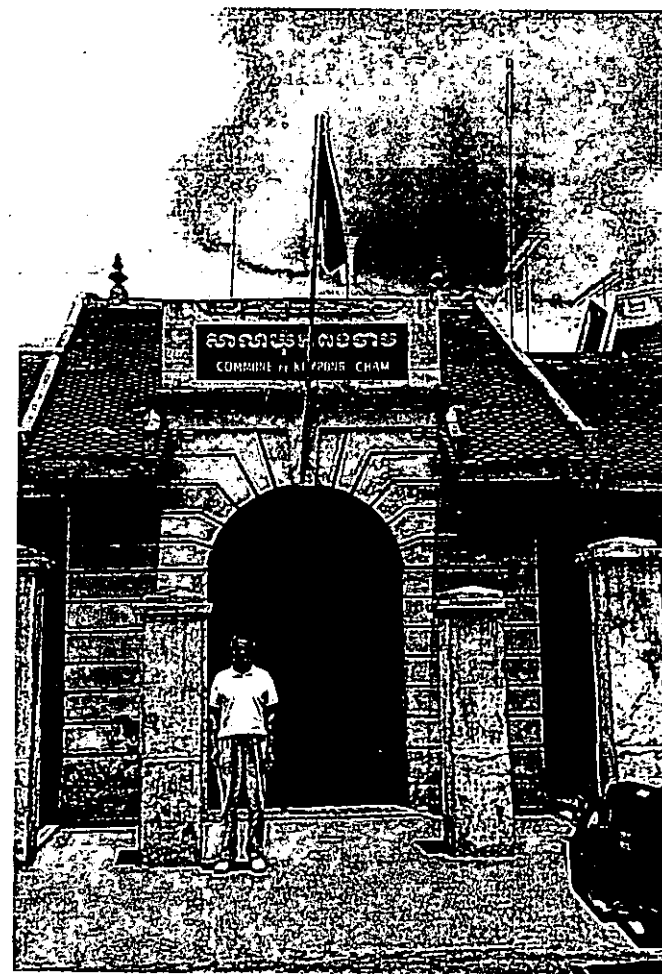
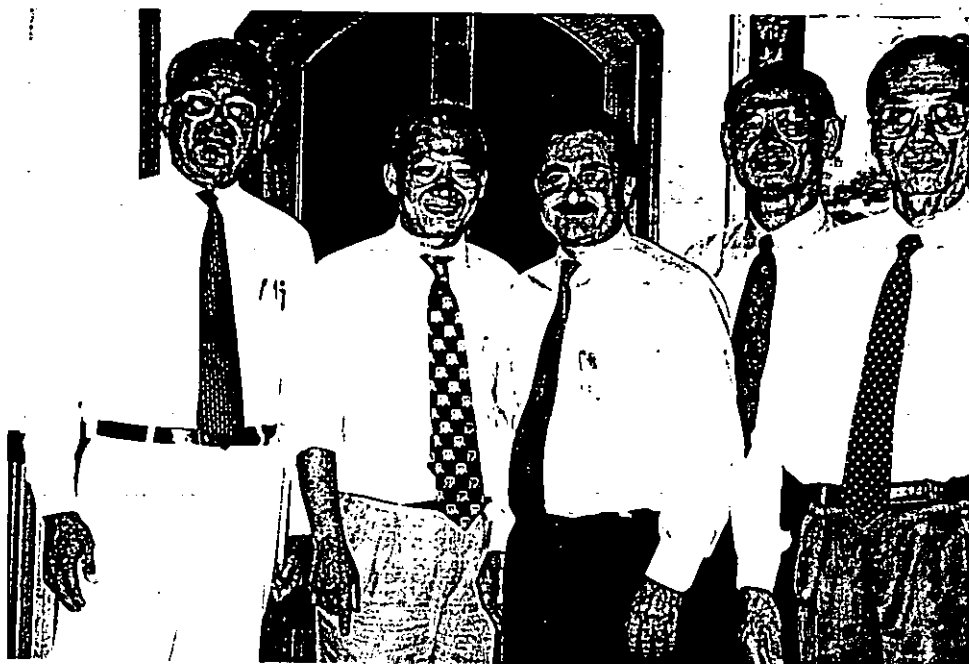
3. In particular, all registered parties, their candidates, members and supporters shall undertake and subscribe to the following Code:

