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REPORT ANALYZING THE UNTAC CAMBODIA ELECTION PLAN

Submitted to the Agency for International Development

Prepared by Richard W. Soudriette, Director

INTERNATIONAL FOUNDATION FOR ELECTORAL SYSTEMS

June, 1992

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LIST OF ACRONYMS & TERMS

- AGREEMENT- Agreement on a Comprehensive Political Settlement of the Cambodia Conflict
- CRPO - Chief Registration & Polling Official
- DCRPO - Deputy Chief Registration & Polling Official
- DEO - District Election Office
- DPEO - Deputy Provincial Electoral Officer
- IFES - International Foundation for Electoral Systems
- KHUM - Commune
- NGO - Non-governmental Organization
- PEO - Provincial Electoral Officer
- UNDP - United Nations Development Program
- UNTAC - United Nations Transitional Authority in Cambodia

EXECUTIVE SUMMARY

The temples of Angor Wat in Northwestern Cambodia tower as silent sentinels of a bygone era of the great Khmer civilization. They are important symbols of pride for the people of Cambodia who have endured untold agonies over the last three decades.

Despite suffering from years of constant war, civic strife, turmoil and holocaust, there is finally a promise that Cambodia can build a lasting peace and join the family of democratic nations.

The signing of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict laid the groundwork whereby the United Nations could assist in the transition to a democratically elected government in Cambodia. One of the UN's first undertakings was to send a UN Election Survey Team to gather information and develop an action plan to organize and implement elections in Cambodia.

The UN Survey Mission on Elections developed a comprehensive action plan dealing with all aspects of the election. ASIA/DR/TR requested IFES to prepare this report analyzing the United Nations Transitional Authority in Cambodia (UNTAC) election plan for Cambodia. This report focuses on an overall assessment of the plan, problems and constraints, cost savings, alternative modifications, as well as methods of implementation or operation, and specific suggestions for action for A.I.D. and the State Department.

In brief, the UNTAC election plan appears to be a thoughtful and well written document. The plan is clear and precise, anticipating all the steps necessary for implementation of elections by 1993. The most important concept espoused in the document is the importance of training Cambodians and leaving behind an electoral legacy.

Although the plan places heavy emphasis on the involvement of Cambodians throughout the process, there is one curious omission. UNTAC proposes creating its own administrative structure to oversee and implement the elections. It does not recommend creation of a non-partisan Provisional Electoral Council. If the UNTAC effort is going to leave a lasting electoral legacy then creation of such a commission is a concrete way of achieving this goal.

IFES' principal recommendation is to urge UNTAC to reconsider the electoral administrative structure and investigate the possibility of establishing an Electoral Council. Provisions for such a council could be incorporated at the same time that the electoral code is drafted. Aside from a democratically elected government, the creation of an Electoral Council will advance the UNTAC goal to leave an electoral legacy in Cambodia.

Instead of channeling all U.S. election assistance through the United Nations, another recommendation is for A.I.D. and State to consider funding a separate election assistance effort in cooperation with the United Nations as is the case in Angola. This could be undertaken by an NGO like the Asia Foundation or IFES. Like Angola, this kind of scenario would give A.I.D. more accountability and control over the use of its funds by having a US-based NGO administer the US election assistance effort. This would also insure more visibility for US efforts on behalf of Cambodia.

Overall the UNTAC election plan is excellent and comprehensive. In a short period of time the team focused on all the essential elements of the election process. It identifies potential problems and proposes practical solutions. If this plan is implemented Cambodia will have taken another important step on the long road to establishing peace and democracy.

1.0 INTRODUCTION

UNTAC dispatched its election survey team to Cambodia following the signing of the Agreement on a Comprehensive Settlement of the Cambodia Conflict. The team was headed by Ron Gould, Deputy Director of Election Canada. Within the field of election administration, Mr. Gould is widely regarded as one of the most experienced election experts.

The rest of the team members are well known and extremely well regarded. Among the members that IFES has worked with are Horacio Boneo, Electoral Advisor to the UN, Warren Bailie, Chief Electoral Officer of Ontario, Canada, Jacques Gerard, Director of International Services of Elections Canada, Michael Maley, from the Australian Election Commission and C.L. Rose, Former Secretary of the Indian Electoral Commission.

The survey team prepared an UNTAC election plan for Cambodia. ASIA/DR/TR requested the International Foundation for Electoral Systems to prepare an overall assessment of the UNTAC plan. The IFES report also contains a discussion of problems and constraints, issues of cost savings, alternative modifications and methods of implementation/operation and specific suggestions for action by A.I.D. and the Department of State.