- (1) Intimidation, in whatever form, is forbidden and shall be forbidden by party directives, manuals and instructions.
- (2) The possession or use of any weapon of any kind, or of any instrument capable of use as a weapon at any political rally, meeting, march or demonstration is forbidden and will be forbidden by party directives, manuals and instructions.
- (3) Parties and candidates shall inform the local election authorities of any planned meetings or political rallies, and in order to avoid possible conflict, comply with all directions or orders relating to such meetings, issued by the authorities.
- (4) Parties will take all possible and practical steps to avoid a coincidence in time and place of one another's meetings, rallies, marches or demonstrations and will cooperate in applying this principle in good faith should any such coincidence occur.
- (5) Parties and candidates shall at all times avoid, in speeches, broadcasts, pamphlets, newsletters, press statements, posters, the party platform, campaign advertisements or otherwise, using inflammatory language or language which threatens or incites violence in any form against others.
- (6) Parties, their candidates, members and supporters shall not disrupt the meetings, marches or demonstrations of other parties.
- (7) Parties, their candidates, members and supporters shall not obstruct other persons from attending the meetings, marches, or rallies of other parties.
- (8) Parties, their candidates, members and supporters shall not plagiarize the symbols of other parties nor steal, destroy or disfigure the political or campaign materials or posters of



## **APPENDIX D**

### **Photographs**

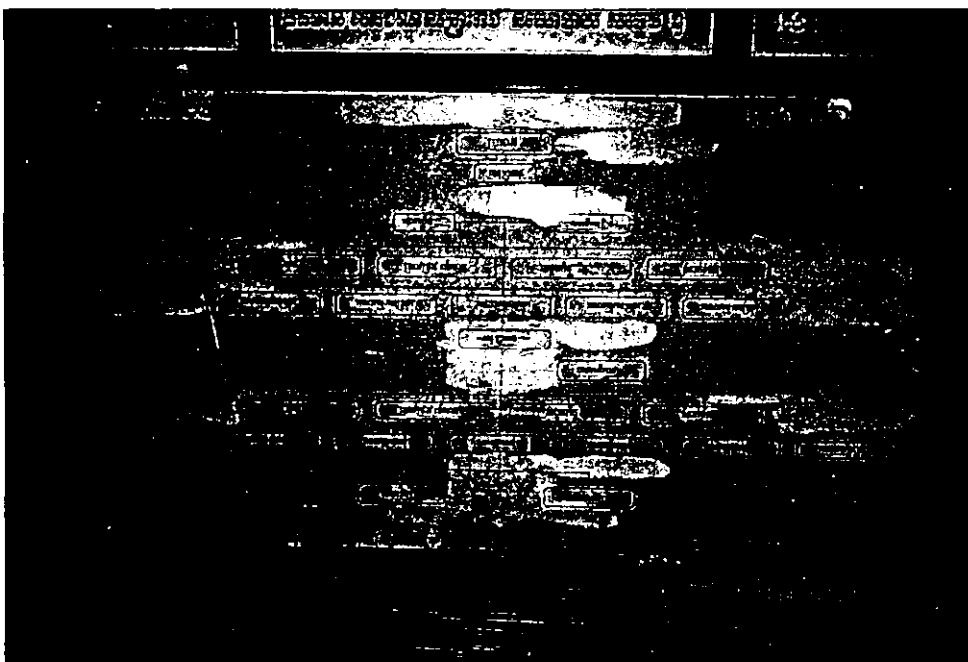


Cambodia, July 1995

*Top left:* Sos Kem (L) and Paul DeGregorio (ctr) with three members of the election law drafting committee

*Left:* IRI Seminar in Kampong Cham

*Top:* Sos Kem in front of Kampong Cham Khum office



Cambodia, July 1995

- Top left:* CPP Headquarters in Kampong Cham  
*Left:* Diagram of local Party structure found on wall in  
 FUNCINPEC headquarters in Kampong Cham  
*Top:* FUNCINPEC headquarters in Kampong Cham



Cambodia, July 1995  
Cambodian Life

*Top left:* Students learn at a Phnom Penh School  
*Left:* Deep fried Tarantulas are sold on the street  
*Top:* Patients at a rural hospital facility



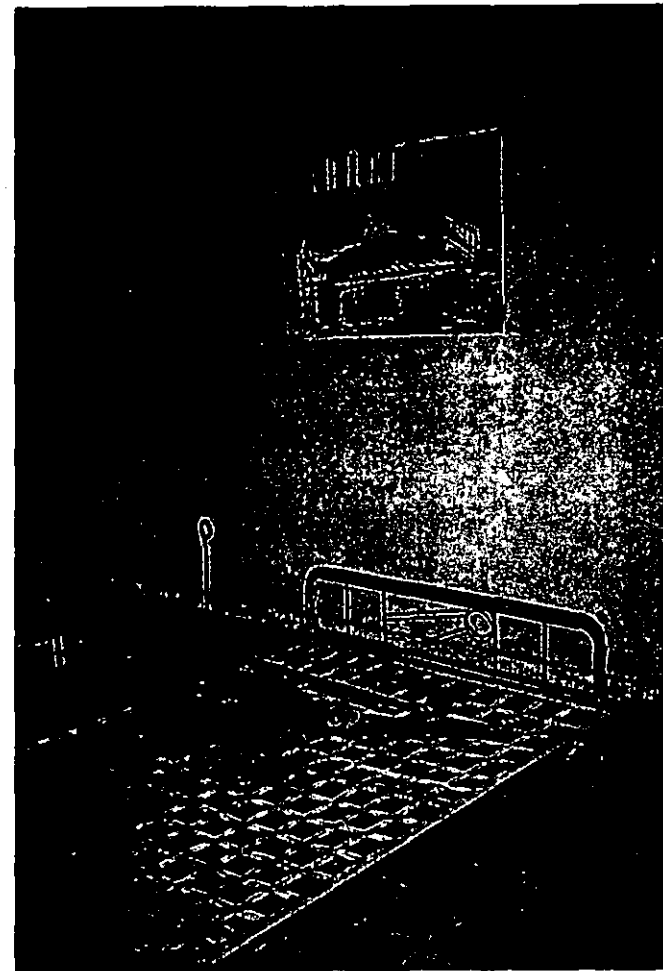
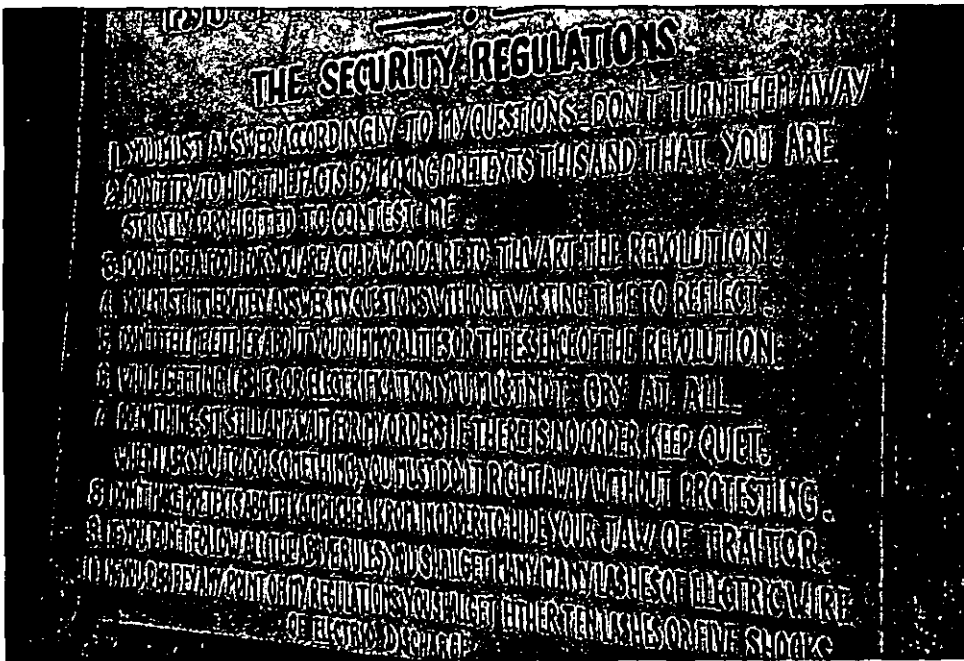
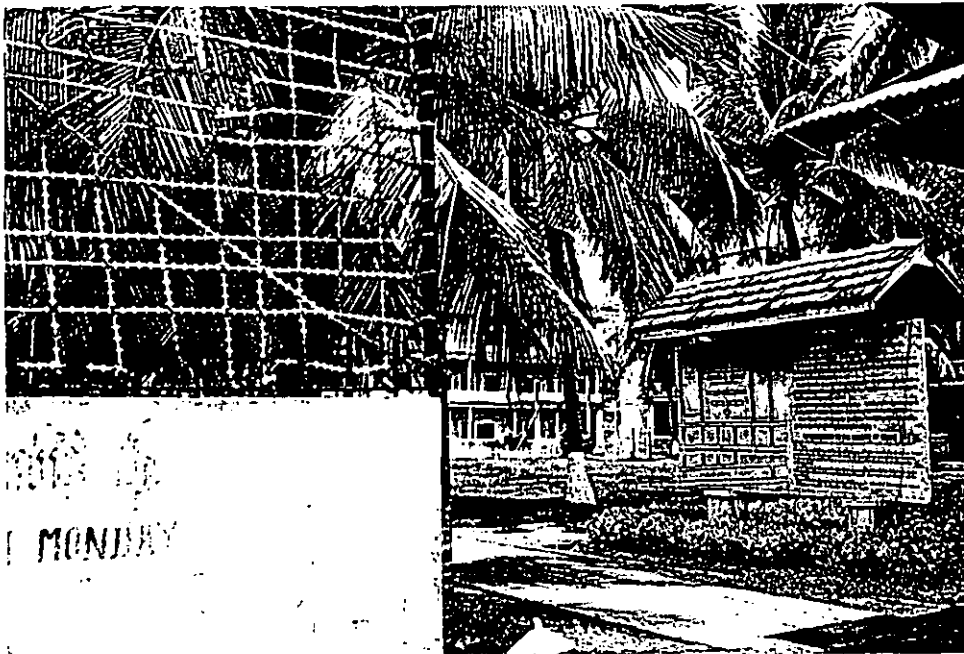