The UNTAC plan is thoughtful, well written and contains the necessary elements to implement a democratic election system in Cambodia. The plan stresses the importance of involving Cambodians as much as possible in every phase of the election process. A major cornerstone of the plan is the concept of leaving an electoral legacy in Cambodia once the work of UNTAC is finished.

IFES has analyzed each component of the plan and offers suggestions to improve the plan as well as recommendations to A.I.D. and the Department of State regarding future actions involving the Cambodian elections.

2.0 OVERALL ASSESSMENT

The UNTAC election plan is a solid blueprint for implementing free and fair elections in Cambodia. It addresses all of the necessary elements for a free and fair election system. Nevertheless, IFES offers the following suggestions.

2.1. DEMOGRAPHIC/CARTOGRAPHIC ASPECTS

One of the biggest challenges to implementing a free and fair election is determining the total number of eligible voters. This is especially difficult in countries such as Cambodia that have suffered from long periods of war and civic strife. The most current 1980 census data for Cambodia is incomplete. Estimates place the size of the voting age population at between 4 to 5 million.

Therefore, IFES endorses the UNTAC recommendation to place a technical team on the ground as soon as possible to review the data that does exist and come up with new population estimates. This will be critical for planning all aspects of the election such as numbers of polling stations, and the amount of equipment, materials, ballots and ballots needed. This information is essential for determining the number of seats that each of the twenty one provinces will receive in the 120-member Constituent Assembly.

Development of accurate maps will be indispensable for assigning polling stations and for developing contingency plans to deliver all the necessary election materials to polling sites on election day.

2.2. ELECTORAL LAW/REGULATIONS

Many important aspects of the election system have already been decided as a result of the overall Agreement. This includes the decision to institute a proportional representation system to elect the 120 member Constituent Assembly on a provincial basis.

One recommendation that could be addressed through the drafting of the Electoral Law is to create a Cambodian Electoral Council. Although the UNTAC election plan places great emphasis on the importance of Cambodians being heavily involved in every phase of the election process, no provision was made for such an electoral council.

Electoral councils represent an important institution in the democratic process. If the overall intent of the UNTAC plan is to leave a lasting electoral legacy in Cambodia, it makes very good sense to create a non-partisan electoral council to be the lead organization. UNTAC should work with such a body to ensure that once the first round of elections are over, the institutional capacity will be left behind to sustain the democratic process.

2.3. VOTER REGISTRATION

The basic plan for voter registration proposed by UNTAC is well conceived. The three to four month registration period should provide more than enough time to enroll the voters. The proposal for three types of registration stations is also sound.

The option of registering in the district capital or at the site closest to the voters domicile is good and should help encourage increased registration. Also the proposal to conduct on-site registration at actual polling stations is a good idea. In Nicaragua, this was done for the 1990 elections and worked well by lessening the possibility of confusion on election day, since people already knew where to go and vote.

The proposal to use security paper for the registration cards instead of photo identification cards is very cost effective. The approximate cost of producing photo identification cards for 4.5 million voters is between \$10 and \$12 million dollars. Utilizing security paper for the same number of voters should result in substantial savings.

A potential problem relates to the question of the status of refugees. The UNTAC plan makes no provision for voter registration from outside of Cambodia and it also does not provide for absentee ballots. This essentially means that all individuals currently living in refugee camps outside of Cambodia will have to return to the country in order to register. Although the UNTAC Agreement signed in Paris provides for repatriation of refugees from the camps in neighboring countries, it is a reasonable assumption that not all refugees will be relocated by the time of election day. These refugees along with all other Cambodian citizens residing abroad would be disenfranchised under the proposed UNTAC plan.

There are examples of countries like Cambodia with internal conflicts that nevertheless enabled citizens living outside the country to register and vote in the most recent elections.

Because of the danger of disenfranchising so many Cambodians UNTAC should reconsider their proposal to permit only in-country registration.

2.4. POLITICAL PARTY REGISTRATION/ELECTORAL INVOLVEMENT

The UNTAC election plan makes an ingenious recommendation to ensure that parties are national in character. Under the plan parties will be required to field candidates and alternates for all 120 seats in the Constituent Assembly.

Another suggestion in the UNTAC plan is to impose a threshold of 5,000 as the number of supporters required for a party to become officially recognized. While this number is rather large in comparison with threshold requirements in many other countries it will discourage the proliferation of countless parties.

One recommendation made in the UNTAC plan is for the UNTAC staff to offer political party training related to the function of parties and the organization of political campaigns. Because of the UN's role as an honest broker in Cambodia it could jeopardize its reputation for non-partisanship by engaging in any party related activities.

Political party training could perhaps be best handled by institutions such as NDI or IRI from the United States. Several of the German political party foundations, such as the Konrad Adenauer Foundation, the Friedrich Ebert Foundation or the Nauman Foundation are also quite experienced at political party training. Finally, party training and organization techniques could be offered by the newly created Westminster Foundation for Democracy in the United Kingdom.

2.5. ORGANIZATION FOR POLLING STATIONS

This section of the UNTAC plan accurately sketches a very effective program to organize the polling stations. Given previous IFES experience in other countries, the calculations calling for approximately 600 registered voters at each poll is accurate and should prove to be manageable on election day.

The greatest challenge will be to ensure distribution of all necessary materials required to open a polling station. Given the geography of Cambodia and the poor infrastructure, advance planning will be the key to overcoming logistical problems.

2.6. VOTING/COUNTING PROCESS

The influence of the election administrators on the UNTAC team can be seen in this section of the plan. Every aspect of the election related to voting and counting procedures is well conceived. Above all the team proposes the basic formula needed to accomplish the task of conducting the election.

UNTAC recommends not using the actual voter registration list on election day. The plan is to only require the voter to present a valid voter identification card and then dip his (or her) finger in indelible ink at the conclusion of the voting procedure.

Although this might initially seem to open up potential problems, in reality it is probably a very good suggestion. Use of valid voter i.d. cards and the indelible ink should provide adequate protection to ensure for the integrity of the process and against vote fraud.

The plan to refrain from the use of the voter registration lists at the 8,000 polling stations eliminates an unnecessary logistical problem and tons of lists. It should help streamline the process without affecting the integrity of the results.

IFES strongly supports UNTAC's inclination to undertake vote counting at the commune level. Whenever possible, it is best to conduct the vote count closest to the polling stations where voters cast their ballots. This reduces the apprehension that ballot boxes will be tampered with when they are transported to a central counting center.

2.7. MASS COMMUNICATION/CIVIC ED/TRAINING

The proposal to utilize Cambodian teachers to undertake training activities in the area of civic education is excellent. Experience in Haiti demonstrated that the teachers are very effective in communicating civic education messages to potential voters and to private training for the poll workers.

Because of a 50% literacy level, emphasis must be placed on the use of radio, murals, billboards, graphics, theater groups and video parlors. All the recommendations in this section related to mass communications, civic education and training propose sound methodology. Special attention must be given to identifying Cambodian symbols that can be used to convey civic education concepts to the voters. In Haiti, the picture of a knife stuck in a potato represented to the average voter that the election process would be as clean as the blade of the knife.

Regarding the use of sample ballots for voter education, UNTAC advocates using mock ballots that do not utilize the actual party symbols. This suggestion should be reconsidered. A better suggestion is to utilize a ballot that is clearly marked sample but which is an exact replica of the ballot to be used on election day.

2.8. COMPUTERIZATION

One of the greatest pitfalls in providing election assistance to emerging democracies is to recommend unnecessary and highly technical solutions. The UNTAC team recommendations are fairly minimal and practical. The preparation of the nationwide voter registration list will necessitate acquiring appropriate hardware to maintain information on the approximately 4.5 million voters. UNTAC proposes the possibility of using equipment already owned by UNDP in Bangkok. Although this recommendation is appealing it is probably not practical. It is hard to image that in a politically volatile country like Cambodia, the competing political parties would not raise the issue of Cambodian voter registrations lists being prepared in Thailand.

Therefore the UN will have to procure needed computer equipment that should then be turned over to a permanent electoral council following the election.

All data entry should be done in a central location. This will alleviate the need for a vast computer network. It will also provide more control over ensuring the preparation of the voter registration list.

2.9. ELECTION CALENDAR

The timetable spelled out by UNTAC is realistic. The team considered both man-made considerations and the weather. Registration is projected to occur from mid-October 1992 to the end of December 1992. The election is projected for April 1993. In Cambodia, it would be virtually impossible to hold the election during the rainy season.