Cambodia, July 1995  
Cambodian Citizens

*Top left:* Typical rural family in front of their home

*Left:* The faces of rural Cambodia

*Top:* A meal is prepared at party headquarters



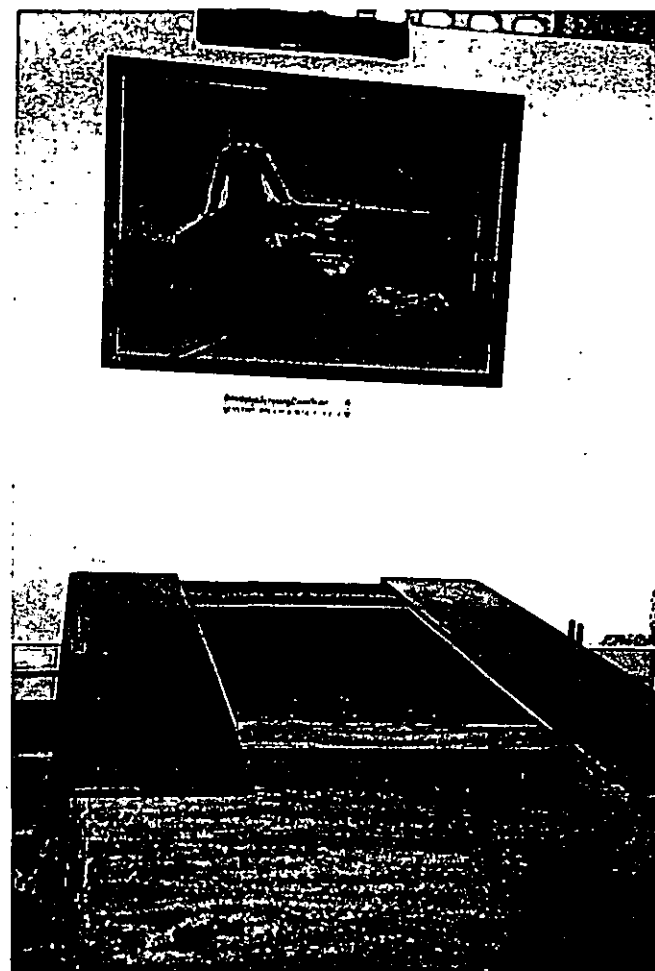
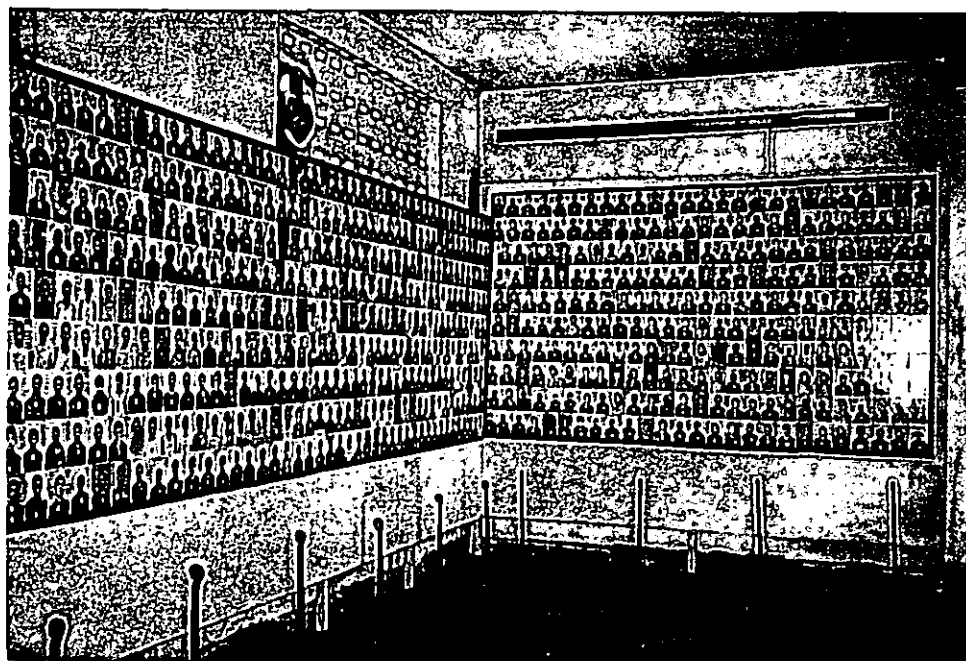
Cambodia, July 1995

Photos from the "Museum of Crime"-Phnom Penh

Top left: The entrance to the compound

Left: Security Regulations for those kept at this facility

Top: One of the several devices used to torture and kill



Cambodia, July 1995

Photos from the "Museum of Crime"-Phnom Penh  
*Top left:* Skull and bone remains of the victims of the  
 Khmer Rouge holocaust (in the shape of Cambodia)

*Left:* Photos of the victims killed on this compound

*Top:* One of the several devices used to torture and kill

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