2.10. INFRASTRUCTURE NEEDS

Lack of infrastructure in Cambodia will have a profound impact on the ability to organize and plan for the election. The lack of roads, bridges and buildings to house election operations poses a severe challenge. The addition of the threat of unexploded mines and other ammunition left from decades of war poses an especially difficult problem.

Removal of land mines in Cambodia must be a top priority. After three decades of war, hardly a corner of Cambodia has been untouched by mines. Their swift elimination will be a positive step toward confronting the infrastructure problem. It will also encourage voters to participate without fear of losing life or limb.

The plan accurately identifies successful full scale demobilization of all forces as a key to helping resolve the overall infrastructure problems.

2.11. ADMINISTRATIVE STRUCTURE OF THE ELECTORAL AUTHORITY

The major problem with the UNTAC plan relates to the proposed administrative structure. The UNTAC framework is very sound and does not provide for a bloated work force. On the contrary, the numbers proposed by UNTAC suggest a leaner and more effective team than the UN has fielded in the past.

The problem is not related to the numbers of personnel called for but rather the basic structure. At the outset the plan clearly states that the overriding goal is to leave a structure and core of trained Cambodians to help create a "electoral legacy." Yet the proposed structure places UNTAC completely in charge of the election. Although large numbers of Cambodians will work for UNTAC they will not be in charge of overall decision making. Consequently no electoral council will be left in place following the election.

Therefore, IFES recommends that UNTAC consider incorporating the creation of an Electoral Council in the soon-to-be-prepared electoral code. By creating such a structure UNTAC could leave the electoral legacy that they seek and the institutional framework to continue long after the international community has turned its focus away from Cambodia.

IFES does not wish to presume that this option was overlooked. There may be more overriding political considerations that make the establishment of such an electoral body difficult. Yet, building democratic institutions is so important that UNTAC should reconsider this point and consider establishing a non-partisan Electoral Council for the pending elections in Cambodia.

3. RECOMMENDATIONS

Overall, IFES gives the UNTAC Election Plan for Cambodia very high marks. It is very well written and obviously the work of election professionals. A.I.D. should consider giving its support to the UNTAC plan.

IFES does offer a few specific recommendations, as follows:

1. IFES recommends that UNTAC consider establishment of a Cambodian Electoral Council. Such a council could be set up through the soon-to-be-drafted electoral code. By establishing and working through a Cambodian Electoral Code, the UNTAC mission could help build democratic election institutions in Cambodia.

2. IFES recommends that UNTAC consider developing a mechanism to permit absentee voter registration and voting to ensure that no Cambodian citizens are disenfranchised.

3. In the area of political party training IFES recommends that UNTAC consider turning this responsibility over to Non-governmental organizations such as NDI, IRI, or the German political party foundations that have experience at party building. This is the only way the UN can maintain its reputation as a non-biased honest broker.

4. IFES strongly urges that all vote counting be conducted at the commune level and that ballot boxes not be transported to central counting centers. By counting at the local level the voters have an opportunity to see the counting process and it lessens the possibility of fraud should the ballot boxes be intercepted on the way to centralized counting centers.

5. IFES recommends that A.I.D. consider providing some direct US election assistance to Cambodia. This should be implemented by a US-based NGO, like the Asia Foundation or IFES. This would be similar to the current arrangement in Angola where the USG and A.I.D. is funding a separate election assistance effort designed to cooperate with and support UN election activities. The advantage of this kind of approach is that it gives A.I.D. more accountability and control over the use of its funds. It also provides for a much more visible US assistance role in Cambodia. Funding of a separate USG election assistance effort may also provide an additional sounding board that could be a useful resource both for the United Nations and the Cambodians.

CONCLUSION

After carefully reviewing the entire document and focusing on all components, it is apparent that the UNTAC plan is well conceived. The UNTAC document is an excellent strategy paper that precisely identifies all of the steps necessary to bring about free and fair elections in Cambodia. The proposed timetable is realistic and barring unforeseen political considerations should result in holding elections by April of 1993.

The most important suggestion IFES would offer is to reconsider creation of a Cambodian Electoral Council. The UNTAC plan correctly identifies the overall goal as one of leaving behind a permanent electoral legacy following the elections in 1993.

One critical way to accomplish this is to leave behind functioning democratic institutions. Establishment of an electoral council during the development of the electoral code will go a long way towards helping institutionalize the democratic election process. Building lasting democratic institutions is one of the best ways to help the people of Cambodia turn away from their tragic past and turn towards the hope of a free, fair and democratic future.